

Survey of
Palestinian Refugees
and
Internally Displaced Persons
2016 - 2018
Volume IX





Survey of Palestinian Refugees and Internally Displaced Persons, 2016-2018

Vol IX

220 Pages, 30 c.m.

ISSN: 1728-1679

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

Acknowledgment and Credits: BADIL would like to sincerely thank the field researchers, data collectors and coordinators who contributed to the execution of this edition's questionnaire. BADIL would also like to express its appreciation to the youth and online respondents for their cooperation and courageous undertaking of a critical and essential issue to the Question of Palestine.

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GLOSSARY OF TERMS

1948 IDP: 1948 IDPs are internally displaced persons (IDPs) and their descendants that originated from the part of Mandatory Palestine that is today considered Israel, were displaced from their homes during the 1947-1949 *Nakba*, without crossing international borders, and to this day are prevented from returning to their homes.

1948 Palestine: Refers to the territory of Mandatory Palestine that was occupied by Zionist – Israeli forces in 1947-1949. Today, this territory is called Israel. Palestinians residing in this area generally hold Israeli citizenship.

1948 Refugee: Refugees under the United Nations (UN) General Assembly Resolution 194 (III) and refers to any persons (registered and non-registered refugees) that were externally displaced between the years 1948-1967.¹ This includes refugees being forcibly transferred from what is today called Israel and into the West Bank or Gaza Strip, in addition to refugees fleeing to other parts of the world.

1967 IDP: Palestinians originating from east Jerusalem, the West Bank or the Gaza Strip, who became IDPs within what came to be called the occupied Palestinian territory (oPt) since the 1967 Arab-Israeli War until today.

1967 Refugee: Refugees under the UN Security Council (UNSC) Resolution 237 and refers to any persons that were externally displaced during and after the 1967 Arab-Israeli War.² 1967 Refugees were included under the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as eligible for humanitarian assistance. Although technically UNRWA's mandate applies solely to 1948 refugees, starting from July 1967 the UN General Assembly (UNGA) has also authorized the Agency to provide humanitarian assistance to Palestinians displaced as a result of the 1967 Arab-Israeli War.³

Apartheid Wall: Refers to the Wall built by Israel in the occupied West Bank with varying physical manifestations. In most cases, it is a concrete wall, approximately eight to nine meters high, with watchtower and sniper positions, and in some areas an electric barrier, approximately three to five meters high with a buffer zone, ditches, razor wire, electronic sensors and cameras. Since 2004, the International Court of Justice (ICJ) and the UN General Assembly (UNGA) declared the construction of the Wall illegal and have called upon Israel to dismantle it and grant reparations to the Palestinian victims. The ICJ and UNGA also called upon States to not recognize the illegal situation and to not render any aid or assistance that would be used in construction of the Wall or maintaining the illegal situation.

¹ See UN General Assembly (UNGA), *Resolution 194 (III). Palestine—Progress Report of the United Nations Mediator*, A/RES/194 (III), 11 December 1948, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/C758572B78D1CD0085256BCF0077E51A> [hereinafter UNGA, Resolution 194].

² UN Security Council (UNSC), *Resolution 237 (1967)*, S/RES/237, 14 June 1967, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/E02B4F9D23B2EFF3852560C3005CB95A> [hereinafter UNSC, Resolution 237].

³ See UNGA, *Resolution 2252 (ES-V). Humanitarian Assistance*, 4 July 1967, A/RES/2252, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/F7575BE79BBC6930852560DF0056FC78> [hereinafter UNGA, Resolution 2252].



Area of UNRWA Operations: A state or territory where UNRWA provides international assistance to Palestine refugees. These territories currently include Jordan, Lebanon, Syria, and the oPt.

Convention Refugee: A person recognized as a refugee by states under the 1951 Convention Relating to the Status of Refugees and entitled to a variety of rights under that Convention.⁴

Displaced Person: A term sometimes used by the UN to designate Palestinians displaced within and from the West Bank and Gaza Strip in the context of the 1967 War and falling within the scope of UNSC Resolution 237 (1967), as well as their descendants.⁵ The term is also used by UNRWA in reference to persons falling under its mandate in accordance with UNGA Resolution 2252 (1967).⁶

Internally Displaced Persons (IDPs): Internally displaced persons are persons 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, or a coercive environment, and who have not crossed an internationally recognized state border.

Green Line: The 1949 ceasefire line delineating the boundary between 1948 Palestine (what is today called Israel) and the West Bank, including east Jerusalem and Gaza Strip. The Green Line, also called the 1949 Armistice Line, is not an international border but is considered to be so for the purposes of distinguishing Palestinian IDPs and refugees.

League of Nations: The League of Nations was an intergovernmental organization founded in January 1920 under the provision of the Treaty of Versailles. It was dissolved in 1946 and replaced by the UN.

Mandate for Palestine: A type of international trusteeship entrusted by the League of Nations to Great Britain in 1922. The purpose of the Mandate System was to facilitate the independence of non-self-governing territories. All other states subject to the Mandate System after World War I have since achieved independence. The Mandate for Palestine, however, facilitated Zionist and Israeli colonization of the country in line with the Balfour Declaration.

Mandatory Palestine: Refers to historic Palestine - the whole land of Palestine before the *Nakba*, when Palestine was still under the British Mandate. However, the British Mandate's decision to end the mandate left the question of Palestine to the UN. Following this act was the Israeli Declaration of Independence and the creation of Israel. Mandatory Palestine is considered to be 1948 Palestine as well as the oPt.

Nakba: An Arabic term meaning “catastrophe,” referring to the mass displacement and dispossession of Palestinians between 1947 and 1949 due to colonization and ethnic cleansing by Zionist militias and Israel.

Occupied Palestinian territory (oPt): This refers to the area of Mandatory Palestine that was

⁴ See Convention Relating to the Status of Refugees, 28 July 1951, 189 UNTS 150, available at: <http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html> [hereinafter Refugee Convention].

⁵ UNSC, Resolution 237, *supra* note 2.

⁶ UNGA, Resolution 2252, *supra* note 3.



occupied by Israel in 1967 (approximately 22 percent). The total area of the oPt is 6,225 km² which includes the West Bank (including occupied and annexed east Jerusalem), with an area of 5,860 km², and the Gaza Strip, with an area of 365 km².

Palestine Liberation Organization (PLO): The body formed in May 1964 to represent the Palestinian people and reconstitute their rights in their historic homeland as set forth in the Palestine National Charter. The two most important institutions of the PLO are the Palestinian National Council (PNC), the legislative body representing the Palestinian people in Mandatory Palestine and in exile, and its 15-member Executive Committee. The PLO includes economic and social institutions, and the multiple unions into which Palestinians have organized themselves. The PLO holds permanent observer status with the UN General Assembly.⁷ PLO institutions have been largely dormant since the establishment of the Palestinian Authority (PA) in 1994. The distinction(s) between the PLO and the Palestinian Authority have largely been erased, particularly after the recognition of the State of Palestine as an observer state of the United Nations in 2012.⁸

Palestine Refugee: The term used by UNRWA to refer to any person 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 War.

Palestinian Authority (PA): The body established under the 1993 Declaration of Principles on Interim Self-Government Arrangements (Oslo Accords) and the 1994 Agreement on the Gaza Strip and Jericho Area to administer specific parts of the 1967-oPt pending a final peace agreement.

Palestinian Refugee: For the purposes of this publication, and in accordance with international definitions, the term Palestinian refugees refers to all those Palestinians who have become (and continue to be) externally displaced (1948 refugees, outside the area that became Israel, and with regard to 1967 displaced persons, outside what became the oPt) in the context of the ongoing Israeli-Palestinian conflict, as well as their descendants. The term refers to the following three groups:

1. 1948 refugees under UNGA Resolution 194(III) (“Palestine Refugees” in UNRWA terminology, including both registered and non-registered refugees);
2. 1967 refugees under UNSC Resolution 237 (“Displaced Persons” in UN terminology and used by UNRWA with particular reference to UNGA Resolution 2252);
3. All those persons, who are neither 1948 nor 1967 Palestinian refugees, who have been displaced from Mandatory Palestine, either through forcible displacement or a coercive environment, and who are unable or unwilling to return to 1948 Palestine or the oPt owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Registered Refugee: A 1948 Palestinian refugee who is registered with UNRWA.

⁷ “Status of Palestine,” Permanent Observer Mission of the State of Palestine to the United Nations New York, last updated 1 August 2013, available at: <http://palestineun.org/status-of-palestine-at-the-united-nations/> [accessed 14 September 2019].

⁸ UNGA, *Resolution 67/19 Status of Palestine in the United Nations*, A/RES/67/19, 4 December 2012, available at: <http://palestineun.org/wp-content/uploads/2013/08/67-19-Status-of-Palestine.pdf>.



Stateless Person: A person who is not considered a national by any state under the operation of its law.

United Nations Conciliation Commission for Palestine (UNCCP): The international organ established by the UN in 1948 to protect and facilitate durable solutions for all persons displaced during the 1948 Arab-Israeli conflict in accordance with UNGA Resolution 194 and to facilitate a solution to all outstanding issues between the parties.

United Nations High Commissioner for Refugees (UNHCR): The primary body established by the UN in 1949 mandated to provide international protection, assistance and seek solutions for refugees worldwide.

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): The international organ established by the UN in 1949 to provide humanitarian assistance to persons displaced during the 1948 Arab-Israeli conflict. The UN later requested the Agency to provide assistance to persons displaced during the 1967 Arab-Israeli War.

Zionism: A colonial political movement established in the late 19th Century by affluent European Jews. The movement posited that the discrimination suffered by Jews could not be overcome through fighting for equality, but only through the creation of a state run by Jews. The Zionist movement employed religious/spiritual notions of Jews as a “chosen people” and of “Eretz Israel”, in order to justify Jewish colonization of Palestine. Political, material and military support were provided by the British Empire, League of Nations and later the United Nations, whose 1947 Partition Plan triggered armed conflict, Zionist conquest and Palestinian mass displacement. After 1948, the major Zionist organizations (World Zionist Organization, Jewish Agency, and Jewish National Fund) were given quasi-public status under Israeli law and continued their mission of “ingathering of the exiles” (Zionist colonization) and “redeeming the land” (dispossession and displacement of Palestinians).



EXECUTIVE SUMMARY

About this Survey

BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL) has produced the Survey of Palestinian Refugees and Internally Displaced Persons (IDPs) since 2002. This edition of the Survey, Volume IX, focuses on Palestinian refugees and IDPs in the period between 2016-2018, unless stated otherwise.

In the three years since the last survey, the Palestinian people have experienced an ever more repressive and limited space within which to collectively demand and exercise their national and individual rights. This has been characterized principally by the rapid advancement of Israeli annexation policies in the West Bank, underpinned by ever more repressive apartheid policies throughout Mandatory Palestine, and coupled with renewed attacks on the rights of Palestinian refugees, particularly in the delegitimization of UNRWA. It is in this context that BADIL elected to focus this survey particularly on the most crucial, yet most marginalized issue to the question of Palestine: the right of return and specifically the practicalities of realizing and implementing return. In so doing, BADIL aims to provide essential data and analysis that may pave the way for renewed national and international political discourse on the right of return and its implementation in the case of Palestine.

As in the previous surveys, BADIL embarked on a thematic field study targeting the perceptions of the Palestinian population, as highlighted by the questionnaire in Chapter 5. This particular study is unique to previous survey studies on three counts. Firstly, the questionnaire in this edition of the Survey was widened to include the perceptions of IDPs, in deference to the thematic issue selected. Second, the study focused on the perceptions of Palestinian refugee and IDP *youth*, specifically those between the ages of 18-29. In previous editions of the Survey, Palestinian refugees of varying ages were sampled. And finally, in addition to performing the traditional data collection method - manual completion of a written questionnaire by multiple field research teams - an online questionnaire was also utilized.

Though the Palestinian right of return has been affirmed by the international community since the very early days of the *Nakba*, claimed by Arab States and sought by the Palestinian people and their political factions, putting return into practice has not been conceptualized in a tangible way. As such, one could also argue that the selected topic, practicalities of return, introduces a uniqueness all its own, as, to our knowledge, this is the first (but hopefully not the last) study of its kind. The study was developed in order to observe and understand the answers of Palestinian refugee and IDP youth to the often undiscussed question: the Palestinian right of return and their belief in such right is practical and realizable. It is an issue which has been consistently complicated by false narratives driven by geo-politics, power dynamics, and ineffective political strategies to realize return. Producing and promoting this alleged complexity has not been a mere reflection of the absence of political will, it has also been employed to prevent practical and tangible discussions on return from materializing.

Therefore, Chapter 4 of this edition of the Survey sets the question of return within its legal and historical context, before Chapter 5 explores the youth's responses to a multitude of questions



designed to shed light on and encourage further exploration of the feasibility, practicality, process and politics of Palestinian return. Critically, this questionnaire is not a referendum on the right of return, but rather should be perceived as a tool for raising awareness and encouraging dialogue on the principles and practicalities of return. First, among Palestinians themselves, in the face of an absent official Palestinian return discourse, and second, internationally, in the face of Israeli and western allegations that return is impractical, impossible and a hostile, anti-Semitic act. To that end, the questionnaire results should serve as a reminder to the international community that, after 71 years of Ongoing *Nakba*, return remains both essential and critical to a just and durable resolution to the question of Palestine. The summary of the findings of Chapter 5 are explored below.

Chapter 1 of the Survey sets the historic scene for the state of affairs in which Palestinians find themselves today, having experienced four major episodes of mass forced displacement, in addition to the Israeli policies of ‘silent’ transfer that achieve ongoing forced displacement in reduced and less visible numbers. Supplementing the historic overview, which encompasses the period from the occupation by the British in 1917 to today, Chapter 1 explores a number of current political developments that have destructively impacted the situation in Palestine specifically and in the Arab region in general. The current political climate in which Palestinian refugees and IDPs find themselves has been heavily determined by the recent actions of the United States of America under the Trump Administration, including the defunding of UNRWA and efforts to abolish the Agency, recognition of Jerusalem as Israel's capital and relocation of the US Embassy to Jerusalem, and the so-called Deal of the Century. Compounded by the stagnant peace process, and no serious counter-interventions from the European community or Arab states, the question of Palestine has been reduced to a purely humanitarian-economic issue, devoid of and often in direct contradiction with legal norms and practices.

The population size, distribution and demographic characteristics of the Palestinian refugee and IDP population are, to the greatest extent possible, contained primarily in Chapter 2 (with some country-specific data in Chapter 4); noting 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 and their socio-economic situation are based on best available data, which, if existing, is uneven and shifting. This is due primarily to the absence of a comprehensive registration system, reoccurring forced displacement, and the lack of a uniform application of what constitutes a refugee within internationally accepted definitions to the Palestinian situation. Regardless, the chapter provides this information, and includes a section detailing the estimation process. The summary of the findings from Chapter 2 are explored below.

Chapter 3 proffers the overall legal international protection framework and as it pertains specifically to those displaced, in addition to its application, or lack thereof, to Palestinian refugees and IDPs. The chapter highlights the role of UNHCR and human rights instruments in refugee protection, as well as consideration of IDP protection frameworks. Fundamentally, the chapter explores the exclusion of Palestinian displaced persons from both the general international frameworks and the protective components of the separate legal framework devised for Palestinians, observing particularly that this situation has resulted in a protection gap that has hitherto been unaddressed by the international community. This chapter ends by highlighting the protections and issues faced by Palestinians in a number of specific host countries– the majority of Arab states, including Turkey, and prominent western countries; deficiencies which serve to compound the existing protection gap Palestinians face.



As mentioned, the right of return is then contextualized within its legal and historic framework in Chapter 4. Noting first and foremost that the right of return is a basic human right to which all persons are entitled under international human rights law (IHRL), this chapter highlights that Palestinian refugees and IDPs find themselves in a peculiar position, as additionally they legally qualify as both refugees and/or IDPs *and* victims of gross and serious violations of international humanitarian law (IHL) and IHRL, many amounting to war crimes and crimes against humanity under International Criminal Law (ICL). On the one hand, this is precisely where the gap in international protection for Palestinians is particularly serious – since there is currently no international or national agency expressly mandated to promote and implement durable solutions for them. On the other hand, it is often overlooked that displaced Palestinians are also entitled to reparations for the international wrongs that resulted in their forcible displacement, including their displacement itself. In other words, Palestinians are entitled to the right to return because of *and* independently of their status as refugees/IDPs. To that end, while the international community has recognized the specific right of Palestinians to return, the inherently weak existing measures have woefully failed to provide protection or durable solutions. The chapter concludes with a brief historic overview of Palestinian civil society and grassroots initiatives to defend, promote and exercise the right of return.



Main Findings

Chapter 2

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 Mandatory Palestine, who lack the protection they are entitled to and are denied durable solutions or reparations.

By the end of 2018, roughly 8.7 million (66.7 percent) of 13.05 million Palestinians worldwide were forcibly displaced persons. Among them are approximately 7.94 million Palestinian refugees and 760,000 IDPs. Despite the current crises and active conflicts in the Arab region and the resultant mass displacement; Palestinians still form the largest and most protracted population of externally displaced refugees. The overall Palestinian displaced population includes:

- 6.7 million 1948 refugees and their descendants, a figure that includes the 5.55 million Palestinian refugees who are registered with and eligible for UNRWA assistance, and a further 1.16 million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA;
- 1.24 million 1967 Palestinian refugees and their descendants;
- 415,876 Palestinians internally displaced inside the Green Line and 344,599 internally displaced in the oPt.

The geographic location of the 6.17 million registered persons shows that:

- 38.5 percent registered in Jordan;
- 24.4 percent registered in the Gaza Strip;
- 17.0 percent registered in the West Bank;
- 10.4 percent registered in Syria;
- 8.7 percent registered in Lebanon.

Due to lack of registration and documentation, and the protracted, intergenerational nature of the displacement, no precise 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 only 64 percent of the Palestinian displaced population.

Similar to the non-refugee population, the Palestinian refugee population is young. Approximately 25.5 percent of all registered refugees are younger than 15 years old and 26.7 percent are in the age range of 15-29 years old. With regards to education, more than half million refugee students are enrolled in 711 UNRWA schools across the five regions; the enrolment sex ratio is equal at 50 percent each.

Refugees have a high fertility rate, calculated as the average number of children per woman. However, there has been a general, consistent decline in the fertility rate among Palestinian



refugees. The Palestinian refugee and IDP population has a high, albeit declining, growth rate, mirroring the Palestinian population as a whole. The growth rates are 2.2 for the West Bank, 2.9 for Gaza, 3.8 for Jordan, -1.4 for Syria and 3.7 for Lebanon.

The labor force participation rate for Palestinians in the oPt fluctuated between 42 and 52 percent in 2018. This rate was about 46 percent among refugees in the occupied West Bank, and 45 percent in Gaza Strip, with little distinction between refugee and non-refugee populations. The lowest participation rate was found in Jordan, at about 42 percent, while it was about 52 percent in Lebanon and about 44 percent in Syria. It is worth mentioning that the data for Jordan, Lebanon, and Syria represents the whole population of the country and not specific to the Palestinian refugee population there. These low rates of workforce participation are compounded by low rates of unemployment among those who are active in the labor market. Unemployment in the oPt is the highest in the world (31 percent), with Gaza experiencing excessively high rates (52 percent). In the West Bank and Gaza, although labor force participation rates for refugees are on a par with non-refugees, their unemployment rates are significantly higher (40 percent for refugees and 24 percent for non-refugees). However, in general, refugees in the West Bank (19 percent unemployment for refugees vs 17.6 percent overall) and Gaza (54 percent vs 52 percent overall) fare worse than non-refugees. In Lebanon, unemployment rates are on par with the West Bank at 18.4 percent but worse among youth (25-35 years old).

In the oPt, refugees suffer from high rates of poverty, as measured according to consumption patterns, at 29.2 percent. Data shows that the situation is worse for refugee households (38.7 percent) as compared with non-refugee households (22.3 percent). In Jordan, Palestinian refugees' annual income is significantly lower, and poverty higher, inside than outside camps. UNRWA statistics show that some 300,000 registered refugees in Jordan were recorded in a special hardship assistance program in 2014, which amounts to roughly 5.5 percent of registered refugees. In 2018, of the estimated 438,000 Palestine refugees remaining inside Syria, a vast majority (95 percent) are in critical need of sustained humanitarian assistance. Up to 280,000 Palestinian refugees are currently internally displaced inside Syria, and about 126,000 Palestine refugees identified as extremely vulnerable. Demographic and socio-economic indicators reflect the vulnerability of both Palestinian refugees and IDPs over the course of seven decades of displacement. The lack of personal security, socio-economic wellbeing and stability are the direct result of Israel's policies and practices of colonization, forcible transfer and annexation, underpinned by apartheid. Further, due to a series of armed conflicts in the region, refugee-hood is compounded by statelessness, ineffective protection and insufficient assistance.

Chapter 5

The traditional (manually completed face-to-face) questionnaire contained 21 questions posed to 1000 youth, half female, across five geographic areas (1948 Palestine, the Gaza Strip, the West Bank, Jordan and Lebanon). The questionnaire was compartmentalized into thematic sections. Section 1 requested background characteristics of the sample, including land ownership status, education, dependency and employment, and exposure to secondary displacement. Section 2 asked the youth about their belief in the feasibility of return. The belief in the feasibility of return was held by 81.3 percent of the youth, and only this portion of respondents completed the rest of the questionnaire. Section 3, comprised of 6 questions, explored what the youth envisaged return to be (who should be prioritized, where to, how, and the components of the reparations package). Section 4 spoke to the politics of return: obstacles preventing return, the Israeli narrative opposing return, and the





Aida refugee camp in Bethlehem, one of the 58 official UNRWA camps, March 2019 (©BADIL)

preferred political framework (3 questions). Section 5 addressed issues of practicality in a post-return scenario: potential social and economic issues, land (re-) distribution, housing and property rights, particularly in cases of secondary occupancy, as well as instances of private and public properties (7 questions). The final section (6) posed 3 questions on the onus and responsibility of achieving return.

The online questionnaire was a simplified version of the full questionnaire, and contained 12 substantive questions. This questionnaire was made available online only in English and Arabic, and drew 605 responses, 86 in English and 519 in Arabic. Notably, this online questionnaire was not limited to the youth (only 27 percent of online respondents were aged between 18-29 years old) and responses were voluntary. On many issues there were clear consistencies in the results of the traditional questionnaire targeting youth specifically and the broader online questionnaire. Where there were noticeable diversions, these have been drawn out and analysed in Chapter 5.

Belief in the feasibility of return remains exceptionally high among Palestinian youth (81.3 percent overall; skyrocketing to 97 percent if 1948 IDPs are excluded from the results). For refugee youth especially, the results of the practicalities of return questionnaire demonstrate that return is an inherent part of their identity, and faith in its feasibility is sustained not by poor humanitarian and living conditions or a desire for change but rather by the right to return itself. In other words, return is understood to be the key to restoration of their human dignity and the full realization of all other human rights.

The overwhelming view is that the realizable return is one that permits the return of all refugees and displaced persons



wishing to return (95.4 percent) and that this return would be to the original homes (97.3 percent). This indicates a strong rejection of return being determined at the whim of Israel and a view that without return for all refugees and displaced persons wishing to return there is little chance that a negotiated peace solution will be sustainable and just. Reinforcing this, the results also suggest that return must be conceived of separately from the question of Palestinian statehood.

However, it must be also said that many youth struggled to practically consider the reality of return; some to the point of not possessing a belief in the capacity for realization of return. Despite this, when the respondents were asked to consider a post-return scenario, their responses, replete with the recognition of the severe injustices experienced, were practical and considerate of human rights and social justice principles. There is willingness or acceptance on the part of many refugee and IDP youth that realization of return will entail some concessions to restitution of properties and compensation. However, with respect to Israeli reparation obligations, a “return only” reparations package was rejected by 51.3 percent of respondents. While, in relation to fellow Palestinians, 67.6 percent of youth were prepared for redistribution of the land on the basis of principles of equality and justice.

The youth were also encouraged to consider what, in a post-return scenario, would be the major obstacles facing the state and the returnees. Almost all of the proposed considerations were cited as important by in an excess of 85 percent by the respondents. However, two trends should be noted. First, there was a clear prioritization among refugee youth of their rights, rather than seeking solutions for colonizers who will require rehousing when Palestinians return to their original homes. Second, the top three priorities of the youth were identified as (1) establishing proof of original ownership; (2) socio-economic rehabilitation of the returnees; and (3) reparations for victims and accountability for perpetrators. These results indicate that the youth recognize on some level that return will not be an exact restoration of what once was in 1948, and the understanding that return alone will not be sufficient to create the necessary conditions for social and economic equality and stability.

With respect to restoration of properties and land in circumstances where it is in the hands of an Israeli colonizer, the overwhelming and unsurprising result prioritized the rights of refugees and IDPs over those of the Israeli colonizer (84.5 percent). Moreover, youth respondents displayed a very pragmatic and profound understanding of the need to maintain facilities or establishments constructed by the colonizer state or colonizers (67.1 percent), whether public or private, although private entities were very clearly to be transferred into the control of original Palestinian owners (94.1 percent).



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, especially refugees and IDPs, consistent with international law, relevant UN resolutions (UNGA 194(III) and UNSC 237) and best practice. Such a framework requires:

- Recognizing and addressing the root causes of the ongoing forcible displacement and continued denial of reparations of the Palestinian people by Israel; 71 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 displacement and transfer, colonialism, annexation and apartheid; a system which actively prevents Palestinian self-determination and provides the ideological foundation upon which Israel's strategy of maximum land with minimum Palestinians is based;
- Reaffirming and implementing the fundamental rights of refugees and IDPs to repatriation to their homes, land and property restitution, compensation for all losses and damages sustained and guarantees of non-repetition;
- Developing mechanisms and taking effective measures to bring Israel into compliance with international law; including pursuing responsibility and accountability for injuries, loss of life and property through independent investigatory processes, in turn ensuring reparations to victims and prosecution of perpetrators 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, the 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's general budget 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 regional mechanisms of the League of Arab States (LAS) 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 UN, intergovernmental and international organizations' response mechanisms to Israeli policies of displacement and transfer on both sides of the Green Line by focusing efforts not only on short-term emergency and humanitarian aid, but also on preventing forced displacement through the filling of protection gaps concerning victims medium and long-term needs.

3. Facilitate and ensure the participation and engagement of the Palestinian people, particularly refugees and IDPs, in crafting solutions.

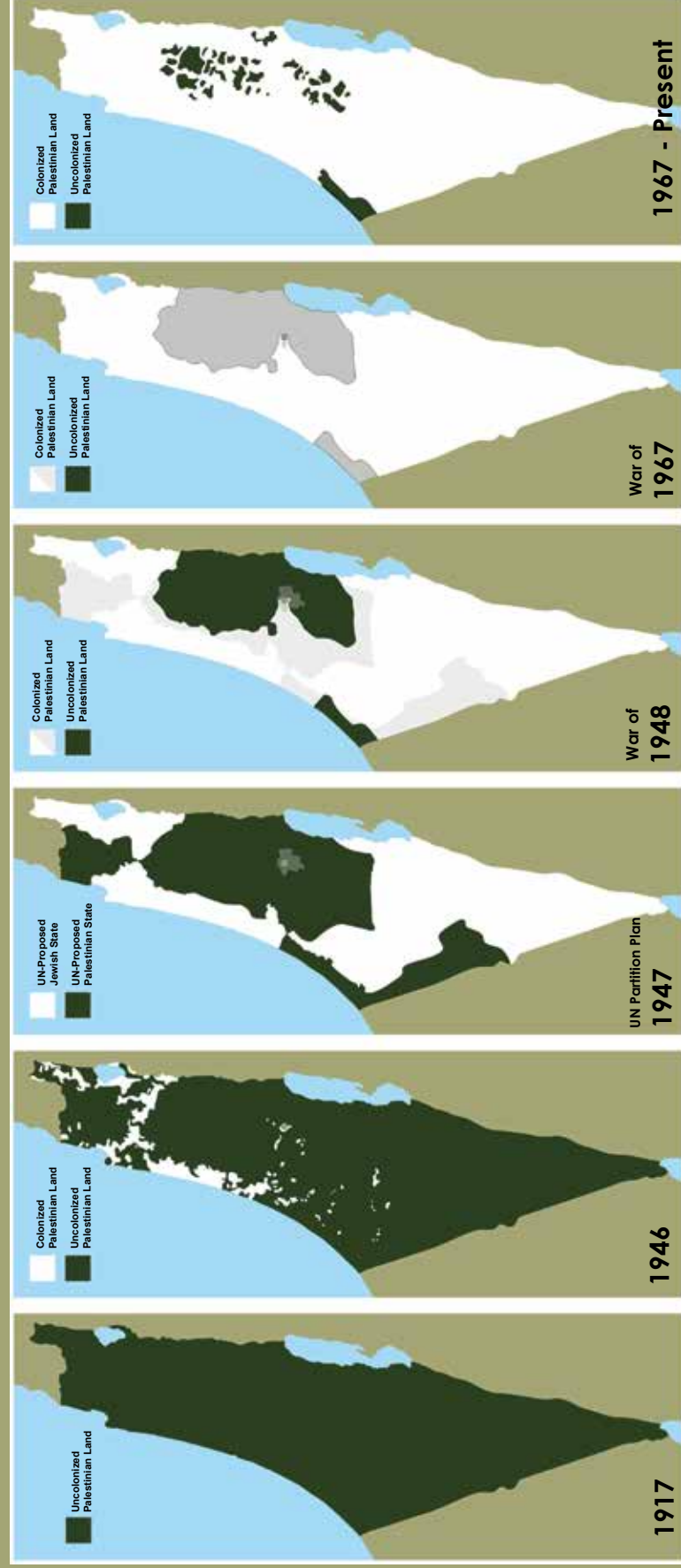
Including the Palestinian refugee and IDP communities in the process of determining and implementing effective protection by crafting just, durable and practical solutions, requires:

- Involving Palestinian refugees and IDPs, especially youth, in identifying and designing the foundations of the proper framework for sustainable and just peace;
- Reviewing both the Palestinian and international classical approach in dealing with the right of reparations, in particular the right of return and developing an approach that ensures that return is the foundation of the path to liberation and peace - not a mere result of liberation or a peace process. Such an approach must be based on:
 - An end to the marginalization of and/or postponement of the refugee and IDP issue, which has been one of the main reasons for the collapse of Oslo and the deterioration of the situation;
 - The practicality and centrality of return for just and sustainable peace;
 - Return as the core of human dignity and basis for having and practicing other human rights. Return is neither a hostile action nor a replacement of one people by another people, rather it is a process of building the future and not a restoration of what was before 1948;
 - Proactive research and studies to develop and examine sustainable and practical return and post-return scenarios based in international law principles and best practices.
- Developing an inclusive Palestinian popular movement and activities that seek actual and practical return, including adopting new mechanisms to educate of the Palestinian people, in particular the youth, on and in advocating for return at the national and international level;
- Conducting transparent and democratic elections for the Palestinian National Council, and PLO bodies and institutions, including the Department of Refugee Affairs and popular committees. This should ensure the participation and representation of all the Palestinian people including refugees and IDPs wherever they may be currently located. Such a process is essential in rebuilding a unified national Palestinian strategy and activating the representative structures of the PLO. Representation of Palestinian refugees and IDPs, in particular youth, in the PLO is crucial for the realization of the Palestinian inalienable rights to self-determination and return.

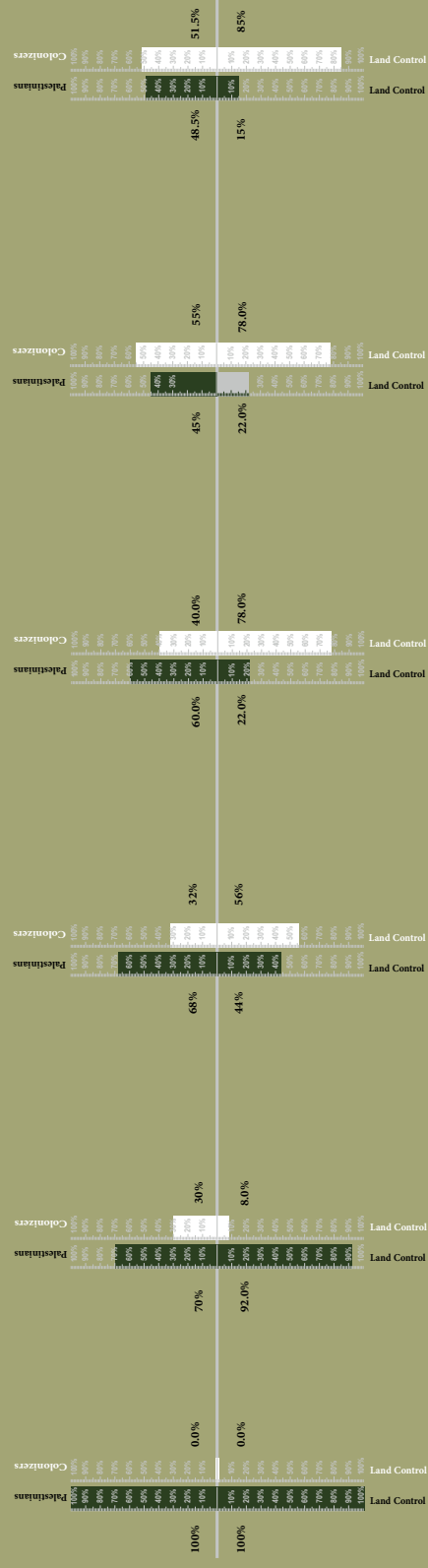


“Maximum Land with Minimum Palestinians” The Ongoing NAKBA since 1917

THE MECHANISMS OF DISPLACEMENT AND FORCIBLE TRANSFER, COLONIZATION AND APARTHEID



By the end of 2018, at least 66.7% (8.71 million) of the entire, worldwide Palestinian population (13.05 million) were forcibly displaced persons. Among them were at least 7.94 million Palestinian refugees and 761,000 internally displaced persons (IDPs).



- 1948 Palestinian refugees: 6.71 million (77% of all displaced Palestinians);
- UNRWA-registered refugees: 5.55 million (64%)
- Refugees not registered with UNRWA: 1.16 million (13.1%)
- 1967 Palestinian refugees: 1.24 million (13.9%)
- IDPs in Israel since 1948: 415,876 (4.8%)
- IDPs in the OPT since 1967: 344,599 (4.2%)

Most Palestinian registered refugees (approximately 72%) live outside UNRWA's 58 camps. The majority of the refugees still live within 100 km from their homes of origin.

Source: Survey of Palestinian Refugees and Internally Displaced Persons 2016-2018, BADIL Resource Center, 2019.

THE ONGOING NAKBA

One fundamental truth is that the *Nakba* is ongoing; in other words, the Nakba is not isolated explicitly to the historic events of 1948 but is an ongoing phenomenon that was initiated well before that period. As such, the Ongoing *Nakba* is terminology adopted and promoted by BADIL to describe this phenomenon that began as early as the occupation by the British in 1917 and continues to this day. This reality is achieved by a vicious cycle of ongoing displacement and simultaneous prevention of return. The cycle is a consequence of a plethora of Zionist-Israeli policies, practices and laws that culminate in a colonial and apartheid regime that perpetrates population transfers to alter the demographic composition of Mandatory Palestine and annexation of its historic lands. Population transfers encapsulate both the implantation of a foreign population into a territory and the forced displacement of the indigenous/habitual residents out of or within that territory. The international community continues to not only witness and ignore this phenomenon, but in certain cases has enabled the Israeli regime to continue its human rights violations and international crimes against the Palestinian people with legal and financial impunity. The result is the creation, sustainment and augmentation of the longest standing refugee population in the world. Today, Palestinian refugees number approximately 7.94 million Palestinian refugees⁹ and 760,000 internally displaced persons (IDPs), constituting 66.7 percent (8.7 million) of the Palestinian people.

The Palestinian people that lived within the borders of Mandatory Palestine, a land now divided into the occupied Palestinian territory (oPt), comprising the West Bank, east Jerusalem, and the Gaza Strip, and the state of Israel (what we refer to as 1948 Palestine) have been exposed to four major episodes of forced displacement. This chapter explores in brief those periods of mass displacement, in addition to the Israeli policies of ‘silent’ transfer that achieve forced displacement in reduced and less visible numbers.

1.1. HISTORICAL BACKGROUND

During World War I, Allied forces under British command occupied Palestine in December 1917, which was then one of several Arab territories that formed part of the Ottoman Empire. On 24 July 1922, the League of Nations formulated the Mandate System, and transformed the British occupation into the Mandate for Palestine, and entrusted this temporary administration (Mandate) of Palestine to Great Britain. As a geopolitical territory and from a legal perspective, the final status of Palestine was determined by the Treaty of Peace with Turkey signed at Lausanne (Treaty of Lausanne) of 1923.¹⁰ Also, the Treaty of Lausanne transformed the *de facto* status of

⁹ See the definition of Palestinian refugee in the Glossary of Terms.

¹⁰ League of Nations, *Treaty of Peace, signed at Lausanne, B.E.-Fr.-It.-Jp.-Gr.-Tr.*, 28 UNTS 701, 24 July 1923, available at: <https://treaties.un.org/doc/Publication/UNTS/LON/Volume%2028/v28.pdf> [hereinafter League of Nations, Lausanne Treaty].

Palestinians (previously inhabitants of the Ottoman Empire) to *de jure* Palestinian nationality from an international law perspective. Further, by the enactment of the Palestinian Citizenship Order of 1925, Palestine's inhabitants were legally established at the national level. As such, the status of Palestine as a defined geopolitical sovereign territory, and the status of the Palestinian people as a nationally identified people were legally well established before the creation of the state of Israel.¹¹

1.1.1. The British Mandate (1922-1947)

The establishment of the British Mandate for Palestine and the subsequent “administration” laid the foundations for the successful colonization of Mandatory Palestine by the Zionist movement, the mass displacement and dispossession of the indigenous Palestinian population (the *Nakba*), and the creation of the state of Israel. The policies and mechanisms of the British Mandate (many of which were adopted subsequently by Israel) included, *inter alia*:

1. Changing the demographic composition of Palestine to favor Zionist-Jewish settlement, including their nationalization, while de-nationalizing Palestinians;
2. Transferring the use and ownership of lands in Palestine to Zionist organizations/agencies and colonizers;
3. Arming and training Zionist militias;
4. Development of Zionist institutions and communities and de-development of Palestinian communities.



Zionist-Jewish soldiers in the British Army marching on Tel Aviv roads. 27 September 1942 (Source: wikimedia.org)

¹¹ See BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL), *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, 2nd ed. (Bethlehem, Palestine: al-Ayyam Press, 2015), 2-6, available at: <http://badil.org/en/publication/handbook-on-protection.html?download=1129:handbook-2015> [hereinafter BADIL, Closing Protection Gaps].



Table 1.1: Impact of British Mandate Policies on Palestine

British Mandate Policy: Changing the Demographic Composition of Palestine

Mechanisms and Tools

- Balfour Declaration (1917) and the Mandate for Palestine (1922) under the preamble, Articles 2 and 4—set establishment of Jewish national home to be of paramount importance, which included the facilitation of Jewish migration to and settling in Palestine.¹²
- Article 7 of the Mandate for Palestine tasked the Administration of Palestine to enact a nationality law, which would help facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.¹³
- The Citizenship Order of 1925 and the 1928 Land (Settlement of Title) Order.¹⁴

Impact

- Jewish population drastically increased from 8 percent at the end of the Ottoman era (1914)¹⁵ to ≈31 percent of the total population at the end of the British Mandate due to illegal immigration and settlement.¹⁶
- The number of people who acquired Palestinian citizenship by naturalization was 132,616; around 99 percent of them were Jews.¹⁷
- Because of severe British suppression, some 40,000 Palestinians fled the country during the mid-1930s.¹⁸
- It is estimated that 60,000 Palestinians were living, working or studying abroad prior to 1925 and therefore were not allowed to claim Palestinian citizenship.¹⁹
- From 1922 to 1947, an estimated 100,000 – 150,000 Palestinians, nearly one-tenth of the Palestinian population, were expelled, denationalized or forced to leave their homes.²⁰

British Mandate Policy: Transferring Land Use and Ownership to Zionist organizations and individuals

Mechanisms and Tools

- The Balfour Declaration (1917) and in Article 6 of the Mandate for Palestine (1922) – “... shall encourage... close settlement by Jews on the land including State lands and waste lands not required for public purposes.”²¹

- ¹² League of Nations, *Mandate for Palestine*, C. 529. M. 314. 1922. VI., 12 August 1922, available at: <https://www.un.org/unispal/document/auto-insert-201057/> [accessed 25 September 2019] [hereinafter League of Nations, Mandate for Palestine].
- ¹³ *Ibid*; see also Mutaz M. Qafisheh, “Genesis of Citizenship in Palestine and Israel: Palestinian Nationality in the 1917-1925 Period,” *Bulletin du Centre de recherche français à Jérusalem* 21 (2010), available at: <https://journals.openedition.org/bcrfj/6405#quotation> [accessed 14 September 2019].
- ¹⁴ Moses Doukhan (ed.), *Laws of Palestine, 1918-1925: Including Orders in Council, Ordinances, Regulations, Rules of Court, Public Notices, Proclamations, etc., Arranged in Alphabetical and Chronological Order with an Index*, vol. 2 (Tel Aviv: L.M. Rotenberg, 1933-34).
- ¹⁵ See Table 2.2, “Population of Palestine in 1918, Projected Back from 1922 Census Figures,” as corrected in Justin McCarthy, *The Population of Palestine: Population Statistics of the Late Ottoman Period and the Mandate* (New York: Columbia University Press, 1990), 26 [hereinafter McCarthy, *The Population of Palestine*].
- ¹⁶ For the population of Palestine, see “Table 2.18- The Population of Palestine by Religion, 1870 to 1946” in McCarthy, *The Population of Palestine*, *supra* note 15, 37.
- ¹⁷ *Ibid*.
- ¹⁸ Rony Gabbay, *A Political Study of the Arab-Jewish Conflict: The Arab Refugee Problem (A Case Study)* (Geneva: Librairie E Droz, and Paris, Librairie Minard, 1959), 66.
- ¹⁹ 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; UK Secretary of State for the Colonies, *Palestine Royal Commission Report*, Cmd. 5479 (London: HMSO, 1937), 331, available at <https://palestinianmandate.files.wordpress.com/2014/04/cm-5479.pdf>. For a description of the problem facing Bethlehem families, see: Adnan A. Musallam, *Developments in Politics, Society, Press and Thought in Bethlehem in the British Era 1917-1948* (Bethlehem: WIAM – Palestinian Conflict Resolution Center, 2002).
- ²⁰ BADIL, *Survey of Palestinian Refugees and Internally Displaced Persons 2008-2009*, Volume VI, (Bethlehem: BADIL, 2009): 34, available at: <http://www.badil.org/en/publication/survey-of-refugees.html?download=1123:survey-8-9> [hereinafter BADIL, *Survey 2008-2009*].
- ²¹ League of Nations, Mandate for Palestine, *supra* note 12, art 6; see Jeremy Forman and Alexander Kedar, “Colonialism, Colonization, and Land Law in Mandate Palestine: The Zor al-Zarqa and Barrat Qisarya Land Disputes in Historical Perspective,” *Theoretical Inquiries in Law* 4, no. 2 (2003): 491-539.



- In 1901, the Jewish National Fund (JNF) was founded, which devoted itself exclusively to the acquisition of land in Palestine for Jewish settlement.²²

Impact

- At the start of the Mandate, Jews owned less than 3 percent of the total land.²³
- By 1948, Zionist colonizers, aided by the JNF, had acquired 1,393,531 dunums of land, roughly 6 percent of the total land area in Mandatory Palestine and 12 percent of cultivable land.²⁴
- For example, 714 km² were acquired by Zionist colonization associations, mostly from large landowners who did not live in Palestine.²⁵
- Between 1939 and 1945, 1,062 Palestinian tenant households in 48 localities were evicted from lands bought by Jews.²⁶

British Mandate Policy: Supporting Zionist Militias

Mechanisms and Tools

- Article 17 of the Mandate for Palestine (1922) states that “except for such purposes [for preserving peace and order], no military, naval or air forces shall be raised or maintained by the Administration.”²⁷

Impact

- Establishment of Zionist militias such as Haganah, the Stern Gang and Irgun,²⁸ which were trained and equipped, and had colonies that were well fortified militarily.²⁹
- During the Arab Revolt of 1936-1939, the severity of the military retaliation to subdue the uprising resulted in 5,000 Palestinians killed, 15,000 wounded, and the exile, imprisonment or assassination of the Palestinian leadership.³⁰
- The imposition of severe sanctions on Palestinians, including the penalty of death, for possessing small arms (such as a pistol or knife), put the Palestinians at a disadvantage.³¹

British Mandate Policy: Development of Zionist Institutions and Communities and De-development of Palestinian communities

Mechanisms and Tools

- Establishment of factories (Tnuva), academic institutions (Hebrew University), developed farms, commercial services, advanced agriculture, and importing machinery in addition to the building of new settlements, in preparation for the establishment of the Zionist state.

²² Hussein Abu Hussein and Fiona McKay, *Access Denied* (London: Zed Books, 2003), 67; cited in Ben White, *Israeli Apartheid - A Beginners Guide* (London: Pluto Press, 2009), 13.

²³ Table III, “Jewish Land Ownership in Palestine,” in Walter Lehn, *The Jewish National Fund* (London: Kegan Paul International, 1988) 74 [hereinafter Lehn, *The Jewish National Fund*].

²⁴ Mohamed Seif El Nasr, “Palestine: How the Land was Lost,” *Your Middle East*, 28 November 2015, available at: <https://yourmiddleeast.com/2015/11/28/palestine-how-the-land-was-lost/> [accessed 14 September 2019].

²⁵ For Jewish landownership, see Lehn, *The Jewish National Fund*, *supra* note 23, 74.

²⁶ See Charles Kamen, *Little Common Ground: Arab Agriculture and Jewish Settlement in Palestine 1920–1948* (Pittsburgh: University of Pittsburgh Press, 1991), 191.

²⁷ League of Nations, Mandate for Palestine, *supra* note 12, art. 17.

²⁸ John Louis Peeke, “Jewish – Zionist Terrorism and the Establishment of Israel,” (Master’s Thesis, Naval Postgraduate School, 1977), 19-103, available at: <https://apps.dtic.mil/dtic/tr/fulltext/u2/a047231.pdf>

²⁹ For further details, see: United Nations Division for Palestinian Rights, *Origins and Evolution of the Palestine Problem: 1917-1988 Part I: 1917-1947, Prepared for, and under the guidance of, the Committee on the Exercise of the Inalienable Rights of the Palestinian People*, ST/SG/SER.F/1, 30 June 1978, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/O/AEAC80E740C782E4852561150071FDB0>, [accessed 14 September 2019].

³⁰ Alex Winder, “Great Arab Revolt, 1936-1939 – A Popular Uprising Facing a Ruthless Repression,” *Palestinian Journeys, Institute for Palestinian Studies*, 2017, available at: <https://www.paljourneys.org/en/timeline/highlight/158/great-arab-revolt-1936-1939> [accessed 14 September 2019].

³¹ Sabri Jiryis, *The Arabs in Israel*, trans. by Inea Bushnaq (London: Monthly Review Press, 1976), 10 [hereinafter Jiryis, *The Arabs in Israel*]. During 1936–39, the British administration demolished some 5,000 Palestinian homes. Based on an average family size of six persons, an estimated 30,000 Palestinians were affected, see: Yusef Rajab al-Ruday’i, *The 1936 Arab Revolt in Palestine: A Military Study* [Arabic], cited in Yezid Sayigh, *Armed Struggle and the Search for State, The Palestinian National Movement 1949-1993* (Washington, DC: Institute for Palestine Studies and Oxford University Press, 1999), 2.



Impact

- Tnuva was established in 1926 and eventually monopolized the dairy market as the largest Israeli dairy company before it was sold in 2014. Tnuva advertisements promoted the purchase of its dairy products as a way to strengthen Zionism.³²
- The Hebrew University of Jerusalem was inaugurated by Lord Balfour (of the 1917 Balfour Declaration) in April 1925. The WZO played a critical role in its establishment so that it “would serve a role in the Zionist colonization program in Palestine.”³³
- By the early 1940s, the average rural Palestinian family had less than half of the agricultural land required for their subsistence.³⁴
- As many as 70 Palestinian rural villages disappeared.³⁵

The continued increase of the Zionist-Jewish population, whose immigration was strongly favored and facilitated by the British authorities, resulted in numerous clashes between the indigenous Palestinian population and newly arrived Jewish immigrants.³⁶ By the onset of 1947, the British government informed the newly-established United Nations (UN) of their decision to withdraw from Palestine and leave the future of Palestine to the UN. Despite the inability of the UN Special Committee on Palestine (UNSCOP) to reach a consensus on the future status of Palestine and warnings from experts,³⁷ on 29 November 1947, the UN General Assembly (UNGA) passed Resolution 181 (II), adopting the majority opinion. It recommended the partition of Palestine into two states, one Palestinian and one Jewish, each guaranteeing equal rights to all persons.³⁸ The Jewish state was allotted 56 percent of Mandatory Palestine, despite having a population of less than one third of all those in Palestine at the time and owning no more than seven percent of the land.³⁹ Nearly half of the population of the proposed Jewish state consisted of Palestinians, who owned nearly 90 percent of the land.⁴⁰ The Partition Plan constituted a recommendation for a proposed political solution; one that never materialized.

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- ³² World Zionist Organization (WZO), “In Those Days – Tnuva,” The Central Zionist Archives, available at: <http://www.zionistarchives.org.il/en/tags/Pages/Tnuva.aspx> [accessed 14 September 2019].
- ³³ Uri Cohen, “University vs Society in a Period of Nation Building: The Hebrew University in Pre-State Israel,” *Historical Studies in Education* 19, no. 1 (2007): 81-110, available at: https://historicalstudiesineducation.ca/index.php/edu_hse-rhe/article/view/274/691 [accessed 14 September 2019].
- ³⁴ Basheer K. Nijim (ed.), *Toward the De-Arabization of Palestine/Israel 1945–1977*, (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1984), 10; Rashid Khalidi, *Palestinian Identity: The Construction of Modern National Consciousness*, (New York: Columbia University Press, 2009), 113–114.
- ³⁵ Sharif Kanaana, *Still on Vacation! The Eviction of the Palestinians in 1948*, (Jerusalem: Jerusalem International Center for Palestinian Studies, 1992), 96.
- ³⁶ Tony Rea and John Wright, *The Arab-Israeli Conflict*, (Oxford: Oxford University Press, 1997), 14-19.
- ³⁷ United Nations Special Committee on Palestine, *Report to the General Assembly: Official Records of the Second Session of the General Assembly Supplement No. 11, A/364*, 3 September 1947, available at: <http://unispal.un.org/UNISPAL.NSF/0/07175D E9FA2DE563852568D3006E10F3> [hereinafter UNSCOP, Official Records of the Second Session A/364]. Committee members unanimously approved 11 general recommendations, including a UN-supervised transition period, protection of religious and minority rights, and citizenship and property rights.
- ³⁸ UNGA, *Resolution 181 (II), Future Government of Palestine*, A/RES/181 (II), 29 November 1947, available at: <http://unispal.un.org/UNISPAL.NSF/0/7F0AF2BD897689B785256C330061D253> [accessed 14 September 2019].
- ³⁹ For the population of Palestine, see “Table 2.18- The Population of Palestine by Religion, 1870 to 1946” in McCarthy, *The Population of Palestine*, *supra* note 15, 37. For information on Jewish landownership, see: Lehn, *The Jewish National Fund*, *supra* note 23, 74.
- ⁴⁰ 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. State land comprised less than 3% of the proposed Jewish state: UNSCOP, Official Records of the Second Session A/364, *supra* note 37.



1.1.2. The Nakba (1947-1949)



The UN recommendation to partition Palestine was rejected by the Arab states and Zionist colonizers initiated armed attacks against indigenous Palestinians. Ahead of the withdrawal of Great Britain from Palestine, Zionist militias developed and implemented a number of military plans that utilized violent tactics and strategic massacres with the purpose of ethnically cleansing Palestine of its indigenous population. The resulting atmosphere of terror and panic led to the greatest outflow of refugees in April and early May 1948, before the start of the Arab-Israeli War.⁴¹ 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 caused the outbreak of the first Arab-Israeli War.

In what is known as the *Nakba*, “The Catastrophe,” hundreds of Palestinian villages were destroyed and at least 70 massacres took place at the hands of the Zionist militias and subsequent Israeli military forces.⁴² Between 750,000 and 900,000 Palestinians (making up 55-65 percent of the total Palestinian population in all of Mandatory Palestine, and 85 percent of those who were living in territory that became the state of Israel) were forcibly displaced between the end of 1947 and early 1949, half of which were displaced before the unilateral declaration of the state of Israel which triggered the first Arab-Israeli War. Ultimately, 85 percent of the indigenous Palestinian population were displaced from the territory that became the state of Israel to what became the West Bank and Gaza Strip (22 percent of Mandatory Palestine) or to neighboring Arab countries.⁴³

1.1.3. Israeli Military Rule (1949-1966) inside the Green Line

The war ended in 1949 when armistice agreements were signed with Egypt, Lebanon, Jordan, and Syria. Israel then established a military government with multiple sites in order to control the Palestinian population remaining in 1948 Palestine and to prevent the return of Palestinian refugees.⁴⁴ Freedoms of expression and movement were severely restricted, and Palestinians were confined to controlled areas while Israel continued to expel Palestinians from their homes and lands. Returnees (referred to as “infiltrators”) were either killed or subsequently transported to the border and expelled.⁴⁵

Between 1949 and 1956, more than 25,000 Palestinian Bedouins were expelled from their traditional tribal areas, with the expropriation of some 700 km² of land from Palestinians who

⁴¹ Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947–1949*, Cambridge Middle East Library Series (Cambridge: Cambridge University Press, 1987), 136 [hereinafter Morris, *Birth of the Palestinian Refugee Problem*].

⁴² Dr. Saleh Abdel Jawad, “Zionist Massacres: The Creation of the Palestinian Refugee Problem in the 1948 War,” in *Israel and the Palestinian Refugees*, eds. Eyal Benvenisti, Chaim Gans, and Sara Hanafi (Berlin, Heidelberg, New York: Springer, 2007), 60.

⁴³ Tom Segev, *1949: The First Israelis*, (New York, NY: Simon and Schuster, 2018) [hereinafter Segev, *The First Israelis*].

⁴⁴ Jiryis, *The Arabs in Israel*, *supra* note 31.

⁴⁵ Benny Morris, *Israel's Border Wars, 1949–56*, (Oxford: Clarendon Press, 1993), 39, 152 [hereinafter Morris, *Israel's Border Wars*].



remained in “Israeli territory” through 1966.⁴⁶ In this period, Israel internally displaced another 35,000 to 45,000 Palestinians. By the mid-1950s, Israel had expelled 15 percent of the Palestinian population in Israel, while approximately 195,000 Palestinians remained.⁴⁷

1.1.4. The Six Day War of 1967

Beginning in 1963, Israel began preparations for installing a military government in order to control and colonize the remainder of Mandatory Palestine (the Jordanian-controlled West Bank, including east Jerusalem, and the Egyptian-controlled Gaza Strip).⁴⁸ In 1967, Israel launched a surprise attack against Egypt, Jordan and Syria, thus starting the 1967 War.⁴⁹

By the time the 1967 War came to an end, Israel had occupied the West Bank, including east Jerusalem, the Gaza Strip, as well as parts of the Syrian Golan Heights, the Egyptian Sinai, and villages in Jordan and Lebanon. More than one-third (400,000 to 450,000) of the Palestinian population was displaced during the war. Nearly 193,500 Palestinians 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.⁵⁰ Up to 95 percent of those displaced went to Jordan, while some found refuge in Syria and Egypt. As a result of the 1967 occupation, Israel effectively controlled the entire territory of Mandatory Palestine. Since then, Israel extended its legal, political and military regime that combines forced displacement and transfer, colonization and apartheid⁵¹ to both sides of the Green Line.⁵²



- ⁴⁶ Israeli Foreign Ministry reports indicate that some 17,000 Bedouin were expelled from the Naqab between 1949 and 1953: see “Investigation Report,” Simon and Vermeersch, UNA DAG-13/3.3.1–18, cited in Morris, *Israel’s Border Wars*, *supra* note 45, 170.
- ⁴⁷ Israel Central Bureau of Statistics (ICBS), “Statistical Abstract of Israel”, 2001, available at: <http://www.cbs.gov.il/archive/shnaton52/shnatone52.htm> [accessed 14 September 2019]; For the population of Palestine, see “Table 2.18- The Population of Palestine by Religion, 1870 to 1946” in McCarthy, *The Population of Palestine*, *supra* note 15, 37.
- ⁴⁸ Tom Segev, *1967 Israel, the War, and the Year That Transformed the Middle East*, (New York: Holt Paperbacks, 2007), 458.
- ⁴⁹ Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict*, 2nd ed., (London: Verso, 2003); Sandy Tolan, “Rethinking Israel’s David-and-Goliath Past,” *Salon*, 4 June 2007, available at: http://www.salon.com/2007/06/04/six_day_war/ [accessed 14 September 2019].
- ⁵⁰ Lex Takkenberg, *The Status of Palestinian Refugees in International Law*, (Oxford: New York: Oxford University Press, 1998), 17”, [hereinafter Takkenberg, *The Status of Palestinian Refugees*].
- ⁵¹ BADIL, *Israel’s Forcible Transfer of Palestinian Bedouin: Forced Displacement as a Pillar of Colonialism and Apartheid*, Submission to the Special Rapporteur on the Situation of Human Rights in the Palestinian Territory Occupied since 1967 (Bethlehem: BADIL, 2015) available at <http://www.badil.org/en/publication/press-releases/60-2015/4439-pr-en-1307155-25.html>.
- ⁵² Virginia Tilley (ed.), *Occupation, Colonialism, Apartheid? A Re-Assessment of Israel’s Practices in the Occupied Palestinian Territories under International Law*, (Cape Town, South Africa: Human Sciences Research Council of South Africa (HSRC), 2009); Uri Davis, *Apartheid Israel, Possibilities for the Struggle Within* (London: Zed Books, 2003); John Dugard (Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967), *Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967*, A/HRC/4/17, 29 January 2007, available at: <https://undocs.org/en/A/HRC/4/17>; “United Against Apartheid Colonialism and Occupation: Dignity and Justice for the Palestinian People,” Palestinian Civil Society Strategic Position Paper for the Durban Review Conference, (Bethlehem, Palestine: BADIL, 2009), available at: http://www.badil.org/phocadownloadpap/Badil_docs/publications/DurbanPositionPaper-09.pdf.

1.2. ISRAELI POLICIES OF FORCIBLE TRANSFER

While the above constitutes the four historic periods in which Palestinians experienced mass displacement, Israel also developed and implemented a number of policies to induce the ‘silent transfer’ of Palestinians that continue to this day. The policies violate a host of basic human rights, creating a coercive environment, that makes continued Palestinian presence in Mandatory Palestine unbearable and ultimately leads to their forced displacement or transfer.⁵³

These practices facilitate small but continuous forced displacement and transfer with the ultimate aim to change the demographic composition of Mandatory Palestine. The force derived from a coercive environment is recognized as force by international law and when displacement or transfer does occur, it constitutes either a crime against humanity or a war crime. The reach of the Israeli regime is not limited to Palestinians in the oPt, but also targets Palestinians on the Israeli side of the ‘1949 Armistice Line’, as well as those in forced exile.⁵⁴ To this end, BADIL has identified nine main interrelated Israeli policies which constitute the pillars of a strategy aimed at incrementally displacing the remaining Palestinian population in and beyond Mandatory Palestine and sustaining their displacement.

1.2.1. Denial of Residency

Israel systematically utilizes residency revocation as a strategy to silently transfer Palestinians in addition to the denial or hindrance of child registration, family unification or changes to residency.⁵⁵ More than 14,600 Palestinians have had their residency status and right to live in east Jerusalem revoked since 1967.⁵⁶ 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, nor obtain a driving license or travel documents.

Between 1967 and 1994, Israel revoked the residency of a quarter of a million Palestinian residents of the oPt.⁵⁷ Another 11,628 Palestinians in Jerusalem had their residency revoked from 1995-2017.⁵⁸ In addition, when the dependent children of those parents who had their residency revoked is included, the number of residency revocations in Jerusalem is 86,000.⁵⁹

⁵³ BADIL/Kairos Palestine, *Palestinian Christians - Ongoing Forcible Displacement and Dispossession... until When?*, (Bethlehem, Palestine: BADIL / Kairos Palestine, 2012), available at: <https://bit.ly/2nL1HXT> [accessed 14 September 2019].

⁵⁴ BADIL, *Forced Population Transfer: The Case of Palestine - Introduction*, (Bethlehem, Palestine: BADIL, March 2014), available at: http://www.badil.org/phocadownloadpap/Badil_docs/publications/wp15-introduction.pdf.

⁵⁵ BADIL, *Forced Population Transfer: The Case of Palestine- Denial of Residency*, (Bethlehem, Palestine: BADIL, April 2014), available at: http://www.badil.org/phocadownloadpap/Badil_docs/publications/wp15-introduction.pdf.

⁵⁶ “Statistics on Revocation of Residency in East Jerusalem,” B’Tselem, 23 May 2019, available at: http://www.btselem.org/jerusalem/revocation_statistics [accessed 14 September 2019] [hereinafter B’Tselem, Statistics on Residency in East Jerusalem].

⁵⁷ “Ceased Residency: Between 1967 and 1994 Israel Revoked the Residency of Some Quarter Million Palestinians from the West Bank and the Gaza Strip,” HaMoked- Center for the Defense of the Individual, 12 June 2012, available at: <http://www.hamoked.org/Document.aspx?dID=Updates1175> [accessed 14 September 2019].

⁵⁸ “Status Revocations in East Jerusalem,” HaMoked, 10 April 2018, available at: http://www.hamoked.org.il/files/2018/1162812_eng.pdf.

⁵⁹ Mahdi Abdul Hadi, “Reviewing the Palestinian Political Scene 2015,” *The Palestinian Academic Society for the Study of International Affairs (PASSIA)*, December 2015, 8, available at: http://passia.org/media/filer_public/be/1c/be1ca4de-9bd3-41ef-80ea-d549743ada57/passia_bulletin-en.pdf.



1.2.2. Installment of a Permit Regime

Israel has installed a complex permit regime to control the Palestinian population and incentivize, or incite, particular behavior. More than 101 different permits regulate and interfere with virtually every aspect of Palestinian life.⁶⁰ The permit regime controls Palestinian access to land, natural resources, installation of infrastructures, travel, work, medical treatment, agricultural and industrial development, and commercial enterprise that far exceeds a mere restriction on the freedom of movement. The Israeli permit regime more consequentially results in the complete denial of adequate housing, health care and livelihoods for many Palestinians.

1.2.3. Land Confiscation and Denial of Use

Israel deploys a two-fold strategy that seeks to seize land through its manipulative categorization of land on the one hand, and denial of access to and use of land on the other in order to free up more land for future seizure. This policy has resulted in 85 percent of Mandatory Palestine dedicated for the exclusive benefit of Israeli-Jews.⁶¹ Palestinians with Israeli citizenship, who constitute almost 20 percent of the population are confined to less than 4 percent of the land.⁶² Israel has confiscated or *de facto* annexed more than 70 percent of the West Bank (including east Jerusalem) for the exclusive benefit of Israeli-Jewish colonizers.⁶³

The confiscations are mostly carried out under Israeli declarations of “military necessity”;⁶⁴ declarations of “state land” strictly limited for Israeli-Jewish use only;⁶⁵ defining Palestinian property as an abandoned property;⁶⁶ or declarations of “public purpose.”⁶⁷ In addition, numerous laws and policies restrict Palestinian landowners’ access to and use of their land so that the Palestinian land owner may still hold *de jure* ownership, when in fact the *de facto* ownership has been transferred to Israel.⁶⁸

⁶⁰ BADIL, *Forced Population Transfer: The Case of Palestine - Installment of a Permit Regime*, (Bethlehem, Palestine: BADIL, December 2015), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp18-FPT-Israeli-permit-system.pdf>.

⁶¹ Segev, *The First Israelis*, *supra* note 43.

⁶² Miriam Berger, “Palestinian Citizens of Israel Struggle to tell their stories,” *Columbia Journalism Review (CJR)*, 11 January 2019, available at: <https://www.cjr.org/analysis/palestinian-citizens-of-israel-musawa.php> [accessed 14 September 2019].

⁶³ BADIL, *Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities* (Bethlehem, Palestine: BADIL, June 2013), available at: https://www.badil.org/phocadownloadpap/Badil_docs/publications/handbook2013eng.pdf [hereinafter BADIL, *Israeli Land Grab*].

⁶⁴ 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: see H CJ, 390/79, Izzat Muhammad Mustafa Dweikat et al v Government of Israel et al, 34, PD, 1 (1980) (Isr.).

⁶⁵ Under Article 55 of the 1907 Hague Regulations, an Occupying Power (OP) may use public lands and even derive profit (usufruct), however, it is not permitted to behave as or become the owner of such lands. Additionally, under Article 43, the OP is required to respect the laws in place prior to occupation. See BADIL, *Israeli Land Grab*, *supra* note 63, 34-43.

⁶⁶ The Order extends to include property owned by a resident of an enemy country or corporation owned by residents of an enemy country; see Order Regarding Abandoned Property (Private Property) (Judea and Samaria) 5727-1967, 1967 (Isr.).

⁶⁷ Land Acquisition (Validation of Acts and Compensation) Law 5713-1953, 1953 (Isr.), available at: <http://www.israelawresourcecenter.org/israelaws/fulltext/landacquisitionlaw.htm> [accessed 14 September 2019]. The establishment of nature reserves and national parks was the result of Military Orders 363 and 373, respectively.

⁶⁸ B’Tselem, *Access Denied: Israeli Measures to Deny Palestinians Access to Land around Settlements*, (Jerusalem: B’Tselem, 2008), 7, available at: http://www.btselem.org/publications/summaries/200809_access_denied [accessed 14 September 2019].



1.2.4. 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. Due to unlawful modifications to pre-existing planning laws, Palestinians are excluded from participating in planning processes and bodies that make determinations and plans concerning their lands.⁶⁹

1.2.5. Institutionalized Segregation, Fragmentation and Isolation

The Israeli segregation policy is multifaceted, resulting in geographic, ideological and national fragmentation of the Palestinian people.⁷⁰ This policy of categorization and isolation not only separates Palestinians from Israeli-Jews, it divides and creates a hierarchy of rights among Palestinians themselves. On top of the legal divisions, Israel also divides the Palestinian population geographically in order to separate and isolate communities. Israel has never dealt with Palestinians as one people; instead, Israel adopts an approach to Palestinian people that deals with and accords them differential treatment based on separate local communities, geographic areas, geopolitical entities, religious minorities, or non-Jewish individuals. The ultimate aim is to erase Palestinian national unity and identity and to perpetuate its colonial domination, while creating an exclusively Israeli-Jewish space.



The Apartheid Wall in Jerusalem. 13 October 2016 (Source: middleeastmonitor.com)

⁶⁹ BADIL, *Forced Population Transfer: The Case of Palestine - Discriminatory Zoning and Planning*, (Bethlehem, Palestine: BADIL, December 2014), available at: <http://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp17-zoninig-plannig-en.pdf>.

⁷⁰ See the withdrawn report issued by UN Economic and Social Commission for Western Asia (UN ESCWA), *Israeli practices towards the Palestinian People and the Question of Apartheid*, E/ESCWA/ECRI/2017/1, 15 March 2017, available at https://www.middleeastmonitor.com/wp-content/uploads/downloads/201703_UN_ESCWA-israeli-practices-palestinian-people-apartheid-occupation-english.pdf.



1.2.6. Denial of Access to Natural Resources and Services

The denial of access to natural resources and services has a collective character, targeting Palestinian communities or the Palestinian people in general. Besides their collective impact, both policies are inherently intertwined and, as such, the existence of one can often result in the other. On the one hand, Israel unlawfully controls Palestinian natural resources through a variety of military, administrative and political mechanisms. Mandatory Palestine is rich in natural resources such as water, natural gas, and mineral deposits, most of which are monopolized by Israel for its sole benefit, and inaccessible to the Palestinian people, thereby significantly diminishing the possibility of Palestinians exercising their right of self-determination.

The denial of access to services, on the other hand, can either be the result of the denial of natural resources, or a standalone policy. The lack of services has a detrimental effect on the provision of education, health and sanitation services as well as the right to work and to an adequate standard of living guaranteed under international law. Further, the denial of services amounts to manifest institutionalized discrimination against Palestinians, while its *de facto* enforcement, rather than via clear military orders or legislation, deliberately obfuscates the intentional denial of services to Palestinians.⁷¹

1.2.7. Denial of Reparations

Israel systematically denies Palestinian refugees their right to reparations, which principally includes the right of return (see Chapter Four), as well as property restitution, compensation and guarantees of non-repetition. However, since 1948, Palestinian refugees have been explicitly denied their right to return either directly or indirectly under multiple Israeli laws, policies and practices.⁷² Israel's legally and militarily enforced policy constitutes an ongoing violation of Palestinian individual and collective rights that does not allow the possibility for redress or justice for the internationally prohibited act of forcible transfer or displacement. The denial of their right to return renders refugees and IDPs especially vulnerable to further displacement. For instance, since the Syrian crisis began, more than 280,000 Palestinian refugees from Syria have been internally displaced, and around 120,000 have fled to neighboring countries.⁷³

1.2.8. Suppression of Resistance

Israel employs various mechanisms to suppress legitimate Palestinian resistance.⁷⁴ It is a right protected and reinforced in UN resolutions, which includes the right to armed and unarmed

⁷¹ BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Access to Natural Resources and Services* (Bethlehem, Palestine: BADIL, September 2017), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp20-DANRS.pdf>.

⁷² BADIL, *Forced Population Transfer: The Case of Palestine - Denial of Reparations* (Bethlehem, Palestine: BADIL, October 2018), 27-31, available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/WP22-Reparations-of-Reparations.pdf> [hereinafter BADIL, Denial of Reparations].

⁷³ "Syria Crisis," UNRWA, 2019, available at: <http://www.unrwa.org/syria-crisis> [accessed 14 September 2019] [hereinafter UNRWA, Syria Crisis].

⁷⁴ See BADIL, *Forced Population Transfer: The Case of Palestine - Suppression of Resistance*, (Bethlehem, Palestine: BADIL, December 2016), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp19-Suppression-of-Resistance.pdf> [hereinafter BADIL, Suppression of Resistance].





Images of home demolitions, school demolitions, the arrest and harassment of Palestinians and the denial of natural resource in the West Bank (Source: wafa.net)

struggle,⁷⁵ and has been recognized with specific reference to the Palestinian struggle.⁷⁶ Israel's purpose from this policy is to control the population, further colonize Palestinian land, and ultimately forcibly transfer the Palestinian people. To achieve this, Israel engages in a wide range of violent and bureaucratic practices that individually and collectively target Palestinians, their families and communities. Such practices include, *inter alia*, collective punishment, arbitrary arrest and detention, the suppression of freedom of assembly and expression, the illegal and excessive use of force.⁷⁷

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

Israel depends on a number of non-state actors to facilitate its colonization, expansion and forcible transfer of the Palestinian population. Non-state actors include three main categories: parastatal Israeli-Jewish organizations, Israeli-Jewish civil society and colonizers, and the private sector—either

⁷⁵ UNGA resolution 33/24 of 29 November 1978, "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." UNGA, *Resolution 33/24, 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*, A/RES/33/24, 29 November 1978, available at: <https://bit.ly/2HhQWrT> [accessed 14 September 2019].

⁷⁶ 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." UNGA, *Resolution 3236, The Question of Palestine*, A/RES/3236 (XXIX), 22 November 1974, available at: [https://undocs.org/A/RES/3236%20\(XXIX\)](https://undocs.org/A/RES/3236%20(XXIX)) [accessed 14 September 2019].

⁷⁷ BADIL, *Suppression of Resistance*, *supra* note 74.



national or international corporations.⁷⁸ These entities operate to enhance or support the illegal acts of Israel, often with questionable and illegal acts of their own, which enjoy a significant measure of impunity and oftentimes outright support of the state. Israel utilizes Jewish parastatal organizations, such as the Jewish National Fund (JNF), to privatize ‘state-owned’ land and ensure it remains in Jewish hands in perpetuity, thereby frustrating Palestinian attempts to reclaim or access their land.⁷⁹ Israel also relies on colonizers themselves to inflict violence against Palestinian communities, in order to induce fear in Palestinians that either inhibits their cultivation of land or forces them to leave, thereby freeing land up for seizure. It is a policy that Israel implicitly perpetuates through the security the military provide to colonizers and in denying equal enforcement of the law. In the past ten years, colonizers have killed 34 Palestinians, and wounded at least 1,634 people.⁸⁰

1.3. RECENT POLITICAL DEVELOPMENTS

1.3.1. The Oslo Peace Process

The peace process in the Arab region started with the Madrid conference in 1991, which led to the Oslo Accords that began in 1993 as a peace process aimed at achieving peace between Palestinians and Israelis.⁸¹ The Palestinian Authority (PA) was created in 1994 as a five-year interim body whose function was 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. This division was meant to be temporary and its purpose was to enable an incremental transfer of authority to the PA, which was to have exclusive control of Area A (18 percent of the territory of the West Bank), and civilian control of Area B (22 percent), whereas Israel was given the control over security in Area B, and the full control over the remaining Area C (60 percent). Most Palestinian residents of the West Bank live in Areas A and B, which are subdivided into 165 separate units of land that have no territorial contiguity.

The final status negotiations that were meant to take place within the following five years never happened and, instead, Palestine has endured a “peace process” stretching more than two decades and bringing little change in practice. The PA is treated as the *de facto* government with no real sovereignty over the oPt, including Area A. The Oslo Peace Process ultimately served as a smoke screen for Israel to further their colonial efforts and has effectively facilitated over 28 years of failed negotiations, settler-colonial expansion and annexation in the West Bank, forced population transfer and innumerable human rights violations.

⁷⁸ BADIL, *Corporate Complicity in Violations of International Law in Palestine*, (Bethlehem, Palestine: BADIL, December 2014), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/in-focus/complicit-companies-en.pdf>.

⁷⁹ The Israel Land Administration Law of 2009 allows the privatization of lands ‘owned’ by the State of Israel, in 1948 Palestine and the oPt, authorizing the sale of colony units and areas confiscated from Palestinians for colonies to private Jewish owners, see: Adalah, *New Discriminatory Laws and Bills in Israel*, October 2012, available at: http://www.adalah.org/uploads/oldfiles/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Discriminatory-Laws-in-Israel-October-2012-Update.pdf. For more on the JNF, see: BADIL, “The Jewish National Fund (JNF),” *Al Majdal*, no. 34 (Summer 2007), available at: <http://www.badil.org/en/publication/periodicals/al-majdal/item/429-the-jewish-national-fund-jnf.html>.

⁸⁰ “Data on casualties,” OCHA- UN Office for the Coordination of Humanitarian Affairs (OCHA), n.d., available at: <https://www.ochaopt.org/data/casualties> [accessed 14 September 2019].

⁸¹ Declaration of Principles on Interim Self-Government Arrangements (“Oslo Agreement”), Israel-PLO, 13 September 1993, available at: <https://www.nad.ps/en/publication-resources/agreements/declaration-principles-interim-self-government-arrangements> [accessed 14 September 2019].



1.3.2. UNRWA Crisis

The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) was established in 1949 to carry out direct relief and works programs for Palestinian refugees, including education, health care, relief and social services, camp infrastructure and improvement, microfinance and emergency assistance.⁸² Its funding relies almost entirely on voluntary contributions from UN Member States, topped up with nominal funding from the Regular Budget of the United Nations, mainly for international staffing costs.⁸³ This heavy dependence on voluntary funding makes UNRWA particularly vulnerable to global politics, which across its history has been subjected to sustained and varied attacks seeking to undermine its validity and viability.⁸⁴

The more recent escalation in these attacks came in August 2018, when the United States, at that point the largest contributor to the Agency, ceased all funding to UNRWA.⁸⁵ The spokesperson for the State Department justified this decision on the basis that it is an "irredeemably flawed operation,"⁸⁶ meaning its liquidation is the only solution. This decision sits within the context of a targeted campaign against UNRWA, and more broadly within a US-Israeli strategy for the whole Arab region that aims to eliminate the Palestinian issue by promoting a new-look "peace process" in the form of the so-called Deal of the Century.⁸⁷

In addition to its blatantly pro-Israel policies, in targeting UNRWA, the United States aims to liquidate the Palestinian refugee issue and their right to return, releasing Israel from its responsibilities towards the refugee problem it has caused since 1948.⁸⁸ The US is trying to transfer international responsibility for the refugee question into an Arab-Palestinian issue, under which Arab countries assume UNRWA's role and funding,⁸⁹ while seeking to dissolve the legal status of Palestinian refugees.⁹⁰

The US and Israel are deploying a range of tools to implement their plans at various levels. At the international level, the US is working to financially cripple UNRWA by pressuring international donors to either reduce or conditionalize funding.⁹¹ Contrary to the definition of the Office of the United Nations High Commissioner for Refugees (UNHCR), the US is also lobbying to

⁸² "Who We Are", UNRWA- UN Relief and Works Agency for Palestine in the Near East (UNRWA), n.d., available at: <https://www.unrwa.org/who-we-are> [accessed 14 September 2019].

⁸³ *Ibid.*

⁸⁴ BADIL, "Understanding the Political Underpinnings of UNRWA's Chronic Funding Crisis," Bulletin No. 27, June 2018, 3, available at: http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/bulletin-no27-unrwa-financial-crisis.pdf.

⁸⁵ The original press release from the US Department of State is no longer available on their website, see Lesley Wroughton, Ali Sawafta, "U.S. Halts Funding to U.N. Agency Helping Palestinian Refugees," *Reuters*, 31 August 2019, available at: <https://reut.rs/2xmPFW1> (also available in Arabic at: <https://bit.ly/2KVNeT8>) [accessed 14 September 2019].

⁸⁶ *Ibid.*

⁸⁷ Jaber Suliman, "UNRWA's Current Crisis: Context, Dimensions, Prospects and Ways of Confrontation," *al-Zaytouna*, August 2018, available in Arabic at: <https://bit.ly/2KSxSPb> [accessed 14 September 2019].

⁸⁸ Palestinian Human Rights Organizations Council (PHROC) and BADIL, "Stop the Ongoing Catastrophe and Provide International Protection for Refugees", 14 May 2019, available in Arabic at: <http://www.badil.org/ar/publications-ar/press-releases/89-2019/4948-pr-ar-140519-22.html> [accessed 14 September 2019] [hereinafter PHROC, Stop the Ongoing Catastrophe].

⁸⁹ BADIL, *Confronting the Campaign Targeting the United Nations Relief and Work Agency (UNRWA): Parameters, Principles and Recommendations for a Palestinian Strategic Plan*, (Bethlehem: Palestine, BADIL, September 2018) 11-12, available at: <http://www.badil.org/en/publication/research/in-focus.html?download=1284:unrwa-crisis-badil-strategy-proposal-badil-sep-2018>, [accessed 14 September 2019] [hereinafter BADIL, Confronting the Campaign].

⁹⁰ PHROC, Stop the Ongoing Catastrophe, *supra* note 88.

⁹¹ BADIL, Confronting the Campaign, *supra* note 89, 11-12.



remove “refugee status” from descendants of those originally displaced, so that the definition of a Palestinian refugee will include only those who were displaced in 1948.⁹² In so doing, the US reduces the number of refugees “eligible” for reparations.

This is underpinned by strategies at the regional level, seeking the forcible re-settlement of Palestinian refugees in neighboring Arab countries; and at the national level, by encouraging local institutions to absorb responsibilities that properly fall under the mandate of UNRWA.⁹³

For Palestinian refugees, UNRWA is a testament to the international community’s responsibility towards Palestinian refugees and a constant reminder of their inability to adequately resolve the issue within the frameworks and rights set forth by international law. However, the efforts by Israel and the US to liquidate UNRWA are justified on the basis that UNRWA perpetuates the Palestinian refugee problem, and therefore impedes the resolution of the issue, while its continued existence represents “large-scale incitement against Israel.”⁹⁴

UNRWA is an international institutional reminder to Israel and the international community of the continued existence of Palestinian refugees and of Israeli violations and crimes. By disparaging and de-functionalizing UNRWA, the goal is to close the chapter on the Palestinian refugee issue and remove the topic from the agenda and the political discourse of the international community.

1.3.3. The Trump Administration

Fulfilling one of his first promises to the Prime Minister of Israel, Benjamin Netanyahu, US President Trump formally recognized Jerusalem as Israel’s capital. This joined his decision to proceed with the transfer of the US embassy from Tel Aviv to Jerusalem, a decision originally enacted by the US Congress in 1995, but postponed through the signing of waivers by successive US administrations for over 20 years.⁹⁵ It was a commitment provocatively and deliberately fulfilled on 14 May 2018, the day before Palestinians commemorated the 70th anniversary of the *Nakba*.⁹⁶

Additionally, the shift in the Trump administration towards an unabashed pro-Israeli bias is evidenced by a number of other policies. In June 2018, the US withdrew from the UN Human Rights Council (UNHRC), citing the organization’s condemnation of and bias against Israel as their rationale.⁹⁷ In September 2018, the US ordered the closure of the PLO office in Washington D.C., citing the lack of steps taken by the PLO “to advance the start of direct and meaningful

⁹² *Id.*, 13.

⁹³ *Id.*, 12.

⁹⁴ Ali Badwan, “Background of the Israeli Position on UNRWA”, *Al-Hayat*, 27 September 2018, available in Arabic at: <https://bit.ly/2X3zIVr> [accessed 14 September 2019].

⁹⁵ United States Congress, Public Law 104-45, Jerusalem Embassy Act of 1995, 8 November 1995, available at: <https://www.congress.gov/104/plaws/publ45/PLAW-104publ45.pdf>; Tovah Lazaroff, “US Ends Waivers of Jerusalem Embassy Act After Terms Fulfilled,” *The Jerusalem Post*, 9 May 2019, available at: <https://www.jpost.com/Breaking-News/Pompeo-tells-Congress-no-more-waivers-regarding-Jerusalem-Embassy-Act-589186> [accessed 14 September 2019].

⁹⁶ Ashley Turner, “After US Embassy makes controversial move to Jerusalem, more countries follow its lead,” *CNBC*, 18 May 2018, available at: <https://www.cnbc.com/2018/05/17/after-us-embassy-move-to-jerusalem-more-countries-follow-its-lead.html> [accessed 14 September 2019].

⁹⁷ Colin Dwyer, “U.S. Announces Its Withdrawal From UN Human Rights Council,” *National Public Radio (NPR)*, 19 June 2018, available at: <https://www.npr.org/2018/06/19/621435225/u-s-announces-its-withdrawal-from-u-n-s-human-rights-council> [accessed 14 September 2019].



negotiations with Israel.”⁹⁸ Further, the Trump administration has defunded the PA and Palestinian civil society,⁹⁹ frozen over \$65 million previously allocated toward Palestinian aid,¹⁰⁰ and cut all aid provided to the oPt due to recently passed so-called ‘anti-terrorism’ policies,¹⁰¹ constituting over \$200 million.¹⁰² The administration has also refused to denounce the Israeli settler-colonial enterprise, instead taking the position that colonies are, “not an impediment to peace,” which is a clear departure from the position of past US administrations and contravenes international law.¹⁰³

Moreover, under Trump, the US State Department has ceased referring to the oPt as “occupied”, instead referring to it as “under Israeli control.”¹⁰⁴ While the US has yet to declare Israeli sovereignty over the oPt, Trump officially recognized the Golan Heights as sovereign Israeli territory in March 2019.¹⁰⁵ These actions are a green-light from the US administration to Israel to engage in further land seizure and annexation of Palestinian land, with Prime Minister Netanyahu welcoming this move as an acknowledgement that occupied territory can be claimed if acquired, “in a defensive war.”¹⁰⁶

The overtly pro-Israel position of the Trump administration has had a clear impact on the Israeli annexation and colonization of the West Bank, with a conspicuous acceleration in its colonial enterprise. The commencement rate on housing unit construction in 2017, increased 17 percent on the yearly average since 2009.¹⁰⁷ Approvals for housing units during the Trump administration (2017-2018) equate to more than the previous 10 years combined, with a reported 641 tenders approved for over 5,600 housing units in colonies throughout the West Bank in 2018 alone, a record year for such approvals since reporting began in 2002.¹⁰⁸ These approvals are a precursor signaling significant colony construction in the near future.

⁹⁸ US State Department, “Closure of the PLO Office in Washington,” Press Statement, 10 September 2018, available at: <https://www.state.gov/closure-of-the-plo-office-in-washington/> [accessed 14 September 2019].

⁹⁹ Muriel Asseburg, “The ‘Deal of the Century’ for Israel- Palestine: US Proposals Are Likely to Speed Demise of Two-State Settlement,” *SWP Comment, Stiftung Wissenschaft und Politik- German Institute for International and Security Affairs*, no. 20 (April 2019): 3, available at: <https://www.swp-berlin.org/10.18449/2019C20/> [accessed 14 September 2019] [hereinafter Asseburg, Deal of the Century].

¹⁰⁰ U.S. Department of State, Bureau of Public Affairs Department, “Press Briefing - January 16, 2018,” 2018, available at: <https://www.state.gov/briefings/department-press-briefing-january-16-2018/> [accessed 14 September 2019].

¹⁰¹ Yolande Knell, “US stops all aid to Palestinians in West Bank and Gaza,” *BBC News*, 1 February 2019, available at: <https://www.bbc.com/news/world-middle-east-47095082> [accessed 14 September 2019].

¹⁰² Michael H Fuchs, “The Trump-Netanyahu relationship is sowing disaster for both countries,” *The Guardian*, 11 April 2019, available at: <https://www.theguardian.com/commentisfree/2019/apr/11/the-trump-netanyahu-relationship-is-sowing-disaster-for-both-countries> [accessed 14 September 2019].

¹⁰³ The White House, Foreign Policy Statements and Releases, “Statement by the Press Secretary,” 2 February 2017, available at: <https://www.whitehouse.gov/briefings-statements/statement-press-secretary/> [accessed 14 September 2019].

¹⁰⁴ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, *Israel and the Golan Heights 2018 Human Rights Report*, 2018, available at: <https://www.state.gov/reports/2018-country-reports-on-human-rights-practices/israel-golan-heights-west-bank-and-gaza/> [accessed 14 September 2019].

¹⁰⁵ Dennis Ross and David Makovsky, “Golan policy may invite Israel’s right to annex West Bank territory, That would spell disaster,” *The Washington Post*, 29 March 2019, available at: <https://wapo.st/2nJpPtN> [accessed 14 September 2019].

¹⁰⁶ Noa Landau, “U.S. Golan Recognition Proves Israel Can Retain Occupied Territories, Senior Israeli Official Says,” *Haaretz*, 26 Mar 2019, available at: <https://bit.ly/2lCeFGC> [accessed 14 September 2019].

¹⁰⁷ PeaceNow, *Annual Construction Report for 2017*, 25 March 2018, available at: http://peacenow.org.il/wp-content/uploads/2018/03/Annual-Report-2017_Final.pdf .

¹⁰⁸ “Tenders for 641 Units Published in Record Year,” PeaceNow.org.il, 27 December 2018, available at: <http://peacenow.org.il/en/tenders-for-641-units-published-in-record-year> [accessed 14 September 2019].





US President Donald Trump holds a proclamation recognizing Israel's illegal claim over the Golan Heights. Washington DC, 25 March 2019. (Source: al-ayyam.ps)

1.3.4. The Deal of the Century

From the beginning of Donald Trump's presidential campaign in 2016, the "ultimate deal," popularly known as the 'Deal of the Century,' has been boasted as the solution to the Palestinian question.¹⁰⁹ After President Trump's election, a team of three Zionist politicians, led by Jared Kushner, a prominent advocate for Israel and Trump's son-in-law, David Friedman, the US ambassador to Israel, and Jason Greenblatt, Trump's chief legal officer for his real estate business, was established independently of the US State Department to develop this proposal.¹¹⁰ The release of the full plan has been repeatedly delayed. In May, the first details were leaked in a Hebrew-language newspaper,¹¹¹ and in June 2019, the White House published details of a \$50 billion economic plan ahead of the so-called "Peace-to-Prosperity" Conference in Bahrain on 25-26 June 2019.¹¹² However, as at publishing, the full official details of the Deal have yet to be released.

The details so far released make it clear that the Deal charts a path that continues uncritical American support for Israel, ongoing denial of Palestinian statehood and further entrenchment of Israeli control over Palestinian lives. In return, Palestinians are to expect aid, economic incentives and a solidified state of apartheid, formalized through semi-autonomy of certain Palestinian areas.

This was the long-expected reality, as in a meeting with Prime Minister Netanyahu, Trump had announced he would not follow past US administrations by insisting on a two-state solution,

¹⁰⁹ Asseburg, Deal of the Century, *supra* note 99, 1.

¹¹⁰ *Ibid.*

¹¹¹ "First-ever reveal of 'Deal of the Century' details," *Ma'an News Agency*, 10 May 2019, available at: <https://www.maannews.com/Content.aspx?id=783388> [accessed 14 September 2019].

¹¹² White House, *Peace to Prosperity. The Economic Plan: A new vision for the Palestinian people*, June 2019, available at: https://www.whitehouse.gov/wp-content/uploads/2019/06/MEP-narrative-document_FINAL.pdf.

stating that his team is “looking at a two-state and one-state solution.”¹¹³ Netanyahu himself has stated his intent to annex the entirety of the West Bank, and indicated he will do so “with American support.”¹¹⁴ Further deepening Palestinian concerns, during the annual American Israel Public Affairs Committee (AIPAC) meeting in late March 2019, Friedman stated that the plan “would give Israel full security control over the Occupied West Bank,” would consist of allowances for “permanent security presence in the Jordan Valley” and needs to include “overriding security control of Judea and Samaria [the West Bank].”¹¹⁵ Moreover, a senior White House official referred to the Deal as taking “an unconventional approach founded on not hiding from reality, but instead speaking truth.”¹¹⁶ Just ahead of the Bahrain conference, which neither Palestinian nor Israeli officials attended, Jared Kushner expressed his view that the Palestinians were not yet capable of governing themselves.¹¹⁷

Given the actions taken by the Trump administration since being elected, the details understood to date, and the focus on economic issues before political agreements, the Deal of the Century is expected to be entirely unsatisfactory to addressing Palestinian rights and needs. The PA has cut off all diplomatic ties with the US, and Palestinian President, Mahmoud Abbas, has already denounced the deal, as it reportedly excludes Jerusalem and Gaza as part of a future Palestinian state.¹¹⁸ It is likely to be wholly rejected by Palestinians, particularly since it excludes any mention of the issue of refugees. It is also expected that Israel will accept all parts of the deal that work in its favor and utilize the deal in order to advance its interests: further annexation and colonization, eliminating the refugee issue and normalizing economic relations with Arab countries.

1.3.5. Israeli Elections of 2019

During the lead up to the April 2019 Israeli elections, the Palestinian issue was largely ignored and marginalized in the policy platforms and campaigns of all Israeli political parties.¹¹⁹ Nevertheless, over the course of the campaign, statements were made that elucidated their positions, the only point of difference between the so-called left or center parties and the right wing being the extent to which they were prepared to further oppress and violate Palestinian rights.¹²⁰

¹¹³ Meghan Keneally, “Trump says he ‘can live with’ either one- or two-state solution in Israel,” *ABC News*, 15 February 2017, available at: <https://abcnews.go.com/Politics/trump-state-state-solution-israel/story?id=45509779> [accessed 14 September 2019].

¹¹⁴ “US to announce ‘Deal of the Century’ after Israel coalition formed,” *Middle East Monitor*, 11 April 2019, available at: <https://www.middleeastmonitor.com/20190411-us-to-announce-deal-of-the-century-after-israel-coalition-formed/> [accessed 14 September 2019]; Foundation for Middle East Peace, “Bibi Blocks Settlement Annexation Bill, But Signals Something Bigger,” *Settlement Report*, 15 February 2018, available at: <https://fmep.org/resource/settlement-report-february-15-2018/#BigSignal> [accessed 14 September 2019].

¹¹⁵ “US Ambassador Reveals Details of ‘Deal of the Century’,” *Middle East Monitor*, 28 March 2019, available at: <https://www.middleeastmonitor.com/20190328-us-ambassador-reveals-details-of-deal-of-the-century/> [accessed 14 September 2019].

¹¹⁶ Ilanit Chernick, “‘Deal of the Century’ Will Not Include Palestinian Statehood- Report,” *The Jerusalem Post*, 14 April 2019, available at: <https://www.jpost.com/Arab-Israeli-Conflict/Report-Deal-of-the-Century-will-not-include-Palestinian-statehood-586887> [accessed 14 September 2019].

¹¹⁷ “Kushner: Palestinians not yet capable of governing themselves,” *Al Jazeera*, 3 June 2019, available at: <https://www.aljazeera.com/news/2019/06/kushner-palestinians-capable-governing-190603051426199.html> [accessed 14 September 2019].

¹¹⁸ “‘Deal of the Century’ does not include Palestinian state, report claims,” *Middle East Monitor*, 15 April 2019, available at: <https://www.middleeastmonitor.com/20190415-deal-of-the-century-does-not-include-palestinian-state-report-claims/> [accessed 14 September 2019].

¹¹⁹ “Israeli Elections and the Escape from the Palestinian Cause and Creeping Apartheid,” *Arab 48*, 8 March 2019, available in Arabic at: <https://bit.ly/30ioclw> [accessed 14 September 2019].

¹²⁰ Hanna Alshaikh, “The Israeli election is over. It never mattered to Palestinians,” *Vox Media*, 19 April 2019, available at: <https://www.vox.com/first-person/2019/4/19/18507577/israel-palestine-netanyahu-election> [accessed 14 September 2019] [hereinafter Alshaikh, Israeli Election].



During his election campaign, Prime Minister Benjamin Netanyahu of the Likud Party, which opposes any idea of a Palestinian state, stressed the issue of annexation. In this regard, Netanyahu promised to begin annexing Israel's colonies in the West Bank as well as parts of the Palestinian city of Hebron and parts of the Jordan Valley to Israel,¹²¹ and to emphasize that no colonizer would be “uprooted from his home,”¹²² thus running on a platform that sought to frustrate any prospects for peace or hope for the establishment of a territorially contiguous Palestinian state under a two-state solution.¹²³ He also noted that “re-occupying” Gaza was on the table and rejected the partition of Jerusalem, asserting that it was the capital of Israel.¹²⁴

On the so-called left wing of Israeli politics, the Blue and White Party stressed a political platform that supported a “unified” Jerusalem as the capital of Israel,¹²⁵ despite the international condemnation of this annexation, continued Israeli control of the Jordan Valley, and recognized the Golan Heights as an integral part of Israel. It also called for the maintenance of colonial blocs in the West Bank.¹²⁶ Its leader, Benny Gantz, boasting of his credentials in relation to oppression of Palestinians, stated in a campaign video that “parts of Gaza were sent back to the Stone Age” under his command.¹²⁷

The Right Wing Union (or United Right), a national religious party and the most prominent political representative of the settler-colonial movement, totally rejected the idea of a Palestinian state on the basis of the biblical and religious entitlement of the Jewish people to the land of the West Bank. It was their position that if the Deal of the Century required any Israeli territorial concessions to the Palestinians, it would provoke violent objections.¹²⁸

This was also confirmed by the emerging Zehut party, another colonizer party. It proposed the annexation of the West Bank and the adoption of policies that sought the “voluntary transfer” of Palestinians to neighboring and other countries.¹²⁹

While the Yisrael Beiteinu, a far right, secular political party, conceded to land swaps, proposing

¹²¹ Reuters, “Israeli election: With the final count in, who won and who lost?,” *Ynet News*, 14 April 2019, available at: <https://www.ynetnews.com/articles/0,7340,L-5494060,00.html> [accessed 14 September 2019] [hereinafter Reuters, Israeli Election: Final Count]; “Netanyahu vows to annex ‘all the settlements’ in the West Bank in 11th-hour re-election bid,” *CBS News*, 16 September 2019, available at: <https://www.cbsnews.com/news/benjamin-netanyahu-israel-annex-all-the-settlements-palestinian-west-bank-ahead-election-do-over-2019-09-16/> [accessed 16 September 2019].

¹²² Anadol Agency, “Netanyahu and the Deal of the Century: election propaganda reveals new chapters,” AA, 8 April 2019, available in Arabic at: <https://bit.ly/2JMw6Or> [accessed 14 September 2019]; “Netanyahu: No settler will be uprooted while I’m PM,” *Middle East Monitor*, 12 December 2018, available at: <https://www.middleeastmonitor.com/20181212-netanyahu-no-settler-will-be-uprooted-while-im-pm/> [accessed 14 September 2019].

¹²³ Associated Press, “Israel's election exposes its deep political and social divisions,” *Ynet News*, 11 April 2019, available at: <https://www.ynetnews.com/articles/0,7340,L-5492706,00.html> [accessed 14 September 2019].

¹²⁴ Osama al-Ghassani, “Netanyahu stresses settlement policy before Israel vote,” Anadolu Agency, 8 April 2019, available at: <https://www.aa.com.tr/en/middle-east/netanyahu-stresses-settlement-policy-before-israel-vote/1445318> [accessed 14 September 2019].

¹²⁵ Raoul Wootliff, “Blue and White releases its political platform: ‘No second disengagement’,” *The Times of Israel*, 6 March 2019, available at: <https://www.timesofisrael.com/blue-and-white-releases-its-political-platform-no-second-disengagement/> [accessed 14 September 2019].

¹²⁶ *Ibid.*

¹²⁷ Raoul Wootliff, “‘Parts of Gaza sent back to Stone Age’: Gantz videos laud his IDF bona fides,” *The Times of Israel*, 20 January 2019, available at: <https://www.timesofisrael.com/only-the-strong-survive-gantz-s-new-campaign-videos-laud-his-idf-bona-fides/> [accessed 14 September 2019].

¹²⁸ Reuters, Israeli Election: Final Count, *supra* note 121.

¹²⁹ *Ibid.*



the exchange of major Palestinian cities currently within 1948 Palestine for the Palestinian abandonment of areas of Israeli-occupied land in the West Bank.¹³⁰ And, in what came to be a radical perspective, the Labor Party highlighted the need for social and economic reform during its campaign and the pursuit of peace through a two-state solution with the Palestinians.¹³¹

Throughout the course of the April election campaign, discussions on peace between Palestinians and Israelis were absent from all political discourse and campaign speeches of all major parties.¹³² There was no discussion of the occupation, halting the colonial enterprise, or the issue of refugees and their return.¹³³ Even the rights of Palestinians with Israeli citizenship were absent from the discussions, resulting in the lowest Palestinian voter turnout to date for the April election.¹³⁴

Netanyahu's Likud Party and the Blue and White Party won an equal amount of seats in the elections but, with right-wing parties holding a majority, Likud was expected to easily negotiate a governing coalition. It failed to do so over the issue of ultra-orthodox Jews serving in the Israeli military, and new elections were called for September 2019.¹³⁵ The results of said election at the time of publication were deemed too close to call between the two right-wing parties by initial exit polls.¹³⁶

In a public letter published prior to the calling of a second election, the Commanders for Israel's Security (CIS) called on Netanyahu to stop taking any unilateral actions to annex the West Bank, citing the security implications of trying to control the 2.6 million Palestinians there.¹³⁷ The CIS were of the view that extending Israeli sovereignty to the West Bank would trigger a "security vacuum" that would harm Israeli security, unity and the Israeli economy.¹³⁸ Regardless, Netanyahu rejected the letter, stressing his commitment to continue creating annexation legislation that would allow Israel to extend its sovereignty into the West Bank.¹³⁹

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² Anton Shallahat, "The day after Israel's 2019 elections," *Al-Araby*, 10 April 2019, available in Arabic at: <https://bit.ly/2Qz7OZv> [accessed 14 September 2019].

¹³³ Alshaikh, Israeli Election, *supra* note 120.

¹³⁴ Omar H. Rahman, "Why did Arab voter turnout for Israel's election plunge?," *Brookings Institute*, 16 April 2019, available at: <https://www.brookings.edu/blog/order-from-chaos/2019/04/16/why-did-arab-voter-turnout-for-israels-election-plunge/> [accessed 14 September 2019].

¹³⁵ Tom Bateman, "Israel's Netanyahu: Is 'King' Bibi's crown slipping?," *BBC*, 30 May 2019, available at: <https://bbc.in/2n9X8Wq> [accessed 14 September 2019].

¹³⁶ "Israel election result too close to call - exit polls," *BBC News*, 18 September 2019, available at: <https://www.bbc.com/news/world-middle-east-49735963> [accessed 18 September 2019].

¹³⁷ Commanders for Israel's Security (CIS), "Israeli Generals to Prime Minister Netanyahu: Stop Annexation", Israel Policy Forum, 21 May 2019, available at: <https://israelpolicyforum.org/2019/05/21/israeli-generals-to-prime-minister-netanyahu-stop-annexation/> [accessed 14 September 2019].

¹³⁸ *Ibid.*

¹³⁹ *Ibid.*



POPULATION SIZE, DISTRIBUTION AND CHARACTERISTICS

By the end of 2018, roughly 8.7 million (66.7 percent) of 13.05 million Palestinians worldwide were forcibly displaced persons. Among them are approximately 7.94 million Palestinian refugees and 760,000 IDPs.¹⁴⁰ Despite the current crises in the Arab region and the resultant mass displacement, Palestinians still form the largest and most protracted population of externally displaced refugees, and the second largest displaced population in the world, second only to Syrians of whom 5.6 million are UNHCR registered refugees¹⁴¹ and a further 6.2 million are IDPs.¹⁴²

Palestinian refugees fall into three main categories, the largest of which (6.7 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 (1.24 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 Mandatory Palestine and are likely to be refugees.

In addition, there are two main categories of Palestinian IDPs. The first category (415,876) is composed of Palestinians who have been internally displaced and remained in 1948 Palestine since 1948 and their descendants. The second (344,599) 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 additional, or secondary, displacement in the oPt. Due to the lack of official and comprehensive records, the category of 1967 IDPs includes an unknown number of 1948 refugees.

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, reoccurring forced displacement, and the lack of a uniform understanding and definition of the Palestinian situation, including what constitutes a refugee within internationally accepted definitions. In this regard, BADIL's estimates are higher than UNRWA's (5.5 million registered refugees); accounting for refugees displaced outside UNRWA's area of operation, those who have never registered with UNRWA, others who did not inherit registered status due to their mother only

¹⁴⁰ See the definition of Palestinian refugee in the Glossary of Terms.

¹⁴¹ UN High Commissioner for Refugees (UNHCR), "Operational Portal Refugee Situations: Syria Regional Refugee Response," UNHCR.org, 12 September 2019, available at: <https://data2.unhcr.org/en/situations/syria> [accessed 14 September 2019].

¹⁴² World Food Programme (WFP), *Emergency Dashboard: Syria*, Infographic, May 2019, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/WFP-0000105647.pdf>.

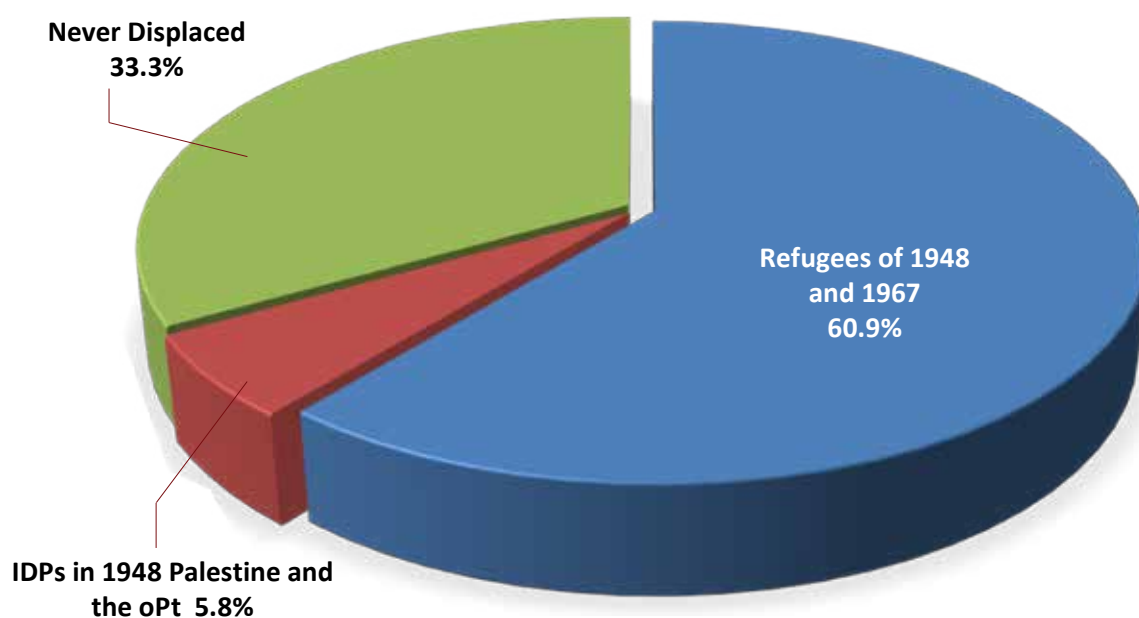
being a registered refugee, and those that have been forcibly displaced since 1967 (see Section 4 of this chapter). There is also minimal data available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA's area of operation.

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 and continue to be displaced from their homes and properties located in Mandatory Palestine due to forcible transfer or a coercive environment, unwilling or unable to return to their rightful property due to fear of persecution and/or lack of protection.¹⁴³ These groups are entitled to and denied durable solutions or reparations including the right of return (see Chapters 3 and 4). Estimates are as per the end of 2018, unless stated otherwise. Information about the methodology applied is included in Section 4.

By the end of 2018, roughly 8.7 million were forcibly displaced persons; that number is 66.7 percent of the entire, worldwide Palestinian population of 13.05 million.¹⁴⁴ Among them are 7.94 million Palestinian refugees and approximately 760,000 IDPs.

Graph 2.1: Percentage Distribution of Palestinian Population Worldwide by Type of Displacement, end of 2018



The largest group of displaced Palestinians is made up of those who were forced to leave their homes and, in many cases, country as a result of the *Nakba* in 1948, as well as their descendants. These people total approximately 6.7 million, a figure that includes the 5.55 million Palestinian refugees who are registered with and eligible for UNRWA assistance (often referred to as “registered refugees” or “Palestine refugees”),¹⁴⁵ and a further 1.16 million refugees who were also displaced in 1948, but are not eligible or did not register for assistance with UNRWA.

¹⁴³ See the definition of Palestinian refugee and IDP in the Glossary of Terms.

¹⁴⁴ Palestinian Central Bureau of Statistics (PCBS), "Dr. Awad Presents a Brief on Palestinians at the End of 2018," Press Release, 31 December 2018, available at: <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3356> [accessed 14 September 2019].

¹⁴⁵ See the definition of Palestine Refugee and Registered Refugee in the Glossary of Terms.



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 total number of 1967 Palestinian refugees is estimated at 1,237,462 persons.

Internally displaced Palestinians can be divided into two groups. The first is composed of persons displaced in 1948 Palestine. This group includes those who were displaced during the 1948 *Nakba*, (46,000 Palestinians in 1948,¹⁴⁶ today approximately 415,876 persons) as well as those displaced internally in the years after. While no authoritative data exists for this second category, thousands of Palestinians are at risk of displacement today due to the policies of Israel, including the lack of up-to-date Master Plans, inadequate allocation and zoning of land, insufficient provision of financial resources and services for Palestinian use, and exhausting procedures for Palestinians to obtain Israeli-issued permits for construction.



Bedouin family stands by the ruins of their house in Kuseife village in the Naqab. March 2014. (Silvia Boarini-IPS)

One of the greatest contemporary threats of forced displacement faces Palestinian Bedouins from the Naqab. Although the Praver-Begin Plan, which sought to displace 70,000 Bedouin, was temporarily frozen by the Government in December 2013, demolition of Bedouin dwellings has not stopped. Between 2013 and 2017, Israel proceeded to demolish 6,110 structures in the Naqab, including 2,200 demolished in 2017 alone, an increase of more than 90 percent compared to the 1,158 demolished in 2016.¹⁴⁷

Further, in January 2019, the Authority for Development and Settlement of the Bedouins in the Negev (Naqab) revealed the existence of a 'Strategic Plan for the Regulation of the Negev'.¹⁴⁸ Implementation of this plan is scheduled to start in 2020, once approved by the Knesset. It is projected it will result in the confiscation of 26,000 dunums of land and the forcible displacement of 36,000 Palestinian Bedouins, who hold Israeli citizenship but live in so-called 'unrecognized villages'.¹⁴⁹

The second group (approximately 344,599 persons) is composed of Palestinians internally displaced within the oPt since 1967 as a result of Israel's policies of colonization, forcible transfer, apartheid and annexation. This figure includes Palestinian refugees who suffered secondary forced displacement inside the oPt, but due to the lack of official and comprehensive records, the category of 1967 IDPs includes an unknown number of 1948 refugees.

¹⁴⁶ See BADIL, *Survey of Palestinian Refugees and Internally Displaced Persons 2013-2015*, Volume VIII (Bethlehem, Palestine: BADIL, 2015), 53, available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/survey/Survey2013-2015-en.pdf> [hereinafter BADIL, Survey of Palestinian Refugees 2013-2015].

¹⁴⁷ Tal Avrech, *House Demolitions as a Central Tool for the Dispossession and Concentration of the Bedouin Population in the Negev/Naqab*, (Beersheva: Negev Coexistence Forum for Civil Equality, October 2018), 23-24, available at: <https://www.dukium.org/wp-content/uploads/2018/12/HDR-English-2017.pdf>.

¹⁴⁸ "Israel Announces Massive Forced Transfer of Bedouin Citizens in Negev", *Adalah*, 30 January 2019, available at: <https://www.adalah.org/en/content/view/9677> [accessed 14 September 2019].

¹⁴⁹ Israeli Authority for the Development and Settlement of the Bedouins in the Negev, "Strategic Plan for the Regulation of the Negev: In the coming year, a quarter of the Negev's scattered Bedouin population will be evacuated for the benefit of national projects," *Adalah*, 28 January 2019, available at: <https://bit.ly/2mc73uD> [Unofficial Hebrew to English translation by Adalah].

Between January 2006 and July 2019, Israel displaced some 9,342 Palestinians (including 4,810 children) in the West Bank and east Jerusalem as a result of home demolitions and eviction. In 2016 specifically, the highest number of Palestinians were displaced (1,628 people) due to home demolition since the UN began recording statistics in 2009. This decreased by almost 60 percent in 2017, to the same levels as 2014-2015, before rising again in 2018, particularly in east Jerusalem.

Forcible seizure and/or eviction of Palestinian homes and households are other factors that contribute to the existence of a coercive environment that leads to displacement. In east



Gaza 2014. (Source: al-Ayyam.ps)

Jerusalem, especially in recent years, colonizer organizations (with the support of the Israeli authorities) have intensified efforts to take control of Palestinian properties located in the so-called 'Holy Basin' area. A mapping carried out by OCHA has revealed that as of the end of September 2016 at least 180 Palestinian households and 69 Palestinian structures had eviction orders filed against them, resulting in 818 Palestinians (including 372 children) at risk of displacement.

During the war on Gaza in 2014, known as "Operation Protective Edge", Israel killed more than 2,200 people and caused the physical displacement of more than half a million Palestinians (28 percent of Gaza's total population). As of the end of March 2018, almost four years after the cessation of hostilities, over 22,000 Palestinians in Gaza (corresponding to at least 4,162 families) were still displaced.¹⁵⁰

This estimation does not include a further unknown number of displaced Palestinians who are neither 1948 nor 1967 refugees, but who have been displaced outside the area of Mandatory Palestine 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. They now reside abroad and are unable or unwilling to return owing to a well-founded fear of persecution.

UNHCR also regards 115,649 Palestinians as a Population of Concern. This number includes 100,693 refugees, 13,439 asylum seekers, and 1,459 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.¹⁵¹ This group includes a mixture of Palestinians displaced in 1948, 1967 and also refugees displaced outside these two major displacement events. These Palestinians fall under UNHCR's mandate, as they are eligible under the 1951 Refugee Convention and fall outside of UNRWA's area of operations; for example, 70,000 are Palestinians in Egypt, 8,000 are Palestinians in Iraq

¹⁵⁰ For statistics in this box see: "Statistics on demolition of houses built without permits in the West Bank (Not including East Jerusalem)," Planning and Building, Statistics, B'Tselem, updated August 2019, available at: https://www.btselem.org/planning_and_building/statistics [accessed 30 August 2019]; "Statistics on demolition of houses built without permits in East Jerusalem," Planning and Building, Statistics, B'Tselem, updated August 2019, available at: https://www.btselem.org/planning_and_building/east_jerusalem_statistics [accessed 30 August 2019]; "Protection in the West Bank (including East Jerusalem)," UNRWA.org, updated March 2018, available at: <https://www.unrwa.org/activity/protection-west-bank-including-east-jerusalem> [accessed 9 October 2019]; and OCHA, *East Jerusalem: Palestinians at risk of eviction*, 1 November 2016, available at: https://www.ochaopt.org/sites/default/files/evictions_community_sum_ej_2016_final_1_11_2016.pdf.

¹⁵¹ UNHCR, "UNHCR Population Statistics Database," 2019, available at: http://popstats.unhcr.org/en/persons_of_concern [accessed 14 September 2019] [hereinafter UNHCR, Population Statistics].



and 6,500 are in Libya (for more information, see Chapter 3, Section 1 for information on the 1951 Convention Relating to the Status of Refugee and the 1967 Protocol).

Table 2.1: Palestinian Refugees and IDPs by Group, 1950-2018

Year	UNRWA registered 1948 Refugees ¹⁵²	Non-registered 1948 Refugees ¹⁵³	1967 Refugees	IDPs in 1948 Palestine	IDPs in the oPt since 1967 ¹⁵⁴
1950	914,221 ¹⁵⁵	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
2015	5,266,603	1,110,619	1,145,753	391,889	314,082
2016	5,340,443	1,118,992	1,177,835	399,727	321,719
2017	5,442,947	1,143,480	1,207,280	407,721	329,119
2018	5,545,540	1,161,812	1,237,462	415,876	344,599

¹⁵² 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.

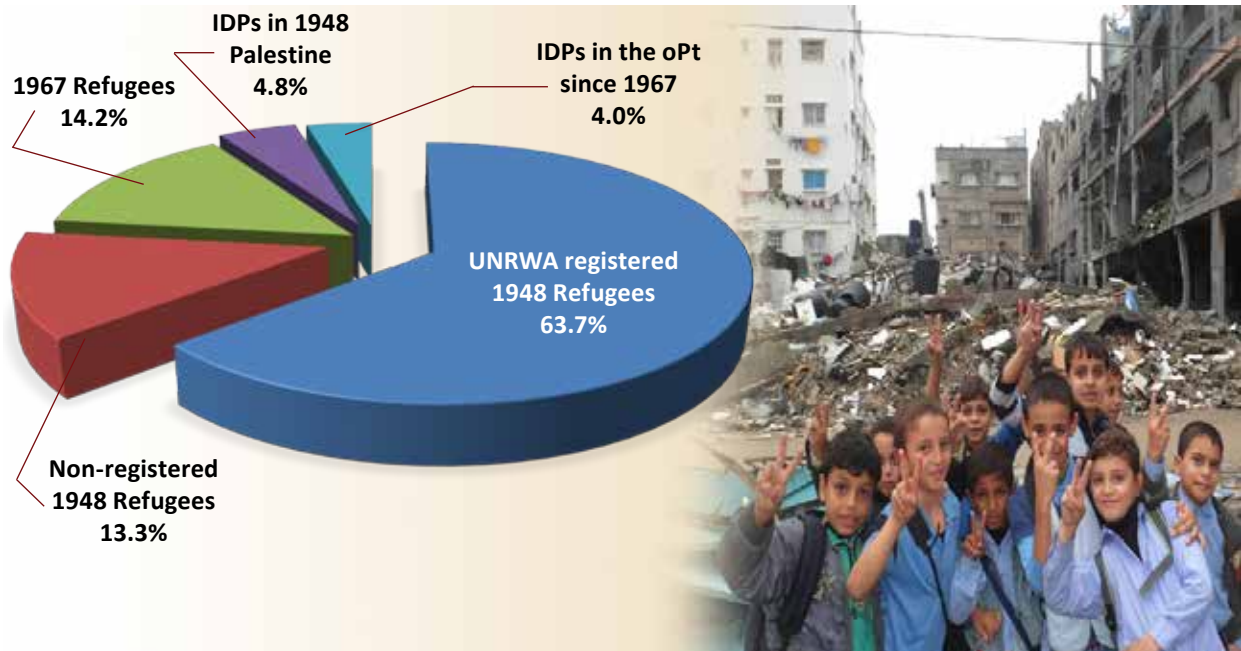
¹⁵³ The figures were revised starting from 2007 based on the final percentage of non-registered refugees in the West Bank and the Gaza Strip, which is estimated at 1.43%, while it was 1.66% for 2017 and 2018.

¹⁵⁴ This includes 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 Section 2.4.

¹⁵⁵ Excluding the 45,800 persons (1948) in 1948 Palestine who received relief from UNRWA until June 1952.



Graph 2.2: Percentage Distribution of Palestinian Refugees and IDPs by Group, 2018



2.2. DISTRIBUTION

During the two 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 (including east Jerusalem) and the Gaza Strip, which comprised 22 percent of the territory of Mandatory 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 areas of the former Gaza District that became known as the Gaza Strip was even more dramatic as the population almost quadrupled. According to the Palestinian Central Bureau of Statistics (PCBS), about 41 percent of the total Palestinian population of the oPt were registered refugees as of the end of 2018, corresponding to 26 percent of the population in the West Bank and 64 percent of the population in the Gaza Strip.¹⁵⁶

The remaining 35 percent of the Palestinian refugee population displaced in 1948 sought refuge in neighboring states, including Jordan, Lebanon, Syria and Egypt. Additionally, an unknown number of Palestinians were abroad at the time of the 1948 *Nakba* and were unable to return following the cessation of hostilities, thereby becoming refugees *sur place*.¹⁵⁷

¹⁵⁶ PCBS, *Palestinians at the End of 2018*, December 2018, 19, available at <https://www.pcbs.gov.ps/Downloads/book2400.pdf> [hereinafter PCBS, *Palestinians at the End of 2018*].

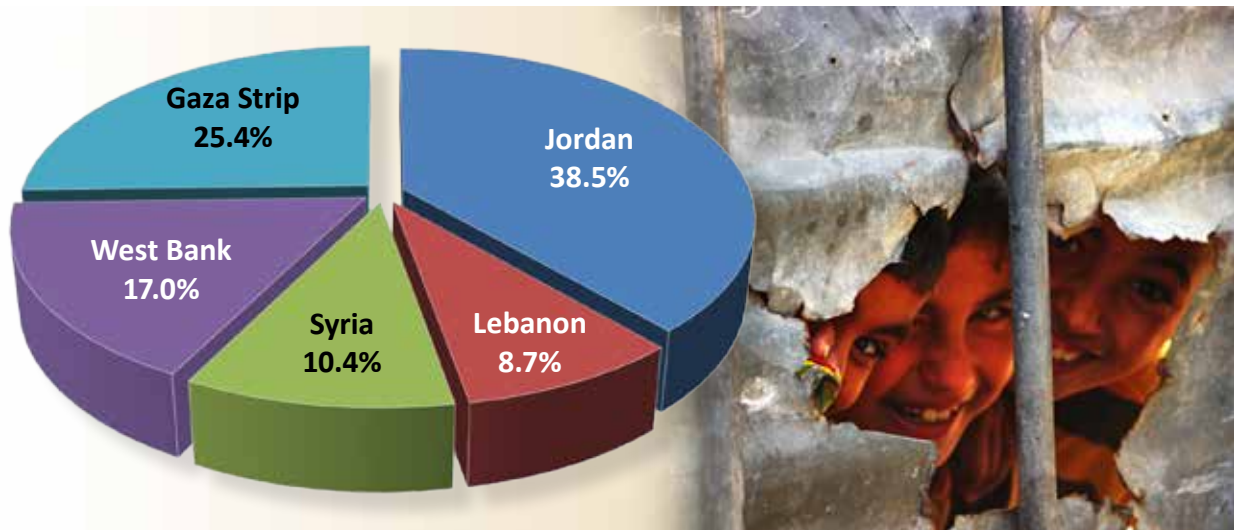
¹⁵⁷ A “refugee *sur place*” refers to a person who is not a refugee when they leave their country of origin, but who becomes a refugee, that is, acquires a well-founded fear of persecution, at a later date.



Table 2.2: Registered Palestinian 1948 Refugees by Category, February 2019¹⁵⁸

	Jordan	Lebanon	Syria ¹⁵⁹	West Bank	Gaza Strip	Total
Registered Refugees (RR)	2,242,579	475,075	560,139	846,465	1,421,282	5,545,540
Other Registered Persons (ORPs)	133,902	58,810	83,003	201,525	149,013	626,253
Total Registered Persons	2,376,481	533,885	643,142¹⁶⁰	1,047,990	1,570,295	6,171,793
Existing Official Camps	10	12	9	19	8	58
Registered Persons in Camps	412,054	270,614	194,993	256,758	593,990	1,728,409

Graph 2.3: Percentage Distribution of Registered Persons by Area, 2019



The 30,000 - 40,000 initial internally displaced Palestinians of the 1948 *Nakba* were displaced to the north and to the center and constituted 85.5 percent and 75.1 percent of that population, respectively.¹⁶¹ A smaller number were displaced between 1949 and 1967 (7.1 percent from the north and 18.1 percent from the center). These IDPs took refuge in some 47 Palestinian populated cities, towns and villages that found themselves located within 1948 Palestine after the *Nakba*.¹⁶²

In the south, just 12 percent of the original Palestinian population from the Naqab remained in their homes following the *Nakba*, a small percentage were internally displaced at this time and

¹⁵⁸ "UNRWA In Figures 2018-2019," UNRWA, April 2019, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2019_eng_sep_2019_final.pdf [hereinafter UNRWA in Figures 2018-2019].

¹⁵⁹ A number of registered refugees in Syria represent the official estimation of UNRWA and not necessarily the correct number of persons physically present due to the volatile situation.

¹⁶⁰ An estimated 438,000 remain in Syria. See UNRWA, "Syria: UNRWA – Humanitarian Snapshot," April 2019, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_-_humanitarian_snapshot_april_2019_.pdf

¹⁶¹ Ahmad El-Sheikh Muhammad, Shefa-Amr (ed.), "Table 5.10 : Percentage Population Distribution of Internally-Displaced Palestinians in Israel by Year of Displacement and Selected Background Characteristics, 2004", in *Palestinians in Israel: Socio-Economic Survey (Main Findings- 2004)*, (The Galilee Society- The Arab National Society for Health Research and Services, Rikaz- The Databank for the Palestinian Minority in Israel, and MADA- The Arab Center for Applied Social Research, July 2005), 78, available at: <http://www.rikaz.org/en/publication/SE1/part%201-4%20eng.pdf> [hereinafter The Galilee Society, Palestinians in Israel].

¹⁶² BADIL, Survey 2008-2009, *supra* note 20, 61.

the rest were expelled to the Gaza area or Jordan.¹⁶³ Of those who weren't displaced in 1948, a substantial number have faced internal displacement after the 1967 War, with 77.2 percent of the IDP population originating from the south, having been displaced after 1967.¹⁶⁴ Today this population is estimated to exceed 415,000 Palestinian IDPs in 1948 Palestine.

The majority of those Palestinians displaced from the oPt during the 1967 War found refuge in neighboring states. Around 200,000 Palestinians were displaced to Jordan, with smaller numbers displaced to Syria, Egypt and Lebanon.¹⁶⁵ 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.¹⁶⁶ 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.¹⁶⁷

The distribution of the Palestinians displaced from and within the oPt since 1967, including those displaced for the first time, is difficult to determine given the absence of a registration system. This absence is due in large part to the frequent and recurring displacement of the described population by the Israeli military occupation and policies over five decades that have and continue to result in forced population transfer. According to the Internal Displacement Monitoring Center (IDMC), at the end of December 2018, there were 238,000 IDPs in the oPt, which in the last 10 years have been primarily caused by Israeli military bombardments on the Gaza Strip.¹⁶⁸ This figure is lower than BADIL's estimate due to two factors. The first being that the IDMC does not consider natural growth of the IDP population for those who have been denied a durable solution, whereas BADIL's estimates do consider this. The second is that the IDMC's assessed triggers of displacement are narrower than BADIL's, particularly with respect to understanding what constitutes a coercive environment.

2.2.1. Refugees in Camps

According to UNRWA records, 1,728,409 Palestinian refugees were registered in 58 official UNRWA refugee camps throughout the West Bank, Gaza Strip, Jordan, Lebanon and Syria by February 2019.¹⁶⁹ Registered refugees in camps comprise 28 percent of the total UNRWA registered persons.

¹⁶³ Adalah, *Nomads Against Their Will: The Attempted Expulsion of the Arab Bedouin in the Naqab: The Example of Atir-Umm al-Hieran*, (Haifa: Adalah, September 2011), 5, available at: <https://bit.ly/2ncfNAV> [accessed 14 September 2019].

¹⁶⁴ Ahmad El-Sheikh Muhammad, Shefa-Amr (ed.), "Table 5.10 : Percentage Population Distribution of Internally-Displaced Palestinians in Israel by Year of Displacement and Selected Background Characteristics, 2004", in The Galilee Society, *Palestinians in Israel*, *supra* note 161, 78.

¹⁶⁵ UN Secretary General, *The Report of the Secretary-General under General Assembly Resolution 2252 (EX-V) and Security Council Resolution 237 (1967)*, A/6797, 15 September 1967, 159, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/CC2CFCE1A52BDEC852568D20051B645> [accessed 14 September 2019] [hereinafter UN Secretary General, A/6797].

¹⁶⁶ For more details see: William Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and the Gaza-Sinai, 1967–1980* (New York: John Wiley & Sons Ltd, 1980).

¹⁶⁷ Tayseer 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.

¹⁶⁸ "Palestine," Internal Displacement Monitoring Centre (IDMC), 2018, available at: <http://www.internal-displacement.org/countries/palestine> [accessed 14 September 2019].

¹⁶⁹ A 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. The lease agreements have a time frame of 99 years, after which the land should revert back to the original owner.



In addition, more than 50,000 Palestinian refugees reside in one of at least 13 unofficial camps in the oPt, Jordan and Lebanon. While about 170,000 refugees are registered in four unofficial camps in Syria, the registered refugees in the official and unofficial UNRWA camps have been significantly affected by the crisis that has caused additional displacement.

The majority of Palestinian refugees registered in camps are 1948 refugees and their descendants. A smaller number of refugees displaced for the first time in 1967 also reside in refugee camps, primarily in Jordan and Syria.

It should be noted that in order to be deemed an UNRWA registered person in a camp does not necessarily mean a person physically resides in the camps. Due to factors which include high population density, poor infrastructure and lack of livelihoods, 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 71 years of exile:

- The refugee camp represents the temporary nature of exile and the preservation of the individual and collective demand to exercise the right of return;
- The presence of the familial and village support structure 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; and
- Issues concerning physical safety.



View of Dheisheh refugee camp, Bethlehem, West Bank, 2018 (©BADIL)

Table 2.3: Total UNRWA-Registered Refugees and Registered Refugees in Camps, Selected Years¹⁷⁰

Year	Total Registered Persons	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	29.6
2010	4,966,664	1,452,790	29.3
2011	5,115,755	1,485,598	29.0
2012	5,271,893	1,524,698	28.9
2013	5,428,712	1,565,242	28.8
2014	5,589,488	1,603,018	28.7
2015	5,741,480	1,632,876	28.4
2016	5,869,733	1,665,654	28.4
2017	6,021,510	1,711,931	28.4
2018	6,171,793	1,728,409	28.0

The largest camp-based Palestinian refugee population resides in the occupied Gaza Strip (593,990 persons as of 2018). In the occupied West Bank, there are fewer refugees residing in camps (256,758).

The second-highest number of camp-based refugees is found in Jordan (412,054). However, Jordan is also the host country with the lowest percentage of Palestinian refugees residing in camps. Only 17.3 percent of the UNRWA-registered Palestinian persons in Jordan reside in camps. This reflects the Jordanian citizenship status afforded to most Palestinian refugees in Jordan that grants them the same rights as other Jordanian citizens.

In contrast, in Lebanon, approximately 51 percent (270,614) of Palestinian refugees are registered in official camps. The high percentage of refugees residing in camps is directly related to the legal, administrative and security restrictions placed on rights to work and obtain property and the freedom of movement by the Lebanese government,¹⁷¹ the lack of financial resources available for securing alternative housing outside of the camps, and concerns about physical safety. Recent data shows that Palestinian refugees compose 72.8 percent of all residents in Lebanon's refugee camps, of which 7.4 percent are Palestinian refugees displaced from Syria.

While the remaining population in refugee camps in Lebanon are from other nationalities; who are mainly Syrian refugees (23.1 percent) and Lebanese nationals (3.6 percent).¹⁷²

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.

¹⁷⁰ Note that data is generally to 30 June of the respective year, except the years 2011 -2012 and 2015-2018 where data is calculated to end of the respective year. UNRWA, *UNRWA in Figures as of 1 January 2013*, January 2013, available at: <http://www.unrwa.org/userfiles/2013042435340.pdf>; UNRWA, *UNRWA in Figures as of July 2014*, July 2014, available at: http://www.unrwa.org/sites/default/files/in_figures_july_2014_en_06jan2015_1.pdf; UNRWA, *UNRWA in Figures 2015*, June 2015, available at: https://www.unrwa.org/sites/default/files/unrwa_in_figures_2015.pdf; UNRWA, *UNRWA in Figures 2016*, January 2017, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2016.pdf; UNRWA, *UNRWA in Figures 2017*, June 2017, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2017_english.pdf; UNRWA in Figures 2018-2019, *supra* note 158.

¹⁷¹ For more information regarding the restrictions on right to work, right to property ownership, and right to social security in Lebanon, see: "Palestinian Refugee Rights", Lebanese Palestinian Dialogue Committee (LPDC), 2019, available at: <http://www.lpdc.gov.lb/rights/43/en> [accessed 14 September 2019].

¹⁷² Central Administration of Statistics- Lebanon and PCBS, *The Population and Housing Census in Palestinian Camps and Gatherings - 2017, Key Findings Report*, (Beirut: LPDC, February 2018), available at: <http://www.lpdc.gov.lb/DocumentFiles/Key%20Findings%20report%20En-636566196639789418.pdf> [hereinafter LPDC and PCBS, Key Findings Report 2017].



Table 2.4: Registered Refugees in Camps (official and unofficial), end of 2018¹⁷³

Host Country	Camp (local name)	Population	Year established
Gaza Strip¹⁷⁴			
<i>Official camps</i>	Jabalia	113,424	1948
	Beach (Shati)	85,832	1948
	Nuseirat	80,459	1948
	Bureij	43,537	1948
	Deir el-Balah	25,676	1948
	Maghazi	31,371	1948
	Khan Younis	87,939	1948
	Rafah	125,752	1948
Sub-total		593,990	
West Bank¹⁷⁵			
<i>Official Camps</i>	Aqbat Jaber	9,394	1948
	Ein el-Sultan	2,947	1948
	Shu'fat ¹⁷⁶	15,209	1965
	Am'ari	14,123	1949
	Kalandia	14,761	1949
	Deir Ammar	3,203	1949
	Jalazone	15,097	1949
	Fawwar	11,389	1949
	al-Arroub	14,255	1950
	Dheisheh	17,503	1949
	Aida	6,545	1950
	Beit Jibrin (al-Azzeh)	2,801	1950
	al-Far'a	9,934	1949
	Camp No. 1 (al-Ain)	8,583	1950
	Askar	21,397	1950
	Balata	30,103	1950
	Tulkarm	25,223	1950
	Nur Shams	12,385	1952
	Jenin	21,906	1953
	M'ascar ¹⁷⁷	Closed	1948-1955/1956
Sub-total		256,758	
<i>Unofficial Camps¹⁷⁸</i>	Silwad	462	1971/1972
	Abu Shukheidim	NA	1948
	Qaddoura	936	1948
	Birzeit (As-Saqaeif)	NA	1948
Sub-total		1,398	
(West Bank and Gaza Strip): Total		852,146	

¹⁷³ The growth rate for the refugees in the unofficial camps is based on UNRWA's publication as end of 2018, see UNRWA Statistical Bulletin Q4, 2018 as cited in UNRWA, *Annual Operational Report 2018: for the reporting period 01 January-31 December 2018*, 2019, available at: https://www.unrwa.org/sites/default/files/content/resources/2019_annual_operational_report_2018_-_final_july_20_2019.pdf. The current total includes 1,728,409 in UNRWA official camps while 223,109 persons in unofficial camps. For registered refugees in official camps, see: UNRWA, *UNRWA in Figures 2018-2019*, *supra* note 158. For refugee numbers in unofficial camps, see: PCBS, "Census Final Results Summary," *Population, Housing and Establishment Census 2017*, May 2018, available at: <http://www.pcbs.gov.ps/Downloads/book2369.pdf> [hereinafter PCBS, Census 2017].

Jordan			
<i>Official camps</i>	Amman New Camp (Wihdat)	59,205	1955
	Talbieh	9,782	1968
	Irbid	29,234	1950/1951
	Husn ('Azmi al-Mufti)	26,935	1968
	Souf	20,467	1967
	Jerash (Gaza)	31,737	1968
	Jabal el-Hussein	32,775	1952
	Baqa'a	124,813	1968
	Zarqa	20,516	1949
	Marka (Hittin) ¹⁷⁹	56,590	1968
Sub-total		412,054	
<i>Unofficial camps</i> ¹⁸⁰	Madaba	8,597	1956
	Sakhna	7,424	1969
	Al-Hassan	14,068	1967
Sub-total		30,089	
Jordan: Total		442,143	
Lebanon			
<i>Official camps</i>	Mar Elias	729	1952
	Burj el-Barajneh	19,697	1948
	Dekwaneh (Tel al-Zaatar) (Destroyed in the 1970s) ¹⁸¹	8,545	1948
	Dbayeh	4,599	1956
	Shatilla	10,970	1949
	Ein el-Hilweh	60,297	1948/1949
	al-Nabatieh (Destroyed in the 1970s) ¹⁸¹	9,055	1956
	Mieh Mieh	5,818	1954
	Al-Buss	12,408	1948
	Rashidieh	34,920	1948
	Burj al-Shamali	25,172	1948
	Nahr al-Bared	44,798	1950
	Bedawi	21,402	1955
	Wavell (al-Jalil)	9,524	1948
	Jisr al-Bashah ¹⁸¹	2,680	1952
	Gouraud ¹⁸²	Evacuated in 1975	1948
Sub-total		270,614	
<i>Unofficial camps</i> ¹⁸³	Al-Ma'ashouq	5,161	NA
	Shabiha	7,231	NA
	Al-Qasmia	3,943	NA
	Kufr Bada (Abu al-U'sod)	1,218	NA
	Al-U'rash (Adlon)	2,169	NA
	Shhim	2,963	NA
Sub-total		22,685	
Lebanon: Total		293,299	





Syria¹⁸⁴			
<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	6,912	1950–1951
	Dera'a Emergency ¹⁸⁵	5,775	1967
	Homs	17,458	1949
	Hama	10,069	1949–1950
	Neirab	23,469	
Sub total		192,911¹⁸⁶	
<i>Unofficial camps</i>	Ein el-Tal (Hindrat)	5,887	1962
	Al-Yarmouk	153,051	1956–1957
	Ramadani	1,359	1956
	Latakia	8,640	
Sub total		168,937	
Syria: Total		361,848	
Grand Total		1,949,436	

¹⁷⁴ 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).

¹⁷⁵ There are thousands of former Gaza refugees distributed throughout the West Bank camps.

¹⁷⁶ 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.

¹⁷⁷ The camp was closed because of unsanitary living conditions, and residents were relocated to Shu'fat refugee camp.

¹⁷⁸ Estimated figures based on 2017 Census, see PCBS, Census 2017, supra note 173. See also "Projected Mid -Year Population for Ramallah & Al-Bireh Governorate by Locality 2017-2021," PCBS, available at: <http://www.pcbs.gov.ps/Portals/Rainbow/Documents/RamallahE.html> [accessed 14 September 2019]. Note: NA refers to "not available".

¹⁷⁹ Also locally known as Shlinnar camp, wherein most residents are originally from the Gaza Strip.

¹⁸⁰ Population figures for unofficial camps in Jordan are for the year 2000, including annual population growth of 3 percent from 2000 to 2008, 2.4 percent for the years 2009-2014, and 1.8 percent for 2015-2018. In 2000, the population of Madaba was 5,500; Sakhna, 4,750; and al-Hassan, 9,000.

¹⁸¹ Dikwaneh, al-Nabatieh and Jisr al-Bashah camps 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.

¹⁸² The camp was evacuated and residents were moved to Rashidieh camp.

¹⁸³ 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 2009-2018. In 2001, the population of al-Ma'ashouq was 3,447; Shabiha, 4,829; al-Qasmia, 2,634; KufrBada (Abu al-U'sod), 813; al-U'rash (Adlon), 1,448; and Shhim, 1,978.

¹⁸⁴ 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 represents 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.

¹⁸⁵ Dera'a emergency is an extension of Dera'a camp that was established nearby in 1967. It could be considered a separate camp, although often UNRWA considers Dera'a and Dera'a Emergency to be just one official camp

¹⁸⁶ No updated data is available for the population of each camp in Syria, except Dera'a camp. While the total number of refugees registered in official camps in Syria is based on UNRWA figures from January 2018. As result, the overall population of refugees registered in camps does not match up with the individual camp-based totals.




2.2.2. Refugees Outside of Camps

Most Palestinian registered refugees (about 72 percent) live outside UNRWA's 58 official camps. These refugees reside in and around cities and towns in the host countries, often in areas adjacent to refugee camps or in one of the six unofficial refugee camps in Syria and Jordan.¹⁸⁷ Many West Bank villages and towns host a significant refugee population.

Based on the Palestinian Censuses in 1997, 2007 and 2017, the proportion of refugees living in the West Bank showed significant fluctuations in certain governorates over the last two decades. For instance, the percentage of refugees in Jerusalem decreased from 40.8 percent in 1997 to 31.4 percent in 2007, and in 2017 increased to 36.6 percent, while the refugee population of Qalqilya increased from 39.9 percent in 1997 to 47.0 percent in 2007 and in 2017 amounted to 45.0 percent, as well as in Jenin, rising from 28.8 percent to 32.8 percent and 32.1 percent accordingly. There are approximately 100 localities in the occupied West Bank in which 1948 refugees comprise more than 50 percent of the total population.

Table 2.5: Percentage of Refugees in Overall Population in the oPt by Governorate, 1997, 2007 and 2017

Governorate	Percentage of Refugees		
	1997 ¹⁸⁸	2007 ¹⁸⁹	2017 ¹⁹⁰
Gaza	52.2	52.8	51.8
Deir al-Balah	85.5	86.1	86.2
North Gaza	70.9	72.1	71.7
Rafah	83.9	84.3	85.0
Khan Younis	56.9	58.0	58.9
Gaza Strip	65.4	66.2	66.1
Tubas	15.8	15.7	15.1
Jericho	49.7	51.3	49.3
Jerusalem	40.8	31.4	36.6
Ramallah	28.9	29.3	28.0
Jenin	28.8	32.8	32.1
Tulkarem	31.5	33.6	33.5
Nablus	25.4	26.3	24.2
Bethlehem	28.0	28.4	26.5
Qalqilya	39.9	47.0	45.0
Hebron	17.4	17.9	14.5
Salfit	7.7	8.3	7.4
West Bank	26.7	28.1	26.3
oPt	41.6	42.6	42.2



¹⁸⁷ UNGA, *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, A/60/13, 9 August 2005, para 114, p. 27, available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/695A4B19C162847D8525709D005267BB> [accessed 12 July 2019].

¹⁸⁸ PCBS, "Census Final Results – Summary (Population, Housing, Buildings & Establishments) by Governorate," Population, Housing and Establishment Census 1997, March 1999, available at: http://www.pcbs.gov.ps/pcbs_2012/Publications.aspx [accessed 14 September 2019].

¹⁸⁹ PCBS, "Census Final Results in The Palestinian Territory – Summary (Population and Housing)," Population, Housing and Establishment Census 2007, January 2012, available at: <http://www.pcbs.gov.ps/Downloads/book1822.pdf>.

¹⁹⁰ PCBS, "Census Final Results Summary," Population, Housing and Establishment Census 2017, May 2018, available at: <http://www.pcbs.gov.ps/Downloads/book2369.pdf>.



In Lebanon, UNRWA reported that 49.5 percent of the Palestinian refugee population was registered as living 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.¹⁹¹ The 2017 Population and Housing Census in Palestinian Camps and Gatherings conducted by the Lebanese government, showed that 54.9 percent of Palestinians in Lebanon live in 156 gatherings, which are defined as “the geographic area, outside the official camps, which is home to a minimum 15 Palestinian households.”¹⁹²

2.3. CHARACTERISTICS OF THE REFUGEE AND IDP POPULATION

Demographic and socio-economic indicators reflect the vulnerability of both Palestinian refugees and IDPs over the course of seven decades of displacement. The lack of personal security, socio-economic wellbeing and stability are the result of Israel’s policies and practices of colonization, forcible transfer and annexation, underpinned by apartheid. Further, due to a series of armed conflicts in the region,¹⁹³ refugee-hood is compounded by statelessness, ineffective protection and insufficient assistance.¹⁹⁴

Due to lack of registration and documentation, and the protracted, intergenerational nature of the displacement, no precise statistical data is available on the demographic and socioeconomic characteristics of Palestinian refugee populations outside UNRWA’s area of operations (see Section 3.4: Host Country Protections), 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 only 64 percent of the Palestinian displaced population.

2.3.1. 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.¹⁹⁵

¹⁹¹ 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), available at: http://staff.aub.edu.lb/~sh41/files/10_2008_Pal_professionals_Eng.pdf.

¹⁹² LPDC and PCBS, Key Findings Report 2017, *supra* note 172.

¹⁹³ See BADIL, “Forced Secondary Displacement: Palestinian refugees in Arab host countries,” *Al Majdal*, no. 44 (2010), available at: https://www.badil.org/phocadownload/Badil_docs/publications/al-majdal-44.pdf

¹⁹⁴ For a discussion on statelessness and the “protection gaps” that impact the situation of Palestinian refugees and IDPs, see Chapter 3.

¹⁹⁵ 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, available at: https://fafo.no/media/com_netsukii/427-vol1.pdf.



Population estimates for Palestinians in Lebanon

According to the Lebanese-Palestinian Dialogue Committee (LPDC) census carried out in July 2017, just 174,422 Palestinian refugees in Lebanon (PRL) were found to reside in the 12 official Palestinian refugee camps and in 156 gatherings across Lebanon.¹⁹⁶ Using a different methodology, the “Survey on the Socioeconomic Status of Palestine Refugees in Lebanon, 2015” by the American University of Beirut, estimated that between 260,000 and 280,000 PRL currently reside in the country, and close to 30,000 Palestinian refugees from Syria (PRS) are also currently recorded with UNRWA in Lebanon.¹⁹⁷ These population estimates are considerably less than the 533,885 PRL registered with UNRWA, and the 592,711 registered with Directorate of Political Affairs and Refugees (DPAR) at the Lebanese Ministry of Interior and Municipalities.¹⁹⁸ However, the number of PRL has always constituted a controversial issue among Lebanese political parties. Palestinian refugee numbers, human rights and their right to return and/or fear from their integration/settlement, have been exploited by Lebanese political parties in order to stabilize the sectarian division and maintain political balances in Lebanon. This has been clearly demonstrated in significant fluctuations in the reported numbers of Palestinian refugees. In this context, it should be noted that only the “Key Findings Report” and not the full report of the 2017 census has been published at the time of this survey. Despite the potential political implications of the 2017 census, the number 174,422, reported by LPDC does not include all those Palestinian refugees residing in Lebanon. It excludes the following categories of Palestinian refugees:

- Those living outside the targeted camps and gatherings (for example it does not include those in gatherings of less than 15 households or in areas such as *Al-Hamra*);
- Family members (absentees) who were not in Lebanon within the last six months before the survey;
- Those who acquired Lebanese nationality/citizenship, who remain refugees despite acquiring second citizenship and are still entitled to the right to reparations;
- Those displaced from Lebanon, especially during the 1980s, who remain registered with UNRWA and DPAR.

On the other hand, the UNRWA numbers do not account for the fact that many registered refugees have migrated due the dismal socio-economic conditions, or due to recording shortcomings. The records of UNRWA are not consistently updated with those who have passed away, migrated out of Lebanon or moved out of the camps, as people do not notify UNRWA of these details. What should be emphasized here is that UNRWA and DPAR statistics are still essential for the purpose of ensuring refugees’ right to reparations, while the LPDC census is crucial for the development of Lebanese policy towards ensuring Palestinian refugees civil and socio-economic rights.

Concerning the LPDC census, it was reported that 3.3 percent of refugees refused to participate.¹⁹⁹ Moreover, although non-registered refugees either with UNRWA or DPAR are probably included in the (LPDC) census, the status of those Palestinian refugees classified as “Non-ID” Palestinians, who are not registered with either UNRWA nor with DPAR, is still unclear.²⁰⁰

¹⁹⁶ This population estimate is considerably less than other estimates, particularly the 533,885 registered with UNRWA. This discrepancy is explained in part because many refugees registered with UNRWA have migrated due the dismal socio-economic conditions, and UNRWA’s records do not consistently update with those who have passed away, migrate out of Lebanon or move out of the camps, as people do not notify UNRWA of these details.

¹⁹⁷ UNRWA, *Protection at UNRWA in 2018: A year in review*, 2018, available at: https://www.unrwa.org/sites/default/files/unrwa_lfo_protection_activities_in_2018.pdf; and UNRWA, “Protection in Lebanon,” December 2018, available at: <https://www.unrwa.org/activity/protection-lebanon> [accessed 14 September 2019].

¹⁹⁸ LPDC and PCBS, Key Findings Report 2017, *supra* note 172.

¹⁹⁹ According to an unpublished report: Experts Roundtable Notes and Comments, facilitated by the LPDC in Beirut, January 2018.

²⁰⁰ On the issue of Non-ID Palestinians, see: UNHCR, *The Situation of Palestinian Refugees in Lebanon*, February 2016, 10, available at: <https://www.refworld.org/docid/56cc95484.html> [accessed 14 September 2019] [hereinafter UNHCR, Palestinian Refugees in Lebanon].





Similar to the non-refugee population, the Palestinian refugee population is young. Approximately 25.5 percent of all registered refugees are younger than 15 years old. The Gaza Strip has the youngest refugee population, with 36.2 percent below 15 years old. On the contrary, Lebanon has the lowest percentage, where those under 15 years old make up just 18.2 percent of the registered refugee population. Moreover, 26.7 percent of the registered refugees are in the age range of 15-29 years old. The large share of children and youth populations gives rise to high dependency ratios, a large burden on the refugee labor force, and a strong need for health and education services.²⁰¹ The age group of 30-64 years old accounted for 37.7 percent of registered refugees and 10.1 percent fell in the 65+ years age bracket. No data is available about the demographic indicators of Palestinian IDPs. However, the socio-economic characteristics: age structure, fertility rate and other demographic indicators of Palestinian IDPs in 1948 Palestine and in the oPt, are likely to be similar to that of the general Palestinian population in 1948 Palestine and in the oPt.

Table 2.6: UNRWA Registered Palestinian Refugees by major age groups, 2018²⁰²

Age	0-14		15-29		30-64		65+		Total	
Region	M	F	M	F	M	F	M	F	M	F
Jordan	21.3	20.3	27.2	27.5	39.7	40.8	10.0	10.2	100	100
Syria	25.7	23.5	24.0	24.4	41.8	42.2	8.6	9.9	100	100
Lebanon	19.3	18.2	22.6	22.9	44.4	44.9	13.7	14.0	100	100
West Bank	24.1	22.2	26.9	28.2	38.5	38.3	10.5	11.3	100	100
Gaza	37.2	36.2	27.4	27.8	29.1	29.3	6.3	6.7	100	100
Total	26.1	24.8	26.4	27.0	37.4	38.0	10.0	10.2	100	100

Refugees have a high fertility rate, calculated as the average number of children per woman. However, there has been a general, consistent decline in the fertility rate among Palestinian refugees. In the occupied West Bank, the fertility rate decreased from 6.17 in 1983-1994 to 4.2 in 2006 and 3.9 in 2010; while in the occupied Gaza Strip, it increased between 1983 and 1994 from 7.15 to 7.69, followed by a slow decrease from 2000 onwards, reaching 4.3 in 2010. In 2019, the fertility rate in the West Bank and Gaza Strip for the whole Palestinian population is 3.8. In Jordan, the overall fertility rate has decreased steadily (from 6.2 in 1983-1986 to 4.6 in 2000 and 3.3 in 2010) to 3.2 in 2019. In Lebanon, it has fluctuated (from 4.49 in 1991 to 2.3 in 2006 and 2.8 in 2011) and sits at 1.7 in 2019 for the entire population of Lebanon. In Syria (from 3.8 in 2000 to 2.4 in 2006 and 2.5 in 2010), the estimated fertility rate in 2019 is 2.8 for all of the population. The total fertility rate in 2013 among Palestinian women living in 1948 Palestine was 3.4 births compared to 3.1 births among Jewish women; while in 2017 it had declined to 3.16 for Palestinian women and 3.05 for Jewish women.²⁰³ Declining Palestinian fertility rates are the result of later marriage, increased female enrollment in higher education, more prevalent 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

²⁰¹ UNRWA, *UNRWA Statistics-2010: Selected Indicators*, November 2011, available at: <http://www.unrwa.org/userfiles/2011120434013.pdf>.

²⁰² UNRWA, "UNRWA Registration Statistical Bulletin, 2018 (as of 31 December 2018)," 2018. https://www.unrwa.org/sites/default/files/content/resources/annual_report_2018_final_low-2.pdf

²⁰³ PCBS, *Palestinians at the End of 2014*, 29 December 2014, available at: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1292&mid=3171&wversion=Staging> [accessed 27 September 2019]; and PCBS, *Palestinians at the End of 2018*, *supra* note 156, 17.



records, while according to the Palestinian Central Bureau of Statistics (PCBS), the average annual growth rate of the entire Palestinian population was 3.5 percent for 1949– 1999, and 3 percent for 2000– 2008. By 2018, the annual growth rate for the Palestinian population in Jordan was 3.8 (up from 2.4 in 2010), while it was -1.4 in Syria (down from 1.6 in 2010, due in all likelihood to the mass displacement resulting for the armed conflict), 3.7 in Lebanon (2.1 in 2010), 2.2 in the West Bank (2.3 in 2010) and 2.9 in the Gaza Strip (2.6 in 2010). In general, the changes in growth rates from 2010 to 2018 most likely stem from the significant displacement of Palestinian refugees from Syria to the neighboring states of Jordan and Lebanon.

Table 2.7: Total Fertility and Annual Growth Rates by Region, 2018²⁰⁴

Region	Total Fertility Rate	Annual Growth Rate
Jordan	3.2	3.8
Syria	2.8	-1.4
Lebanon	1.7	3.7
West Bank ²⁰⁵	3.7	2.2
Gaza ²⁰⁶	4.5	2.9
1948 Palestine	2.9	1.6

2.3.2. Labor Force Indicators

Levels of labor force participation and unemployment rates indicate the level of economic wellbeing of a population.²⁰⁷ 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 for Palestinians fluctuated between 42 and 52 percent in 2018. In 2017, the rate was listed as the 11th lowest of 189 countries by the International Labor Organization (ILO).²⁰⁸ This rate was about 46 percent among refugees in the occupied West Bank, and 45 percent in Gaza Strip, with little distinction between refugees and non-refugees in relation to their labor force participation rate.²⁰⁹ The lowest participation rate was found in Jordan, at about

²⁰⁴ The average annual rate of population change for 2010-2019, and the total fertility rate per woman for 2019, represent the entire population in the country and not only the refugees. See United Nations Population Fund (UNFPA), “World Population Dashboard,” 2019, available at: <https://www.unfpa.org/data/world-population-dashboard> [accessed 14 September 2019] and PCBS, *Palestinians at the End of 2018*, *supra* note 156.

²⁰⁵ For Palestine, the fertility rate is 3.8 and the annual growth rate 2.7, while the source of presented data for the West Bank and Gaza Strip is PCBS, *Palestinians at the End of 2018*, *supra* note 156, 19.

²⁰⁶ *Ibid.*

²⁰⁷ 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 cash or in-kind payment, as well as those temporarily absent from a job they perform on a regular basis. The unemployment range 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.

²⁰⁸ International Labour Office (ILO), *The Situation of workers in the Occupied Arab Territories*, Report of Director-General, International Labour Conference, ILC.107/DG/APP, 2018, available at: https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_629263.pdf

²⁰⁹ PCBS, “The International Day of Refugees 2019,” Press Release, 20 June 2019, available at: http://www.pcbs.gov.ps/portals/_pcbs/PressRelease/Press_En_20-6-2019-ref-en.pdf [hereinafter PCBS, International Day of Refugees 2019].



42 percent, while it was about 52 percent in Lebanon and about 44 percent in Syria; it is worth mentioning that the data for Jordan, Lebanon, and Syria represents the whole population of the country and is not specific to the Palestinian refugee population there. Moreover, it should be noted that the economic characteristics of Palestinian refugees in Syria have dramatically changed due to the current conflict. The highest female labor force participation rate was found among the Palestinian population in 1948 Palestine at 33 percent, while the lowest rate was in Jordan at roughly 15 percent. It must be noted that the data regarding Palestinian citizens of Israel is not limited to IDPs, but includes the total Palestinian population.

Table 2.8: Refugees and IDPs – Labor Force Participation, 2018

Country	Percentage Total Labor Force Participation	Percentage Participation by Women
Jordan ²¹⁰	41.6	15.1
Syria ²¹¹	43.5	12.9
Lebanon ²¹²	51.5	26.3
West Bank ²¹³	45.8	19.4
Gaza Strip ²¹⁴	44.5	28.1
1948 Palestine ²¹⁵	49.9	32.9

These low rates of workforce participation are compounded by low rates of unemployment among those who are active in the labor market. Unemployment in the oPt is the highest in the world (31 percent), with Gaza experiencing excessively high rates (52 percent).²¹⁶ In the West Bank and Gaza, although labor force participation rates for refugees are on a par with non-refugees, their unemployment rates are significantly higher (40 percent for refugees and 24 percent for non-refugees).²¹⁷ This is, in part, due to the fact that unemployment overall is significantly worse in Gaza, where most of the population are refugees. However, in general, refugees in the West Bank (19 percent unemployment for refugees versus 17.6 percent overall) and Gaza (54 percent versus 52 percent overall) fare worse than non-refugees.²¹⁸

In Lebanon, unemployment rates are on par with the West Bank at 18.4 percent, but worse among

²¹⁰ Data represents the estimation for the entire population of Jordan: The World Bank, "Labor force participation rate, total (% of total population ages 15-64) (modeled ILO estimate)," *International Labour Organization, ILOSTAT database*, available at: <https://data.worldbank.org/indicator/SL.TLF.ACTI.ZS> [accessed 14 September 2019] [hereinafter World Bank Labor Force Participation Rate].

²¹¹ Data represents the estimation for the entire population of Syria: see World Bank Labor Force Participation Rate, *supra* note 210

²¹² Data represents the estimation for the entire population of Lebanon: see World Bank Labor Force Participation Rate, *supra* note.210

²¹³ PCBS, *Palestinian Labour Force Survey. Annual Report: 2018, May 2019*, available at: <http://www.pcbs.gov.ps/Downloads/book2433.pdf>

²¹⁴ *Ibid*

²¹⁵ This number reflects the labor force of the entire Palestinian population in Israel, including IDPs. See: PCBS, *Statistical Yearbook of Palestine 2018*, December 2018, 285, available at: <http://www.pcbs.gov.ps/Downloads/book2399.pdf>

²¹⁶ In 2017, the International Labor Organization (ILO) and PCBS found an unemployment rate of 27.6 percent across the oPt and considered this the highest in the world. This unemployment rate had risen to 31 percent by 2018 according to the PCBS. See PCBS, "On the occasion of the International Workers' Day, president of Palestinian Central Bureau of Statistics "PCBS" Ms. Ola Awad, presents the current status of the Palestinian labour force," Press Release, 1 May 2018, available at: http://www.pcbs.gov.ps/pcbs_2012/PressEn.aspx [accessed 14 September 2019].

²¹⁷ PCBS, International Day of Refugees 2019, *supra* note 209.

²¹⁸ *Ibid*; "PCBS: Unemployment in Palestine up in 2018 on International Labor Day," *Ma'an News Agency*, 30 April 2019, available at: <https://www.maannews.com/Content.aspx?id=783336> [accessed 14 September 2019].



youth (25-35 years old) with 24 percent unemployment for males and 80 percent for females.²¹⁹ According to the General Population Census in the Camps and Palestinian Communities in Lebanon conducted in 2017 by the Palestinian Central Bureau of Statistics (PCBS), the unemployment rate for Palestinian refugees residing in Lebanon aged 15-19 years was at 43.7 percent, whilst for those aged between 20-29 years, the unemployment rate was 28.5 percent.²²⁰ Overall, from the 51,393 Palestinian refugees that made up the labor force, 18.4 percent of them were unemployed.²²¹ These figures are directly related to the restrictive living and working conditions that Palestinians face in Lebanon. As Palestinian refugees in Lebanon (PRL) are classified as foreigners, they are barred from working in at least 19 different professions, including medicine and law.²²² In 2015, UNRWA noted that 36 percent of Palestinians were employed in elementary occupations such as agriculture and cleaning.²²³ Furthermore, the report of the Lebanese Ministry of Labor shows that, in 2015, just 848 work permits (renewed and first-time issue) were issued to Palestinians, of approximately 210,000 permits issued for foreigners.²²⁴ Moreover, only 14 percent of the PRL hold a written employment contract.²²⁵ Palestinian refugees in Lebanon are also excluded from the sickness, maternity and family allowances allocated to Lebanese national citizens, despite the fact that they contribute the full 23.5 percent of their wages to the National Social Security Fund.²²⁶ All of these factors exacerbate the already unstable working conditions for the PRL.

2.3.3. Poverty and Food Insecurity

In the oPt, refugees suffer from high rates of poverty as measured according to consumption patterns at 29.2 percent.²²⁷ Data shows that the situation is worse for refugee households²²⁸ (38.7 percent) as compared with non-refugee households (22.3 percent).²²⁹ This can be explained by the high unemployment rates, the high dependency ratio and the larger households in refugee camps 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 are refugees, especially within camps. The percentage of individuals in poverty in the Gaza Strip reached 53 percent against 13.9 percent in the West Bank.²³⁰ Moreover, in Gaza, even those who are employed struggle to make a

²¹⁹ LPDC, *DRAFT: Youth Strategy for Palestinian Refugees in Lebanon 2019-2025 Summarized Draft*, January 2019, 15, available at: <http://www.lpdc.gov.lb/DocumentFiles/Youth%20Strategy%20Draft%20En-636849712766575045.pdf>

²²⁰ PCBS, "New census: 174422 Palestinian refugees in Lebanon," news release, 21 December 2017, available at: <http://www.pcbs.gov.ps/post.aspx?lang=en&ItemID=3013> [accessed 14 September 2019]. Also available in Arabic: <http://www.pcbs.gov.ps/census2017/wp-content/uploads/2017/12/LebanonRefCensus2017.pdf>.

²²¹ *Ibid.*

²²² Nada Al-Nashif & Samir El-Khoury, *Palestinian Employment in Lebanon – Facts & Challenges: Labor Force Survey Among Palestinian Refugees Living in Camps and Gathering in Lebanon* (Beirut: International Labour Organization, 2012), available at: https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236502.pdf.

²²³ UNRWA – Lebanon, "Protection Brief: Palestine Refugees Living in Lebanon," October 2017, available at: https://unrwa.org/sites/default/files/lebanon_protection_brief_october_2017.pdf [hereinafter UNRWA-Lebanon, Protection Brief 2017].

²²⁴ Republic of Lebanon Ministry of Labor, *Annual Report of Achievements for the period January 2015 to December 2015*, 2015, available at: <https://www.labor.gov.lb/Temp/Files/0798d3be-0d3a-4c69-b87c-a0ad30b0f9fc.pdf> (in Arabic).

²²⁵ *Ibid.*; UNRWA-Lebanon, Protection Brief 2017, *supra* note 223.

²²⁶ "Palestinian Refugee – Social Security," LPDC, 2019, available at: <http://www.lpdc.gov.lb/social-security/the-benefit-of-the-palestinian-refugee-from-the-ns/35/en> [accessed 14 September 2019].

²²⁷ PCBS, *Poverty Profile in Palestine 2017*, 16 April 2018, available at: http://www.pcbs.gov.ps/Document/pdf/txt_e_poverty2017.pdf?date=16_4_2018_2 [accessed 14 September 2019] [hereinafter PCBS, Poverty Profile 2017].

²²⁸ The refugees category is based on the classification of the refugee status of the head of the household.

²²⁹ PCBS, Poverty Profile 2017, *supra* note 227.

²³⁰ *Ibid.*





living wage, with 72 percent of private sector employees earning less than the national minimum wage.²³¹

Food insecurity in the oPt remains at very high levels, with 33 percent of households classified as being ‘food insecure’, according to the 2018 Socio-Economic and Food Security Survey.²³² In Gaza, 68.5 percent of households are considered to be moderately or severely food insecure, while in the West Bank, food insecurity is 12 percent.²³³ Refugee households experience higher rates of food insecurity than the rest of the population, though interestingly, those in refugee camps experience lower levels of food insecurity (7.7 percent) than the overall population in rural (17.7 percent) and urban areas (9.9 percent).²³⁴

In the same context, UNRWA’s 2019 oPt Emergency Appeal stated that 75 percent of the 1.9 million in the Gaza Strip are registered refugees; about one million Palestinian refugees have been targeted for emergency food assistance, while 581,442 refugees live below the abject poverty line of 1.79 USD per day,²³⁵ with the unemployment rate of about 54 percent. It is a situation that has deteriorated dramatically since BADIL’s previous Survey of Palestinian Refugees and IDPs from 2013-2015.²³⁶ In the West Bank, 29 percent out of the 2.9 million are registered refugees; 37,000 individuals from Bedouin and herder communities are targeted for emergency food assistance, about 187,000 refugees live below the absolute poverty line²³⁷ of 2.73 USD per person/day, and about 24,000 Palestinian abject poor refugees are targeted for emergency cash assistance.²³⁸ Across the oPt, poverty rates are considerably higher among those living in refugee camps (45.4 percent), than in urban areas (29.4 percent) and rural areas (18.7 percent).²³⁹

Table 2.9: Rates of Poverty for Palestinian Refugees

	UNRWA Data		PCBS Data	
	No. refugees in absolute poverty (\$2.73/day)	No. refugees in abject poverty (\$1.79/day)	Percentage of people below poverty line (\$4.60/day or 2,470 NIS/month)	Percentage of people below deep poverty line (\$3.60/day or 1,974 NIS/month)
Gaza	203,101 (≈11%)	581,442 (≈31%)	53.0%	33.7%
West Bank	186,579 (≈6%)	38,868 (≈1%)	13.9%	5.8%
Camps	--	--	45.4%	29.3%
Urban	--	--	29.4%	16.7%
Rural	--	--	18.7%	9.7%
Palestine	389,680 (≈6%)	620,310 (≈13%)	29.2%	16.8%

²³¹ Gisha – Legal Center for Freedom of Movement, “Unemployment rate in Gaza reaches new record-high of 52 percent in 2018,” news release, 13 March 2019, available at: <https://gisha.org/updates/9840>, [accessed 14 September 2019].

²³² PCBS, *Preliminary Results of the Socio-Economic and Food Security Survey 2018*, December 2018, available at: <https://bit.ly/2S6wUOG> [accessed 14 September 2019] [hereinafter PCBS, Preliminary Results of Socio-Economic Survey 2018].

²³³ *Ibid.*

²³⁴ *Ibid.*

²³⁵ Also termed “deep poverty line” by PCBS, which refers to a budget required for food, clothing and housing. In 2017, for a family of five (two adults, three children) this was calculated at \$3.60 per day or 1,974 NIS (536 USD) per month.

²³⁶ BADIL, *Survey of Palestinian Refugees 2013-2015*, *supra* note 146.

²³⁷ Also termed “poverty line” by PCBS, which refers to a budget required for food, clothing and housing, as well as basic healthcare, education and transportation. In 2017, for a family of five (two adults, three children) this was calculated at \$4.60 per day or 2,470 NIS (671 USD) per month.

²³⁸ UNRWA, *2019 oPt Emergency Appeal*, (Amman: UNRWA, 2019), available at: https://www.unrwa.org/sites/default/files/content/resources/2019_opt_ea_final.pdf [hereinafter UNRWA, Emergency Appeal 2019].

²³⁹ PCBS, *Preliminary Results of Socio-Economic Survey 2018*, *supra* note 232.



In Jordan, Palestinian refugees' annual income is significantly lower, and poverty higher, inside than outside camps. However, there is more even income distribution among refugees inside camps than among those who reside outside. The likelihood of being poor for a Palestinian refugee increases with household size, health problems, less education, unemployment or the lack of Jordanian nationality.²⁴⁰ UNRWA statistics show that in 2018 some 58,000 registered refugees in Jordan received cash-based transfers under the Social Safety Net Programme (SSNP) and a further 28,773 refugees are on the waiting list.²⁴¹ .

After eight years, the conflict in Syria continues to have dramatic consequences on the lives of civilians. Violent and widespread hostilities have resulted in deaths and injuries, internal displacement, large-scale migration to other countries, lost livelihoods and mounting humanitarian crisis. PRS, a particularly vulnerable group, have been severely affected by the ongoing armed conflict. As of June 2019, it was estimated that almost 4,000 PRS had been killed in Syria since March 2011, while 1,734 are currently detained and a further 317 missing.²⁴² In 2018, of the estimated 438,000 Palestine refugees remaining inside Syria, a vast majority (95 percent) are in critical need of sustained humanitarian assistance. Up to 280,000 PRS are currently internally displaced inside Syria and about 126,000 Palestine refugees are identified as extremely vulnerable. Of those internally displaced, an estimated 13,500 are trapped in hard-to-reach or inaccessible locations. This includes up to 1,488 families caught in the northern regions of Syria, Idlib, Efrin and Aleppo.²⁴³ Moreover, the destruction of property and infrastructure has been comprehensive. In Daraa camp, for example, where 40,000 PRS had lived, more than 80 percent of the civilian infrastructure was reportedly destroyed in mid-2018 and is still being rebuilt in 2019.²⁴⁴ More than 120,000 PRS have been displaced to neighboring countries, including Lebanon, Jordan, Turkey, Egypt and increasingly to Europe. Those displaced include around 29,000 PRS in Lebanon; 89 percent of PRS in Lebanon live in poverty, 95 percent have been assessed as food insecure and 52 percent of them are unemployed. Additionally, 17,719 of the PRS who fled to Jordan, require winterization assistance and almost one third of them are highly vulnerable.²⁴⁵

2.3.4. Education

Education is highly valued in the face of the protracted nature of the Palestinian refugee crisis. It is seen both as 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. Other refugees attend public schools in their host countries, while few study in private schools.

²⁴⁰ Åge A. Tiltnes and Huafeng Zhang, *Progress, Challenges, Diversity: Insights into the Socio-Economic Conditions of Palestinian Refugees in Jordan* (Norway: FAFO, 2013), available at: https://www.unrwa.org/sites/default/files/insights_into_the_socio-economic_conditions_of_palestinian_refugees_in_jordan.pdf

²⁴¹ UNRWA, *Annual Operational Report 2018: for the reporting period 01 January – 31 December 2018*, 2019, 14-15, available at https://www.unrwa.org/sites/default/files/content/resources/2019_annual_operational_report_2018_-_final_july_20_2019.pdf.

²⁴² "Statistics," Action Group for Palestinians of Syria (AGPS), June 2019, available at: <http://www.actionpal.org.uk/en/statistic-and-charts/3/5/col/total-victims-according-to-incident-city> [accessed 14 September 2019].

²⁴³ AGPS, "Hundreds of Displaced Palestinian Families Struggling for Survival in Northern Syria," news release, 3 July 2019, available at: <http://www.actionpal.org.uk/en/post/8846> [accessed 14 September 2019].

²⁴⁴ AGPS, "Efforts Ongoing in Daraa Camp for Palestinian Refugee to Repair Power Network," news release, 4 July 2019, available at: <http://www.actionpal.org.uk/en/post/8852/news-and-reports/efforts-ongoing-in-daraa-camp-for-palestinian-refugee-to-repair-power-network> [accessed 14 September 2019].

²⁴⁵ UNRWA, "Syria Regional Crisis Emergency Appeal 2019," December 2018, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_2019_syria_regional_crisis_emergency_appeal_factsheet_english_final.pdf [hereinafter UNRWA, Syria Emergency Appeal 2019].



Access to secondary and higher (tertiary) education is restricted in some host countries, with requirements such as payment of fees at the foreign-student rate. Financial constraints, among other impediments, prevent some refugees from continuing their education (see Section 3.4: Host Country Protections, for country-specific information).

Nearly all refugee children are enrolled at the elementary stage, and no statistical differences exist between male and female enrollment at the elementary and preparatory stages. More than 500,000 students are enrolled in 711 UNRWA schools across the five regions; the enrollment sex ratio is equal at 50 percent each. It is indicated that females formulate 58 percent of the educational staff in the schools. Moreover, eight vocational training centers are functioning under the supervision of UNRWA, which educates more than 7,000 students. However, in the last three years, UNRWA has reduced their educational staff by 4,500 persons, while at the same time, student enrollment numbers have increased by almost 40,000 students. This has been the worst felt in Gaza, where staff numbers declined by 746 people, while students increased by 38,500. Student numbers in the West Bank and Lebanon declined in the same period.

Table 2.10: UNRWA Schools, Staff, Pupils, and Sex by Region, 2017/2018²⁴⁶

Region	Number of Schools	Number of Staff	Percentage Female Staff	Number of Students	Percentage Female Students	Vocational training centers	Number of Students at training centers
Jordan	169	4,030	49.7	120,967	48.5	2	2,714
Lebanon	66	1,370	57.9	36,960	45.4	1	983
Syria	103	1,692	62.9	49,682	49.3	1	1,109
West Bank	95	1,684	59.3	46,310	59.2	2	1,062
Gaza	275	8,676	60.7	278,938	48.4	2	1,820
Total	711	17,452	58.1	532,857	50.2	8	7,688

2.3.5. Health

UNRWA has 144 supervised health facilities 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 in the West Bank results in few refugees using or benefiting from this service. This is evidenced by the hospital servicing just 5,690 patients in 2018 and having an average bed occupancy of just 49.4 percent.²⁴⁷ This situation leads to a delay in treatment, as transferring patients to a suitable hospital/clinic is typically a long process, while budget constraints and other issues also present impediments. These constraints and the death of a child gave rise to a decision in 2017 to cease providing medical services for ear, nose and throat treatments (ENT), cold services and child birth services in the UNRWA hospital.²⁴⁸

²⁴⁶ UNRWA, UNRWA in Figures 2018-2019, *supra* note 158.

²⁴⁷ UNRWA Health Department, *Annual Report 2018*, 21 May 2019, 42, available at: https://www.unrwa.org/sites/default/files/content/resources/annual_report_2018_final_low-2.pdf [hereinafter UNRWA Health Department, Annual Report 2018].

²⁴⁸ UNRWA, "UNRWA Announces Halt to Intake of Certain Categories of Patients at Qalqilya Hospital," press release, 14 August 2017, available at: <https://www.unrwa.org/newsroom/press-releases/unrwa-announces-halt-intake-certain-categories-patients-qalqilya-hospital> [accessed 14 September 2019].



Table 2.11: UNRWAs Health Infrastructure by Region, December 2018²⁴⁹

Region/Health Infrastructure	Jordan	Lebanon	Syria	West Bank	Gaza	TOTAL
Primary health care facilities	26	27	26	43	22	144
Health Staff	697	310	416	775	939	3,156
Annual patient visits	1,587,015	1,019,967	856,024	4,051,604	1,041,481	8,556,091
Average daily medical consultations per doctor	86	84	82	76	82	82

UNRWA depends on its relationships with the Ministry of Health and public hospitals to provide tertiary care in most special cases, with these hospitalization services accounting for 22 percent of UNRWA's total Health Programme Budget in 2018, and provided assistance to 96,521 refugees. Of the hospitalization budget, 50 percent is spent in Lebanon in recognition of the prohibitive costs and the poor socio-economic conditions of many PRL. In 2016, UNRWA announced changes to its hospitalization policy in Lebanon, providing funding for 90 percent of the hospitalization services in government and private hospitals, and 100 percent in Palestine Red Crescent Hospitals.²⁵⁰ While UNRWA reports that its hospitalization budget is currently low, hospitalization expenditure is expected to become a major challenge for the Agency with the rising population, increasing prevalence of non-communicable diseases (NCDs), worsening socio-economic status of refugees and expected increases in already high hospitalization costs in the next few years.²⁵¹

In Gaza, there are particularly acute issues around health care, largely due to the mass injuries caused by Israel's response to the Great March of Return protests. UNRWA reports that 59.4 percent of medicines used in their Public Health Centers are out of stock and 15.3 percent of medicines have less than 3 months of supplies.²⁵² Moreover, the Palestinian Ministry of Health reported that 8,000 elective surgeries scheduled at their hospitals were postponed, due to the massive influxes of trauma casualties.²⁵³ Meanwhile in Syria, medical supplies were also an issue, with UNRWA only able to purchase 12 months of supplies rather than the usual practice of having 15 months' worth of stock.

Table 2.12: UNRWA-funded hospitalization cases, by Region, 2016-2017²⁵⁴

	Jordan	Syria	Lebanon	West Bank	Gaza
Number of Cases	2242	1594	4064	3261	2657
Percentage of Deliveries (childbirth)	85	19	7	42	40
Percentage of Lifesaving and urgent interventions		40	66	43	26
Percentage of Non-urgent surgeries		38	26	10	35
Percentage (Number) of Vulnerable patients	16 (351)	46 (738)	20 (817)	3 (106)	19 (506)

²⁴⁹ UNRWA Health Department, Annual Report 2018, *supra* note 247.

²⁵⁰ UNRWA, "UNRWA strengthens hospitalization support in Lebanon," press release, 1 June 2016, available at: <https://www.unrwa.org/newsroom/press-releases/unrwa-strengthens-hospitalization-support-lebanon> [accessed 14 September 2019].

²⁵¹ UNRWA Health Department, Annual Report 2018, *supra* note 247, 47.

²⁵² *Id.*, 22.

²⁵³ *Ibid.*

²⁵⁴ Gloria Paolucci, Majed Hababeh, Wafaa Zeidan, Akihiro Seita, "Hospitalisation coverage by UNRWA in Jordan, Lebanon, Syria, Gaza, and the West Bank: a comparative snapshot analysis," *The Lancet* 393, no.1 (2019): 38, available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30624-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30624-5/fulltext) [accessed 14 September 2019].



Refugees demonstrating in Lebanon and Gaza demanding for their rights, 2018-2019 (Source: al-ayyam)



2.4 NOTES REGARDING ESTIMATES OF PALESTINIAN REFUGEES AND IDPS (SEE TABLE 2.1)

2.4.1 UNRWA registered 1948 refugees

UNRWA reported 5,545,540 registered refugees as of 31 December 2018; these figures are based on data voluntarily supplied by those 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 or other statistical data. 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 are 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, and in some cases may include as many as four generations.

2.4.2 Non-registered 1948 refugees

The calculation of 1,161,812 persons as 1948 non-registered refugees is based on the assumption that, “UNRWA registered refugees represent approximately three-quarters of Palestinian refugees worldwide.”²⁵⁵ 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, for the years 2009-2014, at 2.88, it was 2.9 for 2015-2016 and 2.5 for 2017-2018.²⁵⁶

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.²⁵⁷ This would result in a total of 1,502,841, which is higher than the above estimated figure.

²⁵⁵ UNRWA, “Refugee Statistics 1953-2000”, *Palestine Remembered*, 2000, available at: <http://www.palestineremembered.com/download/RefugeesStats.pdf>

²⁵⁶ PCBS, *Palestine in Figures 2012*, March 2013, available at: <http://www.pcbs.gov.ps/Downloads/book1967.pdf>; PCBS, *Census Final Results in The Palestinian Territory Summary (Population and Housing)*, January 2012, available at: <http://www.pcbs.gov.ps/Downloads/book1822.pdf>.

²⁵⁷ Salman Abu Sitta, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine* (London: Palestinian Return Centre (PRC), 1998).



2.4.3 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 6,707,352 at the end of 2018.

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 8,098,241 by the end of 2018.

2.4.4 Estimates of the 1967 Palestinian refugee population

The total number of 1967 refugees is estimated at 1,237,462 by the end of 2018. This was calculated by a projection of 240,000 Palestinians who were displaced for the first time in 1967. Using this 240,000 person projection 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, 2.88 percent between the years 2009-2014, 2.9 for 2015-2016 and 2.5 for 2017-2018.²⁵⁸

This figure includes only persons who were externally displaced for the first time in 1967 (240,000). It does not include internally displaced persons or 1948 refugees displaced for a second time in 1967.²⁵⁹ 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. The figure also does not 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, nor those refugees who returned after 1994 as part of agreements formed under the Oslo peace process.

2.4.5 Palestinian IDPs in 1948 Palestine

It is estimated that there are approximately 415,876 Palestinians who have been internally displaced and remained in 1948 Palestine, and their descendants. According to, 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.”²⁶⁰

Data was calculated on the basis of an estimated average annual growth rate of the Palestinian population in 1948 Palestine 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 2012-2018.

²⁵⁸ UN Secretary General, A/6797, *supra* note 165.

²⁵⁹ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 17.

²⁶⁰ Original source is no longer available on the IDMC website as they have removed all information related to IDPs in Israel. The source is cited at BADIL, “Overview: Palestinian Internally Displaced Persons inside Israel,” press release, October 2002, available at: <https://www.badil.org/en/publication/press-releases/16-2002/339-press277-02.html>.



2.4.6 Palestinian IDPs in the oPt since 1967

It is estimated that there are around 344,599 Palestinians internally displaced within the oPt. It is important to note that these 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.

The estimate includes:

- 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. 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, 2.88, for the years 2009-2014, 2.9 for 2015-2016 and 2.5 for 2017-2018). At the end of 2018, those displaced and their descendants numbered 53,082.
- b) According to the available data, 227,732 Palestinians have been displaced between 1967 and 2014. Palestinians that were displaced between 1967 and 2011 due to home demolitions by Israeli forces amount to 64,343 people. The estimated number of demolished homes since 1967 is 24,130. This number includes the 6,000 homes 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 homes never returned. Excluding those homes demolished in the villages covered in the previous point, a total of 18,130 homes 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 ($24130 - 6000 = 18130 * 57 \text{ percent} = 10334 * 6 \text{ persons}$). 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 yet been rebuilt.

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 the damage and destruction caused by Israeli warfare practices, suggesting that, for many, re-building destroyed homes was not possible. Moreover, 517 people became internally displaced in Jerusalem due to home demolitions. In 2014, another Israeli military assault on the Gaza Strip forcibly displaced more than half a million Palestinians, leaving 22,000 as IDPs at the time of writing. The total number of homes and apartments destroyed during the 2012 and 2014 military assaults on the Gaza Strip was 19,257. According to OCHA, from 2006 to March 2019, 9,186 Palestinians were displaced due to home demolitions in the West Bank, including Jerusalem.²⁶¹

²⁶¹ OCHA, “Data on demolition and displacement in the West Bank,” 2009, available at: <https://www.ochaopt.org/data/demolition> [accessed 14 September 2019].



In total, around 211,045 Palestinians became internally displaced, mainly due to home demolitions or destruction between 1967 and 2014. Accounting for the growth rate of 2.5 percent during 2015-2018, the grand total for this estimated IDP population is 232,150 persons (64,343 + 52,916 + 3,786 + 90,000 = 232,150). Additionally, 7,287 persons have been displaced as a result of harassment by Israeli-Jewish colonizers in the oPt. At least 1,014 Palestinian homes in the old city of Hebron had been vacated by 2007. Considering average household size in the Hebron district is 5.8 persons, and also taking into account the population growth from 2008 to 2016 and 2.5 percent for 2017-2018, at least 8,000 individuals were displaced in Hebron by 2019.²⁶²

- c) Another category is Palestinians 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 to the end of 2018, amounts to 14,643 IDs.²⁶³ This number does not include the children (under the age of 16 years) of persons whose residency 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) Persons who were displaced by the construction of the Apartheid Wall amount to 36,724. This number was calculated by adjusting the 2008 number (27,841 displaced persons) with the population growth of 2.88 percent for 2009-2016 and 2.5 percent for 2017-2018.²⁶⁴

²⁶² B'Tselem and the Association for Civil Rights in Israel (ACRI), *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, (Jerusalem: B'Tselem and ACRI, May 2007), available at: https://www.btselem.org/download/200705_hebron_eng.pdf.

²⁶³ B'Tselem, Statistics on Residency in East Jerusalem, *supra* note 56.

²⁶⁴ PCBS, *Jerusalem Statistical Yearbook 2012*, June 2012, 218, available at: <http://www.pcbs.gov.ps/Downloads/book1891.pdf>.



Palestinians run for cover from tear gas near the border of the Gaza Strip May 2019. (Mahmud Hams/AFP)



LEGAL FRAMEWORK ON INTERNATIONAL PROTECTION

“Protection” has been defined by the International Committee of the Red Cross (ICRC),²⁶⁵ and endorsed by the Inter-Agency Standing Committee of the United Nations,²⁶⁶ as encompassing:

“All activities, aimed at obtaining full respect for the rights of the individual in accordance with the letter and the spirit of the relevant bodies of law (i.e. human rights law, international humanitarian law and refugee law).”²⁶⁷

This definition is similarly reflected in the UNHCR definition which states that “international protection includes a range of concrete activities that ensure that all women, men, girls, and boys of concern to UNHCR have equal access to and enjoyment of their rights in accordance with international law. With respect to refugees, the ultimate goal of these activities is to help them rebuild their lives within a reasonable amount of time.”²⁶⁸

The two separate but complementary definitions of international protection reflect the two pillars of the international protection framework. In situations of international or internal armed conflict, international humanitarian law (IHL) operates to protect the rights of civilians caught up in the conflict, drawing from human rights law to complement the nature of the rights, duties and protection obligations that are enshrined principally in the 1907 Hague Regulations and the 1949 Geneva Conventions. While in situations where a person or people have been displaced or forcibly transferred across international borders due to conflict and/or the denial of human rights, refugee law operates to protect the rights of those who have been are no longer able to obtain protection from their states of origin.

Regardless, the protection of its citizens, and others within its jurisdiction, is primarily a legal responsibility of the State and its agents.²⁶⁹ However, when a State is unable or unwilling to do

²⁶⁵ The ICRC is a humanitarian agency mandated to protect victims of international or internal armed conflicts, under the system consolidated by the 1949 Geneva Conventions and the 1977 Additional Protocols.

²⁶⁶ OCHA, *OCHA on Message: Protection*, March 2012, available at: <https://www.unocha.org/sites/dms/Documents/120405%20OOM%20Protection%20final%20draft.pdf>

²⁶⁷ Carlo Von Flüe, Jacques de Maio, *Third Workshop on Protection for Human Rights and Humanitarian Organizations, Doing something about it and doing it well, Report on the Workshop* (18-20 January 1999), ICRC, 1999.

²⁶⁸ UNHCR, “UNHCR and International Protection,” Chapter 1 in *UNHCR and International Protection: A Protection Induction Programme*, unknown date, 12, available at: <https://www.unhcr.org/en-ie/44b4fcb32.pdf>

²⁶⁹ Global Protection Cluster Working Group, *Handbook for the Protection of Internally Displaced Persons*, June 2010, 7, available at: <https://www.refworld.org/docid/4790cbc02.html> [accessed 14 September 2019].

so, individuals may be exposed to such serious violations of their basic rights that they are forced to seek protection somewhere else, abandoning their homes and properties, either remaining in their state or crossing international boundaries. The failure to provide protection triggers two main consequences:

1. Since the State is committing an international wrongful act, it has a corresponding obligation to make reparations (repatriation, property restitution, compensation and non-repetition);²⁷⁰
2. The responsibility of the international community to provide the protection denied by the State arises.

Tracing the interpretation given by relevant jurisprudence, reports of the Executive Committee of UNHCR,²⁷¹ best practices of States and non-mandated organizations, international protection encompasses three essential elements:

- Physical safety and security (protection against physical harm);
- Legal protection (ensuring and respecting fundamental human rights and freedoms, including access to justice, legal status, security of properties, and finding a durable solution);
- Material security (ensuring the well-being of the persons involved, that is, to guarantee their human dignity and equal access to basic goods and services).

3.1. GENERAL FRAMEWORK OF INTERNATIONAL PROTECTION FOR REFUGEES

The foundation for the international protection regime for refugees is set out in the 1951 Convention relating to the Status of Refugees (Refugee Convention) and its 1967 Additional Protocol, which provides the basic minimum standards of treatment. Consistent with all previous refugee instruments that were situation-specific, initially, the Refugee Convention was applicable only to persons fleeing Europe before 1 January 1951. The scope of its application was hence limited to protecting refugees in the aftermath of World War II, but these geographical and time limitations were removed by the 1967 Additional Protocol. Hence, the Refugee Convention became the first international legal text not to focus on a specific group of refugees.

The system established by the Convention rests upon the idea that refugees are not just people displaced, but people without protection, and without the protection of their own state – a gap that the international community has the responsibility to fill. Under the Refugee Convention and its Protocol, a refugee is defined as:

²⁷⁰ International Law Commission (ILC), *Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries*, November 2001, Supplement No. 10 (A/56/10), chp.IV.E.1, available at: http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf [hereinafter ILC, Draft Articles on State Responsibility]; UNGA, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, A/RES/60/147, 21 March 2006, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/496/42/pdf/N0549642.pdf?OpenElement> [accessed 14 September 2019] [hereinafter UN Guiding Principles on the Right to a Remedy and Reparation].

²⁷¹ “Notes on International Protection”, UNHCR.org, available at: <https://www.unhcr.org/search?comid=4a27bb7b6&cid=49aea93a20&tags=Notes%20International%20> [accessed 14 September 2019]; and UNHCR, *A Thematic Compilation of Executive Committee Conclusions*, June 2014, available at: <https://www.unhcr.org/53b26db69.pdf>



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 or a particular social group, or political opinions.²⁷²

The Convention recognizes and reinforces various fundamental human rights principles that guide the treatment of refugees. These include the principles of non-discrimination, non-penalization and *non-refoulement*.²⁷³ That is, that the provisions of the Convention are to be implemented without discrimination as to race, religion or country of origin;²⁷⁴ a refugee is not to be penalized for illegal entry into a country in order to seek asylum;²⁷⁵ and a refugee is not to be expelled or returned to a territory in which “his life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group or political opinion.”²⁷⁶ The principle of *non-refoulement* is considered to be the cornerstone of the Refugee Convention²⁷⁷ and a peremptory norm of international law.²⁷⁸ Moreover, it does not apply solely to those formally recognized as refugees, but also extends protection against *refoulement* to asylum seekers.²⁷⁹

A corollary of the principle of *non-refoulement* is the principle of voluntariness and specifically voluntary repatriation, as the most appropriate durable solution to the refugee plight.²⁸⁰ Although not explicitly articulated in the Refugee Convention, the principles of voluntariness and voluntary repatriation, derive from the General Assembly Resolution 428 (V) of 14 December 1950, adopting the UNHCR Statute, which calls upon governments to cooperate with the High Commissioner in the performance of his or her functions *inter alia* by, “assisting the High Commissioner in (his or her) efforts to promote the voluntary repatriation of refugees.” The Executive Committee of the High Commissioner’s Programme first considered the issue of voluntariness in 1980. It was upheld that repatriation should be voluntary, and it observed the need for various guarantees from relevant states in recognition of the fact that realization of a voluntary return is dependent on both the conditions

²⁷² UNGA, *Convention Relating to the Status of Refugees*, 189 UNTS 150, 28 July 1951, Introductory Note by UNHCR, and Article 1(A).

²⁷³ The 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: Sir Elihu Lauterpacht and Daniel Bethlehem, “The scope and content of the principle of non-refoulement: Opinion, Refugee Protection” in Erika Feller, Volker Türk and Frances Nicholson (eds), *International law: UNHCR’s Global Consultations on International Protection*, (Cambridge: Cambridge University Press, 2003), 116-118, 149, available at <https://www.refworld.org/docid/470a33af0.html> [accessed 27 September 2019][hereinafter Lauterpacht and Bethlehem, *Non-refoulement*].

²⁷⁴ Refugee Convention, *supra* note 4, Preamble and Article 3.

²⁷⁵ *Id.*, art. 31.

²⁷⁶ *Id.*, art. 33.

²⁷⁷ Allain, “The *jus-cogens* nature of *non-refoulement*,” *International Journal of Refugee Law* 13, no. 4 (1 October 2001): 533–558.

²⁷⁸ Note a peremptory norm of international law is “a rule or principle in international law that is so fundamental that it binds all states and does not allow any exceptions; see: Elizabeth Martin, *Oxford Dictionary of Law* (Oxford: Oxford University Press, 2003), 274.

²⁷⁹ Lauterpacht and Bethlehem, *Non-refoulement*, *supra* note 273. Some basic rights, including the right to be protected against *refoulement*, apply to all asylum seekers solely in light of the fact that they are physically present on the territory of a State signatory to the Refugee Convention. Other rights are instead progressively connected their lawful presence or to their lawful stay. See Hathaway, *The Rights of Refugees Under International Law*, (Cambridge: Cambridge University Press, 2005).

²⁸⁰ UNHCR, *Conclusion on Voluntary Repatriation: No. 18 (XXXI)*, UNHCR ExComm, No. 12A (A/35/12/Add.1), 16 October 1980, clause (a), available at: <https://www.unhcr.org/excom/exconc/3ae68c6e8/voluntary-repatriation.html> [accessed 14 September 2019] [hereinafter UNHCR, Voluntary Repatriation No. 18].



in the country of origin and the situation in the country of asylum.²⁸¹ A person must be able to make an informed decision about return and not be prevented from doing so through misinformation or an absence of ongoing assistance and guarantees as to safety and non-discrimination from the state. Similarly, the conditions in the country of asylum must not be such that they are pushed to return due to the denial of rights guarantee by the Refugee Convention.²⁸² Additionally, while the principle of voluntariness is explicitly tied to repatriation, it is nonetheless understood that the other two durable solutions – integration and resettlement – cannot be enforced against the concerned refugee’s will, although consent of the host country or third state is also necessary.²⁸³

In that regard, the Refugee Convention does set out the minimum standards for the treatment of refugees in seeking and having been conferred asylum. These include, *inter alia*, the right not to be expelled,²⁸⁴ right to receive the same treatment that is generally accorded to aliens (exemption from reciprocity),²⁸⁵ right to housing,²⁸⁶ freedom of movement within the territory of the host State,²⁸⁷ right to primary education,²⁸⁸ freedom of religion,²⁸⁹ right to access the courts,²⁹⁰ and the right to work.²⁹¹

Notably, the Refugee Convention establishes *erga omnes* obligations²⁹² and puts an emphasis on international solidarity among States. States are in fact obliged, “to co-operate with the Office of the United Nations High Commissioner for Refugees [...] in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions,” of the Convention.²⁹³ Moreover, the Preamble to the Convention affirms that the United Nations recognizes the international scope and nature of the refugee problem, a solution to which cannot be achieved without international co-operation.²⁹⁴

Following adoption of the Refugee Convention, other regional instruments for the protection of refugees emerged to complement the protections enshrined in the Convention, such as the Bangkok Principles on the Status and Treatment of Refugees,²⁹⁵ the Organization of African Unity (OAU)

²⁸¹ *Ibid.*

²⁸² UNHCR, *Handbook on Voluntary Repatriation: International Protection*, 1996, section 2.3, available at: <https://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-repatriation-international-protection.html> [accessed 14 September 2019][hereinafter UNHCR, *Handbook on Voluntary Repatriation*].

²⁸³ 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.

²⁸⁴ Refugee Convention, *supra* note 4, art. 32.

²⁸⁵ *Id.*, art. 7A.

²⁸⁶ *Id.*, art. 21.

²⁸⁷ *Id.*, art. 26.

²⁸⁸ *Id.*, art. 22.

²⁸⁹ *Id.*, art. 4.

²⁹⁰ *Id.*, art. 16.

²⁹¹ *Id.*, art. 17-19.

²⁹² That is, obligations that are “of a State towards the international community as a whole. [...] by their very nature [these] are the concern of all States. In view of the importance of the rights involved, all States can be held to have a legal interest in their protection.” See International Court of Justice (ICJ), *Barcelona Traction, Light and Power Company, Limited (Belgium v. Spain)*; Second Phase, 5 February 1970, available at: <https://www.refworld.org/cases,ICJ,4040aec74.html> [accessed 14 September 2019].

²⁹³ Refugee Convention, *supra* note 4, art. 35.

²⁹⁴ *Id.*, Preamble.

²⁹⁵ Asian-African Legal Consultative Organization (AALCO), *Bangkok Principles on the Status and Treatment of Refugees (“Bangkok Principles”)*, 31 December 1966, available at: <http://www.refworld.org/docid/3de5f2d52.html> [accessed 14 September 2019].



Convention,²⁹⁶ the Cartagena Declaration,²⁹⁷ and the European *acquis* on asylum.²⁹⁸ Even where these instruments establish a higher standard of protection, the Refugee Convention remains the basic standard for international protection of refugees.²⁹⁹

The United Nations High Commissioner for Refugees (UNHCR) and the protection of refugees

UNHCR's role in relation to the Refugee Convention and its Protocol is that of "guardian" of the international protection framework enshrined therein. It is a subsidiary organ of the UN General Assembly, created in 1950 under Article 22 of the United Nations Charter. Whereas initially its mandate was intended to be short term, the General Assembly removed this temporal limitation, and decided to continue the Office "until the refugee problem is solved."³⁰⁰

UNHCR's functions, set out in its 1950 Statute, along with a range of other resolutions of the UN General Assembly, encompass "providing international protection."³⁰¹ Some of the activities carried out by the High Commissioner to fulfill its mandate in this sense are: promoting the conclusion of international conventions for the protection of refugees on a global and regional level, supervising their application and proposing amendments thereto, 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 national authorities, promoting the admission of refugees, and ensuring that the needs of vulnerable groups (especially women and children) are met.³⁰² Moreover, one of the main duties of the UNHCR is to promote durable solutions for refugees' predicament – i.e. voluntary repatriation, local integration in the host country or resettlement in a third country – according to the principle of refugee choice (see below).



Palestinian refugee from Syria in Zaatari refugee camp. Jordan, August 2017 (Source: UNHCR)

²⁹⁶ Organization of African Unity (OAU), *Convention Governing the Specific Aspects of Refugee Problems in Africa* ("OAU Convention"), 10 September 1969, 1001 U.N.T.S. 45, available at: <http://www.refworld.org/docid/3ae6b36018.html> [accessed 14 September 2019][hereinafter OAU Convention].

²⁹⁷ Regional Refugee Instruments & Related, *Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, available at: <http://www.refworld.org/docid/3ae6b36ec.html> [accessed 14 September 2019][hereinafter Cartagena Declaration].

²⁹⁸ European Commission, *Common European Asylum System*, available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum_en [accessed 14 September 2019].

²⁹⁹ See e.g. OAU Convention, *supra* note 296, art. 8(2); Cartagena Declaration, *supra* note 297, art. 8.

³⁰⁰ UNGA, *Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate*, A/RES/58/153, 24 February 2004.

³⁰¹ UNGA, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), art. 1 [hereinafter UNHCR Statute].

³⁰² Guy Goodwin-Gill and Jane McAdam, *The Refugee in International Law* (Oxford: Oxford University Press, 2007), 426 [hereinafter Goodwin-Gill and McAdam, *Refugee in International Law*]

3.1.1. Human Rights Instruments and Refugee Protection

At the core of international protection is the complementary relationship with international human rights law (IHRL). It is from human rights law that the principles and structures of protection arise, while at the same time it is human rights law that complements the understanding and substance of the protection obligations.³⁰³

The right to asylum was first enshrined in Article 14 of the Universal Declaration of Human Rights (UDHR), which gave recognition to the basic right to seek and enjoy asylum. That right to asylum provides the basis from which the two pillars of the protection system can be implemented – namely a state of safety and lasting solutions, be they voluntary repatriation, local integration or resettlement.³⁰⁴ It is also from IHRL that other rights enshrined in the international protection system derive and are reinforced, such as the right to non-discrimination in the protection afforded,³⁰⁵ and the right to freedom of movement which is fundamental to realization of the right to claim asylum.³⁰⁶ Similarly, rights enshrined under IHRL compliment and inform the rights of refugees within the international protection framework. For example, while the voluntary return of refugees is one of the durable solutions of the refugee plights, return is a human right applicable to all persons, including refugees (See Chapter 4).³⁰⁷ Also, while the right to family reunification of refugees is only explicitly mentioned in the Final Act of the Conference of Plenipotentiaries at which the Refugee Convention was adopted and not in the Convention text itself, the right to family unification is acknowledged and protected by IHRL which compliments refugee law.³⁰⁸

At the same time, invocation of protection obligations arises from conflict, persecution and the denial of human rights. Persecution necessarily involves the discrimination – on the basis of race, nationality, religious belief, political opinions, or as a member of a particular social group – and invariably results in the violation of fundamental human rights, the right to life, liberty and security of person most commonly.³⁰⁹ Hence, an understanding of human rights law informs when persecution is present and protection obligations arise.

³⁰³ UNHCR, *Note on International Protection*, UNHCR ExComm, A/AC.96/808, para. 1, available at: <https://www.refworld.org/pdfid/3ae68d3d24.pdf>

³⁰⁴ *Id.*, para. 7.

³⁰⁵ See Charter of the United Nations, art 1(2) and (3), 24 October 1945, 1 UNTS XVI, available at: <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>; UNGA, *Universal Declaration of Human Rights (UDHR)*, A/RES/3/217A, 10 December 1948, art. 1, available at: <http://www.un.org/en/universal-declaration-human-rights/> [hereinafter UDHR]; International Covenant on Civil and Political Rights (ICCPR), art. 2(1) and 26, 16 December 1966, 999 UNTS 171, available at: <http://www.un-documents.net/iccpr.htm> [hereinafter ICCPR]; International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 2(2) and 3, 16 December 1966, 993 UNTS 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html> [hereinafter ICESCR]; and Refugee Convention, *supra* note 4, art.3.

³⁰⁶ See UDHR, *supra* note 305, art. 13, and ICCPR, *supra* note 305, art. 12, which are reflected in Article 26 of the Refugee Convention, *supra* note 4.

³⁰⁷ See UDHR, *supra* note 305, art. 13(2), and ICCPR, *supra* note 305, art. 12(4).

³⁰⁸ See UDHR, *supra* note 305, art 16; ICCPR, *supra* note 305, art. 23, and ICESCR, *supra* note 305, art. 10(1). See also Frances Nicholson, “The “Essential Right” to Family Unity of Refugees and Others in Need of International Protection in the Context of Family Reunification,” *UNHCR Legal and Protection Policy Research Series*, January 2018, 5-7, available at: <https://www.unhcr.org/5a8c413a7.pdf>.

³⁰⁹ See UDHR, *supra* note 305, art. 3 and 9; Mr. Theo van Boven (Special Rapporteur on the Right to Reparation to Victims of Gross Violations of Human Rights), *Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms*, E/CN.4/Sub.2/1993/8, 2 July 1993, available at <https://www.refworld.org/docid/3b00f4400.html> [hereinafter Study of Special Rapporteur on the Right to Restitution].



3.2. GENERAL FRAMEWORK OF INTERNATIONAL PROTECTION FOR IDPs

When displacement entails the crossing of an internationally recognized border (and certain other requirements are met) international law recognizes the existence of a refugee situation. However, when safety is sought within the borders of the same country, the situation is deemed to be one of internal displacement. Although internally displaced persons (IDPs) may have similar protection needs, IDPs receive a significantly different treatment under international law. This distinction is due in large part to the primacy of respect for state sovereignty in public international law.

The Guiding Principles on Internal Displacement, define an IDP as follows:

Persons 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 or in order to avoid the effects of armed conflict, situation of generalized violence, violations of human rights or natural human-made disasters, and who have not crossed an internationally recognized border.³¹⁰

This definition is however purely descriptive and does not grant any special rights or guarantees. Unlike refugees, IDPs do not have a binding international instrument or body exclusively devoted to their protection, and identification as an IDP does not confer a specific legal status under international law.³¹¹

Similarly to refugees, the situation of IDPs is often characterized by a failure on the part of the state of origin (or the State that exercises jurisdiction over them) to adequately protect them. However, the protection accorded to refugees is framed as a *surrogate* protection, imposing specific obligations on States to protect persecuted aliens, whereas the protection of IDPs is one of *complementary* protection, which exists in parallel with national protection, unless national protection is not available.³¹²

The protection regime of IDPs is hence founded in international human rights law, international humanitarian law (in situations of armed conflict), and by norms of refugee law (when applicable). In this regard, the Guiding Principles on Internal Displacement have a special role, addressing the protection needed by IDPs from, during and after the displacement. While not legally binding *per se*, they “reflect and are consistent with international human rights and humanitarian law and analogous refugee law,”³¹³ and are intended to provide guidance to the Special Rapporteur on the Human Rights of Internally Displaced Persons (formerly Representative of the Secretary-

³¹⁰ OCHA, *Guiding Principles on Internal Displacement*, OCHA/IDP/2004/01, June 2001, available at: <http://www.unhcr.org/protection/idps/43ce1cff2/guiding-principles-internal-displacement.html> [hereinafter OCHA, Guiding Principles of Internal Displacement].

³¹¹ The only existing binding instrument aimed at protecting IDPs, the Kampala Convention, has regional extension and it has been signed by 39 African states and ratified by 22. See African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (“Kampala Convention”), 23 October 2009, available at <https://au.int/en/treaties/african-union-convention-protection-and-assistance-internally-displaced-persons-africa> [accessed 27 September 2019].

³¹² Catherine Phuong, *The International Protection of Internally Displaced Persons* (Cambridge: Cambridge University Press, 2004), 25 [hereinafter Phuong, *The International Protection of Internally Displaced*].

³¹³ See “Introductory Note by the Representative of the Secretary-General on Internally Displaced Persons Mr. Francis M. Deng and Introduction” and “Introduction - Scope and Purpose”, para 3, in OCHA, *Guiding Principles of Internal Displacement*, *supra* note 310.



General on Internally Displaced Persons) in carrying out his mandate;³¹⁴ to States that are facing the phenomenon of internal displacement; to all other authorities, groups or persons in their relations with IDPs; and with intergovernmental and non-governmental organizations when addressing internal displacement.³¹⁵

3.2.1. UNHCR and the protection of IDPs

While the UNHCR Statute confers upon the High Commissioner the authority to protect refugees as defined in terms similar, but not identical, to the Refugee Convention and its Protocol, the authority of the UNHCR to protect other groups, not covered by the Refugee Convention, has been expanded by resolutions of the General Assembly and, to some extent, the UN Economic and Social Council (ECOSOC).³¹⁶ As a result, the mandate of UNHCR now covers 1951 Convention refugees, refugees as defined in the OAU Convention and the Cartagena Declaration, returnees and stateless persons.

Nevertheless, UNHCR is not explicitly mandated to provide protection to IDPs. Instead, its mandate is expanded on an *ad hoc* basis under Article 9, which authorizes the High Commissioner to “engage in such activities [...] as the General Assembly may determine, within the limits of the resources placed at its disposal.” Since the early 1970s, UNHCR has periodically provided aid and assisted IDPs,³¹⁷ for example, engaging in protection activities when such involvement could contribute to the search for solution to a refugee problem and there was a direct link between refugees and IDPs,³¹⁸ or upon the request of the UN General Assembly or Security Council.³¹⁹ However, to address the concerns of some States about the possibility of interference with national sovereignty, since 1999, the engagement of UNHCR has required first, a request of the Secretary-General (or the competent organs of the UN), followed by the consent of the State concerned,

³¹⁴ The Special Rapporteur on the Human Rights of Internally Displaced Persons is mandated: 1) To address the complex problem of internal displacement, in particular by mainstreaming the human rights of the internally displaced into all relevant parts of the United Nations system; 2) To work towards strengthening the international response to the complex problem of situations of internal displacement, and to engage in coordinated international advocacy and action for improving protection and respect of the human rights of the internally displaced, while continuing and enhancing inclusive dialogue with Governments, intergovernmental, regional and non-governmental organizations and other relevant actors. See: UN Human Rights Council, *Mandate of the Special Rapporteur on the human rights of internally displaced persons: resolution adopted by the Human Rights Council*, 18 July 2016, A/HRC/RES/32/11, available at: <http://www.refworld.org/docid/57e914a84.html> [accessed 14 September 2019].

³¹⁵ OCHA, *Guiding Principles on Internal displacement*, *supra* note 310, Introduction, para. 3.

³¹⁶ 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.” See: UNHCR, *Note on the Mandate of the High Commissioner for Refugees and his Office*, October 2013, available at: <https://www.refworld.org/docid/5268c9474.html> [accessed 14 September 2019]. Note also, the functions of the UNHCR may also be expanded upon through “good offices” arrangements and “at the invitation of the Secretary-General”, see UNGA, *Report of the United Nations High Commissioner for Refugees*, 2956 (XXVII), 12 December 1972, para. 2, available at: <http://www.unhcr.org/3ae69ee420.html> [accessed 14 September 2019].

³¹⁷ UNGA, *Assistance to Sudanese refugees returning from abroad*, 2958 (XXVII), 12 December 1972, available at: <http://www.unhcr.org/afr/excom/bgares/3ae69ef28/assistance-sudanese-refugees-returning-abroad.html> [accessed 14 September 2019], where the General Assembly commended UNHCR for its efficient role in the coordination of relief and resettlement operations of refugees “and other displaced persons.”

³¹⁸ Phuong, *The International Protection of Internally Displaced*, *supra* note 312, 85.

³¹⁹ UNHCR, *Internally Displaced Persons: The Role of the UNHCR*, UNHCR ExComm, EC/50/SC/INF.2, 20 July 2000, available at <https://www.unhcr.org/excom/EXCOM/3ae68d150.pdf>. For a description of these operations, see: UNHCR, *UNHCR’s Operational Experience with Internally Displaced Persons*, September 1994, 3-15, available at: <https://www.unhcr.org/en-us/publications/legal/3d4f95964/unhcrs-operational-experience-internally-displaced-persons.html> [accessed 27 September 2019]; UNHCR, *Protecting Refugees and the Role of UNHCR 2007 -2008*, 2008, 20.



also taking into account the complementarities of the mandates and expertise of other relevant organizations.³²⁰

Since 2005, UN agencies and international organizations have established an inter-agency collaborative approach (the “cluster approach”) in order to coordinate and improve the response to humanitarian needs of non-refugee situations, marking a considerable step forward for the international protection of IDPs.³²¹

3.3. SEPARATE PROTECTION FRAMEWORK FOR PALESTINIANS

Displaced Palestinians, whether they are registered refugees, unregistered refugees, or internally displaced persons, are subject to a separate legal protection framework, created prior to the adoption of the Refugee Convention or establishment of UNHCR. To address the unique particularities of the Palestinian situation, the United Nations set up two separate agencies: the United Nations Conciliation Commission for Palestine (UNCCP), which was mandated to advocate for the *protection* of Palestinian refugees, and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which was mandated to provide *assistance* to Palestinian refugees. It was a special scheme designed and maintained, even after establishment of the international scheme for protection of refugees, in order to recognize the special responsibility of the international community and ensure proper attention to the specific nature of the Palestinian case.



However, today, displaced Palestinians face a substantial lack of protection. This is due to a multiplicity of reasons – above all, the blatant unwillingness on the part of all actors involved to address and solve the world’s longest refugee and IDP crisis. In fact, more than 71 years of uninterrupted and unsanctioned Israeli policies of colonization and apartheid are mirrored by a unique protection gap that flows from the misinterpretation and improper implementation of the system initially adopted to provide Palestinian refugees and IDPs with comprehensive protection. Most notably, the separate legal framework designed to ensure Palestinian refugees’ entitlement to international protection has been deactivated and, worse, it has been utilized to exclude them from the protection regime of the Refugee Convention and the oversight of UNHCR. Moreover, protection of the Palestinian IDPs on both sides of the Green Line has been undermined by the unwillingness of Israel to provide them the protection and assistance to which they are entitled.

³²⁰ UNGA, *Office of the United Nations High Commissioner for Refugees: resolution adopted by the General Assembly*, 12 A/ RES/53/125, February 1999, available at: <http://www.refworld.org/docid/3b00f52c0.html> [accessed 14 September 2019].

³²¹ “Cluster Approach (IASC),” UNHCR Emergency Handbook, UNHCR, 2019, available at: <https://emergency.unhcr.org/entry/61190/cluster-approach-iasc> [accessed 14 September 2019]. More generally on UNHCR’s role towards IDPs, see UNHCR, *The Protection of Internally Displaced Persons and the Role of UNHCR*, 27 February 2007, available at: <http://www.refworld.org/docid/45ddc5c04.html> [accessed 14 September 2019].

3.3.1. Political Reasons for a Separate Protection Framework

At the time the Palestinian refugee crisis arose in 1948, the international protection system was particularly weak, underdeveloped, and neither the Refugee Convention nor the UNHCR existed. Instead, international protection was a piecemeal system that responded to specific crises and circumstances. To address the Palestinian crisis, the United Nations, spearheaded by the Arab States, established the two agencies to protect and assist Palestinian refugees, and when the Refugee Convention was later negotiated, it was framed in such a way as to underpin the special regime for Palestinians.

Aside from the temporal factor that the Refugee Convention did not yet exist, initially, the distinction for Palestinian refugees was the result of the political position of Arab States. These states consistently demanded the establishment of a strong protection system for Palestinian refugees due to the UN's specific responsibility in the creation of the Palestinian refugee issue. The main concern of the Arab States, however, was to recognize the uniqueness of the Palestinian refugee issue and to ensure them particular protection, specifically their right to return. The representative of Lebanon stated in fact that:

... [T]he Palestinian refugees...differed from all other refugees. In all other cases, persons had become refugees as a result of action taken contrary to the principles of the United Nations, and the obligation of the Organization toward them was a moral one only. The existence of the Palestine refugees, on the other hand, was the direct result of a decision taken by the United Nations itself, with full knowledge of the consequences. The Palestine refugees were therefore a direct responsibility on the part of the United Nations and could not be placed in the general category of refugees without betrayal of that responsibility. Furthermore, the obstacle to their repatriation was not dissatisfaction with their homeland, but the fact that a Member of the United Nations was preventing their return.³²²

To that end, the Arab States objected to the inclusion of Palestinian refugees in the general international protection system for refugees, which was especially weak at the time, and when it came to the drafting of the Refugee Convention and establishing the UNHCR mandate, Arab states persisted in their demand that Palestinians continue to be afforded the protection of a special regime.

3.3.2 Content and structure of the separate regime

Specifically, Arab States advocated that Palestinian refugees should remain under the responsibility of (already existing) special UN agencies (UNCCP and UNRWA). As a result, they proposed an amendment to exclude the Palestinian refugees from the mandate of UNHCR, as stipulated in Article 7(c) of the UNHCR Statute:

“The competence of the High Commissioner [...] shall not extend to a person [...] who continues to receive from other organs or agencies of the UN protection or assistance.”³²³

In addition to this, during the *travaux préparatoires* of the Refugee Convention, the Arab

³²² UNGA, *Official Records*, 5th Session, 3rd Committee, 328th meeting, 27 November 1950, para. 47.

³²³ UNHCR Statute, *supra* note 301, art. 7.



delegations insisted to insert a clause (Article 1D) that was intended to complement the provision contained in the UNHCR Statute. On the opening day of the conference of Plenipotentiaries on the Status of Refugees and Stateless Persons that took place in Geneva in July 1951, the Egyptian delegate stated that:

The Egyptian Government considered that so long as the problem of the Palestine refugees continued to be a United Nations responsibility, the Convention should not be applicable to them. Once United Nations assistance ceased, the Palestine refugees should automatically enjoy the benefits of the Convention. The Egyptian Government had no doubt at all that such refugees came under the terms of Article 1.³²⁴

As a result, Article 1D was inserted into the text of the Refugee Convention, which establishes that:

This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance. 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, these persons shall *ipso facto* be entitled to the benefits of this Convention.³²⁵

In other words, consistent with the intention of Arab states, the function of Article 1D was to ensure that if for some reason, *either* of the UNCCP or UNRWA agencies failed to exercise its role before a final resolution of the refugee situation, that agency's function was to be transferred to the UNHCR and the Refugee Convention would fully and immediately apply without preconditions to the Palestinian refugees.³²⁶

UNCCP

Established under UNGA Resolution 194 (III) of 11 December 1948,³²⁷ the UNCCP was characterized by a dual mandate: to seek conciliation between the parties of the Arab-Israeli conflict, and to provide protection to the refugees. This duality has deeply shaped the UNCCP's (in)action throughout the years, as it entails an intrinsic contradiction between conciliation of all outstanding issues between the parties on the one hand, and the specific implementation of refugees' rights on the other. This contradiction eventually led the agency to limit refugee protection to those issues of least disagreement between the parties.

In relation to protection, paragraph 11 of UN Resolution 194 entrusted the agency to protect the

³²⁴ UN Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, Summary Record of the 29th Meeting, 19 July 1951, A/CONF.2/SR.2, cited in Alex Takkenberg, Christopher C. Tahbaz, *The Collected Travaux Préparatoires of the 1951 Convention relating to the status of refugees* (Amsterdam: Dutch Refugee Council, 1990) vol. III, 209. Furthermore, consideration regarding continued funding by Western donors of the massive relief operation on behalf of the Palestinian refugees is likely to have played a major role in the insertion of the clause. The Arab States believed that countries which had supported the division of Palestine and the establishment of the State of Israel should continue to foot the assistance bill for the Palestinian refugees. See Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 66.

³²⁵ Refugee Convention, *supra* note 4, art. 1D.

³²⁶ Susan Akram, "Reinterpreting Palestinian Refugee Rights Under International Law, and a Framework for Durable Solutions," BADIL Brief No.1, February 2000, 4, available at: https://badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Brief-No.1.pdf

³²⁷ UNGA, Resolution 194, *supra* note 1.



refugees' most compelling concerns – that is, repatriation (or return), property restitution and the payment of compensation for all losses suffered.³²⁸ The mandate of the UNCCP thus included facilitation of a durable solution for refugees based on the voluntariness principle. In the early years of its mandate, many of its activities were similar to the protection functions carried out by UNHCR in other refugee situations. Initially, UNCCP attempted to persuade Israel to recognize the validity of the right of refugee repatriation. Israel offered a limited repatriation of around 100,000 refugees – an offer that came only in response to American pressure and Israel's pending membership to the United Nations, and it was officially retracted in 1951.³²⁹

The Commission also called for the repeal of the 1950 Absentees' Property Law, under which refugee property had been expropriated; the suspension of all measures of requisition and occupation of all Palestinian houses; and the unfreezing of *waqf* property (property endowed for religious purposes under Islamic law).³³⁰ The UNCCP also worked with Israeli officials to facilitate refugee access to blocked saving accounts and assets in banks now under the jurisdiction of Israel.³³¹ However, the Israeli Government and the Israeli Custodian of Absentees' Property retained a significant portion of the monetary value of accounts and assets through the imposition of taxes and administration fees.

Later on, the objective of the agency gradually shifted from the realization of repatriation for Palestinian refugees to mere information gathering on refugee property in 1948 Palestine and investigation of the possibility of compensation.³³² In this sense, a UNCCP sub-office designed to investigate compensation alternatives was created by the General Assembly with Resolution 394 (V).³³³ Even if the records collected still provide the most comprehensive database of Palestinian property to date, the creation of the sub-office marked a significant change in policy and signaled “the beginning of the demise of [the UNCCP] as anything but a symbol.”³³⁴ In 1951, the agency officially reached the conclusion that it was unable to fulfil its mandate.³³⁵ The rights affirmed in

³²⁸ Paragraph 11 reads that the UNGA, “Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible; and instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation [...]” *Id.*, para. 11.

³²⁹ David P. Forsythe, *United Nations Peacemaking: the Conciliation Commission for Palestine* (Baltimore: Johns Hopkins University Press, 1972), 70 [hereinafter Forsythe, *United Nations Peacemaking*].

³³⁰ UN Conciliation Commission for Palestine (UNCCP), *Work of UNCCP on refugee problem – Conciliation Commission report*, A/AC.25/CCP.RWA/2, 18 April 1950, para. 43, available at: <https://www.un.org/unispal/document/auto-insert-211877/> [accessed 14 September 2019].

³³¹ Laura Reanda, *The Work of the United Nations Conciliation Commission for Palestine*, paper prepared for the International Conference on Palestine Refugees, Paris, 26-27 April 2000; cited in Terry Rempel, “The United Nations Conciliation Commission for Palestine, Protection, and a Durable Solution for Palestinian Refugees,” Brief No. 5, June 2000, 5, available at: https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.5.pdf [hereinafter Rempel, *The UNCCP*].

³³² See, e.g. Susan Akram, “Palestinian Refugees and their Legal Status: Rights, Politics and Implications for a Just Solution,” *Journal of Palestine Studies* 31, no. 3, (2002):36-51; Lena El-Malak, “Palestinian Refugees in International Law: Status, Challenges, and Solutions,” *Immigration, Asylum and Nationality Law* 20, no. 3, (2006): 187.

³³³ UNGA, *Resolution 394 (V). Palestine: Progress report of the United Nations Conciliation Commission for Palestine; Repatriation or resettlement of Palestine refugees and payment of compensation due to them*, A/RES/394 (V), 14 December 1950, available at <https://unispal.un.org/DPA/DPR/unispal.nsf/0/2E009C2372D9E9F9852560EB006D0D8C> [accessed 27 September 2019].

³³⁴ Forsythe, *United Nations Peacemaking*, *supra* note 329, 56.

³³⁵ “The present unwillingness of the parties fully to implement the UNGA Resolution under which the Commission is operating, as well as the changes which have occurred in Palestine during the past three years, have made it impossible for the Commission to carry out its mandate.” UNGA, *Progress Report and Supplementary Report of the UN Conciliation Commission for Palestine, covering the period from 23 January to 19 November 1951*, A/1985, 20 November 1951, para. 79



UNGA Resolution 194(III) were repeatedly deferred in light of what the Commission came to view as the practicalities on the ground, i.e. Israel's opposition to the return of the refugees³³⁶

By the mid-1950s, the agency effectively ceased its functions, essentially as a result of Israel's refusal to work in cooperation with it, several internal disputes among its members, and the international community's unwillingness to support it in the fulfillment of its excessively wide and contradictory mandate. Although it was never officially abolished, the UNCCP ceased to make a substantial contribution towards the implementation of its protection mandate. To this day, the only report produced by the UNCCP is a one-page document published annually which states that, "it has nothing new to report."³³⁷ Moreover, no alternate entity has been established or mandated to replace the UNCCP in order to provide protection to 1948 refugees, as well as to the 1967 refugees or IDPs displaced in the oPt, thereby leaving Palestinian refugees uniquely without any agency mandated to ensure legal protection of their basic rights as refugees.

UNRWA

UNRWA was established in 1949 with UN General Assembly Resolution 302 (IV) to complement the work of the UNCCP by providing assistance as "direct relief and works programs" to Palestine refugees.³³⁸ The agency was never provided with a specific statute, and therefore its mandate, characterized by several ambiguities, has to be derived from all relevant UNGA and UNSC resolutions and requests addressed to the Agency.

UNRWA provides assistance only to registered "Palestine refugees" (and their descendants) that fall under the agency's definition, that is:

"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."³³⁹

In order to be eligible for receiving UNRWA's services, refugees need to be present in its five geographical areas of operation, namely Jordan, Lebanon, Syria, the Gaza Strip and the West Bank (including east Jerusalem) and must be in need of assistance. To date, UNRWA continues to provide services to registered Palestinian refugees through five main programs – education, health, relief and social services, microfinance and emergency assistance. Moreover, it provides refugee camps with infrastructure and other basic improvements and carries out specific emergency response programs (as in the case of some Palestinian refugees displaced after the Syrian conflict, or in the Gaza Strip). All the projects are funded almost entirely by voluntary contributions from UN Member States. UNRWA also maintains the only existing database of 1948 Palestinian refugees and issues them registration cards. Although not systematic, and statistically incomplete, UNRWA's database includes invaluable information about 5.4 million refugees and their families.

³³⁶ See Rempel, *The UNCCP*, *supra* note 331.

³³⁷ UNCCP, *Seventy-First Report*, A/72/332, 15 August 2017, available at: <https://undocs.org/A/72/332> [accessed 27 September 2019].

³³⁸ UNGA, *Resolution 302 (IV). Assistance to Palestine Refugees*, A/RES/302 (IV), 8 December 1949, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/O/AF5F909791DE7FB0852560E500687282> [hereinafter UNGA, Resolution 302].

³³⁹ "Palestine Refugees," UNRWA.org, available at: <http://www.unrwa.org/palestine-refugees>. Moreover, there are unregistered groups entitled to receive UNRWA's humanitarian assistance, such as persons displaced as a result of 1967 hostilities. See UNGA, Resolution 2252, *supra* note 3.



UNRWA's mandate was originally intended to be short-term,³⁴⁰ but it has been repeatedly renewed every three years and has been slightly expanded throughout the years to include very limited and specific legal protections. During the initial six years of its operations, under the recommendations of the UNCCP's Economic Survey Mission and the political influence of the main donors, UNRWA initiated programs aimed at reintegrating refugees, through resettlement, into the economic life of the region.³⁴¹ However, due to strained financial resources and strong opposition of Arab states and refugees to *de facto* resettlement, the project was soon abandoned. In 1959, the UN Secretary-General recognized that "no reintegration would be satisfactory, or even possible, were it to be brought about by forcing people into new positions against their will."³⁴²

UNRWA's protection role was again expanded following the massacre of Sabra and Shatilla that occurred in Lebanon in 1982. The General Assembly issued a resolution where it conferred UNRWA with an advisory status in terms of protection: the Secretary General was in fact asked to consult with UNRWA to take "measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied [Lebanese] territory."³⁴³ In 1983, 1988 and 1993 similar resolutions reiterated the need for UNRWA to continue its efforts in preserving the security and human rights of the Palestinian refugees in territory under Israeli occupation since 1967.³⁴⁴

During the first Intifada (1987–1993), UNRWA protection activities increased following passage of Security Council Resolution 605, wherein UNRWA was requested by the Secretary General to enhance its general assistance capacity through the addition of international staff in the West Bank and the Gaza Strip to intervene with Israel, the Occupying Power, in an effort to provide passive protection.³⁴⁵

However, one of the most expansive protection mechanisms ever instituted by UNRWA is represented by the Refugee Affairs Officer Program in the West Bank and the Gaza Strip to provide protection through monitoring, reporting, and a limited degree of intervention. By the beginning of the 1990s, the program included a legal aid scheme that aimed at helping "refugees deal with a range of problems of life under occupation."³⁴⁶ Moreover, UNRWA has offered legal advice and assistance to refugees applying for family reunification. The program was eventually phased out,

³⁴⁰ Article 6 states that all relief and work operations were to be terminated by the middle of 1951; see UNGA, Resolution 302, *supra* note 338, art. 6.

³⁴¹ UNRWA, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, UN Doc. A/1905, 30 June 1951; see also Jaber Suleiman, "The Ongoing UNRWA Crisis: Context, Dimensions, Prospects and Responses," *Policy Dialogue Series – Lebanese Palestinians Relations*, Common Space Initiative, August 2018, 8-9, available at: <http://www.badil.org/phocadownloadpap/badil-new/resources/docs/individuals/unrwa-crisis-lebanon-en.pdf> [Suleiman, The Ongoing UNRWA Crisis].

³⁴² UNGA, *Report of the Director of the United Nations Relief and Work Agency for Palestine Refugees in the Near East*, A/RES/614 (VII), 6 November 1952, available at: <https://bit.ly/2LcOPXh> [accessed 14 September 2019].

³⁴³ UNGA, *Resolution 37/123: The Situation in the Middle East*, A/RES/37/123 A-F, 16 December 1982, available at: <https://bit.ly/2GQnrse> [accessed 14 September 2019].

³⁴⁴ UNGA, *Resolution 38/83 (I): Protection of Palestine Refugees*, A/RES/38/83(I), 15 December 1983, available at: <https://www.un.org/documents/ga/res/38/a38r083.htm> [accessed 14 September 2019]; UNGA, *Resolution 48/40(H): Protection of Palestine Refugees*, A/RES/48/40(H), 10 December 1993, available at: <https://bit.ly/2GQo3Ov> [accessed 14 September 2019].

³⁴⁵ UNSC, *Resolution 605: Territories occupied by Israel*, S/RES/605, 22 December 1987, available at: <https://bit.ly/2GETASm> [accessed 14 September 2019].

³⁴⁶ Harish Parvathaneni, "UNRWA's Role in Protecting Palestine Refugees," BADIL Working Paper No. 9, December 2004, 18, available at: http://www.badil.org/phocadownloadpap/Badil_docs/Working_Papers/WP-E-09.pdf



first in 1994 in the occupied Gaza Strip – following the redeployment of the Israeli military, and then in 1996 in the occupied West Bank – after the establishment of the Palestinian Authority.³⁴⁷

Today, UNRWA explicitly recognizes its protective character, but it defines protection in general and self-referential terms, as, “what the Agency does to safeguard and advance the rights of Palestine refugees.”³⁴⁸ The agency has adopted a “holistic approach” which embodies protection through “internal” and “external” dimensions: while the former is developed through service delivery programs, the latter is articulated through engagement with relevant duty bearers, by, “monitoring and reporting of violations and by engaging in private and public advocacy.”³⁴⁹ What was reported about UNRWA’s capacity to protect Palestinian refugees during humanitarian crisis in the early 1980s still largely applies today: “The only means at the disposal of [UNRWA] is [...] to report, to warn and to make representations to the authorities responsible.”³⁵⁰ However, despite the development of its protective functions, UNRWA remains, to this day, neither explicitly mandated, nor adequately equipped, to provide the just and durable solution to which Palestinian refugees are entitled, therefore leaving the “protection gap” wide open.

The Protection Gap

The system that remains, after the substantial demitting of the UNCCP and with UNRWA’s lack of any adequate mandate for protection and the promotion of durable solutions, leaves a serious protection gap for Palestinian refugees. This is further exacerbated by two additional elements.

Firstly, the definition adopted by UNRWA of “Palestine refugee” is in fact a mere administrative/operational definition that does not properly define refugee status, in contrast to the “global” definition provided by Article 1A (2) of the Refugee Convention and other regional instruments. UNRWA’s definition simply outlines the criteria necessary for receiving assistance and fails to acknowledge the element of forcible displacement at all. Moreover, UNRWA’s definition does not fully encompass the whole range of displaced Palestinians today, as it includes only those who were displaced during the 1948 War and who were registered or eligible for registration. In other words, it does not



Demolition of Palestinian homes continue in the West Bank, Jordan Valley, April 2017 (Source: wafa.ps)

³⁴⁷ *Refugee Affairs Officer Program Guidelines*, 3rd edition, 15 March 1989, cited in Parvathaneni, UNRWA’s Role in Protecting Palestine Refugees, *supra* note 346.

³⁴⁸ Morris, “What Protection Means for UNRWA in Concept and Practice,” Consultant’s Report to UNRWA, 31 March 2008, available at: <https://www.unrwa.org/userfiles/20100118155412.pdf>.

³⁴⁹ “What We Do – Protection,” UNRWA.org, 2017, available at: <https://www.unrwa.org/what-we-do/protection> [accessed 14 September 2019].

³⁵⁰ UNRWA, *Report of the Commission General of the UNRWA*, A/38/13, 30 June 1983, 7, available at: <https://bit.ly/2XTaVhu> [accessed 14 September 2019].

include anyone displaced for the first time in 1967 as a result of the Six Day War, although it has a mandate extended by the UN General Assembly to provide humanitarian assistance on an emergency basis only, or anyone forcibly displaced since 1967 as a result of Israel's ongoing annexation and colonization of the oPt. A properly inclusive definition of Palestinian forcibly displaced persons would include all Palestinian refugees and IDPs without temporal restrictions, in accordance with international definitions and as articulated in the Glossary of Terms.

Secondly, the narrow and exclusionary interpretation of Article 1D of the Refugee Convention by both the UNHCR and signatory States furthers the extent to which the Protection Gap is embedded.³⁵¹ If Paragraph 1 states that the Convention does not apply to persons who are at present receiving protection or assistance from organs or agencies of the UN other than the UNHCR, Paragraph 2 contains an inclusion clause, which provides that:

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, these persons shall *ipso facto* be entitled to the benefits of this Convention.³⁵²

In other words, when either UNRWA or UNCCP cease to or are unable to fulfil their mandate for a particular Palestinian refugee, that refugee is entitled to the status and benefits under the Refugee Convention without having to fulfil the individualized criteria set out in Article 1A(2). However, the prevalent interpretation of the inclusion clause is that Palestinian refugees must not be receiving any benefits from a UN organ or agency before they will be eligible for Refugee Convention coverage. In other words, they must be receiving neither protection nor assistance before they can be included under the Refugee Convention – and according to UNHCR, the event that triggers the inclusion clause would be the cessation of UNRWA assistance.³⁵³

In light of the drafting history and given the purpose this provision was intended to fulfil, the meaning of the word “or” is that those refugees who are not receiving *either* protection *or* assistance are to be covered by the alternate protection scheme of the Refugee Convention. The end of effective protection, through the cessation of UNCCP's protection activities, is the crucial event that triggers the applicability of the inclusion clause. Given that UNRWA's mandate was to ensure assistance, and UNCCP's mandate to ensure protection, it follows that the function of Article 1D was to ensure that if for some reason *either* of these agencies failed to exercise its role before a final resolution of the refugee situation, that agency's function was to be transferred to the UNHCR, and the Refugee Convention would fully and immediately apply without preconditions to the Palestinian refugees.³⁵⁴

³⁵¹ Although UNHCR's guidelines are not legally binding on national authorities involved in refugee status determination, they may serve as a useful guidance for decision-makers in asylum proceedings.

³⁵² Refugee Convention, *supra* note 4, Article 1D.

³⁵³ Namely: (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 (un)able to (re)avail themselves of the protection or assistance of UNRWA. UNHCR, “Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees,” *Guidelines on International Protection No.13*, December 2017, available at: <https://www.refworld.org/pdfid/5a1836804.pdf>; UNHCR, *Note on UNHCR's Interpretation of Article 1D of the 1951 Convention relating to the Status of Refugees and Article 12(1)(a) of the EU Qualification Directive in the context of Palestinian refugees seeking international protection*, May 2013, available at: <https://www.refworld.org/docid/518cb8c84.html> [accessed 14 September 2019].

³⁵⁴ BADIL, *Closing Protection Gaps*, *supra* note 11.



Table 3.1: Summary of Refugee Protection

International Standards of Protection for Refugees	General Refugee Protection	The protection gap for Palestinian Refugees
Physical safety and security (protection against physical harm) including <i>non-refoulement</i>	<ul style="list-style-type: none"> • UNHCR is mandated to provide basic security to refugees. • Signatory states to the Refugee Convention are required to provide asylum and protection and abide by the principle of <i>non-refoulement</i>. 	<ul style="list-style-type: none"> • All states are bound by - but not - fulfilling the principle of <i>non-refoulement</i>, a peremptory norm of international law. • Signatory states to the Refugee Convention often apply a misguided and overly broad interpretation of Article 1D to deny basic asylum rights to Palestinian refugees, rendering them vulnerable to their statelessness.
Legal protection (ensuring and respecting fundamental human rights and freedoms, including access to justice, legal status, security of properties, and finding a durable solution)	<ul style="list-style-type: none"> • UNHCR is strictly mandated to seek permanent solutions for the problem of refugees, including voluntary repatriation and assimilation. • Signatory states to the Refugee Convention are required to facilitate resettlement and respect the principle of voluntariness of return. 	<ul style="list-style-type: none"> • UNCCP was mandated to legal protection of Palestinian refugees, but has been entirely demitted of its mandate. • UNRWA has no official mandate to address the issue of durable solutions, and no practical engagement in this area. • UNHCR, due to reliance on a narrow and misguided interpretation of Article 1D of the Refugee Convention, repudiates any responsibility in this regard. • The international community has proven impotent in the face of Israeli refusal, backed by the United States.
Material security (ensuring the well-being of the persons involved, that is, to guarantee their human dignity and equal access to basic goods and services).	<ul style="list-style-type: none"> • UNHCR is mandated to provide material security to refugees. • Signatory states to the Refugee Convention are required to provide a minimum standard of security based on the principle of non-discrimination. 	<ul style="list-style-type: none"> • UNRWA is mandated to provide services and relief to Palestine refugees limited to its five areas of jurisdiction (Gaza, West Bank, Lebanon, Syria and Jordan). • Structural deficiencies in its mandate and large budget cuts resulting from chronic underfunding are increasingly restricting the services it can provide.

In creating a separate legal framework, the intention was to ensure an effective protection regime that would beneficially and uniquely address the situation of Palestinian refugees, but instead it has laid the foundation for an exclusionary regime that has, and still today applies solely to Palestinian refugees. In this way, it is vulnerable to exploitation, particularly from Israel and the US, at the behest of the Israeli agenda, seeking to minimize and deny extending their protection obligations to Palestinian refugees and ultimately liquidate the issue of Palestinian refugees as a whole.

Israel's Denationalization of 1948 Palestinian Refugees

Recognition under international law of a distinct Palestinian nationality dates back as early as 8 August 1923, following the entry into enforcement of the Lausanne Treaty, which pursuant to Article 30, determined that Turkish subjects habitually resident in the newly born State of Palestine would become *ipso facto* nationals of said state.³⁵⁵ By the enactment of the Palestinian Citizenship Order in August 1925, Palestinian nationality was codified in domestic law. According to Article 1 of the Citizenship Order, “Turkish subjects habitually resident in the territory of Palestine upon the 1st day of August, 1925 shall become Palestinian citizens.” Thus, by the end of the British Mandate, Palestinian nationality was well grounded in both international and domestic law. However, events that have taken place starting from 1948 have dramatically altered the legal status of all those who, as of May of that year, were considered Palestinian nationals.

³⁵⁵ Article 30 of the Treaty of Lausanne stated that " Turkish subjects habitually resident in territory which in accordance with the provisions of the present Treaty is detached from Turkey will become *ipso facto*, in the conditions laid down by the local law, nationals of the State to which such territory is transferred." Treaty of Lausanne, *supra* note 10.



The Nationality Law passed in 1952 (more appropriately called the 1952 Citizenship Law) by the Israeli Knesset, expressly repealed the 1925 Citizenship Order, retroactively to the day of the establishment of the Israeli State.³⁵⁶ This Law, in sharp contrast with the 1950 Law of Return which entitles 'every Jew' in the world to become a citizen of Israel, did not recognize Israeli citizenship for the over 750,000 Palestinian nationals that had usually resided in the territory that since May 1948 had become the state of Israel. These individuals were thus forcibly displaced from their homes as a result of the 1948 War.³⁵⁷ In this regard, however, a widely recognized rule of customary international law on state succession provides that when a territory undergoes a change of sovereignty, the nationals (generally referred as 'habitual residents') of the geographic territory coming under new sovereignty shall be offered nationality by the new State.³⁵⁸ This means that 1948 Palestinian refugees who habitually resided in the part of the State of Palestine which as of May 1948 had become Israel, are entitled to Israeli citizenship. As a result of the Nationality Law and the attendant mass-scale denationalization of all 1948 Palestinian refugees, Israel has therefore blatantly violated the rule of customary law governing State succession. The right of 1948 Palestinian refugees to acquire Israeli citizenship and to return to their homes of origin in 1948 Palestine is still as valid today as it was when the Citizenship Law was enacted in 1952. Holders of that right are all 1948 Palestinian refugees as well as their descendants, including those who have obtained citizenship of other countries.³⁵⁹

As such, the single largest group of stateless refugees in the world are Palestinian refugees. In addition to its magnitude, the uniqueness of Palestinian statelessness is also characterized by its duration. It stretches as far back as 1948. Accordingly, statelessness has, “dominated and shaped the lives of four generations of Palestinian refugees since their exodus in 1948.”³⁶⁰ It should be noted that while stateless persons are often also refugees, the two statuses are distinct. Both categories of persons do, however, fall within the jurisdiction of the UNHCR. For stateless Palestinian refugees, they are omitted from the protection of UNHCR despite their status as both refugees and stateless persons.³⁶¹

3.3.3. Palestinian IDPs

As outlined above, the responsibility for the protection of IDPs lies primarily on national states. For internally displaced Palestinians, this legal obligation ties Israel in two respects – towards its own Palestinian citizens; and towards the Palestinian population of the oPt, in light of the duties that derive from its status as an Occupying Power under IHL. The situation of Palestinian

³⁵⁶ According to Article 18(a) of Nationality Law 5712-1952, "The Palestinian Citizenship Orders, 1925-1942, are repealed with effect from the day of the establishment of the State [of Israel]." Known as the Nationality (Citizenship) Law, 5712-1952, 14 July 1953 (Isr.).

³⁵⁷ See BADIL, Closing Protection Gaps, *supra* note 11, 2-6 and 17-21.

³⁵⁸ This customary rule dates back as early as the beginning of the 19th Century; as such it was already well- entrenched at the time the Israeli Knesset enacted its Citizenship Law in 1952.

³⁵⁹ On Israel's denial to recognize Israeli citizenship to 1948 Palestinian refugees as a breach of international law, see BADIL, *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, July 2007, available at: http://www.badil.org/phocadownloadpap/Badil_docs/publications/individualROR-en.pdf.

³⁶⁰ Abbas Shibliak, "Stateless Palestinians," *Forced Migration Review Issue 26* (2006): 1, available at: <http://www.fmreview.org/FMRpdfs/FMR26/FMR2603.pdf>

³⁶¹ See Section 3.4: Host Country Protections, for additional information as to how Palestinian refugees are treated in specific Host Countries. For more information on the issue of statelessness and other categories of stateless Palestinians, see: BADIL, *On the Occasion of the 50th Anniversary of the Statelessness Convention, BADIL reiterates the Palestinian people's right to nationality*, 2011, available at: <https://www.badil.org/phocadownloadpap/legal-advocacy/un-treaty-based-bodies/StatelessnessFINALSept11.pdf>.



IDPs can therefore be analyzed taking into consideration two main groups: Palestinian IDPs in the area that became Israel in 1948, including those displaced during and after the 1948 War and their descendants; and Palestinians displaced in the oPt since 1967 following Israeli policies of colonization, annexation and apartheid. Notably, the latter group may include some 1948 Palestinian refugees initially displaced in 1948 and who have later experienced secondary displacement within the oPt.

Inside 1948 Palestine

Although they were granted Israeli citizenship under the 1952 Citizenship Law, Palestinians who were internally displaced inside 1948 Palestine during and after the 1948 War are considered to be “absentees” under Israeli law, despite the fact that they remained in their homeland, and have been systematically blocked from returning to their homes and recovering their property.

Initially, Palestinian IDPs in 1948 Palestine were receiving humanitarian assistance from UNRWA, but in 1952 an agreement was reached between Israel and UNRWA to shift the administration and responsibility of internally displaced Palestinians to Israel. Whilst UNRWA’s motives were essentially economic due to a funding shortfall, Israel’s reasons for the agreement were political,³⁶² as Israel saw the involvement of the international community a factor pushing internally displaced Palestinians to raise their demand for the right of return.³⁶³

In the oPt

Unlike those who had been displaced in 1948 Palestine who were displaced during an armed conflict, the vast majority of Palestinian IDPs inside the West Bank and the Gaza Strip were displaced after such conflict. In the oPt, internal displacement is in fact the result of specific policies³⁶⁴ aimed at the alteration of the demographic composition of such territory, creating a coercive environment that eventually results in forcible population transfer.³⁶⁵ Forcible population transfer is expressly prohibited under the Fourth Geneva Convention³⁶⁶ and constitutes a grave breach of the same Convention³⁶⁷ and an international crime under the Rome Statute of the International Criminal Court.³⁶⁸

³⁶² The three main components of the Israeli policy towards Palestinian IDPs at the time were: i) to give internally displaced the opportunity to make a dignified living; ii) to cut the bond between the displaced and their land in their villages of origin; iii) to end their legal status as refugees. See Hillel Cohen, “How has Israel dealt with the Internally Displaced?”, *Al Majdal*, no. 30-31 (2006); and Hillel Cohen, *Present Absentees: Palestinian Refugees in Israel Since 1948* (Jerusalem: Institute for Israeli-Arab Studies, 2001).

³⁶³ Nihad Bokae’e, “Palestinian Internally Displaced Persons inside Israel: challenging the Solid Structures,” BADIL, February 2003, available at: http://www.badil.org/phocadownload/Badil_docs/Working_Papers/Palestinian.IDPs.pdf.

³⁶⁴ For more information on Israel’s policies of forcible transfer on both sides of the Green Line, please see: BADIL, Working Papers no. 15-22 on Forcible Transfer, available at: <http://www.badil.org/en/publication/research/working-papers.html>.

³⁶⁵ BADIL, *Coercive Environments: Israel’s Forcible Transfer of Palestinians in the Occupied Territory*, (Bethlehem, Palestine: BADIL, February 2017), available at: <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>

³⁶⁶ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 49, 12 August 1949, 75 UNTS 287, available at: <http://www.refworld.org/docid/3ae6b36d2.html> [hereinafter Fourth Geneva Convention].

³⁶⁷ *Id.*, art. 147.

³⁶⁸ Rome Statute of the International Criminal Court, art. 8(2)(b)(viii), 2187 UNTS 90, 17 July 1998, available at: <http://www.refworld.org/docid/3ae6b3a84.html>.




Internally displaced Palestinians inside the West Bank and the Gaza Strip are currently lacking national protection by virtue of the absence of a state effectively able and willing to provide such protection. In fact, on the one hand Israel is refusing to abide by IHL which obligates it to provide protection to the civilian population;³⁶⁹ on the other hand, the PA is currently not able to provide protection for the Palestinian population. The PA's ability to protect is restrained by the effective control exercised by Israel on the territory, particularly over Area C, wherein accordance with the Oslo Accords, Israel continues to exercise full civil and security control over Palestinians.³⁷⁰

The Protection Gap

If the general situation of internally displaced persons worldwide is characterized by state concerns about their own sovereignty and non-interference in their internal affairs, this is particularly true for Palestinians who have been and continue to be displaced, on both sides of the Green Line. To date, no single international or national agency is recognized or tasked to have an explicit protection mandate for internally displaced Palestinians, who as a result suffer severe forms of marginalization in several respects. Palestinian IDPs in 1948 Palestine face societal and institutionalized discrimination as members of a non-Jewish minority in a Jewish nation state. Palestinian IDPs in the West Bank and the Gaza Strip are marginalized by Israel's belligerent occupation, under which it implements annexation, colonization and ongoing policies of forcible transfer.³⁷¹

Table 3.2: Summary of IDP Protection

Protection to which Palestinian IDP are entitled		
Palestinians in 1948 Palestine	Palestinians in the oPt	Palestinians in Exile, including those secondarily displaced
General protection accorded to IDPs under international human rights law (IHRL)	<ul style="list-style-type: none"> If refugees: special protection framework for Palestinian refugees + IHL If IDPs: general protection accorded to IDPs (IHRL and IHL) 	If refugees: special protection framework for Palestinian refugees



Young victims of the Israeli policy of kneecapping sitting in front of Dheisheh refugee camp, April 2017 (©BADIL)

³⁶⁹ Fourth Geneva Convention, *supra* note 366, art. 47.

³⁷⁰ Despite the fact that Israel formally retired its troops from the Gaza Strip in 2005, it still has to be considered as exercising effective control over the territory, see: BADIL, "No Safe Place: Crimes Against Humanity and War Crimes Perpetrated by High-Level Israeli Officials in the Course of 'Operation Protective Edge'," Submission to the International Criminal Court, February 2016, available at: <https://reliefweb.int/report/occupied-palestinian-territory/no-safe-place-crimes-against-humanity-and-war-crimes>. In this sense, see the Advisory Opinion of the International Court of Justice on the Legal consequences of the Construction of a Wall in the Occupied Palestinian Territory, where the Court recognizes the applicability in the oPt of Human Rights instruments such the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and cultural Rights and the United Nations Conventions on the Rights of the Child: see Legal Consequences of the Construction of a wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, 9 July 2004, 136, para. 102-113, available at: <http://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>.

³⁷¹ Terry Rempel, "Internally Displaced Palestinians, International Protection and Durable Solutions," Information and Discussion Brief no. 9, BADIL, 2002, available at: https://www.badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.9.pdf.



3.4. HOST COUNTRY PROTECTIONS

3.4.1. Arab States and Turkey

The overwhelming majority of Palestinian refugees remain located in Arab countries, and as such, the situation in each country is critically important to the socio-economic wellbeing of the Palestinian population generally. However, this is a region in which most countries have not ratified or acceded to the 1951 Refugee Convention or 1967 Protocol, with the exception of Turkey,³⁷² Egypt, Yemen, Algeria, Tunisia, Morocco, Sudan and even Israel. As a result, the protection framework that applies to Palestinian refugees in these countries is substantially different from that which applies in other countries.

Instead, Arab states, via the League of Arab States (LAS), agreed to the framework set out under the Protocol on the Treatment of Palestinian Refugees (the Casablanca Protocol).³⁷³ Agreed on 10 September 1965, under the Protocol, all Arab host states were called upon to recognize Palestinian nationality, ensure access and entitlement to work, residency, freedom of movement (internal and external), including the provision of travel documents. In other words, the Casablanca Protocol entitled Palestinian refugees residing in member states of the LAS to legal status equivalent to that of a state national, while preserving their national identity.

Initially, the position of Arab countries towards the Protocol was divided into three groups: those who did not ratify the Casablanca Protocol, those that did ratify, and those that ratified the protocol with reservations concerning certain articles.³⁷⁴ However, the situation deteriorated on 12 September 1991, with the adoption by the LAS of a proposal put forth by Saudi Arabia and Kuwait.³⁷⁵ This resolution (No. 5093) added the words “in accordance with the laws and regulations of each State,” after the phrase, “Protocol for the Treatment of Palestinians,” and fundamentally changed the nature of the protection provided to Palestinian refugees in Arab host states.³⁷⁶ Now, Arab States were allowed to prioritize their own legislative processes over the Protocol,³⁷⁷ making Palestinian refugees more susceptible to internal political issues and interests, and diminishing their rights, often to the point of being ignored or exploited.

The following is a profile of Arab states, including ratification status and the measures that have (or have not) been taken to uphold these regulations, and includes, where possible, information regarding current or developing issues concerning Palestinian refugees. Although not an Arab state, Turkey is included here because the legal protection situation for Palestinian refugees is more akin to these states than that of the western countries as a result of the geopolitical reservation to the 1951 Refugee Convention that excludes all refugees not originating from European countries.

³⁷² While Turkey is a signatory to the 1951 Refugee Convention, it maintains a geographic restriction that excludes refugees not originating from Europe: see UNHCR, “Turkey: Working Environment,” in *UNHCR Global Appeal 2008-2009*, 2009, available at: <https://www.unhcr.org/474ac8e60.pdf>.

³⁷³ League of Arab States, Protocol on the Treatment of Palestinian Refugees “Casablanca Protocol”, 11 September 1965, available at: <https://unispal.un.org/UNISPAL.NSF/O/E373EB5C166347AE85256E36006948BA> [accessed 14 September 2019] [hereinafter Casablanca Protocol].

³⁷⁴ *Ibid.*; Saudia Arabia, Tunisia and Morocco did not ratify the Casablanca Protocol.

³⁷⁵ Ali Hweidi, “On the Decision to Amend the Nationality of the Palestinian Refugees in Kuwait,” *Dunia Al Watan*, 10 October 2016, available in Arabic at: <https://pulpit.alwatanvoice.com/content/print/419021.html> [accessed 14 September 2019] [hereinafter Hweidi, Palestinian Refugees in Kuwait].

³⁷⁶ Arab League Resolutions, “Implementing the Protocol for the Treatment of Palestinians according to the laws and regulations in force in each country,” 1991, available in Arabic at: <http://muqtafi.birzeit.edu/InterDocs/images/246.pdf>.

³⁷⁷ Hweidi, Palestinian Refugees in Kuwait, *supra* note 375.



Algeria

The Palestinian presence in the Republic of Algeria (Algeria) began as part of the process of “Arabization” that followed Algerian independence from the French in 1962, when many Palestinians were recruited to the education sector. Additional waves followed the 1967 occupation, with many Palestinians denied entry by Israel,³⁷⁸ and in 1982, after the PLO evacuation from Beirut, Lebanon.³⁷⁹ By 1991, up to 10,000 Palestinians lived in Algeria, after which many left due to the conflict between the Algerian government and the Islamic Salvation Front (FIS).³⁸⁰ Since 2010 until today, UNHCR has registered a stable population of approximately 4,000 Palestinian refugees in Algeria,³⁸¹ with the overall population of the Palestinian community in Algeria estimated at 6,000 in 2018.³⁸²

Legal Status

Algeria has ratified both the Refugee Convention and the Casablanca Protocol without reservations, and has one of the better records of implementation.³⁸³ Palestinians were given two-year residency permits, regularly renewable, and can enter and exit easily, provided it is in coordination with the Algerian government and the PLO.³⁸⁴

Recognition of Basic Rights

- **Right to work:** most Palestinians on residency permits hold contracts with the government, those who do not hold government contracts are generally subject to harassment from the authorities.³⁸⁵

Current situation

Algeria detains, imprisons and deports all illegal immigrants, but in the case of Palestinians, reportedly gives them slightly preferential treatment by allowing them the opportunity to voluntarily leave.³⁸⁶ In October 2018, 53 Palestinian refugees from Gaza were detained by the Algerian government and subsequently deported to Niger.³⁸⁷

³⁷⁸ Ibrahim Al Ali", Casablanca Protocol and the treatment of the Palestinians in the Arab Countries ", June ,2013 available in Arabic at :<https://goo.gl/zeuYag> [accessed 14 September 2019] [hereinafter Al Ali, Casablanca Protocol].

³⁷⁹ "Refugees in the Maghreb: Eyes on Palestine," *Al Ray: Palestinian Opinion Agency for Information*, 7 May 2013, available in Arabic at: <https://bit.ly/2krDiF8> [accessed 14 September 2019].

³⁸⁰ Islamic Salvation Front is an Islamic political party founded in February 1989 by Abbasi Madani and Ali Belhadj, and dissolved in March 1992; Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 169.

³⁸¹ UNHCR, "Algeria: Working Environment," in *UNHCR Global Appeal 2010-2011*, 2011, available at: <https://www.unhcr.org/4b05117f9.pdf>; and UNHCR, *Population Statistics*, *supra* note 155.

³⁸² "6000 Palestinians live in Algeria: The realities of "the second homeland," *El Watan*, 17 February 2018, available in French at: <https://www.elwatan.com/edition/actualite/6000-palestiniens-vivent-en-algerie-les-realites-de-la-seconde-patrie-17-02-2018> [accessed 14 September 2019].

³⁸³ Al Ali, Casablanca Protocol, *supra* note 378.

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

³⁸⁶ "Official: Illegal Palestinian migrants have special status in Algeria," *Middle East Monitor*, 7 February 2019, available at: <https://www.middleeastmonitor.com/20190207-official-illegal-palestinian-migrants-have-special-status-in-algeria/> [accessed 14 September 2019].

³⁸⁷ "Euro-Med HRM: 'Dozens of Palestinian refugees detained by Algerian authorities'," *Middle East Monitor*, 7 December 2018, available at: <https://www.middleeastmonitor.com/20181207-euro-med-hrm-dozens-of-palestinian-refugees-detained-by-algerian-authorities/> [accessed 14 September 2019]; and "Algeria deports Syrian, Palestinian refugees to Niger," *Middle East Monitor*, 2 January 2019, available at: <https://www.middleeastmonitor.com/20190102-algeria-deports-50-syrian-palestinian-refugees-to-niger/> [accessed 14 September 2019].



Egypt

There were two main waves of displaced Palestinians arriving in the Arab Republic of Egypt. The first wave included approximately 11,600 Palestinians who fled to Egypt during the *Nakba* and its immediate aftermath. On arrival, most resided in two camps, one in Cairo and the other in Sinai, though these were quickly disbanded and many refugees were thus sent back to Gaza or Jerusalem by the Egyptian authorities.³⁸⁸ The second wave came during and after the 1967 War, when many Palestinians were deported from Gaza by Israel.³⁸⁹ By 1969, 33,000 Palestinians were residing in Egypt.³⁹⁰ According to a 2018 UNHCR report, there were 70,021 Palestinian Persons of Concern in Egypt.³⁹¹ The US Embassy puts this figure at around 160,000, including approximately 5,000-6,000 who have sought refuge from Syria.³⁹²

Legal Status

Egypt is a signatory to the Casablanca Protocol, but Palestinians have generally not enjoyed the protections enshrined therein. Moreover, as Egypt did not request UN assistance in 1948, it fell outside the UNRWA mandate area. The consequential absence of UNRWA presence and services, as well as Egyptian policies, left the Palestinian refugee population more interspersed than in other Arab countries. Today, most 1948 refugees hold temporary residency status, which must be renewed every 1-3 years, and entitles them to a five-year travel document.³⁹³ Refugees from 1967 also hold temporary residency that must be renewed, and are entitled to three-year travel documents.³⁹⁴ However, Palestinians from Syria are not considered refugees by the Egyptian authorities and are not allowed to register with UNHCR. As a result, they cannot obtain residency permits and are deemed visitors who face the risk of arrest and deportation due to a lack of residency documentation.³⁹⁵ Notably, following a change to the law in 2011, approximately 40,000 Palestinians had been granted Egyptian citizenship by 2014 as a result of having an Egyptian parent.³⁹⁶

Recognition of Basic Rights

Under President Gamal Abdel Nasser, Palestinians enjoyed almost equal rights to Egyptian citizens. However, the death of President Nasser and the rising political tensions between Egypt

³⁸⁸ Laurie Brand, *Palestinians in the Arab World: Institution Building and the Search for State* (New York: Columbia University Press, 1988), 43 [hereinafter Brand, *Palestinians in the Arab World*].

³⁸⁹ Oroub El-Abed, *Unprotected: Palestinians in Egypt since 1948* (Washington, D.C. and Ottawa, Ontario, Canada: Institute for Palestine Studies and the International Development Research Centre, 2009), 59, available at: <https://prd-idrc.azureedge.net/sites/default/files/openbooks/443-7/index.html> [accessed 14 September 2019] [hereinafter El-Abed, *Palestinians in Egypt*].

³⁹⁰ Brand, *Palestinians in the Arab World*, *supra* note 388, 46.

³⁹¹ UNHCR, Population Statistics, *supra* note 155.

³⁹² Based on statistics collected by the Palestinian Embassy in Cairo, see: Susan Akram, et al, *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing* (Boston: Boston University Press, 2015), 84, available at: <https://www.bu.edu/law/files/2015/08/syrianrefugees.pdf> [hereinafter Akram et al, *Protecting Syrian Refugees*].

³⁹³ BADIL, "On the situation of Palestinian refugees in Egypt," *Haq Al Awda*, no. 55, (2013), available in Arabic at: <http://www.badil.org/ar/publications-ar/periodicals-ar/haqelawda-ar/item/1968-art12.html> [accessed 14 September 2019] [hereinafter BADIL, *Palestinian Refugees in Egypt*].

³⁹⁴ El-Abed, *Palestinians in Egypt*, *supra* note 389, 79.

³⁹⁵ Marjan Claes, "Palestinian Refugees from Syria in Egypt: an overview," *Al Majdal*, no. 57 (2015), available at: <https://www.badil.org/en/publication/periodicals/al-majdal/item/2075-article-4.html> and Akram et al, *Protecting Syrian Refugees*, *supra* note 392, 84-85.

³⁹⁶ "Al-Louh reveals: 40,000 Palestinians obtained Egyptian citizenship until 2014," *Sama News*, 22 July 2018, available in Arabic at: <https://goo.gl/q7H2FX> [accessed 14 September 2019]; Laila Taha, "Palestinians from Egypt and the Naturalization issues," *PRC*, 13 August 2018, available at: <https://prc.org.uk/en/post/3912/palestinians-from-egypt-and-the-naturalization-issues> [accessed 14 September 2019] [hereinafter Taha, *Palestinians from Egypt*].



and the PLO in the 1970s impacted the legal situation and thus Palestinians in Egypt were slowly stripped of their rights, unless they held citizenship.

- **Right to Movement:** Palestinians who hold Egyptian travel documents are subjected to strict travel restrictions, which require them to obtain a valid return visa before re-entry, or to travel back to Egypt every six months to retain their right of entry.³⁹⁷
- **Right to Work:** Since 1978, Palestinians with travel documents have been subject to a condition of reciprocity in order to acquire work permits, which served to exclude Palestinians from the workforce due to the absence of a state able to provide reciprocity to Egyptian nationals.³⁹⁸ Even Palestinian refugees carrying Egyptian travel documents with a valid visa are excluded in terms of employment opportunities under the rule of preference.³⁹⁹
- **Right to Education:** Access to public education is prohibited to Palestinians, forcing them to be dependent on the private schools which require the tuition be paid in a foreign currency.⁴⁰⁰ Additionally, Palestinians have been restricted access and admission to certain universities.⁴⁰¹ There have been exemptions at various points in time for children of those working for the PLO or Egyptian authorities,⁴⁰² as well as sources of financial aid that have been available to facilitate education in certain cases.⁴⁰³
- **Right to Health Care:** generally, Palestinian refugees are treated as foreigners in regards to health care, so while they have access to basic primary health care, they do not have the same access as Egyptian citizens.⁴⁰⁴ However, Palestinians who work in the Egyptian government are able to access free health care, though their families are not covered. Treatment is often provided in public hospitals for modest fees for people without health insurance, including both Palestinians and Egyptians.⁴⁰⁵
- **Right to Property Ownership:** Palestinians, as other foreigners, are permitted to own one residential or business property of a certain size only, following a change to the law in 1978.⁴⁰⁶ However, in 1985, Palestinians lost the right to own agricultural or fertile land, and all land owned by Palestinians at the time reverted to state ownership.⁴⁰⁷

The current situation

With the absence of UNRWA and the non-adherence to the regulations of the Casablanca Protocol, Palestinian refugees in Egypt without citizenship face significant hardships due to the denial of fundamental rights and essential services. Further, and particularly since the administration of

³⁹⁷ BADIL, Palestinian Refugees in Egypt, *supra* note 393; and Taha, Palestinians from Egypt, *supra* note 396.

³⁹⁸ El-Abed, Palestinians in Egypt, *supra* note 389.

³⁹⁹ BADIL, Palestinian Refugees in Egypt, *supra* note 393.

⁴⁰⁰ El-Abed, Palestinians in Egypt, *supra* note 389, 104.

⁴⁰¹ Diana Naoum, *Palestinians in Egypt: Assessing the Impact of Egyptian State Policies and Regulations on Palestinian Refugees*, (London: PRC, December 2016), 26, available at: https://prc.org.uk/upload/library/files/Palestinians_in_Egypt_full.pdf.

⁴⁰² Asem Khalil, "Socioeconomic Rights of Palestinian Refugees in Arab Countries," *International Journal of Refugee Law* 23, no. 4 (December 2011):680-719, 701, available at: <https://academic.oup.com/ijrl/article-abstract/23/4/680/1585204?redirectedFrom=fulltext> [accessed 14 September 2019] [hereinafter Khalil, Socioeconomic Rights].

⁴⁰³ BADIL, Palestinian Refugees in Egypt, *supra* note 393.

⁴⁰⁴ Khalil, Socioeconomic Rights, *supra* note 402, 702.

⁴⁰⁵ El-Abed, Palestinians in Egypt, *supra* note 389, 115.

⁴⁰⁶ *Id.*, 117.

⁴⁰⁷ BADIL, Palestinian Refugees in Egypt, *supra* note 393; and El-Abed, Palestinians in Egypt, *supra* note 389, 117.



President Abdel Fattah Al-Sisi, no reliable resources exist specifically for Palestinian refugees in Egypt.⁴⁰⁸

Iraq

The first wave of Palestinian refugees arrived in the Republic of Iraq in 1948, having either chosen to join the Iraqi army or having fled there.⁴⁰⁹ This wave was followed by a second wave in 1967, and a third in 1991 as a result of the Gulf War,⁴¹⁰ an influx that mainly came from Kuwait after they were expelled due to the PLO position supporting the Iraqi government.⁴¹¹ Since the fall of Saddam Hussein's regime in 2003, the number of Palestinians living in Iraq has fallen from 35,000 to less than 15,000 due to increased persecution.⁴¹² According to UNHCR, the number of Palestinian Persons of Concern in Iraq in 2018 was 7,944.⁴¹³

Legal Status

Palestinian refugees were excluded from UNRWA's mandate following an agreement that Iraq would support these refugees in return for not having to financially support UNRWA.⁴¹⁴ Regardless, in accordance with Iraq's ratification of the Casablanca Protocol, Palestinians have largely enjoyed the same socio-economic circumstances as Iraqi citizens, and in some cases better. In December 2017, however, the Iraqi parliament passed Law No. 76 of 2017, which categorized Palestinians as foreigners and stripped them of the rights and privileges conferred by former president Saddam Hussein. The precise implications of this remain unclear due to subsequent Iraqi government assurances that this law did not in fact apply to Palestinians and they are instead subject to Law 51 of 1971 as refugees.⁴¹⁵ In practice, Palestinian refugees have reported experiencing evictions, threats to their businesses, arbitrary arrests and refusals to renew their identity papers since the passing of Law No. 76.⁴¹⁶

Recognition of basic rights

The legislative amendment of 2017 is understood to have stripped Palestinians of their rights to free education, healthcare and travel documents, and denied them work in state institutions. However,

⁴⁰⁸ Naima Abu Mustafa, "The cry of a Palestinian refugee in Egypt," *Raialyoum*, 2017, available in Arabic at: <https://goo.gl/RQDiFw> [accessed 14 September 2019].

⁴⁰⁹ Mohammed Wesam Amer, "Palestinian refugees in Iraq: Unsteady Situation," *The Palestine Return Centre*, 13 August 2018, available at: <https://prc.org.uk/en/post/3911/palestinian-refugees-in-iraq-unsteady-situations> [accessed 14 September 2019].

⁴¹⁰ UNHCR, "Protecting Palestinians in Iraq and Seeking Humanitarian Solutions for Those Who Fled the Country," Aide-Mémoire, December 2006, available at: <http://www.unhcr.org/45b9c1672.pdf> [hereinafter UNHCR, Palestinians in Iraq].

⁴¹¹ Lifos – Centre for Country of Origin Information and Analysis, *Palestinians in Iraq*, (Oslo, Norway and Norrköping, Sweden: Landinfo and Swedish Migration Agency (Migrationsverket), 2014), 6, available at: https://www.landinfo.no/asset/2817/1/2817_1.pdf.

⁴¹² Amnesty International, *Iraq: Human Rights Abuses against Palestinian refugees*, (Amnesty International, 2007), available at: <https://www.amnesty.org/download/Documents/68000/mde140302007en.pdf>.

⁴¹³ UNHCR, Population Statistics, *supra* note 155.

⁴¹⁴ Mahmoud Al Alim "Palestinian refugees in Iraq: incitement and targeted rights," *The New Arab*, 4 January 2018, available in Arabic at: <https://goo.gl/y89gph> [accessed 14 September 2019].

⁴¹⁵ *Ibid.*; "Abadi: The rights of the Palestinian refugees are reserved," *Al Jazeera*, 27 December 2017, available in Arabic at: <https://goo.gl/XigtSn> [accessed 14 September 2019].

⁴¹⁶ "The Iraq Report: Palestinian refugees want out as Iraq moves closer to Iran," *The New Arab*, 1 February 2019, available at: <https://www.alaraby.co.uk/english/indepth/2019/2/1/The-Iraq-Report-Palestinian-refugees-want-out> [accessed 14 September 2019].





Palestinian refugee family at their new home in Baharka refugee camp, Iraq. January 2017. (Source: aljazeera.net)

the exact legal situation remains unclear. Prior to this amendment their rights had included:

- **Right to Residency:** Palestinians were granted residency permits and government-owned or fixed-rent housing supported by the private sector.⁴¹⁷
- **Right to Work:** Palestinians possessed full work rights on par with Iraqi citizens.⁴¹⁸
- **Right to Education:** Palestinians enjoyed the right to free education and were completely exempt from paying tuition fees.⁴¹⁹
- **Right to Health Care:** Palestinians enjoyed the right to health care on par with Iraqi citizens.⁴²⁰

The current situation

According to UNHCR, Amnesty International and Human Rights Watch reports, Palestinians have suffered significant persecution since the fall of Saddam Hussein in 2003, and despite government assurances that Law No. 76 did not apply to them. Perceived to be loyal to Saddam Hussein due to the special treatment he afforded them, Palestinians were targeted and subject to torture, violence, arbitrary arrests, false accusations of collaboration with the former regime, abductions and extrajudicial killings.⁴²¹ Additionally, almost 1,000 Palestinians were displaced to camps in Turkey and Jordan as a result of the rise of the Islamic State of Iraq and Syria (ISIS) militia, where many still remain, unable to meet their basic needs.⁴²²

⁴¹⁷ UNHCR, *Palestinians in Iraq*, *supra* note 410.

⁴¹⁸ *Ibid.*

⁴¹⁹ UNHCR, "Protection Considerations for Palestinian Refugees in Iraq," Update of UNHCR Aide-Memoire of 2006, July 2012, 9, available at: <http://www.refworld.org/pdfid/500ebee2.pdf>.

⁴²⁰ *Ibid.*

⁴²¹ UNHCR, *Palestinians in Iraq*, *supra* note 410; UNHCR, *Relevant COI on the Situation of Palestinian Refugees in Baghdad*, (UNHCR, 30 March 2017), available at: <https://www.refworld.org/pdfid/58de48104.pdf>.

⁴²² Palestinian Refugees Portal, "Report: Palestinians of Iraq between violations and displacement," news release, 19 August 2016, available in Arabic at: <https://goo.gl/zG9pVB> [accessed 14 September 2019].



Jordan

The Hashemite Kingdom of Jordan has hosted the largest number of Palestinian refugees since the *Nakba*.⁴²³ By 1952, the number of Palestinian refugees in Jordan had reached approximately 470,000 due to the *Nakba* and successive waves of displacement that followed it.⁴²⁴ In the wake of the Six Day War in 1967, a further 200,000 Palestinians were displaced from Palestine, including 60,000 from Gaza.⁴²⁵ Today, 70 percent of Jordan's population are estimated to be Palestinian,⁴²⁶ of whom 2,242,579 are refugees registered with UNRWA, including 412,054 people registered in the 10 official refugee camps,⁴²⁷ and 158,000 Palestinians from Gaza.⁴²⁸

Legal Status

Jordan has ratified the Casablanca Protocol without reservations.⁴²⁹ Consistent with this, most Palestinian refugees hold Jordanian citizenship. That is, both Palestinians who fled to Jordan proper during the 1948 War and remained (1948 refugees), and those who were in the West Bank (including east Jerusalem) as it was under Jordanian administration after the war until 1967, as well as Palestinians who fled from the West Bank to Jordan in 1967 and remained, were provided with Jordanian citizenship (collectively known as "Jordanian Palestinians").⁴³⁰ There are a few key exceptions to this, arising as a result of the 1954 Nationality Law. Specifically, any Palestinian refugee who arrived in Jordan (which at that time included the West Bank) after 1954,⁴³¹ including all those who fled from the Gaza Strip in 1967,⁴³² was excluded from Jordanian citizenship and instead holds temporary residency documents (these Palestinian refugees are generally known as "Former-Gazan Palestinians").⁴³³ While these temporary residents are granted two-year temporary passports and conditional access to necessary facilities, such as education and health services, they are required to regularly renew their status,⁴³⁴ and their social status is lower than that of Jordanian Palestinians.⁴³⁵ In 1983, Jordan created a color-coded card system to distinguish between Palestinians who have Jordanian citizenship living in the West Bank

⁴²³ Mohammad Khaled Al-Aza'r, "Arab Protection for Palestinian Refugees, Analysis and Prospects for Development," Working Paper no. 8, BADIL, 17, available at: http://www.badil.org/phocadownloadpap/Badil_docs/Working_Papers/wp-8%20khalid%20al-azare.pdf.

⁴²⁴ UNRWA, Annual Report of the Director of the United Nations Relief and Work Agency for Palestine Refugees in the near east, Addressed to the UNGA, A/2171, 30 June 1952, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/OE598B25FF3267E20525659A00735EA7> [accessed 14 September 2019].

⁴²⁵ UN Secretary General, A/6797, *supra* note 165.

⁴²⁶ Australian Department of Foreign Affairs and Trade (DFAT), *DFAT Thematic Report Palestinians in Jordan and Lebanon*, 2 March 2015, 6. available at: <https://dfat.gov.au/about-us/publications/Documents/country-information-report-lebanon-jordan-thematic.pdf> [hereinafter DFAT, *Palestinians in Jordan and Lebanon*].

⁴²⁷ UNRWA in Figures 2018-2019, *supra* note 158.

⁴²⁸ "Protection in Jordan," UNRWA.org, 2018, available at: <https://www.unrwa.org/activity/protection-jordan> [accessed 14 September 2019] [hereinafter UNRWA, *Protection in Jordan*].

⁴²⁹ Al Ali, *Casablanca Protocol*, *supra* note 378.

⁴³⁰ *Ibid.*

⁴³¹ BADIL, "On the situation of the Palestinian refugees in Jordan," *Haq Al Awda*, no. 55, (October 2013), available in Arabic at: <http://www.badil.org/ar/publications-ar/periodicals-ar/haqelawda-ar/item/1957-art4.html>

⁴³² UNRWA, *Protection in Jordan*, *supra* note 428.

⁴³³ Khalil, *Socioeconomic Rights*, *supra* note 402, 698.

⁴³⁴ "Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention," Chapter one in BADIL, *Closing Protection Gaps Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (Bethlehem, Palestine: BADIL, 2005), 16, available at: http://badil.org/phocadownload/Badil_docs/publications/Handbook.pdf [hereinafter BADIL, *Closing Protection Gaps- 2005*].

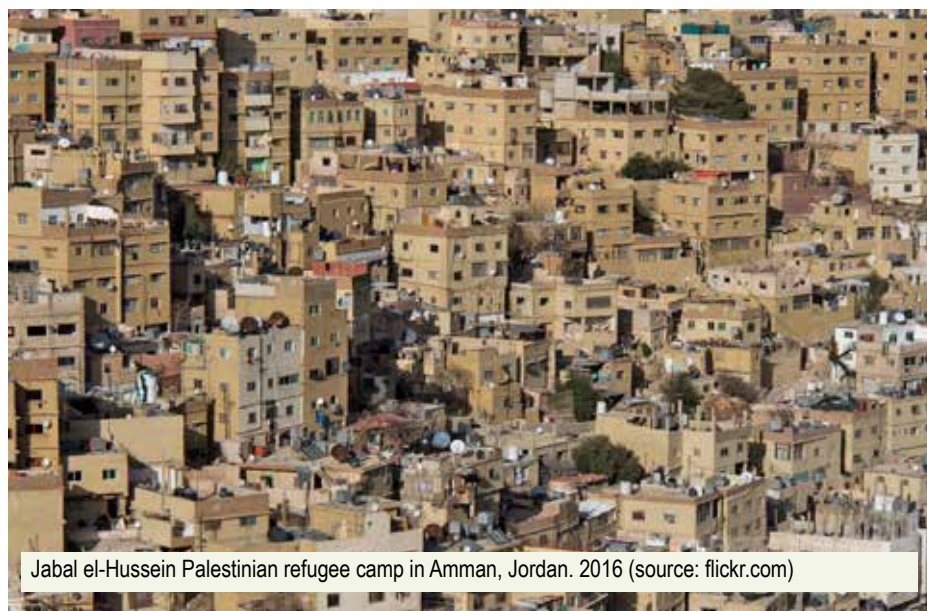
⁴³⁵ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 156.



(including east Jerusalem) and those residing in Jordan. Since that time, and particularly after Oslo, Jordan proceeded to either replace or revoke thousands of five year passports that conferred Jordanian citizenship, distinguished by a yellow card, from Palestinians mostly in the West Bank, but also from Palestinians residing in the east bank of the Jordan River. In cases of replacement, Palestinians were provided with temporary passports (distinguished by a 'green' card).⁴³⁶

Recognition of basic rights

Palestinian refugees residing in Jordan during the period of 20 December 1949 to February 16, 1954 are Jordanian nationals according to Article 3 of the 1954 Jordanian Citizenship Law.⁴³⁷ This status holds the same rights as would a Jordanian national as a result of their citizenship, this includes the right to political participation, health care, education and work. Based on this law, many have become prominent business owners, army generals and even a prime minister.⁴³⁸ However, as a result of conflict that occurred between Jordan and the PLO, specifically in September of 1970, which became known



Jabal el-Hussein Palestinian refugee camp in Amman, Jordan. 2016 (source: flickr.com)

as Black September,⁴³⁹ there was a policy shift which resulted in many Palestinians facing discrimination and difficulties accessing public sector employment. Palestinians still residing in the 10 official camps in Jordan continue to depend on UNRWA to provide education for school age children as well as primary health care.

The situation is markedly different for those Palestinian refugees, primarily from Gaza, who were displaced after the 1967 War:

- **Right to Work:** Palestinians are indirectly excluded from public sector work,⁴⁴⁰ prohibited from practicing in 15 professions, and are required to obtain a work permit for private sector employment, which additionally requires a security clearance.⁴⁴¹
- **Right to Education:** Palestinians have access to Jordan's public schools and UNRWA schools. However, tertiary education is often prohibitive due to the requirement

⁴³⁶ Human Rights Watch, *Stateless Again: Palestinian-Origin Jordanians Deprived of their Nationality*, 1 February 2010, available at: <https://www.hrw.org/report/2010/02/01/stateless-again/palestinian-origin-jordanians-deprived-their-nationality> [accessed 14 September 2019]; The Hashemite Kingdom of Jordan, "King Hussein's Address to the Nation," 31 July 1988, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/7252A24C9D803615852572C0006BCA63> [accessed 14 September 2019].

⁴³⁷ Pietro Stefanini and Tarek Hamoud (eds.), *Decades of resilience: stateless Gazan refugees in Jordan*, (London: PRC, 2018), 9, available at: <https://prc.org.uk/upload/library/files/DecadesOfResilience2018.pdf> [hereinafter PRC, *Decades of Resilience*].

⁴³⁸ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 156.

⁴³⁹ DFAT, *Palestinians in Jordan and Lebanon*, *supra* note 426, 8.

⁴⁴⁰ *Ibid.*

⁴⁴¹ *Ibid.*



to pay tuition in a foreign currency⁴⁴² and the competition for a limited number of admissions.⁴⁴³

- **Right to Health Care:** Palestinian children under six years of age can access public health care, while anyone older is required to pay the same rate as uninsured Jordanians, though this cost is less than what would be paid by a foreigner.⁴⁴⁴ As a result, approximately 56 percent of registered Palestine refugees remain dependent on UNRWA health services.⁴⁴⁵
- **Right to Property Ownership:** As of 3 December 2018, Palestinians refugees from Gaza have been able to own an apartment, house or a plot of land of no more than 1 dunum.⁴⁴⁶
- **Right to Political Participation:** Temporary passport holders have no political rights to participate in electoral life and in the formation of parties.⁴⁴⁷

The current situation

Following the outbreak of war in Syria in 2012, more than 650,000 people fled to Jordan, including 17,719 Palestinian refugees.⁴⁴⁸ In April 2012, Jordan began refusing entry to Palestinian refugees from Syria, and deporting those who had entered Jordan using forged Syrian identity documents.⁴⁴⁹ This action left the vast majority of Palestinian refugees from Syria without residency papers, exposing them to exploitation, abuse, and at constant risk of arrest and *refoulement*.⁴⁵⁰ They continue to face difficulties in civil processes, such as registration of births, and in accessing government services as well as the workforce.⁴⁵¹ Those that were not deported are heavily dependent on UNRWA for services and economic support.⁴⁵²

More generally, the 2018 UNRWA budget crisis forced a reduction of services, allowing UNRWA to focus only on the humanitarian sector, such as relief and social services. This led to a substantial reduction in the employed workforce of the organization, which are mainly Palestinian, and had a significant impact on the unemployment rate among Palestinian refugees.⁴⁵³

⁴⁴² Oroub Al Abed, *Forced Migration Online (FMO) Research Guide: Palestinian Refugees in Jordan*, (Oxford: Refugee Studies Centre (RSC), 2004), available at: http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:5138 (accessed 27 September 2019).

⁴⁴³ BADIL, Closing Protection Gaps- 2005, *supra* note 434, 16.

⁴⁴⁴ DFAT, Palestinians in Jordan and Lebanon, *supra* note 426, 9.

⁴⁴⁵ "Health in Jordan," UNRWA.org, available at: <https://www.unrwa.org/activity/health-jordan>, [accessed 14 September 2019].

⁴⁴⁶ Anwar Al Ziyadat, "Jordan allows Gazans to own houses and land to build houses," *The New Arab*, 3 December 2018, available in Arabic at: <https://bit.ly/2FvJ3Zl> [accessed 14 September 2019].

⁴⁴⁷ PRC, Decades of Resilience, *supra* note 437, 11.

⁴⁴⁸ UNRWA, *Emergency Appeal 2019*, 34, available at: https://www.unrwa.org/sites/default/files/content/resources/2019_syria_ea_final.pdf [hereinafter UNRWA, Emergency Appeal 2019].

⁴⁴⁹ A number of reasons were proffered for this position, among them, that Jordan should not be used as the solution to Israel's problems, fear of the impact on the demographic balance in Jordan, as well as the fact that Palestinians were entitled to remain in Jordan after resolution of the Syrian conflict while Syrians were not. See Human Rights Watch, *Not Welcome: Jordan's treatment of Palestinians Escaping Syria*, 7 August 2014, available at: <https://www.hrw.org/report/2014/08/07/not-welcome/jordans-treatment-palestinians-escaping-syria> [accessed 14 September 2019].

⁴⁵⁰ Neil Sammonds, "A dog has more freedom' - Palestinians at Cyber City camp for refugees from Syria," *Amnesty International*, 29 July 2013, available at: <https://www.amnesty.org/en/latest/campaigns/2013/07/a-dog-has-more-freedom-palestinians-at-cyber-city-camp-for-refugees-from-syria/> [accessed 14 September 2019].

⁴⁵¹ "PRS in Jordan," UNRWA.org, 2014, available at: <https://www.unrwa.org/prs-jordan> [accessed 14 September 2019].

⁴⁵² UNRWA, *Emergency Appeal 2019*, *supra* note 448, 34-41.

⁴⁵³ Nadia Sa'd Al Din, "UNRWA and the Palestinian refugees. Financial crisis or gradual liquidation?" *Al Syasa Al Dawliya*, 2015, available in Arabic at: <https://goo.gl/7Ed5Tr> [accessed 31 August 2019].



Kuwait

In 1965, Palestinians accounted for 17 percent of the population of the State of Kuwait - approximately 78,000 Palestinians out of a total of 468,000 Kuwaitis.⁴⁵⁴ By the early 1990s, with 450,000 people, Palestinians made up almost 45 percent of the Kuwaiti population.⁴⁵⁵ The large Palestinian population in Kuwait was the result of a Kuwaiti decision in 1958 to cancel visa requirements for all those holding Jordanian citizenship; as such, many relocated to Kuwait and remained there.⁴⁵⁶ However, after Iraq's invasion of Kuwait in 1991, only about 180,000 Palestinians remained, many of them forcibly displaced as a result of the post-war deportation policies.⁴⁵⁷ By the end of 2014, the number of Palestinians in Kuwait had declined to just 60,000.⁴⁵⁸

Legal Status

Kuwait ratified the Casablanca Protocol, but made a reservation to Article 1, exempting Palestinians from having the same private enterprise rights as Kuwaitis due to the special regulations.⁴⁵⁹ Kuwait also adopted the LAS Resolution No. 5093, which exempted it from giving priority to the Protocol in practice.⁴⁶⁰ Palestinians in Kuwait, however, have never enjoyed citizenship nor equal status to Kuwaiti citizens, but rather have always been considered migrant workers and never obtain any rights on account of long-term residency. Following the 1991 Iraq invasion, Palestinians were required to renew any work permits or face deportation. For 10 percent of the Palestinian community who had come to Kuwait from Gaza prior to the 1967, this left them in legal limbo unable to return to Gaza and unable to use their old Egyptian travel documents to enter Egypt. As such, many have remained in Kuwait illegally.⁴⁶¹ Today, the relationship between Palestinians and Kuwaitis has improved, but discrimination against Palestinians remains prevalent due to the official Palestinian political position of the invasion of Kuwait by Saddam Hussein in 1991.⁴⁶²

Recognition of Basic Rights

- **Right to Work:** Palestinians are able to reside in Kuwait on work visas, under which their employer is responsible for all legal and material matters.⁴⁶³ Palestinians are still not allowed to work in governmental jobs.
- **Right to Education:** Palestinians can attend private schools and universities only.⁴⁶⁴

⁴⁵⁴ Ann M. Lesch, "Palestinians in Kuwait," *Journal of Palestine Studies* 20, no. 4 (Summer 1991): 42-54.

⁴⁵⁵ Hassan A El-Najjar, "Palestinians in Kuwait: Terror and Ethnic Cleansing," Chapter 10 in *The Gulf War: Overreaction & Excessiveness*, (Amazone Press, 2001) available at: <https://bit.ly/2GYRpHj> [accessed 14 September 2019] [hereinafter El-Najjar, *The Gulf War*].

⁴⁵⁶ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 158.

⁴⁵⁷ El-Najjar, *The Gulf War*, *supra* note 455.

⁴⁵⁸ Dr. Mohsen Mohammed Saleh, "Conditions of Palestinian refugees and their causes in the Arab world," *Al Zaytouna*, 2015, 14, available in Arabic at: <https://bit.ly/2GZpFIV> [hereinafter Dr Saleh, *Conditions of Palestinian Refugees*].

⁴⁵⁹ Casablanca Protocol, *supra* note 373.

⁴⁶⁰ "On the decision to amend the nationality of Palestinian refugees in Kuwait," *Al Khaleej Online*, 17 October 2016, available in Arabic at: <https://goo.gl/vUebka> [accessed 14 September 2019].

⁴⁶¹ Abbas Shiblak, "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries," *Journal of Palestine Studies* 25, no. 3 (Spring, 1996): 40-41, available at: http://group194.net/english/user_files/book_download/shiblak.pdf [hereinafter Shiblak, *Residency Status*].

⁴⁶² Megan O'Toole, "Palestine-Kuwait relations: 'Ice has started to melt'," *Al Jazeera*, 6 August 2015, available at: <https://www.aljazeera.com/news/2015/08/palestine-kuwait-relations-ice-started-melt-150805072107680.html> [accessed 14 September 2019] [hereinafter O'Toole, *Palestine-Kuwait*].

⁴⁶³ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 158.

⁴⁶⁴ O'Toole, *Palestine-Kuwait*, *supra* note 462.



- **Right to Health Care:** Palestinians with work permits are provided health services only in private hospitals and are not entitled to government health care.⁴⁶⁵

The current situation

In 2016, Kuwait officially recognized the Palestinian passport and reached an agreement with the PA on a process by which Palestinians residing in Kuwait can obtain Palestinian passports from the embassy. This was done in order to regularize the residency status in Kuwait of approximately 8,000 Palestinians who were no longer able to update their travel documents that had been issued by Syria, Egypt, Iraq or Lebanon.⁴⁶⁶ In 2017, some 25 years after the Gulf War, the Kuwaiti government decided to re-employ Palestinian teachers in Kuwait's government schools, as part of the education development in the country.⁴⁶⁷

Lebanon

About 130,000 Palestinians were forced to flee to the Lebanese Republic before and throughout 1948,⁴⁶⁸ which at that time amounted to about ten percent of Lebanon's total population.⁴⁶⁹ As a result of the Six Day War in 1967, an additional 20,000-25,000 Palestinians were forcibly displaced to Lebanon.⁴⁷⁰ It is estimated that approximately 29,145 Palestinians displaced from Syria are now residing in Lebanon.⁴⁷¹ By 2019, there were 475,075 Palestinians in Lebanon registered with UNRWA, with 270,614 living in official refugee camps.⁴⁷² However, the number of Palestinian refugees who actually reside in Lebanon is estimated to be much lower, probably due to the Lebanese Civil War, Israeli invasions of Lebanon, and mass migration overseas as a result of the restrictive Lebanese policies (see Chapter 2: Section 2.2: Distribution and Section 2.3: Characteristics of the Refugee and IDP Population).⁴⁷³

Legal Status

Lebanon ratified the Casablanca Protocol with significant reservations to Articles 1 and 3,⁴⁷⁴ allowing the government the broad discretion to deny Palestinians the rights enshrined therein.⁴⁷⁵ The conundrum that Palestinian refugees in Lebanon find themselves in is the result of two factors. First, Palestinians are still categorized and treated as foreigners, not refugees. According to Decree No. 319 of 1962, which regulates their status, Palestinian refugees are considered to be, "foreigners who do not carry documentation from their countries of origin, and reside in Lebanon on the basis

⁴⁶⁵ *Ibid.*

⁴⁶⁶ "Kuwait Officially Adopts Palestinian Passport," *Al Ghad TV*, 6 November 2016, available in Arabic at: <https://bit.ly/2kmU9ZR> [accessed 14 September 2019].

⁴⁶⁷ Khalid Al Khaldi, "Palestinian Teachers to Kuwait," *The New Arab*, 3 January 2017, available in Arabic at: <https://bit.ly/2RsNTfp> [accessed 27 September 2019].

⁴⁶⁸ Ali Huwaidi, "Geographical and Demographic Distribution of Palestinian Refugees in Lebanon / Conditions of Palestinian Refugees in Lebanon," (Beirut: Al Zaytouna Center for Studies and Consultations, 2008), 18-19 [in Arabic].

⁴⁶⁹ Al Ali, Casablanca Protocol, *supra* note 378.

⁴⁷⁰ Issam Halabi, "1967 Palestinians in Lebanon: Great Suffering and Unknown Fate," *Dunia Al Watan*, 14 November 2004, available in Arabic at: <https://pulpit.alwatanvoice.com/content/print/12733.html> [accessed 14 September 2019].

⁴⁷¹ UNRWA, Syria Emergency Appeal 2019, *supra* note 245.

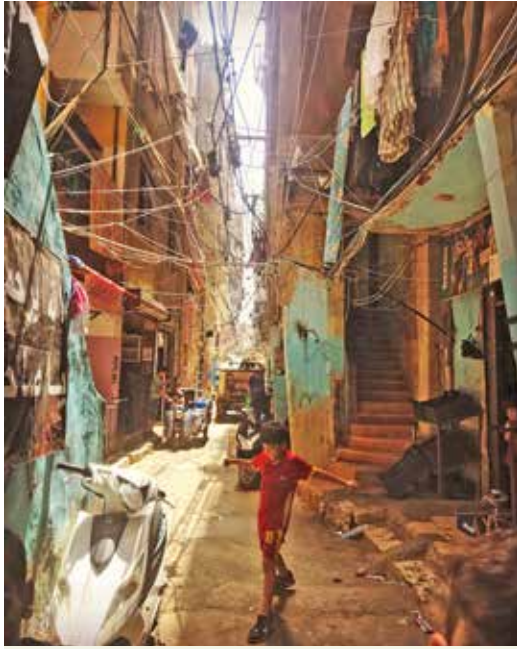
⁴⁷² UNRWA, UNRWA in Figures 2018-2019, *supra* note 158.

⁴⁷³ In 2018, the LPDC released its sample survey findings which showed a population estimate of between 193,000 and 241,000 Palestinian refugees in Lebanon, see: LPDC and PCBS, Key Findings Report 2017, *supra* note 172.

⁴⁷⁴ Casablanca Protocol, *supra* note 373.

⁴⁷⁵ *Ibid.*





Shatilla refugee camp, Beirut. August 2016 (©BADIL)

of [residency] cards issued by the Directorate of Public Security, or identity cards issued by the Directorate of Political Affairs and Refugees.”⁴⁷⁶ The foreigner classification, the lack of enforcement regarding existing regulations, and the discretionary power of ministers which are politically motivated and/or dependent on the delicate sectarian balance in Lebanon,⁴⁷⁷ have allowed successive Lebanese governments to circumvent their obligations and responsibilities enshrined in a number of international and regional treaties and protocols – including their own legislation. Second, there is no consideration of the consequences of the protracted status of Palestinian refugees. These unjustifiable policies have been reproducing the deteriorating livelihoods and conditions of the growing population of refugees in the country for many years.

Today, there are essentially four categories of Palestinian refugees in Lebanon:

1. Lebanese citizens: Approximately 30,000 refugees from 1948 were Christian and granted citizenship, as part of a political decision regarding Lebanon’s delicate sectoral balance.⁴⁷⁸
2. Registered refugees (1948 refugees): Palestinian refugees who took direct refuge in Lebanon in 1948 and registered with UNRWA. These refugees were granted legal residency and travel documents renewable every five years.
3. Non-registered refugees (1967 refugees): Palestinians who fled to Lebanon during and after 1967, but also any others who arrived in Lebanon from a third country, who are registered with the Lebanese Government, but not with UNRWA. They hold residency identity documents, but are only issued a one year travel document, which is renewable three times.⁴⁷⁹
4. Non-ID (undocumented) refugees: those refugees who are neither registered with UNRWA nor with the Lebanese Government. They generally arrived after 1970 from either Gaza via Egypt, from Jordan following Black September, or from Syria, and may have been registered with UNRWA elsewhere, but were not permitted to transfer their registration to Lebanon.⁴⁸⁰ They account for 3,000-5,000 refugees, and although given identity cards, they are considered illegal residents of Lebanon.⁴⁸¹

⁴⁷⁶ Jaber Suleiman, *Marginalised Community: The Case of Palestinian Refugees in Lebanon* (Brighton: Development Research Centre on Migration, Globalisation and Poverty, University of Sussex, April 2006), 12, available at <https://assets.publishing.service.gov.uk/media/57a08c4be5274a31e0001112/JaberEdited.pdf>.

⁴⁷⁷ Jennifer Ibrahim, “The Discrimination against Palestinian Refugees Living in Lebanon,” *Palestine-Israel Journal of Politics, Economics and Culture* 15, no. 2, 2008, available at <https://www.pij.org/articles/1168> [accessed 14 September 2019].

⁴⁷⁸ There are an exceptional few who were granted citizenship in the 1950s, but the restriction on citizenship was due to the fear of upsetting the Muslim-Christian population balance. Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 162.

⁴⁷⁹ UNHCR, *Palestinian Refugees in Lebanon*, *supra* note 200, 10.

⁴⁸⁰ Jaber Suleiman, *Undocumented Palestinians in Lebanon (Non-Id Refugees)* (Beirut: Center for Refugee Rights (Aidoun), 2014), 5, available at: <http://www.aidoun.org/en/wp-content/uploads/2014/01/No-ID-E.pdf>.

⁴⁸¹ *Ibid.*



Recognition of basic rights

- **Right to Work:** Historically, Palestinians have been all but excluded from the labor market due to prohibitions to numerous professions⁴⁸² and the difficulty to fulfill requirements for work permits, leading to widespread endemic poverty. Today, Palestinians remain excluded from several professions as non-nationals. Since 2010, however, they are no longer required to pay a fee and meet the “reciprocity of treatment” requirement to acquire a work permit.⁴⁸³ Despite these changes, in practice, widespread discrimination remains the norm for all Palestinian workers in Lebanon and those without IDs (Category No. 4) have no right to work at all.
- **Right to Education:** Palestinian refugees in Lebanon are generally able to access public and private schools in Lebanon, as well as tertiary education.⁴⁸⁴ However, due to the high expense and poverty, most Palestinians depend on UNRWA schools.⁴⁸⁵ Without scholarship funding, Lebanese universities are also prohibitively expensive for many Palestinians.⁴⁸⁶
- **Right to Health Care:** Palestinian refugees are not able to access the public health system in Lebanon, and are dependent primarily on services provided by UNRWA, in coordination with the Lebanese Ministry of Health,⁴⁸⁷ as well as the Palestine Red Crescent Society.⁴⁸⁸
- **Right to Property Ownership:** A change to the law in 2001 stripped Palestinians of their previously limited right to own property due to a new requirement for a foreigner to hold nationality of a recognized state in order to own property.⁴⁸⁹ Although the Lebanese Government recognized the PA in 2005, Palestine has not attained statehood and therefore Palestinians require Presidential approval to acquire ownership of immovable property.⁴⁹⁰
- **Right to Movement:** Palestinian refugees in Lebanon suffer from restrictions on movement inside and outside the country. Many Palestinian camps exist in a state of semi-siege imposed by the Lebanese security forces.⁴⁹¹ Refugees with one-year travel documents, must have visas to return to Lebanon if travelling outside, and those without IDs (undocumented refugees) only hold government cards that allow local, but not international, travel.⁴⁹²

⁴⁸² Mahmoud Al Ali, "Palestinian Refugees in Lebanon and the Absent of the Right to Work," *The New Arab*, 8 May 2017, available in Arabic at: <https://goo.gl/fkivr8> [accessed 14 September 2019].

⁴⁸³ International Labour Organization (ILO), *Palestinian Employment in Lebanon: Facts and Challenges*, 2012, 22 https://www.ilo.org/wcmsp5/groups/public/---arabstates/---ro-beirut/documents/publication/wcms_236502.pdf

⁴⁸⁴ "Palestinian Refugee -Education," LPDC, 2019, available at: <http://www.lpdc.gov.lb/education/the-palestinian-student-in-the-lebanese-educationa/48/en> [accessed 14 September 2019] [hereinafter LPDC, Palestinian Refugee Education].

⁴⁸⁵ Radwan Abdullah, "Education for Palestinians in Lebanon between reality and desired," *Al Arab News*, 2004, available in Arabic at: <http://www.alarabnews.com/alshaab/2004-07-09/2004/radwan.htm> [accessed 14 September 2019].

⁴⁸⁶ LPDC, Palestinian Refugee Education, *supra* note 484.

⁴⁸⁷ "Health in Lebanon," UNRWA.org, available at: <https://www.unrwa.org/activity/health-lebanon>; "E-20- Rights of Palestinian Refugees in Lebanon," Lebanese Parliament, available in Arabic at: <https://goo.gl/d6ita6> [accessed 14 September 2019] [hereinafter Lebanese Parliament, Rights of Palestinian Refugees].

⁴⁸⁸ "Lebanon Branch," Palestine Red Crescent Society (PRCS), available at: <https://www.palestinerics.org/index.php?langid=1&page=post&pid=11158&catid=2&parentid=11155> [accessed 14 September 2019].

⁴⁸⁹ Palestinian Association for Human Rights (Witness), "Legal reading of the legal status of Palestinians in Lebanon with proposals to amend the situation in line with the Human Rights Charter," 6 November 2015, available in Arabic at: <https://goo.gl/RMNAqN> [accessed 14 September 2019].

⁴⁹⁰ *Ibid.*

⁴⁹¹ *Ibid.*

⁴⁹² Lebanese Parliament, Rights of Palestinian Refugees, *supra* note 487.



The current situation

In the summer of 2019, Palestinian refugees have been protesting in the streets surrounding the twelve refugee camps in Lebanon following the announcement in June and the decision of 9 July 2019, made by the Ministry of Labor, regarding the labor laws of Lebanon that apply to foreigners.⁴⁹³ In a 'Day of Anger', protesters brought the refugee camps to a halt, blocking entrances with burning tires and staging strikes, with all Palestinian political parties and popular committees taking part, objecting against the discrimination they experience or have been exposed to when trying to acquire a work permit in the country. The Ministry of Labor claims to be simply enforcing the existing laws and taking measures to protect the rights of Lebanese workers. Using these justifications, the Ministry has launched a massive crackdown to target illegal foreign labor.⁴⁹⁴ Part of this crackdown included announcing a one-month deadline on companies to obtain the required work permits, or face the prospect of being shut down.⁴⁹⁵ Foreign workers, including Palestinian refugees, are also required to obtain these permits, despite the unfeasibility of actually being eligible for one.

Moreover, since 2014, Lebanese authorities have been refusing entry to Palestinians fleeing Syria, and refusing to register those who have entered in order to avoid responsibility.⁴⁹⁶ Nevertheless, 29,145 Palestinian refugees displaced from Syria are now reportedly residing in Lebanon.⁴⁹⁷ These refugees are among the most vulnerable refugee groups in the region, and live in significantly worse conditions than Syrian refugees in Lebanon. Almost all are heavily dependent on UNRWA, as their lack of registration papers denies them access to both the formal and informal services as well as the workforce.⁴⁹⁸ In 2018, UNRWA announced it would allow registration of all Palestinian refugees from Syria already in Lebanon to alleviate some of this pressure.⁴⁹⁹

The influx of Syrian refugees had a negative impact on Palestinian employment in Lebanon, with companies preferring Syrian workers.⁵⁰⁰ While UNRWA and multiple NGOs have tried to sustain Palestinian refugees in Lebanon through relief, development, and income-generation programs,⁵⁰¹ the UNRWA funding crisis has forced the paring back of a number of supportive projects.⁵⁰²

⁴⁹³ Minister of Labor Decision, 82/1, 9 of July 2019, (Leb.), available in Arabic at: <https://www.labor.gov.lb/Temp/Files/d2932a83-9022-4785-bd01-5b9069e10142.pdf>

⁴⁹⁴ Letter by Minister of Labor Camille Abousleiman, Ministry of Labor, Lebanese Parliament, 1 August 2019, available in Arabic at: <https://www.labor.gov.lb/LatestNewsDetails.aspx?lang=ar&newsid=15216>, [accessed 14 September 2019].

⁴⁹⁵ Ali Younes, "Palestinians in Lebanon Protest Crackdown on Unlicensed Workers," *Al Jazeera*, 17 July 2019, available at: <https://www.aljazeera.com/news/2019/07/palestinians-lebanon-protest-crackdown-unlicensed-workers-190716183746729.html> [accessed 14 September 2019].

⁴⁹⁶ BADIL, "On the Situation of the Palestinian Refugees in Lebanon," *Haq Al Awda*, no. 55, available in Arabic at: <http://www.badil.org/ar/publications-ar/periodicals-ar/hagelawda-ar/item-1958/art.5html>.

⁴⁹⁷ UNRWA, Syria Emergency Appeal 2019, *supra* note 245.

⁴⁹⁸ UNHCR and Lebanese Government, *Lebanon Crisis: Response Plan 2017-2020 (2018 update)*, January 2018, 11, 13, 37, available at: <https://data2.unhcr.org/en/documents/download/61740> [accessed 14 September 2019].

⁴⁹⁹ AGPS, "UNRWA to Update Data of Palestinians from Syria in Lebanon," news release, 7 July 2019, available at: <https://www.actionpal.org.uk/en/post/7389> [accessed 14 September 2019].

⁵⁰⁰ Mahmoud al-Ali, *The Work of Palestinians in the Camps*, (Beirut: Lebanese Observatory for Workers' Rights and Staff, Norwegian Aid Society in Lebanon, 2016), 11.

⁵⁰¹ Lebanese Parliament, Rights of Palestinian Refugees, *supra* note 487.

⁵⁰² Suleiman, The Ongoing UNRWA Crisis, *supra* note 341.



Libya

Libyan Arab Republic has historically hosted thousands of Palestinian migrant workers, including many refugees in other Arab countries seeking better opportunities. After Libyan independence in 1951, Libya treated Arab foreigners more favorably than other foreigners, Palestinians in particular, seeking to attract those with skill and expertise to build the country.⁵⁰³ By 1970, this attracted approximately 5,000 Palestinians to Libya and had increased to 29,000 by the end of 1992. Since then, the number of Palestinians in Libya has fluctuated dramatically. After Oslo, Libyan President Muammar Gaddafi expelled up to 17,000 Palestinians in protest of the signing of the Oslo Accords,⁵⁰⁴ including around 5,000 Palestinian refugees who were left stranded on the Egyptian border in 1995, having been deported from Libya, but unable to enter Egypt.⁵⁰⁵

However, by the start of the Arab “uprisings” of 2011, some estimates put the population as high as 75,000 Palestinians.⁵⁰⁶ With the outbreak of conflict in Libya, this dwindled to 22,000 by the end of 2014.⁵⁰⁷ There was an estimated influx of about 5,000 Palestinian refugees from Syria, many from Egypt, using Libya as a transit point to Europe after Egyptian authorities placed heavy restrictions on Palestinians from Syria.⁵⁰⁸ As of 2018, UNHCR noted 6,539 Palestinians as Persons of Concern, including 4,555 recognized refugees, in Libya.⁵⁰⁹ Those registered with UNHCR are considered a minority of the Palestinian population.⁵¹⁰

Legal Status

Libya ratified the Casablanca Protocol with a reservation regarding Article 1, which required that Palestinians be subject to the same conditions of residency as other Arab citizens.⁵¹¹ Nevertheless, Palestinians were treated as Libyan citizens under Libyan law, except for a period from 1995-97, when President Muammar Gaddafi suspended their residency rights in protest over the PA’s decision to sign the Oslo Accords.

Since the fall of Gaddafi in 2011, no new laws have been passed regarding residency and legal status for Palestinians, however, the laws are no longer fully implemented in the absence of a fully functioning judiciary. It is known that Palestinians are not receiving the benefit of the visa waiver for Arab nationals,⁵¹² and in 2015, the internationally recognized government in the east, banned Palestinians from entering the country without a visa, resulting in many entering Libya illegally.⁵¹³

⁵⁰³ Lifos, *Thematic Report: Palestinians & Syrians in Libya*, (Norrköping, Sweden: Swedish Migration Agency (Migrationsverket), February 2016), 7, available at: https://www.ecoi.net/en/file/local/1041798/1788_1461175197_lifos.pdf [hereinafter *Palestinians in Libya Thematic Report*].

⁵⁰⁴ *Id.*, 8.

⁵⁰⁵ Shiblak, *Residency Status*, *supra* note 461, 40.

⁵⁰⁶ Dr Saleh, *Conditions of Palestinian Refugees*, *supra* note 458, 14; Franklin Lamb, “Libya’s Palestinian Refugees And The Current Crisis (Part I of II),” *Counter Currents*, 10 September 2011, available at: <https://countercurrents.org/lamb100911.htm> [accessed 14 September 2019].

⁵⁰⁷ Dr Saleh, *Conditions of Palestinian Refugees*, *supra* note 458, 14.

⁵⁰⁸ *Palestinians in Libya Thematic Report*, *supra* note 503.

⁵⁰⁹ UNHCR, *Population Statistics*, *supra* note 155.

⁵¹⁰ *Palestinians in Libya Thematic Report*, *supra* note 503.

⁵¹¹ Al Ali, *Casablanca Protocol*, *supra* note 378.

⁵¹² *Palestinians in Libya Thematic Report*, *supra* note 503, 12, 21.

⁵¹³ *Palestinians in Libya Thematic Report*, *supra* note 503, 24.



Recognition of Basic Rights

Although there is a Libyan law affording all Arab nationals the same rights as Libyan citizens,⁵¹⁴ and while Palestinian refugees were treated with sympathy generally, since the fall of Gaddafi in 2011, the situation has deteriorated significantly with many rights not fully realized in practice.

- **Right to Work:** Palestinians in Libya are granted the same treatment as Libyan citizens.⁵¹⁵ 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.⁵¹⁶
- **Right to Education:** Since the 1970s, Palestinian refugee communities received the provision of scholarships to refugee children to complete their secondary and tertiary studies.⁵¹⁷
- **Right to Healthcare:** Palestinian refugees can receive free health services and education from the Government, while other refugees receive health services through the UNHCR.⁵¹⁸
- **Right to Property Ownership:** In 1986, Gaddafi abolished land ownership altogether; since his fall, many original owners of houses that have since been occupied are reclaiming their land and forcibly evicting Palestinians. This possible expulsion from their home is exacerbating the insecure status and displacement of Palestinian refugees in Libya.⁵¹⁹

The current situation

Currently, most Palestinians living in Libya are there temporarily and for work purposes. However, due to the conflict, the full extent of the situation, particularly between the different areas of political control, remains unclear. Work opportunities have diminished severely and Palestinians have been increasingly subjected to harassment, arrest and torture due to the political factions in the country. As a result, many have left or are trying to leave. However, some stateless Palestinians do not have documents enabling them to return to their original host country, and with no valid Libyan documents, they often remain stuck at the borders.⁵²⁰

Saudi Arabia

It is estimated that in 2017, approximately 400,000-500,000 Palestinians reside in the Kingdom of Saudi Arabia,⁵²¹ having arrived there primarily for economic reasons.

⁵¹⁴ For Law 10/1989 Concerning the rights and Duties of Arab Citizens, see: Palestinians in Libya Thematic Report, *supra* note 503, 17.

⁵¹⁵ Takkenberg, The Status of Palestinian Refugees, *supra* note 50, 166.

⁵¹⁶ United States Committee for Refugees and Immigrants (USCRI), *World Refugee Survey 2009 - Libya*, 17 June 2009, available at: <https://www.refworld.org/docid/4a40d2acc.html> [accessed 14 September 2019] [hereinafter USCRI, Refugee Survey 2009].

⁵¹⁷ Elena 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 2012): 263-293, 270.

⁵¹⁸ USCRI, Refugee Survey 2009, *supra* note 516.

⁵¹⁹ Rebecca Murray, "Palestinians Live on the Edge in New Libya," *Inter Press Service News Agency*, 23 August 2012, available at: <http://www.ipsnews.net/2012/08/palestinians-live-on-the-edge-in-new-libya/> [accessed 14 September 2019].

⁵²⁰ Ali Badwan, "The repercussions of the situation in Libya on the Palestinians," *Palestine Today*, 9 March 2011, available in Arabic at: <https://goo.gl/SwPwFq> [accessed 14 September 2019].

⁵²¹ "Palestinians in the kingdom criticized the role of the embassy - A new complex equation in Saudi Arabia forces the Palestinians to leave," *Palestine Today*, 2 August 2017, available in Arabic at: <https://goo.gl/xmigoc> [accessed 14 September 2019].



Legal Status

Saudi Arabia has not ratified the Casablanca Protocol, and has actively sought to downgrade its legal applicability to Arab States.⁵²² Additionally, while Saudi Arabia's Basic Law of Governance stipulates that, “the State shall grant political asylum if public interest so dictates,”⁵²³ the Saudi Kingdom has no mechanism to implement this provision, and lacks a procedural and legal framework for determining refugee status.⁵²⁴ As a result, Palestinian refugees only have residency status in Saudi Arabia, which additionally requires sponsorship by a Saudi employer in order to obtain the *iqama* (permit).⁵²⁵ Under Saudi law, only those born to a Saudi father can obtain citizenship at birth.⁵²⁶ Palestinians are also ineligible to apply for citizenship on the basis of ten years residency.⁵²⁷

Recognition of basic rights

- **Right to Work:** Palestinians are dealt with as other foreign workers, and therefore excluded from working in numerous professions due the requirement of holding Saudi citizenship.⁵²⁸
- **Right to Education:** Public schools are free for citizens and non-citizens.⁵²⁹ 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.⁵³⁰
- **Right to Health care:** Saudi Arabia provides free health care for Saudis and foreigners in the public sector. However, foreigners employed in the private sector are dependent on their employer to provide health care.⁵³¹
- **Right to Property Ownership:** 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.”⁵³²

⁵²² Along with Kuwait, Saudi Arabia proposed resolution No. 5093, which sought to exempt Arab States from giving priority to the Protocol in practice: see “On the decision to amend the nationality of Palestinian refugees in Kuwait,” *Al Khaleej*, 17 October 2016, available in Arabic at: <https://goo.gl/vUebka> [accessed 14 September 2019].

⁵²³ Basic Law of Governance, 1412 H No. A/90, 1 March 1992, (SAU), available at: <https://www.saudiembassy.net/basic-law-governance> [accessed 14 September 2019].

⁵²⁴ US Department of State, *Saudi Arabia 2017 Human Rights Report*, Bureau of Democracy, Human Rights and Labor, 20 April 2018, 32, available at: <https://www.state.gov/wp-content/uploads/2019/01/Saudi-Arabia.pdf>.

⁵²⁵ Immigration and Refugee Board of Canada (IRB Canada), *Palestine and Saudi Arabia: Residence status of stateless Palestinians, including access to employment, education, health care and other services, and the ability to travel in and out of the country; requirements and procedures to renew residence status, including whether stateless Palestinians whose permits have expired face deportation and detention (2015- November 2017)*, 14 November 2017, available at: <https://www.refworld.org/docid/5afadfd94.html> [accessed 14 September 2019].

⁵²⁶ “Saudi Arabian Nationality Law,” Gulf Labour Markets, Migration, and Population (GLMM), 23 September 1954, available at: <http://gulfmigration.org/saudi-arabia-saudi-arabian-nationality-law/> [accessed 14 September 2019].

⁵²⁷ Gabriel G. Tarabani, *Israeli-Palestinian Conflict: from Balfour Promise to Bush Declaration*, (Bloomington, IN: AuthorHouse, 2008), 91.

⁵²⁸ *Ibid.*; “41 Jobs Types Designated as Saudi-only,” *Arab News*, 16 December 2018, available at: <http://www.arabnews.com/node/1421836/saudi-arabia> [accessed 14 September 2019].

⁵²⁹ Majed Alamri, “Higher Education in Saudi Arabia,” *Journal of Higher Education Theory and Practice* 11, no. 4 (2011): 15, available at: <http://www.na-businesspress.com/JHETP/AlamriWeb11-4.pdf>.

⁵³⁰ Hujaylan 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,” (Masters Thesis, University of Akron, 2014), 2, available at: <https://bit.ly/2m73QN6>.

⁵³¹ Mohammed H. Mufti, *Healthcare Development Strategies in the Kingdom of Saudi Arabia* (New York: Kluwer Academic/Plenum, 2000), 54.

⁵³² Regulation of Ownership and Investment in Real Estate by Non-Saudis Law, Royal Decree No. M/15 dated 17/4/1421H (April 2000) (Saudi Arabia), available at: https://www.sagia.gov.sa/Documents/Laws/Real_Estate_by_Foreigners.pdf.



- **Right to Movement:** Palestinians, most of whom hold Egyptian, Syrian and Jordanian travel documents, are not allowed to travel outside the city of their employment or to change their work place without the permission of their sponsor (employer).⁵³³ 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.⁵³⁴

The Current Situation

Recently, Saudi Arabia has imposed measures against Palestinians who hold travel documents from other Arab host states, particularly all Palestinians with travel documents, who have been prevented from travelling to Mecca for the Hajj.⁵³⁵ These measures prevent the renewal of residency for Palestinian refugees residing in Saudi Arabia, unless the person holds a passport.⁵³⁶ On the other hand, Saudi Arabia recently announced that Palestinians with Israeli citizenship are going to be allowed to work in the country, which is a sign of warming relations with Israel.⁵³⁷

Saudi Arabia has also been targeting Palestinians over charitable work in the country, with 150 persons reported to have been arrested and tortured.⁵³⁸

Sudan

The Republic of the Sudan is home to a small Palestinian population, many arriving after the expulsion of the PLO from Lebanon in 1982.⁵³⁹ In 2008, Sudan accepted 1,800 Palestinian refugees from the Iraq-Syria border.⁵⁴⁰ More recently, more than 1,000 Palestinian refugees from Syria have found themselves in Sudan,⁵⁴¹ with just 281 registered with UNHCR as Persons of Concern.

Legal Status

Sudan has ratified the Casablanca Protocol without any reservations.⁵⁴² However, Palestinians are generally treated as foreigners. That said, entry to Sudan has been relatively straight-forward for Palestinians from Syria. Palestinians from Syria are not however, provided with government

⁵³³ U.S. Department of State, *Country Reports on Human Rights Practices for 1988*, February 1989, 1489, available at: <https://archive.org/details/countryreportson1988unit/page/1488> [accessed 14 September 2019].

⁵³⁴ USCRI, *World Refugee Survey 2008 - Saudi Arabia*, 19 June 2008, available at: <http://www.refworld.org/docid/485f50cec.html> [accessed 14 September 2019].

⁵³⁵ Par Mustafa Abu Sneineh, "Saudi Arabia bars nearly 3 million Palestinians from Hajj and Umrah," *Middle East Eye*, 8 November 2018, available at: <https://www.middleeasteye.net/fr/saudi-arabia-barring-Palestinians-hajj-umrah-passport-ban> [accessed 14 September 2019].

⁵³⁶ "Saudi Action Against Palestinians with "travel documents";" *Al Jazeera*, 19 September 2018, available in Arabic at: <https://goo.gl/taayXL> [accessed 14 September 2019].

⁵³⁷ "Saudi Arabia's opening of jobs to Palestinians from Israel is a cynical political move," *Middle East Monitor*, 12 June 2019, available at: <https://www.middleeastmonitor.com/20190612-saudi-arabias-opening-of-jobs-to-palestinians-from-israel-is-a-cynical-political-move/> [accessed 14 September 2019].

⁵³⁸ "Saudi Arabia arrests, tortures scores of Palestinians," *Middle East Monitor*, 12 June 2019, available at <https://www.middleeastmonitor.com/20190612-saudi-arabia-arrests-tortures-scores-of-palestinians/> [accessed 14 September 2019].

⁵³⁹ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁴⁰ UNHCR, "UNHCR Sudan Operations," UNHCR, May 2008, available at: <https://www.unhcr.org/4836bdce2.pdf>.

⁵⁴¹ AGPS, "Palestinians from Syria in Sudan Grappling with Dire Conditions," news release, 6 October 2018, available at: <https://www.actionpal.org.uk/en/post/7785/news-and-reports/palestinians-from-syria-in-sudan-grappling-with-dire-conditions> [accessed 14 September 2019] [hereinafter AGPS, Palestinians from Syria in Sudan].

⁵⁴² Al Ali, Casablanca Protocol, *supra* note 378.



support.⁵⁴³ Palestinian refugees in Sudan since 1982 do not have identity cards, and are therefore overlooked by the Government.⁵⁴⁴

Recognition of Basic Rights

- **Right to work:** Palestinian refugees are treated as all foreigners and are required to meet certain standards to obtain work.⁵⁴⁵
- **Right to education:** Palestinian refugees are required to pay high fees to access schools and universities, while they are also unable to access UNICEF or UNHCR-run schools.⁵⁴⁶

Syria

In 2019, there were 560,139 Palestinian refugees registered with UNRWA in the Syrian Arab Republic,⁵⁴⁷ arriving through multiple displacements in 1948,⁵⁴⁸ 1967,⁵⁴⁹ 1970⁵⁵⁰ and 1982.⁵⁵¹ Approximately 438,000 Palestinian refugees remain in Syria today, with 60 percent having experienced secondary displacement at least once as a result of the conflict.⁵⁵²

Legal Status

Syria has ratified the Casablanca Protocol without reservations.⁵⁵³ Under Syrian law, Palestinian refugees who arrived prior to 1956 (approximately 85 percent of the Palestinian population in Syria) were given equal treatment to Syrians in terms of social and economic rights, although they were not provided with citizenship.⁵⁵⁴ They were also issued an identity card and a travel document similar to the Syrian passport that is renewed every six years;⁵⁵⁵ they can also participate in national service, but do not hold political rights.⁵⁵⁶ Those Palestinian refugees who arrived after 1956 were given slightly diminished rights. Although most have since had their status regularized in line with the majority of Palestinian refugees, as a result of being listed with the General Authority for Palestine Arab Refugees (GAPAR).⁵⁵⁷

⁵⁴³ AGPS, Palestinians from Syria in Sudan, *supra* note 541.

⁵⁴⁴ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁴⁵ *Ibid.*

⁵⁴⁶ AGPS, Palestinians from Syria in Sudan, *supra* note 541.

⁵⁴⁷ UNRWA in Figures 2018-2019, *supra* note 158.

⁵⁴⁸ Sherifa Shafie, *Forced Migration Online (FMO) Research Guide: Palestinian Refugees in Syria*, (Oxford: Refugee Studies Centre (RSC), 2004), available at: <http://repository.forcedmigration.org/pdf/?pid=fmo:5130> [accessed 14 September 2019], [hereinafter Shafie, Palestinian Refugees in Syria].

⁵⁴⁹ Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 7.

⁵⁵⁰ A conflict that broke out between the PLO and the Jordanian Armed Forces, which led to the exploitation of thousands of Palestine refugees from Jordan and the move of the PLO leadership from Jordan to Lebanon. See: UNRWA, "Black September," available at: <https://www.unrwa.org/content/black-september> [accessed 14 September 2019].

⁵⁵¹ Shafie, *Palestinian Refugees in Syria*, *supra* note 548.

⁵⁵² UNRWA, *Syria: UNRWA - Humanitarian Snapshot, June 2019*, June 2019, available at: https://www.unrwa.org/sites/default/files/content/resources/unrwa_-_humanitarian_snapshot_june_2019_.pdf

⁵⁵³ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁵⁴ Particularly Law No 450 (1949) and Law No. 260 (1957) which establish this system of equality but separate nationality: see: Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁵⁵ BADIL, *Closing Protection Gaps- 2005*, *supra* note 434, 17.

⁵⁵⁶ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁵⁷ IRB Canada, *Syria: The legal rights and obligations of a Palestinian who has been issued a Syrian travel document, including whether they must report for military service; whether the rights and obligations apply to Palestinians that have resided outside of the country for the majority of their life and only visited it briefly (2009-November 2013)*, 22 November 2013, SYR104658.E, available at: <https://www.refworld.org/docid/532024234.html> [accessed 14 September 2019] [hereinafter IRB Canada, Syria].



Recognition of basic rights

- **Right to Work:** Palestinians do not need work permits and can be employed in the public service sector. They also have the right to own businesses and form or join trade unions.⁵⁵⁸ Men of Palestinian origin are required to do military service with the Palestine Liberation Army, under Syrian command.⁵⁵⁹ However, Palestinian refugees who arrived to Syria on or after 10 July 1956, are not allowed to occupy civil posts in the government, except on a temporary basis, and they are not required to do military service.⁵⁶⁰
- **Right to Education:** Palestinians have full access to the Syrian education system, although most Palestinians receive primary education in UNRWA schools before completing secondary education in Syrian public schools. Additionally, admission to universities and colleges is available to Palestinians on par with their Syrian peers.⁵⁶¹
- **Right to Health Care:** Until the outbreak of the war, Palestinian refugees received free health care that was the same as Syrian citizens, however, now UNRWA holds sole responsibility for the health care of Palestinian refugees following a decision by the Ministry of Health.⁵⁶²
- **Right to Property Ownership:** Palestinians in Syria generally have the right to own a personal residence, but are prohibited from any other property ownership, which has a detrimental impact on their livelihoods and business entrepreneurship.⁵⁶³

The current situation

Of those Palestinian refugees who remain in Syria today, 95 percent are in need of essential humanitarian assistance due to extreme poverty (rising from just seven percent before the war).⁵⁶⁴ Of those, approximately 280,000 have been internally displaced in Syria, while a further 120,000 Palestinians have been displaced outside of Syria, mostly to Lebanon and Jordan, with smaller numbers displaced to other countries such as Egypt, Libya, Turkey and Malaysia.⁵⁶⁵ In Syria today, 194,993 refugees are still registered as living in refugee camps,⁵⁶⁶ with an estimated 13,500 trapped in hard-to-reach or inaccessible locations.⁵⁶⁷ At least 3,920 Palestinians have been killed during the war, including 1,134 at Yarmouk camp, while 1,734 have been imprisoned and 317 disappeared during the conflict.⁵⁶⁸

Camp infrastructure and services have been severely affected by the war, with some located in the

⁵⁵⁸ Shafie, *Palestinian Refugees in Syria*, *supra* note 548.

⁵⁵⁹ *Ibid.*

⁵⁶⁰ Paul McCann, "The Role of UNRWA and the Palestinian Refugee," *Palestine- Israel Journal* 15-16, no. 3 (2008), available at: <https://www.pij.org/app.php/articles/1225>, [accessed 14 September 2019], and IRB Canada, *Syria*, *supra* note 557.

⁵⁶¹ Laurie Brand, "Palestinians in Syria: The Politics of Integration," *Middle East Journal* 42, no. 4 (Autumn 1988).

⁵⁶² Ibrahim Al Ali, *The health situation of the Palestinian refugee camps in light of the Syrian crisis*, (London: Action Group for Palestinians of Syria, 2018), 8, available in Arabic at: http://www.actionpal.org.uk/ar/pdf/health_status_palestinian_ar.pdf: unofficial translation, [hereinafter Al Ali, Health Situation].

⁵⁶³ As a result of Law No. 11 (2008), see: Shiblak, *Residency Status*, *supra* note 461, 44.

⁵⁶⁴ UNRWA, *Syria Regional Crisis emergency appeal 2018*, 2018, available at: https://www.unrwa.org/sites/default/files/content/resources/2018_syria_ea_final_web_0.pdf

⁵⁶⁵ UNRWA, *Syria Crisis*, *supra* note 73.

⁵⁶⁶ UNRWA in *Figures 2018-2019*, *supra* note 158.

⁵⁶⁷ UNRWA, *Syria Emergency Appeal 2019*, *supra* note 245.

⁵⁶⁸ AGPS, "Statistics and Graph/Total victims according to incident place," available at: <http://www.actionpal.org.uk/en/statistic-and-charts/3/10/col/total-victims-according-to-incident-place> [accessed 14 September 2019].





Al-Yarmouk refugee camp, Damascus. September 2016 (©UNRWA)

worst hit parts of the country.⁵⁶⁹ Numerous schools were forced to close due to structural damage, particularly those in areas not controlled by the Syrian government. Additionally, UNRWA became the only provider of health services for many Palestinians after the government transferred the responsibility of Palestinian refugees away from the Ministry of Health.⁵⁷⁰ This added a significant strain to services already burdened by the spread of disease caused by displacement, overcrowding and polluted water.⁵⁷¹

Tunisia

Only a small number of Palestinians arrived in Tunisia in 1948.⁵⁷² In 1982, following the Israeli invasion of Lebanon, thousands of Palestinian refugees from Lebanon fled to Tunisia where the PLO established its temporary headquarters.⁵⁷³ 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.⁵⁷⁴ As of 2009, roughly 1,000 Palestinians resided in Tunisia.⁵⁷⁵

⁵⁶⁹ Al Ali, Health Situation, *supra* note 562, 8.

⁵⁷⁰ "Health in Syria," UNRWA.org, available at: <https://www.unrwa.org/activity/health-syria> [accessed 14 September 2019].

⁵⁷¹ Al Ali, Health Situation, *supra* note 562, 8.

⁵⁷² "Palestinian Refugees in 'Arab Magreb' Awaiting for Return," ALRAY-Palestinian Media Agency, 15 May 2013, available at: <http://alray.ps/en/index.php?act=post&id=584>; Takkenberg, The Status of Palestinian Refugees, *supra* note 50, 169.

⁵⁷³ Takkenberg, The Status of Palestinian Refugees, *supra* note 50, 169; Asem Khalil, "Palestinian Refugees in Arab States: A Rights-Based Approach," CARIM Research Reports 2009/08, Robert Schuman Center for Advanced Studies, San Domenico di Fiesole, European University Institute, 2009, 28, available at: http://cadmus.eui.eu/bitstream/handle/1814/10792/CARIM_RR_2009_08REV.pdf [hereinafter Khalil, Palestinian Refugees in Arab States].

⁵⁷⁴ *Ibid.*

⁵⁷⁵ Khalil, Palestinian Refugees in Arab States, *supra* note 573, 28.

Legal Status

Tunisia has not ratified the Casablanca Protocol,⁵⁷⁶ but does adhere to its provisions in relation to Palestinians.⁵⁷⁷ It has also ratified the Refugee Convention, with a reservation on recognition of the right to work.⁵⁷⁸ As a result, Palestinians have, in practice, been afforded residency on par with Tunisian citizens, although there is nothing in national law specifying this.⁵⁷⁹

Recognition of Basic Rights

- **Right to Work:** Palestinians enjoy the same rights with regard to work as Tunisian citizens.⁵⁸⁰
- **Right to 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.⁵⁸¹ Education is free in public schools for all children and the government provides assistance at all levels of education without exception.⁵⁸²
- **Right to Health Care:** Tunisia provides those with low household income free healthcare through the Free Medical Assistance Program.⁵⁸³
- **Right to Property Ownership:** 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.⁵⁸⁴

The current situation

In June 2017, Tunisian forces demolished “Choucha” camp in the southern Tunisian town of Ben Qardan on the Libyan border. The camp had been home to numerous Arab communities, including Palestinians fleeing violence in Libya. The UNHCR had withdrawn prior to this, in 2013, as a result of an assessment that the camp had become a crime hub for human trafficking and clandestine immigration.⁵⁸⁵ Three Palestinian families were among the 50 refugees who had remained in the camp without services for more than five years.⁵⁸⁶

⁵⁷⁶ Casablanca Protocol, *supra* note 373.

⁵⁷⁷ Khalil, *Palestinian Refugees in Arab States*, *supra* note 573, 14.

⁵⁷⁸ *Ibid.*

⁵⁷⁹ *Id.*, 16, 28.

⁵⁸⁰ *Id.*, 16.

⁵⁸¹ Education, Audiovisual and Culture Executive Agency (European Commission), *Higher Education in Tunisia*, (Brussels, Belgium: Education, Audiovisual and Culture Executive Agency, European Commission, July 2012), 4, available at: http://eacea.ec.europa.eu/tempus/participating_countries/overview/tunisia_tempus_country_fiche_final.pdf.

⁵⁸² United Nations, *Tunisia: National Report on Millennium Development Goals*, May 2004, 11, available at: http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/tunisia/national_report.pdf.

⁵⁸³ Heba Elgazzar and Chokri Arfa, *Tunisia - Consolidation and Transparency: Transforming Tunisia's Health Care for the Poor*, (Washington DC: The World Bank, January 2013), 6, available at: <http://documents.worldbank.org/curated/en/2013/01/17207923/tunisia-consolidation-transparency-transforming-tunisias-health-care-poor> [accessed 14 September 2019].

⁵⁸⁴ Organisation for Economic Co-operation and Development (OECD), *OECD Investment Policy Reviews: Tunisia 2012* (Paris: OECD Publishing, 2012), 103, available at: http://www.keepeek.com/Digital-Asset-Management/oecd/finance-and-investment/oecd-investment-policy-reviews-tunisia-2012_9789264179172-en#page200 [accessed 14 September 2019].

⁵⁸⁵ "Tunisia: dismantling the Chousha refugee camp," *RT Online*, 19 June 2017, available in Arabic at: <https://goo.gl/epjvP5> [accessed 14 September 2019].

⁵⁸⁶ "The growing suffering of the Palestinian refugees in Tunisia," *Al Jazeera*, 24 May 2013, available in Arabic at: <https://goo.gl/dygmji> [accessed 14 September 2019].



Yemen

There are an estimated 5,000 Palestinians in the Republic of Yemen (Yemen),⁵⁸⁷ including 849 registered with UNHCR.⁵⁸⁸ Initially, many Palestinians in Yemen were recruited as educators along with those from different Arab countries. While many other Arab nationals returned home, most Palestinians could not return to Palestine after the 1948 War and 1967 War.⁵⁸⁹

Those Palestinians working in the education sector until the decision of the Ministry of Education to eliminate all external Arab staff working in the field of education was resolved. This led to the unemployment of 100 Palestinian teachers.⁵⁹⁰ Their ongoing legal status in Yemen remains unclear.

The Republic of Yemen has ratified the Casablanca Protocol without reservations.⁵⁹¹

Turkey⁵⁹²

The Republic of Turkey is a signatory to the 1951 Refugee Convention and its 1967 additional Protocol,⁵⁹³ with a geographical reservation restricting refugee status to those originating from European countries.⁵⁹⁴ In 2011, in the wake of the mass influx of refugees fleeing the Syrian War, Turkey introduced the so-called 'temporary protection' regime in order to grant legal protection to these refugees.⁵⁹⁵

Legal Status

In law, temporary protection is accorded to all refugees arriving directly from Syria, including stateless Palestinians,⁵⁹⁶ guaranteeing them free access to Turkish territory, protection against *refoulement* and entitlement to some basic services.⁵⁹⁷ Thus, in principle, Palestinian refugees from Syria, on par with Syrian nationals, are allowed to enter Turkey without a visa and gain protection. In practice, however, Turkish border guards have invariably refused to accept the Syrian travel documents held by Palestinians and they have been denied entry.⁵⁹⁸ As a result, most

⁵⁸⁷ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁸⁸ UNHCR, Population Statistics, *supra* note 155.

⁵⁸⁹ Al Ali, Casablanca Protocol, *supra* note 378.

⁵⁹⁰ *Ibid.*

⁵⁹¹ *Ibid.*

⁵⁹² Although not an Arab state, the situation for Palestinian refugees is more akin to that of the other Arab states, in terms of ambiguous status and rights. For this reason, we have included Turkey among these states, rather than among the western countries.

⁵⁹³ UNHCR, *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, 31 January 1967, available at: <https://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html> [accessed 14 September 2019] [hereinafter UNHCR, States Parties to the 1951 Convention].

⁵⁹⁴ Violeta. Moreno-Lax and Efthymios Papastavridis (eds) *'Boat Refugees' and Migrants at Sea: A Comprehensive Approach. Integrating Maritime Security with Human Rights*, (Leiden/Boston: Brill, 2016) 28-29.

⁵⁹⁵ Meltem Ineli-Ciger, "A Temporary Protection Regime in Line with International Law: Utopia or Real Possibility?," *International Community Law Review* 18, no. 3-4, (2016): 285.

⁵⁹⁶ Provisional Protection Regulation, 2014/6883, 22 October 2014 (Tr.), Provisional Article 1 (Interim Provisions) http://www.goc.gov.tr/files/_dokuman28.pdf.

⁵⁹⁷ "Temporary Protection in Turkey," Directorate General of Migration Management, Ministry of Interior, Republic of Turkey, available in Turkish at: <https://www.goc.gov.tr/turkiye-de-gecici-koruma>.

⁵⁹⁸ Amnesty International, *Struggling to Survive: Refugees from Syria in Turkey*, 2014, 13, available at: https://amnestyeu.azureedge.net/wp-content/uploads/2018/10/Turkey_Syrian_Report_FINAL_1.pdf [hereinafter Amnesty International, *Struggling to Survive*].



Palestinians displaced from Syria have crossed into Turkey illegally.⁵⁹⁹ Regardless, all Palestinians are required to register with the Prime Minister's Disaster and Emergency Management Agency (AFAD) to access the benefits of temporary protection.⁶⁰⁰ In 2014, residency permits were granted to hundreds of Palestinians who had entered illegally, but also NGOs report that local authorities regularly refuse to register Palestinians refugees holding Syrian travel documents.⁶⁰¹

Recognition of Basic Rights:

- **Right to Work:** If Palestinian refugees are registered with AFAD, they are entitled to apply for a work permit.⁶⁰² Most Palestinians, however, are excluded from the labor market, and forced to work illegally for low wages.⁶⁰³
- **Right to Education:** Registered Palestinian refugees can enroll their children in Turkish public schools, provided they possess an AFAD Card.⁶⁰⁴ However, as education is in Turkish, the curriculum is largely inaccessible. Instead, a number of Syrian charities run, “temporary education centers” in Arabic for children in refugee camps, including Palestinian children.⁶⁰⁵ Some schools are free, while others have fees; all are usually overcrowded and poorly organized.
- **Right to Health Care:** Registered Palestinian refugees have free access to healthcare. Emergency healthcare is also accessible to everyone regardless of their legal status.⁶⁰⁶
- **Right to Property Ownership:** Under new laws, Palestinian refugees with travel documents can now purchase property.⁶⁰⁷ Previously, only Palestinians with PA or Jordanian passports could own property in Turkey. However, most Palestinians from Syria are still excluded, as they remain unregistered.⁶⁰⁸

Current Situation

Of the estimated 10,000 Palestinian refugees who have entered Turkey since the outbreak of the

⁵⁹⁹ Anna Clementi, "No Way Out: The Second Nakba of Palestinian Refugees from Syria Escaping to Turkey," *Al Majdal*, no. 57 (Summer 2015), available at: <https://www.badil.org/en/publication/periodicals/al-majdal/item/2079-article-9.html> [hereinafter Clementi, No Way Out].

⁶⁰⁰ Possession of the so-called "AFAD Card" is mandatory for all refugees who, just like Palestinians originating from Syria, do not have any other valid residency permit in Turkey; only AFAD Card holders are allowed to benefit from some basic services provided by the Turkish Government. See: *Humanitarian Aid Efforts of Turkey To The Syrian Refugees*, World Humanitarian Summit 2016- Turkey Position Paper, 2016, available at: https://unfccc.int/files/adaptation/groups_committees/loss_and_damage_executive_committee/application/pdf/loss_damage_excom_turkey.pdf; AGPS and PRC, *The Bleeding Wound: A Documentary Bi-Annual Field Report*, February 2015, 77, [hereinafter AGPS and PRC, Bleeding Wound].

⁶⁰¹ AGPS and PRC, Bleeding Wound, *supra* note 600, 77.

⁶⁰² Law on Foreigners and International Protection, 2013/6458, 4 April 2013, (Tr.), art. 89(4), available at: http://www.goc.gov.tr/files/files/eng_minikanun_5_son.pdf.

⁶⁰³ Clementi, No Way Out, *supra* note 599.

⁶⁰⁴ UNHCR, *Frequently Asked Questions for Syrian Refugees in Turkey*, 2017, 20, available at: <https://data2.unhcr.org/ar/documents/download/59169> [accessed 14 September 2019] [hereinafter UNHCR, FAQ for Syrian Refugees].

⁶⁰⁵ AGPS and PRC, Bleeding Wound, *supra* note 600, 80-81.

⁶⁰⁶ UNHCR, FAQ for Syrian Refugees, *supra* note 604, 35.

⁶⁰⁷ The Turkish Government recently adopted the Tabu Directorate Circular of 06/03/2019 expanding the law, see copy of the circular in Turkish and translated in English here "Translation of Law Authorizing Ownership of Palestinians Those of Document Holders in Turkey," *Imtilak Real Estate*, 7 July 2019, available at: <https://turkey.imtilak.net/en/articles/amendments-permit-palestinians-ownership-turkey>.

⁶⁰⁸ Imtilak Real Estate Turkey, "Is the Palestinian Entitled to Own Property in Turkey? Finally a Turkish Decision Allowed," 16 March 2019, available at: <https://turkey.imtilak.net/en/news/palestinian-ownership-in-turkey>.



Syrian conflict, roughly only 3,500 reside today in the country.⁶⁰⁹ Most Palestinian refugees from Syria have in fact managed, in one way or another, to reach Europe. In order to reach the Greek and Italian coastlines, Palestinians have had no other choice than resorting to the 'death boats', thereby placing their lives in the hands of human traffickers.⁶¹⁰ In several cases they were stuck in Greek detention centers for months accused of illegal immigration, or intercepted by European Coast Guard and forcibly returned to Turkey.⁶¹¹



Palestinians from Syria at their new refugee camp in Turkey. 2015 (©UNHCR)

3.4.2. Western States

Subject to five major displacement events (including silent transfer) in relation to the territory of Mandatory Palestine, Palestinians have been arriving in western countries since at least the *Nakba*, either as a direct result of this displacement, or in order to escape persecution and the difficult socio-economic and political conditions of asylum in many Arab host countries. In recent years, Palestinian refugees have been subject to further secondary displacement due to conflicts in Iraq, Syria and Libya (among others) which has compounded the situation for Palestinians in western countries. It is understood that over 85,000 Palestinian refugees from Syria have reached Europe since the start of the Syrian War.⁶¹²

The prolonged and intergenerational nature of Palestinian displacement, as well as varying degrees of recognition of the State of Palestine and Palestinian nationality (by governments), has led to a number of issues for the Palestinian populations in western countries. First, determining the exact size of most of these populations is very difficult due to incomplete and inaccurate data collection that does not properly account for Palestinian origin and nationality. Second, the wide-ranging interpretations of Article 1D in the 1951 Refugee Convention has confused and complicated the protection obligations owed by states to Palestinians. The exclusion clause (first paragraph) excludes Palestinian refugees from the Convention if they are receiving protection from UN agencies other than UNHCR (specifically UNRWA and UNCCP). The inclusion clause (second paragraph) should *ipso facto* (automatically) consider Palestinian refugees eligible for protection if UNRWA's assistance or UNCCP's protection has ceased. Unfortunately, the majority of western states have not been inclined to adapt the more rigorous interpretation of Article 1D, resulting in significant protection deficiencies. Moreover, statelessness protections are not always extended to Palestinians due to lack of awareness, confusion and non-recognition of their unique situation. Nevertheless, this section will give an overview of the Palestinian population in some of the key western nations, their legal status and current political issues that they face.

⁶⁰⁹ Amnesty International, *Struggling to Survive*, *supra* note 598, 13.

⁶¹⁰ Clementi, *No Way Out*, *supra* note 599.

⁶¹¹ *Ibid.*

⁶¹² AGPS, "50 Palestinians drowned on migration routes since the beginning of the war in Syria," news release, 15 June 2018, available at: <http://www.actionpal.org.uk/en/post/7292/action-group-for-palestinians-of-syria/50-palestinians-drowned-on-migration-routes-since-the-beginning-of-the-war-in-syria> [accessed 14 September 2019].

Australia

The estimated population of Palestinians in the Commonwealth of Australia is in the vicinity of 20,000-25,000,⁶¹³ with migration peaks resulting from refugees arriving around the time of the *Nakba* in 1948, the Six Day War in 1967, the Lebanese Civil War from 1975-1990, the 1991 Gulf War, and again around the Iraq War post-2003.⁶¹⁴ Additionally, many likely made economic decisions to migrate for work and educational opportunities as a result of the conditions for Palestinian refugees in Arab host countries. These Palestinians nevertheless remain refugees.

Between July 2000 and September 2018, Australia determined 2,843 humanitarian visa applications from persons self-identified as Palestinian; this included 210 offshore humanitarian visas granted to Palestinians born in Iraq, and 8 offshore humanitarian visas granted to Palestinians born in Syria.⁶¹⁵ Additionally, from July 2016 to August 2018, 1,594 visa applications from holders of Palestinian Authority documents were determined.⁶¹⁶ By 31 December 2018, UNHCR noted 565 Palestinians as Persons of Concern in Australia.⁶¹⁷

Legal Status

Palestinian refugees are generally successful in establishing their refugee status in Australia and, once granted, have full working rights and access to welfare benefits. The Australian courts have applied a slightly different interpretation to Article 1D of the Refugee Convention, by considering its applicability as concerning a “class of persons” eligible for UNRWA or UNCCP assistance, rather than considering applicability of the article on an individual basis. Unlike many jurisdictions, however, the courts have accepted that the UNCCP has ceased providing ‘protection’ and therefore Palestinian refugees, if able to establish a refugee claim, are entitled to protection under the Refugee Convention.⁶¹⁸ On the question of statelessness, Australia does not have a statutory procedure for statelessness determination. As a result, cases where a stateless person is not found to be a refugee require a decision from the Minister of Home Affairs in order to obtain status in Australia, which are rarely forthcoming.⁶¹⁹

⁶¹³ According to 2016 census results, 13,200 people living in Australia identified as having Palestinian ancestry. Additionally, some 13,700 people said they had at least one parent who was born in the West Bank or Gaza Strip, including 2,523 people themselves having been born in the West Bank or Gaza Strip. While there is likely significant overlap in these segments of the Palestinian-Australian population, the population-age pyramids of both segments show clear distinctions. Additionally, the data does not accurately count third and fourth generation Palestinians whose parents were born in Lebanon, Jordan, Syria or Iraq themselves. See: “ABS.Stat^{BETA},” *Australian Bureau of Statistics (ABS)*, available at: <http://stat.data.abs.gov.au/> [accessed 14 September 2019].

⁶¹⁴ The 2016 Census results shows spikes in migration of Palestinians that correlate to these events. See: “Census 2016, Country of Birth of Person by Year of Arrival in Australia (ranges) (SA2+)”, *ABS.Stat^{BETA}*, available at: <http://stat.data.abs.gov.au/> [accessed 14 September 2019].

⁶¹⁵ “FOI Request – FA 18/08/00007,” *Australian Department of Home Affairs*, “Response to Freedom of Information (FOI) request submitted by BADIL,” 25 October 2018.

⁶¹⁶ This statistic includes all visa applications, including work and study visas, and does not indicate whether applications were accepted.

⁶¹⁷ UNHCR, Population Statistics, *supra* note 155.

⁶¹⁸ BADIL, Closing Protection Gaps, *supra* note 11, 280-284.

⁶¹⁹ See the High Court decision of *Al-Kateb v Godwin* (2004) HCA 37 in which a stateless Palestinian man was ruled to be lawfully held in indefinite decision due to the fact he did not have a refugee claim and could not be returned to any state on account of his statelessness. *Al-Kateb v Godwin* [2004] HCA 37; 219 CLR 562; 208 ALR 124; 78 ALJR 1099 (6 August 2004), *High Court of Australia*, 6 August 2004, available at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2004/37.html> [accessed 14 September 2019]. See also: Refugee Council of Australia, *Statelessness in Australia*, August 2015, 14, 16, available at: <https://www.refugeecouncil.org.au/wp-content/uploads/2018/12/1508-Statelessness.pdf> [accessed 14 September 2019] [hereinafter Refugee Council of Australia, Statelessness].



Current Political Issues

Australian law discriminates against those seeking protection who arrive by boat. In August 2012, persons arriving by boat were prohibited from submitting protection visa applications. After initially being held in mandatory detention, they were released into the community without the right to work and with minimal welfare payments. In 2014, these asylum-seekers were granted working rights and in 2015 were allowed to apply for temporary protection visas. Those who were granted temporary visas now have both working rights and welfare benefits. Any persons arriving by boat and claiming asylum from 19 July 2013 onward, however, have been held indefinitely in mandatory detention on Manus Island, Papua New Guinea, or Nauru, and have been prohibited from settlement in Australia if found to be a refugee.⁶²⁰ Several Palestinians are understood to have been caught in this system and detained on Manus Island, but no information is available or accessible regarding their situation.⁶²¹

In 2015, the Australian Government announced an additional 12,000 humanitarian places for resettlement for Iraqi and Syrian refugees between 2015 and March 2017.⁶²² The government, however, prioritizes those from Christian and other minorities and as a result, only nine visas were granted to persons self-identified as Palestinian.

As the Australian Citizenship Act of 2007 does not provide automatic citizenship for children born in Australia, a number of children who have been born in Australia to stateless Palestinian parents have required legal intervention to obtain Australian citizenship, which is mandatory for children who would otherwise be stateless.⁶²³

Belgium

The exact size of the Palestinian population living in the Kingdom of Belgium (Belgium) is difficult to ascertain due to the lack of categorization according to Palestinian origins within data available from the state. In particular, it is unclear how many Palestinians from Syria have ended up in Belgium. From 2016-2018, there were 3,460 Palestinians who made first-time asylum applications in Belgium;⁶²⁴ with 2,468 persons applying in 2018 alone,⁶²⁵ and 1,472 in the first half of 2019.⁶²⁶ According to UNHCR data on Persons of Concern, there are 117 Palestinian refugees and 2,250 Palestinians with pending asylum applications in Belgium as of 2018.⁶²⁷ Second only to Syrian refugees in quantity, these numbers are predominately Palestinians from Gaza claiming asylum due to the deteriorating humanitarian situation, the draconian response by Israel to the

⁶²⁰ Migration Legislation Amendment (Regional Processing Cohort) Bill 2016, Parliament of Australia, 14 March 2017, available at: https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/bd/bd1617a/17bd072 [accessed August September 2019].

⁶²¹ Anecdotal evidence provided directly by refugee rights organizations in Australia.

⁶²² DFAT, "The Syrian and Iraqi humanitarian crisis," press release, 9 September 2015, available at: <https://dfat.gov.au/news/news/Pages/syrian-and-iraqi-humanitarian-crisis.aspx> [accessed 14 September 2019].

⁶²³ Refugee Council of Australia, Statelessness, *supra* note 619.

⁶²⁴ European Commission, "Asylum and Managed Migration," Eurostat Database, available at: <https://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database> [accessed 14 September 2019] [hereinafter Eurostat Database, Asylum and Managed Migration].

⁶²⁵ Office of the Commissioner General for Refugees and Stateless Persons (CGRA-CGVS), *Asylum Statistics – Survey of 2018*, 10 January 2019, 4, available at: https://www.cgrs.be/sites/default/files/asylumstat_december_2018_en.pdf

⁶²⁶ CGRA-CGVS, *Asylum Statistics – June 2019*, 8 July 2019, 4, available at: https://www.cgra.be/sites/default/files/asylumstat_june_2019_en.pdf

⁶²⁷ UNHCR, Population Statistics, *supra* note 155.



Great March of Return, as well as the closure of Rafah crossing which makes deportation back to Gaza nearly impossible.⁶²⁸

Legal Status

Palestinian refugees registered with UNRWA fleeing the armed conflict in Syria have been *ipso facto* recognized as refugees in Belgium according to the second paragraph of Article 1D, on the basis that they cannot return to the area where they were receiving UNRWA assistance.⁶²⁹ Once an individual has asylum or the right to remain, they can then access all protections provided by Belgium.⁶³⁰ Prior to this recognition by Belgium, Palestinian asylum-seekers access UNHCR assistance as they are outside of UNRWA's area of operation.⁶³¹

In regards to statelessness, Belgium does not have a specific procedure to apply for such recognition. A person can apply to the Family Court for recognition of a place of residence and statelessness, during which time they do not hold any right of residence.⁶³² If they prove that they are stateless, they can then apply to regularize their immigration status, after which they enjoy the same benefit as third-country nationals.⁶³³ Generally, Palestinians have been readily accepted as stateless, particularly if from outside the oPt. In recent years, however, courts in the northern region of Belgium have determined that Palestinians are not stateless because there is a State of Palestine, even if they were born outside Mandatory Palestine, hold no other citizenship, and are unable to obtain PA travel documents.⁶³⁴

Current Political Issues

The significant spike in asylum applications from Palestine in recent years is largely out of step with the rest of Europe, and the result of a very high acceptance rate. In 2018, of the 470 asylum applications for Palestinians determined, 87 percent were accepted.⁶³⁵ This approval rate, however, is expected to decline following a decision by the Belgium Government in late October 2018 to suspend the Resettlement Programme for refugees as well as the announcement in December 2018 to determine applications from Gaza on a case-by-case basis.⁶³⁶ On this issue, there is a difference of position between the governmental agency, Office of the Commissioner General for

⁶²⁸ "Differential Treatment of Specific Nationalities in the Procedure," *Vluchtelingenwerk Vlaanderen*, 2019, available at: <https://www.asylumineurope.org/reports/country/belgium/asylum-procedure/differential-treatment-specific-nationalities-procedure> [accessed 14 September 2019] [hereinafter Vlaanderen, Differential Treatment].

⁶²⁹ BADIL, Closing Protection Gaps, *supra* note 11, 93-99.

⁶³⁰ "Refugee Status," Office of the Commissioner General for Refugees and Stateless Persons (CGRS), available at: <https://www.cgra.be/en/international-protection/refugee-status> [accessed 14 September 2019].

⁶³¹ UNRWA, *UNRWA Guide for Palestinian asylum seekers in Brussels*, undated, available at: <http://www.rechtomigratie.be/sites/default/files/Guide%20for%20Palestinian%20asylum%20seekers%20in%20Belgium%20-%20ENGLISH.pdf>

⁶³² Formerly it was the Court of First Instance which could recognize statelessness: see "Stateless Persons", Office of the Commissioner General for Refugees and Stateless Persons (CGRA-CGVS), available at: <https://www.cgra.be/en/stateless-persons> [accessed 14 September 2019].

⁶³³ *Ibid.*

⁶³⁴ See the 2017 decision of the court in Gent, 2015/AR/1954, 20 April 2017, available in Flemish at: http://www.agii.be/sites/default/files/20170420_gent.pdf and the 2018 decision of the court in Brussels, 2017/FA/707, 5 June 2018, available in Flemish at: http://www.agii.be/sites/default/files/20180605_brussel.pdf, referenced in Julie Lejeune Nansen, "Statelessness in Belgium: a blurred landscape," *European Network on Statelessness*, 7 March 2019, available at: <https://www.statelessness.eu/blog/statelessness-belgium-blurred-landscape> [accessed 14 September 2019].

⁶³⁵ CGRA-CGVS, "Change of Policy Regarding Asylum Applications From Palestinians from Gaza," news release, 5 December 2018, available at: <https://www.cgra.be/en/news/change-policy-regarding-asylum-applications-palestinians-gaza> [accessed 14 September 2019].

⁶³⁶ Vlaanderen, Differential Treatment, *supra* note 628.



Refugees and Stateless Persons (CGRS), and the appeal panel, the Belgian Council for Alien Law Litigation (CALL), as to the protection obligations owed to Palestinians from Gaza. The CALL takes a broader approach, considering the overall persecution of the population in Gaza due to years of blockade and the continuing and systematic violations of fundamental human rights that seriously undermine human dignity and the consequent lack of basic rights.⁶³⁷ This has resulted in decisions being overturned and asylum granting postponed due to the stricter rules.

Canada

According to the 2016 Canadian Census results, there were 44,820 people with Palestinian origin in Canada, of whom 25,195 claimed solely Palestinian ethnicity.⁶³⁸ Of these, 8,675 people were born in Palestine with 6,505 holding Canadian citizenship.⁶³⁹ Many of these Palestinians arrived in Canada in the 1980s and 1990s,⁶⁴⁰ likely as a result of instability in the region arising from the Lebanese Civil War, the first Gulf War and the First *Intifada*. Between 2013 and 2018, Canada received 2,000 claims for asylum from Palestinians in Canada, with the number of applications increasing dramatically from 34 in 2013, to 724 in 2018.⁶⁴¹ By 31 December 2018, 2,118 Palestinians were identified as Persons of Concern with UNHCR; 1120 refugees and 998 asylum-seekers.⁶⁴²

Legal status

Canada has tended to grant asylum to Palestinians in relatively large numbers;⁶⁴³ of asylum claims finalized between 2013 and 2018, applications were granted at a consistent rate of 77 percent for Palestinians.⁶⁴⁴ The Canadian government interprets Article 1D of the 1951 Refugee Convention in such a way that, as Palestinian refugees in Canada are outside UNRWA regions, they are unable to enjoy protection and are therefore eligible to apply for protection under Canadian law. Palestinians must, however, establish their basis for refugee status determination in accordance with domestic law or as defined within the Refugee Convention. Additionally, Canada lacks clear legislation and procedures on statelessness determination, which adversely impacts Palestinian refugees and leaves them in legal limbo as they struggle to be recognized as stateless.⁶⁴⁵

⁶³⁷ F. Jacobs vs. The Commissioner General for Refugees and Stateless Persons, *Raad voor Vreemdelingen- betwistingen*, No. 206 073, 27 June 2018, available at: http://www.rvv-ccce.be/sites/default/files/arr/a206073.an_.pdf.

⁶³⁸ Statistics Canada, "Ethnic Origin (279), Single and Multiple Ethnic Origin Responses (3), Generation Status (4), Age (12) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data," *Data tables: 2016 Census*, 2016, available at: <https://bit.ly/2YvJK15> [accessed 14 September 2019].

⁶³⁹ Statistics Canada, "Citizenship (5), Place of Birth (272), Immigrant Status and Period of Immigration (11), Age (12) and Sex (3) for the Population in Private Households of Canada, Provinces and Territories, Census Metropolitan Areas and Census Agglomerations, 2016 Census - 25% Sample Data," *Data tables: 2016 Census*, 2016, available at: <https://bit.ly/2VGK0IX> [accessed 14 September 2019].

⁶⁴⁰ Francesca Albanese and Elisa Mosler Vidal, "In Focus: Palestinians in the Americas-Lands of Opportunities Untapped?," *Al Majdal*, no. 59 (2017): 31-42, 33, available at: <http://www.badil.org/phocadownload/badil-new/publications/periodicals/al-majdal/al-majdal-59.pdf> [hereinafter Albanese and Vidal, *Palestinians in the Americas*].

⁶⁴¹ IRB Canada, "Refugee claims statistics," available at: <https://www.irb-cisr.gc.ca/en/statistics/protection/Pages/index.aspx> [accessed 14 September 2019] [hereinafter IRB, *Refugee Claims*].

⁶⁴² UNHCR, *Population Statistics*, *supra* note 155.

⁶⁴³ Susan Akram and G. S. Goodwin-Gill, "Brief Amicus Curiae on the Status of Palestinian Refugees under International Law," *The Palestine Yearbook of International Law* 11, no.1 (January 2000): 185-260, 252.

⁶⁴⁴ IRB Canada, *Refugee Claims*, *supra* note 641.

⁶⁴⁵ BADIL staff, "Palestinian Refugees: Multiple Displacements and the Issue of Protection," *Al Majdal*, no. 59 (2017): 37, available at: <http://www.badil.org/phocadownload/badil-new/publications/periodicals/al-majdal/al-majdal-59.pdf> [hereinafter BADIL, *Multiple Displacements*]; Jillian Kestler-D'Amours, "'Stateless' Palestinians living in limbo in Canada," *Middle East Eye*, 22 May 2018, available at: <https://www.middleeasteye.net/news/stateless-palestinians-living-limbo-canada> [accessed 14 September 2019] [hereinafter Kestler-D'Amours, *Palestinians in Canada*].



Current Political Issues

Canada has occasionally accepted Palestinian refugees from Iraq and Syria, and in 2006, Canada was one of several countries to resettle Palestinian families from Iraq.⁶⁴⁶ This, however, seems to have been a one-off, with a number of civil-society led campaigns conducted in 2007-2009 to encourage the Canadian government to take in more Palestinians from Iraq.⁶⁴⁷ In 2015-2017, Canada did accept more than 50,000 refugees from Syria, which in 2016, under the Trudeau administration, included a shift in position, explicitly including non-Syrian nationals and stateless persons in that intake.⁶⁴⁸ According to a departmental official, however, resettlement depended on referral from UNHCR,⁶⁴⁹ which likely excluded Palestinians in Syria as they were often unable to register with UNHCR in the region due to the presence and role of UNRWA. In practice, the impact is less clear on Palestinians from Syria, but anecdotal evidence suggests Palestinians from Syria were largely excluded from the resettlement intake.⁶⁵⁰

There are still Palestinians awaiting legal permission to live in Canada due to their statelessness categorization. This complicates their claims for refugee protection, which are verified with respect to their country of ‘formal habitual residence’, rather than the situation in Palestine, Iraq or Syria which caused their original displacement, and has left many waiting for decisions from the Immigration and Refugee Board of Canada (IRB) for years.⁶⁵¹

France

It is very difficult to estimate the Palestinian population in the French Republic as studies vary greatly. However, there are likely around 5,000 Palestinian refugees living in France, with six waves of migration from 1948 onward. The most recent wave, resulting from the Syrian conflict, has seen a steadily increasing number of asylum applications from Palestinians, with 800 applications received between 2016 and 2018, 113 applications of which were accepted in 2018 for refugee protection.⁶⁵² However, it is difficult to know the number being received from Palestinians from Syria, as these could be counted among the Syrian population (12,540 applications from 2016-2018) or stateless persons (1,045 applications).⁶⁵³ According to UNHCR statistics, in 2018, 940 Palestinian refugees and 271 Palestinians asylum-seekers were registered with them as Persons of Concern.⁶⁵⁴

⁶⁴⁶ Albanese and Vidal, *Palestinians in the Americas*, *supra* note 640, 34.

⁶⁴⁷ Canadian Council for Refugees, “Canadian government should resettle Palestinian refugees forced out of Iraq Backgrounder,” media release, March 2009, available at: <https://ccrweb.ca/sites/ccrweb.ca/files/static-files/documents/palestinians2009.htm> [accessed 14 September 2019].

⁶⁴⁸ Kait Bolongaro, “Palestinian Syrians: Twice refugees,” *Al Jazeera*, 23 March 2016, available at: <https://www.aljazeera.com/indepth/features/2016/03/palestinian-syrians-refugees-160321055107834.html> [accessed 14 September 2019] [hereinafter Bolongaro, *Palestinian Syrians*].

⁶⁴⁹ *Ibid.*

⁶⁵⁰ Ahmad Moussa, “Why isn’t Canada opening its arms to Palestinian refugees?,” *Middle East Eye*, 24 January 2017, available at: <https://www.middleeasteye.net/columns/why-isnt-canada-opening-its-arms-palestinian-refugees-1811008562>; and Ahmad Moussa, “Statelessness and Human Rights: Canada’s exclusionary refugee policy towards the Syrian Crisis,” *Canadian Centre on Statelessness*, 8 May 2016, available at: <http://www.statelessness.ca/blog/statelessness-and-human-rights-canadas-exclusionary-refugee-policy-towards-the-syrian-crisis> (accessed 14 September 2019).

⁶⁵¹ Kestler-D’Amours, *Palestinians in Canada*, *supra* note 645.

⁶⁵² French Office for the Protection of Refugees and Stateless Persons (OFPRA), *Listening to the World: Activity Report 2018*, 2018, available in French at: https://www.ofpra.gouv.fr/sites/default/files/atoms/files/ofpra_ra_2018_web_planches_hd.pdf.

⁶⁵³ Eurostat Database, *Asylum and Managed Migration*, *supra* note 624.

⁶⁵⁴ UNHCR, *Population Statistics*, *supra* note 155.



Legal Status

Based on the 1951 Refugee Convention and the European directives on asylum, the French legal framework is enshrined in the Code of Entry and Residence of Foreigners and the Right of Asylum (CESEDA). In relation to Article 1D, France applies an interpretation that extends protection to a Palestinian refugee where they are outside of an UNRWA area due to reasons beyond their control, where they are then *ipso facto* entitled to protection without needing to prove their refugee claims.⁶⁵⁵ As in many other European countries, however, France does not have a clear policy regarding Palestinian refugees from Syria. Nevertheless, between 2013 and 2018, long-term visas were granted to more than 6,400 Syrians and Palestinians from Syria,⁶⁵⁶ with more than 5,000 persons given subsidiary protection.⁶⁵⁷

Current Political Issues

On 1 August 2018, France adopted a new law for “controlled immigration, an effective right of asylum and successful integration,”⁶⁵⁸ which requires applications for asylum be filed within 90 days of entering France and allows for deportation of rejected asylum-seekers before the court has made a ruling in the event of an appeal.⁶⁵⁹ In practice, the law makes the process of seeking asylum more difficult for refugees and stateless persons, and places them at greater risk of deportation in the event that their protection claims are denied.⁶⁶⁰

In addition, hundreds of refugees also face harsh physical conditions, particularly in the Calais area in northern France, following the closure of a large temporary refugee camp. The UN Special Rapporteur for Housing previously declared that 600-700 refugees were living in ‘harsh conditions’ in northern France⁶⁶¹ and a further 16,000 people were estimated to live in 497 informal settlements in France, including shanty areas and makeshift groups of tents.⁶⁶² It is expected that Palestinians, particularly those displaced from Syria, are among those living in these conditions.

Germany

The Palestinian community in the Federal Republic of Germany is said to be the largest in Europe, with some estimates placing the number as high as 250,000 persons or more.⁶⁶³ Berlin in particular,

⁶⁵⁵ BADIL, Closing Protection Gaps, *supra* note 11, 127-129.

⁶⁵⁶ Government of France, “France,” in UNHCR, *Country Chapters - UNHCR Resettlement Handbook*, 2018, available at: <https://www.unhcr.org/en-lk/5322ca479.pdf>

⁶⁵⁷ BADIL, Multiple Displacements, *supra* note 645, 27-28.

⁶⁵⁸ Adopted Text no. 168, “Immigration Bill Mastered Effective Right of Refugee and Successful Integration,” National Assembly Constitution of 4 October 1958, Session of 2017-2018, available in French at: <http://www.assemblee-nationale.fr/15/ta/tap0168.pdf>.

⁶⁵⁹ Camille Marquis, “France Approves Flawed Asylum and Immigration Law,” *Human Rights Watch*, 4 August 2018, available at: <https://www.hrw.org/news/2018/08/04/france-approves-flawed-asylum-and-immigration-law> [accessed 14 September 2019].

⁶⁶⁰ “France adopts tough new law on asylum, immigration,” *France- RFI*, 8 February 2018, available at: <http://en.rfi.fr/france/20180802-france-adopts-tough-new-law-asylum-immigration> [accessed 14 September 2019].

⁶⁶¹ Angelique Chrisafis, “UN urges France to act on ‘dire’ living conditions of refugees,” *The Guardian*, 12 April 2019, available at: <https://www.theguardian.com/world/2019/apr/12/un-france-dire-living-conditions-refugees-calais-migrants-human-rights> [accessed 14 September 2019].

⁶⁶² *Ibid.*

⁶⁶³ Katharina Koch and Nora Jasmin Ragab, “Mapping and Study of the Palestinian Diaspora in Germany,” Maastricht University, 2018, 28-30, available at: <https://www.merit.unu.edu/publications/uploads/1534516859.pdf> [hereinafter Koch and Ragab, Palestinian Diaspora in Germany].



is known to have a sizeable Palestinian community of around 30,000. As with many states, the exact number of Palestinians in Germany is difficult to ascertain, as ‘Palestinian nationality’ is not recognized in official German records. Instead, many Palestinians displaced from Syria and elsewhere are recorded as stateless. There have been several waves of displacement, most notably from Lebanon following the Israeli invasion in the late 1970s and early 1980s.⁶⁶⁴ In 2005, Palestinians from Lebanon were estimated by the German authorities to account for 75 percent of the almost 50,000 people in Germany with unclear nationality,⁶⁶⁵ and they are now known to constitute a substantial portion of the Palestinian community in Berlin.⁶⁶⁶ More recently, Palestinians from Syria have arrived and, according to Eurostat,⁶⁶⁷ approximately 70 stateless refugees were resettled and some 8,490 first-time stateless asylum-seekers have submitted applications between 2016-2018.⁶⁶⁸ UNHCR notes that there were no Palestinians registered as Persons of Concern in Germany.

Legal status

With regard to Article 1D of the Refugee Convention, Germany applies the inclusive clause under paragraph 2 whenever assistance or protection provided by UNRWA has ceased.⁶⁶⁹ In this respect, the reason(s) prompting a Palestinian applicant to abandon UNRWA’s area of operation, her subsequent behaviour, as well as external circumstances outside her sphere of control are all factors that play a key role when it comes to determining whether such protection or assistance can truly be considered ‘ceased’.⁶⁷⁰

Current Political Issues

Over the last few years, Germany has allowed entry to many refugees, so much so that in 2015 alone, over one million asylum-seekers were registered by the German authorities.⁶⁷¹ While Syrians comprised the majority of asylum requests received by Germany from 2016-2018, there is no confirmed statistical data on Palestinian refugees from Syria due to inconsistencies in registration.⁶⁷² Moreover, since April 2016, Germany’s official’s deal with Palestinian refugees

⁶⁶⁴ Palestine International Institute (PII), *The Palestinian Community in Germany*, June 2018, 9, available at: <https://pii-diaspora.org/wp-content/uploads/2018/06/germany-country-study-updated.pdf>; and Sanem Kleff and Eberhard Seidel, *Stadt der Vielfalt Das Entstehen des neuen Berlin durch Migration*, (Berlin: Berliner Senat, 2009) [in German].

⁶⁶⁵ Koch and Ragab, *Palestinian Diaspora in Germany*, 30, *supra* note .

⁶⁶⁶ See Hayley Pearce, “‘Little Palestine’ in Berlin: Home of Hummus, Hipsters, and Solidarity,” *Egyptian Streets*, 20 March 2015, available at: <https://egyptianstreets.com/2015/03/20/little-palestine-in-berlin-home-of-hummus-hipsters-and-solidarity/> [accessed 14 September 2019].

⁶⁶⁷ As part of the European Commission, Eurostat functions to collate and publish statistical information provided by European Union member states.

⁶⁶⁸ Eurostat Database, *Asylum and Managed Migration*, *supra* note 624.

⁶⁶⁹ In April 2017, German officials asserted that, “in Germany we have no specific policy towards asylum applicants from Palestinians from Gaza or the West Bank. Every case (of the very few cases) is assessed on its own merits taking into account the individual circumstances of an applicant and country information from all available sources.” European Commission, *EMN Ad-Hoc Query on Palestinians from Gaza and West Bank Territories*, Requested by ES EMN NCP on 19th April 2017, 17 April 2017, 3-4, available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/2017.1171_es_ahq_on_palestinians_from_gaza_and_west_union_territories.pdf [hereinafter EC, Ad-Hoc Query on Palestinians from Gaza and WB].

⁶⁷⁰ German jurisprudence considers UNRWA’s assistance or protection to have ceased only in the event that the Palestinian applicant can prove that he/she has not ‘voluntarily relinquished’ such protection or assistance. German courts, however, have generally provided a very wide interpretation to the term ‘voluntarily relinquished’, to the point of considering ‘voluntary’ cases in which the departure from UNRWA’s area of operation was actually due to a well-founded risk of persecution in that area. See: BADIL, *Closing Protection Gaps- 2005*, *supra* note 434, 174-186; BADIL, *Closing Protection Gaps*, *supra* note 11, 133-144.

⁶⁷¹ Cynthia Kroet, “Germany: 1.1 million refugee arrivals in 2015,” *Politico*, 6 January 2016, available at: <https://www.politico.eu/article/germany-1-1-million-refugee-arrivals-in-2015/>.

⁶⁷² Bolongaro, *Palestinian Syrians*, *supra* note 648; BADIL, *Multiple Displacements*, *supra* note 645, 23.



that are nationals of Palestine with a travel document issued by the Syrian Arab Republic as though they hold a Syrian passport, either upon entry to Germany or in a visa application at an embassy.⁶⁷³ The implementation on the ground, however, has been more problematic due to a lack of understanding by officials.⁶⁷⁴ This gap between government policy and implementation has resulted in significant obstacles concerning family unification, inconsistencies in registration and delays in accessing protection and services.⁶⁷⁵

Greece

For the thousands of Palestinian refugees fleeing the Syrian conflict, the Hellenic Republic (Greece) has been the main entry point into Europe, with many leaving the Turkish port of Izmir and heading for the Greek islands of Chios, Lesbos and Samos. The exact number of Palestinians who have entered Greece over the past nine years is difficult to assess, as most have not claimed asylum. It is believed that in January 2017, approximately 400 Palestinians originating from the Palestinian-Syrian refugee camps of Deraa, Yarmouk, Al Ayden and Al Husseiniya were living in makeshift tents and under-equipped halls on the Greek islands.⁶⁷⁶ This figure has increased exponentially over the last three years, with UNHCR reporting 1,500 Palestinians residing in the islands.⁶⁷⁷ These people have joined an existing Palestinian community of an estimated 3,500, who initially arrived as students in the 1960s and expanded as Palestinian refugees fled Lebanon during the civil war in the 1970s and 1980s.⁶⁷⁸

Legal Status

Greece ratified the 1951 Refugee Convention and its Protocol in April 1960 and August 1968, respectively.⁶⁷⁹ Following the transposition of the EU Qualification Directive (EU Directive 2004/83), the Greek legal framework in respect to international protection is now enshrined in Presidential Decree No. 96/2008.⁶⁸⁰ With regards to Palestinian refugees, Article 12 of the Presidential Decree incorporates the exact language of Article 1D(2) as it concerns Palestinians. Therefore, in case UNRWA's protection or assistance has for any reason ceased, Palestinians are *ipso facto* recognized as refugees and entitled to the forms of protection envisaged by Decree 96/2008. In this regard, Greece has the highest recognition rates of international protection granted to Palestinian nationals of any European country. According to official data provided by the Greek Asylum Service, 97.5 percent of the 4,824 applications for international protection submitted by Palestinians from 7 June 2013 to 30 April 2019

⁶⁷³ BADIL, Multiple Displacements, *supra* note 645, 23.

⁶⁷⁴ Bolongaro, Palestinian Syrians, *supra* note 648.

⁶⁷⁵ BADIL, Multiple Displacements, *supra* note 645, 23.

⁶⁷⁶ AGPS, "400 Palestinians Stranded in Greece," news release, 16 July 2017, available at: <http://www.actionpal.org/en/post/5493/400-palestinians-stranded-in-greece> [accessed 14 September 2019].

⁶⁷⁷ UNHCR, "Aegean Islands Weekly Snapshot," 20 May 2019, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/69572.pdf>; see also OECD reporting which suggests 1,310 Palestinians arrived in Greece throughout 2017: E. Gemi et al., "Migration in Greece: Recent Developments in 2018," 29-31 October 2018, 19, available at: https://www.eliamep.gr/wp-content/uploads/2017/11/Greece-report-for-OECD-Triandafyllidou-Gemi_Nov2018.pdf.

⁶⁷⁸ Palestine International Institute, *The Palestinian Community in Greece*, June 2018, available at: <https://pii-diaspora.org/wp-content/uploads/2018/06/greece-country-study-updated.pdf>

⁶⁷⁹ UNHCR, States Parties to the 1951 Convention, *supra* note 593.

⁶⁸⁰ Presidential Decree 96/2008 of 30 July 2008 on Harmonization of Greek Legislation to the Provisions of Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees, available at: <https://www.asylumlawdatabase.eu/sites/default/files/aldbfiles/EN%20-%20Presidential%20Decree%20No%20%2096%20of%202008.pdf>.



have been accepted. This means that as of April 2019, 4,703 Palestinians hold refugee or subsidiary protection status.⁶⁸¹

Current Political Issues

Despite the high acceptance rate for international protection claims, refugees face a number of difficulties. Under pressure from the EU, Greece tightened the border controls in 2012, deploying more than 1,800 border guards to the Greek-Turkish land border and constructing a barbed-wire fence along the main entry point into the Greek border region of Evros.⁶⁸² In 2013, an improved Greek Asylum Service was introduced that removed control over asylum process from the police, but recent political changes have brought the process back into doubt.⁶⁸³ This is in part because the numbers of applications have continued to skyrocket, with numerous Palestinian refugees from Syria reported to have waited up to a year before being permitted to submit their asylum application for processing.⁶⁸⁴ Although the Greek Asylum Service announced in January 2015 that Palestinians with Syrian-identification documents, along with Syrian citizens, would be dealt with under the fast-track procedure,⁶⁸⁵ as of May 2019, thousands of Palestinian nationals are still stranded in the Greek islands pending determination of their asylum claims. Refugees are also subject to exceptionally poor camp conditions and a lack of protection by the Greek government, due to a reduced funding capacity. This has resulted in an asylum system that is well-known for subjecting asylum seekers to 'inhumane' humanitarian and socioeconomic conditions.⁶⁸⁶ Additionally, since 2011, at least 81 Palestinians have drowned in the Mediterranean Sea, a majority of whom were bound for Greece.⁶⁸⁷

⁶⁸¹ Hellenic Republic-Asylum Service, *Statistical Data of the Greek Asylum Service (from 07.06.2013 to 30.04.2019)*, 2019, available at: http://asylo.gov.gr/en/wp-content/uploads/2019/05/Greek_Asylum_Stats_Apr2019_EN.pdf.

⁶⁸² Elena Ambrosetti et al., *Migration in the Mediterranean: Socio-economic Perspectives* (London and New York, NY: Routledge, 2016), 107-108; as reported by FRONTEX in its Annual Risk Analysis, as a result of the land border closure, "detections [of asylum seekers] in the Aegean Sea, between Turkey and Greece, increased by 912 percent. This increasing trend started after September 2012, [...] immediately following the enhanced surveillance at the land border." See: FRONTEX, "Annual Risk Analysis 2013," April 2013, 23, available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2013.pdf

⁶⁸³ John Psaropoulos, "Human rights community decries new Greek asylum law", *Al Jazeera*, 1 November 2019, available at: <https://www.aljazeera.com/news/2019/11/human-rights-community-decries-greek-asylum-law-191101114606304.html> [accessed 15 November 2019].

⁶⁸⁴ Rafeef Ziadah, "Journeys of Dispossession: Palestinian Refugees from Syria Confronting Fortress Europe," *Dark Matter*, 16 May 2016, available at: http://www.darkmatter101.org/site/2016/05/16/journeys-of-dispossession-palestinian-refugees-from-syria-confronting-fortress-europe/#foot_40 [accessed 14 September 2019].

⁶⁸⁵ Hellenic Republic-Ministry of Public Order and Citizens Protection, "Meeting between the Asylum Service and a delegation of Syrian refugees and Palestinian refugees from Syria," press release, 8 January 2015, available at: http://asylo.gov.gr/en/wp-content/uploads/2015/01/DELTIO-TYPOY_EN.pdf.

⁶⁸⁶ Palestinian refugees from Syria do not receive any kind of support from the authorities that are legally responsible to protect them and even access to medical treatment in public clinics or hospitals is regularly denied. Palestinians from Syria live in makeshift tents inside overcrowded camps, exposed to the weather and in abysmal hygienic conditions. On top of the poor living conditions, Palestinian refugees have also been regularly targeted by Greek far-right wing groups. In one such attack, in November 2016, Molotov cocktails were thrown at the Souda refugee camp, on the Island of Chios. Due to the resulting fire, thousands of asylum seekers - including at least 150 Palestinian refugees - had to flee the camp and abandon their accommodation tents. See: Parliamentary Assembly of the Council of Europe, "Following refugee death, rapporteur urges end to 'inhuman' conditions for asylum seekers in Greece," news release, 1 January 2019, available at: <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7320&lang=2> [accessed 14 September 2019].

⁶⁸⁷ AGPS, "51 Palestinians from Syria Drowned since Outbreak of Syria Warfare," news release, 25 October 2018, available at: <https://www.actionpal.org.uk/en/post/7868/news-and-reports/51-palestinians-from-syria-drowned-since-outbreak-of-syria-warfare> [accessed 14 September 2019]; and "30 Palestinians missing off coast of Greece," *Middle East Monitor*, 11 April 2019, available at: <https://www.middleeastmonitor.com/20190411-30-palestinians-missing-off-coast-of-greece/> [accessed 14 September 2019].



Italy

The Palestinian population in the Italian Republic numbers about 1,108 persons, which has almost doubled in the last five years due to Italy becoming a major entry point for Palestinian refugees from Syria.⁶⁸⁸ The Palestinian presence in Italy dates back to the 1950s when some Palestinian refugees from Syria, Lebanon and Jordan moved to the cities of Siena and Perugia to attend university.⁶⁸⁹ This was followed by major migratory waves following the Six-Day War (1967-1969) and the Israeli invasion of Lebanon (1982-1985).⁶⁹⁰ In recent years, thousands of Palestinians have arrived in Italy,⁶⁹¹ including 6,082 in 2014 alone.⁶⁹² Although Italy is merely a transit point to other European destinations,⁶⁹³ with less than 100 asylum applications lodged per year over the past six years.⁶⁹⁴ As of 31 December 2018, there were 1,254 Palestinians registered by UNHCR as Persons of Concern in Italy, including 1,049 refugees and 205 asylum-seekers.

Legal Status

Legislative Decree No. 251/2007, which implements EU Directive 2004/83 in domestic Italian law,⁶⁹⁵ lays down the rules for granting refugee status or subsidiary protection status to third-country nationals and stateless persons. It provides an exclusion clause at Article 10, which states that if Palestinians refugees, for any reason, can no longer avail themselves of UNRWA's protection or assistance, they shall have full access to the forms of protection provided by the decree. Contrary to Article 12 of the EU Directive, however, it does not explicitly state that a Palestinian is *ipso facto* entitled to the automatic granting of refugee status under these circumstances. Despite this, in 2017 the Italian government responded to a query from the European Migration Network (EMN) regarding the international protection mechanisms granted to asylum-seekers coming from the Gaza Strip and the West Bank, stating that, "if the applicant is a registered refugee covered by UNRWA mandate, we grant automatically refugee status."⁶⁹⁶

⁶⁸⁸ Istituto Nazionale di Statistica (ISTAT), "Foreigners as Residents in 2018 by Citizenship," available in Italian at: http://dati.istat.it/Index.aspx?DataSetCode=DCIS_POPSTRCIT1# [accessed 14 September 2019].

⁶⁸⁹ Palestine International Institute, *The Palestinian Community In Italy*, June 2018, available at: <https://pii-diaspora.org/wp-content/uploads/2018/06/italy-country-study-updated.pdf>

⁶⁹⁰ *Ibid.*

⁶⁹¹ In 2010, the Italian Government agreed to resettle approximately 180 Palestinian from the Al Tanf refugee camp along the Iraqi-Syrian border to Southern Italy's Calabria region. European Resettlements Network, "National Resettlements Programmes: Italy," 2011, available at: <https://www.resettlement.eu/country/italy> [accessed 14 September 2019].

⁶⁹² Ministero dell'Interno, "Report on the reception of migrants and refugees in Italy: aspects, procedures, problems," October 2015, 6, available in Italian at: http://www.asylumineurope.org/sites/default/files/resources/ministry_of_interior_report_on_reception_of_migrants_and_refugees_in_italy_october_2015.pdf.

⁶⁹³ The Italian Ministry of Labor and Social Policies provided information direct to BADIL, following our request on 22 May 2019, stating that, "the reasons for the gap between the data on [boat] arrivals and that on Palestinian citizens legally resident in Italy, are probably due to the fact that many of the Palestinians who arrived in Italy in 2015 did not apply for asylum in our country, but decided to renounce this possibility, preferring to go to other European countries where the Palestinian community has more ties." Obtained from: Response to BADIL Information Request, received from the Ministry of Labour and Social Policies, Directorate-General for Immigration and Integration Policies on 06 June 2019.

⁶⁹⁴ Based on the data provided to BADIL by the National Commission for the Right of Asylum, between 1 January 2013 and 27 May 2019, the decisions regarding Palestinian nationals were 526.

⁶⁹⁵ Council Directive 2004/83/EC of 29 April 2004, "Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons who Otherwise Need International Protection and the Content of the Protection Granted," *Official Journal of the European Union*, 30 September 2004, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0083&from=EN> [accessed 14 September 2019].

⁶⁹⁶ EC, Ad-Hoc Query on Palestinians from Gaza and WB, *supra* note 669.



Current Political Issues

Following the establishment of the populist right-wing government in June 2018, a significant tightening of migration and international protection policies has taken place in Italy. In October 2018, Decree Law No. 113/2014 (the so-called ‘Salvini Decree’) abolished humanitarian protection, a form of protection granted to those not eligible for refugee status, but who had "serious reasons of a humanitarian nature" for remaining in Italy.⁶⁹⁷ Several Palestinian refugees from Libya and Syria had benefited from a residency permit on humanitarian grounds that allowed them to legally reside in Italy.⁶⁹⁸ As a result of the Salvini Decree, however, Palestinian refugees will no longer be able to benefit from this form of protection.

New Zealand

It is estimated that there are approximately 1,000 Palestinians currently residing in New Zealand. This is most likely composed of Palestinian refugees originating from Syria, Iraq and Lebanon who arrived in the country over the past 15 years.⁶⁹⁹ Between January 2008 and June 2019, 435 Palestinian nationals have been granted international/humanitarian protection.⁷⁰⁰ In addition, a further 189 UNHCR-recognized Palestinian refugees (most of whom were living in Indonesia, Malaysia and Thailand) were resettled in New Zealand between 2014 and 2018.⁷⁰¹

Legal Status

New Zealand ratified the 1951 Refugee Convention and its additional Protocol in June 1960 and August 1973, respectively.⁷⁰² The New Zealand Refugee Status Appeals Authority (RSAA) has adopted an extremely restrictive interpretation of the inclusive clause referred to in Article 1D(2).⁷⁰³ Based on this case-law, Palestinian refugees who fall under UNRWA's mandate have to prove that they have, "a well-founded fear of being persecuted," as required by Article 1A(2) in order to access the benefits of the Convention.⁷⁰⁴ Nevertheless, the acceptance rate in New Zealand is

⁶⁹⁷ M. Abagnale, "What (does) remain of humanitarian protection. Brief considerations on the c.d. Salvini Decree," *Opinionjuris*, 4 March 2019, available in Italian at: <http://www.opiniojuris.it/decreto-salvini/>.

⁶⁹⁸ Based on the data provided to BADIL by the National Commission for the Right of Asylum, between 1 January 2013 and 27 May 2019, 48 Palestinian nationals were granted this form of protection. Abolition of humanitarian protection also makes uncertain the future of all Palestinian holders, given that their permits are for humanitarian reasons and once expired can no longer be renewed. See: Europasilo-International Network for the Right of Asylum, "Immigration Decree: effects of the abrogation of humanitarian protection and our reforms of reform," 2016, available in Italian at: <http://www.europasilo.org/resistenzasilo-2/conseguenze-abrogazione-protezione-umanitaria/> [accessed 14 September 2019].

⁶⁹⁹ According to the 2013 Census, just 135 Palestinians were living in New Zealand. However, since then, more than 700 Palestinian nationals have been granted visas, including 117 working visas granted between 2008-2019. It is also known that 185 Palestinians have been granted NZ citizenship since 1948. Additionally, these figures don't account for those born in New Zealand with at least one parent of Palestinian nationality, nor the second and third generations of Palestinian refugees/migrants who previously moved to New Zealand. A census was conducted in 2018, with its data under embargo until its expected release in September 2019. It will be available at <https://www.stats.govt.nz/2018-census/>.

⁷⁰⁰ Immigration New Zealand, "Statistics for Refugee Quota Arrivals, April 2019," <https://www.immigration.govt.nz/documents/statistics/statistics-refugee-quota-arrivals> (accessed 29 June 2019).

⁷⁰¹ *Ibid.*

⁷⁰² UNHCR, States Parties to the 1951 Convention, *supra* note 593.

⁷⁰³ See BADIL, Closing Protection Gaps- 2005, *supra* note 434, 293-295.

⁷⁰⁴ This interpretation was first enunciated in RSAA decision on case No. 1/92 of 30 April 1992 and upheld by successive RSAA rulings. See Refugee Status Appeals Authority, Refugee Appeal No. 1/92, available at: <https://www.refugee.org.nz/Casearch/Fulltext/1-92.htm> [accessed 14 September 2019].



quite high, with 81 percent of 540 international protection applications submitted by Palestinian nationals accepted in the last ten years.⁷⁰⁵

Current Political Issues

The almost decade-long Syrian refugee crisis, coupled with domestic political campaigns, have led to a relaxing of New Zealand's resettlement policies.⁷⁰⁶ In September 2016, the New Zealand government announced the resettlement of 750 Syrian refugees, 150 as part of the annual refugee quota and a further 600 as emergency intake over the next three years.⁷⁰⁷ As far as BADIL is aware, while these 750 places are exclusively for Syrian nationals and not for Palestinians from Syria, Palestinian refugees will, in any case, benefit from the recent governmental decision to increase the annual refugee quota intake.⁷⁰⁸ Starting from 2018 (and for the first time since 1987), New Zealand's annual refugee quota has increased from 750 to 1,000.⁷⁰⁹ Furthermore, from July 2020 onward, this quota will rise to 1,500 refugees.⁷¹⁰

Sweden

Palestinian presence in the Kingdom of Sweden began in the 1960s as a result of Palestinian refugees migrating from the West Bank, Jordan and Lebanon for education purposes.⁷¹¹ By the late 1990s, the Palestinian population had grown to about 13,000.⁷¹² In 2018, best estimates place the Palestinian population of Sweden at around 70,000.⁷¹³ This includes a large influx of Palestinian refugees from Syria and earlier arrivals from Iraq, of whom more than 22,000 are said to have been granted Swedish citizenship.⁷¹⁴ As of 31 December 2018, there were 1,634

⁷⁰⁵ New Zealand Ministry of Business, Innovation & Employment, "Migration Data Explorer", available at: https://mbien.shinyapps.io/migration_data_explorer/ [accessed 30 July 2018].

⁷⁰⁶ Paul Spoonley and Jessica Terruhn, *Syrian-Conflict Refugee Settlement in Aotearoa/New Zealand*, (Palmerston North, New Zealand: Massey University, February 2018), 1, available at: <https://bit.ly/2onH7wk> [accessed 14 September 2019].

⁷⁰⁷ Michael Woodhouse, "New Zealand to take 750 more Syrian Refugees," *Beehive.govt.nz*, 8 September 2015, available at: <https://www.beehive.govt.nz/release/new-zealand-take-750-more-syrian-refugees> [accessed 14 September 2019].

⁷⁰⁸ Immigration New Zealand, "New Zealand Refugee Quota: Palestinian Refugees," January 2018, available at: <https://shalom.kiwi/wp-content/uploads/2019/06/palestinian-quota-refugee-factsheet.pdf>.

⁷⁰⁹ "Govt to raise NZ's refugee quota to 1000," *Radio New Zealand*, 13 June 2016, available at: <https://www.rnz.co.nz/news/political/306270/govt-to-raise-nz%27s-refugee-quota-to-1000> [accessed 14 September 2019].

⁷¹⁰ Australian Associated Press, "New Zealand to raise refugee quota in 2020," *The Guardian*, 19 September 2018, available at: <https://www.theguardian.com/world/2018/sep/19/new-zealand-to-raise-refugee-quota-in-2020> [accessed 14 September 2019].

⁷¹¹ Palestine International Institute (PII), *The Palestinian Community in Sweden*, June 2018, available at: <https://pii-diaspora.org/wp-content/uploads/2018/06/sweden-country-study-updated.pdf>.

⁷¹² H. Lindholm Schulz and J. Hammer, "The Palestinian Diaspora: Formation of Identities and Politics of Homeland," 2003, 84, available at: https://www.researchgate.net/publication/289733503_The_Palestinian_diaspora_Formation_of_identities_and_politics_of_homeland [accessed 14 September 2019].

⁷¹³ According to a SCB census, as of 31 December 2018, there were 7,907 registered persons born in Palestine living in Sweden and another 3,637 with at least one parent born in Palestine. Additionally, by the end of 2018, there were 19,782 stateless persons with a residence permit in Sweden and further 12,037 whose citizenship was unknown, as well as 29,177 asylum applications from stateless persons submitted between 2011 and 2018. It is understood from UNHCR that the vast majority of stateless persons in Sweden are PRS (See UNHCR, *Mapping Statelessness in Sweden*, December 2016, available at: <https://www.refworld.org/docid/58526c577.html> [accessed 30 September 2019]). In addition, there are numerous Palestinians born in Lebanon, Syria, Jordan (or any of the other Arab states) of Palestinian origin, who have migrated to Sweden, and third and fourth generation Palestinian migrants to Sweden who are not distinguished in census data.

⁷¹⁴ AGPS, "Palestinian Refugees from Syria Granted Citizenship in Sweden, Netherlands," news release, 7 January 2019, available at: <https://www.actionpal.org.uk/en/post/8137/news-and-reports/palestinian-refugees-from-syria-granted-citizenship-in-sweden-netherlands> [accessed 14 September 2019].



Palestinians registered by UNHCR as Persons of Concern in Sweden, including 1,060 refugees and 574 asylum-seekers.

Legal Status

Sweden is a signatory to both the 1951 Geneva Convention and its 1967 Protocol.⁷¹⁵ The Swedish legal framework on international protection is enshrined in the Aliens Act (2005:716), which was last amended in 2010 to align it with the 2004 EU Qualification Directive.⁷¹⁶ Since 2013, Sweden has been the only European country that has guaranteed all refugees from Syria, including stateless Palestinians, permanent (rather than temporary) residency in the country.⁷¹⁷ Swedish authorities have tended to recognize refugee status for all Palestinians from Syria,⁷¹⁸ who under the 2005 Aliens Act are entitled to the same treatment as Syrian asylum-seekers.⁷¹⁹ Additionally, from 2015 to 2018, the Swedish Migration Agency (SMA) determined 2,154 cases concerning holders of Palestinian Authority identity documents,⁷²⁰ recognizing refugee status in 70 percent of cases.⁷²¹

Current political issues

In the last decade, Sweden (together with Germany) has been the main European country of destination for the tens of thousands of Palestinian refugees fleeing the Syrian conflict.⁷²² The desire to reach the Scandinavian country is mainly due to Sweden's relatively liberal access to citizenship as compared to other European and Arab countries.⁷²³ According to the Swedish Citizenship Act (2001:82), refugees only have to reside in the country for four years to apply for citizenship.⁷²⁴

One particularly problematic issue that has arisen in Sweden is the situation regarding Palestinian refugees previously residing in Syria, Iraq and Gaza, but who arrived in Sweden via the Gulf

⁷¹⁵ UNHCR, States Parties to the 1951 Convention, *supra* note 593.

⁷¹⁶ OECD, International Migration Outlook 2010, July 2010, 242, available here: https://www.oecd-ilibrary.org/social-issues-migration-health/international-migration-outlook-2010_migr_outlook-2010-en [accessed 14 September 2019].

⁷¹⁷ From 2013 until 5 December 2015, all asylum-seekers from Syria were automatically granted permanent residency in Sweden; from the beginning of 2016, however, only unaccompanied minors and family members continue to receive permanent residence permits. Elin Hofverberg, "Refugee Law and Policy: Sweden," Legal Reports, Library of Congress, March 2016, available at: <https://www.loc.gov/law/help/refugee-law/sweden.php> [accessed 14 September 2019].

⁷¹⁸ European Legal Network on Asylum) ELENA, (Information Note on Syrian Asylum Seekers and Refugees in Europe, European Council on Refugees and Exiles, November 2013, 23, available at: https://www.ecre.org/wp-content/uploads/2016/05/Information-Note-on-Syrian-Refugees-in-Europe-29112013-final_website.pdf. On the recognition of refugee status to PRS in Sweden see, among others, Migration Court 26/11/2013, case No UM 1590-13; Migration Court 20/05/2013, case No UM 527-13; Migration Court 22/02/2013, case No UM 9159-12.

⁷¹⁹ Lisa Auer, "Palestinian Refugees in France," *Al-Majdal*, no. 59 (March 2017), available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/al-majdal-59.pdf>.

⁷²⁰ As of November 2014, following the Swedish official recognition of Palestine as a State, Palestinian nationals registered in the West Bank, east Jerusalem and Gaza Strip are no longer considered by the Swedish authorities as 'stateless', but as 'Palestinian citizens'. See Swedish Migration Agency (Migrationsverket), *Legal Position regarding the Consequences on the Migration Law in reference to Sweden's Recognition of Palestine*, 27 March 2015, available in Swedish at: <https://lifos.migrationsverket.se/dokument?documentSummaryId=34414> [accessed 14 September 2019].

⁷²¹ Data provided by the Swedish Migration Agency, available at: <https://www.migrationsverket.se/English/About-the-Migration-Agency/Statistics/Asylum.htm>. The percentage refers only to the first instance decisions adopted by the SMA. The approval rate is going to increase if also second and third instance decisions are taken into account.

⁷²² BADIL, Closing Protection Gaps, *supra* note 11, 197.

⁷²³ Jason Tucker, "Why here? Factors influencing Palestinian refugees from Syria in choosing Germany and Sweden as asylum destinations," *Comparative Migration Studies* 6, no. 1 (15 October 2018), available at: www.ncbi.nlm.nih.gov/pmc/articles/PMC6208926/ [accessed 14 September 2019].

⁷²⁴ Swedish Citizenship Act, SFS 2001:82 (Sw.), English translation available at: www.refworld.org/pdfid/420cadf64.pdf.



states.⁷²⁵ These Palestinian refugees have usually had their working visas revoked or not renewed by Gulf states, due to rising political tensions between the PA/PLO and the Gulf States or US pressure on the Gulf states, and, unable to return to Syria, Iraq or Gaza, have endeavored to claim asylum in Sweden. Swedish authorities generally reject asylum applications lodged by these Palestinians due to the apparent absence of fear of persecution in their prior country of residency. The Swedish authorities then attempt to deport them to the previous Gulf state. Most, however, are unable to obtain residency or work visas in those Gulf states due to the sponsorship requirement.⁷²⁶ As a result, Palestinians who are caught in this state of legal limbo have no choice but to remain in Sweden, without any legal status and in extremely precarious conditions.⁷²⁷

United Kingdom

Most estimates on the overall Palestinian population in the United Kingdom of Great Britain and Northern Ireland (UK) place it at 20,000-30,000 people, including those born in the UK with Palestinian ancestry.⁷²⁸ Most arrived from Lebanon during the 1970s and 1980s, or from Kuwait in 1990 and 1991 as a result of the Iraqi invasion of Kuwait.⁷²⁹ Additionally, a substantial portion have arrived directly from the oPt, with the last British population census (conducted in 2011) identifying 4,151 persons born in the oPt residing in the UK. Of these, almost half arrived between 2001 and 2011.⁷³⁰ More recently, Eurostat data shows that between 2009 and 2018, 2,110 Palestinians made asylum applications. In 2018 alone, this included 270 applications; with 533 refugee status visas granted and 40 special protection status visas granted. According to UNHCR, as at the end of 2018, 536 Palestinian refugees and 259 Palestinians asylum-seekers are registered as Persons of Concern in the UK.

Legal status

The UK Government's Asylum Policy Directive on Article 1D of the Refugee Convention sets out the government's approach, which in accordance with EU Directives and case law, deems Palestinians to be excluded from protection unless they have ceased to receive UNRWA assistance by a reason beyond their control or independent of their volition. In which case they are *ipso facto* entitled to refugee protection.⁷³¹ Despite this, the UK has an over 50 percent rate of refusal of Palestinian asylum claims since 2002 and usually averages around a 90 percent refusal rate.⁷³²

⁷²⁵ AGPS, "Sweden refusal to grant asylum to Palestinians from Syria coming from the Gulf States, could put their lives at risk," press release, 3 December 2016, available at: <https://www.actionpal.org.uk/en/post/4316/press-release/agps-sweden-refusal-to-grant-asylum-to-palestinians-of-syria-coming-from-the-gulf-states-could-put-their-lives-at-risk> [accessed 14 September 2019].

⁷²⁶ Under current regulations, Palestinians are allowed to return to Saudi Arabia, the United Arab Emirates or other Gulf States if they obtain a residence permit, which can only be issued via a new sponsor or employer.

⁷²⁷ BADIL, Closing Protection Gaps- 2005, *supra* note 434, 221-223.

⁷²⁸ Palestine International Institute (PII), *The Palestinian Community in The United Kingdom*, June 2018, 23-24, available at: <https://pii-diaspora.org/wp-content/uploads/2018/06/uk-country-study-updated.pdf>

⁷²⁹ *Id.*, 24-25.

⁷³⁰ Census - Office for National Statistics, *2011 Census Table CT02632011 (country of birth by year of arrival by ethnic group)*, 2011, available at: <https://bit.ly/2REQBxH> [accessed 14 September 2019].

⁷³¹ UK Home Office, *Asylum Policy Instruction Article 1D of the Refugee Convention: Palestinian refugees assisted by the United Nations Relief and Works Agency (UNRWA)*, 9 May 2016, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524502/A-on-Article-1D-and-Palestinians-v2_0.pdf

⁷³² CJEU - C-364/11 Mostafa Abed El Karem El Kott, Chadi Amin A Radi, Hazem Kamel Ismail v Bevendorlasi es Allampolgarsagi Hivatal (BAH) ("*El Kott*"), [2013] OJ C 46/8, 19 December 2012, available at <http://curia.europa.eu/juris/document/document.jsf?docid=131971&doclang=EN> [accessed 14 September 2019].



In recent years, there was a slight spike in applications and a slightly improved acceptance rate coinciding with the 2014 Gaza War,⁷³³ but overall, asylum applications from Palestinians have decreased. It is worth noting that of the 841 Palestinian nationals removed (forcibly or voluntarily) from the UK between 2004 and 2017, 80 percent had made asylum applications.

Current political issues

Palestinian refugees from Syria have faced particular difficulties in accessing asylum in the UK. Despite an announcement in July 2017 from UK Home Secretary, Amber Rudd, that on the advice from UNHCR, the Syrian Vulnerable Person Resettlement Scheme (VPRS) would be expanded to include all nationalities fleeing Syria,⁷³⁴ which was understood to include Palestinians,⁷³⁵ Palestinians continue to be excluded from the VPRS. Since eligibility is based on assessed vulnerability and referral by UNHCR, and while Palestinians are unable to register with UNHCR due to the presence of UNRWA, they are effectively still ineligible. This was the subject of a UK High Court challenge on the grounds of discrimination, which was unsuccessful and is now being considered for further appeal.⁷³⁶

United States of America

The United States (US) Census Bureau estimates that in 2017 there were about 131,000 Palestinians in the US, including both US-born citizens (approximately 64 percent), foreign-born US citizens (28 percent) and foreign-born non-US citizens (eight percent).⁷³⁷ As with other states, updated information for Palestinian refugees and asylum-seekers in the US is difficult to obtain since Palestine is not a recognized country of origin, and Palestinians from Syria are not distinguished. Palestinians from the oPt, however, are explicitly included in the ‘unknown’ data on arrivals; of which there were 1,946 of these refugees who arrived between 2008 and 2017.⁷³⁸

Legal Status

The US is a signatory to the 1967 Protocol, but not to the 1951 Refugee Convention, nor the two Statelessness Conventions.⁷³⁹ Article 1A has been incorporated into American domestic law,

⁷³³ UK Home Office National Statistics, “Immigration statistics, January to March 2017,” 25 May 2017, available at: <https://www.gov.uk/government/statistics/immigration-statistics-january-to-march-2017>.

⁷³⁴ Amber Rudd, UK Home Secretary, “Resettlement: Written Statement,” written statement, 3 July 2017, available at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-07-03/HCWS23/> [accessed 14 September 2019].

⁷³⁵ The Refugee Council, “Refugees of all nationalities fleeing Syria are now eligible for resettlement in the UK,” news release, 3 July 2017, available at: https://www.refugeecouncil.org.uk/latest/news/4965_refugees_of_all_nationalities_fleeing_syria_are_now_eligible_for_resettlement_in_the_uk [accessed 14 September 2019].

⁷³⁶ Rosa Curly, “High Court to hear Palestinian refugees’ challenge to the Vulnerable Person Resettlement Scheme,” 7 May 2019, available at: <https://www.lexology.com/library/detail.aspx?g=458b5c63-0793-4813-8fe8-327a7b471e6b> [accessed 14 September 2019].

⁷³⁷ United States Census Bureau, “511 - Palestinian (465-467) population profile,” *American Fact Finder*, 2018, available at: <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t> [accessed 14 September 2019].

⁷³⁸ United States Department of Homeland Security, “Refugees and Asylees,” 2019, available at: <https://www.dhs.gov/immigration-statistics/refugees-asylees> [accessed 14 September 2019]. Also notably, 108 individuals registered as ‘unknown’ were granted asylum affirmatively, that is seekers who have been in the US for one year or at their port of entry, and a further 62 individuals from ‘unknown’ states were defensively granted asylum, that is individuals who have been apprehended without a valid visa, had have been granted asylum instead of deportation; see: United States Citizenship and Immigration Services, “Obtaining Asylum in the United States,” 2015, available at: uscis.gov/humanitarian/refugees-asylum/asylum/obtaining-asylum-united-states [accessed 14 September 2019].

⁷³⁹ BADIL, Closing Protection Gaps, *supra* note 11, 272.



but Article 1D has not. Palestinians have usually been granted refugee status as they fall within the general definition of a refugee, with some exceptions, but the US has also carried out some questionable policies of *refoulement* in contravention of international law.⁷⁴⁰

Where Palestinians are not granted refugee status, this is often due to their statelessness. While the US recognizes Palestinians as stateless, they do not, however, use this as an advancement towards granting asylum, and instead assess their refugee claims on the basis of the country of their last habitual residence, which adversely affects Palestinians from Gulf states who have lost their residency permit, but remain unable to return to the oPt, Syria or Iraq.⁷⁴¹

Additionally, the ‘persecutor of others’ clause has also been used by the US government to deny non-violent politically active asylum-seekers the right to asylum. In theory, it prevents ‘persecutors of others’ from being granted asylum, but in reality, Palestinians have been denied asylum simply by participating in politically active actions, demonstrations, or defending Palestinian rights within Mandatory Palestine, as well as their political affiliations and associations. Punitive policies regarding political affiliations and activities have also been used to restrict or deny the asylum claims of Palestinians.⁷⁴²

Current political issues

More recently, the US has displayed a pass-the-parcel approach to refugee politics that is grounded in political convenience rather than legal norms.⁷⁴³ Current US President Trump, a staunch ally of Israel, has made incendiary remarks towards Muslim refugees and migrants, facilitated deterring factors for refugees to seek asylum in the US by detaining applicants for extended periods of time as they await application decisions,⁷⁴⁴ and has cut all US aid to the Palestinian government and UNRWA in early 2018, signaling the hardening of his stance on Palestinian refugees and refugees in general.⁷⁴⁵ The Trump administration is fervently attempting to “disrupt” UNRWA; this includes redefining and/or stripping Palestinians of their refugee status.⁷⁴⁶

⁷⁴⁰ BADIL, Multiple Displacements, *supra* note 645, 36.

⁷⁴¹ BADIL, Closing Protection Gaps, *supra* note 11, 267.

⁷⁴² Hamas, Islamic Jihad, the Palestinian Liberation Front (PLF), Palestinian Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine (PFLP) have been designated terrorist organizations by US government since the 1990s, and affiliation with such organizations is used as grounds of asylum exclusion: See BADIL, Multiple Displacements, *supra* note 645, 37-38; BADIL, Closing Protection Gaps, *supra* note 11, 270.

⁷⁴³ BADIL, Multiple Displacements, *supra* note 645, 31.

⁷⁴⁴ Maria Sacchetti, “ACLU sues Trump administration over detaining asylum seekers,” *The Washington Post*, 15 March 2018, available at: https://www.washingtonpost.com/local/immigration/aclu-sues-trump-administration-over-detaining-asylum-seekers/2018/03/15/aea245e2-27a2-11e8-bc72-077aa4dab9ef_story.html?utm_term=.9b3b217255c2 [accessed 14 September 2019].

⁷⁴⁵ BADIL, Multiple Displacements, *supra* note 645, 36; BADIL, “US Administration decision completely flouts the Inalienable Rights of the Palestinian People,” Press Release, 4 September 2018, available at: <http://www.badil.org/en/publication/press-releases/87-2018/4894-pr-en-040918-28.html>.

⁷⁴⁶ Colum Lynch and Robbie Gramer, “Trump and Allies Seek End to Refugee Status for Millions of Palestinians,” *Foreign Policy*, 3 August 2018, available at: <https://foreignpolicy.com/2018/08/03/trump-palestinians-israel-refugees-unrwaand-allies-seek-end-to-refugee-status-for-millions-of-palestinians-united-nations-relief-and-works-agency-unrwa-israel-palestine-peace-plan-jared-kushner-green/> [accessed 14 September 2019].



Annual March of Return, al-Walaja, Jerusalem. May 2014 (©BADIL)



THE RIGHT OF RETURN

4.1. LEGAL PROTECTION FOR THE RIGHT OF RETURN FOR PALESTINIAN REFUGEES AND IDPs

The right of return exists as a customary norm of international human rights law, enshrined in numerous international conventions, as well as being recognized as a durable solution within the international protection framework for refugees, and as a form of reparation for the commission of gross and serious violations of IHL and IHRL. Where the first exists as a standalone right, the second is aimed at solving the plight of refugees and IDPs in the long-term, and the third is directed to redressing the unjust harms suffered as a result of unlawful displacement.

Palestinian refugees and IDPs find themselves in a peculiar position, as they legally qualify as both refugees/IDPs *and* victims of gross and serious violations of IHL and IHRL, many amounting to war crimes and crimes against humanity under International Criminal Law (ICL). On the one hand, this is precisely where the gap in international protection for Palestinians is particularly serious – since there is currently no international or national agency expressly mandated to promote and implement durable solutions for Palestinian refugees and IDPs, for the reasons explained in Chapter 3. Yet it is often overlooked that displaced Palestinians are also entitled to reparations for the international wrongs that resulted in their forcible displacement, including their displacement itself. In other words, Palestinians are entitled to the right to return because of *and* independently of their status as refugees/IDPs. To that end, the international community has recognized the specific right of Palestinians to return.

4.1.1. A Human Right to Return

The right of return is a norm of customary law stated in a several international conventions, such as the UDHR,⁷⁴⁷ the ICCPR,⁷⁴⁸ the Convention on the Elimination of all Forms of

⁷⁴⁷ UDHR, *supra* note 305, art. 13(2). The UDHR has achieved customary status, and it has therefore binding force. See Hurts Hannum, “The status of the Universal Declaration on Human Rights in National and International Law,” *Georgia Journal of International and Comparative Law* 25, no. 1 (1996): 289-290.

⁷⁴⁸ ICCPR, *supra* note 305, art. 12(4).

Racial Discrimination (CERD)⁷⁴⁹ and several regional treaties.⁷⁵⁰ Notably, Article 12(4) of the ICCPR states that, “no one shall be arbitrarily deprived of the right to enter his own country.”⁷⁵¹ This rule is stated in deliberately broad terms, such that both those who may never have entered into their country previously and those who may have been denied nationality of their country due to violations of international law are entitled to this right of entry.⁷⁵² In other words, the right applies to all Palestinians, including those outside Mandatory Palestine when the state of Israel was created, those outside the 1967 borders when the occupation began, those who have lost their residency or readmission rights due to Israeli restrictions, all unregistered refugees, unregistered Palestinian children, and subsequent generations of refugees and IDPs. The right to return is not merely restricted to “nationals” of a state.⁷⁵³ Moreover, the ICCPR has been signed without reservation by Israel and is therefore fully binding on it. Similarly, Article 5(d)(ii) of CERD provides the same protection.⁷⁵⁴

4.1.2. Durable Solutions

A core component of the refugees and IDPs protection framework is the search for a durable solution to their plight, as the main goal of the international protection regime is to find a way to bring the refugee/IDP status to an end.

The three durable solutions for refugees promoted by UNHCR are repatriation, local integration in the host country, or resettlement in a third country.⁷⁵⁵ Among these, voluntary repatriation is the only one that constitutes a right: it corresponds to the right of each individual to return to his or her country, which is recognized under several branches of international law as analyzed in this section. This is in part because it is to be exercised only on the basis of voluntary choice by the refugee, a decision that is solely within the capacity of the refugee to exercise. While integration and resettlement are necessarily based on voluntary choice of the refugee, they also require the voluntary consent of the host or third state country, and therefore cannot be said to be rights.

In the context of durable solutions, repatriation “implies the restoration of national protection (to obviate the need for international protection).”⁷⁵⁶ It has to take place in safety and dignity, and

⁷⁴⁹ International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(d)(ii), 660 UNTS 195, 21 December 1965, available at: <http://www.refworld.org/docid/3ae6b3940.html> [hereinafter CERD].

⁷⁵⁰ American Declaration of the Rights and Duties of Man, art. 7, 2 May 1948, available at: <http://www.refworld.org/docid/3ae6b3710.html>; American Convention on Human Rights (“Pact of San Jose”), art. 22(5), 22 November 1969, available at: <http://www.refworld.org/docid/3ae6b36510.html>; African Charter on Human and Peoples’ Rights (“Banjul Charter”), art. 12(2), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), available at: <http://www.refworld.org/docid/3ae6b3630.html>; Council of Europe, *Protocol 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain Rights and Freedoms other than those already included in the Convention and in the First Protocol thereto*, art. 3(2), 16 September 1963, ETS 46, available at: <http://www.refworld.org/docid/3ae6b3780.html> [all accessed 14 September 2019].

⁷⁵¹ ICCPR, *supra* note 305, art. 12(4).

⁷⁵² UN Human Rights Committee (HRC), *CCPR General Comment No. 27: Article 12 (Freedom of Movement)*, 2 November 1999, CCPR/C/21/Rev.1/Add.9, available at: <http://www.refworld.org/docid/45139c394.html>.

⁷⁵³ *Ibid.*

⁷⁵⁴ CERD, *supra* note 749, art. 5(d)(ii).

⁷⁵⁵ “Solutions,” UNHCR.org, available at: <http://www.unhcr.org/solutions.html> [accessed 14 September 2019].

⁷⁵⁶ UNHCR, *Handbook for Repatriation and Reintegration Activities*, (Geneva: UNHCR, May 2004), 36, 42.



is recognized both in principle and in state practice as, “the most appropriate solution to refugee flows.”⁷⁵⁷

Equally, the durable solutions recognized by the Guiding Principles on Internal Displacement for IDPs follow the same structure as in the case of refugees. Principle 28 states that

“Competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to *return* voluntarily, in safety and dignity, to their homes or places of habitual residence, or to *resettle* voluntarily in another part of the country.”⁷⁵⁸ (emphasis added)

In this case, the notion of “resettlement” includes both local integration in the site of displacement and resettlement in a third location within the same country.⁷⁵⁹

The framework of durable solutions for refugees and IDPs overlaps with the right of reparations for international wrongs, where the former includes the right of those who have been displaced to housing and property restitution, as well as compensation for damages and losses – which in turn constitute a form of reparation. 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, discriminatory or arbitrary manner before or during exile.”⁷⁶⁰ The Guiding Principles on Internal Displacement provide the same rights in the case of internal displacement.⁷⁶¹

4.1.3. Right to Reparations

Under the Law of State Responsibility, states who have committed an internationally wrongful act are under the obligation to cease the act (if it is ongoing) and make full reparation for the injuries caused.⁷⁶² This principle reflects a basic rule of international law, mentioned for the first time in the *Chorzów Factory* case, where the Permanent Court of Justice recognized that, “any breach of an engagement involves an obligation to make reparation.”⁷⁶³ The State responsible should restore the status quo ante the commission of the international wrong, wiping out, as far as possible, all the consequences of the illegal act and re-establish “the situation which would, in all

⁷⁵⁷ UNHCR, *Conclusion on Voluntary Repatriation: No. 40 (XXIX)*, UNHCR ExComm, A/40/12/Add.1 (1985), available at <https://www.unhcr.org/excom/exconc/3ae68c9518/voluntary-repatriation.html> [accessed 14 September 2019]; UNHCR, *Voluntary Repatriation No. 18*, *supra* note 280. “Safety” is defined as “legal safety (such as amnesties or public assurances of personal safety, integrity, non-discrimination, and freedom from fear of persecution or punishment upon return), physical security and material security (access to land or means of livelihood).” Dignity means that returning refugees, “are not arbitrarily separated from family members and that they are treated with respect and full acceptance by their national authorities, including the full restoration of their rights.” UNHCR, *Handbook on Voluntary Repatriation*, *supra* 282, Chapter 2.

⁷⁵⁸ Guiding Principles on Internal Displacement, *supra* note 310, Principle 28.

⁷⁵⁹ The Brookings Institutions, *When Internal Displacement Ends. A framework for Durable Solutions*, June 2007, 8, available at: https://www.brookings.edu/wp-content/uploads/2016/06/2007_durablesolutions.pdf

⁷⁶⁰ UNHCR, *Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees: No. 101 (LV)*, UNHCR ExComm, A/AC.96/1003, 8 October 2004, available at: <https://www.unhcr.org/excom/exconc/417527674/conclusion-legal-safety-issues-context-voluntary-repatriation-refugees.html> [accessed 30 September 2019].

⁷⁶¹ Guiding Principles on Internal Displacement, *supra* note 310, Principle 29.

⁷⁶² ILC, *Draft Articles on State Responsibility*, *supra* note 270, art. 28-31.

⁷⁶³ *Factory At Chorzów, Germany v Poland*, Judgment, Claim for Indemnity, Merits, Judgment No 13, (1928) PCIJ Series A No 17, ICGJ 255 (PCIJ 1928), 13 September 1928, para. 102, available at: http://www.icj-cij.org/files/permanent-court-of-international-justice/serie_A/A_09/28_Usine_de_Chorzow_Competence_Arret.pdf.



probability, have existed if that act had not been committed.”⁷⁶⁴ This has since been enshrined by the United Nations in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. The Basic Principles recognize five forms of reparations: restitution (including both return and property), compensation, rehabilitation, satisfaction and guarantees of non-repetition.⁷⁶⁵

Israel has then the duty to provide reparations for the injuries caused following the arbitrary forced displacement of Palestinians in its own territory, the forcible displacement of Palestinians in 1948 Palestine and the forcible transfer of the Palestinian population in the oPt, which constitute international wrongs.⁷⁶⁶ Under international law, reparations, which must take place according to the pivotal principle of refugee/IDP choice, may take the form of return to their previous homes, restitution of properties, compensation for all losses suffered, and rehabilitation. This structure reflects the same framework of reparations outlined by paragraph 11 of UNGA Resolution 194(III).⁷⁶⁷

Right to restitution

According to Principle IX of the UN Basic Principles on the Right to a Remedy and Reparation, which themselves are a restatement of customary law principles:

“*Restitution* should, whenever possible, restore the victim to the original situation before the gross violations of international human rights law or serious violations of international humanitarian law occurred. Restitution includes, as appropriate: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one’s place of residence, restoration of employment and return of property.”

In the case of Palestinian refugees and IDPs, subjected to forcible displacement, the right to restitution includes both return to their place of residency and restoration of their property.

The right to return as a form of reparation is reinforced by several areas of law aside from IHRL and refugee law as stated above. Under IHL, it is a basic doctrine, grounded in the 1907 Hague Regulations, that the Occupying Power is required to maintain, as far as possible, the legal and social *status quo*, in order to interfere as little as possible with the occupied population’s ordinary existence: this logically requires that the local population remains or returns to their homes of origin after the cessation of the hostilities, if at all possible.⁷⁶⁸ This rule was subsequently

⁷⁶⁴ ILC, Draft Articles on State Responsibility, *supra* note 270, art. 31.

⁷⁶⁵ UN Guiding Principles on the Right to a Remedy and Reparation, *supra* note 270.

⁷⁶⁶ Israel also inherited the responsibility for the illicit conduct of the Zionist paramilitary and military forces of the provisional government during its establishment, whose displacement policies played a significant role in the displacement of 1948 refugees and IDPs. See Morris, Birth of the Palestinian Refugee Problem, *supra* note 41; Benny Morris, “The Causes and Character of the Arab Exodus from Palestine: the Israel Defense Forces Intelligence Branch Analysis of June 1948,” *Middle Eastern Studies* 22, no. 1 (1986): 5-19.

⁷⁶⁷ UNGA, Resolution 194, *supra* note 1.

⁷⁶⁸ 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, art. 43, 18 October 1902, T.S. 539, available at: <http://www.refworld.org/docid/4374cae64.html> [hereinafter Hague Regulations]. Additionally, art. 20 of the same Regulations also contains a specific rule concerning the return of captured combatants at the end of hostilities, whose existence implies *a fortiori* the existence of a duty to repatriate civilians.



incorporated into the Fourth Geneva Convention,⁷⁶⁹ and constitutes the “general” right of return in IHL, which applies to all displaced persons, irrespective of how they came to be displaced during conflict. Moreover, the prohibition against the initial act of forcible displacement finds its basis in the Hague Regulations,⁷⁷⁰ and has also been integrated by the Fourth Geneva Convention.⁷⁷¹

While pursuant to the law of state succession, the newly emerged successor state (Israel) is under the binding customary obligation to allow all habitual residents (regardless of their nationality or physical presence in the territory) to return and/or be readmitted to their homes of origin from which they were displaced during the succession process.⁷⁷² Hence, Palestinians whose homes were in Mandatory Palestine, including, but not limited to, those displaced during the *Nakba*, retain a right of return simply as former habitual residents, unless and until they voluntarily choose an alternative durable solution and subsequently attain nationality of another state. As people who should have been granted nationality status, the Palestinians retain two additional and independent grounds for their right of return: the first is based on the rule of readmission, for which states are obliged to readmit their own nationals, in light of the corresponding hosting burden they would otherwise impose on other states.⁷⁷³ The second follows as a natural corollary of the first, and is based upon the prohibition of denationalization, where states cannot avoid the rule of readmission simply by denationalizing their own nationals (the prohibition becomes even stronger in case of mass denationalization).⁷⁷⁴

The right to restitution of property is articulated further in the Principles on Housing and Property Restitution for Refugees and Displaced Persons (the “Pinheiro Principles”),⁷⁷⁵ adopted in 2005 by the UN Sub-Commission on the Promotion and Protection of Human Rights. In particular, Principle 2 states that, “all refugees and displaced persons have the right to have restored to them any housing, land and/or property they were arbitrarily or unlawfully deprived.”⁷⁷⁶ While not binding themselves, the Pinheiro Principles reflect widely accepted principles of IHRL, IHL, and the Law of Nationality. The right to restitution of property is described as a “distinct right [which] is prejudiced neither by the actual return nor non-return of refugees and displaced persons.”⁷⁷⁷ Where return is realized in practice, restoration of property constitutes a corollary of the right

⁷⁶⁹ Fourth Geneva Convention, *supra* note 366, art. 4, 6, and 158(3). Art. 4 defines the “protected persons” under the Convention, while art. 6(4) and 158(3) expressly mention repatriation.

⁷⁷⁰ Hague Regulations, *supra* note 768, art. 46(1).

⁷⁷¹ Fourth Geneva Convention, *supra* note 366, art. 45, 49, 147.

⁷⁷² ILC, *Articles on Nationality of Natural Persons in Relation to the Succession of States (With Commentaries)*, 3 April 1999, Supplement No. 10 (A/54/10), art.(2), available at: <http://www.refworld.org/docid/4512b6dd4.html>.

⁷⁷³ This rule is universally recognized and has acquired customary status. See, e.g. Takkenberg, *The Status of Palestinian Refugees*, *supra* note 50, 238; Goodwin-Gill and McAdam, *Refugee in International Law*, *supra* note 302, 269.

⁷⁷⁴ That second rule has also reached customary nature. Paul Weis, *Nationality and Statelessness in International Law* (Alphen aan den Rijn: Sijthoff & Noordhoff, 1979), 54-57.

⁷⁷⁵ Paulo Sérgio Pinheiro (UN Special Rapporteur on Housing and Property Restitution in the Context of the Return of Refugees and Internally Displaced Persons), *Housing and property restitution in the context of the return of refugees and internally displaced persons*, E/CN.4/Sub.2/2005/17, 28 June 2005, available at: <https://undocs.org/E/CN.4/Sub.2/2005/17> [hereinafter Pinheiro Principles].

⁷⁷⁶ *Id.*, Principle 2.

⁷⁷⁷ *Id.*, Principle 2(2). The 2007 Handbook uses an even stronger language, stating that, “long-term displacement does not extinguish or de-legitimize restitution claims - nor does a decision to resettle or integrate locally,” Inter-Agency Handbook on Property Restitution for Refugees and displaced Persons. (see UN, *Handbook on Housing and Property Restitution for Refugees and Displaced Persons: Implementing the ‘Pinheiro Principles’*, (Turin, Italy: UN, March 2007), 18-20, available at: https://www.un.org/ruleoflaw/files/pinheiro_principles.pdf).



of return, but is it at the same time a free-standing, autonomous right.⁷⁷⁸ Both rights are in fact complementary, but they rely on separate provisions and principles of international law. That means, in practical terms, that the right to property restitution is not affected by the choice of a refugee to not repatriate and resettle in a third country. Equally, the decision to exercise the right of return does not imply an obligation to return to previous actual homes, as it constitutes a right, refugees can therefore choose to return anywhere in their homeland.

Right to compensation

Another form of reparation can be represented by the payment of a monetary sum for harms suffered.⁷⁷⁹ As international law expressly points at restitution in kind as the preferred form of reparation and durable solution, compensation should be considered as a complementary mean applicable when restitution is not possible anymore, or when the right holder knowingly accepts it in lieu of restitution, according to the principle of voluntariness:

Compensation may include the coverage for material (e.g. for damage of their returned properties, for the income derived from the use of returned properties, or for those who choose not to exercise their right of return)⁷⁸⁰ as well as non-material losses (e.g. social and moral damages, or lost earnings and opportunities as a result of displacement).⁷⁸¹

Rehabilitation

Recognition of the right to rehabilitation in international legal doctrine remains relatively undefined. That said, rehabilitation is recognized in the Basic Principles, including the narrower understandings of rehabilitation, namely medical and psychological care, but also broader aspects of rehabilitation including the legal and social services necessary to achieve rehabilitation. Moreover, a subsequent report produced for the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, noted that such rehabilitative measures aim to “restore the dignity and reputation of the victims.”⁷⁸²

Guarantees of non-repetition

The obligation to guarantee non-repetition of an internationally wrongful act follows as a consequence of the obligation upon the state concerned to cease that wrongful act. Such an obligation usually serves a preventive function, and “may be described as a positive reinforcement

⁷⁷⁸ UN Sub-Commission on the Promotion and Protection of Human Rights, *The Return of Refugees' or Displaced Persons' Property. Working Paper Submitted by Mr. Paulo Sérgio Pinheiro Pursuant to Sub-Commission Decision 2001/122*, 12 June 2002, E/CN.4/Sub.2/2002/17, available at: <https://www.refworld.org/docid/3d52953c4.html> [accessed 14 September 2019].

⁷⁷⁹ Pinheiro Principles, *supra* note 775, Principle 21.

⁷⁸⁰ Compensation is not in a mutually exclusive relationship with the right of return - these rights are instead complementary among each other, as confirmed by paragraph 11 of Resolution 194. For those who choose not to exercise their right of return, compensation (for both material and non-material losses) can always be claimed.

⁷⁸¹ See, for example the compensation recognized for Jewish victims of Nazi atrocities under the Wiedergutmachung program, described in Atif Kubursi, *Palestinian Losses in 1948: The Quest for Precision* (Washington, DC: The Center for Policy Analysis on Palestine, 1996). See also Hannah Garry, “The Right to Compensation and Refugee Flows: a ‘Preventative Mechanism’ in International Law?!” *International Journal of Refugee Law* 10, No. 1-2 (1998): 97-117, 114, available at <https://academic.oup.com/ijrl/article-abstract/10/1-2/97/1564626?redirectedFrom=fulltext> [accessed 14 September 2019].

⁷⁸² Study of Special Rapporteur on the Right to Restitution, *supra* note 309.



of future performance.”⁷⁸³ As pointed out by the former Special Rapporteur for the United Nations Commission on Human Rights, “there exists a definite link between effective remedies to which the victim(s) is (are) entitled, remedies aimed at the prevention of the recurrence of similar violations, and the issue of the follow-up given by the State...”⁷⁸⁴

Guarantees of non-repetition in cases of serious violations of IHRL or IHL may include the assurance of effective civilian control of military and security forces; the application of international standards of due process, fairness and impartiality to all civilian and military proceedings; and the review and reform of laws contributing to or allowing gross/serious violations of IHRL and IHL.⁷⁸⁵

4.1.4. International Recognition of the Palestinian Right of Return

In the case of Palestinians, possessing as they do, the human right to return, as well as having suffered international wrongs that resulted in their forcible displacement, including their displacement itself, their right to return derives from multiple sources of law. In addition, Palestinians have a specifically recognized right to return that is protected under international law. It is a right that is recognized as applying to the Palestinians themselves, independently of their recognition, or not, as refugees, and therefore continues to endure as a right until such time as a voluntary choice can be exercised by individual Palestinians to return or not to their land.⁷⁸⁶

The foundation of this specific right is provided in UNGA Resolution 194 (III), particularly Article 11:

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

In fact, Israel’s admission as a member of the United Nations was made conditional on its implementation of UNGA Resolution 194.⁷⁸⁷ Moreover, since then, the Palestinian right of return has been reiterated and re-affirmed by the UN more than 130 times, including for example UNGA Resolution 2535 (1969), which recognized that, “the problem of Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and

⁷⁸³ ILC, Draft Articles on State Responsibility, *supra* note 270, Commentary to Article 30.

⁷⁸⁴ Study of Special Rapporteur on the Right to Restitution, *supra* note 309, para. 55.

⁷⁸⁵ UN Guiding Principles on the Right to a Remedy and Reparation, *supra* note 270, Principle 21.

⁷⁸⁶ According to the UNHCR, the cessation of the benefits of the Refugee Convention, including the right to return under international refugee law, upon cessation of refugee status under Article 1C, such as upon attaining nationality of a third state, does not prejudice the right of return of the Palestinian people as enshrined in other instruments of international law.

⁷⁸⁷ UNGA, *Resolution 273 (III). Admission of Israel to membership in the United Nations*, A/RES/273 (III), 11 May 1949, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/83E8C29DB812A4E9852560E50067A5AC> [accessed 14 September 2019]; see also discussions of the verbatim records of the UN Security 383rd-386th and 413th and 414th meetings to discuss the admission of Israel as a member of the United Nations, see UNSC, *Official Records: three hundred and eighty-fifth meeting*, S/PV.385, 18 December 1948, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/437DD877E349151B052566CE006D9189> [accessed 14 September 2019].



the Universal Declaration of Human Rights.”⁷⁸⁸ Subsequently, UNGA Resolution 3236 (1974) reaffirmed:

[...] the inalienable right of the Palestinians to return to their homes and property from which they have been uprooted, demanded their return and stresses that the total respect for and the realization of the inalienable rights of the Palestinian people are indispensable for the resolution of the Palestinian question.⁷⁸⁹

This includes reaffirmation of the right of return with respect to Palestinians displaced by the subsequent Six Day War of 1967, as seen for example in UNGA Resolution 2252 (ES-V) of 4 July 1967 and UNGA Resolution 2452 A (XXIII) of 19 December 1968. The right has been similarly reinforced by the Security Council, including Resolution 237 (1967) which called on Israel, “to facilitate the return of those inhabitants who had fled the areas since the outbreak of hostilities,” and also Resolution 242 (1967) which recognized the need for, “achieving a just settlement of the refugee problem.” It is a resolution widely understood in context as building on the existing UN position that a just settlement is as set out in Resolution 194.

This specific recognition of the Palestinian right of return in Resolution 194 and subsequent resolutions, is a reflection of customary international law principles. Moreover, it is reinforced by the recognition of the right of return in numerous instruments of IHRL, IHL, the Law of Nationality and the Law of State Succession. To that end, although under international refugee law should a person avail themselves of the nationality of a third state, they then cease to enjoy the benefits of the Refugee Convention pursuant to Article 1C. With respect to the right to return, it is a right that nevertheless endures as a standalone right to which Palestinians are entitled.⁷⁹⁰ Consequently, until such time as Palestinians have the genuine option to return to their homes in Mandatory Palestine, their right to return will persist regardless of their status or otherwise as refugees and irrespective of their acquisition of nationality in a third state. As such, despite US efforts to delegitimize and remove the status of Palestinians as refugees with a view toward liquidating the Palestinian refugee issue, the right to return was and remains inalienable to the Palestinian people.

4.2. HISTORICAL ATTEMPTS OF RETURN

For Palestinian refugees and IDPs, the Right of Return is not only a legal right enshrined in international law, particularly IHRL, it is a national right that lies at the foundation of any just and durable solution for the Palestinian case. As it is understood by Palestinians, the right to return, collectively and individually, emanates from an acknowledged national identity⁷⁹¹

⁷⁸⁸ UNGA, *Resolution 2535 (XXIV). United Nations Relief and Works Agency for Palestine Refugees in the Near East*, A/RES/2535(XXIV)A-C, 10 December 1969, available at: <https://bit.ly/2Y0GKfB> [accessed 14 September 2019].

⁷⁸⁹ UNGA, *Resolution 3236 (XXIX). Question of Palestine*, A/RES/3236 (XXIX), 22 November 1974, Art.2, available at: <https://daccess-ods.un.org/TMP/5457618.8325882.html> [accessed 14 September 2019].

⁷⁹⁰ According to the UNHCR, although the attainment of nationality of a third state necessarily results in the cessation of the benefits of the Refugee Convention under Article 1C, which arguably includes the right to return under international refugee law, with respect to Palestinian refugees this does not prejudice the right of return of the Palestinian people as enshrined in other instruments of international law: see UNHCR, *Guidelines on International Protection No. 13: Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian Refugees*, HCR/GIP/16/12, December 2017, para. 31, available at: <https://www.refworld.org/docid/5a1836804.html> [accessed 14 September 2019].

⁷⁹¹ See: “Diplomatic Relations,” Permanent Observer Mission of the State of Palestine to the United Nations, 2019, available at: <https://palestineun.org/about-palestine/diplomatic-relations/> [accessed 14 September 2019].



innately linked to a specific geographic location: Mandatory Palestine. In other words, the Palestinian people are the indigenous national people of the nation of Palestine. Not only is the right of return a legal, human right recognized by multiple frameworks and conventions of international law, but more importantly, it is a natural right stemming from identity and belonging to a national group that historically has been tied with a specific geopolitical area (Mandatory Palestine).

As such, the right of return and the right of the Palestinian people to self-determination are intrinsically dependent and inseparable, and without one, the other cannot be fulfilled. In other words, the exercise of the right of self-determination without the freedom to exercise return of the two-thirds of the Palestinian population who are refugees and IDPs is hollow and invalid.

Palestinian history has witnessed several movements not only demanding the right of return, but also various individual and collective attempts and initiatives to exercise return in one form or another. These attempts to practice return have never ceased, but rather persisted since the beginning of Palestinian displacement. The continued demand for and the practice of return constitutes one of the many forms of Palestinian resistance in response to Israeli practices to displace Palestinians and deny them reparations, especially return. As such, Palestinian attempts and practices of return have and continue to occur within the whole of Mandatory Palestine and in exile – wherever Palestinian refugees and IDPs reside.

From its establishment and up until the Oslo Accords, return demands and initiatives were both implemented and supported by the PLO, in accordance with its Charter.⁷⁹² However, the main driver of these initiatives has been Palestinian civil society, and particularly more recently due to the absence of a Palestinian national strategy and a defunct/stalled “peace process”. Despite the significant deterioration in the political, socio-economic and human rights spheres, Palestinian civil society has spearheaded diverse initiatives to bring and keep the right of return present in both the national and international discourse.⁷⁹³

These initiatives occur in defiance of Israeli laws and practices that directly and indirectly obstruct and deny return. For example, hundreds of Palestinian villages and localities were demolished between 1948 and 1952, in order to prevent and impede Palestinian return. Then in 1954, the Israeli Knesset ratified the Prevention of Infiltration Law,⁷⁹⁴ which bore significant consequences for Palestinians that attempted to return to 1948 Palestine after the cessation of armed conflict in 1948. The law was utilized/implemented in practice long before it became official Israeli legislation. From the cease fire after the 1948 Arab-Israeli War until 1956, 5,000 Palestinians were killed by the Israeli military during attempts to return to their homes. Thousands more were arrested and/or deported in accordance with the Prevention of Infiltration Law.⁷⁹⁵ As such, the policy and subsequent enactment of the law significantly suppressed initial and future attempts to return.

⁷⁹² Jabra Shomali, “Right of return in Palestine Liberation Organization speech during Oslo era,” BADIL, *Haq Al-Awda*, no. 25 (2017), available at: <http://www.badil.org/ar/publications-ar/periodicals-ar/haqelawda-ar/item/204-article03.html>

⁷⁹³ *Ibid.*

⁷⁹⁴ Law for the Prevention of Infiltration (Offences and Judging), 5714-1954, SH No. 16, 160, (as amended)(Isr.).

⁷⁹⁵ BADIL, “From the 1948 Nakba to the 1967 Naksa,” BADIL Occasional Bulletin No. 18, June 2004, available at: http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Bulletin-18.pdf. See also Morris, *Israel’s Border Wars*, *supra* note 45, 432.



4.2.1. Return Initiatives

After the ceasefire in 1948, thousands of Palestinians wanting to resume their lives, attempted to return to the villages from which they had been displaced. One such example of self-initiated return occurred in Zakariyya, a small Palestinian farming community in the Hebron District in 1949. Around 400 villagers returned to Zakariyya. However, in the next two years, those returnees were terrorized by Israeli armed militia. These groups attacked villagers, destroyed or harvested their crops, and killed their livestock. Further, these armed gangs enjoyed the protection of the Israeli military presence in the area. Subsequently, by the summer of 1951, all the returnees, suffering from Israeli persecution, were displaced once again.⁷⁹⁶



Internally displaced Palestinians, those displaced from their villages to other Palestinian villages within what became Israel, and their status as citizens of Israel, were subjected to the same policies and laws when they tried to return. Despite this, they too continued in their efforts. Kufr Bir'im and the nearby village of Iqrit, both located in the Galilee region, near the border with Lebanon, have become particularly well-known in the Palestinian struggle for return. The story of Kufr Bir'im is particularly interesting as the villagers were 'evacuated' from their homes in mid-November 1948, for 'military' reasons and promised return within a few weeks. However, this promise went unfulfilled and villagers began demanding their return, including meetings with Israeli officials that resulted in limited access to their land for cultivation. The villagers also entered into a protracted legal struggle in the Israeli courts. In direct contradiction to a 1951 Israeli Supreme Court ruling supporting the return of the villagers of Kifr Birim, the village was then declared a closed military zone and it was subsequently almost completely demolished in 1953 by the Israeli military.⁷⁹⁷

⁷⁹⁶ Testimony of Mustafa Adawi Abu Osama, Palestinian refugee originally from Zakariyya, 84 years old. Interview: 28 June 2018, Dheisheh camp.

⁷⁹⁷ Nihad Boqai', "A Struggle for Restitution: The Case of Kafr Bir'im," *Al Majdal*, no. 27 (2005), available at: <https://www.badil.org/en/publication/periodicals/al-majdal/item/934-a-struggle-for-restitution-the-case-of-kafr-bir%E2%80%99im.html>.



Initiatives to reclaim the village have included burial of the dead in the village cemetery, youth summer camps, and the celebration of holidays and weddings in the demolished village. In 1972, the villagers began to establish a small but continuous physical presence in the village that lasted for one and half years. It drew significant international and national support and attention, but eventually the Israeli military forces responded with force and arrested the participants.⁷⁹⁸ In 2013, villagers of Kufr Bir'im tried again to sustain constant Palestinian presence in the village, calling the initiative, "I declare my return." There were educational as well as political goals underpinning this initiative, namely to pass on awareness of the Palestinian issue to the younger generations of internally displaced Palestinians. The "I declare my return" initiative continued until 2015, when the Israeli Lands Administration obtained a court order to expel the participants and destroyed the makeshift essentials that had been sustaining their presence.⁷⁹⁹ The original villagers of Kufr Bir'im and their descendants continue to visit the village to this day, but have not been able realize their right to return due to Israeli policies and practices.

4.2.2. Popular Return Marches

Ever since the *Nakba*, symbolic marches, called "return marches," have taken place in individual and collective forms, involving all generations of Palestinian refugees and IDPs. They have gained particular momentum and widespread popular participation post-Oslo and the consequential marginalization of the issue of return. These marches are similarly rejected by the Israeli regime and are often subject to widespread suppression using illegal and excessive use of force that is often fatal.

Annual Return March

In the mid-1990s, several institutions across Mandatory Palestine sought to shift the nature of the discourse and activities of the *Nakba* commemorations that were held each year. Traditionally, these activities focused on Palestinian artistic and cultural traditions and performances, which served to reinforce Palestinian identity. The *Nakba* commemorations highlighted the past; the mass ethnic cleansing of Palestine that occurred in 1948. The shift in the discourse (and subsequent activities) looked to the future and highlighted the unrequited desire to return. As a result, a symbolic exercise of return in the form of marches began to permeate and characterize the *Nakba* commemorations. Palestinian discourse also reframed the *Nakba* as not merely a memory or an historic event, but rather as something that continues to this day – particularly in light of the continued denial of return. In line with this, many of the traditional *Nakba* commemorations have evolved from holding artistic and cultural events, to more practical activities, such as field visits and tours to depopulated Palestinian villages and cities in order to refocus the connection between Palestinians, their land, and their right of return.

Return marches have continued to the present day, being held annually on the commemoration of the *Nakba*, with coordination between Palestinians throughout Mandatory Palestine and those in exile.

⁷⁹⁸ BADIL, Denial of Reparations, *supra* note 72, 34-37.

⁷⁹⁹ BADIL, Denial of Reparations, *supra* note 72, 37.





The Annual Return March, 'Atlit Village, Haifa. April 2019 (©ADRID)



The Annual Return March, Wadi Zabala Village, Naqab. May 2016 (©ADRID)



The Annual Return March, Lubyia Village, Tiberias. May 2014 (©ADRID)



In the oPt, marches to villages located partially inside the Green Line, such as Wadi Fukin and Al Walaja, or at the Apartheid Wall and checkpoints, were implemented as a means to express the demand for return. The Israeli military repeatedly suppresses these marches in order to extinguish the idea of return.



The Great March of Return

On 30 March 2018, Palestinian Land Day, the return marches began in the Gaza Strip. The initial intention had been for these marches to continue on a weekly basis until 15 May 2018, the commemoration of the 70th Anniversary of the *Nakba*.⁸⁰⁰ The Israeli response was the excessive and illegal use of force resulting in the death of hundreds, and the injury of thousands of Palestinians. From 30 March 2018 to 31 July 2019, 206 Palestinians were killed including 44 children, and 33,687 injured, including 25 percent with live ammunition, in contrast with one Israeli fatality and six Israeli soldiers injured.⁸⁰¹ The UN Commission of Inquiry found Israel to have deliberately targeted journalists, killing two, and paramedics, killing three and injuring approximately 200.⁸⁰² According to OCHA, between 31 March 2018 and 31 July 2019, more than 8,000 Palestinians have been injured with emphasis to their limbs, requiring major reconstruction surgeries that are not possible with the current hospital conditions and resources.⁸⁰³ The huge number of injuries and deaths resulting from the weekly return marches had a severe impact on the ability of hospitals and the health sector in general to provide treatment for all those in need.⁸⁰⁴ Moreover, it led to

⁸⁰⁰ OCHA, "Approaching of the first anniversary of the protests of the Great Return marches in Gaza", *The Monthly Humanitarian Bulletin*, March 2019, available at: <https://www.ochaopt.org/content/approaching-first-anniversary-great-march-return-protests-gaza> [accessed 14 September 2019] [hereinafter OCHA, Great Return Marches].

⁸⁰¹ OCHA, *Humanitarian snapshot: Casualties in the context of demonstrations and hostilities in Gaza | 30 Mar 2018 - 31 July 2019*, 31 August 2019, available at: <https://www.un.org/unispal/document/ocha-humanitarian-snapshot-casualties-in-the-context-of-demonstrations-and-hostilities-in-gaza-30-march-2018-31-july-2019/> [accessed 14 September 2019][hereinafter OCHA, Humanitarian Snapshot July 2019].

⁸⁰² UNHRC, *Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory*, A/HRC/40/CRP.2, 18 March 2019, available at: https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session40/Documents/A_HRC_40_74_CRP2.pdf

⁸⁰³ "Casualties," OCHA.org, 6 September 2019, available at: <https://www.ochaopt.org/theme/casualties> [accessed 14 September 2019].

⁸⁰⁴ OCHA, Great Return Marches, *supra* note 800.

escalations in tensions between Israel and Hamas, culminating in airstrikes on Gaza. A further 105 Palestinians in Gaza lost their lives as a result.⁸⁰⁵

Regardless, these marches resonated significantly with the Palestinian population of Gaza specifically and the Palestinian people in general. Despite the toll, they have continued on a weekly basis until today. Every Friday at the security fence, Palestinians demand their return and an end the Israeli siege imposed on the Gaza Strip.⁸⁰⁶ In each of the five governorates of Gaza, demonstration sites or, “return camps,” were set up and named after the destroyed villages from which the refugee population of Gaza was displaced.⁸⁰⁷ The marches in Gaza engage all sectors of Palestinian civil society: women, men, children, the elderly, and persons with disabilities. As such, this ongoing initiative has been dubbed the Great March of Return (GRM).



⁸⁰⁵ OCHA, Humanitarian Snapshot July 2019, *supra* note 801.

⁸⁰⁶ OCHA, Great Return Marches, *supra* note 800.

⁸⁰⁷ BADIL interviews with Palestinians from Gaza concerning the Great March of Return.



Tear gas canisters fired by Israeli troops at Palestinians during the Great March of Return, September 2018. (Source: wafa.ps)



Marches to the Borders of Mandatory Palestine

The attempts of return by Palestinian refugees in exile to the borders of Mandatory Palestine have had their own unique impact on the Palestinian cause. These attempts have been longstanding and include a march in 2000 that spread along the Palestinian-Lebanese and Palestinian-Syrian borders, as well as international return actions in several large European cities.

On 15 May 2011, a watershed event commemorating the *Nakba* took place. Tens of thousands of Palestinians in exile and in Mandatory Palestine decided to take practical steps to demonstrate for their right of return. Palestinians in Syria, Lebanon, Jordan, Egypt, West Bank and Gaza marched to the borders of what is now Israel, seeking return to their land.

While Palestinians in Lebanon mobilized on the northern borders, in the town of Maroun Ras,⁸⁰⁸ some Palestinians from Syria succeeded in crossing into the occupied Golan Heights. The Israeli military responded to Palestinians on the northern borders with excessive and illegal use of force. Those that did manage to return were eventually captured, imprisoned and deported.⁸⁰⁹ Palestinians in Egypt and Jordan were suppressed by the local regimes, and prevented from organizing similar activities. Palestinians and Egyptians planned to march to Rafah checkpoint, but this plan was thwarted by the Egyptian army.⁸¹⁰ Additionally, the Jordanian police prevented Palestinians in Jordan from reaching the borders with Palestine.⁸¹¹



⁸⁰⁸ Khalil Habash, "Bloody Sunday in Palestine," *Counterfire*, 16 May 2011, available at: <https://www.counterfire.org/international/12253-bloody-sunday-in-palestine> [accessed 14 September 2019] [hereinafter Habash, Bloody Sunday].

⁸⁰⁹ "Israel kills 21 in Palestine, Lebanon, and Syria," *The Greenleft Weekly*, issue 879, 15 May 2011, available at: <https://www.greenleft.org.au/content/israel-kills-21-palestine-lebanon-and-syria> [accessed 14 September 2019].

⁸¹⁰ Jody McIntyre, "A Right to Return," *Blues for Levantium Lost*, 16 May 2011, available at: <https://levantium.com/2011/05/16/the-fundamental-issue/> [accessed 14 September 2019].

⁸¹¹ Habash, Bloody Sunday, *supra* note 808.





Palestinians in Syria marched to the borders of what is now Israel, seeking return to their land. Majdal Shams. 15 May 2011(Source: alayyam.ps)



Palestinian youth participate in the working group discussions during the 3-day conference about the practicality of Palestinian return, Ramallah. 26 March 2019 (©BADIL)

THE PRACTICALITY OF RETURN: A SURVEY OF PALESTINIAN REFUGEE YOUTH

This chapter examines, principally, the perspectives of the practicality of return and the details surrounding its potential implementation of Palestinian refugee youth residing in UNRWA camps or internally displaced within 1948 Palestine with regards to their perception. It is estimated that there are over 8.7 million Palestinian refugees and IDPs worldwide, of which 5.6 million are registered with UNRWA.⁸¹² As of 2018, approximately 1.73 million Palestinians live in refugee camps registered with UNRWA. All 1,000 respondents are from registered UNRWA refugee camps.

The study was developed in order to observe and understand the answers of Palestinian refugee and IDP youth to an often undiscussed question: the Palestinian right of return and their belief in such right as practical and realizable. It is an issue which has been consistently complicated by false narratives driven by geo-politics, power dynamics, and ineffective political strategies to realize return. Producing and promoting this alleged complexity has not been a mere reflection of the absence of political will, it also has been employed to prevent practical and tangible discussions on return from materializing.

Undoubtedly, the passage of more than 70 years since the *Nakba* and the ongoing *Nakba* that has followed in the years since 1948, without any progress towards return, affects the perceptions of the new generations of refugees and displaced persons. Though the Palestinian right of return has been affirmed by the international community since the very early days of the *Nakba*, claimed by Arab States and sought by the Palestinian people and their political factions, putting return into practice has not been conceptualized in a tangible way. It is important to emphasize that practicing return as a refugee and human right is and should not be contingent on a final peace agreement between conflicting actors. By the mere cessation of hostilities, displaced persons are entitled to return to their homes and properties.⁸¹³ In cases of mass displacement, putting return into practice is a political process that must be pursued by the international community, as it is a precondition to restore and maintain dignity, security and peace.

⁸¹² Motasem A Dalloul, "Return us to our homes before closing UNRWA, say Palestinian refugees," *Middle East Monitor*, 5 February 2018, available at: <https://www.middleeastmonitor.com/20180205-return-us-to-our-homes-before-closing-unrwa-say-palestinian-refugees/> [accessed 14 September 2019].

⁸¹³ See Gail J. Boling, *The 1948 Palestinian Refugees and Their Individual Right to Return – An International Law Analysis*, (Bethlehem, Palestine: BADIL, 2nd edition, July 2007), available at: http://www.badil.org/phocadownloadpap/Badil_docs/publications/individualROR-en.pdf

While the international community has failed to promote the conditions conducive to return, Arab States and Palestinian factions have failed to develop any (practical) approach to practice return. From 1948 until the Oslo Accords, return was promoted as an automatic consequence of liberating Palestine. Though the historic Palestinian discourse and struggle focused on advocating and claiming the right of return, it did not develop any practical approach to seeking serious popular engagement and support aimed at enforcing or practicing return as a crucial pillar of the sought liberation or wished peaceful settlement. Instead, the liberation process before Oslo was presented as a replacement of a people/community with another and as a matter of control over land and restoration/imposition of sovereignty.

With the advent of the Oslo peace process, return came to be promoted as one of the expected results of the final negotiated peace agreement. The starting point of the Oslo peace process was the principle of "land for peace". Thus, return was again conditioned on liberation (resulting from armed resistance) or a final peace agreement (resulting from negotiations). On this basis, Arab States and the PLO did not envision or promote a strategy that considered the possibility of enforcing or practicing return separately from, during or as part of the process of liberation or peace-making. As such, a national strategy or approach that captured the aspirations of the people (right holders) to practice return was never pursued or developed.

Both approaches (liberation of land and the Oslo negotiations) focused on the size of land, borders, security concerns, statehood/sovereignty and international relations. As a result, the Palestinian people's human dignity and rights, particularly the rights of refugees and the internally displaced, and including what could constitute a satisfactory solution for rights holders, were sidelined. In other words, the envisaged solutions for the so-called conflict have not considered the very foundations of a sustainable and just peace (rights and satisfaction), which it must be noted cannot be achieved without the support of two-thirds of the Palestinian people – Palestinian refugees and IDPs. Not only did these approaches ignore the role of people in creating a just and sustainable peace, but also the crucial and elemental position of return in Palestinian identity and discourse. Both approaches failed to conceptualize and deal with return as the only and most viable path to restore human dignity – the only path to provide redress and justice for Palestinian refugees and IDPs. Therefore, this questionnaire is an attempt to develop an approach that situates return as a central pillar of the liberation process to dismantle the colonial and apartheid regime and provide a true and viable foundation for peace.

In addition, this questionnaire is a tool for raising awareness and encouraging dialogue on the principles and practicalities of return, first among Palestinians themselves, in the face of an absent official Palestinian return discourse, and second, internationally, in the face of Israeli and western allegations that return is impractical, impossible and a hostile- anti-Semitic act. To that end, the questionnaire results should serve as a reminder to the international community that, after 71 years, return remains both essential and critical to a just and durable resolution to the question of Palestine.

Critically, this questionnaire is not a referendum on the right of return. The right to return is enshrined in international law and is a right to which all Palestinian refugees and IDPS are entitled. Instead, this questionnaire, observes how Palestinian youth participants perceive return and its practicality, why it has not been realized thus far, why some see it as impracticable, how return could be part of the liberation itself and a core pillar for just and sustainable peace, and what it might need to look like in order to be or become feasible. To that end, throughout the



questionnaire and analysis we speak of the “feasible” or “realizable” return; that is, the return that the youth respondents believe *is possible* to implement, and not the return they wish for or idealize. However, it must be acknowledged that return has become an inherent part of Palestinian refugee identity, and even Palestinian identity. As such, it is at times difficult to separate what might be realistic from what is envisioned, and it is fair to say that this will have impacted some results.

The information gathered from the target group aims to identify more deeply the following:

- How do youth see the possibility of applying the right of return and what are the reasons that might prevent it?
- How does the younger generation view the connection between return and making just and sustainable peace?
- How do younger generations view the state of Palestine after return has been implemented?
- What is the best political solution to ensure that refugees and displaced persons are able to exercise their right of return?
- In case of the right of return, how will property be handled?
- In case of the right of return, how will relationships between people manifest?
- What is the optimal state and what are its responsibilities to ensure stability and justice?
- How do young people assess the role of key actors and what are their expectations from such actors?
- How can the right of return be made a viable national program of action?

This research was carried out by a field team commissioned by BADIL, which collaborated with local partners in each region in order to collect information voluntarily from the target group. Field researchers were required to adhere to professional standards, and to respect the privacy of information, ensuring that it be used for purely research purposes. It was made clear that this research was conducted for the purpose of the defense of the rights of refugees and displaced persons, the dissemination of a return culture, and the development of a methodology for making return a national program of action.

The Online Questionnaire

In addition to the face-to-face questionnaire conducted with Palestinian refugee youth, BADIL developed a simplified version of this questionnaire and disseminated it online (see Appendix 4). This was primarily an opportunity to engage Palestinian refugees within the targeted areas, but not necessarily in refugee camps and in exile. These groups are less accessible in general and their views are often marginalized or overlooked entirely in the discussions around return and its practicality.

This questionnaire was made available in English and Arabic. We received 605 responses, 86 in English and 519 in Arabic. Respondents were primarily from the area of Mandatory Palestine (46 percent), and the Arab region (36 percent), while 110 responses came from Palestinians now residing in Western countries (18 percent). The majority were refugees from the *Nakba* (61 percent), with 16.5 percent identifying as 1967 refugees, and 8.1 percent as 1948 IDPs.



Notably, this online questionnaire was not limited to youth (only 27 percent of online respondents were aged between 18-29 years old) and responses were voluntary. This will have undoubtedly affected the results, as those likely and able to respond to such a questionnaire are presumably people that are at least partially engaged on the issue in order to come across such a questionnaire, and consider the issue of some importance to them. That said, on many issues there were clear consistencies in the results of the traditional questionnaire targeting youth specifically and the broader online questionnaire. Where there were noticeable diversions, the results have been drawn out and analyzed.

5.1. SUMMARY OF FINDINGS

The strength of the results from this questionnaire serve as a reminder that return remains at the core of the Palestinian question. For refugee youth especially, the results demonstrate that return is an inherent part of their identity, and faith in its feasibility is sustained not by poor humanitarian and living conditions or a desire for change, but rather by the right to return itself. In other words, return is understood to be the key to restoration of their human dignity and the full realization of all other human rights. This was repeatedly expressed in the responses where recognition and fulfillment of the right to return was consistently prioritized over political considerations, as for example in considering the political framework of return (Q11).

In some cases, the totality of the belief as to what is feasible – for example in it being a right open to everyone (Q4) – is a powerful cue to the international community that the Palestinians and their rights are an integral element to resolution of this issue, and ought not be sidelined by Israel’s wants and concerns if sustainable solutions are to be implemented. In fact, there was an irrefutable rejection among the youth that their envisaged feasible return would be responsive to any Israeli parameters. In other words, without recognition of the centrality of return, there is little chance that a negotiated peace solution will be sustainable and just.

However, it must be also said that many youth struggled to practically consider the reality of return; some to the point of not possessing a belief in the capacity for realization of return. This undoubtedly reflects an inadequate or absent discourse on return, which results in diminished awareness, as well as the lack of realism in the discourse that does exist. To that end, there is an urgent need for development of a clear and coherent strategy that sets return as a pillar of liberation and a foundation for making peace, and doesn’t merely position return as the outcome of peace. This will necessitate discussions and strategies that ground realization of return in the practicalities, rather than lofty principles.

Despite this, when the respondents were asked to consider a post-return scenario, their responses, replete with the recognition of the severe injustices experienced, were practical and considerate of human rights and social justice principles. The majority of respondents recognized that physical return alone is not enough; that return must be sustainable and create an environment that not only addresses the injustice, but fulfills the social and economic rights of the returnees. This is evidenced in the responses to the Section 5.6 Practicalities of Return, but also eluded to in other sections as well.

Reinforcing this, the results also suggest that return must be conceived of separately from the question of Palestinian statehood. The youth critique of various political actors, and their effectiveness to date, can be best explained by the historic insistence on return as an outcome of



liberation rather than a means to liberation itself. In fact, the only way that return can be realized is by transforming it to an individual and collective struggle for liberation, which draws a connection between rights, relevant impact on rights holders, and mechanisms of application.

The starting point in this regard must be acceptance of the individual and collective Palestinian responsibility to realize return, and a repudiation of this culture of dependence on the Arab and international community to protect Palestinian rights. Knowledge of the manifest failure of the UN, EU, US and Arab states is widespread among youth, so the growing acceptance of individual and collective responsibility among youth (Q19) must be capitalized upon in order to build the return movement going forward.

5.1.1. Key Findings

- Belief in the feasibility of return remains exceptionally high among Palestinian youth (81.3 percent overall; skyrocketing to 97 percent if 1948 IDPs are excluded from the results).
- This conviction in the feasibility of return derives from the right of return itself. The results suggest:
 - This conviction is not sustained by poor humanitarian and living conditions or the desire for change to the current reality;
 - Belief in the right of return supersedes politics, given the political discourse post-Oslo has significantly marginalized the issue of the right of return, and there is little correlation between the practicalities envisioned with regards return and the prevailing discourse around one- and two-state solutions.
- However, Palestinian youth, who remain IDPs in 1948 Palestine, hold significantly lower rates of belief in the feasibility of return (just 18.9 percent). This is likely due to the direct control of the Israeli government, fear over repercussions, sustained and pervasive policies of Israelization, and lack of exposure to the issue given the severely muted discourse. This is also seemingly reinforced by the online results. The online respondents were likely to have been sufficiently politically engaged to have found and accessed the online questionnaire, and voluntarily chose to engage with the topic. As such, they likely possess less fear and greater awareness, which reflects in far higher levels of belief in the realization of return among 1948 IDPs (89.6 percent).
- The overwhelming view is that the realizable return is one that permits the return of all refugees and displaced persons wishing to return (95.4 percent, Q4). This indicates a strong rejection of return being determined at the whim of Israel, and a view that without return for all refugees and displaced persons wishing to return no solution will be sustainable. This is further reinforced by the fact that support for other options, such as symbolic return, varied depending on the extent to which the group in question would be required to give up their own rights to return. For example, 1948 refugees were much less likely to support symbolic return as they are the group that would be asked to give up their return rights, as opposed to 1967 refugees who have a greater chance of return to a Palestinian state limited to the 1967 borders.
- Similarly, the overwhelming view of youth was that a realizable return would be to the original homes (97.3 percent, Q5), which reflects Palestinian consciousness as to what return



means. It is a response further reinforced by the results to Q11, which considered the political framework within which a sustainable return might take place. These results clearly placed return to original homes as a priority irrespective of which political solution (86 percent). As such, return must be considered independently of the question of Palestinian statehood, and that the youths' desire for return supersedes their interest in Palestinian statehood.

- There is willingness or acceptance on the part of many refugee and IDP youth that realization of return will entail some concessions to restitution of properties and compensation (Q6 and Q14). However, with respect to Israeli reparation obligations, a majority of youth view that such concessions will not come without something in return (a “return only” reparations package was rejected by 51.3 percent of respondents). While, in relation to fellow Palestinians, 67.6 percent of youth were prepared for redistribution of the land on the basis of principles of equality and justice. Both of these results indicate that the respondents recognize on some level that return will not be an exact restoration of what once was in 1948 and the understanding that return alone will not be sufficient to create the necessary conditions for social and economic equality and stability.
- The top three reasons for why no collective return movement has emerged to-date (Q9) were identified as Palestinians' fear of Israeli persecution during an attempted return; second, the lack of a national vision set by political parties to bring return into reality; and third, the deployment of checkpoints and borders, including the Wall. However, our analysis suggests that overcoming the fear barrier is dependent on a real program of liberation led by Palestine's political leadership.
- There were significant differences between the face-to-face youth respondents and the online respondents regarding support for a one-state solution, rather than a two-state solution, in the context of a sustainable return (Q11). The greater support among online respondents (53 percent) than youth respondents (35 percent) points to the critical importance of political awareness and discourse, in order to ensure support for realistic and sustainable outcomes.
- There is widespread awareness that return to the original homes will be neither automatic nor straightforward, and the issues that will confront the new state will be multifaceted (Q12). Q12 encouraged youth to consider a post-return scenario, and was initially met with some resistance. Some youth felt that these were considerations that could be dealt with once return was realized. Yet, having been presented with the potential obstacles, almost all of the considerations were cited as important in an excess of 85 percent by the respondents. However, two trends should be noted. First, there was a clear prioritization among refugee youth of their rights, rather than seeking solutions for colonizers who will require rehousing when Palestinians return to their original homes (see also Q16-18). Second, the top three priorities of the youth were identified as (1) establishing proof of original ownership; (2) socio-economic rehabilitation of the refugees; and (3) reparations for victims and accountability for perpetrators. The third option registered especially high among youth in Gaza, who have been subjected to the gravest violations of international law.
- With respect to restoration of properties and land in circumstances where it is in the hands of an Israeli colonizer, the overwhelming and unsurprising result prioritized the rights of refugees and IDPs over those of the Israeli colonizer (Q16-18). This is a position that is consistent with states' best practice and international legal principles with regards to occupied homes, and not necessarily reflective of a hostile position (see analysis of Q16 and Q18). An initial reading



of the results of the questions and responses in a post-return scenario specifically gives an indication of the youths' sense of injustice and the need and desire for the restoration of not only the material losses, but also their dignity. Moreover, youth respondents displayed a very pragmatic and profound understanding of the need to maintain facilities or establishments constructed by the colonizer state or colonizers, whether public or private (Q17 and Q18), although private entities were very clearly to be transferred into the control of original Palestinian owners (94.1 percent).

- While return is the ultimate obligation of Israel as the violating state, the sense that return is the responsibility of the international community remains the predominate belief among youth and perpetuates the Palestinian tendency towards dependency (Q19). However, approximately 20 percent of youth accorded a ranking of 1 or 2 to return as an individual refugee responsibility and collective popular responsibility.
- In terms of the role of various international actors, third states and the Palestinian Liberation Organization (PLO), there was extensive dissatisfaction with respect to the provision of services for refugees (Q20(1)), a clear repudiation of the role of the United States in defending the rights of Palestinian refugees (Q20(2)), and, in the West Bank especially, very low levels of satisfaction with the effectiveness of the political role of the PLO.
- The results suggest a clear and inarguable demand for tangible actions (Q21): either in the form of official actions (such as sanctions by the UNSC, UNRWA mandate expansion by the UNGA, sanctions and other actions by states, or prosecutions by the ICC), or popular and/or organized movements at the global level (BDS) or national level (PLO restructure and the Great March of Return protests). While youth placed little hope and importance on reactivating negotiations or working to convince Israeli society of any counter-narrative to their extensive propaganda.

5.2. BACKGROUND CHARACTERISTICS

5.2.1. Sample Size

The sample of the quantitative questionnaire was distributed within 1948 Palestine and four of the five areas of UNRWA operation: Jordan, Lebanon, the West Bank and the Gaza Strip. It was not possible to include Palestinian youth still in Syria due to the situation, and logistical restraints prevented the conduct of questionnaires or focus group discussions with Palestinians displaced from Syria to Lebanon or Jordan.

The number of respondents from each of the five targetted areas represents 20 percent of the whole sample. The target group consists of youth from Palestinian families living in refugee camps recognized by UNRWA in the West Bank, Gaza Strip, Jordan and Lebanon. The target group in 1948 Palestine consists of Palestinian families in communities with a majority of IDPs. The sample from said families consists of Palestinian refugee or IDP youth (third and fourth generations of the *Nakba*) from ages 18-29 years old.

The sample is gender-balanced within each area and thus across the whole sample. This nearly



even cross-section between male and female respondents should offer a balanced overview of the perspectives of youth regarding return in practice with the goal of attaining overall youth perceptions of the practicality of return in the five specified areas. To that end, it is notable that throughout the questionnaire, there was little distinction between the sexes in their responses, with most following very similar trends. For this reason, gender desegregated data is found only in complete results tables (see Appendix 3), and not in the substantive text. Status: The distribution regarding participants' status shows nearly 75 percent being refugees from 1948, just over five percent being refugees from 1967 and nearly 20 percent being refugees currently displaced within the borders of 1948 Palestine.

Table 5.1: Status of the Sample

Location	1948 refugee	1967 refugee	1948 IDP
Gaza Strip	98.0%	2.0%	0.0%
West Bank	93.0%	7.0%	0.0%
Jordan	100.0%	0.0%	0.0%
Lebanon	82.1%	17.9%	0.0%
1948 IDPs	0.0%	0.0%	100.0%
Total	75.0%	5.0%	20.0%

5.2.2. Land ownership status

The vast majority of those surveyed (87.7 percent) have ancestors who owned land prior to their displacement, which impacts their conceptions of return and their rights owed as part of any return. The higher rating among 1948 Palestinian IDPs, who are not aware of land owned by their ancestors, is very striking in spite of the fact that close proximity is assumed to enhance their awareness, and seems to reflect an absence of or inadequate discussion of the *Nakba* and the pre-*Nakba*.

Table 5.2: Status of Land Ownership

Ancestral land in Palestine before 1948?	Status			Total
	1948 refugee	1967 refugee	1948 IDP	
Yes	94.4%	92.8%	62.0%	87.7
No	4.1%	3.3%	13.5%	5.9
Don't know	1.4%	3.9%	24.6%	6.4
Total	100.0	100.0	100.0	100.0

5.2.3. Dependency and Employment

Nearly 20 percent of the sample are primary 'bread winners', while over half of the surveyed participants are dependents to primary 'bread winners.' Secondary earners, or independents that support the primary earner of the house, represent nearly 30 percent of the whole sample. These figures can be loosely related to the overall results regarding employment, with around 26 percent of the total sample registering as a full-time student or trainee and 41 percent registering as employed. It is important to bear in mind the age range of the



sample, being Palestinian youth, especially when considering dependency, employment and education.

5.2.4. Education Status

The majority of the surveyed individuals are educated. Nearly 79 percent of respondents had completed secondary school or higher, with over 30 percent of the total participants also going on to complete tertiary education. The highest levels of educated youth were found in Gaza, with over half of those surveyed reporting having a diploma or Bachelor's degree, and a further 37 percent having achieved secondary school or higher. The lowest levels of education were found in Lebanon and Jordan, which is consistent with previous questionnaires conducted by BADIL. In Lebanon, seven percent of those surveyed identifying as uneducated, and 24 percent as only having attained a primary school level education, although just over 37 percent reported acquiring a bachelor or college degree. In Jordan, substantially more respondents had acquired a secondary level education, at 53 percent, however, this group had the lowest levels of tertiary education, with just 16 percent holding a tertiary or postgraduate qualification. Also significant was the result among 1948 IDPs, which showed 94 percent had acquired secondary education, but just 20 percent went on to complete tertiary education, likely a reflection of their status and access in Israeli society.

5.2.5. Secondary displacement after 1948 and 1967

While most participants were displaced in the two main waves of forced displacement in Palestine – in 1948 and 1967 – many had also faced secondary displacement due to violence, home demolitions, or revocation of identification, among other causes and forcible displacement measures. Around 10 percent of the refugees surveyed had experienced 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 Lebanon, where the percentage of refugees who reported secondary displacement was roughly 38 percent. This is most likely due to the events which occurred in Lebanon during the mid-1970s and 1980s, the Lebanese Civil War, and the destruction of Nahr Al Bared refugee camp in 2007.⁸¹⁴ The next highest level of secondary displacement comes from respondents from the Gaza Strip, with just over nine percent having been displaced more than once, presumably due to the three Israeli military assaults on Gaza from 2008 to 2014, as well as the intermitted strikes that have continued through to 2019, with many becoming IDPs within Gaza. Further, the coercive environment existing in Gaza due to the blockade and the dire humanitarian situation is also responsible for secondary displacement.

It is worth stating that had more data from Syria been included, it is likely that these figures would be markedly different given that many Palestinian refugees residing in Syria have now experienced forced secondary displacement, often on multiple occasions. Further, this wide-margin between those having experienced secondary displacement and those who have not, will again influence the overall results with respect to how the practicality of return is perceived among those interviewed given their multiple experiences with different interfering bodies, policies and events of displacement.

⁸¹⁴ "Nahr El-Bared Camp," UNRWA.org, 2014, available at: <https://www.unrwa.org/where-we-work/lebanon/nahr-el-bared-camp> [accessed 14 September 2019].



5.3. BELIEF IN THE FEASIBILITY OF RETURN

This section explores the belief in the feasibility or practicality of return, and the underlying dynamics at play. Analysis of Q1 focuses principally on why such high levels of belief in the realization of return are sustained amongst the youth. It considers the factors that are generally presumed to influence this belief and seeks to understand if and how these factors did or did not influence the results. Q2 explores the factors influencing those youth who do not hold out hope of ever realizing their right of return. The analysis focuses particularly, but not exclusively, on the lived experience of 1948 IDPs, who recorded significantly lower rates of belief that their right of return would ever be realized.

Q1: In your opinion, in general and in principle, what do you say about the possibility of applying return?

In line with the overall purpose of this questionnaire, the first question is not a referendum on the right of return and the belief of Palestinian youth in it. Rather, it explores the perspective of the target group on the possibility of actually implementing return. Fundamentally, this question recognizes the fact that although a Palestinian refugee might be entitled to the right of return, that same person may not see any real possibility in actually exercising that right of return in practice in the short or long-term. Bearing that in mind, it was made clear to those surveyed that this question is asking for consideration of their belief as to the realization of return *in principle*; and not necessarily in the current material conditions. In other words, the respondent was asked to consider the applicability of return in an imagined scenario, one in which conditions will have changed.

Table 5.3: The Possibility/Feasibility of Return

Q2: In your opinion, in general and in principle, what do you say about the possibility of realizing return?								
	Sex		Country/Region					
	Male	Female	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDPs	Overall Total
Return is realizable	80.9	81.8	95.6	95.2	100	96.9	18.9	81.3
Return is not realizable at all	19.1	18.2	4.4	4.8	0.0	3.1	81.1	18.7
Total	100	100	100	100	100	100	100	100

Key Findings

Importantly, 81.3 percent of those surveyed believe that return is realizable in principle. Of the 18.7 percent who do not see any possibility for realization of their return, the vast majority are those persons are internally displaced in the territory of 1948 Palestine, with 81.1 percent of 1948 IDPs not believing return will be realized. If the 1948 IDPs are removed from the sample, the belief in the feasibility of return rises considerably to 97 percent among refugees from in the West Bank, Gaza Strip, Jordan and Lebanon. The online results are also consistent with these numbers, with 83.7 percent of respondents believing in feasibility of return, and 95 percent of online youth respondents.

In view of the geopolitics, the Palestinian political environment and the lived reality on the ground, these results are strongly indicative that the Palestinian belief in the right of return supersedes



politics. Moreover, in order for that belief to continue to be sustained, it is a belief that it is a realizable right.

Detailed analysis: understanding why belief in return remains so high

This exceptionally high rate of belief in the feasibility of the right of return is particularly significant in light of the fact these are youth (aged 18-29 years) who have had their awareness shaped under shadow of the Oslo peace process. This is a period that has witnessed a significant decline in national mobilization and resistance at the official and factional levels of Palestinian politics, as compared with the strength of Palestinian policies in the pre-Oslo period. This suggests that the Palestinian belief in the right of return supersedes politics, and inherent to the sustainability of that belief is that it is a realizable right. As such, the high levels of support for the PLO and political parties historically is likely attributable to their prior long-standing commitment to achieving return, whereas the decline in support for the PLO is a product of their pursuit of Oslo and the sidelining of refugees, IDPs, and their right to return.

Aside from this, there are a multitude of factors which may be sustaining this belief, including the impact of changes created on the ground, the degree of local integration, deteriorating humanitarian and living conditions, persecution, as well as the intensity and nature of mainstream political discourse. In this vein, it is necessary to note that these factors, both individually and jointly, overlap and affect respondents' opinions. Their impact is relative, varying from one area to another, and from one person to another. However, irrespective, it seems clear from the results that the belief in the feasibility of return derives from an inherent Palestinian belief in the right of return and its importance to a durable solution.

1. Changes on the ground

The table shows that the highest rate of belief in the possibility of implementing return is from Palestinians in Jordan (100 percent), followed by Lebanon (96.9 percent); with similar, but lower levels in the oPt, West Bank (95.2 percent) and Gaza Strip (95.6 percent); while the percentage drops to 18.9 percent among 1948 IDPs. It is likely that distance from the reality and extent of colonization in Palestine is a reason for the substantially stronger conviction among Palestinians in exile, than among Palestinians in the West Bank and Gaza Strip. Youth in the oPt are confronted with the reality of Israeli colonization in the oPt which makes the reality of the changes on the ground clearer than for those in exile. That said, distance from the reality of 1948 Palestine is even experienced by Palestinian youth of the West Bank and the Gaza Strip; this generation is subjected to far greater restrictions on their freedom of movement, with the construction of the Apartheid Wall and other security measures that substantially diminish their opportunities to cross the Green Line. This detachment is reflected in the high levels of belief in the ability to realize return - regardless of the substantially greater restrictions and violations they experience. Unable to witness large changes on the ground, the image of Palestine remains that of one reflected in the ancestral narratives of grandparents and quite different from the status quo. Knowledge, or lack thereof, of the extent of changes on the ground is likely to impact the perception of the possibility of return. Moreover, return itself continues to be presented and promoted either as an abstract idea, absent of any practical detail, or as a sacred right, in which we put our faith, but not as an integrated project cognizant of the current reality. In the mainstream Palestinian political and popular discourse, return continues to be conceived of as restoration of the situation as it was 70 years ago. Thus, being witness to the reality on the ground frustrates the capacity to imagine any circumstances in which return is feasible.



2. Local integration (place of refuge/displacement)

Integration into the local community undoubtedly impacts respondents' concerns, their individual priorities, and their lives. However, integration in and of itself does not necessarily mean abandoning the right of return nor does it mean giving up the pursuit of return. Based on the data above, among Palestinian refugees in exile (specifically Jordan and Lebanon), conviction in the possibility of return is unaffected by the degree of integration into the local community, despite the disparate experiences of integration in the two countries. On the one hand, in Jordan the majority of Palestinians hold Jordanian citizenship, yet all respondents believed in the feasibility of return in principle. On the other hand, in Lebanon the opportunities for integration into the local community are virtually non-existent due to official restrictions, but again the vast majority of respondents also believed in the feasibility of return in principle.

Similarly, in the West Bank and Gaza Strip, where local integration is facilitated by the fact they are in Palestinian communities, and in areas that remain part of Palestine, the rates are also high (more than 95 percent). This finding is reinforced by the online questionnaire results which show that those in Western countries held the highest rates of belief in the feasibility of return at 92.2 percent, despite the fact they are likely to experience the highest levels of local integration and full and equal citizenship rights.

By contrast, local integration of 1948 Palestinian IDPs, and their comparable (inferior) status with other non-displaced Palestinians in the 1948 territory, may be contributing to the absence of any belief in the possibility of return. Under direct and insidious Israeli rule, they as well as their non-displaced Palestinian peers are unable to realize even their more basic rights, such as equality as well as an end to discrimination and segregation, let alone a right made as politically complex as return.

3. Deteriorating humanitarian and living conditions

Miserable conditions in refugee camps across Lebanon, the most severe in comparison to other areas, and in the Gaza Strip, which has been under siege for more than 12 years, might have been expected to be a catalyst for demanding return as a road out of misery. However, the citizenship enjoyed by Palestinian refugees in Jordan (albeit practically diminished in some cases) and relative sufficiency of life in the West Bank, as well the quality of life generally enjoyed by those in the Western countries, indicate that conviction in the possibility of return is not attributable to misery or a lack of other options. In fact, there is no correlation between the variations in opinions across different areas and the differing humanitarian and living conditions. It can, therefore, be inferred that the sense of the feasibility of return among refugee youth reflects a conviction that derives from the right of return itself, and not one sustained by poor humanitarian and living conditions and a desire for change.

By contrast, similar standards of living among displaced and non-displaced Palestinians in the 1948 territory, which are still better than those of Palestinians in other areas, may have an impact on individual priorities and interests, including conviction in the feasibility of return. As mentioned above, the inability to enjoy equality and end discrimination likely undermines faith in possible return, rendering it less possible. A pursuit to maintain or improve standards of living along the lines of the free capital market perhaps rules away the prioritization of return as an individual concern. In other words, it is illogical to assume that 1948 Palestinian IDPs will prioritize return, while all Palestinians who hold the Israeli citizenship suffer from inequality and discrimination,



and struggle to maintain an adequate standard of living under a colonial capitalist regime, which targets the existence of Palestinians and excludes them by institutionalized racist policies.

4. Israeli persecution

If we set aside the role and influence of Palestinian political forces and leadership, brutal repression does not necessarily produce a culture of resistance, especially if the means of resistance are rendered unavailable. In the face of continued repression towards acts of resistance, the ongoing failure to achieve results contributes to a deepening of the sense of helplessness of the people against the absolute arrogance of power. Against this backdrop, it is reasonable to assume that the degree of exposure to Israeli repression affected responses to the questionnaire, particularly as they concern 1948 IDPs and refugees in the West Bank and Gaza. In fact, this is clearly evident in the opinions expressed by those who believed in the feasibility of realization of return, who later at Q9, listed, "Palestinian fear of Israeli repression during the attempted return," as the primary reason preventing the emergence of an individual and collective return movement. It is also reflected in the opinion of those who did not consider return to be possible, wherein the strength and suppression of Israel was seen as the primary factor preventing return (see Q2 below).

In other words, it is valid to assume that subjection to Israeli persecution, including dispossession of the means of resistance and brutal suppression of resistance, generates fear and despair, driving some individuals to believe that return is futile. We also see this in the results of the online questionnaire, where in stark contrast to the results of the main questionnaire, 89.6 percent of 1948 IDPs expressed a conviction in the feasibility of return. In contrast to the youth surveyed face-to-face, these respondents have answered the question of their own volition, which already reflects a consciousness and capacity to act against or reject, to some extent, Israeli repression. In the face of this, they also possess a greater belief in the realization of their return.

5. Exposure to the discourse of return

The impact of political discourse on return and its influence on public awareness is also reflected in the regional results from the questionnaire, with an observable correlation between dominant political discourse, which holds onto return, and the perception of the feasibility of return among youth. In the West Bank and Gaza Strip, Palestinian factions, despite their differences, continue to highlight the issue of the right of return generally, which creates a clear political discourse around the issue of return in these areas and is reflected in the result. Similarly, the clarity of official and popular rejection in both Jordan and Lebanon of the notion of an alternative homeland in Jordan or resettlement in the Lebanese territory respectively, have a bearing on public awareness among young Palestinian refugees.

On the other hand, return is not an issue discussed in political discourse or party platforms of Palestinians who are citizens of Israel, with the exception of occasional press statements. Moreover, Palestinian factions generally tend to ignore the issue of 1948 IDPs and their return. This lack of exposure and awareness created by political discourse leads to diminished belief in the feasibility of return. In contrast, the 1948 IDPs who responded online are those who are accessing online information concerning Palestinian discourse and rights and hence found BADIL's questionnaire, as a result, it is somewhat unsurprising to see much higher rates of belief in the feasibility of return. Hence, there appears to be correlation between the dominance of political discourse on return and the conviction in the feasibility of return. Beyond doubt, not only does political discourse influence opinions about rights, but also about potential realization of these rights.



Q2: Why do you believe that return is not realizable?

This question was addressed exclusively to the respondents who do not believe that return is possible (18.7 percent of the total sample). Since 100 percent of the respondents from Jordan believed that return is realizable, none of them were asked this follow-up question. Therefore, Jordan was omitted from this table. Given that the non-applicability of return does not reflect a person's belief in the right of return in principle, it was necessary to understand the reasons underpinning these negative responses. Although the reasons cited in the table below are not exhaustive, these are the most pervasive factors explaining the non-belief in the possibility of return.

Table 5.4: Reasons for not believing in the possibility of return

Why do you believe that return is not realizable?	Country/Region					
		Gaza Strip	West Bank	Lebanon	1948 IDP	Overall Total
Absolute Israeli rejection	Disagree	0.0	8.9	31.9	2.1	3.2
	Agree	100	91.1	68.1	97.9	96.8
	Total	100	100	100	100	100
Israel's power and suppression	Disagree	0.0	8.9	56.0	3.5	5.3
	Agree	100	91.1	44.0	96.5	94.7
	Total	100	100	100	100	100
Western support for Israel	Disagree	16.3	8.9	7.6	21.2	19.9
	Agree	83.6	91.1	92.4	78.8	80.1
	Total	100	100	100	100	100
Arab weakness	Disagree	4.7	39.8	0.0	7.4	8.7
	Agree	95.3	60.2	100	92.6	91.3
	Total	100	100	100	100	100
Palestinian official weakness and absence of a unified strategy	Disagree	23.0	0.0	39.4	4.2	5.9
	Agree	77.0	100	60.6	95.8	94.1
	Total	100	100	100	100	100
Length of displacement	Disagree	37.9	8.9	71.2	55.5	52.7
	Agree	62.1	91.1	28.8	44.5	47.3
	Total	100	100	100	100	100
The large number of refugees and displaced persons	Disagree	39.9	8.9	82.6	64.1	60.7
	Agree	60.1	91.1	17.4	35.9	39.3
	Total	100	100	100	100	100
Lack of sufficient space in Palestine	Disagree	54.1	30.8	88.6	92.7	87.6
	Agree	45.9	69.2	11.4	7.3	12.4
	Total	100	100	100	100	100
Lack of sufficient resources in Palestine	Disagree	64.1	30.9	92.4	92.1	87.1
	Agree	45.9	69.1	7.6	7.9	12.9
	Total	100	100	100	100	100



Integration of refugees and displaced persons into their current communities	Disagree	50.6	0.0	37.1	48.6	45.9
	Agree	49.4	100	62.9	51.4	54.1
	Total	100	100	100	100	100
There is no particular personal interest for me in return	Disagree	33.7	19.4	62.1	60.3	57.0
	Agree	66.3	80.6	37.9	39.7	43.0
	Total	100	100	100	100	100
Absence of international will	Disagree	0.0	0.0	0.0	12.6	11.0
	Agree	100	100	100	87.4	89.0
	Total	100	100	100	100	100
Lack of pressure or will from refugees demanding return	Disagree	15.5	5.8	19.0	16.7	16.2
	Agree	84.5	94.2	81.0	83.3	83.8
	Total	100	100	100	100	100

Detailed analysis: overall factors affecting 1948 IDPs specifically

It is important to note that 87 percent of those who do not believe return is realizable are IDPs in 1948 Palestine. As such, their particular context must be given specific consideration in this analysis as to the impossibility of return, especially as it relates to public awareness and pressure. In this regard, the factors driving the responses of IDPs in 1948 Palestine are complex, interrelated, and influential, both individually and collectively. Most important among these factors are:

- **Direct Israeli control:** when we refer to direct Israeli control, this includes Israel's repressive dominance and persecution over the lives of individuals. In this regard, it is clear that 1948 IDPs have a stronger sense of that control than those in other areas either not under direct Israeli control (Jordan and Lebanon) or those in areas under tight Israeli control through permanent physical presence (Gaza Strip and parts of the West Bank). Living under direct Israeli control agitates the fear of retribution for engaging in and providing answers to this questionnaire, including fear of repercussions in their daily lives, jobs and education, as well as their own security.

The field research team made particular note of this phenomenon, observing the impact of security concerns in prospective respondents refraining from participating, and others exhibiting extreme reluctance to answer particular questions, or demonstrating a tendency to opt for the less provocative answers vis-à-vis Israel. In this context, it is clear that the fear of consequences from Israel, which is certainly capable of reaching out to and “punishing” respondents, has limited the freedom to express certain opinions among some respondents. Additionally, this direct control constrains available, and internationally lawful, means of resistance and restricts them to acting within the Israeli system. In this way, outspoken, official and popular Israeli denial of Palestinian refugee and IDPs’ right of return, restitution and compensation gives rise to the perception of the impossibility of return.

- **The impacts of awareness impairment and Israelization:** Since the *Nakba*, Palestinians with Israeli citizenship, including 1948 IDPs, have been subjected to widespread policies designed to limit and impair conscious awareness and induce the Israelization of the population, more than any other Palestinians. These policies are aimed not merely at oppression and persecution, but at the systematic concealment and erasure of Palestinian national consciousness and identity.



It is done in such a way that the enjoyment of normal life, stability and personal success are contingent on integration into the colonial regime and its conditions. As such, it is necessary to note that the results of this questionnaire cannot be considered in isolation from the impact of these policies which disintegrate the individual and collective consciousness. In fact, the absence of belief in the possibility of return among 1948 IDPs is a consequence of colonial domination and compulsory engagement with the system.

- **Inadequate and/or invisible discourse of return:** the weakness and/or absent discourse on return and refugee rights is a result of both the shortcomings of the Palestinian factions themselves, as well as the dominance of the coexistence, equality and citizenship narrative among Palestinian political forces that are active in what is today Israel. Historically, PLO factions have managed to reach out to and recruit some individuals. However, they have failed to unite and integrate 1948 Palestinians into the overall liberation strategy, and, particularly since Oslo, they have almost completely withdrawn from the ranks of this group.

One of the most negative results of the Oslo process has been the neglect of 1948 Palestinians, whose situation and rights are considered by the prevailing approach of the PLO to be an issue of internal Israeli affairs. Meanwhile, 1948 Palestinian political parties and movements, dependent on the narratives of coexistence, equality, civil rights and citizenship to ensure political survival, do not generally refer to return and the rights of the displaced. They do so only on limited public occasions and for propaganda purposes, but not within a broader collective struggle to achieve the right of return. As a result, the absence of a discourse on return and the rights of the displaced is reflected in the lack of awareness of rights and a state of frustration that prohibits the capacity to envisage the possibility of return.

Detailed analysis: self-identified reasons for the absence of belief in the feasibility of return

Within this context, we turn to the reasons reported by respondents themselves as elucidating their absence of belief in the feasibility of return. The table below correlates those answering in the positive (agree and strongly agree), against those answering in the negative (disagree and strongly disagree), to determine the reasons for not believing in return from top to bottom. It should be noted that these results reflect only the opinion of those 18.7 percent who did not believe in the feasibility of return, and not the whole sample group. Moreover, while some of the answers are analyzed by region in order to provide explanatory context, the numbers of persons responding from West Bank, Gaza Strip and Lebanon are insufficient to extrapolate decisive conclusions as to broader public opinion. Nevertheless, the reasons for an absence of belief in the feasibility can be separated into four main categories:

1. External reasons

External reasons include Israel's absolute rejection, Israel's persecution and power, absence of international will, and Western support of Israel. These factors create a coercive element in the responses that arises from a sense of helplessness. In this regard, Israeli power and will are experienced most oppressively, with these registering in the top three reasons that return is perceived as not possible. They are very clearly seen as being underpinned and reinforced by Western support for Israel, with 80.1 percent of respondents agreeing this is a factor. Moreover, subjection to direct Israeli persecution is reflected in respondents' answers, which reveal a sense of Israel's arrogant power, and a resulting discernment as to the impossibility of any future change



and despair of the possibility of ending Israeli tyranny. The impact of Israel's power was obvious in the observation of responses by area:

- In Gaza, the impact of Israel's repeated and brutal wars on the Gaza Strip shows in the fact that all those who do not believe in the possibility of return from the Gaza Strip attribute this to Israel's power, suppression and refusal to accept return.
- For 1948 IDPs, 96.5 percent of respondents attributed their inability to exercise return to Israel's power and suppression, which in turn reflects the sense of direct control from Israel, embodied in its racist practices and security-related persecution of Palestinians.
- In the West Bank, the number was slightly lower again, which may reflect the fact that what is experienced by Palestinians in the West Bank is less severe than that of Palestinians in Gaza, and less direct than to 1948 IDPs.
- In Lebanon, where Palestinians are more removed from the direct brutality of Israeli policies, the result was a more equivocal 44 percent of responses attributed Israel's power as the reason for the inability to exercise return.

2. Domestic/internal reasons

The internal reasons refer to Arab weakness,⁸¹⁵ Palestinian weakness, lack of strategy, and the absence of collective pressure or will from the refugees themselves. Undoubtedly, these factors, in combination and separately, result in frustration and despair at the feasibility of return. It is important to note here that the results suggest broader Arab weakness, as well as Palestinian weakness and the lack of strategy, are considered on par with the impact of external causes (Israel's rejection, power and suppression). Logically, this assessment is an expression of a sense of abandonment, frustration and helplessness in the face of Israel's tyrannical power. However, it can also be argued that the perception as to the impossibility of realizing return is not absolute. Rather, the interrelatedness of the internal and external factors, suggests that the belief is subject to a change in these factors. A change sufficient enough to shift this position would undoubtedly have to come from the internal factors, i.e. the will of Palestinians and Arabs themselves, which would, in turn, lead to a change in the international will and the Israeli position.

3. Objective reasons

The objective reasons include adequate resources and areas, number of refugees, and period of displacement. These reasons ranked four of the five lowest reasons attributed to the lack of belief in the feasibility of return, which suggests both that practical logistics are not a substantive impediment to exercising of return, and a widespread understanding, particularly among the main group of respondents to this question, 1948 IDPs, that in fact the space and resources do exist in Mandatory Palestine to facilitate return of Palestinian refugees and IDPs. That said, among the small number of refugees from Gaza Strip and West Bank who do not believe in the feasibility of return, a significant number did consider lack of space, resources and the large size of the population as attributable reasons preventing realization of return, which suggests:

- A lack of knowledge and exposure to the current context, particularly the vast swathes of uninhabited land that still exist in Mandatory Palestine today, the wealth of the country in both

⁸¹⁵ Arab weakness could be considered an external factor. However, since many Palestinians still consider themselves part of the Arab nation, and as such believe that Arab support is a duty or obligation, we included it in this category.



monetary and natural resources, and the capacity of returnees themselves to contribute to the post-return society;

- An inability to envisage a future, including return, because the return discourse remains largely abstract. Return is merely conceived of as an outcome of liberation or a final peace agreement, rather than integral to the liberation struggle itself. That is a struggle that seeks to implement return, restoration of property, compensation, economic and social rehabilitation, and the establishment of a future state capable of absorbing returnees, in which rights are guaranteed. In failing to frame return in this way, any imagined return remains an arbitrary and disorderly solution, that does not serve to achieve the elimination of human suffering, but is instead considered a theoretical, but inalienable right that does not withstand the material obstacles on the ground.

4. Personal reasons

The personal reasons refer to the level of integration into the host community and the lack of interest or personal desire in return, that is 43.0 percent of those who believed return was not possible. To an extent, the lack of interest or personal desire in return can be interpreted as an expression of integration into the current reality (54.1 percent of those who believe return is impossible, agreed this was a factor). In this regard, field researchers noted that many 1948 IDPs (who made up 82.5 percent of those agreeing with integration as a factor) did not view their circumstances as distinguishable from other Palestinians in 1948. However, it is also expected that these are people who see no particular advantage or benefit in a future return, or who perceive the return of millions as threatening to their current status (e.g. a threat to their existing socio-economic status).

Table 5.5: Factors in why return is not feasible (face-to-face questionnaire results)

	Factor in why return is not feasible	Combined Percentage Agreeing	Combined Percentage Disagreeing
1	Arab weakness	99.8	0.2
2	Absolute Israeli rejection	96.8	3.2
3	Israel's power and suppression	94.7	5.3
4	Palestinian official weakness and absence of a unified strategy	94.1	5.9
5	Absence of international will	89.0	11.0
6	Lack of pressure or will from refugees demanding return	83.8	16.2
7	Western support for Israel	80.1	19.9
8	Integration of refugees and displaced persons into their current communities	54.1	45.9
9	Length of displacement	47.3	52.7
10	There is no particular personal interest for me in return	43.0	57.0
11	The large number of refugees and displaced persons	39.2	60.8
12	Lack of sufficient resources in Palestine	12.9	87.1
13	Lack of sufficient space in Palestine	12.4	87.6



Table 5.6: Factors in why return is not feasible (online questionnaire results)

	Factor in why return is not feasible	Combined Percentage Agreeing	Combined Percentage disagreeing
1	Arab weakness	96.7	3.3
2	Palestinian official weakness and absence of a unified strategy	89	11
3	Absence of international will	88	12
4	Western support for Israel	87.1	12.9
5	Absolute Israeli rejection	79.2	20.8
6	Israel's power and suppression	75.9	24.1
7	Lack of pressure or will from refugees demanding return	66	34
8	Length of displacement	49.5	50.5
9	The large number of refugees and displaced persons	42.9	57.1
10	Integration of refugees and displaced persons into their current communities	41.8	58.2
11	Lack of sufficient resources in Palestine	23.1	76.9
12	Lack of sufficient space in Palestine	18.7	81.3
13	There is no particular personal interest for me in return	14.3	85.7

5.4. THE ENVISAGED RETURN

From this point on, only those respondents who believed in the feasibility of exercising return (81.3 percent of the total sample) were asked the remaining questions (Q3 to Q21). With respect to Q3 particularly, it is important to note that respondents were asked about their personal opinion; that is, what the person wanted personally, as opposed to the other questions, which are concerned with their conception of a feasible return and not their personal preferences.

Q3: What does return mean for you personally?

This question examines a person's individual opinion regarding whether the return that the person is seeking to achieve is, in his/her opinion, realizable wholly or partly, as the extent to which they believe return is realizable may vary from one person to another. It was made clear to the sample group that full return means the return of all refugees and IDPs to the same original place, from where their ancestors were displaced. Partial return may involve other possibilities less than full return, such as the return of a limited number of refugees and IDPs to any area in Palestine, not necessarily their home of origin. The results of Q3 are best understood in conjunction with the results of Q4 and Q5, which examine those who are entitled to return as well as the place of return, in a realizable return scenario.



To watch the 36-minutes video, please visit:
<https://vimeo.com/336520145>



Table 5.7: What does return mean for you personally?

What does return mean for you personally?	Status			Country / Region					Total
	1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
It is a right that I seek to realize in totality (it is fully realizable)	72.5	88.3	14.0	64.9	83.7	55.9	90.4	14.0	70.8
It is a right that I seek to realize, even if it is a partial realization (it is realizable but...)	27.5	11.7	86.0	35.1	16.3	44.1	9.6	86.0	29.2
Total	100	100	100	100	100	100	100	100	100

The results show that 70.8 percent of those surveyed view return as an applicable right and seek to fully realize it. By contrast, 29.2 percent considered return to be an applicable right, but one that is only partially realizable.

It is noted that 72.5 percent of 1948 refugees can imagine realization of full return. This perception is even greater (88.3 percent) among 1967 refugees. This increased support among 1967 refugees seems to be a natural impact of Israel’s absolute rejection of return to the 1948 territory, while the two-state solution, which is officially adopted at the Palestinian and international levels, is being promoted, as this position makes full realization of return among 1967 refugees more plausible. On the contrary, 86.0 percent of 1948 IDPs view that return is just partially realizable. As with the large number of 1948 IDPs who did not believe in the feasibility of return at all, this is likely attributable to the consequences of this particular group’s day-to-day experience of changes created on the ground and Israel’s direct control and/or oppression (see discussion in Q2). It also shows that, for these youth, return is about something less tangible, the restoration of dignity and justice rather than a physical return to the original homes. At the same time, the online results for 1948 IDPs, as with their answers to Q1 on belief in the feasibility of return, stand in stark contrast with the majority believing in full realization of return. This again reflects the likelihood of greater individual enfranchisement, security and political awareness among these respondents, than those surveyed face-to-face.

Also noteworthy is the fact that the rating of those surveyed in Jordan and Gaza, who are of the opinion that applicable return is partially realizable (44.1 percent in Jordan and 35.1 in Gaza), is larger than in the West Bank and Lebanon. The immediate reason for this result is unclear. However, in relation to those from Gaza, it likely reflects a personal desire to escape from their current situation, anything more is perceived as extra. In the case of Palestinian refugees in Jordan that have acquired Jordanian citizenship (this group constitutes a significant portion of the Palestinian population there), they have been able to become more or less



Palestinian rally in Brooklyn, NY supporting the Great Return March, September 2019. (©Joe Catron)



socially, culturally and economically integrated. As such, this may mean that sufficient redress of their injuries in the form of restoration of dignity through acknowledgement and acceptable compensation would be sufficient.

Q4: In your opinion, based on what is realizable, who would be entitled to return?

This question is directed to understanding the opinion of youth as to the category of persons who will be entitled to return in a realizable scenario. This question is not about what the individual wants personally, but rather their understanding about what will be feasible among a range of options. It seeks to elucidate their thinking about the possible options available and serves to reveal their perceptions as to the size and nature of the returnee population.

Table 5.8: Who would be entitled to return?

In your opinion, based on what is realizable, who would be entitled to return?		Status			Country / Region					Total
		1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
The return of all those refugees and displaced persons who wish to return.	Disagree	2.1%	0.0%	58.8%	4.2%	3.6%	0.0%	0.4%	58.8%	4.6%
	Agree	97.9%	100.0%	41.2%	95.8%	96.4%	100.0%	99.6%	41.2%	95.4%
	Total	100	100	100	100	100	100	100	100	100
The symbolic return of a limited number of refugees and displaced persons.	Disagree	76.7%	58.2%	22.5%	78.1%	90.3%	73.5%	60.2%	22.5%	73.0%
	Agree	23.3%	41.8%	77.5%	21.9%	9.7%	26.5%	39.8%	77.5%	27.0%
	Total	100	100	100	100	100	100	100	100	100
The return of the first generation of the <i>Nakba</i> only.	Disagree	86.1%	90.5%	42.5%	87.2%	99.3%	77.4%	82.5%	42.5%	84.4%
	Agree	13.9%	9.5%	57.5%	12.8%	0.7%	22.6%	17.5%	57.5%	15.6%
	Total	100	100	100	100	100	100	100	100	100
The return of those to whom Israel approves only.	Disagree	99.2%	100.0%	36.4%	98.3%	98.8%	100.0%	99.9%	36.4%	96.3%
	Agree	0.8%	0.0%	63.6%	1.7%	1.2%	0.0%	0.1%	63.6%	3.7%
	Total	100	100	100	100	100	100	100	100	100

The prevailing opinion of the youth target group is that the realizable return is one that permits the return of all refugees and displaced persons wishing to return, with 95.4 percent agreeing with this option. This was also reflected in the online questionnaire results with 76.6 percent strongly agreeing and 95.7 agreeing overall that return must be for all. The acceptance rate of the other possible options was considerably lower, with only 27.0 percent agreeing that feasible return will be symbolic (involving a limited number of refugees), and 15.6 percent agreeing that return would be one that included the first generation of the *Nakba* only; while there was a comprehensive rejection of the plausibility that any realizable return would be subject to approval by Israel. The rate of rejection of these other options was even higher among online questionnaire respondents, with all options receiving no more than 7.5 percent agreement among respondents.

From a legal perspective, this data reflects broad support among Palestinian youth, reinforced by the online results, to push for all rights holders to be empowered to practice their right of return. From a political standpoint, it indicates a strong rejection of return being determined at the whim of Israel, and a view that without return for all refugees and displaced persons wishing



to return, no solution will be sustainable. In some way, this must be understood as a rejection of the so-called, 2003 Road Map, which identifies refugee rights as one matter to be dealt with as part of a just, agreed and lasting solution. In other words, Palestinian refugees reject the term “agreed” because it suggests some aspect of Israeli will, and they have to date unequivocally refused to accept return.

One objective factor influencing these results must be noted. Namely, that 1948 refugees are seeking return to homes in what is today the state of Israel, while 1967 refugees are seeking return to an area that may yet be the territory of a Palestinian state. This is reflected in the emphatic 100 percent support among 1967 refugees for return of all refugees, as this is decidedly more plausible in the current context, while also reflecting that this group had the lowest rate of support for return of the first generation of the *Nakba*, since this would exclude them. Meanwhile, 1948 refugees have more to lose in a scenario of symbolic return, and hence considerably lower rates of support for this option, given the two-state solution may yet allow partial return for 1967 refugees. These results were also consistent with the online questionnaire, with 1948 refugees having the lowest rate of support for a symbolic return (five percent).

Distilling the data further, the group that warrants particular consideration are the 1948 IDPs, with just 41.2 percent of 1948 IDPs supporting the view that a feasible return would entail the return of all refugees and displaced persons wishing to return. Moreover, this group was the only category in which the majority (77.6 percent) agreed with the idea of a limited or symbolic return, and significantly more than half (63.6 percent) agreed that any realizable return would be determined by Israel. This may reflect a deep sense of frustration due to Arab and Palestinian weakness, rather than an expression of weak national affiliation, as this group deems return realizable in principle. Certainly, similar factors explored above at Questions 1 and 2 impact this result, particularly the feeling of Israeli domination and repression, the exposure to the changes on the ground and possible lack of knowledge about the space of non-populated lands/areas. However, it is likely also the result of the policies seeking to erase the consciousness of Palestinian national identity, which have necessarily produced in the descendants of 1948 IDPs a "realism" consistent with adaptation to long-term colonialism, or maybe have created a group whose members have no interest in return or reject the return of huge population of refugees.

On the other hand, the 1948 IDPs who responded to the online questionnaire again demonstrated much stronger positions with respect to this issue. There was total rejection of Israel having the determinative power to permit return, and comprehensive rejection of symbolic return or return of the *Nakba* generation. Again, likely reflective of the greater individual sense of empowerment, that diminishes their fear of the state's retaliation.

Q5: In your opinion, based on what is realizable, where will return be to?

This question seeks the opinion of respondents about the realizable place of return. The importance of this question resides in the fact that it unveils respondents' perception of the place of return within potential scenarios. Importantly, persons' responses to Q5 do not reflect what they personally want, but uncover their opinion of the nature of the realizable return. Because it is tailored to monitor the general trend among the sample group, Q5 is proposed in such a way as to elicit young people's view of various potential options in relation to the persons entitled to return, rather than their personal preferences.



Table 5.9: Where will return be to?

In your opinion, based on what is realizable, where will return be to? 1948 Refugee		Status			Country / Region					Total
		1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
The original homes from where our ancestors were displaced.	Disagree	1.6%	0.0%	28.0%	2.9%	1.6%	0.0%	1.3%	28.0%	2.7%
	Agree	98.4%	100.0%	72.0%	97.1%	98.4%	100.0%	98.7%	72.0%	97.3%
	Total	100	100	100	100	100	100	100	100	100
Anywhere within the borders of historic Palestine, other than the original homes.	Disagree	37.9%	29.0%	73.7%	60.3%	54.9%	19.3%	15.9%	73.7%	39.0%
	Agree	62.1%	71.0%	26.3%	39.7%	45.1%	80.7%	84.1%	26.3%	61.0%
	Total	100	100	100	100	100	100	100	100	100
Within the borders of the promised Palestinian state (within 1967).	Disagree	64.6%	23.5%	36.1%	68.2%	63.7%	77.2%	37.8%	36.1%	60.6%
	Agree	35.4%	76.5%	63.9%	31.8%	36.3%	22.8%	62.2%	63.9%	39.4%
	Total	100	100	100	100	100	100	100	100	100

Again, the overwhelmingly prevailing opinion from 97.3 percent of respondents was either agreement or strong agreement that return would be to the original place from which their ancestors were displaced. A substantial 61.0 percent still agreed that return would be to any place in Mandatory Palestine. Substantially fewer, just 39.4 percent, agreed that return would be to any place in the State of Palestine limited to the 1967 borders.

Consideration of the Status of respondents, that is the original area from which the respondent was displaced, is particularly pertinent to understanding the responses to this question. In this regard, it is significant that, of those displaced from the area of Mandatory Palestine that is now Israel (1948 refugees), 98.4 percent agreed with the proposition of returning to their original homes. Much fewer than those holding other statuses support the idea of returning only to a Palestinian state within the borders of 1967, reflecting the fact that such an outcome does not fulfill their right to return. Conversely, it explains why such a high percentage of 1967 refugees are in agreement with return to the borders of a Palestinian state, with 76.5 percent, as this would more closely fulfill their right of return.

These results show both the Palestinian public consciousness of return being to the original homes of their ancestors, but also that the issue of return must be separated from the issue of Palestinian statehood in order for return to be realizable and sustainable.

Q6: In your opinion, a realizable return will include the following reparations?

This question explores the opinion of respondents regarding other elements of the reparations package, principally restitution of property and compensation, together with the right of return itself. It is important to note that these options are not exclusive, rather they illustrate the most frequently discussed choices in a scenario in which return is realized. In this case, it is necessary to examine whether or not return accompanies restitution and compensation. In this context, the question is raised about how applicable restitution is, either wholly or partly, or whether restitution is applied wholly or partly in association with compensation.



Table 5.10: The Components of Reparations

In your opinion, a realizable return will include the following reparations?		Status			Country / Region					Total
		1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
Return, restoration of the entire property and financial compensation	Agree	96.3%	92.5%	65.5%	97.6%	88.6%	98.4%	99.4%	65.5%	94.6%
	Disagree	3.7%	7.5%	34.5%	2.4%	11.4%	1.6%	.6%	34.5%	5.4%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Return, and restoration of the entire property	Agree	92.3%	90.9%	63.4%	94.8%	89.9%	84.8%	99.5%	63.4%	90.8%
	Disagree	7.7%	9.1%	36.6%	5.2%	10.1%	15.2%	.5%	36.6%	9.2%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Return, partial restoration of property and financial compensation	Agree	49.8%	82.9%	89.4%	56.6%	42.4%	22.7%	87.4%	89.4%	53.8%
	Disagree	50.2%	17.1%	10.6%	43.4%	57.6%	77.3%	12.6%	10.6%	46.2%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Return, and compensation	Agree	62.0%	79.2%	57.2%	66.0%	53.5%	37.1%	96.6%	57.2%	62.9%
	Disagree	38.0%	20.8%	42.8%	34.0%	46.5%	62.9%	3.4%	42.8%	37.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Return only	Agree	50.9%	76.1%	24.2%	48.1%	53.4%	21.4%	88.3%	24.2%	51.3%
	Disagree	49.1%	23.9%	75.8%	51.9%	46.6%	78.6%	11.7%	75.8%	48.7%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

In this question, the results seem to be dominated by what the youth desire, rather than what might be realizable, and perhaps largely for this reason the full package of reparations received the most widespread support among respondents. The logical assumption at the outset had been that the minimum level of reparations (i.e. return only) would receive the most widespread support as the most feasible option, with recognition of feasibility decreasing as more elements are added to the reparations package. As this result has not turned out this way, it suggests desire of the respondents had a part to play in the responses. That said, such a result raises an important point, reflected throughout the questionnaire, that the issue of return must account for the Palestinian perspective of what is acceptable to them in order that a satisfactory and sustainable outcome is achieved, rather than adopting the starting point that dominates international discourse on return, namely pragmatism about what Israel will allow and accept.

There are a number of other observations to be drawn out from these particular results. Specifically, the 1948 IDPs have adopted the more pragmatic view of feasibility, indicating once again the impact of exposure to the magnitude of the changes on the ground, but also reflecting the fact that this group had the largest percentage of respondents whose ancestors did not own land or they did not know if their ancestors owned land. That said, they were the group least willing to accept return only (24.2 percent), indicating a recognition that return alone will not restore the dignity lost by displacement. These are results consistent with the results from 1948 IDPs who answered the online questionnaire, with this group also the least likely to accept return only as an option. Additionally, respondents from Lebanon had relatively consistent results across each of the options, indicating that they would be prepared to accept any package enabling them to return. This might be attributed to their belief on the one hand that integration into Lebanon is not possible (due to the specific political context in Lebanon), as well as the hard living conditions and the impact of prevailing Palestinian political discourse in Lebanon, which has always prioritized return, whether connected or not to other forms of reparations.



An important additional consideration in a question such as this, is understanding the relationship between what was lost (land ownership) and what is being sought in reparation. In that regard, the table below shows the connection between ancestors' land ownership and respondents' opinion on restitution and compensation, noting that 87.7 percent of respondents' ancestors owned land in 1948. It indicates that whether ancestors owned land or not does not significantly impact opinions regarding the issues of restitution and compensation. While it may be expected that descendants of landowners would seek full reparation for their losses, it is striking that 5.1 percent of those whose ancestors owned land did not agree that full restoration would be possible. Moreover, although significantly lower numbers of landowners accept anything less than full restoration of their property, still more than half (53.1 percent, 62 percent and 50.3 percent for partial restoration, compensation and return only options) believe something less than full restoration is realizable. It is also important that among those who did not know or did not own property, higher numbers nevertheless agreed with the need for the more expansive forms of reparations than just return and compensation, despite having nothing in it for them.

While this view reflects insistence on return in principle, it also underscores the dire need for a conception of a comprehensive, lasting and fair solution for the issue of refugees and IDPs, including their rights to return, restitution, and compensation. Additionally, it reveals willingness to sacrifice properties, either partially or wholly, or payable compensation, in order to realize return. However, these results do not reflect a concession or forfeiture of these rights free of charge. These results should be understood as demonstrative of a demand for guaranteed return, as well as reflecting a profound understanding of the meaning of justice more than 70 years after the *Nakba*. In this context, once again, it can be argued that return in Palestinian public political discourse is still opaquely defined. Return can only transform into an individual and collective struggle for liberation by conceptualizing return so as to draw a connection between rights, relevant impact on rights holders, and mechanisms of application.

Table 5.11: The Components of Reparations and Land Ownership

In your opinion, a realizable return will include the following reparations?		Did your ancestors own land prior to 1948 and displacement?			Total
		Yes	No	Don't know	
Return, restoration of the entire property and financial compensation	Agree	94.9%	96.9%	78.0%	94.6%
	Disagree	5.1%	3.1%	22.0%	5.4%
	Total	100.0%	100.0%	100.0%	100.0%
Return, and restoration of the entire property	Agree	91.5%	84.7%	75.1%	90.8%
	Disagree	8.5%	15.3%	24.9%	9.2%
	Total	100.0%	100.0%	100.0%	100.0%
Return, partial restoration of property and financial compensation	Agree	53.1%	69.4%	54.4%	53.8%
	Disagree	46.9%	30.6%	45.6%	46.2%
	Total	100.0%	100.0%	100.0%	100.0%
Return, and compensation	Agree	62.0%	81.5%	65.4%	62.9%
	Disagree	38.0%	18.5%	34.6%	37.1%
	Total	100.0%	100.0%	100.0%	100.0%
Return only	Agree	50.3%	67.3%	61.9%	51.3%
	Disagree	49.7%	32.7%	38.1%	48.7%
	Total	100.0%	100.0%	100.0%	100.0%



Q7: In your opinion, how will the realizable return happen?

This question seeks to identify respondents' perception of the influx of returnees, connected with a particular time period.

Table 5.12: Timeframe for Return

In your opinion, how will the realizable return happen?	Status			Country / Region				Total	
	1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon		1948 IDP
Return open to all refugees and displaced persons all at the same time	63.3%	46.0%	0.0%	61.8%	70.3%	48.6%	68.2%	0.0%	59.2%
Incrementally, over a certain period of time (e.g. 5-15 years maximum)	27.8%	19.3%	84.5%	23.8%	18.9%	46.4%	19.0%	84.5%	29.9%
Gradual return, managed according to the socio-economic situation (the poor and the marginalized first)	8.7%	34.7%	14.1%	14.4%	10.2%	4.8%	12.8%	14.1%	10.7%
Other	0.2%	0.0%	1.4%	0.0%	0.6%	0.2%	0.0%	1.4%	.3%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The results show 59.2 percent of the youth sample group envisaged that a feasible return would involve the simultaneous influx of all refugees. Though this view may reflect an unrealistic conception that is closer to a seemingly impossible dream, it can be explained against the following background:

- Refugees and IDPs are frustrated by constant international promises and pending implementation of repeatedly postponed plans and resolutions. Consequently, Palestinian refugees and IDPs do not trust solutions that require prolonged implementation, as there is a greater opportunity to circumvent any agreement.
- Refugees and IDPs are dissatisfied with the Oslo peace process. Their situation and rights have been marginalized, neglected and dealt with as a matter that can either be postponed indefinitely or as one that is unsolvable.
- Palestinian discourse offers a generalized discussion of return that focuses on the right itself and the need to claim it, it rarely if ever evolves into a discourse grounded in practicalities.

While 63.3 percent of 1948 Palestinian refugees and 46.0 percent of 1967 Palestinian refugees elected for a simultaneous influx of returning refugees, not one 1948 IDP youth was of the view that such an influx would be feasible. In fact, for this group, the overwhelming majority (84.5 percent) opted for a phased return over a maximum period of 15 years. One factor playing into this contrast is that 1948 IDPs have developed a clearer conception of the role and responsibilities of the state, more so than Palestinians in exile. Although Israel's flagrant discrimination also affects 1948 refugees, 1948 IDPs live in a state that, to an extent, gives them the status of citizenship. Hence, these IDPs are more aware of the state's role and responsibility in providing services and ensuring fundamental rights. On the other end, Palestinians in exile, and to a lesser extent the oPt, have been deprived of "a state of their own" to protect their rights and deliver on services, instead they are largely dependent on the PLO, international agencies, or intermediate bodies to manage



their relations with relevant states. Hence, it is more difficult for these Palestinians to accept and envisage the volume of practical responsibilities associated with housing, guarantee of an adequate standard of living, health care, work, development, and the like, as matters that would ordinarily be the responsibility of the state to manage. This assessment is further reinforced by the online questionnaire result in which significantly higher numbers of people based in Western countries (32.1 percent) opted for this more managed approach linked to socio-economic situation, which reflects their experience of a state that is expected to provide socio-economic supports to its people.

Perhaps somewhat surprisingly, just 10.7 percent of youth respondents accepted the position that any return should be managed in such a way as to account for the economic situation and marginalization of those seeking return. Though this may suggest that this factor is not a decisive factor to determining the flow of returnees and the duration of return, when asked to specifically consider prioritization in Q8, the economic situation and marginalization were clearly ordering factors. This demonstrates that Palestinian refugees and IDPs do believe their economic, living and social problems can be resolved by means of return. This is reinforced by the finding in Q1 that poor socio-economic conditions are not a factor sustaining the belief in return. Put differently, the conclusion here is that improving livelihoods and fulfilling needs is not a substitute to return. For this group, return is the optimal solution for addressing and realizing all their human rights, not the other way around.

Overall, based on the answers given by this sample group, the most influential factor in determining the return process appears to be the sense of disconnection and distance from Palestine. Consequently, the priority is to end the dislocation, and the indignity that comes with that, as soon as possible. This is because refugees believe their human dignity cannot be restored without return first. In other words, the desire to restore human dignity and exercise citizenship is driving the youth to favor return all at once. This is likely due to a sense among refugees that return to the homeland should be the point of focus for the time being given the failure of the international community, the peace process and the lack of practical approaches to return. No matter how bad conditions might be on return, other human rights and standards of living in the post-return phase will not be worse than they have already experienced due to their displacement.

Regardless, when youth were asked to prioritize which forcibly displaced groups would return first, they did so in a very logical and realistic manner as evidenced by the responses in Q8. The overwhelming desire to restore dignity - for all refugees - combined with the distrust of the international community, could reasonably be assumed to drive the response favoring a return of all refugees all at once.

Q8: In your opinion, who ought to be prioritized in any return process?⁸¹⁶

This question seeks to encourage respondents to consider options for a managed return and identify which refugee groups, based on current place of residence, might be prioritized in the realized return. Overall, and by three of five targeted groups, refugees based in Lebanon were given top priority for return, a recognition of their particularly dire socio-economic reality that is well-known and acknowledged. This was followed by those from the Gaza Strip, again a recognition of the particularly harsh conditions under which refugees in Gaza are forced to survive after 12 years of blockade. The results suggest a broad understanding of the refugee and IDP situation,

⁸¹⁶ Question not asked in the online questionnaire.



drawing a connection between humanitarian suffering and need for an end to displacement from their homeland.

Table 5.13: Prioritization of Return

Rank	Overall Ranking	Country/Region				
		Gaza Strip	West Bank	Jordan	Lebanon	1948 IDPs
1	Lebanon	Gaza Strip	Lebanon	Lebanon	Lebanon	Multiple displacement
2	Gaza Strip	Multiple displacement	Gaza Strip	Gaza Strip	Arab countries	Lebanon
3	Arab countries	Lebanon	Arab countries	Arab countries	Gaza Strip	Gaza Strip
4	Multiple displacement	West Bank	West Bank	West Bank	1948 IDPs	1948 IDPs
5	West Bank	Western countries	1948 IDPs	1948 IDPs	Western countries	Arab countries
6	1948 IDPs	1948 IDPs	Western countries	Western countries	West Bank	West Bank
7	Western countries	Arab countries	Multiple displacement	Multiple displacement	Multiple displacement	Western countries

Perhaps interesting is that the category of persons having suffered multiple displacements due to conflict, e.g. Syria, Libya or Iraq, which may objectively have been anticipated to rank higher than fourth overall. To this point, some field researchers observed that some respondents saw little, if any, difference between the return of Palestinians in Arab countries generally and those affected by forcible displacement from conflicts in Arab countries. In reality, political instability, poverty and marginalization in Arab states have long caused displacement of Palestinians. It seems that this situation has reflected in prioritizing the return of refugees from Arab states generally over distinguishing those who have been secondarily displaced by conflict, and those refugees in the West Bank. The exception to this result being those refugees from Gaza who placed “multiple displacement” as second in priority and placed Arab countries last. This is a clear reflection of their specific lived experience of the very particular devastation that war can inflict, whereas those youth in the West Bank, Jordan and Lebanon have not lived through war. As well, it reflects a sense that countries such as Libya, Iraq and Syria, where the suffering has been worse, would be captured by multiple displacement.

Finally, the prioritization of 1948 IDPs, who came in sixth, over Palestinian refugees in foreign states, who ranked last, reflects a belief among most respondents that these refugees likely hold citizenship in these Western states and are therefore overall better off than their counterparts elsewhere. Hence, their return can be delayed until the situation of other refugee groups is settled.

Overall, refugee youth in the West Bank and Jordan have ordered their priorities in accordance with their perceptions of the level of suffering of the respective groups. Lebanon, on the other hand, appears to have prioritized according to those in exile first and political considerations second. We see this in the placing of West Bank refugees lower than those in Western countries, which may be reflecting a sense among Palestinians in Lebanon of abandonment by the PLO and that Palestinians in the West Bank have benefitted from the Oslo Accords, unlike other refugee groups. To a lesser extent, this also reflects in the result from the 1948 IDPs.



5.5. THE POLITICS OF RETURN

Q9: In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?⁸¹⁷

While Palestinian refugees and IDPs remain steadfast in their insistence on their right to return to their homes of origin, the question nevertheless presents itself as to why no movement has emerged seeking to practice return in more than 70 years since the *Nakba*. In seeking responses to this question, it was clarified with youth that the return movement to which this question refers is a popular initiative, through which rights holders unrelentingly and continuously seek to impose their return without waiting for an international agreement or permission from Israel. In other words, the existence of a movement or mass struggle to enforce, not only claim entitlement to, return. Further, it was explained to the youth that the implication of the question was not designed to disrespect previous and emerging individual and collective attempts to return that have been tried or do exist. However, this question seeks to draw out understandings among the youth that are vitally important in order to allow for productive discussions and efforts to develop working mechanisms for realizing return.

Table 5.14: Reasons for the absence of a popular return movement

In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?	Priority											
	Gaza Strip		West Bank		Jordan		Lebanon		1948 Refugees		Overall	
	Weight	Rank	Weight	Rank	Weight	Rank	Weight	Rank	Weight	Rank	Weight	Rank
Palestinian fear of Israeli repression during the attempted return (murder, injury, or imprisonment, etc.) (including lessons learned from past attempts at return)	31.3	1	34.8	2	65.8	1	20.7	3	55.6	1	39.2	1
Lack of any national vision from political parties to achieve return	24.4	2	44.6	1	14.9	2	24.3	1	17.0	2	26.4	2
The existence of barriers and boundaries (including the wall)	20.8	3	11.9	3	11.7	3	10.3	5	13.1	3	13.6	3
Lack of collective engagement from Palestinian refugees for any promising return initiatives	7.4	5	3.0	4	3.8	4	23.6	2	2.1	5	9.1	4
Lack of willingness to live under Israeli rule	5.5	6	3.0	4	3.8	4	15.3	4	1.7	6	6.7	5
Failure to ensure the status quo after return	10.0	4	2.6	6	0.0	6	5.8	6	10.5	4	4.8	6
Other (specify)	0.6	7	0.0	7	0.0	6	0.0	7	0.0	7	0.1	7
	100		100		100		100		100		100	

Overall, the results were logical and coherent. When asked to identify the three most significant reasons to explain the lack of a collective return movement, the most frequently identified reasons

⁸¹⁷ Question not asked in the online questionnaire.



were first, Palestinians' fear of Israeli persecution during an attempted return; second, the lack of a national vision set by political parties to bring return into reality; and third, the deployment of checkpoints and borders, including the Wall.

Indeed it was an unsurprising result that the number one factor arose from Palestinian fear of Israel. The repression by Israel, through its illegal policies, is specifically designed to not only obstruct return, but cause traumatization and re-traumatization in Palestinians and to maintain tight control and domination. In so doing, Israel deliberately creates in Palestinians a psychological condition that paralyzes action, prohibits rights holders from exercising those rights, and entrenches Palestinian submission and helplessness.

However, this factor is inextricably linked to the second factor, namely, the lack of an effective national vision or program from political parties in order to realize return. Rather than driving a national strategy to implement return, Palestinian political forces have only ever conceived of return as an outcome of liberation, or that some form of return may occur after negotiations, rather than return being conceived and utilized as the means to achieve liberation. While they organize symbolic events that claim the right of return, such as annual *Nakba* commemorations, political forces have not worked towards supporting or encouraging practical approaches to return through organized and consistent popular action in such a way as to address the individual and/or collective fear generated by Israel. Instead, Palestinian leadership illogically has encouraged people to take the risk to fight, but not the risk to return, which compounds the first factor – the fear – rendering return as an unknown intangible dream, and the unknown generates fear. In such a context, the Great March of the Return protests, launched in March 2018 in Gaza, are a clear departure from the status quo and reflect a distinctive act of struggle. This is so even though the objective ultimately shifted to one that prioritized the demand for lifting the siege on the Gaza Strip and subjugated the demand to return to some later date.

For so long as Israel wholly rejects attempts at Palestinian return, such individual and collective attempts at return are unlikely to succeed due to anticipated Israeli persecution and absence of an ongoing effort to sustain the return (assuming a successful breakthrough at the border). Yet the pursuit of attempts and breakthroughs, even if short-lived, are likely to achieve some tangible success, at least in the form of ensuring and sustaining the visibility of the rights of Palestinian refugees and IDPs at the international level, and in the consciousness of the Palestinian people. Overcoming the fear barrier is a key component to developing a real program of liberation. In that regard, it is, first and foremost, a responsibility of political leadership.

Q10: In your opinion, what are the reasons for the Israeli refusal to allow return of refugees and IDPs?⁸¹⁸

Recent campaigns by Zionist agencies and organizations, as well as the Israeli government and political parties, frame the issue of enabling Palestinian refugees and IDPs to exercise their right of return through the lens of terrorism, and specifically that Palestinian return constitutes an act of terrorism against Israel and the Jewish people. In so doing, this narrative seeks to disrupt the call for Israel to allow realization of this right by invoking appeals for international compassion towards the history and ongoing plight of Jewish people. But, more than this, it seeks to instill from childhood

⁸¹⁸ Question not asked in the online questionnaire.



an existential fear in Israeli-Jews through a distorted image of Palestinians as savage terrorists who seek a new Holocaust, that in turn generates an Israeli public opinion that vehemently refuses return.

In this context, this question sought to understand the extent of awareness among Palestinian youth about Zionist and Israeli allegations about Palestinians. Without awareness, campaigns and strategies cannot be developed to repudiate Zionist allegations, defend and promote Palestinian rights, nor penetrate international society, whose perceptions are dominated by the Zionist ideology.

The options presented to the youth below are well-known Zionist-Israeli points deployed to justify denial of any realization of return. Before being asked to respond, it was explained to youth that these reasons were being presented by local and international Zionist and Israeli organizations and theorists from across the spectrum – political, religious, academic and media – as facts or real concerns.

Table 5.15: Israel’s Objections to Return

In your opinion, what are the reasons for the Israeli refusal to allow return of refugees and IDPs?		Status			Country / Region				Total	
		1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon		1948 IDP
The belief of Israeli Jews that Palestine is the land of Jews exclusively	Agree	93.0%	99.5%	96.7%	87.2%	92.2%	97.6%	96.6%	96.7%	93.6%
	Disagree	7.0%	.5%	3.3%	12.8%	7.8%	2.4%	3.4%	3.3%	6.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
The racist culture of Israeli Jews	Agree	95.5%	93.2%	100%	92.3%	92.8%	97.6%	98.5%	100%	95.6%
	Disagree	4.5%	6.8%	0.0%	7.7%	7.2%	2.4%	1.5%	0.0%	4.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fear of Israeli Jews that Palestinians will commit massacres against them	Agree	82.2%	91.9%	53.8%	75.3%	75.8%	86.8%	93.4%	53.8%	81.6%
	Disagree	17.8%	8.1%	46.2%	24.7%	24.2%	13.2%	6.6%	46.2%	18.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fear of Israeli Jews becoming a persecuted minority in Palestine	Agree	81.6%	91.1%	78.5%	86.8%	83.0%	68.8%	90.9%	78.5%	82.1%
	Disagree	18.4%	8.9%	21.5%	13.2%	17.0%	31.2%	9.1%	21.5%	17.9%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fear of expulsion of Jews to the countries from where they originally came (and back to a repressed minority)	Agree	78.0%	90.4%	69.1%	88.5%	84.2%	51.8%	92.0%	69.1%	78.4%
	Disagree	22.0%	9.6%	30.9%	11.5%	15.8%	48.2%	8.0%	30.9%	21.6%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fear of Israeli Jews losing individual and collective privileges gained at the expense of Palestinians	Agree	72.4%	89.4%	43.7%	79.7%	74.3%	46.9%	94.1%	43.7%	72.1%
	Disagree	27.6%	10.6%	56.3%	20.3%	25.7%	53.1%	5.9%	56.3%	27.9%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Fear of Israeli Jews losing Western support for Israel if it becomes a state integrated into the environment of the region (i.e. non-Western)	Agree	67.6%	95.3%	23.9%	75.0%	68.7%	43.3%	92.0%	23.9%	67.4%
	Disagree	32.4%	4.7%	76.1%	25.0%	31.3%	56.7%	8.0%	76.1%	32.6%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

It was also clarified that these reasons, as shown in the table, are not exhaustive, but rather the mainstream points among Israelis and are used by Zionists to indoctrinate and bring the Jews up



along Zionist lines. They are also used as a scarecrow to revive multiple concerns whenever the debate on the right of return takes place in order to mobilize the Israeli society and refuse return. Against this backdrop, it was made clear to respondents that answers to this question do not mean an approval of the cited reasons. For Palestinians, these are a variety of generally unjustified allegations or concerns.

Overall, the results suggest a high level of awareness among all youth respondents as to each of the narratives being asserted by the Zionist-Israeli agenda, with respect to return. The leading response identified as denying their right of return was the racism of Israeli culture, at 95.6 percent. Even more significant was that 100 percent of 1948 IDPs residing in what is today Israel, with Israeli citizenship and directly subjected to Israeli culture, agreed with this reason. In fact, in the case of 1948 IDPs, their return to their original homes and lands does nothing to affect the demographics of the 'Jewish state', and yet they are nonetheless denied the right of return. This is further compounded by the second most widely accepted reason, i.e. the belief of Israeli Jews that Palestine is the land of Jews exclusively, which is itself a rationale grounded in racial superiority. In other words, Palestinian refugee youth widely understand and experience the Israeli refusal of return as institutionalized racism, systematically conditioned throughout Israeli society. Such levels of understood racism by the targeted group, in this case Palestinians, is a strong indicator of the degree of entrenched racism within Israeli society. It is also indicative of the sheer nature and size of the task at hand to overcome and disrupt the influence of Zionist and Israeli anti-Palestinian messaging in order to begin to realize the right of return.

Q11: In your opinion, the best and most equitable political solution to achieve return will be?

This question addresses the most appropriate political framework in which return will be feasible. It is not a referendum on the one- or two- state solution, especially as the respondents represent one particular segment of the Palestinian population. Rather it is about the realization of return within particular conceived political solutions.

Detailed analysis of the face-to-face questionnaire results

The clearest conclusion to be drawn from the results is that any solution must have as its foundation capacity for return to original homes. Eighty-six percent⁸¹⁹ of youth respondents selected a political solution that included scope for 1948 refugees and IDPs to return to their original homes. This increased to more than 95 percent in the online questionnaire results with comprehensive rejection of a two-state solution without return to 1948 Palestine. Moreover, of those who selected the first option, which allowed only for return to a Palestinian state within 1967 borders, the higher percentage were 1967 refugees, whose return would be guaranteed in such a scenario, as they were originally displaced from this territory.

Breaking this result down further, it can be understood that return is also preferable in the context of a political solution that grants statehood to that 1967 territory. Far higher percentages of 1967 refugees and 1948 IDPs, 66.8 and 72.0 percent respectively, chose a political solution in the context of a Palestinian state on or within 1967 borders, than did 1948 refugees.

⁸¹⁹ When the first option (establishment of and return to state within 1967 borders) is excluded, we get the 86%, which ensures return to home of origins in different political scenarios.



Table 5.16: Best and Most Equitable Political Solution, face-to-face questionnaire results

In your opinion, the best and most equitable political solution to achieve return will be?	Status			Country / Region					Total
	1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
Establishment of a Palestinian state on the 1967 borders and the return of refugees who wish to settle in the 1967 Palestinian state	13.2	26.3	11.5	16.6	14.1	0.9	25.4	11.5	14.0
Establishment of a Palestinian state on the 1967 borders and the return of the 1948 refugees to their original homes	45.5	66.8	72.0	60.5	70.6	13.6	45.1	72.0	48.2
Establishment of a single democratic Palestinian state in all historic Palestine where Israeli Jews (current colonizers) are Palestinian citizens with equal rights	36.0	3.9	12.0	11.0	8.6	85.4	27.6	12.0	32.7
Establishment of a single democratic Israeli state in all historic Palestine where Palestinians (and returnees) are Israeli citizens with equal rights	0.9	0.0	0.0	3.1	0.3	0.0	0.0	0.0	0.8
Establishment of a single democratic state (without defining the identity of the state) in all historical Palestine where Israelis and Palestinians are citizens of equal rights	1.3	2.2	4.5	1.5	3.8	0.0	0.4	4.5	1.5
Other	3.0	0.8	0.0	7.3	2.7	0.1	1.6	0.0	2.8
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

In such a scenario, 1967 refugees would return to land subject to Palestinian statehood, while 1948 IDPs would continue in their current condition under Israeli statehood, a status to which the results suggest they have become accustomed, to a degree. In other words, for 1948 IDPs, their bottom line is return, and not the political framework. In contrast, less than half (45.5 percent) of 1948 refugees chose this political option. This is likely because such a scenario either requires return to land under Israeli statehood, and therefore disconnection from identity and community; or, a lesser form of return, one in which they may have access to their land, but instead elect to remain under Palestinian statehood.

Nevertheless, the high level of support for return within the context of a political solution for a Palestinian state on or within 1967 borders (48.2 percent of respondents to this question), reflects both the realism of Palestinian refugee youth, with a two-state solution appearing as a more realistic option to grant Palestinian statehood. It also reflects the systematic promotion of the two-state solution, including return of refugees under the UNGA Resolution 194, in the mainstream political discourse. This sentiment is particularly startling among West Bank youth, wherein 70.6 percent of respondents from the West Bank, opted for return to original homes in 1948 Palestine, with a Palestinian state on 1967 borders. This is likely the result of both the belief that return

represents a real opportunity to restore dignity and to have a solid foundation from which to rebuild their futures, but also a pragmatic acceptance that the dominant international position is supportive of a two-state solution. In other words, their desire for return supersedes their interest in national statehood; as long as return to their homes is guaranteed, a state within 1967 borders is acceptable.

One Palestinian state in all of Mandatory Palestine was the second most accepted political framework, with 32.7 percent of the sample. Unsurprisingly, 1948 refugees preferred this option, reflecting the fact that this option realizes their right of return, and does so in a manner most likely to be sustainable as it ensures them dignity and Palestinian identity. The importance of the Palestinian nature of the state is underscored by the wholesale rejection of a solution involving a democratic but Israeli state with equal citizenship (just 7 respondents, 6 from Gaza and 1 from the West Bank), and even a democratic state without particular identity (just 12 respondents). Strikingly, Palestinian refugees in Jordan were most in favor of the option for one democratic Palestinian state (85.4 percent). This perhaps reflects their experience in Jordan, where although they appear to have all objective measures of equality with the Jordanian citizens, they are nonetheless subjected to systemic, but implicit discrimination because they are Palestinian. This kind of discrimination can be more injurious as it goes to the core of a person's identity, but as an experience is less acknowledged than the situations of other refugee groups. As such, this may be driving a desire for a state with a Palestinian identity, more so than other groups who are subjected to more obvious and direct forms of discrimination for which they seek and prioritize the remedy of return itself.

A small number (2.8 percent) suggested options other than those listed in the table, mainly suggesting an Islamic or socialist Palestinian state, or one with no Israeli presence at all. While this view reflects insistence on the national, religious or ideological identity of the state, it also represents a belief that a lasting and fair solution that guarantees the right of return is not realized by a state on the 1967 border, even if return to the 1948 territory is ensured. Put differently, this sample group is of the opinion that the one state, which must be Palestinian but may be Islamic or socialist, is the most suitable political framework.



The Israeli colony of Maale Adumim, in the occupied West Bank. 15 February 2017. (©BADIL)



Detailed analysis of the online questionnaire results:

Table 5.17: Best and Most Equitable Political Solution, online questionnaire results

In your opinion, the best and most equitable political solution to achieve return will be?	Status				Country / Region			Total
	1948 Refugee	1967 Refugee	1948 IDP	Other	Palestine	Arab countries	Western countries	
Establishment of a Palestinian state on the 1967 borders and the return of refugees who wish to settle in the 1967 Palestinian state	4.6	11.9	13.5	8.9	7.6	7.1	6.2	7.1
Establishment of a Palestinian state on the 1967 borders and the return of the 1948 refugees to their original homes	29.5	32.2	10.8	10.7	29.1	30	9.9	25.4
Establishment of a single democratic Palestinian state in all historic Palestine where Israeli Jews (current colonizers) are Palestinian citizens with equal rights	34.4	28.8	45.9	30.4	33.1	33.6	37	34.1
Establishment of a single democratic Israeli state in all historic Palestine where Palestinians (and returnees) are Israeli citizens with equal rights	0.8	1.7	2.7	10.7	0.6	3.6	4.9	2.5
Establishment of a single democratic state (without defining the identity of the state) in all historical Palestine where Israelis and Palestinians are citizens of equal rights	12.9	13.6	21.6	28.6	14.5	9.3	30.9	16
Other	17.8	11.9	5.4	10.7	15.1	16.4	11.1	14.8
Total	100%	100%	100%	100%	100%	100%	100%	100%

The online results, however, tell a different story. Among these results, support for a one-state solution was far greater, at 53 percent. These online respondents, given they have accessed this questionnaire through their online spaces, are more likely to be informed and engaging in political discourse on Palestine, which is a discourse that increasingly rejects the plausibility or even the sustainability of a two-state reality as a solution to the underlying conflict between Zionism and Palestinians. Hence, these results suggest an increasing uptake of this position among Palestinian themselves, albeit a significant number remain cognizant of the reality of a solution which has Israeli-Jews living alongside Palestinians.

Among those who did prefer a one-state solution, the results are also interesting. While the rate of support for a Palestinian state specifically was consistent with the youth questionnaire results (34.1 percent) and was the most preferred option by these respondents, there was far greater support for a non-identified single democratic state (16 percent). This reflects first the inclusion of persons in Western countries, with 30.9 percent choosing this option. Given that many of these respondents were born in these countries, they have not had the same level of exposure to nationalist rhetoric, which, until recently, was not a dominant political discourse. Hence, they are likely to be more pragmatic in their conceptualization of the envisaged state. However, it also reflects the political awareness of those responding from Arab states or Mandatory Palestine. Although these respondents are slightly more equivocal in their answers, with 37 percent supporting a two-state solution, principally one allowing



return of all refugees, including those from 1948 Palestine. The one Palestinian state solution had the highest levels of support overall (33-34 percent), while far more among the surveyed youth suggested a non-identified democratic state as the best solution (9.3 percent from Arab countries, and 14.5 percent from Mandatory Palestine). These results suggest the importance of political awareness and discourse, in order to generate support for realistic and sustainable outcomes.

5.6. THE PRACTICALITIES AFTER RETURN

The following questions (Q12-Q18) ask the youth respondents to contemplate and assess the logistical practicalities that will be present following the enactment of the return. For many, these will be issues to which they have never given much thought, as return is an issue conceived of in aspirational and lofty terms rather than concrete practicalities. Indeed, our field researchers from different areas did observe that in the case of these questions specifically – on the problems for the state, distribution of land, property and dealing with the former colonizers – many respondents found them difficult to answer. Either because the respondents felt these questions were premature to ask given return has not been realized, or they raised issues to which they had not previously turned their mind. Others still, were not interested in the details; these are secondary issues to be dealt with later once return has been realized. In this regard, these questions achieved their objective of stimulating the sample group to think of return and subsequent practicalities. In so doing, these provocations help to re-conceptualize and revive the right of return as a liberation project that can be accomplished. Despite this, when the respondents were asked to consider a post-return scenario, their responses (as evidenced below), replete with the recognition of the severe injustices experienced, were practical and considerate of human rights and social justice principles.

Q12(a): What are the most important problems that will face the state and Palestinians when the return is achieved?⁸²⁰

This question looks into respondents' awareness of the problems or obstacles to be faced by the state, following the exercise of return. Although they are not exhaustive, BADIL is of the view that these problems or obstacles reflect the most prominent issues, which the state will have to resolve, as others have experienced in the past.⁸²¹ Return is a process that will involve substantial obstacles and issues, which need to be meditated and planned for in the context of the return-oriented liberation project.

Table 5.18: Most Important Issues in a Post-Return Scenario

What are the most important problems that will face the state and Palestinians when the return is achieved?		Status			Country / Region					Total
		1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP	
Receiving returnees and rehabilitating them economically and socially.	Important	86.2%	94.2%	79.4%	95.4%	85.6%	68.5%	98.4%	79.4%	86.4%
	Not Important	13.5%	5.8%	20.6%	4.6%	13.9%	31.5%	1.2%	20.6%	13.3%
	Don't know	.2%	.0%	.0%	.0%	.6%	.0%	.3%	.0%	.2%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

⁸²⁰ Question not asked in the online questionnaire.

⁸²¹ See for example the situations in South Africa, Cyprus, Bosnia and Herzegovina, Serbia and Kosovo.



Establishing proof of original ownership of land.	Important	92.5%	94.2%	92.2%	94.5%	88.2%	96.0%	91.6%	92.2%	92.6%
	Not Important	7.4%	5.8%	7.8%	5.5%	11.5%	4.0%	8.3%	7.8%	7.3%
	Don't know	.1%	.0%	.0%	.0%	.3%	.0%	.1%	.0%	.1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Dealing with changes in private property.	Important	85.0%	93.1%	98.5%	84.6%	77.3%	85.0%	95.2%	98.5%	86.1%
	Not Important	14.5%	4.6%	1.5%	15.4%	21.4%	14.9%	3.6%	1.5%	13.2%
	Don't know	.6%	2.3%	.0%	.0%	1.4%	.1%	1.2%	.0%	.6%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Addressing inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	Important	85.0%	94.9%	88.9%	87.5%	78.2%	95.3%	81.5%	88.9%	85.9%
	Not Important	14.1%	4.7%	11.1%	12.2%	21.1%	4.6%	16.3%	11.1%	13.3%
	Don't know	.9%	.4%	.0%	.3%	.7%	.1%	2.2%	.0%	.8%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Evacuating former colonizers from refugee properties, and re-housing them in new homes established by the State.	Important	59.4%	46.7%	87.3%	74.7%	85.3%	24.0%	52.0%	87.3%	59.9%
	Not Important	40.2%	53.3%	12.7%	25.3%	14.0%	75.8%	47.3%	12.7%	39.8%
	Don't know	.4%	.0%	.0%	.0%	.7%	.1%	.7%	.0%	.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Compensating people for property that cannot be returned (i.e. destroyed, lost or now public facilities).	Important	86.4%	92.0%	80.0%	92.7%	75.9%	84.1%	94.5%	80.0%	86.5%
	Not Important	13.1%	8.0%	20.0%	7.3%	23.6%	15.9%	4.1%	20.0%	13.1%
	Don't know	.5%	.0%	.0%	.0%	.5%	.0%	1.4%	.0%	.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Achieving social stability in light of cultural, religious and social diversity.	Important	89.0%	86.3%	73.3%	91.7%	81.2%	83.0%	99.3%	73.3%	88.1%
	Not Important	10.9%	13.7%	26.7%	8.3%	18.8%	17.0%	.3%	26.7%	11.8%
	Don't know	.1%	.0%	.0%	.0%	.0%	.0%	.4%	.0%	.1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Preventing religious or ethnic conflicts.	Important	81.4%	87.2%	82.7%	81.4%	72.0%	76.0%	97.8%	82.7%	81.9%
	Not Important	18.1%	12.4%	17.3%	18.6%	27.7%	23.8%	.8%	17.3%	17.7%
	Don't know	.4%	.4%	.0%	.0%	.3%	.1%	1.4%	.0%	.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Achieving community reconciliation.	Important	88.0%	80.4%	83.3%	91.3%	73.9%	85.1%	99.4%	83.3%	87.3%
	Not Important	11.9%	19.2%	16.7%	8.7%	26.1%	14.9%	.0%	16.7%	12.6%
	Don't know	.1%	.4%	.0%	.0%	.0%	.0%	.6%	.0%	.1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Achieving social justice and human rights, particularly for vulnerable groups.	Important	89.1%	100.0%	79.2%	94.8%	94.7%	70.7%	99.8%	79.2%	89.3%
	Not Important	10.9%	.0%	20.8%	5.2%	5.3%	29.3%	.1%	20.8%	10.7%
	Don't know	.0%	.0%	.0%	.0%	.0%	.0%	.1%	.0%	.0%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Building state institutions that are effective, just and equitable.	Important	89.3%	92.7%	77.4%	92.7%	89.6%	76.3%	100%	77.4%	89.0%
	Not Important	10.7%	7.3%	22.6%	7.3%	10.3%	23.7%	.0%	22.6%	11.0%
	Don't know	.0%	.0%	.0%	.0%	.1%	.0%	.0%	.0%	.0%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Ensuring reparations for the victims; and accountability for perpetrators of crimes and violations.	Important	90.1%	99.5%	75.2%	97.2%	88.0%	85.5%	92.5%	75.2%	90.1%
	Not Important	8.5%	.5%	24.8%	2.8%	12.0%	14.5%	2.3%	24.8%	8.7%
	Don't know	1.4%	.0%	.0%	.0%	.0%	.0%	5.2%	.0%	1.2%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%



There was widespread recognition of the importance of all issues once return is achieved, with an excess of 85 percent of respondents agreeing with the importance for all but two of issues put forward. It suggests the respondent group are aware that return to the original homes will be neither automatic or nor straightforward. Further, it is a recognition that the physical return of Palestinian refugees and IDPs is not enough; it needs to be complemented by policies, programs and initiatives that render return sustainable. In other words, return must address the discrimination and socio-economic inequalities that they have faced as a result of their displacement that would create a situation that restores their dignity, rights and needs. Of the two issues of less importance, the process of evicting and providing new housing to former colonizers, who currently reside in refugees' properties, registered the lowest rating by a considerable degree (59.9 percent). This reflects a prioritization among Palestinian youth for safeguarding their rights, rather than first seeking solutions for the colonizers, a fact which is further born out in the responses to the subsequent issues around land and property redistribution (see Q16-18).

Moreover, there were a number of trends that stood out with respect to particular groups. Among 1948 IDPs, issues associated with land and property restitution (proof of ownership, inheritance disputes, changes in property, colonizer evacuation and compensation) received noticeably more widespread agreement as to their importance (87.3 – 98.5 percent). As such, it reflects the notion that for 1948 IDPs, return is about restoration of their properties, but at the same time their significant exposure to the changes on the ground also makes it difficult to imagine how changing ownership would happen, recognizing this as a particularly difficult issue for any future state. Conversely, for refugees in the West Bank, property restoration issues drew noticeably lower levels of agreement and, certainly as compared with all other groups of refugees (and 1948 IDPs). Far fewer refugees in the West Bank agreed with the importance of these issues. Instead state building, social justice and socio-economic rehabilitation were greater priorities for those in the West Bank. This suggests that for West Bank youth, the building of a welfare state is the most important issue, but one understood to be challenging to their own experience of the PA and *de facto* government in the Gaza Strip. Meanwhile, refugees from Lebanon recorded exceptionally high rates of agreement with each and every one of these issues for the state, with just two issues recording less than 90 percent agreement. This reflects the reality of the situation in which Lebanon-based Palestinian refugees have found themselves and the total incapacity and/or unwillingness of the state to do much at all.

While the youth initially proffered some reluctance to answering this question, the majority, with significant fervor, recognized that their welfare (the sustainability of return) is contingent upon the capacity and will of the state to establish socio-economic equality.

Q12(b): In your opinion, what are the three most important problems of the list above?⁸²²

This sub-question then required respondents to list their top three priorities, in order to further reflect and understand their level of awareness and their priorities. The three most significant issues were identified as:

- Establishing proof of original ownership of land (33.0 percent);
- Receiving returnees and rehabilitating them economically and socially (25.9 percent); and
- Ensuring reparations for the victims; and accountability for perpetrators of crimes and violations (23.1 percent).

⁸²² Question not asked in the online questionnaire.



Table 5.19: The Three most Important Issues in a Post-Return Scenario

What are the most three important problems that will face the Palestinians when the return is achieved?	Priority					
	First	Second	Third	Percentage	Weighting	Ranking
Receiving returnees and rehabilitating them economically and socially.	19.1	6.7	6.9	12.9	25.9	2
Establishing proof of original ownership of land.	23.7	11.0	5.7	16.5	33.0	1
Dealing with changes in private property.	6.7	7.2	5.6	6.7	13.4	8
Addressing inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	9.0	13.4	11.1	10.8	21.6	4
Evacuating former colonizers from refugee properties, and re-housing them in new homes established by the State.	4.3	8.4	6.4	6.0	12.0	9
Compensating people for property that cannot be returned (i.e. destroyed, lost or now public facilities).	5.1	11.0	8.1	7.6	15.1	5
Achieving social stability in light of cultural, religious and social diversity.	4.4	10.3	9.0	7.1	14.3	6
Preventing religious or ethnic conflicts.	2.7	5.4	7.0	4.3	8.7	11
Achieving community reconciliation.	2.3	4.5	9.4	4.2	8.5	12
Achieving social justice and human rights, particularly for vulnerable groups.	5.6	9.1	7.0	7.0	14.0	7
Building state institutions that are effective, just and equitable.	3.0	6.3	9.8	5.2	10.5	10
Ensuring reparations for the victims; and accountability for perpetrators of crimes and violations.	14.1	6.5	14.1	11.6	23.1	3
Total	100%	100%	100%	100%	100%	

This prioritization does not mean that other issues are insignificant. On the contrary, agreement to some options by the sample group was barely perceptible. In view of the ratings in the table below, respondents' options ranged from important to very important, as presented in the following descending order:

- 1. Establishing proof of original ownership of land:** Across all demographics and locations, this issue registered as being of particular concern and variations were negligible. With perhaps the exception of the West Bank, across all three property-restoration focused questions (2nd, 3rd and 4th listed issues) registered consistently lower levels of agreement as to importance. For West Bank refugees, the lower results likely reflect their experience of the PA and *de facto* government in the Gaza Strip, such that they can't imagine a scenario in which the state is sufficiently able to address this issue, therefore priorities are placed elsewhere. Either way, obviously, the longer the displacement, the more difficult it is to prove title, and therefore the bigger this concern becomes.
- 2. Receiving returnees and rehabilitating them economically and socially:** Palestinian refugees in Lebanon marked the highest rating (98.4 percent), followed by Palestinian refugees in the Gaza Strip (95.4 percent). Without question, the deteriorating conditions of both these refugee groups, including displacement combined with blatant discrimination in Lebanon and the extended siege and continual bombardment on the Gaza Strip, make economic and



social rehabilitation a more urgent priority in comparison to other groups. The relatively low prioritization by Palestinian refugees from Jordan (68.5 percent) and 1948 IDPs (79.4 percent) of this issue is likely a reflection of the comparative socio-economic status of many in these areas, having largely acquired citizenship in their host states.

- 3. Ensuring reparations for the victims; and accountability for perpetrators of crimes and violations:** While all groups, except 1948 IDPs, considered this issue to be one of the top priorities, for refugees in the Gaza Strip, this issue was the single most widely agreed issue of importance (97.2 percent). This result clearly reflects the severity of the violations to which they have been subjected, and the fact that this conduct clearly rises to the level of criminal conduct – both crimes against humanity and war crimes – as opposed to human rights abuses. In the case of Lebanon, this issue also receives widespread agreement as to the importance of reparations (92.5 percent); however, there are a number of other issues associated with social justice and stability that do receive even wider agreement among refugees in Lebanon. On the one hand, this reflects the impact of crimes committed against this population during incursions and wars between Lebanon and Israel and during the Lebanese civil war, and a broader feeling of injustice as the international community continues to fail to hold Israel accountable on the other.
- 4. Addressing inheritance disputes relating to the distribution of property due to the doubling of the number of refugees:** All refugee groups were of the view that potential disputes over inheritance would be a substantial issue. However, 1948 Palestinian refugees were least concerned about this challenge (85.0 percent). It would be incorrect to assume this lower result was due to post-displacement dispossession or a lack of properties over which to have disputes, given 94.4 percent of 1948 refugees said their ancestors owned property. A number of field researchers made the observation that some 1948 Palestinian refugees in areas such as Lebanon, West Bank and Gaza Strip, stated they would not have a problem with re-distribution of restored properties among returning family members,⁸²³ which is reflected in the lower results from refugees in the West Bank (78.2 percent) and Lebanon (81.5 percent). Others said they would not have a problem transferring their own shares to the benefit of other relatives or residents of the village. In other words, for these refugees, what matters is return to the homeland, an end to displacement and creating a better socio-economic situation than what they have previously experienced. According to field researchers' observations, the sample group was of the view that potential disputes over inheritance distribution will be an integral part of establishing title to original properties by Palestinian refugees and IDPs, and that one issue cannot be separated from the other.
- 5. Compensating people for property that cannot be returned (i.e. lost, destroyed or now public facilities):** the field research team also observed that the sample group was of the view that compensation for lost properties was associated with the proof of ownership. This issue would be addressed after the antecedent issue of ownership and restoration has been settled. A comparison of the ratings of interest in compensation for lost properties to the foregoing priorities, particularly proof of ownership, shows that compensation is of particular importance in the eyes of Palestinian refugees and IDPs. Rather than posing an obstacle, the sample groups' perception is that compensation is an element of community stabilization and social justice.
- 6. Achieving social stability in light of cultural, religious and social diversity:** Palestinian

⁸²³ Family is generally understood as including anyone directly descended from the original landowner who was displaced by the *Nakba*.



refugees in Lebanon expressed a markedly higher preference for this option (99.3 percent). This is probably because these refugees have experienced the impact of sectorial instability first-hand and suffered from civil war in Lebanon and are, therefore, deeply aware of the consequences of failure to take cultural, religious and social diversity into account when seeking community stability.

7. **Achieving social justice and human rights, particularly for vulnerable groups:** Interestingly, 99.8 percent of Palestinian refugees in Lebanon prioritized this challenge, the second most widely accepted issue of importance for this group. This concern undoubtedly derives from their lived reality and an acutely conditioned sense of injustice, as a result of excessive prejudice to their rights, and systematic marginalization. Hence, this can be viewed as an expression of refugees' strong propensity to value justice and human rights, and a resilient desire for a return scenario that repairs their experience of marginalization and repression.
8. **Dealing with changes in private property:** 1948 IDPs were noticeably more concerned with this issue than other refugee groups. It is also rated as their most widely agreed concern following return (98.5 percent). This is a reflection of their direct exposure to the changes created on the ground, including ongoing changes to Palestinian properties, new private installations, or public facilities. It is, therefore, expected that 1948 IDPs are the most susceptible to potential complications resulting from far-reaching changes created during more than 70 years.
9. **Evacuating former colonizers from refugee properties, and re-housing them in new homes established by the State:** relatively speaking, 1948 and 1967 refugees (40.2 and 53.3 percent respectively) viewed that this issue was relatively insignificant, when compared with others. On the other hand, 87.3 percent of 1948 IDPs were of the opinion that this would be one of the most complicated issues to be handled by the state. This is likely a reflection of IDPs' perception of the colonizers and the capacity to actually evict them, given their comprehensive control of Palestinians today. So it might be said that, while 1948 and 1967 refugees concentrate on their right to restore their ancestors' properties, 1948 IDPs are more concerned with the reality of the oppressive colonizer, who will not easily relinquish the privileges they possess at the expense of the Palestinian people.
10. **Building state institutions that are effective, just and equitable:** among refugee groups, this issue scored highest with Palestinian refugees in Lebanon (100 percent), Gaza Strip (92.7 percent), and West Bank (89.6 percent). Additionally, for those in Lebanon it was the most widely accepted concern and for those in the West Bank, it was the second most widely accepted concern, after achieving social justice. By contrast, it accounted for 77.4 percent among 1948 IDPs and 76.3 percent among refugees in Jordan. To a degree this appears connected to the absence in Lebanon, Gaza and the West Bank, of any or effective state institutions designed to protect and assist Palestinians, thereby rendering this a crucial point of rectification in any new state of affairs.
11. **Preventing religious or ethnic conflicts:** Again, Palestinian refugees in Lebanon scored considerably higher levels of agreement (97.8 percent) on the significance of this issue as compared with other refugee groups (82.7 percent or less). Their lived experience of the consequences of the Lebanese Civil War and ongoing sectarian and racial divides which constantly impact their wellbeing and stability makes them particularly aware of the consequences for these potential conflicts. The results for 1948 IDPs (82.7 percent) and refugees in the Gaza Strip (81.4 percent) are also significant. For 1948 IDPs, this reflects their direct experience of the consequences of deep-rooted religious and racial racism in Israeli society. For refugees in Gaza, this reflects their direct experience of the Palestinian political



fragmentation that does and has been permitted to exist, between all political parties in the Gaza Strip. On the other hand, it can be argued that Palestinian refugees in the West Bank and Jordan have not experienced to the same extent such conflicts in their own areas.

12. Achieving community reconciliation: Here too, Palestinian refugees in Lebanon scored higher (99.3 percent) than those surveyed in other places of displacement. This is probably because these refugees are aware that community reconciliation is indispensable for community stabilization in the aftermath of domestic conflict. It may also explain why 91.3 percent of Palestinian refugees in the Gaza Strip are in favor of this option. These refugees continue to suffer from the consequences of instability as a result of the internal Palestinian political divide of 2007 and the failure to achieve community reconciliation.

Q13: In your opinion, in a realizable return, who should be responsible for land redistribution?⁸²⁴

This question reflects not only the respondents’ opinion of the eligible authority to redistribute land, but it also reveals the type of trust in government entities for which the sample group is looking.

Table 5.20: Responsibility for Land Redistribution



In your opinion, in a realizable return, who should be responsible for land redistribution?	Percent
The emerging or new state	50.0
International entities	9.2
The emerging / new country, in cooperation with an international body.	40.8
Total	100%

The results show that 50.0 percent of those surveyed assign this responsibility to the national state that emerges. This likely reflects a feeling among respondents that they will directly contribute to the creation of any future state and therefore have influence in the policies and decision-making of that state. That said, a further 40.8 percent opted for assigning this responsibility to a joint initiative of the state, and an international entity. Perhaps most significantly, just 9.2 percent were of the view an international entity should be given this responsibility. This virtually blanket rejection of sole international control is almost certainly the result of the respondents’ experience and distrust of international agencies since the *Nakba*.

Q14: In your opinion, in a realizable return, how will the land be redistributed/distributed?

This question builds on the preceding questions on land ownership by ancestors and the problems the state may face in the context of establishing title to and redistributing properties. It directly

⁸²⁴ Question not asked in the online questionnaire.



addresses the framework through which the entity (from Q13) would be required to distribute or redistribute land following return. It was made clear to those surveyed that this question involves intractable issues, such as proof of ownership, which may be impossible to resolve after more than 71 years of displacement. Respondents were asked to respond to this question, knowing that redress would be provided to Palestinian refugees and IDPs, who originally did not have properties of their own. It was also clarified that the future state should handle property rights of current colonizers, who will become citizens of that state. In a sense, this question is designed to challenge the dominant narrative and misconception that return after 71 years of displacement is a return to the status quo of 1948.

Table 5.21: The Basis for Land Distribution

In your opinion, in a realizable return, how will the land be redistributed/distributed?	Percent
For individuals who prove their ownership.	32.4
Redistribution of land on the basis of equality and justice for all.	67.6
Total	100%



In their answers to Q12, the youth considered proof of ownership to be the single most important issue for the state to handle in any return. Q13, then sought to challenge them on this awareness, by asking them to demonstrate a deeper understanding of the practicalities of this issue. A bare majority elected for national responsibility of the redistribution issue. In this question, approximately two-thirds (67.6 percent) were in favor of land distribution on the basis of equality and justice. The process will include all citizens of the state. This suggests, when challenged, a more nuanced understanding of the issue of property redistribution, with most anticipating a system

that ensures equality and justice. In other words, there is a willingness to relinquish claims to full restoration in the context of achieving greater equality and justice for all. Therefore, it might be said that in the eyes of the sample group, return is not simply about restoration of the *status quo ante*, but also features an aspiration for a future that safeguards justice and equality. Importantly, these results were mirrored in the online questionnaire, with 33.8 percent opting for land distribution based on proof of ownership, but 60.1 percent wanting equitable redistribution, suggesting the desire for a future state that embodies the principles of justice and equality permeates across the Palestinian population, regardless of where they reside.

Q15: In your opinion, in a realizable return, how will the right to housing be addressed?⁸²⁵

This question and those following (Q16-18) address the status of and changes made to properties. These questions aimed to provoke practical consideration of the mechanisms for dealing with property disputes in various situations, namely, if these properties are occupied, unoccupied, or used for public purposes or as private utilities. Such discussions are critical to developing

⁸²⁵ Question not asked in the online questionnaire.

a narrative of return that is grounded in reality and practicality. As a liberation project, return is associated with returnees' personal rights, but it also concerns issues about the relationship between returnees and current occupants of their properties, and the state's role and relationship with individuals.

Table 5.22: Right to Housing

In your opinion, in a realizable return, how will the right to housing be addressed?	Percent
Reconstruction of the damaged/destroyed village in its original location.	40.1
State-funded housing for returnees.	43.0
Left for individuals to resolve according to their ability.	16.9
Total	100%

This question specifically explores the right to housing in the context of receiving and rehabilitating refugees. In terms of importance, housing is a core element of providing socio-economic rehabilitation and stability, which was the issue identified as being of second highest importance in Q12. Again, in these results, the issue of equality and justice came to the fore, with the

highest number (43 percent) in favor of state-funded housing projects for returnees. Interestingly, 1948 IDPs were more predisposed to this option (60.6 percent) than 1948 refugees (43.0 percent) and 1967 refugees (30.7 percent) (see Appendix 3). This is at odds with the assumption that 1948 and 1967 Palestinian refugees are most in need of new houses since the majority of their original homes no longer exist. This result may provide confirmation that both 1948 and 1967 refugees prioritize the issue of return over other issues. This would be consistent with the analysis under Q7 above, namely, rights to return, restitution and compensation are interconnected. The high percentage of youth believing in reconstruction of the damaged villages (40.1 percent) may suggest that, in the absence of practical discourse on return, unrealistic narratives of what return will entail persist among many refugee groups to recreate what once was. However, it may also suggest an awareness that since the majority of Palestinian villages were depopulated and then completely destroyed, and that a significant percentage of those areas are still vacant tracts of land,⁸²⁶ that substantial reconstruction must occur in order to house and accommodate returnees.

Q16: In your opinion, in a realizable return, what should happen if the family/ancestors' house is still standing and occupied by a former Israeli colonizer?⁸²⁷

Consistent with principles of justice, the overwhelming view of the surveyed respondents (84.5 percent) was that their right to restoration of their ancestors' privately-owned homes should be upheld, even if the property is occupied by an Israeli colonizer. This view is consistent with states' best practice in relation to occupied houses after refugees and IDPs return,⁸²⁸ in that the right of legitimate owners and tenants to repossess and/or dispose of their original home takes precedence over those of secondary occupants. This holds even when properties are sold to third parties acting

⁸²⁶ Research has shown that 77 percent of Palestinian towns and villages depopulated and destroyed during the *Nakba* are still vacant. For more information see: "From Refugees to Citizens at Home: Locations of Palestinian Villages," Palestine Land Society, n.d., available at: <http://www.plands.org/en/books-reports/books/from-refugees-to-citizens-at-home/location-of-palestinian-villages>, and "Return is Possible," Visualizing Palestine, May 2017, available at: <https://www.visualizingpalestine.org/visuals/return-list> [accessed 14 September 2019].

⁸²⁷ Question not asked in the online questionnaire.

⁸²⁸ See Pinheiro Principles, *supra* note 775; and BADIL, "The Right to Housing and Property Restitution in Bosnia and Herzegovina: A Case Study," Working Paper No. 1, April 2003, available at: http://www.badil.org/phocadownloadpap/Badil_docs/Working_Papers/WP-E-01.pdf



in good faith if the egregiousness of the underlying displacement was such that the third party could be said to have constructive notice. Although this right (i.e. right to restitution and priority of disposition) regarding ancestors' homes may involve the eviction of the former colonizers who occupy them, it does not necessarily reflect a hostile attitude. Restitution is about reconciliation and community stability, which cannot be achieved or maintained if a refugee's home remains occupied by a colonizer in the absence of voluntary consent by the refugee.

Table 5.23: In a Situation of Secondary Occupancy

In your opinion, in a realizable return, what should happen if the family/ancestors' house is still standing and occupied by a former Israeli colonizer?	Percent
The priority is restoration of the house to the returnee, and the former Israeli colonizer is evicted and rehoused by the state	84.5
The returnee is given the option of abandoning the house, selling it, renting it, or taking compensation for it.	13.9
The former colonizer is given the option of leaving the house, renting the house from the returnee or paying compensation to the returnee.	0.2
Returnee will be provided with alternative housing and land by the state.	3.5
Other	0.2
Total	100%

Q17: In your opinion, in a realizable return, what should happen if the land of the family/ancestors is now the site of a public institution (garden, hospital, school, public transportation, etc.)?⁸²⁹

This question asked respondents to consider the situation if their land and property, which had previously housed a private residence, were now being used for a public utility. Youth respondents displayed a very pragmatic and profound understanding of the need to maintain public facilities or establishments constructed by the colonizer state for the public interest, with 77.1 percent of respondents in favor of preserving these installations.

Perhaps surprisingly, the field research team observed that some respondents accepted the idea of transferring properties to the state even if fair compensation was not paid. This is supported by the fact that greater numbers agreed with the idea of transferring public facilities constructed on private properties to the state in return for compensation for the original owners (80.6 percent).

For those 22.9 percent of the sample group who were in favor of full restoration of private property, even it requires demolition of public utilities, this may well be more of an expression of their insistence on full realization of their right of reparations vis-à-vis current Israeli colonizers, rather than a refusal to abandon their claim to private properties now being used for the public interest. This likely reflects the belief among Palestinians that any concession before return is actualized is simply unacceptable and, in light of history, will be used by the Israeli colonizers to justify ongoing illegal acts. Such an assessment is consistent with both the other results in this question showing so many are willing to transfer their lands to state in the event of a public entity, as well as the result in Q14, showing preference for redistribution to those relatives and persons who owned nothing.

⁸²⁹ Question not asked in the online questionnaire.



Table 5.24: In a Situation of the Existence of a Public Institution or Infrastructure

In your opinion, in a realizable return, what should happen if the land of the family/ancestors is now the site of a public institution (garden, hospital, school, public transportation, etc.)?	Status			Country / Region					Total	
	1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP		
The facility should be demolished and the land returned to its original owners	Agree	20.6%	39.3%	44.9%	20.2%	6.1%	14.3%	47.1%	44.9%	22.9%
	Disagree	79.4%	60.7%	55.1%	79.8%	93.9%	85.7%	52.9%	55.1%	77.1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Ownership of the land and establishment are returned to its original owners.	Agree	66.0%	90.0%	53.7%	74.5%	59.6%	61.3%	75.5%	53.7%	67.1%
	Disagree	34.0%	10.0%	46.3%	25.5%	40.4%	38.7%	24.5%	46.3%	32.9%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
The land remains owned by the state, and the state compensates the original owners.	Agree	82.1%	59.7%	81.5%	75.6%	74.8%	100%	70.7%	81.5%	80.6%
	Disagree	17.9%	40.3%	18.5%	24.4%	25.2%	0.0%	29.3%	18.5%	19.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

Q18: In your opinion, in a realizable return, what should happen if the land of the family/ancestors is now the site of a private entity (farm, factory, company, building, etc.)?⁸³⁰

Building on the previous question, this question explores respondents’ conception of the preferred mechanism for dealing with private, as opposed to public, entities constructed on properties belonging to returnees. While a clear majority (66.4 percent) do not agree that such installations be demolished and land returned to the original owner, there is a clear view that private entity ownership must fully revert back to the original owners: 93.4 percent reject the notion of compensation to the original owners and the business remaining in control of the current occupant (former colonizer), while 91.1 percent also reject the idea of a partnership with the occupant (former colonizer).

This rejection of former colonizers retaining any economic rights should likely be attributed to the enormity of suffering and deprivation to which Palestinian refugees and IDPs have been subjected as a result of displacement and dispossession. It is also a reflection of their difficulty visualizing the current colonizer as an ordinary citizen of the future state with whom they may have to work in partnership (given many respondents view these colonizers as having benefitted from racist colonization that unlawfully expropriated their rights and committed crimes against them).

Instead, 94.1 percent opt for restoring full ownership and control to the original owner, and the retention of the private entity. This position reflects a pragmatism among the youth respondents that recognizes the economic need for these entities, and the opportunity to re-establish their economic livelihoods. It is also a position consistent with the right of returnees (original owners) to re-acquire these entities as a compensation for exploiting their properties during the period of their displacement.⁸³¹ It is also not reasonable to assume that Palestinians, who have been long oppressed, should be able to disregard their own suffering in order to view colonizers as normal citizens and to offer any concessions to the current colonizers at this point.

⁸³⁰ Question not asked in the online questionnaire.

⁸³¹ See Pinheiro Principles, *supra* note 775.



Table 5.25: In a Situation of Private Entity Ownership

In your opinion, in a realizable return, what should happen if the land of the family / ancestors is now the site of a private entity (farm, factory, company, building, etc.)?	Status			Country / Region					Total	
	1948 Refugee	1967 Refugee	1948 IDP	Gaza Strip	West Bank	Jordan	Lebanon	1948 IDP		
The entity is demolished and the land returned to its original owners	Agree	31.4%	54.5%	48.1%	44.2%	25.2%	6.3%	57.2%	48.1%	33.6%
	Disagree	68.6%	45.5%	51.9%	55.8%	74.8%	93.7%	42.8%	51.9%	66.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Ownership of the entity should be transferred to the original owners, and they become the beneficiary of the yield	Agree	95.5%	88.5%	74.8%	95.1%	95.3%	97.4%	92.2%	74.8%	94.1%
	Disagree	4.5%	11.5%	25.2%	4.9%	4.7%	2.6%	7.8%	25.2%	5.9%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
Ownership of the land is returned to the original owners, and an agreement established between the owner of the private entity (former colonizer) and the original owner (returnee)	Agree	7.6%	14.2%	26.5%	5.5%	9.8%	1.0%	16.2%	26.5%	8.9%
	Disagree	92.4%	85.8%	73.5%	94.5%	90.2%	99.0%	83.8%	73.5%	91.1%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%
The former colonizer shall remain the holder of the establishment, and original owner shall be compensated	Agree	5.1%	5.3%	39.4%	5.4%	4.9%	0.0%	10.6%	39.4%	6.6%
	Disagree	94.9%	94.7%	60.6%	94.6%	95.1%	100.0%	89.4%	60.6%	93.4%
	Total	100%	100%	100%	100%	100%	100%	100%	100%	100%

5.7. ONUS AND RESPONSIBILITY FOR RETURN

Q19: In your opinion, who bears responsibility for putting the return into practice?⁸³²

This question returns to Q9 and seeks the opinion of respondents as to whose responsibility it is to realize the right of return. Certainly Israel holds the ultimate obligation to ensure return of Palestinian refugees and IDPs, and for this reason was excluded from the possible responses. However, it must also be recognized that without insistence and pressure, Israel will not change its current position. As such, this question derives from current impasse and lack of clarity as to whose responsibility it is to pursue action on this issue and is a bid to overcome the current pattern of mobilization that tends towards “dependence on others.”



⁸³² Question not asked in the online questionnaire.

Table 5.26: Ranking the Responsibility for Putting Return into Practice

Rank	Individual responsibility of each refugee and IDP	Collective popular responsibility	Responsibility of the Palestinian political leadership and parties	Arab responsibility	Responsibility of the international community
1	7.8	8.6	22.1	21.7	40.6
2	8.5	13.0	21.0	41.9	15.4
3	11.3	19.2	34.4	15.6	19.6
4	19.8	44.5	14.7	10.8	9.5
5	52.6	14.6	7.8	9.9	14.9
Total	100%	100%	100%	100%	100%
Weighting	13.2	17.1	22.3	23.6	23.8
Overall Rank	5	4	3	2	1

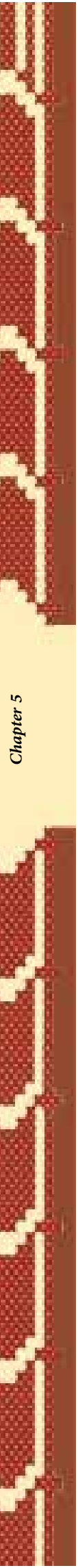
Unfortunately, the results below merely confirm this hypothesis, with the following prioritization of responsibility:

1. Responsibility of the international community (23.8 percent);
2. Arab responsibility (both people and states) (23.6 percent);
3. Responsibility of the Palestinian political leadership and parties (22.3 percent);
4. Collective popular responsibility (17.1 percent); and
5. Individual responsibility of each refugee and IDP (13.2 percent).

Apparently, a sense of international community's failure and omission has caused and maintained the Palestinian tragedy of displacement. International community is, therefore, held responsible for the realization of return. It also seems that a sense of betrayal created by Arab failure and helplessness unfolds in blaming Arab regimes. While these answers may reflect the technically correct answers under international law, namely that return is primarily a responsibility of the international community, this recurrent viewpoint has created and perpetuated a culture of dependency on others in Palestinian political and popular culture. We see this in the fact respondents do not prioritize Palestinians responsibility, including on the official, partisan and popular levels. Without prejudice to the extensive Palestinian sacrifices, respondents also tend to discard the individual responsibility of refugees and IDPs. This reflects a longstanding practice of betting on and waiting for others to act, and a weak culture of self-reliance for liberation, which is evident in the failure of political forces to convert the right of return into a program of liberation to be carried out by relevant stakeholders and rights holders themselves.

That said, approximately one-fifth of youth did accord a ranking of 1 or 2 to return as an individual refugee responsibility and collective popular responsibility. This suggests a shifting viewpoint among the youth, possibly driven by a frustration with the status quo, which could represent the emergence of a new discourse on return. Such a result is important since the international community will certainly not fulfill its responsibility if Palestinians themselves do not act.





Q20: How do you assess the role of the agencies below in providing services and defending historical and political rights of refugees and IDPs?

This question examines the effectiveness as perceived by the sample group; examining the role of relevant parties or agencies, which are assigned, *ipso facto* and *ipso jure*, to (1) provide services to refugees and (2) defend the rights of refugees and IDPs. The importance of the question resides in the fact that it exposes the level of awareness as to the responsibilities of these agencies and, consequentially, spells out respondents' expectations. Note: 1948 IDPs are excluded from the scope of this question since it is Israel that has caused displacement in the first place and is solely responsible for the ongoing suffering and failure to comply with its own obligations and responsibilities.

The role of service providers until such time as return is realized

It was explained to respondents that services include fundamental human rights, including the right to relief, an adequate standard of living, adequate housing, health care, personal safety and security, and education. Although these do not cover all rights enshrined in relevant international conventions, the said services ensure minimum requirements to maintain human dignity.

Table 5.27: Perceived Effectiveness of Service Provision

	Face-to-Face Questionnaire		Online Questionnaire	
PLO	39.7%	2	19.7%	2
Country of residence/refuge	15.7%	5	24%	3
League of Arab States	7.3%	7	8%	5
UNRWA	77.6%	1	32.2%	1
UN	38.6%	3	15%	4
EU	22.3%	4	15%	4
USA	8.6%	6	7%	6

As perceived by the sample group, UNRWA very clearly ranked as the first and foremost service provider, reflecting the ongoing importance to refugees of sustaining and supporting UNRWA. UNRWA continues to be the primary, and often only, service provider accessible to many refugees and this is reflected in the results. Its effectiveness is significantly lower among the online questionnaire respondents (32.2 percent) likely because fewer respondents fell within UNRWA mandate areas.

The almost non-existent sense of effectiveness from either the League of Arab States or the country of refuge is especially striking among youth respondents, reflecting as it does a strong sense of abandonment. Having triggered worldwide tumult in its suspension of all contributions to UNRWA and other quasi-governmental and nongovernmental organizations, the USA still rates higher than the League of Arab States in the perception of youth respondents. Interestingly, refugees in Jordan had the highest proportion that assessed the US role as effective (21.1 percent), followed by the Gaza Strip (8.1 percent), West Bank (2.6 percent), and Lebanon (2.3 percent). In the Gaza Strip, this view can be explained by the fact that some service providers, particularly humanitarian relief organizations, do continue to receive US funding. However, there is no such explanation to account for the rating given by Palestinian refugees in Jordan. The higher ranking of the EU, ahead of both



the USA and the LAS, in service provision reflects understanding among Palestinian refugee youth that the EU, European institutions and EU-funded Palestinian organizations, continue to provide humanitarian and relief assistance in the Gaza Strip, as well as awareness of the move by the EU increase their support to UNRWA in the face of the US withdrawal.

Closer analysis of the results concerning the role of countries of residence/refuge shows a response based on the intervention by the governmental apparatus of the country of residence/refuge, rather than a reflection of the fulfillment of rights guaranteed by international law. For example, in Gaza, there has been a significant degree of intervention by the authorities, the highest among the targetted areas, to provide services and this is reflected in the results which show the most pervasive perception of effectiveness at 37.5 percent of respondents. However, this does not equate with an actual fulfillment of these rights enshrined in international law, as many more residents of Gaza struggle to have their basic needs met, more than those in other areas such as the West Bank and Jordan. This is likely because the government in Gaza is compelled to intervene as a mediator in service distribution and redistribution due to the siege and severe socio-economic distress. From the point of view of respondents, this situation results in an increasing visibility of the state. In contrast, the Palestinian Authority has limited visibility in the West Bank, and virtually none in the refugee camps, hence the significantly lower levels of perceived effectiveness (just 18.5 percent).

This phenomenon likely also accounts for the greater sense of the PLO's role in Lebanon (59.3 percent) and Jordan (39.9 percent), where their countries of refuge and international agencies are not especially active and, as a result, the PLO has, to some extent, filled the gap in service provision and distribution. By contrast, the PLO role declines in the West Bank (14.5 percent), where the PLO has become almost indistinguishable from the PA (see explanation of the 39.3 percent "don't know" result in the West Bank below). While in the Gaza Strip the PLO is considered more effective (44.5 percent), in spite of the internal Palestinian political divide between Hamas and the PA because political forces have a more prominent role.

Table 5.28: Effectiveness of Service Provision, Detailed Results, Face-to-Face Questionnaire

A: How do you assess the role of the following actors in providing services until you return		Country/Region				Total
		Gaza Strip	West Bank	Jordan	Lebanon	
State of residence or asylum	No role	28.9%	42.2%	69.5%	31.1%	43.2%
	Limited role	33.6%	39.3%	26.5%	64.6%	40.9%
	Effective role	23.3%	16.8%	3.8%	3.3%	11.7%
	Very effective role	14.2%	1.7%	0.2%	0.0%	4.0%
	Don't know	0.0%	0.0%	0.0%	0.9%	0.2%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Palestinian Liberation Organization (PLO)	No role	17.2%	25.9%	13.4%	5.4%	15.4%
	Limited role	38.3%	20.6%	46.7%	35.3%	35.4%
	Effective role	26.9%	10.1%	35.1%	50.7%	30.9%
	Very effective role	17.6%	4.2%	4.8%	8.6%	8.8%
	Don't know	0.0%	39.3%	0.0%	0.0%	9.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%



UNRWA	No role	1.3%	6.8%	0.3%	0.3%	2.2%
	Limited role	9.2%	46.4%	0.0%	26.0%	20.2%
	Effective role	35.2%	34.4%	6.2%	45.1%	30.0%
	Very effective role	54.1%	12.2%	93.5%	28.6%	47.6%
	Don't know	0.2%	0.1%	0.0%	0.0%	0.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
United Nations	No role	29.7%	52.8%	4.3%	37.1%	30.7%
	Limited role	34.9%	33.6%	23.3%	26.7%	29.6%
	Effective role	29.3%	11.5%	35.2%	32.8%	27.3%
	Very effective role	5.0%	0.9%	37.2%	1.0%	11.3%
	Don't know	1.0%	1.2%	0.0%	2.4%	1.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
League of Arab States	No role	57.1%	71.5%	67.8%	44.5%	60.3%
	Limited role	33.0%	17.4%	26.4%	38.7%	28.9%
	Effective role	8.4%	5.3%	4.2%	6.1%	6.0%
	Very effective role	0.8%	0.0%	1.6%	2.6%	1.3%
	Don't know	.7%	5.7%	0.0%	8.0%	3.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
United States	No role	69.9%	76.6%	61.2%	76.3%	70.9%
	Limited role	21.4%	17.4%	17.6%	18.8%	18.8%
	Effective role	7.5%	2.6%	17.5%	.5%	7.1%
	Very effective role	0.6%	0.0%	3.6%	1.8%	1.5%
	Don't know	0.6%	3.4%	0.1%	2.6%	1.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
European Union	No role	34.3%	59.6%	58.6%	29.4%	45.6%
	Limited role	24.2%	23.3%	19.4%	43.0%	27.4%
	Effective role	30.5%	13.6%	18.1%	5.3%	16.8%
	Very effective role	10.1%	.0%	3.9%	8.0%	5.5%
	Don't know	0.9%	3.4%	0.1%	14.4%	4.7%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%

Stakeholder role in defending the historical and political rights of refugees

It was explained to respondents that the historical and political rights of refugees are those rights enshrined in Paragraph 11 of the UNGA Resolution 194 (1948), namely, return to the original areas from where they were displaced, restitution, compensation, and rights to nationality and self-determination in their homeland. This question sought to understand the opinion among Palestinian youth as to the role played by particular actors in the peace or settlement process.



Table 5.29: Perceived Effectiveness in the Defense of Rights

	Face-to-Face Questionnaire		Online Questionnaire	
	Percentage	Count	Percentage	Count
PLO	57.5%	1	26.7%	1
Country of residence/refuge	28.9%	4	23.4%	3
League of Arab States	23.9%	5	6.6%	6
UNRWA	51%	2	24.2%	2
UN	39.6%	3	14.3%	4
EU	15.8%	6	12.5%	5
USA	2.4%	7	4.5%	7

There is a clear repudiation of the role of the United States, with just 2.4 and 4.5 percent of youth and online respondents, respectively, according any sense of effectiveness of the US for their role in defending the political rights of Palestinians. In light of the Deal of the Century, this is an unsurprising result.

Among the online questionnaire respondents, who are presumed to possess greater political awareness and engagement, there is greater awareness of the inadequacy of the roles being fulfilled by all international actors. This is reflected in the lower overall percentages of perceived effectiveness as compared with youth. Among respondents from Western countries, particularly, the higher perceptions of effectiveness and trust in international entities such as the UN and EU, likely reflects the position that permeates the Western political discourse and also that these respondents have had less direct experience of their failure.

On the other hand, among youth, the PLO came in first (57.0 percent). Although results to several other questions throughout the questionnaire do reflect the sense of abandonment by the international community, respondents ranked UNRWA (51.0 percent) and UN agencies (39.6 percent) over their countries of residence/refuge (28.9 percent) and the LAS (23.9 percent). This is likely to be as much a reflection of the fact that UNRWA and UN agencies have publicly confirmed support for and passed resolutions in support of Palestinian refugee rights, as much as it reflects major disappointment in Arab states. At any rate, this view also highlights the significance to Palestinian refugees of maintaining recognition of the international character of the issue of Palestinian refugees and the notion that the international community should bear responsibility for fulfillment of those rights. As well, it reflects the refugees' conviction that the existence of this specialized international agency holds a strategic political dimension for protecting their inherent rights of return, restitution and compensation.

That said, this result is not a recognition of the role of the international community. On the contrary, respondents show that the UN role in defending refugee rights is minimal. Interestingly, Palestinian refugees in Jordan marked the highest rating of all targeted areas (96.8 percent), which conflated the results. In other areas, where the UN agencies are more active than Jordan, very few respondents viewed the UN role as effective or very effective: 33.3 percent in Lebanon, 14.5 percent in the Gaza Strip, and 10.9 percent in the West Bank. In other words, despite its widespread presence, respondents were of the view that the UN was actually ineffective in maintaining their rights (88.5 percent in the West Bank, 84.5 percent in the Gaza Strip, and 64.0 percent in Lebanon). This analysis is supported by the sample group's view of the role of the EU and USA as highly ineffective political actors. Registering 95.8 percent and 79.5 percent respectively, the USA and EU were seen as having a little role, if any, in defending refugees' historical and political rights.



On the other hand, it was expected that the PLO would score much higher than 57.0 percent, as it is the political representative of the Palestinian people. It was much lower still among the online results (26.7 percent). This result is probably justified by weak Palestinian official political discourse in relation to refugee rights, particularly their right of return, reflecting dissatisfaction with the performance of Palestinian leadership, especially after Oslo. In this regard, the table below shows marked variability in the effectiveness of the PLO's role from one area to another. The PLO's role is perceived to be far more effective in Jordan and Lebanon, where it was evaluated as effective or highly effective by 95.6 percent of refugees in Jordan, and 63.8 percent in Lebanon. In the oPt, the perceived effectiveness was lower overall, where it was considered to be effective or very effective by 46.4 percent in the Gaza Strip, and 22.2 percent in the West Bank. In spite of Hamas' control of the Gaza Strip and the declining role of Fatah, the largest and most influential Palestinian faction in the PLO, assessments were better in Gaza than in the West Bank. This reflects the fact that, in Gaza, youth still see the activeness of political parties and that the PLO has a role to play. This may also reflect some rejection by youth of the internal fragmentation and/or rejection of the way in which Hamas is managing Gaza. The results in the West Bank clearly reflect the diminishing distinction between the PLO and its factions on one hand, and the PA and its institutions on the other, and as such reflect the widespread dissatisfaction with the PA in the West Bank. This is reinforced by the startling result that 39.6 percent of respondents from the West Bank said they "don't know" in regards the effectiveness of the PLO. This should be of concern as it suggests that for youth, the PLO has been replaced by the PA, and that, due to a shutdown of the political opposition, they do not experience the PLO possessing any role in the defense of their rights.

Table 5.30: Effectiveness in the Defense of Rights, Detailed Results, Face-to-Face Questionnaire

How do you assess the role of the following actors in defending the historical and political rights of refugees until they return?		Country/Region				Total
		Gaza Strip	West Bank	Jordan	Lebanon	
State of residence or asylum	No role	22.0%	30.2%	24.0%	20.7%	24.2%
	Limited role	36.5%	41.8%	39.8%	69.2%	46.9%
	Effective role	23.5%	22.3%	24.7%	8.3%	19.7%
	Very effective role	18.0%	5.4%	11.4%	1.8%	9.2%
	Don't know	0.0%	0.3%	0.1%	0.0%	0.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Palestinian Liberation Organization (PLO)	No role	13.2%	17.1%	0.6%	1.9%	8.1%
	Limited role	40.4%	21.0%	3.9%	33.1%	24.4%
	Effective role	26.2%	17.2%	36.1%	39.9%	30.0%
	Very effective role	20.2%	5.0%	59.4%	23.9%	27.5%
	Don't know	0.0%	39.6%	0.0%	1.2%	10.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
UNRWA	No role	13.0%	21.5%	4.6%	13.9%	13.1%
	Limited role	35.5%	44.7%	10.1%	53.8%	35.8%
	Effective role	27.0%	27.6%	18.4%	25.7%	24.6%
	Very effective role	24.4%	6.1%	66.9%	6.5%	26.4%
	Don't know	0.2%	0.1%	0.0%	0.0%	0.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%



United Nations	No role	43.6%	63.0%	1.3%	36.5%	35.7%
	Limited role	40.9%	25.5%	1.8%	27.5%	23.7%
	Effective role	13.0%	8.5%	9.4%	27.7%	14.7%
	Very effective role	1.5%	2.4%	87.4%	5.6%	24.9%
	Don't know	1.0%	0.6%	0.0%	2.7%	1.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
League of Arab States	No role	62.3%	72.8%	8.1%	43.2%	46.1%
	Limited role	26.8%	14.8%	22.9%	44.6%	27.3%
	Effective role	9.4%	6.6%	11.1%	6.9%	8.5%
	Very effective role	0.8%	0.9%	57.9%	.3%	15.4%
	Don't know	0.7%	4.9%	0.0%	5.0%	2.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
United States	No role	72.9%	85.8%	85.0%	80.8%	81.2%
	Limited role	23.6%	9.5%	13.3%	11.9%	14.6%
	Effective role	3.0%	1.3%	1.5%	3.2%	2.2%
	Very effective role	0.0%	0.4%	0.2%	0.0%	0.2%
	Don't know	0.6%	2.9%	.0%	4.1%	1.9%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
European Union	No role	44.8%	66.2%	51.1%	34.7%	49.2%
	Limited role	37.2%	22.7%	24.6%	36.8%	30.3%
	Effective role	13.2%	7.6%	19.6%	7.5%	12.1%
	Very effective role	3.9%	0.0%	4.7%	6.0%	3.7%
	Don't know	0.9%	3.4%	0.0%	14.9%	4.8%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%

Q21: In your opinion, how important are the following actions in ensuring a just solution?

In this question, respondents were asked to provide their opinion about a number of political and legal actions, processes and steps, which have been or are being circulated and/or developed as part of mechanisms to produce a solution for the question of Palestine. The importance of this question lies in the need to identify respondents' views of, satisfaction with and/or support for these processes. It was explained to the sample group that the processes in question were not exclusive, but that they are primarily the ones being circulated on national and international, official and popular levels.

- From the point of view of respondents, the significance of these processes were as follows (in descending order):
- Imposing sanctions on Israel by the Security Council (95.0 percent);
- Expanding UNRWA's mandate and powers (94.3 percent);
- Supporting the Boycotts, Divestments and Sanctions (BDS) Movement (93.7 percent);



- Exerting effective international pressure on, and compelling, Israel to implement the 194 Resolution (92.7 percent);
- Holding an international conference to enforce the 194 Resolution (Right of Return) (92.2 percent);
- Resorting to the International Criminal Court (ICC) (91.4 percent);
- Restructuring and rejuvenating the PLO (86.8 percent);
- Reinvigorating the UNCCP (85.5 percent)
- Maintaining the Great March of the Return (GRM) protests in Gaza (76.7 percent);
- Launching GRM protests in the West Bank, just like Gaza (75.3 percent);
- Proceeding with individual and collective attempts to breach the border in the context of an organized movement for return (62.7 percent);
- Launching negotiations between the PLO, Israel and international partners (61.4 percent); and
- Convincing Israeli society of the unreliability of propaganda that return means a new Holocaust (54.2 percent).

The results suggest a clear demand for tangible actions that can either be seen as official actions (such as sanctions by the UNSC, UNRWA mandate expansion by the UNGA, sanctions and other actions by states, or prosecutions by the ICC), or are popular and/or organized movements at the global level (BDS) or national level (PLO restructure and GRM protests). In other words, the sample group believes current actions, predominately in the form of UNSC and UNGA resolutions, condemning actions but nothing more, are radically insufficient. These are limited to denouncements, calls for abstention from doing certain acts, and respect for rights and law. This means that respondents are of the opinion that, should political will be available, the international community has the mechanisms needed for enforcement and influence, which can lead to a just solution.

By contrast, reactivating negotiations and convincing Israeli society ranked at the bottom of the scale of actions, which lead to a just solution. Such results are unsurprising and reflect a sense that negotiations have led the Palestinians nowhere, they always start from a fundamental imbalance of power that favors Israel and are not set within a framework of law, rights or justice. As such, there is little belief that negotiations will lead Palestinians to a just solution. Moreover, the results suggest a view implying at convincing Israeli society is not the duty of the Palestinians.

One particularly pertinent result is the relatively low levels of importance conferred by Palestinian refugees in the Gaza Strip, on the GRM protests (just 37.7 percent) or the launching of other similar protests in the West Bank (39 percent), which contrast with higher perceptions of importance among other refugee groups. This suggests a degree of disillusionment with what the GRM protests have achieved and a belief that the price paid has been too high in the face of excessive Israeli oppression, as well as the fact that their original return agenda has been superseded by a more immediate agenda to improve current living conditions under blockade. Whereas for other refugee groups, who have nothing to lose and no risk, these protests represent a rare and sustained act of resistance calling for the right of return.



Table 5.RP6: In your opinion, how important are the following actions in ensuring a just solution?

In your opinion, how important are the following actions in ensuring a just solution		Country/Region				Total
		Gaza Strip	West Bank	Jordan	Lebanon	
Reactivating The United Nations Conciliation Commission for Palestine (UNCCP)	Not important at all	2.1%	1.9%	0.0%	0.7%	1.1%
	Not Important	2.8%	5.7%	0.0%	3.1%	2.9%
	Important	36.0%	61.4%	12.3%	54.9%	40.9%
	Very Important	58.3%	26.7%	68.7%	24.8%	44.9%
	Don't know	0.8%	4.2%	19.1%	16.4%	10.3%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Expanding the mandate of UNRWA	Not important at all	1.0%	1.1%	0.0%	0.0%	0.5%
	Not Important	4.7%	14.1%	0.0%	1.9%	5.1%
	Important	33.2%	35.7%	14.3%	59.0%	35.4%
	Very Important	61.1%	49.1%	85.2%	39.0%	58.9%
	Don't know	0.0%	0.0%	0.4%	0.0%	0.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Security Council sanctions on Israel	Not important at all	1.2%	0.0%	0.8%	0.0%	0.5%
	Not Important	2.4%	4.5%	0.0%	0.6%	1.8%
	Important	23.7%	26.4%	20.9%	39.6%	27.6%
	Very Important	72.7%	68.8%	68.3%	59.8%	67.4%
	Don't know	0.0%	0.3%	10.1%	0.0%	2.7%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
The International Criminal Court	Not important at all	2.2%	1.7%	0.8%	0.0%	1.2%
	Not Important	6.1%	7.5%	1.6%	2.2%	4.3%
	Important	31.9%	42.7%	25.2%	47.7%	36.8%
	Very Important	59.7%	48.0%	62.2%	48.2%	54.6%
	Don't know	0.0%	0.0%	10.2%	1.9%	3.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Convening an international conference to implement UNGA resolution 194	Not important at all	0.0%	1.2%	1.7%	0.2%	0.8%
	Not Important	1.8%	11.1%	2.1%	1.0%	4.0%
	Important	27.7%	57.7%	27.9%	58.5%	42.8%
	Very Important	70.1%	30.0%	58.9%	38.4%	49.4%
	Don't know	0.4%	0.0%	9.5%	1.9%	3.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Continue with the negotiations track between the PLO, Israel and international partners	Not important at all	7.4%	22.1%	32.1%	8.0%	17.5%
	Not Important	26.4%	26.1%	10.5%	14.1%	19.2%
	Important	41.9%	44.6%	25.4%	50.2%	40.4%
	Very Important	24.3%	6.5%	27.2%	25.6%	21.0%
	Don't know	0.0%	0.7%	4.8%	2.1%	1.9%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%



Reforming and reactivating the PLO	Not important at all	1.7%	7.5%	4.8%	0.3%	3.6%
	Not Important	15.9%	13.1%	4.3%	1.5%	8.6%
	Important	39.8%	59.5%	42.6%	56.8%	49.6%
	Very Important	42.2%	19.5%	45.3%	41.1%	37.2%
	Don't know	0.4%	0.4%	2.9%	0.3%	1.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Supporting the Boycott, Divestment and Sanctions Movement (BDS)	Not important at all	1.6%	0.6%	0.8%	0.1%	0.8%
	Not Important	4.3%	7.7%	0.0%	0.3%	3.0%
	Important	32.2%	48.1%	25.0%	37.4%	35.6%
	Very Important	61.9%	43.3%	66.3%	60.5%	58.1%
	Don't know	0.0%	0.3%	7.8%	1.6%	2.5%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Continuation of return marches in the Gaza Strip	Not important at all	29.8%	9.6%	1.2%	1.4%	10.4%
	Not Important	32.5%	16.0%	1.1%	0.4%	12.4%
	Important	20.8%	52.1%	34.9%	38.2%	36.5%
	Very Important	16.9%	20.7%	61.9%	59.9%	40.2%
	Don't know	0.0%	1.6%	0.8%	0.0%	0.6%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Similar return marches from the West Bank	Not important at all	23.5%	17.9%	1.2%	1.4%	10.9%
	Not Important	37.5%	15.6%	1.1%	0.8%	13.5%
	Important	17.1%	47.2%	34.0%	37.0%	33.8%
	Very Important	21.9%	19.1%	62.9%	60.9%	41.5%
	Don't know	0.0%	0.3%	0.8%	0.0%	0.3%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Continuing to penetrate the borders individually and collectively in an organized return movement	Not important at all	21.1%	22.1%	13.8%	1.9%	14.7%
	Not Important	41.4%	24.0%	13.8%	6.6%	21.3%
	Important	17.8%	41.3%	36.8%	65.9%	40.5%
	Very Important	19.2%	11.2%	34.1%	23.8%	22.2%
	Don't know	0.5%	1.4%	1.5%	1.8%	1.3%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
Convincing Israeli society of the unreliability of propaganda that return means a new Holocaust	Not important at all	8.8%	22.4%	42.7%	4.8%	19.9%
	Not Important	17.5%	32.9%	25.6%	19.4%	23.9%
	Important	40.3%	32.1%	11.3%	52.2%	33.8%
	Very Important	33.4%	11.7%	16.6%	20.2%	20.4%
	Don't know	0.0%	0.8%	3.7%	3.4%	2.0%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%
International pressure pushing Israeli to implement UNGA resolution 194	Not important at all	0.9%	4.3%	4.7%	0.1%	2.5%
	Not Important	2.3%	1.7%	5.3%	5.0%	3.6%
	Important	19.8%	46.2%	40.4%	55.1%	40.4%
	Very Important	76.2%	47.7%	48.1%	37.7%	52.3%
	Don't know	0.8%	0.0%	1.4%	2.1%	1.1%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%



Field workers - West Bank team meet to discuss the questionnaire. (©BADIL)



APPENDIX 1

METHODOLOGY

Target Population

It consists of all Palestinian households who are residing in the UNRWA refugee camps (official camps) in West Bank, Gaza Strip, Jordan and Lebanon.

For the Palestinians in the 1948 occupied land, the targeted population is consist of the households in the localities/communities with majority of IDPs.

Sample size

The estimated sample size is 1,000 individuals.

Items for sample size	Value used
Estimation	Proportions
Main indicator	50%
Marginal error	7%
Level of confidence (95%)	1.96
Domain	5

Marginal error 0.07

$$\frac{t^2 * P * (1-P)}{(e)^2}$$

$$\frac{1.96^2 * 0.5 * (1-0.5)}{(0.07)^2}$$

Sample design 200*5=1000 HHs

The sample is defined as three stage stratified cluster sample:

First stage: Selecting a systematic random sample of 16 camps in four regions and 4 Palestinian localities in the Areas occupied in 1948.

Second stage: Selecting a systematic random sample of 50 households from each camp /locality that selected in the first stage.

Third stage: Selecting a person aged 18-29 years from each household that selected in the second stage.



Sample strata

The population was divided by:

1. It consists of all Palestinian households who are residing in the UNRWA refugee camps (official camps) in West Bank, Gaza Strip, Jordan and Lebanon.
2. For the Palestinians in the 1948 occupied land, the targeted population is consist of the households in the localities/communities with majority of IDPs.

Frame and Sample Distribution

Name of Camp/ Community	Frame Population	Sample All	Sample Females	Sample Males	Serial Number	
					min	max
Deir el-Balah	20,653	50	25	25	1	50
Maghazi	23,730	50	25	25	51	100
Jabalia	107,146	50	25	25	101	150
Khan Younis	67,567	50	25	25	151	200
Aida	4,797	50	25	25	201	250
Camp No. 1 (Al Ain)	6,811	50	25	25	251	300
Jenin	16,266	50	25	25	301	350
Balata	23,480	50	25	25	351	400
Talbieh	6,766	50	25	25	401	450
Souf	20,003	50	25	25	451	500
Jerash	23,786	50	25	25	501	550
Baq'a'a	93,129	50	25	25	551	600
Mar Elias	618	50	25	25	601	650
Al-Buss	9,752	50	25	25	651	700
Burj el-Barajneh	15,960	50	25	25	701	750
Ein el-Hilweh	47,206	50	25	25	751	800
Shaab	6,257	50	25	25	801	850
Nazareth	3,459	50	25	25	851	900
Al-Fureidis	2,871	50	25	25	901	950
Jaljulia	8,906	50	25	25	951	1000
Total	93,209	1000	500	500		

Disaggregation:

The designed sample enables a dissemination level based on:

- Region (West Bank, Gaza Strip, Lebanon, Jordan, Palestinian localities in 1948 Palestine).
- Gender for the whole sample of the 5 regions.



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 3 households away from the previous (so the second household will be the 4th house, then the 7th, 10th, 13th, 16th, 19th, 22nd households and so on accordingly);
4. Select one individual from each household in the age bracket 18-29 years old;
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 can be more than one individual of the same sex identified in the target age bracket of 18-29 years old;
7. Before using the random table, make a list in descending age order (29,28,27.. etc) of all those in the household who are eligible to be selected, and chose according to the tables below.

First table for male age group 18-29

Number of males in the age of 18-29 years in household	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of the chosen person	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8

Second table for female age group 18-29

Number of females in the age of 18-29 years in household	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Number of the chosen person	1	1	2	3	4	4	5	1	6	2	4	9	13	13	15	5	12	11	18	8





APPENDIX 2

QUESTIONNAIRE

Survey on the “Practicalities of Return” for Palestinian Refugee Youth

Section I: General Information

RQ02-Name of the Camp: _____ <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	RQ00-Number of Questionnaire: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	RQ01-State/Region: _____ <input type="checkbox"/>

RQ05-Name of Respondent		Date:	/ /2019
RQ06-Name of Field researcher		Date:	/ /2019
RQ07-Name of Data Entry		Date:	/ /2019

Social Background

S01	Sex	Male <input type="checkbox"/> Female <input type="checkbox"/>
S02	Age (18 -29 years old)	<input type="checkbox"/> <input type="checkbox"/>
S03	Refugee Status	<ol style="list-style-type: none"> 1. Refugee from 1948 2. Refugee from 1967 3. Displaced within the territory of 1948 4. Other (specify) <input type="checkbox"/>
S04	Were you displaced more than once? (after 1948 or 1967)	<ol style="list-style-type: none"> 1. Yes 2. No (Go to question S06) <input type="checkbox"/>
S05	Number of times of displacement	<ol style="list-style-type: none"> 1. Once 2. Twice 3. More than twice <input type="checkbox"/>
S06	Type of travel document	<ol style="list-style-type: none"> 1. Refugee Document 2. Refugee document and other passport 3. Travel document of the host country (or State of residence for IDP) 4. Travel document of the host country (or State of residence for IDP) and foreign passport 5. Foreign Travel Document (other than the host country) 6. Without travel Document <input type="checkbox"/>
S07	Economic dependence	<ol style="list-style-type: none"> 1. Primary breadwinner 2. Secondary breadwinner 3. Dependent <input type="checkbox"/>
S08	Educational Level	<ol style="list-style-type: none"> 1. Uneducated 2. Primary / Elementary school 3. Secondary school 4. Diploma or Bachelor 5. Master or PhD <input type="checkbox"/>



S09	Employment	1. Employed 2. Unemployed 3. Full time student/trainee 4. Full time housework 5. Other, specify.....	<input type="checkbox"/>
S10	Marital Status	1. Single / unmarried 2. Married 3. Divorced / separated 4. Widowed	<input type="checkbox"/>
S11	Number of children (if none, mark 00)		<input type="checkbox"/> <input type="checkbox"/>
S12	Did you ancestors (father or grandfather) own land in Palestine prior to 1948 displacement	1. Yes 2. No 3. Don't know	<input type="checkbox"/>

Section II: the possibility of realizing return

NOTE: for the researcher, please read the following sentence before asking the question. The possibility of exercising return in practice: remember that this questionnaire is not about the right of return, but rather examines the possibility of exercising the right of return in practice.

Q1. In your opinion, in general and in principle, what do you say about the possibility of applying return?

1. Return is realizable – go to Section III
2. Return is not realizable at all – go to Question 2

Q2. Why do you believe that return is not realizable?

Answer: 1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree

1. Absolute Israeli rejection
2. Israel's power and suppression
3. Western support for Israel
4. Arab weakness
5. Palestinian official weakness and absence of a unified strategy
6. Length of displacement
7. The large number of refugees and displaced persons
8. Lack of sufficient space in Palestine
9. Lack of sufficient resources in Palestine
10. Integration of refugees and displaced persons into their current communities
11. Absence of international will
12. Lack of pressure or will from refugees demanding return
13. There is no particular personal interest for me in return

NOTE: End of questioning for those who answer Question 2.



Section III: The Envisaged Return

(Remember that the objective for the following questions is based on the fact that the return is realizable, and therefore these questions focus on what return might look like in practice)

Q3: What does return mean for you personally?

Answer: **Pick one**

1. It is a right that I seek to realize in totality (it is fully realizable)
2. It is a right that I seek to realize, even if that is a partial realization (it is realizable but...)
3. Other (specify) _____

(Remember that the possible return-to-application clause below does not mean the possibility or non-applicability of the return, but rather the form of the app imagined by the person's opinion.)

Q4: In your opinion, based on what is realizable, who would be entitled to return?

Answer: **1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree**

1. The return of all those refugees and displaced persons who wish to return.
2. The symbolic return of a limited number of refugees and displaced persons.
3. The return of the first generation of the Nakba only.
4. The return of those to whom Israel approves only.
5. Other (specify) _____

Q5: In your opinion, based on what is realizable, where will return be to?

Answer: **1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree**

1. The original home from where our ancestors were displaced.
2. Anywhere within the borders of historic Palestine, other than the original home.
3. Within the borders of the promised Palestinian state (within 1967).
4. Other (specify) _____

Q6: In your opinion, a realizable return will include the following reparations?

Answer: **1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree**

1. Return, restoration of the entire property and financial compensation.
2. Return, and restoration of the entire property.
3. Return, partial restoration of property and financial compensation.
4. Return, and compensation.
5. Return only,
6. Other (specify) _____

Q7: In your opinion, how will the realizable return happen?

Answer: **pick one**

1. Return open to all refugees and displaced persons all at the same time
2. Incrementally, over a certain period of time (e.g. within 15 years maximum)
3. Gradual return, managed according to the socio-economic situation (the poor and the marginalized first)
4. Other (specify) _____

Q 8: In your opinion, who ought to be prioritized in any return process?

Answer: **Rank from 1 to 7 (or other option)**

1. Return of internally displaced persons in 1948 to their villages of origin.
2. Return of refugees residing in the West Bank
3. Return of refugees residing in the Gaza Strip
4. Return of refugees residing in Arab countries



5. Return of refugees residing in Lebanon particularly
6. Return of refugees residing in foreign host countries (other than Arab countries)
7. Return of refugees secondarily displaced by armed conflicts (e.g. Syria, Iraq, Libya)
8. Other (specify)

Section IV: the Politics of Return

Q9: In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?

Answer: Pick 3 most important reasons in order

1. Palestinian fear of Israeli repression during the attempted return (murder, injury, or imprisonment, etc)(including lessons learned from past attempts at return)
2. Lack of any national vision from political parties to achieve return
3. Lack of collective engagement from Palestinian refugees for any promising return initiatives
4. The existence of barriers and boundaries (including the wall)
5. Lack of willingness to live under Israeli rule.
6. Failure to ensure the status quo after return.
7. Other (specify)

Q10: In your opinion, what are the reasons for the Israeli refusal to allow return of refugees and IDPs?

Answer: 1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree

1. The belief of Israeli Jews that Palestine is the land of Jews exclusively.
2. The racist culture of Israelis Jews.
3. Fear of Israeli Jews that Palestinians will commit massacres against them.
4. Fear of Israeli Jews becoming a persecuted minority in Palestine.
5. Fear of expulsion of Jews to the countries from where they originally came (and back to a repressed minority).
6. Fear of Israeli Jews losing individual and collective privileges gained at the expense of Palestinians.
7. Fear of Israeli Jews losing Western support for Israel if it becomes a state integrated into the environment of the region (i.e. non-Western).
8. Other (specify) _____

Q 11: In your opinion, the best and most equitable political solution to achieve return will be?

Answer: pick one

1. Establishment of a Palestinian state on the 1967 borders and the return of refugees who wish to settle in the 1967 Palestinian state
2. Establishment of a Palestinian state on the 1967 borders and the return of the 1948 refugees to their original homes
3. Establishment of a single democratic Palestinian state in all historic Palestine where Israeli Jews (current colonizers) are Palestinian citizens with equal rights
4. Establishment of a single democratic Israeli state in all historic Palestine where Palestinians (and returnees) are Israeli citizens with equal rights
5. Establishment of a single democratic state (without defining the identity of the state) in all historical Palestine where Israelis and Palestinians are citizens of equal rights
6. Other (specify) _____



Section V: the Practicalities after Return

Q 12(a): What are the most important problems that will face the state and Palestinians when the return is achieved?

Answer: 1. Not important at all 2. Not important 3. Important 4. Very important 5. Don't know

1. Receiving returnees and rehabilitating them economically and socially.
2. Proof of original ownership of land.
3. Dealing with changes in private property.
4. Inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.
5. Evacuation of former colonizers from refugee properties, and re-housing them in new homes established by the State.
6. Compensating people for property that cannot be return (i.e. lost, destroyed or transformation into public facilities).
7. Achieving social stability in light of cultural, religious and social diversity.
8. Preventing religious or ethnic conflicts.
9. Achieving community reconciliation.
10. Achieving social justice and human rights, particularly for vulnerable groups.
11. Building state institutions that are effective, just and equitable.
12. Reparations for the victims of crimes against humanity, war crimes and other violations of international law; and accountability for perpetrators of crimes and violations.
13. Other (specify)

Q12(b): In your opinion, what are the three most important problems of the list above?

1. _____
2. _____
3. _____

Q 13: In your opinion, in a realizable return, who should be responsible for land redistribution?

Answer: pick one

1. The emerging or new state
2. International entities
3. The emerging / new country, in cooperation with an international body.
4. Other (specify) _____

Q 14: In your opinion, in a realizable return, how will the land be redistributed / distributed?

Answer: pick one

1. For individuals who prove their ownership.
2. Redistribution of land on the basis of equality and justice for all.
3. Other (specify) _____

Q 15: In your opinion, in a realizable return, how will the right to housing be addressed?

Answer: pick one

1. Reconstruction of the damaged/destroyed village in its original location.
2. State-funded housing for returnees.
3. Left for individuals to resolve according to their ability.
4. Other (specify) _____

Q 16: In your opinion, in a realizable return, what should happen if the family / grandfather's house is still standing and occupied by an former Israeli colonizer?

Answer: pick one

1. The priority is restoration of the house to the returnee, and the former Israeli colonizer is evicted and rehoused by the state
2. The returnee is given the option of abandoning the house, selling it, renting it, or taking compensation for it.

3. The former colonizer is given the option of leaving the house, renting the house from the returnee or paying compensation to the returnee.
4. Returnee will be provided with alternative housing and land by the state.
5. Other (specify) _____

Q 17: In your opinion, in a realizable return, if the land of the family / grandfather is now the site of a public institution (garden, hospital, school, public transportation, etc.)?

Answer: 1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree

1. The facility should be demolished and the land returned to its original owners.
2. Ownership of the land and establishment are returned to its original owners.
3. The land remains owned by the state, and the state compensates the original owners.
4. Other (specify) _____

Q 18: In your opinion, in a realizable return, if the land of the family / grandfather is now the site of a private entity (farm, factory, company, building, etc)?

Answer: 1. Strongly Disagree 2. Disagree 3. Agree 4. Strongly Agree

1. The entity is demolished and the land returned to its original owners.
2. Ownership of the entity should be transferred to the original owners, and they become the beneficiary of the yield.
3. Ownership of the land is returned to the original owners, and an agreement established between the owner of the private entity (former colonizer) and the original owner (returnee).
4. The former colonizer shall remain the holder of the establishment, and original owner shall be compensated.
5. Other (specify) _____

Section VI: Onus and Responsibility for Return

Q 19: In your opinion, who bears responsibility for putting the return into practice?

Answer : rank 1-5

1. The individual responsibility of every displaced person and refugee.
2. It is a collective national responsibility (refugees, displaced persons, non-refugees alike).
3. The responsibility of the Palestinian political leadership and parties.
4. Arab responsibility (people and states).
5. Responsibility of the international community.
6. Other (specify) _____

Q 20: How do you assess the role of the agencies below in providing services and defending historical and political rights of refugees and IDPs?

Answer: 1. No role 2. Limited role 3. Effective role 4. Very effective role 5. Don't know

	State of Palestine / Palestinian Authority	UNRWA	State of asylum	Arab League	UN	USA	EU
Defending the right of return to our original homes							
Defending the humanitarian rights of refugees until return							



Q 21: In your opinion, how important are the following actions in ensuring a just solution?

<p>In your opinion, how effective are the following procedures/ actions to achieve a durable solution? <i>(Based on international resolutions including resolution 194)</i></p> <p><i>Answer:</i> 1. Not relevant 2. Not important 3. Important 4. Very important 5. Don't know</p>	1. Reactivating The United Nations Conciliation Commission for Palestine (UNCCP) (an international body charged with implementation of UNGA resolution 194)
	2. Expanding the mandate of UNRWA (an international body charged with providing humanitarian assistance)
	3. Security Council sanctions on Israel
	4. The International Criminal Court
	5. Convening an international conference to implement UNGA resolution 194 (UN resolution on the right of return)
	6. Continue with the negotiations track between the PLO, Israel and international partners
	7. Reforming and reactivating the PLO
	8. Supporting the Boycott, Divestment and Sanctions Movement (BDS)
	9. Continuation of return marches in the Gaza Strip
	10. Similar return marches from the West Bank
	11. Continuing to penetrate the borders individually and collectively in an organized return movement
	12. Convincing Israeli society of the unreliability of propaganda that return means a new Holocaust
	13. International pressure pushing Israeli to implement UNGA resolution 194
	14. Other (specify) _____

PR07 Additional notes	Respondent:
	Field worker:





APPENDIX 3

Results of Face-to-Face Questionnaire

Region/Country	Percentage
Gaza Strip	20.0
West Bank	20.0
Jordan	20.0
Lebanon	20.0
1948 IDP	20.0
Total	100.0%

Sex	Percentage
Male	51.1
female	48.9
Total	100.0%

Refugee Status	Percentage
1948 Refugee	74.9
1967 Refugee	5.4
1948 IDP	19.7
Total	100.0%

Dependency Status	Percentage
Main Breadwinner	19.7
Secondary Breadwinner	28.9
Dependent	51.4
Total	100.0%

Did your ancestors own land in Palestine before displacement in 1948	Refugee Status			Total
	1948 Refugee	1967 Refugee	1948 IDP	
Yes	94.4	92.8	62.0	87.7
No	4.1	3.3	13.5	5.9
Don't know	1.4	3.9	24.6	6.4
Total	100.0%	100.0%	100.0%	100.0%

Education	Percentage
Uneducated	1.7
Elementary - Preparatory	19.7
Secondary	48.1
High Diploma-Bachelor degree	29.4
Master - Doctorate	1.1
Total	100.0%

Marital Status	Percentage
Single	74.9
Married	23.4
Divorced - Separated	1.6
widowed	0.1
Total	100.0%

Q1. In your opinion, in general and in principle, what do you say about the possibility of applying return?

In your opinion, in general and in principle, what do you say about the possibility of applying return?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
Return is realizable	80.9	81.8	96.3	100	19.2	91	72.9	87.9	95.6	95.2	100	96.9	18.9	81.3
Return is not realizable at all	19.1	18.2	3.7	0	80.8	9	27.1	12.1	4.4	4.8	0	3.1	81.1	18.7
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q2. Why do you believe that return is not realizable?

Why do you believe that return is not realizable?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Absolute Israeli rejection	Strongly disagree	0	1	3.1	0	0	0	0	2.3	0	8.9	0	0	0	0.5
	Disagree	3.2	2.4	6.7	0	2.1	7.3	2.5	1.2	0	0	0	31.9	2.1	2.8
	Agree	31.6	32.7	24.1	0	33.5	47.9	29.2	34.1	19.4	37.1	0	22.7	32.8	32.1
	Strongly Agree	65.2	64	66.1	0	64.4	44.8	68.2	62.4	80.6	54	0	45.4	65.1	64.7
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100
2. Arab weakness	Strongly disagree	0.4	0	0	0	0.2	0	0.3	0	0	0	0	0	0.2	0.2
	Disagree	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Agree	8.2	8.8	15.5	0	7.3	14.4	8.4	6.1	4.7	39.8	0	0	7.2	8.5
	Strongly Agree	91.4	91.2	84.5	0	92.4	85.6	91.3	93.9	95.3	60.2	0	100	92.6	91.3
	Total	100	100	100	0	100	100	100	100	100	100	0	100	100	100
3. Palestinian official weakness and absence of a unified strategy	Strongly disagree	0.4	0.5	3.1	0	0	0	0.1	2	4.7	0	0	7.6	0	0.5
	Disagree	5.1	5.8	12.5	0	4.3	9.6	6.1	1.1	18.3	0	0	31.9	4.2	5.5
	Agree	39.6	37.5	30.1	0	40	48.2	39.9	29.3	26.7	47.7	0	22.7	39.2	38.6
	Strongly Agree	54.8	56.2	54.2	0	55.7	42.2	54	67.6	50.3	52.3	0	37.9	56.6	55.5
	Total	100	100	100	0	100	100	100	100	100	100	0	100	100	100
4. Length of displacement	Strongly disagree	6.6	6.6	3.1	0	7.2	0	7.6	6.6	0	8.9	0	0	7.1	6.6
	Disagree	43.8	48.7	27.1	0	49.4	72	41.6	49	37.9	0	0	71.2	48.4	46.1
	Agree	30.6	33.3	32.1	0	31.9	3.3	37.8	25.6	11.3	37.2	0	17.4	33.2	31.9
	Strongly Agree	19.1	11.3	37.7	0	11.6	24.7	13.1	18.8	50.8	53.9	0	11.4	11.3	15.4
	Total	100	100	100	0	100	100	100	100	100	100	0	100	100	100
5. The large number of refugees and displaced persons	Strongly disagree	23.4	15.9	11.3	0	21.3	0	18.5	34.5	23	8.9	0	3.8	20.8	19.8
	Disagree	39.7	42.3	33.7	0	42.2	61.8	42.5	24.6	16.9	0	0	78.8	43.3	40.9
	Agree	18.5	34.9	11.8	0	28.8	14.9	27.2	29.1	26.4	5.7	0	6.1	28.3	26.3
	Strongly Agree	18.4	6.9	43.2	0	7.7	23.3	11.7	11.8	33.7	85.4	0	11.4	7.6	12.9
	Total	100	100	100	0	100	100	100	100	100	100	0	100	100	100
6. Lack of sufficient space in Palestine	Strongly disagree	47.7	43.3	26.7	0	48.8	35.2	43.3	59.3	23	19.4	0	3.8	49.8	45.6
	Disagree	36.7	47.7	31.8	0	43.7	33.9	45.8	32.5	31.1	11.5	0	84.9	42.9	42
	Agree	7.2	2.6	13.1	0	3.6	13	4	4.5	5.4	25.7	0	11.4	3.5	5
	Strongly Agree	8.4	6.3	28.3	0	3.8	17.9	7	3.6	40.5	43.5	0	0	3.8	7.4
	Total	100	100	100	0	100	100	100	100	100	100	0	100	100	100



7. Lack of sufficient resources in Palestine	Strongly disagree	31.6	40.5	36.1	0	35.8	1.5	38.3	44.6	44.6	19.4	0	15.1	37	35.8
	Disagree	52.9	49.5	23.3	0	56.1	67.7	49.9	47.8	9.5	11.5	0	77.3	55	51.3
	Agree	10.2	3.6	21.4	0	4.6	13	7.1	3.9	5.4	51.3	0	7.6	4.5	7.1
	Strongly Agree	5.3	6.3	19.3	0	3.5	17.9	4.7	3.6	40.5	17.8	0	0	3.4	5.8
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100
8. Integration of refugees and displaced persons into their current communities	Strongly disagree	6.5	0.9	7.4	0	3.2	0	4	5.2	23	0	0	0	3.1	3.8
	Disagree	43.8	40.2	16.6	0	46.4	61.8	34.1	60.2	27.6	0	0	37.1	45.5	42.1
	Agree	30.6	47.2	38.6	0	38.5	4.7	48	22.1	8.9	30.9	0	62.9	39.7	38.5
	Strongly Agree	19.1	11.7	37.3	0	11.9	33.5	13.9	12.6	40.5	69.1	0	0	11.7	15.6
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100
9. Absence of international will	Strongly disagree	6.1	6.7	17.3	0	4.5	1.5	4.7	14.7	33.7	11.5	0	11.4	4.4	6.4
	Disagree	51.2	49.9	13.4	0	57	65	45.6	61	0	7.9	0	50.8	55.8	50.6
	Agree	28.9	38.1	38	0	32.5	8.9	41.6	16.6	49.3	11.5	0	30.3	33.8	33.3
	Strongly Agree	13.8	5.3	31.4	0	6	24.6	8.2	7.7	17.1	69.1	0	7.6	5.9	9.7
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100
10. Lack of pressure or will from refugees demanding return	Strongly disagree	2	0.7	0	0	1.6	0	0.5	5.3	0	0	0	0	1.6	1.4
	Disagree	9.1	10.1	0	0	11.2	0	8.4	18.7	0	0	0	0	11	9.6
	Agree	44.9	51.6	48.1	0	48.1	50	50	40.4	27.6	65.5	0	21.2	49.2	48.1
	Strongly Agree	43.9	37.5	51.9	0	39	50	41.1	35.6	72.4	34.5	0	78.8	38.2	40.9
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100
11. There is no particular personal interest for me in return	Strongly disagree	2.4	1.3	6.2	0	1.1	0	1.9	3	11.9	0	0	11.4	1.1	1.9
	Disagree	18.9	9.2	4.8	0	15.9	37.5	9.7	18.4	3.6	5.7	0	7.6	15.6	14.3
	Agree	53.3	47	44.1	0	51.4	16.2	52	62.2	45.8	61.8	0	36.4	50.3	50.3
	Strongly Agree	25.3	42.4	45	0	31.5	46.3	36.4	16.4	38.7	32.4	0	44.7	32.9	33.5
	Total	100	100	100	0	100	100	100	100	100	100	100	0	100	100



Q3. What does return mean for you personally?

What does return mean for you personally?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. It is a right that I seek to realize in totality (it is fully realizable)	69.5	71.4	72.5	88.3	5.5	76	71.1	65.4	64.9	83.7	55.9	90.4	5.5	70.4
2. It is a right that I seek to realize, even if that is a partial realization (it is realizable but...)	30.2	27.3	27.3	9.4	86	23.6	27.7	34.1	35.1	14.8	44.1	9.4	86	28.8
3. Other (specify)	0.3	1.3	0.3	2.3	8.5	0.4	1.3	0.4	0	1.5	0	0.2	8.5	0.8
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q4. In your opinion, based on what is realizable, who would be entitled to return?

In your opinion, based on what is realizable, who would be entitled to return?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The return of all those refugees and displaced persons who wish to return.	Strongly disagree	1.5	0.6	0.8	0	6.8	0.5	1.4	1	0.7	2.3	0	0.1	6.8	1.1
	Disagree	3.8	3.3	1.3	0	52	0.5	5.2	3.8	3.4	1.2	0	0.3	52	3.6
	Agree	25.6	26.8	26.4	29.5	17.8	23.3	21.7	34.2	33.3	32.6	19	22.1	17.8	26.2
	Strongly Agree	69.1	69.2	71.4	70.5	23.4	75.8	71.7	61	62.6	63.9	81	77.6	23.4	69.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. The symbolic return of a limited number of refugees and displaced persons.	Strongly disagree	29.2	29.1	31.3	19.1	1.3	32.6	31.3	23.7	25.5	52.8	32.5	11.5	1.3	29.1
	Disagree	40.5	47.3	45.4	39	21.1	41.9	38.6	52.1	52.6	37.6	41	48.7	21.1	43.8
	Agree	26.6	21.5	20.6	38	72.1	23.6	26.7	21.2	18	8.8	22.6	37.4	72.1	24.1
	Strongly Agree	3.7	2.1	2.7	3.8	5.5	1.9	3.4	3	3.9	0.9	3.9	2.4	5.5	2.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. The return of the first generation of the Nakba only.	Strongly disagree	46.2	45.1	48.8	33.2	3.5	54.9	44	41.3	40.3	67.9	56.8	26.1	3.5	45.7
	Disagree	35.3	42.3	37.3	57.2	39.1	35.8	38.1	41.6	46.9	31.4	20.6	56.4	39.1	38.7
	Agree	13.4	9.2	9.8	5.7	47.7	5.6	12	14.6	10.9	0.7	11.5	14.9	47.7	11.3
	Strongly Agree	5.1	3.4	4	3.8	9.8	3.7	5.9	2.5	1.9	0	11.1	2.6	9.8	4.3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



4. The return of those to whom Israel approves only.	Strongly disagree	66	64.4	70.3	37.4	9.1	68	63.9	65	64.8	77.6	79.4	49.9	9.1	65.2
	Disagree	30.7	31.5	29	62.6	27.3	31.6	30.3	31.8	33.5	21.2	20.6	50	27.3	31.1
	Agree	2.7	2.8	0.4	0	50.8	0.4	4.4	2.3	0.9	0.6	0	0.1	50.8	2.7
	Strongly Agree	0.6	1.2	0.4	0	12.9	0.1	1.4	0.9	0.8	0.6	0	0	12.9	0.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Other	Strongly disagree	0	0.9	0.3	0	0	0	0.5	0	0	0	0	1.5	0	0.2
	Strongly Agree	100	99.1	99.7	100	0	100	99.5	100	0	100	0	98.5	0	99.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q5. In your opinion, based on what is realizable, where will return be to?

In your opinion, based on what is realizable, where will return be to?	Gender		Refugee Status			Educational Status			Country/Region					Total	
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine		
1. The original home from where our ancestors were displaced.	Strongly disagree	0.8	0.5	0.5	0	5.5	0.8	0.4	1	0.6	1.2	0	0.1	5.5	0.7
	Disagree	1.3	2.7	1.1	0	22.5	0.6	3.2	1.5	2.3	0.4	0	1.3	22.5	2
	Agree	26.9	23.4	24.9	6.8	55.2	23.1	19.6	33.9	32.2	18.7	18.6	25.4	55.2	25.1
	Strongly Agree	71	73.4	73.5	93.2	16.8	75.4	76.9	63.6	64.8	79.7	81.4	73.2	16.8	72.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Anywhere within the borders of historic Palestine, other than the original home.	Strongly disagree	14.8	13.5	14.6	14.8	4.2	13.7	19.2	7.9	19.5	25.1	12.7	1.6	4.2	14.2
	Disagree	21.9	27.9	23.3	14.2	69.5	20	22.6	31.3	40.8	29.8	6.6	14.4	69.5	24.8
	Agree	52.4	45	49	61.5	26.3	53.3	43.7	52.1	37	41.5	47.7	73.1	26.3	48.8
	Strongly Agree	10.9	13.6	13.1	9.5	0	13	14.4	8.8	2.7	3.6	33	11	0	12.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Within the borders of the promised Palestinian state (within 1967).	Strongly disagree	31.4	24.1	30.6	9.1	0.7	32.9	31.8	18.9	24.6	32.7	51.1	7.5	0.7	27.8
	Disagree	30.7	35	34	14.5	35.4	23.7	31.7	40.8	43.6	30.9	26.1	30.2	35.4	32.8
	Agree	36.1	38.8	34.2	68.8	53.8	41.6	33.9	39	30.9	34	21.2	60.8	53.8	37.4
	Strongly Agree	1.9	2.1	1.1	7.7	10.1	1.7	2.7	1.3	0.9	2.3	1.7	1.5	10.1	2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q6. In your opinion, a realizable return will include the following reparations?

In your opinion, a realizable return will include the following reparations?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Return, restoration of the entire property and financial compensation.	Strongly disagree	1	0.8	0.6	0	7.8	0.7	1.1	0.8	0.4	2	0	0	7.8	0.9
	Disagree	4.8	4.1	3	7.5	26.7	3.1	6.9	2.1	2	9.4	1.6	0.5	26.7	4.4
	Agree	26.1	26.2	24.1	47.1	35.7	28.9	20.5	31.5	29.4	20.2	15.5	37.8	35.7	26.1
	Strongly Agree	68.1	68.9	72.2	45.4	29.8	67.2	71.4	65.6	68.3	68.4	82.9	61.6	29.8	68.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Return, and restoration of the entire property.	Strongly disagree	4.2	3.2	3.8	0	6.4	3.7	5.3	1.6	0.8	0.9	12.2	0	6.4	3.7
	Disagree	4	7	3.9	9.1	30.2	4.8	6	5.3	4.4	9.2	3.1	0.5	30.2	5.5
	Agree	50.7	54	52.3	61.3	39.9	47.9	48.7	60.3	51.6	45.4	50.2	64.5	39.9	52.3
	Strongly Agree	41	35.8	39.9	29.6	23.5	43.6	40	32.8	43.2	44.5	34.5	35	23.5	38.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Return, partial restoration of property and financial compensation.	Strongly disagree	15.4	11.4	15	2.8	0	13.3	17.6	8.3	5.4	15	35.2	0.2	0	13.5
	Disagree	28.7	36.8	35.2	14.3	10.6	35.7	32	31.5	38	42.6	42.1	12.4	10.6	32.7
	Agree	46	39.5	38.2	78.1	80.9	37.9	41.8	47.7	39	34.7	17.5	73.1	80.9	42.8
	Strongly Agree	9.8	12.3	11.6	4.8	8.6	13.1	8.7	12.6	17.6	7.6	5.2	14.3	8.6	11
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. Return, and compensation.	Strongly disagree	16.1	14.5	16.2	14.7	0	14.6	20.2	9.4	6.3	23.6	33.9	0	0	15.3
	Disagree	19.7	23.9	21.9	6	42.8	21.1	20.2	24.4	27.7	22.9	29	3.4	42.8	21.8
	Agree	51	46.3	47.2	70.2	45.5	49.9	47	50	46.4	44.1	29.5	75.8	45.5	48.7
	Strongly Agree	13.2	15.3	14.7	9	11.8	14.4	12.6	16.2	19.6	9.4	7.7	20.8	11.8	14.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Return only	Strongly disagree	24.4	24.6	25.6	17	13.7	22.6	29.9	18.9	24.3	27.4	44	3.9	13.7	24.5
	Disagree	22.2	26.3	23.5	6.9	62.1	23.5	22.7	26.7	27.6	19.2	34.6	7.8	62.1	24.2
	Agree	40.9	37.3	39.6	43.7	24.2	39.1	37	41.9	38.8	44.8	16.8	59.9	24.2	39.1
	Strongly Agree	12.5	11.8	11.3	32.4	0	14.8	10.5	12.4	9.3	8.6	4.6	28.5	0	12.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
6. Other (specify)	Strongly disagree	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	Disagree	0	1.3	0.6	0	0	0.6	0	0	0	0	0	0.4	0	0.4
	Agree	100	2.5	99.4	0	0	99.4	1.3	100	0	0	0	67.2	0	67.2
	Strongly Agree	0	96.2	0	100	0	0	98.7	0	0	0	0	32.3	0	32.3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q7. In your opinion, how will the realizable return happen?

In your opinion, how will the realizable return happen?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Return open to all refugees and displaced persons all at the same time	60.2	58.1	63.3	46	0	68.2	57.1	55.4	61.8	70.3	48.6	68.2	0	59.2
2. Incrementally, over a certain period of time (e.g. within 15 years maximum)	28.7	26.8	25.4	19.3	84.5	21.2	30.8	28.5	23.8	18.9	37.8	19	84.5	27.8
3. Gradual return, managed according to the socio-economic situation (the poor and the marginalized first)	9.3	12	8.7	34.7	14.1	8.4	11.1	11.7	14.4	10.2	4.8	12.8	14.1	10.7
4. Other (specify)	1.8	3	2.6	0	1.4	2.1	1	4.4	0	0.6	8.8	0	1.4	2.4
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q8. In your opinion, who ought to be prioritized in any return process?

In your opinion, who ought to be prioritized in any return process?	Return of internally displaced persons in 1948 to their villages of origin.	Return of refugees residing in the West Bank	Return of refugees residing in the Gaza Strip	Return of refugees residing in Lebanon particularly	Return of refugees residing in Arab countries	Return of refugees residing in foreign host countries (other than Arab countries)	Return of refugees secondarily displaced by armed conflicts (e.g. Syria, Iraq, Libya)
1	11.4	6.5	15.2	22.3	19.1	10	16.1
2	5.9	12.5	16.8	26.1	16.7	9.8	13
3	11.1	10.3	23.3	15.9	19.9	8.3	11.3
4	14.3	15.2	21.2	14.8	13.3	7.6	14.6
5	9.9	30.4	11.3	9.6	13.1	15.6	8.8
6	18.4	15.4	7.1	5.9	10.8	20.7	22.4
7	29	9.6	5.2	5.4	7.1	28	13.9
Total	100	100	100	100	100	100	100
Overall Rate	11.5	13	16.4	17.7	16.2	11.3	13.8
Ranking	6	5	2	1	3	7	4



Q9-A. In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?

In your opinion, what prevents the emergence of an individual and collective (popular) return movement now? (First Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Palestinian fear of Israeli repression during the attempted return (murder, injury, or imprisonment, etc)(including lessons learned from past attempts at return)	39.8	38.6	39.1	28.7	55.6	43.9	37.8	37.6	31.3	34.8	65.8	20.7	55.6	39.2
2. Lack of any national vision from political parties to achieve return	27.1	25.7	27.5	18.5	17	20.8	31.2	24.3	24.4	44.6	14.9	24.3	17	26.4
3. Lack of collective engagement from Palestinian refugees for any promising return initiatives	8.7	9.5	8.4	22.9	2.1	8.9	8.4	10.1	7.4	3	3.8	23.6	2.1	9.1
4. The existence of barriers and boundaries (including the wall)	13.9	13.4	14.2	6.6	13.1	15.3	12.4	14	20.8	11.9	11.7	10.3	13.1	13.6
5. Lack of willingness to live under Israeli rule.	5.8	7.6	6.3	15.7	1.7	7	5.8	7.6	5.5	3	3.8	15.3	1.7	6.7
6. Failure to ensure the status quo after return.	4.8	4.8	4.3	7.6	10.5	4.1	4.2	6.2	10	2.6	0	5.8	10.5	4.8
7. Other (specify)	0	0.3	0.2	0	0	0	0.1	0.3	0.6	0	0	0	0	0.1
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q9-B. In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?

In your opinion, what prevents the emergence of an individual and collective (popular) return movement now? (Second Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Palestinian fear of Israeli repression during the attempted return (murder, injury, or imprisonment, etc)(including lessons learned from past attempts at return)	17.3	18.3	18.4	6	22	14.2	16.1	22.6	21.5	19.4	8.6	21.1	22	17.8



2. Lack of any national vision from political parties to achieve return	20.6	19.1	20.7	4.6	24.7	23.1	20.1	17.1	11.2	9.6	37.9	18.8	24.7	19.8
3. Lack of collective engagement from Palestinian refugees for any promising return initiatives	14.7	14.8	14.6	23.1	5.9	15.5	14.8	14.1	18.1	14.7	9.9	18.1	5.9	14.7
4. The existence of barriers and boundaries (including the wall)	29.3	29.9	28.9	39.3	28	24.7	34.4	26.8	20.2	43.3	38.4	16.5	28	29.6
5. Lack of willingness to live under Israeli rule.	13.3	10.4	11	27.1	7.9	13.4	9.9	13.3	19.1	7	5	17.4	7.9	11.9
6. Failure to ensure the status quo after return.	4.9	7.6	6.4	0	11.5	9.1	4.6	6.2	9.8	6.1	0.2	8	11.5	6.2
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q9-C. In your opinion, what prevents the emergence of an individual and collective (popular) return movement now?														
In your opinion, what prevents the emergence of an individual and collective (popular) return movement now? (Third Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Palestinian fear of Israeli repression during the attempted return (murder, injury, or imprisonment, etc)(including lessons learned from past attempts at return)	13.8	12.5	13.7	5.7	14.2	10.3	15.9	11.8	14.3	5.7	20.4	11.8	14.2	13.2
2. Lack of any national vision from political parties to achieve return	17.7	16.6	17.1	7.6	31.4	15.9	15.4	20.3	23.6	10.6	13.9	17.7	31.4	17.1
3. Lack of collective engagement from Palestinian refugees for any promising return initiatives	10.6	11.1	11.7	0.5	8.3	14.4	10.5	8.6	8.4	3	15.1	17	8.3	10.8
4. The existence of barriers and boundaries (including the wall)	12.9	14.9	14.8	2.7	12.3	16.3	12.5	13.8	11.1	12.7	24.2	7.3	12.3	13.9
5. Lack of willingness to live under Israeli rule.	22.1	18.6	21.6	14.2	6.5	22.5	19	20.6	19.1	22.7	25.6	16.6	6.5	20.4
6. Failure to ensure the status quo after return.	22.9	26.4	21.2	69.3	27.3	20.5	26.7	24.9	23.5	45.3	0.8	29.5	27.3	24.6
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q10. In your opinion, what are the reasons for the Israeli refusal to allow return of refugees and IDPs?

In your opinion, what are the reasons for the Israeli refusal to allow return of refugees and IDPs?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The belief of Israeli Jews that Palestine is the land of Jews exclusively.	Strongly disagree	3.1	2	2.8	0	0.7	3.1	2.4	2.4	4.4	3.5	0	2.9	0.7	2.6
	Disagree	4.8	2.8	4.1	0.5	2.7	1.1	3.7	6	8.4	4.3	2.4	0.5	2.7	3.8
	Agree	35.3	36.4	34.3	51.5	42.9	32.6	32.9	42.1	44.1	26.4	17.4	54.6	42.9	35.9
	Strongly Agree	56.8	58.8	58.7	48	53.8	63.2	61	49.5	43	65.9	80.2	42	53.8	57.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. The racist culture of Israelis Jews.	Strongly disagree	0.9	0.5	0.6	2.2	0	1.5	0.4	0.4	1.3	1.3	0	0.3	0	0.7
	Disagree	4.8	2.7	3.9	4.6	0	2.8	5.6	2.1	6.4	5.9	2.4	1.2	0	3.8
	Agree	36.4	36.5	37	29	36.3	38.6	35	36.8	43.4	41.7	20.1	41.3	36.3	36.5
	Strongly Agree	57.9	60.4	58.5	64.3	63.7	57	59.1	60.7	48.9	51.1	77.6	57.2	63.7	59.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Fear of Israeli Jews that Palestinians will commit massacres against them	Strongly disagree	6.1	4.2	5.3	1.6	8.5	6.7	6.8	2	5.5	3.5	9	2	8.5	5.2
	Disagree	14.1	12.4	12.5	6.5	37.8	6.4	13.1	18.4	19.2	20.6	4.2	4.7	37.8	13.3
	Agree	44.9	40.6	41.1	59.5	50.1	39	44	43.9	46.7	48.6	23	52.1	50.1	42.8
	Strongly Agree	34.9	42.8	41.1	32.4	3.7	47.9	36.1	35.7	28.6	27.2	63.8	41.3	3.7	38.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. Fear of Israeli Jews becoming a persecuted minority in Palestine.	Strongly disagree	6.3	5.9	6.8	0.8	0	7.2	8.5	2.2	3.3	1.6	18.7	1.5	0	6.1
	Disagree	14.4	9.2	11.6	8.1	21.5	10.6	10.3	14.7	9.9	15.4	12.5	7.6	21.5	11.8
	Agree	49.3	48.2	46.6	65.3	66.9	49.2	49.4	47.6	49.4	55.5	24.3	63.2	66.9	48.8
	Strongly Agree	30	36.7	35	25.7	11.5	33	31.8	35.5	37.4	27.5	44.5	27.7	11.5	33.3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Fear of expulsion of Jews to the countries from where they originally came (and back to a repressed minority).	Strongly disagree	10.2	8.8	10.2	1.6	8.5	13.7	11.8	3.5	2.5	4.2	29.4	1.3	8.5	9.5
	Disagree	11.4	12.8	11.8	8	22.5	7.4	10.8	17.2	9	11.6	18.8	6.7	22.5	12.1
	Agree	44.9	44.4	43.1	56.6	58.2	43.9	45.2	44.6	44.9	45.3	22.4	64.2	58.2	44.7
	Strongly Agree	33.4	34	34.9	33.9	10.9	35	32.3	34.7	43.6	38.9	29.4	27.8	10.9	33.7
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



6. Fear of Israeli Jews losing individual and collective privileges gained at the expense of Palestinians.	Strongly disagree	12.1	11.5	12.2	8.4	8.5	15.8	15.2	4.4	2.3	10.3	33.8	0.7	8.5	11.8
	Disagree	18.1	14	15.4	2.3	47.9	10.1	14.7	22.1	18	15.4	19.3	5.2	47.9	16
	Agree	42.4	42.8	41.2	66.2	35.6	50.5	38.8	41.8	41.9	44.8	20.2	65.5	35.6	42.6
	Strongly Agree	27.4	31.8	31.2	23.2	8.1	23.6	31.2	31.8	37.8	29.5	26.7	28.7	8.1	29.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
7. Fear of Israeli Jews losing Western support for Israel if it becomes a state integrated into the environment of the region (i.e. non-Western).	Strongly disagree	13.8	12.9	14.5	4.7	4.2	15.5	15.9	8.4	2.3	12.8	37.8	1.2	4.2	13.3
	Disagree	22.5	16	18	0	72	15.6	19.9	21.2	22.8	18.5	18.9	6.8	72	19.3
	Agree	36.7	40.3	36.5	81.7	13.4	43.7	38	35.2	33.5	38.1	17.3	70.7	13.4	38.5
	Strongly Agree	27	30.9	31	13.6	10.4	25.2	26.2	35.2	41.5	30.6	26	21.4	10.4	28.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q11. In your opinion, the best and most equitable political solution to achieve return will be?

In your opinion, the best and most equitable political solution to achieve return will be?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Establishment of a Palestinian state on the 1967 borders and the return of refugees who wish to settle in the 1967 Palestinian state	13.8	14.2	13.2	26.3	11.5	17.1	9.9	17.2	16.6	14.1	0.9	25.4	11.5	14
2. Establishment of a Palestinian state on the 1967 borders and the return of the 1948 refugees to their original homes	49.4	46.9	45.5	66.8	72	39.8	48.7	53.6	60.5	70.6	13.6	45.1	72	48.2
3. Establishment of a single democratic Palestinian state in all historic Palestine where Israeli Jews (current colonizers) are Palestinian citizens with equal rights	32.8	32.6	36	3.9	12	39.9	36.1	23.1	11	8.6	85.4	27.6	12	32.7
4. Establishment of a single democratic Israeli state in all historic Palestine where Palestinians (and returnees) are Israeli citizens with equal rights	0.9	0.6	0.9	0	0	0.4	1	0.8	3.1	0.3	0	0	0	0.8
5. Establishment of a single democratic state (without defining the identity of the state) in all historical Palestine where Israelis and Palestinians are citizens of equal rights	0.8	2.3	1.3	2.2	4.5	0.2	1.5	2.6	1.5	3.8	0	0.4	4.5	1.5
6. Other	2.2	3.3	3	0.8	0	2.7	2.8	2.7	7.3	2.7	0.1	1.6	0	2.8
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q12. (a) What are the most important problems that will face the state and Palestinians when the return is achieved?

What are the most important problems that will face the state and Palestinians when the return is achieved?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Receiving returnees and rehabilitating them economically and socially.	Not important at all	4.2	5	5	0.5	2.3	3.2	5.4	4.6	0.3	2.8	15.2	0.2	2.3	4.6
	Not important	9.6	7.9	8.5	5.4	18.3	10.8	9.9	5.7	4.3	11.1	16.4	1	18.3	8.7
	Important	52.6	49.9	48.7	84.3	53.4	53.6	52.1	48.6	51.2	67.3	37.4	49.5	53.4	51.3
	Very important	33.5	36.9	37.5	9.9	26	32.4	32.3	40.9	44.2	18.3	31	48.9	26	35.2
	Don't know	0.2	0.3	0.2	0	0	0	0.3	0.2	0	0.6	0	0.3	0	0.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Proof of original ownership of land.	Not important at all	0.5	0.4	0.5	0.5	0	0.1	0.7	0.3	0	1.1	0.8	0	0	0.4
	Not important	8	5.6	6.9	5.3	7.8	9.7	4.9	7.4	5.5	10.4	3.2	8.3	7.8	6.9
	Important	42.1	34.9	35.7	64.5	58	41	39.6	35.5	31.3	47.1	25.9	46.8	58	38.6
	Very important	49.4	58.8	56.9	29.7	34.2	49	54.6	56.8	63.2	41.1	70.1	44.8	34.2	54
	Don't know	0	0.2	0.1	0	0	0.1	0.2	0	0	0.3	0	0.1	0	0.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Dealing with changes in private property	Not important at all	2.1	1.2	1.7	2.2	0	3.3	1.7	0.4	2.1	0.1	4.4	0.2	0	1.7
	Not important	14.2	8.8	12.8	2.4	1.5	10.8	13.6	9.4	13.3	21.2	10.5	3.4	1.5	11.5
	Important	45.9	51.4	46.5	73.7	52.8	48.2	44.5	54.2	38.1	51	34.7	69.9	52.8	48.6
	Very important	37.6	37.6	38.5	19.4	45.7	37.7	39.6	34.8	46.5	26.2	50.3	25.3	45.7	37.6
	Don't know	0.3	1	0.6	2.3	0	0	0.6	1.2	0	1.4	0.1	1.2	0	0.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. Inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	Not important at all	0.7	2.6	1.7	1.6	0	1.5	1.3	2.2	0.9	2.8	1.6	1.6	0	1.6
	Not important	12.3	11.1	12.4	3.1	11.1	10.3	12.2	12	11.3	18.3	3	14.7	11.1	11.7
	Important	41.3	40.6	37.5	65	72.7	44.9	41.4	37.5	37.1	31.1	28.5	61.1	72.7	41
	Very important	45.5	44.2	47.5	29.9	16.1	43	44.1	47.3	50.4	47.1	66.8	20.4	16.1	44.9
	Don't know	0.2	1.4	0.9	0.4	0	0.2	0.9	1.1	0.3	0.7	0.1	2.2	0	0.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Evacuation of former colonizers from refugee properties, and re-housing them in new homes established by the State.	Not important at all	16	12.8	16.1	1.6	0	20.3	15.7	8.5	9.5	4.4	40.7	4.8	0	14.4
	Not important	24	26.8	24.1	51.7	12.7	23.9	28.3	22.5	15.9	9.7	35.1	42.5	12.7	25.3
	Important	33.5	30.9	33.9	20.5	16.6	32.4	29.5	35.5	31.6	44.6	21.7	34.3	16.6	32.2
	Very important	26.4	29	25.6	26.3	70.7	23.4	25.9	33.1	43	40.6	2.3	17.7	70.7	27.7
	Don't know	0.2	0.5	0.4	0	0	0	0.6	0.3	0	0.7	0.1	0.7	0	0.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



6. Compensating people for property that cannot be return (i.e. lost, destroyed or transformation into public facilities).	Not important at all	2.6	2.9	3.1	0	0	4.3	3.4	0.7	1.5	2.6	7	0.2	0	2.7
	Not important	9.1	11.6	10	8	20	7.4	13.2	8.6	5.8	20.9	8.9	3.9	20	10.3
	Important	41.1	38.3	39	57.1	29.3	45.5	38.5	37.1	34.2	44.3	32.5	50.2	29.3	39.7
	Very important	47.1	46.4	47.4	35	50.8	42.9	44.3	52.9	58.5	31.6	51.6	44.3	50.8	46.8
	Don't know	0.1	0.8	0.5	0	0	0	0.5	0.7	0	0.5	0	1.4	0	0.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
7. Achieving social stability in light of cultural, religious and social diversity.	Not important at all	2.6	1.4	2.2	0	0	1.5	2.5	1.6	0.6	3.3	4.1	0.2	0	2
	Not important	9.9	9.8	8.7	13.7	26.7	12.2	11.9	5.4	7.6	15.5	12.9	0.1	26.7	9.8
	Important	45.1	48.2	47.4	32.4	53	48	43.1	50.3	51.7	57.5	42.5	34.1	53	46.6
	Very important	42.2	40.6	41.6	53.8	20.3	38.2	42.5	42.4	40	23.7	40.5	65.2	20.3	41.4
	Don't know	0.2	0.1	0.1	0	0	0.1	0.1	0.2	0	0	0	0.4	0	0.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
8. Preventing religious or ethnic conflicts.	Not important at all	4.1	3.4	3.7	6.8	0	2.7	4.9	3	2.5	7.9	5.1	0.2	0	3.7
	Not important	15.9	12	14.4	5.7	17.3	16.6	15.2	10.5	16	19.8	18.8	0.6	17.3	14
	Important	43.4	42.9	41.9	48.1	59.7	48.3	39.6	44	36	45.6	41.7	46.1	59.7	43.2
	Very important	36.4	41.1	39.5	39	23.1	32.2	39.6	42.3	45.4	26.4	34.3	51.7	23.1	38.7
	Don't know	0.2	0.7	0.4	0.4	0	0.1	0.7	0.2	0	0.3	0.1	1.4	0	0.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
9. Achieving community reconciliation.	Not important at all	3.3	1.1	2.3	2.7	0	1.5	3.1	1.5	0.6	3.8	4.7	0	0	2.2
	Not important	11.4	9.3	9.6	16.6	16.7	10.9	12	7.8	8	22.2	10.2	0	16.7	10.4
	Important	40.5	43.7	42.4	15.5	73.4	41.4	43.3	41	46	56.2	32.1	28.4	73.4	42.1
	Very important	44.7	45.7	45.6	64.9	9.9	46.1	41.4	49.6	45.3	17.7	53	70.9	9.9	45.2
	Don't know	0.1	0.2	0.1	0.4	0	0.1	0.2	0.1	0	0	0	0.6	0	0.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
10. Achieving social justice and human rights, particularly for vulnerable groups.	Not important at all	1.9	1	1.6	0	0	1.3	1.8	1.1	1.3	0.3	4.4	0	0	1.5
	Not important	10.7	7.6	9.3	0	20.8	10	9.8	7.8	3.9	5	24.9	0.1	20.8	9.2
	Important	39.4	49.7	44.4	45.8	44	40.2	43.7	48.4	51.6	55.3	45.1	26.2	44	44.4
	Very important	48	41.6	44.7	54.2	35.1	48.3	44.6	42.6	43.2	39.4	25.6	73.6	35.1	44.9
	Don't know	0.1	0	0	0	0	0.1	0	0	0	0	0	0.1	0	0
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
11. Building state institutions that are effective, just and equitable.	Not important at all	1.5	2.3	1.8	4.6	0	1.2	2.8	1.2	1.3	2.5	4.1	0	0	1.9
	Not important	6.8	11.4	8.9	2.8	22.6	12.2	8.8	7.2	6	7.8	19.6	0	22.6	9.1
	Important	44.7	44.7	45.4	19.7	66.3	45.7	44.7	44	44.3	56.3	48.5	25.6	66.3	44.7
	Very important	47	41.5	43.9	73	11.1	40.8	43.6	47.6	48.4	33.3	27.8	74.4	11.1	44.3
	Don't know	0	0.1	0	0	0	0	0	0.1	0	0.1	0	0	0	0
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



12. Reparations for the victims of crimes against humanity, war crimes and other violations of international law; and accountability for perpetrators of crimes and violations.	Not important at all	1.2	0.6	1	0	0	0.3	1.1	1.1	0.9	1.6	1.2	0	0	0.9
	Not important	7	8.7	7.5	0.5	24.8	8.5	8.9	5.9	1.8	10.4	13.2	2.3	24.8	7.8
	Important	36.2	33.1	34.5	25.2	50.7	36	34	34.6	37	28.6	41.2	28.4	50.7	34.7
	Very important	53.7	57.1	55.6	74.3	24.5	55.3	56	54.6	60.2	59.4	44.3	64.1	24.5	55.4
	Don't know	1.9	0.5	1.4	0	0	0	0	3.7	0	0	0	5.2	0	1.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q12.(b1) In your opinion, what are the three most important problems of the list in Q12(a)?

In your opinion, what are the three most important problems of the list in Question 12(a)? (First Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Receiving returnees and rehabilitating them economically and socially.	18.8	19.3	20.8	2.7	9.2	14.8	16.1	26.1	19.9	15.3	22.1	20.7	9.2	19.1
2. Proof of original ownership of land.	24.6	22.8	25.5	6.6	14.2	23.6	27.4	19.1	35.1	12.6	39.6	9	14.2	23.7
3. Dealing with changes in private property.	4.9	8.5	6.1	4.2	20.2	9.3	5.6	6.1	7.1	4	7.5	5.3	20.2	6.7
4. Inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	8.6	9.5	9.6	6.4	1.3	10.4	10.2	6.5	5	20.1	10.3	2.3	1.3	9
5. Evacuation of former colonizers from refugee properties, and re-housing them in new homes established by the State.	2.9	5.7	2.8	5.7	30.3	1.7	3.4	7.2	5.9	2.4	0	3.7	30.3	4.3
6. Compensating people for property that cannot be return (i.e. lost, destroyed or transformation into public facilities).	6.6	3.5	5	6.5	5	6.6	5.4	3.6	4.7	4.4	7.4	3.7	5	5.1
7. Achieving social stability in light of cultural, religious and social diversity.	3	5.8	4.1	0	15.7	0.6	4.3	7.2	3	2	6.4	3.8	15.7	4.4
8. Preventing religious or ethnic conflicts.	3.4	2	2.8	3.8	0	2.3	2.2	3.7	1.7	1.1	0.8	7.8	0	2.7
9. Achieving community reconciliation.	2.6	2	1.8	7.6	4.1	3.5	1.7	2.2	1	1.6	2.9	3.4	4.1	2.3
10. Achieving social justice and human rights, particularly for vulnerable groups.	6.2	4.9	5.2	14.9	0	6.2	5.4	5.4	2.9	5.2	0	15.5	0	5.6
11. Building state institutions that are effective, just and equitable.	3.6	2.4	3.4	0	0	3.1	3.1	2.9	5.5	0.6	0	6.8	0	3
12. Reparations for the victims of crimes against humanity, war crimes and other violations of international law; and accountability for perpetrators of crimes and violations.	14.8	13.4	12.8	41.4	0	17.9	15.1	10.1	8.3	30.6	3	17.8	0	14.1
13. Other	0	0.1	0	0	0	0	0.1	0	0	0	0	0.1	0	0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q12.(b2) In your opinion, what are the three most important problems of the list in Q12(a)?

In your opinion, what are the three most important problems of the list above? (Second Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Receiving returnees and rehabilitating them economically and socially.	6.3	7.2	7.2	0	6.4	6.2	6.8	6.9	9.8	12.7	1.2	3.5	6.4	6.7
2. Proof of original ownership of land.	8	14.2	11.6	7.7	5.1	9.9	11.9	10.7	11	9	21.5	3.4	5.1	11
3. Dealing with changes in private property.	6.3	8.2	7.3	3.9	10.7	6.9	7.4	7.2	6.6	2.2	18	1.1	10.7	7.2
4. Inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	14.6	12	14.9	0	2.3	17.5	12.8	11.2	17.9	10	23.5	3.9	2.3	13.4
5. Evacuation of former colonizers from refugee properties, and re-housing them in new homes established by the State.	9.1	7.8	7.5	8	26	5.2	7.8	11.7	14.8	11.9	0	4.1	26	8.4
6. Compensating people for property that cannot be return (i.e. lost, destroyed or transformation into public facilities).	11.6	10.4	11.4	1.6	16.8	10	10.6	12.3	11.4	7.2	14.3	9.9	16.8	11
7. Achieving social stability in light of cultural, religious and social diversity.	11	9.6	10.7	6.1	8.5	14	7.2	11.7	1.6	5	11.3	23.6	8.5	10.3
8. Preventing religious or ethnic conflicts.	4	6.9	5.5	6.4	2.8	4.8	5.8	5.3	3.8	6	1.6	10.8	2.8	5.4
9. Achieving community reconciliation.	4.7	4.3	3.6	17.9	3.9	4.3	4.8	4.3	3.5	2.7	3.8	8.1	3.9	4.5
10. Achieving social justice and human rights, particularly for vulnerable groups.	10.2	8.1	8.4	13.7	16.9	7.2	13.1	5.4	7.3	16.2	0.1	11.9	16.9	9.1
11. Building state institutions that are effective, just and equitable.	9.1	3.3	5.6	19.4	0.7	5.9	7	5.5	5.6	11.9	0.2	8.8	0.7	6.3
12. Reparations for the victims of crimes against humanity, war crimes and other violations of international law; and accountability for perpetrators of crimes and violations.	5	8.1	6.2	15.2	0	8.1	4.8	7.7	6.9	5.2	4.5	10.9	0	6.5
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q12.(b3) In your opinion, what are the three most important problems of the list in Q12(a)?

In your opinion, what are the three most important problems of the list above? (Third Choice)	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Receiving returnees and rehabilitating them economically and socially.	8.2	5.6	7.1	4.5	7.4	7.3	6.1	7.7	5.2	4.3	6.6	11.4	7.4	6.9
2. Proof of original ownership of land.	4.4	7	6.2	2.3	0.7	5.5	5.4	6.1	7.7	11.2	3.1	1.8	0.7	5.7
3. Dealing with changes in private property.	5.7	5.6	5.6	5.7	6.5	2.4	7.6	5.4	1.4	2.7	13.6	4.4	6.5	5.6
4. Inheritance disputes relating to the distribution of property due to the doubling of the number of refugees.	8.7	13.5	11.7	6.9	5.1	10.3	9.3	13.9	8.6	15.1	20.2	1.4	5.1	11.1
5. Evacuation of former colonizers from refugee properties, and re-housing them in new homes established by the State.	6.6	6.2	5.8	7.8	15.8	3.6	7.3	7.4	6.3	16.1	1.3	0.6	15.8	6.4
6. Compensating people for property that cannot be return (i.e. lost, destroyed or transformation into public facilities).	8.2	8	8.4	2.1	11.2	8.3	10	5.4	10.8	7.7	11.6	1.6	11.2	8.1
7. Achieving social stability in light of cultural, religious and social diversity.	10.9	7.1	10	0	2.7	10.9	6.5	10.9	12.9	5.3	7.2	12	2.7	9
8. Preventing religious or ethnic conflicts.	7.5	6.4	6.5	8.8	12.9	5.5	7.5	7.4	6.8	8.5	4.8	6.8	12.9	7
9. Achieving community reconciliation.	8.9	9.8	9.3	12.5	5.8	9.8	8.5	10.2	6.3	3.1	16.7	11.6	5.8	9.4
10. Achieving social justice and human rights, particularly for vulnerable groups.	9.1	4.8	6.5	15.3	5.2	12.5	5.8	4.5	5.8	4.7	2.6	15.3	5.2	7
11. Building state institutions that are effective, just and equitable.	8.8	10.7	8.5	26.7	9.1	12	10.1	7.6	9.1	11.2	1.2	17.8	9.1	9.8
12. Reparations for the victims of crimes against humanity, war crimes and other violations of international law; and accountability for perpetrators of crimes and violations.	13.1	15.1	14.4	7.6	17.6	11.9	15.8	13.4	19.2	10.1	11.1	15.3	17.6	14.1
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q13. In your opinion, in a realizable return, who should be responsible for land redistribution?

In your opinion, in a realizable return, who should be responsible for land redistribution?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The emerging or new state	52.5	46.8	52.9	23.7	25.1	58.8	45.7	48.2	44.2	46.1	62.4	50.3	25.1	49.7
2. International entities	8.6	9.8	7.4	9.3	44.4	6.7	10.6	9.2	9.1	8.1	3.2	9.7	44.4	9.2
3. The emerging / new country, in cooperation with an international body.	38.4	43.4	39.5	65.5	30.5	34.4	43.3	42.2	46.7	44.7	34.3	39.9	30.5	40.8
4. Other	0.6	0	0.2	1.6	0	0.1	0.4	0.3	0	1.1	0.1	0	0	0.3
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q14. In your opinion, in a realizable return, how will the land be redistributed/distributed?

In your opinion, in a realizable return, how will the land be redistributed / distributed?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. For individuals who prove their ownership.	30.2	34.1	32	21	49.5	26.1	34.8	33	43.2	30.6	35.7	15.7	49.5	32.1
2. Redistribution of land on the basis of equality and justice for all.	68.1	65.9	67.3	75.2	50.5	73.7	63.3	67	55.8	69.4	62.7	83.3	50.5	67
3. Other	1.7	0	0.7	3.8	0	0.2	1.9	0	0.9	0	1.6	1.1	0	0.9
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Q15. In your opinion, in a realizable return, how will the right to housing be addressed?

In your opinion, in a realizable return, how will the right to housing be addressed?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. Reconstruction of the damaged/ destroyed village in its original location.	40.3	39.9	40.9	43	20.6	38.7	34.3	48.6	61.1	31	11.8	61.2	20.6	40.1
2. State-funded housing for returnees.	43.6	42.3	43	30.7	60.6	44.4	49	34.2	22.6	31.5	83.9	28.8	60.6	43
3. Left for individuals to resolve according to their ability.	16.1	17.8	16.1	26.3	18.8	16.9	16.7	17.2	16.3	37.4	4.3	10	18.8	16.9
4. Other	0	0	0	0	0	0	0	0	0	0	0.1	0	0	0
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q16. In your opinion, in a realizable return, what should happen if the family/ancestors' house is still standing and occupied by a former Israeli colonizer?

In your opinion, in a realizable return, what should happen if the family / grandfather's house is still standing and occupied by an former Israeli colonizer?	Gender		Refugee Status			Educational Status			Country/Region					Total
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The priority is restoration of the house to the returnee, and the former Israeli colonizer is evicted and rehoused by the state	81	83.6	82.5	87.3	69.9	85.3	80.2	82.9	83.4	91.9	65.1	91.9	69.9	82.3
2. The returnee is given the option of abandoning the house, selling it, renting it, or taking compensation for it.	14.4	13.3	14.2	9.6	13.8	11.4	14.6	14.8	15	7	26.8	6.2	13.8	13.9
3. The former colonizer is given the option of leaving the house, renting the house from the returnee or paying compensation to the returnee.	0.2	0.2	0.1	0.8	1	0	0.2	0.3	0.2	0	0	0.4	1	0.2
4. Returnee will be provided with alternative housing and land by the state.	4	2.9	3.1	0	15.3	3.3	4.7	2	1.3	0.4	8.2	1.5	15.3	3.5
5. Other	0.3	0	0	2.3	0	0	0.4	0	0	0.6	0	0	0	0.2
Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q17. In your opinion, in a realizable return, what should happen if the land of the family/ancestors is now the site of a public institution (garden, hospital, school, public transportation, etc.)?

In your opinion, in a realizable return, if the land of the family / grandfather is now the site of a public institution (garden, hospital, school, public transportation, etc.)?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The facility should be demolished and the land returned to its original owners.	Strongly disagree	33.9	37.7	36.8	28.6	25.9	36	38	32.7	13.1	70.6	48.3	12.8	25.9	35.8
	Disagree	41.9	40.7	42.6	32.1	29.2	43.1	41.1	40.3	66.7	23.3	37.5	40.1	29.2	41.3
	Agree	15.4	12.1	11.8	23.7	40.3	10	13.3	17.3	13.7	3.5	14.3	18.8	40.3	13.8
	Strongly Agree	8.7	9.5	8.8	15.6	4.6	10.9	7.6	9.7	6.5	2.6	0	28.3	4.6	9.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Ownership of the land and establishment are returned to its original owners.	Strongly disagree	11	7.4	10.1	1.6	3.6	14.2	7.6	7.7	5.2	25	6.7	1.3	3.6	9.2
	Disagree	23.2	24.2	23.9	8.4	42.7	20.8	25.9	23	20.4	15.3	32	23.2	42.7	23.7
	Agree	37.6	41.5	39.2	41.2	43.3	40.5	41.5	36.1	35.1	18.5	49.2	53.7	43.3	39.5
	Strongly Agree	28.2	27	26.8	48.8	10.3	24.5	25	33.2	39.4	41.1	12.1	21.7	10.3	27.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. The land remains owned by the state, and the state compensates the original owners.	Strongly disagree	3.8	3.3	3.8	2.9	0	0.4	3.8	5.4	7.5	4.7	0	2.7	0	3.5
	Disagree	16.7	15.2	14.2	37.4	18.5	15.1	13.7	19.6	16.8	20.5	0	26.6	18.5	15.9
	Agree	35.3	36	33.8	43.4	59	30.7	36.8	37.7	44.6	37.3	8.1	49.1	59	35.6
	Strongly Agree	44.3	45.6	48.2	16.4	22.5	53.9	45.7	37.3	31	37.5	91.9	21.6	22.5	44.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. Other	Strongly disagree	9.5	0	6.6	0	0	100	0	0	0	0	0	4	0	4
	Disagree	90.5	100	93.4	100	0	0	100	100	0	0	0	96	0	96
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q18. In your opinion, in a realizable return, what should happen if the land of the family/ancestors is now the site of a private entity (farm, factory, company, building, etc.)?

In your opinion, in a realizable return, if the land of the family / grandfather is now the site of a private entity (farm, factory, company, building, etc)?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The entity is demolished and the land returned to its original owners.	Strongly disagree	27.8	29.7	30.3	7.6	27.5	26.8	30.8	27.6	11.9	49.8	48.1	4.8	27.5	28.8
	Disagree	36.3	39.1	38.3	37.9	24.4	43.3	36.7	34.8	43.8	25.1	45.6	38.1	24.4	37.7
	Agree	21.6	15	16.1	32.7	43.5	13.7	19.1	20.8	31.4	14.6	5.2	18.2	43.5	18.4
	Strongly Agree	14.4	16.1	15.3	21.8	4.6	16.2	13.4	16.9	12.9	10.5	1	38.9	4.6	15.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Ownership of the entity should be transferred to the original owners, and they become the beneficiary of the yield.	Strongly disagree	0.1	1.6	0.7	2.3	2	0.7	1.4	0.2	0.9	1.3	0.2	0.7	2	0.8
	Disagree	3	7.3	3.8	9.2	23.2	2.7	3.6	8.7	3.9	3.4	2.4	7	23.2	5.1
	Agree	32.3	25	27.4	31.2	50.3	21.4	30.7	31.5	41.5	23.3	10.6	36.1	50.3	28.8
	Strongly Agree	64.6	66.1	68.1	57.3	24.5	75.2	64.2	59.6	53.7	72	86.9	56.1	24.5	65.3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Ownership of the land is returned to the original owners, and an agreement established between the owner of the private entity (former colonizer) and the original owner (returnee).	Strongly disagree	46.6	50.9	52.1	26.6	12.2	44.4	55.5	43	53.9	62.9	74.2	9.8	12.2	48.7
	Disagree	42.3	42.6	40.3	59.2	61.4	50	36.9	44.1	40.6	27.3	24.7	73.9	61.4	42.4
	Agree	10	4.9	6.3	14.2	22.1	5	5.3	12.2	3.6	8	0	15.9	22.1	7.5
	Strongly Agree	1.2	1.6	1.3	0	4.4	0.6	2.3	0.7	1.9	1.7	1	0.3	4.4	1.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. The former colonizer shall remain the holder of the establishment, and original owner shall be compensated.	Strongly disagree	52	59.8	59.7	29.3	15.3	53.7	62.2	48.9	59.8	71.4	75.3	23	15.3	55.8
	Disagree	42	33	35.2	65.4	45.3	41.8	31.3	42.8	34.8	23.7	24.7	66.4	45.3	37.6
	Agree	3.7	4.3	3.2	3.1	21	3.3	3.7	4.9	1.9	3.3	0	7.8	21	4
	Strongly Agree	2.3	3	1.9	2.2	18.5	1.2	2.8	3.5	3.4	1.6	0	2.8	18.5	2.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Other	Disagree	100	0	0	100	0	0	100	0	0	0	0	40	0	20.1
	Agree	0	37.8	39.1	0	0	0	0	39.1	0	0	0	60	0	30.2
	Strongly Agree	0	62.2	60.9	0	100	100	0	60.9	0	0	100	0	100	49.7
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q19. In your opinion, who bears responsibility for putting the return into practice? (rank from 1 to 5)

In your opinion, who bears responsibility for putting the return into practice?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
1. The individual responsibility of every displaced person and refugee.	1	8	7.6	8.1	6.9	2.1	4.9	8.9	8.5	12	11.1	4.9	4.4	2.1	7.8
	2	8.6	8.3	8.4	9.9	7.3	5.8	6.8	12.6	15.6	11.4	0.3	7.2	7.3	8.5
	3	10.6	12.1	10.8	1.3	34.6	7.9	10.5	14.9	15.2	9.3	4.5	12.1	34.6	11.3
	4	20.2	19.3	18.9	29.9	23.2	21.1	21.9	16	16.2	17.6	20.2	24.3	23.2	19.8
	5	52.6	52.7	53.7	52	32.7	60.4	51.9	47.9	40.9	50.6	70.1	52.1	32.7	52.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. It is a collective national responsibility (refugees, displaced persons, non-refugees alike).	1	8.5	8.8	8.4	2.9	21.5	2.1	10.8	10.6	20.5	11.1	0.6	0.4	21.5	8.6
	2	14.2	11.9	13.5	6.7	12.9	11	10.8	17.5	28.4	11.3	2.9	10.1	12.9	13
	3	19.8	18.5	20	17.1	6.9	22	19.1	17.3	19.2	20.7	15.6	23.8	6.9	19.2
	4	43.6	45.5	45.3	42.5	32.9	52	43.5	40.5	23.7	37.8	74.2	43.4	32.9	44.5
	5	13.9	15.3	12.8	30.8	25.8	13	15.8	14.2	8.1	19.2	6.7	22.3	25.8	14.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. The responsibility of the Palestinian political leadership and parties.	1	20.6	23.7	21.7	24.5	27	27.5	21.4	19.2	17.5	14.7	35.5	19.2	27	22.1
	2	19.1	23.1	21.1	31.4	5.2	25.6	21.8	16.7	12.8	23.8	32.2	18	5.2	21
	3	36.8	31.9	34.5	27	41.9	27.5	36.2	36.9	33.4	42.9	31.6	28.2	41.9	34.4
	4	15	14.4	14.7	9.6	21.6	13.1	13.5	17.4	26.5	10.2	0.6	20.7	21.6	14.7
	5	8.6	7	8	7.5	4.2	6.2	7.1	9.8	9.9	8.4	0	13.9	4.2	7.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. Arab responsibility (people and states).	1	20.6	22.9	23.4	9.8	7.3	20.8	21.1	23.3	14.9	10.1	44.7	19	7.3	21.7
	2	44.2	39.6	42.2	36.1	46	48.7	45.5	32.4	24.7	44.9	46.9	50.2	46	41.9
	3	14.4	16.8	14.4	34.4	12.4	12.1	14.6	19.4	22.3	16.2	4.2	20.8	12.4	15.6
	4	10.9	10.8	11	12.5	6.2	11.2	9.9	11.8	18.1	19.4	3.9	3.4	6.2	10.8
	5	9.9	9.9	9.2	7.2	28.1	7.2	9	13.1	20	9.5	0.4	6.7	28.1	9.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5. Responsibility of the international community.	1	43.4	37.6	39.3	56.1	42.4	44.8	38.8	39.7	35.1	56.5	14.3	57.1	42.4	40.6
	2	13.6	17.2	14.6	16.3	28.7	8.8	15.3	20.3	18.5	8.1	17.8	14.5	28.7	15.4
	3	18.5	20.8	20.4	20.2	4.2	30.7	19.7	11.4	9.8	10.9	44.2	15.4	4.2	19.6
	4	9.5	9.6	9.7	2.9	16.2	2.5	10.2	13.7	15.5	13.2	1.1	7.4	16.2	9.5
	5	15	14.7	16	4.5	8.5	13.2	15.9	14.7	21.1	11.2	22.7	5.5	8.5	14.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q20. How do you assess the role of the agencies below in providing services and defending historical and political rights of refugees and IDPs?

How do you assess the role of the agencies below in providing services for refugees until return is realized?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
State of asylum	No role	46.8	43.9	43.8	34.4	89.9	43.9	51	39.1	28.9	42.2	69.5	31.1	89.9	45.4
	Limited role	38.3	40.6	39.4	61.8	8.8	46.9	34.9	40	33.6	39.3	26.5	64.6	8.8	39.4
	Effective role	12.2	10.1	12.2	3.8	1.3	6.7	11.5	14	23.3	16.8	3.8	3.3	1.3	11.2
	Very effective role	2.7	5	4.3	0	0	2.5	2.1	6.9	14.2	1.7	0.2	0	0	3.8
	Don't know	0	0.4	0.2	0	0	0	0.5	0	0	0	0	0.9	0	0.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
State of Palestine / Palestinian Authority	No role	17.2	13.6	16.3	3.1	17.5	11.8	19.5	12.9	17.2	25.9	13.4	5.4	17.5	15.5
	Limited role	35.7	36.6	36.4	21.8	51.5	35.2	34	39.5	38.3	20.6	46.7	35.3	51.5	36.1
	Effective role	31	29.9	30.4	37	22.6	35	25.6	33.5	26.9	10.1	35.1	50.7	22.6	30.5
	Very effective role	7.8	9	8.3	15.2	0	6.9	8.6	9.1	17.6	4.2	4.8	8.6	0	8.4
	Don't know	8.3	10.9	8.7	22.9	8.5	11.1	12.3	4.9	0	39.3	0	0	8.5	9.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
UNRWA	No role	2.5	1.8	2.1	3.3	1.3	1.3	2.7	2	1.3	6.8	0.3	0.3	1.3	2.1
	Limited role	22.6	19.8	18.7	39.3	43.6	16.8	27.1	16.8	9.2	46.4	0	26	43.6	21.2
	Effective role	32.6	27.1	28.9	45.1	27.6	32	26.2	33.3	35.2	34.4	6.2	45.1	27.6	29.9
	Very effective role	42.2	50.5	50.2	12.3	19.1	50	44.1	46.5	54.1	12.2	93.5	28.6	19.1	46.3
	Don't know	0.1	0.9	0.1	0	8.5	0	0	1.4	0.2	0.1	0	0	8.5	0.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
United Nations	No role	31.4	28	29.7	44.1	10.4	27.7	30.3	30.4	29.7	52.8	4.3	37.1	10.4	29.7
	Limited role	27.9	34.3	30.6	15.1	61.3	28.9	31.2	32.4	34.9	33.6	23.3	26.7	61.3	31
	Effective role	27.9	26.6	26.3	40.8	25.4	31.1	23.8	28.9	29.3	11.5	35.2	32.8	25.4	27.2
	Very effective role	11.6	10.2	12.1	0	2.8	11.4	13.9	6.6	5	0.9	37.2	1	2.8	10.9
	Don't know	1.2	1	1.2	0	0	0.9	0.8	1.7	1	1.2	0	2.4	0	1.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



The Arab League	No role	59.5	61.2	60.6	56.1	62.6	56.1	66.8	55.1	57.1	71.5	67.8	44.5	62.6	60.4
	Limited role	31.8	25.9	28.5	33.6	28.9	32.4	23.3	33.6	33	17.4	26.4	38.7	28.9	28.9
	Effective role	3.5	8	5.7	10.4	0	7	6	4.4	8.4	5.3	4.2	6.1	0	5.7
	Very effective role	1.8	0.6	1.3	0	0	0.9	2	0.4	0.8	0	1.6	2.6	0	1.2
	Don't know	3.4	4.3	3.9	0	8.5	3.6	1.9	6.5	0.7	5.7	0	8	8.5	3.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
United States	No role	70.4	70.3	69.2	94.2	59	66.5	72.6	70.3	69.9	76.6	61.2	76.3	59	70.4
	Limited role	19.5	18.9	19.9	3.6	27.5	22.1	17.5	19.4	21.4	17.4	17.6	18.8	27.5	19.2
	Effective role	7.9	6.1	7.5	2.2	5.1	7.7	7.6	5.7	7.5	2.6	17.5	0.5	5.1	7
	Very effective role	0.2	2.7	1.6	0	0	0.4	1.7	2	0.6	0	3.6	1.8	0	1.5
	Don't know	1.9	2	1.8	0	8.5	3.4	0.6	2.6	0.6	3.4	0.1	2.6	8.5	2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
European Union	No role	42	46.4	45.8	43.1	15.4	46.5	52.3	31.8	34.3	59.6	58.6	29.4	15.4	44.2
	Limited role	30.6	25.4	25.6	52	41	25.8	27	31.1	24.2	23.3	19.4	43	41	28.1
	Effective role	18.1	16.4	18	1.9	25.4	19.7	15.3	18	30.5	13.6	18.1	5.3	25.4	17.2
	Very effective role	5.9	5.4	5.6	3	9.8	1.3	4.3	10.6	10.1	0	3.9	8	9.8	5.7
	Don't know	3.4	6.4	5	0	8.5	6.6	1.2	8.4	0.9	3.4	0.1	14.4	8.5	4.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



How do you assess the role of the agencies below in defending the historical and political rights of refugees?		Gender		Refugee Status			Educational Status			Country/Region					Total
		Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine	
State of asylum	No role	26.9	27.4	23.5	34.3	86.8	26	29	25.4	22	30.2	24	20.7	86.8	27.1
	Limited role	44.9	45	45.8	60.7	4.8	49.1	43.5	43.7	36.5	41.8	39.8	69.2	4.8	44.9
	Effective role	19.7	17.8	21.1	0	0	18.3	19.1	18.7	23.5	22.3	24.7	8.3	0	18.8
	Very effective role	8.6	8.9	9.5	4.9	0	6.5	8.2	11	18	5.4	11.4	1.8	0	8.7
	Don't know	0	0.9	0.1	0	8.5	0	0.2	1.2	0	0.3	0.1	0	8.5	0.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
State of Palestine / Palestinian Authority	No role	11	7.9	8.3	5.3	38.6	7	11.4	8.7	13.2	17.1	0.6	1.9	38.6	9.5
	Limited role	25.2	24.3	25.9	5.2	32.7	21.6	23	29.5	40.4	21	3.9	33.1	32.7	24.8
	Effective role	31.2	27.4	29.6	34.3	17.3	24.9	27.4	35.2	26.2	17.2	36.1	39.9	17.3	29.4
	Very effective role	24.2	28.6	27.2	32.4	3	35.8	25	21.4	20.2	5	59.4	23.9	3	26.4
	Don't know	8.3	11.7	9.1	22.9	8.5	10.7	13.3	5.1	0	39.6	0	1.2	8.5	10
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
UNRWA	No role	14.5	12.6	13.4	9.5	23.1	12.5	12.9	15.3	13	21.5	4.6	13.9	23.1	13.6
	Limited role	38.7	32.5	32.7	77.2	32.7	26.3	38.1	39.3	35.5	44.7	10.1	53.8	32.7	35.7
	Effective role	20.7	28	25.7	10.5	17.6	29.7	21.2	24.5	27	27.6	18.4	25.7	17.6	24.3
	Very effective role	26	26	28.1	2.7	18.1	31.5	27.9	19.4	24.4	6.1	66.9	6.5	18.1	26
	Don't know	0.1	0.9	0.1	0	8.5	0	0	1.4	0.2	0.1	0	0	8.5	0.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
United Nations	No role	40.6	31.5	35.3	40.3	45.7	34.9	34.7	38.9	43.6	63	1.3	36.5	45.7	36.1
	Limited role	20.5	27.3	23.8	22.5	26.6	13.8	20.4	35.6	40.9	25.5	1.8	27.5	26.6	23.8
	Effective role	14.1	15.5	13.5	29.6	17.4	19.3	15.3	10.8	13	8.5	9.4	27.7	17.4	14.8
	Very effective role	23.6	24.1	26.2	7.6	1.8	30.9	28.3	12.8	1.5	2.4	87.4	5.6	1.8	23.8
	Don't know	1.2	1.6	1.1	0	8.5	1.1	1.2	1.9	1	0.6	0	2.7	8.5	1.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



The Arab League	No role	48.3	46.1	46.6	39.4	68.9	37	44.5	58.2	62.3	72.8	8.1	43.2	68.9	47.2
	Limited role	29.2	24.9	25.4	53	22.6	28.9	25.2	28.2	26.8	14.8	22.9	44.6	22.6	27.1
	Effective role	7.9	8.3	8.6	7.6	0	9.3	10.4	4.3	9.4	6.6	11.1	6.9	0	8.1
	Very effective role	12.7	16.7	16.6	0	0	20.6	17.3	7	0.8	0.9	57.9	0.3	0	14.7
	Don't know	1.9	3.9	2.8	0	8.5	4.2	2.7	2.3	0.7	4.9	0	5	8.5	2.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
United States	No role	81.1	79.6	80	97.3	64.3	77.5	81.9	80.5	72.9	85.8	85	80.8	64.3	80.4
	Limited role	14.5	15.3	15.4	2.7	22.2	15.7	14.1	15.4	23.6	9.5	13.3	11.9	22.2	14.9
	Effective role	3	1.7	2.4	0	5.1	2.8	2	2.5	3	1.3	1.5	3.2	5.1	2.4
	Very effective role	0	0.3	0.2	0	0	0.6	0	0	0	0.4	0.2	0	0	0.1
	Don't know	1.4	3	2	0	8.5	3.4	2	1.5	0.6	2.9	0	4.1	8.5	2.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
European Union	No role	51.4	47.1	49.5	44.5	52.2	40.7	58.3	43.8	44.8	66.2	51.1	34.7	52.2	49.3
	Limited role	28.8	30.2	29	48.1	12.8	34.2	23.8	33.6	37.2	22.7	24.6	36.8	12.8	29.5
	Effective role	12.3	12.6	13	0	20.1	16.6	10.6	11.8	13.2	7.6	19.6	7.5	20.1	12.4
	Very effective role	4.2	3.4	3.7	3.6	6.4	2.2	5	3.4	3.9	0	4.7	6	6.4	3.8
	Don't know	3.3	6.7	4.9	3.8	8.5	6.3	2.4	7.4	0.9	3.4	0	14.9	8.5	5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



Q21. In your opinion, how important are the following actions in ensuring a just solution?

In your opinion, how important are the following actions in ensuring a just solution?	Gender		Refugee Status			Educational Status			Country/Region					Total	
	Male	Female	1948 Refugee	1967 Refugee	1948 IDP	Primary	Secondary	University	Gaza Strip	West Bank	Jordan	Lebanon	1948 Palestine		
1. Reactivating The United Nations Conciliation Commission for Palestine (UNCCP) (an international body charged with implementation of UNGA resolution 194)	No role	2	1.2	1.2	0.8	10.3	1.1	2.1	1.2	2.1	1.9	0	0.7	10.3	1.6
	Limited role	2.8	2.7	2.9	2.2	0.7	2.8	2.1	3.7	2.8	5.7	0	3.1	0.7	2.8
	Effective role	44.1	38.2	39.4	60.4	48.1	35.8	42.2	43.8	36	61.4	12.3	54.9	48.1	41.2
	Very effective role	43.2	46.2	46.5	22.8	40.9	47.2	45.6	41.6	58.3	26.7	68.7	24.8	40.9	44.7
	Don't know	7.9	11.7	10	13.7	0	13.2	7.9	9.7	0.8	4.2	19.1	16.4	0	9.8
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2. Expanding the mandate of UNRWA (an international body charged with providing humanitarian assistance)	No role	1.3	0.5	0.6	0	9	0.3	1.2	1	1	1.1	0	0	9	0.9
	Limited role	5.8	4.1	5.5	0	2.1	2.9	4.1	7.6	4.7	14.1	0	1.9	2.1	5
	Effective role	41.6	31.6	34.5	47.9	62.9	34.9	37.2	37.3	33.2	35.7	14.3	59	62.9	36.7
	Very effective role	51.3	63.6	59.4	52.1	26.1	61.9	57.3	54.1	61.1	49.1	85.2	39	26.1	57.3
	Don't know	0	0.2	0.1	0	0	0	0.2	0	0	0	0.4	0	0	0.1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3. Security Council sanctions on Israel	No role	0.6	0.9	0.5	0	6.3	0.9	0.8	0.6	1.2	0	0.8	0	6.3	0.8
	Limited role	2.7	2.8	1.8	2.3	22.2	1.9	2.3	4.1	2.4	4.5	0	0.6	22.2	2.8
	Effective role	26.9	29.2	27.7	26.3	35.4	33.4	26.2	26.3	23.7	26.4	20.9	39.6	35.4	28
	Very effective role	68.9	62.8	67.1	71.4	36.1	59	69	67	72.7	68.8	68.3	59.8	36.1	65.9
	Don't know	0.9	4.2	2.9	0	0	4.8	1.8	1.9	0	0.3	10.1	0	0	2.5
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4. The International Criminal Court	No role	1.8	1.1	1.3	0	6.3	1.8	1.7	0.8	2.2	1.7	0.8	0	6.3	1.4
	Limited role	3.9	6.3	4.4	2.7	20.3	2.1	5.5	6.6	6.1	7.5	1.6	2.2	20.3	5.1
	Effective role	35.8	37.1	37.4	28.8	28.9	38.3	36.7	34.7	31.9	42.7	25.2	47.7	28.9	36.4
	Very effective role	57.8	50.3	53.8	64.7	44.5	52.7	54.1	55.2	59.7	48	62.2	48.2	44.5	54.1
	Don't know	0.8	5.2	3.1	3.8	0	5.1	2	2.7	0	0	10.2	1.9	0	3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



5. Convening an international conference to implement UNGA resolution 194 (UN resolution on the right of return)	No role	1.1	1.4	0.8	0	10.6	1.4	1	1.5	0	1.2	1.7	0.2	10.6	1.2
	Limited role	3.2	4.6	3.8	5.7	2.1	3.7	5	2.5	1.8	11.1	2.1	1	2.1	3.9
	Effective role	43.5	42	40.5	73.9	41.4	44.6	45	38.4	27.7	57.7	27.9	58.5	41.4	42.7
	Very effective role	51	47.4	51.9	16.6	45.9	47.3	45.7	55.3	70.1	30	58.9	38.4	45.9	49.3
	Don't know	1.2	4.6	3	3.8	0	3.1	3.3	2.2	0.4	0	9.5	1.9	0	2.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
6. Continue with the negotiations track between the PLO, Israel and international partners	No role	15.8	17.6	18.5	4.7	0	19.2	19.2	11.6	7.4	22.1	32.1	8	0	16.7
	Limited role	18.3	18.8	20.1	6.3	4.8	15.1	17.5	22.3	26.4	26.1	10.5	14.1	4.8	18.5
	Effective role	42.1	40.7	39.4	53.2	63.6	42.5	41.5	40.7	41.9	44.6	25.4	50.2	63.6	41.4
	Very effective role	22.6	20.4	19.9	35.9	31.6	22	18.8	24.7	24.3	6.5	27.2	25.6	31.6	21.5
	Don't know	1.3	2.5	2.1	0	0	1.2	3.1	0.7	0	0.7	4.8	2.1	0	1.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
7. Reforming and reactivating the PLO	No role	3.3	4.1	3.7	2.1	5.8	3.2	3.7	4	1.7	7.5	4.8	0.3	5.8	3.7
	Limited role	10	8.4	9.1	2.3	20.4	7.1	8.5	11.6	15.9	13.1	4.3	1.5	20.4	9.2
	Effective role	46.2	53.7	50.2	40.9	55.2	50.8	51.8	46.7	39.8	59.5	42.6	56.8	55.2	49.9
	Very effective role	40.1	32.3	35.8	54.8	18.7	36.3	36	36.8	42.2	19.5	45.3	41.1	18.7	36.3
	Don't know	0.4	1.6	1.1	0	0	2.7	0.1	1	0.4	0.4	2.9	0.3	0	1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
8. Supporting the Boycott, Divestment and Sanctions Movement (BDS)	No role	1.6	0.3	0.8	0	5	0.9	1.4	0.4	1.6	0.6	0.8	0.1	5	1
	Limited role	4	4.5	3.1	2.3	29.3	2.2	5.2	4.5	4.3	7.7	0	0.3	29.3	4.3
	Effective role	32.8	38.9	36.4	25.2	40.1	41.7	32.9	35.4	32.2	48.1	25	37.4	40.1	35.8
	Very effective role	60.4	52.7	57	72.5	25.6	51.9	57.2	59.3	61.9	43.3	66.3	60.5	25.6	56.6
	Don't know	1.2	3.6	2.7	0	0	3.3	3.4	0.4	0	0.3	7.8	1.6	0	2.4
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
9. Continuation of return marches in the Gaza Strip	No role	7.7	12.7	10.4	10.6	6.7	4.1	10.1	14.7	29.8	9.6	1.2	1.4	6.7	10.2
	Limited role	11.1	13	13.1	2.9	5.7	7.7	10.7	16.9	32.5	16	1.1	0.4	5.7	12
	Effective role	35.8	39.5	37	29.6	61.2	38.1	43.9	29.1	20.8	52.1	34.9	38.2	61.2	37.6
	Very effective role	44.5	34.5	39	56.9	26.5	49.3	35	38.4	16.9	20.7	61.9	59.9	26.5	39.6
	Don't know	0.8	0.3	0.6	0	0	0.8	0.2	0.8	0	1.6	0.8	0	0	0.6
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



10. Similar return marches from the West Bank	No role	8.9	12.5	10.5	15.3	6.7	7.9	9.8	13.8	23.5	17.9	1.2	1.4	6.7	10.7
	Limited role	13	13.3	14.5	0	4.3	8.7	12.4	17.2	37.5	15.6	1.1	0.8	4.3	13.1
	Effective role	31.1	39.5	33.8	34.4	63.9	27.4	42	32	17.1	47.2	34	37	63.9	35.2
	Very effective role	46.6	34.7	40.9	50.3	25.1	55.2	35.8	36.8	21.9	19.1	62.9	60.9	25.1	40.8
	Don't know	0.4	0.1	0.3	0	0	0.8	0	0.2	0	0.3	0.8	0	0	0.3
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
11. Continuing to penetrate the borders individually and collectively in an organized return movement	No role	13.8	15.7	14.5	17.5	16.1	12.4	12.3	19.6	21.1	22.1	13.8	1.9	16.1	14.7
	Limited role	18.7	24.1	21.9	13.9	22.2	15.3	21	26.3	41.4	24	13.8	6.6	22.2	21.4
	Effective role	43.2	38.4	38.7	64.8	47.5	40.7	44.4	36.3	17.8	41.3	36.8	65.9	47.5	40.9
	Very effective role	23.5	20.1	23.6	3.8	14.2	29.9	21.1	16.9	19.2	11.2	34.1	23.8	14.2	21.8
	Don't know	0.7	1.7	1.4	0	0	1.6	1.3	0.9	0.5	1.4	1.5	1.8	0	1.2
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
12. Convincing Israeli society of the unreliability of propaganda that return means a new Holocaust	No role	18.3	20.4	20.5	11	7.6	17.4	25.9	12.1	8.8	22.4	42.7	4.8	7.6	19.3
	Limited role	21.6	25.8	25.3	4.3	18.6	26.8	22.3	23	17.5	32.9	25.6	19.4	18.6	23.6
	Effective role	38.2	31.8	30.6	76.2	60.4	33.4	34	37.6	40.3	32.1	11.3	52.2	60.4	35
	Very effective role	21.4	18.8	21.3	8.4	13.3	21.1	14.8	26.3	33.4	11.7	16.6	20.2	13.3	20.1
	Don't know	0.7	3.2	2.2	0	0	1.2	3	1	0	0.8	3.7	3.4	0	1.9
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100
13. International pressure pushing Israeli to implement UNGA resolution 194	No role	2.3	2.9	2.7	0	4.7	3.5	2.7	1.9	0.9	4.3	4.7	0.1	4.7	2.6
	Limited role	1.9	5.1	3.7	2.3	0	4.8	3.4	2.5	2.3	1.7	5.3	5	0	3.4
	Effective role	38.7	41.2	38	73.3	29.4	40.4	45.7	31.9	19.8	46.2	40.4	55.1	29.4	39.9
	Very effective role	56.2	49.6	54.7	20.6	65.9	49.8	46.5	63.7	76.2	47.7	48.1	37.7	65.9	53
	Don't know	0.9	1.2	0.9	3.8	0	1.5	1.6	0	0.8	0	1.4	2.1	0	1
	Total	100	100	100	100	100	100	100	100	100	100	100	100	100	100



APPENDIX 4

Results of Online Questionnaire

Region	Ratio
Palestine	46
Arab Countries	36.5
Western Countries	17.5
Total	100

Asylum Status	Ratio
Refugee from 1948	61.2
Refugee from 1967	16.5
Displaced within the territory of 1948	8.1
Other	14.2
Total	100

Gender	Ratio
Male	68.8
Female	31.2
Total	100

What is your highest level of educational attainment?	Ratio
Uneducated	0.5
Primary school (age 5-12)	3
Secondary school (age 12+)	18.2
Diploma or Bachelor's degree	58.8
Master or PhD	19.5
Total	100

Q1. In your opinion, in general and in principle, what do you say about the possibility of applying return?										
In your opinion, in general and in principle, what do you say about the possibility of applying return?	Gender		Region			Asylum Status				Total
	Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Return is realisable	82.6	85.9	79.9	84.5	92.2	84.1	77.8	89.6	85.5	83.7
2. Return is not realisable	17.4	14.1	20.1	15.5	7.8	15.9	22.2	10.4	14.5	16.3
Total	100	100	100	100	100	100	100	100	100	100



Q2. Why do you believe that return is not realizable?

Why do you believe that return is not realizable?		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Absolute Israeli rejection	Strongly disagree	9.1	8	7.7	9.7	12.5	5.7	4.8	16.7	27.3	8.8
	Disagree	7.6	24	13.5	12.9	0	11.3	9.5	16.7	18.2	12.1
	Agree	37.9	40	36.5	38.7	50	41.5	33.3	50	27.3	38.5
	Strongly agree	45.5	28	42.3	38.7	37.5	41.5	52.4	16.7	27.3	40.7
	Total	100	100	100	100	100	100	100	100	100	100
2. The power and suppression of Israel	Strongly disagree	10.6	8	3.8	19.4	12.5	5.7	14.3	16.7	18.2	9.9
	Disagree	12.1	20	19.2	6.5	12.5	15.1	9.5	33.3	9.1	14.3
	Agree	33.3	40	36.5	32.3	37.5	37.7	28.6	16.7	45.5	35.2
	Strongly agree	43.9	32	40.4	41.9	37.5	41.5	47.6	33.3	27.3	40.7
	Total	100	100	100	100	100	100	100	100	100	100
3. Western support for Israel	Strongly disagree	4.4	4	5.6	0	12.5	3.7	0	0	16.7	4.3
	Disagree	7.4	12	5.6	16.1	0	5.6	9.5	33.3	8.3	8.6
	Agree	35.3	32	40.7	22.6	37.5	35.2	28.6	50	33.3	34.4
	Strongly agree	52.9	52	48.1	61.3	50	55.6	61.9	16.7	41.7	52.7
	Total	100	100	100	100	100	100	100	100	100	100
4. Arab weakness	Strongly disagree	0	4	0	0	12.5	0	0	0	9.1	1.1
	Disagree	0	8	0	3.2	12.5	1.9	0	16.7	0	2.2
	Agree	31.8	24	32.7	29	12.5	32.1	19	66.7	18.2	29.7
	Strongly agree	68.2	64	67.3	67.7	62.5	66	81	16.7	72.7	67
	Total	100	100	100	100	100	100	100	100	100	100
5. Palestinian official weakness and the absence of a unified strategy	Strongly disagree	6.1	4	5.8	3.2	12.5	5.7	4.8	0	9.1	5.5
	Disagree	3	12	3.8	6.5	12.5	3.8	0	16.7	18.2	5.5
	Agree	36.4	36	30.8	45.2	37.5	41.5	28.6	50	18.2	36.3
	Strongly agree	54.5	48	59.6	45.2	37.5	49.1	66.7	33.3	54.5	52.7
	Total	100	100	100	100	100	100	100	100	100	100
6. Length of displacement in/ from Palestine	Strongly disagree	21.2	12	21.2	16.1	12.5	18.9	19	16.7	18.2	18.7
	Disagree	28.8	40	38.5	19.4	37.5	34	28.6	50	18.2	31.9
	Agree	25.8	40	25	32.3	50	32.1	19	33.3	36.4	29.7
	Strongly agree	24.2	8	15.4	32.3	0	15.1	33.3	0	27.3	19.8
	Total	100	100	100	100	100	100	100	100	100	100



7. The large size of refugees and displaced person population	Strongly disagree	25.8	16	19.2	25.8	37.5	24.5	23.8	0	27.3	23.1
	Disagree	30.3	44	38.5	32.3	12.5	34	28.6	50	36.4	34.1
	Agree	33.3	40	36.5	29	50	35.8	28.6	50	36.4	35.2
	Strongly agree	10.6	0	5.8	12.9	0	5.7	19	0	0	7.7
	Total	100	100	100	100	100	100	100	100	100	100
8. Lack of sufficient space in Palestine	Strongly disagree	42.4	32	36.5	45.2	37.5	39.6	38.1	16.7	54.5	39.6
	Disagree	42.4	40	44.2	41.9	25	43.4	47.6	33.3	27.3	41.8
	Agree	12.1	28	17.3	9.7	37.5	17	9.5	50	9.1	16.5
	Strongly agree	3	0	1.9	3.2	0	0	4.8	0	9.1	2.2
	Total	100	100	100	100	100	100	100	100	100	100
9. Lack of sufficient resources in Palestine	Strongly disagree	36.4	20	23.1	48.4	25	32.1	42.9	0	27.3	31.9
	Disagree	45.5	44	55.8	32.3	25	47.2	38.1	50	45.5	45.1
	Agree	16.7	28	17.3	19.4	37.5	17	19	50	18.2	19.8
	Strongly agree	1.5	8	3.8	0	12.5	3.8	0	0	9.1	3.3
	Total	100	100	100	100	100	100	100	100	100	100
10. Integration of refugees and displaced persons into their current communities	Strongly disagree	18.2	20	17.3	19.4	25	18.9	28.6	0	9.1	18.7
	Disagree	39.4	40	40.4	38.7	37.5	39.6	38.1	66.7	27.3	39.6
	Agree	33.3	36	32.7	35.5	37.5	34	28.6	33.3	45.5	34.1
	Strongly agree	9.1	4	9.6	6.5	0	7.5	4.8	0	18.2	7.7
	Total	100	100	100	100	100	100	100	100	100	100
11. Lack of desire / personal interest in me to return	Strongly disagree	48.5	44	42.3	48.4	75	47.2	66.7	0	36.4	47.3
	Disagree	33.3	52	46.2	32.3	12.5	43.4	14.3	83.3	36.4	38.5
	Agree	12.1	4	7.7	12.9	12.5	7.5	14.3	16.7	9.1	9.9
	Strongly agree	6.1	0	3.8	6.5	0	1.9	4.8	0	18.2	4.4
	Total	100	100	100	100	100	100	100	100	100	100
12. Absence of international will	Strongly disagree	1.5	4	0	3.2	12.5	1.9	0	0	9.1	2.2
	Disagree	4.5	24	11.5	6.5	12.5	7.5	0	33.3	27.3	9.9
	Agree	48.5	28	42.3	45.2	37.5	43.4	47.6	50	27.3	42.9
	Strongly agree	45.5	44	46.2	45.2	37.5	47.2	52.4	16.7	36.4	45.1
	Total	100	100	100	100	100	100	100	100	100	100
13. Lack of pressure / willingness of refugees to demand their return	Strongly disagree	7.6	16	11.5	6.5	12.5	9.4	9.5	16.7	9.1	9.9
	Disagree	21.2	32	25	16.1	50	26.4	0	50	45.5	24.2
	Agree	50	36	48.1	48.4	25	45.3	61.9	16.7	36.4	46.2
	Strongly agree	21.2	16	15.4	29	12.5	18.9	28.6	16.7	9.1	19.8
	Total	100	100	100	100	100	100	100	100	100	100



Q3. What does return mean for you personally?

What does return mean for you personally?	Gender		Region			Asylum Status				Total
	Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. It is a right that I seek to realise fully (the right of return is possible)	84.6	69.9	77.9	80.7	81.5	81.7	74.6	75.7	78.6	79.6
2. It is a right that I seek and is partially realisable (the right of return is possible but)	11.5	28.6	18	16.4	17.3	15.8	18.6	24.3	17.9	17.3
3. Other	3.8	1.5	4.1	2.9	1.2	2.5	6.8	0	3.6	3.1
Total	100	100	100	100	100	100	100	100	100	100

Q4. In your opinion, based on what is realizable, who would be entitled to return?

In your opinion, based on what is realizable, who would be entitled to return?		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. The return of all those refugees and displaced persons who wish to return	Strongly disagree	4.2	3	5.2	2.1	3.7	3.7	5.1	0	5.4	3.8
	Disagree	0.4	0.8	1.2	0	0	0	1.7	2.7	0	0.5
	Agree	16.9	23.3	20.9	22.1	9.9	18.7	23.7	16.2	17.9	19.1
	Strongly agree	78.5	72.9	72.7	75.7	86.4	77.6	69.5	81.1	76.8	76.6
	Total	100	100	100	100	100	100	100	100	100	100
2. The symbolic return of a limited number of refugees and displaced persons	Strongly disagree	77.7	48.9	67.4	73.6	59.3	71.4	71.2	62.2	53.6	67.9
	Disagree	18.8	36.1	25.6	20.7	29.6	23.7	18.6	29.7	32.1	24.7
	Agree	3.1	12.8	6.4	5	8.6	4.6	10.2	8.1	8.9	6.4
	Strongly agree	0.4	2.3	0.6	0.7	2.5	0.4	0	0	5.4	1
	Total	100	100	100	100	100	100	100	100	100	100
3. The return of the first generation of the Nakba only	Strongly disagree	80	63.2	76.7	74.3	69.1	75.5	69.5	78.4	71.4	74.3
	Disagree	15.4	30.1	20.3	15.7	28.4	19.5	20.3	18.9	25	20.4
	Agree	1.9	6.8	2.3	5.7	2.5	2.9	6.8	2.7	3.6	3.6
	Strongly agree	2.7	0	0.6	4.3	0	2.1	3.4	0	0	1.8
	Total	100	100	100	100	100	100	100	100	100	100
4. Return of those whom Israel consents to return	Strongly disagree	90.8	88	89.5	89.3	91.4	91.7	86.4	89.2	85.7	89.8
	Disagree	8.1	9.8	8.7	10	6.2	7.5	11.9	10.8	8.9	8.7
	Agree	0.4	2.3	1.2	0	2.5	0.4	0	0	5.4	1
	Strongly agree	0.8	0	0.6	0.7	0	0.4	1.7	0	0	0.5
	Total	100	100	100	100	100	100	100	100	100	100



Q5. In your opinion, based on what is realizable, where will return be to?

In your opinion, based on what is realizable, where will return be to?		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. The original home from where our ancestors were displaced	Strongly disagree	1.5	1.5	1.7	1.4	1.2	1.7	1.7	0	1.8	1.5
	Disagree	2.3	9.8	5.2	2.1	8.6	3.3	6.8	8.1	7.1	4.8
	Agree	29.6	39.1	32	33.6	33.3	26.6	33.9	48.6	48.2	32.8
	Strongly agree	66.5	49.6	61	62.9	56.8	68.5	57.6	43.2	42.9	60.8
	Total	100	100	100	100	100	100	100	100	100	100
2. A place within the borders of historic Palestine, other than the original home	Strongly disagree	53.1	25.6	44.8	50.7	29.6	49.8	39	37.8	26.8	43.8
	Disagree	14.2	22.6	15.1	17.9	19.8	17.4	20.3	16.2	12.5	17
	Agree	25	42.1	34.9	25	32.1	27	27.1	35.1	48.2	30.8
	Strongly agree	7.7	9.8	5.2	6.4	18.5	5.8	13.6	10.8	12.5	8.4
	Total	100	100	100	100	100	100	100	100	100	100
3. Within the borders of the promised Palestinian state (within 1967)	Strongly disagree	62.3	42.9	52.9	60.7	53.1	61.4	47.5	48.6	44.6	55.7
	Disagree	21.2	36.8	28.5	22.1	29.6	24.5	25.4	29.7	33.9	26.5
	Agree	14.2	16.5	18	12.1	13.6	12.9	15.3	18.9	21.4	15
	Strongly agree	2.3	3.8	0.6	5	3.7	1.2	11.9	2.7	0	2.8
	Total	100	100	100	100	100	100	100	100	100	100



Q6. In your opinion, a realizable return will include the following reparations?

In your opinion, a realizable return will include the following reparations?		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Return, full restoration property and financial compensation	Strongly disagree	3.1	2.3	3.5	2.1	2.5	3.3	1.7	5.4	0	2.8
	Disagree	2.7	8.3	5.2	0.7	9.9	3.7	3.4	5.4	8.9	4.6
	Agree	21.9	24.8	23.8	22.9	21	23.7	13.6	27	26.8	22.9
	Strongly agree	72.3	64.7	67.4	74.3	66.7	69.3	81.4	62.2	64.3	69.7
	Total	100	100	100	100	100	100	100	100	100	100
2. Return and full restoration of property	Strongly disagree	5.4	3	3.5	4.3	7.4	4.1	5.1	2.7	7.1	4.6
	Disagree	5.4	12.8	11	2.9	9.9	5.4	5.1	18.9	14.3	7.9
	Agree	33.5	32.3	30.2	31.4	42	30.3	28.8	32.4	50	33.1
	Strongly agree	55.8	51.9	55.2	61.4	40.7	60.2	61	45.9	28.6	54.5
	Total	100	100	100	100	100	100	100	100	100	100
3. Return, partial restoration of property and financial compensation	Strongly disagree	45	25.6	38.4	45	27.2	40.2	47.5	35.1	23.2	38.4
	Disagree	26.9	36.1	31.4	27.9	30.9	32	18.6	24.3	37.5	30
	Agree	22.7	29.3	23.8	23.6	29.6	23.2	25.4	32.4	26.8	24.9
	Strongly agree	5.4	9	6.4	3.6	12.3	4.6	8.5	8.1	12.5	6.6
	Total	100	100	100	100	100	100	100	100	100	100
4. Return and financial compensation	Strongly disagree	16.5	9.8	16.3	14.3	9.9	12.4	18.6	21.6	12.5	14.2
	Disagree	12.7	17.3	15.7	8.6	21	13.7	8.5	16.2	21.4	14.2
	Agree	39.6	42.1	40.1	45	33.3	41.9	37.3	48.6	32.1	40.5
	Strongly agree	31.2	30.8	27.9	32.1	35.8	32	35.6	13.5	33.9	31
	Total	100	100	100	100	100	100	100	100	100	100
5. Return only	Strongly disagree	32.3	30.8	28.5	32.9	37	30.7	35.6	24.3	37.5	31.8
	Disagree	23.1	24.8	30.8	19.3	16	20.7	22	37.8	28.6	23.7
	Agree	30.8	32.3	29.7	34.3	29.6	33.6	28.8	29.7	25	31.3
	Strongly agree	13.8	12	11	13.6	17.3	14.9	13.6	8.1	8.9	13.2
	Total	100	100	100	100	100	100	100	100	100	100



Q7. In your opinion, how will the realizable return happen?

In your opinion, how will the realizable return happen?	Gender		Region			Asylum Status				Total
	Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Return open to all refugees and displaced persons all at the same time	41.2	42.1	41.9	40	43.2	46.9	42.4	27	26.8	41.5
2. Incrementally, over a certain period of time (e.g. within 15 years maximum)	32.7	24.8	31.4	31.4	24.7	31.1	25.4	37.8	25	30
3. Gradual return, managed according to the socio-economic situation (the poor and the marginalized first)	21.9	26.3	21.5	20.7	32.1	16.2	27.1	29.7	46.4	23.4
4. Other	4.2	6.8	5.2	7.9	0	5.8	5.1	5.4	1.8	5.1
Total	100	100	100	100	100	100	100	100	100	100

Q11. In your opinion, the best and most equitable political solution to achieve return will be?

In your opinion, the best and most equitable political solution to achieve return will be?	Gender		Region			Asylum Status				Total
	Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Establishment of a Palestinian state on the 1967 borders and the return of refugees who wish to settle in the 1967 Palestinian state	6.2	9	7.6	7.1	6.2	4.6	11.9	13.5	8.9	7.1
2. Establishment of a Palestinian state on the 1967 borders and the return of the 1948 refugees to their original homes	26.2	24.1	29.1	30	9.9	29.5	32.2	10.8	10.7	25.4
3. Establishment of a single democratic Palestinian state in all historic Palestine where Israeli Jews (current colonizers) are Palestinian citizens with equal rights	36.2	30.1	33.1	33.6	37	34.4	28.8	45.9	30.4	34.1
4. Establishment of a single democratic Israeli state in all historic Palestine where Palestinians (and returnees) are Israeli citizens with equal rights	2.3	3	0.6	3.6	4.9	0.8	1.7	2.7	10.7	2.5
5. Establishment of a single democratic state (without defining the identity of the state) in all historical Palestine where Israelis and Palestinians are citizens of equal rights	15	18	14.5	9.3	30.9	12.9	13.6	21.6	28.6	16
6. Other	14.2	15.8	15.1	16.4	11.1	17.8	11.9	5.4	10.7	14.8
Total	100	100	100	100	100	100	100	100	100	100



Q14. In your opinion, in a realizable return, how will the land be redistributed/distributed?

In your opinion, in a realizable return, how will the land be redistributed / distributed?	Gender		Region			Asylum Status				Total
	Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. Distributed on the basis of those who prove their ownership	36.5	28.6	29.7	38.6	34.6	34	35.6	29.7	33.9	33.8
2. Redistribution of land on the basis of equality and justice for all	56.5	66.9	64	55	60.5	61	59.3	62.2	55.4	60.1
3. Other	6.9	4.5	6.4	6.4	4.9	5	5.1	8.1	10.7	6.1
Total	100	100	100	100	100	100	100	100	100	100

Q20. How do you assess the role of the agencies below in providing services and defending historical and political rights of refugees and IDPs?

How do you assess the role of the agencies below in providing services for refugees until return is realized?		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. State of asylum	No role	22.8	19.8	25	18.2	21.1	23.3	16.4	33.3	13.2	21.8
	Limited role	41.6	32.5	46.4	37.1	23.7	45.3	30.9	22.2	28.3	38.6
	Effective role	18.4	11.1	10.7	23.5	14.5	12.5	25.5	13.9	22.6	16
	Very effective role	7.6	9.5	2.4	11.4	15.8	6.5	12.7	2.8	15.1	8.2
	Don't know	9.6	27	15.5	9.8	25	12.5	14.5	27.8	20.8	15.4
	Total	100	100	100	100	100	100	100	100	100	100
2. Palestine Liberation Organization (PLO)	No role	30	28.6	24.4	40.9	21.1	31.9	30.9	27.8	18.9	29.5
	Limited role	35.6	34.9	39.3	26.5	42.1	37.5	27.3	30.6	37.7	35.4
	Effective role	15.2	3.2	10.7	9.1	15.8	11.6	12.7	2.8	13.2	11.2
	Very effective role	9.2	7.1	13.1	3	7.9	6.5	12.7	5.6	15.1	8.5
	Don't know	10	26.2	12.5	20.5	13.2	12.5	16.4	33.3	15.1	15.4
	Total	100	100	100	100	100	100	100	100	100	100



3. UNRWA	No role	16	11.9	14.9	18.9	6.6	15.9	16.4	22.2	1.9	14.6
	Limited role	51.6	44.4	55.4	50	34.2	56	45.5	41.7	28.3	49.2
	Effective role	19.6	24.6	18.5	21.2	27.6	18.1	20	19.4	37.7	21.3
	Very effective role	10	12.7	8.3	5.3	26.3	7.3	12.7	5.6	28.3	10.9
	Don't know	2.8	6.3	3	4.5	5.3	2.6	5.5	11.1	3.8	4
	Total	100	100	100	100	100	100	100	100	100	100
4. United Nations	No role	42	35.7	42.3	46.2	23.7	45.7	34.5	47.2	15.1	39.9
	Limited role	40.8	36.5	42.3	38.6	34.2	39.7	43.6	27.8	41.5	39.4
	Effective role	8.4	15.1	8.9	6.1	22.4	7.8	14.5	8.3	20.8	10.6
	Very effective role	4.8	4.8	3	2.3	13.2	2.6	1.8	2.8	18.9	4.8
	Don't know	4	7.9	3.6	6.8	6.6	4.3	5.5	13.9	3.8	5.3
	Total	100	100	100	100	100	100	100	100	100	100
5. Arab League	No role	66.8	60.3	64.3	73.5	50	71.6	65.5	63.9	34	64.6
	Limited role	23.2	23	25.6	18.2	26.3	21.1	21.8	13.9	39.6	23.1
	Effective role	5.2	7.1	5.4	2.3	13.2	3.9	5.5	8.3	13.2	5.9
	Very effective role	2.4	2.4	1.8	2.3	3.9	1.7	3.6	0	5.7	2.4
	Don't know	2.4	7.1	3	3.8	6.6	1.7	3.6	13.9	7.5	4
	Total	100	100	100	100	100	100	100	100	100	100
6. United States	No role	79.6	69	80.4	81.8	56.6	86.2	70.9	66.7	43.4	76.1
	Limited role	12.4	15.1	10.7	9.1	26.3	9.1	14.5	16.7	28.3	13.3
	Effective role	3.6	5.6	4.2	1.5	9.2	1.7	3.6	2.8	17	4.3
	Very effective role	1.2	4.8	1.8	2.3	3.9	0.9	5.5	2.8	5.7	2.4
	Don't know	3.2	5.6	3	5.3	3.9	2.2	5.5	11.1	5.7	4
	Total	100	100	100	100	100	100	100	100	100	100
7. European Union	No role	41.2	38.1	39.3	45.5	32.9	47	32.7	41.7	17	40.2
	Limited role	39.2	39.7	41.1	35.6	42.1	38.4	40	30.6	49.1	39.4
	Effective role	12.4	6.3	12.5	7.6	10.5	7.8	12.7	8.3	20.8	10.4
	Very effective role	2.8	7.9	3	3.8	9.2	3.9	5.5	2.8	7.5	4.5
	Don't know	4.4	7.9	4.2	7.6	5.3	3	9.1	16.7	5.7	5.6
	Total	100	100	100	100	100	100	100	100	100	100



How do you assess the role of the agencies below in defending the historical and political rights of refugees		Gender		Region			Asylum Status				Total
		Male	Female	Palestine	Arab Countries	Western countries	Refugee from 1948	Refugee from 1967	Displaced within the territory of 1948	Other	
1. State of asylum	No role	27.6	25.4	32.1	20.5	26.3	30.2	21.8	27.8	17	26.9
	Limited role	42	37.3	48.2	36.4	30.3	44.4	29.1	47.2	30.2	40.4
	Effective role	16.4	15.1	11.3	25	10.5	13.4	27.3	16.7	15.1	16
	Very effective role	8.4	5.6	1.8	12.1	11.8	5.6	10.9	2.8	15.1	7.4
	Don't know	5.6	16.7	6.5	6.1	21.1	6.5	10.9	5.6	22.6	9.3
	Total	100	100	100	100	100	100	100	100	100	100
2. Palestine Liberation Organization (PLO)	No role	23.6	25.4	22	31.8	15.8	26.3	23.6	25	15.1	24.2
	Limited role	39.6	31	36.9	34.1	40.8	39.7	34.5	36.1	26.4	36.7
	Effective role	18	13.5	15.5	15.2	21.1	14.2	21.8	8.3	26.4	16.5
	Very effective role	11.6	7.1	13.7	4.5	11.8	9.1	10.9	0	20.8	10.1
	Don't know	7.2	23	11.9	14.4	10.5	10.8	9.1	30.6	11.3	12.5
	Total	100	100	100	100	100	100	100	100	100	100
3. UNRWA	No role	26.8	19.8	23.2	28	21.1	25.9	25.5	33.3	11.3	24.5
	Limited role	48.4	43.7	52.4	45.5	36.8	51.7	45.5	38.9	32.1	46.8
	Effective role	15.6	21.4	15.5	18.2	21.1	12.9	21.8	16.7	34	17.6
	Very effective role	6.4	7.1	5.4	3	15.8	5.2	3.6	2.8	18.9	6.6
	Don't know	2.8	7.9	3.6	5.3	5.3	4.3	3.6	8.3	3.8	4.5
	Total	100	100	100	100	100	100	100	100	100	100
4. United Nations	No role	44.4	42.9	44	51.5	30.3	50	41.8	52.8	13.2	43.9
	Limited role	41.6	32.5	42.9	35.6	34.2	39.7	40	22.2	43.4	38.6
	Effective role	7.2	12.7	7.1	4.5	21.1	5.2	9.1	13.9	22.6	9
	Very effective role	4.4	7.1	4.2	3	11.8	3.4	5.5	0	17	5.3
	Don't know	2.4	4.8	1.8	5.3	2.6	1.7	3.6	11.1	3.8	3.2
	Total	100	100	100	100	100	100	100	100	100	100



5. Arab League	No role	59.6	54	56	67.4	44.7	64.7	54.5	63.9	26.4	57.7
	Limited role	30.8	31	34.5	24.2	34.2	28.4	36.4	16.7	45.3	30.9
	Effective role	4.8	4	4.2	2.3	9.2	3	1.8	8.3	11.3	4.5
	Very effective role	2	2.4	1.2	0.8	6.6	0.9	3.6	0	7.5	2.1
	Don't know	2.8	8.7	4.2	5.3	5.3	3	3.6	11.1	9.4	4.8
	Total	100	100	100	100	100	100	100	100	100	100
6. United States	No role	82	74.6	79.2	85.6	69.7	85.3	72.7	80.6	60.4	79.5
	Limited role	11.6	11.1	13.7	4.5	18.4	10.3	12.7	2.8	20.8	11.4
	Effective role	1.6	3.2	1.8	0.8	5.3	0.4	0	5.6	9.4	2.1
	Very effective role	1.6	4	3	1.5	2.6	1.3	5.5	2.8	3.8	2.4
	Don't know	3.2	7.1	2.4	7.6	3.9	2.6	9.1	8.3	5.7	4.5
	Total	100	100	100	100	100	100	100	100	100	100
7. European Union	No role	44	42.1	38.1	50.8	42.1	51.3	36.4	38.9	18.9	43.4
	Limited role	42	32.5	44	34.8	34.2	35.3	45.5	38.9	47.2	38.8
	Effective role	8.4	11.1	10.1	5.3	14.5	7.8	7.3	5.6	20.8	9.3
	Very effective role	2.4	4.8	3.6	2.3	3.9	2.2	3.6	2.8	7.5	3.2
	Don't know	3.2	9.5	4.2	6.8	5.3	3.4	7.3	13.9	5.7	5.3
	Total	100	100	100	100	100	100	100	100	100	100



In the three years since the last survey, the Palestinian people have experienced an ever more repressive and limited space within which to collectively demand and exercise their national and individual rights. This has been characterized principally by the rapid advancement of Israeli annexation policies in the West Bank, underpinned by ever more repressive apartheid policies throughout Mandatory Palestine, and coupled with renewed attacks on the rights of Palestinian refugees, particularly in the delegitimization of UNRWA. It is in this context that BADIL elected to focus this survey particularly on the most crucial, yet most marginalized issue to the question of Palestine: the right of return and specifically the practicalities of realizing and implementing return. In so doing, BADIL aims to provide essential data and analysis that may pave the way for renewed national and international political discourse on the right of return and its implementation in the case of Palestine.