

The Palestinian Refugees:

Some Major Factors Defining the Issue

Background

The Oslo Agreement stipulated that one of the issues to be negotiated by Israel and the PLO within the framework of a Permanent Status Agreement is that of the Palestinian refugees. The two sides agreed that the term "Palestinian refugee" pertains to those members of the Palestinian population that became refugees as a result of the war waged in Eretz Israel/Palestine in 1947-1949.

During the course of the war, about 700,000 Palestinians abandoned their homes in search of shelter and security in Arab-inhabited areas far from the battles, whether in the West Bank and the Gaza Strip, or in countries beyond Palestine's borders, specifically, Jordan, Lebanon, and Syria. The destiny awaiting them was a life of degradation and destitution in crowded refugee camps.

Thus, for more than half the Palestinian population of Eretz Israel/Palestine, the refugee status forced upon them became a tragedy, a personal as well as national disaster. As such, these events acquired historic significance within the context of the Arab-Israeli conflict. Although this is not the appropriate forum to debate the important question of which was the most salient factor among those producing this situation, the operative combination of those factors demands mentioning. Among them we can list the orders given by the Palestinian leadership to "temporarily" abandon their homes, the direct and indirect eviction by both official and unofficial Israeli forces, and the sheer fear of the fighting. In effect, the Palestinians fled in the belief that after the battle - whatever its outcomes - they would return to their homes. Yet, the first clear act establishing the refugee problem as an issue that would accompany the history of the conflict for

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generations was the Israeli Government's decision, made after the war, to close its borders and thereby prevent the refugees from returning to their homes, their villages, and their lands. We should recall, however, that in 1949, the Ben-Gurion government informed the US of its willingness to absorb 100,000 Palestinian refugees within Israel.

Over the years, with the growing distress felt in the camps in Lebanon, Syria, Jordan, and the Gaza Strip, stories about the property and land left behind evolved into a unifying national ethos that would preserve and nurture the Palestinian national identity to this very day. Nationally and historically, the "*nakabah*" (literally, the "disaster, catastrophe, calamity"), but especially the very status of refugee, became dominant elements in the formation of the Palestinian "collective gene". From the Palestinian perspective, the primary responsibility for the tragedy rests with the establishment of the State of Israel, an act that fueled the conflict and feelings of hatred throughout the ensuing decades. This phenomenon, and its sweeping historical implications, is almost completely absent from the Zionist narrative and from the political debate conducted in Israel, a fact that obfuscates attempts to understand the conflict and obstructs attempts to achieve a solution. If a fair solution to the refugee issue is left outside the framework of the Permanent Status Agreement, the two sides will never be able to agree to a comprehensive peace treaty, nor will there be an end the conflict or the entry into an era of reconciliation.

Background Figures

According to UNRWA (the United Nations Relief and Works Agency, specially created in 1949 to deal with the Palestinian refugee problem), the number of refugees, effective 1999, stands at 3,573,382. The rate of natural population growth is 1.5% annually. These data indicate that the number of Palestinian refugees still living in some 60 camps dispersed throughout the Middle East (Lebanon: 12 camps; Syria: 10 camps; Jordan: 10 camps; the West Bank: 19 camps; the Gaza Strip: 8 camps) totals about 1,160,000. The greatest concentration of refugees is found in the Gaza Strip, the home of more than 1,000,000 people; among them, 700,000 are refugees; of these, 400,000 live in camps marked by insufferable crowding.

The refugees living in Lebanon's camps present the most acute problem. The conditions under which this population, numbering about 200,000, is confined are unique. They are confronted by a string of constraints and obstacles that make their lives unbearable. These include: highly limited civil rights, prohibitions against working outside the camps except in special cases that require government permits, prohibitions against civil service employment, and restrictions against employment in approximately 70 private sector occupations. In Jordan, all the refugees (about 1.5 million persons, including about 270,000 living in camps) have been granted Jordanian citizenship, which awards them the right to a passport as well as the enjoyment of full civil rights, including the right to vote, to be elected, and to hold a government post. In Syria (about 100,000 of the 350,000 refugees in that country live in camps), the majority of refugees enjoy rights parallel to those of Syrian citizens, excluding the right to vote or be elected, as well as the right to hold a Syrian passport. In the areas controlled by the Palestinian Authority (where about 650,000 of the 1,350,000 refugees live in camps), the refugees enjoy a status equivalent to that of other residents.

The refugee population, particularly in Lebanon and the Gaza Strip, is situated on the lowest rungs of the local socioeconomic ladder. Often, but especially during the periodic bouts of unemployment, many reach a state of near

starvation. UNRWA handles about 200,000 cases annually of what can be considered severe deprivation. Housing density in the camps is extremely high: In Gaza, the average family (8 members) is crowded into three tiny rooms; in about 40% of the cases, more than three people live in one room. For instance, in the Han Junis refugee camp, more than 59,000 people live in an area covering about 0.5 square kilometers.

It is worth noting that even within the borders of the State of Israel, UNRWA operates two Palestine refugee camps in cooperation with camp resident committees. Although the Shuafat and part of the Qalandriya refugee camps are located within the municipal boundaries of Jerusalem, they represent, to all effects, autonomous islands, that is, the control exercised by municipal and government authorities within the camps is effectively nil. As a result, these refugees can hold Israeli identity cards, UNRWA refugee identity cards, Jordanian passports, and vote for the Palestinian parliament.

Conclusions

For the Palestinian population, the refugee issue is the most ingrained, emotional and important of the topics waiting negotiation. The inability to resolve this issue may sabotage any possibility to reach an agreement and jeopardize the historic reconciliation inherent in such an event. Should circumstances exacerbate the hostility felt by the refugee population, which represents about half the Palestinian population, toward a Permanent Status Agreement, there will be no peace. Nonetheless, it is obvious to anyone supporting an agreement, including the Palestinians, that expectations of Israel's positive response to all the refugees' demands, especially the right of return, are unrealistic.

The traditional Palestinian position maintains that the problem's solution rests on the implementation of Security Council Resolution No. 194 of December 1949. The relevant article (11) reads as follows: " Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for 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".

However, a realistic consideration of the need to reach an agreement and to obtain Israeli compliance with its terms has led the Palestinian leadership to accept the fact that the past 52 years and situation on the ground have modified the rules of the game. Accordingly, we now see that the Palestinian leadership is ready to consider a comprehensive program for the solution of the refugee problem. The main elements of this program include: the refugees' right of return to a Palestinian state to be established as the Palestinian national homeland; Israel's recognition of the suffering caused to the refugees as a result of the 1947-1949 war and the establishment of the State; the refugees' right to compensation and rehabilitation, to be implemented through an international commission that will pledge the necessary funding, including that from Israel; the Palestinian requirement that Israel, like other countries, adopt a policy of family reunification and refugee absorption on the basis of specific cases that will be presented by the Palestinians as returnees; lastly, it will be agreed that no additional claims will be made of Israel by the Palestinian side.