

THE REFUGEE QUESTION AND INTERNATIONAL LAW

The refugee question - specifically the right of return - is one of the most controversial issues in the ongoing Arab-Israeli conflict. International law and resolutions (see box overleaf), however, leave no doubt that Israel is legally and morally required to permit the repatriation of the Palestinians displaced in 1948 and that Palestinian refugees are entitled to **full restitution**, including the right of return, the right of return of properties, and the right to compensation for material and moral losses.

The most famous source of reference in this regard is UN General Assembly Resolution 194 of 1948 (see Box), which has been affirmed by the UNGA over 110 times so far. However, Israel continues to dispute the legality of the Palestinian claim based on Res. 194 and refuses to repatriate refugees, even though Israel's admission to the UN in 1949 was conditional upon accepting UN resolutions, including 194.

“No settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged (...) It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes, while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries.”

UN Mediator Count Folke Bernadotte, Report (UN Doc A/1648), 1948

REFUGEES TODAY

Palestinian refugees are the indigenous Arab inhabitants of historic Palestine (today's WBGS and Israel). The Palestinian refugee problem is the oldest refugee problem in the world. Today, there are over 5.5 million Palestinian refugees, constituting two-thirds of the total Palestinian population and making Palestinians the largest single group of refugees in the world (with a 3%-increase annually).

Three different groups of 'refugees' are differentiated: **refugees** who fled the country during the 1947-1949 period and internally displaced persons who fled their homes but remained within what became Israel; **displaced persons** as a result of the 1967 War; and **expired permit-holders** (or "latecomers"), i.e., residents of the WBGS who overstayed their permits while abroad and were denied re-entry.

Over 4.1 million of the total refugees are registered with UNRWA, and about a third of these live inside one of the 59 UNRWA camps (see maps below), most of which were established between 1948-1953. It should be noted that because of UNRWA's narrow refugee definition (=only persons - and their descendants - whose normal place of residence was Palestine between 1 June 1946 and 15 May 1948, who lost their homes and means of livelihood as a result of the War of 1948, and who took refuge in Jordan, Lebanon, Syria, the Jordanian-ruled West Bank or the Egyptian-administered Gaza Strip) some 48% of Palestinian refugees in the Diaspora are not registered. The definition does not cover refugees who fled elsewhere, those who fled but did not need assistance, those displaced in 1967 (at least 325,000) unless they were already registered with UNRWA, or those who were outside the WBGS in 1967. Also not included are the 'latecomers', numbering at least 50,000 cases.

UNRWA REGISTERED REFUGEES (as of DEC. 2003)

RR= Registered Refugees	West Bank	Gaza Strip	Jordan	Syria	Lebanon	Total
RRs 1950	- ¹	198,227	506,200 ¹	82,194	127,600	914,221 ²
RRs 1975	292,922	333,031	625,857	184,042	196,855	1,632,707
RRs 2003	665,246	922,674	1,740,170	413,827	394,532	4,136,449
Increase over 2002	4%	3.3%	2.5%	2.0%	1.4%	2.8%
% of total population ³	32.6	84.5	34.8	2.7	11.5	33.2
% of total RRs	16	22	42	10	10	100
No. of refugee camps	19	8	10 ⁴	10	12	59
RR living in camps (in % of RR)	179,541 (27)	484,563 (53)	307,785 (18)	120,865 (29)	223,956 (57)	1,316,710 (32)
RR outside camps	485,705	438,111	1,432,385	292,962	170,576	2,819,739
Average family size ⁵	4.56	4.66	5.42	4.31	4.06	4.82

¹ West Bank figures included in Jordan until 1967.

² Excl. 45,800 people receiving relief in Israel under UNRWA responsibility until 1952.

³ These numbers refer to 2002; see *UNRWA in Figures*, Dec. 2002.

⁴ Three additional neighborhoods in Amman, Zarqa and Madaba are considered 'unofficial' camps by UNRWA. (*UNRWA in Figures*, UNRWA Headquarters, March 2004.)

⁵ *UNRWA in Figures*, June 2003.

