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### Palestinian Refugees and the Right of Return

## Providing a Voice

### Background

The Palestinian refugees were the indigenous Arab inhabitants of historic Palestine (what is now Israel, the occupied West Bank and the Gaza Strip), who were displaced or expelled, and their descendents.

They have never been allowed to return to their homes and now comprise one of the world's largest and longest suffering refugee populations.

Of today's **11 million worldwide population of Palestinians** more than **7 million are refugees** or displaced persons. Approximately 4.5 million 1948 refugees and their descendents are registered with UNRWA, whereas an estimated 1.54 million are unregistered. The Palestinian refugees from 1967 and their descendents number 950,000. In the West Bank and the Gaza Strip there are 150,000 1967 internally displaced people and their descendents. More than three quarters of the 1.7 million Palestinians that live in the Gaza Strip are actually refugees and their descendents who were forced to flee from other parts of what was Palestine.

### THREE GROUPS OF REFUGEES

#### 1. Those made refugees before and during the 1948 Arab-Israeli war.

Up to 250,000 Palestinians were driven out or killed by Zionist militant groups in 1947 even before the 1948 war started. Their most notorious massacre at Deir Yassin served to create fear and flight in the Palestinian population. Over 720,000 Palestinians (about three quarters of the population) were effectively ethnically cleansed from Palestine over this 1947-48 period. Up to 531 villages were destroyed and eleven urban towns emptied of their inhabitants.

#### 2. Those made refugees during the 1967 'Six Day War'.

When Israel occupied the remaining 22% of Palestine: the West Bank, Gaza and East Jerusalem it created a new wave of 350,000 Palestinian refugees.

#### 3. Those who were made refugees as a result of policies of the Israeli government - policies that amount to 'low-intensity population transfer'

### Ethnic Cleansing

Since the opening of Israeli archives, it has been revealed by historians including the Israeli academic Ilan Pappé, that what the Palestinians call "**the Nakba**" (**Catastrophe**) was the result of a determined policy of ethnic cleansing to drive out the Palestinian population to ensure the new Israeli state in Palestine could enjoy a large Jewish majority for the newly created state of Israel.

For Palestinians, the Nakba is ongoing as many continue to lose their homes, lands and residential/identity status, particularly in East Jerusalem, where the Israeli policies continue to drive out Palestinians at the expense of increased illegal Jewish colonisation of Palestinian land.

### Denial of Right of Return

Israel's denial of the right of return is **illegal** under international law. Israel refuses to acknowledge any responsibility for creating the refugee problem and continues to this day to deny them their basic right of return.

The refusal to allow Palestinian refugees to return to their homes is based on **Israel's self-definition as a Jewish state** rather than a state for all its citizens.

This means that Jewish citizens and residents of Israel and Jews in the Diaspora are given special entitlements concerning citizenship and land ownership openly discriminating against Israel's non-Jewish Arab citizens and the indigenous Palestinian refugees it continues to keep in exile.

## The Right of Return in International Law

The right of return is an inalienable and basic human right and as such it cannot be negotiated away. It has a solid foundation in international law and is enshrined in a number of UN resolutions.

UN General Assembly Resolution 194 **has been affirmed by the UN over 110 times since its introduction in 1948** with universal consensus except for Israel and the U.S. This resolution was further clarified by UN General Assembly Resolution 3236 which reaffirms in Subsection 2: *"the inalienable right of Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return."*

Israel's admission to the UN **was conditional** on its acceptance of UN resolutions including 194. Denying the right of Palestinian refugees to return to their homes and lands is **a war crime and an act of aggression** which deserves action by the international community.

### REFERENCES

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## UN RESOLUTIONS enshrining the Right of Return

- **Universal Declaration of Human Rights, Article 13:** "Everyone has the right to leave any country, including his own, and to return to his country."
- **International Convention on the Elimination of all forms of Racial Discrimination, Article 5:** "State parties undertake to prohibit and eliminate racial discrimination in all its form and to guarantee the right of everyone...to leave any country, including one's own, and to return to one's country."
- **International Covenant on Civil and Political Rights, Article 12:** "No one shall be arbitrarily deprived of the right to enter his own country."
- **Fourth Geneva Convention, Article 49:** "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory...are prohibited, regardless of their motive...Persons thus evacuated must be transferred back to their homes as soon as hostilities in the area in question have ceased."
- **UN Declaration on the Rights of Indigenous People, Article 3:** "States shall provide effective mechanisms for prevention of, and redress for: (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights."
- **1948 - UN General Assembly Resolution 194, Article 11:** "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."
- **1967- UN General Assembly Resolution 3236, Subsection 2:** "Reaffirms also the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return."
- **1997- UN General Assembly Resolution 52/56, Subsection 1:** "Reaffirms that the Palestine Arab refugees are entitled to their property and to income derived therefrom, in conformity with the principles of justice and equality."

