

THE PALESTINIAN REFUGEES

FACTFILE

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*THE PALESTINIAN REFUGEE:
DEFINITIONS*

A) THE 1951 CONVENTION DEFINITION

Whereas the Palestinian refugee issue was created over 50 years ago, no clear definition of it has yet been recognized at the international level.

The 1951 Convention Relating to the Status of Refugees provides a universal definition of a refugee. According to article 1.A, par. 2, of this Convention (and its 1967

-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being stateless, is unwilling to return to it.

However, Palestinian refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) were excluded *de jure* from this Convention. Indeed, article 1.D states 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 and assistance.¹

Accordingly, only Palestinian refugees not registered with UNRWA fall under the 1951 Refugee Convention.

B) UNRWA DEFINITION

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) definition was elaborated for operational purposes only. Its objective is not to determine who is a refugee, but rather who is entitled to its assistance schemes.

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 conflict.

Also eligible for UNRWA services are:

- The descendants of Palestine refugees (fathers) born after 14 May 1948.
- Deprived non-refugee categories that lost their means of livelihood as a result of the 1947-1948 conflict and their descendants. This category includes:
 -
 -
 - Members of nomadic and semi-nomadic tribes.

1

**C) THE PALESTINIAN DEFINITION PRESENTED DURING THE
FIRST SESSION OF THE REFUGEE WORKING GROUP
(OTTAWA, MAY 1992)**

During the first session of the RWG in Ottawa in May 1992, the chairperson of the Palestinian side of the joint Palestinian-Jordanian delegation provided a definition of the

The Palestinian refugees are all those Palestinians (and their descendants) who were expelled or forced to leave their homes between November 1947 (Partition Plan) and January 1949 (Rhodes Armistice Agreements), from

*Israeli
stripped of its most elementary human and civil rights.*

This definition does not only apply to camp dwellers, and certainly not only to those recognized refugees who enjoyed formal registration with UNRWA, since the latter never exercised jurisdiction over more than a segment of the total refugee problem.

Such a definition does not include the emigrants who left Palestine before 1947, but includes all those displaced, even inside the territory that became the State of Israel in the 1948-1949 period. It also includes:

- All the 1967 and post-1967 displaced persons;*
- The residents
agricultural lands in the War of 1948, and therefore the source of their livelihood, but remained in their villages;*
- Residents of the Gaza Strip refugee camps who were either relocated to the Rafah side of the Egyptian boundary, or who found themselves separated from their families and kin as a result of border demarcation after the Camp David Agreements between Israel and Egypt;*
- Palestinian Bedouins who were forcibly removed from their grazing lands within the State of Israel, as well as those who were induced to abandon the West Bank to relocate in Jordan.*

*Although some of the above categories may not be regarded as refugees in the
nevertheless share the hardships and fate of most refugees who fall in the first categories. At the core of their status are land alienation and the denial of return to their country.*

D) THE PLO DEPARTMENT OF REFUGEE AFFAIRS DEFINITION PROPOSAL

been tackled separately within the framework of the Quadripartite Committee (Egypt, Israel, Jordan and the PLO).² Additionally, a bilateral Palestinian-Israeli committee was created to deal with the return of the post-1967 deportees from the West Bank and the Gaza Strip. As a result, these two categories may be excluded from the definition the PLO will present in the final status talks on the 1948 refugees.

The PLO Department of Refugee Affairs proposes the following definition:

The Palestinian refugee is:

1.

- i. who, on 29 November 1947 or thereafter, was a Palestinian citizen in accordance with the Palestinian Citizenship Order of 24 July 1925; or who on the above-mentioned date or thereafter habitually resided in Palestine and was not a national of any country or his nationality was undefined or unclear; and,
- ii. whose normal place of residence in Palestine was in areas that came under the control of the State of Israel between 15 May 1948 and 20 July 1949; and,
- iii. who was forced to leave his normal place of residence because of the war and was unable to return to it due to the procedures and practices of the Israeli authorities; or,
- iv. who was outside his normal place of residence on 29 November 1947 or thereafter and was unable to return to it because of the war or due to the procedures and practices of the Israeli authorities; or,
- v. who at any time between 29 November 1947 and 20 July 1949 lost his means of livelihood as a result of the war or due to the procedures or practices of the Israeli authorities, be he/she:
 - agricultural lands he/she habitually cultivated thereafter in Israeli- controlled areas;
 - an inhabitant of the West Bank or the Gaza Strip who lost his job in Israeli controlled-areas;
 - a member of nomadic or semi-nomadic tribes who was unable to enter territories in which he/she habitually grazed his flock and traded thereafter under Israeli control.

- 2.** The descendants and spouses of a Palestinian refugee according to the above-mentioned definition whether or not the latter is still alive.

² For that purpose the Arab parties involved worked out a specific definition for this category of refugees. It states that "the displaced are those Palestinians who were registered citizens in the West Bank, Gaza Strip, and Jerusalem on the eve of the June War (4 June 1967) and lost their residency and were displaced as a

*THE PALESTINIAN REFUGEES:
FIGURES*

A) THE PALESTINIAN REFUGEES, 1948 1950 ³

Areas of Arrival	Official British Estimates	Official US Estimates	United Nations Estimates	Private Israeli Estimates	Official Israeli Estimates	Palestinian Estimates
Gaza	210,000	208,000	280,000	200,000		201,173
West Bank	320,000		190,000	200,000		363,689
Arab Countries	280,000	667,000	256,000	250,000		284,324
Totals	810,000 a	875,000 b	726,000 c	650,000	520,000 f	849,186 h
			957,000 c	600,000-700,000 d	590,000 g	714,150-744,150 i
				620,000 e		770,100-780,000 j

Sources:

- a) See document from PRO FO371/754196 E2297/1821/31, in Morris, B., *The Birth of the Palestinian Refugee Problem 1947 1949*, Cambridge, CUP, 1987, pp.297. Estimate as of February 1949.
- b) Jordan. Estimate as of 1953. In *US Government Report of the Subcommittee on the Near East and Africa*, 24 July 1953.
- c) United Nations Conciliation Commission for Palestine, p.18; United Nations. *Annual Report of the Director General of UNRWA*, Doc.5224/5223, 25 November 1952. First estimate as of September 1949; second estimate as of May 1950.
- d) Morris, B., *1948 and After*, New York, Oxford University Press, 1990, p.68. Estimates as of 1948 1950.
- e) Tel Aviv, *Israeli International Institute for Applied Economic Policy Review*, 1993. Estimate as of mid-1949.
- f) Morris, B. 1987 (see above), p.297. Estimate as of 1948.
- g) The estimate is as of 1992, based on a report by the Israeli Foreign Ministry, published in *Al-Quds*, 10 September 1992.
- h) *Journal of Palestine Studies*, 3, 4: 32 73, p.53. Estimate as of November 1952.
- i) Khalidi, W., *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948*, Washington DC, IPS, 1992, Appendix 111, p.582. Estimate as of mid-1948.
- j) Edward Said et al., *A Profile of the Palestinian People*, New York, Palestine Human Rights Campaign, *Transformation of Palestine*, ed. by I. Abu Lughod, Evanston, IL, Northwestern University Press, 1971, pp.139-63. Estimate of late 1948.

³ Table set up by Zureik, E., *Palestinian Refugees and the Peace Process*, Washington D.C., IPS, 1996, p. 17.

B) UNRWA CURRENT FIGURES (As of 30 June 1999)

	West Bank	Gaza Strip	Total Palestine	Jordan*	Lebanon	Syria	Total
Registered Persons (RR)	569,741	798,444	1,368,185	1,512,742	370,144	374,521	3,625,592
Increase in RR over Previous Year (%)	2.6	3.3	2.95	3.4	1.5	2.4	2.7
RR as % of Total Estimated Population	30.5	78.2	47.4	34.4	10.6	2.6	31.3
RR as % of Total RRs	15.7	22.0	37.7	41.7	10.2	10.3	100
Existing camps	19	8	27	10	12	10	59
RR in Camps (RRCs)	153,380	437,650	591,030	274,816	204,999	109,315	1,180,160
RRCs as % of RRs	26.9	54.8	43.2	18.2	55.4	29.2	32.6

Source:

UNRWA, *Figures as of 30 June 1999*, Public Information Office, UNRWA Headquarters (Gaza), August 1999.

* Three additional refugee neighborhoods in the governorates of Amman (Prince Hassan

C) THE PALESTINIAN REFUGEES: CURRENT ESTIMATES
(End of 1998)

	1 UNRWA Registered Refugees <i>a</i>	2 Refugees Not Registered with UNRWA	3 Total Refugees (1+2)
West Bank	562,737	30,987 <i>b</i>	593,724
Gaza Strip	785,551	11,898 <i>b</i>	797,449
Total Palestine	1,348,288	42,885	1,391,173
Israel (Internal Refugees)	-	219,325 <i>c</i>	219,325
Jordan	1,487,449	278,608 <i>d</i>	1,766,057
Lebanon	367,610	14,984 <i>e</i>	382,594
Syria	370,035	61,951 <i>e</i>	431,986
Egypt	-	40,468 <i>e</i>	40,468
Total Near East Countries	3,573,382	658,221	4,231,603
Saudi Arabia	-	274,762 <i>e</i>	274,762
Gulf Countries	-	139,948 <i>e</i>	139,948
Iraq and Libya	-	73,284 <i>e</i>	73,284
Other Arab Countries	-	5,544 <i>e</i>	5,544
Total Middle East Countries	3,573,382	1,151,759	4,725,141
Total Non-Arab Countries	-	393,411 <i>e</i>	393,411
TOTAL	3,573,382	1,545,170	5,118,552

Sources:

- a)* UNRWA, *Figures as of 31 December 1998*, PIO, UNRWA Headquarters (Gaza), February 1999.
- b)* Palestinian Central Bureau of Statistics, *Census Final Results Summary*, Ramallah, PCBS, November 1998, p.47. Jerusalem is not included. The PCBS figure was updated taking into account a 4.08 percent annual growth (Population growth in Palestine in 1998; source: PCBS, *Population Statistics*, 1999).
- c)* According to the UN, there were 33,000 internal refugees within the 1949 armistice lines. They then constituted 20.89 percent of the Arab population in Israel (671,900). This population was 1,049,900 in 1998.
Sources: - The Center for Policy Analysis on Palestine, *Facts and Figures About the Palestinians*, Information Paper Number 1, Washington, CPAP, 1992, p.17.
- Central Bureau of Statistics, *Statistical Abstract of Israel 1998*, No. 49, 1998, p.2-7.
- d)* Average figure of 288,405 taken from S. H. Abu Sitta).
Sources: - Arneberg, M., *Living Conditions Among Palestinian Refugees and Displaced in Jordan*, Oslo, FAFO, 1997, p.15.
- Abu Sitta, S. H., *The Palestinian Nakba 1948*, London, The Palestinian Return Center, 1998, p.16.
- e)* Abu Sitta, S. H., *The Palestinian Nakba 1948*, London, The Palestinian Return Center, 1998, p.16.

*THE PALESTINIAN REFUGEES:
LEGAL FRAMEWORK*

A) RELEVANT UNITED NATIONS RESOLUTIONS ON THE PALESTINIAN REFUGEES

A.1) Return and Compensation as the Solution to the Palestinian Refugee Problem

Progress Report of the United Nations Mediator for Palestine (Count Folk Bernadotte), 16 October 1948

of war, to return to their homes [in Jewish-controlled territory] should be affirmed and made effective, with assurance of adequate compensation for the property of those who

General Assembly Resolution 194 (III), 11 December 1948

The General Assembly,

ishing 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

General Assembly Resolution 394 (V), 14 December 1950

The General Assembly,

its resolution 194 (III) of 11 December 1948,

b) That the repatriation, resettlement, economic and social rehabilitation of the refugees and the payment of compensation have not been effected,

that, in the interests of peace and stability of the Near East, the refugee question should be dealt with as a matter of urgency,

Urges the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

Directs the United Nations Conciliation Commission for Palestine to establish an office which, under the direction of the Commission, shall:

- (a) Make such arrangements as it may consider necessary for the assessment and payment in pursuance of paragraph 11 of General Assembly resolution 194 (III);
- (b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;
- (c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees;

Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or

Security Council Resolution 242, 22 November 1967

The Security Council,

the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security;

. Affirms further

Security Council Resolution 338, 22 October 1973

The Security Council,

the parties concerned to start immediately after the cease-fire the

UN Commission on Human Rights Resolution 1987/4, 1987

pr

A.2) Return as an Inalienable Right and as a Precondition to the Exercise by the Palestinian People of its Right to Self-Determination

General Assembly Resolution 3089 D (XXVIII), 7 December 1973

The General Assembly,

that the problem of the Palestine Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirms that the people of Palestine is entitled to equal rights and self-determination in accordance with the Charter of the United Nations;

Expresses once more its concern that the people of Palestine has been prevented by Israel from enjoying its inalienable rights and from exercising its right to self-determination;

Declares that full respect for and realization of the inalienable rights of the people of Palestine, particularly its right to self-determination, are indispensable for the establishment of a just and lasting peace in the Middle East, and that the enjoyment by the Palestine Arab refugees of their right to return to their homes and property, recognized by the General Assembly in resolution 194 (III) of 11 December 1948, which has been repeatedly reaffirmed by the Assembly since that date, is indispensable for the achievement of a just settlement of the refugee problem and for the exercise by the people of Palestine of its right to self-

General Assembly Resolution 3236 (XXIX), 22 November 1974

The General Assembly,

Having considered the question of Palestine,

Recognizing that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations,

Reaffirms the Inalienable rights of the Palestinian people in Palestine, including:

(a) The right to self-determination without external interference;

(b) The right to national independence and sovereignty;

Reaffirms also the inalienable right of the Palestinians to return to their homes and properties from which they have been displaced and uprooted, and calls for their return;

Emphasizes that full respect for and the realization of these inalienable rights of the

General Assembly Resolution 35/169 A, 15 December 1980

The General Assembly,

Reaffirms the inalienable right of the Palestinians to return to their homes and property in Palestine, from which they have been displaced and uprooted, and calls for their return;

Expresses its opposition to all policies and plans aimed at the resettlement of the

Annex to General Assembly Resolution 35/169 A, 15 December 1980: Recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, endorsed by the General Assembly at its thirty-first session.

and property and to achieve self-determination, national independence and sovereignty are endorsed by the Committee in the conviction that the full implementation of these rights will contribute decisively to a comprehensive and final settlement of the Middle East crisis.

II. Right to Return

The natural and inalienable right of Palestinians to return to their homes is recognized by resolution 194 (III), which the General Assembly has reaffirmed almost every year since its adoption. This right was unanimously recognized by the Security Council in its resolution 237 (1967). The time for the urgent implementation of these resolutions is long overdue. Without prejudice to the right of all the Palestinians to return to their homes, lands and property, the Committee considers that the program of implementation of the exercise of this right may be carried out in two phases.

Phase one

The first phase involves the return to their homes of the Palestinians displaced as a result of the war of June 1967 ...

Phase two

The second phase deals with the return to their homes of the Palestinians displaced between 1948 and 1967. The committee recommends that:

(a) While the first phase is being implemented, the United Nations in co-operation with the States directly involved, and the Palestinian Liberation Organization as the interim representative of the Palestinian entity, should proceed to make the necessary arrangements to enable Palestinians displaced between 1948 and 1967 to exercise their right to return to their homes and property, in accordance with the relevant United Nations resolutions, particularly General Assembly resolution 194 (III);

(b) Palestinians not choosing to return to their homes should be paid just and equitable

B) THE RIGHT OF RETURN AS A PRINCIPLE OF INTERNATIONAL LAW

B.1) INTERNATIONAL TREATIES

Universal Declaration of Human Rights, 1948

Article 13 (2)

Article 30

shall not be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of

The Fourth Geneva Convention on the Protection of Civilian Persons in Times of War, 12 August 1949

Article 49 (1)

transferred from occupied territory to the territory of the Occupying Power or to that of another country, occupied or not, are

The International Covenant on Civil and Political Rights, 1966

Art. 12 (4)

Economic and Social Council Resolution 1988, (LIV), 18 May 1973 (draft principles)

) Everyone is entitled, without any distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, marriage or other status, to return to his country.

) No one shall be denied the right to enter to his own country.

) No one shall be denied the right to return to his own country on the ground that he has

B.2) REGIONAL TREATIES

Convention for the Protection of Human Rights and

Fundamental Freedoms, 1963

Article 3 (1)

Article 3 (2)

shall be deprived of the right to enter the territory of the State of which he is a

The American Convention of Human Rights, 1970

deprived of the right

The African Charter on Human and Peoples' Rights, 1982

***C) THE RIGHT OF COMPENSATION AS A PRINCIPLE OF
INTERNATIONAL LAW***

**The International Law Association's Cairo Declaration of Principles of International
Law on Compensation to Refugees, 1986**

Principle 4

General Assembly Resolution 51/129, 13 December 1996

***D) THE RIGHT OF RETURN AND OF COMPENSATION IN OTHER
SELECTED CASES***

D.1) FORMER YUGOSLAVIA

**General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton
Accords), 14 December 1995**

Annex 7 (Agreement on Refugees and Displaced Persons),

Article I

origin. They shall have the right to have restored to them property of which they were
deprived in the course of the hostilities since 1991 and to be compensated for any property
that cannot be restored to them.

at refugees and displaced persons are permitted to return in
safety, without risk of harassment, intimidation, persecution, or discrimination, particularly

Article XII

son requesting the return of property who is found by the Commission [for Real
Property Claims of Displaced Persons and Refugees] to be the lawful owner of that
property shall be awarded to return. Any person requesting compensation in lieu of return
who is found by the Commission to be the lawful owner of that property shall be awarded

Security Council Resolution 779, 1992

inflict to return

Security Council Resolution 1009, 1995

fully the rights of the local Serb population including their rights to remain, leave or return in safety ... [and] create conditions conducive to the return of those persons who have left

D.2) ABKHAZIA / GEORGIA

Quadripartite Agreement on Voluntary Return of Refugees and Displaced Persons, 4 April 1994,

Preamble par. 3

country of origin is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights

D.3) CYPRUS

General Assembly Resolution 37/253, 1983

D.4) NAMIBIA SOUTH AFRICA

Security Council Resolution 385, 1977

Par. 11 (d)

D.5) IRAQ - KUWAIT

Security Council Resolution 687, 3 April 1991

environmental damage and the depletion of natural resources, or injury to foreign nationals and corporations, as a result of Iraq's unlawful and aggressive actions

UN Compensation Commission's Government Council, August 1991

support, housing or personal property, or medical expenses or costs of departure, as a result of the invasion and occupation of Kuwait

*AGREEMENTS AND OFFICIAL
STATEMENTS SINCE 1993*

A) ARAB-ISRAELI

The Declaration of Principles on Interim Self-Government Arrangements (PLO-Israel), 13 September 1993

Article V: Transitional Period and Permanent Status Negotiations

issues, including: Jerusalem, *refugees*, settlements, security arrangements, borders,
(*emphasis added*)

Article XII: Liaison and Co-operation with Jordan and Egypt

establishing further liaison and co-operation agreements between the government of Israel and the Palestinian representatives, on the one hand, and the government of Jordan and Egypt, on the other hand, to promote co-operation between them. These arrangements will include the constitution of a continuing committee that will decide by agreement on the modalities of admission of persons displaced from the West Bank and the Gaza Strip in 1967, together with necessary measures to prevent disruption and disorder

Treaty of Peace between The Hashemite Kingdom of Jordan and The State of Israel, October 26, 1994

Article 8: Refugees and Displaced Persons

Middle East, as well as the contribution made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems arising on a bilateral level.

cannot be fully resolved on the bilateral level, the Parties will seek to resolve them in appropriate forums, in accordance with international law, including the following:

- a. In the case of the Displaced persons, in a quadripartite committee together with Egypt and the Palestinians;
- b. In the case of the refugees,
 - (i) In the framework of the Multilateral Working Group on Refugees;
 - (ii) In negotiations, in a framework to be agreed, bilateral or otherwise, in conjunction with and at the same time as the permanent status negotiations pertaining to the Territories referred to in Article 3 of this treaty⁴;
- c. Through the Implementation of agreed United Nations Programs and other agreed International economic programs concerning refugees and displaced persons, including assistance

B) ISRAEL

Israeli National Agreement Regarding the Negotiations on the Permanent Settlement With the Palestinians, 22 January 1997 (Drafted by Yossi Beilin, Labor, and Michael Eitan, Likud).

Refugees

1. The right of the State of Israel to prevent the entry of Palestinian Refugees into its sovereign territory will be recognized.
2. The administration of the entrance of refugees into the Palestinian entity and the limits to that entry will be decided upon during the negotiations of the permanent settlement, within the larger discussion of Israel's security issues.
3. An international organization will be founded, in which Israel will play an important role, with the goal of financing and carrying out projects for compensation and rehabilitation of the refugees in their places. The organization will also address Israeli claims for reparations for Jewish refugees from Arab countries.
4. Israeli and the Palestinian entity, each within its own boundaries, will rehabilitate the refugees on the basis of the disengagement of the UNRWA, the repealing of the refugee status and the arrangement of housing and employment with international aid (For Israel this refers to the Shu'fat and Qalandia refugee camps in Jerusalem).
5. Israel will continue its p

C) PALESTINE

framework of the final status talks, September 1999

a)

to their homes and to receive compensation, as outlined in UN General Assembly Resolution 194 and subsequent relevant UN resolutions. Once an agreement is reached on the principles, the Palestinian delegation will be ready to discuss modalities regarding

b) *The linkage between UN Resolutions 242 and 194 (III)*

and UN resolutions, the definition

Palestinian refugee problem in this resolution is clear. It refers to the earlier UN General Assembly Resolution 194, i.e. the right of Palestinian refugees to return to their homes and property, if they wish to do so and are ready to live in peace with their neighbors, and their right to receive compensation in case they do not want to return home, as well as compensation for damage caused to them and to their property ... UN General Assembly Resolution 194

THE REFUGEE WORKING GROUP

The Refugee Working Group (RWG) was established during the first round of the multilateral negotiations that was held in Moscow in January 1992. Canada is the head (gavel holder) of the RWG, whose discussions and activities have involved over 40 states and international organizations. There are six regional parties to the RWG: Egypt, Israel, Jordan, Lebanon, the Palestinians, and Syria. Both Syria and Lebanon have so far boycotted the RWG.

The RWG mandate is:

- 1) to improve the living conditions of the Palestinian refugees and displaced persons without prejudicing the final status deliberations on the refugee issue;
- 2) to ease and extend access to family reunification;
- 3) to support the process of achieving a viable and comprehensive solution of the refugee issue.

Seven main themes were identified, each with a lead country (shepherd). The themes are:

- Data Bases (shepherded by Norway)
- Family Reunification (shepherded by France)
- Human Resources Development (shepherded by the United States)
- Job Creation (shepherded by the United States)
- Public Health (shepherded by Italy)
- Child Welfare (shepherded by Sweden)
- Economic and Social Infrastructure (shepherded by the European Union)
- Human Dimension (since 1995; shepherded by Switzerland).

The RWG activities have been conducted at two levels: the plenary sessions and the the agenda of each plenary session in consultation with the cosponsors of the multilateral negotiations

have been held either to coordinate positions as a prelude to plenary sessions or to discuss technical issues pertaining to the above-mentioned themes.

Between 1992 and 1995, the RWG held eight plenary meetings.⁵ In 1997, the Arab League called for a boycott of the multilateral negotiations in protest over Israel policies. No plenary session has been held since then. However, RWG activities have

On February 1, 2000, the Foreign Ministers of the Multilateral Steering Group of the Middle East Peace Process met in Moscow to reinvigorate the multilateral track. It was decided that a formal plenary meeting of the RWG would be held in Ottawa on May 16 18, 2000.

General information on the practical achievements of the RWG is available on the following websites:

- www.dfait-maeci.gc.ca/peaceprocess/menu-e.asp (Department of Foreign Affairs and International Trade).
- www.arts.mcgill.ca/MEPP/PRRN/prfront.html (Palestinian Refugee Net).

⁵ Moscow (January 1992); Ottawa (May 1992); Ottawa (November 1992); Oslo (May 1993); Tunis (October 1993); Cairo (May 1994); Antalya (December 1994); and Geneva (December 1995).

*THE LEGAL STATUS OF THE
PALESTINIAN REFUGEES IN THE
ARAB COUNTRIES* ⁶

⁶ This section draw
Palestinian Refugees in Arab Countries

Vol. XX/3- No. 99, 1996; *The League*
. Shaml Monograph series No. 11, December
1998; and Takkenberg, L. *The Status of Palestinian Refugees in the Arab World*. Oxford, Clarendon Press,
1998.

A) THE ARAB LEAGUE

A majority decision of the Council of Foreign Ministers of the Arab League adopted the Casablanca Protocol in 1965.

The Protocol stated the following principles:

Article 1

Article 2

Article 3

right to enter the territory of

them the right to stay for the permitted period and for the purpose they entered for, so long as the authorities do not agree to the

Article 4

who were residing and left to the Diaspora, are given, upon request, valid travel documents. The concerned authorities must, wherever they be, issue documents or renew them without

Bearers of these travel documents residing in the Arab League states receive the

In order to keep the refugee issue alive and prevent Israel from evading responsibility for their plight, Arab countries with the notable exception of Jordan have usually sought to

Jordan has granted them nationality, most Arab states, including Egypt, Iraq, Lebanon, Syria, and Yemen have granted the Palestinians special travel documents provided for by the Arab League (Refugee Documents (RDs)). Dual nationality among Arab states is not allowed in principle.

The Casablanca Protocol, a symbol of the commitment of the Arab League towards the Palestinian refugees, has been ratified by all the Arab countries, except the kingdoms of Saudi Arabia and Morocco and the states that joined the League after the Protocol was signed.⁷ It has been followed by numerous collective and individual resolutions reiterating the same positions. However, no Arab country has ever fully or consistently implemented it. This attitude has most often been ascribed to the fragile political and socioeconomic situation prevailing in these countries.

⁷ Bahrain (1971), Qatar (1971), Oman (1971), the UAE (1971), Mauritania (1973), Somalia (1974), Palestine (1976), and Djibouti (1977).

In 1991, the Arab League adopted Resolution 5093, which conditioned the treatment of the Palestinians to the rules and laws in force in each state. While it is not clear whether Resolution 5093 has formally revoked the Casablanca Protocol or not,⁸ it has unquestionably weakened *de facto* the legal obligations embodied in it.

B) CURRENT SITUATION IN VARIOUS ARAB STATES OF THE NEAR EAST (A BASIC OUTLINE)

EGYPT

Nationality / Residence Rights

Refugee Documents (RDs) valid for five years have been provided to three categories of Palestinians:

- Refugees who in 1948-1949 took refuge in the Gaza Strip.
- Refugees who in 1948-1949 took refuge elsewhere in Egypt.
- Non-refugees from the Gaza Strip.

These RDs state explicitly that holders of such a document cannot enter or pass through the Arab Republic of Egypt if they have not obtained an entry, transit, or return visa. Accordingly, even RD holders who were born in Egypt have no automatic right to leave and reenter the country. When abroad, holders of Egyptian RDs must therefore renew their visas every six months to three years. They may be refused reentry if their return visa has expired during a sojourn abroad. As a result, numerous holders of Egyptian RDs living abroad no longer have legal residency in Egypt.

With regard to Gazans, travel to Egypt by holders of Egyptian RDs has been limited to students and medical patients since 1994.

Economic Rights

Since the late seventies and particularly following the 1990 Gulf crisis, the privileges the Palestinians had been enjoying in many sectors since 1948 have been gradually abolished. Such privileges concerned, for example, the renewal of reentry visas free of charge, the enrollment in government schools, comparatively low tuition fees for university graduates, free health services and social benefits.

With regard to employment, only Palestinian refugees who are in possession of a RD are formally exempted from the requirement that native workers be given priority for employment. Otherwise, most laws and decrees regulating foreign labor in Egypt are applicable to the Palestinians.

⁸ While A. Shiblak argues that this resolution has officially revoked the Protocol, other analysts, such as L. Takkenberg, have taken the position that an international agreement cannot be nullified by a mere recommendation.

IRAQ

Since 1950, the Iraqi authorities have provided RDs to all Palestinians residing in Iraq. Palestinians enjoy the same rights as the Iraqi nationals, excluding political rights connected to formal citizenship (right to vote, for example). Preferential treatment regarding naturalization for the Palestinians is provided in Iraqi nationality legislation.

JORDAN

Jordan is the only country to have granted full citizenship to all Palestinian refugees and their descendants.

Article 3, par. 2, of the Jordanian Nationality Law of 1954 states the conditions under which Palestinians i.e. people with previous Palestinian nationality - could acquire Jordanian citizenship:

The following shall be considered Jordanian nationals:

(2) Any person with previous Palestinian nationality except the Jews before the date of 15 May 1948, residing in the Kingdom during the period from 20 December 1949 and 16 February 1954.

Accordingly, Palestinians fulfilling those requirements and their descendants - have been considered full-fledged citizens of Jordan, formally enjoying the same rights and obligations as other Jordanians. Other Palestinian residents, such as the displaced Palestinians from the Gaza Strip who took refuge in Jordan after June 1967, have not been considered Jordanian citizens. They are not officially authorized to work and have a status that is inferior to that of the Jordanian Palestinians.

July 1988 that the legal and administrative links

passports valid for two years (now five years), which does not entitle them to Jordanian citizenship. The then Prime Minister, Zaid Al-Rifai elaborated on this royal announcement

Palestinian, not a Jordanian

While this stance has since then been contested from a legal point of view,⁹ it has they obtain special permits, their visits to the East Bank cannot exceed 30 days.

⁹ This changes in the Jordanian Nationality Law.

LEBANON

Except for a group composed mainly of wealthy and/or skilled refugees who were offered nationality in the fifties (about 30,000 people), the Lebanese authorities have constantly prevented the absorption of the Palestinian refugees (about ten percent of the population at the time), officially categorizing them as foreigners.¹⁰

Lebanon ratified the Casablanca Protocol, subject to three reservations:

- With respect to Article 1, equal treatment regarding work and employment is granted on a par with nationals, to the extent the social and economic conditions in the Lebanese Republic allow for this.
- With respect to Article 2, the right to leave and to return to the territory of the host state is granted to the Palestinians as if they were Lebanese nationals and in accordance with the applicable rules and regulations.
- Lebanese territory is conditional on having obtained an entry visa from the competent Leba

Nationality / Residence Rights

Only those Palestinian refugees who took direct refuge in Lebanon in the wake of the 1947-1949 exodus are considered legal residents. As a rule, registration with UNRWA in 1950 (or at least with the League of Red Cross Societies prior to May 1950) has been a prerequisite for legal residency.

provided for by the Arab League. These documents, which confer permanent residency rights, are in principle valid for five years and renewable.

The 1948 refugees who did not register with UNRWA - either for personal reasons or because of the specific requirements of its definition - obtained in 1969 a residency card and a travel document (*laissez passer*) valid for one year and renewable.

As to the Palestinians who immigrated to Lebanon after the War of 1967 or after the 1970-1971 PLO-Jordanian dispute, they have not been granted identity papers and have thus been under constant threat of deportation. This threat has become more acute since the

¹¹ by the Lebanese authorities in May 1987.

¹⁰ Decree No. 319 of 1960 that regulates the situation of the foreigners in Lebanon assimilated the Palestinian refugees to one of the five categories of foreigners: (3) Foreigners who do not hold identity documents from their country of origin and who reside in Lebanon by virtue of (identity on des Affaires des refugies Palestiniens au Liban.

¹¹ concluded in Cairo under the aegis of Egypt - redefined the regulations governing refugees in Lebanon. It gave the Palestinians several rights such as the right to employment, to form local committees in the camps and to engage in armed struggle against Israel from within the Lebanese borders.

to expel its Palestinian residents, the Lebanese authorities began requiring entry and exit visas for Palestinian holders of Lebanese RDs, though this travel restriction was lifted in early 1999.

Economic Rights

Palestinian refugees have been subject to laws pertaining to foreigners in such matters as employment, acquisition of property, taxation, and social security. Suspended after the enforced with respect to the Palestinians since the nullification of these accords in 1987.

Regarding employment, a decision issued by the Ministry of Labor and Social Affairs in December 1982 defined the areas of employment closed to foreigners, ranging from barbering to most of the liberal professions (about 70 jobs). A circular was also issued, setting out the areas of work open to foreigners with a work permit. Those areas included the most menial and low-paid sectors, such as construction and sanitation, textile and carpet works, leather works, domestic labor, nursing, automotive repair and cleaning. Even when entitled to work permits, Palestinian workers have no right to social security.

In December 1992, new regulations further limited the employment options available to the Palestinians. This has resulted in a high number of Palestinians being employed unlawfully or in the informal sector.

With respect to the acquisition of property, Palestinian refugees may acquire immovable property only after having obtained presidential approval.

SYRIA

From the outset, Syria has undertaken legal steps that have tended to place Palestinians on a par with its nationals in the economic and social fields. Law No. 260 of 1956 stipulates that from the date of the publication of this law are to be considered as originally Syrian in all things covered by the law and legally valid regulations connected with the right to employment, commerce, and national service, while preserving

Nationality / Residence Rights

Syria has granted the Palestinians the special Refugee Documents (RDs) provided for by the Arab League. Regulations concerning the right to leave the country are the same as those imposed upon Syrian nationals.

Economic Rights

In accordance with Syrian legislation, Palestinian refugees have been treated equally in almost all areas. Areas not covered by Law No. 260, such as education, property ownership and retirement were covered by specific regulations, generally on an equal basis as those pertaining to Syrian nationals.

Exceptions to national treatment are to be found in such areas as the right to vote, the right to purchase arable land and the right to own more than one house.

*THE UNITED NATIONS RELIEF AND
WORKS AGENCY FOR PALESTINE
REFUGEES IN THE NEAR EAST
(UNRWA)*

A) MANDATE

UNRWA was created on 8 December 1949 by Resolution 302 (IV) of the General Assembly of the United Nations (GAUN) in order to take responsibility for the humanitarian aspects of the Palestinian refugee problem and thus further conditions of peace and security in the Near East.

Its mission is as follows:

- a)
and works programs;
- b) *to consult with the interested Near Eastern governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available (Resolution 302 (IV) par. 7).*

existence has nonetheless been perpetuated due to the protracted nature of the Palestinian refugee problem.

B) BUDGET AND SERVICES

from the international community (95 % in 1998), and more particularly from the Western

other UN bodies. Most of the contributions have been given in cash (93% in 1998).¹²

For 1999, while the General Assembly-approved budget stands at US\$322 million, the estimated expenditure will not exceed US\$252 million.¹³

(46.8 percent in 1999), followed by health (18.1 percent), common services i.e. management and administration of services (12.9 percent), relief and social services (12.4 percent), operational services i.e. supplies, transports, construction works, etc. (6.5 percent), and termination indemnities (3.4 percent).¹⁴

In June 1999, UNRWA was running 650 schools (elementary and preparatory levels, plus three secondary level schools in Lebanon), eight vocational and training centers, three educational science faculties and 122 primary health care facilities. Also operating under its umbrella more or less autonomously nters, 33 community rehabilitation centers and 27 youth activity centers.¹⁵

¹² UNRWA, www.un.org/unrwa/finances/noye.html

1999, internet:

¹³ Idem.

¹⁴ Idem.

¹⁵ Source: UNRWA, *UNRWA in Figures (as of 30 June 1999)*, Public Information Office, UNRWA Headquarters (Gaza), August 1999

Special programs have included the Income Generation Program (22,424 loans awarded) and the Peace Implementation Program (386 projects funded).¹⁶

C) EMPLOYEES

The Agency is currently staffed by some 22,000 employees, the vast majority of whom (over 99 percent) are locally recruited Palestinians, often refugees themselves. About 72 percent of the employees are engaged in education, 13 percent in health, four percent in relief and social services and 11 percent in other miscellaneous activities.¹⁷

D) REGISTERED REFUGEES: DEFINITION AND FIGURES

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 conflict.

Also entitled to UNRWA services are:

- The descendants of Palestine refugees (fathers) born after 14 May 1948.
- Deprived non-livelihood as a result of the War of 1948-1949 and their descendants, be they:
 -
 -
 -
- Members of nomadic and semi-nomadic tribes.

As of 30 June 1999, 3,625,592 refugees were registered with UNRWA: 1,512,742 in Jordan, 798,444 in Gaza, 569,741 in the West Bank, 374,521 in Syria and 370,144 in Lebanon.¹⁸

Of those registered refugees, 32.6 percent (1,180,160 refugees) were living in the 59 camps administered by UNRWA in its various fields of activity. This percentage was at 55.4 percent in Lebanon, 54.8 percent in Gaza, 29.2 percent in Syria, 26.9 percent in the West Bank and 18.2 percent in Jordan.¹⁹

¹⁶ Source: UNRWA, *UNRWA in Figures (as of 30 June 1999)*, Public Information Office, UNRWA Headquarters (Gaza), August 1999. Also see table B), p. 7, of this Factfile.

¹⁷ In June 1999, the number of employees was at 21,709 (21,600 locals; 109 internationals). Source: UNRWA, *UNRWA in Figures (as of June 1999)*, Public Information Office, UNRWA Headquarters (Gaza), August 1999.

¹⁸ Idem.

¹⁹ Idem.

E) THE RELEVANCE OF UNRWA FIGURES FOR PALESTINIAN NEGOTIATORS

The number of refugees registered with UNRWA does not account for the total population of Palestinians who left Palestine as a result of the 1947-1948 Arab-Israeli conflict. In the Gaza Strip and the West Bank (Jerusalem not included) for example, the census carried out by the Palestinian Central Bureau of Statistics (PCBS) showed that 41,203 refugees were not registered with UNRWA (Jerusalem area not included).²⁰

This is due to the following reasons:

- Firstly, registration with UNRWA is not compulsory; rather, it is a voluntary step taken by the refugees themselves. In 1948-1949, a certain number of refugees refused to be registered, mainly because they viewed reliance on humanitarian aid as affecting their dignity and pride.
- Secondly, some refugees could not be registered because of UNRWA's specific requirements of need and formal residency in one of its operational areas, or because of the upper ceilings the Agency set in the fifties because of budgetary limitations. In 1993, the initial requirements of need and formal residency were lifted. This change in -before-registered persons to register, although it is doubtful whether it will result in the registration of all those refugees - and their descendants - who were previously excluded from UNRWA's definition on such grounds.
- Lastly, the Agency does not take into account two categories of refugees:
 - ed Palestinians - and their descendants - who remained in the area that became Israel after 1948. In 1952, they were them. The number of internal refugees was at 33,000 in 1950 and is estimated at over 220,000 today.
 - Children born to refugee women married to non-registered men (while children born to registered refugee men married to non-refugee women have been entitled to refugee status).

F) UNRWA SERVICES: RECENT TRENDS

curative healthcare, as well as relief and social welfare services. UNRWA has also been a major supplier of job opportunities, either within the Agency or in the economies of the Arab countries.

²⁰ Sources: Palestinian Central Bureau of Statistics (PCBS), *Population, Housing and Establishment Census - 1997* (Census Final Results - Summary), PNA, 31 November 1998, p.90.

Since the outbreak of the Intifada, UNRWA's responsibilities have extended considerably, especially in the West Bank and the Gaza Strip. The Agency's new activities, aimed at the setting up of a permanent socioeconomic infrastructure, have notably included income generation programs - for refugees and non-refugees - and the upgrading of the camps'

the Peace Implementation Program (PIP) development schemes.

relative to the growth of the refugee population. This has resulted in a decline of these services, both in quantity and quality. The refugee population increased by 33 percent between 1991 and 1998 (from 2,648,707 to 3,521,130), its general fund expenditure declined by 0.07 percent (US\$255.9 million to US\$254 million), which represents a 25 percent drop in spending per registered refugee, from US\$96 to US\$72.²¹ Besides, the austerity measures adopted by UNRWA, such as frozen recruitment and the elimination of posts, reduction in travel, equipment and supplies etc. have resulted in a decline in the

view. Its organic link with Resolution 194 (III) of the UN General Assembly - so often - has endowed its activities with a clear political

states in Paragraph 11:

The refugees wishing to return to their homes and live in peace with their neighbors should be permitted to do so at the earliest practical date, and that compensation should be paid for the property of those choosing not to return or for the loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or

Since its creation in 1950, UNRWA has thus been viewed by the refugees both as a witness of their ordeal and as a constant reminder of their right to return. Moreover,

- comprising a network of schools, health facilities, youth, women and community activity centers - has contributed over the years to preserving a Palestinian identity in exile.

²¹ Source: *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East 1 July 1991 - 30 June 1992*, p. 46, 60 and *1 July 1998 - 30 June 1999*, p.41, 47.

*SOURCES OF INFORMATION ON THE
PALESTINIAN REFUGEES*

A) INSTITUTIONS

PLO Department of Refugee Affairs

Amman Tel: 009626-5697658 / 5695182
 Fax: 009626-5697542
 Address: PO Box 927119, Amman 11110, Jordan

Ramallah Tel: 02-2984801/2
 Fax: 02-2961313

Gaza: Tel: 07-2842593
 Fax: 07-2842583

Deputy Head: Daoud Barakat
Jerusalem Tel: 02-6288996
 Fax: 02-6288996
 Mobile: 050-464273

PLC Refugees & Diaspora Committee

Chair: Jamal Shati Al-Hindi

Tel: 06-2437161/2 050-251081
Fax: 06-2437163

UNRWA UN Relief and Works Agency for Palestine Refugees in the Near East

Gaza (Headquarters):

Commissioner General: Peter Hansen

Public Information Office: Ros Young

Tel: 07-6777333/526

Fax: 07-6777555/697

E-mail: unrwapio@unrwa.org

<http://www.unrwa.org>

Gaza (Field Office):

Director: Lionel Brisson

Public Information Officer: Issa Qarra

Tel: 07-6777264/488

Fax: 02-6777390/219

Address: PO Box 61, Gaza City.

West Bank (Field Office):

Director: Richard Cook

Public Information & Press Relations: Sami Mshasha

Tel: 02-589401/8

Fax: 02-5322714/842

Address: PO Box 19149, Jerusalem

E-mail: S.Mshasha@unrwa.org.

Alternative Information Center (AIC)

Director: Michael Warschawski, Farid Jaber

Jerusalem: Tel: 02-6241159

Fax: 02-6253151

E-mail: aicmail@alt-info.org

[Http://aic.netgate.net](http://aic.netgate.net)

Address: 6 Koresh St; PO Box 31417 Jerusalem

Bethlehem Tel: 02-2777558

Fax: 02-2777559

Address: Maraqa Bldg, Bab Az-Zqaq Junction

Badil Resource Center for Refugee & Residency Rights

Director: Ingrid Gassner Jaradat

Tel: 02-2747346/77086

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Fax: 02-2747346

E-mail: info@badil.org

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FAFO - Norwegian Institute for Applied Social Studies

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<http://www.cais.net/ipsjps>

Address: PO Box 54769, Jerusalem

International Christian Committee for the Relief of Arab Refugees

(Near East Council of Churches)

Chairman: Bishop Munib Yunan

Exec.Sec.: Ramzi Zananiri

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E-Mail: iccjer@netvision.net.il

Address: 31 Nablus Rd., PO Box 19195, Jerusalem 91191

Oxfam (UK)

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Program Representative: Joyce Ajlouny

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E-Mail : oxfamuki@palnet.com

Address: Sheikh Jarrah PO Box 1838, Jerusalem.

Palestine Diaspora & Refugee Center (Shaml)

Director: Dr. Mashhour Abu Dakka

Tel: 02-2987537

Fax: 02-2986598

E-mail: shaml@shaml.org

[Http://www.shaml.org](http://www.shaml.org)

Address: PO Box 38152, Ramallah

Panorama Center for the Dissemination of Democracy & Community Development

Director: Dr. Riad Al-Malki

Ramallah Tel: 02-2959618

Fax: 02-2981824

Address: Al-Ahliya College St., Cairo-Amman Bank Building, 3rd Floor,
PO Box 2049, Ramallah

E-mail: panorama@panoramacenter.org

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Jerusalem Tel: 02-6281151

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Address: Ibn Batuta St, Kamal Bldg, 3rd Floor,
PO Box 20510, Jerusalem

Palestinian Refugee Rights Campaign

Contacts: **Salah Abed Rabbo**, Dheishe Camp

Tel.: 02-2742995

Wajih Atallah, Qalandia Camp

Tel.: 02-5835731

Palestinian Return Center

Director: Majed Az-Zir

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E-mail: info@prc.org.uk

<http://www.prc.org.uk>.

Address: Crown House, North Circular Rd., London NW10 7PN, UK.

Refugee Research Center

Telefax: 02 2799717

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Address: PO Box 5178 Jerusalem

Refugee Studies Research Center

Director: Wael Ennab

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E-mail: wennab@najah.edu

Address: PO Box 7, Nablus (An-Najah University)

B) SOURCES ON THE INTERNET

<http://www.pna.org/mininfo/> (PNA Ministry of Information)

<http://www.arts.mcgill.ca/MEPP/PRRN/prfront.html> (Palestinian Refugee Research Net, c/o McGill University)

<http://www.un.org/unrwa/refugees/me.html>

<http://www.prc.org.uk/webpages/contents.html> (Palestinian Return Center, London)

<http://www.shaml.org/> (Shaml The Palestinian Diaspora and Refugees Center, Ramallah)

<http://www.badil.org/Refugee/refugee.html> (Badil Center for Refugee and Residency Rights, Bethlehem)

<http://www.acrossborders.org/refugee.html>

http://www.refugees.org/world/countryindex/gazastrip_wbankhtm

<http://www.unhcr.ch/world/mide/palestin.htm>

<http://www.geocities.com/CapitolHill/9836/dheisheh/Dheisheh> (Refugee Camp)

<http://www.cyberus.ca/~bakerpal4kk.htm> (Palestinian Refugees and the Right of Return)

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