

Palestine Refugees in 2004: The Necessity of a Political Solution

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As the peoples of the world begin to gather in September 2005 to review how the principles of the Charter of the United Nations have been upheld and its purposes advanced, it is appropriate to ponder about the plight of the Palestine refugees whose problem is almost coetaneous with the creation of the United Nations. As world leaders and peoples debate whether the “larger freedom” mentioned in the Charter that encompasses human development, human security and human rights has been achieved, alas, the Palestine refugees continue to struggle for the basic freedoms of achieving self-determination and of living in their nation-state, and for respect for their basic rights as human beings and as refugees for over half a century.

To quote the Secretary-General: “Sovereign States are the basic and indispensable building blocks of the international system. It is their job to guarantee the rights of their citizens, to protect them from crime, violence and aggression, and to provide the framework of freedom under law in which individuals can prosper and society develop.” Palestine refugees have seen collective action under the auspices of the United Nations succeeding in delivering the larger freedoms of the Charter in other parts of the world. They despair, however, that they have remained the sole exception to the application of these freedoms, that they are people to whom a different standard and yardstick has been applied. The international system, they believe, has attempted to provide limited development without a sovereign state, limited human security without robust intervention to protect them, and limited safeguarding of their human rights and inherent rights as refugees.

Essentially, the causal elements of their plight remain, in 2004, unchanged since 1948.

Since 1950, the United Nations Relief and Works Agency for Palestine Refugees in the Near East has provided the Palestine refugees with necessary education, health, relief and social services across a very complex and diverse area of operations: Lebanon, Jordan, the Syrian Arab Republic, the West Bank and the Gaza Strip. These five fields of operation represent those areas where the vast majority of Palestine refugees originally took refuge in 1948. Today, the descendants of those people continue to languish as stateless refugees. In the absence of international will to intervene to address their plight as was done elsewhere in East Timor, Kosovo, Bosnia and Angola, the Palestine refugees have no choice but to wait for the parties to the Israeli-Palestinian conflict to resolve their fate, hoping that such a resolution will be in accordance with international law. Of course, the refugees have repeatedly articulated that central to their rights is paragraph 11 of UN General Assembly resolution 194 (III) of 11 December 1948 which provides 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.” Since then, the General Assembly has reaffirmed resolution 194 (III) on an annual basis. Over the years, much lip service has been paid to the rights of Palestine refugees by the parties to the conflict, particularly following the onset of the Oslo process in 1993. Sadly, little has actually been achieved.

The year 2004 did contain some defining moments in the political landscape of the Palestine refugee

community. The passing of President Yasser Arafat and the peaceful and democratic transition of leadership in Palestinian political institutions were perhaps the most notable. At a time when political chaos could very easily have erupted in the occupied Palestinian territory, the collective response of the Palestinian people in the West Bank, the Gaza Strip and East Jerusalem to the political vacuum left by their late leader was a positive testament to their democratic yearning. Indeed, the pending elections to the Palestinian Council promise continued political reform aimed at entrenching good governance and the rule of law within the Palestinian Authority.

The Palestine refugees perceive that though final status negotiations between the parties to the conflict are yet to resume, diplomatic and political moves undertaken in 2004 have severely constrained their options and rights as refugees, and possibly irreversibly prejudged the eventual outcome of negotiations between the parties. In particular, they point to President George W. Bush's assurance to Prime Minister Ariel Sharon contained in an exchange of letters dated 14 April 2004: "It seems clear that an agreed, just, fair and realistic framework for a solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Palestinian state, and the settling of Palestinian refugees there, rather than in Israel."

The advisory opinion of the International Court of Justice on the legal consequences of Israel's wall/fence in the West Bank, as well as a similar decision of the Israeli High Court, was a highpoint that brought a renewed and sorely needed focus on the role of international humanitarian law in the OPT. The ICJ opinion in particular, characterized those parts of the wall/fence that had been constructed within the OPT as illegal and, *inter alia*, called upon Israel to halt construction and dismantle the wall/fence forthwith, as well as make reparation for all damage caused thereby.

The general situation of all Palestinians, including the Palestine refugees, did not improve during the year. The prolonged Israeli military occupation of the Gaza Strip and the West Bank, including East Jerusalem, entered its 38th year, and the ongoing strife in the OPT led to a deterioration of the overall human security of the Palestinian civilian population in the area. This included the killing of innocent men, women and children, the mass

appropriation and destruction of private property, including refugee shelters, and the wholesale restriction of Palestinian movement within the OPT with its attendant disastrous affects on the Palestinian economy. According to the UN Office for the Coordination of Humanitarian Affairs, 881 Palestinians and 118 Israelis were killed in 2004, including 160 Palestinian and eight Israeli children, while a total of 4,009 Palestinians and 602 Israelis were injured. Likewise, Palestinian homes in the Gaza Strip were destroyed at a rate of approximately 120 per month in 2004, with the effect of rendering 14,481 Palestinians homeless during the year. Israel's continued construction of the wall/fence in the West Bank, coupled with an American endorsement of various of its settlement blocs around occupied East Jerusalem, were viewed very negatively on the Palestinian side. In terms of movement restrictions, in the first three months of 2004 alone, Israeli authorities established more than 750 checkpoints, road blocks, gates, earth mounds, trenches and other road closures in the West Bank, while in the Gaza Strip 13 internal crossing points have been in place since 2000, of which two are open, three are partially open and eight are completely closed. The Palestine refugees in Lebanon, Jordan and the Syrian Arab Republic were spectators to the suffering of their brethren in the OPT and could see little hope of any resolution of their collective plight in the foreseeable future.

The steps taken by the Government of Israel to "disengage" from each of its 21 settlements in the Gaza Strip and 4 of its settlements in the northern West Bank elicited cautious optimism from the Palestinian side. The United Nations has adopted the position that for the disengagement to succeed, Israel would have to withdraw from the Gaza Strip "fully" – meaning it must cease its effective control over the territory as an occupying power by relinquishing control over its southern border, its territorial sea and its air space, not merely removing its civilian settler elements but also its military ones. Moreover, the Government of Israel has made it amply clear that its move to "disengage" from the Gaza Strip will be coupled with a simultaneous move to consolidate its control over the rest of the OPT, through the continued expansion of Israeli settlements in the West Bank. Should such a development occur, contrary to much of the current diplomatic and international community's euphoric response to the "disengagement" plan, it would

TABLE 2	The UNRWA in figures					
	Jordan	Lebanon	Syria	West Bank	Gaza Strip	Total
Registered refugees (RR)	1,776,669	399,152	421,737	682,657	952,295	4,232,510
Increase in RRs over previous year (%)	2.1	1.2	1.9	2.6	3.1	2.3
Territorial distribution (%)	42	9	10	16	23	100
Existing refugee camps	10	12	10	19	8	59
RR in camps (RRC)	283,262	210,155	112,008	179,851	468,405	1,253,681
RRCs as % of total RRs	16	53	27	26	49	30

Source: UNRWA in figures, December 2004 <http://www.un.org/unrwa/publications/pdf/uif-dec04.pdf>

negatively impact on the socio-economic situation of the Palestine refugees in the OPT.

On the socio-economic level, most indicators in 2004 stand in stark contrast when compared with pre-*intifada* levels. According to the Palestinian Central Bureau of Statistics, a total of 2.2 million Palestinians in the OPT lived under the poverty line in 2004. In the Gaza Strip, over 70 percent of Palestinian households lived below the poverty line, while that figure was over 51 percent in the West Bank. Likewise, 28.6 percent of Palestinians in the OPT were unemployed as at the end of June 2004. The Palestine refugees are comparatively poorer than their non-refugee Palestinian counterparts, with the socio-economic condition of camp dwellers the worst. In 2004, just under a quarter of a million Palestine refugees fell within UNRWA's Special Hardship Programme (SHP) Agency-wide. Under this programme, the Agency continued to target the most impoverished refugee families and focused on providing them with a minimal "safety net" of survival support. There is a particularly high proportion of refugees covered by SHP in the Lebanon and Gaza fields, at over 11 percent of all registered refugees in Lebanon and just under 9 percent of all registered refugees in the Gaza Strip.

The food aid interventions of the United Nations, UNRWA and WFP, prevented wide-scale incidence of malnutrition in the OPT and has substantially contributed to the human security of the Palestine refugees. According to a 2004 UN Food and Agriculture Organization report, over 71 percent of the Palestinian population of the West Bank and over 69 percent of the Palestinian population of the Gaza Strip are food-insecure or under threat of food-insecurity. Over 38 percent of the Palestinian population of the West Bank and over 41 percent

of the Palestinian population of the Gaza Strip were actually food-insecure. These factors have led to an increase in the number of Palestine refugee children who suffer from moderate to severe acute malnutrition. In addition, over 40 percent of the children in the OPT are anemic and 50 percent have inadequate caloric vitamin A and foliate intake. The deteriorating health and nutrition situation in the OPT is linked to the widespread poverty there. Moreover, the mental health of the Palestine refugees has fared poorly. UNRWA has identified a high prevalence of psychosocial stress and related behavioral, psychological and physical problems especially in the Lebanon, West Bank and Gaza fields. In the OPT, the Agency has recorded a 20 percent increase in psychiatric patients seeking treatment, with a high prevalence of psychological illness in camps. Essentially, the situation of the Palestine refugees in 2004 has departed little from their fate as a highly vulnerable group of stateless people whom the international community has gone to great lengths to support with humanitarian assistance for over five decades. Humanitarian aid is important, and UNRWA will certainly continue to do its part in the provision of such aid for as long as the General Assembly mandates it to do so. Despite the efforts of UNRWA and its supporters over this prolonged period, and as someone who has proudly served the Palestine refugees for nine years of my own life, I think it is critical for all stakeholders, including members of the international community, to recognize that political problems cannot be solved with humanitarian interventions alone and that they require political solutions. UNRWA's humanitarian services thus constitute a necessary condition, but by no means a sufficient condition, for alleviating the plight of the Palestine refugees.