

# The Right of Return & Palestinian Refugees

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## The Right of Return in International Law

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- All refugees have a right to return to areas from which they have fled or were forced, to receive compensation for damages, and to either regain their properties or receive compensation and support for voluntary resettlement. This right derives from a number of legal sources, including customary international law, international humanitarian law governing rights of civilians during war, and human rights law. The United Nations' Universal Declaration of Human Rights states in Article 13(2) that "[e]veryone has the right to leave any country, including his own, and return to his own country." This is an individual right and cannot be unilaterally abrogated by third parties.
- In December 1948, following Israel's establishment and the attendant displacement of approximately 750,000 Palestinians from areas that fell within its control, the UN General Assembly passed Resolution 194, which states, "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."
- The Palestinian right of return has been confirmed repeatedly by the UN General Assembly, including through Resolution 3236, which "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."

- The Palestinian right of return has also been recognized by major human rights organizations such as Amnesty International, which issued a [policy statement](#) on the subject in 2001. It concluded:

**Amnesty International calls for Palestinians who fled or were expelled from Israel, the West Bank or Gaza Strip, along with those of their descendants who have maintained genuine links with the area, to be able to exercise their right to return.**

Palestinians who were expelled from what is now Israel, and then from the West Bank or Gaza Strip, may be able to show that they have genuine links to both places. If so, they should be free to choose between returning to Israel, the West Bank or Gaza Strip.

'Palestinians who have genuine links to Israel, the West Bank or Gaza Strip, but who are currently living in other host states, may also have genuine links to their host state. This should not diminish or reduce their right to return to Israel, the West Bank or Gaza Strip.

According to a [statement](#) issued by Human Rights Watch in 2000:

**HRW urges Israel to recognize the right to return for those Palestinians, and their descendants, who fled from territory that is now within the State of Israel, and who have maintained appropriate links with that territory. This is a right that persists even when sovereignty over the territory is contested or has changed hands.**

- The U.S. government supported Resolution 194, and consistently voted to affirm it until 1993, when the administration of President Bill Clinton began to refer to Palestinian refugee rights as a matter to be negotiated between the two parties in a final peace agreement. In recent years, the U.S. has supported the right of refugees to return to places like Bosnia-Herzegovina, Kosovo, and East Timor.

## **Palestinian Refugees: Facts & Figures**

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- Palestinian refugees are the largest and longest-standing population of displaced persons in the world. Reliable figures on their numbers are hard to find, as there is no centralized agency or institution charged with maintaining this information. However, a [survey](#) released in 2010 by [BADIL, the Resource Center for Palestinian Residency and Refugee Rights](#), found the refugee and displaced population to be at least 7.1 million, made up of 6.6 million refugees and 427,000 internally displaced persons. It also found that refugees comprised 67% of the Palestinian population as a whole.
- Most Palestinian refugees are Palestinians and their descendants who were expelled from their homes in the parts of historic Palestine that were incorporated into the newly created state of Israel in 1948. Other Palestinian refugee categories include Palestinians who fled their homes but remained internally displaced in areas that became Israel in 1948; Palestinians who were displaced for the first time after Israel occupied the West Bank, East Jerusalem and Gaza Strip in the 1967 War; Palestinians who left the occupied territories since 1967 and have been prevented by Israel from returning due to revocation of residency rights, denial of family reunification, or deportation; and

Palestinians internally displaced in the West Bank, East Jerusalem, and the Gaza Strip since 1967.

- Most Palestinian refugees live in camps in the occupied territories and neighboring Arab countries, with 1.9 million in Jordan, 1.1 million in Gaza, some 779,000 in the West Bank, 427,000 in Syria, and 425,000 in Lebanon. Throughout the region, many Palestinians rely on the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) to survive.

## Responsibility for the Palestinian Refugee Problem

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- During the creation of Israel (1947-9), approximately 750,000 Palestinians were expelled by Zionist militias and Israeli government forces seeking to create a Jewish-majority state in historic Palestine, where the indigenous Palestinian Arab population was the overwhelming majority (approximately 67% in 1947). Palestinians call this the "Nakba," Arabic for "catastrophe" or "disaster."
- By the time of the declaration of the state of Israel in May 1948 and the entry of neighboring Arab countries into the conflict, more than 200 Palestinian towns had already been emptied as people fled in fear or were driven out by Zionist paramilitaries.
- By the end of 1948, some three-quarters of the Palestinian Arab population had been expelled. It's estimated that more than half were driven out under direct military assault. Others fled as news spread of massacres committed by Zionist forces in Palestinian cities and towns such as Deir Yassin, Ad Dawayima, Eilaboun, Saliha, and Lydda.
- More than 400 Palestinian cities and towns would be systematically destroyed by Zionist and Israeli forces. In dwellings that weren't destroyed, Israel rapidly moved Jews, many of them recently arrived immigrants from Europe, into the newly emptied Palestinian homes.

## Plan Dalet

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- The expulsion of the majority of the Arab population of Palestine during Israel's establishment was not an unintended consequence of war, but rather a preconceived strategy of "transfer." The blueprint for the ethnic cleansing of Palestine was Plan Dalet, which was developed and implemented under the leadership of Israel's first Prime Minister, David Ben-Gurion, and the forerunner of the Israeli army, the Haganah.
- Two months prior to Israel's declaring independence, on March 10, 1948, the Zionist leadership under Ben-Gurion adopted Plan Dalet, which laid out in detail a plan for the forcible depopulation and destruction of Palestinian towns and villages. Amongst other things, it called for:

Destruction of villages (setting fire to, blowing up, and planting mines in the debris), especially those population centers which are difficult to control continuously. Mounting search and control operations according to the following guidelines: encirclement of the village and conducting a search inside it. In the event of resistance, the armed force must be destroyed and the population must be expelled outside the borders of the state.

# The Ethnic Cleansing of Palestine: Israeli Leaders in Their Own Words

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- In his memoirs, which were censored by the Israeli military but leaked to the New York Times, the late Israeli Prime Minister Yitzhak Rabin recalled a conversation he had in July 1948 with David Ben-Gurion, head of the Zionist community in Palestine and first prime minister of Israel, regarding the fate of 50,000 Palestinian residents of the cities of Lydda and Ramleh:

We walked outside, Ben-Gurion accompanying us. Allon repeated his question, "What is to be done with the Palestinian population?" Ben-Gurion waved his hand in a gesture which said "Drive them out!"

- In December 1940, Joseph Weitz, the director of the Jewish National Land Fund, which was tasked with acquiring land for the Zionist enterprise in Palestine starting in the 1930s, wrote in his subsequently published diary:

[T]here is no way besides transferring the Arabs from here to the neighboring countries, to transfer them all; except maybe for Bethlehem, Nazareth and Old Jerusalem, we must not leave a single village, not a single tribe...And only with such a transfer will the country be able to absorb millions of our brothers, and the Jewish question shall be solved, once and for all. There is no other way out.

- As far back as 1895, the father of modern Zionism, Theodor Herzl, wrote:

We shall try to spirit the penniless population across the border by procuring employment for it in the transit countries, while denying it any employment in our own country...expropriation and the removal of the poor must be carried out discreetly and circumspectly.

See what other leading Israelis have said about transfer.