

Factsheet: The Right of Return, a Basic Right Still Denied

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Palestinian refugees represent the longest suffering and largest refugee population in the world today. In 2005, there were approximately **7.2 million Palestinian refugees**, equivalent to 65% of the entire Palestinian population which is estimated at **11 million** worldwide. The breakdown of the refugee population is as follows:

- During the creation of the Zionist state of Israel in 1948, approximately three quarters of a million Palestinians were forced to become refugees. Together with their descendants, more than **4.3 million** of these refugees are today registered with the United Nations while over **1.7 million** are not. According to The United Nations Relief and Works Agency for Palestinian Refugees (UNRWA), one-third of the registered refugees live in 59 U.N.-run camps in Jordan, Lebanon, and Syria, and in the West Bank and Gaza Strip sections of Palestine. The majority of the rest live in and around cities in the West Bank and Gaza Strip and of neighboring countries. Approximately 32,000 Palestinians also became internally displaced in the areas occupied in 1948. Today, these refugees number approximately **355,000** persons. Despite the fact that they were issued Israeli citizenship, the Zionist state has also denied these refugees their right to return to their homes or villages.
- When the West Bank and Gaza Strip were occupied in 1967, the U.N. reported that approximately **200,000 Palestinians** fled their homes. These 1967 refugees and their descendants today number about **834,000 persons**.
- As a result of home demolitions, revocation of residency rights and construction of illegal settlements on stolen Palestinian owned-land, at least **57,000** Palestinians have become displaced in the occupied West Bank. This number includes **15,000 persons** so far displaced by the construction of Israel's Annexation/Apartheid Wall.



The Right to Return has a solid legal basis:

- The Universal Declaration of Human Rights article 13 affirms: "**Everyone has the right to leave any country, including his own, and return to his country.**"
- The International Convention on the Elimination of All Forms of Racial Discrimination [Article 5 (d)(ii)], states: "State parties undertake to prohibit and to eliminate racial discrimination on all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... **the right to leave any country, including one's own, and to return to one's country.**"
- The International Convention on Civil and Political Rights [Article 12(4)], states: "**No one shall be arbitrarily deprived of the right to enter his own country.**"

Moreover, **the Principle of Self Determination** guarantees, inter alia, the right of ownership and domicile in one's own country. The UN adopted this principle in 1947. In 1969 and thereafter, it was explicitly applied to the Palestinian People, including "the legality of the Peoples' struggle for Self-Determination and Liberation", (GAOR 2535 (xxiv), 2628 (xxv), 2672 (xxv), 2792 (xxvi)). International law demands that **neither occupation nor sovereignty diminish the rights of ownership**. When the Ottomans surrendered in 1920, Palestinian ownership of the land was

maintained. The land and property of the refugees remains their own and they are entitled to return to it.

In 1948, the international community felt a deep sense of responsibility for the mass dispossession, ethnic cleansing and the Zionist transfer policy that began then. United Nations Mediator Count Folke Bernadotte, who was later assassinated by a Zionist terrorist hit squad, stated: "**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**" (UN Doc AI 648, 1948). This remains true today as any Jew, regardless of national origin, can gain automatic citizenship while Palestinian Arabs are denied their right to return to their own homeland.



Consistent with International Law, The United Nations General Assembly adopted Resolution 194 on December 11, 1948. Paragraph 11 states: "the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbors 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."

UN General Assembly Resolution 194 has been **affirmed by the UN over 130 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. The international community can apply sanctions on Israel until it complies with international law.

The right of refugees to return is not only sacred and legal but also possible.

Demographic studies show that **80% of Israelis live in 15% of the land** and that the remaining 20% live on 85% of the land that belongs to the refugees. Further, of the 20%, 18% live in Palestinian cities while the remaining 2% live in kibbutzim and moshavs. By contrast, **more than 6,000 refugees live per square kilometer in the Gaza Strip**, while over the barbed wire their lands are practically empty. Ninety seven percent of the entire refugee population currently lives within 100 km of their homes. Fifty percent live within 40 km. While many live within sight of their homes.

The **inalienable rights** of refugees are **not negotiable**. International law considers agreements between an occupier and the occupied to be null and void if they deprive civilians of recognized human rights including the rights to repatriation and restitution.

The US is bound by its laws not to fund regimes that violate human rights and basic freedoms. There is no more elemental right than one's right to his/her home and to live in his/her land. The US could use the leverage of the massive financial support it gives to the State of Israel to press for this right.

*Sources: Dr. Salman Abu Sitta, Palestine Land Society, Badil Resource Center for Refugee Rights, United Nations Relief and Works Agency