

# ECWF FACTSHEET

## “THE RIGHT OF RETURN” of Palestinian Refugees

One of BDS's stated goals on their website concerns the 'right of return': <https://bdsmovement.net/what-is-bds>

“Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

Since its violent establishment in 1948 through the ethnic cleansing of more than half of the indigenous people of Palestine, Israel has set out to control as much land and uproot as many Palestinians as it can. As a result of this systematic forced displacement, there are now more than **7.25 million Palestinian refugees**.

They are denied their right to return to their homes simply because they are not Jewish.”

Omar Barghouti, an original founder of the BDS movement, promotes the idea of one secular state or a one state solution. This would result in Israel no longer being a Jewish state with a Jewish majority.

“The Palestinian national movement remains committed to the idea of liberating all of Palestine, from the sea to the Jordan River. **There is no sign that it and its leaders are prepared to recognize that the Jewish people, as a people, have an equal right to self-determination in this land, which is its birthplace too.** The main indication of the Palestinian national movement's commitment to continuing the struggle for all of Palestine is its continued cultivation of the illusion of return—in particular, the perception that any Palestinian at all, including fourth-generation offspring of refugees living in Ramallah, will eternally have the non-negotiable, individual “right” to return to the motherland; to return anywhere in the land between the Jordan River and the sea. Holding onto the “right of return” enables the Palestinians to continue to believe that even if they lose a battle, the war isn't over. And if the war isn't over, there's no need to admit defeat, no need to sign an agreement of surrender.” Dr Einat Wilf Haaretz September 22, 2016

### What is the right of return?

The **right of return** is a principle in international law which guarantees everyone's right of voluntary return to, or re-entry into, their country of origin or of citizenship. The right is formulated in several modern treaties and conventions, most notably in the 1948 [Universal Declaration of Human Rights](#), the 1966 [International Covenant on Civil and Political Rights](#) and the 1948 Fourth Geneva Convention. [https://en.wikipedia.org/wiki/Right\\_of\\_return](https://en.wikipedia.org/wiki/Right_of_return)

### Why must anyone trying to argue against BDS goals understand what is meant by the Palestinian 'right of return'?

BDS advocates for the 'right of return' of more than 5 million Palestinian refugees and for a one state solution. This would effectively result in Israel ceasing to be a Jewish state.

Concise explanation:

“Unlike the rest of the world's refugees, Palestinian refugee status is hereditary and is passed onto children, grandchildren and great-grandchildren. Also, unlike those who come under UN High Commissioner for Refugees (UNHCR) refugee status, Palestinians can do nothing to lose their refugee status, regardless of whether they settle in another country.”

Why does current United Nations policy support the Palestinian 'right of return'?

The UNHCR is mandated to help refugees get on with their lives as quickly as possible and works to settle them rapidly, most frequently in countries other than those they fled.

In contrast, the *United Nations Relief Works Agency (UNRWA)* policy states that the Palestinian Arabs who fled from Israel in the course of the 1948 Arab-Israeli war, plus all their descendants, are to be considered refugees until a just and durable solution can be found by political actors.

Because UNRWA has never been given a mandate by the UN General Assembly to resettle refugees, Palestinian refugee numbers continue to increase every year, more than 70 years after the initial war has ended.

And because refugee status transfers without limit from generation to generation, a Palestinian 'refugee' who acquires a nationality (e.g., Jordanian or American) will remain a refugee forever for statistical purposes.

Also, all Palestinians born in the West Bank and Gaza, and who have therefore ALWAYS lived in their putative Palestinian homeland, are considered 'refugees'.

<https://www.meforum.org/7241/the-privileged-palestinian-refugees>

Which organization helps the Palestinian Refugees?

The *United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)* is an UN agency created in December 1949 to support the relief and human development of Palestinian refugees.

UNRWA is the only UN agency dedicated to helping refugees from a specific region or conflict and is separate from the United Nations High Commissioner for Refugees.

Formed in 1950, UN High Commissioner for Refugees (UNHCR) is the main UN refugee agency responsible for aiding other refugees all over the world.

Unlike UNRWA, UNHCR has a specific mandate to aid its refugees to eliminate their refugee status by local integration in current country, resettlement in a third country or repatriation when possible.

UNRWA is the largest agency of the United Nations, employing over 30,000 staff, 99% of which are locally recruited Palestinians.

Originally intended to provide jobs on public works projects and direct relief, today UNRWA provides education, health care, and [social services](#) to the population it supports.

Aid is provided in five areas of operation: [Jordan](#), [Lebanon](#), [Syria](#), the [Gaza Strip](#) and the [West Bank](#), including [East Jerusalem](#).

Aid for Palestinian refugees outside of these five areas is provided by the UNHCR.

### **How many Palestinian refugees are there today?**

During the 1948 Arab-Israeli war, approximately 85% (720,000 people) of the Palestinian Arab population (of what became Israel) fled or were expelled from their homes to the West Bank, the Gaza Strip and to the countries of Lebanon, Syria and Jordan.

(Israeli cites figures as low as 520,000 and the Palestinians say 850,000)

The UNRWA definition of “refugee” covers Palestinians who [fled or were expelled](#) from their homes during the [1948 Palestine War](#) as well as those who [fled or were expelled](#) during, and following, the 1967 [Six Day War](#) and their patrilineal descendants.

The UNRWA 2018 report cites a figure of **5,545,540 refugees**.

<https://www.unrwa.org/resources/about-unrwa/unrwa-figures-2018-2019>

Consequently, they are the world's oldest unsettled refugee population.

The Palestinian Arab refugee and displaced population has grown to be the second largest in the world after an estimated 11,000,000 Syrians displaced by the Syrian Civil War.

The Arab League tells its members to deny citizenship to original Palestine Arab refugees (or their descendants) "to avoid dissolution of their identity and protect their right to return to their homeland"

Citizenship or legal residency in host countries is denied to refugees in Lebanon where the absorption of Palestinians would upset a delicate confessional balance, but available in Jordan where approximately 40% of UNRWA-registered Palestinian refugees have acquired full citizenship rights.

### **Why is there an argument over how many Palestinian refugees are genuine refugees?**

*The United Nations General Assembly Resolution 194* was adopted on December 11, 1948, near the end of the [1948 Arab–Israeli War](#). The Resolution defined principles for reaching a final settlement and returning Palestine refugees to their homes.

It resolved that “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 equity, should be made good by the Governments or authorities responsible.”

There is an ongoing dispute as to whether Resolution 194 referred only to the estimated 50,000 remaining Palestine refugees from the 1948 Palestine War, or additionally to their UNRWA-registered 5 million plus descendants.

The Palestinian National Authority supports the 5 million plus figure and has been prepared to negotiate its implementation at the various peace talks. Both Fatah and Hamas hold a strong position for a claimed *right of return*, with Fatah being prepared to compromise on the issue while Hamas is not.

## What is the position of United States on the Palestinian Refugee question?

The United States considers the original refugees and their descendants to be refugees. In May 2012, the United States Senate Appropriations Committee approved a definition of a Palestine refugee to include **only those original Palestine refugees who were actually displaced between June 1946 and May 1948, resulting in an estimated number of 30,000.**

In August 2018 the United States stopped giving aid to UNRWA, representing a cut of US\$300 million in the US\$1.2 billion budget and contributing to an overall deficit of US\$446 million which was then covered with increased contributions from elsewhere.

Among the many US complaints about the agency is the way it calculates the number of officially recognized as Palestinian refugees. **It would like to change the number from the more than 5 million who are counted today to the few hundred thousand alive when the agency was created seven decades ago.**

## Why would it be dangerous to allow the 'right of return' of Palestinian refugees as counted by UNRWA policy and as defined by BDS or Hamas?

“When Arab Palestinians, or left-wing intellectuals who claim to uphold the Arab Palestinian cause, promote a one-state solution (even if only as a rallying cry), in which, as a result of immigration and growth rates, **Arabs would quickly be the majority and Jews would live as a minority**, the burden of proof would then lie squarely with the Arabs. Jews have every right to ask if they would be treated justly and equally in a single Arab majority state. Can they make a compelling case that they can be entrusted with the equal treatment of Jews in a single state in which the Arabs are a majority? No. To be fair, even today, very few countries in the world could make such a compelling case. (It is for precisely this reason that the Jews insist on realizing their universal right to self-determination.) Even those very few countries that could demonstrate their ability to treat Jews as equals and protect their rights, have only fully done so in recent decades, and among them even fewer countries appear substantially secure from the danger of reversal of their equal treatment of Jews. Indeed, the very few countries on this list are the only ones where Jews live and prosper in large numbers. **No Arab country is on that list. Jews, as individuals, have never been treated as the equals of Arabs in any country where Arabs have been a majority. Jews, as a collective, were never accepted as an equal people: equal to Arabs in their claim to their ancestral land or equal in their claim to any part of the decaying Ottoman Empire, where they both lived.**

**Arab society has continuously denied the idea that the Jews are their equals as individuals, and have certainly and violently denied the notion that the Jews are a people and a nation, of equal standing to the great Arab nation or the various Arab nations.** Arab society has continually denied that the Jewish people are their equals as a people, accepting them as members of a religion only, and denying their collective rights in their land, arguing that the Jews are not a people of the land, but foreigners, with no connection to it. The Jewish claim of equality with the Arabs as a people has been the fountain of the persistent refusal of Arab and Palestinian leaders to accept any two-state solution.

## What is the policy of Western governments concerning 'right of return'?

The official policy of all Western governments is to treat the question of Palestinian displaced persons and refugees from the 1947–1949 war, and their millions of descendants, **as a final-status issue that the governments do not want to prejudice. On the specific issue of “right of return,” most Western governments do not hold an official policy and do not weigh in on the purported**

**legality of such a right, reiterating a call to resolve the issue between the parties in an agreed, just, and realistic manner.**

The solution that all Western governments consider “just and realistic” includes the following stated preferences:

- Palestinian displaced persons, refugees, and their descendants will have the right to live in and become citizens of the state of Palestine. This will effectively mean that their right is to self-determination in a state of their own, where they can then legislate a law of return. Such a law would then allow Palestinians around the world to exercise their “right of return” to the newly established state of Palestine, but that “right” would not be for any other place, country, or territory.
- The countries today home to the largest populations of refugees and displaced persons and descendants—Jordan, Lebanon, and Syria, although many fewer in Syria as a result of the civil war—would be encouraged to absorb and fully integrate as many of the descendants as wish to live there.
- Third countries, including Israel, would also each take a share of the displaced persons, refugees, and their descendants, with numbers for Israel generally quoted in the several thousands, with the clear stipulation that any such numbers would be finite and represent an “end to all claims.”
- Compensation would be provided to displaced persons, refugees, and their descendants, to which the state of Israel, along with Western and Arab countries, would contribute. In this context, the possibility has been raised of parallel Arab compensation for descendants of Jews expelled from Arab countries in revenge for the establishment of the state of Israel, but this is yet to become broadly accepted.

**In direct contradiction to this set of preferences, all Western governments are substantial contributors to the UN Relief and Works Agency for Palestine Refugees in the Near East, for a total of more than \$1 billion a year. While UNRWA serves important social and welfare functions, such as the provision of health care, assistance, and education to descendants of Palestinian displaced persons and refugees, it also engages in political practices, such as automatically granting all descendants of the original displaced persons and refugees the status of refugees themselves—regardless of their actual situation. This has led to the registration of nearly five million descendants, the majority of whom are either Jordanian citizens or citizens of the PA residing in the Gaza Strip or West Bank.**

UNRWA also teaches the “right of return” in schools, telling the descendants of the originally displaced persons and refugees that they have the individual and uncontestable right to forcefully return to areas that are part of the state of Israel. In their support for UNRWA, Western governments, even if unintentionally, are in effect condoning UNRWA’s political practices—practices that depart sharply both from Western official positions and preferences. In conversations, diplomats have rejected the notion that supporting UNRWA financially means support for a literal implementation of the “right of return” and have tended to downplay the seriousness with which the Palestinians treat this right. However, a groundbreaking October 2014 report by the International Crisis Group underscores the extent to which Western diplomats underestimate the importance that the Palestinians attach to this demand. It also underscores the “almost supernatural significance” Palestinians attribute to UNRWA as embodying international support for their demand for a “return to Palestine.” Unique in understanding and supporting UNRWA’s political function is **Norway**, which officially states that it views UNRWA as “a guarantor that the rights of Palestine refugees, including the right to return, are not forgotten.”

“The case of Sweden is again particularly instructive. **Sweden** is one of the largest single-state donors to UNRWA and, therefore, effectively supports UNRWA’s practice of registering descendants of displaced persons born and living in the West Bank and Gaza as refugees from Palestine. Since Sweden has recognized the state of Palestine and argues that it exists and that the territories of the West Bank and Gaza are Palestine, it is difficult to explain how it can continue

to support registering those living and born in Palestine—and never displaced from it—as refugees from Palestine. This can only be explained if Sweden accepts that Palestine is not limited to the West Bank and Gaza and will supersede what is today the state of Israel. It means that Swedish recognition of Palestine, as long as it continues to be paired with support for UNRWA's practice of registering those born and living in Palestine as refugees from Palestine, is incompatible with the promotion of peace by means of two states for two peoples”

Dr Einat Wilf: <http://www.wilf.org/English/wp-content/uploads/2018/02/EW-TellingOurStory.pdf> (pp 84-85)