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PALESTINIAN REFUGEES: MYTH VS REALITY

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On January 14, 2021, outgoing Secretary of State Mike Pompeo [tweeted](#) about Palestinian refugees, proclaiming “(less than) 200,000 Arabs displaced in 1948 are still alive and most others are not refugees by any rational criteria.” A month earlier, on December 11, a group of 22 Republican members of Congress sent a [letter](#) to President Donald Trump requesting that he instruct the Bureau of Population, Refugees and Migration to declassify a report on the approximate number of Palestinian refugees, with the intention of redefining and disenfranchising millions of Palestinian refugees of their refugee status. The intent behind the request is made evident by the letter, which states, “The issue of the so-called Palestinian ‘right of return’ of 5.3 million refugees to Israel as part of any ‘peace deal’ is an unrealistic demand, and we do not believe it accurately reflects the number of actual Palestinian refugees. Just like your courageous action to bring about unprecedented peace between several Gulf states and Israel, it is time to end the fiction of the ‘right of return’ and bring the conflict one step closer [to] conclusion.” Although Trump did not declassify the report before leaving office on January 20, both the letter and Pompeo’s tweet highlight ongoing efforts by far-right politicians in the U.S. and Israel to do away with Palestinian refugee rights by essentially defining Palestinian refugees out of existence.

The attempts by American politicians to delegitimize Palestinian refugees¹ and their rights is hardly new. To give but one example, in 2002, Democratic and Republican Congress members alike reacted to the Second Intifada with calls for the defunding of the United Nations Relief and Works Agency (UNRWA), the agency that has served Palestinian refugees since 1949 with the [mission](#) “to help Palestine refugees achieve full potential in human development under the difficult circumstances in which they live, consistent with internationally agreed goals and standards.” Different House

resolutions to sanction the Palestinian Authority, denounce Palestinian violence, and even recognize the plight of Jewish refugees from Arab countries included calls to defund and reform UNRWA. In June 2002, Representative Janice Schakowsky (D-IL) introduced into the record an article alleging that “UNRWA, which has existed for more than 50 years, was never meant to actually solve the problem of Palestinian refugees but to perpetuate it.” Of course, it is true that UNRWA was never meant to resolve the refugee problem, which is well beyond its mandate, but rather to provide basic [services](#) such as education, healthcare, and other social services until such time as a political resolution to the refugee problem could be achieved by the parties themselves.

As the years went on, the intensity of the attacks against Palestinian refugees intensified, to the point of outright denial of the Palestinian refugee experience. In June 2008, Representative Curt Weldon (R-PA) made a statement alleging that Palestinian refugees had no connection to the territory historically known as Palestine and were not in fact refugees, and that a resolution to the Palestinian refugee issue should be resettlement in other countries “regardless of whether there is ever a formal resolution to the Arab-Israeli conflict.” The proposal, first put forward in 2002 by then Israeli Tourism Minister Benny Elon, also called for Israel’s annexation of the occupied West Bank.

In 2012, Senator Mark Kirk (R-IL) introduced an amendment to the Senate’s FY13 Foreign Operations bill compelling the State Department to provide information on Palestinian refugees in a way that would allow Congress to redefine the term “Palestinian refugee” more narrowly. The amendment called for a report to be produced within a year that included the approximate number of people in the last year who had received services from UNRWA: who had

resided in Palestine from June 1946-May 1948 and were personally displaced, the children of those displaced people, the grandchildren of those displaced people, those who are residents of the West Bank and Gaza, those who are not residents of the West Bank and Gaza and are citizens elsewhere, and specifically those who were personally displaced between June 1946-May 1948 from Palestine who don't reside in the West Bank or Gaza and are not currently citizens of any other state. The recent GOP letter to former President Trump was referencing the report in this amendment.

Attempts to do away with UNRWA and the Palestinian refugee issue as a whole were wholeheartedly embraced by the Trump administration. In August 2018, as part of its efforts to ["disrupt UNRWA,"](#) the administration cut all funding to the agency, averaging more than \$300 million annually. Up until then, the U.S. had been UNRWA's largest single donor, in large part out of a [sense of responsibility](#) for the creation of the refugee problem. In defending the move, [Nikki Haley](#), then U.S. ambassador to the UN, questioned the numbers of Palestinian refugees while expressing the administration's belief that the Palestinian right of return should be off the table, noting that the U.S. would only reinstate aid to UNRWA when it adopted "an accurate count" of Palestinian refugees and when Palestinians agreed to come back to the [negotiating table](#).

The fixation with redefining the status of Palestinian refugees is driven primarily by political and ideological concerns, most notably the desire by Israel and its supporters to eliminate their right of return, as defined by United Nations General Assembly Resolution 194, which states "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." Israel [denies any responsibility](#) for the creation of the Palestinian refugee problem and insists that the Palestinian right of return is a threat to its existence as a Jewish-majority state. Even mainstream organizations like the Anti-Defamation League maintain the Israeli position on the right of return, dedicating an entire [webpage](#) to what it describes as the "inaccuracy" that "Palestinian refugees have a right of return under international law."

Such efforts to delegitimize Palestinian refugees are founded on, and help to perpetuate, an array of misunderstandings, myths, and outright falsehoods regarding Palestinian refugees, the conditions under which they were displaced, and their rights under

international law. Below are the most common myths surrounding Palestinian refugees followed by a clarification of the reality.

Myth: Palestinian refugees left their homeland voluntarily during the war of 1948; therefore, Israel is not responsible for the creation of the refugee problem.

Reality: This argument is inaccurate and ahistorical. There is considerable documentary and historical evidence, as conveyed by both Palestinian and Israeli historians, as well as State Department [cables](#) and [other official sources](#) that demonstrate that a majority of Palestinian refugees left under the threat of organized violence and fear for their lives, and in some cases were expelled at gunpoint. In 1948, Secretary of State George Marshall, in response to the first U.S representative to Israel James G. McDonald's claims that Palestinian refugees fled because of Arab armies, stated in an official [telegram](#) "Arab refugee problem...began before the outbreak of Arab-Israeli hostilities. A significant portion of Arab refugees fled from their homes owing to Jewish occupation of Haifa on April 21-22 and to Jewish armed attack against Jaffa April 25."

Israeli historian Ilan Pappé conducted extensive research in Israeli Defense Force archives and revealed how Zionist paramilitary organizations, such as the Haganah, Irgun Zvai Leumi, and Lehi (Stern Gang), received orders to systemically attack and depopulate Palestinian villages. These orders were organized under [Plan Dalet](#), a military plan put forward by the Zionist High Command with the goal of taking over mandatory Palestine, establishing a Jewish state, and defending its borders. Plan Dalet was distributed to all of the major Zionist paramilitary organizations, with explicit instructions regarding Palestinian villages that fell in the territory that Zionist leaders sought for the creation of their state, the majority of which resulted in being 78% of historic Palestine. From IDF archives utilized by Ilan Pappé "these operations can be carried out in the following manner: either by destroying villages (by setting fire to them, by blowing them up, and by planting mines in their rubble), and especially those population centers that are difficult to control permanently; or by mounting combing and control operations according to the following guidelines: encirclement of the villages, conducting a search inside them. In cases of resistance, the armed forces must be wiped out and the population expelled outside the borders of the state." [Benny Morris](#) corroborates these claims: "it is possible that at least 55 percent of the total of the exodus was caused by our (Haganah/IDF) operations and by their influence."



Photo above: Palestinian children play in a street in the Amari refugee camp near the West Bank city of Ramallah on July 29, 2020.

Photo by [ABBAS MOMANI/AFP via Getty Images](#).

Plan Dalet was by no means a secret; in fact, years prior to its creation and implementation, Zionist leaders spoke openly about their plans for the Palestinian population. In 1937, David Ben-Gurion, who would later become Israel's first prime minister, [stated](#) at the Twentieth Zionist Congress in Zurich, "Now a transfer of a completely different scope will have to be carried out. In many parts of the country new settlement will not be possible without transferring the Arab fellahin. Jewish power, which grows steadily, will also increase our possibilities to carry out this transfer on a large scale." In 1938, Ben-Gurion [told](#) a meeting of the Jewish Agency, "I support compulsory transfer. I don't see anything immoral in it."

In 1940, the director of the Jewish National Fund Lands Department, which was tasked with purchasing lands for the Zionist enterprise in Palestine, [wrote](#) in his diary: "There is no way besides transferring the Arabs from here to the neighboring countries, and to transfer all of them, save perhaps for the Arabs of Bethlehem, Nazareth, and Old Jerusalem. Not one village must be left, not one Bedouin tribe. And only after this transfer will the country be able to absorb millions of our brothers and the Jewish problem will cease to exist. There is no other solution."

In his memoirs, former Israeli Prime Minister Yitzhak Rabin [recounts](#) a conversation between Ben-Gurion and himself from his time

as an officer in the Israeli army in July 1948, regarding the fate of Palestinian residents of Lydda and Ramle: "We walked outside, Ben-Gurion accompanying us. [Yigal] 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!' Rabin added, 'I agreed that it was essential to drive the inhabitants out.'"

The evidence regarding the intentions of Zionist paramilitary organizations and their implementation of Plan Dalet is well supported by the historical record and has been documented by Israeli and Palestinian historians alike, such as Benny Morris, Avi Shlaim, Ilan Pappé, Ahron Bregman, Simha Flapan, Martin Gilbert, Walid Khalidi, Nur Masalha, Rosemarie Esber, and others. The historical record is so compelling in fact that the Israeli Defense Ministry has made a [concerted effort](#) to search through various archives and remove historic documents and other evidence of atrocities by Zionist forces, including mass killings and large-scale expulsions of Palestinians, all of which point to Israel's complicity in the creation of the refugee problem. Israeli historian Benny Morris was one of the first historians to come across many of these historic documents, one of which was a [note](#) written in November 1948 by the Haganah's former chief of staff recounting Haganah violence in the Palestinian village of Safsaf: "52 men were caught, tied them to one another, dug a pit and shot them. 10 were still twitching. Women came, begged for mercy. Found bodies of 6 elderly men."



Photo above: A woman stands through the doorway to her home next to sacks of flour received as humanitarian aid provided by UNRWA in the Shati camp for Palestinian refugees in Gaza City on February 21, 2021. Photo by MAHMUD HAMS/AFP via Getty Images.

There were 61 bodies. 3 cases of rape, one east of Safed, girl of 14, 4 men shot and killed. From one they cut off his fingers with a knife to take the ring."

Moreover, even if it were true that Palestinians had left their homeland voluntarily, this would still not negate their status as refugees or their right to return to their homes as prescribed by international law. Nor would it relieve Israel of its responsibility for the creation of the refugee problem. Based on records of the British Mandate, the United Nations Conciliation Commission for Palestine (UNCCP), which was created to help mediate peace following the 1948 Arab-Israeli war, including a resolution of the Palestinian refugee problem, had [assessed](#) that, in 1951, 159,850 refugee families had their lands seized by the Israeli government. To prevent Palestinians from returning or regaining their properties, Israeli authorities passed new measures such as the Absentees Property Law of 1950 and the Prevention of Infiltration Law of 1954, ensuring that Palestinian lands would legally never be returned to them and rather would be used for the resettlement of Jewish immigrants and refugees. According to the [law of state responsibility](#) in international

law, Israel is responsible for Palestinian refugees and their right to [obtain restitution and compensation](#) for their lost properties, regardless of the reasons that Palestinians were not on their properties at the time of their seizure by the state of Israel.

Myth: United Nations General Assembly Resolution 194 is not binding in international law; therefore, Palestinian refugees do not have a right of return to their homeland.

Reality: Proponents of this myth argue that the right of return for Palestinian refugees is not binding due to the fact that a binding provision called "right of return" did not exist in 1948. The basis of the argument for the Palestinian right of return is UN Resolution 194, which states: "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" and the Geneva Convention. According to international refugee law as well, Palestinian refugees are considered refugees under the 1951 Convention on the Status of Refugees, and their right of return is legally rooted in the [Hague Convention](#).

Article 13(2) of the Universal Declaration of Human Rights, highlighting "the right of everyone to leave any country, including his own, and to return to his country." Article 12(4) of the International Convention on Civil and Political Rights (ICCPR) also stipulates "no one shall be arbitrarily deprived of the right to enter his own country," which was further interpreted in 1999 by the Human Rights Committee. The interpretation counters the arguments that Palestinians who descend from the original 1948 displaced should not be allowed to return because they have never been Israeli nationals, never set foot in Israel, or even that they left on their own accord and not out of coercion.

Developments in international law have actually strengthened the legal foundation of the right of return. The right of return mirrors 'voluntary repatriation' as referred to by the United Nations High Commission for Refugees (UNHCR) Statute and is considered the preferable and most durable solution for refugees. Furthermore, an interpretation of article 5(d)(ii) of the Convention on the Elimination of Racial Discrimination by the Committee on the Elimination of Racial Discrimination argues that states have an obligation to ensure "all refugees and displaced persons have the right to freely return to their homes of origin under conditions of safety" and "to have restored to them property of which they were deprived in the course of the conflict and to be compensated appropriately for any such property that cannot be restored to them."

Under international law, all refugee populations, including Palestinian refugees, have a fundamental right to voluntarily return to their homeland, regardless of the conditions under which they left. Refugees also have a right to restitution, which is separate from their right of return. The [right to restitution](#) holds regardless of whether or not the refugee returns. Once these rights are acknowledged by Israel it then becomes possible to discuss the potential methods for implementing return and restitution. More importantly, that conversation can't begin without a recognition of the wrongs inflicted onto Palestinian refugees.

Myth: Palestinian refugees are the only refugees to pass on their refugee status to their descendants. As a result, the actual number of Palestinian refugees is inflated.

Reality: Claims that Palestinian refugee figures are inflated or somehow exceptional are demonstrably false. Besides the fact that according to the 1951 Refugee Convention, both Palestinian refugees and their descendants are legally recognized, it is also [standard practice](#) for other descendants of protracted refugee crises to be classified as refugees as well. The UNHCR, the main international body providing services to the world's refugees, also classifies the descendants of refugees as refugees themselves, via [derivative refugee status](#). UNHCR's [Handbook on Procedures and Criteria for determining Refugee status](#) also states, "If the head of a family meets the criteria of the definition [for refugee status] his dependents are normally granted refugee status according to the principle of family unity."

Indeed, in practice passing down refugee status to descendants has been the norm for Afghan refugees, Burundian refugees, Sudanese refugees, Somali refugees, Eritrean refugees, Angolan refugees, and Syrian refugees, all of whom pass down their refugee status to their descendants. Yet no one has put forward the argument that these refugee populations do not qualify as refugees or that their numbers are somehow inflated. If Palestinian refugees are exceptional, it is mainly in the lengths that others are prepared to go to deny their rights under international law, since UNRWA registration of descendants follows established norms and international refugee practice in other similar refugee crises.

Myth: UNRWA perpetuates the refugee status of Palestinians and they wouldn't be considered refugees if they fell under the UNHCR umbrella.

Reality: It is true that Palestinians are the only refugee population to have a UN agency of their own, but that is due to international norms regarding refugees at the time of UNRWA's inception and not an attempt to perpetuate their refugee status intentionally. UNRWA began its operations in 1950 and was created in order [to continue](#) emergency relief that had, up until December 1949, been provided by the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee. UNRWA was explicitly created to provide relief to the wave of new refugees in the Near East, and it was a UN mission led

by Gordan Clapp, peace envoy to the United States under President Harry Truman, that was the impetus for the creation of UNRWA. The [UNCCP](#) was tasked with resolving the refugee question in Palestine and UNRWA came into existence to serve that mandate. Meanwhile, UNHCR was established to deal with the millions of European refugees displaced by World War II; it was only after displacement continued to occur in other parts of the world that UNHCR expanded its role to tackle refugee emergencies outside of Europe as well. This is to say that UNRWA already existed by the time UNHCR was created and they both were tasked with serving different mandates.

Moreover, even if Palestinian refugees were to fall under UNHCR's umbrella, they would still fall under UNHCR's definition of a protracted refugee situation, which is defined as "a refugee population of 25,000 persons or more who have been living in exile for five years or longer...refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile." The 1951 Refugee Convention also defines a refugee as "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. Furthermore, the 1951 Refugee Convention utilized by UNHCR includes an article specific to Palestinian refugees and [affords](#) Palestinian refugees who are outside of UNRWA's area of operations the same protections afforded to all refugees. All Palestinian refugees, whether served by UNRWA or UNHCR are beneficiaries of the 1951 Refugee Convention. Thus, taking UNRWA out of the equation would still allow basic Palestinian refugee rights to remain intact.

Finally, UNHCR outlines [three solutions](#) for refugees: voluntary repatriation (refugees returning to their original country of origin and obtaining restitution), resettlement to other countries, and integration within a host community. This means that even if Palestinian refugees fell under UNHCR, their refugee status would remain unchanged until the implementation of a long-term solution that is acceptable to the UNHCR, and that would most likely require a political solution between Israel and Palestine. It is also worth noting that the UNHCR Global Appeal for 2010 and 2011, *Finding Durable Solutions*, found that an estimated 1.2 million UNHCR refugees would return to their homes and that voluntary repatriation is the preferred choice for refugees. Claiming that UNRWA or UNHCR "perpetuate the refugee status" of Palestinian

refugees is like claiming the Department of Labor perpetuates unemployment because they provide unemployment benefits and other services to millions of Americans.

Peace cannot be built on fabrications and myths. Nor can the question of Palestinian refugees and their rights be swept under the rug or wished out of existence. Only by tackling the issue honestly and forthrightly, including by acknowledging the legitimate claims and grievances of Palestinian refugees, can we hope to find a just and durable solution to the conflict between Israelis and Palestinians.

To learn more about Palestinian refugees, UNRWA, and the Nakba, see the following resources:

- [Zochrot](#)
- [PalestineRemembered](#)
- [Badil](#)
- [Palestine Return Centre](#)
- [United Nations Relief and Works Agency for Palestine Refugees in the Near East \(UNRWA\)](#)
- [UNRWA and Palestine Refugee Rights: New Assaults New Challenges](#)

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Endnotes

1. The book "Palestinian Refugees in International Law" by Francesca Albanese and Lex Takkenberg was an instrumental resource for this piece.