Dimensions of Palestinian Refugee Problem: A Remark on Women Refugees

Anju Lis Kurian & Asha Rani P. L.*

Palestinian



refugees form the largest as well as one of the oldest refugees and stateless communities in the world. The Palestinian refugee crisis is one of the longstanding refugee problems in the world with a history of sixty five years and without a real solution in sight¹. At present they compose around 20 percent of the world's entire refugee population. That means one in every five refugees worldwide is a Palestinian and more than half of them are displaced outside the borders of their historical homeland. In short, they are refugees for generations. The UN General Assembly's Resolution 181 recommended the partition of Palestine in 1947. It led to the unilateral declaration of independence by the State of Israel in 1948 that resulted in the armed conflict between Jews and Arabs. It is known as the War of Independence

The

for the Israelis and the Catastrophe or Al-Nakba for the Palestinians. This Arab-Israeli war has become a landmark event in the exodus as well as expulsion of many Palestinians and for the burgeoning Palestinian refugee population².

According to UN estimates about 957,000 people were uprooted, expelled and displaced from their homes and lands which came under Israeli occupation. These Palestinian people turned into refugees and were forced to settle in densely populated refugee camps. Actually, these refugee camps are not legitimate places for refugees which are scattered over neighbouring Arab countries. The host governments allotted and leased some lands owned by the state, of these most of them privately owned, for accommodating Palestinian refugees³. Today, there are more than 10 million Palestinians, three-fourths of whom are displaced. Majority of the Palestinian refugees reside in West Bank and Gaza and

*Anju Lis Kurian and Asha Rani P. L. are Reserach Schoolars of School of International Relations, Mahatma Gandhi University, Kottayam, Kerala, India

Journal of Peace Studies 60 Vol. 22, Issue 3 July - September, 2015 the neighbouring Arab states of Jordan, Syria and Lebanon. Those who are displaced inside Israel also expropriated their original property⁴.

Legal Status of Palestinian Refugees

There are different kinds of Palestinian refugees, *viz*, those who are displaced within the boundary of the state of Israel (also known as internally displaced Persons or IDPs), those who live in West Bank and Gaza as displaced and those Palestinians who live in other Arab territories. The condition of the refugees in each place depends upon the fluctuating circumstances of the host country, and its political scenario is a crucial factor for the refugees. The Palestinian refugees are often referring to themselves as *forgotten people* because of the feeling that they are living in a hostile environment where their basic human rights are not respected or protected. They are the people always caught in the middle of an unsettled political conflict beyond their control and forced to survive with limited resources and a restricted legal, economic and social system⁵. Actually, the Palestinian refugee crisis is a political problem besides a problem of legal distortion.

The key legal document safe-

guarding refugee rights and the universally accepted definition of a refugee is the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. Under the Convention, States are expected to cooperate with the United Nations High Commission for Refugees (UNHCR), which provides protection and assistance in partnership with governments, regional organizations and nongovernmental organizations (NGOs)⁶. Article I.A.(2) of the Convention states "[A]ny person who ... as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it"⁷.

The tragedy of this definition is that the international community refused extension of the clauses of this Convention to the Palestine refugees under its jurisdiction. Article 1D of the Convention says: "The Convention does not apply to those

refugees who are the concern of United Nations agencies other than UNHCR, such as refugees from Palestine who receive protection or assistance from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), not to those refugees who have a status equivalent to nationals in their country of refuge"⁸. The above provisions have been interpreted as meaning that UNHCR has no protection mandate over Palestinian refugees in the areas where UNRWA operates and a minimal protection mandate over them outside the UNRWA areas⁹.

Another aspect of the negligence of rights of the Palestinians as refugees is that immediately after the establishment of the new state, Israel passed a legislation which had a profound effect on the refugee issue. The legislation has assorted those who had left the country as 'absentees' to deny them legal standing before the law in Israel and nullifying their rights to property as well as their rights to residence and claim to citizenship in their homeland. At the same time it furnished the right of any Jew and only Iews to unrestricted immigration, settlement and automatic citizenship¹⁰.

From the perspective of PLO, the

legal meaning of a Palestinian has been added in the Palestine National Charter, in which Article Five stipulated that "the Palestinians are those Arab citizens who held permanent residence in Palestine until 1947, whether they were removed from it or remained in it, and whosoever has a Palestinian Arab father after that date, inside or outside Palestine, is a Palestinian". For its operational purposes UNRWA defined a Palestine refugee as "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict". UNRWA's definition of a refugee also covers the descendants of persons who became refugees in 1948¹¹ (Khalidi, 2008: 10).

According to the needs of internally displaced persons, the United Nations has developed a set of Principles Relating to Protection from Displacement. It described "Internally Displaced Persons are persons or groups of persons who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular as a result of, or in order to avoid the effects of, armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not

crossed an internationally recognized State border"¹². This definition has been applicable to displaced Palestinians inside the borders of Israel. The Representative of the UN Secretary General on the Human Rights of IDPs in 2009 pointed out the important reasons of internal displacement in the Occupied Palestinian Territories (OPT) as: incursions and military clearing operations, evictions, land appropriations, house demolitions, building of settlements and related infrastructure, the construction of so called 'separation fence' or 'wall', violence by settlers and revoking of residency rights in East Jerusalem¹³.

Recently, the UN has suggested the following formulation for the right not to be displaced or a right to remain: "no one shall be forced to leave his or her home and no one shall be forcibly relocated or expelled from his or her country of nationality or area of habitual residence; unless under such conditions as provided by law solely for compelling reasons of national security or specific and demonstrated needs of their welfare or in a state of emergency as in cases of natural or man-made disasters. In such cases all possible measures shall be taken in order to guarantee the safe departure and resettlement of the people elsewhere". This definition can be read along with the Principles

5 to 9 of the Guiding Principles on Internal Displacement, which articulate the "right (of every human being) to be protected against being arbitrarily displaced from his or her home or place of habitual residence"¹⁴. Anyway, the multiplicity of descriptions about Palestinian refugees pulls them into a legal lacuna that sets them outside minimal international protections available for all other refugee groups around the world¹⁵.

Role of UNRWA

United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is the most significant agency working for Palestinian refugees. As a political organization, Palestinian Authority (PA) has played a significant role in addressing the problem of Palestinian refugees. They accepted Palestinian Liberation Organization (PLO) as the legitimate authority to address their problems. UNRWA was established in 1948 following the Arab-Israeli conflict to bring relief and works in programs for Palestinian refugees in Jordan, Lebanon, Syria and the Occupied Palestinian Territories (OPT) that is West Bank and Gaza Strip. It is the main source of assistance and development for Palestinian refugees. The agency currently

operates or sponsors over 900 installations with nearly 30,000 staff. UNRWA cooperates closely with governmental authorities and with international and local non-profit groups which also provide some services to refugees. Today, UNRWA runs education, health, microfinance, relief and social service programs as well as infrastructural maintenance and emergency responses in times of crisis in all its official refugee camps¹⁶.

UNRWA does not own lands. So official refugee camps according to UNRWA's definition are those built on lands especially allocated for this purpose by the host government, which may call an area inhabited by a large number of refugees as a refugee camp although the area was not allocated for the purpose of accommodating refugees. The number of official Palestinian refugee camps, recognized by UNRWA, is 58 including 12 in Lebanon, 10 in Jordan, 9 in Syria, and 27 in the Palestinian Territory that is 19 in the West Bank and 8 in Gaza Strip¹⁷.

UNRWA registered Palestinian refugees of the West Bank constitute 16.3 percent of the total registered Palestinian refugees of which 25.4 percent are living in refugee camps. On the other hand, UNRWA registered refugees of Gaza Strip constitute 23 percent of the total registered Palestinian refugees of which 45.9 percent are living in refugee camps in Gaza Strip. Moreover, UNRWA registered Palestinian refugees in Jordan constitute 41.7 percent, of the total registered Palestinian refugees of which 17.4 percent are living in refugee camps. In Lebanon, the registered Palestinian refugees 9.1 percent of the total registered Palestinian refugees of which 52.5 percent are living in refugee camps and in Syria refugees are 9.9 percent of the total registered Palestinian refugees of which 26.7 percent of them live in refugee camps. These accounts show that most of the registered refugees live outside the refugee camps¹⁸.

According to UNRWA sources, registered Palestinian refugees constitute only 75 percent of the total number of the Palestinian refugees; so about one million and a half Palestinians are unregistered refugees. Consequently, the total number of Palestinian refugees is more than 6 million including the Diaspora around the world. Refugees of the Palestinian Territory represented 44.6 percent of the total Palestinian Territory population; 19.4 percent of the total population are refugees in the West Bank and 25.2 percent of the total are refugees in Gaza Strip. Moreover, refugees constitute 30.9 percent of the West Bank total population and 67.7 percent of Gaza Strip total population¹⁹.

UNRWA's services are available to all those living in its area of operations who meet its refugee definition, who are registered with the Agency and who need assistance. The number of registered Palestine refugees has subsequently grown from 914,000 in 1950 to more than 4.4 million in 2005, and continues to rise due to natural population growth²⁰. In the case of Palestinian refugees, the United Nations agency created to meet their needs, UNRWA is permitted to operate only at the discretion of the host governments and is mandated to provide assistance but not protection. Therefore, in terms of international law, this group of refugees lacks effective protection mechanisms. The denial of rights 'has prevented the Palestinian refugee community from prospering and has placed them on a course of under development. In short, UNRWA's mandate is restricted to social and economic assistance and other matters of protection are handled by the host government²¹.

Conditions of Women Refugees

It is indisputable that women are victims of unbelievably horrific

atrocities and injustices in conflict situations. As refugees, internally displaced persons, combatants, heads of household and community leaders, as activists and peacebuilders, women and men experience conflict differently. Women rarely have the same resources, political rights, authority or control over their environment and needs that men do. In addition, their caretaking responsibilities limit their mobility and ability to protect themselves. According to one estimate, one hundred million people died in war over the last century, men and women often died different deaths and were tortured and abused in different wayssometimes for biological reasons, sometimes psychological or social. While more men are killed in war, women often experience violence, forced pregnancy, abduction and sexual abuse and slavery. The shame women experience in war is pervasive; their redress, almost nonexistent. The situation of women in armed conflict has been systematically neglected²².

During and after the conflict, institutions of governance and law are weakened and social fragmentation is pronounced. Until the state's security and legal infrastructure are rebuilt, women's security is threatened inside and

outside of the home, where they are subject to the rule of aggression rather than the rule of law. Under constant threat of attack by family members, rogue elements, ex-combatants, criminals, women spend their days searching for water, food and firewood and caring for children, the sick, the elderly and their extended families. Even though women provide these unpaid services in times of peace, their burden is intensified during conflict since the peacetime infrastructure is often destroyed like wells may have been poisoned, trees for firewood destroyed, fields burnt and clinics vandalized²³.

UNHCR has noted that women are likely to suffer from a range of discriminatory practices in conflict situations, from receiving smaller food rations to legal wrangles over custody, inheritance and property. Not only do women carry the emotional and physical burden of caring for the whole family under difficult conditions but, in the process, they are more exposed to violence and often become victims of inadequate diet and infectious disease. Ironically, women's role as caregivers may affect their ability to receive assistance. By standing in a queue to collect food or water, a woman may forfeit the chance to receive medical attention²⁴.

Several international instruments were considered in the United Nations High Commissioner for Refugees (UNHCR) guidelines as requirements for protection of refugee women: 'Ensuring the protection of refugee women requires adherence not only to the 1951 convention and its 1967 Protocol but also to other relevant international instruments such as the Universal Declaration of Human Rights; the 1949 Geneva Convention and the two Additional Protocols of 1977; the 1966 Human Rights Covenants; the Convention on the Elimination of All Forms of Discrimination Against Women; the Declaration on the Protection of Women and Children in Emergency and Armed Conflict; the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, the Convention on the Nationality of Married Women, and the Convention on the Rights of the Child'25.

Palestinian refugee women are contending with three major layers of discrimination: (i) gender, (ii) refugee status, and (iii) statelessness. There are enough indications of gender discrimination against women; however, the interplay of gender and refugee status presents another complication, and the statelessness- the absence of a fully

sovereign and functional state - is added to the mix of troubles²⁶. In keeping gender out of the agenda and isolated from the realm of significance, the masculinised sacrifice wins honour through battles and feminised sacrifices at home are part in second order. So, the challenge facing Palestinian refugee women in their struggle to disencumber as well as attempt to resolve intricate cultural, economic, social and political attributes of gender discrimination is intensified even further²⁷.

The marginalization and further exclusion of Palestinian refugee women from the productive and public spheres increased after 1948. However, women's experiences were not homogeneous. After 1948 Arab women's experiences were both shared as well as different, depending on their geographic locations; the West Bank, the Gaza Strip or within the State of Israel, Lebanon, Syria and other foreign countries. Though class, geography, ideology and history divides Palestinian women, they also share similar experiences resulting from a conservative and a patriarchal society²⁸. Military occupation and traditional patriarchal society are therefore two inter connected processes central to the formation of gender identities and roles for women living in refugee camps²⁹.

Women's role is often limited to a reproductive one, thus confining women to the private sphere, the family. Men's role, on the other hand, is often seen as a productive one in which responsibilities linked to their role as providers are attributed with a monetary value and thus associated with the public sphere. This division is reflected in the prevailing laws, legislation and cultures of many Palestinian community institutions, which, in turn, contribute to the preservation of an inferior status for women, regardless of their age or social status. In addition, women experience violence at the internal level including domestic violence, violence in the extended family and violence in community institutions. They experience compromised social role and status at the domestic level, where they often find themselves beyond official systems of protection in the Palestinian society, especially legal protection³⁰. Social restrictions such as reduced access to education due to conservative societal norms also reduced women's access to opportunities outside the home. Early marriage and childbearing have also influenced women's ability to obtain education or employment outside the home³¹.

Palestinian women who became refugees found themselves in a social, political and economic context

that were both challenging and threatening. The decades that followed the 1967 occupation of the rest of historic Palestine are decades of dispossession, resistance and efforts to achieve Palestinian selfrule³². Women refugees in the camps are incessantly struggling for housing, education, access to and control over health care as well as the power to make decisions with regard to their personal status, employment and political involvement, both in the context of their particular histories and in the global context shaping their destinies. The combination of economic difficulties, overcrowding, social frustration and moral degradation among camp residents has also resulted in the increase in various forms of domestic violence³³. The socio-economic situation in the camps remains generally poor, with high population density, cramped living conditions and inadequate basic infrastructure such as roads and sewers³⁴.

The Israeli occupation has obstructed the development of a viable Palestinian economy and legal institutions that could serve as a framework for attaining women's rights. In addition, Palestinian women, especially refugee women have limited employment and education opportunities due to the military violence which serves to strengthen patriarchal norms that discourage women seeking either higher education or work outside the home³⁵.

The Israeli occupation increases the difficulties of women through their oppressive policies of occupation. The direct effect of Israeli occupation is manifested through women's exposure to all types of violence perpetrated by the occupation, such as beating, cursing, forcing women to deliver babies at checkpoints, etc³⁶. Women are also subjected to violence as females, not just Palestinians, via sexual or verbal assault at checkpoints, among others. Indirect effects of the occupation include, for example, the obstruction of the Palestinian legal system, which in turn hinders the provision of legal protection for Palestinian women, or the disabling of the Palestinian Legislative Council, hence hindering the ability and work of institutions to amend laws and legislation related to women's rights³⁷.

Palestinian refugee camp women often found themselves without the traditional male breadwinner or 'head-of-family'. Many men were forced to leave the camp to seek employment as migrant labourers in Israel, in the Gulf or elsewhere in the Diaspora. In addition men left the camp to join the national resistance

or were taken prisoner by Israel. Lack of a male head of household presented a special social reality for women³⁸. Palestinian refugee women often must shoulder the burden of becoming the primary breadwinner when their husbands, brothers or fathers are killed, injured or imprisoned by the Israeli Army³⁹.

For many refugee women the political resistance to occupation seems to be a domestic affair⁴⁰ because Women are viewed as survivors who continue to bear children amidst extreme poverty and insecurity, attempting to hold their families together in the face of powerful forces of military occupation and economic instability⁴¹. Further, Palestinian refugee women have been placed under particular pressure as mothers with a specific national mission. One of the primary roles Palestinian camp women play is that of reproducers and transmitters of the old culture and the lost national identity after the Nakbah of 1948. This has led to the further marginalization of refugee women as it has prioritized national concerns over gender rights pushing women further away from the public sphere and into the domestic realm⁴².

Palestinian refugees not only lost their homes but also their citizenship. Statelessness (not being recognized as a citizen of any country) to a large extent shaped the experience of Palestinian refugee communities in exile. The quest of Palestinians to return to their homes has become a central part of Palestinian identity⁴³. Thus Palestinian refugee women are also part of a unique experience of being refugees in their own land⁴⁴. From the beginning of the 20th century, the Palestinian women have been socially active, not only in the national struggle but also in forming charitable associations and working for the welfare of the community. The General Union of Palestinian Women (GUPW) is the most active women's organization which was established in Jerusalem in 1921⁴⁵. It has worked for the development and raising of women's consciousness, to better enable them to participate actively at the various levels of the Palestinian national struggle, and to help them achieve equality in all areas of social and economic life. It also contributed to the social and cultural development of Palestinian women in a variety of ways⁴⁶.

After the 1990s, the GUPW has increased its efforts to advance women's legal, political and social status in addition to promoting democratic values in their society. Three priorities of the women's movement are: changing the personal status laws that discriminate

against women, fighting domestic violence and increasing women's political participation. However, efforts to improve the status of women have been hindered by the unstable political and military situation⁴⁷. There are two channels for involvement of Palestinian refugee women in political and public life: political organizations and nongovernmental organizations. Involvement in decision-making at the higher management levels is most prominent in NGOs compared to the relatively traditional political structures⁴⁸. UNRWA particularly bears direct responsibility for the provision of basic rights to Palestine refugee women. Thus UNRWA recognises that there is a need to systematically address the specific concerns of women and girls, particularly in terms of personal security and protection issues for those living in the temporary shelter sites and collective centres⁴⁹.

In the Constitution of the State of Palestine, the foundation of a non discriminating law of nationality was laid in spite of the absence of a sovereign state. A substantive legal leap was made regarding gender equality in the Palestinian Constitution which applies to all Palestinians. Article 4 in the PLO Covenant of 1968, which restricted the transfer of nationality to males was annulled by article (12) of the 2003 constitution where the right to pass nationality became equal across the sexes, that means 'the right passes on from father or mother to their progenitor'. It neither disappears nor elapses unless voluntarily relinquished. The right to return as embodied by UN General Assembly resolution 194 III is also the embodiment of the spirit of the law of nationality for Palestinian refugee women and men. This resolution applies to the descendents of the generation that was forced to leave Palestine in 1948⁵⁰.

The sense of empowerment is also present among Palestinian refugee women whose losses are frequently interpreted as political sacrifices which are able to transform experiences of humiliation to moral superiority⁵¹. Over six and half decades of Israeli military occupation, ongoing national resistance, poverty and a male dominated society are a few of the forces still continue to shape the lives of refugee women today. However, the Palestinian revolution has contributed immensely to the awakening of the Palestinian women, and to their valuable participation in the struggle of the Palestinian people at all levels. The distressing experience of the Palestinian people as a whole has facilitated Palestinian women to

surpass traditional conservative and oppressive attitudes towards the position of women that are characteristic of many Third World societies⁵².

Conclusion

The Palestinian catastrophe began in 1948 and represents the beginning of one of the last remaining settlerstate colonial occupations and the longest and largest unresolved refugee crisis since the Second World War. Even today, Palestinian refugees are the people suffering without a hope in resolving their host of problems. The condition of being stateless has, to a large extent, shaped the experience of Palestinian refugees in exile. So the refugees always insist on individual compensation for their property; equality and full citizenship rights in the countries where they live; removal of restrictions that curtail their freedom of movement; and access to their communities in whichever countries they may live, including Israel. In their fight on asserting political rights relating to Palestine, the Palestinian refugee women are not only in combat with the occupation but also with the conservative practices of their own society because they are trapped in an intersection of oppressions.

The constraints and complexities of refugee status, poverty, male

interpreted religious beliefs and a conservative society are perceived as significant challenges in improving or changing the status of women in the camps. Women's shared experiences of gender roles including motherhood, family care, lack of or limited decision-making power and mobility, conservative and restrictive attitudes toward education and employment etc one dismal. Even though refugee women continue to play an important role in the ongoing resistance to the Israeli military occupation as they strive to maintain their families, communities, national identity and culture.

There were peace proposals after each war along with other peace negotiations, but each proposal failed to address the refugee problem with adequate attention. There is a strong belief among refugees that they should be consulted and that any settlement should widen rather than limit the options available. These options include repatriation, compensation and full citizenship rights in the countries where they choose to remain. Above all, in the midst of these circumstances the Palestinian refugees have a dream that is to have somewhere to call home which is not controlled by outside forces and be a full member of a community without anyone putting restrictions on it.

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