

The Parliamentary Assembly of the Council of Europe

Recommendation 1612 (2003)¹

The situation of Palestinian refugees

1. The Parliamentary Assembly refers to its previously adopted texts on the situation in the Middle East, and in particular to its Resolutions 1245 (2001), 1281 (2002) and 1294 (2002), and reaffirms its strong condemnation of the escalation of violence in the region since September 2000, as well as of all the acts violating human rights, including the disproportionate use of force by the Israeli army and the terrorist attacks in the current wave of intifada.
2. The Assembly deplores the lack of progress so far in the peace negotiations between Israel and the Palestinian Authority. Both parties to the conflict must show more flexibility and engage in a true political dialogue. The Assembly expresses its hope that the third phase of the Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict drawn up by the quartet of international mediators (the United States, the United Nations, the European Union and Russia) will bring an end, not only to the Israeli-Palestinian conflict, but will make a contribution to the rapid settlement of the Palestinian refugee problem.
3. It is a matter of great concern that the question of refugees remains a major obstacle to achieving a sustainable solution. Although the creation of a viable Palestinian state would largely contribute to the sustainable solution of the refugee issue, the situation of the latter, being both a political and a humanitarian problem, cannot wait for the political settlement of the Middle East conflict.
4. The situation of the 3.9 million refugees registered with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), of whom 1.2 million people are living in camps in miserable conditions, is not only unacceptable from a humanitarian point of view, but constitutes a major threat to stability and security in the region.
5. The Assembly considers that the services of UNRWA must be fully maintained until a permanent solution is found. The international community must step up its voluntary financial contribution to the budget of UNRWA, with a view to at least allowing it to reflect the natural growth of the Palestinian refugee population being assisted by this agency.
6. The Assembly recognises that there has been a new reality in the Middle East since the Arab-Israeli war of 1948 which created the refugee problems. It calls on all the parties involved in these problems to negotiate and achieve a just settlement based on United Nations Security Council Resolution 242 (1967).
7. In particular, a large number of refugees who prefer to stay in host countries in the region should be compensated and provided with financial support allowing them to settle permanently.
8. Third countries, including the Gulf States and the Council of Europe member states, should also contribute to the sustainable solution of the problem by accepting a certain number of refugees. The Assembly reaffirms its call for a new fund to be established by the United Nations with a view to financing the forthcoming cost of resettlement: the Palestine refugee and displaced persons final status fund.
9. The question of the legal status of the Palestinian refugees outside the region remains an issue of concern. Legal status is essential in establishing any person's legal, social and economic situation: Palestinian refugees are at a clear disadvantage in this respect and must therefore be given a recognised legal status.

10. Accordingly, the Assembly recommends that the Committee of Ministers call on Council of Europe member states:

- i. to review their policies in respect of Palestinian asylum-seekers, with a view to effectively implementing the United Nations High Commission for Refugees' (UNHCR) new guidelines on the applicability of the 1951 Convention relating to the Status of Refugees, published in 2002;
- ii. to ensure that where Palestinian refugees are legally recognised, they are entitled to all the benefits of socio-economic rights normally afforded to recognised refugees in these member states, including the right to family reunion;
- iii. to include the information on Palestinian origin in the statistics concerning asylum-seekers and refugees;
- iv. to support the activities of the UNRWA by providing or stepping up voluntary financial contributions to its budget;
- v. to promote the idea of establishing a Palestine refugee and displaced persons final status fund under the aegis of the United Nations, to finance the forthcoming cost of resettlement;
- vi. to make provision in their budgets for donations to this fund;
- vii. to contribute to the international debate on sustainable solutions offered to the Palestinian refugees, and encourage and commission political and academic research and studies concerning refugee problems and compensation.

11. The Assembly recommends that the Committee of Ministers:

- i. instruct the appropriate committee to examine the issues relating to the legal status of Palestinian refugees in Council of Europe member states, and devise concrete initiatives to ensure that all Palestinian persons displaced from their country are provided with an appropriate legal status entitling them to all basic socio-economic rights;
- ii. review, with a view to harmonisation, Council of Europe member states' policies in this respect, in particular by effectively implementing the UNHCR's above-mentioned guidelines;
- iii. initiate the organisation of an international conference devoted entirely to the question of Palestinian refugees;
- iv. promote research aimed at obtaining statistics concerning Palestinian refugees and their status in Council of Europe member states;
- v. support programmes aimed at establishing and strengthening awareness of democratic values and human rights in the region;
- vi. invite Palestinian and Israeli NGOs, in particular those active in the youth field, to establish contacts with the Organisation with a view to developing co-operation.

1. *Assembly debate* on 25 June 2003 (21st Sitting) (see Doc. 9808, report of the Committee on Migration, Refugees and Demography, rapporteur: Mr Akselsen; and Doc. 9847, opinion of the Political Affairs Committee, rapporteur: Mr Margelov).

Text adopted by the Assembly on 25 June 2003 (21st Sitting).