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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

## **Written statement\* submitted by Habitat International Coalition, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 June 2019]

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\* Issued as received, in the language(s) of submission only.



The Middle East and North Africa (MENA) region hosts the largest proportion of the world's refugees and displaced,<sup>1</sup> combining new displacements with unremedied historic cases.

Those refugees and displaced persons over the lifetimes of this statement's potential readers, the total of MENA victims entitled to reparation,<sup>2</sup> including restitution of their homes, land and properties (HLP), number some 34 million. We present the components of this sum, in alphabetical order by state.

Algeria's colonization and war of liberation left 1.5 million Algerian dead and between 2 and 3 million evicted from their homes and rounded up in French concentration camps.<sup>3</sup> The civil war of the 1990s left 200,000 dead and 8,000 disappeared, almost all men. They left behind a generation of mostly women-headed households with an estimated 1.5 million Algerians displaced to the outskirts of many cities.<sup>4</sup> Although no displaced persons are officially recognized since 2007,<sup>5</sup> for various reasons, as many as 1.5 million still remain holders of the unfulfilled right to reparation, including restitution of their HLP.<sup>6</sup>

In Iraq, the common figure currently cited for internally displaced persons (IDPs) is 3.3 million Iraqis displaced since January 2014 alone.<sup>7</sup> However, the latest figures identify 3,320,844 Iraqi IDPs (553,474 families) between 1 January 2014 and February 2016 alone.<sup>8</sup>

This omits the estimated 500,000 Kurdish Iraqi refugees and IDPs from Saddam Husain's al-Anfal "Arabization" campaigns of the 1980s, many of whom have returned since 2003, filing 130,000 restitution claims.<sup>9</sup> It also excludes the roughly 180,000 Marsh Arabs (Ma'dan) forced from their habitat in 1993 and never returned.<sup>10</sup>

Most of the 810,000 persons displaced by **Lebanon's** civil war (1975–91) and subsequent Israeli wars on (1 million in 2006 alone) have returned or resettled. However, of persons displaced by the 2007 battles of Nahr al-Barid, some 20,400 remained in temporary

<sup>1</sup> Johnny Wood, "These countries are home to the highest proportion of refugees in the world," World Economic Forum (19 March 2019), at: <https://www.weforum.org/agenda/2019/03/mena-countries-in-the-middle-east-have-the-highest-proportion-of-refugees-in-the-world/>.

<sup>2</sup> Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," A/RES/60/147, 21 March 2006, at: [http://www.hlrn.org/img/documents/A\\_RES\\_60\\_147%20remedy%20reparation%20en.pdf](http://www.hlrn.org/img/documents/A_RES_60_147%20remedy%20reparation%20en.pdf)

<sup>3</sup> Anne Guérin-Castell, « les 'camps de regroupement' de la guerre d'Algérie », Histoire coloniale et postcoloniale (13 August 2012), at: <https://histoirecoloniale.net/les-camps-de-regroupement-de-la.html>

<sup>4</sup> The Global IDP Project, "More than one million internally displaced people ignored by the international community," Algeria-Watch (13 December 2009), at: <https://algeria-watch.org/?p=2551>

<sup>5</sup> Raquel Rolnik, "Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Addendum - Mission to Algeria, A/HRC/19/53/Add.2, 26 December 2011, p. 16, at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-53-Add2\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-53-Add2_en.pdf)

<sup>6</sup> Algeria Watch, « Algérie : Les déplacements de population : Un drame occulté » (7 April 2010), at: <https://algeria-watch.org/?p=67769>.

<sup>7</sup> "Iraq Situation: UNHCR Flash Update," ReliefWeb (24 July 2017), at: <https://reliefweb.int/report/iraq/iraq-situation-unhcr-flash-update-24-july-2017>.

<sup>8</sup> International Organisation for Migration (IOM), "Displacement in Iraq Exceeds 3.3 Million," 23 February 2016, at: <https://www.iom.int/news/displacement-iraq-exceeds-33-million-iom>.

<sup>9</sup> IOM, Iraq Displacement Crisis, 2014–2017 (Geneva : IOM, October 2018), at: [http://iraqdtm.iom.int/LastDTMRound/IOM-Iraq\\_Displacement\\_Crisis\\_2014-2017.pdf](http://iraqdtm.iom.int/LastDTMRound/IOM-Iraq_Displacement_Crisis_2014-2017.pdf).

<sup>10</sup> Human Rights Watch, "The Iraqi Government Assault on the Marsh Arabs," A Human Rights Watch Briefing Paper (January 2003), at: <https://www.hrw.org/legacy/backgrounders/mena/marsharabs1.pdf>

accommodations in September 2010.<sup>11</sup> As of 2012, some 76,000 persons were classified as displaced in Lebanon.<sup>12</sup>

A 2015 study of Lebanese displaced by the war in Syria identified 28,574 returnees at risk and ineligible for any assistance.<sup>13</sup> Lebanese displaced numbered 11,000 as of December 2017.<sup>14</sup> No official Lebanese source reports the numbers of Lebanese remaining displaced from any of the upheavals since 1975. The implementation of new Laws 159/92 and 160/92 on lease and acquisition of residential units augur the eviction of some 200,000 poor households and vulnerable groups living in Beirut.<sup>15</sup> In this very fluid displacement situation, we can only project a round number: a conservative 20,000.

In Libya, Muammar Qadhdhafi's Law No. 4/1978 led to the confiscation of 56,000–75,000 properties, affecting some 375,000 persons.<sup>16</sup> Through a Compensation Committee established in 2006, 25,148 claims submitted by 2011 remain unresolved.<sup>17</sup>

Events of 2011 reportedly led to 543,844 (rounded to 550,000) IDPs, but that number declined to about 56,000 after Qadhdhafi's fall.<sup>18</sup> By 2015, internal fighting raised that number again to some 400,000.<sup>19</sup> In 2017, numbers fluctuated from 165,478 IDPs in April<sup>20</sup> to 217,000 in September<sup>21</sup> and 197,000 in December.<sup>22</sup> As of 1 March 2019, 445,845 IDPs had returned (during 2016–2018), but without reparation for their losses.<sup>23</sup> However, the renegade General Haftar's 2019 assaults have displaced another 66,000 persons.<sup>24</sup>

Libya's Transitional Justice Law 29/2013 did not operationalize the associated Fact-finding and Reconciliation Committee. While that law focused primarily on violent crimes against

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- <sup>11</sup> Internal Displacement Monitoring Center (IDMC), "Lebanon: No new displacement but causes of past conflicts unresolved" (December 2010), at: <http://www.internal-displacement.org/publications/lebanon-no-new-displacement-but-causes-of-past-conflicts-unresolved>.
- <sup>12</sup> Housing and Land Rights Network – Habitat International Coalition (HIC-HLRN) and Amel Association International, *Right to the City in Greater Beirut: Context Assessment in Light of the Refugee and Displacement Crisis* (Cairo: HIC-HLRN, 2017), at: [http://www.hlrn.org/img/publications/Assessment\\_FINAL\\_EN\\_web.pdf](http://www.hlrn.org/img/publications/Assessment_FINAL_EN_web.pdf)
- <sup>13</sup> IOM, *Returnees at Risk: Profiling Lebanese Returnees from the Syrian Arab Republic Four Years into the Crisis* (Beirut: IOM, 2015), pp. 7, 10, Annex E, at: [https://publications.iom.int/system/files/pdf/lebanese\\_returnees\\_1.pdf](https://publications.iom.int/system/files/pdf/lebanese_returnees_1.pdf)
- <sup>14</sup> IDMC, "Lebanon: Country Information" (as of 31 December 2018), at: <http://www.internal-displacement.org/countries/lebanon>.
- <sup>15</sup> HIC-HLRN, ANND et al., JS9 - Joint Submission 9, Universal Periodic Review of Lebanon, Civil society and others submissions, November 2015, at: [https://www.upr-info.org/sites/default/files/document/lebanon/session\\_23\\_-\\_november\\_2015/js9\\_upr23\\_lbn\\_e\\_main.pdf](https://www.upr-info.org/sites/default/files/document/lebanon/session_23_-_november_2015/js9_upr23_lbn_e_main.pdf).
- <sup>16</sup> Suliman Ibrahim and Jan Michiel Otto, *Resolving real property disputes in post-Gaddafi Libya, in the context of transitional justice*, Final report of a Libyan-Dutch collaborative research project (Benghazi: The Centre for Law and Society Studies, Benghazi University; and Leiden: Van Vollenhoven Institute for Law, Governance and Society, Leiden University, 2018), p. , at: <https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-metajuridica/resolving-real-property-disputes-in-post-ghadaffi-libya.pdf>.
- <sup>17</sup> *Ibid.*, p. iii.
- <sup>18</sup> *Ibid.*
- <sup>19</sup> Ibrahim Sharqieh, in "Uprooted, Unprotected: Libya's Displacement Crisis," Brookings Doha Center, 21 April 2015 (Alexandria VA: Anderson Court Reporting, ), p. 12, at: <https://www.brookings.edu/wp-content/uploads/2015/04/libya-transcript.pdf>
- <sup>20</sup> UN High Commissioner for Refugees (UNHCR), "Internally displaced persons and returnees in Libya, April 2018," 13 April 2018, at: <https://reliefweb.int/report/libya/internally-displaced-persons-and-returnees-libya-april-2018-enar>.
- <sup>21</sup> Human Rights Watch, "Libya," *World Report 2018* (New York: Human Rights Watch, 18 January 2018), at: <https://www.refworld.org/docid/5a61ee53a.html>.
- <sup>22</sup> IDMC, "Libya: Country Information" (as of 31 December 2018), at: <http://www.internal-displacement.org/countries/libya>
- <sup>23</sup> UNHCR, "Update Libya," 1 March 2019, at: <https://reliefweb.int/report/libya/unhcr-update-libya-1-march-2019-enar>.
- <sup>24</sup> Joseph Hincks, "'Fighting But No Progress' in Libya's Capital. Inside the Surreal Siege of Tripoli," *Time* (17 May 2019), at: <http://time.com/longform/tripoli-libya-siege-khalifa-haftar/>

physical and natural persons, its Article 28 deferred the issue of HLP violations and restitution to still-pending legislation.

In Palestine, fully three-quarters of its indigenous people remain displaced and entitled to reparation for their losses, costs and damages from the serious crime of population transfer.<sup>25</sup> Palestinian refugees total at least 7.2 million worldwide.<sup>26</sup> More than 5,355,000 1948 Palestine refugees and their descendants are registered with UNRWA and eligible for interim humanitarian assistance. Meanwhile, another 1.7 million Palestinian refugees and their descendants, also displaced in 1948, are not registered with the UN.<sup>27</sup> Refugees forced to flee in 1967 and their descendants today number about 834,000 persons.<sup>28</sup>

Some 355,000 Palestinians and their descendants are internally displaced and hold various civil status inside Israel. This may include either an inferior form of Israeli citizenship (i.e., without “Jewish nationality”) or statelessness inside present-day Israel.

This number omits the Palestinians living in the southern Naqab region who underwent ethnic cleansing and removal to the *siyaj* (“confinement”) with Israel’s demolition and depopulation of 108 of their village sites during 1951–53.<sup>29</sup> The majority are represented by the 36,000 inhabitants of “unrecognized villages” facing further displacement under current Israeli population-transfer policy.<sup>30</sup>

House demolition, forced removals, revocation of residency rights and construction of illegal colonies on confiscated Palestinian land in Jerusalem and the West Bank have created a category of at least 57,000 Palestinian IDPs, including 15,000 people so far displaced by Israel’s Annexation Wall construction.<sup>31</sup>

Sudan has 5.5 million people in need of humanitarian assistance, including those in 11 states experiencing global acute malnutrition.<sup>32</sup> However, the snapshot of Sudanese displaced from their homes and lands in 2018 shows 312,000 Sudanese (Darfur) refugees in Chad,<sup>33</sup> while 2.1 million are needy IDPs inside Darfur.<sup>34</sup> Meanwhile, White Nile and Blue Nile states have produced 230,000 current IDPs. Another 241,500 Sudanese refugees remain in South Sudan, 2,000 in Central African Republic, 40,000 in Ethiopia and 36,195 registered in Egypt.<sup>35</sup> The figure for Egypt is generally believed to be a gross underestimate, while many more of the 2 million Sudanese in Egypt are refugees, in fact, but see little benefit in seeking recognition.<sup>36</sup>

<sup>25</sup> Terry Rempel, “Who are Palestinian refugees?” Forced Migration Review, Issue 26 (August 2006), pp. 5–7, at: <https://www.fmreview.org/sites/fmr/files/FMRdownloads/en/palestine/remple.pdf>.

<sup>26</sup> Al-Awda: The Palestine Right to Return Coalition, “FAQs about Palestinian Refugees,” at: <https://al-awda.org/learn-more/faqs-about-palestinian-refugees/>

<sup>27</sup> Susan Akram and Nidal Al-Azza, eds., *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention* (Bethlehem, Palestine: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2nd edition, February 2015), at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Art1D-2015Handbook.pdf>

<sup>28</sup> Al-Awda, op. cit.

<sup>29</sup> The Goldberg Opportunity: A Chance for Human Rights-based Statecraft in Israel, Fact-finding Report No. 13 (Cairo: HIC-HLRN, 31 December 2010), map insert, at: <http://www.hlrn.org/img/documents/Naqab%20FFM%20report%202010.zip>

<sup>30</sup> Adalah: The Legal Center for Arab Minority Rights in Israel, “Israel announces massive forced transfer of Bedouin citizens in Negev,” 30 January 2019, at: <https://www.adalah.org/en/content/view/9677>

<sup>31</sup> Al-Awda, op. cit.

<sup>32</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), “About OCHA Sudan,” accessed 03 June 2019, at: <https://www.unocha.org/sudan/about-ocha-sudan>

<sup>33</sup> OCHA-Sudan, *Sudan: 2017 Humanitarian Needs Overview* (Khartoum: OCHA, December 2016), map p. 4, at: [https://reliefweb.int/sites/reliefweb.int/files/resources/Sudan\\_2017\\_Humanitarian\\_Needs\\_Overview.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_2017_Humanitarian_Needs_Overview.pdf).

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> “Sudanese refugees in Egypt,” Wikipedia, accessed 3 June 2019, at: [https://en.wikipedia.org/wiki/Sudanese\\_refugees\\_in\\_Egypt](https://en.wikipedia.org/wiki/Sudanese_refugees_in_Egypt)

On the side of progress, a total of 533,000 displaced Sudanese returned after the 2003 conflicts that displaced them.<sup>37</sup> However, that does not mean that they received any form of reparation, including HLP restitution.

In Syria, the UN estimated that the uprising and eventual war had uprooted 13.5 million by 2015.<sup>38</sup> While 5,684,381 have fled their homes and lands as registered refugees in adjacent or more-distant countries,<sup>39</sup> 6.6 million more Syrians are IDPs.<sup>40</sup> The remaining balance includes about 117,000<sup>41</sup> returnees to an uncertain fate and those who have fled Syria, but not registered as refugees.<sup>42</sup>

Western Sahara's population of registered refugees from the 1975 invasion is about 174,000.<sup>43</sup> This represents only those formally counted in the camps around Tindouf, Algeria. It excludes those Sahrawi refugees in neighboring Mauritania or countries further afield, and does not count those internally dispossessed and/or displaced by Morocco's military occupation since 1975 and also entitled to reparation, including HLP.<sup>44</sup>

As of the current updates, 3.9 million have suffered internal displacement in **Yemen**'s four-year war.<sup>45</sup> While some 1 million have returned and 1.2 million have received some in-kind or cash assistance, these hand-outs do not meet the criteria of reparation. This omits the 190,352 Yemenis haven taken refuge outside the country.<sup>46</sup>

While these calculation emphasize the current emergency, they also omit the untold numbers of persons and households dispossessed during the previous 30-year `Ali `Abdullah Salih regime. Notably among them are many small and mid-size Hudaydah farmers, where >60% of farmlands were taken by 148 corrupt public figures. A 2010 parliamentary study also revealed the taking of 1,357 houses (affecting ca. 6,785 persons) and 63 government properties by similar means in Aden alone.<sup>47</sup> However, sources do not record the number of affected reparation entitlement holders.

In none of these country cases has any party undertaken an inventory of the HLP subject to restitution. While earlier efforts within the UN tried to restore—or at least assess—those values and restitution rights of 1948 Palestine refugees, impunity ensures reparation remains elusive.<sup>48</sup> Nonetheless, a calculation for the land of Palestine subject to eventual restitution is

<sup>37</sup> OHCHA-Sudan, op. cit.

<sup>38</sup> "Refugees of the Syrian Civil War," Wikipedia, accessed 3 June 2019, at: [https://en.wikipedia.org/wiki/Refugees\\_of\\_the\\_Syrian\\_Civil\\_War](https://en.wikipedia.org/wiki/Refugees_of_the_Syrian_Civil_War)

<sup>39</sup> UNHCR, "Syria Regional Refugee Response," accessed 3 June 2019, at: <https://data2.unhcr.org/en/situations/syria>

<sup>40</sup> UNHCR, "Syria emergency," accessed 3 June 2019, at: <https://www.unhcr.org/syria-emergency.html>

<sup>41</sup> "Up to 250,000 Syrian refugees could return home in 2019," Raidió Teilifís Éireann (11 December 2018), at: <https://www.rte.ie/news/world/2018/12/11/1016540-syrian-refugees-return/>.

<sup>42</sup> Anchal Vohra, "A Deadly Welcome Awaits Syria's Returning Refugees: As the war in Syria dies down, the torture and mistreatment of returnees are ramping up," Foreign Policy (6 February 2019), at: <https://foreignpolicy.com/2019/02/06/a-deadly-welcome-awaits-syrias-returning-refugees/>

<sup>43</sup> UNHCR, "Sahrawi Refugees in Tindouf, Algeria: Total In-Camp Population," March 2018, at: [http://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/UNHCR\\_Tindouf-Total-In-Camp-Population\\_March-2018.pdf](http://www.usc.es/export9/sites/webinstitucional/gl/institutos/ceso/descargas/UNHCR_Tindouf-Total-In-Camp-Population_March-2018.pdf)

<sup>44</sup> Carlos Martín Beristain and Eloísa González Hidalgo, transl. by Anders Krakenberger, Virginia Ghent and Beth Gelb, Truth, justice and reparation in the Western Sahara: The Oasis of Memory (Bilbao: Universidad del País Vasco/Uskal Herriko Unibersitate, 2016), pp. 71–83, at: [http://publicaciones.hegoa.ehu.es/uploads/pdfs/296/Truth,\\_Justice\\_and\\_Reparation\\_Western\\_Sahara.pdf?1488539883](http://publicaciones.hegoa.ehu.es/uploads/pdfs/296/Truth,_Justice_and_Reparation_Western_Sahara.pdf?1488539883).

<sup>45</sup> UNHCR, "Yemen: Operational Update," 11 January 2019, at: <https://reliefweb.int/report/yemen/yemen-unhcr-operational-update-11-january-2019>.

<sup>46</sup> UNHCR, "Yemen emergency," updated 9 February 2019, at: <https://www.unhcr.org/yemen-emergency.html>

<sup>47</sup> "موقع اليمن السعيد" ليمين: تقرير ( هلال - باصرة ) أسماء ناهبي الأراضي," (1 May 2012), at: <http://www.hic-mena.org/news.php?id=pG9taQ==>

<sup>48</sup> Michael R. Fischbach, Records of Dispossession: Palestinian Refugee Property and the Arab-Israeli Conflict (New York: Columbia University Press, November 2003), at: <https://cup.columbia.edu/book/records-of-dispossession/9780231129787>

guided by Israel's own official claim that it has acquired 93% of the land area 2,077,000 ha,<sup>49</sup> or 1,931,610 ha, mostly from Palestine refugees and other indigenous tenure holders, in addition to at least 39% of the 6,220 km<sup>2</sup> (622,000 ha)<sup>50</sup> in the oPt controlled by settler colonies ( $\geq$  242,5800 ha).

The standard 80% measure of occupied Western Sahara land totals 26,600,000 ha (21,280,000 ha).<sup>51</sup> The territory (including territorial waters) and resources currently under a UN Member State's occupation remain subject to restitution to the Sahrawi people individually and/or collectively.

The region's individual holders of reparation rights, including HLP restitution, are:

<i>Country</i>	<i>Persons Eligible for Reparations</i>
<b>Algeria</b>	<b>1,500,000</b>
<b>Iraq:</b>	<b>3,500,844</b>
IDP households since 2003	3,320,844
Displaced Marsh Arabs	180,000
<b>Lebanon</b>	<b>20,000</b>
<b>Libya:</b>	<b>991,000</b>
Dispossessed under Law No. 4	375,000
Displaced 2011–2018	550,000
Displaced in 2019	66,000
<b>Palestine:</b>	<b>7,648,000</b>
Refugees outside Palestine	7,200,000
IDPs in Israel	355,000
Naqab displaced since 1951	36,000
Occupied West Bank	57,000
<b>Sudan:</b>	<b>2,061,695</b>
Darfur refugees in Chad	312,000
IDPs in Darfur	1,200,000
White Nile and Blue Nile IDPs	230,000
Refugees in South Sudan	241,500
Refugees in CAR	2,000
Refugees in Ethiopia	40,000
Refugees in Egypt	36,195

<sup>49</sup> "Geography of Israel," Wikipedia, accessed 3 June 2019, at: [https://en.wikipedia.org/wiki/Geography\\_of\\_Israel](https://en.wikipedia.org/wiki/Geography_of_Israel)

<sup>50</sup> "State of Palestine," Wikipedia, accessed 3 June 2019, at: [https://en.wikipedia.org/wiki/State\\_of\\_Palestine/](https://en.wikipedia.org/wiki/State_of_Palestine/)

<sup>51</sup> "Western Sahara," Wikipedia, accessed 3 June 2019, at: [https://en.wikipedia.org/wiki/Western\\_Sahara](https://en.wikipedia.org/wiki/Western_Sahara)

<i>Country</i>	<i>Persons Eligible for Reparations</i>
<b>Syria:</b>	<b>13,500,000</b>
<b>Western Sahara</b>	<b>≥174,000</b>
Tindouf-area refugees	174,000
Refugees elsewhere	?
IDPs/dispossessed in occupied territory	?
<b>Yemen:</b>	<b>4,097,137</b>
War displaced	3,900,000
Refugees in other countries	190,352
Dispossessed under Salih regime	?
Residents of confiscated homes (Aden)	6,785
<b>Total MENA:</b>	<b>≥33,491,676</b>