The Palestinian Refugee Problem: Is there Any Hope for a Sustainable Solution?

Master thesis (D-essay)

Author: Mohamad Zakaria

Supervisor: Dr Tommie Sjöberg

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Abstract

This thesis is an attempt to find a sustainable solution for the Palestinian refugee problem. It analyzes the Palestinian refugee case and how different actors in the Palestine-Israeli conflict view it. The Palestinian refugees issue is one of the most complicated matters in the peace negotiations between the two parties and without solving it there will be no permanent and sustainable peace in the Middle East region. There is a need for compromise from both the Israelis as well as the Palestinians to find a sustainable solution for the Palestinian refugee problem. The international community in general and those who have the political, military as well as economic power in particular must play an important role in the final settlement of the issue by providing economic incentives to repatriate and compensate the Palestinian refugees. While some Palestinian refugees might go back to their home land in Israel, others might have no choice but to be permanently settled in their host countries provided they have full right citizenship and in the promised Palestinian State.

Keywords: Israel, Palestine, Conflict, Refugees, United Nations, Peace.
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Chapter One

Introduction

The Palestinian refugee issue is one of the most complicated matters that peace negotiators have been facing during their attempt to solve the Israeli-Palestinian conflict. No matter that the UN resolution 194 clearly mentions that the Palestinian refugees have the right to return back to their homes in nowadays Israel, the Israeli government has been rejecting any talk about these refugees’ right and restitution, justifying that their return may endanger the core existence of Israel and will change the demography of Israel too. The Palestinians, politicians as well as ordinary civilians, insist that the Palestinian refugees have the right to return to their homes in Israel and should also get compensation for their lost land. For Palestinians, it is a matter of principle and historical rapprochement and they call upon Israel to acknowledge the suffering it has caused the Palestinian people in general and the Palestinian refugees in particular. The 1993 Israel-Palestine framework agreement that is called “the 1993 Declaration of Principles” states that the issue of refugees displaced in 1948 will be addressed during permanent status negotiations.¹

According to UNRWA 2009 figures, there are 4.7 millions registered Palestinian Refugees. The majority of refugees are located in three Arab countries: Jordan that has about 1,827,877, Syria about 432,048, and Lebanon of about 404,170. In addition, areas controlled by the Palestinian Authority and Israel, i.e. the Gaza Strip and the West Bank, have 986,034 and 699,817 refugees respectively.² However, there are many Palestinian refugees that are not registered in the registry. Their status in these host countries differs from one to another. No matter what their status is, they are still keeping their Palestinian identity and hope for finding a proper solution for their problem and mainly the right for return to their land that is mentioned in the UN resolutions.

1.1. The aim of this thesis
This thesis is to study and analyse the Palestinian refugees’ problem starting from the causes of the problem ending with the possible solutions. To do so, I will go through the historic part of the problem, the views of different actors involved in the conflict, the different solutions proposed and the reasons behind the unsuccessful solutions offered. At the end of the thesis, I will try to come up with a potential “solution” based on previous chapters of this thesis. However, due to the complexity of the problem, I must say from the start that I can not propose a very detailed solution that satisfies all the actors involved in the problem. I am myself a Palestinian refugee who was born and grown up in Lebanon and that is why it is rather hard to be academically very objective while my emotions may run high during my writing of this thesis. However, I will do my best not to let my emotions intervene in writing this thesis in as academic as possible. Thus the solutions I am proposing in this thesis do not necessarily reflect my personal beliefs of the solutions but are compromises between my beliefs and the necessities for objective academic writings and for the sake of peace.

It should be noted here that this thesis is not a history thesis. There are many history books written about this topic by prominent academics specialised in this research area. Thus, historical research of the Palestinian refugee problem is out of scope of my thesis. Moreover, it would have been more useful if I could do interviews with the policy makers from the actors involved in finding solutions for the ongoing Palestinian refugee problem to see what problems they have faced during previous negotiations. Since I do not have access to such politicians at the moment due to obvious reasons and because of the time limitation for writing this thesis, I will base my discussion only on written materials. I hope to have the possibility to conduct such interviews for my further possible research on this topic.

1.2. Research questions
Are there any possible sustainable solutions for the Palestinian refugee problem? What does such solution entail from the main actors involved? Who can help to mediate the negotiations regarding this issue and bring them to realistic solutions?

1.3. Materials and methods
This is a qualitative research and it is based mainly on primary research (books and articles), but also on secondary ones (internet websites, reports). In this thesis, I am conducting my
research using the already published data and material on the topic in focus. The materials published on the topic are plenty. That is why it is necessary to select the academically reliable ones to be used in this thesis. One of the problems though is that many of the academics writing on this topic are taking either side of the conflicting parties. Going through the already done research on the topic is a necessary so that I do not repeat the same research that is already done but to use it as basis for bringing up my ideas for potential solution.

1.4. Previous research

As I mentioned earlier, there are plenty of literature already published regarding the history and requirements for settlements for the Palestinian refugee problem. However, in this literature review, I will only focus on three books written by academically recongnised historians in this field³.

Benny Morris in his book *The Birth of the Palestinian Refugees Problem Revisited* published in 2004 is a comprehensive book about the history of events in the 1947-1948 that has led to the eviction of the Palestinians from their homes in Palestine. It has detailed stories about how the Zionist movement created Israel and the process of 1947-1948 war creating the Palestinian refugee problem of 1948. The book is thorough in giving detail stories about those events in context and with time-line. This history book gives details about the events of violence between Palestinian/Arabs Israeli wars during that period. The author mentions several reasons behind such flight. Such reasons according to the author were, among others, the fear of the Palestinian of the wars in the surrounding areas, psychological fear of massacre by the Zionists groups such as the Haganah group, the actual massacre that took place in such towns like Deir Yassin, and also the orders of Arab governments to the Palestinians to leave so that the Arab armies can expel the Zionists invaders without harming the Palestinians during the battles.⁴ The author mentions that the flight of Palestinians was so enormous that more than half of then the number of the residence of Palestine.

In his book, he admits that there were more cases of rapes and massacres done by the Zionists during that period of the conflict history than he mentions in his the earlier books on the subject. The reason is that he had access to more classified military materials than he could

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³ This part is mostly taken from my unpublished literature review with the title “The Palestinian Refugee history and its influence on the present time in the Arab Israeli Conflict” for the course 20092-GP012 “Individual Specialization in International Relations”, Global Political Studies master programme, Malmö Högskola, 2010.
previously access. He wrote, as an example, about the Deir Yassin massacre and how the Zionist groups committed massacre against the Palestinians living in the village despite of an earlier agreement reached between the Zionist groups and the Palestinians residence of the village to not attack the Zionist troops and to not allow the Arab/Palestinian militias into their village neither to defend it or to use it as a base to fight against the Zionists invasion.\(^5\) Another story mentioned in the book that support the former argument was about the Palestinian Beisan town that surrendered to the Zionists militia. After surrounding, about over a thousand Palestinians who decided to stay in it were given a promise by the Israeli to stay and that they would be safe. However, the Haganah leadership later decided that it is better that these Palestinians remove away from their houses.\(^6\)

The author mentions that before April 1948, the Zionist militia did not force Palestinians to leave forcefully nor had pre-planed strategies to do so. However, according to him, after during April 1948 and afterwards of 1948 the Israeli troops decided to get rid of the villages and the strategically sensitive places where the Palestinians lived and thus effectively making no choice of Palestinians residing in those areas but to move away behind the borders of Israel.\(^\) The author in this book is with the idea that in spite the inheriting Zionist strategy to have Israel as solely Jewish state, they did not have pre-planned policy to force the Palestinian people outside. Even though the military sometimes did that, there was no political decision to do so. Some commanders did that on their own choice as results of the war on the ground.

Regarding the solutions, Morris also mentions in this book the attempts to solve the Palestinian refugees’ problems already in 1948 and 1949. The UN, through the Palestine Conciliation Commission (PCC), and the United States were the main engine behind these efforts. The UN on 11 December 1948 issued resolution 194 which has granted the right of return to those Palestinian refugees who would agree to live in peace with their Israeli neighbors and to compensate those who decide not to return back. Lausanne Conference of 1949 was meant to find a solution for this problem. Amid great pressure from the USA, Israel agreed to take back 100,000 Palestinians to Israel with the condition that it will settle them where it decides and that they will not go back to their original houses and villages. It also demanded that this would be all what Israel could give as part of comprehensive solution for the Israeli-Arab conflict. However due to the refusal of the Arabs of this solution and due to

\(^5\) Ibid, pp 237-241
\(^6\) Ibid, pp 261-264
the beginning of the Cold War, such efforts faded and Israel afterwards withdrew its proposal. The book is criticized by many historians, however. Ilan Pappe and Nur Masalha, for example, in the two books I will mention further in this section criticize the book in that the author mainly relied on the Israeli military archives that were earlier classified and did not try to cite books or archives from Arab sources or to listen to stories from the Palestinian refugees themselves.

Ilan Pappe in his book *The Ethnic Cleansing of Palestine*\(^7\) tells the reader that the expulsion of Palestinians from their lands and homes was a well-prepared plan by the Zionist leaders. The Zionists wanted the land of Palestine to be without or with minimum number of Palestinians left in. They wanted a country with homogenous Jewish identity. Pappe, himself an Israeli historian, says that the Israelis should acknowledge the moral responsibility their leaders have done to the Palestine people upon establishing the state of Israel. According to this book, there will be no real peace unless the truth should be said by the Israelis that their prosperity and independence now is built on the miseries and the on expulsion of the Palestinians in 1948 and that such acknowledgement, there is little or no chance of a sustainable peace/solution for the Israel-Arab conflict. The author in his research to write this book depends on primary sources from the Israeli army archives available. But, contrary to to Morris, he uses information from the interviews he conducted with the Palestinians and Israelis who lived the events of 1947-1948 war and also cites the Arabic reports written on the events of 1948.

Nur Masalha in his book *The Politics of Denial: Israel and the Palestinian Refugee Problem*\(^8\) discusses the historical background and the causes of the exodus of Palestinian refugees from Palestine in 1948. In this book, the author also relies on Israeli documents that were previously classified material to show that policies to uproot Palestinians from their homes were already set since 1937 and enforced in September 1948 after the recognition of Israel as a State. These policies Masalha calls them as “policies of transfer”. According to the author, the Zionist movement had already in mind that they would do everything possible to force the Palestinians leave their homes so that it would be easier to be replaced with Jewish settlers arriving to Israel from all over the world and to make Israel as homogenous as possible as a Jewish state. According to the author in this book, the “Absentee” issues were an evidence of the planned Israeli policies of the Palestinian expulsion during that period. According to the

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“Absentee” accord, it was declared by Israel that all the Palestinian houses that were empty as of 1 September 1948 would be considered as having no owner and thus Jewish settlers could take their place. According to this book, even the internally displaced Palestinians within Israel were not allowed to get their property back since they were forced in live in certain areas decided by Israel that are more resembling of the ghettos. According to this book, the Israeli policies of forcing resettlement of Palestinian refugees in the Arab states to where they have sought refuge is a good indicator that Israel did not and do not have any plans to let Palestinian refugees back to their places of origin.

The period between 1948 and 1956 also is a good representative of such policies. According to this book, the author claims that in the short period when Israel in 1956 occupied Gaza it also wanted to implement policies of expulsion of local Palestinians to Arab countries and forcefully integrate the Palestinian refugees of 1948 living in Gaza. Moreover, during the 1967 war Israel had also forced many Palestinians out of their homes in Gaza and the West Bank to Jordan, Gaza, and other countries. The author wants to prove in this that such policies are at the core of Israel policies to empty Palestine from its Palestinian people to replace them with Jewish settlers. He also stresses that Israeli policies has been to use economic incentives to resettle and integrate the Palestinian refugees in the countries they were forced to move to. This is to deny the Palestinians the right of return, to deny any moral or financial responsibilities for the causes of tragedy of the Palestinian refugees, and to refuse discussing the refugee issue in any negotiations for peace settlement of the Israel Arab conflict. The Israeli policies of continuous expansion of Israeli settlements in the Palestinians occupied territories of 1967, including east Jerusalem, and not giving permission to the local Palestinian residents to build houses on their properties are such examples of systematic Israeli governments policies to empty the land of its Palestinians and replace them with newly Jewish immigrants since before the establishment of Israel and afterwards.

The author also disagrees with the approach many what so called “new historians” in Israel and beyond are rewriting the history of Israel establishment and particularly the origin of Palestinian refugees’ problem. He particularly disagree with Benny Morris in Morris claim that there were no policies of transfer agreed upon by the Zionist but it was just something

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9 Ibid, pp 11-40.
created by the war operations on the ground. Masalha asks in this book a question to Benny Morris “How can Morris be so categorical in stating that there was no Israeli expulsion policy when his own work rests on carefully released partial documentation and when Israeli files and documents relating to the subject are still classified and remain closed to researchers?”.

By this Masalha is criticizing the methodology on which Morris basis his research upon writing the history of the Palestinian refugees’ origin and the 1948 events.

In the later sections of the book, Masalha mentions how Israel was refusing to seriously discuss seriously the Palestinian refugees issue in the negotiation for peace negotiations and that it still claim no responsibility for the creation of the problem. It still insists that it was created by the Arab governments whom allegedly called the Palestinians in 1948 to temporarily leave their homes. Israel continue to deny the right of return by saying the Arabs should accept responsibility for forcing Jewish immigration from Arab countries in 1948 and afterwards. They say that 600,000 Jews were forced to leave from the Arab countries and their properties were also ceased by the Arab governments. They mention that since the same number of Palestinian sought refugees in the Arab countries as those Jews who were compelled to leave for Israel and since the Jews’ properties were taken, then the chapter is closed for discussion and so it is not an issue that should stop the negotiations between the Arabs and Israelis for sustainable peace. According to this book, it is clear that the number of Palestinians who sought refuge in the Arab world was more than 600,000 s Israel claims and that it is not the responsibility of the Palestinians refugees that Jews left the Arab countries of residence mainly out of fear, especially from Iraq. He also blames the Palestinian negotiators in Oslo and Madrid of not being able to relate the United Nations General Assembly Resolution 194 (III) about the right of return and compensation and make it at the core of negotiations.

Masalha in this book is of the opinion that peace can not be a reality between the Palestinians and Israelis if the Palestinian refugee problem is not duly discussed and fairly settled. Israel, furthermore, must admit and take the moral responsibility for the creation of the problem, and a fair solution to the problem must based on UNAG 194 (III) granting the right of return to

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12 Ibid, p 54.
14 Ibid, p 225.
those refugees wishing to go back to their historical homes or being compensated if they wish so in the countries they live in now with full rights as the citizens of those countries.

1.5. Disposition
Since this thesis aims to attempt at finding solutions for the Palestinian refugee problem, I find it necessary to start it with analysis of the problem and its causes from historical perspectives. Thus the Second chapter will discuss the reasons of the Palestinian refugee problem. Moreover, in this chapter I will write an overview of Palestinian refugee’s problems in their host countries to later determine which solutions can be suitable for each of the particular host countries.

In third chapter, I will mention the different perspectives of the main actors involved: the Palestinian perspective, the Israeli perspective, the UN and the USA as actors and their perspectives on the problems and the solutions. This is of vital importance to understand the politics related to the refugee problem at the local levels as well as on the international arena. It would be impossible to come up with solutions later on in this thesis without through analysis of these perspectives.

In the fourth chapter, I will propose the basis for successful negotiations for the sustainable solution for the Palestinian refugee problem. It will give suggestions for each of the parties involved on what the pre-conditions for sustainable solutions are and how the final solution I am proposing might look eventually.

Chapter five is the conclusions chapter.

Thus this thesis consists of five chapters.
Chapter Two

The Palestinian refugee: the past and present

This chapter gives some short overview of the origin of the Palestinian refugee problem and the causes. Moreover, it indicates the major Arab countries hosting the Palestinian refugees today. Additional to that, it gives a brief overview of the political rights of Palestinian refugees in their host countries.

2.1. Palestinian Refugees of 1948 and 1967

First of all, it is necessary to define who Palestinian refugees are. According to the United Nations Relief and Works Agency (UNRWA), the Palestinian refugees and their descendants include “any person whose normal place of residence was [British Mandatory] Palestine during the period of 1 June 1946 to 15 May 1948 and who lost both his home and means of livelihood as a result of the 1948 conflict.”

There were different estimates of the number of Palestinian refugees that fled their homes in the period 1947-1948. Estimates vary from 600,000-800,000. The Israelis prefer to indicate the number of Palestinian refugees in 1948 as low as possible. According to Benny Morris, the Israelis try to make the number of 1948 Palestinian refugees as little as possible: “If people…became accustomed to the large figure and we are eventually obliged to accept the return of refugees, we may find it difficult, when faced with hordes of claimants, to convince the world that not all of those formerly lived in Israel territory…It would, in any event, seem desirable to minimize the numbers…than otherwise.”

About thirty percent of the Palestinian refugees fled their homes in the British Mandate Palestine to the West Bank, another third to Gaza, and the remaining fled to Jordan, Syria,

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Lebanon and other countries.\textsuperscript{18} The second massive Palestinian refugee displacement was in 1967. That year Israel occupied the rest of the Palestinian territories and many Palestinians had to leave their homes for the second time. Around 325,000 Palestinians were displaced from Gaza and the West Bank including Jerusalem out of which about more than one third were for second time displaced from their homes.\textsuperscript{19} The majority of them flew to Jordan while the others were displaced to Syria and Egypt among other countries.

\textbf{2.2. Reasons behind the Palestinian Refugees crisis of 1948}

The reasons behind creating the Palestinian refugee problem vary and there is no agreement between the Israeli sources and the Palestinian ones about the reasons. Palestinian cities and villages had been depopulated due to expulsion by Jewish militias, due to "military assault,\textemdash psychological warfare, and also because of fears.\textsuperscript{20}

On December 29, 1947, fourteen Palestinians were killed by explosives planted by the Jewish militias, Irgun, in Bab al-Amoud which is the largest and most important entrance into Jerusalem (it is also called the Damascus Gate and the Nablus Gate). The next day, a second batch of explosives was planted in the same area killing eleven Palestinians and two Britons. The Haganah, attacked the Palestinian village of Jabal al-Shaikh killing seventeen Palestinians. After that, the same militias returned the next day, killed thirty Palestinians among villagers, most of whom were women and children. As consequences to that, as early as December, 1947, Palestinians had begun abandoning their homes and leaving Palestine. By the time the British left Palestine, about a quarter of a million Arabs had become refugees. Another half million, approximately, fled or were forced to leave during the war.\textsuperscript{21} The reasons for leaving varied. In Beersheba and Safed, the Palestinian people fled from fear before Jewish troops had entered because of the news about the massacre done by the Jewish militants of the Haganah and the Irguns. In Lod and Ramla, they were expelled by force by Jewish troops, as were Palestinians who remained in Isdood (Ashdod) and other towns. Soon after, Israel announced a law that forbade the return of the Palestinian refugees to their homes of origin.\textsuperscript{22} However, according to Israeli reasoning, the Palestinian refugees left their homes in Palestine because Arab radio broadcasts and Arab leaders told them to leave and make way

\begin{itemize}
\item \textsuperscript{18} Hammarberg, T., (2000). \textit{The Palestinian Refugees. After five decades of betrayal-time at last?}, Swedish Ministry of Foreign Affairs publications, p 19.
\item \textsuperscript{19} Ibid, p 27.
\item \textsuperscript{20} Morris B., (2003), \textit{The Birth of the Palestinian Refugee Problem Revisited, appendix: from Louri to Eytan, 11 August 1948}.
\item \textsuperscript{21} Ibid
\item \textsuperscript{22} MidEastWeb. "The Palestinian Refugees", from the website: www.mideastweb.org/refugees1.htm
\end{itemize}
for invading Arab armies, promising them a quick and easy return. However, no one has proved that the alleged Arab broadcasts were made.23

2.3. Situation of Palestinian refugees in their countries of displacement

**Jordan/West Bank**

The “bulk of Palestinian Arabs in exile, over half a million in 1956” lived in Jordan, and at the time, they were “one-third of the population” of Jordan.24 Jordan was the only state, at the time, who granted citizenship.25 Even though, the Palestinians were granted citizenship, they “remained in refugee camps financed by the United Nations through the United Nations Relief and Works Agency (UNRWA), created in 1950 when it became clear that no resolution of the refugee question was likely.” 26 Currently over 1,900,000 registered refugees, over 300,000 of whom are still in the camps despite the grant of citizenship and assimilation into Jordanian economy and society.27 In the West Bank, there are more than 700,000 registered refugees and of that figure more than 200,000 are still living in camps.28

**Egypt/Gaza Strip**

About 200,000 Palestinian refugees were placed in the Gaza Strip in 1948, and they were not able to move freely in the region.29 In addition, the Egyptian government, unlike the Jordanian government, refused to give the Palestinians citizenship.30 Now there are about a million registered refugees in Gaza of whom more than half a million still live in the camps.31

**Lebanon**

Nowadays, there are approximately 400,000 registered refugees in Lebanon and the majority of them still live in the camps.32 Furthermore, the Lebanese consider the Palestinians residents

24 Ibid.
25 Ibid.
26 Ibid.
28 Ibid.
in Lebanon as foreigners and they are not allowed to work in about 70 professions.\textsuperscript{33} Palestinians living in Lebanon hold Lebanese travel documents which indicate that they are stateless refugees.\textsuperscript{34} The Palestinian passports issued by the Palestinian Authority for the refugees in the Gaza Strip and the West Bank are not valid in Lebanon.\textsuperscript{35}

\textit{Syria}

Syria, out of all the Arab countries who took in refugees, actually had land “available for the settlement of refugees.”\textsuperscript{36} Syrian Ruler then, Colonel Husni Zaim, wanted to meet Israel’s first Prime Minister David Ben-Gurion in order to discuss the refugee problem and their resettlement in Syrian, but Ben-Gurion refused.\textsuperscript{37} In Syria, there are roughly over 425,000 registered refugees.\textsuperscript{38} Palestinian refugees have the same rights as other Syrians but instead of passports they carry identification papers and travel documents.\textsuperscript{39} However, they are well integrated in the Syrian society. Although it may seem that refugees have the exact same status as Syrian citizens, in reality they don’t. They are not allowed to vote in national election or to hold public office.\textsuperscript{40}

\textbf{2.4. Summary}

There are many reasons behind the creation of the Palestinian refugee problem. Fear of massacre, threats, among others were some of those reasons. The Palestinian refugees fled to Lebanon, Syria, Jordan, and other neighbouring countries with the hope to return soon. However, the hope to return has been taking much more than they expected and it is still unclear when the return will be if ever.

\textsuperscript{33}Hammarberg, T., “The Palestinian Refugees: after five decades of betrayal-time at last”, MENA-projektet, p 10.
\textsuperscript{35}Ibid.
\textsuperscript{37}Ibid.
\textsuperscript{39}Ibid.
Chapter Three
Different Perspectives on the Palestinian Refugee Problem

In this chapter, I will look into the different perspectives of the main actors related to the Palestinian refugee problem and its solution. The aim is to show how complex are the differences of these different perspectives and how difficult it is to make concessions for eventual sustainable solutions.

3.1. The Palestinian Perspective

Palestinians regard themselves as part of the Arab community but yet as distinct themselves as Palestinian Arabs thus rejecting the Israeli argument that they are Arabs that can live in any Arab land. Instead the basis of the Palestinian view on the refugee problem and its solution has remained more or less the same over the years. “The rights of the refugees to their homes and homeland are not related to, or in any way dependent upon, the consent or refusal of Israel. These rights are natural, inherent and self-existing”, as Ahmed Shukairy expressed it in a speech to the United Nations in 1958. To the Palestinians the issue has always been a matter of rights, right of return and right of property, a view that has been strengthened through the continuing endorsement of the right of return in the UN. This cornerstone in Palestinian thinking and policymaking, as expressed in the Palestinian National Charter of 1968 and by the Palestinian Legislative Council in May 2003 leaves little room for negotiations with Israel. Openings have been achieved through Palestinian compromise on other issues than the right of return however. The most notable of these have been the recognition of Israel and the suspension of the demand to create a state in all of historical

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43 See chapter “The United Nations as an actor”
Palestine in favour of a two-state solution. Officially it is not likely that the Palestinian position will change until a major breakthrough in negotiations is achieved. With a population that to 70% consist of refugees it would be political suicide for any Palestinian politician to publicly denounce the right of return even if it was made as a realistic point of what can be achieved rather than a giving up of moral rights. Unofficially, however, senior Palestinian officials have expressed willingness to give up the right of return. If Palestinians officially were to give up the right of return it would never mean a giving up of the moral right to return, rather it would be an adjustment to reality as in what Israel might possibly accept. It would still mean entail Palestinian demands on Israel to accept responsibility for the national Palestinian trauma of the Nakba. With the rights-based approach outlining much of the Palestinian view on the problem a solution acceptable to the Palestinians would probably have to entail a universal right to return with full restitution of property and Israeli recognition of its culpability.

3.2. The Israeli Perspective

In order to examine Israeli views on the refugee problem it is worth going further back in time in order to study the related discourse on the concept of ‘transfer’. Israeli views on the Palestinians in the end of the 19th century will therefore be a good starting point from where I will try to trace its main components through time in order to arrive at a conclusion on what the Israeli view is today and how a solution of the problem that Israel could accept might potentially be construed. This part of the thesis thus begins with an outline of relevant political-ideological themes on the issue before and around Israeli independence.

Pre-Israel Establishment

Since the Zionist project was constructed as a way to create a Jewish state there had always been a need for Zionist ideologists to consider what to do with the Palestinians living in the country. A popular idea throughout the course of Zionist history has been to transfer Palestinians out of historical Palestine in order to make room for Jewish people and,

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48 Ibid, p 265
eventually, a Jewish state. This idea can be traced to the early days of Zionism during the late 19th century.49

The idea of transfer is based on the premise that there is no distinct Palestinian nationality but that the Palestinians rather are part of the big Arab nationality.50 From the Jewish perspective, they argued that since Arabs control vast territories it can be seen as very reasonable that they evacuate some of the land in order for the Jewish people to gain a state of their own. This argument is strengthened by what the Jewish people believes in which historical Palestine is the only land to which the Jewish people as a whole can be said to have an historical attachment to while Arabs have that same historical attachment to many more places. According to the Zionists ideology, the need for transfer of the Palestinians out of historical Palestine was due to that land was needed for Jewish immigrants to settle on. Additional to that, since Zionists wanted to establish the Israel state with Jewish identity, that would entitle Jewish majority living in it.51 During the last 10 years of the British mandate none of the plans for transfer was implemented, but the idea as such was to be a major influence in future policymaking.52

**Israeli Independence and the Nakba**

In Israeli official documents, at the time for independence, the idea of transferring Arabs out of the land seemed to be abolished in favour of an idea of a bi-national state. The Israeli Declaration of Independence, for instance, stated a “call upon the Arab inhabitants of the state of Israel to preserve the ways of peace and play their part in the development of the State, on the basis of full and equal citizenship and due representation in all its bodies and institutions – provisional and permanent.”53 The unofficial side of it, however, looked completely different. Although no explicitly stated master plan to cleanse the country of its Palestinian citizens existed, there was a consensus on the need to achieve, at the very least, a Jewish majority in the state that rendered an explicit master plan pointless.54 This aim was achieved with the flight of somewhere between 500,000 and 900,000 refugees from what after the war was established as the state of Israel.55 The flight of the Palestinians was very much in accordance

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49 Ibid, p 14
50 Ibid, p16
51 Ibid, p7
52 Ibid, pp 23-26, pp 17-18
55 The number given by the Israelis was 520 000 while Arabs put it at 900 000 and the UNRWA at 726 000, see Norris, B., *The Birth of the Palestinian Refugee Problem revisited.* (Cambridge: Cambridge University Press),
with the wishes of the Israeli leadership whose aim was “a Jewish state without a large Arab minority”. The reduction of the number of Palestinians residing within the borders of the newfound state was in part due to security concerns, the combination of the need to uphold the Jewish identity of the state, the need for land for Jewish immigrants to settle, and the concerns of having a “fifth column” of potential enemies within the state has been a continuous theme in Israeli policymaking with regards to the refugees up to this day.

One important factor in achieving those results was the continuous denial of any Israeli responsibility for the refugee crisis. So Israel have been claiming that responsibility for the crisis as well as the related responsibility for solving the crisis are because of the neighbouring Arab countries who attacked Israel and encouraged Palestinians to leave their homes. In combination with the view of Palestinians as Arabs as outlined above, this has meant that Israeli initiatives at solving the problem consistently have been aimed at resettling the refugees in other Arab countries. The foreign policies aimed at achieving such results were combined with legislation and other internal measures in order to strengthen the Jewish hold of the country while denying Arab influence. Although policies aimed both externally and internally are interrelated in many ways, I will further try to separate the two in order to facilitate the understanding of their development.

**Internal policies**

Two important laws, or rather sets of laws, influence much of the internally directed Israeli response to the refugee problem. The first, which is only indirectly related to the refugee problem, is the “Law of Return” from 1950 while the other is the “The Absentees Property Law” from the same year, later followed up by numerous other laws on the same theme. The “Law of Return”, which was passed unanimously by the Knesset states that “Every Jew has the right to immigrate to the country.” This was a measurement in light of the idea of Israel.

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2004. According to another publication the number of 600 000 was the number given by Israel, see Masalha, N. (2003), *The Politics of Denial*. (London: Pluto Press), p 131, while the number of 711 000 was the UN-estimate according to the same publication, p 6.


as the homeland for all Jews and with the Israeli desire to strengthen Jewish domination of the state. For Palestinians, however, it could be viewed as a somewhat offensive paraphrase on the right of return that most Palestinians felt entitled to, especially in light of the December 1948 UN resolution 194 in which that right is given.61 Since this law was combined with the continued refusal to allow Palestinian refugees to return its result would be an increased Jewish dominance of the state62. The issue at stake was the demographic nature of the new state. During the early years of the Israeli state some refugees did in fact return to their land, and even more refugees attempted to do so. These returnees’ where generally labelled as infiltrators by Israel and were faced with heavy resistance from Israeli forces. Some were killed while several thousands were expelled and eventually the possibility to cut across the border was diminished when Israeli security was tightened.63 The “infiltration” was mainly taking place within historical Palestine, from the Trans-Jordanian West Bank and the Egyptian Gaza Strip into Israel. After the 1967 occupation of those areas the concept of transfer gained an upsurge in popularity.64

Another result of the occupation was that the occupied territories came under the rule of Israeli policies, and therefore of interest for my enquiry into the demographically based views on the refugee problem. With increased focus on transferring Palestinians out of not just Israel but out of all of historical Palestine65, there was little room in the public discourse for debating a policy change in favour of letting Palestinian refugees’ return. Instead, the demographic argument of Israel won even more ground and still continues to stand unchallenged. Refusal to allow any refugees to return prevailed up to the 1990s and apply not just to Palestinians outside of Israel but even to those some 250 000 Palestinian refugees who hold Israeli citizenship but who are still refused the right to return to their homes.66

The 1967 war brought with it another new problem. The Israeli state controlled big refugee camps with refugees from the 1947-49 wars, and it realized from the first days that these

61 See chapter “UN as an actor”
62 Israeli policies have consistently refused the return of refugees throughout time with a few notable exceptions; in 1949 for example there were to initiatives, one where Israel briefly agreed to allow the return of 100,000 refugees, another where Israel would agree to take over the Gaza strip with its populations. Both initiatives were considered to be part of a general peace agreement and were dropped in little time. See Masalha, N. (2003), The Politics of Denial. (London: Pluto Press), pp 77-80
64 Ibid, p 179
65 Ibid, p 182
66 Ibid, pp 142-143
camps were a big problem by themselves. The extremely densely populated refugee camps were hard to control, and served as focal points of anti-Zionist activities while at the same time serving as a symbol of Palestinian resistance and resilience. There was therefore a wide range of proposals on how to deal with the camps. Attempts were made at integrating the refugees in the over all Palestinian society while forcibly or through financial incentives encouraging them to move away from the camps. These efforts, while not having huge successes, still did produce some results such as the 1967-1968 (post-war) flight of some 30,000 refugees from the Gaza strip.\footnote{Ibid, pp 103-104 and p 111}

**Absentees Property Law**

The policies of refusing Palestinians to return while allowing Jews from all over the world to immigrate was mutually dependent on the most important set of laws regarding the refugees, namely the “Absentees’ Property Law” and its followers. The law meant the legalization of the Israeli acquisition of Palestinian land in a process that had started in 1948 and which meant that huge amounts of land was transferred from Palestinian ownership to Israeli. The basic premise of the law was that the refugees had abandoned their land, thus forfeiting their right to it. The law meant a transfer of all property belonging to an absentee to the “Custodian of Absentee’s Property”. An absentee was defined as anyone who was a national or citizen of any of the hostile countries\footnote{Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or Yemen as defined in the Absentees Property Law, quoted in Masalha, N. (2003), *The Politics of Denial*. (London: Pluto Press), p 155}, anyone who had set foot in any of those countries between 29\textsuperscript{th} of November 1947 and 19\textsuperscript{th} of May 1948 or any Palestinian leaving his ordinary place of residence for a place held by hostile forces up till September 1948.\footnote{Ibid, p 156} This meant that not just the external refugees, but also the internal refugees who had never left Israel and held Israeli citizenship lost their property.\footnote{Ibid, p 154} The land was transferred to the Custodian of Absentees’ Property and eventually to the Israel Lands Authority. According to the Basic Law of 1960 this authority was forbidden to sell this land.\footnote{Ibid, p 134} Large parts of the land transferred to the Israel Lands Authority came from the Jewish National Fund (JNF) which regards the land as “perpetual property of the Jewish people”\footnote{Masalha, N. (2003), *The Politics of Denial*. (London: Pluto Press), p 157} thus excluding Palestinians from ever regaining control of their land. Today about 93% of the lands in Israel are owned by the state and the JNF, a striking number when compared with the 6% of the lands of historical Palestine owned
by Jews in 1947.\textsuperscript{73} This huge transfer of lands and other resources from Palestinians to Jewish agencies has been instrumental in providing arriving Jewish immigrants with land and housing while at the same time providing the new born state with badly needed resources for building up its land.\textsuperscript{74}

Evidently Israelis internal policies have been largely aimed at consolidating the Jewish state by promoting Jewish immigration and settling the immigrants on Palestinian lands while refusing refugees to return and using their resources to strengthen the state in general and its Jewish character more specifically.

\textit{External Policies}

After having gone over the main factors influencing Palestinian refugees directly in terms of politics the focus, I will now shift in my analysis to policies of more external character. Israel has always maintained the position that any solution to the refugee problem has to be in the context of a wider solution to the whole conflict. Additional to that is Israel official denial of any responsibility for the Palestinian refugee’s problem putting instead the blame on Arab leaders whom it claim have ordered or encouraged the Palestinians to leave their homes. Those two premises combined with the fact that any major return of Palestinian refugees would threaten the national character of Israel have meant that Israel consistently has pursued a policy of resettling the Palestinians in other countries.\textsuperscript{75} Moreover, Israel has aimed to move the refugees away from the immediate vicinity of Israel in order to reduce the tensions that might arise when refugees have their former homes in the vicinity. The first such plan was launched in 1948 (although most of its components dated to as early as 1934\textsuperscript{76}) as a population exchange. It consisted of having Jews from Iraq and other countries moving to Israel while Palestinians would take their places in the country of their origin. Although Israeli policymakers were aware of the difficulties in getting the Palestinians to agree to the plan, it was believed that financial incentives such as compensation for lost property, combined with land provided by the Iraqi state would facilitate the compulsory transfer. However, the plan has never come through although a number of refugees did reach Iraq.\textsuperscript{77}

\textsuperscript{73} Note the difference between historical Palestine and Israel, making direct comparison impossible. See Masalha, N. (2003), \textit{The Politics of Denial}. (London: Pluto Press), p 157
\textsuperscript{76} Ibid, p 74
\textsuperscript{77} Ibid, pp 75-77
No matter that the mentioned above plan largely failed, it was followed by more plans of this kind. In 1949 Israel agreed to accept 100,000 refugees if the rest was resettled in Arab states as part of a peace with the Arab countries. This proposal was dropped shortly thereafter followed by plans on resettling refugees in Libya and elsewhere.\textsuperscript{78} In general Israeli attempts at relocating Palestinian refugees have focused on giving economic incentives for the refugees to start a new life somewhere and generally these initiatives have failed because of Palestinian unwillingness to give up their “right of return”.

Although Israel has refused to discuss the “right to return”, it was ready to discuss compensation for the lost property of Palestinian refugees. Such compensation plans were always part of a comprehensive solution to the Arab-Israeli conflict and Israel refused to deal with the Palestinians directly. Instead there would be an Arab-Israeli solution including the exchange of properties of Jews in Arab countries with that of Palestinians.\textsuperscript{79} Israel would also deduct war reparations for damages inflicted on Israel during the 1948 war from the payment. This proposal was put forward at the time when the reparations agreement between Israel, on the behalf of the Jewish people, and West Germany was being negotiated, and just after that deal was closed in 1952. The agreement gave Israel the equivalent of $845,000,000 in today’s worth, which provided Israel with both financial possibilities and moral pressure for reparations.\textsuperscript{80} It is clear from the above that the Israeli position on paying compensation for Palestinian refugees was less strict than its attitudes towards return of the refugees. But such willingness has faded away after the 1950s and since then Israel has not agreed to any major compensation plans where it would play a big part.\textsuperscript{81} We can see therefore that, as was the case on internal policies, Israeli external policies became tougher on the Palestinian refugees as time passed and while it consolidated its powers.

\textbf{The 1990s – Peace negotiations}

When the Israeli head of delegation at a meeting with the Refugee Working Group (RWG) stated in July 1994 that “the Palestinian refugee problem was born as the land was bisected by the sword, not by design, Jewish or Arab”\textsuperscript{82} it marked a change in Israeli attitude. Although Israel did not accept the responsibility, it was one step closer to acceptance. This didn’t mean

\textsuperscript{78} Ibid, pp 89-93
\textsuperscript{79} Ibid, pp 83-84
\textsuperscript{81} Masalha, N. (2003), \textit{The Politics of Denial}. (London: Pluto Press), p 139
that Israel would recognize the “right of return”, but it did mirror some of the changes that had taken place after the Madrid peace talks.

Now that negotiations were taking place directly and regularly some results were achieved. One such concrete step was that Israel agreed to allow for some of the 1967 refugees to return to the West Bank and Gaza as part of a family reunification program. This was contrary to earlier Israeli positions on trying to move the refugees further away from Israel. Although it only consisted of 6000 refugee a year, it was regarded as a big concession on the part of Israel.83

In January 2001 another major policy change was seen with the ‘non-paper’ of Israeli Minister of Justice Yossi Beilin who formulated it by himself and it was not considered as an official viewpoint of the Israel. Nevertheless, it became a basis for negotiations. For the first time ever Israel recognized Resolution 194 although this was in the framework of allowing refugees to return to land that would be swapped with land on the West Bank from the Palestinian state-to-be. Israeli would also allow a very limited number of refugees to return into Israel as part of humanitarian cases or family reunification programs. The maximum number of refugees to be absorbed by Israel was 75,000 with Palestinian refugees in Lebanon to be prioritised.84 To compensate refugees and also to compensate Arab countries for having hosted the refugees, Israel and the international community would set up a fund to distribute compensation. Arab countries would receive funding in relation to the number of Palestinians staying in the countries, thus encouraging them to retain refugees. The total amount of money in the fund was to be $20 billion. While considered as plenty of money, it still fell very short of the $100 billion or so that Palestinian property losses alone were estimated at.85 Nevertheless all this constituted a major change in policy from the Israeli side, thus providing some hope for future negotiations.

But after the 2001 elections, the Labour party that came up with such proposal lost power to the right-wing Likud party who turned its back to this proposal. This new government, together with combination of the rise of the Al-Aqsa intifada have meant a major drawback for further negotiations. However, the fact that such proposals were discussed opens for a

84 Ibid, pp 242-244
85 Ibid, pp 246-248
discussion for a potential solution of the issue when further negotiations on the topic will be hold.

The Israeli positions today remain very much the same as they were in 1948. Israeli positions can therefore be summed up in the following few points:
- Israel will only admit partial responsibility for the refugee problem while claiming that the Arab states bear the biggest responsibility;
- Israel will not allow any refugees to return;
- Israel might be willing to pay some compensation for lost property of the Palestinian refugees, but will also demand compensation for lost Jewish property in Arab countries in 1948.

3.3. The United States as an Actor
Since the birth of the Palestinian refugees’ problem in 1947-49, the US reactions and actions have been, to say the very least, modest. Though the US has been committed in various degrees to a peaceful settlement of the Israeli-Palestinian conflict, they have been mostly concerned with other issues than the “right of return” to Israel.

To be able to find a strong US position advocating Palestinian return you must go all the way back to the early years of the problem when the United Nations Mediator for Palestine, Count Folke Bernadotte, spearheaded international pressure on Israel to allow the refugees to return. Following Bernadotte’s assassination in 1948, his role was largely overtaken by the United States.

As the number of refugees expanded in 1948, together with deteriorating humanitarian circumstances in refugee camps, USA and Arab neighbouring countries jointly pressured Israel to allow for a right to return. However, the physical possibility for the refugees to return to their abandoned homes was quickly diminishing as hordes of Jewish immigrants from Europe poured in and filled the abandoned homes while other old Palestinian homes were bulldozed by the Israeli government. Thus the Israelis argued that their ability to accommodate Jews coming in from Europe would be jeopardized by allowing the return of all refugees. As the international sentiment in the wake of World War II prioritized allowing the Jews to go to Israel, the US position was not any different. The US suggested a token amount of refugees to be allowed to return to give the peace negotiations a kick start, a suggestion that
eventually developed into demand for 250,000 refugees to return. However, the US was too preoccupied elsewhere with the emergence of the Cold War to put the proper amount of pressure on Israel to accept such solution. Nevertheless, in the spring of 1949 the US made Israel agree to allow up to 100,000 refugees to return as part of a general peace settlement with the Arab neighbours which it was rejected by the latter as being completely insufficient. It also caused massive public protest within Israel.\textsuperscript{86}

In the end, no peace treaty was signed and no refugees could return. For a US with more stressing international issues at hand, this could have probably been some kind of a short-term achievement.

The period from 1950-1990 was for the US all about facing and containing the Soviet threat. From 1950 the US policy regarding the Palestinian refugees issue was to abolish the demand for all refugees to return to Israel and instead just allow few of them to return and also to focus on integrating the Palestinian refugees into their hosts’ societies. The US also encouraged joint Arab-Israeli projects to be carried out to encourage stability.\textsuperscript{87} The US was interested to maintain good relations with both Israel and the Arab countries to prevent the USSR from getting strong roots in the areas.

Over time, however, this balance shifted towards Israel as some Arab nations received military aid from the USSR and increasingly became part of their sphere of interest. The US did Veto on a number of resolutions directly concerning the Palestinians in the Security Council. In 1976 for example the US used it’s Veto against two resolution drafts, one concerning the Palestinian’s right to self-determination and the other calling for “the affirmation of the ‘inalienable rights’ of the Palestinians.”\textsuperscript{88} A significant halt of the Veto policy came first during the George H. W. Bush administration when the US during 1990-92 supported six resolutions condemning Israeli conduct towards Palestinians. The Clinton administration later passed three Vetoes, most noticeable one which was supported by the

\begin{footnotesize}
\begin{itemize}
\item[86] B. Morris (2004), \textit{The Birth of the Palestinian Refugee Problem revisited.} (Cambridge: Cambridge University Press), pp 588-601
\end{itemize}
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other 14 Security Council members “calling on Israel to rescind a decision to expropriate 130 acres of land in Arab East Jerusalem.”

The 1990s and the end of the Cold War announced dramatic changes. First the Madrid talks (1991-93) between the Israeli and Palestinians followed by the two Oslo accords of 1993 and 1995. Such accords meant extensive self-government for the Palestinians on the West-Bank and Gaza and put a halt on Jewish settlements in these territories. The US was much involved in the Oslo accords and considered it an important contributor to the historic agreements. But the hope faded with the assassination of the Israeli Prime Minister Yitzhak Rabin by a Jewish extremist who thought (and he was definitely not alone) Rabin had gone way too far by giving what he and many right wing Israelis considered as Israeli land to the Palestinians. Rabin’s successor and nowadays Israeli Prime Minister Binjamin Netanyahu had also been highly critical of the Oslo accords and went to great length to avoid their implementation and further encouraged settlements on Palestinian territory. Much to the dismay of the Americans, the threat of further assassinations or even civil war in Israel made the rightist turn tolerable. The end of the 1990s brought Ehud Barak to power in Israel.

As the Clinton presidency was coming to an end, Clinton was trying all what he could to have a historic peace agreement between the Palestinians and the Israelis. The year 2000 Camp David talks were ambitiously organized by the Americans, but the timing was not right. Israeli-Palestinian relations were tensed and the possibilities of reaching a sustainable agreement were very slim. Yasser Arafat only agreed to attend after Clinton promised him not to blame the Palestinians in case if the talks break down. The talks themselves were in many ways stressed by the Americans who pressured both the Israelis and Palestinians for concessions. The Israelis proposed a partitioned West Bank and Gaza under Palestinian control and the right of return for Palestinian refugees to these areas. Arafat rejected the proposal and was openly discontent with the proposal. The talks did not lead to anything but failure and the Palestinians got the blame after all.

Following the breakdown, the conservative Likud party headed by Ariel Sharon came to power in Israel, and in the US the Clinton administration was succeeded by the George W.

89 Ibid.
Bush administration that was openly supportive of Israel. Bush was intent on not involving himself in the conflict thus more or less allowing Sharon to act freely.

During the summer of 2002 the US once again decided to involve itself in the conflict by proposing the so called “Roadmap for peace”, where Bush, the first US President ever calling for an independent democratic Palestinian state. Ousting Arafat as a representative for the Palestinian people, Bush and Sharon called for the Palestinians to hold elections and build democratic institutions while ending all violence towards Israelis as the first step of the Roadmap. Once the first step was fulfilled the Israeli would start retreating from the occupied territories on Gaza and the West Bank, and later the final status of Israeli settlements and Palestinian refugees would be negotiated and settled.  

Bush had announced his support for a sovereign Palestinian state in the West Bank and Gaza strip and also made it clear that such area would be the territories where the Palestinian refugees will return. However, Bush ignored how all the millions of refugees are supposed to return to such a small area like the West bank and Gaza. A probable explanation is simply “baby steps”: Decide on and follow through with the easy parts in order to establish an order of cooperation and understanding which may prove critical when the time comes to tackle the big issues including the refugees. A more pessimistic view would of course be that this is not the beginning of anything, and that this was solely a manoeuvre to buy time and good-will with the international community.

It is uncertain how the position of the US is going to change over time. This thesis would like to argue that current US president Barack Obama has an interest in going down in history as a leader who actually managed to solve the conflict. However, in no way does this thesis believe that the Obama administration would exert any serious kind of leverage towards Israel, and it is unlikely any US government would in the foreseeable future.

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91 Ibid, pp 514-518.
3.4. The United Nations as an Actor

“Everyone has the right to leave any country, including his own, and to return to his country”, Article 13 (2) in the Universal Declaration of Human Rights. The UN General Assembly and the Security Council have adopted many resolutions during the years and only the most important ones will be covered in this thesis. Many resolutions primarily repeat statements in previous resolutions. There are many resolutions concerning the occupation, which affect the refugees, but mostly the ones directly concerning the Palestinian refugees will be covered. The point is to give a broad picture of the UN as an actor in the Palestinian refugee question.

The direct UN involvement in this crisis started in September 1947 when The United Nations Special Committee on Palestine (UNSCOP) set up in April the same year, recommended a two part-solution with one Jewish and one Arab state which was rejected by the Arab leadership then. A minority believed in an independent federal state instead, a one part-solution with power-sharing between Jews and Arabs and a larger part of Palestine to the Arabs. The General Assembly voted in favour of partition late November the same year (33 to 13, 10 members abstained to vote). The UN wanted to give the Jews 55 percent of the country and the Arabs 40 percent. Neither of them would be given Bethlehem or Jerusalem since these areas were to be under international control because of their religious significance for both parties. Following the partition plan, Folke Bernadotte was appointed as the United Nations Mediator in Palestine. He was a strong believer of the “right of return” for the Palestinian refugees and did not see any possible just peace without this problem being solved. He wrote a report about how the denial of a right of return mixed with Jewish immigrants moving into Palestine offered the “threat of a permanent replacement of the Arab refugees.” Bernadotte probably did not know how right he was going to be. This 1948 report was completed the day before Bernadotte was assassinated in Jerusalem, and his successor Ralph Bunche did not show as much determination in the issue.

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95 Smith, C. (2004), Palestine and the Arab-Israeli Conflict. (Boston and New York: Bedford/St. Martin’s), p 186
96 Smith 2004, p 189
99 Ibid.
100 Ibid, p 333
One of the most important resolutions is the one the General Assembly passed on the 11th of December 1948. Resolution 194, amongst other things, declared the “right of return”, a right that has been discussed ever since.101 The General Assembly declared the right of the Palestinian “refugees to return to their homes and live at peace with their neighbours”.102 The refugees choosing not to return were to be compensated for their property and all should be compensated for damaged and lost property by the responsible government.103

Another very important UN resolution is the Security Council Resolution 237, from June 1967. It calls upon Israel “to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.”104 It is not clear if they refer to all the refugees or only the refugees after the 1967 war, but most probably it was oriented to the latter since it was in this context that the resolution was passed. Resolution 194 and 237 are reaffirmed every year by the General Assembly.105

One of the other resolutions on this topic is Resolution 2535 (1969) where the General Assembly concludes with regret that no compensation has been made to the Palestinian refugees, regrets that Resolution 194 has not yet been implemented and declares the rights of the Palestinians to return. The General Assembly also, in this resolution as in Resolution 2672 (1970), recognizes “that the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights.”106 One other Security Council resolution is Resolution 607 (1988) that called upon Israel not to deport Palestinians from occupied land and referred to Israel as the “occupying power.”107

But beyond the idealism of the several UN resolutions calling for a return of the refugees, there are still people living in camps in neighbouring countries. The United Nations Relief

101 Ibid. p 368
103 Ibid.
105 Ibid.
and Works Agency (UNRWA), with its precursor UN Refugee Relief Project\textsuperscript{108}, were created out of this sense that no solution to the refugee crisis was to be found.

In 1970 the General Assembly passed Resolution 2672. This resolution is adopted every year\textsuperscript{109} and renews the UNRWA mandate, calls for contribution to UNRWA and mentions once more with “deep regret” that the refugees have not yet been compensated or in any way reintegrated, neither by resettlement nor repatriation.\textsuperscript{110} During the years, the General Assembly has passed additional resolutions according the right to return, extended the UNRWA mandate and called for contributions to UNRWA.\textsuperscript{111} Later resolutions in 1990 (Resolution 45/73) have called for the protection of Arab refugee property, condemned Israeli raids against UNWRA as well as policies against Palestinian educational institutions and called upon Israel to permit the return of displaced Palestinians.\textsuperscript{112} The General Assembly states, in this resolution, “the inalienable right of all displaced inhabitants to return to their homes or former places of residence in the territories occupied by Israel since 1967.”\textsuperscript{113} The General Assembly calls upon Israel, “once more”, to “take immediate steps for the return of all displaced inhabitants.”\textsuperscript{114} The General Assembly regrets Israel’s refusal to cooperate in the implementation of the resolutions in question.\textsuperscript{115}

It is important to mention that only resolutions adopted by the Security Council are binding and the resolutions adopted by the General Assembly are only advisory. It is also worth mentioning that the US which is often viewed as a friend of Israel holds a Veto in the Security Council and that might explain why the Security Council is not as eager as the General Assembly in blaming Israel. Nevertheless, the binding Security Council Resolution 237 (1967) calls upon Israel to make the return of the refugees possible. Even though they are most likely only referring to the 1967 refugees, it is something to hold on to. One can

\begin{thebibliography}{99}
\bibitem{114} Ibid.
\bibitem{115} Ibid.
\end{thebibliography}
conclude that it is the will of the UN that the Palestinian refugees are to be able to return and that compensation is to be paid. Although Resolution 194 (1948) is strong but not binding, it might be the basis for the right of return of all.

But the UN is not the actor that is going to solve this crisis. The numerous resolutions without effect are a sure sign of this. The UN does serve its role in preventing more tragic human catastrophe. However, without an active participation of the important actors, like Israel, the US, the EU, the Arab states, and other international powers, the UN resolutions are just stay words on papers. The international community needs both carrots (like aid) and sticks (like sanctions) in order to implement the numerous resolutions on this issue.

3.5. Summary
There are different perspectives on the origin and solutions of the Palestinian refugee problem. The Palestinians believe that Israel should acknowledge their “right of return” and compensate them for the financial and moral damages they believe it caused to them. Israel has always rejected the “right of return” although it would agree to give some financial compensation as part of the final solution. The more right wing the Israeli governments have been, it is willing to reach any compromise. The US has tried to play a role to solve the Palestinian refugee problem, but such efforts have not been sufficient. The UN, despite the many resolutions it took regarding the Palestinian refugee problem, has been weak and does not have enough power to translate its decisions/resolutions into actions. The bureaucratic decision making process and its complications, as well as the role of powerful states especially the permanent Security Council states, make the UN in its current form paralysed in contributing to the negotiation for final acceptable solution for the Palestinian refugee problem.
Chapter 4
Views on the Refugee Problem and Solutions

4.1. Pre-conditions and necessities for successful negotiations

Any sustainable solution for the Palestinian refugee problem can be only as part of a comprehensive solution of the Israeli-Arab conflict. Moreover, Israel must take the moral responsibility for the Palestinian refugee question additional to financially compensating them for the properties and land the refugees or their relatives lost during the Nakba. Additional to that, any solution that will be forced on the Palestinian refugees will most probably be doomed to fail. Thus, the Palestinian refugees have to participate in deciding their own fate in any potentially successful solution. Palestinians should be able to exercise the “right of return”, as stated in United Nations resolution 194, but if they choose not to they should still be compensated.\footnote{Ibid.}

Most Palestinian refugees fled to Arab countries surrounding Israel, so there are a large amount of refugees living within these countries. The refugees are present in Jordan, Lebanon and Syria. Currently, there are over 4 million refugees\footnote{UNRWA. “Refugee Camp Profiles”, from the website: \url{http://www.un.org/unrwa/refugees/camp-profiles.html}, accessed 2 November 2009.} some living without citizenship in these countries. Being not citizens’ mean they are not entitled to all the privileges such as having the right to vote, freedom of movement, right to social services, and employment benefits. Also, as citizens, they are, “entitled to the protection of a sovereign state. Citizens is [a word] preferred for one owing allegiance to a state on which sovereign power is retained by the people and sharing in the political rights of those people”\footnote{Merriam-Webster online. “Definition of citizen”, from the website: \url{http://www.m-w.com/cgi-bin/Dictionary?book=Dictionary&va=citizen=x=24&y=11}, accessed 13 November 2009.} and as a citizen one, “one who may claim the protections of a state and applies especially to one living or travelling outside that state”.\footnote{Ibid.} So, as a result, it is seen the Palestinian refugees are suffering tremendously because these definitions of citizens and nationals do not apply to them. Hence, the Palestinian people are in need of citizenship. The Universal Declaration of Human Rights claims that, “all human beings are born free and equal in dignity and rights.”\footnote{United Nations. “The Universal Declaration of Human Rights”, from the website: \url{http://www.un.org/Overview/rights.html}, accessed 23 October 2009.} Furthermore the Declaration states, “No dictation should be made on the basis of the political,
jurisdictional or international status of the country or territory, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.\textsuperscript{121} Obviously, there is a need for a solution that will allow the refugees to become citizens in their own independent country or citizens of the countries they are residing in. Also, these refugees should be given aid in order to develop and build communities and infrastructure. Having gained citizenship will not change their nationality and thus they will always have the Palestinian nationality but will also have a citizenship that enables them to have certain like all the other citizens in the country they live in.

Since the Palestinian refugee problem has been existing for more than 62 years, there are several generations of Palestinians who are the offspring’s of the Palestinians who left Palestine in 1948 and who never seen their homeland. Those human beings were born and grown up in the countries of refuge but in some of these countries they do not have citizenships or even the same social rights as the citizens there and Lebanon is such an example. Those people have lived all their lives in that countries have social ties, friends, relatives and probably jobs. How can any solution for the Palestinian refugee problem force them to leave and rebuild their lives again? Thus they should be given the right of choice in where they want to live although their “right of return” should be granted and it is up to them to use it or not. If they choose to stay where they live now, they should be able to be given this possibility while being granted all the rights of the citizens of that country and without being discriminated upon in their host country or where they will be full citizens. International guarantees should be given for those who would want to stay in their country of domicile. In any case, they should be compensated for the lost properties during the 1948 Nakba. The future Palestinian state should grant them its citizenship and thus they will have dual citizenships.

The Palestinian nationality does not necessarily change if those people get citizenship in another country. So, their nationality can stay as Palestinian while they can get a citizenship and thus better living standards. Many Armenians or Lebanese, for example, who immigrated from their countries still have their own nationality and dual citizenships and they even still have their says in the politics of their countries and also in supporting their countries of origin economy through investments and sending money to their relatives.

\textsuperscript{121} Ibid, Article 2.
To be able to do that, the Palestinian refugees in their countries of residence should be able to choose among the alternatives offered. However, for the alternatives to be found there is a need of professional negotiators who may represent these refugees at the negotiations. A Palestinian unity is a prerequisite for that to happen. Most of the Palestinian refugees belong to one of the political groups or the other. Although all these groups agree on the “right of return”, they have different ways of how to achieve it. Some of them believe this may happen through negotiations while the others believe that only military force can allow this dream to be a reality. Since the Palestinian Authority in its current form does not really represent all the Palestinian factions and thus not all the Palestinian people, only representatives from it will not really have the authorization of the Palestinian people to negotiate over such a fundamental issue.

Palestinian national unity and a unified strategy for negotiation is thus an important factor for success in achieving their basic rights and for making the right decisions or the necessary compromises during these negotiations that can be seen as legitimate. The Palestinian Liberation Organization could be the authority to negotiate if it will include all the Palestinian factions. In its current form, however, it is not. Thus it is of absolute necessity for the Palestinians inside the Palestinian territories as well as in their countries of refuge for conducting direct democratic elections to elect their representatives for the PLO. Building of trust within the Palestinian society and their representatives can only be made through democratic elections which must be respected by all the actors even if they do not like the results. The international actors must respect the choice of the Palestinian people in choosing their representatives. This will be the basis for real solution not only for the Palestinian refugee problem but also for the Israel-Palestine conflict in general.

In 2006 parliamentary elections in the West Bank and Gaza, the elections results were not accepted by the international actors although the elections were widely recognized to be transparent and democratic. The reason was that the election results did not simply fit the international actors’ expectation of which party would win the elections. They started supporting the loosing party against the winning one and thus have increased the division inside the Palestinian political society so much that currently there are two Palestinian governments one in the West Bank and the other is in Gaza. Both governments do not
recognize the legitimacy of the other. How can any negotiation be trusted and any negotiation results be accepted by the Palestinian people in the current political division? If the international and national actors/players need a real solution for the Palestinian refugee problem and the Israeli-Palestine conflict in general, they should promote democratic elections in the Palestinian territories and also among the Palestinian refugees in their countries of residence especially in Lebanon, Jordan, and Syria.

Additional to the internal Palestinian factor, there is a need for an international organization that specifically deals with the supervision of negotiations for the sustainable settlement of the Palestinian refugee problem. Such an organization should be objective and look at the core of the problem and try to solve it from international law point of view without taking sides to any of the parties and should be funded solely by the UN. This organization should learn from the successes and failures of the RWG. Since the problems related to Palestinian refugee differ from one country where Palestinian refugees sought refuge to the other, there should be sub-organizations from the general organization suggested that will have the role of supervising the negotiations and finding solutions for the Palestinian refugees in that specific country. From the previous discussion in this thesis, I would expect the solutions for the Palestinian refugee problems in Lebanon to be the most complicated and thus the suggested sub-organization should have the most skilled and experienced professionals. These sub-organizations should have some kind of independence and power to be able to take decisions. Each of that sub-organization should have a leader who report about the activities and developments to the head of the main organization. The heads of sub-organizations should meet regularly to exchange experiences and discuss options for solutions of the problems that most probably will frequently arise.

4.2. Peace benefits for Palestinian refugees, the host countries, and Israel

Now, I will look at the respective policies, and how they will affect different actors. It is essential to examine how the solution will come together in each country and for different actors particularly for Israel, Jordan, Lebanon and Syria. However, such a solution can be as part of the comprehensive settlement of the Israeli-Arab conflict and the establishment of the Palestinian State that is recognized by the world and have sovereignty of its land, space and sea.
**Israel**
Let’s argue that Israel will allow two hundred thousands Palestinian refugees to live in Israel and become its citizens. Most of those Palestinians should be from the Palestinian refugees of Lebanon. With two hundred thousands Palestinians to receive Israeli citizenship, the Israeli society will change somehow. It will require constructive efforts from Israel to integrate the arriving Palestinians into its society and make sure that everyone feels like an Israeli citizen. There are already over one million Palestinians in Israel with Israeli citizenship and adding another two hundred thousands to that can be considered as a big increase. Even though the Israeli Palestinians in Israel nowadays have been complaining of discrimination by the Jewish Israelis, comprehensive peace might bring them the equality they wish to have. Granting two hundreds thousands of Palestinian refugees Israeli citizenship will not threaten Jewish majority in the state for the foreseeable future. But the gains from peace agreements with neighbouring countries and the international goodwill to be received for Israel are positive effects that potentially could mean a lot for the Israeli state and bring it into a new era of prosperity. The citizens of Israel might be able to stop being afraid and can live peacefully without the constant feeling of being threatened by the surrounding Arab countries.

**Jordan**
Let’s assume that Jordan will be required to grant additional citizenship to the rest of the Palestinian refugees living there in case if they do not want to return the Palestinian state. Jordan has already given a lot of Palestinians residing on its territories the Jordanian citizenship. However, there is a need to give citizenship to the remaining ones in order for a comprehensive solution to work out. The solution will provide Jordan with economic incentives by the international actors and will also improve its own status in the international community. The benefits of peace for Jordan far outweigh allowing the conflict consequences to continue affecting its security and economic prosperity.

Jordan’s debt is about 85.8% of its GDP.\(^{122}\) So with the acceptance to settle the Palestinian issue residing within its territories, their debt to the UK, USA and the EU could be cancelled or highly reduced. When their debt is cancelled, their economy will improve rapidly and will expand. The Jordanian debt causes the government to have less money to spend on the people and makes it difficult to borrow money to make improvements in the country. Out of its total

\(^{122}\) Ibid.
population, there are 30% of them living under the poverty line.\textsuperscript{123} So, when the debt is cancelled, the Jordanian government will be able to improve the situation in their own country. There are obvious economic improvements that must be made, and they have many challenges ahead of them. The main challenge ahead of them are “reducing dependency on foreign grants, reducing the budget deficit and crating investment incentives.”\textsuperscript{124} The solution will allow them to slowly address these challenges, for example. In 1999, Jordan has had International Monetary Fund (IMF) reforms becoming a World Trade Organization (WTO) member as of 2002 and opened free trade arrangements with the United States in 2001 and with the European Union in 2001.\textsuperscript{125} Now besides improvements in trade, this solution will also allow Jordan to decrease military spending. As of 2004, 1.46 billion dollars was spent on military.\textsuperscript{126} However, when they participate in the solution, they will not need such a strong military. They will have more money for improving the social programs, as well as help Palestinians become integrated and active members of society. Additional to economic security, Jordan will gain more respect in the international community by helping the Palestinian refugees residing on its land become Jordanian citizens.

\textbf{Lebanon}

In respect to Lebanon, the Palestinian refugees in Lebanon have been receiving the most unfair treatment from their host country. The majority of the Palestinians there were not granted the Lebanese citizenship or even the permanent residence permit, have no rights to inheritance or to own property, and they live in poor conditions\textsuperscript{127}. The majority of the Palestinian refugees in Lebanon are Sunni Muslims. Since Lebanon is a mixture of many religious groups, accepting to grant citizenship for the Palestinian refugees residing on its territories will make major change on that balance. However, there are many more incentives for Lebanon to accept granting Lebanese citizenship to at least 200,000 Palestinian refugees residing on its territories. Those that choose to stay in Lebanon and attain Lebanese citizenship should be compensated by the international organ that will supervise the compensation issues. They will be given the property value of what their land (whatever they or their ancestors left behind in 1948) is currently worth. Those who choose to go to the new

\begin{footnotesize}
\begin{itemize}
\item\textsuperscript{124} Ibid.
\item\textsuperscript{127} Hammarberg, T., \textit{The Palestinian Refugees. After five decades of betrayal-time at last?}, 2000, pp 10-11
\end{itemize}
\end{footnotesize}
Palestinian state will be able to apply for Palestinian citizenship and they will too have to be compensated for the land they left behind. They will be given money from the UN in order to build homes. The same case will be for those who accept to live in Israel and get the Israeli citizenship.

There are many ways that the Lebanese government can be persuaded into allowing these refugees to become situated. Some suggestions for persuasion may be to decrease the Lebanese international debt and give them economic incentives. This will help the state improve rapidly and bring stability to Lebanese population just like the stability discussed in the Jordanian situation but on a wider scale. The Lebanese debt is enormous especially that it borrowed to rebuild after the civil wars and the wars with Israel. By decreasing this debt there will be many benefits for the Lebanese economy. If the Lebanese will allow approximately 200,000 Palestinian refugees to become citizens, it is possible that they will be relieved from this debt or to reduce it largely. Most of the Palestinian refugees in Lebanon nowadays actually were born in Lebanon and thus integrating them to the Lebanese society will not be a difficult task to do. However, those Palestinian who decide to stay in Lebanon should be given equal rights as the Lebanese citizens and shall not be discriminated upon. An international body should supervise the integration process and receive complaints if Lebanon continues to deal with those Palestinians as second degree citizens.

This may become a reality only if there will be peace agreement between Israel and Lebanon. Lebanon has been in a state of war with Israel since 1973. There has been no peace treaty, and the south of Lebanon remains an unsafe and dangerous place. The south of Lebanon may benefit from peace because there will be development both structurally and technologically. Another benefit for Lebanon is that they will be able to decrease their military expenditure. They spend a lot on their army and this money can then instead be used for improving the Lebanese social programs as well as helping Palestinians become more educated and better settled.

Syria
A potential solution for the Palestinian refugee problem might require from Syria to grant its citizenship to all the Palestinians residing on its territories. However, such a settlement can only be a reality after Israel and Syria may have a peace agreement. At the moment, however, they do not have it. They are at a state of war since 1948 and since Syria lost the Golan
Heights since the 1967 Israel-Arab war they are at more odds than before the 1967 war. Currently, Syria is “heavily dependent on foreign economic credits and grants from Arab states and Iran.” Also, they have large military expenditure.

The solution for the conflict will allow Syria to have less need of such a massive military might. There are many benefits for the Syria from comprehensive peace in the region and from settling the Palestinian refugees already living there for many decades. Such benefits may include better economy, decreased military expenditures, and increased status in the international community, the same as in Jordan and Lebanon. Economic incentives are improving Syrian trade and cutting their debt in order for them to improve their economy and be compensated for settling the Palestinian refugees residing there. By decreasing Syrian debt, Syria will be able to improve their economic situation because that will encourage foreign investment, and Syrian loans to be taken off, and their government can invest in other important business areas. When Russian Federation had written off 9.8 billion of Syrian debt in 2005, this allowed the Syrian government to spend more capital on improving their state, increased foreign investment and less dependency on foreign aid. Since Russia has cancelled Syrian debt, their GDP has risen 2.3%. This is an important example, which portrays the benefits of cutting national debts.

Besides all the economic and social benefits, the area will become more stable, which is better for all actors in the region as well as the world.

4.2. Summary

Israel, the Arab States, the Palestinians, and the international actors shall be creative in their negotiation for finding eventual solutions for the Palestinian refugee problem. Compromises from the Palestinians, the host countries, and the Israelis will be necessary. The international society should support financially such agreement since the whole world should be interested in settlement of the Israeli Arab conflict which the Palestinian refugee problem is one major part of.

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128 “Syria” country data information, from the website http://www.countrydata.com/fra/cs.systoc.html, accessed on 29 October 2009
Chapter Five

Conclusions

The causes that led to the Palestinian refugee problem are still being researched. It seems there will not be a total agreement on the real causes of the problem. If Israel acknowledges its sole responsibility for the creation of the problem and thus the negative impacts it influenced the lives of the Palestinian refugees, then it will be forced to pay compensation and will have to do big compromises. If the Palestinians agree with the Israeli claim that they left their homes in Palestine in 1948 willingly because the Arab countries told them to do so, then they might loose much in any negotiations for the final settlement of the problem. But even the Israeli historians are changing their views about the origin of the problem the more they are looking into the Israeli military archives from that period. Benny Morris, for example, has changed his views and had to revisit his book about the birth of the Palestinian Refugees Problem when he got access to some of the disclosed Israeli military archives from that period. The more he got access to such files, the more he could see the evidence of massacres and brutalities against the Palestinian people as well as to their villages and cities during the 1948. I believe the more such achieves will become public to the historians, the more the evidence that Jewish militias brutalities in 1948 were the main reason that caused the Palestinian refugee problem.

Although the Palestinian refugees have been spread in many Arab countries, the majority of them are in Jordan, Syria, and Lebanon. Their social and legal situation differs among those countries. While they have more rights in Jordan and Syria, the ones in Lebanon are having many problems especially with the employment and political rights. Despite of being spread in many countries and the differences of their living conditions there, they still fight without doubt for their “Right of Return”. The Palestinian identity is still strong among the Palestinians regardless of the more than six decades of being away from theirs or their parents’ homes in the Mandate Palestine. Politics and political factions managed to cause divisions among the Palestinians, but that have never managed to change the core belief that they should continue the struggle to get their rights back. However, there are divisions on how to get back these rights and especially the “Right of Return. While some parties believe that
negotiations and not violence are the ways to get such rights, other parties believe that military struggle is the only way to force Israel to acknowledge their “Right of Return”.

The United Nations and United States, as well as the other main actors in the international politics failed so far to find a sustainable solution for the Palestinian refugee problem. There might be several reasons for that. The United Nations is not powerful enough to enforce its resolutions. Moreover, there are many sub-organizations within the UN that have different mandates and powers. While United Nations General Assembly represents the majority of the nations, their decisions are not binding especially if one of the main powers is not interested in such decisions. Thus despite of the many resolutions it took regarding the Palestinian refugee problem, the problem is still unsolved. The Security Council, the strongest UN body, consist of the five permanent and each has the veto power. Since each of these countries has its own interests in the Middle East and might have its allies. All of the five countries have good relations with Israel at least since the last three decades although the United States has clearly the most strategic relations with Israel among them since the beginning of the 1950’s until today. Thus the UN could not be of importance to solve the Palestinian refugee problem in its current decision making structure. Despite this, if and when there will be an agreed settlement of the problem, it will play the major role in the implementation as well as in the negotiations for sustainable solutions for the problem.

Israel, the host countries, and the Palestinians have all to play a major role in the eventual settlement of the Palestinian refugee problem. But such a settlement can not be done without comprehensive peace agreements between the Arab countries and Israel. It will be difficult though to reach such agreement without professional international mediators that are objective enough to be trusted by all the parties involved supervising the negotiations which will obviously be very complicated ones. Lebanon and Syria are major players in solving the Palestinian refugees’ problem and so is Jordan. They will have to take uneasy decisions for naturalization of the Palestinian refugees on their territories or the majority of them. Israel will not manage to have sustainable peace without recognising its moral responsibility in causing the Palestinian refugee problem and will have to accept the return of several tens of thousands of Palestinian refugees and grant them with its citizenship. It will have to compensate, with the help of the international actors, the Palestinian refugees’ families for the material damage it has caused.
Ignoring the Palestinian refugee problem or underestimating its importance in any peace negotiation in the Middle East is a strategic mistake since any agreement ignoring the solution for this key issue is doomed to fail. Every actor should acknowledge the wrong it has done and more importantly acknowledge that there are needs for compromises and actions for the Palestinian refugee problem to be solved.
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