



The Arab American University - Jenin

Faculty of Graduate Study

Master's Program in Conflict Resolution and development

**“The Refugees Issue Effect on the Transformation of the Arab-
Israeli Conflict”**

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requirements for the Master's degree in Conflict Resolution
and development**

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Dedication

All my thanks and great fullness are to God who gave me the ability to do this research successfully in spite of all problems that faced me.

Also, all my thanks and appreciation:

To my dear mother God protect her and for the soul of my dear father

To my charming family “my wife”, little kids, brothers and sisters.

I will not forget to thank my supervisor for providing advice and support. I also dedicate this dissertation to our instructors who have supported me throughout the research. Also I will always appreciate all they have done, throughout the entire years of studying.

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Abbreviation List

UN: United Nations

PA: Palestinian Authority

UNRWA: United Nations Relief and Work Agency

DFLP: Democratic Front for the Liberation of Palestine

PLO: Palestinian Palestine Liberation Organization

DOP: Declaration of Principles

Key Words

Refugees, Palestinian Authority, Conflict, Palestinian Israeli Conflict.

“The Refugees Issue Effect on the Transformation of the Arab-Israeli Conflict”

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Abstract

This six-chapter study examines the impact of the Palestinian refugee issue on the transformation of the Israeli-Palestinian conflict, it brings the historical background that led to the emergence of the refugee dilemma and looks at the role of the powerful external forces on the refugee issue. This paper also discusses the international resolutions concerned the issue, and the general law tools for protecting the refugees. The study talks of the relevant parties' attitudes toward the refugee issue, the Palestinian-Israeli agreements between 1991-2001 and the informal accommodations in the context of the issue at that time down to the suggested solutions and the extent of their admittance.

Many important results were found after the study was carried, the most important are:

- The international law inability to redress the issue of refugees as it did not find direct solutions to this problem.
- The American and European position on the refugee issue is consistent and does not change. It also goes in line with all Israeli proposals and positions.

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Introduction

The Palestinian issue and the problem of Palestinian refugee still grasp the international attention as well the most important international and regional issue. Since the United Nations General Assembly Resolution Number (194) was adopted on 11 December 1948 which gives the Palestinian refugees their right to return to their homes and villages in 1948. This right is considered as the core of the conflict of Arab-Israeli and Israeli-Palestinian but this right was partially obscured for long year. Israel knuckled this right under several conditions which are changed according to different situations in order to delay its achievement as possible.

According to the Palestinian side, the priorities of refugee issue became a second priority because of the superiority which is given to the demands of other rights such as the achievement of Palestinian sovereignty, security, Jerusalem, borders, water and settlements.

The peace process in the Middle East between Palestinians and Israel; particularly, signing the Declaration of the Principles by the Palestine Liberation Organization and the State of Israel in Washington on 13 September (1993) which creates constitute an opportunity to find a permanent solution for Palestinian refugee problem. Among all the conditions which are set by Israel, there is only one condition that has legal aspects which is derived from resolution (194) itself; it returns the refugees to the requirement that is living in peace with their neighbors.

Regarding a result of signing the Declaration of principles between Israeli and Palestinian; this condition should be removed and Israel cannot delay the resolving the problem of Palestinian refugees due to war reasons. Consequently, the right of return for those refugees reached to the point where they can be described as a due.

Problem of the study

The issue of Palestinian Refugees is considered as one of the most essence issue in the Arab Israeli conflict, in addition; the Palestinian refugees issue is one of the core conflicts due to its Political, Historical and Humanitarian sides. As well, it is called by many researchers as conflict of the century with its historical roots and its security and economic reflections. In this context we will try to examine the attitudes of the parties that are related to the refugees' problem through exposure to the following main problems:

- 1- How to use the Refugees issue to transform the Arab-Israeli conflict?
- 2- What is the Problem of Palestinian refugee? Also, to what extent it is connected with the Palestinian issue in particular and Arabic issue in general? Can we think about the solution of refugees' problem in a separation from the Palestinian issue and from the Arabic issue?
- 3- What are the perceptions of the parties that are involved in the Palestinian refugees' problem since 1948?
- 4- What are the rights of Palestinian refugees according to international law and its principles?
- 5- Do the suggested solutions serve all the parties' interests? Does Israel as occupying power accept the return right of Palestinian refugees to find a solution that satisfies Palestinian and Arab sides?
- 6- Since Madrid Conference which is called as peace process in the Middle East, is there any realistic possibility of radical solution based on the principles of Justice, human rights and humanitarian ideals for Refugees' problem? Is Israel being able at the end to comply the present generation of Palestinians to accept the reality? Even so, does it form the end of Palestinian issue, or will keep waiting for an explosion moment?

- 7- What Forms of solutions and proposals that are introduced for a permanent solution to the problem of Palestinian refugees in the final future negotiations? And could we talk about a fair solution to the Palestinian issue without finding a radical solution to the Palestinian refugees' problem? Thus, what attributes and principles to this solution?

The Hypothesis of the Study

There is a basic assumption that is the issue of the Palestinian refugees is central to the Palestinian demands on the one hand and the Israeli demands on the other hand. The overall positions, proposals and solutions which are proposed for the Palestinian refugees have failed to resolve the conflict over the refugee issue. The problem did not prevent other countries from making proposals that reflected their direction towards a permanent solution.

Significance of the Study

The issue of Palestinian refugees is the core and essence of the Arab- Israel conflict and the more complex and difficult issues on the table from the perspective of the parties involved in the issue of refugees. In terms of academic research, the refugee's issue has a special place among researchers due to convergence and complexity of interests of the parties to the conflict as interwoven and clashing interests of various local, regional and international powers on the refugee issue; therefore acquires a research topic of considerable importance. Hence the study of attitudes and analysis of proposals of the future of the refugees' issue has a great importance because of its far-reaching effects on the overall Arab-Israeli conflict in two respects. The First is theory and the second is scientific.

Theoretical Aspect

- 1- Her association with the historical refugees issue as it's evolved over decades to culminate in the creation of the refugee problem; accordingly, the study will monitor the developments by collecting scientific material that the researcher wrote about.
- 2- Intersection with national ambitions, political interests and demographic considerations for Arab and international making what might be reached by negotiations on refugees does not come out from being recommendations or perhaps non-executable plans, not based on regional consent himself.
- 3- Monitoring the evolution of the Palestinian position on the problem of Palestinian refugees between the years 1964 – 2001; the positions and decisions of Palestinian political thought, the PLO, the Palestinian Authority, and its legislative and executive institutions.
- 4- Presentation of the positions of the official Arab political system between the years 1948 - 2001, including Arab - Israeli agreements.
- 5- Highlighting positions of actors and stakeholders at the middle of the Palestinian refugee problem, and notably the US position which is a clear indication of the outcome of Western attitudes towards the refugee problem by imposing political priorities to protect the security of Israel and its military superiority on Arab economic.
- 6- Analysis of the bases of the components of the Israeli high strategy towards the problem of Palestinian refugees.
- 7- Incorporating a forward-looking aspect that is very important in conceiving the scenarios and possibilities of resolving the issue and its attempt to determine the policies and directions that may be followed in the search for a permanent solution to the Palestinian refugee problem. It is supposed to have elements of acceptance and satisfaction from the parties concerned, Comprehensiveness in dealing with the problem, logical applicability and sustainability.
- 8- Most of the foreign and Arab literature is focused on a specific period of time and summarizes the orientations and policies of the parties concerned with

the Palestinian refugee problem while the study is comprehensive; based on a specific period of time, careful presentation of precise chronology of the events of these policies and orientations of the parties.

Practical Aspect

The importance of this study in practice is that it is expected to be a reference for scholars, researchers and interested in the problem of Palestinian refugees, as well as intellectuals who are fond of this problem.

- 1- Drawing lessons in order to pass to the Palestinian decision makers to adopt the correct policies in addressing the refugee problem especially at the negotiating table with the Israeli side.
- 2- Raise the role that can be played by Palestinian and Arab academics and intellectuals; as well as the roles of Palestinian and Arab universities and scientific research centers in the service of this national cause. Its properly exploitation can be important Palestinian and Arab option in managing the battle of war and peace with the Israeli side

Objectives of the Study

This research aims to achieve a number of objectives can be summarized as follows:

- 1- Review Israeli proposals that serve the Israeli vision of transforming the Israeli- Arab conflict.
- 2- Identify the role of external forces and factors in the emergence of the Palestinian refugee issue.
- 3- Identify the legal structure to protect and care for the rights of Palestinian refugees.
- 4- Monitoring of positions and ideas, proposals and solutions to resolve the issue of Palestinian refugees, and the positions of conflicting parties of those proposals.

- 5- Extrapolating the Israeli vision to the relationship between the Palestinian refugees and the Israeli-Arab conflict in general, and its image and determinants.
- 6- Stand on the rights of the Palestine refugees in official Arab political thought.
- 7- See the American and Western roles supporting Israeli strategy towards the Palestinian refugee problem.
- 8- Explore the prospects and future scenarios of the Palestinian refugee issue since the Madrid Conference 1991-2001 In light of the implications brought about by the regional and international changes in the last two decades of the century 21.
- 9- The real contents of the study documents and maps of the political settlement which offered since 1991-2001, how did those documents and maps with the right of return of Palestinian refugees' issue.
- 10- See proposals that are introduced for a permanent solution to refugees' problem in final negotiations for future.

The Difficulties Encountered by the Researcher

The researcher has faced a number of difficulties and obstacles which stand in the stages of research; the most important of these difficulties can be summarized as follows:

- 1- The nature of the research is complex; searching for a historical topic such as talking about the roots of the refugee problem is one of a kind. The other kind is legal researching such as the legal aspects of the refugee problem. Besides, the political researching as the Palestinian-Israeli agreements and negotiations. And it is statistically speaking about the numbers of Palestinian refugees, so the researcher's mind is distracted by dispersion and lack of focus to move from one subject to another, and from one specialty to another.
- 2- The period of time required covering the research which requires redoubled efforts in monitoring and analysis, research and exploration.

Methodology of the Study

For a clear methodology according to the previous topics and for presenting a work that is not merely a purely descriptive work but a cognitive work based on extrapolation, analysis and interpretation; the researcher did not only present historical narratives of accidents but he use terms of analysis, reasoning, linking and reasoning, relying on original sources, refutation of certain narratives, and some of the methods in dealing with the subject by dealing with each approach according to the requirements of the research paragraphs.

The Historical Method

For the necessity of studying the historical aspect of the research problem, the study adopted the historical approach in the analysis. Also, in order to trace the historical development of the roots of the problem of the Palestinian refugees on the basis that contemporary international relations and their issues have historical roots, and return to keep track of conditions and indicators of historical surrounding these roots and extensions, sheds more light on many of the problematic aspects of contemporary problem; which helps tracers are supposed to follow the policies in search for solutions.

Legal Method

Regarding the legal aspect, the study has the analysis of the legal side to investigate whether the rules of international law should be a basis or a solution to the problem of refugees that meets the criteria of the desired solution that are related to the definition of basic standards for refugees' treatment and how to resolve their problems.

For addressing the legal status of Palestinian refugees, it will be examined in international law and through his tools for the treatment of refugees such as the United Nations Convention (1951) relating to the status of refugees and the (1967) Protocol on refugees, the (1954) Convention for persons not belonging to the State (stateless). Then subjected to permanent solutions posed by international law to refugees, and their applicability to the situation of Palestinian refugees. As well as, the concept of return in international law, and how it was dealt with in the context of the Palestinian refugee problem, then

circumstances to accept Israel as a State in the United Nations and its relationship to both the right of return and right to self-determination.

The tools and the rules of international law dedicated and confirmed with considerable momentum the credibility of the interests and rights of the Palestinian people; however, the difference in the interpretation of its resolutions, conventions and rigid terminology has left the issue of presenting it as a complete policy or policy to solve the Palestinian question, including the refugee problem is impractical. This approach or policy does not have the acceptance and satisfaction criteria of the parties involved and the universality, practicability and permanence unless it is accompanied by a part of a full political agreement acceptable to all parties concerned, but this does not eliminate the importance of the above elements in the legal aspect of their importance in any political settlement aimed at finding a lasting solution to the Palestinian refugee problem based on the latest political negotiations (Taba negotiations) between the Palestinian and Israeli sides in 2001.

Analytical method

The study also adopted in the analysis of the political dimension of the refugee problem on the analytical method, to study and examine the attitudes and political proposals of the various parties related to the problem of refugees, whether direct or indirect, to try to identify the points of agreement and disagreement, which will be the subject of negotiation in the final phase of meaningful negotiations to reach Permanent solution to the Palestinian refugee problem.

Therefore, the study will address the rights of Palestinian refugees in Palestinian, Israeli, Arab, American and European political thought. In addition, some informal positions that contained visions and perceptions to solve the refugee problem will be reviewed and presented by many independent writers or thinkers who are relevant to the political decision-makers of the different parties concerned with the refugee problem. These informal positions and visions can form a counterpart to the process of political negotiations within the framework of a drive towards a solution based on political negotiations under the existing balance of power. We also consider the need to examine and explore the possibility of achieving the measures of the desired solution in terms of

permanence, acceptance, satisfaction, comprehensiveness and practicality in the search for a solution.

Descriptive Method

The study will focus on addressing the proposed solutions to influence the relationship of the Palestinian refugee issue in transforming the course of the Israeli-Arab conflict through characterization where the features are clear and the picture is clear to give sufficient information on the subject. In addition to the historical and comparative approach, and content analysis.

Scope of Study

The scope of this research is determined by the following:

Historical scope: It tried to cover some Palestinian, Israeli, Arab and international proposals and ideas on the impact of the refugee issue in turning the course of the conflict since 1948.

Substantive scope: it centered on the review of proposed solutions to the future of the Palestinian refugee issue. Which focuses on reviewing the proposed solutions to influence the issue of Palestinian refugees in transforming the Israeli-Arab conflict.

Time Frame: The research chose the period from (1991) to (2001) as a temporal reference to conduct this study due to the following several reasons:

- 1- (1991) represents the year of qualitative transformation in the Arab-Israeli conflict, the result of the start of the process of peaceful settlement, and then postpone the research on the problem of Palestinian refugees.
- 2- The radical changes that have taken place in the Palestinian, Arab, international and Israeli political thought in its consideration of the national political rights of the Palestinian Arab people and in dealing with the issues related to these rights. The view of the refugee's problem and the attitude of the right of return is a blatant example of the change, change, confusion and confusion of this thought.

- 3- The outbreak of the Gulf War crisis in (1991) and the consequent Arab division led to the penetration and penetration of the major powers which are led by the United States of the Arab system. The result of the entry of the Arabs another stage produced new projects in relation to the settlement of the Arab - Israeli conflict began Madrid Conference and subsequent agreements Settlement with the Palestine Liberation Organization, and with some Arab countries (Jordan). The previous elements led to a shift in the overall course of the conflict towards the settlement process, which was supposed to end the conflict and find a solution to the refugee problem. However, the stages of the peace process showed deep differences over the refugee problem and other issues such as borders, Jerusalem, water, And security
- 4- This phase see the disintegration of the socialist system and the collapse of the Soviet Union in late (1991) which made the United States dominate the international arena, and thus control the tracks and emotions of the peace process in favor of Israel
- 5- During the period of the study, there were significant military developments that affected the stability of security in the region and the Israeli-Palestinian relations, represented by the Al-Aqsa Intifada on 28 September (2000).
- 6- This study concludes with a timeframe for the political and negotiating confrontation between the Palestinians and the Israelis in Taba in (2001), which marked the end of the negotiations between the two parties, where they were unable to reach to a solution to resolve on the refugees' problem

Previous Studies

This study was based on sources and documents those material included projects to settle the problem of refugees and negotiating tracks through a series of documents, periodicals and Arab and foreign studies. Furthermore, the reports and official statements announced and references. Also, some information from the Internet through which can identify the positions of regional and international parties when they deal with

the overall interactions associated with settlement projects and developments in the Arab-Israeli conflict.

The researcher found that this field is still fertile ground for academic studies, especially in regarding to the prospective aspect of the future of the problem of Palestinian refugees, and therefore there is still a need for other studies to continue the research and studies for the subsequent period of the study, after (2001 – 2009), which was celebrated with important events and developments Both in terms of Israeli and international attitudes towards the problem of Palestinian refugees, or study the situation of refugees in diasporas countries or displaced from the social, economic, educational, and problems that caused their suffering

- Mikhail PAL & MBO (1989), a blight of Palestine: how the Palestinians expelled from their homes. This study examined the presentation and analysis of General aspects top strategy particularly with regard to the displacement of Palestinians, and the purpose of this study is to try to introduce the most important aspects of the Zionist strategy about the expulsion and destruction of the Palestinian people, as well as the study touched on Britain's role in the Zionist project in Palestine and Israel have demanded resettlement schemes Arabic States.

- Mohamed Khaled and others (1998), Palestinian refugees' rights and guarantees and permanent settlement. They focused on the issue of Palestinian refugees rights guarantees and political settlement, Indicate the legal framework to guarantee Palestinian refugees and discussed Problem Between theory and practice in more than one point concerning the extent of accomplishment achieved through international decisions which recognized the rights of refugees which had the ability to put the issue of refugees in charters settlement, and concluded that none of them provides for the United Nations General Assembly resolution(194) on 1948 about the return of Palestinian refugees or resolution (237) for the year 1967 related to the return of the displaced Palestinians. .

- Violet Dagher and others (2001), Palestine refugees in Lebanon; the researcher study, initiate. explain the issue of the Palestinians refugees , and its repercussions, attempt to

refute allegations by Israel that the Palestinian exodus was voluntarily, then stop when the international resolutions on the status of Palestinian refugees, down to the decision to form the relief and Works Agency for Palestine refugees (UNRWA) and elaborated both resolution (194) from The General Assembly of the United Nations in 1948 Stressing that this decision became the source of the absolute right of the Palestinian people to return, as he stopped at a number of other important decisions.

- Najwa Mustafa Hasnawi (2006), Palestine refugees' rights in international legitimacy and Palestinian-Israeli negotiations. This study aimed at discussing Palestinian refugees in international laws and conventions and analyzing the rights and showed international rules relating to Palestinian refugees, from the definition of a refugee, international protection of international refugee. It concluded that general international law provides a refugee legal status empowered to obtain protection, as guaranteed to him the question respect for his rights based on the principle of respect for human rights, including the right to return home and the principle of non-Refoulement. Although addressing the political analysis of the requirements was inescapable in front of the researcher, it can be said that this book is dominated by the legal force of academic study feature, which is a reference for all researchers and those interested in the affairs of the Palestinian refugees, and international laws relating to their cause

- Nur masalha (2003), Israel and the policy of Zionist exile and Palestinian refugees; this study explains that Israel's policy toward refugees since (1948) has been to prevent their return, whether abroad or within Israel's borders, to their villages and countries of origin. These policies aim at strengthening the influence and hegemony of Israel's Jewish majority. Another study which is conducted about the expulsion of the Palestinians: the concept of transfer in Zionist thought and planning (1882 – 1948). The author traces the various stages of evolution of this idea through historical situations, and describes a series of detailed and unpublished plans developed in the thirties and forties of the twentieth century.

Edward Said (2004), the Palestinian refugees and Right of return; the current dilemma for the Palestinian refugee issue and the right of return is largely due to the international

situation. In light of this, the research is aimed at solving this issue away from traditional means, instead by building an international popular movement and using international structures and documents for fairness

Suleiman Abu Setta (2007), That the right of return is sacred, legal and possible, after the writer studied the study of the population, geography, land, water and agriculture, and pointed out that Israel's attempts to mislead public opinion is only a means to retain the Palestinian land.

Mohamed Hafiz Ibrahim (1999), Palestinian refugees and the peace process: statement against apartheid, the study indicated Palestinian refugees and the peace process: a statement against apartheid, to thread the refugee issue to the Palestinian cause and the State of Israel, and the issue of the Arab-Israeli conflict, the peace and the cause of, and the stability of the region, particularly the issue of democracy in the region, also noted that this issue is a deep sense based on the Palestinian issue and the solid nucleus of the Palestinian national identity, and the peace process cannot succeed in the region without a fare solution

And asking Don Peretz (1993), In his study on Palestinian refugees and the peace process in the Middle East, his study is conducted on Palestinian refugees and the Middle East peace process, indicate that the only solution to the refugee problem is to settle in their places of residence in order to bring about peace between the Arabs and Israel, so it is not surprising that the book is mostly based on a scenario supported by numbers and tables for settling Palestinian refugees As the only possible solution for the so-called consolidation of peace between the Arabs and Israel.

Further, Yahiya Ghanem's (2001) study showed that sovereign negotiations on the Middle East: secret documents, arms control, refugees, water. The side of the Israeli side of the refugee issue, claiming that this issue has been settled, through reciprocity, the Israeli side claimed that the Jews in Dar al-Islam have been forced to leave the Arab countries through persecution and abuse

Finally, Lex Takkenberg (2003), in his study of the status of Palestine refugees in international law noted that the location of the problem of Palestinian refugees in political interest has been reversed in order to highlight the recognition of the right of the Palestinian people to self-determination and the exclusion of refugees from the international protection afforded to them by the Geneva Convention Fourth of (1948).

Chapters Plan

Achieving the purpose of the study by analyzing the core problem and answer some questions of the study was very difficult due to the nature of the subject:

- 1- The uniqueness of the Zionist project in its inception, development and goals.
- 2- The problem of the Palestinian refugees is a regional and international problem which has been a multiplicity of premises and references.
- 3- The Palestinian-Israeli conflict's ascent to the level of the Arab-Israeli conflict and the results of that overlap and complexity of settling the refugee problem with the settlement of the Arab-Israeli conflict.
- 4- A Zionist project in Western States strategy area.

The study plan begins with an introduction then, it discusses the methodological issues studied and the methodology followed that include the main problem that raised the questions. It also included the importance of the study and the previous studies. In the preface, we dealt with the international roots of the Palestinian refugee problem and placed it in its historical context whether rooted in the Zionist thought of the former Israel or the emergence of the problem of Palestinian refugees during and after the war of 1948, and review the role of British and American in the emergence of this problem.

The first chapter reviews the situation of refugees in international law and the consequences of this displacement of the refugees and the tragedies experienced by the refugees, and thus lapses on the legal status of the Palestinian refugees and the extent of

the various protection mechanisms that are subject to it and the extent of its coverage of the traditional protection system. Of the conventions, definitions and concepts formulated by many international organizations and experts of international law, and clarify the background provided by international law to cover the Palestinian refugees.

The second chapter includes the legal structure of the international protection of refugees and the rights of Palestinian refugees within the framework of international legitimacy, explaining the importance of determining their legal status under the rules of international law as a framework that can help reach a final and lasting solution to the refugee problem. Within the framework of United Nations resolutions, and deals with the rights of Palestine refugees in the light of the provisions of human rights law and humanitarian law.

The third chapter presents an analysis of the Palestinian, Israeli and Arab thought of the problem of the Palestinian refugees, and the view of these parties in solving this problem based on their national interests in the region to survey the political situation and the positions of its influential parties on the course of negotiations in their final status to a political agreement in the existing balance of power. This chapter consists of three sections; the first examines the rights of Palestinian refugees in Palestinian political thought. While the second section deals with the rights of Palestinian refugees according to Israeli ideas. The third and final section discusses the rights of Palestinian refugees in Arab political thought.

The fourth chapter investigates American and European approaches in solving the problem of the Palestinian refugees and provides a detailed explanation of the American and European thinking components of the Palestinian refugee problem, from a historical perspective. This chapter consists of three sections; the first section analyses the problem of the Palestinian refugees in foreign policy Fructose from President Harry Truman, William Jefferson Clinton. The second section discusses the status of Palestinian refugees in European attitudes. The last section talks about the rights of Palestinian refugees in the Palestinian-Israeli-American ideas.

While addressing **the fifth chapter** on the Palestinian refugees' problem within the framework of Palestinian-Israeli negotiations from (1991-2001); through analysis of factors driving motivations, influential factors, besides the most important analysis, analysis of the settlement of the Palestinian refugee problem dimensions. This chapter consists of three sections. The first section reviews the problem of Palestinian refugees in the Palestinian-Israeli negotiations at the Madrid Conference of (1991)-the Palestinian-Israeli Declaration of principles of 1993. The second section discusses the problem of the Palestinian refugees within the framework of the transitional agreements between (1995-1999) Oslo-2-Sharm el-Sheikh. And the third and final section is devoted to the study of the problem of refugees in the framework of the permanent status negotiations of the Camp David negotiations II ((2000) – Taba negotiations, (2001)). This topic discussed the conditions and motives of these negotiations and highlighted its items and content analysis.

The final chapter studies the possibilities of resolving the problem of the Palestine refugees during recent negotiations and the proposals for a permanent solution to the Palestinian issue. This chapter consists of two sections: the first section reviews the final status and perceptions of the future of the occupied Palestinian territories in 1967. And the second discusses the status of Palestinian refugees in the context of recent negotiations between the Palestinian and Israeli side.

Consequently, the conclusion includes the most important summaries and recommendations which are presented by the researcher. Additionally, it includes the results and proposals of the study according to the nature of the refugee problem and its place in the Palestinian-Israeli conflict that forms the basis of the Arab-Israeli conflict in the region to more than half a century. Hence, this issue still needs researching especially in the period post-2001.

Historical Background

The suffering of the Palestinian people came as a result of the Zionist ideology which provided establishing a national homeland to the Jews in Palestine by Colonizing the Palestinian land. It all came by expelling the original people from their land which is known as the Palestinian forced displacement and the refugee case that was planned for by the founders of the Zionist movement to enable them to fulfill their project.¹

As a result, Zionists planned project over 50 years, many of the Palestinian residents were expelled from their cities and villages to witness afterwards the establishing of the settlement project in Palestine. This was contended by the Israeli scholar Ilan Pappé in his writings about the refugees being driven compulsively from their lands under the threat of the weapon and destruction operations not at the request of the Arab forces as they claim, And that was found in the context of the plan (Dalet) of the Haganah.²

The British colonialism rushed Since the beginning into declaring the ominous Balfour promise in 1917 according to which the British helped in setting up a “national home” for the Jews in Palestine. Accordingly, the British government took upon itself the responsibility of creating appropriate conditions for the Jews to immigrate and inhabit in place of the original residents. But the greatest danger was that the British government set convenient conditions for the Jews’ immigration and made it wide open for them and it gave also rooms for the Zionist organization to create armed forces to facilitate the process of expelling Palestinians from their lands and the expansion of their rule over the land. As soon as the British mandate was issued by the League of Nations on 24 of July 1922, Palestine was put under it due to the British intensive insistence on delegating Palestine. The British government did its best to fulfill the world Zionist organization’s obligations noted that it didn’t take into consideration the desire of the Palestinians in

¹Amr, Naaman, the impact of Israeli settlement on the right of return, Jerusalem Open University, Hebron,projects.2007,p.2.

²Pappé,Ilan,“Post-Zionist critique on Israeli and the Palestinian, popular culture” J.P.S issue 104,No.4.summe-1997.

choosing the mandatory country. And this is fixed in the charter of the League of Nations concerning the rules of the mandate.³

It's noted that the British state has basically provided all the legal, logistic and security capabilities to the Zionist organizations in Palestine, and it also created good backgrounds for their imperial goals. The English are the ones who have caused the calamity for the Palestinian people, starting with declaring Balfour promise in 1917 according to which they founded a national home for the Jews in Palestine, moving to providing convenient immigration facilities to the point of establishing Jewish colonies. Immigration grew faster and the Jewish terrorism was born at the hands of the British. They were trained under their care until they became an organized military force. They turned a blind eye to the armament of the Jews and prevented the Arabs from arming themselves. They claimed neutrality after the dispersion of the Palestinians all over the world, after they were the original owners of the land.

The Zionist mind was working and planning to establish the settlement Zionist project, and the result of this planning that it created conditions that resulted in the emergence of the refugee issue, which went through three phases:

The first phase: the seizure of the Palestinian lands between 1920-1948, where the British mandate tended at that time to prepare the conditions and provide suitable situations for the arriving Jews who wanted to have control over the land, which certainly went in line with the Zionist interests represented by the mandate authorities ,and which came as a result of implementing the previous promises and applying Balfour promise and the mandate's resolutions that led up to the establishing of a national home for the Jews in Palestine.

The second phase: represented by expropriating the Palestinian land and preventing the Palestinians from working at it, supporting land seizure that is working in with the Zionist ideology. This was considered as the main step in the process of expelling

3 Reasons for Palestinian refugees' asylum, the original version written on 19 of June 2007.

<http://www.palestineremembered.com/Articles/General>

Palestinians and depriving them of their only source of living. Since the majority of people were depending mainly on land and cultivation for making living and when the land was gone there was nothing left to them except migration whether internal or external or even moving into cities to secure their living again. Zionist scholars did their best in creating all circumstances that would leave the Palestinians behind their lands, expelled. Yosef Weitz has set the foundations and criteria that worked for preparing the conditions for resettling the refugees in the Arab countries, Ben-Gurion supported him highly saying” we must prepare a structured work battalion to cleanse these villages and to resettle the Jews in them”⁴ where Weitz adds” expelling the Arab population from the Jewish territory doesn’t only serve a single goal, but it serves another purpose not less important, that is, to expropriate owned and cultivated lands from the Arabs and to prepare them for Jewish housings.

The third phase: converting the Palestinian population into refugees and expelling them by violence, terrorism and murder or through the planned policies of the Zionist gangs, whether through coordination or without with the mandate state, in order to provide the appropriate environment for bringing and replacing the Jews as the new visitors coming from all over the world to the land of Palestine.⁵

According to item (13) of the Constitution of Palestine, the High Commissioner has the right to grant donations or to lease any public land, provided that such donations or rents shall be in accordance with the Mandate which undertakes and stipulates that Palestine shall be in an economic, social and political situations enable it to establish a national home for Jews in Palestine, so it is natural that these privileges are all in favor of the Zionist movement, these items of the Constitution of Palestine and the Mandate have enabled the High commissioner to act as he pleases in the territories.

⁴ Morris,Benny, ”A fresh look at Zionist documentation of 1948.” J.P.S NO.3 spring 1995, pp.44-62.

⁵Amr, Naaman, op. Cit. P.3.

Yosef, Weitz: Head of Department of the Jewish national Fund.

Provided items of the Expropriation law have worked to help the Zionists to seize the land they deem suitable for their projects if their owners don't agree to sell it. Item (3) of the Property Law of 1926 states: "The originator of a project shall have the right to negotiate or agree with the owner of the land he needs for his project, and with all other owners, either to buy it fully, or to use it for a certain period of time or even to have the right upon using it however he wants for the necessity of his project.

It is noted that the Zionist movement was planning and working by all means and ways to carry out its project, either through massacres and terrorizing people by killing, expelling citizens from their own homes and depriving them of their sources of living or by eluding that they are going to buy the land intended to be emptied of its inhabitants to establish their own project, This would not have happened if the Mandatory State had not conspired against Palestine, provided all the possibilities for the Jews, facilitated emigration to strengthen their power and turned a blind eye to their terrorist practices, over and more it had backed them with political resolutions and supported them with law, allowed free armament for them to become a military force that would colonize the land and establish their own project on.

In a race against time the Zionist movement had expelled and cleansed lands of its people to rush the establishing of their alleged state. This was on the first of December 1947, when the population at the time was a mixture of Palestinians and Jews, the population of the original landowners constituted 2/3 percent of the total population, while the last third were Jews who came to the country in the 1920s at the beginning of the Mandate time, the low number of Jews formed a barrier to those who had the will to resolve the conflict between the two communities. Several solutions were proposed to resolve the dispute, including a bi-national state, a state of cantons similar to the Swiss model, but these two solutions were rejected by the two communities and the first one was rejected fully by the Jews. The resolution of the partition was one of the British solutions accepted by the Zionist movement, the issue was referred to the United Nations, which had no experience according to the short time of its foundation, two years from 1947, the United Nations accepted this decision, but did not take into account the demographic and ethnic factors in this country, and the predominant number of the Palestinians. The Palestinian rights

were violated by the UN when declaring two equal entities in Palestine, ignoring the revolutions and protests that took place in the Arab world when they realized the loss of Palestine, and instead of calming the conflict down the resolution brought more tension and violence to this land. When the British Mandate decided to leave and withdraw from Palestine, the clash and conflict between the two communities increased, resulting in chaotic situations in the country, followed by the first Arab-Israeli war in which ethnic cleansing began.⁶

In an interview with the Israeli historian” Benny Morris” in 2004, he justified the ethnic cleansing that the Zionist state would not have been

laid down if it had not done the expulsion and uprooting of more than 700,000 Palestinians from their land. The writer acknowledges the magnitude of the tragedy that happened to the Palestinians and shows his sympathy for the refugees, but he declares that the will to establish a Jewish state here is a will of legitimacy and there is no other choice. When asked if there is any moral aspect in this work, he replied: yes, and justified that the great American democracy would not have been achieved if they hadn’t exterminated the American Indians, he continues saying that the final option is a justification for any cruel and brutal acts that occur in the historical course.⁷

The Palestinian and Arab leadership rejected the decision and decided to boycott the United Nations. The Palestinians realized that everything was pre-prepared for the benefit of the Jews and the new settlers. In response to this rejection, the Zionist movement accepted the partition plan and violated it at the same time. According to one British official in Jerusalem, who wrote to his government that the Zionist acceptance of the partition resolution was selective. When this Zionist entity was recognized by the United

⁶Pappe, Ilan, Ethnic cleansing in Palestine, The Palestinian studies institute, Ramallah, November, 2012, .P.42.

⁷ Morris, Benny, special interview concerned 1948 war events, The Palestinian studies institute, Lebanon, Vol.58, P.139. Source: Hertz, appendix, 9/1/2004, P18-21, The interview was conducted by Ari Shavit. Here are some excerpts translated by Khaled Ayed.

Nations, the Zionist movement rejoiced and claimed that the UN had set "non-Zionist conditions" to preserve its existence.

The rejection of the resolution by the Arab side allowed the Zionist movement to claim that this resolution was invalid, except for the items and

articles that recognized the legitimacy of the Jewish state in Palestine. Ben-Gurion said that "the state's borders would be forced, not partitioned". And that what the Arabs will gain in Palestine.

The British government took its decision to withdraw from Palestine and authorized the United Nations to dissolve the issue, but the question here was the Mandate state aware that the Zionist will be able to establish its project of finding a national home in Palestine after its support and supply of all suitable means? The partition resolution released in November 1947 gave a legal and legitimate attribute to this Zionist entity which was highly welcomed by the Zionist movement. This was followed by Arab protests against the resolution, many buses and commercial centers were hit in response to this resolution, which ignored the legitimate rights of the original Palestinians, and these protests gave the Zionist movement the opportunity to start attacks on Palestinian villages and towns. A wide range of Palestinians evacuations that estimated at 750,000 people began in February 1948, where the villages were easily expropriated. The Dealt Plan then was planning to expand and control to the city centers, which were controlled in late April. Many massacres against the Palestinians followed and Deir Yassin's was the most notable at that time. The Arab League responded by the military response after the withdrawal of the Mandate. The withdrawal was on May 15, 1948, when the Zionist movement quickly declared their state, which was welcomed by the great powers, led by the United States and the Soviet Union.⁸

The promised Zionist state was established on the rubbles and sufferings of an oppressed nation who was uprooted from its land to bring instead an alleged entity sponsored by the British government. The United Nations also conspired in finding that state, without taking into consideration the rights of the Palestinian people, the original landowners of

⁸Pappe,Ilan,op.Cit.,P.50.

the land. The United Nations had foremost to take into account the rights of the oppressed people, rather than to oppress them. It simply ignored its legal and moral role towards the Palestinian people, who had been expelled. The Zionist writer gave a justification for the displacement of the Palestinians of their land for the establishment of a state that has no history and no right on this land, don't the Palestinians have the right to defend themselves after being abandoned from their usurped land, as long as they aim to uproot the population?

Chapter One

The position of the parties concerned on the issue of Palestinian refugees

1.1 U.S policy towards the Palestinian cause

The US policy supported the Zionist aims to seize the Palestinian land, ignoring the Palestinian and Arab rights, which had disastrous consequences for the Palestinian people represented by the emergence of the refugee problem⁹. The United States reneged the promises made in 1945-1946, which assured the Arabs that no resolution would be issued on Palestine without the consent of the Arab and Jewish parties. However, when the issue of partition of Palestine was raised, the U.S practiced pressure on the members of the UN to obtain two thirds of the votes. This, however, contrasts the former US President Woodrow Wilson's policy* of 1918, not to impose solutions on any country without the consent of its people¹⁰. Which was one of his Fourteen Points advocating the right to self-determination*.

It seems that the US administration aimed to find a legal formula through the United Nations to consolidate the foundations of the newly formed state, to strengthen its influence in the resources-rich Middle East in light of the rising oil wealth and to enter into competition with the major colonial powers i.e. Britain and France. It also seems that the U.S president exchanged the recognition of Israel with electoral votes by the Jewish lobby as well as Israel's protection of the American imperialism interests in the Arab region.

⁹Al-Salhi, Essam, American Policy Trends in the Arab World, 1945-1953 (Historical and Analytical Study), Faculty of Arts, Department of History, Journal of the Faculty of Arts, No. 97, Islamic University, Gaza, p.15.

¹⁰ Jarrar, Najeh, Palestinian Refugees, Introduction to review and extrapolating the Future, Palestinian Academic Society for International Affairs, Jerusalem, First Edition, May 1994, P. 38.

* U.S President Woodrow Wilson Fourteen Points - Statement of Principles for Peace, See annex (3)

The Palestinian cause, the U.S heading of the Capitalist bloc and the existence of the newly created state (Israel), all these facts met the American vital interests in the Middle East. These events shaped American policy over the past decades. The American policy was based on a set of strategic constants on the Palestinian cause, which enabled it to control the Middle East, control the parties involved and subjugate them to its global strategy. The efforts America made toward reaching a solution to the Palestinian cause were mere slogans. Actually, the United States efforts were of another dimension that reflected its economic and military policies, which was constantly aimed to ensure Israel's superiority over the Arab region in line with eviscerating the Palestinian cause of its strategic objectives.¹¹

1.2 The American policy toward the Palestinian refugee issue

Since the emergence of the Arab-Israeli conflict in 1948 and the result, the refugee problem, the US launched its Israeli-position supportive-policy on the refugee problem. This problem is connected with the following U.S strategic objectives

- The containment policy practiced on the Arab-Israeli conflict i.e. the Palestinian cause. This policy aims at achieving its objectives:

- Protect US vital interests.
- Incorporate security and economic policies that keeps the US in the scene closing the road to external interventions.
- To maintain the status quo as it is, without finding a solution to the existing conflict. In addition to maintaining this situation without surprises threatening its interests.
- Cooperate with regional and international allies to achieve its policy.

¹¹Awad, Noraldin, American Policy Paper on the Palestinian Issue, Green Corner, 2011. [Http://www.grenc.com/show_article_main.cfm?id=22805](http://www.grenc.com/show_article_main.cfm?id=22805)

- The retreat of US policy from the Palestinian issue stems from the strategic alliance with Israel and its increasing position. The successive US administrations practiced these strategies, thus affecting and marginalizing the refugees' problem.
- The US policy supported Israel over the past decades enabling the latter to increase its influence within the successive US administrations. In addition, the efforts of these governments to win the Jewish lobby and the pro-Israel powers' votes led to influence the US policy in the Middle East. Thus, leading to U.S. administration to retreat from its positions on the Palestinian issue¹².

It is clear that the newborn state had the support and the recognition of major forces denying the existence of a people suffering as a result of the establishment of this Zionist entity. Since the 1948 war and the emergence of the refugee problem several international resolutions regarding the refugee issue have been issued. Nevertheless, this did not help them to this day.

The vision of the United States was to solve the refugee problem by settling them in the Arab countries where they live by opening new horizons and initiating economic projects which was implemented through the UN Conciliation Commission for Palestine.

1.3 Truman Memo 'Proposal of 100,000 refugees offer 'of 1949

The project, initiated by US President Harry Truman, was considered one of the most prominent projects to solve the refugee issue, through Israel's commitment to return 100,000 to 200,000 refugees to their homes from which they were driven. It has been referred to by US policy specialists as a qualitative shift in US policy toward the refugee issue¹³.

¹²Mohammed Adwan, Akram, American Attitudes Toward the Palestinian Refugee Issue, Department of History, Faculty of Arts, Islamic University, Gaza, 2009, P. 4.

¹³Ayman Yousef, Palestine Question and Super Powers: Study of Dynamics of Cold War Politics, M.S. University of Baroda: India, 1995, P. 79

1.4 George McGee, US Deputy Secretary of State, Initiative of 1949:

This vision was to integrate the refugees through the provision of developmental action mechanisms away from the relief operations. In addition, to involve the refugees in the political and economic system in the Arab countries as well as to develop the capacity of these countries and increase their productive capacity in order to absorb and settle the refugees¹⁴.

Resolution 194 of the United Nations of 11 December 1948 served as the basis for resolving the Palestinian refugee problem. The United States played a role in drafting the final draft, which calls "to facilitate the refugees' repatriation, resettlement and economic and social rehabilitation." This prompted the United Nations to form a committee called the UNCCP, which was formed in Rhodes in January 1949. The committee mission was to bring together the Arab parties that had committed themselves to a truce with Israel in order to achieve peace between the parties¹⁵. In May 1949, the committee brought together the Arab and Israeli parties in Lausanne, Switzerland, where a protocol was formulated to serve as the basis for the talks. It stated:

"The UN Conciliation Commission of the United Nations in its pursuit of the objectives of the General Assembly resolution of 11 December on refugees as a basis for discussions with the Committee." It was suggested to the Arab countries delegations and to the Israeli delegation to take the attached document. These meetings were not successful because the document had the partition resolution issued in 1947 and the maps of which. Israel controls the largest area allocated to it, which means that the territories controlled exceeded the territories allocated by the resolution. Israel has occupied these areas uncaring about the truce or the Security Council resolutions. On the other side, Israel was interested in attending the meetings of the Lausanne Conference of 1949 to ensure the acceptance of its membership in the United Nations. Israel's attendance of the

¹⁴Mohammed Adwan, Akram, op. Cit., P. 6.

¹⁵Heikal, Mohamed Hassanein, The Secret Negotiations between the Arabs and Israel, The Storms of Peace and War, Dar Al Shorouk, Cairo, 1996, p.23.

first session was a maneuvering. Once Israel has been accepted as a member in the United Nations, its delegation left the second meeting and returned to Israel.¹⁶

Following the letters sent by the President of the Conciliation Commission to the US Administration, the United States made its efforts to return 250 thousand refugees. It assigned Gordon R Clapp, Chairman of the Board of Directors of the Tennessee Valley Authority to head the United Nations mission to study the areas targeted economically for the establishment of projects intended to settle refugees. Of the most important projects,

- Reduce relief and self-reliance by providing productive processes that lead to profit and reduce expenditures to a level these countries can deal with.
- Exclude relief operations, which lead to rising poverty.
- Development of economic programs, through the provision of irrigation water, land reclamation, road construction and the suitable facilities for refugees.¹⁷

The Commission concluded that peace requires the political will of the concerned parties. The economic development process alone cannot provide the conditions for peace. He made his recommendations to The House Foreign Affairs Committee, "Arab governments are not willing to discuss resettlement of Refugees."The Committee concluded that the most appropriate solution would be the return of the refugees to their homes. However, the military control over the land prevents their return, which necessitates only providing charitable relief to them and carrying out small projects to be tested in the targeted areas. The Conciliation Committee ended in a closed road because of the Israeli intransigence and the US policy support of it, as well as the weakness of the Arab position, which made it unable to implement Resolution 194.

As for Israel, it remained indifferent to Palestinian rights and to the international community and its resolutions. It also rejected any pressure exerted on it, despite the demand of the United States, the Soviet Union and European countries to implement UN General Assembly Resolution 194.

¹⁶Structure, Mohamed Hassanein, the previous reference., P. 25.

¹⁷Mohammed Adwan, Akram, op. Cit., P. 8.

From another side, Prime Minister Ben Gur-Yoon said that Israel was ready to accept 100,000 refugees to return from their homes, conditional to accept its membership at the UN. However, this was connected to the implementation of Resolution 194, thus makes Israel a direct responsible for the refugees displacement.

In addition, Israel also fears demographic change as a result of their return. In contrast, it has always raised the question of Jewish immigrants in the Arab countries and they are now citizens of the State of Israel. The Arab countries did not take the same role as Israel in dealing with the refugee issue in the Arab countries estimated at 800 thousand people and their properties.¹⁸ "Israel is not prepared to accept any settlement that could affect its security and independence. Any return of refugees would be a disaster for Israel. We cannot," Ben Gur-Yun said. "Israel is not prepared to accept any settlement that could affect its security and independence. We will not allow the return of those who hate us, even if sanctions were imposed on us."¹⁹

In light of that, the American position was consistent with the Israeli tendency to settle the refugees in the Arab countries. The American political positions on the refugee issue declined and adopted Israeli positions. It considered this issue purely humanitarian and ethical and ignored the UN resolution 194, which calls for the return of refugees to their homes. The United States also eviscerated the refugees issue political content. The American vision to solve the problem of refugees relied on economic projects and the denial of the national rights of the Palestinian people. US projects on the refugees problem have continued throughout the successive administrations. In 1952 plan Johnston project calls:

1.5 Johnston Plan:

In January 1953, US Ambassador Johnston was charged by US President Eisenhower with a tour to the Middle East to find a solution to the refugee problem. His tour carried

¹⁸Al-Jundi, Ibrahim, Palestine Refugees Between Return and Settlement, Dar Al Shorouk for Publishing and Distribution, Amman, 2001, p. 61,59.

¹⁹Khalil Sagi, American Vision for the Resolution of the Palestinian Refugee Issue, Israeli and Palestinian Backgrounds, The General Union of Palestinian Writers, The General Secretariat, 2014, pp. 48-52.

economic ideas similar to that of Gordon Clapp "Exploitation of the Jordan River Water in Electric Power Projects to Provide Job Opportunities for Refugees." Thus, leading to acceptance of the resettlement process in the Arab countries. The temptations of economic projects that the American administration promoted had various political and economic objectives in order to integrate the refugees through these development projects²⁰ in line with the Zionist entity, its strategic ally at the expense of Arab issues, primarily the Palestinian cause. In addition to the fear of the increasing influence of the Soviet Union in the Arab region.²¹ The United States continued to send committees to study and assess the situation of the refugees. The recommendations provided were based on humanitarian assistance to the refugees to alleviate their suffering. Pressure was exerted on Arab countries to settle them. The committees positions were consistent with the Israeli positions calling on the US administration not to accept the return of refugees to Israel.²²

In 1955, the project was praised by US Secretary of State Donald Rumsfeld, saying, "the Johnston Plan is a practical step towards solving all the problems related to the Palestinian issue." Despite the US insistence on accepting the Plan, it was rejected by the Arabs because it keeps Yarmouk's water under Israeli control. The Israeli side rejected the plan as well despite the American advice to accept it, as Israel wants to protect its Jewish western character.²³

It is noted that the Johnston Plan did not include a political project that would compensate the refugees illegally displaced from their homes for the Zionist project, indifferent to the suffering and the subsequent displacement and ethnic cleansing. In addition to the rejection of the essence of their cause, their return. Nevertheless, Israel rejected the proposals made by the United States.

²⁰Khalil, Sage, op. Cit., P. 53.

²¹AlJaf, JiaFakhri, American Strategy for the Arab Region - Iraq as a Model - Damascus, 2012, p. 118.

²²Khalil, Sage, op. Cit., P. 53.

²³Mohammed Adwan, Akram, op. Cit., P. 9.

1.6 John Foster Dulles Project of 1955

He presented his proposals to the US Congress, starting from the main issues and points to the issue of refugees. His vision led to proposals for a peaceful settlement and a solution to the Arab-Israeli conflict in the Middle East ending the suffering of 900,000 refugees. His plan has three main concepts:

- End the suffering of the refugees and return them to their homes within the practical limits that Israel accepts and to settle the other part in the Arab countries. In his project, Dallas proposed rehabilitating and reclaiming agricultural land and increasing irrigation projects that create employment opportunities for refugees. Pay them compensation through an international loan mainly contributed by the United States.
- The two sides have lost their mutual feelings of trust. The United States is exerting its efforts to bring the views of the two sides closer to the issue of refugees and the Palestinian cause in general, followed by bilateral and collective agreements prepared by the United States. Any aggression on the borders by force or violation of the situation is to be prevented.
- Agreement on a stable borders between the Arab and Israeli sides and to prevent any new attacks. Israel to withdraw from some areas in the future to settle refugees, especially the Negev.²⁴

All the ideas and solutions proposed by American policy were to maintain Israel's security and secure its borders as well as to clear any influence of the Soviet Union in the region. In August 1958, President Eisenhower presented his vision to the General Assembly at its special session regarding the state of conflict in the Middle East. His vision included the establishment of a regional Arab development institution under the auspices of the United Nations to be assisted in the establishment of industrial, agricultural and water projects in the region. The United States is willing to contribute to

²⁴Ayman Yousef, Op. Cit. P,136.

them.²⁵ The Dallas project did not address the refugees' return to their country except within the limits of the "practical possibility." In contrast, Israel rejected any of these solutions and felt that the solution was to absorb the refugees and resettle them in the Arab countries through the projects offered. The United States is looking for a way out for Israel that is consistent with its vision of such development projects, indifferent to the suffering caused by their displacement over the past decades. Israel sees that the project deprives them of strategic and geographically important areas such as the Negev, natural and mineral rich resources area that has the Port of Eilat, which is the only port of Israel on the Red Sea.

1.7 Lyndon Johnson Administration (1961-1963)

The administration of US President John F. Kennedy took over the White House from 1961-1963 and did not have enough time to shape its foreign policy, preoccupied with internal affairs, due to the assassination that led to the death of the US president.²⁶ President Johnson took office biased to the Jewish lobby as it is the influential force in the American media. In his address to the UN General Assembly on June 19, 1967, he said, "The refugee problem shall be solved fairly" without elaborating to implement this solution, a week after the termination of the war.²⁷ The June War 'The Six-Day War' left behind tragic and difficult situations that led to an increase in the number of refugees and resulted in several political, military and geographic changes in the region in favor of Israel. The Security Council resolutions (233,234,235,236) further complicated the situation. These resolutions did not call on Israel to return to pre-war areas, thereby strengthening its position on encroachment on the Palestinian territories. On November 22, 1967, Resolution 242 came to constitute the international reference for the settlement of the Arab-Israeli conflict, after the partition resolution was aborted.²⁸ The resolution considered the refugee issue a cornerstone of the conflict, calling for a just solution to the

²⁵Sultan, Jamal Mustafa Abdullah, *American Strategy in the Middle East*, Dar Wael Publishing and Distribution, Amman, 2002, p. 210.

²⁶AlJaff, JiaFakhri, op. Cit, P. 121.

²⁷Mohammed Adwan, Akram, op. Cit., P. 13.

²⁸Sultan, Jamal Mustafa Abdullah, op. Cit., P. 212.

issue, without clarifying the mechanisms and means of those solutions and without specifying who are the refugees.²⁹

UN Security Council Resolution 242 appears to be consistent with Johnson's ideas for a just solution to the refugee issue without elaborating the key details of the implementation of this solution.

By the end of 1968, the US Secretary of State (Dean Rusk) presented a settlement project with Egypt on the "solution of the refugee problem to a referendum"³⁰ it raised several points,

- The refugee must be aware of all the offers made to engage in Israeli society, in terms of the mechanism of work, as well as the process of stabilization and humanitarian and political communication within this community. A refugee must also know the value of compensation provided if he stays in the country in which he is present.
- Compensation shall be calculated and assessed as it was in that period, 1947-1948, the accrued interest shall be added to it.
- Israel has the right to protect its security and vital interests and has the right to refuse the return of any refugees if it deems it a threat.
- The United States and UN Member States are involved in the creation of a financial fund, in which rich countries, including Israel, will contribute to pay the required compensation.
- A refugee who has no property at the time of the Nakba is granted a lump sum amount of money to adjust to the new environment.
- Any government withdraws if it deems this project a threat to its vital interests.
- This project is implemented in phases and managed by the United Nations.³¹

²⁹Khalil, Sage, op. Cit., P. 59.

³⁰Al Maweid, Hamad, Constants and Variables in the US Position on the Refugee Issue, Samed Al-Iqtisadi Journal, No. 106, 1996, p. 247.

³¹William Quandt, Decade of Decision American Policy To Wards Arab-Israeli Conflict 1967-1976, Berkeley, University of California Press, 1977, PP82-84

As usual, Israel saw this project as a strategic threat to its national security. It saw that the project has political and demographic implications and that the most appropriate solution must be through the process of settling them in the Arab countries. The Arab countries rejected as they feared that the refugees 'resettlement would hinder development.

1.8 Rogers Initiative:

The United States continued its efforts in the Arab region with the arrival of President Richard Nixon in 1969. It also intensified and revitalized its role in order to reach a peaceful solution based on Resolution 242 and on contractual commitments made by the international envoy "Yarring". Agreement on adjustments to disputed borders and demilitarization of the border areas are to be carried in return for a just solution to the refugee issue. Israel's withdrawal from the territories it occupied in 1967 is conditional on the availability of all these elements to establish a peace agreement on all sides. However, international efforts failed as it could not implement resolution 242, which led to the war of attrition between Egypt and Israel. This led Rogers to put forward an initiative on 9 January 1969 encouraging the Arab parties to reach a permanent peace process and binding on all parties as well as to persuade the Israeli side to withdraw from the occupied territories in accordance with Security Council resolution 242. Three elements are laid out as the basis for a settlement:

- A peace agreement between Egypt and Israel that includes border control and the prevention of Fedayeen "fighting" actions.
- The demilitarization of border areas and the establishment of mechanisms for the Gaza Strip under the supervision of the international envoy "Yarring".
- Israeli withdrawal from Egyptian territory to the international border. Both parties shall take security measures to protect the peace process³². Israel rejected these proposals and saw that peace will not be achieved through initiatives but will be achieved through direct negotiations without preconditions.

Both Jordan and Egypt agreed to the Rogers project as it carried a political project instead of an economic project. Despite Israel's rejection, it accepted it by pressure exerted by the United States. Jordan and Egypt agreement to the project confused the Arab situation,

³²Sultan, Jamal Mustafa Abdullah, op. Cit., Pp. 216-218.

which gave Israel the opportunity to renounce it not to withdraw from the territories occupied in 1967.³³

It is clear that Israel is not interested in reaching a peace agreement that does not conform to its vision. The state that carries in its mind the transfer project does not want projects that restrict its expansionist project. As a result of the lack of serious pressure exerted on it, it continued its practices rejecting Political projects and ignoring international resolutions.

In 1974-1977, the US President Gerald Ford Administration, whose priority was to undermine Russia's influence in the region, was to support its allies in the region, led by Israel. Nevertheless, at this stage, Israel achieved what it dreamed of which it was unable to obtain in the war. It was the US-sponsored Egyptian-Israeli peace treaty and the Security Council Resolution 338 of October 1973 that led to the conclusion of the disengagement agreements on the Egyptian and Syrian fronts in 1974-1975. This was the result of coordination between the Soviet Union and the United States, which enabled the latter to be control the resolution process of what was known as the policy of "step by step" achieved by Kissinger. This limited the Soviet influence and empowered the one-sided settlement. In addition to making the conflict a mere difference related to borders, navigation and security. Furthermore, to exclude the largest Arab country from the arena of confrontation, which prompts each country individually in the quest for a solution.³⁴ This administration opposed the settlement projects provided for the return of the refugees to their homes and also opposed the Israeli withdrawal to the pre-June 4, 1967 borders. The ideas that Kissinger carried did not exceed the idea of settling, with two thirds being settled in Jordan and the third one in Syria, and paying compensations to the owners of land that Israel controlled³⁵. This shows that shows the Arab-Israeli conflict was not one of the US priorities despite the emergence of the role of the Palestine

³³Khalil, Saji, op. Cit., Pp. 62-63.

³⁴Sultan, Jamal Mustafa Abdullah, op. Cit., P. 223.

³⁵Musalha, Omar, The Promised Peace between the Conflict and the Settlement (translated) Wadih Istfan, Dar al-Saqi, Beirut, 1994, p. 203.

Liberation Organization and the recognition of it as the sole representative of the Palestinian people at the 1974 Rabat summit.

It seems that Israel aspired to reach such an agreement that guarantees the freedom of navigation, security on the borders as well as to target what it considers hostile. In addition to keeping Egypt out of the arena of confrontation. The conflict shifted from Israeli-Arab to Arab-Arab conflict against the backdrop of this agreement allowing Israel to impose its opinion in future agreements or singling out individual states, for example (as happened after the Egyptian-Israeli peace treaty, Israel invaded Beirut in 1982).

1.9 Jimmy Carter's proposals

Carter's policy was different from his predecessor, Gerald Ford, who gave great importance to the Middle East and dealt with the Palestinian issue as the heart of the conflict in the region. His remarks were a glimmer of hope for solving the Palestinian issue, first and foremost the refugee problem. "There must be a homeland for Palestinian refugees," he said. Adding that peace and Israeli withdrawal from the occupied Arab territories should be achieved. He added, "The details of these issues must be negotiated between Israel and the Arabs." On 12 May 1977, he explained his vision to reach a solution to the Palestinian issue. "The precise definition of what that homeland should be, the degree of its independence of the Palestinian entity, its relation with Jordan or any other state, must be formed by the parties concerned. However, Palestinian access to the homeland and the solution of the refugee problem is of great importance."³⁶

This was a fundamental change on the issue of the refugees by establishing a homeland for them, which aroused the Israeli anger. The US president justified his remarks that the meaning of the homeland is any other country and not specifically Palestine. This made him cautious when introducing any project that may anger Israel. The Carter administration's later projects did not address the refugee issue as the basis for resolving the Middle East conflict³⁷. However, it considered that the solution of the refugee problem must be carried out through the Arab parties negotiating with Israel. The Camp

³⁶Khalil, Saji, op. Cit., pp. 63-65.

³⁷Mohammed Adwan, Akram, op. Cit., P. 17.

David agreement signed between Egypt and Israel, for example, is based on resolving the refugee problem for an agreement between the three parties - Egypt, Jordan and Israel. "During the transitional period, the representatives of Egypt, Israel, Jordan and the Palestinian Autonomous Authority will form an ongoing committee to broadcast the agreement on how to address the entry of persons displaced from the West Bank and Gaza in 1967. Egypt and Israel will work together and with other parties concerned to develop agreed procedures for immediate, just and lasting implementation of the refugee problem."³⁸

It is clear that the Carter administration was keen initially to resolve the refugee issue; however, they found themselves powerless before the Israeli pressure that led the US president to retreat from his remarks. The projects put forward did not mention the issue of refugees in line with Israel's desire to solve it through the Arab countries taking responsibility and the consequent agreements.

1.10 The Ronald Reagan Initiative: 1981-1989

Reagan's administration pursued the policy of his predecessor, Jimmy Carter, as it was a priority to counter the Soviet influence in the region. It ignored the conflict in the Middle East considering it a cold war³⁹. However, the situation gradually changed. On September 1, 1982, Reagan announced his initiative when the Palestine Liberation Organization (PLO) was exiting Beirut. The initiative included Resolution 242 and the Camp David Accords as the basis for a peaceful solution. It refused to deal with the Organization unless it changes its positions regarding its condemnation of terrorism, acceptance of UN Security Council Resolutions 242 and 338, and recognition of Israel's right to exist⁴⁰. President Reagan opposed the establishment of an independent Palestinian entity and also opposed the annexation of the West Bank and Gaza Strip under Israeli sovereignty. In his opinion, peace cannot be achieved by establishing a Palestinian state in both the West

³⁸Shadid, Muhammad, *the United States and the Palestinians between Absorption and Liquidation*, Al-Rayes Translation by Kawkab Najib El Rayes, Jerusalem, 1985, pp. 70-71.

³⁹Gerges, Fawaz, *American Policy towards the Arabs, How it is made and Makes It*, Center for Arab Unity Studies, Beirut, 1998, p. 142.

⁴⁰Al-Sultan, Jamal Mustafa Abdullah, *op. Cit*, pp. 236-237.

Bank and the Gaza Strip or subjecting them to permanent Israeli control. Rather, he advocated establishing self-government with Jordan. He did not mention the refugee issue.⁴¹

President Reagan's policy did not go any further than those of his predecessors did. The projects initiated did not mention the refugee issue but were an absorption of anger not to cause a collapse of the Egyptian-Israeli agreement after the Israeli invasion of Beirut in 1982. Thus, the initiative was look keen to find a settlement in the Arab region.

1.11 US President Bush Senior initiative 1989-1993

This period witnessed important developments in the international arena, which led to the Gulf War in 1991 and the collapse of the Soviet Union, which opened the way for the United States to shape its policies at the international level. This created an opportunity for a new political system in the Middle East by reaching a peace agreement between the Arabs and Israel through direct negotiations between them⁴². On 30 October 1991, an international conference on peace in the Middle East was held in Madrid under the auspices of the United States, away from the United Nations, based on Security Council resolutions 242 and 338. The initiative dealt with the refugee issue, but the refugee issue was deferred to final status issues, despite not addressing the basics of the problem and excluding relevant resolutions law. The negotiations between the two sides did not depend on those resolutions and the right of return was not addressed. Resolution 242 referred to the refugee issue, "a just settlement of the refugee issue must be achieved." The resolution was so vague and misleading that it did not specify the refugees, which the Israelis it was applicable to Jewish refugees who had been displaced from Arab countries.⁴³

In the light of the above, it appears that the events and developments that occurred in time enabled the United States to draw its policy and the lead and control the solutions in the region. The question is whether the conference was aimed at ending legal models

⁴¹Al-Maweid, Hamad, op. Cit., P. 472

⁴²Khalil, Sage, op. Cit., P. 67.

⁴³Adwan, Akram, op. Cit., P. 19.

with regard to the refugee issue by excluding the international umbrella from the conference. It seems that the conference was consistent and in line with the Israeli aspirations, as it did not deal with the right of return of Palestinian refugees as well as postponing the core issues to the final solution.

1.12 The refugees 'problem under President Bill Clinton Administration 1993-2001

The Clinton administration did not believe in resolution 194 and considered it invalid at this stage because of the ongoing negotiations between the two parties⁴⁴. President Clinton's vision of a solution by ending the Israeli-Palestinian conflict led to the establishment of a Palestinian state. The Palestinian side expressed his approval for the return of the vast majority of refugees to the new Palestinian state. The approach taken by the Clinton Initiative is based on the foundations for resolving the refugee issue, as follows:

- The return of refugees to the new Palestinian entity, as their national homeland.
- The solution to the refugee issue is based on political understandings between the two parties away from international resolutions and their legal models.
- The Clinton Initiative has conceptualized solutions to needs rather than rights. Negotiations are based on each party's needs.
- The Palestinian needs are based on symbolic contents, while the Israeli needs carry practical implications. In other words, recognition of the Palestinians' right of return is limited to symbolic content, while Israel must be protected to preserve its Jewish character. This is what Israel got through this initiative in choosing refugees to return to Israel. As for Resolution 194, it was considered, according to the Clinton Initiative, that it could be returned as a reference and not as a basis for implementation.
- To avoid excluding Resolution 194 and reaching a point of convergence between the parties on its wording, Clinton suggested that what was reached between the

⁴⁴Adwan, Akram, op. Cit. P 20.

two sides on the issue of refugees would be the appropriate choice for Resolution 194.

- For refugees who wish to remain in their places of residence or to move to other countries, their wishes shall be fulfilled, in a manner that does not conflict with the sovereignty of countries and to take appropriate decisions on this matter.
- Compensation by the international community for the refugee's losses and damage in order to help them build their new lives by establishing a fund. The United States has an active role in raising funds from the international community.⁴⁵

It is clear that the American administration wanted to distance itself from legal references to eliminate the legitimate rights of the Palestinian people. This was clear through the proposal of return of refugees to the new entity on the pretext of fear of the demographic change. It was also not convinced of resolution 194 and considered it invalid at this stage. In addition, it believed that the solution lies in what is reached between the parties, in line with Israeli desires to impose dictations on the Palestinian side due to disparity in the balance of power.

1.13 Administration of US President George W. Bush (2001-2008)

The administration of US President George W. Bush spoke of the "two-state vision" based on its vision of a solution to a central point of exchanging a temporary Palestinian state for fundamental reforms in the structure of the Palestinian Authority. "This document did not present the solution and the steps necessary to implement it on the ground. In June 2003, President Bush emphasized the right of the State of Israel to exist as a" Pure Jewish state, which closed the door in the implementation of the roadmap. At the 2007 Annapolis meeting, the same approach is certainly repeated in the Jewish state, and the refugee issue has never been mentioned.

This indicates that all American administrations came in support of Israeli positions, but carried with them the most dangerous of the administrations that preceded them, namely, Israel as a Jewish state, to falsify history and facts, and to eliminate the rest of the Palestinians in the occupied territories in 1948

⁴⁵Khalil, Sage, op. Cit, pp. 139-140.

1.14. The Obama Administration and the Palestinian-Israeli Peace Process (2008-2016)

The Obama administration has not moved away from its predecessor, George W. Bush, and has affirmed its commitment to protecting Israel's security. Israel is betting on Obama's role in supporting its interests in any settlement of the conflict with the Palestinians. On the issue of Palestinian refugees, the Obama administration has not recognized the right of return for refugees, and to reduce the threat of demographic concern. She believed that the treatment of the refugee issue lies in their absorption in the Arab countries, with the need to compensate them and help them to earn a living.

The Obama administration did not come in new. It followed the policy of its predecessors. This gives the impression that American administrations have a certain line that they cannot overcome in terms of the Palestinian refugees. All the ideas they advocate call for preserving the demographic character and maintaining Israel's security, and treatment for this issue lies in compensation and the provision of livelihood for them

1.15 The Israeli Position:

The Zionist mentality used most of its time to establish its project at the expense of the Palestinian people, which resulted in the displacement of the Palestinian people from their land and the massacres and mass murder in order to depopulate the land. Once this project was achieved and the State of Israel was declared, it worked to strengthen its foundations and made sure that the refugees did not return to their homes⁴⁶. In spite of all the practices it has done, it has renounced its responsibility for the suffering of the Palestinian refugees, considering that the Arabs bear responsibility of the refugees, as they were asked to leave their country. Thus, Arabs bear the responsibility of absorbing and resettling them. Israel, if it wishes to help, is to provide only humanitarian help. There are Jewish refugees who have been displaced from the Arab countries and left their property. The left-property of both sides, the Palestinian and the Israeli should be compared to ensure the success of any settlement.

⁴⁶Abu Amer, Adnan Abdel Rahman, The Israeli Position on the Refugee Issue, Historical Perspective and Political Behavior, Palestinian Return Organization - Wajib, Master Thesis, Damascus, 2007, p.33

All the projects and solutions that were presented to Israel by the major powers, especially the United States, were rejected by Israel even if they stipulated the return of a limited number of refugees and the resettlement of the largest part in the Arab countries. Nevertheless, Israel at another time accepted the return of a limited number of sheikhs 'elderly', women and children to take place within the framework of an Arab-Israeli peace treaty. The Arabs rejected this proposal and had the conviction that it was possible to win over Israel.⁴⁷ Israel has remained steadfast in its positions, refusing to comply with the resolutions of international legitimacy, foremost of which is resolution 194, which is unwilling to reach a settlement of the conflict in the near term, as this leads to the restriction of its draft, leading to the declaration of its borders. It therefore sought to prolong the conflict to achieve its objectives. The Israeli political parties were all united and rejected any principle advocating the right of return. It was necessary to return to the provisions of the previous agreements, Camp David 1979, the Declaration of Principles in the 1993, Oslo Accords, Wadi Araba 1994, while not addressing the relevant international resolutions, foremost resolution 194⁴⁸. Israel envisages solving the problem of refugees in the West Bank and the Gaza Strip by providing them economic incentives, housing projects and agricultural and industrial development in the areas of resident. In this way, the camps are emptied and distributed within the villages and towns and are integrated and absorbed with time. Israel's vision was to resolve the refugee issue from a security rather than a political perspective.⁴⁹

It is clear that Israel has been intransigent in regard to the refugee issue over the course of the projects that have been raised. Israel has refused the return, and this was evident through their behavior and statements. The postponement of the refugee issue to the final stages was an Israeli escape. In addition to the elimination of international resolutions, foremost of which is Resolution 194, considering that the Declaration of Principles under the Oslo Accords is the reference rather than the UN resolutions. Resolution 242 provides for a just settlement for refugees. The resolution did not specify who the refugees are.

⁴⁷Al-Taweel, Faleh, *Palestinian Refugees A Question Pending*, 1996, pp. 50-53.

⁴⁸Abu Amer, Adnan Abdul Rahman, *op. Cit*, p 63,139.

⁴⁹*Ibid.* p88.

The Israelis have an interpretation of the resolution different from that of the Arabs and the Palestinians.

1.16 European Position:

The policy of the European governments combined constituted the main points of meeting to find a solution to the Arab-Israeli conflict. They were enthusiastic about solving the international problems and to empower and increase the role of the United Nations instead of the two superpowers. They all agreed that Security Council resolution 242 was the most appropriate basis for resolving the refugee issue as it's connected with humanitarian aspects. Although the resolution did not specify who the intended refugees were, it might come to mind that it meant the Jewish and Palestinian sides who had left the Arab countries. Away from France, the resolution granted the Palestinians the freedom to choose between the right of return or resettlement. There are countries that did not care about the Arab-Israeli conflict in general and the Palestinian in particular. This, in turn, has weakened the Palestinian cause so that it has served to escalate Israeli aggression inside and outside the occupied territory. Despite the participation of Britain and France to find a solution to the Arab-Israeli conflict, known as the talks of major powers with the participation of the United States and the Soviet Union, no positive results were achieved⁵⁰. Resolution 242 was still referred to as the most appropriate solution to the settlement offered by Britain through its head of delegation at the United Nations, Lord Caradon. The resolution was approved by the Security Council on 22 November 1967 and was adopted as a reference for all negotiations on the peace process. Nevertheless, Britain rigged the text of Resolution 242, Caradon said,⁵¹"It is the right of every country to interpret it in line with its policy." France demanded that Israel withdraw to the borders of June 4, 1967 and rejected Israeli practices to create new facts on the

⁵⁰Al-Mashharawi, Alaa, *The European Union and the Palestinian Cause*, Zayed Center for Coordination and Follow-up, UAE, 2003, pp. 31.32

⁵¹The Palestinian Annual Book of 1968, edited by Burhan Dajani, 1 Ed., Institute for Palestine Studies, Beirut, 1969, pp. 968-971.

ground as well as Israel's annexation of Jerusalem⁵². This has led to the detection of the European deficit and its inability to influence the settlement of the conflict. The Israeli policy was to criticize the EU's approach for two reasons: the first for its neutral or semi-neutral role, that was not present before the 1967 war. The second was the EU was asking Israel to withdraw from the Arab territories occupied in 1967 without direct negotiations with the Arabs.

The realization of the facts in European public opinion does not necessarily mean that something on the ground has changed in terms of their position towards the Palestinian cause. This only happens when there is a direct damage to the interests of the European citizen, as happened when the 'Oil selling pressure practiced during Yom Kippor War'⁵³. American bias towards the Israeli side weakened the role of the European Union and led to its inability to develop a foreign policy. America is practicing a diplomatic isolation that does not want to be shared by anyone in finding a solution to the Arab-Israeli conflict. The Arabs themselves are preoccupied with Arab-Arab differences, they are not a force to approach and or to rely upon. The other side has Western European and American influence that hinders solutions to resolve the conflict.⁵⁴

The speech made by the late Palestinian President Yasser Arafat in Algiers in 1988 following the convening of the Palestinian National Council was internationally welcomed, particularly by the European Community, in the Brussels Declaration on 21 November 1988. This was a major turning point in the transformation of the Palestinian position in line with its interest in freedom and independence. After the Gulf War, both the United States and the European countries agreed to hold a peace conference in Madrid in 1991. The European Community also affirmed its commitment to the principle of "land for peace" and that the negotiations are based on Security Council resolutions 242 and 338 in parallel lines between Palestinians and Israelis on the one hand and Arabs

⁵²The Palestinian Annual Book of 1968, edited by Burhan Dajani, 1 Ed., Institute for Palestine Studies, Beirut, 1969, P 83. See also Othman Othman,"TheEu ,the Middle East and the Arab- Israeli Conflict up to the 1980,inter European Union :Passia Seminar,Passia,Jerusalem,1996,P 43

⁵³Al-Mashharawi, Alaa, op. Cit., P. 54.

⁵⁴Al-'Azzī, Ghassan, Barriers to the European Role in the Settlement of the Arab-Israeli Conflict, Ibrahim Abu Lughod Institute of International Studies, Birzeit, 2005, p.31

and Israelis on the other. When the 1993 Oslo Accords were announced, the European Union intensified its efforts to continue the peace process by providing financial assistance to the Palestinian Authority. When Netanyahu took office, negotiations stalled, prompting the European Union and the Arab states to move the peace process forward fearing a collapse. This also prompted the United States to reinvigorate its role, prompting the 1998 Wye River negotiations between Arafat and Netanyahu at Wye Plantation. When the European Council met on 16 March 1999, it was time to establish a democratic and sovereign Palestinian State, which would allow Israel to live in peace with its neighbors. However, Sharon's visit to Al-Aqsa led to the deterioration of the situation and the outbreak of the Al-Aqsa 'The Second' Intifada on September 28, 2000. The Second Intifada broke out following the failure of the Camp David negotiations, leading Israel to reoccupy the West Bank and besieging Palestinian President Yasser Arafat at his headquarters in Ramallah. This prompted the European Union to call on Israel to withdraw from the territories it reoccupied and abide by Security Council resolution 1402.⁵⁵

The European policy did not appear to be effective towards the Palestinian cause. Its policy was characterized by mistrust and lack of clarity. In order to activate its role in the region, many positions and initiatives were put forward, especially after the Israeli occupation of 1967, and its support for Resolution 242 as the most appropriate solution to the Arab-Israeli conflict. The European position was eager to reach peace between the Israeli and Palestinian sides, but if the United States intervened biased towards Israeli policy, the European role would become secondary to statements and financial aid because of American hegemony.

1.17 Arab position

After the defeat of the June 1967 war and Israel's occupation of new Arab territories, the Arabs resorted to the United Nations to demand Israel's withdrawal from the occupied Arab territories. From here, the conflict seemed to take a complicated course in light of

⁵⁵Report on the European Position of the Initiatives for the Peaceful Settlement of the Palestinian Issue, 1947-2012, Al-Zaytouna Center for Studies and Consultations, 2012. [Http://www.alzaytouna.net/](http://www.alzaytouna.net/)

the new developments and the change in the balance of power in favor of Israel as well as the absence of a pressure exerted by the international system on the latter as a result of its aggressive practices against the Arabs⁵⁶. Since the beginning of the conflict, the Zionists have dealt with the conflict as a conflict of existence that cannot be achieved except by eliminating one party. However, the Arab ignorance of the conflict that were viewed as a political conflict and border problem has led to negative consequences on the Arab positions. The Arab-Arab differences, the contradictions between the Arab leaders and the establishment of relations with Western and Eastern countries and the United States enforced and promoted the ongoing reality⁵⁷.

Since the emergence of the Arab-Israeli conflict, Arab attitudes have been steadily declining. The acceptance of the late President Gamal Abdel Nasser and King Hussein later of Resolution 242 as a reference point to negotiate and Israel's refusal to withdraw from the occupied Arab territories and its denial of the Palestinians rights led to the failure of both the negotiations and the mission of the international envoy "Yarring". Egypt fought a war of attrition between 1969 and 1970. Rogers carried an initiative to stop the war. However, Israel refused to withdraw from the West Bank and the Golan. Egypt remained committed to the Arab consensus. The situation in the Arab arena was deteriorating due to the fighting between the Palestinian resistance and the Jordanian regime in 1970, as well as the death of Abdel Nasser. Therefore, each country minded its own affairs.⁵⁸

In 1971, Egyptian President Anwar al-Sadat came to a very different policy from the Nasserite era and Abdel Nasser liberal approach. He preferred "the policy of openness" at all levels with the West and the United States, openness with Islamic groups and social forces hostile to the Nasserite party. Thus gaining the support of the private sector through the policy of economic openness. Yom Kippur War created a sort of balance on

⁵⁶Alsayed Hussain, Hussein, The Egyptian-Israeli Peace Treaty of 1979 and its Impact on Egypt's Regional Role, Faculty of Political Science, Journal of Historical Studies, No. 117-118, Damascus, 2012, p. 450.

⁵⁷Maayta, Samih, in the political settlement of the Arab-Zionist conflict, Dar al-Bashir, Amman, 1993, p.175

⁵⁸Alsayed Hussein, Hussein, op. Cit., P.452

the regional and international scene, creating a feeling among the Arabs that repeated defeats had gone irreversibly to make the Arabs a force on the international scene through their political and military position in the Middle East. Here, surprisingly, Sadat seemed to be planning to establish peace with Israel following the United States lead. At the beginning of the war, he sent a message to Kissinger that said, "Egypt does not intend to expand the scope or depth of the current operations on the Egyptian front." This letter was a tragic step as it was at the climax of the Arab victories and was unjustified and disproportionate to what has been achieved," said Mohamed Hassanein Heikal commenting on the letter. Sadat initiated negotiations to stop the war without referring to his Syrian allies. Security Council Resolution 338 was issued calling for the immediate commencement of negotiations by the cessation of the war, which led to the establishment of the 1979 Egyptian peace treaty.⁵⁹

In light of the above, it is concluded that the Arabs were unaware of the nature of the enemy before them, in addition to their political senselessness despite the previous lessons, from the 1948 war to the June 1967 war. Their rejection of all international resolutions and proposed solutions was insufficient to understand the extent of the international conspiracy against them. The October 1973 'Yom Kippur War' gave a glimmer of hope that the Arabs were a force that could eliminate the threats after their successive defeats. Sadat, however, had a different opinion, preferring negotiations with Israel without Arab consensus, further widening the gap between the Arabs. The turn of Arab dramatic turn started with isolating the largest Arab country from the arena of confrontation, followed by the rest of the Arab countries signing peace agreements with Israel in proportion to the latter conditions. The 1982 Lebanon War was the result of this agreement, as well as the 1993 Oslo Accords, which undermined and harmed the Palestinian cause dismantling its social fabric. Arabs do not know when to go to wars and or when to start peace. In addition, Arabs were mediators regarding the Palestinian issue and introduced initiatives, solutions and meetings as if the Palestinians were not Arabs. This in turn encouraged Israel to increase its aggression and theft of the land.

⁵⁹ Alsayyed Hussein, Hussein, op. Cit.P. 454.

1.18 The Palestinian position:

After Israel's victory over the Arabs in the 1948 war and the declaration of the state, the absence of national movements represented the stage of loss for the Palestinian people. This stage facilitated Israel's changing of the facts on the ground to obliterate and eradicate the right of return. However, in the mid-1960s, the national movement emerged from the displacement and destruction taking the responsibility of the liberation of Palestine. The national movement program led by the Fatah movement had the idea of a "democratic state". Thus, the refugees 'problem is to be solved by destroying and eliminating the Zionist entity. When the Council held its second session in Cairo, the "democratic state" faded away and the National Assembly adopted the "phased agenda" for a state to be established on any part liberated of the Palestinian territory. As for the refugees, there was nothing but a commitment to resolution 194, not less than by calling for the right of return, self-determination and statehood⁶⁰. However, there have been decisive stops, beginning with the October 1973 war, which ended with the Egyptian-Israeli peace treaty thus ending the military option. Then, the Lebanon War 1982, which ended the idea of liberation behind the borders, finally the Oslo Accords stop and the subsequent Palestinian and Arab events.⁶¹

The rapid dramatic changes and their various stages, including the outbreak of the first Intifada, made the Palestinian leadership adopt the principle of moderation and realistic thinking to achieve the national and political rights of the Palestinian people. Jordan political and administrative disengagement helped forming the Palestinian political situation and strengthening the Palestinian constants. Thus, making the organization adopt a new strategy in the liberation, addressing the conflict and managing it. The decisions of the National Assembly at its nineteenth session in Algiers in 1988 and President Arafat's speech before the General Assembly in Geneva were a major turning point in Palestinian politics and positions as follows:

⁶⁰Mansour, Wasef, Refugee Question, The Essence of the Palestinian Question, Arab Network for Research and Publishing, Beirut, 2008, p. 200.

⁶¹Mohammed Saleh, Mohsen, The Palestine Liberation Organization Evaluating Experience and Reconstruction, Zaytouna Center for Studies and Consultations, Beirut, 2007, p.13

- That an international conference be convened on the basis of Security Council resolutions 242 and 338. To guarantee the rights of the Palestinian people especially their right to self-determination in accordance with the provisions and principles of the United Nations.
- Withdrawal from the occupied Arab territories and the dismantling of settlements on the 1967 borders.
- To settle the refugee issue in accordance with United Nations resolutions. To provide international protection to the Palestinian people for a successful settlement and to achieve peace process, which would help the State to perform its functions fully.

Thus, the Palestinian position is in line with the Arab position following the convening of the National Assembly nineteenth session. Where Palestinian and Arab political action has been going in one direction. The Palestinian position on the refugee issue is inseparable from the Arab position, which reiterates, "A just and agreed solution to the refugee issue will be reached on the basis of Resolution 194⁶²." The methodology of the Arab Peace Initiative held in Beirut in March 2002 was based on the principles, rules and rights to reach a solution to the refugee problem. The Arab initiative must be read alongside statements made by Palestinian leaders. In an interview with Palestinian President Abu Mazen, published in Haaretz, September 14, 2008, he said, "Palestinians who do not return to Israel can return to Palestine and if they wish to, they can stay in the countries where they live. In this case they will receive compensation"⁶³

The question here is why was the Palestinian leadership position was not moderate under Sadat's time? Is the Oslo Accords better than that agreement? Are there circumstances and variables that forced the Palestinian leadership to accept after they left Lebanon, away from the confrontation zones?

⁶²Muhammad Saleh, Mohsen, op. Cit., P. 13.

⁶³Khalil, Sagi, op. Cit., pp. 84-85.

Israel seems to be betting on time to disavow the requirements of peace. Not to mention international bias in favor of it not requiring it to implement the requirements of peace. It is not reasonable for today's negotiations to begin and continue without a timetable. This has made the Arabs offer their initiatives to Israel in order to establish relations and normalization with them. Nevertheless, Israel rejected all initiatives to convince Arabs that they cannot abide it. Thus achieving more gains. Everything works in Israel's favor, specifically the time factor.

Chapter Two

Palestinian Refugees in the Palestinian-Israeli (Informal) Understandings

The US proposals and projects to aiming to arrive at a solution for the refugees' problem reached a deadlock as a result of Israel's arrogant refusal of the return of the refugees. It seems that Israel continuous rejection aims to push the Palestinians to accept any offer made or to make them offer solutions and initiatives that would satisfy Israel's needs. Israel was aware that all the circumstances of Arab-Arab divisions and disagreements as well as Arab's in ability to confront them were in their favor. In addition, some Arab countries built political, economic and commercial relations with Israel without using these relations to put pressure in order to reach a solution to the Palestinian problem. Thus, the Palestinians remained alone in the field, facing this fate themselves. Worse still, Arabs exerted pressure on the Palestinians instead of supporting and protecting their legitimate rights and demands. Furthermore, American bias toward Palestinians and pushing the Arabs into signing unilateral treaties with Israel isolated the Palestinians. Therefore, Arabs support and solidarity with their central issue was mainly holding conferences and, sometimes, acting as a mediator between the Israelis and the Palestinians in order to reach a solution to the outstanding issues.

Israel aimed to avoid the nightmare of the refugees and their return and to push Arab and Palestinian officials to make concessions and compromises during the negotiations. The pace of Arab demands on the refugees' issue started at its highest reaching its lowest level. The demands were to enforce the refugees' right and then finding a just solution to their cause. Later, the demands declined to "reaching a negotiable solution." Subsequently, this reached its lowest level at Israel refusal of addressing it and its demands to revoke the refugees' return. This Israeli rigid-policy affected the Palestinian negotiator, making Palestinians offer compromises at the negotiating table. This policy also pushed the Palestinian negotiators to make further compromises of establishing formal and informal understandings with the Israeli side as well as arranging working

papers considered the prelude to a permanent solution. These working papers brought compromises and indicated the Palestinian readiness to submit them⁶⁴. Of these understandings and projects on the issue of refugees of a negative impact on the Palestinian issue in general and the right of return in particular is

2.1 Beilin-Abu Mazen agreement October 1995

Beilin-Abu Mazen unofficial document first appeared after signing Oslo I Accord and it was out of the headlines. This document was called "Framework for the conclusion of a final status agreement between Israel and the Palestine Liberation Organization." Article VII of this document included two paragraphs that are considered the basic pillars regarding the refugees.

The first paragraph stated " Whereas the Palestinian side considers that the right of the Palestinian refugees to return to their homes is enshrined in international law and natural justice, it recognizes that the prerequisites of the new era of peace and coexistence, as well as the realities that have been created on the ground since 1948, have rendered the implementation of this right impracticable. The Palestinian side, thus, declares its readiness to accept and implement policies and measures that will ensure, insofar as this is possible, the welfare and well-being of these refugees."

The second paragraph in Beilin-Abu Mazen agreement stated, "Whereas the Israeli side acknowledges the moral and material suffering caused to the Palestinian people as a result of the war of 1947-1949. It further acknowledges the Palestinian refugees' right of return to the Palestinian state and their right to compensation and rehabilitation for moral and material losses."

These two paragraphs clearly reflect the denial of the Palestinian people's right to return to their homes in 1948, ignoring the UN Resolution 194, which calls for the return of the refugees. The other paragraphs discussed the mechanism of compensation and resettlement of refugees according to the Israeli plans.

⁶⁴ Abu Amer, Adnan, op, cit, pp18-19.

The last paragraph, the seventh, stated, "The PLO considers the implementation of the above a full and final settlement of the refugee issue in all its dimensions. It further undertakes that no additional claims or demands arising from this issue will be made upon the full implementation of this Framework Agreement."⁶⁵

The question here is why does the Palestinian negotiator enter into negotiations or understandings that dwarf his legitimate rights? It is clear that Israel is seeking bilateral negotiations away from the United Nations, which enables it to isolate the Palestinian side in order to drop all international resolutions on the Palestinian issue, including the right of return. Why this rush? Has not the Oslo 1 Accord been signed only three years ago? Or was the Palestinian negotiator aware of the failure of Oslo 1 Accord early, which required his entry into such understandings?

The document was based on the basic principles of the final status, UN Security Council Resolutions 242 and 338 and the Oslo Accords and the Cairo Agreement. The document offered a number concessions and compromises, some of which are in favor of Israel, including:

- Set a timetable for the establishment of a Palestinian state within a period not exceeding 1999.
- Mutual recognition
- Jerusalem is the capital of two states; any territorial concessions and all responsibilities are in the interest of Israel.
- Israel acknowledgment of the refugees' right to return to their new entity "The Palestinian State" and the acknowledgment of the moral and material suffering caused to the Palestinian people as a result of the war of 1947-1949. In contrast, the Palestinian side recognizes that UN Resolution 194 has become impractical, and builds and develops bilateral understandings and agreements on a permanent status. Then, International committees are being established to compensate refugees and follow up on their rehabilitation.

⁶⁵ Mansour, Wasef, op. Cit., pp. 246-247.

- Explore the intentions of the Palestinian refugees on the one hand and of Arab and other countries on the other, concerning wishes for emigration and the possibilities thereof through final negotiations over a certain period.
- To compensate 1948 refugees and their descendants for moral loss to a sum of money to be agreed upon by the International Commission for Palestinian Refugees (hereinafter "the ICPR")
- Israel undertakes to participate actively in implementing the program for the resolution of the refugee problem by enabling family reunification, to be agreed upon with the ICPR.
- The Palestinian side encourages the rehabilitation and resettlement of Palestinian refugees presently resident in the West Bank and Gaza Strip, within these areas.
- The PLO undertakes to drop claims or demands of this issue upon the full implementation of this Framework Agreement.⁶⁶

It is clear that the stronger imposes its conditions in any negotiations. It is the weaker party accepts the dictations and conditions in order to achieve any settlement. The Palestinian side wanted to reach a settlement that does not even meet its aspirations and the sacrifices made by the Palestinians. Such understandings act to deprive of their liberty and freedom. Furthermore, these understanding keeps the Palestinians under Israeli dictations and Israeli control of their internal affairs. It also waives the legitimate rights of the Palestinian people guaranteed by international conventions including the United Nations General Assembly Resolution 194 and Security Council Resolutions 242 and 338 as well as other bodies and assemblies resolutions and laws.

Israeli researchers, led by Shlomo Gazit, had visions and ideas regarding the Palestinian refugees' problem that offers solutions other than the right of return. The solution is through Arab countries assisting resettling and absorbing the refugees. The final stage discussions must have settled all issues regarding the refugees. Gazit also says that Israel must impose requirements on the Palestinians in this regard, including:

- To acknowledge the waiving of the right of return.

⁶⁶ Abu Amer, Adnan, op.cit. p. 122.

- To stop UNRWA's operations in the West Bank and the Gaza Strip.
- To end the status of refugees.
- To rehabilitate and resettle the refugees in the West Bank and the Gaza Strip.

Therefore, the Palestinian Authority can exercise and practice the right of return for the Palestinians living in the Diaspora returning them to the Palestinian state and granting them the Palestinian nationality. Then, the Israeli and the Palestinian sides will reach an agreement regarding the refugee issue.

Shlomo Gazit suggests that Palestinians who have not been granted the right of return to Israel should be granted a "moral-psychological" recognition by Israel i.e. the recognition of the suffering of the Palestinians over the past five decades. This is what Israel rejects as it condemns it. However, Gazit insists If Israel is not able to make such a declaration directly; "such statement should be a part of an international resolution similar to a new UN General Assembly resolution that Israel supports and serves as a Palestinian-Israeli agreement on the refugee issue. Such a resolution would acknowledge the suffering of the Palestinians and would acknowledge Palestinians determination in participating in an intensive rehabilitation and resettlement program for refugees, waiving their claim to the right to return to Israel. This resolution would also replace article 11 of the General Assembly Resolution 194 (session 3), which is now the basis of the Palestinian political demands."⁶⁷

Gazit also calls on Israel to participate in the financial contribution to the rehabilitation of the Palestinians, which saves them from the international condemnation of the past decades. Arab oil-producing and industrial states would be required to contribute to the rehabilitation programs. Israel should also contribute its experience in the integration process if Arab states agree. If the Palestinians stick to the UN General Assembly Resolution 194 and Israel's initiative issuing a (moral-psychological) statement that

⁶⁷Zureik, Elia, *Palestinian Refugees and the Peace Process, Issues of the Final Stage of Negotiations*, Institute for Palestine Studies, Beirut, 1997, p116.

requires the PA to end the UNRWA operations and to provide assistance and help for those in need individually not collectively as UNRWA operates.

"Gazit" concludes, if the two sides insist on demanding the right of return, this call for postponing the discussion on the issue and addressing other issues on the table of dialogue so that changes in the positions and the convergence of views between them during the transitional period take place. Gazit, however, is concerned about the Likud party leading Israel, which will undermine the efforts been agreed upon. In order to the peace process to continue and to take its proper course, the Arab countries that host the refugees must participate in the refugees' rehabilitation, which will lead to the realization of the peaceful goal. The acts of violence on the Lebanese-Israeli border and the process of compromises of both the Palestinian and Jewish property do not lead to any progress in the peace process but contribute to the perpetuation of conflict".⁶⁸

It can be said that Israel created the crisis and unlawfully expelled Palestinians. At the same time, Israel proposes a solution to address this crisis. However, this solution is not according to the international community and is not in accordance with the resolutions of international legitimacy but, in accordance with Israeli views. Thus, avoiding international resolutions and destroying them. It is ironic how the non-indigenous population determine the lives of the indigenous people after expelling them, in front of the paralyzed Arab regimes that are unable to perform their national duties towards their Arab nation.

Israel has always used and uses arguments and pretexts to avoid any consequences related to the right of return. All Israeli positions have denied this right stating that international laws or any agreement with the Arabs do not state the right about returning to Israel. Israel maintained the state of denial and disavowal of the legitimate rights of the Palestinians. The official website of the Israeli Foreign Ministry, considered that the Palestinian people have no right to demand a return that it does not meet their demand for establishing a state on the borders of June 4, 1967. Israel evades the right of return to

⁶⁸ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op.cit, 117.

maintain its "national character." It considers this right a threat of the Jewish state pillars. The website also argues regarding the Palestinian demand to return, "The Palestinian demand for unlimited immigration to Israel is a political pretext invented by those who do not want Israel to exist. It is a double-talk that the Palestinians demand a state of their own while demanding the right of free immigration to another state, Israel."⁶⁹

Israel sees itself as an owner and central authority as if there were no international resolutions issued regarding the people who have been suffering the scourges of asylum in neighboring countries and worldwide. Despite the land grab and the destabilization of the region, Israel imposes solutions that fit their interest. This, without any doubt, shows that Israel's actions stem from a source of strength, not to mention the support of its allies and their adoption of its aggressive policies.

Rashid Al Khalidi claims that the problem can be addressed if a formulation is drafted to interpret UN General Assembly Resolution 194 of that there is nothing that has full justice. Through this, a solution of many options can be reached, options include:

- Giving Palestinian refugees the option to compensate for their right to return.
- The category that Israel accepts their return to home, they must live in peace with their neighbors, in accordance with Resolution 194 and to recognize Israel's absolute sovereignty over this part.
- Returning to the new Palestinian state, not to return to their original homes in accordance with Resolution 194, which calls on refugees to "return to their homes."

Al-Khalidi discussed the issue of Palestinian refugees in Jordan. He discussed a mechanism through which the refugee problem could be solved. "To join the Palestinian state and Jordan in a Confederation of common borders, an agreement on judicial affairs, nationality and some form of economic unity." This might help the Palestinian refugees grant citizenship and Palestinian nationality, in addition to opening up economic horizons to compensate them.

⁶⁹ Khalil, Sage, op. Cit., P. 86.

As for the Palestinians living in Lebanon, they suffer the more than the rest of the refugees in the host Arab countries. There are difficult restrictions imposed by the Lebanese government on them, which has negatively affected the environment and the living. Al-Khalidi believes that the problem of refugees can be addressed by the return of these refugees to the new state through the Jordanian-Palestinian Confederation, and a limited number of them to Israel.

As a result of the lack of Palestinian studies dealing with this subject, "Al-Khalidi" has proposals to resolve the issue stated:⁷⁰

- To address symbolically the issue by an Israeli acknowledgment of the suffering of the Palestinians as a result of the Israeli institutions' exercises e.g. (the education institution and the army.)
- Israel must first acknowledge Palestinian refugees right of return, although it is hard to achieve the actual action of the return. In line with this principle, Israel should agree to the return of "several thousand or tens of thousands" of refugees through several phases to their homes. These several thousand are those who have relatives, homes and lands that still exist. Al-Khalidi goes back to President Truman era to claim the return of 100,000 refugees. He believes that "today, there is nothing to prevent Israel from enjoying peace with its neighbors and attaining economic success, by this simple step."
- Palestinians who do not wish to return or are unable to return are compensated.
- The new state is the Palestinian entity for all Palestinians wherever they are, whether refugees or others, which would grant citizenship to all Palestinians, meaning that they are citizens of this country carrying its passport.
- What applies to Jordanian citizens applies to Palestinians if they were to be granted Jordanian citizenship and thus enjoy the rights of the citizenship as Jordanians themselves. Where if a confederation is to be established Palestinians should be granted Palestinian nationality in the new Palestinian entity. With regard to refugees in Lebanon and Syria, a specific number is allowed to return to their places of residence in Israel. Others, on the other hand, enjoy Palestinian

⁷⁰ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op. Cit., P. 146.

passports so that practice their jobs. If Palestinians in Lebanon have Palestinian passports, this would preserve their civil rights as residents of Lebanon.

The Palestinian National Council member Ziyad Abuzayyad, whose ideas are closely related to Al-Khalidi's, differentiated the principle from the mechanism of implementation with respect to the right of return in accordance with UN Resolution 194. He argues that Palestinians should be granted the right to return to "Palestine as a national homeland" not necessarily to their homes and lands before 1948.

"The conditions under which the Palestinians have lived since 1948 and the suffering they have endured and are enduring made many consider their right of return a national independence and dignity, not necessarily an effective return."

Abuzayyad also suggested that there be a smooth process for the return of the Palestinian refugees attracting them to their new entity. He also suggested the return of a limited number to Israel. This description is appropriate for the refugees of 1948, provided that the 1967 refugees return to their places of residence in accordance with Security Council resolutions 237, 242 and 338.⁷¹

2.2. Nusseibeh- Ayalon Agreement - June 2002

The stalemate of official negotiations at Camp David as a result of the Israeli policy of denying the rights of the Palestinians did not prevent the continuation of the informal meetings and discussions. Open channels of communication between the two sides were maintained in order to overcome obstacles and reach Palestinian-Israeli understandings to resolve conflict issues, including the refugees' problem.⁷²

The second Intifada came as a result of the Israeli practices and the closure of the political horizon. The Palestinian Authority saw the Intifada as a tool to continue the stalled peace process, so the Palestinian leaders thought that they will be able to compress

⁷¹ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op. Cit., Pp. 147-149.

⁷² Khalil, Sage, op. Cit., P. 116.

Sari Nusseibeh: Official of the Jerusalem file in the Palestine Liberation Organization.

Ami Ayalon: "The former head of the Shin Bet security service and leader of the Labor party.

Javier Solana: European Union representative for the Middle East peace process.

on the Israeli government to continue in the peace process, but the Palestinian leader lost the control over the Palestinian street. Therefore, it did not close the channels of communication with Israel and sent several messages to the American and Israeli sides in accordance with international policies. The PA called for the resumption of the negotiations and the research on outstanding points that hinder the achievement of a historic compromise based on the principle of the two-state solution living side by side, and the two parties to declare good intentions that express the will of the people. Thus, a declaration on includes several articles arranged as follows: two states for two peoples, borders, Jerusalem, the right of return, the Palestinian state, and the end of the conflict.

As for the right of return, on July 27, 2002, a secret meeting was held in the Greek Foreign Ministry between Sari Nusseibeh, he representative of the Palestinian National Authority in Jerusalem and Ami Ayalon, head of the Shin Bet, Israel's secret service and a member of the Labor Party. Javier Solana, the European Union's High Representative for Common Foreign and Security Policy, and George Papandreou, Greek Foreign Minister, sponsored the agreement. The most important issues that hinder the achievement of a permanent solution, particularly the refugee issue, include:⁷³

- Waiving the right of return and rights related to their displacement, and deal with the issue in a humanitarian no political manner.
- Establishing an international fund for refugee compensation in which Israel will contribute, without Israel assuming any responsibility towards them.
- Returning refugees to the new Palestinian entity, settling them in their country of residence, or absorbing them in a third country.
- Allow Jewish immigration, considering it a return to their state.

The Palestinian side wanted to keep the channels of communication open with the Israeli side. These understandings were an extension of previous understandings, ignoring the national consensus of the second Intifada, causing anger in the Palestinian street over such understandings that waive their rights. The matter of concern was that this agreement was signed in the presence of EU politicians, where the demands were set

⁷³ The Ayalon-Nusseibeh Document, Haaretz, 3/9/2002.

clear. Miguel Ángel Moratinos said that the document shows that "the right of return is no longer a part of the debate, and there is an understanding that it poses a threat to the Jewish character of the State of Israel."⁷⁴

Mark Heller and Sari Nusseibeh, in their book *No Trumpets, No Drums: A Two-State Settlement of the Israeli-Palestinian Conflict* discussed a Palestinian-Israeli plan that addresses refugees' outstanding issues its resolution. This plan also called for a two-state solution and discussed a proposal on the refugee problem. The proposal included the following:

- The new Palestinian entity should be able to absorb from 750,000 to 1,000,000 refugees, most of whom are from the camps.
- Those who do not wish to return should enjoy "full citizenship and political rights in the host countries no less than the rights and privileges enjoyed by the Palestinians in their state." Every Palestinian should be granted Palestinian citizenship wherever they are, including those living in Israel.
- Refuting Israeli claims and allegations that the occupied territories are unable to absorb one million refugees, while it can absorb the 750,000 settlers it plans to house in the occupied territories.
- Refugees who are allowed to return to Israel are to return on humanitarian grounds. Refugees are to be treated individually not collectively and to study each situation as it is.
- The establishment of an international committee that has the capacity to estimate the value of abandoned Palestinian property. The authors say that the estimate should include the cost and the duration of the settlement of the Palestinians in the occupied territories or elsewhere. "This may also include the value of Jewish property in Arab countries."
- The authors refused territorial swaps and refused the existence of the Jewish colonies "settlements" in the occupied territories and the return of a small number of refugees to Israel is unacceptable. As those who return to Israel will be subject

⁷⁴ Mark A. Heller and Sari Nusseibeh, *No Trumpets, No Drums: A Two-State Settlement of the Israeli-Palestinian Conflict*, New York, Hill and Wang, 1991, Pp. 88-96.

to Israeli laws and regulations, while the colonies will enjoy autonomy will be managed by Israel.

- Jewish property owners whose property dates back to 1948 or thereafter are allowed to apply for Palestinian citizenship and become citizens of the new Palestinian entity. No obstacles to Jewish ownership are to be made.⁷⁵

It is clear that the Palestinian side has not learned from past mistakes regarding the negotiations with the internationally supported Israeli side, which denies the rights of the Palestinian people. All previous attempts that the Palestinian side tried to show flexibility to reach a solution and end all outstanding issues. Israel, on the other hand, faced this flexibility with inflexibility, evasion and procrastination. These understandings waive the rights of the Palestinian people and do not meet the magnitude of the sacrifices made over the decades. It seems that the Israeli side wanted to know the size of the Palestinian aspirations to meet it and to later negotiate for more compromises. Thus, placing the Palestinian negotiator under psychological pressure to reach a solution at the lowest price.

A number of informal Israeli positions can be summarized. "Ronald T. Zweig" argued that the German model which he considered the most appropriate way to pay compensation to Israel could be used with Palestinian refugees. The German compensation included three types of compensation; "Reparation for injustices," Damages compensations and compensations. Damages compensation is "payments made by States to compensate for the destruction caused by war." The compensation is "an amount that compensates individuals for tortures and non-material losses (loss of education, health, etc.) While reparation is "Return of property to the real owners or their heirs." These three compensations were applied to all victims of Nazism. However, T. Zweig's vision was to compensate Palestinian refugees in terms of collective reparations, i.e. compensations for material losses.⁷⁶

⁷⁵ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op. Cit., pp. 153-154.

⁷⁶ Ibid. p 128.

As for the unofficial Palestinian positions, any study conducted should be guided by Atef Qubrusi's, a Lebanese economist, and Sami Hadawi's, a Palestinian land-ownership expert, book entitled "Palestinian Rights and Losses in 1948: A Comprehensive Study."

In 1988, they defined the compensation applicable to refugees in terms of the concepts of injury, "redress" and insurance, and has evaluated the losses left since 1948 in various components:

- Immovable property; public infrastructure, private and common land, both in cities and in the countryside.
- Movable property; consumables and means of production;
- Loss of opportunities; which led to the deprivation of income and loss of knowledge and employment.
- The psychological damage to the individual in terms of "security, integrity, identity and self-realization." The loss of these elements causes the society to suffer economic damage, "as it forces individuals to perform poorly."

Both Qubrusi and Hadawi estimate the value of property and material losses in that period, estimated at US \$ 147 billion in 1984, the bulk of which is \$ 92 billion in compensation for tangible property. Compensation is not an alternative to the right of return in accordance with resolution 194 (session 3) but one of the two options provided for in the resolution, the other being the right of return.⁷⁷

⁷⁷ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op. Cit, pp. 155-156.

2.3. Geneva Initiative 'Geneva Accord' Abed Rabbo - Beilin

This document was launched in Switzerland in December 2003 at a time of when the pace of events in the Palestinian street escalated during the Second uprising "Intifada" and the failure of official talks 2000-2001. However, this did not prevent the continuation of the informal talks that took place in Geneva between the Israeli and Palestinian sides. The Israeli delegation headed by Yossi Beilin, the former Israeli Minister of Justice and The Palestinian side headed by Yasser Abed Rabbo, secretary of the Executive Committee of the PLO⁷⁸ held a meeting that was also attended by Arab and international personalities' representatives. This document was in line with the Declaration of Principles, in terms of postponing the final issues to the final stage, in addition to ending all forms of violence, killing and destruction. Furthermore, to end the Arab-Israeli conflict according to Security Council Resolutions 242, 338 and 1397, and UN General Assembly Resolution 194, which grants the Palestinians full control over areas occupied in 1967, with limited territorial swaps close to the border between the two countries.

The importance of the Geneva Document stems from the fact that it prepares to make political changes among both the Israeli and the Palestinian sides in order to achieve peace and to weaken the chances of extremist fronts that adopts occupation, aggression and the separation wall. In addition, it is considered a historic initiative to end all forms of violence and suffering and it adopts peace and security for all. Otherwise, the killing and the shedding of more blood will continue depriving the two peoples of reaching a peaceful settlement.⁷⁹

In its preamble, the document affirms that the State of Israel and the PLO must reach a solution for the existing conflict, stop all forms of violence and create an environment that leads to peaceful coexistence. The two parties must work to make compromises in

⁷⁸ Khalil, Sage, op. Cit., P. 116.

⁷⁹ Geneva Initiative, Peace Possible, Draft Permanent Status Agreement, pp. 3-4.

Yasser Abed Rabbo: The Former Secretary of the Executive Committee of the Palestine Liberation Organization.

Yossi Beilin: Former Israeli Minister of Justice.

order to prepare the ground for the principle of a two-state solution in accordance with UN resolutions 242, 338 "An Israeli state for the Jewish people and a Palestinian state for the Palestinian people."⁸⁰

As for the refugee issue, the document discussed a logical solution limiting the option of return or permanent residence to five places:

- The Palestinian state.
- Areas under Israeli control handed over to Palestinians through land swaps.
- A third State.
- Israel.
- Current host countries in accordance with their sovereign discretion.

This means that the return to Israel is restricted in accordance with its sovereign decision, in line with the numbers approved by the third state, in addition to the international compensation offered as a solution to which Israel is contributing, as a result of the suffering caused to the Palestinian people over the past decades. This document seems to be a comprehensive approach, far from suggesting fundamental solutions to the Israeli-Palestinian conflict, but rather a framework and a general project that functions at both the regional and the international levels. Therefore, many countries in the region and the world wide rushed to support it. This document created an interaction at the international level, particularly the United States, European and other regional countries.

This seems to be a fraud on the rights of the Palestinians and a denial of their right to return to their homes and properties in accordance with UN General Assembly Resolution 194. Option IV shall be at the sovereign discretion of Israel and will be in accordance with a number that Israel will submit to the International Commission. This number shall represent the total number of Palestinian refugees that Israel shall accept. As a basis, Israel will consider the average of the total numbers submitted by the different third countries to the International Commission. Which, in turn, leaves Israel to accept or reject the return of the refugees. This is what Israel wants, a society clean of non-Jewish

⁸⁰ The Geneva Accord, the Palestinian Special Group signed on the Geneva Accord.

groups inside Israel. In addition to getting rid of the rest of the Palestinians who still live in Israel, despite the fact of holding Israeli citizenship.⁸¹

The question here is whether the Oslo Accords cover all aspects of the Geneva agreement. Why do such understandings take place as long as the basis of the agreement exists and only needs to be applied, or do we need additional understandings and agreements after a storm of unsuccessful agreements? The main point is not the number of these meetings and understandings, but the desire of the dominant power to implement what is required of them. These understandings only serve to give more space to the occupier to increasingly attack and dwarf the Palestinians' rights. This is supported by the fact that none of the resolutions issued by the United Nations General Assembly and the Security Council was implemented by Israel. Israel uses the time factor wasting time in order to dissolve and deny the rights of the Palestinian people. The Israeli policies towards such agreements and understanding remained the same during the Oslo Accords and the subsequent understandings. This document indicates that the Palestinian side wants to reach an agreement with the Israelis without taking into consideration the risks of this agreement. This agreement grants Israel sovereign decision to control the principle of the right of return, which denies and rejects. This caused confusion within the official Palestinian leadership. The Palestinian Authority disclaimed and disavowed the document and dealt with the signatories as traitors.

This document was considered as a draft Permanent Status Agreement to end the Israeli–Palestinian conflict. Although this document is not binding to either country, it had some principles to address the Palestinian refugees' problem, which states:

- Both Parties recognize that UNGAR 194, UNSC Resolution 242, and the Arab Peace Initiative, concerning the rights of the Palestinian refugees represent the basis for resolving the refugee issue, and agree that these rights are fulfilled according to Article 7 of this Agreement.⁸²

⁸¹ Mansour, Wasef, op. Cit., P. 250.

⁸² Geneva Initiative, Peace Possible, Draft Permanent Status Agreement, op. Cit., P. 36

- Emphasize the principle of compensation and acknowledgment of the right of Palestinian refugees to receive compensation as a result of the suffering they endured due to their displacement and the loss of their property.
- Refugees should be repatriated according to the five options that have been emphasized:
 - The Palestinian state.
 - Areas under Israeli control handed over to Palestinians through land swaps.
 - A third State.
 - Israel.
 - Current host countries in accordance with their sovereign discretion.
- Palestinian refugee status shall be terminated upon the realization of an individual refugee's permanent place of residence
- When a permanent and complete resolution of the Palestinian refugee problem is reached, no claims may be raised.
- An International Commission shall be established and shall have full and exclusive responsibility for implementing all aspects of this Agreement pertaining to refugees. An international fund shall be established to compensate refugees for the harm, displacement and suffering as well as deprivation and loss of property. Israel is, like other countries, to this Fund.
- UNRWA should cease to exist five years after the start of the Commission's operations⁸³

Supposedly, Israel had a primary objective through which it wants to settle the refugee's problem through these informal understandings, as this problem is considered one of the most complex final status issues. A solution to this issue facilitates the process of the problem settlement in accordance with Israeli conditions. It also avoids compliance with international resolutions and their consequences. In addition, to abort those decisions as these understandings nullify their previous resolutions and initiatives.

⁸³ Khalil, Sage, op. Cit., p p. 116,117.

The Geneva initiative was widely discussed and debated within Israel in regard to its content. The initiative dealt with the major issues of the Palestinian-Israeli conflict, especially the refugee issue and other final status issues such as Jerusalem, settlements and borders. The initiative discussed and addressed the issues away from the international resolutions approved by the UN General Assembly. These Resolutions are considered the legal reference to the rights of the Palestinians. Thus, the Israeli delegation stated that the Palestinians waived their right of return, according to what the initiative states; to establish an international committee that decides who is a refugee and the amount of compensation the refugee shall receive. The initiative also granted Israel the right to determine the number of refugees to enter its territory. Israel seems to have been more explicit in its elaboration of the document, which affirms that the return will be to the new Palestinian state. This is what Israel has been hoping for the past decades, to extricate itself from the refugees' problem and its consequences in terms of the massive return of refugees to Israel. The "Geneva Document" is Israel's angel savior of the right of return nightmare, except for the return of some of the refugees of the family reunification program.⁸⁴

The Palestinian side fatal legal mistakes in Geneva initiative that the Israeli side took advantage of include:

- Article VII of the document had major legal risks; labeling the issue as a refugee problem and not as the right of refugees. This use of words entails the following:
 - Terminate the legal status of refugees.
 - The refugees' problem is subject to the will and the discussions of the parties and their results are to be acknowledged.
 - Neutralizing and nullification of UN resolutions on refugees.
 - Israel has no legal responsibility regarding refugees.
- The document ignored the United Nations resolutions on refugees, notably resolution 194, which has been repeated many times since 1948.

⁸⁴ Abu Amer, Adnan, op. Cit p. 127.

- The document emptied Resolution 194 of its content. Resolution 194 is a legally binding resolution that granted the Palestinians the collective and individual right to return to their homes. This document, however, changes this right from "the principle of selection to a framework of humanitarian initiatives that Israel can allow. Thus, removing and cancelling the legal and human rights."
- Resolution 194 is the legal document that granted the Palestinians their right to return to their homes. The Geneva initiative aimed at revoking and cancelling resolution 194 that defined refugees' rights collectively, "Collective Rights of Refugees," calls for their right to return as a national group. However, Palestinians weakened their argument and accepting of the Madrid formula for peace talks, which excluded the United Nations resolutions as the structure and the formula to resolve the refugee issue."⁸⁵
- The document has also neutralized the relevant international resolutions on the right of return, notably "the Universal Declaration of Human Rights in article 13 and the International Covenant on Civil and Political Rights Article 12 and Protocol 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms articles 2 and 3. In addition to the American Convention on Human Rights In Article 2 and Article 12 of the African Charter on Human and Peoples' Rights", these relevant international resolutions agreed that the right of return must be of free expressed will resulting from the individual's will to return to his country of origin peacefully and prominently.
- The document has stepped away from the legal consensus by waiving the right of return, which tried to circumvent the inalienable natural rights of the people, which contradicts the accepted jurisprudence and cannot be negotiated. "The PLO itself may not sign any document under which it renounces the right of refugees to return and compensation."⁸⁶

⁸⁵ Zureik, Elia, *Palestinian Refugees and the Peace Process*, op. Cit., P. 80.

⁸⁶ Bishara, Marwan, *Palestine/Israel: Peace or Apartheid*, Cairo Institute for Human Rights Studies, Cairo, 2001, p. 102.

- The document granted Israel the right to deal with some of the refugees who are returning to Israel and the mechanisms of return. This is considered an attack on the refugees' right, as well as on Resolution 194, which the document violated.
- The document contradicts the principles of international law and meets the Israeli approaches of 1999, which neutralized the issue of compensation; one of the most basic principles of international law provided for in resolution 194. The legal experts agreed that compensation is provided for in international law. Within 40 similar international cases, compensation was required without conditions, based that compensation is a stand-alone right in the event of damage, based on the principle of restitution."
- The document had a major risk and threat, the recognition of Israel as a Jewish state, which constitutes an assault on the rights of the Palestinian people living under Israeli control. This grants Israel control over their civil, political and social rights.
- The document came to meet the Israeli aspiration as a legal instrument for the Jewish state with the Jewish character.⁸⁷

It appears that the signatories have no legal experience accepting such an agreement, which does not meet the minimum national rights of the Palestinian people listed in the International legitimacy. The document was intended to exclude the United Nations and the International legitimacy. In addition, to deal with Palestinians' rights under bilateral negotiations that aim to isolate the Palestinian negotiator who ignores the Israeli negotiators' deceit and the possibility of manipulating texts and interpretations of the agreements.

The document received strong opposing official and popular reactions at both the Israeli and the Palestinian levels:

On the Palestinian side, there were widespread denunciations by the Palestinian factions, which expressed them in the strongest terms against the signatories, and considered the

⁸⁷ Abu Amer, Adnan, op. Cit p. 130

Palestinian commissioners indifferent to the rights of the Palestinian people who had spent decades in the struggle for their legitimate rights. The popular committees in the refugee camps in the West Bank and the Gaza Strip strongly expressed its denunciation considering the initiative a waiver of the right of return that only dealt with the issue of "permanent residence of refugees." Despite the adoption of the document of the General Assembly Resolutions 242 and 194, it neutralized any role of the United Nations and required the establishment of a new International Commission.

On the Israeli side, the Israeli vision can be concluded from the Beilin–Eitan Agreement. This agreement is between the largest Israeli political parties, Likud and Labor, to reach a clear strategy on the issues of permanent solution with the Palestinian side. The Likud committee was established and was headed by Michael Eitan. The Likud committee was called – Tzomet-Gesher. Therefore, representatives of the Labor Party, such as "Yossi Beilin." The committee called for a "National Agreement Regarding the Negotiations on the Permanent Settlement with the Palestinians, Beilin-Eitan Agreement. It concluded that the issue of refugees is to be solved by:

- Prevent the entry of Palestinian refugees into Israel's sovereign territory;
- The Palestinian Authority has the right to return and absorb refugees on its territories as appropriate;
- An international organization will be founded, in which Israel will play an important role, with the goal of financing any carrying out projects for compensation and rehabilitation of the refugees in their places. The organization will also address Israeli claims for reparations for Jewish refugees from Arab countries;
- Israel and the Palestinian entity, each within its own boundaries, will rehabilitate the refugees on the basis of the disengagement of the UNRWA, the repealing of the refugee status and the arrangement of housing and employment and housing with international aid;

- Israel will continue its policy of family reunification on the basis of existing criteria.⁸⁸

2.4. Peres's Project (1993)

Known as the "The Middle East Project for the Refugees Problem." The project's vision was based on the following principles:

- Israel has nothing to do with the refugee problem and bears no responsibility for its occurrence. This is the responsibility of the Arab countries, which oppose the process of settling the refugees in their territories. Israel, on the other hand, has absorbed Jewish refugees from Arab countries.
- To reach a solution for the refugees' problem based neglecting and ignoring the historical fact dealing with the new reality. To go past the refugee's problem date, thus helping to open political horizons that will help to reach a solution.
- To improve the places inhabited by refugees with the participation of Israel and the host countries.
- To rehabilitate and resettle refugees in the Arab countries, through the establishment of development projects and the development of the infrastructure. In addition, to provide housing in Arab countries.
- International financial assistance should be provided and overseen by international financial unions. This assistance will help to establish infrastructure through which educational and religious institutions, health care and social services aimed at absorbing refugees in the community are to be established.
- UNRWA operations will be for the rehabilitation of refugees. Relief operations are to be cancelled.
- Israel does not recognize the return of refugees, in order to maintain the Jewish character of the state.⁸⁹

⁸⁸ A Reading on Israel's Plans for a Permanent Solution, Palestinian Planning Center, Office of the President, Study No. 37,1997.

⁸⁹ Peres, Shimon, The New Middle East, Translated by: Mohamed Helmy Abdel Hafez, Al Dar Al Ahlia For Publishing & Distribution, Amman, 1994 edition, p. 216.

As a result, the Refugees Committee of the Palestinian National Council (PNC) called on "to encircle and to fail any initiatives that give up our sacred right to return, which is the main principle and an essence of the Palestinian cause." It also called the PNC members "not to attend the signing and the launch of the Geneva Initiative on December 1st." The committee's communiqué stated "The Palestinian Refugee Committee having reviewed the Geneva Initiative to be signed and launched on the above-mentioned date, the Committee affirms that the initiative statements on the refugee problem contradict the official policy of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people. It also completely contradicts the decisions of the successive relevant central and national councils based on the United Nations Resolution 194, which guarantees the inalienable right of refugees to return to their homes. Accordingly, the Refugee Committee of the Palestinian National Council, while rejecting the concessions that affect the Palestinian national project especially with regard to the refugee issue, appeals to the brothers and sisters in the Palestinian National Council and calls upon them not to attend and sign this initiative, thus, giving it any legitimacy. It calls on the PNC members to preserve the prestige and the status of our Palestinian National Council. We also call on the masses, its popular institutions and its forces to encircle and to fail any initiatives that give up our sacred right of return, which is the essence of the Palestinian cause."⁹⁰

The Israeli side was clear in its positions regarding the understandings reached on the refugees' issue, despite the criticism from the other political parties. As for the Palestinian position, it was vague and unclear. The statements were different from those presented by each party. Geneva initiative marginalized the refugee issue by referring to Resolution 194 in a modest form that differs from its substantive. The document carried several options that determined to resolve the refugee issue, thus leading to the failure of all solutions. This document marginalized and neutralized the legal side and the International Legitimacy on the Refugees inalienable right of return to the homes from which they were expelled.

⁹⁰ Mansour, Wasef, op. Cit., P. 251.

Chapter Three

Palestinian Refugees as part of the Peace Process

From Madrid Conference of 1991 – Taba Talks 2001

3.1 Background of the Madrid Conference

The Madrid peace conference was held in November 1991 as a result of many regional changes, especially The Iran-Iraq War, the collapse of the Soviet Union, the outbreak of the first Palestinian uprising 'Intifada' in 1987, and the United States becoming a world power. These changes and circumstances led to the conclusion of agreements in light of the disparity in the balance of power between the Arabs and Israel, which was in the interest of the latter⁹¹. The process of direct negotiations between the concerned Arab parties and Israel at the bilateral and multilateral levels continued for more than two years without tangible results. While the Palestinian-Israeli negotiations were taking place under the umbrella of Jordan in Washington, the Oslo Agreement was signed on 13 September 1993 between the PLO and Israel⁹².

3.2 The call to the Madrid Conference led to a series of changes and transformations:

3.2.1 First: regional and international variables

American change i.e. 'transformation' program

After the end of the Second World War, the role of the United States as a major power grew and the US determination to become world's 1st power 'world's leader'. This was evidenced by secret documents discussed and dealt with within the US National Security Council coded (NSL-68) on how the United States shall take over the leadership to build a political and economic system for the free world. This required the United States to exclude other competing and hostile powers from areas of economic resources as that would form a global challenge. The Soviet Union was considered the greatest competing

⁹¹Oslo Accords, Israeli-Palestinian Agreements on the West Bank, Dar Al Jaleel For Publishing, Palestinian Research & Studies, Amman, 1998, p. 7.

⁹² Ayed, Khaled, The Jordanian-Palestinian Relationship: Past, Present and Future, Volume 6, Issue 24, Journal of Palestine Studies, 1995, p. 24.

power. The end of the Cold War and the collapse of the Soviet Union opened the way to the United States of America to use its influence to create a unipolar world led by the latter. Thus enabling it to control the decisions within the international system, especially within the Security Council and its administration according to its vision and interests.⁹³

This supports US President Richard Nixon's assertion that "The suggestion that the United States should put American troops under a U.N. command is completely unacceptable. We should enlist U.N. support for our policies but not put the U.N. in charge of them."⁹⁴ Hence, interest in the Gulf region and the strengthening the American influence there, as it is one of the important constants of the American strategy emerged. He who controls the Gulf Region ensures superiority over the other international players⁹⁵. When the Iran-Iraq War broke out, the United States weakened and broke the fighting forces backbone and creating a conflict and a struggle between the national trend and the Islamic trend, as they both are hostile to the US. The Gulf War broke out when Saddam Hussein occupied Kuwait, and a war was waged by international coalition forces led by the United States against Iraq in response to Iraq's invasion and annexation of Kuwait as well as to eliminate Iraq's weapons of mass destruction. It ended with the destruction of an Arab country and its increasing ability, which was considered from an American point of view, a threat to Israel.⁹⁶

It seems that America's policy, the survival of the fittest, is achieved by crushing and eliminating other competing forces to single out the capabilities of the nations' resources without regard to human and moral values and their right to live in freedom with dignity in their home countries. This policy goes in line with America's economic interests. It also strengthened and stabilized the pillars of Israel, the strategic ally, in the Arab region to prevent the establishment of any national resistance project.

Arab Change Program

Many changes took place in the Arab arena following the signing of the Camp David Accords. Egypt restored the Sinai Peninsula. At the same time, this agreement restricted Egypt from confronting with Israel. The latter, however, achieved major benefits, which are the Egyptian recognition of Israel and its right to exist as well as ending the state of

⁹³Shammri, Mustafa, militarization of the Gulf: the US military presence in the Gulf, Al Arabi Publishing and Distributing, 2013, p. 163

⁹⁴ Nixon, Richard, Beyond Peace, Translated by: Malik Fadhil, 1st edition, Al Ahlia Publishing and Distribution, Amman, 1995, p. 41.

⁹⁵ Shammari, Mustafa, op. Cit., P. 165

⁹⁶ Nafea Hassan, Arab-Arab Relations under American Hegemony, 1st Edition, Ibrahim Abu Lughod Institute of International Studies , Birzeit, 2004, p. 4.

war between them. This was a blow and strike to many Arab countries that are in a state of hostility with Israel, which occupies parts of their territories.⁹⁷

This agreement increased the division and fragmentation of the Arab. It also teared down and weakened the Arab fronts-hostile to Israel, neutralizing the largest Arab country from the Arab-Israeli conflict. Israel wants to single out the Arab countries one by one and to establish peace agreements with them in light of the deteriorating Arab situation. Israel has been able to reach this peace treaty with Egypt, Arab's largest and one of the strongest countries, Arab countries have achieved such a fragile agreement, then how would the less powerful, military speaking, react. Israel wanted to establish peace with Lebanon similar to the Camp David Accords in order to evacuate of the Palestinian resistance from Lebanon. Following its withdrawal from Sinai in 1982 and the failure of Self-government negotiations, which were conducted by Egypt on behalf of the PLO, Israel decided to invade Lebanon in 1982, and expelled and evicted the Palestinian resistance⁹⁸. The Iran-Iraq War, which undermined and weakened the Arab and Islamic nation capabilities over the course of 8 years, was shortly followed by the Gulf war in 1990 during which, an international coalition led by the United States hit Iraq. The PLO supported the Iraqi invasion of Kuwait, which caused her the loss of Arab and Gulf countries support after the Iraqi forces withdrawal from Kuwait, resulting in serious negative repercussions on the Palestinian issue and the expulsion of Palestinians from Kuwait. In 1991, the United States saw the opportunity for peace in the Middle East. That opportunity resulted in the Madrid conference of 1991⁹⁹ to which Arabs showed up unready and unprepared, weak and powerless. Two years later, Oslo Accords was signed between the PLO and Israel. The agreement paved the way for bilateral solutions, Arab recognitions of Israel and the exchange of diplomatic missions.¹⁰⁰

Did Sadat have a vision to establish a peace agreement with Israel, knowing that the Arabs are further disintegrating and collapsing as a result of the Arab-Arab differences, establishing a peace agreement with Israel in order to restore the Egyptian territory without wars? Did he think that this agreement might open the way for the Arab countries to end decades of war and to recover the occupied territories by peaceful means? It was more appropriate to involve the Arab League being a regional organization and an institutional framework, rather than Sadat's unilateral policy of establishing an agreement with Israel while Arab territories are still occupied. Israel had a different view than

⁹⁷ Hussein, Hassan al-Sayyid, op. Cit., P. 480.

⁹⁸ Ibid.P481.

⁹⁹ Zourob, Hazem, Madrid Conference in the Middle East and its Regional and International Dimensions, Master Thesis, Faculty of Arts, Al-Azhar University, Gaza, 2011, p. 53

¹⁰⁰ Hawatma Nayef, Oslo and the Alternative Balanced Peace, Al Mahrosa For Publishing & Press Services & Information, Cairo, 2004. P. 130.

Sadat's, who believed that his agreement would lead other countries to take this path, as it aspired to distance the largest Arab power from the conflict arena and then to single out the Arab countries one by one in accordance with its vision.

Palestinian Change Program

Since its foundation in 1964, the Palestine Liberation Organization (PLO) has been an umbrella organization for the national action and for all revolutionary forces to fight the liberation and to serve as a shield for the rights and aspirations of the Palestinian people¹⁰¹. The defeat of June 1967 led to the escalation of revolutionary action by the Fedayeen and became more independent of Arab states. The victory in the Battle of Karameh lifted and supported the PLO from all sectors of the Palestinian people. The events of September 1970 between the Jordanian regime and the PLO factions led to ending PLO's role on the Jordanian front by expelling the Fedayeen 'freedom fighters' to Lebanon. Lebanon afterward has been the starting point of the revolutionary action¹⁰².

The PLO rejected UN Security Council Resolution 242, which called for withdrawal from "occupied territories" in the conflict and a just settlement of the refugee problem, following the six-day war. The PLO considered that the Resolution is ignoring the Palestinians' rights. The National Council held its sixth session and issued a statement "The Palestinian revolution is to achieve a complete and a comprehensive liberation of the entire Palestinian land from the Zionist occupation, with its base Israel, and the forces of global imperialism. We also declared the insistence of the Palestinian people to pursue its revolution until victory is achieved and a democratic Palestinian state free of all forms of religious racial discrimination is established"¹⁰³.

This motto has been revisited and reconsidered and has become a mere motto that passes through the statements. It led to the emergence of a new Palestinian political thought that made the resistance factions reconsider the national strategies and goals against Israel's control over the entire country as well as its targeting of the Palestinian land and people¹⁰⁴. At its eighth session, the Council adopted a phased program aimed to

¹⁰¹ Khalifa, Muhammad, Palestine Liberation Organization: A Rebellious Liberation Project or an Entity Project, Master Thesis, Birzeit University, 2005, p. 22.

¹⁰² Al-Allan, Marwan, PLO from Armed Struggle to Negotiations, Modern Discussion, No. 2469, 2008.

¹⁰³ Political statement of the sixth session of the Palestinian National Council, Cairo, Palestinian Arab documents of 1969, Document No. 377, p. 386.

¹⁰⁴ Si Salem, Samir, Israeli Projects for the Settlement of the Palestinian Issue 1947-1977, Master Thesis, Islamic University-Gaza, 2005, p. 147.

"establish an independent combatant national authority for the people over every part of Palestinian territory that is liberated"¹⁰⁵.

After the 1973 war and the adoption of UN Security Council Resolution 338, a diplomatic movement emerged, represented by President Arafat's speech at the United Nations in 1974. The Soviet Union and a group of Arab countries proposed to the Palestine Liberation Organization (PLO) to invest in the international arena. Two ideas were raised, the first: the acceptance of Security Council Resolutions 242 and 338.

The second was the National Objectives Program that called for the distinction between what is direct and temporary from what is historical and strategic. The PLO rejected the second idea as it addressed the Palestinian problem as a refugee issue and did not mention the role of the PLO. However, realistic Palestinian voices emerged from the Palestinian factions such as the Revolutionary Palestinian Communist Party, The Democratic Front for the Liberation of Palestine (DFLP) and the Fatah movement that called and adopted the idea of the stage of national objectives. This led to a split in the PLO forming the Rejectionist Front; Palestinian factions who rejected the Ten Point Program adopted by the PLO. The Palestinian National Council (PNC) held its twelfth session in Cairo on June 1974 and approved the Ten Point Program also known as "The National Authority Program." It included the PLO's approval to postpone addressing the refugees' issue. It is based on the fact that international conditions are ripe for the birth of a Palestinian entity on part of the land, which was opposed as it eliminates the Palestinian issue and waives the right of return. This opposition reinforced the realistic movement since most of the factions and movements adopted its vision turning it into a general policy of the PLO.¹⁰⁶

In 1977, US President George W. Bush's National Security Advisor, Zbigniew Brzezinski, presented a settlement project that calls for the annexation of the West Bank and the Gaza Strip to Jordan as an autonomous region rather than a state. That project grants the population the freedom of movement and creates demilitarized zones. The PLO rejected the proposal as it ignores the rights of the Palestinian people to establish their own state and the right of refugees to return¹⁰⁷. Since the beginning of the 1980s, several changes in the Palestinian arena emerged, known as political realism, after the departure of the PLO from Beirut in 1982 and its loss of the most important confrontation

¹⁰⁵ The Interim Political Program of the Palestine Liberation Organization, The Palestinian National Council, 12th Ed, Cairo, Egypt, 1-8/6/1974, Hamid, Rashid the National Council Decisions, pp. 247-248.

¹⁰⁶ Abu Moore, Anwar, The Historical Development of the Palestinian State Project, 1964-1999, Master Thesis, Islamic University of Gaza, Gaza, 2014, p. 52

¹⁰⁷ Al-Sharif, Maher, Fifty Years of the Palestinian Liberation Organization, The Institute for Palestine Studies, Beirut, p. 77.

lines with Israel that provided the "safe base" i.e. the freedom of movement and the independence of decision. In the wake of the first Arab peace initiative, in Fez, and the adoption of peace and the overthrow of the military option. The Palestinian majority have been looking forward to the recognition of Resolutions 242 and 338 and to the declaration of the establishment of a Palestinian state on the borders of June 4, 1967, that took place at the Nineteenth Session of the Palestinian National Council in Algiers. The international community welcomed the recognition of the Resolutions and the declaration of independence. This also paved the way for convening of the Madrid Peace Conference in 1991, which resulted in the Oslo Accords in 1993 and smoothed the path for self-governance. The Palestinians entered the negotiations offering a series of compromises and were in state of internal division in the ranks of the PLO¹⁰⁸. This led to a new phase of struggle known as political romance through which the leaders were engaged in the states' institutions away from the revolutionary action, which dealt with the outstanding issues through negotiations¹⁰⁹.

It is clear that the Arab dispersion and differences were deep-rooted at a time when they had to be united in order to repel the aggression against them. This made them incapable, which led them to adopt peace as a strategic option, thus opening the way to unilateral agreements resulting in the involvement of the Palestinians in the imaginary peace phase.

Israeli Change Program

Israel has not respected the agreements that have been concluded with the Palestinian side and the resulting resolutions on the basis of land for peace, based on UN Security Council Resolutions 242 and 338. Israeli policies over the past decades were intransigence toward Palestinian rights and have always offered alternatives. Israel rejected all projects calling for the establishment of a Palestinian state as well as the return of the refugees and the division of Jerusalem. It did not offer more than a self-governance project that governs the civil affairs of the population. It also adopted policies without any the implementation. It also continued imposing new fiatsaccomplish on the ground.¹¹⁰

Negotiations between the two sides have reached a point of no return as a result of Israeli practices and their rejection of the agreements concluded. Adopting unilateral measures

¹⁰⁸ Zureik, Elia, op. Cit., Pp. 155-156.

¹⁰⁹ Fayyad, Ali, A Critical Comparison between the Vietnamese and the Palestinian Negotiations Experiments, Volume 12, No. 48, 2001, p.13

¹¹⁰ Al-Fara, Abdel Nasser, Jerusalem in the International Resolutions and the United Nations Resolutions, Al-Quds Open University, Gaza, p.7

on the ground that obstructs the two-state solution, for example the accelerated settlement building and settlers attacks on Palestinian citizens¹¹¹. In a speech at the United Nations in New York, President Mahmoud Abbas called for Israel to implement what was agreed upon in accordance with the two-state solution. However, Israel preferred to continue destroying the two-state solution and creating two systems on the Palestinian ground: an apartheid system in the occupied Palestinian territories and another that gives extensive privileges to Israeli settlers¹¹².

In light of the Arab system breakdown and the preoccupation of each Arab country with its internal affairs as a result of internal conflicts, as well as the inability of the international community to exert pressure on Israel made the latter pursue its policy in light of the current Arab situation. The recognition of the Palestinian state at the United Nations in September 2011 did not enable it to exercise its right as a recognized state by the international community. Thus, leading to the continuation of Israeli violence in the absence of a horizon for the Palestinian citizen and his right to live in peace within secure borders, away from the machine of killing and destruction and the swallowing the Palestinian land. Violence is the result of the Israeli policy of rejection and intransigence of the legitimate rights of the Palestinian people.

3.2.2 Second Refugees within the framework of multilateral negotiations

The Madrid Peace Conference has been held since the beginning of 1991 and has resulted in bilateral talks between Israel and Syria, Lebanon, Jordan and Palestine. Multilateral talks are held within working groups on cross-border issues, and others are part of final status issues. These talks were aimed at finding a solution for the Arab-Israeli conflict by creating a political environment capable of providing a suitable solution for Palestinians, Arabs and Israelis. The Madrid Peace Conference established refugee working groups on issues such as water, environment, arms control, regional security and cooperation for regional economic development at all levels. This delivers peace to all parties requiring it, ending long decades of conflict that has drained these parties material and moral resources¹¹³. The Conference began with two rounds of negotiations:

¹¹¹ Shabib, Samih, the Palestine Liberation Organization and the Research Center, from the Quarterly of Palestinian Affairs 'Shu'un Filastiniyah', Issue. 262-263, 2015.

¹¹² Al- Hayat Newspaper, President Mahmoud Abbas' speech before the 70th session of the United Nations, New York, Thursday, Issue 7135, 1/10/2015.

¹¹³ European parliament, The price of Non-peace", political Series, PolI116 EN, Sep.1999, p.27

The first track, which aims at resolving past conflicts, focuses on political issues related to regional control, sovereignty, border demarcation, security arrangements, and the political rights of the Palestinians.

The second track, aims to focus on the future of the Middle East by tackling economic, social and environmental problems, promoting security and regional development at the long run. It also aims at finding a solution to the outstanding regional issues¹¹⁴.

Several multilateral talks of 1992-1995 sponsored by the Canadian Government for the Refugees' Working Group, headed by its Representative Marc Perron resulted in the publication of a "Vision Paper" in March 1995. Perron noted in the Paper that the Middle East was better without refugees, and called for addressing political 'Taboos' such as the right of return, resettlements and the absorption of refugees without specifying the place of their residence and or their jobs. This Paper reached a dead end. However, it provided a vision on the obstacles faced by the working group. The Israeli side, however, was not convinced and called to address these Issues through bilateral and quadruple meetings at the appropriate time¹¹⁵.

Canada's Ambassador to Jordan, Andrew Robinson, who replaced Perron tried to reactivate the "Vision Paper" away from the political taboos of refugees resettlement rejected by the Palestinians or the integration process that the Israelis accept only if it is in Arab countries. Robinson raised the idea of 'adaptation', which raised Palestinians' concerns. This idea was discussed at the eighth meeting of the Refugees Working Group held in Geneva in December 1995, but this meeting did not take into account the legal aspects of the refugee situation, which triggered and irritated the Palestinian side's, which demanded that any adaptation projects should guarantee the legitimate rights of the Palestinian refugees. The final statement on this issue confirmed this. Two months later, Robinson issued a document on adaptation prepared by Tansley, a researcher at the International Development Research Center (IDRC) in Ottawa, in which she assured the Palestinians that her adaptation would focus On the West Bank and Gaza. She also stated that "any initiative of strategic adaptation must be free of prejudice to the rights of Palestinian refugees and their future status." This requires its implementation on the ground without diminishing the rights of refugees¹¹⁶.

The Canadian government has given its attention to the issue of refugees due to its sensitivity. Canada is one of the main countries with political and economic ties with the United States and that supports and promotes Israeli policies at all stages. It stands in the

¹¹⁴ Qurei, Ahmed, *Multilateral Negotiations on the Peace Process: Ambiguous Beginnings and Delayed Endings*, Institute for Palestine Studies, Beirut, 2008, pp. 3-5.

¹¹⁵ Zureik, Elia, *op. Cit.*, P. 140.

¹¹⁶ *Ibid.* P. 141.

face of the legitimate rights of the Palestinian people. Recently, it voted for the establishment of a Palestinian state at the UN. This makes it a country subject to American hegemony and influence, which means its automatic bias in favor of Israel.

It seems that the negotiations, which carried two tracks of negotiation, prioritized one track over another, because the political side was still in tidal waves without reaching the objectives of the Madrid Conference and the Oslo Accords. It seems that the negotiations was taking into account the economic aspects and openness to the world and the establishment of relations with Arab countries through peace neglecting the political side and dodging the issues in the agreement. It also postponed these issues to the stages of the final solution. More than two decades of the Israeli-Palestinian agreements, what does it mean?

3.3 Refugees in the framework of the Palestinian-Israeli agreements 1991-1999

The Oslo I Accords were one of the most general conventions in the history of political negotiations, due to the weakness of the relative negotiating position of the Palestinian side. The general wording of the Accords allowed the Israeli side to exploit this in the implementation of its terms and its consequences later. This is a weak point of the Oslo I Accords as it has postponed the most difficult outstanding issues - the borders of the Palestinian state, the Israeli settlements, the problem of Jerusalem, the sharing of the West Bank water, and the Refugees issue - to the final settlement, which was to be negotiated by May 1999¹¹⁷. Attempts have been made to find a solution to the Palestinian refugee issue through numerous peace agreements and conferences that began in 1991, then Oslo Accords, the Gaza-Jericho Agreement 1994, Oslo II Accords. However, none of these projects came to light, and the refugee issue remained an outstanding negotiation issue¹¹⁸.

3.4 Refugees under the 1993 Palestinian-Israeli Declaration of Principles

The 1993 Declaration of Principles (DOP) was to address the refugees problem in the final negotiations phase, starting May 1996. Israeli positions, both official and unofficial raised doubts about the binding nature of the UN resolutions regarding the collective right of Palestinians to return. This is contrary to Resolution 194 of the United Nations

¹¹⁷ Wajih, Hasan, An Introduction to the Science of Social and Political Negotiation, softcopy, The World of Knowledge, 1994, p. 102

¹¹⁸ Ahmed Mahmoud, The Gaza-Jericho Agreement: Challenges, Threats, Consequences (edited by Mahmoud Abdel Fadil), 1st edition, Beirut, Dar Al-Tali'ah for Printing and Publishing, 1994, p. 27

General Assembly, thus, the Palestinians tended to implicitly shift the debate according to Madrid's terms of reference regarding the right of return. The return is not necessarily to their homes they left in 1948. The debate, however, will be about,

- The Palestinian refugees' right of return to the Palestinian state.
- The compensation of refugees and the settlement of civil and humanitarian rights for non-returnees in neighboring States.
- Granting Palestinian passports to Palestinian refugees in areas of displacement.
- Compelling Israel to return a symbolic number of refugees of those expelled in 1948 to Israel, and to recognize the historic injustice to the Palestinian people.

It is clear that this saves Israel from the main obstacle, namely, the return of the refugees' population to their abandoned homes in 1948, and the transfer of this enormous number to a small area of the Palestinian state, making the state unable to function due to this population explosion.

3.5 Refugees in the context of the 1995-1999 transitional negotiations

Hebron Agreement

In light of the continued bias of the American administration in favor of the Israeli side and its effect on the peace process, which opened the way for the European Union to conclude this agreement since the start of the peace process, it managed to bring together the Palestinian and Israeli parties to conclude this agreement, even though it was at the request of the United States to intervene¹¹⁹. This agreement resulted in the redeployment of the Israeli forces to the population areas of the West Bank as stipulated in Annex I of the Agreement. The Palestinian Police shall assume responsibility for the public order after the Israeli withdrawal from specific military locations. This operation shall begin 18 months after the announcement of the elected Council as stated in Article II 'Elections'. Whereas Article XI discussed (Land) and Article XIII discussed (Security). Israel is responsible for external security and comprehensive security to protect its citizens' lives. Israeli forces include Israeli police as well as other Israeli security forces¹²⁰.

Since the signing of the Oslo Accords and subsequent agreements, Israel has used these security concerns in order to bypass and circumvent Palestinian rights. Peace requires the sincere intentions of the parties to build solid foundations of trust and mutual respect bridging the two peoples and building bridges of coexistence and acceptance of the other,

¹¹⁹ An European proposal for a Permanent Palestinian-Israeli security committee and exchanged letters between Saeb Erekat and Moratinis, Ramallah, Department of Negotiations Affairs, April 1998.

¹²⁰ The Oslo Accords, op. Cit., P. 18.

away from circumvention and manipulation of the agreements or the interpretations of the agreements in accordance with the Israeli perspective.

The Wye River Memorandum of 1998

The first Wye River Memorandum was held in 1998. It was signed in the White House by Benjamin Netanyahu and Yasser Arafat, through negotiations led by U.S. President Bill Clinton, on 23 October 1998 in Wye River, Maryland, U.S. The agreement is based on the principle of land for security and that Israel will implement a new phase of redeployment in 13% of the West Bank in exchange for the Palestinian Authority intensifying its campaign against "violence."¹²¹ Israel's Prime Minister Ehud Barak signed The Wye River II* Memorandum in 1999 on the same basis as the first Wye River Memorandum. On September 4, 1999, the two parties signed an agreement called "Wye River II" in Sharm El Sheikh, Egypt. The second Memorandum addressed and elaborated on some of the first Memorandum topics, such as the release of prisoners, safe passages, Gaza port, security arrangements, etc.¹²²

Sharm El Sheikh Memorandum of 1999

This Memorandum was a result of the Israeli failure to implement the agreements reached, which made the Palestinian leadership wave the declaration of the Palestinian state, prompting the US administration to redouble its efforts to bring the views of the two sides closer together resulting in the signing of the Sharm el-Sheikh Memorandum. Palestinians have made some gains and opened the way for permanent status negotiations. These negotiations had Barak's vision and negotiating approach of transiting from the interim negotiations and the agreements emanating from them, to a Permanent Status framework agreement to be signed on the basis of the principles, guidelines and timetable set out in the Framework Agreement.¹²³

The Israeli government was deliberately causing confusion in the negotiation process and opening other negotiating channels after dragging the Palestinian side into its negotiation

¹²¹ Ahmed, Mahmoud, op. Cit., P. 45.

¹²² Al Baba, Jamal, The Israeli Position on the Refugee Issue, Palestinian Planning Center, 16 January 2006, at www.oppc.pna.net/mag/mag3/p4-3.htm

¹²³ Qurei, Ahmed, The Complete Palestinian Narrative of Negotiations from Oslo to the Road Map 2: Camp David Negotiations (Taba-Stockholm), 1, Beirut: The Institute for Palestine Studies, 2005, p. 148.

* The Wye River II was a continuation of the Wye River Memorandum. It took place at Sharm Al-Sheik, Egypt on September 4th 1999.

maze. Threatening the Palestinian side with establish an agreement and opening negotiation channels with Syria and considering withdrawing from southern Lebanon, in order to make the Palestinians stick to the negotiation track. Nevertheless, the American side was seeking to overcome the obstacles between the two sides until reaching Sharm El Sheikh Memorandum on 4/9/1999. Arafat and Barak signed modified version of the Wye River Memorandum in the presence of Egyptian President Mubarak and King of the Jordanian Hashemite. The modified version addressed the issue of accelerating the redeployment that has been previously agreed upon¹²⁴.

It is clear that Israel's policy was the same approach used in the first Camp David Accords between Egypt and Israel, namely, to separately negotiate with each Arab state. Thus, prompting and pushing every country to rush to open negotiating channels with it. The pressure on the Palestinians to accept Israeli policy solutions indicates that. Otherwise, they are in a hurry to open a path on the Syrian side. This is caused by weakness and lack of coordination between the Arab parties regarding the negotiations strategy and priorities with Israel.

Palestinian Refugees in Permanent Status Negotiations (Camp David Summit)

In the 2000 peace talks, the Palestinians agreed to return 20,000 to 25,000 refugees under the so-called "family reunification" over the coming few years while insisting that the "principle" of the right of return would remain firmly rooted in any peace agreement. Israel rejected this on the grounds that such a condition or article would always leave them vulnerable to future demands. Therefore, the right of self-preservation must outweigh the moral/ethical right of return, no matter how fair the latter. Israel refuted the conditions and the situations that created the refugee problem and insisted on preserving the national identity of the Jewish state that the return of these refugees to Israel will change its demographic balance, thus threatening the Jewish state. This makes any return of any number of Palestinian refugees to Israel or even the principle itself impossible¹²⁵. In a meeting with President Clinton in Washington on June 15, 2000, Arafat warned against any attempt to impose a solution. In this context, Arafat commented on Clinton's assertions that Barak would not agree to the right of refugees to return or to Palestinian sovereignty over Jerusalem, that "I have a solution, to resign and leave the Palestinian

¹²⁴ Jafar, Abdel Salam, *The Arab-Israeli Conflict Between Armed Struggle and Peaceful Settlement*, op. Cit., P.2.

¹²⁵ Ben-Meir, Alon, *Negotiating Under the Palestinian Refugees Issue*, 2013, p. 3

territories to settle in Cairo or in Tunisia, then Barak will have to address this matter with the Palestinian people directly."¹²⁶

Reasons for the failure of Camp David - Clinton's Parameters before the reasons for failure

Arafat considered that Barak's proposals at Camp David 2 on the refugees' issue were humiliating, that there was no recognition of Israel's responsibility for this problem. In addition, no symbolic agreement on the refugees' right of return in accordance with UN General Assembly Resolution 194. In the last three meetings that was devoted to negotiating this problem, Israel has agreed to return 5,000 refugees once or 10,000 refugees over 10 years as part of a peace agreement that should state "end of conflict." Arafat categorically rejected.¹²⁷

In his book "*Israel, Palestine: Truths of a conflict*," Alain Gresh emphasizes the facts of the conflict, arguing that what was presented to the Palestinians is nothing but a deficient sovereignty over their entity keeping them under occupation as well as the annexation of 9.5% of the West Bank to Israel. Furthermore, Israel will maintain 10% of the agricultural lands in the Jordan Valley for many years under the pretext of leasing the land. In addition, Israel intends keeping the largest settlement blocs in place thus preventing the Palestinian cities to connect freely. Israel will also continue to control the external borders of the Palestinian state. Regarding the issue of the refugees, the Israelis made no clear and concrete proposals. As for the Holy City, Barak showed flexibility that it could be the capital of two states without giving details on Palestinian sovereignty and the fate of the Al-Haram Al Qudsi 'Temple Mount'.¹²⁸

It is clear that the Camp David negotiations failed due of the Israeli belief that they are the strongest and most influential state in the region. Thus, no one can oblige to solutions that do not fit in their vision of the solution, as they know that the other side is a weak rival. It kept practicing the policy of intransigence and rejection of all agreements reached by revoking such agreements by successive governments knowing that the international community and the United States, the sponsor of the peace process, will not practice pressure over it.

¹²⁶ Qurei, Ahmed, *Suspended Peace on the Road to the Palestinian State: Readings in the Palestinian Political Scene*, 1, Beirut, Arab Institute for Studies and Publication, 2005. P. 51.

¹²⁷ Qurei, Ahmad, *The Complete Palestinian Narrative of Negotiations from Oslo to the Road Map 2*, op. Cit., P. 53.

¹²⁸ Badawi, Joseph, *The "Generous" Offer, Garaudy and the Jews of France*, 2003 . [Http://maaber.50megs.com/issue_march04/books_6.htm](http://maaber.50megs.com/issue_march04/books_6.htm)

Palestinian refugees in the Clinton Parameters

It is not strange that the American proposal comes in line with the Israeli vision and its acceptance of the right of return. Therefore, the Americans adopted the Israeli disclaimer of the ethical and moral responsibility of the problem of refugees in 1948, claiming that it is the responsibility of the Arab armies that asked the residents to leave their homes to ease the process of liberation. The US administration approved the right of return of Palestinian refugees to the historical Palestine insisting that Israel cannot absorb large numbers of refugees. The American vision to overcome this problem was to return the refugees to the Palestinian territories and to absorb refugees in the hosting countries. The return to Israel is symbolic that it will not exceed a few thousand if Israel accepts. This vision granted Israel the freedom to accept or reject the return of any refugees and the numbers it wants to enter and their places of residence. The manipulation in the formulation of ideas does not compel Israel to return refugees and it views the refugees as "immigrants not returnees." Israel has refused to return any refugees except through the family reunification.¹²⁹

Palestinian refugees are eager to put an end to this long-suffering, to have a just solution of their cause in accordance with UN General Assembly Resolution 194 regarding their right of return and to have a solution to the Arab-Israeli conflict based on UN Security Council Resolutions 242 and 338. They reject any proposal or project that threatens the possibility of a Palestinian state and waives the refugees right of return to their homes. The American proposal aims to circumvent the right of return in exchange for the Israeli withdrawal from the West Bank and Gaza Strip and the reduction of settlements¹³⁰. Despite the support of these proposals for the establishment of a Palestinian state, it ignored the nature of the sovereignty enjoyed by this state as Israeli settlement blocs permeates on the Palestinian land. This is what Clinton's Parameters stated, the Palestinian state can exercise its full sovereignty over the Gaza Strip and most of the West Bank while preserving large Israeli settlements after annexing them to Israel¹³¹. The main principle of these proposals concerns the issue of refugees, allowing the return of those who wish to return to the Future Palestinian state territories not to the homes they have been expelled from. It also have asked the international community to contribute to the payment of compensation to the refugees or to settle them in their countries of residence or to allow them to reside in countries other than the State of Israel, in

¹²⁹ Qurei, Ahmad, *The Complete Palestinian Narrative of Negotiations from Oslo to the Road Map 2*, op. Cit., P. 375.

¹³⁰ Ibid.p370.

¹³¹ Al-Ayyam Newspaper, Issue 3030, ninth year, 20-6-2004.

accordance with the sovereign decisions of those States and according to their needs and security considerations.¹³²

The US mediator did not conceal his bias in favor of the Israeli side and his conviction of the Israeli narrative. These proposals ignore the right of return of refugees and circumvents and avoids UN Resolution 194. The main aim was to compensate the refugees through the international community, not to oblige Israel of the moral and ethical aspects of the refugees' suffering. It did not provide guarantees for the return of the refugees. However, it kept these decisions to Israel for their security reasons, giving it the choice of accepting or rejecting the return.

Palestinian refugees in the framework of the Taba negotiations

Negotiation reference

The Israeli and Palestinian sides have adopted the Palestinian refugee issue in accordance with the above-mentioned Clinton Parameters. In this context, the Barak government presented its concept of Clinton's Parameters. It agreed that the agreement on Palestinian refugees should state Israel's recognition of their right to return to the historic land of Palestine, provided that it is understood that it does not include the Land of Israel, that their return is to the five areas specified in the Clinton Paper 'Parameters'.

What distinguishes Taba talks in January 2001 from the Camp David II talks in July 2000 is the submission of written proposals by both parties. These proposals were the first in detail and formal form. In the late summer of 2001, the French newspaper *Le Monde Diplomatique* published two drafts of Israeli-Palestinian proposals for a permanent solution of the refugees' problem. These proposals were presented at the Taba Summit held in January 2001 between Israel and the PLO.

Palestinian proposal

The Palestinian position in these talks was detailed addressing specific issues regarding the refugee problem. The Palestinian proposal of January 22, 2001 included 61 paragraphs under 16 sub-titles. This proposal addressed many aspects of the permanent and comprehensive solution to the refugee issue, such as the legal framework, the definition of a refugee, the formula of a permanent solution, and the mechanisms to implement the solution formula and to divide the roles between the parties and the

¹³² See the Clinton Parameters at: <http://www.aljazeera.net/news/Arabic/2001/1/8-8html>

international community¹³³. In the legal framework, the Palestinian proposal presented a solution in line with UN General Assembly Resolution 194 and other laws and practices related to the resolution of refugee issues. The right / rights has been mentioned 19 times in this proposal in order to demonstrate the fundamental rights of Palestinian refugees, which are recognized by international law. The Palestinian proposal recognizes that the basis for a permanent solution to the refugee issue lies in the individual will and choice of each refugee, like other refugee situations in the world.

The Palestinian proposal also emphasized Israel's humanitarian and legal responsibility for the forced displacement of Palestinian civilians in 1948 and the prevention of these refugees from returning to their homes. The proposal emphasized Israel's responsibility to solve the Palestinian refugee problem. The Palestinian proposal to solve this problem is based on the framework of the solution provided for in General Assembly Resolution 194 and other relevant international law. Resolution 194 affirms the right of all Palestinian refugees to return to their homes and to receive compensation for damages and losses. Refugees who choose not to return must be provide assistance in the process of settling and absorbing them them, in addition to compensating them for damages and losses. This decision also affirms the voluntary and individual option of return and it calls Israel to facilitate conditions for implementing the return of refugees providing the required security atmosphere.¹³⁴

Paragraph (5) of the proposal affirms the right of return of all refugees wishing to return to their original homes in Israel and willing to live in peace with their neighbors. Paragraphs 19 and 20 affirm the voluntary right of return on the basis of the maintenance of the unity of the family, and emphasizes that the refugees must be provided with the necessary information in order to make the appropriate. In this proposal, the refugees were given five years to present their demands for return. The implementation is, in any case, not a subject to a certain time as stipulated in Paragraphs (21) to (25) of the Palestinian proposal that emphasize the principle of safe and consistent return in line with international laws and human rights. Thus, guaranteeing the refugees the enjoyment of all civil and social rights. In order to facilitate this return, Israel was called to amend its domestic laws in a manner consistent with what is required.

Paragraph (27) of the Palestinian proposal emphasized the principle of restitution of rights and compensation for the property belonging to the refugees for their legitimate heirs. In the event of the impossibility, unfairness or impractical restitution of such

¹³³ Morttions, "Non-paper", Tab Negotiations, in JPS, Spring 2002, PP. 81-82

¹³⁴ Resource Center for Palestinian Residency and Refugee Rights (BADIL), Taba's Proposals, 2001, p. 2. See also: Nur, Masalha, The Politics of Denial-Israel and the Palestinian Refugee Problem. op.cit. P. 249.

property, the proposal recognizes the principle of restitution of the same type of property i.e. of the same size and value. In paragraphs 30 and 31, the proposal recognizes the principle of compensation for damage and loss of property, loss of use of the property and benefits owed. It also recognizes the principle of compensation for the suffering and the moral damage of the refugees as a result of forced displacement. Material and intangible damages compensations must be distributed on an individual basis unless such property was common. The proposal also recognizes compensation for collective property in paragraphs (36) and (39). Paragraph 41 of the proposal stresses to compensate the host countries. In paragraph 61, the Palestinian proposal stated that the right of any refugee should not be affected, in accordance with UN General Assembly Resolution 194, in which the refugee has the right to return and receive Compensation and to be settled elsewhere freely chosen¹³⁵, as demonstrated by the Palestinian position through this proposal. The Palestinian proposal is considered highly important for the following reasons:

- Accepting this proposal from the Israeli side and the latter readiness to discuss it was a qualitative leap and a change in the Israeli position.
- This proposal is consistent with the principles of international law. It also emphasized UN General Assembly Resolution 194.
- This proposal has developed various mechanisms to solve the refugee problem to a certain extent with the aspirations of the refugees themselves. Finally, it is important as it accepts and offers solutions compatible with Resolution 194, such as resettlement and compensation under certain circumstances, which gives flexibility in settling the refugee problem. The led to a progress by both parties in this regard.

Israeli proposal

In the same vein, the Israeli position this time was written on January 23, 2001 in response to the Palestinian proposal. The Israeli proposal included (16) sub-paragraphs of (16) sub-headings which included a record of the refugee problem, a framework for permanent and comprehensive solution and division of roles¹³⁶. What distinguishes the Israeli position at this stage, is that Israel held a certain degree of responsibility for the refugee problem and some responsibility in solving this problem¹³⁷. The Israeli paper presented a political framework for solving the problem that does not go in line with

¹³⁵ Resource Center for Palestinian Residency and Refugee Rights (BADIL), p 41.

¹³⁶ Charles Enderlin, *Shattered Dreams: The Failure of the Peace process in the Middle East 1995-2002*. PP.12-13.

¹³⁷ *Ibid*. pp.13-14.

General Assembly Resolution 194. It presented five possible solutions for the refugee problem, including returning to Israeli territory, returning to Israel, returning to Israeli territories that will be exchanged with the Palestinian state, returning to the Palestinian state, and resettlement in a third country¹³⁸.

In order to implement this, the Israeli paper presented a three-phase program within 15 years (this program was discussed but not agreed upon). In the first phase, 40000 refugees are absorbed within five years. In the second stage, Palestinian refugees are absorbed into Israeli territories that will be exchanged with the Palestinian state, and in the third stage the absorption of refugees through the family reunification program.

In an interview with Haaretz, Yossi Beilin said, "We discussed refugees numbers in Taba for the first time. From the Israeli point of view, when we talk about not-huge numbers, then, there is no right of return but an Israeli acceptance of the return of a number of refugees. In the end, this figure could be as many as 100,000 refugees."¹³⁹

Regarding the compensation, the Israeli paper presented the establishment of an international committee and an international fund through which a small amount of refugees would be paid in the first stage. Each refugee can apply for compensation to the International Committee and the International Fund, which have the full right to decide taking into account the suffering of the refugees, refugees' properties, development and economic growth. The Israeli paper also discussed about the need to compensate host countries¹⁴⁰. However, during the negotiations, Israel opposed the Palestinians' request to receive and distribute the refugees' money¹⁴¹.

The Israeli paper also discussed the UN Relief and Works Agency (UNRWA). It emphasized the need to end its work and transfer its authority to the Palestinian state within five years. Finally, the Israeli paper raised the issue of Jewish immigrants from the Arab countries and the need to compensate them. The Paper concluded by the need to end Palestinian demands on the right of return of refugees.¹⁴²

¹³⁸ Morations, Non-paper, op.cit,PP.81-82

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Nur,Masalha, The Politics of Denial- Israel and the Palestinian Refugee problem,op.cit,P.240

¹⁴²Marations, Non- Paper .op.cit, PP. 81-82

See also Robert Malley and Hussein Agha, "Final Negotiations: How to Complete the Middle East Peace Process," Al-Hayat Al-Jadida, Ramallah (28 March 2002).

EU Paper

The European Union paper, prepared by Ambassador Moratinos, described the issues agreed upon and the gaps in both parties' ideas and proposals during negotiation. It points out that the two sides agreed on addressing and solving the refugees problem. However, there were a clear difference in the two parties' interpretation of the right of return. Both the Palestinian and Israeli sides have agreed that a just settlement of the Palestinian refugee issue should lead to the implementation of resolution 194. The Israeli position in Taba, as described by the European Union paper, was neither harmonious nor in line with the principles and meanings of UN General Assembly Resolution 194.¹⁴³

It should be noted that the negotiations in Taba have achieved considerable progress. This is what the joint Palestinian statement referred to as "the parties declare that they have never been closer to an agreement at any time before,"¹⁴⁴ although the statement did not specifically specify the nature of progress achieved. The borders of the Palestinian state were set on June 4, 1967, with minor modifications of land swipes that would reach 100% of 1967s land. There was progress on the issue of Jerusalem, East Jerusalem would be the capital of the Palestinian state. There were also some progress on the refugee problem.¹⁴⁵

This progress at the level of negotiations in fact remains incomplete due to several reasons, of which:

- The final issues has not yet been resolved. This was confirmed by the Palestinian-Israeli statement: "Given the circumstances and the pressure of time, it is impossible to reach an understanding on all the issues despite the substantial progress achieved in all the issues discussed"¹⁴⁶
- These negotiations took place with an unfortunate government that had no chance of success as seen two months later. Therefore, it did not produce any practical results, because the Israeli position did not leave its traditional framework, which soon was evident in Sharon's first and second governments. This questions Barak's government intentions.
- The lack of documentation of the negotiations in official records also raises the doubts about Barak's government intentions.

¹⁴³ Marations, Non- Paper .op.cit, PP.82-83.

¹⁴⁴ Mamdouh, Nofal, The Intifada: The Explosion of the Peace Process, National Library for Distribution and publishing ,Amman, Jordan. P. 129.

¹⁴⁵ Gluub, Faris, "Revitalization of Peace Movements in the wake of the Cordoba Conference", Al-Arabi, Issue No. 55, December 2003, p. 105.

¹⁴⁶ Mamdouh, Nofal, The Intifada: The Explosion of the Peace Process, op. Cit., P. 129.

To conclude, Taba negotiations, which dealt with the principles and mechanisms for a permanent solution to the Palestinian refugees' issue, have once again demonstrated the great gap between the Palestinian viewpoints based on international legitimacy resolutions and the Israeli views based on circumventing the resolutions of international legitimacy and emptying them of their contents. Nevertheless, the Israeli delegation in Taba presented positions, opinions and ideas that are considered the first of its kind in the history of Israeli official positions, on this complex issue.

Chapter Four

The refugees in international law

Palestine has witnessed many historical events that coincided with the mass expulsion of the Palestinian people, which brought many legal consequences according to the rules of international responsibility. After the end of the Second World War, a wide range of international conventions and agreements were conducted which protect the refugees and keep the human rights up. On January 1, 1951, the Refugee Convention was drafted, followed by its improved Protocol in 1967, which was the core of the international refugee protection system. The Convention also keeps its primary role in providing the protection determined by the United Nations High Commissioner for Refugees. As a result of the Second World War, a large number of refugees and displaced people were found left, which made the international community to put them on the priority list and take steps to find an appropriate solution to this problem. At its first session, in 1946, the United Nations General Assembly affirmed its fundamental principle that "no refugee or displaced person shall be compelled to return to their home if they have conclusively expressed acceptable objections" (resolution 8) (d1) February 1946. After the war, the United Nations established a specialized agency, the International Organization of Refugees (1946-1952), which successfully performed its role and worked effectively to provide assistance, but all this was of financial burdens and high costs.¹⁴⁷

The legal framework of the refugee concepts was influenced by the Cold War and the subsequent human migrations from the Third World towards the developed countries. The conditions and tragedies experienced by the refugees came after World War II, which entailed for finding shelters for the refugees affected by the wars, natural disasters, internal conflicts and fear of oppression. The resolutions of the United Nations and the agreements signed by the regional organizations defined the refugee by this name in resolution 194 of 11 December 1948, which referred to the "Palestine refugees". This required for establishing bodies dealing with these groups. UNRWA was established in

¹⁴⁷S,Jay.Goodwin-Gill,1951 convention concerned with refugee issue and its protocol, Senior Research Fellow, All souls college,Oxford,P.1.

1949, The second one was Korea Reconstruction Agency, which was established after the Korean War.¹⁴⁸

4.1 The legal status of the Palestinian refugees

The legal status of the Palestinian refugees is complicated compared to others, due to the numerous ways of protection that they get and being excluded from the traditional protection system. This protection system overlaps with the legal system applied to the Palestinians in the refugees host places, with the aids offered to them by UNRWA, with the 1951 Convention which works outside UNRWA's domain, with other human rights charters, international legitimacy resolutions and the principles of public international law.

According to what was found, Palestinians are excluded from the 1951 UN convention on the protection system of the refugees, and from the UN Refugee Agency, and from the 1954 convention on stateless people. Other opinions were expressed by some jurists like Tekkenberg who considered this exception to be valid only in UNRWA's fieldworks. Accordingly, the commission has the ability to intervene in areas outside of UNRWA's domain as it happened with the Palestinians in Libya and Kuwait.

However, if this happens in the countries that are not under UNRWA's domain and that have signed the 1951 convention, this gives us a narrow impression of interpretation because of its contradiction with the Palestinians' return right and self-determination. In spite of the increase of the legal conventions applicable to the Palestinian refugee and its dispersal in the countries of asylum, particularly in UNRWA's domain countries or that's under the 1951 Convention, the Palestinian refugee is in desperate need of protection, as he has been deprived of national protection for over half a century.

The definition of refugee has long perplexed the experts of the international law, since this definition is of a great importance in the international public law and what follows as

¹⁴⁸ Azriq, Elijah, The Palestinian refugees and the right of return, Palestinian studies journal, Vol.5, No.19, (Summer1994), P.68.

legal implications for the asylum seeker, since that definition to him is either a death or life sentence.

Refugee is:

"Every person who is compelled to leave his or her country for any reason he or she is not responsible for, such as persecution or public disorder, such as civil war, earthquake or hunger."¹⁴⁹. A refugee can be defined through various legal means according to international treaties or internal laws or even politically to achieve specific political and social goals that reflect a particular social reality.

With the rapid increase of the asylum phenomenon and the fact that the previous agreements came as a result of specific circumstances and time, which took into account specific cases of refugees, making the international community then looking for new mechanisms to contain these cases. The United Nations established the refugees commission and the 1951 Convention and its 1967 Protocol, which define the refugee status as next:

4.2 The definition of refugee in general according to the International Convention on Refugees 1951:

“Any person who has left his home due to certain events prior to 1 January 1951, and because of a fear of being persecuted for reasons of religion, race, nationality, membership of a particular social group or political entity to a State that he doesn’t hold its nationality and is unable or unwilling to return to his State. Any person who dwells outside his home for the above mentioned reasons and feels uneasy to return again to his homeland.”¹⁵⁰

¹⁴⁹Hsawi, Najwa, Palestinian refugee rights between international legality and Israeli-Palestinian negotiations, Suleiman Abu Sitta, Zaytuna center for studies and consultations, Library Narjess, Beirut,2006, p.45.

¹⁵⁰Zaqout,Nahid, a refugee in the international law, The Palestinian information center-Wafa, Ru’ya magazine ,No(7), March,2011, p.2.

The selective and regional approach was clear in the context of its definition of a refugee and its verdicts were considered one of the basic principles in limiting the validity of these verdicts, since there are common denominators between them, manifested by the protection of the original state, as one of the basic requirements for defining a refugee.¹⁵¹ Many definitions and concepts were formulated for those who are applicable for asylum cases:

4.3 Definition of the Protocol relating to the Status of Refugees 1967:

This definition was identical to the 1951 Refugee Convention, but excludes the phrase "due to events prior to January 1951" and stipulated that States parties should apply the Protocol taking into account the new asylum situations that emerged after the 1951 Convention. The definition sought to avoid the criticisms found in the previous definitions, which defined the refugee according to specific criteria, geographical, specific events, or even to a specific period of time.¹⁵²

The UNRWA definition of a refugee: "Anyone who was a regular Palestinian resident in a period of time not less than two years in 1948 and who lost due to this conflict his home and source of living".¹⁵³

The definition also defined the qualities of those who are applicable to benefit from these services, namely:

- Generation of refugees (parents) born after Israel declared its statehood.
- Non-refugee groups and their breed who lost their source of living as a result of the 1947-1948 conflict (economic refugees).

¹⁵¹Hathaway. The Evolution of the Refugees Status in International Law .33.I.L.Q.(1984)P/348.

¹⁵²Pwe is, The 1967 protocol Relating to the status of Refugees and some Questions of the law of Treaties B.I.L.Vol.1967.P391.

¹⁵³Husseini, Jalal, Department of Refugee Affairs, in cooperation with the Negotiations Affairs, Dr. Salim Tamari (Institute of Jerusalem studies) Dr. Elijah Azriv, (Professor of sociology, Queen's university, Canada) Translated by Lina Qtan.P,3.

This group includes:

- Residents of border villages in the West Bank.
- The poor of Jerusalem.
- The poor of Gaza.
- Bedouin and semi-nomadic tribes.

UNRWA has put the definition of a Palestinian refugee within its service areas, creating many legal, social and humane problems to a large number of Palestinian refugees who were in a dire need of help and protection, but didn't meet the conditions set by UNRWA, and among the groups that the definition excluded:

-The Palestinian refugees who were displaced from their homes during the 1948 war and settled in areas that do not belong to the geographical boundaries of UNRWA services, such as in Egypt, North Africa, Iraq and the Gulf region.

- Emigrants who remained in the Israeli-controlled areas, who were excluded as Israel was addressing their situation.

- Residents of Gaza, the West Bank and East Jerusalem and those who were displaced in 1967.

- People who were expelled by Israel from the West Bank and Gaza in 1967.

- Who have violated the time limit given for study or work purposes and who have expired their permits until Israel has prevented their return.

- Palestinians who were outside Palestine during the Mandate and with the outbreak of 1948 and 1967 wars were also deprived of return.

- Who were in good financial conditions and whose pride prevented them from registering themselves in UNRWA registry.¹⁵⁴

¹⁵⁴Hasawi, Najwa, op.cit.p.126.

4.4 Organization of African Unity:

As a result of the increasing number of African refugees running away from wars and internal conflicts in the late 1950s, the Organization worked to regulate the situation of these refugees and to consider their problems, therefore it has put a definition to be guided by and relied on the 1951 UN Convention, but added to it what goes with its political circumstances. It was stated in Item 1, paragraph 2, of the Basic Law of the 1969 Convention that the term "refugee"¹⁵⁵ apply to” any person who has been subjected to aggression, foreign occupation or foreign domination, or events seriously affected the public order in his home or a country he holds its nationality- whether in a part of it or in the whole – so he was forced to leave his home to seek refuge, in a place other than his or her homeland or a country of nationality.”¹⁵⁶

This definition has given a wider range to the concept of a refugee, in spite of talking about a person. And this is of course depending on the circumstances of each region, so any person who is compelled to leave his land in Africa for any external oppressions, foreign occupation, or even for events that violated the public order, is given more of a patriotic concept as a refugee. Africa had its own political privacy due to its special circumstances. While the European Charter focused on its definition on those who, for many reasons, could not and would not return to their original homeland.¹⁵⁷ This third convention was in line with the 1951 UN Convention and its 1967 Special Protocol and the 1969¹⁵⁸ African Convention, While its internal regulations don't apply to persons accused with crimes against peace or war, crimes against humanity or not harmful

¹⁵⁵Zaqout, Nahid, op cit, a refugee in the International Law, Qanoni network forums, Jordan, Amman, the ministry of interior roundabout, King Hussein Street, Building No.264, 5th floor.

<http://www.lawjo.net/vb/showthread.php?9096>

¹⁵⁶Item 1 Paragraph 2 from the African convention on the organization of certain aspects of Refugee problems in Africa, 1969, being into force on June, 20, 1974.

¹⁵⁷Refugees in The International Conventions. <http://www.safsaf.org/10-2009/pal-camps/info/allajeoon.htm>

¹⁵⁸Paragraph 6, Item 1 of the Refugee Convention 1951, Paragraph 5, Item 1 of the African convention 1969 the same meaning is in the UN Protocol 1967 Paragraph 2, Item 1.

political ones outside the country of refuge before arriving ,with a refugee status and has previously been convicted of acts contrary to the purposes and principles of the United Nations.¹⁵⁹

4.5 For Latin America, the refugee definition came in Carthage through the declaration of 1984 as the follows:

“People fleeing their country due to existed threats to their lives, security or freedom or to acts of violence, external aggression, internal conflicts, general violation of human rights or any other circumstances have seriously violated public order in their country.”¹⁶⁰, What characterized the Carthage Declaration was that it spoke of persons (groups) who had fled their country because of violence or aggression. This declaration gave a wider concept to the refugees than other definitions of refugee status. However, the Carthage Declaration, despite its adoption of International Law in defining the refugee, is not bound to countries and governments, because it’s not an International convention in the legal sense, but it’s rather a declaration was held in a particular place, time and is referred to certain human groups. Although the definitions of refugees differed in International or Regional agreements, but it did clarify the generality of refugee situations in international law as follows:

- Civil wars and their consequences, such as fleeing and searching for shelter.
- Occupation or external aggression, persecution caused by race, sex, religion or opinion.
- The shameless breach of human rights.
- Poverty, famines and diseases.
- Natural disasters.
- Loss of nationality.

¹⁵⁹Al-Jondi, Ghassan, the refugee crisis, Jordanian University studies, series A: Humanities, Vol 22, (A), 1995, P 404-406.

¹⁶⁰Zaqout, Nahid, op cit, <http://www.lawjo.net/vb/showthread.php?9096>

As international law has classified refugee situations, it has also developed a general perception of refugee problem solving, through:

- Returning the refugee to his homeland after getting sure of the end of the circumstances that led to his asylum.
- Granting the asylum country nationality to the refugee (resettlement).

Item 8 of the primary law of the United Nations High Commission for Refugees (UNHCR) states that "the task of the International Protection includes preventing the compulsory return of refugees, helping asylum seekers in settling down through plain procedures, providing them legal aid and advice and making arrangements to ensure their safety and Security, and encouraging voluntary safe return, and helping them to re-stabilize"¹⁶¹

As for the Geneva Convention of 12 August 1949, which states that a refugee "any person who seriously fears being tormented or even oppressed because of his religion, nationality or sex and found outside his country before 10 January 1951, due to events happened in the country of which he holds its nationality"¹⁶²

It is noted through the reading of both the Geneva Convention and the International Convention on Refugees 1951 that their definitions don't apply to contemporary refugee situations, especially the Palestinian refugee, because they mainly focus on "persecution" as a direct cause of asylum.

This is how a refugee has been defined in both conventions and millions of refugees in the world who haven't been personally persecuted are excluded. The insufficiency of the Geneva Conventions, the 1951 Convention and its 1967 Protocol has led to many new regional attempts to develop a more precise and comprehensive definition that takes into account the natural and exceptional circumstances of the region. The Geneva Convention of 1949, that deals with the refugee protection during times of war, didn't explicitly address the refugees, yet they were protected as civilians concerned with its verdicts,

¹⁶¹ Zaout, Nahid, op cit, <http://www.lawjo.net/vb/showthread.php?9096>

¹⁶² Refugees in the International conventions <http://www.safsaf.org/10-2009/pal-camps/info/allajeoon.htm>

especially those who remained in the occupied territories, whether they are refugees or residents of those territories. So the convention applies on the areas governed by the occupation, whether this occupation is partial or complete of a region belonging to a particular state, as was the case in the Gaza Strip or the West Bank and East Jerusalem. The Geneva Convention was laid on humane considerations. The States Parties didn't address the use of the means they possess to secure upon the respect of the convention among parties. Israel has not abide by the Geneva Convention the fourth, but has worked by in part on the occupied territories, which underlines the insufficiency of the International Law in performing its functions in protecting the rights of refugees and others who lack protection.¹⁶³

4.6 European level

At the European level, the European Union charters on Refugees has given a more accurate and comprehensive description of the refugee concept of the 1951 Convention and the African 1969 African, which mentioned the dealing with refugees means. Resolution 14 of 1967 provided of the right of asylum for people apt to the risk of persecution. The 1981 European Union recommendation has come to coordinate between the national procedures relating giving the asylum, as well as the 1984 Recommendation on the Protection of people Subjected to the Conditions of the Geneva Convention, who are no longer refugees before 1984. The Dublin Convention of 1990, which sets criteria of membership acceptance, is responsible for looking at refugees' asylum requests to one or more EU Member States.¹⁶⁴ The European conventions' descriptions of a refugee was more comprehensive than the ones of the International, it didn't give a specific definition of the term refugee, but dealt with it in the general term.

The Israeli definition of Palestinian refugees is based on the Israeli Absentee Law: "Any person who is absent on 19 November 1947 or thereafter shall be declared as a citizen of an Arab State or of its surroundings, for any period of time in any part of Palestine

¹⁶³Hassawi, Najwa, Op Cit,P.121.

¹⁶⁴Abbas, Sami, the refugee is a human being above all, thee Qar network 14 September 2010.
<http://www.dhiqar.net/Print.php?id=20160>

outside the territories owned by Israel, or in any other places far from his or her habitual residence, even if that place, as well as his or her regular residence, are located within the territories occupied by Israel."¹⁶⁵ The Israelis yearn to have control over the Palestinian properties, even if this is done through making up legal transcripts that facilitate the takeover. The manipulation of "absentee" word has acquitted Israel of being the main cause of the refugee dilemma. In other words, they say that the absentee is not necessarily forced to leave the country, but rather chose that voluntarily.

The Palestinian definition of refugee comes as follows: "Any person who was a Palestinian citizen on or after November 29, 1947 according to the Palestinian Citizenship Law of 24 July 1925, and who was living in Palestine, in the territories that Israel took control between 15 May 1948 and 20 July 1949 and was forced to leave his place of residence because of the war and was unable to return to it due to the Israeli authorities practices, and who was outside his residence on 29 November 1947, or after that date, due to Israeli war events and lost his source of living till July 20, 1948 for the same reasons, whether he is a resident of the border villages in the West Bank or not and his land was robbed and became under the control of Israel. If he was one of the Bedouin tribes or semi-nomadic individuals, one of the Palestinian refugees breed and their spouses in accordance with the definition, whether they are still alive or not "¹⁶⁶

The Palestinian definition of "absentees" was identical with the Israeli's, which means that there is a group of Palestinians who are deprived of their most important human and civil rights. The definition is not restricted to refugees who have lived in the camps or who are officially registered in the records of the agencies and UNRWA, which means that there is a large group of refugees are not getting the Agency services, for it didn't cover all refugees areas. The representative of the European Community once said in his speech on 11/5/1993 at the work of the multilateral refugee group negotiations " , The definition of refugee is of special importance, since it is known that the refugee problem

¹⁶⁵Peretz .Israel and Arab Refugees. Michigan, University.Microfilms.1983.p283.

¹⁶⁶Refugees in the International Conventions. Op. Cit. <http://www.safsaf.org/10-2009/pal-camps/info/allajeoon.htm>

has unique characteristics. The definition must allow some flexibility rather than its depending on officials"¹⁶⁷

The definition excluded those who had left the country before 1947, but included people who had been displaced within the areas owned by Israel in declaring its state 1948-1949. This definition also included those who were displaced in and after 1967, the border villages in the West Bank residents and the camp residents in Gaza Strip who were resettled in Rafah on the Egyptian side of the border, or who were separated by the borders that were appointed after the Camp David agreement between Egypt and Israel. Besides to the Bedouins who have been expelled from their grazing areas or

Who have been persuaded to leave the West Bank and settle in Jordan. All these groups have suffered with these calamities in various ways. Israel is trying to deny all these groups' rights and their right of return.¹⁶⁸

The definitions of the international legitimacy and bodies have dealt with the issue of refugees according to special international considerations, which are based on the establishment of the State of Israel. This is witnessed by the fact that the Palestinians are not included by the international definition because of their getting assistance of one of their agencies. Adding to the Palestinians increased calamities over time, they have also become of a heavy load to the international community relating to the definition of a refugee in general! Considering the lack of definition of a refugee in the International Jurisprudence, the International and Regional efforts worked to formulate and develop the concept of a refugee based on the circumstances and facts experienced by Palestinians or according to political circumstances. So the political refugee concept differs from that of expelled, and the concept of the expelled differs from that of ethnic cleansing, and the ethnic cleansing refugee concept also differs from that have caused of natural disasters. Thus, the definition of a refugee has varied in International conventions and constitutions.

¹⁶⁷European Community Statement ,by the Commission of the European Communities, to working group on Refugees,Oslo,11-13 May 1993.

¹⁶⁸Husseini, Jalal, op. Cit., P.P 4-5

It is noted that through the previous definitions that will be laid on the Palestinian refugee concept, there is an irony in the definition and in the legal concepts, since each of them varies from one concept to another depending on the different circumstances and international variables in relation to the time period for which these definitions were formulated. Some of the definitions came as more precise and comprehensive, but they didn't define the refugee concept in detail, or it was not binding on states and governments, because it was not an international treaty with legal connotations, but rather definitions which came through a declaration related to a specific place and time.

The Palestinian refugee is able to define his national identity with its concept. He is a stable person in his country who was uprooted from it by the force of guns and conspiracy against his people. He was subjected to the worst methods of ethnic cleansing and left in exile. All of this gives them the right to strive in all ways and means to return home.

But this doesn't go along with the International community and its laws, because it has made itself bound to the establishment of the State of Israel at the expense of the Palestinian people. And this is for sure contrary to its principles for which it defended human rights and freedoms.¹⁶⁹ If we look at the 1951 Convention on Refugees, we will find that it's applied to certain specific people, the people of Europe harmed by the damages of World War II. The Convention was also associated with a certain period of time. It was defined in accordance with the European definition in order to find a solution to the problems of European refugees who were expelled from their homes as a result of war oppression. The definition was providing for fixing the time for asylum. Refugees who were displaced after January 1951 don't apply to this Convention. All displaced people and refugees who did move after this date are not covered by this Convention, especially for Eastern European and Third World countries. However, experts on International Law in the United Nations had consensus on the insufficiency and weakness of this Convention, simply because it doesn't meet its purpose due to time limiting. To end this restriction, a United Nations 1967 "Protocol" on refugees was conducted to be applied to all people with refugee status, without specifying the time. No significant

¹⁶⁹Zaqout, Nahid, op. Cit., <http://www.wafainfo.ps/atemplate.aspx?id=3928>

changes were made in the 1951 refugee definition and it remained the same. But the protocol kept on the reason that brings persecution to people because of religion, sex, etc., The United Nations High Commission then felt the need to expand the concept of a refugee, and to extend the time period for some groups who have similar problems with regard to asylum, which happened for reasons of religion, sex, etc., standing on some resolutions of the UN General Assembly, the Economic and Social Council and the Executive Committee of the High Commission ,all decided to expand protection to "people forced to seek refuge outside their homeland or the country of nationality, due to external aggression, occupation or foreign domination or events that affected on the public order, in all or some of these countries. " The Commission therefore rushed into expanding the reasons for asylum, not limited to reasons of persecution, Such as those who left their country because of armed tendencies, which resulted from external aggression or occupation or violation of the general social system of the country.¹⁷⁰ Some legal notes

were remarked on this definition that it was more tended to individuals than groups, it it cared only for people who are being persecuted for reasons of religion ethnicity, nationality, belonging or political tendencies, and therefore they focused on cases of political asylum for individuals rather than on collective asylum cases.¹⁷¹ The definition also doesn't cover all issues of asylum and it doesn't work from human rights view, specifically in the third world countries, which regrettably harmed the real refugees rejected by Western countries. There have been many attempts made to develop a broader concept to cover all aspects that stand behind public order violations, such as natural disasters, economic instability or foreign occupation, to apply them at the regional level. This development has not given any positive remarks on the international arena, because the application of the treaty was left for the State only.

¹⁷⁰Hisham, Mohamed, Asylum in the International Law regulations and Limitations, 2015.

<http://fekr-online.com/index.php/article>

¹⁷¹Zaqout, Nahid, op. Cit., <http://www.wafainfo.ps/atemplate.aspx?id=3928>

In light of the above, why the agreements on Palestinian refugees were not developed? or were they satisfied with the European reality being imposed upon them at the time of their contracting? Hasn't The International Community found yet a legal framework enables it to protect the refugees and help them to return to their homes and homes?

The Palestinian people had been compelled to asylum because of the atrocities and crimes committed against them, leaving behind their homeland to become refugees in neighboring countries or elsewhere, hoping to return to their land someday. They can't return unless there is a serious and genuine international will in imposing the laws and legal acts they call for into force. It is clear that the definition is only applied to people from a legal rather than a political perspective. The definition is based on the conditions that forced individuals to leave their country for a reason or a set of reasons to save their lives.

As for asylum cases, they were concerned with people who had been expelled from their country, whether they were citizens or have lost nationality, people who didn't have any chance to return to their former places of residence, because of fear or persecution so that they would have no desire to return to their country. That means they can return to their homeland whenever they want, but fear and oppression prevent them from doing so.

As a result of the insufficiency of the Refugee Convention of 1951, the 1967 Protocol came and gave the UN High Commission a full space to act after the increase of asylum problems and its spread in various regions of the world. The Protocol removed the geographical and temporal limits of the 1951 Convention, which prevented previously any person to ask for the asylum status except for the refugees who were displaced as a result of events that took place in Europe before January, 2nd 1951".¹⁷² Despite the addition of the 1967 Protocol, there still a group excluded from its services and protections, which is the group that had been displaced within their country. another one is that the group of people who fled from their land because of war fear and unrest

¹⁷²What is the 1951 Convention relating to the Status of Refugees.

<http://www.unhcr.org/en/4be7cc27201.html>

concerns, as the protocol failed to reconsider the expansion of the definition, which called for a big exclusion of a large group of refugees from being a part of the Treaty especially with the increase of the refugee crises in Africa, Asia and Latin America.¹⁷³ The treaty gives the host countries the right to grant asylum on their land and nothing obliges them to grant this right, the host countries are not allowed to take out any refugee until there is a country accepts his host. A refugee can't have asylum to any country doesn't want him. There are countries that defend their decision not to accept refugees because they do not have the capacity to absorb them, which will have for sure significant financial implications, some of which have the flexibility to accept a specific number without giving specific limit.¹⁷⁴ The States that contributed to the preparation of the 1951 Convention had the right to select the groups to which asylum applied, in order to preserve upon the principle of sovereignty, and this was one of its obstacles that abides it to grant asylum. It restricted and limited the protection of the refugee coping with its own interests, so the preparatory works that the Socialist States missed have given it the privilege upon the Treaty text and to impose its ideology in its content. Some have seen this

treaty 1951 that it has moved away from the core of the issue for it which have found these three things:

- Ignored the humane concept of the refugee.
- The definition came in line with European standards.
- Granted each state the power to define the refugee for itself.¹⁷⁵

It is clear that the 1951 Convention didn't basically resolve the problem of asylum, because the definition it adopted has been ambiguous for excluding certain groups of

¹⁷³Hasawi, Najwa, op. Cit., P. 56.

¹⁷⁴Jarrar, Najeh, Palestinian Refugees, op cit, p. 26.

¹⁷⁵Hasawi, Najwa, op. Cit., P. 37

refugees, the lack of clear controls has contributed to the continuation of this phenomenon and has forced States Parties to respect some parts of the principles of dealing with refugees. States involved in this Convention cared foremost for the interests that go in accordance with their foreign policies and didn't pay attention to humane aspects. Deciding the asylum criteria was left to the state, and it was in accordance with its own interests during applying the Treaty.

The question that arises is that Israel signed this Convention in 1951 and the 1967 Protocol. Does this Convention and its Protocol apply to the West Bank and Gaza Strip, where a large number of Palestinian refugees reside? The verdicts of the Convention give rights to refugees who reside or live on the territory of a Contracting state, Item 40 of the Convention appears to mean that the word "land" essentially means central land and doesn't include so-called dependent territories. This Item wasn't formulated for cases of prolonged occupation, The West Bank and Gaza Strip remained under occupation for a long time and still under full control even it's under the control of the limited Palestinian Authority, they should be considered as a "land" as it is in the 1951 Convention. This consideration is consistent with the developments in human rights law, in which the State exercising jurisdiction rather than the traditional concept of territorial sovereignty is increasingly emphasized. This is theoretically related to Palestinians in the West Bank and Gaza Strip. If this agreement does not apply to Palestinian

refugees who are currently receiving UNRWA assistance, it would be important to include other groups of Palestinian refugees living in Egypt, Europe, Canada, the United States and other committed countries to the Convention.

As for the Palestinian refugees, the situation is completely different, they don't want anything, but their original residence, and would like to return to their homes and their countries, which they have been forcibly expelled from by power of arms, intimidation and oppression, where they wish to be allowed to return if they choose to do so. And this is the main focus of UN resolution 194. The resolution affirms that refugees who wish to return have the right to do so or to be compensated if they no longer wish to return to their homes, no matter what they are at now. They will not give up whatever face them. They fought for it for more than six decades, Israel insists on denying Palestinian refugees their

right to return to their homes, except in rare cases, which are done to beautify their image before the international Community and to abide by international treaties and conventions under the so-called family reunification.¹⁷⁶

We can say that there is still disagreement over the definition of a Palestinian refugee among the relevant parties on the western side, Israeli and the international, because they are linked to the conflict outcome that resulted in the emergence of the refugee issue as well as the right of return. There must be a serious study that works to elicit a serious and comprehensive definition of a refugee, because it's a matter of life and destiny for people who were expelled from their land by the worst methods of violence and ethnic cleansing, which forced them to leave their homeland in order to save their lives and their families. Therefore, it's a necessary for the International Community to start working on returning these refugees who have been left without their right.

4.7 Perception of UNRWA

As for the of definition of UNRWA, it laid a practical definition rather than a political one. It dealt with this problem from a human and moral perspective and ignored its basic role in the protecting the people expelled from their land by worst crimes and ethnic cleansing practiced against them by Zionist organizations. It has focused its attention on the killing and displacement of the Palestinians, and helped in displacing them to neighboring countries, instead of working on the return right of the refugees and putting an end to the Zionist organizations. It also has expanded the control of the International Committee of the Relief and Works Agency for Refugees. And after having learned that this problem will not be resolved quickly, they have turned the issue of a people expelled from their land into a humane cause for a group of people seeking shelter, It has made the definition limited to the service side and emergency assistance to refugees, leaving the Palestinians' dreams of returning to their land behind them unfulfilled. However, this dream has quickly dissipated and turned into a large and complex problem resulting in the refugee issue, which was imposed on the International Community. This urged the

¹⁷⁶Teckknberg, Lex, Refugee Status in International Law, Institute for Palestine Studies, translated by, Bakr Abbas, First Edition Beirut, August 2003, p. 69.

UN to make many resolutions on Palestinian refugees and give them the right to return to their homes while preserving compensation for those who don't wish to return for any reason. And all that led to holding 194 resolution of 11 December 1948. Article 11 on refugees states that "refugees who wish to return to their homes and live at peace with their neighbors must be allowed to return as soon as possible, and those who decided not to return have to be compensated for all missing properties and for injuries by governments and responsible authorities."¹⁷⁷

The definition of UNRWA of a refugee, although issued by an international institution, is not an international or regional one, due to its lack of a precise political meaning that would result in the return of people to their homeland. UNRWA has also specified its services only to refugees living in the areas under its domain, other refugees in different areas will not be serviced.

UNRWA's refugees are those who live in the West Bank, Gaza Strip, Jordan, Syria and Lebanon. Refugees who live in other places such as Iraq,

Egypt, 1948 Palestinian territories, the Arab Gulf countries and some other foreign states, are classified as non-refugees and are excluded from its services. UNRWA's definition of a refugee was considered as unfavorable, impractical and full of many shortcomings. It has linked the time of conflict to asylum that it set a time limit for departure not less than two years before the conflict. This has put more restrictions on the right of return and deprived all those who left before that time of their source of living and land. According to resolution 194, the return right was not set for a period of time, and it included all refugees, and not only those who were registered in UNRWA records. So the question here, why can't these refugees return to their homeland if the resolution stands by their side?

According to Article 11 of the Right of Return Resolution 194, The United Nations task with respect to the establishment of the Agency involves around providing humane

¹⁷⁷Qasim Al-Farra, Abdel Nasser, Right of Return of Palestinian Refugees in International Legitimacy, Political Science, Al-Quds Open University, Gaza, Palestine, p.3.

services which means that its mission is not limited to providing services only, but to fulfill its main political target which is facilitating the refugees return. Gerhard Boller and Ingrid Gassner said once in their memorials asking the International Community to take serious responsibility towards the Palestinian refugees” "The link between UN General Assembly Resolution 194 and UNRWA contends that the International Community’s validity goes beyond the executive authority, which requires it to be committed to neutrality. And the Agency has to commit to its political role which is to facilitate the return of refugees to their home and to compensate those who don’t wish to return”¹⁷⁸ Although the Agency definition, which is the only one relating to Palestinian refugees, is issued by an international institution, but it’s not considered as international or regional because it only applies to refugees in its own areas.

The International Community definition of a refugee has really reflected its true responsibility towards the Palestinians, it has dealt with the issue from human and moral aspects and showed that this issue has international privacy that's linked to political agendas and attitudes, and did provide

Assistance to refugees through its International Agency of the High Commission.¹⁷⁹

It would be better if the United Nations organization has issued mandatory resolutions besides to 194 resolution, the return right, and has applied Chapter 7 of preserving international peace and security over the lawbreakers of the international legitimacy resolutions. By that it will rid itself of the great hardships caused over the past decades, eliminate the financial burdens resulting from this asylum, and preserve its principles before the International Community concerned protecting human rights and freedoms. But they preferred rather to stall and procrastinate and to work in line with other states' colonial interests.

In 1949, the international community established the United Nations Relief and Works Agency for Palestinian refugees in the Near East (UNRWA) because of its decision not to

¹⁷⁸ Zaqout, Nahid, op. Cit.

¹⁷⁹ Refugees in International Conventions, op. Cit.

include Palestinian refugees under the mandate of the United Nations High Commission. Palestinian refugees were excluded from the 1951 Convention and deprived of its special protection on the grounds that they receive UNRWA assistance and that they are not among the areas belonged to this Convention and that most of them were stateless. Palestinian refugees got also the denial of international protection provided by the UN High Commission of Refugees.¹⁸⁰

According to Lex Takkenberg, "A comprehensive legal check of the Palestinian refugee's status must be carried out." it's noted that the International Refugee Law often ignores the Palestinian refugees studies, and doesn't give much attention to their issue, and what makes the situation even worse that most of them are stateless and don't have a passport to a particular country, and their way back to their home was cut at all. International law had identified a number of rules for stateless people and considered that the best solution for them was to recognize their national identity and to establish their own Palestinian state.

other countries. Some Western countries interpreted the article narrowly, resulted in giving some Palestinian refugees full residency in their countries.³⁷ Some International rights such as the right to self-determination and human rights, it didn't address the refugee problem and has received many aspects of ambiguity and has not been clearly studied.

When the 1967 war took place, the West Bank and Gaza Strip came under Israeli military control. They were called "occupied areas" and became protected by international humane law as Palestinian refugees. They were protected by the International Committee of the Red Cross.¹⁸¹

The Palestinian refugees registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) were excluded from the legal definition of the Conference. Paragraph 1 of the Conference stated that:

¹⁸⁰Tukenberg, Lex, op. Cit., P13.

¹⁸¹Ibid. P P.13 -14

"The definition of this Charter should not apply to people currently receiving protection and assistance from United Nations organs and agencies other than UN High Commission."¹⁸² Thus, the definition of the 1951 Refugee Convention applies only to Palestinian refugees who are not registered in UNRWA's records, by that, a large number of refugees will be deprived. UNRWA has exercised its control only on a limited portion of the overall refugee problem.

When the conference of the envoys was held to consider the situation of Palestinian refugees and stateless people, the representative of France clarified" "The fact that Arab refugees are covered by the Convention is controversial." The question here is whether the long time spent in applying the 1951 Convention on refugees is considered also controversial, especially

Article 1D which was one of the obstacles to Palestinian refugees who were resident in UNRWA's areas in seeking asylum and protection as refugees in other countries. Some Western countries interpreted the article narrowly, resulted in giving some Palestinian refugees full residency in their countries.¹⁸³

It's important to know that the agreement or disagreement on the interpretation of an article must take into account the suffering of people being displaced from their lands, the time period is necessary for the processes of formulation and agreement of an article, and it has not to be open without specifying the proper time for that. People do care for solving the bases" people" rather than the branches "resolution". Therefore, having consensus on any article interpretation decreases the number of refugees and their suffering, and the suffering of the host country that would provide them assistance.

It is clear that the increased number of conventions, resolutions, protocols and interpretations affect credibility, results in the loss of the convention's function and effect. And people will be convinced then that International Law is incapable of redressing their cause and providing them protection. They will believe that these conventions are only limited to providing assistance to them. Therefore, when signing

¹⁸² Al-Husseini, Jalal, Op. Cit, P.3

¹⁸³ Teckenberg, Lex, op. Cit. P. 115.

any treaty or agreement, it must be accompanied by the tools and means of force to implement this agreement and in the case of any violation by any party, considerations have to be taken

4.8 Item 1-D in the 1951

Convention came to create a conception of the case of Palestinian refugees. Apparently, and based on what is seemed through the preparatory sessions whose ultimate goal was to " Involving the Arab and Western countries in the process of preventing Palestinian refugees from benefiting from the convention-based system as long as the United Nations helps them in their areas." What was meant of this was to issue an exception for nations that had hosted Palestinian refugees of their respective responsibilities according to the convention. Therefore, many Arab countries contributed in the authoring of the 1-D article for the benefit of Arab nations where Palestinian refugees had been hosted. The League of Arab Nations issued a protocol known as the "Casa Blanca" regarding the treatment of Palestinians in the year 1965, which aims at organizing the states of Palestinians in the Arab countries in which they'd sought refuge in 1948, which gives them the right to work and move freely in accordance with the citizens of their host countries, as well as the right to leave and re-enter to that nation.¹⁸⁴ The Western nations, on the contrary, adopted a different approach, as clear in the fact in them not approving of, not signing the convention, which means that, eventually, the article 1-D didn't serve its intended initial goal.

And as events were escalating and getting more heated in the Middle East without a clear, established remedy for Palestinian refugees in sight, the six- day war in 1967 broke out, which led to events aggravating and worsening in light of the UN's loose enforcement of its own resolutions. Things remained the same as a result, with no permanent solution for refugees in place. The war inflicted even more suffering upon Palestinians, which consequently led to more refuge-seeking among them as a result of constant turmoil and deteriorating political scene. This led Palestinians to demand a clear specification of their status from the nations that had signed the 1951 convention as a primary demand for

¹⁸⁴ Al-Azza, Nidal, Palestinian Rights in the Arab Host Countries, Haq Al-Awda Newspaper, Issue No. 55, 2013.

asylum.¹⁸⁵ According to article 1-D: "Without the assumption that such individuals or their status have been granted citizenship permanently according to the related UN resolutions issued by the United Nations General Assembly." Assures that Palestinian refugees are still labeled as "refugees" which gives them the right to still benefit and receive aid resulting from the international convention or the international charter for the rights of refugees, according to the special program, since their status doesn't reach full solution if that solution isn't compatible with related UN resolutions, which means that in case refugees are granted a permanent stay in their hosted nations or were relocated to a different country, they still won't lose the option of choice between returning to their homeland and compensation. This right isn't subject to danger or threat since "their plight hasn't been fully solved out according to related UN resolutions" The General Assembly's 194 article has been established and cited more than a hundred times, and that's a powerful clue that it inherits its legitimacy for the international legitimacy, true to its description as a traditional UN article regarding the treatment of Palestinian refugees.¹⁸⁶ The question here is: is the position of Palestinian refugees in different parts of the globe distinct from the rest of the world's refugees? I think, as a researcher, that the answer is "yes" because in the majority of the world's countries where conflicts have taken place and produced great numbers of refugees, efforts were placed to resolve their situation and found decisions to redefine their new statuses as what happened to refugees of Africa and Latin America, whereas in the Palestinian case, the international community has been in a position of dispute over the interpretation of articles and the content of the international convention on refugees in 1951, when they founded the UNRWA which provides them with services, and this gives the impression, according to my humble analysis that either the international community is unable to enforce its own resolutions according to refugees like that article number 194 which guarantees them the right to return to their hometowns, or that it's drifting behind the policy of imperialistic countries which are behind the planting of the Zionist entity (Nation of Israel) in the Arab region and solidify

¹⁸⁵Tekkenberg, Lex, op. Cit., P. 116.

¹⁸⁶Palestinian Return Center, Reading the Rights of Palestinian Refugees in Accordance with International Law.<http://www.prc.org.uk/>

its grounds with an international blessing. Those countries operate according to their own interests, not caring about the agony and suffering that that might inflict upon entire peoples, as seen in their constant desire to please Israel which found itself in the Arab region for the purpose of tearing up Arab unity and turning it into tiny, conflicting nations.

Those countries that issue articles and call for human liberty are the first to violate it, and are constantly creating conflicts between different nations for outcomes of Israel's presence as they are the source of its existence in the 1st the sake of their own interests, and also to unburden themselves of the place. Their re-location and causing their nationalistic identity to fade away has become a demanding need in any place in the world. During the American invasion of Iraq, Palestinians were targeted, causing them to immigrate and spread throughout Europe and Latin America.

If we look at the current conflict in Syria too, Palestinian refugees have been targeted, causing them to flee themselves and children for the sake of protecting them from death, only to encounter another sad fate and become victims of the smugglers of the Mediterranean and suffer all different kinds of death and agony. In Lebanon, they are deprived of all life's basic requirements, which led great numbers of them to move to Europe seeking a life full of dignity, aiming at becoming citizens of those nations. For those cases, we notice that the refugees case has been thrown in the dark at all aspects with an international blessing from those countries that promote democracy and human rights, in order to rid themselves of the Palestinians' historical right that their own resolutions have called for.

Chapter Five

Palestinians Refugees Rights – Legal Structure

Introduction:

The legal frame for the common definitions of refugee is affected by the cold war and the following waves of human migration from the developing countries towards the developed ones. In 1926, a refugee was defined as the "the Soviet who does not find protection at his own country ". In 1936, the refugee was redefined as "the German who was forced to leave his country¹⁸⁷". Thus the refugee's situation after the World War 2 is connected to the tragedies and the need to provide residents apart from the refugee's home country; due to war, natural disasters, interior conflict, and fear of abuse or lack of stability in the home country. It's the core in defining the refugee as mentioned in the 1950 code by the United Nations High Commissioner for Refugees, in the 1950 refugees' conviction and in the refugee protocol that was issued by the United Nations in 1967¹⁸⁸.

The 1951 Convention related to the refugee status is the main international law that determines the refugee rights and countries liabilities towards them, In addition to the 1967 draft, the law provides the most acceptable and viable definition of a refugee and provides a minimum level of protection for these refugees through official bodies (governments), Based on this " refugee" is defined as anyone who lives abroad of his/her original country and he/she not cannot or does not want to obtain protection of his/her country due to fear of real persecution for ethnic, religious or national reasons or being a member of a social institution or because of his/her political views¹⁸⁹.

¹⁸⁷Coran me land" The Concept of Term Refugee: in Refugees in Total War. chp.1.Ed.Annac.Bramell.London Un Win Hay Man.1988.p9

¹⁸⁸Zariq, Elia, Palestinian Refugees and the right to return, op.cit, p69

¹⁸⁹United Nations High Commissioner for Refugees, revised note, Revised Note on the Applicability of Article1D of the 1951 Convention relating to the Status of Refugees,p3

<http://www.refworld.org/pdfid/4add77d42.pdf>

By inserting the concept of asylum in international law, the definition of a refugee is an important matter in its own, it is also crucial in dealing with the refugee issue; this definition determines the legal protection available to those who meet the definition. The refugee definition varies according to its users, Geographical regions and treaties¹⁹⁰ International law is an essential reference in the regulation and control of transactions and relations between countries, despite the multiplicity of sources and their diversity among legislative and international agreements and customs, whether they were international or regional, but the international law has not provided a single definition of a refugee ¹⁹¹; here are the most famous definitions contained in the books of international law; and based on them; we can frame a Definition of Palestinian refugees.

1st definition: A refugee is "any person whose life, physical integrity or liberty is at risk; in violation of the principles of the Universal Declaration of Human Rights and then he/she shall have the right to seek asylum¹⁹².

2nd definition: A refugee is "any person who has abandoned his or her home country or left due to intimidation; thus he/she has resorted to the territory of another country for protection; or has been denied entry to his/her country of origin.¹⁹³

3rd definition: the refugees law and the draft define the " refugee" as anyone who stays abroad of his/her original country and he not wish or cannot obtain the protection of his country due to fear of real persecution for ethnic, religious or national reasons or being a member of a social institution or because of his/her political opinions.¹⁹⁴

A refugee is a person who has been forced by circumstances to leave his/her country of origin in search of shelter, because of his/ her race, religion, nationality, membership in a

¹⁹⁰James C. Hathaway, Justified reasons in international refugee law, Ann Arbor – Michigan workshop, 2001, p7

¹⁹¹Zaqqout, Nahed, The Refugee in the International Law, Ro'ya magazine, v7, March 2001, p2.

¹⁹²Abu Hief, Ali Sadeq, the General International Law, theories and general principles, International Law, International Relations, war and neutralism, Alexandria, Egypt, Al-Ma'aref Establishment, 1990, p249.

¹⁹³Faraj, Salah Addin, Refugees' rights in the Islamic Law and International Law, Islamic University Magazine, V1, January 2009. P160.

¹⁹⁴Hassawi, Najwa Mustafa, op.cit, p46.

social group or because of his/her political opinions, as a result of war and occupation, this humanitarian situation requires countries to respect the person, alleviate the suffering, and help him out of his woes. The right to asylum becomes meaningless; if the safety of refugees is threatened and their rights are violated, they should enjoy the rights guaranteed by international declarations and covenants through the United Nations High Commissioner for Refugees, which are concerned with the protection of refugees and the search for durable solutions. Those rights and that protection depend on the rights and the guarantees for the refugees¹⁹⁵. In addition, many of the internationally recognized human rights are directly applicable to refugees, and these rights are affirmed among other civil, political, economic and social rights of all people, both citizens and non-citizens¹⁹⁶.

Through this reading of refugee definitions in the light of international law, we note that they do not apply to Palestinian refugees. They have been excluded from the generalization of the international definition. This confirms that the situation of Palestinian refugees in international law is very complex and particularly sensitive.

The following is a presentation of the rights of refugees in the international law, which is contained in declarations and international covenants in details:

The right of the refugee not to return to the country of oppression: This right is the fundamental pillar of the law of asylum. In view of the paramount importance of this right, international treaties took care of it. Article 3, paragraph 1, of the United Nations Declaration states: "any person whom referred to (refugees) must not be subjected to actions such as denial of entry at the border, or if the territory to which he is seeking subject them to actions as deportation or forced return to any country where he/she is being oppressed."¹⁹⁷

¹⁹⁵ Al-waqa'e: Human Rights and Refugees, Electronic Magazine issued by the UN, International Campaign for Human Rights, p16, www.un.org

¹⁹⁶ Faraj, Salah Addin, op.cit, p 161

¹⁹⁷ Hawari, Boqren, Human Rights position in the frame of humanitarian joint legacy, Introduction to a master degree in International law with the supervision of Tashour Abd Al-Hafeez, Constantine University – Algeria 2014, p231.

Restriction of the country's Power in regard to the expulsion of refugees: This principle is an application of the former right, which states that the refugee should not be forcibly returned to the country of oppression. The 1951 Convention relating to the Status of Refugees, as well as the 1967 additional protocol which stated this principle, we note that the article (32) of that Convention contained three guarantees:¹⁹⁸

- Restriction of the country's power; regarding the expulsion of refugees, prohibiting expulsion as a general rule.
- Procedures that shall be followed when issuing the expulsion order, as the ways that are determined in the law must be used, provided that the refugee has the right to prove his innocence, object the order and the right of a legal representation.
- Allow the refugee to have a reasonable time when the expulsion decision is final; so that he\she can seek a new shelter.

The refugee's right of equality and non-discrimination: When international human rights attention began, the principle of non-discrimination among people was one of the most important pillars on which the relevant international documents were based on. This principle occupied a clear attention in the 1951 Refugee Convention. Article 3¹⁹⁹ Included that Contracting States should apply the items of that Convention over refugees without discrimination on the basis of race, religion or origin²⁰⁰.

The principle of non-discrimination is an essential element for asylum-seekers. Asylum seekers are often subjected to severe discriminatory actions within their home countries, prompting them to leave their home country and seek asylum in a foreign country²⁰¹.

¹⁹⁸Jay. S Gidoen – Jill, the 1951 conviction related to the status of the refugees and its protocol, undated, p4.

¹⁹⁹Zaqqout, Nahed, op.cit, p5

²⁰⁰Jay, S, Gideon, op.cit, p6

²⁰¹Hawwari, Boqren,op.cit , p233

The right of freedom of movement: freedom of movement means the possibility of a person to change his/her place as they wish, you can distinguish between various kind of movement, the possibility of moving by land, air or sea , the most prevalent one is land mobility due to the general nature of asylum, the 1954 convention of the refugee status and in its (26) article states that " Each Contracting State shall accord to refugees who reside in its territory on a regular and legal basis within its territory the right to choose their place of residence and to move freely within their territory, subject to any regulations applicable to Foreigners who are in the same circumstances²⁰².

The refugee's right to compensation: This means to compensate the refugees for the loss of profit due to their expulsion from their country²⁰³, and not being able to protect their property, and to compensate them for the psychological pain caused by their expulsion.

The right of compensation was first introduced in the United Nations General Assembly resolution. Paragraph 11 states: "Compensation shall be paid for property and for any loss or damage happened to such property in accordance with the principles of law²⁰⁴." It should be noted that this right was specific to Palestinian refugees. In accordance with the rules of international law, the Contracting States receiving refugees are entitled to seek compensation directly from the State of origin, by taking of the citizenship of refugees and adding a new burden over the receiving country.

The refugee 's right of education: Article 22 of the 1951 Convention relating to the status of the refugees states²⁰⁵: "The reference here is that the right of education is a public right in which all people, and certainly refugees, are equal. Article 26 of the Declaration of human rights states "The right of everyone for education²⁰⁶."Contracting States shall accord to refugees the same treatment regarding primary education as its own citizens.

²⁰²Hassawi, Najwa, op.cit, p85

²⁰³United Nations High Commissioner for Refugees, op.cit, p5

²⁰⁴Takkenberg, Lex, op.cit, p240

²⁰⁵Jay, S, Gideon, op.cit, p7

²⁰⁶Abd Al-Aal Mohammad Shawqi, Refugee's Rights in accordance with UN Covenants, Ahmad Rashidi "Refugees International Protection" p42.

The right of health care: The World Health Organization summarized the concept of primary health care as "the basic health care available to every individual in the country, which is provided in an acceptable manner: to individuals, families and society, which requires their full participation and is offered at a cost within the limits of society"²⁰⁷.

When refugees resort to a country, their minimum health care must be guaranteed because of the food shortages, the extreme fatigue, fear and insecurity that they suffered from, which oblige the contracting State to take care of them.

The refugee's right of naturalization: Some have defined nationality²⁰⁸ as belonging to a particular nation. This is a description that gives the owner a certain nationality based on the existence of a social relationship in the customs and the desire to live together²⁰⁹.

In a legal sense: "a person has been described as having a legal relationship with him\her and a particular country" and since nationality as such – a character sticking to somebody - necessarily reflects his or her belonging to another State, which enhances his or her sense of belonging as well as his or her social and psychological status among the citizens of the country he/she belongs to, and wishes to live with them. The Contracting States have recognized these meanings fully with refugees; hence, the Contracting State has the burden to give the refugee the right to enjoy the nationality of the State to which he/she has resorted to²¹⁰. In addition, there are other rights provided by the international refugee law, which in general are related to public freedoms, such as the right of food and clothing, as well as their right to work, all of which comes from the rights mentioned.

"A person's status as a refugee may not be affected by being without a nationality or still has the nationality of the country from which he/she escaped from or has been stripped of

²⁰⁷ Abd Al-Aal Mohammad Shawqi, op.cit, p42.

²⁰⁸ Abd Al-Shaheed, Taleb, *Duties and Rights of the Host Country Towards the refugee*, University of Kufa, 2004, p297.

²⁰⁹ Faraj, Salah Addin, former reference, p169

²¹⁰ Ibid, p 168

his/her nationality. It is equally applicable to who's without a country and who's protected in reality ".²¹¹

The right of return in the international law of human rights: There are many international laws that include the resolutions of the United Nations, human rights conventions, international conventions and treaties, and many of them. All of them affirmed the rights of the Palestinians to return to their homes that they forced to leave and the return of what was taken from them with the power of arms also inhibit them over those lands, Peace agreements passed over the past two decades have also recognized theses rights, as well as the preservation of refugee property in order to create the atmosphere for a fair and lasting solution. Based on this recognition by the international community about the right of return of refugees, it is necessary to work towards the implementation of these solutions. This requires the efforts of international institutions to activate their role, such as the International Court of Justice, the Special Court for War Crimes and the European Court of Human Rights. These ways put pressure on Israel to facilitate the return of refugees.²¹²

International jurisprudents have pointed out that countries practice with regard to the law of war indicates that the displaced group recognizes the right of the territory in which they lived in. Consequently, the right of return to this law (general) includes all displaced persons away from all means that have made them so during the conflict

Professor Quincy Wright wrote about the right of Palestinian refugees who were displaced during the period 1948-1967 with regard to the return of refugees: "The law of war that is applicable in all armed conflicts requires the occupying power to keep the civilian population in their place, "The authorities who refuse to return the refugees are considered to be in breach of the law of war."²¹³

In this context, we should note to Article 49 of the Fourth Geneva Convention, which carries with it a clear and explicit provision to respond to all acts of individual and

²¹¹Guys .Good Win – Gill Refugees International Law.2ed.1996-Oxford.pp.380-381.

²¹²The right to return, Defend Campaign for refugees' rights, edition 1, Badil Center, Bethlehem 2001, p8.

²¹³Quincy Wright, Legal Aspects of The Middle East Situation, Law and Under UN temporary problems,1988.p19

collective transfer of protected persons outside the occupied territory. This authority is required to restore those who have transferred or partially or totally evacuated to a place other than their residence, because of a forced circumstances required by the circumstances of war to their place of origin once hostilities stop²¹⁴. The interest of the international community in the provisions of this article gives clear importance to the civilian population under occupation or forcibly displaced by the conditions resulting from the war. The return to their homes is required after the end of these conditions, as well as the care of their well-being and security.²¹⁵

Jean Pictet and his colleagues explain that Article 49 states that expulsions are prohibited under customary international humanitarian law and that the Hague Regulations of 1907 did not issue any provisions as a prohibition by the international community²¹⁶. The interpreters of international law assert that what is stated in the text of Article (49) is clear and prohibits the expulsions. It is also necessary to return all the civilian refugees who were forced to leave their towns and villages and to resort to safe areas to live in. they have the right to get back to their homes when removing the above mentioned forced reasons²¹⁷. He also referred to the Nürnberg Charter in 1946 and considered forced expulsions as a war crime²¹⁸.

5.1 Universal Declaration of Human Rights: This Declaration affirms the right to return. Article 13 of the Declaration states: "Everyone has the right to leave any country, including his own, as well as the right to return to his country²¹⁹." This declaration contains statements and concepts related to this right, it contains broad concepts consistent with the objectives of the Declaration, in order to limit the countries

²¹⁴Edmund ,H. Sch wenk "Leg is Lative Power of the Military Occupant under Article 43 , Hague Regulations ",Yale Law Journal 54,1995,p 393-398

²¹⁵Commentary on the Fourth Geneva Convention ,Jean Pictetetal,ICRC,Geneva,1958,pp272-278

²¹⁶Ibid, 279

²¹⁷George Sch War Zenberger ,International law as Applied by International Courts, Stevens and Sons,Ltd,1968,pp230-233

²¹⁸Jean Pictet,Op.cit,p.279

²¹⁹Hassawi, Najwa, ,op.cit, p88.

desire to dispose some of the residents within their territory and do not hold its nationality on the grounds that they are not nationals.

It's noted from the declaration that all refugees have the right of return to their countries that they left due to persecution, this right is guaranteed for all refugees weather they used it or not.

The concept of the right of return has a legal basis in all the sources of the international human rights law and this base is supported and reinforced by all the resources of what is known by international humanitarian law, and so it is followed by a group of legal liabilities that forced the addressed people to follow it and take it in consideration²²⁰.

5.2 The International Covenant on Civil and Political Rights 1966:Article 12, paragraph (4) states that "No one shall be arbitrarily deprived of his right to enter his country²²¹", so that this treaty was signed and ratified by the covenant and no reservations were made over Article 12, paragraph (4), which includes the right to return. This article was formulated with regard to civil and political rights. It uses the term "entry" instead of "return", which is broader in its wording than the "right" under the Universal Declaration of Human Rights

This formulation of the International Covenant on the Right to Return, it works to accommodate the generations that followed the Nakba (second, third and fourth generations) of the Palestinian refugees. Article 12, in its fourth paragraph, referred to the term "his state" in order to determine the place and site that the refugee will get back to.

It is clear that all the international norms, laws and conventions adopted by international organizations have not prevented Israel from violating the rules and provisions of international law with regard to human rights and the denial of human rights. In the

²²⁰UNHCR, Protection of refugees and permanent solutions in the frame of International Immigration, translated by UNHCR Office, Amman – Jordan, p4.

²²¹Richard B .Lillich and Hurst Hannum .International Human Right,3rd,Little Brown and Company.1995,p122.

absence of legal responsibility for committing such crimes, it has endeavored to violate human rights, which encouraged it to continue the arbitrary acts, such as the expulsion of the citizens, the policy of assassinations and administrative detentions based on classified information, the arrest of children and the detention of Palestinian representatives of the Palestinian people in the Palestinian Legislative Council, these contracts to the provisions of the International Covenant Civil and political rights. The dismantling of Palestinian cities through the establishment of military checkpoints which is an act of humiliation by the Israeli occupation forces against the Palestinians, which are considered collective punishment, which is prohibited by Article 33 of the Fourth Geneva Convention. Settlement operations; the destruction of the Palestinian land, the destruction of houses and restrictions on movement and transportation are not under what it calls military necessity, but rather aims to prevent the establishment of territorial contiguity between cities to prevent the establishment of the dream of an independent and sovereign Palestinian state. These practices violate international conventions, foremost of which is article 49 of the Geneva Convention.

The international community has failed to punish Israel for these crimes against the Palestinian people, which has made it violate all international covenants and laws and treats them as it's above the law. That requires the international community to punish Israel for these crimes against civilians and to bring the perpetrators to international justice for committing such crimes against civilians

5.3 Rights of the Palestinian refugees within the framework of UN resolutions

Resolution 194

Resolution 194 of the General Assembly, December, 11th 1948, establishes the legal umbrella for the right to return for the Palestinian refugees. Paragraph 11 of Resolution 194 states that "Refugees who desire to return to their homes and live in peace with their neighbors must be allowed to return as soon as possible. And the ones Who decide not to return to their homes must be compensated for the loss of their property or damage to those properties, according to the principles of International Law and equity, by the

responsible Governments²²²; Which has been repeated and confirmed by the international community many times continued beyond the signing of the Oslo agreement²²³. * Resolution 194 is one of the tools of international law which affirms the right of the Palestinian people to "return" to their country and the compensation for the damage and the property that they have suffered from and to facilitate the return of refugees as soon as possible.

This resolution cannot be canceled by any new agreements or treaties No group can act on it because it is originally an individual right, stemming from individual property that does not fall due to limitations, the declaration of sovereignty or the occupation, and it is also a collective right stemming from the right to self-determination.²²⁴

It is clear that the long period of time for the issuance of this resolution and the unwillingness to implement it by the successive Israeli governments, the waiting of millions of Palestinian refugees to implement this resolution and forcing Israel to comply with the resolutions of the international legitimacy. Israel tricks those resolutions by its deals with its allies the United States. The United Nations is seen as a tool in the hands of the powerful countries and acting according to their own interests, resulting in the spread of injustice and violence in the world.

The 1951 UN Convention Relating to the Status of Refugees, in its first article, specifically refers to the term "refugee", which states that it applies to "any person arising as a result of events prior to 1 January 1951 and due to a justified fear of being persecuted for reasons of race, religion, nationality or His/ her membership in a particular social group or political views outside his/her State of nationality and is unable or unwilling to

²²²Sa'ad Addin, Nadia, the Return of Palestinian Refugees between the Solution of Two States and the Jewish State, Al-Zaytouna Center for Studies and consultations, Beirut 2011, p10.

²²³Abu Seta, Salman, ' Palestinian People the Right to Return', Al-Aqsa Intifada and a Century of Struggle, Al-shurouq Publishing, Amman 2002, p101.

* See resolution 194, annex 1

²²⁴ Peretz, Don, Palestinians Refugees and the Middle East Peace Process (Washington: United States Institute of Peace Press, 1993), p.70

stay in his/her country due to that fear²²⁵, or any person who is not a citizen and is outside his or her normal country of residence because of such circumstances, and cannot or will not return to that country due to this fear " the Convention sets a minimum level For treating the refugees, including the fundamental rights they deserve, , it also determines their legal status, with provisions on their rights to obtain a return-based job, sponsorship in respect to obtaining personal identification cards and travel documents, and they should have their transactions and their right to transfer their funds to the other State that accepted them for the purposes of their resettlement.²²⁶

The situation of Palestinian refugees is unique in accordance with international refugee law. Palestinians are distinguished from other refugee groups in the world by exceptional treatment in most international legal instruments and conventions that define the rights and duties of States towards refugees: the 1951 Convention relating to the Status of Refugees, (The refugee agreement) and the draft of the 1967 agreement(the draft of refugee agreement), the Charter of the United Nations High Commissioner for Refugees (UNHCR) concerning the Palestinians in particular, and there are provisions governing the work of the United Nations Relief and Works Agency for Palestine Refugees in the near East.²²⁷

Almost all countries and international organizations have described the actions provided in these documents as strict and restrictive of the rights of Palestinian refugees as refugees in comparison to the rights enjoyed by all refugees in the world²²⁸. As a result, the Palestinians did not enjoy the protection rights guaranteed by international refugee law in general. For example, the International Convention relating to the status of refugees, adopted on 28 July 1951 and the date of its implementation on 22 April 1954,

²²⁵Faraj, Salah Addin, op.cit, p169.

²²⁶Hazem Hasan Jom'a, ' the concept of Refugees in International and Regional Covenants' Cairo, Political Studies and Research Center, 1997, p20

²²⁷Al-Husieni, Jalal, Palestinian Refugees, ,op.cit, p10.

²²⁸UNRWA, Media Center, UN & the Palestinian Refugees, July 2016, p6.

on the legal framework governing the issue of Palestinian refugees. Paragraph (d) of Article 1 states²²⁹:

"This Convention does not apply to people who are currently protected or assisted by United Nations bodies or agencies, other than the Office of the United Nations High Commissioner for Refugees." This was reflected in the Protocol relating to the Status of Refugees of 1966, which entered into force on 4 October 1967.

The same paragraph goes on to emphasize:

"If such protection or assistance stopped for any reason without the fate of such people being definitively settled, in accordance with relevant resolutions adopted by the General Assembly of the United Nations, such people shall therefore be entitled to enjoy the benefits of this Convention."

This Convention drops the refugee characteristic over the person granted by the authorities of the host State as "the owner of the rights and obligations under the nationality of that country" (Article I, paragraph H). This Convention does not prevent the burden of taxes on the refugee, in constraint of not exceeding those paid by its nationals (art. 29, paragraph 1)²³⁰. The system of the Office of the United Nations High Commissioner for Refugees (UNHCR), dated 14 December 1950, defines the scope of work of UNHCR and the mandate of the High Commissioner in chapter II (arts. 6-12). In its seventh article, the Commission affirms that UNHCR's mandate for the refugee who "continues to enjoy the protection or assistance of other United Nations bodies or agencies" (paragraph c), as well as a refugee recognized by the authorities of the host States "by the same rights and duties as the enjoyment of that nationality (paragraph B), although those conventions do not include Palestinian refugees as they have an international agency of their own, the "Universal Declaration of the Human Rights of Individuals Who are not Nationals of the Country in which They Live", adopted by United Nations General Assembly Resolution

²²⁹ Al-Husieni, Jalal, Palestinian Refugees, former reference, op.cit, p10.

²³⁰ Ibid, p44

40 / 144 dated December, 13th 1985, does not include such exception for protected refugees under other international conventions and agencies.²³¹

The preamble to the 1985 Declaration affirms that "the protection of human rights and fundamental freedoms that is issued in the international instruments should be ensured for individuals who are not nationals of the country in which they live." These international instruments include the two International Covenants on Human Rights of 1966 and the international conventions governing human rights: the prevention of discrimination, women rights, the child rights, freedom of association, health and medical care, social security and social services, education...etc.²³²

The Declaration affirmed the recognition of refugees' right to the enjoyment of fundamental rights and freedoms, equal to all human beings, without discrimination and its provisions were not prejudicial to the rights and privileges conferred by a Contracting State on refugees away from the provisions of the Convention.

The Declaration gives refugees the freedom to practice their religious rites as much as citizens of the Contracting State. It also gives citizens treatment to refugees in respect of non-primary branches of education in terms of study follow-up, recognition of certificates, school certificates, degrees granted abroad, Exemption from fees and costs, and scholarships donations, The Declaration states that Contracting States shall afford the best possible treatment, but not less than those generally afforded to foreigners, in respect of the acquisition of movable and immovable capital, as well as rent, and other contracts relating to the ownership of such funds. Refugees residing in the Contracting States have the same rights²³³.

²³¹Hassawi, Najwa, op.cit, p154

²³²Hureya, Ayt, Development of International Protection for Refugees, master degree thesis, under the supervision of Dr. Radaf Ahmad, Mouloud Mammeri University of Tizi-Ouzou, Algeria 2014.

²³³Hassawi, Najwa, op.cit, p97

The Declaration also gave refugees the best possible treatment, but not less than those granted to foreigners, in respect of the practice of private work of the refugee in trade, agriculture, industry and handicrafts, the establishment of commercial and industrial enterprises and the right to engage in paid work. The convention also prompted the contracting states to look with sympathy towards taking an action about equal rights measures between refugees and their nationals in terms of paid work²³⁴.

Contracting States have dealt that refugees who are legally inhabiting in their territory shall be given the same treatment as citizens, in respect of social security, including the legal provisions, especially work injuries, paid leave and minimum age for employment.

The Contracting States also gave refugees residing in their territories, in constraint with implementing regulations applying to foreigners the right to choose the place of their residence and free movement within their territory, while allowing them to transfer their assets to another country and allowing them to move to that country for the purpose of stability.²³⁵

There is no doubt that UNRWA is an international body for the implementation of international resolutions related to Palestinian refugees. In its resolution 302 (4) dated on December, 8th 1949, the United Nations General Assembly announced the establishment of the United Nations Relief and Works Agency, In accordance with the provisions of paragraph 11 of General Assembly resolution 194 (III) dated on 11 December 1948, it is essential to continue to assist the relief of Palestine refugees in order to prevent famine and destitution and to promote conditions of calm and stability. "The UNRWA with consultation with the governments of the Near East was given the responsibility to take actions preparing for a time in which the international assistance for relief projects and operation will be stopped²³⁶." UNRWA has developed a practical definition of a refugee

²³⁴Al-Farra, Abd Al-Naser Qasem, Palestinian Refugees the right to Return in the International Law, Master thesis, Al-Quds Open University, Gaza – Palestine 2012, p12.

²³⁵UNHCR, ,op.cit, p5

²³⁶Hassawi, Najwa, ,op.cit, p160

that meets its procedural needs. The definition was not intended to be comprehensive and complete in a political sense, but it intended to determine the eligibility for Agency services.

As UNRWA is a subsidiary organ of the United Nations, established by a resolution of the General Assembly, only the General Assembly can give specific clarification and interpretation to the mandate of the Agency, or modifying that mandate, as the case on several occasions over the years. Its mandate continues for 3 years and renewed again and again in. Every year it considers its resolutions that are related to the Agency and its work and analyzes the resolutions adopted by the General Assembly on UNRWA since 1949. It appears that there was no clear definition of the Agency's mandate and there was a tendency to mandate UNRWA to assume broader responsibilities, relating to the programs or the beneficiaries in order to face emergencies in the region. The Agency's work has always been accompanied by relief activities by various organizations, including the International Committee of the Red Cross, the Federation of Red Cross Societies and the American Friends of Services Committee²³⁷. There have also been United Nations organizations since the early days of the refugee problem, including the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO) and the International Refugee Organization.

In order to be qualified to get UNRWA services, a refugee must be registered with the Agency. And to be registered with UNRWA, the following definition for refugee should be met²³⁸: "Registered Palestinian refugees shall include all those destitute refugees who after the establishment of the State of Israel, have taken refuge elsewhere in Palestine

²³⁷ Zariq, Elia, Palestinian Refugees and the right to return, op.cit, p9

52 UNRWA, UNRWA Guidebook, Media Center Publications, June 1995, Page 5. See also Jiarharid Bilafr Wanghrid Jasir: UNRWA in the Far East between the Hammer of Politics and the anvil of Refugees' service- A memo calling the international community to bear its responsibilities towards the Palestinian refugees' issue. The Palestinian Center for the Citizenship and Refugees (alternative) Bethlehem 1997, Page7.

such as The West Bank and the Gaza Strip in particular, and to Lebanon, Syria and Jordan before July 1952, they were classified as destitute and included in UNRWA relief and aid records. The same applies to the progeny of these refugees and registered women refugees who married unregistered refugees or non-refugees then became widows or divorced, "

The United Nations General Assembly Resolution No. 302 on December, 8th 1950 defines a refugee as a person who has lived in Palestine for at least two years prior to the Arab-Israeli conflict in 1948 and has lost his home and means of living due to it.

One of UNRWA's first works was to conduct a census to determine who should receive relief. After an effort that took about a year, the Agency concluded in its first annual report to the General Assembly covering the period ending 30 June 1951: It is not possible to give a final figure to the real number of refugees, as is understood from the practical definition of the refugee, that every person who lived normally in Palestine, then lost his home and means of living because of hostilities, and became needy. The problem was not to obtain a precise number of those who were residents of Palestine, but to identify those considered destitute. In other words, UNRWA's work focused mainly on relief work and emergency assistance for the needy refugees²³⁹.

The establishment of this agency was an attempt to provide assistance to Palestine refugees, without violating their right of return. The Agency provided medical and educational services and, during its early years 1950-1951, focused on resettlement in refugee camps. Moreover, the agency started establishing small businesses related to relief operations, and its role has improved and focused more on improve the abilities of the new generation of Palestinian refugees to be more self-reliant, after the Agency has been providing relief to the old generation of refugees. For example, the Agency was giving housing units in one of the camps, and the registered refugee receives a ration card

²³⁹ Al-Husieni, Jalal ,op.cit, p1.

that belongs to him and his family, it also provides special care to school students in need²⁴⁰.

The role played by UNRWA was affected by its financial conditions, which had the greatest impact on the level of services it provided; UNRWA funding depended on voluntary international assistance, As the United Nations had did not allocate a financial budget for it, although the Agency was a subsidiary of it. Clearly the International financial contributions are affected by the international economic and political conditions, while the number of refugees increases²⁴¹.

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²⁴⁰Palestine Studies Institute, UN Resolutions in regard to Palestine and the Arab – Israeli Struggle, volume 1, Beirut, 1993, p21.

²⁴¹UNRWA ,op.cit, p12.

²⁴²Al-Husieni, Jalal ,op.cit, p1.

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In the context of the rights of the Palestinian refugees in United Nations resolutions and international law, the Arab legal framework for the Palestinian refugees must be addressed. The Arab League adopted the Arab Convention for the Regulation of the refugees' status, in which the Arab States promised to give their best efforts to ensure that the refugees were generally treated in a special way different than foreigners. The Convention also affirmed its commitment to the Universal Declaration of Human Rights of 1948, the International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1951 Convention relating to the Status of Refugees and the Additional Protocol of 1967.

The League of Arab States established the "Conference of Supervisors on Palestinian Affairs in the Arab Host Countries." This began its work in June 1964. The most important achievement on Palestinian refugees was the Protocol of the Treatment of

²⁴³Palestine Studies Institute,op.cit, p21.

²⁴⁴ UNRWA ,op.cit, p12

Palestinians in the Arab States, adopted by the Arab foreign ministers on September, 9th 1965, which states²⁴⁵:

- While retaining their Palestinian citizenship, Palestinians who are currently residing in the territories have the right to work and employment, just like other citizens.
- Palestinians currently residing in the territory of the other Arab States shall have the right to enter and leave the territory, whenever their interests require so, and their right to enter does not mean the right to reside except for the period authorized for them and for the purpose for which they entered, if the authorities did not agree otherwise.
- Palestinians, currently residing in its territories, as well as those who reside there but left for the asylum, shall be granted travel documents for their travel if they wish so, and the authorities -wherever they may be- shall release or renew them without delay.
- Holders of this document in the territory of the countries of the Arab League shall be treated as nationals of the Arab League in respect of visas and residence.

At its sixty-second session, the Council of the League adopted Resolution No. 3180 dated on September, 4th 1964, which stated²⁴⁶:

- The conference of supervisors should address the issues that were discussed by the Conference of chiefs of the Palestinian Organizations.
- The Supervisors' Conference should hold two sessions a year, instead of one session, until the Conference of the Palestinian organizations resumes its work.

²⁴⁵ UNRWA, op.cit. p12

²⁴⁶ Ali, Shareef Al-Sayed, General View at the rights of the Refugees, Amnesty International – Regional office for the Middle East and North Africa, 2009, p1

Thus, there was a clear organizational development aimed at raising the attention to the whole Palestinian issue and focusing on the issue of Palestinian refugees. In this development, the Arab League improved the way it handles the problem of refugees. Besides, the conference of supervisors itself gone through a series of organized and specialized transitions that expanded its tasks and adaptabilities.

The decisions of the conference of supervisors on Palestinian refugees in the host countries address a major issue, which is the issue of facilitating the residence and travel of the Palestinian refugees, especially in Lebanon; where the traveling documents of the Palestinian Refugees became with no real impact in the matter of returning to Lebanon. As the return of the refugee to Lebanon needs an entry visa, this document relating to refugee was issued by a decision of the Council of the League of Arab States. The resolution specified the form, color and number of pages of this document. The resolution also included the need to treat its holders by the "treatment of the nationals of the countries of the League in the visa and residence issues"²⁴⁷.

Because those documents of Palestinian refugees has become a suspicion and instrument of accuse and complication factor for the Palestinian travel procedures, the PLO has submitted a memorandum to the Council of the League of Arab States requesting approval for issuing a Palestinian passport²⁴⁸

The Committee of Political Affairs and the Council of the League were informed of this, and requested that the Palestine Liberation Organization conduct the necessary contacts with Arab Governments on this matter; the States have thwarted the attempts to issue a Palestinian passport²⁴⁹. When the Palestine Liberation Organization lost hope of issuing a Palestinian passport under the supervision of the Arab League and in order to protect and

²⁴⁷ Khalil, Asem, the refugees, the immigrants and law in Palestine, The American University in Cairo, International conference about the refugees and immigrants in the Middle East and North Africa, 2007, p81.

²⁴⁸ Al-Farra, Abd Al-Naser Qasem, op.cit, p11.

²⁴⁹ Zaqqout, Nahed ,op.cit, p2.

guarantee the right of residence and movement of Palestinian refugees in the Arab countries in particular, it pushed this request towards the United Nations, which demanded its General Assembly in a special resolution from the Secretary in corporation with UNRWA "to create an identity cards for all Palestinian refugees and their progeny, regardless of whether or not they received the services and supplies from the Agency, In addition to issuing identity cards to all the immigrants and to those who are unable to return to their homes because of the 1967 war and all their progeny. "Even this decision was not followed up and was thwarted by the Arabs²⁵⁰.

However, Relating to discriminatory procedures and statutes at work, the Casablanca Protocol on September. 11th 1965 states that the host countries of Palestine refugees shall guarantee "the right to employment and work, as is the case with citizens" (paragraph 1). In addition, the "Cairo Agreement" on November, 3rd 1969 between PLO and the Lebanese government, in its first paragraph states "The right to work, residence and movement of Palestinians who are currently residing in Lebanon". Dozens of resolutions issued by the Council of the Arab League and conferences of supervisors of Palestinian refugees in the host countries emphasized that the right of refugees to work should be facilitated and implemented just like citizens²⁵¹.

The UN Security Council resolution regarding the Palestinian refugees are limited to the legal provisions contained in Resolution 242 in this regard, and the access to what the resolution can achieve and serve as a legal reference to support the rights of refugees with regard to return and self-determination, which could be achieved by a process of peaceful truce that would end the Arab-Israeli conflict.

Security Council resolution 242 is considered from the legal rules, which prohibits the use of force in relations between States by illegal means and invalidates all the

²⁵⁰Al-Asadi, Mahmoud, the Palestinian Refugees in Lebanon – civil, humanitarian, political and social rights, Fateh Movement Office, 2001, p3.

²⁵¹Al-Jbour, Ahmad Fleh, the Legal Organization for asylum on National & International Level, master Thesis, under the supervision of Ayman Hals, Al-Isra University – Jordan, 2010, p52.

consequences of such use. In pursuance of this rule, the Council requested the Israeli forces to withdraw from the territories they occupied in 1967, the situation in the Middle East made the Council pay attention to the issue. Moreover, the resolution had been issued since a relatively long period of time, during which the Council referred to its subsequent resolutions regarding the Arab-Israeli conflict, specifically resolution 338 in 1973, which has led to speeding up the international community to recognize the decision as a basis for a truce by many countries²⁵².

It is clear from the above the non-inclusion of Palestinian refugees within a framework of the International Commission for the Protection of Refugees, As they receive assistance from agencies (UNRWA), it is noted that the role of this agency is limited on providing humanitarian relief in areas where they are located, so the Palestinian people need the participation of international organizations working to protect them along with assessing such services, the conflict left by the Israeli occupation over the past decades and continues to commit crimes against the Palestinian people with all kinds of killing, expulsion and destroying of homes and the use of internationally prohibited weapons, as well as the Separation wall that reflects the racial aspect of this occupation, ignoring the international community, conventions and resolutions issued by it , This agency cannot provide protection to the Palestinian people from the practices of the occupation. Therefore, the international community must allow the international commission to exercise its functions in the Palestinian territories to stop this aggression and the crimes committed by the occupation.

Therefore, the international community living with the twenty-first century; the age progress and development, must work on raising the position of human. It is unreasonable for agreements and decisions that were born decades ago without being developed or even implemented. The resolutions issued by the Security Council, specially resolutions 338 and 242 lack the mandatory content of the Palestinian refugee problem as well as it lacks the clarity so that Palestinian refugees can have their right of

66, Kitten Henery , Palestine in the Light of Justice and Right, Alhaqiqa Publisher, Beirut, 190, Page 198.

*See resolution No.242 in appendix (2)

return to their homeland and the ability to decide their fate. Therefore, there must be mechanisms to ensure and secure the people rights by creating legal justifications that constitute legal attribution To justice with their rights away from bias and at the expense of oppressed peoples, and that can be an introduction to end injustice and provide justice to peoples, therefore it is required from everyone to work to compel Israel to implement the resolutions of international legitimacy or to impose punishments on them to comply with the resolutions and agreements relating to the right of the Palestinian people to return to their land and to obtain their legitimate rights to avoid further crimes committed by the occupation and to avoid the violence that will be associated with this society if the international will is not available to deal with it in a legitimate manner.

Chapter Six

The future of the Palestinian refugee issue and its impact on the course of the Palestinian-Israeli conflict

Introduction:

Several projects and political understandings have been raised regarding the Palestinian-Israeli conflict, a number have been accepted and another number have been rejected, mainly due to the international reality imposed by international alliances at the expense of the oppressed, by the power of the Israeli side, or by major powers supporting the latter. However, this power and its multiple means could not impose a solution through its military power, which made the Palestinian-Israeli conflict stand still without reaching a radical solution through all outstanding issues will be addressed, foremost, the refugee issue. This also kept the region in a state of constant tension and caused the Palestinians more suffering²⁵³. When delving into the details of the Palestinian issue and determining the parameters of the conflict, it is evident that it was possible to reach a solution to outstanding final issues, with the exception of the issue of refugees and their right of return, the role played by the United Nations was the main reason for the theft of Palestinian land from its original owners through resolution 181, which calls for the partition of Palestine, and there cognition of the existence of another entity at the expense of the Palestinian people. This resulted in the emergence of what is known as the Palestinian refugees' problem. The United Nations has played a role contrary to its main goal; the protection of peoples and equity and preventing war and aggression and living in peace away from the Fighting and oppression²⁵⁴.

The solution of the Palestinian issue must be based on the principles of international legality not any other source. The exclusion the international disputes, including the Palestinian problem from the umbrella of the International Public to the arena of political,

²⁵³ Shabaan, Ibrahim, Elements of the Final Solution of the Palestinian Cause in the Light of International Law, Al-Quds University, Faculty of Law, 2011.

²⁵⁴ Mansour, Wasef, op. Cit., P. 17.

religious, reality, balance of power, economy or of any other dispute is a call from the international organization on invasion, occupation and the denial of human rights guarantees. This also leads to the disruption of the positions of the conflicting parties' powers subjecting them to military power and the loss of the rest of those rights.²⁵⁵

6.1 A reading of the final solutions to the Arab-Israeli conflict

Suggested solutions:

6.1.1 The establishment of a state on the borders of 1967

Since the 1949 Armistice Agreement, which was the result of the battles between the Arab armies and Israel. Israel controlled most of the historical area of Palestine, 78% of it, while the remaining 22% were in the hands of the Arab armies. The 1949 Armistice Agreement was a changeover in the peace process between Israel and the Arab countries fighting without a Palestinian representation. The situation remained the same until the 1967 war; Israel occupied the rest of historic Palestine, including the Gaza Strip, the West Bank, Jerusalem and other Arab-countries territories. As a result, the Security Council adopted resolution 242, which calls for the withdrawal from the territories occupied by Israel, and in return, the recognition of the Arab states of Israel's right to exist and live in peace. The decision, which is a reference and a starting point for negotiations, has been controversial in the interpretation of Resolution 242; Arabs believe that this decision forces Israel to withdraw from the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights and Sinai. However, Israel had another interpretation; a withdrawal that leaves secure borders to be reached through negotiations with the parties concerned. The 1993 Oslo Agreement, which was considered a Declaration of Principles for the establishment of governance arrangements leading to resolving all the outstanding issues in period not exceeding five years. The Palestinian leadership adopts the 1967 borders as the basis for the establishment of a Palestinian state knowing that these borders are not stated in

²⁵⁵ Shaaban, Ibrahim, op. Cit. P. 18.

Resolution 242 as what is understood by others. There is no proof or formal and legal statement of the establishment of a State on the 1967 borders.²⁵⁶

US President Barack Obama announced, as seen on the television news channel on 20/5/2011, rephrased by France 24, that he supports the establishment of a Palestinian state on the basis of the 1967 borders, "The border between Israel and Palestine must be based on 1967 borders with land swaps agreed by both parties with a view to establishing secure and recognized borders for both States." "The full and gradual withdrawal of Israeli military forces must be coordinated within the framework of the idea of the responsibility of the Palestinian security forces in a demilitarized and sovereign state," he said in a speech to the State Department in Washington.²⁵⁷

However, the Israeli Prime Minister Benjamin Netanyahu rejected the idea of this proposal, which calls for withdrawal to the borders of 1967, demanding Washington to confirm its obligations "guarantees" provided by the previous US administration headed by George W. Bush in 2004, and the Palestinian Authority denounced the Israeli position, which escaped reaching peace.²⁵⁸

Israel does not want any pressure practiced on it, even from the United States, its closest ally, in order to continue the land theft and settlement building. The Palestinian leadership continued demanding a state on the borders of June 4, 1967, which the Palestinian leadership agreed, by Oslo Accords, to divide into three Stages: A - B - C. This was considered as a phased agreement until a solution to the outstanding issues. Nevertheless, this phased agreement continued without any little change. Israel, on the other hand, did not stop its practices dividing the Palestinian cities as not to establish a Palestinian state in the future.²⁵⁹

²⁵⁶ Annan, Ola, How has the border between Palestine and Israel changed in seventy years?

<http://www.sasapost.com/borders-between-israel-and-palestine>

²⁵⁷ Ibid.

²⁵⁸ Obama supports a Palestinian state based on the 1967 borders, and Israel rejects the proposal.

<Http://www.france24.com/>

²⁵⁹ Khalil, Nayla, State within the 1967 borders ": A lost slogan in the West Bank archipelago, Ramallah, 2014 <https://www.alaraby.co.uk/politics/2014/6/5>

It seems that this option cannot be achieved in light of Israel's continuous rejection of the establishment of an independent Palestinian state on the borders of June 4, 1967 with East Jerusalem as its capital. Israel has established and placed many obstacles to prevent the implementation of this option. On the other hand, the PLO showed flexibility and a strategic change of its policy that resulted in the declaration of the establishment of a Palestinian state on the 1967 borders during the Palestinian National Conference in Algiers in 1988, which was welcomed by the international community. As a result of the strategic shift in the policy of the organization, the Palestinian leadership practiced and took all options available using all means possible to reach a solution to the Palestinian issue, which requires the establishment of a Palestinian state with East Jerusalem as its capital. Thus, it entered into negotiations with Israel that resulted in Oslo Accords and the Declaration of Principles on Interim Self-Government Arrangements was announced. Nevertheless, the negotiations reached a deadlock with the Israeli side, the second Intifada arose as a result of the dead-end the political horizon reached and the opposition, former Israeli Prime Minister "Ariel Sharon", provocative attempts to enter the Al-Aqsa Mosque. Several initiatives were raised to resume negotiations and to bring viewpoints together, but Israel rejected all initiatives initiated. Moreover, Israel violated the terms of conflict-resolution and the requirements of comprehensive peace. It furthermore divided the West Bank's cities, established barriers, constructed the separation wall, increased the rate of the Judaization of Jerusalem, accelerated the pace of settlement-building and created demographic facts on the ground in order to prevent or block any project that may lead in the future to reach a peaceful solution leading to the establishment of an independent and sovereign Palestinian state.

6.1.2 The establishment of a Palestinian state within the 1967 borders

Over the course of two decades, the Palestinian leadership has realized through many rounds of negotiations that Israel is pursuing a policy of maneuvering and procrastination to prolong the duration of the negotiations in order to continue its policy of expanding settlements, expropriating the land and destroying any project aimed at establishing and realizing a Palestinian state. This led the Palestinian leadership to head to the United

Nations to request a membership of the State of Palestine in the United Nations, as a result of the loss of confidence in negotiations and the absence of Israeli credibility.²⁶⁰

Therefore, the borders issue between the Palestinians and the Israelis is considered one of the procedural outstanding issues in reaching a solution to the final issues. The borders was one of the issues postponed to be reached on the final status. Other issues include but are not limited to, the issue of refugees, Jerusalem and settlements. The issue of borders is the cornerstone of the foundations of the Palestinian State, which is the main conflict and the main topic on the negotiation table²⁶¹. The reasons behind the postponement of having any talks on the borders issues is of two reasons:

- The demarcation of the border between the two sides lays the foundations of the Palestinian state, which is what the Palestinian side insists on, based on the resolutions of the international legitimacy that considers the borders of June 4, 1967 the borders of the Palestinian state. This is what Israel absolutely rejects. Israeli Prime Minister, Sharon, sent a letter to the Clinton Administration to allow Israel to keep settlement blocs in the West Bank. This was accepted by US President Bill Clinton in his 2000 initiative, under which Israel was not requested to withdraw to the 1967 borders.
- Israel does not want to demarcate the borders as it threatens its expansionist project. Therefore, the Palestinian negotiator was not supposed to accept postponement of the border file to the final status, which gave time and space to infiltrate and expand settlements as well as to draw future plans to block the future vision of the borders of the State of Palestine.²⁶²

It is clear that Israel has drawn up a clear strategy that shows it does not want peace. All the articulated issues of the state's components have been hampered from the outset and

²⁶⁰ Hani Ismail, Hanadi, The Palestinian State: The Model of Institution Building in the Establishment of the State, Master Thesis, An-Najah National University, 2012, p.52

²⁶¹ Al-Masri, Rafiq Mahmoud, The Two State Option: Palestinian and Israeli Scenarios, Al-Aqsa University, 2012, p.8

²⁶² Mohammed Ibrahim Saleh, Bilal, Israeli Settlement in the West Bank and its Impact on Political Development, Master Thesis, An-Najah National University, Nablus-Palestine, 2010, p.165

have been postponed to the permanent solutions negotiations, which illustrates the ill intentions of the Israeli governments. Through the stations of the Israeli-Palestinian conflict, the Palestinian side has shown a desire for peace. Israel rejected any project calling for the establishment of an independent state within the 1967 borders despite the prejudice of the partition resolution 181, the unjustified resolution against the Palestinian people, which is the establishment of two Arab and Israeli state giving Israel 78% of the land in exchange for 22% for the Arab state. Furthermore, Israel obstructed the idea of establishing a Palestinian state by unilaterally demarking the borders of the Palestinian state by illegally building the separation wall. The Palestinian side does not accept this option. Israel has eliminated all elements of the establishment of a Palestinian state by stealing the Palestinian land, establishing bypass roads and dividing the Palestinian cities through the establishment of barriers and the construction of colonies. The Israeli perspective on the solution lies in its vision of full control of Jerusalem and the Jordan Valley and the annexation of settlement blocs and the land is isolated in the settlements. This solution does not live up to the full state level, but is a poor self-rule that does not amount to the aspirations and sacrifices of the Palestinian people.

As a result of the failure of previous proposals in the establishment of a Palestinian state on or within the 1967 borders, many other proposals were put forward, including:

6.1.3 Jordanian - Palestinian Confederation

This proposal is aimed at establishing One State for two peoples, with the recognition of the Palestinian state that Israel occupied in June 1967. This proposal was opposed by the PLO in the past when it was proposed in 1972. The idea of confederation was the existence of two capitals in one state, Amman for the Jordanians and Jerusalem for the Palestinians. It is represented by a central judicial authority and enjoys one army of the country under the leadership of the Jordanian King, a central council of ministers and a

council of people elected by the two peoples who enjoy the freedom of movement between the two countries²⁶³.

The Jordanian side was concerned about the repercussions of the confederation on the demographic factor and the burdens it will hold. Israel wants to get rid this responsibility and blame others. Jordan believes that a two-state solution is the best way to establish solid relations in the future. Researcher Mahmoud AlJundi considered Israel's policy to be "delaying the implementation of the agreements." Jordan has always played an important role in activating the dialogue and always initiated peace initiatives with the Israeli side. Furthermore, the Jordanian interests in the peace talks has a direct impact on Jordanian security and stability²⁶⁴, for example, the list of interests associated with the Oslo Accords and the Wye River Agreement is demography, economy and security. "The Arab world normalizing relation with Israel was a concern of the Confederacy. This normalization would give Israel the opportunity to increase settlement-building activities, to continue the Judaization processes so that Israel controls more than 82.5% of historic Palestine, secure borders (Confederate wings), end the refugees' problem by an Arab and international decision, accept the new realities on the ground and consider Jerusalem as the eternal capital of the State of Israel." Saleh Al-Qallab, the Jordanian former Minister of Information, in an article published in the Jordanian newspaper Al-Rai says, "It is not permissible to talk about fateful matters with no data provided by any of the parties concerned i.e. Jordan and the Palestinian National Authority, which is recognized by the United Nations as a state under occupation. "To talk about a Union of normal relations between the two states" confederation "is premature in light of the difficult and dangerous situation in the Arab region despite the intimate relations between the Palestinian and

²⁶³ Al-Jundi, Mahmud, Study: Confederation between Jordan and Palestine is unpopular until the establishment of two states, Al-Ghad Newspaper, March 4, 2014.

[Http://www.alghad.com](http://www.alghad.com)

²⁶⁴ Abu Amer, Adnan, Confederation Palestinian desire and Israeli enthusiasm and hesitation of Jordan, the site of the Monitor, 2016.

[Http://www.al-monitor.com](http://www.al-monitor.com)

Confederation: The establishment of a joint union between two states, each of which shall enjoy sovereignty and independence.

Jordanian peoples. The future of these relations will lead to unity and integration, as the case was before the Arab League Summit in 1974, which recognized the PLO as a legitimate and sole representative of the Palestinian people. A confederation or federalism can have catastrophic and negative consequences. However, it would be preferable after the Israeli withdrawal from the territories occupied by Israel in 1967. The establishment of a Palestinian state with Jerusalem as its capital will be followed by a serious discussion of the subject of confederation. In spite of the international moves to relaunch the peace process based on the Oslo Accords, which was supposed to be applied definitively in 1997 the extremist Israeli governments were inflexible and intransigent to all the proposals. Moreover, Israel annexed the West Bank in broad daylight within earshot of the international community, indifferent to the international reactions, in light of the absurd support of the United States and the disintegrating European role. Furthermore, the region was unstable under these circumstances, not to mention the rapid escalation of conflicts and terrorism. This turnaround grants Israel an opportunity to evade the requirements of peace in accordance with the Oslo Accords or other agreements as long as there are a window of opportunity for a Jordanian-Palestinian confederation in the near future. This confederation would give Palestinians freedom of movement to the East Bank, which Israel considers to be the confederation being discussed without determinants or controls," adds Al-Qallab.²⁶⁵

In an article on the Monitor website, Uri Savir sees that some PA leaders are frustrated, seen by their statements on the same site that they are angered by the Arab position and attitude rather than their anger at Israel. They see that Arabs are ignoring the central role of the Palestinian cause and the shift of interest to the conflicts in Syria, Iraq and Yemen At the expense of the establishment of a Palestinian state. Thus leading to the absence of pressure practiced on the United States, which focused its effort on the Iranian nuclear agreement. Palestinians, however, are struggling to gain the international attention back and involve the Arabs in ways that are more effective. A senior Palestinian official told Al-Monitor that the confederation would only be established following the establishment

²⁶⁵ Al-Qalaab, Salih, what is this "confederation" and why at this time?, Al-Rai Al-Jordan newspaper, 16/12/2016. [Http://alrai.com/](http://alrai.com/)

of a Palestinian state. Nevertheless, before that, an agreement can be reached in principle, in order to give Jordan a role in the negotiations on the establishment of the confederation. Therefore, Jordanian officials see necessary to participate in those negotiations for several key points:

- These negotiations are highly related to security arrangements, the external threat of terrorist cells that lies on both banks of the river, especially in small countries such as Jordan and Palestine.
- The refugees 'problem considerations for Jordan. About 60% of Jordan's population is Palestinian. Both the Palestinians and the Israelis, if any agreement between them is reached, are expected to act in accordance with the 2002 Arab peace initiative in order to reach a "just and agreed solution." Therefore, refugees will return to Palestine. If Palestine and Jordan worked together to find comprehensive and acceptable solutions, the economic obstacles posed by the resettlement of refugees will be eliminated. On the subject of Jerusalem, Jordan's role in Jerusalem was recognized and formalized through Israel–Jordan peace treaty. Nevertheless, Jordan will give the Palestinians the leadership of the negotiations and understandings on the issue of East Jerusalem.²⁶⁶

Former Jordanian Prime Minister Abdelsalam Al-Majali affirmed Jordan's position on the confederation, saying that he "personally believes in the Jordanian-Palestinian Confederation, but after the establishment of the Palestinian state." During his visit to the West Bank, he said, "A confederation is the best solution for Palestine and Jordan," and during a meeting with several Palestinian figures in Nablus he said, "The Kingdom of Jordan does not breathe without Palestine, and Palestine does not breathe without Jordan, but we must wait." He added that Israel wants to apply the confederation at these times and that Netanyahu has raised this idea in different ways. Nevertheless, the kingdom's response was a crystal-clear No. Some intellectuals from both countries have welcomed this idea, but such matters take time to be discussed within the political agenda. Sari Nusseibeh, a prominent Palestinian politician who has worked for years with the

²⁶⁶ Savir, Uri, Is Confederation between Jordan and Palestine possible? 10 May 2015, <http://www.al-monitor.com/>

Palestinian leadership has welcomed this idea and said, "There are no solutions approaching or any negotiations that could lead to any solution between the Israeli and Palestinian sides at this time." He stressed, "The Jordanian option remains the only solution and the only exit for the Palestinians." Uri Savir agreed with that political proposal and said, "The continuing stalemate in the realization of the two-state solution prompts some parties in the PA to reconsider launching a political initiative outside the box in order to reach independence based on a declaration of a Jordanian-Palestinian confederation of two independent states with strong relations."²⁶⁷

Savir added, "The Jordanian-Palestinian option has many benefits. First, a two-state solution will not be depending solely on the Israeli government. Jordan's King Abdullah II has the support and appreciation of the West, and his security forces have a prominent position there. Moreover, the Jordanian intervention in the Palestinian file will help maintain security along the borders of the Jordan River and the common borders with Israel and strengthen economic and tourism relations." Majali said that the confederation is important for the benefit of the Jordanian and Palestinian peoples after the establishment of the Palestinian state. He also blamed the Arab nation of abandoning their responsibilities towards the Palestinian cause; Palestinians are inefficient in managing financial matters, in his opinion.²⁶⁸

The confederation appears to be in Israel's benefit, as it provides an escape as long as it is in charge of this confederation. There are key issues that Israel wants to shake off, especially the issue of Palestinian refugees and their right to return to their homes. A confederation might be Israel's escape gate of this requirement, in addition to Israel's desire for an economic growth, normalization with Arab states and the establishment of the projects without going into wars. These projects can be applied under the umbrella of the Holy Land Confederation, namely Jordan and Palestine, which constitute cheap labor for Israeli industries. As for the Palestinian rights, if the Palestinian-Jordanian

²⁶⁷ Middle East (Al Arab International Newspaper), former Prime Minister of Jordan: Confederation with Palestine will be established after the establishment of the State, Ramallah, 2016

[Http://aawsat.com](http://aawsat.com)

²⁶⁸ Ibid.

Confederation is established, it means canceling all the rights of the Palestinian people and relinquishing them for the benefit of the Jewish state. This is a threatening result of the deadened of the negotiations. This leads to end the Palestinian cause and nullify the right of return.

It is clear that this option cannot be achieved, as it requires first an independent Palestinian state that will later join Jordan in a confederation. Israel has long refused to mention an independent Palestinian state, there might also be some of the Jordanians rejecting this option as it will reshape the structure of the new state depriving them of many privileges. Jordanians might also reject this option in order to maintain their Jordanian identity.

However, Jordan's overall view is that there is a great strategy behind this confederation as it stems from the supreme interests of the Kingdom of maintaining the throne of power. It is also a solution for the escalating refugee crisis of the refugees in the event of refugees' resettlement. The confederation is the lifeline that saves them from the legal consequences before the international community of the suffering and displacement of refugees they caused. From Israel's point of view, the Confederacy is a step towards the alternative homeland for refugees that they are distributed geographically between the two parts of the new entity enjoying citizenship while granting Israel access to economic projects with the new entity.

The question here is that as long as there is a confederation between the two entities in order to find a solution to the Palestinian issue, which was granted by several resolutions by international law that support their right to struggle by all legitimate means until achieving self-determination and independence, Is not this position a way out for Israel escaping its failure to comply with the relevant international resolutions, as long as it rejects negotiations and continues the settlement-building activities, putting aside all the solutions and options that are offered? As long as the confederation cannot take place until the establishment of an independent Palestinian state, will not a confederation between the Levant and the Fertile Crescent uniting Arab states help the Arab nation wipe out this hateful entity? Therefore, this option has failed because it can only be

applied after the establishment of a Palestinian state and this is what Israel opposes. Thus a new proposal emerged:

6.1.4 Establishing a federation between Jordan, Palestine and Israel

This option provides a radical solution to the end of the decades-long Arab-Israeli conflict. The historical background of the conflict is based on a vision of the future regarding demographic, , political, economic, social and cultural aspects in which the relationship tends to unite the Palestinian people in their places of residence, whether they are in the Palestinian occupied territories in 1948 or the territories occupied in 1967, or those who reside in all areas of the diaspora, especially in Jordan. The relationship between the three parties (Palestinian, Israeli and Jordanian) is being developed in accordance with a strategy that consolidates and strengthens the continuity of the three entities in an integrated manner. It works to create a unified federation, so that each entity (of the three entities) has an autonomy. They shall be united by a constitution, a legal system, and federal cooperation in order to create a cohesive society far from fragmentation. There is no doubt that the relationship between Jordan and Palestine since ancient times is based on strong ties between the two peoples by virtue of geographical contact and the economic, political and social factors which are characterized by a large degree of sharing and synergy between the two peoples. The confederation is a result of the social cohesion between the two peoples, which guarantees continuity and avoids clashing between the two countries, guaranteeing their rights and guaranteeing the Palestinians the right to return, in accordance with UN General Assembly Resolution 194, so as not to affect their place of residence as citizens of the state of the federal union.²⁶⁹

The federalism achieves a number of conditions to establish it, first and foremost the realization of the actual will of the two peoples as a basic requirement, and Palestine to be an independent state with a full membership in the United Nations. Otherwise it would

²⁶⁹ Mahmoud Al-Masri, Rafiq, The Two State Option: Palestinian and Israeli Scenarios, Al-Quds Open University, Center for Future Studies and Opinion Measurement, Ramallah-Palestine, 2014, pp.32-34.

be a process of "annexing" certain population and lands to another state. The main thrust behind this federalism is to put an end to the refugees' problem and to achieve sovereignty. This option was a result of realization of the impossibility of applying the right of return on the ground by both the international community and the Arab system. The solution lies in resettling refugees in the Arab countries. As for sovereignty, from the writer's point of view, it will be shared between Israel and the confederation, between the land and the population. This means to depopulate the land west of the river and annex it to Israel, in the sense that the federation is process that leads to another phase of depopulating the land of its inhabitants moving them to the East Bank and annexing the West Bank to Israel.²⁷⁰

The choice of the Federal Union to put an end to the Arab-Israeli conflict for decades after the failure of all other solutions and initiatives related to the Palestinian cause led to the belief that Israel could be cured of its barbaric mentality and its racist and expansionist ideology of settlement can be undermined. Thus making Israel an entity that believes in religious, national, intellectual and political freedoms. This can only be achieved if the three parties in the Fedagree to the joint democratic action, the elimination of hostilities, the establishment of the foundations of democratic rules between the parties, and the building mutual relations based on justice and equality. They should also avoid these relations are characterized by fragmentation, discrimination and inequality as this federation is characterized by connected geographical borders, which consecrates and strengthens national unity among its components.

This federation should develop a cooperation among its components as it is based on a combination of governments based on co-operation. This federation has a federal central government as well as self-governments of the three States forming the central federation of provinces or states. The federalism is defined as "is a political entity characterized by a union of partially self-governing states or regions under a central (federal) government. In a federation, the self-governing status of the component states, as well as the division of power between them and the central government, is typically constitutionally

²⁷⁰ Al-Batayneh, Fouad, Jordan: dim light on the federal project, Mubasher 24, independent political newspaper, 22 December 2016.

entrenched and may not be altered by a unilateral decision of either party, the states or the federal political body. Alternatively, federation is a form of government in which sovereign power is formally divided between a central authority and a number of constituent regions so that each region retains some degree of control over its internal affairs."²⁷¹

The federal body is the main representative of the new state, with one president, one foreign policy, and one nationality of the three components. The federal central government and member state governments exercise the powers vested in them by the constitution that establishes joint action and brings them together. The federal statute is a multiplicity of parliaments, two of which are within the jurisdiction of the central state. The first is represented by the direct will of people, the second representing the states, members or provinces, while the third parliament is assigned to each member state. Switzerland, the United States of America, Mexico, Germany, Brazil and Australia are examples of a federal states. The federal state exercises its authority through the three powers, legislative, executive and judicial. In the present situation, the states are Palestine - Israel - Jordan, joining under a Federal central union.²⁷²

The Federal Union does not make a possible solution, in light of this general international situation, especially those situations experienced by the peoples of the Arab region, which are highlighted by the bloody disturbances, fragmentation and division, through the creation of internal conflicts either between States or within the same state. These situations are also caused by the publication of material that is likely to stir up discord in society or to provoke confessional, racial or religious strife or by disputes on the borders created by colonialism in the past, reaping its fruits today. The absence of democratic thought in the Arab system led to increased suffering of the peoples. Thus, each state has been busy healing its wounds that were the result of the Arab-system collapse as well as the accompanying disintegration and the failure of the national and ethical systems. If we look at the Palestinian situation, which the majority of its population agree son the

²⁷¹ <https://www.cia.gov/library/publications/the-world-factbook/docs/notesanddefs.html>

Federalism is a system consisting of several self-governing systems, united by a central system

²⁷² Mahmoud al-Masri, Rafiq, op. Cit., P. 36.

national identity, has collapsed and fragmented as a result of the internal differences between Fatah and Hamas. These internal differences were due to the lack of consensus on a unified national program. In light of this, the current Arab mentality is can simply accept a unified federal system, especially with a Zionist partner with a racist mentality that seeks to swallow the land and expel its people. It seems impossible to coexist and share a federal system with such a mentality 'Israeli mentality' that rejects the recognition of an independent Palestinian state and rejects to stop its expansionist policy, which does not want to be part of the eastern world. Although the federation is difficult to achieve, it provides a solution if there is a sincere will, especially to solve outstanding final issues such as the issue of Palestinian refugees at home and abroad. The refugees' problem contradicts Israel's policy of preserving its western character and its demographic status. The federation addressed the Palestinian people inside Israel issue and provided a solution of the Jerusalem issue; to be the capital of the Central Federal State. This proposal is incompatible with Zionist ideology and its expansionist policy in the Arab region. Thus, the following option has been raised:

6.1.5 Bi-national state

A number of scenarios were raised regarding the Palestinian issue in order to reach a mutually satisfactory solution. A binational state option emerged following the failure of the peace process of the Oslo Accords between the Israeli and Palestinian sides. The option was first raised in the 1920s by Jewish scholars. It reemerged as an option raised by Jewish and Palestinian groups. It was welcomed by the Palestinians citizens of Israel and the Palestinians in Diaspora as It grants them the legal capacity to become citizens in Israel / Palestine. A one state on a federal basis is to be established as recommended by the United Nations Special Committee for Palestine. That state shall include all National groups. However, Arabs opposed it, which led to issue the partition resolution of 1947.²⁷³

²⁷³ Ahmed Kassem, Ayesh, The Palestinian-Israeli Conflict and the Proposed Solutions - A prospective study, Palestinian Planning Center, 2014.

This option had the opportunity for a settlement of the Israeli-Palestinian conflict following the failure of many other scenarios. It is based on a "bi-national" state, which is free from all forms of apartheid and has the nature of the federal system of these two nationalities. In addition, it creates the appropriate environment to address the Palestinian outstanding final issues, such as the refugees problem and settlements, according to the Palestinian thinker Azmi Bishara. Thus, the Palestinians on the land of 1967 will be able to form a political entity with the Palestinians in 1948 as part of a broad political entity comprising two political entities (both Jewish and Arab) of a common parliament.²⁷⁴

The idea of a binational state came in contradicted Israeli aspirations. Israel, nevertheless, continued controlling and stealing the Palestinian land in both the West Bank and the Gaza Strip. and the Israeli mediators presented visions that offered solutions suitable to their interests, as a result of their fear of the demographic explosion that will be faced in the future. Israel kept evading and procrastinating its implementation in order to remove the dangers facing them in the near future. In addition to placing obstacles to divert attention from the practices carried out. These obstacles include the creation of Palestinian internal conflicts. The Palestinian thinker and the president of Al-Quds University, Sari Nusseibeh, supported the establishment of a bi-national state in Palestine, his proposal was a result of a conviction he reached in 1987 that Israel would not withdraw from the occupied territories. Therefore, the Palestinians must demand that Israel annex these lands to them, which would make them subject to a de facto apartheid state. The Palestinians would then continue their struggle for equal rights with the Israelis. The percentage of Jews in 2020 will fall west of the river and the Arabs will constitute a majority of the population, which will enable them to control the Knesset and other institutions in the state, enabling them to make appropriate decisions regarding the return of the refugees if they wish so. From this perspective, Israel-Palestine will be a bilateral state in the full sense of the word.²⁷⁵

²⁷⁴ Mahmoud al-Masri, Rafiq, op. Cit., P. 20.

²⁷⁵ , Al-Khalidi, Kamal, The Idea of a Bi-National State in Palestine: A Political Option or an Accumulated Cumulative Development ?, Journal of Palestine Studies, Volume 10, No. 37, 1999, p. 6.

An article published in Haaretz by Hanegbi had vision of a common state for two peoples, a binational state. "He who has eyes to see and ears to hear must realize that a binational partnership can save us, it is the only way to become indigenous inhabitants instead of strangers on our land." "It is not easy to adopt a two-state solution because Israel cannot escape its expansionist policy; it is linked to the ideological and practical elements by nature. He added, "Even if Israel surrounded itself with a wall, a fence and a trench, Israel, as a Jewish state, will not be able to survive. There will be no other option. The attempt to achieve Jewish sovereignty by a wall and isolation must be given up. We must realize that we live together as a minority. Binational state for both the Israelis and the Palestinians is the answer."²⁷⁶

This option did not receive attention within the Israeli corridors in the near future. It was seen as the beginning of the end of Israeli control over land and resources. Moreover, there is an Israeli consensus by both the left and right political parties, whether moderate or extremist, to reject this proposal. According to this context, the President of the Knesset, Robin Rivlin stated, "that he prefers to grant citizenship to the Palestinians of the West Bank to divide the country, according to him." "This will be the end of the Jewish majority Israel and it will stop the Zionist expansionist project in Palestine. Thus, this project was rejected for the following reasons:

- Israel rejected this option as it leads to a demographic change in favor of the Palestinians.
- This option is not compatible with the Jewish state project that Palestinians are demanded to recognize.
- The bloody events during the past decades, specifically the outbreak of the second intifada, in which Israelis demanded the separation of the Palestinian population and the continued confiscation of Palestinian land.

The definition of a bi-national state is a form of coexistence between two national groups in one state within the framework of recognition, solidarity and mutual agreement to ensure a constitution that guarantees equality, Justice and identity of the two parties in an equal manner. "

²⁷⁶ Mahmoud al-Masri, Rafiq, op. Cit., Pp. 22,23.

- Israel does not accept the Palestinian minority at Israel, and cannot accept all Palestinians within the framework of one state.
- Israel only allows Palestinians to work in it under security conditions. It is not possible to accept all Palestinians with equal rights and obligations with the Israelis.²⁷⁷
- Israel views this option as a pressure process practiced by the Palestinians in order to accept the "two-state option" and it is not seen as a result of a Palestinian conviction to adopt this option.

The most important thing that distinguishes a bi-national state is that it carries ideas based on the peaceful coexistence of all components adopted by a society that enjoys a democratic ideology based on justice and equality. The long years of conflict between Palestinians and Israelis proved the opposite²⁷⁸. Ghada Al-Karmi stressed that Palestinians and Israelis can live in a state based on a bi-national option that is based on a federation and each of the two peoples enjoy self-governance. Each group has the freedom to practice its traditions, language and religion. The two sides manage the country through a unified parliamentary council. This country can be modeled on the Swiss cantonal system or the existing dual system in Belgium²⁷⁹. However, Israel's vision was different and preferred to impose a policy of *fait accompli*. It exerted several pressures on the Palestinians to cause harm and destruction continuing its policy of killing, displacement, demolition of homes and the practice of all forms of racial discrimination. Israel wants solutions that fit its own perspective not solutions that do not conform to its vision. It prefers to accept a Palestinian state on the entire borders of June 4, 1967, including Jerusalem, and to remove the settlements better than to accept the bi-national option.

²⁷⁷ Ahmed Qassem, Ayesh, Op.Cit.

²⁷⁸ Ibid.

²⁷⁹ Al-Karmi, Ghada, A Secular Democratic State in Historic Palestine: An Idea Whose Time Has Come, Journal of Arts 7-8, Damascus, 2002, p.33

6.1.6 The Palestinian position on the binational state option

The Palestinians were convinced of the "binational state" seeing that the two-state solution could not be achieved because of the Oslo Accords negotiations failure. The Israeli intransigence and the violation of the rights of the Palestinian people, such as the settlements and the separation wall, have all contributed to the emergence of this proposal. This proposal will transform the course of the conflict and create new mechanisms for the national action and the Palestinian struggle. It also seeks integration in one state instead of two states, with equal rights and duties. Now a unilateral state ruled by Israel requires the dissolution of the Palestinian Authority and the creation of new Palestinian leaders. The terms occupation force and the people under occupation will no longer be valid under the illusion of the autonomy state. This will free Israel of its legal obligations as an occupying power, which will falsely equal the people under occupation and the occupation authorities.

In the new relationship between the Palestinian Authority and Israel, the PA must abide and protect the rights of its people under occupation and the right to political resistance. The PA is preparing the Palestinians to give up the idea of two states and to struggle for equal rights instead, which exposes the intentions of the Israeli occupation and the struggle for civil rights becomes irrefutable.²⁸⁰

It is clear that this proposal does not go in line with the vision of the parties. The long years of conflict between the two parties and the changes that have taken place on the ground, both on the demographic and the political levels, have created a kind of enmity and hatred between these two peoples. Thus making a binational state option impossible. Moreover, this does not help creating any gesture leading to partnership and coexistence between the two peoples. This is mainly a result of the Israeli society's racism and their carelessness of the political, civil and economic rights of all citizens, whether Israelis or Palestinians. Furthermore, Israel's fear of the rapidly growing population that makes Jews a minority in the coming years is another reason. Thus, the possibility of a two-state solution requires much less effort than vague matters which results are not guaranteed.

²⁸⁰ Ahmed Qassem, Ayesh, op. Cit.

The previous solutions failed to come up with a choice that met the aspirations of the parties concerned. The following option was raised:

6.1.7 Increase the extent of self-governance.

Israel has placed obstacles over the years of negotiations following Oslo Accords in the way of the progress of the peace process, at each negotiating station seen in the succession of governments and the return to the starting point by each new government as well as the disavowal of points achieved in the previous stages. This is to practice pressure on the Palestinians to increase immigration rates, thus eliminating the demographic threat of the growing population. This option was welcomed within Israel rejecting all proposals and projects calling for the establishment of an independent Palestinian state. The Israeli Education Minister, Yigal Allon, raised a plan in the late 1970s (known as the Allon Plan) to block the West Bank and the Gaza Strip and encircle it with an Israeli community in order to prevent any future solutions and to combat terrorist outposts from their origin, as Sharon was suggesting in 1977. Eventually, this racist mentality constructed the separation wall, the purpose of which was to seize more Palestinian land and re-divide it under the pretext of isolating the West Bank from Israel. According to the plan, the West Bank was divided into two parts: the south of Bethlehem and Hebron, and the Center and the North of Ramallah, Nablus, Jenin, Tulkarm and Qalqiliya in an isolated manner.

While the Separation Wall is being built in the Salfit (Ariel) area and being connected to the settlements adjacent to the Allon line alongside the Jordan Valley, the West Bank is divided into three sections: the South is Bethlehem and Hebron and their areas, the Center is Ramallah and its areas and the North is Nablus, Jenin, Tulkarem and their areas. Thus leading to isolating the Palestinian cities from each other such as Jericho and Qalqilya and the rest of the villages that are northwest of Jerusalem.²⁸¹

The international situation has been dependent regarding the establishment of a Palestinian state on the political development of the peace process or the reactions on

²⁸¹ Al-Hindi, Alian, Israeli Options for the Final Solution in the West Bank and the Gaza Strip, File 'Malaf' Journal, 2007, pp. 50-52.

the Israeli violations such as the confiscation of land and the increased settlement-building activities as one of the main pillars that undermine the foundations of the state and undermine its existence. The White House rulers made several statements during their successive periods. The European position did not make any serious effort to end the Israeli-Palestinian conflict and remained weak. The French and Spanish leaders, in February 2010, said that an initiative for the establishment of a Palestinian state within a period of 18 months is being prepared, regardless of the validity of final status negotiations.²⁸²

Israel has had its own policy of drawing up plans that are consistent with its strategic vision regarding the Israeli-Palestinian conflict and the proposed solutions accordingly. The Israeli vision of the solution is no more than self-rule, which revolves around the follow-up of matters relating to the civilian affairs, while Israel takes responsibility of security matters. This is what the Israeli government has discussed since Netanyahu's governments on the two-state solution. This was a result of the pressure exerted by the administration of the US President "Barack Obama" after Israeli silence and rejection policy, a sovereign and demilitarized state is the option offered since then.

Therefore, holding on to the two-state solution was considered the problem of establishing a Palestinian state alongside Israel, as the most important solution proposed, which raised questions about the final status issues. The Israeli-American proposals took the course of an exchange process in which the proposed state is a substitute for a "final status" not within the framework of the settlement of the Arab-Israeli conflict, which aims to establish the state before reaching a final solution; taking into account the Israeli position on the nature and form of the "proposed state" and the occupation imposed by Israel on the ground.

After the Annapolis Conference, a Palestinian state was discussed in the form of the final status, and its borders may be temporary, as stated in the road map. The proposed Palestinian state did not have a time limit; it had a range of 20 – 30 years. When

²⁸² Hani Mohamed Ismail, Hanadi, op. Cit., pp. 52-53.

established, final status issues are to be addressed. Refugees right to return to their homes will not be recognized, which means the return of the refugees to the new Palestinian entity. Sharon's vision of approving a Palestinian state is not a change in Israel's strategic positions; rather, it is the best way to address all the problems related to the Palestinian side, which does not go beyond autonomy. Thus, a dismembered and fragmented state that cannot impose its sovereignty on the ground. Sharon described it as Gaza and 40% of the fragmented West Bank.²⁸³

It appears that the policy of all Israeli parties is clear in their clear refusal to make any concessions to the Palestinian side. This was evident by the practices on the ground, such as the construction of settlements, the separation wall and the barriers between cities. This and the Israeli clear rejection had put an end to the "Increase the extent of self-governance" option. The Palestinian side did not agree to this option as well, adhering to the two-state solution, which led the PA to go to the UN for recognition of the Palestinian state. The UN option was a result of the failure of bilateral peace negotiations and the bias of the American sponsor of the peace process in favor of Israel, in addition to the absence and slackness of the European role and its dependency and reliance on the American position. Following the failure of all scenarios raised and the Israeli rejection of them, Palestinians hold onto land, adhere to the inalienable rights of the Palestinian people, renounce internal differences between the components of the Palestinian people, end the Palestinian division between the two components, which harmed the Palestinian cause, and establish a national program that unites the people's choices. This requires creating and developing national leaders of a progressive thought in which the nation's efforts will be united and its future choices will be formulated. That will also be against the capitalist ideology that has destroyed the national values and concepts and led to the emergence of class inequalities among the components of the Palestinian people.

This concludes that the transformation of the Arab-Israeli conflict can play a central and pivotal role if there is a genuine and serious will on the part of the Israeli side to reach a lasting solution to the Palestinian issue, foremost of which is the issue of refugees, Which

²⁸³ Saad El-Din, Nadia, *The Right of Return of the Palestinian Refugees between the Two-State Solution and Jewish Statehood*, Al-Zaytouna Center for Studies and Consultations, Lebanon, 2011, pp. 17-20.

are treated as the main turning point in achieving lasting peace in the Middle East. Refugees play a key role in reaching a lasting peace if their cause is addressed within the principles of justice and equality and the relevant United Nations resolutions, in particular resolution 194. If these conditions are met then it is possible to say that there is a real possibility of reaching peace between the Arabs and Israel, Peace between peoples based on mutual respect and living in peace among themselves, not a peace that detracts from the rights of peoples based on force and de facto policy, making peace limited to governments only.

Conclusion

The issue of Palestinian refugees is one of the most problematic and complex issues in the Palestinian context, because it is associated with the displacement of approximately one million Palestinians in 1948. Since its existence, Israel has adopted a philosophy of uprooting and expelling thousands of Palestinians from their homes and villages, depriving them of their property, their natural, moral and psychological property.

In the context of the search for an exploration of the impact of the refugee issue on the transformation of the Arab-Israeli conflict, we cannot in any way exclude this problem from the general context of the question of Palestine and the Arab-Israeli conflict.

This issue, along with the problem of refugees, has gone through more than one historical stage. The current stage has been governed by a specific political equation that resulted in imposing the Oslo equation. That equation had an idea of coexistence between Israel and Palestine as well as 'land for peace' as a result of Arab recognition of Israel first started by Al-Sadat's visit to Israel. This balance of power forced the various parties concerned, inspired by their gradual understanding of their national interests, to enter into the peace process that has been going since 1991.

The study identified directions and orientations of the refugee problem. The study discussed the possibility of achieving a solution by the rules and tools of international law, then by the political negotiations based on the existing balance of power in an attempt to reach a solution in the form of an agreement acceptable to the various parties. The study concluded that none of these directions could meet all the criteria and specifications of the permanent solution required, in terms of sustainability, satisfaction, acceptance of the parties concerned, comprehensiveness and practicability.

The study also aimed to review the most important proposals presented by the relevant parties to the Palestinian refugee issue. It also concluded the lessons derived from these proposals in order to lay the foundations and basis to deal with them. It concluded that the majority of the proposals adopted by the parties with a possible and practical approach agree on the impossibility of the implementation of the right of return. Furthermore, it concluded that the best solution is to compensate the refugees and settle

them outside Palestine. The study also found that most of the proposals raised by Western countries show their adoption of intransigent Israeli positions on the issue of the right of return. As for the Arab attitudes, the study showed their fragility, lack of significance. It also pointed out that the Palestinian position is not qualified to achieve a just settlement through the negotiation strategies adopted so far. Nevertheless, it provided a number of foundations and criteria necessary to re-formulate the Arab-Palestinian strategy.

The study also discussed the various approaches to achieving a solution to the refugee issue, by studying status of the refugees issue in the Arab-Israeli conflict settlement negotiations and agreements.

In conclusion, the issue of the Palestinian refugees is a difficult and complex issue of many ramifications. This issue plays an important role in achieving peace between the Palestinians and Israelis. Nevertheless, this issue has been and continues to be the main dilemma in the path of achieving peace between the two parties as we have seen through the various rounds of negotiations from Madrid to the Geneva Initiative. In other words, the issue of refugees is a dilemma that is different from other final status issues e.g. Jerusalem, Settlements and Borders. In the case of refugees, options are limited.

The key to reverse the conflict in this case is the Israeli recognition of the right of return and its responsibility. In addition to an apology for causing the refugees such suffering.

Findings

International conspiracy and collusion are the main and direct cause of the refugee issue, starting with Balfour Declaration of 1917, which established a national homeland for the Jews in Palestine. Britain has provided all the logistical and security capabilities of Zionist organizations to achieve their colonial goals.

- The 1951 Convention was unable to reach radical solutions to the problem of refugees by excluding certain categories of refugees and persecuting and oppressing refugees on grounds of race, sex or religion. It called on States parties to respect part of the principles in dealing with refugees, making them take into account their interests when drafting initiatives or projects according to their foreign policy indifferent to any humanitarian aspect.
- The international law inability to redress the issue of refugees as it did not find direct solutions to this problem. This led to a Palestinians conviction that their cause has special political considerations. This was reached due to depriving refugees of international protection and providing limited aid.
- Many international agreements have excluded many refugees in the world, notably the 1951 International Convention and the Fourth Geneva Convention of 1949, as focusing on persecution as a major and direct cause of asylum.
- The failure of the negotiations between the parties concerned with the refugee issue to reach a just solution to the refugee issue is a matter of balance of power.
- The American and European position on the refugee issue is consistent and does not change. It also goes in line with all Israeli proposals and positions.
- The Israeli position was characterized by firmness and rejection of all resolutions and proposals calling for a just solution to the refugee issue.
- The Arab position was weak and limited in terms of political and diplomatic support for the Palestinian refugee issue. It presented ideas that were consistent and in line with the American, Israeli and European positions.
- The Palestinian position in theory is stable and strong, but on the practical side is weak and romantic.

- The Palestinian and Israeli positions regarding informal understandings differed. The Israeli position was clear. The Palestinian's was vague and unclear.
- The Israeli agreements from Madrid to Taba have undermined and marginalized the status of the Palestinian refugee issue and excluding it from its international scope.
- It is impossible to reverse the course of the Arab-Israeli conflict unless a just solution is found for the Palestinian refugee issue, in accordance with the resolutions of international legitimacy and the Palestinians exercise of the right of self-determination.
- The study recommends working on tracing the impact of the Palestinian refugee issue in transforming the Israeli-Palestinian conflict by conducting researches that include the periods after 2001. It's worth mentioning that the studies concluded at year 2001 at the end of Taba talks the studying of the refugee problem impact on the Palestinian-Israeli conflict.. Studies should be carried out after this period of time to complete the findings of the study.

Based on the findings of the study. The study recommends the following:

- In terms of international legitimacy, adherence to the resolutions of the United Nations on asylum issues. The ultimate goal is the return of the refugee to the country of origin, not limited to the humanitarian, moral and service aspects.
- At the international level, opening channels of communication at all levels of the world at official and informal levels. Giving attention to civil societies, national parliaments, political parties and social movements to influence decision-makers by establishing pressure groups on governments.
- At the Arab level, Continued Arab support for the Palestinian cause. To let Palestinian people take the lead so that they can get their legitimate rights of self-determination.
- On the Palestinian level, To achieve national reconciliation at the internal front and to coordinate between the Palestinian factions through the establishment of a

joint program away from exclusion. To avoid any solutions that undermine the right of the Palestinian people through the participation of civil society in drawing up future plans dealing with the latest developments in the Israeli-Palestinian conflict.

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Appendices

Appendix #1:

US President Woodrow Wilson Fourteen Points

- I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.
- II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.
- III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.
- IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.
- V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable government whose title is to be determined.
- VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.
- VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.
- VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-

Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

- IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.
- X. The people of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity to autonomous development.
- XI. Romania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.
- XII. The Turkish portion of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.
- XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

League of Nations

- XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.²⁸⁴

²⁸⁴http://avalon.law.yale.edu/20th_century/wilson14.asp

Appendix #2 Resolution 194

7. *Again calls upon* Albania, Bulgaria and Yugoslavia to co-operate with Greece in the settlement of their dispute by peaceful means in accordance with the recommendations contained in resolution 109 (II);

8. *Calls upon* Albania, Bulgaria and Yugoslavia to co-operate with the Special Committee in enabling it to carry out its functions, in particular the function of being available to assist the Governments concerned in accordance with paragraph 10 (c) of the present resolution, and upon Greece to continue to co-operate toward the same end;

9. *Recommends* to all Members of the United Nations and to all other States that their Governments refrain from any action designed to assist directly or through any other Government any armed group fighting against the Greek Government;

10. *Approves* the reports of the Special Committee, continues it in being with the functions conferred upon it by resolution 109 (II) and instructs it :

(a) To continue to observe and report on the response of Albania, Bulgaria and Yugoslavia to the General Assembly injunction not to furnish aid to the Greek guerrillas, in accordance with General Assembly resolution 109 (II) and the present resolution;

(b) To continue to utilize observation groups with personnel and equipment adequate for the fulfilment of its task;

(c) To continue to be available to assist the Governments of Albania, Bulgaria, Greece and Yugoslavia in the implementation of resolution 109 (II) and of the present resolution; and for this purpose, in its discretion to appoint, and utilize the services and good offices of one or more persons whether or not members of the Special Committee;

11. *Decides* that the Special Committee shall have its principal headquarters in Greece and, with the co-operation of the Government or Governments concerned, shall perform its functions in such places as it may deem appropriate for the fulfilment of its mission;

12. *Authorizes* the Special Committee to consult, in its discretion, with the Interim Committee with respect to the performance of its functions in the light of developments;

13. *Requests* the Secretary-General to provide the Special Committee with adequate staff and facilities to enable it to perform its functions.

*Hundred and sixty-seventh plenary meeting,
27 November 1948.*

7. *Invite à nouveau* l'Albanie, la Bulgarie et la Yougoslavie à coopérer avec la Grèce dans le règlement de leurs différends par des moyens pacifiques en conformité des recommandations contenues dans la résolution 109 (II);

8. *Invite* l'Albanie, la Bulgarie et la Yougoslavie à coopérer avec la Commission spéciale en la mettant à même de remplir sa mission, en particulier celle qui consiste à se tenir à la disposition des Gouvernements intéressés pour les assister, conformément au paragraphe 10 c) de la présente résolution, et invite la Grèce à coopérer dans le même dessein;

9. *Recommande* à tous les Membres de l'Organisation des Nations Unies et à tous les autres États que leurs Gouvernements évitent toute action qui serait destinée à aider directement ou par l'entremise de quelque autre Gouvernement tout groupe armé en lutte contre le Gouvernement grec;

10. *Approuve* les rapports de la Commission spéciale, proroge ses pouvoirs en conformité de la mission qui lui a été dévolue par la résolution 109 (II) et lui donne pour instructions :

a) De continuer à observer et à rapporter sur la manière dont l'Albanie, la Bulgarie et la Yougoslavie se conforment à l'injonction de l'Assemblée générale de ne pas fournir d'aide aux partisans grecs, conformément aux dispositions de la résolution 109 (II) de l'Assemblée générale et de la présente résolution;

b) De continuer à utiliser les groupes d'observation avec le personnel et l'équipement nécessaire à l'accomplissement de sa mission;

c) De continuer à se tenir prête à assister les Gouvernements de l'Albanie, de la Bulgarie, de la Grèce et de la Yougoslavie dans la mise en pratique de la résolution 109 (II) et de la présente résolution; et à cet effet, de faire appel, dans toute la mesure où elle le jugerait utile, au concours et aux bons offices d'une ou plusieurs personnalités membres ou non de la Commission spéciale;

11. *Décide* que la Commission spéciale aura son siège principal en Grèce et que, avec la coopération du Gouvernement ou des Gouvernements intéressés, elle remplira sa mission en tous endroits qu'elle jugera propices à l'accomplissement de cette mission;

12. *Autorise* la Commission spéciale à consulter à son gré la Commission intérimaire au sujet de l'accomplissement de sa mission et à la lumière des événements en cours;

13. *Prie* le Secrétaire général de fournir à la Commission spéciale le personnel et les facilités nécessaires pour la mettre en mesure d'accomplir sa mission.

*Cent-soixante-septième séance plénière,
le 27 novembre 1948.*

B

The General Assembly

Recommends that Greece, on the one hand, and Bulgaria and Albania, on the other, establish diplomatic relations with each other, the absence of which is harmful to the relations between these countries;

Recommends the Governments of Greece, Albania, Bulgaria and Yugoslavia to renew the previously operative conventions for the settlement of frontier questions or to conclude new ones, and also to settle the question of refugees in the spirit of mutual understanding and the establishment of good-neighbour relations;

Furthermore recommends the Governments of Greece, Albania, Bulgaria and Yugoslavia to inform the Secretary-General of the United Nations at the end of six months, for communication to Member States of the United Nations, of the fulfilment of the above-mentioned recommendations.

*Hundred and sixty-seventh plenary meeting,
27 November 1948.*

C

The General Assembly

Recommends the return to Greece of Greek children at present away from their homes when the children, their father or mother or, in his or her absence, their closest relative, express a wish to that effect;

Invites all the Members of the United Nations and other States on whose territory these children are to be found to take the necessary measures for implementation of the present recommendation;

Instructs the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies to organize and ensure liaison, with the national Red Cross organizations of the States concerned with a view to empowering the national Red Cross organizations to adopt measures in the respective countries for implementing the present recommendation.

*Hundred and sixty-seventh plenary meeting,
27 November 1948.*

**194 (III). Palestine — Progress Report
of the United Nations Mediator**

The General Assembly,

Having considered further the situation in Palestine,

1. *Expresses* its deep appreciation of the progress achieved through the good offices of the

B

L'Assemblée générale

Recommande à la Grèce, d'une part, à la Bulgarie et à l'Albanie d'autre part, d'établir entre elles des relations diplomatiques dont l'absence nuit aux relations entre ces pays;

Recommande aux Gouvernements de la Grèce, de l'Albanie, de la Bulgarie et de la Yougoslavie de remettre en vigueur les conventions qui l'avaient été antérieurement ou de conclure de nouvelles conventions pour régler les questions de frontière; recommande de régler la question des réfugiés dans un esprit de compréhension mutuelle, de manière à rétablir des relations de bon voisinage;

Recommande, en outre, aux Gouvernements grec, albanais, bulgare et yougoslave de notifier dans les six mois, au Secrétaire général des Nations Unies, la mise en application des recommandations visées ci-dessus, pour lui permettre d'en informer les États Membres.

*Cent-soixante-septième séance plénière,
le 27 novembre 1948.*

C

L'Assemblée générale

Recommande le retour en Grèce des enfants grecs actuellement éloignés de leur foyer, lorsque ces enfants, leur père ou mère ou, à son défaut, leur plus proche parent, en manifestent la volonté;

Invite tous les Membres de l'Organisation des Nations Unies et autres États sur le territoire desquels se trouvent ces enfants, à prendre les mesures nécessaires en vue de l'exécution de la présente recommandation;

Charge le Secrétaire général de demander au Comité international de la Croix-Rouge et à la Ligue des Sociétés de la Croix-Rouge et du Croissant-Rouge, d'organiser et d'assurer la liaison avec les organisations nationales de la Croix-Rouge des États intéressés, en vue d'habiliter les organisations nationales de la Croix-Rouge à prendre dans les pays intéressés les mesures nécessaires à la mise en œuvre de la présente recommandation.

*Cent-soixante-septième séance plénière,
le 27 novembre 1948.*

**194 (III). Palestine — Rapport intérimaire
du Médiateur des Nations Unies**

L'Assemblée générale.

Ayant examiné de nouveau la situation en Palestine,

1. *Exprime* sa profonde satisfaction des progrès accomplis grâce aux bons offices de feu le

late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

Extends its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. *Establishes* a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:

(a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948;

(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;

(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. *Decides* that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly, a proposal concerning the names of the three States which will constitute the Conciliation Commission;

4. *Requests* the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;

5. *Calls upon* the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948¹ and to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them;

6. *Instructs* the Conciliation Commission to take steps to assist the Governments and author-

Médiateur des Nations Unies dans la voie d'un ajustement pacifique de la situation future de la Palestine, auquel le Médiateur a sacrifié sa vie; et

Remercie le Médiateur par intérim et son personnel de leurs efforts incessants et de l'esprit de devoir dont ils ont fait preuve en Palestine;

2. *Crée* une Commission de conciliation composée de trois États Membres des Nations Unies chargée des fonctions suivantes:

a) Assumer, dans la mesure où elle jugera que les circonstances le rendent nécessaire, les fonctions assignées au Médiateur des Nations Unies pour la Palestine par la résolution 186 (S-2) de l'Assemblée générale du 14 mai 1948;

b) S'acquitter des fonctions et exécuter les directives précises que lui donne la présente résolution et s'acquitter des fonctions et exécuter les directives supplémentaires que pourrait lui donner l'Assemblée générale ou le Conseil de sécurité;

c) Assumer, à la demande du Conseil de sécurité, toute fonction actuellement assignée au Médiateur des Nations Unies pour la Palestine, ou à la Commission de trêve des Nations Unies, par les résolutions du Conseil de sécurité; si le Conseil de sécurité demande à la Commission de conciliation d'assumer toutes les fonctions encore confiées au Médiateur des Nations Unies pour la Palestine par les résolutions du Conseil de sécurité, le rôle du Médiateur prendra fin;

3. *Décide* qu'un Comité de l'Assemblée composé de la Chine, de la France, de l'Union des Républiques socialistes soviétiques, du Royaume-Uni et des États-Unis d'Amérique soumettra, avant la fin de la première partie de la présente session de l'Assemblée générale, à l'approbation de l'Assemblée, une proposition concernant les noms des trois États qui constitueront la Commission de conciliation;

4. *Invite* la Commission à entrer immédiatement en fonctions afin d'établir, aussitôt que possible, des relations entre les parties elles-mêmes et entre ces parties et la Commission;

5. *Invite* les Gouvernements et autorités intéressés à étendre le domaine des négociations prévues par la résolution du Conseil de sécurité du 16 novembre 1948¹ et à rechercher un accord par voie de négociations, soit directes, soit avec la Commission de conciliation, en vue d'un règlement définitif de toutes les questions sur lesquelles ils ne se sont pas encore mis d'accord;

6. *Donne pour instructions* à la Commission de conciliation de prendre des mesures en vue

¹ See *Official Records of the Security Council*, Third Year, No. 126.

¹ Voir les *Procès-verbaux officiels du Conseil de sécurité*, Troisième Année, n° 126.

ities concerned to achieve a final settlement of all questions outstanding between them;

7. *Resolves* that the Holy Places -- including Nazareth -- religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposals for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. *Resolves* that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis; the most southern, Bethlehem; the most western, Ein Karim (including also the built-up area of Motsa); and the most northern, Shu'fat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control;

Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representative, who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area;

9. *Resolves* that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

d'aider les Gouvernements et autorités intéressés à régler de façon définitive toutes les questions sur lesquelles ils ne se sont pas mis d'accord;

7. *Décide* que les Lieux saints -- notamment Nazareth -- et les sites et édifices religieux de Palestine devraient être protégés et leur libre accès assuré, conformément aux droits en vigueur et à l'usage historique; que les dispositions à cet effet devraient être soumises à la surveillance effective des Nations Unies; que, lorsque la Commission de conciliation des Nations Unies présentera à l'Assemblée générale, pour sa quatrième session ordinaire, des propositions détaillées concernant un régime international permanent pour le territoire de Jérusalem, elle devra formuler des recommandations au sujet des Lieux saints se trouvant dans ce territoire; qu'en ce qui concerne les Lieux saints situés dans les autres régions de Palestine, la Commission devra demander aux autorités politiques des régions intéressées de fournir des garanties formelles satisfaisantes en ce qui concerne la protection des Lieux saints et l'accès de ces Lieux; et que ces engagements seront soumis à l'approbation de l'Assemblée générale;

8. *Décide* qu'en raison des liens qu'elle a avec trois religions mondiales, la région de Jérusalem, y compris la municipalité actuelle de Jérusalem plus les villages et centres environnants, dont le plus oriental sera Abu Dis, le plus méridional Bethléem, le plus occidental Ein Karim (y compris l'agglomération de Motsa) et la plus septentrionale Shu'fat, devrait jouir d'un traitement particulier et distinct de celui des autres régions de Palestine et devrait être placée sous le contrôle effectif des Nations Unies;

Invite le Conseil de sécurité à prendre de nouvelles mesures en vue d'assurer la démilitarisation de Jérusalem dans le plus bref délai possible;

Donne pour instructions à la Commission de conciliation de présenter à l'Assemblée générale, pour sa quatrième session ordinaire, des propositions détaillées concernant un régime international permanent pour la région de Jérusalem assurant à chacun des groupes distincts le maximum d'autonomie locale compatible avec le statut international spécial de la région de Jérusalem;

La Commission de conciliation est autorisée à nommer un représentant des Nations Unies, qui collaborera avec les autorités locales en ce qui concerne l'administration provisoire de la région de Jérusalem;

9. *Décide* qu'en attendant que les Gouvernements et autorités intéressés se mettent d'accord sur des dispositions plus détaillées, l'accès le plus libre possible à Jérusalem par route, voie ferrée et voie aérienne devrait être accordé à tous les habitants de la Palestine;

instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;

10. *Instructs* the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;

11. *Resolves* that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. *Authorizes* the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. *Instructs* the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;

14. *Calls upon* all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps

Donne pour instructions à la Commission de conciliation de signaler immédiatement au Conseil de sécurité toute restriction de l'accès de la Ville que pourrait tenter d'imposer l'une quelconque des parties, pour que le Conseil prenne les mesures appropriées;

10. *Donne pour instructions* à la Commission de conciliation de rechercher la conclusion, entre les Gouvernements et autorités intéressés, d'accords propres à faciliter le développement économique du territoire, notamment d'accords concernant l'accès aux ports et aéroports et l'utilisation de moyens de transport et de communication;

11. *Décide* qu'il y a lieu de permettre aux réfugiés qui le désirent, de rentrer dans leurs foyers le plus tôt possible et de vivre en paix avec leurs voisins, et que des indemnités doivent être payées à titre de compensation pour les biens de ceux qui décident de ne pas rentrer dans leurs foyers et pour tout bien perdu ou endommagé lorsque, en vertu des principes du droit international ou en équité, cette perte ou ce dommage doit être réparé par les Gouvernements ou autorités responsables;

Donne pour instructions à la Commission de conciliation de faciliter le rapatriement, la réinstallation et le relèvement économique et social des réfugiés, ainsi que le paiement des indemnités, et de se tenir en liaison étroite avec le Directeur de l'Aide des Nations Unies aux réfugiés de Palestine, et, par l'intermédiaire de celui-ci, avec les organes et institutions appropriés de l'Organisation des Nations Unies;

12. *Autorise* la Commission de conciliation à désigner les organes subsidiaires et à utiliser les experts techniques, agissant sous son autorité, dont elle jugerait avoir besoin pour s'acquitter efficacement des fonctions et des obligations qui lui incombent aux termes de la présente résolution;

La Commission de conciliation aura son siège officiel à Jérusalem. Il appartiendra aux autorités responsables du maintien de l'ordre à Jérusalem de prendre toutes les mesures nécessaires pour assurer la sécurité de la Commission. Le Secrétaire général fournira un nombre restreint de gardes pour la protection du personnel et des locaux de la Commission;

13. *Donne pour instructions* à la Commission de conciliation de présenter périodiquement au Secrétaire général des rapports sur l'évolution de la situation pour qu'il les transmette au Conseil de sécurité et aux Membres de l'Organisation des Nations Unies;

14. *Invite* tous les Gouvernements et autorités intéressés à collaborer avec la Commission de conciliation et à prendre toutes mesures possibles

to assist in the implementation of the present resolution;

15. *Requests* the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

*Hundred and eighty-sixth plenary meeting,
11 December 1948.*

At the 186th plenary meeting on 11 December 1948, a committee of the Assembly consisting of the five States designated in paragraph 3 of the above resolution proposed that the following three States should constitute the Conciliation Commission:

FRANCE, TURKEY, UNITED STATES OF AMERICA.

The proposal of the Committee having been adopted by the General Assembly at the same meeting, the Conciliation Commission is therefore composed of the above-mentioned three States.

195 (III). The problem of the independence of Korea

The General Assembly,

Having regard to its resolution 112 (II) of 14 November 1947 concerning the problem of the independence of Korea,

Having considered the report¹ of the United Nations Temporary Commission on Korea (hereinafter referred to as the «Temporary Commission»), and the report² of the Interim Committee of the General Assembly regarding its consultation with the Temporary Commission,

Mindful of the fact that, due to difficulties referred to in the report of the Temporary Commission, the objectives set forth in the resolution of 14 November 1947 have not been fully accomplished, and in particular that unification of Korea has not yet been achieved,

1. *Approves* the conclusions of the reports of the Temporary Commission;

2. *Declares* that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea;

¹ See *Official Records of the third session of the General Assembly*, Supplement No. 9.

² *Ibid.*, Supplement No. 10, pages 18 to 21.

pour aider à la mise en œuvre de la présente résolution;

15. *Prie* le Secrétaire général de fournir le personnel et les facilités nécessaires et de prendre toutes les dispositions requises pour fournir les fonds nécessaires à l'exécution des dispositions de la présente résolution.

*Cent quatre-vingt-sixième séance plénière,
le 11 décembre 1948.*

A la 186^e séance plénière, tenue le 11 décembre 1948, un comité de l'Assemblée composé des cinq États désignés au paragraphe 3 de la résolution ci-dessus a proposé les trois États ci-après comme membres de la Commission de conciliation :

FRANCE, TURQUIE et ÉTATS-UNIS D'AMÉRIQUE.

La proposition de ce comité ayant été adoptée, au cours de la même séance, par l'Assemblée générale, la Commission de conciliation est, en conséquence, constituée des trois États susdits.

195 (III). Question de l'indépendance de la Corée

L'Assemblée générale,

Considérant sa résolution 112 (II) du 14 novembre 1947 relative à la question de l'indépendance de la Corée,

Ayant examiné le rapport¹ de la Commission temporaire des Nations Unies pour la Corée (ci-après dénommée « Commission temporaire »), et le rapport² de la Commission intérimaire de l'Assemblée générale relatif à la consultation demandée par la Commission temporaire,

Consciente du fait qu'en raison des difficultés mentionnées dans le rapport de la Commission temporaire, les objectifs énoncés dans la résolution du 14 novembre 1947 n'ont pas encore été complètement atteints, et, notamment, du fait que l'unification de la Corée n'a pas encore été réalisée,

1. *Approuve* les conclusions des rapports de la Commission temporaire;

2. *Déclare* qu'il a été établi un gouvernement légitime (le Gouvernement de la République de Corée) qui exerce effectivement son autorité et sa juridiction sur la partie de la Corée où la Commission temporaire a été en mesure de procéder à des observations et à des consultations et dans laquelle réside la grande majorité de la population de l'ensemble de la Corée; que ce Gouvernement est né d'élections qui ont été l'expression valable de la libre volonté du corps électoral de cette partie de la Corée et qui ont été observées par la Commission temporaire; et que ledit Gouvernement est le seul qui, en Corée, possède cette qualité;

¹ Voir les *Documents officiels de la troisième session de l'Assemblée générale*, supplément n° 9.

² *Ibid.*, supplément n° 10, pages 18 à 21.

Appendix # 3 Resolution 242

Decisions

At its 1373rd meeting, on 9 November 1967, the Council decided to invite the representatives of the United Arab Republic, Israel and Jordan to participate, without vote, in the discussion of the item entitled "The situation in the Middle East: Letter dated 7 November 1967 from the Permanent Representative of the United Arab Republic addressed to the President of the Security Council (S/8226)".¹¹

At its 1375th meeting, on 13 November 1967, the Council decided to invite the representative of Syria to participate, without vote, in the discussion of the question.

Resolution 242 (1967)

of 22 November 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. *Affirms* that the fulfilment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

- (i) Withdrawal of Israel armed forces from territories occupied in the recent conflict;
- (ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. *Affirms further* the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area.

¹¹ *Ibid.*

Décisions

A sa 1373^e séance, le 9 novembre 1967, le Conseil a décidé d'inviter les représentants de la République arabe unie, d'Israël et de la Jordanie à participer, sans droit de vote, à la discussion de la question intitulée "La situation au Moyen-Orient : Lettre, en date du 7 novembre 1967, adressée au Président du Conseil de sécurité par le représentant permanent de la République arabe unie (S/8226)¹¹".

A sa 1375^e séance, le 13 novembre 1967, le Conseil a décidé d'inviter le représentant de la Syrie à participer, sans droit de vote, à la discussion de la question.

Résolution 242 (1967)

du 22 novembre 1967

Le Conseil de sécurité,

Exprimant l'inquiétude que continue de lui causer la grave situation au Moyen-Orient,

Soulignant l'inadmissibilité de l'acquisition de territoire par la guerre et la nécessité d'œuvrer pour une paix juste et durable permettant à chaque Etat de la région de vivre en sécurité,

Soulignant en outre que tous les Etats Membres, en acceptant la Charte des Nations Unies, ont contracté l'engagement d'agir conformément à l'Article 2 de la Charte,

1. *Affirme* que l'accomplissement des principes de la Charte exige l'instauration d'une paix juste et durable au Moyen-Orient qui devrait comprendre l'application des deux principes suivants :

- i) Retrait des forces armées israéliennes des territoires occupés lors du récent conflit;
- ii) Cessation de toutes assertions de belligérance ou de tous états de belligérance et respect et reconnaissance de la souveraineté, de l'intégrité territoriale et de l'indépendance politique de chaque Etat de la région et de leur droit de vivre en paix à l'intérieur de frontières sûres et reconnues à l'abri de menaces ou d'actes de force;

2. *Affirme en outre* la nécessité

a) De garantir la liberté de navigation sur les voies d'eau internationales de la région;

b) De réaliser un juste règlement du problème des réfugiés;

c) De garantir l'inviolabilité territoriale et l'indépendance politique de chaque Etat de la région, par

¹¹ *Ibid.*

through measures including the establishment of demilitarized zones;

3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;

4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting.

Decision

On 8 December 1967, the following statement which reflected the view of the members of the Council was circulated by the President as a Security Council document (S/8289):¹²

"As regards document S/8053/Add.3,¹² brought to the attention of the Security Council, the members, recalling the consensus reached at its 1366th meeting on 9 July 1967, recognize the necessity of the enlargement by the Secretary-General of the number of observers in the Suez Canal zone and the provision of additional technical material and means of transportation."

des mesures comprenant la création de zones démilitarisées;

3. *Prie* le Secrétaire général de désigner un représentant spécial pour se rendre au Moyen-Orient afin d'y établir et d'y maintenir des rapports avec les Etats intéressés en vue de favoriser un accord et de seconder les efforts tendant à aboutir à un règlement pacifique et accepté, conformément aux dispositions et aux principes de la présente résolution;

4. *Prie* le Secrétaire général de présenter aussitôt que possible au Conseil de sécurité un rapport d'activité sur les efforts du représentant spécial.

Adoptée à l'unanimité à la 1382^e séance.

Décision

Le 8 décembre 1967, le Président a fait distribuer, en tant que document du Conseil (S/8289¹²), la déclaration ci-après qui reflétait l'avis des membres du Conseil :

"En ce qui concerne le document S/8053/Add.3¹², soumis à l'attention du Conseil de sécurité, les membres de celui-ci, rappelant le consensus intervenu à sa 1366^e séance, le 9 juillet 1967, reconnaissent la nécessité de l'accroissement, par le Secrétaire général, du nombre des observateurs dans le secteur du canal de Suez et de la mise à la disposition de ceux-ci de matériel technique et de moyens de transport supplémentaires."

THE CYPRUS QUESTION¹³

Decision

At its 1362nd meeting, on 19 June 1967, the Council decided to invite the representatives of Cyprus, Turkey and Greece to participate, without vote, in the discussion of the item entitled "Letter dated 26 December 1963 from the Permanent Representative of Cyprus addressed to the President of the Security Council (S/5488):¹⁴ report of the Secretary-General on the United Nations Operation in Cyprus (S/7969)".¹⁵

¹² *Ibid.*

¹³ Resolutions or decisions on this question were also adopted in 1963, 1964, 1965 and 1966.

¹⁴ See *Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963*.

¹⁵ *Ibid.*, *Twenty-second Year, Supplement for April, May and June 1967*.

LA QUESTION DE CHYPRE¹³

Décision

A sa 1362^e séance, le 19 juin 1967, le Conseil a décidé d'inviter les représentants de Chypre, de la Turquie et de la Grèce à participer, sans droit de vote, à la discussion de la question intitulée "Lettre, en date du 26 décembre 1963, adressée au Président du Conseil de sécurité par le représentant permanent de Chypre (S/5488¹⁴) : rapport du Secrétaire général sur l'Opération des Nations Unies à Chypre (S/7969¹⁵)".

¹² *Ibid.*

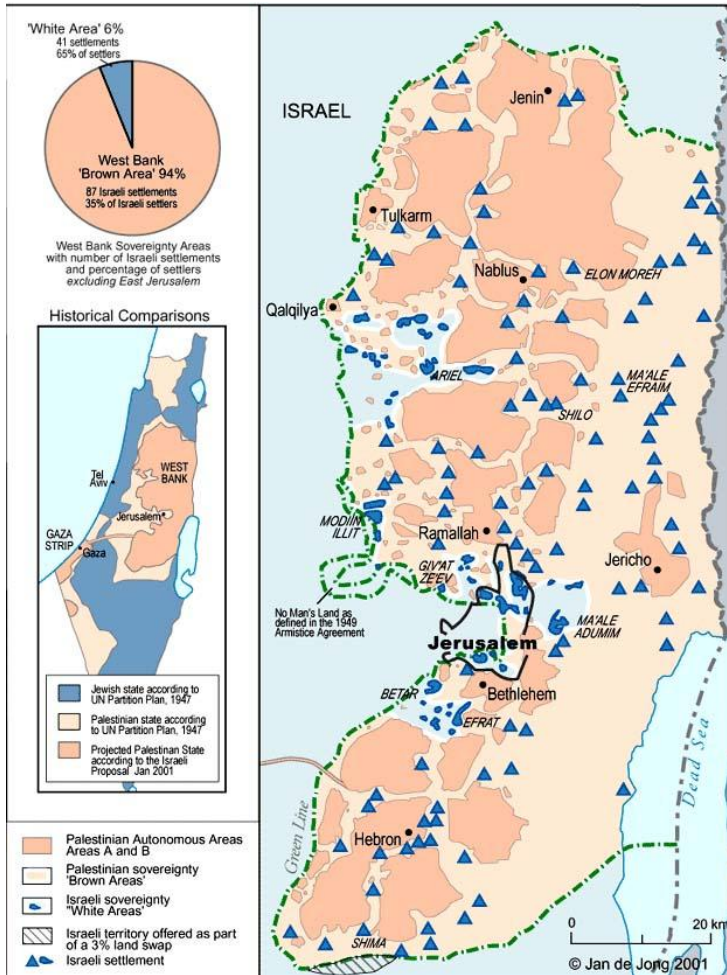
¹³ Question ayant fait l'objet de résolutions ou décisions de la part du Conseil en 1963, 1964, 1965 et 1966.

¹⁴ Voir *Documents officiels du Conseil de sécurité, dix-huitième année, Supplément d'octobre, novembre et décembre 1963*.

¹⁵ *Ibid.*, *vingt-deuxième année, Supplément d'avril, mai et juin 1967*.

Appendix#4: The map

The final status of the West Bank according to the Israeli vision at Taba talks in January 2001²⁸⁵



²⁸⁵PASSIA. Documents on Jerusalem. Jerusalem: Palestinian academic Society for the study of international affairs, 2001