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## Palestinian Refugees: Protection in Exile

### Abstract

The Palestinian refugee problem is perhaps the most critical and complex of the outstanding issues in the Israeli-Palestinian conflict. Sixty-two years have now passed since the 1948 Arab-Israeli War, in which hundreds of thousands of Palestinians were displaced en masse and rendered stateless. Since then, successive generations of Palestinian refugees have endured discrimination, insecurity, repeated cycles of displacement, and infringement of their basic rights and freedoms.

### Keywords

Human rights, Palestine, Refugees, Displaced peoples, Israel, Gaza

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## Palestinian Refugees: Protection in Exile

By Vivienne Chew

### Introduction

The Palestinian refugee problem is perhaps the most critical and complex of the outstanding issues in the Israeli-Palestinian conflict. Sixty-two years have now passed since the 1948 Arab-Israeli War, in which hundreds of thousands of Palestinians were displaced *en masse* and rendered stateless. Since then, successive generations of Palestinian refugees have endured discrimination, insecurity, repeated cycles of displacement, and infringement of their basic rights and freedoms.

In response to the Palestinian refugee crisis, the international community established a separate and special protection regime for Palestinian refugees. However, a clear discrepancy exists between the protection Palestinian refugees are entitled to under international law and the protection they actually receive. This discrepancy is particularly marked in the Arab states where Palestinian refugees have sought refuge.

This paper and the sources that follow provide an overview of the international protection regime for Palestinian refugees, the gaps in this regime, and some of the outstanding issues that are central to the resolution of the Palestinian refugee crisis.

### Who are the Palestinian Refugees?

Palestinian refugees compose the largest refugee and stateless community in the world. They are primarily comprised of Palestinians who were displaced and/or expelled: (i) *en masse* from their homes during the 1948 Arab-Israeli War; (ii) from the West Bank and Gaza Strip (the Occupied Palestinian Territories, or OPTs) during the 1967 War; and (iii) from the OPTs or their countries of first refuge post-1967. Today, the vast majority of Palestinian refugees reside in Jordan, Lebanon, Syria, and the OPTs (Operation Areas). In these areas, 4,766,670 refugees are registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) (UNRWA 2009). Significant refugee communities can also be found in Saudi Arabia, Egypt, Kuwait, North America, and Chile, while a large number of Palestinians remain internally displaced inside Israel.

The exact number of Palestinians in exile is unknown, with wide-ranging and contentious estimates by Palestinian and Israeli sources. Reasons for the difficulty in obtaining authoritative statistics on the Palestinian refugee population include frequent migration, the absence of a reliable census or a formal registration system, and the lack of an official definition of who constitutes a Palestinian refugee. Although UNRWA has adopted an operational definition of a Palestinian refugee, this simply establishes criteria for assistance and excludes large segments of the Palestinian refugee population. Therefore, even within the Operation Areas, the actual number of Palestinian refugees is unknown and could be much higher than the number of registered refugees. On the other hand, UNRWA's statistics have been criticized as being grossly exaggerated, due partly to the agency's failure to consistently update its registration lists.

## **The International Framework for the Protection of Refugees and the Special Regime for Palestinian Refugees**

Palestinian refugees benefit, at least in theory, from an international system of heightened protection that encompasses: (i) a separate and specially-created regime whereby protection and assistance is provided by two United Nations (“UN”) institutions devoted exclusively to the Palestinian refugee problem; and (ii) in the event this separate regime fails or ceases to exist, the guaranteed protections provided to all other refugees in the international refugee regime.

UNRWA and the United Nations Conciliation Commission for Palestine (UNCCP) were established by the UN between 1948 and 1949. UNCCP was given a broad mandate to facilitate a political solution to the Israeli-Palestinian conflict and protect the Palestinian refugee population, whereas UNRWA was tasked with providing essential humanitarian and relief assistance to Palestinian refugees.

Two years later, in 1951, the UN established the international protection regime for refugees. This regime is primarily comprised of: (i) the United Nations High Commissioner for Refugees (“UNHCR”), which provides international protection to refugees and displaced persons and seeks long-term or permanent solutions on their behalf; and (ii) the 1951 Convention Relating to the Status of Refugees (the “Refugee Convention”), which defines who is a refugee and establishes the fundamental rights and freedoms of refugees in international law.

Pursuant to Article 1D of the Refugee Convention (Article 1D), Palestinian refugees who receive “protection or assistance” from UN agencies other than UNHCR are excluded from the provisions of the Refugee Convention, and accordingly, the mandate of UNHCR. However, where such protection or assistance ceases for any reason, this exclusion will not apply and the protective provisions of the Refugee Convention are automatically extended to Palestinian refugees. The international protection system was therefore designed to ensure that Palestinian refugees would benefit from a continuous and enhanced protection regime, while avoiding an overlap between UNHCR’s activities and the work of UNRWA and UNCCP.

### **Gaps in the Protection Regime for Palestinian Refugees**

Despite the separate and enhanced protection regime for Palestinian refugees, there is a marked discrepancy between the protection Palestinian refugees are entitled to under international law, and the protection they actually receive. Reasons for this discrepancy include the following:

#### *The Demise of UNCCP*

Commentators argue that a “protection gap” for Palestinian refugees has resulted from the demise of the UNCCP following its inability to mediate a permanent solution to the Israeli-Palestinian dispute. No agency has since formally taken over UNCCP’s responsibilities; although UNRWA’s operations continue and have broadened in scope, commentators argue that the agency is only formally mandated and equipped to provide humanitarian and relief assistance.

*Article 1D*

Many Palestinian refugees who do not receive “protection and assistance” from UNRWA have been excluded from the protective provisions of the Refugee Convention. A key reason for such exclusion lies in the ambiguous wording of Article 1D, which has led to non- or incorrect interpretation of its provisions by states and decision-makers. Although an assessment of Article 1D is beyond the scope of this paper, much of the uncertainty centers on whether Palestinian refugees do in fact enjoy “protection or assistance” from UNRWA and the circumstances in which such “protection or assistance” could be considered to have ceased.

*Policies and Practices of Host States*

The policies and practices of host states have greatly contributed to the gaps in protection faced by Palestinian refugees. Arab states (notably Jordan, Lebanon, Syria, Egypt, Iraq, Kuwait, and Saudi Arabia, which together host a significant proportion of the Palestinian refugee population) have adopted increasingly restrictive policies towards Palestinian refugees. Of the Arab host states, only Egypt is a party to the Refugee Convention and although some states are parties to other international conventions that guarantee basic human rights for all individuals, including Palestinian refugees, these conventions are not always respected.

In the absence of any formalized legal status for Palestinian refugees in Arab host states, protection is usually provided as a matter of privilege, rather than a right. This, together with limitations in UNRWA’s mandate and UNHCR’s traditional reluctance to engage with Palestinian refugees (particularly within the Operation Areas), have resulted in the denial or severe restriction of the basic rights of Palestinian refugees in many Arab host states.

The policies of Arab host states have generally reflected the desire to ensure that responsibility for the protection of Palestinian refugees lies with the international community, and primary responsibility for their continued displacement lies with Israel. Arab host states have also attempted to justify their resistance towards naturalization or resettlement as a means of affirming the Palestinian right of return.

In addition, the fate of Palestinian refugees in Arab host states has been tied to the relationship between the states and the Palestinian Liberation Organization (PLO) or other Palestinian nationalist movements. Arab states have denied entry to Palestinians or conducted mass expulsions at times when relations with the PLO have been poor. For example, most Palestinians were collectively expelled from Kuwait and other Gulf States as a result of the PLO’s support for Saddam Hussein during the Gulf War in 1991.

The efforts of the Arab League to regularize regional policies towards Palestinian refugees, including the 1965 Casablanca Protocol, have been undermined by the individual political and security agendas of its member states. Most Arab host states have not ratified or complied with the Arab League’s resolutions or the Casablanca Protocol, all of which contain important rights for Palestinian refugees in the Arab world.

## **The Plight of Palestinian Refugees in Host States**

Palestinian refugees have experienced varying standards of treatment depending upon the policies of their host state. With the exception of Jordan, Arab host states have not naturalized Palestinian refugees.

In Jordan and Syria, most Palestinian refugees have been integrated into society; however, in Jordan, only Palestinian refugees displaced by the 1948 War have Jordanian citizenship and enjoy largely favorable treatment on par with Jordanian nationals. Refugees from the Gaza Strip who did not hold Jordanian passports at the time of their flight in 1967 have been denied citizenship and are mostly confined to the “Jerash” camp. In Syria, Palestinian refugees have not been granted citizenship but have been accorded equal treatment with Syrian nationals in almost all respects.

Palestinian refugees in Lebanon have fared considerably worse; sectarian tensions and the activities of the PLO have prevented their integration into Lebanese society. The majority of Palestinian refugees in Lebanon live in UNRWA refugee camps or other unofficial camps and shelters, often in conditions of abject poverty. They face restrictions on their right to work, access to education and healthcare, and ownership of property. Only those displaced in 1948 have residency rights in Lebanon whereas all other Palestinian refugees are deemed illegal immigrants.

Outside of the Operation Areas, Palestinian refugees face even more of a precarious existence. In Egypt, Palestinian refugees are treated as foreigners and face significant restrictions on their ability to access education, government services, and employment. Renewal of residency permits is difficult and there are reports of frequent detention of Palestinian refugees by the authorities in Egypt. Iraq, once a refuge for Palestinian refugees, has now become a country of persecution; many Palestinians were targeted in, and fled from, Iraq following the fall of the Saddam Hussein regime. In the Gulf States, particularly Kuwait, Palestinians are treated as foreign migrant workers with no permanent residency rights.

In the OPTs, almost all Palestinian refugees are stateless. Life under Israeli military occupation has been characterized by severe restrictions on freedom of movement, dependence on humanitarian aid, forcible eviction, destruction of property, and violence.

## **Conclusion – The Future of Palestinian Refugees**

Protracted exile has had a profound impact on the Palestinian refugee community. At the same time, increasing radicalization among refugees and the rise of militarized opposition groups have severely affected peace and stability in the Middle East. Given the political impasse of the Israeli-Palestinian conflict, a solution to their displacement appears unlikely in the near future.

One of the fundamental obstacles in the peace process is the issue of the Palestinian right of return. For many Palestinians, this right is central to ending their displacement and statelessness; the right of return, whether exercised or not, together with appropriate compensation, lies at the heart of the Palestinian struggle. For Israelis, however, the return of a large Palestinian population could pose serious threats to Israel’s geopolitical and socioeconomic security and stability, and undermine the Jewish character and viability of the Israeli state. The call for a right of return is also seen by Israelis to stand in direct contradiction to the principle of a two-state solution.

Much of the debate on the Palestinian right of return has centered on whether there is any legal basis for a right of return under international law and practice. This continues to be contentious, with Israeli and Palestinian commentators offering starkly divergent views. Beyond legal arguments, complex questions remain unsolved including: how would a right of return be implemented in practice? Would any agreement brokered between Israel and the PLO be viewed as legitimate amongst the Palestinian refugee community?

With no resolution of the Israeli-Palestinian conflict in sight, addressing the protection gaps faced by Palestinian refugees in exile is of crucial importance. The international community must ensure that the rights of Palestinian refugees are protected, while at the same time encouraging continuing peace efforts in the Middle East.

### Annotations

Akram, Susan M. 2002. "Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution." *Journal of Palestine Studies* 31, No. 3: 36-51.

Annotation: The author contends that Palestinian refugees face a "protection gap" that denies them the international protections available to other refugees. She explores the historical and ongoing reasons for the differential treatment of Palestinian refugees and highlights the practical, legal, and political implications of such treatment. The author also makes several recommendations for greater protection of Palestinian refugees, including extension of the mandate of the United Nations High Commissioner for Refugees (UNHCR) to complement the activities of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East.

Akram, Susan M., and Terry Rempel. 2004. "Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees " *Boston University International Law Journal* 22: 1.

Annotation: The authors argue that Palestinian refugees and stateless persons have been deprived of many of the rights granted under international law to other similarly situated persons. They further contend that regional approaches to the protection of Palestinian refugees and stateless persons have proved unworkable; they cite piecemeal and confused applications of human rights, refugee, and statelessness law in Arab states, the Occupied Palestinian Territories, the United States, and Europe. To address these problems, the authors propose a new form of protection for Palestinian refugees based upon a regularized and harmonized program of temporary protection. They offer a comprehensive analysis of the temporary protection regime and advance clear and convincing arguments as to how this could, at least theoretically, be extended to encompass Palestinian refugees.

Al Hussein, Jalal, and Ricardo Bocco. 2009. "The Status of the Palestinian Refugees in the Near East: The Right of Return and UNRWA in Perspective." *Refugee Survey Quarterly* 28, No. 2-3: 260.

Annotation: The authors examine the legal status of Palestinian refugees registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) in Jordan, Lebanon, Syria, the West Bank, and the Gaza Strip (Operation Areas). They explore the political, socioeconomic, and humanitarian factors that have shaped and contributed to disparities in the status and living conditions of refugees in each of the Operation Areas. Drawing upon the results of a 2005 survey commissioned by UNRWA of Palestinian refugees in the Operation Areas, the authors highlight the perceptions held by the refugee community of the role and services provided by UNRWA, their legal status as stateless persons, and return or resettlement as potential permanent solutions to their protracted exile.

Bitar, Maher. 2008. "Unprotected Among Brothers: Palestinians in the Arab World," Refugee Studies Centre, Department of Oxford. Available online: [http://www.humansecuritygateway.com/documents/RSC\\_Palestine\\_unprotectedamongbrothers.pdf](http://www.humansecuritygateway.com/documents/RSC_Palestine_unprotectedamongbrothers.pdf)

Annotation: The author explores the protection gaps faced by Palestinian refugees in Arab states where the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) does not operate. He examines the position of Palestinian refugees in Arab states such as Iraq, Kuwait, Libya, and Egypt and calls for an intertwined legal and political analysis of the reasons why the Palestinian refugees are mistreated within such states. The author effectively links the treatment of Palestinian refugees with regional political dynamics and domestic insecurities, as well as Palestinian political relations with the states. This paper provides valuable analysis of the reasoning behind mistreatment of Palestinian refugees in Arab states despite the latter's historical and public support for the Palestinian cause.

Chiller-Glaus, Michael. 2007. *Tackling the Intractable: Palestinian Refugees and the Search for Middle East Peace*. Bern: Peter Lang.

Annotation: The author presents a well-structured political analysis of the Palestinian refugee issue. He focuses on the following dimensions: the displacement of Palestinian refugees in 1948 and 1967; the Palestinian right of return; how and why the issue of Palestinian refugees has remained a stumbling block during the Israeli-Palestinian peace talks; and unofficial solutions proposed for the refugee problem. The author presents both Palestinian and Israeli perspectives on each of the above issues and in respect of the potential solutions proposed, provides an analysis of the pros and cons and possible implications for each party.

Dumper, Michael. 2007. *The Future for Palestinian Refugees: Toward Equity and Peace*. Lynne Rienner.



Annotation: The author challenges the view that Palestinian refugees constitute a unique case to which principles and practices of international law and refugee policy cannot be applied. Through comparative analysis, he argues that similarities can be drawn between the Palestinian case and other instances of forced displacement, and that international protocol and practices can and should be utilized to provide valuable guidance in the peace process. In this respect, he examines how operational practices in other situations might inform not only the repatriation of Palestinian refugees, but also peace, reparation, and conciliation initiatives. In his analysis, the author seeks to bridge the gap between "realist" and rights-based approaches to the peace process by advocating for the primacy of international law in resolving the conflict. The book's appendix contains a detailed description of available sources of data for policy formulation, which will be of significant assistance to those interested in the Palestinian refugee issue and Israeli-Arab conflict.

———. "Palestinian Refugees." 2009. In Loescher, Gil, James Milner, Edward Newman and Gary Troeller (eds.), Protracted Refugee Situations: Political, Human Rights and Security Implications, 189-213: United Nations University Press.

Annotation: In his chapter, the author considers the protracted nature of the Palestinian refugee situation. In line with the main themes of the book, he examines the impact of protracted exile on the rights of Palestinian refugee communities, as well as on stability and relations in the Middle East. In doing so, the author provides a succinct summary of the origins of the Palestinian refugee crisis and key developments in the Arab-Israeli conflict that have contributed to a prolongation of the refugee situation. He concludes by proposing a number of key prerequisites in the search for durable solutions to the Palestinian refugee case, including more high-level international involvement, greater refugee choice and participation in planning repatriation activities, and the promotion of local and regional mechanisms to support the "absorptive capacity" of a new Palestinian state.

El-Abed, Oroub. 2009. "Unprotected: Palestinians in Egypt since 1948." Institute for Palestine Studies, Washington, DC and the International Development Research Centre, Ottawa, Ontario, Canada.

Annotation: The author provides a broad analysis of the Palestinian refugee community in Egypt. She offers a historical account of their displacement into Egypt, the evolving policies of the Egyptian government, the protection challenges they face, and the deficiencies in the international and regional framework that have left them "virtually unprotected." The author draws upon face-to-face interviews with Palestinian families in Egypt to portray the remarkable coping or survival strategies they have employed in light of their precarious legal status and the severe restrictions on their basic rights. This book is one of the few scholarly works focusing on Palestinians in Egypt and therefore fills an important research gap in this area.

Frontiers Ruwad Association. 2005. "Falling through the Cracks: Legal and Practical Gaps in Palestinian Refugee Status." Available online:  
[http://prn.mcgill.ca/research/papers/050815\\_fallingthroughthecracks.pdf](http://prn.mcgill.ca/research/papers/050815_fallingthroughthecracks.pdf).

Annotation: Frontiers Ruwad (FR) examines the circumstances that are likely to result in a Palestinian refugee being deprived of official recognition and registration. Drawing on interviews of 148 Palestinian refugees in Lebanon who were without Lebanon ID cards and/or were not registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Far East (UNRWA), FR concludes that the non-ID or non-registration status of Palestinians in Lebanon can be attributed to gaps in law and policy, and problems in implementation of the same. This report provides a useful overview of the Palestinian refugee problem, international refugee law, and the difficulties faced by Palestinian refugees in Lebanon.

Gal, Orit. 2008. "Israeli Perspectives on the Palestinian Refugee Issue," Chatham House Briefing Paper, Mep/Prp 08/02. Available online:  
[http://www.humansecuritygateway.com/documents/CHATHAM\\_Israel\\_perspectivesPalestinianrefugee.pdf](http://www.humansecuritygateway.com/documents/CHATHAM_Israel_perspectivesPalestinianrefugee.pdf).

Annotation: The author lays out the key challenges faced by Israeli decision-makers in approaching the Palestinian refugee issue within the context of a comprehensive peace settlement. She describes the Israeli perspective as seemingly overwhelmed, attributing this to their inability to clearly define Israel's interests in the detailed elements involved in a resolution of the Palestinian refugee issue. The author argues that this inability arises from the complexity of elements comprising the refugee issue, the multiplicity of actors involved, and a deep sense of uncertainty as to the consequences for Israel of any negotiated settlement. The author provides a well-balanced and strategic analysis of the difficulties faced by Israel and makes recommendations for ways in which further research, strategy development work, and international assistance can assist in overcoming some of these challenges.

Goddard, Brenda. 2009. "UNHCR and the International Protection of Palestinian Refugees." *Refugee Survey Quarterly* 28, No. 2-3: 475.

Annotation: The author is the former focal point at the UN High Commissioner for Refugees (UNHCR) on the applicability of Article 1D of the 1951 Convention Relating to the Status of Refugees (Article 1D). She presents an analysis of the provisions of Article 1D and notes that its ambiguous language has resulted in the non-uniform interpretation of its provisions by different states, and consequently less protection being accorded to Palestinian refugees than other refugees. The author also highlights the key challenges faced by UNHCR in providing protection to Palestinian refugees in Arab states. Acknowledging the calls by commentators for UNHCR to play a greater protection role in the areas in which the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) operates, the author argues that there is currently no legal basis for UNHCR to extend its mandate in these areas.

Goodwin-Gill, Guy, and Susan M. Akram. 2001. "Brief *Amicus Curiae* on the Status of Palestinian Refugees under International Law." *11 Palestine Yearbook of International Law*: 185.

Annotation: This brief amicus curiae was originally produced by the Boston University Civil Litigation Program as a group effort between Boston University law students and Akram, with advice and review by Goodwin-Gill. The brief, submitted by the authors to the United States Board of Immigration Appeals in several Palestinian asylum cases, was drafted in response to what the authors argue is a gross misinterpretation of the application of international refugee law to Palestinian refugees. The authors note that the provisions of Article 1D of the 1951 Convention Relating to the Status of Refugees (Article 1D) have been restrictively interpreted for Palestinian refugees, rendering them ineligible for rights guaranteed to other refugees under international law. Through analysis of the language, drafting history, and actual historical context of Article 1D, the authors argue that it can only be interpreted in a way that provides Palestinian refugees with greater protection than that accorded to other refugees.

International Crisis Group. 2009. "Nurturing Instability: Lebanon's Palestinian Refugee Camps." Available online: <http://www.crisisgroup.org/en/regions/middle-east-north-africa/israel-palestine/084-nurturing-instability-lebanons-palestinian-refugee-camps.aspx>.

Annotation: The International Crisis Group (ICG) examines the conditions in which thousands of marginalized and heavily armed Palestinian refugees reside in Lebanon's refugee camps. Referring to the camps as a "ticking time bomb" requiring urgent action, the ICG describes the Lebanese government's neglect and mismanagement of the refugee community and the precarious and marginalized status of Palestinian refugees. The report provides important political insight into Lebanon-Palestine relations, the sectarian fears underlying Lebanese refugee policy, and the growing instability and continued mismanagement of the camps that increasingly serve as a recruiting ground for international jihadist movements.

Kagan, Michael. 2005. "Do Israeli Rights Conflict with the Palestinian Right of Return? Identifying the Possible Legal Arguments." BADIL Resource Centre for Palestinian Residency & Refugee Rights. Available online: <http://badil.org/en/documents/category/2-working-papers>.

Annotation: The author highlights that thus far, debates over the Palestinian right of return have centered on two issues: whether Palestinian refugees do in fact have a right of return, and Israeli concerns over what such return would mean. The author proposes a new line of constructive discussion; proceeding on the basis that Palestinian refugees do have a right of return, the author focuses on the relative strength of three possible competing Israeli/Jewish rights. These include the right to self-determination, individual Israeli property-related rights, and Israel's prerogative as a state to avoid any insecurity and socio-political disruption that would ensue from implementation of the right to return. Through his analysis, the author concludes that by balancing competing Palestinian and Jewish/Israeli rights, full acceptance of the Palestinian right of return does not necessarily translate into Jewish displacement.

———. 2009. "Is There Really a Protection Gap? UNRWA's Role Vis-a-Vis Palestinian Refugees." *Refugee Survey Quarterly* 28, No. 2-3: 511.

Annotation: The author examines the argument that Palestinian refugees face a “protection gap” related to the mandate of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) and the limited involvement of the United Nations High Commissioner for Refugees (UNHCR). The author contends that the “protection gap” debate needs to be more focused and constructive, stressing that the term “protection” can be widely interpreted; in some cases, the protection gap identified is beyond the realistic capacity of any United Nations agency to address. The author identifies the protection gaps that do fall within the respective mandates and capacities of UNRWA and UNHCR, and lays out his suggestions for ways in which the two agencies can legally and practically fill such gaps.

———. 2009. "The (Relative) Decline of Palestinian Exceptionalism and Its Consequences for Refugee Studies in the Middle East." *Journal of Refugee Studies*: 417.

Annotation: In this article, the author observes and encourages increasing challenges to the assumption that the Palestinian refugee case is entirely unique and cannot be understood alongside other cases. While recognizing that there are distinct aspects of the Palestinian refugee situation, the author posits that “Palestinian exceptionalism” has hindered coherent analysis and formulation of refugee policy in the Middle East. The author highlights the various factors that have contributed to a relative decline in Palestinian exceptionalism, including a growing body of scholarly literature disputing the exclusion of Palestinian refugees from the mandate of the United Nations High Commissioner for Refugees, and the recent embrace by Palestinian leadership and civil society of international law as the basis of the Palestinian right of return.

Khalil, Asem. 2009. “Palestinian Refugees in Arab States: A Rights-Based Approach.” The Euro-Mediterranean Consortium for Applied Research on International Migration, CARIM-RR 2009/08. Available online: <http://cadmus.iue.it/dspace/handle/1814/10792>.

Annotation: The author is an Assistant Professor of Public Law at Birzeit University in the West Bank, Occupied Palestinian Territory. In this report, he acknowledges the atypical nature of the Palestinian refugee issue but challenges the long-accepted notion that Palestinian refugees are different to other refugees and therefore fall outside the domain of international refugee law. Such notions have, the author argues, rendered particularly vulnerable millions of stateless Palestinian refugees in Arab host states. The author advocates for Palestinian refugees to be accorded the same rights as other refugees under the international refugee regime, and calls for an end to what he argues are exclusionary policies justified by host Arab states in the name of Palestinian national interest. His arguments are supported by research on the legal status and rights of Palestinian refugees in Tunisia, Egypt, Jordan, Lebanon, and Syria.

Morris, Benny. 2004. *The Birth of the Palestinian Refugee Problem Revisited*. Cambridge University Press.

Annotation: The author is widely regarded as a leading Israeli revisionist historian. His book *The Birth of the Palestinian Refugee Problem 1947-1949* was first published in 1988. This revised version stands as one of the most in-depth studies of the origins of the Palestinian refugee problem and is amongst the most influential books ever written on the Israeli-Palestinian conflict. The author incorporates findings from recently declassified Israeli military archives and intelligence documentation to provide a clearer picture of events in Palestine during 1948, particularly in Jaffa, Haifa, and Jerusalem. Such findings, the author asserts, strengthen his earlier conclusions that neither Arab nor Israeli official versions of the events of the 1948 war were correct; instead, the author provides evidence that substantial wrongdoings were perpetrated by both Israeli and Arab forces.

Morris, Nicholas. 2009. "Towards a Protection Strategy for UNRWA." *Refugee Survey Quarterly* 28, No. 2-3: 550.

Annotation: The author provides an overview of the components of protection for the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) and the operational context and constraints that impact the agency's ability to offer effective protection to Palestinian refugees. Focusing on the unparalleled protection challenges faced by Palestinians in the Occupied Palestinian Territories, the author discusses several approaches that could be incorporated into a new protection strategy to be implemented by UNRWA as well as the international community as a whole.

Parvathaneni, Harish. 2004. "UNRWA's Role in Protecting Palestinian Refugees", BADIL Resource Centre for Palestinian Residency & Refugee Rights. Available online: <http://www.badil.org/fr/documents/category/2-working-papers?download=34%3Aunrwa-s-role-in-protecting-palestine-refugees>.

Annotation: At the time of this report, the author served as the Chief Policy Analyst for the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). He describes the protection regime for Palestinian refugees and the "protection gap," which he contends has resulted from the specific exclusion of Palestinian refugees from the global protection regime administered by the United Nations High Commissioner for Refugees (UNHCR). This report provides a concise overview of the current and historical factors that have contributed to the persistence of the "protection gap," including the limited mandate of UNRWA and the demise of the United Nations Conciliation Commission for Palestine.

Rueff, Henri, and Alain Viaro. 2009. "Palestinian Refugee Camps: From Shelter to Habitat." *Refugee Survey Quarterly* 28, No. 2-3: 339.

Annotation: The authors examine the housing conditions of Palestinian refugees registered with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) in its five areas of operation, namely Jordan, Syria, Lebanon, Gaza, and the West Bank (Operation Areas). The authors draw upon available literature and data from a 2005 survey commissioned by UNRWA on the living conditions of Palestinian refugees in the Operation Areas to identify the most critical housing issues faced by refugee communities in both camp and non-camp settings. The authors also address the ways in which the policies of UNRWA and the governments of the Operation Areas have exacerbated the difficult housing conditions experienced by Palestinian refugees.

Said, Wadie E. 2004. "Facts, Rights, and Remedies." *Hastings Int'l & Comp. L. Rev.* 28: 349-68.

Annotation: The author discusses the question of whether Palestinian refugees have a right of return to their place of origin. In doing so, he examines the arguments advanced by Israel against the Palestinian right of return and concludes that such arguments are without legal basis. The author asserts that the first step in implementing the Palestinian right of return should come from Palestinian refugees themselves, within the Palestinian national movement or otherwise; he calls upon Palestinians to define, in a unified voice, the rights and positions they seek and to formulate a plan to implement a right of return that they are willing to accept. The author does not propose any clear means by which this could be achieved and explicitly recognizes the difficulty in gauging the true attitudes of Palestinian refugees in a politically charged environment.

Saideman, Lewis. 2003. "Do Palestinian Refugees Have a Right of Return to Israel-an Examination of the Scope of and Limitations on the Right of Return." *Va. J. Int'l L.* 44: 829.

Annotation: The author examines the right of the 1948 Palestinian refugees to return to their homes inside Israel. He argues that international law provides a clear individual right of return for 1948 Palestinian refugees and their descendants, regardless of whether their flight from their habitual residence was voluntary or involuntary. The author asserts that while such right cannot be waived by any bilateral agreement between Israel and the Palestinian Authority, it is subject to two important limitations. Firstly, Israel has a right to refuse Palestinians who pose a threat to its security and secondly, Palestinians who have acquired a new nationality since the 1948 war have waived their right of return. The author points out that such limitations are seldom highlighted in discussions on the Palestinian right of return; he argues that the second limitation in particular could significantly alleviate Israel's demographic concerns and should be factored into any peace negotiations.

Salahi, Reem. 2008. "Reinterpreting Article 1D: Seeking Viable Solutions to the Palestinian Refugee Anomaly." *Berkeley J. Middle E. & Islamic L.* 1: 127.

Annotation: The author argues that the misinterpretation and misapplication of Article 1D of the 1951 Convention Relating to the Status of Refugees (the Refugee Convention) has not only hindered the protection of Palestinian refugees but also runs contrary to the intention of the drafters of the Refugee Convention. She calls for the incorporation of Palestinian refugees within the mandate of the United Nations High Commissioner for Refugees (UNHCR) and the implementation of an internationally-harmonized temporary protection status to provide interim protection to Palestinian refugees pending a resolution to their plight. This author provides a helpful overview of the international regime for the protection of all refugees and contrasts this with the alternative regime specifically established for Palestinian refugees, including descriptions of the key international and regional instruments, agencies, and bodies within each regime.

Shiblak, Abbas. 2009 "The Palestinian Refugee Issue: A Palestinian Perspective." Chatham House Briefing Paper, MENAP BP 09/01. Available online: [http://www.chathamhouse.org.uk/research/middle\\_east/papers/view/-/id/703/](http://www.chathamhouse.org.uk/research/middle_east/papers/view/-/id/703/).

Annotation: The author is the founder and first Director of the Palestinian Refugee and Diaspora Centre (SHAML) in Ramallah. He served in the League of Arab States as Director-General in the Department of Palestinian Affairs and is a former member of the Palestinian delegation to the Middle East multilateral peace talks on refugees. In this article, he presents a Palestinian perspective on how the Palestinian refugee issue evolved to become the core issue of the Israeli-Palestinian conflict. He reviews the key issues in the inter-Palestinian debate and how such issues are perceived by Palestinian refugees themselves. The author traces the main developments in the peace process, highlights the obstacles that hinder political settlement, and concludes that more than fifteen years after the beginning of the process, few Palestinians can point to any significant steps achieved by the Oslo Accords.

———. 1996. "Residency Status and Civil Rights of Palestinian Refugees in Arab Countries." *Journal of Palestine Studies* 25, No. 3: 36-45.

Annotation: The author examines the plight of Palestinian refugees in host Arab states, with particular focus on their residency status and civil rights. He traces the significant decline in the receptivity of host Arab states towards Palestinian refugees, linking this with the rise of the Palestinian national movement. The author highlights the insecure residency status of Palestinian refugees in Arab host countries and the severe restrictions that have gradually been imposed on their freedom of movement, access to employment, availability of government services, and ability to own property. He contends that in light of the desperate conditions faced by Palestinian refugees in host Arab states, the demand by Palestinians for a separate state can easily be understood.

Singer, Joel. 2001. "No Palestinian Return to Israel." *ABAJ* 87: 14.

Annotation: The author is a former legal adviser to the Israeli Foreign Ministry and served as an Israeli peace negotiator under Prime Minister Yitzhak Rabin. In this short article, the author offers his perspective on the right of Palestinian refugees to return to Israel. He contends that international law does not support a right of return for Palestinians into Israel and that even if return were permitted, this would result in the transformation and disappearance of the state of Israel. The author argues instead that the only viable solution to the Palestinian refugee problem is the return of Palestinians to a separate Palestinian state as envisaged by the Oslo Agreements.

Takkenberg, Lex. 1998. The Status of Palestinian Refugees in International Law. Oxford University Press: USA.

Annotation: The author is the former Director of UNRWA Affairs in Syria and is UNRWA's current Senior Ethics Officer. He draws upon his experience of working with Palestinian refugees in the West Bank and Gaza Strip to provide the first comprehensive analysis of the principles of international refugee, human rights, statelessness, and humanitarian law that are of relevance to Palestinian refugees. The author also focuses upon the challenges faced by Palestinian refugees in Arab as well as Western countries, and clarifies the complex relationship between Palestinian self-determination and their right to return. This book, viewed as one of the leading sources on international law pertaining to Palestinian refugees, reflects the author's realist approach to the Israeli-Palestinian issue and extensive field experience in working with Palestinian refugees.

Talhami, Ghada Hashem. 2003. Palestinian Refugees: Pawns to Political Actors. New York: Nova Science Publishers.

Annotation: The author examines the political history of the Palestinian refugee population and the forces that have shaped their lives over the past decades. She critically evaluates the role of the Arab League of States, the United States, Israel, and the Palestinian Liberation Organization in contributing to the setbacks faced by the Palestinian refugee population over the years and contrasts this with the strengths and successes of the refugee movement itself. This book provides a valuable and in-depth historical account of the challenges faced by Palestinian refugees, the failure by international organizations and governments to respond to their plight, and the rise of the Palestinian refugee movement.

Zilbershats, Yaffa. 2007. "International Law and the Palestinian Right of Return to the State of Israel," In Benevenisti, E., C. Gans and S. Hanafi (eds.), Israel and the Palestinian Refugees, , 191-218. Berlin, Heidelberg: Springer.

Annotation: This article is regarded as one of the most thorough arguments advanced by an Israeli scholar against the Palestinian right of return. The author, the Dean of the Faculty of Law Department and Associate Professor of Law at Bar-Ilan University in Israel, argues that international law does not provide Palestinian refugees with a legal right to repatriate to the state



of Israel. In support of his view, the author draws upon and analyses resolutions of the UN General Assembly and Security Council, the principles of customary international law with respect to the right to return, human rights and citizenship law, refugee law, and international humanitarian and criminal law. He concludes that negotiations between Israelis and Palestinians should be conducted on the basis that the latter cannot impose on the former a right of return to the state of Israel under international law.