

*BADIL 2003-04 Expert Forum*

International and Regional Mechanisms for Palestinian Refugee Protection

**Cairo- March 5-8, 2004**

## **ARAB PROTECTION FOR THE PALESTINIAN REFUGEES INVESTIGATION OF PRACTICE AND FOUNDATIONS FOR DEVELOPMENT**

*By: Dr. Mohammed Khaled Al-Aza'r*

### **The Arab Environment, Peculiarities regarding Protection**

One of the main characteristics of the Palestinian refugee problem is that it was a pre-planned phenomenon, which, following the destruction of homes and all features of life in a record time<sup>1</sup>, led to a massive transfer of people from their original country into other countries. The plan included that Arab countries replace the original country of the Palestinian refugees.

In summary, the Arab countries receiving the Palestinians refused to carry out this plan, a refusal that continues to haunt Arab policies toward the refugee issue until this day. At the same time, refugees were unable to return to their homes due to persistent Israeli rejection. Thus they became the subject of a protracted exile, requiring continuous protection that Arab countries have been unable to provide or commit themselves to.

The sudden and pressuring Arab experience of receiving such a massive number of refugees was a new experience; it showed that these countries were not well-equipped and did not possess the necessary know-how to deal with the problem. Thus, for example, in July 1948 the mayor of Ramallah sent a letter to King Abdullah of Jordan, requesting that he order the municipal council to evict the refugees, "because the city cannot bear this situation" and, "the city suffers from a severe lack of consumer goods and water, and the presence of the refugees will endanger public health."

At the end of that same month, certain Jordanian cities hosted around 80,000 refugees without previous preparation of shelter. Refugees rather were put up in schools and public gardens, while some remained under the open sky and without food. The British Consul General in Jerusalem described the situation by saying, "Current efforts to solve the Palestinian refugee problem seem generally un-coordinated" The American Consulate in Jerusalem mentioned in a

statement in mid-August 1948 that, “The refugees’ situation is horrifying; they are assembled under trees and on the sides of the streets. They have no food and no homes. During September, the weather is extremely cold at night and soon rain will start falling, and the water reserve might deplete before the end of August. There are not enough hygienic facilities and not enough hospital beds in East Jordan. In general, there is massive chaos on the organizational level, and local authorities are unable to bear this burden. Moreover, there is not enough trained staff to organize the camps and distribute food or hygienic equipment, or to carry out vaccination campaigns<sup>2</sup>.”

In Cairo, Mr. Jefferson Peterson, the American Embassy’s Charge d’Affaires, stated that there were 14,000 Palestinian refugees distributed among special homes and in temporary camps, all of them suffering immensely.

With regards to the few refugees in Iraq, the British Representative in Baghdad mentioned that, “Iraqis have not made any efforts to contain the refugees and do not collect money for them.” Preliminary studies conducted in the early stages of the Palestinian Nakba by American and British diplomats about the status of the refugees showed that:

1. Refugee living conditions were horrifying; according to the UN mediator, Count Bernadotte, they were the worst he had ever witnessed.
2. Most Arab countries did not undertake much effort to alleviate the suffering of the refugees.

The British Government commented on the situation by stating, “His Majesty’s government realizes that the Arab countries’ major concern is geared towards the possibility of sending the refugees back to their homes. But, even if this is possible, it will require a long time to implement such return, and until then the situation of the refugee will remain catastrophic<sup>3</sup>.”

The weakness of Arab protection for the Palestinian refugees at the beginning of their plight was not caused only by the lack of preparedness for the problem, the lack of Arab awareness of their limited military capacities in the conflict with Israel, or general Arab economic and social underdevelopment. This weakness was much more a result of the Arab minimalist approach towards human rights in general, including the rights of the refugees. This factor in particular explains the continued suffering of Palestinian refugees, irrespective of changes and variations in the capacity of Arab countries.

The idea that the person as an individual has rights that must be protected, not to mention even a situation where this person is a refugee, was completely absent from the charter of the Arab League, the only legitimate representative of the regional Arab system, including the host countries of the refugees.

For a long time, this Arab regime focused attention on external violations and did not pay attention to human rights violations actually occurring internally. The Arab regime directed its efforts towards exposing Israel’s practices against

the Palestinian people without paying attention to the Arab conduct against their fellow Palestinian refugees<sup>4</sup>.

This is illustrated clearly by the way most Arab countries dealt with issues of refugees and displacement in general, i.e. without laws and legal provisions to organize and regulate refugee affairs. Such conduct continued, irrespective of the decisions adopted by the Arab League in the framework of the agreements on refugees of 1994. The Arab states' lack of concern about the special legal status of refugees, limited domestic legislation on refugee affairs, and non-conformance of domestic law with international standards, all of these highlight the deficiency of the Arab legal system, and reflected negatively on the treatment of the Palestinian refugees.

The Arab states' conduct towards refugees, including Palestinian refugees, did neither meet the standards set by international law and conventions, nor the norms of Arab and Islamic traditions pertaining to asylum and protection, although agreements reached in the mid-1990s may constitute some improvement<sup>5</sup>. These improvements came in response to efforts by Arab non-governmental organizations concerned with refugees, some of which had obtained international recognition, the catastrophic situation that resulted from the protracted wars in the Gulf and the Balkans, increased public interest in human rights culture, growing pressure from international organizations, and initiatives of the UN High Commission for Refugees and its regional staff in certain Arab countries for highlighting the importance of refugee law<sup>6</sup>. However, such improvement came about late, remained largely un-noticed, and failed to have tangible impact on the Palestinian refugee issue, the oldest and most famous refugee issue in the Arab world.

This situation is better understood, if we take a look at the broader issue of democratic transformation, which has also been slow; a tenacious issue that has given rise to ongoing debate over suitable mechanisms and techniques for achieving democracy. It was unfortunate for the Palestinians that they became and remained refugees without a country at a time when the Arab states, which had recently become independent, were busy constructing their borders, borders that were viewed as an old colonial heritage. Amidst all of that, the new political regimes were characterized by dictatorship, excessive pride in national sovereignty and political practice which violated the basic principles of democracy. The violation, by these regimes, of the rights and dignity of their own Arab citizens is an important factor for understanding their performance towards the Palestinian refugees and the persistence of their policies over decades of Palestinian exile.

Citizenship in most Arab countries is perceived as a privilege granted by the ruler. Citizenship and passports are not considered a means to facilitate peoples' movement, but rather a means to ensure control by the government and its security agencies over the people. In this context, many people lost their nationality and citizenship rights in many Arab countries, due to their own political activity, or due to disputes among different states, such as the Shiites of

Iranian origin in Iraq and other Gulf states and many Jordanians of Palestinian descent. Arab workers were denied their rights and expelled collectively as a result of political conflicts between states, such as the expulsion of thousands of Yemeni, Jordanian, and Palestinian laborers from Gulf countries during the second Gulf war (1990 – 1991).

The closure of borders and points of entry, moreover, in the face of individuals from Arab countries is additional evidence of the frequent violation of the freedom of movement and travel, and of the dignity of travelers, especially during political crises.

It is difficult, in this context, to raise the question of the rights of the vulnerable sectors in these societies, such as minorities, women, and refugees, as independent issues<sup>7</sup>. In other words, Arab oppression of the rights of the Palestinian refugees is only a part of the broader picture of the violation of the human rights of Arab individuals and democracy.

In addition to structural factors resulting from political and legal developments, refugee protection in Arab countries has been affected by the specific Arab perception about who is responsible to provide such protection. From early on, Arab states held that this responsibility, in the first and last instance, lays with the “international community” represented by the United Nations responsible for the implementation of its resolutions on the Palestinian issue. Moreover, it is the United Nations' responsibility to enforce implementation of these resolutions vis-à-vis Israel. Israel is accountable for the current Palestinian exile and the refugees' protracted suffering, especially since Israel refused to implement UN Resolution 194 (1948).

In February 1951, the Arab League's Political Committee asked the Arab states to send a joint memorandum to the dominant powers denouncing Israel's refusal to allow the Palestinian refugees to return to their homes and provide access to their movable and immovable properties<sup>8</sup>. The memorandum clearly stated that “Arab countries are unable to take on full responsibility for the quest for international peace as long as the refugee problem is among them, and they have done their best in order to solve this problem. In addition, it is beyond their capacity to provide a fundamental solution for this tragedy. Therefore, the international community must take on this burden, in accordance with the Charter of the United Nations.”

This position remained one of the constants guiding Arab policies on the Palestinian refugee issue in the past decades. Arab states, separately and collectively, stated repeatedly that the protection of Palestinian refugees is an international responsibility, to be carried out specifically via the United Nations Relief and Works Agency (UNRWA) in the Near East with regards to all relevant aspects pertaining to this problem<sup>9</sup>.

This position has served as a justification for states whenever they are asked to show more concern for refugee rights and basic needs, especially on issues

related to financial agreements or economic burdens in the context of UNRWA's persistent failure to fund these needs or rights in the fields of relief, education, health and housing. Arab states have always confronted complaints by stating that irrespective of their appreciation of UNRWA's efforts, UNRWA funding cannot be 'arabized.' Sometimes these states went so far as to say that the alleged financial crisis was only an excuse by UNRWA in order to rid itself of its responsibilities towards the refugees, and that this crisis was actually fabricated<sup>10</sup> in order to make Arab countries bear this responsibility.

The truth is, the United Nations admitted its responsibility towards the Palestinian refugees when the General Assembly established an immediate relief agency (November 1948) later on called the 'Palestine Refugee Relief Agency.' This agency was mandated to provide food, health services and housing to the refugees. In response to the shortcomings of this agency, the United Nations then established a larger and special agency now known as UNRWA (December 1948; [date!]). This recognition and resulting activity, however, remained limited and insufficient for providing for all the needs of the refugees living in Arab (and non-Arab) countries. UNRWA is mandated to provide relief and create jobs. Refugees, however, have needs beyond these basics, such as the rights to residency, travel, movement, employment, education and housing, and all rights enshrined in international conventions and treaties. The latter were not complied with; respect of these rights was rather a function of the measures and policies of particular states towards the refugees, and a result of the fact that these states could not transfer all obligations to the international community.

It must be noted here briefly that the importance of Arab protection of the Palestinian refugees arises not only as a result of UNRWA's limited ability to implement refugee rights, but also because Palestinian refugees were excluded from the protection benefits provided by the United Nations High Commission for Refugees established in 1950, due to what the Commission described as the political nature of the Palestinian refugee problem which does not correspond with the non-political nature of its tasks. Palestinians benefiting from UNRWA services were separated from other refugees, subject of the 1951 Refugee Convention based on a provision which excludes people who receive support from agencies or organizations other than the High Commission on Refugees. Since protection is outside the mandate of UNRWA as a relief agency, Palestinian refugees found themselves lacking the special protection granted by the international Refugee Convention and its additional Protocol of 1967<sup>11</sup>. This is how the legal status of Palestinian refugees became less protected than that of other refugees, and they found themselves in a situation where they depended on own efforts and resilience, in addition to the gestures offered by the respective Arab host countries and states.

### **Arab Protection – Institutional Mechanisms and Decisions**

It was the fate of the Arab regimes to be confronted with the Palestinian refugee problem while still infant and underdeveloped. In the context of this challenge, Arab regimes made efforts to provide a certain level of protection for refugees through institutional mechanisms and procedures, and a series of decisions

aimed at organizing refugee presence in the host countries. Embodied in the Arab encounter with the Palestinian refugee issue were many levels of acceptance and rejection by Arab states of Palestinian attempts to restore their own political, social and economic networks, later known as 'revitalizing the Palestinian entity'. These attempts, which provided a certain level of protection for refugees, would not have succeeded without a measure of Arab tolerance, because Palestinians were deprived of political independence and dispersed geographically and demographically among various sovereign authorities.

Israel captured the majority of the Palestinian land (78%); the West Bank fell under Jordanian rule and the Gaza Strip was under Egyptian administration until 1967, while refugees were scattered among several countries, mainly Jordan, Lebanon, Syria and Egypt, later called host countries.

### **Institutional Mechanisms**

1. In October 1948, the regional Arab regime recognized the All Palestine Government as part of a program that called, among others, for "organizing refugee lives, catering to their basic needs, returning them to their homes, guaranteeing the personal and civil freedoms of Palestinian citizens irrespective of religious and ethnic affiliation, upholding the freedom of worship for all denominations, compensation of individuals for movable and immovable properties and businesses damaged or lost, and the creation of work for the unemployed<sup>12</sup>." Catering to all these needs was far beyond the actual capacity of these governments, and obstructed by the narrow margin of freedom granted by Arab states to the refugees themselves.

While the All Palestine Government received some recognition, some states, such as Jordan, refused to recognize it. As a result, Jordan (the center of the Palestinian exile) did not allow Palestinians to set up own, internal protection frameworks for the refugees in the host countries. Other states, such as Egypt, were more tolerant, as demonstrated by the way in which Egypt dealt with the refugees in the Gaza Strip. Egypt, for example, issued passports for some 90,000 refugees, many citizenship and birth certificates and employment recommendation letters sent to numerous Arab regions, facilitated issuance of work permits for refugees in certain areas in Egypt, provided financial and health relief for hardship cases, and aimed at integrating refugees into educational institutions in different Arab countries.

These efforts, albeit limited, were extremely important for the refugee community during the life span of the All Palestine Government (1948 – 1963). With the rise of the Palestine Liberation Organization (PLO) as an alternative to the All Palestine Government, Arab recognition of the PLO was significant, and the spectrum of domestic protection for the refugees increased. The PLO was able to broaden interest in all aspects of the lives of the refugees, because of the Arab acceptance of the PLO. The PLO itself was interested in all aspects of refugee lives, such as work, education, health care, travel, and residency. In general, and compared with their prior status,

the PLO provided a major and strong level of protection for the refugees. Refugees, therefore, developed a sense of trust in this new entity that was able to protect them from many violations committed against them in the past.

The PLO's protection role was operative as long as the PLO showed vitality and had leverage. In other words, the role of the PLO was subject to the recognition granted by the Arab states, the quality of mutual relations, and the level of Arab state satisfaction with it<sup>13</sup>.

Along the same lines, Arab state recognition of the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people encouraged the PLO to ask for more Arab protection for the refugees and for improvement of their living standard. Such PLO initiatives were based on the ties of Arab national unity on the one hand, and on general legal frameworks for refugees<sup>14</sup>, on the other. In September 1965, the PLO president, for example, presented several proposals to the third Arab League Summit in Casablanca. These proposals became the basis for what is known as the Protocol concerning Treatment of Palestinians in Arab Countries (Casablanca Protocol), which represents the most comprehensive Arab framework regulating issues arising from the Palestinian presence in these countries.

Likewise, the PLO presence in Lebanon (1969 – 1982) resulted in a dramatic rise of the level of protection provided to Palestinians there. Prior to 1969, when relations between the PLO and the Lebanese government were guided by the Cairo Agreement<sup>15</sup>, refugee camps were exposed to severe security restrictions. Refugees were forbidden to move from one camp to the other without prior authorization, and expansion of camps beyond the initial zoning plan was prohibited, irrespective of natural population growth. More importantly, a prohibition applied also to the expansion of refugee homes by adding new floors, and to the building of concrete or stone ceilings. Similar restrictions affected all aspects of life, including health care, education, jobs, movement, and personal dignity.

This situation changed after 1969, when living conditions in the camps improved, numerous institutions for social and health services were established, many youth enrolled in Palestinian organizations, and the PLO provided a source of income for the people. Movement restrictions were relaxed, laws that infringed against their freedoms as refugees (foreigners) were not implemented literally, and refugees had private armed forces for their protection<sup>16</sup>.

When the PLO and its institutions departed from Lebanon in the summer of 1982, refugee status deteriorated and reverted to the pre-1969 situation<sup>17</sup>. However, the level of protection available for Palestinian refugees in Lebanon was not only affected by the rise or fall of the PLO, but also by

crises between Arab states and host country positions towards Palestinian policy.

As soon as a crisis evolves between two states, refugees find themselves between the gavel and the anvil, a situation causing permanent crisis among the refugees. In such context, refugees are morally and financially drained or destroyed, their lives and limited stability challenged<sup>18</sup>. This phenomenon illustrates the excessive Arab exploitation of the vulnerable refugee status and the absence of commitment to and continuity of authoritative mechanisms regulating their presence. On the Arab level, there has been no separation between treatment of the refugees on the one hand, and dealing with the conduct of the PLO and various Palestinian political groups on the other. In fact, in many occasions refugees, as the most vulnerable group, are made hostages, i.e. they are pressured by Arab states that wishing to punish Palestinian political actors. Internal weakness of the regional Arab system and its inability to enforce abidance by its member states to its decisions – some of them related to the status of Palestinian refugees – is no doubt an additional factor encouraging states to act against refugees without restraint and fear of sanctions.

2. The lack of preparedness of the regional Arab system represented by the Arab League for handling the refugee problem resulted in multiple mechanisms created for this purpose, especially in the first stages of the problem. On 16 February 1948, the Arab League formed the “Palestine Committee” to follow-up on the political and military aspects of the Palestine problem. When the refugee problem became strongly evident in the spring of 1948, the League formed a “Financial Experts Committee” to supervise the spending of government and popular contributions towards all aspects of the Palestinian problem, in particular the refugee problem. On 16 April 1948, the League also established the 'High Council for Relief' to help disburse financial aid to Palestinian students, refugees, families of martyrs and injured who lost all sources of income.

The presence of these multiple mechanisms necessitated the creation of a coordination mechanism within the General Secretariat of the Arab League. Thus, the League decided in a session held on the level of state secretaries, to form the 'Palestine Administration.' This Administration, supervised by a high-ranking official serving as Deputy Secretary General of the Arab League, was divided into two sections: the political section and the refugee section. The refugee section's tasks were defined as “caring for the refugees' material and immaterial needs, investigate the possibility of managing all projects for refugees in the various areas, and to identify the tasks resulting for Arab states from the presence of the refugees in their territory.”

The work of this Administration was further developed by additional resolutions of the Arab League Council, among them Resolution 514 (29 April 1953) and Resolutions 705 and 721 (27 January, 1954), which led to the establishment of an advisory body composed of Arab government

specialists in Palestinian affairs to cooperate with the Palestine Administration. This advisory body convenes twice annually in meetings held prior to the two annual meetings of the Arab League Council in March and September. Later on, this body was called the 'Forum of Heads of Departments of Palestine Affairs in Arab States'. The Financial Experts Committee and the Refugee Relief Council were subsequently dissolved, and the Palestine Administration in cooperation with the Forum of Heads of Departments and the Forum of Supervisors of Palestinian Affairs in Arab Host States became the major bodies concerned with refugee related issues. Over the period of four decades, the two fora were among the most important Arab League institutions concerned with Palestinian refugee affairs. They contributed to all deliberations about official Arab policies on the refugee issue and issued recommendations to the resolutions issued by the Arab League Council<sup>19</sup>.

A brief summary of the background of these fora is in place before proceeding to a discussion of their performance on refugee protection:

#### Forum of Heads of Departments of Palestine Affairs:

In its 32<sup>nd</sup> meeting on 7 September 1959, the Arab League Council decided to establish in each member state a mechanism mandated to study all aspects of the Palestinian problem<sup>20</sup>. Refugee affairs and the general situation were thus made part of the broad mission of this forum. The forum went through a lengthy process of establishment with internal by-laws and operational set-up completed only in April 1961 and the first annual meeting held in February 1961<sup>21</sup>. The by-laws provide for two annual sessions, each member state is represented by one vote, and meetings are closed unless decided otherwise by the delegates. The forum is expected to issue recommendations to the Arab League Council. Delegates are allowed to raise reservations from some recommendations; in this case, states that have raised reservations are not bound by the recommendations of the forum or the resolutions issued by the Arab League Council. The meeting may establish sub-committees for various issues.

The process of establishment of this forum was not only slow, but Arab states also did not relate to it seriously as a body that could tackle urgent matters. This is illustrated by an Arab League Council resolution issued in 1963<sup>22</sup>, calling upon Arab states to expedite the establishment of domestic mechanisms on Palestine in accordance with the resolution issued in 1959, and requesting the heads of these departments to join and participate in the meetings of the Arab League forum. The same attitude is illustrated also by the weak representation of states in the meetings, a fact which prevented the forum from taking strong and powerful positions<sup>23</sup>.

## Forum of Supervisors of Palestinian Affairs in Arab Host Countries

The Arab League was slow to recognize the shortcomings of the Forum of Heads of Departments. Eventually, the League realized that the refugee issue needed additional attention and concern, and more regular and specialized meetings focused on the details of refugee lives, including their civil, economic and social rights. Moreover, there was a need to coordinate action, because problems are similar among refugees wherever they are, in particular the problems related to travel, residency, employment and housing.

Based on the above, the Arab League hosted a meeting of representatives of all refugee host countries (Jordan, Lebanon, Syria and Egypt) which agreed to establish a permanent forum of host countries for the study of Palestinian refugee affairs. The forum was mandated to monitor refugee status, as well as UNRWA obligations towards the refugees. Membership in this forum is limited to refugee host countries; unlike the Forum of Heads of Departments it does not include all Arab states, and participation is reserved for the supervisors of Palestinian refugee affairs. This forum convened its first meeting in Damascus (17 – 21 June 1964)<sup>24</sup> and holds sessions until today.

The establishment of a mechanism explicitly concerned with refugee affairs was a successful choice and proved the rising concern and interest among the Arab regime in organizing the Palestinian entity. This became obvious in particular after the Arab Summit (January 1964), which approved the establishment of the Palestine Liberation Organization. Following a short period of time only, the League broadened the mandate of this forum to include tasks that were previously referred to the Forum of Heads of Departments. The Arab League Council in its 62<sup>nd</sup> session issued a resolution stating<sup>25</sup>:

- The Forum of Supervisors is responsible for the handling of all matters discussed in the meetings of the Heads of Departments on Palestine Affairs, in addition to all issues related to Palestine.
- The Forum of Supervisors is to hold two, instead of one, annual sessions.

These developments on the institutional and organizational level eventually led to a situation where the Forum of Supervisors became the sole authority on refugee affairs and the major source of recommendations to the Arab League Council.

A review of the minutes of its meetings shows a number of issues of persistent concern to this forum<sup>26</sup>:

- Follow-up on UNRWA activities; regular requests for improvement of its services for refugees, in addition to debate of and comments on UNRWA annual reports. The Forum sends recommendations to UNRWA regarding short-falls in activities (obligations and

responsibilities) and requests UNRWA to document them in its reports to the United Nations. The forum requests inclusion of its comments in the agenda of the meetings of Heads of Departments.

- Follow-up on all refugee affairs in the Arab countries, especially issues related to travel, residency, education and employment;
- Discussion of all matters related to general developments of the Palestinian issue;
- Presentation of reports submitted by representatives of the host countries with regard to the state of refugee affairs;
- Taking on tasks delegated to this forum by the Arab League Council.

The Supervisors Meeting is usually attended by delegations from Jordan, Syria, Lebanon, Egypt, the Palestine Liberation Organization and the General Secretariat of the Arab League.

3. Since the establishment of UNRWA, the Arab League has shown interest in cooperating with this international agency concerned with providing relief and work for Palestinian refugees. Since UNRWA conducts its operations in separate areas, i.e. host countries, the relationship between UNRWA and these countries was organized. In final analysis, positions and policies of the Arab states, collectively and separately as host countries, towards UNRWA can be characterized according to the ways in which they have either facilitated or obstructed whatever protection was provided for Palestinian refugees by the international agency.

The Arab League took a positive stand towards UNRWA from early on; a Council resolution of 1950<sup>27</sup> called for the commitment of all Arab states to cooperate with UNRWA, irrespective of the freedom of each state to raise reservations concerning the final solution of the Palestinian issue and the right of return and compensation of the refugees. At the same time, the relationship between the Arab League and UNRWA is an indirect one maintained via Arab League resolutions which may approve or reject measures taken by UNRWA, via requests by the Arab League regarding services to the refugees, or via meetings of host countries held in the framework of the Arab League and attended by representatives of its Palestine Administration.

In this framework, the League laid-out a set of broad guidelines that can direct Arab states in their relations with UNRWA and its role in protecting refugee rights. Among the most important guidelines are<sup>28</sup>:

- Projects implemented by UNRWA must not, in any way, violate refugee rights or pre-empt the political future of Palestine.

- United Nations and UNRWA involvement must remain until the refugees return to their homes and receive compensation, and whatever services or land provided by Arab states to UNRWA, in order to facilitate its operations, does not signify a transfer of obligations to these states.
- Arab countries are not obliged to fund UNRWA operations.
- UNRWA operations must not become a burden on the national economy.
- UNRWA operations must take into consideration the importance for refugees to secure a good standard of living in economic and social terms.
- UNRWA operations must take into consideration the need for family reunification among all social sectors, in addition to specific refugee needs deriving from varying circumstances.

The Arab League called upon Arab host countries to unify their ways of dealing with UNRWA, especially regarding bi-lateral agreements, in order to provide no excuse for UNRWA for differential treatment of refugees in the various host countries<sup>29</sup>. Attention and monitoring by the Arab League of refugee treatment by the various host countries was certainly required, in order to guarantee unified standards also on this level. This, however, was not undertaken.

This leads us to examine frameworks of UNRWA – host country relations, which differ widely in range. In Jordan, UNRWA received many long- and short-term privileges and immunities for its projects aimed at employing refugees. Syria, on the other hand, provided UNRWA with certain facilities for services and the transport of goods and produce, while showing reluctance towards cooperation (especially long-term cooperation) with UNRWA for concern that this would contribute to pre-empting the political dimensions of the refugee issue and gradually transform the refugees into citizens in the countries of exile. Lebanon granted UNRWA all necessary guarantees for its operations in the refugee camps. Host country-UNRWA relations were strengthened by numerous bi-lateral agreements<sup>30</sup>.

As a matter of fact, host countries contributed to the provision of certain international refugee protection through their facilitation of UNRWA operations. Such facilitation includes the provision of storage space, guarantees for safety of transport and storage, covering expenses of freight, debarkation and transportation, customs and tax exemptions, as well as protection of UNRWA employees and officials and recruitment of local labor force for UNRWA. Moreover, host-country monitoring contributed to the rectification of UNRWA lists of beneficiaries and prevented cuts of their numbers. Host countries have also been interested in cooperating in refugee

education, given that UNRWA schools teach the curriculum of the respective host countries.

All host countries, with the exception of Syria, are members in the UNRWA Consultation Committee<sup>31</sup>. In this framework, states can present their, as well as Arab League, views and can participate in the debate of UNRWA annual reports presented to the UN General Assembly by the UNRWA Commissioner General. Arab host countries regularly convene the Forum of Supervisors of Palestinian Affairs before UNRWA reports are presented to the UN General Assembly, in order to consult about the content and formulate a united Arab stand.

## **Decisions and Performance**

Through the institutional frameworks set up to deal with the Palestinian refugee issue, the Arab League issued numerous resolutions and policies concerning civil, economic and social rights of the refugees. These decisions and policies, although controversial and partially adopted, catered for a minimum of commitment to these basic rights, and provided host countries with a non-binding set of references. Resolutions issued dealt with matters related to the right of movement, citizenship, employment, education and property ownership.

Host countries for their part, adapted these resolutions and policies on the national level in line with domestic interests, policies and scope of national involvement in the Palestinian issue, and in response to pressures exerted by non-Arab third parties.

Below is an analysis of major Arab League perceptions on key-issues of refugee concern:

### **1. Movement and Travel**

In 1952, the Arab League decided on the important matter of unified travel documents for Palestinian refugees. These documents were to be issued by the respective host countries according to their request. Arab League resolutions affirm that holders of these travel documents must be treated like citizens with regard to visa and residency permits and exempted from payment of visa and permit renewal fees<sup>32</sup>. However, this decision included several limitations; persons holding the nationality of the host country, for example, were not entitled to this travel document. A number of regulations specified additional limitations, for example:

- The travel document does not oblige the country of destination to welcome the refugee to live in its territory, and it does not prevent the refugee from exercising the right to return to the country that issued the travel document.

- Each country has the freedom to implement procedures for regulating requests of travel documents, period of validity, expiration and renewal.
- Much emphasis was given to the fact that travel document holders in all Arab League states must be treated like citizens with respect to visa and residency rights<sup>33</sup>.

Along these lines the Arab League decided to provide Arab countries with unified travel documents for Palestinian residents in exile, provided that the refugee chooses the country of issuance so that other states could be informed to prevent duplication<sup>34</sup>.

In September 1965, the PLO President presented, as mentioned earlier, a comprehensive proposal of means and mechanisms for the treatment of Palestinians in Arab countries. Some of the points in this proposal were approved and included in a special protocol adopted by the Arab League Council on 10 September 1965. The protocol included the following provisions pertaining to travel and residency<sup>35</sup>:

- Palestinians residing in the territory of other Arab states have the right to enter the territories of (.....) and to exit these territories as needed. However, their right to enter does not grant them the right to residency, except for the period and the reason specified, unless provided otherwise by the relevant authorities.
- Palestinians currently residing in (.....) and those who used to reside there but emigrated, are issued travel documents according to their convenience. The relevant authorities, whenever available, are required to issue or renew these documents without delay.
- Travel document holders in Arab League territory are expected to be treated like citizens with regard to visa and residency rights.

## **2. Citizenship and Treatment of Refugees**

Arab Leagues policies in this matter appear somewhat ambiguous. Whereas the Arab League did not issue any resolution forbidding the granting of citizenship by member states to Palestinian refugees, it expressed, at the same time, its general desire to uphold the Palestinian nationality of the refugees. It has been the intention of the Arab League to preserve their Palestinian identity and their political rights. However, the League also sensed the difficulties and complications stemming from this position. The result is the language of Resolution 1547 (9 March 1959), which encourages Arabic states – as a general rule - to preserve the Palestinian nationality of the refugees, combined with a request to host countries for passionate efforts for providing employment to their refugees<sup>36</sup>.

In the June 1967 war, and following new Israeli restrictions in the context of its occupation of the West Bank and Gaza Strip on one hand, and Arab restrictions on the other, the flow of Palestinian outward migration became apparent. Israel encouraged Palestinian emigration from Palestine to Arab and foreign countries, among others by issuing travel tickets for West Bank and Gaza Strip residents to Latin America and other destinations. In response, the Arab League issued a resolution explaining its fear that this emigration would eventually lead to the liquidation of the Palestinian issue<sup>37</sup>. The League requested member states to call upon all Arab embassies and consulates abroad to abstain from issuing Arab passports to Palestinians, “because this contradicts the Arab League Resolution calling for the preservation of Palestinian nationality.”

The question of citizenship is interlinked with the treatment of refugees on all levels. Attempts by some refugees to obtain a new citizenship is no more than an effort to rid themselves of restrictions and suffering burdened on them because of their Palestinian nationality, and a result of the failure to protect their rights. The League aimed at minimizing the burden on refugees deriving from the need to maintain their Palestinian nationality by means of its 'Protocol on the Treatment of Palestinians in Arab Countries,' which states that, "Providing they maintain their nationality, Palestinians currently residing in the territory of (name of country), are guaranteed the right to employment in the spirit of equality." This approach, however, remained theoretical and failed to achieve its objectives, as will be explained below.

### **3. Education**

The Arab League allocated funds via the Palestinian Student Relief and Aid Committee to Palestinian students and persons who had lost all sources of income since the start of the Palestinian exile in 1948. In 1955, the League decided to send a delegation to meet with Arab governments and to investigate the status of refugee education and personal affairs<sup>38</sup>. The report of this delegation stated that, “If the situation of the Palestinian people is not rectified, they will soon be in total ruin<sup>39</sup>.” Therefore, the Arab League continued issuing decisions regarding refugee education, including the establishment of a planning council to follow-up on this matter. Activities of this council ceased during the 1967 war<sup>40</sup>, and the Arab League Council adopted suggestions calling for the inclusion of the Palestinian issue in the curriculum of Arab states, in order to be taught in the public schools. The League also considered the design of a unified curriculum and books for this purpose, as well as the establishment of a fund that would receive contributions from various countries, in order to help refugees educate their children and care for their cultural and social affairs. This fund, however, was never realized.

As time passed, host countries in cooperation with UNRWA took on responsibility for refugee education. Subsequently, the issue disappeared from the agenda of the Arab League Council and its specialized committees. The result was that refugees received education of various quality, and the Arab League was unable to establish a school, college or university specially geared

for the refugees. Thus the Resolution regarding a unified curriculum on the Palestinian issue was never implemented<sup>41</sup>.

#### **4. Property Ownership**

Arab League interest in refugee property ownership focused on refugee properties in Palestine, especially in the part of Palestine occupied in 1948, far more than on the right of refugees to own property in the countries of exile. Thus, for example, the League decided to study administrative and legal strategies used by Israel towards refugee properties and considered raising the matter to the United Nations or the International Court of Justice<sup>42</sup>. Following investigation, the Arab League Council recommended to present this matter to the United Nations General Assembly<sup>43</sup>. Then, the League decided to put forth a general Arab policy aimed at preserving refugee properties until a comprehensive solution to their problem would be found. This policy is based on a declaration of lack of confidence in the Israeli Custodian of refugee properties and its incompetence to manage these properties and revenues. The League also emphasizes the importance of employing a neutral trustee or a trustee-body to be appointed by the United Nations, in order to administer these properties<sup>44</sup>.

#### **Lack of Commitment and the Gap between Theory and Practice**

A comparison with other refugees in other countries or with other approaches shows that it is not true that Palestinian refugees automatically received special treatment in an Arab environment requiring a preferential approach. This although it was desirable that Palestinian refugees, part of the surrounding Arab environment that provided shelter in their national crisis, would be given preferential treatment, not least because the Arab regime is deeply involved in their national problem for strategic national and security reasons, and through resolutions and charters that call for protection and basic rights guarantees for the refugees entitled to a dignified life in these exceptional circumstances. For many outside observers, Palestinian refugees appear to be Arabs living among other Arabs, so what is the problem? Reality, however, spoke a different language and gave a different judgment.

The reality is that charters and resolutions set forth by the Arab regime for the refugee issue remained just like other issues that require coordinated Arab treatment, i.e. far removed from the arena of implementation and unable to guarantee meaningful protection for the refugees. From the outset many states, members of the Arab League, went separate ways in accommodating the refugees and in their readiness to provide services to guarantee their basic rights, even when matters were not related to politics.

The Protocol concerning Refugee Treatment in Arab Countries mentioned earlier, represented the major mechanism for the guarantee of refugees rights. Irrespective of its deficiencies, commitment to the Protocol provided important minimum guarantees and protections. It is important to note, therefore, that this instrument, crafted in 1965 after some two decades into the problem (1965) and following individual and collective suffering among the refugees, was met with a variety Arab state positions. There was one group of states that adopted the Protocol without reservations (Jordan, Syria, Algeria, Egypt, Iraq and Yemen), a second group approved it with certain reservations (Kuwait, Lebanon and Libya), a third group refrained from declaring their position (Saudi Arabia and Morocco), states that did not even attend the meeting and did not clarify their stand (e.g. Tunisia), and other states that joined the Arab League after the adoption of the Protocol and their position remained unknown (Bahrain, Qatar, Oman, United Arab Emirates, Mauritania, Somali, Djibouti and the Comoros Islands).

Arab policies have made the acceptance of Arab League resolutions subject to debate and change. In 1970, five years after the Protocol was adopted, the Forum of Supervisors of Palestinian Affairs noted that, “travel, residency and employment procedures related to Palestinians in Arab countries are still faced by obstacles that are not line with so-called national ties<sup>45</sup>.” The same was continuously noted in the years 1981 – 1987.<sup>46</sup> It continues to be debated as a major item on the Forum's agenda in times when the national position, the source of compassion with the refugees, is increasingly weakened.

Arab states' lack of commitment to the level of refugee protection adopted by the collective framework has given rise to variations in the implementation of protection. Following is a summary of these variations in some countries which sheds light on the level of actual protection available for the majority of the refugees.

- Jordan and Palestinian Refugees:

In 1948, Jordan hosted the biggest number of refugees, most of whom were refugees and persons displaced from the 1967 occupied Palestinian territories<sup>47</sup>. The ruling Kingdom's political ideology and strategy triggered the annexation of the West Bank to Jordan in 1950, and to integration of the refugees into Jordanian nation-building. In February 1954, Jordan adopted its citizenship law which permitted Palestinian refugees to become citizens of Jordan. Thus it became possible for refugees to completely integrate into the Jordanian life in terms of rights and obligations. At the same time, this integration was semi-compulsive, because taking on citizenship was the only way for refugees to obtain basic rights to travel, movement, employment, residency and education, and even for registration of births and deaths. It happened in a time when refugees were lacking all forms of protection<sup>48</sup>. Integration, moreover, was largely formal, while positions of power remained in the hands of original Jordanians. The fact that refugees had become citizens did not prevent Jordanian suspicions regarding the refugees'

intentions and aims and the establishment of an intensive regime of surveillance over the refugees.

Moreover, Palestinians arriving from the West Bank were not treated equally with naturalized persons. They were offered limited rights to employment, education and to purchase goods subsidized by state; they were issued two-year temporary and renewable passports and were not allowed to work in governmental offices and banks.

The price paid by refugees in Jordan during Jordanian-Palestinian conflicts, such as the bloody 1970 - 1971 conflict in the camps, was high; it affected their personal and private security, including their right to life. When the King of Jordan decided in 1988 to disengage legally and withdraw from the West Bank, this decision was coupled with the transformation of the Jordanian passports held by West Bank residents, half of whom are refugees, into temporary passports. This decision resulted in a further decrease of the level of protection conveyed to the refugees by Jordanian citizenship.

An eye-witness account of the lives of refugees in Jordanian camps in the mid-1970s gives an indisputable description of the level of protection available there: "The camp in Jordan is no more than an accumulation of people and does not represent a social body; in fact, it does not represent a society according to generally accepted human standards. There is a lack of normal relationships or ties among its members in this gathering that was forced upon refugees who had no choice. The camp is not worth any human effort, and does not provide opportunities for work, agriculture and industrial efforts, except on very limited levels; it can therefore not become a natural source of productivity. It is not a place naturally linked to the center of life; it is a place that conveys the feeling that it is intended to be ignored, no one talks about it and no one is attracted to it. It is a place where each member remembers every hour they have lost. The camp does not give refugees a chance for development or achievement of goals<sup>49</sup>."

More recent studies confirm the perseverance of this deplorable situation where refugees in Jordan, especially in the camps, do not have access to opportunities equal to other Jordanian citizens in the fields of education, health services, employment, housing and other basic services<sup>50</sup>.

- Lebanon and Palestinian Refugees:

From the onset of the Palestinian exile, Palestinian refugees in Lebanon have not enjoyed guarantees or protections other than those available for a foreign visitor that might come to Lebanon for a few days<sup>51</sup>. Lebanese policy clearly expressed reservations regarding the Palestinian refugee presence in Lebanon from the beginning, because this presence would affect the sectarian demographic balance in favor of Sunni Moslems. When the Protocol regarding the Treatment of Palestinians was adopted, Lebanon expressed reservations to most of its articles, and conveyed – albeit indirectly – its

unwillingness to comply. And this is what actually happened, both before and after the Protocol.

The status of Palestinian refugees in Lebanon is considered one of the worst when compared to Arab and other countries where refugees reside. Refugees in Lebanon are not allowed to work in any sector and branch of economy, unless they hold special permits which usually can be obtained due to administrative corruption. Refugees who are lucky to work do not enjoy rights to social security or insurance, and it is a public secret that they have had to accept work mainly in the service sector and the black market. In the months of March-April 1983, for example, the Ministry of Social Affairs and Labor issued only 47 work permits to a 125,000 registered refugees in Beirut, conditioned by a commitment to work in jobs allowed for foreigners, “in particular, construction (except sanitation and electricity), glass manufactory, agriculture, tanning, excavation, carpentry, mineral production and washing automobiles<sup>52</sup>!!)

Palestinian laborers have no right to organize in unions, and although at one point social security fees were deducted from their salaries, workers received no benefits. These are only a few and small examples illustrating the status of Palestinian refugees<sup>53</sup>. Their status of inferiority is also obvious, “when taking into consideration that refugee workers do not receive equal payment for equal jobs performed by Lebanese citizens<sup>54</sup>.”

Lebanese authorities apply a variety of procedures regarding travel and residency. Some refugees receive “travel documents” that allow them free entry and exit without prior Lebanese visa requirements. These comprise refugees registered in 1950 UNRWA census and registered with the General Security Department responsible for monitoring and supervising the Palestinian refugees. Another refugee group is entitled to “transit documents” for exit from and re-entry to Lebanon. This group consists of refugees who are not registered with UNRWA but benefit from its services in one way or another. A third group, the most vulnerable one, has no documentation papers to begin with and their residency is considered illegal. This group consists of refugees who immigrated in 1967 and are not registered with UNRWA.<sup>55</sup> Their situation deteriorated further in the context of the Palestinian-Israeli settlement and the Oslo Accords in September 1993.

The situation regarding refugee education is not better. UNRWA educational services end with ninth grade, and refugees who want to continue their education are obliged to search for a source of income in order to pay the fees for higher education. Such are usually unavailable due the restricted access to the labor market. Refugees who succeed to overcome this obstacle, are confronted with additional ones, such as high unemployment rates and preference given to Lebanese citizens. Unsurprisingly, unemployment rates among refugees and graduates are rising steadily, from 33% in 1989 to more

than 35% in 1996<sup>56</sup>. The fact that refugees face an unknown future in the labor market reduces the value of education.

Moreover, refugees in Lebanon suffer from a miserable health and housing situation for many reasons, such as denial of the right to ownership and the right to enlarge their homes vertically or horizontally in refugee areas inside or outside camps; cut-backs in UNRWA health services and the high cost of private health treatment; deterioration of the basic infrastructure in camps; and, the absence of assistance provided by PLO institutions until their departure from Lebanon in 1982<sup>57</sup>.

Finally, there is the problem of internal displacement among Palestinian refugees in Lebanon. Internally displaced refugees are people who were displaced from their camps during the Lebanese civil war. They number around 30,000 persons in 87 locations, with 75% of them displaced more than once. These people have experienced severe hardship from contradictory policies of the Lebanese government, which holds that the solution to this problem is the responsibility of UNRWA, while at the same time preventing UNRWA from rebuilding the camps thereby providing basic protection. The government justified its policy by arguing that camp-reconstruction would suggest that camps are a *fait accompli* and facilitate permanent refugee re-settlement in Lebanon<sup>58</sup>! Amidst this futile debate, refugees continue to suffer in a manner difficult to express.

- Egypt and Refugees:

The number of refugees received by Egypt in 1948 was comparatively small when compared to other countries surrounding Palestine<sup>59</sup>. In addition, Egypt provided direct protection for a large number of Palestinians in the Gaza Strip between 1948 – 1967, and indirect protection since 1967. At all stages since the beginning of the Palestinian exile, Egypt has issued travel documents to these Palestinians and supervised the educational curriculum in the Gaza Strip. Egypt moreover, was a pioneer in endorsing all Arab resolutions pertaining to refugees rights and protection. In 1965, Egypt endorsed the Arab League Protocol without reservations.

Egyptian policy too, however, was subject to fluctuation, and policy changes can be identified even more clearly than in other Arab countries. Thus, Egyptian policy underwent a number of stages:

Stage One: covers the 1950s of the last century. In this stage, Egypt cautiously dealt with refugees who found shelter in its territory. Residency was granted for short periods (1 – 6 months) only, and refugees' right to travel was protected through recognition by Egypt of passports issued by the All Palestine Government. However, Egypt prohibited for many years work with or without pay, while offering refugees financial, educational and other in-kind contributions in order to prevent hunger or illiteracy. Egypt also

permitted intervention by relief organizations, including the UNRWA, among Palestinian refugees who were then perceived as quasi foreigners.

Stage Two: covers the period from the early 1960s to the mid-1970s, when Egypt adopted a compassionate policy towards refugees. Egypt set an example in demonstrating that refugees can be granted protection without detriments to the political aspects of their national cause. At that stage it was decided to treat Palestinian refugees equally under the law with Egyptian citizen in all aspects, such as travel, return, employment in the private and public sectors, facilitation of residence, education, health and property ownership, without, however, granting them citizenship and political rights. This policy added a glimpse of care based on national solidarity to the lives of the refugees and their difficult situation.

Stage Three: covers the period from the mid-1990s until now. This period witnessed the surfacing of many reservations regarding protection that had been subject of debate in previous stages. Privileges offered to Palestinian refugees in comparison with other foreigners were cancelled in all fields (travel, movement, residence, education and health services)<sup>60</sup>. It is worth noting in this context that when children of Egyptian women married to non-Egyptians were entitled to hold Egyptian citizenship in 2003, Egyptian women married to Palestinians were excluded from this law. Egypt, it was argued, is committed to Arab League resolutions which affirm the need to preserve Palestinian nationality. Many people regarded this justification as un-based, because Egypt permits dual citizenship, and Egypt has rescinded on several Arab League resolutions regarding the treatment of Palestinians, including some it had adopted in the framework of the Palestinian Treatment Protocol of 1965<sup>61</sup>.

- **Iraq and Palestinian Refugees:**

Iraq was among the states that accepted to implement the Palestinian Treatment Protocol with regard to the small number of refugees it had hosted since 1948<sup>62</sup>. Refugees were distributed among old shelters and homes in bad condition but rent by and paid for by the Iraqi government. Initially, supervision of the refugees was the responsibility of the Ministry of Defense, later this responsibility was transferred to the “Palestinian Refugee Affairs Department”. Refugees were defined as Palestinians, who entered Iraq before 25 September 1958 and whose country was occupied. With regard to residency, the Iraqi government distinguished between the 1948 refugees who possessed travel documents permitting exit and re-entry, and the 1967 displaced, who were not granted residency rights. Several laws were issued in order to help refugees enter the job market, such as law no. 26 (1961), law no. 29 (196) and law no. 366 (1969). Based on the latter, refugees were entitled to the same rights as Iraqi citizens with regard to employment, wages and retirement benefits; they were also granted free education on the primary and secondary level. Iraqi law did not entitle refugees to own property, including land, in order to prevent – as it was argued - their re-settlement

outside Palestine. However, this situation changed with new laws adopted in 1997, which excluded the 1948 refugees from the prohibition of property and land ownership. Hence, this group of refugees became equal to Iraqis after fifty years of exile.

Following the fall of the Iraqi regime and the occupation of Iraq on 9 April 2003, Palestinian refugees in Iraq were in serious danger, because they had lost all types of protection enjoyed previously. Refugees, in fact, became victims of rumors, insults, campaigns and attacks against them, including expulsion from homes they had lived in for long periods of time and accusations of collaboration with the former Iraqi regime. These events represented a threat to stability and personal safety, and many were forced to leave this situation behind for new and unknown dangers yet ahead of them, such as hunger and homelessness in extreme environmental conditions along the Iraqi-Jordanian border. Their displacement triggered the alert and response of many human rights organizations, as well as the UN High Commission on Refugees, and the Jordanian government called upon states that had issued to refugees' passports to re-admit them<sup>63</sup>. Of course, if these states had abided by Arab League resolutions and decisions regarding the treatment of refugee residency and movement, there would not have been a need for such calls and requests, and the refugees would not have become victims of a new cycle of suffering.

- Syria and Palestinian Refugees:

Compared with other countries, Palestinian refugees in Syria live decent conditions<sup>64</sup> with regard to the level of protection available for them. Syrian policy granted the refugees the same civil, social, economic and cultural rights as their fellow-Syrians, while preserving their original nationality. Syria stood alone in implementing all resolutions and decisions issued by the Arab League regarding Palestinian refugee protection, including the Protocol regarding Treatment of Palestinian Refugees in Arab States. The reason for this might be found in the ruling political ideology, which considers Palestine and its residents as citizens of Southern Syria.

In the final analysis, there is not a single example of Arab commitment to a unified policy on the protection of the basic, non-political, rights of Palestinian refugees, and – with the exception of Syria – Arab standards have been eroding over time. Arab protection standards are intricately linked with the character of broader Arab policies and with the strength or weakness of the Arab regime in particular stages of history, the latter representing an indicator of the scope of Arab protection for Palestinian refugees. In such situation, and in the absence of fixed legal standards, there is no stability and protection for Palestinian refugees from the variable storms of Arab politics.

## **Refugee Protection and Efforts for Political Settlement of the Conflict**

The political negotiations of the early 1990s between Arab states, the Palestinian leadership and Israel came at a time when refugee protection was eroding

everywhere and did not produce conclusive results regarding the future of Palestinian refugees. In fact, their issue and models for its solution represented a major source of conflict in Palestinian-Israeli negotiations and a complication obstructing a comprehensive political settlement.

Frequent delays of the refugee issue in the political agreements and negotiations laid the ground for fears among refugees on one hand, and host countries on the other. What is important here is the fact that these concerns, especially host country concerns, as well as Palestinian policies and the transfer of the central Palestinian leadership from the exile to Palestine, led to further erosion of the level of protection available for Palestinian refugees.

This so-called peace process, instead of being understood as a bell of alarm for host countries to take serious the need for a solution to the refugee issue – and hence increased levels of protection – backfired on the refugees because of the numerous obstacles faced in the negotiations. This because the refugees were widely perceived as a bargaining chip to be used in order to influence Palestinian policies for sometimes contradictory aims.

The PLO, for its part, neglected the refugees in Arab countries, especially in Lebanon, Syria and Jordan. This neglect was expressed in many ways, financial, economic, social and political. It is true that the PLO's relationship with these three states had long been tense, but there were also no efforts by the PLO, in many years before and after the Oslo Accords, to send a delegation to Lebanon for consultation or building closer relations, and Palestinian-Syrian relations were cast in doubts. This happened in a general situation where the conditions did not easily allow the PLO to consult and be heard by any Arab government on issues concerning the Palestinian refugees residing in their territory.

With the signing of the Oslo Accords there was an impression that the PLO had given up on the issue of refugee protection, and there was a strong feeling that with the creation of the Palestinian Authority and the new reality, the Palestinian leadership would more readily collude with the idea of settling refugees in their countries of exile, and that the idea of a single Palestinian people with an indivisible cause had disappeared from its agenda<sup>65</sup>. Moreover, although there was a consensus in the negotiation fora on the importance of improving the living conditions of refugees and displaced persons, especially in the camps, host countries and the refugees remained skeptical and doubtful. Skepticism and doubt derived mainly from the traditional position which holds that improving refugee protection and their standard of living is a way to strip them off their legal and political rights - as if maximizing their suffering was the best way to preserve their rights, and irrespective of the fact that violations of basic rights will perhaps diminish their capacity to resist and remain steadfast in the long run..

Some refugees became aware of the equation. In Lebanon, there is an opinion among refugees which holds that, “the lack of commitment to their social and

economic rights, the limited services provided and the bad treatment received, aim at forcing Palestinian refugees to surrender and accept whatever political offer there is available, because will no longer be able to decline what is offered<sup>66</sup>.”

In any case, the confusion that resulted from the political process about the future of the refugees has had a negative effect on the level of protection provided to them. In Lebanon, people said that the Palestinians are preparing themselves to settle down, and that they are buying lands and plots, in order to construct housing projects. This triggered more public and private mobilization against their presence. Palestinian spokespersons, on the other hand, were forced to repeatedly disclaim such rumors by stressing the fact that all lands bought were registered with the Lebanese Awqaf (religious endowments), that Lebanese law does not permit purchase of land and property by Palestinians, and that Palestinian policies remain committed to the Palestinian right to return and to international resolutions in this regard<sup>67</sup>. Lebanese campaigns, however, continued unabated and resulted in extreme preventive procedures against the refugees.

In Jordan, the controversial debate about the political settlement process included the Jordanian way of treating refugees. The Jordanian authorities were accused of not abiding by the Arab policy aimed at preserving the Palestinian identity, and that the equality under the law offered in Jordan has never been enough to guarantee their national protection. Palestinians, in their daily lives, are still surrounded by the Jordanian tribal system (one of the main bases of this political system), and this tribal system is not in favor of the Palestinians. Moreover, Palestinians mention that there is preferential treatment of people of Eastern Jordanian descent in the public, military, trade and services sectors. They also state that state surveillance and arrests increased following the launch of the political negotiation process, because refugees are expected to reject the proposals raised in this process<sup>68</sup>.

Regarding UNRWA's regular complaints about the financial crisis which prevents provision of full-fledged services to the refugees, it must be noted that the agency has intensified its complaints since the beginning of the so-called peace process. Many observers raised that UNRWA was decreasing its services in line with the developments of the Palestinian-Israeli negotiations, and this enraged Palestinian factions and many refugee beneficiaries. The result was a call for clear separation between UNRWA operations and the outcome of the negotiation process, in order to prevent use of UNRWA as yet another political tool to pressure and interfere with the choices of the refugees and the Palestinian negotiators<sup>69</sup>. Indeed, Arab countries have rejected cut-backs of UNRWA services, basing their position on the traditional formula which holds that UNRWA is the international agency responsible for the refugees until their problem is solved permanently.

## **Towards Improving Arab Protection for Palestinian Refugees – Suggestions for Discussion**

No major developments pertaining to mechanism for Palestinian refugee protection in the Arab arena can be expected separately from the broader issues of human rights and democratic transformation in this arena. The weakness of these mechanisms and the digression from available minimum standards are and expression of the low standard of respect for human rights. Research and analysis have shown clearly that the national ideology that links between Palestinian refugees and broader Arab nation, along with the joint struggle against the Zionist Israeli aggression, has failed to raise the level of Arab protection for refugees, except for the limited protection provided in certain times under specific conditions. The Syrian approach towards the refugees has perhaps been unique in its steadiness throughout all phases of the Palestinian exile and the conflict with Israel. A positive side of the Syrian approach is the fact that its protection regime, although based on commitment derived from national ties and the broader Arab regime, has not had negative effects on the political dimensions of the refugees' problem. It thus refutes a concern that has been used by many Arab states for violations against the human dignity of the refugees, insult and disrespect.

We would have to wait a long time, however, if we were to condition improvements of refugee protection with the development of the rule of law and democracy in the Arab world, recognition of past wrongs, generosity and ties of national brotherhood, or with the implementation of international and regional conventions that organize refugee status in an appropriate and effective manner. We rather must not loose hope and work parallel on all levels and in all directions, in order to support improvements and the formulation of objectives that will result in just environment for refugees. We must tackle all these issues from within the reality and dynamics of our current Arab environment.

There is no doubt that refugees and displaced persons are determined to return to their homes and lands, and that they are eager to implement their right of return, and there are many explanations and justifications for this stand, historical, ethic political and legal ones, including many UN resolutions affirming this right. Studies on refugee affairs and international efforts at implementing refugee law show that voluntary return of refugees (irrespective of their nationality) is the best solution to their problem and for ending all types of tension and human rights violation which usually accompany life in exile. Therefore, the most relevant task to be proposed to those interested in improving the situation of Palestinian refugees is probably a sustained and concerted effort for recognition and implementation of the right of return. Implementation of this right would bring to an end most if not all human rights violations committed against refugees in their host countries.

Such noble efforts, however, face numerous obstacles, and we have been exposed to many of them throughout the decades of search for a solution to the Palestinian issue. We should, therefore, not wait any longer but start a search for

alternative models of refugee protection, models which provide both a response to the miserable reality of refugees today and do not contradict their right of return to their homeland. This effort is not necessarily doomed to failure, because political initiatives aimed at crafting solutions for complex and protracted conflicts with large social and historical implications, such as the Arab-Israeli conflict and the Palestinian issue, require slow and painstaking decisions and steps. Refugees cannot and should not wait and suffer any longer. Every additional day of exile creates only more and new pain for a group of people who were destined to a black history. This is exactly why the crafters of international refugee law and norms did not condition efforts for ending the suffering of refugees with the achievement of a comprehensive solution of the conflict which caused the refugee situation, but put forth also guidelines to be used when dealing with refugees in exile, regardless of the direction of political and non-political efforts at conflict resolution.

Based on this belief, within the limits of the search for ways to enhance refugee rights and improve protection in the Arab world, and based on earlier experience, we would like to raise the following recommendations:

### **1. Activation of Legal Frameworks and the Role of Human Rights Movements:**

International and regional legal standards for the protection of refugees have undergone significant development. If Arab host countries had implemented these standards towards Palestinian refugees, their suffering would have been alleviated considerably. Arab non-implementation of relevant international and Arab conventions and resolutions, and the lack of interest in implementing Arab resolutions regarding the protracted Palestinian exile, were nurtured by slogans of autonomy, and founded and unfounded fears of political pressures that might result from a better treatment of Palestinian refugees, such as fears of Palestinian re-settlement, or domestic instability triggered by the presence of refugees in a compassionate national environment.

Taking into consideration the political sensitivity, and without infringing upon the merits of Arab national sovereignty in dealing with the vulnerable refugee population, it is possible for human rights supporters and activists to activate and highlight the legal message regarding refugees and asylum seekers. In this way, the human rights movement, on the Palestinian, Arab, and international level, can include the issues of Palestinian refugees in its agenda and benefit from experts in this field.

It would be extremely beneficial for Palestinian refugees to see this legal movement follow-up on violations committed against them wherever they are in accordance with international and Arab law and Arab League resolutions, and point out, or expose, the gap between Arab states' slogans about their support of Palestinian rights and a praxis that violates human rights of Palestinian refugees in the Arab public arena. There is no justification for calls for support of the

Palestinian cause, while simultaneously draining the holders of this cause in all aspects of their daily lives.

## **2. Support of Non-governmental, Civil Society Initiatives (related to the previous suggestion)**

It is important to promote and support non-governmental organizations active among refugees, especially in camps that lack minimal basic requirements for living.

In the refugee camps of Lebanon, there are some 40 active private and non-governmental organizations which vary in size and type of services offered. These organizations receive financial support from three non-governmental organizations outside of Lebanon, i.e. the Norwegian People's Aid, the Welfare Association (Geneva) and the Medical Relief Association (United Kingdom), in addition to the Palestinian Program of UNICEF. These associations operate 120 centers inside the camps with an annual budget of US \$70-80 million subject to ups and downs. Centers provide services in pre-school education, vocational training, health care, special needs care and micro enterprise loan programs<sup>70</sup>.

These associations have been formed since 1983, in order to compensate for the loss of services previously provided by PLO institutions. Their activities have always been subject to financial and political constraints that prevented development, sustainability and consistency in the performance of long-term projects. Also in some camps in Jordan, pictures of such non governmental activities, whether initiated by Jordanian associations or by the refugees themselves<sup>71</sup>, are frequently displayed. Repeated failures and problems faced by these associations are similar to the Lebanese example.

These voluntary, non-governmental associations are a response to state services, which have been deficient at all times. In line with the global development and role of civil society organizations, activation and support of these non-governmental organizations may be a way to motivate state and governmental institutions for better performance. For reasons of political background, initiatives of civil society organizations may also be more acceptable for refugees rather than governmental interventions, irrespective of the fact that high-quality services are required also from the former, in order to sustain refugee confidence.

## **3. Improving Refugee Environment and Eradicating Hosting Country' Suspicion**

This objective involves dealing with the culture of fear and suspicion found in many host countries, as well as among the refugees, related to perceptions of the concept of 'improving refuge living conditions'. With regards to one common notion, i.e. that the current situation must be preserved in order to maintain Palestinian identity, studies conducted in the United States as well as some host countries showed that Palestinian refugees, who enjoy a greater set of rights

(e.g., in Syria and Jordan) were not less connected to their Palestinian identity and the wish to return than Palestinian refugees in Lebanon, who live under fragile legal conditions<sup>72</sup>. This means, as noted earlier, that perpetuation of refugees suffering is no guarantee for preservation Palestinian identity; in fact, the contrary may be true.

Based on the above, advocates of better refugee living conditions should start convincing host countries that there is no need or reason for fear, and that the idea of improving refugee living conditions is not equal to refugee re-settlement. Even more than that, it may be possible to argue that improving refugee living conditions is one way of improving the general environment in certain host countries.

With regard to Lebanon, for example, it may be argued that neglect of and daily pressure on the refugees has resulted in numerous social, behavioral and security problems, which affect Lebanese society as a whole. Preventing refugees from leaving and re-entering the country without prior permit causes concern among their families beyond the fear of traveling itself. They thus prefer to stay in Lebanon and, deprived of external resources, further social and economic deterioration is the result<sup>73</sup>. This while an increase of resources would enhance security, both for refugees and Lebanese, whose economy would be strengthened.

A decree issued by the Lebanese Prime Minister on 11 January 1999, calling for additional freedom of movement for Palestinian refugees holding Lebanese travel documents and for their exemption from exit and re-entry permit requirements, must be seen in the above context<sup>74</sup>. Employment and housing issues must be tackled accordingly. Much damage and disadvantage is caused to refugees, Lebanese society and Lebanon by the siege imposed on the miserable camps and settlements of internally displaced persons.

A solution of this problem requires cooperation between the Lebanese government and UNRWA; completely destroyed camps must be rebuilt, and partially destroyed ones must be repaired. If this is not possible, some have suggested to allocate alternative lands and construct for the refugees there. It is worth mentioning here that the matter has been discussed between camp representatives and Lebanese government officials and resulted in an agreement to construct new houses for refugees. However, many Lebanese voices came out against this agreement for fear of refugee settlement, and the agreement was frozen<sup>75</sup>. It is also important to state here that Palestinian refugees were not responsible for the religio-sectarian conflicts in Lebanon; this conflict is older than the Palestinian refugee issue and the dangers of the status quo of current refugee policy. In general, the Syrian model of refugee treatment, based on the protection of all of their human rights - political rights excluded - and the preservation of their national identity, might provide an adequate solution for ending the instability of rights protection available for them. At the same time, we do not know whether refugees in Syria, as a result of the positive treatment

received, have severed their ties with their national identity, or lost their eagerness to return.

#### **4. Requesting and Utilizing Returns from Refugees Properties:**

The suggestion raised here is to make all efforts for obtaining returns from Palestinian refugee properties in occupied Palestine, in order to improve their living conditions in the countries of exile. This requires that a gradual approach to the solution is adopted, without prejudice to their right to return and restitution, and without waiting for the implementation of this right<sup>76</sup>. The right to return is not diminished and does not expire, simply because refugees benefit from property returns.

For this purpose, decisions and strong efforts must be made, in order to consolidate records of refugee accounts and property and undertake objective and professional revaluation. Then, a proper mechanism must be developed, in order to transfer these returns to their original owners in ways that benefit the entire refugee community. This approach not new or un-founded; prior attempts in this direction were made by the Arab League in the period of the UN Conciliation Commission on Palestine (UNCCP), and past experience may expedite achievement of this just and historical mission.

Moreover, the Forum of Supervisors has issued numerous recommendations regarding this matter and obtained a UN General Assembly resolution calling for the nomination of an international and objective guardian of refugees properties in Palestine, in order to use property returns for funding UNRWA's budget<sup>77</sup>. This approach was supported in the past by the UN General Assembly resolution dated 17 December 1971 requesting the UN Secretary General "to take all necessary steps in cooperation with the Conciliation Commission, in order to protect and administer properties, bank accounts and Arab property rights in Israel, and to present a report of actions taken to the General Assembly." Included in this resolution was a request for the PLO to be provided with the records of Arab properties and accompanying documentation, including lists of Arab real estate along with the cadastral survey and complete descriptions<sup>78</sup>.

Following-up on such initiative will provide additional help with refugee protection, i.e. maintaining the level of international protection provided through UNRWA which is permanently complaining about financial crisis. If UNRWA were to discontinue its services in education, health, and social welfare without a substitute in place, under the current conditions of deficient Arab protection, then entire refugees communities are bound to be destroyed.

Irrespective of the importance of UNRWA, there are some who believe that this international agency cannot provide a real international protection umbrella, because of its character as a relief agency that does not offer an alternative for the protection provided by the 1951 Refugee Convention and its additional Protocol of 1967. This argument provides an opportunity to raise and clarify

this matter and attract Arab attention to the need for widening the margin of refugee protection<sup>79</sup>.

A 1984 request by the PLO to the United Nation asked for an amendment of the statutes of the UN High Commission for Refugees in a way that would enable Palestinians from benefiting from international protection just like other refugees. This PLO effort failed for numerous reasons, among them fears among certain donor countries in that such an amendment would lead to the politicization of the Commission. However, it is possible nonetheless to ask for UNHCR intervention in assistance and protection for Palestinian refugees in Arab countries where UNRWA services are not available, such as Iraq, Arab Gulf states and Egypt, or refugees inside Occupied Palestine who are not registered with UNRWA.

### **5. Enhancing Representation by Palestinian Institution**

As shown earlier, levels of refugee protection improved in periods when Palestinian political and representational institutions were established and functioning, and in times of positive relations on the wider, Arab level. This is explained not only by the ability of these institutions to set up ways and mechanisms that helped reduce the suffering of refugees (such as job opportunities, employment, financial support; social, economical, health and educational services, etc.), but also by the fact that they acted as negotiators on behalf of the refugees, and as a representative of their plight in the host countries. PLO institutions undertook frequent studies of refugee living conditions, raised their problems and acted as a messenger that delivered their feelings to relevant Arab organizations.

The opposite is also true. Whenever Palestinian institutions were absent or were faced with resistance or constraints, the alarm bells rang misfortune for also for refugees dependent upon Arab protection. This reciprocal relationship, positive and negative, between strength and weakness of Palestinian institutions and the level of Arab refugee protection, was illustrated earlier by the example of Lebanon. We also showed that efforts by Palestinian institutions which are comprehensive in terms of specialization and Arab recognition (e.g. the PLO) can reflect especially positive on the level of Arab protection available for Palestinian refugees.

## References (not edited)

---

<sup>1</sup> See for details: Dr. Salman Abu Sitta, *Register of the 1948 Nakba*, the Palestinian Return Center, London, 1998.

<sup>2</sup> Benny Morris, *Expulsion of the Palestinians and the Birth of the Refugees Problem*, Dar Al-Jaleel, Amman, 1993, pages 282 – 285 (Arabic).

<sup>3</sup> *Ibid*, page 288.

<sup>4</sup> The Arab regime failed to develop special mechanisms capable of protecting human rights of the kind set up by the African regime. The first African Human Rights Charter was adopted in 1981, whereas the draft of the Arab Charter for Human Rights was completed in 1994, i.e. 50 years after the establishment of the Arab League. This step came relatively late, at a time when the human rights system was well established, as a result of international and regional interest and persistent lobbying of non-official bodies that had adopted the matter.

<sup>5</sup> Abdel Hameed Al Wali, *Refugee Protection in the Arab World*, International Politics, Issue number 148, April 2002, page 274.

<sup>6</sup> *Ibid*, pages 25 – 26.

<sup>7</sup> For more information see also: Abbas Shibliq, Human Rights: Progress and Regression, in: Mohammed Khaled Al-Aza'r (and others), *Guaranteeing Palestinian Refugees Rights and in the Current Political Settlement*; Cairo Center for Human Rights Studies, Cairo, 1998, pages 82 – 92 (Arabic).

<sup>8</sup> Memorandum in: Akram Zuaiter, *The Palestinian Issue*, Dar Al-Jaleel, Amman (third edition), 1986, pages 265 – 266 (Arabic).

<sup>9</sup> Refer to the recommendation of the First Convention of Supervisors on Palestinian Affairs in Arab Host Countries. These recommendation were endorsed by Arab League Council Resolution 2019 (42<sup>nd</sup> session, 1964). See also the recommendations of the Convention's 66<sup>th</sup> session in July 2001, endorsed by the League Council in September 2001, stating: "We re-affirm Israel's responsibility for causing the refugee problem and its continuation without a just solution. In addition, we affirm the responsibility of the international community to support UNRWA, to use its important services, and to refrain from termination or transfer of these services to any other party until the refugee issue is resolved on the basis of UN Resolution 194 (paragraph 11). [...] We also call upon UNRWA to remedy its financial crisis without affecting the basic services provided for the Palestinian refugees." See also: Arab League Resolutions, Volume III, General Secretariat of the Arab League, Tunis, 1988, page 382; and refer to the Arab League website.

<sup>10</sup> See 27<sup>th</sup> Session of the Supervisors Meeting (Beirut, 10 – 17 August 1981), which debated the financial crisis of UNRWA as an excuse to eliminate services provided to refugees in the fields of education, health, and social welfare, calling it, "a crisis fabricated with the intention to pressure the Arab governments and the refugees. It is important to pressure the international community to increase its contribution to the UNRWA so that its budget becomes part of the United Nation's budget. All efforts to Arabize its funding must be rejected, in order to maintain the international responsibility." Report on the 27<sup>th</sup> session of the Supervisors Convention, *Arab Affairs*, Issue number 118, 1981, pages 134 – 135.

<sup>11</sup> For more information see: Shibliq, Human Rights: Progress and Regression, pages 82 – 87.

<sup>12</sup> For more information about this government, its set up and services, see: Mohammed Khaled Al-Aza'r, All Palestine Government at its 50<sup>th</sup> Anniversary (presented by Dr. Mohammed Hassanein Haikal), Dar Al-Shurouq, Cairo, 1998.

<sup>13</sup> See also: Dr. Asa'd Abdel Rahman, *Palestine Liberation Organization: Inception, Roots and Trends*, Palestine Liberation Organization Research Center, Nicosia, 1987 (Arabic).

<sup>14</sup> The proposal included the following principles:

- a. Refugees are granted temporary residency in each country until they are allowed return to Palestine. Their freedom of travel and movement is guaranteed at a level equal to the level available to citizens as adopted in agreements between governments.
- b. Palestinians are granted travel documents from their country of residence based upon their request and with the same facilities granted to citizens; the travel document holder is eligible to return to the country of residence without prior visa requirements.

- c. Palestinians are expected to be treated equally to citizens of the country with respect to rights and obligations, excluding political rights.
- d. Permanent expulsion of Palestinians to foreign countries is prohibited.
- e. Arab governments are expected to cooperate, in order to care for refugees affairs and maintain refugee rights, in addition to unifying apparatuses concerned with Palestinian affairs under one apparatus.

See: *Palestinian Documents for the Year 1965*, Institute of Palestinian Studies, Beirut, pages 504 – 505.

<sup>15</sup> See also: Dr. Asa'd Abdel Rahman, *Palestine Liberation Organization: Inception, Roots and Trends*, pages 190 – 196.

<sup>16</sup> See also: "Islam Online" website, Phases of Palestinian Status in Lebanon.

<sup>17</sup> With regards to protection of the right to health, for example, the PLO and its factions used to cover the major deficit in UNRWA's services; this was done through the Palestinian Red Crescent Association. This association used to supervise ten hospitals and forty six medical centers spread throughout the camps. However, these activities ceased to exist since 1982, at the same time, while the camps were witnessing crowdedness, low living standards and destruction in the infrastructure. In this regard, it is said that Palestinian organizations during its presence in Lebanon, employed around 65% of total refugee labor force. Also, it took upon itself to complement the economy provided by UNRWA through creating job opportunities. (Report on Palestinian organizations' economical activities in Lebanon, *Samed economical magazine*, issue number 50/51, July, August and October 1984, pages 348 – 363).

<sup>18</sup> There are many examples in this regard, of which, what was witnessed by Palestinian in Kuwait during the Iraqi Kuwaiti crisis in 1990 – 1991, whereby Palestinian were punished by expelling many of whom have served for tens of years and were accused by the Kuwaitis that they in favor of the PLO's support of Iraq. Many other Gulf countries implemented similar procedures whether directly or indirectly, and which was described by some as a transfer operation for Palestinians, but an Arabic transfer. Furthermore, the Libyan government did something similar, in that it wanted to show its protest regarding the Oslo Accords and the performance of the PLO's policy; hence, they expelled Palestinians to the Egyptian Libyan borders and exposing them to miserable circumstances. Refer to Anis Fawzi Al-Qasem, marginal to the Hebron crisis, the Palestinian between the Gavel and the Anvil, *Palestinian Studies Magazine*, Issue number 4, Fall of 1990, pages 3 – 8. Also, refer to the Statement issued by the PLO's Representative in Lebanon regarding the expelled Palestinians from Libya, *Palestinian Studies Magazine*, Issue number 24, Fall of 1995.

<sup>19</sup> Resolution number 471 on 23 September, 1952.

<sup>20</sup> Resolution number 1594 on 7 September, 1959.

<sup>21</sup> Arab League's Council, Resolution number 1747 dated 1 April, 1961.

<sup>22</sup> Resolution number 1905 dated 19 September, 1963.

<sup>23</sup> Refer to Marwa Jaber, *the Arab League and the Palestinian Problem 1945 – 1965*, Palestine Liberation Organization Research Center, 1989, pages 203 – 204.

<sup>24</sup> *Ibid*, pages 208 – 210.

<sup>25</sup> Resolution number 3180 dated 4 September, 1964.

<sup>26</sup> Also, refer to Mohammed Hassan Abdel-Hafeth, *the Arab League and the Palestinian Refugees Problem*, *Samed Economical*, Issue number 105, July, August and September 1996, pages 134 – 136.

<sup>27</sup> Resolution number 325 dated 12 June, 1950.

<sup>28</sup> Script of the League's Council resolution number 389 dated 10 October, 1951.

<sup>29</sup> Resolution number 2252 dated 12 June, 1966.

<sup>30</sup> UNRWA entered into an agreement with Lebanon on 26 November, 1954 and with Jordan on 14 March, 1951, and with Egypt on 12 September, 1950, and Syria granted facilities to UNRWA without any special agreement "But Syria committed itself, via the International mediator, Bernadette, on 28 August, 1948 to grant United Nations' representatives that are concerned with serving refugees, all necessary privileges to perform their duties. Also, Syria implemented this on UNRWA's activities. Refer to Abdel-Muni'm Al-Mashat, *United Nation Relief and Working Agency in the Near East*, Masters dissertation, Economy and Political Science Department, Cairo University, 1975, pages 321 – 322.

<sup>31</sup> The committee consists of the United Kingdom, France, the United States of America, Turkey, Japan, Belgium and certain Arab hosting countries. *Ibid*, pages 321 – 322.

- <sup>32</sup> Review Arab League's resolutions numbered 424 dated 14 September, 1952, resolution number 524 dated 19 April, 1953, resolution number 714 dated 27 January 1954, resolution number 715 dated 27 April, 1954, resolution number 1705 dated 7 September, 1960 and resolution number 1946 dated 31 March, 1964.
- <sup>33</sup> Refer to the League's Council resolution number 714 dated 27 January, 1964.
- <sup>34</sup> Resolution number 1033 dated 4 October, 1995.
- <sup>35</sup> Refer to the Protocol's script, Marwa Jaber, *the Arab League and the Palestinian Problem 1945 – 1965*, Palestine Liberation Organization Research Center, 1989, page 249.
- <sup>36</sup> Wording of resolution number 1547 (in) Arab League Council's resolution regarding the Palestinian Problem: 1945 – 1961, Cairo Publishing Company, Cairo 1961, page 171.
- <sup>37</sup> Resolution number 2455, Arab League Council's 50<sup>th</sup> ordinary session, September 1968.
- <sup>38</sup> Resolution number 361 dated 19 May, 1951.
- <sup>39</sup> Abdel-Mun'em Al-Mashat, *United Nation Relief and Working Agency in the Near East*, Masters dissertation, Economy and Political Science Department, Cairo University, 1975, page 290.
- <sup>40</sup> Refer to Arab League Council Resolution number 407 dated 13 October, 1951, resolution number 439 dated 23 September, 1952, resolution number 475 dated 23 September, 1952, resolution number 526 dated 9 April, 1953, resolution number 626 dated 26 January, 1954, resolution number 731 dated 27 January, 1954, resolution number 759 dated 5 April 1954, resolution number 862 dated 11 December, 1954, resolution number 1060 dated 15 October, 1955, resolution number 1093 dated 15 October, 1955, resolution number 1265 dated 25 October, 1956 and resolution number 2399 dated 7 March, 1968.
- <sup>41</sup> Marwa Jaber, *the Arab League and the Palestinian Problem 1945 – 1965*, Palestine Liberation Organization Research Center, 1989, pages 213 – 217. Also, refer to Abdel-Qader Yousef, *Teaching Palestinians their Past, Presence, and Future*, Dar Al-Jaleel, Amman, 1989.
- <sup>42</sup> Resolution number 525 dated 9 April, 1953.
- <sup>43</sup> Resolution number 576 dated 10 May, 1953.
- <sup>44</sup> The League's Council recommended that on 14 October, 1955, and the recommendation was repeated during the 27<sup>th</sup> Supervisors Convention in Beirut from 10 – 17 August, 1981.
- <sup>45</sup> Dr. Nadera Al-Sarraj, *Palestinians in Egypt from 1948 until 1970*, (in) Collective Authors, *Palestinians in Egypt*, Dar Al-Mustaqbal Al-Arabi, 1986, page 54.
- <sup>46</sup> Refer to the Convention of Supervisors on Palestinian Issues in Hosting Arab Countries reports (27<sup>th</sup> session), *Palestinian Affairs*, Issue number 168/169 dated March/ April 1987, pages 112 – 114.
- <sup>47</sup> It is difficult to know the exact number of Palestinian refugees due to the absence of a comprehensive registration and the differences in registration systems among hosting countries and other refuge areas. The reason behind this exacerbation is due to politicizing the number issue itself. Arab countries and Palestinian were in favor of magnifying the number, while Israel intentionally undermined it. This contradiction evolved since the beginning of the 1948 disaster until now. The smallest number with this regards is an Israeli number (claiming that the 1948 refugees are 520 thousand only, and the biggest number belongs to the Arab League claiming that refugees reached 940 thousand. However, Dr. Salman Abu Sita's scientific and objective estimation seems closer to the truth, whereby he claims that the number of refugees amounts to 805 thousand (refer to Dr. Salman Abu Sita, *Documentation of 1948 Disaster*, the Palestinian Return Center, London, 1998, page 13). With regards to Jordan, there are around 2.5 million Palestinian refugees residing there, that is around half of total Jordanian population. Around 40% of them reside in 13 camps out of 61 camps supervised by UNRWA (refer to Musatafa Al-Tahan, *Social and Living Conditions of the Palestinian People in Jordan*, Islamic Union, Issue number 14/15, March 2003, pages 1 – 3).
- <sup>48</sup> Refer to Mohammed Khalid Al-Aza'r, *Guaranteeing Palestinian Refugees' Rights and the Political Settlement* (currently), Cairo Center for Human Rights Studies, Cairo, 1998, page 20.
- <sup>49</sup> Hayyat Malhas, *Refugee Problems in Jordanian Camps*, *Palestinian Affairs*, Issue 53/54, January – February 1976, pages 123 – 124.
- <sup>50</sup> Refer to Kamel Mansi, *Palestinian Refugee Camps in Jordan*, *Samed Economical*, Issue number 83, January – March 1991, pages 87 – 90. Also, refer to Mustafa Al-Tahhan, *Social and Living Conditions of the Palestinian People in Jordan*, Islamic Union, Issue number 14/15, March 2003, pages 3 – 4.
- <sup>51</sup> The number of refugees and emigrants in Lebanon range according to official and non official sources. In March 1992, UNRWA announced the number of registered refugees in Lebanon to be 317,376. This number is less than the number previously mentioned by the Lebanese Minister of Refugee Affairs, which was between 400 and 500 thousand. The Lebanese Refugee Affairs Department estimated their number to be 350 thousand refugees, whereas another source estimated their number, during the same year (1992) to be 310 thousand. The difference in numbers is due to it being used for many reasons and different

---

objectives. According to UNRWA's statistics in 2001, number of registered refugees in Lebanon totaled to 382,973, of which 214,728 live in camps, and 168,245 live outside camps (refer to Rose Mary Sayegh, *Palestinians in Lebanon*, *Palestinian Studies Magazine*, Issue number 13, Winter of 1993, page 16. Also, refer to UNRWA statistics, UNRWA Information Department Publications, Gaza, August 2001).

<sup>52</sup> Refer to Sami Nassar, *Prevailing Policy towards Palestinians in Lebanon*, *Palestinian Affairs*, Issue 138/139, September – October 1984, page 34.

<sup>53</sup> Refer to Rose Mary Sayegh, *Palestinian Peasants: From Eradication to Revolution*, the Arab Research Institution, Beirut 1980, pages 139 – 140.

<sup>54</sup> *Ibid*, page 21.

<sup>55</sup> The Lebanese government put forth the Palestinian Treatment Protocol on 3 August, 1966, and within the protocol, the Lebanese government showed reservations on refugees' entry and exit, which was preconditioned by "obtaining prior approval from relevant Lebanese authorities to re-enter Lebanon". By doing so, the Lebanese government extremely limited refugees' movements.

<sup>56</sup> Around 75% of refugee families in Lebanon live below poverty level, 60% of these families include (6 members or more) who suffer from abject poverty. Refer to Yousef Al-Madi, *Income and Poverty Levels among Palestinians in Lebanese Camps*, *Samed Economical*, Issue 109, July, August and September 1996, page 187.

<sup>57</sup> For more information, refer to Jaber Suleiman, *Palestinians in Lebanon*, *Palestinian Studies Magazine*, Issue 19, Summer of 1994, pages 170 – 171.

<sup>58</sup> *Ibid*, pages 166 – 167.

<sup>59</sup> There isn't any accurate number of Palestinian refugees in Egypt, however, the number of refugees that arrived during 1948 was 11 thousand, with only 7 thousand remaining in 1950 whom consist of the core of the 1948 refugees estimated sometimes to be around 20 thousand, added to them, a wider sector of 1967 emigrants who are estimated to be 45 thousand. Some sources estimate the total number of refugees and emigrants to reach 100 thousand in 1992. But this number was reduced after the departure of many refugees who went back the Palestinian Territories after 1994. Refer to Abdallah Al-Kashef, *Palestinian's National Identity in Egypt*, Masters Dissertation, Political Science and Economy Department, Cairo University, 1948, pages 236 – 237. Also, refer to Mohammed Khalid Al-Aza'r, *Palestinians in Egypt: Between the Past and the Future*, (in) Group of Authors, *Palestinians in Egypt*, Dar Al-Mustaqbal Al-Arabi, Cairo, 1986, page 119.

<sup>60</sup> Refer to scripts of relevant laws (in) Mohammed Khalid Al-Aza'r, *Ibid*, page 112.

<sup>61</sup> Refer to Samia Abdel Salam, *Gaps in Granting Citizenship to the Sons of Egyptian Women*, *Al-Ahram* newspaper dated 12 December, 2003. Also, *Solidarity with Egyptian Women Married to Palestinians*, *Al-Ahram* newspaper dated 16 December, 2003.

<sup>62</sup> The number of refugees that entered Iraq between the years 1948 and 1949 is estimated to be 3,000 refugees, and additional refugees that entered later for job search. In 1970, total number of refugees reached 14 thousand that were not supervised by UNRWA. In 2000, this number increased to around 40 thousand refugees, of which 96% lived in Baghdad. Refer to Isam Sakhnini, *Palestinians in Iraq*, *Palestinian Affairs*, Issue number 13, September, 1972. Also, see Nabil Al-Sahli, *Palestinian Refugees in Iraq: Basic Facts*, *Palestinian Studies Magazine*, Issue number 49, the Winter of 2002.

<sup>63</sup> The problem of Palestinians residing in Al-Ruwaished camp on the Jordanian Iraqi borders still exists while writing this research (January 2004). This problem summarizes the absence of refugee protection. Refer to *Al-Hurriya* website on the internet dated 9 November, 2003, and Mohammed Khalid Al-Aza'r, *Refugees' Suffering in Iraq*, *Al-Hayat* newspaper dated 26 May 2003.

<sup>64</sup> In 1949, the number of refugees in Syria was estimated to be 85 thousand, reaching around 290 thousand in 1988, and 400 thousand in 2001. Most of the refugees (around 68%) live in Damascus and its suburbs, and most of them were 1948 refugees, with a few number emigrating during Palestinian Israeli crises during the years 1956, 1967 and 1970. Refugees in Syria are supervised by a governmental organizations which was created according to presidential decree in 1949 "to organize, relieve, and secure different needs for refugees, in addition to allocating suitable jobs for them." In 1956, the government issued law number 260 that equals between Palestinians and Syrian citizens in employment, professional and educational aspects, excluding election aspects and nominations to the parliament. This equality includes compulsory military service in the Palestinian Liberation Army, and in possession and employment rights, and national gradual advancement. Syria is considered among one of UNRWA's activities spheres. Refer to Jaber Salman, *Refugees in Syria: Facts and Testimonies*, *Palestinian Studies Magazine*, Issue number 20, Fall of 1994, pages 137 – 139. Also, refer to Ahmad Yunis, *Demographic, Economic and Social Conditions of Palestinians in Syrian Camps*, *Samed Economical*, Issue number 83, January, February and March 1991.

---

Refer to Nabil Al-Sahli, Refugees and Emigrants in Syria, Palestine Information Center's website on the internet, pages 1 – 3.

<sup>65</sup> Refer to Bilal Al-Hassan, Palestinian Refugees and the Dangerous Maze, Palestinian Studies Magazine, Issue number 26, Spring of 1996, pages 67 – 70.

<sup>66</sup> Refer to Mohammed Khalid Al-Aza'r, Guaranteeing Palestinian Refugees' Rights and the Political Settlement (currently), Cairo Center for Human Rights Studies, Cairo, 1998, pages 30 – 31.

<sup>67</sup> Refer to an interview with President Yaser Arafat, Palestinian Studies Magazine, Issue number 24, Fall of 1995, page 212.

<sup>68</sup> Refer to Mustafa Al-Tahhan, Social and Living Conditions of the Palestinian People in Jordan, Islamic Union, Issue number 14/15, March 2003, pages 6 – 8.

<sup>69</sup> Refer to the Palestinian Forces Alliance's press release regarding UNRWA's decision in reducing services provided to refugees on 3 September, 1997, Palestinian Studies Magazine, Issue number 32, Fall of 1997.

<sup>70</sup> Refer to Basem Sarhan, Children's Rights and Reality in Refugee Camps in Lebanon, Palestinian Studies Magazine, Issue number 43, Summer of 2000, page 151.

<sup>71</sup> Refer to Hussein Nashwan, Al-Baka' Camp: Reality and Problems, Samed Economical, Issue number 112, April, May and June 1998, pages 261 – 270.

<sup>72</sup> Refer to Sari Hanafi, (in) Mohammed Khalid Al-Aza'r, Guaranteeing Palestinian Refugees' Rights and the Political Settlement (currently), Cairo Center for Human Rights Studies, Cairo, 1998, page 116.

<sup>73</sup> This is the general understanding of many working forces within refugees. Specifically, refer to the Palestinian Forces Alliance's memorandum in Lebanon with regards to new permits procedures for Palestinians residing in Lebanon and wish to leave and come back, Palestinian Studies Magazine, Issue number 25, Winter of 1996, pages 217 – 218.

<sup>74</sup> Refer to the Decree's Script, Palestinian Studies Magazine, Issue number 38, Spring of 1999, page 208.

<sup>75</sup> Refer to an interview with a Palestinian official regarding the hosing project for Palestinian refugees in Lebanon, and another interview with Mr. Walid Junblat, Minister of Refugees Affairs (in) Palestinian Studies Magazine, Fall of 1994, pages 215 – 223.

<sup>76</sup> Refer to Dr. Abdel Aleem Mohammed, (in) Mohammed Khalid Al-Aza'r, Guaranteeing Palestinian

<sup>77</sup> Refer to the 27<sup>th</sup> session of Supervisors Convention's Recommendations, Beirut, 10 – 17 August, 1981.

<sup>78</sup> Refer to Mahmoud Falaha, the 38<sup>th</sup> session of Supervisors of Palestinian Affairs Convention, Issue number 125, April 1982, page 65. Additional important studies in regards to refugees property allotment, refer to Dr. Michael Fishbach, Palestinian Refugees' Properties in the International Reconciliation Committee's Documents, Palestinian Studies Magazine, Issue number 45/46, Winter/Spring of 2001, pages 130 – 137.

<sup>79</sup> Refer to Abbas Shibliq, (in) Mohammed Khalid Al-Aza'r, Guaranteeing Palestinian Refugees' Rights and the Political Settlement (currently), Cairo Center for Human Rights Studies, Cairo, 1998, pages 83 – 84.