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## The Arab States and the Refugee Issue: A Retrospective View

*Jalal Al Hussein*

### I. Introduction

This chapter aims at defining the Arab states' position with regard to the Palestinian refugee question. It will focus on the states neighbouring Israel that are the Palestinian's main host states, namely: Jordan, Lebanon, and Syria.<sup>1</sup> In the past few years, several studies have been devoted to the living conditions and the legal status of the refugees in each of these states.<sup>2</sup> However, little attention has been paid to their possible roles within the framework of the permanent-status negotiations on the refugee issue. Yet, before implementation, any peace agreement will necessarily need to be agreed upon by these states, and, therefore take their political and socioeconomic interests into account.

However, Arab leaders, individually or under the aegis of the Arab League, have usually limited their declarations to public endorsements of the right of refugees to return to their homes, as formulated in Resolution 194 (III) of the United Nations General Assembly (UNGA), thus keeping in line with the refugees' creed since 1948.<sup>3</sup>

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<sup>1</sup> According to the PLO Department of Refugee Affairs, in 1999 the total number of Palestinian refugees worldwide amounted to 5.2 million (1.8 million resided in Jordan, 0.38 million in Lebanon and 0.4 million in Syria). 3.6 million were registered with the United Nations Relief and Works Agency for the Palestine Refugees in the Near East (UNRWA). Source: *The Palestinian Refugees Factfile*. Department of Refugee Affairs (PLO), Jerusalem/Ramallah, April 2000. The number of refugees currently registered with UNRWA amounts to 4.2 million, 62.1 per cent of whom are registered in the Arab states, outside Palestine: 42 per cent in Jordan; 9 per cent in Lebanon and 10 per cent in Syria. See: UNRWA, *Figures as of 31 December 2004*, Public Information Office, UNRWA Headquarters (Gaza), April 2005.

<sup>2</sup> See E. Zureik, *Palestinian Refugees and the Peace Process*, 1996; L. Takkenberg, *The Status of Palestinian Refugees in International Law*, 1998; *Constructing order: Palestinian Adaptations to Refugee Life* (coll) FAFO Report 236, 1997, 19 et seq.; and B. Kodmani-Darwish, *La Diaspora palestinienne*, 1997. Most of these studies highlight the more or less unsatisfactory situation of the Palestinian refugees in the Arab host countries.

<sup>3</sup> Interpreted by the refugees as a legitimisation of their right of return, paragraph 11 of this resolution adopted in December 1948, resolves that: "... the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do

This chapter endeavours to show that in practice, specific state interests linked to the preservation of internal stability, from either political or socioeconomic perspectives, have been instrumental in guiding policy since 1948. This trend will prevail in the future, once the Arab states are included in, or impose themselves on the peace process.

## **II. The Roots of the Arab states' position regarding the Palestinian Refugee Question (1948-1950)**

### **1. From return to resettlement<sup>4</sup>**

Shortly after the signing of the first armistice agreements that put an end to the first Arab-Israeli war,<sup>5</sup> the United Nations Conciliation Commission for Palestine (UNCCP) organised a peace conference in Lausanne, Switzerland. The major issues that were to be discussed at Lausanne between April and September 1949 sealed the fate of over 700,000 “Arab refugees from Palestine” who had left their homes – be it through direct or indirect use of force – and who have thus far not been allowed to return to their former homes.

The Lausanne Conference offers a clear example of the Arab states' ambiguous perceptions and positions towards the Palestinian refugee question. At an Arab League meeting held shortly before the beginning the Conference, Arab governments maintained a unified stance that reflected the opinion of the overwhelming majority of the refugees and of their own populations. Resolution 231 of the Arab League of 17 March 1949 stated that:

“The Council considers that the lasting and just solution of the problem of the refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty, and that these should be guaranteed by the United Nations.”

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so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible.”

<sup>4</sup> A/RES/393 (V) of 8 December 1950, par. 4 defined the UN's strategy regarding the refugee issue by promoting the “reintegration of the refugees in the economic life of the Near East either through repatriation or resettlement.” The resettlement schemes conducted by UNRWA until the mid-1950s aimed at settling permanently the refugees in their first host state or at helping them emigrate to other states, be it in the Near East or elsewhere. In this report, I will use the word “resettlement” as meaning either permanent settlement in the first host state or in third states.

<sup>5</sup> Israel signed armistice agreements with Egypt on 24 February 1949, with Lebanon on 23 March 1949, with Jordan on 3 April 1949 and with Syria on 20 July 1949.

The Arab consensus on a quick repatriation of the refugees (prior to any Arab-Israeli peace agreement) was asserted again at the beginning of the Conference. In early May, the Arab delegations decided to shelve their political differences so as to appear as one single entity at the negotiations.<sup>6</sup> Their proposals regarding the refugee issue went beyond the mere reassertion of the right of return; several memoranda sent to the UNCCP from May to September 1949 also tackled the modalities of implementation.<sup>7</sup> Also broaching the issue of compensation for those refugees who would decide not to be repatriated (and who would thus be resettled), the Arab delegations suggested that compensation be paid in kind under the form of territorial transfer. The territories transferred were to be large enough to host the bulk of the refugees.<sup>8</sup>

However, behind these shared stands, each Arab delegation pursued individualistic strategies, defined by specific political and socioeconomic interests. These strategies undermined in many ways the relevance of the right of return in the eyes of some of the UNCCP members, namely: the United States, France and Turkey.

On 9 May 1949, the Syrian delegation secretly informed the French member of the UNCCP that it would accept to resettle up to 250,000 refugees, i.e. three times the estimated number of Palestinian refugees residing at that time in Syria.<sup>9</sup> It was also ready to conclude a separate peace treaty with Israel in exchange for territorial compensations in Galilee and international aid packages.<sup>10</sup>

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<sup>6</sup> This refers mainly to the differences between Jordan, which sought to annex the West Bank of the Jordan River and to secure access to the Mediterranean Sea, and Egypt, that opposed Jordan's designs. Following informal talks, the delegations agreed that Jordan would postpone its territorial claims, while Egypt committed itself to lend its support to the Jordanian claims at any appropriate time. See "E. Sasson (Lausanne) to M. Sharef", 8 May 1949, in: Israel State Archives (ISA), *Documents on the Foreign Policy of Israel*, May-December 1949, 1949 (companion volume), No. 12, 10 et seq.

<sup>7</sup> The Arab states suggested on 18 May that repatriation schemes should firstly benefit the main Arab economic actors in Palestine, namely the landowners and their personnel, the religious authorities and all those refugees eligible for family reunification schemes. A week later, they demanded the immediate repatriation of all those refugees who lived in the regions of Palestine attributed to the Arab State in the Partition Plan (A/RES/181 (II) of 29 November 1947, in addition to Israeli defence force withdrawal from these regions. See "Editorial note: Memorandum on the refugees by the Arab delegations and by the Conciliation Commission", in: ISA 1949 (companion volume), No. 26; and "W. Eytan to C. de Boisanger", 25 May 1949, in: ISA 1949 (companion volume), No. 35, 27; and "Third Progress Report [of the CCP]" (A/RES/927), 21 June 1949, par. 17,

<sup>8</sup> Proposal put forward on 15 August 1949. See "Fourth Progress Report [of the CCP]" (A/RES/992), 22 September 1949, par. 10.

<sup>9</sup> In September 1949, the Economic Survey Mission of the United Nations (ESM) estimated the refugee population in Syria at about 75,000. Gaza's refugee population was estimated at 200,000; Iraq's at 4,000; Jordan's at 70,000; Lebanon at 97,000; and the West Bank of the Jordan River at 280,000. See "First Interim Report of U.N. Survey Mission for Middle East" (A/RES/1106), 17 November 1949, 1 et seq.

<sup>10</sup> On the Syrian resettlement designs (as promoted by Zaïm, the French-speaking Syrian leader and France), see "Meeting: M. Fischer – R. Busson (Paris, 3 June 1949)", in: ISA 1949 (companion volume), No. 54, 91. On Syria's territorial and financial claims, see: "The Minister in Switzerland (Vincent) to the Secretary of State", 9 May 1949, in: *Foreign Relations of the United*

King Abdallah of Jordan had from the outset expressed his utmost interest in the economic and political opportunities deriving from an agreement with Israel. Such an agreement would enable him to achieve his territorial designs, namely secure access to the Mediterranean and annex the West Bank of the River Jordan.<sup>11</sup> Resettlement schemes – and the flow of financial and technical assistance that such schemes necessitated – were also likely to boost the state’s rudimentary economy.<sup>12</sup> In July 1949, the Jordanian delegation informed the UNCCP and the Israelis of its intention to resettle about 200,000 refugees, provided substantial financial aid was obtained from the United Kingdom.<sup>13</sup>

Even Egypt, whose delegation had staunchly rejected any resettlement scheme on its territory on account of the limited absorption capacity of its economy, hinted that it could revise its position, provided there were border arrangements with Israel and international financial and technical assistance.<sup>14</sup>

Such Arab focus on resettlement did not only result from opportunistic calculations in terms of economic and territorial gains. It also stemmed from the assessment of their situation in the wake of the 1948 War. Israel, with whom most of them had already concluded armistice agreements, had – at least temporarily – imposed itself as a major actor in the Near East, and time was not ripe for revenge. Aware of their military state of inferiority and concerned by a possible future war of expansion by Israel, Jordan, Egypt and Syria even tried to prevent, as early as 1949, refugee infiltration into Israel.<sup>15</sup> Security concerns also stemmed from internal security matters. The mass arrival of hundred of thousands of refugees was viewed as likely to foster socioeconomic and political instability; all the more as the local regimes were already discredited

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*States (FRUS)* 1949, Vol. VI, 989; and “Sasson (Lausanne) to M. Sharett”, 8 August 1949, in: ISA 1949 (companion volume), No. 188, 113 et seq.

<sup>11</sup> Jordan’s territorial claims were presented throughout and after the Lausanne Conference by the Jordanian representatives; see for example: “The Minister in Lebanon (Pinkerton) to the Secretary of State”, 1 October 1949, in: *FRUS* 1949, Vol. VI, 1416.

<sup>12</sup> See “Memorandum by the Coordinator on Palestine Refugee Matters (Mc Ghee) to the Secretary of State”, 22 April 1949, in: *FRUS* 1949, Vol. VI, p.935 et seq. All the members of the Jordanian government did not share the King’s views. Doubts were raised as to whether Jordan would be able to absorb, from an economic and political perspective, such a number of refugees. Besides, Jordan had no assurances that Israel would accept its territorial claims. See S. Mishal, *West Bank/East Bank – The Palestinians in Jordan, 1947-1967*, 1978, 27 et seq.

<sup>13</sup> See “E. Sasson (Lausanne) to M. Sharett”, 4 July 1949, in: ISA 1949 (companion volume), No. 121, 64.

<sup>14</sup> See “Forth report [of the UNCCP] on the evolution of the situation” (A/RES/992), 22 September 1949, par.10. The Egyptians territorial claims were very clearly put forward by the Egyptian delegate, Abdel Mu’min, to his Israeli counterpart, E. Sasson. They include the South of the Negev and the enlargement of the Gaza Strip until the Beersheba-Majdal (Ashqelon) line. See “E. Sasson (Lausanne) to M. Sharett”, 4 August 1949, in: ISA 1949 (companion volume), No. 178, 106.

<sup>15</sup> On that, see for instance A. Plascov, *The Palestinian Refugees in Jordan 1948-1957*, 1981, 73 et seq. and 87 et seq.; Y. Sayigh, *Armed Struggle and the Search for State – The Palestinian National Movement, 1949-1993*, 1997, 58 et seq.

by their military defeat and rumours of collaboration with Israel during the 1948 conflict. The United States added to the Arab host states' fears by waving the threat of a possible exploitation by the USSR of any situation of turmoil in the Near East.<sup>16</sup>

In private discussions, Arab leaders also questioned the refugees' claims for return. Thus, the Egyptian delegation at Lausanne confided to Western delegations that few refugees would agree to return in regions now under Israeli sovereignty, even if they were given the choice to do so. Resettlement was therefore the only solution, but preferably outside Egyptian territory.<sup>17</sup> Sociological explanations were also put forward by Arab delegations to explain the relevance of resettlement for the most destitute refugees, i.e. the (former) farmers. As W. Eytan, then a member of the Israeli delegation recounted after an informal meeting with the Jordanian Minister of Foreign Affairs, Fawzi al-Mulki:

“Is preference to be given to town-dwellers or to state folk? On these questions Transjordan (or at any rate Mulki) has clear-cut notions. Preference should go to property owners. If a man owns land or a house, he has something to attach him to his place of origin ... On the other hand, a penniless peasant is the same everywhere; it makes no difference to him whether he ploughs a field in Israel or in Transjordan. For this reason, according to the Transjordan idea, property-owners have prior claim to repatriation, and Mulki added that he was sure they were also the most desirable and stable element from our point of view ... My impression was that Mulki would be perfectly satisfied if nobody except the landowners were repatriated.”<sup>18</sup>

The question as to whether Mulki's opinions were prevalent amongst the Jordanian or the Arab delegations present at the Lausanne Conference is a moot point. What is more important is the extent to which those opinions may have reinforced Israel's reluctance to deal with the issue of the return of the “Arab refugees.”

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<sup>16</sup> For a US appraisal of the USSR's influence in the region, see “Policy Statement Prepared in the Office of Near Eastern Affairs”, 28 December 1950, in: *FRUS* 1950, Vol.V, 272.

<sup>17</sup> See “The Secretary of State to the Embassy in Egypt”, 25 June 1949, in: *FRUS* 1949, Vol. VI, 1181. A few years later, in 1955, Nasser declared to American diplomats that most refugees would not wish to return to Israel, if they saw the living conditions of the Arabs who lived there. He also revealed that it would be very difficult for any Arab leader to take a stance that would deprive the refugees from their right of return; see: “Telegram From the Embassy in Egypt to the Department of State”, in: *FRUS* 1955-1957, Vol. XIV, 807.

<sup>18</sup> In: “W. Eytan to M. Sharett”, 1 July 1949, in: *ISA* 1949 (companion volume), No. 113, 193.

## 2. Towards Controlled Resettlement

None of the proposals put forward by the Arab delegations bore fruit. Snubbing its own negotiators,<sup>19</sup> the Israeli government refused to make any territorial concessions or to abide by the terms of Resolution 194 (III). It put forward two “peace proposals” in May and July 1949 consisting first in the annexation of the Gaza Strip and the taking in charge of its 200,000 refugees, and second in the repatriation within Israel’s borders of 100,000 refugees in accordance to the needs of the Israeli economy. Both proposals were rejected by the Arab delegations and by the UNCCP for not being in accordance with the provisions of Resolution 194 (III).<sup>20</sup>

Israel’s intransigence placed Arab governments in a delicate position *vis-à-vis* the refugees and public opinion at large. Indeed, how to sell the principle of refugee resettlement, to which Arab opinion was violently opposed, without any Israeli compensation in exchange? Ultimately, as the US Ambassador to Lebanon reported, the Arab governments’ legitimacy was at stake:

“Opinion in Arab states remains so violently opposed to the abandonment of rights of refugees to repatriation in Palestine that contemplation by governments of settling them elsewhere would likely make governments shaky.”<sup>21</sup>

In such a context, Arab strategy consisted in politicising the humanitarian assistance approach adopted by the UNCCP at the end of the Lausanne Conference.

By September 1949, the Commission had abandoned its efforts to find a solution based on Resolution 194 (III). Instead, it established the Economic Survey Mission (ESM) with a view to studying the means of enabling the host governments to overcome economic dislocations created by the presence of refugees.<sup>22</sup> The ESM’s interim report (September 1949) recommended the following: rather than remaining objects of charity, idle refugees were to be given an opportunity to go to work where they were. The UN was thus to organise, simultaneously with relief aid, a programme of public works in cooperation with the local governments that would gradually absorb the refugees in the host economies. As the refugees were resettled, the relief assistance

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<sup>19</sup> E. Sasson, the Israeli delegate in charge of the informal talks with the Arab delegations, ascribed the failure of the Lausanne Conference to the uncompromising stand adopted by the Israeli government: “Firstly, the Jews believe that it is possible to achieve peace without paying any price, maximal or minimal. They want to achieve a) Arab surrender of all the areas occupied today by Israel, b) Arab agreement to absorb all the refugees in the neighbouring states, c) Arab agreement to rectification of the present frontiers in the centre, south and Jerusalem area in favour of Israel only;” see “E. Sasson (Lausanne) to S. Divon”, 16 June 1949, in: ISA 1949 (companion volume), No. 81, 47 et seq.

<sup>20</sup> “Note by the Conciliation Commission to the Israeli Delegation in Lausanne”, 12 September 1949, in: ISA 1949 (companion volume), No. 281, 456.

<sup>21</sup> See “The Minister in Lebanon (Pinkerton) to the Secretary of State”, 18 October 1949, in: *FRUS* 1949, Vol. VI, 1442 et seq.

<sup>22</sup> See “First Interim Report of the U.N. Survey Mission for Middle East”, see note 9.

programme would be reduced, and the 60 camps that hosted about one third of the registered refugees dismantled.<sup>23</sup> In order to persuade the host states into accepting the ESM programme, the United States – the programme’s main financial supporter – promised that the development schemes would benefit not only the refugee population, but also the host state’s entire population.<sup>24</sup>

On the basis of the ESM’s interim report, the United States, Great Britain, France and Turkey drafted a resolution that was presented before the UNGA Special Political Committee (UNSPC) in December 1949. The draft resolution aimed at creating a non-political temporary agency, the Near East Relief and Works Agency (NERWA), which would implement the recommended relief and public works programmes in collaboration with the host governments concerned, i.e. Egypt in the Gaza Strip, Jordan, Lebanon and Syria. It was also to consult with these governments concerning measures to be taken by them when international assistance was no longer available.<sup>25</sup>

During the discussions that preceded the adoption of the draft resolution, the Arab states, whose cooperation was a prerequisite for implementation, were able to impose their views concerning the new Agency’s mandate. Their amendments to the draft resolution highlighted their political and socioeconomic concerns and interests with regard to the Palestinian refugee issue. The final, amended, resolution (General Assembly Resolution 302 (IV) of 8 December 1949) was to set the legal framework within which the debate around that issue would be dealt with in the following decades.

#### *a. The necessary public emphasis on UN involvement*

Arguing that they had not required any assistance, the Arab states suggested that the new Agency’s affiliation with the United Nations be clearly mentioned. They thus proposed that the NERWA be renamed “United Nations Relief and Works Agency for the Palestine Refugees in the Near East” (UNRWA).<sup>26</sup> This emphasis on the centrality of the UN’s role, and in particular the Western powers, also reflected the Arab creed that the international community was responsible

<sup>23</sup> The ESM was also supposed to facilitate repatriation. It did not do so, probably “because Israel will not admit them,” *idem*.

<sup>24</sup> Refer to the “Mc Ghee, plan” in: “Memorandum by the Coordinator on Palestine Refugee Matters (Mc Ghee) to the Secretary of State”, see note 12, 935 et seq.

<sup>25</sup> See “United States of America, France, United Kingdom of Great Britain and Northern Ireland, and Turkey: draft resolution”, 1 December 1949 (A/RES/AC.31/L.46/Rev.1), par. 7.

<sup>26</sup> See “Egypt: amendment to the draft resolution presented by the United States...” (A/RES/AC.31/L.48/Rev.1), 2 December 1949, par. 4; see also the discourse by the Iraqi delegate at the 4<sup>th</sup> session of the Special Political Committee (A/RES/1060, A/RES/1060/Add.1, A/RES/1106), para. 117.

for the creation of the refugee problem given its direct involvement in the creation of the State of Israel in November 1947.

*b. The link between UNRWA's mandate and Resolution 194 (III)*

Whereas the draft resolution only mentioned Resolution 194 (III) in its preamble, the Egyptian amendment insisted that the final resolution stipulate that the new international assistance programme would not be prejudicial to the provisions of Resolution 194 (III) (par. 5 of Resolution 302 (IV)). It also insisted the resolution include a paragraph directing “UNRWA to consult with the UNCCP in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948” (par. 20 of Resolution 302 (IV)).<sup>27</sup> By adopting this resolution, the UN endorsed implicitly the principle that the refugee communities had been stressing since their exodus, namely that international assistance was not a mere temporary assistance venture, but a recognition of their status as refugees endowed with the right to return to their homes. This formal link established in Resolution 302 (IV) between Resolution 194 (III) and international assistance, has turned for the refugees the latter into a legal (temporary) entitlement.

*c. Controlling the modalities of UNRWA's mandate's implementation*

The Egyptian amendment also sought to give the host states the opportunity to control UNRWA's activities. It provided that UNRWA's Director and Advisory Committee should consult with each Near Eastern Government concerned in the selection, planning and execution of the projects (par. 8 of Resolution 302 (IV)).<sup>28</sup>

*d. Perpetuating the temporary*

The Egyptian proposal modified the draft resolution's stipulation that the direct relief programme should be terminated no later than 31 December 1950. In charge of such direct relief programmes until late 1948, the local host authorities had conspicuously failed to meet the operational and socioeconomic challenges posed by having to cater to hundreds of thousands of destitute refugees. In late 1948, the United Nations had taken over, setting up UN Relief for

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<sup>27</sup> Ibid. paras 1, 2 and 7.

<sup>28</sup> Ibid. par. 5. The Advisory Committee consisted of representatives of the United States, the United Kingdom, France, Turkey and three other western states. Its mission was to advise and assist UNRWA's Director (par. 8, Resolution 302 (IV)).

Palestine Refugees (UNRPR), whose task was to purchase relief and medical supplies and hand them over to three international voluntary agencies based in the field. In turn, these agencies were in charge of distributing the humanitarian supplies to the refugees.<sup>29</sup> The host states' role became to help the voluntary agencies accomplish their mission by providing campsites, guaranteeing security in those camps, facilitating transportation of goods, etc. Clearly, they were not ready to assume the politically sensitive and financially burdening relief distribution scheme. The Egyptian amendment thus introduced a new clause mentioning that the termination of international relief assistance might occur “*unless otherwise determined by the General Assembly at its fifth regular session*” (par. 6 of Resolution 302 (IV)).<sup>30</sup> Therein lay the basis for possible extensions of the international relief programme. Until the late 1960s, relief and social services even remained the main item in UNRWA's budget, followed by education and health services.

Resolution 302 (IV) gave the Arab host states the opportunity to achieve two seemingly contradictory objectives. On the one hand, the international development assistance programmes conducted by UNRWA could possibly boost their deteriorated economies, thus reducing threats to the internal stability. At minimum, by taking responsibility for the refugees' basic needs, UNRWA's services would cushion the negative impact of the refugees' burden on the economy. This explains why even Lebanon, whose authorities kept warning against any resettlement option on its territory, voted in favour of UNRWA's mandate. On the other hand, Resolution 302 (IV) kept alive the right of return as embodied in UNGA Resolution 194 (III) on the UN agenda, despite the demise of the UNCCP.<sup>31</sup> This allowed the Arab states to appear as the genuine representatives of the socioeconomic and political interests of the refugees. Until the 1960s this role would be all the more easy to perform as the Palestinian political elite, as represented before 1948 by Hajj Amin al-Husseini's Higher Arab Committee and other competing political groups, was discredited and marginalised on the Arab political scene.

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<sup>29</sup> The three agencies were the International Committee of the Red Cross (in territories now covering Israel and the West Bank), the League of the Red Cross Societies (in Jordan, Syria and Lebanon) and the American Friends Service Committee (Quakers) in the Gaza Strip.

<sup>30</sup> See “Egypt: amendment to the draft resolution presented by the United States...” see note 26, par. 6.

<sup>31</sup> Following the Lausanne Conference, the Commission organised another round of inconclusive peace negotiations conferences in Paris (1951) and took a few other peace-making initiatives, such as the (failed) mediation mission of its “representative” Joseph Johnson in 1961. More significantly, it created an office which was given the responsibility of making such arrangements necessary for the assessment and payment of compensation in pursuance of paragraph 11 of UNGA Resolution 194 (III). From 1955 until 1964, the office studied and established the scope and value of Palestinian property losses and identified the owner(s) of every plot of Arab-owned land in that portion of Palestine that became Israel as of 14 May 1948. Yet, the 453,000 documents attesting to lost Arab property were never put to use by the UNCCP or any other body as part of a compensation regime. Since 1964, the UNCCP has not accomplished any substantial work. Although its mandate was never terminated – it usually meets once a year – it has become the symbol of the UN's incapacity to resolve the Arab-Israeli dispute.

### III. Managing the return/resettlement dilemma (1950-1993)

#### 1. Ambivalent resettlement (1950-1955)

The strategy pursued by the Arab states in the years that followed the creation of UNRWA was shaped by three major dilemmas:

*Internal stability dilemma:* how to use international aid through UNRWA without giving the impression of giving up on the right of return and thus trigger political instability?

*Development versus relief services dilemma:* how to promote UNRWA's ambitious developmental schemes (except for Lebanon), while retaining access to its basic (or regular) services?

*National sovereignty dilemma:* how to benefit from UNRWA's development schemes without undermining the host states' national sovereignty? For Jordan, who was to annex the West Bank of the River Jordan and grant citizenship to the refugees, another dilemma lay ahead. However, the following question remained: how to turn refugees into fully-fledged Jordanian citizens while retaining their status as "UNRWA refugees?" In 1953, the Agency's Acting Director himself (L.J. Carver) highlighted the incongruity of the situation in Jordan:

"There is something incongruous in the presence of an alien organization ... furnishing the basic necessities for a large proportion of the population of a state, particularly when – as in the commendable case of Jordan – the refugees have been made full citizens of the State."<sup>32</sup>

These dilemmas led the Arab states to strike a balance between their state-interests for economic development and political stability on the one hand, and their symbolic commitment to the refugees' rights to return on the other.

At the normative level, the first Arab League resolution on UNRWA, Resolution 325 of 12 June 1950, recommended ambiguously to the host states that they should cooperate with UNRWA provided "that every State should declare its reservations to the said Agency in respect of the final settlement of the Palestinian problem and the rights of the refugees to return to their homes and to be compensated for their funds and properties." A year later, the UNGA decided to expand UNRWA's development programme so as to include large-scale resettlement projects in the Jordan Valley and the Sinai involving the bulk of Jordan's and the Gaza Strip's camps residents,

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<sup>32</sup> In: Report of the Director of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (Director of UNRWA), 1 July 1952-30 June 1953, Suppl. No. 13 (A/2470), para. 18.

respectively.<sup>33</sup> The Arab League once again responded hesitantly by accepting in its Resolution 389 of 10 October 1951 this new reorientation of UNRWA's mandate on the condition that the refugees' vested rights to return and be compensated were respected, and that their living standards not be affected negatively. Additionally, the United Nation's responsibility towards the refugees should remain intact pending the implementation of return and compensation. Finally, on 23 September 1952, Resolution 462 of the Arab League defined the operational limits of UNRWA's developmental tasks, by stating that its projects should not embody any stipulation for permanent residence.

At the operational level, the Arab host states resisted UNRWA's pressures to get fully involved in the implementation of the resettlement programmes. Because of its negative implications on the right of return, the very concept of "resettlement" (*tawtin*) even became taboo in their official discourse. Fear of internal instability is a key factor to consider in that respect. As the US ambassador to Egypt testified after an Arab League meeting in early 1951:

"They are of course certain in their own mind that the refugees are not going to get back and that resettlement work must be started ... Politically they do not dare to admit such a possibility and the very word 'resettlement' would be ruinous to their careers."<sup>34</sup>

Refusing direct involvement in UNRWA's resettlement activities first meant resisting the Agency's and its Western supporters' pressures to "enlighten" the refugees, which rested on explaining the virtues of resettlement coupled with reassurances that it would be carried out without any prejudice to the right of return. As the Secretary-General of the Arab League, Azzam Pacha, put it: "As regards enlightening the refugees, he [Azzam Pacha] said that the Arab League could certainly not undertake any such propaganda: the League would be regarded as sold to the Jews and blown sky-high."<sup>35</sup>

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<sup>33</sup> The Jordan Valley/Yarmouk agricultural project, concluded by an agreement between UNRWA and Jordan in March 1953, was expected to lead to the resettlement of 100,000-150,000 refugees. The Sinai project, about which Egypt and UNRWA signed an agreement in June 1953, was expected to lead to the resettlement of about 70,000 refugees. See "UNRWA Experience with Works Projects and Self-Support Programmes: An historical Summary (1950-1962)", *UNRWA Reviews*, Information paper No. 5, Beirut, September 1962.

<sup>34</sup> In: "The Ambassador in Egypt (Caffery) to the Department of State", 7 February 1951, in: *FRUS* 1951, Vol.V, 1982, 578. See also the research conducted by Avi Plascov on the basis of Jordan's police secret records: Plascov, see note 15. The study shows how the Jordanian authorities alternatively played the refugees against UNRWA and *vice versa*.

<sup>35</sup> See "Savingram from British Middle East Office (BMEO) to Foreign Office", 12 January 1951, in: *The Arab League: British Documentary Sources 1943-1963*, Vol. 7, 1951-1953, 34 et seq. The same concerns were aired in Syria (see "The Chargé in Lebanon (Bruins) to the Department of State", 31 August 1951, in: *FRUS* 1951, Vol. V, 847) and in Jordan (see "The Chargé in Jordan (Fritzlan) to the Department of State", 3 April 1952, in: *FRUS* 1952-1954, Vol. IX, part 1, 910 et seq.). Among the rare Arab policy-makers who advocated "enlightening the refugees" is Samir Rifa'i (Jordan) who declared to a UK delegation that the Arab League should reeducate the refugees to the idea that they would never be readmitted in Israel; see "Message from the

The Arab states' lack of cooperation extended to the refusal to grant UNRWA enough physical resources for development; such as land for irrigation works purposes as happened in northern Syria (Jezireh area, between 1952-1954) and in Egypt in the Sinai (1955).<sup>36</sup> They also refrained from associating themselves with UNRWA's highly unpopular measures of thinning out its (inflated) ration lists,<sup>37</sup> and refused persistently to take responsibility for the Agency's regular services (education, health and relief and social services).<sup>38</sup>

The host states resorted to technical or socioeconomic reasons to justify their hands-off policy towards resettlement. However, as recognised by UNRWA itself, the protracted nature of the Arab-Israeli conflict (that was the immediate cause of the Jordan Valley resettlement scheme in 1955) and the refugees' steady opposition to resettlement schemes were the key factors.<sup>39</sup> Indeed, not only did refugee opposition undermine UNRWA's projects in the field, it also heavily influenced the host authorities' level of cooperation. For instance, Egypt's final decision to shelve the Sinai scheme on the ground that the natural resources were already earmarked for national projects, occurred in the wake of the 1955 anti-resettlement demonstration in the Gaza Strip. Likewise, Jordan announced that same year that it would ultimately not participate in a previously agreed to agreement with UNRWA for a massive ration list thinning out campaign after anti-Western demonstrations broke out in cities across the country. In both cases, the demonstrations were organised by opposition parties (the Muslim Brotherhood, the Communist and the Baath parties mainly) with the full involvement of the camp refugees.

By 1955-1956, it appeared clear that the refugees, the camps and UNRWA would remain permanent features of the Near East landscape. According to UNRWA, the number of refugees resettled as of June 1957 – i.e. who had been thinned out of its ration lists following the improvement of their living conditions – stood at 24,000 whereas the number of people

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delegation in Amman to the Foreign Office, 15 January 1951", in: *The Arab League: British Documentary Sources 1943-1963*, Vol. 7, 1951-1953, 36.

<sup>36</sup> As reported in UNRWA's annual reports: See Report of the Director of UNRWA, 1 July 1952–30 June 1953, Suppl. No. 12 (A/2470), para. 35; Report of the Director of UNRWA, 1 July 1953–30 June 1954, Suppl. No. 12 (A/2470), para. 35; Report of the Director of UNRWA, 1 July 1953–30 June 1954, Suppl. No.12 (A/2470), para. 35; Report of the Director of UNRWA, 1 July 1954–30 June 1955, Suppl. No. 15 (A/2974), para. 34; Report of the Director of UNRWA, 1 July 1953–30 June 1954, Suppl. No. 12 (A/2470), para. 35; Report of the Director of UNRWA, 1 July 1955–30 June 1956, Suppl. No.14 (A/3212), para. 66.

<sup>37</sup> In August 1950, the number of refugees registered with UNRWA was at about 922,000, while the UN estimated the actual number of eligible refugees at about 748,000. The difference is due to the "false registrations," i.e. unreported deaths, duplication of registration cards, etc.

<sup>38</sup> See "The Chargé in Lebanon (Bruins) to the Department of State", 10 August 1951, in: *FRUS* 1951, Vol. V, 1982, 829 et seq.; "The Problem of the Rectification of the UNRWA Relief Rolls", *UNRWA Reviews*, Information paper No. 6, Beirut, September 1962, 9.

<sup>39</sup> See Report of the Director of UNRWA, 1 July 1954–30 June 1955, Suppl. No. 15 (A/2978), paras 34-35.

registered on its lists exceeded 933,000.<sup>40</sup> It was also clear that in future the Arab host states would not endorse any plan that could be interpreted as undermining the refugees' rights, thus threatening political stability. Devoid of any national leadership that could represent their interests, the refugees had nonetheless proven that their clout with national politics should not be underestimated. As the host authorities had feared from the outset, they could be instrumental in nullifying policies and decisions that they considered at variance with their vested interests, and most particularly with their right of return.

## **2. No resettlement/no return (1959-1993)**

By the late 1950s, the Arab host states' stances regarding the Palestinian refugee issue revolved around two main concerns: the preservation of the right of return on the one hand, and the adaptation of the refugees' legal status to the prevailing political and socioeconomic situation.

### *a. The preservation of the "right of return discourse"*

The Arab official discourse kept in line with the refugees' claims, and centred on the implementation of the right of return and the preservation of UNRWA as a symbol of both the refugees' plight and of the international community's responsibility for implementing Resolution 194 (III). The resettlement programmes, once cautiously promoted, became the official symbol of betrayal for the refugee cause. However, the term "return" has continued to be aired as an empty slogan devoid of any clear reference to the modalities of implementation of return; either as regards the repatriation procedure, or the political regime that might prevail in a recovered Palestine. This contributed to transform the right of return from a concrete, practical procedure of repatriation into a matter of abstract principle of justice and, as is amply evidenced in Palestinian literature, into a myth featuring "return" as a triumphal march towards Palestine. Nevertheless, keeping the right of return alive enabled the Arab host states to assuage the refugees' frustration and to maintain internal stability while preserving a negotiation chip for possible future negotiations with Israel. It also fit perfectly alongside the interests of a state like Lebanon who opposed the resettlement of the refugees on its soil for specific political and socioeconomic reasons, i.e. power balance between the various religious communities and limited absorptive capacity.

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<sup>40</sup> See "UNRWA Experience with Works Projects and Self-Support Programmes: An Historical Summary (1950-1962)", see note 33, 8, 11.

The preservation of the right of return also implied the institutionalisation of UNRWA, whose assistance programmes were increasingly of crucial importance. As UNRWA grew in proportion with the refugee population, it became a pillar of the economy of the host states, enabling them to save the bulk of the funds devoted every year to the refugees' basic needs. One must also take into account the fact that UNRWA became one of the main employers of the Near East, right behind the public sector.<sup>41</sup>

Lack of clarity also marked the Arab definition of resettlement. Whereas the Arab states managed to reach a consensus about the refusal of large-scale programmes, they found it more difficult to hold a unified position on small-scale, individual resettlement, especially when this meant emigration outside the Near East.<sup>42</sup> In January 1954, for instance, the Arab League postponed discussions regarding an offer of the US Congress that decided to admit 2,000 adult Palestinian refugees, before deciding three months later that it was up to the refugees to make up their own minds.<sup>43</sup> Likewise, in November 1954, the Arab League postponed indefinitely a debate around the resettlement of Palestinian refugees in Libya.<sup>44</sup> Finally, in 1959 the United Nations Secretary-General put forward proposals aimed *inter alia* at actively involving the refugees in the socioeconomic development of the Middle East at large and the wealthy Gulf states in particular.<sup>45</sup> The Arab League rejected these proposals for they saw them as an indirect means of depopulating the camps and burying the right of return. It also argued that the socioeconomic development of the region should not be linked to the settlement of the refugee issue.<sup>46</sup> On their part, the 45 representatives of nine refugee organisations based in Lebanon also rejected the proposals, although they warned that UNRWA had already started implementing them on a small scale.<sup>47</sup> However, these initial fears quickly subsided. Since the departure rate remained much

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<sup>41</sup> The current number of UNRWA employees is about 25,500; UNRWA, *Figures as of 31 December 2004*, Public Information Office, UNRWA Headquarters (Gaza), April 2005.

<sup>42</sup> Since the early 1950s, the Arab states had informed the State Department of the United States that emigration within the Arab world would not be considered as resettlement (see "The Chargé in Lebanon (Bruins) to the Department of State", 10 August 1951, see note 38, 830). A Conference gathering the host states in September 1956 confirmed that approach; see *al-Difâ`*, 12 September 1956, 7.

<sup>43</sup> See resolutions of the Arab League No. 708 of 27 January 1954 (R708/20/8) and 760 of 5 April 1954 (R/760/4/21)..

<sup>44</sup> Resolution 824 (29 November 1954) of the Arab League. (R824/22/3).

<sup>45</sup> The Secretary-General recommended that US\$ 1.7 billion be gathered so as to employ up to 500,000 refugees by 1970. That plan was embedded within a larger US\$ 12 billion Middle-East development programme targeting the Middle-East region at large. See "Proposals for the Continuation of United Nations Assistance to Palestine Refugees" (A/4121), 15 June 1959.

<sup>46</sup> See: Recommendations by the Committee of Arab Experts to the Proposals of the U.N. Secretary-General Regarding the Continuation of U.N. Assistance to the Palestine Refugees; M. Khalil (ed.), *The Arab States and the Arab League: A Documentary Record, Vol. II, International Affairs*, 1962, 654 et seq.

<sup>47</sup> See "The refugees of Lebanon reject the Hammarksjoeld recommendations", *al-Difâ`*, 13 July 1959, page 1.

lower than the birth rate, individual emigration did not threaten the existence of the camps. Even more, it became an important source of income. The remittances sent by the emigrants (mostly teachers and vocational workers) to their relatives in cash and in kind became a mainstay of the “refugee economy” and contributed to the consolidation of the camps.<sup>48</sup> The emigration process also benefited the PLO, whose funding would be largely secured by the Palestinian communities living in those states until the late eighties.<sup>49</sup>

With the emergence of the PLO as a fully-fledged actor on the international scene in the mid-1970s, the Arab host states’ political role as promoters of the refugees’ rights lost a great deal of its significance. The PLO, as the sole legitimate representative, managed to politicise the refugee question by turning it from an individual matter into the collective, national right of the Palestinian people.<sup>50</sup> The UN arguably acknowledged this achievement when the General Assembly reaffirmed within Resolution 3236 (XXIX) of 22 November 1974, “*the inalienable rights of the Palestinians to return to their homes and property from which they have been uprooted, and calls for their return*” (par. 1 b). In the field, however, the emergence of the PLO has, at times, led the host states to tame or fight it (for instance in Jordan 1970-1971) and to tightly control the refugee communities.

The advent of the first *Intifada* enabled the PLO to establish for good its political pre-eminence on the Palestinian political scene. Cashing in on the severance of Jordan’s administrative links with the West Bank in July 1988 and the Declaration by the Palestinian National Congress of a Palestinian State in the Occupied Territories in November 1988, it asserted its stature as a pre-state body. Since then, the Arab states have usually publicly supported the PLO’s efforts to end occupation and achieve statehood. They have also called repeatedly for the implementation of Resolution 194 (III), though remaining unclear about the modalities of its implementation.

#### *b. The legal status of the refugees in the host states*

Ever since the early 1950s, the Arab League has tried to ensure, through numerous resolutions, that the Palestinian refugees would be given treatment on a par with the citizens of the host states in such socioeconomic fields as employment, residency, education and free movement. In 1965,

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<sup>48</sup> See H. Elnajjar, “Planned Emigration: The Palestinian Case”, *International Migration Review* 27 (1993), 34 et seq.

<sup>49</sup> For example, from the late 1960s to the late 1980s the Kuwaiti government collected 5 per cent of its Palestinian employees’ salaries as a “liberation tax” which was then given to the Palestinian National Fund; similar taxes were also directly levied by the PLO where it was able to do so, such as in Lebanon in the 1970s.

<sup>50</sup> See the UNGA Resolution 3237 (XXIX) of 22 November 1974 as well as the Arab Summit Resolution adopted in Rabat on 29 October 1974.

these various legal instruments were synthesised in one document, the Casablanca Protocol, which was adopted by the Council of Foreign Ministers of the Arab League.<sup>51</sup> The Protocol however admitted that the Palestinians should retain their original nationality as a means of keeping the Palestinian's right of return alive. With the notable exception of Jordan, whose authorities granted them nationality,<sup>52</sup> the other Arab states have granted refugees special travel documents provided for by the Arab League (Refugee Documents (RDs)).

No Arab state has ever fully or consistently implemented the Protocol. As a matter of fact, the Palestinian refugees have generally been subjected to discriminatory legal statuses. The most striking example is Lebanon where, except for a group of about 30,000 wealthy and/or skilled refugees who were offered nationality in the fifties, Palestinian refugees have been subject to laws pertaining to foreigners. Suspended after the conclusion of the "Cairo Accords" between the PLO and the Lebanese authorities in 1969, these discriminatory regulations have been fully enforced with respect to the Palestinians since the nullification of these accords in 1987. By contrast, Syria has been the most equitable towards its Palestinian refugee population, granting it the same rights as its own nationals in the fields of employment, trade and military service, while restricting access to land ownership (to prevent resettlement). Besides feelings of solidarity, Syria's generosity can also be ascribed to the fact that the refugees only amount to a little percentage of the total population. In Lebanon that percentage is higher (11.5 per cent) and its impact on the religious-based constitutional system is far more significant.<sup>53</sup>

The host states have resorted to various excuses to justify their discriminatory attitude, from the absolute necessity of preserving the right of return to the need to protect their fragile political and socioeconomic environments. Since the late 1950s, UNRWA has implicitly given credit to the host states' policies by acknowledging that the host states did not possess the absorptive capacity needed to integrate a refugee population of such magnitudes.<sup>54</sup> The Agency has also praised host states for the assistance they have delivered since the 1950s in terms of the provision of private or state-owned land for campsites, the enforcement of the rule of law in the camps, and the provision of supplementary medical, welfare and educational services (post-preparatory phase). Jordan, the main host state in terms of the number of refugees hosted, has also set up three

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<sup>51</sup> See the text of the Protocol in Takkenberg, see note 2, annex 3, 374 et seq.; the book also includes a list of the relevant resolutions adopted by the Arab League since 1952 (370 et seq.).

<sup>52</sup> See Article 3 para. 2 of the Jordanian Nationality Law of 1954.

<sup>53</sup> According to UNRWA's registration figures (which do not represent the total Palestinian refugee population): 2.7 per cent in Syria, 11.5 per cent in Lebanon, 32.6 per cent in Jordan; 84.5 per cent in the Gaza Strip, and 34.8 per cent in the West Bank. UNRWA, see note 1. The overwhelming majority of the Palestinian refugees are Muslim. For a comprehensive survey of the status of the Palestinian refugees in the Arab states, see Takkenberg, see note 2, ch. IV, 131 et seq.

<sup>54</sup> See: Report of the Commissioner-General of UNRWA, 1 July 1959–30 June 1960, Suppl. No. 14 (A/4478), paras 8-10.

official camps (“non-UNRWA camps”), where housing is free of charge and which are serviced by Jordan.<sup>55</sup> According to official sources, the sums spent by Jordanian authorities on behalf of the refugees, in coordination with UNRWA or on its own, amounted to US\$ 365 million in 1999 (US\$ 237 per refugee). In comparison, UNRWA’s budget for Jordan the same year stood at US\$ 75 million (i.e. US\$ 49 per refugee).<sup>56</sup>

In light of these developments, one may infer the kind of priorities that will emerge for the host states within the framework of a permanent settlement. The first priority will be to regularise the legal status of those refugees who will resettle permanently. The second priority will be to get compensated for the resettlement programme required and for the taking over of UNRWA’s services.

#### **IV. From Oslo to the future**

Given the format of the “Oslo peace process,” the Arab host states have been excluded from formal talks on permanent-status issues that were restarted in 1999, including the “1948 refugees” issue. Hence, a strange situation has arisen, whereby decisions affecting host states directly – as regards resettlement for example – could be made at their expense and without their active cooperation. Nevertheless, these states have continued to follow the course of negotiations and to take initiatives so as to anticipate any possible outcome. Thus, their isolation from matters that affect them directly has resulted in a two-pronged response: the international level, i.e. in connection with the development of various peace plans (A), and the internal level, in relation to the legal status of their refugee population (B).

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<sup>55</sup> These governmental camps are the Al Hassan or Al Nasser camp in the Amman governorate; the Madaba camp in the Madaba governorate; and the Sukhneh Camp in the Zarqa governorate. The Jordanian authorities have set up camps for the 1967 displaced people. However, neither UNRWA nor the host authorities recognise administratively as camps several refugee-inhabited locations considered as such by the refugees, such as Bir Zeit, Silwad or Kaddura in the West Bank, Waqqas in Jordan and Yarmouk in Syria.

<sup>56</sup> The Department of Palestinian Affairs, *Five Decades of Responsibility in the Refugee Camps of Jordan*, 2000, 62. The host authorities, including the PNA, also contribute little amounts to UNRWA’s regular budget. Their contributions for the period 1 January 2000-31 December 2000 amounted to US\$ 482,461 (out of a total of US\$ 354,850,253). Source: Report of the Commissioner-General of UNRWA, 1 July 2001–30 June 2002, Suppl. No. 13 (A/57/13), Table 10.

## 1. The Arab States and the permanent-status settlement

At the pan-Arab level, the Arab League has traditionally adopted resolutions in favour of the right of return. More specifically, it has tried to curb initiatives taken by the Western sponsors of the peace process, aimed at resuming the approach they had failed to implement in the early fifties through resettlement programmes and the reduction of UNRWA's regular programmes. In March 1997, for example, adopted was a resolution rejecting any attempt aimed at detaching that question from its political dimension (i.e. the right of return and to compensation). With that aim in view, it has also pressed for the active involvement of the United Nations in the permanent-status agreement process. The UNCCP and UNRWA were asked to prepare a peace proposal based on UNGA Resolution 194 (III).<sup>57</sup> Such recommendations have continued to be inscribed in various Arab Summit declarations or peace proposals.<sup>58</sup> By referring to Resolution 194 (III) without mentioning the "right of return" *per se*, the Arab League has rehabilitated the long-rejected options of compensation and resettlement as possible alternatives to return. However, this is not to be seen as a betrayal of the PLO's position. Since 1988, the organisation's position has been predicated on the political resolution adopted by the 19<sup>th</sup> Palestinian National Council (November 1988) that affirmed, without even referring to Resolution 194 (III), the necessity of resolving the refugee issue according to the relevant UN resolutions (par. 6). At the same time, the traditional slogan "the right of return is sacred" has continued to appear regularly in the Arab leaders' discourses, mainly for public-consumption purposes.

The timorous evolution in rhetoric has had no impact on the Arab parties' practical vision of how return and compensation could be implemented. The revival of the Palestinian state project in the occupied territories following the outbreak of the first *Intifada* (1987-1994), blurred these concepts even more. Increasingly, moderate voices within the PLO itself have advocated a "realistic" implementation of the right of return, limiting itself to repatriation to the future Palestinian State.<sup>59</sup>

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<sup>57</sup> The Arab press relayed the Arab League's declarations and condemned the "arabisation" of UNRWA that was taking place through the shelving of Resolution 194 (III) and the constant reductions of UNRWA's services. See for instance "The Arab leaders aware of the plot and refuse to 'arabize' the refugees issue....", *Al-Hayat* (Jordan), 29 March 1997, page 1.

<sup>58</sup> By the same token, the "Beirut Declaration" concluding the Arab Summit in Beirut in March 2002 called for the "achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly resolution 194."

<sup>59</sup> The idea that the right of return should be implemented with flexibility, and mostly as a repatriation process limited to a Palestinian state was first publicly endorsed at the level of the PLO by Salah Khalaf (Abu Iyad), in: S. Khalaf, "Lowering the Sword", *Foreign Policy* 78 (1990), 92 et seq.; and the supplement of this article in the form of an interview by Foreign Policy with Abu Iyad, "Questions and Answers with Abu Iyad", 102 et seq.

Simultaneously, the host states have responded determinedly to the Western-sponsored mass refugee resettlement plans that surfaced informally in the late nineties parallel to the Israeli-Palestinian talks. According to these plans, most of the refugees would be resettled permanently in their current place of residence or in Europe and North America. Jordan and the PNA and Iraq were to receive extra-refugees from Lebanon, the latter being asked to absorb a reduced refugee population. Israel, on its part, could be asked to repatriate about 100,000 refugees on a humanitarian basis (family reunification schemes).<sup>60</sup>

Despite the large international aid package involved in these plans, the Arab states have refused to back them in public, by advocating instead various political and socioeconomic agendas, including the right of the refugees to return to their homeland.<sup>61</sup> For Jordan, however, its stance does not entail outright rejection of resettlement. Convinced that a regional peace would soon prevail, its leadership has clearly addressed it as a relevant option in the “Wadi Araba” peace treaty with Israel in October 1994. That treaty provided *inter alia* for the implementation of agreed United Nations programmes and other agreed international economic programmes concerning refugees and displaced persons, *including assistance for their settlement* (Article 8 par. 2).<sup>62</sup>

Over the years, Jordan’s hopes have been shattered by the many snags in the Israeli-Palestinian peace process; and by the late 1990s, its representatives had joined Syria and Lebanon in condemning any plan aimed at giving away the refugees’ rights. Jordanian officials became wary of a scenario where Israeli and the Palestinian negotiators would decide tacitly to keep the refugee issue off the negotiating table, thus imposing unfair and uncompensated resettlement plans on them. Accordingly, they have tried to draw the international community’s attention towards their own concerns, thereby claiming their right to represent the Palestinian refugees living on Jordan’s soil. As the Prime Minister put in August 2000, referring to the Israeli-

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<sup>60</sup> See for instance D. Arzt, *From Refugees to Citizens: Palestinians at the End of the Arab-Israeli Conflict*, Council of Foreign Relations, 1997; or for a summary of US plans: “American Proposals to Transfer Lebanon’s Palestinians”, *Middle East Intelligence Bulletin* 2 (2000); and L. Drake, “The Future of Palestinian Refugees in Lebanon”, in: J. Ginat/E.J. Perkins (eds), *The Palestinian Refugees: Old Problems-New Solutions*, 2001, 203 et seq.

<sup>61</sup> See for instance Author, “Jordan rejects resettlement of Palestinians”, *Jordan Times*, 10 February 2001, page; or Author, “The Lebanese President: We refused an international offer of US\$ 20 billion in exchange for the resettlement of the refugees”, *Al-Quds*, 16 August 2000, page. During the Camp David talks of Summer 2000, compensation funds for host states were articulated, whereby Jordan and the PNA would receive US\$ 40 billion each, Syria and Lebanon over US\$ 10 billion each.

<sup>62</sup> Emphasis added. Resolving the human problems caused by the conflict in the Middle East was at the core of the peace treaty concluded between Jordan and Israel in October 1994. Among the other means of reaching this end – provided for in the treaty – were action through the Multilateral Working Group on Refugees and bilateral negotiations. One notices that Resolution 194 (III) and the issues of return and compensation are not even mentioned. The opposition political parties have repeatedly denounced the government’s projects as resettlement schemes undermining the right of return.

Palestinian talks: “We are supporting the Palestinians, but we have Jordanian interests to safeguard, especially [when it comes to] the Palestinians’ right to return and to be compensated.”<sup>63</sup>

More precisely, Jordan has clearly hinted that, in due time, they would demand compensation for the refugees who would not return, as well as for the State of Jordan. The latter claim would be predicated on three main grounds: the implementation of rehabilitation/resettlement schemes, the taking over of UNRWA’s regular services, and in return for having hosted refugees and helped UNRWA in its humanitarian duties since 1950.<sup>64</sup>

In future, the Arab states will try to maintain internal stability while securing economic benefits within the framework of a permanent-status peace agreement. However, by adding to his acceptance of the roadmap declaration denying unilaterally the right of return,<sup>65</sup> the Sharon government has reinforced the Arab states’ fears of a *de facto* resettlement process. On the more positive side, this threat may in turn foster Arab unity and encourage pan-Arab initiatives aimed at enhancing both the refugees’ rights and their own political and socioeconomic state interests.

## 2. The Arab States and the legal status of the refugees

The Arab League has seemingly abandoned its efforts to guarantee minimal legal protection for the Palestinian refugees in the Arab host states. Its Resolution 5093 of 12 September 1991 has subjected Palestinians to the rules and laws in force in each state. While it is not clear whether that resolution has formally revoked the Casablanca Protocol or not, it has unquestionably weakened the legal obligations embodied in it.<sup>66</sup>

Following the signing of the “Oslo Agreements,” the situation of the refugees in the Arab host states deteriorated. Resorting to various excuses, from the preservation of the “right of return” to

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<sup>63</sup> See for instance Jordan’s former Prime Minister’s statements in “Abou Ragheb: Jordan ‘pillar of peace’”, *Jordan Times*, 28 August 2000, page 1. In future, one may expect a showdown to take place between the Jordanian government and the PLO over the political representation of the refugees residing in Jordan. These refugees are *de jure* Jordanian citizens.

<sup>64</sup> See for instance extracts Mr. Abu al-Ragheb’s statements in *al-Ra’i*, 11 January 2001, page 1. Regarding UNRWA, its general fund budget as of 31 December 2004 devoted US\$ 76 million for Jordan, US\$ 55 million for Lebanon, US\$ 28 million for Syria and US\$ 164 million for the occupied territories (US\$ 57 million in the West Bank and US\$ 107 million in Gaza). UNRWA, Figures as of 31 December 2004, Public Information Office, UNRWA Headquarters (Gaza), April 2005, see above note 1.

<sup>65</sup> The peace plan devised by the Quartet (the EU, Russia, the UN and the USA) aims at achieving a long-standing peace to the Middle-East conflict by 2005.

<sup>66</sup> While A. Shiblak argues that this resolution has officially revoked the Protocol, other analysts, such as L. Takkenberg, have taken the position that an international agreement cannot be nullified by a mere recommendation.

the maintaining of the Taef Agreements of 1989, the Lebanese policy-makers of all political colours have openly expressed their rejection of any future regularisation of the Palestinian refugees. In 1994, the Minister of Foreign Affairs even advocated pushing them to emigrate permanently.<sup>67</sup> Meanwhile, the successive Lebanese governments have kept enforcing the legal restrictions against the Palestinian community (discriminating regulations on the job market (over 70 jobs banned), rising university fees, systematic obstruction for the renewal of *laissez-passes*, etc.).<sup>68</sup> The impact of these discriminatory measures has been compounded since the early 1990s by the reduction the PLO's social infrastructure, as well as by UNRWA's austerity measures.

In Jordan, two different trends have occurred. On the one hand, the authorities have decided to improve the camps' infrastructure under the banner of rehabilitation (*ta'hîl*), insisting that this would not prejudice in any way the refugees' right of return. As such, the developmental approach has done nothing but institutionalise an informal phenomenon observable in all the Arab world; since the late 1960s, camp refugees have restored and extended their housing units, while getting better access to water and electricity. The move towards *de facto* "normalisation" of the camps was reinforced by the gradual integration of the refugees in the regional economy of the Arab Middle East. The PLO may have also encouraged self-supporting initiatives by stressing the necessary transformation of the Palestinians' representation: from a destitute group dependent on "international charity" to an active and self-determined people. Although that phenomenon has remained uneven, depending chiefly on the legal status of the refugees in each host state, it has reflected a gradual acceptance of development among the camp-dwellers, provided that the camps preserve their temporary status.

On the other hand, Jordanian nationalist circles, while questioning the refugees' double-identity as "Jordanians-Palestinians," triggered in the mid-late 1990s an "anti-Palestinianism" or "Jordanian first" campaign.<sup>69</sup> For the camp refugees, however, their major concern stemmed from rumours that the camps would be dismantled, either as a result of unilateral governmental policies or of legal action taken by the original owners of the camp land wanting to restore their

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<sup>67</sup> See the Lebanese Minister of Foreign Affairs' interview in *al-Safir* (Lebanon) in 1994, as mentioned in: P. Mattar (ed.), *Encyclopedia of Palestine*, 2000, 261. As various sources have it, whereas the number of refugees registered with UNRWA amounts to about 400,000 people (UNRWA, see note 53), the actual number still residing in the state is estimated by various informal sources at around 200,000-300,000.

<sup>68</sup> See H. Khashan, "Palestinian Resettlement in Lebanon: Behind the Debate", *Palestinian Refugees (Background Papers)*, Centre d'études pour le développement (Canada), *Alternatives*, March 1995, 56 et seq.; and A. Shiblak, "Palestinians in Lebanon and the PLO", *Journal of Refugee Studies* 10 (1997), 270 et seq.

<sup>69</sup> See A. Abu Odeh, *Jordanians, Palestinians & the Hashemite Kingdom in the Middle East Peace Process*, 1999, 235 et seq.

rights.<sup>70</sup> Fearing that evacuation of camp refugees would stir up discontent state wide, Jordanian and Palestinian authorities have managed to preserve the *status quo*. Yet, they have so far failed to provide conclusive clarifications regarding the future status of disputed camp land.

The *Intifada al-aqsa* has somehow reunited the Jordanians, whatever their origin, in support of the Palestinians' struggle against occupation, and, more particularly, against the possibility of new *en masse* deportations. In late 2002, the Jordanian authorities tried to reinforce this trend by launching a national nation-wide campaign dubbed "Jordan First." One of its main goals was to "*deepen the sense of national identity among citizens and spread a culture of respect and tolerance to integrate and fortify a diverse, but united, national and social fabric that thrives in an atmosphere of justice, democracy...*"<sup>71</sup> The "Jordan First" message also addressed regional powers. By insisting that the state's priorities should emphasise "*the pre-eminence of Jordan's interests above all other considerations,*"<sup>72</sup> the Jordanian authorities made it clear that under no circumstances would they accept to absorb another wave of refugees, be it from Iraq or from the Palestinian Occupied Territories.

However, it remains to be seen whether the host Arab states will be able to promote their specific internal interests in the face of the pressures that are exerted on them by the international community. For an Israeli-Palestinian agreement on refugees might well include massive resettlement.

## V. Conclusion

The Israeli governments have regularly accused the Arab host states of using the refugee issue as a political tool against Israel. However, as the chapter has shown, since 1948 host state strategies have reflected various internal concerns regarding political and socioeconomic stability. Accordingly, there has been a discrepancy between the Arabs' discourse, staunchly bent on the strict implementation of Resolution 194 (III), and their practice, which has at times indicated readiness, (in the early 1950s particularly), to compromise on the right of return.

However, due to the protracted nature of the Arab-Israeli conflict, such readiness has never bore fruit. UNRWA's small and large-scale resettlement programmes, which were supposed to durably

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<sup>70</sup> The initiatives taken by the owners the Wihdat and the Hussein camps' land in 1996 and 1998 were brought up in the press; see newspaper *Al-Quds*, 11 February 1998.

<sup>71</sup> See "Jordan First national campaign aims to prepare society for a better future", *The Daily Star* (57<sup>th</sup> Anniversary of Independence Feature Supplement), 27 May 2003, 4.

<sup>72</sup> *Idem*.

solve the refugee issue in its humanitarian aspects – and the issue altogether from an Israeli and Western perspective – were shelved as a viable option as of the mid-late fifties. The refugees' refusal of any collective resettlement process that may bury their hopes of return to their homes became a key factor in shaping the Arab states' stances on the issue.

This prompted a two-pronged policy as regards the refugees. On the one hand, Arab host states have tried to keep the right of return alive by numberless public declarations declaring that right is sacred. On the other hand, each one of them has submitted the refugees to a specific legal status that befittingly mirrors the interests of their respective economies and political systems. More than anything else, UNRWA embodies the *status quo*. On the one hand, its regular activities have been interpreted by the Arab world as a symbol of the international commitment to solve the refugee issue and the symbol of their plight. On the other, the Agency has played a crucial role as a stabiliser by cushioning the socioeconomic impact of the refugees' presence.

However, the minimal *status quo* that the host states have managed to preserve on the “refugee front” has eroded since the start of the Oslo process. Arabs have been unable to prevent UNRWA's main donors (the United States and Europe) from decreasing their contributions to below an adequate level. Also, excluded from the Israeli-Palestinian permanent-status talks, the Arab states have had to counter numerous formal and informal initiatives aimed at resettling the refugees on their territory with little consideration for their own priorities and aspirations.

The Arab states' weakness stems partly from their inability to display a cogent vision of the core concepts of return, compensation or resettlement. Today, the Arab position boils down to common slogans that seek to reassert the relevance of Resolution 194 (III) and the need to preserve UNRWA. Putting aside the need to solve the refugee issue, one must also take stock of the fact that neither Arab, nor Palestinian detailed settlement plans exist. This may be due to a lack of explicit Palestinian doctrine on the subject; thus, the nature of the future relations that will develop between the refugees (who will remain in the Arab host states) and the State of Palestine remains unclear. Should the refugees be granted, as has been the case in Jordan since the early 1950s, the nationality of the host state? Should they be given a double nationality? Whatever their formal citizenship is, the question still remains as to how to guarantee that the basic human rights of the Palestinians, including full access to education, social services and employment, will be ensured whatever their future place of residence is. These questions are all the more important to consider as they tackle the making of a future Palestinian Diaspora, and of the Middle East at large.

The negotiating stance displayed recently by Israel's government that envisages the right of return as a non-starter, or even more insidiously, as a claim to drop in exchange for a Palestinian State, should prompt the Arab states, including the PNA, to coordinate on any matter related to the refugee issue. The relevance of such a “coordinated approach” first stems from the fact that

any Israeli-Palestinian accord will need to be agreed upon by the host states before it is implemented. A unified Arab position would also strengthen the Arab parties within the framework of both the interim and post-agreement periods.

Such a “coordinated approach” should be supported by technical discussions aimed at documenting and underpinning the Arabs’ claims *vis-à-vis* Israel and the international community. It may also lead the Arab states and the Palestinians to tackle thorny issues that have so far been overlooked for the sake of Arab unity, such as the exact role of the Arab states in the forthcoming Israeli-Palestinian negotiations and, more significantly, the future legal status of the refugees.