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# Understanding the Attitude in Israel Towards the Application of the Right of Return for Palestinian Refugees

Wafaa Abuzayda  
abdulokal@gmail.com

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**Understanding the Attitude in Israel Towards  
the Application of the Right of Return for  
Palestinian Refugees**

Wafaa Abuzayda

San Francisco  
December 17, 2018

Master of Arts in International Studies  
(MAIS)

**Understanding the Attitude in Israel Towards the  
Application of the Right of Return for  
Palestinian Refugees**

In Partial Fulfillment of the Requirements for the Degree

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in  
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Under the guidance and approval of the committee, and approval by all the members, this thesis project has been accepted in partial fulfillment of the requirements for the degree.

APPROVED:

\_\_\_\_\_  
Capstone Adviser

\_\_\_\_\_  
Date

\_\_\_\_\_  
MAIS Director

\_\_\_\_\_  
Date

## **Abstract**

The Palestinian refugee crisis is considered one of the oldest, largest, and most complicated refugee issues in the world. Hundreds of thousands of Palestinians have been displaced as a result of the 1948 and 1967 wars between Israel and the Arab states. Before fleeing their homes, Palestinians were persecuted and intimidated by the Israeli army in 1947 and 1948, causing people to flee to different neighboring geographical areas such as the West Bank, Gaza Strip, Jordan, Lebanon and Syria. The UNRWA, a UN-associated entity, was established and began operations on May 1, 1950 to support relief efforts benefiting the estimated 750,000 Palestinian refugees that were recognized by the international community in the Middle East. According to the UNRWA, that number has increased today to reach approximately 5 million Palestinian refugees. The vast majority of these refugees are not allowed to return to their pre-1948 hometowns. There was no resettlement or real rehabilitation in the places where they had sought refuge, except for limited resettlement efforts in Jordan. Therefore, the right of return to Palestinian refugees is one of the most important issues to be resolved in permanent peace negotiations between Israel and Palestine. For 70 years, the Palestinian and Israeli sides have been trying to reach a solution to the predicament of Palestinian refugees who were displaced in 1948, and again after the 6 Days War in 1967, with no tangible success. Although the international community has affirmed the right of return for Palestinian refugees in multiple resolutions, continuous denial for any responsibility is the stance of past and current Israeli governments. While Palestinians demand the application of the right of return, the State of Israel denies any acceptance of responsibility due to several ideological, philosophical and security concerns. Thus, the issue of Palestine refugees

remains unsolved to date, with no clear path for future solutions. This work is aimed to present the facts and earlier literature, followed by an analysis of the underlying reasons for Israel's denial of the right of return, and ending with practical and feasible solutions for applying the right of return for the Palestinian refugees.

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I would like to dedicate this work to every Palestinian refugee who dreams of returning home and living there, and to everyone who holds Palestinian refugee status. I would like to thank my dear husband Abood Okal for his constant encouragement, support and advice. Finally, I would like to also dedicate this work to my family in Palestine.



## **1. Background**

### **1.1. History of Palestine**

Part of the Levant region and located on the Mediterranean Sea, historic Palestine has long been known for its strategic and geographic location. Millions around the world from Islamic, Christian and Jewish faiths consider the territory between the Jordan River and the Mediterranean Sea to be the Holy Land. Additionally, the central and strategic geographic location of this territory connecting Asia, Africa and Europe resulted in increased interest in controlling that region of the world. Throughout history, the Levant region, has suffered many colonial invasions and wars, ranging from the Canaanites and Ancient Egyptians, through the Romans and crusaders, and finally when the Ottomans invaded Palestine in the year 1519 (Ishida, 1999, p. 14-15). The period of Ottoman rule lasted for 401 years and is considered one of the most important periods of modern Palestinian history (Afyoncu, 2018, para. 3)

Palestine under Ottoman rule witnessed unprecedented prosperity, such as the rebuilding of the Jerusalem Wall by Suleiman the Magnificent in 1537 (Israel Ministry of Foreign Affairs, n.d.). However, it was not until the reign of Sultan Selim, and his son Sultan Sulaiman al-Qenawi, that the empire was at the peak of its strength and prosperity. For instance, the number of schools in Jerusalem alone was estimated to have reached 69 during Ottoman rule. Castles and forts that were destroyed during the invasion and the Crusades of Palestine were renovated and expanded. Although most of the population was Muslim, who were about 145,000, there were also about 5,000 Christians and an equivalent number of Jewish individuals living in harmony and peace in or around

Jerusalem in the 1530s (Pergola, 2001, p. 5). According to the Israeli Foreign Ministry and the Jewish Virtual Library records,

“At the outset of the Ottoman era, an estimated 1,000 Jewish families lived in the country, mainly in Jerusalem, Nablus (Shechem), Hebron, Gaza, Safed (Tzfat) and the villages of Galilee. The community was comprised of descendants of Jews who had never left the Land as well as immigrants from North Africa and Europe.” (The Jewish Virtual Library, *Pre-State Israel: Under Ottoman Rule (1517-1917)*, para. 1)

After the death of Sultan Suleiman the Magnificent in 1566, 50 years after his accession to the Ottoman Empire, the empire entered a period of decay and administrative corruption, highlighted by repression of the rulers and army. Palestinians struggled during the remaining 350 years of Ottoman reign in conditions that turned the region from bad to worse. At the end of the eighteenth century, Napoleon Bonaparte's attempt to establish his empire in the Near East, starting with invading Egypt and then Palestine, led him to promise to establish a homeland for the Jewish diaspora in Palestine, allegedly in return for funding from the Rothschilds for his campaigns. (The Jewish Virtual Library, *Pre-State Israel: Under Ottoman Rule*, n.d.)

However, the influx of Jews into Palestine began during the Ottoman rule. The first Jewish settlement in Palestine was a piece of land granted by Sultan Abdul Majeed I in 1855 to a Jewish Englishman who worked as a consul in Istanbul, namely Moses Montefiore (Ameesh, 2010, para. 1). The original purpose behind granting the land by the Sultan was to establish a hospital for the Jewish people of Jerusalem. However, another

hospital had already been built to serve the Jewish community around the same time the land was granted, and instead, the Jewish Quarter was built. Therefore, it is considered that Montefiore, the English Jewish man and philanthropist, was the first to lead the Jewish settlement campaign in Jerusalem, facilitated by support from the wealthy Jewish minority in Europe and America (Shmuel, 2013; “The Montefiore Censuses”, n.d., para. 2).

The Ottoman Empire went through several phases of bad government practices and leadership, consequently destroying the once mighty power. Relations between Arabs and Turks also deteriorated, not only in Palestine, but also across the region. Hussein bin Ali and other prominent Arab leaders staged a revolt against Ottoman rule throughout the Middle East. Furthermore, Hussein and the Arab leadership struck an alliance with Britain to grant them self-governing rights in the Levant upon liberation from Ottoman rule. Britain agreed to this, but secretly betrayed the Arabs and agreed with France and Russia to divide the Levant in what became known as the Sykes-Picot Agreement. The Great Arab Revolt against Ottoman Empire was declared in 1916. At the end of World War I, Ottoman rule ended, which marked the end of the entire Islamic Caliphate. The Middle East was divided and governed by Britain or France as dictated by the Sykes-Picot Agreement terms. However, it was not until the signing of the Treaty of Sèvres that Palestine was assigned under the British mandate in 1920 and the territory became known as Mandatory Palestine (Morris, 2004).

## 1.2. Mandatory Palestine

Palestinians say that their modern-day suffering began since Palestine was placed under the British Mandate in 1920. Palestinians believe that Britain had supported the Zionist movement and its trends and aspirations from early on as it was forming in Europe, despite British promises for the Arab leaders to establish their own state in Palestine. During the British occupation of Palestine, then Secretary of State Arthur Balfour was heavily influenced by the Zionist ideology. He pledged to grant the Jewish minorities a state of their own in Palestine in the form of the Balfour Declaration of 1917 (Balfour Declaration Letter, 1917). The Declaration of Balfour represents the beginning of the Zionist-Palestinian conflict, long before the State of Israel was founded, and remains to be a very controversial act until this day. As described by the Palestinian-American scholar Edward Said:

“The Balfour Declaration was made a) by a European power b) about a non-European territory c) in a flat disregard of both the presence and wishes of the native majority residents in that territory, and it took the form of a promise about the same territory to another foreign group, so that this foreign group might, quite literally, make the territory a national home for the Jewish people.”  
(Khatchadourian, 2000, p. 2)

However, despite the fact that Secretary Balfour did indeed promise the establishment of a Jewish state in Palestine as evidenced in his letter to one of the Zionist movement leaders, Balfour also emphasized that the rights of Palestinians should be protected.

“I have much pleasure in conveying to you, on behalf of this Majesty’s Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet. His Majesty’s Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country. I should be grateful if you would bring this declaration to the knowledge of the Zionist Federation.” (*Balfour, 1917*)

Following the Balfour Declaration, the angry Palestinian community felt betrayed and began to organize a revolution against the British forces, led by Amin al-Husseini. Occasional clashes also took place between the Palestinians and Jewish immigrants, who were increasing in numbers (estimated to have reached 175,000 in 1931, more than doubling the 84,000 Jewish residents as of 1922). At the same time, the Palestinian Muslim and Christian population was estimated to be 850,000 in 1931 (Pergola, 2001, p. 5). Furthermore, the idea of Jewish immigration was widely welcomed by Britain and other nations, because of the anti-Semitic movement in Europe. Hitler's crimes, the Holocaust, and the persecution of Jews in Europe helped to gain momentum and support to the establishment of a national homeland for the Jews in Palestine (Morris, 2004).

All this resulted in increased anger on the Palestinian side, which led to the eruption of the Arab revolution in 1936. Britain quickly attempted to absorb the revolution by sending a commission of inquiry to Palestine, which later became known as the Peel Commission, led by Lord Peel in 1936. The main task of the Commission was to investigate and offer solutions to the complicated situation on the ground. In 1937, The Peel Commission recommended partitioning Palestine into a Jewish state on 20% of the land between the Mediterranean Sea and the Jordan River, and a Palestinian state where Palestinians receive 70% of the land. The remaining 10% of the land was to remain under British control indefinitely. While the Zionist movement accepted this solution, the Palestinians rejected it. Consequently, the Palestinian revolution was renewed in 1937 (Morris, 2004).

### **1.3. The 1948 War and Palestinian Refugees Crisis**

The Zionist movement continued to support the migration of the Jewish diaspora over the next few years, causing the Jewish population in Palestine to increase to an estimated 650,000 in 1947 (Pergola, 2001, p. 4). Additionally, the Zionist movement announced publicly for the first time ever that its goal was to establish a Jewish state in Palestine. This announcement was made in May of 1942, during the program of a Zionist conference in Baltimore. This announcement confirmed the Zionist movement's intentions, and the Palestinians realized that their dream of an independent state on all of historic Palestine was under serious threat.

Before the declaration of the end of the British mandate on Palestine, specifically on November 29<sup>th</sup>, 1947, the General Assembly of the United Nations passed Resolution 181 to partition Palestine into a Jewish state and an Arab state. Jerusalem and Bethlehem were placed under United Nations control due to the cities' religious significance and in an effort to preserve equal access to Holy sites. It is of significance to mention that in 1947, the Jewish population in Palestine were estimated to be approximately 32%, while the Christian population represented 7%, and the remaining 61% of the population were Palestinian-Arabs of Muslim faith. Despite the Jewish population being almost half of that of the Arab counterpart, the proposed Jewish state was granted 56% of the area of Palestine to accommodate the anticipated migration of Jewish people from across the globe, while the proposed Arab state would be established on 43% of the disputed land. While the Jews welcomed the decision, the Palestinian-Arabs declared their rejection, yet again, escalating the conflict in the region (Morris, 2004; A/RES/181(II), 1947).

In 1948, British troops began to withdraw from the Palestinian territories and evacuate their positions, which were quickly claimed by the well-equipped and organized Zionist militias. This resulted in them having an upper hand in the consequent fighting with the Palestinians over territories in Palestine, ending with the declaration of establishment of the State of Israel in the Palestinian territories on May 15, 1948. The history of the State of Israel began with the 1948 war, known as the *Nakba* (catastrophe, a common term in Arabic used by Palestinians to refer to the series of events that followed the 1948 war).

Hundreds of thousands of Palestinians have been displaced as a result of the 1948 war. Before fleeing their homes, the Palestinians were persecuted, intimidated and massacred by the Israeli army in 1947 and 1948, displacing people into different neighboring geographical areas. In this war, the losses were great for the Palestinian and Israeli sides. Official Palestinian statistics are estimated at 15,000 killed, while the number of deaths in other Arab armies ranges between 3700 and 7000. As for the number of Israelis that were killed, it is estimated at 6,000 or 1% of the Israeli population in 1948 (Aljazeera News Media, War of 1948, n.d.; Plen, n.d.).

As a result of the 1948 war, the majority of Palestinians living in Palestine were displaced. Some refugees migrated to the nearby West Bank, which was under the control of the Jordanian army. Other Palestinians from the southern parts of Palestine and the surrounding villages migrated to the Gaza Strip, while the remaining Palestinians migrated to geographically neighboring countries such as Lebanon, Syria, Jordan and Egypt. Ever since, there have been several wars between the Arab states and Israel, and the Palestinian-Israeli conflict remains an issue that still awaits a solution to this day. While wars are clearly catastrophic and have very severe consequences, the resulting losses are undoubtedly the most serious. The losses are not only in terms of the number of dead or wounded, but also of refugees and displaced persons deprived of the right to return to their homes (American Friends Service Committee, n.d.; Bein, 2014).



#### **1.4. Establishment of the UNRWA**

Following the 1948 war, the United Nations Relief and Works Agency for Palestine (UNRWA) was established by resolution 302 (IV) of the United Nations General Assembly on 8 December 1949, with the aim of providing direct relief and employment assistance to Palestine refugees (A/RES/194 (III), 1948). Additionally, the United Nations General Assembly affirmed the right of return for the Palestinian refugees, or compensation for those who choose to not return as indicated in resolution 194,

“[Palestinian] Refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or equity, should be made good by the Governments or authorities responsible.”  
(A/RES/194 (III), 1948)

The UNRWA began operations on May 1, 1950 and was intended to support relief efforts benefiting the estimated 750,000 Palestinian refugees recognized by the international community in Gaza Strip, the West Bank, Jordan, Lebanon and Syria. According to UNRWA, approximately 5 million Palestinians today are eligible for aid and fit the refugee definition as set by the Office of the United Nations High Commissioner for Refugees (UNHCR), and the 1951 Convention relating to the status of refugees and its 1967 protocol:

“A refugee is someone who has been forced to flee his or her country because of persecution, war, or violence. A refugee has a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership in a particular social group.” (UNGA, 1951; Members' Research Service, 2015)

### **1.5. The 1967 War**

In November 1956, Israel participated in a tripartite aggression involving Britain and France against Egypt following the decision of President Gamal Abdel Nasser to nationalize the Suez Canal. Israel's interest was to secure the Straits of Tiran passage for its ships that had been closed due to tensions between Egypt and Israel since 1948. Consequently, Israel occupied the Gaza Strip and the Sinai Peninsula, but withdrew from it in March 1957 due to locals' resistance, international pressure and UN resolutions. Israel received assurance that the Straits of Tiran would remain open for passage of Israeli ships. On 5 June 1967, Egypt declared that it would deny Israeli ships passage through the Straits of Tiran and began mobilizing its army near the borders with Israel. Israel viewed the move as a declaration of aggression, and war erupted between Israel and three Arab states; Egypt, Jordan and Palestine in what became known as the Six Days War (Johnson, 2017). As a result of this aggression, Israel seized all of the Palestinian territories after it occupied Gaza Strip and the West Bank as well as the Egyptian Sinai Peninsula and the Syrian Golan Heights. The 1967 Six Days War caused further displacement of Palestinians in what they referred to in Arabic as *Naksa* (which translates to 'setback' in Arabic). An estimated additional 250,000 to 350,000 Palestinians were

displaced as a result of the 1967 war, some of whom had already been living in refugee camps in Gaza Strip or the West Bank since 1948. As per UNRWA's historic timeline, approximately 10 new refugee camps were established to absorb the new wave of refugees following the 1967 war (UNRWA Palestine Refugees, 2018; McDowall, 1989).

The Palestinian refugee crisis is considered one of the oldest, largest, and most complicated refugee issues in the world. The number of Palestinians assessed by the Palestinian Authority in 2010 is estimated at 10.9 million with 7.5 million refugees, representing 70% of the Palestinian population. The vast majority of these refugees are not allowed to return to their pre-1948 or pre-1967 hometowns. Resettlement and integration were not completely realized. Therefore, the right of return, to Palestinian refugees, is one of the most important issues to be resolved in permanent status agreements and peace negotiations between Israel and Palestine. For 70 years, the Palestinian and Israeli sides have been trying to reach a solution to the predicament of Palestinian refugees who were displaced in 1948, and again after the 6 Days War in 1967, with no tangible success.

### **1.6. What is the Right of Return?**

The right of return for Palestinian refugees grants for every Palestinian refugee, and their descendants, to return to their homes and lands, which they left for any reason during the 1948 war. The right of return guarantees Palestinian refugees the right to return to the lands of 1948 and 1967 or the right to compensation for the suffering of their emigration from their homeland. The phrase "right of return" appeared after the 1948 war, after a series of massacres committed allegedly by the Israeli army against dozens of

Palestinian villages and cities, which resulted in the displacement of nearly 800,000 Palestinians. It is important to highlight that the right of return also applies to the descendants of any Palestinian who left their homes and lands in 1948 (Zilbershats, 2011; El-Sa'edi, 2018; Sayej, 2018). International Human Rights Law affirmed this right, and the United Nations General Assembly passed resolution 194, considered the first resolution on the Palestine refugee issue. Resolution 194,

“Resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible... The Conciliation Commission to facilitate the repatriation, re-settlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations.” (A/RES/194 (III), 1948)

Although some argue that the definition of right of return put forth by the United Nations in 1948 is outdated and no longer viable (i.e. Palestinian refugees returning to the State of Israel given that their homes and villages no longer exist), this definition for the right of return remains to be the ultimate guide and reference for Palestinians. However, years of no solution for Palestinian refugees issue could dictate the necessity to make iterations to what the right of return practically means nowadays, 70 years after

Palestinians migrated from their villages in 1948. For instance, financial compensation and/or a symbolic "return" to a new Palestinian state constructed from the Occupied Territories could potentially replace the *classical* right of return definition, contingent on the agreement by both Palestinians and Israelis. However, the historic definition of the right of return for Palestinian refugees to their pre-1948 villages will be used throughout the thesis, given that is what was set forth and currently accepted by the international community.

### **1.7. Which Palestinian Refugees are Included in the Right of Return?**

UNRWA defines the Palestinian refugees as “*The persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.*” (UNRWA Palestine Refugees, 2018)

Palestinians were displaced to various areas during the 1948 war. The number of Palestinians who left their homeland in 1948 was estimated at nearly 800,000 who emigrated to the West Bank, Gaza Strip, or to neighboring Arab countries such as Lebanon, Jordan and Syria. Nowadays, the number of Palestinian refugees has increased by roughly 10 fold since 1948, due to the fact that descendants of Palestinian refugees are also included in the UNRWA definition of Palestine refugees. According to UNRWA records, the agency began by responding to the needs of nearly 750,000 Palestinian refugees. Today, almost 5 million Palestinian refugees are eligible for UNRWA's services. The majority of current Palestinian refugees numbers are distributed as follows:

- **Gaza Strip** has approximately 1.3 million Palestinians who are UNRWA-registered refugees and are distributed across 8 different refugee camps.
- **West Bank** has over 800,000 Palestinians who are registered with UNRWA and are distributed across 19 different refugees camps.
- **Israel** has approximately 335,204 Palestinian refugees who were internally displaced into areas that fall within Israel's borders.
- **Egypt** has approximately 50,000 Palestinian refugees.
- **Jordan** has the largest proportion of Palestinian refugees outside of Palestine, estimated at nearly two million. They live a decent life compared to other refugees elsewhere, since Jordan granted Palestinian refugees full citizenship rights.
- **Lebanon** has approximately 450,000 Palestinian refugees who are registered with UNRWA, and around 3,000 Palestinians in Lebanon who are not registered and have no other form of official identity or formal documents. The refugees of Lebanon are considered to have the worst living conditions relative to Palestine refugees in other territories. They are often deprived of basic educational, health and professional rights.
- **Syria** has around 526,000 Palestinian refugees who are registered with UNRWA. The numbers reflect the population of Palestinian refugees in Syria prior to the eruption of the ongoing civil war since 2011. It is

estimated that many of those refugees have been forced to leave the country along with many Syrians due to the brutality of the war.

- **Iraq** has approximately 11,544 UNHCR-registered Palestinian refugees

(Palestine Refugees: Locations and Numbers, 2010)

## **2. Literature Review**

The issue of Palestinian refugees remains at the core of the Arab-Israeli conflict, which continues to this day. Over the decades, there has been a great deal of negotiations between the Israelis and the Palestinians to find a mutually acceptable solution to the question of the return of refugees. Most of these negotiations have been in the form of meetings and summits seeking to resolve the situation of Palestinian refugees.

The Declaration of Principles for Peace Negotiations that took place in Oslo, 1993, is considered to be the most significant milestone of all peace negotiations thus far. The Palestinian position during the negotiations has been firm on the commitment to the right of the Palestinian refugees to return to their cities and the right to a fair compensation for all their losses. The Palestinian negotiation team's stance on the right of return for refugees relies heavily on the United Nations Resolution 194 of 11 December 1948, which provides for the establishment of a United Nations conciliation commission, the determination of the status of Jerusalem in a permanent international order, and the determination of the right of refugees to return to their homes in accordance with the provisions of international law.

In spite of several attempts to achieve consensus among the conflicting parties on a solution for the issue of Palestinian refugees, all commissions and interventions from the international community has failed. This led to an agreement during the Oslo Accord discussions that the topic of refugees, along with other topics of conflict such as Jerusalem and borders, is postponed to permanent status negotiations intended to take



place no later than the year 2000. By the time the deadline approached, a new wave of violence erupted, and the peace process began to deteriorate until it reached a complete stop since 2013.

In order to further dissect and understand some of the root causes for a lack of solutions on the Palestinian refugees issue, one must take a step back and investigate the two different perspectives, the Israeli and the Palestinian, in terms of the origins and the narratives of how this refugee problem came to exist.

### **2.1. Narratives of the Palestinian Refugee Crisis**

Expectedly, there are two completely different, and often contradictory, versions of the origins of the Palestinian refugees' problem, commonly viewed as a product of the Israeli-Palestinian conflict. On one hand, there are Israeli narratives that dominate the ideas of Israeli society. On the other hand, different narratives dictate what Palestinians believe. Using the words of Marwan Hanania on his review of Robert Rotberg's book titled 'Israeli And Palestinian Narratives of Conflict: History's Double Helix', "*[Israelis and Palestinians] view similar events from different angles*" (Hanania, 2009; Rotberg, 2006, p. 2). Rotberg further illustrates that the Palestinian and Israeli sides recount the events of 1948 in a way that serves the interests of each side. He interviewed Dan Bar-On, an Israeli psychology professor, and Sami Adwan, a Palestinian education professor, where they both agreed that "*The Israeli and Palestinian narratives are intertwined like a double helix, but they are still separate and should be acknowledged as such*" (Rotberg, 2006, p. 205).

### 2.1.1. Israeli Narratives

The Israeli narrative on the Palestinian refugee crisis is that the refugee issue is a completely made up problem. The mainstream Israeli narrative is that in 1948 the Arab states were the ones who asked the Palestinians to leave their homes, in order to allow the Arab armies to advance and fight the Jewish minorities, without causing any casualties on the Palestinian side. It further goes to describe that the Arab inhabitants of Palestine at that time (1947-1948) were the ones who launched the attack on the Jews, whose responses were of limited defensive nature to only fight back terrorist aggressors. The Israeli narrative also claims that the Arabs had fled Palestine for fear of retaliation from the Jewish population, since the Palestinian-Arabs were committing many crimes against the Jewish minority, and that the Arabs knew it was only a matter of time before the Jewish forces took revenge (Morris, 2004; Collins, 1972; Eyal, 2016; Katz, 1973; Kurzman, 1992, Syrkin, 1971). Additionally, the Israeli narrative suggests that the Palestinians who migrated,

*“Were not emigrating but merely moving eastward within the boundaries of Greater Palestine which stretched far to the eastern side of the Jordan River where they would encounter the same climate, language, religion and ethnic community that they had left behind”* (Eyal, 2016).

Lastly, the Israeli narrative also questions the Palestinian refugee numbers in discussion. Israeli historians often reference the report put together by *Hagana*'s intelligence service, which describes the Palestinian refugee numbers as of June 1948 at approximately 391,000. This number represents half of the number of Palestinian

refugees estimated by the Arab states and acknowledged by the United Nations during the same period after the 1948 war.

### **2.1.2. Palestinian Narratives**

The Palestinian narrative claims that Arab inhabitants of the region were forced to emigrate as a result of the panic caused by the ongoing fighting and the multiple attacks on Palestinian civilians by Jewish militia forces such as *Haganah*, *Irgun* and *Histadrut*. Palestinian historians also indicate that news and rumors that spread about horrific acts of terrorism, murder and expulsion against Arabs further fueled this migration, causing some Palestinian villagers to flee even before the Israeli forces arrived in fear for their lives (Amirav, 2009; Anderson, 1983; Arieli, 2009; Morris, 2004; Eyal, 2016; Khalidi, 1998; Peretz, 1958)

The Palestinian narrative also suggests that Israel has worked in every way to push as many Arab inhabitants as possible to flee their lands, homes and farms. The *Deir Yassin* Massacre, where Palestinian women, children, men and the elderly were allegedly indiscriminately killed, served the main purpose to instill fear and terror in the hearts of the Palestinians in the region. There are no exact numbers for the death toll, but it is estimated that around 200 Palestinians were killed from the village of *Deir Yassin*, about half the residents, while the remaining were relocated further east (Kanaana, 1987, p. 55). The *Deir Yassin* Massacre succeeded in forcing many reluctant-to-leave Palestinians to flee their homes from the horrors that awaited them.

Describing the Palestinian viewpoint on the events that led to their fear and consequent migration, Eyal Lewin, the Chair of Department of Multidisciplinary Studies at Ariel University in Israel, wrote:

“Most of the Palestinian refugees were forced out of the country as a result of an Israeli ethnic cleansing program that aimed to create geographic continuity and a Jewish majority throughout Palestine. The attacks on Arab villages all over the country entailed the destruction of the Palestinian community and the expulsion of the bulk of the Palestinian Arabs.” (Eyal, 2016, p. 20)

Eyal further describes that the ethnic cleansing against Palestinians that was carried out by the Israeli forces came under the umbrella of a military executive order known as Plan Dalet, or Plan D, which was implemented during the 1948 war. Eyal describes:

“Some of the clauses of Plan D are apparent within orders given to the forces by the Israeli leadership of the time, mainly Ben Gurion and Moshe Dayan: The [...] Destruction of villages (setting fire, blowing up, and planting mines in the debris), especially in those population centers which are difficult to control continuously. [...] the encirclement of the village and conducting a search inside it. In the event of resistance the armed force must be wiped out and the population must be expelled outside the borders of the state.” (Eyal, 2016, p. 21; Gilad, 1957, p. 286)

The Palestinian narrative also claims that the Zionist movement had pre-determined plans before the 1948 war to expel the Palestinians and displace them to the territories of the future Arab state in Palestine that is yet to be formed, or to other neighboring Arab countries. These plans, which eventually came true under the pretext of ending the escalating conflict between the Arab and Jewish parties, ensured the establishment of a Jewish-dominant state with an Arab minority. However, an Arab state in Palestine was never established in the territory, but rather further occupied in 1967 (Morris, 2004).

### **3. Denial of the Right of Return**

The Israeli government's position on Palestinian refugees has not changed since 1948; the Israeli government does not recognize the right of Palestinian refugees to return. Israeli officials continue to say that Palestinian refugees, and their descendants, cannot be allowed to return to the homes and communities from which they have been displaced. The Israeli historic rationale has been fixated on the fact that return would pose a threat to maintaining a Jewish demographic majority in Israel. Joseph Weitz, the head of the Jewish Agency's Colonization Department in 1940 said,

“Between ourselves it must be clear that there is no room for both peoples together in this country. We shall not achieve our goal if the Arabs are in this small country. There is no other way than to transfer the Arabs from here to neighboring countries – all of them. Not one village, not one tribe should be left.”  
(Weitz, 1965, p.293)

This position is supported by an absolute majority of Israeli citizens from all over the political spectrum, because the return of such large numbers of Palestinian refugees to the State of Israel will have far-reaching consequences for the nature of the state. These arguments however are based mostly on the fear of changing the identity of the Israeli State.

For instance, when then prime minister Ehud Barak during the Camp David summit of 2000 had expressed that Israel sympathizes with the struggle of the Palestinian

refugees and what has happened to them following the 1948 war, and hinted that the State of Israel may be open to limited repatriation of Palestinian refugees and/or contributing funds to an international organization that could help with rehabilitation of Palestinian refugees at their host countries, public surveys conducted in Israel the very following month in August 2000 showed that over 75% of Israelis rejected the proposed return of Palestinians into Israel. In fact, the same survey showed that the Israeli public would rather give up sovereignty over Jerusalem than allow for Palestinian refugees to return into Israel (Shuval, 2002; Tovy, 2003; Eyal, 2016).

However, a new poll on the return of Palestinian refugees, conducted by Geocartography Knowledge Group, a leading research institute in Israel, reveals differences in opinions regarding the right of return within the Israeli society based on age, ethnicity and income. The survey involved 500 Israeli Jews from different backgrounds. The study concluded that one out of every four Jewish Israelis supports the right of return of Palestinian refugees (25%). Israelis aged 18 to 34 support the right of return at a particularly high rate (25.9%) compared with adults over the age of 55 (15.1%) and between 35 and 54 (7.3%). Secular Jews supported the right of return four times higher than Jewish religious Jews (22.3% versus 5.2%, respectively). Additionally, Israelis demonstrated differences in opinions based on whether they are second-generation Israelis, Israelis whose parents were born in Europe, or Israelis whose parents are of Mizrahi origin. Second-generation Israelis supported the right of return at a much higher rate (22.6%) compared to those born to European immigrants (14.1%), and those born to Mizrahi parents also referred to as Easterners, (11.7%). Also, the study concluded

that Israelis with middle incomes are likely to support the right of return twice more than those who earn above average income (21.9% versus 12.7%) (Middle East Monitor, 2018).

### **3.1. Argument #1: Israel is a Nation for Jews**

One of the most important concerns of the Israeli people is to preserve the Jewish national identity. During the last two decades of the 19th century, Theodore Herzl, the Hungarian Jewish journalist, was considered the spiritual father and founder of World Zionism as a colonial political movement that gave Jews the status of nationality. In 1896, Herzl published his book 'The Jewish State' explaining that the idea of this state is not new, but *"a very old one: it is the restoration of the Jewish State"* (Herzl, 1896, p.1; The Jewish Virtual Library, *Texts Concerning Zionism: Excerpts from "The Jewish State"*, para. 2).

Herzl intended to give the Jewish state project a historical dimension in order to justify the restoration of this state as a *"historical right"* for the Jews. Since the state is synonymous with nationalism, the nationality of the Jews *"cannot be destroyed and will not be destroyed and must not be destroyed"* (Herzl, 1896).

It has been also suggested that Herzl worked on linking three main points to the establishment of the Jewish state; first, the social dimension through the alignment and galvanization with Jews from the lower classes of the European social ladder. The second being the religious dimension in an attempt to evoke the phrase *"promised land"* and *"the chosen people of God"* and to show that the restoration of the revival of the Jewish state



is a divine matter from God. Third, the national dimension in which the Jews, despite their distribution in the diaspora, are one people and represent a unified nation.

"I think that the Jewish question is no longer just a social problem, it is a religious issue, but it may take other forms" Herzl said in his book 'The Jewish State'. He added that "A national issue that can only be solved when it is treated as a global political issue that must be discussed by the peoples of the world. Civilized in an international council." (Herzl, 1896, p. 1, 6 and 9; EL-Soud, 2017; Mourad, 2011)

### **3.2. Argument #2: The Return of Palestinian Refugees Will Distort the Jewish Identity of the State of Israel**

After examining the original concept of Zionism and re-establishing the Jewish state first envisioned by Herzl, it becomes clear that, from the Israeli government's point of view, the Palestinian demand for the right of return for refugees is a red line. Additionally, the return of any significant number of Palestinian refugees to Israel could obliterate the Jewish identity of the state, which is in direct opposition to the very fundamental basis for rebuilding a Jewish state. In an article in the *Maariv Newspaper*, writer Amos Gilboa, a strategic Israeli researcher and political analyst, said that the right of return for the Palestinians clearly meant the end of the Zionist state. In the same context, journalist Nawaf El-Zarrou listed several proposals by key Israeli figures since the middle of the twentieth century attempting to eliminate the issue of the Palestinian refugees' right of return. Zarrou writes that the second Prime Minister in Israel's history, who later became Minister of Foreign Affairs, Moshe Sharett called for giving up the Palestinians' right to return as a condition for re-entering into negotiations in 1956. Nine

years later, Levi Eshkol, the third Prime Minister to lead an Israeli government proposed on May 17 1965 that Palestinian refugees must surrender their right of return, and that the State of Israel would in return contribute large sums of money towards the rehabilitation of those refugees outside of Israel. Several other proposals were renewed or reiterated by other prominent Israeli government leaders such as Moshe Dayan in his proposal of 1972, David Ben-Gurion in 1972, and Shimon Peres in 1976 (El-Zarrou, 2008).

The demographic factor has been historically the most decisive factor in determining the victory of one of the two parties, Israeli or Palestinian, to the conflict over the land between the Jordan River in the East and the Mediterranean Sea on the West. The demographic factor is also one of the most important forms of geopolitical conflict between the Israeli and Palestinian sides. Israel fully recognizes the importance of this factor in order to preserve the identity of the Jewish state, and therefore the right of return is outright rejected. Israel is fully aware that the Palestinian fertility rate is high for social, cultural and religious reasons compared to Jewish citizens in Israel. Israel recognizes that fertility and population growth rates for the Palestinians will change state demographics in favor of a Palestinian-dominant society. If Palestinian refugees are allowed to return to their historic hometowns in Israel, in a matter of few decades Palestinians will become the majority and will sweep the State of Israel and its plan to maintain its Jewish identity. Table 1 illustrates that Palestinians, inside Israel or within Palestinian Territories, have almost double the fertility rate and overall population growth rate compared to Jewish counterparts in Israel.

Table 1. Demographics of the Israeli Jewish and Palestinian Arab two major populations in Israel and Palestine. Statistics shown are not reflective of Jewish and Palestinian diaspora around the world (Palestinian Central Bureau of Statistics; Mourad, 2011).

Population	Demographics in the region between the Jordan River and the Mediterranean Sea			Growth Rate	Fertility Rate (Child per woman)
	Year	Number (millions)	%		
Israelis (Jewish)	1997	4,701,600	55.5	1.8 %	2.6
	2007	5,478,200	52.5		
Palestinians	1997	3,765,700	44.5	3.3 %	4.2
	2007	4,947,226	47.5		

Therefore, it can be said that not only the Israeli government, but also Israelis from all shades of the political spectrum, often are in favor of rejecting the implementation of the right of return under UN Resolution 194, which calls for the return of Palestinians to their homes; on the pretext that such a solution constitutes a threat to the identity of the State of Israel and changes its character as a Jewish state due to the demographic imbalance that will result from the application of the right of return of Palestinian refugees.

### **3.2.1. Future-Proofing the State of Israel by Passing The Jewish National Law**

On July 19, 2018, the Israeli *Knesset* (parliament) passed a law that declares the country as the ‘Nation-State for Jewish People Alone,’ also known as the Jewish National Law. The law was proposed by Prime Minister Benjamin Netanyahu and his government, which has been described as the most right-wing and religious coalition in Israel’s history

(Halbfinger, 2018). Although the split in the number of votes reflect a great divide within Israel's legislative body for varying reasons, the law was passed with 62 votes for, 55 votes against and two abstentions. This newly passed Jewish National Law stipulates that 1) the State of Israel is the national homeland of the Jewish people, 2) the Greater and Unified Jerusalem is the capital of Israel forever, 3) the right of self-determination in the State of Israel is limited to the Jews, and 4) the Hebrew language is the official language of the State and the Arabic language has lost its status as an official language. Many critics of the new law, including Jewish faith leaders, non-Jewish minorities in Israel, and expectedly Palestinians, claim that this is basically an apartheid law that disregards any other ethnic or religious group in the State of Israel. The law also declares that the Israeli government will do all it can to encourage Jewish settlement everywhere in the land of Israel, including the West Bank territory, which belongs to the Palestinian Authority as outlined in the Oslo Accords.

The Palestinians say that there is no doubt that the Jewish National law is based on discrimination between Jews and Arabs on an ethnic and religious basis. The law affirms that *only* Jews have the right to decide the fate of the State of Israel, meaning that the Israeli-Arabs who are citizens of Israel, and living within Israeli government sovereignty, have no right to decide their fate. On the other hand, the Arab population, representing approximately 21% of Israel's population, in addition to other minorities are excluded; which can cause discrimination to become justified and legitimate, according to which Palestinians become strangers in their homeland. Many experts view the act as a

codification and extension of racist colonial legacy, based on ethnic cleansing and the abolition of the other (Bard 2018; Halbfinger, 2018).

The Jewish National law is also viewed as one of the most dangerous laws recently enacted by Israel. The law came with a set of clauses that emphasized the racial superiority of Jews as individuals and as people in all aspects. Where Israel identifies itself as a Jewish and democratic state, some argue that this law has come to negate any manifestation of democracy and resolves what is described as tension between the Jewish character and the democratic character of the state. The new law has no mention of democracy and equality, which is concerning as it could be viewed that the State of Israel, by definition under the new law, becomes a non-democratic Jewish state. This offers an explanation to the strong reactions and protests that have been recorded in Israel after the enactment of the law, not only by the Palestinian minority in Israel, but also from Israeli Jews who view the new law as harmful to the state of Israel, and from other ethnic and religious minority groups such as Druze, Syriac Christians, Armenians, Assyrians and others.

Passing of the Jewish National Law has led the European Union to publicly announce their unease with this development. Federica Mogherini, the spokeswoman for EU foreign affairs commented on the new law passed by Israel saying that,

“We are concerned, we have expressed this concern and we will continue to engage with Israeli authorities in this context”. She further added “[EU has] been very clear when it comes to the two-state solution, we believe it is the only way

forward and any step that would further complicate or prevent this solution of becoming a reality should be avoided.” (Haaretz, 2018)

The issue of Israel as a Jewish state has become increasingly important in recent years and a major point of contention between Israelis and Palestinians. For years now, Israeli governments have relentlessly demanded that the Palestinian Authority recognize Israel as a Jewish state, but the Palestinians continue refusing to do so. Thus, Israel enacted the National Jewish Law, which aims to protect Israel's status as a national state of the Jewish people, in order to consolidate the values of the State of Israel in the law of nationalism as a Jewish and democratic state, and after it realized that the Palestinian counterpart does not seem to be caving in. Israel was also quick to enact the law because of continued concern about the high birth rate among Israeli Arabs. This step is also viewed as future-proofing the state of Israel in case a two-state solution to the Israeli-Palestinian conflict is no longer viable and the alternative one-state solution becomes viewed as the only option, which could threaten the Jewish majority in Israel. Additionally, the law in Israel has a very symbolic significance, and for the Arab minority in Israel it represents an evidence of the marginalization of their status (Aljazeera, Israel passes controversial 'Jewish nation-state' law, 2018; Haaretz, 2018).

In either case, the Jewish National Law has severe ramifications on the Palestinian refugees issue. On one hand, the current Israeli government has declared on multiple occasions that the two-state solution is no longer obligatory. In fact, observers of the Israeli-Palestinian conflict admit that over the past few years, Israel has been actively

working on the ground to reduce the chances for success of the two-state solution. In this case, the Israeli government is using the Jewish National Law as a safety net in case a large-scale influx of Palestinian populations were to happen, most likely from the West Bank, by establishing a pre-existing *status quo* where only Jewish citizens have the right to self-determination and certain civic privileges. On the other hand, the Israeli government could be future-proofing the State of Israel from any potential drastic shifts in demographics in case Palestinian refugees were given repatriation or in case Israel decided to formally annex parts of the West Bank and consequently having to absorb some Palestinians into Israel.

Finally, experts opposing the passing of the law say the Jewish National Law has several other disadvantages, and risks violations of human rights by giving exclusive support and civic privileges to Jewish citizens only. Some of those risks are:

1. The Jewish National Law repeals all UN resolutions that affirmed the right of return and compensation, including UN General Assembly Resolution 194 of 11 December 1948. It also repeals all the agreements, such as the Oslo Accords.
2. National law helps to open the door to another displacement of Palestinians who live inside Israel and make up about a quarter of Israel's population and hold an Israeli citizenship.

3. The Jewish National Law is a document of a legal nature that is binding in the courts and the judiciary system if it conflicts with the provisions of other Israeli law. For example, the Jewish National Law encourages building Jewish settlements in Israel and the West Bank, which means that there is no longer a need to circumvent the Palestinian land and sources under the pretext of their development. Instead, Palestinian lands could be confiscated publicly as long as they are used to build Jewish settlements.
  
4. National law will also help open the door to the implementation of the settlement legitimization law, which is currently awaiting a resolution from the Israeli Supreme Court. It will pave the way for rejecting any proposal on the right of return while facilitating and encouraging Jewish immigration.



#### **4. Effects of U.S. Policy on the Palestinian Refugee Issue**

##### **4.1. U.S. Support of Israel Policies**

In 1887, the first Zionist lobby in the United States was founded with the aim of establishing a Jewish state somewhere in the world. However, the United States did not become increasingly interested in the Middle East until after World War II. At that stage, the U.S. government has used all its resources to obtain international support for the idea of establishing a Jewish state in Palestine and recognizing it as a member of the United Nations in order to normalize relations with all neighboring Arab states. The United States adopted a strategy of filling the vacuum resulting from the fall of Britain and France. There were many factors that have drawn the attention of the United States to the importance of this region and the importance of its extensive presence. These include the search for proxies in the region to secure its oil interests, reduce Russian influence in the region and ensure Israel's security. Furthermore, there are several more reasons that continue to draw the formal U.S. support of Israel today on all fronts. Stephen Zunes, professor of Politics and former coordinator of Middle Eastern Studies at the University of San Francisco, discussed the topic extensively and illustrated that Israel's military and intelligence agencies have successfully prevented radical movements in the region from expanding. He also adds that the Israeli military forces and agencies represent a proxy for the U.S. in the Middle East, and therefore, it is in the best interest for the U.S. to support Israel, even when Israel's actions may be in violation with human rights. Zunes writes on the topic of why the U.S. supports Israel:

“Through a mixture of guilt regarding Western anti-Semitism, personal friendships with Jewish Americans who identify strongly with Israel, and fear of

inadvertently encouraging anti-Semitism by criticizing Israel, there is enormous reluctance to acknowledge the seriousness of Israeli violations of human rights and international law.” (Zunes 2002, p. 1)

Zunes also adds that on top of the \$3 billion a year that Israel receives in U.S. aid through foreign military funding, there is also a theological foundation in the evangelical Christian right that gives steam to the limitless support that Israel receives from the U.S.,

“[U.S. support of Israel is] Based in part on a messianic theology that sees the ingathering of Jews to the Holy Land as a precursor for the second coming of Christ, the battle between Israelis and Palestinians is, in their eyes, simply a continuation of the battle between the Israelites and the Philistines, with God in the role of a cosmic real estate agent who has deemed that the land belongs to Israel alone secular notions regarding international law and the right of self-determination notwithstanding.” (Zunes, 2002, p. 1)

Additionally, the American Israel Public Affairs Committee (AIPAC) representing an alliance of Jewish Americans and friends of Israel in the United States emerged as a major political influence on the decisions made by Congress and across the country, more sharply under President Reagan who was viewed as the most pro-Israel U.S. president in history (Thabet, 2016).

Despite the occasional tensions and problems experienced by U.S.-Israeli relations, it has flourished and its success has become indispensable. The U.S. has not

stopped providing financial, economic, diplomatic, and military aid since the establishment of Israel in 1948 (Beauchamp, 2018). The U.S. policy supporting Israel has not changed since President Eisenhower, including President Trump's administration today. Therefore, it is difficult to find serious differences among the ten American presidents over the past 50 years on the Israeli-Palestinian conflict question, as Israel has been the cornerstone of U.S. policy in the region. The neutrality of the United States towards Israel, ignoring its practices and occupation of the Palestinians, is the general nature of U.S. policy (Weir, 2014; Zunes, 2002).

#### **4.1.1. The Trump Administration and Palestinian Refugee Issues**

President Trump's administration is the first in history to support Israel completely and without reservation, even on issues that previous U.S. presidents remained neutral on for the past few decades to prevent being viewed as biased in favor of Israel. For instance, one of the biggest controversial decisions made by President Trump regarding the Palestinian-Israeli conflict is the declaration of Jerusalem as the capital of Israel and the transfer of the U.S. embassy from Tel Aviv to Jerusalem. Additionally, President Trump has publicly mentioned that he does not view the two-state solution as the only viable solution to resolve the Israeli-Palestinian conflict. Such decisions and others taken by the Trump administration are welcomed by Israelis, but viewed by Palestinians as further complicating the ongoing struggle.

Although the main focus of this work is to examine the Israeli governments' stand on the right of return for Palestinian refugees, it is critical to point out that the recent

limitless support of President Trump's administration would only cause a further hardening of the Israeli government's stance on the Palestinian refugees issue, and the overall peace process. For instance, President Trump recently made a number of decisions against the Palestinians that may directly cause harm to the Palestinian right of return.

#### ***4.1.1.1. Cutting Aid to the UNRWA***

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established by a resolution of the United Nations General Assembly in 1949 to provide assistance and protection to some 5 million Palestinian refugees in various areas including Jordan, Syria, Lebanon, the West Bank and the Gaza Strip. On January 16, 2018, Washington D.C. reduced its assistance to the UNRWA, freezing some \$300 million of its \$365 million annual assistance to the agency. This move caused the UNRWA to take several decisions that led to the reduction of critical services in the Palestinian refugee camps. Additionally, months after the initial decision to reduce aid, the U.S. administration decided on August 3, 2018 to cut all of its remaining financial aid to UNRWA. Simply, President Trump's administration has decided to stop any further contributions to UNRWA. The Palestinians considered the decision a dangerous escalation against the Palestinians aimed at adopting the Israeli government's stand of denying the right of return and eliminating the Palestinian refugee issue once and for all, by defunding and dismantling the international agency that supports Palestine refugees.

#### ***4.1.1.2. Cutting Aid to the Palestinian Authority***

On August 2, 2018, Palestinian Prime Minister Rami al-Hamdallah told a news conference in the West Bank city of Ramallah that the U.S. administration had decided to stop all aid to the Palestinian Authority. The White House issued a statement saying that Washington had redirected more than \$200 million annually allocated for economic aid to the West Bank and Gaza to projects elsewhere in the world.

#### ***4.1.1.3. Closing the Palestinian Liberation Organization Office in Washington***

Saeb Erekat, a member of the Executive Committee of the Palestine Liberation Organization (PLO), announced on September 10, 2018 that the U.S. administration officially informed them of its decision to close the PLO office in Washington "We have been officially informed that the US administration will close our embassy in Washington D.C. as punishment for continuing to work with the International Criminal Court against Israeli war crimes and will take down the flag of Palestine in Washington, D.C.," Erekat said in a statement published by the Palestinian news agency WAFA. (Aljazeera, "Trump's Seven Resolutions that Directly Impact the Israeli-Palestinian Conflict", 2018)

Given the United States global position and its strong influence in parallel with its ability to participate in the financing of any solution to the Palestinian refugees problem, the two sides, Israeli and Palestinian, view the United States as the final judge that can contribute positively to finding a solution for the millions of Palestinian refugees. Although the U.S. government has not formally supported the Israeli government's position regarding denying the right of return for Palestinian refugees in the past, it has

ignored Israel's actions towards the Palestinians. Israel has continued construction of more settlements in the Palestinian territories, which slowly renders the right of return for Palestinians impossible, since there will be no land to return to in a future Palestinian State, in case an alternative solution is agreed upon by which Palestinian refugees return to a Palestinian State instead of returning to Israel. Many scholars on the Palestinian side of the aisle believe that Israel cannot do what it does to the Palestinians without the political, financial and military support of the United States government. The United States provides Israel with diplomatic cover in the international arena and at the United Nations, and supplies Israel with most of its weapons and military equipment. The U.S. has always described itself as the neutral party with regard to the Palestinian-Israeli issue, but this description is not typically in line with its pro-Israel policy. However, President Trump and his administration shifted drastically, in favor of Israel, from the previous U.S. administrations' neutral position on significant topics such as Jerusalem, the two-state solution, the right of return for refugees and the support of UNRWA. Such shifts in the formal position of the U.S. would only cause the most right-wing government of Israel's history to be more rigid on negotiating any solutions for the Palestinian refugees issue.

## **5. Conclusions and Avenues for Future Work**

It is important to point out that the right of refugees and displaced persons to return to their homes is a fundamental human right, an inalienable right that does not diminish over time. The right of return for refugees and displaced people was affirmed by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Also, the right of return stems from the inviolability of private property, which cannot be dismissed by occupation or new sovereignties. For example, the right of return was applied to European Jews to recover their properties that were confiscated during World War II, without the need to pass a specific international resolution. Additionally, the right of return for Palestinian refugees has been confirmed dozens of times by the International community since the 1948 war, beginning with the affirmation by UN General Assembly Resolution 194 (Ba'ba, 2000).

However, despite all the agreements and treaties that affirm the right of return for refugees, Israeli governments continue to reject this right for Palestinian refugees, which is one of the most basic rights of any displaced people. Israel stands with all its might to prevent the implementation of the resolution for reasons that sometimes are attributed to public security and maintaining a dominant Jewish demographic in the State of Israel. The U.S. is the only superpower that can effectively pressure Israel to implement all resolutions related to Palestinian refugee affairs and the right of return. However, the United States, through its unwavering support of Israel on all fronts, chooses not to interfere with enforcing the right of return for Palestinian refugees.

The recent rise of right-wing governments both in Israel and the U.S. does not bode well for the peace process between the Palestinians and Israelis, let alone the Palestinian refugee issue. As mentioned before, President Trump's recent series of decisions regarding the Palestinian-Israeli conflict disregard several international treaties and laws, including the Oslo treaty, that provide for the right of Palestinian refugees to return to their homes that were abandoned in 1948, including the Security Council and the UN General Assembly Resolution 194, which guaranteed the right of Palestine refugees to return to their homes.

The Palestinian and Jewish populations have gone through many challenges since the beginning of the conflict in 1917. But practically speaking, the Palestinians have been the weakest link in the political chain, so that the Palestinians continue to bear the burden of the failure of the peace process. The peace process has been stalled since 2013, which has worsened Palestinian-Israeli relations, the lack of a solution to the issues of Jerusalem, refugees and settlement, and many other important issues.

In order to reach a solution for the Palestinian-Israeli conflict, especially the refugee issue, it is imperative that the peace process between the two sides must return. Additionally, a just and comprehensive peace in the Middle East would not prevail without a solution to the right of return to the largest and oldest refugee issue in the world. We must accept the reality, that there is an occupation and two peoples on the same land.



### **5.1. Two-State Solution**

There are solutions on the international scene, and these solutions are realistic and pragmatic, if given a chance to be implemented. One of the most viable options is the two-state solution, which is widely accepted and supported by the international community. Palestinians have been demanding for decades to be allowed to establish an independent state of their own within the borders set in the aftermath of the Arab-Israeli war of 1967. The Israeli government's stance on the two-state solution has fluctuated back and fourth over the years in terms of support, or lack thereof. Most recently, the right-wing government currently led by Prime Minister Benjamin Netanyahu has publicly declared that they do not support the two-state solution. Furthermore, the two-state solution is practically fading due to the continuous building of Israeli settlements and the cessation of the peace process between the Palestinians and the Israelis; this is on top of the presence of an Israeli right-wing government that does not accept the potential existence of an independent neighboring Palestinian State. In my opinion, the two-state solution is the ideal, and most importantly feasible, solution for the Israeli and Palestinian conflict. The two-state solution is the best option since the Palestinians and the Israelis want independence; the Israelis want a Jewish state, and the Palestinians want a Palestinian state (Franc24, "The Two-State Solution and Its Alternatives", 2017; Beauchamp, 2018)

## 5.2. One-State Solution

Alternatively, the one-state solution is the only other *fair and feasible* option to the Palestinian-Israeli conflict. This solution would basically entail the merging of Israel and the Palestinian Territories into one big state (Beauchamp, 2018). The solution of one-state also means that the Palestinians and the Israelis would have equal rights. This result is unacceptable to the majority of Israeli society, especially to the Zionists and conservative right-wing, and also less supported by the Palestinians compared to having their own independent state. However, given the circumstances for the Palestinian side and their struggle for statehood since 1948, there is an increase in the percentage of Palestinians who support a one-state solution, especially in view of the stalemate on a two-state solution (Beauchamp, 2018; Halbfinger, 2018).

In my opinion, I do not think the one-state solution is a feasible one since there will be an apartheid system that will discriminate between the two peoples on an ethnic and religious basis. The double standards, laws, rights and privileges currently in effect will lead to more frustration and anger. The government will be mostly concerned with rights of the Jewish population. Additionally, the Palestinians would oppose such an arrangement as they anticipate being marginalized and discriminated against. Therefore, the one-state solution will not gain significant support in Israel or Palestine. Hence, the two-state solution is the most feasible option in terms of implementation, and could lead the Palestinians to be more prone to compromise on the refugees' right of return to their homes within the State of Israel, as long as they are offered the option of returning instead to a Palestinian state with full sovereignty and internationally recognized borders.

Hence, it is in fact in Israel and the Zionist movement's best interest to support the establishment of an independent Palestinian state, as that option may offer an ultimate solution for the refugees and their right of return. However, Prime Minister Benjamin Netanyahu's recent announcement that his government does not accept a full Palestinian state neighboring Israel, but could instead offer something less than a state with no security control, sends a signal that such rigid mindsets do not engender optimism for a solution to the Palestinian refugee crisis in the near future.

### **5.3. Feasibility of the Right of Return for Palestinian Refugees**

Realistically speaking, a big question remains to be answered if the Palestinian dream of return were to become a reality, would Palestinian refugees return to Israel or Palestine? In my opinion, the right of return for the Palestinians is a principle, and there is a difference between the principle and its implementation. Most Palestinians want to have the right of return not to necessarily make the decision to return to their homelands prior to 1948 and 1967, but rather to be given the option to or be compensated in case they chose not to return. One big factor that influences what Palestinian refugees would decide if they were granted the option to act upon their right to return to their towns in historic Palestine, or to even return to a Palestinian State in the West Bank and Gaza Strip, is their current living situation in their respective locations. For instance, the Palestinian Research and Studies Center in Nablus conducted a diverse sample of 1271 people of the population of the refugee camps in Gaza and the West Bank. The study found that 25% of those surveyed would prefer resettling elsewhere (i.e. leaving the refugee camps), 47% would like to continue living in their camps with improved conditions of life, while 20%

are willing to continue living in their current housing even without improving conditions. What this shows is that, nearly half of the refugees surveyed were willing to remain in their respective residences in Gaza Strip or the West Bank, under the condition of improving their living situations. However, I believe that it is important to highlight that the study was conducted in May 1995, a relatively peaceful period during which the Palestinian Authority began building what was meant to be the foundation for a Palestinian State. Certainly, if the same survey were to be done nowadays, after 23 years of no significant improvement in refugees' living situation but rather worsening, the numbers of refugees willing to stay in their respective places of residence in Gaza Strip or the West Bank would be much lower; those refugees are more likely to hold on to their right of return and demand its implementation (Zureik, 1996, p. 6).

Palestinian researcher Basma Q. Darwish also conducted studies in the Palestinian refugee camps in Lebanon and Jordan. She found that about half of the refugees would want to apply the right of return. She also found that about one-third of the people in the Jordanian sample said that, in any case, even if a sovereign Palestinian State is established, they will prefer to remain in Jordan, because most of the refugees in Jordan are naturalized and have jobs, some of whom are even considered wealthy (Zureik, 1996, p. 8).

However, Palestinian refugees in Lebanon would mostly support returning to their pre-1948 and pre-1967 villages, because their living conditions are the worst compared to other Palestinian refugees elsewhere. As described by journalist Paula Schmitt, a

Brazilian journalist, Middle East correspondent, and author of the non-fiction book, *Advertised to Death – Lebanese Poster-Boys*,

“There are more than 70 professions denied to Palestinian refugees in Lebanon, for example, and over 80 of them in Jordan. In neither country can they work even as a taxi driver, for that would require a driver’s license and most of them cannot legally possess one. In Lebanon, even the materials necessary for building a refugee shack are regulated by law – bricks and a proper roof are too permanent, and thus illegal.” (Schmitt, 2014)

Finally, I would like to weigh in as Palestinian refugee who was born and grew up in Jabalia refugee camp, one of the largest Palestinian camps in Gaza Strip. My family has received UNRWA benefits such as health, education and other services for decades. Our situation was not as bad as the other refugees in Lebanon, for instance. However, we always were taught to express our demand to return to our pre-1948 *Brier* village, currently within the borders of Israel, because our situation was not as good in the camp as my family had in the village. My family had estates and farms that they cultivated and harvested, this was considered the source of their livelihood. My family members that currently live in Gaza continue to express that they would return to what is now Israel if given the chance. I used to be on the same page with them, but since moving to the U.S., I am not sure if I would go back to the *unknown* of returning to a village that my family left 45 years before I was born. If my family’s living conditions in Jabalia refugee camp were better, if my siblings and their children could receive proper education and healthcare, I doubt they would be so inclined to go back to *Brier* village.

Additionally, if I, or any Palestinian refugee, do in fact return to our historic villages that existed 70 years ago, what would we be returning to? Places that do not exist anymore? Homes that already have Israelis living in them for 3 generations? Simply put, it is neither pragmatic nor practical to expect that the actual physical application of the right to return is feasible. Rather, Palestinian refugees nowadays, in my opinion, are looking for acknowledgment that they were forced to leave their homes out of fear for their lives, and that in theory, they do have the right to return or be compensated; although I believe the majority will opt for compensation knowing that repatriation is far too complicated for implementation. In fact, the Palestinian Center for Policy and Survey Research (PSR) surveyed the views of refugee families living inside and outside the refugee camps. Studies have been conducted on 4,506 refugees in Jordan, Lebanon and the occupied territories where they wish to live if they have a choice. Only 10% of Palestinians want to return to and live in a Jewish state. Of these, only 10% wanted Israeli citizenship or Israeli passports, while 90% percent prefer Palestinian citizenship and a Palestinian passport (Hanley, 2003).

To distill what in my opinion is a good start to end the issue of Palestinian refugees once and for all, Israel should acknowledge its responsibility for displacing Palestinians in 1948 and 1967, followed by agreement between Israelis and Palestinians on a pragmatic form of an *optional* right of return to a Palestinian State that is given a true chance at surviving via economic and security independence from Israeli Occupation. This requires infrastructure and financial and economic potential for the future Palestinian State to be able to absorb the large number of refugees that may choose to return. Those that choose not to return to a Palestinian State should benefit from

rehabilitation programs within their host countries, and should be offered citizenship and equal rights wherever they are. However, pragmatic solutions are not always the most popular as people tend to hold on to their inherited beliefs. Some on the Israeli side will continue to deny any responsibility for the forced migration of Palestinians, and others on the Palestinian side will continue to demand the application of the right of return and leaving the option for each Palestinian refugee to decide whether they want to return or not to their *no-longer-existing* homes and farms.

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