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Arab Protection for Palestinian Refugees

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The Arab World – Limits of Refugee Protection

The destruction of Palestinian society, the takeover of the land and demolition of thousands of homes in 1948 led to a massive transfer of people from their homeland.¹ It was assumed that neighboring Arab countries would replace Palestine as the refugees' country of origin.

Arab countries that received the majority of Palestinian refugees did not allow this to happen, fearing that the Palestine issue would be forgotten and refugees would be resettled outside historic Palestine, a response to events that continues to affect Arab policies toward the Palestinian refugee issue. At the same time, refugees were unable to return due to persistent Israeli opposition to their return to their homes and lands. Palestinian refugees were thus subjected to a protracted exile, requiring continuous protection something that Arab countries have been unable to provide or commit themselves to.

The sudden mass influx of Palestinian refugees was a new experience for Arab states who were not equipped to deal with the issue nor did they possess the know-how to manage the problem. In July 1948, for example, the mayor of Ramallah sent a letter to King Abdullah of Jordan, requesting that he order the municipal council to evict the refugees. "[T]he city cannot bear this situation," the mayor wrote. "The city suffers from a severe lack of consumer goods and water, and the presence of the refugees will endanger public health."

Cities in Jordan hosted up to 80,000 refugees. Due to the lack of housing, refugees found shelter in schools and public gardens. Some remained under the open sky and without food. The British Consul General in Jerusalem described the local response as "generally uncoordinated". The American Consulate in Jerusalem described the situation in mid-August 1948 as "horrifying".

[Refugees] are assembled under trees and on the sides of the streets. They have no food and no homes. During September, the weather is extremely cold at night and soon rain will start falling and the water reserve might deplete before the end of August. There are not enough hygienic facilities and not enough hospital beds in East Jordan. In general, there is massive chaos on the organizational level and local authorities are unable to bear this burden. Moreover, there is not enough trained staff to organize the camps and distribute food or hygienic equipment, or to carry out vaccination campaigns.²

In Cairo, Jefferson Peterson, the American Embassy's Charge d'Affaires, stated that there were 14,000 Palestinian refugees living in special homes or in temporary camps, all of them suffering immensely.

With regard to the few refugees in Iraq, the British Representative in Baghdad noted that "Iraqis have not made any efforts to contain the refugees and do not collect money for them." Preliminary studies about the status of the refugees conducted by American and British diplomats during the early stages of the Palestinian *Nakba* describe the appalling living conditions of refugees. According to the UN Mediator in Palestine, Count Bernadotte, they were the worst he had ever witnessed.

These reports concluded that most Arab countries did not make much of an effort to alleviate the refugees' suffering. The British Government said, "His Majesty's government realizes that the

¹ For more details see, Salman Abu Sitta, *The Palestinian Nakba 1948*. London: Palestinian Return Centre, 1998.

² Benny Morris, *Expulsion of the Palestinians and the Birth of the Refugee Problem*. [Arabic] Amman: Dar al-Jaleel, 1993, at 282-285.

Arab countries' major concern is geared towards the possibility of sending the refugees back to their homes. But, even if this were possible, it would require a long time to implement such return, and until then the situation of the refugee will remain catastrophic.”³

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

The concept of individual rights and the protection of those rights, not to mention the specific protection of refugees, was completely absent from the Charter of the Arab League. For a long time, the Arab League focused its attention on external human rights violations and did not pay attention to human rights violations among its own member states. The League directed its efforts towards exposing Israel's practices against the Palestinian people without paying attention to the Arab conduct towards Palestinian refugees.⁴

This is illustrated clearly by the way most Arab countries dealt with refugees and displacement in general. Lack of concern about the special legal status of refugees, limited domestic legislation on refugee affairs and non-conformity of domestic law with international standards, all highlight the deficiency of the Arab legal system, and reflect negatively on the treatment of the Palestinian refugees. The Arab states method of coping with refugees, including Palestinian refugees, does not meet the standards set by international law and conventions, nor the norms of Arab and Islamic traditions pertaining to asylum and protection, although agreements reached in the mid-1990s (e.g. Arab Charter for Human Rights) may constitute some improvement.⁵

These improvements came in response to efforts by Arab non-governmental organizations concerned with refugees, some of which had obtained international recognition; the catastrophic results of the protracted wars in the Gulf and the Balkans; increased public interest in human rights culture; growing pressure from international organizations and initiatives of the UN High Commission for Refugees and its regional staff in certain Arab countries who drew attention to the importance of refugee law.⁶ However, such improvement came late, remained largely unnoticed and failed to have tangible impact on the Palestinian refugee issue, the oldest and most well-known refugee issue in the Arab world.

This situation is better understood in the context of the broader issue of democratic transformation which is the subject of ongoing debate in the Arab world. It was unfortunate for the Palestinians that they became and remained refugees without a country at a time when the recently independent Arab states were busy solidifying borders inherited from past colonial regimes. Moreover, the new political regimes were characterized by dictatorship, excessive emphasis on national sovereignty and political practice which violated the basic principles of democracy. The violation of the rights and dignity of their own Arab citizens is an important

³ *Id.*, at 288.

⁴ Unlike African states, the Arab League failed to develop special mechanisms for human rights protection. The first African Human Rights Charter was adopted in 1981, whereas the draft of the Arab Charter for Human Rights was completed in 1994, i.e. fifty years after the establishment of the Arab League. This step came relatively late, at a time when the human rights system was well established, as a result of international and regional interest and persistent lobbying of unofficial bodies that had adopted the matter.

⁵ Abdel Hameed al-Wali, “Refugee Protection in the Arab World,” *International Politics* 148 (April 2002), at 274.

⁶ *Id.*, at 25-26.

factor in understanding the treatment of Palestinian refugees and the continuation of their policies over decades of Palestinian exile.

Citizenship in most Arab countries is perceived as a privilege granted by the ruler. Citizenship and passports are a way of ensuring control by the government and its security agencies over the people. In this context, many people lost their nationality and citizenship rights due to political activity or as a result of disputes among states, including the Shiites of Iranian origin in Iraq and other Gulf states and many Jordanians of Palestinian descent.

Arab workers were denied their rights and expelled collectively as a result of political conflicts between states, such as the expulsion of thousands of Yemeni, Jordanian and Palestinian laborers from Gulf countries during the 1990-91 Gulf war. The closure of borders and points of entry to individuals from Arab countries is additional evidence of the frequent violation of the freedom of movement and travel, especially during political crises.

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

Refugee protection in Arab countries has also been affected by the Arab perception of who is responsible for providing such protection. Arab states considered that the “international community”, represented by the United Nations, was and is primarily responsible for Palestinian refugees. Israel is accountable for the current Palestinian exile and the refugees’ protracted suffering, especially since Israel refused to implement UN Resolution 194 (1948).

In February 1951, the Arab League's Political Committee asked member states to send a joint memorandum to the major powers denouncing Israel’s refusal to allow the Palestinian refugees to return to their homes and provide access to their movable and immovable properties.⁸ The memorandum clearly stated that

Arab countries are unable to take on full responsibility for the quest for international peace as long as the refugee problem exists, and they have done their best in order to solve this problem. In addition, it is beyond their capacity to provide a fundamental solution for this tragedy. Therefore, the international community must take on this burden, in accordance with the Charter of the United Nations.

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

⁷ For more information see, Abbas Shiblak, “Human Rights: Progress and Regression,” *Guaranteeing Palestinian Refugees Rights and in the Current Political Settlement*. [Arabic] Cairo: Cairo Center for Human Rights Studies, 1998, at 82-92.

⁸ Memorandum cited in Akram Zuaiter, *The Palestinian Issue*. 3rd Edition. [Arabic] Amman: Dar al-Jaleel, 1986, at 265-266.

⁹ See the recommendation of the First Conference of Supervisors on Palestinian Affairs in Arab Host Countries. The recommendation was endorsed by Arab League Council Resolution 2019 (42nd session, 1964). See also the recommendations of the Conference’s 66th session in July 2001, endorsed by the League Council in September 2001, stating:

This position has served as a justification for states whenever they are asked to show greater concern for refugee rights and basic needs, especially on issues related to financial agreements or economic burdens in the context of UNRWA's chronic budget shortfall. Arab states have always met complaints by stating that despite their appreciation of UNRWA's efforts, its funding cannot be 'Arabized.'. Some states claimed that the alleged financial crisis was an excuse used by UNRWA to rid itself of its responsibilities towards the refugees and that this crisis was actually fabricated¹⁰ in order to make Arab countries take on this responsibility.

The United Nations recognized its responsibility towards Palestinian refugees when the General Assembly established a separate agency in November 1948 to provide emergency relief for the refugees. This agency, UNRPR (UN Relief for Palestine Refugees) was given the mandate to provide food, health services and housing to the refugees. Because of this agency's shortcomings, the United Nations established the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This recognition and resulting activity, however, remained limited and insufficient for providing for all the needs of the refugees living in Arab (and non-Arab) countries. UNRWA provides basic health, education and social welfare. Refugees, however, have needs beyond these basics, such as the right to residency, freedom of movement, employment, housing and all rights enshrined in international conventions and treaties. Respect for these rights was a function of the measures and policies of particular states towards the refugees and from the fact that these states could not transfer all obligations to the international community.

The importance of Arab protection for Palestinian refugees arises not only as a result of UNRWA's limited ability to implement refugee rights, but also because Palestinian refugees were excluded from the protection benefits provided by the Office of the United Nations High Commissioner for Refugees established in 1950, due to what the Office described as the political nature of the Palestinian refugee problem. Palestinians benefiting from UNRWA services were made a separate group from other refugees and from the benefits of the 1951 Refugee Convention. This was based on a provision in the Convention which excludes refugees who receive support from agencies or organizations other than the UNHCR. Since protection is outside the mandate of UNRWA as a relief agency, Palestinian refugees found themselves lacking the special protection granted by the 1951 Refugee Convention and its Protocol of 1967.¹¹ So Palestinian refugees found themselves with a lower level of protection than that accorded to other refugees and in a situation where they were forced to depend on their own efforts and resilience, in addition to the gestures by the respective Arab host countries.

We reaffirm Israel's responsibility for causing the refugee problem and its continuation without a just solution. In addition, we reaffirm the responsibility of the international community to support UNRWA, to use its important services, and to refrain from termination or transfer of these services to any other party until the refugee issue is resolved on the basis of UN Resolution 194 (paragraph 11). [...] We also call upon UNRWA to remedy its financial crisis without affecting the basic services provided for the Palestinian refugees.

See also, Arab League Resolutions. Tunis: General Secretariat of the Arab League, 1988, at 382; and, the website of the Arab League (www.arableagueonline.org).

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

¹¹ For more information *see*, Shiblak, *supra* note 7, at 82-87.

Arab Protection – Institutional Mechanisms and Governmental Decisions

Arab regimes were forced to face the Palestinian refugee problem not long after they had achieved independence. In the context of this challenge, Arab regimes tried to provide a certain level of protection for refugees through institutional mechanisms and procedures and a series of decisions aimed at organizing the refugee presence in the host countries. Embodied in the Arab encounter with the Palestinian refugee issue were many levels of acceptance and rejection by Arab states of Palestinian attempts to restore their own political, social and economic networks, later known as ‘revitalizing the Palestinian entity’. These attempts, which provided a certain level of protection for refugees, would not have succeeded without a measure of Arab tolerance because Palestinians were deprived of political independence and dispersed geographically and demographically within the region. Israel captured the majority of the Palestinian land (78 per cent) in 1948; the West Bank came under Jordanian rule and the Gaza Strip was under Egyptian administration until 1967, while refugees were scattered, mainly in Jordan, Lebanon, Syria and Egypt, later called host countries.

Institutional Mechanisms

In October 1948, the Arab League recognized the All Palestine Government which was set up that year as part of an effort that called for, inter alia,

organizing refugee lives, catering to their basic needs, returning them to their homes, guaranteeing the personal and civil freedoms of Palestinian citizens irrespective of religious and ethnic affiliation, upholding the freedom of worship for all denominations, compensation of individuals for movable and immovable properties and businesses damaged or lost, and the creation of work for the unemployed.¹²

Catering to all of these needs was far beyond the capacity of host governments. It was further obstructed by the narrow margin of freedom granted by Arab states to the refugees.

While the All Palestine Government was recognized by some states, others, such as Jordan, refused to recognize it. As a result, Jordan (the center of the Palestinian exile) did not allow Palestinians to set up their own, internal protection framework.. Egypt was more tolerant, for example, issuing passports for some 90,000 refugees in the Gaza Strip; citizenship and birth certificates; letters of recommendation for employment in Arab states; work permits for refugees in certain areas in Egypt; financial and health relief for hardship cases and aimed to integrate refugees into educational institutions in different Arab countries.

These efforts, albeit limited, were extremely important for the refugee community during the duration of the All Palestine Government (1948-1963). With the rise of the Palestine Liberation Organization (PLO) as an alternative to the All Palestine Government, and Arab recognition of the PLO, the scope of domestic protection for the refugees increased. The PLO was able to broaden interest in all aspects of refugees’ lives, including work, education, health care, travel and residency, because of the Arab acceptance of the PLO. In general, and compared with refugees’ prior status, the PLO provided a significant and much greater degree of protection. Refugees thus developed a sense of trust in this new entity. The PLO’s protection role was operative as long as it showed vitality and had leverage. In other words, the role of the PLO was

¹² For more information about this government, its set up and services, *see*, Mohammed Khaled al-Aza’r, *All Palestine Government at its 50th Anniversary* (forward by Dr. Mohammed Hassanein Haikal). Cairo: Dar al-Shurouq, 1998.

subject to the recognition granted by the Arab states, the quality of mutual relations and the level of Arab state satisfaction with it.¹³

Along the same lines, Arab state recognition of the Palestine Liberation Organization as the sole legitimate representative of the Palestinian people encouraged the PLO to ask for more Arab protection for refugees and for improvement of their living standards. Such initiatives were based on Arab nationalism and brotherhood and on the general legal framework for refugees¹⁴. In September 1965, the PLO Chairman, for example, presented a number of proposals to the third Arab League Summit in Casablanca. These became the basis for the *Protocol Concerning Treatment of Palestinians in Arab Countries* (“Casablanca Protocol”), which represents the most comprehensive Arab framework regulating issues arising from the Palestinian presence in these countries.

Likewise, the PLO presence in Lebanon (1969-1982) resulted in a dramatic improvement in the level of protection for Palestinians. Before relations between the PLO and the Lebanese government were guided by the 1969 Cairo Agreement¹⁵, there were severe security restrictions on refugee camps. Refugees were forbidden to move from one camp to another without prior authorization and expansion of camps beyond the initial zoning plan was prohibited, despite natural population growth. More importantly, refugees were prohibited from adding new floors to their homes and from building concrete or stone ceilings. Similar restrictions affected all aspects of life, including health care, education, jobs, movement and personal dignity.

This situation changed after 1969 when living conditions in the camps improved, numerous institutions for social and health services were established, many young people enrolled in Palestinian organizations and the PLO provided a source of income for Palestinians. Movement restrictions were relaxed, laws that infringed on their freedoms as refugees (foreigners) were not implemented literally and refugees had private armed forces for their protection.¹⁶ When the PLO and its institutions left Lebanon in the summer of 1982, refugee status deteriorated and reverted to the pre-1969 situation.¹⁷

¹³ See also, Asa'd Abdel Rahman, *Palestine Liberation Organization: Inception, Roots and Trends*. [Arabic] Nicosia: Palestine Liberation Organization Research Center, 1987.

¹⁴ The proposal included the following principles:

- a. Refugees are granted temporary residency in each country until they are allowed return to Palestine. Their freedom of travel and movement is guaranteed at a level equal to the level available to citizens as adopted in agreements between governments.
- b. Palestinians are granted travel documents from their country of residence based upon their request and with the same facilities granted to citizens; the travel document holder is eligible to return to the country of residence without prior visa requirements.
- c. Palestinians are expected to be treated equally to citizens of the country with respect to rights and obligations, excluding political rights.
- d. Permanent expulsion of Palestinians to foreign countries is prohibited.
- e. Arab governments are expected to cooperate, in order to care for refugees' affairs and maintain refugee rights, in addition to unifying apparatuses concerned with Palestinian affairs under one apparatus.

Reprinted in, *Palestinian Documents for the Year 1965*. Beirut: Institute of Palestinian Studies, at 504-505.

¹⁵ See also, Abdel Rahman, *supra* note 13, at 190-196.

¹⁶ See also, “Phases of Palestinian Status in Lebanon,” Islamonline website (www.islamonline.net).

¹⁷ Concerning the right to health, for example, the PLO and its factions used to cover gaps in UNRWA services through the Palestinian Red Crescent Association. This association used to supervise ten hospitals and forty-six medical centers spread throughout the camps. These activities ceased to exist in 1982 precisely at the same time when the camps were struggling with overcrowding, poor living conditions and massive destruction of infrastructure. It is estimated that Palestinian organizations in Lebanon employed around 65% of total refugee labor force. “Report on Palestinian organizations’ economic activities in Lebanon,” *Samed* 50/51 (July, August and October 1984), at 348-363.

The level of protection available for Palestinian refugees was not only affected by the rise or fall of the PLO, however, but also by crises between the positions of Arab states and host country on Palestinian refugees. As soon as a crisis develops between two states, refugees find themselves between the hammer and the anvil, a situation causing a permanent crisis among the refugee population. In such a context, refugees are morally and financially drained or destroyed, their lives and limited stability challenged.¹⁸ There has been no separation between treatment of the refugees and official relations with the PLO and various Palestinian political groups. In fact, on many occasions, refugees are often held ‘hostages’, i.e. they are pressured by Arab states that wish to punish Palestinian political actors. The inability of the Arab League to enforce compliance of its member states with its decisions—some of them related to the status of Palestinian refugees—is no doubt an additional factor encouraging states to act against refugees without restraint or fear of sanctions.

The lack of preparedness of the Arab League for handling the refugee problem resulted in the creation of multiple mechanisms, especially during the early stages of the problem. On 16 February 1948, the Arab League formed the *Palestine Committee* to address the political and military aspects of the issue. When the refugee problem emerged in the spring of 1948, the League formed a *Financial Experts Committee* to supervise the spending of government and individual or group contributions towards all aspects of the Palestinian problem, in particular the refugee problem. On 16 April 1948, the League also established the *High Council for Relief* ‘to help disburse financial aid to Palestinian students, refugees, families of martyrs and injured who had lost all sources of income.

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

The work of this Administration was further developed by additional resolutions of the Arab League Council, among them Resolution 514 (29 April 1953) and Resolutions 705 and 721 (27 January 1954), which led to the establishment of an advisory body composed of Arab government specialists in Palestinian affairs to cooperate with the Palestine Administration. This advisory body meets twice a year before the meetings of the Arab League Council in March and September. Later on, this body was renamed the *Forum of Heads of Departments of Palestine Affairs in Arab States*. The Financial Experts Committee and the Refugee Relief Council were subsequently dissolved and the Palestine Administration in cooperation with the Forum of Heads of Departments and the *Conference of Supervisors of Palestinian Affairs in Arab Host States* became the major bodies concerned with refugee related issues. Over the period of four decades, the two fora were among the most important Arab League institutions concerned with Palestinian

¹⁸ Examples include the situation of Palestinians in Kuwait during the 1990-1991 Gulf War. Palestinians became the scapegoats for the PLO’s position toward Iraq and were expelled from the country, including many who had served Kuwait for decades. Many other Gulf countries implemented similar procedures whether directly or indirectly, described by some as a transfer operation for Palestinians, but an Arab transfer. Likewise, the Libyan government, seeking to demonstrate its opposition to the Oslo Accords and PLO policy expelled Palestinians to the Egyptian Libyan border. Anis Fawzi al-Qasem, “Marginal to the Hebron Crisis, the Palestinians between the Hammer and the Anvil,” *Journal of Palestine Studies* 4 [Arabic] (Fall 1990), at 3-8. Also refer to the statement issued by the PLO’s Representative in Lebanon regarding the expulsion of Palestinians from Libya, cited in *Journal of Palestine Studies* 24 [Arabic] (Fall 1995).

refugee affairs. They contributed to all deliberations about official Arab policies on the refugee issue and issued recommendations on the resolutions issued by the Arab League Council.¹⁹

A brief summary of the background of these fora is necessary before discussing their performance on refugee protection:

Heads of Departments of Palestine Affairs:

In its 32nd meeting on 7 September 1959, the Arab League Council decided to establish in each member state a mechanism mandated to study all aspects of the Palestinian problem.²⁰ Refugee affairs and the general situation were thus made part of the broad mission of this forum. The forum went through a lengthy process of establishment with internal by-laws and operational set-up completed only in April 1961 and the first annual meeting held in February 1961.²¹ The by-laws provide for two annual sessions. Each member state has one vote and meetings are closed unless agreed otherwise by the delegates. The forum is expected to issue recommendations to the Arab League Council. Delegates may raise reservations from some recommendations; in this case, states that have raised reservations are not bound by the recommendations of the forum or the resolutions issued by the Arab League Council. The meeting may establish sub-committees on various issues.

The process of establishing this forum was slow and Arab states did not relate to it seriously as a body that could tackle urgent matters. This is illustrated by an Arab League Council resolution of 1963²², calling on Arab states to expedite the establishment of domestic mechanisms on Palestine in accordance with the resolution adopted in 1959 and requesting the heads of these departments to join and participate in the meetings of the Arab League forum. The same attitude is illustrated also by the weak representation from states in the meetings, a fact which prevented the forum from taking strong positions.²³

Conference of Supervisors of Palestinian Affairs in Arab Host Countries

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

Based on the above, the Arab League hosted a meeting of representatives of all refugee host countries (Jordan, Lebanon, Syria and Egypt) which agreed to establish a permanent forum of host countries for Palestinian refugee affairs. The forum was mandated to monitor refugee status, as well as UNRWA obligations to the refugees. This forum is limited to refugee host countries. Unlike the Forum of Heads of Departments, it does not include all Arab states and participation is reserved for the supervisors of Palestinian refugee affairs. Its first meeting was in Damascus (17-21 June 1964)²⁴ and continues to meet.

¹⁹ Resolution 471, 23 September 1952.

²⁰ Resolution 1594, 7 September 1959.

²¹ Resolution 1747, 1 April 1961.

²² Resolution 1905, 19 September 1963.

²³ See Marwa Jaber, *The Arab League and the Palestinian Problem 1945 – 1965*. Nicosia: Palestine Liberation Organization Research Center, 1989, at 203-204.

²⁴ *Id.*, at 208-210.

The establishment of a mechanism explicitly concerned with refugee affairs was a successful choice and demonstrated the growing concern and interest among Arab regimes in organizing the Palestinian entity. This became obvious in particular after the 1964 Arab Summit, which approved the establishment of the Palestine Liberation Organization. Shortly thereafter, the League broadened the mandate of Conference of Supervisors to include tasks that were previously referred to the Forum of Heads of Departments. The Arab League Council in its 62nd session adopted a resolution stating²⁵: the Forum of Supervisors is responsible for the handling of all matters discussed in the meetings of the Heads of Departments on Palestine Affairs, in addition to all issues related to Palestine; and, the Forum of Supervisors is to hold two, instead of one, annual sessions. These developments on the institutional and organizational level eventually led to a situation where the Conference of Supervisors became the sole authority on refugee affairs and the major source of recommendations to the Arab League Council.

A review of the minutes of its meetings shows a number of issues of continual concern to this forum²⁶:

- Follow-up on UNRWA activities: regular requests for improvement of its services plus debate and comments on UNRWA annual reports. The Conference sends recommendations to UNRWA regarding deficiencies in its activities (obligations and responsibilities) and requests for UNRWA to document these recommendations in its reports to the United Nations. The Forum also requests inclusion of its comments in the agenda of the meetings of Heads of Departments;
- Follow-up on all refugee affairs in the Arab countries, especially issues related to travel, residency, education and employment;
- Discussion of all matters related to general developments in the Palestinian issue;
- Presentation of reports submitted by representatives of the host countries on the state of refugee affairs; and,
- Taking on tasks delegated to this forum by the Arab League Council.

Delegations from Jordan, Syria, Lebanon, Egypt, the Palestine Liberation Organization and the General Secretariat of the Arab League usually attend the Supervisors Meeting.

Since the establishment of UNRWA, the Arab League has been interested in cooperating with the Agency on a country by country basis. From the early days of its work, the Arab League took a positive stand on UNRWA. A 1950 Council Resolution²⁷ called on all Arab states to cooperate with UNRWA, without regard to the freedom of each state to raise reservations concerning the final solution of the Palestinian issue and the right of return and compensation of the refugees. At the same time, the relationship between the Arab League and UNRWA is indirectly maintained via Arab League resolutions which may approve or reject measures taken by UNRWA, through requests by the Arab League on services to the refugees, or by meetings of host countries held in the framework of the Arab League and attended by representatives of its Palestine Administration.

²⁵ Resolution 3180, 4 September 1964.

²⁶ *Also see*, Mohammed Hassan Abdel-Hafeth, "The Arab League and the Palestinian Refugees Problem," *Samed* 105 (July, August and September 1996), at 134-136.

²⁷ Resolution 325, 12 June 1950.

In this framework, the League laid out a set of broad guidelines to direct Arab states in their relations with UNRWA and its role in protecting refugee rights. Among the most important are²⁸:

- Projects implemented by UNRWA must not, in any way, violate refugee rights or pre-empt the political future of Palestine;
- United Nations and UNRWA must remain involved until the refugees return to their homes and receive compensation; whatever services or land is provided by Arab states to UNRWA, in order to facilitate its operations, it does not signify a transfer of obligations to these states;
- Arab countries are not obliged to fund UNRWA operations;
- UNRWA operations must not become a burden on the national economies;
- UNRWA operations must take into consideration the importance for refugees of securing a good standard of living in economic and social terms;
- UNRWA operations must take into consideration the need for family reunification among all social sectors, in addition to specific refugee needs deriving from varying circumstances.

The Arab League called on Arab host countries to develop a unified approach towards UNRWA, especially regarding bilateral agreements, so there would be no excuse for UNRWA providing differential treatment of refugees in the various host countries.²⁹ Attention and monitoring by the Arab League of refugee treatment by the various host countries was required, in order to guarantee unified standards also on this level. This, however, was not done.

UNRWA-host country relations differ widely. In Jordan, UNRWA received many long- and short-term privileges and immunities for projects that had the aim of employing refugees. Syria, on the other hand, provided UNRWA with certain facilities for services and the transport of goods and produce, while showing reluctance to cooperate, especially in the long-term, with UNRWA out of concern that this would contribute to pre-empting the political dimensions of the refugee issue and gradually transform the refugees into citizens in the countries of exile. Lebanon granted UNRWA all necessary guarantees for its operations in refugee camps. Host country-UNRWA relations were strengthened by numerous bilateral agreements.³⁰

In reality, host countries contributed to the provision of international refugee protection by facilitating UNRWA operations. This includes the provision of storage space, guarantees for safety of transport and storage, covering expenses of freight, transportation, customs and tax exemptions, as well as protection of UNRWA employees and officials and recruitment of local labor force for UNRWA. Moreover, host-country monitoring contributed to the rectification of UNRWA lists of beneficiaries and prevented cuts of their numbers. Host countries have also been interested in cooperating in refugee education, given that UNRWA schools follow the curriculum of the respective host countries.

All host countries are members in the UNRWA Advisory Commission.³¹ In this framework, the Arab League and its individual member states can present their views and participate in the debate on UNRWA annual reports to the UN General Assembly by UNRWA's Commissioner General. Arab host countries regularly convene the Conference of Supervisors of Palestinian

²⁸ Resolution 389, 10 October 1951.

²⁹ Resolution 2252, 12 June, 1966.

³⁰ UNRWA entered into an agreement with Lebanon on 26 November 1954; Jordan on 14 March 1951; Egypt on 12 September 1950; and, Syria granted facilities to UNRWA without any special agreement (On 28 August 1948, Syria committed itself, via the UN Mediator, to grant United Nations representatives concerned with serving refugees all necessary privileges to perform their duties, including UNRWA activities). Abdel-Muni'm al-Mashat, *United Nation Relief and Working Agency in the Near East*. Masters Dissertation, Economy and Political Science Department, Cairo University, 1975, at 321-322.

³¹ The committee consists of the United Kingdom, France, the United States of America, Turkey, Japan, Belgium and certain Arab hosting countries. *Id*, at 321-322.

Affairs before the presentation of UNRWA reports to the UN General Assembly, in order to consult on its content and formulate a united Arab stand.

Decisions and Performance

Through the institutional frameworks set up to deal with the Palestinian refugee issue, the Arab League issued numerous resolutions and policies concerning civil, economic and social rights of the refugees. These decisions and policies, although controversial and partially adopted, catered for a minimum commitment to these basic rights and provided host countries with a non-binding set of references. Resolutions dealt with matters related to the right of movement, citizenship, employment, education and property ownership. Host countries for their part, adapted these resolutions and policies to compliment domestic interests, policies and scope of national involvement in the Palestinian issue and in response to pressures exerted by non-Arab third parties. Below is an analysis of major Arab League perceptions on key-issues of refugee concern.

Movement and Travel

In 1952 the Arab League addressed the matter of unified travel documents for Palestinian refugees. These documents were to be issued by the respective host countries. Arab League resolutions affirm that holders of these travel documents must be treated as citizens with regard to visa and residency permits and be exempt from paying visa and permit renewal fees.³² However, this decision included several limitations: persons holding the nationality of the host country, for example, were not entitled to this travel document.

A number of regulations specified additional limitations on travel documents. They do not oblige the country of destination to welcome the refugee to live in its territory, and it does not prevent the refugee from exercising the right to return to the country that issued the travel document. Each country has the freedom to implement procedures to regulate requests of travel documents, their period of validity, expiration and renewal. Much emphasis was given to the fact that travel document holders in all Arab League states must be treated as citizens with respect to visa and residency rights.³³

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

In September 1965, the Chairman of the PLO presented, as mentioned earlier, a comprehensive proposal on means and mechanisms for the treatment of Palestinians in Arab countries. Some elements in this proposal were approved and included in a special protocol adopted by the Arab League Council on 10 September 1965. The Protocol included the following provisions pertaining to travel and residency³⁵:

Palestinians residing in the territory of other Arab states have the right to enter the territories of (.....) and to exit these territories as needed. However, their right to enter does not grant them the right to residency, except for the period and the reason specified, unless provided otherwise by the relevant authorities.

³² Arab League Resolutions 424, 14 September 1952; 524, 19 April 1953; 714, 27 January 1954; 715, 27 April 1954; 1705, 7 September 1960; and, 1946, 31 March 1964.

³³ Resolution 714, 27 January 1964.

³⁴ Resolution 1033, 4 October 1995.

³⁵ The Protocol is reprinted in, Jaber, *supra* note 23, at 249.

Palestinians currently residing in (.....) and those who used to reside there but emigrated, are issued travel documents according to their convenience. The relevant authorities, whenever available, are required to issue or renew these documents without delay.

Travel document holders in Arab League territory are expected to be treated like citizens with regard to visa and residency rights.

Citizenship and Treatment of Refugees

Arab Leagues policies on citizenship for refugees appear somewhat ambiguous. Whereas the Arab League did not adopt a resolution forbidding the granting of citizenship by member states to Palestinian refugees, it expressed, at the same time, its general desire to uphold the Palestinian nationality of the refugees. It has been the intention of the Arab League to preserve their Palestinian identity and their political rights. However, the League sensed the difficulties and complications stemming from this position. Resolution 1547 (9 March 1959), which encourages Arab states—as a general rule—to preserve the Palestinian nationality of the refugees, for example, also includes a request that host countries make compassionate efforts to provide employment for their refugees.³⁶

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

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

Education

The Arab League allocated funds through the Palestinian Student Relief and Aid Committee to Palestinian students and persons who had lost all sources of income from the beginning of the Palestinian exile in 1948. In 1955, the League sent a delegation to investigate the status of refugee education and personal affairs in Arab countries.³⁸ The report of this delegation stated that, “If the situation of the Palestinian people is not rectified, they will soon be in total ruin.”³⁹ Therefore, the Arab League continued issuing decisions regarding refugee education, including the

³⁶ Resolution 1547, 9 March 1959.

³⁷ Resolution 2455, Arab League Council’s 50th ordinary session, September 1968.

³⁸ Resolution 361, 19 May 1951.

³⁹ al-Mashat, *supra* note 30, at 290.

establishment of a planning council to follow up on this matter. Council activities ceased during the 1967 war⁴⁰ and the Arab League Council adopted suggestions calling for the inclusion of the Palestinian issue in the curriculum of Arab states so that it would be taught in public schools. The League also considered the design of a unified curriculum and books for this purpose, as well as the establishment of a fund to receive contributions from various countries to help refugees educate their children and care for their cultural and social needs. But the fund was never established.

As time passed, host countries, in cooperation with UNRWA, took on the responsibility for refugee education. Subsequently, the issue disappeared from the agenda of the Arab League Council and its specialized committees. The result was that refugees received education of various quality and the Arab League was unable to establish a school, college or university specially geared for the refugees. Thus the Resolution regarding a unified curriculum on the Palestinian issue was never implemented.⁴¹

Property Ownership

Arab League interest in refugee property ownership focused on refugee properties in Palestine, especially in that part of Palestine occupied in 1948, far more than on the right of refugees to own property in the countries of exile. Thus, for example, the League decided to study administrative and legal strategies used by Israel towards refugee properties and considered raising the matter in the United Nations or the International Court of Justice.⁴² Following investigation, the Arab League Council recommended presenting this matter to the United Nations General Assembly.⁴³ Then, the League decided to establish a general Arab policy aimed at preserving refugee properties until a comprehensive solution to their problem was found. This policy is based on a lack of confidence in the Israeli Custodian of Absentees' Properties and its competence in managing these properties and revenues. The League also emphasizes the importance of having a neutral trustee or a trustee-body appointed by the United Nations to administer these properties.⁴⁴

⁴⁰ Arab League Council Resolutions 407, 13 October 1951; 439, 23 September 1952; 475, 23 September 1952; 526, 9 April 1953; 626, 26 January 1954; 731, 27 January 1954; 759, 5 April 1954; 862, 11 December 1954; 1060, 15 October 1955; 1093, 15 October 1955; 1265, 25 October 1956; and, 2399, 7 March, 1968.

⁴¹ Jaber, *supra* note 23, at 213-217. Also see, Yousef Abdel-Qader, *Palestinian Education in the Past, Presence, and Future*. Amman: Dar al-Jaleel, 1989.

⁴² Resolution 525, 9 April 1953.

⁴³ Resolution 576, 10 May 1953.

⁴⁴ See, League Council recommendation, 14 October 1955. The recommendation was repeated during the 27th Supervisors Convention in Beirut, 10-17 August, 1981.

Lack of Commitment--the Gap between Theory and Practice

A comparison with refugees in other countries or with other approaches demonstrates that Palestinian refugees did not automatically receive special treatment in the Arab host states, even though the Arab League was deeply involved for strategic and national security reasons in their national problem and despite resolutions and Protocols calling for protecting and guaranteeing basic rights. For many outside observers, Palestinian refugees appear to be Arabs living among other Arabs, so what is the problem?

The reality is that guidelines established by Arab regimes on the refugee issue remained just like other issues that require coordinated Arab treatment, i.e. far removed from the arena of implementation and unable to guarantee meaningful protection for the refugees. From the outset many states adopted their own approaches for accommodating the refugees and in their readiness to provide services to guarantee their basic rights, even when matters were not related to politics.

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

Arab policies have made acceptance of Arab League resolutions subject to debate and alteration. In 1970, five years after the Protocol was adopted, the Conference of Supervisors of Palestinian Affairs noted that, "travel, residency and employment procedures related to Palestinians in Arab countries are still faced by obstacles that are not line with so-called national ties."⁴⁵ The same was noted in the years 1981-1987.⁴⁶ It continues to be debated as a major item on the Conference agenda in times when the national position, the source of compassion for the refugees, is increasingly weakened.

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

⁴⁵ Nadera al-Sarraj, "Palestinians in Egypt from 1948 until 1970," *Palestinians in Egypt*. Cairo: Dar al-Mustaqbal al-Arabi, 1986, at 54.

⁴⁶ See, the Conference of Supervisors on Palestinian Affairs in Arab Host Countries, Reports (27th session), *Palestinian Affairs* 168/169 (March/April 1987), at 112-114.

Jordan

In 1948, Jordan hosted the largest number of refugees, most of whom were refugees and persons displaced in 1948 from the Palestinian territories occupied in 1967.⁴⁷ The Kingdom's political ideology and strategy led to the annexation of the West Bank to Jordan in 1950 and to integration of the refugees into the Jordanian nation-building project. In February 1954, Jordan adopted its citizenship law which permitted Palestinian refugees to become citizens of Jordan. Thus it became possible for refugees to completely integrate into Jordanian life in terms of rights and obligations. At the same time, this integration was semi-compulsory, because taking on citizenship was the only way for refugees to obtain basic rights to travel, movement, employment, residency and education, and even for registration of births and deaths. This was at a time when refugees lacked all types of protection.⁴⁸ Integration, moreover, was largely formal with positions of power remaining in the hands of Jordanian nationals. The fact that refugees had become citizens did not dispel Jordanian suspicions of refugee intentions and aims and the establishment of an intensive regime of surveillance over the refugees.

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

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

An eye-witness account of the lives of refugees in Jordanian camps in the mid-1970s describes the level of protection available:

The camp in Jordan is no more than an accumulation of people and does not represent a social body; in fact, it does not represent a society according to generally accepted human standards. There is a lack of normal relationships or ties among its members in this gathering that was forced on refugees. The camp is not worth any human effort, and does not provide opportunities for work, agriculture and industrial efforts, except in a very limited way; it therefore cannot become a natural source of productivity. It is not a place naturally linked to the center of life; it is a place that conveys the feeling that it is intended to be ignored, no one talks about it and no one is attracted to it. It is a place where each

⁴⁷ It is difficult to know the exact number of Palestinian refugees due to the absence of a comprehensive registration and the differences in registration systems among host countries and other refuge areas. This can be explained by the politicization of refugee registration. Arab countries and Palestinian were in favor of magnifying the number, while Israel intentionally underestimated the refugee population. Estimates of the original number of refugees thus range from 520,000 (Israel) to 940,000 (Arab League). Some researchers conclude that approximately 805,000 Palestinians were displaced in 1948. See, Salman Abu Sitta, *The Palestinian Nakba 1948, The Register of Depopulated Localities in Palestine*. London: Palestinian Return Center, 1998, at 13. There are approximately 2.5 million Palestinian refugees residing in Jordan, comprising about half of the total Jordanian population. Around 40% of them reside in 10 camps supervised by UNRWA. Mustafa al-Tahan, "Social and Living Conditions of the Palestinian People in Jordan," *Islamic Union* 14/15 (March 2003), at 1-3.

⁴⁸ Mohammed Khalid al-Aza'r, *Guaranteeing Palestinian Refugees' Rights and the Political Settlement*. [Arabic] Cairo: Cairo Center for Human Rights Studies, 1998, at 20.

person remembers every hour he or she has have lost. The camp does not give refugees a chance for development or achievement of goals.⁴⁹

More recent studies confirm that this deplorable situation continues. Refugees in Jordan, especially in the camps, do not have access to opportunities equal to other Jordanian citizens in education, health services, employment, housing and other basic services.⁵⁰

Lebanon

>From the onset of their exile, Palestinian refugees in Lebanon have not enjoyed guarantees or protections other than those available for a foreign visitor who might come to Lebanon for a few days.⁵¹ Lebanese policy clearly expressed reservations regarding the Palestinian refugee presence in Lebanon from the beginning, because this presence would affect the sectarian demographic balance in favor of Sunni Moslems. When the *Protocol Regarding the Treatment of Palestinians* was adopted, Lebanon expressed reservations to most of its articles, and conveyed—albeit indirectly—its unwillingness to comply. This is what actually happened, both before and after the adoption of the Protocol.

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

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

⁴⁹ Hayyat Malhas, “Refugee Problems in Jordanian Camps,” *Palestinian Affairs* 53/54 (January-February 1976), at 123-124.

⁵⁰ Kamel Mansi, “Palestinian Refugee Camps in Jordan,” *Samed* 83 (January-March 1991), at 87-90. *Also see*, al-Tahhan, *supra* note 47, at 3-4.

⁵¹ The number of refugees and immigrants in Lebanon range according to official and non-official sources. In March 1992, UNRWA announced the number of registered refugees in Lebanon to be 317,376. This number is less than the number previously mentioned by the Lebanese Minister of Refugee Affairs, which was between 400 and 500 thousand. The Lebanese Refugee Affairs Department estimated their number to be 350,000, whereas another source estimated their number, during the same year (1992) to be 310,000. According to UNRWA’s 2001 statistics, the number of registered refugees in Lebanon totaled 382,973, of which 214,728 live in camps, and 168,245 live outside camps. *See* Rosemary Sayegh, “Palestinians in Lebanon,” *Journal of Palestine Studies* 13 [Arabic] (Winter 1993), at 16; and, UNRWA statistics, UNRWA Information Department Publications, Gaza, August 2001.

⁵² Sami Nassar, “Prevailing Policy towards Palestinians in Lebanon,” *Palestinian Affairs* 138/139 (September-October 1984), at 34.

⁵³ Rosemay Sayegh, *Palestinian Peasants: >From Eradication to Revolution*. Beirut: The Arab Research Institution, 1980, at 139-140.

⁵⁴ *Id.*, at 21.

Lebanese authorities apply a variety of procedures regarding travel and residency. Some refugees receive “travel documents” that allow them free entry and exit without prior Lebanese visa requirements. These comprise refugees who were registered by 1950 as seen in an UNRWA survey and registered with the General Security Department responsible for monitoring and supervising Palestinian refugees. Another refugee group is entitled to “transit documents” for exit from and re-entry to Lebanon. They are not registered with UNRWA but benefit from its services in one way or another. A third group, the most vulnerable one, has no documentation and their residency is considered illegal. They were displaced in 1967 and are not registered with UNRWA.⁵⁵ Their conditions deteriorated further with the Palestinian-Israeli settlement and the 1993 Oslo Accords.

The refugee education situation is no better. UNRWA provides 10 years of schooling throughout Lebanon and has opened three secondary schools but most refugees who want to continue their education are obliged to search for a source of money to pay higher education fees. Such money is usually unavailable due to their restricted access to the labor market. Refugees who overcome this obstacle meet additional problems, such as high unemployment rates and preference given to Lebanese citizens. Unsurprisingly, unemployment rates among refugees and graduates rose steadily, from 33 per cent in 1989 to more than 35 per cent in 1996.⁵⁶ The fact that refugees face an unknown future in the labor market reduces the value of education.

Moreover, refugees in Lebanon suffer from a miserable health and housing conditions for many reasons, such as denial of the right to ownership and the right to enlarge their homes vertically or horizontally in refugee areas inside or outside camps; cutbacks in UNRWA health services and the high cost of private health treatment; deterioration of the basic infrastructure in camps and the absence of assistance from the PLO after it had to leave Lebanon in 1982.⁵⁷

Finally, there is the problem of internal displacement. The internally displaced refugees were displaced from their camps during the Lebanese civil war. They number around 30,000 persons in 87 locations with 75 per cent of them displaced more than once. They have experienced severe hardship from contradictory policies of the Lebanese government, which holds that the solution to this problem lies with UNRWA, while at the same time preventing UNRWA from rebuilding the camps that would provide basic protection. The government justified its policy by arguing that camp reconstruction would suggest that rebuilding camps would mean permanent refugee resettlement in Lebanon.⁵⁸

⁵⁵ The Lebanese government adopted the *Protocol on the Treatment of Palestinians* on 3 August, 1966, with reservations on refugee entry and exit, which was preconditioned by “obtaining prior approval from relevant Lebanese authorities to re-enter Lebanon”.

⁵⁶ Around 75 percent of refugee families in Lebanon live below poverty level, 60 percent of these families include (6 members or more) who suffer from abject poverty. Yousef al-Madi, “Income and Poverty Levels among Palestinians in Lebanese Camps,” *Samed* 109 (July, August and September 1996), at 187.

⁵⁷ For more information see, Jaber Suleiman, “Palestinians in Lebanon,” *Journal of Palestine Studies* 19 [Arabic] (Summer 1994), at 170-171.

⁵⁸ *Id.*, at 166-167.

Egypt

The number of refugees taken in by Egypt in 1948 was comparatively small compared to other countries surrounding Palestine.⁵⁹ Egypt also provided direct protection for a large number of Palestinians in the Gaza Strip between 1948 and 1967 and indirect protection through the issuing of travel documents since 1967. At all stages of the Palestinian exile, Egypt has issued travel documents to them and supervised the educational curriculum in the Gaza Strip. Egypt, moreover, was a pioneer in endorsing all Arab resolutions on refugee rights and protection. In 1965, Egypt endorsed the Arab League Protocol without reservations.

At the same time, however, Egyptian policy fluctuated and policy changes can be identified even more clearly than in other Arab countries:

1950s: In this stage, Egypt dealt cautiously with refugees who found shelter in its territory. Residency was granted for short periods (1-6 months) only and the right of refugees to travel was protected as Egypt recognized passports issued by the All Palestine Government. However, for many years, Egypt prohibited work with or without pay, while offering refugees financial, educational and other in-kind contributions in order to prevent hunger or illiteracy. Egypt also permitted intervention by relief organizations, to some refugees, among Palestinian refugees who were then perceived as quasi foreigners.

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

Mid-1990s to the present: This period saw the emergence of many reservations on protection that had been debated in the previous stages. Privileges offered to Palestinian refugees in comparison with other foreigners were cancelled in all fields (travel, movement, residence, education and health services).⁶⁰ While children of Egyptian women married to non-Egyptians were entitled to hold Egyptian citizenship in 2003, Egyptian women married to Palestinians were excluded from this law. Egypt, it was argued, is committed to Arab League resolutions affirming preservation of Palestinian nationality. Many people regarded this justification as unfounded, because Egypt permits dual citizenship and has rescinded support for several Arab League resolutions regarding the treatment of Palestinians, including some adopted in the framework of the 1965 Casablanca Protocol.⁶¹

⁵⁹ There are no accurate number of Palestinian refugees in Egypt. Approximately 11,000 refugees arrived during 1948 with only 7,000 remaining in 1950. They comprise the core of the 1948 refugee population estimated to be around 20,000 in addition to some 45,000 1967 displaced Palestinians. Some sources estimate the total number of refugees and displaced persons to have reached 100,000 by 1992. In 1994, however, some Palestinian refugees moved to the Palestinian territories. See, Abdallah al-Kashef, *Palestinian National Identity in Egypt*. [Arabic] Masters Dissertation, Political Science and Economy Department, Cairo University, 1948, at 236-237. Also see, Mohammed Khalid Al-Aza'r, "Palestinians in Egypt: Between the Present and the Future," *Palestinians in Egypt*. Cairo: Dar al-Mustaqbal al-Arabi, 1986, at 119.

⁶⁰ For relevant laws see, *id.*, at 112.

⁶¹ Samia Abdel Salam, "Gaps in Granting Citizenship to the Sons of Egyptian Women," *Al-Ahram*, 12 December 2003; and, "Solidarity with Egyptian Women Married to Palestinians," *Al-Ahram*, 16 December 2003.

Iraq

Iraq was among the states that implemented the Casablanca Protocol for the small number of refugees it had hosted since 1948.⁶² Refugees lived in old shelters and homes in poor condition but rented and paid for by the Iraqi government. Initially, refugee supervision was the responsibility of the Ministry of Defense, it later was transferred to the “Palestinian Refugee Affairs Department.” Refugees were defined as Palestinians who entered Iraq before 25 September 1958 and whose country was occupied. Regarding residency, the Iraqi government distinguished between the 1948 refugees who has travel documents permitting exit and re-entry, and the 1967 displaced, who were not granted residency rights. Several laws were promulgated to help refugees enter the job market, including Law No. 26 (1961), Law No. 29 (196) and Law No. 366 (1969). Based on the latter, refugees were entitled to the same rights as Iraqi citizens to employment, wages and retirement benefits; they were also granted free education at the primary and secondary level. Iraqi law did not entitle refugees to own property, including land, to prevent—as it was argued—their re-settlement outside Palestine. However, this situation changed with new 1997 laws which excluded the 1948 refugees from the prohibition of property and land ownership. Hence, this group became equal to Iraqis after 50 years of exile.

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

⁶² It is estimated that 3,000 refugees entered Iraq between 1948 and 1949. Additional numbers of refugees entered later in search of employment. In 1970, the total number of refugees reached 14,000. Refugees in Iraq do not receive assistance from UNRWA. In 2000, this number increased to around 40,000, of which 96 percent lived in Baghdad. Isam Sakhnini, “Palestinians in Iraq,” *Palestinian Affairs* 13 (September 1972). Also see Nabil al-Sahli, “Palestinian Refugees in Iraq: Basic Facts,” *Journal of Palestine Studies* 49 [Arabic] (Winter 2002).

⁶³ The problem of Palestinians residing in al-Ruweished camp on the Jordanian-Iraqi border still exists at the time of writing (January 2004). This problem symbolizes the absence of refugee protection. See, e.g., Mohammed Khalid Al-Aza’r, “Refugees’ Suffering in Iraq,” *al-Hayat*, 26 May 2003.

Syria

Compared with other countries, Palestinian refugees in Syria live in decent conditions⁶⁴ regarding the level of protection available. They were granted the same civil, social, economic and cultural rights as their fellow Syrians, while preserving their original nationality. Syria was alone in implementing all resolutions and decisions of the Arab League on Palestinian refugee protection, including the Casablanca Protocol. The reason for this might be found in the ruling political ideology which considers Palestine and its residents as citizens of southern Syria.

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

⁶⁴ In 1949, the number of refugees in Syria was estimated to be 85,000, reaching around 290,000 in 1988, and 400,000 in 2001. Most of the refugees (around 68 percent) live in Damascus and its suburbs, and most of them were 1948 refugees, with a small number coming to Syria during Palestinian Israeli crises during the years 1956, 1967 and 1970. Refugees in Syria are supervised by a governmental organization which was created according to presidential decree in 1949 “to organize, relieve, and secure different needs for refugees, in addition to allocating suitable jobs for them.” In 1956, the government issued Law No. 260 that provides for equal treatment between Palestinians and Syrian citizens in employment, professional and educational aspects, excluding election aspects and nominations to the parliament. This equality includes compulsory military service in the Palestinian Liberation Army, and in possession and employment rights, and national gradual advancement. Syria is considered among one of UNRWA’s activities spheres. Jaber Salman, “Refugees in Syria: Facts and Testimonies,” *Journal of Palestine Studies* 20 [Arabic] (Fall 1994), at 137-139. Also see, Ahmad Yunis, “Demographic, Economic and Social Conditions of Palestinians in Syrian Camps,” *Samed* 83 (January, February and March 1991).

Refugee Protection and Efforts for Political Settlement of the Conflict

The political negotiations of the early 1990s between Arab states, the Palestinian leadership and Israel came at a time when refugee protection was declining everywhere and negotiations produced no conclusive results for the future of Palestinian refugees. In fact, their issue and models for its solution represented a major source of conflict in Palestinian-Israeli negotiations and a complication obstructing a comprehensive political settlement.

Frequent delays in discussing and solving the refugee issue in the political agreements and negotiations laid the groundwork for fears among both refugees and host countries. These concerns, especially host country concerns, as well as Palestinian policies and the transfer of the central Palestinian leadership from the exile to Palestine, led to further erosion of the level of protection available for Palestinian refugees.

The so-called peace process, instead of being understood as an alarm bell for host countries to take seriously the need for a solution to the refugee issue—and thus increased levels of protection—backfired on the refugees because of the numerous obstacles faced in the negotiations. Refugees were widely perceived as a bargaining chip to influence Palestinian policies for sometimes contradictory aims.

The PLO, for its part, neglected the refugees in Arab countries, especially in Lebanon, Syria and Jordan. This neglect was financial, economic, social and political. The PLO's relationship with these three states had long been tense, but the PLO did not send a delegation, either before and after the Oslo Accords, to Lebanon for consultation or building closer relations and Palestinian-Syrian relations were put in doubt. This occurred in a general situation where the conditions did not easily allow the PLO to consult and be heard by any Arab government on issues concerning the Palestinian refugees residing in their territory.

With the signing of the Oslo Accords there was an impression that the PLO had given up on the issue of refugee protection, and there was a strong feeling that with the creation of the Palestinian Authority and the new reality, the Palestinian leadership would more readily tolerate the idea of settling refugees in their countries of exile and that the idea of a single Palestinian people with an indivisible cause had disappeared from its agenda.⁶⁵

Moreover, although there was a consensus in the negotiation fora on the importance of improving the living conditions of refugees and displaced persons, especially in the camps, host countries and refugees remained skeptical and doubtful. This arose mainly from the traditional position which holds that improving refugee protection and their standard of living is a way of stripping them of their legal and political rights—as if maximizing their suffering was the best way to preserve their rights and despite the fact that violations of basic rights would perhaps diminish their capacity to resist and remain steadfast in the long run.. Some refugees in Lebanon realized the conundrum. They considered that “the lack of commitment to their social and economic rights, the limited services provided and the bad treatment received, aimed at forcing Palestinian refugees to surrender and accept whatever political offer there is available, because they will no longer be able to decline what is offered.”⁶⁶

In any case, the confusion about the future of the refugees has reduced the level of protection provided to them. In Lebanon, people said that the Palestinians were preparing to settle down and

⁶⁵ Bilal al-Hassan, “Palestinian Refugees and the Dangerous Maze,” *Journal of Palestine Studies* 26 [Arabic] (Spring 1996), at 67-70.

⁶⁶ Mohammed Khalid Al-Aza'r, *Guaranteeing Palestinian Refugees' Rights and the Political Settlement*, *supra* note 48 at 30-31.

were buying lands and plots to construct housing projects. This triggered more public and private mobilization against their presence. Palestinian spokespersons were forced to repeatedly deny such rumors by stressing the fact that all lands bought were registered with the Lebanese Awqaf (religious endowments), that Lebanese law does not permit purchase of land and property by Palestinians and that Palestinian policies remain committed to the Palestinian right to return and to international resolutions.⁶⁷ Lebanese campaigns, however, continued unabated and resulted in extreme actions against the refugees.

In Jordan, the controversial debate on the political settlement process included Jordan's treatment of refugees. The authorities were accused of not abiding by the Arab policy of preserving the Palestinian identity and that the equality under the law offered in Jordan has never been enough to guarantee their national protection. Palestinians, in their daily lives, are still subject to the Jordanian tribal system (one of the main bases of this political system) which does not favor the Palestinians. Moreover, Palestinians say that people of eastern Jordanian descent receive preferential treatment in the public, military, trade and service sectors. They also say that state surveillance and arrests increased following the launch of the political negotiation process because refugees were expected to reject the proposals made in this process.⁶⁸

Regarding UNRWA's regular complaints about the financial crisis which prevents provision of full services to the refugees, it must be noted that the Agency has intensified its accusations since the beginning of the so-called peace process. Many observers argued that UNRWA was decreasing its services in line with the developments of the Palestinian-Israeli negotiations. This enraged Palestinian factions and many refugee beneficiaries. The result was a call for clear separation between UNRWA operations and the outcome of the negotiation process, in order to prevent use of UNRWA as yet another political tool to pressure and interfere with the choices of the refugees and the Palestinian negotiators.⁶⁹ Indeed, Arab countries have rejected cut-backs in UNRWA services, basing their position on the traditional formula which holds that UNRWA is the international Agency responsible for the refugees until their problem is solved permanently. UNRWA has had financial problems since it was established and these problems grew in the 1990s. Some donors to the Agency debated whether to give money to the Agency or the Palestinian Authority.

⁶⁷ "Interview with President Yaser Arafat," *Journal of Palestine Studies* 24 [Arabic] (Fall 1995), at 212.

⁶⁸ Mustafa al-Tahhan, "Social and Living Conditions of the Palestinian People in Jordan," *Islamic Union* 14/15 (March 2003), at 6-8.

⁶⁹ Palestinian Forces Alliance's press release regarding UNRWA's decision in reducing services provided to refugees on 3 September 1997, *Journal of Palestine Studies* 32 [Arabic] (Fall 1997).

Towards Improving Arab Protection for Palestinian Refugees – Suggestions for Discussion

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

There would be a long wait, however, if one were to condition improvements in refugee protection on the development of the rule of law and democracy in the Arab world, recognition of past wrongs, generosity and ties of national brotherhood or with the implementation of international and regional conventions that regulate refugee status in an appropriate and effective manner. Nevertheless, it is important not to despair. Parallel work on all levels and in all directions should be undertaken in order to support improvements and the formulation of objectives that will result in a just environment for refugees. It is important to tackle all these issues from within the reality and dynamics of the current Arab environment.

Refugees and displaced persons are determined to return to their homes and lands. There are many explanations and justifications for this position--historical, ethical, political and legal, including many UN resolutions affirming the right of return. Studies on refugee affairs and international efforts at implementing refugee law show that voluntary return of refugees (irrespective of their nationality) is the best solution to their problem and for ending all types of tension and human rights violations which usually accompany life in exile. Therefore, the most relevant task to be proposed to those interested in improving the situation of Palestinian refugees is a sustained and concerted effort to recognize and implement the right of return. Implementation of this right would end most, if not all, human rights violations committed against refugees in their host countries.

Such noble efforts, however, face numerous obstacles. It is therefore important immediately to start a search for alternative models of refugee protection, models which provide a response to the miserable reality of refugees today and do not conflict with the right of return to their homeland. This effort need not fail. Political initiatives aimed at crafting solutions for complex and protracted conflicts with major social and historical implications, such as the Arab-Israeli conflict and the Palestinian issue, require slow and painstaking decisions and steps. Refugees cannot and should not wait and suffer any longer. This is exactly why the crafters of international refugee law and norms did not condition efforts for ending their suffering on the achievement of a comprehensive solution to the conflict which caused the refugee situation but developed guidelines for use with refugees in exile, regardless of the direction of political and non-political efforts at conflict resolution.

The following recommendations are based on this thesis:

Activation of Legal Frameworks and the Human Rights Movements

International and regional legal standards for the protection of refugees have undergone significant development. If Arab host countries had implemented these standards, the suffering of Palestinian refugees would have been alleviated considerably. Non-implementation of relevant international and Arab conventions and resolutions, generally, and the lack of interest in implementing Arab resolutions on the protracted Palestinian exile, were nurtured by slogans of state sovereignty, and based on unfounded fears of political pressures that better treatment of Palestinian refugees might lead to either Palestinian re-settlement or domestic instability.

Taking into consideration these political sensitivities, and without infringing on national sovereignty in dealing with this vulnerable refugee population, it is possible for human rights supporters and activists to draw greater attention to the rights of refugees and asylum seekers. In this way, the human rights movement, on the Palestinian, Arab and international levels, can include the issue of Palestinian refugees in its agenda and benefit from their expertise in this field.

It would be extremely beneficial for Palestinian refugees if this human rights movement could follow up on violations committed against refugees wherever they are, in accordance with international and regional instruments and Arab League resolutions, and point out, or expose, the gap between slogans supporting Palestinian rights and practice that violates human rights of Palestinian refugees in the Arab public arena.

Support of Non-governmental, Civil Society Initiatives

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

In the refugee camps of Lebanon, there are some 40 active private and non-governmental organizations in addition to UNRWA services available which include vocational training. They organizations receive financial support from several major non-governmental organizations outside Lebanon, including: Norwegian People's Aid, Welfare Association (Geneva) and Medical Relief Association (United Kingdom), in addition to the Palestinian program of UNICEF. These associations operate 120 centers inside camps with an average annual budget of US \$70-80 million. Centers provide pre-school education, vocational training, health care, special needs care and micro-enterprise loan programs.⁷⁰

Such associations have existed since 1983, in order to compensate for the loss of services previously provided by PLO institutions. Their activities have always been subject to financial and political constraints that prevented development, sustainability and consistency in the performance of long-term projects. Repeated failures and problems faced by these associations are similar to the Lebanese example.

These voluntary, non-governmental associations are a response to a chronic deficiency in state services. In line with global developments and the role of civil society organizations, activation of these non-governmental organizations may be a way to motivate state and governmental institutions to perform better. For reasons of political background, initiatives of civil society organizations may also be more acceptable for refugees rather than governmental interventions,

⁷⁰ Basem Sarhan, "Children's Rights and Reality in Refugee Camps in Lebanon," *Journal of Palestine Studies* 43 [Arabic] (Summer 2000), at 151.

despite the fact that high-quality services are required also from the former, in order to sustain refugee confidence.

Improving Refugee Environment, Eliminating Host Country Suspicion

This involves overcoming the culture of fear and suspicion in many host countries, as well as among the refugees, related to perceptions of the concept of 'improving refugee living conditions'. With regard to one common notion, i.e. that the current situation must be preserved in order to maintain Palestinian identity, studies conducted in the United States as well as some host countries showed that Palestinian refugees, who enjoy a greater set of rights (e.g., in Syria and Jordan) were not less connected to their Palestinian identity and the wish to return than Palestinian refugees in Lebanon who live under fragile legal conditions.⁷¹ This means, as noted earlier, that perpetuation of refugee suffering is no guarantee of preserving Palestinian identity. In fact, the contrary may be true.

Based on the above, advocates of better refugee living conditions should convince host countries that there is no need or reason for fear. Improving refugee conditions is not the same as refugee re-settlement. Further, it may be possible to argue that such an improvement is one way of improving the general environment in certain host countries.

In Lebanon, for example, it may be argued that neglect of and daily pressure on the refugees has resulted in numerous social, behavioral and security problems affecting Lebanese society as a whole. Preventing refugees from leaving and re-entering the country without prior permission causes anxiety among their families beyond the fear of traveling itself. They thus prefer to stay in Lebanon and, deprived of external resources, further social and economic deterioration is the result.⁷² Increased resources would enhance security, both for refugees and Lebanese whose economy would be strengthened.

A decree issued by the Lebanese Prime Minister on 11 January 1999, calling for additional freedom of movement for Palestinian refugees holding Lebanese travel documents and for their exemption from exit and re-entry permit requirements, must be seen in this context.⁷³ Employment and housing issues must be tackled accordingly. Much damage and disadvantage is caused to refugees, Lebanese society and Lebanon by the siege imposed on the miserable camps and settlements of internally displaced persons.

A solution of this problem requires cooperation between the Lebanese government and UNRWA; completely destroyed camps must be rebuilt and partially destroyed ones must be repaired. If this is not possible, some have suggested allocating alternative lands to build for the refugees there. It is worth mentioning here that the matter has been discussed between camp representatives and Lebanese government officials and resulted in an agreement to construct new houses for refugees. However, many Lebanese voices rejected this agreement for fear of refugee settlement, so the agreement was frozen.⁷⁴ It is also important to state that Palestinian refugees were not responsible for the religious-sectarian conflicts in Lebanon. This conflict is older than the Palestinian refugee

⁷¹ Sari Hanafi, in *Guaranteeing Palestinian Refugees' Rights and the Political Settlement*. Cairo: Cairo Center for Human Rights Studies, 1998, at 116.

⁷² This is the general understanding of many working forces within refugees. Specifically, refer to the Palestinian Forces Alliance's memorandum in Lebanon with regards to new permits procedures for Palestinians residing in Lebanon and wish to leave and come back, *Journal of Palestine Studies* 25 [Arabic] (Winter of 1996), at 217-218.

⁷³ The Decree is reprinted in, *Journal of Palestine Studies* 38 [Arabic] (Spring 1999), at 208.

⁷⁴ Interview with a Palestinian official regarding the housing project for Palestinian refugees in Lebanon, and another interview with Mr. Walid Junblat, Minister of Refugees Affairs in, *Journal of Palestine Studies* [Arabic] (Fall 1994), at 215-223.

issue and the dangers of the status quo of current refugee policy. In general, the Syrian model of refugee treatment, based on protecting all of their human rights—political rights excluded—and the preservation of their national identity, might provide an adequate solution for ending the instability of rights protection available for them. At the same time, we do not know if refugees in Syria, as a result of their positive treatment, have severed their ties with their national identity or lost their eagerness to return.

Revenue from Refugees Properties

The suggestion is to make all efforts to procure revenue from Palestinian refugee properties in occupied Palestine to improve their living conditions in the countries of exile. This requires that a gradual approach to the solution is adopted, without prejudice to their right to return and restitution and without waiting for the implementation of this right. The right to return is not diminished and does not expire, simply because refugees benefit from property revenues.

To do so, decisions must be made and strong efforts exerted to consolidate records of refugee accounts and property and undertake objective and professional revaluation. Then, a proper mechanism must be developed, in order to transfer these returns to their original owners in ways that benefit the entire refugee community. This approach is not new. Earlier attempts in this direction were made by the Arab League in the period of the UN Conciliation Commission on Palestine (UNCCP).

Moreover, the Conference of Supervisors has issued numerous recommendations regarding this matter and obtained a UN General Assembly resolution calling for the nomination of an international and objective custodian of refugees' properties in Palestine, in order to use property revenue to fund UNRWA.⁷⁵ This approach was supported in the past by the UN General Assembly Resolution 36/146 (16 December 1971) requesting the UN Secretary General "to take all necessary steps in cooperation with the Conciliation Commission, in order to protect and administer properties, bank accounts and Arab property rights in Israel and to present a report of actions taken to the General Assembly." Included in this resolution was a request for the PLO to be given the records of Arab properties and accompanying documentation, including lists of Arab real estate along with the cadastral survey and complete descriptions of property.⁷⁶

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

Despite the importance of UNRWA, there are some who believe that this international agency cannot provide a real international protection umbrella, because of its character as a relief agency that does not offer an alternative for the protection provided by the 1951 Refugee Convention and its 1967 Protocol. This argument provides an opportunity to raise and clarify this matter and attract Arab attention to the need for widening the margin of refugee protection.⁷⁷

⁷⁵ 27th session of Supervisors Convention's Recommendations, Beirut, 10-17 August 1981.

⁷⁶ Mahmoud Falaha, the 38th session of Supervisors of Palestinian Affairs Convention, Issue number 125, April 1982, at 65. *Also see*, Michael Fishbach, "Palestinian Refugees' Properties in the International Reconciliation Committee's Documents," *Journal of Palestine Studies* 45/46 [Arabic] (Winter/Spring 2001), at 130-137.

⁷⁷ Shiblak, *supra* note 7, at 83-84.

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

Enhancing the role of Palestinian Institutions

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

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

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