

UNITED NATIONS POLICY AND PALESTINIAN REFUGEES: INTERNATIONAL LAW PERSPECTIVE

More than six decades of their dispossession, the Palestinian refugees still have been endured great injustice and deprived of the minimum human and national rights. The United Nations has created several regimes to deal with the issue in an attempt to find a durable solution. All these regimes have failed and have been unable to formulate a permanent solution for those refugees.

The rights of the Palestinian refugees are strongly enshrined in several UN resolutions, particularly Resolution 194, which calls for the refugees' return to their homes at the earliest practicable date and compensate those, choose not to return for loss or damage to their property. Further, these rights of Palestinian refugees have strong legal basis in other UN and international instruments such as, but not limited to, the Law of Nations, International Humanitarian and Human Rights Law, the Law on State Responsibility and International Best Practice.

The two-state peace talks between the Palestinians and Israelis have failed to address these rights. Clearly, without reconciliation with the Palestinian refugees, there can be no realistic peace plan. Similarly, there is no just resolution to the refugee problem that excludes the right of return. Acknowledging the right of return is a must in order to achieve a permanent comprehensive justice and coexistence.

After years of unmitigated failure, it is time to look for real alternatives to reach a compromise for the key issues of the conflict. The two-state solution is unworkable anymore and has no logical foundation. There is only one fact: two populations inhabiting one piece of land, and if the land cannot be divided, it must be shared. If they are all to live, they must capture the aspiration and concerns of each other. Both people should be envisaged as participating in a struggle whose goal finally is coexistence, tolerance and the realization of human values.

In fact, both Palestinians and Israelis are living today in a bi-national reality. It cannot be denied. What they have to do is to adapt their thinking and concepts to this reality. There is no choice but to think in constructive terms. They have to look for a new model that would fit this reality and at the same time, maintain their cultural and religious diversity.

A Federation of the Holy Land constitutes two States- Palestine and Israel, with Jerusalem as the capital, is the most applicable formula for both people. It answers all the pending questions raised by both Palestinians and Israelis. It has also a strong foundation in the international law and increasingly supported worldwide. It practically addresses the concerns and aspirations of both people and builds constructive relations between the two nations based on respect, trust and mutual recognition.

The Federation is the way to share the land without an exclusive reliance on partition. Each party secures a polity of its own but in such a way that both share the governance of the land's common goods. It is the only option for comprehensive peace within which they would find their place without forgoing their separate characters and cultures. The Federal option would secure also equal rights and duties to all of its citizens without any discrimination based on religion, gender, nationality, ethnicity or language. This Federal Union might become later a model for and the nucleus of a larger political entity, including other countries in West Asia.