

2018

# International Laws and Norms Regarding Refugees: A Case Study of the Palestinian Refugee Crisis

Michael Staight

Western Washington University, michael.staight@comcast.net

Follow this and additional works at: [https://cedar.wvu.edu/politicalscience\\_hooverprize](https://cedar.wvu.edu/politicalscience_hooverprize)

 Part of the [Higher Education Commons](#), and the [Political Science Commons](#)

---

## Recommended Citation

Staight, Michael, "International Laws and Norms Regarding Refugees: A Case Study of the Palestinian Refugee Crisis" (2018). *The Hoover Prize*. 1.

[https://cedar.wvu.edu/politicalscience\\_hooverprize/1](https://cedar.wvu.edu/politicalscience_hooverprize/1)

This Research Paper is brought to you for free and open access by the Political Science at Western CEDAR. It has been accepted for inclusion in The Hoover Prize by an authorized administrator of Western CEDAR. For more information, please contact [westerncedar@wwu.edu](mailto:westerncedar@wwu.edu).



*International Laws  
and Norms  
Regarding  
Refugees: A Case  
Study of the  
Palestinian  
Refugee Crisis*

Michael Staight

Advisors

Dr. Bidisha Biswas

Dr. Michael Wolff

*In loving memory of  
Suhail Nasser Hanna*

## Table of Contents

- Introduction...3
- The United Nations Convention Relating to the Status of Refugees...4
- International Law, Conventions, and Rights...7
- Labelling Refugees, Determining Status, and Identity... 9
- Internally Displaced Persons...11
- International Response to Refugee Crises...13
- The Palestinian Refugee Crisis...16
- The United Nations Relief and Works Agency for Palestine Refugees in the Near East...20
- Israeli State Policy in Regard to Palestinian Refugees...23
- United States Policy and Involvement...26
- Conclusion...27
- References...29

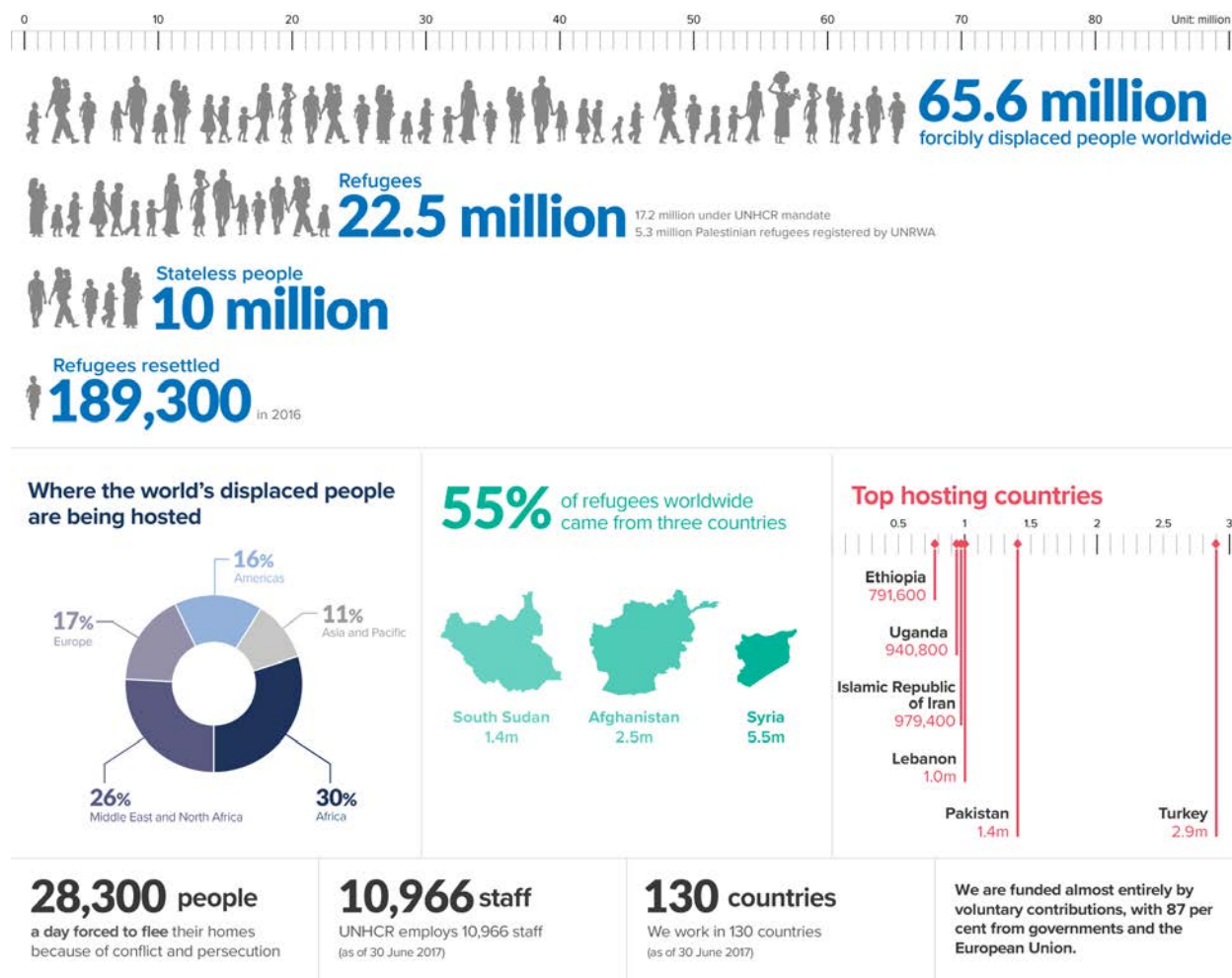
## Introduction

It has been 67 years since the United Nations Convention Relating to the Status of Refugees was ratified in 1951, and yet in 2016 the numbers of forcibly displaced persons rose to nearly 65 million, surpassing the previous high-water mark of 60 million displaced after WWII. Furthermore, only around 20 million of these persons are classified as refugees and so fall under the mandate of the United Nations High Commissioner for Refugees (UNHCR). On the basis that the number of forcibly displaced persons is trending greatly upwards, I will argue that while the 1951 Refugee Convention provides a framework for the protections and rights extended to refugees, it does not go far enough to address the dynamic challenges faced by displaced persons today. Furthermore, it does not succeed in providing a comprehensive method of identifying all groups who should be classified as refugees, and without a stronger mechanism for accountability on the part of contracting states, the number of forcibly displaced individuals will continue to mount. The following literature review and examination of the Palestinian refugee crisis, with regard to Israeli policy towards Palestinian refugees, will provide an opportunity to reconsider the idea that refugee status is a temporary measure and will result in a return to their place of origin.

## **The United Nations Convention Relating to the Status of Refugees**

Following the end of World War II and the establishment of the Universal Declaration of Human Rights (1948), there arose a need to establish protections for the nearly 60 million people who were displaced globally as a result of the conflict. The severity and scale of that refugee crisis demanded a response from the international community, and so the United Nations Convention Relating to the Status of Refugees was ratified in 1951. Primarily, the Refugee Convention establishes the definition of a refugee as “A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”. The Refugee Convention then goes on to establish the responsibilities of contracting member states in relation to internationally designated refugees. The main responsibilities were to provide asylum for refugees on their territory, to provide them with basic necessities and services, and to respect a refugee’s personal status and rights that come with it. Critically, the Refugee Convention also highlights what contracting states shall *not* do in regard to refugees: states shall not discriminate against refugees, take exceptional measures based solely on account of nationality, expect refugees to pay taxes or fiscal charges that are different than those of nationals, impose penalties on refugees who present themselves, forcibly expel them, or forcibly return them to their country of origin. The Refugee Convention very clearly built on the 1948 Universal Declaration of Human

Rights and extended those rights explicitly to persons lacking the protections of a state. However, since that time the refugee crisis around the world has only increased in scale and severity.



Source: UNHCR / 19 June 2017  **UNHCR**  
The UN Refugee Agency

Meanwhile there has been significant pushback from contracting member states in the form of identifying who is and who is not a refugee, thereby giving states an excuse for denying asylum based on an individual not qualifying for refugee status. While the Refugee Convention is legally binding under international law, it also must be enforced in good faith. The United Nations High Commissioner for Refugees (UNHCR) is given the authority by the convention to supervise but has no real way to enforce the

Convention and there are few means to appeal or file complaints. In addition, what we are observing globally is a retrenchment of nation-states from the international community and its espoused ideals. The global political climate is trending toward a more anarchic system where states are more likely to act in self-interest, often contrary to international treaties. This is a troubling prospect for the interests of refugees who rely on cooperation between nation-states to ensure their protection and care. The following literature will explore the issues surrounding the international laws, rights, and conventions regarding refugees as well as their identification and labeling.



## **International Law, Conventions, and Rights**

As of June 2017, the UNHCR identifies around 65.6 million forcibly displaced persons globally. Of those, only 17.2 million are classified as refugees under UNHCR's mandate, with an additional 5.3 million Palestinian refugees registered by UNRWA. This totals around 22.5 million, which is barely a third of the total displaced persons globally. By contrast, in 2016 the UNHCR reported only 189,300 refugees were resettled into host countries. These statistics fly in the face of the core values and ideas at the heart of the 1951 Refugee Convention which, despite all these agreements, leaves 40 million or so persons displaced and the UNHCR not empowered to help them.

The rights of refugees under international law are clearly laid out, especially in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. James Hathaway, Eric Ormsby, and Bonita Sharma all address the rights of refugees under international law. Hathaway in particular gives an exhaustive list of all international laws and cases relating to the current legal statuses of refugees. Hathaway looks at the duty of states to accept refugees under both international refugee conventions and human rights norms and law. He also compares the rights of refugees in relation to non-displaced persons, especially regarding freedom of movement, rights to reunification, and access to public welfare and institutions. (Hathaway, 2005). Ormsby adds to this discussion by framing the issue of refugees as a civil liberties issue. He especially focuses on the definition of persecution under international law and when refugees are entitled to protection. Ormsby identifies the concept of non-refoulement as especially critical to the status of refugees, where a refugee cannot be forcibly returned to their country of origin if it would endanger their

life. (Ormsby, 2017). Sharma, for her part, delves into the historical and legal context of international refugee status. She explores issues of exclusion pertaining to refugees from the global south and argues that the core values of the international recommends reassessing and reshaping the 1951 Convention in order to fit today's political landscape concerning refugees. (Sharma, 2015). Sharma's argument is perhaps best suited to a solution to the international refugee crisis. The international community cannot reconcile its espoused values and ideals with the increasing number of displaced persons and the reluctance of nation states to accept refugees. Revisiting the 1951 Convention, in light of the challenges faced by refugees today, would be conducive to beginning to deal with the international refugee crisis.

## Labelling Refugees, Determining Status, and Identity

The concept of a refugee is clearly established by the Refugee Convention. However, the line between refugee and forcibly displaced person can often become blurred. Brienna Bargaric, Bundibugyo, and Mae all address the issues of identifying refugees and how this identification is necessary under international law to provide aid. Bargaric proposes two reforms, the first being the recognition of refugees as a social group and thus the reduction in qualifications for refugee status. The second is that major developed nations like the United States raise their quotas significantly as currently they do not take a very large number of refugees. Bargaric posits that these reforms will reduce the global number of displaced persons. Bundibugyo and Mae identify internally displaced persons as refugees even though they are not recognized as such under international law. In addition, they identify the problems that can arise from such numbers of internally displaced persons and how providing funding for their relief will be expensive in the short-term, but long term will avoid larger and more damaging issues. (Bargaric, 2017, Bundibugyo, and Mae, 2001). Similarly, Zetter in his 1991 journal discusses the concept of refugees as a bureaucratic identity and how they are often stereotyped and put into generic categories. Furthermore, he identifies how the concept of refugee status is often manipulated for political purposes, which ends up detracting from the plight of these people. He argues that this further complicates the problem of identifying what a refugee is under international conventions. Zetter also addresses how the label of refugee has changed and the new problems presented by an increasingly globalized international community. Furthermore, he identifies the shift in responsibility for identifying and aiding refugees as becoming the realm of national

governments, due to the increasingly complex and non-homogenous nature of refugee crises. Zetter also contends that because of this there is increased pushback from governments towards taking in refugees, and increased negativity around the label. These authors all agree that there needs to be some kind of reform of the international system for classifying refugees.

## **Internally Displaced Persons**

The UNHCR defines an internally displaced person as someone who is forced to flee his or her home but who remains within his or her country's borders. They are often referred to as refugees, although they do not fall within the legal definitions of a refugee. It is often difficult to identify numbers and locations of those who are internally displaced. Legally, providing protection and resources for these individuals is the responsibility of the state of origin. However, many internally displaced are a result of civil war, violence, persecution or the case where the authority and ability of the state is compromised. While these persons remain the responsibility of the state, the reality on the ground is that often there is no local authority willing or able to provide assistance and protection. Sharma especially concerns herself with the historical and legal context of refugee status. These 40 million forcibly displaced persons do not qualify for refugee status under the established conventions, despite often being unable to leave their country of origin or receive aid inside. The international definition of a refugee states that refugee status applies only to those who are outside their country of origin, yet it also states that a criterion is that the individual is either unable or unwilling to avail themselves of that country's protection. This definition is insufficient to deal with the dynamic nature of refugee crises globally. For if a person is unable to leave their country, even should that country be in chaos with the absence of any stable government and constantly shifting borders, this individual still does not qualify under the current definition. Internally displaced persons often share many of the same circumstances and challenges as internationally designated refugees. Unlike refugees, these internally displaced persons do not have a special status in international law with

rights specific to their situation. While the UNHCR exists to protect and assist everyone who has been affected by forced displacement, including IDPs, last year they were only able to reach 14 of the 40 million or so internally displaced globally. There is clearly a need to adapt the international definition of a refugee, to meet the current challenges faced by today's 43 million forcibly displaced persons.

## **International Response to Refugee Crises**

International response to refugee crises has suffered from a lack of a clear modus operandi in these dynamic situations. The fluidity of borders and mass migrations of people are modern challenges that the international community has struggled to overcome. The UN Security Council in particular has been divided on policies towards the protection of refugees. The security council has often used its power under the UN articles to address the root causes of refugees and internal displacement of populations. Christiane Ahlbourne contends that because of the inherently political actions of the security council, we are facing a crisis for international refugee protections wherein member states are far less likely to comply with UN conventions on refugees of their own free will. (Ahlbourne, 2011). In some cases, Ahlbourne is correct in that actions take by the UN security council, such as peace keeping operations or economic sanctions, have created conditions which foster the displacement of people both internally and externally. In these cases, the international community should be both responsible and ready to provide aid to refugees that emerge as consequences of security council actions. It could be noted that inaction on the part of the international community is also partially to blame. A notable example is the Syrian crisis, where uncoordinated military actions and lack of a clear policy have resulted in millions of refugees flooding into the Mediterranean nations. While some have been taken in, there has been a decided reluctance on the part of European countries to accept Syrian refugees who are arriving in Europe. In this case the inaction of the international community, and lack of a clear policy towards addressing the refugee crisis in Syria has contributed to a situation that has undermined security in many parts of the

Middle East and Europe. There must be greater accountability on the part of the UN security council and member nations as part of a better solution to the increasing numbers of displaced persons.

Laura Barnett concurs with idea that the original conventions and laws relating to refugee status are no longer sufficient in a rapidly changing global context. Barnett highlights the idea that today borders no longer have the same rigidity and populations of people are able to mobilize quickly and in massive numbers. This presents a challenge for the international community and the UNHCR is no longer necessarily able to cope with the massive numbers and movement. Barnett argues for a global governance which stems from the United Nations and will be able to influence the refugee and immigration policies of individual member states. In addition, she contends that the international community needs a new framework which highlights the fluidity of today's refugee situation and the need to break down the old approaches to refugee policy, which are far too rigid to cope with today's dynamic challenges. (Barnett, 2002). The instability caused by having hundreds of thousands of refugees flooding over national borders points to a need to do more to enforce the UN Refugee Conventions and provide aid to refugees who are fleeing as a consequence of unstable and shifting borders.

The problems facing the ability of the international community to respond to refugee crises do not stop there. It is extremely concerning that the retrenchment of nation states from the international system is quickly becoming a trend. The United Nations and international treaties represent an attempt to bring the nation-states of the world together under a liberal international regime. However, nation-states are



increasingly reverting to a more realist form of policy wherein the interests of the state are promoted over that of the global community. This has the effect of hindering the international communities' ability to combat the growing refugee crisis. While many nation states have signed both the Universal Declaration of Human Rights and the Refugee Convention, there is often reluctance to follow through when refugees are at one's borders. This has been evident with nations enacting policies designed to skirt their obligations under international law. Often, nation states will turn away displaced persons by finding loopholes within the official refugee designations. The willingness of nation-states to pull away from the values and ideals of the international regime is worrying for the future of refugees globally.

## **The Palestinian Refugee Crisis**

The Palestinian refugee began on Nov. 29, 1947 when the UN general assembly adopted a resolution that recommended a partition of Palestine. In direct response to this resolution war broke out in 1948 between the Arab world and Israel, and in the first months over 100,000 Palestinians fled the violence, beginning the first wave of Palestinian refugees. Since that time the number of Palestinian refugees has grown to over 5 million, and yet continued support for a two-state partition by the international community has had little effect in bringing about any resolution to this conflict. The UN has tasked the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) with the administration and care of Palestinian refugees, yet 70 years later the number of Palestinian refugees continues to grow, placing a burden on UNRWAs limited resources. The Palestinian refugee crisis serves well as a case study to highlight the problems with the current refugee model. It shows that refugee emergencies are far from temporary issues, in some cases it becomes nearly impossible for the refugees to return to their places of origin. This is problematic as it effectively means that there exist populations of permanently stateless people. This threatens both international stability and the legitimacy of the international community which is based in part on the ideal that all humans are guaranteed basic human rights, something stateless populations often lack.

After 70 years and generations of Palestinians born into refugee camps, a permanent solution to this crisis is necessary for regional stability. Akram discusses the legal status and rights of Palestinian refugees when it comes to finding a solution for the issue. She proposes for the institution of a just Palestinian refugee regime wherein

Palestinian refugees will be afforded the same rights and protections as any internationally designated refugee. This approach would include the right of Palestinians to be given a permanent location to reside, without fear of forced relocation or removal altogether. Halabi takes a similar approach by highlighting both the legal and moral right of Palestinians to return to their place of origin. Furthermore, he posits that a creation of a Palestinian state is not enough and that these refugees are entitled under international law to return to their places of origin regardless of whether that's a new Palestinian state or in Israel. Halabi also goes on to cite one of the main causes of increasing Palestinian refugees as certain state policies employed by Israel. (Akram, 2002, Halabi 2008/09). Highlighted especially is UN resolution 194 which states the UN's claim on Jerusalem and resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date. This resolution directly addressed one of the main concerns of the Palestinian refugees which is that they be guaranteed the right to return to their country. However, little progress has been made toward this goal, and while UN resolution 194 is often cited, there has been at best sporadic attempts to create a situation wherein Palestinian refugees could be allowed to return. The result is an entire population of displaced Palestinians who cannot return to their homes and are existing in a kind of limbo that has gone on for 70 years.

Alpher and Shikaki present four distinct solutions towards the resolution of the Palestinian refugee crisis. In the first solution the right of return is paramount as per UN resolution 194, wherein Palestinians are guaranteed a right of return with Israel responsible for funding. The exercise of right of return is optional in this case and

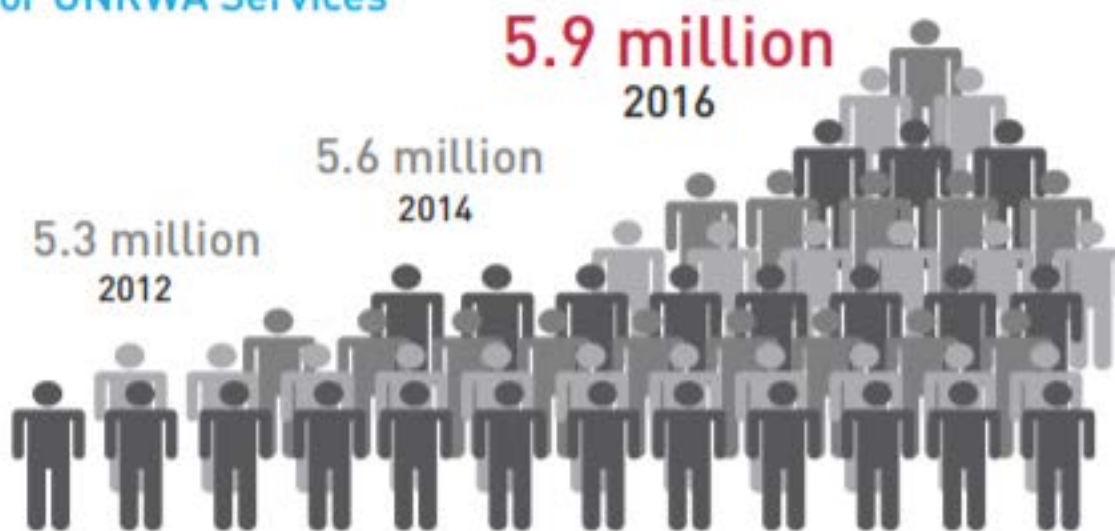
compensation is individual. The second solution is based around a resettlement of refugees into Palestine and other Arab countries but denies the right of return to Israel itself. The compensation for refugees would be collective. The third solution aims to be a compromise that will still act as a resolution for the refugee issue. In this solution Israel acknowledges the right of return, but also it is acknowledged that not all Palestinian refugees can return to their pre-war homes. Those that cannot be returned feasibly will be provided with compensation and have the option to settle in a Palestinian state which will have expanded borders in order to be able to settle all the incoming refugees. Compensation will also be provided to the Palestinian state collectively to aid settlement of refugees. In addition, all Palestinian refugee camps will be dismantled and UNRWA will be dissolved. The fourth solution is another compromise variant in which Israel acknowledges that Palestinians have suffered as a result of the events following 1948. They agree to reunite Palestinian refugees and families inside Israel and allow refugees to return to a Palestinian state. Israel provides the monetary means to allow for Palestinians to return to Palestine and in return the Palestinians give up their right of return to Israel proper. The Palestinian state agrees to limit the flow of refugees into it in consideration of its absorptive capabilities, and Arab nations with current Palestinian refugee populations allow Palestinians to settle permanently while retaining their Palestinian citizenship. These four solutions seek to find some resolution to the Palestinian refugee issue. (Alpher and Shikaki 1999). While these solutions sound good on paper, the current nature of the Israeli-Palestinian conflict does not seem conducive to any kind of arrangement being made between the Israelis and the Palestinians for resettlement of refugees.

Zayyad argues that the true problem surrounding Palestinian refugees is statelessness, and that to solve this crisis there must be a two-state solution to restore the relationship between people and land. He claims that the Palestinian state is the key part to ending the crisis and without a Palestinian state that is recognized and fully functional on the international stage, there can be no real resolution. Furthermore, Zayyad provides recommendations for the return of refugees in a way that considers the massive humanitarian effort that will be required to resettle so many displaced people. In addition, Zayyad is concerned with giving a voice to the Palestinian refugees and providing them with ample opportunity, choice, and information to be able to make the return or stay and assimilate. (Zayyad, 2009). Currently, there are no legitimate avenues for Palestinian refugees to return to their country. Israel maintains that the right of return would threaten the demographics of its state and put the Jewish character of Israel in jeopardy. As such they have denied Palestinians the right to return to Israel, despite UN resolution 194, and the international community has done little to resolve this impasse. Both sides of this conflict have become intractable in their positions. There is unlikely to be a solution to this conflict without changing the domestic political dynamics of both sides and the normative perceptions they have of each other.

## **The United Nations Relief and Works Agency for Palestine Refugees in the Near East**

The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) was established in 1949 by United Nations General Assembly Resolution 302 (IV) to carry out direct relief and works programs for Palestine refugees. It has been designated as the responsible party for the welfare and human development of four generations of Palestinian refugees, defined as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”. The descendants of Palestinians are also eligible for registration and services. UNRWA services are available to all those living in its areas of operations who meet this definition, and who are registered with the Agency. This includes but is not limited to Palestinian refugees located in Syria, Lebanon, Jordan, the West Bank and the Gaza Strip. When the Agency began operations in 1950, it was responsible for about 750,000 Palestine refugees. Today, over 5 million Palestine refugees are eligible for UNRWA services.

## Refugees and Other Registered Persons Eligible for UNRWA Services



As the region's most established agency and the only one commissioned to work exclusively for the refugees of Palestine, UNRWA currently occupies a unique position as a mechanism to deliver international aid. Currently UNRWA provides essential services such as education, health, protection, relief, financial, infrastructure, and social services as well as emergency response. However, recent events have led to a drop in funding for UNRWA. Namely, the United States have pulled a lot of its funding in an attempt to force Palestinians to come to the table with Israel. While some states have moved in to pick up the slack, this had led to dire consequences for Palestinian refugees. Where many Palestinian refugees were living in camps in Syria, prior to the outbreak of the current Syrian conflict, they have since been displaced. To date nearly 400,000 Palestinian refugees have been displaced at least once inside Syria itself. UNRWA has asked for \$411,000,000 USD to relocate and provide these refugees with basic services as mandated by the 1951 Refugee convention. Currently only around 25% of these

requested funds have been allocated, and many of these refugees have no choice but to seek refuge in neighboring countries.



## **Israeli State Policy in Regard to Palestinian Refugees**

The establishment of the state of Israel is the root cause of the forced displacement of Palestinian refugees. However, Israeli policy towards Palestinians has greatly exacerbated this crisis to the 5 million Palestinian refugees displaced today. Golan gives an overview of the evolution of Israeli policy over time towards the Palestinians. Since 1948 the state of Israel has rejected the right of Palestinian refugees to return to their land unless it is part of a final peace process. It wasn't until Ariel Sharon that Israel made a two-state solution part of their official policy. However, officially the right of return to Israel is still denied. Regardless, Israel will not consider any return of refugees to either Israel or Palestine until road map obligations have been met for peace, which are looking less and less likely as time goes on. (Golan, 2008). From the perspective of the Israeli state, the return of large numbers of Palestinian refugees would be an unthinkable security risk and a threat to the character of a Jewish state. The unequal power dynamic between the State of Israel and Palestine continues this conflict to a point where neither Israelis nor Palestinians are inclined to negotiate. This has resulted in one of the longest running refugee crises the world has ever seen.

Israeli perspective on the Palestinian refugee issue revolves around four dimensions as identified by Gal. First is the sociopolitical dimension wherein negotiating a settlement to allow for the return or settlement of refugees would be met with problems to historical narratives and collective identity and would threaten the character of a Jewish state, because it would have to acknowledge that the refugee crisis was created by Israel. The second dimension is geopolitical, wherein the right of return for Palestinians, and a subsequent influx of Palestinian refugees seeking to settle, could

create a demographic threat to Israel as well as a threat to political stability. The third dimension is one of economics, the process of resettling Palestinian refugees and any necessary compensation and rehabilitation could be prohibitively expensive and would currently is not clearly defined. Finally, there is the legal dimension wherein the state of Israel does not want to open itself to total, if any, responsibility for the Palestinian refugee problem. For Israel to take in Palestinian refugees could legally open them up to responsibility for all Palestinian refugees. (Gal, 2008/09). This showcases that the reality on the ground is very different from the ideals of international law concerning refugees. Here the Israeli state has identified Palestinian refugees as a demographic threat and so refuses to consider admitting them back into their former homes. Often when a state identifies a demographic or existential threat, it is far more likely to act in self-interest, even if that means disregard for international law. While this is in violation of international law as long as there is no real mechanism besides international pressure to account for violations there is little that can be done. The UNHCR holds only the power to supervise, not enforce, and would have little effect in going up against the state of Israel. Without international pressure there is unlikely to be a change in this policy towards Palestinian refugees.

The Palestinians have been active in trying to attain full membership in the United Nations. The Palestinians hope to bring what they see as Israeli violations of international law to the global stage. Salhab posits that the state of Israel is in violation of international law when it comes to refusing to allow any Palestinian refugees to immigrate legally to Israel. He posits that this is a form of discrimination against Palestinians and is in violation of international law as well as human rights. Israel's laws

regarding asylum seekers and naturalization are in violation of international law, including the practice of detaining asylum seekers while their applications are processed, as well as the attempt to eliminate all avenues available to Palestinians seeking to legally immigrate to Israel. (Salhab, 2015). Part of the issue here is that the Israeli state has been very effective in ensuring that the Palestinians are denied much of a voice on the international stage. From the perspective of Israel, the Palestinian refugees represent a threat to their nation, as well as demographics in Israel. To allow refugees to flood back into Israel would jeopardize their goal of a fully Jewish state. These refugees who wish to return to their homeland do not constitute a state and have little representation. Furthermore, there has been little action on the part of the international community to make an effort to convince Israel to change its policies in accordance with international law. The 1951 Refugee convention clearly states in Article Three that there shall be no state discrimination against refugees for any reason. The Israeli state enacted a Law of Return, wherein any ethnic or religious Jew can return to the state of Israel and apply for citizenship. However, these same laws do not extend to ethnic Palestinians who have fled or been forced from their homes. The international community has done little to respond to these violations, and the state of Israel's continued policy directives end up adding to the numbers of Palestinian refugees. In addition, as a non-member observer state, the Palestinians have little means to advocate for themselves. Any attempt to upgrade to full membership would likely be vetoed by the United States, which is closely allied with Israel. Ultimately, the Palestinians are denied full membership in the international community, furthering the

unequal power dynamic between Israel and Palestine, as the refugee crisis continues to grow.

### **United States Policy and Involvement**

The United States has long attempted to mediate the conflict between Israel and Palestine. The United States has given aid and resources to both sides although this has been heavily skewed in Israel's favor, a point of contention with the Palestinians. The actions of the United States towards Palestinian refugees have often been contrary. The United States voted in favor of UN resolution 194, which states that Palestinian refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date. Yet the United States continues to back the Israeli narrative that Palestinian refugees are the responsibility of the Arab world to protect. The United States has provided billions of dollars in funding to UNRWA for the care of Palestinian refugees. Yet recently, much of this funding has been cut in an attempt to force Palestinians to the negotiating table, which has undoubtedly had an impact on UNRWA's ability to operate. Actions like this are problematic as they contribute to an already unstable situation and will likely end up with severe repercussions for Palestinian refugees.

## Conclusion

The world is facing a refugee crisis of epic proportions, with the levels of forcibly displaced people rising beyond those seen in the second world war. The unique case of the Palestinian refugees represents what is in effect a permanent stateless population. This is a clear violation of the international system of values and ideals that make up the international regime. International law regarding refugees is predicated on the concept of a modern nation state and its responsibility to protect the fundamental human rights of its citizens. The retrenchment of nation states from international law represents a disturbing trend wherein we are likely to see an increasing number of vulnerable populations. As states revert to a more anarchic system, the rights and protections extended to the most vulnerable populations are at risk. To be denied a state is to be denied the basic protections and identity that a state provides as well as a voice on the international stage. This flies in the face of every value that the international community ascribes to. Clearly the Palestinians have been both denied their rights under international law and the ability to advocate for themselves in the United Nations. The Israeli Palestinian conflict has become a zero-sum issue where neither side is willing to budge on their issues or policies. The Palestinians demand a right to return and the Israelis will not accept such a potential demographic and security threat to the state of Israel. The international community's inherent weaknesses and a lack of consensus on the UN Security Council has allowed for 70 years of violence and countless lives to be impacted by the conflict. Little action is being taken to find a resolution, either to the Israeli-Palestinian conflict or towards a permanent resettlement of refugees who have been forcibly displaced. The international legal framework has been shown to be

ineffective in addressing the refugee problem in Palestine/Israel, and the intense constraints under which the international community operates have not aided the processes. The Palestinian refugee crisis should serve as a warning to the international community, without action more forcibly displaced populations are at risk of becoming permanently so. To allow stateless populations to continue to grow in both quantity and severity represents a threat to both international stability and the ideals and values that the international system is predicated on.

## References

- Ahlbourne, Christiane. (2011, Dec). The Normative Erosion of International Refugee Protection through UN Security Council Practice. *Leiden Journal of International Law; Cambridge*.
- Akram, Susan. (2002). Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution. *Journal of Palestinian Studies; Berkeley*.
- Alpher, J., Shikaki, K., Kelmen, Herbert C., Rouhana, Nadim N., et al. (1999, February). Concept Paper: The Palestinian Refugee Problem and the Rights of Return. *Middle East Policy; Harvard University*.
- Bargaric, Brienna. (2017). Revisiting the Definition of Particular Social Group in the Refugee Convention & Increasing the Refugee Quota as a Means of Ameliorating the International Displaced Persons Crisis. *South Carolina Law Review*.
- Barnett, Laura. (2002, February). Global Governance and the Evolution of the International Refugee Regime. *United Nations High Commissioner for Refugees*.
- Bundibugyo, G., Mae, S. (2001, March 1). Displaced People: When is a Refugee Not a Refugee. *The Economist*.
- Fromkin, David. (2001). A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East. New York: H. Holt.
- Gal, Orit. (2008/2009). Israeli Perspectives on the Palestinian Refugee Issue. *Palestine-Israel Journal of Politics, Economics, and Culture*.
- Gassner, Ingrid Jaradat. (2008/2009). Palestinian Refugee Rights: Time-Out for Politics – A Time for Accountability and Rule of Law. *Palestine-Israel Journal of Politics, Economics, and Culture*.
- Golan, Galia. (2008). The Evolution of Israeli Policy on the Israeli Palestinian Conflict. *Palestine-Israel Journal of Politics, Economics, and Culture*.
- Halabi, Usama. (2008/2009). The Legal Status and Rights of Palestinians Displaced as Result of the June 1967 War. *Palestine-Israel Journal of Politics, Economics, and Culture*.
- Hathaway, James C. (2005). The Rights of Refugees Under International Law. Cambridge: Cambridge University Press.
- Imseis, Ardi. (2000). Facts on the Ground: An Examination of Israeli Municipal Policy in East Jerusalem. *American University Law Review*.
- Malkki, Liisa H. (1995, October). Refugees and Exile: From "Refugee Studies" to the National Order of Things. *Annual Review of Anthropology*.

- Ormsby, Eric. (2017, June). The Refugee Crisis as a Civil Liberties Crisis. *Colombia Law Review*.
- Salhab, Mahdey S. (2015). Access to Citizenship: Is Israel Violating International Law by Discriminating Against Non-Jewish Asylum Seekers and by Limiting Palestinian Opportunities to Gain Citizenship in Israel. *Rutgers Race and Law Review*.
- Sharma, Bonita. (2015). Revisiting the United Nations' 1951 Convention Relating to the Status of Refugees: A Critical Analysis of International Refugee Law. *Social Development Issues; Chicago*.
- UN General Assembly. (1951, July 28). Convention Relating to the Status of Refugees. United Nations, Treaty Series, vol. 189, p. 137.
- Zayyad, Z., Schenker, H. (2009). Palestinian Refugees and the Two-State Solution: Findings and Recommendations of an Expert Round Table Discussion. *Palestine-Israel Journal of Politics, Economics, and Culture*.
- Zetter, Roger. (2007, June 1). More Labels, Fewer Refugees: Remaking the Refugee Label in an Era of Globalization, *Journal of Refugee Studies*.
- Zetter, Roger. (1991 January 1). Labelling Refugees: Forming and Transforming a Bureaucratic Identity. *Journal of Refugee Studies*.