

# The Right of Return

Since Israel's establishment, Arab leaders and anti-Israel extremists have claimed that Palestinian refugees have a "right of return" to Israel. They demand that millions of Palestinians be allowed to move to Israel, in accordance with what they claim is "international law." In reality, this demand has no legal or historical basis, and is just another attempt to eliminate Israel and violate Jewish rights.

**"It is well-known and understood that the Arabs, in demanding the return of the refugees to Palestine, mean their return as masters of the Homeland... they mean the liquidation of the State of Israel."**

**—Muhammad Salah al-Din Bey, Foreign Minister of Egypt, 1949<sup>1</sup>**

**No refugees in modern history have been granted a collective "right of return," particularly when 68 years have passed and their own leaders were the primary cause of the refugee crisis.**

- Over 40 million people became refugees of wars and revolutions between 1945 and 1958. The international community did not demand a "right of return" for them, but rather resettled them in other countries.<sup>2</sup>
- The European Court of Human Rights ruled in 2010 that it could not uphold a right of return or "impose an unconditional obligation on a Government... for the rehousing of potentially large numbers [of people]."<sup>3</sup>
- Arab and Palestinian leaders were primarily responsible for the Palestinian refugee crisis, because they rejected the 1947 UN Partition Plan and unleashed a war to destroy the Jewish state instead.

**UN Resolutions 194 and 237 do not give Palestinian refugees a "right of return" to Israel.**

- UNGA Resolution 194 was rejected by Arab states and is *not legally binding*.<sup>4</sup>
- Resolution 194 recommended "resettlement" or "repatriation" of the refugees, similar to the treatment other refugees in the post-World War II period.<sup>5</sup> It did not mention a "right of return." It *recommended* that Palestinian refugees be permitted to return *only* if they wished to live at peace with their neighbors. Since 1948 Palestinian and Arab leaders have made it clear they do not intend to live in peace by launching numerous wars and terrorist campaigns against Israel.<sup>6</sup>
- Resolution 237 referred only to the West Bank and Gaza, not Israel. In 1993 Israelis and Palestinians agreed that the admission of persons displaced in 1967 would be negotiated as part of a final peace treaty.<sup>7</sup>

**Israel's admission to the UN was not conditioned on its acceptance of Resolution 194.**

- Israel was admitted solely on the basis of Article 4 of the UN charter.<sup>8</sup>

**Arab and Palestinian leaders have not invoked the "right of return" to uphold justice, but as a tool in their campaign to eliminate Israel and deny Jews the right to self-determination.**

- Ever since the end of the 1948 War, Arab and Palestinian leaders have stated that their goal in demanding a "right of return" is to eliminate Israel by flooding it with Palestinians.<sup>9</sup>
- If millions of Palestinians move into Israel today, Israel will be eliminated and replaced by a Palestinian state. This would violate the collective rights of the Jewish people to self-determination, which are **enshrined in international law**.<sup>10</sup>
- If Israeli Jews became a minority in a Palestinian state today, they would almost certainly be forced to live under the rule of Fatah and Hamas. Both parties have a long history of violence and racism against Jews.

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- <sup>1</sup> Yehoshafat Harkabi, *Arab Attitudes to Israel*, Israel Universities Press, 1974, p. 28, at <http://books.google.com/books?id=ocybbUgguOEC&printsec=frontcover#v=onepage&q&f=false>
- <sup>2</sup> Cited in Walter Laqueur and Barry Rubin (eds), *The Israel-Arab Reader: A Documentary History of the Middle East Conflict*, 1975, Document 35, p. 154
- <sup>3</sup> European Court of Human Rights, “Grand Chamber Decision [Greek Cypriots] vs Turkey,” March 1, 2010 at <http://www.bailii.org/eu/cases/ECHR/2010/306.html>
- <sup>4</sup> Ruth Lapidoth, “Do Palestinian Refugees Have a Right to Return to Israel?” *Jewish Virtual Library*, n.d., at <http://www.jewishvirtuallibrary.org/jsource/Peace/refreturn.html>
- <sup>5</sup> UNGA, “Resolution 194,” *UNISPAL*, December 11, 1948, at <http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>
- <sup>6</sup> Ruth Lapidoth, “Do Palestinian Refugees Have a Right to Return to Israel?” *Jewish Virtual Library*, n.d., at <http://www.jewishvirtuallibrary.org/jsource/Peace/refreturn.html>
- <sup>7</sup> Ruth Lapidoth, “Do Palestinian Refugees Have a Right to Return to Israel?” *Jewish Virtual Library*, n.d., at <http://www.jewishvirtuallibrary.org/jsource/Peace/refreturn.html>
- <sup>8</sup> UN General Assembly, “Application of Israel for admission to membership in the United Nations,” *UNISPAL*, May 5, 1949, at [http://unispal.un.org/UNISPAL.NSF/85255a0a0010ae82852555340060479d/1db943e43c280a26052565fa004d8174?OpenDocument#Mr.%20EBAN%20\(Israel\)%20understood%20tha](http://unispal.un.org/UNISPAL.NSF/85255a0a0010ae82852555340060479d/1db943e43c280a26052565fa004d8174?OpenDocument#Mr.%20EBAN%20(Israel)%20understood%20tha)
- <sup>9</sup> Yehoshafat Harkabi, *Arab Attitudes to Israel*, Israel Universities Press, 1974, at <http://books.google.com/books?id=ocybbUgguOEC&printsec=frontcover#v=onepage&q&f=false>; President Nasser 1961 quote in Interview in *Zibicher Woche*, September 1, 1961, cited in [www.eretzyisroel.org/~samuel/refugees.html](http://www.eretzyisroel.org/~samuel/refugees.html) Palestinian Media Watch, “PA depicts a word without Israel,” 2013, at <http://www.palwatch.org/main.aspx?fi=449>
- <sup>10</sup> Office of the United Nations High Commissioner for Human Rights, “International Covenant on Civil and Political Rights,” December 16, 1966, at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>