

al-shabaka executive summary

A BOLD PROPOSAL: PALESTINE SHOULD GIVE ITS REFUGEES CITIZENSHIP

Click here to [read](#) or [download](#) the full paper by [Fateh Azzam](#)

May 2015

Key Points

- Conferring Palestinian citizenship would be an exercise of the sovereign rights of statehood and would give priority to stateless refugees, a neglected constituency.
- Palestine would enter into specific bilateral agreements with friendly governments to accord preferential treatment to citizens of both states that provide benefits and obligations.
- Palestinians granted citizenship would not lose their refugee status, and the demand for the right to return to their homeland would be strengthened.
- Bilateral and multilateral arrangements regarding the rights and privileges of Palestinian citizens would create facts on the ground to counter those Israel is creating.

Palestine's Present Status and Authorities

Palestine now enjoys a sufficient degree of recognition in the international community of states that it can take further steps towards strengthening its *de facto* and *de jure* existence and create new facts on the ground to enable solutions beyond the trap of the Oslo Accords.

The State of Palestine can begin conferring citizenship, in accordance with the Declaration of Independence, in exercise of its sovereign rights as a state, even though its citizens are unable yet to exercise their right to return to their homeland. Importantly, this would be the first act by the State of Palestine to give priority to its hitherto almost-forgotten constituency, the stateless refugees.

The Palestinians' Mosaic Legal Status

Palestinians live under diverse legal regimes depending on where they currently reside. Palestinians

under Israeli occupation continue to be stateless persons under international law. They are considered “permanent residents” by the Israeli occupation, which claims for itself the right to withdraw such residency at will - and does so on a regular basis.

The most vulnerable Palestinian refugees are in Syria and Lebanon, where they live under a mixed-bag set of rights and restrictions. In Egypt, they also remain stateless, and are subject to many restrictions in terms of the right to work, residence, education and other rights.

Some Steps Toward Implementing Citizenship

Before implementing a process of conferral of citizenship, Palestine must enter into specific bilateral agreements to establish reciprocal arrangements based on the recognition of Palestinians as nationals of a friendly state.

Such agreements could also open the way to the exercise of other rights, such as ownership of property or business and access to health care. The full gamut of mutual benefits and obligations can be put into play, including taxation and social insurance schemes for refugee-citizens.

Citizenship, Refugee Law and the Right to Return

Stateless Palestinians would be acquiring the nationality of their home country, Palestine, not of any host or foreign state and would therefore retain refugee status. The demand for exercising the right to return becomes even stronger when return is to a homeland of which one is a citizen.

The right to return is an individual right tied intricately to each individual and family’s claim to return to a homeland and to specific homes and properties that were lost due to conflict and ethnic cleansing. It would not be up to the State of Palestine to compromise or negotiate the right to return away on their behalf without their express agreement. Each individual refugee has the right to decide whether to return or to accept compensation, or both.

Other Obstacles and Questions

The political implications of a move by Palestine in this direction could be daunting in terms of Israeli, U.S. and Arab opposition. Ironically, it may be useful to start negotiating with supportive non-Arab countries to slowly build the international consensus necessary to create acceptance closer to home.

There are also political landmines on the internal Palestinian front, particularly given the weakening national consensus on the broader issues facing Palestinians. The idea of granting citizenship may very well facilitate reform of the PLO through a reorganization of its capacity to represent all Palestinians, including those in Diaspora.



contact@al-shabaka.org

www.al-shabaka.org

Time to Create Palestinian Facts

Given the failures of Oslo, Palestinians must ask: Do we continue to struggle until we achieve national liberation, then put in place institutional structures and systems including citizenship rosters? Or do we create facts on the ground, which then become the building blocks for national liberation?

The current political stalemate in negotiating a final settlement within the Oslo framework can only be broken if Palestine creates its own facts on the ground. These facts may soon become part of the political and legal landscape of the struggle for national liberation. Text

Al-Shabaka, The Palestinian Policy Network is an independent, non-partisan, and non-profit organization whose mission is to educate and foster public debate on Palestinian human rights and self-determination within the framework of international law. Al-Shabaka policy briefs may be reproduced with due attribution to Al-Shabaka, The Palestinian Policy Network. For more information visit www.al-shabaka.org or contact us by email: contact@al-shabaka.org.

The opinion of individual members of Al-Shabaka's policy network do not necessarily reflect the views of the organization as a whole.