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REFUGEES IN THE ARAB-ISRAELI CONFRONTATION: THE EVOLUTION OF THE PROBLEM IN THE XXI CENTURY

Annotation: The article provides a review of the current situation and status of Arabic refugees. Refugees who left on the eve and during the War of Independence, their place of residence in the territory of mandatory Palestine and their descendants, which are included in the list of the "Palestinian refugees" by UNRWA. The authors notice this discrepancy in the determination of refugees status comparing with that determination which was formulated by "Convention of refugees" statues, adopted on 28 July 1951 by The Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons. It continues to effect the process of settling the Arab-Israeli conflict and every year increases number of people in the status of "Palestinian refugee". Media, communication and integrated campaigns of Arab countries and representatives of radical organizations of the Middle East are almost always of a pronounced political nature and their criticism directed against Israel government is based on stereotypes that can explain any socio-economic and political problems through Zionist aggression.

Keywords: Refugees, UN, UNRWA, emigration, refugee camps, compensation.

The plan for the division of Palestine into two States, which United Nations (UN) has proposed on 29 of November in 1947, marked the beginning of the first wave of the movement of the Arab population of Mandate Palestine to neighbouring States. From December 1947 to February 1948, about 20 thousand people left the territory of the former British Mandate Palestine. The massive outflow of the Arab population has begun in March 1948. Before the outbreak of hostilities in 1948 in Palestine lived about 1 million Arabs, 561 thousand of them - on the territory intended by the UN plan to partition Palestine for the Jewish state. On the eve of the war of Independence and during it according to various estimates from 420 thousand (according to Israel) to 850 thousand (according to the UN), Arabs left their homes.

So far, scientists and politicians have debated about the reasons for the Arab population's flight, arguing for the voluntary departure of the majority of the population (at the call of Arab leaders who had involved in the war with Israel) or proving that it was the result of pressure from the Jewish armed forces.

In defense of the first point of view often used the report of the British police in Haifa to the main office in Jerusalem on 26 of April 1948, which recorded: "The Jews are trying by all means to convince the Arab residents to stay, to continue a normal life, to open shops and offices, nothing to fear <...> a long caravan accompanied by British troops came out yesterday from Haifa to Beirut ... Departure by sea does not stop." [19]

As well as the appeal of the radio of the Jewish Agency at the beginning of May 1948, which, broadcasting in Arabic, called for: "Do not panic and do not leave your houses. Do not expose yourself to suffering and humiliation. Unlike your fanatical leaders, we will not dump you into the sea, just as they are going to dump us." [2]

The London weekly *The Economist* wrote on 2 of October in 1948: "Of the 62 thousand Arabs living in Haifa, there are no more than five or six thousand remained <...> The most powerful escape factors were the declarations and appeals made by the Supreme Palestinian-Arab Committee who called upon all the Arabs of Haifa to leave the city and warned that those who would remain in Haifa under the rule of the Jews would be considered traitors." [19]

Supporters of the second point of view most often appeal to the events of April 9, 1948, when, as a result of the seizure of the Arab village of Deir Yasin by the fighters Irgun (Irgun Tsvay Leumi (National Military Organization), abbreviated to Etzel, a Jewish underground organization operating in Palestine from 1931 to 1948.) and Lehi (Lohamei Herut Israel ("Fighters for the Freedom of Israel") is a Jewish underground organization operating against the British Mandate in Palestine from 1940 to 1948.) have died from 107 to 254 inhabitants, which led to the mass flight of Palestinian Arabs. [16]

The Arabs of Mandatory Palestine went to neighbouring countries - Egypt, Transjordan, Libya, Syria, Iraq, Saudi Arabia, as well as in the Gaza Strip (was controlled by Egypt) and the West Bank (was controlled by Transjordan). At that time, any Arab, including those who did not come from the territory of Mandate Palestine, could sign up as a refugee and receive humanitarian aid from the United Nations — food, clothing, a place in the camp, and medical care. The International Committee of the Red Cross put forward a proposal to recognize a refugee and to provide assistance to any Arab, even those who remained in Israel and lived in their own home. [19]

After the defeat in the War of Independence, the leaders of the Arab League made every effort to ensure that their calls for the Palestinian Arabs to leave Eretz Israel and free the battlefield were forgotten. However, the majority of the Arabs of Palestine have continued to remember their withdrawal at the call of the military, and therefore was still waiting for an early victory and return home, not counting their flight as an exile.

In 1974, Philip Goodhart, the member of the British Parliament, has said: "The plight of the Arab refugees is depressing; but this is not unique ... Even if we exclude from these calculations all the refugees who left their homes temporarily to avoid local fights, the Arab exodus from Palestine is only the twelfth in the movement of refugees, among all those that took place since the end of the Second World War." [22]

The United Nations Office for Palestine Refugees (The problems of all other refugees are dealt with by a separate Office of the United Nations High Commissioner for Refugees.) established in 1949 and almost immediately renamed the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), introduced a special rule that never again applied to any other category of internally displaced persons and defines 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 Palestine refugee males, including legally adopted children, are also eligible for registration. [25]

Guided by this definition, most Arab countries did not grant citizenship to Palestinian refugees, citing the decision with the slogan "not to deprive them of the right to return to their native lands".

For example, in Saudi Arabia, there is the Law on Citizenship, which allows anybody to apply for the status of a citizen of the Kingdom, it directly excludes the possibility for Palestinian refugees to not only receive this status, but also even to submit documents for consideration to the local Ministry of Internal Affairs. [1]

Jordan was the only country that granted citizenship to parts of Palestinian refugees.

In 1954, a Law was passed in this country, which granted the right to citizenship to all (except Jews) who were citizens of British Palestine until May 15, 1948, and permanently resided in Jordan from December 1949 to February 1954. [9] The reason for this, according to many researchers, lay in the desire of King Hussein Ibn Talal to finally consolidate a part of the land allocated by the UN decision to create an Arab state of Palestine, as well as to assert control over East Jerusalem.

It was as the result of the first Arab-Israeli war of 1947-1949 (War of Independence) Transjordan occupied, and in April 1950, annexed the territory of Judea and Samaria (West Bank) and East Jerusalem, after which the state was renamed to the Hashemite Kingdom of Jordan. This annexation was recognized by only two countries — Great Britain and the Islamic Republic of Pakistan — and lasted until the military events of the Six-Day War of 1967.[3]

Arab residents who remained in the State of Israel received citizenship immediately after the end of the war.

From 1948 to 1951, the newly formed state received over 689 thousand Jewish refugees/emigrants,[16] the majority of whom came from Arab countries. Most of them had acquired Israeli citizenship and, having endured the hardships of integration, had become part of the new society.

At the present time, there are 5 266 603 refugees officially registered in UNRWA. Most of the Palestinian refugees live in the Gaza Strip, the West Bank, Syria, Lebanon and Jordan (table 1).[24]

Table 1 - Compiled by the authors

(The table was compiled by the authors according to the UNRWA statistics. Data is relevant for October 15, 2018.)

Area	Registered refugees	Number of campus
Gaza Strip	1 300 000	8
West Bank, including East Jerusalem	809 738	19
Syria	526 744	9
Lebanon	449 957	12
Jordan	2 175 491	10

Of them, 1 668 040 people, which corresponds to 31.7% of the total, live in 58 camps under the tutelage of UNRWA.[24]

Host countries exercise control over the camps, while UNRWA provides humanitarian assistance by providing education and medical services, carrying out construction and repair work, and developing infrastructure. Living conditions in the camps are different, which is often due to geographical, historical and demographic reasons and, more often, does not depend on the policy of the leadership of the host country.

The main problem of the question of Palestinian refugees is not the constant increase in the actual or census number, often provoked by officials as well as by Palestinian politicians for their own reasons, but in conservation within their own communities and clans, the impossibility and impediments to integration into the society of a country or region accommodation. The latter is clearly evident in the analysis of the situation in the West Bank, where refugee camps continue to exist, as the Arab population of the region is not prepared to consider "their" those who came from Safed, Jaffa, Akko, Lod, Ramle, Bisan and from other settlements that have become part of Israel.

If the established model of relations in the Arab society is preserved, claims of Palestinian refugees can be satisfied only if they receive the right to return to the settlements that they or their ancestors left.

The opinion of supporters of the idea of the unconditional return of refugees is based on the fact that Israel's refusal to accept refugees who left the country in 1948 is contrary to Article 13 of the Universal Declaration of Human Rights (UDHR):

1. Everyone has the right to freedom of movement and residence within the borders of each State.

2. Everyone has the right to leave any country, including his own, and to return to his country.[23]

However, claims in violation of the above articles of the UDHR can be submitted to an absolute majority of States in which there are certain restrictions on immigration. In the State of Israel, migration processes are regulated by the Law of Return of 1950,[8] according to which Arab refugee and their descendants cannot claim the status of a repatriate. Consequently, the reference to the second paragraph of article 13 of the Declaration is incorrect for the majority of Palestinian refugees, as they were born in the territory of other States.

Until recently, international law did not determine the time limit for being in refugee status; however, in 2010 the European Court of Human Rights handed down a precedent-setting ruling according to which the right of refugees to return to their homes has a limitation on the limitation period.[10] Formally, the decisions of this court are not binding for non-European States; however, due to the high authority of this institution in the World, the decisions are often taken as a basis by the courts of countries outside the EU. By extrapolating this decision to the situation with the Palestinian refugees, in the case of their appeal to an independent court, it is highly likely that their claims will be deemed unfounded.

The peace initiative, adopted on March 28, 2002 by the League of Arab States, provides for the establishment of peace with Israel, subject to the unconditional withdrawal of the Jewish state from the territories occupied in 1967 (including East Jerusalem, Judea and Samaria, Gaza Strip,

Golan Heights and Shebaa Farms), the recognition of the Palestinian state in the West Bank and the Gaza Strip, with East Jerusalem as its capital, as well as the "just resolution" of the Palestinian refugee problem based on UN General Assembly (UNGA) resolution 194, which States that refugees "wish s return to their homes (inside Israel) and to live in peace with their neighbours", should be able to pull it off, or receive compensation.[13]

The Israeli government did not give a formal response to the League's initiative, although a number of politicians reacted to it: representatives of left-wing parties approved the initiative, the centrists showed restrained optimism about the fact that the Arab countries agreed not to destroy Israel and said that the initiative requires additional discussions.

Representatives of right-wing parties, including Israeli Prime Minister Benjamin Netanyahu and Israeli Foreign Minister Avigdor Lieberman, rejected the initiative and criticized it. Benjamin Netanyahu said: "We withdrew from the Gaza Strip to the last centimetre; we uprooted dozens of settlements and turned thousands of Israelis out of their homes. In exchange, what we received were missiles raining down on our cities, our towns and our children. The argument that withdrawal would bring peace closer did not stand up to the test of reality. I call upon the leaders of the Arab countries to join together with the Palestinians and with us to promote economic peace. Economic peace is not a substitute for peace, but it is a very important component in achieving it." [5] Avigdor Lieberman said that the plan is "a dangerous proposal, a recipe for the destruction of Israel." [14]

In 2008, negotiations were held between Israel and the Palestinian Authority on the symbolic return of a small number of refugees to Israel, within the framework of a comprehensive Peace Treaty. In this context, it should be noted that Israel recognizes the presence of 30 thousand Arab refugees, but not their descendants.

The independent survey conducted in 2003 among the Palestinian population of Gaza, the West Bank, Jordan and Lebanon showed that the majority (54%) agreed to a financial compensation and a place to live in the West Bank or Gaza Strip instead of returning to the exact place in Israel, where they or their ancestors lived until 1948 (this possibility of settlement is considered in resolution 194) and only 10% said they would prefer to live in Israel if they are given this opportunity.[27]

In a survey conducted by the Palestinian Human Rights Association with the participation of Palestinian refugees in Lebanon on 2 January 2005, 96% expressed a desire to retain the right to return, 3% expressed a desire to refuse, subject to financial compensation, and only 1% found it difficult to respond.[17]

In all negotiations with Arab leaders, the Israeli leadership insists that the return of Palestinian refugees to the country's territory is impossible. According to the data of the Central Bureau of Statistics of Israel as of the beginning of January 2018, 8 793 000 people lived in the state. Among them, 6 566 000 Jews (74.6% of the total number of population), 1 837 000 Arabs and Druze (20.9%), and about 400 000 were citizens with unspecified confessional affiliation (4.5%) in the MIA registry as "lo rashum" (most of them are members of families of repatriated Jews).[20]

Even a superficial analysis of statistical data shows that the appearance of 5 266 603 Palestinian refugees in the country will lead to a quantitative dominance of the Arab population, and given the differences in birth rates, in 1-2 generations, Israel will cease to exist as a Jewish state.

With regard to compensation payments, it is necessary to bear in mind that the conflict in question is connected not only with the Arab problem, but also with the Jewish problem of refugees and emigration from neighboring countries. While Palestinian Arabs are at the centre of international attention, the issue of Jewish refugees is not raised in principle. The story of their flight from the Arab countries before the war of 1948 and after it was almost forgotten. Jewish refugees were forced to leave their homes and lose other property without the slightest compensation. In this regard, while preserving the rights of Palestinians to return and compensation (according to UN Resolution 194)[15], such an approach can and should be respected in relation to those Jews and their descendants who left Arab countries in due time and moved to Eretz Yisrael.

In connection with the above, it is necessary to talk about realistic ways of solving the existing situation. A possible first step could be the abolition of the special definition of UNRWA formulated exclusively for Palestinian refugees and the introduction of a single definition for all, which operates the Office of the UN High Commissioner for Refugees. In May 2012, based on this definition, the USA Senate Appropriations Committee issued a list of 30 000 Palestinian refugees, which included only those who left their homes from 1946 to 1948, excluding those received refugee statuses by inheritance.[4]

This approach for the Arab countries means a complete abandonment of existing policies. They would be obliged to grant all refugees who wished to obtain citizenship, which would give Palestinian refugees access to equal rights, the labour market and social guarantees.

The USA administration has repeatedly warned that the United States of America will stop funding UNRWA if the Palestinians do not return to the negotiating table with Israel. In January 2018, the USA President Donald Trump announced a reduction in sponsorship of UNRWA, out of a planned

amount \$125 million (this amount is one third of the annual contributions that the USA makes to UNRWA), at the expense of the Agency was transferred less than half - \$ 60 million. In 2017, the USA has provided about a third of all funds to the Agency's budget is \$ 364 million.[6]

Mr. Trump wrote on Twitter: "We pay the Palestinians hundreds of millions of dollars a year and get no appreciation or respect, why should we make any of these massive future payments to them? With the Palestinians no longer willing to talk peace." [26]

In turn, the Secretary-General of the League of Arab States, Ahmed Aboul Gheit, said that this step calls into question the USA commitment to achieving a comprehensive and just solution to the Palestinian question. According to him, such actions can lead to adverse long-term consequences, the most dangerous of which will be the failure of peace talks between the Palestinians and Israelis and the creation of further tensions in the Middle East.[18]

Speaking of changes in the policies of the leading Arab countries, it should be noted that in March 2018, on the so-called "Day of the Earth", the Palestinians in the Gaza Strip began the "Great March of Return", broke five tent camps along the border with Israel and declared their desire to draw attention to the fate of the Palestinian refugees.

In response, Maj. Gen. Eyal Zamir, in charge of Israel's southern command, said there were attempts by Palestinians to carry out "terror attacks" using the demonstrations as cover. "We urge citizens to stay away," he said and Israeli Defense Minister Avigdor Lieberman posted a message in the Arabic social network: " Hamas is playing with the lives of its citizens", and urged the Palestinians not to participate in the protests.[21]

Mohammed bin Salman Al Saud, the son of King Salman, Crown Prince of Saudi Arabia since June 21, 2017, Second Deputy Prime Minister and Minister of Defense, not only did not commented on the situation in the Gaza Strip, moreover, in his interview on April 2, 2018, for the American magazine The Atlantic, he said: "I believe the Palestinians and the Israelis have the right to have their own land. But we have to have a peace agreement to assure the stability for everyone and to have normal relations. We have religious concerns about the fate of the holy mosque in Jerusalem and about the rights of the Palestinian people. This is what we have. We don't have any objection against any other people." [11]

Despite the fact that in a subsequent telephone conversation with the USA President Donald Trump, 82 year-old King of Saudi Arabia Salman "confirmed the firm position of the Kingdom in relation to the Palestinian issue and the legitimate right of the Palestinian people to an independent

state with Jerusalem as its capital", the statements of the Crown Prince, along with the recent decision of Riyadh to allow to Air India's flights to Tel Aviv through the airspace of the Kingdom are tangible signs of a shift in the policy of Saudi Arabia.[11]

For many years, the political leadership of the Arab countries was in the so-called "Palestinian trap", explaining most of the socio-economic and political problems with Zionist aggression. At present, the main conflict in the Middle East is not taking place on the Arab-Israeli field. Currently, Saudi Arabia and most Arab countries are particularly concerned with the confrontation with the Islamic Republic of Iran, the conflict between the Sunni and Shiite blocs (especially in Syria, Lebanon, Bahrain and Iraq, where Shiites makes up a significant part of the population or even the majority), the Civil War in the Republic of Yemen, the unresolved Kurdish issue, as well as conflicts between various centers of power in the Arab world itself.[12]

Increased tensions between Iran and Saudi Arabia caused an inevitable rapprochement between the political elite of the Saudis and Israelis, who regard the Islamic Republic of Iran as an immediate and main threat to their interests. Both countries regarded the policy of the former the USA President Barack Obama in the region as a manifestation of weakness in the face of Iran. Both States opposed the Iranian Nuclear Agreement - the Joint Comprehensive Plan of Action Plan (JCPOA), made every effort to keep the sanctions regime against Tehran, whose influence extends, in particular, to Syria and Yemen, threatening security and even to a certain extent the territorial integrity of Saudi Arabia and the States of Israel.

In this regard, Israeli-Saudi relations can go much further than formal diplomatic recognition in the face of the threat from Tehran, they can come to a solution to the issue of Palestinian refugees, since the State of Israel is not perceived as an existential adversary, but in the unexpected role of an ally, who can help to close the perimeter of Middle Eastern security.

Perhaps the current situation will mark the beginning of fundamental changes in the policy of UNRWA and the activities of the entire League of the Arab States, which will soon bring the parties to the conflict once again at the negotiating table.

Resume:

The problem of Palestinian refugees, in fact, arose even before the formation of Israel and the Arab-Israeli war of 1948-1949. The event that marked the beginning of a long — term confrontation took place on November 29, 1947, when the UN General Assembly decided to divide Palestine into two states - Arab and Jewish - with special international status for Jerusalem. While the independence of the State of Israel was declared on May 14, 1948, the Arab state was not created. Currently, there are two reasonable points of view on the reasons of the flight of the Arab population:

- Voluntary withdrawal of the majority of the Arab population at the call of Arab leaders who was involved in the war with Israel;

- The flight of the Arab population as a result of pressure from the Jewish armed forces.

There are two parallel organizations dealing with the problems of refugees in the world today:

- The UN High Commissioner for Refugees, takes under his protection refugees all over the world;

- The UN Relief and Works Agency for Palestine Refugees in the Near East, which has jurisdiction over Palestinian refugees.

UNRWA uses the exclusive term "refugee" and defines 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 Palestine refugee males, including legally adopted children, are also eligible for registration."

The UN Relief and Works Agency for Palestine Refugees in the Near East, to a certain extent, encourages Arab countries not to grant citizenship to Palestinian refugees, motivating the decision by the principle "do not deprive them of their right to return to their native lands". The State of Israel recognizes the presence of 30 thousand Arab refugees, but not their descendants. The Israeli leadership insists that the return of Palestinian refugees to the country's territory is impossible.

In turn, the UN General Assembly repeatedly appealed to the Arab States in whose territories Palestinian refugees were, to facilitate their economic and political integration, to provide them with employment opportunities, free movement, education, and the use of the economic opportunities of Arab States for their successful absorption. Jordan was the only Arab State that had granted citizenship to part of Palestinian refugees.

Meanwhile, the USA administration has repeatedly warned that the United States will stop funding UNWRA if the Palestinians do not return to the negotiating table with Israel.

There has been a positive shift in the relationship between Saudi Arabia and Israel. Crown Prince Salman is taking the first steps towards a constructive dialogue with Israel. The increased tensions between Iran and Saudi Arabia have caused a rapprochement between the Saudis and Israelis; they view Iran as a direct threat. Consequently, Israel can be perceived as an ally rather than an enemy. Perhaps the Israeli-Saudi relations can become the very element that will push the Arab countries to join efforts with Israel and the UN to resolve the issue of Palestinian refugees.

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