

Term

UN General Assembly Resolution 194

03.09.2007

Definition

The term "General Assembly Resolution 194" refers to the UN decision (12/48) calling for an establishment of a Conciliation Commission to facilitate peace between Israel and Arab states. The significance of this decision is the proposed solution to the refugee problem, which was interpreted by the Arab side as permitting the "right of return of the Palestinian refugees."

Background

After the 1948 Arab - Israeli war, the UN General Assembly established a Conciliation Commission composed of the US, France and Turkey. The commission was unsuccessful in resolving the conflict but continued to function for many years, submitting an annual report about to the UN.

The UN Resolution includes the first reference to the term "Final Agreement", and discusses free access and protection of the holy places as well as the internationalization of Jerusalem.

Refugee Issue

Clause 11 of the Resolution declared 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..." The two sides disagreed over the interpretation of this clause. The Arab side understood it to include a comprehensive right of return while Israel disagreed.

The main Israeli claims were as follows:

- Abba Eban, Israel's Foreign Minister at the time, claimed that Israel was entitled to determine which specific refugees "wish to live at peace with their neighbors". This interpretation practically meant that Israel was effectively able to decide who would be permitted to return.
- In addition to the option of 'return,' the Resolution also mentions various alternatives for resettlement and socio - economic rehabilitation including compensation for lost property.
- In order to create more room for maneuver, the Israeli UN delegation insisted on emphasizing the term "earliest practicable date" for implementing the decision rather than the term "earliest possible date."

Resolution 194 and the Political Process

- **Resolution 242** – following the 1967 war, the UN adopted Security Council Resolution 242 (11/67). Following this, Israel preferred to see the solution to the refugee issue as emanating from 242 (which discussed a 'just settlement' to the refugee issue) rather than as represented in Resolution 194.

The Arab side claimed that the meaning of the phrase 'just settlement' that appeared in Resolution 242 was the solution detailed in Resolution 194.

- **The Clinton Peace Plan** – was a proposal presented to the Israeli and Palestinian negotiation teams during the Camp David Summit (2000), that suggested Israel acknowledge the moral and material suffering caused to the Palestinians as a result of the 1948 War.

The plan also offered five practical options for the resolution of the refugee issue:

(1) Return to the Palestinian State; (2) Return to territory formerly part of Israel that would be transferred to Palestine within the framework of land swaps; (3) Rehabilitation of refugees in host countries; (4) Resettlement in third countries (Canada, Australia); (5) Admission to Israel, subject to the sovereign and exclusive decision of the State of Israel.¹

The parties would agree that the fulfillment of these options would be considered the implementation of Resolution 194.

- **The Arab Peace Initiative** (The Saudi Initiative), (03/02 ratified again in 03/07) - notes that a 'just'² solution to the refugee issue must be found, in accordance with UN Resolution 194.³
- **The Geneva Initiative** (10/03) – mentions General Assembly Resolution 194, UN Security Council Resolution 242 and the Arab Peace Initiative as the basis for the solution to the refugee issue. The initiative adopts the Clinton peace plan principles and makes no mention of the term "right of return". However, it does suggest a formula for calculating the number of refugees Israel should absorb - the average number from the total number of refugees resettled in third countries by the International Commission.⁴
- **The Roadmap** (04/03) - does not mention Resolution 194, however its third phase discusses a permanent agreement to be based on UN Security Council Resolution 242, 338 and 1397 including "an agreed, just, fair, and realistic solution to the refugee issue [...]"⁵

The State of Israel accepted the Roadmap but listed 14 reservations in a letter sent by former PM Sharon to President Bush. In the letter, Clause 6 clarifies the Israeli position concerning the right of return: "[...] declared references must be made to Israel's right to exist as a Jewish state and to the waiver of any right of return for Palestinian refugees to the State of Israel".⁶ These reservations resulted from the Roadmap's reference to Resolution 1397, which initially embraced the Arab Peace Initiative (the Saudi Initiative).

End.

¹ The agreement specifically states that Israel would be the sole powers to decide on the number and identity of the refugees entering its territory and would take into consideration the number of refugees that third countries would agree to re-settle. It was also determined that the signing of the agreement would signal the Finality of Claims between the two sides.

² An earlier draft of the Arab Initiative distributed three days before the summit had talked about an 'agreed' solution to the refugee issue.

³ For the complete document, see [The Saudi Initiative](#), Clause 2.2 notes: Achievement of a just solution to the Palestinian Refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194"

⁴ See [The Geneva Initiative](#), Clause 7

⁵ See [Roadmap](#). In its third stage, Clause 5 notes that the " Parties [should] reach a final and comprehensive permanent status agreement that ends the Israel-Palestinian conflict in 2005, through a settlement negotiated between the parties based on UNSCR 242, 338, and 1397, that ends the occupation that began in 1967, and includes an agreed, just, fair, and realistic solution to the refugee issue [...]"

⁶ See [Israel's Reservations to the Roadmap](#)