

**Dr Uri Davis**

**Citizenship, Naturalization and the Palestinian Right to Return**

**Dr Davis' presentation takes as point of departure three normative statements:**

**(1) that the ending of the condition of statelessness for the mass of the Palestinians and the Palestine refugees in the West Bank and Gaza Strip as well as Lebanon and Syria is both a humanitarian imperative (under the Universal Declaration of Human Rights) and a political imperative (under UN resolutions relevant to the question of Palestine);**

**(2) that a certificate of citizenship, any citizenship, obtained by marriage, naturalization or through any other legal route, is better than statelessness; and**

**(3) that the basis for a just and lasting solution of the question of the Palestine refugees must include the exercise of choice by the individual refugees and their descendants. It is thus imperative that Palestine refugees and their representative organizations organize to motivate the UN and the League of Arab States to establish an international and regional legal environment regarding citizenship and naturalization to enhance the exercise of the right of individual Palestine refugees to choose the specific modality of compensation and/or return that is best suited to their individual preferences today, nearly fifty years after the nakba and thirty years after the naksa.**

**Dr Davis submits that both the Labour Zionist led Government of Israel and the Likud Zionist led Government of Israel are united in denying Palestinian sovereignty. Whereas Labour would consider allowing the**

**establishment under international law of an independent Palestinian state subject to Israeli sovereignty from the Jordan River to the Mediterranean Sea - Likkud would allow the establishment of a Palestinian Regional Government ('autonomy', 'sel-rule') under Israeli sovereignty<sup>1</sup>.**

**On the basis of above, Dr Davis takes a new and critical look and the prospects of the issue of Palestinian citizenship to all Palestinians by the prospective independent Palestinian state (should it come to be) and the naturalization of the Palestine refugees in their host Arab countries. He argues that in the first case, without the introduction of changes in the League of Arab States' provisions on Arab State-Arab State citizenship with the view to allow dual and multiple Arab State-Arab citizenship the issue of certificate of Palestinian citizenship to all Palestinians would result in incalculable damage to the people concerned in that it would nullify UNRWA protection for Palestine refugees and transform their status in Lebanon, Syria and Egypt into the status of foreigners.**

**In the second case, unless the League of Arab States' provisions allow dual and multiple Arab State-Arab State citizenship, the naturalization of the Palestinians in the countries of their current residence would render them foreigners in their homeland Palestine.**

**Once appropriate changes in the provisions of the League of Arab States are effected, Dr Davis emphatically argues that the League of Arab States should make it a condition for the**

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<sup>1</sup> The question of sovereignty is of critical importance in that ultimate control of land and water and airspace is vested with the sovereign. For the purpose of this presentation an 'independent state' is defined as an internationally recognized statesand a member state in the UN; a 'sovereign state' - as a state with an army to patrol its international borders and control of her international crossings. The co-principality of Andorra, for instance, is an independent state - but not a sovereign state.

**admission of Israel that Israel streamline her legislation on citizenship with League of Arab States' provisions and allow dual or multiple Israeli-Arab State citizenship, including Israeli-Palestinian citizenship. Thereby, the gate would be opened for all Palestinians to become dual Palestinian-Israeli citizens whose residence in their homeland and their claims to their properties, in Israel and/or Palestine is secure by their right of abode as citizens.**

**Given the change of Governments in Israel the prospects of the establishment of an independent Palestinian state are now very much reduced. Since only an internationally recognized independent state can issue valid certificates of citizenship under international law, in this new situation, it is the responsibility of the Palestinian intellectual and political leadership to give serious consideration to address the urgent and pressing just Palestinian call to end their condition of statelessness, claim their rights to their properties in Israel and exercise their right to opt for return through political vehicle of a forceful Palestinian demand: 'either dual Palestinian-Israeli citizenship or Israeli citizenship'.**

**Citizenship is a universal right as is the right of any person to leave any country, including his own, and return to his country. In the wake of the defeat of the Palestinian struggle over the past three decades under the leadership of the PLO and the surrender agreements of 'Oslo I' and Oslo II', signed between the PLO and the Government of the State of Israel in September 1993 and September 1995 respectively and the consequent process of normalization of relationship between Israel and the neighbouring Arab States new, principled and critical thinking on the questions defense of Palestinian rights and properties, including Palestinian right to return and properties in Israel is urgently needed.**

**The purpose of Dr Davis' presentation is to contribute to this process of new thinking.**

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