UN Resolution 194 and the Palestinian Right of Return: The Promise Still Unfulfilled

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On **December 11, 1948**, after months of mass Palestinian displacement during the **Nakba and the occupation of Palestine in 1948**, the United Nations General Assembly adopted **Resolution 194 (III)**.

The resolution became one of the most important international documents concerning the Palestinian refugee question because its eleventh paragraph

directly addressed both **return and compensation**.

It stated that 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, and that compensation should be paid for the property of those choosing not to return, as well as for property that had been lost or damaged in circumstances requiring compensation under principles of international law or equity.

For Palestinians, Resolution 194 became the principal international reference for what later became known as the **right of return**: the demand that refugees uprooted during the Nakba be allowed to return to the homes, towns, and villages from which they had been displaced.

The Historical Context of Resolution 194

Resolution 194 was adopted while the **Nakba and the occupation of Palestine in 1948** were still reshaping the country demographically and geographically.

By the end of that year, approximately **three-quarters of a million Palestinians** had been displaced or had fled their homes.

Major Palestinian cities had been emptied of most of their Arab inhabitants, while the populations of more than **400 documented Palestinian villages** had been displaced.

Refugees were scattered across the West Bank, Gaza Strip, Lebanon, Syria, Jordan, Egypt, and other areas, with many living only a short distance from the homes, fields, and agricultural lands they had left behind.

Many Palestinians believed that their displacement would last only until the military operations ended.

What was believed to be temporary displacement instead became prolonged exile.

Folke Bernadotte and the Refugee Question

Resolution 194 was closely connected to the work of **Count Folke Bernadotte**, the United Nations Mediator for Palestine.

During his mission in 1948, Bernadotte witnessed the rapidly expanding Palestinian refugee crisis and concluded that the question of their return had to be a central part of any just political settlement.

In his final report, completed on **September 16, 1948**, Bernadotte recommended that the United Nations affirm the right of Palestinian Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date.

He also called for compensation to be paid to refugees who chose not to return.

Bernadotte argued that permanently preventing Palestinians uprooted from their homes from returning, while simultaneously allowing new Jewish immigrants to enter the country, was inconsistent with elementary principles of justice.

On **September 17, 1948**, one day after completing his final report, Bernadotte was assassinated in Jerusalem by members of the Zionist armed organization **Lehi**.

His assassination did not end international debate over the refugee question. Less than three months later, key elements of his recommendations appeared in Resolution 194.

Paragraph 11 of Resolution 194

Paragraph 11 is the most important part of the resolution for the Palestinian refugee question.

> “The refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.”

The paragraph further provided for compensation for the property of refugees who chose not to return, and for loss of or damage to property in cases where compensation was required from the responsible governments or authorities under principles of international law or equity.

The resolution also instructed the **United Nations Conciliation Commission for Palestine** to facilitate the return, resettlement, and economic and social rehabilitation of refugees and the payment of compensation.

Return and Compensation

Paragraph 11 contained two closely connected principles.

The first was **return**: refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so.

The second was **compensation**.

Refugees choosing not to return were, under the resolution, entitled to compensation for their property, while the principle of compensation also covered loss of or damage to property in circumstances giving rise to responsibility under international law or equity.

Return and compensation were therefore not presented as completely mutually exclusive alternatives; compensation could also relate to losses and damage suffered by refugees who returned to their homes.

The United Nations Conciliation Commission for Palestine

Resolution 194 also established the **United Nations Conciliation Commission for Palestine (UNCCP)**.

The Commission consisted of **France, Turkey, and the United States**.

It was tasked with helping the parties reach a final settlement and facilitating refugee return, resettlement, rehabilitation, and compensation.

During the following years, the Commission gathered extensive records relating to Palestinian refugee property and attempted to mediate between the **Zionist occupation state**, Arab governments, and refugee representatives in an effort to reach solutions.

These efforts, however, did not produce a comprehensive settlement of the refugee question.

Resolution 194 Was Not Only a Refugee Resolution

Although paragraph 11 became the most famous part of the resolution, Resolution 194 addressed other major aspects of the Palestine question.

It called for the protection of the Holy Places, affirmed the need for a special international regime for Jerusalem, encouraged negotiations toward a final political settlement, and established the Conciliation Commission.

The refugee issue was therefore part of a broader United Nations effort to address the political and humanitarian consequences of the **Nakba and the occupation of Palestine in 1948**.

Did Resolution 194 Create a Legally Binding Right by Itself?

The legal status of Resolution 194 requires careful distinction.

United Nations General Assembly resolutions are, in principle, **recommendatory rather than legally binding in the same way as international treaties or certain Security Council decisions**.

It is therefore not precise to describe Resolution 194, by itself, as an enforceable international judicial ruling ordering the immediate return of refugees.

Its legal and political significance instead lies in the principle it articulated, the General Assembly's repeated reaffirmation of that principle, and its relationship to broader principles of international law and human rights concerning refugee rights, property, freedom of movement, and the right of individuals to enter their own country.

From a Palestinian perspective, as well as in the writings of a number of international law specialists, these overlapping principles form part of the broader legal foundation on which the **Palestinian right of return** is based.

The Universal Declaration of Human Rights

One day before Resolution 194 was adopted, on **December 10, 1948**, the United Nations General Assembly adopted the **Universal Declaration of Human Rights**.

Article 13 states:

> "Everyone has the right to leave any country, including his own, and to return to his country."

Although the Universal Declaration itself is not a treaty, it became a foundational document in the development of modern international human rights law.

The International Covenant on Civil and Political Rights

A similar principle later appeared in international treaty law through the **International Covenant on Civil and Political Rights**.

Article 12(4) provides:

> “No one shall be arbitrarily deprived of the right to enter his own country.”

The United Nations Human Rights Committee has interpreted the concept of a person’s **“own country”** as broader than formal nationality alone and capable of including persons whose special ties and connections to a country make it impossible to regard them merely as foreigners.

The Committee has also emphasized that the right to enter one’s country is particularly important for refugees seeking voluntary return and has linked the principle to the prohibition of forced population transfers and mass expulsions.

How these general principles apply specifically to Palestinian refugees and their children and grandchildren remains the subject of extensive legal and political debate, but they form an important part of the international legal framework invoked in support of Palestinian return.

The Zionist Occupation and Resolution 194

The **Zionist occupation** did not accept the principle of large-scale Palestinian refugee return as demanded by the Arab delegations and as understood by the United Nations Conciliation Commission.

Its leaders argued that the return of large numbers of refugees would have major security and demographic consequences for the newly established state and advocated resettling most refugees in Arab countries instead of allowing them to return to their homes.

During the **Lausanne negotiations of 1949**, the Israeli delegation presented a conditional offer to accept the return of up to **100,000 additional Palestinian refugees** as part of a comprehensive peace settlement.

The offer was subject to security and economic conditions and to the resettlement

of returnees in areas determined by the Israeli government in accordance with its economic and security plans.

The figure of 100,000 was to be added to the Arab population already living in areas controlled by the **Zionist occupation state** at the end of the military operations, with those who had already returned being counted within the existing Arab population.

The Conciliation Commission considered the offer insufficient to implement Resolution 194, while the Arab delegations insisted that the principle of refugee return first be accepted.

No agreement was reached.

A Resolution Reaffirmed for Decades

Resolution 194 did not disappear from the work of the United Nations after 1948.

The General Assembly repeatedly recalled its provisions concerning refugees and affirmed in successive resolutions that the question of return or compensation remained unimplemented.

Decades after the Nakba, the United Nations continued to state that **the return or compensation envisaged in paragraph 11 had not been implemented**.

This repeated reaffirmation helped preserve Resolution 194 as one of the most prominent international documents concerning the Palestinian refugee question.

Palestinian Refugees and the Meaning of Return

For Palestinians, return is not merely an abstract diplomatic or legal formula.

Return is connected to specific places.

Refugee families continue to identify themselves with the villages, neighborhoods, and cities from which they were displaced: homes in Jaffa and Haifa, villages in

Galilee, the Jerusalem District, the coastal plain, the Naqab, and hundreds of other Palestinian communities.

Families preserved property deeds, Ottoman documents, Mandate-era records, tax documents, photographs, maps, house keys, and oral histories.

For this reason, Palestinian memory of return has remained connected both to collective national identity and to individual and family homes and property.

“A Right That Does Not Expire with Time”

The phrase **“the right of return does not expire with time”** became deeply rooted in Palestinian political and popular culture.

It expresses the Palestinian position that the passage of generations does not erase the original displacement, the identity of the villages and cities from which refugees came, or their claims regarding their homes and property.

Refugee camps throughout the region became some of the most important spaces for preserving this memory.

Village names, maps, keys, family stories, songs, photographs, memories, and oral testimonies carried the memory of pre-Nakba Palestine from one generation to another.

Return in Palestinian Politics

Resolution 194 has remained an important reference across a broad spectrum of Palestinian institutions and political movements.

The **Palestine Liberation Organization** has repeatedly invoked the refugee question and Resolution 194 in its diplomatic positions, while Palestinian refugee organizations and popular movements have continued to affirm return as a fundamental part of the Palestinian national cause.

Palestinian political forces differ in their strategies, visions of statehood,

negotiations, and methods of political action and resistance, but the refugee question has remained one of the core unresolved issues of the Palestinian cause.

Between Resolution and Reality

More than seven decades after Resolution 194 was adopted, no comprehensive implementation of its refugee provisions has taken place.

The majority of Palestinian refugees and their children and grandchildren remain separated from the communities from which their families were displaced during the Nakba.

Many Palestinian villages no longer physically exist; they were destroyed, while the sites and lands of others were incorporated into Israeli settlements and towns, agricultural projects, forests, parks, military zones, or new infrastructure.

Palestinian property after 1948 was also subjected to an extensive system of Israeli laws and measures that transferred large areas into the control of the state and its institutions, making physical return to former homes and lands increasingly difficult even where buildings survived.

Likewise, the compensation envisaged in Resolution 194 has never been implemented through a comprehensive international mechanism of the kind contemplated in the early years after the Nakba.