

No Backing Down on Palestinian Right of Return, by Mazen Masri (excerpt)

Published on: April 09, 2008 Left Turn magazine

False impression

During the past few years, most of the discourse around the Palestinian issue focused on Israel's occupation of the West Bank and Gaza Strip. The discussions were centered on the occupation, the apartheid situation it created, and the atrocities involved in upholding it. This focus has created the false impression that the Israeli-Arab conflict began only with the beginning of the occupation, and will be solved when this occupation comes to an end. The brutality and cruelty of the occupation, or the apartheid situation to be more precise, are beyond any discussion. But the question that remains to be answered is: Is the withdrawal to the pre-1967 lines a guarantee to achieving peace? Most refugees, including the ones in Gaza, would very likely answer "no."

In order to achieve a lasting peace in historic Palestine, one needs to address the root of the problem: the ethnic cleansing of 1948. During the 1948 war, more than 750,000 Palestinians were expelled or fled to other parts of Palestine or to the neighboring countries—Syria, Lebanon, and Jordan. In a plan that historic evidence shows was in the making for months before its actual perpetration, the Zionist militias used a wide array of techniques to expel 85 percent of the indigenous population of the area on which Israel was formed—an area which is equivalent to 78 percent of historic Palestine. The refugees left behind most of their belongings, and some of them even left pots cooking on the stove thinking they would be back home in a few hours. They never imagined they wouldn't be allowed back. The mass transfer of the population continued at a slower pace in the ensuing years. For example, in 1950, Israel decided to expel the remaining inhabitants of a Palestinian town called Al-Majdal. The villagers were put in trucks that took them to the neighboring Gaza Strip. On the ruins of Al-Majdal the Israeli city of Ashkelon was built.

Destruction was the fate of most of the Palestinian villages whose inhabitants were expelled in 1948. Thus, more than 500 villages were razed to the ground by Israeli bulldozers. The idea behind destroying the villages was that the refugees who tried to find their way back to their villages would give up hope for return once they saw that there are no homes to return to.

Legal cover

Israel also embarked on a series of procedures aimed at giving legal cover to the acts of displacement and dispossession. To this end, the Israeli parliament passed legislation entitled the Absentee Property Act in 1950. This law was the legal tool Israel used to seize the property that the refugees had left behind. Although legal in Israeli eyes, there is no doubt that this law is a grave breach of international law. To date, almost 60 percent of the land in Israel—which is mostly vacant—is refugee property. Also, most of the land that the Jewish National Fund (JNF) claims they own today is actually stolen refugee property that was sold to the JNF by Israel at ridiculously low prices without the original inhabitants having any say in this sale.

The trauma of the ethnic cleansing and the suffering it entailed explain the name that is commonly used by Palestinians to describe 1948—it was called Nakba, which means "the catastrophe." The Nakba and the harsh realities of living in refugee camps were one of the most definitive elements in the development of the Palestinian identity and the Palestinian polity. All of the efforts, discussions, debates, and dreams were focused on the issue of returning to the homeland.

Today, on the borders of Iraq, Syria, and Jordan, as well as in the West Bank and Gaza, and in the refugee camps of Lebanon, the Palestinian Nakba is ongoing. In Iraq, Palestinian refugees fleeing the

US occupation have been stranded in desert refugee camps with no country accepting them. Palestinian refugee camps inside the West Bank and Gaza Strip are raided and bombarded on a routine basis. In Lebanon, the newly rehabilitated military destroyed most of the Nahr al-Bared Refugee Camp in their pursuit of fighters from the Salafist Fatah al Islam, once again displacing the 30,000 Palestinian refugees who lived there.

Refugee camps

Palestinian resistance historically has come from within the refugee camps—a population transformed into freedom fighters with the simple demand “we want to go home.” Stateless, left with no entity to protect them, it is those refugee camps that remain defiant. The camps’ residents understand that without the right of return, they will always be easy targets for corrupt and authoritarian regimes in the Middle East who are trying to deflect attention from their illegitimacy.

Although often portrayed as an obstacle to peace, the issue of the refugees and their right of return and restitution is in fact the key to peace. In order to solve the conflict and achieve lasting peace in the region, the core issue of refugees and the ethnic cleansing of 1948 should be addressed adequately and in accordance with international law and the basic notions of justice.

Not responsible

While the refugees have been persistent in their demand to be allowed to return to their country, Israel has openly and vocally declared, in all venues, that it is not responsible for the creation of the refugee problem, and therefore the refugees will never be allowed to return to their homeland. In doing so, Israel has totally disregarded a wide array of international law principles and more than a hundred UN resolutions calling on Israel to allow the Palestinian refugees to return.

Besides declaring that it is not responsible for the expulsion—which was proved untrue by an abundance of compelling evidence furnished by the Israeli archives—Israel has put forward a number of reasons that supposedly trump the right of return of refugees. The main one being that if refugees were allowed to return, Israel—because of demographic reasons—will no longer be a Jewish state. Simply put, Israel says that in order to maintain the hegemony of one ethnic group over another—which was acquired as a result of crimes against humanity (the ethnic cleansing process of 1948)—no refugees will be able to exercise their right to return to their homeland. At the same time, according to the “Law of Return,” Israel allows anyone with Jewish background—even if they have no relations whatsoever with Israel—the “right” to immigrate to Israel and receive Israeli citizenship, including a package of financial benefits. This discriminatory attitude is based on the Zionist motto of “more land, less Palestinians.” Essentially, what Israel is demanding here is the right to be racist while insisting that the world acknowledges and justifies this form of racism.

Jewish nature

This argument against the right of return of Palestinians is why Israel, on a number of occasions, has consistently demanded that Palestinians and other states in the world recognize its “Jewish nature.” While this may sound like an innocent demand, one wonders why a sovereign state would demand that other states recognize its nature? Did Britain ever demand that any other state or body recognize the fact that it is a monarchy? Did the US ever demand that any other state recognize that its system of governance is presidential?

Why doesn't Israel demand that other states recognize its democratic nature, for instance, as laid down in its definition as a “Jewish and Democratic” state? The answer is simple. Israel demands that the world recognize its “Jewish character” as a natural and historical fact because this recognition erases

the history of ethnic cleansing in Palestine. Being defined as a “Jewish state” legitimizes the racist policy of not allowing Palestinians back to their homes and lands simply because they are not Jewish.

Recently, another technique was used by Israel to get the world to reject—or one could even say, to trick the world into rejecting—the right of return of Palestinian refugees. There was a marked shift from using the term “two states solution” to “two states for two peoples.” As Tsipi Livni, the Israeli Minister of Foreign Affairs explains, two states for two peoples means that Israel will be the homeland of the Jewish people—wherever they are—and the future Palestinian state will be the national homeland of Palestinians—wherever they are, including those with Israeli citizenship.

Re-writing history

This is tantamount to re-writing history, albeit in a distorted way that requires the victim to internalize the story of the perpetrator, accept it, and even adopt it as matter of national identity. Refugees who were expelled from Haifa, Jaffa, and the Galilee and who still have the land deeds that prove their ownership, will suddenly be asked to forget about them and create artificial roots in the West Bank and Gaza Strip. Not only that, Livni wants the 1.2 million Palestinians in Israel to see the West Bank and the Gaza Strip as their homeland. Is this a warning sign that sending the Palestinians with Israeli citizenship to their supposed “new homeland“ will be next on the Israeli agenda?

The only way to achieve lasting peace in Palestine is through a settlement that would allow for “closing the books.” This will requires addressing the plight of the refugees, and allowing them to exercise the rights granted to them by international law. Any peace agreement that does not guarantee these rights, and does not give the refugees an informed and genuine option to return to their lands, will be born dead. Any agreement that disregards the will and the aspiration of almost 5 million people—who constitute 70 percent of the Palestinian people—will inevitably be doomed to failure.

Similarly, any solidarity activities that ignore or treat the right of return as a separate issue will be self-defeating and even harmful in the long term. Under the current power dynamics of this conflict, ignoring or refraining from supporting the right of return means siding with the stronger side and the side that is invoking racism to trump this basic human right.

BDS

The 2005 call for boycott, divestment, and sanctions (BDS) issued by more than 170 Palestinian civil society organizations, offers a good guidance as to the preferences and the priorities of the Palestinians and should guide the efforts of any solidarity activity. The Palestinian organizations called “upon international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era.” These organizations appealed to the world to maintain these measures until Israel complies with international law—ending the occupation and dismantling the wall, granting full equality to Palestinian citizens of Israel, and allowing the refugees to exercise their right to return to their homes and properties.

Organizing around and focusing on these three demands, and adopting the apartheid analysis and BDS as a basis for solidarity work, will guarantee that all aspects of the conflict are addressed. It will also mean that the rights of the Palestinian people will be realized as part of globally coordinated activities—a development which almost guarantees the right kind of change.