

### **Individual White Paper - Palestine Position**

Palestinian refugees occupy a particularly critical position in the international arena, exposing the extent to which injustices committed against them in “the past” still necessitate contemporary concern and concessions. Between 1947 and 1949, 656,000 Arab inhabitants of mandatory Palestine fled from Israeli-held territory, leaving only 160,000 Palestinian Arabs remaining within Israeli territory (Rowley and Taylor 2006). Again in 1967, one million more Palestinian refugees were expelled from their homes and communities (American Friends Service Committee). The Palestinian refugee experience is characterized by “73+ years and counting in refugee camps, without any citizenship, most often treated as second class members of society in their host country leaving their socioeconomic conditions dire, and sometimes (as is the case with Iraq or Syria, for example) becoming second- or third-time refugees with no recognized documentation of nationality” (Ghanayem, Mogannam, and Sharif 2021). Palestinian refugees have been used as political pawns against Israel by the very Arab countries in which they sought refuge, denied the spoils of intergenerational accumulation of wealth, and have been inadequately supported through the mechanisms of the United Nations Refugee Agency (UHR). Their desire to return to the places in which they were forcibly removed is not a radical request, but a right that is more urgent than ever.

The Palestinian right to return, or al-awda, is imperative to the political struggle of the Palestinian people to secure both liberation and nationhood. The right of return not only demands physical access to ancestral lands on the principles of human rights and justice, but is also significant for the longevity of Palestinians as a people. In order to create conditions in which Palestinians are not economically codependent on Israel, can produce a government capable of

sustained diplomacy, and can fortify communities that have been fractured, the refugees must return. As Palestinian scholar Rana Sharif articulates, “the right of return thus forces a reclamation of land, identity, and self-determination through transgenerational healing and liberation” (2021). The nature of why Palestinians were expelled in the first place, and why their return is feared by Israel, is rooted in realities treated as mutually exclusive – there either exists an Arab majority or a nation of Jewish character. Without expelling the Palestinian population that was present in areas set aside for the establishment of a Jewish State by the U.N. Partition Plan, Zionists could not ensure a safety and protection that was entirely predicated on the novelty of a Jewish-led government. When Israel is able to perpetuate this constructed narrative of history around Palestinian exile they not only legitimate their stance of no return as a logical security move, but also dehumanize Palestinian refugees as “threats” rather than disenfranchised communities with little political capital. Rather than being treated as victims of war and thus entitled to rights outlined in international law, Palestinian refugees are misrepresented as potential catalysts of war whose wants are treated as a political issue that can only be addressed within broader peace negotiations.

Implicit in Israel’s unwillingness to accept culpability for their part in the Nakba is an invalidation of the misery of seven generations of Palestinians, and it continues to aid their willful neglect of the crisis. Their version of events serves only a nationalistic narrative loaded with the hypocrisy of a state for displaced peoples, displacing people. While Israel claims Arab armies provoked Palestinians to flee during 1948, it was the creation of the state of Israel that brought about conditions unsuitable for any Palestinian civilian to stay within, as they were targets of direct violence and threats to their safety. While there are some instances in which Israel can cast the blame on other actors in their pursuit of self-defense, it is apparent in several

measures that the destruction of Palestinian communities was integral to the founding policies of the new state. The practice of depopulating Palestinian villages was explicit in Plan Dalet, where Israeli armed forces were instructed, in the event of resistance to “wipe out the population” so that they may “be expelled outside the borders of the state” (American Friends Service Committee). Inherent in Israeli strategy was the fragmentation of population centers to quell potential resistance, debilitate local institutions, and strike fear into Palestinians so that they left of their “own volition.” It is evident that the places in which these paramilitary organizations chose to expel Palestinians were territories that Zionists sought for the state of Israel, showing that there was calculated intention to cause an exodus. Traceable measures such as the Absentees Property Law of 1950 and the Prevention of Infiltration Law of 1954, prove that Israel also doubled down on these practices, despite no longer having the justification of active war.

In these “disputed” interpretations of history Israel can potentially argue that they have less responsibility to accommodate and compensate Palestinian refugees, however their contemporary actions expose an entire new system of refugee-making. Many of the arguments Israel makes when justifying denial of refugee return directly after the war, was based on the historical context and international norms at the time that may not have favored refugees rights as we now conceptualize them. However, the Israel that operates now is fully submerged within a global system that now includes attempts at universal rights and refugee protection. Direct cause and effect relationships between Israel and Palestinian refugees can be located within Israel’s illegal settlements, the ongoing eviction of Palestinians from their neighborhoods, and the segregation of their peoples through artificial checkpoints and border walls. Israel’s perpetual unwillingness to accept blame has only further entrenched Palestinian refugees within cycles of poverty where they have unequal access to employment, education, and thus no means to pursue

better lives without the aid of governments that do not even represent them. This directly feeds into the perpetuation of refugee status onto their descendants, increasing their numbers tenfold. Israel rejects this notion of inheriting refugee status as well, despite its precedent in international law, because fundamental to their present logic is the notion of a “non-existent Palestinian” much like “the erasure that produced the myth of the dead Indian” (Ghanayem, Mogannam, and Sharif 2021).

Refugees, existing already as consequences of political negotiations made with little concern for the civilians who must exist in the aftermath, are left to use the defense of non-binding international law. United Nations Assembly Resolution 194, reaffirmed again by Article 13 of the Universal Declaration of Human Rights, guarantees the Palestinian refugee’s right to return to pre-1948 or pre-1967 homes and lands, or receive compensation if they choose not to return. More specifically, Resolution 194 utilizes the language of “return to their homes,” implying that repatriation to a general “homeland” is not enough. This is the most regularly cited instance of international law on behalf of the Palestinian refugee cause. Israel's admittance to the UN as a member state, through Resolution 273, was in fact contingent on their acceptance and implementation of Resolution 194 (AbuZayyad 2008). Therefore, Israel is bound “as a condition of membership in the UN, to implement 194 and to facilitate the return of the Palestinian refugees” (AbuZayyad 2008). International law also effectively prohibits the “mass denationalization” of a people, entitling the Palestinian refugees to both their homes and a restoration of their nationality (Sitta 2008). The Fourth Geneva Convention continued to reinforce the rationale behind Palestinian refugees’ demands, while repeatedly centering the refugee crisis as an integral component of any potential solutions to the conflict. Throughout numerous international documents and conventions, the Palestinian plight is characterized as

novel when emphasizing the urgency with which it must be addressed and at the same time as completely ordinary when seeking to show Israel that their right is like that of all other refugees in the world.

The right of return offers versatility, in that it can be argued for on both individual and collective grounds. As an extension of citizenship, the right of return can be viewed as “the freedom to reside on the territory of a state,” allowing for reentry without interruption and guaranteed until it is safe to return (Miller 2020). Even further, individuals under international law are entitled to occupancy rights, which are “not restricted to the particular land that they own, nor the village or county they reside in” but rather a larger territory which can hold multiple claims (Tadros 2020). Therefore, cohabitation is a supported possibility that negates the version of right of return that Israelis warn against, one that seeks to eliminate the Jews in order to be fully executed. The individual case is strengthened by “the sanctity of private ownership, which is not diminished by change of sovereignty, occupation or passage of time” and offers tangible precedent for compensation on a case-by-case assessment (Sitta 2008). It is in the image of Palestinian refugees holding on to the keys of their ancestor’s homes for generations that embodies the very human, interpersonal level of this crisis. Ultimately, international norms and laws are often broken without consequence and thus are not the only justification sufficient for securing the Palestinian right to return. However, their existence is particularly useful for appealing to the morality and ethics of a self-touted democracy such as Israel who seeks support through its status as a foothold of the “West” in the Middle East.

Israel often argues against the right of return under the guise of practicality or viability. The right of return fully realized, as understood by maximalist Palestinians, is hindered by the fact certain lands have been converted, destroyed, reinhabited, etc. However, this is often

exaggerated by Israel and should not mean that the entire concept is abandoned for that conclusion still leaves refugees without justice. According to surveyances,

“well over 90% of the refugees could return to empty sites. Of the small number of affected village sites, 75% are located on land totally owned by Arabs and 25% on Palestinian land in which Jews have a share. Only 27% of the villages affected by new Israeli construction have a present population of more than 10,000. The rest are much smaller” (Sitta 2008).

With an absence of strong moral, ethical, or legal argument against the right of return, it is apparent that the practical one should not stand as an obstacle either.

Rather than being seen as a problem that must be dealt with, Palestinian refugees deserve recognition as the stakeholders that they are in this conflict. The scapegoat that there is no one on the other side for Israel to engage with falls short when conceiving of a future in which refugees can return to rebuild Palestine. Palestinians, in this protracted conflict, have already had to make concessions for property and land that they had no choice in giving up and now hold far more realistic ideas about what a “return” will constitute just to maintain hope. They ask that Israel, which can fathom the Law of Return for Jews, extend that logic to refugees who are seeking to return not after thousands of years, but barely a century later.

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