The Return of the Refugees; the Key to Peace

November/December 2000, Source: ICJ and CIMEL paper, June 1997

By Salman H. Abu-Sitta

Palestinian Refugee ResearchNet

http://prrn.mcgill.ca/research/papers/abusitta2.htm

Millions of people around the world have seen the 40-minute slow, savage, deliberate murder of a 12-year boy, huddled behind his distraught father, who was waving desperately for the killers to stop shooting. Within the frame of a camera, the world witnessed the unfolding of the second Palestinian Nakba, replayed yet again: an unarmed civil population in their homeland facing a foreign army – descending upon their shores from as far as Moscow and New York, armed to the teeth, supported by western money and political clout. This is the story of Palestine played over and over again, without the moral power of human rights, and without the military power of international law, ever coming to their rescue.

There is nothing like it in modern history. A foreign minority attacking the national majority in its own homeland, expelling virtually all of its population, obliterating its physical and cultural landmarks, planning and supporting this unholy enterprise from abroad, and claiming that this hideous crime is a divine intervention and victory for civilization.

This is the largest ethnic cleansing operation in modern history. ([Fig.1](http://prrn.mcgill.ca/research/papers/abusitta2_fig1.htm)) The population of 530 towns and villages were expelled at gunpoint. They had been driven out by the horror of at least 35 reported massacres. According to Israeli files recently released, 89% of the villages have been depopulated by Israeli military assaults, and 10% by psychological warfare. That leaves only 1% who left on their own accord.

The refugees were the majority (85%) of the Palestinian inhabitants of the land that became Israel. Their land is 92% of Israel’s area. Thus, Israel was created on a land, of which it does not own 92%. (Fig.2)

Today, there are 5.25 million refugees. They represent two-thirds of the Palestinian people. On the same scale, can you imagine that there are 160 million homeless in America! Of the refugees, only 3.8 million are registered with UNRWA – i.e. 75% of all refugees. We should remember that the figures frequently quoted by the press are a gross underestimate.

In spite of five major wars, occupation, and oppression, there are still 88% of the refugees in historical Palestine and in a 100-miles wide band around it. This is an indication of the bond they have to their homeland. There are 12% of refugees in Arab and foreign countries equally divided.

While the refugees were struggling to return home all these years since 1948, aided by the full moral weight of international law, Israel and its supporters have been concocting plans to complete the ethnic cleansing operation. No less than 40 plans have been proposed. All are similar in their objective but vary in detail.

They are all based on the notions that (a) Palestinians are not a people, just a bunch of Arabs who can live anywhere; (b) there is no Palestine, only Eretz Israel; (c) Palestinians do not deserve their land as they the Israelis do; and (d) Israel could help these Palestinians to relocate elsewhere as a humanitarian gesture.

Needless to say, these are patently racist ideas. But wait until you hear the latest edition, proposed by the Russian American Jewish lawyer, Donna Arzt. In her book “Refugees into Citizens”, she proposes what appears to be a humanitarian plan; that is to settle Palestinians anywhere in the world, except in their home. By analysis of her plan (Fig.3), you will find she proposes to ship one and a half million people to diverse locations and force the others to stay where they are in exile. That needs lots of trains and planes. Perhaps nobody learnt anything from the Nazi Holocaust. It is a sad reflection on the moral character of those who, more than any other people, should have learnt lessons from past tragedies. In today’s world, ethnic cleansing is a war crime. Forcible resettlement is a war crime. In fact, settling the occupier’s people in the occupied territory is a war crime. To expel Palestinians is a war crime; to prevent their return to their homes is a war crime; to resettle them elsewhere is a war crime; to replace them with the occupiers is also a war crime.

Why should not the refugees return to their homes, as the case in Kosovo, Timor, Kuwait, and countless other places?

The international law is solidly behind them. Resolution 194, calling for their Right to Return, has been affirmed by the international community over 100 times in 52 years. This right is a Basic Right, it supercedes any political agreement, has no statute of limitation and cannot be negotiated away by proxy or by any representation.

The Right of Return is enshrined in the Universal Declaration of Human Rights (Article 13) and in the sanctity of private ownership which cannot be extinguished by sovereignty, occupation or passage of time.

Who can deny this solid right? Israel and the US do, but not the rest of the world. Israel further gives practical obstacles as the argument against return. Let us examine them one by one.

It is often claimed that the country is full, and that there is no space left for the Palestinians. Nothing is further from the truth. Of course, even if that were true, the right of return is not diminished. If an occupier expels an owner of a house at gunpoint, he is not entitled to keep the house just because he filled it with his cousins and friends.

Let us examine Israel’s demography. We can divide Israel demographically into A, B, C areas. ([Fig.4](http://prrn.mcgill.ca/research/papers/abusitta2_fig4.htm))

Area A has a population of 3,013,000 Jews (end of 1997) and its area is 1,628 sq. km, which is the same area and largely in the same location as the land which the Jews purchased or acquired in 1948. Its area is 8% of Israel. This is the total extent of Jewish ownership in Israel. Clearly 92% of Israel is Palestinian. In this 8% lives two thirds of the Jews. Here is the heaviest Jewish concentration. Most Jews still live in the same old neighbourhood of 1948.

Area B has a mixed population. Its area, which is 6% of Israel, is just less than the land of Palestinians who remained in Israel. A further 10% of the Jews live there. Thus, in a nutshell, 78% of the Jews live in 14% of Israel.

That leaves Area C, which is 86% of Israel. This is largely the land and the home of the Palestinian refugees. Who lives there today? Apart from the remaining Palestinians, the majority of the Jews who now live there live in a few towns (shown circles according to size).

860,000 urban Jews live in either originally Palestinian towns or newly established towns. The average size of a new town in Area C is comparable to the size of a refugee camp. In fact, Jabaliya camp in Gaza is larger than two new towns in north C and larger than three new towns in south C. If Jabaliya camp were a town in Israel, its rank in terms of size would be in the top 8% of Israeli urban centers.

Who then controls the vast Palestinian land in area C? Only 200,000 rural Jews exploit the land and heritage of over 5 million refugees packed in refugee camps and denied the right to return. Those who derive their livelihood from agriculture are only 8,600 Kibbutzniks, assisted by 22,600 Jewish employed workers and 24,300 foreign workers from Thailand.

The refugees in Gaza are crammed at a density of 4,200 persons per sq. km. If you were one of those refugees, and you look across the barbed wire to your land in Israel, and you see it almost empty, at 5 persons/sq. km, (almost one thousand times less density than Gaza!) what would you feel? Peaceful? Content??

This striking contrast is the root of all the suffering. It can only be eliminated with the return of the refugees. This minority of rural Jews, holding 5 million refugees hostage, is obstructing all prospects of a just peace.

What do those rural Jews do? We are told they cultivate the (Palestinian) land and produce wonderful agriculture. We are not told that three quarters of the Kibbutz are economically bankrupt and that only 26% of them produce most of the agriculture. We are not told that the Kibbutz is ideologically bankrupt; there is constant desertion, and very few new recruits. Irrigation takes up about 60-80% of the water in Israel, 2/3 of it is stolen Arab water. Agriculture in the southern district alone uses 500 million cubic meters of water per year. This is equal to the entire water resources of the West Bank now confiscated by Israel. This is equal to the entire resources of upper Jordan including lake Tiberias for which Israel is obstructing peace with Syria. Total irrigation water, a very likely cause of war, produces agricultural products worth only 1.8% of Israel’s GDP. Such waste, such extravagance, such disregard for the suffering of the refugees, and such denial of their rights is exercised by this small minority of Kibbutzniks, who could be accommodated in only three of the 60 refugee camps scattered in the Middle East. When the refugees return to their land, they can pursue their agricultural pursuits, and no doubt this will take up the slack in GDP. More importantly, peace will be a real possibility.

Let us consider two scenarios, which if applied are likely to diffuse much of the tension in the Middle East. Let us imagine that the registered refugees in Lebanon (362,000) are allowed to return to their homes in Galilee. Even today, Galilee is still largely Arab. Palestinians there outnumber the Jews one and a half times. If the Lebanon refugees return to their homes in Galilee, the Jewish concentration in Area A will hardly feel the difference, and the Jews will remain a majority in all areas, even when they are least in number, like area C. To illustrate this, we plotted all existing built-up areas today and shown the location of the depopulated villages. ([Fig.5](http://prrn.mcgill.ca/research/papers/abusitta2_fig5.htm)) You can see clearly there is not the slightest interference, which shows that original villages can be rebuilt on the same spot. (I shall talk later about the middle portion of the slide).

Furthermore, if the 760,000 registered refugees in Gaza are allowed to return to their homes in the south, now largely empty, they can return to their same original villages, while the percentage of the Jewish majority in the centre (area A) will drop by only 6%. The number of these rural Jews who may be affected by the return of Gaza refugees to their homes in the south does not exceed 78,000 or the size of a single refugee camp. This is a glaring example of the miscarriage of justice

One of the manifestations of such injustice is that the Russian immigrants are freely admitted to live on Palestinian land simply because they claim to be Jews. The striking fact is that their number is almost the same as that of Lebanon and Gaza refugees combined. Those refugees are denied the right to return while those Russian immigrants are taking their place, their homes, and their land.

So much for the claim of the physical “impossibility” of the return. The vacancy of Palestinian land is so problematic to Israel that it is trying to find people to live on this land. None other than Sharon and Eitan, both hardcore Zionists, started a scheme in 1997 to sell the refugees land to builders to build apartments so that an American or Australian Jew can buy an apartment without being an Israeli. Kibbutz farmers who rented this land from the Custodian of Absentee (i.e. refugee) Property received a “compensation” up to 25% of its sale value. This made the bankrupt farmers rich overnight. City dwellers who did not share this wealth went into uproar and the Ronen Committee was formed to submit a moderating proposal to limit this sudden wealth. There is now a debate in the Knesset about it.

This illegal activity, selling a land in custody, prompted the UN to issue resolutions affirming the entitlement of the refugees to receive any income of their property for the last 50 years and calling on all states to present all documents and information they may have on the refugees’ property. In September 1998 and again in 2000, the Arab League passed a resolution to call on the UN to send a fact-finding mission to report on the status of the refugees’ land and appoint a Custodian to protect their property. But, to date, lands continue to be sold without international intervention.

Now it is often said that Israel opposes the return of the refugees on the basis that this will change the Jewish character of the state. What do they mean by the phrase “Jewish Character”? Do they mean legal, social, demographic or religious character? Let us examine these one by one.

First, what is the legal meaning of the Jewish Character? In the words of a noted Jurist, (Mallison): “The Jewish character is really a euphemism for the Zionist discriminatory statutes of the State of Israel which violate the human rights provisions… The UN is under no more of legal obligation to maintain Zionism in Israel than it is to maintain apartheid in the Republic of South Africa.” Not only this is immoral, it is also illegal under the enlightened Human Rights law and is abhorrent to the civilized world. In March 2000, the reports of Treaty-Based Committees, such as Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee on Economic, Social and Cultural Rights and Committee against Torture, have all condemned Israeli practices and characterized, for the first time so clearly, the exclusive structure of the Israeli law as the root cause of all those violations of international law. How, then, can the international community accept the premise of a “Jewish character” as a basis for the denial of the right to return home?

If they mean a social Jewish character, this idea is clearly a misnomer. Would anyone believe there is much in common between a Brooklyn Jew and an Ethiopian Jew? Or between a Russian claiming to be a Jew and a Moroccan Jew? We know that the gulf between the Ashkenazi and the Haredim can never be bridged. The Sephardim (Mizrahim) are allocated the lower rings of the social ladder. Jerusalem and Tel Aviv are being polarised on sectarian lines. Israel has long given up on the idea of a melting pot.

There are 32 languages spoken in Israel. Prof. Etzioni Halevi of Bar Ibn University and a specialist on the Jewish national identity says, “we are not a single people, language is different, attire is different, behaviour and attitude are different, even the sense of identity is different.”

If you take into account the Palestinians and non-Jewish Russians (42% of them), you get 30% non-Jews in Israel and 70% Jews. How can you call this a homogeneous society?

If they mean by the Jewish Character the numerical superiority of Jews, they have to think again. The Palestinians who remained in their homes now represent 26% of all Jews. They are everywhere. ([Fig. 6](http://prrn.mcgill.ca/research/papers/abusitta2_fig6.htm)) In area A (the highest concentration of the Jews), they are 11% of the Jews. In the mixed area B, they are 21% of the Jews. In area C they are 70% of Jews on average, but they are double the number of Jews in the Little Triangle and 1.5 times the number of the Jews in Galilee. How could Israel ignore their presence? Will Israel plan another massive ethnic cleansing operation? Very unlikely. If attempted, there will be a sea of blood. They are there to stay, and increase. In the year 2010, Palestinians in Israel will be 35% of Jews and they will be equal to the number of Jews in 2050 or much earlier when immigration dries up. So what is the value of chasing an elusive target while innocent people wait in the refugee camps?

In Palestine today, (Israel, West Bank and Gaza) – – Palestinians are already 47% of the whole population. They will be equal in number to Jews in 4 years time.

The Israeli notion of numerical superiority is therefore impractical and shortsighted. So is the notion of exclusive and homogeneous Jewish society. Neither has any chance of success. On the contrary, maintaining those racist policies will alienate most of the world (as it does today) and will accumulate a great deal of anger that may explode one day with disastrous results.

If they mean the religious Jewish character, who says this is in danger? For one thousand years, the Jews did not find a haven anywhere for their religious practice better than the Arab world.

One must conclude that the cliché “Jewish character” is meant to justify keeping the land and expelling its people.

[The refugees are not only those in the camps and in exile. There are other refugees, citizens of the State of Israel, still not allowed to return home. The Palestinians who remained in their homes, after the Israeli invasion of 1948, were locked up as virtual prisoners of war under Martial laws for 18 years until 1966. The military governor has the power to detain any body, and prohibit the population from travelling anywhere. No exit or entry to villages was allowed.

We know that all expelled refugees were declared “Absent”, their land and property were confiscated by the Custodian of Absentee property which turned it over to the Development Authority, which in turn put it under the management of Israel Land Administration (ILA). ILA today controls 92.6% of Israel’s area that is essentially Palestinian property.

But those who remained, and did not happen to be in a particular place on a particular day, were also registered as Absent and their land was confiscated. Their number now is 250,000. They are internal refugees, although they are Israeli citizens. They are dubbed ‘Present Absentees’, an oxymoron in itself, and a term clearly describing the fallacy of Israeli legal formulation.

Israel created a web of fictitious legal formulation to confiscate Palestinian property. It would confiscate land for public interest, public security, absorption of immigrants or any contrived purpose. Land was confiscated under the pretext that it is “uncultivated”; it is uncultivated because the owner is expelled and not allowed to return. If the owner is there and cultivates his land, the area is declared “closed” by military order and no one is allowed to enter. After 3 years the land is then declared “uncultivated”, and subsequently confiscated.

The confiscated land is restricted to the benefit of Jews only. Laws prohibit the use, lease, and mere presence, of non-Jews on this land. This is the institutional racism, repeatedly condemned by human rights groups.

With population growth and scarcity of land, Israeli Palestinians had to build new houses on their land, which develop into villages. These villages are not shown on Israeli maps, not provided with utilities, health or education services, not even connected to roads. These are so called “unrecognized villages”. There are over 40 such villages in the north. (open circles in [Fig.7](http://prrn.mcgill.ca/research/papers/abusitta2_fig7.htm))

In the southern district of Beer Sheba, the situation is much worse. Half of the population of 130,000 in Beer Sheba live in 45 unrecognized villages. ([Fig.8](http://prrn.mcgill.ca/research/papers/abusitta2_fig8.htm)) Their property rights are completely denied. They are plagued by a fascist military force called Green Patrol. This Patrol evicts people from their land, shoots flocks and dogs, pulls down houses, ploughs over crops, uproots fruit and olive trees, sprays crops with toxic material and demolishes dams.

The most cruel of the racist Israeli policies are practised in Beer Sheba. Despite overwhelming evidence of brutality, charges against Green Patrol have been dismissed.]

Where does all this lead us? There is no question that the Israeli racist practices, denial of human rights, contempt for international law is the root of all evil and should not be allowed to continue. At the moment, Israel is shielded from punishment and censure by its military force and political protection, both provided blindly by the US Congress and Administration, to the detriment of the US own interests.

Against this massive power stands the determined struggle of the civil population of Palestine. Now, they are supported by an astonishingly huge world-wide constituency. Demonstrations were held across the world to express outrage and condemnation of Israel.

There are hundreds of societies and NGOs, which condemned this injustice and oppression. Many of these societies have made inroads into their parliaments. All these efforts are directed towards implementing international law and human rights.

Israel and the US are isolated in this huge arena of the world public opinion and in the United Nations.

How long can this go on?

The US policy in the Middle East has two pillars: the first is to secure oil supplies and the second is the unquestioning support of Israel.

In 1930, the Arabs favoured the US by giving them oil concessions in preference to Britain and France, whose colonial past did not make them acceptable partners. The US appeared to be a “clean” country, honest and diligent.

That is until the creation of Israel in 1948 and the unashamedly expedient political policies of Truman, who preferred his own electoral interest to his country’s.

Eisenhower and Kennedy restored the balance. It was reversed again by Johnson and successors. Since then, the US administration supplied Israel with a huge arsenal of weapons, $135 billion of taxpayers money, more than the aid granted to Sub-Saharan Africa, all of Latin America, all of the Caribbean combined. This is in addition to unqualified and singularly-biased political support.

The anger and outrage felt by the Arabs towards the US support of Israel’s occupation of Arab lands seriously damaged US-Arab relations and in some occasions threatened the oil supply. Thus, Israel demolished the good will which has been the character of the Arab-American relationship since the beginning of the last century.

So far, the US has succeeded in maintaining two opposite policies: hurting the Arab interests and getting their oil.

This obviously cannot go on. It is clear from the swell of indignation in the Arab world that their rulers must now follow a policy of reciprocal action. Good relations could prevail only if respect for national interests is reciprocated, not to speak of respect for international law.

Israel pursues a policy of unattainable objectives. Its dream of numerical superiority is short-lived. Its practice of apartheid and racism is doomed. Its denial of human rights will not remain uncensured. Finally its total dependence on its military right, and on US singular obedience to its every whim, is the epitome of short-sightedness.

If Israel is to survive where it has been planted, it should uphold the common principles by which neighbours live: each on the territory he owns, not on the territory he occupies by force. Rights of each party must be respected.

As for the Palestinians, they have endured their own holocaust (Nakba) of 1948, suffered wars, occupation and oppression. But they still exist; they survived. There is no way they could disappear however Israel wishes them to do so.

The example of Intifada 2000 shows that the Palestinians cannot simply continue to look across the barbed wire and see their homes occupied by Russians and Ethiopians while they rot in refugee camps. They must return home. This is in the Israelis’ best interest in the long run. This is in the long-term interest of the US. This is in the interest of peace and stability in the Middle East. This is what the whole world has affirmed year after year since 1948.

The Palestinians are determined to win their freedom and recover their basic rights. Justice will no doubt prevail. The question is: how many boys, like Durra, will die before this happens.