

Right of return: Can the Palestinians go home?

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In the Jubilee vision of Leviticus 25, the dispossessed and disenfranchised are allowed to return to their ancestral homes every 50 years. More than 50 years have passed since the Palestinian Nakba, or catastrophe of 1948, in which 700,000 Palestinians became refugees and hundreds of Palestinian villages were destroyed by Israeli troops. Those refugees are still awaiting their jubilee year.

While millions of Palestinian refugees languish in overcrowded camps, a vigorous debate is finally under way concerning their future. For decades the refugee issue has been ignored by the Israelis, and after the signing of the Oslo accords the right of return also seemed to disappear from Palestinian political discourse (even as it remained of vital concern for the refugees themselves).

While the right of Palestinian refugees to return to their homes remained firmly anchored in international law (such as the Universal Declaration of Human Rights) and resolutions (in particular, United Nations General Assembly Resolution 194), the issue was on the margins of the political front. Palestinian political analyst Salim Tamari warned in 1996 that the refugee issue could be “marginalized and neglected” only so long; eventually it would become an “explosive and destabilizing issue” in relations between Palestinians and Israelis and between Palestinian refugees and Palestinian political leaders.

But over the past year the right of return has emerged as a key—perhaps *the* key—point of contention in the Palestinian-Israeli negotiations. Some participants in the Camp David II negotiations suggest that the talks foundered not on the question of the status of Jerusalem and its holy sites but on the right of return.

Numerous pundits have tackled the issue in the Israeli press, claiming to demonstrate why the right of return is impractical and a grave threat to Israel. Palestinian refugees, in the Middle East and in the West, have organized to defend the right of return. Across North America, for example, Al-Awda (Return) groups have sprung up, while similar groups have gained momentum in Lebanon, Syria, Jordan, the occupied territories and even inside Israel itself.

The energized debate over the right of return is a welcome development. More than any other issue, the right of return cuts to the core of the conflict: if justice, peace and reconciliation are to be achieved in Palestine/Israel, the refugee issue must be tackled head on, not swept under the diplomatic rug.

Confronting the refugee issue is psychologically difficult for Israelis for two reasons. First, an historical reckoning with the events of 1948 undermines nationalist myths of innocence. It reveals that Israel was, in the words of Benjamin Beit-Hallahmi, born in “original sin.” Israeli troops perpetrated over 30 massacres of Palestinian civilians and conducted a campaign of what Israeli analyst Meron Benvenisti has called ethnic cleansing. Benny Morris, one of the “new Israeli historians” who has dismantled nationalist myths surrounding 1948, describes the psychological pain which accompanies an Israeli acknowledgment of responsibility for the refugee crisis: Israelis, he writes in *Tikkun*, “engage in the psychological repression of what they know intellectually. No people likes to feel that its own statehood was built on the ruins of another people’s fortunes.”

Yet precisely such a confrontation, according to Palestinian researcher Salman Abu Sitta, is required for peace. Israelis, says Abu Sitta in a debate with *Tikkun* publisher Michael Lerner, “must shed their collective amnesia about the Palestinians, the notion that they landed in an empty country, conquered 530 empty towns and villages, cultivated a land where oranges, olives and wheat grew by divine intervention, and found urban and rural landscape carved by genies.”

The second difficulty Israelis face when confronting the refugee issue is the fear that the return of refugees would pose a threat to Israeli existence and identity. Amos Oz, the prominent novelist, made the not atypical claim in the *New York Times* that the right of return is Palestinian code for the destruction of Israel. Morris, for his part, while acknowledging the facts surrounding Palestinian dispossession in his role as an historian, concurs with Oz that “Israel cannot accept the right of return without facing destruction.”

A different but related Israeli fear is that the return of Palestinian refugees would destroy the Jewish character of the Israeli state. Even most Israeli peace activists, who are otherwise sympathetic to Palestinian concerns about settlements, Jerusalem and other final status issues, view the right of return as fundamentally problematic for precisely this reason. These Israelis often frame the right-of-return debate as a conflict between two rights: the right of refugees to return, and the right of Israel to

exist as a Jewish state.

Can the right of return be affirmed while keeping a clear Jewish demographic majority inside Israel? One way, says veteran Israeli peace activist Uri Avnery and Jerome Segal of the University of Maryland, is to recognize in principle the right of Palestinian refugees to return while in practice placing restrictions on the number of refugees allowed to move inside the Green Line. Establishing financial incentives to resettle in third countries, such as Canada, and annual quotas for the number of refugees allowed to exercise their right to return would limit the number of refugees (to several hundred thousand) Israel would absorb, thereby protecting its Jewish majority.

This approach comes close to that of some Palestinian academics involved in Palestinian-Israeli dialogue who have argued that while Israel would have to acknowledge the right of return and pay reparations to refugees, Palestinians would have to accept that Israeli military force might prevent that right from being implemented. While not representing full justice, an Israeli acknowledgment of the right of return, coupled with reparations and the possible return to a Palestinian state, would constitute attainable justice. This general approach may have been behind the proposal on a final status agreement worked on by former Israeli Justice Minister Yossi Beilin and PLO official Mahmoud Abbas (Abu Mazen).

A theoretical affirmation of the right of return with a practical evacuation of that right, however, falls far short of what most refugees themselves desire. Not only is the right of return legally grounded, they argue, but it is practical. In response to the question of whether the refugees can return to their homes without causing a reverse exodus of Israelis, Abu Sitta notes that only a small percentage of Israeli Jews “exploit the land and heritage of over 5 million refugees packed in refugee camps and denied the right to return.” There is room inside the Green Line to absorb refugees. In most cases, the sites of destroyed villages are not submerged under housing projects, but have been covered over by national forests or have been handed over to economically stagnant kibbutzim. In cases where refugees wished to return to still existing homes now occupied by others, suggests the Badil Refugee Resource Center in Bethlehem, international procedures on restitution developed in Kosovo and Tajikistan could protect the housing rights of both Palestinian and Israeli.

The return of refugees need not mean a new exodus of Israeli Jews. But it would require a rethinking of what Israeli academic Ilan Pappé has called Israeli

ethnocracy. The desire to maintain a Jewish demographic majority at the expense of refugee rights is not only morally problematic; it's a losing battle. Researchers suggest that within 50 years, Palestinians inside the Green Line will equal the number of Jews, while Palestinians and Jews will reach demographic parity in the land of Mandate Palestine within the next 15 to 20 years. This demographic reality, apart from moral considerations, suggests that the ultimate future in Palestine/Israel will lead toward integration, not separation.

“This future of integration, under two flags or one,” will, says Jewish theologian Marc Ellis, “one day see the creation of a new identity for Jews and Palestinians in Israel Palestine that will carry aspects of each people’s past and elements of joint experiences forged in blood, struggle and solidarity.” The past decade has witnessed an Israeli attempt to achieve peace through apartheid separation. In the words of Abu Sitta, the question of the right of return highlights the fact that the Israeli challenge is to “learn to live with the Palestinians, not instead of them.”