Recentering the Right of Return

By Ilan Pappé

> So many of us are rightly convinced of the moral validity of the right of return that we tend to ignore at times the depth of its denial where it matters: among mainstream media and policymakers. Hence, we still need to invest considerable effort into challenging the misconceptions that surround the origins and legitimacy of the right of return.

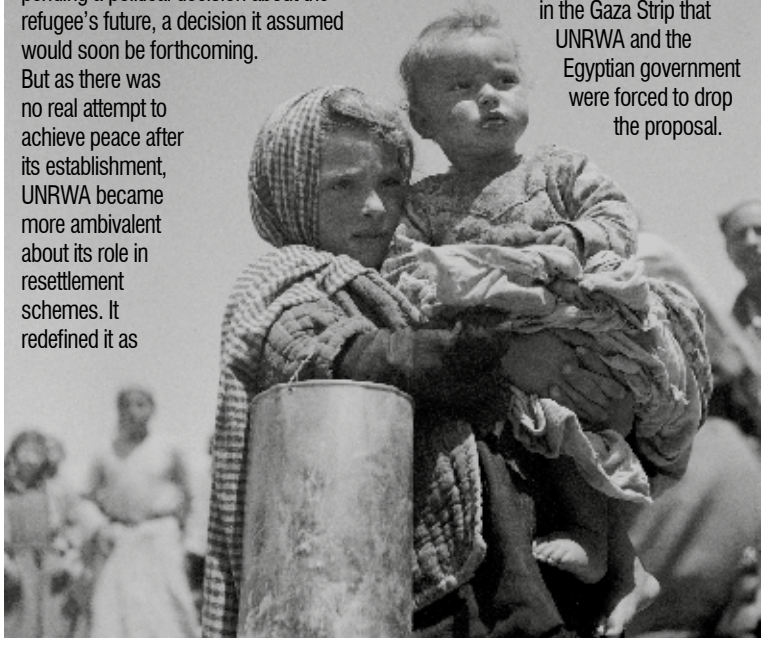
The right of return will be the central plank of restorative justice in Palestine in any future decolonization for two main reasons. Firstly, the implementation of the Palestinian refugees' right of return is a precondition for successfully building a new post-Israel Palestine, and secondly, it is entirely achievable as a practical plan. We are talking about roughly six million Palestinian refugees who are registered as such by UNRWA in its fifty-eight camps located in the West Bank, the Gaza Strip, Jordan, Syria, and Lebanon. The number of Palestinians who live in the diaspora outside the camps, and those who emigrated from Palestine before the 1948 ethnic cleansing and settled in the United States (mainly Michigan and Illinois) and Latin America (mainly Chile) is harder to calculate. There will have to be a full survey of Palestinian refugees in the diaspora.

Historically, the international community saw the right of return as a natural process that should follow the end of hostilities in Palestine. On December 11, 1948, the UN General Assembly passed a resolution that called for the return of the Palestinian refugees (then numbering around one million) as one of the principles that would underpin a future solution, also reaffirming the partition of Palestine and the status of Jerusalem as an international city. The right of return, as one of the three preconditions for a future peace in historical Palestine, has remained the official position of the international community ever since 1948.

Initially, both the United Nations and the United States were willing to insist on the obligation that Israel had to repatriate at least 250,000 refugees. In fact, in 1949, some in the US government advocated for imposing financial sanctions on Israel due to its refusal to accept the return of refugees. The US delegate to the UN Lausanne Conference for Conciliation in Palestine condemned Israel's attitude to refugees as "morally reprehensible and politically short-sighted." Even if the US position at that time has long been forgotten, this rare moment of moral clarity demonstrates that American policy on the Palestine question is not set in stone: it can change.*

However, the US was not willing to live up to its word, even though some in the administration wanted more assertive measures. Moreover, Israel ensured that there was nowhere for the refugees to return to. As soon as populations had been expelled, Israel's bulldozers were at work, flattening the villages so that new Jewish settlements and parks could be built atop their ruins. As this went on, the outbreak of the Cold War distracted the highest echelons of American foreign policymaking away from Palestine, shifting attention to Europe and Southeast Asia. Those now working on Palestinian policy within the US government were less experienced and less well-versed in the subject, and accordingly more susceptible to the pro-Israel lobby and less able to exert pressure on Israel.

Thus, with time, the United Nations, too, changed its tune. When it established UNRWA as the main agency to oversee Palestinian refugees, it stated that this was a temporary relief operation, pending a political decision about the refugee's future, a decision it assumed would soon be forthcoming. But as there was no real attempt to achieve peace after its establishment, UNRWA became more ambivalent about its role in resettlement schemes. It redefined it as helping to resettle the refugees rather than preparing them for return, which it understood could be interpreted as giving up the refugees' right of return. Most of its employees, however, were refugees, who insisted on the right of return and resisted any attempt by UNRWA to make plans for their forced resettlement. The last time such an attempt was made was in 1953 in an initiative to move 60,000 refugees from Gaza to the Sinai Peninsula. It triggered such widespread protests in the Gaza Strip that UNRWA and the Egyptian government were forced to drop the proposal.



A Palestinian refugee girl and her baby brother wait shyly for their daily ration of food and milk from the United Nations International Children's Emergency Fund (UNICEF). © 1948–1949 UN Archive, photographer unknown.

From that moment onward, a complex relationship developed between UNRWA and the refugees, wherever they were, especially in the domain of education. In terms of the provision of healthcare and other material support, there was a unity of purpose. In the schools, however, where most of the teachers were Palestinians, the curriculum caused controversies. It had to be inspected not only by UNRWA but also by the host governments, and putting forward a Palestinian national narrative was never fully permitted in the UNRWA-sponsored educational system. And yet, through oral histories of the families and innovative methods by the teachers, UNRWA schools maintained the sacredness of the right of return in the eyes of the next generations.

The constant relentless adherence to the right of return was also affected by the policies of the host countries. In Lebanon, refugees were not given citizenship and barred from a long list of occupations; in Syria the situation was better, but the refugees remained in refugee camps that transformed, over time, into urban neighborhoods. In Jordan refugees were offered citizenship and about half of the refugee population took it.

Israel and its allies claim that this is main reason why so many Palestinians are still refugees today; namely, it is a ploy by the Arab world to keep hostility against Israel alive. This is a misrepresentation on many fronts. It is true that many Arab countries are reluctant to integrate a large refugee population into their own societies, Jordan excluded. There are serious economic and demographic challenges involved. In Lebanon it would undermine the delicate political balance between Christians and Muslims, as most Palestinian refugees in camps were Muslims. In other places the reawakening of the Palestinian national movement was associated with subversive political movements, posing a threat to the undemocratic regimes of the Arab world.

The Pan-Arab commitment to the right of return remained an official policy, at least on paper, even among countries which signed bilateral peace agreements with Israel, such as Egypt and Jordan. The refugees themselves did not see any contradiction between improving their lives in the host countries and their commitment to the right of return or the liberation of Palestine. More than 78 years since the Nakba, that commitment has been inherited by the present generation, preserved by the steadfast and unwavering commitment of their parents and grandparents.

If the right of return, when it was first established, was noncontroversial, accepted by the United Nations, the United States, and the Arab world as a basic demand for peace, why did later attempts at a "peace process" treat it as an obstacle, rather than a principle? Put simply: It's because Israel has consistently and categorically rejected this right, every step of the way, no matter how small the proposed numbers were. Any significant return of Palestinians changes the demographic balance of Israel. For Israel to remain a Jewish state, it needs to retain a demographic majority of Jews. Therefore, it will not shy away from any method, however brutal, to ensure that Jews are the absolute majority. Even if this policy of artificially maintaining a Jewish majority was achieved by severe restrictions on migrants in general – which Israel also imposes – many would reasonably characterize it as racist policy. This is only truer when fortifying the Jewish majority comes at the cost of the rights of the inhabitants of historical Palestine, half of whom were expelled from their homes in 1948, and many of whom have family within Israel's borders. The refusal to allow them to unite with their immediate and extended families, and prohibiting them from returning to their own land, are violations of international law.

Another obstacle for centering the right of return is its complex relationship to the two-state solution. Most of the advocates of the two-state solution argue that establishing these states on the ground should take precedence over guaranteeing the right of return. Hopefully the apparent death of this solution for all intents and purposes will help to recenter the right of return.

Palestinian refugees at Khan Younis camp in Gaza, waiting for a supply of food, clothing, blankets, tents, and other essentials, which were distributed to those in this southern area by the American Friends Service Committee (Quakers) through an agreement with the United Nations. © 1948 UN Archive, photographer unknown.



Less genuine is the argument made by Israeli academics and diplomats who claim that Israel does not have the capacity, either economically or in its geography, to absorb new arrivals. And yet, when Jews from the former Soviet Union flocked to Israel, Israel absorbed over a million of them, and they were praised as a miracle for the state. It is not that Israel does not have the space or money required; Israel simply does not want to absorb Palestinians. The racist Zionist demographic obsession with a Jewish majority is the main hurdle for reconciliation in historical Palestine. As long as Israel holds on to this ideology, building a just society for both Palestinians and Jews is impossible. The precondition for peace is jettisoning this ideology. And if this ideology is jettisoned, then there is no obstacle to implementing the right of return, and so it will become perfectly feasible. We do not know how many refugees will return at this conjuncture, but it is clear that they will return to a state that is based on equality and not on apartheid and segregation. This will be closure after decades of ethnic cleansing and oppression and will constitute an integral part of the necessary project of decolonization and reconciliation.

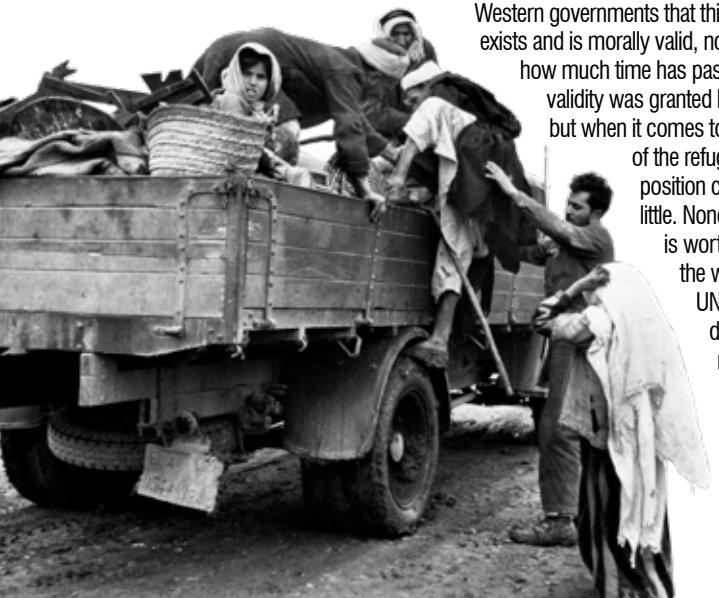
Whether as an organized movement from above, or as individuals from below, refugees and Palestinians in general cannot envisage an end to their oppression and struggle without the implementation of the right of return. However, the right of return was never a central issue in the various so-called peace processes, especially after 1949. When it moves to the top of the agenda for the future, we will finally see a reconciliation process that reflects Palestinian aspirations and demands. Such a development will fundamentally challenge the basic logic and morality of the Zionist project that is envisioned as a project of displacement and replacement. If the Israeli state stops seeing ethno-religious supremacy as its constitutional basis which every government must acknowledge, then Zionism will have no place as the guiding idea behind Israel.

There is a lot of preliminary work to be done before getting deep into the apparently complex implementation issues of this right. At the moment, it is still necessary to insist vis-à-vis the international legal community and Western governments that this right exists and is morally valid, no matter how much time has passed. Such validity was granted by the UN; but when it comes to the future of the refugees, its position counts for little. Nonetheless it is worth recording the work that the UN has already done in this respect. In 1975, the UN General Assembly established the Committee on the Exercise of the Inalienable Rights of the Palestinian People. In 1978, this committee prepared a study whose main purpose was to prove that the right of return is enshrined in the history, philosophy, and theory of international law. The committee went back as far as possible in time, right back to ancient Greece, to make this point, citing Plato and Euripides. It sought to establish that this right is one of the most basic human rights, across time and space and all manner of different cultures. Further proof for this was extracted from the writings of theorists in the sixteenth century all the way up to the twentieth century.

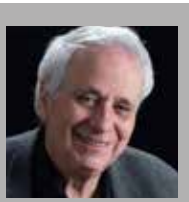
The committee also deems the right of refugees to return as a rectification of one the cruelest punishments – forced exile – inflicted on people. This moral view of its severity is ingrained in Western legal theory. Of course, to accept this view of forced exile, one has to agree that the Palestinians were victims of forced exile. I hope by now that this is accepted as an indisputable truth. So, if a proper and detailed conversation is to commence on how to implement the right of return, we need first to establish that this right is not just a political demand that is up for negotiation but a right grounded in moral and international laws that are widely accepted to be the basis of our world order.

> The UN General Assembly that in November 1947 adopted Resolution 181, which gave the Jewish state international legitimacy, is the very same one that gave international legitimacy for the right of the Palestinian refugees to return. These two principles are intertwined.

SCAN TO SHARE



Palestinian refugees load their belongings onto a truck, fleeing Al-Falouja village during the 1948 war. © 1949 UN Archive, photographer unknown.



Professor Ilan Pappé is the director of the European Centre for Palestine Studies at the University of Exeter. He is also the author of 20 books, among them The Ethnic Cleansing of Palestine *(2006), and two books with Noam Chomsky (*The War on Gaza *and* On Palestine*). His latest books are* The Historical Dictionary of Palestine *(with Johnny Mansour),* Our Vision for Liberation *(with Ramzy Baroud), and* Lobbying for Zionism on Both Sides of the Atlantic *(see the Book of the Month in* TWiP's *December 2024 issue).*

*Victor Kattan, From Coexistence to Conquest: International Law and the Origins of the Arab–Israeli Conflict, 1891–1949, London: Pluto Press, 2009, pp. 230–31.

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