

PALESTINIAN REFUGEES

by Herbert C. Kelman and Lenore G. Martin

Background

THE FATE OF PALESTINIAN REFUGEES, in its humanitarian and political dimensions, represents a central issue in the Israeli-Palestinian conflict and a major challenge to its resolution.

The refugee issue goes back to the Arab-Israeli war that followed the establishment of the State of Israel. United Nations General Assembly Resolution 181 of November 1947, which called for the partition of mandatory Palestine into Jewish and Arab states, was accepted by the Zionist leadership but rejected by the Arab states and the Arab leadership in Palestine as illegitimate and unfair to the Palestinian Arab majority. In response to the partition resolution, Palestinian Arabs initiated guerrilla warfare against the Jewish population. As the British mandate came to an end in May 1948, the Jewish leadership declared independence, establishing the State of Israel.

The new state was immediately attacked by troops from Egypt, Transjordan, Syria, Iraq and Lebanon. By the end of the war, Israel was in possession of a large portion of the territory that had been projected for an Arab state by the UN partition resolution, leaving it with a total of approximately 78 percent of mandatory Palestine. In the course of the war, between 600,000 and 760,000 Palestinian Arabs—about half of the Arab population of the former British Mandate of Palestine—were displaced from their homes in what became the State of Israel.¹ They became refugees in the Gaza Strip (which was left under Egyptian control at the end of the war), the West Bank (which was left under the control of Transjordan and in 1950 annexed to become part of the renamed Kingdom of Jordan), Lebanon and Syria. Egypt and Iraq also received small numbers of refugees while approximately 150,000 Palestinians remained inside the new Israeli state.²

Palestinians and Israelis have differed sharply in their accounts of the Palestinian exodus in 1948. According to the Palestinian narrative, Arab refugees were deliberately expelled by

- 1 Estimates of the number of Palestinians displaced during the war have varied between 520,000—a figure cited by some Israelis—and 900,000—a figure cited by some Palestinians. The British Foreign Office has used the figures of 600,000–760,000, which Benny Morris—an Israeli “new/revisionist historian” who has analyzed the events of 1948 in detail—considers as probably the closest estimate. Morris points out, however, that it is almost impossible to be sure because it is not known how many Arabs were in Palestine illegally when the war began and how many Bedouins were exiled or remained in the Negev. See Benny Morris, *The Birth of the Palestinian Refugee Problem, 1945–1948*, (Cambridge: Cambridge University Press, 1987), pp. 297–298.
- 2 Ian J. Bickerton and Carla L. Klausner, *A History of the Arab-Israeli Conflict*, 5th ed. (Upper Saddle River, NJ: Prentice Hall, 2007), p. 107. Some of the Palestinians who remained in Israel were displaced from their original homes—often because their villages were destroyed—but they are considered internally displaced rather than refugees.

Jewish forces or fled in fear of massacres—some of which did indeed occur. According to some earlier Israeli accounts, the Arab population was urged by its own leaders to leave their homes in anticipation of an imminent return after the defeat of the Jewish forces by the Arab armies. The more recent writings of Israeli “revisionist historians” (e.g., Morris, 1987) support the claim that there were indeed some systematic expulsions of the Arab population by Jewish forces at various times and places. No doubt a combination of circumstances created refugees in a war that was fought in the midst of the country’s towns and villages.

Palestinians and Israelis differ in their assessment of responsibility for this war and hence for the refugee problem. The divergent accounts of the origins of the refugee problem are closely linked to the two sides’ grand narratives of the events of 1948. For Israelis, the refugee problem arose in the context of Israel’s “War of Independence,” which was forced on the new state by the violent rejection of the UN partition plan on the part of the Palestinian Arab community and the neighboring Arab states. Palestinians, on the other hand, view the refugee problem in the context of what they describe as the *nakba* or catastrophe of 1948, which spelled the loss of their homeland, the destruction of their society and the expulsion of their population.

There is also disagreement over the definition and number of Palestinian refugees. The United Nations Relief and Works Agency (UNRWA)—which is charged with the welfare of Palestinian refugees—defines Palestinian refugees as those Palestinians who registered with UNRWA after leaving their homes in 1948, as well as their descendants. Most of the refugees by this definition remain refugees to this day. According to the latest UNRWA figures, the number of Palestinian refugees as of June 2009 is 4,718,889.³ Of the UNRWA total, 771,143 refugees are registered in the West Bank, 1,090,932 in Gaza, 421,993 in Lebanon, 467,417 in Syria and 1,967,414 in Jordan.⁴ Some analysts in Israel and the international community question UNRWA’s definition of Palestinian refugees and consider its figures inflated.

According to UNRWA, approximately one third of the refugees live in refugee camps.⁵ These camps are essentially poor neighborhoods with limited facilities and opportunities, dependent on UNRWA for healthcare, schooling and occupational training. Most refugees in Lebanon and Syria remain stateless, as do many Palestinians living elsewhere in the Arab world. Palestinian refugees in Lebanon, in particular, live under abject conditions and suffer various forms of discrimination including laws that deny them access to many professions. Only Jordan has granted citizenship to Palestinian refugees residing there.

3 This number does not include the Palestinian diaspora—i.e., nonrefugee Palestinians living in Arab countries, in Europe, in the Americas and elsewhere in the world. Nor does it include Palestinian citizens of Israel, who constitute some 20% of the Israeli population. It also does not include “displaced persons”—i.e., Palestinian residents of the West Bank and Gaza who left in 1967—except those who were already refugees by the UNRWA definition.

4 The number registered in a given country does not necessarily correspond to the number actually living there since legitimately registered refugees often move, usually for economic reasons. Jordan, it should be noted, also has a large nonrefugee Palestinian population that—together with the Palestinian refugees—constitutes the majority of the country’s population.

5 UNRWA, “Where Do The Refugees Live?” (www.un.org/unrwa/refugees/wheredo.html).

Defining the Issues

Sixty years after the creation of Israel—and of the problem of Palestinian refugees—the number of refugees and the wretched conditions under which so many of them continue to live are realities that must be addressed in a just and viable peace agreement. While both sides recognize the need for a comprehensive solution of the refugee issue and have begun to develop ideas and formulas for compensation, resettlement and citizenship for the refugees, reaching an overall agreement on the issue has proven very difficult. The difficulty arises principally from the fact that within the Palestinian narrative, the issue has been framed in terms of the refugees' right of return—a framework that has significant implications for each side's historical narrative and national existence. Palestinians have insisted on Israel's acceptance of the refugees' right of return, while Israelis have insisted that Palestinians renounce the right of return. The understanding of what a right of return might mean and what it might entail in practice has been refined over time. Nevertheless, choosing a formula that bridges the incompatible views of both sides presents a major challenge due to the existential implications of such a resolution.

The Palestinian Perspective

Palestinians refer to United Nations General Assembly (UNGA) Resolution 194 (December 11, 1948) to underline the international legitimacy of their claims to the right of return. Resolution 194 offers refugees the choice between compensation and return, stating "...that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return..." Resolution 194 has been repeatedly affirmed by the UN and, in fact, supported by the United States. Two subsequent UN resolutions have not gone beyond UNGA 194 or spelled out its implications. Like UNGA 194, each contains a substantial degree of constructive ambiguity. Thus, UN Security Council (UNSC) Resolution 242 (November 22, 1967) simply calls for "achieving a just settlement" of the refugee problem; UNSC 338 (October 22, 1973) calls for the implementation of Resolution 242. The lack of detail in these resolutions leaves much to future negotiation.⁶

The significance of the right of return in the negotiations of the refugee issue must be understood in the context of the practical issues that these negotiations must address. A central item on the negotiating agenda for Palestinian leaders is normalization of the status of the refugees to the satisfaction of the individual Palestinians involved and of the entire Palestinian community. Normalization of the status of individual refugees could take any one or combination of the following forms: return to Israel (perhaps their original homes where that is still feasible), return to the Palestinian state, financial compensation, resettlement in a country outside of Palestine, integration with citizenship in the state where they are now living or Palestinian citizenship and permanent status in the state where they are now living. Palestinian leaders

6 As early as 1978, Walid Khalidi, a leading Palestinian intellectual, in a *Foreign Affairs* article ("Thinking the Unthinkable: A Sovereign Palestinian State," *Foreign Affairs*, Vol. 56, No. 4, July 1978, p. 708; www.foreignaffairs.org/19780701faessay9869/walid-khalidi/thinking-the-unthinkable-a-sovereign-palestinian-state.html), acknowledged that as a practical matter, the right of return mandated by UNGA Resolution 194 was limited and subject to Israeli assent.

want to make sure that the options offered to the refugees satisfy the various segments of the Palestinian community—whether in the refugee camps of Lebanon, Jordan and Syria or in the wider Palestinian diaspora—and that the final peace agreement was not achieved at the expense of any part of that community. They are concerned that an agreement that severely limits the right of return of refugees to Israel—even if their original homes or villages no longer exist—could well be seen as illegitimate by large segments of the Palestinian population; and indeed, that a Palestinian state established without insistence on the right of return (to Israel proper, not just to the Palestinian state) could be seen as illegitimate by the millions of Palestinians living outside of that state.

The way the refugee problem is resolved raises not only practical issues—often with existential implications—but also important symbolic issues for the two sides. If the practical issues relate to the *implementation* of the right of return, the symbolic issues relate to the *principle* of the right of return. The symbolic issues raised by the right of return as the solution to the refugee problem are a result of each side's narrative about the origins of the refugee problem, as discussed earlier in this chapter.

Thus, some Palestinian moderates, who have indicated a readiness to compromise on the implementation of the right of return, are nevertheless asking for an Israeli acknowledgment of the principle of the right of return.⁷ From the Palestinian perspective, Israeli acknowledgment of the right of return presupposes admission of direct moral responsibility for the plight of the refugees. Such an acknowledgment and admission would confirm the Palestinian narrative about the consequences for the Palestinian people brought on by the Zionist enterprise, the Jewish settlement in Palestine and the establishment of Israel. Confirming the Palestinian narrative would also recognize the Palestinians' claim to the land and national rights that are anchored in this narrative.

There seem to be two interrelated but separable reasons for the emphasis Palestinians have placed on this symbolic issue. Psychologically, in order to accept the finality of a peace agreement, and to satisfy their sense of justice and their demand for equality, Palestinians express the need for an Israeli acknowledgment that refugees have a right to return to the homes from which they were wrongfully displaced. Practically, they seek this acknowledgment to support the validity of their claims, such as claims for financial compensation.

The Israeli Perspective

In the Israeli view, UNGA Resolution 194 does not grant Palestinian refugees a right of return; rather, it makes return of individual refugees contingent on Israeli approval. To Israelis, the right of return of Palestinians to Israel proper represents a major threat with existential implications.⁸ They are concerned, above all, about how a large-scale return of Palestinians to Israel would affect the demographic balance and the Jewish character of the state. Furthermore, they perceive

7 Salah Khalaf (Abu Iyad)—long second to Arafat in the Palestine Liberation Organization (PLO) leadership—acknowledged that “a total return is not possible,” but considered it “essential that Israel accept the principle of the right of return or compensation with the details of such a return to be left open for negotiation” (“Lowering the Sword,” *Foreign Policy*, No. 78, Spring 1990, p. 103).

8 Yossi Beilin, “Solving the Refugee Problem,” *Bitterlemons*, December 31, 2001 (www.bitterlemons.org/previous/bl311201ed5.html).

such a large-scale return as disruptive to society because it would raise many divisive questions about the ownership of homes, villages and other properties that have changed hands or been destroyed after the 1948 events. In short, they see a large-scale return of refugees to Israel proper as an existential threat to Israel because it would undermine the Jewish majority and the viability and stability of the state.⁹

The concept of the right of return as the solution to the refugee problem also raises important symbolic issues for Israelis, as it does for Palestinians. Israelis have serious concerns about acknowledging the principle of a Palestinian right of return, even if Palestinians were to agree that this right will not be implemented through a large-scale return of refugees to Israel proper. Acknowledgment of that principle is particularly troubling, from the Israeli perspective, if it entails admission of moral responsibility for the plight of the refugees. Such an acknowledgment and admission would undermine the Israeli narrative about the rightful return of the Jewish people to its ancestral homeland, the Arab rejection of the UN partition resolution of 1947, the establishment of the State of Israel, the Arab attack on the new state and the resulting refugee problem. Some Israelis agree that Israel bears a share of the responsibility for the refugee problem, but argue that much of the responsibility rests with others—including the Arab leadership and the population of Palestine and the Arab states who resorted to war against the new State of Israel.¹⁰ Israelis also stress that the Arab states have done little or nothing to ease the plight of the Palestinian refugees; nor has the Palestinian leadership exerted pressure on them to do so, since maintaining the refugee camps and the refugee status of the affected Palestinians is seen as a way of keeping the demand for the right of return alive.¹¹ Furthermore, Israelis point out that the establishment of Israel and the resulting conflict created large numbers of Jewish refugees from Arab countries—often fleeing in response to or out of fear of persecution—who were accepted by Israel and integrated into Israeli society.

Again, there appear to be two reasons for the Israeli stance on this symbolic issue and, in particular, for their reluctance to accept direct moral responsibility for the plight of the refugees. Psychologically, they are not willing to accept a national self-image that negates the righteousness of their cause and implies that the creation of Israel was illegitimate. Practically, they are concerned that accepting the principle of the right of return and moral responsibility for the refugee problem would keep the issue open, even after a peace agreement has been signed, and make Israel vulnerable to future claims.

9 There is also concern among Israelis about a mass return of refugees to the future Palestinian state because of its potential impact on the stability and economy of that state. Likewise, this concern is shared by the Palestinians themselves, who are at least as mindful as Israelis about the absorptive capacity of the Palestinian state. Beyond that, Palestinians could well argue that the Palestinian state should have the same sovereign right as Israel to decide how many people to admit to its territory.

10 Joseph Alpher and Khalil Shikaki, with the participation of the Joint Working Group on Israeli-Palestinian Relations, "Concept Paper: The Palestinian Refugee Problem and the Right of Return," *Middle East Policy*, Vol. 6, No. 3, February 1999, p. 181.

11 "Palestinian Refugees and the Politics of Peacemaking," International Crisis Group Report, Middle East Report No. 22, February 5, 2004 (www.crisisgroup.org/home/index.cfm?id=2511&CFID=31144957&CFTOKEN=83111988).

Given their concern about possible future claims, Israelis were not particularly reassured by Khalil Shikaki's findings in surveys he conducted from January to June 2003 among Palestinian refugees in the West Bank, Gaza, Jordan and Lebanon.¹² Respondents were asked to indicate their personal preferences from among several options for ending their refugee status, including return to Israel. The numbers choosing that option varied across the different refugee populations, but overall only 10 percent preferred it over the other options. The survey was criticized by some Palestinians for weakening the demand for the right of return. For Israelis, however, such findings are not sufficient to overcome their unwillingness to accept the principle of the right of return, for fear that in the future, large numbers of Palestinians may avail themselves of this right even if the current numbers are low, and because of the implications of this principle for the Israeli national narrative.

The Search for Solutions

The above description of the contending Palestinian and Israeli perspectives demonstrates the profound difficulty of finding a solution to the Palestinian refugee problem, but it also helps define the limits within which a solution must be forged. On the one hand, there are no foreseeable circumstances under which Israelis will accept, in practice or in principle, the right of return of Palestinian refugees to Israel proper (i.e., Israel within its final negotiated borders). They see this as a threat to the Jewish character of Israel—to Israel as a Jewish-majority state, which was the essence of the Zionist enterprise. On the other hand, there are no foreseeable circumstances under which Palestinians will renounce or formally relinquish the principle of the right of return—even if they agree to restrict its implementation—because they see it as an integral part of their national narrative and of their claim to an independent state.

Creative negotiations will have to develop a formula that respects these limits and at the same time addresses the refugee problem in all its dimensions in order to bring finality to the issue. Finality is of great concern to both societies. For Israelis, a lack of finality with respect to this issue would open the way to future claims and would represent a continuing threat to the integrity of the state. For Palestinians, an agreement that fails to achieve a definitive resolution of the refugee problem would be viewed as incomplete by the Palestinian population and would represent a continuing threat to the perceived legitimacy of the state.

In formulating a solution to the problem of Palestinian refugees, a final agreement must be responsive to the fundamental concerns of both sides. It needs to find a proper balance between the two sets of concerns where they seem to be at odds with each other. Ideally, the agreement would address the Palestinian concerns that lie behind their demand for Israeli acceptance of the right of return, and the concerns of Israelis that lie behind their demand for Palestinian renunciation of the right of return, without referring to the right of return as such.

Thus, on the one hand, the agreement needs to state clearly that there can be no unrestricted return of Palestinian refugees to Israel proper since that would undermine Israel's character as a Jewish-majority state, which is the ultimate reason for the establishment of the state. In educating the publics about the reasons for this provision in the peace agreement, it is important to stress that it flows from the underlying logic of a two-state solution, which calls for the establishment of

12 www.pcpsr.org/survey/polls/2003/refugeesjune03.html

two states, expressing the national identity and fulfilling the right to national self-determination of the Jewish people and the Palestinian people, respectively.

On the other hand, the agreement must contain provisions that are responsive to the existential and symbolic concerns of the Palestinians, including the following:

- At the symbolic level, Israel needs to recognize the centrality of the refugee problem—and the concerns underlying the claim to the right of return—to the Palestinian identity and national narrative. Moreover, Israel needs to acknowledge its share of responsibility and express its regret for the plight of the refugees.
- The agreement should contain provisions for the absorption of a limited number of refugees by Israel, at its sovereign discretion. One criterion for selection may be family reunification, which has an earlier history in Israeli policy and is favored by many Israelis.¹³ Another criterion, proposed by Rashid Khalidi, would give priority to refugees whose original villages inside Israel are still intact.¹⁴ The agreement should offer Palestinian refugees the right to live in the Palestinian state (under some specified conditions) as well as citizenship in the state, whether or not they choose to live there.
- The agreement must address the concrete problems of the refugee population, including comprehensive plans for financial compensation; normalization of the status of Palestinian refugees in their host countries as citizens or permanent residents (with Palestinian citizenship); and resettlement when needed or desired.

In the interest of both parties, the agreement should assure finality—practically and psychologically—to the refugee problem, including a gradual phasing out of refugee status, refugee camps, UNRWA and other manifestations of the problem. The Israeli-Palestinian conflict will not be resolved unless and until the refugee issue is addressed in all its dimensions.

An agreement that offers finality on the refugee issue, clearly, must be negotiated by the Israelis and the Palestinians themselves. Third parties, however, have important roles in this process. In particular, Arab states that host large numbers of Palestinian refugees will play an essential role in the integration, normalization of status and the amelioration of the living conditions of those refugees who—by choice or because of limited options—will wish to remain there.¹⁵

Arab states can also play an essential political role in encouraging and legitimizing

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- 13 In 1949, Israel proposed the absorption of 100,000 Palestinian refugees as part of a comprehensive peace agreement that did not materialize. From the early 1950s to 1967, Israel carried out a family reunification program under which some 40,000–50,000 refugees returned to Israel. See Joseph Alpher and Khalil Shikaki, with the participation of the Joint Working Group on Israeli-Palestinian Relations, “Concept Paper: The Palestinian Refugee Problem and the Right of Return,” *Middle East Policy*, Vol. 6, No. 3, February 1999, p. 174.
- 14 “Toward a Solution,” *Palestinian Refugees: Their Problem and Future: A Special Report*, (Washington, D.C.: Center for Policy Analysis on Palestine, 1994).
- 15 Arab states may also play a role if the issue of compensation for Jews who fled from Arab countries as a result of the Arab-Israeli conflict is raised, although this issue stems from policies and actions of some of the Arab states and is not directly linked to the issue of Palestinian refugees.

negotiation of the refugee issue. Indeed, through the Arab League peace initiative, they have signaled their support for a negotiated solution with respect to the refugee issue. The initiative seeks “achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with U.N. General Assembly Resolution 194.” This position gives the Palestinian leadership some flexibility in negotiating an issue that has often been presented in absolute terms in Palestinian and other Arab discourse. It also helps to reassure Israelis that a compromise solution to the refugee issue is negotiable.

Finally, the United States, Europe and other countries need to be involved in the negotiation of the refugee issue because of their potential roles in the compensation and especially the resettlement of Palestinian refugees. Third parties—particularly the United States—can also contribute politically by articulating the general principles, such as those delineated above, on which a solution to the refugee problem must be based; by encouraging the parties to negotiate on the basis of these principles; and by facilitating the negotiating process as the need arises.