PALESTINIAN INTERNALLY DISPLACED PERSONS AND REFUGEES INSIDE ISRAEL: A SCHISMATIC HISTORY

Chukwuemeka Nwosu, Ph.D
Department Of History And International Studies
Imo State University, Owerri
08037112023; barrchukwuemekanwosu@yahoo.com
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Abstract
The Palestinian-Israeli conflict does not date from today or the 1967 war rather it dates back to the 1930’s and 1940’s when the Zionist movement stepped up its efforts to bring Jewish to Palestine, thus setting the stage for a future confrontation with the Palestinian Arabs. Thus, this confrontation had its full expression in the 1948 war, as a result of which the state of Israel was created and more than two-thirds of the Palestinians were uprooted from their homeland and became refugees. Undoubtedly, the international community failed then as well as have continued to fail so far to resolve this problem, and General Assembly Resolution 194 remains largely a symbol of the Palestinians demand to be allowed to return to their homes and lands in what became known as Israel. Any discussion since then, revolving around the Israeli-Palestinian conflict switches immediately to a discussion of the Palestinians’ right to return. Indeed, civilians are not under any obligation to endanger their lives by staying in battle zones and they have the full right to flee for their lives as well as go back home when the fighting stops. It is important to note that this principle, which is enshrined in international law, was enjoyed by hundreds of thousands of Israelis who fled their homes in northern Israel just recently in summer 2006, during the second Lebanon War, was not applicable to the Palestinian Arabs. The Palestinian refugees despite that and for over six decades, have identified with their aboriginal cities and villages from which they, their fathers or even grandfathers were expelled or displaced.

Introduction
The Palestinian refugee issue touches on a number of sociopolitical elements that embody deep-rooted Israeli fears, both past as well as the future. At the same time the basic framework for the peace process is predicated on concluding the historical conflict between Jews and Palestinians, the refugee issue is the only basic issue that relates directly to the events of 1948, rather than to those of 1967. In fact the outbreak of the 1948 war as well as its impact are central events in the
identities of both nations—the establishment of the state of Israel for the victorious Jews and the Nakba (the catastrophic) and the creation of the refugee problem for the defeated Palestinians. However, any Israeli leadership negotiating an agreement on the refugee issue will inevitably be faced with domestic political barriers relating to historical narratives as well as collective identity and constituting myths, any re-appraisal of which will be presented by the opposition as threatening to the future character of the Jewish state. Therefore, to a large extent, it is the explicit and implicit declaratory dimensions of any agreement on the refugee issue that affect Israeli perspective the most.

Note however, that the Palestinian internally displaced persons (IDPs) inside Israel are part of the larger population that was expelled or displaced from their homes during the 1948 war in Palestine-Nakba as earlier stated. To some extent, while most of the refugees were displaced to the Arab states as well as the Palestinian territories that did not fall under Israel control that is, the West Bank and the Gaza Strip, some 150,000 Palestinians remained in the areas of Palestine that became the state of Israel. During the war, this included approximately 30,000-40,000 Palestinians who were also displaced. Although in the case of the Palestinian refugees who were displaced or expelled beyond the borders of the new state, Israel refused to allow internally displaced Palestinians to return to their aboriginal homeland.

The main theme of this paper is on Israeli perspectives on the Palestinians IDP-refugee issue and exercising the right of return. On the subject under review, while the issue is little discussed within the general public domain in Israel, perhaps the best way to describe the Israeli perspective, from a leadership standpoint, is that there seems to be a sense of being overwhelmed. This sense emerges from two key factors: one is the realization that a failure to address the issue could ultimately prevent a final peace settlement, therefore closing the window of opportunity on what is still held to be Israel’s leading strategic objective—a negotiated Comprehensive Permanent Status Agreement (PSA); the other is the inability to clearly define Israel’s interests concerning most of the detailed elements involved. How should the Palestinian demand for Israel to take responsibility for the creation of the IDPs and refugee problem be addressed? This demand places the Israeli leadership negotiating the agreement in a difficult predicament vis-à-vis the Israeli public, as this element touches on two “traditional collective” point of view: (i) the rationale that it was Palestinians
who provoked or started the war, Israel cannot be expected to take responsibility for its consequences; and (ii) a lack of conceptual and emotional distinction made between the events of the war itself and the creation of the state of Israel, that is, the idea of taking some responsibility for the creation of the problem is immediately associated not with the events of this war, however, with the very presence of a Jewish community in this area, a presence that has yet to be accepted by the Arabs. This view may be summed up as “We cannot apologize for existing”.

Thus, the right of return became a symbol of the Palestinian national struggle as well as a subject of competition among the different Palestinian political factions. Furthermore, giving up on the right of return come to be regarded as an act of treason, and many politicians refrain from saying aloud what they really think in private about the possibility of exercising this right or the practicality of insisting on it, at least for some of them, as a bargaining chip at the negotiating table. Undoubtedly, the right of return according to Palestinians is a thorny as well as sensitive subject and thus difficult to broach because of the great deal of charged emotions involved. Also, there is not a single Palestinian who, deep down inside or purely out of choice, would give up the right of return. Besides, the Palestinians believe that the international community—mainly in Europe—let down the Palestinians as well as made them pay the price for the crime they did not commit nor were part of—the Holocaust perpetrated by the Nazis in Europe—so that a Jewish state could be created to receive the Jews who were victims of Nazism as well as to compensate them.

Be that as it may, closely related with the status of stateless persons is that of refugees exacerbated by the world wars as well as other wars that took place in South-East Asia and Africa. However, the International Refugee Organization was set up under the UN but became involved in the cold war between the East and West. Although it had no member-states from the Socialist countries and was dissolved in 1951 and its functions were taken over by the UN Commissioners for Refugees with extended powers. The Refugees Convention 1951, and the Protocol Relating to the Status of Refugees 1967, tried to ameliorate the condition of refugees. Furthermore, the African Refugees Convention 1969, while reaffirming the earlier conventions, applies to the specific conditions of refugees in Africa where over half of world’s estimated 10 Million refugees are located by 2004.
Who Is A Palestinian Displaced Person?
The term “Palestinian refugees” refers to all the Palestinians who since 1948 have become displaced outside the area that became the state of Israel, and those who since the 1967 war have become displaced outside the 1967 occupied Palestinian territories. Another group of displaced Palestinians as yet not referred to as “refugees” is that of the Palestinians who have become internally displaced either within the 1948 areas or the 1967 occupied Palestinian territories. In the “Glossary” to Key terms in Badil Resource Centre for Palestinian Residency and Refugee Rights’ Handbook on the Protection of Palestinian Refugees, the term “displaced persons” (DPs) in the Palestinian context is defined as follows:

United Nations terminology for Palestinians displaced in/from the West Bank and the Gaza Strip in the context of the 1967 Israeli-Arab conflict and falling within the scope of United Nations Security Council (UNSC) Resolution 237 (1967) [...] includes persons displaced externally and internally at that time, as well as their descendants. The term is also used by the United Nations Relief and Work[s] Agency (UNRWA) as a reference to persons falling under its mandate in accordance with United Nations General Assembly (UNGA) Resolution 2252 (1967).7

In a similar vein, another definition was suggested during the Oslo peace talks by both the Jordanian and Palestinian delegations to the Quadripartite Continuing Committee (QCC), which was established to deal with the issue of DPs:

Displaced Persons are those individuals and their families and descendants who left their homes in the West Bank and Gaza, or were unable to return to their homes as a consequence of the 1967 war.9

Moreover, a much more narrower, minimalist definition of Palestinian DPs was suggested by the Israeli delegation to same (QCC) to refer to Palestinians “who were residents of the West Bank and the Gaza Strip and were displaced as a result of the fighting”.10

In attempting to resolve the question of “a displaced persons,” the committee divided the displaced persons into three categories:
Those Palestinians who were of the West Bank and Gaza on the eve of 1967 war, and who were registered in the population registry of Jordan and the Gaza Strip. Those include students businessmen, workers, etc., who could not come back to their homes due to the Israeli occupation.

Those citizens of the West Bank and Gaza who were displaced during or in the aftermath of the war.

Those who left the occupied territories after the census of September 1967 and were prevented from coming back by the Israelis. Most people in this category belong to the so-called “latecomers” (people whose exist permit was not renewed) and deportees.

As a result of strong Israeli objections to categories 1) and 3), the QCC decided to establish a consensus on category 2) and to continue debating the other two. The Israeli delegation also objected to the inclusion of the terms “families” and “descendants” to the definition of DPs.

At this junction and aside from the foregoing definition of DPs, it is important to state here for the avoidance of doubt that the scope of this paper is limited to Palestinian Internally Displaced Persons and Refugees inside Israel. Displacement did not come to a halt with the 1948 war. Internally displaced Palestinians, a small number of refugees who had returned spontaneously to their villages and Palestinians who had not been displaced during the war were expelled for security and other reasons, in the years following the establishment of Israel. Also, Israeli officials embarked on forced transfers of Palestinians from one village to another within the borders of the state in order to facilitate colonization of these areas. For instance, this included Palestinians from the villages of Iqrit, Bir’im, al-Ghabsiya, Krad al-Baqqarah and Krad al-Ghannamah. Put differently, residents of these villages were expelled to Lebanon and Syria or transferred and resettled in nearby Palestinian villages. The Israeli Defence Forces (IDF) forced the Bedouins of the Naqab (Negev) to abandon their traditional nomadic lifestyle; some 110,000 Bedouins were concentrated in designated zones in the north of the Naqab.

The Israeli military forces during the 1950s, destroyed most of the depopulated Palestinian villages, except for some mosques, churches, as well as cemeteries. According to Palestinian historian Walid al-Kudali, out of 420 villages, only six were not destroyed. And Jewish settlements were established on the land of
these destroyed Palestinian villages. The Israel government built 109 settlements\textsuperscript{14}, between October 1948 and August 1949, and also planted forests in order to “hide” the traces of the original Palestinian villages.

**The Israeli Land Administration**

In order to resolve the IDPs housing challenges, the Israeli authorities built new housing units for some IDPs in designated so-called “shelter villages”\textsuperscript{15}. Although it was argued that the number of housing units constructed by the government was marginal compared to overall IDP housing needs after the war and in order to acquire these units, IDPs were required to cede their housing as well as property rights in their villages of origin. In 1960, the Knesset passed a law establishing the Israel Land Administration (ILA) as the government agency to manage Israel’s land considered “public domain” and comprising 93% of the land under Israeli control.

Also, on the same day the Knesset approved the Israeli Basic Land Law, which specified the exceptions to the Land Administration Law, including the activities of the Development Authority. However, these laws meant, among other things, that all the lands and properties belonging to the Palestinian refugees had been transferred to the state of Israel as the sole owner, regardless of their use and who is using them, and that, except for exceptional cases, they could not be sold or transferred to others.\textsuperscript{16}

The Israel Land Administration (ILA) continued after its establishment with the leasing of these properties, whether to the de facto occupiers/users or to new lessees, including Jewish settlements and neighbourhoods, the ILA for years, held discussions with respect to the refugee property. These debates from the Palestinian refugees perspective, were an extension of the continuous efforts by various Israeli officials and public figures to legalize the appropriation of the refugees’ properties through the transfer of their ownership to Jewish individual and groups.

The ILA policies and practices, especially since the late 1990s and through 2007, shows that efforts were made to transfer ownership and titles of properties in cities, especially mixed cities, to the de facto Jewish tenants of houses belonging to Arab refugees. Infact this has intensified real estate transactions as well as raised the market value of the refugees’ houses, especially in Jerusalem and Jaffa, to record prices of millions of dollars per house. Indeed the refugees houses in
Talbiyeh, Qatamon and other former Arab neighbourhoods of West Jerusalem, and Jaffa’s neighbourhoods of Al-ajami, Jabalieh and the Old City are being grabbed by Jewish millionaires, often citizens of American antecedents.

The ILA, in addition has gradually increased the allocation of agricultural land, including the refugees’ Land, which has leased or grabbed by Jewish farmers for the construction of residential as well as commercial dwellings. Undoubtedly, this brought millions of dollars to Israeli farmers who never paid for or legally purchased these lands. In other words, the refugees’ dwellings and lands have generated vast amounts of income and revenues illegally earned.17

The Palestinians Refugees: The Palestinian Position On The Right Of Return
It is significant to state here that the Palestinian position has generally been consistent with the premise of return, from their perspective nothing that has transpired since the early exodus in 1948 has changed their inherent right to return. One of the members of the Palestinian delegation at Camp David, Hassan Asfur, summarized the Palestinian position, arguing, “In the Swedish Channel just [prior to Camp David negotiations] our position was decisive: To grant each and every Palestinian the right of right. The Israeli side kept trying to negotiate over compensation that would be given to the refugees instead of the right of return, and we refused”18. However, other Palestinians at Camp David might have agreed to forgo the sweeping right of return, the two sides did not reach a full agreement on the right of return issue through the Swedish Channel. Be that as it may, the Palestinians demanded that Israel assume legal and moral responsibility for the plight of more than 4 million refugees and also apologize to them—a demand Israel vehemently and categorically rejected.

However, in March 2002, the Saudis offered a new Arab Peace Initiative (API) and reintroduced it in March 2007, offering Israel a comprehensive peace with all Arab States in exchange for the territories captured in the 1967 war. In line with the general Arab position, the API also stipulated “[a]chievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly Resolution 194”.19 Both literally and figuratively, this provision is viewed by Israel as a threat to its very existence as a Jewish state. Furthermore, Israel has thus far refused to embrace the API, especially because of the reference to the right of return. In November 2007, since the Annapolis Peace
Conference, the Palestinians have held fast to their position throughout the negotiations.

The Palestinian Refugees: The Israeli Position On The Right Of Return

Against this background, Israel rejects, in principle and in real terms, the Palestinian right of return on a number of grounds, and it does not accept responsibility for the plight of the refugees. Generally, the Israeli position is predicated on the fact that, in times of war, many people end up being displaced and that history is replete with examples of refugees settling elsewhere, especially when the conditions in their country of origin have changed so dramatically. Undoubtedly, Israel insists that the return of any significant number of Palestinian refugees to Israel proper would obliterate the Jewish identity of the state, which was created as the last refuge for the Jews. Indeed Israel further insists that the claim of the right of return is based on United Nations Resolution 194, passed by the UN General Assembly in 1948. Although the resolution stipulates “achieving a just solution to the Palestinian refugee problem… and resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so…,” it was superseded by Security Council Resolution 242, which was accepted by the Arab states and Israel, and which affirms the necessity of “achieving a just settlement of the refugee problem”. Note however, that Resolution 242 does not mention the Palestinians by name, as there were also Jewish refugees from Arab Lands. The Israelis, in any event, argues that Resolution 194 is not legally binding, which is the case for all General Assembly resolutions. Moreover, the Oslo Accords, which were signed in September 1993 at the White House, stipulated that the refugee problem would be discussed as a part of talks on a permanent settlement, without making any reference to the right of return at all.

The Israeli strategy at Camp David in 2000, was to induce the Palestinians to concede the right of return in exchange for Israeli withdrawal from most of the occupied territories and at no point, and did Israel agree to accept more than 10,000 refugees under the family reunification framework. In January 2001, in subsequent negotiations in Taba, Egypt, no position papers were exchanged concerning the refugee problem, which was seen as a good sign for open-ended talks.
Both sides stated that a comprehensive and just solution to the issue of the Palestinian refugees is central to “a lasting and moral scrupulous peace.” It was further agreed by both sides to adopt principles and references that could facilitate the adoption of an agreement in accordance with UN Security Council Resolution 242. However, the refugees issues is still the main problem to contend with and is imposing itself on every agenda of negotiating the question of Palestine.

**Patterns Of Displacement Of Palestinians**

During the 1948 conflict the displacement of Palestinians followed two basic patterns. The first was characterized by direct displacement to the “permanent” places of refuge, such as the Arab Countries. Indeed this type describe the movement of most of the externally displaced Palestinian refugees. Also, the second pattern was characterized by indirect displacement from one place to another (three to four times on average), according to the sequence of the occupation of the Palestinian villages by the Israeli troops. Infact, this type of displacement describes the movement of all the IDPs in Israel. It was less organized as well as more anarchic than external displacement, but still collective, according to the family or the village. Yet the latter pattern was continous and spread out over a longer period of time than the first pattern of displacement.

Inside Israel, several factors explain the patterns of internal displacement. Some IDPs found refuge in nearby villages in which they had relatives, family as well as friends. To the depopulated village, nearby villages were also the most similar socially and culturally. Religion also played a role in the choice of shelter villages, especially for the displaced Christian minority (some 10% of the total IDP population). In the latter part of 1950s economic considerations also influenced the choice of shelter villages and by the beginning of the 1960s after the IDPs realized that the period of displacement would not be short as they had expected and hoped.

In the shelter villages economic conditions were generally miserable due to restrictions on freedom of movement, the effects of the war on the Palestinian economy and the limited resources in the villages. Since the beginning of the 1950s, many IDPs have migrated from the villages to urban centres in search of better economic opportunities. IDPs from the depopulated village of Saffuriya,
for example, migrated to Nazareth from the upper Galilee during the end of the 1950s. The Palestinian sociologist Majid Al-Haj noted that, during the end of the 1950s and the beginning of the 1960s, approximately 35.5% of the IDPs who migrated to urban centres were pushed by economic considerations. Economic prosperity was seen as an alternative and a key factor to their refugee status as was perceived by many of them.

It is germane to state that Israeli involvement in the IDPs affairs was another factor affecting the choice of a shelter village. The Israeli authorities transferred IDPs as well as local villagers from one place to another for military and security reasons. This form of internal population transfer was often carried out to facilitate the repopulation of areas targeted for Jewish settlements. While Israeli authorities helped IDPs to rent empty homes in shelter villages or, in some cases, register the property in their names, they also forced the IDPs to give up their rights in their villages of origin.

Furthermore, with respect to the primary patterns of displacement, there were two rare patterns of IDP displacement that took place after 1948. Under the first, Israel permitted some IDPs to return to their villages and cities of origin. Some of the IDPs from the cities of Haifa, Acre and Jaffa, and from the villages Sha’ab and Eilut, for instance, were allowed to return to their localities, but were not permitted to repossess their homes and property. They were only permitted to look for new housing in their localities of origin as mentioned above. Under the second rare pattern of displacement, a small number of displaced communities were able to rebuild their neighbourhoods on land beside their village of origin. Part of the population that remained from the village of Ayn Hawd, located at the foot of Mt. Carmel, for example, rebuilt homes adjacent to their original village which was settled by Israeli artists. Further examples include al-Mansura in the Wadi A’ra area, as well as the case of displaced Bedouin communities in the North and South of Israel. Many of these villages are not recognized by the government—they are known as “unrecognized villages”-and do not receive government services.

**Conclusion**

It is significant to note that the struggle of the internally displaced inside Israel is not easy nor pleasant at all. Infact in the past, IDP committees had to confront interference in their work by the PLO, which was concerned that IDP activities...
could damage the peace process with the Israeli government.\textsuperscript{36} Moreso, the committees face other challenges, including defining a policy vis-à-vis Israeli public opinion. Among other issues include the position of the committees towards IDPs who received compensation from the Israeli government and the relationship of the situation of IDPs to the larger refugee issue.

Although the campaign of the Palestinian IDPs inside Israel has also been affected to a large extent by the process of building Palestinians civil society inside Israel. In the aftermath of the 1948 war, the establishment of the state of Israel and the mass displacement of Palestinians, Palestinian civil society structures virtually disappeared. Following the end of military rule inside Israel in 1966, some civil society organizations sprang up, especially in the political arena as well as in the spheres of social services. Some 656 new Palestinian association, during the 1990s, were registered inside Israel, including Ittijah (the union of Palestinian NGOs inside Israel), established in 1995. An increasing number of Palestinian political parties, on the political level, have focused on the problem of the internally displaced Palestinians. Besides during the 1996 Israeli general elections, Hadash (a joint Arab-Jewish Party) and Balad raised the case of the IDPs as one of the main issues affecting the Palestinians inside Israel. Other Palestinian parties have also raised the issue of IDPs,\textsuperscript{37} in conjunction with some of the Zionist left forums such as Ta’ayush as well as Gush Shalom movements.

Regardless of how sensitive this issue may be for the Palestinians, the existence of Israel as the home for the Jews, in the view of an overwhelming majority of Israelis rests entirely on securing a sustainable Jewish majority within the state. It is critically important to understand that this is not a question of right or wrong. It is what has been established on the ground and is not subject to change, short of a catastrophic event. Israel will not accept the right of return even in principle, fearing that such an acceptance will be construed as an admission of guilt. Moreover, Israeli officials have argued over the years that even the principle of acceptance of the right of return could haunt the Israelis indefinitely.

In conclusion therefore, as a framework for a solution, the Palestinians do have a right in their homeland, but this right must be addressed justly, primarily through resettlement in the future Palestinian state and through financial
assistance and concerted humanitarian efforts from Israel and the international community.

Endnotes

2 Ibid p. 14
3 Ibid p. 16
5 UNRWA Uses the term “Palestine Refugees” in its registration system to refer to “any person whose normal place of residence was Palestine during the period June 1, 1946 to May 15, 1948 and who lost both home and means of livelihood as a result of the 1948 conflict”. See UNRWA, Consolidated Eligibility and Restoration Instruction, Department of Social Relief and Social Services, January, 2002, p 4.
6 Badil Resources Centre for Palestinian Residency and Refugee Rights, Closing the Gaps: Handbook on the Protection of Palestinian Refugees, in States Signatories, the 1951 Refugee Convention (Bethlehem, Palestine, 2005), p xxiv.
7 The Committee was established according to article XII of the Declaration of Principles (DOP) to “decide by agreement on the modalities of admission of persons displaced from the West bank and the Gaza Strip in 1967”. The Committee was composed of Jordan, the Palestine National Authority, Egypt and Israel.
9 Ibid.
10 Ibid
11 Ibid
13 Walid Al-Khalidi, All that Remains. The Palestinian Villages Occupied by Israel in 1948 (Beirut: Institute for Palestine Studies, 1987).
14 Ibid.
15 Nihad Boqa’i, Palestinian Internally, p. 32.
16The Land Basic Law- 1960 was published in the official publication S.H. Number 312, p. 56. The Israeli Land Law-1960 was published officially on July 29, 1960, in S.H. Number 312, p. 56.
17All these publications, including the ILA Decisions and Laws, can be found on the ILA site <www.mmi.gov.il>.
18Uriya Shavit and Jalal Bana, “Everything You Wanted to Know about the Right of Return but Were Too Afraid to Ask”, Haaretz, July 16, 2001.
19From the Text of the Arab Peace Initiative, which can be found at: http://www.jordanembassyus.org/arab initiative.htm.
20From Article 11 of UN General Assembly Resolution 194, passed on December 11, 1948.
24Nihad Boqa’i, Palestinian Internally, p. 33
26Nihad Boqa’i, Palestinian Internally, p. 34.
27Ibid.
28Ibid.
29Ibid.
30Ibid p. 35
31Ibid
32Ibid
33Ibid
34Ibid
35For more details on the unrecognized villages see http://www.ass040.org.
36Nihad Boqa’i, Palestinian Internally, p.40
37Ibid p. 41.