



# Exile and Return

Predicaments of Palestinians and Jews

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## Chapter 7

# **The Palestinian IDPs in Israel and the Predicament of Return: Between Imagining the Impossible and Enabling the Imaginative**

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The yearning for return has been the essence of the Palestinian national struggle since 1948. Although not all Palestinians live as refugees, the sufferings of the refugees motivated Palestinian nationalism. After the Oslo accords and the establishment of the Palestinian Authority on part of Palestinian soil, the issue of return has been eased as a central motivating factor in Palestinian nationalism. However, this particular curve in the long march for return has led to major disparities between those who still wanted to locate return at the center of the national struggle and those who viewed the process of state-building as an ultimate goal that should be sought first in the political circumstances of the Middle East in the 1990s. The Oslo accords led most Palestinian refugee communities to criticize their national leadership.<sup>1</sup> Palestinian intellectuals and refugee leaders began exploring new strategies that could relocate their right of return at center stage in Palestinian nationalism.<sup>2</sup> Not all refugee communities adopted the same strategy of struggle. According to their place of current residence, Palestinian refugees began mobilizing their ranks in order to block any peaceful settlement that did not ensure their right of return.<sup>3</sup>

Among the Palestinian refugee communities that mobilized against what has been seen as the capitulation of their right of return is the refugee community in Israel, which has been legally and symbolically depicted as the "present absentees."<sup>4</sup> This community was completely overlooked by Israeli-Palestinian negotiating teams. Palestinian scholars of the refugee problem have also overlooked this community.<sup>5</sup> Most studies of the refugee problem do not relate to the internally displaced Palestinians in Israel as part of the refugee community, even though this community views itself as

such. As a result, the community, which had been relatively quiet, had begun to mobilize and adopt new strategies of protest.

The present absentees' struggle for return has long been an issue within Israel. However, the 1990s demonstrated that this community adopted new legal and political strategies based on the new opportunity structures opened with the Israeli-Palestinian peace process, changes within the Israeli legal and political systems, and the globalization of human-rights discourse, especially its endorsement by strong international organizations such as the United Nations, Amnesty International, and Human Rights Watch. The new strategies of struggle for return have uncovered the dilemmas the Palestinian IDP (internally displaced person) community faces. Israel created a legal, moral, and political chasm between the IDPs and the rest of the refugee community. Israeli citizenship was viewed as a strong, albeit not always effective, legal tool in the struggle for some citizens' rights within Israel. Israeli citizenship, however, also set limits on the ability of the IDPs to be part of the Palestinian refugee community and be represented by the leadership of the national movement in the negotiations with Israel. Joining the campaign of the refugee communities would have placed the IDPs in direct conflict with the Israeli state, which their leaders did not want to happen. On the other hand, accepting the Israeli framing of the refugee problem would have left the IDPs out of any Israeli-Palestinian settlement of the conflict. This situation led the IDP community to develop its own strategies of struggle, seeking to overcome the limitations of its dual positioning as Israeli and Palestinian.

The historical sociology of the IDPs and their accommodation tactics in Israel have been the subject of a growing number of studies.<sup>6</sup> Therefore, this chapter is largely confined to exploring the legal and political constitution of the present absentees as a social category in Israel and its current implications. It also examines IDPs' tactics to overcome Israeli policies of social categorization and identity construction that aimed at eradicating their struggle for return to their original places of habitation. In this context, this chapter sheds light on the dilemmas that Palestinian IDPs in Israel face as a result of their dual positioning as Palestinians and part of the refugee community, on the one hand, and as Israeli citizens, on the other. Recent developments in IDP theory provide the theoretical framework and the tools for this discussion.

### **Refugees, IDPs, and Return**

The problem of IDPs has not been clearly addressed by international law and by international agencies.<sup>7</sup> Recent decades have witnessed a sharp rise in the number of IDPs throughout the world. The intensity of the phenomenon has brought many human-rights organizations to pay more attention to the crisis of internal displacement that affects more than 25 million

people worldwide. The United Nations invested increasing energy in investigating the issue and published "Guiding Principles on Internal Displacement."<sup>8</sup> While not an international binding treaty, the principles draw attention to the moral and legal repercussions of the IDP problem and to the assistance needed to solve it. There is a debate over the traditional distinction made between IDPs and refugees.<sup>9</sup>

The guiding principles define IDPs as follows: "[I]nternally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human made disasters, and who have not crossed internationally recognized state border."<sup>10</sup>

This definition, accepted by the United Nations as well as independent human-rights agencies, emphasizes the territorial factor as the main differentiation between IDPs and refugees. The lack of any clear criterion to measure suffering makes it impossible to differentiate between refugees and IDPs based on psycho-social criteria. Nevertheless, the suffering of IDPs may be not less devastating than that of refugees. The emphasis put on the territorial dimension of refuge turns the host states of IDPs, whose governments dispossessed them in the first place, into the main agency responsible for their well-being. This raises questions that have to be addressed in any normative standards that guide the treatment of IDPs' problems.

In the case of refugees, as defined in international law, countries of refuge have no legal and political responsibility for their return to their original places of habitation, unless these countries were directly involved in the atrocities that caused people to become refugees. Countries of refuge extend humanitarian aid to refugees by the mere fact of enabling them to stay on their territory. Although these states have direct interests in the return of refugees to their original places of habitation, they do not always have the power to facilitate this goal. According to international law, international agencies such as the UN High Commissioner for Refugees (UNHCR) and the Red Cross are viewed as the main institutions for protecting refugee rights.<sup>11</sup> These international agencies cannot always provide refugees physical protection, but in most cases they manage to supply basic needs for survival until a solution to the refugee problem is reached.

As opposed to the clear guidelines for international agencies charged to address refugee issues, IDPs were assumed to be the responsibility of their homeland states. The absence of legal tools to promote the intervention of international agencies in situations of crisis that created IDPs was debated in the human-rights community. Roberta Cohen and Francis M. Deng state in their book on the IDP crisis: "It has become essential to develop a broadly recognized framework of normative standards and institutional

arrangements to guide the actions both of governments and of international humanitarian and development agencies in dealing with crises of internal displacement."<sup>12</sup>

Cohen and Deng emphasize that the sovereignty of states has hindered the intervention of international agencies in crisis situations that created IDPs. In their view:

[T]he concept of sovereignty cannot be dissociated from responsibility: that is to say, a state should not be able to claim the prerogatives of sovereignty unless it carries out its internationally recognized responsibilities to its citizens, which consist of providing them with protection and life-supporting assistance. Failure to do so would legitimate the involvement of the international community in such protection and assistance. . . . When states whose populations are at risk deliberately obstruct or outright refuse access, they should expect calibrated actions that range from diplomatic demarches to political pressures, sanctions, or, as a last resort, military intervention.<sup>13</sup>

Examining the Palestinian IDPs' case in Israel will help demonstrate how homeland states develop policies toward their IDPs that render solving their problem—especially enabling their return to their original places of habitation—almost impossible. States in situations of conflict tend to view IDP problems as domestic issues and have no interest in external intervention. In most cases, states seek to dissolve their IDP problem and erase its traces as those may be the only evidence of their atrocities. These policies place IDPs in an impossible situation in which their well-being depends on the intentions of the same state that turned them into IDPs. In recent cases, such as Kosovo, the international community used force to return IDPs to their homes. However, this has been the rare exception. In many cases, IDPs have to face state policies alone and must develop their own strategies that facilitate their goal of returning to their original places of habitation. IDPs' strategies are not disconnected from international developments. But, as the case of Palestinian IDPs in Israel demonstrates, internally displaced people, like any other social movement, must rely on their own struggle for return. They reframe their situation, appropriate human and material resources, and utilize structures of opportunities to promote their interests, rendering the international community secondary to solving their problem. Since internationalizing their problem may lead to a direct clash with their state and thereby harm them, Palestinian IDPs in Israel muddle through, alternating among utilizing their citizenship, international organizations, and international law as appropriate to promote their interests.

### **The Political History of Displacement**

Some Palestinians became IDPs along with the creation of the general Palestinian refugee problem. The New History of Israel, written mostly by Jew-

ish historians, demonstrates clearly that Israel made tremendous efforts to minimize the number of Palestinians who would remain within its borders at the end of the war.<sup>14</sup> The official policy of the state between May and November 1948 was to push the Palestinian population outside the borders of the areas occupied by the Israeli army.<sup>15</sup> The Israeli government justified its policies toward Palestinian refugees by the state of war and sought to create new demographic facts on the ground that would facilitate the identity of the state as Jewish. As a result, hundreds of thousands of Palestinian refugees were forced to leave their homes and flee.<sup>16</sup> Most fled to areas beyond the reach of the Israeli army. In many cases, refugees who found refuge in neighboring villages inside Palestine were expelled for a second time when their area of shelter fell under the control of the Israeli army.<sup>17</sup>

The exact number of Palestinian IDPs is hard to determine. According to Majid Al-Haj, the vast majority were villagers from about 370 villages destroyed during and after the 1948 war.<sup>18</sup> Estimates from the early 1950s spoke about 31,000–50,000.<sup>19</sup> The National Committee for the Rights of the Internally Displaced in Israel claims that the UN Relief and Works Agency (UNRWA) late-1940s' registry report of 46,000 people is correct, stating that this number was verified by Israeli sociologist Sami Smootha, who concluded that 23.1 percent of the Arab population in Israel were either IDPs or their descendants.<sup>20</sup> Thus, 250,000 Palestinian citizens of Israel would be IDPs. However, Israeli historian Hillel Cohen, who conducted extensive historical research on the IDPs, claims that these numbers are exaggerated.<sup>21</sup> He estimates the IDPs at around 15 percent of the Arab population, or 150,000 people today. But Cohen does not include IDPs who descend from families in which only one parent is an IDP. If we follow the Israeli legal definition, that is, all those who were not in their homes according to the Absent Property Law and as a result lost their homes or their lands, IDPs exceed 250,000 today.<sup>22</sup>

Israeli policies of evacuation and deportation did not stop with the end of the 1948 war.<sup>23</sup> The number of Palestinians who were deported from their villages increased as a result of the Israeli army's efforts to establish its control over the areas occupied during the war that the UN partition plan did not assign to the Jewish state. This led to evacuating several villages that were located in "security zones" (for example, Ikrit and Bir'am) or in areas of Jewish settlement (for example, Al-Ghabsiya and al-Majdal).<sup>24</sup>

The number of IDPs further increased from 1948 to 1951 as a result of Israeli land policies in the triangle area. In the Rhodes talks between Israel and Jordan, the two states agreed to exchange territories for security reasons. The areas that Israel received from Jordan—the triangle area—were populated with 25,000 Palestinians and included 4,000–8,500 refugees.<sup>25</sup> Israel absorbed the original Palestinians inhabitants of these areas into the state while deporting the vast majority of the refugees. It did not allow the small number of refugees who remained to return to their original villages

and prevented local inhabitants from regaining their private lands, which the Israeli army had captured prior to the cease-fire agreement with Jordan. All the lands located west of the cease-fire line that were captured by the Israeli army before the Rhodes talks were considered absentee property and transferred to the custodian of absentee property. Palestinians thereby lost thousands of acres of private land even though they became Israeli citizens.

Subsequently, Israel implemented an intensive policy of Arab land confiscation and expropriation that led to the expulsion of thousands of Palestinian citizens from their original places of habitation.<sup>26</sup> In the Negev, in particular, the state established seven permanent residential areas in which it sought to concentrate all the Bedouin, thereby damaging their historical bond to their ancestral land and harming their lifestyle.<sup>27</sup> This process of land transfer from Arab to Jewish hands increased the number of IDPs and led to the categorization of fifty-eight villages as "unrecognized" because they were not legalized by the state planning authorities in the 1960s.<sup>28</sup>

### The Legal and Political De/Constitution of Social Categories

Beginning in May 1948, the Israeli government began to "normalize" the lives of its Jewish citizens by investing resources in new settlements and in employment.<sup>29</sup> Any barrier hindering these goals was viewed as illegitimate. The Palestinian Arabs who remained in Israel, especially the IDPs, were viewed as a major hindrance to maximizing state control over land resources. As a result, Arab citizens were framed in militaristic terms that justified illegal policies under the cover of security reasoning.<sup>30</sup> State institutions—executive, legislative, and legal—introduced policies, laws, and rulings that formed a sophisticated system of dispossession, subjugation, and control.<sup>31</sup> This chapter illuminates three dimensions of Israeli policies that are most relevant to the IDP problem, although it should be noted that these policies were applied to Arab society in general. These policies sought to dissolve the IDPs as a social category and eliminate their negative repercussions on internal stability as well as on the international appeal of Israel as a democratic state.

#### The Legal System

To understand one of the main difficulties that IDPs face, it is necessary to pay attention to the centrality of the law and the legal system as major factors in the construction of political identities with peculiar social meaning.<sup>32</sup> Processes of legislation and their application by court rulings demarcate the lines between different social categories and influence processes of identity de/construction.<sup>33</sup> This process has been of central importance to the construction of Israeli Jewish identity and as a result to the

categorization of Arab Palestinians who remained within the borders of the Israeli control system.<sup>34</sup> The Knesset and court system were central players in defining not only the legal and political identity of the state but also the dominant cultural, ideological, and symbolic ethos. Moreover, they played the central role in defining the lines of inclusion and exclusion for social groups. Israeli legal institutions introduced two important policy guidelines. First, they distinguished between the legal and the social status of the IDPs. Second, they established a clear difference between place and space and exploited that to maximize the interests of the state.

One of the first policies was to construct IDPs as a special legal category that enabled the state to appropriate their resources as "absentees," while at the same time dissolving them as a social "status group" that could claim special treatment by the state. The legal mechanism was the Law of Absentee Property, enacted in 1950 by the Knesset. That law provided the legal grounds for confiscating properties from anyone identified as an absentee. This classification enabled as much property as possible to be transferred from Arab to Jewish (state) hands.<sup>35</sup> The definition of "absentee" was based on a peculiar understanding of the time scale and a manipulative interplay between place and space and the obscuring of spatial boundaries. Concerning timing, the law considered as absentees all who left their "ordinary place of residence in Palestine" after November 29, 1947, no matter whether they left for security reasons, business purposes, or health needs. The date chosen assumed that these people chose not to be part of Israel, as if they knew that a war would break out leading to the establishment of the State of Israel six months later. Furthermore, the law assumed that all those who left their homes after that date opposed the establishment of the Jewish state or plotted against its creation. The retroactive legal validity of the law, which was introduced two years after the establishment of the state, proves that it was intended to legalize measures that had been already taken.

On the second level, the interplay between place and space, section two of the definition of "absentee," considered those who were "in any part of Palestine outside the area of Israel" as absentees. Israel did not exist between November 29, 1947, and May 15, 1948. Therefore, the retrospective validity of the law for this period is empty of any real legal meaning. Section three referred to any person who "left his ordinary place of residence in Palestine" for a place outside Palestine or "for a place in Palestine held at the time by forces that sought to prevent the establishment of the State of Israel or that fought against its establishment" as absentee. The law differentiates between "ordinary place of residence" as a particular place and Palestine as a more general spatial area. By leaving their concrete place of ordinary residence, Palestinians were not entitled to their property any more, even if they remained within the areas of Palestine that became the "area of Israel." The political space of Palestine that became Israel was

not respected as a source of legal standing and territorial identity. Instead, place, in its concrete material sense, was treated as the only factor legitimating the entitlement for property. This stood in direct opposition to the criteria applied to Jews, which were established in the Law of Return, passed by the Knesset in the same year. Israel sought to establish a new "ethnospace"<sup>36</sup> that enabled it to reorganize power relations based on new ethno-national hierarchies. Joseph Schechla claimed in that

[b]y this "legal" criterion, those persons who were away from their property in the general area of any form of war action—whether engaged in fighting or not—during the said period would have their properties confiscated, which the Jewish National Fund (JNF) then would administer for the benefit of Jewish immigrants. Any joint owner with another person falling under that category would similarly lose his/her property to Israel. While that applied in absentia to those refugees outside Jewish-occupied Palestine (whom the law termed "absentees"), it also provided for the legal dispossession of those who never left the borders of the newly created state, or those who were reabsorbed into Israel as a result of the armistice agreements and hence not counted as "international" refugees.<sup>37</sup>

The Law of Absentee Property thereby established a legal order that superseded the historical and cultural bond between Palestinians and their land, establishing a new order that legalized the appropriation of these lands by the state. The establishment of "absence" from a concrete place in a particular time period as the moral and legal foundation for losing rights over property is especially important to the IDP problem. It not only reformulates their bond with a specific place but also reconstructs their identity and de-territorializes it. The act of de-territorialization conducted by the Zionist ideology is similar to any other colonial movement that confiscates the unity and homogeneity of the historical continuity of the native peoples in their homeland.<sup>38</sup> The act of splitting the space and its reorganization as embedded in the two laws mentioned above mirror the contradictions of the Israeli colonial discourse.

IDPs reject the theory that connects absence and rights.<sup>39</sup> In their view, this connection raises questions in regard to Jewish claims for historical rights over Palestine. If the rights over a place are superseded by absence, then what are the moral and legal grounds on which Jews establish their right to the territory on which they live?

#### Citizenship and Dis/Closure

Arab Palestinians were incorporated into the Israeli political system as "regular" citizens, losing thereby their special historical, national, and cultural bonds with their homeland, which became Israel after 1948. They were treated as individual "newcomers" into the Israeli system. Their incorporation was limited to a particular understanding of citizenship, which is liberal-individualistic in nature, denying their communal or

national identity as Palestinians. This treatment was part of the grand socio-political engineering project that the Israeli government enacted in order to dissolve the "Arab problem" inside Israel and prevent any external involvement in it. Arabs, who had lived on the land for thousands of years, became immigrants in their legal status, and Jews, who had just arrived into the country, became the masters of the land. This change in legal status was most apparent in the case of IDPs. Among the latter, some were granted citizenship, becoming "regular" citizens and losing thereby their status as refugees. Others were not granted citizenship, since they did not meet the conditions set in the Nationality Law (1952). These persons remained refugees without any special treatment until the law was amended in 1980.

Arabs were turned into newcomers by defining the main sources of entitlement to Israeli citizenship. Israel passed the Law of Return in 1950 and the Nationality Law in 1952. Both laws transformed the relationship between territory and membership in the political community in Israel. Ethnicity granted Jews automatic citizenship in the state. Based on the Law of Return, all Jews, no matter where, are potential Israeli citizens and can realize this potential whenever they decide. Palestinian inhabitants, however, had to meet particular conditions in order to become Israelis. The Nationality Law, in addressing those inhabitants who were not entitled to citizenship by way of return, established a narrowly defined territoriality-residence as a central condition for granting Israeli citizenship. In particular, Palestinians had to prove that they did not leave their houses "from the day of the establishment of the state to the day this law comes into force, or [that they] entered Israel legally during that period" in order to become citizens. Those who fled their houses, even to neighboring villages, were not entitled to become citizens. Furthermore, Palestinians should have registered themselves in the population register under the Registration of Residence Ordinance on March 1, 1949. As many Palestinians who had fled their homes did not register, fearing deportation, these people were not granted Israeli citizenship.

These measures facilitated constructing Palestinians Arabs as new immigrants in terms of their political rights and legal status. They also promoted constructing the present absentees as a legal category and dissolving them as a special social status group. The new conditions forced many IDPs to start campaigning for citizenship in order to overcome the threat of deportation. Winning Israeli citizenship became a more pressing problem than fighting for their property. On the other hand, the exclusion of many IDPs from Israeli citizenship made it impossible for them to reclaim their houses. Many could not appeal to Israeli courts, as they feared deportation.<sup>40</sup>

Remaining without their property and not being granted Israeli citizenship have been the conditions that IDPs had to face after the 1948 war. Many IDPs sought to be "naturalized," as if they were new immigrants. The



Israeli Nationality Law grants citizenship by naturalization, although that "is not a right but a privilege dependent on the discretion of the Minister of Interior."<sup>41</sup> Palestinians had to meet six conditions in order to become Israeli citizens. As a result, the privilege of naturalization became a successful tool to tame and control the Arab community in Israel. Naturalization became part of a broader policy of "presencing" based on allegiance and loyalty.

Having to face an overwhelming reality, many IDPs viewed their incorporation into the Israeli state as citizens as a matter of Israeli "courtesy" and "generosity."<sup>42</sup> In their view, Israeli citizenship assured their presence in their homeland and enabled them to struggle for return to their homes from within the Israeli system.<sup>43</sup> But by becoming citizens, the IDPs were caught within the confines of citizenship. Their naturalization as citizens turned their demand for return into an internal Israeli problem that was treated by the Israeli legislative and judicial systems based on new rules of the game enacted by these institutions. The Knesset and the court system were integral parts of the Jewish state and sought to facilitate the consolidation of the state system. As a result, most appeals to the Knesset or the courts by Arab citizens were rejected, denied, or delayed.<sup>44</sup> Since the entire Arab population was ruled by a military government, military officers were, in most cases, the final arbitrators in Arab affairs. To block the effectiveness of civil appeals to the Knesset or the courts, the army turned security needs into a banner to wave whenever the civil institutions recognized some of the Arabs' basic needs. The army also destroyed and concealed any traces of the Arab existence in hundreds of villages. In two cases (Ikrit and Bir'am), this was done deliberately to block any court decision in favor of the IDPs.<sup>45</sup> Military governor Emanuel Mor wrote specifically that any High Court decision that favored the return of the IDPs to these two villages "may cause serious harm to state security and harm the interests of the IDF."<sup>46</sup> In another case, involving Al-Ghabsiya village, the army acted in direct opposition to a High Court ruling that demanded the IDPs' return to their original homes.<sup>47</sup>

As part of the Israeli policy of denying the IDPs a special status, the government took the responsibility over them from the UNRWA in 1952.<sup>48</sup> The IDP problem then became an internal Israeli issue, not a refugee problem, and therefore precluded external powers' interference.

The Israeli government also imposed on the UN Relief for Palestinian Refugees (UNRPR) and the International Committee of the Red Cross (ICRC), which extended humanitarian aid to the refugees, to distribute their aid to all needy people inside Israel, including Jews.<sup>49</sup> Israel insisted that Jews who emigrated from Arab countries to Israel were refugees who should be assisted in settling. The government thereby managed to blur the differences between refugees whom the government policy created and Jewish immigrants who arrived in Israel voluntarily and who were encour-

aged to do so by the government. The government also sought to end the direct involvement of international organizations in the lives of refugees: its agreement with the ICRC made the latter collect aid abroad and transfer it to the Israeli government, which transported it inside Israel and distributed it to the needy.<sup>50</sup>

The "Israelization" of the IDP problem and its framing as parallel to Jewish immigrants became an official Israeli policy that conditioned any treatment of the refugee problem. Palestinian IDPs were disconnected from the general Palestinian refugee problem, as reflected in Israeli-Palestinian negotiations since the Madrid conference in 1991. Israel managed to convince all the parties involved, except the IDPs themselves, that the IDP problem was an internal Israeli affair that must be solved within the Israeli system. Israel enclosed the IDPs within its citizenship and submitted their rights to its own rule, abolishing any right to their property as native inhabitants of the land.

### Transfer, Resettlement, and Planning

Another important Israeli policy that aimed at dissolving the IDP problem was resettling them in other places so as to better control them. Under the humanitarian justification of family reunification, the government relocated IDPs according to its own interests and plans for Jewish settlement and development. It sought to reduce the concentration of IDPs in Arab cities and villages, relocating them in many "shelter villages." This resettlement followed three criteria: territory allotted was not within areas heavily populated by Jewish settlers; it was not too close to existing Jewish settlements; and it was deemed valueless to Jewish settlement and development.<sup>51</sup> Moreover, the government prevented creating any precedent by allowing IDPs to return to their original villages.<sup>52</sup> This was documented in a secret letter written by the governor of Nazareth in January 1949,<sup>53</sup> in which he referred to demands of IDPs from Lubia, Sagarah, and Hitin who lived in Nazareth, Sachnin, and Deir-Hanna: "These villages were mostly centers of resistance against our forces and are located in areas that are purely clean from Arab presence and are settled by Jews. Aside from the psychological dimension of returning population to centers of resistance in the past, Arabs or/and refugees should not be settled here in order not to harm the normal development of the Jewish settlements."<sup>54</sup>

One exception was the village of Aylaboon, whose residents were enabled to return as a result of pressure by the Catholic Church. Some refugees from Haifa, especially those who found refuge in Nazareth, as well as refugees from Acre who found refuge in neighboring villages were allowed to return but not to their homes, which were already occupied by Jewish immigrants. The returnees to Haifa and Acre were mostly placed in abandoned houses owned by other refugees as was also done to other IDPs.

In some cases, government officials sought to persuade IDPs to exchange their original homes for homes given to them by the government, which mostly belonged to other refugees.<sup>55</sup> In other cases, the Israeli government was willing to compensate IDPs for their original homes, an offer that some accepted but many others opposed.

The government not only continued its policy of land confiscation but also used administrative and legal means to limit the natural development and growth of Arab residential areas. This policy increased the number of IDPs, either by not recognizing dozens of residential locations and villages in its master planning policies or by demolishing "illegal" houses. In 1951, the Law of State's Property transferred all lands that belonged to the Mandate government to the Israeli state. In 1960, the Lands Administration Law granted the Israel Land Administration (ILA) the right to administer state lands, including those confiscated from Arabs.<sup>56</sup> In 1965, the Building and Construction Law granted Jewish planning councils at the regional and national levels the right to issue "district outline plans" that identified existing and projected built-up areas. The plans recognized only 123 Arab villages, ignoring many others that had existed long before the plans were set.<sup>57</sup> All the latter villages were defined as "unrecognized" and therefore illegal. They were then deprived of basic water, electricity, and telephone services as well as all governmental assistance. In many cases, houses were destroyed, creating more IDPs who had to find refuge in other villages. This problem was most acute in the south in Bedouin areas.

### **The Causes for the Reemergence of the IDP Issue**

After having analyzed Israeli policies toward the IDPs, it might sound anachronistic to ask why the IDP problem reemerged. Nevertheless, it is an important question if we are to evaluate the influence it may have on future Israeli-Palestinian relations in general and Jewish-Arab relations in Israel in particular. The issue, of course, was never forgotten and was always in the background of Arab politics in Israel. The mounting emphasis on it has long- and short-term causes.

One long-term cause has been the fact that Israeli policies of control, containment, and de-Arabization through land confiscation and political delegitimation have never stopped.<sup>58</sup> They took different forms in different periods but never changed their real characteristics and goals. The patterns of relations that were determined by Prime Minister David Ben-Gurion in the early 1950s between the Jewish state and its Arab citizens have not undergone fundamental changes. Israeli political, military, and legal elites still view the Judaization of the entire geographical space of the state as a major goal that state institutions must pursue. The same elites block real and effective Arab representation in state institutions.

This position is supported by a strongly anti-Arab public opinion that

views limiting the political rights of the Arab population as a legitimate goal. A public opinion poll in March 2002 revealed that 31 percent of Jewish Israelis favored transferring "Israeli Arabs" out of the country (as compared with 24 percent in 1991); 60 percent favored encouraging "Israeli Arabs" to leave the country; 61 percent thought that "Israeli Arabs" posed a security threat; and 24 percent thought that "Israeli Arabs" were not loyal to the state.<sup>59</sup>

In another poll in May 2003, 53 percent of Jewish Israelis opposed full equality for Arab citizens, 85 percent believed that "to be Jewish" is "important or very important" in order "to be a 'real Israeli,'" and 57 percent thought that "the Arabs should be encouraged to emigrate."<sup>60</sup> These results, which match the figures from the 1980s, mirror the antagonistic Israeli-Jewish public opinion toward Arabs that legitimates discriminatory policies.

Those policies consolidated the sense of danger among Arabs. The experiences of harassment, discrimination, and marginalization led to Arab counterstrategies to struggle for equality.<sup>61</sup> All studies indicate major changes in their political awareness and the consolidation of their oppositional consciousness toward Israeli policies.<sup>62</sup> Among the central pressing issues has been the confiscation of land and the decreasing spaces for housing and development. Both topics are most urgent within the IDP community. As a result, the more Israeli policies of land confiscation and Judaization of space increase, the more the Arab community in general and the IDPs in particular are provoked to adopt an active strategy to assert their rights to the land.

The rising IDP struggle for new Israeli policies has also been triggered by the land liberalization and privatization policies that have been proposed and sometimes adopted by Israeli state agencies such as the ILA. The idea of privatizing public land, especially lands that were given by state institutions to kibbutzim and moshavim, has gained momentum.<sup>63</sup> Since these agricultural communities were established on destroyed Arab villages, their lands belong to Palestinian refugees and IDPs. Their privatization would establish a new land regime in Israel, transforming the lands of the "nation" into "real estate." This shift, besides marking a serious change in Israeli political culture, would change the relationship between people and land. The Zionist ethos of "redeeming the land" would evaporate into the pockets of big real-estate companies. Moreover, the change would have a major impact on the IDP problem. As long as their land is owned by the state and its agencies, it is much easier to claim them back. Privatizing the ownership of the land would render the claim more complicated, since the land would be owned by private people who bought it "legally" from the state.<sup>64</sup> As a result, Arabs resent Israeli privatization policies and have organized seminars and rallies to campaign against it.<sup>65</sup> IDPs



were the first to organize against these efforts, which explains their emergence as a central political force among the Arab community.

Another long-term cause for the reemergence of the IDP issue is the generational change taking place in Arab society in Israel, especially the rise of a new leadership of politicians, intellectuals, and professionals. The dominant leadership generation has developed organizational, intellectual, legal, and political tools that enable them to reframe Arab rights in Israel in a fashion that locates displacement as a central issue in any solution of the Israeli-Palestinian conflict. Second- and third-generation IDP leaders are active in relocating their problem at center stage in the Israeli and Palestinian public spheres. Since displacement and the lack of land for development affect many Arabs and since the young generation of IDPs that lost its lands completely suffers the most from the land shortages, they bring the issue to the fore. Arab citizens, especially of IDP origin, who seek to build or buy a house face tremendous difficulties establishing a family. This increases the psychological inclination of this cohort to mobilize in reaction to external triggers.<sup>66</sup> The IDPs of this generation are among those who turned al-Nakba day into a general Palestinian national memorial day. Al-Nakba day is commemorated by visits to destroyed villages, an act that conflates local displacement with the national loss of Palestine, turning the former into a central topic on the national agenda. The IDP's turned these visits not only into collective memorializing events but also into protests against what is being currently done with these lands.

The intensity of the problems that the displaced community faces is growing as the number of IDPs expands. Since most IDPs lost most, if not all, of their lands, they are in great need to purchase land for housing. Israeli land confiscation and regional planning have reduced the surplus land in Arab residential areas. Many villages and towns have no new land for housing. As a result, the drive to return and regain their land is related to existential problems in their villages of refuge. Return acquires a material need and is not only a matter of nostalgia or yearning.<sup>67</sup> Not answering such basic needs of a quarter of a million people is a recipe for explosion in the future.

The surfacing of the IDP problem in Israel is also connected to the rising international interest in IDPs in general and the changes in the political environment in the Middle East in the 1990s with the Madrid peace conference and Oslo accords. The overlooking of the status of the Palestinian IDPs by both Israel and the PLO led this community to criticize the negotiations. Although most Palestinians in Israel supported the peace process, IDPs feared that their problem would be overlooked in negotiations for the final status agreement. Activists in the IDP community started looking for avenues of activity to promote their issue and raise public awareness as to its centrality to any peaceful solution of the Israeli-Palestinian conflict. IDP leaders seek to put their problem on the political agenda of the negotia-

tions, in cooperation with refugee organizations in the West Bank and Gaza Strip, such as Badil and Shaml. These common ventures should not be understood as a willingness of IDP leaders to give up their representative character to an external leadership. They are, rather, part of the refugee community's effort to mobilize against any compromise of their right of return. The mobilization of the general refugee communities may therefore be another reason behind the reemergence of the IDP problem on the public Israeli and Palestinian agenda.

### **Modes of Organization and Meanings of Return**

The initial organizational infrastructure of the IDP community goes back to the 1950s, when local committees were organized based on communal affiliation. The displacement patterns of the IDPs were influenced by several factors,<sup>68</sup> notably the reuniting of the same village in one place. This pattern re-created the communal life of the village after it was disrupted by the war. Although this was not always possible, it preserved some aspects of the social fabric that existed before 1948. IDPs who originated from the same village preserved their common memories and experiences and organized their struggle for return based on their place of origin. Local committees were established, which appealed to the government and the army authorities, trying to persuade them to allow the residents to return home.<sup>69</sup> However, the local initiatives were not coordinated among the entire displaced community. Political and economic circumstances blocked any attempts to organize on a national basis. The nature of the Arab leadership that remained in Israel, which was mostly traditional and tribal and lacked the organizational tools necessary for collective mobilization, did not help in putting the IDP problem on the public agenda. This leadership concentrated on dealing with the harsh daily existential conditions. This pattern of behavior, which lasted until the first Land Day, on March 30, 1976, left all IDP issues to local initiatives, mostly based on village affiliation. Even when their problems were raised by the leadership of the Communist Party, the main political force in the Arab community at the time, it was not raised from the perspective of restorative justice but rather as part of an effort to win distributive equality within the existing hegemonic Israeli political order.

In contrast, a meeting in Nazareth in April 1992, comprising activists from local committees, decided to establish the Preparatory Committee for the Rights of Internally Displaced Palestinians (PCRIDP) in Israel. In its manifesto, published before the meeting, the Preparatory Committee warned the Palestinian leadership not to give up on the basic rights of the IDPs to return to their homes as part of the solution of the general Palestinian refugee problem. The committee claimed that the IDP issue "symbolizes the core of ethnic discrimination and of violation of Palestinian

national rights."<sup>70</sup> The committee emphasized that there must be a relationship between solving their problem and establishing peace between Palestinians and Israelis: "The solution of this issue will strongly impact the establishment of coexistence based on proper parameters and standards." These declarations made the strategic lines of the committee clear. On the one hand, the IDPs are an integral part of the Palestinian people and of the refugee community. On the other hand, the committee would not leave the representation of the IDP problem to the Palestinian leadership. This line of thought reflected the dilemmas that IDPs faced.

In the internal deliberations on establishing the national committee of the IDPs, some participants emphasized the term "refugees." Others wanted to emphasize the special status of the IDPs in Israel. In the end, they selected the terms "uprooted" or "displaced." The naming of the problem was based on their awareness of the growing literature on worldwide IDPs. They also sought to distinguish their problem from the broader Palestinian refugee problem. In a central publication of the committee, its leaders stated:

Despite the national, historical, and geographic ties between the Palestinian people and the internally displaced, we must highlight the unique position of the internally displaced who have remained in the homeland. This is a special situation that is shared by the entire Palestinian minority in Israel. Internally displaced Palestinians hold Israeli citizenship, a fact that distinguishes us from all other refugee communities. The Israeli authorities deal with us as Israeli citizens, and apply Israeli laws to us. Yet we are subject to ethnic discrimination policies, despite this citizen status, and our rights as citizens are not equal to those of other Israeli citizens.

This differentiation demonstrates the dual positioning of the IDPs' identity. IDPs have also shown their awareness that this duality has been fully exploited by the Israeli government. On the one hand, they are Palestinians and are treated as such when it comes to their rights. On the other hand, the government does not consider the IDP problem as an integral part of the Palestinian refugee problem, since they are Israeli citizens and their problem is an internal Israeli affair.

In a conference in Tamra in March 1995 in which representatives from more than thirty displaced villages participated, the Preparatory Committee was reorganized in order to include more representatives from different villages. This became the National Committee for the Defense of the Rights of Internally Displaced Palestinians in Israel (NCDRIDP), which lobbied successfully among the Arab leadership in Israel to be recognized as the sole representative of the Palestinian IDPs. This was a crucial step in asserting the right of return of the IDPs as a central issue on the agenda of the Palestinian minority in Israel.

The leaflet announcing the establishment of the National Committee reasserted the inherent connection between IDPs and refugees: "The refu-

gees of 1948, including the internal refugees still living in Israel, are the principal victims of the Israeli policy through the Zionist-Arab conflict." The National Committee announced also that the IDPs "were disappointed by the negotiations when it became clear that their major issue had been neglected in the Oslo accords of 1993, and in all the subsequent agreements and accords."<sup>71</sup> The National Committee justified its establishment on the grounds that disregarding their problem has "led to the development of local initiatives to organize the uprooted communities into local aid national committees to struggle for their right to return to their home villages."<sup>72</sup> A manifesto published in 1999 added: "We decided to handle our case alone, especially after the Madrid conference, which excluded the refugees in the homeland, an exclusion which was repeated by the Oslo accords."<sup>73</sup>

The National Committee played a central role in turning al-Nakba day into an official Palestinian memorial day in which the IDPs visit their villages and rally for their return. Furthermore, the committee organized with other Arab NGOs, such as the Follow-Up Committee for Arab Education in Israel, educational programs to raise the awareness of the Arab youth of the IDP problem. These efforts turned the IDP problem into a central issue in the Arab public agenda that cannot be overlooked in any peaceful settlement of the Palestinian refugee problem.

In March 2000, the National Committee organized another conference in Nazareth, which supported the right of return without concessions as the central goal of the IDPs. The committee utilized UN General Assembly Resolution 194 (December 11, 1948) to establish the right of IDPs for return to their original homes. The Israeli day of independence has been turned into a memorial day on which a return rally takes place. This rally is convened in a different displaced village every year, in which IDPs would commemorate their original villages and demonstrate their commitment to their historical, political, and moral rights to return to the same homes that they owned before 1948. The National Committee has initiated the establishment of a displacement museum, in which traditional and folkloristic devices and tools are turned into pieces of art and exposed to the wide public, to memorialize the legacy of the IDPs community.<sup>74</sup>

### Strategies of Return

The IDPs' National Committee utilizes several strategies to promote its goals. As a social movement, it seeks to reframe displacement and infuse it into the Israeli-Palestinian agenda. The committee appropriates material and human resources and mobilizes them to achieve its goals. Four interrelated strategies promote the goal of return.

### Reframing Internal Displacement

Establishing the National Committee for the Defense of the Rights of the Internally Displaced Palestinians in Israel and its registration in 2000 as a legal NGO is part of the IDPs' campaign to reassert their problem and raise it higher on the public agenda in Israel and in Palestinian society. Since the beginning of the 1990s, there has been clear systemization of the IDPs' political campaign, and public gatherings are covered in the local newspapers and reported to foreign press agencies.

A central achievement is their success in uniting all Arab parties in Israel behind their right to return to their homes. Beginning with the 1996 elections, all Arab parties listed the right of return of the IDPs as a central goal in their platforms.<sup>75</sup> The IDPs' National Committee also united many Arab heads of local councils behind their goal. Twenty-seven heads signed a petition to cancel the Israeli Law of Absentee Property.

The National Committee also invested efforts to bring the issue to Israeli public awareness by initiating gatherings, rallies, and demonstrations in the destroyed villages. It drew support from several Jewish organizations and figures who identify with the IDPs' right to a just solution. An example of such cooperation was *Al-Awda* (return) public march and rally in the destroyed village of al-Berweh on April 17, 2002, in which hundreds of Jewish activists participated. The IDPs' gatherings in destroyed villages sometimes led to clashes with the police or with the Jewish residents of the Arab villages who tried to prevent the IDPs from entering them. These clashes received more public attention when they were reported in the press.

Furthermore, there are ongoing efforts to lobby for the return of the residents of the three villages—Ikrit, Bir'am, and Al-Ghabsiya—that were evacuated by the Israeli army after the 1948 war. These IDPs still live in neighboring villages and cities, awaiting a just solution to their problem. The decisions of the Israeli High Court in the 1950s ordering the government to allow them back into their homes are utilized to lobby among Jewish parties such as Meretz and Labor. These efforts drafted some people to support the efforts of the IDPs to solve their problem.<sup>76</sup>

### Deconstructing Israeli Denial Policies

Palestinian IDPs utilized the legal system in order to refute the security discourse used by the Israeli army to justify displacement and to enforce their return to their villages. This strategy has been most apparent in the case of Ikrit, Bir'am, and Al-Ghabsiya. For instance, on July 31, 1951, the Israeli High Court ruled that there is no reason that the residents of Ikrit could not go back to their homes.<sup>77</sup> However, the court added that the villagers could return "as long as no emergency decree" against it has been issued. This formulation opened the way for the military to avoid implementing

the court order. In the same year, the residents of Bir'am appealed to the court, which ruled in January 1952 that they were entitled to return to their village. The right of the residents of the two villages to return was denied by the military governor. However, legal efforts did not stop. The residents of Al-Ghabsiya, whom the Israeli army evacuated in 1948, then allowed to return for two years until August 2, 1951, and then evacuated again, appealed to the High Court after their village was declared a closed military zone by Prime Minister Ben-Gurion. On November 30, 1951, the Israeli court approved their right to return to the village. However, when they tried to return, holding the court's ruling in their hands, Israeli forces blocked their way and refused to implement the ruling.

These three rulings have formed the legal ground on which the IDPs based their struggle. Although no other villagers went to the High Court with an appeal regarding return, hundreds of appeals were raised to the court by IDPs regarding their confiscated lands or destroyed houses. These efforts sometimes solved personal problems but did not meet the expectations of the IDPs to resolve their problem collectively. The Israeli government's lack of will to reach a solution with the residents of the three villages that won a clear ruling from the High Court exposed the weaknesses of litigation and the disrespect that the executive authority showed to court rulings when these did not match its national priorities.

The weakness of the court system faced with the hegemony of the national agencies responsible for Jewish settlement and the commitment of the former to the government's Judaizing policy have been proven several times since the 1950s. In 1972, the government of Golda Meir denied the right of the evicted residents from Ikrit and Bir'am to return to their villages. In 1977, Prime Minister Menachem Begin promised to return the evicted, but nothing happened. The issue remained pending until 1993, when the government appointed a committee, headed by Minister of Justice David Libai, to examine the issue. In 1995, the committee advised the government to allow the return of the evacuees to an area of 1,200 dunums in order to reestablish the Bir'am and Ikrit communities on the basis of long-term land leases. The committee emphasized that its recommendation to allow these IDPs to return was based on the understanding that their case was unique and not similar to any other case in Israel. The committee based its special treatment on the "governmental promises that were given to residents of Ikrit and Bir'am by the representatives of the government and the army since the date of their evacuation and governmental promises given by the government to the residents in a declaration in front of the High Court of Justice."<sup>78</sup>

This recommendation was welcomed by the residents despite the fact that it did not recognize their right to own the land and covered only a small portion of the area confiscated since 1948. However, Libai's recommendations were not approved by the government, which soon lost power.

Meanwhile, the evacuees of Ikrit petitioned the High Court, which gave the government time to examine the issue. The new government appointed in 1998 another committee, headed by Justice Minister Tzachi Hanegbi. The committee recommended that "no obstacles should be placed in the way of the return of the evacuees in the spirit of the Libai and Klugman recommendations, which provide a step forward and a strong basis for negotiations."<sup>79</sup> As a result of the election in 1999, another change occurred in the government, which again postponed dealing with the issue.

With the election of Ariel Sharon as prime minister in 2001, the issue received a new twist. On October 15, 2001, Sharon submitted an affidavit to the High Court rejecting any appeal by the evacuees to return to their homes. He declared that the lands were appropriated legally by the state and that the evicted residents and their descendants have no legal claim. He warned that "the precedent of returning the displaced persons to their villages would be used for propaganda and political purposes by the Palestinian Authority."<sup>80</sup> Sharon also warned that this issue should be viewed in the context of some 200,000 Israeli Palestinians who lost their homes during the 1948 war. This twist in the governmental position was supported by the political argument that the change in Israeli-Palestinian relations and the deterioration in the security situation were strong enough factors to release the government from its commitment to allow the evacuees of Ikrit and Bir'am to return to their lands. This position was affirmed by the High Court, which rejected the evacuees' appeal, submitted in 1997.<sup>81</sup> Even though the court utilized a legalistic discourse to support its position, there is no doubt that it was conditioned by its tradition of not breaking with the official line of reasoning when it comes to Arab rights in Israel.<sup>82</sup> The long history of disappointments and the unwillingness of the Israeli government to deal seriously with the problem of the evacuees of Ikrit and Bir'am have provided a lesson for the rest of the IDPs. This tradition of ignoring the basic rights of these evacuees has also been a major factor in directing legal efforts toward internationalizing the IDP problem. One should note that the residents of Bir'am and Ikrit put all their efforts into the Israeli court system and did not favor internationalizing the IDP problem. They also sought to separate their case from the rest of the IDPs, believing that their case had a good chance of being solved by the Israeli High Court. The court's ruling in June 2003 closed the door on winning the case judicially and left it to the goodwill of the government. This experience was used by IDPs to support the position that Israeli policies toward Arabs have not changed fundamentally since 1948.

#### Revitalizing Activities of the Displaced

The efforts to counteract Israeli policies that aim at concealing the IDP problem involved educating the new Arab generations about this issue.

Introducing formal educational programs regarding IDPs into Arab schools is still impossible, since the Israeli Ministry of Education controls the Arab school system. Therefore, informal measures were adopted. Many Arab teachers are themselves IDPs. This has influenced their readiness to raise the issue in their own classes. In addition, the IDPs' National Committee organized visits of IDPs to schools to lecture on the problem and its history.

The most influential IDP activity is the organization of public rallies and visits to the destroyed villages. Since the mid-1990s, there has been a sharp rise in the number of visits of IDPs to their original villages as well as the institutionalization of al-Nakba marches as a day of protest on the eve of Israel's Independence Day. The IDPs' National Committee views this day as central to its efforts to mobilize the Arab community and raise the voices of those who lost their houses as a result of Israeli policies. In some cases, the residents have sought to rebuild or rehabilitate holy places—mosques, churches, and cemeteries—in their original villages as a marker of their historical and moral bond to concrete places. The public marches to the villages became an educational tool to commemorate displacement and infuse national awareness among younger generations that are expected to carry on with the struggle to return. The importance of this policy stems from the fact that most Arabs living in Israel today were born after the act of displacement took place and have no personal experience in their original villages. Constructing the memory of affiliations to the original places of habitation has become a central factor in the struggle for return.

#### Globalizing the Displacement Issue

Israeli policies toward the Arab community have led to the development of international strategies that expose Israel for not respecting the basic rights of its own citizens. Besides struggling for their rights through the Israeli legislative and judicial systems as citizens, the Arab community challenges Israel in international human-rights institutions. For example, several Arab NGOs lobbied against Israeli policies of discrimination in the UN Committee on Economic, Social and Cultural Rights (UNCESCR) and Habitat for Humanity, especially its Housing and Land Rights Committee.<sup>83</sup>

These NGOs, which included the National Committee for the Defense of the Rights of Internally Displaced Palestinians in Israel, persuaded UNCESCR to criticize Israel for its discriminatory policies against Arab citizens in general and against IDPs and the "unrecognized villages" in particular. In its concluding observations, UNCESCR stated:

The Committee expresses its concern over the plight of an estimated 200,000 uprooted "present absentees," Palestinian Arab citizens of Israel most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed by the Government of Israel to return after the war.

Although a few have been given back their property, the vast majority continues to be displaced and dispossessed within the State because their lands were confiscated and not returned to them. . . . The Committee notes with deep concern that a significant proportion of Palestinian Arab citizens of Israel continue to live in unrecognized villages without access to water, electricity, sanitation and roads. Such an existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. . . . The Committee expresses its grave concern about the situation of the Bedouin Palestinians settled in Israel. The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally," destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. The Committee notes in particular that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood.<sup>84</sup>

These concerns were reasserted in its concluding observations, published in 2001. From the Arab NGOs' point of view, these comments were the harvest of several years of preparations and lobbying. It is the first time that an important international document pointed out directly the way in which Israeli policies discriminate against Palestinian citizens. This success was seen to be only a first step in a long process of advocacy and lobbying in the international arena.

These efforts mark the Palestinian IDPs' refusal to accept plans that aim at settling them in their current residential villages and paying them compensation. Even though some IDPs have accepted compensation, the vast majority refuses to reach separate deals with the government. Most IDPs demand repatriation and return to their original villages and houses. For example, the spokesman of the IDPs' national committee, Wakim Wakim, asserts that the IDPs insist on returning back to the same villages and houses from which they were deported<sup>85</sup> and claims that it is the basic and fundamental right of every displaced person to return to his or her home. Moreover, in reaction to the Geneva initiative formulated by Israeli and Palestinian peace activists in October 2003, the IDPs' national committee rejected once again any attempt to compromise the rights of refugees and IDPs. The committee expressed its fear that the agreement eliminates the right of return for all refugees, including IDPs, and insisted that "the right of return is a personal right of every refugee. It is not negotiable and cannot be delegated to anybody, be it persons or organizations, to negotiate in order to compromise the right of every refugee to go back to his home."<sup>86</sup>

## Conclusion

The hope for return among Palestinians has been the nightmare that scares the Jewish population in Israel. Israel as a "Jewish state" has been

unwilling to accept the legitimacy of the right of return. Furthermore, the Israeli public has not considered the right of return as a central issue that could block progress in the peace negotiations.<sup>87</sup> One of the explanations given for the lack of public debate on the Palestinian right of return is that, since Israelis view this issue as the most threatening, the public seeks to deny this threat. When asked whether they accepted the Clinton plan, which proposed Israel's absorbing tens of thousands of refugees for family unification and humanitarian reasons, 77 percent of Jewish respondents opposed this part of the plan and only 23.9 percent were ready to accept the return of a limited number of refugees to Israel.<sup>88</sup> These numbers reflect clearly the unwillingness of the Israeli public to accept or even take seriously the Palestinian demand for return of the refugees.

Like many other studies on the issue of return, this public opinion poll did not include any question on the issue of the Palestinian IDPs. Nevertheless, one could expect that the Israeli Jewish public would be divided among a minority of those who approve the return of some IDPs to their uninhabited villages or to neighboring areas; those who are willing to compensate them in lands and money; and those who reject the whole issue. Raising the right of return of the IDPs is interpreted in Israeli Jewish society as an attempt to reshuffle the consequences of the 1948 war. The evidence we have regarding Jewish public opinion about the Arab population in Israel in general shows clearly that national demands of the Arab community are less and less tolerated. The Palestinians in Israel are seen as a growing threat by an increasing number of Israeli Jews. The Jewish majority is more and more inclined to delegitimize Arab claims for equal rights and fair treatment and is increasingly willing to support drastic measures to cure the "internal danger."<sup>89</sup>

IDPs long sought to solve their problems within the Israeli state system. They accepted the Israel discourse of citizenship and tried to utilize their citizen rights to regain their lost property. However, this is changing. Their experience has shown that states that created a problem of IDPs in their territory based on ethno-national conflict tend not to respond seriously to such problems. The appropriation of IDP resources by the state is usually seen as a precondition to the viability of the state. Indeed, Don Peretz wrote that "abandoned property was one of the greatest contributions toward making Israel a viable state."<sup>90</sup> Arab lands form, from an Israeli point of view, a precondition to the Judaizing process.

Palestinian IDPs are fully aware of Israeli official policies and tactics. Some try to prove that Israel is discriminatory by pointing out that their return to their villages would not change the existing demographic balances inside Israel. Therefore, security and demographic arguments raised against their return are not serious.<sup>91</sup> Since Israeli objections to any just solution to their problem has to do with the ideological character of the state, they increasingly insist that the solution of the Palestinian refugee



problem should include them and that it must be based on the general Palestinian right of return. The disappointment with Israeli policies toward IDPs and the inability to cure the problem in the Israeli court system explain the rise of an alternative discourse among IDPs and the institutionalizing of the IDP struggle for return. IDPs are increasingly becoming active players in preventing any political solution of the Israeli-Palestinian conflict that does not seriously address the refugee problem. Since IDPs increasingly believe that Israeli civil law does not enable a principled solution to the problem of the displaced and since the displaced are not willing to give up on their struggle, their political mobilization and their lobbying efforts on international stages are growing stronger. Any overlooking of their problem in a future settlement of the Israeli-Palestinian conflict will instigate resentment and fuel the IDPs' struggle for a just solution of their problem. The means of the struggle remain hard to predict, although this study has alluded to possible options.

#### Notes

1. On the critique of the Oslo accord by Palestinian refugee communities, see Naseer Aruri, ed., *Palestinian Refugees: The Right of Return* (London: Pluto, 2001); Ingrid Jaradat-Gassner, *The Public Campaign for the Defense of the Palestinian Refugee Rights in Historical Palestine* (Bethlehem: Badil Resource Center, 2000).
2. Edward Said, *Peace and Its Discontents* (New York: Vintage, 1993); Said Aburish, *Arafat: From Defender to Dictator* (New York: Bloomsbury, 1998).
3. See the work of two central Palestinian NGOs that concentrate on refugee issues: Badil ([www.badil.org](http://www.badil.org)) and Shaml ([www.shaml.org](http://www.shaml.org)).
4. See the Israeli Law of Absentee Property (1950), Knesset documents.
5. Salim Tamari, *Palestinian Refugee Negotiations: From Madrid to Oslo II* (Washington, D.C.: Institute for Palestine Studies, 1996); Elia T. Zureik, *Palestinian Refugees and the Peace Process* (Washington, D.C.: Institute for Palestine Studies, 1996).
6. Majid Al-Haj, "Adjustment Patterns of the Arab Internal Refugees in Israel," *International Migration* 24:3 (September 1988): 651-74; Aharon Lisovski, "The Present Absentees in Israel," *The New Orient* 10 (1960): 187-90; Hassan Musa, "The Geographical Distribution of the Arab Refugees in Their Homeland: The Galilee Area 1948-1987," master's thesis, Haifa University, 1988; Mahmud Said, "Adjustment Patterns and Living Conditions of the Internal Arab Refugees in the Arab Host Villages in the North, 1948-1986," master's thesis, Hebrew University, 1991.
7. See details of the debate over internal displacement in UN circles in [www.refugees.org/world/articles/displacement\\_rr00\\_6.htm](http://www.refugees.org/world/articles/displacement_rr00_6.htm). For more information on the worldwide IDP problems and the absence of codified protection, see Roberta Cohen and Francis M. Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Washington, D.C.: Brookings Institution, 1998); Roberta Cohen and Francis M. Deng, eds., *The Forsaken People: Case Studies of the Internally Displaced* (Washington, D.C.: Brookings Institution, 1998); David A. Korn, *Exodus Within Borders: An Introduction to the Crisis of Internal Displacement* (Washington, D.C.: Brookings Institution, 1999).
8. "Guiding Principles on Internal Displacement," [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html).
9. See Guy S. Goodwin-Gill, professor of international refugee law at Oxford

University, in *World Refugee Survey 2000*, [www.refugee.org](http://www.refugee.org); Jean-Daniel Tauxe, director of operations for the International Committee of the Red Cross, in *International Herald Tribune*, March 1, 2002.

10. [http://www.reliefweb.int/ocha\\_ol/pub/idp\\_gp/idp.html](http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html).
11. Convention relating to the status of refugees from 1951 and its protocol from 1967, which gave the UNHCR an international legal basis to protect refugees, [www.unhcr.org](http://www.unhcr.org).
12. Cohen and Deng, *Masses in Flight* 7.
13. Ibid.
14. Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949* (Cambridge: Cambridge University Press, 1987); Benny Morris, *1948 and After: Israel and the Palestinians* (Oxford: Clarendon, 1990); Ilan Pappé, *The Making of the Arab-Israeli Conflict, 1947-51* (London: I.B. Tauris, 1994); Nur Masalha, ed., *The Palestinians in Israel: Is Israel the State of All Its Citizens and "Absentees"?* (Haifa: Galilee Center for Social Research, 1993); Nur Masalha, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought, 1882-1948* (Washington, D.C.: Institute for Palestine Studies, 1992); Tom Segev, *One Palestine Complete: Jews and Arabs under the British Mandate* (New York: Metropolitan, 2000).
15. Masalha, *Expulsion of the Palestinians*, 189-99.
16. Walid Khalidi, *All That Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington, D.C.: Institute for Palestine Studies, 1992).
17. Nafez Nazzari provides many examples of cases in which the Israeli army differentiated between original inhabitants of a village and those who found refuge in it and asked the local population to make sure that refugees left their villages. See Nafez Nazzari, *The Palestinian Exodus from Galilee, 1948* (Beirut: Institute for Palestine Studies, 1978).
18. Al-Haj, "Adjustment Patterns," 654.
19. Joseph Schechtman, *The Arab Refugee Problem* (New York: Philosophical Library, 1952); Don Peretz, *Israel and the Palestinian Arabs* (Washington, D.C.: Middle East Institute, 1958).
20. Publication of the National Committee for the Rights of the Internally Displaced in Israel, 1995; Sami Smootha, *The Orientation and Politicization of the Arab Minority in Israel* (Haifa: University of Haifa, 1984), 79.
21. Hillel Cohen, *The Present Absentees: The Palestinian Refugees in Israel since 1948* (Jerusalem: Institute for Israeli Arab Studies, 2000), 21.
22. Badil, *Information and Discussion Brief* 9 (November 2002).
23. Benny Morris, *The Birth*; Nur Masalha, "Debate on the 1948 Exodus," *Journal of Palestine Studies* 21:1 (autumn 1991): 90-97; Nur Masalha, *Imperial Israel and the Palestinians: The Politics of Expansion* (London: Pluto, 2000); Yitzhak Oded, "Land Losses among Israel's Arab Villages," *New Outlook* 7:7 (September 1964): 19-25.
24. Ronit Barzily and Mustafa Kabha, *Refugees in Their Homeland: Internal Refugees in the State of Israel 1948-1996* (Givat Haviva: Institute for Peace Research, 1996); Sarah Osazki, *Ikrit and Bir'am: The Full Story* (Givat Haviva: Institute for Peace Research, 1993); Dahoud Bader, *El-Ghabsiya: Remains Ever in the Heart* (Association for the Defense of the Rights of the Displaced Persons in Israel, May 2002).
25. Emanuel Markovski, the first Israeli military governor of the triangle area, spoke about four thousand refugees whereas Goel Lavitski spoke about deporting 8,500 refugees after the triangle was transferred to Israel. IDF Archives, 841/72/721 and 843/72/721, respectively. Cited also in Cohen, *Present Absentees*, 40.
26. Sandi Kedar, "Israeli Law and the Redemption of Arab Land, 1948-1969," dissertation, Harvard Law School, 1996.
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52. Badil, *Report to the Committee on Economic, Social and Cultural Rights*, April 23, 2001.

53. Elisha Shultz, quoted in Cohen, *Present Absentees*, 50.

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65. Julia Kernochan, "Land Confiscation and Police Brutality in Um El Fahem," *Adalah Review* (fall 1999). On October 19, 2003, Adalah and the National Committee for Arab Mayors filed a petition to the Supreme Court against the Israel Land

Administration (ILA), the Minister of Finance, and the Minister of Industry and Trade challenging the legality of the ILA's decision regarding the massive distribution of lands in the north and the south of the country. According to the decision, discharged Israeli soldiers and persons who have completed one year of national service would be given a 90 percent discount on the price of leasing lands managed by the ILA. This decision would apply to 141 towns and villages in the Galilee and 157 in the Negev. None of these towns and villages, in both areas, are Arab. Adalah argued that the ILA's decision discriminates against Arab citizens, who are exempt from and do not serve in the army or perform national service. Arab citizens are completely excluded from the group that would enjoy this benefit, and thus, their rights to equality and to housing are violated.

66. Dan Rabinowitz and Khawla Abu Baker, *Hador hazakuf* (The stand-tall generation: The Palestinian citizens of Israel today) (Tel Aviv: Keter, 2002).

67. Wakim Wakim, "The 'Internally Displaced': Seeking Return within One's Own Land," *Journal of Palestine Studies* 31:1 (autumn 2001): 32–38.

68. Nihad Boqae'e, "Palestinian Internally Displaced Persons Inside Israel: Challenging the Solid Structures" (Bethlehem: Badil, 2003).

69. See Cohen, *Present Absentees*, on newly available archival materials in, e.g., State of Israel archives, Central Zionist archive, and IDF archive.

70. Leaflet of the National Committee for the Defense of the Rights of Internally Displaced Palestinians in Israel. Circulated document, no date, Shafa'amr.

71. Ibid.

72. Ibid.

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74. Interview with Wakim Wakim, head of the National Committee, November 13, 2003.

75. For example, Azmi Bishara, head of National Democratic Assembly, claimed that one of his party's goals was to realize the right of return of all Palestinian IDPs in Israel. *Haaretz*, May 29, 1998.

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80. *Ibid.*, October 15, 2001.

81. HCJ 840/97, *Awni Sbeit et al. vs. Government of Israel et al.*

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83. The NGOs include Adalah, Arab Human Rights Association, Itijah, and Mosawa.

84. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.27.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.27.En?OpenDocument).

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86. Leaflet released by the National Committee for the Defense of the Rights of Internally Displaced Palestinians in Israel, October 14, 2003.

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## Chapter 8

# No Refuge for Refugees: The Insecure Exile of Palestinians in Kuwait

Ann M. Lesch

Some 750,000 Palestinians became exiles in 1948, when they were expelled from their homes. They gained refuge—a safe haven—in a few countries, but remained unwanted outsiders in many more places. In some instances, they formed diasporas, communities in exile through which they could retain ties to people and places at home or to other communities struggling to be formed abroad. Throughout the post-1948 period, however, they remained legally refugees.<sup>1</sup>

Their status therefore has been ambiguous in exile. Their right to return is enshrined in international law, but their ability to return is blocked. Moreover, at least 200,000 Palestinians were displaced after the 1967 war, and Israel has prevented thousands more from returning to the occupied territories.

For Palestinians, Kuwait became a refuge where they could prosper economically and maintain a vibrant community life. As a diasporic community, they assisted compatriots living in refugee camps or under Israeli occupation and supported the Palestinian national movement. But their status remained that of outsiders: legally refugees, technically in the same category as other migrant workers, and virtually ineligible to become Kuwaiti citizens, they nonetheless developed a sense of permanent attachment to Kuwait.

Although tensions gradually emerged, Palestinians were unprepared for the mass expulsion in 1991 that ended Kuwait's role as a refuge and uprooted their community. That expulsion underlined the impossible dilemma facing Palestinians. Their status contrasts markedly with that of migrant laborers who can return home and whose governments represent their interests. Homeless and stateless, Palestinians remain aliens and often