



# Palestinians as ‘strategic’ refugees

by Florence Gaub and Boukje Kistemaker

As the 40th anniversary of the Yom Kippur war approaches and talks between Israelis and Palestinians are about to resume, it may be worth revisiting one of the defining issues in the decades-old conflict (and peace negotiations): the Palestinian refugees.

Refugees are generally not perceived as a ‘strategic’ issue: humanitarian, economic or tactical security concerns come to mind when thinking of people displaced by conflict, but not strategic ones. This is different in the case of Israel and the Palestinians. The refugee question is not only one of the top three remaining issues obstructing the way to peace (along with the status of Jerusalem and borders); it is also the most difficult one to solve. Contrary to common belief, the refugee issue is ultimately not about legal, financial or demographic dimensions: it is about each people’s narrative of existence and identity, and is therefore the one issue where compromises are particularly difficult, if not impossible, to reach. Yet understanding what the refugee issue really stands for is crucial if there is to be any hope of resolving the conflict.

## A tale of two peoples

The refugee issue dates back to 1948, when fighting erupted in Mandate Palestine following the Arab rejection of the United Nations Partition Plan. As a result of the conflict, between 520,000 and 810,000 Palestinians fled what is today Israel into Jordan, Syria, Lebanon and the areas of Palestine then controlled by Egypt (the Gaza Strip) and Jordan (the West Bank including Jerusalem).

In a second wave, 280,000 to 325,000 Palestinians became refugees in the context of the 1967 war which opposed Israel to Syria, Jordan and Egypt. Of these, roughly half were 1948 refugees who became refugees a second time; in total, almost a million Palestinians, or 75% of Palestine’s Arab population, were displaced outside of Israel.

Their departure had strategic implications since it changed realities on the ground significantly: while in 1946 Mandate Palestine consisted of 68% Palestinians and 32% Jews largely interspersed, newly created Israel consisted of 13.5% Palestinians and 86.5% Jews on almost 80% of the original area. This differed markedly from the Jewish state proposed by the United Nations, which would have included 56% of Mandate Palestine with a population of 55% Jews and 45% Arabs.

In other words: it was only the large-scale departure of Palestinians which allowed for the creation of Israel as a larger and more homogenous construct largely depopulated of Palestinians. Israeli denial of Palestinian return as early as 1949 recognises this strategic dimension which would alter its overwhelmingly Jewish character. Similarly, Arab denial of the integration of Palestinian refugees into their respective host states (with the exception of Jordan) allows them to keep the issue alive, whereas Palestinians themselves have consistently demanded the right of return as an expression of their right to the land.

In the meantime, the refugee issue is increasing exponentially – their overall number has quintupled since

1967 to 4.7 million – and has taken on security dimensions not only for Israel but also for Lebanon and Jordan.

## What's in a number?

Ever since the first Middle East peace conference in Lausanne in 1949, numerous attempts have been made to accommodate the refugee issue. 14 treaties, conventions, declarations and UN resolutions establish clear legal guidelines when it comes to the rights of refugees. But this is where the problem begins: according to international law, there is a difference between a regular refugee who due to 'a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality', and a Palestinian refugee. Formally excluded from the 1951 Refugee Convention, the latter is defined as 'any person whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict', as well as his/her descendants. In contrast to other refugees, Palestinians are tied to a *sui generis* case in recent history, the birth of a state as a cause for displacement.

Given their exclusion from the convention, Palestinians are dealt with by a separate UN agency (UNRWA) and do not benefit from the options of integration into the host country or resettlement into a third country – only return or compensation effectively exist as options.

Consequently, all efforts to solve the refugee issue have focused on numbers – i.e. the number of refugees who could return or the amount of compensation payments to be made. Proposals which have been floated regarding return include: the return of refugees to a future Palestinian state but not to Israel proper; return only in the context of family reunification of the original 1948 refugees (which number now about 40,000) or primarily those refugees residing in Lebanon. Large-scale World Bank studies have looked into the absorption capacity of the West Bank and Gaza in the case of mass return.

Similarly, compensation simulations have calculated the incurred damage as a result of the displacement – €2.5 billion at the time would amount to €300 billion today taking account of inflation – and looked into ways to determine what losses could be claimed, by whom, and how the payments would be made. In this context, estimates range from €97 billion to €33 billion. External actors, including the European Union, have offered to contribute to an international compensation fund.

To complicate things further, Israel has tied the issue of Jewish refugees from Arab states displaced as a result of persecution and expulsion to the complex Palestinian

refugee issue. So far, it is not clear how many Arab Jews had to leave due to repression and what financial damage they have suffered. Before 1948, in fact, about 850,000 Jews lived in Arab countries, mostly clustered in Morocco, Algeria, Iraq, Egypt and Tunisia, whereas their number today is down to about 8,000. Not all of them immigrated to Israel, however, and not all were compelled to leave their place of residence under force. Most importantly, the law recently passed by Israel links two issues together which are, at least superficially, not linked.

## Finding refuge in a balanced strategy

And yet, they are. Ultimately, the plight of the Palestinian as well as Arab Jewish refugees is related to the creation of Israel and its ripple effects. At the strategic level, Israel rejects the right of return not merely for demographic reasons, whereas the Palestinians insist on it not merely for legalistic or financial ones.

To Israel, the refugee issue is intimately connected to its very existence and identity: the Israelis' refusal to recognise their responsibility for the Palestinian exodus, while insisting on the recognition of the fate of Arab Jews, is tied into their self-perception as a people under siege, in particular by the Arab states. While a Palestinian return is excluded as it would alter Israel's Jewish character, moral responsibility is rejected because it would implicitly call into question the validity of Israel's historic claims to the area.

To the Palestinians, the refugees are the only physical testimony of their presence in the territory which is today Israel. Dropping the right to return, even a symbolic one, would mean dropping the claim to Palestine altogether, and undermine the fundamental tenets of Palestinian nationalism.

Consequently, neither side can alter its basic outlook when it comes to the refugee question. Only a solution which implicitly recognises Israel's right to exist, and explicitly acknowledges the Palestinians' presence in its territory prior to 1948, will therefore be acceptable to all parties. A strategic (rather than tactical) solution might thus include a moral (rather than actual) *right* of return; a return of the *original* 1948 refugees; and an inclusion of the Arab-Jewish refugee dimension in the debate. Whatever the solution will be, it will have more to do with Israeli and Palestinian core perceptions than with issues of finance or demography.

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