



Opening the Debate on the Right of Return

Sari Hanafi

Middle East Report, No. 222. (Spring, 2002), pp. 2-7.

Stable URL:

<http://links.jstor.org/sici?sici=0899-2851%28200221%290%3A222%3C2%3AOTDOTR%3E2.0.CO%3B2-R>

Middle East Report is currently published by Middle East Research and Information Project.

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/about/terms.html>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/journals/merip.html>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

The JSTOR Archive is a trusted digital repository providing for long-term preservation and access to leading academic journals and scholarly literature from around the world. The Archive is supported by libraries, scholarly societies, publishers, and foundations. It is an initiative of JSTOR, a not-for-profit organization with a mission to help the scholarly community take advantage of advances in technology. For more information regarding JSTOR, please contact support@jstor.org.

<http://www.jstor.org>
Sat Oct 6 23:10:21 2007



JHAD SEKLA/WAFP
Palestinian refugee children demonstrate outside UN headquarters in Tyre, Lebanon for the right of return and against Israeli Prime Minister Ariel Sharon.

Opening the Debate on the Right of Return

Sari Hanafi

A decade after Oslo, Palestinian negotiators have reached an impasse in the debate concerning refugee return.

The discussion should be opened to creative ideas beyond the sacred positions. New ideas, even those that won't work, can shake loose new possibilities.

Sari Nusseibeh, the Palestinian Authority's diplomatic representative in Jerusalem, started an enriching debate when he declared that, in the framework of a two-state solution, the Palestinians cannot demand the return of refugees to homes now inside the state of Israel. Spirited responses to Nusseibeh came from scholar Salman Abu Sitta and refugee advocate Terry Rempel of Badil, among others. The

al-Awda network—formed to press for the refugees' right of return to their pre-1948 homes—even collected signatures on a petition to Palestinian Authority (PA) head Yasser Arafat, demanding Nusseibeh's dismissal from his post. This initial debate was crucial, though it has been followed by less productive ones.

The importance of the right of return should not interfere with the right to free expression. Just as some within Islamist movements argue that some topics are not up for discussion lest "God's will" be violated or the Qur'an con-

Sari Hanafi, a sociologist, is director of Shaml, the Palestinian Refugee and Diaspora Center. This article does not necessarily express the position of Shaml.

travened, a new nationalist and secular fundamentalism refers to "national consensus" to silence the opinions of Nusseibeh and others.¹ But what is this national consensus? Is it a consensus concerning the establishment of two states, one Palestinian and the other Israeli, or one secular state? Is it a consensus over the targeting of civilians during a national struggle? Or is it a consensus concerning the position of Palestinian refugees awaiting implementation of their right of return? More than a few massacres have been perpetrated and justified in the name of "national consensus" in the Arab world. New ideas, whether valid or invalid, are often considered a break from the national consensus and thus tantamount to treason. Ironically, the discourse of national consensus has historically not been consensual, but instead has been used by dominant forces to retain their positions. The Zionist movement itself had no "national consensus," but encompassed different political forces, though some groups came to dominate over time. If the PA does not embrace those who do not agree with its global vision, dominant political forces in Palestine may establish a one-party state like others in the Arab world.

Things Unheard Of?

At the level of content, what Sari Nusseibeh has said is not very new, nor is it surprising. Azmi Bishara has said as much, though as a criticism of the two-state framework envisioned by the Oslo "peace process."² Inside the Palestinian establishment, PA officials like Saeb Erekat and Yasser Abed Rabbo have recently reiterated their long-standing contention that while the right of return should be recognized, its implementation should be flexible. Arafat's own op-ed published February 3, 2002 in the *New York Times* clarified the PA's position: "We seek a fair and just solution to the plight of Palestinian refugees who for 54 years have not been permitted to return to their homes... We understand Israel's demographic concerns and understand that the right of return of Palestinian refugees, a right guaranteed under international law and UN Resolution 194, must be implemented in a way that takes into account such concerns." What is new about Nusseibeh's declaration is its level of clarity relative to issues left unaddressed in other statements. What is surprising is not only that Palestinians in general have regarded Nusseibeh's declaration as highly provocative, but also that Israeli intellectuals pretend they have never heard such things before.

How has the new debate over the right of return been received by Israeli and Palestinian audiences? On the Israeli side, responses have been couched in colonial stereotypes that characterize the colonized as a mob containing very few voices of reason. Danny Rubinstein, columnist for the liberal daily *Haaretz*, summarizes the Palestinian debate by saying that Nusseibeh's declarations "are the extraordinary that prove the ordinary."³ Historian Benny Morris considers Sari Nusseibeh "an exception. His statements are putting his life in danger. He is not one of the first-rank senior leadership. I never heard Muhammad Dahlan, Jibril Rajoub or Abu Ala'

and their guys saying this. Even if they sign on to such a text at one stage or another, a new generation will emerge in ten or twenty years and argue that they had no right to give up [the right of return]."⁴

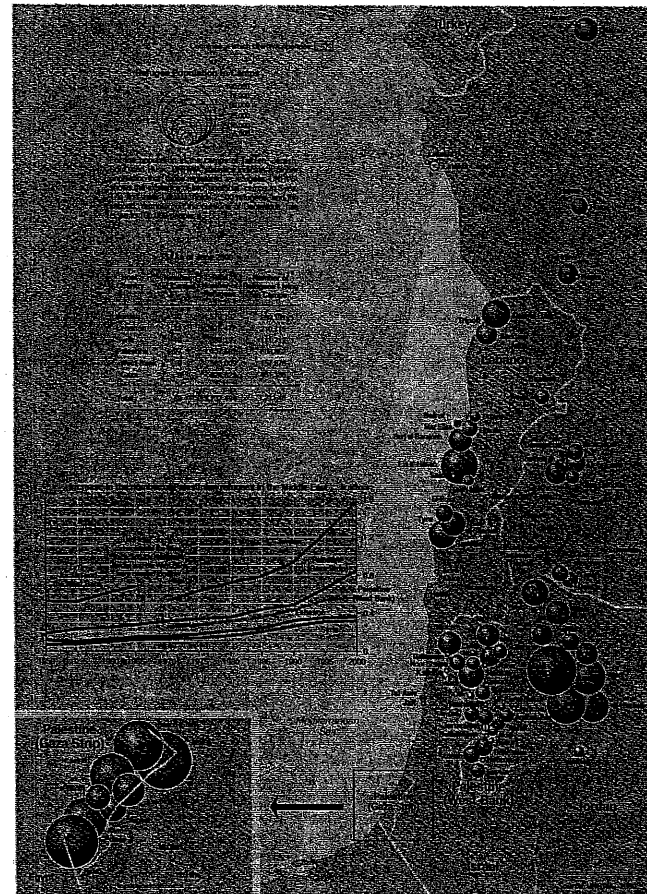
These understandings show a total ignorance of the debate on the Palestinian side. Since Nusseibeh's statement, discussions have taken place in newspapers, inside political parties and in the camps, even assuming the form of an exchange of communiqués between the Fatah youth organization (supporting Nusseibeh) and another faction in Fatah (reiterating the traditional position of the Palestinian leadership). Since the beginning of the second *intifada*, Israeli media and intellectuals have reverted to parroting the opinions of representatives of the military-political system. For the first time, scholars like Morris and A.B. Yehoshua are writing on the question of Palestinian return in the language of phobia.

An Enduring Syndrome

The dominant Israeli discourse on Palestinian return psychologizes the conflict: there are a lot of writings about Israeli anxieties, worries and nightmares, and about the Palestinian hater. This discourse is also ethnically structured. Its major concern is demography: how returnees would disorder the colonial legacy of expulsions. Israel's public relations campaigns have indeed worked intensively since the Camp David talks of July 2000 to convince the world that there actually is a possibility of massive Palestinian return, to bolster Israel's claim that return means the erasure of Israel through the destruction of its "Jewish character." This perspective has been disseminated in many articles published in Israeli and Western newspapers by well-known members of the Israeli "peace camp."⁵ This enduring syndrome of victimization makes any serious discussion of the Palestinian right of return, let alone other rights, impossible. Unfortunately, the Nusseibeh declarations reinforce the Israeli attitude about the importance of the demographic issue in the Palestinian-Israeli conflict.

This Israeli discourse is also hegemonic. In an article entitled "Refugees Forever," Yossi Alpher wrote that "Israel could recognize some humanitarian right of family reunification, which Palestinians could label 'return,' for all first-generation refugees, i.e., those over 54 who were actually born in present-day Israel, who wish to return and who have relatives that could assist in their absorption. Their number would not be large, nor would they affect the long-term demographic balance, but their 'return' could provide a degree of satisfaction for the Palestinian narrative without seriously challenging the Israeli narrative."⁶

While Sari Nusseibeh's declarations open up debate over the right of return and its meaning in the Palestinian polity, on the Israeli side he is used by his "peace partners" as evidence that Palestinians will yield their rights. At a rally of 15,000 organized in Tel Aviv on February 16, 2002 by Peace Now and the Beilin-Sarid "Peace Coalition," Nusseibeh demanded justice for the refugees and spoke of the need for



PHILIPPE REKACEWICZ, MANÈGE DE VOIR N° 54, LE MONDE DIPLOMATIQUE, PARIS, NOVEMBRE 2000.

Israel to take responsibility for the creation of the refugee problem, even apologize. But the Peace Now report on the rally recorded only Nusseibeh's statement that "the path to peace is through the return of the refugees to the state of Palestine and the return of the settlers to the state of Israel." As the Israeli sociologist Lev Grinberg argued, this partial silencing of Nusseibeh reveals the game played by his counterparts. It is telling that a main slogan at the rally was: "Leave the territories and be ourselves again." Palestinian negotiat-

ing positions have no place in this formulation.

Yehudith Harel, a member of the Peace Now movement, summarized the attitude of many Israeli intellectuals: "The attitudes reflected in Oz's article, even more than the political positions expressed, are the epitome of the intellectual corruption and the emotional handicap of the Israeli mainstream peace camp intelligentsia. This has generated within Israeli circles a deep-rooted, patronizing, self-righteous discourse, a lack of empathy for other people's suffering, a lack of understanding of their perspective and needs and, above all, an almost chronic conviction that the 'other' has to act in the best of Israeli interests."⁷

A Lacking Strategic Dimension

The Palestinian debate is more dynamic than the Israeli one, though it suffers from a lack of strategic political thinking. Palestinian politics is caught between two discourses. The first is a moral discourse based on the justice of the Palestinian cause. With regard to the refugee issue, this means that the refugees uprooted from their land should return home, according to international law and principles of human rights. The second discourse is externally oriented, based on fragments of positions usually taken under pressure to answer specific crises. This discourse integrates many tactical elements and differs from one constituency to another. What is lacking in the Palestinian discourse is the strategic dimension: a discourse based necessarily on moral premises, but which understands the international balance of power and transmits this understanding to the

public. This means that the political leadership must be able to tell the public of its inability to realize promises made by past elites.

It is symptomatic of the lack of strategic discourse that Palestinians are less interested in knowing what decisions are taken in the central committee of the PLO or in enlarged PA cabinet meetings than they are in declarations Palestinian leaders make when they visit Western capitals. In the same spirit, Sari Nusseibeh's declarations at Hebrew University in Jerusalem and Tel Aviv University created much more debate about the right of return and the refugee issue in the Oslo framework than Azmi Bishara's commentary in an Egyptian monthly.

Right of Return

Even in the framework of a two-state solution, Nusseibeh did not adequately evaluate the centrality of the right of return. There are two dimensions to the right of return: symbolic and material. When Nusseibeh speaks of the illogic of four million Palestinians returning to Jewish Israel, he sees mainly the material dimension. By contrast, Edward Said sees mainly the symbolic dimension with his concept of mutual pardon or forgiveness. Both dimensions are important.

In order for Israel to recognize the Palestinian right of return, it must not only acknowledge the refugees' rights but also redress the root of the Israeli-Palestinian conflict and Israel's central role in the dispossession of Palestinians for the past 54 years. Regardless of the solution that concludes the conflict—one state or two—the refugee issue cannot be considered secondary.

The current *intifada* has uncovered the importance of the refugees, as they represent the social and political actors most unable to bear the impasse of the Oslo process begun in 1993. The al-Awda network has been the primary force in defining the issue of the right of return as essential to the Arab-Israeli conflict in the Western and Arab public spheres. This network, composed of Palestinian diaspora activists and supporters of the Palestinian cause, has lobbied Human Rights Watch and Amnesty International to take positions in favor of the right of return, in a rare case of a Southern network undertaking the Herculean effort to influence the policies of Northern organizations.

Beyond the moral and symbolic value of realizing the right of return, this right is useful in creating the framework for providing refugees with the choice between remaining in their host countries, returning to their village of origin or coming to the political entity in the Palestinian territories (or relocating to an attractive third locale). The right of return is a necessity for those who have for half a century been forced to live as foreigners without basic civil rights, in miserable camps and in states that have not always embraced them with open arms. The right of re-

turn and the right of choice, however, do not only depend on Israel's recognition, but also on the policies of Arab countries that host refugee populations.

Volume of Eventual Return

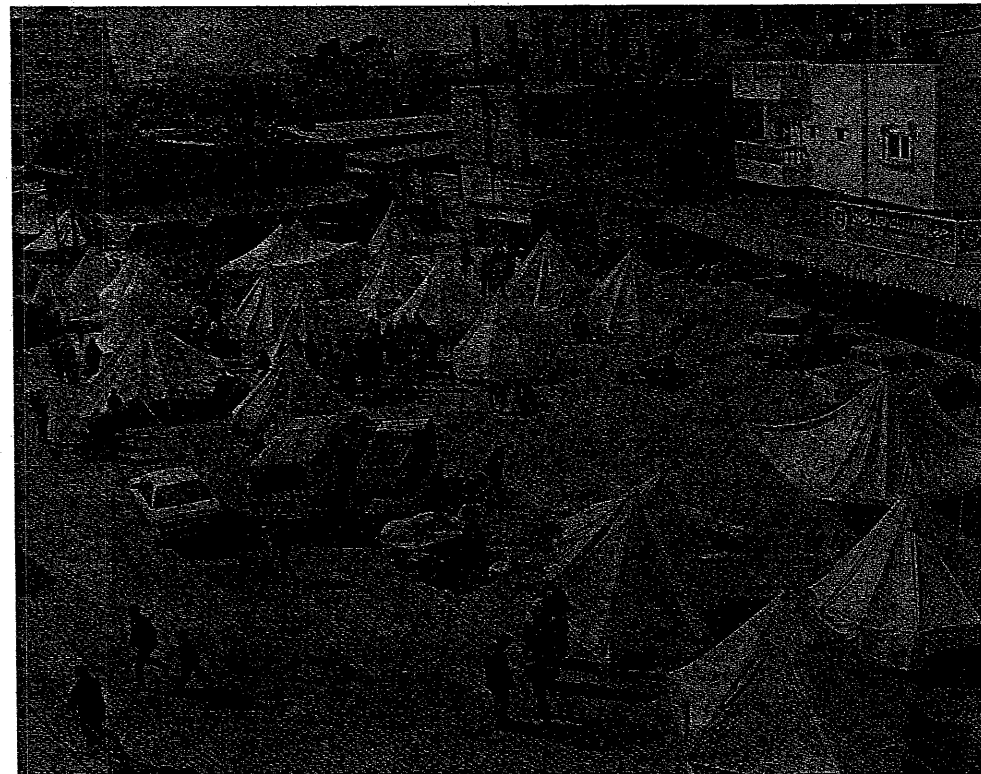
Both Nusseibeh and his main critic Salman Abu Sitta assume the problematic position that the implementation of the right of return will trigger the actual return of a huge number of refugees. Nusseibeh believes that such an influx would change the "character" of the Jewish state within the framework of a two-state solution, and hence cannot be contemplated. Abu Sitta, who supports such a return, has not adequately explored the potential sociology of return if it becomes possible. What would actual Palestinian return look like? Will there be a mass of refugees rushing in simultaneously or a trickle of fragmented groups induced by factors more powerful than nationalism, identity and the experience of exile?

Abu Sitta's work has been important in opening up the debate concerning geographic absorption in Israel. He demonstrates, after dividing Israel into three demographic areas, that the majority of Israeli Jews (68 percent of the population) is now concentrated in one area making up eight percent of Israeli territory. A second area (six percent of Israeli territory) holds a mixed population including another ten percent of Israel's Jewish citizens. Hence, Abu Sitta says, the areas in and around former Palestinian villages remained empty and unused, and could readily absorb returning refugees, most of whom were peasants when they fled in 1948. Of course, 50 years later, the majority of these refugees dwell in metropolitan areas like Damascus, Amman, Cairo, Chicago and New York. They are no longer peasants.

But the land's ability to absorb the refugees should not be the only factor in determining return scenarios. Irish-Americans did not return to Ireland following the end of British colonialism, few Armenians returned to Armenia after its independence and only a small number of Lebanese returned to Lebanon following the civil war. In each of these cases, there was not only ample capacity in the countries of origin, but ample political will for reabsorption. In general, UN High Commissioner for Refugees data demonstrates that the number of refugees returning to their various countries of origin, once return is possible, is far less than the number choosing resettlement in the host country or repatriation to a third-party state. The structure of the global labor market plays a major role.

Researching Return

Return is determined by many factors. Field work and studies conducted in 13 countries have not uncovered a homogeneous population of four million refugees who would



Refugees made homeless by IDF bulldozing of 60 homes in January 2002 gather outside UN tents in Rafah, the Gaza Strip.

MOHAMMED BABA/AFP

exercise their right of return, but a far smaller number. The exact number is impossible to give: the uncertainties of a negotiated settlement and the possible reactions of the Arab states would cause estimates to vary tremendously.

In his letter criticizing Nusseibeh, Abu Sitta refers to polls conducted in some areas, particularly within the Palestinian territories, that demonstrate a refugee "consensus" on the intention to return. Any such poll, whether conducted by amateurs or highly professional research centers, and certainly any research based on questionnaires in Arab dictatorships, is vulnerable to critique. No matter how the question is presented, responses will obviously tend toward a political position that is influenced more by protracted conflict, disillusionment and the prospect of defeat than the subject's actual intent.

Factors influencing the subject's decisions range from the experience and memories of exile to his or her economic situation. If the question of desire to return is posed only in

conceptual terms, interviewees might get a 100 percent positive response as to whether the refugees will return. If the question is narrowed, however, to include such factors as the prospect of returning to a village under Israeli sovereignty and holding Israeli nationality, or one without guaranteed adequate employment or housing, the percentage might drop significantly. A Palestinian residing in Lebanon may not be able to determine his or her intention to return if the Lebanese position remains unclear. Will the Palestinians be literally thrown onto the border, as occurred in Libya, or will they be given the right of choice? Such factors often invalidate the methodology of polls and surveys.

The person asking the questions can determine the results. Four years ago, I visited my family living in a Palestinian refugee camp in an Arab host country. My father refused to see photos I had taken in Haifa because, in his words, it was not "his Haifa." Haifa was now an Israeli city, he declared. He was adamant that he could not return

as long it remained under Israeli sovereignty. The very next day a Swiss journalist interviewed my father and asked him if he would return to Haifa if it became possible. Suddenly, he waxed ideological and eloquent, announcing that "as a Palestinian, like any other, I long to return no matter what the conditions."

It is not sufficient to prove that the Palestinian right of return is enshrined in international human rights law and humanitarian law. Research must also demonstrate that recognition of return is a necessity for regional security and, in some cases, a humanitarian necessity as well.

Beyond the Sacred

A decade after Oslo, Palestinian negotiators have reached an impasse in the debate concerning refugee return. Refugee rights discussions should be opened to creative ideas outside the sacred discourse. In a special bulletin published by the Palestinian Academic Society for the Study of International Affairs (PASSIA) in early 2001, Muhi 'Abd al-Hadi and Jan de Jong proposed an extension of the Palestinian territories to include the Galilee and some areas of the Negev in order to absorb portions of refugee populations, without denying the remainder's right of return. This solution resolves the Israeli fear of altering the character of the Jewish state. 'Abd al-Hadi and de Jong went so far as to say that the Galilee communities should be annexed to a future Palestinian state,

a proposal vehemently opposed by Palestinians inside Israel (and worth opposing for that very reason). At the same time, the spirit of this idea was included in the Taba talks, where Israel proposed giving up five percent of the land within its pre-1967 borders to a Palestinian state, in exchange for land expropriated for illegal settlements. New ideas, even those that won't work, can shake loose new possibilities. ■

Author's Note: *The author thanks Omar Yassin for his help editing this article.*

Endnotes

1 For instance, Husam Khader, the Palestinian legislator from the Balata refugee camp, said: "Sari Nusseibeh has taken himself away from the national camp."

2 "It is impossible to apply the right of return in the two-state framework! There is a structural contradiction between the two-state solution and the right of return for Palestinian refugees, which would change the demographic nature of the Jewish state, with the permission of the Jewish state itself. The Palestinian national liberation movement should decide whether the establishment of the Palestinian state without the right of return constitutes an acceptable historical compromise (as long as the state has sovereignty over the Husam al-Sharif and as long as the agreement allows refugees to return to inside the state's borders). If such a historical compromise is impossible from both Palestinian and Israeli points of view, we have before us a long struggle against apartheid, a struggle based on full citizenship for two peoples in one country. Israel will prefer a total war over this last option." Amal Bitar, "Liberating the Homeland, Liberating Human Beings," *Wajha Nasar* 23 (Cairo: al-Ahram, December 2001) (in Arabic).


3 *Ha'aretz*, November 12, 2001.

4 Interview with Benny Morris. "The Arabs Are Responsible," Post-Zionist Historian Benny Morris Clarifies His Thesis," *Yedioth Aharanot*, December 9, 2001.

5 In addition to Morris, Amos Oz, novelist and founder of Israel's Peace Now movement, reiterated the view that Palestinians had rejected "the most far-reaching offer Israel can make" by insisting "on the right of return for millions of refugees to their homeland." *The Guardian*, January 5, 2002. Novelist A.B. Yehoshua wrote a similar article in *Liberation*, July 23, 2001.

6 Featured at <http://www.bimlemons.org>, December 31, 2001.

7 Yehudith Harel, "Peace Now and Its 'Other,'" *Al-Ahram Weekly*, January 11-17, 2001.



Responding to Human
Needs with Action

Learn What's Being Done.

ANERA
AMERICAN NEAR EAST REFUGEE AID
FOUNDED 1968

202.347.2558 anera@anera.org www.anera.org