



For Palestine
Essays from the Tom Hurndall
Memorial Lecture Group

Edited by Ian Parker



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Ian Parker (ed.), *For Palestine: Essays from the Tom Hurndall Memorial Lecture Group*. Cambridge, UK: Open Book Publishers, 2023, <https://doi.org/10.11647/OBP.0345>

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Digital material and resources associated with this volume are available at <https://doi.org/10.11647/OBP.0345#resources>

ISBN Paperback: 978-1-80511-025-5

ISBN Hardback: 978-1-80511-026-2

ISBN Digital (PDF): 978-1-80511-027-9

ISBN Digital ebook (EPUB): 978-1-80511-028-6

ISBN XML: 978-1-80511-030-9

ISBN HTML: 978-1-80511-031-6

DOI: 10.11647/OBP.0345

Front cover image by Tom Hurndall, Figure in front of tank at Rafah, Gaza (April 2003).

Cover design by Jeevanjot Kaur Nagpal.

1. The Key to Peace: The Return of the Refugees¹

Salman Abu Sitta

Millions of people around the world saw the forty-minute slow, savage, deliberate murder of a twelve-year-old boy, Durra, huddled behind his distraught father, who was waving desperately for the killers to stop shooting. Or they have seen other images like this. Within the frame of a camera, the world witnessed the unfolding of the second Palestinian Nakba replayed yet again: an unarmed civilian population in their homeland facing a foreign army descending upon their shores from as far as Moscow and New York, armed to the teeth, supported by Western money and political clout. This is the story of Palestine played over and over again, without the moral power of human rights, and without the military power of international law ever coming to their rescue.

There is nothing like it in modern history. A foreign minority attacking the national majority in its own homeland, expelling virtually all of its population, obliterating its physical and cultural landmarks, planning and supporting this unholy enterprise from abroad, and claiming that this hideous crime is a divine intervention and victory for civilisation.

This is the largest ethnic cleansing operation in modern history. The population of 530 towns and villages were expelled at gunpoint. They had been driven out by the horror of at least thirty-five reported massacres. According to Israeli files recently released, 89% of the

¹ This chapter is taken from an article on the Palestine Land Society website which includes detailed maps of the areas and populations Dr. Abu Sitta describes, and is available at <http://www.plands.org/en/articles-speeches/speeches/2005/the-key-to-peace-the-return-of-the-refugees>.

villages have been depopulated by Israeli military assaults, and 10% by psychological warfare. That leaves only 1% who left of their own accord.

The refugees were the majority (85%) of the Palestinian inhabitants of the land that became Israel. Their land is 92% of Israel's area. Thus, Israel was created on a land it does not own. There are 5.25 million refugees, who represent two thirds of the Palestinian people; the equivalent of which would be 160 million homeless in America. Of the refugees, only 3.8 million are registered with the United Nations Relief and Works Agency, UNRWA; this accounts for 75% of all refugees. We should also remember that the figures frequently quoted by the press are a gross underestimate.

Ethnic Cleansing

In spite of five major wars, occupation, and oppression, 88% of refugees remain in historical Palestine and within a hundred-mile radius of it. This is an indication of the bond that binds these refugees to their homeland. 12% of these refugees are equally divided between other Arab and foreign countries. While they have been struggling to return home ever since 1948, aided by the full moral weight of international law, Israel and its supporters have been concocting plans to complete their ethnic cleansing operation. No less than forty plans have been proposed, all of which are similar in their objectives but vary in detail. They are all based on the notions that:

- Palestinians are not people, but a bunch of Arabs who can live anywhere;
- there is no Palestine, only Eretz Israel;
- Palestinians do not deserve their land like the Israelis do; and
- Israel could help these Palestinians to relocate elsewhere as a humanitarian gesture.

Needless to say, these are patently racist ideas.

In her 1996 book, *Refugees into Citizens: Palestinians and the End of the Arab-Israeli Conflict*, Donna Arzt proposes what appears to be a humanitarian plan; that is, to settle Palestinians anywhere in the world, except in their home. She proposes to ship one and a half million people

to diverse locations and to force the others to stay in exile. Perhaps nobody learnt anything from the Nazi Holocaust. It is a sad reflection on the moral character of those who, more than any others, should have learnt lessons from past tragedies. In today's world, ethnic cleansing is a war crime. Forcible resettlement is a war crime. In fact, settling the occupier's people in the occupied territory is a war crime. To expel Palestinians is a war crime; to prevent their return home is a war crime; to resettle them elsewhere is a war crime; to replace them with the occupiers is also a war crime.

Why should the refugees not return to their homes, as they have done in Kosovo, Timor, Kuwait, and countless other places? International law is solidly behind them. The United Nations General Assembly Resolution 194, calling for their Right to Return, has been affirmed by the international community over 100 times in fifty-two years. This right is a basic right; it supersedes any political agreement, has no statute of limitation and cannot be negotiated away by proxy or by any representation.

The Right of Return is enshrined in the Universal Declaration of Human Rights (Article 13) and in the sanctity of private ownership which cannot be extinguished by sovereignty, occupation or passage of time.

The Right of Return

Who can deny this solid right? Israel and the US do, but not the rest of the world. Israel also gives practical obstacles as an argument against return. Let us examine them one by one. It is often claimed that the country is full, and that there is no space left for the Palestinians. Nothing is further from the truth. Of course, even if that were true, the right of return is not diminished. If an occupier expels an owner of a house at gunpoint, he is not entitled to keep the house just because he has filled it with his cousins and friends.

Let us examine Israel's demography. We can divide Israel demographically into three categories: Areas A, B and C. (The maps defined at the Oslo II Accord are available at this link: https://en.wikipedia.org/wiki/West_Bank_Areas_in_the_Oslo_II_Accord.)

Area A has a population of 3,013,000 Jews (as of the end of 1997) and its area is 1,628 sq. km, which is the same area, largely in the same location, as the land which the Jews purchased or acquired in 1948. Its area is 8% of Israel. This is the total extent of Jewish ownership in Israel. This area has the heaviest Jewish concentration, however, most Jews still live in the same neighbourhood from 1948.

Area B has a mixed population. Its area, which is 6% of Israel, is just less than the land of those Palestinians who remained in Israel. A further 10% of the Jews live there. Thus, in a nutshell, 78% of the Jews live in 14% of Israel.

That leaves Area C, which is 86% of Israel. This is largely the land and the home of the Palestinian refugees. Who lives there today? Apart from the remaining Palestinians, the majority of the Jews who now live there live in a few towns. 860,000 urban Jews live in either originally Palestinian towns or newly established towns. The average size of a new town in Area C is comparable to the size of a refugee camp. In fact, Jabaliya Camp in Gaza is larger than two new towns in the north of Area C and larger than three new towns in the south of Area C. If Jabaliya Camp were a town in Israel, its rank in terms of size would be in the top 8% of Israeli urban centres.

Who, then, controls the vast Palestinian land in Area C? Only 200,000 rural Jews exploit the land and heritage of over 5 million refugees packed into refugee camps and denied the right to return. Those who derive their livelihood from agriculture equate to only 8,600 Kibbutzniks, assisted by 22,600 Jewish employed workers and 24,300 foreign workers from Thailand.

The refugees in Gaza are crammed in at a density of 4,200 persons per sq. km. If you are one of those refugees, and you look across the barbed wire to your land in Israel, and you see it almost empty, at five persons per sq. km (almost one thousand times lower density than Gaza), how would you feel? Peaceful? Content? This striking contrast is the root of all the suffering. It can only be ended with the return of the refugees. This minority of rural Jews, holding five million refugees hostage, is obstructing all prospects of a just peace.

What do those rural Jews do? We are told that they cultivate the (Palestinian) land and produce wonderful agriculture. We are not told that three quarters of the Kibbutzim are economically bankrupt and that

only 26% of them produce most of the agriculture. We are not told that the Kibbutz system is ideologically bankrupt; there is constant desertion, and there are very few new recruits. Irrigation takes up about 60–80% of the water in Israel, two thirds of which is stolen Arab water.

Agriculture in the southern district alone uses 500 million cubic meters of water per year. This is equal to the entire water resources of the West Bank now confiscated by Israel. This is equal to the entire resources of upper Jordan including Lake Tiberias, for which Israel obstructed peace with Syria. The total irrigation water, a very likely cause of war, produces agricultural products worth only 1.8% of Israel's Gross Domestic Product (GDP). Such waste, such extravagance, such disregard for the suffering of the refugees, and such denial of their rights is exercised by this small minority of Kibbutzniks, who could be accommodated in only three of the sixty refugee camps scattered in the Middle East. When the refugees return to their land, they will be able to resume their agricultural pursuits, and no doubt this would take up the slack in GDP. More importantly, peace will be a real possibility.

Scenarios of Return

Let us consider two scenarios, which, if applied, are likely to diffuse much of the tension in the Middle East. Let us imagine that the registered refugees in Lebanon (362,000) are allowed to return to their homes in Galilee. Even today, Galilee is still largely Arab. Palestinians there outnumber the Jews one and a half times. If the Lebanon refugees return to their homes in Galilee, the Jewish concentration in Area A will hardly feel the difference, and the Jews will remain a majority in all areas, even when they are lowest in number, as in Area C. To illustrate this, we have plotted all existing built-up areas today and the location of the depopulated villages (with maps at <http://www.plands.org/en/articles-speeches/speeches/2005/the-key-to-peace-the-return-of-the-refugees>). There is not the slightest interference, which shows that original villages can be rebuilt on the same spot.

Furthermore, if the 760,000 registered refugees in Gaza are allowed to return to their homes in the south, which are now largely empty, they can return to their original villages, while the percentage of the Jewish majority in the centre (Area A) will drop by only 6%. The number of

rural Jews who may be affected by the return of Gaza refugees to their homes in the south does not exceed 78,000, or the size of a single refugee camp. This is a glaring example of the miscarriage of justice

One of the manifestations of such injustice is that Russian immigrants are freely admitted to live on Palestinian land simply because they claim to be Jews. The striking fact is that they number almost the same as Lebanon and Gaza refugees combined. Those refugees are denied the right to return while those Russian immigrants are taking their place, their homes, and their land.

So much for the claim of the physical 'impossibility' of the return. The vacant nature of Palestinian land is so problematic that Israel is trying to find people to live in this territory. None other than Sharon and Eitan, both hardcore Zionists, started a scheme in 1997 to sell the refugees' land to builders to construct apartments that American or Australian Jews can buy without being Israeli. Kibbutz farmers who rented this land from a 'Custodian of Absentee Property' (i.e., from a refugee) received 'compensation' up to 25% of its sale value.

This made the bankrupt farmers rich overnight. City dwellers who did not share this wealth were in uproar, and the 'Ronen Committee' was formed to submit a moderating proposal to limit this sudden wealth. There was a debate in the Knesset about it. This illegal activity — selling land that is in custody — prompted the United Nations (UN) to issue resolutions affirming the entitlement of the refugees to receive any income from their property for the last fifty years and calling on all states to present all documents and information they may hold on the refugees' property. In September 1998, and again in 2000, the Arab League passed a resolution to call on the UN to send a fact-finding mission to report on the status of the refugees' land and appoint a custodian to protect their property. But, to date, land continues to be sold without international intervention.

It is often said that Israel opposes the return of the refugees on the basis that this will change the Jewish character of the state. What do they mean by the phrase 'Jewish character'? Do they mean the legal, social, demographic, or religious character? Let us examine these one by one. First, what is the legal meaning of the Jewish character? In the words of a noted Jurist, Thomas Mallison: 'The Jewish character is really a euphemism for the Zionist discriminatory statutes of the State

of Israel which violate the human rights provisions [...]. The UN is under no more of legal obligation to maintain Zionism in Israel than it is to maintain apartheid in the Republic of South Africa' (<https://www.un.org/unispal/document/auto-insert-196128/>).

Not only is this immoral, it is also illegal under enlightened Human Rights law, and is abhorrent to the civilised world. In March 2000, the reports of Treaty-Based Committees, such as Human Rights Committee, Committee on the Elimination of Racial Discrimination, Committee on Economic, Social and Cultural Rights and Committee against Torture, have all condemned Israeli practices and characterised, for the first time so clearly, the exclusive structure of Israeli law as the root cause of all of its violations of international law. How, then, can the international community accept the premise of a 'Jewish character' as a basis for the denial of the right to return home?

The 'Melting Pot'

If supporters of Israel's occupation mean a 'social' Jewish character, this idea is clearly a misnomer. Would anyone believe there is much in common between a Brooklyn Jew and an Ethiopian Jew? Or between a Russian claiming to be a Jew and a Moroccan Jew? We know that the gulf between the Ashkenazi and the Haredim can never be bridged. The Sephardim (or Mizrahim) are allocated the lower rungs of the social ladder. Jerusalem and Tel Aviv are being polarised along sectarian lines. Israel has long given up on the idea of a melting pot.

There are thirty-two languages spoken in Israel. Prof. Etzioni Halevi of Bar Ilan University, a specialist on Jewish national identity, says 'we are not a single people, language is different, attire is different, behaviour and attitude are different, even the sense of identity is different' (see <https://www.deiryassin.org/byboard29.html>). If you take into account the Palestinians and non-Jewish Russians (42% of them), you get 30% non-Jews in Israel and 70% Jews. How can one call this a homogeneous society?

If by the 'Jewish character' they mean the numerical superiority of Jews, they have to think again. The Palestinians who remained in their homes now represent 26% of all Jews. They are everywhere. In Area A (which has the highest concentration of Jews), they constitute 11% of

inhabitants. In the mixed Area B, they constitute 21% of inhabitants. In Area C, they constitute 70% of the inhabitants on average, but they are double the number of inhabitants in the Little Triangle and 1.5 times the number of the inhabitants in Galilee. How could Israel ignore their presence? Will Israel plan another massive ethnic cleansing operation? That is very unlikely. If attempted, there would be a sea of blood. They are there to stay, and their number is set to increase. In the year 2010, Palestinians in Israel will constitute 35% of inhabitants, and they will be equal to the number of Jews in 2050, or much earlier when immigration dries up. So what is the value of chasing an elusive target while innocent people wait in the refugee camps?

In Palestine in 2005 (in Israel, the West Bank and Gaza), Palestinians already made up 47% of the whole population. The Israeli notion of numerical superiority is therefore impractical and short-sighted, as is the notion of an exclusive and homogeneous Jewish society. Neither has any chance of success. On the contrary, maintaining those racist policies will continue to alienate most of the world and will accumulate a great deal of anger that may one day explode with disastrous results.

If they mean the religious Jewish character, who says that this is in danger? For one thousand years, the Jews did not find a haven for their religious practice anywhere better than the Arab world.

One must therefore conclude that the cliché 'Jewish character' is meant to justify keeping the land and expelling the people. The refugees are not only those in the camps and in exile. There are other refugees, citizens of the State of Israel, who are still not allowed to return home. The Palestinians who remained in their homes after the Israeli invasion of 1948 were locked up as virtual prisoners of war under martial law, a situation which lasted for eighteen years, until 1966. The military governor had the power to detain anybody, and to prohibit the population from travelling anywhere. No exit or entry to villages was allowed.

We know that all expelled refugees were declared 'absent', and their land and property were confiscated by the Custodian of Absentee Property, which turned it over to the Development Authority, which in turn put it under the management of the Israel Land Administration (ILA). The ILA today controls 92.6% of Israel's area, which is essentially Palestinian property. But those who remained, and did not happen to be

in a particular place on a particular day, were also registered as 'absent' and their land was confiscated. They now number 250,000. They are internal refugees, although they are Israeli citizens. They are dubbed 'present absentees', an oxymoron in itself, and a term that clearly describes the fallacy of Israeli legal formulation.

Israel created a web of fictitious legal formulations to confiscate Palestinian property. It would confiscate land for public interest, public security, absorption of immigrants or any contrived purpose. Land was confiscated under the pretext that it is 'uncultivated'; it is uncultivated because the owner is expelled and not allowed to return. If the owner is there and cultivates his land, the area is declared 'closed' by military order and no one is allowed to enter. After three years, the land is then declared 'uncultivated', and is subsequently confiscated. The confiscated land is restricted for the benefit of Jews only. Laws prohibit the use, lease, and mere presence of non-Jews on this land. This is the institutional racism that is repeatedly condemned by human rights groups.

With population growth and land scarcity, Israeli Palestinians had to build new houses on their land, which then developed into villages. These villages are not shown on Israeli maps, and are not provided with utilities, health or education services, nor even connected to roads. They are the so-called 'unrecognised villages'. There are over forty such villages in the north of the territory.

In the southern district of Beer Sheba, the situation is much worse. Half of the population of 130,000 in Beer Sheba lives in forty-five unrecognised villages. Their property rights are completely denied. They are plagued by a fascist military force called Green Patrol. This patrol evicts people from their land, shoots flocks and dogs, pulls down houses, ploughs over crops, uproots fruit and olive trees, sprays crops with toxic materials and demolishes dams.

The most cruel of the racist Israeli policies are practised in Beer Sheba. Despite overwhelming evidence of brutality, charges against Green Patrol have been dismissed.

Where does all of this lead us? There is no question that the Israeli racist practices, denial of human rights and contempt for international law, are the root of all evil and should not be allowed to continue. At the moment, Israel is shielded from punishment and censure by its military

force and political protection, blindly provided by the US Congress and Administration, to the detriment of the USA's own interests.

Against this massive power stands the determined struggle of the civil population of Palestine. Now, they are supported by an astonishingly huge world-wide constituency. Demonstrations are held across the world to express outrage towards and condemnation of Israel.

There are hundreds of societies and Non-Governmental Organisations (NGOs) which condemn this injustice and oppression. Many of these societies have made inroads with their own parliaments. All of these efforts are directed towards implementing international law and human rights.

Israel and the US are isolated in this huge arena of global public opinion, and in the United Nations. How long can this go on?

US Policy

US policy in the Middle East has two pillars: the first is to secure oil supplies and the second is the unquestioning support of Israel. In 1930, Arab states favoured the US by giving them oil concessions in preference to Britain and France, whose colonial past did not make them acceptable partners. The US appeared to be a 'clean' country, both honest and diligent. That is, until the creation of Israel in 1948 and the unashamedly expedient political policies of President Truman, who prioritised his own electoral interest above that of his country.

Eisenhower and Kennedy restored the balance. It was reversed again by Johnson and successors. Since then, the US administration supplied Israel with a huge arsenal of weapons, \$135 billion of taxpayers' money, which is more than the aid granted to Sub-Saharan Africa, all of Latin America and all of the Caribbean combined. This is in addition to unqualified and singularly biased political support.

The anger and outrage felt by the Arabs towards the US support of Israel's occupation of Arab lands seriously damaged US-Arab relations, and on some occasions threatened the oil supply. Thus, Israel demolished the goodwill which had been a feature of the Arab-American relationship since the beginning of the last century. So far, the US has succeeded in maintaining two opposed policies: hurting Arab interests and getting their oil.

This obviously cannot go on. It is clear from the groundswell of indignation in the Arab world that their rulers must now follow a policy of reciprocal action. Good relations could prevail only if respect for national interests, not to speak of respect for international law, were reciprocated.

Israel pursues a policy of unattainable objectives. Its dream of numerical superiority is short-lived. Its practice of apartheid and racism is doomed. Its denial of human rights will not remain uncensured. Finally, its total dependence on its military might, and on US singular obedience to its every whim, is the epitome of short-sightedness. If Israel is to survive where it has been planted, it should uphold the common principles by which its neighbours live: each on the territory he owns, not on the territory he occupies by force. The rights of each party must be respected.

As for the Palestinians, they have endured their own holocaust (Nakba) of 1948, suffered wars, occupation and oppression. But they still exist; they have survived. There is no way that they could disappear, no matter how much Israel wishes them to do so.

The example of the Intifada in 2000 shows that the Palestinians cannot simply continue to look across the barbed wire and see their homes occupied by Russians and Ethiopians while they rot in refugee camps. They must return home. This is in the Israelis' best interests in the long run. This is in the long-term interest of the US. This is in the interest of peace and stability in the Middle East. This is what the whole world has affirmed year after year since 1948.

The Palestinians are determined to win their freedom and recover their basic rights. Justice will no doubt prevail. The question is: how many boys will die like Durra before this happens?



Fig. 4 Tom Hurndall, A 'human shield' who travelled with Tom on the roof of a power station, February 2003. All rights reserved.