

Opinion & Comment

Right of return claim avoids Arab responsibility

The Palestinians' repatriation demand is one they tried and abandoned themselves 25 years ago, writes David D. Knoll.

THE Palestinian claim of a right of return to land they once occupied, now under Israeli rule, is far from new. Since 1949 it has been a claim based on the view that Israeli occupation of Arab lands is wrong. A people wrongly displaced must be allowed to return to their homes.

The Israeli position has long been that the Palestinian refugee problem is the making of Arab acts of illegal aggression against Israel. Some Arab residents of Palestine were displaced as the Arab armies invaded. They were promised a swift victory and a rapid return to their homes. Some were forcibly expelled by the Israeli forces, as the Israelis turned back the invasions and succeeded in defending themselves.

In the course of many decades of conflict, both Jews and Palestinian Arabs were variously displaced and expelled. The harsh reality was that close enough to equal numbers of refugees left Arab countries to live in Israel, and left Israel to live in Arab countries. In the first few years after Israel's birth as a nation, Arab countries expelled or displaced their Jewish populations. Hundreds of thousands of Jews, many of whom had no particular desire to move to the newborn Jewish state, were

forced to go. Israel was required to provide planes and ships to transport them from Iraq, Yemen and North Africa. These expulsions were a retaliation for the displacement of Arabs from the Jewish portion of the British mandate of Palestine.

It was no accident that hundreds of thousands of Jews were displaced, just as there were hundreds of thousands of Arabs from what had been British Palestine.

The reason that there is no ongoing claim in relation to the Jewish refugees who fled from Arab lands is that Israel resettled them. Palestinian Arabs who fled, and their descendants, have not enjoyed any similar benefit.

In short, there was an exchange of populations. As the late Professor Julius Stone wrote in an article, "Liberation Movements: Arab and Jewish", in *Quadrant* in 1974, "The record since World War II shows a remarkable recognition of the duty to resettle and rehabilitate refugees, stimulated no doubt by international concern for the stabilisation of frontiers and the reduction of tensions. These standards are even more plainly drawn when circumstances permit exchanges of populations."

Stone refers to the Greco-Turkish exchange of population after World War I and the "less

orderly Hindu-Muslim exchanges in the Indo-Pakistani partition of 1948". The Arab nations were the only ones in the post-World War II context which refused to resettle displaced persons who were their ethnic cousins.

Most of the Palestinian Arabs displaced in the 1948-49, 1967, 1970 and 1973 conflicts are not recognised as refugees under the Convention on the Status of Refugees or its 1967 protocol. Indeed they have a separate United Nations body to look after their needs, and their needs alone. The United Nations Relief and Works Agency is, as its name suggests, an organisation whose charter is to provide for and sustain, but not to resettle, the displaced Palestinians.

Israel says that the Arab countries cannot transfer to Israel their obligations to Palestinian Arab refugees. Jordan, previously known as Transjordan, was the eastern Arab portion of the original British Mandate of Palestine. It has a majority Palestinian Arab population. Yet the PLO cannot govern there. Its followers are not welcome there. After the PLO failed in its 1970 coup attempt against King Hussein, King Abdullah will not countenance accommodating Palestinian sovereignty within Jordanian territory.

Now the Palestinians are again pressing for a right of return against Israel. If the return is to be to the territory of a new Palestinian State, then the issue is not really one for Israel at all. Any sovereign nation can determine for itself who will be its citizens. The somewhat

unspoken reason that the issue is on the negotiating table is that it is Israeli territory to which the right of return is sought to be exercised.

Is this claim of a right of return a bargaining chip to be negotiated away in search of something considered more valuable to the Palestinian leadership? Is it non-negotiable, that is, seen by the Palestinian leadership as an inalienable right? Is it a cause celebre that cannot be compromised, and thus will remain a roadblock to peace?

The answer lies less in the conflict between Israel and the Palestinians, and more in the shifting sands of inter-Arab politics. To concede that the generations born of the Palestinians displaced by the Arab invasions of the past are not an issue for which Israel bears responsibility would reignite division between the Palestinians and the Arab world which failed it in resettlement obligations.

Despite the diplomatic challenges inherent in resolving such divisions, the claim of a Palestinian right of return – when put against Israel – faces a giant hurdle of history. It seeks to avoid Arab responsibility by dealing with only the remaining half of the human displacement problem. It is an attempt to resuscitate a proposal whose abortion Palestinian and other Arab leaders themselves procured over a quarter of a century ago.

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