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Editorial

It seems that the impact of what befell Palestinian society in 1948 caused by the establishment of Israel -- the Nakba, starting with the loss of their homeland, the dismantling of their society, the ethnic cleansing of the majority of Palestinians from historic Palestine, and the prolonged and frustrating struggle against all odds for freedom, equality, and return -- is weighing increasingly on all parts of the Palestinian people. The depth of the catastrophe is dawning on new generations of Palestinians who compare their present conditions with what could they and their homeland have become if not for the Zionist project violently implemented in their homeland.

While this is true of many Palestinians, it might be particularly true of the Palestinians in Israel, perhaps because of the return of repressed awareness that their homeland was both claimed and forcefully taken by another group who, in increasingly Kafkaesque ways seek to force them to accept the legitimacy of the takeover. This truth is evidenced by the annual increase in the number of cultural and political events to commemorating the Nakba. It is also made clear by the increasing awareness of the magnitude of the disaster and its continued manifestations in cultural and political discourses.

The use of the word Nakba to describe what happened in 1948 might be slightly misleading. Although 1948 marks its beginning, the Nakba has become a continual process, the effects of which Palestinians live every single day of their lives: the refugees deprived of return to their homeland while living just across the border -- close enough to watch other people enjoy their cities and towns, and in many cases their private homes and gardens; those under a most brutal occupation and one of the longest in recent history confined to Bantustans and prison -like conditions and watching their lands being literally stolen; and those Palestinians who are citizens of Israel and who suffer from the impact of inequality, discrimination, domination and control, the gradual and steady narrowing of their physical and political space, and above all the oppression of an ethnic majority having come from all corners of the



world to challenge the Palestinian citizens of Israel's very right to and relationship with their own homeland and expropriate it as their own

All these continued manifestations of the Nakba are the other side of a coin -- the Jewish State. There simply is no other way to have a coin with a Jewish state on it without having refugees, domination, and inequality for Palestinians be on its other side. Because the Jewish state was created the only way it could have been -- by violence -- it has had to be maintained by force: the prevention of refugees from returning to their land, the control and subordination of Palestinians in Israel to an unequal citizenship status, and severely limiting and crippling the lives of Palestinians living in the territories occupied in 1967.

The acts of commemorating 1948, the starting point of this continued Nakba, should also be a time for reflection upon finding a way to finally create its endpoint, in a manner that guarantees dignity, equality, democracy, and security to all Palestinians and all Israelis. The process of asking these questions should also be reversed - instead of beginning by asking how to achieve two states or one state, the question's starting point should be one of identifying what specific political arrangements are necessary to build and sustain a future in which all Palestinian refugees who wish to return to their homeland will be able to do so, and allow all Israelis and Palestinians to live in equality, dignity, democracy, and not least of all, security. How can we change the current condition under which privileges are granted by the State to Jews living anywhere in historic Palestine (or indeed to any Jew in the world who wishes to emigrate to Israel or the West Bank) over any Palestinian in any place in historic Palestine (or any Palestinian living in exile who wishes to return to their homeland)? Our intellectual and political efforts should take these questions as the point of departure. And it is likely that once we do so, it will become clear that a two state solution in the way it is being discussed in the high echelons of power is incompatible with equality, democracy, return of refugees, and historic reconciliation, and therefore, with long-term stability. ■■■



Analytical Paper**Collective Memory, Indigenous Resistance and the Struggle for Return: Palestinians inside Israel Six Decades after the Nakba***Prof. Nur Masalha **

Last year Palestinians throughout the world commemorated the 60th anniversary of the Nakba – the single most traumatic catastrophe that ever befell them. The Nakba is a key date in the history of the Palestinian people – including those 1.3 million Palestinians inside Israel. That year, a country and its people disappeared from international maps and dictionaries. The Nakba resulted in the destruction of much of Palestinian society, and much of the Arab landscape and geography was obliterated by the Zionist state – a state created by a European Jewish settler community that immigrated into Palestine in the period between 1882 and 1948. The historic Arabic names of geographical sites were replaced by newly coined Hebrew names, some of which resembled biblical names. From the territory occupied by Israel in 1948-49, about 90 percent of the Palestinians were driven out – many by psychological warfare and /or military pressure and a very large number at gunpoint. The 1948 War simply provided the opportunity for the creation of a vastly enlarged Jewish state on 78 percent of historic Palestine. It focused Zionist thinkers and provided the security, military-strategic and settler-demographic explanations and justifications for “purging” the Jewish state of non-Jews and dispossessing the Palestinian people. In the post-1948 period the minority of Palestinians (160,000) who remained behind became second-class citizens, subject to a round-the-clock security system of control and surveillance and a system of military administration by a government that confiscated the bulk of their land.

Present Absentees

Today the scale of the Palestinian refugee problem can hardly be overestimated: some 70 percent of Palestinians are refugees or internally displaced persons; there are more than five million Palestinian refugees in the Middle East and many more worldwide.



Today almost a quarter of all Palestinian citizens of Israel are “internal refugees” or “present absentees” (*nifkadim nokhahim*). The term is a legal one, coined with Kafkaesque irony by Israel’s legal bureaucracy in its 1950 Absentee’s Property Law to describe those Palestinians who had been displaced from their homes and villages in 1948-49 and became “internal refugees” within their own country. The “internal refugees” originate primarily from 44 destroyed villages located in northern Israel. A second and smaller group of internally displaced consists of those who have been displaced since 1948 due to internal “transfer” and eviction, land expropriation and house demolition. Much of this group is comprised of Palestinian Bedouins in the Negev.

The Israeli population censuses which were carried out in the 1950s and 1960s did not include questions designed to distinguish between “Israeli Arabs” who had become internally displaced and those who had not. This lack of attention to the “internal refugees” was deliberate. It was also consistent with the general neglect suffered by the Palestinians inside Israel. Another reason for the lack of official Israeli statistics was the unwillingness on the part of the Israeli government to draw attention to the existence of the “internal refugees” and their awkward situation by providing means of identifying them. The identification of their plight would have served as a reminder that the Palestinian refugee problem also existed within Israel. The internally displaced found themselves in a unique situation. Despite their historic, geographic, cultural and national ties with the Palestinian people, they were “refugees” in their own homeland and their special situation was shared with the Palestinian national minority in Israel. Sharing common memories of their “towns and villages of origin”, they formed a distinct group (in a distinctly weak position) among the Palestinian citizens of Israel: “a minority within the minority” – with its adverse consequences of “double marginalisation”.

Of course the displacement of the Palestinians did not end with the Nakba. The Israeli authorities continued to “transfer” and dispossess Palestinians inside Israel during the 1950s. The Israeli state delegated the job of acquiring, settling and allocating land in the country to the Jewish National Fund (JNF), a quasi-governmental racist institution whose own mandate was to build a homeland for the Jewish people *only*. Until 1966 Israel also instituted a military government and declared Palestinian villages “closed military zones” to prevent the “internal refugees” from returning. The Israeli army and the JNF became the two Zionist institutions key to ensuring that the internally-displaced were unable to return to their lands, through their policy of the destruction of Palestinian villages and their transformation into Jewish settlements, national parks, forests and even car parks.



The JNF also planted forests in the depopulated villages to “conceal” Palestinian existence.

The outcome of the 1948 war left Israel in control of over five million acres of Palestinian land. The Israeli state first took over the land of the 750,000 refugees, who were barred from returning. Israel took other practical steps: Palestinian farms and villages were razed and refugee property seized; Jewish settlers, many of them new immigrants, were settled in homes and neighbourhoods belonging to Palestinian refugees. Subsequent policies adopted by the Israeli state were aimed at consolidating the power and domination of the newly created Jewish majority. A key element in this effort was the prevention of the return of Palestinian refugees. The remaining Palestinian minority was subjected to laws and regulations that effectively deprived it of most of its land. These actions were legalised through the enactment of a range of laws reflecting the prevailing Zionist view that Palestinian refugees were not welcome and enshrining their prejudiced position as a matter of state policy. The entire drive to take over Palestinian refugee land was conducted according to strict legality. Between 1948 and the early 1990s the Israeli Knesset enacted some 30 statutes that transferred land from private Arab to state (and thereby Jewish) ownership.

Since 1948 Palestinian attempts to constitute a coherent narrative of their past have often been challenged and silenced. Israel’s land and demographic policies towards the Palestinian people were partly designed to foster an Israeli collective memory based on the myth that the Palestine of 1948 was “a land without a people for a people without a land”. After 1948, the exclusion of the Nakba (a mini-holocaust) from Western discourse on Israel-Palestine was reflected in the fact that the Palestinians would be referred to by general, conveniently vague terms as either “Arab refugees”, or in the case of a minority that had managed to escape the generalised expulsion, “Israeli Arabs”. Denied the right to self-determination and statehood, the Palestinians were treated after 1948 either as “Jordanians” (in the West Bank until 1967), “Israeli Arabs” (inside Israel), or as “refugees” (outside historic Palestine). They became merely a “humanitarian problem”, deserving the support of international aid agencies and, more specifically, the United Nations Relief and Works Agency (UNRWA), and an “economic problem” requiring “dissolution” through resettlement in Arab countries and employment schemes in the oil-rich Gulf.

Post-1948 Zionist projects concentrated on the Hebraicisation and Judaisation of Palestinian geography and toponymy through the practice of re-naming sites, places



and events. The Hebraicisation project deployed re-naming to construct new places and new geographic identities related to supposed biblical places. The new Hebrew names embodied an ideological drive and political attributes that could be mobilised by the Zionist hegemonic project.

Educated within the framework of the “Israeli Arab” education system, and subjected to a school curriculum dictated by an Ashkenazi Zionist elite (with its focus on the Hebraicised and Judaicised Land of Israel), at least some of the younger generation of Palestinians growing up inside Israel were unfamiliar with many of the Arabic names and sites of historic Palestine. Recently a Palestinian academic from Israel submitted an article to an academic journal I edit – an article based on a doctorate he had obtained from an Israeli university – in which he discusses the situation of the “Arabs in the Land of Israel” in the 19th century. Speaking as a graduate of the same “de-education” system, I believe that it is imperative that Palestinian civil society and NGOs inside Israel make a greater effort in challenging this Zionist cultural hegemony and re-invention of history by re-educating the Palestinian youth in Israel about the material and cultural heritage of the indigenous inhabitants of Palestine – a heritage deeply rooted in the land of Palestine.

Nakba Commemoration and Protests

In the past two decades Palestinians inside Israel – after a relatively long period of “silence” and “present absenteeism” – have begun to challenge and even resist the hegemonic Zionist narrative and the officially imposed attempts to silence the Nakba. These efforts, which came with a growth in confidence, demography and politicisation, have met with varying degrees of success. Today, with millions of Palestinians still living under Israeli occupation or in exile, the Nakba remains at the heart of Palestinian collective memory and national identity. To begin with, there was always an intense relationship between the Nakba and the formation of Palestinian national identity, especially from the late 1950s onwards. While Palestinian national identity took roots long before 1948, the collective memory of the Nakba played a major role in the reconstruction of Palestinian national identity and the re-emergence of Palestinian nationalism in the 1960s. More crucially it was the (historically marginalised) Palestinian refugees themselves who played a crucial role in preserving Palestinian identity and in setting up the PLO and the guerrilla movement in the 1960s.



Today, accounts of the traumatic events of 1948 are central to Palestinian society. By Palestinian society I mean all its three main constituencies: Palestinians inside Israel, Palestinians in the occupied territories and the refugee and diaspora communities outside historic Palestine. The Nakba remains a key site of Palestinian collective memory and the single most important event that connects all Palestinians to a specific point in time. The collective memory of the Nakba unites all three Palestinian constituencies deeply and emotionally – three constituencies separated by geography and expedient politics; by historical fragmentation and the colonial boundaries imposed on the Palestinian people by the Israeli state; by differences derived from different legal and political conditions in Israel-Palestine and neighbouring countries.

In the past decade or so the Nakba Day (15 May) has been widely commemorated by the Palestinian community inside Israel. The same community also discovered that a collective memory of the Nakba could be mobilised as a powerful tool of peaceful resistance. The Nakba Day connects the relatively isolated Palestinian community inside the Green Line with other Palestinian communities inside and outside historic Palestine. Collective memory helps to consolidate national bonds, mutual solidarity and shared history and memories.

Story-telling and collective memory has always been central to the struggle of the “internal refugees” inside Israel. Since 1948 the “villages of origin” have been the centre of memory accounts and the important provider of “legitimacy” for the internally displaced persons and for their struggle for return. Moreover, in recent years the local campaigns of the internal refugees have reflected a strong relationship between memory accounts, refugee identity, and the desire to return to the place of origin. Of course the grassroots struggles of the internal refugees have to take into account “daily” issues, living conditions and the struggle to survive inside Israel. Social protests, which centre on the village of origin, embody elements of indigenous resistance directed against the Israeli authorities, the JNF and the “status quo” in the host village. But the grassroots struggles of the internal refugees articulate a new and more assertive programme which can only be fulfilled through return to the village of origin.

Interestingly the struggles of the “internal refugees” have taken place among the second and third generations. Younger activists have made the village of origin a key project of collective memory and identity, and have expressed a stronger belief in future return than the older generation of internal refugees. The same younger generations have also learned from their parents’ attempts to return without success in the past, taking into



account the political developments that have taken place among Palestinians inside Israel.

Younger generations of internal refugees began to recover the past and reconstruct memory accounts of the village of origin through various means. Until the 1980s the stories and memories of the older generation had largely existed in oral form, and within the social context of the host village. Since the early 1990s younger generations have been trying to articulate a new narrative of return and memorialisation. In this regard, the internal refugees have been more fortunate than the Palestinian refugees in the diaspora, owing to the possibility of physical access to the villages of origin, providing individuals and local groups with the opportunity to “experience the village of origin”. Visits to the villages of origin, preserving holy sites, holding summer camps and marches within the boundaries of the village of origin, have become key components of the internal refugees’ strategy in their attempts to articulate a new narrative based on the village of origin. These activities aim to encourage displaced people to “rediscover” the village of origin themselves, and to empower their memory, sense of belonging and identity.

During the commemoration of the Nakba Day local refugee committees organise “Return Marches” – under the slogan “their Independence Day is our Nakba” – and trips to the villages of origin. Palestinian NGOs inside Israel and local committees of the internally displaced have produced geographical maps and oral histories, pamphlets and books focusing on the experience of displacement.

Institutionalising Nakba Memorial Day: Grassroots Struggle and Palestinian Civil Society

If the Palestinian refugees in exile have played a major role in preserving Palestinian national identity, it was the Palestinians inside Israel who gave the wider Palestinian national movement one of its most enduring symbols: the “Land Day”. With its focus on the heart of the Palestine question: the struggle over the land between the indigenous inhabitants and settlers, the Land Day of 1976 symbolically reunited (and continues to do so) the struggles of the Palestinians inside Israel with the overall struggle of the refugees (and the Palestinian people as a whole) perhaps more powerfully than any other single event since the Nakba. The mass protests inside Israel have produced a new mode of peaceful, indigenous resistance. Since 1976, “30 March” has become central to Palestinian collective memory and national identity: a “national day” of



resistance, strikes and commemoration for the Palestinian people as a whole. The Land Day – the second most important event in the Palestinian national calendar – is universally commemorated by Palestinian civil society inside Palestine-Israel and in exile.

Since the late 1980s the initiation of separate grassroots activities by the internal and external Palestinian refugee communities (in Israel, Lebanon, Syria, Jordan and other places in the Middle East) has shown an acute awareness of the importance of recording the events of the Nakba from the perspective of the refugees themselves and from the perspective of those previously marginalised by Palestinian elite narratives. At the same time many grassroots organisations, NGOs and local refugee committees were set up by Palestinians inside Israel and began waging a battle for the preservation of both Nakba memory and the material heritage of the refugees, and for the return of the internally displaced to their “villages of origin”.

For all Palestinians inside and outside historic Palestine a main reason for the continuation of the conflict is the failure of the Israeli state to acknowledge 1948 as an “ethnic cleansing” and the dispossession of the indigenous inhabitants of Palestine and their descendants. As long as this historical truth is denied or excluded, there can be no peace and no reconciliation in the Middle East. Clearly recognition of the Nakba is central to the future of Palestine and Israel; recognition of the historic injury and injustice that were visited upon the Palestinian people is a prerequisite for a just solution.

Today the Nakba continues through the “politics of denial”. Palestinian refugees around the world are denied their internationally recognised “right of return” (under UN resolution 194) to their homes and land.

Today the Nakba continues in the ongoing forced displacement of Palestinians caused by land confiscation, continued closures and invasions, *de facto* annexation facilitated by Israel's 730-kilometer Apartheid Wall in the occupied West Bank, and the ongoing siege of Gaza. Palestinians in Gaza, the West Bank and east Jerusalem are denied access to land, water, and other basic resources.

With the lack of effective Palestinian leadership – the Palestinian Authority in the West Bank is largely discredited – Palestinian civil society throughout historic Palestine will have to shoulder greater responsibility in the struggle for collective memory and the “right of return” and for the rights and needs of the Palestinian refugees (both internal and external). The rights of the refugees have been excluded from the Oslo process



and recent Middle East peacemaking efforts and the refugees have been generally marginalised by the Palestinian leadership. With the failure of both the Israeli state and the international community to acknowledge the Nakba, “1948” as an “ethnic cleansing” continues to underpin the Palestine-Israel conflict.

Inevitably the Palestinians inside Israel and the Israeli-Jews disagree sharply on the “right of return”: many Israeli-Zionists argue that the implementation of the “right of return” would both undermine the Zionist project and transform Israel into a “bi-national state”. But the Palestinian citizens of Israel, on the other hand, already view the reality within the Green Line as a bi-national reality. Therefore they would positively welcome and encourage the transformation of Israel into “a state of all its citizens” and “absentees” – ie into a bi-national state.

Collective memory, commemoration and memorialisation have played an important role in nation-building processes and as a vehicle for victims of injustice and violence to articulate their experiences of suffering. Narratives of memory and commemoration have also been part of grassroots initiatives to bring to life marginalised and counter-narratives that have been suppressed, either by hegemonic discourses or the unwillingness on the part of repressive and racist regimes to acknowledge the past.

Above all a joint struggle of the Palestinians inside Israel with other Palestinian refugee communities to publicise the truth about the Nakba should be a vital way of protecting the refugees’ rights and keeping the hope for peace with justice alive; a joint grassroots struggle “from below”, initiated by Palestinian civil society in its diverse locations, designed to consolidate and institutionalise the Nakba Memorial Day, actively promote Nakba memory, and keep the struggle for “return” alive. ■■■

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Viewpoints

In the eyes of Palestinians, wherever they may be – in their homeland or in the exile – the right of return is considered to be one of their inalienable rights. The insistence on it has become familiar in the discourse of all nationalist political parties and movements. Some insist on this right on the basis of the honest hope that true justice will be manifest and obtained; others insist on the right of return to strengthen their proposals that are subject to negotiation when the final settlement to the Palestinian question is deliberated. At times, it seems that despite the insistence, the presence in the Palestinian arena of the demand for the right of return seldom goes past raising political slogans into thinking seriously about the mechanisms and opportunities for its implementation, and posing a solution capable of realizing this right.

In light of successive political developments on the global, Israeli and Palestinian levels and their effect on the possibilities of realizing a desired solution, it has become necessary, even imperative to answer the following question if we want to deal with the right of return in a serious way: how can the right of return be achieved within the proposed political solutions, the "two states for two peoples" and the "one state" solution being the most prominent? Or, what is the political solution that will achieve the right of return for the Palestinians to their country and land?

The viewpoints included in this issue of *Jadal* attempt to deal with these questions. While the three viewpoints seek to examine the topic without going beyond the possibility of the two-state solution, we wish to remind the readers that there are other points of view (for example, see the editorial in this issue) that consider the two-state solution incapable of guaranteeing the right of return to Palestinians.



How can the two-state solution be reconciled with the Right of Return?

*Dr. Raef Zreik**

As an initial clarification, a distinction should be drawn between several proposals that talk about the two-state solution and nature of these two states. However, in this context I shall narrow the discussion to the two-state solution in the restricted sense, ie, the solution of “two states for two peoples”.

The “two states for two peoples” solution means, among other things, that there are two peoples, and that each people has the right to a state. And one could further state that each people has the right to its own state. In this regard, there are certain questions that require consideration:

First is a type of question that concerns the nature of the active “subjects” or identity of the actors who participate in the political game: about which peoples are we speaking? There are three possibilities: 1. The Palestinian people wherever they are located, and the Jewish people wherever they are located; 2. The Palestinian people wherever they are located, and the Jewish Israeli people only (excluding other Jews located elsewhere in the world); and 3. The Palestinian people in Palestine only, and the Jewish people throughout the world.

A further type of question is connected to, but is theoretically independent of, the first type, and relates to the question: What is meant by the statement that each people has its own state? What benefit is derived from the words “its own”? Should a people have a state of its own, as a person has a car, a man has a wife, a person has a stomach, or as a father has a daughter?

The intention here is to explore the nature of the relationship between a certain people and a certain state, the degree of correlation between the first and the second, and the extent to which this relationship is exclusive, and to what extent organic. In the following I shall refer to the relationship between people and state using the letters “P” (people) and “S” (state). We can imagine numerous relationships between P and S, and the nature of the relationship between them can have varying meanings. If we state that a certain people, which we shall denote as



P-1 possesses a certain state of its own, which we shall denote as S-1, the nature of the relationship between them can be represented in the following ways:

1. P-1 owns S-1 and only S-1, in the sense that P-1 does not have any right to S-2 or S-3. That is, significance of the statement lies not only in its recognition of a positive relationship between P-1 and S-1, but also the establishment of a negative relationship between P-1 and S-2, S-3, etc.

In fact, this is the nature of the claim set forth by many Israelis concerning the Palestinian people and the concept of the Palestinian state. The Palestinian state to be established will be a Palestinian state that satisfies the collective rights of the Palestinians, and their right to a state of Palestine necessarily entails the relinquishment of their collective political rights in Israel. Otherwise this right would contradict the concept of “two states for two peoples”, and affirm that of an entire state for the Palestinians plus half a state in Israel.

2. According to the second meaning of the nature of the relationship between P-1 and S-1, there is nothing to preclude, in addition to the relationship between them, separate relations of “ownership” with S-2. One could argue, for example, that France represents the right to self-determination of the French people (and this argument will be repeated below), and that France belongs to the French. However, there is no theoretical reason why French people living in Quebec should not enjoy collective rights or national autonomy within Canada. Likewise, the fact that Germany belongs to the Germans and represents the German right to self-determination does not prevent Germans living in Switzerland from expressing their right to self-determination within Switzerland itself. Hence the fact that a future Palestine would belong to the Palestinians does not necessarily imply that it would satisfy all the national demands of the Palestinians, and does not in principle contradict the need to recognize the national political rights of Palestinians in Israel.
3. A third possibility is that P-1 owns S-1 not only in the sense that it is the owner of this state, but is also its exclusive owner, without partners. Here the relationship between the people and the state is more like that of a Catholic marriage (monogamy). The argument that Israel is the State of the Jews



means that Israel is the state of the Jews, the Jews alone, and no one but the Jews. It expresses their collective right to self-determination and does not express, and cannot express, the right to self-determination of any other group. Thus the relationship is not only a relationship of ownership, but also a relationship of exclusivity.

4. The fourth meaning relates to the statement that P-1 owns S-1, but that the relationship between P-1 and S-1 is not exclusive as P-1 has partners in the ownership of S-1. We can conceive of such a situation if we imagine a relationship similar to that of polygamy. If we take the man to be the state and the people the wives, then clearly the first wife's claim that so-and-so is her husband does not invalidate the claim of the second wife that the same person is her husband. In such a case, the state constitutes an expression of the right to self-determination of two peoples at once, ie is a bi-national state, to varying degrees.

In light of the above we return to our main question: What is meant by the solution "two states for two peoples"? Who are the two peoples? What is the nature of the two states? And what form does the relationship between each of these two peoples and their respective states take? I leave this question wide open to the advocates of this solution to give us the unequivocal answers.

However, below I shall focus on the issue of the Right of Return and its obvious relationship to the questions raised above. If the issue at hand is the Right of Return to within the borders of the State of Israel, and if we are speaking of return rather than the mere acknowledgment of the right, then there is clearly a real tension between talk of the Right of Return and talk of the right to self-determination of the Jewish people in its state – Israel. If we were to accept the logic of meaning (3) and meaning (1) above in trying to comprehend the nature of the relationship between the Jews and Israel, then Israel would be the state of the Jews, and the Jews alone, with no partners. Among the rights that derive from the right to self-determination of this type is the right to control borders and to determine immigration policies in a manner that responds to the demographic needs of the state. Imposing the Palestinian Right of Return undoubtedly clashes with this understanding of the right of the Jewish people to self-determination. True, the Right of Return may not conflict with readings (4) and (2) above, which assume that it is possible for Israel to simultaneously represent the right to self-determination of the Jewish people and the



Palestinian people. However, if this is the true meaning, then what remains of the slogan “two states for two peoples?”

The logic of “two states for two peoples”, which is based essentially on the concept of collective rights, first and foremost the right of peoples to self-determination, exists in a state of tension with the individual nature of the Right of Return, which is essentially the right of the individual to return to his specific, individual, personal house within a particular country. And this is in turn a combination of the right to belong to a group and the right of individual ownership, which refers to the relationship of individuals to objects. The logic of collective rights assumes that many of the refugees will concede their individual rights in some way for the sake of realizing the collective rights of the Palestinian people. And even if every Palestinian, refugee and non-refugee alike, undoubtedly has an interest first of all in the achievement of a collective project, the fact remains that there is a certain group within the Palestinian people that is being asked to pay a higher price than the others to attain this collective goal.

Supporters of the solution of “two states for two peoples” must delve into the details and define the nature of the relationship between each of the two states and each of the two peoples, and, most importantly, the relation of each of the two states to its “absentees” – in the Palestinian case the Palestinian refugees and the Right of Return, and in the Israeli case Jews who are located outside Israel. ■ ■ ■

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Ensuring the rights of the refugees to ensure a permanent political settlement

*Hisham Naffa**

In recent years the Israeli establishment has introduced a new condition for accepting any political settlement with the Palestinian people, which entails “recognition of the Jewishness of Israel.” It can be accurately described as a “precondition,” which dictates the outcome of the negotiations before they have even been embarked upon. Apparently, there are no bounds to Israel’s innovations in ways of sabotaging the achievement of a settlement.

This demand, which is exceptional, if not unheard of, in international relations, does not only stem from the entrenchment of fanatic, racist closed-mindedness within the Israeli establishment; it is also an extremely cunning political ploy given the official Israeli approach towards the definition of the state as “Jewish”. The issue is not a cultural or even symbolic issue as much as one of numbers, and is measured using the tools of demography: the number of Jews versus the number of Palestinians. Thus the Israeli establishment is not content merely to demand recognition of the existence of its state as the “embodiment of the Jewish right to self-determination” – the justification commonly given for the existence of modern nation-states – but also demands that the world recognize its ideological self-definition. In other words, the Israeli establishment is seeking to impose the basic doctrine of the Zionist Movement as if it were a universal right that must be acknowledged by all. The effect of this, should it come to pass, would be firstly to purge the Zionist Movement of the ethnic cleansing that was perpetrated by its various arms against the Palestinian people during and shortly after the *Nakba* of 1948; and secondly, to give it the opportunity to claim that the right of the Palestinian refugees cannot be enforced as it would harm the Jewishness of the state.

Thus the issue is more than a symbolic battle, and has become a calculated Israeli policy. During all of the various stages, from the *Nakba* to the present day, one issue has been a continual source of concern to the Israeli establishment, namely the rights of the Palestinian refugees who were forcibly expelled by arms from their homes, and whose villages were destroyed in their hundreds. The historical process, with all its various political twists and turns, has compelled the Israeli establishment



to formally acknowledge the existence of the Palestinian people and thus their right to self-determination within an independent state. Prior to the early 1990s, the proposals put forward by the establishment regarding the Palestinian issue did not go beyond annexing some of the Palestinian territories it had occupied in 1967 to Jordan and Egypt, as if it were merely a matter of settling borders. However, the course of the Palestinian national struggle, which culminated in the popular uprising or Intifada of December 1987, imposed the right of the Palestinian people to self-determination, with an unprecedented kind of power, and made it impossible for the Israeli establishment to continue to ignore it.

Thus from the start of the Israeli-Palestinian negotiations, the Israeli establishment has recognized (and I stress, only at the declaratory level) the possibility of establishing a Palestinian entity. If we were to conduct a brief survey of the current political map of Israel, we would find that most actors now make statements to this effect, even if under duress. However, the issue of course goes beyond the act of making declarations. Actual Israeli practices raise a serious question mark over the intentions and hidden objectives that underlie all its perfunctory statements. This is reflected in its failure to respect the agreements it has signed, as well as the brutal and recurrent military assaults it has launched for the political purpose of destroying the Palestinian political and institutional infrastructure, be it in the West Bank in the early 2000s or more recently in the Gaza Strip, and all to preclude the establishment of even an institutional core of an independent Palestinian entity.

Even if the Israeli establishment has officially argued in favor of the establishment of an independent Palestinian entity, there remains a need to break through this wall of declaratory silence in order to reach the actual content. This content will be exposed essentially by Israel's official and actual position towards the rights of the Palestinian refugees. Even today, the Israeli approach is based on dismantling, indeed shattering, the Palestinian cause. Thus on the one hand, the Israeli establishment insists on formulating stages, beginning with what was known as "Gaza and Jericho first", and on the other, it spreads the files of the Palestinian issue out over future stages, which it is careful to constantly postpone, using the tools of power, both militarily and through settlement. And this is to say nothing of the fact that Israel approaches the entire issue as if it began in June 1967, which serves its goal of closing the older, more difficult files, the files of 1948, and first and foremost that of the refugees.



The proposed political settlement of what is referred to as the Palestinian-Israeli conflict (which is, by the way, a problematic term in one of its most crucial aspects, since it assumes and imposes parity of power between the two sides, despite the fact that one side has expelled, occupied and settled, while the other has been subjected to the results of these violent practices) takes two forms. The first is the establishment of two independent states, and the second the establishment of a single, common state. There are various debates on this matter. Some are "either/or" debates, while others place the issue within its historical context, in terms of the need firstly to end the occupation of the 1967 territories and establish an independent Palestinian state, and then to achieve reconciliation between the two people (reconciliation, not settlement), which may lead to them living in a common state in the future. In my opinion, however many discussions take place, it is holding onto the rights of the refugees that puts them all in their "proper place", and indeed helps them to move forwards towards greater clarity and practicality.

Based on the above, it is imperative to tackle the problem of equivocation regarding the form of settlement stipulating the establishment of two states. This problem arose alongside recent shifts in the political-historical process. The Israeli establishment continuously rejected such a settlement until some years ago, even though it is derived from an internationally accepted formula, as represented by the partition plan. However, when forced to give its consent, if only diplomatically, Israel altered, and indeed undermined its content by turning the issue into a formulaic equation that lacks the essential component: the rights of the refugees. Here, the fact that the two sides used similar expressions for the "two independent states solution," and that the various speakers intended different meanings, created a state of ambiguity to the point of confusion. The content of the "two states" as proclaimed by the Palestinian Liberation Organization differs fundamentally from what is intended by the Israel's major Zionist parties. The disregard for this large discrepancy in what the various parties mean when referring the form of settlement has triggered a spate of debates, often formalistic in character, between the two sides and their supporters. Instead of making theoretical and practical efforts to shed light on what is possible within the given reality and construct a political vision based thereon, the debate has veered off into extremely theoretical, or semi-idealistic, peripheries (idealistic in the philosophical sense, ie as opposed to material, and not in the utopian sense). And rather than viewing the dialectical relation between the two forms of settlement from an historical perspective that would allow us to "put



the issues on the table”, the debate has been ideologized into a near-absolute duality that is almost completely devoid of the necessary realist, historical reading.

The following question must be addressed: How can the rights of the Palestinian refugees be realized and effectuated in each of the two cases, or at the two stages of settlement? Many have correctly surmised that the first stage should be Israeli recognition of the issue, with the Israeli establishment taking responsibility for its creation, as well as for its consequences and its duty to facilitate and contribute to its resolution. Some believe that this is “impossible” within the framework of the two-state proposal. It can be argued that this view perhaps stems from a failure to consider the qualitative difference that would arise if the Israeli establishment were to reach an advanced stage of political maturity through acknowledging and bearing responsibility. All political projects can seem like fantasy in their initial stages, and such a perception prevailed for decades, for example, with regard to the establishment of an independent Palestinian state. However, the historical process is always complex, and just as it brings new complications it also opens up new horizons. In any case, there is no contradiction between the realization of the rights of the refugees and the settlement represented by two-states, other than in the official Israeli conception, which insists the Jewishness of Israel. By altering the angle of vision, it will become clear to the observer that the struggle to change the ideological identity of this state is closely connected to a genuine prospect of a solution to the refugee issue, and vice versa. They are two interdependent processes. This also applies to a possible future stage of the settlement, by which I mean living together within a single state, following a reconciliation that runs deeper than official agreements. Thus the question remains: How is all this to be brought about in reality? This is the role and imperative of political negotiations. The time has come for these negotiations to take place and for them to be taken out of their old confines of postponements and refusing to stray onto dangerous territory. Here it should be noted that the claim that the “the Israeli establishment will refuse” is problematic, since it strips away the Palestinian will in advance, thereby invalidating the meaning and concept of struggle. Nothing has been achieved in the context of the cause of the Palestinian people without struggle, even when the Israeli establishment was at its most intransigent. There is perhaps a need to reformulate the Palestinian dream, which has sustained fractures and bruises, most dangerously the internal fracture represented by the current state of division.



In my view, adhering to the right of the refugees in principle and deed, irrespective of the two disputed forms of settlement, can restore matters to where they should be, to reality. Bringing the refugees' issue back down to earth from the level of slogans may act as a catalyst for the creation of practical solutions; holding onto rights in general requires a practical formulation, in the sense of delving behind the slogan or the demand. The Palestinian issue is larger than the confines it has been forced into by the attempts to demarcate geo-political borders, because its justice essentially lies in the fact that it is a revolutionary project that stands opposed to the colonial project that the Zionist Movement has sought to impose. The Zionist project was primarily based on cleansing the country of as much of its Palestinian population as possible, and its concrete practices will not change without full recognition of the rights of the refugees, politically, morally and practically. In such case, the dispute over the proposed settlement solutions would no longer remain stuck in its current, politically sterile state, but would transform into a disagreement that enriches efforts at finding a solution.

The solution to the Palestinian issue will remain out of reach unless the structure of colonial relations that the Israeli establishment continues to impose is dismantled. Thus any settlement of which the realization of the refugees' rights, according to the will, choice and decision of each refugee, is not a central element will remain a formal settlement, and subject to the predominant colonial relations. It is important in this regard to clarify that dismantling this colonial structure is also in the interests of the Jews. It would liberate them, politically and morally, from playing the role of the human and material reserve that shores up a project founded on the hegemony that generates war and bloodshed. Dismantling the colonial structure would normalize the presence of the Israeli Jews in the East. For the Palestinian issue is a liberation issue, and not only for the Palestinians!

Finally, the obstacles that stand in the way of realizing the rights of the refugees are not restricted to the nature and practice of the Israeli establishment, with its Zionist references, though this continues to be the root of the disease. There are also Palestinian and Arab obstacles, first of all the absence of a common Palestinian national strategy that transcends ideological disputes, however acute. Similarly, the official Arab treatment of the Palestinian issue as an obstruction to be removed, rather than a just issue of national liberation, heightens the dangers of making substantial concessions, for fear they may ultimately deliver a victory to the Zionist



project. Such a victory would present a danger to the Palestinian people and the Jewish people alike, since any formal settlement that is subject to force will be nothing more than a new stage in the unfolding of a new tragedy. ■■■

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■ Palestinian refugees' problem: Can it be resolved with a new model of a nation-state?

*Dr. Sari Hanafi**

In the Bethlehem Fatah communiqué of December 2003, the authors refused to consider the Palestinian state as a substitute for the right of return: "If we must choose between the Palestinian state and the right of return, we will choose the latter." But is there a solution that encompasses the right of return and a Palestinian state? There is no simple solution to the Palestinian refugees' problem, only a creative one. Palestinian negotiators often invoked questions revolving around rights or the number of eventual returnees or the technical economic and social capacity for absorption, but not around the question of the nature of both the Palestinian and the Israeli nation-states, the concept of state sovereignty and its inherent violence, and the inclusion/exclusion that the state exercises to determine who is a citizen. Nowadays, in the time of the quasi-failure of a viable two-state solution to the Palestinian-Israeli conflict, a democratic one-state solution seems equally unlikely in the foreseeable future. Moreover, the problem is not about the feasibility of the two-state solution but also about its normative stance. A creative solution thus should be envisaged.

The current nation-state model which is based on the "trinity" of nation-state-territory does not allow for a solution to the Palestinian refugees problem. A new nation-state model must be conceptualized, based on flexible borders, flexible citizenship and some kind of separation between the nation and state-what I will call the extra-territorial nation-state. This model of nation-state is structural and marks an intermediary model between a territorially-based nation-state and a "de-



territorialized" one. A rethinking of all traditional political/legal categories in the Middle East is necessary to resolve the problem of refugees in countries where they constitute sometimes one-third of the population. It is also important for tackling the question of the identity and mobility of a whole population.

I am thus arguing in favor of the model of two extraterritorial nation-states (Israeli and Palestinian). This model falls somewhere between the two-states solution, which, due to power inequities, is now leading instead to an apartheid system, and the relatively unpopular bi-national state solution. A sort of "confederation" may be a more feasible solution: two extraterritorial nation-states, with Jerusalem as their shared capital, contemporaneously forming, without territorial division, two different states.

This kind of state is territorialized in the manner of any other state, but distinguishes between citizenship and nationality. For instance, the rights and the duties of those who live in the Palestinian Territory/Israel would not be a function of their nationality (ie whether they are Palestinian or not.) At the same time, those who live abroad, who are of Palestinian origin, could also enjoy rights and duties, even though they do not reside permanently in the Palestinian Territory/Israel. Notably, however, such an arrangement will be possible only if the Palestinian and Israeli sovereigns are able to enter into special agreements with countries that host Palestinian refugees to facilitate the attainment of full dual citizenship. Accordingly, Palestinian citizenship would be available even to people residing outside of Palestine. This could be an honorable solution for those who are not willing to return but who would, nevertheless, like to belong to a Palestinian nation and be involved in Palestinian public affairs.

This form of solution corresponds to political developments in other areas of the world. It no longer involves considering, in a traditional manner, that in the nation-state each citizen stands in direct relation to the sovereign authority of the country. It does not reflect on the conditions of admission to citizenship which separate the 'insiders' from the 'outsiders'. Neither does it extend this type of reflection that uses citizenship as its foundation for the territory of the nation-state by dealing with the cases of post-national citizenship, as for example, in the new public European space.

The Middle East is far from being in the phase of post-nationalism. It is important, however, to show that this model exists and might influence Middle East political



developments, be it as a backdrop to a peace process or as the outcome of one. In this framework, I may propose the possibility of connecting Palestine and Israel to a European space as an incentive to convince belligerents of the fact that no matter what their national sovereign space is; its boundaries are geometrically variable and that both national spaces are part of the European space's frontier. Frontier here is a useful geographical concept as it means being in and being out and the population dwelling there are to have special status. This could also be similar to the Cyprus case. Adhering to the EU has been a salient point in the ongoing peace process. Further research should explore new avenues for a solution, based on the enlargement of the EU to incorporate physically or politically Palestine/Israel.

The suggested model of allowing the possession of dual or multiple citizenships, which was previously considered a threat to the international order and to nation-states, has become accepted and even protected under international law. Based on that and in the framework of the extraterritorial nation-state, one may follow the thought of Amnon Raz regarding the two binational states: one Palestinian state with Palestinian and Jewish inhabitants (the settlers) and the other a binational Israeli state with Jewish people and Arab Palestinians. Said Zaidani has proposed another model which is a political separation without physical separations.

Currently the model of extra-territorial states is found all over the world. In Europe, for instance, any French citizen is also a European one who can go to the European court to sue its government or any group located in its own country. The majority of Bosnian refugees, since the Dayton Agreement of 1995, have enjoyed resident status or are even naturalized in a western European country, and possess Bosnian nationality, as they have the right of return there. Some might argue that this model has been applied only in developed countries where economic factors play a determining role, but we also find informal or formal flexibility in many developing countries in Asia (relationship between China and Hong Kong) and Africa (very permeable borders between different African states).

Two possibilities can potentially resolve the Palestinian refugee problem: one that follows the model of the two rigid states solution, and the other, that follows the model of extra-territorial nation-states. If the current debate has been based on the assumption that the return of refugees is a matter of demographic and political stability, I argue for the need of a new framework in which the debate should shift to other issues at stake like citizenship and circular mobility. This solution differentiates



between citizenship and actual residency. While all refugees should benefit from multiple nationalities, this will not necessarily translate into a mass migration of populations.

There are three prerequisites for a solution based on a model of extra-territorial nation-states: the ability to hold three nationalities, one of the current host country (or a third country), Palestine and Israel; full responsibility is held by Israel for the creation and plight of the Palestinian refugees; and any restriction of these advantages should be subject to bilateral or multilateral agreements between concerned states. The Organization of Security and Cooperation in Europe and the United Nations High Commissioner for Refugees' effort on harmonization of citizenship and residency standards in the countries of the Community of Independent States is one example that may be considered for guidance. Lack of harmonization could engender continued forced migration across the region and could lead to instability and/or conflict where one state's citizenship or residency laws – in the context of unresolved displacement or new flows – could be regarded as a threat by another state. Any solution, in other words, must be regional, otherwise the lack of coordination between host countries and the country of origin could end up sending refugees into a perpetual orbit between countries because they are denied residence status.

What I am suggesting would constitute one of the possible just solutions to the refugee problem, while nation-states in the region would prefer other solutions which utilize less of a rights-based approach. For instance, other constitutional arrangements based on residency and not on citizenship that allow refugees to have multiple residencies instead of multiple nationalities may be feasible. However, this is likely to generate conflict rather than resolve it, as traditionally the countries of the region are quick to expel non-citizens in case of social or political conflict. Another possibility, which is worse, could be based on circular migration, managed and regulated by the states in the region to determine the quotas of admitted refugees in a way that they match labor needs in specific economic sectors. ■■■

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Background Papers

This section of *Jadal* aims to provide the reader with a context for the overall treatment of important issues that concern Arab society in Israel. For this issue of *Jadal*, we have selected two articles related to the central theme: the Palestinian Nakba and its consequences. The first article, by Areej Sabbagh-Khoury, deals with the topic of the Internally Displaced Palestinians. The second article, by Hunaida Ghanem, looks at the birth of the concept of Nakba, in conjunction with the Zionist plans for Palestine and their implementation.

These two articles, along with the other articles printed in this section in the two previous issues of *Jadal*, are published in the book:

Nadim Rouhana and Areej Sabbagh-Khoury (2009) (Eds.). *Palestinians in Israel: A Historical, Political and Social Guide*. Haifa: Mada al-Carmel – the Arab Center for Applied Social Research.

The Internally Displaced Palestinians in Israel

*Areej Sabbagh-Khoury**

The category “internally displaced in Israel” includes Palestinians who were driven out from their homes by the Jewish forces (subsequently Israeli) prior to the foundation of the State of Israel, or by institutions under the authority of the State of Israel following its establishment, and who remained within the borders of the State of Israel. Today, Israel continues to prevent these internally displaced persons (IDPs) from returning to their homes.¹

¹ Other names have been used to describe this segment within the Palestinian academic and political discourses in Israel, such as “refugees in their homeland,” “internal refugees,” “refugees in Israel,” and “1948 refugees.” In this paper, I will use the designation “the internally displaced in Israel,” which is how the IDPs have referred to themselves when naming the “Association for the Defense of the Rights of the Internally Displaced in Israel”.



The internal composition of this group can be analyzed according to definitions introduced by the Badil Resource Center for Palestinian Residency and Refugees' Rights. Badil distinguishes between two groups of IDPs: those who were displaced in 1948, and those who were displaced after 1948. The first group – the 1948 internally displaced Palestinians – who constitute the majority of displaced persons who remained inside Israel, consists of those Palestinians who were expelled from their homes during the 1948 Nakba. Under Israeli law, they are classified as “present absentees” (Badil, 2003).

The members of the second group – the post-1948 internally displaced Palestinians – are fewer in number than the first group and consist of Palestinians whom Israel displaced during the years that followed its establishment through internal transfer operations or expulsion (and also beyond the borders of the State of Israel). A large portion of this group is Palestinian Bedouin (Badil, 2003), some of whom settled in what are today known as the “unrecognized” villages.

According to these definitions, displacement did not take place only during the 1948 War, but continued in the aftermath of the war and following the 1949 Armistice Agreements (Jiryis, 1967; Kamen, 1988; Masalha, 1997, 2003). This displacement includes the populations of the villages of Umm al Faraj, Qatiya, Ja'una, Iqrit, Kafr Bir'im, Ghabisiya and al Khisas, in various circumstances (Jiryis, 1967). In addition to internal displacement, following its establishment Israel also expelled Palestinians from several towns and villages to outside its borders, as in the case of the expulsion of the remaining residents of the town of al Majdal-Asqalan (known today as Ashkelon), who numbered approximately 2,700 people, from an original 10,000. In 1950, these residents received expulsion orders, in accordance with which they were evacuated into the borders of the Gaza Strip over the course of a few weeks, because Israel's leaders needed al Majdal and its land to settle Jewish immigrants (Masalha, 1997, p. 27). Other examples of expulsion operations that took place after the establishment of the State of Israel were the displacements carried out in the Naqab. Benny Morris states that Israel expelled approximately 17,000 Palestinians from the Naqab during the period between 1949 and 1953 (cited in Masalha, 1997, p. 29). According to Masalha (1997), following the displacement and expulsion operations, the number of Arab



Bedouin in the Naqab dropped from around 65,000-95,000 people (according to estimates made at the end of the British Mandate) to 13,000 in 1951.²

During the early years following the establishment of Israel, the Israeli authorities refrained from declaring their intention to prevent the return of the IDPs to their towns and villages (Kamen, 1987), but used various means to bar their return. The most important of these means was the imposition of “military rule” over the Palestinians between 1948 and 1966. Military rule authorized Israel’s military commanders to proclaim Arab areas as closed zones in accordance with Article 125 of the Emergency Regulations and it was necessary, for Arab residents, to acquire movement permits in order to enter and leave their zones (Masalha, 2003; Segev, 1986).³ The Israeli authorities took other steps to preclude the return of the IDPs, such as demolishing houses in some towns and villages, expelling residents to beyond the borders of what was declared to be the State of Israel, settling some Jewish immigrants in the homes of the refugees and establishing Jewish towns on the land of destroyed towns and villages (Kamen, 1987).

The Internally Displaced: Between return and settlement

Like the other refugees, the IDPs dealt with their new situation as if it were temporary and waited to return to their villages. And, like the rest of the Palestinian refugees in the refugee camps, the IDPs also received assistance from the UN Relief and Works Agency for Palestinian Refugees (UNRWA). However, this assistance was discontinued in the early 1950s, because the Israeli government regarded the issue of the IDPs an internal Israeli issue. The Israeli government allocated a budget to ensure that they gained employment in some of the Arab

² These examples provide support for the argument that the expulsion and displacement operations did not take place only in the context of the war between the Palestinians and the Jews in Palestine, but were also linked to the Zionist ideology itself, which sought to gain control over the largest possible area of land in Palestine, leaving the least number of Arabs on it.

³ The declared aims of the military regime were to enforce the law and the military administration over Palestine for security purposes. In addition, the military regime had undeclared aims, many of which were related to preventing the return of the refugees and the IDPs to their towns and villages of origin. According to Nur Masalha, these aims were as follows: firstly, to prevent the Palestinian refugees from returning to their towns and villages in Israel; secondly, to displace and evacuate the displaced persons from semi-abandoned Arab towns and villages and expel them to other areas in the country; thirdly, to reduce the number of IDPs who remained in Israel by expelling them to beyond the borders the state; and fourthly, to impose surveillance on the Palestinian citizens and isolate them from the Jewish population (Masalha, 1997; 2003).



towns and villages that were still standing following the declaration of the establishment of the State of Israel (Al-Haj, 1988; Kamen, 1987).

Al-Haj (1988) states that in the period following 1948, the lives of the IDPs can be characterized as falling into three phases. **The first phase**, which lasted from 1948 to 1951, was a period during which the IDPs searched for a safe place of refuge. During this period families migrated from one village to another in search of a safe haven. Most of the IDPs settled in towns and villages located close to their villages of origin, and with which, in some case, they had social and economic ties, and in other cases because they wanted to remain near their villages of origin to make it easier for them to return. **The second phase**, from 1952 to 1956, was a period of waiting and expectations. The IDPs viewed their situation as a temporary one and hoped to return to their villages once calm had been restored. Some of the IDPs, despite their success in rebuilding their lives in the towns and villages in which they had sought refuge, continued to view – and still view – their lives in these towns and villages as temporary (this sense is also shared by many second and third-generation IDPs who were born in the towns and villages where their families had taken refuge), and awaited their return to their villages of origin (see, for example, Kabha and Barzilai, 1996). It is therefore difficult to contend that the period of waiting and expectations has come to an end. However, in my opinion it is possible to argue that there are certain factors that led the IDPs to take practical steps to settle down – if only temporarily – in the villages in which they had taken refuge pending their return to their villages. Al Haj (1988) attempts to explain some of these factors, and points to the 1956 war between Israel and Egypt and the defeat of the latter as one of the factors that brought the period of waiting among Palestinians in Israel to an end, including the IDPs, a period during which Palestinians dealt with the establishment of the State of Israel as a temporary matter that would inevitably come to an end. In addition, during the 1950s the Israeli authorities put pressure on the IDPs to settle in the places where they had taken refuge, and set up various committees to implement settlement plans, including the Refugee Housing Authority and the Population Transfer Committee, which offered to buy or exchange the property of the IDPs.⁴ Al Haj (1988) further indicates that the absence of a national organization dashed

⁴ Kabha and Barzilai (1996) and Wakim (2001) state that a small percentage of IDPs accepted the offer made by the Israeli authorities, which, for many of them, can perhaps be attributed to their difficult circumstances following the Nakba.



hopes among the internally displaced of return, and led, among other things, to the end of the period of expectations. According to Al Haj, **the third phase** was a phase of resettlement that began in 1957. During this phase, some of the IDPs started to buy land and to build houses for their families in the towns and villages where they had taken refuge.

The Internally Displaced: Demographic data

The number and demographic characteristics of the IDPs do not appear in the annual Statistical Abstract of Israel. In the first and second population censuses that were undertaken by the State of Israel in 1948 and 1961 respectively, the IDPs were not categorized as a group separate from the rest of the Palestinians who had remained in their homeland after the Nakba. According to Kamen, the fact that this categorization does not appear can be attributed to two possible causes: **first**, that the neglect of the issue of the IDPs was related to the general neglect of the Palestinians in Israel following the establishment of the State of Israel; and **second**, the fact that the authorities did not wish to draw attention to an issue of this kind by providing the means and mechanisms of categorizing them, since providing such information, according to Kamen, could act as a reminder that the problem of the refugees created by the Nakba was also present within Israel, albeit on a smaller scale and of a different nature (Kamen, 1987).

Wakim (2001) in referring to estimations of the IDPs numbers, states that in 1950 UNRWA estimated their numbers at 46,000 people,⁵ ie 30% of the Arab citizens who remained in Israel during that period (156,000 persons). This estimation refers only to those who were displaced in 1948, and not to the Palestinian citizens who were displaced after 1948, and who were not included in UNRWA's statistics. According to Wakim (2001), the percentage of IDPs stood at between 25% and 30% of the Palestinian population inside Israel. Thus, according to this estimate, they numbered in excess of 250,000 Palestinian citizens. However, in his article Wakim does not indicate the year to which these figures apply. Some estimates put the number of persons who were displaced following the establishment of the State of Israel at approximately 75,000 Palestinians in Israel (Badil, 2003).

⁵ Al-Haj (1986) states that estimates of the number of post-1948 IDPs range between 31,000 and 50,000 persons (p. 654).



The first population survey to include details of the number of IDPs in Israel was that carried out by The Galilee Society – The Arab National Society for Health Research and Services, Mada al-Carmel – The Arab Center for Applied Social Research, and Rikaz – The Databank for the Palestinian Minority in Israel at the end of 2004. The survey defined the IDPs as “the Palestinians who were forced to leave their homes and relocate to other places of residence inside Israel as a result of any war and/or as a result of policies of the government of Israel or any other body. The definition of displacement applies to the internally displaced persons and their families, and is inherited by their male descendants; ie children follow their fathers in displacement, and the children of a displaced father are displaced persons. This definition does not include the Palestinians who were displaced from their villages and who later returned to them, despite the fact that the Present Absentee Law still applies to them today” (The Galilee Society, Mada al-Carmel & Rikaz, 2005, p. 36). In accordance with this definition, the survey found 15.1% of the Palestinian population in Israel to be IDPs.

The relative distribution of internally displaced persons according to **region**⁶ indicates that 12.8% of the population living in the northern area is internally displaced, as is 20.5% of the population of the central area, and 22.7% of the population living in the southern area; ie the largest proportion of the IDP population is located in the southern area.

The relative distribution of internally displaced persons according to **gender** indicates that 15.2% of males are displaced, which is equal to the proportion of females, at 15.1%. According to the definition that was adopted the IDPs are the sons and daughters of displaced fathers, and not the sons and daughters of displaced mothers. This is a problematic definition because there is a group that is not included within the definition of an IDP (and which may view itself as being internally displaced), namely the sons and daughters of displaced women. From the data it may be inferred that if the definition included the sons and daughters of

⁶The survey uses the following definition of **region**: “The regional geographical allocation adopted by the official local institutions, with the merger of the Northern District with the District of Haifa (the Wadi ‘Ara area falls within the District of Haifa) into the northern area, which is the largest in terms of its population and the number of Arab communities. The central area contains the Central District and both the Tel Aviv and Jerusalem Districts. The southern area includes the Southern District (the Naqab)” (The Galilee Society et al., 2005, p. 33).



displaced mothers, the number of IDPs within the Palestinian population would rise, and consequently the proportion of IDPs according to the various categorizations would increase. This problem can explain some of the disparities between the calculations of the number of IDPs here and in the estimations made by Wakim (2001), which are not based on a comprehensive population survey.

The relative distribution of internally displaced persons according to **type of community**⁷ shows that 16.8% of those who live in communities with populations of over 15,000 people are IDPs; 11.6% of the populations of residential communities of between 5,000 and 15,000 people are IDPs; 13.9% of the population of towns and villages of no more than 500 people are IDPs, and 17.9% of the population of Bedouin communities are IDPs. From this it can be understood that there are no major differences between the various types of communities in regard to the number of IDPs. Yet, it is possible to state that the communities with the highest population of IDPs are Bedouin communities. This fact can be attributed to Israeli policy, which has relentlessly sought to displace Arab Bedouin communities in order to gain control of the land of the Bedouin villages, and in particular in the unrecognized villages in the south.

From the relative distribution of internally displaced persons according to **ethnic composition** of community⁸, it can be concluded that 28.2% of the Palestinian population in the mixed cities are IDPs, as are 14.1% of the populations of Arab towns and villages. According to this data, over a quarter of the Palestinian population in the mixed cities are IDPs. This proportion – relative to the other percentages of IDPs in the various kinds of towns and villages – is considered high. This fact can be attributed to the events of the Nakba, when the majority of the Arab population of the Palestinian cities was displaced. Those who were displaced but remained in the city were not allowed to return to their original homes, and were therefore internally displaced in their cities. In addition, some

⁷ **Type of community** is defined as follows: **urban community "A"** is a community with a population of over 15,000 person; **urban community "B"** is a community with a population of between 5,000 and 15,000 persons, a **rural community** has a population not in excess of 5000 persons; a **Bedouin community** is a community that is defined by Israel as a Bedouin community in terms its social history.

⁸ **Ethnic composition of community** is defined as follows: a **mixed community** is a residential community inhabited by Arabs and Jews; a **non-mixed community** is a residential community inhabited by Arabs only.



IDPs from the Palestinian villages sought refuge in these cities during and after the Nakba.

According to the relative distribution of internally displaced persons according to **religious affiliation** there are similar percentages of internally displaced Muslims and Christians (16.8% and 14.5%, respectively), while there are no IDPs among the Druze community.⁹

The places of refuge of the IDPs

The places in which the IDPs took refuge are determined by several factors, including the direction from which the Zionist military forces entered the village, the geographical proximity of their villages of origin to the villages in which they took refuge, the number of residents who were displaced from the village, and whether displaced persons from other destroyed villages sought refuge in the town or village. On some occasions, the place of refuge was affected by the direction that the Zionist military forces directed them to leave the village from. Obviously, the IDPs – for the most part – sought refuge in villages that the Zionist military forces had not occupied (not yet) believing them to be safe, and that they would be able to stay in them until calm had been restored and they could return to their towns and villages (Mousa, 1988; Kamen, 1987).

During the search for shelter, when the IDPs found destroyed villages and did not feel safe to remain in them, they continued in their search for another place to seek refuge in. In the small number of cases in which IDPs found refuge in other destroyed villages, the Israeli military forces forced them to leave these villages, and to set out in the direction of the Jordanian or Lebanese borders (Kamen, 1987).

Not all of the IDPs from each village sought refuge in the same place, but were divided – in some cases – between a group of villages that were spared destruction and displacement. Most of the internally displaced are found in the northern area, and in particular in the Galilee (Wakim, 2001). Of the 162 villages that were completely destroyed in the Galilee and the north, internally displaced persons from only 44 villages remained, ie not one person from among the populations of 118 uprooted and destroyed villages remained (Kamen, 1987, pp. 470-471).

⁹ For more information about the IDPs' towns and villages and about the IDPs numbers in the early 1950s see: (Sabbagh-Khoury, 2009).



Among the 44 villages of the villages that were destroyed and of which a part of the population remained in their homeland, the majority of the displaced populations of 12 villages remained in their homeland. These villages are: al Majdal, el Lajjun, ed Damun, el Birwa, Iqrit, Kafr Bir'im, al Ruweis, Hadatha, Ma'lul, el Muftakhira, el Mansura and Qumiya. Of the populations of 33 villages a small number, ranging from between 1% and 17% at most, remained (Kabha and Sarhan, 2004; Kamen, 1987). 47 villages and towns (of the 67 Arab towns and villages that were still standing in the north after the Nakba) absorbed a number of the IDPs. Among the towns and villages that took in the IDPs were: Nazareth, el Maghar, Tamra, Judeida, Deir al Asad, Kabul, Shafa Amr, er Rama, Buqe'ia, Bi'na, Jish, Tarshiha, Kafr Kanna, Deir Hanna, Akbara, Reina, Illut, Mashhad, Arraba, Fassuta, Daliyat el Carmel, Mi'ilya, al Mazra'a, Dannun, Abu Sinan, Kafr Yasif, Makr, Na'ura, Sandala, Majd al Kurum, I'billin, Eilabun, Yafet al Nasira (literally Jaffa of Nazareth) (Wakim, 2001; Kamen, 1987). Of the towns and villages that took in displaced persons in the Triangle were: Umm el-Fahm, Mu'awiya, Musmus, Ara, Musheirifa, Zalafa, Barta'a, Kafr Qari' (Kabha and Sarhan, 2004; Mustafa and Barzilai, 1996). The coastal village of Fureidis also absorbed IDPs (Kabha and Sarhan, 1996, p. 9).

In some villages, the displaced persons accounted for a high proportion of the population in the early 1950s. For example, a third of the population of Majd al Kurum, Jish, and Tamra were IDPs; a quarter of the population of Nazareth and Kafr Yasif were IDPs; and in Yafet al Nasira, Makr and Judeida, over half of the population was IDPs. In Arraba, Abu Sinan, Deir Hanna and Bi'na, IDPs counted for less than 10% of the population (Kamen, 1987, p. 474). IDPs also formed a large proportion of the population of other towns and villages, such as Fureidis, Jaljuliya and Umm el-Fahm, but data on their percentage of the population in these towns and villages is not available.

There is a group of displaced persons who took refuge in Arab cities located under Israeli sovereignty and that later became known as "mixed cities," such as Acre, Yaffa, Lydda, Ramle and Haifa. Some of these internally displaced persons were originally from these cities, while others took refuge in them from nearby destroyed villages. As an example of the birth of the issue of the IDPs in the mixed cities, Schechla examines the issue of IDPs living in the city of Acre today. Schechla states that when Zionist military forces attacked the city of Acre and displaced its population in 1948, there remained a number of its residents who had been



displaced from their homes but found refuge in abandoned houses in the Old City of Acre that had been appropriated by the Custodian of Absentees' Property, under the legal designation of "Absentee Property" (Schechla, 2001). The IDPs settled in these houses as "protected residents" (they do not have ownership of the land, but pay reduced rent for it). A further example is provided by the IDPs from the city of Haifa. Kamen (1988) states that the number of IDPs that remained in Haifa after the Nakba was relatively small, and that the majority of them had either not been displaced at all, or had been allowed by the Israeli authorities to return from their places of temporary refuge. Like the rest of the IDPs in the mixed cities of Yaffa, Lydda and Ramle, the IDPs of Haifa were not permitted to return to their original homes. The majority of those who had not been forced to flee from their homes were not allowed by the Israeli authorities to remain in them, in particular those that were not situated in neighborhoods designated for Arab residents (Kamen, 1988).

The legal status of the IDPs and their property

The Israeli authorities prevented the internally displaced persons from returning to their homes, and appropriated their land and property¹⁰ under various laws, most importantly the Emergency Regulations (Absentees' Property) – 1948, and the Absentees' Property Law – 1950.¹¹ The Palestinian internally displaced in Israel are considered to be "absentees" under Israeli law despite the fact that they remained in their homeland, on the ground that they left their villages of origin, regardless of their reasons for doing so. Although they were granted Israeli citizenship under the Israeli Nationality Law – 1952, they were systematically blocked from returning to their homes and land and from recovering their property (Masalha, 2003). In accordance with the Emergency Regulations (Absentees' Property) – 1948, everything owned by the IDPs was placed at the disposal of the Custodian of Absentees' Property. The definition of absentees in these regulations included the Palestinian IDPs. The regulations granted the Custodian of Absentees' Property "only temporary authority over the absentees' property" (Jiryis, 1967). The executive

¹⁰ The property of the IDPs in Israel is estimated at 300,000 dunams of land, which Israel has declared to be "absentee property" (Masalha, 2003, p. 159).

¹¹ The State of Israel has enacted approximately 30 laws in accordance with which private land (for the most part Arab-owned) has been transferred to state ownership, in practice, for the benefit and use of the "Jewish people," thereby excluding Palestinian citizens from the ownership and use of this land. Under the enacted laws – in particular the Basic Law – Israel Lands, and the Development Authority Law – almost all of this land (close to 93%) became state property (Masalha, 2003; Yiftachel, 2001).



authority therefore acted to seal the “legal aspect” of seizing their property, enacting the Absentees’ Property Law in 1950. The law authorizes the Custodian of Absentees’ Property to take care of and manage absentee property and to expel those residing on it. Thus the Custodian of Absentees’ Property is considered under this law to be the owner of these properties, unless the “absentee” can prove that he or she was not absent, or that he or she is not considered to be as an absentee in the eyes of the law. This is a near-impossible task, given the existing legal precedents in this regard (Cohen, 2000; Jiryis, 1967; Masalha, 2003). Thus the law does not afford “absentees” – be they refugees or IDPs – the right to recover their property. The law was formulated specifically so as to include IDPs who are Israeli citizens, in order to prevent them from returning to their villages and their homes.

The demand to return and the Association for the Defense of the Rights of the Internally Displaced in Israel

The IDPs began to demand to return to their villages from the time of their displacement. Local committees for the IDPs of the various villages were formed to demand their return to their towns and villages (like the internally displaced committees of Iqrit, Kafr Bir’im, Ghabisiya and Saffuriyya, among others). The demand for return was not made on a countrywide level, but locally through the judicial channels (as was the case with the villages of Iqrit and Kafr Bir’im, as well as Ghabisiya), or via the attempts of some IDP to correspond with various ministries to demand to return to their villages, including the IDPs of al Damun, al Ruweis, Wa’arat al Sarris, Tira (Tirat el Carmel), Tiberias and Qisarya (Cohen, 2002, pp. 491-492; Kamen, 1987). The absence of national, collective organization and the fact that it only began to take shape in the early 1970s can be attributed to a set of factors, including: **firstly**, the military regime. From 1948 until 1966, the Palestinian population was placed under “military rule”, under which they were banned from moving from one village to another without a permit, which limited the possibility of political organization among Palestinians in Israel in general. In this case, it prevented the IDPs from organizing at a countrywide level. The **second factor** was the geographical placement of the populations of these villages. In some cases, most IDPs of a destroyed village took refuge in the same town, which encouraged them to frame their issue within local committees. **The third** reason for their organization at the local and not the political level was the power of the local, collective Palestinian memory, which was reflected in their local political organization. Thus the people



who were displaced from Ma'lul – for instance – were united by their memory of Ma'lul as the village in which they lived and their social and political experience, and were connected by relations of proximity and kinship, and they came together and organized themselves to return to the village when that became possible.

From the early 1990s, countrywide, popular, organized action aimed at securing the return of the IDPs to their villages and reconstructing the collective memory began to emerge. The majority of local IDP committees were subsumed within the framework of the **Association for the Defense of the Rights of the Internally Displaced in Israel** (ADRID) in 1995. It should be noted in this regard that the two committees of Iqrit and Kafr Bir'im did not affiliate themselves with ADRID, because their members regard their case as a special case: the Supreme Court has delivered various decisions instructing their return, the first in 1951, and they are therefore demanding to return to their villages through the judicial process, a route which ADRID has not pursued. The idea to establish an association for the internally displaced was born following the Madrid Conference of 1992 and the Israeli-Palestinian talks, when the IDPs decided that their case did not fall within the context of the negotiations between the Israeli and Palestinian sides. The foundation of ADRID in the 1990s was connected to the political orientation of the Palestinians in Israel, and their view of themselves and their status within the State of Israel following the Oslo Accords.

ADRID demands that the State of Israel abolish the laws that regard the IDPs as "absentees", as well as the return of the IDPs and the refugees to their towns and villages in accordance with UN Resolution 194, which calls for the return of the refugees or their compensation. At certain times, the discourse employed by ADRID has emphasized the fact that the IDPs are citizens in the State of Israel, and that as such they must return to their towns and villages. This, in their view, undermines the Israeli claim that the return of the refugees constitutes a demographic threat to the Jewish character of the State of Israel. While ADRID focuses on demanding the return of the refugees and the IDPs, so far it has not tackled the consequences of the emphasis it has at times placed in its discourse on the status of the internally displaced persons as citizens of the State of Israel.



ADRID keeps the memory of the destroyed villages alive by organizing marches to these villages as part of the annual commemoration of the Nakba, and specifically on the day of the declaration of the establishment of the State of Israel, known as “Independence Day”, in order to highlight the other side of the “independence of Israel”, ie the Nakba of the Palestinian people (Cohen, 2000). It should be pointed out in this context that the activities and political discourse of the IDPs has made a major contribution to the discussion of the Nakba and displacement among Palestinian in Israel, a subject that was not a part of the Palestinian political discourse in Israel for a long period of time.¹² Similarly, the demand made by ADRID for the redress of the historical injustices perpetrated by Israel against the Palestinian refugees constituted a precedent within Palestinian political discourse in Israel, in its dealings with the Israeli authorities and Israeli society. The attention paid by Palestinians to the issues of the refugees has varied from period to period in the history of the Palestinian people. However, after Oslo an emphasis on the refugees’ issue began to emerge (including, for example, the work undertaken by the Right of Return movement). This stood in contrast to the preceding period, during which the refugees’ issue was not a constant concern for the Palestinian national organizations (Sayigh, 2007). The same is true for the IDPs in Israel. Palestinian political parties and organizations have not always emphasized the refugees’ issues, and have not always demanded their return to their towns and villages. However, the situation changed following Oslo, and in light of the political activities undertaken by the IDPs themselves, which were organized at an unprecedented countrywide level (Sabbagh-Khoury, 2006).

ADRID arranges seminars for schools and various associations in order to raise political awareness of the Nakba and the refugee issue. It also works alongside other organizations (the al-Aqsa Association, for example) to maintain holy sites in the destroyed villages. It also holds courses to train guides to organize tours to the destroyed towns and villages in order to inform the public about them. These courses

¹² See, for example, “Statement by the Preparatory Committee for the Return and Just Peace Conference” – (the conference was held in cooperation with organizations Ittijah, Zochrot and the Emile Touma Institute, for the third consecutive year): “Another year has passed since the Nakba of the Palestinian people, the repercussions of which have continued day after day since 1948. For us, the Nakba is not a passing event or occasion, but a reality that is based on the tragedy and historical injustices that continue to be the founding event in the modern history of the Palestinian people.” Retrieved July 10, 2008 from: <http://www.ror194.org/index.php?id=293> (in Arabic).



address the historical, geographical and political dimensions of the issue of the destroyed villages, the refugees, and the IDPs in particular, in order to keep these villages alive in the collective Palestinian memory and to acquaint the younger generation (the third generation since the Nakba) with the issues of displacement, the refugees and the IDPs, particularly given the relentless efforts made by the Israeli establishment to erase them from the collective Palestinian memory. The arrival of ADRID has helped to place the issue of the IDPs within the Palestinian context both inside and outside Israel. It has strengthened contacts between the Palestinians in Israel and Palestinians in exile by connecting their issue to that of the refugees, regardless of the fact that Israel deals with the refugees within its borders in isolation from the other issues, and views their issue as an internal Israeli affair.



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The Nakba

*Honaida Ghanim **

The Nakba is the disaster that befell the Palestinian people in 1948, after the Jewish forces (subsequently Israeli) had embarked on a massive operation of ethnic cleansing that aimed at ridding Palestine of its indigenous population, in order to found on it a nation-state for the Jews.

The cleansing operations resulted in the expulsion of half the Palestinian population from Historic Palestine and 85% of the Palestinians living in what was later to become known as the State of Israel. These Palestinians were turned into refugees who now live in neighboring Arab states, as well as the West Bank and Gaza Strip. In addition, thousands of Palestinians were killed and injured (Abu-Sitta, 1999). During and after the war, the Zionist forces proceeded to wipe out entire villages and other civilian landmarks, obliterating hundreds of Palestinian villages and completely clearing five towns (Safad, Beisan, Tiberias, Beersheba and al Majdal) of their Arab residents. The wealthy areas of Jerusalem, such as al Qatmoun, al Baq'a and al Talbiyeh, met the same fate, and the vast majority of the Palestinian inhabitants of five other towns were also evacuated (Jaffa, Haifa, Acre, Lydda and Ramle). Only Nazareth was spared the destruction and expulsion at the strict orders of Ben-Gurion, who wished to avoid incurring the wrath of the Vatican and the Christian world (Abd al-Jawad, 2006).

In the period between November 29, 1947 (the date of the resolution on the partition of Palestine) and July 1949 (when the final armistice agreement was signed with Syria) the Zionist forces used military might to implement the operation to expel Palestinians from their country (Pappé, 2006; Khalidi, 1959, 1961, 2005), under the cover of self-defense. As a result, around 770,000-780,000 Palestinians were turned into refugees (Abu-Lughod, 1971, p. 161), who were the inhabitants of



532 towns and villages, and whose land accounted for 92.6% of the area of Israel (Abu-Sitta, 1997).¹

The Nakba was accompanied by direct efforts to eradicate all the Arab features of the country, and an operation to erase the Palestinian landscape by altering the cultural, social, and indeed symbolic, scenery. At the same time a two-pronged operation of Hebraization and Judaization² was launched. In many of the Arab towns, the vacated homes of the Palestinian refugees were used to absorb Jewish immigrants and Palestinian names were replaced with new biblical, Zionist and Jewish names (Benvenisti, 2000). Street names and the names of neighborhoods and towns were changed (Sa'di, 2006, p. 58) as part of attempts to erase the Palestinian identity and establish a Jewish state in its stead.

The destruction of the Palestinian urban center impeded the course of development and modernization, which had begun primarily in the towns, directly impacting the present and future of the Palestinians. During the looting and destruction, a large portion of the Palestinian cultural heritage was lost, in particular the written heritage (Abd al-Jawad, 2006, p. 11), including the public libraries, the print media, property records and the records of educational institutions, schools, hospitals and banks. The destruction of the towns led to the dispersal of the majority of the intellectual class and the emerging intelligentsia, the departure of the leaders of society, and the collapse of the class structure. All that remained in the land of Palestine that later became Israel was a "defeated minority of a defeated people" (Bishara, 2000), most of whom were from the peasantry (with the exception of Nazareth and Shafa Amr) and lived in rural communities in the Triangle and the Galilee, in addition to a Bedouin minority in the Naqab.

¹ For more information, see Salman Abu-Sitta (1997), "The Right of Return: Sacred, lawful and possible," *The Al-Dustour* newspaper, four installments: 3/9, 4/9, 10/9 and 13/9/1997. Retrieved April 2, 2008 from: <http://www.rorcongress.com/arabic/articles/13-09-1997.htm>.

² Moshe Dayan clearly described the process of Judaization and the transformation of Palestine into Israel in a lecture he delivered to a group of students at the Technion (Israel Institute of Technology) on March 19, 1969 in which he stated that, "Jewish villages were built in the place of Arab villages. You don't even know the names of these Arab villages, and I don't blame you because the geography books no longer exist; not only do the books not exist, but the Arab villages are not there either. Nahlal arose in the place of Ma'lul, Kibbutz Gevat in the place of Jibiya, Sarid in the place of Huneifis, and Kefar Yehushua in the place of Tal al-Shummam. There is no single place built in this country that did not formerly have an Arab population." The lecture was published in Haaretz on April 4, 1969. Retrieved April 2, 2008 from: http://www.nakbainhebrew.org/images/unit2_app2+3.pdf



The Nakba: Birth of the concept

To the Palestinian, the Nakba means the loss of one's homeland, the collapse of society and the failure of one's national project and dream (Sa'di, 2006, p. 58). It also means living in exile outside the homeland, or estrangement within the homeland after becoming a citizen of a state that was erected on its ruins.

Constantin Zureiq was the first to use the word "Nakba" in reference to the events of 1948. He published the book *Ma'na al-Nakba* (The Meaning of the Disaster) in Beirut in August 1948. In it, Zureiq (1994 [1948]) states that, "The defeat of the Arabs in Palestine is no simple catastrophe (*Nakba*), nor an insignificant, fleeting evil, but a catastrophe in the full sense of the word, an ordeal more severe than any suffered by the Arabs in their long history of ordeals and tragedies" (p.11). Zureiq added that the tragedy of the Nakba lies in the fact that it affected even the cultural and psychological make-up. According to Zureiq, "Hundreds of thousands of the people of this disaster-stricken country have not only been driven from their homes and left roaming with nowhere to go, but their ideas and views and the ideas of their fellow countrymen, in their various places, have also been driven out and left to roam" (p.17). In *Lisan al-Arab* the Nakba is described as "one of the calamities of the ages." The remark, "May God shield us from them," was added to this definition.³ In 1949, Palestinian poet Burhan al-Deen al-Abushi published *Shabah al-Andalus: Masrahiya 'an Nakbat Filastin wa Ma'rakat Jenin al-Kubra* (Ghost of Andalus: A Play about the Nakba of Palestine and the Great Battle of Jenin). In the mid-1950s, Palestinian historian Arif al-Arif published his encyclopedic research, comprising six hefty volumes and entitled, *Nakbat Filastin wa al-Firdaws al-Mafqud: 1947-1955* (*The Palestinian Nakba and the Lost Paradise: 1947-1955*). In it al-Arif detailed the unfolding of events from the Partition Plan of November 29, 1947, through the ferocious battles of 1948 and their consequences, until 1955 (Al-Arif, 1951-1956). In his introduction, Al-Arif wrote of the need to assign the name the "Nakba" (catastrophe) to what befell the Arabs in general, and the Palestinians in particular following the Partition Plan, asking, "How can I not call it [the Nakba]? During this period we have been stricken by catastrophe, we, the society of Arabs in general, and the Palestinians in particular, as we have not been stricken for centuries and epochs: we have been deprived of our homeland, expelled from our homes, and

³ See *Lisan al-Arab* for Arabic definition. Retrieved April 5, 2009 from: <http://www.alwaraq.net/Core/AlwaraqSrv/LisanSrchOneUtf8>



have lost a great number of our people and our own flesh and blood, and, above all, have been struck at the very core of our dignity" (Al-Arif, 1951-1956, part 1, p. 3).

Zionist Aspirations in Palestine

Zionist aspirations to establish a state for the Jews on the land of Palestine began to take shape in earnest in the late 19th century. They were expressed at the first World Zionist Congress, held in the Swiss city of Basel on August 29 - 31, 1897, presided over by Theodor Herzl, in the attendance of 204 members representing Jewish communities in fifteen countries. The conference adopted what was subsequently known as the Zionist "Basel Program," and the main decision taken during the congress was that: "Zionism strives to create for the Jewish people a home in Palestine secured by public law" (Al-Hut, 1991, p. 348). The Balfour Declaration was issued on November 2, 1917. In it, the British government proclaimed its support for the establishment of a national home for the Jews in Palestine. The British also announced their intention to "use their best endeavors to facilitate the achievement of this object." This statement was an important framework that assisted Jewish immigration to Palestine and supported the continuous efforts of the Zionist Movement to set up political and social institutions and create the nucleus of the Jewish state. The Arabs staged a succession of uprisings against the decision and against the way the British had sold them out, the most prominent of which were the 1920-1921 Uprising, the Buraq Uprising of 1929, and the Peasant Revolt of 1936. The revolt did achieve a measure of success, represented in the British government's publication of the White Book, a document that in effect contains an abandonment of the idea of partitioning Palestine, and calls for the establishment of a single state for Arabs and Jews on the basis of their percentage of the population. It also contained a call for the restriction of Jewish immigration to Palestine and a limit on the purchase of land by Jews. However, the revolt, which continued until 1939, was cracked down on by the Mandate with an iron fist, and left the Arabs exhausted and weakened, something that was subsequently to impair their ability to take on the Zionist forces (Kabha, 1988, pp. 97-101).

On November 29, 1947, the United Nations General Assembly issued the Partition Plan for Palestine, entitled Resolution 181, which called for the establishment of an Arab state and a separate Jewish state on the land of Palestine, while providing for the creation of a special international regime for the City of Jerusalem. At that time, approximately 1,400,000 Palestinians were living in Palestine, compared to 605,000



Jews, who constituted around 30% of the total population of Palestine. Upon the adoption of the partition resolution in 1947, Jews owned just 7% of the land area of Historic Palestine, whereas the Partition Plan awarded 56% of the area of Historic Palestine to the “Jewish State” (Khalidi, 2005). The Arab and Palestinian leadership in Palestine (with the exception of some leaders of the National Liberation League and the communists) rejected the partition resolution, viewing the decision as unjust and injurious to the Palestinians. On May 15, 1948, the day designated for the withdrawal of British troops from Palestine, David Ben-Gurion proclaimed the establishment of the State of Israel on the land allocated to the Jewish State by the Partition Plan; by the end of the war and the signing of the armistice agreement in the spring of 1949, 26% of the land area apportioned to the Arab state had also been annexed to it. Thus Israel incorporated 78% of the land of Historic Palestine, which amounted to approximately 27,000 km². The remaining 22% fell under Arab administration (Jordanian in the case of the West Bank and Egyptian in the case of the Gaza Strip).

The Outbreak of Fighting and the Massacres Perpetrated against the Palestinians

Military confrontations between the Arabs and the Zionist forces erupted immediately after issuing the Partition Plan in November 1947, and continued until November 1948. When the fighting broke out, the Palestinians were not adequately equipped for it. The Arab combat troops were composed mainly of irregular forces of local and Arab volunteers. These troops included the *Quwaat al-Jihad al-Muqaddas* (the Holy War Army) under the command of Abd al-Qader al-Husseini, *Jaysh al-Inqadh* (the Rescue Army) under the command of Fawzi al-Qawqaji, Egyptian army troops, and *al-Failaq al-Arabi* (the Arab Legion) under the command of Abdullah Tell. The regular Arab forces did not enter the fighting until after the official end of the Mandate on May 15, 1948, once the war had been virtually decided in favor of the Zionist forces (Tamari, 2006, p 116). The *Jaysh al-Inqadh* was manned by 3,830 Arab and Palestinian volunteers, while 1,563 fighters served in the *Jihad al-Muqaddas* (Khalidi, 1987). The Arab forces were defeated by their poor organization and unpreparedness, as well as a shortage of munitions. In addition, an atmosphere of tension often prevailed between the *Jaysh al-Inqadh* and the *Jihad al-Muqaddas*, which reduced coordination between them and undermined the effectiveness of their resistance to the Zionist forces. The Zionist military force has been estimated at



62,000 men, some of whom had previously served in the British and other European armies, and were highly trained in armaments and munitions (Tamari, 2006, p. 116). The Zionist armed forces formed numerous militias, the most prominent of which were the *Haganah* (defense) paramilitary organization, which was led by David Ben-Gurion and was subsequently to form the foundation of the Israeli army, the *Irgun* (also known as *Etzel*), the extreme right-wing Stern Gang (known as *Lehi*), and *Plugot Mahatz* (or “strike force”, known by the acronym *Palmah*).

On the day after the Partition Plan, the Haganah began to call on all Jews in Palestine between the ages of 17 and 25 to military service, while work was also begun on drafting “Plan D” (Dalet) for the ethnic cleansing of Palestine. The plan aimed to seize areas intended for the founding of the Jewish State, and to “clean” them of their Palestinian inhabitants. Plan Dalet was approved at the highest echelons of the Zionist leadership, and on March 10, 1948 the leadership of the Haganah convened a meeting at the “Red House” – the headquarters of the labor movement in Tel Aviv – which was attended by eleven prominent leaders and military officials, headed by Ben-Gurion. The Dalet Plan, which sought to “cleanse” the greater part of Palestine, was approved at the meeting. Directives were issued to the military units to make preparation for the expulsion of the Palestinians on the same evening. According to historian Ilan Pappé, these orders contained precise details of the methods for carrying out ethnic cleansing: extreme intimidation, siege, bombing villages and town centers, setting houses and property alight, expulsion, demolition, and finally planting mines in the rubble in order to ensure that the inhabitants did not return. Missions were allocated among the armed units, and each was provided with a list of the towns and villages that were to be evacuated (Pappé, 2006). The Haganah was in command of several detachments, each of which received a register of the villages to be occupied and destroyed. These villages were surrounded from three sides, with the fourth left open to allow the villagers to leave (Kanaana, 2000; Pappé, 2006).

The Zionist forces committed numerous massacres, with the aim of terrorizing the Palestinian population and prompting them to flee. On March 31, 1948, the Zionist Stern Gang mined the express train from Cairo to Haifa, causing 40 deaths and 60 injuries. On March 1, 1948, a group of forces from the terrorist Haganah planted explosives on the Haifa-Acre train as it was passing close to Netanya. Forty people were killed in the attack. On April 9, 1948 a group of forces from the *Irgun* and the Stern Gang descended without warning on the village of Deir Yasin near Jerusalem



and murdered the villagers, not sparing women, children or the elderly. They then mutilated the bodies of the victims and cast them into the village well. Most of the victims were women, children and the elderly (Khalidi, 1999). On April 14, 1948 the *Irgun* and Stern Gang sent a force dressed in Arab clothing to the village of Nasir Al-Din, located 7km to the south-west of the town of Tiberias. Upon entering the village they opened fire on its inhabitants, killing 50 people; at the time the village's total population stood at just 90 people. On May 4, 1948, Zionist forces executed around 70 bound prisoners in the village of Ein al-Zeitun in the District of Safad. In the village of Abu Shusha in the District of Ramle a *Givati* unit committed a massacre in which 60 villagers were murdered.⁴ In Tantura, after occupying the village on May 22, 1948, the Alexandroni Brigade opened fire on villagers, killing 200 people. They were buried in a graveyard on which a car park was later built, as an extension of the coastline of the colony of Dor along the Mediterranean Sea to the south of Haifa (Katz, 1998; Pappé, 2002).

The sound of artillery fire and bullet shots only died down with the onset of the winter of 1949, once the Zionist forces had successfully executed their plan and expelled the majority of Palestinians from the areas on which the State of Israel was created. For Palestinians and Arabs, the Nakba is the event that has had the greatest strategic impact on the Arab world. In its aftermath, regimes were toppled, and others took their places on the back of promises of liberation. The Palestinian struggle was born in order to right the injustices that were done to its people, whose world had been turned upside down. And between the various struggles and wars, the majority of Palestinians continues to live in hope of returning home, even if it has been reduced to a pile of dust. ■■■

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⁴ See Palestinian National Information *Center in Arabic*. Retrieved April 5, 2009 from: <http://nakba.sis.gov.ps/massacers/massacers.html>



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Political Monitoring Project

Israel and the Palestinian Minority Bi-Monthly Monitoring Report of Mada al-Carmel

*Mtanes Shihadeh **

At the end of February 2009, the first session of the Eighteenth Knesset began, and at the end of March, the Knesset approved and swore in the Netanyahu government. These two incidents will help shape the political, legal, and economic situation of Palestinians in Israel. The election results and the composition of the new government have not yet left their mark on legislation and governmental policy, but buds have already begun to appear.

The first sign of change appears in the coalition agreements that Likud signed with Israel Beitenu and Shas, as shall be seen below. Israel Beitenu did not succeed in achieving everything it wanted in its coalition agreement; particularly notable in this regard is its failure to include sections that seriously infringe upon political, social, and cultural rights of Palestinians in Israel. Shas managed to increase the children's allotment, as it promised it would do during the election campaign, but its coalition agreement specifies conditions that will make it hard for Arab families, especially those living in the Negev, to benefit from the increase.

This report, covering February and March, discusses these subjects and political statements and conduct that reflect the attitude of the Israeli public, and public officials, toward Palestinian citizens. The report focuses on the coalition agreements mentioned above, the march conducted by the extreme Right in the Arab city of Umm el-Fahm, and racist actions taken by Israel Railways, a government corporation. The report does not discuss legislation and governmental policy, given that the Knesset and the government have just begun. Presumably, there will be much to report on these matters in upcoming reports.

Anchoring discrimination in coalition agreements

During the election campaign, Avigdor Lieberman clearly stated that his party would seek to enact a citizenship law that conditions citizenship on signing a declaration of loyalty to the State of Israel, and revokes the citizenship of persons who do not show



loyalty to the state. This demand is not included in the coalition agreement between Likud and Israel Beitenu, even though the Likud party does not object to such a condition, as the coalition negotiations and statements of Likud representatives prove.¹ The Likud-Israel Beitenu coalition agreement stipulates that the government will take action against “disloyalty by enacting legislation that revokes social rights and allotments to anyone who is a terror activist and anyone convicted of espionage.”² Section 40 of the coalition agreement states:

The government will take action in response to the phenomenon of disloyalty to the state, in part, by authorizing, in statute, the court or an administrative authority to revoke the right to allotments, grants, support, or financial assistance, given by law and/or by the state and/or a body funded by it, to a person who is found by the competent body to have committed an offense that authorizes revocation of citizenship or is an “act of terror” within the definition of the term in the Prohibition on Financing of Terror Law, 5765 – 2005.

From the contents of the agreement and from past experience, the principal target group of this section is the Palestinian population of Israel. Furthermore, the two parties to the agreement view it as an acceptable alternative to amending the Citizenship Law, as proposed by Lieberman.

Another section agreed upon by the two parties relates to a change in the Knesset Elections Law, whereby Israelis living abroad who are not official representatives of the state would be allowed to vote in elections for the Knesset. The proposal arose immediately after the elections, in which calls were made to limit the scope of political action of the Arab parties, which will be discussed below. Section 34 of the Likud-Israel Beitenu coalition agreement states that the government will formulate a law, that it will sponsor, to enable Israelis living abroad on Election Day to vote, under the conditions and tests that the coalition members shall determine.

¹ See *Israel and the Palestinian Minority*, Second Issue, March 2009.

² *Ha'aretz*, 17 March 2009. The complete text of the coalition agreement between Likud and Israel Beitenu is available at www.knesset.gov.il/docs/heb/coal2009YisraelBeitenu.pdf (in Hebrew).



This proposal is not new to Israeli politics; a number of similar proposals have been raised in recent years.³ Ostensibly, the proposal accords with practice in most democratic regimes. However, in the Israeli political reality, these proposals are part of a continuous trend in recent years to place obstacles before representatives of Palestinian citizens. Moreover, the desire to reduce the electoral power of Palestinian citizens in the country, and increase the advantage held by parties on the Right, has been stated openly.

Uzi Arad was among the persons supporting the idea in 2005. Arad, who served as advisor to Netanyahu when he was first elected prime minister, in 1996, and later served as head of the “of the Institute for Policy and Strategy, of the Interdisciplinary Center Herzliya” said that the proposed bill was intended to strengthen the Jewish character of Israel.⁴ This argument was supported by research presented to members of the Likud’s Knesset faction in 2005, which found that granting a right to vote to Israelis living abroad would benefit political parties on the Right (for example, the Likud’s total would rise by 10 percent, and the Torah Judaism party’s vote would be 40 percent higher). On the other hand, support for Arab parties by Israelis living abroad would be no less than 80 percent lower than the number of votes they receive in Israel.⁵ Nor is this objective hidden by those who propose the current bill.⁶ In his column in *Yediot Aharonot*, the journalist Hanoch Daum wrote: “I understand that the subtext of this bill is the desire to minimize the power of Israel’s Arabs. This, too, doesn’t cause me a particularly great problem.”⁷

Another aspect of the coalition agreement that contains buds of discrimination against Palestinians in Israel touches on the benefits given to soldiers following their military service or to persons who performed alternative national service. It is common knowledge that Palestinian citizens do not serve in the army, and the state has, in recent years, tried to force national service on young Arabs by offering them incentives. Conditioning benefits on military or alternative service constitutes, in

³ In 2005, a similar proposed bill was submitted to the Seventeenth Knesset. For a discussion of the bill and the debate surrounding it, see, Mtanes Shihadeh, *Israel and the Palestinian Minority, 2005* (Haifa: Mada al-Carmel, 2006). (in Hebrew).

⁴ Ibid.

⁵ The findings were reported by Alon Gidon in *Ha’aretz*, 16 July 2005.

⁶ For example, the interpretation of Dr. Shaul Rosenfeld in support of the bill, “Voting Abroad Benefits Us,” *Ynet*, 18 March 2009.

⁷ Hanoch Daum, “Connecting with Zionism,” *Yediot Aharonot*, 8 March 2009.



many cases, indirect discrimination against Palestinian citizens, and seeks to legitimate the policy of discrimination. Sections 38 and 39 of the Likud-Israel Beitenu coalition agreement specifies a number of benefits, in part, as follows:

The government will establish and/or enact into legislation packages of benefits for discharged soldiers.

1. A full exemption from tuition at any academic institution, up to annual tuition of NIS 8,800. The said exemption will vary, with the allotment based on the number of months of service and the nature of the service.
2. The government will take action to allocate land for building in a manner that benefits discharged soldiers... The government will act to allocate, under extremely preferred terms, to discharged soldiers land in the periphery, and in accordance with a work plan that shall be determined.
3. The government will act to give additional preference to discharged soldiers when setting eligibility for subsidized mortgages in purchasing an apartment.

These sections are aimed at excluding Arab citizens from the benefits, despite the grave economic and education (regular and higher) situation, and the shortage of land for the Arab population.⁸ Moreover, the state does not allow Arab citizens to buy or lease lands under the control of the Israel Lands Administration.⁹ Implementation of this agreement will further aggravate the economic distress of Palestinians in Israel and their inferior social, political, and legal status.

⁸ For comparative figures reflecting the inferior economic situation of Palestinians in Israel, and the gaps in level of education, see "The Economic and Demographic Situation of Palestinians in Israel" (in Arabic), available on Mada's Website at www.mada-research.org/arabic/archive/haifareadingcover2.htm. For further discussion on this topic, see Mtanes Shihadeh, *Impeding Development: Israel's Economic Policies Toward the Arab National Minority*, Haifa: Mada al-Carmel, 2006. (in the Hebrew).

⁹ Only recently, and following many petitions to the courts, which found discrimination in the sale and leasing of land, a directive was given not to discriminate between citizens in the sale of land. As a result, the state proposed a change in the Lands Law and in the status of the Jewish National Fund. For further discussion on this topic, see Mtanes Shihadeh, *Israel and the Palestinian Minority*, 2005 (Haifa: Mada al-Carmel, 2006).



Regarding the coalition agreement between Likud and Shas, one of its sections rectifies to some extent the cutbacks made in the children's allotment in recent years, primarily during the period that Netanyahu served as Finance Minister.¹⁰ At the time, Netanyahu was proud that this policy led to a decrease in births among Palestinians in Israel, an objective he declared a national goal.¹¹ "On the other hand" Shas's demand for an increase in the children's allotment as a condition for entering the coalition conflicted with Netanyahu's economic and "national" beliefs. A solution was found that satisfies both parties: the parties agreed to increase the allotment gradually, and found a "creative" way to reduce the number of Arab children and families that will benefit from the increase. The Likud-Shas coalition agreement states, in section 70:

The National Insurance Law will be amended to specify that the children's allotment will not be provided in the following instances: A. to a parent whose children were removed from the parent's custody in accordance with a decision of the competent court; B. to a parent whose children do not regularly attend an educational institution, as the term is defined in the Compulsory Education Law; C. to a parent whose children do not receive the immunizations required for their age in accordance with the immunization program of the Ministry of Health.

At first blush, the conditions specified in section 70 appear universal and do not seem to discriminate between different groups in the general population. However, one wonders about the source of these conditions and their connection to the children's allotment. Statements made by Netanyahu in the past support the argument that the objective of the conditions is to discriminate against the Arab population. This argument is supported by a letter sent by Adalah to the Attorney General and the heads of the Likud and Shas Knesset factions. In its letter, Adalah argued that:

1. Denial of eligibility for payment of the allotment from parents to children who do not regularly attend school and from children

¹⁰ The complete text of the agreement between the parties is available at www.knesset.gov.il/docs/heb/coal2009Shas.pdf.

¹¹ See Nimer Sultany, *Israel and the Palestinian Minority, 2003*. Haifa: Mada al-Carmel, 2004, Pp: 100-103.



who do not receive immunizations in accord with the immunization program of the Ministry of Health is not in and of itself a proper purpose, and is unrelated to the purpose underlying payment of the children's allotment.

2. Furthermore, denial of the children's allotment for the aforesaid reasons means that all children of Beduin families in the Negev will be excluded, in that most of the children who do not receive immunizations and do not regularly attend school are Beduin children in the Negev. For example, a report of the Ministry of Health in 2009 points out that the percentage of Beduin children who are not immunized in accord with the Health Ministry's program is relatively large, and there is a gap between the percentage of children in recognized villages who have received immunization and those who reside in unrecognized villages.
3. Furthermore, the outcome of denial of the allotment for children who do not regularly attend school is harm to Arab Beduin children living in the Negev: based on figures of the Central Bureau of Statistics, 8.7 percent of Arab children in grades 9-11 dropped out of school in 2007-2008, compared with 4.4 percent of Jewish students who dropped out of the school system (see Table 8.24, *Israel Statistical Abstract for 2008*). Among Beduin children in the Negev, the situation is worse, with the drop-out rate approaching 70 percent. These statistics show that the great majority of Beduin children in the Negev would not be entitled to a children's allotment because of the extremely high percentage of school drop-outs.
4. Consequently, the outcome of placing new conditions on entitlement to a children's allotment as agreed in the coalition agreement is harm to Arab Beduin children, and therefore, based on the outcome test, constitutes discrimination against them on grounds of ethnic background. Denial of the children's allotment by restricting the conditions of eligibility for payment of the allotment also infringes the right of children to social security and



to minimal living conditions and their constitutional right to dignity.¹²

The future policy guidelines of Israel's government toward the Palestinian population are outlined in the coalition agreements. In the near future, we shall feel, almost certainly, the effects that implementation of the policy will have on the daily lives of Palestinians in Israel. Of course, this is not to say that there is currently no discrimination and racism toward the Palestinian minority, or that that state relates to them as citizens holding equal rights. The discrimination and racism are clear, as appears from a review of Mada al-Carmel's monitoring reports since 2002.

The extreme Right demonstrates in Umm el-Fahm

In September 2009, the police refused to allow Itamar Ben-Gvir and Baruch Marzel, extremists whose political beliefs are drawn from the Kach movement of Rabbi Kahane and call for the expulsion of Palestinians from Israel, to have a procession in the Arab city of Umm el-Fahm. The police had a real fear that the procession would lead to severe public disturbances and result in personal injury and property damage.¹³ Following the police's refusal, Ben-Gvir and Marzel petitioned the High Court of Justice, which ruled, on 29 October, that the petitioners were allowed to demonstrate in the streets of Umm el-Fahm. The justices reached their decision after the police agreed to allow the procession along a route far from the center of the city. The court's decision indicated the demonstration would take place on 11 November, following the elections to the local authorities in Israel, which were scheduled for earlier in the month.¹⁴

Relating to the High Court's decision, Knesset member Jamal Zahalka (Balad) said that the court had given legitimacy to racism: "The High Court of Justice treated the demonstration as a matter of freedom of speech, while in the enlightened world, racism is a criminal act whose perpetrators are punished."¹⁵ Umm el-Fahm's mayor

¹² The complete text of the letter is available online in *Adalah Newsletter*, Volume 58, March 2009.

¹³ Aviad Glickman, "State: The Right's Procession in Umm el-Fahm is Dangerous," *Ynet*, 3 September 2008.

¹⁴ Tomer Zarhin and Yoav Stern, "High Court Permits Marzel and Ben-Gvir to March in Umm el-Fahm," *Ha'aretz*, 29 October 2008; Aviad Glickman and Sharon Rofe-Ophir, "Victory to Marzel in the Supreme Court: Will March with Flag in Umm el-Fahm," *Ynet*, 29 October 2008.

¹⁵ Zarhin and Stern, "High Court Permits," *supra*.



at the time, Sheikh Hashem Abd a-Rahman warned that, "The visit will waste five years of effort to turn the Wadi Ara area, and its Arab and Jewish communities, into a pleasant place to live." Knesset member Muhammad Barakeh (Hadash) said that the High Court "became a partner in crime" in giving "legitimacy and freedom of movement to known criminals who are members of a racist, banned organization."¹⁶

Most of the criticism voiced by Arab leaders resulted from the purpose of the procession, which was to show the Arab population who controls the state and has the upper hand, and from the fact that the organizers of the procession were members of the extreme Right in Israel, which seeks to expel the country's Arab citizens.

The police postponed the procession until after the general elections to the Knesset and because of the war in Gaza. In March, the demonstration was finally held. The police allowed 100 persons to take part in the procession and kept secret the exact route of the procession in the city. On the day of the procession, the police assigned some 2,500 police officers in and around the city to safeguard the participants in the procession and to prevent riot acts, in the words of the police.¹⁷ The police also used bullet-proof vehicles to transport the marchers.¹⁸

At the head of the procession walked Marzel, Ben-Gvir, and new Knesset member Micha'el Ben-Ari (National Union). Ben-Gvir said to reporters who accompanied the procession, "Our statement is loyalty to the State of Israel... Umm el-Fahm contains a band of lawbreakers, who think violence will bring them victory. The State of Israel is the state of the Jewish people. We have come to speak the truth as we see it, and not to provoke."¹⁹

On the day of the procession, residents of Umm el-Fahm and Arab citizens from throughout the country, along with Jewish citizens, demonstrated in the city against the march. The demonstrators were angered by the march and the great amount of protection provided by the police, which was perceived as police shelter for the procession. "This is a sad day for me, the police giving shelter to racism in Israel,"

¹⁶ Ibid.

¹⁷ Sharon Rofe-Ophir and Efrat Weiss, "About 30 Injured, including the Deputy Police Commissioner, in Procession by the Right," *Ynet*, 24 March 2009.

¹⁸ Ibid.

¹⁹ Ibid.



said one of the Arab demonstrators, who added that, "We are not against Jews. We love everyone who loves us and hate everyone who hates us. What is taking place here is the policy of the Right."²⁰ Another demonstrator complained about the police's policy: "You can see for yourself how the police protect settlers rather than protect residents of the city."²¹

As expected, clashes between the police and Arab citizens ensued, during which the police used tear gas and other means to disperse demonstrators, and dealt with Palestinian citizens violently. Several persons were injured. Knesset member Barakeh said, "We are witness to a trigger-happy police. Rather than prevent provocations, they assault the people who came to defend their city."²² Knesset member Hanin Zoabi (Balad) said that the demonstration [by Marzel, Ben-Gvir and others] is not an expression of a legitimate political position, but is part of the ongoing campaign of incitement against Arab citizens, and the permit given to hold it is a "license for racist positions."²³

In addition to violent means to suppress the Palestinian citizens' protest against the Right's procession, the police conducted, the next day, a wave of detention of residents Umm el-Fahm, twenty-three in total, with minors among them.²⁴ Residents of the city said that the wave of arrests was intended to frighten and deter the residents, and were unnecessary.²⁵ The police's behavior during the procession recalls to a large degree its response in the clashes of October 2000, in which thirteen young Arabs were killed, indicating that the police still treats Palestinian citizens as enemies, as the Or Commission (the state commission of inquiry that investigated the events of October 2000) concluded.

²⁰ *Ha'aretz*, 25 March 2009.

²¹ Ilan Sadeh, head of the Menashe Regional Council, said: "I really hope the police will carry out its function and not enable these raving people to enter... They come with the intent to destroy," *Ha'aretz*, 25 March 2009.

²² *Ibid.*

²³ *Ibid.*

²⁴ *Arab48 Online*, 25 March 2009.

²⁵ *Ibid.*



Prohibition on participation in celebrations of Jerusalem as the capital of Arab culture

At the end of March, the Minister of Public Security, Avi Dichter, issued orders preventing festivities in the Arab city of Nazareth as part of the celebrations of "Jerusalem, the Capital of Arab Culture." The orders were sent to the Nazareth Municipality the same day that the festivities were to take place, a Saturday. The timing of the sending of the orders was not accidental, in the opinion of Ramez Jeraysi, Nazareth's mayor, but was "intended to thwart any possibility for the municipality and the organizers to go to court to nullify the orders."²⁶

The main reason for the Public Security Minister's decision was to prevent "organization of events under the auspices of the Palestinian Authority inside Israel," even though cultural events, singing and poetry reading, were involved, and the aim was to express the political-cultural ties of Israel's Arab citizens. The minister ordered the police, according to press reports in Israel, "to suppress with a heavy hand any attempt of the Palestinian Authority to hold events in the country and in Jerusalem, openly or hidden."²⁷ The action was taken because the events breached the Implementation of the Interim Agreement Law, which prevents the Palestinian Authority from holding events on Israeli territory.²⁸

Mayor Jeraysi said in response that, "Dichter's order removed the last fig leaf of Israeli democracy," and that, "I never believed they would go so far. After all, this is a cultural event, and their action gravely harmed the event. It wasn't by chance that we received the order in the afternoon, though the order explicitly stated it was intended to affect the event already on the eleventh of the month... Dichter waited nine days so as to make it impossible to mount public protest and petition the court. By doing so, he sought to outdo Lieberman in his anti-Arab approach, and anyone interested in democracy and freedom of speech must protest and condemn this position."²⁹

²⁶ *Nrg, Ma'ariv Online*, 21 March 2009.

²⁷ *Ynet*, 21 March 2009.

²⁸ *Ibid.*

²⁹ *Nrg, Ma'ariv Online*, 21 March 2009.



Discrimination in Israel Railways

Israel Railways is a government corporation subordinate to the Ministry of Transport. The company employs, through a human resources subcontractor, some 130 Arab workers as watchmen and guards. At the end of March, the human resources company sent letters of dismissal to about 40 workers, contending that the tender's terms had been changed, and that Israel Railways now wants these positions to be filled by persons who have completed compulsory military service.³⁰ The dismissals were to take effect at the beginning of April. The Arab employees perceived the dismissals as a deliberate action to rid Israel Railways of Arab workers, using the military-service criterion as the pretext. In the opinion of the journalist Avirama Golan:

The letters of dismissal received by Arab employees of Israel Railways were expected. For several weeks, Israel Railways has been searching for phrasing that would enable it to get around the law and lay them off ... Since the electoral success of Avigdor Lieberman's campaign slogan "No loyalty, no citizenship," many people say the country has been hit by a dangerous wave of racism. But excluding Arab workers from Israeli society in general and the job market in particular did not begin last week, and Israel Railways, along with the interior and finance ministries, did not wait for Lieberman for them to be discriminatory.

The railway layoffs may not have been inspired by Lieberman's platform, but the spirit he brought with it makes them look particularly ominous.³¹

In response to the dismissals, Adalah sent a letter to the director-general of the Ministry of Transport, and to the CEO of Israel Railways, contending that,

Making military service a prerequisite for employment of persons at lookout and guard points is discrimination against Arab employees based on ethnic origin, given that the Arab population is, as a rule, exempt from military service; therefore, the criterion is ultimately liable to result in the dismissal of all Arab employees due to their not

³⁰ *Ha'aretz*, 30 March 2009; *Alarab Online*, 30 March 2009.

³¹ Avirama Golan, "They did not Wait for Lieberman," *Ha'aretz*, 1 April 2009.



having done military service. Consequently, the military-service condition completely blocks current Arab employees from continuing their employment in Israel Railways and/or placement of new Arab workers.... Furthermore, establishing a military-service criterion for employment in Israel Railways Ltd. constitutes forbidden discrimination in contravention of the Equal Opportunity at Work Law, 5748 – 1988, which prohibits employers from discriminating between jobseekers on grounds of their nationality.”³²

In its response, of 7 April, to Adalah’s letter, Israel Railways argued that conditioning employment of lookouts and guards on military service results from the nature of the position. These positions, the company claimed, require expertise and requirements that are acquired during compulsory military service, such as “coping with sudden events that rapidly occur, which require quick response, composure, and action carried out systematically, in an organized manner, one after the other, in sequence...” The company added that, “the tender for selection of human resources companies to supply guards and lookouts has already ended, and a number of companies were selected and will soon begin their work.”

The employees who received letters of dismissals were employed where the tracks intersect with roads, in places where deadly accidents had occurred. The Hashmira company employed them at more than ninety crossings around the country. Some of the workers were employed at this work for three years. It should be noted that they received inferior wages and conditions of employment. Their wages approached the minimum wage, and they were required to work long hours in harsh conditions. “At first, they supervised railway crossings while sitting in a chair, later they were given booths, and now there are small huts to protect them from the weather.”³³ Not only were their work conditions harsh, an attempt was made to deny them their right to fight the dismissals. One of the workers told *Ha’aretz*, “In recent days, when the matter reached the media, workers received threatening messages that it was forbidden to provide details to journalists.”³⁴

³² *Adalah Newsletter*, Volume 58, March 2009.

³³ Yoav Stern, “Israel Railways Fires 40 Arab Workers – Because They Didn’t Serve in the Army,” *Ha’aretz*, 30 March 2009.

³⁴ *Ibid.*



It is unclear if Israel Railway's action is an omen of government and private companies' treatment of the Arab population under the Netanyahu government and in the wake of the economic crisis. It may be that Arab employees will pay a double price, from the change in policy and the economic crisis. On this point, in its editorial of 21 April, *Ha'aretz* wrote:

It is difficult to avoid the conclusion that Israel Railways' management is trying to correct its mistakes and looking for complicated excuses and convoluted compromises at any price. But these excuses simply emphasize that the workers' dismissal is directly linked to their origin and that their especially weak socioeconomic status, as Arabs employed by a human resources agency, made it easier for the company to take on new employees as it saw fit. Israel Railways must explain these considerations to the employees, to the judge, and to the public... The new criterion that filters out employees who did not serve in the army is a flagrant breach of the law, bearing bad news of Arab workers being shut out. The matter is much graver during a recession and in light of Sisyphean efforts to increase integration of Arab citizens in the labor force.

Employees who received letters of dismissal filed suit in the Labor Court, which issued a temporary injunction against dismissal of the company's inspectors, freezing the letters of dismissal.³⁵ On 23 April, Israel Railways announced that it withdrew the demand that lookouts at railway crossings completed compulsory service in the IDF. The announcement stated that the company's management had decided to revise the criteria for this position and delete the requirement of military service.³⁶

Failure to prosecute for racist statements

In the political monitoring report for 2005, we quoted the racist statements of Dr. David Bukai, of Haifa University. Dr. Bukai, an expert in Islam religion, said in one of his lectures, according to an Arab student in the class, that "Arabs should be shot in

³⁵ *Ha'aretz*, 19 April 2009.

³⁶ *Ibid.*



the head," and "Arabs pursue money, sex, and alcohol."³⁷ As a result of the student's allegation, the Center Against Racism and Defamation submitted a complaint to the Attorney General. The Ministry of Justice decided to open a police investigation into the matter. The investigation continued into 2009, and apparently will go on forever, even though the police closed the file. The police closed the file on grounds that, "the investigation files against the lecturer were lost in the "general distributor" of the Haifa police."³⁸ A letter the State Attorney's Office sent to the Center Against Racism and Defamation states: "A regrettable breakdown is involved, and we are sorry that in all cases like this we have great difficulty in reconstructing the investigative material that was collected in the files. Because of the years that have passed since the time of the incident, we have no option other than to close the files."³⁹

Disciplining students for participating in a demonstration

In early March, Haifa University decided to bring five Arab students before a disciplinary panel for their participation in a protest demonstration against the war in Gaza. The demonstration was held inside the university without a permit from university officials. During the war, the university prohibited demonstrations, fearing they would lead to violent clashes between Arab and Jewish students. Arab students contended they had a moral duty to oppose the war, and that they had the right to demonstrate and express their opinion, even if the university prohibits demonstrations on university grounds. Furthermore, the students argued that expressing a political position and taking part in the demonstration did not warrant disciplinary proceedings.⁴⁰ The students' arguments did not convince university officials, who decided to continue the disciplinary proceedings against them. The disciplinary panel has not yet made its decision.

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³⁷ Mtanes Shihadeh, *Israel and the Palestinian Minority, 2005* (Haifa: Mada al-Carmel, 2006). (in Hebrew).

³⁸ *Ha'aretz*, 12 March 2009; *Arab48 Online*, 12 March 2009.

³⁹ *Ha'aretz*, 12 March 2009.

⁴⁰ *Arab48 Online*, 1 March 2009.



From MADA's Ongoing Activities

A Reading into Our Collective Protest During the Assault on Gaza

On March 23, 2009, Mada al-Carmel – the Arab Center for Applied Social Research held a symposium titled "A Reading into our Collective Protest During the Assault on Gaza", inviting a group of academics and political activists to participate. The speakers were Dr. Ahmad Sa`di, lecturer in sociology at Ben Gurion University in Beersheba; Abed Anabtawi, Bureau Director of the Higher Follow-Up Committee for the Arab Citizens; Aida Touma-Suleiman, Director of Women against Violence; and Ameer Makhoul, General Director of Ittijah – The Union of Arab Community Based Organizations and, Head of the Popular Committee for the Defense of Freedom. The panel was opened and facilitated by Prof. Nadim Rouhana, Mada's General Director.



The symposium addressed the central question whether the mass participation in collective protest during the assault of Gaza was a single instance related to the brutality of the Israeli aggression or whether it represents a new trend in collective protest among the Arab citizens. ■■■

- For a summary of the symposium see Mada's website.

■ The Gender Studies Program at Mada al-Carmel Palestinian Women and Israeli Political Economy

The Gender Studies Program (GSP) at Mada al-Carmel hosted a lecture by Prof. Nahla Abdo titled "Palestinian Women and Israeli Political Economy". The lecture was held on April 30, 2009 as part of a series of seminars on gender studies within the GSP, which aims to contribute in creating and developing spaces for feminist dialogue in Palestinian society in Israel. Prof. Abdo was introduced by Dr. Nadera Shalhoub-Kevorkian, the Director of the GSP at Mada al-Carmel, who pointed out the relationship between the subject of the lecture and the new research project started by the GSP under the title "Security Reasoning: Spatial Politics, Patriarchy and the Economic Rights of Palestinian Women in Israel.

Prof. Nahla Abdo opened her lecture by stating that Palestinian women "have played and still continue to play an important role in the economic, political, social and cultural structure of their society. Women have a firm and special relationship with the land, through a history of material, cultural and metaphorical bondage. For women, land has never been merely source of livelihood; Abdo noted that in fact a strong relationship between culture, poetry, land and women is referenced in many writings.

In an attempt to bridge the epistemic gap concerning the position of Palestinian women, Prof. Abdo's lecture focused on Palestinian women's status in the Israeli political economy with few concepts: land as an economic right; women and citizenship; the Jewish state as a racist, imperialist, colonial state; women's labor and ethnic markets that rely on distancing and marginalization; the feminization of poverty; and culture, religion and the family. She posed the question: are these reasons for marginalization or simply excuses? ■■■

