

# 70 Years On, Palestinians Are Still Locked in the Same Position. “The Right of Return”, The Palestinian Refugee Problem

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*Few people know that, as a condition for admission to the UN in 1949, Israel accepted [UN Resolution 194](#), which stipulates that Palestinians who fled or were expelled during the Jewish takeover of 1947-49 in Palestine, have the right of return.*

As with every other legitimate claim that Palestinians have made about their situation over the long years since the [Nakba](#), pro-Israel supporters have effectively drowned them out. They continue [to do so](#) today with the Boycott, Divestment, Sanctions ([BDS](#)) movement call in typical fashion, by plumbing “the depths of dishonor” in the words of one US foreign [policy expert](#):

...The tactics of the Israel Lobby plumb the depths of dishonor and indecency and include character assassination, selective misquotation, the willful distortion of the record, the fabrication of falsehoods, and an utter disregard for the truth... The aim of this Lobby is control of the policy process through the exercise of a veto over the appointment of people who dispute the wisdom of its view.

Israel’s fake framing and hypocritical “disputation” of Palestinian legitimate claims may not be unique in the annals of war propaganda – after all, the adage that “every conflict is fought on at least two grounds: the battlefield and the minds of the people via propaganda” is well known.

But Israel’s propaganda war on the Palestinian people is particularly diabolical, starting with its use of the words “conflict” and “war”. Israel (and much of the world) uses the former to obscure the revolutionary nature of the Palestinian struggle and the latter to obscure Israel’s powerful grip on a largely unarmed people and their lands and property.

War is “a state of armed conflict between societies”, but if one of the said societies is under the military and political control of the other society and rises up in revolt, as in [one intifada](#), [two intifadas](#), three intifadas – [maybe](#), Jerusalem [intifada](#), said societies can no longer be meaningfully described as at war with each other. (See also [The Palestinian Revolution](#)).

Along similar lines of disputation, the 50-year occupation of the West Bank and Gaza Strip is said to be not really an occupation. It is often described, in the pages of the New York

Times and other media under the influence of Israel's "narrative" as "disputed territories" or "disputed settlements" to propagate the fiction that Israel has an equal claim to these territories of historic Palestine as do the Palestinians.

The [legal nonsense](#) behind this particular piece of "war propaganda" on Israel's part rests on the fact that Jordan's annexation of the West Bank on April 24th, 1950 was not recognized internationally (ironically for this lame "legal" argument, neither is Israel's annexation of East Jerusalem) and is aimed to allow Israel to colonize occupied territory and move its Jewish population to it regardless of what UNSC Resolution 242 and the Geneva Conventions have to say on the matter.

The International Court of Justice in its landmark 2004 advisory [opinion](#) regarding Israel's annexation/apartheid wall made it clear that what matters from a legal perspective is the status between Jordan and Israel as two "high-contracting parties to the Fourth Geneva Convention", not the status of sovereignty.



Fraudulent references and allegations along similar lines can be traced way back to the language used in the [Balfour Declaration](#). One example in that document is the reference to "non-Jewish communities". Explaining the galling and deceptive nature of such a reference, Joseph Mary Nagel (J.M.N.) Jeffries comments in 1939 in *Palestine: The Reality*:

... We have Palestine with 91 percent of its people Arab and 9 percent Jew at the time of the Declaration. It was an Arab population with a dash of Jew. Half of the Jews were recent arrivals ... By an altogether abject subterfuge, under color of protecting Arab interests, they set out to conceal the fact that the Arabs to all intents constituted the population of the country. It called them the non-Jewish communities in Palestine! ... it is fraudulent. It was done in order to conceal the true ratio between Arabs and Jews, and thereby to make easier the suppression of the former.

And so it continues. It's only recently that the Palestinian right of return has begun to be discussed again with any seriousness – thanks partly to the BDS movement, which clearly subscribes to the following sentiment [published](#) in 2010 in BNC e-magazine commemorating the 5th anniversary of the BDS call of July 9th 2005:

There is hardly a right that is more morally urgent and more legally compelling

than the Palestinian right of return. Regardless of who they are, where they came from, or when they became homeless, refugees the world over have an inalienable right to return to their homes.

When [news](#) first started surfacing in 2012 about the tragic flight of Palestinian refugees from Yarmouk camp in Syria in 2014, many wrote about their plight without mentioning the obvious, that these people belong in their own homeland, Palestine, and that it is Israel, not Arab countries, that must take them in as a matter of international law as well as humanity and morality. It was as if such commentary were taboo, or a lost cause or both.

For example, [Ramzy Baroud](#) concluded a passionate [article](#) on these refugees with:

The international community and Palestine solidarity groups everywhere must place Palestinian refugees on the top of their agenda. Food should never be a weapon in this dirty war, and Palestinians should never be starving to death, no matter the motive or the logic.

The obvious appeal should have referenced the right of return, which Baroud and others subsequently began to address seriously on social media.

More galling yet is the hypocrisy of Israel's so-called liberals who criticize Israel for its rejection of [Eritrean](#) and other refugees, but say not a word about Palestinian refugees. Refugee washing is what it is.

Israel has yet to respect the obligation regarding the right of Palestinian refugees to return to their homes as specified in UN Resolution 194. On the contrary, after the Zionists' unilateral declaration of "independence" from Palestine's own native non-Jewish population in 1948, Israel began destroying hundreds of forcibly depopulated Palestinian villages in order to prevent Palestinian refugees from returning and confiscated the land they left behind.

Israel continues to do the same in Jerusalem today and the occupied territories generally. In the process it renders refugees twice over and displaces many, just as it continues to deny return to displaced Palestinian citizens of Israel to their property within Israel and to force Palestinian Bedouins from their traditional lands in the Palestinian [Ghor](#) (the Jordan Valley) and the [Naqab](#) to plant Jewish communities there instead.

In Gaza, we have witnessed the ghoulish spectacle of Israeli immigrant Jews across the border in the very same city ([al-Majdal Asqalan](#)) from which its Palestinian inhabitants were trucked to the Gaza Strip watching and [cheering](#) the obliteration of whole Palestinian families.

The Palestinian refugee problem extends to both the Gaza Strip and the West Bank. [More](#) than one million (23%) UNRWA registered refugees live in Gaza, and nearly 760,000 (16%) live in the West Bank; no "land swap" will resolve their status or the status of Palestinian refugees and exiles worldwide or those displaced within Israel itself.

[BADIL Resource Center](#) for Palestinian Residency and Refugee Rights examines the right of return through different lenses and concludes unequivocally that Israel's denial of this right violates an established body of law:

1. The Right of Return in Customary Law of 1948
2. The Right of Return in the Law of Nationality.
3. The Right of Return in Humanitarian Law
4. The Right of Return in Human Rights Law
5. State Practice (Opinio Juris) Implementing the Right of Return of Refugees

The conclusion (on page 83 of the [pdf document](#)) begins like this:

Discussion of the implementation of the right of return of the 1948 Palestinian refugees raises all sorts of questions regarding the nature of the state of Israel and the legality of its actions vis-à-vis the 1948 Palestinian refugees, including obstruction of their right of return, the subsequent purported denationalization and the illegal confiscation of their entire massive private property and land-holdings.

Consequently, it will come as no surprise to learn that supporters of the Zionist position (who hold that all these actions are perfectly legitimate) have labored long and hard to challenge the legal validity of Resolution 194, and specifically paragraph 11(1) which delineates the right of return. Following are responses to some of the most prevalent arguments which have been raised to challenge and argue against the binding nature of paragraph 11(1) of Resolution 194.

What's more, Palestinian right of return is not only just, it is also feasible and practical as this new [infographic](#) from Visualizing Palestine shows.

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