

Internally Displaced Palestinians "The Present Absentees"

Arafet Boujemaa



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Foreward

'The land stretches before me, as touchable as a scorpion, a bird, a well; visible as a field of chalk, as the prints of shoes. I asked myself, what is so special about it except that we have lost it?'¹

The nakba of 1948 saw thousands of Palestinians forced to flee from their homes and into an uncertain exile. Although the majority left their country altogether, a significant number remained and, in time, became citizens of the new Israeli state. While we tend to hear about the Palestinian refugees outside their homeland, far less is known about the 'internally displaced' Palestinians, those who continue to reside in Israel but are not permitted to return to their homes or villages. It is the plight of these people that this very timely book addresses.

As Arafet Boujemaa observes, the fate of the Palestinian refugees, both those who live beyond the borders of mandate Palestine and those who have been internally displaced, lies at the heart of the Israeli-Palestinian conflict and, without a satisfactory resolution to this tragic situation, it is impossible to envisage a genuine or sustainable peace. Since 1948, Israel has consistently refused their 'right of return' and unfortunately, as so often happens where the state of Israel is concerned, the international community has adopted an ambivalent position; unlike the situation of internally displaced persons elsewhere, the displaced Palestinian community in Israel has been more or less ignored. Thus, they suffer a double injustice: deprived of their land and rights, they have also been seen their national claims delegitimized by Israel's control of the 'narrative of 1948'.

¹ Barghouti, Mourid (translated by Ahdaf Soueif), *I Saw Ramallah*, Cairo & New York: The American University in Cairo Press, 1997 (English translation 2000), p.6.

The treatment by the Israeli government of Palestinians who did not leave their land in 1948, as Human Rights Watch and other organizations have commented, amounts to blatant discrimination, enacted through a series of laws aimed at replacing Palestinian populations and settlement areas with Jewish ones. The recent law privatizing land originally belonging to the IDPs, which is then made available exclusively to Jewish Israelis, is both racist and cruel. It serves to underline the second-class status of Israel's Palestinian citizens.

While the plight of IDPs is part of the overall Palestinian refugee issue, it also relates to questions of identity and national memory. As Boujemaa remarks, Palestinians in Israel have two elements to their identity: a Palestinian-Arab identity and a civilian identity based on their Israeli citizenship; they also have links to the land that stretch back over centuries. The Palestinian community may be dispersed around the world but its members share a strong sense of belonging to a single nation. However, Israeli state policy seeks to break the link between Palestinians in Israel and those in the larger Diaspora, not only through discriminatory laws but also the attitudes of Israeli politicians and public opinion. One can only conclude that this is part of the Israeli government's grand plan of ultimately 'cleansing' the land of all its original inhabitants. However, it is heartening to hear that the IDPs have been putting up a fight on their own behalf. Despite global indifference, they are lobbying as displaced people and also as citizens of the state in which they live; they demand that, rather than being a Jewish state, Israel should be 'a state for all its citizens'.

As Boujemaa says, one way to test the strength of a democracy is to examine how it treats its minority populations. The state of Israel, through its marginalization and systematic ill-treatment of the



Palestinian minority, has revealed itself to be profoundly undemocratic. Overall, Palestinian citizens are poorer, less educated and more socially deprived than Israeli Jews and, while some Israeli politicians and government officials have bemoaned this fact, little or no action has been taken. However, although Israel has stolen Palestinian land and marginalized the Palestinian community inside Israel, it can never, as Boujemaa eloquently illustrates, erase Palestinian identity or destroy the Palestinian national narrative of injustice passed down through generations and still awaiting a satisfactory resolution.

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December 2010



Introduction

The issue of Palestinian refugees and Internally Displaced Palestinians (IDPs) is the longest-running example of a people suffering instability and denial of statehood in recent history; they have been awaiting a solution for more than 60 years. The Palestinians are the world's largest refugee population, with approximately seven million Palestinian refugees and IDPs¹. This includes those who were driven out of their homes by Zionist militias in the run-up to the 1948 Israeli declaration of independence (the so-called "*Plan Dalet*", which was basically ethnic cleansing), and those who fled during the subsequent war and again after the 1967 Six Day War between Israel and the Arabs. These seven million Palestinian refugees represent the majority of the total Palestinian population.

The phenomenon of Palestinian refugees and IDPs began when hundreds of thousands of Palestinians were displaced before, during and after the 1948 war. There emerged two types of refugees: the first will be referred to as refugees; this is the dominant group made up of Palestinians who fled beyond the borders of the country to be established and known as Israel. Most now live in neighbouring Arab countries (Syria, Lebanon, Jordan and Egypt) with the remainder being distributed across numerous countries worldwide; this first group of refugees includes those Palestinians who moved to areas which were occupied later by Israel in the 1967 war. The second group comprises Palestinians who stayed inside the area of historic Palestine which became the State of Israel and yet have been displaced from their homes and villages. This research will focus exclusively on this second type of refugee, referred to here as Internally Displaced Persons (IDPs)².

The issues of people and land underpin all discussions of refugees and IDPs; "*people*" refers to Palestinian refugees who were forced to abandon their villages, live in places of refuge and suffer from a policy of exclusion and marginalisation. For more than six decades they have been demanding the right to return home. The second issue is the issue of land, fundamental to the conflict and to the topic of refugees and IDPs because it is, in such particular historic circumstances, a source of legitimacy and existence beside the regular values of wealth and power; control of the land provides the upper hand in the conflict. It is also a source of identity and an element of history for Palestinians.

The demands of the displaced people who represent a portion of Palestinian citizens living inside Israel, referred to as "*Israeli Arabs*", "*the interior Palestinians*" or "*1948 Arabs*", are mainly based on the obviously simple right of returning to their homes and villages. However, successive Israeli governments have refused to allow Palestinians to exercise this right. The Israeli state has denied responsibility for the displacement of Palestinians and has put the onus for this displacement on the Arab forces that participated in the war of 1948. This is, of course, disinformation; the Zionist authorities implemented "*Plan Dalet*" in order to clear Palestinians from their land before the State of Israel was declared, and the Jewish militias took to this task with relish, instigating a campaign of terror against Palestinian civilians. On other occasions the Israeli state has announced that the displacement is a temporary status that is going to be "*fixed*" upon the cessation of military operations. Israel has implemented legislation and policies that have secured a Jewish majority and Jewish control of all aspects of the economy, society, politics and culture; even control of the historical account of the Arab – Israeli conflict.

IDPs have faced great difficulties, particularly when trying to settle in to their places of refuge. The vast majority of IDPs settled in northern Israel in Arab villages; some also settled in major cities such as Nazareth and Shafa'amr while others settled in cities with mixed Jewish and Arab populations. The loss of their land, which was the source of their livelihood, caused their lifestyle to change from that of farmers to that of employees (waged labourers). This transformation forced them to abandon their economic and social norms and they have found themselves struggling to adapt and meet their needs. The military regime imposed on all Arab Palestinians in Israel until 1966 had a harsher impact on the IDPs and aggravated their economic and social condition, limited their chance for a better life and restricted their movement to a narrow geographical space with few resources to improve their living conditions. Most IDPs live in Arab towns, where the vast majority of Palestinians live; only a small number live in mixed Jewish-Arab cities. Those who do tend to live in separate neighbourhoods and are subjected to systemic discrimination.

The year 1966 and the end of military rule witnessed a relative improvement in the lives of displaced Palestinians; the open borders between Israeli Palestinian society and the Palestinians in the West Bank and Gaza occupied by Israel after the 1967 war improved further their economic activity because of commercial opportunities with Palestinians resident in the Occupied Territories. This improvement was limited, however, because the economy was linked to Israel's economy which was controlled by a Jewish majority which marginalised and excluded them from decision-making positions. The policies of previous and present Israeli governments towards Palestinians living within Israel, including IDPs, have contributed towards the widening gap between the Jewish majority and the Palestinian minority. This is exacerbated by the absence of justice and equality within society and the lack of accurate information about the situation of the IDPs outside Israel and the Occupied Territories.

The paradoxical status of the IDPs, being citizens of the state of Israel and IDPs at the same time, contributes even more to the complexity of their situation not least because they are not recognised internationally as Internally Displaced Persons. Since the cessation of services provided to IDPs inside Israel by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)³ in 1952, there has been no international protection provided for them. Despite the fact that the definition of displaced persons in the UN's Guiding Principles on Internal Displacement applies to Palestinian IDPs, they do not have international recognition as such. It is true that the international community does not provide full assistance and protection for displaced persons worldwide but, at a minimum, it at least acknowledges them as displaced persons and tries to assist them accordingly.

The issue of refugees and displaced Palestinians is ongoing, despite UN adoption of Resolution 194 in 1948 regarding the right of refugees and displaced Palestinians to return to their homes and receive compensation. The international community does not put sufficient pressure on Israel to implement this resolution despite the fact that the UN was responsible for the partition of Palestine after the adoption of Resolution 181 handing over control of 57 per cent of the land of Palestine to an alien population.

As a result of the decision of successive Israeli governments to deny their right to return to their homes, IDPs have become more persistent in their efforts to lobby locally and internationally. This has been exacerbated by the failure of the international community to recognise their situation and the absence of the issue in the ongoing Israeli-Palestinian peace process. Palestinian IDPs formed local pressure groups and, in the mid-nineties, established the *"National Committee for the Defence of IDPs' Rights in Israel"* (ADRID), which

represents the IDPs within Israel and has ensured that their issues are aired. ADRID has received the support of all segments of the Palestinian community in Israel and has received some positive responses internationally. IDPs are still waiting for the local (Israeli) government to recognise their right of return and for the international community to recognise them and provide durable solutions through international laws, the Guiding Principles on Internal Displacement and UN Resolution 194.

This study is mainly qualitative⁴, focusing on discussion of Israeli policy towards Palestinian IDPs, discussion of international protection for them and trying to answer the question: Why are Palestinian IDPs not recognised as Internally Displaced Persons, locally (within Israel) and internationally? To discover why the Israeli state does not recognise IDPs as displaced persons, we should consider Israeli policy towards them since the Nakba⁵ and ask, "Has the policy remained the same or has it changed over time?" We should also discuss why the international community has not taken on the case of the IDPs and provided them with assistance and protection, as is afforded to other internally displaced persons worldwide. In addition, the study will suggest durable solutions to the problem of IDPs.

Chapter one

Context of the Study

Context of the Study

The year 1948 was a turning point in the history of the Palestinian people, as it witnessed the shift from an Arab ethnic majority in Palestine to a Palestinian ethnic minority inside the nascent state of Israel. This minority owns a very small area within the Israeli state. It is important to identify the beginning of the Palestinian refugee and IDPs' problem and the reasons for the departure of Palestinians from their homes and villages, in order to understand the situation of the IDPs and determine appropriate solutions.

The definition of Internally Displaced Persons

According to the Guiding Principles, internally displaced persons are *"persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural disasters, and who have not crossed an internationally recognized State border⁶."* It should be noted, therefore, that the Palestinian IDPs conform to this definition and should enjoy the protection and assistance provided by the Guiding Principles and other international human rights instruments.

When we talk about internally displaced Palestinians it is important to distinguish between two categories. The first are those who were expelled from their homes and villages during the Nakba (the events leading to the creation of the state of Israel) and later lived in other *"recognised"* towns, continuing with a relatively normal life and becoming part of their new town, although they still considered themselves to be internal refugees.

Then there are the Palestinians who settled in nearby villages after

being expelled from their homes, but this new village has not been "recognised" by the Israeli government as a legitimate settlement; this second type of IDPs suffered from being both refugees and living in unrecognised villages. These people were separated from and deprived of their lands and from basic services, and had no clear future. They are still living in the state of Israel.

The importance of studying the issue of IDPs

The issue of IDPs is at the heart of the Palestinian-Israeli conflict. The study must consider the following: IDPs represent a portion of Palestinian citizens living inside Israel and they make up approximately 25 per cent of the total Palestinian population in Israel. They are, therefore, considered to be a minority within a minority. Hence, we cannot study the situation of IDPs without talking about the situation of all Palestinians in Israel, who live in the same areas as IDPs and are subject to the same policies.

IDPs faced considerable difficulties after they were displaced from their home towns and villages: they worked hard to establish new lives in their places of refuge but have battled repeatedly with the authorities who aimed to force them to relinquish their claims to land ownership. They were, however, able to improve their living conditions and economic and social standards which have become similar to, if not the same as, the rest of the Palestinian population of Israel.

Palestinian IDPs are part of the overall Palestinian refugee issue. Despite the differences between the categorisation of Palestinian refugees and Palestinian IDPs, the IDPs have experienced similar problems to the refugees, including ethnic cleansing and displacement from their villages and homes. We cannot talk about the catastrophe suffered by Palestinian refugees without mentioning the IDPs who shared the suffering and share the same dream of return and the

same commitment to a Palestinian identity.

Palestinian refugees and IDPs view the annual commemoration of the Nakba as very important for addressing the injustice inflicted upon them. The annual commemoration of this event is a reminder of their tragedy and a renewal of their demand for the right to return. The late Palestinian literary theorist Edward Said stressed that the issue of the Nakba and the right of return for Palestinian IDPs and refugees cannot be forgotten⁷.

Palestinian IDPs experience the same problems as other displaced people in the world. Despite this, they do not appear on the official international list of internally displaced people issued by the UN Refugee Agency (UNHCR)⁸. The international community has encountered problems when dealing with the concept of «sovereignty» as Israel refuses to recognise Palestinian IDPs as displaced persons and is unwilling to discuss their demands with international bodies, preferring to view it as an internal matter. This concept has prevented the international community from reaching a binding agreement and establishing an international agency responsible for the protection of displaced people worldwide.

Research difficulties in the case of IDPs

The available literature on the issue of IDPs, including books, articles, newsletters, websites and reports issued by governmental, non-governmental, local and international parties have been analysed. The Refugee Archive at East London University, the Documentation Centre of the Refugee Studies Centre at Oxford University, the British Library in London and The Palestinian Return Centre Library have been the most important institutions for accessing such resources.

One of the difficulties facing a researcher on the issue of IDPs is the shortage of research. It is very difficult to find studies tackling the

issue of IDPs specifically. Compared to the numerous publications on Palestinian refugees in general, we find that the issue of IDPs has not received the same attention and is usually only mentioned by way of introduction to the topic of general Palestinian displacement. The study of IDPs' current situation and the difficulties they face can only be found within a study of the Palestinians-Arabs in Israel; this is due mainly to the official Israeli policy of not dealing with Palestinian IDPs as a distinct category in their own right. Furthermore, some studies that have been written on Palestinian IDPs do not examine this phenomenon in an international framework but rather within a more limited local framework.

Another obstacle is determining the number of IDPs in Israel; there exist no accurate statistics which record the official number. Those produced by either the State of Israel or UNRWA, refer only to the beginning of the problem (at the end of the 1940s and early 1950s). Once UNRWA transferred its humanitarian assistance for IDPs to Israel, in 1952, it ceased to record accurate statistics for IDPs in Israel. The Israeli government tried to end the issue of IDPs, not by returning them to their villages, but by keeping them in the villages of refuge. Israel does not recognise them as displaced persons, but considers them as Palestinian citizens like the rest of the Palestinian minority. This is recorded at the Central Bureau of Statistics, where displaced people are included in the statistics for the whole Arab population.

Historical Background

Palestine was part of the Ottoman Empire until 1918, when that empire came to an end after the First World War. From 1920 to 1948 Britain held a mandate, first from the League of Nations and then from the United Nations, to govern Palestine. The British Foreign Minister, Arthur James Balfour, issued, in 1917, the Balfour Declaration, in which he pledged that the British Government would do its best

to realise the aim of establishing a “*national home for the Jewish people*” in Palestine. He also pledged that Britain would not take any action that may harm the interests and rights of the non-Jewish communities living in Palestine. This was in response to intense lobbying by supporters of Zionism, a political ideology seeking to establish a Jewish State in Palestine. With the approval of the British Mandate over Palestine, and the arrival of Sir Herbert Samuel, the first High Commissioner in mandatory Palestine, the foundations for establishing a national homeland for Jews in Palestine were laid.

The Zionist lobby called Palestine “*a land without a people for a people without a land*”⁹ and made many historical and religious claims about the rights of Jews in Palestine. They attempted to use the new political atmosphere in Palestine and the Balfour Declaration to encourage new waves of Jewish migration to Palestine. Thus, during the British Mandate large numbers of Jews came to Palestine from Europe, especially but not exclusively to escape from Nazi persecution in Germany. The Zionist movement sought to take control of Palestine and achieve an independent Jewish state, either by buying land or by expelling the native Palestinians. The main thrust of Zionist activity was to change the demographic balance in Palestine, as the Jews were a minority, representing less than 10 per cent of the total population¹⁰.

In November 1947 UN Resolution 181 divided Palestine into separate Arab and Jewish states; the land allocated to the Jewish state was Palestinian-owned. The Arabs naturally rejected the resolution. In the months between the UN resolution and the declaration of the State of Israel on 15th May 1948 (after the British mandate came to an end prematurely), Zionist militias carried out a campaign of terror against Palestinian civilians intended to drive as many as possible out of their homes and leave Palestine. With Israel’s declaration of independence, a small Arab force invaded from neighbouring countries in support

of the Palestinians but they were outgunned and outfought by the seasoned Zionist troops (many of whom had been trained by Britain and saw service in a Jewish Battalion during World War Two). Before and after 15 May 1948, around 800,000 Palestinians fled for their lives, leaving the land to the Zionist newcomers. Israel then duly occupied areas which had been allocated to the Arab state by the UN partition plan; only the Gaza Strip and the West Bank escaped Israeli control, until the 1967 Six Day War. The Zionists knew that the land was never "*a land without a people*" and realised that the Palestinians would not give their land away voluntarily. The policy was, therefore, to seize the land by force and drive out or kill the indigenous population; what we now call ethnic cleansing.

The Zionists have refused to take responsibility for forcing Palestinians to leave their homes and have claimed that the Arab leadership told the Palestinians to evacuate the land to enable Arab armies to enter and defeat the Zionists. This claim was supported by Israeli historians who spoke of the collective voluntary departure of hundreds of thousands of Palestinians¹¹. Other historians rejected this claim on the grounds that the Arab armies would have needed to keep the Arab population in villages and towns so they could help them to obtain food, water and other logistical necessities¹². Apart from that, the neighbouring Arab countries' military support was meant not to defeat the Zionists but to avoid the ethnic cleansing of Palestinians¹³. The official Israeli version of events is propaganda that portrays the aggressor as a victim and shifts blame to the dispossessed¹⁴. In addition, documents disclosed by the State and Zionist Archives, as well as David Ben-Gurion's diaries, became the main resources for the new Israeli historians¹⁵. These documents disprove the original Zionist claims, which lack proper documentation and veracity.

The new Israeli historians

During the 1980s, a group of new historians emerged, most of whom were Israelis or former Israelis. They published many research papers and books on the 1948 war and the years either side of it, relying on important documents from the archives of the State of Israel and the West that have become available to researchers¹⁶. New Israeli historians believe that the work of “old” Israeli historians was extremely limited and existed to serve the Israeli narrative which dominated the official educational system and media within Israel for decades. This narrative described the events of 1948 as a miracle, beginning with the renaissance of the Jewish national movement in the late eighteenth century and ending with the 1948 “war of liberation” against the enemy, a term used to describe the British and the Arabs. The suffering caused to Palestinians is absent from the official accounts and versions of history produced by these “old” Israeli historians and researchers¹⁷.

Ilan Pappé has emphasised repeatedly, most notably in his book *“The Ethnic Cleansing of Palestine”*, that the eponymous process was committed against Palestinians in the 1948 war, leading to the uprooting of more than half the indigenous Palestinian population (approximately 800,000 men, women and children) from their homes and villages and the demolition of around 531 Palestinian villages; eleven urban neighbourhoods were emptied of their inhabitants¹⁸. Pappé stressed that ethnic cleansing was an inherent part of the Zionists’ policy against Palestinians, adding what took place was a crime against humanity according to international law. He expressed his feelings of guilt and shame, as an Israeli Jew, for what happened to the Palestinians¹⁹. Avi Shlaim, another new Israeli historian, has expressed similar feelings, as both an Israeli and a British citizen, on account of Britain’s rule and hypocrisy since the Balfour Declaration in 1917 and Israel’s treatment of Palestinians²⁰. The orientation of most

of the new Israeli historians and intellectuals, who have a post-Zionist vision of history and of Palestinians within the state, unfortunately remains little-recognised outside Israel and their effect is still limited.

Population and Distribution

Researchers differ in their estimates of the number of Palestinian IDPs. Estimates range from 15 to 40 per cent of the Arab citizens of Israel²¹. The average estimate is around 25 per cent²² and this will be used in this study. This figure includes the displaced Bedouins who, in 1949, were ordered to move into an area in the Negev that was under military rule. These displaced Bedouins now live predominantly in "*unrecognised villages*". These figures are therefore indicative rather than conclusive.

According to the last official census in 2009, the Israeli population is 7,374,000, of which there are 1,487,600 Palestinians²³. Of these, approximately 370,000 are Palestinian IDPs. Wakim Wakim, the General Coordinator of the National Committee for the Defence of IDP Rights in Israel, has stressed that a scientific and accurate survey has not yet been undertaken because of the prohibitive cost and the lack of financial resources available²⁴.

IDPs have often tried to inhabit areas near to their original villages, hoping that they would be able to return to them. The selection by IDPs of places to stay was based on many factors, one of which was the location of relatives, in whose villages many IDPs sought refuge.

Another factor was religion; Christians, for example, who represent approximately 10 per cent of displaced people, were driven from Christian villages and settled in other Christian villages. The Christian IDPs originally from Bir'am, for example, left their village and settled in the Christian village of al-Jish. The same was true for displaced Muslims who settled in other Muslim villages.

Economic factors were another consideration, particularly at the end of the fifties and in the early sixties when IDPs began to realise that their refugee status would last longer than originally anticipated. With Israel's policy of restricting population movement, the collapse of the Palestinian economy and the squalid living conditions due to a lack of income, IDPs were forced to move to urban centres to look for jobs and a better life. Another factor was Israeli intervention; the government's demographic strategy was to facilitate population redistribution in order to serve the interests of Jewish settlers.

Israel refuses to allow IDPs to return to their villages and homes and gives three reasons for this policy. First, the expansion of settlements in order to absorb the large numbers of Jewish immigrants from all over the world increased the demand for land. This land belonged historically to Palestinian IDPs and Palestinian refugees. The second reason given is Israel's security, based on the premise that the country is still at war with its Arab neighbours. Israel believes that it must control the land adjacent to the borders it shares with its enemies²⁵. The third reason is that displacement is a punishment for IDPs for their support for Arab forces in the 1948 war²⁶.

The refusal of successive Israeli governments to allow IDPs to return home has received support from the majority of the country's Jewish citizens, particularly the residents of the settlements who live on the land owned by the IDPs. On many occasions, they have refused to let IDPs visit their old mosques, churches, and cemeteries²⁷. The objection of the Jewish majority to allowing the IDPs to return is based primarily on the Zionist ideology which urges the transfer of Palestinian land to Jewish ownership.

The period between 1958 and 1967 witnessed the stabilisation of IDPs in their villages of refuge due to several factors: a feeling that their situation would not be resolved imminently, improving state compensation mechanisms, and use of the IDPs' land by the state, making it impossible for them to return to their home villages²⁸.

Transfer

It has become clear in recent years that the State of Israel has not changed its policy toward IDPs since the Nakba or, indeed, since the even earlier development of the Zionist movement. Recently, there have again been voices calling for the expulsion of Palestinians from their own country. These calls have taken different forms, such as the proposed exchange of land (and the population therein) with the Palestinian Authority and the deportation of Arabs to the future Palestinian State. This mentality and its manifestations were not only the policy of the Zionist leadership during the emergence of the State of Israel, and nor are they confined now to Jewish intellectuals and historians; they are also adopted by political leaders. Former Israeli Foreign Minister Tzipi Livni, the leader of the supposedly moderate Kadima Party, has stated that Palestinians have to look at a place outside the State of Israel after the end of the peace process: "Once a Palestinian state has been established, I can come to the Palestinian citizens, whom we call Israeli Arabs, and say to them *"you are citizens with equal rights, but the national solution for you is elsewhere"*²⁹."

Some Jewish politicians and intellectuals have described Palestinian citizens as enemies. For example, Ben-Gurion stated, "The Arabs cannot accept the existence of Israel. Those who accept it are not normal. The best solution for the Arabs in Israel is to go and live in the Arab states – in the framework of a peace treaty or transfer ³⁰." This view has been shared by the majority of politicians, intellectuals and Jews in Israel since the Nakba. The evidence for this is the lack of official Israeli voices condemning the policy of demolishing Arab villages and displacing the indigenous population since 1948³¹.

More shocking is the fact that prominent new Israeli historian Benny Morris recognised that David Ben-Gurion advocated such population transfer and considers Ben-Gurion to be right about this policy. Furthermore, Morris says that Ben-Gurion made a fatal mistake when

he did not "*cleanse*" Israel of Palestinians completely from the sea to the River Jordan. According to Morris, if Israel's first Prime Minister had done so it would have brought stability to the State of Israel for generations. He also regards Palestinian citizens inside Israel as a demographic and security time-bomb. If such an existential threat to Israel exists, claims Morris, the expulsion of Palestinians is justified. Before that happens, however, he says that Palestinians should be isolated and forced to live in a "*cage*", like "*monsters*"³².

Chapter two
International protection for
IDPs

International protection for IDPs

The status of refugees and Internally Displaced Persons in international law is distinct. Once they cross international borders, displaced persons become refugees who enjoy the protection enshrined in the 1951 Convention relating to the Status of Refugees³³. The United Nations High Commissioner for Refugees (UNHCR) is charged with the implementation of this convention and provides protection and assistance to refugees. However, if displaced persons do not cross an international border and stay within their original state, they are deprived of international protection as refugees³⁴, although they share many of the same problems and needs³⁵. As displaced people, they come under the responsibility of the state, which in many cases is the perpetrator of the problems they are experiencing. If the international community attempted to resolve the IDPs' problems, it must pass through the home state and requires its consent.

But what is the position of the international community if the state refuses to facilitate international intervention to help or protect IDPs? This is a real problem. Logically, the international community would have the responsibility to protect IDPs when the national authorities fail to do so. However, there are no international regimes imposed on the state to respect international principles and laws that protect the rights of these people. It is true that the international community has tried to find an international instrument to protect the affected category by issuing the Guiding Principles on Internal Displacement but this guidance does not include mechanisms to put the theory into practice. It is important for the international community to recognise IDPs and their suffering, but even more important to provide them with the necessary assistance and find solutions to their problems. It has been asked why the United Nations has not attended to the

needs of displaced people and why it has refused to protect them, either within the framework of an independent agency or through one of its specialised agencies on refugee issues, such as UNHCR. We must also question why the United Nations chose the easier option of adopting Guiding Principles rather than adopting a binding international convention, as is the case with the refugee convention for the Protection of Refugees³⁶. These two issues will be discussed below.

International assistance for Internally Displacement Persons

The former Representative of the UN Secretary General on IDPs, Francis M. Deng, notes that some researchers believe that there are many existing obligations in human rights law, humanitarian law and international refugee law which can be applied to IDPs. As a result of a series of studies, the international community decided to implement a legal framework specific to IDPs, in the form of a set of Guiding Principles rather than an international treaty which would be likely to be rejected by member states.

After the formulation of the Guiding Principles, the international community began to search for an institutional framework and implementation mechanisms to address the issues of IDPs. Many suggestions were made, the first of which was to create a new agency similar to UNHCR but for IDPs only. However, this was not agreed upon because of a reluctance to create a new UN agency. Another option was to allocate the responsibility of IDPs to an existing organisation. However, this was not possible because the problem of IDPs was too large for existing organisations to cope with. A third option, which was agreed upon, was the cooperation and coordination of all United Nations agencies to assist IDPs.

The Emergency Relief Coordinator, who is also the head of the Office of Coordination for Humanitarian Affairs (OCHA), was given

the responsibility in 1991 of ensuring that IDPs were protected and assisted³⁷. Within OCHA, there have been various experiments with coordination such as the formation of a Task Force to investigate internal displacement and the creation of a Senior Inter-Agency Network which has facilitated the work of the operational agencies. Furthermore, in 2001, an IDP unit was created at OCHA to ensure that all of the operational agencies participated in providing assistance, relief and protection to affected populations³⁸.

Many non-governmental organizations (NGOs) welcomed the efforts of the representative of the United Nations Secretary General on IDPs, but stated that "this function does not, at present, provide a mechanism for protection, nor does it offer remedies for the internally displaced. There is a need to ensure coherent protection and assistance to Internally Displaced Persons"³⁹. Geissler notes, "One of the key conclusions of all studies relating to the institutional protection of IDPs is that coordination and cooperation of the organisations dealing with the phenomenon should be considerably improved. This is now all the more important, as the creation of a new UN agency exclusively responsible for IDPs, can effectively be ruled out"⁴⁰.

IDPs and international protection

Although the situation of Palestinian IDPs fits with the international definition in accordance to the Guiding Principles, they do not enjoy any international protection or assistance⁴¹. Surprisingly, with the absence of international protection for IDPs, the international agencies dealing with this issue have not discussed Palestinians who are internally displaced and they have not classified them as IDPs. For example, the UNHCR recognises Palestinian refugees, including the 1948 and 1967 war refugees in the territory of the Palestinian Authority but does not recognise IDPs⁴². In addition, UNRWA, which

is a relief and human development agency specialising in Palestinian refugees, does not mention IDPs in its official data. Researchers looking into the UNRWA archives for information on this issue can only find data about IDPs up to 1952.

Following the Nakba, UNRWA was established in 1949 to carry out direct relief and works programmes for Palestine refugees, including IDPs. However, with the expansion of the agency in assisting Palestinian refugees and their lack of resources, UNRWA tried to assign the task of helping refugees to local governments wherever possible. Israel agreed to take over the responsibility for humanitarian and economic assistance to the displaced Palestinians from UNRWA at the end of 1952. The neighbouring Arab countries, which are hosting refugees, refused the transfer on the grounds that they are not responsible for the emergence of the refugee problem and the international community must assume responsibility and put pressure on Israel to resolve the problem so that refugees are able to return to their land⁴³.

The aim of Israel in accepting the functions of UNRWA was to end the case of IDPs altogether because the continuation of UNRWA in addressing the issues of IDPs would have preserved the international character of the issue and encouraged IDPs to keep demanding the right of return to their destroyed villages. Israel, after receiving the file of IDPs, dealt with them not on the basis that they were displaced, but on the basis that they were citizens in need. In addition, Israel did not offer them help as needy citizens unless they gave up their property. The Israeli government dealt with the displaced Palestinians with double standards. It did not recognise them as displaced persons from their homes and villages and rejected their demands to return. However, it did recognise them as owners of property in destroyed villages in the case that they consented to waive their property rights and accept compensation. This has culminated in IDPs facing difficult

circumstances since 1952 because they have refused to waive the ownership of their properties.

The rights of IDPs have shifted from being a humanitarian issue, to be dealt with by international law and resolutions, to a political issue. The international community, most notably the United States and Britain, has adopted Israel's position with respect to the subject of IDPs. Shamefully, pressure is being exerted on Palestinians to surrender their basic human rights as refugees and IDPs on the basis that it is inconvenient for Israel. The international community has bowed to Israeli demands and compromised human rights for political gains. The concerns of the IDPs have not been fully heard. They not only suffer from the injustice of their state (Israel) which does not recognise them as displaced persons and has classified them as "*present absentees*", but they also suffer from the injustice of the international community which does not assist, protect and register them as IDPs. They have effectively been rendered invisible both locally and internationally.

The UN should take a clear and official position on displacement in Israel. The OCHA as well as OCHA's Internal Displacement Division, and the Representative of the UN Secretary-General on the Human Rights of IDPs, could issue a position paper on the case of internal displacement in the Israeli-Palestinian context from a legal and operational point of view⁴⁴. The international community should recognise them as IDPs and look for a durable solution.

Chapter three

Israeli policy towards IDPs

Israeli policy towards IDPs

Successive Israeli governments have adopted a uniform policy towards displaced Palestinians in particular, and the rest of the Palestinians in Israel, in general. The government insists on implementing these policies even if it conflicts with international law or the decisions of the country's Supreme Court. The main tenet of this policy is the legal characterisation of IDPs as "*present absentees*" in their own land and the making of laws and regulations on that basis. This legislation then allows the state to implement whatever secondary legislation it deems appropriate in order to complete the confiscation of Palestinian-owned properties and to redistribute them to new Jewish owners. This policy has had a major impact on all aspects of the lives of IDPs.

The Law of Absentees' Property

After forcing the majority of Palestinians to abandon their villages and refusing to allow them return, the Israeli authorities enacted a package of laws to legitimise the seizure of the territory of the displaced Palestinians and refugees. Israel enacted a law in 1950 known as the Law of Absentees' Property⁴⁵ which transferred the Properties⁴⁶ of IDPs and refugees to the ownership of the "*Custodian for Absentees Properties*", a post established according to that law. Later, most land was "*sold*" to the state for a nominal price to be used as it saw fit. This law rather strangely considered displaced Palestinians to be "*absent*", although they were very much "*present*" within Israel. The law considers every Palestinian who was not present in his or her residence at that time for any reason (for example, if he or she was forced to leave for fear of death or by ethnic cleansing) to be absent and his or her property was transferred to state ownership.

This occurred even though the IDPs were actually present in Israel at that time and were recognised as citizens of the state entitled to full rights.

Thus, under this law, the IDPs were classified with the unique term "*present absentees*"⁴⁷. They were physically present within the state but absent in relation to their homes and their villages of origin⁴⁸. This situation prevented them from recovering their lands even if they proved that they had been driven from their land by force and that the state had compelled them to leave. None of this entitles them to legal claims over their property.

The description of IDPs inside the country as "*absentees*" is odd because this term is primarily attributable to persons who are beyond the geographic borders of the state (which have actually never been defined by Israel or anyone else since the UN Partition Plan in 1947) and not to those who are within it. Mordechai Shatner, the former Custodian of IDPs land in the Israeli government in that early period, stated clearly that Israel is the only state to use this term in this sense and that what the Israeli government did was "*arbitrary and we cannot continue with it*"⁴⁹.

The Land Acquisition Law

The Israeli legislature also enacted a law known as the Land Acquisition Law (LAL)⁵⁰ which had a retrospective effect so as to shift the ownership of property from the IDPs to the state. The law specified the mechanism for compensating IDPs for their land, either through financial compensation or the provision of alternative land⁵¹. The award allocated to IDPs for surrendering ownership of their land was very low compared to the market value. This calls into question the legal equality of a state on one hand, and a weak party on the other forced to sell their land extremely cheaply.

The policy of the state was to encourage IDPs to accept the carrot of financial compensation so they would sign a waiver on their land and help them to settle in other populated areas. With the refusal of IDPs to give up their land for cash incentives, the policy moved to intimidation of displaced persons who did not sell to the state. Despite this policy, the vast majority of IDPs refused to waive the ownership of their land which would have meant, in practical terms, waiving their right to return to their homes. The widespread rejection of the waiver option led to a degree of unity amongst IDPs, as did their insistence on returning to their land and considering their places of refuge to be temporary until their return to their homes.

Despite the conversion of IDPs' lands into state-owned property, Israel maintained its policy of trying to sever the links between IDPs and their land. It prohibited IDPs from using any land or working for third parties in their original villages. It also imposed on the IDPs, and the rest of the Palestinians inside Israel, a military regime which applied exclusively to them and not to the Jewish population.

Military law 1948-1966

Military law granted wide powers to the military government which was able to shut down Arab areas and restrict movement in and out of such areas by requiring permits to be obtained from the military authorities. This law also authorised the military authorities to displace and expel the inhabitants of Arab villages; place people under administrative detention without trial for indefinite periods; and to impose fines and penalties without due process⁵².

Officially, the purpose of the imposition of this military regime on Palestinians, including IDPs, was state security, although there were several additional goals: to prevent the displaced from returning to their homes and villages; to evacuate the remaining villages that still had a Palestinian population; to displace the residents of villages

near the border in order to provide a security zone on the state border; to deport the population in other villages to provide places for new Jewish settlers; and to maintain control of IDPs and the rest of the Palestinians who were isolated and separated from the Jewish community⁵³.

Israeli policy is not limited to the above legislation; other laws affect the rights of IDPs and the other Palestinian citizens inside Israel. A prime example is the Israeli Law of Return, enacted since July 1950, which provides Israeli citizenship to any Jew anywhere in the world upon his arrival to the State of Israel. 'The Israeli Law of Return was the effective instrument to 'import nationals' for the state which deported its permanent population. It assumed the two rights together: the right to import and expel at the same time. Presently it is still obsessed by the demographic imbalance, to the Palestinian side, within the next two decades. The present policy, therefore, is to consolidate the 'law of return' and open it for additional immigrants to Palestine on one side and to deport the remaining groups of its permanent population to Diaspora on the other side'⁵⁴.

This law has changed the demographic composition in Israel; Jewish citizens have become a majority within the state and control the decision-making bodies; IDPs and the rest of the Palestinian citizens have become a minority with little influence within the country. The increasing number of Palestinians, including IDPs, has been due to a high birth rate⁵⁵, whilst the growing number of Jewish citizens has been due to Jewish immigration from all over the world⁵⁶.

While granting citizenship to Jewish immigrants automatically upon arrival in Israel, the state prevents Palestinian refugees currently outside Israel from returning to their land and it has prevented the IDPs from returning to their villages. In addition, the state has enacted a law⁵⁷ which prevents Palestinians, including IDPs, from bringing in their Palestinian spouses from the occupied West Bank and Gaza

Strip or from “*enemy countries*”. Many local and international human rights organisations have criticised this legislation and declared it to be racist. For example, Human Rights Watch states that “Israel continues to apply laws and policies that discriminate on the basis of ethnic or national origin. Since 2002, Israel has prohibited Palestinians from the OPT (Occupied Palestinian Territories) who are spouses of Israeli citizens from joining their partners in Israel. In 2007, the Knesset expanded the scope of this law to prohibit citizens of Iran, Iraq, Syria, and Lebanon married to Israelis from living with their spouses in Israel⁵⁸.”

Since the establishment of the Israeli State, successive governments have refused to change their policy towards IDPs. These policies were transformed recently into a number of draft laws aiming to prevent the commemoration of the Nakba. They also sought to criminalise any denial that Israel is a Jewish state and a democracy, and to oblige everyone to declare loyalty to Israel as a state for the Jews.

In early August 2009, the Israeli parliament approved “*the Israel Lands Authority Law*” that allows large-scale privatisation of what is known as “*state land*”. This land was, originally, the land of the IDPs and Palestinian refugees. This law provided an answer to the dilemma that in the early stages of establishing the state the ownership of vast tracts of land and other property were transferred to the “*Jewish National Fund*” (JNF). Those properties have been given exclusively for the use of Jews on long-term leases because the JNF constitution makes it clear that its property can’t be used for the benefit of a non-Jewish party.

Today, as the state begins to sell its real estate to the private sector, the JNF refuse to sell any of its property. In the context of the Arab-Jewish conflict this law represents a win-win deal for the Jews; the JNF gets a large area of land, and the current tenants of JNF real-estate can only be Jews, and they are also the “*winners*” in the private

ownership scheme. Another factor is that the land that the JNF is going to get is located in strategically important areas surrounding Arab population centres, thus ensuring that any future development and expansion will not be possible. The third issue is the fact that the properties that the JNF is supposed to release, and the land that the state intends to give the JNF in return all belong originally to Palestinian refugees and all are now limited to Jewish ownership. As such, Israel has removed any possibility that they will or can be the subject of any future ownership claims against the state by the original Palestinian owners.

Under the new law, the *"Israel Lands Administration"* is the custodian of these lands with the authority to sell state land. This privatisation policy is likely to frustrate any future attempts to return the land and properties to their original Palestinian owners, in clear violation of their constitutional right to property and in contravention of both domestic Israeli law and international humanitarian law (IHL)⁵⁹.

All Palestinian citizens, especially IDPs, opposed this law, pointing to its illegality and objecting in the strongest possible terms to its racist policy towards the Palestinian citizens of Israel. Such condemnation was also forthcoming from a number of human rights organizations. For example, The Legal Centre for Arab Minority Rights in Israel (ADALA) stated that this law will lead to the transfer to private owners legal title to properties which were expropriated by the state from the Palestinian Arab population. All of these issues were addressed in a letter from the chairman of the High Follow-up Committee for the Arab Citizens of Israel, Muhammad Zidan, to Israel's Prime Minister, Benjamin Netanyahu⁶⁰.

These laws deny the history of the Palestinians and their Palestinian identity and force them to accept the principles of Zionism, which are completely at odds with the Palestinian narrative. Such legislation is inconsistent with international law which affirms the right of the

minority in each country to preserve its identity and its full rights within its own country in all areas, like all other citizens⁶¹.

The Israeli government has not taken any action to stop a wave of racially-motivated incitement against the Arab citizens of Israel. ADALA and the Arab Association for Human Rights published a joint report criticising these new laws which they consider to be contrary to freedom of opinion and expression as guaranteed in international law. The report warned also of the growth of right-wing political parties with racist tendencies, such as Yisrael Beiteinu (Israel Our Home) and its leader, Foreign Minister Avigdor Lieberman, whose campaign slogan is "No loyalty [to Israel], no citizenship"⁶².

A case study: the villages of Kafr Birim and Iqrit

The villages of Kafr Birim and Iqrit are good examples of Israel's policy towards IDPs being based on the denial of IDPs' rights, in contravention of international resolutions and judicial orders which oblige the Israeli authorities to allow IDPs to return to their villages.

In the autumn of 1948, there was fighting in the northern regions of Palestine where Kafr Birim and Iqrit were located. There were approximately 950 Christian inhabitants who preferred to not leave their villages and not to be involved in the war. They welcomed the Zionist soldiers and maintained good relations with the Jews⁶³. Shortly after the arrival of the Zionist army, the army asked the villagers to leave, fearing a counterattack from the Arab forces because the two villages were adjacent to the Lebanese border. Military officials promised the IDPs that their stay in temporary refuges would be brief, until the restoration of security in the region⁶⁴.

The people of the villages collected their belongings, closed their houses and were relocated to the villages of Jish (called Gush Halav by Israelis) and Ramah a few miles away. The IDPs returned to their

villages every day to look after their land and, at night, they stayed in their refuges, believing them to be temporary, as the Israel Defence Forces officials had promised.

After almost three years, the IDPs raised the issue at the High Court of Justice in an attempt to force the Israeli government to allow them to return to their homes. On 31 July 1951 the Israeli High Court acknowledged the IDPs' right to their land and their homes, their right to return, and the unacceptability of the military authorities preventing the villagers from returning.

The commander of the military government sent a letter dated August 12, 1951 to the Chief of Staff after the IDPs had obtained a court order allowing them to return home. He wrote⁶⁵, "The results of this order are extremely harmful to the security of the state and may affect the interest of the Israeli army." He cited four reasons for these concerns:

1. The security situation, as the two villages were near the Israel-Lebanon border. The IDPs rejected this, on the grounds that their displacement from their villages was after the end of the 1948 war when there was no external threat. They also rejected it on the grounds that they were sent to villages that were also close to the border, and that other people in villages near the border were not displaced. Furthermore, the village of Kafr Birim was not within the security zone⁶⁶. The governor of Galilee wrote that "the problem of the people of Kafr Birim is big, because the village is close to the border and it is not included in the security zone. So we asked to modify the security zone and to extend the deadline to reply to the Supreme Court⁶⁷".
2. The Israeli authorities worried that if they allowed the IDPs of Kafr Birim and Iqrit to return to their homes, the remainder

of the displaced Palestinians would demand the same. This is a weak argument. IDPs have a right to return to their villages, even if others demand their rights as well, they are legally justified to return.

3. The Damage Settlement Scheme, which stated that the new Jewish settlers had priority: the state of Israel had to provide them with land on which to settle, even at the expense of IDPs. This was despite the fact that IDPs were (and are) supposedly citizens with the same rights as Israeli Jews, including the new settlers, who obtain Israeli citizenship as soon as they arrive in the country. As the government continued to encourage more Jews to enter Israel and settle in these villages, the villagers should have been allowed to go back to their villages before the Jewish settlers did.

The military authorities not only ignored the court decision, but also applied the opposite when they declared the two villages to be closed military zones and served the villagers with expulsion orders. The IDPs refused this and returned to the Supreme Court to reverse the move by the military authorities. The Supreme Court, on May 25 1952, once again confirmed the right of IDPs to return to their villages. However, as the IDPs were trying to regain their rights through the legal process, the military authorities demolished every house in both villages without any legal authority to do so and, of course, without the permission of the IDP owners.

The land of the IDPs was thus transferred to the Israeli Development Authority and IDPs became workers for the new Jewish settlers, on the same land they had owned previously. IDPs continued to attempt to return home and called upon a number of political figures to help them. However, to this day, none of the promises that they received from officials, politicians and political parties have been fulfilled. In June 2003 the Israeli Supreme Court rejected a request from the

IDPs of the two villages to allow them to return; the court cited the current security situation as the reason⁶⁸. This is an illustration of how the Israeli executive, legislative and judicial institutions unite to usurp the right of IDPs to return to their villages.

The issue of Kafr Birim and Iqrit cannot be examined in isolation, as the Zionist policy affects all displaced Palestinians. This policy, as mentioned above, is based on the displacement of Palestinians, the establishment of full control over their land and the invitation of Jews worldwide to migrate to Israel to preserve Jewish demographic dominance within the state. Successive governments have maintained this policy, even though it violates the law and represents a clear case of contempt of court. The case of Kafr Birim and Iqrit is only one example of the nature of the ordeal of indigenous people in Israel⁶⁹.

Chapter four

Living conditions of IDPs

Living conditions of IDPs

The IDPs are suffering from discrimination and exclusion in the same way that the rest of the Palestinians are inside Israel. However, their suffering is even more acute because they have had their lands confiscated and they have been displaced from their villages and homes.

The discrimination against IDPs and the Palestinians inside Israel is evident in the large number of surveys and reports on this issue, whether emanating from civil society or from state institutions. A good example of these reports is that issued by the Or Commission, appointed by the Israeli government to investigate the events that took place in October 2000, known as the “second” or “*al-Aqsa intifada*”, when a confrontation between Palestinian civilians and Israeli security forces resulted in the deaths of 12 civilians.

The Commission concluded that Palestinians in Israel suffer from discrimination. The report criticised the government for failing to bring justice and equality to the Palestinian minority and for the lack of attention paid to their needs. The Commission also found that the Palestinian frustration at the discrimination against them played a part in the widespread public resistance related to the uprising. Its report stated: “Government handling of the Arab sector has been primarily neglectful and discriminatory. The establishment did not show sufficient sensitivity to the needs of the Arab population, and did not take enough action in order to allocate state resources in an equal manner. The state did not do enough or try hard enough to create equality for its Arab citizens or to uproot discriminatory or unjust phenomenon. Meanwhile, not enough was done to enforce the law in the Arab sector, and the illegal and undesirable phenomena that took root there. As a result of this and other processes, serious distress

prevailed in the Arab sector in various areas. Evidence of the distress included poverty, unemployment, a shortage of land, serious problems in the education system and substantially defective infrastructure. These all contributed to ongoing ferment that increased leading up to October 2000 and constituted a fundamental contribution to the outbreak of the events⁷⁰."

The Israeli government did not take any action after the report's publication in response to its criticisms, so the status quo remained. This was confirmed by the report of the Association for Civil Rights in Israel, which was released to mark the 60th anniversary of the founding of the State of Israel and the publication of the Universal Declaration of Human Rights. The Association summarized the position of human rights in Israel in 2008, pointing out that five years after the Or Commission report the situation of Palestinians in Israel had not changed and official economic and social policy has been characterized by exclusion and marginalisation⁷¹.

The socio-economic situation

To understand the status of IDPs within Israel, one must note the radical transformation that took place in the social structure and economic development of Palestinian IDPs, in particular, and of all the Palestinians within Israel, in general. Prior to the founding of Israel they lived in rural communities with a traditional economy that depended on agriculture as the primary source of income. With the coming into being of Israel, they were forced to leave their homes and were dispossessed; IDPs went from owners of the land to unskilled workers lacking experience in an Israeli economy dominated by the Jewish majority.

The Zionist policy to get control of the economy existed before 1948 and was based on three pillars: the occupation of the land as the source of wealth and production; the creation of barriers to

Arab labour; and the boycott of Arab products⁷². The displacement that occurred and the seizure of IDPs' land after they were labelled "*present absentees*" under Israeli law, led to a drastic change in the Palestinians' social and economic conditions.

The pace of economic integration was faster than social integration in the places where the IDPs found refuge and developed commercial activity, such as opening shops⁷³. However, even as the economic gap between the displaced population and the rest of the Palestinians was shrinking, there still remained an economic gap between the Palestinian minority and the Jewish majority, due to the lack of equality between them. The *"Arabs in mixed cities"*⁷⁴ are even poorer than those in the villages. Mostly, neighbourhoods, such as 'Al-Ajami' in Java (the most deprived district in Tel Aviv), 'the station city' in Lydda and 'AlJawarish' in Al-Ramla, are like refugee camps. It is hard to believe that these places are planted deep in the heart of the state of Israel⁷⁵." An Adva Centre⁷⁶ report on civilian workers' wage data from 1998 to 2007 confirmed that the level of wages has not changed; the level of income of the Palestinian citizens including IDPs is the lowest within Israel⁷⁷.

The distribution of land and planning is one of the areas where IDPs have suffered severe forms of deprivation and discrimination⁷⁸. Since the establishment of the state of Israel, the number of IDPs has increased seven-fold. However, the Israeli government has not built a single new Arab town to absorb the population growth of Palestinians (except some Bedouin towns in the Negev, which were built on Bedouin land for the purpose of removing Bedouins from their lands and concentrating them in one place to facilitate taking over these lands). This has prevented them from acquiring or leasing land on more than 80 per cent of state land. Palestinians, including IDPs, own only 2 per cent of the country's land, although they represent 20 per cent of the total population. As a result, Palestinians built tens of

thousands of houses in neighbouring Arab villages without building permits and the authorities have decided to demolish them. State building policy is discriminatory as Palestinians are prevented from building whilst hundreds of Jewish towns are being built in order to absorb population growth and new Jewish settlers⁷⁹.

The most profound gap in the development requirements of Arab towns is in housing. The lack of private land authorised for building contrasts with the demographic growth of the Palestinians, especially considering the presence of a large group of young people who want to get married and settle but cannot find an area in which to do so. This situation has especially affected trade, health, sports and culture as it has become difficult to find sufficient land for public institutions and infrastructure. These sectors are also unable to absorb the existing workforce; as a result, the majority of Palestinian workers are employed in sectors related to Jewish activities and projects where most of the industry and trade centres are based. This is attributable to the fact that the welfare of Arab towns ranks lowest in terms of national priorities⁸⁰.

The Arab Association for Human Rights has reported that Palestinians, including IDPs, are poorer than the Jewish majority: "In 2006/7, 61.3 per cent of Arab families were below the poverty line, compared to 28.7 per cent of Jewish families. The poverty gap between Jews and Arabs remains, and is even exacerbated, after assistance from government sources is taken into account. After including transfer payments and taxes (assistance from government sources), 54.8 per cent of Arab families remain below the poverty line, compared to 15.2 per cent of Jewish families. In other words, government assistance causes 47 per cent of poor Jewish families not to remain poor, but achieves the same result for just 10.6 per cent of poor Arab families⁸¹."

The report also notes that very significant gaps remain between

Arabs and Jews in terms of rates of study, particularly at the post-secondary and academic levels. (35.3 per cent of Arabs above the age of fifteen do not attend high school, compared with 12.9 per cent of Jews). And overcrowding is prevalent; the average number of persons per room is 1.43 among Arab citizens and 0.84 among their Jewish peers. This condition has worsened their health situation and increased morbidity and mortality levels⁸².

The Or Commission recommended that Israel should allocate state land to Palestinian citizens and improve their conditions across all sectors in accordance with the principles of equality and justice. However, government departments have failed to make any improvements in this area. The former Israeli Prime Minister, Ehud Olmert, admitted the discrimination against Arab citizens, saying, "I feel uncomfortable with the fact that the state for many years acted improperly and should have made fundamental changes... We have not yet overcome the barrier of discrimination, which is a deliberate discrimination and the gap is insufferable⁸³." Nevertheless, the government has not done anything to address this problem; on the contrary, it has deepened the gap between Arab and Jewish citizens of Israel and increased the marginalisation of Arab citizens. The suffering of IDPs is generally worse than that of the other Palestinians in Israel, as they have not only lost their homes and land but also been forced to move to new areas where they have been systematically marginalised by the Israeli state.

The Israeli government has impeded the IDP community's development for more than sixty years. It has worked to maintain restrictions on development at an individual level through its education policy. Although the levels of education for IDPs have improved in recent years, their progress is still far behind that of the Jewish community. The Israeli social system is based on suppressing the national minority, on the basis of the alleged superiority of the

Jewish majority in social, economic, political and cultural aspects. Although there has been some progress for individual Palestinians in Israel, this has not affected the level of progress of Palestinians as a community because the dominant ethnic class has not allowed individual accomplishments to improve the status of all Palestinians in the country⁸⁴.

An additional and very influential element of discrimination against Arabs is the policy of trying to exclude Palestinians in Israel from the activities of the wider Palestinian community (in the West Bank and Gaza Strip, as well as the worldwide Diaspora) and the Arab and Islamic nations. Over decades, this policy has led to Palestinian civil society and NGOs being deprived of any kind of external assistance or support. In stark contrast, Israel's Jewish organisations enjoy support from and extensive contact with Jewish NGOs and societies worldwide, especially in the USA and EU; this contact has, of course, delivered enormous financial benefits and aid. This policy was recently made even more restrictive by post-9/11 anti-terror legislation and money laundering legislation, under which hundreds of legitimate Palestinian and Arab organisations all over the world, including the EU, have been declared unilaterally (and usually without any evidence or due process) to be "*terrorist organisations*" in an attempt to block donations and financial aid to Palestinians in need.

Educational control

One way to test the strength of democracy is to compare how the state deals with its minorities with how it deals with the majority. Since the beginning of the Arab-Israeli conflict, Israel has clearly not recognised this test because it has engaged in open discrimination against its Palestinian citizens. The Jewish population's attitude towards the Arab minority is also very complex and prejudicial. An analysis of this attitude requires a look at some of the related issues such as security, nationality and religion⁸⁵. Israeli discrimination and prejudice

is rooted in the state's attitude towards educational opportunities for Palestinians.

There is no difference between the economic and social condition of IDPs and their educational status as the State of Israel has exercised a consistent policy towards them: control and deliberate marginalisation. Educational policies applicable to Palestinians inside Israel, including IDPs, are not determined by their ambitions and needs. Instead, these policies are controlled by a special unit of the Ministry of Education; IDPs have not been included in the formulation of these policies. The values of *"equality"*, *"freedom"* and *"tolerance"* enshrined in Israeli law are absent in Israel's education system which is based on the philosophy of one culture, the Zionist culture, which denies the culture and identity of Palestinians. There is a big difference between the number of school hours dedicated to the study of Zionist history, Jewish culture and Hebrew in Arab schools, and the number of school hours devoted to the study of Palestinian history and Arabic in Jewish schools. The nascent Arab educational system in Israel is an agency of social control, not an institution for promoting freedom of speech, freedom of thought and independent analysis⁸⁶.

IDPs have often considered education to be the best way to re-establish their social and economic status and play an important role in political life. Palestinians, including IDPs, are not taught alongside Jews in Israel's primary and secondary schools; Jewish and Arab schools are separate. It is at university level where, theoretically at least, Palestinian and Jewish students are provided with the same educational opportunities. However, after graduation, Palestinian students find it particularly difficult to transform their academic capabilities into professional success because the Israeli labour market favours Jewish graduates. Employment opportunities for IDP graduates are therefore limited to their own communities which suffer from marginalisation and subservience to the Israeli economy⁸⁷. This

has led to reluctance on the part of many young IDPs with high school diplomas to go to university. For those who do go, they often choose non-technology courses because they are convinced that the technology sector is not prepared to accommodate them⁸⁸.

Institutionalised Discrimination

Israel insists that Palestinians within Israel, including IDPs, should be proud of living in the only democracy in the Middle East, a democracy in which Palestinians have the right to vote. However, this political right is not reflected by the political marginalisation of the Palestinians and the absence of any true political power. An example of this marginalisation was provided when a group of Palestinian academics and institutions issued drafts for the amendment of the constitutional structure of the Israeli state⁸⁹; the drafts were rejected and government parties considered them to be a threat to the foundations of the state⁹⁰.

Theoretically, IDPs, like the other Palestinians within Israel, are citizens of the Zionist state, on a par with the Jewish population. They have been incorporated to a limited degree into the Israeli regime, they study in the Israeli educational system (whether or not they have separate Arab schools) and are fluent in Hebrew. They participate in politics and they have the right to vote, resulting in Arab members of the Israeli Knesset. They are also familiar with the complexities of the Israeli political system. However, this equality is superficial; the reality is very different.

Palestinians in Israel have expressed their concerns about the nature of Israel's democracy. They call for the State of Israel to change from a Jewish democracy as defined in The Declaration of The Establishment of The State of Israel⁹¹, to be a "*state for all its nationalities*" and to recognise the Arab minority within Israel as a national minority. They believe that this will lead to real equality between the Arabs and Jews

across all spheres and allow *"full civic participation"*. For example, an IDP member of the Knesset, Ahmed Tibi, believes that Israel cannot be a democratic state whilst it gives preference to one group of citizens over another on the basis of race, as this means it becomes *"a democratic state for Jews and a Jewish state for Arabs"*⁹².

There have been calls for a change in the structure of Israeli society⁹³. This would require an end to the deliberate exclusion of Palestinians from civic and political life and the formation of a state based on democracy rather than race, such that Jews can no longer dominate internal affairs. Many scholars have opposed the idea of *"a state for all its citizens"* on the basis that it would bring the Palestinian national project to an end⁹⁴. This national project is based on the Palestinian narrative that Palestinians are the majority indigenous group in Israel, but are oppressed and deprived of their most basic rights. They argue that adopting the idea of a *"state for all its citizens"* would mean abandoning the claims to land which was seized by the government and lost IDPs' homes; accepting IDPs inability to return to their villages; and the abandonment of the right of return for Palestinian refugees in the Diaspora.

Azmi Bishara, a former member of the Knesset, provides us with a vivid example of how Israeli state policy attempts to break down Palestinian identity and communication between Palestinians inside Israel, including IDPs, and Palestinian refugees in the Diaspora. He has worked to defend the rights of Palestinians and Lebanese to resist the occupation of their land and to help Arab citizens of Israel to visit refugee camps in Syria, enabling them to see their relatives for the first time in over 50 years. As a result of his efforts on behalf of his community, he has been stripped of parliamentary immunity and persecuted judicially.

The issue of Palestinians' right in Israel, including those of the IDPs, was at the heart of political discourse in 2009, especially during the

election campaign. The Yisrael Beiteinu Party⁹⁵, for example, put the issue of loyalty to the country on its campaign agenda and considered it to be a criterion for dealing with the Arab minority within the state. The debate regarding the loyalty of Arab citizens to Israel has forced many political parties and voters to formulate a position on this issue. Many voices inside Israel believe that the Arabs in Israel have no loyalty to the Israeli state and call for their expulsion from the country, even though they have Israeli citizenship. Polls show that 53 per cent of the Jewish public support and encourage the transfer of Arabs from Israel. This percentage rises significantly to 77 per cent among Jewish immigrants but is as low as 47 per cent amongst indigenous Jews⁹⁶.

Mike Smith gave an example of the difference between the principle of equality enshrined in the Declaration of Independence and its reality in Israel. In his view, "theory and reality rarely tally and you have only to pass through the terminal at Ben-Gurion airport to notice how Israel's Arab population are subtly airbrushed out of the way. When the gleaming new building was opened, nobody thought to include signs in Israel's second language, Arabic⁹⁷" Discrimination is not limited to the language used on airport information signs; harassment is also suffered by IDPs and Palestinian citizens when they travel. Palestinians are subjected to discriminatory security checks based on the fact that Palestinian citizens, including IDPs, are permanently under suspicion, simply because they are Palestinians⁹⁸. Such discrimination occurs not only at Ben-Gurion Airport but also in Jewish areas and entrances to public facilities⁹⁹; in fact, it exists in all aspects of life¹⁰⁰.

The issues associated with the conditions of Palestinian citizens in Israel are completely absent from the mainstream media, wherein Palestinians are almost always mentioned in a negative way¹⁰¹. All media in Israel comes under the term "*Zionist media*", despite the

emergence of many articles criticising the state's policy towards its Arab citizens. His style of references to the "*Other*" remain unchanged. News reports that appear in the media, both audio-visual and written, continue to reflect the official policy of the state¹⁰².

The main discourse in Israel believes that there is no place for minorities in the formation of government policies. Israeli citizenship for Palestinians is conditional on meeting the demands of the dominant Jewish majority and acceptance on the basis of the politico-ideological state. Any attempts to change these parameters would lead to widespread condemnation within the Jewish majority and the demand for Palestinians to be excluded from political life or expelled from the state altogether.

A case study: Unrecognised villages

The unrecognised villages are the best examples of state policy towards IDPs. The inhabitants of these villages have suffered persistently from displacement, deprivation of basic necessities and the threat of the demolition of their property since 1948.

The indigenous Bedouins who live in the unrecognised villages in the Naqab (Negev) region have been targeted by successive Israeli governments over the past six decades. They have been subjected to expulsion, deportation and confiscation of land and property. Now, most of them live in the so-called unrecognised villages in Israel¹⁰³.

There are hundreds of communities and Arab villages in Israel which the Israeli government does not recognise officially and they do not appear on the official map of the country, although most of them existed long before the establishment of Israel itself. Because they were not included in the 1965 Planning and Building Law and are not part of the larger national plan, they became "*unrecognised*" and illegal¹⁰⁴. These villages are classified as agricultural land and do not appear in the chart that lists recognised villages, and therefore come

under the category of *"illegal villages"*. They lack all basic amenities and services such as water, electricity and roads. The inhabitants of these villages face the risk of expulsion, the demolition of their homes and the confiscation of their land¹⁰⁵. As a result, thousands of families have no roofs over their heads, or live with the ongoing fear of having their homes razed to the ground¹⁰⁶. The state, therefore, continues to discriminate against Palestinians living in these unrecognised villages; they are denied the fundamental right of a registered place of residence on their identity cards, they have no local authority in their villages and they are denied the right to stand as candidates and vote in local elections. Furthermore, they are denied access to full government services and prohibited from exercising the fundamental right of property ownership¹⁰⁷.

Bedouin IDPs continue to face the risk of destruction of their homes due to the planning system which is subject to the Planning and Building Act of 1965. This states that nobody can build or expand their home unless a licence is obtained from the competent authorities. According to this law, the inhabitants of these villages cannot obtain building permits because there is no government institution which provides them with these services on the grounds that these villages are not legally recognised. This law is being applied without taking into account the housing needs of the population of these regions which correlates with demographic growth. Nor does the law take into account the serious social consequences for house owners arising from demolition orders, and the psychological impact this has on children and their future¹⁰⁸. Instead of addressing the social problems existing in these areas and helping the inhabitants to improve their living conditions, Israel pursues a policy of forcing them to leave their homes and land, moving them to state-allocated areas and demolishing their homes. This situation means that the future of the Bedouin *"remains uncertain and problematic"*¹⁰⁹.

The same Israeli policies that were applied to unrecognised villages in 1948 are still enforced today. Israel is willing to build new Negev towns for Jewish Israelis seeking a rural way of life, but not for the Palestinians who have lived and worked in this land for generations. Human Rights Watch found that "Bedouin in the unrecognized villages live in circumstances wholly devoid of security, peace, and dignity. Israel's planning apparatus has denied any legal standing to villages in which tens of thousands of Bedouin live and has, in the process, denied Bedouin citizens security of tenure, adequate services, infrastructure, and habitable housing. As a result, Bedouin are reluctant to invest in their current housing to make it habitable, knowing that it may be demolished, and are compelled to live in squalid and inadequate conditions following demolitions¹¹⁰."

The Regional Council of Palestinian Unrecognised Villages views the issue of displaced Palestinians living in these villages to be part of the general IDPs and refugee issue that is awaiting a just and lasting solution, which would enable everyone to return to their original homes, property and land¹¹¹.

Chapter Five

The identity of IDPs

The identity of IDPs

Decision-makers in Israel tend to view Palestinians, at best, as a minority to be tolerated in the Jewish state in order to boost the economy, but not as a community or one group that exercises collective rights according to specific needs. They cannot be a group that is able to raise fundamental demands for regime change or change the nature or definition of the state. For this reason, it is clear that successive Israeli governments have ignored Palestinian leaders in Israel and Palestinian views that emanate from political parties, social or religious movements, and Arab organisations.

Palestinians in Israel have two essential elements to their identity: an Arab-Palestinian identity and a civilian identity, based on their Israeli citizenship. Since the beginning of the Nakba, IDPs have favoured their Palestinian identity and defended the Palestinian historical narrative and culture. IDPs aim to achieve the preservation of the Palestinian identity and the development of a civil identity which provides equality with the Jewish majority. Ahmad Tibi, an IDP himself, said: "We are facing the challenge of defamation of the Arab identity at home. We want to strengthen this identity because of the many attempts to eliminate this sense of belonging. There is a vigorous official effort to dissolve the Arab identity of Palestinians within Israeli territory, where there is no sense of Palestinian Arab nationalism. But, until this day, Palestinians are foiling these efforts successfully¹¹²."

The discussion on the plight of IDPs has not only been confined to those who lived through the tragedy of 1948 but it has also expanded to include their children and grandchildren, who have embraced the vision of their parents. The new generation of IDPs has an important role in the continuing struggle to recover their right of return because they suffer from the same Israeli policies that have been applied to

their parents.

The social and political attempts by IDPs to maintain their identity play an important role in reminding Palestinians of their unacceptable situation and encouraging them to search for a durable solution. These efforts are generally successful in the maintenance of a Palestinian identity with a connection to the land, even if they do not solve the problems facing the Arab minority in Israel. Although Israel has succeeded in confiscating Palestinian land and marginalising Palestinians in Israel, it has failed to erase Palestinian identity.

Unfortunately, despite the fact that IDPs have clung to their Arab-Palestinian identity and consider themselves to be an extension of the Palestinian population in the Occupied Palestinian Territories (OPTs) and the Palestinian refugees in the Diaspora, the Palestine Liberation Organization (PLO) has adopted the Israeli position towards them and considers the plight of the Palestinian IDPs to be an internal Israeli affair.

The absence of IDPs issue in peace negotiations

Although IDPs in Israel are Palestinians and their case is part of the Palestinian issue, Israeli-Palestinian negotiations have ignored their situation completely. Israel views this as a problem between the state and its citizens which cannot be included in peace negotiations with the Palestinian Authority. The PLO (which currently controls the PA) does not include the problem of IDPs on the negotiation agenda and continues to ignore all of their demands.

Negotiations have focused on the territories occupied in 1967 and not on those occupied in 1948. The land belonging to the IDPs which was confiscated in 1948 has not been discussed at all in the negotiations. The definition of "*occupied territory*" in the negotiation process has been reduced from "*historic Palestine*" and the lands that

were occupied in 1948 to the lands occupied in 1967 only. Thus, the issue of IDPs has been dropped from the agenda, despite the fact that it is a part of the Palestinian cause and is associated closely with the issue of Palestinian refugees in the Diaspora. The same narrow logic marginalises all Palestinian refugees in neighbouring countries as well as the Diaspora, who have no meaningful say in the negotiation process. The result is not only the failure to discuss the right of IDPs to return to their land, but also a failure to discuss the legal right of all Palestinian refugees to return; the PLO did not include UN resolution 194, which provides for the right of refugees to return and to receive compensation, on the negotiation agenda.

For three generations, being a refugee has become a part of Palestinian identity and the right of return and the rejection of permanent settlement outside historic Palestine – or, in the case of IDPs, away from their home towns and villages – has become a part of their vocabulary in the search for a durable solution. This has to be a factor that the negotiators on both sides have to contend with. Future peace accords or talks which ignore this problem are doomed to failure¹¹³.

The Association for the Defence of the Rights of the Internally Displaced Palestinians

The Association for the Defence of the Rights of the IDPs (ADRID) has demonstrated Palestinians' commitment to their identity and their determination to defend the rights of IDPs. It was formed in 1992 to represent all Palestinian IDPs and it has issued statements that stress the right of IDPs to return and receive compensation, as provided for in UN resolutions. It has also demanded the abolition of all laws that affect the rights of IDPs negatively and consider them to be "*absent*". The ADRID held a conference on IDPs in March 1995 followed by a second in March 2000. The association also marks the

annual anniversary of the Nakba and has held many activities and meetings relating to IDPs.

At the Peace Palace in the village of Aablin Galilean on 11 March 1995, IDPs elected a representative committee to represent them locally and internationally and named it the "*National Committee for the Defence of Human Displacement in Israel*"; this was recognised as a representative of IDPs by the High Follow-up Committee for Arab Affairs in Israel.

The committee has since its establishment marked every anniversary of the Nakba, organised many activities and issued statements asserting the IDPs' right to return. It has worked in coordination with various political parties, associations and human rights organisations which defend the rights of displaced persons. It has also been keen to build relationships and work jointly with refugee communities in Israel and in the Diaspora.

In keeping with earlier efforts, IDPs held their second conference in March 2000 in the city of Nazareth, where they affirmed the representation of the Committee for the IDPs and their adherence to their demands, and warned Israeli and Palestinian negotiators of the consequences of signing any agreement which violates the right of return for all refugees and IDPs.

The conference issued a press release which said: "...We offer a word of caution about any attempt to circumvent the issue of displaced persons by the Government of Israel, and we call upon ministers to address this issue if they want peace in the region... In preparation for this we demand the abolition of the law depicting IDPs as "*present absentees*" and all racist laws, and demand the return of the IDPs and refugees to their homes. We say aloud to everyone that peace will never be achieved without resolving the issue of refugees, including displaced Palestinians, by allowing them to return to their homes¹¹⁴."

IDPs insist on their rights and see themselves as an integral part of the refugee issue in general, which must be resolved as part of a final agreement on the conflict in the Middle East.

The National Committee has gained strength and credibility for its cooperation with all parties, associations and Arab institutions in Israel, regardless of their political or religious orientation. It has not intervened in any specific conflict but has remained in constant contact with everyone who strives for the same cause and objectives. Arab political parties and associations have now adopted its demands and included them in their stated objectives.

ADRID was selected in 2002 as one of four winners of the Body Shop Human Rights Award 2002. It was chosen from among 44 grassroots initiatives from all over the world. This recognised the outstanding efforts it is making to defend the rights of IDPs and is evidence that the issue of IDPs has not been consigned to oblivion.

Key historical events

In March 1976, the Israeli government approved the confiscation of thousands of dunums (1 dunum = 1,000 m²) of Palestinian land in Galilee, in accordance with its land management programme. IDPs and Palestinians in Israel responded to this confiscation by launching an extensive strike for the first time since the Nakba. The Israeli response was extremely violent; the police and army (including tanks) occupied Palestinian villages and six Palestinians were killed; dozens were wounded. Palestinians from many different towns and villages demonstrated in the streets to defend the land and themselves. The day is now marked annually as 'Land Day' on 30th March. 'Land Day' commemorations have increased the unity of Palestinians in Israel and their fight to defend their rights.

The Al-Aqsa Intifada was another affirmation of the strength of



Palestinian identity. It prompted a period of violence against Palestinians within Israel by the Israeli security forces. The uprising was provoked by Ariel Sharon's visit to the Noble Sanctuary of Al-Aqsa (called the Temple Mount by Jews) in September 2000. Protests and demonstrations around Al-Aqsa Mosque ensued and Palestinian citizens went on strike to express their rejection of official Israeli policy towards them. A series of clashes between Palestinians and Israeli police followed in October 2000 which illustrated the IDPs' commitment to their identity and rights within Israel; 12 Palestinian Israeli citizens were killed. This event has been described as "*The Uprising of the Return*"¹¹⁵. A House of Commons Library Report stated that the demonstrations came as a shock to the Israeli Government and drew attention to the growing frustrations among Israeli Arabs, including IDPs, at perceived routine discrimination against them within Israeli society¹¹⁶.

The war on Gaza¹¹⁷, lasting from 27th December 2008 to 18th January 2009, strengthened further this sense of identity. Most Jewish Israelis supported the assault and invasion¹¹⁸, whilst Arab Israelis, including IDPs, opposed the war. They expressed their solidarity with the people of Gaza by organising anti-war demonstrations and trying to help the victims of the war¹¹⁹. However, the Israeli security forces dealt with Palestinian protesters harshly, detaining hundreds of them. The UN's Goldstone Report referred to the Israeli authorities denying their Palestinians citizens freedom of expression and right to peaceful assembly as guaranteed under the International Covenant on Civil and Political Rights. The protesters faced difficulty in obtaining permits to demonstrate against the war on Gaza and they were arrested and experienced ill-treatment and racism, despite not engaging in any acts of violence. This report also acknowledged the contrasting treatment of Palestinian and Jewish citizens of Israel by the state authorities.

ADALAH and Meezaan (Nazareth) confirmed in their reports what had

been identified in the Goldstone Report and described the treatment of Palestinian demonstrators (including IDPs) by Israeli security services as "very severe, far beyond any reasonable criterion"¹²⁰.

"Israeli forces used the arrest procedure as a means of deterring the crowds from coming onto the streets which is against the right to protest. The use of arrest for the purpose of deterrence, also known to us from the period of the first and second Intifadas, from Nakba Day, Land Day and wherever protests are held against the demolition of houses, contravenes all principles of criminal law. This report provides extensive clarification on this point¹²¹."

Arabs in Israel, including IDPs, did not limit themselves to expressing their opposition to the war on Gaza, but also protested against the illegal blockade of the Gaza Strip. They have stood side by side with the Palestinians of Gaza, where around 75 per cent of the total population are refugees, contributing to the efforts to break the siege. The strongest expression of this support is the participation of Israeli-Arab leaders on the Freedom Flotilla in May 2010 as it attempted to break the Israeli-led siege¹²².

Land Day, the Second Intifada and the war on Gaza have increased and reinforced the sense of Palestinian identity and have ushered in a new phase in the relationship between Palestinians inside Israel and their state. It has also highlighted clearly the Palestinians' willingness to make sacrifices in order to recover their rights. However, there is a need for yet more awareness amongst Palestinians in Israel of the issue of refugees and IDPs. The fight for rights is not only to be undertaken by the refugees and IDPs but by all Palestinians. If the constituent parts of the Palestinian issue become dispersed or separate in any way, then the Palestinian cause will be weakened and diluted as a whole. Amir Makhoul states, "In fact, the internally displaced in Palestine and the refugees in exile do not have separate identities. They are part of the same communities, the same culture,

and the same families, and both were forcibly displaced during the establishment of the state of Israel in 1948. In addition, towns, villages and properties affected by the displacement do not belong to the internally displaced alone, but rather to all the refugees. They are in fact the property of the Palestinian people as a whole¹²³."

Chapter six

A durable solution for IDPs

A durable solution for IDPs

International human rights law (IHRL) recognises the right of individuals, including refugees, who are outside their national territory to return to their country¹²⁴. In contrast, IHRL does not affirm the right of internally displaced persons to return to their original place of residence or to move to another safe place of their choice within their own country. However, such a right can be deduced from many rights supported by international law, such as the right to freedom of movement and the right to choose one's residence¹²⁵. The framework for a durable solution for IDPs is set in the Guiding Principles on Internal Displacement and UN General Assembly Resolution 194.

The Guiding Principles on Internal Displacement state that IDPs "shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced"¹²⁶. In addition, IDPs "shall have the right to participate fully and equally in public affairs at all levels and have equal access to public services"¹²⁷. The former Representative of the UN Secretary General on IDPs, Francis M. Deng, said that "behind the crisis of internal displacement lies the opportunity to address the underlying problems and undertake structural reforms that would make all citizens feel a sense of belonging on equal footing with the other nationals of the country. Unless this is done, these acutely divided societies can never enjoy full peace, security, unity, stability and shared prosperity"¹²⁸.

Principle 28 of the Guiding Principles addresses three aspects of a durable solution: return to the place of origin, local integration in the areas in which IDPs initially took refuge or settlement in another part of the country. "1. Competent authorities have the primary duty and

responsibility to establish conditions, as well as provide the means which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. Such authorities shall endeavour to facilitate the reintegration of returned or resettled internally displaced persons. 2. Special efforts should be made to ensure the full participation of internally displaced persons in the planning and management of their return or resettlement and reintegration¹²⁹."

UN General Assembly Resolution 194, which was passed on 11 December 1948, is applicable to 1948 Palestinian refugees and IDPs. Paragraph 11 of the resolution provides the solution for IDPs. It stipulates that the UN General Assembly "Resolves that the refugees¹³⁰ wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible; Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation...¹³¹". Paragraph 11 thus affirms two distinct solutions: IDPs have the right to return to their homes, restitution and compensation or resettlement, restitution and compensation¹³².

The solutions enshrined in the Guiding Principles and Resolution 194 are based on a very important element: the full freedom for refugees and IDPs to choose the best solution for themselves. Palestinian IDPs in Israel have expressed, on many occasions, their desire to opt for a return to their homes, but the Israeli government has refused to implement this resolution and treats it as unrealistic and impractical¹³³.

Salman Abu Sitta finds that there is no sound basis for casting doubt on the practicality of allowing refugees and IDPs to exercise their right of return. He uses statistics and documents to prove that refugees could relatively easily return to their homes and villages without having a negative impact on the Jews in Israel who will maintain their presence in the country and keep their properties. Many refugees' lands were not reconstructed by Jewish settlers and could thus provide a satisfactory solution to both parties and enhance the possibilities of peace in the area. In addition, this would lead to the revitalisation of the economy and the improvement of agricultural yields¹³⁴. Abu Sitta presents a project aimed at facilitating the return of refugees. He suggests the division of the region into sections to accommodate all the Jews and the Palestinians in order to ensure the stability and satisfaction of all parties¹³⁵. The right of return for IDPs is not only a historical right enshrined in international law but also a daily necessity for IDPs due to their increasing population and the shortage of land on which to live¹³⁶.

However, the return of Palestinian refugees and IDPs to their homes, their rehabilitation and the necessary mechanisms to restore their rights require careful initial planning in order to identify all the needs that must be provided for them. Those needs include housing, health, education and infrastructure. It is important to consider whether, 1) the national authorities have established the conditions conducive to safe and dignified return or resettlement; 2) formerly displaced persons are able to assert their rights on the same basis as other nationals; 3) international observers are able to provide assistance and monitor the situation of the formerly displaced; and, 4) the durable solution is, ultimately, sustainable¹³⁷.

The absence of a solution to the problem of IDPs and Palestinian refugees in the peace process of the overall Israeli-Palestinian conflict has united the problem of IDPs and refugees to become a single

issue. It now demands a single solution based on international law and UN resolutions and should not be subject to negotiation or further discussion.

Conclusion

Internally displaced Palestinians are the most striking example of the failing of national authorities to honour their obligation, under international law, to assist IDPs, and the failure of international actors to protect them. Whilst the international community celebrated the publication of the most important international document in the modern era on human rights, "The Universal Declaration of Human Rights", the world witnessed the plight of hundreds of thousands of Palestinians who were displaced from their homes and villages to become either refugees within their own country or refugees within host countries. Despite the resolutions of the United Nations regarding the right of return for Palestinian refugees in parallel with the decision to partition Palestine, the international community has obliged the Palestinians and Arabs to respect international resolutions and recognise Israel, but has not required Israel to meet its obligations towards Palestinian refugees and its internally displaced Palestinian population.

The international community has established a group of international agencies which are integral to the provision of help and protection to refugees and displaced persons around the world. However, none of these agencies have recognised internally displaced Palestinians inside Israel, let alone adopted their cause and defended their rights. This ignorance has increased the suffering of the displaced, who are now called "*present absentees*", domestically and internationally.

In the first decades after the Nakba and the emergence of the State of Israel, any discussion of equality between Jews and Palestinians seemed absurd. The result of the war created entirely different circumstances for the two parties: one won by a landslide and fulfilled the dream of a Jewish state in Palestine, which gave them control of the land and demographic advantage; the other lost its land and its

people became refugees within their own country and beyond its borders.

Within such a context, we cannot talk about one people or one nation, although many Palestinians have Israel citizenship. We must talk instead about a people who have lost their land and another who have acquired a new land; this refers to a conflict between a winner and loser. The displaced Palestinians caught up in this conflict did not ask for or demand justice or equality between themselves and the Jewish people in the decades following the Nakba, but they have resisted expulsion from their lands so that they do not face the same fate as the Palestinians who became refugees in other countries.

The refugees and displaced Palestinians believed in 1948 that their exile would be temporary. The Arab countries hosting them, as well as the indigenous people of the towns and villages which took them in, treated the refugees and IDPs as guests. However, with the passage of time and continued suffering over more than six decades, they have started to claim that IDPs should have equal rights with the Jewish majority, which enjoys privileges and control in Israel, and they have started to demand their right to return to their original lands.

The Zionist movement and successive Israeli governments have a clear view regarding the refugees and displaced Palestinians: there shall be no return of refugees and no return for IDPs. To achieve the goals of the state, the Israelis use all possible policies, even if they are incompatible with international human rights law and international resolutions on the issues of refugees and displaced persons. The Israeli government considers the IDPs to be members of an Arab minority that can be controlled; the duty of the state, it believes, is merely to improve the quality of their lives to a minimum standard. As such, the government refuses to treat Palestinian IDPs as a distinct community and refuses to enable them to assert their basic demand for the right of return or full equality with the Jewish majority. It is

within this context that voices calling for the expulsion from Israel of "1948 Arabs", including IDPs, have been heard again. These calls have includes requests for an exchange of land with the Palestinian Authority and the deportation of Israeli Arabs to the future Palestinian state.

Israel has failed to erase the collective Palestinian memory of the Nakba and displacement from the minds of IDPs, despite persistent attempts to do so. The displaced Palestinians have maintained their identity as Palestinian refugees, despite their status as citizens of Israel, and have continued to call for their right of return. IDPs' identity with their village of origin has therefore remained strong; whereas a Palestinian refugee stresses that he is from Palestine, a Palestinian IDP stresses which Palestinian village he is from.

Ever since the Nakba, IDPs have called on the State of Israel to allow them to exercise their right of return to their villages. This has been requested in letters submitted to successive governments and in judicial petitions. Since the 1970s, IDPs have established local committees to defend their rights and in the late 1980s IDPs took the huge step of establishing the National Committee for the Rights of the Internally Displaced in Israel. The Committee included representatives from destroyed villages and it has become the legitimate representative of IDPs. However, the Committee has still to develop a strong and effective methodology, intensify its efforts to make its voice heard internationally, and obtain official recognition for Palestinian IDPs. Moreover, the IDPs should also continue to draw strength from international laws and resolutions after the failure of the Palestinian Authority to advocate their legal right to return.

Israeli efforts to erase the IDPs' Palestinian identity have failed; IDPs have remained focused on their right to return. However, they are aware that the road is fraught with difficulties and obstacles set by the State. And yet, there cannot be peace in the Middle East without

resolving the problem of Palestinian refugees and internally displaced persons by granting them their right to return and compensation. The return of displaced persons to their homes and villages will be an opportunity to start a new phase between the two peoples contesting ownership of the land, and an important step towards peace in the region.

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- ³ UNRWA was established by the United Nations General Assembly Resolution 302 (IV) of 8 December 1949 to provide assistance for Palestine refugees and IDPs
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- (1) a person who, at any time during the period between the 16th Kislev, 5708 (29th November, 1947) and the day on which a declaration is published, under section 9(d) of the Law and Administration Ordinance, 5708-1948(1), that the state of emergency declared by the Provisional Council of State on the 10th Iyar, 5708 (19th May, 1948)(2) has ceased to exist, was a legal owner of any property situated in the area of Israel or enjoyed or held it, whether by himself or through another, and who, at any time during the said period -
 - (i) was a national or citizen of the Lebanon, Egypt, Syria, Saudi Arabia, Trans-Jordan, Iraq or the Yemen, or
 - (ii) was in one of these countries or in any part of Palestine outside the area of Israel, or
 - (iii) was a Palestinian citizen and left his ordinary place of residence in Palestine
 - (a) for a place outside Palestine before the 27th Av, 5708 (1st September, 1948); or
 - (b) for a place in Palestine held at the time by forces which sought to prevent the establishment of the State of Israel or which fought against it after its establishment;
 - (2) a body of persons which, at any time during the period specified in paragraph (1), was a legal owner of any property situated in the area of Israel or enjoyed or held such property, whether by itself or through another, and all the members, partners, shareholders, directors or managers of which are absentees within the meaning of paragraph (1), or the management of the business of which is otherwise decisively controlled by such absentees, or all the capital of which is in the hands of such absentees;
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As Arafet Boujemaa observes, the fate of the Palestinian refugees, both those who live beyond the borders of mandate Palestine and those who have been internally displaced, lies at the heart of the Israeli-Palestinian conflict and, without a satisfactory resolution to this tragic situation, it is impossible to envisage a genuine or sustainable peace. Since 1948, Israel has consistently refused their 'right of return' and unfortunately, as so often happens where the state of Israel is concerned, the international community has adopted an ambivalent position; unlike the situation of internally displaced persons elsewhere, the displaced Palestinian community in Israel has been more or less ignored. Thus, they suffer a double injustice: deprived of their land and rights, they have also been seen their national claims delegitimized by Israel's control of the 'narrative of 1948'.



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