

idealizes and advances a racist and chauvinistic of religion and nationalism. Modern and progressive nation states are framed around the notion of civic nationalism, an idea that does not privilege one race over the other, like the U.S.A, UK, France where the state is a state of its citizens and not a state for a particular ethnic or religious group.

Can Palestinians Return?

The right of return is not just moral and legal it's also very practical. However the practicalities of return has no bearing on the principal of return. Principals should never be deprecated for meager political expediency and narrow ideological goals. Israel blocks the right of return not because it's impractical but as a principal and a right of Palestinian refugees. It has done this through lies and propaganda about the origins of the refugees, rewriting the historical narrative and misleading interpretations of law.

On a practical level there are no insurmountable problems with the right of return. The fact which needs to be borne in mind is that Israel on the one hand is a state for the worlds 14 million Jews. Only 5.3 million are resident in Israel which means the vast majority of Jews and their ancestors have never set foot in Israel and have no desire to live in Israel. On the other hand Palestinians have an unbroken chain going back over centuries and millenniums and even then are prevented from returning to their land. This criminal policy is entertained because of ideology and not practicality.

If Israel did not demolish over 400 Palestinian villages and towns, in order to erase all evidence of their crime and to forestall any international efforts to return Palestinians to vacant homes, Palestinian would have returned decades ago. Nevertheless the vast majority of Israel's landscape is unpopulated and can accommodate millions more.

After all if Israel's ideology is to materialize, the ingathering of Jews, then it has to accommodate the other 9 million Jews. The problem is not resource and space, the problem is Israel's strong reluctance in allowing Palestinians to exercise their human rights, especially their right of return. The problem is Israel's unimpeded racial discriminating against the Palestinians.

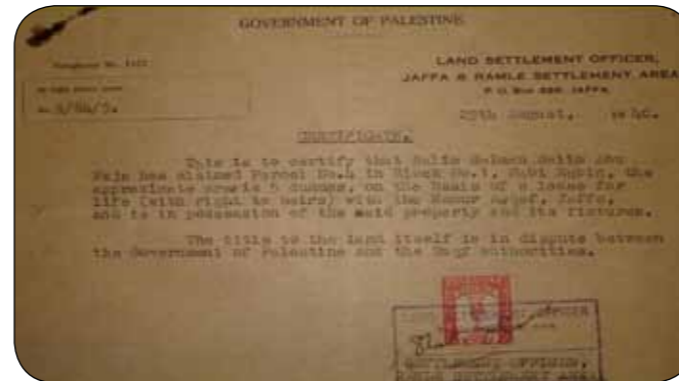
Shatila Palestinian Refugee Camp in Beirut, Lebanon 2009



Palestine before 1948



palestinian ID card from 1935 confirming residency of a village in the district of Tiberias



certificate of land ownership from 1940, issued by The Government of Palestine.



Palestinian refugee Ali Basuni, age 72, holds a deed from his grandfather Ahmed Basuni's land which his family fled from during the Nakba in 1948

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THE PALESTINIAN RIGHT OF RETURN



The Palestinian Return Centre



THE PALESTINIAN RIGHT OF RETURN

What is the right of return?

The Right of Return refers to a principal in international law that recognizes the moral and ethical right of every person to return and re enter their country of origin. This universal principal now has a solid legal foundation and is codified through

- The Universal Declaration of Human Rights, Article 13 which affirms “Everyone has the right to leave any country, including his own, and return to his country.”
- The International Convention on the Elimination of All Forms of Racial Discrimination, Article 5 (d) (ii), states: “State parties undertake to prohibit and to eliminate racial discrimination on all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law, notably in the enjoyment of ... the right to leave any country, including one’s own, and to return to one’s country.”
- The International Convention on Civil and Political Rights, Article 12(4), states: “No one shall be arbitrarily deprived of the right to enter his own country.”

What is the Palestinian Right of Return?

The refugee crises began in 1947. By 1948 three quarters of a million Palestinians were made refugees. The number of refugees swelled over the decades because Israel never missed an opportunity to expel Palestinians and secondly as result of natural growth in population. Throughout the 50s and in particular during major conflicts such as 1956 Suez War and 1967 Hundreds of Thousands more were forcefully expelled. There are now 7.1 million Palestinian refugees. This is three quarters of a global population of just under 11 million.

As refugees they have the same rights as any other refugee, namely but not only, the right of return. Principals and Laws affirming the right of return cannot be denied to Palestinians. It is an affront to basic humanity and a transgression against the lofty ideals in international law that were codified after the Second World War. It addressed the many scourges of war. These rights sought to guarantee that people fleeing war and violence have their basic human rights enshrined and guaranteed under moral principles and international law. The right of return is an inviolable moral principal and a legal right. Palestinian refugee cannot be denied those rights.



Application of the right of return for Palestinians

The United Nations recognized that the plight of Palestinian refugees was a unique case. As a result the international community mandated two international bodies to address their humanitarian crises and guarantee their human rights. The United Nations Relief and Work Agency (UNRWA) up to now is providing humanitarian aid while the United Nations Conciliatory Committee (UNCCP), which was given the mission for protecting the rights of Palestinian refugees, has failed in its mission and as consequence has dissolved.

In 1948, the international community felt a deep sense of responsibility for the mass dispossession, ethnic cleansing and the Zionist transfer policy that began in 1947. United Nations Mediator Count Folke Bernadotte, who was later assassinated by a Zionist terrorist hit squad, stated: “It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes, while Jewish immigrants flow into Palestine” (UN Doc AI 648, 1948). This remains true six decades on as any Jew, regardless of national origin, can gain automatic citizenship while Palestinian Arabs are denied their right to return to their own homeland.

Consistent with International Law, The United Nations General Assembly adopted Resolution 194 on December 11, 1948. Paragraph 11 states: “the Palestinian refugees wishing to return to their homes and live at peace with their neighbors 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.”

UN General Assembly Resolution 194 has been affirmed by the UN over 110 times since its introduction in 1948 with universal consensus except for Israel and the U.S. This resolution was further clarified by UN General Assembly Resolution 3236 which reaffirms in Subsection 2: “the inalienable right of Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.”

Furthermore Israel’s admission to the UN was conditional on its acceptance of UN resolutions including 194. Denying the right of Palestinian refugees to return to their homes and lands is a war crime and an act of aggression which demands action by the international community.

Why Israel denies the right of Return?

Israel denies the right of return because it endangers the Zionist ideology in reconciling the irreconcilable, namely to remain a state for the world Jewry on the one hand and a democracy on the other. The necessary and unavoidable fact of creating a Jewish state in Palestine was the expulsion, transfer and ethnic cleansing of the indigenous Palestinians. Having gained a demographic majority, Israel took every measure in its disposal, legal or otherwise, to maintain its Jewish majority.

Its firm denial of the Right of Return is part of its strategy to remain a state defined by its race and/or religion. In truth at the core of this contention is a racist ideology that is inherent within political Zionism and which is being implemented as a political project by the state of Israel. Political Zionism

