

## *UK PSC Conference: As Gazans have said, Return is the key*

by Blake Alcott

The UK Palestine Solidarity Campaign ([PSC](#)) held an all-day [Right of Return Conference](#) on Sunday, 20 May in London attended by about 150 people. The event resulted from a motion at PSC's Annual General Meeting in January 2017 to thus commemorate 70 years since the beginning of Zionism's ongoing ethnic cleansing.

PSC Chair Hugh Lanning began by acknowledging that PSC and the wider solidarity movement has paid too little attention to the Palestinians displaced from their homes in the territories occupied in 1948 (Israel) – including their descendants, over two-thirds of all Palestinians. The solidarity group had focussed largely on Palestinians now living between the river and the sea.

Although following this up with a plea for PSC to focus after all not on the refugees but on arms trade with Israel, it is hoped that this is just the beginning of increased recognition of the centrality of the future of the refugees. And as Hugh emphasised, the [Great March of Return](#) protests of this April and May have brought the fate of the forcibly exiled back into the spotlight.

Hazem Jamjoum, a Policy Member of [Al-Shabaka](#) and doctoral candidate in Middle East History, led off with a welcome radical view of the place of the expelled Palestinians in international law and perhaps more importantly in politics, since the law results from power relations. Much less, according to him, is the issue a humanitarian one.

After observing that the Palestinian Authority is part of the problem rather than the solution, running as it does a "police state" as subcontractor for Israel and its powerful supporters, Hazem underlined that Palestinians do not demand the *right* of return, as they already have this both in international law and on ethical principles; rather, they demand actual, real return.

He reminded the audience that historically Europeans and North Americans – as at the Evian Conference in 1938 – had always designated Palestine rather than Europe or North America as the place to go for Jews under persecution in Europe (not in the Near East), rather than opening their countries to them. Now, 80 years later, an instance of how ethnic cleansing is *ongoing* is the probable expulsion of the 250,000 Palestinians living in Area C of the West Bank.

Ironically, Zionism agrees with the Palestinians in also holding that those who are (even only allegedly) from a place have a right to return to it. Finally, solidarity focus must return to expulsion, return and national liberation.

Barrister Salma Karmi followed with an overview of return's unshakable grounding in international law. Like many other speakers, she broke down 'right of return' (RoR) or 'repatriation' into actual physical return, property restitution, compensation and re-enfranchisement where they had been Mandate-Palestinian citizens until stripped of their citizenship by Israel.

She pointed out that because a descendant of an expelled Palestinian cannot 'return' to a place he or she has never been, international law speaks rather of 'right of entry'; the result is that the 6-7 million Palestinians living outside historic Palestine, the perhaps 3 million expellees living in the West Bank and Gaza Strip, as well as perhaps 300,000 persons 'internally displaced' within Israel all enjoy the undiminished right to take up residence in Palestine.

Of course Paragraph 11 of UN General Assembly [Resolution 194](#) of 11 December 1948 (one day after the GA passed the Universal Declaration of Human Rights) is the basic statement of Palestinians right to return to their *homes*, not merely to Palestine, and has been reaffirmed by the UN every year since.

Thus Resolution 194 is a special resolution having the status of *jus cogens*; it is in other words binding or 'customary' law. But Salma pointed out that it was actually a re-statement of already-existing international law, based in the Law of Nationality which renders it the duty of Israel to *other states* to repatriate refugees, and based as well in the Law of State Succession which requires a state, after a change in sovereignty in a particular territory, to grant all previous 'habitual residents' enfranchisement (and of course return if they fled or were expelled).

Humanitarian law and human-rights law, as well, both support return for anyone with 'genuine links' to a territory, in this case Palestine – support rooted in the Universal Declaration of Human Rights and in the [International Covenant on Civil and Political Rights](#).

Salma took pains to outline some Zionist or Israeli arguments against return, for instance that its security or public order would be threatened, or that the rights of others would be endangered. But these do not hold up, and forcible expulsion remains a crime as it already was in 1948. Right of return moreover challenges the Jewish nature of the state of Israel. Finally, any two-state 'peace deal' would legitimise forcible displacement – a bad thing for all present and future refugees, not just the Palestinian ones.

Rania Madi, a long-time associate of [BADIL](#) the Resource Center for Palestinian Residency and Refugee Rights, estimated the number of Palestinians enjoying the right of return at 7.8 million. She noted the contradiction between UNGA Resolution 181 of 29 November 1947, which recommended turning a large part of the Palestinian homeland over to the Jewish people, and Resolution 194, which demanded a return which would have left Jewish residents of that part of Palestine a distinct minority.

Further delving into the history of Palestinian displacement, she reminded us that UNGA Resolution 273 of 9 May 1949 admitted Israel to membership in the UN on condition that it fulfil its promise to honour Resolution 194; its renegeing on this promise has of course potential consequences for Israel's further UN membership. Finally, she pointed to the post-1967 expulsions of 200,000 Palestinians from Jordan after Black September in 1970, of tens of thousands from Kuwait, Libya and Iraq, and very recently of Palestinians from Syria.

She also tied the individual issue of return and repatriation to that of the right to self-determination for the Palestinian people as a whole as written down in Article 1 of the 1966 International Covenant on Civil and Political Rights.

As did Rania and panel Chair and PSC Vice-Chair Kamel Hawwash, speakers on a panel of exiled Palestinians related their personal experiences under the theme 'Discourses of Return'. While this panel was somewhat academic and unfocussed, Mohammed Fahed from Lebanon expressed his opinion that having rights in Lebanon would, contrary to an often-heard view, actually strengthen the fight of Palestinians in Lebanon for return to Palestine. He characterised return not as a 'patriotic' duty but as a human right, emphasised that return did not at all entail getting rid of Jews now living in Palestine, and said that a one-(democratic)-state ([ODS](#)) solution would be more conducive to his return than a two-state solution.

Sarona Bedwan, like fellow panelist Tamara Be Halim a member of the staff of [Makan](#), a UK charity seeking to reframe and de-mystify the Palestine-Zionism conflict, related variously that Palestinian displacement involved further Israeli crimes such as the theft of books and other cultural goods, spoke more of 'creating a vision' than of 'going back', and brought up the tension between Palestinian 'equality' with other residents of Palestine and the 'liberation' of Palestine. She also noted that open talk of anti-Zionism has become easier and more common.

Tareq Baconi, an analyst at Al-Shabaka, attested that at least outside Palestinian 'leadership' circles a re-calibration of the discussion is presently taking place, returning to the gist of the conflict, namely the cleansing of non-Jewish Palestinians and their plight; the current Great March(es) of Return in Gaza are evidence of this.

He also argued against talking about solutions (one-democratic-state, two-state) in favour of focusing on values, rights and the dismantling of supremacy. He later clarified that even if return could very well mean the replacement of the Jewish state, it is foolish to now abandon the two-state framework which grants Palestine a certain recognition within the 1967 borders, assures it of some external political support, and puts certain legal tools into the hands of the Palestinian Authority for use in fora like the UN and the International Criminal Court. He seemed to argue that talking about solutions could

endanger certain 'sources of power' that Palestinians would have to relinquish if they explicitly abandoned the two-state solution.

Ghada Karmi then implicitly contradicted this view, arguing that there is no solution at all without the justice achieved by return, and that return is impossible within the two-state framework, one of those two states presumably being the Jewish state of Israel.

She controversially suggested a path towards reaching an eventual re-united Palestinian state, open to all Palestinians – namely, full equality as citizens for all people now residing between the river and the sea (by the way divided about 50/50 between Palestinians and Jewish Israelis). This could be done without prejudice to – indeed as an open step in the pursuit of – right of return. While it is emotionally difficult for many Palestinians to even imagine voluntarily becoming citizens of the oppressor state Israel (defined moreover as a Jewish state), this tactic has the advantage of shedding the farce of Palestinian control of the West Bank and Gaza Strip and presenting the world with a clear apartheid situation, something world opinion has experience in overcoming.

Eitan Bronstein, founder of [Zochrot](#) and co-founder of [De-Colonizer](#), was aware of his unique position at the conference as the only Jewish Israeli, but it goes without saying that he was warmly welcomed. He related his and like-minded people's work in documenting and drawing attention to the hundreds of villages, towns and land areas whose former Palestinian identity has been systematically eradicated, built over and planted over. Restoring place names and making Palestinian history visible is a basic step to awareness that return is literally return – to a country, places, and homes.

Three issues were mentioned which need much further discussion: 1) Should we continue to emphasise the legal status of right of return, or focus more on the ethical reasons *why* return is in principle universally accepted? 2) Should we argue that Palestinians have the right to re-enfranchisement (as *citizens of whatever state rules Palestine*), whether or not they physically return? 3) Considering that in 1948 about 93% of the land of Palestine was in Palestinian or government ownership, what does property restitution mean for those now living on that immense property?

It is also important to involve the [Palestinian Return Centre](#) in future Return activities, as well perhaps as the young movement [Palestinians Abroad](#), which will hold its second large conference in Istanbul this June. The logical and tactical relations between RoR and both BDS and ODS should also be spelled out and developed within the solidarity movement.

PSC Director Ben Jamal delivered an inspiring closing statement, reaffirming the organisation's commitment to return and noting that we can build strong arguments on the basis of the 2017 [study by Richard Falk and Virginia Tilley](#) showing that the concept 'apartheid' applies not only to those in the West Bank, Gaza Strip and Israel, but also to

those not present in historic Palestine. He also looked forward to a day of action on 5 June and to a large conference on Israeli apartheid in November.

Many causes have seemed utopian: ending slavery, women's suffrage, replacing South African Apartheid with a normal democracy, and even Zionism were initially put down as unrealistic, but they happened. So can return and the other forms of redress and reinstatement it implies. The author and the *Palestine Chronicle* welcome any comments or corrections to this article.