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The Plight of the Right of Return

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The whirlwind of summiteering on climate change, non-proliferation, the economy, and Iran swept the Arab-Israeli conflict off the news - but not before Barack Obama had spoken of a "just, lasting and comprehensive peace in the Middle East." That startling turn of phrase - used just before his trilateral with Mahmoud Abbas and Benjamin Netanyahu - is a throwback to a much earlier era of American peacemaking.

A focus on justice would be a welcome break with the sterile Oslo attempts to strike a deal on land percentages and refugee numbers.

The question is: Who defines what constitutes justice today? In his speech at the United Nations the next day, Obama sounded more like Bush junior, who is not often associated with the rule of law. Obama spoke of "a Jewish State of Israel, with true security for all Israelis; and a viable, independent Palestinian state with contiguous territory that ends the occupation that began in 1967." Instead of achieving justice, this outcome would actually undermine it.

Take the terms "viable" and "contiguous." For some years, these uninspiring words have been appended to "Palestinian state." Imagine a Palestinian declaring "I have a dream: contiguity!" or "I have struggled for 100 years to achieve viability." The Israelis, who've achieved sovereignty, yearn for security and recognition. The Palestinians strive

for self-determination, freedom, justice, and equality.

Terms like contiguous and viable hint at an unpleasant truth: that the 42-year occupation may have made free and sovereign statehood impossible. Palestinians could well end up with a state that is viable (economic activity), contiguous (tunnels under illegal settlements and Jewish-only roads), and "independent" (a seat at the U.N.) while Israel maintains ultimate control over policy and resources.

Obama further undermines justice by speaking of Israel as a "Jewish State" as Netanyahu wants. A Jewish state would continue to privilege Jews over non-Jews and would exclude Palestinian refugees and exiles. And here we come to the crux of the matter. The rights of Palestinian refugees have been at the heart of the conflict since 1948. In fact, this is what justice means to a Palestinian. Can the Arab-Israeli conflict be solved without implementing the right of return? It might have been, in the early, heady Oslo days given Yasser Arafat's stature and the desire by some of the younger generation to build a sovereign state in the occupied territories. But Israel missed that opportunity and Arafat died in 2004, imprisoned in his presidential compound by Ariel Sharon.

Since Oslo, the right of return movement has grown considerably stronger. Karma Nabulsi, Professor of International Relations at Oxford University and an expert on Palestinian refugee communities, says the right of return is now a point of unity among Palestinians living under occupation, in exile or in Israel, whether they are refugees or non-refugees and it is upheld by all political parties and civil society.

Nabulsi recalls that the Oslo years raised the hopes of Israelis across the political spectrum "that the refugees would disappear off the map when they disappeared off the negotiating table." They were shocked to find, for example at Camp David in 2000, that what had been shelved as a final status issue still needed to be substantively addressed.

Nabulsi insists it is crucial to engage the refugees and exiles - who constitute the majority of Palestinians - in the discussion about implementing their rights. It is also important to educate both sides about what this would mean for them.

I reflected on the challenges of educating around the right of return. Israelis would need to see how this would work in practice and that it would entail neither the destruction of Israel nor its Jewish ties. Palestinian refugees need information on how Israel looks and functions to make informed choices on whether to return or to opt for another country.

Palestinians have begun to openly challenge their leadership on the issue. For example, in a recent piece, the respected Palestinian author and journalist Fouzi El-Asmar politely but firmly reminded Abbas that he does not speak for all Palestinians. El-Asmar says Abbas was right to step in after Arafat's death. Yet, while he was elected president of the Palestinian Authority in his own right, he is just the interim chair of the Palestine Liberation Organization, the only body authorized to negotiate with Israel. Until the Palestinian National Council is reconstituted to elect a PLO chairman, El-Asmar underscores, no one has the authority to compromise on Palestinian rights.

Justice can never be absolute: The clock cannot be turned back to 1948. But a just way

must be found to implement the right of return, Nabulsi echoes the view of most Palestinians when she says, "Until the refugees are put at the centre of a real, substantive peace process, there will be no peace."

BlackCommentator.com Guest Commentator. Nadia Hijab, is a Senior Fellow at the Institute for Palestine Studies. This commentary was syndicated and distributed by [Agence Global](#). The Institute has produced authoritative studies on Palestinian affairs and the Arab-Israeli conflict since 1963. Its flagship Journal of Palestine Studies is published by the University of California Press. Click [here](#) to contact Nadia Hijab.



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