



Following comments made at the Camp David II Summit in July, 2000, there has been a resurgence of interest and publicity concerning the rights and redress due Jewish emigrants and refugees who fled Arab countries in the 1940s, 1950s and 1960s. (See CJPME's factsheet "The Emergence of the Jewish Refugee Question" April, 2007) While both Palestinian and Jewish refugees are protected under international law, it is important to understand fundamental differences in the narratives of each people.

## **How are refugees qualified, and what are their rights?**

According to the 1951 UNHCR Convention relating to the Status of Refugees, a refugee is someone who, "Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country..."

People who become refugees enjoy the protections specified in a number of legal instruments including:

- Universal Declaration of Human Rights (1948), Art. 13(2): "Everyone has the right to leave any country, including his own, and to return to his country."
- Fourth Geneva Convention (1950), Art. 49(1): "Individual or mass forcible transfers, as well as deportation of protected persons from occupied territory to the territory of the Occupying Power or to that of another country, occupied or not, are prohibited, regardless of their motive. [...] Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased."

The property of individuals who become refugees is also legally protected, by instruments including:

- Universal Declaration of Human Rights (1948), Art. 17: "No one shall be arbitrarily deprived of his property."
- Fourth Geneva Convention (1950), Art. 33: "Pillage is prohibited. [...] Reprisals against protected persons and their property are prohibited." Art. 53: Destruction of "real or personal property belonging individually or collectively to private persons... is prohibited, except where such destruction is rendered absolutely necessary by military operations."
- Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (1954), Art. 1: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions."

## **What caused Jews and Palestinians to leave their countries of origin?**

Eighty percent – or about 750,000 – of the Palestinians living in what ultimately became Israel became refugees. The vast majority of them fled because of direct or indirect military pressure from Zionist/Jewish forces. Israeli historian Benny Morris<sup>1</sup> identifies five waves of Palestinian refugees fleeing Palestine, from the passage of the UN Partition Plan in November, 1947 through the Israeli ethnic cleansing of Palestinian villages through 1949. Morris estimates conservatively that Palestinians evacuated 369 Palestinian villages, classing the reasons for evacuation as follows<sup>2</sup>:

1. Expulsion by Zionist/Jewish forces - 122 localities, many prior to May, 1948
2. Military assault by Zionist/Jewish forces - 270 localities
3. Fear of Zionist/Jewish attack, or of being caught in the fighting, influence of the fall of neighboring town, and psychological warfare - 12 localities
4. Abandonment on Arab orders - 6 localities
5. Unknown - 34 localities

While a number of Jews fled Arab countries out of fear for the lives, scholars<sup>3</sup> attribute Jewish emigration from Arab countries to a number of factors:

1. The changing economic and cultural status of Jews under British and French colonization,

- especially French (e.g. Algeria, Morocco, Tunisia);
2. The political relationship of Jews – religious or Zionist, bourgeois, nationalist, leftist, or Communist – to Arab nationalist movements (e.g. Egypt, Iraq, Algeria, Tunisia);
  3. The influence of Zionism among Jews, before and after 1948, and the extent of the messianic desire to emigrate to Israel (e.g. Morocco, Yemen);
  4. The effects of Zionist pressure and provocation with the specific goal of promoting emigration (e.g. Iraq, Morocco);
  5. The effects of ongoing conflict between Arab states and Israel from 1948 to 1967 (e.g. Egypt, Tunisia, Iraq);
  6. The consequences of the end of French colonization (e.g. Morocco, Tunisia, Algeria);
  7. The general economic and social conditions under which Jews lived (e.g. Morocco, Egypt, Syria);
  8. The “self-liquidation” process which is the cumulative effect of prolonged emigration (e.g. Morocco)

## How do the Jewish and Palestinian refugee narratives differ?

There are many ways to contrast the narratives of each group. Some possible ones are mentioned here:

- Palestinians became refugees violently. As suggested above, the vast majority of Palestinian refugees became so involuntarily at gun-point, or under conditions of warfare. The vast majority of Jewish evacuees had weeks, months or years to plan for their emigration.
- In most cases, Palestinian refugees have not been welcomed as citizens into their host countries. Jews from Arab countries emigrated primarily to Israel where they were admitted promptly and unconditionally, as well as to Europe, North America, and elsewhere.
- Many Palestinians still live as refugees. As of 2005, UNRWA – the UN agency assigned the care of Palestinian refugees – was providing care for over 4.3 million Palestinians. 1.3 million of them live in poverty and “temporary” dwellings in 59 registered camps.<sup>4</sup> Because they are stateless, these refugees are bereft of legal and social protections. There are no known Jewish refugee communities today.
- Palestinian refugees still desire to return to their country of origin. While innumerable conflicting reports have been issued, Qumsiyeh<sup>5</sup> cites credible polls conducted across the Palestinian diaspora indicating that a return to Palestine is central to the concerns of Palestinian refugees.
- Palestinian refugees have always seen themselves as such. Palestinian refugees have never tried to argue that they were not a refugee population, and have always sought recognition of, and redress for this fact. Large numbers of Jewish emigrants from Arab countries vehemently deny that they were refugees, many viewing such a position as anti-Zionist.<sup>6</sup>
- Palestinians have never had a chance to return to their homes in Palestine. Palestinians, while desiring to do so, have been prevented from returning to their homes by Israel, while Jews have been offered opportunities since their displacement to return to their countries of origin.<sup>7</sup>

<sup>1</sup> Benny Morris has written three important books (1987, 1993, 2000) discussing the dispossession of Palestinians based on declassified and recently opened archives from Israeli government and military sources. Mazen Qumsiyeh summarizes some of Morris’ findings in his book, Sharing the Land of Canaan: Human Rights and the Israeli-Palestinian Struggle

<sup>2</sup> While scholars agree on the Palestinian communities impacted, Morris’ figures on villages evacuated is lower than that of others due to the way scholars may define and divide the various localities, explaining the difference in numbers.

<sup>3</sup> E.g. see Beinun, Joel, *The Dispersion of Egyptian Jewry: Culture, Politics, and the Formation of a Modern Diaspora*, Berkeley: University of California Press, 1998. Mendes, Philip, “*The Forgotten Refugees: The Causes of the Post-1948 Jewish Exodus from Arab Countries*,” 10 November, 2003. Laskier, Michael M., “*Developments in the Jewish Communities of Morocco, 1956-76*,” *Middle Eastern Studies*, 26.4 (October 1990): 465-505. Segev, Tom, *1949: The First Israelis*, New York: The Free Press, 1986. Shohat, Ella, “*Zionism from the Standpoint of its Jewish Victims*.” *Social Text* 19-20 (1988): 1-35.

<sup>4</sup> UNRWA figures of March 31, 2006

<sup>5</sup> Qumsiyeh, Mazen, Sharing the Land of Canaan: Human Rights and the Israeli-Palestinian Struggle

<sup>6</sup> See Shenhave, Yehouda, “*Hitching a ride on the Magic Carpet*,” August 15, 2003, Haaretz

<sup>7</sup> On December 11, 1975, Iraq placed full-page ads in newspapers around the world (e.g. New York Times, the Toronto Star, Le Monde) inviting the 140,000 Iraq-born Jews who were in Israel and around the world to return. In September 1977, weeks before his historic trip to Israel, Egyptian President Sadat extended an invitation for Egyptian Jews to return to Egypt (see Chicago Daily News, September 10-11)