



**BADIL's  
Preliminary  
Position  
Paper on  
Arab- Jewish  
Refugees**

**The recognition of  
Arab- Jewish refugees  
must not undermine  
the rights of  
Palestinian Refugees**

**BADIL, October 2012**

## **The recognition of Arab- Jewish refugees must not undermine the rights of Palestinian Refugees**

### **BADIL's Preliminary Position Paper on Arab- Jewish Refugees**

Though Badil Resource Center for Palestinian Residency & Refugee Rights welcomes – regardless of the respective geography – any campaign which seeks to raise awareness of the plight of refugees, and ultimately restore their internationally-recognized rights, Badil notes with concern a number of aspects of the current Israeli campaign regarding past displacement of Arab - Jewish individuals from Arab states.

The Israeli National Security Council was instructed by the Israeli government to set up a task force comprised of officials from the Foreign, Justice, Finance and Pensioner Affairs Ministries, academics (legal experts, historians, economists) and representatives of Jewish- Zionist organizations such as the World Jewish Congress. The task force was asked to formulate an official Israeli position on the issue of Jewish refugees from Arab states. On May 24, 2011, this task force recommended that “the issue of compensating the Jewish refugees be raised in negotiations with the Palestinians as an inseparable part of discussions on the Palestinian refugees”. This artificial connection has been constructed to serve Israel interests. Specifically, it was reported that “such linkage would deter excessive claims on behalf of the Palestinian refugees, or at least moderate them”. Moreover, it stressed that "any agreement that doesn't provide an answer to the Jewish refugees shouldn't be seen by Israel's leadership or people as ending the conflict".<sup>1</sup>

Timed to coincide with the September 28<sup>th</sup> 2012 meeting of the UN General Assembly, the Israeli Foreign Ministry and the World Jewish Congress sponsored a conference on the issue in New York and launched a campaign to enable Israel “to make its own demands”, not simply “respond to Palestinian demands”.

BADIL views this Israeli campaign as cynical and politically-motivated, demonstrating a clear Israeli disregard for the rights of Palestinian refugees. Badil presents its rights-based analysis as follows:

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<sup>1</sup> <http://www.haaretz.com/news/diplomacy-defense/israel-s-national-security-council-urges-to-include-jewish-refugees-in-deal-with-palestinians.premium-1.464848>

## **Reparation for all**

The rights afforded to refugees are universal, with no particular group of refugees to be favored or discriminated against. All refugees are entitled to, amongst other things, voluntary repatriation, property restitution and financial compensation.

## **Claims to be filed with the relevant states**

Claims made by, or on behalf of refugees should be filed with the state(s) whose actions are said to have created the individual's refugee status. Regarding the case in point, those Arab Jews claiming refugee status by virtue of having fled their home states in the face of persecution in the 1940s and 1970s should direct their claims to those respective Arab states, and not seek to tie them to any final status negotiations between the Israeli and Palestinian Liberation Organization (PLO). If Arab countries are responsible for creating refugee populations, then each state in question must be held accountable for their respective actions - and these actions alone. Israel's desire to draw Arab states into the Palestinian refugee crisis represents the use of refugees as a form of political capital in a deeply cynical attempt to achieve wider strategic aims. Such an approach is hugely harmful to both the individual refugees concerned, and the treatment of international refugee populations as a whole.

## **The fate of different refugee groups must not be linked to one another**

The current Israeli campaign seeks to make the protection and fulfillment of Palestinian refugees' rights dependent on the protection and fulfillment of those of Arab Jewish refugees. As mentioned, the rights of different refugee groups are universal. Rights held by one group are identical to those held by another, and it is imperative that all such groups have their rights both upheld and enforced.

However, the rights held by each group exist independently of one another, i.e. it is not a condition of one group's reparation that another, entirely separate group also receives reparation. As discussed above, each refugee group must pursue its respective claim against the state which has created their situation. No group of refugees should have their fate tied to that of a separate, unrelated group. Palestinian refugees are the longest-running case of refugees in the world today, and they should not have their already convoluted plight dragged out any further.

## **Recognition of all Refugee Rights**

Though the fates of different refugee groups should not be inextricably linked to one another, all reputable refugee-centered campaigns should acknowledge that the rights of all refugees are enshrined in international law. As such, the State of

Israel must, in initiating this new campaign, recognize not just the rights of Arab Jewish refugees, but also those of all other refugee groups, including Palestinians. Failure to do so would confirm that Israel seeks to afford Jewish refugees elevated stature above all other refugee groups. The principle of non-discrimination - which is applicable to all people including refugees - implies that there is no such concept as a superior or inferior refugee group; to the contrary, all are equal, in particular when law and rights are in question.

### **The importance of a rights-based approach**

Badil fervently believes that the only approach that can deliver just, equitable and durable solutions for refugee populations worldwide is one which centers around the rights of the refugees in question. Recognizing and implementing such an approach will ensure that political and economic interests do not serve to deprive individuals of their ability to live peaceful lives, free of fear and hardship.

Timed to coincide with the UN General Assembly and Palestinian efforts to achieve UN-recognized statehood, the current Israeli campaign does not adopt this rights-based approach, but is instead politically motivated; devised as a means of limiting the rights of Palestinian refugees and extricating the State of Israel from its obligations as laid out under international law.

Indeed, Israel's own National Security Council has expressly stated that linking the separate refugee causes of Palestinians and Arab Jews "*will serve Israel in the [final status] negotiations*" and help to "*moderate*" the claims of Palestinians. This cold, calculated approach is in complete contrast to what is required in order to address the Palestinian refugee crisis, and furthermore, trivializes the plight of refugees worldwide.

### **Israel cannot extricate itself from its obligations**

Regardless of whether Arab states have, through their past actions, created Arab Jewish refugee populations, the State of Israel has created - and continues to create - a Palestinian refugee and displaced population which now numbers in excess of 7.4 million individuals. All refugee/displaced populations should be granted full and just reparation, but Israel cannot use the wrongs of other states to negate those it has itself perpetrated. The obligations that Israel owes to those Palestinian refugees created by its actions are deeply entrenched within international law and cannot be jettisoned or diluted by any means.