
MEMORANDUM

TO: DR. SAEB EREKAT

FROM: NEGOTIATIONS SUPPORT UNIT

SUBJECT: NUMBER OF PALESTINIAN REFUGEES ABSORBED INTO ISRAEL SINCE 1948

DATE: 23 SEPTEMBER 2007

This memo outlines those estimates that have been identified of the numbers of Palestinians that Israel has offered to absorb or has absorbed since 1948. It is assumed that the purpose of this exercise is to establish a precedent whereby it can be argued that Israel (1) has accepted the principle of return for the refugees and/or (2) has the capacity and/or willingness to absorb a substantial number of refugees.

There are two sets of numbers that are useful for these purposes. The first concerns the numbers Israel has previously proposed to repatriate/absorb in the past. The other concerns the number of Palestinians granted citizenship in Israel since 1948, including as part of a family reunification scheme.

I. Previous Israeli Proposals

In the course of the Lausanne peace talks in 1949, Israel made two proposals concerning the repatriation of refugees to the UN Conciliation Commission for Palestine (UNCCP).

A. Proposal to absorb Palestinians, including 200,000 refugees displaced from '48 territory.

On 27 April 1949, at the opening of the peace conference, Israel proposed to annex the Gaza Strip and grant citizenship to the territory's population as a solution to the refugee problem.¹ Although Israel's proposal did not specify the numbers of Palestinians to be included, the number of Gazan inhabitants was 60,000. In addition, there were 200,000 Palestinian refugees, of the total refugee population, who had sought refuge in Gaza and would have also been granted citizenship under this proposal.² In other words, the total number of Palestinians which would have been absorbed into Israel under this proposal, along with the territory of the Gaza Strip, was **260,000**. The condition Israel placed on

¹ UNCCP, Historical Survey of Efforts of the United Nations Conciliation Commission for Palestine to Secure the Implementation of Paragraph 11 of GA Resolution 194, The Question of Reintegration by Repatriation or Resettlement, A/Ac.25/W.82/Rev.1, 2 Oct. 1961 [hereinafter UNCCP Historical Survey].

² www.palestineremembered.com

taking in this number was that there be enough international aid to rehabilitate (i.e. integrate) the refugees.

The Arabs' proposed that the refugees from the areas that were designated as part of the Arab state under 181 be returned to their homes.

Neither side accepted the other's proposal according to UN historical documents.

B. Proposal to repatriate 100,000 refugees.

In the second phase of the Lausanne conference, Israel made a new offer to allow the return of **100,000** Palestinian refugees, contingent upon the resettlement of the rest of the refugees abroad and within the context of an overall peace agreement.³ At the time the proposal was made the overall number of refugees was contested. Israeli officials put the number at around 520,000 while the UN count in 1949 was 726,000. According to these numbers, one could claim that Israel offered to allow the return of between approximately **14-20%** of the refugee population at the time. The UNCCP considered the proposal unsatisfactory.⁴ The Arabs reiterated their April proposal. Israel later retracted the offer to repatriate the 100,000 refugees in 1950.⁵

II. **Numbers of Refugees Allowed to Return to Israel following 1948**

A. Grant of citizenship for refugees who managed to return on their own

According to one Israeli source, 30-90,000 refugees attempted to return to their homes and villages in Israel on their own between mid-1948 and 1953.⁶ Most were killed or expelled again, but others were allowed to stay and eventually granted citizenship. The one estimate of the number of persons falling into this category that we were able to locate is **25,000**.⁷

- Returned Refugees Granted Citizenship after 1980

In 1980, the Israeli nationality law was amended to remove one of several conditions required to obtain Israeli citizenship through residence. The cancelled condition was that persons be present in Israel on the date the state was declared (1948) until the date the nationality law was adopted (1952). This condition had effectively (and illegally) excluded all Palestinian refugees from citizenship, with the possible exception of those

³ UNCCP Historical Survey.

⁴ Id.

⁵ Id.

⁶ Survey of Palestinian Refugees and Internally Displaced Persons, 2004-05 (citing Benny Morris Israel's Border Wars, 1949-56). Morris

⁷ See e.g., Hillel Cohen. Aravim Tovim (citing Benny Morris); See also www.palestineremembered.com and Wipedekia.

that had managed to return on their own early enough to be registered in the Population Register. It appears that the 25,000 cited above includes persons who were granted citizenship under the amended law.⁸

B. Palestinians naturalized in Israel (family reunification)

Palestinians who were not resident in Israel were eligible to naturalize as Israeli citizens under a family reunification scheme; however, to do so they had to meet certain onerous conditions and succeed in navigating a long administrative process. There is no conclusive number for Palestinian refugees who received Israeli citizenship under this scheme. The estimated numbers vary considerably. This is due to the fact that the Israeli Ministry of Interior does not keep records or a database of persons, or categories of persons, who were naturalized under family reunification scheme. This lack of information was confirmed by a 2005 report of the Israeli state comptroller.

An estimate of these numbers for finite periods can be deduced from various sources, although these are not conclusive. For example, in a recent petition to the Supreme Court of Israel concerning an amendment to the citizenship law, which in effect prohibited family reunification of Palestinians, the Israeli Ministry of Interior provided various numbers for persons who were naturalized under the family reunification scheme. Due to the way the records regarding family reunification are kept in Israel, the only information that is available that may be relevant is the country of origin of those granted citizenship under this law. The country of origin does not clarify whether the immigrants were refugees, as apposed to non-Palestinian Arabs or non-refugee Palestinians, or even whether they were Palestinians – the numbers simply reflect the broad category of all non-Jews admitted to Israel.

For example, in May 2002 the Israeli Ministry of Interior claimed that 16,000 applications for citizenship under family reunification were approved between the years 1993-2001. However, on 20 April 2005 the same ministry reported another figure which varies considerably. According to this report, between 1994 and 2004 the number of approved applications for citizenship under family reunification scheme was 1,400. Yet another figure, of 12,000 approved applications for family reunification, was provided by the Legal Advisor of the Israeli Government on 28 June 2005. This figure did not detail, however, which percentage of that figure were applications for citizenship and which were applications for permanent residency (mainly residents of Jerusalem).

A different estimate was provided by the Israeli Ministry of Interior to a researcher at Tel Aviv University. According to this figure between the years 1998-2006, 21,379 applications for citizenship were made under the family reunification scheme. From these, 17,037 applications were authorized (approximately 80%). However, it is not clear what percentage of these applications were made by Palestinians. However, a rough estimate to this effect can be deduced from analyzing this figure based on the applicants' country of origin. Of the applications approved, 1,000 were from the West Bank and Gaza Strip and 742 from Arab states.

⁸ Hillel Cohen, Aravim Tovim.

III. Use of Precedents

A. Repatriation of Refugees to Israel

The refugees that were allowed to stay and granted citizenship, as well as Israel's proposals to repatriate refugees, are useful precedents for making the case that Israel has already accepted the return of refugees in principle. Indeed, Palestinian refugees who managed to return to their homes and villages after 1949 had to argue for citizenship rights. Israeli courts adopted the approach that "persons who had been expelled from the country and returned within a reasonable period of time did not lose their residency status and thus were entitled to citizenship".⁹ (The refugees had to establish residency in order to meet the conditions of citizenship under law.) Irrespective of the time requirements, the fact that the Court recognized their entitlement to citizenship amounts to a precedent of Israeli recognition and acceptance that the refugees have a right to return to their former country. The specific number of 25,000 (those absorbed in the past) or 100,000 (the number Israel offered to repatriate in the past) may be used as references for establishing quotas for future return parameters; however, a question remains as to the adequacy of this number for meeting the choices of the refugees or basic requirements for normalizing their status.

Israel's proposal to repatriate 100,000 refugees also shows that Israel has accepted the application of the principle of the right of return. In fact, Israel objected to taking in the remaining refugee population because of economic and security concerns – not because it disputed the right of return.

B. Family Reunification

The family reunification of Palestinians may be useful for establishing Israel's capacity to absorb Arabs into their society; however, it is less useful for establishing Israel's willingness to return refugees as the numbers do not distinguish refugee and non-refugees. Moreover, the numbers we were able to identify are extremely small. What may be more promising is using the general number of immigrants Israel has absorbed in the past. The numbers Israel has absorbed each year represents Israel's absorption capacity.

Finally, Palestinian refugees are entitled to return, as opposed to being granted immigration or re-unification, which are founded on a completely different legal basis. At Camp David, Palestinians rejected a family reunification approach because it contradicted the right of return and refugee choices. Applying family reunification principles will send a signal that there is no right of return whereas agreeing to a quota of refugees to be repatriated over time according to Israeli absorption capacity and/or the parties' political interests would be more sound in principle. Once repatriated, the refugees should be automatically granted citizenship in a similar manner as is done for Jews who return to Israel.

⁹ The Status of Arabs in Israel, p. 38.