



Francis A. Boyle, *The Palestinian Right of Return under International Law*, Clarity Press, Atlanta, GA, 2011, 134 pp.

According to U. N. General Assembly Resolution 194 (III) of December 11, 1948, the Palestinian refugees have the right to return and receive financial compensation for lost property. "Refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property..." The same body admitted in resolution 273 Israel as a member state to the U. N. on May 11, 1949 after Israel implements other U. N. Resolutions including resolution 194 and 181. Up till now, Israel has fallen short of its pledge.

Francis A. Boyle belongs to the rare species of law professors in the U. S. who take sides with the oppressed and dispossessed Palestinian people which caused him a lot of trouble by the "Israel firsters". He teaches International Law at the University of Illinois at Champaign. The author was Legal Adviser to the Declaration of Independence of Palestine that was proclaimed in Algiers November 11, 1988 and to the Palestinian Delegation that conducted fruitless peace talks with the Israelis in Washington following the Peace Conference in Madrid of October/November 1991.

In his book, Boyle published two longer seminal press statements on the Right of Return by Dr. Hanan Ashrawi and Dr. Haidar Abdul Shafi given in Washington shortly before the Camp David talks begun in July 2000. Both made it clear to the government of the U. S. and Israel that without the implementation of U. N. resolution 194 there could be no peace. The late Abdul Shafi was Chair of the Palestinian Delegation who negotiated with Israel from 1991 to 1993 in Washington, and the former was its spokesperson. The author holds both of them in high esteem. "They are two of the best and the brightest that occupied Palestine has to offer." (16) Both of them were no politicians but grassroots leaders living among their people under the boot of the most repressive, brutal, colonial, military occupation regimes in the post World War II era. Both became prominent because of their own personal courage, integrity, principles, and determination.

Ms. Ashrawi said that "we are witnessing attempts, Israeli and American, to sort of make temporary transitional arrangements as the terms of reference for any solution, and thereby to bring the Palestinians to relinquish those rights which were guaranteed to them by law, and foremost of which is the right of return". (26f.) She made it clear that the Palestinian people will never relinquish its right of return. And she continued saying "what happened to Palestinians is a form of ethnic cleansing, which is a war crime par excellence". (34)

Abdul Shafi added that a Palestinian leadership that abdicates the right of return "will disqualify itself". (44) "The matter is so serious that it cannot pass by very easily." (51) Abdul Shafi rebuffs the Zionist narrative that the Palestinians left their homeland voluntarily. He makes it clear that "they were evicted out by terrorism and force". (53) The democratic world should not let the Israeli government get away with fait accomplis like illegal settlement because "that pertains to the lives of people". (53)

In Chapter three the author deals with the “impending collapse of Israel in Palestine”. (57) At the beginning, Boyle reiterates the importance of all U. N. resolutions concerning not only the right of return but also the Palestine question as a whole. In all the negotiations between Israel’s government and the Palestinians either in Washington or under the Oslo accords, Israel has never negotiated in good faith, says Boyle. The Palestinians got absolutely nothing, and the negotiations got nowhere. Yitzhak Shamir said, when he was defeated by Yitzhak Rabin in 1992: We would have negotiated with the Palestinians for another ten years in Washington without achieving anything. This attitude of denial is convincingly documented by Zalman Amit and Daphna Levit in their book “Israeli Rejectionism”.

Netanyahu at his speech in Bar-Ilan University in June 14, 2009, he came up with a brand-new demand that had never surfaced before in any peace negotiations. The Palestinian must now recognize Israel as a “Jewish State”. Not surprisingly, the Obama administration adores this latest roadblock to peace. This is as absurd as if the U. S. would ask Iran to recognize the U. S. as a WASP state as a precondition to negotiations. According to Boyle, if Israel wants to be recognized as a “Jewish State” it is free to change its name. “Israel is free to change its name to Jewistan—the State of the Jews.” (60) The name of “Jewistan” would automatically replace the name Israel through the United Nations system, so the author.

“In fact, ‘Israel’ has never been anything but a Bantustan for Jews set up in the Middle East after the Second World War by the genocidal racist Western colonial/imperial powers who wished to severely limit the inflow of Jewish war refugees into their own states.” (60) Boyle foresees the collapse of this “Jewish Bantustan” in the foreseeable future. Therefore, he gave the following advice to the Palestinian leadership: “Sign nothing and let the Jewish Bantustan in Palestine collapse!” (61) For Boyle “the Jewish Bantustan (will) collapse of its own racist and genocidal weight over the next two decades if not much sooner. In the meantime, the Palestinians must stall and delay the so-called peace negotiations until then! Time is on their side.” (64) All the legal, political, economic, military, diplomatic, sociological, psychological, and demographic forces are all working in favor of the Palestinians and against Israel, writes the author.

As a strategy, the Palestinians must ratchet up the pressure on Israel, Zionism, and the Zionists in Palestine and around the world by all available means like the Boycott, Divestment, and Sanctions campaign or continue their diplomatic, political and legal offensive against Israel, including the campaign of lawfare: “Human rights lawyers all over the world are now mobilizing in order to hunt down and prosecute Israeli war criminals wherever they might travel abroad.” (62) After a collapse of Israel, so Boyle, “Palestine will then be able to invite all of its refugees scattered around the world to return to their homes pursuant to Resolution 194! That in a nutshell is the ultimate solution for implementing and achieving the Palestinian right of return under international law.” (66)

As a political realist, I am troubled with such pipe dreams. Can Zionists be expected to agree to what they consider as an existential threat for Israel? Perhaps Israel’s only reliance on force and on his U. S. ally might not be an eternal insurance policy. As the author suggests, the international community cannot longer afford to let Israel get away with its permanent human rights violations, disregard of international law, and brutal behavior towards other peoples. Boyle as a well-known professor in International Law has highlighted the rights of the Palestinian people in this field that is shown in Appendix one at the end of the book.

The Middle East conflict can only be solved by ending the occupation, giving back the occupied Palestinians territory to its original owners, move the settlers back to Israel proper and establish international law as guidance to a lasting peace. This book is a challenging read.

Ludwig Watzal

First published: http://international.to/index.php?option=com_content&view=article&id=3203:the-palestinian-right-of-return-under-international-law&catid=80:politics&Itemid=120

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