While Palestinians were being uprooted during the war, the question arose of what to do with the refugees. Should they be allowed to return when the war was over or not?

One view at the time is suggested in this quote from Golda Meir (The Birth of the Palestinian Refugee Problem Revisited, Benny Morris), from the Protocol of the meeting of the Jewish Agency Executive on May 6, 1948:

“[Should the Jews] make an effort to bring the Arabs back to Haifa, or not[?] Meanwhile, so long as it is not decided differently, we have decided on a number of rules, and these include: We won’t go to Acre or Nazareth to bring back the Arabs. But, at the same time, our behavior should be such that if, because of it, they come back – [then] let them come back. We shouldn’t behave badly with the Arabs [who remained] so that others [who fled] won’t return.”
IMPLEMENTING POLICIES AGAINST RETURN

“(1) Destruction of villages as much as possible during military operations.
(2) Prevention of any cultivation of land by them…
(3) Settlement of Jews in a number of villages and towns so that no ‘vacuum’ is created.
(4) Enacting legislation
(5) Propaganda”

- From a memorandum by Yosef Weitz to Ben-Gurion, “Retroactive Transfer, A Scheme for the Solution of the Arab Question in the State of Israel” (June 5, 1948)

- However, as the war progressed, the Israeli side came to adopt a strict policy of preventing return.
- The strategies summarized in the above memo were the ones that prevailed. Villages were razed to the ground. Jews were settled in some areas formerly populated by Arabs, and other village sites were transformed into parks (often eventually covered by those familiar pine tree forests) or closed military zones. Often Israeli forces shot Palestinian refugees who were trying to return to their villages.
- On June 16, 1948, the government had said, “they’re not returning.” This fateful decision, and measures to implement it, were a necessary condition for the establishment of a Jewish state with a large Jewish majority.
In the immediate aftermath of the Nakba, one of the most effective measures taken to prevent the return of Palestinian refugees was the passage of the Absentees’ Property Law in 1950. Adalah, the Legal Center for Arab Minority Rights in Israel, offers this summary of the law:

“Defines persons who were expelled, fled, or who left the country after 29 November 1947, mainly due to the war, as well as their movable and immovable property (mainly land, houses and bank accounts etc.), as “absentee”. Property belonging to absentees was placed under the control of the State of Israel with the Custodian for Absentees’ Property. The Absentees’ Property Law was the main legal instrument used by Israel to take possession of the land belonging to the internal and external Palestinian refugees, and Muslim Waqf properties across the state.”

This law had, and continues to have, wide-ranging effects on Palestinians. It was the means by which internally displaced persons (Palestinians who remained within Israel’s borders, but were not allowed to return to their lands) were transformed into “present absentees” – that is, present in the country but absent from their homes and lands.
In conjunction with the Absentees’ Property Law, the 1953 Land Acquisition Law was also used to confiscate the homes and lands of Palestinians, including those who had fled their homes but remained in what became the state of Israel.

Adalah offers this summary of the law:

“Today, approximately 93% of the land in Israel (excluding the OPT) is owned by the state and the JNF. Only 3-3.5% is owned by the Arab population, as compared to 48% in 1948. The massive transfer of land located within the borders of the state on the eve of the establishment of the state of Israel in 1948 was executed through two primary laws, the Land Acquisition Law (Actions and Compensation) and the Absentees’ Property Law (1950). Through the Land and Acquisition Law (Actions and Compensation), 1.2-1.3 million dunams of land were expropriated from the Arab population. These lands were confiscated from a total of 349 towns and villages, in addition to the ‘built-up areas’ of about 68 villages, whose precise area was not included in the expropriation orders.”

Laws preventing the return of Palestinian refugees to their land and properties were intertwined with and reinforced by the very laws that allowed for the immigration and citizenship of Jews coming to the newly-formed state.

The 1950 Law of Return applies only to Jews, and stipulates that every Jewish person has the right to immigrate to Israel and be granted automatic citizenship. In contrast, even Palestinians who were born in areas that are now part of Israel are not offered any such guarantees.

The 1953 Citizenship Law, which grants citizenship to anyone who immigrates according to the Law of Return, also deprives Palestinian refugees who resided in Palestine before 1948 of the right to acquire residence status or citizenship in Israel.