

**8 August**

*Roundtable with a presentation by Dr. Salim Tamari, Director, Institute for Jerusalem Studies, Jerusalem*

**Topic: Palestinian Refugees**

*Participants:* PASSIA Staff; David Viveash, Canadian Embassy; L. Fay Kristensen; Michael Nojeim, Ohio University; Mary Pring, British Consulate; Dr. Zakaria Al-Qaq, IPRCI; Walid Salem, Panorama Center; Issa Kassissieh, Orient House; Sandro Tucci, UNRWA; and Elisabeth Eklund, Swedish Consulate.

**SUMMARY**

*Dr. Salim Tamari* started by stating that, in contrast to other issues where Labor at least made some symbolic gestures, the position of the new Likud government on the subject of refugees is no different than that of its predecessor. Although Labor seemed to favor more eventual control by the PNA of the comings and goings of Palestinians from the territory under its supervision, the main substantive policies of the two parties are the same. This is clearly evident in the continued intransigence of the Israeli delegation to the working group on refugees in the multilateral negotiations. Indeed, the members of the delegation are essentially those originally appointed by Yitzhak Shamir.

Against this background, Dr. Tamari said that he would talk primarily about how the issue has developed over the past five years, and the areas in which Palestinian, Arab and international initiatives that positively affect the plight of Palestinian refugees.

Dr. Tamari noted that despite the general bleakness of the situation there have been some positive developments. For example, around 50,000 Palestinians, only half of whom are with the security forces, have been repatriated since the Madrid conference in 1991. Furthermore, Oslo II stipulated that there should be a committee dealing with those who lost their homes and displaced persons. Indeed, Israel's even accepting a working group on refugees was considered a concession for them because it was not part of Israel's overall plan for dealing with economic and regional security issues in an effort to increase normalization between itself and the Arab world. Yet any advantage that is gained by the Palestinians in having this committee is counterbalanced by the fact that Israel has a veto over all the committee's decisions. Nonetheless, the very existence of the committee as well as the negotiations has meant that the issue of refugees has been recognized as a key political issue on the path to solving the Palestinian-Israeli conflict as opposed to simply a humanitarian issue. Complaints that the committee has achieved few tangible results are not unfounded, yet the fact that the process of resolving this issue is being talked about is extremely important.

Dr. Tamari noted many of the negative aspects of the current situation of the efforts to resolve the complaints of Palestinian refugees. The refugee issue is probably the least solvable of all the issues in that it involves

changes in fundamental ideas of Zionism, sovereignty concessions, and people returning to their homes. Due to the contentiousness of these issues, the refugee issue is often diluted and held hostage to the need to compromise on other issues. Other major problems include the differences between the ideals of Palestinian refugees still outside Palestine and the practical considerations of the PNA which is now dealing with the day-to-day problems of administering the lives of many Palestinians in the Palestinian Territories. Thus while groups in the West are virulently accusing the PNA and Chairman Arafat of "selling out" on the principle of the right of return, compensation, etc., the PNA has to deal with the practical problems of its economic capacity to absorb refugees and the give and take of negotiations. Palestinians in the Diaspora are becoming increasingly bitter as the PLC seems to be gaining power at the expense of the PNC.

With regard to the progress of the talks, Dr. Tamari noted that earlier rounds have focused on interim issues. For instance, the Quadripartite Committee formed in the wake of the DoP seemed to stand a good chance of coming to some agreements on the repatriation of a limited number of displaced persons to wherever they were living in the West Bank in 1967. The limited number of these people and the fact that they would not be returning to places inside the green line promised to make agreements feasible: in the end, however, this issue turned out to be even harder to deal with than any other. Dr. Tamari surmised that maybe the reason the negotiations on such a plan were so difficult was precisely because it was feasible. With Likud, things are even more difficult because while Labor, in principle, agreed to the return of displaced persons, Netanyahu says no to the return of both refugees and displaced persons.

According to Dr. Tamari, many critics of the negotiations claimed that the PNA had gained basically nothing in the field of resolving the issues of refugees because the Israelis control all the entrance points to the Palestinian Territories. Some progress had taken place, but this was not reflected in the concrete agreements reached. This is unfortunate because Netanyahu's Likud will use this fact to comply only with the bare minimum of what was reached under official agreements. For instance, while there were agreements to reunite some families, this was not put down as an agreed upon principle, so Israel has been able to stall on this issue.

With regard to a Palestinian position on the conditions necessary to resolve this issue, Dr. Tamari noted that the PNA does not have a position, although there are some areas where reaching a consensus seems likely. Rashid Khalidi has made the most successful effort to frame these conditions in a way that does not simply reiterate idealistic dreams, but rather sets practical guidelines:

- Israel must assume moral accountability for the problem.
- Israel must recognize the right of Palestinians to return, in

exchange for Palestinian recognition that this cannot involve a literal return to their original homes, but rather to places under Palestinian control.

- There should be compensation and reparations for the Palestinians.
- Palestinian exiles should have the right to come to territory under PNA control.
- Palestinians who choose to stay in Jordan can be citizens of both the Palestinian state and Jordan.
- Palestinians in Lebanon can go to the Galilee, the Palestinian state or stay in Lebanon. Those who go to the Galilee will have Palestinian and Israeli citizenship while those Jews who choose to stay in the Palestinian state can be citizens of Palestine.

*Dr. Tamari* criticized some of the elements of Khalidi's proposal, saying that the idea of compensation for those who lost property and reparations for those who do not return is regressive, as these are the people who are in the best financial shape. Money for reparations and compensation should go to poorer Palestinians who return and have to start their life over once again. The right of return should not be conditional; there should be no difference in the rights of a refugee, a displaced person or an emigrant to return to Palestine. *Dr. Tamari* also reiterated the importance of emphasizing that the issue of reparations for Jews who lost property in the 1950s is an Arab-Israeli issue, not a Palestinian-Israeli issue, and the two are therefore not linked. Finally, *Dr. Tamari* mentioned the importance of Jerusalem as a part of the issue of refugees. There are the latecomers (those who lost residence rights because of absence), those who lost residence rights because they reside in the West Bank, and those who left West Jerusalem. He emphasized that the Palestinians have a substantial claim to West Jerusalem, and that all the talk about only taking East Jerusalem represents an international defeatist attitude which is due to constant subjection to Israeli rhetoric.

### **Discussion:**

*Dr. Mahdi Abdul Hadi* asked what refugees in the camps had to say about the working committee's efforts.

*Dr. Tamari* responded that it varies. In Lebanon, the dire conditions have caused Pal-estinians to take matters into their own hands by either emigrating or turning to radical solutions. In Syria, the material conditions are better. However, in both these countries as well as Jordan there is a general feeling that the refugees have been forgotten.

*Issa Kassassieh* asked why there has not been a greater effort to include the members of the refugee communities in the other Arab countries. He asked why the dialogue always addresses the concerns of the Israelis and the international community instead of those of the refugees.

*Dr. Tamari* answered that the weakness of the Palestinian side at present

means that its hands are tied. He noted that giving false hope to refugees about an imminent glorious return would do more harm than good, so he and the Palestinian refugee delegation have been trying to be realistic. Secondly, while the Palestinian delegation always raises the issues of these refugees as laid out in UN Resolution 194, the international community disregards these matters and Israel has the power to veto any declarations by the working group that mention the political status of refugees in Arab countries. Dr. Tamari continued that efforts to include members of these communities in the working groups have been thwarted by the governments of Syria, Lebanon and Jordan. He noted, however, that despite Arafat's actions, which many have described as a sell-out, he will not really sell out the Palestinian refugees in the Diaspora because of the effect it would have on his legitimacy.

*David Viveash* noted that since Oslo, other issues have taken precedence over the issue of refugees. This is largely due to the fact that the seat of power has moved to Palestine and there is thus a corresponding focus on the practical difficulties of dealing with day-to-day problems. He also mentioned that the lack of an organized body that devotes all its attention to this issue cripples the Palestinian side.

*Dr. Tamari* agreed thoroughly but mentioned that PNC Executive Committee member As'ad Abd Al-Rahman had been assigned to take charge of the refugee file. He also noted that there is an effort underway to involve the NGO community in these issues.

*Dr. Abdul Hadi* stated that he had heard news of an agreement to return 100,000 Palestinian refugees in Lebanon to the Galilee, while all other refugees are to be assimilated into the places in which they now reside if they do not want to return to the territories under the control of the PNA.

*Dr. Tamari* responded that there are many reports of different arrangements and that he was not sure about how true or false this particular proposal was. He noted that the key issue in this proposal is Israel's desire to prevent a complete return of refugees. Meanwhile, the most important point for the Palestinians is that they - not Israel - should maintain control over which Palestinians can return.

*Dr. Abdul Hadi* pointed out that the idea of many individual claims for reparations is not the best strategy. He used the example of Germany after World War II, when it channeled reparations payments through the state of Israel, as the most efficient way to proceed.

*Dr. Tamari* disagreed, saying that while there were collective reparations that went through the state of Israel, many Jews elsewhere also filed individual claims. Even some Israelis - but not those in official positions - have suggested this as a model for the Palestinians.

*Dr. Abdul Hadi* asked about the role of the French in the issue of family

reunification.

*Dr. Tamari* said the French have been very forthright on this issue. They have worked to increase the quota of family reunification cases Israel addresses and to improve the rights of women and children. Yet the Israelis have stalled. They have used the issue of the approximately 25,000 Palestinians who have entered the Palestinian Territories illegally and never left. They say that when these people leave, they will start addressing the family reunification issues. *Dr. Tamari* pointed out that this in effect makes hostages of families who cannot be reunited because they are being punished for the actions of people with whom they have absolutely no connection. The French oppose this and have threatened to leave the working committee if Israel persists in its policies.

*Dr. Zakaria Al-Qaq* asked about the realities of the PNA's absorption capacity.

*Dr. Tamari* said this is complicated. Those returnees who return with capital and skills would actually help the economy, while others, namely the poor and unskilled, would be a big burden. If many of the latter entered Palestine, it might hurt the economy so badly that there would be a simultaneous mass exodus, which might result in a net loss. Nonetheless, the PNA cannot allow only upper class Palestinians to return. In the end, there is a self-regulating process whereby people will not be likely to come if they know they will not be able to find work and this will probably determine the number of returnees.

*Walid Salem* noted that the idea that the refugees abroad are all against Arafat is exaggerated. He stated that what is actually happening is that opposition parties use these desperate refugees as tools to air their own grievances and that this is the real problem. He asked if Likud would be willing to accept 50,000 refugees back inside the Green Line and displaced persons back to the West Bank as Labor had seemed willing to do. He also asked about those who had been uprooted after 1967. Finally, he questioned *Dr. Tamari's* earlier statement that many agreements had been reached about principles but that Israel was using technicalities to delay their implementation.

*Dr. Tamari* said that the changes that have occurred to villages since 1967 have not been discussed because as of now the issue of the right to return is not actually on any agenda. With regard to the differences in Labor and Likud, he noted that paradoxically, Likud might be more open to individuals' return because it is more attached to the idea of keeping Eretz Yisrael as an undivided whole. The police state that now rules the Palestinian Territories is a Labor creation which Begin and Netanyahu would like to dismantle. As far as modalities, *Dr. Tamari* stated that they were related to the specifics of the workings of the border crossing, and that Likud was likely to be tougher on this than Labor was.

*Michael Nojeim* asked about the process of the negotiations. He noted

that Israel's clever use of protocol seemed to give it an edge.

*Dr. Tamari* said this was not the case in that most of the negotiations for the multilaterals take place in bilateral meetings, and that the multilaterals are just for hammering out the language of final statements and for nominally including the international community. The Palestinians do not really hope to gain tangible results from the multilaterals, but rather to air their grievances on the issue of refugees in an atmosphere in which the Israelis do not feel free to intimidate their interlocutors (as in the bilateral meetings).

*David Viveash* agreed and noted that the multilateral meetings have been a good way to keep humanitarian aid coming to the Palestinians, as well as to remind the Israelis that they cannot dictate all the terms of various agreements and then expect the international community to pay the bill.