

## THE PEACE PROCESS AND NEGOTIATIONS

The question of Palestinian refugees has been a core issue in the Arab-Israeli conflict since 1948, and yet a just solution remains distant. Since the **Madrid Middle East Peace Conference** in 1991 the approach was to tackle the issue of the 1967 displaced people first, while deferring that of the 1948 refugees until the 'permanent status' talks, as it was considered easier to resolve the question of people displaced from 'Occupied Territory' than from what became Israel in 1948.

In 1992, the **Refugee Working Group** (RWG) was formally initiated in Moscow as part of the multilateral track to look into ways of improving the living conditions of the refugees; chaired by Canada, it was to focus on themes such as human resources development, health, welfare and infrastructure. To date, eight plenary sessions have been held, the last in Geneva in Dec. 1995.



*Madrid Middle East Peace Conference, October 1991*

In 1993, the **Declaration of Principles on Interim Self-Government Arrangements** (DoP), stated as its intention the reaching of a permanent settlement based on UN Res. 242 and 338, while Res. 194 was not mentioned. Finding a solution for "persons displaced from the West Bank and Gaza Strip in 1967" was to be addressed in quadripartite talks (Israel, Palestinians, Egypt and Jordan), while the issue of (1948) refugees was postponed to the "permanent status" talks.

Likewise, the **Gaza-Jericho Autonomy Agreement** of 4 May 1994 only referred to the 1967 displaced persons (Art. XVI); to discuss their issue, a "Continuing (Quadripartite) Committee" was established, which failed to achieve much (due to major differences over definitions and numbers) and ceased to meet in 1997, when the peace process as a whole deteriorated.

The **Jordanian-Israeli Peace Treaty** of 26 Oct. 1994 (Art. 8), recognized "the massive human problems" the refugee question poses and reiterated that finding a solution lies with a quadripartite committee (in the case of displaced persons), and with the RWG and the permanent status negotiations (in the case of refugees).

Again, the **Oslo II Accord** of 25 Sept. 1995 failed to explicitly mention the right of return, while Art. VII of the **Abu Mazen-Beilin Agreement** of 31 Oct. 1995 (the existence of which had been denied and was only exposed in Sept. 2000) acknowledged the right of return as just and lawful, but stated that in light of the realities "that have been created on the ground since 1948" its execution is not viable. It also called for the creation of an "International Commission for Palestinian Refugees" to define criteria and develop programs for compensation (for moral and material losses), resettlement and rehabilitation of refugees.

In May 1996, the **final status negotiations** were formally opened, but substantial negotiations never took place and the parties have as yet come no closer to an agreement.

The exclusion of UN Res. 194 from the Oslo framework along with the fact that the Palestinian side agreed to defer the difficult issues – refugees, borders, Jerusalem, settlements and water – to a later stage led to a deep sense of marginalization among Palestinian refugees. The three **key concepts** that have shaped discussion so far are as follows:

- **Repatriation** (implementation of UN Res. 194, i.e., the right of return)
- **Compensation** (various scenarios for financial reparation)
- **Resettlement** (either in the Palestinian state, as naturalization in host counties with improved living conditions, or in third countries)

In **July 2000**, a US-sponsored summit took place at **Camp David** with the intention of reaching an Israeli-Palestinian agreement on final status issues, but it ended on 26 July 2000, after 15 days of negotiations, without success. Regarding refugees, Israel only accepted of a one-time 'family-reunification' of some 100,000 Palestinian refugees and the establishment of an international body deal with compensation and resettlement issues. The Palestinians insisted on the 'right of return' for all Palestinian refugees, incl. to inside Israeli borders.

