

## **A VISION OF THE NEW MIDDLE EAST: A PERSPECTIVE FROM THE REFUGEE WORKING GROUP**

### **1.0 INTRODUCTION**

(1.1) In the February 1994 intersessional meeting of the Multilateral Steering Group in Montebello, Québec, participants informally discussed the practical and procedural issues facing the multilateral component of the Middle East peace process. Out of that meeting came two important and complementary initiatives: the development of overall guidelines for the multilateral process, and the development of specific statements of intent for the various components of the multilaterals.

(1.2) Further impetus to these projects was provided by the Multilateral Steering Group at its meeting in Tabarka, Tunisia in July 1994. There it was decided to undertake these tasks in the context of a comprehensive study of the role of the multilaterals and of the future of the region. This study would (in the words of the head of the US delegation, Assistant Secretary for Near Eastern Affairs Robert Pelletreau) represent "an attempt to take a long term view of the region ten years into the future" and should constitute "both a vision and a set of priorities for each of the working groups to pursue as they move towards realization of the vision." The Steering Group agreed that the co-sponsors would be responsible for the overall management and coordination of this "vision paper," and would also draft an introductory chapter and a chapter on funding. Chapters on each of the multilateral working group subjects were to be drafted by the gavel holders in consultation with the regional parties.

(1.3) In the case of the Refugee Working Group, extensive efforts have been made to solicit the input of the regional parties and others in the preparation of this vision paper. The basis of these consultations was an outline or "framework"

for the chapter which was submitted to each of the regional parties and RWG "shepherds".

(1.4) Following this, the gavel-holder of the RWG consulted with Palestinian, Israeli, Jordanian and Egyptian representatives in the region during the period 28 September until 2 October 1994. Additional consultations were held with Jordanian, American, Egyptian, Saudi Arabian and Palestinian representatives in Washington, New York and Paris en route to and from the region. The views of the RWG shepherds were solicited in the course of a Shepherds' meeting held in Paris on 4 October 1994. Further comment was received from delegates at the 7th plenary session of the Refugee Working Group in Antalya, Turkey, from 13-15 December 1994. Throughout this process, consultations have been founded upon the view that the RWG is in no way a substitute or alternative to the bilateral tracks; that it operates on a consensual, determined and step-by-step basis; and that, in sketching a vision of the future Middle East, ambitious goals and realistic planning are equally important.

## **2.0 DEFINING THE VISION**

(2.1) The activities of the Refugee Working Group arise from the basic premise--shared by all members of the RWG--that a durable and comprehensive resolution of the issue of refugees is central to a just, lasting and comprehensive solution of the Arab-Israeli conflict. In our vision of a "new Middle East" we look toward to a future, within the next ten years, wherein the insecurities of a refugee existence have been replaced by the protections of an internationally-accepted political identity. Indeed, our vision is of a future without refugees--or, more specifically, a future in which no one displaced by the Arab-Israeli conflict (or their descendants) considers themselves to be a refugee.

(2.2) The new Middle East we strive for will be characterized by respect for the role of civil, political, social, economic, and cultural rights, by the free movement of ideas, commerce, and people, and by social progress and growing economic prosperity. Correspondingly, the rights of former refugees to travel, to work, and to live in security and pursue their dreams will be equally upheld. Marginalization will be replaced by dignity; statelessness by identity; poverty by development; camps by neighbourhoods; precariousness by normality. In short, those who have suffered most directly from the consequences of regional conflict will enjoy the many benefits of regional peace.

(2.3) We do not underestimate the difficulties to be overcome in achieving this vision. We are deeply encouraged, however, by the clear commitment of the regional parties to put an end to decades of confrontation and conflict; to recognize their mutual legitimate rights; to respect human rights and promote human dignity; and to strive to live in peaceful coexistence and security.

### **3.0 ACHIEVING THE VISION**

(3.1) Achieving our vision of a just, comprehensive and lasting resolution of the question of refugees requires attention to several interrelated elements:

- (3.1.1) A viable and durable solution cannot be imposed on the parties involved, and especially not on the Palestinian refugees themselves. On the contrary, any process of resolving the refugee issue must provide the refugees with options from which they can make a free and informed choice. Moreover, any resolution must show necessary regard for the just requirements and legitimate rights of the Palestinians.

- (3.1.2) The refugee issue is an urgent one, in both its humanitarian and political dimensions. Inaction fosters conditions which can be exploited by those opposed to peace.

- (3.1.3) The legal and political rights of the refugees should not be isolated from the historical final reconciliation between the Israeli and Palestinian peoples. However, resolution of the refugee problem is a dynamic process that must be implemented over time, on the basis of cooperative action sensitive to historical and socio-cultural context. Initial and early steps should aim to enhance the long-term prospects of an ultimate resolution.

- (3.1.4) Achievement of an agreed, just solution to the problem of refugees and displaced persons must be in accordance with international law. However, because positions on the refugee issue have become deeply entrenched and because of uncertainties in this area, the prospects of a narrowly-defined legalistic solution to the problem are extremely limited. Instead, the parties will have to work together to produce a forward-looking political solution to the problem, based on shared

interests and a common commitment to achieving peace. This will necessarily involve compromises from each of the parties involved.

•(3.1.5) If a solution is to be achieved, the parties will have to talk openly and freely about a range of delicate issues. They will need to frankly address sensitive questions and concepts such as "the right of return" and compensation, the future international status of a Palestinian political authority (including its capacity to grant travel documents and other aspects of a recognized political identity), and the possibility of some Palestinians being "resettled" (although not necessarily naturalized)--with full economic and civil rights--in countries of current asylum.

•(3.1.6) An effective resolution of the refugee issue will require substantial support from members of the international community. Such support, moreover, must extend beyond diplomatic encouragement to include the allocation of significant financial resources in support of a final settlement.

#### **4.0 THE REFUGEE WORKING GROUP AND THE PEACE PROCESS**

(4.1) For the most part, negotiations for a political solution of the refugee issue will take place within the bilateral tracks of the peace process, whether in direct discussions between regional parties and/or in trilateral or quadripartite mechanisms established under various agreements. From the outset of the peace process it was envisaged that the Refugee Working Group, like other multilateral working groups, would be available to assist the parties in grappling with difficult political issues, and stand ready to undertake valuable strategic "spade-work" in support of a final settlement. In his comments before the organizational meeting of the multilateral track in Moscow in January 1992, then US Secretary of State James Baker noted that the multilateral negotiations touched upon "core political disputes" of the Arab-Israeli conflict, and that "systematic consideration of those kinds of issues can be a complement and can be a catalyst for the bilateral talks and for progress in the bilateral talks." Thus, the multilateral process offered "a real and valuable chance to address issues of major importance that do not lend themselves to discussion [in] the bilateral framework," while also helping to create a political environment in which the bilateral talks are more likely to succeed. Indeed, in the case of the Refugee Working Group

these potential contributions are uniquely important: no other multilateral working group addresses an issue of such political sensitivity, touching upon the interests of multiple regional parties, and located at the core of the Arab-Israeli conflict and peace process.

### **RWG Achievements...**

(4.2) From its inception, the Refugee Working Group has concentrated its efforts within three broad areas:

- (4.2.1) First, defining the scope of the refugee problem. The database theme (shepherded by Norway) has especially addressed this task, facilitating program delivery and enhancing our understanding of the issues at stake. Various needs assessments conducted under other themes have also been helpful in this regard. A detailed inventory of activities is presented in appendix 1.1.

- (4.2.2) Second, mobilizing resources, and providing assistance to alleviate the refugees' current living conditions. The themes of human resource development/job creation (shepherded by the United States), public health (Italy), child welfare (Sweden) and economic and social infrastructure (European Union) have been especially concerned with this task, addressing urgent humanitarian needs without prejudice to the refugees' long-term status. In so doing, they send an important message to refugees that their situation has not been forgotten. By enhancing socio-economic conditions, such activities also help to prepare refugees to make an informed choice about their future. A detailed inventory of these activities is provided in appendices 1.2 to 1.5.

- (4.2.3) Third, encouraging a dialogue on the issues involved. The sensitive question of family reunification (shepherded by France) has been an excellent example of this task, with broader significance beyond its immediate humanitarian dimensions. Also in this area, the gavelholder's visits to refugee camps in the region have given the RWG a good sense of the refugees' own views, particularly in that they highlighted their fundamental need to live in dignity with a recognized political identity. In Lebanon, the RWG's encouragement to examine options between resettlement, naturalization and repatriation has prompted a healthy, if somewhat heated, airing of views. An inventory of these activities is presented in appendices 1.6-1.7.

(4.3) In a broader sense, the RWG--like other elements of the multilateral track of the peace process--has sought to foster confidence, to provide opportunities for the parties to state their positions, to develop and test options, and to engender the kind of respect, mutual trust, and working relationships that will facilitate negotiation and difficult political decisions.

### **...and the RWG's Future Contribution**

(4.4) The Declaration of Principles signed by the Israel and the Palestine Liberation Organization on 13 September 1993 reserves the refugee issue for "final status" negotiations, which are scheduled to begin not later than the third year of the interim period. Nevertheless, there is a great deal which can be done now. Under the terms of the Cairo Agreement of 4 May 1994, Israel and the Palestinian Authority have undertaken to address the return to the West Bank and Gaza Strip of persons displaced by the 1967 Arab-Israeli War. Article 8 of the Israel-Jordan Peace Treaty, recognizing that the massive human problems that have been caused by the conflict in the Middle East cannot be fully resolved at the bilateral level, explicitly identifies the Refugee Working Group as among the fora wherein the parties will seek to resolve these problems.

(4.5) At this critical point in the peace process, it is essential that the Refugee Working Group show the energy and flexibility necessary to respond constructively to such needs and changing circumstances. It is also important that the international community translate good intentions into concrete, practical programs--particularly at a time when the connection between socio-economic stability and the stability of the broader peace process is so clear and urgent.

(4.6) Several considerations must therefore shape the future work of the RWG as it continues to undertake the general task of mobilizing resources and providing assistance to alleviate the refugees' current living conditions. First, visible signature projects should be designed to demonstrate to refugee populations, in an effective and timely manner, the tangible benefits associated with the peace process. Second, the RWG should maintain its predominate concern with refugees and displaced persons outside the West Bank and Gaza. In particular, it should assure that the practical needs of these populations are addressed, while at the same time indicating that their broader interests have not been forgotten on the margins of the peace process. Third, concrete projects need to be sensitive to, and endeavour to advance, the refugees' aspirations to live in dignity with a sense of identity.

Fourth, we should continue to encourage regional states to participate in, and contribute to, this process. Most fundamentally, projects must aim at attaining real improvements in the refugee's quality of living without any prejudice to their rights, aspirations, and final status.

(4.7) As for the other established functions of the RWG--namely, its contribution to conceptualization and definition of the refugee problem, and the important role of promoting dialogue on the broader issues involved--it is important that these two roles also adapt to meet the current challenges of the peace process. These two functions relate directly to the strategic purposes envisaged for the RWG and other multilateral tracks at the outset of the Middle East peace process. Moreover, they have grown rather than diminished in importance over time. Thus, as the July 1994 report of the RWG to the Multilateral Steering Group explained, progress on concrete projects cannot be attained in many cases without "progress on refugee-related questions of principle in order to create the political space for cooperation." Similarly, participants in the October 1994 meeting of RWG Shepherds noted (in specific reference to the "vision paper") the importance of "breaking down taboos" and developing the complementary link between the RWG and the bilateral negotiations.

(4.8) Out of these considerations--considerations founded upon both contemporary circumstances and the past experience of the RWG--three interrelated priorities emerge: strategic policy support, enhanced dialogue activities, and future monitoring/support for bilateral and multilateral agreements.

*Strategic Policy Support:  
Complementing and Informing the Bilaterals*

(4.9) The RWG can serve the broader peace process by focussing its database and related activities more intensively in the area of strategic research. Such research would aim at providing the kind of mutually-accepted, objective and policy-relevant data required to inform negotiating processes, underwrite political decisions and define solutions, support the implementation of existing agreements, and facilitate the conclusion of future understandings.

(4.10) There are myriad questions and issues which, in this connection, could be addressed in a useful manner:

- (4.10.1) To deal with the refugee issue effectively, it is essential that the characteristics of the community

be determined with a greater level of reliability and specificity. Consequently, there is a need for a comprehensive census of Palestinians in the West Bank, Gaza, and neighbouring states to provide basic data on the numbers, living conditions, citizenship and employment status, links to family/property in Israel and the territories, and other relevant characteristics.

•(4.10.2) Similarly, targeted surveys of Palestinian refugee communities outside the West Bank and Gaza, intended to provide both objective and subjective assessments of intentions and preferences with regard to "final status," could provide a useful input into future political discussions on resolution of the refugee issue. The long-term intentions of these groups would be especially significant in the context of efforts to deal with the questions surrounding both the "right of return" and the admission of displaced persons to Palestinian territories.

•(4.10.3) Any return of refugees to the West Bank and Gaza needs to be supported by appropriate assessments of their absorptive capacity, and of the socio-economic and infrastructural requirements and implications of an influx of Palestinians from outside these areas.

•(4.10.4) Management, financial, service and other impact assessments could address the future transfer of UNRWA functions to the Palestinian authority in the West Bank and Gaza. The aim of such a study would be to assure that any such future transfer occurs at an appropriate time and in an appropriate manner so as to both maintain service delivery and strengthen the broader peace process.

•(4.10.5) Questions regarding naturalization, resettlement, and the long-term residency of Palestinians in their current countries of asylum have often surrounded the refugee issue. If these questions are to be addressed, there is a need for greater information. Studies in this area might include comparative examination of national legislation on long-term residency, naturalization, and dual citizenship; comparative examination of municipal and local government legislation, with the aim of informing how present refugee camps could be integrated into the surrounding communities; and comparative examination of immigration requirements regarding Palestinian refugees in countries outside the region. Technical questions regarding any future issuance and international acceptance of



Palestinian identity and travel documents might also be explored, especially insofar as they touch upon such issues.

- (4.10.6) Current discussions on family reunification would be enhanced by the availability of more accurate and detailed data on the potential pool of claimants. Some commentators have suggested that this need may assume particular importance in the context of final status arrangements, wherein the open and cooperative context of comprehensive peace may be associated with significant increases in the level of family reunification. In such a case, it would be important to provide information on what numbers of cases would qualify under different reunification regimes.

- (4.10.7) Compensation has frequently been identified as an important element of any comprehensive solution to the refugee issue. There has, however, been relatively little detailed exploration of potential compensation regimes, including the identification of possible foundations for claims (ascertaining and confirming losses, establishing eligibility), valuation of claims, adjudication, modes of balancing competing claims, and the advantages and disadvantages of individual versus collective compensation. Equally, there has been little examination of financing modalities and requirements, including the role of extra-regional parties in this regard. Comparative studies of compensation systems adopted in other domestic and international contexts might be useful in examining these sorts of issues.

- (4.10.8) More generally, the cost requirements for different solutions to the refugee issue need to be explored, and potential funding mechanisms identified. This too is an area of strategic policy research that might be addressed under RWG auspices.

(4.11) All of the areas of strategic research and policy support identified above arise from questions commonly raised in the region--by concerned individuals, journalists, scholars, and government officials--regarding future resolution of the refugee issue. In order to identify other areas of concern, to refine research priorities, and to assure the complementarity of strategic policy support with the broader dynamics of the peace process, the RWG gavel-holder could undertake a mission to the region to consult with the regional parties. The gavel-holder could, in association with the RWG shepherds, also serve to facilitate the

matching-up of strategic research needs, technical capacities, and resources.

*Enhanced Dialogue:*

*Fostering Cooperative Interaction, Building on New Ideas*

(4.12) Given the sensitivity of many refugee-related issues, fostering political agreement and innovative thinking is often a prerequisite for advancing concrete projects. Thus the RWG should promote additional mechanisms for encouraging dialogue, identifying, developing and testing options, and generating political scenarios. Moreover, it is necessary (as recognized by July 1994 Multilateral Steering Group meeting in Tabarka) that "flexibility and informality [be utilized] in dealing with sensitive problems." Thus, enhanced dialogue should be promoted in such a way as to minimize the public constraints on parties and encourage the maximum degree of creativeness and constructiveness.

(4.13) Moreover, the RWG needs to more effectively harness the commitment, not only of governments, but also individuals and societies to the cause of a just and lasting peace in the Middle East. Within the civil societies of the region, the NGO, media and academic communities have sustained considerable discussion and analysis of the refugee issue and its resolution. In short, both ideas and energy exist. Such energetic activity in support of the peace process--and the various models, scenarios, initiatives and formulations that it has generated--should be encouraged, circulated, and, where useful and appropriate, built upon. As a first step, a compendium of ideas and studies might be compiled by the gavel-holder as a resource for informal discussions.

(4.14) Small, quiet, closed-door intersessional RWG meetings might provide one possible forum for such discussions. Ideally, such sessions would bring a limited number of delegates together for informal but nonetheless officially-engaged discussions. If this is not possible, initiatives from within civil society, whether by academic communities or others, may represent a useful "second track" complement or substitute. The RWG should also consider initiatives and mechanisms whereby Syria and Lebanon could be brought into some form of informal (or formal) dialogue or participation.

*Monitoring and Support:  
Making Peace Work*

(4.15) Given the Refugee Working Group's current and potential role in defining the scope of the refugee issue, encouraging dialogue, and mobilizing resources in support of agreed solutions, it follows logically that the RWG might also be called upon to contribute to the monitoring of the implementation of any such solutions. The family reunification theme is one obvious area where this sort of function could apply. Another is the issue of displaced persons from the 1967 War, with the RWG potentially providing a multilateral monitoring mechanism in support of the Israeli-Palestinian-Jordanian-Egyptian quadripartite committee. The RWG also stands ready to assist in the future devolution of UNRWA programs and responsibilities to the Palestinian Authority as the parties feel appropriate. Looking still further ahead, there may be a international monitoring requirement for implementation of the refugee component of a final settlement, in which again the RWG could be involved.

**Recognizing Limits... and Potentials**

(4.16) With regard to all of these future priorities, it is important to reiterate our view that the various bilateral tracks represent the primary channels of negotiation among the regional parties. The RWG has no ambition to usurp this role, nor does it believe that it is capable of doing so. Indeed, the RWG can only be helpful if and when its role of strategic support is broadly welcomed and accepted by the parties themselves.

(4.17) Moreover, the RWG recognizes that the parties may not be equally prepared, or equally eager, to wrestle with the many difficult and sensitive issues surrounding the refugee question. Domestic sensitivities, scarce diplomatic and administrative resources, the immediate imperatives of negotiating and implementing other bilateral agreements, and the complex and changing dynamics of the peace process itself may all tend to create delays, particularly among the regional parties. External parties, on the other hand, face multiple demands on their time and resources, and it would be unwise to presume that their current degree of commitment to the refugee issue will automatically and indefinitely continue. If it is to perform a useful role, the RWG must be sensitive to these political realities.

(4.18) Yet, in many ways, these same constraints also serve to further underscore the potential contribution of the RWG.

Given its quiet, consensual and behind-the-scenes activities--and precisely because it does not seek to supplant bilateral negotiations--the RWG provides an appropriate forum for undertaking sensitive strategic policy support, generating scenarios and ideas free from political liability, and even for possible cautious diplomatic prenegotiation. The very demands placed upon the regional parties by the current peace process enhance the value of whatever assistance the RWG and its participants are able to provide. Indeed, to the extent that its efforts contribute to progress in both the humanitarian and central political dimensions of the refugee issue, the RWG will provide an useful mechanism for mobilizing international diplomatic and material support.

(4.19) Ultimately, all members of the RWG share a common hope for peace. The Refugee Working Group, by combining the needs of the regional parties, the requirements of regional diplomacy and the concerned commitment and resources of the international community, endeavours to build upon that hope by contributing to a just and comprehensive resolution of the refugee issue. In so doing, perhaps hope for peace can be transformed into something more than "hope": from a cherished "vision of the future" into a future reality for the peoples of the Middle East.

**Appendix 1: (not attached)**  
**Summary of RWG-related activities**  
**on the refugee issue**

- appendix 1.1: Databases
- appendix 1.2: Human Resources Development/Job Creation
- appendix 1.3: Public Health
- appendix 1.4: Child Welfare
- appendix 1.5: Economic and Social Infrastructure
- appendix 1.6: Family Reunification
- appendix 1.7: Other RWG initiatives