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Sari Hanafi

***Migration-Related Institutions
and Policies in Palestine***

Analytic and Synthetic Notes 2005/01 -political and social module

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CARIM
Euro-Mediterranean Consortium
for Applied Research on International Migration

Analytic and Synthetic Notes – Political and Social Module
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Migration-Related Institutions and Policies in Palestine

I. Institutions

I.1. Institutions operating at the national level

Because migration is not only a security issue but also a social, economic and political one, it concerns a broad range of institutions.

a) Government Agencies

Department of Refugees Affairs of the Palestinian Liberation Organisation

Contact info:

Phone: 00972-2-2409535

Email: saji@palnet.com

Ministry of the Interior and its specialised services

Ramallah: 02 2959395

Gaza: 08 2829090

Ministry of Labour

<http://www.pna.org/mol/>

Ramallah : 02 2957395

Ministry of Health

<http://www.pna.org/moh/>

Ramallah : 02 2988434

Ministry of Planning

<http://www.mop.gov.jo/indexar.php>

Phone: 02 298563

Ministry of Education

<http://www.mohe.gov.ps/>

Ramallah: 02 2957549

b) Non-governmental Agencies

The Palestinian Development Portal

is a programme for developing communication between the Palestinian diaspora and the Palestinian Territories. As part of the Palestinian Development Gateway, the Palestinian Development Portal is an interactive portal for information and knowledge sharing on sustainable development in Palestine. It offers:

- Knowledge sharing on key development topics
- Development projects databases
- Business opportunities

BADIL Resource Centre for Palestinian Residency and Refugee Rights

is a Palestinian community-based organisation that aims at providing a resource pool of alternative, critical and progressive information and analysis on the question of Palestinian refugees in the quest to achieve a just and lasting solution for exiled Palestinians based on the right of return.

BADIL was established in January 1998 and is registered with the Palestinian Authority and legally owned by the refugee community represented by a General Assembly composed of activists in Palestinian national institutions and refugee community organisations.

Mailing Address

BADIL Resource Centre for Palestinian Residency & Refugee Rights

PO Box 728

Bethlehem, West Bank

Tel/Fax: 972-2-274-7346

Tel: 972-277-7086

Email: info@badil.org

Charity associations operating in the refugee camps

- Popular committee in Palestinian refugee camps

- Youth Clubs in Palestinian refugee camps
- Women Centre in Palestinian refugee camps
- Social clubs in Palestinian refugee camps

Palestinian Diaspora and Refugee Centre, Shaml

Shaml is an independent non-governmental organisation dedicated to researching issues related to the Palestinian refugees and the Palestinian Diaspora. It was established in 1994 by a group of academics and human rights activists who felt the need to examine issues pertaining to the Palestinian refugees in a comparative perspective encompassing relevant experiences in other parts of the world. Shaml aims at:

- (1) Raising public awareness, regionally and globally, about the conditions of Palestinian refugees and the Palestinian diaspora, their basic rights and the problems and difficulties they face.
- (2) Conducting primary research on refugee issues in Palestine and elsewhere, including comparative research in the sociology of migration.
- (3) Helping to formulate and develop a coherent long-term policy for Palestinian refugees based on a better understanding of their needs.
- (4) Strengthening the links between Palestinian communities in the diaspora and their homeland.

Palestinian Diaspora & Refugee Centre (SHAML)
P.O. Box 2456
Ramallah
Tel: (+972) 2 2987 537
Fax: (+972) 2 2986598
Email: info@shaml.org

Birzeit University, Social Health Department

It works in co-ordination with the Norwegian FAFO on the collection and analysis of health data in refugee camps.

Palestinian Institute of Jerusalem Studies

It analyses and compiles the archives from the UNRWA, the International Red Cross Archives on Palestinian refugees in Geneva and Bern, the United Nations Conciliation Commission for Palestine (UNCCP) which possesses in its archives extensive data on confiscated Palestinian refugee property, and the Friends Service Committee (AFSC) archives in Philadelphia.

Al-Lod Charitable Society

Al-Lod Charitable Society (LCH) was established in 1996 as a charitable, voluntary and non-profit society. The objective was to address the demand for education, health and access to economic resources among refugees and poor families. LCHS has established its headquarters in the Askar Refugee near Nablus, a densely populated

area where inhabitants are confronted with dire economic, social, health and educational problems.

Contact information:

Al-Lod Charitable Society (L.C.H.S)
Nablus, North Area, Main Askar Str.
(Est. 1996 - Reg. No. 30/96)
Telfax: 00972-9-2371081
P. O. Box: 1638-Nablus (PNA).
E-Mail :al-lod@zaytona.com

Association of Forty

The Association of Forty, an association for the recognition of the Arab Unrecognised Villages in Israel, was formally established in 1988 in the unrecognised village of Ein-Hod, by the local committee of the village, by the inhabitants of unrecognised villages and by Arab and Jewish volunteers from all over the country.

The plight of the Arab unrecognised villages started in 1948 with the establishment of the State of Israel. Even though these Arab villages existed tens and hundreds of years ago, the Israeli government has ignored their existence and consequently their inhabitants were denied their citizens' rights.

Since that time, these villages have not appeared on any map and there is still no plan for their development. As a result of being unrecognised, these villages still lack the basic infrastructure: today, there are approximately 100,000 people without access to basic services such as running water, electricity, proper education and health services, and access roads, in violation of human rights and opposing the values of a modern and democratic state.

The Association of Forty is a grass-root non-governmental organisation in Israel. It has committed itself to the promotion of social justice in the Arab sector in Israel, and to gaining recognition for the unrecognised villages in this sector. Its Documentation and Archives Centre has gathered a unique database available to the academic community.

Tel: 972 - 4 - 9843335
Fax: 972 - 4 - 9843336
E-mail: a525@netvision.net.il
Website: <http://www.assoc40.org>

Palestinian Return Centre

The Palestinian Return Centre (PRC) is an independent academic/media consultancy centre founded and registered in the United Kingdom in 1996. It specialises in the research, analysis, and monitoring of issues pertaining to the dispersed Palestinians and their right to return. Its aims are:

- To highlight the issue of the right of return both as a humanitarian and a political concern.
- To preserve the Palestinian identity and resist attempts to resettle the dispersed Palestinians in their places of refuge.

- To increase and widen awareness of the suffering of the Palestinians in the diaspora.
- To inform the general public in Europe and on Britain in particular about the Palestinian issue.

The PRC attaches special importance to public relations and the establishment of contact with opinion, policy and decision-makers in the United Kingdom, and it lobbies members of parliament and cooperates with several official Arab and British Islamic institutions.

Postal Address:

The Palestinian Return Centre (PRC)

100a Crown House,
North Circular Road,
London, NW10 7PN,
United Kingdom.

Tel. No.: 00 44 20 8453 0919
00 44 0 8452303242

Fax No.: 00 44 20 8453 0994

E - Mail : info@prc.org.uk

I-2. Transnational NGOs and migrants' associations

The Palestine Right to Return Coalition

The Palestine Right to Return Coalition (PRRC, Al-Awda, in Arabic “the return”) is a broad-based non-partisan global democratic association of grassroots activists and organisational representatives concerned in the Palestinian refugees' right of return. The purposes for which PRRC is formed are educational and charitable and relate to human rights of Palestinian Refugees.

The goals of the PRRC include:

- Sensitising the US public and the international community about legal and moral issues related to the question of Palestinian refugees
- Educating non-profit human rights organisations on the issue of the Palestinian refugees
- Helping the refugees with empowerment projects and humanitarian aid when and where needed.

Al-Awda, Palestine Right to Return Coalition

PO Box 131352

Carlsbad, CA 92013, USA

Fax: 802-609-9284

E-mail: info@al-awda.org

Website: <http://www.al-awda.org>

Palestine House Educational & Cultural Center (Canada)

Established in 1992 as a non-profit organisation, Palestine House serves as an educational, social, and cultural centre to the Palestinian community and all the Arab community in the country.

Services offered include:

Heritage School, to teach children (5-14yrs) Arabic language and history

Language instruction for newcomers to Canada, offering English language classes to new immigrants.

Address:

3195 Erindale Station Rd

Mississauga, ON L5C 1Y5

Office Phone: (905) 270-3622

(905) 270-4011

Fax: (905) 270-3628

E-Mail: Info@PalestineHouse.com

Website: www.palestinehouse.com

American Federation of Ramallah. Palestine (United States)

<http://www.afrp.org/AboutUs.asp>.

Arab-American Business & Professional Association (United States)

The ABPA, founded in 1985, is a non-profit organisation dedicated to serve and promote the economic interests of Arab-American businesses within the United States. ABPA fosters trade, investment, and networking opportunities between Arab businesspersons in the United States and in the Arab world.

Address:

The Arab-American Business and Professional Association * 6819 Elm Street, Suite 3, McLean, Va. 22101

Tel: (703) 883-1994 * Fax: (703) 883-0346 *

e-mail: abpa1@aol.com

http://www.aaiusa.org/about_us

Arab Student Aid International (ASAI) (United States)

An independent, non-profit, charitable private foundation founded in 1976 to assist young Arab students to develop and attain professional degrees.

<http://www.xramps.com/about.htm>

Bethlehem Association (United States)

An organisation bringing together people in North America and elsewhere, whose family origin is from Bethlehem, Beit Sahur, and Beit Jala in the Holy Land.

<http://www.bethlehemassoc.org/>

Al-Bireh Palestine Society (United States)

<http://www.albirehsocietyca.org/>

Center For Policy Analysis On Palestine (United States)

Established in 1991, the Palestine Center is the educational program of the Jerusalem Fund and is dedicated to the study and analysis of the relationship between the United States and the Middle East, with particular emphasis on Palestine and the Arab-Israeli conflict.

<http://www.thejerusalemfund.org/palestinecenter/index.php>

The Nazareth Project Inc. (United States)

The project provides health care services to all individuals in without regard to religious or ethnic background.

<http://www.nazarethproject.org/html/mission.html>

Palestine Aid Society (United States)

The Palestine Aid Society (PAS) is a non-profit organisation founded in 1978 with the following objectives:

- To provide financial and political support to the Palestinian people in the West Bank, the Gaza Strip, and the refugee camps in Lebanon;
- To preserve an independent Palestinian identity within the Palestinian-American community through cultural and educational activities;
- To promote a greater understanding among the American people of the Palestinian struggle for self determination and national independence.

<http://comnet.org/MECS/directory/p/pasaa.html>

Palestine Children's Relief Fund (United States)

The Palestine Children's Relief Fund is a non-profit organisation established in 1991 to address the medical and humanitarian crisis facing Palestinian youth in the Middle East. It helps to locate cost-free medical care for children from the Middle East who are unable to get the necessary and specialised treatment in their homeland.

<http://www.pcrf.net/who/who.html>

Welfare Association (Jordan)

The Welfare Association (better known in the Middle East as *Ta'awoun*, meaning cooperation in Arabic) is a non-profit foundation established in 1983 in Geneva to support the Palestinian society in sustainable development. Its contribution have amounted to more than \$100 million for development projects from 1983-2000.

E-mail: welfare@awelfare.org.jo

Islamic Association For Palestine, Canada (Canada)

The Islamic Association for Palestine (IAP) is a not-for-profit organisation dedicated to the cause of Palestine. It pursues the following objectives:

- Presenting Religious and Historical Perspectives on Palestine.
- Educating People about the Palestinian Issue.
- Rallying Efforts in Support of the True Solution to the Palestinian Problem.
- Sustaining the Palestinian American Community.
- Empowering Muslim and Arab American Communities and Promoting their Global Issues.

http://www.iap.org/about_iap.htm

Palestinian American Congress (United States)

The PAC is a non-profit grass-roots organisation, founded in 1995 to assist the Palestinian community in coordinating and organising its political, educational, cultural and social affairs.

Palestinian American Congress – Houston Chapterpac_Houston@hotmail.com

General Union of Palestinian students (United Kingdom)

The General Union of Palestine Students is an organisation that aims to unite Palestinian students on campus and provide a forum for social, political, and cultural interaction.

5 Galena Road, Hammersmith
London W6 0LT
United Kingdom
Tel: +(44) 20 8563 0008
Fax: +(44) 20 8563 005

The Palestinian American Society of Engineers (United States)

The Palestinian American Society of Engineers (PASE) is a registered non-profit professional trade association with the following goals:

- Enhance the technical and social capabilities of Palestinian American Engineers through active participation
- Provide guidance to engineering students in their future profession
- Promote social and professional networking channels with fellow engineers
- Relate Palestinian American Engineers to their country and intensify the relationship among members inside the United States and abroad
- Strengthen the relationship with American societies and institutions that respect and support peace and justice

<http://www.pase-na.org/>

American Federation of Ramallah, Palestine

The American Federation of Ramallah was established in 1959 and Headquartered in Detroit, Michigan. Its goals are:

To perpetuate and enhance the ties that exist among all Ramallah people, through the formulation of local clubs.

To install and nurture in the Ramallah Youth in the United States their ancestral language, culture and heritage.

To orient the American public with Arab culture and heritage, and to promote better understanding of the political aspirations of the Palestinians in particular and the Arabs in general

The Ramallah Hospital Foundation was established as a legal entity to solicit funds, build and maintain a hospital in Ramallah to serve its people and the surrounding villages.

<http://www.afrp.org>

I-3. UNRWA (the United Nations Relief and Works Agency for Palestine Refugees in the Near East)

UNRWA is a relief and human development agency, providing education, healthcare, social services and emergency aid to over four million refugees living in the Gaza Strip, the West Bank, Jordan, Lebanon and the Syrian Arab republic. UNRWA is by far the largest UN operation in the Middle East, with over 25,000 staff, almost all of them refugees themselves, working directly to benefit their communities as teachers, doctors, nurses or social workers. (www.unrwa.org)

UNRWA provided aid in works and relief which has shaped their integration within a particular domain. Resettlement was secured with the basic education and work opportunities. In this context, UNRWA was seen as a kind of a regional co-ordinator and successfully contributed in setting up local technical assistance boards. Although the Palestinian refugees need protection, the UNRWA mandate does not include temporary protection. A kind of passive protection the UNRWA did with its presence in the refugee camps and especially in some conflict places.

II. Policies

Two issues will be dealt with as an introduction: the situation of Palestinians in Israel regarding citizenship and the status of permanent resident granted to Palestinians in the Occupied Territories.

Palestinians and citizenship in Israel

According to Oren Yiftachel, a stratified citizenship has developed in Israel, based on religious belonging (*Middle East Report* 223, Summer 2002). Several types of citizenship have emerged, differentiated by the combination of legal and informal rights and capabilities. Each category, especially among religious groups, is also divided internally on gender lines, with men enjoying a superior position. The groups include: a) “mainstream” Jewish citizens, b) ultra-Orthodox Jews, c) “pseudo-Jews” (mainly Russian immigrants recognised as Jews under the Israeli law of return, but

not recognised as such by the religious establishment), d) Druzes, f) Palestinians holding Israeli citizenship, g) Bedouins, h) East Jerusalem and Golan Arabs, i) Palestinians in the rest of the West Bank and Gaza and j) Immigrant labourers.

The status of permanent resident in the Palestinian occupied territories

As a result of the peace process between the PLO and Israel and the establishment of the Palestinian National Authority (PNA), and shortly after the time when most of the Gaza Strip and parts of the West Bank were handed over to the Palestinian National Authority late in 1995, the Authority began to issue Palestinian passports to residents of the West Bank and Gaza, those who hold a valid Palestinian identity card, either issued by the Palestinian National Authority or by the past Israeli civil administration in the West Bank and the Gaza strip.

Residency in the west bank and Gaza is regulated by the statistics of the Israeli interior ministry, and based on the demographic census carried out by the Israelis after 1967. Those who lost the right of residency in the Palestinian territories, can obtain a Palestinian ID through a family unification request by one of the first degree family members.

Looking at the history of the Israeli treatment of family unification requests, shows a policy of systematic denial of these requests: 89% of the family unification requests were denied by the Israeli authorities under different pleas (*Al-Quds* 17/11/1999). Males who reside in the Palestinian Territories, are older than 22 who, and are not registered on their parents' ID, need an "internal family unification request".

The PNA, according to the peace agreements, can issue a "returnee number" for those who intend to return to the Palestinian territories and do not fit into the above-mentioned categories. The Israeli authorities keep the right to deny these potential returnees their right to enter the Palestinian territories, on the basis of their political affiliation and alleged security threat.

The entire process of issuing travel and residency documents is controlled, directly or indirectly, by the Israeli ministry of interior, where the databases containing the records of residency are stored and updated.

The Israeli authorities allow holders of Palestinian passports¹ to travel through international gateways without additional documents, with the exception of the "Ben Gurion" airport where a special permit to enter the airport area is needed, and is obtained from the Israeli authorities

The Israeli policy regarding Palestinian passports is far from being fixed, and in many cases the authority is given to the ordinary Israeli soldiers located at checkpoints to block Palestinian passport holders from reaching the international gateways.

The Palestinian passport had gained the recognition of 85 countries until now, including most of the Arab countries, the US, Canada and the countries of the European Union².

¹ the issuing of the Palestinian Passport was a part of the Oslo agreement signed in September 1993 .

² these countries include

(Algeria, Austria, Bahrain, Belgium, Brazil, Bulgaria, Canada, China, Columbia, Cyprus, Denmark, Egypt, Finland, France, Germany, Greece, India, Italy, Jordan, Kazakhstan, Malta, Morocco, Netherlands, Norway, Pakistan, Peru, Poland, Portugal, Qatar, Romania, Russia, Saudi Arabia, South Africa, Spain,

Despite Jordan's disengaging from the West Bank in 1988, Jordanian officials do not stamp Palestinian passports at the entry by the Allenby Bridge, because this bridge is located in Occupied territories. Following the disengagement, the Jordanian authorities have initiated a process of withdrawing temporary Jordanian passports held by Palestinians who have a green card. These measures have caused difficulties to many Palestinians, in particular those expatriated in Gulf states who visit their relatives in the West Bank, and their right in entering and who have to produce exit and re-entry visas for not losing their right to come back to the countries where they reside. After the beginning of the Intifada in 2000 an order to prevent any mass emigration from the West Bank, Jordan had restricted entries across the Jordan river, then lifted the restrictions under the pressure of popular protest, and after negotiations with the Palestinian.

Egypt requires an entrance visa for male holders of Palestinian passports under 50 years of age.

Syria restricts the admission of Palestinian passport holders to official delegations and tourist groups, in coordination with the Syrian ministry of interior.

Lebanon restricts the entrance of Palestinian passport holders to official delegations and requires a visa issued by its ministry of foreign affairs for that purpose .

II-1. Government policy on immigration

Two issues will be studied here in relation with the government policy in immigration. the Palestinian draft constitution and the Israeli family reunification policies concerning Palestinians living in the territories.

a) Palestinian Draft Constitution: Negotiating the relationship between the Palestinian diaspora and the future Palestinian State

The PNA has had to resolve the problem of the de-territorialised Palestinian population. In this regard the most instructive discourse is arguably that of Palestine's draft constitution. The document is the work of a Palestinian constitutional committee, established by President Yasser Arafat in November 1999. The Committee's mandate and efforts were endorsed by the Central Council of the PLO at various meetings during 2000. The last version (third draft) appeared in June 2003 will be discussed here, with a focus on contradictions between the national Palestinian discourse and actual practices regarding Palestinian refugees abroad.

The draft provides a definition of the Palestinian citizenship. According to Article (12) "Palestinian nationality shall be regulated by law, without prejudice to the rights of those who legally acquired it prior to May 15, 1948, or the rights of the Palestinians residing in Palestine prior to that date, and were forced into exile or departed there from or denied return thereto. This right passes on from fathers or mothers to their progenitor. It neither disappears nor elapses unless voluntarily relinquished as provided by law. No Palestinian shall be deprived of his nationality. The acquisition and renouncement of Palestinian nationality shall be regulated by law. The rights and duties of citizens with multiple nationalities shall be governed by law."

Sweden, Switzerland, Tunisia, Turkey, Turkmenistan, United Arab Emirates, United Kingdom, United States, Yemen)

According to the draft constitution, the Palestinian nationality applies to those Palestinians who are not able to reside in the Palestinian territories. They are recognised a right of return to the Palestinian state (Article 13), but the constitution is not clear on their right to return to their home (i.e. current Israel).

Regarding their political participation, Palestinians abroad only share responsibilities in the Advisory Council. According to Article 109, an Advisory Council “composed of one hundred and fifty members shall be established. In its formation due consideration shall be given to the ratio of distribution of Palestinian population in Palestine and abroad. The law shall regulate election or appointment of its members according to their countries of residence.” However this council has much less power than the Palestinian National Council. The PNA has given to the diaspora only a reduced role in the emerging state, much smaller in the last version of June 2003 than in the previous draft of 2001.

b) Becoming a Permanent Resident via Family Reunification³

The issue of family reunification (FR) was not mentioned explicitly neither the Oslo Accords (1993) nor in the Cairo agreements (1994). The Taba Agreements (Oslo II, September 1995) finally reasserted the continuation of the Israeli quota of 2,000 cases of family reunification (i.e. up to 6,000 persons) to be granted annually. The only forum dealing with family reunification rather extensively was the Refugee Working Group (RWG) of the multilateral negotiations initiated at the 1991 Madrid Conference. France, functioning as the responsible party (shepherd) for family reunification in the multilateral talks, made efforts to introduce standards which would oblige Israel to pursue a more transparent policy of family reunification in the 1967 occupied Palestinian territories. However, all Israeli concessions in the RWG remained informal and have never been implemented. In 1995, multilateral negotiations went into crisis. No substantial debate about family reunification has occurred since then.

Neither the multilateral RWG, nor the political agreements between Israel and the PLO/PA have introduced significant changes in the Israeli way of handling family reunification. FR functions until today in accordance with the military orders and regulations elaborated by Israel between 1967 and 1993. The only major change introduced by the political agreements is the new role of the Civil Affairs Committee of the PA (CAC) as collector of applications and messenger to the Israeli DCO.

On the other hand, FR has remained the only means for obtaining a permanent resident status in the occupied Palestinian territories, with the exception of Palestinians who have access to repatriation within the framework of the PA (see below, 2. National Numbers).

Although the situation described above suggests that some of the problems of family reunification in the PA areas are caused by inefficiencies in the PA system itself, it must be stressed that Israel continues to be solely responsible for the core problems, which are the following:

³ This section was summarised from Exposed Realities Manal Jamal & Buthaina Darwish (1997) Palestinian Residency Rights in the Self Rule Areas Three Years After Partial Israeli Redeployment. Badi center.

a) Insufficient quota: The current quota of 2,000 family reunifications granted by Israel annually is far from sufficient to reunite divided Palestinian families, even when considering only nuclear families as defined by western cultural standards. The major part of these cases should have been solved not by means of family reunification, but in the framework of the repatriation of the 1967 Displaced Persons. The lack of progress on that matter, however, leaves the current Israeli quota desperately low in comparison to Palestinian needs.

b) Israeli Non-Compliance with the standards set by the multilateral Refugee Working Group (RWG) :

- Denial of family reunification on humanitarian grounds:

Humanitarian hardship cases are mentioned explicitly in the 1993 Israeli Policy Statement as a category eligible for family reunification. Moreover, in 1994, Israel promised in the multilateral RWG to issue criteria defining what it considers humanitarian reasons(4). Despite this, by 1997 Israel has neither approved family reunification for humanitarian reasons, nor specified the relevant criteria.

- Withholding of data:

In violation of all promises and agreements in multilateral and bilateral talks, the Israeli military government in the 1967 occupied territories continues to withhold records of pending applications from the CAC and the PA Interior Ministry. The CAC is supposed to process applications according to the respective submission dates. Yet, they have been unable to do so because Israel is not willing to transfer its lists, and Israeli DCOs continue to handle pre-1995 applications alone.

- Absence of Documentation:

According to summaries of the RWG multilateral talks in 1994 (Bajolet Report), Israel was expected to provide the Palestinian side with precise documentation of its decisions on family reunification (e.g. number of applications received, number of applications approved/rejected, reason for rejection). Between 1994 - 1997, Israel regularly failed to provide this information. Whenever annual figures on family reunification are issued by Israel, these figures cannot be verified due to the lack of basic data. The same holds true for frequent Israeli claims that the quota in district X for year Y is full.

Efforts by human rights organisations to convince the Civil Affairs Committee of the PA (CAC) to protest against the Israeli quota in other ways than by suspending the collection of requests for family reunification were unsuccessful. Human rights organisations had argued that pressure against the Israeli quota could be built only, if a large number of requests, i.e. factual evidence of the need for family reunification, is gathered by the CAC.

Unable to tackle the core problems of family reunification, and faced with frequent and lengthy interruptions of the joint meetings with the Israeli side, the CAC has been working to solve the cases of persons who applied prior to 1995 and to improve internal structures. Thus the CAC suggested the establishment of a central PA Family Reunification Committee to handle all applications in the West Bank and the Gaza Strip, aiming to improve the transparency of PA procedures and prevent nepotism and bribery. The Committee would be staffed by the CAC, its subcommittee for Population Registry, the PNA Interior Ministry, and the PA Preventive Security(5).

By the autumn 1997, this central Family Reunification Committee was not yet established.

Moreover, the CAC worked to formulate new suggestions and proposals which—due to the breakdown of the system of coordination—were never actually presented to the Israeli side:

- Simpler application procedures for family reunification:

Applications should be collected by the PA Interior Ministry in form of simple name-lists (instead of the extensive personal information currently required); these lists should then be studied and approved/rejected by the Israeli side;

- Changes in the quota system:

The current Israeli district quota should be replaced by a central quota for the West Bank and Gaza Strip. This, the CAC hopes, would be followed by the complete abolishment of the quota system.

In October 1997, negotiations between the CAC and the Israeli military government were renewed, and family reunification was one of the issues discussed. In these negotiations, the CAC hoped to achieve finally an Israeli compromise with regard to the annual quota in the West Bank.

Finally, the breakdown of the system of family reunification has strongly effected the lives of Palestinian residents in the PA areas. New marriages lead to more suffering, as couples wed after November 1995 face forced separation with no prospect of living united, legally, and secure, until after the turn of the millennium. Israeli denial of family reunification to newly-wed couples represents a gross violation of international law and standards which cannot be justified by references to the peace process crisis.

II-2. Government policy on emigration

While Israel is encouraging the Palestinians to emigrate out of the Palestinian Territories by many policies, the Palestinian National Authority does not have any specific policy in this matter.

II-3. Government policy on transit migration

a) Palestinian “Visitors” to the PNA Areas⁴

Visitor Permits

Until 1994, Israeli-issued temporary entry permits to the 1967 occupied territories constituted the only major means for maintaining family ties between Palestinian communities in the diaspora and their relatives in the West Bank and the Gaza Strip. Each year, tens of thousands of Palestinian refugees would cross the Allenby bridge at the border with Jordan. Applications for visitor permits had to be submitted by a relative of the visitor. Permits were valid for three months and renewable only with great difficulty.

⁴ This section was summarised from Exposed Realities Manal Jamal & Buthaina Darwish (1997) Palestinian Residency Rights in the Self Rule Areas Three Years After Partial Israeli Redeployment. Badi center.

The Israeli-Palestinian agreements introduced no major changes into the old system of visitor permits. Israel keeps under its control the issuance of any permit to enter the West Bank or the Gaza Strip.

Agreements and Regulations

According to the 1994 Cairo Agreement, visitor permits granted by Israel are valid for 90 days. The PA is authorised to renew them once for an additional four months. Further renewals require the Israeli authorities' approval.

The 1995 Taba Agreement (Annex III, Article 28/13) included several procedural changes which promised a somewhat less restrictive situation:

- Israel agreed to issue visitor permits throughout the whole year (and not only in the summer season);
- Both relatives and friends (not only first degree relatives) were to be eligible to submit an application;
- Visitor permits would allow the holder to enter East Jerusalem and Israel.

Since May 1994, residents of Jericho and Gaza wishing to obtain a visitor permit for a relative must submit an application to the PA Interior Ministry. The same applies to the rest of the West Bank since the Israeli redeployment in 1995. Applications collected by the PA Interior Ministry offices are then taken by the CAC to the nearest Israeli DCO for approval.

One improvement reported by the CAC is the fact that the payment (approximately NIS 80, that is US\$26) must only be made upon receipt of the permit, and not when applying as previously required.

The PA had originally hoped to further improve the new system created by the agreements with Israel. Among the ideas raised in 1995 was the facilitation of applications directly from abroad: visitors would apply to the PLO/PA representations abroad, the latter would forward the applications to the CAC in Gaza, then they would be processed by Israel, after which the permit would be deposited at the border where the visitor would receive it upon arrival.

A disappointing implementation

Gaza Strip and Jericho, 1994-5:

Immediately after the Israeli redeployment on 17 May 1994, the PA began handling visitor's permit applications in these areas. According to PA sources in Gaza, 50,000 Palestinians entered the autonomous areas on Israeli-issued visitor's permits between 17 May 1994 and April 1995. Most of them (35,000) entered the Gaza Strip during the summer of 1994. When their visitor's permits expired three months later, the majority wished to stay on and obtained a four-month renewal from the PA. By March 1995, almost all of these visitor's permits expired and Israel turned down all requests for a third extension. In April 1995, the CAC reported that Israel demanded from the PA to take measures to ensure that all Palestinian visitors with expired permits would leave the country.

West Bank 1994-5:

Between November 1994 and mid-1995, the Israeli military authorities engaged in what seemed a last effort to evict Palestinian visitors with expired permits from the

West Bank still under Israeli control. Dozens of Bethlehem district residents were summoned by Israeli Civil Administration officers. In the northern West Bank, army raids of peoples' homes accompanied the summons. The summoned residents' ID cards were confiscated. Then, they were informed that their visiting relative (mostly spouses) must leave the country.

Two army raids in the villages of Qabalan/Nablus and Kharbatha/Ramallah resulted in the actual detention and deportation of several people to Jordan (al-Quds, 2/6/1995). Subsequently, human rights organisations intervened at the headquarters of the Israeli military government in Beit El. Yehuda Cohen, the officer in charge at Beit El, claimed that there was no new policy of deportation and the summons were personal initiatives of local Civil Administration officers. Consequently, confiscated ID cards were returned and human rights lawyers obtained temporary restraining orders for their clients.

In summer 1995, two years after the signing of the Oslo Accords but prior to the Israeli redeployment from West Bank (except Jericho), human rights lawyers were informed by the Israeli State Attorney that non-resident spouses of West Bank residents not covered by previous agreements with the Israeli High Court would no longer be issued visitor permits. Their justification was that there is a strong reason to suspect that they will not leave the country upon expiration of their visitor permits. Such spouses would be allowed to enter the country only after they are granted family reunification, i.e. a procedure implying years of waiting.

Following Israeli redeployment in the West Bank (November 1995 - 1997):

Starting in November 1995, the PA was supposed to begin handling visitor permit applications in all major West Bank towns (except Hebron). However, Israeli-reinterpretations of the Taba Agreement (1995), in addition to the hermetic military closure imposed on the PA areas after the March 1996 bus bombings in Tel Aviv and Jerusalem, lead to a situation where visitor permit procedures came to a stand-still before the PA ever actually started to work. Throughout 1996 and 1997 the number of visitor permits issued remained way behind the original expectations, due to frequent military closures and interruptions in Israeli-Palestinian coordination. Visitor permits are not on the immediate agenda of the negotiations renewed in October 1997 between the CAC and the Israeli military government (Beit El). The CAC intends to tackle this issue only after other priority issues (family reunification, PA identity cards) are settled with the Israeli side.

The only category of visitors not encountering significant problems were spouses of Palestinian residents covered by the November 1992 Israeli High Court Agreement. As in the past, Israel continues renewing their six-month visitor's permits.

Core Problems Pertaining to Visitors' Permits

Israeli Re-interpretation of the Taba Agreement (Article 28/13):

Israel requires - in contravention to Article 28/13 of the Taba Agreement - that applications for visitor permits be submitted by a first degree relative (parent, sibling, child). Moreover, Israel introduced additional requirements not mentioned in the Agreement, e.g. applicants for visitor's permits must document that:

- s/he has permanent resident status in another country;
- s/he possesses a valid passport of another country;

In contravention to the Taba Agreement, Palestinian visitors have not been permitted to cross the Israeli checkpoints into Israel and occupied East Jerusalem. According to the CAC, the chief Israeli negotiator on civil affairs under the Rabin-Peres government, Oren Shahor, informed the PA immediately after signing the Taba Agreement (September 1995) that Israel would not implement this provision of Article 28/13. Since then, CAC negotiators have tried to obtain a compromise by offering various new formulas (e.g. a special Israel-entry visa attached to the visitor's permit), but to no avail. PA Interior Ministry staff in Bethlehem expressed the suspicion that this Israeli policy was part of a broader Israeli scheme, i.e. to prove to the population that the PA is inefficient. For example, visitor's permits issued via the PA do not allow access to East Jerusalem and Israel, its holders are subject to the Israeli-imposed military closure, while Palestinians coming from Jordan on an Israeli-issued tourist visa are permitted to move freely and even allowed to cross the checkpoints in their private cars.

By the end of 1996, PA Interior Ministry offices reported that the Israeli DCO refused to accept applications for visa extensions submitted by foreigners residing in the West Bank PA areas. Holders of foreign passports could only obtain a renewal directly from the Israeli Interior Ministry, or - if rejected - leave the country. The Israeli DCO at the Erez checkpoint/Gaza does not object to extending visas for foreigners residing in the Gaza Strip, however these visas, extended via the PA, do not permit entry into Israeli state territory. By mid-1997, Israeli DCO offices in the West Bank began adopting the policy of the DCO in Gaza.

Denial of Visitor's Permits on Security Grounds:

Israel continues its old practice of claiming unspecified security reasons to justify the rejection of applications for visitor permits. In the absence of legal redress, the CAC may only re-raise the case of a rejected application in the joint meetings with the Israeli side.

Break-down of Israeli-Palestinian Coordination - Pile-up of Applications:

Already in early 1996 it was obvious that the demand for visitor permits far exceeded the number of applications processed by the Israeli side. Additional military closures of PA areas A and the total collapse of the system of Israeli-Palestinian coordination led to a situation where hundreds of applications remained unattended for months. In order to avoid additional pile-up of applications, the PA Interior Ministry decided by mid-1996 to accept no more than a quota of 100 applications per week.

Illegal Visitors and Israeli Pressure on the PA:

Due to Israel's restrictive renewal policy and the lack of progress in the political negotiations over all forms of repatriation, many Palestinian visitors decided to stay in the country even after their visitor permit expired (15,000 persons between 1994 - March 1996 according to PA sources). Israel can no longer deport persons living in Palestinian areas A (mainly towns). Still, living in the occupied territories without valid documents contains considerable hardship and risk. These Palestinians face difficulties in finding employment, access to educational institutions and legal transactions, the impossibility of travelling abroad, and the danger of being picked up at one of the Israeli checkpoints between Palestinian towns. Thus, the risky option of staying on illegally is chosen mainly by the desperate and poor. These may be persons who are not permitted re-entry to the country of their previous domicile (e.g.

approximately 6,000 persons from Libya and Kuwait), and/or persons who have no hope for rapid family reunification (elderly parents, spouses, ill relatives).

Already in March 1996, only three months after the hand-over of civil affairs to the PA, Israel informed the PA Interior Ministry in Bethlehem of 960 allegedly illegal persons present in the district. The issue of illegal persons is regularly raised by the Israeli side in joint meetings on all levels. Israel claims that a total of 36,000 people with expired visitor's permits are currently staying in the West Bank and the Gaza Strip and demands action by the PA. The PA-CAC has been trying to counter the Israeli pressure by preparing detailed case lists based on field research. According to the CAC, these findings show that many of the allegedly illegal over-stayers have either left the country, obtained other types of visas (students, investors), or have been registered as residents. Therefore, the Israeli figures are exaggerated.

b) Special Visitors to the PNA

According to the Taba Agreement (Annex III, Article 28/13), Palestinian professionals and investors may be issued special visitor permits - again pending Israeli consent. Applicants must enter first on a regular visitor permit or visa and then submit an application for a work permit to the local Palestinian Interior Ministry offices. The application is then transferred to the CAC, which negotiates each case with the Israeli side. If the application is approved, a six-month work visa is issued and renewed once for another six months. If the applicant holds a visa which permits entry to East Jerusalem and Israel, his/her work permit will also permit crossing the Israeli checkpoints. If the original visitor's permit is restricted to the PA areas, the attached work permit will include the same restriction.

In 1995-6 the CAC filed 250 applications for professionals working in PA institutions, investors, employees in the private sector (large enterprises only) and in local and international NGOs. By December 1996, Israel had approved 140 special work visas.

c) Palestinian Tourists in Palestine

One implication of the 1994 peace agreement between Jordan and Israel is the fact that - for the first time since 1948 - Palestinian citizens of Jordan, i.e. the vast majority of Palestinian refugees in Jordan, can visit Palestine on an Israeli tourist visa. Thus, the first alternative to the traditional Israeli visitor's permit system was established.

Entering Palestine as a Palestinian tourist certainly has many implications on the political-symbolical level. It symbolises termination of the Palestinian refugees' historical rights to Palestine. This symbolism has concrete expressions also on the legal level. Palestinians entering on an Israeli tourist visa (and not on a visitor's permit) cannot take advantage of the provisions of the November 1992 Israeli High Court Agreement (six-months renewable visitor's permits), nor of the new visa arrangements based on the Israeli-Palestinian agreements (four-month renewal of visitor's permit via the PA).

Israel certainly has a vested interest in Palestinian tourism. However, the fear of being flooded by thousands of refugee-tourists who come to stay and join the cheap labour market in Israel, has compelled Israeli authorities to maintain a strongly selective visa policy. Jordanian applicants for tourist visas are screened thoroughly. Visas are only issued to certain categories (not to young males who could be seeking employment in

Israel, travellers in guided group tourism, etc.). Moreover, tourist visas are issued for very short time periods (only 5 - 10 days).

II-4. The Law on the Encouragement of Investment

The Palestinian National Authority has created a framework of economic laws to encourage and support foreign and local investment in Palestine. The implementing agency is the Palestinian Investment Promotion Agency (PIPA). These laws were drafted to help protect potential investors from undue risk and to promote the profitability of their investment. The *Law on Encouragement of Investment in Palestine* of 1998 encourages capital investment in all sectors of the Palestinian economy by both local and foreign corporations registered to do business in Palestine. The Palestinian Authority hopes that increased capital investment growth will generate jobs, and help to develop an export-oriented manufacturing base.

The Law contains the following incentives:

1. Various exemptions on customs duties apply to spare parts (meeting certain criteria), fixed assets for developing or enlarging an already existing enterprise, and price increases due to changes in costs associated with price hikes in the exporting country, or increases in shipping or transformation costs.
2. Exemptions on income taxes are also granted to investments greater than US\$100,000, with nominal tax rates applied thereafter on net profit for a given number of years, based on the size of the investment.
3. Additional exemptions and incentives may be granted to enterprises engaged in export activities.
4. Special incentives and exemptions apply to investments in hospitals and hotels.

II-5. Return migration

In 1948, 800,000 Palestinians were expelled or fled out of fear from their homes in what is now Israel, and they never have been allowed to return. In 1967, by the most conservative estimate, more than 200,000 Palestinians fled their homes in the West Bank and the Gaza Strip when Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip. They and their descendents are often referred to as the “1967 Palestinian displaced persons.” The 1967 displaced persons have never been allowed by Israel to return to the Occupied Palestinian Territories. Today, the original Palestinian refugees and their descendents are estimated to number more than 6.5 million^[4] and constitute the world’s oldest and largest refugee population, making up more than one-fourth of the entire refugee population in the world. More than any other factor, the dispossession and suffering of the Palestinian refugees have fuelled the Palestinian-Israeli conflict. And more than any other factor, their fate is the key to its resolution.

At the Camp David summit, Palestinian and Israeli negotiators overcame an important barrier by discussing the Palestinian refugees seriously for the first time, but they remain sharply divided on the issue. As before, Israeli officials maintain that the

creation of the Palestinian refugee problem had nothing to do with Israeli policies and practices. They claim instead that the Palestinian exodus was prompted by calls from Arab leaders for Palestinians to flee--or simply by the tragedy of war--even though substantial evidence from recently declassified official Israeli sources reveals premeditated plans to expel and transfer indigenous Palestinians across the borders into other Arab states.

a) The Right of Return of the Palestinian Refugees

The right of return is enshrined in international law.

The UN Resolution 194 - (passed on 11 December 1948 and reaffirmed every year since 1948) [10] stipulates that "...the [Palestinian] refugees wishing to return to their homes and live at peace with their neighbours 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 which, under principles of international law or in equity, should be made good by the Governments or authorities responsible."

The Universal Declaration of Human Rights says that "Everyone has the right to leave any country, including his own, and to return to his country." (Article 13(2)).

The International Convention on the Elimination of All Forms of Racial Discrimination stipulates that "...State Parties undertake to prohibit and to eliminate racial discrimination on all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of...the right to leave any country, including one's own, and to return to one's country." (Article 5(d)(ii)).

The International Covenant on Civil and Political Rights stipulates that: "No one shall be arbitrarily deprived of the right to enter his own country." (Article 12(4)).

According to the international practice - in Bosnia, East Timor, Kosovo, and Rwanda - refugees have had their right of return honoured. In Kosovo, the right of return was considered a "non-negotiable" issue. (PLO Report: *Double Standards: How the International Community has Taught Israel that it is Above the Law*).

b) The Palestinian Position on Refugees

Palestinian refugees must be given the option to exercise their right of return (as well as receive compensation for their losses arising from their dispossession and displacement) though refugees may prefer other options such as: (i) resettlement in third countries, (ii) resettlement in a newly independent Palestine (even though they originate from that part of Palestine which became Israel) or (iii) normalisation of their legal status in the host country where they currently reside. What is important is that individual refugees decide for themselves which option they prefer – a decision must not be imposed upon them.

III. Israeli and Palestinian Debates about the Palestinian Right of Return

Palestinian national identity is founded on the narrative of the *Nakba*, the catastrophe of 1948 which ended by the dispersion of the Palestinian people. The right of return first emerged as a credo within the diaspora, before being propagated in the

Palestinian Territories. However, it does not bear exactly the same meaning for the different communities. Indeed, the commemoration of Nakba Day was, until recently, more important in the diaspora than in the Palestinian Territories.

From the beginning of the nineties, it was these associative organisations in Europe and America that carried the flame of the Right of return. The Al-Awda network ('Return') was founded in 1994 on the basis of a coalition of associations in the UK, Germany, Denmark, Belgium, the United States and Canada. Then, it spread to the Arab countries neighbouring Israel before taking root in the Palestinian Territories. This network, composed of Palestinian Diaspora activists and supporters of Palestinian nationalism, has attempted to lobby Human Rights Watch and Amnesty International for positions in favour of the Right of return for Palestinian refugees. This reflects a rare case of a Southern network undertaking the effort of influencing the policies of Northern organisations.⁵

Al-Awda was successful in organising activities, such as meetings, peaceful demonstrations and information campaigns. Thanks to this movement, many Palestinian communities in various western countries began to organise themselves.

In this context a polemic arose after professor Sari Nusseibeh declared that, in the framework of a two-state solution, the Palestinians could not demand the return of the refugees to their homes inside of the Jewish entity, to which Al-Awda responded by demanding professor Nusseibeh's dismissal from his post.⁶

⁵ One can consider it like a network of a region of the South, even though it is partially implanted in the North, because in this case its leaders are the immigrants who have often been installed there quite lately.

⁶ For more information about the different reactions, see <http://www.shaml.org/ground/index.htm> and especially:

- Reactions from Al-Awda (petition), Badil's response, and Salman Abu Sitta (in English)
- BADIL Resource Center: Public Statement Issued by Palestinian Popular Institutions, Organisations and Unions (BADIL E-Mail Update 11/20/01)
- Response by Gershon Baskin, IPCRI Director, to Aaron Lerner of IMRA concerning the SariNusseibeh Controversy (www.imra.org/il, 11/18/01)
- Statement from Palestinians in UK: The right of return is non-negotiable and cannot be annulled by time (in Arabic) (e-mail distribution 11/17/01)
- Palestinian Minister of Information Yasser Abed Rabbo On the Right of Return: Brookings Institution Debate with Yossi Beilin and Martin Indyk (from Ha'aretz, Akiva Eldar, 11/22/01)
- Communiqué from Fateh Youth Organisation, Al Ayam, Ramallah, 23/11/2001(in Arabic)
- Clarification from Fateh Youth Organisation, Al Quds Newspaper: Jerusalem, 26/11/2001 . (in Arabic)
- Report of the Palestinian Right of Return Coalition Second Annual International Coordinating Meeting (BADIL Resource Center 12/5/01)
- Letter to Sari Nusseibeh. No Right for Any Official to disregard 70% of the Palestinian people, by Asad Abdel Rahman, Al Quds Al Arabi: London, 4 December 2001 . (in Arabic)
- From Naif Hawatmeh to Sari Nusseibeh, Al Quds Al Arabi: London, 3 December 2001 (in Arabic)
- Benny Morris Tells Yediot Ahronot: "we must not recognise the right of return" (Middle East Media Research Institute, Special Dispatch 12/9/01)
- Nusseibeh: Palestinian State Will Solve Refugee Problem (12/21/01)
- Article about Sari Nusseibeh. Noblesse Oblige, By Vered Levy-Barzilai, Ha ' aretz, December 29, 2001
- An Open Letter to Prof. Sari Nusseibeh, By Nizar Sakhnini, December 30, 2001 5:23, publishe by Al Awda.

The point raised by Prof. Nusseibeh was not very new. Azmi Bishara, deputy of the Israeli parliament, had already made the same remark⁷ What was new is the context in which it was raised. Nusseibeh made his declaration in the pragmatic framework of the Oslo process, while Bishara had pointed out as a contradiction contained in the two-state solution the fact that it could lead to the establishment of an apartheid-like system in Israel. Palestinian officials, like Saeb Erekat and Yasser Abed Rabbo, have clearly reiterated their long-standing contention that while the Right of return should be recognised, its implementation should be flexible. In an article published by the *New York Times* (3 February 2002), Yasser Arafat himself clarified the PNA position: “We seek a fair and just solution to the plight of Palestinian refugees who for 54 years have not been permitted to return to their homes. (...) We understand Israel's demographic concerns and understand that the right of return of Palestinian refugees, a right guaranteed under international law and United Nations Resolution 194, must be implemented in a way that takes into account such concerns.” Taking care of Israel's demographic represented a major concession towards accepting Israel as a Jewish state.

It may be useful to look in some detail at how this debate was received by Palestinian and Israeli audiences.

a) The Israeli debate

The reactions generated in Israel by Prof. Nusseibeh's declaration reflect a failure to recognise the debate in Palestine and the existence of voices of reason who can influence the Palestinian public opinion. This is, for instance, one of the messages of Zvi Bar'el in his article entitled “Separating the right from the return” (Ha'aretz, November 24, 2001). Danny Rubinstein, one of the columnists of Ha'aretz, summarises the Palestinian debate by this sentence: Nusseibeh's declarations “are the extraordinary that prove the ordinary” (Ha'aretz, November 12, 2001). The Israeli historian Benny Morris also considers Sari Nusseibeh “an exception. His statements are putting his life in danger. He is not one of the first rank senior leadership. I never

- Palestinian Refugees have every right to return, by The Palestine Right to Return Coalition (Al Awda), January, 1 2002 .

- [AL-AWDA-News] By Fawaz Turki; Please, don ' t speak on our behalf

- [Yediot Ahronot] Sari Nusseibeh - THE TROJAN HORSE / Saar, 1/1/2002 .

- The Issue of Refugees: A Cause not to be Desecrated, Fateh online, Editorial, 15/11/01

- The return of the intellectual, By Meron Benvenisti, Haaretz, 15 November 2001.

⁷ Azmi Bishara states: “It is impossible to apply the right of return in the two-state framework! There is a structural contradiction between the two-state solution and the right of return for Palestinian refugees, which would change the demographic nature of the Jewish state, with the permission of the Jewish state itself. The Palestinian national liberation movement should decide whether the establishment of the Palestinian state without the right of return constitutes an acceptable historical compromise (as long as the state has sovereignty over the Haram al-Sharif and as long as the agreement allows refugees to return to inside the state's borders). If such a historical compromise is impossible from both Palestinian and Israeli points of view, we have before us a long struggle against apartheid, a struggle based on full citizenship for two peoples in one country. Israel will prefer a total war over this last option.” Azmi Bishara, “Liberating the Homeland, Liberating Human Beings,” *Wijhat Nazar* 23 (Cairo: al-Ahram, December 2001). [in Arabic], reprinted in Bishara, Azmi (2002) *The Site of Meaning. Essays from the first year of the Intifada*. Ramallah: Muwatin, p. 80 (in Arabic).

heard Mohammad Dakhlan, Jibril Rajoub, or Abu Allah and their guys saying this. Even if they will sign on such a text at one stage or another, a new generation will emerge in ten or twenty years and will argue that they had no right to give up [the right of return]" (Yediot Ahronot, December 9, 2001).

These comments show how the debate on the Palestinian side is unacknowledged in Israel. Since the declaration of Sari Nusseibeh, many discussions have been held in newspapers, inside political parties and in the camps. The debate even assumed the form of an exchange of communiqués from the Fateh Youth organisation supporting Sari Nusseibeh and then a response from another faction inside Fateh, which reiterated the traditional position of the Palestinian leadership. By contrast, and especially since the beginning of the second Intifada, the Israeli media has reverted to a traditional response. For the first time, scholars like Benny Morris⁸ and A.B. Yehoshua have voiced a very positional discourse relating to the question of Palestinian return with a highly emotional phobia, along the three following lines.

First, it is a discourse which deals with the conflict in psychological terms: there are a lot of writings about Israeli anxieties, worries and nightmares, and about Palestinian hatred.

Second, the discourse is ethnically centred. A major concern is demography and how the return of returnees would throw into disorder the legacy of ethnic cleansing. In the media, Israeli public relations campaigns have indeed worked intensively since Camp David to convince the world that there is actually even the possibility of massive Palestinian return, in order to bolster Israel's claim that return means the disappearance of Israel through the destruction of its demographic balance, i.e. its "Jewish character". This perspective has been disseminated in articles published in Israeli and Western newspapers by members of the Israeli "peace camp", including Amos Oz⁹, Benny Morris¹⁰, A.B. Yehoshua¹¹ and David Grossman¹². Starting from such premises, any serious discussion of the Palestinian right of return seems impossible.

⁸ See for instant the interview with Benny Morris ("The Arabs Are Responsible" Post-Zionist Historian Benny Morris Clarifies His Thesis) in Yediot Ahronot, December 9, 2001.

⁹ In an article published in The Guardian on 5 January, novelist and founder of Israel's Peace Now movement, Amos Oz, reiterated the view that Palestinians were rejecting "the most far-reaching offer Israel can make" by insisting "on the right of return for millions of refugees to their homeland".

¹⁰ He states: "any mentioning of the right of return is a disaster, a recipe for the destruction of the State of Israel. Even if Arafat will agree that Israel will only recognise its responsibility in creating the refugee problem while the Palestinians give up the actual right to implement it, Israel must still object to such a proposal If you recognise the responsibility, millions will demand their lands in return immediately thereafter. If the notion of the right of return will be recognised, there is also going to be an attempt to utilize that notion, and that will be the end of the State of Israel. [If that happens], there won't be a Jewish State here." (Yediot Ahronot, December 9, 2001)

¹¹ See his article in French newspaper, *Liberation*, July 23, 2002.

¹² "They might be the biggest population group in a state whose essence and symbols they had always rejected, and whose extinction had been their highest aim" David Grosman, "No right of return", Frankfurter Allgemeine Zeitung, 10/1/2001, p.43.

Finally this discourse is hegemonic. In his article “Refugees forever”, Yossi Alpher¹³ wrote that “Israel could recognise some humanitarian right of family reunification, which Palestinians could label ‘return’ for all first generation refugees, i.e., those over 54 who were actually born in present day Israel, who wish to return and who have relatives that could assist in their absorption. Their number would not be large, nor would they affect the long-term demographic balance, but their ‘return’ could provide a degree of satisfaction for the Palestinian narrative without seriously challenging the Israeli narrative”. At a rally of 15,000 organised in Tel Aviv on February 16, 2002 by Peace Now and the Beilin-Sarid “Peace Coalition,” Nusseibeh demanded justice for the refugees and spoke of the need for Israel to take responsibility for the creation of the refugee problem and to apologise. But the Peace Now report on the rally recorded only Nusseibeh’s statement that “the path to peace is through the return of the refugees to the state of Palestine and the return of the settlers to the state of Israel.” As the Israeli sociologist Lev Grinberg argued, this partial silencing of Nusseibeh reveals the game played by his counterparts. It is telling that a main slogan at the rally was: “Leave the territories and be ourselves again.”

Yehudith Harel, member of the Peace Now movement, summarised the attitude of many Israeli intellectuals by criticising one of the articles of Amos Oz, published in the British newspaper, *The Guardian*: “The attitudes reflected in Oz’s article, even more than the political positions expressed, are the epitome of the intellectual corruption and the emotional handicap of the Israeli mainstream peace camp intelligentsia. This has generated within Israeli circles a deep-rooted, patronising, self-righteous discourse, a lack of empathy for other people’s suffering, a lack of understanding of their perspective and needs and, above all, an almost chronic conviction that the ‘other’ has to act in the best of Israeli interests.”¹⁴

b) The Palestinian debate

The Palestinian debate suffers from a lack of strategic political discourse. It presents the following characteristics.

The First characteristic is moral background of the Palestinian discourse, based on the idea that the Palestinian cause is a just one. With regard to the issue of refugees, the position is that the refugees, being uprooted from their land, should return home in accordance with the international law and human rights principles.

The second characteristic is the search for a national consensus. Some voices from the Diaspora and within the Palestinian Territories have called for a “national consensus” with a view to silencing Sari Nusseibeh and those who had addressed for the first time several unspoken and ‘unthinkable’ issues, in the same vein as the Islamist movement arguing that some topics are not up for discussion because it would be in violation of “God’s Will” or in “contravention of the Koran”.¹⁵ But it is unclear what this national consensus consists in. With regard to the issue of the refugees, is it a consensus that addressing the question should await the implementation of their Right of Return?

¹³ bitterlemons.org - Palestinian-Israeli crossfire on "Refugees and the right of return", December 31, 2001.

¹⁴ Yehudith Harel, “Peace Now and its ‘Other’”, *Al-Ahram Weekly*, 11 - 17 January 2001, Issue No.516,

¹⁵ See for instance Hossam Khader, Palestinian legislator from Balata camp: “Sari Nusseibeh has taken himself away from the national camp”.

The third characteristic of the Palestinian discourse is to be externally oriented, based on fragments of positions usually taken under pressure to answer specific crises. This discourse also integrates many tactical elements and differs from one constituency to another.

Thus, what is lacking in the Palestinian discourse is the strategic dimension which would at the same time be based on moral premises, take into consideration the international context and the balance of power in international relations, and make it understandable to the public. From this point of view, declarations made by Sari Nusseibeh's at the Hebrew University and Tel Aviv University could generate more debate around the Right of Return and the return of Palestinian refugees within the Oslo framework than statements published by Azmi Bishara in the Egyptian Arabic monthly journal, *Wijhat Nazar*. Nobody has had the courage, before Sari Nusseibeh, to launch a discussion about what is possible and what is not in the context of the Palestinian Right of return, in particular the distinction he made between the concept of the Right of return and the volume of refugees who would actually exercise this right.

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Surveys

Fafo, the Norwegian Institute for Applied Social Science has carried out a survey on living conditions of the Palestinian refugees in Lebanon and Jordan (Khawaja and Tiltes, 2002)

Palestinian Diaspora and Refugee Center, Shaml's survey on family networks through visits, phone calls, and the use of cyberspace and the decision of return is based on interviews (200 in West Bank, 100 in Gaza, 200 in Israel, and 150 from abroad).

The Palestinian Center for Policy and Survey Research (PSR) conducted three major surveys among Palestinian refugees in three areas: the West Bank and the Gaza Strip (WBGs), Jordan and Lebanon, which showed that the overwhelming majority of the refugees (more than 95%) insist on maintaining the "right of return" as a sacred right that can never be given up. These surveys seek to find out how refugees would behave once they have obtained that right, under various conditions.

Arab Thought Forum Survey (1990) on out migration from Palestinian Territories

Public opinion polls concerning Palestinian refugee issues have been conducted in Israel by the Jerusalem Media and Communications Centre, among both the Jewish and Palestinian population (Zureik, 1999). The Israeli Palestinian Center for Research and Information (IPCRI), have also conducted a survey entitled *Palestinian Refugees and the Negotiations for Permanent Status*: <http://www.ipcri.org/files/refugee-survey.html>)

Birzeit University, Social Health Department: coordination with FAFO on refugee camp health data.

Database on migration

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