



CLS & RIIA
PALESTINIAN REFUGEES IN THE SEARCH FOR MIDDLE EAST PEACE
Consultation Workshop Report on the Middle East Crisis
April 2002

Aide Memoire

Under the auspices of the CLS/RIIA project on *Palestinian Refugees in the Search for Middle East Peace*, a consultation workshop was held at the end of April 2002. The purpose was to take stock of the deepening crisis in the Middle East, and discuss the potential implications for the Palestinian refugee issue. Present were representatives from the international donor community, NGOs, Arab host countries, refugees and other specialists on the refugee issue.

The discussions covered six broad areas: impact of the latest Israeli military operations in the West Bank/Gaza; regional fallout and prospects; international community reactions; immediate priorities; implications for the refugee issue; and the way forward.

This summary highlights issues raised in the discussions, without attribution. Participants did not necessarily share or endorse all the views expressed, so this summary should not be taken as a consensus view or comprehensive treatment of the topics, but rather as an *aide memoire* on key points raised in the discussions.

I. Impact of Military Operations on the Palestinians, April 2002

Initial rough estimates on the ground suggest that over half of the Palestinian Authority's (PA) ministries have been destroyed (including confiscation of computer hard-drives) while approximately one third of the ministries have been partly damaged (had their files taken). However, while there were certain obvious targets like the Ministry of Education, others, like the Ministry of Housing and MOPIC have been left virtually untouched. In Jenin refugee camp, around 500 houses have been completely destroyed, 200 partly destroyed and 150 are partly habitable. In Bethlehem there has been considerable damage to people's homes and offices, although most of the damage is in the Old City. Throughout the West Bank approximately 40 schools have been completely destroyed – and, it was noted, while ministries mostly have back-up systems, there is no quick way of rebuilding a school.

Participants also noted that much of the damage occurred where no fighting took place and, having consulted relevant maps, it is clear that the invading forces could have avoided many of the buildings which have been razed.

In terms of the financial value of the damage caused, it is estimated that Nablus on its own has sustained around \$80 million worth of damage while the World Bank concludes that the damage caused throughout the West Bank for everything – including personal and business items – is approximately \$300 million.

An exploration of the possible motives behind the military operation and explanations for the choice of tactics used indicates that the factors involved were political, military and geopolitical/historical.

According to one view there were three primary types of damage caused. These were a) confiscation of belongings b) the effects of the sanctions and c) vandalism. The vast majority of the damage was a result of (c). This, together with the fact that much of the damage varied by locality, implies variations in the level of Israel Defence Force (IDF) discipline. There was not necessarily an order from senior Israeli figures to vandalise, but no IDF members were publicly reprimanded for abusing their positions.

A host of possible political motivations for the re-invasion were suggested, including that Sharon may be using this violence as a way of destroying the PA's ability to govern which, in turn, could lead to the emergence of a new Palestinian leadership. Taking this a step further, it could be that Sharon is actually trying to destroy the Palestinian society itself - *sociocide*. It was also argued that Sharon realises he may be forced into negotiations with Arafat, but wants to ensure he is in the strongest possible negotiating position. The example given was that Sharon is arguably trying to not only consolidate Israeli control of Areas A and B but re-introduce a 'Civil Administration' there as well. Finally, it was suggested that because much of the violence has been directed against the refugee camps this might be Sharon's way of trying to rid the West Bank of its existing refugee presence!

With regard to possible security reasons, one view is that Sharon deems Oslo defunct and wants therefore to take direct charge of all security provision. With respect to the refugee camps, Sharon has stated that many of their inhabitants' pose a significant terrorist threat to Israel and its citizens – maybe he sees this as a justification to try and destroy them. Indeed, perhaps the systematic way in which the IDF targeted the administrative structures of the PA and confiscated electronic and paper files might have been in order to try to discredit, undermine and eventually demolish the Authority.

The geopolitical/historical motivations detected in Israel's actions have to do with the historical/religious value attached by Israelis to the West Bank, which has led them to resist a reduction of their strategic presence there. According to this logic, the current crisis is seen as an opportunity to redesign the geopolitical situation on the ground, or draw a new 'Seam/Green line'. This might also explain why the recent operation has been almost totally concentrated in the West Bank rather than Gaza.

The implications of the crisis and consequences of the damage are not necessarily all negative. Two positive elements were identified. Firstly, there is a strong sense of solidarity amongst Palestinians in the West Bank. Secondly, there is a feeling amongst the international community that this may provide an opportunity to rebuild much of the West Bank, particularly the refugee camps, in a much better way.

Aside from such consideration, many negative consequences were identified. In terms of practical issues the disruption caused by the Israeli incursions into the West Bank have resulted in day-to-day frustrations as local producers don't know how to get their goods to the cities and local people don't know how to get hold of various commodities. The violence has also affected the financial well-being of the Authority. This is partly because Israel has been withholding the PA's tax income and because a number of donors have not paid their contributions to the PA. However as a direct result of the military operation, the civil infrastructure in the West Bank – particularly the Ministry of Finance – has been destroyed and this has not only resulted in confusion but has meant that many Authority employees (approximately 700 000) have not been paid. Furthermore, fairly obviously, the destruction of Palestinian property throughout the area has constituted a direct loss for many. Finally, in

considering the security implications, it is questionable whether Arafat will be able to control any domestic violence in future given that his security forces have been the target of numerous Israeli attacks.

International humanitarian organisations have also found that they have been treated with little respect by Israeli forces in recent weeks and in the worst cases, like Jenin, this has meant that many injured and suffering people could not be rescued.

The duration and brutality of the violence, it was argued, has had an impact on many aspects of Palestinian, and Israeli, society. Firstly, in the absence of any significant action by outside parties, many Palestinians have lost all confidence in the willingness of the international community to protect them. Secondly, following approximately 18 months without any constructive dialogue it is likely that both sides have become increasingly alienated from and hostile to one another, interpreting negatively each other's motives and concerns. Finally, that the viciousness of many recent attacks, including *both* Palestinian suicide bombings and Israeli incursions into Jenin and Nablus, will have left both psychological and physical scars on individuals and the two societies.

Given the breakdown in normal communications and the isolation of sub-communities in Palestinian society, the ability of organisations like Hamas and Fatah to represent and galvanise a fragmented population may have been reduced. The situation has been aggravated by the fact that neither organisation has been prepared to have a real and frank debate with their constituencies regarding the objectives of the Intifada, let alone identify what the bottom line is or should be.

Finally, the violence has undoubtedly severely damaged the Oslo process. It has destroyed two of the principles which underpinned Oslo – a) that the PLO/ PA were the best Palestinian interlocutors and b) that Arafat was a partner. Furthermore, the fear that was overcome at Oslo – that Israel felt existentially threatened – has returned, and this may have profound implications for the duration of the conflict. It has also turned the conflict into a zero-sum war, which both parties believe they are winning. And finally, both parties are now stuck in their negotiating positions, because Sharon can't offer what Barak did and Arafat can't accept less than Barak offered.

To conclude on this session, initial assessments of the consequences of the April reoccupation put the costs in physical destruction of property and the PA infrastructure very high. It is clear that certain targets were deliberately selected, while there were also arbitrary acts of vandalism. The motivation behind much of the violence seems to indicate a desire to fatally weaken the ability of Arafat and the PA to effectively govern the West Bank and Gaza and to erode the Palestinian identity itself. The conduct of the Israeli operation demonstrated disregard, if not distrust, for international humanitarian organisations and their work was hindered. The deep polarisation between Israeli and Palestinian society was sufficiently grave to lead some to question whether this may be the end of the two-state solution.

II. The Regional Fallout and Prospects

The consequences of the recent military escalation for neighbouring Arab states are most profound in Jordan. This is partly because of the intimate relationship between the Palestinian 'street' in Jordan and the West Bank (as borne out by the slogans in recent demonstration). Equally, because of its proximity, Jordan would become the logical first destination of Palestinians seeking a way to escape the Israeli reoccupation. If the West Bank is turned into Gaza-type enclaves, this will drive

people to seek a way out. Current thinking among some in the settlement community is to look to Jordan (and Egypt) as the best destination for the Palestinians, on the grounds that they have land to spare. Indeed, some commentators believe that, beyond the destruction of the Palestinian infrastructure in the West Bank and reintroduction of the civil administration, Sharon sees Jordan as the natural home for Palestinians.

The implications for Jordan in the event of a significant influx of Palestinian refugees are broadly threefold. Firstly, although to date Jordan has only had to accommodate approximately 20,000 additional refugees (because most who come there have then returned to the West Bank) if there is a major influx following further violence this will have significant socio-economic implications for Jordan. Indeed, it may prove necessary for the international community to provide financial assistance to sustain its position. Secondly, the net effect could be to challenge the stability of the monarchy; and as a result of this, thirdly, a de-liberalisation of politics in Jordan is to be expected.

The impact of such a de-liberalisation is likely to be felt most by the Palestinian community. Under the Jordanian constitution, Palestinians enjoy full rights and duties, except for a minority from Gaza. However, since the start of the Intifada these rights have been brought into question. An example offered in discussion was that while Jordan has been trying to undertake a review of its electoral system, it is now clear that it is doing so with a view to creating a system that treats Palestinians differently to Jordanians. Increasingly, Palestinians arriving in Jordan from the West Bank are seen to pose a threat to Jordanian interests and accordingly there is a reluctance to accommodate new arrivals. That said, some observers persist in the view that, under overbearing pressure from the United States, Jordan may be obliged to act contrary to its perceived interests.

In any case, because the Intifada and more particularly Israel's response have such worrying implications for Jordan, presumably Jordan has a real interest in ending the conflict.

For Lebanon, one of the principal implications is that, in the absence of a peace process to join, it now has to try and keep alive the issue in the south. One participant in the discussions likened this to a cheque which you can't cash. This has meant that there has been a lot of cross border activity in the Sheba farms area, driven by Hizballah. One cause for concern is that Hizballah may think that it is driving the situation and able to calculate the Israeli response to any given attack, when in fact it is impossible to know for sure Sharon's threshold. One day it may miscalculate and the Israeli retaliation may be devastating. So the potential for escalation exists. This view is countered, however, by those who believe that Hizballah's freedom of action is actually confined within limits. Some sort of an agreement would seem to exist between Lebanon and Syria that this activity in the south must not be allowed to trigger a regional war.

The other main implication has been that Palestinian civil rights in Lebanon remain limited, and arguably have worsened. This is partly a result of the fact that public opinion in Lebanon resents that the camps are essentially 'out of bounds' to the Lebanese and that Lebanese law does not govern them. Furthermore, it may be that the Lebanese authorities fear that no peace deal is on the horizon and so wish to take out their frustrations on the Palestinians in Lebanon. Certainly, they do not want to accommodate them long term. The negative fallout for the refugees in Lebanon is compounded by their sense that they can no longer dream of making it to Europe or the United States, because in the aftermath of 9/11 they believe they are not likely to

be accepted. All this notwithstanding, however, the Lebanese street is mobilised in support of the Palestinian cause, although you are only allowed to support the Intifada, not Arafat. The overall situation is risky, but thought to be more or less under control.

With regard to Syria, it was suggested that the Intifada will not change the course of Syrian politics in any major way. It was noted that Syria supports the Intifada and the Right of Return for refugees and rejects Israeli settlements. Furthermore, Syria has undertaken a massive fundraising campaign to donate to the Palestinian people. If anything, the Intifada has strengthened the Syrian hand and vindicated its stance over time.

Turning to the consequences for the Arab world as a whole, two contrasting trends are discernible. On the one hand, the present situation can be interpreted as strengthening Arafat's hand and consolidating the Palestinian position. On the other hand, equally possible is that we are witnessing a return to the Arabisation of the conflict as illustrated by the Saudi initiative and Beirut Declaration. This has repositioned the conflict in an Arab-Israeli context, rather than purely Palestinian-Israeli. However, paradoxes are immediately apparent in this situation. While Arab governments have offered a comprehensive deal: (a) it is debatable whether they will be able to deliver; (b) the Arab street is entrenched and does not want to reward Israel; and (c) the Arab initiative has given Sharon a sense of victory for his strategy, since such a deal has not been on offer before.

There are those who foresee pressure mounting (from the Arab street) for Arab governments to use oil as a lever, although it was acknowledged that there is no mechanism to do so. In any case, the Arab oil producers have their own internal agendas to take into account on the Palestine issue.

The possibility of US action on Iraq was raised but not discussed in any depth. All acknowledged, that were this to occur, the implications for the Palestinians, their fate and future, as also for the Arab host countries, would be far reaching but probably incalculable at this stage.

To conclude, an exploration of the regional implications of the escalating conflict indicates that Jordan is in the most vulnerable and difficult position. Any further destabilisation of the West Bank will be felt in Jordan, not least by those of Palestinian origin, whose rights and expectations may be circumscribed. The situation is unlikely to lead to any major political changes in Lebanon or Syria, except that it further complicates the outstanding issues on their borders with Israel.

III. Reactions of the international community

The question of leverage and how to exercise it with the United States and Israel has been a prominent consideration in European thinking about the Israeli reoccupation of April 2002.

British thinking has reportedly evolved quite considerably, from a position of 'it is up to the parties to decide how to proceed' to Jack Straw talking, in Parliament, of the issues involved in creating a 'viable Palestinian state'. Even so, there is confusion in Britain, as elsewhere in the international community, as to how to respond to current developments in such a way as to promote the end goal of a two-state solution. The British government continues to see the United States as the only actor which can bring all the parties to the table and so British efforts have been directed at trying to affect US policy.

Something that Palestinians on the ground may be unaware of is that some European governments feel the need to justify to their tax payers the EU's continued financial support for the PA. This is because the portrayal of the PA as responsible for terror attacks on Israeli civilians has left an impression.

Looking specifically at the EU, reportedly the Commission views its role as being to help in the creation of a viable Palestinian state. Furthermore, following the recent discussions among the Western donors, the Commission is expecting to continue working with the PA as its partner and will try and ensure that its structure is not demolished, even if it is reformed. [*This, at any rate, was the thinking prior to President Bush's 25 June speech calling for reform and a change of leadership*] Apparently, also, the EU expends a great deal of energy trying to influence US thinking, and experience shows that any changes in US policy that are achieved take so long to effect that circumstances have already moved on by the time this occurs. In sum, the EU will continue to fight the fever and not the infection.

With regard to funding, the emergency funds which the EU has mobilised represent a real increase and not simply a repackaging of existing funds. Indeed there has been a 30% increase in the amount deposited in UNRWA's general funds. However, not all funding agencies have followed suit, having instead simply redirected development funds towards the crisis. With the weakening of the PA, it is expected that many international donors could designate their funds to NGOs rather than the Authority.

Thinking beyond Europe reveals some comparisons and contrasts. Canada, although not a major player, nevertheless has a significant contribution to make, and a special vantage point from which to assess the factors at work. Canada, as Europe, is looking to the United States for more. One reading of the United States is that, while the US can solve the problem, it is also part of the problem. However, Washington may be forced to become more involved than it has so far, especially since it looks as though the main Arab message is now being heard. [*This impression was subsequently refuted.*] Also, recent events have upset Washington's plans for focusing on the wider 'war on terror.' Aside from what is expected of the United States, informed observers believe the Arabs have to do more, especially in the way they package their message for a western, and specifically Washington, audience.

At recent crisis consultations members of the international community were shocked to discover the extent of the financial implications of the Israeli incursions and this will affect government thinking in future. On the more positive side, the level and effectiveness of cooperation between governments and NGOs in the international community in this crisis has been exemplary. Looking to the future, meanwhile, if a Palestinian state is going to be born into violence then its already time to develop the discussion about the role and responsibilities of any international intervention force.

Turning to the question of how thinking is developing in Washington, it is important to be aware that there is little or no resonance for the kind of analysis reflected here. One assessment from Washington is that there is no prospect of the United States becoming involved in the situation to the extent that their allies and others apparently want. For example, the Quartet Statement (US, Russian Federation, EU and UN) has not only completely disappeared in the United States, but many of the ideas contained within it have been side-stepped if not contradicted by Washington. Furthermore, the US has refused to say that the PA is an important partner and that Arafat is still a player; instead Sharon is encouraged to believe he has a reasonably free hand. Indeed, the only consistent line has been the extent to which the US has been prepared to accept an agenda set by Israel. This position may have come

about in part because of the depth of US nationalism generated after 9/11 and that many members of the public see the suicide bombers in the same way as they see the perpetrators of that attack.

President Bush apparently does not see an Israeli–Arab peace deal as a gateway for dealing with the threats posed by Iran and Iraq. Therefore, he may have concluded that if this peace is not forthcoming then the only other option is unilateral action against Iraq. This serves to illustrate that not only is an Arab-Israeli peace not that high on the agenda, but that the Oslo process is no longer the preferred means to that end.

Thinking in Europe is quite different. One incentive for the EU to take more of an active role in trying to resolve some of the issues is that any continuing violence may have a destabilising effect within European states, among and in reaction to citizens and emigrés of Middle Eastern origin.

While the EU may not be able to assume the role of principal mediator – because that position has been filled by the US – nevertheless the EU can provide incentives to both Israel and the Palestinians as a way of trying to influence their positions. In addition, if the EU took a more active role this might serve to illustrate to the United States that there is an increasingly large gap between their positions and this in turn might be an incentive for the Americans to become more involved. At the end of the day, according to one view, someone has to stop the Israelis otherwise this situation could continue for another 50 years.

If, as appeared to be the general thinking, many European actors, including the EU itself, do not see it as their role to assume the position of mediator, this bodes ill for any speedy resolution of the conflict, because the United States is, likewise, unwilling and/or unable to commit significant political capital. Therefore, one of the ironies of recent months is that while both the United States and EU see the importance of a viable Palestinian state to ensure peace, they have arrived at this conclusion when they are apparently least able to deliver it.

IV. Implications of April military operations and fallout for the refugee issue

It seems that it is no longer appropriate to think in terms of an imminent solution to the refugee issue. This at least was the premise for discussion at the end of April 2002.

The impact on UNRWA of the previous 18 months has been quite dramatic – and this includes severe difficulties as well as unexpected opportunities.

UNRWA has faced major access problems, which deepened in recent weeks. Only about one third of UNRWA staff in the West Bank can now make it to their offices. Even before reoccupation, because of demonstrations, there had been a loss in teaching time in schools and this is a major concern. Another difficulty has been the accusation by some Israelis and others that UNRWA is in fact assisting the terrorist networks which exist in the camps. In fact, although UNRWA provides the structures to facilitate life inside the camps, the agency does not actually control the camps. Furthermore, there has been no proof that UNRWA funding has been abused.

As it happens, the crisis has actually generated an improvement in UNRWA's finances and for the first time in UNRWA's history, it has received money from non-governmental sources – almost \$3 million from popular fundraising in Syria. There has been no decrease in funding available to refugees in Lebanon and Syria as a

result of boosting support for the West Bank, because this has been an emergency effort with new money, not a re-allocation of existing resources.

There is also some solace in the fact that the damage caused by the IDF, particularly at Jenin, which is clearly an absolute tragedy, has nevertheless generated an opportunity to build anew, better than before. UNRWA is now able to redesign many of the destroyed camp facilities and thereby improve the situation for the refugees living within them. Up until now this was never seen as a priority. For example, in Jenin, following consultation with many in the refugee community, the consensus seems to be that people would like to leave the demolished areas inside the camps as a memorial and want UNRWA to rebuild dwellings outside the camp, thereby also reducing the sometimes chronic overcrowding. In conclusion, as far as the long term viability of UNRWA is concerned, it seems that so long as the refugee issue is not resolved, there will be a crucial role for UNRWA.

The discussion then moved on to consider the role and ambitions of the Refugee Working Group (RWG). By way of introduction, it was noted that the RWG, under the Canadian gavel, has been concentrating on keeping the donor network intact rather than operating in their more formal role. This is in part because the Group has not actually convened formally for five years and so it has served more as a link mechanism, coordinating and responding to suggestions from the various parties.

In the light of recent events, three important roles were identified that will have to be filled: a) support for reaching a final agreement, b) implementation when it happens; and c) helping to deliver or 'sell' the final deal. The RWG will have to examine exactly where its efforts are best directed to fulfil these requirements. In the meantime, while the Group enjoys exceptional support for its activities from various Canadian actors (advocacy groups, Parliament, etc) there needs to be a more substantive input from the Arab governments in order to keep the effort going. The RWG does not, however, replicate the work done by the UNRWA donor group, and would not wish to do so. Its role is to provide support to those bodies which do have a dialogue with the refugees themselves.

The parameters of an eventual settlement are apparent by now, and Canada could lead the way in generating discussion about what it would look like, based on the relevant paragraph in the Beirut Declaration. What's needed is a 'roadmap' for taking the issue forward, which could then be publicised and debated in Israel and among Palestinians. In any case, Canada will be meeting with Arab League members to discuss how to interpret that article in the initiative. Even so, the RWG is not necessarily the appropriate body to develop a more detailed proposal, even though some Arab governments would like that. Under present circumstances the need is for more unofficial explorations first.

Turning to the position of the refugees in Palestine and neighbouring Arab states, the main message from those working with refugees in the West Bank and Gaza is that it is very difficult to keep to 'business as usual' when people are struggling to survive. In that context however, there are a number of interesting issues. Firstly, since the start of the present Intifada, many refugees have become more interested in dealing with issues of mechanism rather than of principle – in other words they are asking 'how do I do this?' rather than 'what does this mean for me?' Secondly, recent events have highlighted the importance of protection issues. It is not simply a matter of protecting people in the camps from violence, but also about protecting their rights to education and healthcare. Indeed some NGOs operating in the West Bank are trying to stimulate a regional-level debate to try and resolve some of these protection issues.

With regard to the situation for refugees inside Lebanon, while there is a general ambience of support for the Palestinians in general, other realities inside Lebanon should not be ignored. It continues to be the case that while many Lebanese support Palestinian rights, including the Right of Return and right to a state, they do not extend this idea to providing rights within Lebanon. Indeed if anything refugee rights in Lebanon have diminished in recent months. Furthermore, continuing the trend of the last four to five years, the consensus remains an absolute rejection of *tautin* in Lebanon, no matter what the refugees might want.

The situation in Jordan is not as different as it is often portrayed. Refugees themselves sense an erosion of their rights, under new Jordanian government measures. For example, those with both Palestinian and Jordanian passports have automatically had their Jordanian passports revoked and now have to enter the Kingdom in the same category as all other 'aliens'. The other significant effect of the Intifada on refugees living in Jordan has been to re-emphasise the importance of the Right of Return and has stimulated debate among Palestinians about how their status in Jordan affects their right to return. For example, many refugees recently drafted a pledge to honour their commitment to the Right of Return.

In this regard, it was suggested that more work needs to be done on the implications of return migration. However, another point made was that while many Palestinians may say in a poll that they will return to their homes of 1948, in reality they may not, and this should be acknowledged. The Right of Return is always cited, but not so often the Right of Choice. This, of course, involves host governments and one suggestion was for organisations to work with host governments to ensure that refugees have the right to citizenship in the absence of any agreement with Israel.

In conclusion, alongside the obvious and serious obstacles posed by the Israeli incursions into the West Bank for the refugees and the various bodies working with them, there are some areas of opportunity too. In the surrounding countries, meanwhile, the refugees sense an erosion of the rights accorded them in practice, if not in theory.

V. Prospects

The foregoing discussion revealed a spectrum of possibilities. At one end is the two state solution; at the other the continuation of conflict, for five and perhaps many more years. Feedback from on the ground suggests that humiliation is intrinsic to Israeli strategy. Military operations, road and settlement building are carving up the West Bank. Meanwhile, word from Washington suggests that the United States does not see the situation as beyond recall but is not going to invest heavily in turning things around. Against this backdrop, the international community could have input and thereby an impact, in five broad areas.

Firstly, why not define the end game and work towards it, instead of persisting with the incremental approach. The international community could set out what a settlement will look like and put the necessary mechanisms in place to ensure its success. The relevant parties would set out the basic shape of the settlement, taking into account the regional context, and then formalise this in a Security Council resolution which is sufficiently flexible as to allow some negotiating space within the framework. Following this there would be continuous engagement by the international community. The other possibility, or Plan B, could be that, the EU sets a time limit on working with the US and when that expires, the EU should put forward its position with an EU declaration. It may be no more difficult to persuade the Bush

Administration about something big, like the peace settlement, as it is to convince them of something relatively minor.

The appeal of this idea lies in the notion of establishing the goal posts as a means of ensuring that neither party drifts away from the objectives. Equally, the idea of getting a more detailed initiative on the table might be a way of moving the process forward. However, in the absence of strong US commitment, the initiative might be allowed to just sit. Without the United States, it is not clear how the international community would go about taking the lead and implementing such a plan. Even so, it is possible a new initiative could be extrapolated from other contexts, such as the Helsinki process, that built détente between the former Soviet Union and the West.

Secondly, taking forward and fleshing out the Beirut Declaration is an option. While it is an 'initiative without legs', its proponents believe it contains a set of morally right and justifiable principles which should not be dismissed. Some would say it has merit simply because it challenges the US-Israeli relationship. However, apparently Arab popular opinion does not necessarily support the Declaration, because it would like to see action rather than rhetoric, and has no interest in feeding carrots to the Israelis. One suggestion to provide more impetus to the Declaration would be to make it a more Euro-Arab initiative.

A third recourse would be to make a stand in support of the rule of law and, more specifically, ensure the protection of individual rights during times of war. This is an important undertaking in any context, but in this case it could also provide a platform to discuss other, more political issues as well. However, one of the dangers of introducing political responsibilities to those organisations seeking to ensure human rights is that it undermines their ability to operate. Furthermore, with regard to maintaining international law in the West Bank, Israel will often argue that many of the treaties which underpin those laws are not impartial and therefore do not apply in the Occupied Territories. For example, Israeli settlements are illegal under the 4th Geneva Convention and so Israel does not recognise it. It was also noted that the Conventions only cover times of war and thus do not address the position of refugees outside of the conflict area.

Fourthly, the international community could further develop ideas and support for the employment of some form of observer team or peacekeepers. One of the complications with this issue, however, is that the international community has a history of putting them in place without having thought through the implications or provided a sufficiently powerful mandate. In this instance therefore, the international community could try to define more clearly their possible involvement either prior to any agreement or in the context of a final deal – for example providing monitoring, arbitration, and so on. The French initiative to create a monitoring group in Lebanon, composed of internal and external parties, which set the rules and discussed how and when they had been broken, was cited as a positive example of both an effective initiative and a useful mechanism.

Finally, the international community could impose sanctions on Israel. While this would be a way of demonstrating international outrage at Israeli conduct, as was pointed out, one of the dangers of this approach would be that it would alienate a large section of the Israeli public and therefore may not ultimately assist the cause of peace. Therefore, a more appropriate way forward could be to consider a range of measures short of full sanction and use only those that would penalise specific types of action or behaviour, along the lines of the EU measures directed at blocking entry of goods from settlements.

A further possibility considered was to encourage those Arab governments prepared to play some role in monitoring on the ground and/or assisting Palestinian reform to develop a more proactive approach.

VI. The way forward

To conclude the workshop, participants compared notes on the activities and objectives of the different bodies and parties represented, focusing on the refugee issue. The purpose was to enable coordination and help to avoid duplication.

Looking first at organisations working in the West Bank itself, *Shaml* is engaged in a number of interesting projects looking specifically at refugee issues. One such project looks at the refugee issue at a regional level and considers a) why the refugee community is marginalised and b) what are the responsibilities of the host countries for the continuing difficulties faced by their refugee communities? *Shaml* has also been working with UNHCR to look at repatriation and resettlement issues to try and develop a better understanding of the actual numbers of those interested in returning. Work done thus far suggests that only a relatively small percentage of refugees would want to exercise the right of return. The implications here are clearly of importance in respect of Israeli fears.

Shaml is also soon to launch a new programme, funded by IDRC, which looks at absorption capacities in Israel and Palestine and considers the various factors affecting an individual's decision to return – for example kinship networks, socio-cultural issues, etc. It was noted that it would be useful to undertake a more detailed study of the 'sociology of return', to further investigate other global examples of the patterns generated by returning refugees and to explore the perspectives of refugees in camps in the West Bank & Gaza in order to better understand the future for those camps and their inhabitants.

Another organisation working in the West Bank on refugee issues is *Badil*. This is an organisation which is owned by the refugee community and the focus of their work is to contribute to a solution which is not only within international law, but which actually tries to strengthen that law. In recent years, *Badil* has been concentrating on clarifying a range of principles and focussing on the mechanisms available to refugees and then ensuring this information is passed on to the refugee community. The latter is particularly important because the refugees must be able to understand the options available to them and the costs and benefits of any likely solution in order to be able to understand the contract they will ultimately be asked to sign. From the perspective of *Badil*, the present situation offers a great deal of opportunity, partly because progress has been made toward resolving many of the real issues and also because Palestinians are finding new and non-traditional Israeli partners. However, the *Badil* view, in the context of the continuing violence, is that international law should come first and it should be recognised that any solution, put to the refugees, which does not honour these laws is unlikely to win favour. With regard to short term objectives, *Badil* will continue to facilitate an annual gathering of refugees to discuss current issues and will also continue to work on a set of Hebrew language materials.

A suggestion raised in this context was for some work to be undertaken, through Palestinians in Israel, to look at absentee property, status of internally displaced, etc, because if these issues can be better understood this may have a long term impact on how the refugee issue is accepted by Israelis.

With respect to the situation in Lebanon, there is a need to ensure the refugee community believe that a solution, at some point, is still feasible. As explained, in the

current political vacuum it is easy to see a re-emergence of violence. The danger exists that the Palestinians will end up in a situation akin to that of the Kurds or the Armenians. The Kurds have no state of their own and are spread among several. The Armenians do have a state, but are mostly diaspora. If the same fate befell the Palestinians, presumably Gaza would be designated the putative state. Therefore, there must be some acknowledgement of the rights of the refugees and that the destruction in the West Bank will not continue. At minimum, refugees in Lebanon would like to see regional and international actors giving more thought to the idea of observers/ peacekeepers. Equally, in order to relieve some of the internal tensions in Lebanon regarding the autonomy of many of the refugee camps, it would be useful if the international community, through whatever body or mechanism, would press to bring the camps under Lebanese law, make them more accessible and generally reduce tensions on both sides. In any case, there is a perception that more could be done at government level to improve the situation for refugees in Lebanon.

In Jordan, as mentioned previously, the situation for the refugee community appears to be deteriorating. Work done thus far has been framed within the 'Phased Programme', i.e. assuming a two-state solution. However in recent months those working with the refugees are in an anxious position not only because all previous possible solutions have failed and there now exists a political vacuum, but because it seems there are no longer even the building blocks to construct a solution. However, that said, it was noted that the Durban Anti-Racism conference proved useful because it generated two positions, the state position and NGO position, which demonstrates the important role which local and international NGOs can play in laying the foundations for any solution.

In Syria the position is that Palestinian refugees are welcome, as brothers, in Syria until they are able to return to Palestine. Furthermore, the government will cooperate with UNRWA to ensure that their conditions remain good.

Finally, the future role for UNRWA, as a regional actor working on refugee issues, was discussed. UNRWA recognises the importance of involving refugees in decisions about new projects. For example, in Syria there are communication centres where refugees can have an input on forthcoming projects. In future, in Syria UNRWA expects to continue working hand-in-hand with the government, while in Lebanon and Jordan, because of various internal difficulties and the more direct role played by the governments, particularly in Jordan, UNRWA's work may continue to be more difficult.

Discussion concluded with consideration of initiatives at the international community level.

In Europe, it seems that while many governments are donors to the PA and UNRWA, nevertheless particular government offices do not have large funds to do work on refugee issues. In the UK however, the Department for International Development (DfID) does have more significant funds and is looking for assistance in how to respond effectively given the changed environment in the West Bank. On this issue, one suggestion would be for DfID to consider the likely realities on the ground in the forthcoming months and years and allocate finances accordingly – for example to address the likelihood of a continuing policy of closure.

Other work being done in the UK includes that of a research centre based at a university in Scotland which provides scholarships for individuals to research a range of topics, including comparing UNRWA with other similar organisations and analysing the different return programmes delivered by the state or NGOs. Another, unrelated,

project with UK involvement, is looking at mechanisms for civic processes for input regarding refugees, and yet another involves working with Israeli historians to compile a database of information on the issue of expulsions and examining what really happened.

Sweden, as 'Shepherd' for Palestinian Children and a major donor, will continue to assist the PA and is interested in concentrating on preparing the Israeli public for addressing the issue of refugees.

Germany concentrates primarily on 'labour intensive' projects rather than on refugees per se. Nevertheless, it supports the Refugee Co-ordination Group and its work, will continue to fund the PA, and is looking to fund a variety of micro-finance projects which will presumably be useful for any returning refugees.

For the European Union, the primary objective in the West Bank and Gaza is to keep the PA alive. It will continue to fund approximately €120 million for development projects, €10 million for humanitarian issues and further funding for reconstruction. However, with regard to these financial contributions it was noted that the EU needs to ensure that investments made today will not be destroyed by further violence tomorrow. The EU will also be looking to try and liberate some of the withheld tax money which could be used for reconstruction, will continue to support a variety of institutions in East Jerusalem, working to support Palestinians living there, and will aim to give support to the peace camps.

As the 'Shepherd' for socio-economic interests the EU will be looking at the future for the refugee camps and will continue to provide funding to UNRWA (€110 million in total funding in 2002). Finally, with regard to wider Middle East peace projects, there will be a call for proposals under the EU Initiative for Peace (formerly People to People) in May and the intention is to continue to support a range of initiatives, including RIIA-CLS, working on the refugee issue.

The idea was mooted for the EU to recognise a Palestinian state, because this would change the juridical situation on the ground, which would affect what Israel can actually do. In any case, perhaps the EU should carefully work out how it intends to continue funding, especially in the context of a long-term conflict. For example, NGOs will find themselves working in a very different political environment henceforward and thus previous funding mechanisms may no longer be appropriate. Just by keep the PA afloat, the international community may end up with a long term funding and related commitment, similar to that of UNRWA.

For Canada two roles are depicted, one as a funder and the other as the RWG. The latter, while is probably the most dynamic of the Groups, nevertheless has to vie for the attention of Canadian policy makers. Also, over time, much of the money available will shift from project work to providing humanitarian assistance. The IDRC, however, does have a programme which concentrates more on the refugee issue and works with both Palestinians and Israelis. In March a new programme was launched which takes the assumptions laid out at Taba and is undertaking work based on those assumptions. The work includes looking at compensation, planning for demographic change, working with Egypt on future intentions regarding a solution, and so on. IDRC has also provided funding to the PA to try and better co-ordinate its work on the refugee issue – though the Co-ordination Committee which has been established does not deal with the Diaspora. In the event that the PA does collapse, presumably such bodies as the IDRC will work more closely with the available NGO community.

In the United States, the Foundation for Middle East Peace (FMEP) has had to redefine its work given that Oslo no longer provides an accurate map to respond to. It is presently trying to put together a 'Sharon map' to explain the current situation on the ground and is collating information on host country attitudes towards the final status issues.

The World Bank continues to work with the donor community with regard to their input and has been working with UNRWA in the camps on community development/ NGO type projects and has recently completed an economic assessment of the situation in the West Bank and Gaza – which is on the World Bank website. It has also been involved in a project looking at the potential for upgrading the camps and ensuring that the housing needs are in place in the event of any settlement. This project looked at the camps generally and considered the costs involved, land availability, and issues of water and transport. It was noted that the Bank has found it increasingly difficult to collect data given that many Palestinian consultants are unable to travel.

To conclude, as a result of the last 20 months of violence, NGOs and the international community now work in a much more difficult environment. There has been a hardening of Israeli thinking with regard to the refugee issue, particularly the Right of Return, a regression in thinking on future control of the international borders of a prospective Palestinian state and a move to the right by former Israeli moderates. Despite these difficulties, activities and projects are still going ahead on the ground, or at a more strategic level, which aim to ensure that the refugee issue is not forgotten. Meanwhile, as the conflict drags on, work continues to try to make day-to-day lives of the Palestinian refugee community as safe and tenable as possible.