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Middle East and North Africa Summary

The Palestinian Refugee Issue: Normative Dimensions

13–14 February 2014

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INTRODUCTION

This is a summary of discussions that took place during a one-and-a-half day workshop on The Palestinian Refugee Issue: Normative Dimensions, held on 13 and 14 February 2014 in Minster Lovell, Oxfordshire. The participants in the exercise were regional and international experts on the Palestinian refugee issue, acting in a personal capacity.

The 'normative dimensions' of the refugee issue refer to the intangible needs of both parties and the moral acknowledgment of these needs, including the acknowledgment of 'the human dignity and moral worth of victims'.¹ Moral acknowledgment includes statements of apology, as well as recognition of rights and suffering. Participants were divided into working groups and asked to produce 'formulations', or multiple versions of language that would meet these needs, with the aim of encouraging new and innovative ideas. In constructing formulations, participants took note of the relevant language from previous negotiations and Track II exercises, including the 'Beilin-Abu Mazin Talks', Core Group Track II Exercise, Israeli Camp David Position, Clinton Parameters, Taba Talks, Arab Peace Initiative and the Geneva Accord, among others. The draft formulations ranged from complete paragraphs to one sentence or phrase, and the list can be found in the appendix.

Although this summary presents the needs and perspectives of Israelis and Palestinians in separate sections, throughout the discussions there were internal debates among both perspectives, as well as nuances in individual positions and contributions from international experts with a comparative perspective.

The workshop formed part of Chatham House's on-going work on the regional dimensions of the Palestinian refugee issue, known as the 'Minster Lovell Process'², which aims at an informal and comprehensive discussion of the Palestinian refugee issue, including the role of host countries and international actors. The workshop was hosted by the Chatham House Middle East and North Africa Programme and was kindly funded by a grant from the UK Conflict Pool.

KEY FINDINGS

Some of the main findings of the workshop include:

- **Normative dimensions are central to resolving the refugee issue, although opinions vary on when these dimensions should be addressed.** While some argue that negotiations must address intangible needs now to signal acknowledgement of the each party's deepest needs and thereby facilitate agreement in other areas, others stress that the normative dimensions of the refugee issue should be deferred until after significant progress has been made on other elements of an agreement, such as territorial issues regarding borders and Jerusalem.
- **Two of the most pressing intangible needs around the refugee issue are the right of return and recognition of the Jewish character of Israel. On these two questions, mutual Israeli and Palestinian unwillingness to recognize the other's need becomes a threat to the other's feeling of legitimacy and security.** Palestinians view the right of return as an internationally acknowledged moral and legal right that requires recognition, even if the actual number of refugees returning might be limited or even largely symbolic. Israelis view recognition of Israel's Jewish character as a signal of regional acceptance of Israel's founding and continuing legitimacy as a country for the Jewish people, as well as acknowledgment and respect for Jewish identity and Zionism.

¹ Grovier, Trudy and Wilhelm Verwoerd (2010), 'Taking Wrongs Seriously: A Qualified Defence of Public Apologies', *Pittsburgh Post-Gazette*, 31 August, www.post-gazette.com/pg/10243/1083864-82.stm, referenced in Molloy, Michael et al., 'Intangible Needs, Moral Acknowledgement and the Palestinian Refugee Issue', in Brynen, Rex and Roula El-Rifai (eds.) (2014), *The Palestinian Refugee Problem: The Search for a Resolution* (London: Pluto Press), p.191.

² For further information on the Minster Lovell Process, please visit the following link: <http://www.chathamhouse.org/research/middle-east/current-projects/minster-lovell-process>.

- **Demand for recognition of Israel as a Jewish state could become an immediate and permanent obstacle to peace.** However, recognition of Israel as a homeland for the Jewish people could provide the necessary flexibility to meet the needs of both parties.
- **Other key normative dimensions of the refugee issue include** acknowledgment and/or apology for 1948, recognition of Palestinian rights and dignity, an end of claims and the issue of Jewish refugees from Arab countries.

The meeting was held under the Chatham House Rule and the views expressed are those of the participants. This document is intended to serve as an *aide-mémoire* to those who took part and to provide a general summary of discussions for those who did not.

The Chatham House Rule

'When a meeting, or part thereof, is held under the Chatham House Rule, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.'

SHOULD NORMATIVE DIMENSIONS OF THE REFUGEE ISSUE BE ADDRESSED?

It was largely agreed that normative dimensions are central to resolving the refugee issue, however opinions varied on when these issues should be addressed. Some argued that negotiations must address intangible needs now, while others stressed that the normative dimensions of the refugee issue should be deferred until after significant progress has been made on other elements of an agreement, such as territorial issues regarding borders and Jerusalem.

Mutual acknowledgment of each other's intangible needs could build trust and facilitate progress on the negotiations, noted those in favour of addressing normative dimensions at an early stage in talks. It was also suggested that normative dimensions are inseparable from other aspects of resolving the refugee question, such as compensation or reparation, as was demonstrated at a recent Chatham House workshop about mechanisms for refugee compensation. Furthermore, if intangible needs such as acknowledgement, apology for harm done and recognition of rights remain unresolved, these grievances could actually exacerbate prospects for conflict even while talks attempt to reach agreement on other issues.

On the other hand, it was also argued that now is not the appropriate time to attempt to address difficult normative questions, given there is little political will to do so. It was further stressed that raising these sensitive questions could increase the difficulty of arriving at an agreement. It was questioned how normative dimensions of the refugee issue can be resolved in this context given that the rights of two nations collide with each other. It was also mentioned that refugees themselves do not prioritise the normative aspects of their situation but are more concerned with daily, concrete concerns. Rarely is the public aware of the text of diplomatic agreements, and refugees do not place much credence in political statements.

Work on the technical dimensions of the refugee issue could be an alternative to resolving normative dimensions. It was suggested that an international mechanism should convene refugees, host countries and third parties to collaborate on finding practical solutions to the status of refugees and mechanisms for possible future return to a Palestinian state, including residency issues and eligibility. A few participants acknowledged the importance of normative dimensions but began to challenge the assumption of addressing the refugee issue and other elements of an agreement through the prism of two states.

PALESTINIAN INTANGIBLE NEEDS

Apology for 1948 and refugee suffering

The Palestinian need for an apology involves Israeli recognition of its role in the creation of the refugee issue during the war of 1947–48, including regret for and recognition of at least partial responsibility for the suffering that refugees have since endured. It was highlighted that Palestinians must believe an Israeli apology is sincere. It was also claimed, however, that an apology, without other statements or measures, would unavoidably be seen by Palestinians as a political tactic and that its sincerity would be doubted. Symbolic gestures or acts of reconciliation could increase the likelihood that an Israeli apology would be taken as sincere. (Further details on symbolic acts and reconciliation are discussed below.)

It was asserted that an Israeli recognition of its historic role in creating the refugee issue should not be seen as a concession. This type of recognition can instead be the self-confident act of a modern state that has come to terms with past abuses. Democratic countries such as Australia, Canada, the United Kingdom and the United States have increasingly come to acknowledge past wrongs as an act of political maturity, not a sign of weakness.

Apologies or acknowledgments in other contexts have often included the following components: recognition of individual and communal experiences of injustice; the sharing of individual stories alongside leaders speaking for a people as a whole; recognition of the experiences of refugees since becoming refugees; acknowledgment that an apology is not the end of the process; commitment to counter-denial and engagement in education; and functioning as a staging ground for broader processes.

An Israeli apology or acknowledgment regarding 1948 is becoming less of a priority for some Palestinians, though if not properly handled this issue could still become an obstacle to peace. This is partly a generational difference, with younger Palestinians believing it is more constructive to remove the question of blame from the refugee issue. Some participants criticized the role that apology has taken in Israeli-Palestinian negotiations, arguing that in other circumstances an official post-conflict apology is a form of making reparations but in this context apology has come to be seen as a trade-off for a Palestinian concession.

Israeli perspectives

Acknowledgment: The most common Israeli response to the Palestinian call for apology is to instead offer acknowledgment, which involves recognizing ‘past wrongs and the effects of those wrongs’ without an accompanying recognition of Israeli responsibility.³ It was stressed that the majority of Israelis, even some of those on the left, believe they have nothing to do with the refugee problem and will not apologize for what occurred in 1948. In the Israeli perspective, the very essence of the state is rooted in 1948 and to render this event with a negative meaning would have a significant psychological impact on the moral basis of the Israeli national narrative. It was noted that it would be nearly impossible to convince Israelis to alter their narrative of how 1948 occurred, rendering the prospect of an apology equally unrealistic.

Mutual responsibility: It was noted that Israelis might accept mutual responsibility for the refugee issue. In one view, a relatively high proportion of Israelis feel that both sides should be considered guilty and call for Palestinian recognition of their respective role in the creation of the refugee issue. It was argued that the basis for this mutual responsibility is the Palestinian and Arab refusal in 1947 to accept UN General Assembly Resolution (UNGA) Resolution 181 and recognize a Jewish state in Palestine. If Palestinians were to apologize for the failure to accept Resolution 181, then this could open the door for an Israeli apology and even ‘tip the scales’ in favour of an agreement, it was argued. It was also suggested that the concept of ‘responsibility’ should be broadened to include Israeli, international and Palestinian responsibility for the refugee issue. As a means to

³ Molloy et al., ‘Intangible needs’, p. 208.

improve sentiments in the negotiations, Palestinians could accept responsibility for the suffering of the Arab Jews that were displaced in 1948 from what is now the West Bank and Gaza, including recognizing the rights of these refugees to compensation and possibly also return.

Limited responsibility: If neither acknowledgment nor mutual responsibility is palatable to Palestinians, then there could be space for Israel to acknowledge responsibility for its decision in 1949 to prohibit refugees from returning after the end of the war. It was argued that there is no dispute within Israel around the interpretation of the 1949 decision and therefore it would be easier to take responsibility for this than for the creation of a refugee problem.

Palestinian apology: It was suggested that an apology by the Palestine Liberation Organization (PLO) for terrorism, including for civilian casualties during its resistance or acts it committed in violation of international humanitarian law, might balance an Israeli apology for 1948.

Right of return

Israeli acknowledgment of the Palestinian right of return is a high-priority Palestinian need. It is seen as a fundamental element of the Palestinian people obtaining justice for what occurred in 1948 and the suffering they have since endured. Right of return was described as 'justice by symmetry', arguing that Palestinian right of return could serve as an equivalent to *Aliyah*, or the right to emigrate to Israel, which has been offered to Jewish people around the world.

It has become necessary to establish a precise meaning of 'right of return' by means of discussion among refugees. In the public Palestinian view, the meanings of both 'return' and 'home' remain ambiguous. The meaning of 'home' remains complex, as some would accept return to a sovereign Palestinian state while others – particularly those in the diaspora or who have been better integrated into host countries – demand the right to return to Israel in practice as well as principle. It was recommended that the mainstream Palestinian media facilitate a conversation about how 'return' and 'home' should be defined.

Israeli perspectives

The Israeli perspective on right of return is internally divided. Some Israelis are willing to recognize a Palestinian right of return if it is specified that this means return to a Palestinian state rather than Israel. Others will recognize a Palestinian right of return to historical Palestine, including what is now Israel, if it is specified that actual return to Israel will be limited. Others are unwilling to recognize right of return in any terms. Participants took note of the results from a January 2014 Tel Aviv University Peace Index poll, in which 62.6 per cent of Jewish Israelis indicated 'I'm sure it should not' when asked if Israel should agree to the return of a limited number of Palestinian refugees to Israel.

Recognition of Palestinian rights and dignity

Israeli recognition of broader Palestinian rights is also a high-priority Palestinian need. It was stressed that Israeli recognition of refugee suffering would not be sufficient to meet this need, and rather that refugee rights, including of compensation and restitution, must also be recognized. There was debate on whether it would be preferable for Israel to recognize individual rights versus collective or national rights. It was suggested that refugee rights (including right of return) could be defined as rights for the Palestinian nation to be implemented on an individual basis. The definition of Palestinian rights has important legal implications, particularly around whether an agreement can guarantee an end of claims and what type of legal obligations become incumbent upon Israel. The question of whether the rights of refugees have been affected by the passage of time was raised.

Israeli recognition of more abstract Palestinian rights to dignity and humanity were also discussed. The experience of Palestinians living in Israel and the occupied territories was mentioned, noting that they do not feel that their right to live in dignity is respected or even that they are seen as

human beings. It was recommended that an agreement include a clause to end discriminatory legislation in Israel, such as laws which restrict residency rights for non-Israeli Palestinians married to citizens of Israel, potentially including family reunification across the Green Line.

Israeli perspectives

In one view, it would be politically impossible in Israel to include language in an agreement that explicitly stipulates equal rights for Palestinians. It was suggested that Palestinians in Israel should enjoy equal rights in practice.

ISRAELI INTANGIBLE NEEDS

Recognition of Israel's Jewish character

The Israeli need for Palestinian recognition of Israel's Jewish character is rooted in a need for regional acceptance of its founding and continuing legitimacy as a country for the Jewish people. For Jewish Israelis, this is a matter of seeing Palestinians acknowledge and respect Jewish identity and accept that Israelis 'are here legitimately.' It was felt that Palestinian recognition of the legitimacy of Israel's Jewish character would have a significant impact on encouraging Israeli willingness to end the occupation of the Palestinian territories, apologize for the expulsions of 1948 and compensate refugees. A related issue is the Israeli need for Palestinian recognition of the legitimacy of Zionism, including the (at least partial) legitimacy of the Jewish narrative of the creation of Israel.

It was largely agreed that Palestinian recognition of Israel as a Jewish state is problematic. Some argued that the term is too ambiguous and that from a secular Jewish perspective, 'Jewish state' is too linked to a potential theocratic or religious state. It was recommended that 'Jewish homeland' could be an alternative term, which does not necessarily provide for Israel being exclusively a Jewish homeland. There was debate on whether recognition of a Jewish homeland would meet the intangible needs of the Israeli public. While some argued that it would be acceptable because it would guarantee that a Jewish homeland would continue to exist after an agreement, others stressed that this term would not be accepted by most Israelis precisely because it fails to establish Israel as exclusively a Jewish homeland.

Palestinian perspectives

In the Palestinian perspective, to recognize Israel as exclusively of Jewish character would violate the rights of its non-Jewish, particularly Palestinian, citizens. Language setting out Israel as the homeland of both the Jewish and Palestinian people was proposed, which, it was mentioned, is a revival of the language from the 1937 Peel Commission Report. It was also suggested that an alternative means for Israel to further its legitimacy in the eyes of its neighbours would be to adopt a less exclusive approach to guaranteeing the rights of its citizens.

It was argued that Palestinian recognition of Israel as a Jewish state is both impossible and irrelevant to a resolution of the refugee issue. This particular need could become a significant obstacle to progress in talks, it was stressed, and if the demand for Palestinian recognition of a Jewish state becomes a permanent fixture in Israeli-Palestinian negotiations, it could quickly become a longstanding obstacle to peace. It was also stated that recognition of Israel's Jewish character was not a part of the Oslo framework but rather originated as a trade-off for refugee rights. This, it was argued, has come to change the entire paradigm around the refugee issue.

Symmetry

For a formulation to be politically acceptable in Israel, it would have to be symmetrical: what Israelis are willing to declare to Palestinians depends on what Palestinians are willing to declare to Israelis. From an Israeli perspective, this includes mutual acknowledgment of responsibility for what occurred in 1948, as discussed in further detail above. It was also argued, however, that both sides must stop looking at the refugee issue as a zero sum situation, arguing that there are overlaps in both parties' interests that must be emphasized.

Palestinian perspectives

It would be false to establish symmetry between the responsibility and/or suffering of Israelis and Palestinians, it was argued. Rather, Palestinian refugees are victims of 1948 and cannot have their suffering equated to what Israelis have experienced. In addition, if a formulation is presented as a 'mutual trade-off' of concessions between Israelis and Palestinians, then in the eyes of Palestinians the language of an agreement would lose its power as a reparative measure. It was also stated that Palestinians have made a certain number of miscalculations which need to be acknowledged.

Recognition of Jewish refugees from Arab countries

The Jewish refugees who were displaced from some Arab countries after 1948 deserve both recognition and remedy. It was, however, largely felt that this issue should not be addressed in Israeli-Palestinian talks but rather should be left to bilateral negotiations between Israel and the Arab countries in question. Despite this, domestic Israeli political considerations might now make it necessary to address this issue in Israeli-Palestinian negotiations. Some asserted that Israel has raised the rights of Jewish refugees in order to present a trade-off to Palestinian refugee rights, though it was also stated that what Israelis desire is for Palestinians to use their 'moral positioning' to encourage Arab countries to address the rights of Jewish refugees.

End of claims

The Israeli need for 'end of claims' seeks a Palestinian declaration that a peace settlement would constitute an end to Palestinian claims against Israel. A widely held Israeli fear is that, without this stipulation, Palestinian claims for return, compensation and other reparative measures for refugees would incrementally increase after a peace agreement. However, it was stated that end of claims is a lower-priority Israeli need than recognition of a Jewish homeland, since Palestinian recognition of a Jewish homeland would constitute an implicit acceptance of end of claims.

MUTUAL NEEDS AND A RIGHTS-BASED APPROACH

The normative dimensions of the refugee issue could also be framed as a matter of shared rights and mutual needs. A rights-based approach to meeting the intangible needs of both sides would acknowledge the rights of both Palestinians and Israelis (or Jews) without distinguishing between the rights of either. This approach includes affirming the rights of minorities. It was argued that even if one views Israelis as perpetrators and Palestinians as victims, nevertheless the human rights of Israelis should not be violated.

Intangible needs related to identity were stressed at various points during discussions, and it was emphasized that the right of return is, at its core, an issue of national identity for both Palestinians and Israelis. Palestinians call for recognition of their identity, as well as of the fact that their identity has been fundamentally shaped by the experience of displacement. It was argued that this is as important to Palestinians as are legal or technical means of obtaining justice. It was also suggested that both Israelis and Palestinians link their identity to territory: both could acknowledge the other's attachment to the territory without necessarily implying the right to live in that territory.

SYMBOLIC ACTS AND RECONCILIATION PROCESSES

Symbolic acts and reconciliation processes could help to promote moral closure and justice on the refugee issue, alongside language that meets the intangible needs of both parties. A formulation can establish intent to undertake these actions. Participants noted that symbolic acts should aim to build peace and that such acts could include scholarship programmes (partially funded by Israel), a 'Birthright' style trip for the Palestinian diaspora (funded by Arab countries) and the granting of Palestinians in the diaspora of the right to visit Israel.

It was felt that it would be politically impossible for Israel to agree to the establishment of a truth and reconciliation body. More feasible processes of reconciliation could instead include a 'fact-finding mission' focused on establishing 'facts through dialogue' or a historical commission focused on raising awareness about the history of both Jews and Palestinians. There was a recommendation that a formulation should include language for the revival of the UN Conciliation Commission for Palestine (UNCCP). This historical commission has an ambiguous mandate and could be used to implement, oversee or facilitate some of the above measures. The UNCCP was created by UNGA Resolution 194, a resolution which has acquired a symbolic meaning in the peace process and is associated with the international legality of Palestinian rights. Resolution 194 is also referred to in the Arab Peace Initiative.

SEQUENCING

It was agreed that, in general, sequencing is a very important aspect of resolving the normative dimensions of the refugee issue. The process of an apology was a particular focus of discussion. An apology should be carefully timed in order to be most effective, and it was suggested that an acknowledgment by Israel of the suffering of refugees and of the existence of a refugee problem could be a first step to establishing the context for a later apology. It was otherwise suggested that the process of apology begin with a more general signal by Israel that an acknowledgment would be coming, or begin with mutual, general language framing a joint Israeli-Palestinian stake in the resolution of the refugee issue. Following a potential apology, it was recommended that whatever formulation is agreed should be sanctioned by external bodies such as the UN Security Council, the Arab League and an international Islamic body such as the Organization of the Islamic Conference. However, the prospect of it being made prominent in international forums could also serve as a disincentive for Israel to issue an apology.

THE ROLE OF PUBLIC OPINION

It is important to be aware of Israeli and Palestinian public opinion on the normative dimensions of the refugee issue, however it was largely agreed that there should not be a public debate on these issues prior to arriving at an agreement. Polling data, for example, is a useful way to understand how public opinion might be influenced, but otherwise should not be considered as permanent fact. It was stressed that public narratives and stances are likely to change after an agreement, such as happened after the Camp David Accords when many people opposed the talks but accepted the accords as fait accompli once they were signed. It was also noted that public opinion is also likely to change post-agreement given that people would feel more secure about their future.

Leaders can push the public to be willing to accept symbolic reparations such as apology, however it was recognized that this is a risky and difficult path for leaders to take. Therefore a highly successful formulation that meets the needs of both parties can support leaders in bringing along public opinion to support an agreement. In addition, it is unwise to put too much stock in Palestinian and Israeli public opinion given how fragmented both have become. Palestinian groups are increasingly diverse in their views, and on both sides there is a clear difference between left and right on a whole range of issues.

It was also stressed, however, that failing to consult 'the refugee voice' or to properly communicate with refugee communities can lead to a breakdown in the relationship between Palestinian leadership and the refugees. This is a pressing issue, since without a state it is difficult for

Palestinian leaders to engage with Palestinians in host countries and in the diaspora. This disconnect is evident in the wide gap between official government discourse and how most Palestinian refugees discuss these issues.

REGIONAL NEEDS: HOST COUNTRIES AND THE ARAB PEACE INITIATIVE

It is also important to address the normative needs of host countries. It will be important that Jordan, Lebanon and (in the long term) Syria accept the principles of a solution to the refugee issue, since it will likely be required of them to implement an accompanying process. It was argued that the language of an agreement should include elements acknowledging the political and economic costs that refugee host countries have incurred, as well as reconciling the intangible needs of both host and refugee populations in order to facilitate the implementation of a solution to the refugee issues as put forward by an agreement. It was mentioned that the refugee issue is particularly sensitive for Jordan, which does not want to become an alternative homeland for Palestinian refugees. It was agreed that the language of an agreement, particularly on right of return, should be formulated so as to fulfill the conditions of the Arab Peace Initiative, which calls for a mutually agreed solution to the right of return in exchange for normalization of Arab relations with Israel.

THE MINSTER LOVELL PROCESS

For over a decade Chatham House has focused on regional approaches to the peace process, including work on the question of Palestinian refugees, an issue widely regarded as one of the most difficult elements of arriving at an agreement.

Our continuing work on the refugee issue is collectively known as the 'Minster Lovell Process', named after the Oxfordshire village where many of the meetings take place. The work has highlighted the importance of the regional dimension, bridging gaps in communication between all the countries concerned with the refugee issue and using workshops, scenario-building exercises and interviews in the region to provide technical expertise and potentially assist with on-going talks.

<http://www.chathamhouse.org/research/middle-east/current-projects/minster-lovell-process>

ABOUT THE MENA PROGRAMME

The Middle East and North Africa Programme, headed by Dr Claire Spencer, undertakes high-profile research and projects on political, economic and security issues affecting the Middle East and North Africa. To complement our research, the MENA Programme runs a variety of discussion groups, roundtable meetings, workshops and public events which seek to inform and broaden current debates about the region and about UK and international policy. We also produce a range of publicly available reports, books and papers.

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APPENDIX: DRAFT FORMULATIONS

The following sets of text were produced during breakout sessions in which participants were randomly allocated into working groups for discussion and individual drafting of formulations. The formulations included in the appendix are incomplete drafts of informal language about the Palestinian refugee issue and are not intended to represent the views of Chatham House or the workshop participants.

- We Israelis and Palestinians acknowledge that the land of Palestine/Israel has a special place in our (Jewish and Arab) histories and national identities. However, we acknowledge that we have committed acts that contradict our moral values. We apologize for such actions. As such we are committed to addressing our past wrongs (including the forced displacement of populations) and taking steps to remedy our past actions; we are aware that they have created inhumane conditions for both nations and as such we hereby declare our commitment to transform both of our nations into neighbours with good relations who are committed to preventing our past wrongs reoccurring, and declare our commitment to respect human rights, to create a better future for those who faced the atrocities of the past, and our own children, and future generations. [This language is intended as a post-agreement step to create a culture of peace.]
 - Possible variation: We Israelis and Palestinians acknowledge that the land of Palestine/Israel has a special place in our respective histories and national identities. However, we acknowledge that we have committed acts that have contradicted our moral values. As such, we are committed to addressing our past wrongs by taking active steps to remedy such wrongs. We are fully aware that our past actions have created inhumane conditions for both nations. And as such, we hereby declare our commitment to work on the transformation of our nations into neighbours with good relations who are committed to preventing our past wrongs, and declare our commitment to create a better future for: those who face the atrocities of the past, for our children, and future generations.
- Palestine is the homeland of the Jewish and Palestinian people, to which both have a historical attachment.
 - Possible variation: Palestine is the homeland of the Jewish and Palestinian people, to which both have a legitimate, historical attachment.
- Recognition of the role of Israel in the displacement and dispossession of the Palestinian civilian population.
- *Israelis*: Acknowledge the right of return of Palestinian refugees, in accordance with the State of Israel as the homeland of the Jewish people and the State of Palestine as the homeland of the Palestinians. We call upon the responsibility of the international community in implementing this, in accordance with international law and the wellbeing of these refugees. *Palestinians*: We cannot create further injustice by righting historical justice; actual return will be to the sovereign state of Palestine and some to the state of Israel. Offer, along with the international community, compensation. We accept that there will be official public spaces to commemorate this in the state of Israel that represent the Palestine narrative; this along with the establishment of a Palestinian state, the joint capital of Jerusalem, and security arrangements will provide for an end of conflict. We accept the right of both Jews and Palestinians to a sovereign state. We acknowledge the suffering of Jews in Europe and the right to establish their own state. We accept Israel's acknowledgement of our plight, history and suffering that resulted from the establishment of the state of Israel; therefore Israel acknowledges the plight of Palestinians.
- As a result of the dispossession of Palestinians from historic Palestine and of displacement of Jews from Arab countries as a result, it is indispensable for both

parties and for the created state of Israel to abide by the following: firstly, to allow the inflicted refugees to return to places of old habitual residence; secondly, create historical memorials aiming to educate generations of the historical background of places of displacement, agree with host countries to ensure the care and basic rights as residents/possibility to apply for citizenship, recognize the land of Historic Palestine (Israel today) as a holy land for the three divine religions (in conjunction with the right to access the holy sites) based on agreement amongst the conflict parties; UN organization will need to facilitate the return by creating a UN agency to organize the return.

- We, the Knesset, recognize that in order to build a new future in this region ... We need to acknowledge that there are many ways in which the peoples who have inhabited this land have suffered for the deeds and misdeeds of others. We begin by recognising that this suffering has been experienced in different ways both individually and collectively, and that efforts must now be made to accept, acknowledge and recognize both the individuals and communities to have suffered wrong, but acknowledge that these experiences are part of our collective history. As part of a larger process that will lead to mutual recognition and acknowledgement of the communities represented in this land (definition of land to follow), we hereby declare the establishment of a Knesset commission to oversee a fact-finding mission to collate the experiences of individuals and communities, both currently and previously established in this land, with a view to examining and establishing a process for the acknowledgement of wrongs done, and to setting in train the compensation, restitution and reparation processes necessary to closing and concluding this unhappy chapter of our shared history.
- Palestine is the homeland of the Jewish and Palestinian people to which both have an historical attachment. This agreement acknowledges the need to meet the national aspirations and rights of both peoples and their rights to live in peace and security. The tragedies of the past have left a deep and profound regrettable legacy, suffering and injustice. We must never forget the pain and suffering arising from the past years of conflict, but we can best honour that loss and suffering through the achievement of reconciliation, tolerance, mutual trust and the protection of human rights for Israelis and Palestinians.
- Palestine is the homeland of two peoples to which both have a historical attachment. We acknowledge the changing demographic reality and the need for both peoples to live in peace. This agreement acknowledges the need to meet the aspirations and rights of both peoples. It acknowledges the suffering of the Palestinian people and the need for a just and durable settlement to address their plight of displacement. It acknowledges the right of Israelis to live in peace and security with its neighbour. In this agreement, Palestinians and Israelis commit to implementing measures that will increase awareness in the public spheres in both states, awareness of each other's history and cultures. Such measures include establishment of historical commissions, fact-finding missions, truth and reconciliation commissions, and other. We acknowledge that this agreement will have an impact on host countries and Palestinian refugees in host countries. The parties will strive to ensure their rights and interests will not be jeopardized by this agreement.
- Historical Palestine is the homeland of two peoples, Jewish and Palestinian, and both have an historical attachment. Each party will take steps that publicly acknowledge the historical attachment and sense of belonging to the land of Palestine and Israel, including: memorialization, public commemoration of significant events, promotion of alternative narratives, establishment of a Truth and Reconciliation Committee and more. *Israel acknowledges* that the establishment of the State of Israel resulted in the displacement from homes, livelihoods, and separation of family of Palestinians. We acknowledge our role in the suffering endured by Palestinian refugees. We accept in principle the right of the Palestinian people to the right to return to historical Palestine, while acknowledging the right of Israel to maintain sovereign control of its borders. We

commit to facilitating access for Palestinians to visits to the homeland. We commit that there will be no new injustices created as a result of rectifying historic justice. We offer along with the international community compensation to the Palestinian refugees to support the building of the State of Palestine. *Palestine affirms* its right of return to historical Palestine, while acknowledging the right of Israel to maintain sovereign control of its borders. We accept Israel's acknowledgement of its role in the suffering our people have endured as a result of displacement from homes, loss of livelihoods, and separation of families. We commit that there will be no new injustices created as a result of rectifying historic justice. We accept compensation from Israel and the international community to support the future of our sovereign Palestinian state. We recognize Israel as a homeland for the Jewish people and commit to living in peace with our neighbours.

- Possible variation: *Israel acknowledges* that the establishment of Israel has resulted in injustices to the Palestinian people. We accept in principle the right of the Palestinian people to the historical homeland and the actual right of return to sovereign Palestine. We commit that there will be no new injustices created as a result of rectifying historical justice. We offer along with the international community compensation to the Palestinian refugees not as a pay-off but to support the rebuilding of the state of Palestine. This along with sovereign establishment of Palestinian state, capital of Jerusalem (insert other final status issues), . . . marks the end of claims. *Palestine acknowledges* that right of return means the right of return to the sovereign Palestinian state. We accept Israel's acknowledgment of the injustices that resulted from 1948. We accept the compensation not as a pay-off but to support the rebuilding of the state of Palestine. . This along with . . . marks the end of claims between the two states.
- The Palestinian right to return to their ancestral homes is recognized and compensation will be provided, and where possible restitution will be provided. This will be carried out in a manner which will be phased and sensitive to the integrity of Israel as a state which gives primacy to its Jewish nature, but which at the same time recognizes and respects the multi-ethnic and confessional nature of the state and the transition of Zionism to a more inclusive ideology as a formula for state-building.
- Based on UN Resolutions 181, 194, we both agree that this area between the Mediterranean Sea and the Jordan Valley belongs to its original inhabitants of both Jewish and Arab descent. And those who were displaced from it should be allowed to exercise their right of return and to build one state for all its citizens.
- As a principle, each individual/community has the right to return to its historical homeland and express its collective identity in one nation-state and in the public sphere.
- The following is an addendum to the end of the text on the refugee issue from the Track II Core Group formulation (1999): 'to facilitate the resettlement and absorption of Palestinian refugees in the State of Palestine or their rehabilitation in host countries.'
- *Palestinians to Israelis*: In our resistance to the creation of Israel on parts of Palestine, we have carried out aggressive violent acts which both led to the loss of innocent lives and caused damage, fear and anxiety leading to painful disruptions to Israeli society, which we deeply regret and offer our sincerest apologies. In addition to mobilizing support for our legitimate goal of creating a state of Palestine, we have sought to undermine and delegitimize the Jewish connection to the land of Palestine, which has fuelled anti-Semitism and the denigration of Judaism. This has been a great tragedy and caused great pain to Jews both in Israel and worldwide. This we also regret and will, in consultation with Israeli and Jewish representatives, introduce a number of measures to promote truthful and positive images and narratives of those we have offended and hurt. *Israelis to Palestinians*: We recognize that in our struggle to create the state of Israel, our actions resulted in the forced displacement of the Palestinian people, the confiscation of their land, the disruption of their homes, their ... in insecure

and often impoverished conditions, for many generations. In addition, in our actions we destroyed Palestinian society as it existed and led to their marginalization in the wider world and a severance of their connection with their homeland – ongoing issues. Detention, acts of aggression, dispossession.

- Both sides have struggled and paid a high price in this conflict. Yet both parties recognize that a disproportionate burden has been put upon the Palestinian refugees who were forced from their homes and prevented from returning. [Insert more text the regarding experience of displacement.] On behalf of the people of Israel, the Government of Israel apologizes for Israel's role in creating and sustaining the displacement of the Palestinian refugees and in the suffering of this population. [Insert more text regarding a Palestinian apology.] These injustices have long legacies. This apology is not the end of a process, but rather a demonstration of a longer-term commitment to recognizing and addressing the injustices of the conflict, and ensuring that the histories of both sides are not denied or repeated.
- *The PLO apologizes for any civilian casualties made by Palestinians during the armed struggle. Israel apologizes for atrocities its army made during the 1948 war that broke out following the Arab rejection of the 29 November 1947 UN partition.* In order to prevent any repetition of these ... the sides agree to take the following: 1) create/establish commemoration sites for ... both sides agree not to repair historical injustice with new displacement...
- The State of Israel solemnly acknowledged that in the course of the War of Independence, large numbers of Palestinians were forcibly driven from their homes and expelled from the land of Israel and that many of those who remained in Israel were forcibly displaced as well. Israel acknowledged as well that further displacements of populations took place subsequent to the armistice and in the course of the 1967 War. It is a matter of historical fact that the return of the people following the 67 War was forbidden by a clear ... of the Israeli Cabinet in June 1948.
- 'National aspirations of both people' as recognition of both Zionism and Jewishness, and of Palestinian nationalism
- Mutual recognition of Palestinian and Jewish self-determination (does not include the right to discriminate or the right to exclude). [Newer version of the language from UNGA Resolution 181]