



# IMPLEMENTING AN AGREED SOLUTION TO THE PALESTINIAN REFUGEE ISSUE

## POLICY CHOICES AND IMPLEMENTATION ISSUES

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# Preliminary Remarks

- This presentation was given at a Chatham House meeting in connection with the project *Palestinian Refugees in the Middle East Peace Process: Regional and International Components of an Implementation Mechanism*. It is based on IOM research that was commissioned and funded by Canada's International Development Research Centre (IDRC).
- The aim of this presentation is to illustrate the various policy choices and implementation issues that present themselves when designing and implementing a comprehensive mechanism for Palestinian refugees.
- The presentation applies a number of assumptions regarding the structure of an IM. These assumptions are made only in order to allow for a more concrete discussion of the policy choices.
- The presentation is not intended to provide a blueprint for an IM.
- The presentation does not represent any official position of IOM as to how a comprehensive solution for Palestinian refugees should be implemented.

# INTRODUCTION

**I. An Implementation Mechanism (IM) denotes both a process and a structure**

**II. Assumption:**

**The IM that will implement an agreement for the Palestinian refugee issue will deal with**

- (i) Return to Israel**
- (ii) Repatriation to the new Palestinian State**
- (iii) Integration and development in Host Countries**
- (iv) Resettlement to third countries**
- (v) Restitution of land and Compensation for land  
(where restitution is not possible)**
- (vi) Compensation for “refugeehood”, i.e. compensation for the  
fact of prolonged displacement**



## INTRODUCTION – Comments received and issues raised in previous meetings

- **IM to implement a just solution for the Palestinian refugee issue:**
  - **Based in international law,**
  - **Implementing UN General Assembly Resolution 194**
- **Refugee Choice:**
  - **IM should make refugee choice with regard to the residency options operational**
  - **Maximizing the Refugee Choice should be guiding principle for IM**

# MANDATE

## Assumptions regarding the IM Mandate:

- **The IM will itself implement the restitution and compensation components**
- **The IM will only facilitate and coordinate the residency options**
- **The IM will not deal with:**
  - Host country claims**
  - Claims by Israeli citizens against Arab countries**
  - Compensation for public land**

## MANDATE – Comments received and issues raised in previous meetings

- **Coordination of residency options prior to an agreement on the Palestinian refugee issue**
  - **Coordination with Host Countries**
  - **Coordination with recipient states for resettlement option**
- **From Host Country perspective, Palestinian refugee issue cannot be seen in isolation, but needs to be part of a comprehensive package**

# CHALLENGES

- **Determine which policy choices can and should be left to the IM and which should be made in the Peace Agreement**
- **Ensure that policies and structures outlined in the Peace Agreement can be turned into an operational IM**
- **Balance need for quick results and start-up time required to set up IM; identify areas for fast-tracking of early results**
- **Manage expectations of refugees, host countries, sponsors and donors during initial outreach and throughout the process**
- **Secure funding**

## CHALLENGES – Comments received and issues raised in previous meetings

- **Fast-tracking:**
  - **Balance quick results and start up time required**
  - **Balance individual justice and mass claims processing**
- **Funding :**
  - **Defining parameter for the IM?**
  - **Disconnect between expectations and likely commitments?**



# STATUS OF THE IM

- **Stand-alone mechanism or partially embedded in existing organization**
- **Options for embedding the compensation component (UN)**
- **Options for embedding the fund component (World Bank)**
- **Implications**

## STATUS OF THE IM – Comments received and issues raised during previous meetings

- **Embedding the IM:**
  - **Reviving the UNCCP?**
  - **A potential new role for UNRWA or other international organizations?**
- **The need for an international body**

# ORGANIZATIONAL STRUCTURE OF THE IM

- **Organs / functionalities required for the IM**
  - (i) **A policy body**
  - (ii) **Bodies for restitution and compensation claims of Palestinian refugees**
  - (iii) **Technical coordination for residency options**
  - (iv) **A fund**
  - (v) **A secretariat**
- **Decisions required regarding these organs**
  - (i) **Structure**
  - (ii) **Membership, including that of host countries**
  - (iii) **Competences and functions (terms of reference)**
- **Separate panels to address (1) restitution and compensation for property loss, and (2) “refugeehood”**
- **Role and management of the Secretariat**

## ORGANIZATIONAL STRUCTURE OF THE IM – Comments received and issues raised in previous meetings

- **Policy Body:**
  - **Need for international representation**
  - **Representation within this body linked to current distribution of refugees in host countries**
- **Technical coordination**
  - **Depends on donor governments' willingness to channel development and rehabilitation activities through IM**

# TYPES OF CLAIMS AND COMPENSATION

- **Restitution or Compensation for immovable property lost during displacement**
  - (i) **Two tracks for high and low value properties**
  - (ii) **Archives and databases for verification of the claims**
  - (iii) **Valuation of the claims**
  - (iv) **Aggregate value of the losses**
- **Compensation for “refugeehood”**
  - (i) **1948 refugees**
  - (ii) **Status or needs based**
  - (iii) **One fixed sum or staggered according vulnerability**



## TYPES OF CLAIMS AND COMPENSATION – Comments received and issues raised

- **Two-track system for property claims:**
  - Distinguishing between restitution and compensation?
  - Distinguishing between large and small properties?
- **Return and restitution – how are the two linked?**
- **Compensation for “refugeehood”:**
  - Personal scope: 1948 and 1967 refugees?
  - Verification of refugee status?
    - Separate Refugee Status Committee as an overall eligibility check for all measures provided?
    - UNRWA records as a basis for rebuttable presumptions?
  - Funding: what would be a meaningful sum?

# TECHNICAL COORDINATION

- **Technical Coordination with respect to four residency options:**
  - (i) **Return**
  - (ii) **Repatriation**
  - (iii) **Integration**
  - (iv) **Resettlement**
- **Coordination with general development policies**
- **Integration in “receiving” communities (avoid friction and backlash for refugees)**
- **Coordination with resettlement countries**
- **Relationship with the fund**
- **Relationship with implementing partners (such as EU, UNRWA, UNHCR, IOM etc.)**



## TECHNICAL COORDINATION – Comments received and issues raised in previous meetings

- **Repatriation**
  - **Citizenship of the new Palestinian State for all Palestinian refugees?**
- **Commitments from key partners:**
  - **Integration policies from host countries?**
  - **Resettlement quotas from third countries?**
  - **How can commitment be reconciled with refugee choice?**
- **Sequencing and priorities for different groups of refugees**

# FUNDING

- **Separate funding for different IM parts**
  - (i) **Compensation (Refugeehood, property)**
  - (ii) **Residency options**
  - (iii) **Administrative cost of IM bodies**
- **Dedicated funding for different components**
- **Relationship between funding for integration in host countries and development cooperation**
- **Finite funding or open-ended funding**
- **Impact of funding mechanisms on structure and operations of the IM**
- **Impact of level and timing of funding on what the IM can deliver and thus on its acceptability**



## FUNDING – Comments received and issues raised in previous meetings

- **The need for an international funding mechanism**
- **Does the source matter?**  
**Israel's responsibility for compensation for property that will not be restituted.**
- **Disconnect between Palestinian expectations and donor commitments?**
- **Trust Fund Model for IM or individual project funding for the four residency options?**

# CROSS-CUTTING CHALLENGES

- **Determining eligibility of heirs – who succeeded the original right holder three to four generations later for purposes of restitution and compensation under the IM?**
- **Exclusivity and finality of the IM**



## CROSS-CUTTING CHALLENGES – Comments received and issues raised in previous meetings

- **Eligibility of heirs**
  - Which inheritance law should apply?
  - A self-contained regime needed?
  - Are gender issues an issue?
- **Exclusivity and finality of the IM**
  - What does end of all claims mean?
  - In whose interest is it?