

**PALESTINIAN REFUGEES
AND THE POLITICS OF PEACEMAKING**

5 February 2004



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PALESTINIAN REFUGEES AND THE POLITICS OF PEACEMAKING

EXECUTIVE SUMMARY AND RECOMMENDATIONS

When Israeli-Palestinian permanent status negotiations resume, a key stumbling block is likely to be the Palestinian refugee question. The plight of the refugees and the demand that their right of return be recognised has been central to the Palestinian struggle since the 1948 Arab-Israeli War. Palestinians warn that a dissatisfied, angry refugee community whose core demands remain unmet could undermine any peace agreement. For their part, Israelis reject any significant return of refugees, which would spell the end of the Jewish state. They suggest that the issue has been kept artificially alive by the Palestinian leadership and Arab states; improvements in the desultory living conditions of camp refugees coupled with substantial resettlement plans in host or third countries could, they argue, dilute the intensity of the demand for return.

Both diagnoses are only partially correct. The refugee question has formed a core of the Middle East conflict since the late 1940s, when hundreds of thousands of Palestinian Arabs were driven from or fled their towns and villages during the 1948 Arab-Israeli War, and were prevented from returning to their homes after the end of hostilities. While there is considerable controversy over the statistics, the number of Palestinian refugees today, if defined to include the descendants of 1948 refugees and those displaced from the West Bank and Gaza Strip as a result of the 1967 war, probably stands at between four and six million, comprising some two-thirds of the Palestinian people.

For 55 years, the refugee question has by default and design played a central role in virtually every aspect of Palestinian life and politics. The guerrilla movements, particularly the dominant Palestinian National Liberation Movement (Fatah), initially emerged under militant refugee leadership, whose agenda focused on the return of exiled communities.

Even after the Palestine Liberation Organisation (PLO) began its strategic shift toward acceptance of a negotiated two-state settlement in the mid-1970s, participated in the 1991 Madrid Middle East Peace Conference and signed the 1993 Oslo accords, it never repudiated its official commitment to the right of return. While some officials informally proposed solutions to resolve the refugee question consistent with separate Palestinian Arab and Israeli Jewish states – thereby acknowledging a fundamental incompatibility between a negotiated two-state solution and unrestricted implementation of refugee demands – the Palestinian leadership reacted ambivalently, alternately ignoring the issue and reconfirming its pro forma commitment to the right of return. Oslo and more recent informal proposals – such as the Geneva Initiative and the People’s Voice – precipitated a renewed campaign of activism on behalf of Palestinian refugees with which the leadership has had to contend.

In all this, the refugees as an organised political force have played only a limited part. The renewed campaigns for the right of return are not chiefly autonomous activities undertaken by refugees who feel abandoned by their leaders. They are, rather, first and foremost activities sponsored by national Palestinian organisations that oppose concessions on the refugee question for reasons that often go significantly beyond or are only tangentially related to the refugee issue itself. While some are wedded to the traditional Palestinian agenda on the refugee question as a matter of national principle, others are motivated by opposition to Oslo or the very concept of a two-state settlement (opposition fueled in whole, part, or only marginally by the refugee question). Still others are supportive of partition but dissatisfied with the terms on offer or the negotiating process, and have seized on the refugee issue to mobilise broader dissent. Some Palestinian negotiators seeking a

better deal with Israel have sought to use the refugee issue as leverage for concessions on other matters. Finally, individuals and groups in political competition with the Palestinian Authority (PA) or seeking to improve their position within it have used the refugee question for tactical reasons.

More than a question of refugees, there is a refugee question. Disorganised and geographically dispersed, refugees have less influence on political decision-making than their numbers would suggest. The refugee question has been nationalised, and no single Palestinian organisation enjoys more influence than others in advocating the cause on the basis of the proportion of refugees among its leaders or supporters. The intensity of feeling on the *political* question of how to resolve the refugee issue is largely independent of refugee status. Likewise, many if not most refugees are inclined to perceive proposed agreements through a Palestinian rather than refugee looking glass. That is not to say that the refugee question is a card waiting to be discarded once a deal on other issues is reached. Palestinians will assess any comprehensive settlement as a package deal, and compromise on the refugee question will be facilitated if core needs are met elsewhere. Nevertheless, the centrality of the refugee issue to Palestinian identity and politics means a solution that does not meet minimum requirements – in particular some form of acknowledgment of responsibility by Israel – is likely to be deemed illegitimate by refugees and non-refugees alike.

If Palestinian refugees per se are not the problem, neither are they the exclusive answer. Improving camp conditions and opportunities in host countries, providing refugees with early, specific details on their eventual options, relocating some in Israeli settlements, should they be evacuated, and perhaps even initiating a pilot resettlement program may be helpful. But one ought to be clear-eyed as to what such steps can and cannot achieve. They can make a peace agreement more saleable to the refugees and prepare them for it. Perhaps more importantly, they can prevent the growth of a far more radicalised Palestinian camp population, a recruitment pool for radical nationalists and Islamist extremists, mobilised less by virtue of their refugee status than as a result of appalling living conditions. But such measures are unlikely to blunt the edge of the refugee issue as a national Palestinian claim that will need to be addressed as such.

An internal Palestinian dialogue is crucial and long overdue. A decade after Oslo and despite the numerous permanent status initiatives in which it has participated, the Palestinian leadership has yet to conduct a serious dialogue with its constituents about the implications of its political strategy upon the refugee question. The approach it has tended to adopt – combining reaffirmation of the right of return with broad hints of compromise – risks leading Palestinians to question their leadership's commitment to return and Israelis to question its commitment to a two-state solution. Achieving strategic consensus and clarity among Palestinians on the refugee question is a key component of the peace process. The leadership and secular nationalists should explain to the Palestinian people what a two-state settlement would mean for the refugees in concrete terms, and engage other Palestinian political actors in efforts to broaden the national consensus on the refugee question. That would be helped, of course, by reconstituting national Palestinian institutions that have since September 2000 become increasingly fragmented. It also would be helped by dialogue with Arab host countries, whose role in any final settlement will be central.

The purpose of this report is neither to recount the historical and demographic realities of the Palestinian refugee question, nor to disentangle the contesting Israeli and Palestinian narratives in this regard. Rather, it seeks to identify those actors and factors most likely to determine how Palestinian refugees will react to a negotiated agreement of the refugee question. In so doing, it also assesses the prospects for the implementation of a permanent status agreement that broadly reflect the principles previously put forward by ICG.

RECOMMENDATIONS

To the PLO and Palestinian Political Organisations:

1. Convene a regular forum on the refugee question including representatives from Palestinian national institutions, Palestinian political organisations and camp institutions to:
 - (a) discuss and seek to achieve a Palestinian consensus on the resolution of the refugee question consistent with a two-state political settlement as articulated by the League of Arab States in March 2002; and

- (b) advocate this consensus in meetings with representatives of Palestinian communities in the occupied territories, Arab host countries and elsewhere, and in public fora such as the media.
2. Work with refugee camp representatives to formulate plans to improve camp conditions for consideration by the international donor community;
3. Discuss with members of the international community details for implementation of a permanent settlement of the refugee question, on the assumption that any agreement will be based on repatriation to a Palestinian state, normalisation of status in host countries, relocation to third-countries, symbolic return to Israel and compensation.

To the League of Arab States and Member Governments:

4. Reconfirm at the March 2004 Tunis summit commitment to the Arab peace initiative adopted in Beirut in March 2002, and in particular:
 - (a) make clear their understanding that the refugee question will primarily be resolved through repatriation in a Palestinian state, permanent resettlement in Arab host countries, relocation to third countries and compensation;
 - (b) express willingness to resettle significant numbers of refugees who choose this option in the context of a comprehensive Arab-Israeli peace agreement; and
 - (c) conduct a public campaign aimed specifically at the Israeli public to explain and flesh out the Beirut initiative.
5. Engage in concrete discussions with the PLO leadership regarding the status of Palestinian refugees who in the context of a two-state settlement choose to remain in Arab host countries of current residence or to resettle in Arab states.
6. Respect the 1965 Casablanca Protocol of the Arab League, which grants Palestinian residents the same employment and movement rights as citizens, and preserves their identity and refugee status, pending a resolution of the refugee question.

To the United Nations and its Member Governments:

7. Increase funding to UNRWA programs to enable the organisation to meet the basic needs of the Palestinian refugee population, particularly those residing in refugee camps.
8. Establish an international commission to examine repatriation, resettlement and compensation issues in detail and publicise results with representatives of Palestinian political organisations, refugee communities, Arab states, Israel, and other interested parties.

To the Quartet (U.S. EU, Russia, UN Secretary General):

9. Propose a comprehensive political settlement of the Israeli-Palestinian conflict, including a just resolution of the refugee question based on informed choice between repatriation to a Palestinian state, permanent resettlement in Arab host countries, relocation to third countries, and a symbolic number returning to Israel, in addition to acknowledgement of responsibility by Israel and compensation.

Amman/Brussels, 5 February 2004



PALESTINIAN REFUGEES AND THE POLITICS OF PEACEMAKING

EXECUTIVE SUMMARY AND RECOMMENDATIONS

I. PALESTINIAN REFUGEES TODAY

The vast majority of Palestinian refugees lost their homes in 1947-1949, in the context of the establishment of the state of Israel and the first Arab-Israeli War, in what Palestinians refer to as the *nakba* ('Catastrophe'). While there are no definitive statistics, hundreds of thousands were expelled or otherwise left their homes during that conflict.¹ A second but significantly smaller wave resulted from the June 1967 War, which led to Israel's occupation of the West Bank and Gaza Strip. Palestinians displaced in 1948 are along with their descendants conventionally known as refugees (*laji'un*). Those exiled during or since 1967 are with their offspring

¹ Estimates of the number of Palestinians displaced during the 1948 conflict vary greatly. An estimate considered reliable by most researchers today, produced by the UN Economic Survey Mission of September 1949, was approximately 750,000, "First Interim Report of U.N. Survey Mission for Middle East", 17 November 1949 (UN Document A/1106). Of these approximately 280,000 went to the West Bank, 200,000 to the Gaza Strip, 97,000 to Lebanon, 75,000 to Syria, 70,000 to Jordan, and smaller numbers to Iraq, Egypt and countries further afield. Initial Israeli estimates of the refugee population were lower, between 520,000 (official assessments) and 650,000 (private assessments). Palestinian sources provided a higher estimate of 850,000 to 900,000. In the years after 1948, most Jews – perhaps as many as 800,000 – also left Arab countries *en masse* for a variety of reasons, including acts of violence against their communities, increasing official and popular hostility to their presence, and Israeli efforts to encourage them to resettle in the Jewish state. During negotiations at Camp David in 2000, Israeli negotiators asked that the issue of property restitution and monetary compensation for these individuals be put on the table alongside the Palestinian refugee question. Palestinian negotiators rejected this, arguing that the two issues were separate and that such claims should be taken up with individual Arab states.

known as displaced persons (*nazihun*) – although a high proportion of them are 1948 refugees who after 1948 resided in the West Bank and Gaza Strip and thus also continue to be known as *laji'un*. Native residents of the occupied territories who have not experienced displacement are termed citizens (*muwatinun*). More recently, PA personnel, their families and other exiled Palestinians who acquired residency status in the West Bank and Gaza Strip as a result of the implementation of the Oslo agreements are, irrespective of their places of origin, known as returnees (*a'idun*).

Because of the absence of comprehensive census data, no definitive figures exist for either the total Palestinian population or the total Palestinian refugee population.² As with virtually every other statistic connected to the conflict, there is considerable dispute and controversy regarding these figures. Much of the controversy is a matter of definition, and in particular whether one ought to consider as refugees the descendants of those who lost their homes in 1948 and have acquired citizenship rights in third countries.³

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the international agency charged with providing relief services to Palestinian refugees since 1950, maintains a need-based criteria which defines refugees as persons whose "normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict" and their

² No census of the Palestinian population has been held since 1948. Those conducted in states with significant Palestinian populations often fail to indicate national origin clearly.

³ There also is a dispute regarding Jews from the Arab world who became Israeli citizens.

descendants. As of 1 March 2003, UNRWA counted 4.1 million refugee beneficiaries (including descendants) in its areas of operation, of whom 1.7 million (42 per cent) were reported in Jordan, 900,000 (22 per cent) in the Gaza Strip, 650,000 (16 per cent) in the West Bank, 410,000 (10 per cent) in Syria, and 390,000 (10 per cent) in Lebanon.⁴

However, even within the terms of UNRWA's definition, its statistics are not wholly accurate. They count only eligible beneficiaries and exclude Palestinians with no residency rights in its areas of operation, those who have been removed from its rolls over the years for various reasons and those who never registered with the organisation. In other instances – particularly refugees in Lebanon – UNRWA figures are significantly inflated because many refugees who have for all intents and purposes permanently left Lebanon (i.e. political refugees in Europe and others prevented by the Lebanese authorities from returning) but retain their status with UNRWA in Lebanon have not been removed from its rolls. Senior UNRWA officials believe that the number of Palestinians in Lebanon almost certainly does not exceed 250,000, while a 1998 Lebanese estimate put the number at a little under 200,000.⁵

A simple estimation that Palestinians in Israel and the occupied territories are not refugees and those elsewhere are, or that Palestinians in camps are refugees and the remainder not, would be misleading. Anywhere between 65 and 90 per cent of the population of the Gaza Strip and approximately 40 per cent of West Bank Palestinians are 1948 refugees,⁶ a substantial minority of Palestinians in the Arab world and beyond are not refugees and often not displaced persons either (i.e. expatriate *muwatinun*), and two-thirds of UNRWA-registered refugees do not live in camps.⁷

Palestinian sources, pointing to the categories excluded from UNRWA statistics, provide a

significantly higher figure of 5.8 million refugees.⁸ Other sources, particularly Israeli ones, provide much lower figures, challenging for instance the inclusion of Palestinians who have acquired regular citizenship in Israel or elsewhere.⁹ Using different definitions and lower estimates of Palestinians who lost their homes in 1948, some have suggested there are only 2 million refugees.¹⁰

Today about one-third of refugees live in 59 camps recognised by UNRWA,¹¹ camp residents have borne the brunt of hardship in terms of poverty, overcrowding, lack of infrastructure, discrimination, and conflict. Most of the remaining two-thirds are, like the camps, situated within or in close proximity to urban areas in these countries and territories.¹²

The majority of Palestinian refugees (perhaps 60 per cent) are also stateless persons, meaning they have no recognised citizenship.¹³ Palestinians who lost their

⁸ The figure is calculated on the basis of the PLO's Department of Refugee Affairs' 2000 estimate, multiplied by an annual growth rate of 3 per cent.

⁹ Palestinians who lost their homes as a result of the 1948 war yet remained within Israel's 1949 boundaries and acquired Israeli citizenship are known as IDPs ("internally displaced persons"). See Norwegian Refugee Council, "IDPs in Israel" at <http://www.db.idproject.org>; "Justice for Ikrit and Biram", *Haaretz*, 10 October 2001.

¹⁰ Anti-Defamation League, "Advocating for Israel: An Activist's Guide" at http://www.adl.org/Israel/advocacy/glossary_print.asp. Similar discrepancies exist regarding 1967 displaced persons. Israel, using lower estimates and restricting the category to those actually displaced during the six days of warfare and its immediate aftermath, has put forward a figure of 200,000. The Palestinians, using a higher initial estimate and adding to this descendants, as well as those deported or prevented from returning to the Occupied Territories since 1967, put forward a figure of 800,000.

¹¹ Several neighbourhoods predominantly inhabited by Palestinian refugees and normally referred to as camps, such as Yarmouk in Damascus, Syria, are not recognised as such by UNRWA although it provides services to their inhabitants.

¹² The largest camps are Jabalya (105,000) in the Gaza Strip; Baq'a (82,000 in Jordan); Ain al-Hilwa (45,000) in Lebanon, and the unofficial Yarmouk Camp (112,000) in Syria. The largest camp in the West Bank is Balata in Nablus (21,000). Overall, there are nineteen camps in the West Bank, twelve in Lebanon, ten each in Jordan and Syria, and eight in the Gaza Strip. With 475,000 inhabitants (out of a total population of 1 million) the Gaza Strip has the highest absolute and proportional camp population.

¹³ Although prior to 1948 Palestinians were issued passports by the Government of Palestine, "a special feature of the Palestinian refugee problem is that the refugees were not citizens of a state but rather the subjects of a mandate territory being administered by the United Kingdom, under the

⁴ UNRWA, "Total Registered Refugees per Country and Area As of 1 March 2002", at <http://www.un.org/unrwa/publications/statis-01.html>.

⁵ ICG interview, senior UNRWA official, Amman, Jordan, 12 January 2004. See also Administration Centrale de la Statistique, "Conditions de Vie des Menages", February 1998.

⁶ The true figure for the Gaza Strip is probably in the region of 75 to 80 per cent.

⁷ UNRWA, "UNRWA in Figures (as of 30 June 2003)", at <http://www.un.org/unrwa/publications/pdf/uif-june03.pdf>.

homes in 1948 and subsequently acquired permanent residency status in Jordan or Israel are the only ones to have collectively acquired citizenship rights since 1948.¹⁴ Other Arab states, such as Egypt and Lebanon, have offered citizenship on a selective basis, while countries further afield provide citizenship only on the basis of regular naturalisation procedures or not at all. Displaced residents of the West Bank (who form the majority of 1967 displaced persons) as a rule have Jordanian citizenship (which they acquired prior to 1967), but displaced persons from the Gaza Strip – including those residing in Jordan – have none.¹⁵ Interestingly, the phenomenon of statelessness is today more prevalent among *muwatinun*, the non-refugee residents of the West Bank and Gaza Strip, than among either refugees or displaced persons.¹⁶

On the basis of their status as foreigners, Arabs, Palestinians, and/or stateless persons, Palestinians (and thus the refugees) are subject to legal, political, and/or socio-economic discrimination by virtually every state in the Middle East.¹⁷ In Lebanon, which considers the (predominantly Sunni Muslim) Palestinian presence a threat to its sectarian balance, the government maintains an official list of over 70 professions from which Palestinians are barred, and they are ineligible for employment in the public sector and state benefits of any kind.¹⁸ During the

1990s, furthermore, the Lebanese authorities made it increasingly difficult for Palestinians who leave Lebanon even temporarily to obtain re-entry permits,¹⁹ and have opposed any projects for developing infrastructure within the camps, including those proposed by UNRWA in the wake of the widespread devastation caused by civil war and foreign invasion.²⁰ In Jordan, where citizens of Palestinian origin are believed to outnumber its indigenous (East Bank) residents and the PLO and the Hashemite monarchy fought a bitter armed conflict in 1970-1971,²¹ the electoral power of citizens of Palestinian origin has been reduced through gerrymandering, and Palestinians are visibly underrepresented in the public sector bureaucracy and security forces. However, they face few restrictions in other fields of national life, have produced numerous prime and cabinet ministers (though proportionately less in recent years) and have traditionally dominated the private sector.²²

In Saudi Arabia and the Gulf states, residency permits are obtained through an official sponsor (typically the employer) and can be revoked at the latter's instigation or by the state without cause. Foreign male children born and raised in these states do not automatically retain residency rights after turning eighteen.²³ At times – most notably in Kuwait

auspices of the League of Nations, in order to prepare them for future independence". Alex Takkenberg, "The Status of Palestinian Refugees in International Law", Ph.d. thesis, Catholic University of Nijmegen, 1997, p. 351.

¹⁴ All Palestinians (including refugees) with permanent residency status in the West Bank also enjoyed regular Jordanian citizenship rights after annexation in 1950, but as a rule lost this after Jordan's July 1988 administrative disengagement (renunciation of claims) from the West Bank.

¹⁵ In December 2003 the Jordanian authorities announced that displaced persons from the Gaza Strip resident in Jordan would henceforth be eligible for Jordanian travel documents, but that this measure was not an extension of Jordanian citizenship to members of this group.

¹⁶ All Palestinians in the West Bank and Gaza Strip (excluding residents of East Jerusalem) engaging in foreign travel have since 1995 been issued a Palestinian Authority document that is labelled as both a passport and travel document. The document is considered a passport by states that recognise Palestine as a state, and a travel document by those that do not. Pending the establishment of an independent Palestinian state, the bearers of these documents are as a rule considered stateless persons rather than citizens.

¹⁷ Abbas Shibliak, *Residency Status and Civil Rights of Palestinian Refugees in Arab Countries* (Ramallah: Shaml, 2001).

¹⁸ However, many Christian (and particularly Maronite) Palestinians, as well as the former inhabitants of several

border villages, have over the years been offered Lebanese citizenship. ICG interviews, Palestinian NGO activists in Palestinian refugee camps, Beirut, Lebanon, 4 July 2003. They note that in practice, the Lebanese authorities encourage the involvement of Palestinians in sectors of the economy where labour is needed, but that they are paid less than their Lebanese colleagues.

¹⁹ Jalal Hussein, a Palestinian analyst and refugee affairs specialist, notes that re-entry bans targeted the community as a whole but are no longer systematically applied since President Emile Lahoud came to power in 1998 ICG interview, Amman, 3 August 2003.

²⁰ ICG interviews, Palestinian refugees, Lebanon, July 2003; senior UNRWA official, Amman, 12 January 2004. See also Abbas Shibliak, "Palestinians in Lebanon and the PLO", *Journal of Refugee Studies* 10:3 (1997), pp. 270-272; Shibliak, *Residency Status*, op. cit.

²¹ Jordanians whose ancestors migrated from Palestine before 1917 are considered indigenous Jordanians.

²² ICG interviews, former Jordanian official and journalist, Amman, April 2003. See also Adnan Abu-Odeh, *Jordanians, Palestinians & The Hashemite Kingdom in the Middle East Peace Process* (Washington, D.C.: United States Institute of Peace, 1999); ICG Middle East Briefing Paper, *The Challenge of Political Reform: Jordanian Democratisation and Regional Instability* (8 October 2003).

²³ ICG interviews, Palestinians residing in Saudi Arabia and the United Arab Emirates (UAE), Amman and Beirut, July

when several hundred thousand Palestinians were effectively expelled following the 1990-1991 Iraqi occupation that their leadership was accused of having supported – the entire community has been punished for the perceived misdeeds of the PLO leadership and/or some of the community's members.²⁴ In Israel, Palestinians are citizens though they face various forms of discrimination.²⁵

In Syria a 1956 law according stateless Palestinian refugees full legal equality “in all matters pertaining to ... the rights of employment, work, commerce, and national obligations” has been scrupulously respected in practice for almost half a century, though within a highly repressive system of governance that strictly controls political activity.²⁶ “Palestinians in Syria”, according to refugee representatives there, “are singled out for what they do, not on the basis of their identity like in other countries. A Syrian receives exactly the same treatment”.²⁷

Perhaps the most complex situation exists in the West Bank and Gaza Strip; Israelis and stateless Palestinians are governed by separate legal regimes within the same territory, and Palestinian refugees enjoy legal equality with their indigenous Palestinian neighbours within a context of military occupation that severely circumscribes the rights of both groups.²⁸ At the same time, the refugee camps, which since 1967 (and particularly in the course of the second intifada) have served as centres of militancy, recruitment, resistance and armed attacks against

Israel,²⁹ have faced harsh Israeli occupation policies.³⁰ Socio-economic distinctions between refugees (especially camp residents) and *muwatinun* also have fuelled tensions, experienced to varying degrees in the West Bank, the only Arab territory where refugees form a minority (some 40 per cent) of the total Palestinian population, and in the Gaza Strip.

The Jenin district [in the West Bank], for example, has only one camp, which left it isolated. We feel our distinct refugee status vis-à-vis other residents. Less so when the conflict is prominent but more when it is in abeyance. We definitely have had far fewer socio-economic opportunities than citizens or non-camp refugees. This is because opportunity in this society depends on money, power, land, and family status, and as camp refugees we no longer have any of these.³¹

A resident of the Jalazon Refugee Camp in Ramallah is more direct:

Citizens snub their noses at refugees, and combine political solidarity with social snobbery. In our hierarchy, *muwatinun* are supreme, followed by refugees and then camp residents. We feel like third or fourth-class persons, even foreigners, and feel that in the socio-economic sphere we are often judged

2003. See further Roger Owen, *Migrant Workers in the Gulf* (London: Minority Rights Group, 1990).

²⁴ Other cases in this respect include Egypt, which withdrew existing facilities for Palestinian university students after the assassination of a prominent Egyptian intellectual by Palestinian dissidents in 1978, and Libya, which in 1994 expelled most of its Palestinian resident population to a desert camp on the Libyan-Egyptian border to demonstrate that the PLO had at Oslo failed to secure the right of return.

²⁵ ICG interviews, Palestinian community leaders in Israel, July 2003. The situation of Israeli-Arabs will be treated in a forthcoming ICG report.

²⁶ Human Rights Watch, “Human Rights Watch Policy on the Right of Return: Relevant Background”, at <http://www.hrw.org/campaigns/israel/return/arab-rtr.htm>.

²⁷ ICG interviews, Palestinian refugee activists, Damascus, 2 September 2003.

²⁸ Sara Roy, *The Gaza Strip: The Political Economy of De-Development* (Washington, DC: Institute for Palestine Studies, 1995); Raja Shehadeh, *Occupier's Law: Israel and the West Bank* (Washington, DC: Institute for Palestine Studies, 1988).

²⁹ See, for example, Rosemary Sayigh, *Palestinians: From Peasants to Revolutionaries* (London, 1979); Rosemary Sayigh, *Too Many Enemies* (London, 1994). For an official Israeli perspective see, for example, Israel Defence Forces Spokesperson's Unit, “Jenin: The Palestinian Suicide Capital” (19 April 2002) at <http://www.idf.il/english/news/jenin.stm>.

³⁰ Israel's policy in the occupied territories, and the Gaza Strip in particular, had until the 1980s been to reduce the population of the camps. It thus undertook several projects in the Gaza Strip whereby camp families, in exchange for demolishing their own homes, were provided affordable housing in new projects such as Shaikh Radwan in Gaza City and Al-Amal in Khan Yunis. According to Israeli sources, one of the more surprising elements of the 1987-1993 uprising was that residents of these projects, who as urban property owners were thought to be relatively quiescent, participated on virtually the same level as their former camp neighbours. See further Norma Masriyeh Hazboun, “The Resettlement of the Palestinian Refugees of the Gaza Strip”, unpublished Ph.d. thesis, Leeds University, 1994; “Will There Always be Refugees? A Survey and Proposals for a Solution of the Middle East Refugee Problem”, (Jerusalem: Israeli Information Service, 1984).

³¹ ICG interview, Amal Juma, Palestinian refugee from Jenin Refugee Camp, Ramallah, 9 January 2004.

and treated on the basis of our background and identity rather than skills.³²

Within the Gaza Strip, where refugees form an absolute majority of the population, there is additional resentment that their power within society is not commensurate with their numbers and is circumscribed by their status.³³

There is little question that on the whole Arab states have also neglected the refugee camps, typically refusing to contribute to their improvement on the ground that the refugees are an international responsibility and seeking to exploit the refugee question – and the refugees' humanitarian plight – for their own political ends.³⁴

In the meantime, camp conditions have continued to deteriorate during the past decade. Per capita spending by UNRWA has dropped from U.S.\$200 in 1975 to U.S.\$70 in 1997,³⁵ a period that coincided with rising unemployment, decreased remittances from relatives working in the Gulf region and escalating conflict resulting in significant damage to camp infrastructure and the elimination of breadwinners through death, permanent injury and imprisonment. This is particularly true, of course, in the occupied territories, where Israeli campaigns to eliminate the infrastructure of armed militant organisations have led to large-scale incursions into Palestinian refugee camps, chiefly Jenin in the northern West Bank and Rafah in the southern Gaza Strip, that have caused extensive destruction of property and loss of life.

In the Gaza Strip in 2001, 40 per cent of refugees were unemployed. "In Jordan, approximately 31 per cent of all households in camps fall below the poverty line ... with the rate as high as 36 per cent in northern camps and 45 per cent among households headed by Gazan refugees".³⁶ Population density per square kilometre in refugee camps in the occupied territories stands at 26,000 in the West Bank and 34,000 in the Gaza Strip (where the average household consists of eight persons), and is significantly higher in Arab host countries (e.g. 59,000 in Syria).³⁷ While even curtailed UNRWA budgets continue to provide camp refugees with vital services they could otherwise ill-afford and which at times are unavailable to adjacent neighbourhoods, the picture is almost uniformly bleak and deteriorating. There is every indication of a strong correlation between poor camp conditions and rising militancy.

³² ICG interview, Haitham Arrar, member of Fatah Regional Committee/Ramallah and resident of Jalazon Refugee Camp (Ramallah), Ramallah, 8 January 2004.

³³ ICG interview, Safa Abdel-Rahman, Palestinian refugee from Gaza Strip, Ramallah, 8 January 2004.

³⁴ Until the early 1990s, Arab states generally refused to contribute either to improvement projects within the camps or to budgetary support for UNRWA. More recently, they have begun to provide both bilateral and multilateral aid. The government of the United Arab Emirates, for example, pledged to cover the reconstruction costs of homes destroyed in the Jenin Refugee Camp during Israel's April 2002 incursion. In Jordan, the government rather than UNRWA pays the leases for land on which refugee camps stand. ICG interview, Abdulkarim Abulhaija, Director General, Department of Palestinian Affairs (of the Jordanian government), Amman, 16 August 2003. Arab host countries have also not obstructed inhabitants from seeking housing outside the camps.

³⁵ UNRWA, "Frequently Asked Questions", at <http://www.un.org/unrwa/overview/qa.html#g>.

³⁶ Badil, *Survey of Palestinian Refugees and Internally Displaced Persons, 2002* (Bethlehem, 2003), p. 83.

³⁷ *Ibid.*, pp. 76-104. See further Marianne Heiberg, Ger Ovensen et. al., "Palestinian Society in the West Bank, Gaza Strip, and Arab Jerusalem: A Survey of Living Conditions", FAFO, Oslo, 1994; "Living Conditions in Palestinian Refugee Camps and Gatherings in Lebanon", Oslo, 2000; Marie Arneberg, "On the Margins: Migration and Living Conditions in Palestinian Refugee Camps in Jordan", Oslo, FAFO, 2002.

II. THE CENTRALITY OF THE REFUGEE QUESTION

A. SIGNIFICANCE

From the 1970s, the Palestinian refugee question increasingly was integrated into a political framework whose primary objective was a negotiated settlement leading to an independent state in the West Bank and Gaza Strip. As a result, and with growing regularity, the PLO leadership began to emphasise statehood rather than the return of refugees as the basic condition for Palestinian self-determination. The 1993 Oslo agreement accelerated and consolidated this trend. In addition to “postponing resolution of the refugee question and converting it to just another final status issue”,³⁸ Oslo transformed the process of Palestinian state formation from a political ambition nurtured in exile to a practical reality in the occupied territories. The corollary – that the Palestinian state would be the national homeland of the Palestinian people living alongside the State of Israel as the national homeland of the Jewish people, on the basis of “1948 for 1967”³⁹ – was never publicly affirmed by the leadership. Nevertheless, many Palestinian officials implicitly recognised it just as many Palestinian refugee activists explicitly denounced it.

By embodying the Palestinians’ formal acceptance of a negotiated resolution of the Israeli-Palestinian conflict, including the refugee question, the 1993 Oslo agreement appeared to signal the PLO’s recognition that there could be no unrestricted right of return. Oslo sparked mobilisation around the refugee question, both of refugees and of political activists invoking the refugee issue. As one refugee puts it, “Oslo opened the Pandora’s box”.⁴⁰ The campaign centred on United Nations General Assembly Resolution 194 of December 1948,

which considers refugees as individuals rather than a collective entity represented by an authorised leadership, and has thus been invoked to insulate the refugee question from a negotiated political compromise.⁴¹ For its part, and largely motivated by the unresolved nature of the conflict and domestic political needs, the Palestinian leadership has reacted ambivalently, alternately ignoring the issue and reconfirming its *pro forma* commitment to Resolution 194 and the right of return.⁴²

Many refugees greatly feared that they had gone from being “considered the core and backbone of the Palestinian national struggle”, to being “regarded as an economic burden and political liability”.⁴³ As’ad Abdel-Rahman, former head of the PLO’s Department of Refugee Affairs (DoRA), states: “After Oslo the refugees felt betrayed and sold out. They put us under the whip every place we visited: ‘You sold us out! Why delay resolution of the most important issue? You want to establish a Palestinian state at our expense!’”⁴⁴ Dalal Salama, Palestinian legislator and prominent Fatah leader from the Nablus Balata Refugee Camp, echoes these sentiments: “Oslo meant the end of the refugee question. This caused a popular reaction”, not only among refugees but also among other Palestinians.⁴⁵

There are obvious historical reasons why the refugee question was and remains the most emotive permanent status issue for Palestinians – refugees and non-refugees alike. It must be understood in its multiple dimensions: as a practical, material issue for refugees, who endure harsh living conditions in refugee camps or as second class citizens in third countries; as a

³⁸ ICG interview, Dalal Salama, PLC member (Deputy Chair of its Political Committee), member of the West Bank Fatah Higher Committee, resident in Balata Refugee Camp (Nablus), Ramallah, 7 January 2004.

³⁹ As characterised by Israeli commentator Ari Shavit, the deal comes down to “a simple barter transaction – an end to the occupation in exchange for an end to the existential threat. It’s 1967 in exchange for 1948 – a realization of the Palestinian right to self-determination in exchange for an end to the right of return”. Ari Shavit, “1967 in Exchange for 1948”, *Haaretz*, 16 May 2003.

⁴⁰ ICG interview, Arrar, Ramallah, 10 July 2003.

⁴¹ Paragraph 11 of UNGAR 194 (III) of 11 December 1948 “Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible”.

⁴² In an interview with ICG, a Palestinian official involved in negotiations commented that the PLO had “been more faithful to the refugees than the refugees themselves”. ICG interview, July 2003.

⁴³ ICG interview, Husseini, Amman, 3 August 2003.

⁴⁴ ICG interview, As’ad Abdel-Rahman, member of the PLO Executive Committee and former head of the PLO Department of Refugee Affairs, Amman, Jordan, 5 July 2003. He adds that “refugees outside felt more betrayed than those inside, who were part of the Oslo process and largely came to accept delayed discussion of the right of return”.

⁴⁵ ICG interview, Salama, 7 January 2004.

political issue for those refugees who genuinely want to return to their homes or seek compensation for their losses; but also as an existential issue for the Palestinian people as a whole, the most compelling embodiment and expression of the Palestinians' experience of dispossession and injustice. As a result, the refugee question as a permanent status issue resonates equally powerfully with refugees determined to return to their homes, those who no longer desire to do so and with Palestinians who did not lose their homes to begin with and have no personal stake in the matter. Nor should one forget that the right of return – not statehood – formed the original *raison d'être* of the contemporary Palestinian national movement, notably of the dominant Fatah movement and the PLO.

The centrality of the refugee question to the Palestinian ethos and national movement explains why even in the aftermath of Oslo, and until quite recently, very few leaders have been willing to address it frontally and engage in frank and unsentimental public discussion. The sacred nature of the refugee question, underpinned by widespread popular attitudes, made it an ideal tool with which to undermine and de-legitimise Palestinian actors who ventured to suggest negotiated compromise or offer alternative solutions. Because open discussion was avoided, such Palestinians quickly found themselves deserted, left either to recant, "clarify" their statements, or bear the burden of political attacks. This reluctance was significantly strengthened by the absence of a concrete and credible prospect of a permanent settlement within which compromise on the refugee question could be justified by achievement of more general Palestinian national aspirations.

Thus, as a price of political survival, Palestinians in, or aspiring to, positions of leadership – including Palestinians who negotiated detailed agreements that in reality subordinated demands for return to the imperatives of statehood – mechanically repeated the mantra that the refugee question was the "central issue" of the Israeli-Palestinian conflict and the right of return "sacred". This proved to be a vicious circle: when the prospect of a permanent settlement seemed to materialise in 2000-2001, the fact that public opinion had not been adequately prepared made it all the more difficult for the Palestinian leadership to agree to or even formulate compromise solutions.

During preparation of this report, ICG was repeatedly informed by Palestinians – including those who have been most forthright in discussing

the implications of the two-state settlement – that Israel and the international community ignore the depth of Palestinian feeling about the refugee question at their peril.⁴⁶ While their purpose was to emphasise that a solution that does not provide a minimum of acknowledgement and justice would be impossible to implement, it also means that the refugee question is the ideal vehicle through which to legitimise a variety of agendas, discredit rivals and opponents, and mobilise and manipulate any number of constituencies. "Refugee activism was the ideal instrument for a whole host of people. With which other issue could you effortlessly mobilise 70 per cent of the population of the Gaza Strip?"⁴⁷

⁴⁶ ICG interviews, Salim Tamari, Director of the Institute for Jerusalem Studies and former Palestinian refugee negotiator, Ramallah, 7 July 2003; Sari Hanafi, Director of SHAML Palestinian Refugee and Diaspora Centre, Ramallah, 8 July 2003; Muhammad Hourani, Palestinian legislator and member of West Bank Fatah Higher Committee, Ramallah, 6 December 2003; Daoud Barakat, former Deputy Director of the PLO's Department of Refugee Affairs (DoRA), 20 December 2003.

⁴⁷ ICG interview, As'ad Abdel-Rahman, 5 July 2003.

III. ILLUSTRATIVE EVENTS

The capacity to mobilise Palestinians and outmanoeuvre and/or denounce various individuals and organisations by invoking the refugee question has been in evidence over recent months. After ICG proposed its comprehensive settlement in mid-2002, the only clause to mobilise passionate opposition among some Palestinians had to do with resolution of the refugee question. In July 2003, the results of a public opinion poll indicating that if Palestinian refugees obtained explicit Israeli recognition of the right of return in the context of an Israeli-Palestinian permanent political settlement, only 10 per cent would seek to exercise this right if it entailed living under Israeli sovereignty, were strenuously contested.⁴⁸

During this same period comprehensive Israeli-Palestinian political settlements, including a negotiated resolution of the refugee question, have also been proposed in two prominent private initiatives: most notably the Geneva Accord, a detailed document drafted under the auspices of negotiating teams led by former Israeli Justice Minister Yossi Beilin and former Palestinian Culture Minister Yasser Abed-Rabbo, but also the People's Voice, a set of principles drafted by former Israeli intelligence director Ami Ayalon and Palestinian intellectual Sari Nusseibeh.⁴⁹ In both the latter cases, Palestinian opposition has focused principally on the charge that they concede the refugees' right of return.

On the evening of 10 July 2003, fifteen Palestinians convened in ad hoc fashion in the Al-Amari Refugee Camp in the West Bank town of Ramallah. Hastily called together that same day by a woman activist from another of the Ramallah region's several refugee camps, they discussed the release, scheduled for 13 July, of the above-mentioned survey

conducted by the Palestinian Center for Policy and Survey Research (PSR), under supervision of its director, Khalil Shikaki.⁵⁰

To the group that met in Al-Amari, the prospect of yet another prominent Palestinian institution and personality abandoning right of return orthodoxy was worrisome enough. PSR's claim that its views were not so much those of the organisation and its director, but first and foremost those of the refugees themselves made matters worse. A press release issued by the group on 13 July 2003 in the name of "Palestinian Refugee Organisations, Committees, and Institutions in Palestine and in Exile",⁵¹ denounced the survey and its "fabricated results", challenged PSR "to accept an independent investigation into this matter by qualified specialists", and concluded:

We, the refugees of Palestine, hereby proclaim that our Right of Return is a sacred and inalienable right not subject to either negotiation or compromise. We further proclaim that studies such as that issued today by PSR reflect the political agenda and ambitions of those financing and conducting such studies and nothing else.⁵²

Several busloads of refugees, in an effort organised by the ad hoc committee, arrived at the PSR offices in Ramallah on 13 July to challenge its director and the survey results. A number of them, after entering the PSR premises, pelted Shikaki with eggs and, according to some accounts, ransacked the premises.⁵³ They subsequently marched the short distance to the remains of the Ramallah headquarters of Palestinian leader Yasir Arafat, where they were received and informed that the Palestinian leadership

⁴⁸ Palestinian Center for Policy and Survey Research (PSR), "Press Release: Results of PSR Refugees' Polls in the West Bank/Gaza Strip, Jordan and Lebanon on Refugees' Preferences and Behaviour in a Palestinian-Israeli Permanent Refugee Agreement, January- June 2003" 18 July 2003 at <http://www.pcpsr.org/survey/polls/2003/refugeesjune03.html>. See also Khalil Shikaki, "The Palestinian Refugee Question," *Aspenia*, N°21-22 (2003), p. 158.

⁴⁹ For the ICG, Geneva Accord (also called the Geneva Initiative) and People's Voice proposals, see Appendices B, C, and D below. The Geneva Accord and ICG propose roughly similar solutions. While the People's Voice fundamentally espouses the same basic outcome, it has been viewed by Palestinians as less sensitive to their needs.

⁵⁰ The meeting was attended by ICG.

⁵¹ While the authors' claim to represent the gamut of Palestinian refugee institutions is open to question, they conducted considerable outreach activities between 10-13 July 2003, and similar statements were later released by refugee advocates in Lebanon and elsewhere. See, for example "Statement Issued by Palestinian Civil Society Associations and Organisations in Lebanon: Our Right of Return is the Real Roadmap to Palestine", 22 July 2003, and signed by 95 organisations. Unpublished statement, copy in possession of ICG.

⁵² "Media Statement Issued by Palestinian Refugee Organisations, Committees, and Institutions in Palestine and in Exile", 13 July 2003. Unpublished statement, copy in possession of ICG. The poll had been conducted with Canadian, German, Japanese, and UNDP financial support.

⁵³ A Palestinian refugee activist present at the scene denied press reports that protestors ransacked the PSR premises. ICG telephone interview, 13 July 2003.

remained committed to their cause, and viewed it as its own.⁵⁴

The controversy surrounding the PSR poll was repeated on a larger scale several months later with respect to the Geneva Accord. That initiative, although enjoying no official status, was spearheaded by PA cabinet members including Yasir Abed-Rabbo and Nabil Qassis, and included the participation of prominent Fatah leaders and Palestinian legislators such as Qadura Faris, Muhammad Hourani and Hatem Abdel-Qadir. Arafat was kept informed throughout the negotiations and sent one of his security chiefs, General Jibril Rajub, as his personal emissary to its formal launching in Geneva on 1 December 2003. Bethlehem University president Manuel Hassassian delivered a speech on Arafat's behalf in which he expressed support for the effort without necessarily endorsing all its details. The carefully crafted clause on the refugee issue lists resettlement options for the refugees, including Israel, while subjecting such an option to Israel's sovereign decision. The right of return is not mentioned, meaning that formally it is neither recognised by Israel nor renounced by the Palestinians. Reaction among Arab governments was also promising: in varying degrees Egypt, Jordan, Morocco and Qatar expressed support for the initiative which, they stated, was in line with the Arab League Beirut Summit resolution of March 2002 calling for a negotiated solution to the refugee issue.⁵⁵

Nevertheless, the Geneva Accord caused a firestorm among Palestinians and, as a prominent Palestinian analyst explained, "it was all focused on the right of return question".⁵⁶ In London, a Right of Return Congress that brought together 100 politicians, activists, academics, and camp representatives from Palestinian communities throughout the world the same week the initiative was unveiled "declared its rejection of the so-called Geneva Agreement and expressed its astonishment as to how a few persons could assign to themselves the task of conceding the inalienable Right of Return". Demanding that the PLO "condemn this proposed and any such agreement, as it deviates from the fundamentals of the Palestinian national position", it concluded that the leadership "is obliged to put an end to the

initiatives of these individuals so that the impression is not conveyed that matters are moving in this direction".⁵⁷

In Bethlehem, a statement issued in the name of Fatah on the day of the Geneva ceremony blamed "the current Palestinian regime" and informed its readers:

Taking into consideration that the Right of Return is the foundation of the Palestinian consensus; the core of the Palestinian struggle; the justification for the current revolution; and the dream of two-thirds of the Palestinian people, we strongly reject all initiatives, agreements, and understandings, whether formal or informal – including Beilin-Abu Mazen, Nusseibeh-Ayalon, the Geneva agreement, among others – that compromise this sacred right...If there was a need for tactical measures, it is the Palestinian state which should be used as a bargaining chip in order to achieve the return.⁵⁸

Breaking with longstanding Fatah positions, it pledged to start "a popular campaign in Palestine and in exile under the title: 'Return First, and Peace for Two Nations in One State'".⁵⁹ Although the statement represented neither the views of the Fatah leadership nor those of the movement's majority, under the circumstances no effort was made to repudiate it.⁶⁰

By the time the Fatah statement appeared, and despite the involvement of senior Palestinian politicians and activists, the Geneva Accord had been denounced by numerous Palestinian political and civil society institutions.⁶¹ The reaction of the Islamic Resistance Movement (Hamas) was telling. According to a member of the PLO Executive Committee, "there is much in Geneva one would

⁵⁴ Ibid. Arafat did not endorse the attack on Shikaki, and it is unclear if he was aware of it at the time of the meeting.

⁵⁵ The Beirut Summit resolution calls for "a just solution to the problem of Palestinian refugees to be agreed upon in accordance with UN General Assembly Resolution 194".

⁵⁶ ICG interview, December 2003.

⁵⁷ "The Right of Return Congress: Closing Statement of the London Conference" (authorised translation), 18 October 2003.

⁵⁸ Fatah communique, 1 December 2003.

⁵⁹ Ibid.

⁶⁰ The Fatah movement did not endorse the initiative, though several Fatah leaders had been involved in negotiating the document. Dalal Salama, member of the West Bank Fatah Higher Committee, Ramallah, 7 January 2004, characterised it as "courageous, but very wrong" on account of its provisions on the refugee question.

⁶¹ Statements produced by Palestinian factions opposed to Geneva emphasised their objection to the clauses on the refugee question. For a Palestinian perspective in support of the Geneva Accord, see Salim Tamari, "The Case for Geneva", *Guardian*, 6 January 2004.

have expected Hamas as an Islamist, Palestinian organisation to object to, like the provisions on the Haram al-Sharif and Jewish settlements. But virtually all they talked about was the betrayal of the right of return”.⁶²

Among Palestinian public opinion, the results were mixed. While some polls reflected majority support within the occupied territories for the overall solution proposed in Geneva,⁶³ responses turned negative when the question was focused on the refugee clause.⁶⁴ Forced to defend themselves, Palestinian negotiators emphasised that they had not formally renounced the right of return,⁶⁵ that their efforts had done little more than clarify what people already knew and offered refugees concrete alternatives to

continued dispossession and discrimination,⁶⁶ and that it was an informal initiative not set in stone.⁶⁷

As this and other incidents show, the refugee question remains the Holy Grail of Palestinian politics, the issue around which political mobilisation and political condemnation can most readily be achieved. Far from being reduced to the preserve of an embattled special interest lobby, the refugee question remains a national Palestinian concern that cuts across social, political, and geographical barriers. And it is this national dimension, deriving from the origins of the issue, the central role it has played in the development of Palestinian national consciousness and the contemporary Palestinian national movement and the existential shadow it has continuously cast over the Israeli-Palestinian (and wider Arab-Israeli) conflict, that accounts for the influence of what is mistakenly referred to as the “refugee lobby” in the domestic Palestinian political arena. The refugee agenda is by definition a – and at critical junctures *the* – national agenda.

⁶² ICG interview, As’ad Abdel-Rahman, Amman, 4 January 2004. Abdel-Rahman adds: “I oppose Geneva for the same reasons that Israeli politician Amram Mitzna supports it: mainly a Palestinian renunciation of the right of return, and the maintenance of Israeli settlements with Palestinian acceptance”. Other Palestinians who expressed general support for Geneva were unhappy with its formulation on the refugee question. ICG interviews, January 2004.

⁶³ A November 2003 public opinion poll jointly sponsored by ICG and the James A. Baker III Institute for Public Policy found 55.6 per cent of 631 Palestinian respondents in the West Bank and Gaza Strip supportive of a comprehensive peace agreement according to the terms of which “Palestinian refugees will have the right to return to the state of Palestine and to areas of Israel that will become part of Palestine as a result of the territorial swap. They also may be resettled in third countries or in current host countries, subject to those countries’ sovereign decision. Refugees will receive rehabilitation assistance, compensation for property lost and for harm incurred due to their refugee status”. See further ICG “Survey: Majority of Israelis and Palestinians Support Peace Proposal” (24 November 2003) at <http://www.crisisweb.org/home/index.cfm?id=2384&l=1&m=1>

⁶⁴ “The percentage of opposition to the refugee component reaches 72 per cent ... No difference between refugees and non-refugees exists when it comes to the Geneva refugee solution ... In the eyes of the Palestinian public ... the worst [component of the document] is the one that deals with refugees”. Palestine Centre for Policy and Survey Research (PSR), “Poll #10” (December 2003).

⁶⁵ Yasir Abed-Rabbo, interview with Al-Arabiyya Television, October 2003. Abed-Rabbo further stated: “We should make clear that this is the road to provide the best solutions for the refugees’ question in the current historical circumstances”, at http://www.mofa.gov.ps/news_letter/details.asp?subject_id=1013. Qadura Fares, another signatory of the accord, explained: “There is a right of return, and this is what the agreement instructs. The matter returns to Israel [i.e., the decision to accept refugees is “under Israeli control”] and they can interpret these sections as they wish, but for us it is a right of return”. *Al-Ayyam*, 14 October 2003.

⁶⁶ ICG interview, Hourani, 6 December 2003.

⁶⁷ *Ibid.*

IV. WHAT REFUGEES THINK

Although the refugee question retains its quasi-sacred status, Palestinians express a variety of views and a degree of pragmatism on how it ought to be resolved. Extensive ICG interviews with refugees and other Palestinians in the occupied territories, Arab host countries and further afield do not purport to reflect a scientific sampling, but a number of dominant themes emerged:

The need for acknowledgment and recognition. A central point, highlighted in the above-mentioned PSR poll and broadly echoed among interviewees, was the need for acknowledgement by Israel of responsibility for the creation of the refugee question, more often than not including acknowledgement of the principle of the right of return.⁶⁸ One went so far as to state: “I’m prepared to accept that only one refugee will return, but on condition that this is recognised as exercising the right of return and not an Israeli humanitarian gesture that we have been denied for more than 50 years”.⁶⁹ Indeed, virtually every Palestinian interviewed insisted on recognition as a precondition for a settlement, stating, in the words of one, that “without it the problem will never disappear; the rest is details”.⁷⁰ “To expect the PLO to renounce the right of return”, said a Fatah activist, “is like asking Hamas to renounce Islam”.⁷¹ According to As’ad Abdel-Rahman:

Some form of recognition is absolutely crucial, for moral, political, and psychological reasons. Both in and of itself because of our history and the centrality of recognition to enabling a negotiated resolution of the refugee question, but also, specifically, because it would be coming from Israel.⁷²

Another Palestinian, broadly supportive of the Geneva Accord, nonetheless lamented that it had disposed of the refugee issue as a “matter of immigration quotas. I agree with the outcome, but you need some form of acknowledgment of responsibility.”⁷³

Behind such sentiments expressed by refugees and non-refugees alike lies a powerful need for recognition that the Palestinians have suffered an historic injustice. It also reflects a continued reluctance to accept Israel’s legitimacy and its right to exist as a Jewish state – seen as tantamount to a retroactive legitimisation of their own dispossession – that is unlikely to be overcome in the foreseeable future. The extent to which this will complicate prospects for peaceful coexistence under a fair two-state solution is another matter and, as seen below, probably depends on the shape of the settlement as a whole and the context in which it is unveiled.⁷⁴

A willingness to negotiate. Virtually all Palestinians interviewed recognise that a two-state settlement and full implementation of the right of return are fundamentally incompatible. For some, this significantly contributed to their opposition to such a settlement; for most, it led to acceptance of the necessity of a negotiated compromise on the refugee question. Somewhat surprisingly, ICG found

⁶⁸ According to the PSR poll, more than 95 per cent of respondents “insists on maintaining the ‘right of return’ as a sacred right that can never be given up.” Shikaki, *op. cit.*, p. 161. Not all Palestinians agree. Salim Tamari cautioned that Israel would use a “pro forma” apology to extract significant concessions on material issues such as compensation. ICG interview, Tamari, 7 July 2003. ICG interview, Salman Abu-Sitta, General Coordinator and official spokesperson of the Right of Return Congress, President of the Palestine Land Society and former member of the Palestine National Council (PNC), Ottawa, 18 June 2003, also objected to Israeli acknowledgement in the context of a negotiated compromise, characterising such measures as “recognising our rights in order to take them away”. Other Palestinians took the view that neither side should be expected to recognize the other side’s rights or responsibilities; the aim should be to reach a pragmatic political solution. ICG interviews, December 2003.

⁶⁹ ICG interview with Palestinian refugee, Ramallah, 8 January 2004.

⁷⁰ ICG interview, Bassam Salhi, leader of the Palestinian People’s Party (PPP), El Bireh, 7 January 2004.

⁷¹ ICG interview, Wa’el Manasra, Fatah activist, Ramallah, 8 January 2004.

⁷² ICG interview, As’ad Abdel-Rahman, 4 January 2004.

⁷³ ICG interview with Palestinian official, January 2004. There are, of course, more uncompromising views according to which an unrestricted return of the refugees is the only acceptable outcome, ICG interview, Abu-Sitta, 14 July 2003; and any abandonment of the right of return “will result in revolution in the streets”, ICG interview, Omar Barghouti, 8 July 2003.

⁷⁴ Paradoxically, as has been noted, Israelis oppose any acknowledgement of a right of return, even in the context of an agreement that would significantly constrain its implementation, while Palestinians insist on it, even in the context of an agreement that would give it little practical meaning.

significant opposition to what is termed “right of return nostalgia”.⁷⁵

People should understand that the homes whose keys they still have no longer exist, for the simple reason that the entire village was eradicated over half a century ago. The refugee question is a national issue about the rights of a people. If it’s localised and reduced to an individual level, and your rights depend on whether your house or your village is still standing, we’re finished.⁷⁶

A refugee from the Jalazon Refugee Camp outside Ramallah adds: “Return to the village where your parents were born sounds beautiful and romantic, but life is complicated”.⁷⁷

Palestinians offer a wide variety of compromise solutions. These range from support for the Geneva Accord as a basis for a permanent settlement of the refugee question,⁷⁸ to the idea of pegging the number of returning Palestinian refugees to the number of Jewish settlers remaining in West Bank territory annexed to Israel in a final agreement⁷⁹ to establishing formal peace with Israel but postponing a permanent resolution of the refugee question and thus the end of conflict until a later date.⁸⁰ On the whole, however, most accepted that the fate of refugees would be settled by negotiations and that ultimately only a minority would return to territory remaining under Israeli sovereignty – whether because of restrictions in a permanent settlement or because most would prefer to live under Palestinian rule or remain in Arab host countries once they become familiar with contemporary realities in Israel.⁸¹ As a Fatah leader from the Ayn al-Hilwa Refugee Camp in Lebanon explained: “What would we do in Israel? We, the educated refugees, would rather be repatriated to the Palestinian state; however,

this does not mean that we give up our right to restitution of property and to compensation”.⁸²

An organic connection between resolution of the refugee question and other permanent status issues. There is little doubt that Palestinian willingness to compromise on the refugee question will be a function of solutions found to other permanent status issues. Palestinians explain that they will judge a peace agreement as a package deal;⁸³ if their basic interests as a people are met, they are unlikely to reject a deal solely on account of provisions on a single issue. Conversely, in a situation where a less than satisfactory comprehensive solution is offered, objections will increase, and here the refugee question can be expected to play an important role in mobilising and focussing opposition. In short, just as the refugee question is a national question, so, too, do refugees adopt a national approach, on the whole assessing the refugee question in terms of the overall solution.

This is not the same as saying that Palestinian insistence on the refugee question is a tactical ploy to extract concessions on other issues and that the refugee file serves “as the strategic reserve of the Palestinian negotiator.”⁸⁴ As Palestinian negotiators point out, the reality that Palestinians will not formally concede on the implementation of the right of return until a package deal is reached does not mean that the issue is solely being used as a tactical card; rather, it is precisely because it is an existential issue that a compromise can only be officially accepted – and promoted – in the context of a satisfactory and comprehensive solution that addresses all permanent status issues.

The necessity for detail and clarity. Refugees may not have a greater stake than non-refugees in the political aspects of the resolution of the refugee question but they do in the practical aspects of its implementation, whether in terms of resettlement, relocation, return or compensation. In other words, although the refugee question is above all a collective political one, support for a pragmatic solution will depend as well on whether refugees are provided with satisfactory outcomes that respond to their material needs. To date, implementation modalities

⁷⁵ ICG interview, Arrar, 8 January 2004.

⁷⁶ ICG interview, Salama, 7 January 2004.

⁷⁷ ICG interview, Arrar, 8 January 2004.

⁷⁸ ICG interview, Wafa’ Abdel-Rahman, Ramallah, 8 January 2004.

⁷⁹ ICG interview, Yezid Sayigh, researcher and author on Palestinian National Movement Ottawa, Canada, 18 June 2003.

⁸⁰ ICG interview, Salama, 7 January 2004.

⁸¹ ICG interviews; Wafa’ Abdel-Rahman, 8 January 2004; Bisan Abu-Ruqti, 8 January 2004; Ruba Abu Ruqti, 8 January 2004; Manasra, 8 January 2004.

⁸² ICG interview, Amineh Jibril, Head of the Palestinian Women’s Union (Fatah) in Lebanon, Ain al-Hilwa Refugee Camp, Sidon, Lebanon, 2 July 2003.

⁸³ ICG interview, As’ad Abdel-Rahman, 4 January 2004.

⁸⁴ ICG interview, Barakat, 20 December 2004.

have largely remained unarticulated at the official and informal levels, and the various agreements in circulation have as a rule focused on general and declarative statements in this respect:

The problem for refugees is that they read an agreement like Geneva, which is perhaps more detailed than any other, and they learn that so many thousands will be absorbed by this state, so many thousands by that, and that a compensation fund will be established to benefit them and so on. But what is missing is the level of detail that allows them to visualise concretely, with the required level of confidence, where they will end up, and what they will end up with. When you tell millions of people that several tens of thousands of them are eligible for a new life in Canada, they will all immediately assume it is a perk for the elite and not relevant to their own future. And therefore meaningless in terms of how they think about their own available options.⁸⁵

Similarly, suspicion runs high among the refugees that rehabilitation schemes may well divert monies to the government of the future Palestinian state and international organisations at the expense of compensation funds and thus their personal needs.⁸⁶

Likewise, in part because Arab host countries have not been involved in permanent status talks, the future legal status of the refugees in those countries remains unclear, whether regarding their socio-economic rights, citizenship or links with the future Palestinian state. Refugees also have their doubts about the capacity of a Palestinian state to absorb large numbers and in this context fear a permanent settlement will reproduce the limbo they have been living in for several generations.⁸⁷

For many refugees in Lebanon and Syria, the “nightmare scenario” is one in which a peace settlement would deprive them of their UNRWA-refugee status that has provided them free housing (in the camps), schooling, medical and social services and a defined political status, while bringing next to nothing in return. Unless such fears are

resolved from the very outset, the level of support for any settlement could be significantly affected, while the opportunities for those committed to scuttling it would rise commensurately.

The greater the uncertainties, the stronger the tendency among refugees to reject compromise proposals and find solace in the preservation of their refugee status and all the rights attached to it, starting with the right of return. Typically, refugee activists and members of political organisations opposed to Oslo have sought to exploit such attitudes.

⁸⁵ ICG interview, Husseini, 18 January 2004.

⁸⁶ ICG interviews, Fatah activists, Askar and Balata refugee camps, Nablus, January 2001; Wihdat Refugee Camp, Amman, Jordan, November 2003.

⁸⁷ ICG interview, Jibril, 2 July 2003; Kassem Ayna, Director of the Atfal al-Sumud NGO, Beirut, Lebanon 3 July 2003.

V. MODES OF REPRESENTATION AND POLITICAL MOBILISATION

The refugees are not like an identifiable, marginalised ethnic minority in Europe or North America, who produce their own leaders to serve their specific interests. Nor are they a distinct socio-economic class that could be separately represented by their own party. Rather, they exist throughout Palestinian society and politics, everywhere, and share its variety of competing interests and representations. Their only common denominator is that they form the absolute majority of Palestinian society and share the experience of dispossession. How relevant is that in terms of categorisation? Not very, I would argue.⁸⁸

Any assessment of the past and future impact of the refugee population on the politics of peacemaking must consider the ways in which Palestinian refugees are represented and mobilised. “Just as the issue of Jerusalem cannot be left to Jerusalemites, so the refugee question is not just a question for refugees”.⁸⁹ An analysis, therefore, cannot be confined to sectoral representatives and single-issue activists. It must take into account the broader, national Palestinian political arena.

A. SECTORAL REPRESENTATIVES

The closest thing Palestinian refugees have to formal sectoral representatives – representatives of refugees as refugees – tends to be almost exclusively camp-based and localised. Such representatives focus heavily on day-to-day material issues and operate with minimal coordination among each other. As a former DoRA official put it, even “the prisoners are more organised than refugees”.⁹⁰ With only a handful of exceptions, refugee representatives have largely played a secondary role in national political mobilisation concerning the refugee question.

The principal representative bodies are the camp committees (also known as popular or service committees), which have existed in various forms

for decades. Their primary function is to represent the interests of camp inhabitants, particularly in the services and welfare spheres, by serving as counterparts to UNRWA and to local and national governments.⁹¹ In Jordan, committee members (who number between nine and thirteen) are appointed in each camp by the government’s Department of Palestinian Affairs (DPA) and serve four-year terms;⁹² some are political appointees, some are prominent camp residents, and others are drawn from the leadership of camp-based institutions and NGOs.

The situation in Lebanon is far more complex owing in part to the role played by the Palestinians in the country’s civil war, to the sensitivity of the country’s sectarian balance and to Syria’s strong role.⁹³ Thus, while committees in the refugee camps “are primarily involved in municipality-like work”⁹⁴ and their membership is dominated by Palestinian political factions, two features stand out: first, the camps enjoy a greater level of internal autonomy and at times tense relations with Lebanese authorities; secondly, the PLO and Fatah have been significantly weakened, and rival committees have been established by pro-Syrian organisations.⁹⁵

The most developed committees currently are in the West Bank and Gaza Strip, where their membership (ranging from eleven to twenty persons) and functions were formalised by DoRA in the mid-1990s. While camp politics are, like much of Palestinian politics generally, driven by geographic local, familial and

⁸⁸ ICG interview, Karma Nabulsi, former Palestinian representative and advisor to Palestinian negotiating team, Ottawa, Canada, 18 June 2003.

⁸⁹ ICG interview, Salhi, 7 January 2004.

⁹⁰ ICG interview, Barakat, Ramallah, 9 July 2003.

⁹¹ ICG interview, senior UNRWA official, Amman, Jordan, 12 January 2004.

⁹² ICG interview, Abulhajja, 16 August 2003.

⁹³ Particularly among Maronites, the presence of armed Palestinian factions in Lebanon in the 1970s and early 1980s is viewed as having contributed to Lebanon’s own political divisions. See Farid el-Khazen, *The Breakdown of the State in Lebanon, 1967-1976*, (London, 2000).

⁹⁴ ICG interview, Wafa al-Yasir, Norwegian Peoples’ Aid, Beirut, 4 July 2003. Yasir’s qualification that most such committees are under-funded and inefficient reflected the views of the majority of Palestinian refugees in Lebanon interviewed by ICG.

⁹⁵ As Abu Ali Hassan, a leader of the Popular Front for the Liberation of Palestine in Lebanon put it: “The Palestinians in Lebanon are divided and the Ain al-Hilwa camp is representative of the Palestinians’ factionalisation. All the pro-PLO and pro-Syrian factions are represented, plus the Islamists. Every day,” he added sarcastically, “a new organisation seems to be emerging”. ICG interview, Ain al-Hilwa, June 2003.

clan-based ties,⁹⁶ these have tended to be mediated by the political movements (commonly known as “factions”), which determine the selection of representatives. Camp-based institutions such as youth committees – relatively influential and themselves dominated by the factions – form a key ladder of ascent to membership in the committees.

As in Jordan, camp committees in the occupied territories serve as the chief local counterparts for service and development projects.⁹⁷ Although the PLO’s Department of Refugee Affairs is influential in camp committees in the West Bank and Gaza Strip, and although they tend to be dominated by Fatah, the relationship with the national Palestinian leadership and in particular the Palestinian Authority (PA) is ambiguous. Neither subservient to nor genuinely independent of the PA, they operate with a visible measure of autonomy and serve as both a conduit for PA/PLO influence within the camps and a lobby for the camp population within the latter. Unlike the situation in most other regions, where the political activities of camp committees are strictly controlled (as in Syria) or effectively circumscribed (e.g. Jordan), committees in the occupied territories face few restrictions. In 1999, camp committees in the West Bank and Gaza Strip established an Executive Committee (EC) – with headquarters in each of these regions and their sub-districts – that comprises the heads of the individual camp committees.

As a result, and in contrast to other camp committees, their activities also partially concern the broader political aspects of the refugee question. According to one of its members, the EC was established “to organise the camps both politically and socially” and better reflect the weight of the refugees at central government level. “One Palestinian official after the other was talking about the refugee question, yet within the camps no one had an idea what was going on. Our role, as a political lobby, is to ensure that our

negotiators remain faithful to the cause”.⁹⁸ Their main activities in this regard consist of the organisation of petitions, demonstrations and strikes; meetings with senior national and foreign officials; and issuing public statements on various aspects of the refugee question.

Even then, the effectiveness of camp committees as autonomous political actors is in practice largely constrained. Indeed, their activities are mediated by the national political organisations (particularly Fatah) that control the majority of their membership and that choose to give the committees a more active or passive profile for reasons that may have little to do with the refugee issue. Activism may be directly related to the refugee question (such as the campaign in the mid-1990s to prevent the administrative incorporation of the camps into adjacent towns, thus preserving the camps’ separate political status); to broader political agendas (for example, to mobilise support for Arafat in the wake of the failed 2000 Camp David summit or stage protests against the 2003 Geneva Accord); or to more mundane questions such as rivalries within and between Palestinian political organisations.

Examples of the latter include organised shows of support for Arafat when a wave of Hamas suicide bombings threatened to derail the peace process during the mid-1990s, and again when it was feared that the first Palestinian prime minister, Mahmoud Abbas (Abu Mazen) and his security chief, Muhammad Dahlan, were undermining Arafat’s control over the Palestinian national movement in the context of implementation of the Roadmap.

The committees - and even more so refugee camp activists affiliated with youth movements and other camp institutions - and the political leadership experienced the beginnings of direct competition in the mid-1990s, when it appeared that camp representatives were playing an important role in a broader challenge within the occupied territories against the representational legitimacy of the PLO. At the First Popular Refugee Conference in which the committees played a central role, in Dheisheh Refugee Camp near Bethlehem in September 1996:

The participants recommend that the [proposed] elected [refugee] Council coordinate its work with other elected councils in the diaspora so as to transfer the refugee file [from the PA] to

⁹⁶ See Jean-François Legrain, *Les Palestiniens au Quotidien. Les Elections de l’Autonomie Janvier 1996* (Beirut, 1999). According to Legrain, after 1948, “each camp imposed itself as the new self-enclosed space” within which refugees defined their new identity and built their sense of loyalty and solidarity. “Les Phalanges des Martyrs d’Al-Aqsa en Mal de Leadership National”, *Maghreb-Machrek*, 176 (2003).

⁹⁷ ICG interviews, Ismail Sarraj, member of the Executive Committee of the West Bank and Gaza Strip camp committees and head of the Silwad Refugee Camp committee, Ramallah, 10 July 2003; Walid Badawi, Palestinian researcher from Balata Refugee Camp, Ramallah, 8 July 2003.

⁹⁸ ICG interview, Sarraj, 10 July 2003.

these democratically elected bodies. The General Refugee Conference will thus be the only body authorised to negotiate – through the PLO – on the refugee issue.⁹⁹

According to committee members, “we were not anti-PA and did not want to be. Our message was simple: ‘represent us or consult with us, but stop ignoring us’”.¹⁰⁰ Nevertheless, the proposal could only be read as a direct challenge to the representational legitimacy of the PLO political leadership (which would cede its negotiating role to the proposed General Refugee Conference) and a clear attempt to equate the PA with other host governments.

In due course, the leadership swung into action. In 1996 it appointed the more activist As’ad Abdel-Rahman, an independent member of the PLO Executive Committee, as the new head of a re-invigorated Department of Refugee Affairs. Secondly, new committees (dominated by Fatah) were established that were fully removed from PA supervision, with the PLO’s DoRA assigned as their only formal counterpart. A victory for both the committees and the PLO leadership (which saw its role confirmed), it was achieved at the expense of the PA, and particularly agencies such as the Ministry of Local Government that were seeking to subordinate refugee camps and camp committees to their control.

As part of the PLO’s reaction – “and this was the campaign’s main achievement” – the leadership also reversed course on UNRWA, the international agency that has provided services to Palestinian refugees since 1950. At the time, the PLO was considering its dissolution in response to international pressure; after the camps’ defiance and from late 1996 onwards, the leadership has consistently maintained that UNRWA should be preserved with its mandate unchanged until a permanent settlement has been signed and implemented.¹⁰¹

Subsequently, “Arafat provided the camp committees with regular funding for development projects through DoRA, thereby co-opting and neutralising them. The committees, of course, felt that it was they who had co-opted Arafat. But he pre-empted the movement with a coup from above. He defused its critical edge by absorbing it”.¹⁰² Another reason committee members would have felt satisfaction is that “with the negotiations stuck and going nowhere, Arafat could afford to be more Catholic than the Pope on the right of return; we contained and even surpassed the committees in this respect”.¹⁰³ Once again secure in its position, the PLO, “where conflict on issues of representation did arise, openly challenged the standing of camp committees and of other refugee advocates, reminding them that it is the PLO and not the committees, the PLC, or NGOs that represents the refugees”.¹⁰⁴

A secondary form of sectoral representation is to be found within Palestinian political institutions. The clearest example is the Palestinian Legislative Council, whose members tend to represent the interests of their particular local community, whether village, city or refugee camp. In the latter case, candidates with strong refugee bonds – and particularly popular camp leaders like Husam Khader and Dalal Salama of Balata Refugee Camp or Jamal Shati from Jenin Refugee Camp – run on platforms that, among other attributes such as factional affiliation, emphasise their dedication to refugee rights and the interests of fellow camp residents (and sometimes also engage in populist denunciations of urban elites). Although electoral districts are significantly larger than the camps, encompassing surrounding urban and rural areas, solid support within the camps on the basis of camp credentials has been instrumental to their success.

Since joining the PLC, such individuals have also tended to remain engaged with issues that affect camp residents or the refugee question more broadly.¹⁰⁵ As advocates for refugees, they typically have focused on the need to ensure that refugees

⁹⁹ Article III.6, “Recommendations and Decisions Issued by the First Popular Refugee Conference in Dheisheh Refugee Camp/Bethlehem”, 13 September 1996. Reproduced in Badil, *Article 74*, 17 September 1996, p. 5. Conference participants included camp committee members, PLO and PA officials, NGO representatives, individual activists, and others.

¹⁰⁰ ICG interview, Sarraj, 10 July 2003.

¹⁰¹ The Palestinian leadership had previously appeared receptive to suggestions that UNRWA should be phased out and its responsibilities assumed by PA ministries, a development viewed with alarm by many refugees.

¹⁰² ICG interview, Tamari, 7 July 2003.

¹⁰³ ICG interview, As’ad Abdel-Rahman, 5 July 2003.

¹⁰⁴ ICG interview, Husseini, 22 September 2003.

¹⁰⁵ Dalal Salama is one example of a successful candidate who combined a Fatah platform, commitment to refugee rights, and identification with the interests of the Balata Refugee Camp where she resides. ICG interview, 10 July 2003. By contrast other refugee candidates succeeded without giving prominence to various aspects of the refugee question, and yet others did but failed.

benefit equally from PA policies and that the PLO insist on the centrality of the refugee file in its negotiations with Israel. Beyond that, they have not been known to argue for a particular, hard-line position in such negotiations.

B. THE RIGHT-OF-RETURN MOVEMENT

Perhaps the most visible advocates on behalf of the refugee question since Oslo have been those belonging to the so-called right-of-return movement. The appearance of single-issue lobbies on the Palestinian scene is relatively new. This also explains why it is rather limited. Most individuals identified with it, such as Naseer Aruri, Omar Barghouthi, Shafiq Al-Hut, Ali Abu Nimah, Karma Nabulsi, the late Edward W. Said, or Hisham Sharabi, would reject the label of single-issue activists by pointing out that refugee rights are for them part and parcel of a broader national political agenda.¹⁰⁶ Salman Abu-Sitta, arguably the most prominent refugee rights activist today, and whose work and activism (including production of the only detailed Palestinian plan for implementation of the right of return)¹⁰⁷ is almost exclusively centred on the refugee question, is an exception in this regard.¹⁰⁸ Similarly, there are only a handful of civic organisations, such as Badil in Bethlehem and the global Al-Awda network, that are exclusively concerned with advocating refugee rights. The majority of organisations and networks address a broader range of Palestinian issues.

Nevertheless, the right-of-return movement broadly defined has been in evidence during the past decade,

has kept growing, and enjoys moral authority among Palestinians on account of both the issues it has sought to address and the reputations of its most prominent members. Its efforts have included attempts to remobilise refugee communities in Arab host countries, public campaigns, the creation of new networks, conferences, research, publications and demonstrations. “The internet and satellite television stations played a key role in this mobilisation”,¹⁰⁹ disseminating information and ideas, and transforming them into an organic community in ways that would have been inconceivable only a decade earlier. Some of its leaders see a “groundswell” of activism, and argue that it is today “way ahead of where it was in the mid-90s” when it began.¹¹⁰ The rapid mobilisation of opposition within the occupied territories and by exiled refugee communities¹¹¹ to the People’s Voice Agreement, and more recently the Geneva Accord, is cited as evidence.

Yet visibility and moral authority on the one hand, and popular following and impact on decision-making on the other, are not necessarily connected. Some believe that the presence of the right-of-return movement could be felt in the background of permanent status negotiations with Israel and that Palestinians sought to use it to gain leverage vis-à-vis Israel. Yet, “at the end of the day their impact is not going to be decisive, because they are not organised, just loud”.¹¹² Others are less definitive and unwilling to rule out a more influential role for the right-of-return movement: the “PA became more vigilant, careful, but also more secretive” as a result of the movement’s activities and “every negotiator was looking over his shoulder every time he made a statement”.¹¹³

On the whole, however, there is no clear evidence the right of return movement has had a significant impact on Palestinian decision-making, or will do so more successfully in the future. The movement is neither structured nor organised in a manner adapted to Palestinian political structures and its decision-making process. A hybrid creature composed of a loose and leaderless international alliance of activists

¹⁰⁶ ICG interviews, Ali Abu Nimah, founding member of Electronic Intifada and Palestinian activist in the U.S., Amman, 25 August 2002; Omar Barghouthi, Palestinian refugee rights activist, Ramallah, 8 January 2004; Nabulsi, 18 June 2003.

¹⁰⁷ See, for example, Salman H. Abu-Sitta, *From Refugees to Citizens at Home: The End of the Palestinian-Israeli Conflict* (London, 2001). Abu-Sitta’s plan for the right of return is based upon demographic and additional technical research according to which most of the rural areas from which Palestinian communities were uprooted are sparsely inhabited by Israeli Jews, and that they therefore could physically accommodate the refugees. It does not seek to address Israel’s demographic concerns, which it rejects as “racism that should not be legitimised”. ICG telephone interview, 14 July 2003.

¹⁰⁸ Jamal Shati, Chair of the PLC refugee committee and resident of Jenin Refugee Camp in the West Bank is often characterised similarly, but in contrast to Abu-Sitta he is a prominent member of a Palestinian political organisation (Fatah).

¹⁰⁹ ICG interview, Abu-Sitta, 14 July 2003. ICG interview, Edward W. Said, Jerusalem, May 2001, also pointed to the significance of the internet for the dissemination of dissenting narratives on the Palestinian question.

¹¹⁰ ICG interview, Abu-Sitta, 14 July 2003.

¹¹¹ ICG interviews, Palestinian refugees in the West Bank, Syria and Lebanon, July and September 2003.

¹¹² ICG interview, As’ad Abdel-Rahman, 5 July 2003.

¹¹³ ICG interview, Tamari, Ramallah, 8 July 2003.

and organisations without an organised popular base and which more often than not was disconnected from Palestinian factional politics, its primary aim appears to be to raise international public awareness of Palestinian refugee rights and, to a lesser extent, connect directly with refugee communities. Conventional political activity of the type normally undertaken by a lobby seeking to influence senior decision-makers on a single issue is sporadic at best. There is, to use the Camp David summit as a case in point, no indication that leaders of the movement, once it became clear the summit was going to be convened, sought meetings with Arafat and his senior negotiators to press their case, attempted to sponsor specific PLC resolutions or call the PNC or PLO Central Council into emergency session, or made sustained attempts to convene senior factional leaders to issue joint public statements and sponsor simultaneous, massive rallies throughout the occupied territories and surrounding countries. Rather, they left such activities to people within the system and made only furtive attempts to link up with and encourage them.

Indeed, many in the movement have – often on the basis of their own experience – reached the conclusion that their attempts to influence the leadership were futile.¹¹⁴ Others, particularly younger activists in exile and their Arab and foreign colleagues, have little understanding of the Palestinian power structure, how it works, and therefore whom to influence. And yet others, such as representatives of various NGOs, felt that it would be inappropriate to get directly involved in the Palestinian political arena. Underlying all this was an ideological justification: since the right of return is a “sacred and inalienable [individual] right not subject to either negotiation or compromise”, it – potent symbolism aside – does not much matter to them what the PLO might concede at Camp David or elsewhere, because any political settlement that deviated from the right of return was ultimately just another obstacle to be overcome. Usually conceived of as a campaign for the long haul that would succeed despite rather than on account of the activities of Palestinian negotiators, the right-of-return movement was simply not constituted to exercise effective pressure on the leadership in the context of specific events, and did not do so. A number of Palestinian officials have denounced the

movement as one that does not represent the refugees at all, is using their plight for its own purposes, and whose leaders are more interested in keeping the refugee question alive than in either resolving it or improving the living conditions of the refugees.¹¹⁵

Paradoxically, the most important reason behind the political weakness of the refugee movement lies in the political strength of the refugee question. Because all national Palestinian organisations have incorporated it as a central part of their agenda and indeed many grew out of it, little political space was left for those seeking to militate exclusively on its behalf or claiming privileged representation of the refugee constituency.

C. PALESTINIAN POLITICAL ORGANISATIONS

While the power of the PLO leadership and Palestinian political organisations is by no means uncontested, they remain by far the dominant factor in the Palestinian political arena, and their pre-eminent role extends to the refugee question and the refugee sector as well.¹¹⁶ The fact that the refugee question is almost universally viewed as first and foremost a national one, and that the vast majority of Palestinians consider either the PLO (and secondarily one of its constituent factions) or one of the Islamist movements rather than sectoral actors as their political representative, contributes to this.

As a general matter, individuals who claim to represent refugees are not, strictly speaking, refugee representatives. Rather, they are national, factional or other leaders selected by mechanisms determined by the organisation in question.¹¹⁷ Indeed, refugees and other Palestinians interviewed by ICG insisted upon their political representation by a national leadership and often viewed the prospect of sectoral representation in this context – and particularly talk

¹¹⁵ ICG interviews, Ramallah, December 2003-January 2004.

¹¹⁶ ICG interviews, Hussein, 3 January 2003; Hani Masri, leading Palestinian commentator, Ramallah, 5 December 2003; Yezid Sayigh, 18 June 2003; Graham Usher, *Economist* East Jerusalem correspondent and Palestinian affairs analyst, Jerusalem, 6 December 2003.

¹¹⁷ Exceptions in this respect are, for example, refugees serving on municipal councils as part of an informal quota system. However, such individuals are chosen on the basis of a variety of factors, like factional affiliation and professional background, and appointed by the Ministry of Local Government (or approved by it after selection by the municipal council), with little apparent involvement of the local refugee community.

¹¹⁴ ICG interviews, Edward W. Said, May 2001; Hisham Sharabi, Palestinian academic and activist, Amman, July 2003.

among some activists of the need to form a “refugee party”¹¹⁸ – as dangerous.¹¹⁹ According to one, “We didn’t choose to be refugees, and it shouldn’t be only our problem and cause. I’d be very hesitant about sectoral organisations; it’s a national issue that involves every Palestinian, because the refugee question is the Palestinian question and not a special issue. Personally, I reject the resolution of the refugee question without the resolution of every other aspect of the Palestinian question.”¹²⁰

The combination of representational legitimacy, an organised mass popular base, patronage and access to money and arms enjoyed by the political organisations has proven extremely difficult to challenge. Not only are the political organisations viewed as the proper and rightful custodians of the refugee question, they also have the wherewithal to make their views heard and to promote them from the summit of the power structure to the smallest camp alley. As such, they are the primary mediators of Palestinian perspectives on the refugee question and the most effective actors at mobilising support or opposition for specific proposals and agreements. Given the special status of the refugee question, political organisations also are apt to invoke it as a means of garnering support and undercutting rivals or broader political initiatives. A former head of the Palestinian Department of Refugee Affairs concluded that adherence to refugee rights undoubtedly is a

matter of genuine conviction, “but many have also exploited it for political and personal gain”.¹²¹

For some, such as the Popular Front for the Liberation of Palestine (PFLP), adherence to the sanctity of the right of return is an article of faith and integral to the movement’s political identity; the positions adopted in the Geneva Accord and People’s Voice initiatives, therefore, were deemed beyond the pale. For others, such as Hamas, the refugee question is additionally an effective instrument with which to discredit the PLO/PA and Fatah.¹²²

Within Fatah, the largest and most diffuse Palestinian movement that hosts the widest diversity of views and as a ruling party has the responsibilities of leadership, the situation is more complex. Conviction (whether about the refugee question or about the broader national agenda); political competition (both with other Fatah elements and with rival organisations); relations with Israel, Arab states and the international community; and opportunism all play their part – often simultaneously – in efforts to mobilise constituents around the refugee question.

The efforts of camp committees to play a more prominent political role during the mid-1990s by participating in the General Refugee Congress is a case in point. Dominated by Fatah, their struggle represented significantly more than a campaign for refugee rights. It also, and crucially, was an attempt by elements of the indigenous, grassroots leadership of the movement and of some marginalised senior PLO officials from the Tunis bureaucracy – both of whom sponsored and encouraged the committees’ efforts – to increase their role and power within Fatah and the PA. Similarly, the PLO leadership’s traditional refusal to distance itself publicly from the right of return despite its involvement in numerous initiatives to this effect has been largely motivated by fear that doing so would provide political advantage to rivals within Fatah and in organisations such as Hamas and the secular left.

One upshot is that, should a national and legitimate Palestinian leadership back a solution to the refugee question in the context of a comprehensive settlement, it is likely to be widely accepted by the Palestinian people, refugees and non-refugees alike.

¹¹⁸ At a conference attended by ICG in Ramallah in December 2003 on the subject of the state of the Palestinian national movement, one speaker who was perceived to be advocating such a party – on the grounds of his statement that experience had demonstrated that only refugees could effectively represent refugee interests – drew a universally negative response, including from his fellow panellists. Many respondents characterised as “dangerous” the implications of the presentation. ICG interview, Hussein, 3 August 2003, adds that there is also a widespread feeling among Palestinians “that a so-called Refugee Party could be instrumentalised by the Israelis against the national leadership and undermine the state formation process for the sake of individual refugee interests”.

¹¹⁹ ICG interviews, Salama, 7 January 2004; Salhi, 7 January 2004; Amer Madi, Erez Checkpoint, 8 January 2004; Arrar, 8 January 2004; Bisan Abu-Ruqti, Ramallah, 8 January 2004; Ruba Abu-Ruqti, Ramallah, 8 January 2004; Manasra, Ramallah, 8 January 2004; Safa Abdel-Rahman, Ramallah, 8 January 2004; Wafa Abdel-Rahman, Ramallah, 8 January 2004.

¹²⁰ ICG interview, Juma, 9 January 2004.

¹²¹ ICG interview, As’ad Abdel-Rahman, 5 July 2003.

¹²² According to several sources, Hamas published and distributed its own, falsified version of the Geneva Accord which misrepresented the clauses on the refugee question.

D. A CRISIS OF REPRESENTATION?

That refugees claim loyalty to the national leadership and organisations does not imply that they feel adequately represented by their leaders. The absence of consultation and internal dialogue, particularly as far as formulating a coherent strategy towards the refugee question is concerned, was repeatedly mentioned to ICG. “The lack of internal dialogue is the most serious shortcoming, and we need this rapidly. The leadership should consult with cadres, refugees, serious committed people who can think and plan and not just emit slogans. We also need a real opposition to challenge the views of the leadership on the refugee issue, and thereby sharpen its strategy”.¹²³ According to PLC member Dalal Salama, the problem is that “the refugee question was being resolved with the Israelis, whereas it first needs to be resolved internally among Palestinians”.¹²⁴ Such views are in turn related to sentiments that “Oslo meant the end of the refugee question” and that, according to former Palestinian negotiator Salim Tamari, “the Palestinian opposition and even Fatah perceived that refugee rights had been or were about to be sold out”.¹²⁵ Because they included neither refugees nor Arab host countries, the mechanics of the peace process “invited both groups to reject the outcome of the talks before they even started”.¹²⁶

Although, as described above, refugees tend to be represented by national as opposed to sectoral organisations, their exclusion from political deliberations makes it that much easier for radical Palestinian groups to mobilise them against peace initiatives. Some analysts have gone so far as to predict that in the event of a final peace agreement, “new PLOs” seeking to undermine both the settlement and the new Palestinian state could emerge in Arab host countries.¹²⁷ They point out that, in contrast to the 1970s and 1980s, “today there is a real Palestinian opposition, consisting of the Islamist movements, the traditional ‘loyal opposition’ within the PLO, and disaffected Fatah elements”.¹²⁸

According to a resident of the Jalazon Refugee Camp in the Ramallah district of the West Bank, “there is a

widespread and growing crisis of confidence in the leadership, by Palestinians generally but particularly so among refugees. The factions today represent their own and not the popular interest, judging proposals and solutions according to a cost/benefit analysis with respect to themselves. People aren’t stupid, and know if I’m serving their or my own interests.”¹²⁹ These words were echoed in more cynical fashion by a Fatah activist: “What we have learned, especially during Oslo, is that everyone has a price and can be brought and sold. It doesn’t inspire much popular confidence”.¹³⁰

While these and similar comments are often of a general nature, they are most easily provoked, and become particularly vehement, when the refugee question is discussed. Not so much because such individuals feel their own views on the refugee question – which differ widely – have not been adopted by the leadership, but because they feel the leadership is excluding key constituencies from participation in decisions about their own future. According to Salama, “the absence of participation is deliberate, in order to escape accountability”.¹³¹

“The problem is that in the camps our leaders speak only about the right of return, and then they run to their Israeli counterparts to announce behind closed doors that they’ve long since abandoned it but have to keep up appearances. What we lack and need is a unified political narrative that sounds the same whether in Al-Amari Refugee Camp or the King David Hotel”.¹³² “There is a crisis of representation. We recognise our national leadership as the sole legitimate representative of the Palestinian people – including of the refugees – but do not feel it is adequately representing our interests”.¹³³

The crisis of representation seems more severe in the Arab host countries. As members of PLO factions in

¹²³ ICG interview, Arrar, 8 January 2004.

¹²⁴ ICG interview, Salama, 7 January 2004.

¹²⁵ ICG interview, Tamari, Ramallah, 7 July 2003.

¹²⁶ ICG interview with Nadim Shehadi, Director of the Centre for Lebanese Studies, January 2003.

¹²⁷ ICG interview with Nadim Shehadi, op. cit.

¹²⁸ ICG interview, As’ad Abdel-Rahman, 4 January 2004.

¹²⁹ ICG interview, Arrar, 8 January 2004. Palestinian refugees and refugee camp NGO representatives in Lebanon widely expressed the view that the factions represent their own interests. ICG interviews, Lebanon, July 2003.

¹³⁰ ICG interview, Manasra, 8 January 2004.

¹³¹ ICG interview, Salama, 7 January 2004.

¹³² Statement by Palestinian resident of Al-Amari Refugee Camp, Ramallah, at 10 July 2003 meeting in camp attended by ICG. Many Israeli-Palestinian negotiating sessions were held at the King David Hotel in Jerusalem. In the words of Nadim Shehadi, “what is to be avoided is a situation in which the refugees learn about the final deal on CNN”. ICG interview, op. cit.

¹³³ ICG interviews, Salama, 7 January 2004; Arrar, 8 January 2004.

Lebanon put it, they have not only been left out of the negotiations with Israel but, due to internecine feuds, have also failed to constitute a united front that could exercise pressure against Israel, the PLO/PA leadership and the Lebanese authorities.¹³⁴ A foreign analyst with extensive involvement with the refugee question adds: “The expectation is already that the refugees will be shafted. Lebanon wants to get rid of them, Jordan wants compensation for hosting them, Syria wants its own peace process and the refugees feel caught up in a process over which they have no control.”¹³⁵

There is, moreover, a potentially far more significant development unfolding related to the current, disintegrating state of the PLO/PA and Fatah, with unpredictable consequences for the politics of the refugee question and the future Palestinian leadership’s margin of manoeuvre in negotiations on the matter. In light of the continually deteriorating situation on the ground, Palestinians are feeling increasingly estranged from dominant modes of representation, whether through the PLO/PA or the factions, neither of which has proved capable of preventing devastating Israeli military incursions or dealing with their socio-economic consequences.

As the PA’s capacity to govern continues to wane, and the authority of the political factions over their cadres continues to diminish as a result of Israeli military and other measures in the occupied territories, the ability of Palestinian political institutions to represent national constituencies has suffered commensurately. Increasingly, localised forces – such as autonomous branches of the Fatah-affiliated Al-Aqsa Martyrs’ Brigades restricted to particular camps or villages – are on the ascent, and operate first and foremost to meet local needs and interests within restricted spaces.

The resulting vacuum at the national level has only increased the sense of political alienation among ordinary Palestinians. Indeed, “none of the above” led in a December 2003 poll that sought to assess political affiliation among West Bank and Gaza Strip residents, a full 10 per cent ahead of the largest movement, Fatah (which garnered support from 25

per cent of respondents).¹³⁶ Some Palestinians also predict a strengthened role for the diaspora, mirroring the decline in the power of the national leadership in the occupied territories and possibly announcing a hardening of positions on the right of return.¹³⁷ In short, the collapse of the PA and the significant geographic and organisational fragmentation of Fatah – the weakening of the two pillars of national leadership – are likely to redefine the relative influence of other forms of representation.

E. THE RISE OF ISLAMISM

It is in this respect noteworthy that Hamas and Islamic Jihad, which traditionally concentrated their activities within the occupied territories, have increased their activism and influence among Palestinian communities in the Arab world and within Lebanese and Jordanian refugee camps in particular.¹³⁸ While the trend began with the Oslo process, it has accelerated in recent years. The rise of Islamist forces is largely a response both to the growing political vacuum in such areas and to the refugees’ feeling of being abandoned by leaders and political institutions with which Hamas has always competed. Another advantage enjoyed by Islamist organisations is financial, which enables them to sponsor services and activities that have been discontinued by the PLO and to do so more effectively than the nationalist factions.¹³⁹ Its provision of social services has proved especially effective since 2000. According to Souheil Natour, a Lebanon-based leader of the Democratic Front for the Liberation of Palestine (DFLP):

The real pattern of power is not only popular legitimacy, it is also money. This explains why Hamas, although still small in Lebanon, is thriving. Unlike most factions, Hamas doesn’t have any money problems. It can operate as many nurseries and other social services as it wants, and this gives them legitimacy. Hamas and other Islamist groups

¹³⁴ ICG interviews, Abu Ali Hassan, PFLP leader, Ain Al-Hilwa Refugee Camp, Sidon, Lebanon, 2 July 2003; Souheil al-Natour, DFLP leader, Mar Elias Refugee Camp, Beirut, Lebanon, 2 July 2003,

¹³⁵ ICG interview, Rosemary Hollis, Beirut, Lebanon, 30 January 2004.

¹³⁶ PSR, “Poll # 10”.

¹³⁷ ICG interviews, January 2004.

¹³⁸ Hamas emerged in Lebanon in the early 2000’s following the closure of its offices and the expulsion of its officials from Jordan. See Bernard Rougier, “Dynamiques religieuses et identité nationale dans les camps de réfugiés du Liban”, *Maghreb-Machrek*, N°176, 2003, pp. 35-59.

¹³⁹ ICG interview, Husseini, 23 January 2004.

are on the verge of becoming a real political competitor for the PLO factions.¹⁴⁰

Palestinians in Lebanon also highlighted to ICG the growing influence of radical Islamist organisations based in the country, such as Usbat al-Ansar and Usbat al-Nour. Emerging from loose groupings in the mid-1980s, these two gained ground in particular within the refugee camp of Ain al-Hilwa near Sidon. Similar networks have become influential in the northern camp of Nahr al-Bared outside Tripoli, which is controlled by Syria and anti-Arafat Palestinian factions.¹⁴¹ As in the case of Hamas, the PLO's lack of financial resources helped open opportunities for other organisations that could respond to the social and economic needs of an increasingly destitute camp population.¹⁴²

Moreover, these groups' Islamist-Salafist orientation provided refugees with an appealing moral outlook at a time of rampant corruption, crime and drug and alcohol-related problems. In other words, they succeeded in attracting refugees by going beyond the refugee issue, focusing instead on Islamic values and the need for a religious struggle against the secular state, Israel and the West.¹⁴³ "The Islamist organisations have not really been using the refugee question to increase their support within the camps, but they do have 'clean hands' in this respect. In either case, it seems logical to conclude that their impact will be one of radicalisation".¹⁴⁴ They are not recruiting on the basis of the refugee issue but they are recruiting refugees nonetheless.

Other interviewees highlighted the rising military strength of the Islamists, as witnessed in May 2003,

when clashes between the Usbat al-Ansar and Fatah in the Ain al-Hilwa Refugee Camp left seven of the latter dead.¹⁴⁵ During this period, Usbat al-Ansar also deployed over 200 men along the camp's main roads. Interestingly, Hamas has sought to capitalise on clashes between Fatah and Usbat al-Ansar, according to some reports playing the role of mediator and guarantor of law and order in the camps. According to some sources, the combined influence of Islamist groups now rivals Fatah's in several camps and, in Ayn al-Hilwa, may even have surpassed it.¹⁴⁶

Though most pronounced in Lebanon, the trend is wider. The Islamists' influence has been growing in camps in the West Bank and Gaza, as it has in much of the rest of the occupied territories.¹⁴⁷ A camp resident remarks: "In Jenin Refugee Camp, radical movements are now growing in strength, especially Islamic Jihad. Why? First, because of the example of Hizbollah. Second, because the Islamists' vision of a struggle that will continue until victory is both very clear and very appealing to the radicalised youth of the camps".¹⁴⁸ According to one refugee, there also is a generational dimension:

Many of the militants in Jenin Refugee Camp were pupils during the 1987-1993 uprising; as "children of the stones" they were heroes, and poetry was written about them. After Oslo, everything changed; many couldn't read and write properly, but the PA had no program to rehabilitate them. Nothing was done for them, and their socio-economic outlook was bleak. This underprivileged generation was lost, and began to miss the uprising, which gave their lives a role and meaning, and reminded people of their existence. This is a generation that no longer wants compromise, because compromise gave them nothing. Are they

¹⁴⁰ Interview, Natour, 5 July 2003.

¹⁴¹ ICG interviews, Yasir, 4 July 2003; Abu Mujahed, former PFLP member and currently director of the Markaz al-Atfaal wa al-Futuwwa NGO, Chatila Camp, Beirut, Lebanon, 5 July 2003; Natour, 2 July 2003.

¹⁴² ICG interview with Professor Nizar al-Hamzeh, Beirut, 25 January 2004. Socio-economic conditions in Palestinian refugee camps in Lebanon have sharply deteriorated since the early 1990s, and the residents experience increasing poverty levels, insufficient housing and unsanitary living conditions. See Ole Fr. Ugland (ed.), "Difficult Past, Uncertain Future: Living Conditions among Palestinian Refugees in Camps and Gatherings in Lebanon", Fafo Report 409, 2003.

¹⁴³ For an analysis of Usbat's ideology, see Bernard Rougier, "Draft Paper for the Third Mediterranean Social and Political Research Meeting", in Dietrich Jung (ed.): *The Middle East and Palestine: Global Politics and Regional Conflicts* (New York, forthcoming 2004).

¹⁴⁴ ICG interview, Husseini, 23 January 2004.

¹⁴⁵ Usbat al-Ansar also clashed with Lebanese security forces. Tensions reached a peak in January 2000 when members of the organisation fought Lebanese soldiers in Dinniyya, near the northern city of Tripoli. At least twenty members of Usbat al-Ansar and eleven soldiers died. Members of the group are believed to have been training to fight in Chechnya. See Rougier, op. cit. The trial of scores of arrested members, roughly a third of whom are Palestinians, is taking place in Beirut. Amnesty International has raised concerns regarding the fairness of the judicial procedures. See Amnesty International, "Lebanon: Torture and Unfair Trial of the Dhiniyyah Detainees", 7 May 2003.

¹⁴⁶ ICG interview, Nizar al-Hamzeh, op. cit.

¹⁴⁷ See ICG Middle East Report N°21, *Dealing with Hamas*, 26 January 2004.

¹⁴⁸ ICG interview, Juma, 9 January 2004.

struggling to return to Haifa? No, they want to liberate Palestine in its entirety, and in the process to overturn everything. The current uprising and especially the 2002 siege of Jenin destroyed any faith in compromise they may have had. For them it's either a radical solution or none at all.¹⁴⁹

Refugee camps in Jordan have similarly witnessed the emergence of Islamism at the expense of PLO factions. Using frequent references to the Islamic community (*umma*), strong opposition to the normalisation process with Israel, social activism and attacks against corruption, the Islamic Brotherhood and its main political organisation, the Islamic Action Front (IAF), have made inroads among Palestinian refugees in Jordan.¹⁵⁰ Since 1993, the IAF Front has controlled the boards of the main grassroots organisations in the camps, such as youth centres and women's organisations.¹⁵¹ Should this trend develop in Lebanon, Jordan and elsewhere, it clearly would have implications for the potential of organised reaction to a political settlement within the Diaspora communities.

VI. CONCLUSION

Of all the permanent status issues, the refugee question most readily ignites passions and fears on both sides. For Israelis, any talk of the right of return raises the spectre of Israel's destruction through demographic means and, it follows, of the rejection of any viable two-state solution. For Palestinians, the experience of dispossession is central to national identity, and the call for return is at the root of the national movement. As mutual trust has disintegrated and the relationship between the two sides has descended into an escalating cycle of violence, the refugee question, with all it conjures up for both peoples, has regained centre stage. Addressing the reciprocal interests and concerns is thus of primary importance.

Those who ask whether Palestinian refugees will constitute an obstacle to an eventual peace settlement ask the wrong question. The refugee question is fundamentally a national and political one, neither monopolised by the refugee community nor susceptible to resolution by satisfaction of their immediate material needs.

There is, of course, every reason to take immediate, practical steps to address the plight of the refugees. These include improving camp conditions;¹⁵² giving refugees genuine and equal opportunities in Arab host countries in line with the 1965 Casablanca Protocol adopted by the League of Arab States; persuading them via concrete proposals formulated between the PLO/PA and the international community that, through a settlement acceptable to both Israel and the PLO, they will enjoy far better lives; and, perhaps, instituting a pilot resettlement program in third countries strictly on humanitarian grounds. Should Israel agree to evacuate some settlements in the context of the Roadmap, the PA should consider locating adequate numbers of Palestinian refugees in

¹⁴⁹ Ibid.

¹⁵⁰ ICG interview, former social worker in Wihdat and Hussein camps, March 2003.

¹⁵¹ See for instance A. Al-Hamarneh, "The Social and Political Effects of Transformation Processes in Palestinian Refugee Camps in the Amman Metropolitan Area (1989-1999)", in: *Jordan in Transition 1990-2000*, edited by G. Joffé (London, 2002); and J. Hart, "Whose Future Is It Anyway? Children, UNRWA and 'the Nation'", international symposium, "The Palestinian Refugees and UNRWA in Jordan, the West Bank and Gaza, 1949-1999", Mövenpick Hotel, Dead Sea, Jordan, 31 August-2 September, 1999, unpublished. Jordanian authorities tightened their control over the camps in the wake of the anti-Israeli demonstrations that broke out in the early days of the second intifada and in the context of the Iraq war, particularly in the Baqa Refugee Camp. As a former social activist stated, "The Islamists are still the strongest force [in the camps] but they, too, have been affected by the tightening of security apparatus in the past three years". ICG interview, Amman, March 2003.

¹⁵² The situation in Lebanon points to another argument for improving camp conditions. Not only have the impoverished camps become recruiting grounds for radical Islamist groups, but their volatile, at times explosive situation has made it that much more difficult for Palestinian or Lebanese officials openly and comfortably to entertain compromise proposals on the refugee question. In contrast, according to Shehadi, Syrian officials have been comparatively relaxed in discussing the issue. ICG interview with Shehadi, op. cit. Shehadi, along with Rosemary Hollis, are among the coordinators of a project that has hosted several workshops since 1999 to discuss the refugee question with officials and leaders from Arab host countries, Palestinian refugees and the PLO.

these areas.¹⁵³ Such steps could help lessen tensions in the refugee camps and prepare the ground for an eventual comprehensive settlement. They also would minimise the risk of refugee camps becoming recruiting grounds for radical Islamist and other organisations, a development that would have serious repercussions for the peace process and the region as a whole.

But it would be a fundamental and dangerous mistake to believe that the refugee question can be addressed by dealing through practical steps with the refugee population per se. Indeed, should the pilot resettlement program or the improvement in camp conditions be viewed by Palestinians as a substitute for a political settlement, they would endeavour to scuttle it.¹⁵⁴

To dispassionate outside observers as well as to many Israeli and Palestinian activists, the building blocks of a viable solution are known: some form of acknowledgment of responsibility for the fate of the refugees by Israel; resolution of the refugee problem essentially through repatriation to a Palestinian state, resettlement in Arab host countries, in third countries, and a symbolic number returning to Israel; and compensation for hardship and lost property. On the Palestinian side, the challenge is to ensure that, once unveiled, such a solution triggers minimal opposition.

The fate of the Geneva Accord offers important lessons. First, there is need for an inclusive process of public dialogue and the dissemination of relevant information on the Palestinian side. The collapse of the peace process, the absence of hope, the radicalisation of attitudes: these hardly represented propitious conditions for the unveiling of an initiative that sought to address the refugee problem more openly and candidly than had been done in the past. Groups and individuals opposed to the initiative as a

whole unsurprisingly seized on this aspect in an effort to de-legitimise both its sponsors and the concept itself and unsurprisingly had some success. Yet at the same time, precisely this loss of hope and the disintegration of the peace camp motivated some Palestinian leaders to begin to tackle the refugee taboo and, albeit tentatively, start a process of public education by participating in or signalling support for the initiative.¹⁵⁵ A Palestinian official sympathetic to the ideas of Geneva yet unwilling to express public support put it as follows:

Getting the Palestinian public to understand that there must be a pragmatic solution to the refugee problem is necessary. Today, anyone who tries to do it will immediately be excoriated; whether that person can survive politically is open to question. The sponsors of Geneva may well be sacrificed in the process, but they are paving the way for the future by doing what needed to be done.¹⁵⁶

Secondly, a viable overall solution is necessary. Palestinians who negotiated the Geneva Accord were willing to go further than previously on the refugee question because they felt the package as a whole – particularly as related to the territorial issues – was satisfactory.

Thirdly, there is the question of timing. The Geneva Accord mobilised strong and effective opposition on the refugee issue in part because it was not a concrete agreement ready to be implemented. Indeed, in present circumstances, its prospect for acceptance by the Israeli government seems remote at best. Under such conditions, it is far easier to mobilise opposition than support.¹⁵⁷ This highlights the political risks Palestinians take in putting forward compromise ideas in a vacuum, without sufficient guarantees of a satisfactory comprehensive resolution. For this reason, some Palestinians who

¹⁵³ See ICG Middle East Report N°16, *The Israeli-Palestinian Roadmap: What a Settlement Freeze Means and Why it Matters*, 25 July 2003.

¹⁵⁴ That at least some Palestinians will resist efforts to normalise the situation of refugees in host countries or resettle them in third countries is clear. A number of Palestinian leaders have argued against granting Palestinian refugees Lebanese citizenship on the ground that any step toward *tawtin* (naturalisation) would harm their political status. In November 2003, Usama Hamdan, the Hamas representative in Lebanon, attacked proposals for Palestinian resettlement in that country emanating from a U.S. Congressman, claiming they would undermine the Palestinian cause and jeopardise the right of return. See *The Daily Star*, 11 November 2003.

¹⁵⁵ One of the Geneva signatories explained “the contours of the solution of the refugee question are no longer a mystery and clear to everybody. We helped fill in the details and presented our people and leadership with a model. It’s an informal initiative and not set in stone, and can be modified. But personally I don’t think the final result will differ very substantially”. ICG interview, Hourani, 6 December 2003. ICG interviews, December 2003.

¹⁵⁶ ICG interview, December 2003.

¹⁵⁷ Indeed, proponents of the Geneva Accord point out that, given the circumstances, the 39 per cent support for the agreement as a whole is a very encouraging figure. See PSR, “Poll #10”.

agree with the substance of Geneva but dispute the process argue that by presenting a compromise on the refugee question in a political vacuum, the negotiators acted prematurely and exposed their efforts to widespread criticism that undermined a solution that would have been far more acceptable as part of an actual political settlement.

There is an inevitable tension between the need to conduct dialogue and discussion with the Palestinian people and its political and sectoral representatives and the fear that prematurely unveiling compromise solutions can undercut public support. Should the disconnect between conditions on the ground and a virtual agreement at the top widen further or prolong for too long, and should the unravelling of the national Palestinian leadership persist, the mood among Palestinians is likely to become more radical. Likewise, the credibility among Palestinians of those who continue to advocate a negotiated compromise on the refugee question and their ability to conduct a public awareness campaign will be dramatically reduced. Here, too, as with so much else related to the prospect of a mutually acceptable two-state solution, time is running desperately short.

Amman/Brussels, 5 February 2004

APPENDIX A

ABOUT THE INTERNATIONAL CRISIS GROUP

The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 90 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers. ICG also publishes *CrisisWatch*, a 12-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, www.crisisweb.org. ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York, London and Moscow. The organisation currently operates thirteen field offices (in Amman, Belgrade, Bogotá, Cairo, Freetown, Islamabad, Jakarta, Kathmandu, Nairobi, Osh, Pristina, Sarajevo and Tbilisi) with analysts working in over 40 crisis-affected countries and territories across four continents. In Africa, those countries include Burundi, Rwanda, the Democratic

Republic of Congo, Sierra Leone, Liberia, Guinea, Ethiopia, Eritrea, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan, Pakistan, Afghanistan, Kashmir and Nepal; in Europe, Albania, Bosnia, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia.

ICG raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: the Australian Agency for International Development, the Austrian Federal Ministry of Foreign Affairs, the Canadian Department of Foreign Affairs and International Trade, the Canadian International Development Agency, the Royal Danish Ministry of Foreign Affairs, the Finnish Ministry of Foreign Affairs, the French Ministry of Foreign Affairs, the German Foreign Office, the Irish Department of Foreign Affairs, the Japanese International Cooperation Agency, the Luxembourgian Ministry of Foreign Affairs, the Dutch Ministry of Foreign Affairs, the Royal Norwegian Ministry of Foreign Affairs, the Swedish Ministry for Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the Republic of China Ministry of Foreign Affairs (Taiwan), the Turkish Ministry of Foreign Affairs, the United Kingdom Foreign and Commonwealth Office, the United Kingdom Department for International Development, the U.S. Agency for International Development.

Foundation and private sector donors include Atlantic Philanthropies, Carnegie Corporation of New York, Ford Foundation, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Henry Luce Foundation Inc., John D. & Catherine T. MacArthur Foundation, John Merck Fund, Charles Stewart Mott Foundation, Open Society Institute, Ploughshares Fund, Sigrid Rausing Trust, Sasakawa Peace Foundation, Sarlo Foundation of the Jewish Community Endowment Fund, the United States Institute of Peace and the Fundação Oriente.

February 2004

APPENDIX B

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