

OVERVIEW OF THE REFUGEE PROBLEM
THE WORKING GROUP ON REFUGEES

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Introduction

I want to do two things: provide an overview of the refugee problem itself, and, secondly, provide a review of the way the refugee problem is being dealt with in the Multilateral Working Group on Refugees. And I want to look at the first by analyzing the second.

I say analyzing because this will not simply be a descriptive account. I want to try to help unpack what is happening so we can ascertain to what degree the refugee problem is or is not being dealt with. And I am going to use a colourful metaphor, not because I believe that either the image used or that the identification with that image is necessarily accurate, but because it is a metaphor, that is, a juxtaposition which, through identification with an image, clarifies as well as intensifies the complexity and variety of the matter at hand. I am going to use an analogy with the Freudian basic structure of the personality and divide the development of the Multilateral Talks on Refugees into three phases, an Id phase, a Superego Phase, and an Ego Phase.

Phase I - The Id Phase

Though 'Id' does not accurately translate Freud's *das Es*, it is

the popular term for that descendant of the unconscious with its identification with instincts and basic passions, with the very *body politic* of life, but also with those parts which are unknown and hidden. It is a realm of teeming chaos, energy without organization, which is unable to express itself through any collective will. Whatever gets expressed has much more to do with manifesting underlying passions than recognizing reality.

The first phase of the Multilateral Talks on Refugees can be characterized by analogy with allowing the Id to be expressed. This is important. The Multilateral Talks on Refugees allowed both sides on the refugee issues to articulate their basic desires and fears. In doing so, they presented a mask which could, at one and the same time, both hide and reveal what was at stake.

Since I have outlined what I believe went on in this phase of the talks elsewhere, more precisely at the Institute on Global Conflict and Cooperation Conference in Los Angeles in 1993, and which will appear as a chapter in a forthcoming book¹, I will summarize my conclusions here.

It is well to recall that only two short years ago, the PLO was regarded as a terrorist organization by the Israelis; in turn, the Israelis were regarded as oppressors of the Palestinian people. One

cannot recall that stage without those involved in either side muttering under their breath, literally, that maybe its still true, at least the description of the other side. In Moscow, in January of 1992, the multilateral track of the peace process, or stealth peace process, was launched to lay the foundations for **securing** the peace that might come through the bilateral talks by initiating efforts at cooperation on arms control and regional security, the environment, water resources, and regional economic cooperation and development. When the Palestinians threatened to boycott those talks, the Americans agreed to launch a fifth set of multilaterals to deal with refugees. The very fact that the refugee talks had to be launched through threats and pressure is enough to indicate that the refugee issues and the multilateral talks dealing with refugees would be different than the four other sets of multilateral talks.

After all, the multilateral talks on the other four areas deal with resolving issues to **secure** the peace. However, unless the refugee issue is dealt with, there will be no real peace. Resolving the issue of refugees is a precondition of peace and not just a benefit to follow. More significantly, the refugee issue goes to the heart of the matter, the right of every individual to belong to a state and live in a territory where his or her life will be protected and their dignity as human beings who are members of a nation will be recognized. The

issue is not only equal respect and mutual recognition, but the right of each of the peoples involved to have the means for protecting and giving dignity to all their members so that they can take responsibility for determining their own survival as a group and the shape and character of their future.² In other words, in addition to the refugee issue being a precondition for peace and not just something to be resolved to secure the peace, the refugee problem is organically linked with the political settlement of the Palestinian national cause.

In the first phase of the Multilateral Talks on Refugees - what I have dubbed the Id Phase - there were three meetings, two in Ottawa and one in Oslo Norway. Though the talks appeared chaotic and seemed to show no progress, they were, in fact, the key ground for preparing the breakthrough in the Israeli/Palestinian negotiations.

In May of 1992, when the Likud government was still in power, the Israelis refused to attend the first session of the WGR in Ottawa because the organization of the talks broke the agreement that the Palestinians would only be represented by persons from the West Bank (excluding East Jerusalem) and Gaza. But Palestinian refugees were located not only in the West Bank and Gaza, but in the diaspora. If the refugees were to be discussed **and** if those being discussed were to be represented at the negotiations, then diaspora Palestinians had to be

at the table to discuss the refugee issue.

The first set of talks in Ottawa in May of 1992 confirmed that recognition, with the Israelis following suit by agreeing to attend the second talks. The first **fundamental** breakthrough had been achieved - the Palestinians as a whole, wherever they lived, had been recognized as a people who had a place at the negotiating table. The issue was not simply one of inhabitants of a specific territory, but of a people who were scattered around as refugees.³

If the first set of talks set the foundation for the Palestinians as a people participating in the peace process in a conflict in which they are central, the second set of talks, again in Ottawa, in November of 1992, determined *de facto* that the representatives of those people would be the PLO. Ostensibly the Palestinians were part of the Jordanian delegation. Further, no Palestinian at the talks were to be members of the PLO. When the head of the Palestinian delegation, in direct contravention to the agreed rules, turned out to be a prominent member, not only of the PLO, but of a militant faction of the PLO, the Israeli delegation walked out. The talks, in effect, turned out to be a discussion of a face saving formula so the Israelis could return to the table. This was accomplished when the head of the Palestinian delegation agreed to resign from the PLO, but not without announcing

that he would rejoin the next day. Face saving thus became a means of recognizing who the real faces were at the table, and that not only was the Palestinian delegation a unit quite independent of the Jordanian one, but that the PLO was the body representing the Palestinians.

In Oslo in May of 1993, the real purpose and most fundamental purpose of the talks came to the fore. They were the disguise and mask behind which the most fundamental breakthroughs in the conflict between the Israelis and the Palestinians were occurring. Only this time it was even behind the backs of the delegates at those talks. While finally getting down to defining an ambitious plan for refugee talks, the respective Palestinian and Israeli delegations seemed not only to have lost their ardour and to have become reconciled to dealing with one another directly as equals, but they also seemed preoccupied and distracted. Little did the participants in the multilateral talks know that, in fact, the breakthrough in the negotiations was occurring right in the kitchen of the Foreign Minister of Norway while the delegates to the Multilaterals met elsewhere in Oslo as his more formal guests.

Two Norwegian researchers, the sociologist Terje Roed Larsen and his research director, Marianne Heiberg (who, in addition to being the Research Director of the FAFO team, was also the wife of the Norwegian Foreign Minister, Johan Joergen Holst), had been conducting a survey of

Palestinian living conditions. The results of the study was known as FAFO. The report of the research team was on the agenda of the Multilateral Refugee Working Group on Refugees in the meetings scheduled in Norway in May of 1993. Unbeknownst to those involved in the Working Group negotiations, including the Canadian "gavellers" of those talks or the American co-chair, the Jordanian, and probably even the Palestinian and Israeli negotiators, the Multilateral talks in Norway were used as the cover for the "back-door" talks where the breakthrough in those secret negotiations first occurred.

Subsequently, the Oslo Accords or Declaration of Principles were signed and announced to the surprised world. In the agreements, the Israelis and Palestinians not only recognized one another as peoples with collective rights, not only recognized the Israeli government and the PLO as negotiating partners, but also dealt with the refugees. The implementation of return for the 1967 refugees would be subject to quadrilateral negotiations. The right to return to the West Bank and Gaza, that is, to their homes **and** their homeland, was recognized for these refugees. However, the issue of the 1948 refugees was to be left for the final status negotiations, implying that their right to return to their **homes** (not homeland) was not yet recognized, with the implication they would never be recognized. These refugees belonged to a different category. Nevertheless, the precedent of the 1967 refugees

left open the possibility that the right of these refugees to return to their homeland would be recognized.

III Phase II - The Superego Stage

The Superego or, more accurately, Super-ego, is that part of the psyche in which there is reflection and observation, but where the parental mode of reflection and observation is predominant. The superego is not a manifestation of self-determination and the assumption of responsibility for a self. Rather, the frame of reference for the discourse is determined by parental guidance. However, key elements of the discourse will relate to the Id, the repressed and unconscious elements of the struggle which are not being faced. Critical remnants of a past trauma are still being ignored as effort is concentrated on dealing with present problems as humanely as possible. But there is a fundamental contradiction between the humanitarian issues being dealt with and the underlying issues which are being set to one side.

Thus, although this phase exemplifies a much higher level of functioning of control, planning and rational analysis, the Id elements of the desire for self-determination and full recognition continue to haunt all the discussions. We can document all the breakthroughs that

occurred in Tunis in October of 1993 where the delegates, with the Hotel Hilton all to themselves, had its apparently best meeting and allocated responsibilities among the various parental states for providing guidance and leadership in dealing with each of seven themes. Groups were set up to deal with data bases, human resources development, job creation and vocational training, public health, child welfare, social and economic infrastructure, and, last but by no means least, family reunification.⁴ And one can tell where the underlying problems still manifested themselves in these areas of rational planning - for it was the area where political negotiations rather than technical analysis were predominant. François Sénémaud replaced his French predecessor to attempt to deal with the touchy subject of family reunification.

The reason it is touchy is not only because it overlaps with the issue of return, but because the issues are symbolic as well - relating to "family" and "reunification." After all, at root, the fundamental issue is that the Palestinian people regard themselves as a family in some sense, mutually responsible for their own self-development. Further, it is a divided family, scattered and dispersed. The Israelis have always recognized the right to family reunification on *humanitarian* grounds. But they have also feared the use of the rubric of family reunification as a cover for exercising the right of return.

There is no question that progress has been made under parental guidance. Problems have been assessed, projects have been approved, and money has been allocated. This can be seen in the Swedish analysis of the situation of children and youth in Gaza and the West Bank in the child welfare area to which Sweden has allocated \$2 million dollars, in Italy's survey of public health and the establishment of technical units to coordinate the efforts in these areas, in the US assessments of priorities in human resource development for refugees and the pilot projects already established, and in the EU prioritization of assistance programs for refugees. Canada has focused its efforts on Jordan, Lebanon and Syria and allocated funds for education, health and housing. (See Appendix I for a summary of the responsibilities and progress as of the beginning of the summer of 1994 on each of these themes.)

But the sixth session of the refugee talks scheduled for Turkey in December can no longer avoid at least setting a foundation for resolving and negotiating the central issue - the political status of the Palestinian refugees and alternative solutions for diaspora refugees, including integration into the host countries as well as possible settlement abroad. But such steps cannot be undertaken if they prejudice Palestinian national rights or the rights of the individual refugees to receive compensation.

IV Phase III - The Ego

In contrast to the Id, the Ego is organized. Further, instead of being driven primarily by desires and dreams, the Ego responds and adjusts to the realities of the external world. Unlike the Superego where parentalism (a non-sexist version of paternalism, but with the connotation of care and nurture) predominates, the Ego determines its own destiny and assumes responsibility for the destiny of the Self. Further, whereas the Superego continues to ignore the dreams and desires of the Id, the Ego takes them into account, deals with them forthrightly, harnesses the energy of those passions, and directs them in ways which take cognizance of the realities faced.

Up until now, the Palestinian refugee problem has never been dealt with without either the passions of the Id or the parentalism of the Superego predominating. The passions of the Palestinians on this issue are unmistakable; they insist that they have the right to return and it is their choice whether they accept compensation or not. Resolution 194, reinforced by international human rights law, is cited as legally reinforcing this conviction. This is in spite of the fact that: a) the origins of the conception at Rhodes in August of 1948 was that of the very paternalistic Count Folke Bernadotte and not the Palestinian refugee community;

b) the Palestinian refugee community did not originally seek return and the Arabs did not initially support resolution 194;

c) Resolution 194 was a watered down version of Bernadotte's 'right of return' and was a moral injunction rather than a statement of right.⁵ It reads "should be permitted" and not "must be permitted" or, alternatively, that the refugees have the right to return.⁶

Except in understanding the underlying passions, none of this matters because the UN subsequently certainly endorsed return as a right. In any case, it has become an integral part of the dream and vision, not only of the refugees, but of the basic passions of the Palestinians. In other words, the origins and early history of the belief are far less relevant than the way the belief is now held. The passions on this issue are exacerbated when the Palestinians observe Jews (and some non-Jews) from Russia exercising a right of return denied them.

On the Israeli side, passions are equally strongly at work, but passions of denial, whether it concerns how the refugees came to be refugees in the first place or the prospect of any return as a matter of right. Further, dominating the Israeli pool of passions is the fear that return will be used to undermine the security of the state and the demographic preponderance of Jews in that state.

If the Palestinians and Israelis have been determined in their postures on this issue by their desires and fears, the international community has adopted a parentalist Superego perspective from the very beginning. Immediately following the 1948 war, the international community attempted to deal with the Palestinian refugee issue by setting up UNRWA and using economic means to integrate the Palestinians into the local community where they had sought asylum. The creatively ambiguous phrase for handling that solution was called "economic integration." Quite aside from the political objectives, the economic megaprojects and then the follow-up micro-projects for settling the refugees were failures. If UNRWA had not begun its extensive efforts in education by 1960, UNRWA would have gone down in history as a great failure instead of ending up with the credit for developing the Palestinians into the best educated Arabs in the Middle East.⁷

If the Working Group on Refugees does not tackle the situation of the Palestinian refugees in the diaspora, then it will follow the old pattern of focusing on humanitarian issues and ignore the central political questions of return and compensation.⁸ However, it is very difficult to see how this can be done. The original Madrid formula excluded the United Nations as the structural or legal forum for resolving the conflict in general or the refugee issue in particular. The DOP envisions discussing the status of the 1948 refugees only after

the experimental three year phase of autonomy is concluded. Clause 1 of Article 8 dealing with Refugees and Displaced Persons in the Israeli-Jordanian agreement states: "Recognising the massive human problems caused to both parties by the conflict in the Middle East, as well as the contributions made by them towards the alleviation of human suffering, the Parties will seek to further alleviate those problems on a bilateral basis." In other words, the problem is defined as a humanitarian problem and the resolution is said to reside primarily in a bilateral forum. Clause 2, however, states that if the problem cannot be resolved on a bilateral level, then other fora can be used, and the first of these fora listed is the Multilateral Working Group on Refugees. But only when the bilateral talks fail. By then it will be too late.

The implication of the last hurdle was in evidence at the IGCC Conference on Regional Cooperation in the Middle East in Los Angeles in 1993. When a slight opening had been breached on discussing the right of return by Palestinians and Israelis - they had agreed to explore the various meanings of right of return with the possibility Rashid Khalidi had given in his analysis that it was possible that there could be a formulation of the right of return which would not threaten the Israelis - the Jordanian delegation shot that proposal down because they did not want any wording which jeopardized what they had already

agreed to in their peace talks with the Israelis.

Thus we have dreams and fears. We have created structural obstacles not only as a result of those dreams and fears but also in the process of resolving some of the conflicts. We also have an international community that has habituated itself to parentalist humanitarian approaches to the problem.

This is not to underrate the importance of the \$230 million dollars raised thus far for the first and second phases for projects in the Gaza and West Bank. But only \$10 million has been raised for projects in Jordan, Lebanon and Syria. There is thus an asymmetry in even the humanitarian aid available for refugees. Further, thus far the Working Group on Refugees has set aside even assisting the bilateral talks by preparing documents, studies and alternative options which are needed for the final status negotiations.

One of the central issue is return. It is an issue of passions and fears and not reality. First, as a concept, the right of return has shifted meaning from a right to return to homes to a right to return to homeland.⁹ Secondly, the problems of the most important group of refugees outside the homeland, Palestinians who lack both citizenship or equal rights of participation in the economic life of the state

(Palestinians in Lebanon), and those who lack political rights as in Syria, have not been dealt with. But, as one Palestinian commentator from Lebanon opined, even the numbers who might return to the West Bank would be symbolic; their homes were in what is now northern Israel, and it is doubtful that, even if given the choice, they would want to move to Israel. They know they cannot go back. Most lack a connection with the West Bank let alone crowded Gaza.¹⁰ But Lebanon has made clear that it does not want them, though recent suggestions have been made that Lebanon might permit a number to stay as part of a package for resolving the problem; such refugees would be given permanent residence but their identity would remain Palestinian and they would not be given citizenship in Syria.

It is possible larger numbers could stay as permanent residents. But they would still need citizenship. The new Palestinian entity might satisfy this problem by giving them citizenship, or at least give them identity documents which could be developed so that they are taken to be the equivalent to passports. Under those conditions, Lebanon might be willing to grant considerable numbers permanent residence status, particularly if this were part of a package of proposals for a durable solution to the Palestinian refugee problem.

There is another problem - UNRWA. As long as UNRWA remains as a

distinct enterprise for taking care of the health, welfare and educational needs of the Palestinian refugees, particularly in Gaza and the West Bank, there can never be a coherent policy in these areas equally applicable to all Palestinians in the territory. However, as long as the Palestinian National Authority lacks credibility or experience in administering the large amount of international funds, all sides seem to find it convenient to use UNRWA as a conduit for money from the international community to assist the Palestinians. Nevertheless, preparations need to be undertaken to enable the functions of UNRWA to be transferred, first in the West Bank and Gaza, and subsequently to the governments in the states in which the refugees have found asylum, but only if the political status of the refugees is determined.

v Conclusions

What can the Multilateral Working Group do further to assist in resolving the refugee problem in the Palestinian diaspora? Beyond reinforcing the peace through projects for refugees in the West Bank and Gaza, what can the WGR do to assist the refugees not living in the new Palestinian political entity? Increasing the monies available for infrastructure, training, etc. will help, but it won't solve the critical problem of the Palestinians in the diaspora. They need

security of citizenship. They need a homeland to which they have a right to return, but if given permission to reside in many parts of the Arab world, are unlikely to exercise that right. And if still in refugee camps, they need the means to extract themselves from this situation.

But these are political problems. What can the WGR do in the **technical** area to facilitate such solutions? An inventory of conditions, practical desires and options could be drawn up. A census of accurate numbers could be undertaken. A survey of the compensation needs and the sources available, as well as precedents for adjudicating compensation claims, could be undertaken given that Resolution 194 required **Governments or authorities responsible** to pay that compensation. Many other actions can be undertaken which can assist the negotiators in the bilateral talks to make choices. (See Appendix II for the Report of the Workshop on Refugees of the Conference on Promoting Regional Cooperation in the Middle East held in Vouliagmeni, Greece, Nov. 4-7, 1994.)

The solution will be a political and not a legal one. Technical and economic mechanisms can help facilitate the political solution. None of the parties can afford to allow the refugee problem in the diaspora to fester without making preparations for advancing the

unresolved central political issues.

Of course, the multilaterals, in order to advance the peace process, will focus on concrete humanitarian projects which will not detract in any way from the bilateral talks dealing with political issues but will, in fact, facilitate such discussions by allowing projects to go ahead which will serve as confidence building measures and demonstration projects on the advantages to all sides of pursuing the path of peace. Data gathering would not usurp any decisions to be made at the bilateral talks but could facilitate the process of making such decisions and determining which concrete projects are worth developing which could directly contribute to the peace process. For example, it is important to document how enterprising the Palestinians have been, how much initiative they have taken to reestablish themselves in spite of the fact that they have no secure status in Lebanon. Better statistics on the Lebanese Palestinian refugees are needed. We need information on their material, educational and political status.

There may be a need to explore a long term international commitment **to Jordan** to pay for integrating and upgrading the UNRWA health and educational facilities in Jordan so that there is no longer a perceived dual system, with the clear and explicit corollary that

such efforts would in no way take away from any right of return, rights to compensation or any other rights to which the Palestinians are entitled.

Finally, resettlement opportunities should be explored and made available to Palestinian families who wish to take advantage of them, without, of course, taking away any right of return or right to compensation. For example, a program of resettlement, with Canada taking the lead, could be launched offering room for 20% of the refugees in Lebanon to be resettled in Canada over the next five years. This would mean, **at a maximum**, 60,000 refugees, or 12,000 refugees per year, or, given the large size of the families, about 2,000 families. If 25-50% of the refugees in Lebanon were targeted for potential resettlement in the West were followed, if Canada took 20% of them, this would at most only involve 6000 per year over five years or about 1,000 families per year.

Finally, though UNRWA enjoys wide-spread support and does fine and commendable work, maintaining its existing level of funding and not shifting the funds to funnel directly through Palestinian auspices simply avoids the issue of developing responsible and accountable institutions run by and for the Palestinians themselves, unless one is only talking about the very short term. The perpetuation of the problem

is also reinforced through UNRWA. A consistent and comprehensive approach could be considered along the following lines. The refugees in Jordan could be thoroughly integrated and assistance could be funnelled through the Jordan government in a program of equalization of standards, a program that might require enhanced and committed funding to Jordan for such a program of integration and equalization. Such a program might be balanced against other commitments by Israel to repatriate certain refugees under the family reunification rubric, for Western governments to offer resettlement opportunities for refugees in Lebanon, for citizenship guarantees to be ensured for those refugees in the new Palestinian entity, and for a compensation program to be arranged for all refugees. Similarly, a resettlement program for Palestinians in Lebanon could provide a relocation allowance from the portion of funds allocated through UNRWA in Lebanon, with a gradual and proportionate **decrease** in the UNRWA budget as those refugees are resettled.

Many other suggestions can be offered. The main point is that the issues of preparing for some solution to the right of return and compensation problems must be faced now and integrated with the humanitarian programs.

ENDNOTES

1. Howard Adelman, "The Multilateral Working Group On Refugees: Preparation for a Breakthrough," in *Practical Peacemaking in the Middle East: The Environment, Water, Refugees, and Economic Cooperation and Development*, ed. S. Spiegel, New York: Garland Publishers, 1995.
2. Cf. Howard Adelman, "Refugees: The Right of Return" in Group Rights, ed. Judith Baker, University of Toronto Press, 1994. See also Charles Taylor, *Multiculturalism and the "Politics of Recognition"*, Princeton: Princeton University Press, 1992.
3. See Appendix I which documents the number of Palestinians and their locations around the world which were distributed at the first set of Multilateral Talks on Refugees.
4. Cf. Appendix II for a detailed analysis of the progress of those working groups within the larger working group on each of those themes up until spring and distributed to the Working Group at its last session in Cairo in May.
5. Howard Adelman, "Refugees, the Right of Return, and the Peace Process," in *Economics of Peace in the Middle East*, Bashir Al Khadra, ed., Yarmouk University, forthcoming.
6. Resolution 194 of December 11, 1994 reads: "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." It actually matters little whether the right of return was included in the original resolution since resolutions subsequently passed have endorsed a right of return.
7. Cf. Howard Adelman, "Palestine Refugees, Economic Integration and Durable Solutions," in Refugees in the Age of Total War. ed. Anna Bramwell, London: Unwin Hyman, 1988.
8. Elia Zureik, a Canadian sociologist and a Palestinian originally from Haifa, who was part of the Arab delegation to the Working Group on Refugees, has expressed the fear that, "the refugee problem,

essentially political in nature, is being successfully diluted by other parties and increasingly turned into a solely humanitarian problem." "Palestinian Refugees and Peace," *Journal of Palestine Studies*, XIV:1, Autumn, 1994, p. 14.

9. Cf. Rashid Khalidi, "Observations on the Palestinian Right of Return," in Rashid I. Khalidi and Itamar Rabinovitch, *The Palestinian Right of Return: Two Views*, Cambridge, MA: American Academy of Arts and Sciences, 1990.

10. Nawaf a. Salam, "Between Repatriation and Resettlement: Palestinian Refugees in Lebanon," *Journal of Palestine Studies*, XXIV:1, Autumn, 1994, pp. 18-27. Cf. p. 22.