



Palestine Liberation Organization
Negotiations Affairs Department
Negotiations Support Unit

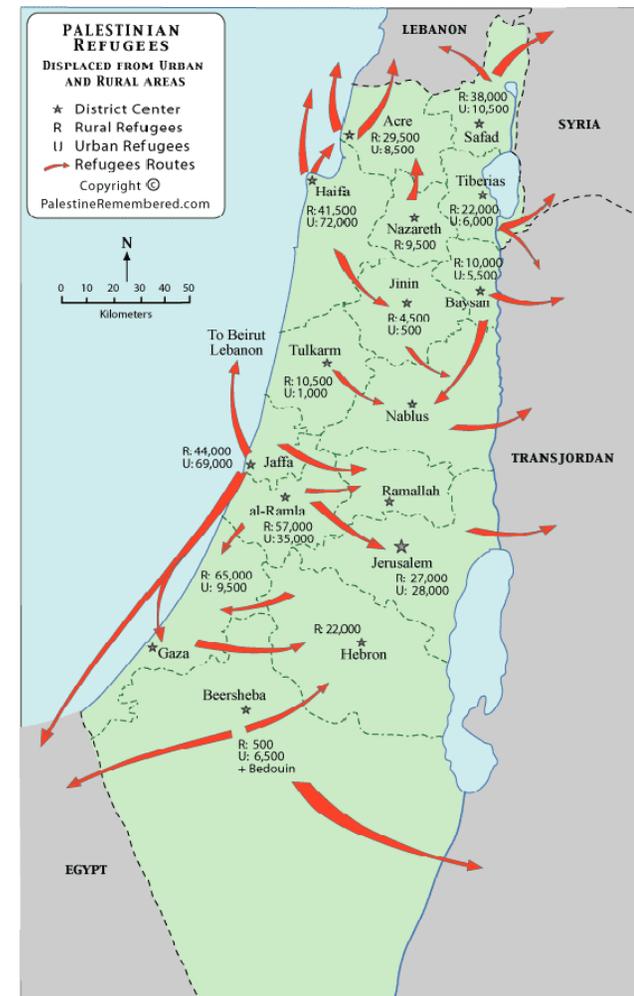
THE PALESTINIAN PROPOSAL FOR RESOLVING THE PALESTINIAN REFUGEE ISSUE

The International Mechanism

Annapolis - April 2008

BASIC FACTS

- (1) **More than 726,000 Palestinians displaced or expelled from their homes inside Israel in 1948**
- (2) **Refugees were subsequently denationalized by law**
- (3) **Their property was transferred to the control of the Israeli state**
- (4) **Present Status:**
 - **92% of Israeli property held by State**
 - **7 million Palestinian refugees**
 - **Most are stateless**
 - **No Israeli recognition or acknowledgement**
 - **No reparations for losses**



PLO POSITION

(in line with “Arab peace initiative”)

- *Purge the heart of the issue to enable justice/closure:*
 - **No end of conflict without resolution of refugee issue**
 - **Israel holds responsibility for the refugees**
- *Adapt to current realities and legitimate interests:*
 - **Sovereign Palestinian state along 1967 borders part of the package**
 - **“A just and agreed-upon” solution for the refugees:**
 - Recognition of Israel’s responsibility & refugee rights
 - Refugee choice and empowerment
 - Reparations for losses
 - Resolution of status issues

Bush statement (Ramallah, Jan 2008)

“I believe we need to look at [the establishment of a Palestinian State and] new International Mechanisms, including compensation, to resolve the refugee issue”

PLO PROPOSAL

- **Agreeing upon a just solution...**
 - *Guidelines*
 - *Policy issues to be resolved in PS negotiations*
- **... To be implemented by an International Mechanism**
 - *Requirements*
 - *Design, Function & Mandate*
 - *Funding*

Defining a just & acceptable solution: Guidelines

- **the solution should be *comprehensive* = it addresses the two principal aspects of the problem**
 - right of return, resettlement and rehabilitation
 - reparations
 - restitution of refugee property & compensation for property damage & losses)
 - compensation for long-standing displacement
- **the solution should dispense *individual justice***
 - returns based on free choice
 - reparations to individuals

Defining a just & acceptable solution: Policy issues

To be resolved in the permanent status negotiations:

- (1) Scope and modalities of the right of return and property restitution**
- (2) Prioritization and sequencing of returns**
- (3) Scope and level of property compensation**
- (4) Scope and level of compensation for longstanding displacement & suffering**
- (5) Institutional framework & composition of the international mechanism**
- (6) Funding**
- (7) Status determination (refugee definition)**

Implementing the solution: Requirements

- An **international mechanism** is necessary for the administration of the solution
- The mechanism should be **comprehensive** and deal with both **returns & claims** (restitution & compensation)
- **International community** should participate in the administration of the solution
 - *representation on the mechanism*
 - *participation in funding of returns & compensation*

Implementing the solution: Requirements (Cont'd)

The solution should comply with applicable:

(1) Legal standards

- *Restitution in kind as the primary remedy*
- *Right to choose between restitution and compensation*
- *Full value as the standard of compensation*
- *Compensation for displacement (non-material damage)*

(2) Administrative (management) standards

- *Adoption of best practices of mass claims resolution*
- *Effectiveness, Efficiency*
- *Transparency, Accountability*

BASIC DESIGN

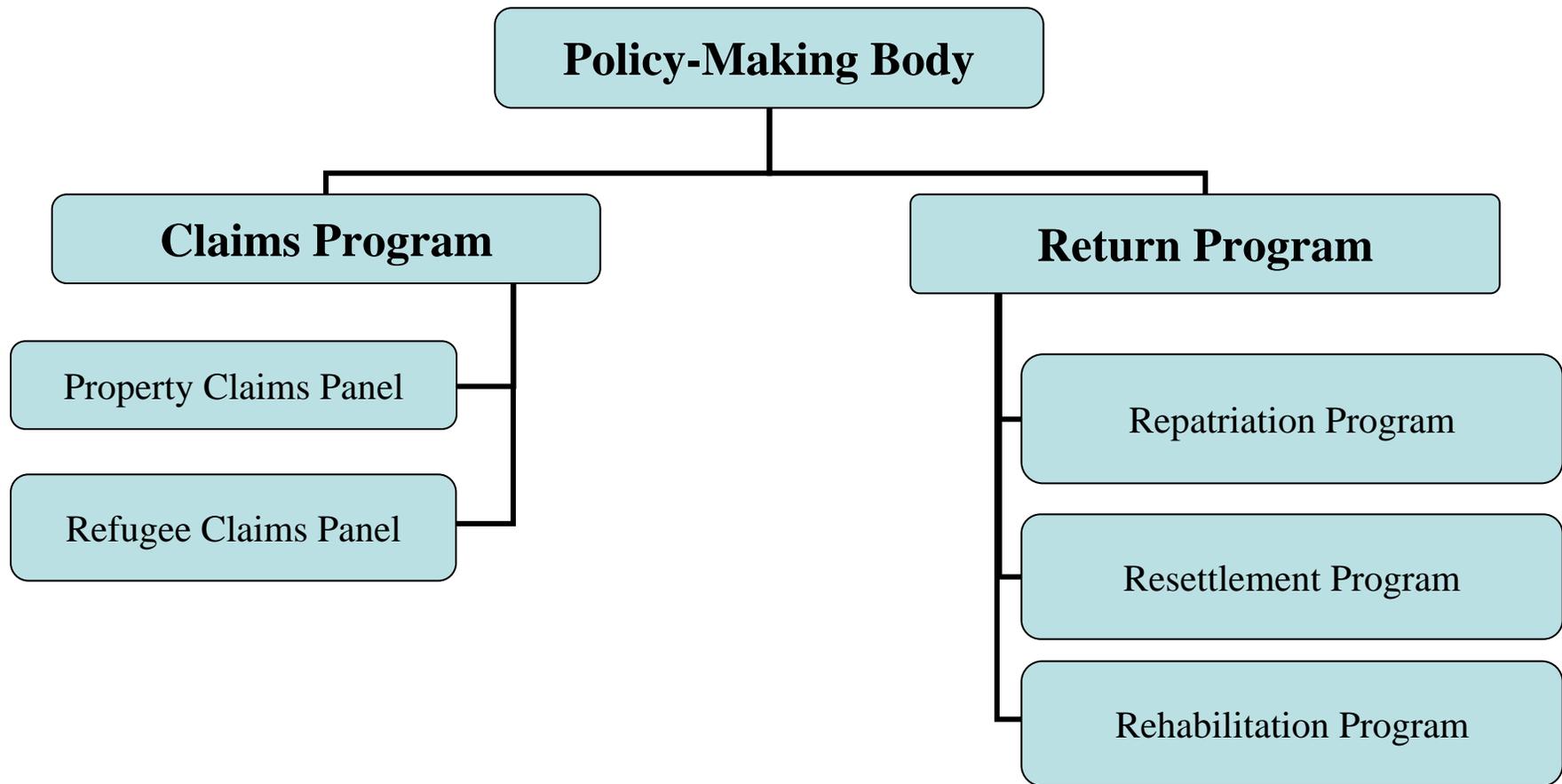
(1) Institutional framework

- *New organization*

(2) Structure

- *Policy-making body*
 - Governing board: management
 - Consultative commission: policy-making
- *Return program*
 - Return, resettlement and rehabilitation (based on free choice)
- *Claims program*
 - Restitution of refugee properties
 - Claims for compensation for damage to and loss of property
 - Claims for compensation for displacement

OVERVIEW



Negotiations Affairs Department

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POLICY-MAKING BODY:

Function and Mandate

- **Resolution of policy issues not resolved in the permanent status agreement**
- **Development of a work program**
- **Development of compensation criteria**
- **Establishment of deadlines for requests for return and filing of claims**
- **Appointment of director for the return program**
- **Appointment of members of the claims commission**
- **Approval of budget**

RETURN PROGRAM: Function and Mandate

- **Administrative process**
- **Identification of refugees and determining their chosen destination**
- **Organization, management and operation of the repatriation process**
- **Resettlement of refugees in their chosen destination (Israel, Palestine, third countries)**
- **Rehabilitation (housing, medical services, education, professional training)**

CLAIMS PROGRAM: Function and Mandate

- **Quasi-judicial process**
- **Claims for compensation for displacement (“refugeehood”), property restitution, damage to and loss of property**
- **Two claims panels**
 - Displacement claims
 - Property claims
- **Secretariat to provide legal, technical and administrative support**
- **Access to governmental and intergovernmental records**

FUNDING

Guiding principle: participation to the funding should be based on responsibility

- **Property claims: Israel**
- **Displacement claims: Israel, international community**
- **Return process: Israel, international community**
- **Creation of a “Compensation and Development Fund” consisting of two accounts**
 - *Funding of return process*
 - *Funding of compensation claims*

CONCLUSION

- **Establishment of an international mechanism is the adequate option** to implement a comprehensive resolution of the refugee issue.
- **Compensation is only one of the reparation rights to which refugees are entitled.** Full Compensation for the damages suffered is therefore needed but not sufficient to resolve the issue.

Questions / Discussion