

**REFUGEES, REFUGEE COMPENSATION AND COMPENSATION FOR THE OCCUPATION:
INTERNATIONAL INVOLVEMENT IN THE IMPLEMENTATION OF THE CAPS**

REFUGEES AND REFUGEE COMPENSATION

International involvement in dealing with refugees and refugee compensation will likely be required to carry out the following tasks:

1. Determination of refugee status;
2. Repatriation of Palestinian refugees to Israel;
3. Resettlement of Palestinian refugees in third countries;
4. Rehabilitation of Palestinian refugees;
5. Compensating Palestinian refugees and the Palestinian State;
6. Compensating host countries;
7. Phasing out UNRWA.

1. General:

An overall international “Commission” will likely be created to deal with many of the issues in the refugee and refugee compensation files, particularly as they pertain to individual refugees. The Commission will likely be comprised of the following:

- A. An international technical body that manages the following three subcommittees:
 1. The status determination subcommittee which will be charged with determining whether an individual qualifies for “refugee status” within the definition set out in the agreement;
 2. A relocation subcommittee which will be charged with determining the final place of residence for all refugees;
 3. A compensation subcommittee that will pay out money to refugees for property and other losses.
- B. An international financial body will handle the financial aspects of the Commission, namely the payment of compensation to individual refugees, to refugee families and to third countries.
- C. An international secretariat that oversees the work of the international technical body and of the financial body. International assistance will be needed to ensure:
- D. A dispute resolution body to resolve disputes arising in the subcommittees.

It is believed that this Commission will be international in its composition so as to ensure transparency and to elicit support of these countries in contributing to the fund and to assist in determining a final place of residence for Palestinian refugees. There may need to be a body to oversee the operation of this Commission.

2. Determination of Refugee Status: The use of UNRWA records as *prima facie* proof of refugee status has been discussed recently. If this option is fully implemented we will need to cooperate with UNRWA to obtain its records.

3. Repatriation of Palestinian Refugees: International involvement will likely be needed to assist in the repatriation of Palestinian refugees, particularly if repatriation involves restitution of Palestinian properties. This issue has not been fully discussed though it is suspected that UNHCR will be asked to assist.

4. Resettlement of Palestinian Refugees in Third Countries: UNHCR will likely be involved in the resettlement of Palestinian refugees, particularly those refugees currently residing in refugee camps. As above, this issue has not been fully discussed.

5. Rehabilitating Palestinian Refugees:

A number of proposals have been raised in permanent status negotiations regarding the rehabilitation of Palestinian refugees. Some of these options include providing loans to Palestinians for the purchase of homes and for entrepreneurial endeavours. International involvement will be required to ensure that the programs are effectively carried out.

6. Compensating Palestinian Refugees and the Palestinian State on behalf of refugees

a. Settlement Evacuation for Use by Palestinian Refugees: The use of colonies and other colony facilities by Palestinian refugees was recently discussed. This will involve the housing of Palestinian refugees in evacuated colonies. In the event that this is seriously considered, international involvement will need to be involved to ensure that this is carried out properly.

b. Use of Settlements to Compensate the Palestinian State: This option was proposed during permanent status negotiations and is currently under consideration. In the event that this option is pursued international involvement will be necessary to: (a) ensure that the assets are preserved and (b) document any damage caused by Israel or colonizers during the withdrawal phase.

c. Use of Land Swaps to Compensate the Palestinian State: Israel has indicated that it will provide a complete infrastructure in land swap areas for future use by Palestinian refugees. The infrastructure will need to be assessed for compensation purposes and the construction/transfer of this infrastructure will need to be monitored.¹

d. Calculating Compensation for Palestinian Losses:

i. *Israel's Contribution for Property Losses*

This is a highly complex issue that will undoubtedly require international involvement to: (a) determine what should be compensated; (b) determine the properties that have been

¹ This links with the borders file.

destroyed; (c) determine the properties for which restitution is possible; (d) calculate an “overall” compensation figure. At present, the parties have agreed that an “outside body” will come up with an approximate figure to comprise its contribution to the international fund.

ii. *Transfer of Funds to the International Commission*

A mechanism will be required to ensure that Israel transfers its portion of the money owed to the international commission within the specified time frame.

iii. *Use of Israel’s Land Records to Calculate Compensation and as Evidence in Compensation Claims*

Israel’s land records will need to be transferred to the body conducting the compensation evaluation and to the Commission for use by claimants. The transfer of these records will need to be carried out effectively and efficiently. I am uncertain whether international involvement is necessary.

Compensating Host Countries: Host countries may be compensated for costs borne as a result of accepting Palestinian refugees. It is unclear at this point whether they will be compensated through the Commission outlined above. International involvement will be required to assist in the transfer of payments or in setting up “rehabilitation” programs as noted above.

Phasing Out UNRWA: It is expected that UNRWA services will be gradually phased out in accordance with the fulfillment of the agreement. International involvement will be necessary during this interim period.

COMPENSATION FOR THE OCCUPATION

Calculating Compensation: International bodies will likely be used to calculate compensation for damage resulting from the occupation, as noted in the environment paper.

Transfer of Funds to the Palestinian State: International involvement will be required to transfer funds to the Palestinian State. As described above, this may also take the form of the transfer of colonies and infrastructure to the Palestinian State. International involvement is likely needed to: (a) calculate these values and (b) assist in the transfer of assets. At this point, not much detail can be provided to further define the scope of international involvement.