

**THE PEACE PROCESS and
PALESTINIAN REFUGEE CLAIMS**

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Addressing Claims for Property
Compensation and Restitution

Michael R. Fischbach



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The views expressed in this book are those of the author alone. They do not necessarily reflect views of the United States Institute of Peace.

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*For Lisa, Tara, Grace, and Sophia,
in the hope for a better world*

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>> FOREWORD

Upon the sacredness of property civilization itself depends,” wrote Andrew Carnegie in the late nineteenth century. While these words were meant to serve his argument that government should not obstruct an individual’s collection of wealth, the basic idea that property is sacred touches the core of many of the world’s intractable conflicts. This is particularly true in the Holy Land, where the Palestinian-Israeli conflict is inextricably linked to the ground on which it is fought. The earth itself tells the respective narratives of the two peoples. While recent Palestinian-Israeli peace initiatives have focused principally on the post-1967 status of the West Bank and Gaza, Michael R. Fischbach argues in this volume, *The Peace Process and Palestinian Refugee Claims*, that finding a just, equitable solution to the Palestinian property losses (of land, houses, and so forth) of 1948 will be the key to solving the broader conflict.

Why is this so? Although the question of final borders, the status of Jerusalem, and the disposition of Israeli settlements in the West Bank are issues critical to a comprehensive peace, Fischbach maintains that arguably no other issue excites as much passion among both Palestinians and Israelis as that of the refugees and their ultimate fate. While a multitude of political and strategic complexities make solving this issue difficult, he argues that the “palpable, flesh-and-blood nature” of the refugee property problem is precisely what militates against its resolution. He speaks specifically of the role of the refugees’ emotional and psychological grievances in hindering initiatives to resolve the problem.

Although he does not state so directly, such grievances are not restricted to those who actually lived through the tumultuous events of 1948, when one half of the Arab population of Palestine was displaced from their homes and land. If history is to serve as a guide, these grievances are unlikely to diminish as the original refugees themselves pass. Rather, they will be transmitted from one generation to the next—from father to son, from mother to daughter—through

family stories, photographs, and rituals. It is this phenomenon—witnessed in so many of the world's conflicts—that will continue to make solving this question so difficult—not only today but also tomorrow.

Before we can begin to look to the future or attempt to solve the problem, Fischbach states, we must first study the history of the refugee question, which begins with the violent events of the first Arab-Israeli war. In offering a scrupulous, dispassionate historical survey of the issue, he begins with an examination of the measures the new state of Israel took to confiscate Palestinian refugee property and prevent the refugees' return and outlines the initial attempts of the United Nations Conciliation Commission for Palestine to address the refugees' property claims. He then assesses with a disinterested eye the scope and value of Palestinian property losses by drawing on the varying estimates produced by Arabs, Israelis, Americans, and the United Nations in decades past. While his discussion of these interrelated matters provides the needed framework for understanding the breadth of the refugee property question—and serves as a testament to Fischbach's scholarship and ability to handle a sensitive subject with delicacy and fairness—it is the latter half of the volume that will no doubt be of greatest value to present and future diplomats, negotiators, and peacemakers.

By moving from a background discussion of the property issue itself to an examination of past diplomatic initiatives to solve it, he reveals several notable plans—now largely forgotten—that emerged in the 1950s and 1960s. As Fischbach himself notes, these plans “represent both independent (that is, ‘neutral’ non-Israeli, non-Palestinian) and wide-ranging plans for property compensation that emerged” before the thinking of the property issue became contaminated with other elements of the conflict and certain rigid attitudes. His discussion of these past plans is of singular importance because unlike the parties to the conflict—who maintain a collective memory of the conflict from one generation to the next—diplomats and negotiators have no similar memory. That is, today's generation of peacemakers are largely disconnected from yesterday's. Israelis and the international community have in the past formally recognized the need to address the Palestinian property losses of 1948 (UN resolution 242, for instance, calls for a just settlement to the refugee problem, and the 1993 Declaration of Principles commits the two sides to negotiate the refugee issue), but the job of actually determining how to resolve the issue will fall to present and future peacemakers. Studies such as this are therefore invaluable for providing the institutional memory that is so often missing from peace initiatives. Only by learning from historical precedents and examining past successes and failures can lessons

be drawn for the present and the future. As Fischbach himself notes, “For a conflict so rooted in history, and in two peoples’ respective visions of historical connectedness to the same land, should it come as a surprise that it is history that might hold the keys to a peaceful tomorrow for Israelis and Palestinians?”

As a part of the United States Institute of Peace’s congressional mandate to promote research, education, and training on the peaceful management and resolution of international conflicts, *The Peace Process and Palestinian Refugee Claims* is only the latest in a distinguished and growing list of volumes the Institute has published on the broader Arab-Israeli conflict. Such studies include *The Enemy Has a Face: The Seeds of Peace Experience*, by John Wallach; *Generals in the Cabinet Room*, by Yoram Peri; *How Israelis and Palestinians Negotiate: A Cross-Cultural Analysis of the Oslo Peace Process*, edited by Tamara Cofman Wittes; and *A Very Political Economy: Peacebuilding and Foreign Aid in the West Bank and Gaza*, by Rex Brynen.

We are particularly excited about the upcoming publication of a yet-to-be-titled second volume by Fischbach, which will serve as a sister publication to this current one and explores the important issue of Jewish property claims in Arab states. After all, more than eight hundred thousand Mizrahi Jews underwent their own exodus in the twentieth century. As with *The Peace Process and Palestinian Refugee Claims*, we fully anticipate Fischbach’s second volume to lead us to a deeper and broader understanding of the Palestinian-Israeli conflict in particular and intractable conflicts in general. Taken together, our hope is that these two volumes will make clear to all that—to paraphrase Carnegie—upon the sacredness of property *peace* itself may depend.

Richard H. Solomon, President
United States Institute of Peace

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