

## The Role of Refugee and Exile Communities in Creating the Palestinian Future

The Geneva Accord, the unofficial Palestinian-Israeli peace plan that was launched with huge glitz in December, is based on the absolute surrender of the refugees right of returning - if they should wish, to their homes, as the precondition for peace. As Yossi Beilin said, as reported in Ha'aretz. "No Palestinian will enter Israel under a 'right of return.' ... There will be no right of return. ... Who ever thinks that through some clause or other he can say that there is a right of return - there is no right of return here. ... there is no right of return in this agreement, and there will be none." Recently a Palestinian colleague under occupation had an extended discussion with a Swiss diplomat about the usefulness or otherwise of the Geneva Accords. As you might remember, the Swiss had acted as hosts and were now subsidizing the huge campaign for its promotion world-wide. They spent several hours carefully evaluating of the strategic, practical, tactical, or ethical viability of this initiative, with my colleague unable to find a single positive indicator that could be applied to this plan. Finally, the Swiss representative, in exasperation, began yet another attempt to explain the Geneva Initiative's overarching rationale: "Just imagine for a moment", he pleaded, "that you are on Mars..."

Mars indeed. Yet the Geneva Accord has been seized upon by actors in the international community who have, over the previous two years, done little or nothing to counter the fierce aggression of the Sharon government in the occupied territories, or the American administration's military ambitions in Iraq. They were desperately seeking, instead, a non-controversial tool to challenge the Israeli and American hegemonic discourse on peace – namely, the failed road map. Enormous diplomatic energy and money went into developing an international coalition for the "launch" of the Accords in Switzerland last December, and tremendous pressure put on the Palestinian leadership to accept it in full, or at least accept the attendance of those ex-government ministers and party officials involved in its creation. A quite powerful and active international organisation, the International Crisis Group, made up of former diplomats, became an active and vociferous backer. The UN Secretary-General Kofi Annan, former President Jimmy Carter, former foreign ministers of virtually every European state, and the Hollywood actor Richard Dreyfus arrived in Geneva to launch this theoretical peace accord as "the only chance, the last hope, for peace".

How did we land on Mars? Well first, I would argue, it has been the last decade of collective endeavour that is responsible for the situation we now find ourselves in. Much of it has emerged through the work of a few academics, policy experts, and think-tank projects. The Oslo framework for resolving the refugee problem was presented as *the* pragmatic realistic solution, and those who sought to disagree – or even worse to rectify, change, or address its flaws – were seen as dangerous, foolhardy; they were jeopardising "The Deal". A peace process that was marketed as pragmatic, highly technical, and bound by the constraints of a scientific framework was actually riddled with dangerous illusions, wild utopianism, and false universalism. It was also heavily reliant on faulty social science models that, although emerging from academia, lacked both methodological rigour and empirical testing.

A central part of the Oslo arrangements were simply to shelve the hard issues (including the core of the original conflict, the refugees) to a later date, known as "final status". It relied upon a methodology drawn from conflict resolution literature which promoted confidence building measures, to be introduced in incremental steps. Yet, as we have all now seen, incrementalism has not meant incremental improvement on the contours or the substance of the refugee problem, but rather incremental disrepair, neglect, a growing intransigence. Above all, there is a growing ignorance of this issue, especially within the wider policy community

of the MEPP. It has also led to a radical deterioration on the ground, with a view to settlements or land expropriation or refugee's conditions, whether in the West Bank and Gaza or elsewhere. The Oslo process also sought, more quietly, to undermine the international legal standards that have underpinned the Palestinian refugee case, and to lower expectations of the refugees in their quest for them. Instead, it has done the opposite. Meanwhile, it has raised the expectations of the Israelis to an impossible threshold, so that even mainstream and left-wing Israeli commentators were sincerely shocked when the refugee issue returned to the table as a matter that needed to be substantively addressed— they had been led to believe, falsely, that it was a closed file, and that the refugees would disappear off the map when they disappeared off the negotiating table. Barak's reaction at Camp David can best be understood in light of this common understanding fostered by the Oslo process.

A vast wave of research was undertaken, guided by an unspoken understanding of a final settlement that would comprehensively ignore refugee rights. Instead it focussed upon developing mechanisms that would impose this settlement through a system combining compensation, absorption of existing refugee camps in the West Bank and Gaza into local neighbourhoods, of the refugees into host and third party countries, and the resettlement of some into the West Bank. This was to be done by mutual arrangement between Arab host nations and those of the international community involved in the peace process. They were to present it to the refugee population inside and outside of the West Bank and Gaza as a legitimate agreement, negotiated by the Palestine National Authority, acting in the name of the Palestine Liberation Organisation, whose presence and signature would guarantee its legitimacy. The Palestine National Authority became the primary client, and the exclusive focus of attention and pressure under this policy. The refugees themselves were assessed, surveyed, quantified, classified, tested, and their living standards, housing conditions, economic and social interests became the objects of study. The refugees themselves were nowhere to be found.

The Geneva Accord was the logical next step in this formulation. Like its predecessor, it has absolutely no chance of succeeding for many reasons. Let us begin, and remain, upon the most central of them. The most important reason it will not work is, quite simply, that not a single Palestinian constituency accepts it in any form. It is entirely unrepresentative of the Palestinian body politic, both refugees and non-refugees, as would have been easy enough to establish from the very start. And accordingly, the people will continue to respond to these attempts by the only means left to them: they will protest, resist, rise, they will articulate their reality, their identity, their essential quality as human beings, and the demand to be treated with respect. It was therefore wildly utopian to think one could ignore an entire people because it was awkward, unfortunate, inconvenient, and did not fit into the political arrangements agreed by the major players. The attempt to avoid these commonplace actualities on the ground has created many more problems than it sought to address, and the continuing cost of ignoring the reality and basic rights of the victims of this conflict will create an even greater disaster in the coming years. And finally, there is no avoiding the responsibility of the experts and academic community for the devastating impact this approach has had on the chances for peace in the near future.

How did the Geneva Accord people manage this public relations sleight of hand in the media? How were they able to present such a weak, illegitimate, and unrepresentative position as something that could garner some popular support? Or something the West should be supporting?

One answer is that there exists a large gap between how things are with us and how they are portrayed. This disparity has to do with the lack of the democracy itself. It is not the

Palestinians who are refusing democracy and representation. They are struggling to hold on to it by any means they can. Instead, it is the American administration and the Israeli government who are seeking to create institutions and processes that would be undemocratic, and more importantly, to find Palestinian leaders who will be unrepresentative.

Of course the idea of Palestinians being the possessors of an authentic democratic practice which has been forcibly removed from them is not the accepted understanding of the nature of the problem. It is not only the western-funded Palestinian NGOs from civil society, Palestinian security experts, academic and think-tank Palestinian policy analysts who claim that the Palestinian National Authority is a hopelessly crumbling, stagnant, and corrupt regime. Most ordinary Palestinians declare regularly that they are desperate for political enfranchisement. So why on earth do the people in the street, in the refugee camps, still love Arafat so much? Why are they loyal to him, still make clear to all he is their leader? Is an entire people incompetent as well?

This question of representation – of the tension between particular forms of representation and the responsibilities of leadership for the Palestinians – haunts not just the international community. It is without doubt the central challenge which haunts all Palestinians, whether under occupation, in the refugee camps in the Arab world, or in exile farther afield. It is the most urgent, all pervasive, and central concern. It underpins the dual quest for liberty and democracy which – in our case as in most people's – are intertwined.

The current crisis of Palestinian democracy did not begin with the dismantling of the various civic institutions of the Palestine National Authority in the West Bank and Gaza by Israel, the wholesale and violent destruction of the PNA's police, the bombing, wrecking, and looting of the other ministries, the destruction of parts or all of certain refugee camps, as well as the architectural hearts of our ancient cities such as Nablus, which started over the spring of 2002, and continued over December and early January of this year. This marginalisation process began with the structural damage inflicted by Israel to the liberation movement itself: over the last thirty years of combat to its institutions, its personnel even, beginning with the 1982 invasion of Lebanon whose purpose was to crush the PLO. The current crisis of Palestinian democracy and state building, and the Palestinians' position on the deal-breaking issue of the return of refugees can *only* be understood in this specific context, and in reference to this more distant past.

The Palestine Liberation Organisation, the umbrella institution within which the broad-based popular movement operated, suffered a series of profound seismic shocks in the Lebanon in the early 80s, in Jordan, in the Gulf in the 1990s. While separating it from its constituencies living outside the West Bank and Gaza, these ruptures have also undercut its organically developed democratic mechanisms. The first of these fractures occurred when it moved the shattered remnants of its institutional base from Lebanon to Tunis at the end of the 1982 invasion of Lebanon, after tens of thousands of civilians (Lebanese and Palestinians), cadres and fighters of the movement were killed. This institutional infrastructure and popular base was deeply associational, grass-roots, and democratic in nature, and was drawn from the 300,000 Palestinian refugees living in the camps there. Much of it was destroyed in the same manner as the recent infrastructural destruction in the West Bank and Gaza, though it was done more violently and comprehensively.

The national liberation movement was drawn largely from Palestinian refugees in the Arab world who had been expelled from their homes in Palestine to make way for the establishment

of the state of Israel in 1948, during what is known as the *Nakbah* – the Catastrophe. Resistance was finally launched after those in the refugee camps of Lebanon, Syria, Jordan, Egypt, and exiles living in the Gulf had waited for more than seventeen years for Israel to implement the United Nations Resolutions which would allow them to return to their farms and villages.

The second fracture was when the core part of the PLO political infrastructure resettled in Gaza under the terms of the Oslo accords after 1993, becoming in the process the Palestine National Authority, and responsible only for Palestinians inside the West Bank and Gaza. This had serious repercussions for the Palestinian people as a whole, as the PLO had previously operated in a far closer relationship with the grass roots associations in the refugee camps outside of the West Bank and Gaza. Indeed, Palestinians have always resisted attempts to separate the ‘outside’ from the ‘inside’ since the Israeli occupation of the West Bank and Gaza in 1967, when Israel attempted to establish an alternative leadership to the exiled PLO through the ‘Village Leagues’ or other collaborationist measures. Instead, almost all politically active Palestinians living under military occupation within the 1967 borders (the 22% of historic Palestine) were, since 1965, members of the underground movements that made up the PLO, such as Fatah, the Popular Front, and the Democratic Front. Yet one consequence of the move of much of the official apparatus of PLO to inside the occupied Palestinian territories in 1994 was that it did not only lessen representation with Palestinians outside the occupied Palestinian territories, but it created new cleavages with those of the underground parties in the territories where they were now functioning.

Further exacerbating these geographical ruptures have been the countless assassinations of the top Palestinian leadership. The assassinations currently underway follow a long established tradition of Israeli foreign policy. The assassination of Khalil el Wazir (Abu Jihad) by Israeli commandos at Carthage at the beginning of the first intifada in 1987, of leaders like Kamal Nasser, Majid Abu Sharar and many others in the 1970s and 80s has had a profoundly impoverishing effect on both decision making and internal debate within the national movement. Worse still has been the effect of the assassinations by Israel of hundreds of grassroots leaders and fighters in the camps over the last 30 years. Under the guise of ‘fighting terrorists’, dozens of secular, progressive members have been (and are still now, today) killed in an offensive strategy designed to destroy Palestinian public life. The Israeli army and intelligence units continue to round up people every day. These are almost never the dangerous suicide bombers. For to Israel, those who organise, who associate either politically and militarily against the occupation, are also classified as terrorists – or in the media here sometimes more ambivalently as “gunmen” – and they are being dragged out of their homes in front of their families and shot in cold blood, in well-documented regularity, or put into prison without charge or trial, the latter currently at the rate of 10 people a day.

This long-standing Israeli policy of assassinating Palestinian leaders to destroy and dominate Palestinian political life (which Ehud Barak took an active role in during the 1970s and reinstated under his government in the 1990s) has also had a terrible impact on negotiations with Israel in an important manner that is little discussed by those who desire a negotiated settlement. The constant removal of active, engaged, representative leaders who served their community and speak for their rights and interests have left the Palestinian people with such an odd assortment of representation at recent negotiations: an elite largely culled from academia, business and think-tanks, as well as those few PLO representatives and activists who have not yet quit in their official capacity, as did the majority once the finer details of the Oslo debacle unfolded. Without question, just one or two people within a delegation can

change its entire mood, its capacity, its belief in itself, and its ability to represent the collective determination of its people with dignity and vision. They can do it in spite of the almost inhuman pressure that Palestinian delegations over the last ten years of negotiations have been subjected.

This pressure comes not only from the Israelis, using classical military methods on a civilian population outside of the room to affect the position inside it. It comes from the Americans, the Europeans, it comes from the various Arab regimes. All the textbooks studied and courses attended on conflict resolution and negotiation techniques (from which some of us benefited from in the early 1990s after the Madrid Conference) could not for an instant replace the indispensable virtues of courage, nerve, and force of spirit which underlie the true art of political negotiations under these hugely unequal conditions. Unfortunately, these are not often the qualities found amongst many experts from think tanks or political scientists and technocrats from academic institutions. A people under occupation, and in refugee camps, dispossessed and without sovereign land, military or political power, has found itself to all intents and purposes alone, against them the greatest world power of all time lined up alongside the most hard-line Israeli administration in a generation. There is a need for more than just good lawyers. The great need is for representative leaders. For the one thing that Palestinians do possess is a steady resolve, the nature of which has become obvious even to people with no knowledge of the conflict except what they watch on their television screens. Palestinians have always found a way to make their will known. This sustained resistance of the Palestinians to their bleak predicament is, in any comparative analysis over time and place, simply phenomenal. One is hard put to find a like analogy (although my own research is on late 18<sup>th</sup> and 19<sup>th</sup> century state building in Europe); one looks to 19<sup>th</sup> century Poland, to 18<sup>th</sup> century Corsica, one looks at the means and methods of rebellion to the conquests and massacres in the New World in the 16<sup>th</sup> and 17<sup>th</sup> centuries. Year in year out, generation after generation, the Palestinians have demonstrated with regenerative capacity the same collective idea: to be self-determining and free. Palestinians say they simply need representatives who can reflect this collective will: not perform miracles, but not betray them either.

So this is how Arafat comes to represent all Palestine: he does so by refusing exile whilst remaining inside his shelled and broken compound, he does so by refusing to sign away the remainder of basic rights. And Palestinians – who are prepared to make the sacrifices themselves, who are not yet resolved to surrender them – support him. Ask any Palestinian young or old – they understand the balance of forces, and they know quite well what they lose by continuing to fight for their freedom. They love Arafat when he represents them. And oddly enough, because of that basic trust given to him, he is the one leader who has been able to make the most compromises, exact the most concessions from his own people over the last ten years – Arafat is the architect of Oslo, not its negator (as was Barak, and after him Sharon).

The wide divergence between how things really are and how they are discussed in can best be captured by the subject of elections themselves, the bedrock of any socially just political process. The most serious assault to the Palestinian body politic and accompanying loss of democracy was actually a direct result of the elections themselves in the West Bank and Gaza, by which the Legislative Council was established in 1995. Instead of enhancing true democracy and representation, it further fragmented the Palestinian people as a whole, excluding as they did all Palestinians outside of them from the democratic process to which they too were entitled. At Washington between 1991 and 1993, the Palestinian delegation to the peace talks argued that elections must involve all Palestinians, including the refugees of

1948 and 1967 that were in camps across the borders in Lebanon, Syria, Jordan, and not just the refugees who happened to have ended up in refugee camps inside the occupied West Bank and Gaza, who could (and did) participate. Excluding half of an entire people from the most fundamental mechanism that allows them a minimal participation in shaping their present and their future cannot under any terms be classified as a democracy, whether you adhere to either a conservative or more far-reaching understanding of the functions and processes of that concept.

The enhancing of “civil society structures” and funding of NGOs inside the West Bank and Gaza further intensified this divide between Palestinians inside and outside: those inside received considerable international funding, whilst the political and civil participation of those outside the Palestinian territories in building a common future were ignored, neglected, and even rejected. One of the effects of this stripping of political identity has been to polarise the views of the refugees outside, who have been excluded from any peace process. And many of those refugees, party members, contributed to their own marginalisation, through a loyal silence in the years following Oslo. Doubting the purposes behind the Oslo deal yet wanting to ‘give peace a chance’, they accepted the PLO’s promise not to forget them and represent them honourably at the final status negotiations – although their patience has now come to an end. But worse than this, their exclusion has denied them the most elementary democratic right to help shape the constitution and the political institutions of the future state that is as much theirs as the rest of the Palestinian people’s. Denying these basic civic rights has merely exacerbated the original distress of their predicament, rather than lead to a solution. The exclusion of the refugees has also effectively de-historicised the conflict, which no longer has an origin, and thus no longer the means to resolve it.

And nowhere is this relationship between representation, democracy and leadership more apparent than on the issue of the right of return of Palestinian refugees to their homes. Although it was accepted at the start of the Oslo process that this difficult issue was the actual core of the conflict (and certainly for Palestinians it remains the most central), it is has nevertheless become accepted practice in diplomatic gatherings to insist that the Palestinian leadership make a ‘painful compromise’ (in the jargon of the peace process) without the issue being substantively raised with Israel in any manner. The refugees are to be resettled either in a new state or in the host Arab countries. This is apparently to occur peacefully, although it is against their will and contrary to international law. It is also against the principles of property law and refugee return which every other refugee group today benefits from, from the century old rights of the Circassians in Russia to the more recent conflicts of Kosovo and Bosnia Herzegovina (where the US is foremost amongst those insisting upon the right of return as the underlying principle to a durable solution – and as Azmi pointed out last week, it was the US delegate at the UN who cast the language of UN resolution 194).

Reminiscent of the way the Great Powers acted towards the fate of peoples during the time of the Concert of Europe in the late 19<sup>th</sup> century, the international community have decided this issue on the Palestinian’s behalf, and thus spend much of their time, today, bullying the weak Palestinian leadership to sign these basic rights away. Arafat has not yet done so, although capitulation on this issue is the only thing that the American and the Israeli administrations want from him.

At the fateful meeting at Camp David in 2000 between Ehud Barak, Yasser Arafat, and Bill Clinton, then Prime Minister Barak insisted that the Palestinians cede utterly on this issue. After Arafat refused to do so, Barak has spent every waking moment since calling Arafat a

terrorist who wants the destruction of Israel, and blaming his refusal to surrender as the core of the conflict (rather than the failure to address the issue of refugees seriously). Indeed, the narrative of Barak's fall and the rise of Sharon and the right can only be explained in terms of the fear of the return of refugees, an issue which the officials of the peace process had successfully pretended was resolved and buried. If Palestinians still want to drive Israelis into the sea (this is the apocalyptic manner in which the right of return is understood by the Israeli public) after such a generous offer, then the only answer was to bring in Sharon to wage an existential battle to the death with the Palestinians. No one has explained to Israelis that there are other ways to resolve the refugee question, such as a peace process which has this issue at its heart. So bring in the tanks, helicopters, F16s against this civilian population who are terrorising the Israelis with their irredentist claims, and against their incompetent leaders, who fuel them. Barak's characterisation of offering everything to the Palestinians and getting nothing in return ignited the existential fears of the Israeli psyche, and one which Sharon has not assuaged, but instead – like the ideological pyromaniac that he is – developed into a wall of bloodlust and fire, creating war, destruction, expansion, and conquest as the solution to Israel's dilemma of living on ethnically cleansed land.

Everyone worthy, every ex-foreign minister, seems convinced the Palestinians have to compromise on this issue. A commendable British all party Parliamentary Commission of Enquiry that went to the region in 2000 to actually ask the refugees themselves what they wanted discovered amongst the refugees both moderation and a willingness to be involved in a peace process that would resolve this issue fairly. The refugees were entirely aware of the realities of a new society that had been built on their fields and villages; in spite of the 55 years of appalling injustice, their desire was nevertheless to live at peace with Israel. So the real question is how to negotiate on this issue, which goes to the heart of Palestinian democratic process and representation. We are united in the manner they want it to be resolved – negotiations to be made subject to refugee participation. Not to drive the Israelis into the sea. Rather, we are holding, at the cost of our lives, to a principle: it is only those who bear the rights who can compromise their rights; they cannot be compromised on their behalf. We seek representation.

The tremendous battle within Palestinian political society that has been going on behind the scenes is on this issue above all, and the struggles over how the Palestinians are going to be represented. Not simply over the actual right of return of refugees to their homes to what is now Israel, but more simply (and understandably) about a fair procedure by which it is negotiated on the Palestinian side. Palestinian leaders who may yet believe that certain compromises on this issue are necessary and inevitable may still understand that by sticking it in the back of those who have been struggling for these rights for 50 some years may not be the way to get to a solution. They understand that refugees need those rights faithfully represented and discussed, the original terrible injustice acknowledged, before one can deliberate or construct durable options for their future.

So this is my conclusion: the representatives of the refugees, the PLO, must be able to represent before they can lead. The gap in representing the positions of the refugee population has delegitimised the entire peace process, and created a dangerous and unnecessary rupture between the PLO and their people, and has led to the leadership's delegitimation. Finally, the involvement of the refugee community is crucial. Peace will not obtain unless those concerned actually make it.