



النهضة العربية للديمقراطية والتنمية
Arab Renaissance for Democracy & Development

ARDD Question of Palestine Project

Palestinian Refugees: Is there the need for a new approach to solutions beyond the 70 year old impasse?

**Amman
20-22 October 2019**

Summary of Points Raised



Executive Summary

1. From 20-22 October 2019, on the occasion of the second annual meeting of the Global Expert Network on the Question of Palestine ('The Network'), **ARDD organized a workshop to discuss concrete steps to 'unlock' the political deadlock and overcome the increasingly complex impasse surrounding the Palestinian refugee issue.** The event gathered about thirty experts, over half of whom were Palestinian/of Palestinian descent, including influential figures on the question of Palestinian refugees and individuals affiliated with Palestinian refugee grassroots organizations, academics, researchers and UN experts, from within and outside the region. About two thirds of participants have been members of ARDD's Global Network on the Question of Palestine since its inception in 2018.
2. The workshop was envisaged as a follow-up to the inaugural workshop of The Network, held in October 2018, as well as to a six months' consultation held with Network members, both of which affirmed the need to explore anew the search for solutions for Palestinian refugees. The 2018 workshop had noted that while the UN General Assembly (UNGA) had unanimously adopted the *New York Declaration on Refugees and Migrants (NYD)* and was about to adopt the *Global Compact on Refugees (GC)* prepared by UNHCR, no parallel to the Comprehensive Refugee Response Framework (CRRF) set out in these two texts was being contemplated for Palestinian refugees. Participants in the 2018 workshop considered that this potentially presented a unique opportunity to explore the development of a similar CRRF specific to Palestinian refugees.
3. Ahead of the 2019 workshop, ARDD circulated a background paper summarizing the main ideas and principles of a potential **Comprehensive Response Framework for Palestinian Refugees (CRF-PR)**.¹ **The idea hinged on three key principles: (1) international law and the unfulfilled rights of the refugees must be given proper weight and no longer be subordinated to political decisions; (2) the search for solutions must move from the bilateral approach between Israelis and Palestinians of the last decades back to the multilateral arena of the UN; and (3) a shift from the 'politics of suffering' that has often seen the inalienable rights of the Palestinians – self-determination for all and return of the refugees – being advocated for at the expense of other fundamental human rights.** Both sets of rights should be advanced; not only are they not mutually exclusive, but they reinforce each other.
4. Based on the proposed paradigm shift, the workshop explored – in six sessions – specific and technical issues around five main themes: (1) the need for a new approach to break out of the 70-year-old impasse; (2) exploring the idea of a CRF-PR; (3) how to create (political) momentum in favor of Palestinian refugees; (4) the role of multiple stakeholders in support of Palestinian refugees; and (5) possible ways forward.
5. The goal of the workshop was not to seek participants' and/or the Network's endorsement of such an approach, but rather to discuss, and garner input on, whether and how the NYD and CRRF could serve to advance solutions to the Palestinian refugee question. The expertise and varied background of the participants allowed an informed engagement with respect to a number of sensitive issues. Over the course of the sessions, and in informal discussions in

¹ The paper, prepared by Nicholas Morris and Francesca Albanese with input from many, drew upon the approach to solutions proposed by Albanese & Takkenberg in *Palestinian Refugees in International Law*, Oxford University Press, May 2020.

the margins of the workshop, critical reflection and useful commentary and advice were given about the potential, risks, pros and cons of the proposed approach and the considerations that should accompany its possible development.

6. The workshop triggered some intense and passionate discussions. It shed light on some of the most acute sensitivities, as well as opportunities, that any discussions aiming at revitalizing the question of the search for just and durable solutions for Palestinian refugees would trigger. It confirmed that debate (and awareness-raising) should continue, and involve a larger number of actors, primarily Palestinians, as well as host country stakeholders, the UN and the international community at large.

Highlights of the discussions:

7. There is agreement that **maintaining the status quo for Palestinian refugees is not an option**, that something must be done especially as Palestinian refugees face increasing political risks (as demonstrated by the continuing and increasing attacks against Palestinians and UNRWA by some UN member states). At the same time **nothing should be done that could undermine the refugees' rights (return and other rights in line with international law)**, overshadow the uniqueness of the Palestinian refugee situation or turn out counterproductive in practice.
8. To a large extent, **the NYD and the GC are seen as holding potential to address concerns identified by the 2018 workshop**: (1) they are global in scope and apply to Palestinian refugees; (2) they give proper weight to a rights-based approach centered on the refugees; (3) they advance discussion on solutions for refugees through a multi-stakeholder platform under the aegis of the United Nations; and, (4) they may have the potential to break the current impasse on solutions for Palestinian refugees. However, many conditions have to be met for this approach to be viable for Palestinian refugees. Notably, it must be truly rights-based and not risk undermining the case for justice for Palestinian refugees; there must be an effective engagement of the refugees themselves, including in the leadership of the process; and the roles of main UN agencies involved must be clearly defined.
9. The proponents of a CRF-PR approach argue that such a Framework would have to take into account the **specificities and uniqueness** of the Palestinian refugee case and use the full range of remedies and opportunities offered by international law. The CRF-PR – they argue – is an opportunity **to advance all rights of Palestinian refugees within a 'just and durable solutions' framework**. This has the advantage of putting the right of return (which has not been advanced in any practical way over seventy years), at the center of debate as a legal right, while also articulating how the realization of other rights, or the pursuit of other available solutions based on the choice of the refugees, does not foreclose the opportunity of pursuing return and restitution. The proposed approach does not set the possibility of local integration and resettlement in opposition to return.
10. Concerns were expressed that adopting a CRF-PR could lead to **manipulation by those member states whose aim appears to be to dismiss the Palestinian refugee question altogether**, rather than find a resolution of it. This could in turn lead to further division amongst Palestinians. In order to avert this risk, it is important that a solid base is built for a principled CRF-PR which hinges on the realization of the rights of the refugees. Raising awareness and mobilization should proceed, though a variety of actors engaged in the field.

11. Also, participants warned that the CRF-PR should not develop a hierarchy of rights but rather consider both the short- and long-term priorities for their realization: these are complementary and not in contradiction.
12. In principle, the NYD/GC could be an important entry point, but would only work if there is commitment and agreement from the refugees, the PLO, UNRWA, UNHCR and the host countries. Without political commitment on their part, it will be impossible to move forward. Hence, identification of the political process and agreement on the message is pivotal and this could entail development of a **roadmap on how to operationalize a CRF-PR**.
13. The **precise content of any initiative within the framework of the NYD/GC would have to be determined by the key stakeholders**: primarily the Palestinians, including the PLO/PA/GOP and the refugees, and by UNRWA and UNHCR (these stakeholders were generally identified by workshop participants as responsible for consultation on and facilitation of a prospective CRF-PR).
14. It was argued that, should the CRF-PR be developed, it should entail a **clear strategy for UNRWA to use it** both as a 'defensive' tool, clarifying its role and responsibilities vis-à-vis Palestinian refugees based on their rights and needs, as well as a 'progressive' tool articulating that role and its capacity for a better future for the refugees; the multilateral approach should be pursued together with the local approach: working on **specific issues relating to host countries' realities** in parallel with developing an overarching framework. In this context a clear strategy would have to be developed, based on tailored discussions in different contexts, on what could be done simultaneously on multiple levels.
15. **Palestinian refugees should be involved upfront**. It is necessary to decide how to involve Palestinian refugees: whether to talk to refugees with general messages first and get their feedback on it before or while speaking with UNRWA (and UNHCR) or involving them while UNRWA and UNHCR are already in action.
16. **Coordination between UNRWA and UNHCR would be the only way to go about the development and rollout of a CRF-PR**; perceptions that this may weaken or disrupt UNRWA are likely but will have to be addressed upfront. The key argument is that while Palestinian refugees have a distinctive regime under international refugee law (mainly as per article 1D of the 1951 Refugee Convention), this should not translate into a discriminatory treatment that negatively impacts their situation and deprives them of the rights and entitlements of every refugee, both in terms of daily protection and durable solutions.
17. It was agreed that the background paper setting out the idea of the CRF-PR should be revised in light of the inputs of participants (and others, obtained through subsequent discussions). **A shorter, updated paper giving a clear summary of the above ideas**, drawing on the exchanges in the workshop, **will be prepared and circulated to participants for their comments and input in order to further improve it**.
18. The initiative that was discussed in the workshop and its follow up should be seen as an input to the process outlined above. **The initiative is supported by ARDD, and the input of network members and others will continue to inform the process, but this does not entail formal endorsement of either the network or individual members thereof** (see Annex).



Session on 'Palestinian Refugee Exile: 71 years on'

According to [BADIL](#), in 2019, 71 years after the *Nakba*, approximately 8.7 million (66.7%) of 13.05 million Palestinians worldwide are forcibly displaced, and Palestinians still form the largest and most protracted refugee population.

A presentation of the situation of Palestinian refugees in the occupied Palestinian territory (oPt) included the results of the recent BADIL survey. A **remarkable component of the survey shows that the right of return continues to feature prominently among the 1000 respondent refugees from 1948 Palestine, the oPt, Lebanon and Jordan**, with 14% expressing preference for a two-state solution in pre-1967 borders, while 37.8% prefer one state solutions and 48.2% a two-state with return to modern-day Israel.

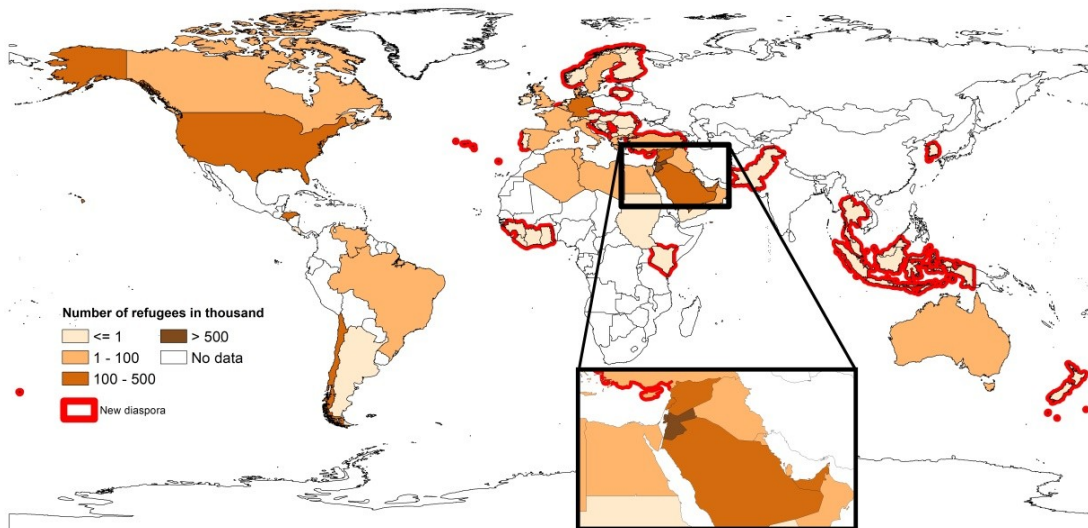
Surveyed youth reported awareness of the international community's continuous failure to address the original Palestinian displacement, which engages **the international community's accountability with respect to the realization of return**, as well as a sense of betrayal and helplessness vis-à-vis Arab countries. While return continues to be seen as a responsibility of the international community, Palestinian **self-agency to advance their cause is also perceived as disappointing among respondents**.

The general **sense of disempowerment of Palestinians across their exile** was discussed: in Jordan, general concerns exist among camp refugees owing to reduced UNRWA education and healthcare services, which will likely increase poverty, illiteracy and negative health outcomes; in Syria, the war has effectively undone the favorable situations that Palestinian refugees used to enjoy, turning this group – (PRS) – into one of the more marginalized groups in UNRWA's area of operations, relying heavily on UNRWA for survival in Syria as well as in Lebanon and Jordan; in Lebanon, the marginalized Palestinian minority is in need of new channels and platforms to engage the Palestinian leadership, representation and influence in a multi-confessional context. It was acknowledged that generally, the lack of basic rights is part and parcel of the deprivation of human dignity experienced by Palestinian refugees in the absence of return: **while return remains important, it must happen in parallel with respecting and advancing rights and dignity in the daily lives of the refugees**.

Time is ripe to discuss solutions anew; particularly considering the worsening geopolitical context and recent attempts by Israel and its US political allies to dismiss the Palestinian refugee question as irrelevant. The phenomenon of Palestinian refugees seeking protection outside UNRWA's area of operations – which has been on the rise since the Lebanese war and the First Gulf War – has become more common and widespread after the 2000s and the unrest in the oPt, Iraq, Libya and Syria. Palestinian refugees are increasingly found in all corners of the world, in Europe, Africa, Asia and the Americas, often in countries that may not offer adequate protection, as is the case in some countries in the Western Balkans, West Africa and South East Asia (see Map 1).² **Difficulties with tracking and documenting their often forced mobility compound the difficulty of ensuring their protection.** The map below reflects the extent to which consideration of the Question of Palestine must extend beyond the Arab region.

² Map from Albanese & Takkenberg, *Palestinian Refugees in International Law* (OUP, forthcoming).

Palestinian Diaspora in 2019



Session on 'The Need for Movement Beyond the Status Quo'

The presentation underscored how, in comparison with previous eras in relation to the Question of Palestine, the plurality of crises and conflicts today have marginalized the plight of the Palestinians. From an eminent political question, as was largely the case between 1948 and 1973, it is now often seen as a local humanitarian matter. Global attention has shifted toward other regional priorities, currently Syria and Yemen. Power shifts have seen the heightening of new powers in the region, namely China, Russia and Turkey, in parallel to a decline in regional power from the US, while most Arab states have become less relevant (or perhaps less interested) in the Question of Palestine.

It was noted that the political power of the US in the region is nonetheless expected to remain strong for at least a few years as will its unconditional support for Israel, no matter what this entails for the Palestinians. This reality and the current UNRWA crisis have further diminished support for Palestinian refugees. Therefore, **it was argued that the status quo in which the Palestinians find themselves has become unacceptable and a rights-based approach to resolve the pending issues of the Question of Palestine is of the utmost importance.**

The Core of the Matter: Is the Political Impasse Insurmountable?

Building on the geopolitical trends highlighted above, a brief overview of the negotiation under the UN (late 1940s-early 1950s) and in the framework of the Middle East Peace Process was provided. Besides the technical issues left open by the bilateral negotiations (e.g. return to where; absorptive capacity of the West Bank and Gaza Strip; cost of compensation), it was observed that there is presently **no realistic engagement with any peace proposal for the Israeli-Palestinian conflict.**

Despite increased understanding and support of the Question of Palestine through international law, **a lack of political will to intervene in the case of Palestinian refugees remains the determining factor.** It was noted that the refugee aspect seems to be not a matter of concern for the Israeli government, as demonstrated with the closing of the refugee desk at the Israeli Foreign

Ministry. The presentation also recognized **the continuing fragmentation and polarization of Palestinians and the occupied Palestinian territories as an obstacle to both working towards a political solution and durable solutions, including the right of return.**

Aligning Solutions for Palestinian Refugees to International Law: Right of Return and Other Rights

A presentation on the legal framework for Palestinian refugees underscored the **importance of: (1) countering the denial of the right of return's legal foundation, recognizing that return is a legal right of Palestinian refugees, and that self-determination is inherently connected to it, but is also different; (2) recognizing all other rights Palestinian refugees have under (a holistic approach to) international law, including human rights law and refugee law.**

The legal foundation of the (1948) Palestinian refugees' right of return to their homes in modern day Israel, stems from international law as it stood **prior to Palestinian displacement in 1947-9. Accordingly, it was unequivocal that (1) forced displacement and mass expulsions were unlawful and could constitute war crimes and crimes against humanity as per the Tokyo and Nuremberg War Crimes Charters and trials; (2) internationally wrongful acts trigger the duty of the responsible state to make reparations, including, in the case of unlawful forced displacement and mass expulsions, in the form of return, restitution (of property still existing) and compensation (for property destroyed in the fighting),** under an established principle of international law as confirmed in 1928 by the PICJ in the *Chorzow factory* case. This is precisely the legal framework that UNGA resolution 194 (re)affirmed in paragraph 11. The impact of the passing of time on the right to return, the other rights acquired over time, such as those of secondary or tertiary occupants, and the implications where that which should have been restituted no longer exists all need to be analyzed and determined on a case by case basis. **International experience shows that there is a variety of practical ways to satisfy the right of return and/or of reparations, without infringing others' rights.**

Over time other rights have acquired importance for Palestinian refugees and should not be denied for political reasons.

During the debate that followed the presentations, participants noted that a potential asset to the Palestinian cause is the preservation of a sense of identity and pride – or “Palestinianism” – that remains strong in and outside the diaspora. A new generation, skilled and informed on different aspects of the question of Palestine dispersed around the world, was perceived as another asset to advocacy and outreach. **It is important to see how to capitalize on the positive elements of the Palestinian diaspora and how to turn them into political support for the Palestinian cause on the ground.**

Participants debated both the ongoing crisis within UNRWA and the positive role the agency can continue to play for Palestinian refugees. Where some participants considered UNRWA to take the role of a quasi-state for Palestinians in its areas of operation, others held the opinion that due to constraints related to resources, capacity and its mandate, UNRWA's role was not to be overestimated. **All agreed that UNRWA should stay healthy and strong until the day that the Palestinian refugee question is resolved in line with international law.**

Discussions underscored the importance of continuity and connectedness of any proposed framework for solutions of the Palestinian refugees' situation with existing norms and frameworks.

It was suggested that any just and durable solutions should incorporate a transitional justice component, holding the various actors and broader international community to account for failing to acknowledge and address the denial of rights experienced by the Palestinians. In the case of Palestinians, transitional justice – often regarded as a transitional and post-conflict measure – should not come after a political solution, but rather in the lead up to it. This **could translate into the international community taking appropriate measures to establish the factual developments that have occurred since 1948 in order to correct misleading ‘narratives’ that aim to obfuscate the origins of Palestinian dispossession and displacement and their juridical relevance.** Further, it should include what Palestinians have endured and address the denial of their rights.

Session on ‘The New York Declaration and its Comprehensive Refugee Response Framework: Context, Content, Meaning and Implications for Palestinian Refugees’

The presentation noted that the New York Declaration for refugees and migrants (NYD) was the response that the General Assembly unanimously adopted in 2016 to the challenges presented by unprecedented human mobility, especially movements of those forcibly displaced. Essentially, the NYD recommends more predictable and comprehensive responses to refugee crises through reaffirming the basic principles of international law, human rights and international humanitarian law. Of particular relevance is **the commitment member states made in the NYD to “actively promote durable solutions, particularly in protracted refugee situations, with a focus on sustainable and timely return in safety and dignity.”**

For implementation, it was illustrated, NYD offers a template for a strategic approach to addressing large-scale refugee situations: the Comprehensive Refugee Response Framework (CRRF). So far, 15 CRRFs (or elements thereof) have been developed in various regions of the world, proving more challenging where the refugee crisis has a regional dimension. This means that there is no one-size-fits-all CRRF, but rather 15 CRRF’s adapted to different countries and realities.

Thus far, the relevance of the NYD, GCR and CRRF for Palestinian refugees has not been systematically explored, including as a tool for holding relevant member states and the wider international community accountable. Because the NYD and CRRF are global in scope, there is effectively at present a UN-sanctioned mandate – with the broadest possible endorsement by the international community – for the elaboration of a Comprehensive response framework **also** for Palestinian refugees (CRF-PR).

Noting that the CRRF is of a rather general nature, the different circumstances for Palestinian refugees require the adaptation of a CRRF model to their specific situation.

The development of a CRF-PR, it was argued, could be seen as **an architecture to reenergize discourse in support of unmet Palestinian refugee rights**, and holistically search for just and durable solutions which take into account the issues experienced by Palestinian refugees from different backgrounds across different countries. This includes first and foremost the root causes of their displacement (historical justice) and their collective rights (self-determination), as well as the lack of durable solutions, the legal, material and moral implications (issues of status and reparation) and the treatment they enjoy as refugees in a protracted refugee situation.

The introduction of the NYD and of the CRF-PR sparked an intense discussion among participants.

The main issues of concern were about the timing, possible manipulation of the good intentions behind the approach and the “who” could lead the process. Time-wise, participants feared that given the continuous attempts (by Israel, with US backing) to undermine the Palestinian refugee question and any connected rights, it was unclear how such an approach could receive support within the General Assembly. Rather, some feared, the very idea of the CRF-PR could be manipulated in order to put an end to the Palestinian refugee question. The proponents of the CRF-PR acknowledged the risks raised, and noted that only adequate awareness, promptness and a unified front in support of a CRF-PR serving the interests of the Palestinian refugees can help avert those risks: meanwhile it is clear that doing nothing is not serving Palestinian refugees’ interest either.

It was noted that time will show whether the CRF-PR may become a reality and what results it may achieve, but nothing will be achieved by simply not seizing the opportunity provided by the NYD.

There was general agreement that, to adequately give shape to a CRF-PR, the involvement and engagement of Palestinians, including the refugees, would be crucial, along with a number of relevant stakeholders (a number were identified during this workshop, see below).

Some discussions also took place on the role of UNRWA: while most participants saw the need for a bolder approach of the agency on solutions, some cautioned against the risk that this could further antagonize UNRWA’s opponents and reinforce their determination to liquidate the agency (more below).

Some participants **questioned the use of the terminology ‘a new approach’ with reference to the CRF-PR: building, as it explicitly does, on established (Palestinian) refugee’ rights, including the right of return**, the CRF-PR should be seen as an opportunity to reconfirm and actualize the legal framework applicable to Palestinian refugees, building on relevant UN resolutions, different fields of international law and relevant practice. While the NYD does undeniably offer an opportunity for a new approach, it was agreed that, in order to avoid confusion, no further reference to ‘new approach’ should be made in presenting the initiative.

Some suggested that a ‘nod’ by the UNGA towards developing a CRF-PR may help garner political support and initiate concrete action towards its development; this could happen by simple reference to it in one of the annual UNGA resolutions on Palestinian refugees, e.g. the resolution approving UNRWA’s annual reports. Others argued that to seek UNGA endorsement for an action it had unanimously mandated - the development of a CRRF **for each large refugee crisis- would carry significant risks**. On the challenges related to Israel’s willingness to engage, it was noted that while such engagement should be encouraged it was not a prerequisite: Israel had no right of veto on the application for Palestinians of a global process it had **supported in the GA**.

Some discussions took place on the capacity of a possible **CRF-PR to contribute to ‘addressing the past’ and returning to a principled path**.

Beside general discussions, specific aspects related to the possible development of a CRF-PR were discussed in the workshop’s working groups; main ideas and issues are summarized below.

a. Creating (political) momentum in favor of Palestinian refugees

Working group participants agreed that lack of political will to abide with and enforce existing normative frameworks is part and parcel of the enduring Palestinian refugee question. Participants discussed that political will requires a definition of available tools that may help create momentum – ultimately reaching the conclusion that the starting point is a basic understanding of what the

situation is. It was generally **recognized that increasing the visibility of the Palestinian refugee issues is key to creating political momentum around them.** A multilateral approach was considered more effective than a bilateral approach to create such momentum.

Working out right **messaging and designing and approach to strategic advocacy and communications** was perceived as crucial, and should very much depend on the various audiences to be reached and influenced. Participants referred to the importance to finding the proper balance in messaging related to Palestinian refugees, as it entails both day-to-day effective protection of fundamental rights and as well as a forward-looking approach to just and durable solutions.

Participants also noted the importance of building momentum both at the grassroots level in parallel to the political/national level. **The message should aim to generate long-term momentum and avert the sense of “fatigue” toward the question of Palestine and its refugees that has somewhat developed internationally, contributing to the increasing invisibility of their cause for justice.**

In terms of tools, participants recommended that, if used strategically, modern technology (social media) can support in creating a momentum by sharing information and messaging in a creative and appealing manner – and **digital tools should be utilized to overcome fragmentation and issues relating to representation.** Participants also stressed that protection for those who speak out on these platforms be considered. At different points of the discussion, it was argued that it is **important to reject political correctness and sensitivities in order to strengthen objective ‘narratives’ regarding Palestinians,** and that media, cultural, and artistic productions can be highlighted as possible means of gaining momentum, with the example of a Netflix show (comparable to ‘The Promise’, the successful British series about the nexus between the British role during the final years of the Mandate over Palestine and the current situation in Israel and the oPt).

It was agreed that a rights-based approach and international law should be used in order to enhance credibility and legitimacy of advocacy, taking into account the best interests of Palestinian refugees. Participants emphasized that while there is a plentitude of gathered knowledge and research exists, **it is essential to have a body to unify all this wealth of information to ultimately shape public opinion and produce a common vision.**

The role of the Network was discussed in relation to creating momentum for a CRF-PR. Participants felt it was too early for the Network to “endorse” such an approach. First, the Network itself, while being a most needed critical platform in the region, is still building itself and defining its nature. Second, more information and internal reflection on the pros and cons of a CRF-PR are needed. **It was suggested that influential individual Network members and allies known in the international community may help create momentum by giving the floor to Palestinians to express their needs, which would represent an opportunity to influence the discourse.** The upcoming UNCHR Global Refugee Forum could serve as one such opportunity in this context. It was also noted that academic networks should also be explored and that the GCR incorporates a specific reference to engagement with academic networks.

b. Role of stakeholders in support of Palestinian refugees

In discussing the role of the various actors that could take part in the development and implementation of a CRF-PR, it was recognized that **mobilizing stakeholders in support of**

Palestinian refugees is an initiative that proves to be of added value in its own right. By stimulating discussions and creating mobilization, the issue of Palestinian refugees and their rights is organically brought back to the table.

In order to promote adequate mobilization, it is imperative to translate the CRF-PR into concrete objectives, as the outcome of a meaningful (participatory) process. Consequently, **an essential element of engaging stakeholders and receiving their support is to adapt and refine the message/language to the audience since nuances are important.** Each group of stakeholders (states, UN, civil society, international community) should be engaged with the right messaging and emphasis. Henceforth, **a proper stakeholder mapping, including SWOT analysis, should be carried out as a matter of priority.**

It is evident that no single approach will appeal to and appease all relevant stakeholders. However, by way of the consultations and information sharing, the CRF-PR may gradually and organically take shape, constituting a point of reference for further action. It was proposed that any future '**CRFPR paper**' should propose a stakeholder engagement strategy that includes the following sub-categories 1. Palestinians (PLO, refugees, civil society and other grassroots organizations); 2. Host countries; 3. United Nations (UNRWA, UNHCR and UN Secretariat/UNSCO); 4. Others (regional and international stakeholders). **Participants recognized the PLO, host countries, UNRWA and UNHCR (with respect to Palestinians outside UNRWA's area of operations) as primary stakeholders and emphasized that their commitment to the framework is essential for its success.**

Palestinians

The CRF-PR offers an opportunity for Palestinians (refugees in particular) to have their own voice regarding, and take ownership of, the actions to take in, and messages to be conveyed to, the international community. This role can be realized through actively engaging Palestinians in the process, starting by raising awareness about the potential for a CRFPR, encouraging the Palestinian leadership to take the lead, mobilizing Palestinian civil society inside/outside UNRWA' area of operations to engage in consultations. Such a broad-based involvement can simultaneously prevent reproducing processes of the past that proved ineffective.

Efforts towards the CRF-PR cannot move forward without the involvement of the PLO/PA/GOP, and several levels of engagement should take place in parallel rather than separately. It was moreover proposed to identify the right people to talk to in and around the PLO, including its office in NY/at the UN, on an international level.

In order to create momentum with Palestinian refugees at the forefront, especially youth, representation is an essential tool while bearing in mind the current lack of unity and fragmentation within the Palestinian body politic. Some **participants felt that a space should be created for Palestinian refugees and their voices, since traditional political representatives may not necessarily be motivated to push their voices forward.** It was noted that, in order to mobilize effective representation, it is first important to question the existing structures of power and influence, in order to identify who to work with in terms of mobilization. However, some participants also noted that **engagement of Palestinian refugees themselves should be handled carefully, so as not to create expectations that cannot be met, but also to make sure that the message is**

appreciated. For example, sensitization/mobilization of Palestinian refugees in the camps around the content and opportunity of the CRF-PR should happen once content and messages are clear.

When involving refugees, various groups should be considered so as to map out different needs: camp-dwellers and non-camp residents, different gender/age groups and from various economic strata. **Developing a CRFPR in a participatory way means capturing visions of the various generations in exile, particularly youth, on how they see their future and solutions, also based on the prevalent challenges they face as Palestinian refugees today.**

As the Palestinian refugees are the principal stakeholders, it is advisable that successful Palestinians from around the world get involved and possibly act as ‘messengers’, including from the private sector and the world of art and culture. As it will be difficult to reach to every individual in the Palestinian diaspora, it is nonetheless important to focus on an effective representation of all groups.

Host countries

Host states should play a major role in activating and supporting the CRF-PR. They have a clear interest in how the issue of Palestinian refugees is dealt with and possibly resolved and their concern and proposals should be given adequate considerations. Their participation is also essential to encourage and facilitate refugee participation.

The CRF-PR could offer host states/Arab states a new opportunity to advocate for justice for the Palestinian refugee issue ‘altogether’, as a united front.

UNRWA and UNHCR

Discussions regarding the role of UNRWA and UNHCR in support of solutions for Palestinian refugees was intense.

The majority of participants saw that, being the lead agencies on refugees, the former with a unique focus on Palestine refugees and the latter with a global mandate including a consolidated one for durable solutions, they should play an important role in advancing solutions for Palestinian refugees. Some expressed concern at UNRWA’s involvement in anything concerning solutions (more below).

In connection with the development of a CRF-PR, a number of participants recommended that prior to wide consultations among Palestinians, support from UNRWA and UNHCR to engage in the development of such a framework is necessary. Other participants argued that mobilization from Palestinians may be needed first to provoke commitment from the two agencies. Some participants cautioned against **the risk that a framework fully shaped and agreed upon by UNRWA and UNHCR prior consultations may diminish the participatory aspect from the people concerned with the CRFPR: the Palestinian refugees.** It was once again emphasized that the process be multidimensional from the start and involves various interested parties at the same time, to test the ground, raise awareness and build a support base for action. These multiple dimensions should be activated in parallel.

In further discussing UNRWA's role, it was noted that while the agency provided input into the development of the NYD, no UNRWA position on the desirability or otherwise of a CRFPR currently exists. In effect, it was discussed that **the role of UNRWA is rather limited to providing services to Palestinian refugees and that it may not be proactive in developing and implementing a CFR-PR.** Consequently, a mechanism such as a coordinator for the development of a CRFPR (inter alia to coordinate the respective roles of UNRWA and UNHCR) may be required. It was also mentioned that UNRWA was expected to witness internal changes and direction in the near future.

One participant summarized the beneficial role for UNRWA to be involved in the CRFPR in these terms: it could represent a both 'defensive' and 'offensive' mechanism. **By embarking on the development of a CRFPR, UNRWA would not take initiatives beyond its mandate as it would operate under the NYD umbrella and its role would be preserved to advance toward a new strategy for realization of the Palestinian refugee rights.**

Such initiative could co-exist – and does not conflict – with the humanitarian mandate UNRWA has, which would allow UNRWA to discuss it within the scope of this mandate, and not alienate donors. However, until the mandate is renewed [November 2019]³, and unless it is renewed with a solid basis, it is unlikely that UNRWA will be proactive in considering any involvement in the CRF-PR.

On an international level, it was asserted that UNRWA and UNHCR must play a role as facilitators of effective discourse. Practically, it was suggested that feedback by the UNGA or the UN Secretary General could result in UNRWA including a paragraph about a CRF-PR in a forthcoming annual report.

Toward the end of the workshop, one participant felt very strong that the CRF-PR should apply only to Palestinian refugees outside UNRWA's area of operation only. Others felt this would undermine both the "comprehensiveness" of the CRF-PR, and the possibility for it to tackle the most serious human rights concern, which affect Palestinian refugees in UNRWA's area of operation. More discussion on this issue is certainly needed.

Civil Society and other grassroots organizations

The role for CSOs in terms of advocacy is to spread the message at regional, national and international level. A common approach to revitalize practical discussions re just and durable solutions for Palestinian refugees needs to produce tools that clearly state what the demands are with regard to the use of a rights based approach for Palestinians including the refugees.

Some participants opined that while engagement of civil society at this stage is possible, it should not be expected for them to engage in the initiative due to an initial lack of clarity. The first step suggested is for lead agencies (UNRWA and UNHCR) to clarify if and how they may wish to engage in the initiative and under what modes operandi. Some participants argued that the framework is too remote for civil society, unless it can be demonstrated how it will positively impact their relationship with lead agencies.

Others

³ By the time the Aide Memoire is finalized the UNGA has renewed UNRWA's mandate till 2023.



Stakeholders to be involved include regional actors, e.g. Kuwait, Jordan (not only as a host state), Qatar, as well as Turkey, Norway, Canada, Switzerland, South Africa, and other states historically interested in supporting a principled and mutually convenient solutions between Israelis and Palestinians.

Other potential stakeholders that were mentioned included the World Bank, given their increasing involvement on the issue of displaced people; the Organization of Islamic States, to mobilize actors who support the cause of Palestinian refugees; as well as entities such the UN Committee on the Exercise of the Inalienable Rights of the Palestinian People, to raise awareness and reach out to various constituencies world-wide.

The Way Forward

ARDD and the proponents of the CRF-PR appreciated the important discussions held at the workshop and recognized that a sensitive topic such as ‘solutions for Palestinian refugees’ had also contributed to advance discussions concerning the nature of the Network and the difference between its outcomes and the work of each of its members and participants.

The workshop represented an invaluable opportunity to start substantive discussions on the implications of the NYD for Palestinians refugees as well as possibilities, pros and cons, of a CRF-PR. **While critical views remain, mostly associated to the risk of manipulation and misuse of the CRF-PR (against the will of the refugees or the Palestinian at large), there was a general appreciation for the positive role that the NYD can play to help Palestinian refugees out of the seventy yearlong impasse, and the need to have more discussions about it.**

It was generally agreed that the workshop constituted just the beginning and that further work is needed with respect to the clarity of information about substance and process entailed by the CRF-PR, and the responsibility of various stakeholders. **The approach as discussed during the workshop needs to continue receiving feedback and consideration of legal, economic, political and ethical aspects. It is crucial that movement be made beyond the resolutions shared on paper for implementation to be realized, encompassing all discussion on the various contexts where Palestinian refugees live and various scenarios.**

The contribution to the Network from each participant was valuable and constituted the strength of this workshop. The discussions held in the plenary sessions as well as the working group discussions were valuable in terms of how to make issues relevant beyond academia and traditional political discourse. It is hoped that the Network’s and individual members’ efforts will stimulate a larger debate for a bigger audience in relation to the question of Palestine.

ANNEX

Recommendations for the Global Network of Experts on the Question of Palestine (the Network)

This note captures the various elements of discussion concerning the Network that emerged during the workshop, and that need consideration and follow up independently from the work on the CRFPR.

- b. At the end of the workshop, the growth of the Network in general was discussed and participants were invited to consider how to be an active part of it, how to use it to advance knowledge and advocacy on the Question of Palestine and how to promote the Network to other relevant individuals. It was clarified that initially, the initiative to establish the Network was given a timeframe of three years; thus the initiative will come to an end next year unless a long-term structure that includes a governance model organizing the work and relations of the Global Network is agreed upon. In relation to realizing a structured model, participants were invited to voice their interest and ideas in the coming 6 months. Proposals received will consequently be shared with existing members for feedback and final decision.
- c. Clarifications, views and suggestions were expressed that are summarized below:
- d. The Network was launched by ARDD in 2018 as a platform to bring together in the region a pool of experts on various aspects of the Question of Palestine, providing them an opportunity to critically discuss relevant issues, make new ideas emerge and use the knowledge produced to advance the cause for justice for Palestine and the Palestinian people, as it fits. The Palestinian refugee Question is an important component of the Network's activities.
- e. The intention with this Network is to be part of an informed, critical and social movement. One of its existing advantages, is its feature of uniting academia, international experts and grassroots community in the region, which aims to provide the best expertise available on the Question of Palestine.
- f. ARDD envisions the Network to become 'the Chatham House of the Middle East': the critical thinking generated within this space of dialogue can be used for various purposes depending on the case, encompassing further critical thinking, mobilization, advocacy, as it fits.
- g. ARDD can make its integrity, logistical means and the reputation it has built over the years as a reliable policy and operational actor, well-connected to a range of influential constituencies, available to the Network. Yet, the content of the Network's initiatives shall be determined by all of its members.
- h. Multiplicity of opinions and viewpoints are productive beyond Network's workshop, and clarity should be shed on the extent to which members of the whole Network are 'bound' by discussions or decisions taken in individual workshop: this will be clarified and also, in future events, ad-hoc network sessions will be held, as separate from (even if within/around) thematic discussions/workshops.
- i. Building this Network continues to be 'work in progress'. Next steps will include further developing its governance (criteria for membership, structure and functioning). To this aim, in the aftermath of the workshop, a Network's governance committee (NGC) was set-up. Its members are: Alaa Jaradat, Anis Kassim, Jaber Suleiman, Lubnah Shomali, Samar Muhareb and Terry Rempel. In the following six months the NGC will produce a document to be shared and discussed among the current members.