

**The EU (Moratinos) Paper
on the Israeli-Palestinian Negotiations at Taba (January 2001)**

Comments prepared by *BADIL Resource Center (Palestine)* for

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1. The importance of this EU paper derives from the fact that it is *the only systematic account by a third party* present at the Israeli-Palestinian negotiations in Taba, Egypt. The paper is objective in the sense that it is neither guided by narrow propagandistic interests of the parties involved nor by journalistic interpretations, which tend to mislead the public about the actual content of the negotiations.
2. The EU paper was acknowledged by both Israeli and Palestinian negotiators as a relatively fair description of the outcome of the negotiations. It is therefore likely to serve as a *reference for any serious future Israeli-Palestinian peace negotiations*.
3. With regard to the Palestinian refugee issue, the Moratinos paper confirms the basic approaches adopted by Israel and the PLO as set forth in previously published proposals for a solution to the refugee issue:
 - The starting point for Israel's solution is the demographic character of Israel as a "Jewish state," i.e. a solution of the Palestinian refugee issue that preserves a *solid Jewish demographic majority* inside Israel, and *Jewish title to confiscated refugee properties*.
 - The starting point for the PLO in crafting a durable solution to the refugee issue is *international law* and the *principle of refugee choice**, i.e. the basis for crafting durable solutions for all recent refugee cases in the world.
4. In the light of the conflicting starting positions, the fact that both Israel and the PLO agreed in Taba (as confirmed in the EU paper) "that a just settlement of the refugee problem ... must lead to the implementation of UN General Assembly Resolution 194," *cannot be seen as substantial progress*, but rather as yet another example of the "constructive ambiguity" (deliberate vagueness) between the parties, which has bedeviled so much of the Oslo process since its out-start.
5. Israel's positions and proposals presented at Taba and reported in the EU paper are *not consistent with the intent and meaning of UN Resolution 194*;* *violate international law and human rights conventions*; and, are *not conform with international practice* with regard to durable solutions of refugee problems elsewhere in the world. The following aspects of the Israeli proposals at Taba are especially problematic from a rights-based and international law perspective:
 - **Proposed "Land swaps,"** i.e. the "return of refugees to lands inside Israel which will than be transferred to a future Palestinian state (violate refugees' individual right of return to their places of origin/homes and their right to real

property restitution; are likely to result in additional injustice and violation of the property rights of original owners of such lands; may result in forced population transfer if inhabited by resident Palestinian population);

- Proposed **quota on refugee return to Israel** (violate the principle of refugee choice and voluntariness of durable solutions for refugees), especially if the quota proposed among to less than one percent of the total Palestinian refugee population (Moratinos paper).
- **Rejection of refugees' right to real property restitution**, a right which has been successfully claimed by Jewish people in Europe and formed a backbone of European/international efforts at refugee return and rehabilitation elsewhere (e.g. Bosnia-Herzegovina, East Timor).

6. From a political perspective it is important to keep in mind that the Palestinian position and proposal presented at Taba and reported in the EU paper is consistent with the Palestinian public (and refugee) consensus concerning a durable solution for Palestinian refugees. The Israeli position and proposals, on the other hand, *do not represent the political consensus on the Palestinian refugee issue inside Israel* and must be interpreted in the special context of Taba, which Israel did not consider "serious" negotiations.

* Relevant background information available at BADIL:

BADIL Occasional Bulletin no. 4: *The Right of Return and the Meaning of Refugee Choice* (February 2001); www.badil.org/Publications/Bulletins/B_4.htm

BADIL Occasional Bulletin no. 10 and annex: *Principles and Mechanisms for a Durable Solution for Palestinian Refugees: The "Taba Proposals"* (November 2001); www.badil.org/Publications/Bulletins/B_10.htm

BADIL Occasional Bulletin no. 11: *The Meaning of UN General Assembly Resolution 194 (III), December 1948* (April 2002); www.badil.org/Publications/Bulletins/B_11.htm