

## **an end to exile – a future for justice – a foundation for reconciliation – a role for Switzerland**

### **Position on the Question of Palestinian Refugees**

The tragedy of Palestinian refugees has been unfolding for nearly 60 years. The majority of Palestinians are refugees and constitute the largest group of displaced persons in the world today. The United Nations Relief and Works Agency (UNWRA) officially lists 4.3 million Palestinians as refugees, but the total number is estimated to be as much as 7 million. Most of these refugees were forced out of the area by Israel in 1948 or when it occupied the West Bank in 1967. Israel has continued its policy of pushing the Palestinian people out of their land up to this very day. Some of these Palestinians and their descendents are presently living inside Israel as internally displaced persons, but a good deal more are living as refugees in the occupied Palestinian territories, in Arab host countries and all over the world – in Europe and in Switzerland as well.

The Forum for Human Rights in Israel/Palestine views the pursuance of a fair solution for the refugees as a priority in any peace discussions. The refugee question should no longer be perceived as an obstacle to the solution of the Middle East conflict, but rather as a prerequisite for dealing with the conflict and as an opportunity for setting up a just peace agreement. This is all the more urgent since the conflict in the Middle East concerns people all around the globe. The situation is a threat to security and peace all over the Middle East and beyond and is used time and again for foreign interests. Policies on refugees pave the way for how policies for peace are formulated.

### **The rightful place of Palestinian refugees**

Palestinian refugees – like all refugees – have rights, regardless of where they live. In particular, they have the right of return, which includes the right to the restitution of their property or to compensation for its loss. All refugees have the right to freely choose what they want for their future. The rights of Palestinian refugees are guaranteed by international law, in particular by the all-important General Assembly Resolution 194 (11 December 1948), the Universal Declaration of Human Rights, the Human Rights Pact which lays the basis for civic and political rights, the Fourth Geneva Convention on the protection of civilians, as well as the Geneva Refugee Convention. In recent years, the international community has accepted the increasing importance of refugee issues and the question of the right of return as essential parts of any peace settlement. This has been the case for the conflicts in Rwanda, Guatemala and former Yugoslavia.

In principle, all Palestinian refugees, wherever they reside, have the right to dignity, protection and security, as stipulated in refugee law and human rights law. In reality, however, Palestinian refugees are subjected to different types of discrimination. It is in Lebanon where they are most vulnerable, since they are considered neither as full class citizens nor as bona fide refugees and are barred from most professions. In Israel, the internally displaced Palestinians are prevented from returning to their

place of origin, even when it is close by. As Arab citizens of Israel, they suffer from all sorts of economic, social, political and cultural discrimination. Palestinian refugees living in Switzerland find themselves in a precarious legal situation as well, inasmuch as their “State and Continent” is officially “unknown”. They cannot be recognized as refugees and are ineligible for temporary admission.

The Forum for Human Rights in Israel/Palestine advocates respect, protection and support for the rights of Palestinian refugees on the international scene, but also in Switzerland, on the basis of international law. It is intolerable to see how many Palestinians are in fact denied any basic rights or protection under the law. The Forum is of the opinion that Israel needs to come up to the standards of international law on the refugee issue and show respect for the rights of all its citizens.

### **International Networking**

In recent years, Palestinian refugees have reinforced their action on the basis of international law with the support of the international public. Their organisations are intensively at work on the question of human rights for Palestinian refugees both in the area of conflict as well as in international locations.

This Forum is part of the international network. It collaborates with experts and organisations like Badil in the Occupied Territories. Such organisations represent the interests of Palestinian refugees and are for that reason important actors in the peace process. The Forum also has links with Israeli Palestinian experts and organisations such as Hamoked, Adalah and Adrid as well as Israeli Jewish or mixed Jewish-Arab groups such as Bat Shalom and Zochrot, which work to make the rights of Palestinian refugees known to the Israeli Jewish population, among other activities.

The Forum offers the floor to internationally recognised human rights experts like Susan Akram (U.S.) or Lex Takkenberg (Netherlands), who make interesting comparative analyses and suggest ways to approach the conflict in order to put the position of Palestinian refugees forward. In addition, the Forum seeks to work together with international refugee and human rights organisations like Amnesty International who defend the right of return.

### **Awareness Raising in Switzerland**

The Forum is committed to informing Swiss public opinion on the different dimensions of the Palestinian refugee question: the peace negotiations, international law deliberations and human rights issues. These aspects all need to have their place in political discussions on the conflict in the Middle East.

The Forum covers the refugee question in all its complexity. This is part of an ongoing debate on the relations between European and Israeli-Palestinian history. This dialogue ideally helps bring to light the hopes and interests, fears and suffering of all the parties involved in the conflict as different perspectives of actors in the political and cultural spheres. The extermination of European Jews in the Holocaust and the lurking fear of anti-Semitism play a role in discussions on Palestine. They should never, however, be used to deny their rights to the Palestinian people.

The Forum has developed its activities over the past years by organising public meetings featuring representatives from international law, human rights, and refugee rights associations as well as cultural and political groups, from Palestine / Israel, Switzerland and other countries. It has picked up on the suggestion of the Palestine Right of Return Coalition, Badil, Zochrot and others to

commemorate the 60th anniversary of the Nakba, the Palestinian expulsion, in 2008 with various creative projects. These plans involve networking within Switzerland and internationally with other partners.

The Forum promotes study tours for political, cultural, international law, media and NGO representatives to places which refugees were forced to leave and the places where they now live in order to motivate them to inform the Swiss public and to encourage them to engage in lobbying activities.

## **Monitoring Swiss Politics**

Switzerland has officially come out for a solution to the refugee question “in accordance with international law”, investing quite some means as well as its prestige in the process. However, its contradictory approaches to the problem leave something to be desired. On the one hand, it puts a priority on the implementation of international humanitarian law and human rights, in the conflict region of Israel/Palestine. In this light, it supports Palestinian refugees through the work of the UN relief organisation UNWRA which focuses on humanitarian aide and development projects. On the other hand, the Swiss government hardly seems to make a connection between refugee law and international law, even when it furthers peace negotiations like the Geneva Initiative, which was based on international law only to a very limited degree

The Forum is lobbying government authorities and members of parliament as well as working on public opinion to get the Swiss government moving towards a more active policy. Switzerland needs to recognize the right of return for Palestinian refugees as a starting point for the proposal of a solution to the conflict; it should also convene any appropriate meetings of experts and initiate negotiations if need be, and it should be correspondingly active in the United Nations, in particular in the Human Rights Council. This position implies working hand by hand with UNWRA as well as exploring avenues for action with other states involved in promoting peace talks, with human rights and refugee rights organisations and with Palestinian and Israeli organisations. Thus, Switzerland can help to promote discussion within Israeli society and contribute to a peace based on law and justice as well as fostering reconciliation and a coming to terms with the past.

**The Forum for Human Rights in Israel/Palestine** is a working group made up of the following Swiss organisations which are active in the Middle East in the fields of development and human rights: Amnesty International Switzerland, Caritas Switzerland, cfd – the feminist peace organisation, Society for Threatened Peoples - Switzerland, Association Switzerland-Palestine, HEKS-EPER, Department for Ecumenical Affairs and Cooperation, Reformed Churches Berne-Jura-Solothurn, Horyzon – International Cooperation of the Swiss YMCA/YWCA, Palestine solidarity of the Basle region. The Forum advocates respect for human rights in Israel and Palestine. It informs on human rights situations in Israel and Palestine, on strategies that can be used to further the application of international law in the political process, as well as on possible avenues of action open to Switzerland. It also promotes awareness of the responsibility that Switzerland and the rest of the European community share in the history of the conflict in the Middle East. The Forum asks Swiss government authorities and parliamentarians to act decisively in the face of events in Israel and Palestine. The search for creative starting-points to open up either/or positions on the Palestinian refugee question remains at the core of all the Forum’s activities.