



## Legal and Political Bases for the Rights of Former Jewish Refugees

In 2002, *Justice for Jews from Arab Countries* convened an international Committee of Legal Experts, Chaired by Prof. David Matas, that produced a report entitled: “*Jewish Refugees from Arab Countries: The Case for Rights and Redress*”. This report documents strong political and legal arguments for the legitimate rights of Jews displaced from Arab countries. The following are examples:

### A) United Nations High Commissioner for Refugees

On two occasions, in 1957 and again in 1967, the *United Nations High Commissioner for Refugees* (UNHCR) determined that Jews fleeing from Arab countries were refugees who fell within the mandate of the UNHCR.

**“Another emergency problem is now arising: that of refugees from Egypt. There is no doubt in my mind that those refugees from Egypt who are not able, or not willing to avail themselves of the protection of the Government of their nationality fall under the mandate of my office.”**

*--Mr. Auguste Lindt, UN High Commissioner for Refugees, Report of the UNREF Executive Committee, Fourth Session – Geneva 29 January to 4 February, 1957.*

**“I refer to our recent discussion concerning Jews from Middle Eastern and North African countries in consequence of recent events. I am now able to inform you that such persons may be considered prima facie within the mandate of this Office.”**

*--Dr. E. Jahn, Office of the UN High Commissioner, United Nations High Commissioner for Refugees, Document No. 7/2/3/Libya, July 6, 1967.*

### B) UN Resolution(s)

On November 22<sup>nd</sup>, 1967, the Security Council unanimously adopted, Resolution 242, laying down the principles for a peaceful settlement in the Middle East. Still considered the primary vehicle for resolving the Arab-Israel conflict, Resolution 242 stipulates that a comprehensive peace settlement should necessarily include *“a just settlement of the refugee problem.”* No distinction is made between Arab refugees and Jewish refugees.

The international community’s intention to have Resolution 242 include the rights of Jewish refugees is evidenced by the fact that during the UN debate, the Soviet Union’s delegation

attempted to restrict the “just settlement” mentioned in Resolution 242 solely to Palestinian refugees. (S/8236, discussed by the Security Council at its 1382<sup>nd</sup> meeting of November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union). This attempt failed clearly signaling the intention of the international community not to restrict the “just settlement of the refugee problem” merely to Palestinian refugees.

Moreover, Justice Arthur Goldberg, the United States’ Chief Delegate to the United Nations, who was instrumental in drafting the unanimously adopted U.N. Resolution 242, has pointed out that:

**“A notable omission in 242 is any reference to Palestinians, a Palestinian state on the West Bank or the PLO. The resolution addresses the objective of ‘achieving a just settlement of the refugee problem.’ This language presumably refers both to Arab and Jewish refugees, for about an equal number of each abandoned their homes as a result of the several wars....”**<sup>1</sup>

### C) Multilateral Initiatives

- The Madrid Conference, which was first convened in October 1991, launched historic, direct negotiations between Israel and many of her Arab neighbors.

In his opening remarks at a conference convened to launch the multilateral process held in Moscow in January 1992, then-U.S. secretary of state James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mandate of the Refugee Working Group as follows: *“The refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes.”*<sup>2</sup>

- The Roadmap to Middle East peace currently being advanced by the Quartet (the U.N., EU, U.S., and Russia) also refers in Phase III to an *“agreed, just, fair and realistic solution to the refugee issue”*, language applicable both to Palestinian and Jewish refugees.

### D) Bilateral Arab-Israeli Agreements

Israeli agreements with her Arab neighbors allow for a case to be made that Egypt, Jordan and the Palestinians have affirmed that a comprehensive solution to the Middle East conflict will require a “just settlement” of the “refugee problem” that will include recognition of the rights and claims of all Middle East refugees:

- Israel – Egypt Agreements

The *Camp David Framework for Peace in the Middle East* of 1978 (the “Camp David Accords”) includes, in paragraph A(1)(f), a commitment by Egypt and Israel to *“work with*

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<sup>1</sup> Goldberg, Arthur J., “Resolution 242: After 20 Years”, published in Security Interests, National Committee on American Foreign Policy, April 2002.

<sup>2</sup> Remarks by Secretary of State James A. Baker, III before the Organizational Meeting for Multilateral Negotiations on the Middle East, House of Unions, Moscow, January 28, 1992.

*each other and with other interested parties to establish agreed procedures for a prompt, just and permanent resolution of the implementation of the refugee problem.”*

Article 8 of the *Israel – Egypt Peace Treaty* of 1979 provides that the “*Parties agree to establish a claims commission for the mutual settlement of all financial claims.*” Those claims include those of former Jewish refugees displaced from Egypt.

- *Israel – Jordan Peace Treaty, 1994*

Article 8 of the *Israel – Jordan Peace Treaty*, entitled “Refugees and Displaced Persons” recognizes, in paragraph 1, “*the massive human problems caused to both Parties by the conflict in the Middle East*”. Reference to massive human problems in a broad manner suggests that the plight of all refugees of “*the conflict in the Middle East*”, includes Jewish refugees from Arab countries.

- *Israeli-Palestinian Agreements, 1993-*

Almost every reference to the refugee issue in Israeli-Palestinian agreements, talks about “refugees”, without qualifying which refugee community is at issue, including the Declaration of Principles of 13 September 1993 {Article V (3)}, and the Interim Agreement of September 1995 {Articles XXXI (5)}, both of which refer to “refugees” as a subject for permanent status negotiations, without qualifications.

## E) Recognition by Political Leaders

- Former **U.S. President Bill Clinton** made the following assertion after the rights of Jews displaced from Arab countries were discussed at ‘Camp David II’ in July, 2000 (From White House Transcript of Israeli television interview):

*“There will have to be some sort of international fund set up for the refugees. There is, I think, some interest, interestingly enough, on both sides, in also having a fund which compensates the Israelis who were made refugees by the war, which occurred after the birth of the State of Israel. Israel is full of people, Jewish people, who lived in predominantly Arab countries who came to Israel because they were made refugees in their own land”.*

- Former **U.S. President Jimmy Carter**, after successfully brokering the Camp David Accords and the Egyptian-Israeli Peace Treaty, stated in a press conference on Oct. 27, 1977:

*“Palestinians have rights... obviously there are Jewish refugees...they have the same rights as others do.”*

- **Canadian Prime Minister Paul Martin** stated, in a June 3<sup>rd</sup>, 2005 interview with the Canadian Jewish News which he later reaffirmed in a July 14, 2005 letter:

*“A refugee is a refugee and that the situation of Jewish refugees from Arab lands must be recognized. All refugees deserve our consideration as they have lost both physical property and historical connections. I did not imply that the claims of Jewish refugees are less legitimate or merit less attention than those of Palestinian refugees.”*