

Summary of the meetings on Refugees

Held on August 14, 2008 [4 PM-5:30 PM], King David Hotel, Jerusalem

Attendees:

Palestinians: Dr Saeb Erekat (SE); Zeinah Salahi (ZS); Ziyad Clot (ZC)

Israeli: Tal Becker (TB); Daniel Taub (DT), Israeli lawyer (blond girl)

Summary (not verbatim):

- SE indicated that this was not a negotiation session. The purpose of the meeting was to present the Palestinian proposal on the international mechanism (“IM”) for refugees.
- ZC delivered the standard presentation on the international mechanism which will be in charge of the implementation of Palestinian refugees’ rights. The participants showed interest, took notes and asked questions during and after the presentation. The main questions are set out below:
 - ***TB: Why is rehabilitation not a 3rd program in the structure of the IM? Why is it part of the return program?***
 - ***TB: What do you mean by compensation criteria?***
 - ***TB: What is a displacement claim?***
 - ***TB: What precedents did you rely on to design the IM?***
 - ***TB: Have you find precedents that involved such a long period of time (between the creation of the problem and its resolution)?***
 - ***TB: To what extent your work on the IM is connected to the I&P document we are currently negotiating with Saeb?***

 - ***SE: Should the compensation for Host States be part of the mechanism?***
 - ***SE: Why can’t the US lead the IM?***

 - ***DT: What do you mean by comprehensive agreement? What should be the parties to such agreement?***
 - ***DT: From your experience in the work shops, do you have an idea of refugees’ expectations? How do they react to your work on the IM?***

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Israeli: Tal Becker (TB),

Summary (not verbatim):

SE briefs TB on his secret plan which he shared with the French (if no agreement by the end of the year, a matrix of the positions will be given to the US and the French to enable the possible continuation of the process). TB seems to agree but insist that this should remain secret.

TB: I hear rumors: - there seem to be some back channels
- Rice is apparently under great pressure. She will probably force a deal.

SE: I don't have any information whatsoever on these.

TB: But you are represented in some track 2 channels and seem to want to upgrade them.

SE: No, Rajoub requested that we participate to a meeting. We did it just once. We will not participate anymore.

[TB passes State to State document to SE. ZC will give to ZS]

TB: Anyways, C. Rice is now busy with Georgia. What do you think of J. Bodin?

SE: He has been my friend for 20 years. He's the best thing that could happen to us. His experience in the region is unmarked.

[TB begins to discuss the I&P document. SE asks that we begin with his comments on the Palestinian proposal on the mechanism, as previously agreed].

TB: I will only make some general comments at this stage on the model you presented.

On the mechanism, what struck us is your capacity to expose simply an issue that is extremely complicated. I have to say however that some of the programs/issues you presented are problematic: our disagreement on substance is reflected in your vision on the mechanism. For example, restitution is totally unrealistic in the Palestinian case.

Generally speaking, the international mechanism raises some tensions on our side. I also feel that there is a tendency on the Palestinian side to insist on individual justice. You put too much focus on the individual. A balance will have to be found between effectiveness and legitimacy. Your model is too individually-based. It is not feasible. Some people will not be happy with the solution on refugees. The

Israelis and the Palestinians will have to get prepared for that. We cannot create expectations which will not be able to meet.

These are my personal feelings. This is not the Israeli position on this: it is not defined at this stage. Again, you try to make this issue simple. But it is incredibly complex. In this file, the Palestinians are making the demands and the Israelis have to define what could be given.

According to the Palestinians, the refugees would be several millions. How could this mechanism work? We also understand that the compensation should come primarily from Israel. For me, your claim for NMD is not acceptable. We have to focus on providing rehabilitation assistance to refugees. You can think about the best way to market it.

ZC answers on 4 points essentially:

- No one minimizes the complexity of the Palestinian refugee issue. However, relying on international best practice is the best way to prepare for the resolution as long as the specifics of then Palestinian case are not overlooked. This is our approach. In Irak, the UNCC processed 2.7 millions claims in 10 years. It was a long and difficult process, but the initial goal was reached.
- It is no surprise that the discussion on the mechanism raises the same tensions usually generated by this file since this model is meant to be an implementation mechanism. The comprehensive model presented is adaptable to the parties' policy decisions. For instance, it remains pertinent irrespective of what will be the parties' decisions on return and restitution.
- The focus on individual justice is totally assumed. As you pointed out, the problem has been ongoing for 60 years. To be frank, a Palestinian refugee from Lebanon, a Palestinian refugee in Jordan may not feel represented by the PLO because they have been living in a foreign environment for so many years. Therefore, the only way to facilitate a "buy in" of the various refugee communities is to put the emphasis on individual justice: to the best extent possible, each refugee will have to feel that his/her personal experience is acknowledged.
- Palestinian rights for NMD is a right according to international law. It has been recognized in mass claims program. Practically, if it is not recognized, there is a chance that a large proportion of the Palestinian refugee population will be left without any form of compensation.

[Discussion moves to an animated discussion the 1948 narrative]

SE: Recognition of responsibility is a bilateral issue. I don't want the Americans to be involved in this. These are my bargaining chips.

TB: Our respective narratives cannot be reconciled. You think you are the victims. We think we are the victims.

SE: How can you seriously think you are the victims of the Israeli-Palestinian conflict?

TB: We were invaded by the Arab armies. The Arabs never accepted the partition plan. You problem Saeb, and the problem of the Palestinian people and of the Arab countries is that you still don't recognize us, as a people, the Jewish people. Judaism is not only a religion. First, we are a people.

[Discussion goes on the narratives without progress. AC stops functioning]

ZC: Let's consider for one second that our narratives of what happened in 1947-48 cannot be reconciled with our –which I don't believe. I have two comments:

- The first one is that there are two dimensions in the issue of responsibility regarding refugees: first, the refugees left their homes (let's try to put the reasons which caused the exile on the side, for the moment); secondly, Palestinian were prevented from returning. Can Israel reasonably challenge that it has taken concrete and legal measures to prevent their return after 1948? There are different laws of the Knesset which legally recognized and enforced the confiscation of refugee lands; the State of Israel refused to provide Palestinian refugees with Israeli citizenships... These laws were passed after the war and are still in force. These statutes are in complete contradiction with international law. Can Israel reasonably deny these facts?
- Secondly, one could argue that the international community also has some kind of responsibility in the creation and absence of resolution of the refugee matter. Do you think that Israel could envision a recognition of shared responsibility with the international community? Would this facilitate the terms of our discussion?

[TB does not answer]

[discussion gets back to the mechanism]

TB: I understand that there is an assumption on your side that a new mechanism should be created. Why? Do you need something new because you think the refugees will prefer it or because it will be more efficient or because it will be more efficient?

ZC: Both. The conviction of the necessity of a new mechanism is the result of a reality: no organization or institution is adequately equipped to resolve this complex issue. This doesn't mean that existing structure will not have to be associated to the implementation of the solution –on the contrary- but there is a need for the creation of a new structure. Refugees will have to have one main interlocutor. In addition, the creation of a new mechanism will generate the belief that the specificity of their experience is properly addressed.

TB: To say it simply, I think that your vision is unrealistic. My view is that the work on the mechanism should be driven by the following factors:

- What can be sold, to the Israelis & to the Palestinians;
- What can be supported by the international community;
- What will work in practice.

Israel will not agree to participate in a mechanism where it would take the risk of facing the veto of other countries (Syria for instance).

ZC: the participation of host countries in the mechanism is necessary since decisions touching to their sovereignty will be at stake.

[SE requests to review the I&P together]

TB: In article 6.6 (the international fund), I think the reference to the [P: two] programs is not necessary, especially since the international fund may also serve to finance other programs of the

mechanism which are not stipulated in article 6.5. We could say instead “to finance the programs, including as set out in Article 6.5”.

In 6.8, the reference to the Treaty should replace the other suggested reference (Article, Agreement). The Treaty would be defined in a footnote.

[SE asks ZC to note down the proposals and indicate to TB that the Palestinian side will examine them]

TB: In 6.4, let me explain the motives behind my *[I: in respect of claims out of the refugee issue]*: We are ready to recognize refugees’ rights for compensation. However, we are opposed to the Palestinian claim for compensation for occupation. This article has to clearly refer to refugee claims only.

ZC: I understand your concern and agree that some clarification is needed. This being said, the reference to “the refugee issue” does not resolve the problem. Unless of course we agree on the definition of “refugee” and “refugee issue”. In the absence of such definition at this stage, I would suggest rather referring to the “claims arising out of the forced displacement and dispossession” or something along these terms.

TB: No, I don’t like it. It touches our narrative.

ZC: it doesn’t. It just describes the reality of the problem we are trying to solve. We can discuss the wording.

SE: We will consider your suggestion.

TB: in 6.5., for the mechanism, I need a “mail box”. This is what I mean when I suggest the US leadership.

SE: what about the UN?

TB: we don’t trust the UN.

ZC: The US leadership raises a lot of questions and concerns. First, we would to clarify what we are exactly talking about. Second, the parties have to keep in mind that the success of the resolution will highly depend on our capacity to market a resolution proposal to refugees’ communities and host states. Selling a “US led” proposal might be quite a challenge in the region these days. The US is of course our partner in this process and the ally of both sides. It may also have some leverage to impose a solution on Jordan. But what about Lebanon? Syria? Can we take the risk to alienate these countries? It is also not in both parties’ interests to give ammunitions to Hezbollah or Hamas.

TB: If you allow me, I would like to ask a question which is intentionally a bit provocative. Rather than establishing a complex mechanism, wouldn’t it be simpler to agree on a lump sum that would be given to the PA or the PLO? The Palestinian Government would be then in charge of distributing the money to refugees.

SE: No. It is not feasible. The resolution process on refugees needs to be transparent.

TB: Do you mean that your people don’t trust you?

SE: In a way, yes. The risk exists. We don’t want to give people the impression that peace will be made on refugee’s back

TB: that’s interesting.

TB: On 6.3. I am confident that you will accept our “T”: the Palestinian refugees should be entitled to Palestinian citizenship in accordance to Palestinian law. When I discussed with my Israeli friends, it is clear to everybody that the Palestinian refugees will become Palestinian citizens.

In 6.4, I cannot agree to [full] compensation. Do we need this adjective at this stage? Cannot we just postpone the discussion over the extent of compensation?

SE: What about restitution?

TB: it is of course not acceptable. I didn't even mentioned it

ZC: these are the only legal requirement that applies here: when restitution is not possible, refugees should be compensated in full. No, no compromise or postponement possible here. There are the individual rights of refugees.

TB: So, let's summarize. We have made good progress: the Israelis are ready to accept the structure of the Article you have offered. I think we can accept to replace the word “options” by “choices” in 6.3. We need to remain aware of the risk to create expectations which may not be met, but I think that this modification is acceptable.

For our next meeting, we will try to see if we can find draft that will be acceptable by both sides on article 6.5 and discuss further the points mentioned today. I also think we agree on the reference to Treaty in 6.8.

[Parties agree to meet on Thursday at 6pm]

[to be completed]

Summary of the Technical Meetings on Refugees

Held on August 28, 2008 [6:30 PM-7:30 PM], King David Hotel, Jerusalem

Attendees:

Palestinian: Dr Saeb Erekat (SE); Ziyad Clot (ZC)

Israeli: Tal Becker (TB), Daniel Taub (DT)

Summary:

SE: How was the meeting with Jonathan Swartz?

TB: Good. A bit long but instructive. We gave him our feedback, our general thoughts, on the US non-paper.

SE: I like J. Schwartz. He is a very decent man.

DT: He knows the history of the negotiations very well. He probably knows the agreements between the Israelis and the Palestinians better than anyone else.

TB: Ziyad, how was your meeting with him?

ZC: Very positive. He showed a lot of interest in our work. He has an in depth knowledge of the refugee issue and is aware of its importance. He asked a lot of very specific questions on the mechanism. The meeting was I think very fruitful for both sides.

TB: I think that in the scope of our discussion on refugees we have been able to bridge a lot of minor gaps. And I am very happy with the efforts showed by both sides. However, we should remain cautious as we seem to create now some expectations because of the advancement of our work.

ZC: According to J. Schwartz, Rice's view is that the parties now agree on 90% of the issues on refugees. The reality is very different. All the main issues remain on the table: return, Israel's responsibility, restitution, Israel's financial contribution. etc. J. Schwartz has a much clearer view of the exact status of the talks.

TB: I agree. C. Rice shows a lack of knowledge of the files. This is the case for Jerusalem. It is also true for refugees.

[TB and SE agree to schedule the next meeting on refugees on Sunday, the 30 at 6:30pm. SE also indicates that he wants to meet on Monday. He also requests that food disappears from the table for Ramadan. TB suggests that the parties could also meet after sunset. SE agrees]

[SE suggests to go through the version 5 of the I&P document on refugees.]

Article 6.8

SE: the Palestinian side can accept to replace [P: Agreement and the Treaty][I: Article] by “Treaty”. The Treaty will be defined in a footnote. We will need you to explain why you can accept the adjective “bilateral”.

TB: Yes, I will explain this.

Article 6.6

SE: You have suggested 2 options. We can live with option 2. It would read as follows: “An international fund shall be established to finance the programs of the international mechanism, including those set out in Article 6.5, and enable it to fulfill its mission.”

However, before we can accept this modification, we hope you can accept our [P: Palestinian] in 6.4. If we get your approval on this P., we will accept the draft you suggest for 6.6.

[TB and DT are writing down Palestinian requests]

SE: In 6.4, we can accept your *[I: in respect of claims arising out of the refugee issue]*.

ZC: “In accordance with the provisions of the ‘Treaty’” which was missing from this version of the I&P will be added.

[TB: ok]

Article 6.5.

SE: The article now reads [SE reads the article]. I think the parties can agree to replace [Article] by [Treaty].

[Israelis confirm by nodding]

SE: The “US leadership” you propose is problematic for us. We have not agreed internally to it. There is some debate amongst us: some would favor such leadership; others are much more reluctant.

ZC: this notion, which would have to be defined, raises two sets of concerns:

- First, it remains unclear how it would apply: to the preparatory work that will lead to the establishment of the mechanism or/and to the implementation phase of the solution on refugees -by the mechanism, with the US leadership.
- Such leadership could alienate some stakeholders in the resolution of the refugee issue (Syria, Lebanon) and donors.

SE reads the new Palestinian proposal for 6.5:

“An international mechanism shall be established by the Parties, with the support of the international community and in consultation with host countries and other stakeholders. The mechanism shall implement all aspects of the agreed solution in accordance with the principles set out in Article 6.3 and 6.4 and as detailed in the Treaty, bringing an end to the Palestinian refugee status and enabling a phased termination of UNRWA in parallel with the implementation and in coordination with the international mechanism.”

[TB and DT write down the proposal. TB but shows signs of disagreement.]

SE: Let me clarify: I don't say "no" to the US leadership. But it remains to be defined and I would need some guarantees. We don't want to alienate anybody. We met with the French. The EU may offer to contribute financially. The parties can agree on who will drive the mechanism: the PLO, the US and Israeli will decide. I know what Ziyad's view is but I will have to get Abu Mazen's decision on this. You have to understand that we are under enormous pressure, especially on this file.

TB: you can take the pressure.

SE: Me, yes. But think about the others.

TB: We have accepted to replace "options" by "choices" in 6.3. We also now agree on the structure of the article you submitted. We have made good progress so far.

SE: We should not be afraid to accept the other sides' proposals when they are fair.

TB: I have one additional suggestion. In the wording of 6.5, we have some problem with the word "repatriation". The parties can maybe agree on the following:

"6.5. ... The comprehensive mission of the international mechanism shall include the following programs:

a) to assist in coordinating [...]

b) to resolve all refugee [P: restitution] and compensation claims [...]"

TB: Could you consider this drafting option? You will note that we agree on the sentence that announces the 2 programs ("the comprehensive mission...")

ZC: I think we lose a lot of clarity here on what would be the exact mission of the mechanism. The draft of this provision can be changed later once the parties agree on the terms of the mandate.

SE: But we will consider your suggestion.

SE: Let me go back to that question of the US leadership. In our view, the US could be act as coordinator.

TB: Let me explain what it our concern here. The burden put on us is too heavy. We will not play an active role in the mechanism. The US should take the lead. I think we can agree on something like this:

"The international mechanism will be established with [*I: US leadership*], with the agreement of the parties and in consultation with stakeholders..."

I think the two parties already agree on the last part of the sentence (agreement of the parties + consultation of stakeholders). The idea is that once the Israelis and the Palestinians reach an agreement, the rest of the functions will be left to the leadership of the US, the consultation of host states...

TB: Let me go back to that "bilateral" issue in 6.8. Legally, this does not add anything but I understand that this requirement from Jordan.

ZC: which would be also relevant for Syria & Lebanon.

TB: For an Israeli, the insertion of this word means that we have other obligations whereas we are trying to reach an end of claims in this issue. A way to satisfy both parties would be to say: "I and P agree that they have no further obligations and commitments...".

One last thing: the reason why we do not agree yet on the [P: Palestinian] in 6.4 is because we need to reassure the Israelis: they will want to be guaranteed that once the Palestinian refugee issue is resolved the next step will be to tackle the question of Jewish refugee claims. This signal has to appear somewhere in the Article. If it's not in 6.4 maybe the adjective "Palestinian" can be removed in 6.1? "Comprehensive" resolution means that the Jewish refugees should also be included.

SE: The Jewish refugee issue does not fit in this text. Even in 6.1. Don't overload the burden. I am confident that you will accept our P. in 6.4 for next meeting. And I will be able to accept your 6.6. Don't play that game with me Tal. I am so angry you already signed peace treaties with Egypt and Jordan...

[TB provides with some historical background on the peace process between Israel and Egypt and M. Begin's view on the Jewish refugee issue at that time]

[TB and SE agree that both parties will come back with a version 6 of the I&P for next meeting]

TB: You know. No disrespect for the previous negotiation teams on refugees. But, Ziyad, I really think that you make a big difference on this file. There has never been in depth discussion on refugees in the past and my feeling is that the Palestinian refugees have never been so well-defended.

[SE & ZC remain silent]

TB (smiling): To speak frankly, when I see this, I wish I were a refugee.

ZC: I don't think you mean what you just said.

TB: I was joking. Sorry.

END

Summary of the Technical Meetings on Refugees

Held on August 31, 2008 [6:30 PM-7:30 PM], King David Hotel, Jerusalem

Attendees:

Palestinian: Dr Saeb Erekat (SE); Ziyad Clot (ZC)

Israeli: Tal Becker (TB), Daniel Taub (TB)

Summary:

[Both sides updated the I&P document according to the discussions held in the last meeting. The parties started the meeting by reviewing the other side's updated document]

TB: I think we have done a lot of progress. The following issues still divide us: responsibility, return, restitution and compensation...

Let's go through the I&P document together:

6.1

I believe that 6.1 will be agreed at the end. Saeb, you told me that if we accept the reference to the Arab Peace Initiative here, you would be ready to remove the reference to UN resolution 194.

SE: I told you that we might consider it.

6.2 Responsibility

TB: This will be also discussed later.

ZC: The parties might want to keep in mind that Israel's recognition of responsibility can take at least two different forms. This would be the first one. Another alternative would be to agree on a more substantial preambular draft which would address the recognition of refugees' experience and Israel's responsibility in it. I think that the attempts made at Taba may be of some interest for us.

TB: Are you referring to the document put forward by Y. Beilin on refugees? This would not be acceptable by us as it does not reflect the Israeli position.

ZC: the Israeli Taba non-paper does not reflect the Palestinian position either...

TB: I would like to come back to Abu Mazen's statement in Lebanon. He said "all refugees will have to return to their homeland"; "no definitive settlement of Palestinian refugees in Lebanon". What are we supposed to understand?

SE: We have agreed with the Lebanese that no Palestinian refugees will be definitively settled in Lebanon.

SE: we have accepted the new draft of 6.8. We need to fix this “bilateral” issue.

TB: I will discuss it with T. Livni and will come back to you.

SE: In 6.6, I agree to accept the wording you suggest for the international fund. I expect you to accept my [P: Palestinian] in 6.4.

TB: I am not sure I understand...

ZC: Well, we offered to you during our last meeting to accept your modification of 6.6 in exchange of your acceptance of our P. in 6.4...

TB: But do you see any connection between the two provisions?

ZC: Obviously. We can agree to adopt a looser wording for the mandate of the international fund only if we have the insurance that the fund will only serve to collect funding directly relating to refugees' compensation and rehabilitation. Since you now raise the Jewish refugee issue, I am sure you will understand the motives of our request.

[TB and DT discuss in Hebrew and write down notes]

DT: I wish to suggest simplifying the drafting of the second part of provision 6.5. We could try to overcome our disagreement over the mandate of the international mechanism by suppressing the title of the two programs.

SE: I have learnt from TB that, legally, there is no interest in repeating the issues again and again in the text. Once an issue is written down in the text of the article, there is no need to repeat it.

TB: Correct.

DT: the idea would be to remove the titles (refugee repatriation and resettlement and integration program; program for refugee claims for restitution and compensation), refer explicitly to articles 6.3 and 6.4. and begin the a) and b) by the rest of the text which is agreed by the parties.

ZC: At some point, I am hopeful that we will agree on the mandate of the mechanism. In my view, the time will be then appropriate to agree on the definitive phrasing of this article on the mechanism. By amending the draft while avoiding the policy issues, we are taking the risk of creating ambiguity in the text.

SE: We took good note of your proposal. We will consider it.

TB: On the first paragraph of 6.5, my feeling on your proposal has not changed. Your suggestion would put too much burden on Israel. I suggest we put “US leadership” into brackets (as an “I”). Both sides agree on the rest (“with the agreement of the parties, in consultation with host states”)

ZC: Actually we have another draft to suggest which may accommodate both parties' concern.

SE: We can offer this new draft:

“The parties agree to the establishment of an international mechanism which will be carried out as defined by them, in coordination with the international community and in consultation with host countries and other stakeholders. Once established, the mechanism shall implement all aspects of the agreed solution in accordance with the principles set out in Article 6.3 and 6.4 and as detailed in the Treaty, bringing an end to the Palestinian refugee status and enabling the phased termination of UNRWA in parallel with the implementation and coordination with the international mechanism.”

[TB and DT write down the proposal]

ZC: This proposal, I think, addresses your concern. It is a text of compromise.

[SE leaves the room to take a phone call]

TB: Did we agree to “as detailed in the Treaty”?

ZC: No. We suggest replacing “Article” by “Treaty” here. It is in line with your demand to have the “Article” or the “Agreement” replaced by the “Treaty” elsewhere. The Treaty being the comprehensive legal instrument, we have to refer to it.

TB (showing signs of irritation): So you have inserted a reference to the Treaty without our agreement?

ZC: This is just a proposal...

TB: All our obligations [meaning Israeli obligations] relating to refugees will be included in this Article. We are not going to discuss refugees further after that. This is what we have agreed with Saeb.

ZC: I am not sure I get your point.

TB: This article deals with all the issues that are bilateral. The Israelis will not have any further involvement in the refugee file after that. The process will then become multilateral. This is why we want the US to be involved. They will lead the process.

ZC: I thought the common understanding was that we were currently discussing the framework/the principles of the agreement on refugees and that a negotiation round on the details of the agreement would follow?

TB: No, this is unrealistic. We have agreed on this with SE.

ZC: Well, if this is the case, it doesn't make any sense. The current document we are discussing is totally irrelevant without a complementary agreement on the details. In such case, all the commitments taken by Israel would become in reality vague engagements which could not be enforced as such.

How could I know on the basis of this document what will be Israel's financial contribution? You will agree to pay some money, without taking any real commitment as to the amount, and then the international community will be asked to cover most of the expenses. Is it the idea? Technically, you will have a bilateral declaration of principles that will be imposed on the participants of a multilateral track? Do you expect us and other stakeholders to accept this? Have you thought about this seriously?

TB (annoyed): The next process could also be trilateral [with the US].

ZC: If the two parties are serious about this option they should start thinking about the technical, legal, and practical implications of this choice. We should list all issues that are clearly bilateral and make sure they are agreed on before any next step is taken.

[SE comes back in the room. ZC explains what the Israelis have just explained and asks if we have agreed on their proposal regarding the process. No clear answer]

TB: Ziyad, we have asked you during the last meeting what are the legal sources or precedents on which the Palestinian claim for non-material damages is grounded. You have mentioned in particular...

ZC: We have prepared a short note which lists the legal sources as well as the relevant precedents. You may want to have a look at it.

[TB and DT take a look at the note]

TB: But this is misleading, you write that NMD have been awarded in many circumstances in the scope of mass claims programs. But I only see the UNCC listed here.

[ZC looks at the document]

ZC: No, the title of the paragraph is “NMD have been awarded in many circumstances by international courts and in the scope of mass claims programs to redress in particular suffering, isolation, humiliation, loss of enjoyment of life etc.” Rights for non-material damages have been recognized by international courts as well as mass claims programs.

TB: Your problem is that you convince yourself that the Palestinian refugees have all the rights according to international law and build your case on this belief. Have refugees ever been entitled in the past to non-material damages because of their refugeehood? Yes? No? Many refugees never got a penny because of their displacement. Have you also looked into these cases? My grandmother was a refugee...

ZC: Tal, the question is not: Does being a refugee give you an automatic right to compensation for non-material damages? I am aware of the fact that most of forced displacement situations never gave birth to just compensation programs. The question that you should rather ask is the following: Does the extraordinary suffering endured during 60 years by the majority of the Palestinian population generate rights to non-material damages according to international legal principles? The answer is “yes”: the distress, the anxiety, the isolation and humiliation which have resulted from this situation is a source of rights according to international law. I should add that practically...

[SE interrupts]

SE: I know that I should not interrupt in the middle of an argument between two lawyers but, please, let's discuss this later.

[SE gives a paper to TB on health. TB is not happy with the paper. SE takes the paper back and says that he will come back with another paper]

[2 new meetings are set for next Sunday]

END