

Study Visit to Cape Town



**Badil-Zochrot
2012**

An Introduction

By Hazim Jamjum

The return of displaced Palestinians to the lands from which they have been displaced and denied return for over six decades is the central issue around which the Palestinian struggle for freedom and self-determination revolves. Among those who value justice and respect for international law, there is no disagreement that refugee and IDP return, rehabilitation, and compensation is central to a just and lasting solution to the woes of the region. For both Badil and Zochrot, it is this aspect of the liberation of Palestine to which we have dedicated our efforts for over a decade since our organizations' establishment. Through the course of our work, however, we have found that conceptions of "return" have remained somewhat superficial. This is true among the settler community that sees it as a calamity to be avoided at any cost as well as among the indigenous community that equates return to a reversal of six decades of settler-colonialism; the return to a paradise lost.

We have found ample value in exercises that connect Palestinians and Jewish-Israelis and challenge them to envision the return, its practicalities, its obstacles, and the ways of overcoming them. Such exercises, we have found, are a step towards making return a concrete reality, rather than either an empty slogan or a boogeyman. How, for instance, is return to materialize to a village whose inhabitants numbered less than two thousand before the Nakba, and who now number in the tens of thousands? Are the descendants of large landowners to return to bountiful properties, while the many more descendants of workers, sharecroppers and tenant farmers to return to no property at all? Is what remains of Palestine's terraced hillsides to be turned into concrete jungles of parceled out houses over which present and future heirs can differ? What will be the fate of a productive factory that lies on the land of Palestinian returnees? These are just a sample of the questions that a materializing return will have to answer.

The case of Palestine, however, is not the only one in which mass forced displacement has been carried out, nor will it be the only one in which return will constitute part of a just solution. Indeed, there is much for us to learn from cases of expulsion and return stretching from East Timor, the former Yugoslavia and Cyprus, to Rwanda, Zimbabwe and South Africa. The idea is not to replicate models but rather to try and learn their lessons and incorporate them into

our thinking of Palestinian return. A particularly rich source of such lessons, as it turns out, is post-Apartheid South Africa.

The Western Cape and its enchanting cosmopolitan capital, Cape Town, have the highest rate of inequality of any place on our planet. Along with the rest of South Africa, Dutch and, later, British military occupation and colonization brutalized the indigenous population. By 1913, the colonial power successfully legislated the concentration of the indigenous majority on less than fourteen percent of the territory of South Africa. The morsels of land reserved for the natives were comprised of non-contiguous rural territories that the Apartheid regime would later claim constituted independent states known as the Homelands or Bantustans. Black-owned farms outside these territories would later be designated as “black spots,” their owners stripped of their title and carted off to the Bantustans. These Bantustans acted as containers of sixteen million cheap Black laborers for white owned mines and factories. If the white capitalists needed such workers they could get them, if they didn’t, the workers could just rot in their territories where they would be policed by their own kind. In urban spaces, the “Group Areas Act” confined each non-white “race” to its own area. The areas that were mixed before the “Group Areas Act,” such as Cape Town’s District 6, had to be racially purified. The way the Apartheid regime achieved such racial purity is one all too familiar in Palestine. In South Africa, this kind of violence was better known by the horrifying description: “forced removal.” By 1994, at least 2.5 to 3.5 million South Africans had been subjected to forced displacement.

After liberation in 1994, the new political leadership of South Africa attempted to reverse the effects of Apartheid, partly by allowing displaced South Africans to go through legal procedures for return to, and restitution of, properties from which they had been displaced. Indeed, restitution was enshrined as a constitutional right. Now, almost two decades later, most of the 80,000 individual and collective claims for return and restitution have yet to be settled, and there is a widespread feeling that the return and restitution process has fallen far short of success.

It was the possibility to learn from some of the successes and failures of this process that drove activists from Badil and Zochrot to visit Cape Town from the second to the tenth of February, 2012. After several days of valuable visits, tours and presentations (a sense of which is provided in the acknowledgments below), our group spent two days divided into three working groups; each devoted to one of three topic areas: working towards return; reparations; and visions for a new state. Preliminary outcomes from the discussions were presented to the whole

group, and the larger group's feedback formed a foundation for further discussions within the working groups. Rapporteurs from each group then drafted the discussion papers, shared them with the broader group for a final round of feedback, bringing them to the state in which they have been published here.

The section on "Working towards Return" provides an overview of the various aspects of the work needed in preparation of the return of Palestinian refugees. These include knowledge building, network and coalition building among refugee communities, facilitating grassroots initiatives, and so on. The group that produced the "Reparations" section started its discussion with a focus on restitution. The experiences in South Africa suggested that a broader and more flexible focus was needed for dealing with land, housing and property for both those on the land and those returning to it. The discussion thus focused on different ways in which rights to return and restitution could be balanced with rights to housing, economic development needs, and the respect for the environment and the landscape. The section "visions for a new state" attempts to propose mechanisms, processes and ideas for the post-colonial and transitional stage in Palestine, covering various aspects such as reconciliation, justice and trauma healing; de-Zionizing the realm of culture, memory and education; and an outline for a future polity in Palestine.

The discussions were not simulations of negotiations processes between Palestinians and Israelis. All of us involved are firmly committed to the liberation of Palestine and the return of Palestinian refugees, even if these may mean somewhat different things to each of the participants. As such, most of the discussions took the end of Zionist apartheid, occupation and colonization as a starting point while focusing our energies on the exercise of envisioning a post-Zionist Palestine with the lessons from Cape Town as backdrop. To some readers, these discussions may seem too lofty. Indeed, as one participant aptly asked as we started our discussions "how am I to imagine a post-liberation future when I am still under occupation?" Added to this challenge was that of thinking about possibilities in a rapidly and continuously changing present. The Israeli regime's strategy of creating and changing facts on the ground, blocking off Palestinian chances of restoring what once was, means that what may be workable one day becomes impossible on the next. As such, participants faced the challenge of trying to maintain a principled flexibility, with the knowledge that the site of a depopulated Palestinian village or urban neighborhood may not look the same next year or even next week.

We hope that whoever reads this will not treat it as a manual of return proposed by Badil and Zochrot, but rather as what it is: an attempt to begin to discuss and answer questions about return by a particular group of people at a particular time after engaging in a very particular experience. At least as important as the suggestions involved in the vision set out in the three documents that follow are the questions that underpin them. If others take these questions and pose them to themselves and people in their surroundings, we will have achieved our preliminary goal of transforming the thinking about return from pure abstraction to something more concrete, in the hope that our struggle will contribute to it someday becoming a lived reality.

Acknowledgments

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Zochrot and Badil study group at Cape Town, Feb. 2012

Section 1: Working towards Return

In what follows we offer an overview of the various dimensions and aspects of the work needed in preparation of the return of Palestinian refugees. In general, we believe that the struggle for return needs to be cumulative, flexible, and sustainable:

- (1) Cumulative struggle – working towards return involves several dimensions and spheres of activity (as shown below). These different aspects should be seen as supporting, feeding into and building on one another. In this way a versatile and coherent struggle can evolve, rather than a disconnected and haphazard one.
- (2) Flexible struggle – working towards return must be attuned to (sometimes sudden) changes in geopolitical circumstances, with a readiness to make quick shifts in strategy and priorities if necessary.
- (3) Sustainable struggle – the work described below needs to take place continuously, not only before the return itself, but also during and after the return process. The point is to avoid what happened in South Africa, where all the struggle of civil society against Apartheid was focused on bringing about the formal regime change, and when this happened in 1994, civil society lost its orientation in the new reality while many aspects of Apartheid persisted in different forms.

Dimensions of working towards return

First, underlying all of the expected preparatory work is our shared **vision** for the future society that would be formed in the wake of the return. It is our view that the principles comprising this vision should also inform, as much as possible, all aspects of the preparatory activity leading up to the return itself. These principles include, but are not necessarily limited to:

- (1) Democracy based on universal human rights, including the right of return
- (2) Social and economic justice
- (3) Cultural and educational justice
- (4) A peaceful, non-aggressive society

Second, we have identified four major geopolitical **spheres of action** in which the preparation of the return is to take place:

- (1) The Palestinian and Jewish diasporas
- (2) The 1948 territories, comprising the Palestinian & Jewish populations currently living in the State of Israel
- (3) The 1967 territories with its Palestinian population (we subsume the Jewish settlers under the 1948 rubric due to their legal status as citizens of Israel)
- (4) The international community, comprising governments, NGOs, trade unions and so on

Third, we have identifies various **lines of action** that could be undertaken within one or more of the abovementioned spheres. By “lines of action” we refer to *general types* of activity, as opposed to specific, concrete actions. The main lines of action we have identified are the following:

- (1) Facilitating grassroots initiatives
- (2) Raising awareness & transforming consciousness
- (3) Advocacy & campaigning
- (4) Network & coalition building
- (5) Knowledge building
- (6) Adaptability to contingencies

Fourth, we have identified specific, concrete **forms of action**, which may be mapped out according to the sphere(s) to which they pertain and the line(s) of action that they embody. The table below lists the various forms of action we have come up with and associates each of them with its appropriate sphere(s) and line(s) of action.

What is most important in the model we offer here is primarily its general structure rather than the specific details it contains; spheres, lines, and forms of action may be added or removed as needed. In this sense, our “roadmap” for preparing the return may and should develop over time.

Forms of action

	DIASPORA (P/J)	1948 (P/J)	1967 (P)	INTERNATIONAL COMMUNITY
Facilitating grassroots initiatives	<ul style="list-style-type: none"> • Helping to develop diaspora solidarity, support & participation in local initiatives 	<ul style="list-style-type: none"> • Providing resources, knowledge, and logistical support for local, community-based grassroots initiatives (e.g. marches, squattings, study groups etc.) 		<ul style="list-style-type: none"> • Helping to develop int'l solidarity, support & participation in local initiatives
	<ul style="list-style-type: none"> • Helping to establish action/working groups on the visions & practicalities of return; for example, locality-based working groups planning the return to specific places 			
Raising awareness & transforming consciousness	<ul style="list-style-type: none"> • “Counter-Taglit” tours in I/P for young people of the Jewish and Palestinian diasporas, in order to familiarize the latter w/ the Nakba and the reality of Apartheid in I/P • Educating refugee communities about their legal status; their human, social, and cultural rights; and the actual current situation in I/P • Establishing working groups that will formulate visions of return and will play an active role in determining what the return 	<ul style="list-style-type: none"> • Establishing a Nakba museum / education center(s) • Organizing/facilitating visits of 1967 Palestinians to 1948 territories • Attaining wider public exposure for current work done by Zochrot & Badil 		

	would look like			
	<ul style="list-style-type: none"> • “Transformative healing workshops” to acknowledge past & present wrongdoings and to heal the emotional difficulties associated with them, so as to move from the position of “victim” to that of “victor” (along the lines of the workshops offered by Father Michael Lapsley’s Institute for the Healing of Memories, South Africa) • Psychological preparation of both returning & receiving communities 			
	<ul style="list-style-type: none"> • Using various forms of art as a tool for raising awareness, including creative/unconventional visual tools and various forms of theater (e.g. street theater, playback theater) 			
Advocacy & campaigning	<ul style="list-style-type: none"> • Working with diaspora communities to apply international pressure on Israel on the issue of return 	<ul style="list-style-type: none"> • Advocacy campaigns for return vis-à-vis the Israeli government, Israeli NGOs and the general Israeli public • Lobbying at different levels of Israeli governance (government, legal system, media, etc.) 	<ul style="list-style-type: none"> • Advocacy campaigns for return vis-à-vis the Palestinian Authority (?) 	<ul style="list-style-type: none"> • Working in the international community (governments, trade unions, NGOs, etc.) to gain wider international recognition of the right of return & to apply international pressure on Israel on this issue
Network &	<ul style="list-style-type: none"> • Creating a democratically organized, community-based “Coalition of Return” to coordinate and implement the return process continuously before, during, and after 			

coalition building	<p>the return. The communities directly involved in & affected by the return (i.e. all Palestinian communities around the world & the Jewish community in I/P) will form the core of the Coalition and will have voting rights in the Coalition’s General Assembly and other decision-making bodies. Other communities, organizations, and individuals supporting the return will participate in the Coalition as observers without voting rights.</p>		
	<ul style="list-style-type: none"> Using social networking & mapping technologies to establish ongoing connection & communication among Palestinians & Palestinian communities around the world 		
Knowledge building		<ul style="list-style-type: none"> Establishing “professional forums” (e.g., lawyers’ forum, planners’ forum, etc.) to prepare the professional knowledge needed for the return, as well as to undertake various “counter-activities” (e.g., counter-mapping, counter-legislation, etc.) 	
		<ul style="list-style-type: none"> Continuing the current knowledge-building work done by Zochrot & Badil 	
	<ul style="list-style-type: none"> Collecting documents & oral histories on Palestine & the Nakba, with a view to gathering systematic data that would assist the various groups working on practicalities of return 		
Adaptability to contingencies	<ul style="list-style-type: none"> Maintaining sensitivity to changing geopolitical circumstances and being prepared to undertake quick shifts of strategy & priorities in response to these changes 		

Section 2: Reparations

Some of the Lessons from the South African Restitution Experience

In the discussions, meetings and visits conducted as part of the Badil-Zochrot study visit in Cape Town, several issues were raised that we saw as being of direct relevance to restitution and reparations in the case of Palestine. These included the following:

(note: some of these may not have been directly experienced in South Africa, but were raised as questions and concerns by study visit participants in their examination of the South African restitution experience)

- 1) In assessing return and restitution claims, the evidence accepted as part of these claims in the South African case included a combination of official documents, archival materials and "triangulated" (cross-referenced) oral history (e.g. asking former neighbors). We found this to be a good combination of rigor and flexibility that can be adapted to Palestinian reparations claims.
- 2) Several South African activists characterized the post-liberation state as a "Nanny State," on in which there was an overreliance by citizens on the transitional authority/state institutions at the expense of community and citizen empowerment. A possible lesson is to encourage community claims in which the onus is on civil society level activity among claimants (e.g. claimants struggling to return to a particular village or urban neighborhood) to develop and put forward their own plans for how to implement their own reparation and return.
- 3) Purely rights-based approaches that emphasize the restitution of properties and/or the responsibility of the state in acquiring the land from subsequent occupants in order to return them to their returnee owners are replete with problems. These include:
 - a. Such approaches often reward perpetrators of Apartheid by allocating state funds to purchasing properties from them at market prices;
 - b. Issues of economic sustainability and development objectives are not built-in to restitution. As such, restituted farm-land may be turned into housing with negative effects both on the economic and environmental level);

- c. Economic disparities among returnees, as well as between returnees and occupants can be further entrenched. For instance, those with access to resources are more likely to be able to submit well-argued claims because of access to information and lawyers; those who owned a great deal of property before displacement end up with much more than those who did not own property; etc.
 - d. The passage of time has meant that communities and claimants are exponentially larger in number and diversity than they were at the time of displacement (for example, a village that had one thousand inhabitants in 1948 is a place of origin to many more thousands of people today; a refugee couple from 1948 is likely to have a family numbering dozens of heirs today; a third- or fourth-generation Palestinian refugee is likely to have claim to several properties in several locations depending on what was owned by the refugee's grandparents and great-grandparents).
 - e. Even with a flexible mechanism that incorporates a broad range of acceptable evidence for deciding claims, not all refugees may be able to prove rightful ownership of properties.
- 4) The involvement of global powers and international financial institutions (such as the International Monetary Fund and the World Bank) in determining the shape of post-apartheid transition proved to be detrimental to the liberated people of South Africa. By entrenching class differences that existed largely along racial lines, economic arrangements made, that overwhelmingly favored the wealthy elite minority, have served to make the poor poorer, while increasing the fortunes of the very few. One lesson from this is that any financial assistance to be accepted to facilitate post-apartheid transition should be unconditional, and that priority should be given to self-reliance and creativity in securing the funds necessary for the process.

Assumptions

A fundamental assumption that our discussions assumed as given was that Zionism and its hold on power in Palestine has been overcome. As such, we aimed to propose and discuss ideas about the restitution of land and property to displaced Palestinians to be carried out as part of a transitional arrangement. In this, we further assumed the existence of a transitional authority with access to such resources as state funds and expertise.

Furthermore, and although we did not reach complete consensus on this, we assumed the transition to be taking place in the context of a state on the entire mandate territory of Palestine, in which all Palestinians (whether or not they have been displaced) and Israelis receive the citizenship of the new unified state, while allowing for multiple citizenships.

Principles

Our discussions on the mechanisms of reparations, restitution and land and property redistribution, gave rise to the following key principles:

- 1) Palestinians have a guaranteed right to choose whether or not to return and receive compensation.
- 2) The fundamental human rights of all citizens are to be guaranteed, particularly their rights to equality and housing. The right to housing of all citizens is to be central to the constitution and priorities of the new state.
- 3) Refugee/returnee participation must occupy a central position in all decision making relating to the reparations process.
- 4) There can be no discrimination on the basis of gender between claimants.
- 5) Citizenship is to be given to all refugees who want to return. This is to be done at the beginning of the process, as soon as returnee claims are processed.
- 6) Special attention is to be given to environmental and economic sustainability, the creation and preservation of public space, and the beauty of the landscape.
- 7) To the greatest extent possible, all Palestinian claims are to be treated equally. The purpose of return and reparations is not to return the descendants of landlords and peasants to the socioeconomic positions of wealth or poverty that they were in before the Nakba.

- 8) The title of absentee landlords who did not live in Palestine pre-1948 is not to be recognized.
- 9) Claims are to be dealt with on the basis of the specificities of their context rather than developing a set method and mechanism of restitution to be applied to all claims. The aim of the reparations process should be far-reaching redistribution rather than return to the pre-1948 situation.
- 10) Incentives (e.g. awards, recognition) should be established for people who compromise something to facilitate the return and reparations process.

Initial Proposals for Reparations Process

What follows are some preliminary ideas on ways in which the reparations process can be carried out in line with the lessons, assumptions and principles outlined above.

Phase One (before, during and after return)

Examine and map the existing situation of each locality. Localities are places of origin including villages, urban neighborhoods and can also include refugee camps (for those who would prefer to remain in these areas) throughout the Mandate territory of Palestine. These can combine the 1947 and present maps of the country. Such mapping exercises would aim to enable the development and presentation of different reparations scenarios (zoning plans, economic development ideas, etc.) of land use upon return. Such models can include (one or more of):

- Rebuilding community space (establishment of a new locality)
- Economic project/s: tourism, industry, agriculture, national parks, universities etc.
- Urban, sub-urban, rural absorption options
- Small and large / collectively and privately owned farms and agricultural projects;
- Monetary compensation/restitution;
- Other options

Work on the tasks related to this phase can begin now, and build both on work already conducted to map out various localities and on technological advancements that allow for mapping and

representation of the space and features of different localities that can be presented to displaced communities.

Phase Two: Implementation

In implementing reparations, we discussed *four possible tracks* that returnees can use. These tracks are mutually exclusive, that is, returnees cannot submit claims as part of more than one track.

Track One: Individual Returnee (Fast Track)

Individuals would return without any form of property restitution. The incentive for this would be speedy processing of their claims. Successful claimants would immediately receive their citizenship papers and a modest compensation package while forfeiting other reparations packages. Such claimants would also be considered to have facilitated the reparations process and receive recognition as such.

Track Two: House Still Standing (Direct Restitution Track)

This would only apply to properties (particularly homes) that are still standing, whether or not they are currently occupied. Such claimants would file claims for restitution and go through mediation and arbitration in cases where there is a “second occupant” (e.g. someone living in the house).

Second Occupant Cases

While only a minority of cases, second occupant cases (cases where an original owner was forced to abandon the property which was later occupied by the occupant who acquired it in good will) are associated with a host of problematic issues deserving of further investigation. The guiding principles for such cases should *give priority to consensual resolution* (through mediation) while guaranteeing the right to housing for both the original owner and the occupant. This track does not apply to people who were tenants at the time of displacement. Some of the guidelines that emerged from our discussion on how to deal with such cases included:

- In all cases, legal title should revert to the original owner and their heirs.
*We faced a point of disagreement on the issue of possession, namely, whether eviction and relocation of the occupant is permissible under any circumstances. In such cases, some of the proposals included the possibility of allowing occupant's possession to continue until the occupant passes away (lifetime lease).
- In all cases, the state/transitional authority is responsible for finding housing for whichever party ends up without housing as a result of the arbitration. If the occupant gives up the house, considering the possibility that s/he gets full compensation which enables him/her to acquire another house or compensation amount at the market value of the relinquished property that can be inherited by the occupants' heirs.
- Israeli regime members given property by party and/or state should be considered as having very weak claims to maintain occupancy of the properties.
- Public acknowledgement of the history of the property (how its original owners were displaced and how it was later obtained by the occupant) can be considered as options in the mediation and arbitration process.

Track Three: Community Reparation Track

This track is itself divided into three phases.

Phase 1 (3-5 years)

First phase would be to allow claimants to sign up to a community of returnees based on locality (e.g, Deir Aban, Haifa, Bethlehem, etc.). The communities refer to localities throughout the country but not restricted to refugees from them, i.e. it is entirely based upon the returnees' choice. For example, the Deir Aban community can include refugees from Ajjur who wish to join them.

Phase 2

(can begin immediately alongside the work of mapping and planning return communities)

This phase involves community meetings, preferably led by community members themselves, in which different workable scenarios of return are presented to and discussed by returnees.

Participatory and community-led process in which decisions can be made as to how to allocate and divide the restituted property and in which kind of community and life style they wish to live. The foundation for this is to be based on community approval and expert feedback regarding feasibility. In this process, economic and environmental sustainability are to be given priority alongside community approval.

Phase 3 (upon reaching community approval of a reparations plan)

Implementation of reparations plan with emphasis on community leadership and participation.

Track Four: Public Housing Track

In this track, the state/transitional authority plans and constructs housing units in places most suited to such construction on the basis of economic and employment development goals, (in ways that learn from the successes and failures of the Jewish Aliyah processes) in which housing projects are planned in relation to development considerations, possibilities and objectives. Individual refugees can sign up to be considered for housing in these housing projects. Priority will be given to the returnees originally from the areas in which these housing projects are built. Track Three returnees whose localities cannot be restituted can also be given priority for such housing, while also receiving forms of compensation (monetary and or leases on an individual or community level for lands that cannot be restituted).

*There is a question as to whether title to the housing should belong to the recipients or to the state.

Issues of Concern

In our discussions, several issues were raised that require much further discussion and exploration. Initial thoughts were outlined on how to deal with such issues as follows:

- In cases of collective property claims (Track 3 reparations), who can claim to represent the community?

The goal should be horizontal returnee participation in which there is broad based and participatory decision making, mediated by the transitional authority and community members

and leaders chosen by the community. “Popular return committees” elected by community claimants are one possible mechanism for representation.

- Where will the money for all of this come from?

A substantial allocation of the state budget is essential (the current Israeli State’s military budget, for example, should be rendered unnecessary by the reparations process). Furthermore, international community funding will be essential, and can draw on the possibility of short term continuation of existing international funding for such bodies as UNRWA and the Palestinian Authority.

- How far back do we go? What is the cutoff/starting point in time?

Possibilities discussed included leaving the option for claims open (i.e. if a returnee can make a valid claim for any time in the past then the claim should be considered); or to set a cutoff date of the earliest cases of Palestinian evictions under the British mandate in the 1920s.

- Who has title in communal reparations (Track 3)?

Leaving the answer to this question open, to be decided on the basis of the particular locality’s context. Possibilities can include municipal authority ownership, private ownership in cases where the small plots of land are allocated, state ownership also a possibility. What to do in cases in which there is no community level consensus or agreement requires further exploration.

- Much of the reparations results may lead to segregated communities where Jewish and non-Jewish citizens live in isolation from one another. How can such a situation be avoided for the purposes of medium and long-term integration and reconciliation?

Incentives should be created for mixing communities (e.g. housing subsidies, larger compensation packages for people opting to live in communities of the “other”). Current (Jewish) occupants who relinquish, and thereby facilitate reparations process can be given priority access to other returnee housing.

- What is to be the fate of the OPT and the settlements?

Also to be treated as context sensitive. Title for land where settlements have been built on privately owned land should be returned to the rightful owners with mediation and adjudication as to options for settlers, including relocation, tenancy agreements, etc. There should also be

special arrangement for settlers who took land violently on their own volition. All rural and agricultural lands (not built-upon) should be immediately restituted to owners.

- With the influx of returnees, how is employment and economic capacity to be created to minimize pressure on the state, economy and environment?

This should be given particular emphasis in community mediation processes (Track 3) as well as priority in the reparations process as a whole. Compensation packages can also incentivize the possibility for some claimants, particularly those with other passports, to opt out of the reparations process, while maintaining the primacy of returnees' choice.

- With such an ambitious process of creating and guaranteeing housing for returnees, is it not a contradiction to allow for continued cases Jewish homelessness in the country?

The right to housing should be guaranteed for all citizens of the state, which includes Jewish citizens. Issues of prioritization require further discussion, including prioritization between Palestinian claimants.

- What about Internally Displaced Palestinians on both sides of the "Green Line"?

There should be no differentiation between external and internal refugees in terms of access to the reparations process.

- What about restitution of Jews expelled from Palestinian areas?

The reparations process should be open to Jewish citizens' claims.

- What about refugees who wish to remain in the OPT?

This option should remain open, and perhaps even incentivized through various compensation packages. It may form the basis for a fifth track of claimants (a compensation track).

- What about refugees who wish to remain in host countries?

For those who do not possess citizenship in these host countries, this is a matter for negotiations with the host countries. Such cases can also be included in the "compensation track" suggested in the previous item.

- What about Jews displaced from Arab countries?

This is primarily an issue to be decided by the countries of origin, and can be an issue taken up for negotiations between the new state and those states.

Outstanding Issues/Questions

These are issues requiring further discussion and exploration that were raised but not discussed:

- What possible issues/problems might emerge from having a differentiated legal regime over land (e.g. collective in some cases, state ownership in others, and private ownership in others?)
- Given that there will be no discrimination on the basis of gender, and that the majority of claimants will undoubtedly be family members (i.e. married, parents of adult offspring): how many claims can a family submit? How can this be administered?
- Given the limitations on resources, job opportunities and available housing, and given that successful claimants will have an immediate right to citizenship, how is the timing and prioritization of return to be decided.
- Should there be a limitation on alienation (particularly sale) of restituted property as in the South African case?
- What about lands sold to Israelis in bad faith or under coerced agreements?
- What about the Mizrahim who are the other victims of Zionism?

Issues of Disagreement

These are issues on which we could not reach consensus within our discussion groups.

Note: some of these have been mentioned above.

- One state solution vs. two-state solution in which reparations for displacement takes place.
- Permissibility of forced eviction in second occupant cases where no agreement can be reached through mediation.
- Regarding refugees who choose to stay in their host countries: The refugees will choose whether to return to Palestine or stay in the host country and give up their return. Disagreement over goals of incentives to be offered: one argument was that reduced compensation in such cases is desirable to maximize state resources available to be invested within the new state. Another argument was that incentives given for people to stay in their host countries would help prevent rapid overpopulation and pressure on state capacities and resources.

Section 3: Visions for a New State

1. Reconciliation and Justice

Truth and Reconciliation Process

Redressing continued injustices suffered by Palestinian victims of Zionist colonization and state violence should be a multi-tiered process that entails several different and parallel mechanisms. A legal system set up by the transitional authority would determine, through extensive and transparent deliberations, specific criteria for indicting perpetrators as well as levels of culpability for acts of violence. In general, violent acts committed as part of justified Palestinian armed resistance to occupation will not be considered on par with violence perpetrated by the occupiers.

However, we believe that the meaning of justice cannot and should not be limited to formal and/or state-sanctioned legal procedures, and that there should be several decentralized mechanisms for accountability, out of which the courts (and their legal power to mete out punishment) constitute merely one. The majority of those involved in acts of violence, oppression and other forms of human rights violations should be held accountable through public hearings from the national to the local and communal level.

The purpose of the reconciliation process is twofold: redressing injustice through restitution (implemented through mechanisms determined by the transitional authority) and public acknowledgment of injury. We are convinced that a focus on truth-telling rather than crime will encourage the majority of Israeli-Jews to confront and work through Palestinian stories of loss, imprisonment and resistance as well as promote collective healing and a renewed sense of shared humanity.

Trauma and Healing

It is our belief that the unique cultural makeup of society in Palestine calls for careful planning and mobilization of available resources in any process of healing trauma. First, we acknowledge that the significance of religion in people's lives requires that religious communities and

leadership be called upon to take a role in the process. Second, we propose adapting traditional reconciliation mechanisms and practices from our own cultural contexts such as the *Sulha*.

In addition, we should explore the adaptation of practices from other similar contexts of decolonization, ethnic and inter-communal violence and subsequent reconciliation, such as the TRC in South Africa and the *Gacaca* courts in Rwanda. Moreover, we deem it vital to consult with organizations and institutes with global experience in several other contexts, such as the Centre for the Study of Violence and Reconciliation (CSVR) and the Institute for Healing of Memories in Cape Town.

Overall, the prevailing approach in our proposal is to stress the concept of *Ubuntu* and similar approaches from our immediate cultural spheres that favor *restorative* rather *retributive* justice, and are based on shared experience in which “I am human because you are human.”

On an institutional level, we propose establishing government-funded trauma centers and other programs of psycho-social support targeting not just individuals but also their communal context, and seeking healing not just the lives of individuals but also the fabric of social relations. Such centers will also promote platforms for community discussions and bringing people together. This will hopefully contribute to building communities that do not dwell on memory and victimhood but are future-oriented yet commemorating survival and promoting victory over adversity. On a national level, we believe creative use of various media (such as the visual arts, theater and print media) will also promote healing and reconciliation.

Finally, it is vital to stress that the process of healing will ideally espouse not only trust among individuals and communities, but equally important, bolster faith in the process of reconciliation itself.

2. De-Zionization of Culture and Education

Commemoration

Our fundamental approach is that the healing of painful (individual and collective) memories does not entail imposing forgetfulness or silence, but rather encouraging the formation of life-affirming memories and commemorating struggle and survival instead of victimhood and injury. Therefore, a key aspect in the emerging culture of memory must involve decolonizing and

repurposing buildings and other former sites of oppression and violence, such as prisons and ethnically cleansed locales. As these sites of memory should be meaningful to as broad as possible sections in society, they will be selected through public consultation. While some sites of commemoration will be state-funded and –maintained, others will be constituted by communities, reflecting the diversity and multiplicity of memory.

Symbols and Languages

In the realm of symbols and in the spirit of the new culture of reconciliation, the transitional authority and the subsequent political structure in Palestine will institutionalize bilingualism as an official policy. Arabic and Hebrew will thus become the state’s official languages, on an equal basis.

Concomitant with the formation of this emergent culture, we propose promoting public discussion about the name of the new state, its flag and other symbolic representations. Recognizing that de-Zionizing lived and public spaces constitutes a vital aspect of creating a shared homeland, we also acknowledge the importance of remapping and renaming streets and other public spaces through public consultation where possible, aiming to make these spaces meaningful to all.

Education

Acknowledging that the culture of reconciliation will only be sustainable through education, and that moreover, that post-memory and trauma are transmitted across generations, we wish to stress the importance of overhauling and rethinking the entire state education system. The key principle guiding this reform will be the promotion of diversity and pluralism within one formal state-funded system. The new educational vision promoted by the system will endorse and celebrate processes of healing and reconciliation taking place in society at large. It is vital that education from kindergarten to university be free and accessible for all. Additionally, the medium of instruction will be at the discretion of each school; while relatively homogeneous communities may opt for either Hebrew or Arabic, others may favor a bilingual immersion approach. In any case, proficiency in both languages will be mandatory for all students, with instruction starting already in the pre-kindergarten age. Finally, special bilingual education will be provided to newcomers as well as the country’s current adult citizens.

Although neither language will be privileged in the realm of law, initially the acquisition of Arabic will be promoted among the Jewish population in order to bring the two languages to par.

3. Statehood

Structure

We believe that the structure and specific political formation of the new state should be determined democratically through broad public consultations and deliberations. Acknowledging that many issues will be contentious and subject to heated public debates, we tentatively set forth several guiding principles that we consider ideal. It is our hope that the new political structure created in de-Zionized Palestine will be that of a single democratic state (as opposed to the logic of ethnic separation embedded in the so-called “two-state solution”) with clear separation of church and state. This society will ideally be demilitarized, but due to the highly speculative and futuristic nature of this document, and the unstable political situation in the region, we have not managed to come to an agreement regarding the necessity of a standing army.

Citizenship

One powerful lesson learned from the ethnicized and racialized Zionist and South African systems of immigration and pass laws is that in the new state, such system must be completely de-racialized. A paramount aspect of this process will be repealing the 1950 Law of Return, which grants automatic and privileged citizenship to Jews, and prioritizing naturalization of Palestinian refugees in its stead. Diaspora Jews will be permitted to apply for citizenship, although not as part of any prioritized process.

We envision an immigration system that is on the one hand flexible, yet also embedded with mechanisms to control potential influx of non-Palestinian immigrants. Nevertheless, given the bitter lessons learned from the Zionist State, the new political entity in Palestine will offer asylum to refugees and persecuted individuals regardless of race, ethnicity, religion, gender or sexual orientation in accordance with international law.