

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H. RES. 185
OFFERED BY M _____.

Strike the preamble and insert the following:

Whereas armed conflicts in the Middle East have created refugee populations numbering in the millions and comprised of peoples from many ethnic, religious, and national backgrounds;

Whereas Jews have lived mostly as a minority in the Middle East, North Africa, and the Persian Gulf region for more than 2,500 years;

Whereas the United States has long voiced its concern about the mistreatment of minorities and the violation of human rights in the Middle East and elsewhere;

Whereas the United States continues to play a pivotal role in seeking an end to the Arab-Israeli conflict in the Middle East and to promoting a peace that will benefit all the peoples of the region;

Whereas United States administrations historically have called for a just solution to the Palestinian refugee problem;

Whereas the Palestinian refugee issue has received considerable attention from countries of the world while the issue of Jewish refugees from the Arab and Muslim worlds has received very little attention;

Whereas a comprehensive peace in the region will require the resolution of all outstanding issues through bilateral and multilateral negotiations involving all concerned parties;

Whereas approximately 850,000 Jews have been displaced from Arab countries since the declaration of the State of Israel in 1948;

Whereas the United States has demonstrated interest and concern about the mistreatment, violation of rights, forced expulsion, and expropriation of assets of minority populations in general, and in particular, former Jewish refugees displaced from Arab countries as evidenced, inter alia, by—

(1) the Memorandum of Understanding signed by President Jimmy Carter and Israeli Foreign Minister Moshe Dayan on October 4, 1977, which states that “[a] solution of the problem of Arab refugees and Jewish refugees will be discussed in accordance with rules which should be agreed”;

(2) after negotiating the Camp David Accords, the Framework for Peace in the Middle East, the statement by President Jimmy Carter in a press conference on October 27, 1977, that “Palestinians have rights . . . obviously there are Jewish refugees . . . they have the same rights as others do”; and

(3) in an interview after Camp David II in July 2000, at which the issue of Jewish refugees displaced from Arab lands was discussed, the statement by President Clinton that “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.”;

Whereas the international definition of a refugee clearly applies to Jews who fled the persecution of Arab regimes, where a refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country” (the 1951 Convention relating to the Status of Refugees);

Whereas on January 29, 1957, the United Nations High Commissioner for Refugees (UNHCR), determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR;

Whereas United Nations Security Council Resolution 242 of November 22, 1967, calls for a “just settlement of the refugee problem” without distinction between Palestinian and Jewish refugees, and this is evidenced by—

(1) the Soviet Union’s United Nations delegation attempt to restrict the “just settlement” mentioned in Resolution 242 solely to Palestinian refugees (S/8236, discussed by the Security Council at its 1382nd meeting of November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union), but this attempt failed, signifying the international community’s intention of having the resolution address the rights of all Middle East refugees; and

(2) a statement by Justice Arthur Goldberg, the United States' Chief Delegate to the United Nations at that time, who was instrumental in drafting the unanimously adopted Resolution 242, where he has pointed out that "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.";

Whereas in his opening remarks before the January 28, 1992, organizational meeting for multilateral negotiations on the Middle East in Moscow, United States Secretary of State James Baker made no distinction between Palestinian refugees and Jewish refugees in articulating the mission of the Refugee Working Group, stating that "[t]he refugee group will consider practical ways of improving the lot of people throughout the region who have been displaced from their homes";

Whereas the Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, which refers in Phase III to an "agreed, just, fair, and realistic solution to the refugee issue," uses language that is equally applicable to all persons displaced as a result of the conflict in the Middle East;

Whereas Israel's agreements with Egypt, Jordan, and the Palestinians have affirmed that a comprehensive solution to the Arab-Israeli conflict will require a just solution to the plight of all "refugees";

Whereas the initiative to secure rights and redress for Jews who were forced to flee Arab countries does not conflict with the right of Palestinian refugees to claim redress;

Whereas all countries should be aware of the plight of Jews and other minority groups displaced from countries in the Middle East, North Africa, and the Persian Gulf;

Whereas an international campaign is proceeding in some 40 countries to record the history and legacy of Jewish refugees from Arab countries;

Whereas a just, comprehensive Arab-Israeli peace cannot be reached without addressing the uprooting of centuries-old Jewish communities in the Middle East, North Africa, and the Persian Gulf; and

Whereas it would be inappropriate and unjust for the United States to recognize rights for Palestinian refugees without recognizing equal rights for Jewish refugees from Arab countries: Now, therefore, be it

Strike all after the resolving clause and insert the following:

That—

1 (1) for any comprehensive Middle East peace
2 agreement to be credible and enduring, the agree-
3 ment must address and resolve all outstanding
4 issues relating to the legitimate rights of all refu-
5 gees, including Jews, Christians, and other popu-
6 lations, displaced from countries in the Middle East;
7 and

8 (2) the President should instruct the United
9 States Representative to the United Nations and all

1 United States representatives in bilateral and multi-
2 lateral fora to—

3 (A) use the voice, vote, and influence of
4 the United States to ensure that any resolu-
5 tions relating to the issue of Middle East refu-
6 gees, and which include a reference to the re-
7 quired resolution of the Palestinian refugee
8 issue, must also include a similarly explicit ref-
9 erence to the resolution of the issue of Jewish
10 refugees from Arab countries; and

11 (B) make clear that the United States
12 Government supports the position that, as an
13 integral part of any comprehensive Arab-Israeli
14 peace, the issue of refugees from the Middle
15 East, North Africa, and the Persian Gulf must
16 be resolved in a manner that includes recogni-
17 tion of the legitimate rights of and losses in-
18 curred by all refugees displaced from Arab
19 countries, including Jews, Christians, and other
20 groups.