

109TH CONGRESS
2^D SESSION

S. RES.

Expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

IN THE SENATE OF THE UNITED STATES

Mr. SANTORUM (for himself, Mr. LAUTENBERG, Mr. COLEMAN, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

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

Whereas Jews and other ethnic groups have lived mostly as minorities in the Middle East, North Africa, and the Persian Gulf region for more than 2,500 years, more than 1,000 years before the advent of Islam;

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 conflict in the Middle East and continues to promote a peace that will benefit all the peoples of the region;

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 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) a 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) a statement made by President Jimmy Carter after negotiating the Camp David Accords, the Framework for Peace in the Middle East, where he stated 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”;

(3) a statement made by President Clinton in an interview after Camp David II in July 2000, at which the issue of Jewish refugees displaced from Arab lands was discussed, where he said that “[t]here 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.”;

(4) Senate Resolution 76, 85th Congress, introduced by Senator Jenner on January 29, 1957, which—

(A) noted that individuals in Egypt who are tied by race, religion, or national origin with Israel, France, or the United Kingdom have been subjected to arrest, denial or revocation of Egyptian citizenship, expulsions, forced exile, sequestration and confiscation of assets and property, and other punishments without being charged with a crime; and

(B) requested the President to instruct the chief delegate to the United Nations to urge the prompt dispatch of a United Nations observer team to Egypt with the objective of obtaining a full factual report concerning the violation of rights; and

(5) section 620 of H.R. 3100, 100th Congress, which states that Congress finds that “with the notable exceptions of Morocco and Tunisia, those Jews remaining in Arab countries continue to suffer deprivations, degradations, and hardships, and continue to live in peril” and that Congress calls upon the governments of those Arab countries where Jews still maintain a presence to

guarantee their Jewish citizens full civil and human rights, including the right to lead full Jewish lives, free of fear, with freedom to emigrate if they so choose;

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” (Convention relating to the status of refugees of July 28, 1951 (189 UNTS 150));

Whereas the United Nations High Commissioner for Refugees (UNHCR), on 2 separate occasions, determined that Jews fleeing from Arab countries were refugees that fell within the mandate of the UNHCR, namely—

(1) when in his first statement as newly elected High Commissioner, Mr. Auguste Lindt, at the January 29, 1957, meeting of the United Nations Refugee Fund (UNREF) Executive Committee in Geneva, stated, “There is already now another emergency problem arising. Refugees from Egypt. And there is no doubt in my mind that those of those refugee who are not able or not willing to avail themselves of the protection of the Government of their nationality, they might have no nationality or they may have lost this nationality, or, for reasons of prosecution may not be willing to avail themselves of this protection, fall under the mandate of the High Commissioner.” (United Nations High Commissioner for Refugees, Report of the UNREF Executive Committee,

Fourth Session—Geneva 29 January to 4 February, 1957); and

(2) when Dr. E. Jahn, for the United Nations High Commissioner for Refugees, wrote to Daniel Lack, Legal Adviser to the American Joint Distribution Committee, on July 6, 1967, stating, “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.” (United Nations High Commissioner for Refugees Document No. 7/2/3/Libya);

Whereas the seminal United Nations resolution on the Arab-Israeli conflict and other international initiatives refer generally to the plight of “refugees” and do not make any distinction between Palestinian and Jewish refugees, such as—

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

(A) a failed attempt by the United Nations delegation of the Soviet Union to restrict the “just settlement” mentioned in Resolution 242 solely to Palestinian refugees (S/8236, discussed by the Security Council at its 1382nd meeting on November 22, 1967, notably at paragraph 117, in the words of Ambassador Kouznetsov of the Soviet Union), which signified the international community’s inten-

tion of having the resolution address the rights of all Middle East refugees; and

(B) a statement by Justice Arthur Goldberg, the Chief Delegate of the United States to the United Nations at that time, who was instrumental in drafting the unanimously adopted United Nations Resolution 242, where he 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.”;

(2) the Madrid Conference, which was first convened in October 1991 and was co-chaired by President of the United States, George H.W. Bush, and President of the Soviet Union, Mikhail Gorbachev, and included delegations from Spain, the European community, the Netherlands, Egypt, Syria, and Lebanon, as well as a joint Jordanian-Palestinian delegation, where 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”; and

(3) 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,” and uses language that is equally applicable to all persons displaced as a result of the conflict in the Middle East;

Whereas Egypt, Jordan, and the Palestinians have affirmed that a comprehensive solution to the Middle East conflict will require a just solution to the plight of all “refugees”, as evidenced by—

(1) the 1978 Camp David Accords, the Framework for Peace in the Middle East, which includes a commitment by Egypt and Israel to “work with 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”;

(2) the Treaty of Peace between Israel and Egypt, signed at Washington March 26, 1979, which provides in Article 8 that the “Parties agree to establish a claims commission for the mutual settlement of all financial claims”, in addition to general references to United Nations Security Council Resolution 242 as the basis for comprehensive peace in the region; and

(3) Article 8 of the Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan, done at Arava/Araba Crossing Point October 26, 1994, entitled “Refugees and Displaced Persons”, recognizes “the massive human problems caused to both Parties by the conflict in the Middle East”;

Whereas the call to secure rights and redress for Jewish and other minorities who were forced to flee Arab countries is not a campaign against Palestinian refugees;

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

Whereas no just and comprehensive Middle East peace can be reached without recognition of, and redress for, the uprooting of centuries-old Jewish communities in the Middle East, North Africa, and the Persian Gulf; and

Whereas it would not be appropriate, and would constitute an injustice, were the United States to recognize rights for Palestinian refugees without recognizing equal rights for former Jewish, Christian, and other refugees from Arab countries: Now, therefore, be it

1 *Resolved,*

2 **SECTION 1. SENSE OF THE SENATE ON HUMAN RIGHTS**
3 **AND REFUGEES.**

4 It is the sense of the Senate that—

5 (1) the United States deplores the past and
6 present ongoing violation of the human rights and
7 religious freedoms of minority populations in Arab
8 and Muslim countries throughout the Middle East,
9 North Africa, and the Persian Gulf; and

10 (2) with respect to Jews, Christians, and other
11 populations displaced from countries in the region,
12 for any comprehensive Middle East peace agreement
13 to be credible, durable, enduring, and constitute an
14 end to conflict in the Middle East, the agreement
15 must address and resolve all outstanding issues, in-

1 cluding the legitimate rights of all refugees of the
2 Middle East.

3 **SEC. 2. UNITED STATES POLICY ON REFUGEES OF THE MID-**
4 **DLE EAST.**

5 The Senate urges the President to—

6 (1) instruct the United States Permanent Rep-
7 resentative to the United Nations and all representa-
8 tives of the United States in bilateral and multilat-
9 eral fora that when considering or addressing resolu-
10 tions that allude to the issue of Middle East refu-
11 gees, they should ensure that—

12 (A) relevant text refers to the fact that
13 multiple refugee populations have been created
14 by the Arab-Israeli conflict; and

15 (B) any explicit reference to the required
16 resolution of the Palestinian refugee issue is
17 matched by a similar explicit reference to the
18 resolution of the issue of Jewish, Christian, and
19 other refugees from Arab countries; and

20 (2) make clear that the Government of the
21 United States supports the position that, as an inte-
22 gral part of any comprehensive peace, the issue of
23 refugees and the mass violations of human rights of
24 minorities in Arab and Muslim countries throughout

1 the Middle East, North Africa, and the Persian Gulf
2 must be resolved in a manner that includes—

3 (A) consideration of the legitimate rights
4 of all refugees displaced from Arab countries;
5 and

6 (B) recognition of the losses incurred by
7 Jews, Christians, and other minority groups as
8 a result of the Arab-Israeli conflict.