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UNITED STATES**D1. U.S. AMBASSADOR TO JORDAN DAVID HALE, CONFIDENTIAL MEMO ON THE DEBATE IN JORDAN CONCERNING THE PALESTINIAN RIGHT OF RETURN, AMMAN, 5 FEBRUARY 2008.**

This confidential memo to Secy. of State Condoleezza Rice and the State Department's Near East Affairs Bureau was published by WikiLeaks on 30 August 2011, sparking controversy in Jordan for revealing the tensions between Jordanians of East Bank and Palestinian origin and the extent to which many Palestinian and Jordanian figures assume that the right of return has become unattainable. Titled "The Right of Return: What It Means in Jordan," the analysis was written by then-ambassador David Hale, currently the Obama administration's special envoy to the Middle East peace process. It summarizes the views of various Jordanians (East Bankers and Palestinians) regarding the Palestinian refugee population in the kingdom, and their concerns regarding Israeli-Palestinian final status. It has been described as "the best single short treatment of the topic in any language, drawing out the many tensions and nuances around the issue." The text was taken from the WikiLeaks website at www.wikileaks.org.

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1. Summary: The right of return for Palestinians is one of the issues at the heart of the debate over what it means to be Jordanian. Though our GOJ [Government of Jordan] interlocutors insist that the theoretical option of return remains, they are now more engaged with the issue of compensation, both for individual Palestinians and for Jordan itself. For Jordanians of Palestinian origin, the right of return is either an empty (if cherished) slogan or a legitimate aspiration. For East Bankers, the right of return is often held up as the panacea which will recreate Jordan's bedouin or Hashemite identity. The issue is inextricably linked with governmental and societal discrimination toward the Palestinian-origin community, and poses a challenge to Jordan's political reforms. Jordanians of Palestinian origin (and many, but not all, of the East Bankers we speak to) assume that an end to the question of the right of return will lead to equal treatment and full political inclusion within Jordan. Yet neither East Bankers nor Palestinians are willing to make the first move toward publicly acknowledging this "grand bargain." In the absence of public debate—which would be both highly sensitive and taboo-breaking—or government action, the issues surrounding the right of return will continue to fester. In the absence of a viable and functioning Palestinian state, those who are charged with protecting the current identity of the Jordanian state will be loath to consider measures that they firmly believe could end up bringing to fruition the nightmare scenario of "Jordan is Palestine." End Summary.

***Government Strategy:
 Compensation Trumps Return***

2. The Jordanian government's official stance on the right of return has changed very little over the years. The MFA's [Ministry of Foreign Affairs] current position paper on the matter notes

that "refugees who have Jordanian citizenship expect the State to protect their basic right of return and compensation in accordance with international law." As recently as January 23, the King reiterated the standard line in an interview with the *Al-Dustour* newspaper: "As for the Palestinian refugees in Jordan, we stress once again that their Jordanian citizenship does not deprive them of the right to return and compensation."

3. Yet, behind the scenes, some officials strike a more nuanced tone. "We consider ourselves realists," says Bisher Khasawneh, former Director of the Jordan Information Center and now Europe and Americas Bureau Chief at the MFA, where he earlier served as Legal Advisor and Negotiations Coordination Bureau (NCB) Director. "The modalities won't allow for the right of return." Current NCB Director Nawaf Tal acknowledges that while Jordan "cannot be frank about the right of return," it has essentially dropped the concept of a "right" of return from its negotiating position. Officials now emphasize the right of Palestinians to choose whether or not to return, with the apparent assumption that many will not exercise that right. Note: Regardless of the Jordanian government's lack of a public shift on the matter, Palestinian-origin contacts we talk to see a change and recognize it as consistent with the Palestinian Authority's own actual stance. End Note.

4. Deputy Director of the Department of Palestinian Affairs Mahmoud Agrabawi, whose agency works closely with UNRWA in the refugee camps, told us that the most important thing is that Palestinians be given the choice of whether to go back or not. He declined to estimate how many would want to exercise that right, but he did raise a point about internal differences of status among the refugee population in Jordan. Those who are most likely to want to leave are the impoverished residents of refugee camps in Jordan—most of whom are Palestinians (or their descendants) who fled in 1948 from what became the State of Israel. (Note: Roughly 330,000 of the 1.9 million Palestinian refugees in Jordan live in camps. About half of those living in camps originated from Gaza and, therefore, do not hold Jordanian citizenship.

End Note.) They will not, however, want to return to a Palestinian state in the West Bank and Gaza because they would be unable to reclaim their ancestral homes inside Israel, and thus would in a sense (albeit not a legal one) merely become refugees in a new country, said Agrabawi.

5. Jordan's government divides the compensation question in two parts. The first (and primary) issue is compensation for individual Palestinian refugees. When asked about how compensation would be delivered and determined, Tal indicated to us that the Jordanian government was essentially agnostic on the issue. He, like many other contacts, is concerned more about the symbolic importance of personal compensation than about its amount or means of delivery.

6. Along with individual compensation for refugees, Jordan expects compensation for the economic and social burden of taking on massive influxes of people in 1948 and 1967, in addition to what Tal terms "damages" inflicted on Jordanian infrastructure by Israeli military actions throughout the years. The GOJ conducts periodic studies on this issue, and in fact has an internally agreed upon amount that it will use in negotiations. (Tal told us that the most recent study is two years old, and the amount of expected compensation is due to be updated soon.) According to Tal, this amount has not yet been shared with the GOI (nor would he share it with us).

Palestinian Expectations: The Dream and the Reality

7. When it comes to thinking about the right of return, Palestinians in Jordan fall into roughly two camps. In the first are those who align themselves with the government approach, keeping up the rhetoric for the sake of appearances, but behind closed doors quickly abandoning return as a political and logistical impossibility. This group is more concerned about personal compensation (and doubts that Jordan would ever have the chutzpah to ask for "structural" compensation). In the second camp are those who cling to the principle. For the most part, this latter view is probably most prevalent among

refugee camp residents who hope to be plucked out of landless poverty by a peace agreement and the compensation that may come with it. It is difficult, if not impossible, to determine the breakdown of how many people are in each group. Note: As noted in Ref B, polling on Palestinian-origin versus East Banker political preferences in Jordan is taboo, because it acknowledges uncomfortable truths about the divide within Jordan's national identity. End Note.

8. In conversations with us, many Palestinian-origin Jordanians readily acknowledge that the right of return is merely a fantasy. "It's not practical," says political activist Jemal Refai. "I'm not going to ask Israel to commit suicide." Adel Irsheid, who during the 1990s served as Director of the Department of Occupied Territories Affairs at the Foreign Ministry, said Palestinian-origin Jordanians still harbor the emotions associated with the right of return, but do not seek it on a practical level. Taking a few specific steps down the road to practicality, Ghazi al-Sa'di, an independent Palestinian National Council (PNC) member, told us in confidence that there will have to be a tradeoff between the right of return and the uprooting of Israeli settlements in the West Bank—the only realistic destination for Palestinians who "return."

9. As noted, however, the principle of the right of return still holds considerable sway among others. "There is no question about the right of return. It is a sacred right," contends Palestinian-origin parliamentarian Mohammed Al-Kouz. During a meeting with Amman-resident PNC members, one contact said: "The right of return is my personal right, and my humanitarian right." Indeed, this is how many Palestinian-origin contacts in Jordan think about the right of return—as something they are owed as part of a de facto social contract supported by Arab politicians and enshrined in UN Security Council and General Assembly resolutions for 60 years.

10. An interesting piece of the debate is the way in which perceptions on the right of return (usually expressed in conspiracy theories) become part of the mythology and assumptions of Palestinian-origin Jordanians. Refai hypothesizes that government pressure,

not genuine feeling, produces doctrinaire statements on the right of return among Jordanian Palestinians. He insists that the General Intelligence Department (GID) and the government foster an atmosphere in which anything other than a solid endorsement of the right of return is met with official scorn, and thinks that the debate would shift if this atmosphere was changed. Other Palestinian figures such as PNC Member Isa Al-Shuaibi—a newspaper columnist who runs Palestinian chief negotiator Ahmad Qurei's Amman office—express the dominant feeling that the Muslim Brotherhood-linked Islamic Action Front (which fires up its base with talk about Palestinian rights—Ref C) is the prime mover in stoking the fires of Palestinian nationalism in Jordan around the right of return. In a typical parliamentary speech, IAF [Islamic Action Front] member Hamzah Mansur recently decried “President Bush’s confiscation of the Palestinian refugees’ right to repatriation.”

East Banker Expectations: Waiting for Their Country Back?

11. East Bankers have an entirely different approach to thinking about the right of return. At their most benign, our East Banker contacts tend to count on the right of return as a solution to Jordan’s social, political, and economic woes. But underlying many conversations with East Bankers is the theory that once the Palestinians leave, “real” Jordanians can have their country back. They hope for a solution that will validate their current control of Jordan’s government and military, and allow for an expansion into the realm of business, which is currently dominated by Palestinians.

12. Palestinian-origin contacts certainly have their suspicions about East Banker intentions. “If the right of return happens, East Bankers assume that all of the Palestinians will leave,” says parliamentarian Mohammed Al-Kouz. Other Palestinian-origin contacts offered similar observations, including Adel Irsheid and Raja’i Dajani, who was one of the founding members of the GID, and later served as Interior Minister at the time of Jordan’s administrative separation from the West Bank in 1988.

Dajani cited the rise of what he called “Likudnik” East Bankers, who hold out hope that the right of return will lead to an “exodus” of Palestinians.

13. In fact, many of our East Banker contacts do seem more excited about the return (read: departure) of Palestinian refugees than the Palestinians themselves. Mejhem Al-Khraish, an East Banker parliamentarian from the central bedouin district, says outright that the reason he strongly supports the right of return is so the Palestinians will quit Jordan. East Banker Mohammed Al-Ghazo, Secretary General at the Ministry of Justice, says that Palestinians have no investment in the Jordanian political system—“they aren’t interested in jobs in the government or the military”—and are therefore signaling their intent to return to a Palestinian state.

14. When East Bankers talk about the possibility of Palestinians staying in Jordan permanently, they use the language of political threat and economic instability. Talal Al-Damen, a politician in Um Qais near the confluence of Jordan, the Golan Heights, and Israel, worries that without the right of return, Jordan will have to face up to the political challenges of a state which is not united demographically. For his part, Damen is counting on a mass exodus of Palestinians to make room for East Bankers in the world of business, and to change Jordan’s political landscape. This sentiment was echoed in a meeting with university students, when self-identified “pure Jordanians” in the group noted that “opportunities” are less available because there are so many Palestinians.

15. The right of return is certainly lower on the list of East Banker priorities in comparison with their Palestinian-origin brethren, but some have thought the issue through a little more. NGO activist Sa’eda Kilani predicts that even (or especially) after a final settlement is reached, Palestinians will choose to abandon a Palestinian state in favor of a more stable Jordan where the issue of political equality has been resolved. In other words, rather than seeing significant numbers return to a Palestinian homeland, Jordan will end up dealing with a net increase in its Palestinian population.

16. As with their Palestinian counterparts, conspiracy theories are an intrinsic part of East Banker mythology regarding the right of return. Fares Braizat, Deputy Director of the Center for Strategic Studies at Jordan University, told us two of the most commonly held examples (which he himself swears by). The first is that Jordanians of Palestinian origin choose not to vote because if they were to turn out en masse, Israel (and/or the United States) would assume that they had incorporated themselves fully into Jordanian society and declare the right of return to be null and void. The second conspiracy theory, which has a similar theme, is that after the 1994 peace agreement between Jordan and Israel, the Palestinian leadership in the West Bank issued a deliberate directive to “all Palestinians” residing in Jordan to avoid involvement in Jordanian politics so as not to be perceived as “going native.” The main point of both theories is that Palestinians are planning to return to a future Palestinian state, and therefore have nothing substantive to contribute to the Jordanian political debate—a convenient reason for excluding them from that debate in the first place.

The Nexus Between the Right of Return and Discrimination

17. The right of return in Jordan is inextricably linked with the problem of semi-official discrimination toward the Palestinian-origin community. Braizat claims it is “the major reason that keeps the Jordanian political system the way it is.” As long as the right of return is touted as a real solution, East Bankers will continue to see Palestinians as temporary residents in “their” country. This provides the justification to minimize the role of Palestinian-origin

Jordanians in public life, since they are “foreigners” whose loyalty is suspect and who could in theory pack up and leave at any time. Note: The suspicion of disloyalty is deeply rooted in Black September, when Palestinian militants attempted to wrest political control from the Hashemite regime. Since then, Palestinians have been progressively excluded from the Jordanian security forces and civil service (Ref D). End Note. The suggestion that Palestinians should be granted full political

representation in Jordan is often met with accusations that doing so would “cancel” or “prejudge” the right of return. For their part, many Palestinian-origin Jordanians are less concerned with “prejudging” the right of return, and more concerned with fulfilling their roles as Jordanian citizens who are eligible for the full range of political and social rights guaranteed by law.

18. Al-Quds Center for Political Studies Director Oraib Rantawi, whose institute has been organizing refugee camp focus groups, cites widespread discrimination that is semi-officially promoted by the government. In his estimation, the prospect of a “return” to Palestine is linked to the sense that Palestinian-origin Jordanians are “not Jordanian enough to be full citizens.” He asserts that this sentiment on the part of the ruling elite is increasingly trumping the idea of right of return as the primary political concern among Palestinian-origin Jordanians. According to Rantawi (and many other contacts), the sense of alienation is most widespread among the poorer, more disenfranchised Palestinians of the refugee camps, but he cited growing alienation among the more integrated and successful Palestinians in Jordan. “Palestinians feel that something is wrong, whether they live in a refugee camp or (the upscale Amman district of) Abdoun. We have to take Palestinians out of this environment,” says former minister Irsheid. This tracks with the conventional wisdom which theorizes that an integrated Palestinian-origin community would have a stake in what happens in Jordan, and therefore less reason to be perceived as a threat.

19. In Irsheid’s view, the refugee question would be resolved when Palestinians in Jordan obtained justice and political rights and benefited from economic development (note: Palestinian-origin Jordanians already dominate many areas of the economy, especially in the retail sector). Offering a litany of familiar complaints about discrimination, Irsheid lamented that treatment of Palestinians in Jordan ignores the disproportionate contribution they have made to Jordanian society. He said that when Palestinians were allowed in key positions throughout the government

they were “more qualified and more loyal” than others.

20. While Jordanians of Palestinian origin are not shy about their origins, many stress just as strongly their strong connections and loyalty to Jordan. Jemal Refai says, “I consider myself Jordanian. Nobody can tell me otherwise.” Mohammed Abu Baker, who represents the PLO in Amman, says, “if you tell me to go back to Jenin, I won’t go. This is a fact—Palestinian refugees in Jordan have better living conditions.” PNC member Isa Al-Shuaibi simply notes that “Palestinians in Jordan are not refugees. They are citizens.”

21. While the idea of the right of return is extolled at the highest levels, ordinary Palestinians see backwards movement when it comes to the practicalities of their citizenship. Many of our contacts resent the “Palestinian-origin” label that appears on their passports and national identity cards. Former Interior Minister Raja’i Dajani recounted a meeting that he and several other Palestinian-Jordanian notables held with the King last year in which they raised concerns that Palestinian-origin Jordanians who returned from extended stays in the West Bank were being told they would only be able to receive a temporary Jordanian passport on renewal—a backhanded way to deprive Palestinian-origin Jordanians of their citizenship rights. According to Dajani, the King “ordered” that a commission be formed by Dajani, former Prime Minister Taher al-Masri, and GID Director Muhammad Dahabi to discuss the issue, but that all efforts to follow up with Dahabi were ignored.

A Grand Bargain?

22. A common theme that emerges from discussions with Palestinian-origin contacts and some government officials (although not necessarily East Bankers as a group) is a “grand bargain” whereby Palestinians give up their aspirations to return in exchange for integration into Jordan’s political system. For East Bank politicians and regime supporters, this deal could help solve the assumed dual loyalty of Palestinians in Jordan. For Palestinian-origin citizens, the compact would, ideally, close the book on their antagonistic

relationship with the state and open up new opportunities for government employment and involvement in the political process.

23. “If we give up our right of return, they have to give us our political rights,” says Refai. “In order for Jordan to become a real state, we have to become one people.” Rantawi calls for a comprehensive peace process that would resolve issues of identity and rights for Palestinians in Jordan as part of the “package.” This, he says, would require major reforms in Jordan, its transformation into a constitutional monarchy in which greater executive authority is devolved, and external pressure on the Government of Jordan to ensure that equal rights for Palestinians are enforced.

24. If a peace agreement fails to secure political rights for Palestinian-origin Jordanians as they define those rights, many of our contacts see the right of return as an insurance policy through which Palestinians would vote with their feet. Refai asks: “If we aren’t getting our political rights, then how can we be convinced to give up our right of return?” Palestinian-Jordanian Fuad Muammar, editor of *Al-Siyasa Al-Arabiyya* weekly, noted that in the past few years there has been a proliferation of “right of return committees” in Palestinian refugee camps. This phenomenon, he said, reflected growing dissatisfaction with Jordanian government steps to improve their lot here and an increased focus on Palestine.

25. Comment: Just because there is a logic to trading the right of return for political rights in Jordan does not mean that such a strategy is realistic, and it certainly will not be automatic. There are larger, regime-level questions that would have to be answered before Palestinian-origin Jordanians could be truly accepted and integrated into Jordanian society and government. In the absence of a viable and functioning Palestinian state, those who are charged with protecting the current identity of the Jordanian state will be loath to consider measures that they firmly believe could end up bringing to fruition Jordan is Palestine—or “al-Watan al-Badeel.” It is far from certain that East Bankers would be willing to give up the

pride of place that they currently hold in a magnanimous gesture to their Palestinian-origin brethren. Senior judge Al-Ghazo told us: "In my opinion, nothing will change in Jordan after the right of return. East Bankers will keep their positions, and the remaining Palestinians will keep theirs." Likewise, none of our Palestinian contacts who saw a post-peace process environment as a necessary condition for their greater integration in Jordan offered a compelling case as to why it would be sufficient. End Comment.

(Not) Preparing for the End Game

26. In the absence of concrete movement on the right of return, Palestinian-origin Jordanians and East Bankers blame each other for not doing enough to either promote social harmony or prepare public opinion for an abandonment of the right of return. Both sides are used to trumpeting the same lines about unity in the Palestinian cause, and are hesitant to deviate from the standardized rhetoric lest they be perceived as offering "concessions" to Israel. Similarly, each is waiting for the other to make the first move, while hoping that an external agreement between Israel and the Palestinians will emerge so they will not be forced to compromise and accept the current "temporary" situation as permanent.

27. "The problem is not the return, the problem is the right of return," says Al-Shuaibi. The concept of returning as a right which is guaranteed by UN resolutions and Arab solidarity will be difficult to change in the event of a comprehensive settlement. He posits that in the end, Palestinians who hold orthodox positions on the right of return are the same people who are unlikely to accept any peace agreement, no matter how generous. He thus sees little need to prepare the ground for a shift in tactics, as "reasonable" Palestinians have already recognized that abandoning this particular demand is inevitable.

28. Jordanian government officials are adamant that the right of return issue must be resolved before the question of Palestinian identity can be dealt with in a domestic political context. In a meeting with a Congressional

delegation, Chief of the Royal Court Bassem Awadallah asserted that once the Palestinian issue is solved, a whole raft of political reforms (including proportional representation) could be in the offing (Ref A). "We tried starting this debate in the 1990s, when things were better," says Nawaf Tal of the MFA. "We talked about the potential for reform in the context of an agreement. In the end, nothing happened in the peace process, and we looked like liars. We have learned our lesson." Having been burned once, Tal predicted that the GOJ will not resume a public debate until peace talks are "at an advanced stage."

29. Both sides in the debate over right of return complain that the first move in the solution to the issue of Palestinians in Jordan is not under their direct control. The blame for this situation automatically falls on Israel, often with a corollary involvement of the United States. The standard argument says that if the United States pressured Israel and the Palestinians to come to an agreement, that would cause Jordan to deal with the discrimination issue. Parliamentarian Al-Kouz told us the typical refrain of his largely Palestinian-origin constituents: "If it wanted to, the United States could solve the Palestinian question in half an hour." In spite of all the public posturing, there is behind the scenes recognition that a 180 degree turn on the issue will be difficult. Nawaf Tal told us frankly that "the current national debate over the role of Palestinians in Jordanian society is damaging," but nevertheless would remain stifled until the issue of return was solved definitively.

Comment

30. As Israel and the Palestinian Authority reengage on final status issues after a seven-year negotiations hiatus, the "Right of Return" is sure to become a difficult emotional and substantive centerpiece of talks. In practical terms, this is the question that has greatest impact on Jordan—home to more Palestinians than any other country and the only Arab state that, as a rule, grants Palestinians citizenship. Yet, there is no consensus on how it should be dealt with and what its resolution will, or should, mean for Jordan. Conversations

with our interlocutors—East Bankers and Jordanians of Palestinian origin—lead to the conclusion that this issue is less about Israeli-Palestinian peace than it is about the very nature and future of Jordan.