

112TH CONGRESS
2D SESSION

H. R. 6242

To direct the President to submit to Congress a report on actions the executive branch has taken relating to the resolution of the issue of Jewish refugees from Arab countries.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2012

Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. POE of Texas, Mr. CROWLEY, and Mr. TURNER of New York) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To direct the President to submit to Congress a report on actions the executive branch has taken relating to the resolution of the issue of Jewish refugees from Arab countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 Congress finds the following:

5 (1) Armed conflicts in the Middle East have
6 created refugee populations numbering in the mil-
7 lions and comprised of peoples from many ethnic, re-
8 ligious, and national backgrounds.

1 (2) Jews have lived mostly as a minority in the
2 Middle East, North Africa, and the Persian Gulf re-
3 gion for more than 2,500 years.

4 (3) The United States has long voiced its con-
5 cern about the mistreatment of minorities and the
6 violation of human rights in the Middle East and
7 elsewhere.

8 (4) The United States continues to play a piv-
9 otal role in seeking an end to the Arab-Israeli con-
10 flict in the Middle East and to promoting a peace
11 that will benefit all the peoples of the region.

12 (5) United States administrations historically
13 have called for a just solution to the Palestinian ref-
14 ugee problem.

15 (6) The Palestinian refugee issue has received
16 considerable attention from countries of the world
17 while the issue of Jewish refugees from the Arab
18 and Muslim worlds has received very little attention.

19 (7) A comprehensive peace in the region will re-
20 quire the resolution of all outstanding issues through
21 bilateral and multilateral negotiations involving all
22 concerned parties.

23 (8) Approximately 850,000 Jews were displaced
24 from Arab countries since the declaration of the
25 State of Israel in 1948.

1 (9) The United States has demonstrated inter-
2 est and concern about the mistreatment, violation of
3 rights, forced expulsion, and expropriation of assets
4 of minority populations in general, and, in par-
5 ticular, former Jewish refugees displaced from Arab
6 countries as evidenced, inter alia, by—

7 (A) the Memorandum of Understanding
8 signed by President Jimmy Carter and Israeli
9 Foreign Minister Moshe Dayan on October 4,
10 1977, which states that “[a] solution of the
11 problem of Arab refugees and Jewish refugees
12 will be discussed in accordance with rules which
13 should be agreed”;

14 (B) after negotiating the Camp David Ac-
15 cords, the Framework for Peace in the Middle
16 East, the statement by President Jimmy Carter
17 in a press conference on October 27, 1977, that
18 “Palestinians have rights . . . obviously there
19 are Jewish refugees . . . they have the same
20 rights as others do”; and

21 (C) in an interview after Camp David II in
22 July 2000, at which the issue of Jewish refu-
23 gees displaced from Arab lands was discussed,
24 the statement by President Clinton that “There
25 will have to be some sort of international fund

1 set up for the refugees. There is, I think, some
2 interest, interestingly enough, on both sides, in
3 also having a fund which compensates the
4 Israelis who were made refugees by the war,
5 which occurred after the birth of the State of
6 Israel. Israel is full of people, Jewish people,
7 who lived in predominantly Arab countries who
8 came to Israel because they were made refugees
9 in their own land.”.

10 (10) On April 1, 2008, the House of Represent-
11 atives passed House Resolution 185, expressing the
12 sense of the House of Representatives that—

13 (A) for any comprehensive Middle East
14 peace agreement to be credible and enduring,
15 the agreement must address and resolve all out-
16 standing issues relating to the legitimate rights
17 of all refugees, including Jews, Christians, and
18 other populations, displaced from countries in
19 the Middle East; and

20 (B) the President should instruct the
21 United States Representative to the United Na-
22 tions and all United States representatives in
23 bilateral and multilateral fora to—

24 (i) use the voice, vote, and influence
25 of the United States to ensure that any

1 resolutions relating to the issue of Middle
2 East refugees, and which include a ref-
3 erence to the required resolution of the
4 Palestinian refugee issue, must also in-
5 clude a similarly explicit reference to the
6 resolution of the issue of Jewish refugees
7 from Arab countries; and

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

19 (11) The international definition of a refugee
20 clearly applies to Jews who fled the persecution of
21 Arab regimes, where a refugee is a person who
22 “owing to a well-founded fear of being persecuted
23 for reasons of race, religion, nationality, membership
24 of a particular social group, or political opinion, is
25 outside the country of his nationality, and is unable

1 to or, owing to such fear, is unwilling to avail him-
2 self of the protection of that country” (the 1951
3 Convention relating to the Status of Refugees).

4 (12) On January 29, 1957, the United Nations
5 High Commissioner for Refugees (UNHCR), deter-
6 mined that Jews fleeing from Arab countries were
7 refugees who fell within the mandate of the
8 UNHCR.

9 (13) Subsequently, in a second UNHCR dec-
10 laration, Dr. E. Jahn of the Office of the United
11 Nations High Commissioner stated, on July 6, 1967:
12 “I refer to our recent discussion concerning Jews
13 from Middle Eastern and North African countries in
14 consequence of recent events. I am now able to in-
15 form you that such persons may be considered prima
16 facie within the mandate of this Office.”.

17 (14) United Nations Security Council Resolu-
18 tion 242 of November 22, 1967, calls for a “just set-
19 tlement of the refugee problem” without distinction
20 between Palestinian and Jewish refugees, and this is
21 evidenced by the following:

22 (A) On November 16, 1967, the United
23 Kingdom submitted a draft of Resolution 242
24 (S/8247) to the United Nations Security Coun-
25 cil. This United Kingdom draft called for a just

1 settlement of “the refugee problem”. The Soviet
2 Union submitted its own draft of Resolution
3 242 (S/8253) to the United Nations Security
4 Council four days later which restricted the just
5 settlement to only “Palestinian refugees”.

6 (B) On November 22, 1967, the United
7 Nations Security Council unanimously approved
8 the draft of Resolution 242 advanced by the
9 United Kingdom. It thus rejected the limitation
10 proposed by the Soviet Union and accepted the
11 broader notion of a “just settlement of the ref-
12 ugee problem” arising out of the Middle East
13 conflict to include Palestinian and Jewish refu-
14 gees.

15 (C) Justice Arthur Goldberg, the United
16 States Chief Delegate to the United Nations at
17 that time, who was instrumental in drafting the
18 unanimously adopted Resolution 242, pointed
19 out that “The Resolution addresses the objec-
20 tive of ‘achieving a just settlement of the ref-
21 ugee problem’. This language presumably refers
22 both to Arab and Jewish refugees, for about an
23 equal number of each abandoned their homes as
24 a result of the several wars.”.

1 (15) In his opening remarks before the January
2 28, 1992, organizational meeting for multilateral ne-
3 gotiations on the Middle East in Moscow, United
4 States Secretary of State James Baker made no dis-
5 tinction between Palestinian refugees and Jewish
6 refugees in articulating the mission of the Refugee
7 Working Group, stating that “[t]he refugee group
8 will consider practical ways of improving the lot of
9 people throughout the region who have been dis-
10 placed from their homes”.

11 (16) The Roadmap to a Permanent Two-State
12 Solution to the Israeli-Palestinian Conflict, which re-
13 fers in Phase III to an “agreed, just, fair, and real-
14 istic solution to the refugee issue”, uses language
15 that is equally applicable to all persons displaced as
16 a result of the conflict in the Middle East.

17 (17) Israel’s agreements with Egypt, Jordan,
18 and the Palestinians have affirmed that a com-
19 prehensive solution to the Arab-Israeli conflict will
20 require a just solution to the plight of all refugees.

21 (18) Israel’s long-standing position in support
22 of the rights and claims of Jewish refugees from
23 Arab countries and Iran is well-established:

24 (A) On September 28, 1969, Israel adopt-
25 ed Government Decision number 34, in which it

1 set up a special, temporary department in the
2 Ministry of Justice to gather facts and evidence
3 regarding property expropriated and persecu-
4 tion perpetrated on Jews in Egypt, Iraq, Syria,
5 and Yemen.

6 (B) On March 3, 2002, Israel adopted
7 Government Decision number 1544, in which it
8 reaffirmed Government Decision number 34
9 and expanded it to include Jews who left all
10 Arab countries and Iran.

11 (C) On December 28, 2003, Israel adopted
12 Government Decision number 1250, in which it
13 reaffirmed Government Decisions number 34
14 and 1544 and directed the Department for the
15 Rights of Jews from Arab Countries in the
16 Ministry of Justice to continue collecting infor-
17 mation on property expropriated and persecu-
18 tion perpetrated on Jews in Arab countries, cre-
19 ate a centralized database of this information,
20 and publish this information to encourage par-
21 ties to come forward.

22 (19) Recently, in February 2010, the Israeli
23 Knesset adopted a law preserving the rights for com-
24 pensation for Jewish refugees who originated from
25 Arab countries and Iran. According to this law, the

1 Israeli government and its prime minister are in-
2 structed to raise the issue of compensation for pri-
3 vate and communal property during negotiations.

4 (20) The initiative to secure rights and redress
5 for Jews who were forced to flee Arab countries does
6 not conflict with the right of Palestinian refugees to
7 claim redress.

8 (21) All countries should be aware of the plight
9 of Jews and other minority groups displaced from
10 countries in the Middle East, North Africa, and the
11 Persian Gulf.

12 (22) An international campaign has been pro-
13 ceeding in some 20 countries to record the history
14 and legacy of Jewish refugees from Arab countries.

15 (23) A just, comprehensive Arab-Israeli peace
16 cannot be reached without addressing the uprooting
17 of centuries-old Jewish communities in the Middle
18 East, North Africa, and the Persian Gulf.

19 (24) It would be inappropriate and unjust for
20 the United States to recognize rights for Palestinian
21 refugees without recognizing equal rights for Jewish
22 refugees from Arab countries.

1 **SEC. 2. REPORT.**

2 Not later than 1 year after the date of the enactment
3 of this Act, and every two years thereafter, the President
4 shall submit to Congress a report on the following:

5 (1) Actions the executive branch has taken to
6 fulfill the sense of the House of Representatives, as
7 contained in paragraph (2) of the first section of
8 House Resolution 185 (as passed the House of Rep-
9 resentatives on April 1, 2008) and described in sec-
10 tion 1(10)(B) of this Act.

11 (2) Actions the executive branch has taken to
12 use the voice, vote, and influence of the United
13 States to ensure that any statements that include a
14 reference to the required resolution of the Pales-
15 tinian refugee issue by the Quartet on the Middle
16 East, which includes the United Nations, the United
17 States, the European Union, and Russia, must also
18 include a similarly explicit reference to the resolution
19 of the issue of Jewish refugees from Arab countries.

20 (3) Assistance the United States has provided
21 to Israel to help it accomplish its goal that the inter-
22 ests of Jews displaced from Arab countries are con-
23 sidered in any final settlement of the Middle East
24 refugee question that is part of any comprehensive
25 Arab-Israeli peace.

1 (4) Recommended actions that would ensure
2 that the interests of all refugees displaced from Arab
3 countries, including Jews, Christians, and other
4 groups, are considered in any final settlement of the
5 Middle East refugee question that is part of any
6 comprehensive Arab-Israeli peace.

○