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LAWS OF RETURN AND ETHNIC CLEANSING: THE CASE OF ERITREA AND ETHIOPIA

In 1992, the Provisional Government of Eritrea published a Nationality Proclamation that offered citizenship to ethnic nationals who lived abroad in Diaspora communities. This law, like the "Laws of Return" adopted by other countries (Estonia, Latvia, Lithuania, Israel, and Germany), was designed to encourage immigration, a legitimate purpose. But because this Laws of Return also denied non-national ethnic residents the same rights offered to immigrants, and encouraged the emigration or exit of non-national ethnic residents, it was also discriminatory, which contributed to acrimony and conflict among ethnic groups in Eritrea and also in Ethiopia. When war broke out between Eritrea and Ethiopia in 1998, the Eritrean nationality proclamation was used by governments in both countries to rationalize the unlawful expulsion of non-national ethnic residents, depriving them of their rights and deporting them into involuntary exile. In this context, the law because a weapon of war, a legal instrument of ethnic cleansing for regimes in both Eritrea and Ethiopia. This paper compares laws of return in different countries and examines how they have been used to manage ethnic relations and regulate migration, giving particular attention to the case of Eritrea and Ethiopia.

Keywords: citizenship, laws of return, ethnic conflict, partition

ZAKONI O VRNITVI IN ETNIČNO ČIŠČENJE: PRIMER ERITREJE IN ETIOPIJE

Leta 1992 je začasna vlada Eritreje objavila Razglas o narodnosti, ki je ponudil državljanstvo rojakom, živečim v diaspori. Ta zakon, kakor tudi "Zakoni o vrnitvi", ki so jih sprejele druge države (Estonija, Latvija, Litva, Izrael in Nemčija) je bil zasnovan z namenom vzpodbujati imigracijo, torej legitimnim namenom. Toda ker so ti zakoni hkrati odrekali prebivalcem države, ki so bili drugih narodnosti, enake pravice, kakor so jih ponujali imigrantom in so vzpodbujali emigracijo ali izselitev državljanov drugih narodnosti, so bili diskriminatorni, kar je prispevalo k nejevolji in konfliktom med etničnimi skupnostmi v Eritreji in tudi v Etiopiji. Ko je leta 1998 izbruhnila vojna med Eritrejo in Etiopijo, je razglasitev eritrejskega Razglasa o narodnosti služila vladama obeh držav, da sta uresničili nezakonit izgon državljanov drugih narodnosti, jim odvzeli njihove pravice in jih deportirali v neprostovoljno izgnanstvo. Tako je ta zakon postal vojno orožje, zakonito sredstvo etničnega čiščenja v režimih tako Eritreje kot Etiopije. Članek primerja zakone o vrnitvi iz različnih držav in raziskuje, kako so jih uporabljali za upravljanje etničnih odnosov in urejanje migracij, posebno pozornost pa posveča primeru Eritreje in Etiopije.

Ključne besede: državljanstvo, zakoni o vrnitvi, etnični konflikti, razdvajanje

In 1992, the Provisional Government of Eritrea published a Nationality Proclamation, which offered citizenship to ethnic nationals who lived abroad in Diaspora communities (Provisional Government of Eritrea 1992).

This law, like the "Laws of Return" adopted by other countries (Estonia, Latvia, Lithuania, Israel, and Germany), was designed to encourage immigration, a legitimate purpose. But because this Laws of Return also denied non-national ethnic residents the same rights offered to immigrants, and encouraged the emigration or exit of non-national ethnic residents, it was also discriminatory, which contributed to acrimony and conflict among ethnic groups in Eritrea and also in Ethiopia. When war broke out between Eritrea and Ethiopia in 1998, the Eritrean nationality proclamation was used by governments in both countries to rationalize the unlawful expulsion of non-national ethnic residents, depriving them of their rights and deporting them into involuntary exile. In this context, the law because a weapon of war, a legal instrument of ethnic cleansing for regimes in both Eritrea and Ethiopia. This development highlights the problematic character of laws of return. This paper compares laws of return in different countries and examines how they have been used to manage ethnic relations and regulate migration, giving particular attention to the case of Eritrea and Ethiopia. To appreciate how the Eritrean and other laws of return have been used to manage and mismanage ethnic relations, it is necessary first to review their origins.

THE ERITREAN NATIONALITY PROCLAMATION

In May 1991, after thirty years of war, Eritrean rebels (the Eritrean People's Liberation Front) and their Ethiopian allies (the Tigrean People's Liberation Front) overthrew the Mengistu regime in Ethiopia (Schaeffer 1999: 216-221). The Ethiopian insurgents who seized the capital agreed that Eritrea had a right to secede from Ethiopia (it had been annexed by Ethiopia in the 1950s) and that a referendum would be held in 1993 to determine whether Eritrean voters wanted to exercise that right and create an independent state. In the interim, the EPLF formed a provisional government to manage the country and prepare for the referendum, which they expected to result in a vote for independence. It was during this interim period that the provisional government passed the "Eritrean Nationality Proclamation."

The Proclamation, which identified individuals of Eritrean descent as "Eritrean" nationals, was designed to accomplish three related goals. First, it enfranchised Eritrean émigrés in Diaspora communities around the world, giving them the right to vote in the upcoming, 1993 referendum on Eritrean independence from Ethiopia. During the war, 750,000 Eritrean refugees fled into exile. Most of them—500,000—went to Sudan, and the rest scattered to Diaspora communities, some of

them in the United States (Pateman 1994: 230). When the three-day referendum was held in April 1993, resident voters in Eritrea and émigré voters in the Diaspora voted overwhelmingly for independence, leading quickly to the creation of an EPLF government, now with sovereign authority (Washington Post 1993).

Second, by offering citizenship to Eritrean émigrés living abroad, even to individuals who had become permanent residents or citizens of another country, the provisional government hoped to persuade them to "return" to Eritrea, where they might use their skills and education to help rebuild the country. The government also expected Eritrean immigration to increase the percentage of ethnic Eritreans living in the country. More than 80,000 émigré Eritreans returned, though it was difficult for the war-battered country to absorb them (Pateman 1994: 230).

The Proclamation also had a third purpose. It was designed to deny Eritrean nationality, and citizenship in the emerging state, to residents not of Eritrean descent, particularly ethnic Ethiopians. The law allowed individuals from non-Eritrean ethnic groups and nationalities to obtain citizenship, but only if they could meet stringent qualifying criteria. For example, they could claim citizenship only if they had resided in Eritrea before 1952 (paragraph 3.1), claim descent from someone who resided in Eritrea before 1934 (paragraph 2.2), demonstrate fluency in one of the languages of Eritrea (paragraph 4.2c), and had not "committed anti-people acts" (paragraph 4.2g). These provisions effectively prevented many residents, whom the government regarded as insufficiently "Eritrean," from obtaining citizenship. By preventing "Ethiopian" residents from acquiring citizenship, even if they had been born in the province or had long resided there, the law was designed to encourage or persuade them to emigrate, presumably to Ethiopia, because most of the non-Eritrean residents in the province were of Ethiopian descent or, more precisely, were descended from a wide variety of ethnic groups in Ethiopia.

In effect, the Proclamation offered rights to émigrés (some of the refugees, some permanent residents or citizens of other countries) that were not extended to residents, even it they had been born in the province. The Proclamation discriminated in this fashion because the provisional government wanted to encourage the immigration of "Eritreans" and the emigration of "Ethiopians." The Eritrean government used the unequal distribution of rights both as a carrot (for Eritrean émigrés) and a stick (for Ethiopian residents). As such, it should be understood not simply as a citizenship law, but as a measure designed to regulate ethnic relations and manage migration.

LAWS OF RETURN COMPARED

This kind of law is common in some other "divided states," countries that have been partitioned by international agreement (Korea, China, India, Palestine, and Germany) or by indigenous forces (Pakistan, Czechoslovakia, Yugoslavia, the Soviet Union, and Ethiopia) (Schaeffer 1990, Schaeffer 1999). The Eritrean Nationality Proclamation is very similar to legislation adopted by Baltic states in the early 1990s, and similar in character to laws adopted earlier by Israel and West Germany.

In the Baltics, newly independent governments in Estonia, Latvia, and Lithuania quickly extended citizenship to ethnic émigrés living abroad, even if they possessed citizenship in another country. But they withheld citizenship from ethnic Russians, even if they had been born in one of these countries. In Latvia, laws made it impossible for ethnic Russians to vote, own land, bear arms, or hold civil service jobs (Grigorievs 1996: 126-128). The 1991 law provided for the naturalization of non-citizen residents, but established a quota on admissions, limiting them to only 2,000 annually (Grigorievs 1996: 126). Quotas were eased in 1994 as a result of intense international and diplomatic pressure, but ethnic Russians still had to meet difficult residency and language tests to be naturalized (Erlanger 1994). Laws in Estonia and Lithuania were less stringent, but nonetheless raised substantial barriers to citizenship for ethnic minorities, Russians among them (Grigorievs 1996: 136). In Estonia, only 5,948 non-citizen residents were granted citizenship in the first year, this from an ethnic Russian community numbering 400,000 (Grigorievs 1996: 128).

The President of Latvia explained his country's policy by asking a Latvian-born Russian journalist, "Why do you think you have a right to call Latvia your homeland just because you were born here? For that...you need to have deep hereditary roots in the country (Laitin 1999: 303)."

In the Baltics, as in Eritrea, legislation was designed to facilitate the "return" of ethnic émigrés and speed the departure of ethnic Russians. In Latvia, 1,000 ethnic Russians were involuntarily deported, many separated from spouses, parents, or children (Grigorievs 1996: 128). Human rights groups condemned Baltic legislation, as have Russian officials. For example, Helsinki Watch wrote, "No one denies that the Baltic governments have the right to adopt citizenship laws, yet special consideration should be given to Russians and others who moved to the Baltic states at a time when the Soviet republics were all one country," and that Russian residents "should be presumptively eligible for citizenship, whether [or not] one views the Soviet presence...as an illegal occupation (Schaeffer 1998: 57-58).

In Israel, the 1950 Law of Return identified individuals of Jewish descent as nationals and provided them the right to immigrate and claim citizenship in the

state, even if they possessed citizenship in another country. Jewish individuals with U.S. citizenship have used this law to travel to Israel, vote in Israeli elections, and then return to their residence in the United States (Schaeffer 1990: 166). But the Israeli government did not extend these same rights to non-Jewish residents, requiring them instead to meet difficult criteria before they can be naturalized. The 1950 Absentee Property Law is the domestic counterpart to the Law of Return. It disenfranchised any Arab-Palestinian residents who were away from their homes on or after November 29, 1947, a time when the first Arab-Israeli war was being fought (Schaeffer 1990: 165-166). Together these laws encouraged the entry of ethnic Jews and facilitated the exit of Arab Palestinians.

West Germany also adopted laws extending citizenship to individuals of German descent who lived in Eastern Europe and the Soviet Union (Grigorievs 1996: 121). The West German government, like governments in the Baltics and Israel, grant citizenship on the basis of *jus sanguinis* (ancestry) rather than *jus soli* (place of birth and domicile) (Grigorievs 1996: 121, Schmidt 1999: 92-101, Payton 1999: 29). Government officials adopted the law not because they wanted to encourage German immigration but instead because they wanted to accommodate ethnic Germans who were being involuntarily exiled by Eastern European and Soviet governments after World War Two. But while the West German government was hospitable to ethnic German émigrés, providing them with citizenship and also financial support (the government even paid ransoms to the East German government to allow dissidents to emigrate), they were not welcoming to other non-German émigrés (Schaeffer 1997: 183). Official policy effectively denied citizenship to resident Turks and other "guest workers," who were imported to work but not permitted to become citizens (Grigorievs 1996: 121).

LEGITIMATE AND PROPER FUNCTIONS

If these various laws of return, which have some common elements but also some distinctive features, provided only that émigré nationals in Diaspora communities could claim citizenship if they voluntarily immigrated to their "homeland," they would be unobjectionable. After all, most countries have immigration laws designed to encourage or facilitate the entry of select groups. The United States, for example, permits the immigration of particular individuals—relatives of citizens, applicants from certain geographic regions and from some states (Cuba), as well as refugees and asylum seekers who have been persecuted individually or as a member of a group. This is properly regarded by the international community as a legitimate function of sovereign states.

But these laws of return are not regarded as legitimate, either by the U.S. government or the international community, if they are used to deport or expel citi-

zens of one country to another that claims them as nationals. The United States, for example, has never used the Israeli Law of Return as the basis for deporting a U.S. citizen of Jewish descent without their consent, or deprived them of their citizenship if they took advantage of rights afforded them by Israeli law. In other settings, the United States and Western European governments condemned the attempt by Serbs in Yugoslavia to expel ethnic Albanians from Kosovo, and later opposed efforts by ethnic Albanians in Kosovo to expel ethnic Serbs from their homes in Kosovo after the U.S.-NATO war with Yugoslavia ended.

Nor have these laws of return been regarded as legitimate if they deprived residents of their citizenship and exiled them from their domicile without the individual's consent. The Israeli practice of deporting non-Jewish residents into involuntary exile has frequently been condemned by members of the international community, the U.S. government among them.

Involuntary exile is a practice that has been widely condemned as a violation of human rights and international norms. For example, after World War Two, ethnic Germans were forced to give up their citizenship, emigrate from countries in Eastern Europe and the Soviet Union, and "return: to Germany, even if they had lived outside Germany for generations. Given the animosity incurred by Nazi annexation, invasion, and occupation before and during World War Two, this was not surprising. But even so, governments in some countries now admit they erred in deporting resident Germans. In 1997, for example, the Czech government officially apologized to the German government for the involuntary expulsion of three million Sudenten Germans after World War Two (Whitney 1997).

Although laws encouraging voluntary migration are a legitimate function of sovereign states, laws of return should be regarded as improper because they have four faults. First, they are discriminatory. They do not extend to non-ethnic residents the same rights given to émigrés who are identified as ethnic nationals. Residents who are denied citizenship are frequently denied the right to vote, bear arms, serve in the army, own property, hold public office, or claim important public benefits. They become "denizens" or "subjects," not citizens (Schaeffer 1999a: 11).

Second, they erect substantial legal barriers to citizenship, establishing criteria that make it difficult for non-national residents to qualify for citizenship, even if they lived in this country for years, even if they were born there. Residency requirements and language tests—which have been given in countries where now-official languages were not used as the language of instruction in public schools for many years—are substantial and discriminatory barriers to citizenship. The latter impost the kind of test used by states in the U.S. South to bar African-Americans from voting during the Jim Crow period (1890-1054).

Third, these laws are arbitrary and capricious. Because these laws base citizenship on "blood" or "ancestry," not on "soil" or "domicile," and extend citizenship primarily n the basis of one's ethnic-racial identity, it is difficult for officials to determine empirically the actual ethnic identity of a given individual. This difficulty is particularly evident for the offspring of "mixed" parents. But it is also evident for people who regularly migrated across "borders" or established residency in different places during their lifetime. Because it is difficult to determine empirically the actual ethnic identity of a given individual, officials regularly adopt arbitrary or capricious classifications and determinations to assign identity. Race-based laws in the United States and South Africa (as well as Nazi Germany) were criticized and eventually withdrawn because they were, at bottom, unreliable and arbitrary, as well as objectionable. The use of race-based criteria in laws of return to determine an individual's "real" national identity leads to arbitrary and capricious rulings by government officials in countries that apply them.

Fourth, these laws make retroactive claims to sovereignty and citizenship. Although states in Eritrea and the Baltics became sovereign only in the 1990s, governments there claim that the territories now defined as Eritrea or Latvia were always in their possession, even though for many years these territories were recognized as part of another country (Ethiopia; the Soviet Union). But this is rather like saying that the Russian "owners" of a house in Latvia between 1940 and 1991 were really "renters," even though they possessed a title deed recognized as valid by an international court. This is a dubious legal assertion.

In Eritrea, the government in effect denies to Ethiopian residents the legal standing given them not only by the Ethiopian state but also by the international community, which recognized the sovereign authority of Ethiopia in Eritrea for many years. The U.S. government was one of many countries, as well as the United Nations, that recognized Ethiopian sovereignty in Eritrea. The U.S. government's 1953 decision to lease military bases in Eritrea from Ethiopia (the lease expired in 1978) indicated that U.S. officials regarded Eritrea as part of Ethiopia throughout this period, and recognized its inhabitants as "Ethiopian." To argue now that Eritrea was not part of Ethiopia, and that non-Eritrean residents cannot lay any claim to it, is an attempt to deny Ethiopian tenure and assert sovereign powers that the Eritrean government did not, until recently, possess. Moreover, the Eritrean government first asserted its rights even before it possessed sovereign power (the provisional government adopted the Nationality Proclamation before the 1993 referendum conferred it with sovereign authority), so it can be faulted for making both retroactive and premature claims.

PARTITION, CONFLICT, AND JURIDICAL ETHNIC CLEANSING

When the provisional government in Eritrea first issued the 1992 nationality proclamation, it was uncontroversial. After all, the Eritrean and Ethiopian insurgents that had recently seized power were close allies, with many common bonds. Both regimes were organized by Marxist-Leninist political parties, and together they had formed a political-military alliance that enabled them to defeat and overthrow the Mengistu regime in Ethiopia. Both were preoccupied with the reconstruction of a poor region devastated by thirty years of war. Under these conditions, little attention was paid to the proclamation. But the subsequent partition of Ethiopia, which occurred after Eritrean voters approved the referendum for independence in 1993, created problems that changed these conditions and gave the proclamation a new, more problematic meaning.

After Ethiopia was partitioned, the two successor states encountered problems that have been common in other "divided states." Generally, when countries have been partitioned, three problems have emerged. First, partition typically triggered large-scale, voluntary and involuntary migrations across newly created borders (Schaeffer 1999: 98-104). In India, for example, 17 million people moved across the newly drawn Indo-Pakistani borders in the six months after partition in 1947 (Schaeffer 1999: 99). But massive migrations did not wholly redistribute people to the states "assigned" to them by partition agreements. Large numbers of people simply refused to move, even after violent campaigns were mounted against them. So today, for example, as many "Moslems" live in "Hindu" India as live in Pakistan, an "Islamic" state.

Second, governments in divided states typically discriminated against residual minorities, frequently denying them citizenship. Laws of return were just one expression of this practice (Schaeffer 1999: 97-130). By doing so, governments compromised the meaning of citizenship and democracy. This development has frequently led to internal conflict, insurrection, and sometimes civil war. The "Troubles" in Northern Ireland, the "intifada" in Israel's occupied territories, and irregular war in the Kashmir of India emerged because ethnic minorities were denied important civil rights.

Third, the governments of divided states have frequently disputed the territories assigned to them as a result of partition, challenged the sovereign authority of their neighbors, and quarreled over borders and international recognition (Schaeffer 1999: 131-144). This has led to acrimonious disputes and interstate wars, which have sometimes provoked military intervention by great powers and the international community (Schaeffer 1999: 145-176). Wars in the Koreas, Vietnams, Indias, between Israel and its neighbors, and between successor states in Yugoslavia have all resulted from the problems associated with partition.

As in other divided states, these three problems soon emerged in Eritrea/Ethiopia. At the conclusion of the war, the migration of released POWs, refugees, exiles, and persons displaced by the fighting created new burdens for governments and international relief agencies in both countries. In Eritrea, the new regime summarily expelled 70,000 "Ethiopian refugees," though the term refugee was used to describe and justify the deportation of long-term residents of Ethiopian descent (Hamburg 1992). Of course, there was also considerable voluntary migration. Thousands of people moved in both directions across the newly drawn border. But despite these voluntary and involuntary redistributions, large numbers of "Eritreans" continued to reside in Ethiopia and considerable numbers of "Ethiopians" remained in Eritrea, a familiar pattern in divided states.

Second, both regimes discriminated against residual minority populations, denying them important political and social rights. Of course, this was due in part to their authoritarian character. Except for the 1993 referendum that established its sovereign authority, the Eritrean regime has not held promised elections or permitted the formation of opposition political parties, particularly those that seek to represent ethnic minorities (Bureau of Democracy 2000). In Ethiopia, meanwhile, the regime held elections in 1995, but they were boycotted by opposition parties, most of them identified with ethnic groups that were not represented in the government (Bureau of Democracy 2000a).

Third, because the two regimes did not negotiate a process to address their collective problems with respect to migration, citizenship, and sovereignty as they divided, they were unable to develop comprehensive policies or judicious practices to address these issues or solve disputes. This lead in the mid-1990s to an estrangement of the two wartime allies. These ongoing difficulties were compounded in the late 1990s by a territorial dispute over their common border in the Badme region. This dispute over sovereignty led in 1998 to the outbreak of war between Ethiopia and Eritrea. Tens of thousands of people were killed in the conflict, which continued until December 13, 2000, when an armistice brought an end to the fighting (Fisher 1999, Associated Press 2000, New York Times 2001).

After the war broke out, the Ethiopian regime took advantage of Eritrea's nationality proclamation and used it as a rationale to justify the expulsion of Ethiopian citizens of "Eritrean" descent. According to the U.S. State Department, Ethiopian officials arrested, detained or imprisoned 67,000 Ethiopian citizens and forced them across the seven-mile-wide, no-man's-land between the two armies (Bureau of Democracy 2000a). They did this despite constitutional prohibitions against involuntary exile (Bureau of Democracy 2000a). Another 1,200 Ethiopians of Eritrean descent were held in internment camps and local police stations, and adults who had voted in Eritrea's 1993 referendum were required to register with

the Security, Immigration, and Refugee Affairs Authority (Bureau of Democracy 2000a).

In retaliation, the Eritrean government expelled another 1,000 "Ethiopians" from Eritrea, removed 2,000 ethnic Ethiopians from their homes near the border, and moved them into internment or refugee camps (Bureau of Democracy 2000). A small number of ethnic Ethiopians were also taken into police custody after they had been assaulted by Eritrean mobs (Bureau of Democracy 2000).

As a result of these and earlier developments, governments in Ethiopia and Eritrea had detained, deported, or relocated roughly equal number of ethnic minorities: 68,200 "Eritreans" by Ethiopia; 73,000 "Ethiopians" by Eritrea. For both regimes, the 1992 Eritrean nationality proclamation was used to justify their actions. In this context, the proclamation acquired a new meaning. It had become a weapon of war, an instrument of ethnic cleansing, for both regimes. It was used by both governments to identify and deport citizens or residents as "enemy aliens." By depriving residents of citizenship and deporting them to a belligerent country, governments in both countries violated human rights.

There was also a wider, international dimension to this issue. Many émigrés from Eritrea and Ethiopia live outside the region, many in the United States. Because it was difficult for them to immigrate legally or establish legal residency in the United States, some faced deportation proceedings. For Ethiopians of *Eritrean* descent, U.S. courts deported them to Ethiopia because they held Ethiopian passports. But if they were deported by the United States to Ethiopia, they were subject to detention and deportation by the Ethiopian government because they were of Eritrean descent. Then, if they were deported to Eritrea, they were subject to detention by the Eritrean government, which might not have regarded them as sufficiently Eritrean to qualify for citizenship under the 1992 Nationality Proclamation. In those cases, they were deported, for a third time, because the Eritrean government regarded them as "Ethiopian" (largely because they held "Ethiopian" passports). Alternatively, the Eritrean sometimes naturalized these twice-deported refugees. But if they were naturalized, they might have been drafted to serve in the army of a country at war with their "homeland" (Ethiopia), and subjected to military discipline if they refused. Of course, émigré Eritreans of "Ethiopian" descent faced the same problem: successive deportations from the United States, Eritrea, and Ethiopia.

For émigrés who were associated with the Mengistu regime, which was overthrown in 1991, be they "Eritrean" or "Ethiopian," the problem of successive deportations was compounded by the risk of arrest and imprisonment for collaborating with or participating in the Mengistu dictatorship, what Eritrean law describes as "anti-people acts." Some individuals arrested for collaboration or political crimes in Ethiopia have been held in custody for eight years awaiting trial

(Bureau of Democracy 2000a). A smaller number of civilian political prisoners have been held for some years in Eritrea, where they have been subjected to trial by military courts (Bureau of Democracy 2000).

As a result of these developments, when the United States and other countries deported ethnic Eritreans and ethnic Ethiopians from émigré communities in the Diaspora, they participated, knowingly or unwittingly, in a process that contributed to the violation of human rights and a form of juridical ethnic cleansing.

There is also a related problem. Others states possess laws that are much like Eritrea's nationality proclamation. It is quite possible that they too might be used to rationalize, justify, or sanction ethnic cleansing by states outside the country where they originated. As the Eritrean/Ethiopian case illustrates, the law, which was originally designed to manage ethnic relations in Eritrea, was not only mismanaged by the Eritrean regime but also by the Ethiopian regime and by third-party countries outside the region, who may have been unfamiliar with its application in the Horn of Africa. Where laws of return exist, the potential for similar problems is substantial.

This is particularly evident in Israel and the occupied territories, where the Palestinian Authority has some responsibilities. In negotiations with Israeli leaders in 2000, Palestinian officials argued that the hundreds of thousands of Palestinians who had been forced from their homes during the 1948 war should be given a "right to return" to their original homes in Israel (Wilkinson 2001, Oz 2001). This proposal, for a Palestinian version of Israel's Law of Return, became a major obstacle to negotiations and contributed to the fall of the Israeli government led by Ehud Barak in the February 2001 elections. The Palestinian proposal differed from the Israeli Law of Return in one important respect, because it would have provided ethnic Palestinians the right to return to a state (Israel) in which the Palestinian Authority had no legal standing. It was not clear whether the Palestinian proposal would also have given Jews the same privilege, the right to return to any Palestinian state that might come into existence. But it is clear that the existing (Israeli Law of Return) and the proposed (the Palestinian Law of Return) laws of return greatly complicated efforts to reach a negotiated settlement between the two parties. As was the case with the Eritrean proclamation, the rights given by the Israeli Law of Return have been used by other political authorities in ways that its original authors and contemporary defenders did not imagine. This suggests that efforts to manage ethnic relations using "laws of return" be given careful scrutiny.

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