



Fixing UNRWA

Repairing the UN's Troubled System of Aid to Palestinian Refugees

James G. Lindsay

Policy Focus #91 | January 2009

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Front cover: A Palestinian worker carries a bag of flour at a United Nations food aid distribution center, Shati refugee camp, Gaza City, November 10, 2008. (AP Photo/Adel Hana)

To my many Palestinian and Israeli friends and acquaintances, whose primary wish is to live normal lives,
free from threats of violence and in harmony with their neighbors.

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James G. Lindsay
January 2009

About the Author

James G. Lindsay, an Aufzien fellow at The Washington Institute focusing on Palestinian refugee issues and UN humanitarian assistance, served with UNRWA from 2000 to 2007. As legal advisor and general counsel for the organization from 2002, he oversaw all UNRWA legal activities, from aid contracts to relations with Israel, Jordan, Syria, Lebanon, and the Palestinian Authority.

Before his UNRWA service, Mr. Lindsay spent twenty years as an attorney in the Criminal Division of the U.S. Department of Justice, with assignments in the Internal Security, Appellate, and Asset Forfeiture Sections, as well as in the U.S. Attorney's offices in Washington, D.C., and Miami. Between 1985 and 1994, he was seconded to the Multinational Force and Observers in Sinai, serving as the force counsel for legal and treaty affairs. In 2000, he took early retirement from the Justice Department to join UNRWA in Gaza.



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Executive Summary

AFTER ITS CREATION by General Assembly Resolution 302 (IV) in 1949, and since beginning operations in May 1950, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) has provided assistance to Palestine refugees in Gaza, the West Bank, Jordan, Syria, and Lebanon. In its nearly sixty-year existence, however, few dispassionate examinations of UNRWA have been published in English, and nothing has been written by a senior staff member with actual knowledge of UNRWA's daily functioning. This paper, written by a former general counsel of UNRWA, analyzes the agency's relationship with the United States, evaluates recent criticisms of its operations, and recommends policies for the U.S. government.

Initially, UNRWA provided emergency relief (food and shelter) to refugees who suffered as a result of the 1947–1949 struggle over Palestine, an area from which the United Kingdom withdrew in 1948. Gradually, UNRWA segued from an organization that supplied only emergency relief to one that provided governmental and developmental services in areas such as education, health, welfare, microfinance, and urban planning. Along with the obvious changes in function, several other processes or “themes” stand out in UNRWA's history: the incomplete shift from status-based aid to need-based aid; the also incomplete content correction of textbooks used in UNRWA schools; the gradual assumption of a mission to enhance the political and humanitarian rights for refugees and Palestinians in general; and the immense increase in the number of persons considered refugees entitled to UNRWA services.

The United States, despite funding nearly 75 percent of UNRWA's initial budget and remaining its largest single country donor, has mostly failed to make UNRWA reflect U.S. foreign policy objectives. UNRWA initially served U.S. humanitarian purposes, but in later years often clashed with U.S. policies.

Recent U.S. efforts to shape UNRWA appear to have been ineffective, and critics of the agency have sometimes focused on sensational, but largely unproved, accusations. Nonetheless, a number of changes in UNRWA could benefit the refugees, the Middle East, and the United States. But those changes will not occur unless the United States, ideally with support from UNRWA's other main financial supporter, the European Union, compels the agency to enact reforms.

The most important change, the one most required and least subject to rational disagreement, is the removal of citizens from recognized states—persons who have the oxymoronic status of “citizen refugees”—from UNRWA's jurisdiction. This would apply to the vast majority of Palestinian “refugees” in Jordan, as well as to some in Lebanon. If a Palestinian state were created in Gaza and/or the West Bank, such a change would affect Palestinian refugees in those areas. Meanwhile, for those who are still defined as refugees, UNRWA's move toward greater emphasis on need-based assistance, as opposed to status-as-refugee-based assistance, should be accelerated. No justification exists for millions of dollars in humanitarian aid going to those who can afford to pay for UNRWA services. In addition, UNRWA should make the following operational changes: halt its one-sided political statements and limit itself to comments on humanitarian issues; take additional steps to ensure the agency is not employing or providing benefits to terrorists and criminals; and allow the UN Educational, Scientific and Cultural Organization (UNESCO), or some other neutral entity, to provide balanced and discrimination-free textbooks for UNRWA schools.

With the above changes, UNRWA would be better aligned with what should be its ultimate objectives. For the Palestinians it serves, this means ending their refugee status and returning, after nearly sixty years, to what most of them so desperately seek: normal lives.

Introduction

THE UNITED NATIONS Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was created pursuant to General Assembly Resolution 302 (IV) of December 8, 1949. The General Assembly was spurred to action by the continuation of the refugee crisis that had arisen from the 1947–1949 Arab-Israeli conflict, during which Mandatory Palestine west of the Jordan River (the subject of a 1947 General Assembly resolution recommending partition between its Jewish and Arab inhabitants) had been divided into three parts: one being the independent state of Israel, a second (the West Bank) being annexed by Jordan, and a third (the Gaza Strip) being seized by and administered under the influence of Egypt.

Since beginning operations in May 1950, UNRWA has provided services (at first mainly rations of food) to Palestinian refugees through five field offices located, respectively, in Gaza, the West Bank, Jordan, Syria, and Lebanon. For the most part, the agency limits its services to the 4.5 million people it considers to be registered Palestinian refugees, though the number of people actually using these services is far smaller. Today, UNRWA staff provide refugees with education (mostly at the primary level), health, welfare/social assistance, microfinance/microenterprise assistance, and housing/urban planning services. Through its headquarters in Gaza City and Amman,¹ UNRWA employs (as of December, 31, 2007) in its fields of operation approximately 29,000 staff members to carry out these services, of whom fewer than 200 are “internationals,” the rest being mostly Palestinian refugees or other persons from the local population.

The existing literature on UNRWA is lacking in at least two areas. First, there are no studies of the agency by authors with the inside knowledge held by a senior staff member. Second, there have been no studies focusing on the agency’s relations with the United States.

As to the first area, at least two academics, professors Edward Buehrig and Benjamin Schiff, have issued balanced, though sympathetic, studies of the agency.² Yet even these assessments, both of which are now somewhat dated, have been based on external access to UNRWA staff and records; neither of the authors, let alone other commentators, actually served in a senior capacity with the organization. This is a serious disadvantage in writing about UNRWA. Unlike an outsider, or even a junior staff member, a senior staff member has the opportunity to acquire broad knowledge of UNRWA’s inner workings, the validity of its detractors’ accusations, the accuracy of its own public statements, and the tenor of its relations with the United States. The author of this paper was employed as a senior lawyer with UNRWA from August 2000 to August 2006, and again from March to August 2007. Beginning in December 2002, he served as the agency’s chief lawyer and legal advisor; in early 2005, he was promoted to the UN international civil service’s highest individual rank (director, D-2). As the senior legal advisor to UNRWA and its commissioner-general, he was in a uniquely advantageous position to become familiar with, and sometimes to influence, UNRWA operations and policies (though, as discussed throughout this paper, the agency’s policies are ultimately determined by the commissioner-general).

The second issue, the lack of evaluation and realistic recommendations regarding current U.S. policy toward the agency, is surprising. When UNRWA was first established, the United States provided nearly three-quarters of its start-up funding, and more than two-thirds of the agency’s funding during its first twenty years came from Washington. Although the United States is no longer the predominant provider of funding—its annual contributions dropped below 50 percent of the total in the early 1970s and since then

1. UNRWA also has small administrative and liaison offices in New York, Geneva, Brussels, and Cairo. Since the second intifada (which began in September 2000), many of the Gaza international staff have been periodically relocated (most recently in August 2005) to safer areas in Amman and Jerusalem.
2. Edward Buehrig, *The UN and the Palestinian Refugees* (Bloomington, IN: Indiana University Press, 1971); Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995).

have continued to decline in relative terms—it remains the single largest individual contributor and thus can still exert a significant influence on UNRWA's future. The agency's activities can in turn affect the likelihood of an Israeli-Palestinian peace agreement, a major U.S. policy goal. In contrast to earlier studies of UNRWA, this paper specifically discusses UNRWA's relationship with the United States, its current activities (which are often misunderstood), its failings and successes (both of which are sometimes exaggerated), and its policies and operations, particularly as they affect U.S. interests. Although the paper suggests making significant changes in UNRWA's activities, it also defends the agency from a number of inaccurate or unproven accusations and points out much good it has done during its nearly sixty years of existence.

The paper begins with a brief discussion of the events that led to the creation of UNRWA, followed by a chapter describing its current programs. That introductory material is followed by a chapter addressing key trends in UNRWA's history relevant to the final three chapters, which cover U.S.-UNRWA interactions with regard to antiterrorism issues, recent criticisms of UNRWA, and, most important, recommendations as to how the United States should support change in UNRWA's policies and operations. The first three chapters are largely dependent on research using primary and secondary sources. The last three chapters, however, rely more heavily on the author's own experience with the agency.

The UNRWA Response

It should be noted that UNRWA refused to provide detailed feedback on a draft of this paper. The agency's official readers were, *inter alia*, "struck by [the draft's] inaccuracies, its selective use of source material, its failure to understand or even acknowledge many of our current activities, its flawed analysis of our mandate and its misunderstanding of UNRWA's political and historical context." Despite repeated requests from the author, the agency declined to identify the alleged weaknesses on the grounds that "our views—and understanding—of UNRWA's role, the refugees and even U.S. policy are too far apart for us to take time (time that we do not have) to enter into an exchange with little likelihood of influencing a narrative which so substantially differs from our own." Thus, the paper has not benefited from any input by UNRWA, whether a discussion of policy or even correction of alleged errors. For an extended description of my correspondence with UNRWA on this subject, see the epilogue following the conclusion of this paper.

A Note on the UNRWA Website

For additional information about UNRWA and its refugee camps, particularly statistical information, readers should consult the agency's website (www.unrwa.org). The section on "Refugees," for instance, includes links to maps of each of the agency's five fields of operation, noting the location of its refugee camps, and provides important data about the refugees living in each area.

1 | The Origins of the Palestinian Refugee Problem and the Creation of UNRWA

THE ULTIMATE CAUSES of the Palestinian refugee problem, rooted as they are in the dispute over the validity of competing claims to the land that eventually encompassed Mandatory Palestine, are truly ancient. As those issues are peripheral to the limited and forward-looking purposes of this paper, it is more useful to start with UN General Assembly Resolution 181 (II), adopted on November 29, 1947. In recommending the establishment of “independent Arab and Jewish States and the Special International Regime for the City of Jerusalem,”¹ this resolution was meant to be a compromise, a division of Mandatory Palestine to the west of the Jordan River² between Arab and Jewish states (the former to receive approximately 40 percent of the total land and the latter approximately 55 percent, with a UN-supervised area around Jerusalem and Bethlehem comprising the remainder).³ Most of the Jewish population, represented by the Jewish Agency for Palestine, accepted this recommended arrangement, but the Arab residents—represented by Haj Muhammad Amin al-Husseini, chairman of the Arab Higher Committee—rejected it. Hostilities broke out between the two sides immediately after Resolution 181 (II) was adopted and intensified during the early months of 1948.

Arab countries rejected the resolution as well. Shortly after the British officially completed their withdrawal

from Mandatory Palestine at midnight on May 14, 1948, Egypt, Transjordan, Syria, and Iraq each sent military units to support the local Arabs in their armed opposition to the nascent Israeli state and the partition. Meanwhile, during the afternoon of May 14, the Jewish population announced the creation of the state of Israel. Volunteers from other (mostly Arab) countries joined in the fighting on the Arab side, while the Israelis were assisted by volunteers and new immigrants, though not by foreign military units.

When the conflict ended in March 1949,⁴ there were no Jews remaining on the Arab side of the armistice line (several dozen Jewish settlements having been destroyed⁵), but approximately 150,000 Arabs remained on the Israeli side⁶ (some 700,000⁷ having fled or been driven out). Although the exact numbers are in dispute, the displaced Jewish population was clearly far smaller than the hundreds of thousands of displaced Arabs. This was partly the result of Israel’s much greater success on the military front: by the time of the armistices, the Israelis had increased their share of the land from the roughly 55 percent recommended in Resolution 181 (II) to approximately 78 percent (or about 8,050 square miles).⁸

On October 8, 1948, the UN General Assembly adopted Resolution 212 (III), stating that “the

1. Quote taken from part I, paragraph A.3 of the resolution.

2. The land east of the Jordan had already been split from Mandatory Palestine in 1922 and thereafter administered separately as Transjordan.

3. Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited* (Cambridge: Cambridge University Press, 2004), p. 13. In discussing the disproportionate amount of land allocated to the Jewish population, Morris, the preeminent historian of the origins of the Palestine refugee problem, noted that much of it was desert. Others have argued that the extra land was meant to accommodate the anticipated emigration of Jewish refugees from Europe.

4. Although the final armistices (with Transjordan and Syria) were not signed until April 3 and July 17, respectively, actual hostilities ended earlier. See Martin Gilbert, *Israel: A History* (New York: William Morrow, 1998), pp. 248, 255.

5. *Ibid.*, p. 249. According to Benjamin Schiff, when UNRWA took over from the UN Relief for Palestine Refugees in 1950, the agency’s rolls included some 17,000 Jewish refugees in Israel. This would presumably give a rough approximation of the total number of Jewish residents who fled or were expelled from Arab-held areas; see *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), p. 183. Edward Buehrig referred to “several thousand Jewish refugees evacuated from agricultural settlements on the Arab side of the [armistice] lines”; see *The UN and the Palestinian Refugees* (Bloomington, IN: Indiana University Press, 1971), p. 28. Morris (p. 392) also referred in passing to at least 1,400 Jewish refugees from the Old City of Jerusalem. And paragraph 16 of the UNRWA Annual Report issued on June 30, 1951, stated that there were 23,507 Jewish refugees in Israel as of that month (see <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/8d26108af518ce7e052565a6006e8948!OpenDocument>).

6. Morris, *The Birth*, p. 588.

7. The number of Arabs who left the areas that ended up on the Israeli side of the armistice line is the subject of considerable controversy, with estimates ranging from 500,000 to 900,000 or more. UNRWA has supported the estimate of 726,000 given by the UN Economic Survey Mission for the Middle East in 1949; see *UNRWA: A Brief History, 1950–1982* (Vienna: UNRWA, ca. 1983), p. 6. For a discussion of the numbers, see Morris, *The Birth*, pp. 602–604.

8. Harry B. Ellis, *Israel and the Middle East* (New York: Ronald Press, 1957), p. 120.

alleviation of conditions of starvation and distress among the Palestine refugees is one of the minimum conditions for the success of the efforts of the United Nations to bring peace to that land.” The resolution called for the establishment of an organization, the UN Relief for Palestine Refugees (UNRPR), “to relieve the desperate plight of Palestine refugees of all communities.” UNRPR was a coordinating body for temporary relief being provided by autonomous voluntary organizations such as the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee.⁹ However, given the impasse between Israel and the Arab countries over

the number of Arab refugees who would be permitted to return to the land that was now Israel, it soon became clear that the activities of the UNRPR would need to continue for more than a short “temporary” period. At the same time, the voluntary organizations were reluctant to assume an open-ended responsibility for providing assistance to the refugees.¹⁰ Recognizing the refugees’ continuing dire needs, the UN concluded that “constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief.” Accordingly, the General Assembly established UNRWA in December 1949 to take over responsibility for the refugees by spring 1950.¹¹

9. *UNRWA: A Brief History*, p. 39.

10. Schiff, *Refugees*, p. 3.

11. See General Assembly Resolution 302 (IV), December 8, 1949, paragraphs 5 and 12.

2 | What Does UNRWA Do?

IN ORDER TO EVALUATE criticisms of UNRWA and determine whether and how its policies should be changed, one must understand the agency's actual functions. The purpose of this chapter is to outline what UNRWA does with the more than \$500 million it spends each year.¹

Since the end of the 1950s, UNRWA has concentrated its efforts on three main fronts: its Education Programme, its Health Programme, and its Relief and Social Services Programme, with the first gradually supplanting the third as the primary focus of attention. More recently, two other programs have been introduced: the Microfinance and Microenterprise Programme (MMP), initiated in 1991, and the new (and not yet formally named as a program, at least not on the UNRWA website) "Infrastructure and Camp Improvement Unit."² Current UNRWA commissioner-general Karen AbuZayd has called these five programs the agency's "raison d'être," describing them as follows:

- "primary education for some half a million children annually"
- "primary health care that has eliminated communicable diseases among refugees, while achieving a close to 100% immunization rate for refugee children"

- "social services, particularly to those rendered vulnerable by poverty, disability and social exclusion"
- "a microfinance programme, helping small entrepreneurs to weather economic crises, build assets and improve their prospects for self-sufficiency"
- a program designed to "build homes for refugees, replacing those destroyed by Israeli forces in the course of conflict," and to "construct and maintain the infrastructure of environmental health in refugee camps."³

Education

Since the late 1970s, the Education Programme has consistently accounted for more than half of UNRWA's regular budget.⁴ In 2007, the department in charge of this program received \$282 million of the \$545 million budget and employed 21,962 of the agency's 29,151 "area staff" members (most of whom are from the Palestinian refugee population).⁵ UNRWA provides primary education (grades 1–6), preparatory education (grades 7–9 and, in Jordan, grade 10) and secondary education (grades 10–12 in Lebanon) at some 684 schools.⁶ The number of students in these schools seems to have peaked at

1. Expenditures in 2007 totaled \$404.4 million in the regular budget plus another \$137.3 million in the emergency budget. See the "Finances" section of the UNRWA website (www.un.org/unrwa/finances/index.html).
2. UNRWA Public Information Office, *General Fund Appeal, 2008–2009* (Gaza City: UNRWA, ca. 2007), p. 31. Available online (www.un.org/unrwa/publications/pubs07/GF-20082009.pdf).
3. See Karen AbuZayd, "Palestine Refugees: Exile, Isolation and Prospects," annual Edward Said Lecture presented at Princeton University, May 6, 2008. Available online (www.un.org/unrwa/news/statements/2008/SaidPrinceton_6May08.html).
4. Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), pp. 51–52. Some caution is advisable when analyzing spending figures from UNRWA's early years. Although Schiff credits a UNRWA publication for his 1950–1985 figures (*UNRWA Past, Present and Future: A Briefing Document* [Vienna: UNRWA, May 1986]), they do not always match those given by John Blandford Jr., one of the agency's first directors, in his annual reports. For example, his report covering May 1, 1950, to June 30, 1951, seemed to indicate that the cost of the Education Programme was either (1) \$708,287 (a combination of \$425,899 for teachers' salaries and subsidies plus \$282,388 for education costs other than salaries; see the "Paid Educational Subsidies and Teachers' Salaries" and "Income and Expenditure" tables) or (2) \$505,000 (see paragraph 205). In contrast, Schiff's book showed educational expenditures of \$471,000 for 1950–1952. Elsewhere, Blandford reported that the "cost of the health programme is in the neighbourhood of 2 million dollars per year" (see paragraph 174), in contrast to Schiff's figure of only \$509,000 for 1950–1952. See "Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East" (UN General Assembly, Paris, September 28, 1951); available online (<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/8d26108af518ce7e052565a6006e8948!OpenDocument>).
5. UNRWA Public Information Office, "UNRWA in Figures" (December 31, 2007, version); available online (www.un.org/unrwa/publications/pdf/uif-dec07.pdf).
6. UNRWA/UNESCO Department of Education, "Education Programme Facts & Figures, 2005–2006" (document published by UNRWA headquarters, Amman, 2007), p. 2.

about 492,000 during the 2003–2004 school year and has since remained above 480,000.⁷ In addition, the agency runs smaller programs for vocational training (nine schools with 5,856 students) and teacher training (a trio of four-year educational sciences faculties and, in Lebanon, a two-year pre-service teacher training school, with a total of 2,354 teacher-students).⁸ The student body at regular UNRWA schools is about evenly divided between males and females (with variations⁹), while approximately two-thirds of the vocational training students are male.¹⁰

The stated mission of UNRWA schools is to educate refugee children so that they can:

- improve their lives and their societies as citizens of Palestinian, Arab, and global communities;
- become aware of the need for interdependence and tolerance toward differences among individuals and groups;
- establish a sense of aesthetic values, including a commitment to the conservation of nature;
- be prepared for higher education and the job market within a rapidly changing world; and
- balance their rights and needs with those of family, community, and global society.¹¹

To accomplish this mission, UNRWA has chosen to use the curricula and textbooks of its host governments, albeit supplemented with additional materials and courses designed to foster thinking about human rights, tolerance, and conflict resolution. These supplementary items have been specifically funded by outside donors (including the United States) and, as the UNRWA website asserts, are widely praised.¹²

For many years, UNRWA schools were well regarded in the Middle East. The test scores achieved by their students were as high as, or even higher than, those of government schools; they “pioneered education for Arab girls in the region”; and a “UNRWA graduation certificate practically guaranteed employment.”¹³ More recently, however, a combination of factors has taken a toll on UNRWA educational efforts, including increasing numbers of students, fewer dollars available per student, and the disruptive effects of military operations (particularly those associated with the first and second intifadas in the West Bank and Gaza). In 2007, for example, the UNRWA field office director for Gaza stated that fourth- through ninth-graders in the territory had a nearly 80 percent failure rate in math and a more than 40 percent failure rate in Arabic.¹⁴ These results were in stark contrast to earlier reports from the agency’s Department of Education.¹⁵ Although no dramatic announcements have been made regarding declining educational achievement in the West Bank, there is no reason to believe that students there would have completely escaped the performance drop

7. Figures were obtained from various PDF documents on the “Publications/Statistics” page of the UNRWA website (www.un.org/unrwa/publications/index.html), under the “UNRWA in Figures” dropdown menu.

8. “UNRWA in Figures,” December 31, 2007.

9. Ibid.

10. UNRWA/UNESCO, “Education Programme Facts & Figures,” p. 11.

11. The full text of the mission statement is reproduced in *ibid.*, p. 1. The text also appears at UNRWA/UNESCO, “Annual Report, Department of Education, 2003–2004,” p. 3; available online (<http://unesdoc.unesco.org/images/0014/001407/140770eb.pdf>).

12. Ibid., p. 8. See also “Setting the Record Straight” (UNRWA statement delivered to the UN Human Rights Commission, Geneva, April 3, 2003). Available online (www.un.org/unrwa/allegations/index.html).

13. Schiff, *Refugees*, pp. 61–62.

14. The director outlined an ambitious program to remedy this situation in a September 5, 2007, press briefing (available online at www.reliefweb.int/rw/rwb.nsf/db900sid/EDIS-76RQ4N?OpenDocument&query=failure%20rates&cc=pse). Later, during a March 15, 2008, speech at Birzeit University in the West Bank, UNRWA deputy commissioner-general Filippo Grandi referred to these results with regard to fourth- through sixth-graders: “Forty per cent of students failed Arabic. Fifty per cent failed Mathematics and 60 per cent failed English. Of course, core contributors to these results are the continuing Israeli occupation and recent violence in the Strip. But lack of resources has compounded the situation” (speech titled “UNRWA: Present Dilemmas and Future Prospects,” available online at www.un.org/unrwa/news/statements/DComGen/BirZeitUniv_15Mar08.html).

15. For 2004–2005, the agency reported that 95.8 percent of Gaza elementary students had reportedly passed their UNRWA-administered final exams. See UNRWA/UNESCO, “Annual Report, Department of Education, 2004–2005,” p. 10. Figures were not given for preparatory students.

revealed in Gaza, despite the fact that West Bank residents are under less pressure than Gazans.¹⁶

In Jordan, UNRWA student performance in math and science declined between 1999 and 2003, as measured by external achievement tests.¹⁷ According to the agency's own final examination results for 2004–2005, however, the pass rate for UNRWA elementary students in Jordan was a very comfortable 94.32 percent,¹⁸ and the agency has stated elsewhere that its students perform better than those in Jordanian government schools.¹⁹ At the same time, Commissioner-General AbuZayd has admitted that UNRWA schools are losing students to Jordanian government schools (most Palestinian refugees in Jordan are citizens, so they are able to choose which schools their children attend). She attributed this trend to the superior resources of the government schools, where students receive English-language training from the first grade and classrooms have computers. Moreover, only 7 percent of these schools have double shifts, compared to 93 percent for the UNRWA schools.²⁰ The loss of students is also reflected in UNRWA statistics, which show that the number of registered refugees in Jordan increased by 32.4 percent from December 1997 to December 2007, while the number of students in UNRWA schools there declined by 13 percent.²¹

In Syria, UNRWA's belief that its students perform better than government-schooled students appears

justified. Results of Syrian government tests administered in 2003–2004 and 2004–2005 showed that UNRWA preparatory students scored dramatically better than those in government schools.²²

In Lebanon, a 2003 report mentioned concerns that only 44 percent of 13-to-15-year-old UNRWA students had passed government “brevet” tests in 2002–2003, and that the passing rate seemed to be decreasing.²³ In 2003–2004, however, UNRWA's statistics for roughly the same age group showed a 53.15 percent passing rate, with a jump to 68.60 percent in 2004–2005—not far behind the government school average of 76.26 percent for that year.²⁴ More recently, the agency's 2008–2009 budget has called for a 70 percent passing rate.²⁵ Given the seemingly steady progress from 2002 to 2005 and the clearly superior performance of UNRWA students on the end-of-school “Baccalaureate II” examinations,²⁶ the agency may have been correct in its 2007 claim that its students in Lebanon were exceeding the performance of government-schooled students.

Health

Since the late 1970s, UNRWA's Health Programme has accounted for roughly 15 to 20 percent of the agency's regular budget.²⁷ In 2007, the department in charge of this program received \$106 million of the \$545 million budget and employed 4,214 area staff members.²⁸ The

16. The Department of Education's reported pass rate on UNRWA-administered tests among West Bank elementary students for 2004–2005 was 96.97 percent, similar to that reported in Gaza. See *ibid.*

17. Specifically, the Trends in Mathematics and Science Study (TIMSS) conducted by the International Association for the Evaluation of Educational Achievement. See “TIMSS Impact—The Case of Jordan”; available online (www.iea.nl/fileadmin/user_upload/administrative_docs/46th_GA/IEA_Studies/TIMSS_Impact/TIMSS_Impact_Jordan.doc).

18. UNRWA/UNESCO, “Annual Report 2004–2005,” p. 10. Anecdotal evidence suggests that older UNRWA students in Jordan do well on government tests; see Christian Henderson, “Low Pass Rates among Palestinian Students at UNRWA Schools Prompts Mounting Concern,” *Daily Star* (Beirut), October 17, 2003 (available online at www.lebanonwire.com/0310/03101715DS.asp).

19. “High Number of Students in Gaza UN-Run Schools Fail Math, Arabic Tests,” *Haaretz* (Tel Aviv), October 5, 2007. Available online (www.haaretz.com/hasen/spages/909610.html).

20. Commissioner-General Karen AbuZayd, speech delivered at the American University of Beirut, February 12, 2008. Video footage of the event is available online (www.youtube.com/watch?v=kZFW3kb_8l8&feature=Playlist&p=426A6D9D78D7EC02&index=3).

21. Figures calculated from the December 1997 and December 2007 “UNRWA in Figures” PDF documents (available at www.un.org/unrwa/publications/index.html). Although other countries and territories show the number of registered refugees increasing at a greater rate than the number of refugee students (perhaps reflecting decreasing refugee birth rates), the percentage gap in Jordan is more than double that of any other area.

22. UNRWA/UNESCO, “Annual Report 2004–2005,” p. 13.

23. Henderson, “Low Pass Rates.”

24. UNRWA/UNESCO, “Annual Report 2004–2005,” p. 13.

25. See UNRWA, “Programme Budget 2008–2009,” July 2007, p. 23, paragraph 2.27. Available online (www.un.org/unrwa/finances/pdf/ProgBudget08-09.pdf).

26. UNRWA/UNESCO, “Annual Report 2004–2005,” p. 14. UNRWA students had a 90 percent passing rate in 2003–2004, compared to 67 percent for government-schooled students; in 2004–2005, UNRWA students had a 96 percent passing rate.

27. See Schiff, *Refugees*, pp. 51–52, as well as relevant “UNRWA in Figures” PDF documents (available at www.un.org/unrwa/publications/index.html).

28. “UNRWA in Figures,” December 31, 2007.

program provides primary health care (including family planning and maternal/child care) at 128 facilities, 96 of which also provide dental care. These facilities accommodated a total of 9,491,622 patient visits from June 2006 to June 2007.²⁹ The number of visits spiked during the first three years of the second intifada, with annual increases of a few percentage points becoming double-digit increases in 2001 and 2002, peaking at approximately 10 million visits in 2003. Almost all of these increases were registered in the West Bank and Gaza.³⁰ As the intifada wound down, visits fell to fewer than 9 million per year in 2004, thereafter resuming the more normal single-digit annual increases.

In addition to primary care, UNRWA provides hospital care, principally by contracting for beds at nongovernmental hospitals or via partial payment of costs for treatment at governmental or nongovernmental facilities.³¹ For “Special Hardship Cases” (i.e., refugees under a certain poverty line), the agency pays a higher proportion of these costs. UNRWA also provides some hospital care directly at its own facility in Qalqilya, a West Bank town largely populated by refugees. The agency describes the facility as “a 63-bed hospital ... which accommodates 14 surgical, 12 medical, 20 paediatric, 15 obstetricians/gynaecologists and two intensive care beds in addition to a five-bed emergency department.”³²

Judgments on the Health Programme by nonmedical observers have been positive. Schiff noted that it had operated without controversy and that its annual reports from 1950 to 1990 reflected steady reductions

in infectious disease.³³ Buehrig concluded that its success “has been the more notable for the program’s economy ... which is a signal achievement.”³⁴ In addition, the World Health Organization (WHO), which has provided technical supervision and senior staff members to the program since the 1950s, periodically conducts assessments of UNRWA’s health care efforts. The most recent assessment, completed in 2005, found several positive indicators, including an impressive level of staff commitment, a good record of cost-effectiveness, “an excellent ... large scale reproductive health programme,” and “coverage and outcome health indicators ... [that] compare with those of the high- or middle-income countries of the Eastern Mediterranean.”³⁵

Regarding the reproductive health program, family planning for married women has been a part of UNRWA’s health care efforts since 1966, expanding to cover all fields by 1994 despite initial objections from refugees and host countries.³⁶ Refugee fertility rates have decreased since this expansion of services and now range from a high of 4.6 in Gaza to lows of 2.3 and 2.4 in Lebanon and Syria; the West Bank and Jordan are close to the UNRWA average of 3.2.³⁷ In each of these cases, the refugee figures are lower than those reported for nonrefugees by host governments.³⁸

Relief and Social Services (RSS)

The RSS Programme, which once consumed nearly all of UNRWA’s budget (98 percent in 1950),³⁹ now takes up a relatively small proportion—around 10 percent annually

29. Ibid. The patient visit statistics do not reflect the number of refugees using the facilities, but the number of visits. The UNRWA Department of Health estimated that “over three million refugees” visited such facilities in 2007; see “Annual Report of the Department of Health 2007,” p. 14 (available online at www.un.org/unrwa/publications/pdf/ar_health2007.pdf).

30. “UNRWA in Figures,” various dates.

31. “Annual Report of the Department of Health 2007,” p. 28.

32. Ibid., p. 29.

33. Schiff, *Refugees*, pp. 27 (fn. 18), 59–60.

34. Edward Buehrig, *The UN and the Palestinian Refugees* (Bloomington, IN: Indiana University Press, 1971), p. 146.

35. WHO, “UNRWA Health Programme, Report of a WHO Technical Assessment Mission, 28 February–17 March 2005” (Regional Office for the Eastern Mediterranean, Cairo, 2005), pp. 73–74.

36. Ibid., p. 144. Family planning was made a part of the UNRWA-wide maternal health program in 1994; see “Annual Report of the Department of Health 2007,” p. 58.

37. Ibid., p. 61. The decrease from 1995 to 2000 was dramatic, and from 2000 to 2005 generally less so; in Gaza, the rate actually increased slightly from 2000 to 2005. Note that the UNRWA statistics are based on information from refugees who chose to visit UNRWA facilities; they may not be accurate for all refugees (e.g., some wealthier refugees may choose to use government or private facilities).

38. Ibid., pp. 20–22.

39. Schiff, *Refugees*, p. 51.

over the past decade.⁴⁰ In 2007, it received \$53 million of the \$545 million regular budget and employed 647 area staff members.⁴¹ Under its Special Hardship Case program, RSS provides welfare assistance—food, shelter, rehabilitation, and cash assistance—to approximately 6 percent of the 4.5 million registered refugees (mostly elderly persons, female-headed households, and the disabled). In addition, RSS:

- provides material support to community-based social services; as of the end of 2007, these included 65 women’s program centers and 39 community rehabilitation centers,⁴² with one of the latter, the Rehabilitation Center for the Visually Impaired in Gaza, being directly operated by UNRWA;
- provides access to subsidized credit (loans to help the disadvantaged extract themselves from poverty); and
- maintains, updates, and preserves records related to all registered refugees.⁴³

The history of UNRWA’s attempts to rectify its ration rolls (discussed in detail in the next chapter) highlights some of the problems with which RSS has had to contend, especially the differing demands of refugees, host countries, and donors. With greatly reduced funding (as a proportion of the overall budget), RSS has had to focus on the most destitute refugees. To the program’s credit, it seems to be doing so in a number of reasonably creative ways, leveraging refugees’ own abilities via the women’s and rehabilitation centers, as well as granting minor, subsidized loans for projects such as shelter improvement and very small enterprises.⁴⁴

Another key RSS undertaking is well on its way to completion—the Palestine Refugee Records

Project, designed to computerize all refugee registration records and make them accessible via an intranet called the Refugee Records Information System. As of 2006, some 6.2 of 11 million refugee family records had been scanned in to the system.⁴⁵ UNRWA’s 2008–2009 program budget shows that by the end of that period, the agency intends to accomplish the following: have the intranet functioning in all its fields of operation; computerize all of the refugee records (which the budget estimates to number more than 16 million), with 6 million of the computerized documents linked electronically to the specific registered refugees whom they concern; make the electronic documents available to authorized researchers; and issue individually numbered identity cards to 3.6 million (of the projected 4.8 million) refugees.⁴⁶ The individual cards and numbers (replacing the family-based system of past years) combined with the new computerized system should make it easier to determine who is using UNRWA services, and how often.

Microfinance and Microenterprise Program

Making small loans to refugees in order to promote self-reliance and reduce the relief rolls was part of UNRWA’s plans from shortly after its inception. In 1950–1951, the agency offered interest-free loans (up to \$5,000 over three years) to refugees who were able to propose economically feasible entrepreneurial plans, with the intent that recipients would be off the ration rolls within six months. The loans, made only in Jordan during the first year, were modestly successful—a laundry list of enterprises were funded, from beekeeping to upholstery, but few people were removed from the rolls by the end of the reporting year.⁴⁷

40. “UNRWA in Figures,” various dates.

41. *Ibid.*, December 31, 2007.

42. *Ibid.*

43. See *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, 1 January–31 December 2006* (New York: UN, 2007), paragraphs 80–87; available online (www.un.org/unrwa/publications/pdf/ComGen-AR2006.pdf).

44. *Ibid.*

45. *Ibid.*, paragraph 80(k).

46. UNRWA, “Programme Budget 2008–2009,” pp. 80–81.

47. UNRWA Annual Report, June 30, 1951, paragraphs 88–89. Available online (<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/8d26108af518cc7e052565a6006e8948?OpenDocument>).

The following year, the small loans became part of a group of initiatives called the “New Program.” Although UNRWA expanded the individual loans to refugees in Syria, it was already moving toward a somewhat different model. By mid-1951, the agency had spearheaded the creation of a non-UNRWA institution to deal with such loans in Jordan: the Jordan Development Bank. The country’s government and commercial banks each contributed about 10 percent of the capital, with the remaining 80 percent coming from UNRWA.⁴⁸ The new bank’s loans were larger than the individual loans, and recipients were required to employ Palestinian refugees.⁴⁹ Meanwhile, the individual loans were increasingly spoken of as “loans-grants.”⁵⁰ The agency’s 1952 annual report stated that not more than 50 percent of outstanding “reintegration loans” were expected to be repaid,⁵¹ suggesting that the individual loans were of the “soft” variety. In contrast, the Jordanian Development Bank loans were dealt with in a more business-like manner.⁵² Thus, the individual loans seem to have been a forerunner of the RSS’s present-day subsidized loans, while the Jordanian Development Bank loans were a forerunner of the Microfinance and Microenterprise Program loans.

The present-day MMP began operations in 1991, making a few hundred loans per year to existing and new small enterprises in Gaza and the West Bank. In 1994, the loan portfolio in Gaza was expanded to include “solidarity group lending,” which meant loans to female microentrepreneurs. In the next few years,

similar loans were made available to male microentrepreneurs as well, and a new short-term loan product for consumers was also introduced. The total value of MMP’s disbursed loans peaked at about \$14 million in 2000 but was severely reduced after the outbreak of the second intifada, falling to about \$5 million in 2002, when Israel reoccupied the West Bank.⁵³

MMP was expanded to Jordan and Syria in spring 2003, and the number and value of loans began to recover.⁵⁴ Housing loans were introduced in Gaza in 2006,⁵⁵ and UNRWA indicated that it would extend such loans to the West Bank, Jordan, and Syria as well.⁵⁶ However, Hamas’s victory in the 2006 legislative elections—followed by the group’s refusal to meet the three diplomatic conditions mandated by the Quartet (i.e., the UN, European Union, United States, and Russia), the resultant boycott by the donor community, and the fighting between Hamas and Fatah—led to economic disaster in Gaza, with disbursement of MMP loans declining precipitously.⁵⁷ Given the June 2007 Hamas coup in Gaza and subsequent isolation of the territory by Israel and Egypt, it is unlikely that MMP has recovered there, though expansion in the West Bank, Jordan, and Syria has likely continued.

A close reading of MMP’s own literature raises questions about two key issues: (1) the program, whose creation was subsidized by UNRWA donors, is now in competition with local lenders, including microfinanciers,⁵⁸ and (2) MMP does not restrict its services to Palestinian refugees.⁵⁹ Regarding the first

48. UNRWA Annual Report, June 30, 1952, paragraphs 45–46, 58, 59(3), 68(a), and 72 (available online at <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/0e598b25ff3267e20525659a00735ea7!OpenDocument>); UNRWA Annual Report, June 30, 1954, Annex C, paragraph 22 (available online at <http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/29b65fb0fee24daa052565a10059d678!OpenDocument>).

49. UNRWA Annual Report, June 30, 1961, paragraph 87. Available online (<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/baa812f983ab379e05256592005ffe27!OpenDocument>).

50. *Ibid.* See, for example, paragraphs 14(d), 16, 18, 19, 86, and 152.

51. UNRWA Annual Report, June 30, 1952, note 1(b) to the financial statements.

52. For example, the UNRWA would take defaulters on these larger loans to local court (as MMP now does) rather than simply writing them off. See UNRWA Annual Report, June 30, 1954, annex G, paragraph 7.

53. MMP, “12 Years of Credit to Microenterprise: Annual Report for the Year Ending 31 December 2003.” Available online (www.un.org/unrwa/publications/pdf/mmp_ar2003.pdf).

54. *Ibid.*, pp. 6–7.

55. UNRWA Annual Report, June 17, 2007, paragraph 88(d). Available online (<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/d40c170cf80735ec8525734e006e2302!OpenDocument>).

56. UNRWA, “Programme Budget 2008–2009,” p. 98.

57. UNRWA Annual Report, June 17, 2007, paragraphs 89, 90, 92 and Figure 5.

58. MMP, “12 Years of Credit,” p. 7. The pie chart shows UNRWA holding a 56 percent market share of the “outstanding [microfinance] loans in West Bank and Gaza,” and the text notes that MMP “continued to outperform its market competitors” in 2003.

59. *Ibid.*, p. 4. MMP’s mission statement refers to “Palestine refugees, and other proximate poor and marginal groups”; it also mentions concentrating on areas “with a highly localized density of Palestinian refugees.”

issue, it is unclear whether MMP is taking business from private banking services or expanding the market for microloans to new borrowers. Regarding the second, it is unclear whether UNRWA should be engaged in providing loans to nonrefugees. In the author's experience with the agency, the majority of loans in Syria (and perhaps in Jordan as well) seemed to be going to individuals who were neither refugees nor Palestinians. One explanation for expanding loan eligibility to such individuals is that programs like MMP might not be economically sustainable if they relied solely on refugee clientele (a particular possibility in Syria, where refugees constitute a relatively small proportion of the population).

Infrastructure and Camp Improvement Unit⁶⁰

The recently established Infrastructure and Camp Improvement Unit program is designed to systematically improve conditions for refugees remaining in camps, mainly through urban planning, input from residents, and increased resources for construction of housing ("shelters" in UNRWA parlance) and camp infrastructure (e.g., sewers, streets, mosques).⁶¹ Of course, UNRWA already had many of the capabilities required for the new program: design units, environmental health programs, established coordination with municipal authorities concerning the building of sewage systems, experience with shelter repair/replacement/rehabilitation, and a history of building large numbers of new shelters (the last experience sometimes acquired as a result

of disasters, such as warfare⁶²). Thus, the unit's creation is not so much a taking on of new activities, but rather a decision to better organize and expand existing activities.

The idea of creating such a program was suggested at UNRWA's 2004 conference in Geneva, where donors encouraged the agency to develop a more comprehensive approach to camp development and rehabilitation. In response, UNRWA, with assistance from a German university, launched the new unit. Initially, it focused on the nineteen West Bank camps, examining three of them in depth and producing three-dimensional models of all nineteen. These models were to be shared with "camp representatives, NGOs and under-represented social groups," whose views UNRWA would consider in developing a master plan for camps in all five of its fields of operation.⁶³ Such an approach would be useful—and presumably is being used—in the planned rebuilding of the Nahr al-Bared camp in Lebanon, which one agency official called "the single largest project in UNRWA's history."⁶⁴

It is uncertain whether the Infrastructure and Camp Improvement Unit will become a full-fledged UNRWA program, as MMP eventually did. However, with Palestinian refugees seemingly unlikely to be permitted to "return" to Israel in large numbers in the immediate future, UNRWA has every reason to help make the lives of those living in camps more comfortable and more like those of their nonrefugee neighbors. A program offering a holistic approach to camp development and infrastructure would contribute to that end.

60. This program is also referred to as the "Infrastructure and Camp Improvement Department," though that may be a mistake. Compare pp. 31 and 32, UNRWA Public Information Office, *General Fund Appeal, 2008–2009*.

61. Overall, about 30 percent of refugees remained in camps as of the end of 2007 (though the figure is 53 percent in Lebanon); see "UNRWA in Figures," December 31, 2007. The use of the word "shelters" instead of "housing" seems to be a means of emphasizing the temporary nature of these residences, even though they may be quite substantial, with occupants who have resided in them for decades. The term originally referred to tents but now includes a range of accommodations, from unpleasant cinder block rooms (as in most of the camps in Lebanon) to more or less middle-class accommodations (e.g., the recently constructed apartments in the Jenin camp, West Bank).

62. The agency's largest recent shelter-building project was the reconstruction of the Jenin camp after it was heavily damaged during Israel's Operation Defensive Shield in 2002.

63. UNRWA Public Information Office, *General Fund Appeal, 2008–2009*, p. 31.

64. UNRWA, "High Level Donor Delegation Visits Nahr el Bared Camp," press release, February 5, 2008; available online (<http://domino.un.org/unispal.nsf/59c118f065c4465b852572a500625fea/4fedac5380293256852573e70050cd55!OpenDocument&Click=>). See also "UN Seeks to Rebuild Devastated Lebanon Refugee Camp," Agence France-Presse, June 12, 2008; available online (www.reliefweb.int/rw/rwb.nsf/db900sid/KHII-7-FKA4G?OpenDocument). Nahr al-Bared was mostly destroyed during summer 2007, when the Lebanese Armed Forces battled the Islamist group Fatah al-Islam for more than three months before gaining control of the camp.

Emergency Programs

UNRWA funds its emergency programs separately from the regular budget, with segregated contributions to what it calls “Emergency Appeals.” These programs are usually limited to the distribution of uncontroversial aid, such as emergency food, water, tents, blankets, and so forth.

From UNRWA’s standpoint, one danger of Emergency Appeals is donor fatigue. For example, after Hamas’s electoral victory and the subsequent freeze of most international assistance to the Palestinian government, UNRWA issued dire warnings about the humanitarian implications of this development.⁶⁵

The agency’s Emergency Appeal for 2006 requested \$173.1 million to address the issue, and donors met about 80 percent of that goal (\$137.9 million).⁶⁶ Over the next year, conditions in Gaza deteriorated further, and UNRWA’s warnings grew even direr.⁶⁷ Yet, as of November 2007, only 48 percent of that year’s \$245 million Emergency Appeal had been met. Although some of the falloff in donations was undoubtedly caused by disquiet over Hamas’s bloody Gaza coup (not to mention reports of the group stealing international aid, attacking Israel, and suppressing dissent), donor fatigue was likely a factor as well—to outsiders, Gaza seems to be in perpetual crisis.

65. For example, see UNRWA, “UNRWA Commissioner-General Karen AbuZayd: Mass Despair and a Sense of Abandonment in Gaza,” press release, September 7, 2006. Available online (www.un.org/unrwa/news/statements/2006/ComGen_7sep06.html).

66. Calculations based on figures from the “Finances” section of the UNRWA website (www.un.org/unrwa/finances/index.html).

67. For example, see Commissioner-General Karen AbuZayd, “Crisis in Gaza and the West Bank,” speech delivered at the University of Iceland, Reykjavik, March 8, 2007. Available online (www.un.org/unrwa/news/statements/2007/IcelandUniv_Mar07.html).

3 | Key Trends in UNRWA History

AROUND THE END of the 1950s, a number of key trends began to emerge within UNRWA and its work, including several that still continue today:

- The agency's change from a relief and resettlement organization to one focused on relief and "development" (primarily in the sense of education and health services).
- The conflict between UNRWA and its donors over the politicization of relief, namely, the insistence (by host governments and refugees) on the provision of relief rations to all refugees, including those sufficiently well-off to buy their own food supplies. Such demands conveyed a sense of entitlement to relief based on status rather than need.
- The dispute over the content of textbooks used in UNRWA classrooms, driven by the fact that host governments authored these materials while the international donor community funded them.
- The agency's gradual assumption of a new mission: to enhance what its leadership saw as the political, human, and humanitarian rights of Palestinian refugees (and Palestinians generally).
- The continual expansion of the number of refugees entitled to UNRWA assistance. Although this is partly a result of high fertility rates and declining mortality rates (the latter due to UNRWA's well-regarded health services), it is also a function of the agency's changing definition of what constitutes refugee status.

Familiarity with the history of these processes is

necessary for a full understanding of UNRWA's current outlook and activities.

From Relief to Development

The UN resolution that created UNRWA stated the agency's mission as follows:

(a) To carry out in collaboration with local governments the direct relief and works programs as recommended by the United Nations Economic Survey Mission for the Middle East.

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.¹

As described in chapter 1, UNRWA was an operational agency from the outset, meant to replace not only the UN Relief for Palestine Refugees (which had been acting in a coordinating role), but also the various voluntary organizations actually providing relief (primarily the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee). The founding resolution clearly envisioned UNRWA as a temporary organization, established to carry out works and other "constructive measures" that would allow for the cessation of direct relief by the end of 1950.² From this guidance, the agency understood that it was to "evolve a development programme aiming at the economic integration of the refugees in host countries," which would "strengthen the economy of the host countries while providing employment to refugees, and thus make them self-sufficient to a point where their names could be deleted from the relief rolls."³

1. UN General Assembly Resolution 302 (IV), December 8, 1949, paragraph 7.

2. *Ibid.*, paragraphs 5, 6.

3. *UNRWA: A Brief History, 1950–1982* (Vienna: UNRWA, ca. 1983), pp. 59, 97.

Yet both the refugees and the Arab states opposed the prioritization of economic integration and works programs, viewing them as an implicit acceptance of the notion that few, if any, refugees would soon be returning to what was now Israel. Instead, they insisted that priority be given to a different part of Resolution 302 (IV): namely, paragraph 5's declaration that UNRWA activities would be carried out "without prejudice to the provisions of paragraph 11 of General Assembly Resolution 194 (III)." That resolution, issued a year earlier, had declared that "refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date." It was within such a contentious atmosphere that, in May 1950, UNRWA began its mission.

The works programs initially recommended by the UN Economic Survey Mission (dispatched to the Middle East to examine how to deal with the refugee problem) included terracing land for cultivation, forestation efforts, and promoting handicrafts in all five of UNRWA's fields of operation; road construction and irrigation in Jordan, Syria, and Lebanon; and school construction in Jordan.⁴ UNRWA intended to implement those recommendations by putting refugees to work, thereby weaning some 100,000 of them from dependence on the relief rolls. By October 1950, however, the Survey Mission was reporting that job opportunities were few in some areas, that funding was "disappointing," that "both [host] governments and refugees were proving cautious," that the jobs programs "were not as readily started as had been anticipated," and that other Arab governments had shown opposition to

such initiatives.⁵ Meanwhile, the UNRWA director's first annual report argued that the cost of providing employment was five times that of providing relief, and that the works program was not going to resettle significant numbers of refugees or remove them from the relief rolls.⁶

As a result of this disappointing experience, UNRWA changed the program's focus from "works" to "reintegration."⁷ In November 1951, agency director John Blandford Jr. and the UNRWA Advisory Commission proposed a three-year, \$200 million program to "reintegrate" some 150,000–200,000 refugees into their Arab host countries.⁸ This program incorporated some provisions of the old "works" program, such as building homes, establishing villages, and providing "agricultural infrastructure" (e.g., wells, irrigation works, access roads). It also included such activities as helping refugees find work in other locations, providing vocational training for in-demand skills, funding small loans or grants for refugee entrepreneurs, and providing economic development and technical assistance.⁹ The intent was to transfer responsibility for administration of relief to the host governments by July 1, 1952, with the funding for relief thereafter to be gradually reduced, though the General Assembly resolution endorsing the plan was not this specific.¹⁰ Blandford seemed to believe that he had Arab backing for the plan, but in the end only Jordan was willing to accept any responsibility for providing relief to refugees, and only to a minor degree.¹¹

According to UNRWA, when the "reintegration" program was brought to a close in 1957, some \$37.7

4. Ibid., p. 97.

5. *UNRWA: A Brief History*, pp. 97–99. In *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), Benjamin Schiff referred to these programs as "work relief" (see pp. 21, 30–31).

6. UNRWA Annual Report, June 30, 1951, paragraphs 62–63. Available online (<http://domino.un.org/unispal.nsf/9a798adb322aff38525617b006d88d7/8d26108af518cc7e052565a6006e8948!OpenDocument>).

7. The word "reintegration" seems to come from UN resolutions urging "the reintegration of the refugees into the economic life of the Near East, either by repatriation or by resettlement" (e.g., see General Assembly Resolution 393 [V], December 2, 1950). Repatriation was impossible due to Israeli opposition, however, so "reintegration" seems to have been used in such resolutions as a euphemism for "resettlement," to avoid offense to Arab sensitivities on the issue. As Schiff concluded, "behind UN declarations that the refugees were entitled to return to their homes, international planning focused on their resettlement" (see *Refugees*, pp. 4, 20).

8. *UNRWA: A Brief History*, pp. 99–101.

9. Ibid., p. 100. Note that many of these activities foreshadow current UNRWA efforts in the areas of education, housing construction, and microfinance. Schiff described very small-scale attempts to resettle refugees in Libya (apparently not at all successful) and Iraq (limited to some 700 skilled refugees) (see *Refugees*, pp. 33–35).

10. Compare *UNRWA: A Brief History*, p. 99, with General Assembly Resolution 513 (VI), January 26, 1952, paragraph 4.

11. Schiff, *Refugees*, pp. 39–41.

million had been spent and “23,800 names had been permanently removed from the relief rolls.”¹² At that rate, spending the full amount of the proposed \$200 million theoretically would have removed approximately 125,000 names from the rolls—not far from Blandford’s original 1951 target of 150,000–200,000. Despite the apparent potential for success, however, the attempt to reintegrate refugees and remove them from the rolls by creating jobs was, in UNRWA’s words, “a failure.”¹³

In identifying the reasons for this failure, the agency has offered some less than logical explanations, such as the lack of “a Palestine settlement through repatriation and compensation” (as if anyone considered repatriation to Israel a real possibility) and “the unsettled conditions throughout the Middle East” (as if reintegration/resettlement could only occur under “settled conditions”). However, it has also offered some more convincing appraisals, blaming “the restrictive and sometimes even uncooperative attitudes both on the part of some governments and many refugees, and the paucity of financial resources available to implement works programmes on the scale needed.”¹⁴ Similarly, Martin Gilbert argued that the program failed because the Arab states rejected it,¹⁵ while Edward Buehrig concluded that the “overriding obstacle” was the refugees’ insistence on repatriation and their (correct) assumption that “development” equaled “resettlement.”¹⁶ Given UNRWA’s traditional reluctance to criticize host countries or refugees over their opposition to

resettlement, the mere mention of such opposition suggests it was a—if not the—major problem. And if this opposition prevented the agency from spending the funds allocated to it for reintegration, the donors would have been reluctant to advance additional funds, which might explain UNRWA’s reference to “the paucity of financial resources.”

In 1957, the U.S. delegation to the UN—apparently tiring of the resistance to resettlement and the drain on American resources (the United States was supplying some 70 percent of the UNRWA budget at the time)—suggested that UNRWA and the Arab states draft proposals on the refugees’ future after the agency’s authorization ended (then scheduled for 1960).¹⁷ This suggestion was largely ignored. In 1959, UN secretary-general Dag Hammarskjöld called for new investment in the “reintegration” of refugees “into the economic life of the area,” but the Arab states, while “not rejecting the basic principle of economic development, emphasized the right of the refugees to return to their original homeland.”¹⁸ That exchange seems to have been the end of any formal attempts at reintegration/resettlement; UNRWA certainly took it as such. In the end, the agency’s mandate was extended for another three years and has since been similarly extended, most recently until June 30, 2011.¹⁹

Given the Arab and refugee opposition to reintegration/resettlement and Washington’s apparent unwillingness to force the issue,²⁰ UNRWA transformed itself from an agency providing temporary relief while

12. *UNRWA: A Brief History*, p. 101.

13. *Ibid.*, p. 103.

14. *Ibid.*

15. Martin Gilbert, *Israel: A History* (New York: William Morrow, 1998), p. 271. According to Gilbert, the agency’s director resigned as a result of this rejection.

16. Edward Buehrig, *The UN and the Palestinian Refugees* (Bloomington, IN: Indiana University Press, 1971), p. 117. Speaking more broadly of the failure to resolve the refugees’ plight in the 1950s, Buehrig blamed the “unresponsiveness to an economic approach of a problem exclusively political in origin” (p. 113).

17. Harry Ellis, *Israel and the Middle East* (New York: Ronald Press, 1957), p. 131. For an extended discussion of this period of U.S. activism, including State Department proposals to transfer UNRWA responsibilities to host countries, see Peter Hahn, *Caught in the Middle East: U.S. Policy toward the Arab-Israeli Conflict, 1945–1961* (Chapel Hill, NC: University of North Carolina Press, 2004), pp. 250–251.

18. *UNRWA: A Brief History*, p. 104. Milton Viorst recounted the Arab response to the secretary-general as having been less measured, with one spokesman stating, “The refugee problem is not an economic one.... The problem resulted directly from Zionist terrorism and from the policy of the United Nations that led to the creation of Israel.... It follows that the responsibility of the United Nations... must continue until the United Nations can take the necessary measures for the implementations of its resolution providing for the return of the refugees [to what is now Israel].” See Viorst’s *Reaching for the Olive Branch* (Washington, DC: Middle East Institute, 1989), pp. 38–39.

19. See UN General Assembly Resolution 1456 (XIV), December 9, 1959, paragraph 1, and Resolution 62/102, December 17, 2007, paragraph 5.

20. The U.S. interest in continuing to provide aid at the time has been attributed to a number of factors, ranging from a combination of humanitarian impulses and fear of communist influence, to a somewhat similar combination of guilt over supporting the General Assembly’s partition resolution and

arranging resettlement to one committed solely to providing relief and “development” services (primarily education and health care).²¹ Schiff argued that the agency’s subsequent three decades of work were an elaboration of this new paradigm, with several years of routine (until the 1967 Six Day War) followed by a long period of upheaval (the war itself, the resultant Israeli occupation of Gaza and the West Bank, the 1982 Israeli invasion of Lebanon, and, beginning in December 1987, the first intifada).²² In general, this assessment appears to be correct.

Rectification of the Ration Rolls

The principal criticism of UNRWA prior to the first intifada (and still heard today) was that it had become a huge welfare agency, prolonging its beneficiaries’ dependence instead of giving them tools to become self-sufficient.²³ A prime example of the problem was the agency’s funding of food rations to large numbers of refugees who were perfectly capable of providing for their own sustenance. Early on, UNRWA had attempted to differentiate between those who needed rations and those who did not, but its efforts toward that end (e.g., censuses and investigations of need) were hampered by resistance from host countries and refugees. As a result, there was less money for education and health, as well as for truly need-based rations.

To be sure, the proportion of the annual UNRWA budget devoted to relief began to fall as early as the 1960s, thanks to donors’ increased generosity toward other programs.²⁴ And as of 1970, relief was no longer the largest program, having been supplanted by

education, which since then has taken the lion’s share of UNRWA’s regular budget.²⁵ The manner in which UNRWA eventually changed the basis for its provision of rations is an instructive story, reflecting the agency’s difficulties in resolving a conflict between (1) the donors’ desire for a need-based humanitarian program using objective criteria to determine entitlement, and (2) the refugees’ demands (supported by host countries) for the continuation of a status-based political program with more-or-less automatic entitlement.

On at least one occasion—in 1965—the criticism that UNRWA was fostering dependence by providing unnecessary rations led the United States to cut its donation level.²⁶ Still, the refugees, including UNRWA local staff, insisted that general distribution of rations continue, viewing the program as a guarantor of recipients’ well being, as “an acquired right,” and as a reflection of the international community’s political commitment to them.²⁷ It was clear from the beginning that rations were not desperately needed by all UNRWA beneficiaries—some refugees, for example, sold or “rented” their ration cards to merchants, who then collected the extra rations and resold them on the open market.²⁸ Yet, as mentioned previously, the agency was unable to investigate individual beneficiaries’ circumstances due to opposition from host countries. Some host governments were more cooperative than others. Lebanon, for example, shared information from its 1962 census with UNRWA, while Egyptian authorities in Gaza granted the agency access to some birth and death records; Jordan and Syria were less helpful, however.²⁹ In 1965, UNRWA commissioner-

fear that deprived Palestinian refugees would become radicalized. Compare Hahn, *Caught in the Middle East*, p. 110, and David Forsythe, “UNRWA, the Palestine Refugees, and World Politics: 1949–1969,” *International Organization* 25, no. 1 (Winter 1971), pp. 39–40. In addition, the UN secretary-general apparently told the United States that abolishing UNRWA would “raise all Arabs in arms” (Hahn, p. 251).

21. Schiff, *Refugees*, p. 9; *UNRWA: A Brief History*, p. 104.

22. Schiff, *Refugees*, pp. 48–81.

23. *Ibid.*, p. 52.

24. Until 1970, the main donors were the United States (68 percent of all donations) and Britain (16 percent); the United States continued to contribute at least twice as much as any other donor until 1987. *Ibid.*, pp. 115–117.

25. *Ibid.*, table at pp. 51–52 for the years through 1990; for more recent figures, see the “Finance Archive” section of the UNRWA website (www.un.org/unrwa/finances/archive.html).

26. Thomas Brady, “Arab Refugees Still Yearn for Their Home,” *New York Times*, March 21, 1966, p. 1. See also Schiff, *Refugees*, p. 54.

27. Schiff, *Refugees*, pp. 170–172.

28. Brady, “Arab Refugees,” p. 1. Eventually, Jordan, with some American prodding, acted to halt this practice. See Hermann Frederick Eilts, “How Many Palestine Refugees?” (letter to the editor), *American Diplomacy* 4, no. 2 (Spring 1999); available online (www.unc.edu/depts/diplomat/AD_Issues/amdipl_11/letters_11.html).

29. Buchrig, *The UN*, pp. 127, 135–137.

general Lawrence Michelmore reported that he had offered a compromise to the host countries: if they would allow investigations and a “rectification” of the ration rolls, he would agree to expand the definition of “refugee” by eliminating the requirement for two years’ residency in Mandatory Palestine, by permitting a third generation of refugees to be added to the rolls, and by allowing the addition of certain “other claimants” (e.g., frontier villagers, Bedouins, residents of Gaza and Jerusalem who fell under a given poverty line). This offer was rejected.³⁰

Governments in some fields were more cooperative than in others (e.g., information from a 1962 Lebanon census was shared with UNRWA, and the Egyptian authorities in Gaza at least gave UNRWA access to some birth and death records, while Jordan and Syria were, again, less helpful), but the bottom line was that UNRWA was unable to rectify its relief rolls.³¹ In the face of such resistance, UNRWA began capping the total number of refugees served by the program, first in Jordan (1951) and then elsewhere (1963).³² Of course, capping was an unsatisfactory solution—some refugees who did not need rations continued to receive them while others who actually needed the rations were sometimes refused.

The beginnings of systematic reform in the distribution of rations came after Israel occupied the West Bank and Gaza in 1967. Unlike other governments, Israel was willing to cooperate with UNRWA

on rectifying the rolls, making the delivery of rations in the territories better aligned with need.³³ Another development spurred further change in the system—in February 1978, UNRWA ran short on funding and was unable to continue providing full rations in all its fields of operation. As a result, it reduced the ration allowance of flour by one-third. Then, in June, it created a special category of refugees in Jordan who were entitled to the full ration allowance—the earliest incarnation of the “Special Hardship Cases” mentioned in the previous chapter, a designation for refugees who truly needed relief.³⁴ This special category was soon expanded to include all UNRWA territories, effectively creating two classes of refugees. Then, when Israel invaded Lebanon in 1982, UNRWA “suspended” the reduced rations of those refugees who were not in need, claiming that the move was a temporary measure that would allow it to provide emergency assistance to refugees in Lebanon. In reality, the reduced rations were never reinstated.³⁵

Today, UNRWA provides rations and other welfare only to those who have provided evidence of need (i.e., Special Hardship Cases) or who reside in areas undergoing an emergency (at the moment, these areas include Gaza and Nahr al-Bared camp near Tripoli, Lebanon). Thus, the political argument casting rations as an entitlement to all those on UNRWA’s rolls has been discarded, and the distribution of rations is now based, as a matter of policy, on need.

30. Schiff, *Refugees*, pp. 24, 53–54. It is unclear what exactly the commissioner-general was offering with regard to the “other claimants,” given that at least some of them were already receiving services, according to UNRWA officials. See Christine Cervenak, “Promoting Inequality: Gender-Based Discrimination in the UNRWA’s Approach to Palestine Refugee Status,” *Human Rights Quarterly* 16 (May 1994), note 53 and associated text. Perhaps the offer was to allow additional registrations of such claimants. Lex Takkenberg indicated that in the 1950s, UNRWA was providing services to some persons who had lost homes on the Arab side of the armistice line, not just the Israeli side. If Takkenberg is correct, then perhaps Michelmore was offering to expand services to individuals who had not lost their homes at all. See *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), p. 75, n. 109. In any event, and despite donor hostility to adding “other claimants” (see Takkenberg, p. 73), UNRWA allows frontier villagers, Jerusalem poor, and Gaza poor the same status as Palestine refugees, except that new registrations are not permitted. As to granting refugee status to the third generation, that was done later (as well as for the fourth and future generations), apparently without any quid pro quo on the part of the refugees or the host countries. For example, see UNRWA Consolidated Eligibility and Registration Instructions (UNRWA Department of Relief and Social Services, June 2006) (hereinafter “2006 CERI”), p. 2. For more on the issue of “other claimants” and third-generation refugees, see the “Expansion of Refugee Rolls” section later in this chapter.

31. Buchrig, *The UN*, pp. 127, 135–137.

32. *Ibid.*, p. 127.

33. Schiff, *Refugees*, p. 54. At least one UNRWA official claimed that even Israel was not as cooperative as it could have been (p. 171).

34. *Ibid.*, p. 55.

35. *Ibid.*, p. 56. For each of the next ten years, the General Assembly urged UNRWA to revive the suspended rations, reflecting the differing interests of the UN and the donors. See, e.g., UN General Assembly Resolution 37/120 (F), December 16, 1982. As late as 1997, the UNRWA commissioner-general reported to the UN offices in New York that he was still being “mobbed by requests to reinstate the general food distribution.” See Peter Hansen, statement to the Special Political and Decolonization Committee, United Nations, New York, November 24, 1997; available online (www.un.org/unrwa/news/statements/archive/spdc-nov97.html).

Controversies over Textbooks

Before 1967, UNRWA schools in Syria, Jordan, and Egypt used the government textbooks of their respective host countries, with the encouragement, if not insistence, of said governments.³⁶ This made considerable sense in theory, particularly after the agency's 1963 cuts in secondary schooling.³⁷ That is, if UNRWA students were to be transferred to government schools for secondary education, it followed that they would be most easily and efficiently prepared if UNRWA's primary and preparatory schools used government curricula. Yet these government textbooks were marred by their political content.

Israel had complained about the content of UNRWA textbooks prior to 1967,³⁸ but only after taking over the West Bank and Gaza did it make a serious issue of the matter. In response, Commissioner-General Michelmore admitted that agency schools were supporting a "bitterly hostile attitude to Israel."³⁹ At the same time, he asserted that this practice was not "the principal factor" in the refugees' hostility toward Israel. Moreover, he argued, the benefits of integrating UNRWA schools with those of host countries were greater than the benefits of producing a "politically innocuous system of education"—particularly given UNRWA's lack of "competence in political matters" and the likelihood that creating such a system would result in a "direct collision with the host countries." The director-general of the UN Educational, Scientific and Cultural Organization (UNESCO)—which had provided technical educational assistance and several senior staff members to UNRWA since the 1950s⁴⁰—was less sanguine

about the UN supporting bitter hostility toward Israel. He refused to associate UNESCO with Michelmore's response.⁴¹

The upshot of the textbook contretemps was that UNESCO appointed a "Commission of Outside Experts" to examine each textbook used in UNRWA schools and to recommend continued use, modification, or withdrawal. The commission did as it was asked, but the host countries and Israel did not always accept the recommendations, leading to considerable confusion in the UNRWA educational system (except in Lebanon, as noted previously).⁴² During the author's own more recent experience with the textbook issue and the UNRWA Department of Education, there were no references to UNESCO examination of textbooks—over the years, apparently, the agency had reached *modi vivendi* on the issue with Israel, the host governments, and the Palestinian Authority (for a detailed account of more recent textbook-related controversies, see chapter 5).

Protecting and Advancing Palestinian Political Rights

As noted earlier, UNRWA was established as a temporary and purely humanitarian agency designed to respond to the refugee situation created by the events of 1948–1949. There is no evidence that the United States, credited as the agency's principal founding force and predominant financial supporter, intended it to become a factor in the political aspirations of Palestinian refugees.⁴³ The process by which UNRWA became just that was gradual—but, in retrospect, not surprising.

36. Lebanon was not as concerned about controlling textbooks, and UNRWA was freer to make its own choices there. See Buehrig, *The UN*, p. 154.

37. Schiff, *Refugees*, p. 62. With the exception of Lebanon, UNRWA secondary schooling ceased entirely after the 1992–1993 school year. See *Statistical Yearbook, 2004–2005* (UNRWA Department of Education, September 2006), p. 11, table 3.

38. Schiff, *Refugees*, p. 63.

39. Buehrig, *The UN*, p. 155–156.

40. See, UNRWA/UNESCO, "Annual Report, Department of Education, 2004–2005," pp. 1–2, 62.

41. Buehrig, *The UN*, p. 157. One could argue that the UNESCO director was able to take such a stance in part because he was less subject to pressure from host countries.

42. *Ibid.*, pp. 161–165. Noting the unlikelihood of a host country presenting a fully neutral and impartial text, the commission, seemingly going beyond its official mandate, suggested that UNESCO produce its own books for use in UNRWA schools.

43. On U.S. involvement in UNRWA's creation, see Forsythe, "UNRWA, the Palestine Refugees, and World Politics," p. 28, and Hahn, *Caught in the Middle East*, p. 108. Regarding terminology, UNRWA refers to its beneficiaries as "Palestine refugees," a geographically based term designating refugees from areas of the former Mandatory Palestine. This term originally included both the few thousand Jewish and the hundreds of thousands of non-Jewish (almost all Arab) refugees. In 1952, Israel took responsibility for refugees on its side of the 1949 armistice line—they have long been officially integrated into the state of Israel and are simply "Israelis." Thus, UNRWA's beneficiaries are now generally referred to—though not by UNRWA—as "Palestinian refugees."

In the 1950s, UNRWA's objectives and views were not always aligned with those of the refugees. As discussed earlier, the initial push toward "reintegration," while apparently accepted by some refugees, was not favored by the majority. And the agency and its beneficiaries were at odds on the issue of need-based versus politically based rations even as late as the 1980s (though UNRWA's policy on this issue was influenced by U.S. financial pressure). Moreover, the agency was not inclined to take political sides in the Arab-Israeli or Israeli-Palestinian wars of words during its early years.

UNRWA's original emphasis on reintegration was discarded in the late 1950s, however, alleviating one of the primary reasons for tension between the agency and its beneficiaries, most of whom still desired to return to what had become Israel. Funds for reintegration were discontinued in favor of, or transferred to, more popular initiatives such as education, health, welfare, and shelter-building.⁴⁴ And as is the case with most aid bureaucracies, the UNRWA administration tended to have a better understanding of the views of those it was meant to serve—and, eventually, to sympathize and even identify with those views. This was obviously true of the "area staff" (mostly Palestinian refugees) from the start, but it came to characterize the leadership of the international staff as well, particularly after the agency's tasks changed from resettling refugees

to protecting them.⁴⁵ Along with UNRWA's initial response to Israeli criticism of its "bitterly hostile ... to Israel" textbooks, discussed earlier, several prominent examples of this trend emerged over the years:

- In 1964, the agency permitted its staff to attend the Palestine National Congress in Jerusalem—where the Palestine Liberation Organization (PLO) was established—despite UN and UNRWA rules against political activities.⁴⁶
- After the 1967 war, UNRWA took on the responsibility of protesting Israel's demolition of Palestinian housing in the newly occupied territories. It also proposed a UN presence to protect civilians from the Israeli military, echoing several Palestinian leaders.⁴⁷
- From 1975 to 1982, the agency's Siblin Vocational Training Center outside Sidon, Lebanon, was occasionally under the control of the PLO, which used it for various improper activities (e.g., retooling and storing weapons, housing PLO personnel and equipment, indoctrinating students). Although senior UNRWA international staff were aware of at least some of these activities, they made no public protestations. Instead, UNRWA chose to rely on the private assurances of the PLO that the activities had been halted. The agency's own area staff—cowed by,

44. Schiff, *Refugees*, pp. 46, 48–49. The differentiation between reintegration and other initiatives is somewhat artificial, given that expenditures on the latter allowed refugees to integrate themselves into host-country economies (except in Lebanon, where most refugees were intentionally excluded from the local economy). Refugees have not been oblivious to this fact—e.g., some have agonized over the conflict between living better lives in newer "shelters" (such as the middle-class-style apartments in the recently reconstructed Jenin camp) and living uncomfortably in order to better justify repatriation to Israel. See Stephen Farrell, "Gunmen Drive British Builders out of Jenin," *Times* (London), June 17, 2004; available online (www.timesonline.co.uk/tol/news/world/article446236.ece). Over time, living better lives seems to have won out; e.g., UNRWA eliminated tents as permanent shelters in 1961 (Schiff, p. 49). But in a November 22, 1996, statement to the UN in New York, the UNRWA commissioner-general expressed frustration at the refugees' equating of a program for improved education and health with resettlement (statement available online at www.un.org/unrwa/news/statements/archive/spdc-nov96.html). Other such expressions of resistance to resettlement have been noted by journalists; e.g., one observer found that refugees in Burj al-Barajneh camp in Lebanon had moved from tents "to asbestos roofs, but concrete roofing is illegal, because it is viewed as a symptom of staying forever" (Vinita Bharadwaj, "Their Destiny Lies in Camps," *Gulfnews.com*, May 15, 2008; available online at http://archive.gulfnews.com/indepth/nakba/more_stories/10213327.html).

45. For instance, Commissioner-General Karen AbuZayd, in comparing the history of the 1948 Arab-Israeli war with the present-day Israeli conflict against Hamas and the other rejectionist Palestinian parties, recently stated, "[T]here is a striking historical continuity in the systematic approach to use overwhelming and disproportionate force in the name of security; to separate and exclude Palestinians from the mainstream; to eject them from their land; and to occupy Palestinian land....[T]hat was the sequence of events in 1948. The very same sequence defines Palestinian reality today." See "Crisis in Gaza and the West Bank," speech delivered at the University of Iceland, Reykjavik, March 8, 2007. Available online (www.un.org/unrwa/news/statements/2007/IcelandUniv_Mar07.html).

46. Schiff, *Refugees*, p. 102. A subsequent letter from the Legal Counsel of the United Nations in New York ensured that similar permission was not granted in later years. *Ibid.*

47. *Ibid.*, pp. 191–203.

or sympathetic to, the well-armed PLO—offered similar assurances.⁴⁸

During the mid-1980s, relations between UNRWA and Israel deteriorated. The agency grew increasingly determined to assert the inviolability of its facilities, including schools, against Israeli soldiers; for their part, the Israelis were increasingly determined to arrest stone-throwers and the like. UNRWA established vehicle patrols in the hopes that their presence would shield Palestinians in these confrontations.⁴⁹

The first intifada, which broke out in December 1987, inevitably spurred more UNRWA efforts to defend the largely unarmed Palestinians. When the UN sent Undersecretary-General Marrack Goulding to assess conditions in Gaza and the West Bank, his report—written in close collaboration with UNRWA’s commissioner-general, Giorgio Giacomelli, and its legal advisor, Surya Sinha—addressed how Palestinians in those territories might best be protected. After rejecting physical protection by a UN military force as politically unlikely, the report suggested three alternatives: legal mechanisms (primarily via the International Committee of the Red Cross), general assistance (i.e., UN intercession with Israeli authorities), and “publicity” (i.e., ensuring that international media had “unhindered access to events”). Based on the report, the secretary-general requested that UNRWA focus on providing general assistance, expand its activities to provide protection to refugees and nonrefugees alike (“on an emergency basis and as a temporary measure”), and hire more international staff for this purpose. In Schiff’s view, these developments served as the “formal

basis” for expanding UNRWA’s mandate to include “protection,” as well as to encompass all Palestinians, whether refugees or not—in other words, “exactly the mandate” the commissioner-general wanted.⁵⁰

The additional international staff necessary to implement UNRWA’s protection mandate consisted of twenty-three refugee affairs officers, or RAOs (thirteen in the West Bank, ten in Gaza), and two legal officers, or LOs (one in each territory). Formally, the RAOs were given a number of observation and reporting tasks requiring them to circulate throughout UNRWA’s area of operations in the West Bank and Gaza. Informally, they were to be agents of “general assistance” protection to Palestinians, tempering Israeli actions by their presence or, if necessary, intervening directly, and in either case comforting the Palestinians. Similarly, the LOs were intended to provide on-the-spot legal assistance in the territories, to prevent interference with UNRWA operations and premises, to deal with the occupation authorities as necessary, and to draft protests to those authorities. In some cases RAOs became noticeably hostile in their relations with the Israeli military. Both RAOs and LOs assisted in collecting and collating information on protection issues, which was then publicized in reports or otherwise made available to the media.⁵¹

Seemingly, the end of the first intifada, the publication of the Oslo agreements, and the signing of the Interim Self-Government Arrangements rendered the RAOs superfluous.⁵² Yet the mandate to protect Palestinians, and the accompanying sense of being joined with the Palestinians against Israel, remained a part of UNRWA’s culture.⁵³ Shortly after the outbreak of

48. *Ibid.*, pp. 105–108.

49. *Ibid.*, pp. 221–224.

50. *Ibid.*, pp. 227–229. This “formal basis” already existed in part as early as General Assembly Resolution 37/120 (J) of December 16, 1982, which urged “the Secretary-General, in consultation with [UNRWA] ... to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestine refugees in the occupied territories.” Given the violence of the first intifada and the resultant rebuke of Israel in Security Council Resolution 605 of December 22, 1987 (in which Israel’s act of opening fire on “defenseless Palestinian civilians” was deplored and the secretary-general was asked to report on how Palestinians generally, not just refugees, might be protected), the secretary-general and UNRWA were emboldened to implement for all Palestinians what the General Assembly had been urging them to do for the refugees since 1982.

51. *Ibid.*, pp. 232, 251–262.

52. The RAO posts were discontinued, though the two LOs, who had come to advise the field directors on legal matters well beyond intifada-related issues, were retained.

53. From 1982 to 1993, each annual General Assembly resolution on UNRWA operations contained a section on “Protection of Palestine refugees.” After 1993, these resolutions referred to “the valuable work done by the refugee affairs officers of the Agency in providing protection to the Palestinian people,

the second intifada in 2000, the RAO positions were effectively re-created in the form of operations support officers (OSOs). As before, the formal duties of OSOs included observing and reporting. The United States, which funded most of the OSO positions, insisted that their responsibilities extend to inspecting UNRWA facilities to ensure they were not being misused, as in the previously mentioned Sibling Vocational Training Center episode. However, their principal duties were to provide “general assistance” protection and to facilitate passage of UNRWA cargo and personnel through Israeli checkpoints (though those duties largely ended for Gaza OSOs following Israel’s 2005 withdrawal from that territory).

To the extent that their presence ensured proper behavior on the part of the Israel Defense Forces (IDF), RAOs and OSOs served the interests of both Palestinians and Israel. In at least one case, OSO reports led Israeli authorities to investigate and convict an IDF soldier for mistreating a Palestinian civilian. However, OSO inspections of individual UNRWA facilities for misuse were infrequent due to the large number of such facilities. And even when discovered, some abuses were not easily remedied—for instance, teachers in UNRWA schools were often afraid to remove posters glorifying “martyrs” (including suicide bombers) for fear of retribution from armed supporters of the “martyrs.”

UNRWA’s support of Palestinian views was notable throughout the second intifada. Although it occasionally issued mild, pro forma criticisms of Palestinian attacks (most of which were clearly war crimes), the

agency put more effort into criticizing Israeli counterterrorism efforts (which were condemned using language associated with war crimes, though any such crimes were far from proved). This trend has endured well beyond the intifada. In a typical example, Palestinians in Gaza launch a terrorist attack against Israelis—often a rocket strike on civilian targets, a war crime. This leads to an IDF attack on the terrorists, during which Palestinian civilians (among whom the terrorists place themselves) are killed or injured. UNRWA then lodges a protest condemning “Israel’s disproportionate, indiscriminate and excessive use of force, as well as the firing of rockets from Gaza into Israel,” naming the aggressors only as an afterthought.⁵⁴ If, however, there is no Israeli military response, the Palestinian terrorism normally passes without UNRWA comment.⁵⁵ UNRWA never seems to acknowledge that Israel, since its 2005 withdrawal from Gaza, has launched strikes on the territory largely in order to halt rocket attacks and other assaults. In fact, the agency has sometimes stated just the opposite. In an October 5, 2007, speech at the University of Tokyo Public Forum, Commissioner-General AbuZayd asserted that Gazans “have absorbed—and continue to experience—military incursions in which civilian lives, livelihoods and property have been destroyed, and to which they have responded with the continuous firing of Qassam rockets into Israel.”⁵⁶

After Yasser Arafat’s death in 2004, and as the second intifada wound down, UNRWA was confronted with two competing Palestinian political viewpoints: (1) that of the Palestinian Authority (PA) (principally espoused by Fatah), which, by its assertion, aimed to

in particular Palestine refugees.” For the change in language, see Resolution 49/35 (E), December 9, 1994. The reference to the by-then-long-departed RAOs continued until 2006, after which protection was ascribed to the agency in general; see Resolution 62/104 (E), December 17, 2007.

54. See, for example, remarks by a UNRWA representative in Geneva, paraphrased in a March 4, 2008, press briefing; available online (<http://domino.un.org/UNISPAL.NSF/22f431edb91c6f548525678a0051be1d/27279ccff17292478525740200742a67!OpenDocument&Click=>). See also a March 1, 2008, press release from Commissioner-General AbuZayd; available online (www.un.org/unrwa/news/statements/2008/CGStatement_1mar08.pdf). It is important to understand the legal difference between Hamas rocket attacks directed at civilians (which, because the rockets tend to be highly inaccurate, are indiscriminate) and Israeli attacks directed at combatants. Indiscriminate or civilian-directed attacks are quite clearly war crimes, as stated most explicitly in the 1977 Protocol I Additional to the 1949 Fourth Geneva Convention, articles 51.2, 51.4, 85.3(a) and (b), and 85.5. Yet attacks on combatants are wholly legal unless it becomes apparent to the attacker that civilian casualties will be excessive compared to the military advantage gained, or unless the attacker fails to take feasible measures to minimize such casualties (see article 57.2(a) and (b) to the 1977 Protocol I). Needless to say, UNRWA’s frequent accusations of “disproportionate Israeli military force” are made without referring to, performing, or even being in a position to perform the analysis required by article 57.2.

55. The author does not recall UNRWA ever issuing a protest based solely on the obvious (and much more frequent) Palestinian bombardment of Israeli civilians; Palestinian attacks are almost never described in terms of war crimes and are mentioned only to provide “balance” when protesting Israeli counterterrorism actions.

56. Speech available online (www.un.org/unrwa/news/statements/2007/TokyoUni_5Oct07.html).

reach agreement with Israel on a two-state solution, and (2) that of the rejectionist parties (principally Hamas, though joined by similar elements such as Palestinian Islamic Jihad, the Popular Resistance Committees, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, and so forth), which remained unabashedly determined to conquer Israel. At first, the differences between these viewpoints were sufficiently obscured that UNRWA did not feel obligated to choose between them. For instance, the public position of both factions, as well as of the Palestinian people (according to opinion polls), was in favor of a national unity government between the PA and Hamas. Thus, when the Quartet—which includes UNRWA's two main donors (the United States and European Union) and the UN itself—refused to deal with the Hamas government after the party's January 2006 electoral victory,⁵⁷ UNRWA chose to protest the boycott and offer political support to the group.⁵⁸ In the agency's view, the fact that the Palestinians had elected a Hamas government meant that the West's refusal to fund that government (even though it was dedicated to the destruction of Israel) was somehow undemocratic, punishing Palestinians for their choice at the ballot box.⁵⁹

Once a national unity agreement was announced on February 8, 2007, the UNRWA commissioner-general reiterated her previous calls for an end to sanctions, even though the conditions set by the Quartet were far from met by the agreement.⁶⁰ The

Quartet did not end its aid embargo, however. And, in any event, the national unity government was soon weakened by internecine fighting, collapsing completely in June when Hamas staged a bloody coup in Gaza, killing or maiming many prominent Fatah leaders and driving others out of the territory. The PA then created an emergency government (excluding Hamas) in the West Bank. Since then, the international community has isolated the Hamas statelet in Gaza while delivering huge aid increases to the PA government in the West Bank.

Despite the uniformly negative reaction to the violent coup in Gaza, UNRWA continued its campaign to convince the West, particularly Europe,⁶¹ to “encourage” and “engage with” Hamas. Indeed, even as the group was finishing off the remnants of Fatah in Gaza, the commissioner-general attributed the “internal conflict” not to Hamas's violent, totalitarian nature or its refusal to meet the Quartet's conditions, but rather to the West's “imposition of comprehensive international sanctions on the Palestinian Authority.”⁶² And in fall 2007, with Hamas still staging attacks, still tightening its grip on Gaza, and still unwilling to renounce its determination to eliminate Israel, UNRWA continued to urge the West to treat Hamas and Fatah equally:

With every act of violence or intimidation by one Palestinian against another, the gulf between the West Bank and Gaza widens. And with every partisan word or action that we as an international community offer

57. As mentioned previously, Hamas had declined to acquiesce to the Quartet's three conditions: abjuration of violence, recognition of Israel, and acceptance of previous PA agreements with Israel.

58. See “UNRWA Commissioner-General Karen AbuZayd: Mass Despair and a Sense of Abandonment in Gaza,” press release, September 7, 2006, opining that the UN should “encourage” and “engage with” Hamas rather than isolate it; available online (www.un.org/unrwa/news/statements/2006/ComGen_7sep06.html). The commissioner-general also warned of the “tragic results if we continue on the present path of strangling the Palestinian population [refusing aid to the Hamas-dominated government], isolating particular actors [Hamas], frustrating governance in the occupied territory or fomenting factional strife [favoring Fatah over Hamas].” See “Palestine Refugees: A Challenge for the International Community,” keynote address at the Friedrich Ebert Foundation, Berlin, October 10, 2006; available online (www.un.org/unrwa/news/statements/2006/ComGen_keynote_10oct06.html).

59. For example, see the commissioner-general's speech at the Middle East Institute's Sixtieth Annual Conference, Washington, D.C., November 13, 2006. Available online (www.un.org/unrwa/news/statements/2006/MEI_AnnualConf_nov06.html).

60. During her March 8 speech in Reykjavik, she suggested, “If [the international community] is to regain credibility [with Palestinians] and work towards peace, two things are required: an end to the [Quartet] embargo, and an end to the partisan approach to denouncing violence and to blaming the victims [i.e., the Palestinians].” See AbuZayd, “Crisis.” She made similar remarks during an April 27 speech in Brussels (available online at www.un.org/unrwa/news/statements/2007/PolSecCom_27Apr07.pdf).

61. In her April 27, 2007, Brussels speech, the commissioner-general highlighted differences between a few European countries and the United States, praising the former for their steps toward ending Hamas's isolation.

62. Karen AbuZayd, speech to the UNRWA Advisory Commission, Amman, Jordan, June 17, 2007. Available online (www.un.org/unrwa/news/statements/2007/AdCom_jun07.html).

in support of one side against the other, the more we contribute, implicitly at least, to the discord and violence which have brought nothing but more suffering for the masses of ordinary Palestinian people.⁶³

In 2008, UNRWA issued comparably fewer calls for engaging Hamas. Instead, it has focused on criticizing the Israeli blockade of Gaza (which targets all items except humanitarian aid).⁶⁴ In this regard, the agency echoes the Hamas view of the conflict with Israel. For example, when UNRWA ran out of fuel supplies in late April–early May 2008, it implied that its shortage was caused by the Israelis (who were blocking deliveries to Hamas but not to UNRWA) rather than by Hamas’s actions (which included allowing demonstrators to prevent delivery of fuel to UNRWA as well as

intimidation of the Petrol Station Owners Association, which subsequently refused to distribute fuel delivered to Gaza by Israel).⁶⁵ This propensity to echo Hamas views extends to other issues as well. As mentioned earlier, Commissioner-General AbuZayd has referred to Qassam rockets being fired at Israeli civilians from Gaza as a response to Israeli military incursions.⁶⁶ Regarding the resolution of the Palestinian refugee problem, UNRWA’s sympathies are not with resettlement or “repatriation” to a Palestinian state in the West Bank and Gaza, but with “repatriation” to Israel.⁶⁷ And in May 2008, during an interview with Iranian Press TV, Commissioner-General AbuZayd reportedly proclaimed that Hamas was “free from corruption” and “more popular than ever.”⁶⁸ Even if true in the sense she

63. Karen AbuZayd, speech to the Hosts and Donors Meeting, Amman, Jordan, November 19, 2007; available online (www.un.org/unrwa/news/statements/2007/HDM_19Nov07.html). AbuZayd’s sentiments were remarkably similar to those expressed by Hamas, which was seeking equal status with the PA, recognition by the West, and unconditional dialogue with President Mahmoud Abbas. For example, see Mousa Abu Marzouk (deputy chief of the Hamas political bureau), “Hamas Is Ready to Talk,” *Guardian* (London), August 16, 2007; available online (www.guardian.co.uk/commentsfree/2007/aug/16/israel.foreignpolicy). The PA-Fatah view was quite different, with Abbas rejecting dialogue so long as the coup persisted and eventually coming to agree with the U.S. policy of isolation. See “A Conversation with Mahmoud Abbas,” *Washington Post*, September 30, 2007; available online (www.washingtonpost.com/wp-dyn/content/article/2007/09/28/AR2007092801325_pf.html).
64. UNRWA rarely, if ever, mentions the Egyptian role in the blockade, which AbuZayd has referred to as a “feudal siege.” See Mel Frykberg, “Despair, Poverty Rise in Palestinian Area,” *Middle East Times*, January 4, 2008; available online (www.uruknet.de/?p=39826). AbuZayd seemed to shift her stance a bit during a May 7, 2008, congressional hearing organized by Rep. Dennis Kucinich (D-Ohio), perhaps to accommodate her audience: “[T]he UN recognises that the pre-eminence of Hamas in Gaza is threatening to Israel, and poses a challenge to a resumption of the peace process.” Yet, she quickly added, “[T]he international community also agrees that the peace process must resume, and that Gaza cannot be excluded” (remarks available at www.unicwash.org/news/abuzayd07may08.htm).
65. On April 28, UNRWA spokesman Chris Gunness was quoted as saying: “This drip, drip, drip policy [Israel’s reduction of fuel to Gaza] makes it impossible to plan and conduct a long-term, large-scale humanitarian operation and makes it impossible for people to lead decent and dignified lives... What is needed is a commitment from Israel that there will be consistency and sufficient quantities of [fuel] supplies.” See “OPT: UN to Resume Food Distribution in Gaza,” Agence France-Presse, April 28, 2008; available online (www.reliefweb.int/rw/RWB.NSF/db900SID/SHES-7-E5N5F?OpenDocument&rc=3&cc=pse). Gunness was conflating Gaza’s lack of fuel (a result of the Israeli policy to reduce fuel to Hamas-run Gaza) with UNRWA’s lack of fuel (caused by Hamas’s efforts to prevent fuel from reaching the agency). For instance, on the same day that Gunness spoke, the Maan News Agency reported the Gaza fuel distributors’ refusal to receive fuel proffered by Israel; see “Gaza Gas Distributors Reject Reduced Fuel Shipment” (available online at www.maannews.net/en/index.php?opr=ShowDetails&ID=28969). A few days earlier, demonstrators had prevented UNRWA from receiving fuel; see Yuval Azoulay and Avi Issacharoff, “Israel Claims Hamas Causing Fake Fuel Shortage in Strip,” *Haaretz* (Tel Aviv), April 27, 2008 (available online at www.haaretz.com/hasen/spages/977937.html). Hamas also reportedly attacked fuel tankers attempting to pick up fuel; see Khaled Abu Toameh, “Hamas Disrupts Fuel Supplies to Gaza,” *Jerusalem Post*, April 27, 2008 (available online at www.jpost.com/servlet/Satellite?cid=1208870504767&pagename=JPost%2FJPArticle%2FShowFull). During her May 7, 2008, congressional testimony, the commissioner-general implied similarly that Israel had blocked fuel intended for UNRWA: “The UN has not been spared the consequences of the cut in fuel supplies, despite repeated appeals to Israeli authorities.” She made no mention of the actions by Hamas that had caused UNRWA’s fuel shortage.
66. She did so in her previously cited October 5, 2007, speech at the University of Tokyo Public Forum, as well as in a similar speech delivered three days later; see “Palestine Refugees in Ongoing Crises: An UNRWA Perspective,” delivered at the New Zealand Institute of International Affairs, Victoria University, October 8, 2007 (available online at www.un.org/unrwa/news/statements/2007/NewZeland_8Oct07.html).
67. According to AbuZayd, “Palestinians should be given the same three choices that all refugees should be given. The first and preferred choice is repatriation.” See Omar Karmi, “Donors Ask: ‘Why Are They Refugees?’” *TheNational.com*, May 17, 2008; available online (www.thenational.ae/article/20080517/FOREIGN/719012872/1041). In the same article, referring to a Mahmoud Darwish poem, she stated, “I think many Palestinians feel exactly that. ‘I come from there—that’s my place. Don’t try to pretend it’s not real and I should forget it.’” AbuZayd has also recommended an organization called BADIL for UN accreditation, citing its “excellent cooperative relationship with UNRWA.” According to the group’s website (www.badil.org/BADIL/about_badil.htm), it “was established in January 1998 to support the development of a popular refugee lobby for the right of return.” See Anne Bayefsky, “Spreading Hate, Destruction & Terrorism: The U.N.-NGO Cadre,” *National Review Online*, June 12, 2006; available online (<http://article.nationalreview.com/?q=MDIwOWFkYm14ZTdkYzNkYzAwMWRmNDE2MjMxZjliMTE=>). Similarly, former commissioner-general Peter Hansen has been quoted as saying, “I do not believe settlement should be considered as a solution at the moment” and “The Palestinian refugees will not be compromising on their right of return.” See Arlene Kushner, *UNRWA: A Report* (Jerusalem: Center for Near East Policy Research, March 2003), p. 16; available online (<http://israelbehindthenews.com/Reports/UNWRARreport.pdf>).
68. Interview dated May 25, 2008. Available online (www.pressstv.ir/detail.aspx?id=57331§ionid=351020202).

meant—by “corruption,” she was presumably referring to theft for personal gain—her claim demonstrated something of a disconnect from earlier reports that Hamas was stealing fuel and items intended as humanitarian assistance.⁶⁹

Expansion of Refugee Rolls

Upon taking over from the UN Relief for Palestine Refugees (UNRPR) in May 1950, UNRWA was presented with a list of some 957,000 registered refugees. The UN itself had concluded in December 1949 that only 726,000 people were displaced from their homes in what had been Mandatory Palestine, and that about 652,000 of those “were said to be indigent.”⁷⁰ The excess number of refugees on the UNRPR list was explained, at least in part, by the inclusion of nonexistent persons (e.g., false births or unreported deaths) and duplicate registrations (sometimes using variations of names). UNRWA was able to eliminate some of these excess registrations, particularly in its earliest years.⁷¹

In 1951, to help determine who would be eligible to receive assistance, UNRWA established a definition of “refugee”: namely, “a needy person, who, as a result of the war in Palestine, has lost his home and his means of livelihood.” Later that year, the definition was narrowed slightly to “a person normally resident in Palestine who has lost his home and his livelihood as a result of the hostilities, and who is in need.”⁷² In 1952, the formulation was changed again, to

a person whose normal residence had been Palestine for a minimum of two years preceding the 1948

conflict and who, as a result, had lost both his home and means of livelihood. A refugee is now deemed to be eligible for UNRWA relief if: (1) he is in need, (2) he has been residing since the conflict in one of the countries where UNRWA is providing relief, and (3) he is officially and currently registered with UNRWA.⁷³

In all these definitions, a person had to be “needy” to receive UNRWA assistance—not a surprise given the agency’s initial *raison d’être* of providing emergency relief. But once UNRWA began to focus on additional “developmental” services—education and health care—the “needy” requirement seemed to fall into disuse. In any event, in 1993, years after UNRWA had limited the eligibility for relief to those who qualified for Special Hardship Case status, the agency issued new guidelines for registration of refugees in which the “need” requirement was formally dropped from the definition of those eligible for other services.⁷⁴ Today, these additional programs—now the bulk of UNRWA’s services—are clearly related to recipients’ status as registered refugees (or other special categories), not to need.⁷⁵ The Relief and Social Services Programme, whose services are still dispensed on the basis of need, amounted to only about 7.7 percent of the 2006–2007 program budget.⁷⁶

In addition, the basic requirement for registration—loss of home and livelihood—seems to have been waived early on for various categories of “economic refugees.” Specifically, “frontier villagers” were individuals whose homes were on the Arab side of the 1949 armistice line, but whose fields were located on the Israeli

69. For example, see “Hamas Says It Seized Jordan Aid to Keep It from Rivals,” *Agence France-Presse*, February 9, 2008 (available online at <http://afp.google.com/article/ALeqM5jnQoQhDUMuLcJAVdy7sSBPZQQNw>) and Abu Toameh, “Hamas Disrupts Fuel Supplies.” See also Amos Harel and Avi Issacharoff, “An Attack Waiting to Happen,” *Haaretz* (Tel Aviv), April 25, 2008, which described another incident: “The well-guarded convoy of the Hamas prime minister, Ismail Haniyeh, continues to drive through the streets of Gaza. Activists of the operative force were also seen this week traveling in the unit’s vehicles and distributing food to their pals. In the past weeks, Hamas filled the organization’s gasoline and diesel reservoirs so that it would be able to continue its daily activity without interruption.”

70. *UNRWA: A Brief History*, pp. 4–6.

71. *Ibid.*, pp. 7–8, 63–65.

72. See Cervenak, “Promoting Inequality,” note 40 and associated text.

73. *Ibid.*, fn. 41. This is essentially the definition UNRWA uses today (though “two years” has become “the period 1 June 1946 to 15 May 1948”). See 2006 CERJ, p. 2.

74. Cervenak, “Promoting Inequality,” notes 63, 64, and associated text.

75. See 2006 CERJ, pp. 11, 13. However, Palestinian refugees who are referred to hospitals have to pay a percentage of the cost of the services provided, and Special Hardship Cases (i.e., those refugees receiving welfare from UNRWA) pay less than other Palestinian refugees. See UNRWA Department of Health, Technical Instruction no. HD/MC/01/2005, “Hospital Services,” paragraph X.

76. See UNRWA, “2006–2007 Programme Budget: Executive Summary,” p. 12; available online (www.un.org/unrwa/finances/pdf/ExeSum06-07.pdf).

side; “Jerusalem and Gaza poor” were those whose homes were on the Arab side, but whose former jobs were on the Israeli side; “Beduin” were those nomads whose grazing lands were on the Israeli side; and “compromise cases” were people in Lebanon who, at Beirut’s insistence, were granted access to UNRWA services even though the agency did not believe they met the criteria for being “Palestine refugees.”⁷⁷ UNRWA has also made its services available to Palestinian refugees from the June 1967 war and subsequent hostilities.⁷⁸

In its 1993 guidelines for registration of refugees, alongside the formal elimination of “need” criteria mentioned earlier, UNRWA also dropped the rule requiring registration applicants to show that they had been “residing since the conflict in one of the countries where UNRWA is providing relief.”⁷⁹ This opened registration to individuals who had formerly been ineligible because they had not remained in UNRWA’s area of operations.

Initially, UNRWA did not seem to consider third-generation and later descendants of refugees to be refugees in their own right—otherwise, it would not have offered this designation as a possible concession to the host countries in 1964 (as discussed earlier in this chapter). Had refugee status been limited to those individuals who actually fled from the land that became Israel, and to their children, then UNRWA’s rolls would obviously have many fewer refugees, and their numbers would be decreasing instead of increasing.

Despite extending refugee status past the second generation, UNRWA limited this extension to descendants of male refugees.⁸⁰ The obvious justification for such discrimination is that the children of a refugee woman

who married a nonrefugee man would, in UNRWA’s Arab host countries, generally have the benefits of her husband’s status, making them citizens of a state and obviating UNRWA assistance. Nonetheless, with the increasing attention paid to women’s rights and gender equality (made a UN value by the UN Convention on the Elimination of All Forms of Discrimination against Women adopted in 1979)—and particularly since the May 1994 publication of Christine Cervenak’s influential article accusing UNRWA of “gender-based discrimination”—the agency has been embarrassed by its different treatment of the children of male and female refugees. In response, UNRWA began making a number of ad hoc adaptations, softening the effects of its discrimination against women married to nonrefugee men and the children of such marriages. With the adoption of the 2006 Consolidated Eligibility and Registration Instructions, nonrefugee husbands and descendants of registered refugee women are now entitled to apply for UNRWA services.⁸¹ Nevertheless, because matrilineal descendants still are not registered as refugees, the supposedly unequal treatment remains in a formal sense. Therefore, the pressure to categorize descendants of all registered refugees as refugees in their own right, adding tens of thousands of new “refugees” to the rolls, will likely continue.⁸²

One potentially problematic aspect of the CERI should be mentioned—the proof required of persons claiming refugee status does not appear to be very rigorous. For example, applicants can rely on potentially suspect documents produced by Lebanese, Syrian, or Egyptian authorities (for more on this issue, see chapter 5).⁸³

77. Cervenak, “Promoting Inequality,” note 53 and associated text. The “compromise cases,” or at least some of them, had been seasonal workers in Mandatory Palestine, so they lost a portion of their livelihoods, though not their homes. According to Takkenberg (“The Status,” pp. 66–67, n. 117), the UN General Assembly, at least prior to 1960, had noted that UNRWA’s mandate did not extend to these “economic refugees.”

78. 2006 CERI, p. 3. See also UN General Assembly Resolution 2252 (ES-V), July 4, 1967, paragraph 6.

79. Takkenberg, “The Status,” p. 77.

80. Cervenak, “Promoting Inequality,” notes 72–73 and associated text. Prior to 1993 there were a few limited exceptions to this general rule. In Cervenak’s view, the 1993 CERI did nothing to improve the situation and she stated so in her 1994 article.

81. See 2006 CERI, p. 2.

82. UNRWA supports ending the “discrimination” and advocates changing the rules to grant refugee status to the children of refugee women married to nonrefugee men, but has been dissuaded from doing so by opposition from the host governments, probably supported by at least some donor governments. Although never discussed, one logical reason for the UNRWA’s current desire to formally extend registration to matrilineal descendants is that continuing to do otherwise would highlight an inconsistency in the agency’s policy. That is, UNRWA already grants refugee status to the children of refugees in Jordan, even though almost all of them are Jordanian citizens—this fact complicates any argument that matrilineal descendants in other areas should remain unregistered because they have citizenship through their nonrefugee fathers.

83. 2006 CERI, pp. 5–7.

Summary

From the U.S. perspective, the trends in UNRWA's performance over the years have been a mixed bag. The rationalization of relief rolls and the improvement in textbooks—the result of pressure from the United States and others—were both positive, if incomplete, changes. Other trends are clearly less in line with U.S. policy, particularly UNRWA's increasing identification

with Palestinian political views, its transformation from promoting "reintegration" and temporary relief to providing long-term governmental-style services, and its expanded definitions of who is eligible for registration or services. Nevertheless, the United States continues to provide more of UNRWA's funding than any other single country, whether due to inertia or the various possible reasons discussed earlier in this chapter.

4 | UNRWA, the United States, and Antiterrorism Initiatives

FOR NEARLY HALF A CENTURY, U.S. contributions to UNRWA¹ have been subject to section 301(c) of the Foreign Assistance Act of 1961 (PL 87-195). The most current version of this law reads:

No contributions by the United States shall be made to the United Nations Relief and Works Agency for Palestine Refugees in the Near East except on the condition that the United Nations Relief and Works Agency take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.²

On its face, section 301(c) is rather draconian—the requirement to “take all possible measures” is open-ended and, if taken literally, could swallow up a significant amount of the resources available for fulfilling UNRWA’s mandate to provide services to refugees. So long as UNRWA has agreed in writing to comply with the exact language of the legislation, however, the State Department seems to have interpreted the requirement liberally.³ Accordingly, UNRWA has not felt obligated to investigate its millions of registered refugees (or

its tens of thousands of staff members) to determine whether any of them are in violation of section 301(c).

In addition, the provision’s language is a bit dated. The phrase “Palestine Liberation Army” seems to refer to the entity created after the Palestine Liberation Organization was established in 1964—it does not appear to have current significance except as the name of the military organization into which the Syrian government inducts Palestinian refugees for their national military service.⁴ The reference to “receiving military training as a member of... any other guerrilla type organization” is more applicable to today’s reality; there are many such organizations, and many of their members are apparently Palestinian refugees. Yet the restriction is seemingly narrowed by the use of “is” before “receiving,” which suggests that the military training must be ongoing for the restriction to apply.⁵ Needless to say, UNRWA does not have ready access to information on refugees who are receiving military training from guerrilla groups.

The last clause of section 301(c)—prohibiting the use of U.S. funds for any refugee “who has engaged in any act of terrorism”—is the clearest provision, and probably the most easily implemented and most supportive of U.S. policy.⁶ For example, the question of

1. From 1950 through 2007, these contributions totaled approximately \$3.2 billion (mainly from the State Department, though some were provided by the U.S. Agency for International Development). See Edward Buchrig, *The UN and the Palestinian Refugees* (Bloomington, IN: Indiana University Press, 1971), p. 114, and Jeremy Sharp, “U.S. Foreign Assistance to the Middle East: Historical Background, Recent Trends, and the FY2008 Request” (Congressional Research Service, updated July 3, 2007), p. 16 (available online at <http://italy.usembassy.gov/pdf/other/RL32260.pdf>).
2. Title 22 U.S. Code sec. 2221. Available from the Government Printing Office’s online U.S. Code database (<http://origin.www.gpoaccess.gov/uscode>). The provision is usually referred to by its original name of section 301(c) (see the original 1961 act, available online at www.usaid.gov/policy/ads/faa.pdf). Between 1966 and 1969, section 301(c) forbade assistance only to a refugee “who is receiving military training as a member of the so-called Palestine Liberation Army.”
3. In early 2002, in an effort to clarify the intent of section 301(c), UNRWA attempted to change its annual written undertaking to reflect that it “would not knowingly violate” the provision. The State Department reacted very negatively, however, insisting that the written undertaking follow the exact language of 301(c). UNRWA complied, even though it obviously does not take “all possible measures” in practice.
4. The reference to the Palestine Liberation Army (PLA)—inserted pursuant to Public Law 89-583, pt. I, Sec. 107(a)–(c) of September 19, 1966—appears related to a dispute that arose after the PLA’s founding in 1964. Congress did not want to fund UNRWA rations for PLA-enrolled refugees, since they already received PLA rations; the possibility that PLA members might be engaged in terrorism does not seem to have been a motivating factor. See Buchrig, *The UN*, pp. 96–97. In late 1966, the Arab League agreed to pay \$150,000 annually to offset the cost of UNRWA rations for PLA trainees, but implementation “was overtaken by the June [1967] War” (*ibid.*, p. 97). The author is unaware of any attempt to reduce funding to UNRWA operations in Syria as a result of refugees being drafted into the PLA—perhaps because these refugees are no longer eligible to receive UNRWA rations given that such rations are now restricted to Special Hardship Cases.
5. The use of the present tense is probably an artifact from the PLA rations disagreement discussed in the previous note.
6. Of course, defining what constitutes “terrorism” can be a controversial endeavor. For a discussion of this issue, see chapter 5’s subsection on “Staff Involvement in Terrorism.”

whether a refugee has engaged in such activity can sometimes be determined through simple reference to conviction records from national courts (most often, but not only, Israeli courts).⁷

Despite the awkward construction of section 301(c), when the United States does urge action regarding terrorism, the UNRWA treats the request seriously, sometimes with concrete results. For instance, in a November 1, 2002, letter to the agency, the State Department suggested several steps it might take toward compliance with 301(c) matters, such as providing reports, establishing a training program for staff, providing information on refugees removed from UNRWA rolls as a result of 301(c) requirements, discontinuing support for allegedly militant-linked youth activity centers in the West Bank and Gaza, maintaining contacts with Israeli authorities, reporting on disciplinary actions taken against staff who had failed to maintain the impartiality and neutrality required of UN staff, and instituting a written plan for reference checks on individuals hired for emergency programs. UNRWA responded with assurances that it no longer supported the youth activity centers (other than by easily monitored aid, such as the provision of athletic equipment, computer training, etc.), that reference checks were being made on individuals hired for emergency programs (except for the thousands of short-term job creation program laborers), and that it would report on its efforts in the other areas twice a year.⁸

One less successful U.S. approach was attempted in 2003, when Congress asked the Government Accountability Office (GAO) for a report concerning “the extent to which the Department of State is complying with section 301(c)” and “the implementation of procedures that have been established to meet the standards of the Department of State regarding compliance

with ... 301(c).”⁹ The resultant GAO report, submitted to the Congressional Appropriations Committees on November 17, 2003, was only mildly critical of the State Department, faulting it for not providing definitions of the terms used in 301(c), but praising it for requiring reports and certifications from UNRWA (as if those were the same as taking actual steps to implement 301(c)’s requirements), for appointing an officer to monitor UNRWA, and for funding UNRWA international staff tasked with inspecting the agency’s facilities (i.e., the operations support officers discussed in the previous chapter).¹⁰ The report did not criticize UNRWA for failing to implement 301(c), but rather presented the agency sympathetically, as being “constrained” by several factors:

- lack of official Israeli and/or PA governmental review for staff applications in Gaza and the West Bank (in fact, UNRWA had never sought such review);
- lack of information on arrests of current or potential staff members (although UNRWA had sought arrest information on the former, it had not done so with regard to potential hires);
- an inability to halt armed incursions into its facilities (certainly a valid point);
- an inability to query beneficiaries as to their compliance with 301(c) (because asking such questions would endanger the staff member doing the questioning) or to verify responses if questions were asked.¹¹

Because the GAO portrayed UNRWA as being constrained from implementing 301(c) rather than being

7. One might also ask whether UNRWA’s use of U.S. funds to support refugees who have ordered the commission of terrorist acts—e.g., Gaza rocket strikes directed at Israeli civilians—is a violation of section 301(c). This could potentially encompass the leaders of organizations such as Hamas and Palestinian Islamic Jihad.

8. The reports have continued as promised; the author supervised their drafting and related correspondence through 2006–2007.

9. See the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, section 580 (division E of Public Law 108-7; 117 Stat. 213).

10. See page 2 of the letter prefacing the GAO report “Department of State and United Nations Relief and Works Agency Actions to Implement Section 301(c) of the Foreign Assistance Act of 1961” (GAO-04-276R UNRWA). Available online (www.gao.gov/new.items/d04276r.pdf).

11. Ibid.

reluctant or opposed to such action, congressional reaction to the report was muted. The report did not, on its face, provide a clear basis for Congress to pressure UNRWA into changing its procedures in any fundamental way, and nothing seems to have come of the GAO's assessment.¹²

Another example of American pressure having little practical effect occurred in 2005, when the United States asked UNRWA (along with other U.S.-funded UN agencies) to make sure it was not inadvertently financing terrorism. Via a June 26 letter, the U.S. embassy in Amman asked UNRWA to (1) report on its procedures for avoiding contractual or financial relationships with terrorists, and (2) vet its "prospective and existing partners" against both the UN 1267 Sanctions Committee list¹³ and the U.S. Treasury Department's list of entities and individuals tied to terrorism (i.e., the "OFAC list" maintained by the department's Office of Foreign Assets Control).¹⁴ Although UNRWA agreed to begin comparing its payee lists against the 1267 Committee list, it noted that the OFAC request was under consideration by the UN legal counsel in New York; the agency promised to address the issue once it received the legal counsel's advice. The legal counsel's opinion, issued via a letter to the U.S. permanent representative to the UN in early 2006, concluded that it would not be appropriate for a UN organ to establish a verification regime that included a list of possible terrorist entities developed by one member state. Accordingly, UNRWA declined to make the requested OFAC checks, and the United States did not pursue the matter.

These developments may not fill the reader with confidence that UNRWA is preventing U.S. funds from falling into terrorist hands—clearly, there is more

the agency could do in this regard. At the same time, it has taken some visible steps to avoid contact with terrorists.

UNRWA Antiterrorism Efforts¹⁵

UNRWA has general provisions in its staff regulations and rules prohibiting various activities that would be incompatible with employment as an international civil servant. For its area staff, it has even more specific directives, some of which are quite restrictive with regard to political activities and outside employment.

In general, UNRWA staff are required to "avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status, or on the integrity, independence and impartiality which are required by that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their employment with the Agency."¹⁶ This provision has been used to justify disciplinary action for staff members who speak in public about political matters (particularly those involving Israel and the host countries) without authorization from the commissioner-general.

The agency's area staff regulations also mandate that staff members "may exercise the right to vote but shall not engage in any political activity which is inconsistent with or might reflect upon the independence and impartiality required by their status."¹⁷ This restriction is expanded on in a separate set of area staff rules: "Membership in a political party is permitted provided that such membership does not entail action, or obligation to action, contrary to staff regulation 1.7. The payment of normal financial contributions shall not

12. UNRWA has taken a rosy view of the report, claiming on its website that the GAO investigation "found no instance of UNRWA failing to comply with" 301(c)'s antiterrorism provision. See "Setting the Record Straight" (UNRWA statement delivered to the UN Human Rights Commission, Geneva, April 3, 2003); available online (www.un.org/unrwa/allegations/index.html). See also a letter to the editor by Gina Benevento, chief of UNRWA's Public Information Office, published in *Azure* no. 24 (Spring 2006) (available online at www.azure.org.il/article.php?id=138); according to this letter, the accusation that UNRWA funds "sometimes end up serving the goals of Palestinian terror" was "thoroughly disproved" by the GAO.
13. This body, also known as the "Al-Qaida and Taliban Sanctions Committee," maintains a list of around 500–600 entities and individuals associated with those groups and/or Osama bin Laden. See the committee's UN webpage (www.un.org/sc/committees/1267/index.shtml).
14. The OFAC list (available online at www.treas.gov/offices/enforcement/ofac/sdn/t11sdn.pdf) currently contains more than 10,000 entries.
15. This portion of the paper relies heavily on the author's experience as UNRWA's general counsel.
16. UNRWA Area Staff Regulation 1.4. A virtually identical provision is present in International Staff Regulation 1.4.
17. UNRWA Area Staff Regulation 1.7. Cf. International Staff Regulation 1.7.

be construed as an activity contrary to staff regulation 1.7.”¹⁸ The most specific restrictions appear in the area staff personnel directives, which state that area staff must not:

- (A) Participate in or associate with any executive, judicial or legislative organ of any state, or with any council, committee, body or group which is appointed by, or responsible to, or forms part of the government of any country; or
- (B) Publicly support or represent, or publicly associate with any party, organisation, movement, conference, group or person which has as one of its or his/her functions or purposes to support, oppose, influence or determine the internal or external policy of any government or governments, or to discuss publicly such policies, or proposals or controversies related thereto.¹⁹

These provisions have been interpreted to mean that an area staff member may not run for office without first resigning from his or her post with UNRWA.²⁰ As with the more general provisions, they have been used to justify disciplining staff who make political pronouncements without the commissioner-general’s clearance.

Lastly, UNRWA provisions prohibit “any continuous or recurring outside occupation or employment (including self-employment) without the prior approval of the Commissioner-General.”²¹ This provision has been used to forbid employment that might violate the appearance of impartiality demanded by area staff regulation 1.4, and to terminate staff whose outside work detracted from their UNRWA duties.²²

Upon appointment, all area staff are given copies of the applicable regulations, rules, and personnel

directives and are required to sign a receipt for them. In addition, the commissioner-general periodically issues messages to the staff emphasizing the requirements regarding the appearance of impartiality and the need to eschew political statements and actions that go beyond what is permitted in the regulations and rules.²³

All of these restrictions can also be used to justify disciplining area staff members engaged in terrorism-related activities, but any such disciplinary actions are subject to an appeals process, as outlined in the staff rules. Appeals begin at the UNRWA level and then, if the appellant is not satisfied with the outcome, move on to the UN Administrative Tribunal (UNAT) in New York. Indeed, responding to appeals is a major part of UNRWA’s legal work. In order to uphold an employee termination, the UNAT has held that strong evidence must support the action—the equivalent in American legal terminology of “clear and convincing” evidence. If the UNAT finds that the requisite level of evidence is not present, it usually allows the terminating agency the option of reinstating the staff member or paying him/her a sum of money (typically not more than two years’ salary). In theory, then, UNRWA could terminate a staff member if it believed the circumstances required such action, even if it suspected that the UNAT would later rule the termination improper.²⁴ Still, frequent termination of staff members without sufficient evidence of wrongdoing would clearly not be in the interests of UNRWA (or any other organization, for that matter). Hence, it is rare for such action to be taken without “clear and convincing” evidence—and in cases where support of terrorism is suspected, such evidence is almost never available to UNRWA.

18. UNRWA Area Staff Rule 101.5. Cf. International Staff Rule 101.7.

19. UNRWA Area Staff Personnel Directive A/1, part V, paragraph 2. There is no similar provision in the International Staff Directives.

20. *Ibid.*, paragraph 5. Staff who resign from UNRWA and then run and lose in an election may apply for reinstatement, which is usually granted unless the individual has publicly supported positions that the agency deems inappropriate. Nine area staff members in the West Bank and Gaza resigned to run in the January 2006 legislative elections; five lost and, after an examination of their public statements during the campaign, were reinstated.

21. UNRWA Area Staff Rule 101.5. The permission must be in writing and signed by the commissioner-general or his/her designee. See UNRWA Area Staff Personnel Directive A/1, part IV.

22. For example, the agency rejected one area staff member’s application to serve as an imam, and fired another who had, without approval, taken on a second full-time job and was consequently neglecting his UNRWA duties.

23. For example, see the commissioner-general’s February 9, 2006, letter to staff; available online (www.un.org/unrwa/news/letters/letter2staff_feb2006.pdf).

24. In the author’s experience, UNRWA has rarely taken this action.

For one thing, the U.S.-mandated practice of checking UNRWA staff or beneficiaries against the 1267 Sanctions Committee list (as described in the previous section) is unlikely to be of much benefit. It is improbable that Palestinians working for UNRWA would have sufficient time to be involved with al-Qaeda and the Taliban, especially at a level that would bring them to the attention of the 1267 Committee. To be sure, UNRWA beneficiaries may well be involved in terrorism in Iraq, perhaps even in cooperation with al-Qaeda elements there.²⁵ Yet, such individuals are more likely to be on the more voluminous OFAC list, which UNRWA does not check.

Second, although the agency's application form for prospective international and area staff requires disclosure of previous arrests, charges, and convictions, responses from applicants in the West Bank and Gaza are not checked for accuracy with the Palestinian Authority (PA) or Israel. Yet these responses do make it possible to terminate a staff member who is subsequently found to have been less than fully truthful on the application, and that has been done on at least some occasions.

Regarding UNRWA's contractual relationships, the agency—in response to suggestions from donors—modified its standard contract in 2002 to include an antiterrorism provision, which currently reads:

Supplier's Representation and Warranties

1. The Supplier represents and warrants that neither it nor any of its suppliers is engaged in any transactions with, and/or the provision of resources and support to, individuals and organizations associated with, receiving any type of training for, or engaged in, any act or offense described in Article 2, Sections 1, 3, 4 and 5 of the International Convention for the

Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations in Resolution 54/109 of 9 December 1999.

2. Any breach of this representation and warranty shall entitle UNRWA to terminate this contract immediately upon notice to the Supplier at no cost to UNRWA.²⁶

It is difficult to discern any effect this provision has had on UNRWA contracting, however. A few contractors complained about it—largely on the basis that they had no way of knowing whether their subcontractors or suppliers might be in violation of its terms—but most seem to have agreed to sign contracts containing the language. As a practical matter, UNRWA does not conduct security investigations of its contractors, and the after-the-fact comparison of payees against the 1267 list has never produced a match. Not surprisingly, the provision has never resulted in a contract being terminated. Still, it at least put UNRWA in the public position of opposing terrorism and responding to donor concerns.

Constraints on UNRWA

As the GAO report found, there are constraints on UNRWA's ability to prevent its staff and beneficiaries from supporting terrorism (though it is also possible that a more determined approach by the agency might overcome some of the limitations). These constraints take a number of forms.

The principal constraint involves the nature of UNRWA's staff. Of the agency's 29,000 personnel, fewer than 200 are international staff, and the remaining area staff consist almost entirely of Palestinian refugees. Given that UNRWA makes no attempt to weed out individuals who support extremist positions,

25. One interviewer noted that the residents of Ain al-Hilwa, located in southern Lebanon, refer to the camp's main entrance street as "Martyrs of Falluja"; see Hamida Ghafour, "The Memory Generation," *TheNational.com*, May 15, 2008 (available online at www.thenational.ae/article/20080515/REVI-EW/226192031/1043&profile=1043). See also Nidaa Qabalan, "If Not Now, When?" interview with camp "spokesman" for Osbat al-Ansar, *NowLebanon.com*, November 3, 2007. Another observer reported that most Ain al-Hilwa jihadist groups include members who have fought in Iraq; see Ghaith Abdul-Ahad, "Escape Is Impossible," *Guardian* (London), June 12, 2007 (available online at www.guardian.co.uk/world/2007/jun/12/syria.israelandthepalestinians).

26. See UNRWA Organizational Directive 10. The International Convention for the Suppression of the Financing of Terrorism, article 2, paragraph 1.b, provides a well-reasoned definition of terrorism as an "act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act." A copy of the convention, dating from 1999, is available online (www.un.org/law/cod/finterr.htm).

the political opinions of area staff naturally tend to be similar to those of the beneficiaries when it comes to issues such as resettling refugees, the “right of return” to Israel, the necessity of keeping UNRWA in operation until the refugees are given their full “rights,” and the West’s responsibility to fund the agency until that time, given its role in the original partition of Mandatory Palestine. Some staff members undoubtedly support violence to achieve these goals, considering the sentiment among the general population.²⁷

For those staff members who do not subscribe to the political views outlined just now—and, based on the author’s discussions with various personnel, there are many people in this category—expressing disagreement on such fraught issues is not easy. Area staff live among the beneficiaries, often in the refugee camps. Those refugees who are most supportive of terrorism and extremist/rejectionist political philosophies tend to be armed members of gangs, clans, or movements. As recent Palestinian history has shown, groups with weapons have not been reluctant to use them in support of their views or to punish those who disagree with them.²⁸ Thus, it is rare for an area staff member, especially in Gaza, the West Bank, or Lebanon, to report or confirm that another staff member has violated rules against political speech, let alone exhibited ties to terrorism.²⁹ Not surprisingly,

external allegations of improper speech or improper use of UNRWA facilities are difficult to prove, as virtually no one is willing to be a witness against gang members.³⁰

As for UNRWA’s beneficiaries, denying them services is a serious matter and would require, as a matter of fundamental fairness, clear and convincing evidence of wrongdoing (e.g., information that a refugee is receiving military training from a guerrilla organization). Yet UNRWA is even less likely to possess such evidence regarding its beneficiaries than it is regarding its staff. Unlike the rules providing for the termination of UNRWA staff, there are no formal procedures for deregistering or denying services to a properly registered refugee, no matter what he or she does.³¹

In sum, UNRWA has taken very few steps to detect and eliminate terrorists from the ranks of its staff or its beneficiaries, and no steps at all to prevent members of terrorist organizations, such as Hamas, from joining its staff. These failings have occurred not because UNRWA consciously supports terrorism, but rather because it is not particularly concerned about the issue, its main focus being the provision of services and protection of Palestinian refugees. Even if terrorism constituted a greater concern, the agency is not equipped to undertake the extensive security investigations that a thoroughgoing antiterrorism effort would require.

27. For example, the Palestinian Center for Policy and Survey Research found about 80 percent support among Palestinians for two recent nationalistic murders of Israeli civilians. See Poll no. 27, March 13–15, 2008; available online (www.pcpsr.org/survey/polls/2008/p27e2.html).

28. Hamas’s June 2007 Gaza takeover reportedly included kidnappings, murders, and other atrocities (e.g., assassinations in hospitals; men thrown from the tops of buildings; children executed to intimidate their elders; legs purposely amputated from prisoners by automatic weapons fire). See Avi Issacharoff, “Shock, Awe and Dread,” *Haaretz* (Tel Aviv), June 22, 2007 (available online at www.haaretz.com/hasen/spages/873758.html), and Amnesty International, “Public Statement,” June 15, 2007 (available online at <http://asiapacific.amnesty.org/library/Index/ENGMDE210102007?open&of=ENG-PSE>). Internationals are not wholly immune to such attacks; in March 2007, UNRWA’s field director in Gaza, John Ging, was attacked with automatic weapons, though he was not hurt. See Steven Erlanger, “Gaza Gunmen Fire on U.N. Car in Possible Kidnapping Try,” *New York Times*, March 17, 2007; available online (www.nytimes.com/2007/03/17/world/middleeast/17mideast.html?_r=1&oref=slogin).

29. The PA regards “collaboration”—which includes identifying terrorists, thereby making them potential Israeli targets—as punishable by death, legally as well as by gangs. See “Rough Justice: The Hunt Continues for Palestinians Who Have Collaborated with the Israeli Authorities, the Deadly Enemy Within,” *The Middle East* (April 2005); available online (http://findarticles.com/p/articles/mi_m2742/is_355/ai_n25107661). Thus, even area staff members who might otherwise be inclined to report their colleagues for policy infractions would be reluctant to do so—in comparison, the worst penalty UNRWA could inflict on them is termination of employment.

30. The most prominently reported such incident occurred when Sheik Ahmed Yassin (Hamas’s “spiritual” head, subsequently assassinated by Israel) and a UNRWA teacher spoke at a July 2001 awards ceremony held by a Palestinian nongovernmental organization in an agency school in the Jabalya refugee camp. The two reporters present gave UNRWA conflicting and nonincriminating reports of the event, while the teacher himself denied making any untoward or political remarks, and no area staff members contradicted his version of events. In the end, the teacher was given a written letter of censure.

31. UNRWA has occasionally resorted to informal punishments (e.g., slowing reconstruction of shelters destroyed by inhabitants’ actions). But the agency makes no effort to identify or sanction refugees who have been convicted of, or are otherwise widely known to have committed, terrorist acts.

5 | Evaluating Recent Criticisms of UNRWA

IN THE WEST AND ISRAEL, the most serious criticisms of UNRWA usually center on its prolongation of beneficiaries' refugee status, its support of Palestinian (and anti-Israeli) political positions, and its perceived support of terrorism. Indeed, many critics view these problems as intimately related. To be sure, UNRWA is subject to other serious criticisms in the Middle East and on the leftist fringes of the West (e.g., complaints that the agency is a puppet of the United States and Israel, or that its services tend to dull Palestinians' irredentist fervor).¹ Yet, given this paper's focus on U.S. involvement with UNRWA, I have limited my analysis in this chapter to criticisms written in English and made from the political viewpoint of majorities in the United States and its ally Israel.

To a UNRWA senior staff member serving for almost all of 2000–2007, many of the more recent criticisms of UNRWA tend to be either inaccurate or not of great significance, while others are on point and highlight the need for change in the agency. These oft-heard criticisms are analyzed in detail in the following pages. Yet there are other valid criticisms of UNRWA that have not been identified in the literature, at least not with any specificity. These problems, which lend themselves to further suggestions for change in the agency, will be addressed in the next chapter.

Prolonging Palestinians' Refugee Status

One recent article on UNRWA claimed that the agency "is dedicated to blocking resettlement."² In 2005, one of UNRWA's most persistent critics made a similar argument, claiming that the agency "has declined to entertain any permanent solution for the Palestinian refugees, insisting instead on a politically unfeasible 'return' to pre-1967 Israel."³ As discussed previously, UNRWA did originally attempt to resettle refugees but met with resistance from both host countries and the refugees themselves. Nevertheless, it is true that the agency has not made any such effort for many years, and that it is not philosophically inclined to do so in the near future. But it is also true that neither the donors nor the General Assembly has pressed UNRWA on the matter in quite some time.

UNRWA's inaction regarding resettlement is not the same as "blocking resettlement." Yet one critic has alleged that when Israel attempted to relocate refugees from Gaza camps in the period before 1985, UNRWA resorted to "telling the refugees in terms that were threatening that they were about to lose their rights as refugees to return."⁴ This accusation does not specify who in UNRWA allegedly made the "threatening" statement or what its exact import was.⁵ Yet it is

1. In 2003, for example, the "Islamic Bloc in UNRWA-Gaza" released a statement condemning UNRWA restrictions on area staff speech, claiming that some staff "were summoned for interrogation, warned and threatened with dismissal," and calling the agency "an obedient instrument in the hands of the countries financing its activity" (see <http://israelvisit.co.il/cgi-bin/friendly.pl?url=Oct-03-03!Islam1>). Similarly, some Palestinian refugees in Lebanon have argued that UNRWA schools are trying "to turn Palestinians into ignorant and submissive people who are willing to accept any political solution," and that the agency follows "the policies of the US and Israel, especially that of settling the Palestinians in Lebanon." Samaa Abu Sharar, "Study on the Conditions of Palestinian Refugees in Camps across Lebanon" (Lebanese Palestinian Dialogue Committee, 2008); available online (www.lpdc.gov.lb/Uploads/2008-05/Document27_1.pdf). See also Edward Said's critique in *The Question of Palestine* (New York: Vintage, 1992), p. 132.
2. Barry Rubin, Asaf Romirowsky, and Jonathan Spyer, "UNRWA: Refuge of Rejectionism" (Global Research in International Affairs [GLORIA], May 8, 2008) (hereinafter "GLORIA article"). Available online (www.gloriacenter.org/index.asp?pname=submenu/articles/2008/rubin/5_8.asp).
3. Arlene Kushner, "The UN's Palestinian Refugee Problem," *Azure* no. 22 (Autumn 2005), n. 2. Available online (www.azure.org.il/article.php?id=164). Kushner, citing the "UNRWA Beneficiaries" section of the agency's website, claimed that the agency insisted on "a politically unfeasible 'return' to pre-1967 Israel"; currently, the site does not contain such language, though it does refer to "repatriation or compensation, as envisaged in UN General Assembly (UNGA) Resolution 194 (III) of December 1948" (see the "UNRWA Beneficiaries" section of the site's FAQ page, available at www.un.org/unrwa/overview/qa.html#c).
4. David Bedein, "Canada, the Middle East Peace Process, UNRWA and 'Right of Return'" (Israel Resource Review, October 14, 2005). Available online (<http://israelbehindthenews.com/Archives/Oct-14-05.htm>).
5. Bedein cites "Dr. Eli Lasch, who until 1985 was head of medical services in Gaza for the Israeli Civil Administration there." Lasch is quoted elsewhere as saying that UNRWA "thwarted" his attempts to bring improved health care to Gaza refugees, but that Israel resettled "thousands" of refugees despite the agency's threats (requiring them only to destroy their existing "shacks"). Arlene Kushner, *UNRWA: A Report* (Jerusalem: Center for Near East Policy Research, March 2003), pp. 14–15; available online (<http://israelbehindthenews.com/Reports/UNWRARReport.pdf>). Joel Bainerman attributed the

possible that some agency staff discouraged movement away from the camps in order to maintain the refugees' claim to return to what had become Israel. As mentioned previously, "resettling" in this manner could arguably have weakened the refugees' claims in the eyes of the international community, making the choice to seek better living conditions a difficult one.

The argument over resettlement is also reflected in accusations that UNRWA seeks to ensure that refugee lives "remain abnormal," to "enable radical political activity," and to maintain "chaos,"⁶ and that it has subordinated "its original humanitarian goals... to the political aims of the Arab world."⁷ One could certainly argue that the situation of the Palestinian refugees, at least in Gaza, the West Bank, and Lebanon, is abnormal and chaotic. And UNRWA's original objective, to repatriate or resettle the refugees, has been changed to one of providing services and protection to them until their preference (i.e., to return to Israel) is realized. But there is little, if any, evidence that UNRWA is directly fostering abnormality, radical political activity, or chaos.

One undeniable effect of UNRWA's approach—building camps and then providing services in those camps—has been to keep together people who came from a particular location. Contrary to critics' usual implication, however, this outcome may not have resulted from political manipulation by UNRWA. After the hostilities of 1947–1949, the refugees, already traumatized by the loss their homes, undoubtedly wished to remain with their neighbors as much as possible, and there would have been no reason for the UN Relief for Palestine Refugees or, later, UNRWA to ignore those wishes. Moreover, from UNRWA's

standpoint, assistance would have been (and still is) easier to provide when the recipients live in close proximity to one another. In the absence of evidence to the contrary, the continuation of that early pattern may have been a result of inertia rather than political design, even though keeping villagers together undoubtedly tends to preserve their village structure and memories.

UNRWA could have persisted in its early efforts to resettle the refugees, trying strategies different from those that seemingly had failed in the 1950s (as described in chapter 3). Even today, the agency could actively support refugees who wish to leave the camps, perhaps by providing grants for buying or building homes elsewhere.⁸ Some of the more radical refugees would object to such grants (which, arguably, would reduce recipients' feelings of urgency regarding the right of return), but others may wish to have the option of making up their own minds on the matter. And if refugees who move out of the camps subsequently decide to use fewer UNRWA services (e.g., educating their children in public or private schools or seeking public or private medical care), they would further reduce the agency's overall burden. Yet UNRWA has not, at least during the author's service with the agency, sought to initiate such changes.

Replacing a Politicized UNRWA with UNHCR

Some critics favor disbanding UNRWA and transferring its tasks to the UN High Commissioner for Refugees (UNHCR).⁹ This argument is based on three contentions: (1) that UNHCR's definition of "refugee" is more limiting than UNRWA's, (2) that UNHCR has

failure of the Israeli rehousing program to Palestine Liberation Organization intimidation. "Permanent Homes for Palestinian Refugees," *Christian Science Monitor*, May 26, 1992; available online (www.csmonitor.com/1992/0526/26191.html). In any case, UNRWA has since accepted humanitarian assistance from Israel and does not seem to be actively blocking refugees' attempts to purchase housing outside the camps. As to the "threats," they could conceivably have been prompted by Israel's call to destroy the "shacks," which UNRWA likely helped to erect and may have hoped to use as housing for other refugees.

6. GLORIA article.

7. Kushner, "The UN's Palestinian Refugee Problem."

8. Interestingly, the agency has a program of this sort for its area staff members, who may borrow money from their Provident Fund accounts (a fixed-contribution UNRWA retirement fund) for housing purchases or construction, among other things. This is a popular benefit among the area staff.

9. For example, see Nile Gardiner and James Phillips, "Congress Should Withhold Funds from the UN Relief and Works Agency for Palestine Refugees (UNRWA)" (Heritage Foundation WebMemo #987, February 6, 2006); available online (www.heritage.org/Research/MiddleEast/wm987.cfm). See also GLORIA article. Kushner's *UNRWA: A Report* and "The UN's Palestinian Refugee Problem" imply support for this option by speaking more favorably of UNHCR than UNRWA.

a long history of successfully resettling refugees, which UNRWA does not, and (3) that tasking UNRWA with caring for Palestinian refugees while every other refugee is cared for by UNHCR is a political rather than humanitarian choice. Although each of these contentions is accurate, whether the solution is to disband UNRWA is not so clear.

Defining “refugee.” At least one commentator has alleged or implied that UNRWA’s definition of a refugee is part of a plan to improperly inflate the refugee rolls, ultimately with the intention of harming Israel.¹⁰ The UNHCR’s general definition of the word—based on the 1951 Convention (and subsequent 1967 Protocol) Relating to the Status of Refugees—covers any person who,

owing to 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 or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.¹¹

There are a number of exceptions to the general definition, some of which are relevant to the Palestinian refugee situation. These exceptions deny UNHCR coverage to any person if:

- “He has acquired a new nationality, and enjoys the protection of the country of his new nationality”;
- “He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality”;

- “Being a person who has no nationality he is, because of the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence”;
- “[He] is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country”;
- “[He is a] person with respect to whom there are serious reasons for considering that: (a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) he has been guilty of acts contrary to the purposes and principles of the United Nations.”¹²

As discussed in chapter 3, the UNRWA definition of a “Palestine” refugee has varied somewhat over the years. At first, it was derived from UNRPR practice and did not specify a time requirement for residence in Mandatory Palestine. By 1952, however, the requirement of normal residence for two years preceding the 1948 conflict was added.¹³ And while the agency did not initially seem to consider grandchildren of refugees to be refugees, today all patrilineal descendants are eligible for registration, and even persons whose connections to refugee status are quite tenuous (e.g., women formerly married to registered refugees) are eligible for UNRWA services.

The UNHCR refugee definition described in the preceding paragraphs is quite different from the current UNRWA definition:

10. See Kushner, *UNRWA: A Report*, pp. 11–13, and “The UN’s Palestinian Refugee Problem,” pp. 3–5.

11. See article I.A(2) of the convention and article I.2 of the protocol. Available online (www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf).

12. Article I.C–F of the convention.

13. Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), p. 24.

persons whose normal place of residence was Palestine during the period 1 June 1946 and 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services.¹⁴

First, the UNHCR definition relates to “nationality” or “habitual residence,” while the UNRWA definition relates to “normal place of residence during the period 1 June 1946 and 15 May 1948.” The author has seen no explanation for this difference, but UNRWA may have intended (given its initial purpose of providing emergency humanitarian assistance) to exclude seasonal migrant workers or very recent migrants. Such individuals could simply have returned to their normal homeland, deprived only of the chance for migratory work or a fresh start in a new country.¹⁵ This would have allowed the agency to focus on natives and those who had been in the area on a more permanent basis and could not so easily return to their place of origin.¹⁶

Second, unlike UNRWA’s definition, UNHCR’s is silent on the matter of refugees’ descendants, as many critics have noted.¹⁷ Denying refugee status to minor children of refugees would be harsh, of course: parents could hardly be expected to accept a repatriation forbidden to children they have borne since leaving their homes. Yet third-generation and later descendants may be viewed somewhat differently.¹⁸ And even

second-generation descendants, once their parents are deceased, would seem to have only a limited connection to a place they may never have visited, let alone lived.

Third, the UNHCR definition contains exclusions that arguably would apply to many Palestinians. The most important one relates to refugees who have acquired a nationality; this would apply primarily to refugees in Jordan, though also potentially to citizens of a new state in the West Bank and/or Gaza, and to at least some refugees in Lebanon (see the next chapter for details on the latter two scenarios). The UNHCR exclusions for war crimes and other criminal activities would be applicable to some Palestinians as well.

Political objectives and success in resettling refugees. As noted previously, UNRWA had little success in resettling refugees during the 1950s and no longer attempts to do so. UNHCR, however, has had considerably more success in resettlement efforts elsewhere. UNRWA’s failure to match UNHCR’s success obviously represents a political decision on the part of the agency, the UN General Assembly, and the donors, supported by the host countries and the refugees themselves—namely, that Palestinian refugees should retain their refugee status until there is, as the UNRWA commissioner-general recently put it, “a just and durable solution” to the problem that “reflects the desires of refugees.”¹⁹ Again, the fact that many UNRWA-designated “refugees” are citizens of recognized states suggests, for better or worse, that the

14. See UNRWA Consolidated Eligibility and Registration Instructions (UNRWA Department of Relief and Social Services, June 2006) (hereinafter “2006 CERI”), p. 2.

15. Cf. chapter 3’s discussion of “compromise cases,” whom the Lebanese authorities compelled UNRWA to register even though they were seasonal workers.

16. Kushner claimed, albeit without citation to any data, that “a good number of the Arabs who fled during the war had been in the land for as little as two years prior to the founding of Israel.... But these were transients who had for the most part come for work; they were not persons for whom Israel represented either country of origin or habitual residence.... [B]ecause they came from Arab villages in surrounding regions, some, when fleeing Israel, actually returned to their previous homes.” See “UNRWA: A Hard Look at an Agency in Trouble” (Center for Near East Policy Research, September 2005), p. 12 and fn. 15; available online (<http://israelbehindthenews.com/pdf/UNRWAReport-Consolidation.pdf>).

17. See *ibid.*, p. 12, and Ruth Lapidot, “Legal Aspects of the Palestinian Refugee Question” (Jerusalem Viewpoint no. 485, Jerusalem Center for Public Affairs, September 1, 2002); available online (www.jcpa.org/jl/vp485.htm).

18. See Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), p. 121. With a fourth generation of refugees now in existence, UNRWA’s policy can lead to some strange outcomes. For instance, imagine a man who fled from what is now Israel and was registered as a refugee. If that man fathered a male child with a nonrefugee, and the pattern was then repeated to the third and fourth generations, we would be left with a refugee who has only one-eighth “refugee blood” in his veins, so to speak—a man who, along with his parents and his grandparents, may never have even set foot in what is now Israel. In UNRWA’s eyes, such a person would remain entitled to “repatriation” to his “home” in Israel.

19. Karen AbuZayd, “Palestine Refugees: Exile, Isolation and Prospects,” annual Edward Said Lecture presented at Princeton University, May 6, 2008. Available online (www.un.org/unrwa/news/statements/2008/SaidPrinceton_6May08.html).

agency's continued existence is due at least in part to political purposes.²⁰

Defining Refugees to Increase Their Numbers

UNRWA has always insisted that its definition of a "Palestine refugee" was designed for "operational" purposes, that is, to identify people who were entitled to its assistance.²¹ A definition of "refugee" that made humanitarian sense in 1950 might not make sense if used to bestow legal rights today, however. As mentioned earlier, some critics believe that UNRWA's current intent is to maintain an inflated list of refugees claiming a "right of return" to Israel.²² Although it may be difficult to ascribe motivations to large bureaucracies, the fact remains that UNRWA registration documents would almost certainly be used to determine refugee status if a resolution to the Palestinian refugee problem were to arise (whether repatriation, resettlement, and/or compensation). And contrary to some accusations,²³ the agency's rolls do not consist merely of people who appeared at its offices and claimed to be refugees. These individuals must provide documentation in support of their registration; this documentation is maintained by UNRWA and will soon be entered into the Palestine Refugee Records Project computer database.

To be sure, the requirements for such documents²⁴ are not very rigorous and leave ample room for forgery—loopholes that may already have led to

many false registrations (e.g., acceptable documents include utility bills dated prior to May 15, 1948, as well as Lebanese, Syrian, and Egyptian government registration as "Palestinian refugees"). In addition, some earlier registrants were not required to produce such documents,²⁵ and even today the commissioner-general has the authority to register individuals who do not meet the CERI requirements.²⁶ Given the previously discussed problems with the relief rolls that were handed over to UNRWA by UNRPR in 1950, the difficulties in rectifying the rolls, and UNRWA's unexacting criteria for registration, it would not be surprising to find that the agency's rolls still contain individuals who were not (or whose ancestors were not) refugees from the 1947–1949 conflict, even under UNRWA's definition. Yet recent allegations that "not a single Palestinian has ever lost his refugee status" are certainly false.²⁷

Moreover, in any discussion of future political settlements, the most important point is that the UNRWA-maintained registration lists and documentary material are in themselves neutral and open to interpretation. That is, if an agreement is reached under which refugees are granted compensation and/or permitted to "return" to Israel or a new Palestinian state, the UNRWA documentation could be used to either approve or reject the final refugee status of a great many individuals, regardless of the agency's previous interpretation of the materials. The determining factor would not be the documentation itself, but rather the nature of the criteria applied to

20. Even UNRWA sometimes finds it difficult to remain coherent on the subject of citizens who are refugees. In a May 17, 2007, interview with Riz Khan of al-Jazeera, the commissioner-general stated, "Any group of refugees, until they can go home or until they are resettled or until they decide to integrate or take another nationality, they are, they remain refugees; their descendants remain refugees." Yet, in the same interview, she noted that "the Jordanian government has given citizenship [to most of its Palestinian refugees], but that doesn't take away the refugeehood; the refugee status remains." Video of the interview available online (www.youtube.com/watch?v=B82gJJdajUo).

21. For example, see the "Who Is a Palestine Refugee?" page on the UNRWA website (www.un.org/unrwa/refugees/whois.html).

22. For example, see Kushner's *UNRWA: A Report*, p. 8, as well as her response to UNRWA public information chief Gina Benevento's letter to the editor in *Azure* no. 24 (Spring 2006); available online (www.azure.org.il/article.php?id=138&page=all).

23. The GLORIA article suggested that UNRWA "refugee status was based solely on the applicant's word."

24. 2006 CERI, p. 5.

25. For instance, the "economic refugees" discussed in chapter 3. These refugees, though registered by UNRWA, would probably not be classified as refugees with regard to returning to what is now Israel, given that they never resided there.

26. 2006 CERI, p. 3. In addition, the commissioner-general is the agency's "chief executive" (see UNRWA Organizational Directive 2), which implicitly allows him/her to modify any operational policies at will.

27. This allegation appears in the GLORIA article. At least some of the 85,000 names removed from the relief rolls following the 1951 census must have represented Palestinians who were losing their refugee status. See *UNRWA: A Brief History, 1950–1982* (Vienna: UNRWA, ca. 1983), pp. 63–66. It should also be noted that the 2006 CERI contains procedures for removing names based on, inter alia, false or duplicate registration (pp. 7–8). On another note, it is true that the agency has never revoked the status of a properly registered refugee, no matter what he or she may have done subsequently.

that documentation, whether loose or highly restrictive. UNRWA's own view on the number of refugees entitled to such benefits would, of course, be quite expansive. For example, the commissioner-general recently estimated that there are 4.5 million registered refugees and an unknown number of unregistered refugees in the agency's fields of operation, with an additional five million living elsewhere in the world.²⁸

Employing Palestinian Refugees

As mentioned previously, UNRWA's 29,000 area staff members are overwhelmingly composed of agency-registered Palestinian refugees—an oft-criticized arrangement.²⁹ There are several obvious downsides to UNRWA using staff members drawn from the beneficiary population. At worst, such staff may be more concerned about beneficiaries' objectives than UNRWA's. They can also be manipulated more easily than staff who are not beneficiaries, whether by argument or threat, to distort the agency's objectives (e.g., by providing assistance to those who are not entitled to receive it or registering as refugees persons who do not meet UNRWA criteria).

It must be remembered, however, that area staff members receive hundreds of millions of dollars in annual income from UNRWA—approximately 68 percent of the agency's total expenditures, in fact,³⁰ which is a significant percentage of overall Palestinian income. Thus, replacing refugee staff with nonrefugees of any sort would result in a significant decrease in the funds available to the Palestinian refugee population, greatly diluting the positive effects of UNRWA's presence. Moreover, it would be financially impractical to replace Palestinian area staff with new international staff. Finding such employees who are fluent in Arabic, transporting them to the Middle East, and paying them

the normal wages and benefits for international staff would require a many-fold increase in the already \$500 million UNRWA annual budget, which is simply not within the realm of financial possibility. Replacing Palestinian refugee staff in the West Bank and Gaza with local nonrefugee Palestinians, while fiscally realistic, would not be much of an improvement over the current arrangement, since the refugees are connected to the nonrefugees by family and other ties. And employing Lebanese, Syrians, and non-Palestinian Jordanians, in addition to costing more (albeit not as much as new international staff), would result in the same drawback of interconnection with beneficiaries, even if to a lesser extent. Again, it is not clear that much would be gained in comparison to the dramatic decrease in income going into the refugee community.

Although UNRWA's critics rarely, if ever, cite staff problems in Jordan and Syria, it should be mentioned that both of those countries have a vetting process for prospective area staff members applying to work within their borders. Each applicant must receive government security clearance. In some cases, government officials are members of the boards that select staff members. As a general rule, the Jordanians and Syrians have used those direct powers sparingly in recent times, with only a few applicants denied employment because of "security" objections. This formal governmental involvement in hiring has not been duplicated by Lebanon, the Palestinian Authority (PA), or Israel, though the latter two—along with certain nongovernmental groups—may well impose informal constraints in the areas under their jurisdiction.

In any case, criticism of UNRWA staffing efforts is usually directed at the agency's failure to obtain clearance from Israel when hiring personnel in the West Bank and Gaza.³¹ Yet allowing PA or Israeli intelligence

28. AbuZayd, "Palestine Refugees."

29. For example, see Kushner, "The UN's Palestinian Refugee Problem," p. 11; and *UNRWA: A Report*, p. 3. See also the GLORIA article, which in addition implied that employing Palestinian refugees was a "conflict of interest" and asserted that "UNRWA is not so much in reality a UN body but a Palestinian organization funded by the UN."

30. UNRWA, "Programme Budget 2008–2009," July 2007, p. 11; available online (www.un.org/unrwa/finances/pdf/ProgBudget08-09.pdf). According to the same document, costs for international staff constitute another 5 percent of expenditures. More recently, the commissioner-general stated that "staff salaries constitute just under 77% of [UNRWA's] expenditure." Karen AbuZayd, speech to the UNRWA Advisory Commission, Amman, Jordan, June 17, 2007; available online (www.un.org/unrwa/news/statements/2007/AdCom_jun07.html).

31. For example, see Ayesha Akram, "UNRWA under Attack," UPI International Intelligence, December 5, 2005. Available online (www.accessmylibrary.com/coms2/summary_0286-11937303_ITM).

reports to determine whether UNRWA should employ a potential staff member in Gaza or the West Bank could result in manipulation of the hiring process (e.g., intelligence agencies withholding approval for individuals who have not been cooperative with them).³² Checking arrests, charges, and convictions with the Israeli and PA authorities, however, might be a useful tool for verifying candidate responses on employment applications.

Staff Involvement in Terrorism³³

The accusation that some UNRWA staff are involved in terrorism, made fairly often with respect to Gaza and the West Bank, usually relies on information released by Israeli governmental sources.³⁴ From UNRWA's standpoint, of course, all acts of criminal violence, not just terrorism, are proscribed, so no area staff member shown to have committed such an act could remain in the agency's employment. In each case of reported violence that comes to light, UNRWA conducts an investigation to determine whether there is sufficient evidence to take disciplinary action.³⁵

As shown in the previous chapter, area staff are drawn from a Palestinian population that overwhelmingly supports violence against Israelis, so it would not be surprising if some staff members were involved in such attacks. Yet, of the nearly 5,000 area staff in the West Bank and 10,000 in Gaza, few have been convicted of terrorism-related charges.³⁶ Moreover, the relatively few examples of staff involvement in anti-Israeli

violence that critics often cite are, for the most part, not clearly convincing.

Direct involvement in attacks. In what is perhaps the most serious incident of staff involvement in attacks against Israelis, during August 2002, Israeli authorities arrested Nahd Atallah, a low-level area staff member in Gaza, on charges of using his UN Laissez-Passer (the "UNLP," an official UN travel document similar to a passport) and UNRWA vehicle to bypass Israeli checkpoints in Gaza while transporting armed Palestinian fighters.³⁷ Although he was convicted by military court of several related counts and sentenced to fifteen years' imprisonment, his use of the UNLP within Gaza (as opposed to outside Gaza) and of the UNRWA vehicle were never established. All area staff UNLPs are kept under lock and key by international staff and issued to area staff members only for travel outside Gaza; thus, the allegation that Atallah used his UNLP for travel inside Gaza appears to be incorrect. Similarly, he did not have enough seniority to merit being permanently assigned a vehicle, so he would have had to check one out for a specific purpose approved by his superiors. Despite requests from UNRWA, the Israeli authorities did not provide the dates or times when Atallah allegedly misused an agency vehicle.

Improper activities in UNRWA schools. In summer 2000, a report emerged that Palestinian children were receiving military training in summer camps organized by the PA.³⁸ Although the report did not mention

32. Activity of this nature may already be happening. For example, governments or other entities with the ability to use force (as in the self-governing camps of Lebanon or Hamas-controlled Gaza) may make demands on area staff applicants, while nongovernmental actors may informally "tax" UNRWA wages. See Schiff, *Refugees* (pp. 91–93), which describes the Syrian government's control over area staff and its attempted control over international staff.

33. The word "terrorism" is used quite broadly by critics of UNRWA, as well as by the Israeli authorities, to include all nationalistically motivated attacks on Israeli civilians or military persons. Yet probably the best definition of terrorism is found in article 2, paragraph 1(b) of the UN's 1999 International Convention for the Suppression of the Financing of Terrorism, which describes it as an "act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act" (the full text of the convention is available online at www.un.org/law/cod/finterr.htm). Based on that definition, attacks on combatants, even if the attacks are believed to be unjustified, would not be described as "terrorism."

34. For example, see Asaf Romirowsky, "How UNRWA Supports Hamas" *In Focus* 1, no. 2 (Fall 2007); available online (www.jewishpolicycenter.org/article/53). See also Kushner, "The UN's Palestinian Refugee Problem."

35. As a senior UNRWA lawyer for most of 2000–2007, the author participated to a greater or lesser extent in all such investigations.

36. Of course, it is impossible to tell whether this low conviction rate is due to a low level of staff participation in terrorist acts or a low level of apprehension and conviction by Israeli authorities. But the fact that thousands of area staff have not run afoul of the authorities suggests the former.

37. See Arlene Kushner, "UNRWA Supplemental Report: A Rigorous Review of Agency Practices" (Center for Near East Policy Research, May 2004), p. 8 (available at <http://israelbehindthenews.com/pdf/SecondReport.pdf>); also see the GLORIA article. Both articles refer to Atallah as "a senior official of UNRWA," despite his relatively low rank.

38. John Burns, "Palestinian Summer Camp Offers the Games of War," *New York Times*, August 3, 2000.

UNRWA, some of the training allegedly occurred at agency schools that had been turned over to the PA for use as summer camps without proper supervision. Critics have since suggested that UNRWA was complicit in operation of the militarized summer camps, but there appears to be no evidence of this.

Despite the warning provided by the *Times* article, a similar misuse of UNRWA facilities was reported the very next year. In an incident described in the previous chapter, an agency teacher allegedly praised suicide bombers and permitted Hamas “spiritual” head Sheikh Ahmed Yassin to speak to an assembly of students at an agency school. The teacher claimed that he had not known Yassin would be speaking, let alone authorized the speech himself. He also claimed that his own remarks were unobjectionable. UNRWA was unable to prove otherwise, so the teacher was not terminated, but instead given a letter of censure.³⁹ In addition to reminding all area staff of their duties under regulation 1.4, the agency has apparently been more careful in screening for the use of its schools in the summer, as no further such incidents have come to light.⁴⁰

Improper use of UNRWA ambulances. Critics mentioned this accusation most often at the height of the second intifada and prior to Israel’s 2005 withdrawal from Gaza. In one incident, Nidal Nazzal, a UNRWA area staff driver in the West Bank, was arrested in August 2002 and, according to Israeli information, admitted to being a Hamas activist who

had transported weapons and explosives in his agency ambulance.⁴¹ Yet he was eventually released from administrative detention, after which he denied having made such an admission or having done such acts. He was never charged with, let alone convicted of, an offense, and his release (albeit after many months in detention) raised doubts as to whether he had actually done what was alleged.⁴² Under such circumstances, with no real evidence, UNRWA was unable to take disciplinary action.

The Nazzal incident represents the primary, perhaps only, accusation of its sort regarding the West Bank. In Gaza, three incidents have been mentioned: one involving an ambulance allegedly carrying a rocket, one involving an ambulance transporting combatants, and one in which an ambulance appeared to be in the vicinity of militant activity. In the first case, as at least one critic has confirmed, the Israel Defense Forces eventually admitted that the item being carried was a stretcher, not a rocket,⁴³ and for the most part critics no longer cite the incident. In the second case, however, the facts were less straightforward. The ambulance in question was actually filmed transporting Palestinian fighters on May 11, 2004. UNRWA learned of the film and conducted a quick investigation. The driver maintained that he had been forced at gunpoint to transport the fighters and their wounded commander to a hospital. UNRWA immediately issued a press release condemning the hijacking of its ambulance by armed men.⁴⁴ In the third case, an agency ambulance was filmed (with a date-time indication) in an area where individuals

39. The GLORIA article incorrectly stated that “Instead of condemnation, [the teacher] received a promotion.” The article was correct in noting that he was later elected to an office in the UNRWA union, however.

40. This is not to say that UNRWA facilities have been free from misuse by Palestinians since 2001, only that there have been no subsequent reports of UNRWA staff cooperating in the misuse. Occasionally, armed Palestinians force their way into UNRWA premises; e.g., on April 2, 2004, over UNRWA protests and appeals to the PA for assistance, an armed group took over an agency school in the Balata camp in Nablus, where they held a memorial service for the recently assassinated Sheikh Yassin. See UNRWA Annual Report, October 19, 2004, paragraph 17. Available online (<http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/cb76440773849d7d85256f3900505812!OpenDocument>).

41. For example, see Kushner, “UNRWA Supplemental Report,” p. 8, and the GLORIA article.

42. As is characteristic of certain other UNRWA staff cases, the circumstances of Nazzal’s situation do not clearly establish his innocence. Perhaps he did confess to improperly using his ambulance but then reached some secret agreement with the Israeli authorities that led to his release. Neither UNRWA nor its critics are likely to have access to the information necessary to determine whether he committed any criminal acts.

43. Arlene Kushner, “UNRWA: Links to Terrorism” (Center for Near East Policy Research, October 2004), pp. 13–14. Available online (<http://israelbehindtheneews.com/pdf/UNRWA.pdf>).

44. Whether the driver was being entirely candid is not clear. The film shows armed men getting into the ambulance, but it does not show a confrontation between them and the driver, nor does the driver’s facial expression seem to reflect any stress or threat to his life. Of course, the driver could simply have been calm under pressure, which, given ambulance drivers’ experiences in Gaza around this time, would not be surprising. As the Israelis noted, however, the driver did not report the incident until after the film surfaced; see Kushner, “UNRWA: A Hard Look,” p. 25.

who appeared to be combatants seemed to be burying something; the ambulance then left the area, passing over or near the buried object. The circumstances were obviously somewhat ambiguous, though it was suspicious that UNRWA records did not show the ambulance having been in that area at that time.

Hamas control over UNRWA area staff unions. In response to this not infrequent criticism,⁴⁵ the agency has stated, “Area Staff do have a union, but it is not staffed by representatives of any militant or political group or party, nor are elections to the union conducted on party or factional lists.”⁴⁶ This response is technically accurate: the union is not *formally* staffed by such representatives, and union elections are not *formally* factional. Yet as the critics—backed up with citations to various news sources—point out, the factional affiliations of candidates for UNRWA union offices are well known, and the election results are publicized according to which faction won.⁴⁷ Although the agency seems to be ignoring the obvious with regard to this issue, it is unclear what exactly it could do if it were inclined to take action. Investigations of union candidates would be time-consuming and, given the agency’s constraints discussed in the previous chapter, probably ineffective.

Staff membership in Hamas and other terrorist organizations. This is a frequent complaint.⁴⁸ The issue achieved particular prominence in October 2004, when Commissioner-General Peter Hansen was quoted as saying:

Oh I am sure that there are Hamas members on the UNRWA payroll and I don’t see that as a crime. Hamas as a political organization does not mean that every member is a militant and we do not do political vetting and exclude people from one persuasion as against another.... We demand of our staff, whatever their political persuasion is, that they behave in accordance with UN standards and norms for neutrality.⁴⁹

In truth, given the political allegiances among Palestinians,⁵⁰ and in the absence of any UNRWA policy against hiring Hamas members, it would be surprising to find no such individuals among the area staff. As Hansen admitted then, and as is still the case today, the agency makes no effort to discourage supporters or members of Hamas (or any other terrorist group) from joining its staff. UNRWA does place limits on the behavior of its staff, terminating those it can prove have acted in ways incompatible with agency rules. Yet it does not subject applicants in the West Bank and Gaza to pre-employment security checks, nor does it check up on staff members to see what they are doing outside office hours. One could argue that actual terrorists would not have time to hold down a full-time position with UNRWA, and that they are therefore likely “under-represented” among the pool of applicants. Nevertheless, evidence of area staff members who have had “second jobs” with Hamas or other terrorist groups does occasionally come to light.⁵¹

Use of Improper Textbooks

UNRWA textbooks, particularly in Gaza and the West Bank, have been a source of controversy in the past, as discussed in chapter 3. National textbooks used by

45. Voiced, for example, by Kushner, “UNRWA Supplemental Report,” p. 9.

46. “Setting the Record Straight” (UNRWA statement delivered to the UN Human Rights Commission, Geneva, April 3, 2003). Available online (www.un.org/unrwa/allegations/index.html).

47. Kushner, “UNRWA Supplemental Report,” n. 2, 3, and “The UN’s Palestinian Refugee Problem,” n. 32.

48. GLORIA article; Kushner, “The UN’s Palestinian Refugee Problem.”

49. “Canada Looking at UN Agency over Palestinian Connection,” Canadian Broadcasting Corporation, October 4, 2004. Available online (www.cbc.ca/world/story/2004/10/03/unwra041003.html). Hansen undoubtedly showed insufficient awareness of the political milieu in which his remarks would be reported, leading to a short-lived hullabaloo.

50. For example, according to the Palestinian Center for Policy and Survey Research, about 33.5 percent of Gazans support Hamas. See Poll no. 27, March 13–15, 2008; available online (www.pcpsr.org/survey/polls/2008/p27e2.html).

51. For instance, of the nine area staff members who resigned to become candidates in the 2006 legislative elections (as mentioned in the previous chapter), some ran as Hamas-affiliated representatives. More recently, an area staff member who apparently was working as a Palestinian Islamic Jihad explosives expert was killed by an Israeli air strike; see Adam Entous, “Gaza Headmaster Was Islamic Jihad ‘Rocket-Maker,’” Reuters, May 5, 2008 (available online at www.reuters.com/article/middleeastCrisis/idUSL05686115). Critics have also noted that at least one UNRWA staff member resigned from the agency and took a significant post in the Hamas government; see the GLORIA article.

the agency in Lebanon, Syria, and Jordan have raised less attention, possibly because Palestinian refugees in those countries are both less accessible to UNRWA's critics and, as they do not interact directly with Israelis, of less concern with regard to peace issues.

In the West Bank and Gaza, the *modus vivendi* reached between Israel and UNRWA—namely, the use of Egyptian and Jordanian books with deletions of certain material that the UN Educational, Scientific, and Cultural Organization (UNESCO) and/or Israel found objectionable—appears to have lasted reasonably well, at least until the Oslo Accords granted the PA self-government in most of the areas where agency schools were located.⁵² Initially, the PA reintroduced Egyptian and Jordanian texts without the Israeli deletions—not a positive decision from the standpoint of education for peace. Later, however, it began the process of replacing old texts with new ones.⁵³

The three main evaluators⁵⁴ of the Palestinian textbooks introduced from 2000 to 2007 were the Center for Monitoring the Impact of Peace (CMIP) (recently renamed the Institute for Monitoring Peace and Cultural Tolerance in School Education), the Israel/Palestine Center for Research and Information (IPCRI), and Nathan Brown of George Washington University. Between 1998 and 2008, CMIP issued a series of reports on textbooks from the Palestinian territories and other Middle Eastern countries, including Israel.⁵⁵ In late 2001, Professor Brown published a study on Palestinian textbooks that, in part, attacked the CMIP reports.⁵⁶ This

in turn led to a series of exchanges between Brown and CMIP.⁵⁷ Brown's published evaluations of Palestinian textbooks ceased around 2002, while CMIP has continued its evaluations to the present day.⁵⁸

Given Brown and CMIP's somewhat rancorous exchange on the subject, one would expect their views on Palestinian textbooks to be at odds. Regarding tone and interpretation, this is true. For example, Brown interprets the textbooks' failure to identify Israel on maps of the region as part of their creators' overall reluctance to address any controversial matter.⁵⁹ CMIP, in contrast, sees the failure as part of a systematic delegitimization of Israel as an independent state.⁶⁰ The same dichotomy of views is applied to the textbooks' avoidance of discussing Jews or Israelis as individuals (which critics argue would make them more "human" to the reader): CMIP finds this omission sinister,⁶¹ while Brown deems it another example of the textbook authors avoiding controversy.⁶²

These matters of interpretation aside, Brown and CMIP are not so far apart. For example, Brown admits that "most of the contents of [CMIP]'s reports are not fabricated. Clearly false statements are rare." His principal quarrels with the center are over (1) its failure to put quotations from the Palestinian textbooks into their historical context, (2) its "prosecutorial style," through which only problematical statements are cited and credit is not given for improvements over prior textbooks, and (3) its "qualifications and elliptical wording," which are often lost on readers who use CMIP materials to attack Palestinian textbooks.⁶³

52. For a brief examination of the status and history of Palestinian textbooks, see Nathan Brown, "Democracy, History and the Contest over the Palestinian Curriculum," paper presented at the Adam Institute Conference on "Attitudes toward the Past in Conflict Resolution," Jerusalem, November 2001. Available online (www.geocities.com/nathanbrown1/Adam_Institute_Palestinian_textbooks.htm).

53. *Ibid.*, p. 3.

54. For a short analysis of some of the better known evaluations, see Aaron Pina, "Palestinian Education and the Debate over Textbooks," Congressional Research Service, May 3, 2005. Available online (www.fas.org/sgp/crs/mideast/RL32886.pdf).

55. Some of these reports are available on the CMIP website (www.edume.org/index.html).

56. Brown, "Democracy."

57. See Brown's website (<http://home.gwu.edu/~nbrown>).

58. The most recent report is Arnon Groiss, "Palestinian Textbooks: From Arafat to Abbas and Hamas" (CMIP, March 2008); available online (www.edume.org/index.html). Since this is presumably CMIP's most up-to-date evaluation of Palestinian textbooks, I have taken its contents to represent the center's current view on the subject. Of course, Professor Brown's criticisms in 2001 were directed at those CMIP reports that were available to him at the time, so readers who wish to examine that debate would need to consult the earlier CMIP reports, not Groiss's 2008 report.

59. Brown, "Democracy," pp. 15–17.

60. Groiss, "Palestinian Textbooks," pp. 4–6.

61. *Ibid.*, pp. 7–8.

62. Brown, "Democracy," p. 4.

63. *Ibid.*, pp. 6–10.

In examining the books for grades one, two, six, and seven (new texts for other grades were not yet available when his examination took place), Brown found them “largely innocent” of incitement against Jews and Israel, but “highly nationalistic” and reflecting, while not a “war curriculum,” not a “peace curriculum” either.⁶⁴ These nuanced findings are not terribly different from those of CMIP, but while Brown emphasized improvements over previous Palestinian textbooks, CMIP focuses on continuing problems.⁶⁵

In addition to the Brown and CMIP studies, the U.S. embassy in Tel Aviv has commissioned studies by IPCRI. The first (covering new textbooks for grades 1, 2, 3, 6, 7, and 8) was submitted in March 2003 and found, *inter alia*, that the Palestinian curriculum

does not openly incite against Israel and the Jews. It does not openly incite hatred and violence. Religious and political tolerance is emphasized in a good number of textbooks and in multiple contexts. Some textbooks devote whole units or lessons to talking about these values and encourage students to adopt them. Inter-religious tolerance towards the followers of the other monotheistic religions, traditionally referred to as “Ahl al-Kitab” (the People of the Book), is emphasized in the framework of the teachings of Islam. In principle, these calls apply to both Christians and Jews. However, the textbooks fail to extend these principles and concepts to include Jews and to the State of Israel. In addition, and although the curriculum provides the opportunity for students to recognize and respect beliefs and practices of “others,” the concept of the “other,” in most cases, is limited to Christians.⁶⁶

Comments elsewhere in this study were similarly supportive in general but critical with regard to specifics,

referring, for example, to “selective” history that “inadequately and inappropriately” addressed Jewish connections to the land.⁶⁷ IPCRI’s follow-up reports for the embassy, issued in June 2004 (covering textbooks for grades 4 and 9) and July 2006 (covering grades 5 and 10), were quite similar to the March 2003 report.⁶⁸

In November 2004, IPCRI issued a report under its own auspices with suggestions on how Palestinian textbooks and curricula could be improved. According to that report, “Palestinian text books have confused messages, and it is not difficult to come to the understanding that the main political theme imparted to the students is that Israel should not exist, and that is essentially the Palestinian goal.”⁶⁹

Interestingly, despite these accusations, UNRWA tends to rely on quotations from IPCRI and Brown in responding to critics of its textbooks. On its website, for example, the agency reproduces the first three sentences of the above quotation from IPCRI’s March 2003 report, ignoring the subsequent qualifying sentences in which the center makes clear that “tolerance” in Palestinian textbooks is usually not extended to Jews or Israel.⁷⁰ Similarly, no mention is made of IPCRI’s more critical November 2004 report. The UNRWA site reproduces favorable comments from Brown as well—for example, his assertion that each Palestinian textbook mentions Gaza and the West Bank as “the two parts of the homeland.”⁷¹ Brown did in fact say that, but the agency ignores the qualifications he made to that general statement, in addition to sidestepping his less favorable comments, such as those described earlier.⁷² Moreover, UNRWA uses Brown’s words to dismiss CMIP’s reports as “tendentious and highly misleading,” even though that judgment applied

64. *Ibid.*, p. 2.

65. The grade 11 textbooks (produced under the Abbas government) are an exception—CMIP came across as almost effusive when evaluating them. See Groiss, “Palestinian Textbooks,” pp. 12–14. These textbooks are of no direct relevance to UNRWA, however, since the agency teaches only grades 1–9 in Gaza and the West Bank.

66. “Report I: Analysis and Evaluation of the New Palestinian Curriculum” (IPCRI, March 2003), p. 5. Available online (www.ipcri.org/files/report1.pdf).

67. *Ibid.*, p. 6.

68. “Report II” and “Report III” are both available for download from the “Peace Education Materials” page of the IPCRI website (www.ipcri.org/files/peace-education.html).

69. “Recommendations for Palestinian Text Books Reform” (IPCRI, November 2004), pp. 2, 8. Available online (www.ipcri.org/files/paltextrecs.pdf).

70. See “Setting the Record Straight” (www.un.org/unrwa/allegations/index.html).

71. Brown, “Democracy,” pp. 24–26.

72. UNRWA’s “Setting the Record Straight” page also mentions that “Ruth Firer of Hebrew University reached similar conclusions [to Brown’s] in her

principally to the center's 1998 report, much less to its 2000 report, and, of course, not at all to its subsequent reports, which followed Brown's 2001 paper.⁷³

In September 2002, CMIP wrote to UNRWA, contesting the agency's web defense of Palestinian textbooks, citing passages in the books that the center viewed as objectionable, arguing that UNESCO criteria were not being met, and urging that the best possible education for children be made the objective of UNRWA's schools.⁷⁴ UNRWA responded the next month:

UNRWA, like any other refugee organization, uses the textbooks and curriculum of the local authorities that play host to its refugees. This policy is based on long-standing agreements made with host governments that ensure that the arrival of a population of refugees does not infringe on the sovereignty of the host government or nation. Given these agreements UNRWA is in no position to unilaterally replace or amend the textbooks used in its schools.... [G]iven that the contents of [Palestinian] textbooks reflect cultural and political norms outside UNRWA's purview and that the Agency is bound by agreements to use these books, I would suggest that in future you address your specific points to the host authority in question or the academics you take issue with.⁷⁵

As for the textbooks UNRWA uses in its other fields of operation, Meyrav Wurmser critiqued Syrian books in a 2000 paper, finding in them a "bleak reality of

institutionalized hatred not only against Zionism and Israel, but also against 'the Jews' in general."⁷⁶ CMIP's 2001 report on Syrian books was at least as damning, noting frequent instances of support for acts of terrorism (disguised as nonterrorist incidents), martyrdom, and jihad; apparent Holocaust justification; a wholly negative view of Jewish people and Judaism, including a call for elimination of the Jews; and calls for the elimination of Israel.⁷⁷ And according to Joshua Landis, who examined Syrian textbooks in 2003, "All the anti-Zionist and anti-Semitic quotes high-lighted by Wurmser in the texts for the 1999–2000 school year are still included in the 2002–2003 texts" (though he also found that the newly introduced fifth-grade textbook was much improved in that regard).⁷⁸

The UNRWA website does not address the textbooks it uses in Jordan, Syria, or Lebanon. This is probably because, as noted earlier, there seems to be relatively little controversy surrounding these textbooks and relatively little research into their contents.⁷⁹ Moreover, addressing the textbooks used in Syria might raise embarrassing questions (though, in the absence of more recent independent evaluations, that cannot be said for certain).

Despite the problems with UNRWA textbooks, it bears repeating that the agency, with earmarked funding from donors, has attempted to strengthen peaceful messages in its schools. Beginning in 2002, it introduced supplemental materials on human rights,

study of the new books." That appears to be true, but as in its citation of Brown, the agency does not mention Firer's concerns about the textbooks. For example, although she criticized CMIP's interpretations and noted that "new Palestinian schoolbooks have far fewer negative stereotypes towards Jews and Israelis than the Jordanian and Egyptian textbooks previously used," she also focused on the Palestinians' general lack of experience in producing textbooks. See Elisa Morena, "Israel or Palestine: Who Teaches What History?" *Le Monde Diplomatique*, July 2001; available online (<http://mondediplo.com/2001/07/11/textbook>).

73. Interestingly, as of this writing, CMIP no longer includes the 1998 and 2000 studies on its website (www.edume.org), instead stating, "Since 2001, IMPACT-SE (formerly CMIP) published six reports ... on the Palestinian Authority schoolbooks."
74. "CMIP's Response to UNRWA's 'Myths and Facts,'" available online (www.edume.org/docs/reactions/unwra/Myths&Facts.pdf).
75. *Ibid.* UNRWA's response sounds not unlike its initial response to Israeli complaints about textbooks in 1967; see chapter 3. Certainly, the practice of using host-country textbooks (subject to clearance by UNESCO for at least a few years after the agreement in 1967) was well-established by 2002. Yet the author's inquiries as to the contents of UNRWA files on the matter revealed that there were no records of any "long-standing agreements made with host governments," or any such agreements at all. These "agreements" were probably made informally.
76. Meyrav Wurmser, *The Schools of Ba'athism: A Study of Syrian Textbooks* (Washington, DC: Middle East Media Research Institute, 2000).
77. Arnon Groiss, ed., "Jews, Zionism and Israel in Syrian School Textbooks" (CMIP, 2001). Available online (www.edume.org/docs/reports/Syria/Syria2001.pdf).
78. Joshua Landis, "Islamic Education in Syria: Undoing Secularism," manuscript prepared for edited volume, November 2003, pp. 12, 26–27. Available online (<http://faculty-staff.ou.edu/L/Joshua.M.Landis-1/Islamic%20Education%20in%20Syria.htm>).
79. One critic, however, referring to secondary sources, alleged that a Jordanian textbook implied strongly that areas in present-day Israel will eventually return to their proper Palestinian owners. Carol Greenwald, "Can Arabs Make Peace with Israel?" *Middle East Quarterly* 6, no. 3 (September 1999). Available online (www.meforum.org/article/474).

conflict resolution, and tolerance in order to combat school violence.⁸⁰ While these teachings are undoubtedly challenged by the students' experiences with violence in the home and, in particular in Gaza and the West Bank, with witnessing military operations, they nonetheless have an important function. The author has witnessed UNRWA students in Jordan performing plays during which the father figure starts out behaving arrogantly toward his family but is brought around by seeing the wisdom of the modern values espoused by his children. Such performances can only help implant the ideas of gender equality and human rights, and thus tolerance, in the performers and their audiences.

Audits and Financial Accountability

Concerns over UNRWA's financial responsibility are mentioned infrequently by commentators, though they did figure prominently in a February 2006 criticism issued by the Heritage Foundation.⁸¹ That criticism was taken up by some members of Congress, who, in May 2006, introduced the "UNRWA Integrity Act." According to that bill:

(5) UNRWA has never permitted an independent third party audit by an internationally-recognized auditing firm.

(6) The last audit conducted by UNRWA's own Board of Auditors and certified by the United Nations Board

of Auditors provided only summary totals which were vague and in addition left at least \$43 million in expenditures completely undefined.⁸²

In September 2006, Congressmen Mark Kirk (R-Ill.) and Steven Rothman (D-N.J.) met with UNRWA's commissioner-general; later that month, they followed up with a letter to the secretary of state requesting, inter alia, "an outside independent audit of UNRWA."⁸³ The next month, they wrote to UNRWA, raising questions regarding its accountability. In an October 8 response letter, UNRWA noted that its annual audits by the UN Board of Auditors (UNBOA) met the "outside independent" criteria, and that it could not allow audits by a private firm because it was bound by the UN General Assembly mandate prohibiting non-UNBOA audits.⁸⁴

Given UNBOA's status as an independent auditor,⁸⁵ the push for private outside auditors was probably a distraction, useful only as an argument by those who, based on other issues, wished to de-fund UNRWA.⁸⁶ Coincidentally, even as this congressional campaign against the agency was being waged,⁸⁷ many erstwhile opponents of UNRWA, including the Israeli government, changed direction—favoring, if anything, increased UNRWA funding.⁸⁸

Regarding corruption, allegations that arose during the author's time with UNRWA were duly investigated,

80. "UNRWA Moves to Combat Violence in Its Schools," Irin News (UN Office of the Coordinator of Humanitarian Affairs), November 26, 2008; available online (www.irinnews.org/Report.aspx?ReportId=81666). See also chapter 2's subsection on "Education."

81. Gardiner and Phillips, "Congress Should Withhold Funds."

82. HR 5278, UNRWA Integrity Act, 109th Congress (2006), sec. 2. Available online (www.govtrack.us/congress/billtext.xpd?bill=h109-5278).

83. "Report: UNRWA Violating Rules," *Jerusalem Post*, September 29, 2006. Available online (www.jpost.com/servlet/Satellite?pagename=JPost%2FJPArticle%2FShowFull&cid=1159193338901).

84. Letter from UNRWA commissioner-general to Congressmen Kirk and Roth, dated October 8, 2006. As UNRWA has argued, UNBOA is independent of the agency. However, with regard to the requirement to follow instructions from the General Assembly, UNRWA has sometimes acted with considerable independence. For instance, since 1988 on an annual basis, the General Assembly has asked UNRWA to issue identification cards to Palestine refugees (see Resolutions 43/57(E)(3) of December 6, 1988, and 62/104(14) of December 17, 2007). UNRWA has never done so, however. The General Assembly's repeated requests that UNRWA reinstate the general distribution of rations were similarly ignored. Moreover, if UNRWA wanted an exemption from the audit rules, it could ask for one.

85. The UNBOA website contains an explanation of its mandate, composition, and functioning (see www.un.org/auditors/board). Audit reports are available on the website as well; the most recent one for UNRWA examined the agency's 2004–2005 biennium.

86. At an American Israel Public Affairs Committee meeting in March 2006, Congressman Kirk reportedly said, "We'll demand [an] audit. UNRWA will just tell us to jump off a cliff, and that will make a case for shutting down UNRWA." See Ori Nir, "Israel Drops Bid to Curb Palestinian Refugee Body," *Jewish Daily Forward*, March 24, 2006. Available online (www.forward.com/articles/6794).

87. Congressmen Kirk and Rothman continued writing letters to UNRWA into at least 2007, and Kirk has recently been quoted as complaining of the agency's "lack of international standards and arrogance about accountability." See Etgar Lefkovits, "U.S. Congressmen Demand UNRWA Reform," *Jerusalem Post*, May 28, 2008. Available online (www.jpost.com/servlet/Satellite?pagename=JPost/JPArticle/ShowFull&cid=1211872830830).

88. After the January 2006 elections, to maintain assistance to the Palestinian people while denying funds to the new Hamas-dominated PA government, Western donors, supported by Israel, tended to increase their aid to UNRWA using some of the funds normally designated for the PA. See Nir, "Israel Drops Bid." Hamas's 2007 Gaza coup only increased donors' desire to bypass the wholly Hamas government in that territory.

even one wild accusation against the commissioner-general. Yet no instances of substantial corruption were ever established. Of course, there were smaller cases of individual corruption, most of which resulted in termination of the involved staff members. In some cases, the extent of the corruption and its effect on the agency were unclear. For instance, exhibiting favoritism in employment decisions within a job-creation program would be difficult to detect and would not have a major impact on the program's efficacy (though it could bring the agency into disrepute). In contrast, allowing workers in such a program to not report to their jobs would effectively defraud UNRWA of their services; yet the program's ultimate objective (providing additional funds to out-of-work refugees) would still be accomplished. Embezzling funds, preventing their use to provide needed services or even to supplement incomes, would be the worst of all. In the author's experience, the corruption that occurred among UNRWA staff was on a small scale and was of the less damaging variety (e.g., favoritism rather than serious crimes such as embezzlement).

Independence of the Commissioner-General

UNRWA is occasionally faulted for the lack of outside control over its chief executive.⁸⁹ Indeed, there are few direct controls on the commissioner-general's discretion. As critics point out, the Advisory Commission (AdCom) established alongside UNRWA has provided little advice of late,⁹⁰ and the General Assembly's counsel, on those rare occasions when it is

given, is sometimes ignored (as described in the previous section).⁹¹ With regard to relations with staff, the commissioner-general is constrained by two requirements: first, to seek the secretary-general's agreement on changes in personnel regulations and rules (albeit with the latter, UNRWA has sought agreement only when its changed rules would differ substantively from the UN Secretariat's own), and second, to submit to decisions of the UN Administrative Tribunal in New York (which involve personnel matters).

On political issues, the commissioner-general seems to be given little day-to-day guidance from the General Assembly, the AdCom, the secretary-general, the host countries, or the donors. Nevertheless, the chief executive needs to be attuned to the desires of each of those entities, as well as to the refugees and staff, deciding which interests are important, which are not, and exactly how much to oppose certain requests while remaining politic. Thus, donors can sometimes override the desires of the General Assembly, staff, and host countries, as happened with the dispute over the general distribution of rations, when the threat of reduced U.S. funding likely spurred changes in UNRWA policy (see chapter 3). In other cases, staff can override the interests of refugees and donors, as occurs whenever UNRWA increases salaries in response to strikes demanding "fairer wages" (area staff salaries and refugee services are funded from the same pool of donations, so an increase in the former can lead to a decrease in the latter). In addition, host countries' wishes can sometimes be subordinated to UN practices,⁹² and vice versa.⁹³ Donors' wishes can be similarly subordinated,⁹⁴ and vice versa.⁹⁵

89. For example, see the GLORIA article.

90. The AdCom's principal duty in recent years has been to discuss, and then sign, a letter to the General Assembly drafted by UNRWA and meant to accompany the commissioner-general's annual report. Commissioner-General AbuZayd has, with encouragement from the donors, agreed to the AdCom assuming additional influence and duties (supported by a small UNRWA secretariat). The AdCom originally consisted of representatives from France, Turkey, the United Kingdom, and the United States. Over the years, its size increased; today, it includes Australia, Belgium, Canada, Denmark, Egypt, Germany, Italy, Japan, Jordan, Lebanon, the Netherlands, Norway, Saudi Arabia, Spain, Sweden, Switzerland, and Syria, along with three observers (the Palestine Liberation Organization, the European Community, and the Arab League). Obviously, the AdCom is somewhat more unwieldy today than in the past, but the recent addition of eleven major UNRWA donors (each giving more than \$5 million per year) arguably tends to make the commission more representative of the agency's funders.

91. Theoretically, UNRWA would have to follow direct orders, given that it is a creation of the General Assembly. But such direct orders are rarely given.

92. For example, Jordan, having initiated a "Jordan First" campaign in October 2002 (an attempt to strengthen national feeling among its citizens), asked UNRWA to fly Jordanian flags above agency schools, to mount pictures of the king in every classroom, and to begin the school day by singing the Jordanian national anthem (see the official description of the campaign at www.jordanembassyus.org/new/aboutjordan/er1.shtml). UNRWA, backed by the UN Office of Legal Affairs in New York, refused, despite repeated requests.

93. UNRWA does fly the Syrian flag above agency schools in Syria (a point not lost on the Jordanians), and pictures of the Syrian president are ubiquitous among the "personal" effects of UNRWA teaching staff there.

There is at least some evidence that the commissioner-general may “accede to the non-UN pressures of Arab states or radical Palestinian groups,” as feared by some critics.⁹⁶ Although individual Arab host countries have individually influenced UNRWA’s policies in the past, their influence can no longer be fairly characterized as “non-UN”—today, Arab states have sufficient sway within the UN to ensure that, in most cases, the General Assembly will go along with their desires.⁹⁷ As for “radical Palestinian groups,” the 2003 report by the U.S. Government Accountability Office (discussed in chapter 4) maintained that “UNRWA is constrained in determining if its beneficiaries meet section 301(c) criteria, owing to concerns for its staff’s safety and its inability to verify beneficiary responses.”⁹⁸ Most likely, these constraints result from intimidation of agency staff by radical groups or their sympathizers. At the same time, some UNRWA staff have shown considerable courage in standing up to intimidation, despite the risks.⁹⁹

Overall, the commissioner-general’s day-to-day power is admittedly great (a situation that, it should be mentioned, can contribute to administrative efficiency). Yet the chief executive’s policies are subject to many influences. If his or her power is used in ways that conflict with the donors’ political objectives, it is up to the donors to take the necessary actions to ensure that their interests are respected. When they have done so, UNRWA—given the tight financial leash it has been

on for most of its existence—has tended to follow their dictates, even if sometimes slowly.

Self-Perpetuating Bureaucracy

The notion that UNRWA staff have an interest in perpetuating the agency’s existence seems self-evident. Whether this self-interest has actually contributed to UNRWA’s continued operation is much less clear, and those who imply the existence of such an influence have not provided adequate evidence.¹⁰⁰

Upon the author’s arrival at the agency’s Gaza headquarters in August 2000, he was told by senior officials that he should not expect to have much job tenure because UNRWA, as a result of the anticipated peace agreement between Israel and the Palestinians, would soon be handing its functions over to the PA. Indeed, UNRWA had even established a semi-secret group of international staff to plan for the handover.¹⁰¹ The second intifada began a month later, however, putting an end to such notions; the planning group, though never officially dissolved, ceased to meet.

Given the PA’s longstanding difficulties with paying employee salaries, UNRWA area staff in Gaza and the West Bank would probably feel more secure remaining employed by the agency instead of being transferred to the PA government. If such a transfer occurred, however, it is unlikely that there would be wholesale terminations of staff members. In any foreseeable scenario, most staff, along with the physical facilities where they

94. For instance, see UNRWA’s refusal to use the U.S. Treasury Department’s OFAC list, discussed in chapter 4.

95. UNRWA has, for example, occasionally modified its contracting procedures to meet European Union requirements.

96. GLORIA article, p. 4.

97. Given this influence, Arlene Kushner’s implication that the “heart of the problem” regarding UNRWA’s policies is a lack of General Assembly oversight is undoubtedly incorrect (see her previously cited response to Gina Benevento’s letter to the editor). The General Assembly has been fully supportive of Palestinian political objectives, so those UNRWA policies to which Kushner objects would not be changed by additional General Assembly oversight; in fact, the result of such increased oversight would likely be the opposite of what Kushner would consider ameliorative.

98. See page 4 of the letter prefacing the GAO report “Department of State and United Nations Relief and Works Agency Actions to Implement Section 301(c) of the Foreign Assistance Act of 1961” (GAO-04-276R UNRWA), November 17, 2003. Available online (www.gao.gov/new.items/d04276r.pdf).

99. As noted previously, John Ging, UNRWA’s field director in Gaza, was attacked in March 2007. Subsequently, however, he refused to back down on allowing male and female students to attend summer camp together, despite a group of Islamist extremists charging that he was “at the head’ of an alleged movement to weaken people’s faiths” and was “turning people away from Islam.” The summer camp continued, even after the extremists murdered a Fatah bodyguard during a ceremony. See “Gaza School Festival Attacked,” *AlJazeera.net* (English version), May 6, 2007. Available online (<http://english.aljazeera.net/NR/exeres/3ECB59C5-3EFE-4F79-8406-E4D1F5BEC58B.htm>).

100. For example, see Jonathan Spyer, “UNRWA: Barrier to Peace” (Begin-Sadat Center for Strategic Studies, May 27, 2008), which notes that bureaucracies like UNRWA’s “have a tendency to become self-perpetuating.” See also the GLORIA article, which asserts, “The bureaucracy, well over 99 percent Palestinian ... have absolutely no incentive to plan or implement any solutions that may endanger their livelihood by rendering their services obsolete.”

101. Secrecy was employed because the agency believed, reasonably enough, that knowledge of the group’s existence would give rise to rumors and fears among the refugees, particularly area staff members.

work, would be transferred to the PA or other national authorities. Their funding would be transferred as well, in all likelihood—it would simply be denominated “foreign aid” instead of “donations to UNRWA.” Hence, for most area staff, the end of UNRWA would not be an economic disaster.¹⁰² And, in any event, their preference for remaining agency employees—whatever the strength of this sentiment, and regardless of its economic or political motivations—has not shaped UNRWA decision making at times when the agency has planned for its own winding down.

Another key aspect of this issue is the tendency of bureaucracies to perpetuate a specific kind of mindset in the workforce. From a political standpoint, this sort of self-perpetuation can be assumed among area staff, given the social pressures to maintain political orthodoxy within the Palestinian community. Yet it is likely to be true with regard to international staff as well. For example, during the author’s first years of service with UNRWA, applicants were sometimes asked what they thought of the Israeli-Palestinian situation; needless to say, sympathy for Israel was not a favored viewpoint (to be fair, such questions seem to have tapered off or even ended in recent years). A

similar bias existed in the fact that Jews—who tend to be more sympathetic to Israel and more at risk of physical danger working in certain UNRWA jurisdictions—were unlikely to be hired. Although it is not unheard of for UNRWA to employ Jews, it is rare.¹⁰³ And, of course, a certain amount of self-selection exists among applicants—those who tend to support Israel are less likely to seek employment with an organization whose reputation is closely identified with Palestinians and their political causes.

The same sort of bias seems to be at work in the selection of UNRWA’s commissioner-general and deputy commissioner-general, both of whom are appointed by the UN secretary-general in consultation with the AdCom.¹⁰⁴ In recent years, candidates who possess UN experience, preferably with refugees, have been appointed. Such individuals naturally tend to have a sympathetic and supportive view of refugees. Moreover, having worked with the UN, the candidates also tend to be less sympathetic toward Israel. As former commissioner-general Hansen once put it, “My job is not to put myself at the midpoint between the Israeli view and the refugees’ view. My job [is] to represent the refugees.”¹⁰⁵

102. Of course, some area staff, especially in the managerial ranks, might not transfer easily to the PA or other national authorities, which might already have managers with similar responsibilities. In most of its fields of operation, however, UNRWA has had problems retaining senior personnel in the face of competition from private employers, indicating a viable alternative option if their posts were not transferred.

103. It helps if the person is not ostensibly religious, has been previously identified with the Palestinian cause, and/or will be working in geographic areas where there is comparably less likelihood of attack, e.g., Jerusalem.

104. The former is appointed pursuant to General Assembly Resolution 302 (IV) of December 8, 1949, which created UNRWA (see paragraph 9). In the past, the choice of deputy commissioner seemed to be left up to the commissioner-general, but in more recent years, the secretary-general seems to have had the final say. The influence of the AdCom (or, at least, some of its member states) was evidenced most prominently by the report that former commissioner-general Peter Hansen’s contract was not renewed because of U.S. pressure. See Chris McGreal, “Bush Forces UN Refugee Chief to Go,” *Guardian* (London), January 20, 2005; available online (www.guardian.co.uk/world/2005/jan/20/usa.israel).

105. *Ibid.*

6 | The Future of UNRWA: U.S. Policy Options

THERE ARE A NUMBER of paths the United States might follow in its future dealings with UNRWA. One is the time-honored diplomatic inclination, seen most often in non-crisis situations, of doing nothing—of continuing to provide UNRWA with regular U.S. funding at a time when successful intervention is an uncertain prospect, and perhaps not worth the price. This path is discussed in the first section below.

At the other extreme is a proposal, frequently made by critics of UNRWA: to try to do away with the agency completely, de-funding it and turning its responsibilities over to the UN High Commissioner for Refugees (UNHCR). Yet, as will be shown in the second section of this chapter, that proposal is neither likely to be implemented nor sufficient to achieve the critics' objectives.

The main portion of this chapter deals with a third, and more constructive, path for U.S. policy: namely, taking a number of steps that fall between the extremes of doing nothing and pushing to eliminate UNRWA. These steps are discussed under two general categories: (1) policy changes designed to revise UNRWA's mandate, reducing the agency's activities in areas where it is not useful, but maintaining its activities in other areas, at least temporarily; and (2) operational changes designed to improve UNRWA's day-to-day work.

Can the United States Impose Change on UNRWA?

Some observers view UNRWA as a success story for U.S. policy in the Middle East. The agency's original mission, to provide emergency assistance to the refugees of the 1947–1949 conflict, was performed well. Although UNRWA was unable to repatriate or resettle the refugees, that was not its fault, but rather

that of the Israelis (who refused to consider repatriation for all but a fraction of the refugees) and the Arab countries and refugees (most of whom refused to consider any resettlement at all). In its later reincarnation as a service provider, UNRWA has, with occasional hiccups, created admirable systems of education, health, welfare, and the like for Palestinian refugees, even as the number of such beneficiaries has grown from fewer than a million to more than 4.5 million.¹ UNRWA's programs have ensured that this rapidly increasing refugee population does not suffer from a lack of basic needs, and the United States has rarely chosen to demand more. In addition, all of this has been accomplished alongside gradually declining U.S. funds, as a percentage of the total UNRWA budget and in inflation-adjusted dollars.² So it can be argued that UNRWA represents both a diplomatic success and a bargain for the United States.

At the same time, other salient aspects of the agency—for instance, most of its anti-Israeli pronouncements and support for engaging Hamas—are not ideal from the perspective of U.S. policy. But would the benefits of trying to change these aspects be worth the risk of potentially disrupting UNRWA's useful humanitarian work? How important would it be, some might ask, to silence one contrary UN organization, given that others would continue speaking in the same vein (e.g., the General Assembly, which is as much at odds with U.S. policy as UNRWA, if not more)? How important would it be to the United States if the commissioner-general, only one person after all, no longer traveled around the world making speeches that go against U.S. policy? One can easily envision the State Department using these and similar arguments to justify inaction.

1. The current total was obtained from "2007 Global Trends: Refugees, Asylum-Seekers, Returnees, Internally Displaced and Stateless Persons" (UNHCR, June 2008), p. 2. Available online (www.unhcr.org/statistics/STATISTICS/4852366f2.pdf).
2. In UNRWA's first year, the U.S. contribution was \$27,450,000, or about 74 percent of all donations. In inflation-adjusted dollars, that contribution would have been about \$219 million in 2007. During a May 7, 2007, congressional hearing organized by Rep. Dennis Kucinich (D-Ohio), Commissioner-General Karen AbuZayd asserted that the United States had donated \$154 million for 2007, and that this amount constituted about 17 percent of all contributions to UNRWA (see www.unicwash.org/news/abuzayd07may08.htm). Her "17 percent" is likely too low, however—if applied to the \$154 million figure, it would indicate that the agency received \$905 million in contributions for that year, well above its actual income.

Even if the United States did wish to change UNRWA's policies, could it do so in a way that preserves its interests? After all, donors, despite the existence of the Advisory Commission, do not have a formal say in UNRWA's policies—that is the purview of the General Assembly, which created UNRWA and to which the agency reports. To influence UNRWA, then, the United States would have to be willing to withhold contributions—an action that could theoretically bring UNRWA's programs to a halt. That is not a desirable outcome for the United States, particularly not during delicate negotiations between Israel and the Palestinians.

Assuming that the United States is willing to put UNRWA's operations at risk, would the threat of withheld American funds be so severe as to spur modifications to UNRWA policy? In the past, such a threat was an existential matter for UNRWA, given that U.S. contributions amounted to a majority of the agency's funding.³ Nonetheless, even the loss of 17 percent of its budget (assuming that is the correct figure for present-day U.S. contributions; see footnote 2) would be a major blow to UNRWA. But it is also true that the donors do not speak with one voice; there is no "General Assembly of Donors" that votes on issues and then follows the will of the majority.⁴ Instead, individual donors often disagree and are not bound by majority rules. If the United States decided to withhold contributions, then, would other donors continue as usual, or even increase their contributions to make up the difference? Would a new donor come forward to replace the United States?

Today, the last scenario is possible in a way that was unimaginable when the price of oil was \$10 per barrel. Unless Washington were able to rally other major donors, particularly the European Union, to its position, UNRWA could conceivably replace U.S. funds with contributions from a sympathetic source, whether the EU, Arab countries, Iran, or some other donor. From the U.S. perspective, the worst-case scenario would be the provision of replacement funds by a country with strongly anti-American positions.⁵ Although Iran appears to have significant financial difficulties at the moment, other oil-producing countries do not. Moreover, higher oil prices could give even Tehran sufficient income to consider making a major contribution to UNRWA. In short, the recent immense transfers of wealth from the developed countries to the oil-producing countries may mean that it is no longer fanciful to imagine U.S. funding of UNRWA being replaced by contributions from a Middle East source. Indeed, for some countries, replacing the American contribution might be particularly attractive because it would be perceived as a diplomatic defeat for the United States.

If faced with new U.S. threats of funding cuts, then, UNRWA might conclude that (1) Washington would back down, as it did with its demand that the agency use the Office of Foreign Assets Control (OFAC) list (see chapter 4), or (2) if the United States did in fact follow through on the threat, its contribution could be replaced by other donors. Accordingly, UNRWA might refuse the U.S. demands. With its bluff called, Washington would then have to either accept the

3. It should be noted that even in UNRWA's early years, when American contributions and influence were at their peak, U.S. objectives were not always attained—at least in part because the relevant American officials did not always speak with one voice. Take, for example, the differing agendas of the American head of the U.S. regional economic office in Beirut, Edward Locke, and the American head of UNRWA, John Blandford Jr. See Paul Kingston, "The Ambassador for the Arabs: The Locke Mission and the Unmaking of U.S. Development Diplomacy in the Near East, 1952–1953," in David Lesch, ed., *The Middle East and the United States: A Historical and Political Reassessment*, 4th ed. (New York: Westview, 2007), pp. 30–50.
4. The closest thing to such an assembly is the Advisory Commission, which now includes all major donors. There are twenty-one commission members in all, however, including some countries whose donations are relatively small. So although the United States could try to rally the group in support of major policy changes, the diversity of political opinion within the commission (even among the major donors) might make this difficult.
5. Faced with the West's threat to cut off aid to the Palestinian Authority (PA) after Hamas's January 2006 electoral victory, both Iran and certain Arab states spoke of providing funds to Hamas and the PA. See Aaron Pina, "Fatah and Hamas: The New Palestinian Factional Reality," Congressional Research Service, March 3, 2006, p. CRS-3; available online (<http://italy.usembassy.gov/pdf/other/RS22395.pdf>). In December of that year, Iran allegedly promised to provide \$250 million to PA prime minister and Hamas head Ismail Haniyeh. See "Palestinian PM Says Iran Has Pledged \$250 Million in Aid to PA," *Haaretz* (Tel Aviv), December 12, 2006; available online (www.haaretz.com/hasen/spages/799607.html). It is perhaps not coincidental that UNRWA commissioner-general AbuZayd has consistently supported engaging Iran's ally, Hamas, and that she spoke favorably of Hamas in her May 25, 2008, interview with an Iranian television station, as mentioned in the previous chapter (the full interview with Iran's Press TV is available online at www.presstv.ir/detail.aspx?id=57331§ionid=351020202).

refusal or cut off funding—a lose-lose situation from the State Department’s perspective.

This scenario is indeed a dark one for anyone hoping that the United States will push for change in UNRWA. At this point, however, it is still mostly theoretical. In the meantime, a different, more favorable scenario is unfolding: UNRWA is currently in the midst of a precarious financial situation that has made it particularly dependent on its donors. A number of factors—some due to UNRWA’s own choices, some due to the Palestinians’ choices (and subsequent Israeli reactions), and some due to factors arising elsewhere—have combined to place UNRWA in a significant budgetary shortfall. For example, area staff salaries (which, as noted previously, constitute around 68 percent of the agency’s regular budget) have grown by some 50 percent since 2004. About half of this growth is attributable to the agency’s granting of salary increases⁶ (often after labor strikes, whose participants are permitted to recoup the days of pay they lost while striking)—these are granted even though the economic situation in the West Bank, Gaza, and Lebanon makes most UNRWA jobs highly sought after without such increases. In addition, Israeli security measures in response to Palestinian suicide attacks (and, from Gaza, rocket attacks) have significantly increased UNRWA’s costs of delivering aid. And, of course, the worldwide uptick in commodity prices has prompted a corresponding rise in UNRWA’s food and transportation costs. The agency is also dealing with the serious increase in aid required as a result of the Hamas government’s international isolation in Gaza and the aftermath of the 2007 battle between the Lebanese armed forces and the Islamist group Fatah al-Islam, which utterly destroyed the Nahr al-Bared camp near Tripoli.⁷ Accordingly, a reduction in contributions by a major donor is one of the last things UNRWA would want to confront at the moment.

Even though UNRWA’s situation might make it amenable to demands for change, there is a strong likelihood that the State Department, left to its own inclinations, would choose to avoid pressing the matter. In addition to contemplating the downsides of the “dark scenario” described in the preceding paragraphs, the State Department office that actually deals with UNRWA on a regular basis—the Bureau of Population, Refugees and Migration (PRM)—has shown little interest in pressing the agency except when it is itself pressed by Congress. The working relationship between UNRWA and PRM appears to be quite collegial, and dissension is rare.

Further insight into this relationship was revealed by the results of the previously mentioned 2003 Government Accountability Office (GAO) report, initiated by Congress with the objective of determining the State Department’s compliance with section 301(c) of the Foreign Assistance Act of 1961 and its provisions regarding U.S. contributions to UNRWA.⁸ As described in chapter 4, the report did not say whether UNRWA was complying with 301(c), but instead listed the factors that “constrained” the agency (most of which could have been remedied had UNRWA made an attempt to do so). With regard to PRM, the GAO listed various outputs (e.g., funding operations support officers; receiving reports from UNRWA on 301(c); placing a PRM coordinator in Amman) but no results emanating from those outputs, and it faulted the State Department for not defining 301(c)’s key terms for UNRWA. Since the publication of the GAO report, nothing of substance has changed—UNRWA has not attempted to overcome any of its “constraints,” there has been no noticeable improvement in its compliance with 301(c), and PRM has not provided it with any terminological definitions. It is as if the GAO report was never issued.

6. Calculated from figures in UNRWA, “Programme Budget 2008–2009,” July 2007, p. 11. Available online (www.un.org/unrwa/finances/pdf/ProgBudget08-09.pdf).
7. UNRWA has recently estimated its costs to address the destruction, including rebuilding the entire camp, at \$450 million. See “UN Seeks to Rebuild Devastated Lebanon Refugee Camp,” Agence France-Presse, June 12, 2008; available online (www.reliefweb.int/rw/rwb.nsf/db900sid/KHII-7FKA4G?OpenDocument).
8. See the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, section 580 (division E of Public Law 108-7; 117 Stat. 213).

Thus, those hoping to change UNRWA cannot rely on the possibility that the agency's current financial situation will make it more amenable than usual to donor pressure. Given the nature of the UNRWA-PRM relationship and the lack of a crisis to strengthen American resolve, it would seemingly take a determined individual in the State Department, if not the White House, to pursue major changes within the agency.

Transfer UNRWA's Responsibilities to UNHCR?

Arguing that the agency is responsible for prolonging the Palestinian refugee crisis, UNRWA's critics are generally united in their desire to see it shut down immediately. As described in the previous chapter, most recommend that responsibility for Palestinian refugees be transferred to UNHCR. Realistically, however, it is unlikely that these or related wishes will be satisfied anytime soon.

First, shutting down UNRWA would not solve the problem of how to deal with the refugees. For example, one can argue that UNRWA is responsible for keeping many Jordanian citizens in the strange situation of living peacefully in their country of citizenship while at the same time being denominated as "refugees" from the land of their forefathers. Yet, however distasteful the critics find UNRWA's policies or political pronouncements, the fact remains that the agency is, in the end, only a tool in the hands of the General Assembly (and, to a certain extent, its donors). In other words, if the General Assembly were sufficiently aroused, it could order the agency to change or terminate its mandate. But there is no majority sentiment in the General Assembly to do so—rather than redirecting UNRWA's energies toward resettling Palestinian refugees, the assembly has sought to maintain the agency's focus on

providing services to them *ad infinitum* (i.e., until an Israeli-Palestinian peace agreement is reached).

Thus, even if critics were able to bring about UNRWA's demise and turn its responsibilities over to UNHCR or another UN agency, their efforts would be pointless unless said agency were given an explicit mandate to resettle the refugees. After all, the problem that so exercises these critics is UNRWA's mandate—they are not really concerned that the agency might be redundant (given UNHCR's existence) or inherently dysfunctional in some way.⁹ If UNRWA were simply replaced by UNHCR or another UN agency, the General Assembly's mandate to the new agency would remain the same, and the critics would be no happier than they are now. What the critics are really asking for is a General Assembly decision to change its overarching mandate from preserving Palestinian refugees' well-being and refugee status to actively encouraging, if not forcing, resettlement and an end to refugee status—regardless of which agency is entrusted with this mandate. As noted earlier, there is no majority support in the General Assembly for such a change; in fact, an overwhelming majority opposes it.¹⁰

Recommendations for Promoting Policy Change

As noted earlier, the United States will be unable to effect major changes in UNRWA without firm action tying continued (or increased) funding to cooperation with such changes. And even with a determined American push, change would not be guaranteed without the support of the other major donor, the EU. Moreover, the General Assembly, the UNRWA leadership, the host countries, the refugees, and even some other donors would likely oppose sweeping changes. Therefore, the United States and its supporters would have to be willing to cut off contributions in the face of such

9. Of course, UNRWA area staff are predominantly Palestinian refugees, so critics do view them as inherent parts of the anti-resettlement problem. Area staff do not set the agency's agenda, however—international staff (particularly the commissioner-general) do. Critics would argue that many international staff are opposed to resettlement as well, but that could be altered by either changing the agency's mandate at the UN level or, as necessary, changing the personnel. Given that the current commissioner-general and deputy commissioner-general, as well as an increasing number of recently hired lower-ranking international staff, have had earlier employment with UNHCR, there is no reason to believe that replacing UNRWA staff with UNHCR staff would produce a significant change in policy. For the previous experience of the current commissioner-general and deputy commissioner-general, see their biographies on the UNRWA website (www.un.org/unrwa/news/index.html).

10. One need only read a few of the plethora of Palestinian-related General Assembly resolutions over the years to reach this conclusion.

opposition, and to accept the potentially serious consequences thereof.

But setting these difficulties aside, what sorts of major changes would make sense? The next two sections outline ways in which the United States can encourage wider policy change that would bring UNRWA back to its original mission: “reintegration” (given the impracticality of repatriation) and provision of services based on need.

Removing National Citizens from UNRWA’s Responsibility

Perhaps the greatest change for UNRWA would be for the agency to accept that its mission—saving the Palestinian refugees from starvation and providing for their well-being—has been accomplished in most of its fields of operation, and that it can finally turn its responsibilities over to the relevant local or national authorities. In truth, the vast majority of UNRWA’s registered refugees have already been “resettled” (or, to use the UN euphemism, “reintegrated”). Specifically, most of the nearly 2 million registered Palestinian refugees in Jordan are citizens of that country,¹¹ and the rest have residency and travel documents. Similarly, the refugees in the West Bank and Gaza have exactly the same rights as the nonrefugee population, including suffrage. The refugees in Syria have a somewhat different status: although they lack suffrage (a somewhat theoretical benefit to citizens in Syria), full property rights, and certain other privileges, they still hold most of the accoutrements of Syrian citizenship. The roughly 414,000 UNRWA-registered Palestinian refugees in Lebanon¹² have a significantly different status from their nonrefugee neighbors, but even there, some

of UNRWA’s registered beneficiaries are likely citizens (given that Beirut granted citizenship to some 70,000 Palestinian Christian refugees in past years). The only thing preventing citizens from ceasing to be “refugees” is UNRWA’s singular definition of what constitutes a refugee.

Although UNRWA need not surrender responsibility to national authorities precipitously or in all areas at the same time, there is no logical or humanitarian argument to justify a UN organization providing services such as education, health, and welfare to citizens of a member state in a non-emergency situation. Thus, the most obvious place to begin the handover process would be in Jordan, where almost all “refugees” are citizens and, according to UNRWA,¹³ only about 18 percent of them live in refugee camps (which in many cases are urban neighborhoods rather than the traditional refugee accommodations of tent-filled fields). UNRWA could revive its plans from 2000, when an Israeli-Palestinian peace deal seemed imminent; the ideas therein regarding the transfer of agency responsibilities could be applied to the Jordan situation. Once an agreed schedule for shifting employees and facilities to the Jordanian government were reached, the handover could begin. An orderly handover would presumably start with only some programs and areas, expanding over time; the full transfer might take a few years or proceed much more quickly, depending on the degree of cooperation shown by all involved. Ultimately, however, the citizen-refugees would become just citizens, leaving UNRWA with, at most, responsibility for the 167,000 noncitizen Palestinian refugees in Jordan and reducing its overall beneficiary base by about 40 percent.

11. In 2003, the U.S. Committee for Refugees and Immigrants (USCRI) decided that it would no longer classify as refugees the 1.8 million UNRWA-registered beneficiaries who have Jordanian citizenship. According to the group, there are about 167,000 UNRWA-registered refugees in Jordan who do not have citizenship (of whom 162,000 are from Gaza). See the Jordan section of USCRI’s *World Refugee Survey 2008*. Available online (www.refugees.org/countryreports.aspx?id=2150).

12. The 414,000 figure is as of the end of 2007. See UNRWA Public Information Office, “UNRWA in Figures” (December 31, 2007, version); available online (www.un.org/unrwa/publications/pdf/uif-dec07.pdf). Although an accurate figure for the actual number of refugees in Lebanon is not available, most observers believe that it is much lower than the UNRWA figure—perhaps only half as high. In 2006, UNRWA hired a contractor to examine the living conditions of Lebanon refugees; when the contractor went to interview a random sample of names from the agency’s list of registered refugees, only about 55 percent of them could be found, suggesting that there are many more refugees on UNRWA’s rolls than are actually on the ground in Lebanon. According to one source, “independent research sources suggest a total of 200,000 Palestinian residents live in the country.” Bernhard Hillenkamp, “The Challenges of Palestinian Education” (Lebanese Palestinian Dialogue Committee, March 2008), p. 2; available online (www.lpdcc.gov.lb/Uploads/2008-04/Document26_1.pdf).

13. “UNRWA in Figures,” December 31, 2007.

The difficulty of transferring thousands of area staff members to the Jordanian government (or other governments, for that matter) is not nearly as great as it might seem.¹⁴ Pay scales and benefits given to such staff are already supposed to be based on those of the host governments. Those area staff members who are currently better paid than comparable government workers would suffer, but only to the extent that they had managed to extract salaries/benefits from UNRWA beyond those to which they were entitled. Moreover, the vast majority of UNRWA posts are roughly identical to governmental positions (e.g., teachers make up approximately two-thirds of all area staff), so agency personnel would be continuing their same jobs in the same locations. The transfer would only occur on paper; duties, workplaces, and so forth would remain largely unchanged. As noted in the previous chapter, there may be a small number of higher-level UNRWA personnel whose posts would not transfer due to already existing government posts, but even those staff might end up becoming “deputies” to existing national officials (assuming they do not accept private-sector employment).

Of course, Jordan—already pressed by the presence of some 500,000 Iraqi refugees¹⁵—lacks the financial resources to immediately take over UNRWA’s responsibilities for 1.8 million citizen-refugees. To address this problem, funding could gradually be withdrawn from UNRWA and passed to Jordan as foreign assistance, perhaps with additional funding to smooth the inevitable problems inherent in transfers of authority.¹⁶

Ending UNRWA’s responsibility for Jordanian citizen-refugees would not extinguish their entitlement to compensation for damages they (or their ancestors) may have suffered when they left Mandatory Palestine. It would, however, finally end their ersatz status as refugees and transfer responsibility for their care and protection to their country of citizenship.

As for the 167,000 noncitizen refugees in Jordan, some provision would have to be made for them. Several possibilities come to mind:

- A greatly reduced UNRWA program in Jordan designed to temporarily continue care. This program could be funded with the portion of the agency’s Jordan budget not turned over to Amman (though, due to overhead and replanning, it would probably require some additional funds, particularly at first).
- A Jordanian agreement to take responsibility for (or even grant citizenship to) the remaining refugees (supported financially by the rest of UNRWA’s Jordan budget, perhaps with additional funds).
- Repatriation of the remaining refugees to Gaza (the origin, after all, of 162,000 of them, as noted earlier) or to a Palestinian state.

There may be other possibilities as well.

One concern about attempting to end the refugee status of Jordanian citizens is that it would be extremely unpopular among many of the individuals in question and could unite irredentist Palestinians with radical Islamists. In a country where fewer than 20 percent of the residents have a positive view of the United States,¹⁷ such a development might increase anti-American sentiment. This raises a difficult question for the United States: are American interests better served by continuing to paper over differences with a Jordanian population that is overwhelmingly hostile in order to preserve stability and a friendly monarchy, or by forging ahead with principled actions that are likely to bring the hostility into the open, perhaps leading to internal dissent? This question is asked about U.S. relations with most Middle Eastern countries, and to date, Washington has

14. As of the end of 2007, there were 7,117 area staff in Jordan (compared to 10,037 in Gaza, 4,783 in the West Bank, 3,556 in Syria, and 3,217 in Lebanon). See “UNRWA in Figures,” December 31, 2007.

15. This is the Jordanian government figure. See UNHCR’s “2007 Global Trends,” p. 8.

16. Such funding need not be designated as “no strings attached.” For instance, donors could make the continuation of funding contingent on the maintenance of standards at least as rigorous as UNRWA’s in education, health care, etc. In other areas, particularly Lebanon, the West Bank, and Gaza, foreign assistance could be tied to the host government’s willingness to establish adequate security conditions in areas inhabited by Palestinians, particularly the refugee camps.

17. Pew Global Attitudes Project, “Global Economic Gloom,” June 12, 2008. Available online (<http://pewglobal.org/reports/pdf/260.pdf>).

usually come down on the side of short-term stability rather than long-term solutions. Perhaps a new administration would consider taking bolder steps than its predecessors in this area.

Interestingly, it appears that some transfer of responsibility from UNRWA to Jordan is already occurring, even in the absence of any visible U.S. pressure. During a question-and-answer session following her February 2008 speech in Beirut, Commissioner-General Karen AbuZayd revealed that Palestinian refugees in Jordan were increasingly deserting UNRWA schools and health clinics to use government facilities, as they are entitled to do, given their citizenship. The students were leaving, she explained, because the agency's schools were largely on double shifts (93 percent of UNRWA schools in Jordan versus only 7 percent of Jordanian government schools), and because Jordanian schools teach English from the first grade and have computers in every classroom. She also mentioned Amman's warning that it was now, at the urging of UNHCR, accepting Iraqi refugee children into government schools and therefore could no longer accept "Palestinians." This apparent reference to the children of noncitizen Palestinian refugees indicates that at least some of these refugees were already receiving services from the Jordanian government.¹⁸ If Amman does in fact intend to bar noncitizen Palestinian refugees from using its schools because of financial pressure, then the United States should provide additional foreign assistance to Jordan specifically earmarked for the costs of teaching these children. This would not necessarily involve additional claims on American taxpayers, as the required funds could be deducted from funds that would otherwise go to UNRWA to educate the same students.¹⁹

There have been other indications of UNRWA responsibilities shifting over to Jordan. In an August 2008 speech at UNRWA's Marka (Hitteen) camp, King Abdullah II indicated that Jordan would enroll some 75,000 agency students in its "school nutrition project." The speech was delivered to mark the camp's inauguration of various Jordanian-funded initiatives, specifically "a number of development projects including Al Amriyah healthcare center and Hitteen Center for early handicapping diagnosis [sic] and for community rehabilitation." The king also indicated support for other developmental projects, including a camp orphans' society. All of this was cloaked, of course, in language that emphasized both the agency's authority and the "refugee" half of the "citizen-refugee" label: "Jordan is keen on improving services provided to refugees and displaced Palestinians in 13 camps in Jordan, in cooperation with the UNRWA, alongside the political efforts that consistently emphasize the right of return and compensation for those Palestinians."²⁰

Politically correct language aside, both the examples above and the "Jordan First" campaign mentioned in chapter 5 indicate that the Jordanian government has, on its own, started down the path of providing services to its citizen-refugees, leaving them less and less dependent on UNRWA. If so, one way to facilitate this process would be to ensure that Amman is able to fund services at a level beyond UNRWA's financial reach, thus encouraging refugees to seek out government services. And as more refugees make that switch, donors could gradually transfer the agency's funding to Jordan.

Whether or not a full UNRWA-to-Jordan transfer comes to pass, the possibility of transfers to other governments should be considered as well. For instance, if a Palestinian state is established in Gaza and the West

18. Speech delivered at the American University of Beirut, February 12, 2008; video footage of the event is available online (www.youtube.com/watch?v=kZFW3kb_8l8&feature=PlayList&p=426A6D9D78D7EC02&index=3). AbuZayd herself confirmed that she was referring to noncitizen refugee children—specifically, when a questioner pointed out that the Jordanian government could not deny education to its citizens, she quickly clarified her remarks as applying to the "Gaza refugees, Jerash camp." The majority of that camp's residents are from Gaza or descended from Gaza refugees. See UNRWA's online profile of the camp (www.un.org/unrwa/refugees/jordan/jerash.html).
19. If the objective is to maintain UNRWA as the supplier of education and medical care to Jordan's citizen-refugees, then it would make more sense to give the agency the additional funding it needs to be competitive with Jordanian government services. Yet, if the objective is to allow Jordanian citizens to obtain services from their own government, then transferring UNRWA's funding to Jordan is the more sensible approach.
20. See "King Orders Government to Include Students of Palestinian Refugees Camps' Schools in Nutrition Program," Jordan News Agency (Petra), August 12, 2008. Available online (www.petra.gov.jo/Artical.aspx?Lng=1&Section=8&Artical=54511).

Bank (or both individually), then the residents of those territories would be citizens rather than refugees. At that point, the same arguments that support transfer of responsibility to Jordan would apply.²¹ As with the Jordanian example, a transfer would best take place in a gradual fashion, avoiding financial and administrative shocks to the new Palestinian state and perhaps thereby minimizing political opposition to the transfer. As the transfer occurred, funds could be shifted from UNRWA to the new state.

In Syria, the status of Palestinian refugees makes them an interesting case. Do they have sufficient indicia of citizenship, or are they still refugees? Syrian Arab Republic Law no. 260 of 1957 provides that “Palestinians residing in Syria as of the date of publication of this law are to be considered as originally Syrian in all things covered by the law and legally valid regulations connected with the right to employment, commerce and national service, while preserving their original nationality.” In practice, the refugees do in fact have many of the same duties and responsibilities as Syrian citizens. At the same time, however, they may not vote, they may not own more than one house per person (or any farmland), and they may not hold Syrian passports (though they can obtain a functionally equivalent travel document). Moreover, while other Arabs may acquire Syrian citizenship if they have financial means and can establish habitual residence, Palestinians—in order to “preserve their original nationality”—may not.²² As noted in chapter 5, UNHCR does not consider a person to be a refugee if he “is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality

of that country.” Because Palestinian refugees in Syria do not have *all* such rights, one could easily argue that they are still refugees, albeit very well treated and of lengthy residence.

Pressuring Syria to grant full citizenship to these refugees is unlikely to succeed.²³ They are more likely to obtain citizenship in a future Palestinian state. Those who chose not to “return” to that new state, and to remain in Syria instead, would have two options: they could either accept citizenship from the new state yet live as aliens in Syria, or they could refuse Palestinian citizenship and accept whatever status Syria decided to grant them. In each of these scenarios, it could be argued that they would cease to be refugees.

In contrast to UNRWA’s other fields of operation, Palestinian refugees in Lebanon who have not obtained citizenship have few civil or social rights. They are barred from employment in numerous trades and professions, as well as from receiving public health care, education, and welfare. Construction in refugee camps, which are surrounded by Lebanese military forces, is strictly regulated, and Palestinian refugees are not allowed to own land.²⁴ Obviously, they do not have “the rights and obligations which are attached to ... nationality.” Even if outside pressure were applied, Lebanese agreement to naturalize the Palestinian refugees seems even less likely than Syrian agreement, despite Beirut’s past naturalization of many Palestinian Christians. At least for the moment, then, the most likely source of citizenship for refugees in Lebanon would seem to be a future Palestinian state.

Recommendation: The United States should, with or without the support of other donors, attempt to

21. One could argue that Gaza is already an independent state, to which UNRWA programs should immediately be transferred. The UN and UNRWA insist that Gaza, although free of Israelis, is still occupied (albeit no legal explanation for this novel concept of an occupier-less occupation has ever been put forth by either of them). At the same time, Hamas political bureau member Muhammad Nuseir has reportedly stated that Gaza is no longer occupied—a significant claim coming from a representative of the territory’s de facto government. See Zvi Barel “Make Believe,” Haaretz online, February 4, 2008; available online (www.haaretz.com/hasen/spages/950736.html). Obviously, though, there would be little enthusiasm among most donors for delivering UNRWA facilities, let alone funding, to Hamas.
22. See Sherifa Shafie, “Palestinian Refugees in Syria,” FMO Research Guide (Forced Migration Online, August 2003; available at www.forcedmigration.org/guides/fmo017); Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), p. 130.
23. Like Jordan, Syria is burdened by Iraqi refugees (some 1.5 million, according to Syrian government figures; see UNHCR, “2007 Global Trends,” p. 8). Therefore, it would need financial help to take on full responsibility for the Palestinians. UNRWA donors might be reluctant to provide foreign aid to Syria, however.
24. See Sherifa Shafie, “Palestinian Refugees in Lebanon,” FMO Research Guide (Forced Migration Online, July 2007). Available online (www.forcedmigration.org/guides/fmo018).

steer UNRWA and Jordan toward implementing the most easily justified and least complicated step in the transfer of agency responsibilities: addressing the status of the citizen-refugees. At the very least, the United States should provide additional foreign assistance to Jordan specifically earmarked for educating citizen and noncitizen Palestinian refugees in Jordanian government schools; it should also consider decreasing funds to UNRWA by a like amount. In a similar manner, if the refugees prefer Jordanian government health facilities over the agency's, the United States should consider a similar provision of increased foreign assistance and reduced UNRWA funding. Because any transfer of responsibility in Jordan would take some time, the more complicated situations in Syria, the West Bank/Gaza, and Lebanon need not be viewed as immediate projects (absent dramatic political changes such as recognition of a Palestinian state). As successes are registered in Jordan, however, attention should be turned to the refugees in those other locations, so that they too can at last find their way from refugeehood to citizenship.²⁵

Moving to Need-Based Provision of Services

As outlined in chapter 3, UNRWA began as a need-based provider; upon inheriting registration rolls from the UN Relief for Palestine Refugees (UNRPR), it did not hesitate to remove large numbers of people who were not actually in need of relief. Those early efforts were soon thwarted by opposition from the refugees and host countries, however. A long period of desultory conflict over the issue followed, with UNRWA enduring donor outrage but seemingly unable to do much about the situation. Only after the more cooperative Israelis came to power in Gaza and the West Bank after the 1967 war did things begin to change, and only with

the Israeli invasion of Lebanon in 1982 was UNRWA given a sufficient excuse for ending rations to all but Special Hardship Cases.

Perhaps because the battle over rations was so long and hard, UNRWA seemingly had no stomach for expanding the principle into its other main programs: education and health care. And given that most Europeans and Americans view education and health care as a public entitlement, the idea of limiting UNRWA's program reach to those who could not afford to pay might have seemed too harsh.²⁶ In any case, "need" was formally dropped from the eligibility requirements for these and other nonwelfare services in 1993 (see chapter 3).

Some might question whether scarce international aid should be used to fund relatively sophisticated programs for Palestinians—not just education and health care, but also microfinance, urban planning, and so forth—rather than, say, food for starving Africans in places like Darfur. Even putting that question aside, why should such services be provided for free to those who can afford to contribute at least a portion of the cost? Palestinian refugees who are able to pay for at least part of their children's education and their family's health care should be required to do so. In other words, all UNRWA services, not just welfare, should be provided based on need rather than registration status. This approach—like other proposals that treat refugees as individuals rather than as a class—would spur the usual opponents to accuse the West of shirking its responsibilities for the refugees' plight. But eliminating services based on status would result in additional money being available to meet real needs instead of being wasted on "political needs."

Former commissioner-general Peter Hansen expressed the opinion that assistance to Palestinian

25. To be clear, removal from UNRWA's refugee rolls would simply mean no longer being a ward of the UN or receiving UNRWA services. As noted earlier, those removed would not lose any other rights they might have, such as claims for compensation for their, or their ancestors', loss of property in 1948.

26. Of course, the situation in Europe and the United States is quite different from that in the areas populated by Palestinian refugees. The latter do not, for the most part, pay taxes to support schools and health care—a fact that, unfortunately, contributes to their reputation for irresponsibility. For example, the author once asked a Palestinian municipal official if he would be willing to take over providing services to nearby Palestinian refugees in exchange for the funds presently going to UNRWA. Instead of welcoming the possibility of increased funding (or claiming that the offer would weaken the "right of return"), he reacted with distaste: "Why would I want these people—they don't pay taxes, they don't pay their utility bills."

refugees should be “rights-based” rather than “needs-based.”²⁷ Whatever the agency’s intent, this “rights” concept could be used today as a basis for distributing limited aid funds, reserving them for those who have a stronger “right” to them—that is, the truly needy, not those who are relatively well-off.²⁸

In fact, UNRWA may now be considering a transition to need-based allocation of services, as intimated in a March 2008 speech by Deputy Commissioner-General Filippo Grandi.²⁹ The speech contained the normal criticisms of Israel, the United States, and others, but those ritualistic condemnations only book-ended Grandi’s main points, which were much more interesting:

Although UNRWA—for the services that it provides—operates almost as a government, it cannot raise revenue through the imposition of taxes. We entirely depend on our donors and the resources available in their foreign aid budgets....

Although all Palestine refugees are entitled to its services, as stipulated in General Assembly resolutions and other international instruments, UNRWA must at least ensure that these services are provided to those whose human development needs are greatest. Better targeting is therefore required, for example in delivering relief and social assistance, and some of our health services. This is not in contradiction with UNRWA’s mandate over all Palestine refugees requiring its services, but it is dictated by the need to make the most effective use of scarce resources....

We will continue to deliver services to all refugees who need them, and we will continue to respond to emergency situations—but we want to do so in a more effective manner, appealing to donors for additional support, and ensuring at the same time that the most vulnerable among the refugees do not fall through the cracks of dwindling resources, if necessary by giving them priority among beneficiaries.

Whether out of choice or necessity, then, UNRWA seems to be considering the need-based model—a potential harbinger of real change in the way the agency uses its funds.³⁰

Recommendation: The United States should do all it can to ensure that need-based provision of services—a long-overdue improvement in the way UNRWA performs its mission—is expanded to cover all agency services. The provision of free education and medical care to those who can afford to pay all or some of the cost is wasteful and takes away from those most in need of assistance. There is no moral justification for using aid dollars as a subsidy for “middle-class” Palestinians while other Palestinians are in much greater need (not to mention refugees elsewhere in the world, many of whom are desperate). As happened in past decades with the move to need-based rations, it may be necessary to threaten (or actually carry out) funding cuts in order to pressure UNRWA and/or provide it with political cover (i.e., the ability to tell those who oppose need-based services, “The Americans are making us do this”).

Recommendations for Promoting Operational Change

Even if the policy changes suggested thus far are not implemented, there are a number of operational changes that would improve UNRWA’s performance. Many of these suggestions would be controversial, but they are in the best interests of both the refugees and the donors. Where host country opposition is encountered, it could be handled in a manner similar to that employed by UNRWA in 1952, when Syria attempted to dictate who would serve as the agency’s field health officer in that country. According to one historian,

27. “The Response of Western Governments and the UN to the Humanitarian Crisis and Its Political Implications,” speech delivered at the Van Leer Institute, Jerusalem, April 20, 2004. Hansen stated, “Today we are seeing a rights-based humanitarianism eclipsing the needs-based charity approach.... The victims of conflict—and occupation—are seen as having the right to receive assistance and protection rather than just being beneficiaries.” Available online (www.vanleer.org.il/Data/UploadedFiles/video/18/session8.htm).
28. This criterion could apply even in areas where the “relatively well-off” fall below the UN-defined minimum standard of living.
29. “UNRWA: Present Dilemmas and Future Prospects,” speech delivered at BirZeit University, West Bank, March 15, 2008. Available online (www.un.org/unrwa/news/statements/DComGen/BirZeitUniv_15Mar08.html).
30. The fact that the speech was delivered by the deputy commissioner-general may indicate that it was a trial balloon, giving the commissioner-general plausible political deniability in case reaction to the proposal was too negative.

“The agency’s response was that if the government wanted its national appointed, it could take over the whole program and UNRWA would help with paying expenses.” In the face of that ultimatum, the Syrians backed down.³¹ Today, the same message could be delivered to obstructionist authorities, national or otherwise. If they wish to determine the content or direction of UNRWA programs in a manner that is out of line with donor objectives, then they can take over the programs themselves—and pay for them as well.

Limiting Public Pronouncements

Both the commissioner-general and deputy commissioner-general have stated that UNRWA is not a political organization. In one 2007 speech, for example, the commissioner-general noted that

[one] theme underlying UNRWA’s establishment was the bifurcation of political and humanitarian roles. Even though the political dimension is of significance to the refugee issue, UNRWA’s mandate is entirely non-political in character and confined to humanitarian and human development activities.³²

Similarly, the deputy commissioner has noted, “It is not for UNRWA to comment on matters which are political in nature.”³³

In reality, however, UNRWA—through its leaders and press spokespersons—is constantly involved in political speech. As described in chapter 3 and elsewhere, one can readily find speeches lamenting the Quartet’s approach to Hamas, equating Israeli attacks on combatants with Hamas attacks on civilians, supporting the “right of return,” bemoaning the West’s support of the PA-Fatah over Hamas, denouncing the

“illegal” Israeli separation barrier, condemning Israeli settlements—the list goes on and on.³⁴ These one-sided speeches on political matters do not further the goals of a humanitarian and supposedly nonpolitical agency.³⁵ Even if the UNRWA political view were the “correct” one, is it necessary or useful for the agency to take the lead in voicing the UN’s political opinions?

Recommendation: The United States should urge UNRWA to limit its public pronouncements to humanitarian issues and leave political speeches to the political echelons of the United Nations.

Vetting Area Staff and Refugees

Pursuant to Title 22, section 2221 of the U.S. Code—usually referred to by its original name of “section 301(c)” —UNRWA is bound to “take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerrilla type organization or who has engaged in any act of terrorism.” Although UNRWA regulations are interpreted to proscribe hiring or continuing to employ a person who has “committed an act of terrorism,”³⁶ and staff are periodically reminded of these regulations, the only vetting of prospective area staff members in the West Bank and Gaza is a question on the employment application form regarding arrests, charges, and convictions. No checks are made as to the accuracy of applicants’ answer to that question. As for registered refugees who receive UNRWA services, there are no checks or vetting whatsoever. Among the agency’s millions of registered beneficiaries, not one has ever lost his or her entitlement

31. Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), pp. 91–92.

32. Karen AbuZayd, “Palestine Refugees in Ongoing Crises: An UNRWA Perspective,” speech delivered at the New Zealand Institute of International Affairs, Victoria University, October 8, 2007. Available online (www.un.org/unrwa/news/statements/2007/NewZeland_8Oct07.html).

33. Grandi, “UNRWA: Present Dilemmas.”

34. Stunningly, in the very same speech in which the deputy commissioner claimed that UNRWA was apolitical, he also declaimed on Israel’s “many breaches of international humanitarian law and human rights law,” the need to parley with Hamas (“the Commissioner-General continues to advocate ... for dialogue to be renewed between all concerned actors”), and “the grossly disproportionate military reaction of the Israeli Defence Forces.” For the full, official collection of the commissioner and deputy commissioner’s speeches, see the “News” section of the UNRWA website (www.un.org/unrwa/news/index.html).

35. In fact, it is fair to ask whether the agency’s promotion of these political opinions actually harms the interests of the Palestinian refugees. For instance, by espousing the views of one Palestinian party (Hamas) over another (Fatah), UNRWA could well irritate some donors and make them less likely to contribute. Encouraging “engagement” with Hamas could have a similar effect.

36. UNRWA Area Staff Regulation 1.4.

to UNRWA services as a result of having committed an act of terrorism. For its part, the State Department has never defined several key aspects of 301(c)'s terminology, including (1) "an act of terrorism," (2) whether "is receiving military training" applies only to the time a person is actually receiving such training or to other times as well, and (3) exactly what is meant by "all possible measures." Thus, UNRWA's regular certifications, which are accepted at face value by the State Department, are meaningless—no one knows what the certifications actually mean.

Recommendations: First, the State Department should provide the requisite definitions for UNRWA's use. For instance, it could define "an act of terrorism" based on the terms set forth in the UN's 1999 International Convention for the Suppression of the Financing of Terrorism.³⁷ In addition, it could define "is receiving military training" as "having ever received military training." And finally, it could define "all possible measures" to mean, at a minimum:

- checking all area staff employment applications against official Israeli, PA, and/or host-country records for arrests, charges, and convictions;
- once the Refugee Records Information System (RRIS) is functional and the necessary data has been entered, checking the names of refugees against official conviction records to determine if any registered refugee has been convicted of what is defined as terrorism;
- seeking—with donor support, if necessary—agreements with all relevant governments to provide the necessary background checks.

Second, UNRWA, upon receiving the new U.S. definitions, should carry out the necessary checks and certify to the State Department that it has done so. If it finds

staff or registered refugees who cannot be supported with U.S. funds without violating section 301(c), it should terminate or deny services to them and certify that it has done so.

Third, the United States should consider going beyond the words of 301(c), urging UNRWA to deny services to refugees convicted of any crime of violence. There is no reason why U.S. funds should be used to support violent criminals. UNRWA could certify that it has checked the RRIS names against official records and denied services to those who have been convicted of such crimes.³⁸

Fourth, the United States should consider urging UNRWA to deny employment and services to individuals who admit to being, or are found to be, members or financial supporters of specified and unspecified terrorist entities (the specified groups could include, for example, Hamas, Palestinian Islamic Jihad, the Popular Front for the Liberation of Palestine, the Democratic Front for the Liberation of Palestine, and al-Aqsa Martyrs Brigades). There is no reason why U.S. funds should be used to aid individuals who work with or provide financial support to government-designated terrorist groups.

Fifth, the United States should consider urging denial of employment and services to individuals who appear on the Treasury Department's OFAC list. This is not a matter of the United States seeking to control UNRWA, but rather a question of accountability for how voluntarily provided American funds are used. If UNRWA does not wish to check its employees and registered refugees against the OFAC list, that is its prerogative; by the same token, the United States is not obligated to fund agencies that refuse to check their rolls for individuals their donors do not wish to support.

Monitoring Textbooks and Teachers

The PA textbooks currently used by UNRWA schools in Gaza and the West Bank are clearly better than their

37. See article 2, paragraph 1(b) of the convention. Available online (www.un.org/law/cod/finterr.htm).

38. As mentioned previously, denial of UNRWA services would not necessarily affect the individual's status as a refugee or any entitlement to compensation for his, or his ancestors', loss of property. He simply would no longer be eligible for UNRWA services.

predecessors. Yet various neutral evaluators have found fault with them; even the more supportive of these evaluators called the books “highly nationalistic” and noted that they do not reflect a “peace curriculum.”³⁹ Few studies have emerged on textbooks in UNRWA’s other fields of operation, though there is considerable doubt about the propriety of materials used in Syria (see chapter 5). While there was a time when the UN Educational, Scientific, and Cultural Organization (UNESCO) reviewed UNRWA textbooks, that no longer seems to be the case.

Moreover, of the few UNRWA international staff who are fluent in Arabic, none are assigned to monitor teaching in the agency’s 668 schools. The area staff educational hierarchy provides monitoring, but given the overwhelming influence of political parties (for instance, Hamas in the Gaza teachers’ unions), the monitors may not feel, or be, free to report candidly.

Recommendations: Given that UNRWA is a UN body, and that its schools are not adjuncts of the PA, Israeli, or host-country educational systems, the agency should provide its students with a UN curriculum using UN textbooks.⁴⁰ This effort need not require massive redesign of the existing curricula and textbooks, both of which could be modified to give students a balanced education while preparing them to join national educational systems when they leave UNRWA schools. Specifically, the agency could demand electronic versions of the national textbooks and curricula, modify (using UNESCO expertise) these materials as appropriate to provide a balanced education, and then publish the results as UNRWA textbooks. Modifications could include removing racist, anti-Semitic, or other material incompatible with UN ideals, as well as neutralizing the sort of “highly nationalistic” material highlighted by past critics. For example, problematic passages could be reconstructed and supplemented with new material:

“National authorities say the following is true: [some of the original ‘highly nationalistic’ historical material would go here].”

“However, a more accurate view is as follows: [a balanced, UNESCO view of history could be added here].”

In this way, students would be protected from objectionable material and given a balanced education, even while being exposed to the nationalistic views that are supposedly necessary for their smooth transition to national secondary schools. Resistance from national authorities should be dealt with as suggested previously (i.e., if they wish to impose objectionable textbooks on UNRWA schools, then they can assume responsibility for funding and staffing the schools).

At a minimum, the United States should urge UNRWA to seek UNESCO review of all textbooks it is presently using, followed by withdrawal, modification, or continued use of each book depending on UNESCO’s findings. And new textbooks should only be introduced after a UNESCO review.

Regarding teachers, a portion of the U.S. contribution to UNRWA should be set aside to establish an independent group of Arabic-speaking classroom monitors (from countries other than UNRWA’s hosts). Such a group might be costly, but it would better enable the agency and its donors to counter accusations that UNRWA teachers are influenced by terrorist organizations such as Hamas.

Rethinking Ambulance Services

UNRWA operates a number of ambulances, though many fewer than the Red Crescent Society and other providers. In the West Bank and Gaza, agency ambulances have been implicated in improper activities, and not all of these claims have been clearly rebutted (see chapter 5). In any event, it has been firmly established that UNRWA ambulances position themselves during hostilities so as to rescue

39. Nathan Brown, “Democracy, History and the Contest over the Palestinian Curriculum,” paper presented at the Adam Institute Conference on “Attitudes toward the Past in Conflict Resolution,” Jerusalem, November 2001, p. 2. Available online (www.geocities.com/nathanbrown1/Adam_Institute_Palestinian_textbooks.htm).

40. This was suggested years ago by UNESCO’s Commission of Outside Experts, but not acted on. See chapter 3.

wounded fighters. Given that other ambulance services available in Gaza and the West Bank, and that the agency has no special mission to attend to combatants, it would seem that the need for a separate UNRWA ambulance service in those areas is minimal.

Recommendation: The United States should urge UNRWA to disband its ambulance services in the West Bank and Gaza and rely on the services of local operators. At a minimum, UNRWA ambulances should not be intentionally positioned in or near conflict areas.

Refining Relief and Social Services

At present, UNRWA does not use any tests, other than need, to determine who receives the Special Hardship Case (SHC) designation (i.e., entitlement to agency welfare services). Thus, if a refugee family's chief breadwinner is killed or imprisoned as a result of participating in terrorist activity, UNRWA would still provide welfare services to the family, assuming it met the need criteria.⁴¹ Similarly, the families of UNRWA staff members who are killed as a result of such activity are entitled to death benefits equal to two years' salary.⁴²

UNRWA welfare assistance is also based on a family's size, encouraging welfare recipients to have many children (not unlike the situation in the United States before welfare reforms were enacted). For instance, each person in an SHC family receives a food ration,⁴³ and the amount of shelter assistance is based on the number of family members.⁴⁴

Recommendations: First, the United States should urge that the criteria for denying SHC and other emergency assistance be expanded to consider the reasons for economic distress. Specifically "work accidents" (the local euphemism for mishandling explosives), as well as death, injury, or imprisonment

resulting from participation in combat operations, should disqualify the involved refugees and staff members from receiving any UNRWA benefits. The issue of providing SHC assistance to the spouses and descendants of such persons is somewhat more fraught. Should the sins of the fathers be visited on their families, or should U.S. funds be provided to the families of terrorists? Although such support is not exactly the same as the infamous "martyr's payments" (made by various actors to families of militants killed in action or suicide bombers as a reward for their criminal acts⁴⁵), the two are too close for comfort. Certainly, it is galling to see U.S. funds being used to assist families that ostentatiously support the criminal acts of their militant members. One could argue that the decision to provide or not provide aid should rest on the behavior of the families, punishing those members who make public declarations supporting the criminal acts but not those who desist from such declarations; however, as noted earlier with regard to similar declarations by staff members, eliciting "proof" might be impossible. On balance, given that support for such families could, if UNRWA assistance were denied, be provided by the local (i.e., Syrian, Jordanian, or PA) authorities, the best solution would be to require that U.S. funds not be used to assist such families—thereby making a powerful statement against terrorism, even while knowing that the local authorities would most likely provide at least some assistance from their own funds.

Second, the United States should urge that additional benefits be denied to any SHC family that increases beyond a certain number of children while receiving SHC benefits. Determining the specific cutoff number is somewhat arbitrary—anywhere from two to four children would make sense. The main point is to ensure adequate funds for families that are more

41. In fact, having a male family member over nineteen years old detained for more than three months is one of the SHC program's enrollment criteria. See "Relief and Services Instructions 1/2007" (UNRWA, Amman, 2007), p. 2, paragraph 7.1.4.

42. UNRWA Area Staff Rule 109.8 (Cod./A/59/Rev.25/Amend.27 May 1991).

43. "Relief and Services Instructions," p. 7, paragraph 15.1.3.1.

44. *Ibid.*, p. 14, paragraph 15.3.6.1. There is no bonus for families with more than eight members, however.

45. For example, see "Palestinians Get Saddam Funds," BBC News online, March 13, 2003. Available online (http://news.bbc.co.uk/2/hi/middle_east/2846365.stm).

responsible and cognizant of the need to limit themselves to children they can afford. Free family planning services are of course available to those entitled to UNRWA services.⁴⁶

Expanding Housing Loans

Currently, UNRWA provides loans from the Provident Fund to help area staff members buy or build housing, and its Microfinance and Microenterprise Program (MMP) provides small housing loans to refugees generally.

Recommendation: The United States should urge that the existing programs be continued and ensure targeted funding toward that end. It should also urge that UNRWA look into expanding subsidized loans for building homes outside of refugee camps in order to encourage resettlement in host societies.

Reviewing the Microfinance and Microenterprise Program

The MMP's loan programs for entrepreneurs and others in general appear to be operating and serving refugees well. As discussed in chapter 2, however, UNRWA's public materials have not addressed two key questions about MMP loans: (1) To what extent do the subsidized loans (established with donor seed money) create unfair competition for other microfinance entities? (2) Even if the subsidization is viewed as a positive for refugees, to what extent is the program improperly serving nonrefugees, especially in Jordan and Syria?

Recommendation: The United States should request detailed presentations on the two "key questions" concerning the MMP's efforts.

Miscellaneous Initiatives

The United States can encourage a number of other changes in order to improve UNRWA operations:

- UNRWA maintains liaison offices in New York, Geneva, Brussels, and Cairo. The first two cities are major centers of UN organizations, the third is the EU's headquarters, and the last is quite inexpensive to maintain. Most of the personnel costs of the Geneva office (opened in 2001) are paid by the Swiss government (with funds that might not otherwise be made available to UNRWA).

Recommendation: Despite the probably small amount of funds involved, at least in Geneva and Cairo, the United States should request an itemization and analysis of the total costs and perceived benefits of continuing to maintain each of the liaison offices.

- In 2002, King Abdullah II of Jordan presented a concept he called "Jordan First," intended to emphasize Jordanian nationality among the citizenry.⁴⁷ As mentioned in chapter 5, the resultant governmental campaign included an attempt to introduce some aspects of national culture into UNRWA schools in Jordan (which were, after all, teaching mostly Jordanian citizens). Specifically, Jordan asked that the schools sing the national anthem each morning, display photographs of the king, and fly the Jordanian flag. UNRWA refused to agree to these nationalist trappings in UN schools—the correct move from a purely legal standpoint, though the agency had already been forced to agree to such trappings in its Syrian schools, which displayed national flags and near-ubiquitous photographs of the Syrian president.

46. For an extensive discussion of UNRWA's reproductive health program, see "UNRWA Health Programme, Report of a WHO Technical Assessment Mission, 28 February–17 March 2005" (World Health Organization, Regional Office for the Eastern Mediterranean, Cairo, 2005), pp. 18–28. Given the nature of Palestinian culture, UNRWA provides contraception only to families, not to single persons or married women (unless they have their husbands' permission).

47. For a description of the Jordan First concept and campaign, see Curtis Ryan, "Jordan First: Jordan's Inter-Arab Relations and Foreign Policy under King Abdullah II," *Arab Studies Quarterly* 26 (Summer 2004); available online (http://findarticles.com/p/articles/mi_m2501/is_3_26/ai_n13603791/pg_1?tag=artBody;col1). The official description of the campaign is also available online (www.jordanembassyus.org/new/aboutjordan/er1.shtml).

Recommendation: Legalism aside, encouraging basic national pride in Jordan is not the same thing as encouraging a cult of personality in Syria. The United States should urge UNRWA to institute in its Jordanian schools the minor displays of national association requested by Amman, and to otherwise encourage such “creeping nationalization” of UNRWA facilities in Jordan.

- UNRWA is regularly audited by the UN Board of Auditors (UNBOA), an independent organization staffed by personnel from three member states, with each state having a six-year term. The audit reports are faithfully published on the UNBOA website (albeit not with great alacrity), and there is no evidence to suggest that the audits themselves are inadequate.

Recommendation: Until evidence surfaces that the UNBOA audits are not sufficiently independent or thorough, there is little justification for the United States to insist that UNRWA be audited by a private firm. The United States could, however, identify specific areas of concern and request accountings of those specific expenses. Such requests could be based on cost-benefit concerns (e.g., determining the purpose of, and all costs associated with, each instance of travel

outside UNRWA’s area of operations, including travel expenses, per diem expenses, other travelers’ expenses, travelers’ salaries while abroad, salaries and other costs for those who arrange the travel and host the travelers, etc.). Other requests could result from allegations of wrongdoing (e.g., misuse of funds).

- The criteria for selecting UNRWA’s commissioner-general are unclear—they certainly do not seem to include a commitment to supporting U.S. objectives. Therefore, when the United States does not insist on the appointment of supportive commissioners, it should come as no surprise that those selected tend to oppose at least some U.S. objectives, as described earlier in the paper.

Recommendation: The United States should make its desires known and insist that they are respected at the beginning of the selection process. If Washington has the power to force, for political reasons, the departure of a commissioner-general after nine years of service,⁴⁸ then surely it can insist on an acceptable candidate at the outset. If the United States is not already vetting such candidates in a manner that protects its interests—as seems to be the case—it should begin doing so.

48. See Chris McGreal, “Bush Forces UN Refugee Chief to Go,” *Guardian* (London), January 20, 2005. Available online (www.guardian.co.uk/world/2005/jan/20/usa.israel).

Conclusion

IN ITS FIRST YEARS, UNRWA undoubtedly saved the lives of many destitute Palestinian refugees. And since that time, it has provided its beneficiaries with education, health, welfare, microfinancing, and housing services in perhaps the most efficient manner possible under the circumstances. That part of UNRWA's record is something of which the agency, its staff, and its donors—particularly the United States—can be proud.

At the same time, UNRWA has gradually adopted a distinctive political viewpoint that favors the Palestinian and Arab narrative of events in the Middle East. In particular, it seems to favor the strain of Palestinian political thought espoused by those who are intent on a “return” to the land that is now Israel. UNRWA's adoption of any political viewpoint is undesirable, but the one it has chosen to emphasize is especially regrettable. In addition to clashing with the objectives of the United States, this view has detracted from UNRWA's humanitarian assistance, encouraged Palestinians who favor refighting long-lost wars, discouraged those who favor moving toward peace, and contributed to the scourge of conflicts that have been visited upon Palestinian refugees for decades. To a considerable extent, UNRWA's donors—particularly the United States, its main source of funding for many years—share responsibility for the agency's gradual adoption of such views. The United States could have put a stop to UNRWA's politicization, but chose not to. As with most mistakes, the longer this one remains uncorrected, the more difficult it will be to remedy.

All of the proposed policy and operational changes set forth in the previous chapter are likely to be opposed

by one or more of the relevant players: UNRWA's leadership, UNRWA's staff, Palestinian refugees, other donors, and various authorities in UNRWA's fields of operation (i.e., officials representing Lebanon, Syria, Jordan, Israel, the Palestinian Authority, and Hamas). Dealing with these pressure groups will require diplomacy at first, but also the strength to discern, and then make, the changes that are necessary, appropriate, and in the best interests of both the Palestinian refugees and the United States.

It is not arrogant for the United States and other donors to insist on such changes. Palestinian refugees are provided with assistance not because they have an inherent right to the resources of Western taxpayers, but because sixty years ago the West (principally the United States and Britain) chose to provide it, even if, as discussed in chapter 3, the motivations behind that decision were not entirely humanitarian. Nevertheless, for a variety of reasons—certainly not all of them the fault of the refugees—the provision of assistance continues sixty years later. Sixty years is too long, and waiting longer to demand change will only make the task more difficult. Changing from refugee status to citizen status will discomfit many Palestinians, for whom UNRWA has become a reliable safety net in an unpredictable world. But it is time for the United States, with other donors by its side, to demand changes in UNRWA that will allow the agency to meet its original mission: to fully “reintegrate” Palestinian refugees into the economy of the Middle East, to bring direct UN assistance to an end, and to allow Palestinians to take responsibility for their own futures.

Epilogue

A DRAFT OF THIS PAPER was submitted to UNRWA on July 15, 2008, for general comment and for identification of any objectionable material, pursuant to UNRWA International Staff Regulation 1.5, which requires clearance by the commissioner-general for “information known to [staff members] by reason of [their] official position [and] which has not been made public.” As described in the paper’s introduction, the commissioner-general’s July 23 response asserted that the agency’s readers were “struck by [the draft’s] inaccuracies, its selective use of source material, its failure to understand or even acknowledge many of our current activities, its flawed analysis of our mandate and its misunderstanding of UNRWA’s political and historical context.”

The only specific criticism mentioned in the response was that the draft failed to address a relatively recent UNRWA initiative: a kind of management regeneration program entitled “Operational Development” (OD). I have long been skeptical as to whether the millions of dollars invested in this program have produced benefits commensurate with the cost; although some OD expenditures have clearly been useful, I doubted whether the program’s exhortatory meetings and retreats were really necessary. Nevertheless, I offered to include some mention of the program if UNRWA would provide examples of “OD achievements in terms of better policies or procedures (i.e., services delivered more efficiently) that could not have been achieved by simply examining existing programs and making the requisite changes—i.e., normal management initiatives undertaken without the OD expenditures and meetings.” No such examples were ever provided.¹

The commissioner-general’s response also stated that the draft reflected “little appreciation of [Palestinian refugees’] needs,” harbored “scorn for international humanitarian principles and the structures established

to uphold them,” and was “disdainful of [the refugees’] condition and, indeed, their humanity.” I was baffled by those characterizations and requested specific examples so that I could, as necessary, make changes. Again, no examples were ever provided.

Lastly, I was warned that “in conformity with the staff rule you cite [International Staff Regulation 1.5] and as a matter of professional integrity, you might wish to be more cautious about including issues known to you only by reason of your position in the Agency at the time.” In response, I requested examples of such issues that had not already been made public or that were objectionable in the commissioner-general’s view; none were provided.

Given that UNRWA seemed concerned about my deadline for their comments, I secured additional time for their response; in a July 28 email, I gave them until August 15 to respond, a full month after the paper was first submitted to them. At the same time, I asked that the various inaccuracies, misrepresentations, and misunderstandings that had already “struck” the agency’s readers be immediately identified to me so that I could begin the work of making any necessary modifications to the paper.

The commissioner-general’s July 31 response to my request was brief:

If I read your reply below correctly, I believe our views—and understanding—of UNRWA’s role, the refugees and even U.S. policy are too far apart for us to take time (time that we do not have) to enter into an exchange with little likelihood of influencing a narrative which so substantially differs from our own.

In an August 1 email, I assured the commissioner-general that I would consider any policy arguments UNRWA might make, and I asked once again that the agency specify the faults it had found in the draft. There was no further response.

1. For extensive materials setting forth UNRWA’s view of its OD efforts, see the “Organization” section of the agency website (www.un.org/unrwa/organization/od/index.html).

In sum, despite UNRWA's allegations of multiple faults in the paper, no corrections have been provided,² and despite my request, no material that the commissioner-general found objectionable pursuant to International Staff Regulation 1.5 has been identified to me.

Accordingly, and unfortunately, it has been necessary to publish the paper without any useful input from UNRWA.

James G. Lindsay
January 2009

2. The commissioner-general did indicate that UNRWA had "called upon one of our local academic contacts to begin work on a thorough critique of the paper."

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