

## Chapter Two: Issues to Be Addressed in UNRWA's Long-Term Functioning

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In 1950, a year after UNRWA's establishment, the UN High Commissioner for Refugees (UNHCR) was founded.<sup>54</sup> A year later, in 1951, the Refugee Convention was ratified by 145 countries who agreed to the definition of who is a refugee.<sup>55</sup> Naturally, the UNHCR's establishment raised the issue of the place of the Palestinian refugees within this new refugee framework. Arab states, which were determined that the Palestinian issue would remain on the agenda of the international community and leverage the issue to apply pressure on Israel, insisted that the Palestine refugees remain under UNRWA's responsibility. This separation of Palestinian refugees was backed by the claim that the universal definition of refugees would do an injustice to refugees whose right of return to their homeland was already recognized by the General Assembly.<sup>56</sup> Thus, the Refugee Convention included a clause determining separate parameters for Palestinian refugees, noting that "this Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for refugees protection or assistance."<sup>57</sup>

From this point onward, UNRWA and UNHCR developed in different directions, with UNHCR being awarded two Nobel Peace Prizes (in 1954 and 1981) for its successes in rehabilitating refugees in various conflict areas worldwide.<sup>58</sup> Figures from 2019 show that UNHCR operates in 134 countries and serves about 20 million refugees, 3.5 million asylum seekers, 41 million displaced persons, and another 6 million stateless persons and "others"; that is, it serves a total of some 70.5 million people. In serving this population, UNHCR employs 16,803 workers, and its annual budget in 2019 reached a record of 8.6 billion dollars.<sup>59</sup> In comparison, statistical data on UNRWA's activity show that as of 2018, the agency's over 32,000

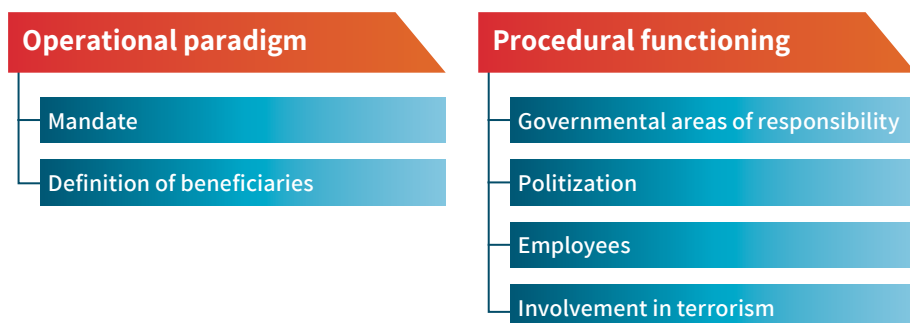
employees served some 5.4 million Palestinians classified as refugees, and the agency’s annual budget was 1.11 billion dollars. Consequently, while at UNHCR the ratio is 4,195 refugees per employee, at UNRWA it is 173 refugees per employee.

With respect to the ratio of funding per refugee, while UNHCR’s budget reflects the allocation of 122 dollars per refugee, UNRWA’s budget reflects the allocation of 201 dollars per refugee (see figure 4 below for a comparative summary of the figures characterizing the functioning of UNRWA and UNHCR).<sup>60</sup>

UNRWA	UNHCR
<ul style="list-style-type: none"> <li>➤ Serves 5.4 million people</li> <li>➤ c. 32,000 staffers</li> <li>➤ Total budget of c. \$1.1 billion</li> </ul>	<ul style="list-style-type: none"> <li>➤ Serves 70.5 million people</li> <li>➤ c. 16,800 staffers</li> <li>➤ Total budget of c. \$8.6 billion</li> </ul>

**Figure 4.** Comparison of figures guiding UNRWA and UNHCR activity

Against the backdrop of these figures, this chapter focuses on aspects that need to be addressed in long-term strategic thinking about UNRWA going forward. To this end, issues are classified under two main categories: UNRWA’s operational paradigm and procedural functioning, with each category comprised of several subsections (see figure 5 for an illustration of the classification). The order of appearance of the subsections is random, due to the assumption that their perceived importance will vary according to the assessing party and given the possibility that issues perceived by some as secondary in their importance may be easiest to address.



**Figure 5.** Aspects that need to be addressed in UNRWA’s continued operation

## **UNRWA's Operational Paradigm**

UNRWA's operational paradigm is examined by considering two of the agency's central principles: its mandate and the definition of those eligible for its services.

### ***UNRWA's mandate***

As explained in detail in the previous chapter, UNRWA began as a tentative agency with the purpose of offering direct aid and employment programs in cooperation with governments in the host states, not only to wean the refugees from dependence on aid money but also to increase the economic output of the host states specifically and of the region in general.

Clearly, more than seventy years later, UNRWA will not be able to fulfill its potential as long as the Arab states persist in their opposition to integrating UNRWA refugees, using it as a political tool to leverage what is perceived as the refugees' right to return to their homes in Israel, according to UN Resolution 194. The opposition to integrating Palestinian refugees on the grounds of supporting the Palestinian struggle serves as an excuse for states that are guided by other considerations too, such as demographic and tribal factors. Owing to the host states' lack of desire to integrate the Palestinian refugees, the first chapter presented a detailed description of how UNRWA diverted resources to other fields (such as education). This situation continues, despite the increasing understanding grounded in empirical research (reflected, among other things, in decades of experience acquired by UNHCR) about the advantages and importance of locally integrating refugees as a means of ensuring sustainable solutions to their protracted problems and hardships.<sup>61</sup>

To substantiate, local integration of those eligible for humanitarian aid enables them to build an independent and productive life within the social and political fabric of their host states, reducing conflicts and maintaining regional stability. Conversely, repercussions of perpetual refugeehood is noted in UNHCR reports as leading to "a wasted life, non-utilization of resources and an increased threat to security."<sup>62</sup> In addition, people who have a prolonged refugee status are described as having a higher likelihood of being drawn into a three-dimensional cycle of poverty, defined by the World Bank as having a "lack of income and assets, lack of a voice and helplessness in the face of the institutions of the state and society, and sensitivity to shocks."<sup>63</sup>

As a result, and given the conception of humanitarian aid as assistance that does not seek economic growth but rather provides for destitute populations (as is the case with emergency aid provided by bodies such as the International Red Cross, the World Food Program or UNHCR), this aid is usually temporary (including short-term emergency aid to victims of natural or manmade disasters).<sup>64</sup> As such, the operational paradigm guiding UNRWA is opposed to implementing policies that have proven to contributing to resolve the plight of many refugees around the world. If UNRWA were to adapt to its original mandate (i.e., providing direct aid and employment programs in cooperation with local governments in the host states), besides the positive contribution that employment would have toward one of the core issues of the Israeli-Palestinian conflict, its primary beneficiaries would be UNRWA refugees who would gain the ability to build their lives with dignity.<sup>65</sup>

This is most clearly illustrated in Lebanon, where, in addition to decades of being labeled as refugees, the Palestinian refugees who are beneficiaries of UNRWA are denied their basic rights through discriminatory laws and regulations. These include denying the rights to attend public schools, to have access to national health system, to own property, and to acquire Lebanese citizenship—even for those born in Lebanon.<sup>66</sup> While this severe level of discrimination does not typify all of UNRWA's operational zones, the separation and status loss of the refugees in the host state are clear.

### ***Definition of UNRWA beneficiaries***

The definition of Palestinian refugees eligible for UNRWA services comprises three different aspects: inconsistencies in the definition over the decades; automatic and unlimited transfer of refugee status to descendants; and maintaining refugee status despite citizenship in host countries or involvement in terrorism.

#### ***A. Inconsistencies in the definition of UNRWA refugees***

Resolution 302 (IV) (1949) on the establishment of UNRWA related to the term “refugee” without defining who is a Palestinian refugee. In fact, when UNRWA was established, the term “Palestinian refugees” referred to Jewish and Arab refugees of the 1948 war.<sup>67</sup> Shortly after the war, Israel assumed responsibility for the Jewish and Arab refugees who remained within its territory. Arab refugees who remained in the Gaza Strip under Egypt's

control, in the West Bank occupied by Jordan, in Jordan itself, Syria, and Lebanon were termed “Palestinians” and fell under UNRWA’s responsibility.<sup>68</sup> The same seminal resolution stated that “a sum equivalent to a total of 33.7 million dollars will be required” for the aid and employment programs for one year of operation in 1950,<sup>69</sup> in contrast to the 300,000 dollar budget upon which UNHCR based its activities in its first year of existence.<sup>70</sup>

In 1950, without an official definition determined by a supervisory body, UNRWA formulated its own set of practical definitions of refugees, in order to help determine eligibility for aid.<sup>71</sup> It concluded that a refugee is “a needy person who, as a result of the war in Palestine, lost his home and his sources of livelihood.”<sup>72</sup> The fact that this definition is practical and not legal is perhaps one of the factors that enabled it to be frequently adapted.<sup>73</sup> Later that year, this definition was limited to “a person who in normal times was a resident of Palestine and lost his home and his livelihood as a result of hostilities and became needy.”<sup>74</sup> In 1954 the wording changed again to “a person whose place of residence was Palestine for at least two years before the 1948 war, and who as a result of this lost his home and his means of livelihood.”<sup>75</sup>

Despite the changing definitions and perhaps because of them, UNRWA admitted in 1954 that “there is undoubtedly a large number of false registrations,” as “it is very difficult, and in certain cases impossible for the agency to develop a satisfactory method that will ensure the complete erasure from the records of all those who are not eligible for stipends or other aid from the agency.”<sup>76</sup>

The Six Day War in 1967 and a stream of additional refugees from the West Bank into UNRWA’s system offered the opportunity to establish a new baseline, and in 1971 UNRWA again expanded its definition of refugees, with specifications regarding the inheritability of refugee status.<sup>77</sup> In 1993, the agency published new directives for registering refugees, in which the requirement of being “in need” was officially removed,<sup>78</sup> as was the rule requiring applicants to show that they had been residing since the conflict in one of the countries where UNRWA provides relief.<sup>79</sup> As a result, people who were never eligible to register at UNRWA were permitted to do so, as long as they could prove that their regular place of residence from June 1, 1946 to May 15, 1948 was Palestine and that they had lost their home and their means of livelihood as a result of the 1948 war.<sup>80</sup>

In addition to changing the definition over the years and the inability of the agency to monitor false registrations or deaths of registered refugees, UNRWA also grants aid to a group of people—and their descendants—who explicitly never met UNRWA’s definition of a refugee. These came to be known as the “economic refugees” and include people who belong to one of the following four categories: “frontier villagers” whose homes were on the Arab side of the 1949 armistice line, but whose fields were located on the Israeli side; “Jerusalem and Gaza poor” whose homes were on the Arab side of the armistice line, but whose former jobs had been on the Israeli side; “Bedouin” nomads whose grazing lands (or some of them) were on the Israeli side of the armistice line; and “cases of compromise” in Lebanon who—at the insistence of the Lebanese authorities—were granted UNRWA services, even though according to UNRWA, they never met the criteria for Palestine refugees.<sup>81</sup> Prior to 1960, the General Assembly noted that UNRWA’s mandate did not apply to these “economic refugees.”<sup>82</sup>

Through the many phases and developments relating to UNRWA’s defining of the Palestinian refugees, the emphasis notably has remained rooted in the past without reference to present-day conditions that apply to individuals within that collective group of people. That is, no attention and no incentive is given to those who wish to improve their life conditions and escape the label of being a Palestinian refugee, even nowadays—seven decades after the 1948 war. Consequently, the flexibility of the entire process of defining the refugees, the lack of any mechanism omitting refugees that have died from UNRWA’s lists, in addition to preventing fraudulent registration of refugees at the beginning all attest to serious deficiencies in the agency’s definition of its beneficiaries.

#### *B. Automatic and unlimited transfer of refugee status to descendants*

Similar to the abovementioned versatility in the process of defining Palestinian refugees, the definition of who is entitled to refugee status among the descendants of UNRWA refugees has also changed over the years.

In 1950, when UNRWA Director Howard Kennedy (from Canada) reported to the General Assembly that “the agency has decided that a refugee is a needy person, who, as a result of the war in Palestine, has lost his home and his means of livelihood,”<sup>83</sup> no reference to descendants was made.<sup>84</sup> Initially, the extension of refugee status to the second generation was limited to the

descendants of male refugees. The rationale was that children of a woman refugee who married a man who is not a refugee would benefit from the advantages provided by the status of the husband and become citizens of the state, thus obviating the need for UNRWA aid.<sup>85</sup>

Consequently, until 1965, UNRWA did not see the grandchildren of refugees as refugees, but starting that year, UNRWA Commissioner-General Laurence Michelmores (from the United States) created “an extension of eligibility, subject to need, to the third generation of refugees”; that is, the children of people who themselves were born after May 14, 1948.<sup>86</sup> In 1982, the definition of the eligibility of the descendants of the Palestinian refugees was extended again—this time for all generations. This was done through a General Assembly Resolution (37/120), which instructed UNRWA “to issue identification cards to all Palestine refugees and their descendants”<sup>87</sup> without any limitation on how many generations of descendants this practice would continue. This momentous decision was adopted without debate or a separate vote in the General Assembly,<sup>88</sup> even though this new group of beneficiaries clearly fail to meet UNRWA’s standards of having lived in Palestine prior to May 1948, and have thus not lost their homes, nor means of livelihood, following the 1948 war.<sup>89</sup>

In the 1990s, as greater attention was given to gender equality—a value promoted by the UN in its Convention on the Elimination of All Forms of Discrimination Against Women<sup>90</sup>—and in response to public criticism, UNRWA began to implement ad hoc adjustments in order to soften the impact of discrimination against women married to men who are not refugees and to the children born out of these marriages. In the following decade and especially since 2006,<sup>91</sup> men who are not refugees but who are married to women who are refugees and their descendants have been eligible to apply for UNRWA’s services.<sup>92</sup> As such, currently, all patrilineal descendants of refugees are eligible to be registered.

The assessment of these developments invites a comparison to the regulations of UNHCR with respect to refugees from other conflicts around the world. Indeed, UNHCR grants derivative refugee status to the children and nuclear family members of refugees.<sup>93</sup> As such, while these individuals are entitled to all the benefits associated with being a refugee, they are not classified as refugees through whom derivative refugee status may be claimed. The granting of derivative refugee status to other persons is not automatic and



depends on careful consideration of each case through a personal interview and an analysis of the relationship and dependency between the refugee and the person claiming derivative refugee status.<sup>94</sup>

The abovementioned developments in the evolution of determining the applicability of refugee status to descendants of UNRWA-registered Palestinian refugees, together with the natural growth rate of this constituency, have caused the number of people registered as Palestinian refugees to swell from 700,000 to over 5.5 million within seventy years. As such, and given the absence of a long-term solution provided to UNRWA beneficiaries, the agency's policy of labeling descendants of registered refugees as refugees upon their birth not only contributes to entrenching the Israeli-Palestinian conflict but also necessitates an ongoing increase in international monetary contributions to enable the agency to merely continue its baseline functioning—an end that is clearly unsustainable in the long run.

In 2018, the US Congressional Research Service published two reports that discuss US aid to the Palestinians, drawing a comparison between UNRWA and UNHCR with respect to the status of refugees' descendants.<sup>95</sup> The reports show that the UN's stance on this issue is that there are several prolonged refugee situations in which successive generations continue to be recognized as refugees, and in this sense, the Palestinians are not unique. In particular, the UN notes that "Palestine refugees are not distinct from other protracted refugee situations such as those from Afghanistan or Somalia, where there are multiple generations of refugees, considered by UNHCR as refugees and supported as such."<sup>96</sup> However, when considering the findings presented above, it is important to note that the Palestinian refugees are unique in that their status is extended to future generations without making any effort to resettle them while maintaining their refugee status irrespective of their economic situation or of having received citizenship in another state, as further discussed below.

### *C. Maintaining refugee status for citizens of host states and for those involved in terrorism*

The 1951 Convention Relating to the Status of Refugees states that a person shall no longer be considered a refugee if "he has acquired a new nationality and enjoys the protection of the country of his new nationality."<sup>97</sup> UNHCR is guided by this principle as is the European Union, which determines that



a “third country national or a stateless person shall cease to be a refugee, if he or she: . . . (c) has acquired a new nationality, and enjoys the protection of the country of his or her new nationality.”<sup>98</sup> Under US law too, a person who has citizenship in the country where he resides, and enjoys the protection of that state, cannot lawfully be eligible for refugee status.<sup>99</sup> As opposed to these cessation clauses, UNRWA makes no mention of citizenship, and does not de-register persons who have become state citizens.<sup>100</sup> Of UNRWA’s five operation zones, this regulation has the most problematic implications in Jordan, Gaza, and the West Bank.

In Jordan, the majority of over two million Palestinian refugees (2,272,411 Palestinian refugees to be precise, according a 2019 UNRWA report), who constitute 40 percent of UNRWA’s registered refugees, are Jordanian citizens.<sup>101</sup> Furthermore, UNRWA refugees who are Jordanian citizens hold significant positions of power, work in middle and upper class professions, and the majority do not live in UNRWA’s refugee camps.<sup>102</sup> Their definition as refugees and eligibility for refugee status is an oxymoronic status of “citizen-refugees,”<sup>103</sup> is not compatible with their civil status, and has no parallel in other refugee populations.<sup>104</sup>

Interestingly, UNRWA refugees who are Jordanian citizens do not receive services from the Jordanian government: they study at UNRWA schools and receive medical care at UNRWA’s health clinics. While it is likely that the Jordanian government’s considerations are financial, given that education and health services are funded by UNRWA even if the agency’s beneficiaries are Jordanian citizens, this separation contributes to the differentiation and, indeed, discrimination of Jordanians from Palestinian descent who are denied the possibility of full integration as a result of the Kingdom’s differential treatment toward them.<sup>105</sup>

In the Gaza Strip and the West Bank, as of 2019, some 2.3 million people were registered at UNRWA as Palestinian refugees,<sup>106</sup> which constitutes 42 percent of the total eligible for the agency’s services. However, the Palestinian Authority classifies them as citizens who live in their homeland according to the Palestinian Basic Law of 2003,<sup>107</sup> and they are provided with passports, in accordance with the Israel-PLO Declaration of Principles signed in 1993.<sup>108</sup> Furthermore, the entire international community sees UNRWA refugees in the West Bank and Gaza Strip as citizens of the future Palestinian state, in which Palestinian refugees will be settled.<sup>109</sup>

Consequently, UNRWA-registered Palestinian refugees who hold Jordanian citizenship or who live in the Gaza Strip or in the West Bank—considered part of the Palestinian homeland and recognized by the international community as part of the future Palestinian state—constitute at least 80 percent of the total refugees registered at the agency. These refugees, however, would not be eligible for refugee status according to any standard criterion, whether based on the regulations of the 1951 Refugee Convention or according to the regulations of UNHCR, the European Union, or the United States.

Another criterion for defining refugee status in which there is a difference between UNRWA and UNHCR is the issue of involvement in terrorism. According to the regulations guiding UNHCR, involvement in war crimes and other criminal activity are reason to strip registered refugees of their status. In contrast, UNRWA has no official procedure for revoking refugee status or for denying services to a registered refugee and makes no effort to identify or punish refugees involved in terror acts.<sup>110</sup>

Given the abovementioned differences between UNRWA and UNHCR criteria for receiving and maintaining refugee status, it can be asserted that the number of Palestinians eligible for refugee status, according to standard criteria that apply to other refugee populations, should be significantly lower than the total number of over 5.5 million people currently eligible for UNRWA's services.

### **UNRWA's Procedural Functioning**

In 2019, criticism regarding UNRWA's performance reached new heights, with the exposure of behavioral misconduct following the leak of an internal UN report that investigated UNRWA's managerial echelon and ultimately led to the resignation of the agency's commissioner-general.<sup>111</sup> Nonetheless, we have chosen to refrain from relating to this scandal in our examination of UNRWA in order to focus on significant, long-term and deeply-instilled patterns in the agency's procedural functioning, rather than maximize the misdeeds of one particular person who headed the agency at one time or another. Consequently, in examining UNRWA's functioning over the years, this section relates to four central issues: UNRWA's area of responsibility, the politicization of UNRWA, the agency's employees, and UNRWA's involvement in terrorism.

***Areas of responsibility: a nongovernmental agency with governmental roles***

In the first years to UNRWA's operation in the 1950s and early 1960s, the absence of a unifying Palestinian political institution and leadership led UNRWA to take on a role mirroring that of a welfare government-in-exile.<sup>112</sup> Indeed, over the years it has been said that UNRWA established itself as a state-like institution, a government without a territory,<sup>113</sup> a state within a state,<sup>114</sup> or a surrogate state,<sup>115</sup> because it assumed the responsibility for education, health, and social services, fields that are traditionally supervised by the national governments.<sup>116</sup> This organizational functioning raises the following four concerns:

First, unlike sovereign governments, UNRWA does not have any jurisdiction neither over the territory in which it operates nor over the inhabitants whom it services. As an autonomous international body, it cannot be subordinated to the authority of any sovereign government, and conversely, no official government would voluntarily relinquish its sovereignty by submitting to the authority of UNRWA.<sup>117</sup> This naturally results in inevitable friction between UNRWA and the governing authorities in the agency's operational zones and leaves the agency with limited ability to monitor whom it employs or to whom it provides aid.

Second, this situation partially relieves host governments, including the Palestinian Authority and Hamas in West Bank and Gaza respectively, for assuming responsibility for crucial fields routinely exercised by states, both established and in process.<sup>118</sup> In the case of host governments, the complete responsibility over refugees in their territory by a third entity does not provide any incentive to engage in lengthy and costly processes to resettle and transform UNRWA beneficiaries into productive citizens who are integrated and contributive toward the local society. Particularly in Syria and Lebanon, this situation perpetuates the discriminatory practices that the local citizens exercise against UNRWA beneficiaries.

Third, in focusing on the West Bank and the Gaza Strip, the donation of funds to UNRWA to conduct basic state responsibilities naturally reduces the amount of money available to aid the official Palestinian authorities (both in the West Bank and in the Gaza Strip), creating unhealthy competition between the two entities.<sup>119</sup> In the West Bank, this situation contributes to the weakening of Israel's official potential partner for future agreements to

end the conflict. In the case of Hamas—which is recognized as a terrorist organization that rules the Gaza Strip—UNRWA’s responsibility for fulfilling basic governmental roles is seen as especially problematic, in that it frees up Hamas’s funding for military activities against Israel.<sup>120</sup>

Fourth, UNRWA’s functioning in the Palestinian territories raises questions about the sovereignty and effective governance of a future Palestinian state, given that a significant proportion of the population—UNRWA beneficiaries—is differentiated from the general Palestinian society and are socially and economically cared for by an entity other than the Palestinian Authority. These circumstances simultaneously cultivate the perception that their dire situation is tentative until their return to their homes in what has become sovereign Israel. In the best-case scenario, this situation contributes to divisions and to the acceptance of different standards for the diverse members of Palestinian society, and in the worst-case scenario, this erodes the authority of the Palestinian government by questioning the legitimacy of the Palestinian Authority as the sole representative of all Palestinians.<sup>121</sup>

### ***Politicization***

Visible expressions of UNRWA’s politicization are evident in a range of political declarations and press releases by official UNRWA representatives who compare Israeli attacks on armed Palestinians to Hamas’s attacks on Israeli civilians, support the Palestinian claim of the right of return, and denounce Israel’s security fence.<sup>122</sup> This section focuses on two spheres of UNRWA’s politicization: the administrative and the educational.

#### ***A. Administrative politicization***

In the initial absence of an internationally recognized Palestinian national institution, UNRWA became the quasi-political representative for the Palestinians on the international stage, articulating their demands and their longing to return. This was a clear break from UNRWA’s earlier years when the agency largely viewed its beneficiaries as individuals lacking solidarity.<sup>123</sup> Perhaps the most prominent landmark of the agency’s early politicization was the struggle in the late 1950s between the agency and its donors about relief rations, which UNRWA insisted on providing to all refugees—regardless of their socioeconomic status.<sup>124</sup>

By the time the PLO was established in 1964, UNRWA was deeply integrated in the refugee communities as a concrete reminder of the Palestinian refugee question. In the following years, UNRWA facilities became a crucial component in the PLO's national struggle, with the agency's camps becoming central recruiting grounds. In fact, UNRWA reports from the end of the 1960s clearly demonstrate that the agency's facilities in Lebanon were even used by the PLO for military purposes.<sup>125</sup>

After the 1967 war, Israel initiated a reconstruction policy of the major camps in the West Bank and Gaza in order to move refugees to permanent housing, improve infrastructure and living conditions, and demolish the temporary shelters. In a complete violation of UNRWA's mandate, however, the agency vigorously protested these measures and called on Israel to abandon its plans and refrain from any action that might lead to the resettlement of Palestinian refugees.<sup>126</sup>

Two decades later, in the late 1980s, the First Intifada—described in the literature as another milestone in the chronology of UNRWA's politicization—broke out. This period was characterized by harsh propaganda and demonization of Israel and by UNRWA's uncompromising support for Palestinian demands.<sup>127</sup> Later, during the 1990s, UNRWA rejected plans initiated by Palestinian municipalities to strengthen the connection between the municipalities and UNRWA's beneficiaries.<sup>128</sup>

Throughout its seventy years of existence, UNRWA has rebuked all those parties that it perceives are to blame for the Palestinian plight—not just Israel but also the Palestinian political authorities, Arab governments, and leading international powers.<sup>129</sup> In doing so, UNRWA has validated its status as a symbol of victimhood and refugeehood in Palestinian society,<sup>130</sup> having become synonymous with prolonged camp life and the perpetual vulnerability of the Palestinian refugee experience.<sup>131</sup>

This politicization does injustice to UNRWA's mandate of being responsible for the humanitarian aspects of the Palestinian refugee problem as it perpetuates the suffering of those eligible for its services by invalidating initiatives to resettle the refugees, improve their conditions, and end their refugee status—all while administering its beneficiaries with false hopes that they will one day return to live in their ancestral homes in territory under Israel's jurisdiction.

### *B. Educational politicization*

Since its establishment, UNRWA has relied upon the educational curricula of the host state in its schools, enabling its students to pass national tests at the end of their studies and to ease the students' transition to local secondary education in the host state. Over the years, the textbooks used in UNRWA's classes have caused controversy, as their political content has contradicted the ideologies and understandings of the international community of donors, who are still called upon for funding.<sup>132</sup>

In addition to local political content in the textbooks, young UNRWA beneficiaries are exposed to politicization in the agency's youth centers where a collective Palestinian identity of exile, based on the memory of the land of Palestine and the claim of return, is constantly revisited and transmitted.<sup>133</sup>

During the 1960s and 1970s, teaching Palestinian nationalism was a specific goal of the PLO. Schools, teachers' unions and youth organizations were targeted by the PLO and by competing organizations (such as the Muslim Brotherhood), and underwent complete politicization.<sup>134</sup> By the 1970s, UNRWA's educational focus had become compatible with the "step-by-step approach" to destroying Israel that the PLO officially adopted in 1974. UNRWA's curriculum included a commitment to the right of return<sup>135</sup> and the creation of infrastructure for supporting the "inalienable rights" of the Palestinian people. Over time, textbooks used in UNRWA schools reflected anti-Israel sentiment, anti-Semitism, anti-Western sentiment, and opposition to peace, along with the constant support for the right of return.<sup>136</sup>

Nowadays, Palestinian Authority-approved textbooks are taught in UNRWA schools in the West Bank and Gaza and these are supplemented by additional Hamas-approved textbooks in areas under Hamas's control. UNRWA supplements these textbooks with materials on tolerance toward the "other"; however, these relate to internal Palestinian divisions and refrain from expanding the discussion to similar issues vis-à-vis Jews or Israel.<sup>137</sup>

With respect to materials not written by UNRWA but studied in UNRWA schools, a study conducted in 2018 found that they regularly portrayed Zionism as a colonial movement that aimed to expel Palestinians from their land with the support of Western imperialism, thereby posing a zero-sum game in which Zionism is as an existential threat to Palestinians.<sup>138</sup> Textbooks were also found to almost completely exclude the word "Israel" or "Israeli" (and replace them with the term "Zionist") along with erasing Israel from

the geographic maps of school textbooks. Textbooks mostly portrayed Jews as occupiers devoid of any rights, who lack attachment to the land and holy sites and whose presence is illegitimate and merely tentative. Finally, the textbooks do not mention the various rounds of negotiations between Israel and the Palestinians, nor the peace agreements between Israel and Egypt or Jordan.<sup>139</sup>

Consequently, it becomes clear that the curricula studied in UNRWA schools, even if not written by UNRWA, are politicized in a manner that is counterproductive to peacebuilding. These trends become more problematic given that 58 percent of UNRWA's budget is directed toward education.<sup>140</sup>

### ***Employees***

Some 99 percent of UNRWA's employees are Palestinian and less than one percent are foreign (mostly from the United States and Europe). This makes the agency the single largest nongovernmental employer in the region, with a ratio of about 144 local employees to each international employee according to UNRWA's 2019 annual report (that is, only 171 non-Palestinian workers out of 24,608 employees).<sup>141</sup> UNRWA first hired refugees to serve as teachers, doctors, nurses, social workers, administrators, managers, and maintenance workers in the 1960s and 1970s, in order to staff its program of services as it extended beyond the limited income-generation and self-help projects. In the 1980s, the refugees had become increasingly involved in planning, implementing, monitoring, and evaluating the agency's programs.<sup>142</sup>

The idea of stakeholder participation, which UNRWA has fully adopted, generates much controversy, and the literature is divided between those who perceive it as positive and others who view it as a negative policy directive. Those who support it acknowledge that stakeholder participation is both an objective and a means by which refugees can realize their rights to restitution, compensation, and other durable solutions to their long-standing plight, while simultaneously enabling the agency to benefit from dedicated staffers.<sup>143</sup> Others perceive this step as potentially debilitating UNRWA, given the suspicion and resentment that many of the Palestinian employees harbor toward the international employees who enjoy power and privilege denied to the local staff (such as higher salaries). Furthermore, the hiring of refugees contributes to UNRWA's ambiguous identity as an agency that is funded by powerful Western states whose representatives within the



organization are almost invisible “foreigners” representing a disconnected executive branch.<sup>144</sup>

Regardless of which approach is more widespread, there are three problems that are part-and-parcel of UNRWA’s policy of employing its beneficiaries to be an inherent part of its organizational make-up. First, staffers who are also the agency’s beneficiaries are naturally more inclined to be concerned about the interests of the beneficiaries rather than UNRWA’s and have been known to bend the rules to accommodate the refugees’ needs in cases constrained by UNRWA’s policies and mandate. Illustrative of this was the political tension and the great deal of personal anguish that accompanied the investigation in Lebanon in 1964 of those entitled to benefits according to the agency’s lists.<sup>145</sup> In addition, by establishing an administrative infrastructure that is managed on the ground by the Palestinian refugee staff contributes to maintaining a Palestinian identity in exile and harms the ability to connect to the local societies.

Second, naturally when the employees are synonymous with the organization’s beneficiaries, their political opinions shape the organizational rhetoric on core issues. These include the refugees’ perceived right to return to their ancestral lands in Israel’s sovereign territory and the idea that the West is responsible for funding the agency until their return is realized.<sup>146</sup> This contributes to the politicization of UNRWA in a way that completely counters the Israeli narrative and thus serves to perpetuate the gaps between the Israeli and Palestinian parties.

Third, even though UNRWA has a legal framework for operations that safeguards UN neutrality vis-à-vis staff, and despite the clause stating “staff member involvement in a militant group or terrorist activities . . . a serious breach of UNRWA’s Staff Regulations and Rules and result in dismissal from service,”<sup>147</sup> it is unclear if UNRWA has indeed dismissed staffers on those grounds, particularly in the Gaza Strip where Hamas rules the political arena. Furthermore, UNRWA staff may maintain membership in a political party. While this may appear as a legitimate term, it is unclear how UNRWA defines Hamas, which is defined by the US State Department and the European Union as a designated Terror Organization. Of course, UNRWA does not consciously support terrorist activity, but it does not actively take the necessary precautions in recruiting employees and monitoring their activities either.

### ***Involvement in terror***

At the end of the 1980s, parallel to the First Intifada and in response to the violence which had erupted in UNRWA-administered refugee camps, Israeli authorities asserted that some of UNRWA's employees were members or supporters of terrorist organizations, and that the agency's facilities were being used to support and carry out terrorist activity.<sup>148</sup> Israel claimed that UNRWA vehicles had been used to transport terrorists and weapons, demanded that suspects be arrested, and that permission be granted to search agency vehicles. In response, UNRWA claimed diplomatic immunity for its employees and objected to having its vehicles checked.<sup>149</sup>

After the 1993 Oslo Agreement, relations between Israel and UNRWA greatly improved but a decade later, during the Second Intifada in 2000, complaints again were heard about violence originating in UNRWA-administered refugee camps.<sup>150</sup> In fact, from 2000 until Operation Protective Edge in 2014—in the space of fourteen years—there have been several documented instances of either support for terrorism or involvement with terrorism originating in UNRWA facilities and supported by the agency's personnel.<sup>151</sup>

During Operation Protective Edge, three UNRWA schools in the Gaza Strip were used by Hamas militants to stockpile missiles and in some cases to launch them against civilians in Israeli residential areas.<sup>152</sup> The UN acknowledged this fact in a letter from Secretary-General Ban Ki-moon to the president of the Security Council in which Ban Ki-moon expressed his dismay that “Palestinian militant groups would put United Nations schools at risk by using them to hide their arms. The three schools at which weaponry was found were empty at the time and were not being used as shelters. However, the fact that they were used by those involved in the fighting to store their weaponry and, in two cases, probably to fire from is unacceptable. It serves to undermine the confidence that all concerned should have that United Nations premises are civilian objects and may therefore not be made the object of attack.”<sup>153</sup> Naturally, the illegal stockpile of weapons in UNRWA facilities posed an immediate danger not only to Israeli civilians and Israeli population centers, but also to innocent Palestinians.

To conclude, this chapter raises six prominent issues (see table 3) that are worthy of in-depth discussion in any future framework that addresses UNRWA's long-term operation. While the important humanitarian aid that

UNRWA provides to the Palestinian refugees in need of its services should not be overlooked, neither should the problematic aspects of the agency's functioning that surface from the analysis above.

**Table 3. Summary of issues to address in UNRWA's long-term activity**

<b>UNRWA's operational paradigm</b>	Mandate	UNRWA does not work to resettle Palestinian refugees so as not to affect their perceived right of return, even though research and experience indicate the advantages and importance of local integration to ensure long-term solutions to protracted refugee problems.
	Definition of UNRWA beneficiaries	<b>Inconsistencies:</b> Determining who is eligible for UNRWA aid has changed over the years in accordance with political needs; inability of the agency to monitor false registrations or deaths of registered refugees; lack of uniformity between UNHCR and UNRWA in defining refugees.
		<b>Automatic and unlimited transfer of refugee status to descendants:</b> Palestinians registered with UNRWA are a unique case of refugees whose status is automatically transferred to future generations in the context of an absence of active efforts to resettle them and while their refugee status is maintained regardless of their economic situation.
<b>UNRWA's procedural functioning</b>	Areas of responsibility	<b>Maintaining refugee status despite citizenship in host states or involvement in terrorism:</b> In contrast to the definition of refugees by UNHCR, the European Union, and the United States, UNRWA does not revoke refugee status upon gaining citizenship. Unlike UNHCR, UNRWA does not revoke the status of refugees involved in war crimes and other criminal activity.
		UNRWA has no jurisdiction over the territory in which it operates and the inhabitants whom it serves. Nevertheless, UNRWA's services partially relieve host governments from assuming responsibilities for crucial fields of activity routinely exercised by normal and aspiring states. In the West Bank and the Gaza Strip, the donations to UNRWA create competition with the official Palestinian authorities; constitute a barrier to the governance of a future Palestinian state; and in the case of the Gaza Strip, free up Hamas resources for terror activity.

<b>UNRWA's procedural functioning (cont.)</b>	Politicization	<p><b>Administrative:</b> UNRWA has become a symbol identified with victimhood and prolonged refugee status in Palestinian society. This politicization perpetuates refugees' suffering by invalidating initiatives to resettle them, improve their basic living conditions, and cancel their refugee status.</p> <p><b>Education:</b> Curricula studied in UNRWA schools are political and counterproductive to peacebuilding.</p>
	Employees	99 percent of UNRWA's employees are Palestinian refugees eligible for the agency's services who are naturally inclined to bend the rules to accommodate refugees' needs in cases constrained by UNRWA's policies and mandate. The establishment of an administrative infrastructure managed by Palestinian employees maintains a Palestinian identity in exile, which impedes the ability to connect to the local societies. In addition, political stances of the organization's workforce naturally shape organizational rhetoric and provide UNRWA with a nationalist Palestinian ethos. In addition, UNRWA does not take the necessary precautions to ensure its employees are not involved in militant activities.
	Involvement in terror	Over the years there have been instances in which UNRWA facilities have been exploited for recruiting terrorists, stockpiling weapons, and firing at Israeli population centers.

Over the years and following the Oslo process, there has been growing recognition of the need to formulate steps to transfer UNRWA's responsibilities in the West Bank to the Palestinian Authority. Indeed, following the signing of the Interim Agreement (Oslo II) between the Israeli government and the Palestinian Authority in 1995, a five-year plan (known as "the Horizon Plan") was prepared to gradually transfer UNRWA's responsibilities to the Palestinian Authority. The plan was submitted to UNRWA's Advisory Committee but was rejected on practical and political grounds. In 2001, due to the Second Intifada, the five-year plan was shelved and eventually dismissed.<sup>154</sup>

The issue of UNRWA's dismantling has continually surfaced over the many years of negotiations between Israel and the Palestinians. For example, Adv. Gilead Sher, who was involved in the negotiations at Camp David in 2000, noted that Israel proposed transferring UNRWA's responsibilities to the host states; compensating Palestinian refugees after their resettlement in host states, and rehabilitating or dismantling refugee camps as part of a

socioeconomic rehabilitation process that would accompany the revoking of their refugee status.<sup>155</sup> In the negotiations that took place in Taba in 2001, a memorandum summarized by UN envoy Miguel Moratinos notes that the two sides had agreed to dismantle UNRWA within five years and discussed mechanisms to replace the agency. The sides also agreed on the establishment of an international body and fund to deal with refugees' compensation mechanisms.<sup>156</sup> The Geneva Initiative, drafted by Israeli and Palestinian civil society and quasi-officials, also has suggested a gradual five-year process leading to UNRWA's dismantling and a potential mechanism for resettling Palestinian refugees and compensating them.<sup>157</sup>

In 2005, after the Second Intifada, the Israeli government initiated an appeal to UNRWA's donor states with the aim of renewing the plan to transfer the agency's responsibilities to the Palestinian Authority. The goal was to prevent overlaps in the provision of services and to strengthen the Palestinian Authority's ability to provide services to the population within its area of jurisdiction. This initiative failed following Hamas's victory in the elections in January 2006.<sup>158</sup>

Given the previous failures to change UNRWA's set-up and the lacunae that have surfaced in the analysis of the agency's operational paradigm and procedural functioning, the next chapter proposes a theoretical model for challenging the status quo.