

Seventy Years to UNRWA— Time for Structural and Functional Reforms

Kobi Michael and Michal Hatuel-Radoshitzky

Seventy Years to UNRWA— Time for Structural and Functional Reforms

Kobi Michael and Michal Hatuel-Radoshitzky



The Institute for National Security Studies (INSS), incorporating the Jaffee Center for Strategic Studies, was founded in 2006.

The purpose of the Institute for National Security Studies is first, to conduct basic research that meets the highest academic standards on matters related to Israel's national security as well as Middle East regional and international security affairs. Second, the Institute aims to contribute to the public debate and governmental deliberation of issues that are – or should be – at the top of Israel's national security agenda.

INSS seeks to address Israeli decision makers and policymakers, the defense establishment, public opinion makers, the academic community in Israel and abroad, and the general public.

INSS publishes research that it deems worthy of public attention, while it maintains a strict policy of non-partisanship. The opinions expressed in this publication are the authors' alone, and do not necessarily reflect the views of the Institute, its trustees, boards, research staff, or the organizations and individuals that support its research.

Seventy Years to UNRWA— Time for Structural and Functional Reforms

Kobi Michael and Michal Hatuel-Radoshitzky

Memorandum No. 204

September 2020

**70 שנות אונר"א –
עת לרפורמה מבנית ותפקודית**

קובי מיכאל ומיכל חטואל-רדושיצקי

Institute for National Security Studies (a public benefit company)
40 Haim Levanon Street
POB 39950
Ramat Aviv
Tel Aviv 6997556 Israel

E-mail: info@inss.org.il
<http://www.inss.org.il>

Copyeditor: Ela Greenberg
Graphic design: Michal Semo Kovetz and Yael Bieber,
TAU Graphic Design Studio

Printing: Digiprint Zahav Ltd., Tel Aviv

© All rights reserved.
September 2020

ISBN: 978-965-92806-5-0

Contents

| | |
|--|----|
| Executive Summary | 7 |
| Introduction: Why Now and Why Again? | 11 |
| Chapter One: Background | 15 |
| Chapter Two: Issues to Be Addressed in UNRWA's Long-Term Functioning | 25 |
| Chapter Three: Where to? Alternatives to UNRWA's Current Set-up | 45 |
| Chapter Four: Discussion and Conclusions | 65 |
| Appendix 1: UN General Assembly Resolution 302(IV), 1949 | 71 |
| Appendix 2: UN General Assembly Resolution 194 (III), 1948 | 77 |
| Appendix 3: Protocol relating to the Status of Refugees, 1967 | 81 |
| Appendix 4: US State Department Press Release on US Assistance to UNRWA, 2018 | 86 |
| Notes | 89 |

Illustrations

Tables

| | |
|---|----|
| 1. Bodies leading up to the establishment of UNRWA | 17 |
| 2. Top ten state contributors to UNRWA in 2017 and 2018 | 23 |
| 3. Summary of issues to address in UNRWA's long-term activity | 42 |
| 4. Concluding assessment of alternative A, comprehensive reforms | 50 |
| 5. Concluding assessment of alternative B, transferring UNRWA's responsibilities and budget to governments in the different operation zones | 55 |
| 6. Concluding assessment of alternative C, merging UNRWA with UNHCR | 60 |
| 7. Comparative assessment of the three central alternatives | 62 |

Figures

| | |
|---|----|
| 1. Number of UNRWA schools and registered pupils (in thousands) | 20 |
| 2. Percentage of UNRWA budget directed toward relief and education | 20 |
| 3. Comparison of UNRWA's revenues and expenses (in millions of US dollars) | 24 |
| 4. Comparison of figures guiding UNRWA and UNHCR activity | 26 |
| 5. Mapping aspects that need to be addressed in UNRWA's continued operation | 26 |

Executive Summary

The purpose of this memorandum is to serve as a basis for a strategic thinking process about the continued operation of UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), which serves Palestinian refugees living in the agency's five areas of operation—the Gaza Strip, the West Bank, Jordan, Syria, and Lebanon. The operational paradigms and procedures guiding UNRWA's functioning warrant a fresh discussion due to the agency's failure to resettle Palestinian refugees, as evidenced by the growth of the agency's beneficiaries from 700,000 refugees following the establishment of the State of Israel to over 5.5 million in 2020. These issues demand attention at this time, given the chronological perspective of seven decades having now passed since UNRWA's founding in 1949 and given the decision of the United States, which has traditionally been the agency's largest donor, to cease funding the agency. In the background is a complex humanitarian and military reality in UNRWA's regions of operation, the regional upheaval and its impact on the Palestinian refugee population, the deadlock in the Israeli-Palestinian political process, and the centrality of the refugee issue to the Israeli-Palestinian conflict.

UNRWA was established in December 1949 and began operation in 1950. Its initial mandate was twofold: first, implementing—in cooperation with local governments—direct aid and employment programs for the Palestinian refugees; and second, consulting with the governments of the Near East about preparing for the future when international assistance would no longer be provided for aid and employment projects. The rationale underlying this effort was to enlist the Palestinian refugees for large development projects in the Middle East, which would ultimately increase the region's economic productivity and infrastructural growth and would also help remove the dependence, extremism, and social stigmas related to the refugees. However, UNRWA's efforts to encourage the refugees' participation in public work

programs aroused a hostile reaction on the part of the refugees themselves, who saw their plight as the result of denying their right to return to their homes in the territory that had become the State of Israel and not as a problem of poverty or unemployment. Accordingly, they saw UNRWA as a mechanism created by the Western powers to eliminate their political rights through socioeconomic measures.

This conception was also common among the host Arab states, which were not eager to resettle the refugees. However, when the UN High Commissioner for Refugees (UNHCR) was established in 1950, a year after UNRWA's creation, the Arab states insisted that the Palestine refugees remain under UNRWA's responsibility. Given this situation, UNRWA's mandate was updated several times over the years, and the definition of refugees eligible for the agency's services similarly was changed. This is unlike the definition of refugees who receive aid from UNHCR, the basis of whose eligibility is defined in the 1951 Refugee Convention. Consequently, over the years substantial differences developed between the two UN bodies that deal with refugees: UNHCR, which is responsible for handling refugees from all conflicts in the world and works to resettle them, with the refugee population defined in the Refugee Convention, and UNRWA, which only deals with the Palestinian refugees, does not work to settle them, and has changed the definitions of its beneficiaries and its mandate over the years. In addition, each organization operates according to a different budgetary arrangement, with greater funding allocated to Palestinian refugees than to refugees from other conflicts.

In terms of funding, UNRWA is dependent on donations from UN member states, aside from about 200 salaries (out of around 31,000) for international staff members whose salaries are budgeted by the UN. As a result of the quick growth in the population eligible for its services, the donations are not enough to effectively maintain UNRWA's programs, and the agency is consistently coping with serious budget deficits. The body responsible for approving UNRWA's budget and for renewing the organization's mandate to operate for a period of three years at a time is the UN General Assembly. The extension of the most recent mandate provided, as of the time of this writing, is expected to end in 2023.

In focusing on UNRWA's functioning, which warrants renewed thought and attention, this memorandum relates to two main aspects: the agency's

operational paradigm and its procedural functioning. With respect to the operational paradigm, of note is the fluidity of the organization's definitions regarding its mandate and beneficiaries, including the automatic and unlimited transfer of refugee status to the descendants of refugees, maintaining refugee status despite receiving citizenship in host states, and retaining refugee status despite involvement in terror activities. With respect to the agency's procedural functioning, there are lacunae in UNRWA's areas of responsibility (with the agency assuming responsibilities in the fields of education, health services, and social services traditionally reserved for governments); the politicization of UNRWA (on the administrative level and vis-à-vis education for UNRWA beneficiaries); employee-recruiting policies (99 percent of UNRWA staffers are Palestinian); and involvement in terror (in 2014, UN Secretary-General Ban Ki-moon stated that the agency's facilities were exploited for storing weapons and firing at Israeli population centers).

Given these findings and the window of time between the extension of one mandate to the next, examining alternatives to the status quo could prove a valuable exercise. In doing so, this memorandum fleshes out three alternatives: one, a comprehensive UNRWA reform (including the agency's mandate, organizational structure, modes of operation and transparency, eligibility criteria, and milestones in terms of resettling refugees); two, transferring the agency's mandate, authority, and budget to governments in the different operational zones, including the Palestinian Authority; and three, merging UNRWA with UNHCR. Since each of the three alternatives has clear disadvantages, a fourth alternative that draws on favorable elements from the first three alternatives is also proposed.

The conceptual model offered in the memorandum assesses each alternative in relation to five criteria: (1) the feasibility of implementing the alternative; (2) the alternative's contribution to rehabilitating the Palestinian refugees and improving their situation; (3) the alternative's contribution to strengthening the Palestinian Authority and improving the governability and functionality of its institutions; (4) the alternative's contribution to the resolution of the Israeli-Palestinian conflict; and (5) the economic costs of implementing the alternative. In the model presented, all five criteria were assigned an equal weighting; however, in future use of this model, different parties may assign varying weights to the criteria based on the interests and perceptions of the assessing party. Given that the fourth alternative is modular (in that it

incorporates different elements from the first three alternatives), we chose not to apply the conceptual model to this alternative but only to present its feasibility as a product of analyzing the three main alternatives.

The analysis section demonstrates that the second alternative—of transferring UNRWA’s mandate, authority, and budget to governments—is the preferred alternative. This is because this arrangement would contribute significantly to strengthening the Palestinian Authority and its institutional functioning; it would improve the long-term situation of refugees; and it would have a positive impact on the potential resolution of the Israeli-Palestinian conflict. However, this alternative also has disadvantages—particularly in considering criteria relating to feasibility and economic costs. Consequently, we recommend that decision makers adopt—in cooperation with Palestinian bodies to the greatest possible extent—a modular alternative that is mainly based on the second alternative of transferring UNRWA’s mandate, authority, and budget to official state bodies.

In order to overcome the inherent difficulties underlying any proposed change, we recommend six guiding principles: (1) differential implementation in adopting the most appropriate response in each of UNRWA’s five operational zones; (2) gradual implementation of changes while maintaining the ability to provide for the population in need; (3) fundamentally changing the definition of refugee status and the definition of eligibility for support by the organization that replaces UNRWA; (4) introducing fundamental changes to the definition of the mandate of each of the organizations or governments that assumes UNRWA responsibilities; (5) close supervision and monitoring to ensure organizational effectiveness, transparency, and adjustments; and (6) the backing of (mainly) the United States, the pragmatic Sunni Arab world led by Egypt, Saudi Arabia, and Jordan, and the relevant parties in the international community in pursuing an alternative to the current status quo.

A necessary condition for putting any process in motion is removing Israel’s support for the continued operation of UNRWA in its current format as the preferred default, considering the complex reality in the Gaza Strip. Given that part of the deadlock stems from the absence of any alternatives presented, this memorandum intends to fill the void.

Introduction: Why Now and Why Again?

In 2020, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) entered the eighth decade of its existence. Given the complexity of the humanitarian situation in UNRWA's various operational zones (in particular in the Gaza Strip, Lebanon, and Syria); the stagnation of the political process; the regional upheaval and its impact on the population of Palestinian refugees; and the centrality of Palestinian refugees to the Israeli-Palestinian conflict, there is a place—and even an obligation—to examine UNRWA's mandate, operational paradigms, and functional procedures with fresh eyes.

Relating to UNRWA a decade ago, James Lindsay, UNRWA's former legal counsel, noted that “sixty years is too long, and waiting longer to demand change will only make the task more difficult.”¹ Given that milestones offer an opportunity for reflection, the beginning of another decade begs a critical examination of previous assessments and existing literature in light of new developments. Materials that have accumulated on UNRWA's functioning over the course of seven decades point to a troubling conclusion, as noted in the past, regarding the agency's operational and functional lacunae along with the slim chance of reform.

Thus, the purpose of this paper is to present a broad factual background on the establishment of UNRWA, its development over the years, and its operational paradigms and procedural functioning as a basis for assessing alternatives to the agency's current format of activity. This is because after seven decades and more, UNRWA has sadly not led to the rehabilitation of the Palestinian refugees, to the end of their refugee status, or to their integration as citizens with equal rights neither in host states nor in the Palestinian Authority. Thus, after an in-depth background in the first two chapters, the third chapter presents possible alternatives to the status quo of UNRWA's operation and criteria for assessing them. We conclude with

a recommended policy directive, considering the interests of the different parties to the conflict and given the continued stagnation of the political process.

Considering these objectives, in reading the memorandum, it is worth remembering two points: First, UNRWA's provision of health, education, and social services is a lifeline for vulnerable Palestinian refugees. In this respect, the agency's important work must not be belittled. It is important to note that officials in Israel and around the world believe that UNRWA fills an imperative role in providing regional stability and in serving as the eyes and ears of the international community, particularly in the Gaza Strip. This is also the reason that many prefer UNRWA to continue in its current format over an uncertain alternative if UNRWA ceases its activity.² As a result, introducing changes to UNRWA's operational paradigms and procedural functioning will need to be gradual and should consider the diverse needs of Palestinian refugees who live in the agency's five operational zones. In this respect, UNRWA should not be treated as a monolithic bloc.

The second point is that despite the natural tendency to stick to the paradigm that has prevailed for the past seven decades, and dismiss attempts to change UNRWA's operational patterns, the fact is that seventy years into UNRWA's operation, it has not succeeded in adequately addressing the issue of the Palestinian refugees. Given this state of affairs, in August 2018, the US administration—UNRWA's largest donor, responsible for a third of the organization's budget—decided to halt its funding on the grounds that “the fundamental business model and fiscal practices that have marked UNRWA for years—tied to UNRWA's endlessly and exponentially expanding community of entitled beneficiaries—is simply unsustainable and has been in crisis mode for many years.”³ As such, this document presents a series of issues that need to be addressed regarding UNRWA's operational paradigm and procedural functioning, proposing alternatives to advance a more effective model of operation.

The first chapter opens with an overview of UNRWA and focuses on its establishment and early days, the development of its mandate and activities, its organizational structure, and funding. This chapter relates to the shifts in its declared policies, from that of reintegration of the Palestinian refugees (wording that was understood to include their resettlement outside of Israel) to omitting any reference to “reintegration” in General Assembly resolutions

related to UNRWA, and transferring funds originally designated for aid and employment toward education, health, social services, microfinance, infrastructure, and emergency aid instead.

The second chapter, which examines UNRWA's activity, begins with a description of the differences between UNRWA and the UN High Commissioner for Refugees (UNHCR) and continues to look at UNRWA along two main axes: the agency's operational paradigm and its procedural functioning. As part of the analysis, the definition of the agency's mandate and beneficiaries are discussed, as are UNRWA's responsibilities as a nongovernmental organization with governmental authority and budget; its politicization; policies in relation to the recruiting of employees; and apparent involvement of UNRWA facilities in terror activity.

To address the lacunae presented in chapter two, chapter three focuses on the path to change. To this end, the chapter offers an empirical model for creating a constructive strategy, by analyzing three alternatives, along with a fourth modular alternative. The first three alternatives are examined according to five criteria, demonstrating that the alternative of transferring UNRWA's authority and budget to the local governments is preferable, along with the logic of a fourth modular alternative that combines different elements from the first three basic alternatives. The chapter ends with a presentation of six principles for formulating the strategy going forward. The memorandum concludes with policy recommendations based on the extensive research conducted in drafting this document.

Our main contribution to the literature on UNRWA is the theoretical model offered in chapter three, which enables an empiric assessment of alternatives to the agency's current method of operation. The strength of the model is in establishing foundations for future "out-of-the-box" thinking and objective indices to assess alternatives to the current status quo. Another contribution is the meta-analysis of UNRWA-related literature presented in chapters one and two.

On a personal note, while we are well aware of our predisposition to favor Israel's interests (although we do not fully agree on ideological issues relating to the conflict), we sought to adopt a broad macro-approach that stretches beyond Israeli interests in presenting the alternatives and the theoretical model for assessing them. We both sincerely believe that UNRWA's current operation not only hampers the rehabilitation of Palestinian refugees but

also sows the seeds for a future crisis. Simultaneously, we emphasize that it would be a mistake to exaggerate UNRWA's contribution to the stagnation of the political process; that is, despite UNRWA's negative contribution to perpetuating the Palestinian refugee problem, we refrain from—and indeed protest—attributing the failure of resolving the Israeli-Palestinian conflict to UNRWA. As such, we truly hope that this memorandum will prompt Israeli, regional, and international discussion and will lead to more critical and proactive thinking regarding the complex issues at hand.

We would like to thank Udi Dekel, Anat Kurz, Gallia Lindenstrauss, and Noam Ran for their enlightening and helpful comments and for their support and assistance in the process of writing this document. We also thank Jonathan Ghariani, who helped with the initial research prior to gathering the material for writing this memorandum.

Chapter One: Background

On November 29, 1947, the UN General Assembly approved Resolution 181, which determined the end of British rule in Mandatory Palestine and the division of the land into two separate states: a Jewish state and an Arab state. Israel accepted the plan; the Arab world rejected it. On May 14, 1948, the Jewish leadership declared the establishment of the State of Israel, and shortly thereafter, Arab armies invaded the state. As a result of the war that broke out, hundreds of thousands of Arabs were uprooted and fled from their homes.⁴

Following these events and pursuant to General Assembly Resolution 302 (IV) in December 1949, the UN Relief and Works Agency (UNRWA) was established. Initially, the agency was designed to operate for two to three years, until the resolution of the conditions created by the state of emergency and the resettlement of some 700,000 Palestinians.⁵ Notably, at the time, Palestinian refugees were only a small percentage of the tens of millions of refugees across the world who received various forms of aid from the UN following the upheaval of World War II.⁶ Nowadays, UNRWA is responsible for over 5.5 million Palestinians registered as refugees in Lebanon, Syria, Jordan, the West Bank, and the Gaza Strip.

The following pages present an overview of UNRWA, focusing on three aspects: the establishment of the agency and its early functioning; the development of its mandate and activity; and its current organizational structure and funding.

The Establishment of UNRWA: The Initial Period

The exact number of Palestinians who were uprooted and fled due to the war after the UN partition plan is unknown. As of 1949, the assessments ranged from over 577,000 Palestinian refugees according to the Israeli government's count; Britain's figure, which ranged between 600,000 and 760,000; and

900,000 and more, as claimed by several Arab states. In 1949, the UN's economic delegation to the Middle East estimated that a total of 726,000 non-Jewish refugees had fled Israel and did not succeed in returning.⁷

At the end of 1948, in an attempt to aid these refugees, the UN General Assembly established a plan called the United Nations Relief for Palestinian Refugees (UNRPR), which provided direct aid and coordinated voluntary aid offered by the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee.⁸ That same year, on the political front, the international community approved UN General Assembly Resolution 194 (III), which determined that “refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.”⁹

General Assembly Resolution 194 also established the Palestine Conciliation Commission (PCC) to ease the return, resettlement, and rehabilitation of the refugees and the payment of compensation.¹⁰ However, Arab states were adamant that Israel agree to the principle that the refugees be permitted to return to their original homes. Considering Israel's rejection of this demand, the PCC's most significant action was to organize a peace conference in Lausanne, Switzerland, which convened over five months. Unfortunately, at the climax of this period, in September 1949, the two sides (Israel and the Arab states) had hardened their positions.¹¹

The next step was the establishment in 1949 of another international body, the Economic Survey Mission (ESM), which was subsidiary to the PCC and would adopt a different approach of examining ways of recruiting the workforce of the Palestinian refugees for employment and development projects in their host states. The dual aim was to develop the economies of the host states and to advance the settlement of the refugees therein. An ESM committee recommended that emergency aid under the auspices of the UNRPR continue until 1950 and then be replaced by an agency that would carry out an aid plan and public works for the Palestinian refugees.¹²

Following this, in December 1949, the General Assembly approved Resolution 302 (IV), establishing the “UN Relief and Works Agency (UNRWA) for Palestine Refugees in the Near East” as a subsidiary organ of the General Assembly, and the assets and obligations of the UNRPR were transferred to the new agency (see table 1 for the sequence of bodies leading up to the establishment of UNRWA).¹³ UNRWA was thus a product of the failure

of the PCC to implement a solution to the refugee crisis based on General Assembly Resolution 194 (III) (1948). The establishment of UNRWA and the cessation of the PCC's efforts to work toward resolving the conflict¹⁴ shaped the refugee issue as a problem of poverty and provided the international community with a new solution—economic development.¹⁵

As for UNRWA's ability to fulfill its purpose, the Arab League agreed to cooperate with the agency as long as it did not lead to the resettlement of the refugees.¹⁶ Unlike UN missions or agencies that were established under Chapter VII of the Security Council, UNRWA relies on the continued consent of the host governments as expressed in periodic voting of the General Assembly to renew the agency's mandate. Israel also regularly declares its support for the humanitarian mission of the agency.¹⁷

Table 1. Bodies leading up to the establishment of UNRWA

| | Name of the body established | Description |
|-------------|--|--|
| 1948 | The UN Relief for Palestinian Refugees (UNRPR) program | Providing direct aid and coordination of voluntary aid offered by other organizations |
| 1948 | Palestine Conciliation Commission (PCC) | Easing the return, resettlement, and rehabilitation of the Palestinian refugees and payment of compensation to them |
| 1949 | The Economic Survey Mission (ESM), under the auspices of the PCC | Developing the economies of the host states of the Palestinian refugees; advancing the settlement of the Palestinian refugees in the host states |
| 1949 | UN Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) | Shaping the Palestinian refugee issue as a problem of poverty—focusing only on economic development and refraining from the term “resettlement” |

Despite UNRWA's existence since 1949, most UN humanitarian activities toward refugees who are not Palestinians is conducted through the UN High Commissioner for Refugees (UNHCR). UNHCR (details in the next chapter) was established shortly after UNRWA, which has remained a unique and exclusive agency for the Palestinian refugees. This is due to the insistence of Arab states that the UN is responsible for the events that led to the plight of the Palestinian refugees (by voting in favor of the establishment of the

State of Israel) and thus must accept responsibility for them until a permanent solution, accepted by the sides in the conflict, is found.¹⁸

The Development of UNRWA’s Mandate and Operation

Resolution 393 (V) from December 1950 determined that UNRWA had a dual, short-term mandate that was defined as follows: first, to implement direct aid and employment programs (as recommended by the UN Economic Survey Mission) in cooperation with local governments; second, to consult with the governments of the Near East about preparing for when international aid would no longer be provided for welfare and for employment projects.¹⁹ The rationale behind this effort was to enlist the refugees in large development projects in the Middle East, which would eventually increase economic productivity and infrastructural growth in the region, while helping end dependence, extremism, and social stigmas related to the refugees.

This reasoning was based on explanations given by international bodies and the UN, according to which if the Palestinian refugees could be economically beneficial and productive for the region, it would be easier to then achieve a peace agreement between Israel and the Arabs. Based on this assumption, during its first few years (until 1960), UNRWA adhered to a policy understood to include refugees’ resettlement outside of Israel. For instance, in 1950, UNRWA’s director, John Blandford Jr. (from the United States), proposed a three-year plan at a cost of 200 million dollars to reintegrate 150,000–200,000 refugees in the Arab states hosting them.²⁰ In 1952, Blandford’s plan was approved by the UN General Assembly,²¹ and in 1959, the idea was ratified by the UN secretary-general, Dag Hammarskjöld.²²

During that period, Washington supported the reintegration efforts through several State Department programs and proposals.²³ However, UNRWA’s efforts to encourage the refugees’ participation in its public works programs prompted a backlash from the refugees themselves, who saw their plight as resulting from the denial of their right to return to their homes in the territory that became the State of Israel, and not as a problem of poverty or unemployment. Accordingly, they saw UNRWA as a mechanism created by the Western powers to eliminate their political rights via socioeconomic measures.²⁴

Such opinions were reported extensively in the press, in diplomatic correspondence, and in reports by UNRWA and emergency aid organizations

throughout the 1950s.²⁵ While the refugees rejected the resettlement, Israel opposed their return. In addition, the Arab host states were reluctant to resettle the refugees and shared the view that the economic projects were an attempt to circumvent achieving a political settlement to their problem, contrary to the statement in UN Resolution 194 that “refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date.”²⁶

Given this situation, in 1959, the director of UNRWA, John Davis (from the United States), claimed that the agency’s mandate should be adapted and its purpose expanded so that it would provide education, impart professional skills, grant scholarships to universities, and offer loans and grants to refugees who wish to be independent. This was a turning point in UNRWA’s relations with the refugees and the idea of resettlement.²⁷ In effect, since 1960, references to the term “reintegration” have been omitted from General Assembly resolutions related to UNRWA—reflecting the recognition that this aim, in effect, failed.²⁸ This change can be interpreted as acknowledging that the opinions of the refugees could not be ignored, and at the same time as a reflection of the international community’s lack of desire to advance a comprehensive solution to the issue of the refugees. Davis clearly recognized this situation and was quoted as saying that UNRWA is “one of the costs—seemingly the cheapest one—that the international community is paying in order not to resolve the political problems of the refugees.”²⁹

Indeed, over the years, UNRWA’s mandate considerably expanded from welfare and employment programs to contributing to the personal development of the Palestinian refugees and to areas such as education, health, social services, microfinancing, infrastructure, and emergency aid.³⁰ For instance, in 1950, UNRWA operated 64 elementary schools with 41,000 pupils, which employed some 800 teachers; by 2011–2012, UNRWA’s education program included 699 schools, 19,217 educators, and 486,754 registered pupils;³¹ and in 2019, UNRWA operated 709 schools with 20,146 teachers and 533,342 pupils³² (see figure 1).

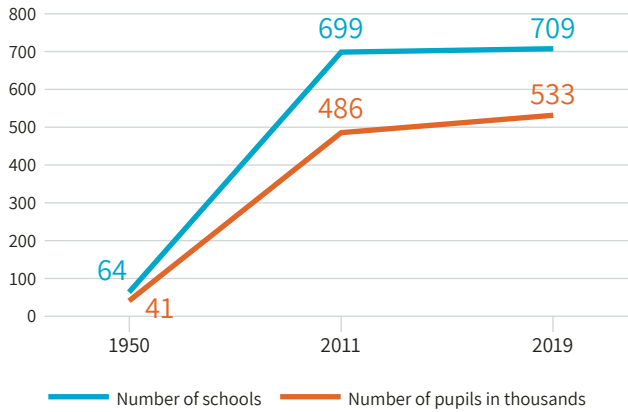


Figure 1. Number of UNRWA schools and registered pupils (in thousands)

In a parallel process, aid expenses, which constituted 61 percent of UNRWA’s budget in 1960, decreased to 38 percent in 1970, ten years after Davis’s program was launched, and to 24 percent in 1980. In 2019, only 6 percent of UNRWA’s budget was earmarked to aid and social services, with an additional 17 percent allocated to support services and improvement of infrastructure in camps.³³ In contrast, during those same time periods, the education budget’s share grew from 23 percent in 1960, to 43 percent in 1970, to 54 percent in 1980,³⁴ and to 58 percent in 2019 (see figure 2).³⁵

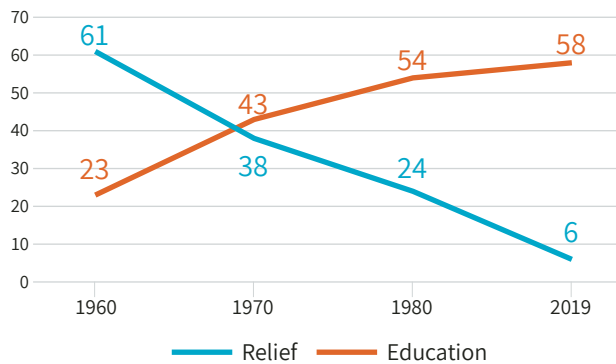


Figure 2. Percentage of UNRWA budget directed toward relief and education

Perhaps more than anything else, these figures are testament to UNRWA's evolution from an agency whose focus originally was relief to becoming that of welfare and education. The figures show how the agency moved away from its original intention of settling the Palestinian refugees in the Arab states that hosted them and encouraging financial independence in order to gradually wean them from UNRWA funds.³⁶ Simultaneously, however, it is important to note that UNRWA services benefit millions of Palestinians in the West Bank, the Gaza Strip, Syria, Lebanon, and Jordan. In addition to the services detailed above, the agency also provides food and medical aid as well as tents, blankets, water, and food in difficult winter conditions and ongoing emergency aid to Palestinians harmed by the frequent rounds of violence between Israel and Hamas in the Gaza Strip.³⁷ Furthermore, UNRWA is the most important body in coordination with the Israel Defense Forces (IDF) during the fighting and in its aftermath regarding humanitarian issues, such as providing food, medical services, and other services needed. In this respect UNRWA fulfills a vital role.

The Organizational Structure and Funding of UNRWA

UNRWA is one of two UN agencies that report directly to the General Assembly and whose director is the commissioner-general and deputy to the secretary-general of the UN.³⁸ Details on the agency's mandate are revealed to the general public via the various resolutions of the General Assembly,³⁹ of which UNRWA, in effect, is considered a subsidiary organ.⁴⁰ This state of affairs supposedly is the product of an assumption, prevalent at the time of UNRWA's establishment, that creating the agency by virtue of a convention would cause delay due to the need for a prolonged ratification process.⁴¹ Consequently, without a political-territorial resolution of the Israeli-Palestinian conflict, it is the General Assembly that periodically renews UNRWA's mandate.⁴² Furthermore, the General Assembly is responsible for approving UNRWA's budget,⁴³ thus creating a situation where this body indirectly approves the agency's activities.

Regarding the role of the international community: States are entitled to clarify the scope of UNRWA's mandate, take part in the diplomatic process leading to decisions relevant to UNRWA's mandate, and, in certain cases, influence UNRWA via membership in its advisory committee.⁴⁴ As for funding, UNRWA is dependent on contributions from UN member states, in addition

to the UN's provision of 200 regular salaries for UNRWA's international staff.⁴⁵ As a result of the expansive growth in the population eligible for its services, since the 1990s, the contributions have been insufficient to effectively sustain UNRWA's programs, and the agency repeatedly has made budget cuts.⁴⁶

In 2018, the United States—having contributed over 6 billion dollars to UNRWA since 1950 and in recent years having transferred over 350 million dollars to the agency each year (making it one of its biggest donors)⁴⁷—had committed to provide a significantly lower amount of 125 million dollars. In practice, this amount was further cut in half, with President Trump's administration announcing on the last day of August that it would no longer support UNRWA, due to it being “an irredeemably flawed operation.”⁴⁸ Thus, in 2018, the United States contributed only 60 million dollars to UNRWA. This decision came after ten legislative initiatives that were advanced in the US Congress between 1999 and 2014 that aimed to make continued American aid to UNRWA conditional upon the agency's organizational reforms.

At the time of writing, although it is still too early to assess the consequences of the cessation of US funding to UNRWA, two findings are worth mentioning. First, following the termination of US funding, the commitment of the Arab states to support UNRWA also shifted slightly. Traditionally most Arab states refrained from contributing to UNRWA, as part of an effort to keep the Palestinian refugee issue on the international agenda and to pressure Israel to accept responsibility for their plight.⁴⁹ Thus, the five leading donors to UNRWA in 2017 were Western states, with the United States at the top of the list. Only one Arab state was among the top ten donors in 2017—Saudi Arabia (in sixth place, due to its wealth and its historic commitment to the Palestinian issue and as an effort to strengthen its standing as the leader of the Arab world). In contrast, figures from 2018 show that even though only one Arab state was in the top five donors (Saudi Arabia, in third place), of the top ten most prominent donors to UNRWA, 40 percent were Arab states (in addition to Saudi Arabia, the United Arab Emirates, Qatar, and Kuwait feature on the list) (see details in table 2 below).

Table 2. Top ten state contributors to UNRWA in 2017 and 2018

| | 2017 | | 2018 | |
|-----|----------------|---|----------------------|---|
| | State | Total amount of contribution to UNRWA in 2017 in US dollars | State | Total amount of contribution to UNRWA in 2018 in US dollars |
| 1. | United States | 364,265,585 | European Union | 178,989,326 |
| 2. | European Union | 142,515,744 | Germany | 177,439,447 |
| 3. | Germany | 76,468,714 | Saudi Arabia | 159,956,771 |
| 4. | United Kingdom | 67,014,302 | United Kingdom | 92,754,569 |
| 5. | Sweden | 61,952,150 | Sweden | 64,999,762 |
| 6. | Saudi Arabia | 53,275,000 | United States | 60,429,282 |
| 7. | Japan | 43,373,337 | United Arab Emirates | 53,800,000 |
| 8. | Switzerland | 27,179,767 | Qatar | 51,499,779 |
| 9. | Norway | 26,377,890 | Kuwait | 50,000,000 |
| 10. | Netherlands | 21,187,329 | Japan | 44,999,224 |
| | Total | 883,609,818 | Total | 934,868,160 |

Sources: 2017 figures taken from the official UNRWA website, accessed February 26, 2019, https://www.unrwa.org/sites/default/files/top_20_donors_overall_pledges.pdf; 2018 figures taken from the official UNRWA website, accessed December 1, 2019, <https://www.unrwa.org/how-you-can-help/government-partners/funding-trends>.

Second, after a significant drop in funding from the United States, it is evident that UNRWA's income declined from 1.14 billion dollars in 2017 to 1.11 billion dollars in 2018.⁵⁰ However, examining the largest donors to UNRWA in 2017 and 2018 shows that despite the significant decline in US support, in 2018 the agency succeeded in maintaining its income from the top ten donors and even increased it by some 50 million dollars (see table 2). Furthermore, when considering the agency's ability to recover from the blow of the termination of US support, in 2018 when the US funding was cut in half—unlike the two previous years (2016 and 2017)—UNRWA did not end the year with a budgetary deficit (see figure 3).

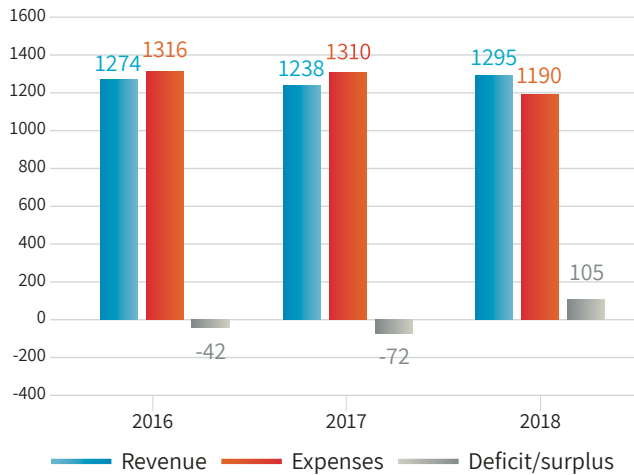


Figure 3. Comparison of UNRWA’s revenues and expenses (in millions of US dollars)⁵¹

Source: UNRWA, *Annual UNRWA Report for 2018*, 15, <https://www.unrwa.org/sites/default/files/content/resources/a-74-5-add.4.pdf>.

Consequently, even though it is too early to assess the results of the US decision to stop funding UNRWA, it is evident that for now this has led to increased involvement of the Arab world vis-à-vis the agency and has not affected—and may have even contributed toward—UNRWA’s ability to end the year with a positive balance, unlike the two previous years.

The year 2019 brought with it another blow that affected the agency’s funding; a leaked internal UN report surfaced, detailing failures and misconduct in UNRWA’s managerial echelon, leading to the resignation of the agency’s commissioner-general (for further details, see chapter 2, in the section on UNRWA’s functioning). Following this affair, several states, including Switzerland and Belgium, decided to freeze future funding to UNRWA.⁵² In December 2019, when the UN General Assembly approved the renewal of UNRWA’s mandate for an additional three years (from July 2020 to June 2023), Acting Commissioner-General Christian Saunders noted that the funding freeze by certain states creates economic uncertainty for the years 2019–2020, and despite the success in 2018 in closing the deficits of previous years, UNRWA still needed 167 million dollars to “stay alive.”⁵³

Given this situation, the next chapter examines UNRWA’s operational paradigm and procedural functioning with a view to rethinking how the model that has served the agency for the past seventy years can be improved.

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

In 1950, a year after UNRWA's establishment, the UN High Commissioner for Refugees (UNHCR) was founded.⁵⁴ A year later, in 1951, the Refugee Convention was ratified by 145 countries who agreed to the definition of who is a refugee.⁵⁵ 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.⁵⁶ 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."⁵⁷

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.⁵⁸ 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.⁵⁹ 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).⁶⁰

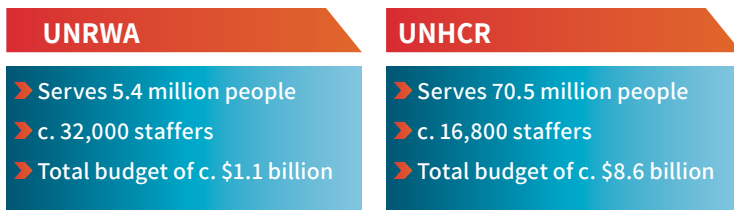


Figure 4. Comparison of figures guiding UNRWA and UNHCR activity

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.

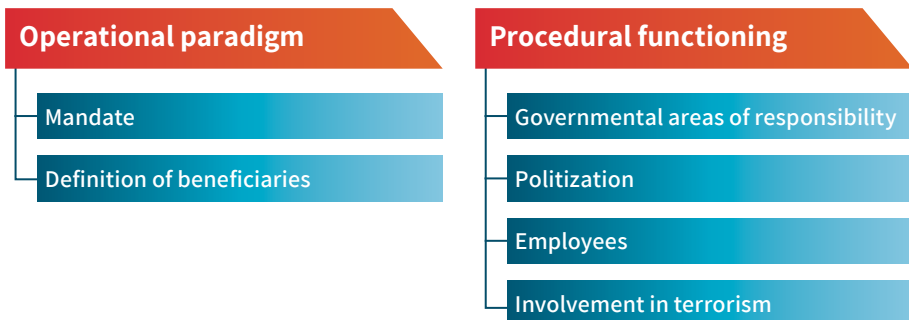


Figure 5. Aspects that need to be addressed in UNRWA’s continued operation

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.⁶¹

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."⁶² 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."⁶³

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).⁶⁴ 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.⁶⁵

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.⁶⁶ 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.⁶⁷ 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.⁶⁸ 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 1950,⁶⁹ in contrast to the 300,000 dollar budget upon which UNHCR based its activities in its first year of existence.⁷⁰

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.⁷¹ 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.”⁷² The fact that this definition is practical and not legal is perhaps one of the factors that enabled it to be frequently adapted.⁷³ 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.”⁷⁴ 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.”⁷⁵

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.”⁷⁶

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.⁷⁷ In 1993, the agency published new directives for registering refugees, in which the requirement of being “in need” was officially removed,⁷⁸ 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.⁷⁹ 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.⁸⁰

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.⁸¹ Prior to 1960, the General Assembly noted that UNRWA’s mandate did not apply to these “economic refugees.”⁸²

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,”⁸³ no reference to descendants was made.⁸⁴ 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.⁸⁵

Consequently, until 1965, UNRWA did not see the grandchildren of refugees as refugees, but starting that year, UNRWA Commissioner-General Laurence Michelmore (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, 1948.⁸⁶ 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”⁸⁷ 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,⁸⁸ 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.⁸⁹

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 Women⁹⁰—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 2006,⁹¹ 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.⁹² 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.⁹³ 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.⁹⁴

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.⁹⁵ 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."⁹⁶ 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."⁹⁷ 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.”⁹⁸ 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.⁹⁹ As opposed to these cessation clauses, UNRWA makes no mention of citizenship, and does not de-register persons who have become state citizens.¹⁰⁰ 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.¹⁰¹ 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.¹⁰² Their definition as refugees and eligibility for refugee status is an oxymoronic status of “citizen-refugees,”¹⁰³ is not compatible with their civil status, and has no parallel in other refugee populations.¹⁰⁴

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.¹⁰⁵

In the Gaza Strip and the West Bank, as of 2019, some 2.3 million people were registered at UNRWA as Palestinian refugees,¹⁰⁶ 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 2003,¹⁰⁷ and they are provided with passports, in accordance with the Israel-PLO Declaration of Principles signed in 1993.¹⁰⁸ 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.¹⁰⁹

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.¹¹⁰

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.¹¹¹ 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.¹¹² Indeed, over the years it has been said that UNRWA established itself as a state-like institution, a government without a territory,¹¹³ a state within a state,¹¹⁴ or a surrogate state,¹¹⁵ because it assumed the responsibility for education, health, and social services, fields that are traditionally supervised by the national governments.¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ 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.¹¹⁹ 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.¹²⁰

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.¹²¹

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.¹²² 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.¹²³ 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.¹²⁴

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.¹²⁵

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.¹²⁶

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.¹²⁷ Later, during the 1990s, UNRWA rejected plans initiated by Palestinian municipalities to strengthen the connection between the municipalities and UNRWA's beneficiaries.¹²⁸

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.¹²⁹ In doing so, UNRWA has validated its status as a symbol of victimhood and refugeehood in Palestinian society,¹³⁰ having become synonymous with prolonged camp life and the perpetual vulnerability of the Palestinian refugee experience.¹³¹

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.¹³²

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.¹³³

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.¹³⁴ 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 return¹³⁵ 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.¹³⁶

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.¹³⁷

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.¹³⁸ 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.¹³⁹

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.¹⁴⁰

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).¹⁴¹ 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.¹⁴²

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.¹⁴³ 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.¹⁴⁴

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.¹⁴⁵ 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.¹⁴⁶ 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,”¹⁴⁷ 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.¹⁴⁸ 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.¹⁴⁹

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.¹⁵⁰ 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.¹⁵¹

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.¹⁵² 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.”¹⁵³ 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

| | | |
|---------------------------------------|-----------------------------------|--|
| UNRWA's operational paradigm | Mandate | UNRWA does not work to resettle Palestinian refugees so as not 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 | Inconsistencies: 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. |
| | | Automatic and unlimited transfer of refugee status to descendants: 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. |
| | | Maintaining refugee status despite citizenship in host states or involvement in terrorism: 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's procedural functioning | Areas of responsibility | 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. |

| | | |
|---|-----------------------|--|
| UNRWA's procedural functioning (cont.) | Politicization | <p>Administrative: 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>Education: Curricula studied in UNRWA schools are political and counterproductive to peacebuilding.</p> |
| | Employees | <p>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.</p> |
| | Involvement in terror | <p>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.</p> |

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.¹⁵⁴

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.¹⁵⁵ 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.¹⁵⁶ 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.¹⁵⁷

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 2006.¹⁵⁸

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.

Chapter Three: Where to? Alternatives to UNRWA's Current Set-up

In considering theoretical alternatives to the lacunae elaborated upon in the previous chapters, we have formulated four alternatives (three basic and one modular) based on experience and ideas that have accumulated over the years and are presented here for the first time. Evidently, while each of the first three alternatives has its advantages and disadvantages, no course of action is fully sufficient. Nevertheless, we chose to present these alternatives and to highlight the complexities involved in adopting a course of action that is based on a single logic. Thus, a fourth modular alternative that combines relative advantages from each course of action is also presented, based on the rationale that it could be tailored to the different contexts that characterize UNRWA's five operational zones. Furthermore, the entire conceptual model can be developed according to considerations and priorities defined by decision makers and can be adapted further as progress is made on the ground.

The proposed alternatives are as follows:

- A. Comprehensive reforms—including reviewing UNRWA's mandate, organizational structure, and methods of operation, while redefining beneficiaries in a manner that will substantially reduce the number of those eligible for the agency's support
- B. Transferring UNRWA's responsibilities and budget to governments in the different operation zones, including the Palestinian Authority
- C. Merging UNRWA with UNHCR
- D. A modular approach based on successful elements in the first three alternatives.

Criteria for Assessing the Alternatives

Criteria for assessing the alternatives naturally are based on the interests of each side affected by UNRWA's long-term existence; that is, the Palestinian side, the Israeli side, and the international community (including the Arab world).

On the Israeli side, the defense establishment has good relations with UNRWA's leadership (which is an asset particularly in the Gaza Strip). This is also the rationale behind Israel's lobbying the United States, Canada, and other donor states to continue aiding UNRWA.¹⁵⁹ In fact, Israel has been perceived as a significant force in blocking efforts led by the US Congress to substantially reform UNRWA.¹⁶⁰ As for the Palestinian side, its leadership's interest is to maintain the status quo on refugee-related issues, which is likely to serve as an asset in future negotiations with Israel. The international community (except for the United States and including most Arab states) appears to be aligned with maintaining the status quo.

The first three alternatives will be assessed based on the five criteria below, whereas the fourth alternative will not be assessed but only generally outlined, owing to its modular nature. The criteria for assessing alternatives are as follows:

1. Feasibility of implementing the alternative (considering all relevant stakeholders: Palestinians, Israel, Arab states, donor states, the international community, and UNRWA)
2. Contribution to rehabilitating Palestinian refugees and improving their daily lives
3. Contribution to strengthening the Palestinian Authority's governability and state rationale
4. Contribution to an Israeli-Palestinian political process toward resolving the conflict
5. Financial costs.

The proposed alternatives will be evaluated according to the abovementioned five criteria, with each criterion being ranked on a scale of 1–3, where 1 indicates low compatibility with the criterion and 3 denotes high compatibility. Additional criteria for assessment can be added, according to the preferences of the assessors. Furthermore, it is possible to assign weights to the criteria, e.g., the weighted value of the criterion of rehabilitating the refugees can be determined based on aggregating the values of a series of relevant metrics, such

as the number of refugees who receive professional training; the proportion of trainees that are integrated into the labor market; the improvement of existing infrastructure in the refugee camps; and the number of refugees who receive adequate housing outside of the refugee camps. In the analysis below, the five criteria were assigned with equal weight to simplify the analysis, present guiding principles for the conceptual model, and demonstrate its applicability to all stakeholders. As such, we propose viewing the conceptual model as a basis for a future more nuanced and comprehensive assessment.

Analysis of the Alternatives

Alternative A: Comprehensive reforms—including reviewing UNRWA's mandate, organizational structure, and methods of operation, and redefining beneficiaries in a manner that will substantially reduce the number of those eligible for the agency's support.

This alternative constitutes reforms to address the lacunae in UNRWA's operational paradigm and procedural functioning elaborated on in chapter 2 (see figure 5). These reforms touch upon multiple aspects and necessitate a transition from passively managing the refugee problem to proactively working to resolve it, through the resettlement of refugees in host states. It also requires the redefining of the criteria for refugeehood eligibility, adapting employee recruitment policies, deterring administrative and educational politicization, and substantially increasing the monitoring of abuse of UNRWA facilities to stockpile weapons, as well as punishment and enforcement vis-à-vis involvement in terror.

Criteria for assessing the alternative

Criterion no. 1—Feasibility

James Lindsay, who completed his position as UNRWA's legal counsel in 2007, later wrote that UNRWA violates the Refugee Convention by abstaining from rehabilitating and resettling the refugees. He thus suggests that UNRWA reforms should be conditioned to include the rehabilitation of refugees outside of the camps. Simultaneously, however, given his familiarity with the agency, Lindsay asserts that the chances of its reform are minimal.¹⁶¹ A central argument against the feasibility of implementing

far-reaching reforms in UNRWA is the absence of clear and open support for this alternative among all the stakeholders (the Palestinians, the Arab world, the donor states, UNRWA itself, most of the international community, and—to a certain extent—Israel).¹⁶²

Consequently, the ranking of implementing UNRWA reforms with respect to feasibility on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a low score of 1.

Criterion no. 2—Rehabilitating Palestinian refugees and improving their daily lives

Comprehensive UNRWA reforms could positively impact the lives of Palestinian refugees if they are well planned, fully implemented, and conducted in a manner that enables ongoing follow-up, feedback, drafting of best practices, and ongoing application of lessons learned. This will require meticulous work plans and adherence to strict timelines along with clear indices for evaluating success. In addition, the reforms will have to be monitored and supervised to ensure that the process remains unaffected by outside forces objecting to this course of action. The Achilles' heel of this alternative is that UNRWA beneficiaries will still be distinguished and differentiated from the general society, because the existence of a separate infrastructure and a differential budgetary framework that addresses the needs of Palestinians with a family history of refugeehood ultimately will undermine their full integration into modern Palestinian society.

Consequently, the ranking for implementing UNRWA reforms with respect to rehabilitating the refugees, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 2.

Criterion no. 3—Strengthening the Palestinian Authority's governability and state rationale

This alternative of implementing reforms at UNRWA will perpetuate the Palestinian Authority's dependence on external aid. The fact that an external aid organization operating in parallel to the Palestinian Authority continues to assume responsibility for the welfare of part of the Palestinian citizens living in areas of Palestinian jurisdiction will perpetuate an anomaly vis-à-vis the Palestinian Authority's governability and authority. This situation will not only legitimize the Palestinian Authority's limited and conditioned

responsibility for its citizenry, but it will also sustain unhealthy competition for resources between the Palestinian Authority and UNRWA.

Consequently, the ranking for implementing UNRWA reforms with respect to contributing to the strengthening of the Palestinian Authority's governability and state rationale, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 1.

Criterion no. 4—Contributing to an Israeli-Palestinian political process toward resolving the conflict

One of the keys to the success of the political process is reducing asymmetries between the two negotiating parties. It appears that this alternative, which would contribute to perpetuating the weakness of the Palestinian Authority's state rationale, would not contribute to the political process. However, if as part of the reforms, UNRWA succeeds in resettling Palestinian refugees (whose initial number would be reduced as a result of the same reforms), this would contribute considerably to solving the refugee problem, which is one of the core issues of the conflict.

Consequently, the ranking for implementing UNRWA reforms with respect to contributing to an Israeli-Palestinian political process toward resolving the conflict, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 2.

Criterion no. 5—Financial costs

The estimated costs of reforming UNRWA are expected to be relatively high due to the extensive planning, monitoring, and supervision that will necessitate external involvement and the establishment of an efficient set-up to oversee the entire process. In parallel, the Palestinian Authority and the host governments will continue to be funded for rendering the same services that UNRWA will continue to provide to some of the citizens—sustaining double efforts and unnecessary overhead costs.

Consequently, the ranking for implementing UNRWA reforms with respect to financial costs, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 1.

Table 4. Concluding assessment of alternative A, comprehensive reforms

| Criterion | Explanation | Score |
|---|--|------------|
| Feasibility | The feasibility is low due to lack of desire on the part of stakeholders. | 1 |
| Rehabilitating Palestinian refugees and improving their daily lives | Reforms could certainly contribute to rehabilitating the refugees, but they would still be differentiated from the rest of Palestinian society due to the separate infrastructure for addressing their needs. | 2 |
| Strengthening the Palestinian Authority's governability and state rationale | Competition would occur with the Palestinian Authority over resources and would undermine its governance. | 1 |
| Contributing to an Israeli-Palestinian political process toward resolving the conflict | This alternative would weaken the Palestinian Authority and contribute to the asymmetry in negotiations with Israel, while it would have the potential to reduce the number of refugees, thus contributing to solving a central issue in the conflict. | 2 |
| Financial costs | The costs would be high to establish an efficient set-up to oversee the entire process and to continue to fund an organization that operates in parallel to existing host-state infrastructures. | 1 |
| Weighted assessment | =7/5 | 1.4 |

Alternative B: Transferring UNRWA's responsibilities and budget to governments in the different operation zones, including the Palestinian Authority.

This alternative includes dissolving UNRWA and transferring its responsibilities and budget to governments in the different operation zones. Due to the complexities in the Gaza Strip, governed by Hamas (a designated terror organization, see Chapter 2), two courses of action should be considered under this alternative: transferring UNRWA's responsibilities and budget to the Hamas government, or introducing a unique adjustment for the Gaza Strip as long as Hamas continues to rule this host region (e.g., a new international aid organization tailored for the needs of Palestinian refugees in the Gaza Strip).

In Jordan, this alternative could include elements previously proposed by former senior official at the United States Agency for International Development (USAID), Dave Harden, to divert large sums from UNRWA's annual budget to the Jordanian government for a ten-year period. Half of the sum would be designated for social services for Palestinians living in Jordan, and the other half for funding the private sector and encouraging competitiveness, to help the Jordanian economy.¹⁶³

UNRWA beneficiaries in Syria and Lebanon, given the complexities in Syria and discrimination and non-integration of the Palestinian refugees in Lebanon, could potentially be absorbed into third states and into the territories governed by the Palestinian Authority. The absorption of refugees would be accompanied by supporting mechanisms put in place in the new host states and in the Palestinian Authority. The guiding principle should ensure that advancing a permanent solution for the Palestinian refugees is fulfilled outside of Israel's sovereign territory.

This alternative requires a gradual, supervised process that would extend for several years. It could be implemented in one UNRWA operational zone at a time, assessed, and improved before embarking on a similar procedure in the next host state, or it could be implemented simultaneously in limited and well-planned steps in a number of zones.

Similar to alternative A detailed above, this course of action also warrants revisiting what defines Palestinian refugees (including the revoking of

refugee status when considering parameters such as citizenship in host states, socioeconomic conditions, and involvement in terror) and mechanisms and best practices to resettle refugees. As such, this alternative is similar to the first one in that it embodies a component of reforms, but it also includes an additional component of dismantling UNRWA and transferring its responsibilities and budget to existing state structures.

Criteria for assessing the alternative

Criterion no. 1—Feasibility

This alternative will require the consent and early coordination with the host governments and cannot be implemented without the backing of both a unified international front and influential Arab states.

A significant barrier is the civil war in Syria, although the Syrian regime has invested considerable efforts and resources in restoring control over territories controlled by the rebels. Additionally, the Syrian regime is not sovereign in its decisions but is subject to the influence of Iran and Russia, which could, subject to their own interests, impede such an initiative. Hardships may also emerge in the Palestinian territories, both in the West Bank and the Gaza Strip, where the Palestinian leadership (the Palestinian Authority and Hamas respectively) relates strategic and symbolic importance to leveraging prolonged Palestinian refugeehood as a tool to advancing the Palestinian cause both regionally and internationally. The Palestinian leadership could also have concerns about the economic difficulties in handling the expenses and shouldering the burden of assuming responsibility for supporting the refugee population.

Media reports suggest that the Trump administration may support the alternative of transferring UNRWA's responsibilities and budget to governments in UNRWA's operational zones (most prominently Jordan), in line with this alternative.¹⁶⁴ Owing to the perceived openness of the United States for this course of action, but in addition to the abovementioned difficulties in various operational zones, the ranking for transferring UNRWA's responsibilities and budget to governments in the different operation zones with respect to feasibility, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 2.

Criterion no. 2—Rehabilitating Palestinian refugees and improving their daily lives

The course of action outlined in this alternative will demand a gradual transfer of UNRWA's responsibilities accompanied by proportional budget transfers over several years. The important advantage of this alternative is effectively in serving the population that is truly in need, diverting resources for refugees living in difficult conditions, and creating a long-term political horizon to end their refugeehood in a manner that will substantially improve their economic and social standing as well as the economies of their host states. Naturally, this course of action will neutralize the politicization of the Palestinian refugee cause and annul the UN General Assembly's rubber stamp on prolonging UNRWA's mandate irrespective of the agency's lack of success in resettling Palestinian refugees.

Once governments in the host state assume responsibility for the Palestinian refugees within their areas of jurisdiction, accompanied by sufficient funds to oversee this population's full integration into local society and economy, it is reasonable to assume that host states—particularly Jordan and the Palestinian Authority—will be incentivized to work toward this end and hence will actively strive to alleviate refugees' hardships.

Consequently, the ranking for transferring UNRWA's responsibilities and budget to governments in the different operation zones with respect to rehabilitating the refugees and improving their daily lives, from 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 3.

Criterion no. 3—Strengthening the Palestinian Authority's governability and state rationale

This alternative substantially boosts the state rationale of the Palestinian Authority, enabling it to improve its governance, particularly within the Palestinian territories. Responsibility for all Palestinians will fall squarely on the Palestinian Authority, which will be strengthened by appropriate budgets transferred from UNRWA. In the process, monitoring mechanisms put in place by the donor states and international community at least in the initial transfer period will guide and assist the Palestinian Authority, enabling stricter and more effective supervision on the expenditure of aid money. By enabling the Palestinian Authority to assume responsibility for

its entire citizenry, this alternative would become an important component in the Palestinian state-building process, ultimately stabilizing the system and positively contributing to a political process.

Consequently, the ranking for transferring UNRWA's responsibilities and budget to governments in the different operation zones with respect to strengthening the Palestinian Authority's governability and state rationale, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 3.

Criterion no. 4—Contributing to an Israeli-Palestinian political process toward resolving the conflict

Thanks to the contribution that this alternative could provide to the governability of the Palestinian Authority, the process of state building, and adopting state rationales of operation, this alternative also facilitates replacing built-in asymmetries in the political process between Israel as a state entity and the Palestinian Authority as an aspiring state entity. This also enables the sides to focus on the advantages of economic and regional cooperation as leverages for boosting the Palestinian state-building process. Finally, the Palestinian Authority's assuming of responsibility for Palestinian refugees, with the appropriate help and guidance of international and regional players, will contribute to diminishing the victimized narrative of refugeehood and reduce its negative impact on the ability to move forward with a political process.

Consequently, the ranking for transferring UNRWA's responsibilities and budget to governments in the different operation zones with respect to contributing to an Israeli-Palestinian political process toward resolving the conflict, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 3.

Criterion no. 5—Financial costs

The costs of this alternative are expected to be high. However, in conducting a cost-benefit analysis, it is estimated that the financial price attached to this course of action will have the valuable benefit of substantially alleviating refugees' suffering, finally mainstreaming refugees from the margins of society to become fully integrated and productive members of society, and simultaneously boosting Palestinian governability and state building. In effect, this is an investment that serves two large and important objectives,

and assuming that the process of Palestinian state building in itself will require substantial resources, this alternative has a heavy financial price tag that appears to be well worth the investment.

Consequently, the ranking for transferring UNRWA's responsibilities and budget to governments in the different operation zones with respect to financial costs, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 2.

Table 5. Concluding assessment of alternative B, transferring UNRWA's responsibilities and budget to governments in the different operation zones

| Criterion | Explanation | Score |
|--|--|-------|
| Feasibility | There is greater feasibility of implementing this course of action primarily in the territories under the jurisdiction of the Palestinian Authority and in Jordan, due to the support of the United States and its determination to change UNRWA's modes of operation to the point of suspending the agency's financial support. | 2 |
| Rehabilitating Palestinian refugees and improving their daily lives | This course of action advances the rehabilitation of the refugees by the different governments and removes barriers to their full integration into society. | 3 |
| Strengthening the Palestinian Authority's governability and state rationale | The assuming of responsibility by the Palestinian Authority (with the necessary international support) for Palestinians with a family history of refugeehood is an important milestone in building the Palestinian state and governance. | 3 |
| Contributing to an Israeli-Palestinian political process toward resolving the conflict | This alternative contributes to reducing the built-in asymmetry in the political process between the Israeli state and the Palestinian Authority as an aspiring state. | 3 |
| Financial costs | The costs of this alternative are high; however, cost-benefit considerations highlight significant long-term benefits. | 2 |
| Weighted assessment | =13/5 | 2.6 |

Alternative C: Merging UNRWA with UNHCR

The figures relating to UNHCR’s operation demonstrate considerably greater effectiveness in comparison to UNRWA. This is expressed not only in the organization’s budgeting but also in the number of employees (figure 4 in chapter 2 illustrates a lower employee-to-refugee ratio than UNRWA, and a lower budget for rehabilitating UNHCR refugees). In the merger alternative, responsibilities and resources for rehabilitating the Palestinian refugees would be transferred from UNRWA to UNHCR, which would adopt similar working methods in the Palestinian arena as those it follows in rehabilitating refugees from all other conflicts.

This course of action translates into the dismantling of UNRWA as an independent, distinct organization. One method of carrying out this course of action is gradual, by subordinating UNRWA to UNHCR in terms of operational paradigms, functional procedures, resources and manpower, so that UNHCR would supervise UNRWA and manage its affairs for an interim period defined in advance. Another method, which bypasses the risk of “the interim” becoming permanent (similar to the course that has already prevailed with the evolution of UNRWA through the years), is to implement this change more intensively in a shorter time span.

It is likely that even after adopting a new approach to defining Palestinian refugees in accordance with UNHCR’s definition, a considerable number of refugees will remain—the treatment of which will warrant extensive reorganization on the part of UNHCR. Under this alternative, this reorganization will remain focused on the economic and social rehabilitation of the refugees, prioritizing their integration into local labor markets and improving their residential conditions, whether inside refugee camps or by relocating refugees to appropriate housing properties outside of these designated areas.

Criteria for assessing the alternative

Criterion no. 1—Feasibility

The feasibility of implementing this alternative is low, due to the Palestinian opposition to cancelling the unique status and treatment of the Palestinian refugees. Similar to other courses of action described above, this alternative

also warrants the support of the Arab world, along with significant parts of the Western world and the donor states.

Consequently, the ranking for merging UNRWA and UNHCR with respect to feasibility, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 1.

Criterion no. 2—Rehabilitating Palestinian refugees and improving their daily lives

The merger alternative will lead to aligning the status of Palestinian refugees with the status of other refugee populations in the world—a policy step that would ultimately lead to reducing the number of people recognized as refugees, thus freeing up resources to substantially help those refugees who are most in need.

As mentioned above, UNHCR has successful experience in rehabilitating refugees. Consequently, the merger with UNRWA has the potential to contribute positively to rehabilitating Palestinian refugees and improving their lives. To illustrate, UNHCR defines the resettlement of refugees as transferring them from the state in which they sought shelter to a third state that agrees to take them in as refugees with the status of permanent residents. The receiving state provides the refugee and his/her family with identical civil, political, economic, social, and cultural rights to citizens of the state. At a later stage, these refugees (with permanent residency status) can also become citizens of the host states. With UNHCR's assistance, 27 states took in 55,700 refugees in 2018.¹⁶⁵ Because UNHCR is committed to completing the rehabilitation process as quickly as possible and is subject to review, it is reasonable to assume that under the course of action adopted as part of this alternative, UNRWA beneficiaries will benefit from relatively focused, effective, and short rehabilitation processes (for example within a time span of five years, as is proposed in the Geneva Initiative).¹⁶⁶ Consequently, some argue that in comparison to UNRWA, UNHCR has the capacity and incentive to work more effectively to end the state of refugeehood of populations transferred to its authority.¹⁶⁷

Consequently, the ranking for merging UNRWA and UNHCR with respect to rehabilitating Palestinian refugees, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 3.

Criterion no. 3—Strengthening the Palestinian Authority’s governability and state rationale

Merging UNRWA with UNHCR could produce varying results regarding the Palestinian Authority’s governability and state rationale. UNHCR’s care for the Palestinian refugee community, which would ultimately result in improved living conditions, could lead to harsh criticism of the Palestinian Authority regarding its decades-long inaction vis-à-vis Palestinian refugees—and could harm its perceived governability. At the same time, this challenge could potentially push the Palestinian Authority toward functional improvement, thus contributing to the process of building the Palestinian state and its institutions. Nevertheless, as for the importance and symbolism that the refugee issue constitutes within the Palestinian narrative, it is reasonable to assume that assigning responsibility over the issue to any entity other than the Palestinian Authority—whether UNRWA or UNHCR—is more likely to weaken the Palestinian Authority’s governability and state rationale than vice versa.

Consequently, the ranking for merging UNRWA and UNHCR with respect to strengthening the Palestinian Authority’s governability, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 1.

Criterion no. 4—Contributing to an Israeli-Palestinian political process toward resolving the conflict

Adjusting the definition of who is eligible for Palestinian refugee status, and thereby significantly reducing the number of people recognized as Palestinian refugees—which is an inevitable part of the merger between UNRWA and UNHCR—will positively contribute to resolving one of the core issues of the Israeli-Palestinian conflict. While the refugee issue always will be an inherent part of the Palestinian ethos, its impact will be diminished as the living conditions of the resettling of at least part of this group and the overall decrease in its size. In considering this alternative’s contribution to the resolution of the conflict, another advantage is that the politicization of the Palestinian refugee issue in the Gaza Strip—which is a by-product of Hamas’s control in this UNRWA operational zone—would be diminished. As such, the merger alternative could be conducive to a pragmatic Israeli-

Palestinian political process with a defined political horizon accepted by both sides and with external support by the United States and the Arab world.

Consequently, the ranking for merging UNRWA and UNHCR with respect to contributing to an Israeli-Palestinian political process toward resolving the conflict, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 3.

Criterion no. 5—Financial costs

As detailed in chapter 2 (figure 5), data on the UNHCR's activity indicates considerably less resources in overseeing the resettlement of the world's refugees than those allocated to UNRWA in providing for Palestinian refugees only. Nevertheless, fully integrating Palestinian refugees into their host states' societies, incorporating them into local labor markets, and substantially upgrading their living conditions will require extensive investment in housing, education, and employment infrastructure, which need to be part of a macro plan that accompanies the merger. And yet, unlike the high economic costs involved in operating UNRWA, it is reasonable to assume that the costs associated with this alternative will be more effective in terms of results for each dollar invested in assistance.

Consequently, the ranking for merging UNRWA and UNHCR with respect to financial costs, on a scale of 1 (low compatibility with the criterion) to 3 (high compatibility with the criterion), receives a score of 2.

Table 6. Concluding assessment of alternative C, merging UNRWA with UNHCR

| Criterion | Explanation | Score |
|--|--|-------|
| Feasibility | The feasibility is low due to lack of desire on the part of stakeholders. | 1 |
| Rehabilitating Palestinian refugees and improving their daily lives | This alternative would likely improve the rehabilitation of Palestinian refugees who will benefit from experience, expertise, and best practices of UNHCR in resettling refugees from conflicts around the world. | 3 |
| Strengthening the Palestinian Authority's governability and state rationale | Given the importance and symbolism that the refugee issue carries in the Palestinian narrative, assigning responsibility vis-à-vis refugees to an entity other than the Palestinian Authority is likely to weaken the Palestinian Authority's governability. | 1 |
| Contributing to an Israeli-Palestinian political process toward resolving the conflict | Assigning responsibility for a core issue in the conflict to a professional (and not political) entity, which has proven experience in the field and will align the definition of Palestinian refugees and their resettlement mechanism with those of other refugees worldwide will positively contribute to resolving the conflict. | 3 |
| Financial costs | The costs are high; yet it is reasonable to assume that the costs associated with this alternative are effective for each dollar invested in assistance. | 2 |
| Weighted assessment | =10/5 | 2 |

Alternative D: An integrated modular approach based on successful elements in the first three alternatives

Seeing as each of the abovementioned alternatives has built-in weaknesses and varying implementation difficulties, the fourth alternative comprises a plethora of actions that results from combining different elements of the first three alternatives. For example, it is possible to consider a course of action whereby alternative C (transferring UNRWA's responsibilities to UNHCR) will be implemented in Syria and Lebanon only, whereas responsibility for Palestinian refugees in Jordan and in the Palestinian territories will be assumed by the government of the host entities (alternative B). Another possible scenario is to have a different set-up in the Gaza Strip where a new international organization will be established to avoid transferring UNRWA's responsibilities and resources to Hamas. Alternatively, it is possible to consider transferring the responsibility for Palestinian refugees in the Gaza Strip to Hamas under certain conditions, such as the complete inability to restore the Palestinian Authority's governance in the Gaza Strip and should a working arrangement between Israel and Hamas with regional cooperation and support (especially that of Egypt) be reached.

Because this modular alternative may comprise a set of different paths of action—determined by multiple considerations, diverging interests of the sides, and other unique variables of the assessing body—we did not apply the theoretical model to this alternative but merely present it theoretically as a possible product of analyzing the three basic alternatives (A–C).

Concluding Assessment of the Alternatives and Policy Recommendations

Utilizing the model to conduct a theoretical analysis suggests that transferring UNRWA's responsibilities and resources to governments in operational zones (alternative B) has the highest weighted score; thus, it might be a positive first step in considering different alternatives to emerge from the current status quo. This course of action embodies three clear advantages: it will contribute to improving living conditions for the Palestinian refugees; it will strengthen the governability of the Palestinian Authority; and it will positively contribute to a future Israeli-Palestinian process toward resolving the conflict.

Table 7. Comparative assessment of the three central alternatives

| Criterion | Implementing comprehensive reforms | Transferring UNRWA's responsibilities and budget to governments in the different operation zones, including the Palestinian Authority | Merging UNRWA with UNHCR |
|--|------------------------------------|---|--------------------------|
| Feasibility | 1 | 2 | 1 |
| Rehabilitating Palestinian refugees and improving their daily lives | 2 | 3 | 3 |
| Strengthening the Palestinian Authority's governability and state rationale | 1 | 3 | 1 |
| Contributing to an Israeli-Palestinian political process toward resolving the conflict | 2 | 3 | 3 |
| Financial costs | 1 | 2 | 2 |
| Weighted assessment | 1.4 | 2.6 | 2 |

We nevertheless remain somber and very much attuned to the many obstacles that pave the road to change—primarily the reluctance of all stakeholders to change the status of Palestinian refugees and limit their number, which is inherent in all alternatives presented, as well as the lack of will of any of the host entities to assume responsibility for this thorny issue, which has become symbolic to the Palestinian ethos over the decades. Indeed, even in Jordan, where circumstances for change appear to be ripe, the demographic weight and influence of UNRWA beneficiaries are likely to create substantial difficulties in promoting any form of change.

Consequently, overcoming the many impediments requires an expression of Palestinian will and broad international backing—primarily from the Arab world, and particularly from the leadership of the pragmatic Sunni camp

including Saudi Arabia, Egypt, and Jordan. Adopting a modular alternative that caters for optimal adjustments in UNRWA's different operation zones and contingency measures to deal with opposition during the implementation stages are also essential. Previous thinking about UNRWA's future suggested a gradual process of over a decade of UNRWA's dismantling and even Israeli aid in supporting the Palestinian health and education systems during the transition period, in order to ensure that no humanitarian and economic blunders are suffered by the Palestinian population under UNRWA's responsibility.¹⁶⁸ Another necessary condition is Israel's support, or at least lack of opposition to introducing changes to the current status quo, primarily in the Gaza Strip where UNRWA's continued operation in the current format serves as a convenient default to dealing with the complex reality posed by Hamas's rule.

Nevertheless, in acknowledging that at least part of the deadlock stems from the fact that no alternative to the current situation is presented, this chapter sought to fill the vacuum by offering a number of alternatives and an empirical methodology for assessing them. To conclude this chapter, we recommend basing any future course of action on the following six principles:

1. **Differential implementation** in tailoring the most appropriate course of action to the circumstances that characterize each of UNRWA's five operational zones.
2. **Gradual implementation** in a responsible, measured, and controlled manner over a predetermined period, all the while maintaining the ability to fully cater for the population in need.
3. **Modifying the eligibility criteria of refugees** so that the process is transparent, vastly agreed upon, and apolitical.
4. **Fundamental change in the mandate** of any organization that will oversee the issue of Palestinian refugees, with a clear emphasis on rehabilitating them, integrating them as empowered citizens with equal rights in the different operation zones, and defining a time limit for their resettlement.
5. **Supervision and monitoring** that will ensure organizational efficiency, transparency, and functional and structural adjustments subject to developing needs.
6. **Backing and support** (mainly) of the United States; the pragmatic Sunni Arab world led by Egypt, Saudi Arabia, and Jordan; the Palestinians; and stakeholders in the international community.

Chapter Four: Discussion and Conclusions

UNRWA was established according to UN General Assembly Resolution 302(IV) from December 1949, which ordered the creation of an aid agency for a two-to-three-year period until the emergency situation (following the war) would end and some 700,000 refugees would be resettled. At the time, the Palestinian refugees constituted only a small portion of the world's refugee population following World War II. However, unlike other refugee populations whose numbers were significantly reduced with important UN assistance, the population of Palestinian refugees grew to over 5.5 million registered as UNRWA beneficiaries, seven decades later. This influx is the product of an accumulation of circumstances outlined in this document, including (but not limited to) a number of adaptations to the definition of who is eligible for refugee status and the maintaining of refugee status despite citizenship in host states and regardless of socioeconomic indices or involvement in terror. This definition is opposed to the terms and conditions that define refugees from other conflicts in the world.

Despite significant financial support of the international community, whose aid to Palestinian refugees exceeds that of other refugee populations in terms of budget per person, UNRWA has failed to rehabilitate Palestinian refugees in its five operational zones due to the host states' refusal to permanently absorb them. Thus, sadly, the ever-growing Palestinian refugee population is cynically used as a political tool to leverage pressure against Israel in addressing grievances as part of the Israeli-Palestinian conflict. Moreover, the analysis conducted as part of this research found deficiencies not only in UNRWA's operational paradigm but also in its procedural functioning.

The decision of the United States in 2018 to cease funding UNRWA, along with the complexity of the humanitarian and military reality in UNRWA's operational zones; the stalemate in the Israeli-Palestinian political process; the Middle East's upheaval and its impact on the Palestinian refugee population

have all influenced UNRWA’s actions. Within this context and as UNRWA enters its eighth decade of activity, this memorandum sought to propose alternatives to emerge from this dire situation. In doing so, this research avoids falling into the trap of “reinventing the wheel” and builds on previous initiatives (e.g., the Oslo process; the signing of the Interim Agreement; Camp David and Annapolis, in addition to informal initiatives such as the Geneva Accord) that have remained in writing due to staunch opposition of the relevant stakeholders—primarily the Palestinians and Arab states.

Thus, in full recognition of the obstacles to changing the status quo in relation to UNRWA while also squarely facing the problematic situation perpetuated by UNRWA’s current operational paradigm and procedural functioning, this paper presented the following alternatives:

- A. Comprehensive reforms including reviewing UNRWA’s mandate, organizational structure, and methods of operation, and redefining beneficiaries in a manner that will substantially reduce the number of those eligible for the agency’s support
- B. Transferring UNRWA’s responsibilities and budget to governments in the different operation zones, including the Palestinian Authority
- C. Merging UNRWA with UNHCR
- D. An integrated modular approach based on successful elements in the first three alternatives.

For analyzing and comparing the alternatives, we used a modular assessment model that enables assigning different weights to a set of chosen criteria to be determined by the assessing party; that is, in assessing each course of action, the criterion defined by the decision maker as most important can be assigned a higher value than other criteria. The numerical score of each criterion is determined by weighing the relevant metrics for the same criterion, such that here too, decision makers can set different values for each metric, according to the importance that they relate to each parameter. Clearly, the criteria for assessing the alternatives are determined by the interests of the stakeholders.

On the Israeli side—because of good working relations with UNRWA’s local leadership and within the context of Hamas’s rule in the Gaza Strip, Israel’s defense establishment perceives the continued functioning of UNRWA in its current format as an acceptable default. In contrast, figures in Israel’s political and academic realms consider UNRWA’s operational paradigm

to be an obstacle that creates additional hardship in resolving the already complicated Israeli-Palestinian conflict. On the Palestinian side, UNRWA's current state of functioning serves as a bargaining chip in future negotiations with Israel. With respect to the international community—UNRWA's donor states (except for the United States) and the Arab world—the preferred alternative appears to be maintaining the status quo.

Within the limitations of the scope of research presented in this memorandum, we chose to present the model as a conceptual tool and thus refrained from delving into the possible metrics comprising each criterion. Our choice of the alternatives and criteria to assess them was based on the literature and personal experience with the issues at hand. Choosing other criteria for assessment or, alternatively, assigning different weight to the chosen criteria, could lead to different results. While this may be perceived as the model's weakness, we believe that it is a strength for four central reasons: First, it introduces transparency into an extremely delicate process, thereby enabling all parties to understand and be considerate of others' interests and needs. Second, it introduces a systematic, empiric method of evaluating alternatives to the status quo in a calculated manner that allows place for emotion and political dynamic but is not governed by them. Third, it enables stakeholders to work individually and separately in the initial stages of the process and then proceed to common talks and joint sessions on a shared common base. Fourth, it provides a pragmatic tool to begin to delve into what has become an almost “untouchable” symbolic and loaded issue that must be addressed if the Israeli-Palestinian conflict is ever to be resolved.

In selecting the criteria, we related to the feasibility of implementing the alternative, the rehabilitation of the Palestinian refugees, strengthening the Palestinian Authority's governability, the contribution to a political process toward resolving the conflict, and financial costs. We applied the model to the first three alternatives (major reforms, transferring UNRWA's responsibilities and resources to host governments, and merging UNRWA with UNHCR) and not to the fourth modular alternative, which combines the relative advantages of the first three alternatives because of the many possibilities that are encapsulated by this approach.

The analysis of the three central alternatives according to the five criteria (assessed on a scale of 1–3), shows that the alternative of reforms and the alternative of merging UNRWA with UNHCR have a slightly lower feasibility

than the second alternative of transferring UNRWA’s responsibilities to host governments in at least some of UNRWA’s operational zones—primarily the Palestinian Authority and Jordan. In relation to the criterion of rehabilitating the refugees, the alternative of transferring UNRWA’s responsibilities to host governments (together with the third alternative of merging UNRWA with UNHCR) also provides a better response in comparison to the first alternative of reforms. Transferring UNRWA’s responsibilities to host governments also best addresses the third criterion of strengthening the Palestinian Authority’s governability and state rationale and—together with the alternative of merging UNRWA and UNHCR—has the highest potential to lead to a situation that is conducive to a future Israeli-Palestinian peace process. In considering the fifth criterion of financial costs, high expenditures associated with proceeding with any of the alternatives produce the most favorable cost-benefit analysis should UNRWA’s responsibilities be transferred to host governments, or if UNRWA and UNHCR are merged. Thus, our comparative analysis clearly demonstrates that, despite any flaws, the alternative of transferring UNRWA’s responsibilities to host governments is the most favorable course of action with which to proceed.

In concluding the analysis chapter, which employs the theoretical model to compare the proposed alternatives, we recommend an integrative approach based on transferring UNRWA’s responsibilities and resources to host governments, but following six guiding principles, namely: **differential implementation** tailored to each operational zone; **gradual implementation** over a predetermined period of time while maintaining the ability to fully cater for the refugee population; **modifying the eligibility criteria for refugee status**; **introducing fundamental change to the mandate** of any organization that will oversee the issue of Palestinian refugees in the future, with a clear emphasis on defining a time limit for refugees’ resettlement and rehabilitation; **establishing a supervision and monitoring mechanism**, all done with **significant international backing**.

In conclusion, in this memorandum we sought to demonstrate how the sad reality that has evolved over the years, in which Palestinian refugees and now primarily their descendants are unable to exit the circle of refugeehood, can be changed and repaired. Our hope is that the information on UNRWA’s history, operational paradigm, and procedural functioning in the first and second chapters of this memorandum, together with the model assessing

alternatives to emerge from the current situation presented in the third chapter, will serve as a basis for in-depth discussion with all stakeholders regarding the best way to move forward for all parties. This is in addition to recognizing that the status quo regarding UNRWA does not serve anyone: not the international community that continues to fund it; not Israel, for whom the Palestinian refugee issue is a stumbling block to resolving the conflict with the Palestinians; not the Palestinian Authority, whose governance and state institutions are weakened by the external agency; and not the Palestinian refugees themselves, who have not been resettled and cannot become fully integrated into the societies where they live.

Appendix 1

UN General Assembly Resolution 302(IV), 1949

8 December 1949

ASSISTANCE TO PALESTINE REFUGEES

The General Assembly,

Recalling its resolutions 212 (III) 2/ of 19 November 1948 and 194 (III) 3/ of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolutions,

Having examined with appreciation the first interim report 4/ of the United Nations Economic Survey Mission for the Middle East and the report 5/ of the Secretary-General on assistance to Palestine refugees,

1. Expresses its appreciation to the Governments which have generously responded to the appeal embodied in its resolution 212 (III), and to the appeal of the Secretary-General, to contribute in kind or in funds to the alleviation of the conditions of starvation and distress among the Palestine refugees;
2. Expresses also its gratitude to the International Committee of the Red Cross, to the League of Red Cross Societies and to the American Friends Service Committee for the contribution they have made to this humanitarian cause by discharging, in the face of great difficulties, the responsibility they voluntarily assumed for the distribution of relief supplies and the general care of the refugees; and welcomes the assurance they have given the Secretary-General that they will continue their co-operation with the United Nations until the end of March 1950 on a mutually acceptable basis;

3. Commends the United Nations International Children’s Emergency Fund for the important contribution which it has made towards the United Nations programme of assistance; and commends those specialized agencies which have rendered assistance in their respective fields, in particular the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Refugee Organization;
4. Expresses its thanks to the numerous religious, charitable and humanitarian organizations which have materially assisted in bringing relief to Palestine refugees;
5. Recognizes that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief;
6. Considers that, subject to the provisions of paragraph 9(d) of the present resolution, the equivalent of approximately \$33,700,000 will be required for direct relief and works programmes for the period 1 January to 31 December 1950 of which the equivalent of \$20,200,000 is required for direct relief and \$13,500,000 for works programmes; that the equivalent of approximately \$21,200,000 will be required for works programmes from 1 January to 30 June 1951, all inclusive of administrative expenses; and that direct relief should be terminated not later than 31 December 1950 unless otherwise determined by the General Assembly at its fifth regular session;
7. Establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East:
 - (a) To carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;
 - (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;

8. Establishes an Advisory Commission consisting of representatives of France, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, with power to add not more than three additional members from contributing Governments, to advise and assist the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in the execution of the programme; the Director and the Advisory Commission shall consult with each near Eastern Government concerned in the selection, planning and execution of projects;
9. Requests the Secretary-General to appoint the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in consultation with the Governments represented on the Advisory Commission;
 - (a) The Director shall be the chief executive officer of the United Nations Relief and Works Agency for Palestine Refugees in the Near East responsible to the General Assembly for the operation of the programme;
 - (b) The Director shall select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Director and the Secretary-General shall agree are applicable, and to the extent possible utilize the facilities and assistance of the Secretary-General;
 - (c) The Director shall, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, establish financial regulations for the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (d) Subject to the financial regulations established pursuant to clause (c) of the present paragraph, the Director, in consultation with the Advisory Commission, shall apportion available funds between direct relief and works projects in their discretion, in the event that the estimates in paragraph 6 require revision;

10. Requests the Director to convene the Advisory Commission at the earliest practicable date for the purpose of developing plans for the organization and administration of the programme, and of adopting rules of procedure;
11. Continues the United Nations Relief for Palestine Refugees as established under General Assembly resolution 212 (III) until 1 April 1950, or until such date thereafter as the transfer referred to in paragraph 12 is affected, and requests the Secretary-General in consultation with the operating agencies to continue the endeavour to reduce the numbers of rations by progressive stages in the light of the findings and recommendations of the Economic Survey Mission;
12. Instructs the Secretary-General to transfer to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the assets and liabilities of the United Nations Relief for Palestine Refugees by 1 April 1950, or at such date as may be agreed by him and the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
13. Urges all Members of the United Nations and non-members to make voluntary contributions in funds or in kind to ensure that the amount of supplies and funds required is obtained for each period of the programme as set out in paragraph 6; contributions in funds may be made in currencies other than the United States dollar in so far as the programme can be carried out in such currencies;
14. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding \$5,000,000 from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1950 from the voluntary governmental contributions requested under paragraph 13 above;
15. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to negotiate with the International Refugee Organization for an interest-free loan in an amount not to exceed the equivalent of \$2,800,000 to finance the programme subject to mutually satisfactory conditions for repayment;

16. Authorizes the Secretary-General to continue the Special Fund established under General Assembly resolution 212 (III) and to make withdrawals therefrom for the operation of the United Nations Relief for Palestine Refugees and, upon a the request of the Director, for the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
17. Calls upon the Governments concerned to accord to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the privileges, immunities, exemptions and facilities which have been granted to the United Nations Relief for Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfilment of its functions;
18. Urges the United Nations International Children's Emergency Fund, the International Refugee Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization and other appropriate agencies and private groups and organizations, in consultation with the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to furnish assistance within the framework of the programme;
19. Requests the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East:
 - (a) To appoint a representative to attend the meeting of the Technical Assistance Board as observer so that the technical assistance activities of the United Nations Relief and Works Agency for Palestine Refugees in the Near East may be co-ordinated with the technical assistance programmes of the United Nations and specialized agencies referred to in Economic and Social Council resolution 222 (IX) A 6/ of 15 August 1949;
 - (b) To place at the disposal of the Technical Assistance Board full information concerning any technical assistance work which may be done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in order that it may be included in the reports submitted by the Technical Assistance Board to the Technical Assistance committee of the Economic and Social Council;

20. Directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;
21. Requests the Director to submit to the General Assembly of the United Nations an annual report on the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including an audit of funds, and invites him to submit to the Secretary-General such other reports as the United Nations Relief and Works Agency for Palestine Refugees in the Near East may wish to bring to the attention of Members of the United Nations, or its appropriate organs;
22. Instructs the United Nations Conciliation Commission for Palestine to transmit the final report of the Economic Survey Mission, with such comments as it may wish to make, to the Secretary-General for transmission to the Members of the United Nations and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Appendix 2

UN General Assembly Resolution 194 (III), 1948

Resolution Adopted by the General Assembly on 11 December 1948

186th Plenary Meeting

THE GENERAL ASSEMBLY,

HAVING CONSIDERED FURTHER the situation in Palestine,

1. EXPRESSES its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life; and

EXTENDS its thanks to the Acting Mediator and his staff for their continued efforts and devotion to duty in Palestine;

2. ESTABLISHES a Conciliation Commission consisting of three States Members of the United Nations which shall have the following functions:
 - (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by the resolution of the General Assembly of 14 May 1948;
 - (b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council;
 - (c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the

Security Council; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated;

3. DECIDES that a Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America, shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly a proposal concerning the names of the three States which will constitute the Conciliation Commission;
4. REQUESTS the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date;
5. CALLS UPON the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with the Conciliation Commission or directly with a view to the final settlement of all questions outstanding between them;
6. INSTRUCTS the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them;
7. RESOLVES that the Holy Places - including Nazareth -, religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice; that arrangements to this end should be under effective United Nations supervision; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposal for a permanent international regime for the territory of Jerusalem, should include recommendations concerning the Holy Places in that territory; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them; and that these undertakings should be presented to the General Assembly for approval;

8. RESOLVES that, in view of its association with three world religions, the Jerusalem area, including the present municipality of Jerusalem plus the surrounding villages and towns, the most Eastern of which shall be Avu Dis; the most Southern, Bethlehem; the most Western, Ein Karim (including also the built-up area of Motsa); and the most Northern Shufat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control; REQUESTS the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date;

INSTRUCTS the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area;

The Conciliation Commission is authorized to appoint a United Nations representatives who shall cooperate with the local authorities with respect to the interim administration of the Jerusalem area;
9. RESOLVES that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine;

INSTRUCTS the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access;
10. INSTRUCTS the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities;
11. RESOLVES that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property

which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

INSTRUCTS the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations;

12. AUTHORIZES the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary for the effective discharge of its functions and responsibilities under the present resolution;

The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission;

13. INSTRUCTS the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations;
14. CALLS UPON all Governments and authorities concerned to cooperate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution;
15. REQUESTS the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.

Appendix 3

Protocol relating to the Status of Refugees, 1967

Entry into force 4 October 1967, in accordance with article VIII

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

Article 1 – General provision

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.
2. For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article I of the Convention as if the words “As a result of events occurring before 1 January 1951 and...” and the words “...as a result of such events”, in article 1 A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article I B (I) (a) of the Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.

Article 2 – Co-operation of the national authorities with the United Nations

1. The States Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.
2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:
 - (a) The condition of refugees;
 - (b) The implementation of the present Protocol;
 - (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 3 – Information on national legislation

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article 4 – Settlement of disputes

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 5 – Accession

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6 – Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

- a. With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;
- b. With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;
- c. A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

Article 7 – Reservations and declarations

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.
2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.
3. Any State making a reservation in accordance with paragraph I of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.
4. Declarations made under article 40, paragraphs I and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

Article 8 – Entry into Protocol

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

Article 9 – Denunciation

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

Article 10 – Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

Article 11 – Deposit in the archives of the Secretariat of the United Nations

Appendix 4

US State Department Press Release on US Assistance to UNRWA, 2018

PRESS STATEMENT

HEATHER NAUERT, ACTING UNDER SECRETARY FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS AND STATE DEPARTMENT SPOKESPERSON

AUGUST 31, 2018

The Administration has carefully reviewed the issue and determined that the United States will not make additional contributions to UNRWA. When we made a U.S. contribution of \$60 million in January, we made it clear that the United States was no longer willing to shoulder the very disproportionate share of the burden of UNRWA's costs that we had assumed for many years. Several countries, including Jordan, Egypt, Sweden, Qatar, and the UAE have shown leadership in addressing this problem, but the overall international response has not been sufficient.

Beyond the budget gap itself and failure to mobilize adequate and appropriate burden sharing, the fundamental business model and fiscal practices that have marked UNRWA for years – tied to UNRWA's endlessly and exponentially expanding community of entitled beneficiaries – is simply unsustainable and has been in crisis mode for many years. The United States will no longer commit further funding to this irredeemably flawed operation. We are very mindful of and deeply concerned regarding the impact upon innocent Palestinians, especially school children, of the failure of UNRWA and key members of the regional and international donor community to reform and reset the UNRWA way of doing business. These children are part of the

future of the Middle East. Palestinians, wherever they live, deserve better than an endlessly crisis-driven service provision model. They deserve to be able to plan for the future.

Accordingly, the United States will intensify dialogue with the United Nations, host governments, and international stakeholders about new models and new approaches, which may include direct bilateral assistance from the United States and other partners, that can provide today's Palestinian children with a more durable and dependable path towards a brighter tomorrow.

Notes

- 1 James G. Lindsay, “Fixing UNRWA: Repairing the UN’s Troubled System of Aid to Palestinian Refugees,” *Policy Focus* (Washington Institute for Near East Policy) no. 91 (January 2009).
- 2 US Library of Congress, Congressional Research Report, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti (2010).
- 3 US State Department, “On U.S. Assistance to UNRWA,” August 31, 2018, United States Department of State, <https://www.state.gov/on-u-s-assistance-to-unrwa/>.
- 4 Yehuda Greenfield-Gilat, *The Palestinian Refugee Issue and the Israeli Interest Memorandum* no. 166 (Tel Aviv: Institute for National Security Studies, 2017) [in Hebrew].
- 5 Nir Amran, “The Time Has Come to End UNRWA’s Activity in Judea, Samaria and Gaza,” Institute for Zionist Strategies, June 2015 [in Hebrew].
- 6 Nitza Nachmias, “UNRWA at 60: Are There Better Alternatives?,” MEF Policy Forum, Fall 2009, <https://www.meforum.org/2481/unrwa-at-60-better-alternatives>.
- 7 Christine M. Cervenak, “Promoting Inequality: Gender-Based Discrimination in the UNRWA’s Approach to Palestine Refugee Status,” *Human Rights Quarterly* 16, no. 2 (May 1994): 300–374; Adi Schwartz and Einat Wilf, *The War of Return* (Tel Aviv: Kinneret Zmora-Bitan Dvir Publishing, 2018) [in Hebrew].
- 8 This was done through an aid package that was put together following UN General Assembly Resolution 212, which called for providing aid to refugees and estimated that 29.5 million dollars would be needed. See Simon A. Waldman “UNRWA’s First Years, 1949–1951: The Anatomy of Failed Expectations,” *Diplomacy & Statecraft* 25 (2014): 630–645; Cervenak, “Promoting Inequality.”
- 9 “Resolution 194,” UNRWA, <https://www.unrwa.org/content/resolution-194>.
- 10 Ibid.
- 11 Israel offered to resettle 100,000 refugees, an offer that was disqualified by the PCC as insufficient and rejected by the Arab states. See UN Conciliation Commission for Palestine, “Summary of a Meeting Between the Conciliation Commission and the Delegation of Israel,” August 3, 1949, A/AC.25/SR/LM/30; Waldman, “UNRWA’s First Years.”
- 12 Waldman, “UNRWA’s First Years.”

- 13 The UN General Assembly Resolution 302 (IV) in December 1949 called for the new organization to work together with the local governments for the purpose of employment and aid programs for Palestinian refugees who fled or were expelled from their homes during the 1948 war and are now in camps on the borders of Arab states. See Cervenak, “Promoting Inequality”; Waldman, “UNRWA’s First Years.”
- 14 The PCC’s mandate is still valid; however, the General Assembly notes that the PCC has not succeeded in achieving progress in implementing Article 11 of General Assembly Resolution 194 (III) and ratifies the request to continue the efforts to this end; see, for example, UNGA res. 63/91 of December 5, 2008, para 2; Lance Bartholomeusz, “The Mandate of UNRWA at Sixty,” *Refugee Survey Quarterly* 28, nos. 2–3 (2009): 452–474, <https://doi.org/10.1093/rsq/hdp033>.
- 15 Terry Rempel, “UNRWA and the Palestinian Refugees: A Genealogy of ‘Participatory’ Development,” *Refugee Survey Quarterly* 28, nos. 2–3 (2009): 412–437, <https://doi.org/10.1093/rsq/hdp040>.
- 16 For example, according to Waldman, in July 1950, Syria declared that it would only cooperate with UNRWA on the condition it was not involved with resettlement of refugees, and toward the end of 1950, the government of Lebanon reportedly was “eager” to remove UNRWA from Lebanon. Another source of opposition to UNRWA was the refugees themselves.
- 17 Bartholomeusz, “Mandate of UNRWA.”
- 18 Nitza Nachmias and Eric A. Belgrad, “Five Decades of Humanitarian Aid: The Case of UNRWA,” *Towson University Journal of International Affairs* 50, no. 1 (Fall 2016): 29–43.
- 19 “General Assembly Resolution 302. Assistance to Palestine Refugees,” art. 7.; Cervenak, “Promoting Inequality”; Efraim Karsh, “The Privileged Palestinian ‘Refugees,’” *Mideast Security and Policy Studies* (Begin Sadat Center for Strategic Studies Bar Ilan University) no. 149 (May 2018); Rempel, “UNRWA and the Palestinian Refugees.”
- 20 John Blandford, Jr. to Advisory Commission, *UNRWA, Memorandum* no. 18 (Jan. 30, 1951), cited in Steven J. Rosen, “Why a Special Issue on UNRWA?” *Middle East Quarterly* (Fall 2012): 3–10.
- 21 UN GA Resolution 513 (1952) tasked UNRWA “to explore with the governments . . . their assuming administration of reintegration projects at the earliest possible date.” See UNGA res. 513 (VI), Jan. 26, 1952.
- 22 UNSG, Proposals for the Continuation of United Nations Assistance to Palestine Refugees, Document Submitted by the Secretary-General. UN Doc. A/4121, 15 June 1959, para. 17; Rempel, “UNRWA and the Palestinian Refugees.”
- 23 The most prominent among them were the Anglo-American Operation Alpha in 1954 and the 1960 initiative that was approved by President Dwight Eisenhower. See Rosen, “Why a Special Issue on UNRWA?”

- 24 Jalal al-Husseini, “UNRWA and the Palestinian Nation-Building Process,” *Journal of Palestine Studies* 29, no. 2 (Winter, 2000): 51–64.
- 25 For example, a public opinion study of the refugees at the beginning of the 1950s conducted by Fred Bruhns found that fewer than 10 percent of the refugees were willing to agree to resettlement. See Bruhns, “A Study of Refugee Attitudes,” *Middle East Journal* 9 (1955): 132. The study was based on structured in-depth interviews of 115 persons; See also Rempel, “UNRWA and the Palestinian Refugees.”
- 26 It is worth noting that when it came up for a vote, General Assembly Resolution 194 did not have the support of the Arab states because they opposed the very idea of the State of Israel’s existence. From their perspective, support for the resolution would be equivalent to recognizing the Jewish state. Israel, for its part, strived for a resolution that would call for resolving the refugee issue as part of a comprehensive negotiation process that would relate to Israel’s relations with the Arab world. See Greenfield-Gilat, *Palestinian Refugee Issue*; Simon Waldman, “Burning Money: The Urgent Need to Rethink UNRWA,” *Fathom*, June 28, 2016, <http://fathomjournal.org/burning-money-the-urgent-need-to-rethink-unrwa/>.
- 27 Maya Rosenfeld, “From Emergency Relief Assistance to Human Development and Back: UNRWA and the Palestinian Refugees, 1950–2009,” *Refugee Survey Quarterly*, nos. 2–3 (2009): 298–299, <https://doi.org/10.1093/rsq/hdp038>; Alex Joffe, “UNRWA Resists Resettlement,” *Middle East Quarterly* (Fall 2012): 11–25.
- 28 Bartholomeusz, “Mandate of UNRWA”; Rosen, “Why a Special Issue on UNRWA?”
- 29 As quoted in Fred J. Khouri, *The Arab-Israeli Dilemma* 2nd ed. (New York, Syracuse University Press, 1976), 142; Rempel, “UNRWA and the Palestinian Refugees.”
- 30 Joffe, “UNRWA Resists Resettlement.”
- 31 Ibid.
- 32 “UNRWA in Figures as of 31 December 2019,” UNRWA website, https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2020_eng_v2_final.pdf (accessed August 14, 2020).
- 33 “How We Spend Our Funds,” UNRWA, accessed January 26, 2020, <https://www.unrwa.org/how-you-can-help/how-we-spend-funds>.
- 34 The data on UNRWA’s expenditures for the years 1950–1990 is based on Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995), 51, table 3.2; the data on UNRWA’s expenditures for the years 1990–2008 is based on the Annual Reports of the Commissioner General; Rosenfeld, “From Emergency Relief Assistance.”
- 35 “How We Spend Our Funds.”
- 36 Waldman, “UNRWA’s First Years.”
- 37 Rami G. Khouri, “Sixty Years of UNRWA: From Service Provision to Refugee Protection,” *Refugee Survey Quarterly* 28, nos. 2–3 (2009): 438–451, <https://doi.org/10.1093/rsq/hdp028>.

- 38 The other agency is United Nations Institute for Disarmament Research (UNIDIR). See UNGA res. 302(IV), 8 Dec. 1949, para. 9(a); Bartholomeusz, “Mandate of UNRWA.”
- 39 Mainly in the resolutions titled “Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East” and “Persons displaced as a result of the June 1967 and subsequent hostilities”; sometimes UNRWA is also subject to requests from the UN Secretary-General and other branches. The International Court of Justice (ICJ) could have a role in setting the powers of a subsidiary organ such as UNRWA. The ICJ is the main judicial branch of the UN and the General Assembly can ask it to provide an opinion on legal questions. See United Nations, *Charter of the United Nations*, 1945, Arts. 92 and 96(a); Bartholomeusz, “Mandate of UNRWA.”
- 40 By virtue of Articles 7(2) and 22 of the UN Charter, unlike an international treaty or convention as is done in most of the other UN agencies. See United Nations Secretary-General, *Secretary-General’s Bulletin, Organization of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, February 17, 2000, ST/SGB/2000/6. On the General Assembly’s power to establish an action agency such as UNRWA, see W. Dale “UNRWA – A Subsidiary Organ of the UN,” *International and Comparative Law Quarterly* 23 (1974): 582–583. On the nature of the UN subsidiary organs, see D. Sarooshi, “The Legal Framework Governing United Nations Subsidiary Organs,” *British Yearbook of International Law* 67 (1997): 413–478.
- 41 Nachmias and Belgrad, “Five Decades of Humanitarian Aid.”
- 42 According to the article in the General Assembly Resolution titled “Assistance to Palestine refugees”; Bartholomeusz, “Mandate of UNRWA.”
- 43 According to Article 17(1) of the UN Charter, “The General Assembly shall consider and approve the budget of the Organization,” *Charter of the United Nations*, Art. 17(1); Bartholomeusz, “Mandate of UNRWA.”
- 44 Bartholomeusz, “Mandate of UNRWA.”
- 45 Nachmias and Belgrad, “Five Decades of Humanitarian Aid.”
- 46 Jennifer Ibrahim, “The Discrimination against Palestinian Refugees Living in Lebanon,” *Palestine-Israel Journal* 15, no. 1–2 (2008).
- 47 Dave Harden, “Kushner is Right about the United Nations,” *Times of Israel* blog, August 12, 2018, <https://blogs.timesofisrael.com/kushner-is-right-about-the-united-nations/>.
- 48 US Department of State, “On U.S. Assistance to UNRWA,” August 31, 2018, <https://www.state.gov/r/pa/prs/ps/2018/08/285648.htm>.
- 49 According to Einat Wilf, Arab states make temporary promises to contribute to specific projects, which rarely occur. See “Why UNRWA is an Obstacle to Two States for Two Peoples: An Interview with Einat Wilf,” *Fathom*, October 2018,

- <http://fathomjournal.org/why-unwra-is-an-obstacle-to-two-states-for-two-peoples-an-interview-with-einat-wilf/>; Zanotti, “U.S. Foreign Aid to the Palestinians.”
- 50 Even though in 2018 the United States announced the complete cessation of future funding, in that same year, as it appears in the table, the United States transferred over 60 million dollars to UNRWA. There is no correlation between the annual sum that appears in the table and the total income in 2017 and 2018, because the table notes the sums that the top 10 donors transferred, not the total of the annual donations. See UNRWA, *Financial Report and Audited Financial Statements for the Year ended 31 December 2017*, A/73/5/Add.4, p. 16; UNRWA, *Financial Report and Audited Financial Statements for the Year ended 31 December 2018*, p. 15.
- 51 UNRWA, *Financial Report and Audited Financial Statements for the Year ended 31 December 2018*, p. 15.
- 52 Peter Beaumont, “Head of UN Palestinian Refugee Agency Resigns amid Misconduct Inquiry,” *The Guardian*, November 6, 2019, <https://www.theguardian.com/world/2019/nov/06/pierre-krahenbuhl-steps-down-head-un-agency-palestinian-refugees-investigation>.
- 53 “Statement of UNRWA Acting Commissioner-General to the Advisory Commission,” November 25, 2019, UNRWA, <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-acting-commissioner-general-advisory-commission>.
- 54 At first, this body sought “to help millions of European who had fled or lost their homes,” but by the 1960s, it had expanded its range of operation well beyond Europe, helping displaced persons and refugees in Asia and Latin America, and since the 2000s, it has been active also in the Middle East. See “History of UNHCR,” UNHCR, <https://www.unhcr.org/history-of-unhcr.html>.
- 55 The convention stated that a refugee is a person who “as a result of events that occurred before January 1, 1951 and due to well-founded fears of being persecuted for reasons of race, religion, nationality, belonging to a certain social group or political opinions, it is outside the country of its nationality and cannot or, because of such fears, does not want to benefit from the protection of that country; or that, lacking nationality and being, as a result of such events, outside the country where he previously had his habitual residence, cannot or, because of such fears, do not want to return to it.” See “Convention on the Status of Refugees of 28 July 1951,” *Collection of International Instruments Concerning Refugees* (Geneva: Office of the United Nations High Commissioner for Refugees, UNHCR, 1979), art. 1/A (2). This definition was expanded by UNHCR to include “persons who are outside their country of nationality or habitual residence and unable to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order”; see *UNHCR Resettlement Handbook* (Geneva: UNHCR, 2011), p. 19; Karsh, “The Privileged Palestinian ‘Refugees’”; “The 1951 Refugee Convention,” UNHCR, <https://www.unhcr.org/1951-refugee-convention.html>.

- 56 Cervenak, “Promoting Inequality”; Joffe, “UNRWA Resists Resettlement”; Schwartz and Wilf, *The War of Return*.
- 57 Convention and Protocol relating to the Status of Refugees, UNHCR, 1951 and 1967, UNGA res. 2198 (XXI), art. 1-D, p. 16; see, also, “Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinians Refugees,” UNHCR, October 2, 2002; Joffe, “UNRWA Resists Resettlement”; Karsh, “The Privileged Palestinian ‘Refugees.’”
- 58 In 1954, the UNHCR won the Nobel Peace Prize for its groundbreaking work in Europe, and in 1981 the agency again received the Nobel Peace Prize for its aid to refugees around the world. See the “History of UNHCR,” UNHCR, <https://www.unhcr.org/history-of-unhcr.html>.
- 59 “Figures at a glance,” UNHCR, <https://www.unhcr.org/figures-at-a-glance.html> (accessed November 28, 2019).
- 60 “UNRWA in Figures, 2018,” UNRWA, <https://www.un.org/unispal/document/unrwa-in-figures-2018-factsheet/>; *Financial Report and Audited Financial Statements for the Year ended 31 December 2018*. As of August 2020 UNRWA’s most recent published financial report is from 2018 (published in July 2019); therefore the data regarding number of employees and number of refugees is also taken to reflect 2018.
- 61 Uri Resnick, “UNRWA’s Self-Serving Agenda,” *Middle East Quarterly* (Fall 2012): 45–52.
- 62 “Protracted Refugee Situations,” Executive Committee of the High Commissioner’s Programme, June 10, 2004, UNHCR: EC/54/SC/CRP.14, p. 2; Resnick, “UNRWA’s Self-Serving Agenda.”
- 63 Ibid.
- 64 Rosenfeld, “From Emergency Relief Assistance.”
- 65 Resnick, “UNRWA’s Self-Serving Agenda.”
- 66 Ibrahim, “The Discrimination against Palestinian Refugees; Maha Shuayb, “The Art of Inclusive Exclusions: Educating the Palestinian Refugee Students in Lebanon,” *Refugee Survey Quarterly* 33, no. 2 (2014): 20–37; Schwartz and Wilf, *War of Return*.
- 67 According to Cervenak, while the vast majority of the Palestinian refugees are Palestinian Arabs, dozens of other nations are also included, such as Russians, Italians, and Turks. See Cervenak, “Promoting Inequality.”
- 68 James G. Lindsay, “Reforming UNRWA,” *Middle East Quarterly* 19, no.4 (Fall 2012): 85–91.
- 69 General Assembly Resolution 302. Assistance to Palestine Refugees, United Nations, A/RES/302 (IV), Dec. 8, 1949, art. 6.
- 70 “History of UNHCR,” UNHCR, <https://www.unhcr.org/history-of-unhcr.html>. In general, data shows that the Palestinians receive significant aid from both the international community and international organizations compared to other nations. For example, in 2019, the United Nations sought to raise some 540 million dollars

- for some five million Palestinians in the West Bank and Gaza. In comparison, it sought to raise 437 million dollars for 34 million citizens of Afghanistan; 550 million dollars for 37 million citizens of Iraq; 113 million dollars for 10 million citizens of Burundi; and 304.5 million dollars for 23 million citizens of Cameroon. See Liora Sion, “The Problem with International Aid to the Palestinians,” *+972 Magazine*, March 20, 2018, <https://www.972mag.com/the-problem-with-international-aid-to-palestine/>.
- 71 Joffe, “UNRWA Resists Resettlement.”
- 72 Interim report of the director, UNRWA, October 6, 1950, UNGA A/1451/Rev.1, para. 15, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/EC8DE7912121FCE5052565B1006B515>.
- 73 Ilana Feldman, “The Challenge of Categories: UNRWA and the Definition of a ‘Palestine Refugee,’” *Journal of Refugee Studies* 25, no. 3 (2012): 387–406, <https://doi.org/10.1093/jrs/fes004>.
- 74 Lindsay, “Fixing UNRWA”; Cervenak, “Promoting Inequality.”
- 75 Special report of the director, Advisory Commission of UNRWA, June 30, 1954, UNGA A/2717/Add.1, para. 19; Joffe, “UNRWA Resists Resettlement,” 15.
- 76 *Annual Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, par. 11; A/2717, June 30, 1954, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/29B65FB0FEE24DAA052565A10059D678>.
- 77 Joffe, “UNRWA Resists Resettlement.”
- 78 Lindsay, “Fixing UNRWA”; today, all of UNRWA’s services are clearly connected to the beneficiary’s status as a registered refugee, and not to their condition of being in need.
- 79 The states are Jordan, Syria, Lebanon, the West Bank, and the Gaza Strip; see Lindsay, “Fixing UNRWA,” note 79.
- 80 According to UNRWA’s eligibility rules, meeting the definition of a “Palestinian refugee” is not a necessary condition for registering at UNRWA; see Cervenak, “Promoting Inequality,” note 65.
- 81 At least some of the Lebanese registered were temporary workers in Mandatory Palestine who lost some of their means of livelihood, although not their homes; see “Consolidated Eligibility and Registration Instructions,” UNRWA, Dept. of Relief and Social Services, January 1, 2009, para HL2, 4–5; Lindsay, “Reforming UNRWA.”
- 82 Lex Takkenberg, *The Status of Palestinian Refugees in International Law* (Oxford: Clarendon Press, 1998), 66–67, note 117; Lindsay, “Reforming UNRWA.”
- 83 “Interim Report of the Director,” October 6, 1950, UNRWA doc. A/1451/rev.1.
- 84 Rosen, “Why a Special Issue on UNRWA?”
- 85 Cervenak, “Promoting Inequality”; Lindsay, “Fixing UNRWA.”
- 86 Benjamin Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (New York: Syracuse University Press, 1995); The Palestine Question, Report of

- the UNRWA Commissioner-General,” *Yearbook of the United Nations 1965* (New York, December 31, 1965), chap. XIV; Rosen, “Why a Special Issue on UNRWA?”
- 87 UNGA res. 37/120, sec. I, December 16, 1982
- 88 Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East,” in “Resolutions adopted by the General Assembly at its 37th session,” A/RES/37/120A SPC, 65, A/37/PV.108, December 16, 1982 without vote; see Rosen, “Why a Special Issue on UNRWA?”
- 89 “Consolidated Eligibility and Registration Instructions,” UNRWA, 3; *Ibid.*
- 90 The UN Convention on the Elimination of all Forms of Discrimination Against Women was adopted in 1979; Cervenak, “Promoting Inequality.”
- 91 The criteria for registering as a Palestinian refugee were stated in the agency’s Consolidated Eligibility and Registration Instructions from 2006, which noted that “included in the revision are instructions to extend services to the families of registered refugee women married to non-refugees. Owing to the drastic economic situation, over 90,000 people were enrolled as non-refugees eligible to receive UNRWA services.” See UNRWA, “UNRWA in 2006,” (n.d.), 21, <https://www.unrwa.org/userfiles/20100118151154.pdf>.
- 92 UNRWA Consolidated Eligibility and Registration Instructions,” 2006; Bartholomeusz, “Mandate of UNRWA.”
- 93 The relevant rules are found in a UNHCR publication titled “Procedural Standards for Refugee Status Determination under UNHCR’s Mandate” in section 5.1; nuclear family members who automatically receive derived refugee status are spouses, unmarried children up to the age of 18, parents or primary caregivers of a refugee whose age is under 18, and all those dependent on the parents or primary caregivers, and minor siblings of a refugee who is under the age of 18. See Lindsay, “Reforming UNRWA,” note 22.
- 94 Lindsay, “Reforming UNRWA”; Rosen, “Why a Special Issue on UNRWA?”
- 95 US Library of Congress, Congressional Research Service, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti (May 2018), <https://crsreports.congress.gov/product/pdf/RS/RS22967/59>; US Library of Congress, Congressional Research Report, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti (December 2018), <https://fas.org/sgp/crs/mideast/RS22967.pdf>.
- 96 “Refugees,” United Nations website, <http://www.un.org/en/sections/issues-depth/refugees/index.html>.
- 97 UNCHR, Convention and Protocol relating to the Status of Refugees (1951), 15, <https://www.unhcr.org/3b66c2aa10>.
- 98 “Cessation,” European Council Directive 2004/83/EC, Luxembourg, April 29, 2004, art. 11, Rosen, “Why a Special Issue on UNRWA?”
- 99 *Ibid.*
- 100 Lindsay, “Reforming UNRWA.”

- 101 While the rest hold travel and residency documents, they are not classified as citizens. See Lindsay, “Reforming UNRWA”; “Where We Work,” UNRWA, accessed January 24, 2019, <https://www.unrwa.org/where-we-work/jordan>; “UNRWA in figures, as of 31 December 2019,” UNRWA official website, https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2020_eng_v2_final.pdf (accessed August 14, 2020).
- 102 “Why UNRWA is an obstacle to two states for two peoples.”
- 103 Lindsay, “Fixing UNRWA.” For more on this issue, see James G. Lindsay, “UNRWA: Still UN-Fixed,” in *Justice—The Magazine of the International Association of Jewish Lawyers and Jurists*, no. 55 (Winter 2014–2015): 20–21.
- 104 Nitza Nachmias, “The Right of Return for Who, When and How: The Answers of International Law” (lecture, Haifa University, Haifa, Israel, April 26, 2005).
- 105 Evelyn Gordon, “Use UNRWA’s Financial Crisis to End Its Shameful Apartheid System,” JNS.org., March 28, 2018, <https://www.jns.org/opinion/use-unrwas-financial-crisis-to-end-its-shameful-apartheid-system/>.
- 106 According to UNRWA’s annual report for 2018–2019, the agency serves 846,465 people in the West Bank and another 1,421,282 people in the Gaza Strip. See “2018–2019 Activity Report,” UNRWA.
- 107 2003 Amended Basic Law, Palestinian Authority, Ramallah, March 18, 2003, articles 28, 7; “No Palestinian may be deported from the homeland, prevented or prohibited from returning to or leaving it, deprived of his citizenship, or handed over to any foreign entity . . . Palestinian citizenship shall be regulated by law.” quoted in Rosen, “Why a Special Issue on UNRWA?”
- 108 “Palestine/Occupied Territories: Information on Passports issued by the Palestine National Authority,” US Dept. of Homeland Security, December 17, 1998; Rosen, “Why a Special Issue on UNRWA?”
- 109 Ibid.
- 110 Lindsay, “Fixing UNRWA.”
- 111 Colum Lynch, “U.N. Aid Chief Quits Amid Probe into Palestinian Refugee Program,” *Foreign Policy*, November 6, 2019.
- 112 Randa Farah, “UNRWA: Through the Eyes of its Refugee Employees in Jordan,” *Refugee Survey Quarterly* 28, no. 2–3 (2010): 389–411.
- 113 Nachmias and Belgrad, “Five Decades of Humanitarian Aid.”
- 114 Nachmias, “UNRWA at 60.”
- 115 Rempel, “UNRWA and the Palestinian Refugees.”
- 116 al-Husseini, “UNRWA and the Palestinian Nation-Building Process.”
- 117 Nachmias and Belgrad, “Five Decades of Humanitarian Aid.”
- 118 Alex Joffe and Asaf Romirowsky, “Reframing the Middle Eastern and Palestinian Refugee Crisis,” *Mideast Security and Policy Studies* (Begin-Sadat Center for Strategic Studies) no. 146 (March 2018).
- 119 Joffe, “UNRWA Resists Resettlement”; Nachmias, “UNRWA at 60.”

- 120 Congressional Research Report, *U.S. Foreign Aid to the Palestinians* (2010).
- 121 For more on the issue of the Palestinian state failure, see Kobi Michael and Yoel Guzansky, *The Arab World on the Road to State Failure* (Tel Aviv: Institute for National Security Studies, 2016), 111–122; Kobi Michael and Yoel Guzansky, “The Failed Arab State,” *Middle East Quarterly* 25, no. 2 (Spring 2018), <https://tinyurl.com/qnw76t3>; Kobi Michael and Yoel Guzansky, “The Palestinian Authority—A State Failure?” *Strategic Assessment* 19, no. 1 (April 2016): 87–102, <https://www.inss.org.il/publication/the-palestinian-authority-a-state-failure/>.
- 122 Lindsay, “Fixing UNRWA.”
- 123 See Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestinian Refugees in the Near East, *Annual Report for the Period May 1950–June 1951*, 5, paragraph 32; al-Husseini, “UNRWA and the Palestinian Nation-Building Process.”
- 124 Lindsay, “Fixing UNRWA.”
- 125 Al-Husseini, “UNRWA and the Palestinian Nation-Building Process.” See also UNRWA reports from 1969 to 1973, such as when UNRWA Commissioner-General, Mr. Michelmore, wrote that “there have been press reports that commandos have taken control of most of the UNRWA camps in Lebanon . . . the armed men have occupied one of the UNRWA buildings—a youth centre, or a women’s centre—perhaps six buildings altogether in the whole of Lebanon.” Twenty-fourth Session, Special Political Committee, Verbatim Record of the 665th meeting, held at Headquarters, New York, on Monday, November 17, 1969, A/SPC/PV.665.
- 126 Nachmias, “UNRWA at 60.”
- 127 Baruch Spiegel, “Jerusalem’s Surprisingly Good Relations with UNRWA,” *Middle East Quarterly* 19, no. 4 (Fall 2012): 61–66.
- 128 Nachmias, “UNRWA at 60.”
- 129 Khouri, “Sixty Years of UNRWA.”
- 130 Joffe and Romirowsky, “Reframing the Middle Eastern and Palestinian Refugee Crisis.”
- 131 Khouri, “Sixty Years of UNRWA.”
- 132 Lindsay, “Fixing UNRWA.”
- 133 Al-Husseini, “UNRWA and the Palestinian Nation-Building Process.”
- 134 Joffe, “UNRWA Resists Resettlement.”
- 135 “Political Program for the Present Stage Drawn Up by the 12th PNC, Cairo, June 9, 1974,” *Journal of Palestine Studies* (Summer 1974): 224.
- 136 US Library of Congress, Congressional Research Service, *Palestinian Education and the Debate over Textbooks*, by Aaron D. Pina, RL32886 (2005); Arnon Groiss, *Teaching ‘The Right of Return’ in UNRWA Schools*, Center for Near East Policy Research, 2011; Joffe, “UNRWA Resists Resettlement.”

- 137 Arnon Groiss and Roni Shaked, *Schoolbooks of the Palestinian Authority (PA): The Attitude to the Jews, to Israel and to Peace* (Tel Aviv: Meir Amit Intelligence and Terror Information Center, 2017), 12
- 138 Groiss and Shaked, *Schoolbooks of the Palestinian Authority*, 214.
- 139 Groiss and Shaked, *Schoolbooks of the Palestinian Authority*, 180.
- 140 “How We Spend Funds,” UNRWA website, <https://www.unrwa.org/how-you-can-help/how-we-spend-funds> (accessed November 28, 2019).
- 141 The data on the number of workers and the ratio between local and international workers were taken from UNRWA’s annual report for 2019, https://www.unrwa.org/sites/default/files/content/resources/unrwa_in_figures_2020_eng_v2_final.pdf (accessed August 14, 2020); Nachmias, “UNRWA at 60.”
- 142 Rempel, “UNRWA and the Palestinian Refugees.”
- 143 Farah, “UNRWA: Through the Eyes of its Refugee Employees”; Rempel, “UNRWA and the Palestinian Refugees.”
- 144 Farah, “UNRWA: Through the Eyes of its Refugee Employees.”
- 145 Feldman, “The Challenge of Categories.”
- 146 This is in light of the perceived role of the international community in the original partition of Mandatory Palestine; see Lindsay, “Fixing UNRWA”; Nachmias, “UNRWA at 60.”
- 147 “UNRWA and Neutrality,” UNRWA website, https://www.unrwa.org/sites/default/files/content/resources/unrwa_neutrality_factsheet_2018_final_eng.pdf.
- 148 U.S. House of Representatives, H. Con. res. 29, 111th Congress, 1st sess., Jan. 28, 2009; Spiegel, “Jerusalem’s Surprisingly Good Relations.”
- 149 Asaf Romirowsky, “How UNRWA Supports Hamas,” *Focus Quarterly* (Fall 2007); Claudia Rosett, “Gaza Bedfellows: UNRWA and Hamas,” *Forbes.com*, January 8, 2009; Spiegel, “Jerusalem’s Surprisingly Good Relations.”
- 150 Spiegel, “Jerusalem’s Surprisingly Good Relations.”
- 151 Amran, “This Is the Time to End UNRWA’s Activity.”
- 152 Ibid.
- 153 “Letter dated 27 April 2015 from the Secretary-General addressed to the President of the Security Council,” April 27, 2015, S/2015/286.
- 154 Nachmias, “UNRWA at 60.”
- 155 Gilad Sher, *The Israeli-Palestinian Peace Negotiations, 1999–2001: Within Reach* (London: Routledge, 2001), 101.
- 156 Elie Podeh, *Chances for Peace: Missed Opportunities in the Arab-Israel Conflict* (Austin: University of Texas Press, 2015), 292; Yossi Beilin, *The Path to Geneva: The Quest for a Permanent Agreement, 1996–2004* (New York: Akashic, 2004), 238–239.
- 157 The Geneva Initiative, *The Geneva Accord and Annexes – Summary* (Ramallah and Tel Aviv, 2009), 15, https://www.europarl.europa.eu/meetdocs/2009_2014/documents/wgme/dv/201/201012/20101215_3_summary_genevainitiative_en.pdf;

- Galia Golan, “The Israeli-Palestinian Conflict: Lessons for a Breakthrough,” *Middle East Policy* 22, no. 3 (2015): 100–108.
- 158 Yaniv Ronen, *UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): The Reasons for Its Establishment, Its Goals and Its Activities* (Knesset Research and Information Center, July 23, 2008), 3, <https://bit.ly/2ZmEv23>.
- 159 For example, in 2010, Israel asked Prime Minister Stephen Harper to retract his decision to cut Canada’s support for UNRWA. See Steven J. Rosen, *Why State Dept. Defends UNRWA’s Artificial “Refugee” Designations* (Gatestone Institute, September 30, 2014), 3; Steven J. Rosen, “Why Has the U.S. Congress Done so Little about UNRWA?” *JUSTICE – The Magazine of the International Association of Jewish Lawyers and Jurists*, no. 55 (Winter 2014–2015): 26, <http://din-online.info/pdf/ju55.pdf>.
- 160 Ibid.
- 161 Following this, Lindsay concludes that it would be right to transfer UNRWA’s powers to other bodies (that is, the second or third alternative according to the proposed model).
- 162 Lindsay, “Fixing UNRWA.”
- 163 Harden, “Kushner is Right.”
- 164 According to Lynch and Gramer, “At the moment Jared Kushner is trying to strip Palestinians living in Jordan with Jordanian citizenship from their refugee status and in the long run phase out UNRWA.” See Colum Lynch and Robbie Gramer, “Trump and Allies Seek End to Refugee Status for Millions of Palestinians,” *Foreign Policy*, August 3, 2018, <https://tinyurl.com/y94fzfsz>.
- 165 “Information on UNHCR Resettlement,” UNHCR, accessed March 14, 2020, <https://www.unhcr.org/information-on-unhcr-resettlement.html>.
- 166 Geneva Initiative Agreement, Chapter 7, “Refugees,” Article 11 g(vi), Article 13b, “The place of permanent residence of the Palestinian refugees will be implemented within 5 years of the beginning of UNHCR’s activity.”
- 167 Harden, “Kushner is Right.”
- 168 Ibid.

INSS Memoranda, April 2019–Present

- No. 204, Kobi Michael and Michal Hatuel-Radoshitzky, *Seventy Years to UNRWA—Time for Structural and Functional Reforms*
- No. 203, September 2020, Ofir Winter, ed., *Existential Threat Scenarios to the State of Israel*.
- No. 202, July 2020, Sasson Hadad, Tomer Fadlon, and Shmuel Even, eds., *Israel's Defense Industry and US Security Aid*.
- No. 201, May 2020, Sasson Hadad, Tomer Fadlon, and Shmuel Even, eds., *Israel's Defense Industry and US Security Aid* [Hebrew].
- No. 200, May 2020, Zipi Israeli, *The National Security Index: Trends in Israeli Public Opinion* [Hebrew].
- No. 199, May 2020, Kobi Michael and Michal Hatuel-Radoshitzky, *Seventy Years to UNRWA – Time for Structural and Functional Reforms* [Hebrew].
- No. 198, December 2019, Ofir Winter, ed., *Nothing is Forever: Existential Threats to the State of Israel* [Hebrew].
- No. 197, October 2019, Yossi Kuperwasser and David Siman-Tov, eds., *The Cognitive Campaign: Strategic and Intelligence Perspectives*.
- No. 196, September 2019, Gadi Eisenkot and Gabi Siboni, *Guidelines for Israel's National Security Strategy*.
- No. 195, September 2019, Carmit Padan and Vera Michlin-Shapir, eds., *National Security in a "Liquid" World*.
- No. 194, August 2019, Assaf Orion and Galia Lavi, eds., *Israel-China Relations: Opportunities and Challenges*.
- No. 193, July 2019, Yoel Guzansky with Miriam Goldman and Elise Steinberg, *Between Resilience and Revolution: Regime Stability in the Gulf Monarchies*.
- No. 192, July 2019, Gabi Siboni, *Guidelines for a National Protection Strategy* [Hebrew].
- No. 191, May 2019, Yossi Kuperwasser and David Siman Tov, eds., *The Cognitive Campaign: Strategic and Intelligence Perspectives* [Hebrew].
- No. 190, April 2019, Gabi Siboni and Ido Sivan-Sevilla, *Regulation in Cyberspace*.

The year 2020 marks seventy years since UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East), which serves Palestinian refugees in the Gaza Strip, the West Bank, Jordan, Syria, and Lebanon, began operation. Since its establishment by virtue of the mandate given to it by the UN General Assembly, UNRWA has not succeeded in bringing about the true rehabilitation of the Palestinian refugees and in reducing their number, which has risen from approximately 700,000 on the eve of the State of Israel's establishment to over 5.5 million refugees in 2020. The impact of the regional upheaval on the Palestinian refugees, the stagnation of the political process between Israel and the Palestinians, the split in the Palestinian arena, the humanitarian distress in the Gaza Strip, the centrality of the refugee issue in the Palestinian narrative, and the American administration's 2018 decision to stop funding UNRWA pose even more complex challenges for the agency. In light of the understanding of the need for changing the agency's modes of operation and adapting them to the challenges of the current reality, and given that all attempts and recommendations to significantly reform the agency's modes of operation over the years having been thwarted, this memorandum discusses UNRWA's operational concept and functioning and presents four alternative models of operation, along with a methodology for analyzing the different alternatives.

Dr. Kobi Michael, a senior research fellow at the Institute for National Security Studies, edits the journal *Strategic Assessment*. He was formerly the deputy director-general and head of the Palestinian desk at the Ministry of Strategic Affairs, a faculty member at Ben-Gurion University, a senior faculty member at Ariel University, and a visiting professor at Northwestern University in the United States and at Peking University in China. He has published seventeen books and monographs and about 100 articles and book chapters.

Dr. Michal Hatuel-Radoshitzky is a research fellow at the Institute for National Security Studies and a lecturer at Tel Aviv University, the University of Haifa, and Sapir College. Her research focuses on Israel's soft challenges in the international arena, including Israel's standing at the UN.
