

UNRWA Resists Resettlement

by Alex Joffe

The Palestinian refugee problem lies at the heart of the Arab-Israeli conflict. But since the 1960s, the international institution charged with aiding the refugees, the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), has resisted their resettlement in the Arab host countries. It has done so by shifting to an educational mission, devising expansive redefinitions of who a refugee is, and expanding its legal mandates to “protect” and represent refugees. As a result, a well-intended international relief effort has been progressively undone by the vagueness of its mandate, which allowed UNRWA to bend to the will of the U.N. General Assembly and be taken over by its own charges and by the bureaucratic imperative of institutional survival.

REINTEGRATION: A SHORT HISTORY

The idea of resettlement was implicitly encoded into UNRWA through U.N. General Assembly (UNGA) resolution 194 (III) of December 11, 1948, which stated 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, and that compensation should be paid for the property of those choosing not to return.”¹ Those choosing not to return would presumably be resettled, and the resolution took care to ensure “the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation.”²

The language and stipulations of resolution

194 have been used by the Palestinians and their international champions as proof of a U.N.-sanctioned “right of return.”³ But UNRWA was founded “without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III),”⁴ and during its early stages, attempted to avoid the appearance of prejudice toward either repatriation or compensation and resettlement. But as prevailing interpretations of resolution 194 have changed, so too has UNRWA.

The overwhelming majority of the Palestinian refugees have not returned. Nor have they been “reintegrated.” This novel term was introduced by UNGA resolution 393 (V) of December 2, 1950, which stated that “the reintegration of the refugees into the economic life of the Near

1 U.N. General Assembly (UNGA) res. 194 (III), Dec. 11, 1948, para. 11.

2 Ibid.

3 See, for example, G.J. Boling, *Palestinian Refugees and the Right of Return: An International Law Analysis*, Information and Discussion Brief, Issue No. 8, BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem, Jan. 2001.

4 UNGA res. 302 (IV), Dec. 8, 1949, para. 5.

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East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area.”⁵

The formal articulation of repatriation and resettlement notwithstanding, as early as 1951, reintegration was understood in diplomatic circles exclusively as resettlement.⁶ Refugees shared that assessment, and, along with Arab host countries, resisted it in a variety of ways,

so much so that by the late 1950s, reintegration, resettlement, and rehabilitation had reached a dead end. In the words of the 1957 UNRWA director’s report:

in spite of the fact that many are establishing themselves in new lives, the refugees collectively remain opposed to certain types of self-support projects which

they consider would mean permanent resettlement and the abandonment of hope of repatriation. They are, in general, supported in this stand by the Arab host Governments. On the other hand, the Government of Israel has taken no affirmative action in the matter of repatriation and compensation. It remains the Director’s opinion that, unless the refugees are given the choice between repatriation and compensation provided for in resolution 194 (III), or unless some other solution acceptable to all parties is found, it would be unrealistic for the General Assembly to believe that decisive progress can be accomplished by UNRWA towards the “reintegration of the refugees into the economic life of

the Near East, either by repatriation or resettlement” in line with General Assembly resolution 393 (V) of 2 December 1950.⁷

SHIFT TO EDUCATION

In his report for 1959, incoming UNRWA director John Davis noted that “the execution of the ‘long-term task’ of assisting refugees to become self-supporting requires certain conditions which so far have not prevailed.” He added:

It is no exaggeration to state that every aspect of life and human endeavour in the Near East is conditioned and complicated by the Palestine refugee problem. Its psychological, political, and social repercussions are of no less significance than its economic and humanitarian aspects. Any solution of the Palestine refugee problem must take these aspects into account.⁸

Davis’s remarkable statement contrasted with his immediate predecessor’s upbeat assessment that “the picture is not entirely black.”⁹ To be sure, by placing the refugee crisis at the heart of everything in the Middle East, Davis did not reject the notion of resettlement per se; yet he implied that until the refugees themselves were satisfied, their plight would remain at the center of regional affairs. As such, his portentous assertion, an essential part of the Palestinian narrative, was perhaps the first high level official indication of UNRWA’s intention to keep the refugees, and itself, at the center of Middle Eastern affairs.

Davis argued that UNRWA’s mandate should be extended beyond June 30, 1960, when it was due to expire, calling for a reorientation of the agency’s mission and an expanded empha-

UNRWA’s director stated: “Every aspect of life ... in the Near East is conditioned and complicated by the Palestine refugee problem.”

5 UNGA res. 393 (V), Dec. 2, 1950.

6 See, for example, minutes of the meeting of UNRWA representatives, Oct. 20 and Oct. 22, 1951, “The Role of the AFSC in Refugee Reintegration,” U.S. National Archives, Record Group 59, textual records from the Department of State, Bureau of Near Eastern, South Asian, and African Affairs, Office of Near Eastern Affairs (1951-1958), ARC identifier 2558731 / MLR, no. A1 1437, UNRPR.

7 Report of the director, UNRWA, July 1, 1956-June 30, 1957, UNGA A/3686, para. 6.

8 Report of the director, UNRWA, July 1, 1958-June 30, 1959, UNGA A/4213, para. 6.

9 Report of the director, UNRWA, July 1, 1957-June 30, 1958, UNGA A/3931, para. 5.

sis on “providing general education, both elementary and secondary ... teaching vocational skills, and awarding university scholarships; and ... offering small loans and grants to individual refugees who have skills and want to become self-employed.”¹⁰ This was a shrewd and successful adaptation and a fateful turning point in UNRWA’s relationship with the refugees and the idea of resettlement.¹¹

Providing primary, secondary, and vocational training vastly expanded the agency’s contact with refugees. In 1950, UNRWA operated sixty-four schools with 41,000 elementary pupils, employing approximately 800 teachers. By 1960, this had expanded to 382 schools, almost 124,000 pupils, and 3,500 teachers. By 1980, over 54 percent of UNRWA’s resources were dedicated to education.¹² In 2011-12, across its five fields of operation, UNRWA’s education program comprised 699 schools, 19,217 educational staff, and 486,754 enrolled pupils.¹³ Increasing access to education and raising educational levels are inherently unobjectionable, a fact that UNRWA has traded on since the 1950s. More controversial has been the content of that education.

Educational materials used in UNRWA schools come from the host countries but are taught by Palestinian teachers, many of whom are graduates of UNRWA schools. During the 1960s and 1970s, teaching Palestinian nationalism was a specific goal of the Palestine Liberation Organization (PLO). Schools, teachers’ unions, and youth organizations were targets for the PLO and its competitors such as the Muslim Brotherhood, which completely politicized these spaces. UNRWA and national governments also made funds available for scholarship for higher education, which took place in both Western and So-



John H. Davis, director of UNRWA, addresses the U.N. Special Political Committee, Nov. 10, 1959, New York. By this time, Davis was already asserting that until the refugees themselves were satisfied, their plight would remain at the center of Middle East affairs. His was perhaps the first high level official indication of UNRWA’s intention to keep the refugees’ claims front and center, reinforcing the Palestinian narrative of dispossession.

viet bloc institutions.¹⁴ Indeed, UNRWA’s defenders praise the agency’s position as a Palestinian national institution and emphasize the role of education.¹⁵

UNRWA’s educational emphasis during the 1970s coincided with the PLO’s 1974 adoption of the “phased approach” for Israel’s destruction, which included a commitment to the right of return¹⁶—a euphemism for Israel’s demographic

10 Report of the director, UNRWA, July 1, 1959-June 30, 1960, UNGA A/4478, para. 13.

11 Maya Rosenfeld, “From Emergency Relief Assistance to Human Development and Back: UNRWA and the Palestinian Refugees, 1950-2009,” *Refugee Survey Quarterly*, 2-3 (2009): 298-9.

12 Benjamin N. Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (Syracuse: Syracuse University Press, 1995), p. 29, table 2.2; *ibid.*, p. 302.

13 “UNRWA Programmes: Education,” UNRWA website, Jan. 1, 2012.

14 Jalal al-Husseini, “UNRWA and the Palestinian Nation-Building Process,” *Journal of Palestine Studies*, Winter 2000, pp. 53-4, 56-7; Nadia Latif, “Space, Power and Identity in a Palestinian Refugee Camp,” *REVUE Asylon(s)*, Sept. 2008.

15 Riccardo Bocco, “UNRWA and the Palestinian Refugees: A History within History,” *Refugee Survey Quarterly*, 2-3 (2009): 236, 239-40.

16 “Political Program for the Present Stage Drawn Up by the 12th PNC, Cairo, June 9, 1974,” *Journal of Palestine Studies*, Summer 1974, p. 224.



As the need for housing and rations subsided, the agency reoriented its mission to providing education and vocational skills as in this UNRWA sewing center in Amman, Jordan. Increasing access to education and raising educational levels are inherently unobjectionable, a fact that UNRWA has traded on since the 1950s.

Kuwait, also resulted in Palestinian marginalization and mass expulsion. Educated Palestinians returning to the West Bank and Gaza relied yet again on UNRWA's relief services.¹⁸ During and after the years following the Oslo accords, UNRWA and UNRWA-educated Palestinians took the lead in opposing the PLO's negotiations with Israel under the aegis of the "rights-based approach" and preserving the right of return.

subversion—as well as with the creation of the U.N. resolutions and infrastructure to support the “inalienable rights” of the Palestinian people. With the passage of time, textbooks in UNRWA, and later Palestinian Authority (PA) schools, have come under scathing criticism for articulating anti-Israel, anti-Semitic, anti-Western, and anti-peace themes, alongside advocacy of the right of return.¹⁷

UNRWA's educational turn also had unanticipated and ironic consequences. The Palestinians' educational advantage aided their entry into the professional classes of Arab states, which should have facilitated their reintegration and resettlement. But these educational advantages were mitigated by growing Arab investments in their own educational systems. Rising educational standards in some Arab states, and the PLO's support for Saddam Hussein's 1990 invasion of

WHO IS A REFUGEE?

One significant means of UNRWA's permanent institutionalization and resistance to resettlement has been the expansion of its client base through redefinitions of who is a refugee.

The agency's founding resolution 302 (IV) used the term refugee without offering any definition. But the 1951 *Convention relating to the Status of Refugees* that established the United Nations High Commissioner for Refugees (UNHCR) began to set parameters for the Palestine Arab refugees and for UNRWA: “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 and assistance.”¹⁹

17 Aaron D. Pina, “Palestinian Education and the Debate over Textbooks,” Congressional Research Service, Washington, D.C., RL32886, Apr. 27, 2005; Arnon Groiss, “Teaching ‘The Right of Return’ in UNRWA Schools,” Center for Near East Policy Research, Jerusalem, 2011.

18 Rosenfeld, “From Emergency Relief,” pp. 316-7.

19 *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, Oct. 2, 2002.

The politics behind this decision were a result of the pressure from both Western and Arab states. France, for example, had moved to exclude the Palestinian refugees from the UNHCR mandate on the grounds that a number of U.N. organizations were already active in that arena. Arab delegates supported the exclusion, arguing that a universal definition of refugees would “submerge in the general mass of refugees of certain groups which were the particular concern of the General Assembly and the right of which to repatriation had been recognized by General Assembly resolutions.”²⁰

Without a formal definition set by a supervisory body, UNRWA established its own series of operational definitions for refugees. In 1950, the following definition was offered:

For working purposes, 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. ... In some circumstances, a family may have lost part or all of its land from which its living was secured, but it may still have a house to live in. Others may have lived on one side of the boundary but worked in what is now Israel most of the year. Others, such as Bedouins, normally moved from one area of the country to another, and some escaped with part or all of their goods but cannot return to the area where they formerly resided the greater part of the time.²¹

In 1954 a temporal qualification was introduced:

The definition of a person eligible for relief, as used by the Agency for some years, is one whose normal residence was Palestine for a minimum period of two years preceding the

outbreak of the conflict in 1948 and who, as a result of this conflict, has lost both his home and means of livelihood.²²

The 1955 report of the UNRWA commissioner-general introduced an informal rationale for including other claimants, namely Palestine Arabs who were not displaced in 1948 but who lost some or all of their livelihoods:

There is only a difference of degree between, on the one hand, the situation of the man whose home was on the Jordan side of the demarcation line but whose land is now cut off in Israel, or who worked in what is now Israel[i] Jerusalem, or who sold his produce in the coastal towns or exported it through Palestinian ports, and, on the other hand, the situation of the man who has lost his home as well as his means of livelihood. All of these have lost, in varying degrees, a place in which to work and a way of life. They have that in common. Yet in some cases, the family which continues to reside in its former home, but whose nearby fields are no longer in its possession, may be in a more serious plight. The very proximity of its former possessions—the situation in which the original inhabitants must watch newcomers till their former fields and harvest crops from their former groves—increases the tensions and the psychological strain.²³

Riots by refugees and lack of cooperation from host countries undermined efforts to reduce UNRWA's refugee rolls.

This decision followed up on observations made since 1948 regarding the impoverished state of those claimants. It also acknowledged the difficulty of both distinguishing them from true refugees as well as the moral and practical difficulties in refusing aid. Incorporating border villages into UNRWA's purview expanded its economic role in

20 Brenda Goddard, “UNHCR and the International Protection of Palestinian Refugees,” *Refugee Survey Quarterly*, 2-3 (2009): 475-510; Jalal al-Husseini and Riccardo Bocco, “The Status of the Palestinian Refugees in the Near East: The Right of Return and UNRWA in Perspective,” *Refugee Survey Quarterly*, 2-3 (2009): 260-85, for a discussion of “positive discrimination” against Palestine Arab refugees by Arab League states as a means of preserving national identity and the right of return.

21 Interim report of the director, UNRWA, Oct. 6, 1950, UNGA A/1451/Rev.1, para. 15.

22 Special report of the director, Advisory Commission of UNRWA, June 30, 1954, UNGA A/2717/Add.1, para. 19.

23 Special report of the director, UNRWA, Oct. 15, 1955, concerning other claimants for relief, UNGA A/2978/Add. 1, para. 20.



UNRWA's educational emphasis during the 1970s coincided with the PLO's 1974 adoption of a "phased approach" for Israel's destruction. This still photograph, taken from a short documentary, displays Palestinian students from an UNRWA school singing revolutionary songs. "The Palestinian curriculum taught at UNRWA schools is ... a curriculum of delayed war against Israel," said David Bedein, producer of the film and president of the Center for Near East Policy Research in Jerusalem.

Gaza and Jordan and articulated a sociopsychological or therapeutic element that would become an important part of UNRWA's mission in the coming decades.

Throughout the 1950s, efforts were made to rectify refugee roles. Fraud, duplicate enrollments, non-counting of deaths, and the holding of ration cards by merchants were all well-known by UNRWA and the Western governments from 1949 onward, but little was or could be done. Riots by refugees, threats by merchants, and lack of cooperation from host countries, who were economically dependent on UNRWA, undermined efforts to reduce refugee rolls. Threats to reduce U.S. contributions to UNRWA amounted to little.²⁴

24 James G. Lindsay, "Fixing UNRWA: Repairing the UN's Troubled System of Aid to Palestinian Refugees," Washington Institute for Near East Policy, Washington, D.C., Jan. 2009, pp. 16-7; "Memorandum from the assistant secretary of state for Near Eastern and South Asian affairs (Talbot) to Secretary of State Rusk: Arab-Israeli Dispute, 1964-1967," *Foreign Relations of the United States, 1964-1968*, U.S. Department of State, para. 73, June 15, 1964, attachment, "Possible U.S. Initiatives on Arab-Israel Issues in 1964-65," para. 4.

In 1965, the definition was again revised:

Recently a new problem of eligibility has arisen with the appearance of a third generation of refugees (i.e., the children of persons who were themselves born after 14 May 1948). On a literal interpretation of the definition of eligibility as it now stands, there may be some doubt whether these persons are eligible for UNRWA assistance. Under the proposals set out ... they would clearly be eligible ... subject to their being in need, and this would apply to subsequent generations also.²⁵

This new, expansive definition, which extended UNRWA's services to a

third generation of refugees, was apparently offered as part of a deal between UNRWA director Laurence Michelmore and the Arab states, in exchange for new refugee surveys that mollified Western pressures.²⁶

The 1967 Six-Day War and the influx of more refugees into the UNRWA system from the West Bank offered the opportunity to establish a new baseline, and by 1971, the refugee definition had been expanded again with specifications regarding the inheritability of refugee status:

A Palestine refugee, by UNRWA's working definition, is a person whose normal residence was Palestine for a minimum of two years preceding the conflict in 1948 and who, as a result of this conflict, lost both his home and means of livelihood and took refuge, in 1948, in one of the countries where UNRWA provides re-

25 Report of the commissioner-general, UNRWA, July 1, 1964-June 30, 1965, UNGA A/6013, paras. 21, 25.

26 Schiff, *Refugees unto the Third Generation*, pp. 53-4.

lief. Refugees within this definition or the children or grandchildren of such refugees are eligible for agency assistance if they are (a) registered with UNRWA, (b) living in the area of UNRWA's operations, and (c) in need.²⁷

By 1994, this operational definition had been further extended:

Under UNRWA's operational definition, Palestine refugees are people whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.²⁸

This version is still operative today. There are no qualifications regarding a refugee having been displaced to a country where UNRWA operates or whether they have obtained another nationality. Nor does UNRWA require individual applicants to have either endured all three criteria (residence, loss of homes, and loss of livelihood), or provide documentation of these statuses. UNRWA requires only a self-declaration from applicants.²⁹ The mandate is effectively global and the agency views itself as the "global advocate for the protection and care of Palestine refugees."³⁰ This generates a total client base of almost 5 million.

MANDATES AND THE QUESTION OF PROTECTIONS

Concurrent with the expansion of the definition of a Palestine refugee has been the vast expansion of UNRWA's mandate from the original, concise role of "direct relief and works programmes" to the ambitious endeavor

to contribute to the human development of Palestine refugees in the Gaza Strip, the West Bank, Jordan, Lebanon, and the Syrian Arab Republic until a durable and just solution is found to the refugee issue. ... The Agency's vision is for every Palestine refugee to enjoy the best possible standards of human development, including attaining his or her full potential individually and as a family and community member; being an active and productive participant in socioeconomic and cultural life; and feeling assured that his or her rights are being defended, protected, and preserved.³¹

The agency's imperative to maintain this standard of living indefinitely for an ever-expanding client base is perhaps the single greatest self-imposed impediment to resettlement.

Another form of mission creep has been the use of international law to expand organizational mandates to such fields as "education, health and relief, and social services, microfinance, infrastructure and camp improvement, and emergency assistance including food aid."³² Moreover, by the early 1980s, UNRWA's mandate had expanded to include protection of the refugees' legal and human rights.³³ In December 1982, for example, U.N. Secretary-general Javier Pérez de Cuéllar asked UNRWA to consider "measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the [Israeli] occupied territories."³⁴

Six years later he explicitly articulated these guarantees:

UNRWA views itself as "a global advocate for the protection and care of Palestine refugees."

27 Report of the commissioner-general, UNRWA, July 1, 1970-June 30, 1971, UNGA A/8413, fn. 1.

28 "Who Are Palestine Refugees?" UNRWA website, accessed June 27, 2012.

29 Gender discrimination does apply against registered refugee women who marry non-refugees and thereby lose their status. See Christine Cervenak, "Promoting Inequality: Gender-Based Discrimination in the UNRWA's Approach to Palestine Refugee Status," *Human Rights Quarterly*, May 1994, pp. 300-74.

30 Report of the commissioner-general, UNRWA, Jan. 1-Dec. 31, 2007, UNGA A/64/13 (Supp. 13), July 31, 2008, para. 4.

31 *Ibid.*, para. 2, 3.

32 Lance Bartholomeusz, "The Mandate of UNRWA at Sixty," *Refugee Survey Quarterly*, 2-3 (2009): 462.

33 Scott Custer, Jr., "United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA): Protection and Assistance to Palestine Refugees," in Susan M. Akram, et al., eds., *International Law and the Israeli-Palestinian Conflict, A Rights-based Approach to Middle East Peace* (London: Routledge, 2011), pp. 45-68.

34 UNGA res. 37/120, Dec. 16, 1982, para. J-1.



Even before adding descendants into their definition of a “refugee,” UNRWA had created problems by listing as eligible for relief persons “whose normal residence was Palestine for a minimum period of two years preceding the outbreak of the conflict.” This would include thousands of Arab migrant workers attracted to the burgeoning economy of Mandate Palestine but whose roots lay well outside the territory.

(a) “Protection” can mean physical protection, i.e., the provision of armed forces to deter, and if necessary fight, any threats to the safety of the protected persons;

(b) “Protection” can mean legal protection, i.e., intervention with the security and judicial authorities, as well as the political instances, of the occupying Power, by an outside agency, in order to ensure just treatment of an individual or group of individuals;

(c) “Protection” can also take a less well-defined form, called in this report “general assistance,” in which an outside agency intervenes with the authorities of the occupying Power to help individuals or groups of individuals to resist violations of their rights (e.g., land confiscations) and to cope with the day-to-day difficulties of life under occupation, such as security restrictions, curfews, harassment, bureaucratic difficulties and so on;

(d) Finally, there is the somewhat intangible “protection” afforded by outside agencies, including especially the international media, whose mere presence and readiness to publish what they observe may have a beneficial effect for all concerned; in this report this type of protection is called “protection by publicity.”³⁵

UNRWA’s protection mandate was amplified in 2007 by the General Assembly, which stated that it was aware “of the valuable work done by the

Agency in providing protection to the Palestinian people, in particular Palestine refugees.”³⁶ This was further extended in 2008 with a General Assembly direction to UNRWA regarding the rights of women and children. Likewise, in 2007, the General Assembly approved the commissioner-general’s report that included the assertion that “UNRWA is a global advocate for the protection and care of Palestine refugees,” and the organization established a senior protection policy advisor position.³⁷ The influential 2008 “Morris report,” compiled by a retired UNHCR staff member, also recommended that it use the U.N.’s human rights system to expand UNRWA’s protection for refugees and that the agency’s operations support officers in the West Bank and

35 Report submitted to the Security Council by the secretary-general, UNRWA, Jan. 21, 1988, UNSC S/19443, C-28.

36 UNGA res. 62/104, Dec. 5, 2007.

37 Bartholomeusz, “The Mandate of UNRWA at Sixty,” pp. 466-7.

the Gaza Strip act as “roving international protection officers.”³⁸

The scope of protections is potentially limitless as illustrated by the demand that the refugees be given a voice in the quest for “a just and durable solution” and be protected from the use of “disproportionate force” during this process.³⁹ Indeed, the “Morris report” recommended that the commissioner-general “should engage with those drawing up negotiating papers and proposing positions and policies in order to ensure to the extent possible that these take proper account of the rights and interests of the refugees and of UNRWA’s experience and knowledge.”⁴⁰ That is: UNRWA should be directly involved in the political process as representative of the Palestinian refugees, their rights, interests and desires, in direct competition with other Palestinian entities—hardly an inducement to resettlement.

DECOLONIZATION AND RADICALIZATION OF THE GENERAL ASSEMBLY

An important but largely overlooked factor regarding UNRWA is the context within which it operates at the General Assembly where a string of resolutions on decolonization and political independence for colonial peoples and countries set the stage for many specific resolutions dealing with the Palestinians. These also established a huge U.N. infrastructure outside UNRWA that supports the Palestinian national cause to the detriment of resettlement.

Decolonization: The General Context. A partial list of relevant General Assembly resolutions begins with resolution 1514 (XV), the “Declaration on the Granting of Independence to Co-

lonial Countries and Peoples” of December 14, 1960.⁴¹ Among other things, the resolution stated that “subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights” and that “all peoples have the right to self-determination,” demanding an end to “all armed action or repressive measures of all kinds directed against dependent peoples.” This was followed a day later by Resolution 1515 (XV), which established the sovereign right of states to dispose of their own natural resources and wealth.

By the late 1960s and early 1970s, U.N. resolutions took a more strident tone. Resolution 2588 (XXV) of December 15, 1969, followed up on the 1968 International Conference on Human Rights and reaffirmed “the right of all peoples under colonial and foreign rule to liberation and self-determination.”⁴² It also expressed support for “liberation movements in southern Africa and elsewhere in their legitimate struggle for freedom and independence.” Resolution 2649 (XXV) of November 30, 1970, took inalienable rights to another level and specifically named the “peoples of southern Africa and Palestine,” noting the “legitimacy of the struggle of peoples under colonial and alien domination recognized as being entitled to the right of self-determination to restore to themselves that right by any means at their disposal.”⁴³ This resolution stands at the beginning of the apartheid charge against Israel.

The “Inalienable Rights of the Palestinian People.” The 1970s saw the “question of Palestine” become a singular preoccupation of the United Nations. This in turn influenced UNRWA and its approach to resettlement.

**The U.N. system
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international
setting for the
delegitimization
of Israel.**

38 Nicholas Morris, “What Protection Means for UNRWA in Concept and Practice,” Mar. 31, 2008, p. 4, 9.

39 For the operational dimensions of UNRWA’s protections, see Mark Brailsford, “Incorporating Protection into UNRWA Operations,” paper presented at the Policy and Governance in Palestinian Camps Conference, sponsored by UNRWA and the Issam Fares Institute for International Affairs, American University of Beirut, Oct. 8-9, 2010.

40 Morris, “What Protection Means,” p. 3.

41 UNGA res. 1514 (XV), Dec. 14, 1960.

42 UNGA res. 2588 (XXV), Dec. 15, 1969.

43 UNGA res. 2649 (XXV), Nov. 30, 1970.

In 1969, General Assembly resolution 2535 (XXIV) stated that it was “[d]esirous of giving effect to its resolutions for relieving the plight of the displaced persons and the refugees” before reaffirming “the inalienable rights of the people of Palestine.”⁴⁴ The following year General Assembly resolution 2672 stated that “the problem of the Palestinian Arab refugees has arisen from the denial of their inalienable rights under the Charter of the United Nations and the Universal Declaration of Human Rights.”⁴⁵

The “Question of Palestine” was added to the agenda of the twenty-ninth session of the U.N. in 1974 and has remained there ever since. Resolution 3210 (XXIX) invited the PLO to participate in General Assembly deliberations. Resolution 3236 (XXIX) recognized the “inalienable national rights of the Palestinian people” and reaffirmed “the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return.”⁴⁶ This further codified repatriation—not resettlement—as the goal

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Support for the Palestinian national project also became an explicit U.N. goal. In 1975, General Assembly resolution 3375 recognized the PLO as the “representative of the Palestinian people, to participate in all efforts,

deliberations, and conferences on the Middle East which are held under the auspices of the United Nations, on an equal footing with other parties.”⁴⁷ The same day, resolution 3376 created the “Committee on the Exercise of the Inalienable Rights of the Palestinian People” to oversee “a programme

of implementation to enable the Palestinian people to exercise the rights” articulated in resolution 3236, empowering it to “establish contact with, and to receive suggestions and proposals from, any State and intergovernmental regional organization and the Palestine Liberation Organization.”⁴⁸ Also passing that day was the infamous resolution 3379, which among other things, “Determines that Zionism is a form of racism and racial discrimination.”⁴⁹

U.N. Institutions in Support of the Palestinians. As if to add insult to injury, the U.N. committed a full range of institutional resources to the Palestinian national cause and against Israel. Led by the Palestinians, the Arab League, and the Organization of the Islamic Conference, and abetted by an array of nongovernmental organizations (NGO) and government-organized NGOs, the U.N. system has become the foremost international setting for the delegitimization of Israel and the advancement of a “one state” solution (i.e., an Arab state in the whole of mandatory Palestine in which Jews would be reduced to a minority). UNRWA activities and statements cannot be viewed in isolation from this institutional and cultural environment. One prominent result has been the misrepresentation of resolution 194 as solely aimed at repatriation and compensation to the total exclusion of resettlement.

In 1977, General Assembly resolution 3240 created the Special Unit on Palestinian Rights within the U.N. Secretariat with the goal of the “greatest possible dissemination of information on the inalienable rights of the Palestinian people and on the efforts of the United Nations to promote the attainment of those rights.”⁵⁰ Later renamed the Division of Palestinian Rights, this unit provides support to the “Committee on the Exercise of the Inalienable Rights of the Palestinian People,” including international meetings, liaison with NGOs, creating and disseminating studies and bulletins, and training programs for the Palestinian Authority.

44 UNGA res. 2535 (XXV), Dec. 8, 1970.

45 UNGA res. 2672 (XXV), Dec. 8, 1970.

46 UNGA res. 3236 (XXIX), Nov. 22, 1974.

47 UNGA res. 3375 (XXX), Nov. 10, 1975.

48 UNGA res. 3376 (XXX), Nov. 10, 1975.

49 UNGA res. 3379 (XXX), Nov. 10, 1975.

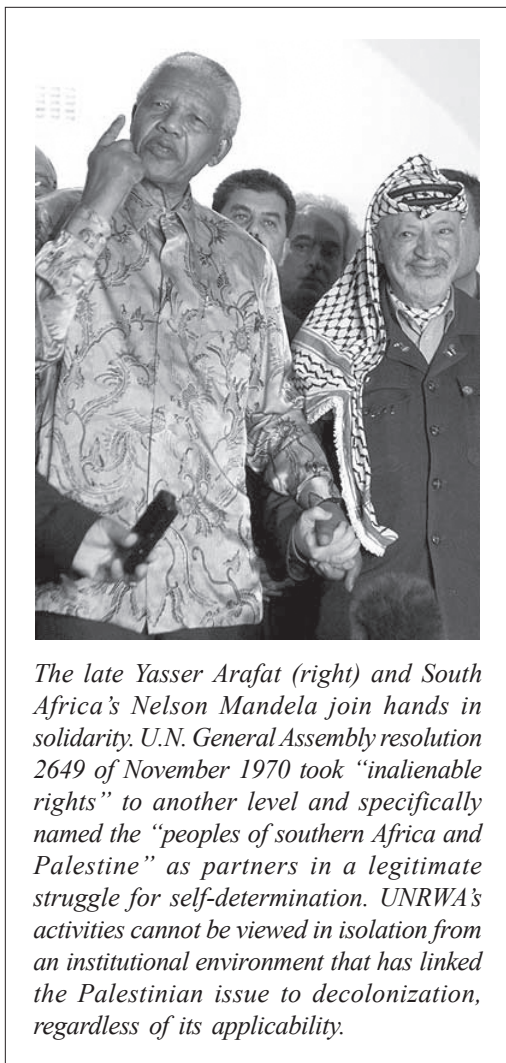
50 UNGA res. 32/40 (A+B), Dec. 2, 1977.

Beyond the Division of Palestinian Rights, the Palestinian refugee problem has been addressed by the General Assembly's Fourth Committee, or the Special Political and Decolonization Committee, which deals with "a variety of subjects which include those related to decolonization, Palestinian refugees and human rights, peacekeeping, mine action, outer space, public information, atomic radiation, and University for Peace."⁵¹ At least half of the Fourth Committee's agenda relates to the Palestinian refugees.

Support for the Palestinian cause is also given through other U.N. organs, such as the United Nations Development Programme, and through specialized agencies such as UNESCO, which has served as an especially important arena for anti-Israeli activities, as well as the World Health Organization and the Food and Agriculture Organization. Other U.N. entities have taken direct interest in the refugees and the conflict, including UNICEF, which was active in refugee relief from 1948 onward. The Economic and Social Council admitted the PLO as an observer in 1975, and in 1977, made "assistance to the Palestinian people" a part of its mandate, along with human rights, and the rights of women and children. There is also the Special Coordinator for the Middle East Peace Process, the Special Coordinator in the Occupied Territories, the various disengagement observer and truce forces, the Human Rights Committee and the Human Rights Council, the Office for the Coordination of Humanitarian Affairs, the Committee on Jerusalem, the Register of Damage caused by the Construction of the Wall, the Special Committee to Investigate Israeli Practices, the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territories, and others—more than fifty in all, including the Conciliation Commission for Palestine, which, in its sixty-fifth report to the General Assembly in 2010 "observes that it has nothing new to report."⁵²

51 "Special Political and Decolonization," UNGA, Fourth Committee, accessed June 29, 2012.

52 Report of the U.N. Conciliation Commission for Palestine, UNGA A 66/296, Aug. 12, 2011.



The late Yasser Arafat (right) and South Africa's Nelson Mandela join hands in solidarity. U.N. General Assembly resolution 2649 of November 1970 took "inalienable rights" to another level and specifically named the "peoples of southern Africa and Palestine" as partners in a legitimate struggle for self-determination. UNRWA's activities cannot be viewed in isolation from an institutional environment that has linked the Palestinian issue to decolonization, regardless of its applicability.

UNRWA AND THE RIGHT OF RETURN

At the beginning of the 1960s, UNRWA's view of resolution 194 and the right of return was clear. In his report for 1961, Director John Davis stated that it was not "surprising that the refugees still strongly demand the right of choice between repatriation and compensation held out to them by the United Nations under paragraph 11 of the General Assembly resolution 194 (III)—a right which has never been implemented."⁵³

This juxtaposition is significant; resolution 194 gave refugees a clear choice between repatriation and compensation.

By 1962, however, Davis had changed both his tone and approach. In his report, he noted that UNRWA had been frustrated “in sponsoring works projects to settle refugees” adding that

The “right of return” has become an integral part of UNRWA doctrine.

these undertakings have failed because they have been unacceptable to the people (refugee and non-refugee) indigenous to the region and to the Governments which represent them. It is the considered opinion of the Commissioner-General that these feelings of the Arab people

run as deep today as at any time in the past, and therefore that, at least for as long as there is no substantial progress towards the implementation of paragraph 11 of General Assembly resolution 194 (III), UNRWA should not again attempt works projects designed to settle the refugees. From this experience one should not conclude that economic development is not wanted by the people of the region. On the contrary, it is wanted and at an accelerated rate but not in the context of refugee resettlement.⁵⁴

Davis acknowledged that resettlement failed because of opposition from “the Arab people,” presumably the Arab states, but pointed to their frustration over non-implementation of paragraph 11 of resolution 194 as the cause. This likely refers to the lack of repatriation. On this basis then, and with UNRWA’s reorientation toward education underway, Davis ended works projects as a means of resettlement.

In the late 1960s, resolution 242 joined resolution 194 as one of UNRWA’s touchstones. Also critical was Security Council resolution 237, which

followed the 1967 Six-Day War and “[c]alls upon the Government of Israel to ensure the safety, welfare, and security of the inhabitants of the areas where military operations have taken place and to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.”⁵⁵ This demand for 1967 refugees to be allowed to return was repeated in General Assembly resolution 2252 (ES-V)⁵⁶ while resolution 2443 established a “Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories” and also pointed to the “Universal Declaration of Human Rights regarding the right of everyone to return to his own country.”⁵⁷ Though this refers only to refugees who fled in 1967, it would become another foundation for the right of return for all refugees.

Indeed, during the 1970s, the concept of inalienable rights and the right of return began to influence UNRWA. One of the first appearances of the latter phrase is in the 1977 report by Commissioner-General Thomas McElhiney, who stated that since “1948, the General Assembly has annually recommended the return of the refugees to their original homes or the receipt of compensation in lieu thereof. The political significance of the mass displacement of human beings is obvious, particularly when the right of return and the right to restoration of their property are acknowledged by the international community.”⁵⁸

In the space of two sentences, McElhiney acknowledged the dichotomous meaning of resolution 194 and then discarded it. In his report for the following year, he omitted reference to resolution 194 altogether and stated: “The General Assembly annually recommends the return of the refugees to their original homes or the receipt of compensation in lieu thereof. The political significance of the mass displacement of human be-

53 Report of the commissioner-general, UNRWA, July 1, 1960-June 30, 1961, UNGA A/4861, para. 9.

54 Report of the commissioner-general, UNRWA, July 1, 1961-June 30, 1962, UNGA A/5214, para. 12.

55 U.N. Security Council res. 237, June 14, 1967.

56 UNGA res. 2252 (ES-V), July 4, 1967.

57 UNGA res. 2443 (XXIII), Dec. 16, 1968.

58 Report of the commissioner-general, UNRWA, July 1, 1976-June 30, 1977, UNGA A/32/13 (Supp), para. 2. Note McElhiney’s candor regarding UNRWA’s “quasi-governmental responsibilities,” para. 13.

ings, particularly when the right of return and the right to restoration of their property are acknowledged by the international community, is obvious.”⁵⁹ Curiously, the phrase never reappears in any commissioner-general report.

The right of return has been largely sustained by Palestinian and Western intellectuals since the late 1970s.⁶⁰ During the Oslo accords process, the PLO initially sought to deemphasize the concept as a means of strengthening its international standing, but it was dramatically reemphasized after 2000.⁶¹ This coincided with the deliberate shift within UNRWA from top-down management to strategies of refugee consultation, participation, and political empowerment.⁶² During this period, UNRWA also facilitated grassroots refugee committees, in opposition to the PLO, which pursued complete repatriation in place of a negoti-



Rather than focus on its original mandate of resettlement, UNRWA has become a politicized advocate for the Palestine cause of repatriation as seen in this sign from the UNRWA-established Dheisheh refugee camp in the West Bank.

ated settlement.⁶³ In conjunction with the work of a new generation of Palestinian intellectuals, especially lawyers, operating outside the region, the right of return was placed at the center of the new, rights-based political agenda. UNRWA’s policy of stakeholder participation and expanding mandates meshed perfectly with the spread of the rights-based approach. This, in turn, has influenced the agency itself, in terms of policy and rhetoric.

In structural terms as well, stakeholder participation and decentralization of planning, decision-making, and responsibility, along with the reality of some 30,000 Palestinian employees and a half billion dollar annual budget funded by the West, makes resettlement an unlikely prospect.⁶⁴ UNRWA appears inextricably rooted in Palestinian society.

Small wonder, therefore, that in the first de-

59 Report of the commissioner-general, UNRWA, July 1, 1977-June 30, 1978, A/33/13 (Supp.), para. 3.

60 See, for example, Kurt Rene Radley, “The Palestinian Refugees: The Right to Return in International Law,” *American Journal of International Law*, July 1978, pp. 586-614; Donna E. Arzt and Karen Zughuib, “Return to the Negotiated Lands: The Likelihood and Legality of a Population Transfer between Israel and a Future Palestinian State,” *New York University Journal of International Law and Politics*, 4 (1991-92): 1399-1513; John Bernard Quigley, “Repatriation of the Displaced Arabs of Palestine: The Legal Requirement as Seen from the United Nations,” Ohio State public law working paper, no. 60, Moritz College of Law, Apr. 2006.

61 Ghada Hashem Talhami, *Palestinian Refugees: Pawns to Political Actors* (New York: Nova Science Publishers, 2003), pp. 190-211; Jalal al-Husseini, “Visions palestiniennes du ‘droit au retour’ des réfugiés, sept ans après le début de la seconde Intifada (2000-2007),” *a contrario*, 1 (2008): 6-22.

62 Terry Rempel, “UNRWA and the Palestine Refugees: A Genealogy of Participatory Development,” *Refugee Survey Quarterly*, 2-3 (2009): 424-6.

63 See, for example, Jalal al-Husseini, “The Future of UNRWA: A Palestinian Perspective,” in *The Final Status Negotiations on the Refugee Issue: Positions and Strategies* (Ramallah: Department of Refugee Affairs, Palestine Liberation Organization, 2000), pp. 101-12; “Palestinian Refugees and the Politics of Peacemaking,” International Crisis Group Middle East Report, no. 22, Feb. 5, 2004.

64 “Organisational Effectiveness Assessment, United Nations Relief and Works Agency for Palestine Refugees in the Near East,” vol. 1, Multilateral Organisation Performance Assessment Network, Dec. 2011, p. 3.

**UNRWA's
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cade of the twenty-first century, the right of return has become an integral part of UNRWA doctrine. In a 2008 press release, for example, Volker Schimmel, UNRWA project officer for the Neirab Rehabilitation Project in Syria, stated, "We want to allow Palestinians to live in dignity ... Choosing not to live in misery does not mean that they will forfeit their right of return."⁶⁵ Filippo Grandi, UNRWA's deputy commissioner-general, was equally blunt when, with regard to the same housing project, he stated at a conference at Bir Zeit University: "The project has broken many traditional taboos: For the first time all stakeholders have agreed that improving living conditions did not compromise the right of return."⁶⁶

In a 2011 interview, UNRWA spokesman Chris Gunness made the same point: "Established principles and practice—

as well as realities on the ground—clearly refute the argument that the right of return of Palestine refugees would disappear or be abandoned if UNHCR were responsible for these refugees."⁶⁷ The expression is also used in the UNRWA medium term strategy document.⁶⁸ Leila Hilal, former legal advisor to the Palestinian Negotiations Department and the Palestinian negotiations team at Annapolis and subsequently senior policy advisor to the UNRWA commissioner-general (now on the staff of the New America Foundation),

opined that the right of return and the "principle of refugee choice" are absolute prerequisites, even if situated within a "menu of permanent destination choices" as envisioned by U.S. president Bill Clinton in a 2000 proposal to end the Palestinian-Israeli conflict.⁶⁹

These and similar statements are significant; at one level, they reach the press and grassroots, reassuring the refugees of UNRWA's commitment to the right of return.⁷⁰ At another, they reach Palestinian and Arab intellectuals who carry on the nationalist project through education, NGO action, and in international settings. Pressure on UNRWA from groups such as the Global Palestine Right of Return Coalition⁷¹ also put demands on the agency from the rights-based legal paradigm, as well as the right of return, and boycott, divestment, and sanctions paradigms.

UNRWA's senior leadership has been cover, if no less committed. In a 2008 lecture at Oxford University, Commissioner-General Karen Koning AbuZayd claimed that on "questions such as the right of return, for example, there is fear that the preference, if left to refugees, would be for a return en masse. From my own experience with other groups of refugees, I can say that refugees often surprise us with the wisdom of their choices—if, that is, we enable and empower them to choose." Yet her assertion that "for sixty years, Palestine refugees have been in exile from their ancestral lands" can only be interpreted as an endorsement of the right of return, whether in a broad or limited sense.⁷²

65 "UNRWA Embarks on Large-scale Camp Rehabilitation with Support of UAE Red Crescent Society," *Refugee Stories*, UNRWA, Aleppo, Apr. 2008.

66 Filippo Grandi, deputy commissioner-general, UNRWA, "UNRWA: Present Dilemmas and Future Prospects," International Workshop, The Palestinian Refugees: A Comparative Approach, Law Institute, Bir Zeit University, West Bank, Mar. 15, 2008.

67 Chris Gunness, UNRWA spokesman, "Exploding the myths: UNRWA, UNHCR and the Palestine refugees," interview, Ma'an News Agency, Jerusalem, June 27, 2011.

68 *UNRWA Medium Term Strategy 2010-2015*, UNRWA, para. 105, accessed June 29, 2012.

69 Leila Hilal, "Peace Prospects and Implications for UNRWA's Future: An International Law Perspective," paper presented at the Policy and Governance in Palestinian Camps conference, sponsored by UNRWA and the Issam Fares Institute for International Affairs, American University of Beirut, Oct. 8-9, 2010, p. 9.

70 See Hussein and Bocco, "The Status of the Palestinian Refugees in the Near East," pp. 275-6, fig. 1, 3; Riccardo Bocco, et al., *Palestinian Public Perceptions on Their Living Conditions, The Role of International and Local Aid during the Second Intifada*, Report V (Geneva: Graduate Institute of Development Studies, University of Geneva, Dec. 2002), pp. 134-6, figs. 6.20, 6.21.

71 "Final Statement: Global Palestine Right of Return Coalition-10th Annual Meeting, Beirut, Dec. 5-11, 2010," BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem.

72 Karen Koning AbuZayd, "Palestine Refugees in Their 60th Year: Issues of Human Rights," Public Policy and International Law Conference, Oxford University, Nov. 27, 2008.

Commissioner-general Peter Hansen was less equivocal when he argued in a 2004 lecture, regarding the return of refugees to their homes in other conflict zones: “Rightly or wrongly, the Palestine refugees view this difference in approach as a double standard in the application of international law. This perception of a double standard must end if international law is to retain its meaning and relevance in the Middle East as a whole.”⁷³

CONCLUSIONS

UNRWA’s ever-expanding mandates, operations and responsibilities, rhetoric, and institu-

tional culture all work against resettlement. As a result, the right of return has been inculcated as part of UNRWA’s culture at all levels and has been rationalized through the rights-based approach. UNRWA can thus be expected to oppose any negotiated settlement that does not contain the right of return in some explicit form, not least since only its parent organization, the General Assembly, has “a permanent responsibility towards the question of Palestine until the question is resolved in all its aspects in a satisfactory manner in accordance with international legitimacy.”⁷⁴ This arrogation represents another impediment to the question of UNRWA and the fate of the Palestine Arab refugees as well as to peace as a whole.



73 Peter Hansen, “UNRWA’s Operational Environment and the Role of International Law,” Steinkraus-Cohen International Law Lecture, London School of Economics, Apr. 28, 2004.

74 UNGA res. 57/107, Dec. 3, 2002.

Iran to Ban Chicken Eating on TV

As a last resort to fight soaring food prices, a top Iranian official has proposed a ban on images of people eating chicken on television.

National Police Chief Esma’il Ahmadi Moghadam suggested that images of chicken should be banned from state television, fearing that they may provoke attacks on affluent Iranians by the underprivileged, reports the Mehr News Agency,

“Films are now the window to society, and some of those witnessing the class gap may say: ‘We will take our knives and take our rights from the rich,’” said Moghadam.

The price of a kilo of chicken is now hovering at the \$5 mark, compared to \$2 before sanctions were imposed by Western governments earlier this month as a cause of Iran’s continuing nuclear program.

The government has attempted to offer discounted chicken, which attracts queues of up to 14 hours in some Iranian cities. A video posted on YouTube reportedly shows a rush to buy chicken at a state cooperative.

It was also reported that in a recent broadcast of a film first produced in 1986, where one character mentions the price of clementines, the audio was dubbed in order to conceal the truth about inflation.

However, chicken has become the central symbol of the regime’s inability to provide affordable food, with many people venting their anger on social media websites. One Iranian Internet activist, Vahid Online, sarcastically wrote: “This program may contain images of cooked chicken.”

Mehr News Agency (Tehran), July 18, 2012