

Why a Special Issue on UNRWA?

by Steven J. Rosen

Led by the United States, the founders of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the institution tasked with oversight of the Palestine refugees, conceived of it as a temporary instrument to help relieve the plight of the Arab refugees displaced by the struggle over Israel's creation in 1948-49. But over the ensuing sixty-three years, UNRWA has evolved into an agency that perpetuates the refugee problem as a source of conflict rather than contributing to its resolution. Its refugee camps and educational programs keep alive the impossible dream that millions of descendants of the original refugees will "return" to today's Israel. Its social service delivery programs create permanent dependency and impede local integration into the societies and countries where its beneficiaries have resided for decades. Unlike its sister agency, the United Nations High Commissioner for Refugees (UNHCR), which is responsible for millions of non-Palestinian refugees worldwide, it does not have an active program for "local integration" of refugees where they now reside nor "resettlement" in third countries. This special issue will explore the extent to which UNRWA has complied with its original mandate and ways and means for its reform.

THE ORIGINAL REINTEGRATION MISSION

It was not always the case that UNRWA stood in the way of local integration and resettlement. In its early years, particularly from 1949 to 1960, UNRWA followed a declared policy of "reinte-

gration" of Palestinian refugees into the normal life of the Middle East, a term understood to include resettling large numbers of them outside Israel.

UNRWA's reintegration program was endorsed by U.N. General Assembly resolution 393 (V), enacted on December 2, 1950. It called for "the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement," which "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." The resolution also instructed UNRWA "to establish a reintegration fund ... for the permanent reestablishment of refugees and their removal from relief."¹

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Founded in 1949 as a temporary instrument to help relieve the plight of the Arab refugees displaced by the struggle over Israel's creation in 1948, UNRWA has, over the ensuing sixty-three years, evolved into an agency that perpetuates the refugee problem as a source of conflict rather than contributing to its resolution. Here a Palestinian man overlooks the site of a future school in one of the first refugee camps.

In November 1951, UNRWA's second director, John Blandford, Jr., proposed a three-year, \$200 million program to reintegrate 150,000-200,000 refugees into their Arab host countries.² Blandford's plan was endorsed by U.N. General Assembly resolution 513 of January 26, 1952, which tasked UNRWA "to explore with the governments ... their assuming administration of reintegration projects at the earliest possible date."³ Seven years later, the concept was reaffirmed by U.N. secretary-general Dag Hammarskjöld, who called for the "reintegration" of refugees "into the economic life of the area."⁴

For its part, Washington was a foremost advocate of the reintegration program as evidenced

by various State Department plans and proposals, including those in May 1949, May 1953, July 1957, March 1959, and June 1960. To this must be added the 1954 Anglo-American Alpha Plan, a plan proposed by Secretary of State John Foster Dulles as well as a bold initiative by Secretary of State Christian Herter and approved by President Dwight Eisenhower in June 1960.

But since 1960, successive administrations have ignored or forgotten the reintegration idea, and U.S. allocations of funds to UNRWA have been devoted to maintaining the few surviving refugees and their much more numerous descendants in unsettled conditions, turning them into a growing source of conflict.

Today, neither UNRWA's "Medium Term Strategy 2010-2015,"⁵ nor the official "Framework for Cooperation between UNRWA and the Government of the United States,"⁶ mentions reintegration at all, nor do congressional appropriations of funds for UNRWA make allocations for reintegration as they did in earlier years.

Former UNRWA general counsel James G. Lindsay remarked that "neither the donors nor the General Assembly has pressed UNRWA on 'reintegration' in quite some time."⁷ Lance Bartholomeusz, former head of the International Law Division of UNRWA, said, "This part of the mandate probably ended by 1960 when reference

1 U.N. General Assembly (UNGA) res. 393 (V), "Assistance to Palestine Refugees," New York, Dec. 2, 1950.

2 John Blandford, Jr. to Advisory Commission, UNRWA, Memorandum No. 18, Jan. 30, 1951.

3 UNGA res. 513 (VI), Jan. 26, 1952.

4 "12 Proposals of the United Nations Secretary General [Dag Hammarskjöld] on Palestine Refugees," Report A-4121, June 15, 1959.

5 "Medium Term Strategy 2010-2015," UNRWA, Dec. 31, 2009.

6 "Framework for Cooperation between UNRWA and the Government of the United States of America for 2012," Bureau of Population, Refugees, and Migration, U.S. Dept. of State, Washington, D.C., Mar. 14, 2012.

7 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. 14-5.

to ‘reintegration’ was dropped from General Assembly resolutions relating to UNRWA, reflecting some acknowledgment that this objective had been defeated.”⁸ And Peter Hansen, former commissioner-general of UNRWA, said in 2004, “The agency’s mandate has repeatedly been refined and shaped by other General Assembly resolutions, which have allowed it to shift its focus from reintegration efforts in its early years to human development projects through to this very day.”⁹

And so UNRWA abandoned its original mission of relief extension and conflict resolution, evolving into an agency for the perpetuation of unsettled claims against Jerusalem for millions of persons born in the years after the founding of Israel in 1948.

A PERPETUAL SELF-EXPANSION MACHINE

At its inception on May 1, 1950, UNRWA served approximately 750,000 persons whom it considered Palestine refugees. Due to natural attrition, most of those original refugees are no longer alive today. Yet the number of “refugees” now registered with UNRWA has grown exponentially instead of declining, with almost 5,000,000 persons registered as Palestinian refugees—seven times as many as those registered sixty-two years ago.

This has been made possible through the addition of descendants of refugees (along the male line) to UNRWA’s refugee rolls, regardless of how much time has passed. Today, the vast majority of those classified by UNRWA as Palestinian refugees are in fact descendants of refugees, not persons who were ever refugees themselves. These are grandchildren and great-grandchildren born in Jordan, the West Bank, Gaza, Lebanon, Syria, and elsewhere—not in pre-1948 Palestine.

According to a projection published by the

Projected Growth of UNRWA Refugee Rolls

1950:	750,000
2010:	4,880,377
2020:	6,432,567
2030:	8,478,434
2040:	11,174,981
2050:	14,729,159
2060:	19,413,735

Source: Mick Dumper, “Future Prospects for the Palestinian Refugees,” *Refugee Survey Quarterly*, 2-3 (2009): 563-6.

United Nations High Commission for Refugees extrapolating from UNRWA’s past growth rates, by 2030, UNRWA’s refugee list will expand another 70 percent to 8.5 million.¹⁰ In fact, at the same growth rate, by 2060 there will be four times as many Palestinian refugees as there are today and twenty-five times the number registered by UNRWA in 1950—though not a single one of the original Palestinian refugees is likely still to be alive by then.

This represents a drastic break with UNRWA’s early practice. In 1950, its first director told 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.”¹¹ His definition made no reference to descendants.

Not until 1965, fifteen years after its creation, did an UNRWA commissioner-general decide, against objections from the United States government, to create “an extension of eligibility, subject to need, to the third generation of refugees (that is, to children of persons who were themselves born after 14 May 1948).”¹² And even then,

8 Lance Bartholomeusz, “The Mandate of UNRWA at Sixty,” *Refugee Survey Quarterly*, 2-3 (2009): 471.

9 Peter Hansen, “UNRWA’s Operational Environment and the Role of International Law,” London School of Economics, Apr. 28, 2004.

10 Mick Dumper, “Future Prospects for the Palestinian Refugees,” *Refugee Survey Quarterly*, 2-3 (2009): 563-6.

11 “Interim Report of the Director,” UNRWA document A/1451/rev.1, Oct. 6, 1950.

12 “The Palestine Question, Report of the UNRWA Commissioner-General,” *Yearbook of the United Nations 1965*, New York, Dec. 31, 1965, chap. XIV.

he extended eligibility only to the third generation, the grandchildren. According to political scientist Benjamin Schiff, Commissioner-general Laurence Michelmore's motive was driven by a short term budget imperative to "enlist the host-states' assistance in cutting the rolls ... he had offered a trade: If the governments would help rectify the rolls, he

would be willing to ... add third-generation refugees to the rolls."¹³

In 1982, or thirty-two years after its creation, UNRWA took another step forward by extending eligibility to all generations of descendants. It did so by obtaining a General Assembly resolution instructing UNRWA "to issue identification cards to all

Palestine refugees and their descendants"¹⁴ without any limitation on how many generations of descendency this practice would continue. This momentous decision was adopted without debate or a separate vote in the General Assembly.¹⁵

UNRWA went still further in 1992 by adding a provision that those descendants of Palestine refugee males who "are eligible to register for UNRWA services" and are registered with UNRWA, should be "referred to as Registered Refugees or as Registered Palestine Refugees" though they do not meet UNRWA's own standard of having lived in Palestine prior to May 1948.¹⁶ They are not persons "whose normal place of

residence was Palestine between June 1946 and May 1948, [and] who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict." In fact, fewer than 10 percent of today's UNRWA-classified refugees were born before 1948.¹⁷

Under U.S. law, a Palestinian who sought admission to the United States as a refugee on the grounds that his/her grandfather was a refugee would be ineligible for refugee status. The law specifically declares that a grandchild is ineligible for derivative refugee status.¹⁸ The standard form used by the Department of Homeland Security U.S. Citizenship and Immigration Services states: "A petition may not be approved for the following persons: ... (6) A parent, sister, brother, grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law."¹⁹ Other developed countries employ similar definitions.

Clearly, UNRWA's definition of descendants of refugees as refugees is artificial and misleading and undermines the possibility of resolving the refugee problem in future peace negotiations by manufacturing fictional "refugees" who vastly outnumber the actual remaining 1948 refugees. And five million is such a huge number that even Palestinian Authority president Mahmoud Abbas has acknowledged that asking Israel to repatriate this number "would mean the end of Israel."²⁰

FAILURE TO ENFORCE THE "CESSATION" RULE

The United States is a signatory to and a strong supporter of the 1951 Convention Relating to the Status of Refugees, as are 143 other governments.²¹ That convention states that a person shall

13 Benjamin N. Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians* (Syracuse: Syracuse University Press, 1995), pp. 7, 53-4.

14 UNGA res. 37/120, sec. I, Dec. 16, 1982.

15 "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, 16 Dec. 1982 without vote, A/37/723, accessed May 23, 2012; Dag Hammarskjöld Library, Voting Record Catalogued, UN resolution A/RES/37/120A, Working Group on the Financing of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: resolution / adopted by the General Assembly, Vote Notes: Adopted Without A Vote, Vote Date: 19821216, Agenda Information: A/37/251 65—United Nations Relief and Works Agency for Palestine Refugees in the Near East.

16 "Consolidated Eligibility and Registration Instructions," UNRWA, p. 3, accessed May 18, 2012.

17 "UNRWA Statistics-2010," UNRWA, Nov. 2011, p. 6.

18 "Derivatives of Refugees," Immigration and Naturalization Service, Dept. of Homeland Security, Washington, D.C., 8 CFR 207.7, sec. (b)(6), pp. 177-8.

19 "Refugee/Asylee Relative Petition," U.S. Citizenship and Immigration Services, Dept. of Homeland Security, form I-730.

20 "The Palestine Papers: The Documents," *The Guardian* (London), Jan. 24, 2011.

21 "States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol," United Nations High Commissioner for Refugees (UNHCR), Geneva, Apr. 2011.

The PA's Abbas acknowledged that asking Israel to repatriate all of UNRWA's refugees "would mean the end of Israel."

no longer be considered a refugee if “(3) He has acquired a new nationality and enjoys the protection of the country of his new nationality.”²² The United Nations High Commissioner for Refugees, charged with implementing the refugee convention for all refugees in the world other than those Palestinians covered by UNRWA, is guided by this principle²³ as is the European Union, which provides 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.”²⁴ When UNHCR refugees get citizenship in another country, they are taken off its list. But when UNRWA “refugees” get new citizenships, they are still considered refugees.

Most recipients of UNRWA services in Jordan have been given citizenship in that country,²⁵ but UNRWA continues to define them as refugees. Of the two million Palestinian refugees registered in Jordan, all but 167,000 have citizenship under Jordanian law,²⁶ which grants citizen-

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UNRWA's rules continue to classify its beneficiaries living in the West Bank and Gaza as refugees even though the Palestinian Authority classifies them as citizens living in their “homeland” and issues them passports. This Palestinian carries a passport from the authority.

ship to “[a]ny person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954.” In addition, the law states: “The children of a Jordanian man shall be Jordanian wherever they are born.”²⁷ Yet a great grandchild of a Jordanian citizen who was a Palestinian refugee, born tomorrow morning in Amman, is entitled to UNRWA refugee status for life.

REFUGEES IN THEIR OWN “HOMELAND”?

Another peculiar practice of UNRWA is to classify its beneficiaries living in the West Bank and Gaza as refugees although the Palestinian Authority (PA) classifies them as citizens living

22 *Convention and Protocol relating to the Status of Refugees*, UNHCR, 1951, 1967, UNGA res. 2198 (XXI), accessed May 18, 2012.

23 “The Cessation Clauses: Guidelines on their Application,” UNHCR, Apr. 1999, art. 1C.

24 “Cessation,” European Council Directive 2004/83/EC, Luxembourg, Apr. 29, 2004, art. 11.

25 “Jordan’s Position on Palestinian Refugees,” King Abdullah II interview with *Asharq al-Awsat* (London), Jan. 23, 2007, Embassy of the Hashemite Kingdom of Jordan, Washington, D.C.

26 “Jordan: Refugees and Asylum Seekers,” *World Refugee Survey 2008*, U.S. Committee for Refugees and Immigrants, Arlington, Va., p. 104; Lindsay, “Fixing UNRWA,” p. 53.

27 *Law No. 6 on Nationality*, Hashemite Kingdom of Jordan, Jan. 1, 1954, arts. 3, 9.

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UNRWA has grown from an agency servicing approximately 750,000 people to one assisting almost 5,000,000. This has been made possible through the addition of descendants of refugees; today, the vast majority of those classified as Palestinian refugees are, in fact, the grandchildren and great-grandchildren of people born outside pre-1948 Palestine. This young "refugee from 1948 Palestine" lives in Shatila camp, Beirut.

in their "homeland" according to the Palestinian Basic Law of 2003: "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."²⁸ The PA also issues passports to its citizens, in accordance with the Israel-PLO Declaration of Principles of September 13, 1993.²⁹

Washington and almost the entire international community view UNRWA beneficiaries in the West Bank and Gaza as future citizens of the prospective Palestinian state, who already live in their homeland. U.S. President Bill Clinton told a Palestinian negotiating team in December 2000,

The solution [to the refugee problem] will have to be consistent with ... the state of Palestine

28 *2003 Amended Basic Law*, Palestinian Authority, Ramallah, Mar. 18, 2003, arts 28, 7.

29 "Palestine/Occupied Territories: Information on Passports issued by the Palestine National Authority," U.S. Dept. of Homeland Security, Washington, D.C., Dec. 17, 1998.

as the homeland of the Palestinian people and the state of Israel as the homeland of the Jewish people ... The Palestinian state would be the focal point for Palestinians who choose to return to the area ... We need to adopt a formulation on the right of return that will make clear that there is no specific right of return to Israel itself ... Return to the West Bank, Gaza Strip, and areas acquired in the land swap would be the right of all Palestinian refugees.³⁰

President George W. Bush wrote in a letter of assurances to Prime Minister Ariel Sharon in April 2004, that the "solution to the Palestinian refugee issue as part of any final status agreement will need to be found through the establishment of a Pales-

tinian state, and the settling of Palestinian refugees there, rather than in Israel."³¹ A concurrent resolution of the U.S. Congress supported this principle by overwhelming bipartisan majorities,³² and President Barack Obama's Mideast envoy, George Mitchell, reaffirmed it in 2009.³³

In January 2008, while a presidential hopeful, Obama said, "The right of return [to Israel] is something that is not an option in a literal sense."³⁴ He argued in June 2011 that a "lasting peace will involve two states for two peoples: Israel as a Jewish state and the homeland for the Jewish

30 "The Clinton Parameters," Clinton Proposal on Israeli-Palestinian Peace, White House, Dec. 23, 2000.

31 U.S. President George W. Bush to Prime Minister Ariel Sharon, Israel Ministry of Foreign Affairs, Jerusalem, Apr. 14, 2004.

32 Concurrent res. 460, 108th Congress, 2nd sess., Washington, D.C., June 24, 2004.

33 *Ha'aretz* (Tel Aviv), Jan. 29, 2009.

34 *The Jerusalem Post*, Jan. 29, 2008; *Turkish Weekly* (Ankara), Jan. 30, 2008.

people, and the state of Palestine as the homeland for the Palestinian people.”³⁵ Even PA president Abbas told his negotiations support unit: “On numbers of refugees, it is illogical to ask Israel to take five million, or indeed one million. That would mean the end of Israel. ... All refugees can get Palestinian citizenship (all five million), if they want to (for example, Palestinian refugees in Jordan may not wish so, while for refugees in Lebanon there is a need.)”³⁶ Saeb Erekat, the chief Palestinian negotiator, told Mitchell that the “Palestinians will need to know that 5 million refugees will not go back” to Israel.³⁷ Abbas gave the U.S. mediators a paper proposing that only a “symbolic number of refugees return” to Israel.³⁸

Palestinians in the West Bank and Gaza are already residing in their own self-proclaimed homeland, building by their own account the instruments of their future state. Yet UNRWA colludes in the practice of defining them artificially as refugees, encouraging unending claims against Israel that perpetuate conflict.

UNHCR STANDARDS ARE NOT THE SOLUTION

It has been argued that UNRWA’s role in perpetuating the refugee problem could be redressed if it were required to apply the standards used by UNHCR. But UNRWA’s fiefdom is protected by a statutory barrier. The 1951 convention on the status of refugees provides: “This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than United Nations High Commissioner for Refugees protection or assistance.”³⁹ The wording was designed to pro-

35 President Obama, address, American Israel Public Affairs Committee Policy Conference, Washington, D.C., May 22, 2011.

36 “Meeting Minutes: Mahmoud Abbas and NSU Advisors, Mar. 24, 2009,” al-Jazeera Transparency Unit, Doha.

37 “Meeting Minutes: Saeb Erekat and George Mitchell, Oct. 21, 2009,” al-Jazeera Transparency Unit, Doha.

38 “Meeting Minutes: Saeb Erekat – Amb. David Hale, Jan. 15, 2010,” al-Jazeera Transparency Unit, Doha.

39 *Convention and Protocol relating to the Status of Refugees*, art. 1-D, accessed May 18, 2012.

tect UNRWA, founded a year earlier.

Moreover, a closer look at UNHCR reveals more permissive standards for derivative refugee status. As UNRWA spokesman Chris Gunness noted, the UNHCR Procedural Standards for Refugee Status Determination makes it

very clear that in accordance with the refugee’s right to family unity, refugee status is transferred through the generations. According to Chapter 5.1.2 “all unmarried children of the Principal Applicant who are under 18 years ... should be considered to be eligible for derivative status under the right to family unity,” and Chapter 5.1.1 states that “individuals who obtain derivative refugee status ... should retain this status notwithstanding the ... fact that the child reaches the age of majority.”⁴⁰

UNHCR confers derivative refugee status on the basis of family unity where there is a relationship of dependency. “As a matter of general practice, UNHCR does not promote the reunification of ... grandchildren... unless they can be determined to be eligible under the principle of dependency.” This can mean financial dependency, “but also taking emotional dependency into consideration.”⁴¹ And UNHCR’s concept of dependency is astonishingly broad.

In most circumstances, the family unit is composed of more than the customary notion of a nuclear family [husband, wife and minor children] ... In many societies, extended family members such as parents, brothers and sisters, adult children, grandparents, uncles, aunts, nieces and nephews, etc., are financially and emotionally tied to the principal breadwinner

UNRWA encourages unending claims against Israel that perpetuate conflict.

40 “Exploding the Myths: UNRWA, UNHCR and the Palestine Refugees,” Ma’an News Agency (Bethlehem), June 27, 2011.

41 “Family Reunification in the Context of Resettlement and Integration,” Annual Tripartite Consultations on Resettlement, UNHCR, Geneva, June 20-21, 2001, p. 5, 6.

or head of the family unit. ... For spouses, UNHCR considers not only legal unions [i.e., sanctioned by civil authorities], but also couples who are engaged to be married, those who have entered a customary marriage [known in some countries as “common-law” marriages], or couples who have lived together for a substantial period establishing a family unit. In this vein, UNHCR also recognizes same sex partnerships as unions for purposes of family reunification. ... UNHCR also recognizes polygamous marriages in its criteria of eligible unions.⁴²

It is true that, UNHCR’s basic standard is the nuclear family and that subsequent generations are given derivative refugee status only on an exceptional basis⁴³ while UNRWA automatically grants grandchildren and great-grandchildren refugee status. But UNRWA defenders such as Guinness can argue that the two agencies are guided by the same basic principles.

IN THIS ISSUE

Is it possible to reform UNRWA, so that it contributes to a durable solution to the refugee problem by returning to its original mission of reintegration of the refugees into the normal life of the Near East instead of perpetuating this source of conflict? Or is it constitutionally and politically bound to its present destructive role? These are the main questions addressed by this special issue of the *Middle East Quarterly*.

Alex Joffe looks at UNRWA’s resistance to any solution other than repatriating millions of refugees and their descendants to Israel—per-

haps the foremost obstacle to Israeli-Palestinian peace.

Nitza Nachmias analyzes UNRWA’s abandonment of its original mission of reintegrating the refugees “into the normal life of the Near East” and its role in perpetuating their predicament. By contrast, Emanuel Marx argues that UNRWA has effectively reintegrated refugees into the normal life of the Middle East though its officials have carefully disguised this reality for fear of criticism by the refugee population and various political factors.

Uri Resnick, an Israeli Foreign Ministry expert on UNRWA, contrasts the agency’s mandate with other policies it has appropriated for itself.

Asaf Romirowsky explores Washington’s complicity in the betrayal of UNRWA’s original mandate while Brig. Gen. (Ret.) Baruch Spiegel, former deputy head of the Ministry of Defense office that works most closely with UNRWA, explains the paradox of Israel’s “marriage of convenience” with a hostile and highly problematic U.N. agency.

Two other articles look at UNRWA’s failure to protect Palestinians. David Schenker examines the agency’s indifference to the civil rights and human needs of Palestinians residing in its Lebanon camps. This author explores UNRWA’s failure even to record the Kuwaiti government’s 1991 expulsion of 400,000 long-term Palestinian residents from its territory.

Finally, James Lindsay, legal adviser and general counsel of UNRWA in 2002-07, argues that solutions to many of the agency’s problems are impeded by the automatic support it gets from the anti-Israel majority in the U.N. General Assembly, then recommends steps to be taken by the U.S. government, UNRWA’s largest donor, to reform the organization.



42 Ibid.

43 Ibid., p. 8.