

UNRWA AND THE PALESTINIAN REFUGEES AFTER SIXTY YEARS: SOME REFLECTIONS

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This volume of *Refugee Survey Quarterly* marks the 60th anniversary of the United Nations Relief and Works Agency for Palestine Refugees¹ in the Near East (UNRWA). Unlike its sister agency UNHCR, which is mandated to assist and protect refugees worldwide, UNRWA remains dedicated to supporting and protecting Palestinian refugees.² The Agency has undergone extensive reformation since its inception in response to operational challenges and evolving refugee needs and has sought to remain abreast of emerging international practices. As such, it became a leader in responding to protracted refugee situations. The aim of this volume is to pay tribute to the important role UNRWA has played on behalf of Palestinian refugees and to engage in reflection and debate that might foster the Agency's continued success in fulfilling its mandate and help the refugees live in dignity pending a just and comprehensive solution to their plight.

When the United Nations General Assembly met in December 1949 to consider the establishment of a successor to the United Nations Relief for

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¹ UNRWA is mandated to support *Palestine* refugees, that is, refugees from the territory that had been under the British Mandate for Palestine, regardless of nationality. Although the vast majority of refugees who have been assisted by UNRWA are Palestinians, over 1 per cent of those registered have a different national background.

² On 8 Dec. 1949, the United Nations General Assembly adopted UNGA res. 302(IV) establishing UNRWA. Five days earlier, on 3 Dec. 1949, it had set up UNHCR; UNGA res. 319(IV) refers. Whereas UNRWA is the principal Agency supporting Palestinian refugees, UNHCR's mandate covers Palestinians who are refugees, which could include *Palestine* refugees as defined by UNRWA. Ordinarily, UNHCR only addresses the case of Palestinian refugees when they are outside UNRWA's area of operations. For the past 60 years UNRWA and UNHCR have been cooperating, each within its respective mandate, and in close coordination with the host states, to support and protect Palestinian refugees. For a more detailed description of the complementary mandates of UNRWA and UNHCR in support of Palestinian refugees, see "The United Nations and Palestinian Refugees", UNRWA & UNHCR, 2005, available at: http://www.un.org/unrwa/publications/pubs07/UN&PR_en.pdf (last visited 1 Dec. 2009).

Palestine Refugees,³ it was presented with a draft resolution sponsored by France, Turkey, and the United States, the three countries comprising the United Nations Conciliation Commission for Palestine (UNCCP)⁴ as well as the United Kingdom.⁵ The draft came in response to the announcement that the non-governmental agencies providing relief to the more than 700,000 Palestinians, who had become refugees as a result of the 1948–9 Arab–Israeli War, would be unable to continue the aid operation beyond the autumn of 1949. In addition, during the second half of 1949, the United States as chair of the UNCCP, began seeking alternatives to repatriation as the solution to the plight of the refugees foreseen by the international community.⁶ Invited by the UNCCP, Gordon Clapp, then president of the Tennessee Valley Authority (TVA), visited the Near East in 1949 to explore whether the US solution to the drought of the 1930s and 1940s could be replicated in the Jordan Valley and beyond.⁷ The Economic Survey Mission, as Clapp’s visit became known, provided an upbeat assessment of the potential for economic development in the Near East in its report published in September 1949.⁸ In it, Clapp recommended the establishment of an Agency under the auspices of the United Nations that could lead the large-scale development effort he envisioned.

Countries hosting refugees from Palestine cautiously welcomed Clapp’s mission and much suspicion and scepticism remained. This was triggered, in part, by the omission of Palestine refugees and of United Nations General Assembly Resolution 194 from the initial draft resolution incorporating the recommendations of the Economic Survey Mission. Resolution 194 not only established the UNCCP but also included, in paragraph 11, the resolve

³ UNGA res. 212(III), 19 Nov. 1948, establishing the UNRPR. Apparently in response to the criticism concerning the UN Disaster Relief Project set up by the UN Mediator for Palestine earlier in the same year, the General Assembly saw a major role for the Red Cross and other voluntary agencies in the 32 million dollar relief plan it adopted on 19 Nov. 1948. UNRPR contracted with ICRC, LRCS, and AFSC to carry out relief activities in Dec. 1948–Aug. 1949. UNRPR effectively replaced the Disaster Relief Project.

⁴ See UNGA res. 194 (III), 11 Dec. 1948. UNCCP was created three weeks after the establishment of UNRPR to deal with the general task of a peaceful settlement, including of the refugee issue.

⁵ See E. H. Buehrig, *The UN and the Palestinian Refugees: A Study in Non Territorial Administration*, Bloomington, Indiana University Press, 1971, 36.

⁶ In para.11 of UNGA res. 194 (III) which had established the UNCCP, the General Assembly resolved 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 of authorities responsible”. Para. 11 also instructed the UNCCP: “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”. See also the contribution by J. Al-Husseini and R. Bocco in the present volume.

⁷ The TVA was created in 1933 to provide navigation, flood control, electricity generation, fertilizer manufacturing, and economic development in the Tennessee Valley, a region particularly impacted by the Great Depression.

⁸ ‘First Interim Report of the United Nations Economic Survey Mission for the Middle East’, appended to UNCCP, *Final Report of the United Nations Economic Survey Mission for the Middle East, Part I (The Final Report and Appendices) and Part II (The Technical Supplement)*, UN doc. A/AC.25/6, New York, 1949.

of the international community to permit the refugees to return to their homes.⁹ In response to host country and broader Arab criticism, the draft was amended to accommodate the aforementioned concerns and subsequently adopted without dissent on 8 December 1949. UNRWA was established by a vote of 48-0-6. Five communist governments and South Africa abstained. All of the Arab governments and Israel voted in support of the resolution.¹⁰

The new agency commenced operations on 1 May 1950, focusing in part on continued relief operations in support of the nearly 1 million refugees and other recipients of aid it inherited from its predecessor and also on the large-scale development schemes envisioned by the Economic Survey Mission. Many of its initial international personnel, including its second Director,¹¹ John Blandford, Jr, were seconded by the TVA. In December 1950, UNRWA was provided with a 200 million dollar Reintegration Fund. However, as early as the spring of 1951, agency officials recognized that the expensive work relief, works projects, and emigration activities held little promise to resolve the economic difficulties of the refugees.¹² By 1956, when the Suez Crisis broke out, only about twenty-seven and a half million of the 200 million dollar fund had been used and, from then on, the large-scale development effort was shelved. In the words of Schiff,

[i]n retrospect, it took a dollop of optimism, or naïveté, to believe that the refugee problem could be solved with these ambitious water schemes. All the ingredients to thwart the plans were present: the states of the region were mutually suspicious; the effort required allocation of a scarce resource over which participating countries were prepared to fight; the client population did not want to be moved, except back to their homes; and the time schedule for success, set by U.S. enthusiasm, was very short. In a pattern later repeated across the Third World, an economic development plan devised by western experts evaporated when exposed to the dry winds of local, economic, political and cultural realities.¹³

At the same time, the refugees remained in need of international support and hence UNRWA's mandate was repeatedly extended. From the mid-1950s onward, UNRWA's relief mandate shifted from continuing the emergency assistance previously provided by its predecessor – food, shelter, clothing, and basic health care – to more comprehensive support for social development of the Palestine refugee population.¹⁴ Education rapidly replaced relief as UNRWA's central programme, with the Agency establishing a strategic partnership with

⁹ See Buehrig, *The UN and the Palestinian Refugees*, *op. cit.*

¹⁰ Cf. *ibid.* The text of the resolution appears in the document section at the end of this volume.

¹¹ The title of UNRWA's chief executive officer was Director; until 1962 at which time it became Commissioner-General.

¹² Cf. B. N. Schiff, *Refugees unto the Third Generation: UN Aid to Palestinians*, Syracuse, Syracuse University Press, 1995, 21.

¹³ *Ibid.*, 37.

¹⁴ On this shift in UNRWA's approach, see the contribution of M. Rosenfeld in this volume.

United Nations Educational, Scientific and Cultural Organization (UNESCO), adopting the host country curriculum to its schools and successfully introducing vocational and technical training in addition to its basic education programme. A similar partnership with WHO formed the basis for UNRWA's highly cost-effective primary health-care programme. As the refugees gradually attained self-sufficiency, dependence on direct relief dropped so drastically that, by the mid-1980s, UNRWA was able to replace its general ration programme with a much more selective programme targeting families in special hardship.

UNRWA's pioneering human development strategy proved a success. Some 1.42 million pupils¹⁵ graduated from UNRWA's basic nine year¹⁶ education cycle, paving the way to economic self-sufficiency for the vast majority of the refugees.¹⁷ Literacy rates among Palestine refugees compare well with regional and global levels and enrolment statistics have revealed gender equity since the 1960s. At present, the Agency operates approximately 690 schools in Jordan, Lebanon, the Syrian Arab Republic, the Gaza Strip, and the West Bank, with an enrolment of nearly 500,000 children. More than 60,000 students have graduated from technical and vocational training programmes, offered by the Agency's ten vocational and technical training centres, since the Agency's founding. Approximately two-thirds of the registered refugees (approximately 3 million persons) obtain health services from 137 primary health-care centres. To respond to high rates of infant mortality, UNRWA introduced a special oral rehydration formula to treat mildly dehydrated diarrhoeic infants in 1957. The results were spectacular and the principle of oral dehydration therapy was later adopted globally by WHO and UNICEF. As a result of approaches like this one, infant, child, and maternal mortality rates are amongst the lowest in the region and nearly 100 per cent of refugee households are connected to water networks. Apart from recent emergencies, moreover, dependence on direct relief assistance reduced dramatically from nearly 100 per cent at UNRWA's inception to 6 per cent at present. The Relief and Social Services Programme has also been the catalyst for the development of a strong, community-based network of social services, comprising approximately sixty-five women programme centres, thirty-seven community-based rehabilitation centres for persons with disabilities, and thirty youth activity centres.

The outbreak of the first *Intifada* in 1987 and broader regional developments, including a growing acceptance within refugee communities that improving living conditions does not mean relinquishing the right of return,

¹⁵ The author is grateful to M. Rosenfeld of Hebrew University for her support in providing an accurate estimate of the number of students who completed at least nine years of basic education in UNRWA schools from the Agency's establishment until today. Unlike other statistics pertaining to UNRWA's many achievements, this critical piece of information was not easily available. The estimate is based on the interpretation of data in UNRWA annual reports, with approximations for missing data. It is believed that the margin of error does not exceed 2.5 per cent.

¹⁶ Ten years in Jordan.

¹⁷ See on the impact of UNRWA's education and other programmes on refugee youth, the contribution by D. Chatty in this volume.

provided a push for a number of programmatic innovations introduced from the early 1990s onwards. As a result, great progress was made, including with the introduction of a highly successful microfinance programme known as the Microfinance and Microenterprise Programme. Since its establishment in 1991–2, this programme has issued some 180,000 loans totalling 200 million USD, making it the largest non-bank financial intermediary in the region. UNRWA strives to reach full self-reliance and financial self-sufficiency for the programme as soon as possible, and aims to be fully independent in the next decade, in line with international best practice.¹⁸ Another innovation introduced by UNRWA relates to a more sustained and systematic effort on improving the physical infrastructure inside refugee camps.¹⁹ Since the early 1990s, some 13,500 refugee shelters were rehabilitated. In recent years, UNRWA developed and successfully piloted a participatory camp improvement methodology which is now being rolled out throughout the Agency's area of operations.²⁰ A new infrastructure and camp improvement department was created within UNRWA to increase capacity and develop efforts in this domain. The more developmental approach adopted since the early 1990s also saw a number of major water and sanitation projects implemented as well as the construction of a 232-bed general hospital in Gaza.

Apart from these "regular" programmes, refugees have also looked to UNRWA when crises strike. These may be small-scale family disasters, destitution arising from protracted emergencies (such as the first and second *Intifada* in the West Bank and Gaza); or large-scale emergencies that cause both immediate devastation and have long-term consequences (such as the 1967 war, the civil war in Lebanon between 1975 and 1990, the 2007 events resulting in the destruction of Nahr al-Bared in Lebanon, and the recent Gaza conflict). UNRWA has demonstrated repeatedly its ability to respond timely and appropriately to recurrent emergencies and is currently building capacity to better plan, manage, and monitor emergency response through dedicated capacity at headquarters and a network of Operations Support Officers across three of the five fields.²¹

In spite of these impressive achievements, UNRWA's 60th anniversary is no cause for celebration. Palestinians have been refugees and stateless persons for three generations, with no end in sight to their plight. Refugees are confronted with ongoing denial of their rights as well as recurrent armed conflict in UNRWA locations. After the relative optimism of the Oslo years, during which UNRWA began to harmonize services with those of the Palestinian

¹⁸ See UNRWA's *Medium Term Strategy 2010-2015*, available at: http://www.un.org/unrwa/publications/pubs08/mts_report_2010_2015.pdf (last visited 1 Dec. 2009), 34–5.

¹⁹ On the evolution of the Palestinian refugee camps, see the contribution of H. Rueff and A. Viaro in this volume.

²⁰ See the contribution of P. Misselwitz and S. Hanafi in this volume with regards to UNRWA's (new) Camp Improvement Programme. See the contribution of T. Rempel in this volume, regarding the Agency's efforts to introduce participatory approaches, including in relation to camp improvement.

²¹ See UNRWA's *Medium Term Strategy 2010-2015*, *op. cit.* 34. See the contribution by M. Rosenfeld in this volume regarding the effects of UNRWA's emergency operations on its regular programmes.

Authority in preparation for an eventual handover, the start of the second *Intifada* in late 2000 demonstrated that UNRWA's services would be needed for years to come. This prompted UNRWA and the Swiss Government to organize a major conference in Geneva in 2004 to build new partnerships in support of UNRWA and to prepare the Agency for the challenges that lay ahead. The conference generated an ambitious agenda for reform, prompting amongst other things a major survey into refugee living conditions, the further development of the Agency's protection activities, the launch of the Camp Improvement Programme, and a comprehensive overhaul of various aspects of the Agency's management which became known as the Organizational Development process.

UNRWA has a mandate to provide protection which, according to the UN Inter-Agency Standing Committee, refers to "all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (human rights law, international humanitarian law, refugee law)".²² United Nations General Assembly resolutions affirm UNRWA's protection role, referring to the "valuable work done by the Agency in providing protection to the Palestinian people, in particular Palestine refugees"²³ and encouraging the Agency to "make further progress" in addressing the needs and rights of children and women in its operations, in accordance with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.²⁴ Building on these foundations and under the leadership of Commissioner-General Karen AbuZayd, UNRWA has developed a more explicit focus on protection in the past decade. It has taken steps to mainstream protection concepts and practice at all levels of the Agency. The importance currently attached to protection within UNRWA is made evident by the emphasis placed on human rights as a core human development goal in the Agency's Medium Term Strategy for 2010–15 (MTS).²⁵

The Organization Development process (OD) has laid the foundations for a transformation in UNRWA management, of which decentralization and innovation are core themes. UNRWA has reviewed its approach to resource mobilization in response to the Agency's funding constraints, comprehensively overhauled its approach to programme management, and established sound strategic planning processes resulting in a MTS that is being translated into action through three cycles of Field Implementation Plans, Headquarters Implementation Plans, and two-year Programme Budgets based on the strategy. Other elements of OD include the implementation of results-based budgeting

²² IASC, *Growing the Sheltering Tree: Protecting Rights through Humanitarian Action*, 2002, 11. On UNRWA's mandate in general, and its protection mandate in particular, see the contribution of L. Bartholomeusz in this volume. The contributions of R. Khoury, B. Goddard, M. Kagan, O. Al-Abed, and N. Morris also deal with various aspects of protection of Palestinian refugees and other vulnerable Palestinians.

²³ UNGA res. 62/104 of 17 Dec. 2007 on Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

²⁴ *Ibid.*

²⁵ UNRWA's *Medium Term Strategy 2010-2015*, *op. cit.* 23–4, 37–9.

by which resources will be linked to the MTS; improved arrangements for knowledge management, in particular the need to build better capacity to gather and use data on refugees;²⁶ more robust arrangements for evaluation; human resource management reforms; and stronger risk management and accountability.²⁷

The refugee issue is unique amongst the so-called permanent status issues in that it is not a bilateral issue but involves other stakeholders, including host countries, donor countries, and the wider international community. Whereas UNRWA's focus is the provision of humanitarian and development assistance, it is also uniquely placed to advise and support, where possible, necessary efforts by other actors towards achieving and implementing a solution. Realizing that this constitutes a key element of its protection mandate, UNRWA's Commissioner-General and other senior staff have been contributing experience and insights on related matters, as appropriate. And while the strategic framework for the next six years, embodied in the MTS, is based on the *status quo* prevailing, the Agency has also recognized that it must be ready to respond to changes in political and economic contexts, including more fundamental change, leading to a significantly different scenario, should a just solution to the refugee issue emerge.²⁸

The present volume brings together a wealth of scholarly and practitioner insights into the various issues touched upon in this introduction. Focusing on some of the key challenges facing the longest lasting case of forced migration in modern history, it is hoped that it will contribute to a better understanding of a unique agency and of the centrality of the Palestinian refugee issue for peace-making in the Middle East.

²⁶ On strengthening UNRWA's knowledge management, see also the contribution of R. Terbeck in this volume.

²⁷ See UNRWA's *Medium Term Strategy 2010-15*, *op. cit.* ch. 6; see also the section on OD on the UNRWA web site, available at: <http://www.un.org/unrwa/organization/index.html> (last visited 1 Dec. 2009).

²⁸ See UNRWA's *Medium Term Strategy 2010-2015*, *op. cit.* 23, 9–10, 25. On future prospects for UNRWA and Palestinian refugees, see the contributions by M. Dumper, J. Peters, and O. Gal and L. Hilal in this volume.