

UNRWA

**The United Nations Relief and Works Agency
for Palestine Refugees in the Near East**

SUPPLEMENTAL REPORT: A Rigorous Review of Agency Practices

Arlene Kushner

Center for Near East Policy Research

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May 2004

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ABSTRACT

This supplement to “UNRWA: A Report” is designed to ask hard questions regarding UNRWA policies and practices. Best read in conjunction with the original report, it provides documentation that points the way for further investigation. Focus is on:

- ☐ UNRWA involvement with terror - connection to terror of some UNRWA staff and beneficiaries; utilization of UNRWA facilities for terror-related activities; practices that foment or protect it; denial of it.
- ☐ Anomalies in UNRWA practices - failures to adhere to customary international law or mode of operation of other UN agencies.
- ☐ A failure of UNRWA to provide purely humanitarian services to the best of its ability exclusively to refugees truly in need – politicization dilutes UNRWA’s ability to do this and draws funds from those in need.
- ☐ Abrogation of the human rights of the refugees – interfering with their right of free movement, and sustaining them in untenable “temporary” circumstances for over half a century.

UNRWA Connections to Terror

- Links between UNRWA -- members of its staff, facilities, and beneficiaries -- and terrorism have been well documented: Hamas controls the workers’ union of UNRWA; at least three UNRWA employees have been convicted by Israel of terrorist-related acts and many more have been arrested – with additional convictions likely. (**Employees of UNRWA hired in the West Bank and Gaza are not vetted for terrorist connections.**)
- There is, however, a consistent denial of accountability with regard to this connection. This is demonstrated at the very top, with Commissioner-General Peter Hansen.
- UNRWA claims there is no evidence that would justify denying UNRWA aid to any beneficiaries because of their connections to terrorism. This is in spite of solid evidence of terrorism inside the camps – not simply terrorists who enter the camps from the outside. (The Fatah website, for example, identified the Jenin refugee camp as “the suiciders’ capital.”)

UNRWA is demonstrating a reluctance to pursue this issue because of potential repercussions. It is literally afraid to interfere with beneficiaries who may be terrorists. It may be that the terrorist population and UNRWA’s client population are so enmeshed that it is impossible to separate them.

This is a situation seriously out of control. There can be no doubt that some percentage of the funds provided to UNRWA supports terrorists or terror-related activities.

UNRWA actions outside of customary international law

- Certain universally accepted norms have been established by customary international law with regard to refugees.
- UNRWA acts outside of these norms: maintaining refugees in a limbo state for over half a century and making no effort to settle them in other countries so they might get on with their lives; continuing to classify as “refugee” individuals who have acquired citizenship; defining the descendants of refugees through successive generations as also refugees.

UNRWA mode of operation at variance with other UN agencies

- UNRWA's practices diverge significantly from the practices of other agencies established by the UN as operational agencies, e.g. UNICEF and UNHCR. The other agencies maintain a distance from clients to whom they deliver services; they employ only administrative staff and contract out services.
- UNRWA maintains close contact with the recipients of its services, and has its own personnel carry out its programs. What is more, the vast majority of the 24,000 employees of UNRWA are drawn from the client population – **a practice that assures the inevitability of conflicts of interest.**

Eligibility for services not determined in a cost-effective, transparent manner, according to mandate

- Documentation exists for exaggeration of the number of refugees served. The UNRWA PR says 4.1 million. A representative UNRWA says it's not so.
- **UNRWA spends funds to provide services to registered refugees who are not dependant upon UNRWA for those services.** There is duplication of services.

This is true particularly with some 1.7 million “refugees” who have Jordanian citizenship and thus access to Jordanian assistance, and those refugees who have become self-sufficient or even affluent. **UNRWA allocated \$72.7 million in 2003 for Palestinians who are Jordanian citizens.**

- Since September 2000, **UNRWA no longer requires those in the West Bank and Gaza to produce UNRWA identity cards to receive services.** Any Palestinian in need will be provided for.

This policy transcends the purpose for which UNRWA was created and calls into question the manner in which funds allocated to UNRWA are utilized.

UNRWA acting beyond its mandate as a humanitarian agency by politicizing activities

- UNRWA distorts the intent of its mandate, basing its *raison d'être* on a legally non-existent “inalienable right of return.”
- UNRWA has insinuated itself into the politics of the situation – actively promoting “right of return” and working to maintain a sense of transience in the refugees.
- UNRWA operates in defiance of its mandate – carrying on its register some for political and not humanitarian purposes.
- **UNRWA policy denies the refugees the basic right to permanency in their lives.** It has intervened to prevent them from having permanent housing, and acts to maintain them in a situation of flux.

UNRWA functioning with an extraordinary degree of autonomy – lacking appropriate administrative checks

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INTRODUCTION

The material contained here is presented as a supplement to “UNRWA: A REPORT” and is best read in conjunction with it.

Additional research on the United Nations Relief and Works Agency has shed further light on UNRWA’s connection to terrorism; raised some very fundamental issues with regard to how UNRWA operates; and exposed some anomalies and potential indicators of malfeasance in the UNRWA operation.

This material is presented as a series of questions to be answered and issues to be explored— buttressed with careful documentation. It is not, and does not claim to be, the final word in the investigation of UNRWA. It is, however, a potent guide for doing further and very necessary exploration.

It would be an error of considerable proportions to assume that this agency, without alteration of its mandate and current mode of operation, merits the funding and sanction for its procedures that it seeks. For its mandate and current mode of operation serve neither the cause of peace in the Middle East nor the humanitarian interests of the Palestinian Arab refugees themselves.

1) THE TERRORIST CONNECTIONS

Question: Should UNRWA be held accountable for abetting terrorism?

The situation with regard to UNRWA and its links to terrorism has multiple dimensions. While there is indisputable evidence that the connections exist, UNRWA has failed to grapple honestly with this reality. With this, is a concomitant failure by UNRWA to cut benefits to those registered refugees who are associated with terrorism.

Connections

Defensive Shield Discoveries

Links between UNRWA and terrorism were well documented as a result of Operation Defensive Shield and follow-up maneuvers in 2002 — when the IDF entered Palestinian areas, including refugee camps, in order to pursue terrorists and wipe out weapons factories and storage areas.

A special intelligence report,¹ released in December 2002, provides considerable information in this regard.

- ❑ A number of wanted terrorists were found hiding inside schools run by UNRWA.
- ❑ A large number of youth clubs operated by UNRWA in the refugee camps were discovered to be meeting places for terrorists. For example, the UNRWA youth club at the Jabalaya refugee camp was a gathering place for Tanzim activists.
- ❑ In the al-Arub refugee camp near Hebron, an official bureau of the Tanzim was established inside a building owned by UNRWA.
- ❑ Ala'a Muhammad Ali Hassan, a "Tanzim" activist from Nablus, who was arrested in February 2002, confessed that he had carried out a sniper shooting from the school run by UNRWA in the al-Ayn refugee camp near Nablus. He also told his interrogators that **bombs intended for terrorist attacks were being manufactured inside that school's facilities.**
- ❑ Nidal Abd al-Fattah Abdallah Nazzal, a Hamas activist from Kalkilya, was arrested in August 2002. Nidal, **an ambulance driver employed by UNRWA**, confessed during his interrogation that **he had transported weapons and explosives in an UNRWA ambulance to terrorists**, and that he had taken advantage of the freedom of movement he enjoyed to transmit messages among Hamas activists in various Palestinian towns.
- ❑ Nahd Rashid Ahmad Atallah, **a senior official of UNRWA** in the Gaza Strip who was in charge of distributing financial aid to the refugees, was arrested in August 2002. He told his interrogators that during the years 1990 through 1993, in his capacity as an UNRWA official, he had granted support to families of wanted terrorists, on behalf of Fatah and the "Popular Front." He also revealed that during the months June and July 2002, he had used his car, an UNRWA car, for the transportation of armed members of the "Popular Resistance Committees" who were on their way to carry out sniper attacks against Israeli troops posted at the Karni passage, and a missile attack against Jewish settlements in the Northern part of the Gaza Strip. In addition to these, Nahd had **used an UNRWA car to transport a 12 kg explosive charge** for his brother-in-law, a militant member of the "Popular Resistance Committees," a militant faction of the Fatah movement.

Hamas in the unions

Evidence has now been secured as well of the control Hamas has achieved within the UNRWA employee unions.

In 2003 elections for representatives of the UNRWA union in the Gaza strip, Hamas-affiliated candidates gained:

23 out of the 27 seats in the clerks' sector

6 out of 7 seats in the workers' sector

6 out of 9 seats in the services' sector

11 out of 11 seats in the teachers' sector

(The overwhelming predominance of Hamas-affiliated and Hamas-supporting individuals within the population of teachers hired by UNRWA is particularly troublesome because of their potential influence on an entire generation of refugee children, i.e., descendants of refugees.)

These victories made it possible for the Hamas candidates to fully constitute the executive committee of the union.² They represent the fourth consecutive victory for Hamas since 1990 in the elections within the UNRWA union.³

Use of UNRWA facilities

UNRWA facilities continue to be utilized for terror-related activities. As example: On April 3, 2004, a memorial ceremony for Sheikh Yassin, the Hamas leader assassinated by Israel, was held at the UNRWA boys' school in the Balata refugee camp in Nablus; it was attended by thousands. Hamas local leaders as well as Hisham Abu Hamdan, an Al-Aqsa Martyrs Brigades commander in Balata, were participants. Hamdan said "Yassin was a symbol and a lighthouse to us by his struggle and Jihad." Veiled operatives held mock Kassam rockets; the families of "martyrs" were given gifts and certificates of gratitude.⁴

No screening of employees

UNRWA, as a matter of policy, does not perform any security screening or background examinations while recruiting its staff in the West Bank and Gaza.⁵ In Jordan, Syria and Lebanon, there is government vetting of applicants for UNRWA staff positions. There is no such arrangement in place in the West Bank and Gaza.⁶ It would be a simple matter for the IDF to run a check on an individual, once provided with a name. UNRWA opts not to function in this manner, recognizing the PA as the civil authority.

Failure of accountability with regard to terrorism

Commissioner-General Peter Hansen

On April 20 and 21, 2004, The Van Leer Jerusalem Institute hosted a conference entitled, "The Politics of Humanitarianism in the Occupied Territories."

Commissioner-General of UNRWA, Peter Hansen, was the first speaker. His words were highly instructive and deserve careful consideration.

He said that people ask him, doesn't UNRWA know there is "terrorism" in the camps? As he spoke, he made gestures in the air indicating quote marks around "terrorism."

It is all "made up," he claimed, "to delegitimize" UNRWA'S work.

Made up? A statement such as this, in the face of the documented evidence to the contrary, is astonishing and reveals a core refusal at the highest level to deal with the matter.

He then added, “There hasn’t been a single case documented.” When queried by this writer as to what he was referring to with regard to “a single case,” he replied, a single case of actions by an UNRWA employee “that would lead to conviction in a military court.”

This is equally astonishing, as it implies that UNRWA is “clean” with regard to terrorism just as long as its employees cannot be convicted in a military court. It overlooks a host of lesser actions — such as turning a blind eye when weapons are stored or even manufactured in UNRWA facilities, or when those facilities are used for Hamas rallies, and teachers on staff incite by praising Hamas at such rallies.

As it happens, Mr. Hansen himself subsequently acknowledged that, “Well, there was one case.” But in point of fact there have been several such cases, something that Mr. Hansen most certainly knew as he spoke: In the fall of 2003, UNRWA learned, in the course of a U.S. General Accounting Office investigation, that Israel had recently convicted three UNRWA staff on terrorist related charges, and subsequently sought additional information from Israel.⁷

- **UNRWA employee 1** was arrested on June 22, 2001 for possession of explosives and firearms, and for **throwing firebombs at a public bus**. He was convicted by an Israeli military court on May 27, 2003 and sentenced to 7.5 years in prison.
- **UNRWA employee 2** was arrested on February 8, 2002, as a **member of Islamic Jihad, for possession of materials that could be used for explosives**. He was convicted by an Israeli military court on August 11, 2003 and sentenced to 2.5 years in prison.
- **UNRWA employee 3** was arrested on November 13, 2002, as a **member of Hamas**, for possession of a machine gun and for **transferring chemicals to assist a bomb-maker**. He was convicted by an Israeli military court August 31, 2003 and sentenced to 32 months in prison.

In addition, as of September 11, 2003, **at least 16 UNRWA staff members were being detained by Israel for various security-related crimes.**⁸

Chairpersons of Advisory Commission

Further evidence that UNRWA involvement with terrorism is either ignored or played down is provided by the statements of chairpersons of the UNRWA Advisory Committee. Two such statements — letters to the Commissioner-General attached to his last two Reports to the General Assembly — are included in Appendix A.

These cover the time period during which the violence of the second Intifada was rampant, including the time of Operation Defensive Shield, which yielded the documented evidence cited above. Yet, **the chairpersons of the Advisory Committee make not a single mention of even the possibility of an UNRWA connection to terrorism.** *Pro forma*, they simply note with concern the difficult conditions under which UNRWA must operate and commend the Commissioner-General for a job well done. Most significantly is this the case with Chairperson Jean-Michel Casa, who alludes to Jenin only in the context of damage done there (by the IDF), when the fact is that a massive amount of weaponry was found there as well as a very strong connection to terrorism (see below).

A problem of serious dimensions exists if UNRWA administration at the highest level and purported advisors to UNRWA are not willing to honestly confront the reality of the problem regarding terrorism in the camps and to consider the agency accountable.

Benefits to refugees with terrorist connections

The Commissioner-General of UNRWA, Peter Hansen, attested to the U.S. Government Accounting Office (GAO) on July 30, 2003, that “UNRWA has no evidence that would justify denying beneficiaries relief or humanitarian aid owing to terrorism.”⁹

This issue was of concern to the GAO because in section 301 (c) of the 1961 Foreign Assistance Act, as amended, the U.S. Congress had directed that “No contributions by the United States shall be made to [UNRWA] except on the condition that [UNRWA] take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who...has engaged in any act of terrorism.”

Mr. Hansen was able to attest to this because:

- ❑ **UNRWA does not note terrorist convictions** on refugee registration cards.
- ❑ **UNRWA does not receive information on terrorist-related convictions** of beneficiaries.
- ❑ **UNRWA staff does not ask beneficiaries if they have engaged in terrorism.**

Social workers rely on the families seeking assistance to volunteer data concerning imprisonment.

Under these conditions, indeed there would be “no evidence” of a connection of beneficiaries to terrorism. Rather than attempting to document such evidence, it seems UNRWA would rather willfully ignore situations in which beneficiaries may be implicated in terror: UNRWA in Gaza, while denying assistance to rebuild their homes to six families whose houses were destroyed “during bomb-making activities,” “did not remove these families from its registry of eligible refugees or deny them other assistance.”¹⁰

It would defy credibility to suggest that there are no terrorist-related convictions of beneficiaries. Whatever UNRWA’s considerable claims that armed elements from outside sometimes enter the camps without UNRWA sanction, there is such a preponderance of evidence regarding terrorist activities within the camps that it is clear that some (likely a solid percentage) of the terrorists are themselves refugees. See, for example, page 24 of “UNRWA: A Report” for the **identification by Fatah of the Jenin refugee camp as the “suiciders’ capital”**: “[Jenin refugee camp] is characterized by an exceptional presence of fighters who take the initiative [on behalf of] nationalist activities...they are ready for self-sacrifice.”

And so, while Mr. Hansen can attest to the lack of evidence, it is unlikely that he would be able to similarly attest to UNRWA having taken “all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who...has engaged in any act of terrorism.”¹¹

While UNRWA does not automatically receive information on terrorist-related convictions of beneficiaries, neither is there indication that UNRWA has sought such information.

The bottom line is that it is perceived as better not to know. There seems a consensus of opinion that UNRWA staff would be endangered by questioning beneficiaries

regarding their terrorist connections, and that the cutting off of benefits makes possible the targeting of UNRWA staff in retaliation. UNRWA Deputy Commissioner-General, Karen AbuZayd is on record as saying, “[**everything is**] **upside down. The refugees are the armed elements.**”¹²

Thus, what is in evidence here, at best, is an agency mandated to serve a humanitarian purpose that is being held hostage by terrorist elements — so that it is literally afraid to interfere with recipients who are terrorists. At worst, the terrorist population and the refugee population (from which the UNRWA staff is drawn) are so enmeshed that it becomes impossible to separate them.

Either of these scenarios represents a situation that is seriously out of control and quite simply intolerable. **There can be no doubt that some percentage of the funds provided to UNRWA supports terrorists or terror-related activities.** While UNRWA may opt to turn a blind eye, it becomes the responsibility of those nations that support UNRWA to confront these realities and take action to remedy the situation.

2) UNWRA: AN ANOMALY

Question 1: Should UNRWA be granted the latitude to act outside of the norms of international law?

Customary international law is a widespread repetition by a significant number of states of similar international acts occurring out of a sense of obligation. If the states make official statements at international conferences and in diplomatic exchanges, and otherwise take like actions in dealing with matters of international concern, international law is established.¹³

Customary international law has the same weight as international law that has been set by treaty.¹⁴ It is analogous within a national setting to common law, which is based on long-standing practice and court decisions rather than legislation.

Certain norms have been established by customary international law with regard to refugees. These norms are universally accepted except in the case of Palestinian Arab refugees:

1. Every effort is to be made to settle refugees as quickly as possible so that they might get on with their lives, most frequently either in the country in which they took refuge or a third country.
2. Once they have secured the protection of citizenship in another country, they are no longer to be defined as refugees.
3. Their descendants, in no instance, are considered refugees.

UNRWA, however, acts outside of these well-established norms (see following sections for further information).

1. **It has maintained the refugees in a limbo state for over half a century, making no effort to settle them in other countries so that they might get on with their lives.** “Return” to Israel is deemed the only avenue for nullifying their status as refugees.
2. **It continues to classify as “refugee” individuals who have secured citizenship, e.g., in Jordan.**
3. **It has established a singular definition of refugee that includes patrilineal descendants.**

Question 2: Should UNRWA’s mode of operation, which is at variance with that of all other UN agencies, be sanctioned and supported?

Most UN agencies have been established via treaty or convention. A few — UNRWA being one — were established directly as operational agencies, incorporated under Article 22 of the United Nations Charter.

UNRWA’s practices, however, diverge significantly from the practices of the other agencies established in a similar fashion: notably United Nations International Children’s Fund (UNICEF) and United Nations High Commission for Refugees (UNHCR). These agencies have, by design, maintained a distance from the clients to whom they deliver services, working through host governments and various private agencies.¹⁵ They directly employ only administrative staff and contract out services.¹⁶

UNRWA, on the other hand, maintains close contact with the recipients of its services and has its own personnel carry out its programs.

To further complicate its situation, the vast majority of the 24,000 employees of UNRWA, with the exception of some few hundred at administrative levels, are drawn from the client population of Palestinian Arab refugees. **This practice assures the inevitability of conflicts of interest.**

3) DOES UNRWA KNOW WHO IS RECEIVING ITS SERVICES?

Question 1: Is UNRWA keeping adequate, accurate and transparent records regarding beneficiaries of services?

Question 2: Is eligibility for services determined in a cost-effective manner consistent with UNRWA's mandate?

Misrepresentation regarding number of refugees served

At present, UNRWA materials state that four million registered refugees are receiving assistance from UNRWA. The official UNRWA website, for example, maintains that: "Today, UNRWA is the main provider of basic services - education, health, relief and social services - to over 4.1 million registered Palestine refugees in the Middle East."¹⁷ When fundraising is done, this is the figure that is used.

However, Dr. Nitza Nachmias, Professor of Political Science, Haifa University, examined UNRWA documents that provide numbers of recipients for different UNRWA services, and found that the tally she arrived at was less than four million. She wrote to Maher Nasser, UNRWA liaison to the UN, in the summer of 2003, inquiring about this. In his reply¹⁸ he stated (emphasis added):

...Now to get back to your main concern which is how many of the 4 million refugees actually receive assistance from UNRWA? I am afraid there is no simple answer... We track each programme separately...and as most of the records are manual and in hard copy, electronic cross-referencing would not be possible.

...It is safe to assume that not all 4 million who are registered with UNRWA are actually coming forward to benefit from our services.

Several questions follow from this revelation:

- Why does UNRWA not have a tracking system in place that records which refugees are receiving assistance of any sort from the agency?
- Is this a responsible manner in which to operate?
- **Why does UNRWA in its material state that four million indeed are receiving services?**

Duplication of services

Maher Nasser, in his communication cited above, when explaining that not all registered refugees utilize UNRWA services, provided an example that raises other questions:

For example if we look at the number of children in the age group (of the registered refugees) that would be attending our schools in Jordan (making an allowance to the small no. of those who are not registered who attend some of our schools), the ratio would be something in the range of 50-60%...In Lebanon and Gaza, or even the West Bank, the ratio is much higher. Why is that? Because in Jordan, they can attend public schools and there is (sic) also a great many private ones which many well-off refugees send their children to.

The inevitable conclusion to be drawn from the last sentence of the above statement is that **UNRWA is spending funds to provide services to registered refugees who are not dependent upon UNRWA for those services. There is duplication of services.**

This has been confirmed by Matar Saqer,¹⁹ Public Information Officer, in UNRWA's office in Amman, Jordan: **Citizenship in Jordan has no bearing on the right of refugees registered with UNRWA to receive UNRWA services or assistance.**

The Report of the Commissioner-General of UNRWA to the General Assembly, for 1 July 2002- 30 June 2003²⁰ provides pertinent data regarding this situation (emphasis added):

*The largest number of Palestine refugees reside in Jordan. The majority of them enjoy full Jordanian citizenship and are able to work in government offices and throughout the local economy, and have access to governmental institutions and developmental and other assistance. The Government of Jordan has reported expenditures amounting to \$423,121,161 on behalf of Palestine refugees and displaced persons during the reporting period. This covers services such as education, rent and utilities, subsidies and rations, camp services, health care, public security and social services. **The Agency's regular budget allocation for the Jordan field was \$72.7 million in 2003....***

- Why was there a budget line for \$72 million – especially at a time when UNRWA is allegedly distressed about emergency needs and shortfall – to provide services for putative refugees who are Jordanian citizens and could be provided for by the Jordanian government?
- Why does UNRWA spend money to maintain camps in Jordan? The evidence²¹ is that those in the camps do far less well than those who have assimilated into Jordanian society.
- Is there coordination with the Jordanian government to insure that recipients of UNRWA assistance in Jordan are not “double-dipping” – securing certain kinds of assistance twice?
- Where else might this sort of duplication of services arise? Are there services available to registered refugees via Palestinian NGOs in the West Bank and Gaza that duplicate services offered to them by UNRWA?
- Is there not an essential internal contradiction built into the term “well-off refugee”?

These questions go to the very heart of UNRWA's philosophy, which requires serious consideration for the record:

The UNRWA position has been that its register of refugees is “operational” – ostensibly identifying those who are to be helped by virtue of need and residence within the area UNRWA serves. It claims that the total number of those registered is not exhaustive from the perspective of political status.

In 1994, however, a change in the UNRWA definition of refugee very clearly rendered this no longer the case (if indeed it truly ever was the case). Ingrid Bassner Jarad, Director of the Palestinian organization Badil—Resource Center for Palestinian Residency and Refugee Rights, indicates that this change was implemented with the expectation that UNRWA's registration would one day serve as a major resource for determining refugee status.²²

This means UNRWA is maintaining lists for political reasons and that as a consequence, **there are some individuals on the register of UNRWA who do not require services from UNRWA. Yet all those on the register remain eligible for and sometimes avail themselves of UNRWA services.**

- How does UNRWA fiscally justify this policy to its donors?

- How does UNRWA justify the fact that this means Palestinian Arab refugees who truly are dependent upon the agency for services thus have fewer UNRWA resources to draw upon?

In the interests of efficiency, economy, and operating integrity, it is time that UNRWA's funders demanded the establishment and maintenance of a truly operational register of refugees, based on genuine need and residence in the area served by UNRWA.

(The broader implications of UNRWA's maintenance of a register that identifies refugees for political purposes will be discussed in section 4, following.)

UNRWA services to non-refugees

With the advent of the second Intifada, which began in September 2000, it became **UNRWA policy to stop requiring that those seeking assistance in the West Bank or Gaza produce an UNRWA identity card.** Any Palestinian in need will be provided for.²³

- How does UNRWA fiscally justify this policy to its donors?
-
- How does UNRWA justify the fact that this means needy Palestinian Arab refugees have fewer UNRWA resources to draw upon?
-

This policy transcends the purpose for which UNRWA was created – to provide relief to refugees – and calls into question the manner in which funds allocated to UNRWA are being utilized.

4) THE MANDATE: A HUMANITARIAN ROLE

Question: Has UNRWA moved beyond its mandated role as a humanitarian organization by politicizing its activities?

The Mandate

In order to understand UNRWA's mandate, it is necessary to examine General Assembly Resolution 302, of December 8, 1949, which established UNRWA.²⁴ The critical portions say that the General Assembly:

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

Recognizes that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194...continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief...

...Establishes the United Nations Relief and Works Agency for Palestinian Refugees in the Middle East

To carry out in collaboration with local governments direct relief and works programmes...

To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available...

General Assembly Resolution 194, paragraph 11²⁵ says (emphasis added) that the General Assembly:

Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible;

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

The plain-sense meaning of the above is this:

- ❑ UNRWA was established to do direct relief and works programs – that is, to play a humanitarian role – in a crisis situation.
- ❑ At the same time, UNRWA is expected to consider itself a temporary agency and work towards its own dissolution.
- ❑ Providing relief and works for the refugees was not considered to constitute a final solution to the refugee's problems, it was meant to be stopgap, until such time as "repatriation, resettlement and economic and social rehabilitation" could be arranged. The General Assembly is thus on record as affirming the need for such arrangements and in no way wishes to lend the impression that by establishing UNRWA it denies recognition of this need.

- Resolution 194, paragraph 11 is included as the accepted model of how a final solution to the refugee problem should be achieved. Repatriation is mentioned as the desirable solution – but with certain provisos added: that it be done not immediately, but at “the earliest practicable date” and then, only according to the wishes of the refugees and if they are **willing to live at peace with their neighbors**.

A discussion of the last point can be found on page 11 of “UNRWA: A Report.” From the time of the founding of UNRWA through to the present there is large body of evidence pointing to non-peaceful Palestinian Arab intentions regarding return; this – according to the resolution itself! – negates the option.

- The resolution makes clear the expectation that the refugee problem would be resolved at least in part via options other than repatriation. If this were not the case, the Conciliation Commission would not have been instructed to facilitate resettlement and economic and social rehabilitation; it would have been instructed simply to pursue repatriation as vigorously as possible.
- The Conciliation Commission – a commission established by the General Assembly to seek an end to the 1948 war in its entirety – was called upon to facilitate the solutions to the refugee problem. That particular commission no longer exists. But the sense of the resolution is clear: It was not UNRWA that was expected to be involved in facilitating options for the final resolution of the refugee problem. **UNRWA had no political role assigned in its mandate.**

UNRWA practices

Distortion of intent of mandate

Over time, and in spite of its plain-sense meaning, GA Resolution 94, paragraph 11 has been represented as providing for an inalienable “right of return” for the refugees. This misinterpretation of the text ignores the salient fact that General Assembly resolutions have no status within international law and thus cannot establish rights.

UNRWA, for its part, has turned the notion of “right of return” into its *raison d’être* and in the process has inverted the original intention of the General Assembly. Set up as a temporary relief agency, UNRWA has persisted in its role of providing services for the refugees for more than half a century now, maintaining that no solution other than return is acceptable and that the refugees have to be sustained in a provisional situation indefinitely until this solution can be achieved. It is on the basis of this conceit that the entire bureaucratic structure of UNRWA has been developed, with a school system, health care system, and 24,000 employees in the field. On its own website, UNRWA states that:

Originally envisaged as a temporary organization, the Agency has gradually adjusted its programmes to meet the changing needs of the refugees.²⁶

“Originally envisaged...”? Temporary status as an agency is what its mandate calls for. But there is nothing temporary about the current UNRWA mindset.

This policy of maintaining the refugees and their descendants in a tentative situation for almost 55 years now has done a considerable disservice to the refugees themselves and to the cause of peace in the Middle East.

Extension beyond mandate

What is more, by insinuating itself into the politics of the situation, **UNRWA has clearly extended itself beyond its humanitarian mandate.** To take care of the primary needs of the refugees until their problems might be solved is one thing, to **actively promote and campaign for the “right of return,” and to make policy decisions based on this,** is quite something else.

“UNRWA: A Report” documents this process²⁷:

1) UNRWA has persisted in keeping the longing for return fresh in the minds of the refugees and over the years has indoctrinated them in the notion that their rights are being abrogated if they are not permitted to return.

2) UNRWA has worked to maintain a sense of transience in the refugees, resisting opportunities to help them feel permanently settled. When Israel sought to move refugees out of camps and into permanent housing in the West Bank it was stopped because this would violate the refugees’ “inalienable right of return.” Let it be clearly understood – Israel was not demanding a pledge from the refugees that they would not seek return if they moved into this permanent housing. What UNRWA feared was that the refugees would no longer care about return if they were content in this new housing.

There were early reports that showed a tendency on the part of the refugees to be quickly assimilated where they were. As recently as 2002, Karen AbuZayd, UNRWA Deputy Commissioner-General, conceded that a majority of the refugees were self-sufficient. While the Commissioner-General has acknowledged that many refugees have achieved “relative prosperity as respected figures in civil society wherever they reside.” How different the current situation today might be if UNRWA assisted the refugees in efforts to assimilate and settle where they were, helped them to see themselves as being in the process of establishing new, permanent lives. Or if UNRWA, being scrupulously true to its humanitarian mandate, at least avoided all promotion of the option of return.

Defiance of mandate

Because UNRWA was established to be a humanitarian agency and not a political agency, its register of refugees should properly include only those requiring and eligible for assistance and no one else. However, because political decisions have been made by UNRWA with regard to who is a refugee, the agency maintains on its registers for assistance, among others, those who have citizenship in Jordan, and the descendants of refugees. A good number of these are not dependant upon the largesse of UNRWA for humanitarian assistance, either because they are able to depend on the Jordan government for assistance or have become otherwise self-sufficient enough to care for their own needs.

When UNRWA maintains a register of refugees for any purpose other than that of providing humanitarian services, it is functioning in defiance of its mandate.

Position statement by Commissioner-General Peter Hansen

Damage to human rights of refugees

In his recent talk at the Van Leer Jerusalem Institute, UNRWA Commissioner-General Peter Hansen, in an attempt to deflect criticism, peripherally addressed the issue of the politicization of UNRWA. He conceded readily that UNRWA is classified as a humanitarian agency, but explained that it is engaged in a process that is not

purely humanitarian. While UNRWA attempts as much as possible to operate in an a-political fashion, he said, politics permeate everything that UNRWA does.

What it comes down to, according to Mr. Hansen, is a “rights-based humanitarianism that eclipses a needs-based approach.” It is a matter of “human rights” versus “simple assistance.”

This perspective, however, begs a crucial question: Who decides what the “human rights” of the refugees are? Mr. Hansen is on record as saying, “The Palestinian refugees will not be compromising on their right of return.”²⁸ Without question he would argue that this represents a defense of their human rights. **But UNRWA has consistently abrogated the human rights of the refugees** by denying them the right to permanency in their lives – by interfering with their opportunities for permanent housing and holding them hostage in a situation of flux.

Crucial failure of objectivity

Mr. Hansen confessed that even though, when providing humanitarian services, he is supposed to be “above the fray,” he finds that in “good conscience I cannot turn a blind eye” (that is, to the infringement of the refugees’ human rights by Israel).

Following the IDF invasion of Jenin during Operation Defensive Shield, Mr. Hansen gave repeated interviews, ostensibly in good conscience and out of a need to speak out about what he saw. He spoke about “wholesale obliteration,” “a human catastrophe that has few parallels in recent history,” “bodies...piling up in mass graves.”²⁹

The problem however is that none of what he said turned out to be true. He could not have seen it, could not have documented it. When the fact that there had been no “massacre” of Palestinians in Jenin was made public, he never retracted his statements.

The “rights based humanitarianism” of the Commissioner-General of UNRWA is a cover for a blatant anti-Israel bias – a sort of politicization of UNRWA that no donor nation should tolerate.

5) UNRWA: AUTONOMY of ACTION

Question: Is it time to put into place an on-going monitoring system to ensure accountability and transparency in the functioning of UNRWA?

Lack of administrative checks

UNRWA functions without benefit of an active Board of Directors and provides its Commissioner-General with enormous administrative latitude. Administrative checks, for all intents and purposes, do not exist.

Once a year, the Commissioner-General submits a report directly to the General Assembly of the United Nations – not to a specialized committee or sub-committee of that large body. There seems to be no formal feedback from the GA to UNRWA with regard to this report.

A UN financial audit is done annually, and a report is provided.

Advisory Commission not effective

Additionally, GA Resolution 302, which founded UNRWA, requires the establishment of an Advisory Commission. It today consists of representatives from Belgium, Egypt, France, Japan, Jordan, Lebanon, Syria, Turkey, the U.K. and the U.S. (Since 1994, the PLO has served on the Advisory Commission as an observer.)

At present, the Japanese Ambassador to Jordan, His Excellency Koichi Obata, serves as Chair of the Commission. In a telephone interview with this writer,³⁰ Mr. Obata explained the role of the Commission:

Once a year, the Commissioner-General submits to the Advisory Commission a draft of the report that will be going to the General Assembly. The Commission meets, discusses the draft report, and makes suggestions for changes in the report. He believes that the Commissioner-General makes the changes accordingly. Additionally, the Chair of the Commission is at liberty to make suggestions in other contexts. Mr. Obata, whose one-year term expires in June, has not had occasion to do so.

The letters from Mr. Obata and his immediate predecessor, Jean-Michel Casa, as provided in Appendix A, furnish evidence that the Advisory Commission does not in any true sense advise. (The letters themselves appear to follow a formula.)

An annual meeting, with nothing but the draft of the report of the Commissioner-General to work with, hardly permits the Advisory Committee with opportunity to present genuine and independent advice on UNRWA operations, in any event.

Enormous powers to Commissioner-General

According to an official UN bulletin³¹, “the Commissioner-General, who is at the level of Under-Secretary-General, is responsible for all activities of UNRWA as well as its administration; establishes general policy guidelines and priorities for the work of UNRWA; establishes fund-raising strategies and maintains liaison with donors and potential donors to UNRWA funds; directs the activities and operations of the various organizational units at headquarters and in the field responsible for the delivery of services to refugees; plans and coordinates interaction between headquarters and the field offices in respect of the Agency's programmes of assistance and support services; and represents UNRWA in relations with international and local press and other public information channels.” There is in this formulation no requirement that

administrative and decision-making functions be shared with other UNRWA administrators or an on-going supervisory committee.

Heads of all departments and offices (Administration and Human Resources, Finance, Legal Affairs, Audit, External Relations, Policy Analysis Unit, Public Information, Operations, Relief and Social Services, Education, Health, and Field Offices) are accountable to the Commissioner-General and **only** to the Commissioner-General.³² There is no requirement that information regarding the functioning of these various departments and offices also be placed in the hands of a monitoring or supervisory body.

Appendix A

Letters from Advisory Commission Chairpersons

Letter dated 26 September 2002 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General of the Agency³³

At its regular session, on 26 September 2002, the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East considered your draft annual report on the Agency's activities and operations during the period 1 July 2001 to 30 June 2002, which is to be submitted to the General Assembly at its fifty seventh session.

The Commission noted with concern the continuing deterioration in the political, economic and social situation in the region during the reporting period. It expressed deep concern regarding the serious and mounting humanitarian crisis that is occurring in the occupied Palestinian territory. The crisis is evidenced primarily by rising levels of malnutrition among children, high levels of poverty and unemployment, deteriorating health conditions, the displacement of an increasing number of Palestinians following the destruction of their homes and the disruption of educational programmes and an increasing exhaustion of the capacity of the Palestinian population to sustain itself in the face of the continuous decline in economic and social conditions since September 2000. These conditions had a particularly severe effect on the Palestine refugees, who were often among the poorest and most vulnerable part of the population.

The Commission noted with concern that internal and external closures, curfews and other restrictions imposed by the Israeli authorities in both the West Bank and the Gaza Strip had led to severe and sustained mobility restrictions on the Palestinian population and had repercussions on their daily life and future. The restrictions had led to the loss of access by the population to employment and income as well as access to essential goods and services. The restrictions also had a serious impact on the ability of the Agency to move staff and humanitarian assistance to those in urgent need. The Palestinians urgently needed supplies and services. Delays and non-delivery of urgently needed humanitarian assistance to refugees became particularly severe during the second half of the reporting period as the conflict and level of violence became more intense, particularly in the West Bank. The Commission noted the negative impact of those practices on UNRWA operations and stressed the need to take urgent measures to remove restrictions placed on the movement of Agency staff and goods in keeping with the agreements between UNRWA and the Government of Israel and with international law.

The Commission commended the Agency's management and staff under your leadership for the resolute and effective response to the continuing emergency in the occupied Palestinian territory. The Commission noted with appreciation the dedication with which many of the Agency's staff members worked for long hours in the field to overcome obstacles often in dangerous and even life-threatening situations, to deliver assistance to those in urgent need of humanitarian assistance.

The Commission commended the efforts of the Agency to respond to the continuing emergency in the occupied Palestinian territory and to mobilize contributions by the international community for its emergency appeals. It noted that, by the end of the year 2001, donors had contributed \$132.2 million in response to appeals amounting to \$160.3 million. It also noted that the Agency had launched an appeal for \$117 million for the year 2002. That was supplemented by an additional appeal for \$55.7 million in the month of June 2002, in response to the major deterioration in economic, social and living conditions, particularly in the West Bank, as a result of renewed fighting, and Israeli military operations in Palestinian cities, villages and refugee camps, during the closing months of the reporting period. The Commission noted with concern that the response of the international community to the 2002 appeal and the supplementary appeal has been slow, in that by the end of August 2002 only \$83.4 million had been pledged and \$48.7 million had been actually received. In the light of the mounting humanitarian crisis in the occupied Palestinian territory, the Commission appeals to the international community to do its utmost to enhance their contributions to the emergency appeals and meet the targets as soon as possible.

The Commission also expressed its concern at the destruction of and damage to the infrastructures and facilities of UNRWA and of refugee shelters that occurred in refugee camps, especially the camp at Jenin.

The Commission expressed its appreciation for the manner in which the Agency had conducted a very effective programme of delivery of emergency assistance to the affected refugees over the preceding two years, taking advantage of its widespread infrastructure and trained staff in the affected areas. Furthermore, the Commission noted that the Agency's system of periodic reporting to donors on the emergency programme had kept them well informed of its implementation. The Commission urged the Agency to make every effort to ensure continuing close coordination with other organizations and to detail those efforts in its periodic reports.

The Commission underscored the crucial importance of the Agency's regular budget and the need for a consistent and growing level of contributions to it. It noted with satisfaction that, for the year 2001, contributions by donors had shown an improvement and that against an approved level of \$289.7 million, contributions amounting to \$282.4 million had been received. The Commission stressed the importance of a steady and predictable growth in contributions to the regular budget for the years 2002 and 2003, which makes it possible to respond more fully to the refugees' real needs.

The Commission noted that the General Assembly had approved the 2002-2003 biennial budget at the level of \$791.7 million. It also noted that, against a regular budget planned expenditure of \$301.8 million during 2002, pledges of only \$271.3 million had been received by the end of August. The Commission stressed the importance of adequate contributions to the regular budget to ensure and enhance the maintenance and effectiveness of the Agency's infrastructure and its main programmes of assistance to the refugees. It emphasized the importance of a working capital reserve, to protect special projects and emergency appeal funds and ensure the timely implementation of their intended programmes.

The Commission noted with concern the continuing debt on account of non-reimbursement of value-added tax (VAT) payments and port charges amounting to \$23 million and \$7.5 million respectively. It noted with appreciation that the Palestinian Authority had introduced a zero rating system for VAT in the Gaza Strip and was considering its extension to the West Bank. It urges the Agency to pursue the matter of the two reimbursements with the Palestinian Authority and the Government of Israel.

The Commission noted with satisfaction that the General Assembly had approved the establishment of five additional international posts requested in the 2002-2003 budget. It noted that the sum of \$5.1 million was still outstanding with respect to the expenses incurred by the Agency on account of the shifting of its headquarters from Vienna to Gaza, in accordance with the instructions of United Nations Headquarters. The Commission requests you to pursue the matter with United Nations Headquarters for the reimbursement of the amount as soon as possible.

The Commission noted with appreciation that the Agency had submitted two reports to its major donors describing the various reforms it had undertaken to improve its management and programme practices and processes. It noted that the new financial and payroll systems were already functioning and were having a positive impact on effectiveness and efficiency of its programmes. It encouraged the Agency to continue with its reform process. It expressed its wishes that those reforms reflect positively on services provided for refugees in all aspects of the Agency's activities. It also encouraged the agency to provide a timely, thorough record of the proceedings of this and other stakeholders' meetings, to provide a platform for action.

The Commission recognized the vital role the Agency plays in providing the refugees with essential services and in contributing to regional stability. It also underlined the need for donor countries to continue to enhance their contributions to the UNRWA budget at the current critical stage so that UNRWA can continue to fulfill its mandate until a just settlement to the refugee issue has been implemented, in accordance with relevant United Nations resolutions. It noted that the General Assembly had extended the mandate of the Agency up to 1 July 2005.

The Advisory Commission expressed great appreciation to the host Governments for the continuing support and services provided for Palestine refugees and also recognized the important contribution made by the Palestine Liberation Organization and the services it provides for the Palestine refugees.

The Commission expressed its warm appreciation for your personal commitment to the service of the refugees and the effective leadership you are providing to the Agency at a particularly difficult period in its history.

(Signed) Jean-Michel Casa
Chairperson of the Advisory Commission

Letter dated 25 September 2003 from the Chairperson of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East addressed to the Commissioner-General of the Agency³⁴

At its regular session, on 25 September 2003, the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) considered your draft annual report on the Agency's activities and operations during the period 1 July 2002 to 30 June 2003, which is to be submitted to the General Assembly at its fifty-eighth session.

The Commission noted with concern the continuing deterioration in the political, economic and social situation, including the escalation of armed attacks during the reporting period. It expressed deep concern regarding the serious humanitarian crisis that is occurring in the occupied Palestinian territory. The crisis is evidenced primarily by increased levels of malnutrition among children, high levels of poverty and unemployment, deteriorating health conditions, the displacement of an increasing number of Palestinians following the destruction of their homes, and the disruption of educational programmes and the increasing exhaustion of the capacity of the Palestinian population to sustain itself in the face of the continuous decline in economic and social conditions since September 2000. For instance, according to recent figures from UNRWA, a total of 244 houses were completely demolished during the period April-June 2003, and over 10,000 Palestinians have lost their homes to demolition since September 2000. In addition, recent various reports estimate unemployment in the occupied Palestinian territory at between 37 and 65 per cent. Those conditions have had a particularly severe effect on Palestine refugees, who are often among the poorest and most vulnerable part of the population, and have required additional engagement by the Agency.

The Commission noted with concern that the construction of the separation wall, internal and external closures, curfews and other restrictions imposed by the Israeli authorities in both the West Bank and the Gaza Strip has led to severe and sustained mobility restrictions on the Palestinian population and has had repercussions on their daily life and future. The restrictions have led to the loss of access by the population to employment and income as well as access to essential goods and services. The restrictions have also had a serious impact on the ability of the Agency to move staff and humanitarian assistance to those in urgent need. Obstacles to the delivery of urgently needed humanitarian assistance to refugees have remained in place as the conflict and level of violence has persisted. The Commission noted the negative impact of those practices on UNRWA operations and reiterated the need to take urgent measures to remove restrictions placed on the movement of Agency staff and goods, in keeping with international law and the agreements between UNRWA and the Government of Israel. The Commission also expressed concern at the sharply increased constraints on the Agency's freedom of movement which its international staff faced at the end of the reporting period, further impairing UNRWA's ability to function effectively.

The Commission commended the Agency's management and staff under your leadership for the resolute and effective response to the continuing emergency in the

occupied Palestinian territory. The Commission noted with appreciation the dedication with which many of the Agency's staff members have worked for long hours in the field and, in the case of area staff, without receiving hazard pay to overcome obstacles often in dangerous and even life-threatening situations, to deliver assistance to those in urgent need of humanitarian assistance. The Commission presented its condolences to you following the violent death of six members of your staff during the reporting period. It reaffirmed the pressing need to respect the integrity of the United Nations and the immunities of its staff, particularly in the case of humanitarian staff courageously operating in areas of conflict, as stated in Security Council resolution 1502 (2003) of August 2003.

The Commission commended the efforts of the Agency to respond to the continuing emergency in the occupied Palestinian territory and to mobilize contributions by the international community for its emergency appeals. It noted that, up to the end of 2002, donors had contributed \$208 million in response to appeals amounting to \$333.2 million. It also noted that the Agency has launched appeals totaling \$196.6 million for the year 2003. The Commission noted with concern that the response of the international community to the 2003 appeals has been slow, in that as of mid-September 2003 only \$76.8 million has been pledged and \$55.8 million actually received. In the light of the continuing humanitarian crisis in the occupied Palestinian territory, the Commission appealed to the international community to do its utmost to enhance contributions to the Agency's emergency programmes and meet the targets as soon as possible. It also called upon UNRWA to review its emergency programmes and priorities in accordance with needs and anticipated funding levels.

The Commission also expressed its concern at the destruction of and damage to the infrastructure and facilities of UNRWA. It noted the sharp increase in military incursions in the Gaza Strip, and the ensuing high number of refugee shelters destroyed during the reporting period.

The Commission recognized that the Agency has made efforts to conduct an effective programme of delivery of emergency assistance to the affected refugees, and that the Agency's periodic reports have been distributed to donors to inform them of its implementation. The Commission urged UNRWA to coordinate more closely with donors and host countries to ensure that adequate reports are received on their emergency appeal programmes. It expressed its appreciation at the improvements in coordination of emergency activities on the ground, including through the Operational Coordination Group, and the Agency's close relationship with the International Committee of the Red Cross and with the Office for the Coordination of Humanitarian Affairs of the United Nations Secretariat. It also welcomed UNRWA's cooperation with the Office of the United Nations High Commissioner for Refugees regarding its assistance to affected Palestinians in Iraq.

The Commission underscored the crucial importance of the Agency's regular budget and the need for a consistent and growing level of contributions to it. It noted with concern that, for the year 2002, overall contributions to UNRWA's General Fund have declined and that against an approved level of \$301.8 million, contributions amounting to \$275.8 million have been received. The Commission stressed the importance of a steady and predictable growth in contributions to the regular budget for the years 2003 and 2004, which is indispensable if the Agency is to respond adequately to refugees'

real needs in the five fields of operations. The Commission also called upon UNRWA to expand and report on its efforts to reach out to non-traditional donors to ensure that the Agency's financial needs are fully met.

The Commission noted that the General Assembly has approved its 2002-2003 biennial budget at the level of \$791.7 million. It also noted that, against a regular budget planned expenditure of \$315.1 million during the current year, pledges of only \$293.3 million has been received as of the end of August 2003. The Commission stressed the importance of adequate contributions to the regular budget to ensure and enhance the maintenance and effectiveness of the Agency's infrastructure and its main programmes of assistance to the refugees. It emphasized the importance of a working capital reserve to ensure the timely implementation of intended programmes. It advised the Agency to improve management of special projects, including proposal preparation, budget estimation and feasibility assessment.

The Commission welcomed the progress made in solving the issue of reimbursement of value-added tax (VAT) payments by the Palestinian Authority. It noted with appreciation that the Palestinian Authority has introduced a zero rating system for VAT in the Gaza Strip and has agreed to extend that system to the West Bank. It urged the Agency to continue to pursue the matter with the Palestinian Authority. It also requested the Agency to continue discussions with the Israeli authorities with a view to recovering all outstanding port charges, in accordance with the 1967 Comay-Michelmores agreement between Israel and UNRWA.

The Commission recognized the structural under-staffing of the Agency at its headquarters and field offices, and urged UNRWA to request support for the four new international positions from the United Nations "assessed contributions" budget. It noted the Agency's intention progressively to bridge the gap between the area staff rules of 1999 and the pre-1999 compensation structure for its area staff and supported its efforts in that regard. It noted that a sum of \$5.1 million was still outstanding with respect to the expenses incurred by the Agency on account of the shifting of its headquarters from Vienna to Gaza, in accordance with the instructions of United Nations Headquarters. The Commission requested you to pursue the matter with the United Nations Headquarters for the reimbursement of the amount as soon as possible.

The Commission noted with appreciation that the Agency has submitted two reports describing the various reforms it has undertaken to improve its management and programme practices and processes. It encouraged the Agency to continue with its reform process. It expressed its wishes that those reforms reflect positively on services provided for refugees in all aspects of the Agency's activities. It also noted with satisfaction the introduction of more informal and substantive interaction processes and workshops at the Agency's biannual informal major donors and host countries meetings, and noted that the Agency is currently providing a thorough record of the proceedings of those and other stakeholders' meetings.

The Commission recognized the vital role the Agency plays in providing the refugees with essential services and in contributing to regional stability. It expressed its support for the expansion of the UNRWA microfinance and microenterprise programme, as well as for the various major rehousing and infrastructure projects undertaken in, inter alia, the Jenin, Neirab, Tel el Sultan, Khan Danoun, Khan Eshie and Khan Younis

camps, as well as the ongoing Palestine refugee records project. It also underlined the need for donor countries to continue to enhance their contributions to the UNRWA budget at the current critical stage so that UNRWA can continue to fulfill its mandate until a just settlement to the refugee issue has been implemented, in accordance with relevant United Nations resolutions.

The Commission expressed great appreciation to the host Governments for the continuing support and services they provide to Palestine refugees and also recognized the important contribution made by the Palestine Liberation Organization and the services it provides to the Palestine refugees.

The Commission expressed its warm appreciation for your personal commitment to the service of the refugees and the effective leadership you are providing to the Agency at a particularly difficult period in its history.

(Signed) Koichi **Obata**
Chairperson of the Advisory Commission

ENDNOTES

¹ Reuven Ehrlich, Ph.D., Editor, "Special Information Paper," Intelligence and Terrorism Information Center at the Center for Special Studies, December 2002.

² Al-Watan (Kuwait) 11 June, 2003:

www.al-watan.com/data/20030611/index.asp?content=outstate2

See also Filastin Al-Muslima (Lebanon) July 2003, p.5.

www.fm-m.com\2003\jul2003\pdf\p5.pdf.

Details – vote by area and names of candidates - are available.

³ Filastin Al-Muslima, op. cit.

⁴ www.palestine-info.info/arabic/palestoday/dailynews/2004/apr04/2_4/details5.htm.

⁵ Ehrlich, op. cit.

⁶ U.S. Government Accounting Office Report, November 17, 2003: GAO-04-276R UNRWA

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ In 2001 UNRWA proposed to the U.S. State Department that the term "all possible measures" be replaced by a pledge that it would not "knowingly" aid terrorists. With this proposal UNRWA was acknowledging that it would prefer not, or is not able, to take all possible measures. A great deal of latitude is implicit in the term "knowingly," when the knowledge is not actively sought. State rejected this proposal but has not defined "all possible measures."

¹² See page 30, "UNRWA: A Report."

¹³ www.ll.georgetown.edu/intl/other.htm.

¹⁴ www.law.cornell.edu/topics/international.html.

¹⁵ Nitza Nachmias and Eric A Belgrad, "Five Decades of Humanitarian Aid: The Case of UNRWA," *Towson State Journal of International Affairs*, Spring 1994.

¹⁶ Ibid.

¹⁷ www.un.org/unrwa/overview/index.html.

¹⁸ E-mail communication, Tuesday, August 19, 2003, printed copy in the possession of this writer.

¹⁹ By telephone interview, May 12, 2004.

²⁰ domino.un.org/unispal.nsf/o/oe236a099196750585256db0051251c?OpenDocument.

²¹ Fafo report 237 (www.faf.no/pub/RAPP/237/summ.htm) reports that of the (approximately 1,700,000) Palestinian refugees who are in Jordan, according to all major indicators of quality of life – physical and mental health, employment and income, etc. – those who are not in UNRWA camps live at a level equivalent to that of other Jordanians, while those in the camps are way behind.

²² See pp. 7-8, "UNRWA: A Report" for discussion of this.

²³ This has been confirmed by Dr. Emanuel Marx, Professor of Sociology and Anthropology, Tel Aviv University, who met in February 2004 with Sami Mshasha, Head of UNRWA Public Information in Jerusalem.

²⁴ See domino.un.org/unispal.nsf/o/af5f909791de7fb0852560e500687282?OpenDocument.

²⁵ domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/c758572b78d1cd0085256bcf0077e51a!OpenDocument.

²⁶ www.un.org/unrwa/overview/index.html.

²⁷ See pp. 12-17.

²⁸ In an interview with journalist David Aikman for the May 1999 documentary, “Vanishing Peace.”

²⁹ These quotes and others are documented in “UNRWA: A Report” page 25.

³⁰ April 21, 2004.

³¹ Secretary General’s Bulletin, ST/SGB/2000/6, op. cit .

³² Ibid.

³³ domino.un.org/unispal.nsf/o/c7d3dcad1590fb4c85256c610067978f?OpenDocument.

³⁴ domino.un.org/unispal.nsf/o/oe236a099196750585256dbe0051251c?OpenDocument.