

CONFRONTING THE CAMPAIGN TARGETING THE UNITED NATIONS RELIEF AND WORKS AGENCY (UNRWA)

Parameters, Principles and Recommendations for

A PALESTINIAN STRATEGIC PLAN



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BADIL

Resource Center

for Palestinian Residency and Refugee Rights

مصادر حقوق المواطنة واللاجئين

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BADIL Resource Center for Palestinian Residency and Refugee Rights

Karkafa St.

PO Box 728, Bethlehem, West Bank; Palestine

Tel.: +970-2-277-7086; Fax: +970-2-274-7346

Website: www.badil.org



BADIL Resource Center for Palestinian Residency and Refugee Rights is an independent, non-profit human rights organization working to defend and promote the rights of Palestinian refugees and Internally Displaced Persons (IDPs). Our vision, mission, programs and relationships are defined by our Palestinian identity and the principles of international humanitarian and human rights law. We seek to advance the individual and collective rights of the Palestinian people on this basis.

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Introductory

BADIL Resource Center for Palestinian Residency and Refugee Rights and the Global Palestinian Refugee Network¹ submit this paper as a proposal to develop an official and grassroots strategy to confront the political attack on the rights of Palestinian refugees and IDPs. Informed by broader research, the paper presents a brief overview for the purpose of more focused and broader nationwide debate. It includes a set of basic parameters, principles and data to be taken into account for the development of a much needed national and international strategy.

BADIL has presented this paper to the Palestine Liberation Organisation (PLO), political parties, civil society organisations, and national actors. It can be further developed, adopted and disseminated to serve as a terms of reference for taking action on both the national and international levels. BADIL believes in the urgent need for the PLO leadership to go beyond the discourse of reaction, appeals and seasonal statements concerning the status of Palestinian refugees and IDPs and the political attack on the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). BADIL calls for embracing a national strategy of action that incorporates accumulative political and diplomatic efforts with grassroots activity.

¹ The Global Palestinian Refugee Network (GPRN) was established in 2015 and its membership includes 38 organisations active in the field of defending the rights of Palestinian refugees and internally displaced persons (IDPs) in Mandatory Palestine and the Diaspora.

Parameters and Principles

1. International responsibility

- a) The international community, particularly the United Nations (UN), bears a special responsibility for the creation and perpetuation of the catastrophe of Palestinian refugees.
- b) The UN is responsible for providing international protection to Palestinian refugees and IDPs until such time as a durable solution is achieved, by implementing UN General Assembly (UNGA) Resolution 194 of 1948 and UN Security Council (UNSC) Resolution 237 of 1967, on the basis of the principle of voluntariness and in accordance with the rules of international law.

Explanation (1)²

Based on the reports of Count Folke Bernadotte³ and the deliberations of the UNGA member states that led to the adoption of Resolution 194 of 1948, as well as the Arab states' position (rejecting the inclusion of Palestinian refugees within the framework of international protection regime), the UN acknowledged its specific responsibility for Palestinian refugees. Accordingly, a special protection regime

² For more information, see: BADIL Resource Center for Residency and Refugee Rights (BADIL), Terry M. Rempel, *The United Nations Conciliation Commission for Palestine, Protection, and a Durable Solution for Palestinian Refugees*, Information & Discussion Brief, Brief No. 5, June 2000, available at: http://badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.5.pdf [hereinafter BADIL, Terry Rempel, the UNCCP Brief]; BADIL, *Survey of Palestinian Refugees and IDPs 2013-2015*, Volume VIII, 76-79, available at: <http://badil.org/phocadownloadpap/badil-new/publications/survey/Survey2013-2015-en.pdf> [hereinafter BADIL, Survey 2013-2015]; BADIL, *Closing Protection Gaps, Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, Preface by Guy S. Goodwin - Gill, 2005, available at: http://badil.org/phocadownloadpap/Badil_docs/publications/Handbook.pdf

³ The UN-appointed Mediator for Palestine who was assassinated in Jerusalem in 1948 by Zionist militias.

was later created and approved by the UN for Palestinian refugees to ensure their fundamental right to reparations (voluntary return, property restitution, compensation and guarantees of non-repetition) and their entitlement to humanitarian aid and assistance until the implementation of paragraph 11 of Resolution 194.

A few days after the 1967 war, the UNSC adopted Resolution 237, which calls for “the return of those inhabitants who have fled the areas since the outbreak of hostilities.” In the face of Israel’s refusal, the right of refugees to receive humanitarian aid was recognized again by the UN. Consequently, Palestinians displaced by the 1967 war were included as persons to whom humanitarian aid should be provided by UNRWA until the resolution is implemented.

2. International protection of Palestinian refugees is incumbent on the international community

Comprehensive international protection includes:

- ♣ **Humanitarian aid** to safeguard refugees’ human dignity and fundamental human rights, including food, clothing, shelter, health care, education and other social services.
- ♣ **Legal protection**, including:
 - Protection of human rights under international conventions, most notably the rights to non-discrimination, freedom of movement, right to property, freedom of belief and worship, and social services.
 - Protection, registration and management of refugees’ properties in their country of origin, and ensuring that they benefit from the proceeds of their properties.
 - Realisation of a just and durable solution for the refugees’ situation in line with the principles and rules of international law. That is, refugees should be enabled to voluntarily⁴ choose one of number of durable solutions: return to their homes and properties from which they were displaced, or integration

⁴ The principle of voluntariness is based the free, informed and individual choice of the refugee.

in countries of first asylum, or resettlement in countries of subsequent asylum.

- Provision of physical protection, whereby refugees enjoy safety and security in their lives and of their properties. This includes ensuring that refugees and their communities are protected against any attack or violation, particularly by the state responsible for their displacement.

Explanation (2)⁵

"Refugee" is a legal status, according to which a person acquires the right to international protection as a consequence of the lack of national protection due to persecution by the state or its subjects, or the state's inability to provide the necessary protection. The lack of protection may result from a situation of occupation or settler-colonialism, as is the case in Palestine. The concept of protection has evolved throughout history and developed into a customary international obligation, which is prescribed by several international instruments. International protection reflects the set of measures that ensure the preservation of human dignity and enjoyment of fundamental human rights.

In the context of refugees, as long as the state that is responsible for the displacement is unwilling or unable to ensure that a person enjoys sanctioned rights, the international community, as a whole and as individual states, are bound to ensure legal, humanitarian and physical protection. This is an obligation and not charity. It is an international responsibility that remains in effect until the refugee's situation is durably resolved in accordance with the provisions of international law and based on a free, informed and individual choice of the refugee.

While integration and resettlement offer durable solutions, the application is dependent on the state(s) concerned rather than on refugee voluntary choice. On the other hand, voluntary return is both a durable solution and an individual right. Hence, return is a right

⁵ BADIL, *Survey 2013-2015*, *supra* note 2, pp 57-70; BADIL, Susan Akram, *Temporary Protection and its Applicability to the Palestinian Refugee Case*, Brief No. 4, 2000.

that gives rise to a customary obligation, which states are required to enable persons to exercise.

According to international best practice and as reiterated by UNGA Resolution 194, the UN High Commissioner for Refugees (UNHCR) and the UNHCR Executive Committee, situations of mass displacement, such as the Palestinian case, are best resolved with the exercise of the right of return to the country of origin.

3. The protection gap experienced by Palestinian refugees is a result of an ineffective protection framework

The separate protection framework designed specifically for Palestinian refugees by the UN, which was intended to provide active and sufficient protection to Palestinian refugees, is ineffective because:

- a) The UN Conciliation Commission for Palestine (UNCCP) ceased its operations in the early 1950s: The UNCCP was created by the UN, with a mandate to implement Resolution 194 and provide comprehensive protection to refugees until such time as the Resolution is put into effect. At the time of its creation, the UNCCP membership included the United States of America (USA), France, and Turkey.⁶
- b) Limited legal and geographical mandate of UNRWA: UNRWA is mandated to provide humanitarian aid (rather than legal and physical protection) within a limited geographical scope; the designated five areas of operation of UNRWA. Furthermore, unlike the UNCCP, UNRWA's legal scope does not incorporate all Palestinian refugees. Its operational definition of a refugee is based on the individual's need and not their legal status.
- c) The UNHCR does not fulfil its responsibilities under the 1951 Convention relating to the Status of Refugees (1951 Refugee Convention) in situations where either of the two agencies (UNCCP or UNRWA) cease their operations.

⁶ The UNCCP no longer has any operational officers/members; rather it has been incorporated into the office of the UN Secretary General.

Explanation (3)⁷

A special protection framework was designed for Palestinian refugees to ensure they enjoy adequate and active protection and to resolve their situation as soon as practicable. This was a result of the UN having recognized its role in creating the Palestinian refugee situation by adopting Resolution 181 of 1947, which recommended the partition of Palestine within the borders of the British Mandate. It was also due to the Arab states refusal to include Palestinian refugees within the existing international protection regime, which was impaired by gross imbalances at the time.

Accordingly, the UNCCP was established under Resolution 194. The UNCCP mandate provided for the protection of the legal right of Palestinian refugees to reparations (being return, restitution, and compensation, and resulting in economic and social rehabilitation). However, its mandate was impeded by Israel's rejection. As a result of the recommendation of the UN Economic Survey Mission for the Middle East, UNRWA was established under Resolution 302 of 1949, as a temporary agency mandated to secure humanitarian aid, relief and work to Palestinian refugees in the areas where they were concentrated, including Palestinian IDPs in the area that became Israel in 1948. However, Palestinian IDPs were excluded from the UNRWA mandate in 1952, after Israel had pledged to maintain their rights. At the time, the international community recognised the possibility that refugees might cease to enjoy protection from the UNCCP or UNRWA. Hence, the UNGA mandated UNHCR (the UN agency responsible for all other refugee populations) to intervene and bridge the protection gap in accordance with the provisions of Article 1D of the 1951 Refugee Convention and Article 7C of the UNHCR Statute.

From its inception, the UNCCP composition was seriously flawed. The Commission consisted of just three countries: the USA, France, and Turkey, and unlike other UN organizations and agencies, it was not

⁷ See BADIL, *Closing Protection Gaps, Handbook on protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*, Second Edition, Chapter 1, 1-40, available at: <http://badil.org/phocadownloadpap/badil-new/publications/Handbook-art1d/Art1D2015-Handbook.pdf>

established as a UN operational body based on the principle of speciality.⁸ This effectively absolved international will to implement Resolution 194 in light of the deficient political will of its member states. In other words, the (lack of) political will of the members of the UNCCP impeded its functions and the organization could not independently fulfil its mandate. This situation soon deteriorated exponentially in the wake of the UNCCP's expanding and multiple tasks, which eventually overlapped with UNRWA's functions. Combined with insufficient resources, the UNCCP was transformed into a nominal body that was functionally ineffective.⁹

For almost seventy years, this protection framework has failed due to UNCCP's ceased operations, UNRWA's limited mandate, and UNHCR's failure to fulfil its obligations. As a result, the protection framework designed especially for Palestinian refugees does not meet the minimum international standards for protection.

4. Enabling UNRWA to fulfil its mandate is not charity, but an international responsibility

- a) UNRWA is mandated to provide humanitarian aid, which is one of the three pillars of the comprehensive protection (legal, humanitarian and physical). However, the Agency's mandate is limited as it is not permitted to intervene with states to ensure respect for refugees' rights, to protect refugee and IDP properties in their country of origin, nor to provide durable solutions.
- b) UNRWA, its mandate, tasks and mode of financing that relies on voluntary contributions (as set by the UNGA), was originally designed to serve in the short-term. Its mandate fails to address a protracted refugee situation lasting over 70 years, and the multiplying number and increasing needs of the Palestinian refugee population.
- c) In spite of the systematic reduction of services, Palestinian

⁸ The principle of speciality refers to the UN's authority to establish organizations and agencies with a specific operational mandate that represents the common and collective will of its member states.

⁹ BADIL, Terry Rempel, the UNCCP Brief, *supra* note 2.

refugees have been persistent in UNRWA's preservation. Not only is UNRWA a symbolic agency and witness to their plight, but it is also an international agency that is UN-mandated to provide protection to Palestinian refugees.

- d) Declining UNRWA service delivery to refugees is not a recent phenomenon, but clearly emerged as a trend in the 1980s and was further exacerbated in the 1990s and more recently, affecting all UNRWA programs. Over the last decade, as a result of its continuously shrinking financial capacity, the right of service reduction has increased sharply, threatening the very existence of UNRWA itself.
- e) Securing UNRWA's financial resources is challenged by the fact that the Agency's budget relies on voluntary contributions. This system was designed under the assumption that the Palestinian refugee and IDP issue would be resolved in accordance with relevant resolutions and international principles. In other words, UNRWA was to be a temporary agency¹⁰ and the agency would cease its functions when Palestinian refugees and IDPs exercised their right of return, and that this would occur shortly after the *Nakba*.
- f) UNRWA is not a civil society organisation; nor is it mandated to provide its own budget. Rather, UNRWA's financial stability and sustainability are responsibilities of the UN. Accordingly, any fundraising activities made by the Agency are extra efforts, which should not replace or relieve the UN of its primary responsibility.
- g) Reductions in services and programs, through administrative procedures taken by UNRWA management, violate refugee rights. These reductions do not alleviate the root causes of the problem; the chronic financial crisis caused by structural deficiencies. Nor does it relieve UNRWA from its responsibility to challenge the attempts to terminate its operations. At the very least, the Agency should expose the political pressure to interfere with, condition and constrain its operations.
- h) UNRWA is not an opponent of refugees, nor is it the target of their protests and campaigns. Protests are directed at the states which impede UNRWA's funding, prevent the development of its

¹⁰ UNRWA's original temporal mandate was for 3 years; since 1950, its mandate has been renewed every 3 years by the UNGA.

financial system, impose conditions on its contributions, and/or prevent the expansion of its mandate, protection responsibilities and geographic coverage.

Explanation (4)¹¹

When it was established, UNRWA was mandated to provide humanitarian aid to Palestinian refugees and IDPs in the areas where they were concentrated. It would serve as an international agency with a limited legal, temporal and geographic mandate. As mentioned, unlike the UNCCP, UNRWA's mandate does not encompass all Palestinian refugees. At the time, the temporary status of UNRWA was justified inasmuch as the established principle was the application of Resolution 194, which the UNCCP had been mandated to implement. At the time, it was assumed that the Palestinian refugee and IDP issue would be resolved through return "at the earliest practicable date", as per Resolution 194. Therefore, states determined that their voluntary contributions to UNRWA's General Fund would suffice. As such, it can be argued that UNRWA's mandate and mode of financing have been flawed since the Agency's establishment. More over, without the implementation of UN Resolution 194, the international community is obligated to continue its financial and political support to UNRWA and the only way this obligation to UNRWA ceases is when Resolution 194 is fulfilled.

UNRWA's flawed establishment and mandate resulted in a structurally deficient temporary agency with limited powers and unstable budget. Additionally, UNRWA's definition of 'Palestine refugee' was developed for practical purposes and related only to the individual's need for assistance. This definition deficiency compounded over the years, allowing for the exclusion of categories of refugees and IDPs,

¹¹ BADIL, *Understanding the Political underpinnings of UNRWA's Chronic Funding Crisis*, Bulletin No 27, available at: http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/bulletin-no27-unrwa-financial-crisis.pdf; Common Space Initiative, *The Ongoing UNRWA Crisis: Contexts, Dimensions, Prospects and Responses, Policy Dialogue Series- Lebanese – Palestinian Relations*, Prepared by Jaber Suleiman, Al-Zaytouna Center for Studies & Consultations, August 2018, p. 6, available at: <http://www.badil.org/phocadownloadpap/badil-new/resources/docs/individuals/unrwa-crisis-lebanon-en.pdf>

interference with UNRWA's functions and programs, and it conditioned and restricted the Agency to the political will of donor states.

5. The attack on UNRWA is both recurrent and politically-motivated

Explanation (5)¹²

It is beyond doubt that the escalating attack on UNRWA can be associated with the so-called Deal of the Century. In truth, however, the Agency's liquidation is associated with UNRWA's embodiment of international responsibility for the issue of Palestinian refugees. Terminating UNRWA is a persistent and long-term political project of both Israel and the USA. The USA realizes that the elimination of UNRWA by a UNGA resolution is largely impossible, or at least unattainable under the current circumstances. Therefore, the USA has scaled up its effort to thwart UNRWA's budget and services as a way to transform it into a disempowered and ineffective agency, as it did with the UNCCP.

The fact that the USA has cut off UNRWA funding, and at the same time called on Arab states to fund it, can only be understood as a scheme to evade international responsibility for the issue of Palestinian refugees and IDPs and their rights by transferring this responsibility to Arab states. The administrative and financial crisis UNRWA is facing is an outcome of an organized and full-fledged political strategy, in which the USA, Israel and their allies are using a set of measures to transform UNRWA into a defunct, ineffectual agency.

¹² Ibid. See also BADIL, "US Administration decision completely flouts the Inalienable Rights of Palestinian People", 4 September 2018, available at: <http://badil.org/en/publication/press-releases/87-2018/4894-pr-en-040918-28.html>; BADIL, "UNRWA's Essential Services under Threat", 28 June 2018, available at: <http://www.badil.org/en/publication/press-releases-87-2018/4876-pr-en.280618-19-html>; BADIL, "Our return is no a dream; it is an internationally recognized right, Open letter", 20 May 2018, available at: <http://www.badil.org/en/publication/press-releases/87-2018/4867-pr-en-200518-15.html>; BADIL, "A strategic approach rather than mere reactions is required to address the aggressions against UNRWA", 19 January 2018, available at: <http://www.badil.org/en/publication/press-releases-87-2018/4842/pr-en.190118-01-html>

- a) The escalating attacks on UNRWA are part and parcel of a political scheme intending to liquidate the issue and rights of Palestinian refugees and IDPs, particularly the right of return to their homes of origin and properties.
- b) The attack is systematic and falls within a multimodal strategy. It includes reducing UNRWA's General Fund Programme Budget, placing conditions on the disbursement of contributions, and exerting pressure on UNRWA to reduce both the quantity and quality of services. It also involves pressure and/or incentives to transfer UNRWA's responsibilities to host countries and charge Arab states, particularly the Gulf states, with the financial burden. International non-governmental organizations, and local organizations and institutions will be encouraged to implement tasks, which originally fall within UNRWA's mandate. This strategy also advances the notion that UNRWA is an opponent of Palestinian refugees, that it does not have the necessary competence, and that it perpetuates the Palestinian refugee issue.
- c) Methods and tools that give rise to the UNRWA crisis mainly include:
 - ♣ Reducing contributions: The reason states reduce their contributions to UNRWA's budget is not attributed to states' financial inability. Rather, this is a tool for cutting off sources of financing and, by consequence, effectively terminating UNRWA. These states recognize the impossibility for the UNGA to adopt a cessation or termination resolution.
 - ♣ Growing UNRWA's emergency and project based budget at the expense of the Agency's General Fund: The UNRWA general budget, earmarked to cover basic needs and core programmes, has fallen short in view of the growing UNRWA project and emergency budget which has accounted for nearly half the contributions the Agency receives.
 - ♣ Placing the financial burden on Arab states: Under the pretext of burden sharing, Arab states will have a growing contribution to UNRWA's General Fund. This will be accompanied by the imposition of involuntary integration and resettlement.
 - ♣ Restricting disbursements: Conditions are placed on the disbursement of grants offered by some states, restricting UNRWA's ability to distribute the budget in a manner that serves its core programs and basic services.

- ♣ Conditional contributions: UNRWA is pressured and conditioned to take measures to gradually reduce and/or terminate programs and services in order to receive states' contributions.
- ♣ Transferring responsibilities to host countries: Financial inducements are offered to host countries to take on UNRWA's responsibilities and tasks as a prelude to terminating the Agency's operations.
- ♣ Diluting UNRWA's responsibilities: UN agencies, international organizations, Palestinian civil society actors and popular service committees are encouraged and funded to implement tasks and projects, which were originally a responsibility of UNRWA, and/or play a mediating role between refugees and the Agency. With its deteriorating image and authority, this presents UNRWA as an incompetent organisation and weakens its position.
- ♣ Promoting incompetence of UNRWA and exploiting dissatisfaction of the refugee population: Popular protests against reduced services are depicted as an expression of refugees' dissatisfaction with UNRWA itself. This promotes the notion of UNRWA's inability and incompetence and the need to find an alternative, such as host countries or more effective civil society organisations.
- ♣ Changing the definition of refugee: The USA is now working on removing the refugee status from descendants of Palestinian refugees, limiting the definition to those who were actually displaced in 1948. This is not a new US policy, but an accumulation of earlier attempts and policies. The narrow scope of UNRWA's operational definition that links the refugee to the need for assistance provides an entry point for the US administration to exploit. This structural weakness is utilized by the USA to revoke the legal status of Palestinian refugees and tarnish UNRWA's image and ultimately results in the shirking of international responsibilities.

6. Protecting and developing the mandate and authority of UNRWA is a Palestinian national responsibility

- a) Palestinian national responsibility requires that the PLO leadership take active political action in support of organized, popular grassroots action.
- b) Popular protests against service reduction are not adequate enough to ensure the protection of UNRWA and to prevent its liquidation.
- c) The current Palestinian political and diplomatic action is inadequate as it is limited to emotional and moral appeals and reactions.
- d) Palestinian political action should be proactive, strategic and in line with a plan built on the protection of refugees' rights. Three integrated objectives should be prioritized: (1) protecting UNRWA; (2) addressing the chronic financial crisis; and (3) expanding UNRWA's mandate.
- e) Popular action and protests should be organised, incremental, ongoing and integrated with national political and diplomatic action. The campaign should not target UNRWA and/or disrupt its operations. Rather, it should exert pressure on the international community and be complemented by an international advocacy campaign to expose the political agenda of the USA and Israel.
- f) Cooperation should be initiated with the Agency to manage a global advocacy campaign. This cooperation is not indicative of approval for the Agency's procedures. While the Palestinian priority is to confront the campaign against UNRWA, national actors, including civil society organizations and refugee popular committees, should not disregard UNRWA's reduction of services or offer alternative compromises at the expense of refugee rights and needs. Such compromises could temporarily alleviate the impact of reductions, but will eventually result in the obviation of international responsibilities and replacement of the Agency.

Explanation (6)¹³

The lack of a comprehensive national strategy and the national preoccupation with the Oslo illusion and the ‘peace process’, within the context of a complete imbalance of power, have undoubtedly entrenched the UNRWA crisis and facilitated the targeting of the Agency. Needless to say, continued focus by Palestinian leadership on the negotiating table to achieve a political solution is not realistic, neither in the short-term or the long-term. More than 25 years after Oslo, it has been demonstrated that a political solution devoid of rights will not achieve justice, peace or sustainability. Logically, a durable and just solution needs to address the root causes (the ongoing forced displacement and transfer of the Palestinian people), through reparations (voluntary repatriation, property restitution and compensation for the over 8 million Palestinian refugees and IDPs) rather than management of the status quo. This necessarily requires an integrated political and grassroots action in the face of the large-scale attack on fundamental Palestinian national rights. An approach that involves mere reactions and seasonal initiatives is incapable of confronting the US-Israeli strategy, which seeks to liquidate the question of Palestine and Palestinian rights. Confronting this attack demands strategic action that can be built upon through the lobbying of pro-Palestinian states and influencing international public opinion, as well as by mobilising the Palestinian people.

¹³ Ibid.

A Proposal: An Advocacy Strategy to Protect UNRWA, Resolve its Chronic Financial Crisis and Reform its Mandate

Explanation (7)¹⁴

In 1948, Arab states rightfully insisted that the UN and international community bear full responsibility for the plight of Palestinian refugees and IDPs, in line with the customary international rule, which dictates that the international burden may not be transferred from the state responsible for a violation to a third party. Therefore, Arab states refrained from bearing the burden of responsibility instead of Israel and international community, including financial responsibility of UNRWA's budget. Due to declining state contributions and successive financial crises that affected UNRWA, Arab states have gradually contributed to the UNRWA General Fund. Prior to the current financial crisis, Arab states' contributions to the UNRWA budget represented 7-8 percent. Today, the US Administration seeks to further transfer the financial burden to Arab states not so much because this year's deficit (approximately 300 million USD) is non-payable, but because the USA is attempting to revoke international responsibility and transform the issue of refugees into an Arab-Palestinian issue. The call for Arab Gulf states, particularly, to raise their contributions to the UNRWA General Fund may temporarily retain some services. On the other hand, it means that the international community is relieved of its financial, legal and moral responsibility for Palestinian refugees and IDPs. It is precisely here that the trap into which the USA and Israel are attempting to lure the world lies. It paves the way for elimination of the Palestinian refugee and IDP issue and rights through involuntary integration in host countries and legitimation of the status quo.

Realizing that a UNGA resolution on eliminating UNRWA is impossible, the USA, Israel and their allies have intensified their campaign to thwart UNRWA's operations, cut off sources of financing, and transform it

¹⁴ Ibid.

into a nominal agency which is functionally ineffective, just like the UNCCP.

There is an opportunity to mobilize an absolute majority of UNGA member states, even excluding European Union member states (which will likely object to and/or abstain from voting) to support a UN resolution to expand UNRWA's mandate, secure its budget, and explicitly provide that it take on the responsibility for enforcing the provisions of Resolution 194 in its capacity as a functional agency. Submitting a draft resolution on these grounds ensures a strategic response to the US-Israeli strategy.

On the basis of its belief in the need for integrated political and popular action, BADIL is of the view that the PLO should submit a draft resolution to the UNGA, supported by an international advocacy campaign, international solidarity movements and Palestinian popular action. Accordingly, BADIL believes that this draft resolution should be strategic and encompass both the rights of the Palestinian people and the obligations of the international community.

The draft resolution should include the following:

1. Reaffirm that UNRWA is an international agency with a permanent mandate until such time as UNGA Resolution 194 of 1948 and UNSC Resolution 237 of 1967 are put into effect.¹⁵
2. Transfer the UNCCP mandate and files to UNRWA. Practically, this requires:
 - a) Expansion of UNRWA's personal mandate; that is, revising the definition of the Palestinian refugee and IDP on the grounds of being subjected to displacement and/or persecution under international refugee law and not based on need. Accordingly, UNRWA's mandate will cover all registered and unregistered Palestinian refugees (7.4 million), including those displaced in 1967, IDPs in the aftermath of the 1967 war (approx. 250,000), and IDPs inside the Green Line (approx. 385,000).

¹⁵ BADIL Resource Center for Residency and Refugee Rights, Terry Rempel, *The UN Works and Relief Agency (UNRWA) and a Durable Solution for Palestinian Refugees, Brief No 6, 2000*. Available at: http://badil.org/phocadownload/Badil_docs/bulletins-and-briefs/Brief-No.6.pdf

- b) Expanding UNRWA's geographical mandate to include all Palestinian refugees and IDPs in the areas where they are present, not only in UNRWA's current five areas of operation.
 - c) Expanding UNRWA's legal mandate to explicitly include legal and physical protection, including the protection and management of refugee and IDPs' properties. UNRWA's mandate no longer being restricted to the provision of humanitarian aid.
3. Ensure that UNRWA's core program budget (General Fund), which is needed to cover core program and services, is incorporated as part of states' compulsory contributions to the UN Regular Budget (currently 4 percent of UNRWA's budget). UNRWA's General Fund will take into account an annual increase that is commensurate to the increasing number and growing needs of the refugee population.
 4. Calling on the UN Secretary General to take practical measures and develop a mechanism to implement UNGA resolutions concerning the protection and management of Palestinian refugees' properties – in place of the so-called Israeli Custodian of Absentee Properties – ensuring that they benefit from the proceeds from their properties in accordance with relevant resolutions.¹⁶ Such mechanism should include taking practical measures to oblige Israel to pay the proceeds of refugee properties.¹⁷

¹⁶ UNCCP, *Third Progress Report to the Secretary General of the United Nations (for the period extending from 9 April to 8 June 1949 inclusive)*, Annex A, 13 June 1949, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/AD7D4FE6D9F547CB8525750C00766FAB>.

¹⁷ See UN Special Committee on Palestine, *Report to the General Assembly*, A/364, 3 September 1947, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/07175DE9FA2DE563852568D3006E10F3> [accessed 27 Jul 2018]; UN General Assembly, *General Assembly Resolution 34/146*, A/RES/36/146, 16 December 1981, available at: <http://www.un.org/documents/ga/res/36/a36r146.htm> [accessed 27 Jul 2018]; see its latest recall in UN General Assembly, *Palestine refugees' properties and their revenues*, A/RES/72/83, 14 December 2017, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/72/83 [accessed 27 Jul 2018]. For resolutions on Israel's rejection, see: UNRWA, *Palestine refugees' properties and their revenues*, A/72/334, 14 August 2017, available at: <https://undocs.org/A/72/334> [accessed 27 Jul 2018]; UNRWA, *Palestine refugees' properties and their revenues*, A/71/343, 19 August 2016, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/263/72/PDF/N1626372.pdf>

5. Calling on the UNHCR to bridge the gap in international protection of refugees in accordance with the second paragraph of Article 1D of the 1951 Refugee Convention (the inclusion paragraph).
6. Stressing the impermissibility and illegality of transferring UNRWA's responsibilities to host countries or international or domestic institutions and civil society organisations.

