



## **The role of United Nations relief and works agency (UNRWA) for protecting Palestinian refugees**

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### **Abstract**

This article demonstrates that the situation of Palestinian refugees is still pertinent till this day. There are approximately five million refugees living in neighbouring Arab countries, such as Jordan, Lebanon, Egypt and Syria as well as neighbouring areas in Palestine itself, like the Gaza Strip and West Bank under very unstable conditions. The Palestinians refugee issue is one of the most complicated matters that peace negotiators have been facing during their attempt to solve the Israeli-Palestinian conflict and without solving it there will be no permanent and sustainable peace. In this issue of the Palestine refugees, article will examine whether international community through the Security Council demonstrated sufficient will and support. A second is to know whether the parties to the conflict demonstrated sufficient political will to address the issues of refugee protection and durable solutions.

**Keywords:** United Nations, Palestine refugee, organization, protection, RAO programmes

### **Introduction**

From 1949, the United Nations General Assembly created the United Nations Relief and works agency for Palestine Refugees in the Nearest (UNRWA) to supplies support to the more than 700,000 refugees and exiled persons who had been forced to run away their homes in Palestine as a consequential of the 1948 Israel-Arab war.

Moreover in December 1949, the United Nations General Assembly determined to set up the office of the United Nations High Commissioner for Refugees (UNHCR), as of 1 January 1951, with the principal plan of dealing with refugees in Europe left homeless by world war II, Nerveless, since its establishment, UNHCR has had the mandate to deal with international refuge, and began to carry out in deep during the 1960s. UNRWA was mandated to carry out “relief and works programmes” in support of Palestine refugees, that is, refugees from the territory that had been under the British Mandate for Palestine, regardless of nationality.

Mandate for Palestine, in spite of nationality. After a while its operations have evolved to meet altering requirements and conditions. The Agency at present provides both fundamental humanitarian relief and human progress services in its area of operations, namely Lebanon, The Syrian, Jordan and human progress services in its area of operations, namely Arab Republic, Lebanon, The Syrian, Jordan and occupied Palestinian territory.

UNHCR has an international mandate, assist, to protect, and seek strong solutions for refugees as well as other people in need of global protection. UNHCR’s go-ahead covers Palestinians who are refugees inside the meaning of the 1951 Refugee Convention, which could contain Palestine refugees as cleared by UNRWA. UNHCR normally takes up the case of Palestinian refugees only when they are out-door of UNRWA’s region of Operations.

From 65 years ago, UNHCR and UNRWA have been cooperating, every coordination inside its mandate and in close coordination with the multitude states, to protect and support Palestinian refugees. In recent years, the partnership between the two agencies has become nearer, resulting in good cooperation in diversity areas, including in the exchange of information and mutual efforts to determine problems faced by Palestinian refugees.

### **Mandates and Organisation**

United Nations General Assembly created UNRWA by resolution 302(IV) of 8 December 1949. The Agency started operation from May 1950 and was originally accepted to be short-term. In the lack of comprehensive answer to the Palestine refugee problem, however, the general assembly has continually renewed UNRWA’s term of office.

Today, the Agency provides health, education, social services, care, shelter, micro-credit loans and emergency help to Palestine refugees in its five fields of operations: Syria Lebanon, Jordan, the Gaza strip, and the West Bank, including East Jerusalem. UNRWA employs more than 28,000 workers; the vast majority are Palestinians refugees, including 20,000 educational staff and 4,000 health care workers. The Agency’s head offices are in Gaza and Amman.

### **Palestine Refugees as defined by UNRWA**

Everybody who was in place of residence in mandate of Palestine during the period since 1 June 1946 to 15 May 1948 and who lost both residence and means of live hood as a result of the 1948 Israel-Arab war qualifies as a Palestine refugee, as defined by UNRWA, and is qualified for UNRWA registration. Therefore the reference to Palestine refugees is not Palestinian refugees, who are registered in UNRWA’s documents. The descendants of the original Palestine refugees

are also eligible for registration, however only refugees living in one of UNRWA's five fields of operations get Agency services. The numbers of Palestine refugees registered with UNRWA nowadays are than 4.3 million. UNRWA has also been motivated by the General Assembly to provide assistance humanitarian on an emergency basis to persons in the region who do not meet UNRWA's definition of a Palestine refugee but who have been exiled as a result of the June 1967 war and following hostilities.

No more than one-third of the registered refugees still live in refugee camp. Most of the other two thirds live in Villages, towns, and cities throughout UNRWA's region of operations, and some have moved outside the region and are living in other countries. UNRWA services area available to all registered refugees present in its region of operations whether they live in camps or not.

### **UNRWA's role and the protection gap**

With agreement of General Assembly resolution in its resolution 393 (V), UNRWA spent its first six years in paying attention to reintegration of the Palestinians refugees "in economic life of the Near East also by repatriation or resettlement, "it was an essential homework with the assumption that international assistance should no longer available, and for the awareness of conditions of peace and stability in the region. This type of protection was mainly undertaken in four types of schedules: a) Works Projects, i.e. medium-sized public sector government-controlled projects such as road-building and tree-planting aimed at employment creation; b) Work Relief, i.e. small scales training and employment concern; c) Assistance to and subsidization for small numbers of Palestine refugees willing to resettle; and d) Large-scale regional development projects with regional governments.

During this period, however, it became clear to the Agency that these programmes held little promise for significantly improving the economic well being of the Palestine refugees, in part because the first two were limited in scope and the fourth encountered resistance from the refugees and host governments.

This resulted in the regular move in the Agency's programmes from reintegration to relief and human resource development by the late 1950's, the Agency had established its primary plan for its operations focused on vocational training, primary education, self-support, primary health care and continued relief for disadvantaged refugees. These humanitarian interventions eventually developed into the Agency's three regular programmes of education, health and relief and social services, along with its microenterprise and microfinance special programme.

Even though UNRWA's humanitarian focus, its mandate has at various points included a "passive" protection function, especially at times when the security and human rights of the Palestine refugees were under particular threat. The Agency's "passive" protection activities started in 1982. Following are Israel's invasion of Lebanon and the Sabra and Shatila massacre. In resolution 37/120 J of 16 December 1982, the General Assembly urged the Secretary-General, in discussion with the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and awaiting the

withdrawal of Israeli forces from the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, to undertake efficient measures to guarantee the protection and security and the legal and human rights of the Palestinian refugees in the occupied territories.

As a result, UNRWA undertook to monitor the security of Palestine refugees in occupied Lebanon, issued public statements on the situation from time to time, and "took up The need for appropriate action...to care for refugees" with the Government of Israel and different members of the Security Council. In addition, the General Assembly requested in resolution 37/120 1 of 16 December 1982 that the Secretary-General, in cooperation with UNRWA, "issue identification cards to Palestine refugees and their descendants, irrespective of whether they are recipients or not of rations and services from the Agency, as well as to all displaced persons and to those who have been prevented from returning to their homes as a result of the 1967 warfare, and their descendants Prior to that point, the Agency had decided to issue registered refugees with individual registration cards to replace the family cards, though it could not actually be implemented.

The issuance of identification cards to those refugees and displaced persons not registered with the Agency required the concerted cooperation of the various countries in which they had taken-up habitation over the years. In the lack of such assistance, the Secretary-General and UNRWA were incapable to carry out this measure.

The intifada of 1987-1993 was the next occasion when UNRWA was called upon to implement "passive" protection activities in relation to the Palestine refugees. This came by way of Security Council resolution 605 of 22 December 1987, which after taking note of and strongly deploring Israeli violations of the human rights of the Palestinian people in the occupied Palestine territories (OPT), called upon the Secretary-General to assess the situation and to report to the Security Council "recommendations on ways and means for ensuring the security and protection of the Palestinian civilians under Israeli occupation.

In accordance with this resolution, the Secretary-General provided a report to the Security Council in which he outlined four principal means by which the protection of the Palestinian people in the OPT, including the refugees, could be secured:

1. Physical protection;
2. Legal protection;
3. Protection by way of general assistance; and
4. Protection by publicity.

These four protection mechanisms, UNRWA was specifically requested by the Secretary-General to increase its "general assistance" capacity through the addition "of extra international staff" in the OPT to; intervene with the authorities of the occupying Power in an effort to provide a modicum of "passive protection" to the Palestinians. Thus was initiated the Agency's Refugee Affairs Officer (RAO) Programme, an integral component of its "programme of general assistance and protection.

The RAO programme, which began in January 1988, constitutes the most expansive protection mechanism ever instituted by the Agency. According to the RAG Guidelines of 15<sup>th</sup> March

1989, the goals of the programme were two-fold: (1) to facilitate "UNRWA operations in the difficult prevailing circumstances" of the intifada; and (2) to provide "a degree of passive protection for the refugee (and, eventually, non-refugee) population. At any given period, there were 21 RAOs operating in the OPT. In addition, each of the Gaza and West Bank fields appointed a legal officer to support the programme. The specific duties of the RAOs included the following:

- a. Circulating throughout the OPT on a frequent, though unexpected, schedule for the purpose of observing and reporting to the respective Field Office any unusual or irregular circumstances;
- b. Visiting Agency installations in the OPT and reporting any disruptions in Agency operations;
- c. Visiting camps and other areas under embargo, and reporting to the respective Field Office on any problems affecting the wellbeing of the population;
- d. ascertaining and reporting as accurately as possible the names, ages, refugee status, circumstances and other appropriate information relating to Palestinians killed or wounded as a result of hostilities in the OPT;
- e. Liaising with local military governors and civilian administrators of the occupying Power on matters affecting the Agency's operations or the welfare of the refugees; and
- f. Visiting UNRWA staff members detained by the occupying Power.

The general assistance and protection programme became a central supportive feature of UNRWA's programmes in the OPT by the early 1990s. By 1991 it had come to include a legal aid scheme" run by the Agency with the purpose of helping the "refugees deal with a range of problems or life under occupation," including "sustained follow-up in cases of deaths, injuries and harassment; bureaucratic difficulties in obtaining various permits; discrimination in access to courts of law, welfare benefits, etc.; travel restrictions; and, various forms of collective punishment. The conclusion of the Declaration of Principles en Interim Self-Government Arrangements (DOP) in 1993 and the establishment of the PA ushered in a period in which it was thought the RAO programme would soon no longer be required. Accordingly, the programme was officially suspended in the Gaza field in May 1994 and in the West Bank field in April 1996. To this day, each of the Fields maintains legal officer as part of its operations, although the functions of these officers have evolved and cover general legal matters.

Notwithstanding the many successes of the plan, the RAO programme was from the start hindered by the fact that it possessed only a limited mandate of providing "passive protection" to the refugee and non-refugee populations of the OPT. This much was acknowledged in the RAO Guidelines which stated that the "passive protection" afforded through the programme was only "to be achieved by maintaining an international presence in the field, observing, reporting and, in appropriate circumstances, making contact with the Israeli security forces."

As noted in the RAO Guidelines, "UNRWA has no power to enforce the rights of the refugees, and RAOs must not make physical contact or engage in heated arguments with the

Israeli security forces." Similarly, in a report to the Security Council dated 31 October 1990 the Secretary-General noted that although the RAO programme had "helped to defuse tense situations, avert maltreatment of vulnerable groups, reduce interference with the movement of ambulances, and facilitate the provision of food and medical aid during curfews," the programme's Palestinian beneficiaries were of the opinion that it did not have "the necessary impact on the behavior of the Israeli authorities.

Thus, at its peak the RAO programme was unable to bridge the protection gap in relation to Palestine refugees in the OPT, who continued to face serious violations of person and property at the hands of the occupying Power. According to John Dugan, the Special Reporter of the United Nations Commission on Human Rights, these violations, which have persisted until the present, include: Loss of life, inhuman and degrading treatment, arbitrary arrest and detention without trial, restrictions on freedom of movement, the arbitrary destruction of property, the denial of the most basic economic, social and educational rights, interference with access to health care, the excessive use of force against civilians and collective punishment.

In order to Facilitate the Agency's activities under its emergency programme, the Operational Support Officers (OSO) programme was introduced in 2000 to assist in facilitating the delivery of humanitarian goods, securing the safe passage of Agency staff through checkpoints and more generally enhancing the proper implementation of Agency programmes in accordance with United Nations norms. While the OSO programme is not mandated or equipped to provide the Palestine refugees with protection (in the UNI-ICR sense), to the extent that it has assisted in the delivery of essential humanitarian aid to the refugees, it can be said to have indirectly, and in a relatively limited way, contributed to providing the refugees with a form of "passive" protection.

### **Political Challenges**

In contexts of conflict outside of the Palestine refugee case, success in providing "international protection", or effecting a durable solution, has been directly dependent on the existence of either (1) the support and will of the international community as manifest in the Security Council; and/or (2) the political will of the parties directly involved in the conflict. Thus, refugee problems in Afghanistan, Bosnia-Herzegovina, Cambodia, Centraln America, East Timor, Iraq, Kosovo, and Namibia have benefited from various levels of support/action from the Security Council, sometimes acting under Chapter VII of the UN Charter, and the political support of the parties directly involved in the conflict as manifest in either an express agreement or effective military intervention. In some of these cases, action was taken on the basis that the problem at hand constituted a threat to international peace and security.

The questions that must be posed in the context of the Palestine refugees are: Has the international community through the Security Council demonstrated sufficient will and support in bringing about conciliation or in militarily intervening with respect to the protection of Palestine refugees, deeming the issue a threat to international peace and security? Have the parties to the conflict demonstrated

sufficient political will to address the issues of refugee protection and durable solutions? In short, the answer to each of the above must be "no".

This conclusion stems from the fact that in the Palestine refugee context, the concrete and practical support of the Security Council for a durable solution has never existed beyond its affirmation, in resolution 242 of 22 November 1967, of the necessity of achieving "a just settlement of the refugee problem", as well as its endorsement of the Quartet Roadmap in resolution 1515 of 19 November 2003 which provides that there should be "an agreed, just, fair, and realistic solution to the refugee issue". While the Quartet currently represents the international community, it has not taken any other practical steps in the direction of protecting the Palestine refugees or searching for a durable solution to their plight.

In so far as protection of Palestine refugees is concerned, an analysis of Security Council resolutions reveals a trend of weak Security Council intervention limited to instances of gross human rights violations of Palestinian civilians and refugees, a trend that is significantly at variance with Council behavior in other refugee and conflict situations.

For example, following the Sabra and Shatila massacre of September 1982 in which hundreds of Palestine refugees were brutally murdered in Beirut, the Security Council passed resolution 521 in which it condemned "the criminal massacre" but only went so far as to authorize the Secretary-General "to increase the number of United Nations observers in and around Beirut" and to "initiate appropriate consultations" with the Lebanese government regarding "the possible deployment of United Nations forces. Likewise, at the height of the 1997-1993 Intifada, and two months following the 8 October 1990 killing of 17 unarmed Palestinian civilians and the injuring of another 150 by Israeli border guards in Al-Haram Al-Sharif compound, the Security Council adopted resolution 681 in which it merely called upon high Contracting Parties of the Fourth Geneva Convention to ensure that Israel respect its provisions, and for the Secretary-General "to monitor and observe the situation repealing Palestinian civilians under Israeli occupation, making new efforts in this regard.

Finally, in the aftermath of the murder of 29 Palestinian worshipers at M-Haram Al-Ibrahimi by a machinegun wielding Jewish settler in 1994 in Hebron, the Security Council passed resolution 904 in which it condemned the "massacre" but only went so far as to call for measures to be taken to guarantee the safety and protection of the Palestinian civilians throughout the occupied territory. This included the call for the establishment of "a temporary international or foreign presence" as per the Israel-PLO Declaration of Principles on Interim Self-Government Arrangements of 13 September 1993, not a Council mandated UN presence as has happened in other cases."

In contrast, following the killing of a number of refugees and three UNHCR staff members in East Timor, the Security Council passed resolution 1319 in which it recalled "that grave violations of international humanitarian and human rights law have been committed and that those responsible for these violations should be brought to justice.

The UN figured prominently in bringing about East Timor's independence and is now in the process of examining the

possibility of helping it establish an ad hoc criminal tribunal for the purpose of trying persons responsible for serious crimes committed during the period of Indonesia's rule. Likewise, the Security Council displayed considerable political will in establishing UNAMA for the purpose of leading the relief, recovery and reconstruction efforts in Afghanistan, as well as with inquiring UNPROFOR in Bosnia-Herzegovina to act as a cease-fire monitor and to assist the UNHCR in the delivery of essential humanitarian assistance. Security Council action in the case of Bosnia-Herzegovina was also important for establishing the principle of UN-protected "safe areas" as a means of protecting vulnerable civilian and refugee populations. Although the use of such safe area designations in Bosnia-Herzegovina failed to stop atrocities during the war, particularly at Srebrenica, principle itself is sound and represented an innovative step taken by the Security Council to protect civilians and refugees during armed conflict.

Similarly, in the Palestine refugee context there has never existed of a common political will among the parties to the conflict sufficient to considerably enhance the protection of the refugees' interests or to implement a just and durable solution to their problem. As is well known, the refugees and their political leadership have consistently been of the view that a "just" resolution of their plight necessitates the recognition of their right to return to their homes in accordance with General Assembly resolution 194(111). On the other hand, the state of Israel has been equally adamant that no right to return exists for the Palestine refugees that must be found in resettlement in a future Palestinian state. the host states or third countries.

In over half a century of conflict, these positions have essentially remained the same, and the plight of the Palestine refugees has gradually become worse. As a humanitarian organization, UNRWA was never mandated to conciliate and influence the political positions of the parties to the conflict on the refugee question. As noted above, this task was left to the United Nations Conciliation Commission for Palestine (UNCCP), whose "durable solution" efforts essentially came to a halt because of the inability of the parties to reconcile those positions. Since the beginning of the Madrid and Oslo processes, the Secretary-General has exercised "durable solutions" efforts through the Office of the United Nations Special Coordinator in the Occupied Territories, his Personal Representative to the Palestine Liberation Organization and the Palestinian Authority and the framework of the Quartet. UNRWA, on the other hand, has continued to provide essential humanitarian relief and development oriented interventions to refugees for over five decades.

### **Conclusion**

The Palestinian identity is still strong among the Palestinians regardless of the more than six decades of being away from their or their parents' homes in the Mandate Palestine. Politics and political factions managed to cause divisions among the Palestinians, but that have never managed to change the interior belief that they should continue the struggle to get their rights back. However, there are divisions on how to get back these rights and especially the "Right of Return. While some parties believe that negotiations and not

violence are the ways to get such rights, other parties believe that military struggle is the only way to force Israel to acknowledge their "Right of Return".

The United Nations is not powerful enough to enforce its resolutions. Moreover, there are many sub organizations within the UN that have various mandates and powers. While United Nations General Assembly represents the majority of the nations, their decisions are not binding particularly if one of the main powers is not interested in such decisions. Thus despite of the many resolutions it took regarding the Palestinian refugee problem, the problem is still unsolved.

The Security Council, the strongest UN body, consist of the five permanent and each has the veto power. Since each of these countries has its own interests in the Middle East and might have its allies. All of the five countries have good relations with Israel at least since the last three decades although the United States has clearly the most strategic relations with Israel among them since the beginning of the 1950's until today. Thus the UN could not be significance to solve the Palestinian refugee problem in its current decision making structure.

Israel, the host countries, and the Palestinians have all to play a major role in the eventual settlement of the Palestinian refugee problem. But such a settlement can not be done without comprehensive peace agreements between the Arab countries and Israel. It will be difficult though to reach such agreement without professional international mediators that are objective enough to be trusted by all the parties involved supervising the negotiations which will obviously be very complicated ones. Lebanon and Syria are major players in solving the Palestinian refugees' problem and so is Jordan. They will have to take uneasy decisions for naturalization of the Palestinian refugees on their territories or the majority of them. Israel will not manage to have sustainable peace without recognising its moral responsibility in causing the Palestinian refugee problem and will have to accept the return of several tens of thousands of Palestinian refugees and grant them with its citizenship. It will have to compensates, with the help of the international actors, the Palestinian refugees' families for the material damage it has caused.

Ignoring the Palestinian refugee problem or underestimating its importance in any peace negotiation in the Middle East is a strategic mistake since any agreement ignoring the solution for this key issue is doomed to fail. Every actors should acknowledge the wrong it has done and more importantly recognize that there are needs for compromises and actions for the Palestinian refugee problem to be solved.

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