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UNRWA: An Indispensable Agency

By

Muhammad Awawdeh

A Major Research Paper
Submitted to the Faculty of Graduate Studies
through the Department of Political Science
in Partial Fulfillment of the Requirements for
the Degree of Master of Arts
at the University of Windsor

Windsor, Ontario, Canada

2020

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UNRWA: An Indispensable Agency

by

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ABSTRACT

This study examines what necessitated the continued existence of the UN Relief and Works Agency for the Palestine Refugees in the Near East, UNRWA, for over seventy years. Since the start of their plight, the Palestine refugees have had their fundamental human rights protected by the Agency. The research takes a realist approach based on a qualitative method of analysis to examine why UNRWA's original purpose as a temporary agency for a temporary problem was eventually changed to become an invaluable agency for a seemingly never-ending problem.

The paper contends that UNRWA's continued existence was made necessary due to the lack of political will by the international community to solve the root cause of the problem. UNRWA has then become the easiest way to deal with such a complex situation, where the refugees are denied their right of return, the possibility of integration, and the chances of resettlement under a different UN agency. Additionally, what made UNRWA invaluable is its humanitarian and developmental roles, which also translate into security and stability for the region. For the Palestine refugees, UNRWA is the guarantor of their fundamental human and developmental rights pending the presentation of a just solution. For the host nations and the regional governments, UNRWA, through its humanitarian and developmental roles, provides regional security and stability, and occupies a very significant power vacuum left by governments who are unable or unwilling to provide crucial services to the refugee population.

DEDICATION

First and foremost, I dedicate this work to my selfless and loving parents, Dr. Shaher Awawdeh and Manal Al-Balboul, who made the ultimate sacrifice to provide a better life to our family by immigrating to Canada. Through them, my brothers and I learned to love our culture and traditions, be proud of our roots, and carry our beloved homeland, Palestine, with us for the rest of our lives. I dedicate this work to them, as a testament to the exemplary work that they have done in raising us.

I also dedicate this work to my loving grandmother and my late grandfather. Teta Mona and Seedo Fouad have both instilled in me the love of our amazing homeland. As a young boy growing up in Bethlehem, it was my caring grandfather who waited for me to finish the school day to pick me up from school and had a bag full of candy waiting for me. He then walked me to my grandparents' house to spend the day with my wonderful grandmother until my parents were done work. Through this care, I had developed a drive to always excel in my studies and be the best person that I can.

Finally, I dedicate this work to my Palestinian people, particularly the Palestine refugees. I carry with me their plight, struggles, hopes, and resilience through my everyday life. The politicization of their fundamental human rights, especially in recent years, has compelled me to examine the importance of one of the very few agencies that preserve these fundamental rights until the Palestine refugees are presented with a just and lasting solution. I dedicate this to the refugee children, who dream of a better reality and a better future. I dedicate this to our forefathers who worked hard to preserve the rights of the Palestinian people. I dedicate this work to the Palestinians living under a brutal occupation in the West Bank, under an inhumane blockade in Gaza, and those who have been marginalized throughout the world. To the great

people of Palestine, I promise to continue to do my part to preserve our noble cause and our inalienable rights as people who yearn for freedom and justice.

We shall return.

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To my four wonderful brothers, Saeed, Ahmed, Asad, and Bashar, thank you for always being a joy to spend time with after a long day of studying, and for being the best siblings anyone can ask for; I love you all and I will always be here for you all as your oldest brother.

You will all go on to accomplish great things, and I promise to be there every step of the way.
Never change, any of you.

Finally, to my loving parents, Shaher and Manal, thank you. Words will never be enough but thank you for constantly pushing me to be the best person that I can be. Thank you for pushing me to do this program, for motivating me throughout my years of study, and for raising me to be the man that I am. Both of you are my role models. I can go on forever to thank you for every single thing, but that will still not be enough. You are the best parents anyone can ever wish for. I love you and I appreciate every little thing that you do for us. I hope this achievement has made you both proud, and I hope I can make you even prouder.

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Chapter 1 – The UN Relief and Works Agency

Introduction and Background

For over seventy years, the Middle East has seen waves of displaced people. The myriad of wars and political upheaval have flooded the international refugee system and created near unimaginable waiting times for refugees in transit countries. While the majority of what are categorized as convention refugees – those who fall under the jurisdiction of the 1951 Refugee Convention – qualify for resettlement, repatriation, or integration, either permanently or temporarily, there are currently more than 5.7 million Palestine refugees in the Near East who have been displaced with almost no chance of ever being resettled into a new home. The birth of one nation ensured the ill fate of another, and the new-found hopes for one population, meant a seventy-year plight for another.

The Palestine refugees, ever since their original displacement following the 1948 *Nakba*, or catastrophe, have remained attached to their hopes of eventually returning to their homeland after they were displaced by Israel. Although some Palestine refugees have resettled or immigrated on their accord due to the longevity of their plight, the majority have remained hopeful that justice shall be earned eventually and can be preserved through international mechanisms such as the UN Relief and Works Agency, UNRWA. They continue to be attached to those hopes of justice through such mechanisms that preserve their basic human rights in the absence of strong political will to solve their issue.

After the adoption of resolution 181(II) by the United Nations General Assembly and the partition of Mandate Palestine, more than 700,000 Palestinians were driven from their homes to

then-Jordanian and Egyptian-controlled West Bank and Gaza, Jordan, Lebanon, and Syria.^{1,2,3} Historians have confirmed that Israeli officials had advocated for the “transfer” of Palestinians to make way for Jewish immigration, most notably immigration from Europe, Israeli forces committed atrocities that forced Palestinians to leave, and Israel subsequently made it impossible for Palestinians to return to their homes.^{4,5} It is important to recognize, however, that while many refugees were driven out with direct force, a considerable number of the refugees were driven out of their homes out of fear of meeting the same fate as others who have faced the brutality of the Israeli forces, as the paper will explore in greater detail in the historical analysis. Thus, while many refugees were ordered by force to evacuate their homes, others faced atrocities that made seeking refuge a necessity rather than a choice to preserve their lives, this is analyzed in greater detail in the chapter on historical analysis.

In 1949 the United Nations General Assembly adopted resolution 302(IV), which established the United Nations Relief and Works Agency for Palestine refugees in the Near East, UNRWA.⁶ The Agency was established with two main objectives: collaborate with local

1. UN General Assembly, *181 (II). Future Government of Palestine*, 29 November 1947, A/RES/181

2. Riccardo Bocco, “UNRWA and the Palestinian Refugees: A History Within History.” *Refugee Survey Quarterly* 28, no. 2-3 (2010), 229.

3. Scholars estimate that the number of Palestine refugees originally displaced in 1948 falls between 650,000 and 1 million (see work by Imseis, Erakat, Pappé, Morris, Takkenberg, or Bocco). As such, the modern debate on the issue often includes discussion on the continuation of the unique refugee status, which will be discussed later in the paper. Pending a lack of legitimate solution to the Palestine refugee problem, and the transfer of the refugee status from one generation to the next, the number of refugees has increased exponentially to reach over 5.7 million as of September 2020. However, critics of UNRWA often argue that the number of refugees should not increase, and that the original number of about 750,000 should remain the same or decrease only, rather than increase (see U.N. Security Council, 8532nd mtg., U.N. Doc. S/PV.8532)

4. Ilan Pappé, *The Ethnic Cleansing of Palestine*, (Oxford: OneWorld, 2006).

5. Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited*, 2nd ed., (Cambridge: Cambridge University Press, 2004), 69.

6. UN General Assembly, *302 (IV). Assistance to Palestine Refugees*, 8 December 1949, A/RES/302

governments on relief and works programmes and consult with local governments on steps to be taken if international assistance to the Agency is halted.⁷ UNRWA would thus continue to exist pending a just and durable solution to the plight of the Palestine refugees.⁸

Over the years, the human rights of the Palestine refugees have been politicized and often disregarded by the international community. UNRWA serves as the last guard of the Palestine refugees as it provides essential services to them, such as education, healthcare, protection, and sheltering. It also serves as a unique employer of refugees in places where host governments have restrictions in place on their employment.

The Agency's operations affect future Palestinian-Israeli peace talks, stability in an already volatile region, security in Europe and North America, protection of international human rights, and the relevancy and legitimacy of the United Nations, which have collectively made the Agency invaluable. Therefore, in this major research paper, questions about UNRWA's existence, its political significance, and its invaluable role will be examined and answered.

The Overall Question(s) and Argument?

The literature on UNRWA classifies it as a stabilizing agent, but it often falls short in explaining how it became invaluable in its work as a source of stability, a concept which will be examined later in the chapter. The literature often sees UNRWA as a stabilizing agent based on face value, without analyzing how each of UNRWA's services provides stability in a unique way. This research paper aims to bridge this gap by analyzing the political realities that necessitated UNRWA, such as the lack of political will to solve the refugee crisis, as well the

7. Scott Custer, Jr, "Refugees: Protection and assistance" in *International Law and the Israeli-Palestinian Conflict: A Rights-Based Approach to Middle East Peace*, edited by Akram, Susan, (New York: Routledge, 2011), 48.

8. Lance Bartholomeusz, "The Mandate of UNRWA at Sixty." *Refugee Survey Quarterly* 28, no. 2-3 (2009), 470.

individual impacts of three of UNRWA's humanitarian services: education, healthcare, and employment. This is done through an analysis of two different types of material, official government documents and academic literature. Official government documents, such as the Report of the Secretary General on UNRWA, highlight the important political aspect of the Agency.⁹ The academic literature, however, highlights the important political implications of the overall refugee issue in the context of the Palestinian-Israeli conflict in addition to providing a descriptive analysis of UNRWA's services. Rather than simply describing the operations of UNRWA, this paper will examine why the services are important in a number of different contexts.

The questions that the paper will answer follow: 1) if UNRWA was created with the view that it will be a temporary solution to a temporary problem, why does it exist and continue to have its three-year mandate renewed some seventy years later? 2) What makes UNRWA invaluable to the relevant stakeholders?¹⁰

The answer to the two questions posed allow for a better understanding of the importance of UNRWA. The paper argues that UNRWA continues to exist because the international community, lacking the political will to solve the Palestine refugee crisis, does not have an alternative to the services offered by the organization. Indeed, UNRWA is invaluable to the refugees and the relevant stakeholders because of its humanitarian and developmental services, which at their core, provide relative security for Palestinians, and by extension, a degree of stability in an already volatile region. Further, UNRWA provides an additional level of security

9. United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: Report of the Secretary-General*, A/71/849 (30 March 2017).

10. "Stakeholders" in this case refers to the Palestine refugees themselves, the host nations and their allies, Israel, and the UNRWA donor countries.

for the region and the wider international community as it relieves some pressure off of the traditional refugee system, while simultaneously lessening the pressure on host nations.¹¹

From a humanitarian perspective, UNRWA facilitates for the Palestine refugees the enjoyment of human rights and gives the refugees the agency to decide whether they want to, ultimately, be resettled or await justice. The services that UNRWA provides, and its unmatched importance in the region, warrant categorizing it as an invaluable organization that fills a large power vacuum. Equally important, and while other UN bodies operate there, UNRWA is one of the most influential ways that the UN operates in the occupied Palestinian Territory. The importance of the UN's presence in the area can be understood through an analysis of the consequences of the ongoing Israeli occupation and the constant violations of international law. As will be discussed later in the paper, UNRWA's operations provide much needed humanitarian support by the international community.

The discussion on UNRWA, particularly in the periods after the 2016 US elections, has often involved severe criticism of the Agency. Israeli, and recently American, advocacy efforts to defund the Agency, with the view that it is “irredeemably flawed” and that it has “failed the Palestinian people”, are done in part to remove the refugee issue away from any future negotiation efforts.¹² As such, UNRWA's existence as a mechanism of much needed humanitarian support to the refugees and as a stabilizing force for the host countries has taken on more urgency in recent years. The paper ultimately hopes to demonstrate that UNRWA is indispensable for the Palestine refugees, the region, and the international system as a whole.

11. The host nations are Jordan, Lebanon, Syria, and the State of Palestine

12. U.N. Security Council, 8532nd mtg., U.N. Doc. S/PV.8532 (May, 22, 2019), p.7, available from <https://undocs.org/en/S/PV.8532>.

Structure of the Paper

In analyzing the issue of UNRWA and the Palestine refugee and answering the research questions, the paper will be divided over six chapters. This first chapter presents the structure of the paper, the methodology of the research, an overview of UNRWA's services, in addition to a very brief definition of stability as employed in this research. Chapter two provides a brief analysis of the literature on the organization and related areas. This chapter forms the basis for understanding the main areas of the research, including the unique definition of UNRWA refugees, brief analysis of historical literature that relates to the third chapter, and descriptive and analytical material on the services of the Agency. Chapter three presents a historical analysis of the 1948 Arab-Israeli war and the circumstances which gave rise to UNRWA. This historical analysis is important in understanding why UNRWA was necessary, what warrants a unique classification of the Palestine refugees, and what makes the Agency unique and invaluable from a historical perspective. Chapter four answers the research questions by analyzing the political realities within the international community and its lack of political will to solve the problem that necessitated the existence of the Agency. Chapter five analyzes the humanitarian, developmental, and stabilizing role that the Agency plays in its five areas of operations, *vis-à-vis* healthcare, education, and employment, thereby addressing the question of what makes UNRWA invaluable. Chapter six addresses the limitations of the research and concludes with recommendations for future research on the Agency.

Brief Overview on UNRWA's Services and Role

UNRWA provides essential services, such as education, healthcare, sheltering, and microfinancing in its five areas of operation, the West Bank, Gaza, Jordan, Lebanon, and Syria. When it was established in 1949, UNRWA had an original renewable mandate of three years, the

mandate has been extended for over 20 times through the UN General Assembly. The international community has, for long, supported the continued existence of UNRWA and praised its stabilizing efforts in the region. Many diplomats, politicians, and scholars understand the role that UNRWA plays in regional stability.¹³ They support the continued existence of the Agency for its indispensable role in providing much-needed humanitarian support, as well as in maintaining relative stability in an already volatile region.

Stability: A Brief Definition

The concept of “stability” has a plethora of meanings when analyzed politically. In the case of UNRWA, the international community often cites the Agency’s stabilizing role in the Middle East as a factor as to why they support it logistically and financially. However, the concept of stability ranges across different political topics. Keith Dowding and Richard Kimber, citing Leon Hurwitz’s work, contend that there are:

five distinct approaches to stability: (1) stability as the absence of violence; (2) stability as governmental longevity/endurance; (3) stability as the existence of legitimate constitutional order; (4) stability as the absence of structural change; (5) stability as a multifaceted societal attribute.¹⁴

Particularly, it is the first and third concepts of stability that relate the most to UNRWA and the research on it. Thus, for the purposes of this research, stability is understood in terms of both, the absence of violence and the existence of legitimate constitutional order. As will be examined in greater detail throughout the paper, it is UNRWA’s contribution to the avoidance of conflict and the maintenance of social order by occupying a crucial power vacuum that makes the Agency

13. United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: Report of the Secretary-General*, A/71/849 (30 March 2017), 4.

14. Keith M. Dowding and Richard Kimber, “The Meaning and Use of ‘Political Stability,’” *European Journal of Political Research* 11, no. 3 (September 1983): pp. 229-243, <https://doi.org/10.1111/j.1475-6765.1983.tb00060.x>, 230.

invaluable as a mechanism of stability in the region. This understanding of stability also influences the methodology of the research.

Methodology of the Research

The analysis undertaken in this paper is informed by the realist school of thought in international affairs. Realism, at its core, is a theory that describes the state of nature in this world, which is that “the world today is the way it has always been and will always be.”¹⁵ Ultimately, in international relations and the political sphere, this state of nature revolves around the concept of power. The realist school of thought contends that the state of nature is anarchic, and thus, states must be mainly concerned with their share of power. Realism in international relations is ultimately concerned with a state’s survival in a threatening state of nature. Thus, UNRWA’s support by the international community should be looked at from a realist point of view.

Following the concept of stability that this research employs, instability resulting from violence or constitutional/social disorder might affect a country’s share of power, thus, analyzing what might give rise to violence or disorder is a concern of the realist lens. It is important to note, however, that the realist analysis in this research is done later in the paper and, in a way, at the micro-level of analysis. It might be contradictory to argue from a realist point of view that a humanitarian agency such as UNRWA is invaluable, since realism is more concerned with power and authority rather than humanitarian causes. However, the micro-level of analysis of each of UNRWA’s major services as well as the reasons behind its continued existence as an agency points toward more strategic reasons behind why it is considered invaluable by the international

15. Steven R. David, *Obama: The Reluctant Realist*. Report. Begin-Sadat Center for Strategic Studies, 2015, 10.

community than the support simply being humanitarian in nature. As will be demonstrated later in the paper, UNRWA's services and its very own existence have major security and stability consequences for the host nations, the region, and the rest of the international community. Thus, while the first half of the paper only presents background information, the literature on the Agency, and the history of the Palestine refugee question, the realist analysis is presented in the second half of the research.

While states may support the Agency for humanitarian reasons, they ultimately support it as a key organization offering critical services, and thus preserving stability in the region. Without UNRWA, a serious political, economic, and security vacuum presents itself with no viable alternative in the offing.

The analysis in this paper will employ, mainly, a qualitative method of research that focuses on two areas of literature: academic peer reviewed material, such as articles and books, and official government documents, such as UN resolutions, statements by governments, and official position papers. This paper will try to bridge the gap that is currently present between the two areas of literature. The gap, specifically, is the difference between the official government documents that view UNRWA as invaluable and the academic literature that often only describes UNRWA's services without much focus on how and why these services are considered invaluable by the international community for strategic reasons rather than just humanitarian ones.

Chapter 2 – Literature on UNRWA

The Nature of the Literature

The literature that this research references mostly views the Agency as an important mechanism for the refugees and the region, or at times, recognizes the grave injustice that occurred in 1948. The purpose of this paper, then, is to add more value to the literature that already views UNRWA positively. This research does not examine if UNRWA is invaluable or not, but rather, it analyzes how it came to be invaluable. Thus, the literature presented in this chapter serves as the basis in answering the research questions as to how the “invaluable” classification applies to the Agency.

Since the literature analyzed in this research does not challenge the idea that UNRWA is invaluable, but rather aims to explain how it is an invaluable agency, the literature includes more than one area of analysis. A holistic approach, and I define it here as an approach that encompasses the most relevant factors, can go beyond simply labeling the Agency as invaluable based on one criterion. This is especially important considering that all of UNRWA’s services are interconnected. The political role of the Agency is also connected to its humanitarian and developmental role, which is also connected to the historical circumstances that led to the plight of the Palestine refugees. The research, through taking into account most of the relevant areas in which UNRWA plays a role in, includes analysis of political, legal, humanitarian, historical, and governmental documents and material. As such, this paper will examine what makes UNRWA invaluable at almost all levels of analysis rather than simply attaching this classification to one area, whether political, legal, or even historical. However, prior to such an analysis, a clear distinction should be made between the working definitions of “refugees” and “UNRWA refugees”.

Who is Considered a Refugee?

In almost all discussions on refugee issues, scholars in refugee studies, as well as governments, follow the working definition of “refugee” as defined by the 1951 Refugee Convention and the 1967 Protocol.^{16, 17} The Convention outlines the circumstances in which a person can be considered a refugee. Typically, displaced people are considered refugees under the 1951 Convention if they are fleeing their place of residence out of fear of being persecuted for reasons relating to

race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.¹⁸

This definition has, ultimately, made UNRWA a unique agency right from its inception.

The 1951 Convention explicitly omits the Palestine refugees from being categorized as convention refugees. The Refugee Convention states “This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.”¹⁹ The exemption, as stated in this article, omits the UNRWA refugees from being categorized as Convention refugees, as they are recipients of aid from a UN body other than UNHCR. Even though such explicit

16. UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

17. UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267.

18. Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), art 1.

19. Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954) 189 UNTS 137 (Refugee Convention), art 1.

exclusion may seem administrative in nature to avoid instances where people benefit from two systems, it is much more complex than that. The international community has created two streams of refugees: those recognized under the 1951 Convention and Palestinian refugees. The creation of a specialized agency for Palestinian refugees is necessary for political, legal, humanitarian, and logistical reasons, all of which are driven by the self-interest of Western states and justified by the real and pressing needs of the refugees themselves who are the victims of historical events that they did not create.

The Root Cause of the Palestine Refugee Problem

The historical literature on UNRWA is inseparable from the historical literature on the Palestinian-Israeli conflict; UNRWA came into existence as a result of the conflict. The Agency works towards solving a root cause of the continued Palestinian-Israeli problem, which is the Palestine refugees, whose plight has been the focus of UNRWA's work since its inception. Understanding the intertwined history is a necessity in understanding the history of both the Agency and the Palestine refugees.²⁰

Historians such as Ilan Pappé identify the forced displacement of the Palestine refugees as an act of ethnic cleansing, arguing that “the general definition of what ethnic cleansing consists of applies almost verbatim to the case of Palestine.”²¹ Pappé's *The Ethnic Cleansing of Palestine* underscores the fact that the Palestine refugees did not leave on their own accord; they left in a way that fits the definition of ethnic cleansing. In modern times, ethnic cleansing falls under “crimes against humanity” and “genocide”, both of which are two of the four core crimes

20. Bocco, “UNRWA and the Palestinian Refugees”, 236.

21. Pappé, *The Ethnic Cleansing of Palestine*, XVII.

of the International Criminal Court.^{22,23} The forced displacement of the Palestine refugees necessitates the existence of a justice mechanism for those refugees. Such a mechanism would not only provide some sort of remedy for the atrocities that were committed against the Palestine refugee population, but would also maintain a special status for the refugees to reaffirm that some sort of justice is owed. Through UNRWA, the refugees can attain recognition of their narrative and history. In its current form, UNRWA is not only the caretaker of the Palestine refugees, it is also a mechanism in which the rights and hopes of the refugees for recognition and justice survive despite the uncertainty around a political settlement of the Palestinian-Israeli conflict. The survival of the refugees' rights and hopes is important in ensuring that the injustice of the 1948 *Nakba* is eventually rectified.

Critics of UNRWA who call for its abolition or defunding often rely on the narrative that Palestine was empty before the creation of Israel, that Israel committed no wrongdoing in displacing the refugees or that the Agency perpetuates the Palestinian refugee problem. Some point in particular to UNRWA's categorization of who qualifies for refugee status.²⁴ But, the historical analysis of the 1948 *Nakba* allows us to dismiss the idea that Palestine was an unpopulated land for a landless population.²⁵ Pappé's work also highlights Israeli responsibility for the Palestine refugees and the generational impact of the *Nakba*.²⁶ These all reinforce the

22. Conway W. Henderson, *Understanding International Law* (Malden, MA: Wiley-Blackwell, 2010), 261.

23. M. Cherif Bassiouni, *Introduction to International Criminal Law. 2nd, Rev. Ed* (Leiden: Koninklijke Brill NV, 2013), 142-199.

24. State of Palestine, Negotiations Affairs Department, *Israeli Official Incitement: October 2018*.

25. Adam M. Garfinkle, "On the Origin, Meaning, Use and Abuse of a Phrase." *Middle Eastern Studies* 27, no. 4 (1991), 540.

26. Pappé, *The Ethnic Cleansing of Palestine*, 142.

need for the unique definition of refugees as employed by UNRWA, which will be analyzed in greater detail later in the paper. The historical analysis explains the necessity of passing down the “refugee” classification from one generation to another, to ensure that the historical injustices are, eventually, rectified.

Benny Morris’s book, *The Birth of the Palestinian Refugee Problem Revisited*, gives a detailed historical overview of the forced displacement of the Palestine refugees in 1948. Morris writes that officials and organizations such as the Jewish National Fund, JNF, had the desire to “see as few Arabs as possible remain in the country.”²⁷ In addition to total obliteration of Arab villages, such as in the case of Deir Yassin, Morris highlights the myriad of ways in which actions by Israeli officials Palestinians to leave their homes. He describes the decommissioning the water reservoir of Jaffa to “force a large number of Arabs to leave the city” as one of the ways that would forcibly displace the Arab population of Mandate Palestine who were not displaced by Jewish paramilitary forces at the time.²⁸

Such historical analysis is necessary in understanding the sheer magnitude and impact of the displacement of Palestine refugees, the responsibility Israel has in finding a just and lasting solution to this problem, and the importance of UNRWA. The Agency protects the rights of the Palestine refugees who were victims of a brutal ethnic cleansing campaign in 1948 and also reflects the international community’s responsibility to remedy a problem to which they contributed. Yet, historical analysis alone cannot explain why or how UNRWA is invaluable as much as it answers why it is necessary.

27. Morris, *The Birth of the Palestinian Refugee Problem Revisited*, 69.

28. Morris, *The Birth of the Palestinian Refugee Problem Revisited*, 69.

UNRWA's Humanitarian, Political, and Legal Roles

A better understanding of UNRWA's invaluable role can be achieved through examining the literature on the Agency's differing roles, whether humanitarian, political, or legal. For example, in Michael Dumper's edited volume, *Palestinian Refugee Repatriation*, questions related to the uniqueness of the Palestinian refugee case are addressed. He, along with the contributors to the book, analyze the current refugee system and examine previous cases of reparations. The volume examines the structures that are in place in the quest of reparations for the Palestine refugees. Ultimately, the book answers questions on how previous reparative efforts can apply to the Palestine refugees. The political analysis throughout the book sees UNRWA as part of a larger political solution rather than UNRWA being the solution in of itself. Political contributions in the book look at UNRWA as a transitional mechanism.²⁹ Additionally, the book also analyzes the refugees' political impact in the context of final status issues between Palestinians and Israelis. Academic literature such as this explain how the political stalemate has necessitated the continued existence of the Agency.

Additionally, in *Palestinian Refugees: Challenges of Repatriation and Development*, Rex Brynen and Roula El Rifai examine the issue of Palestine refugees through various political lenses. One important angle of analysis in the book is the examination of the "UNRWA plus" and "UNRWA minus" schools of thought in the analysis of the European Union's policy on Palestine.³⁰ The schools of thought examine "whether the Agency should be transformed after a peace agreement to take a lead role in refugee absorption ('UNRWA plus'), or whether other

29. Michael Dumper, *Palestinian Refugee Repatriation: Global Perspectives*, (London: Routledge, 2006), 75.

30. Roula El-Rifai and Rex Brynen, *The Palestinian Refugee Problem: The Search for a Resolution* (London: Pluto Press, 2014), 95.

institutions are better suited to this ('UNRWA minus')."³¹ This analysis, for example, highlights the political role that the Agency can assume should there be a final settlement between the parties in the future.

The academic material on UNRWA also gives detailed analysis of the humanitarian work done by the Agency. After all, UNRWA is a mechanism to provide humanitarian support for a displaced population. Jalal Al- Hussein's piece, *An Agency for the Palestinians*, for example, analyzes the developmental, humanitarian, and protective role the Agency plays in the lives of the Palestine refugees.³² He argues that UNRWA has evolved far beyond its founding mandate, General Assembly Resolution 302, contending that "UNRWA has played several, often contradictory, political roles that far exceeded the scope of its humanitarian mandate."³³

Analysis of UNRWA's humanitarian and developmental roles and their impact on regional stability help explain why the Agency has become indispensable for the refugees themselves, the region, and the international community. On healthcare, for example, Yousef Shahin examines how UNRWA provides exemplary services to the diabetic population of the Palestine refugees, despite the Agency's limited financial capabilities and the overall dire humanitarian situation in conflict zones.³⁴ On education, alternatively, journal articles from the *Journal of Palestine Studies*, such as George Dickerson's examine the developmental impacts of UNRWA's educational programs and how, for example, they are in line with the host nations'

31. El-Rifai and Brynen. *The Palestinian Refugee Problem*, 9.

32. Jalal Al Hussein, "An Agency for the Palestinians?" In *Land of Blue Helmets: The United Nations and the Arab World*, (Oakland, California: University of California Press, 2017.)

33. Al Hussein, "An Agency for the Palestinians?", 313.

34. Yousef Shahin, Anil Kapur, and Akhiro Seit. "Diabetes Care in Refugee Camps: The Experience of UNRWA." *Diabetes Research and Clinical Practice* 108, no. 1 (2015): 2.

educational developmental efforts, if not better.³⁵ The analysis of individual services is helpful in bridging the gap to explain UNRWA invaluable role and how such services, collectively and individually, contribute to both, the human rights of the refugees and the security and stability interests of the international community.

Moreover, one of the issues that has necessitated the continued existence of UNRWA is the lack of political will to guarantee the Palestine refugees their fundamental right of return. The issue of the right of return for the Palestine refugees is analyzed from a legal standpoint by legal scholars such as Noura Erakat. In *Justice for Some*, Erakat examines the legal and fundamental rights of the Palestinian people, including specifically the Palestine refugees. She presents legal and political arguments on the inalienable rights and right of return for the Palestine refugees. In one example, she cites how Israel's membership at the UN was conditioned upon acknowledging the right of return for the Palestine refugees, as enshrined in UN General Assembly Resolution 194.³⁶ Erakat ultimately argues that international law in the case of the Palestinian Question paves the way for political decisions and consequences.

The political, legal, and humanitarian academic literature mostly covers the overall issue of the Palestine refugees. They present a holistic analysis of the Agency that is helpful in answering the question of why the majority of the international community sees UNRWA as invaluable and a stabilizing force in the region. By analyzing these individual services, and connecting them to the general literature on human rights and stability that will be discussed in the following section, the research paper can fully answer why UNRWA is necessary.

35. George Dickerson. "Education for the Palestine Refugees: The UNRWA/UNESCO Programme." *Journal of Palestine Studies* 3, no. 3 (1974).

36. Noura Erakat. *Justice for Some: Law and the Question of Palestine*, (Stanford, California: Stanford University Press, 2019), 171.

General Background Literature

The uniqueness of UNRWA, even in its working definition of who qualifies as a refugee, and the complexity of the Palestine refugee question necessitates a better understanding of certain topics relevant to any discussion of refugee issues. The background literature in this chapter forms the basis for what is considered the “norm” in discourse on refugees and forced displacement, including the political discussions on the topic; it is a reference point in filling the current gap in the academic literature. To underscore UNRWA’s uniqueness as well as its importance, literature on international human rights, development, and stability will be analyzed throughout this research paper. This analysis will be used to explain the political and humanitarian impacts of each of UNRWA’s essential services, especially to the refugees and the host nations.

The idea of the Agency being vital in regional and global interests has been at the core of the political messaging of governments in support of UNRWA’s continued operations. The argument in supporting the Agency is that UNRWA’s facilitation of human rights, whether political through advocacy efforts by the Agency, economic, or even social, creates stability in an already volatile region.³⁷ Human rights scholars, such as Jack Donnelly, in his book *Universal Human Rights in Theory and Practice*, have outlined how foreign policies of countries are directly related to the universality of human rights and how human rights have become a common topic in international relations.³⁸

37. United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: Report of the Secretary-General*, A/71/849 (30 March 2017), 4.

38. Jack Donnelly, *Universal Human Rights: In Theory and Practice* (Ithaca, NY: Cornell University Press, 2013), 161.

Much of UNRWA's support is within humanitarian context, arguing that the Palestine refugees are entitled to the universality of the human rights framework as any other population group in this world. Of course, however, there are other underlying reasons for such support of the Agency by the international community – particularly, the stability of the region. Jeremy Anderson's piece, for example, examines how education has an immense impact on stability and state security.³⁹ On the other hand, Sari Hanafi's article, *Social Exclusion of Palestinian Refugees in Lebanon*, examines the overall dire economic situation of the Palestine refugees, especially in Lebanon due to the government restrictions they face *vis-à-vis* employment. As such, this material would be used to analyze the impacts of UNRWA's method of employment and how it relates to stability by examine the political and economic situation in Lebanon, as highlighted in Mona Christophersen's piece, *Pursuing Sustainable Development under Sectarianism in Lebanon*.

Ultimately, by combing the material directly focused on UNRWA with the material that explains the foundations or implications of humanitarian assistance, development, and stability, this research paper explains not only how UNRWA's services are invaluable, but why they are invaluable. The different angles of analysis allow for a better understanding of how UNRWA's services are in line with the interests of the relevant stakeholders identified earlier. Particularly, by analyzing the impacts of these services on security and stability, the research undertakes a realist approach in answering the overall question, and ultimately, explain the importance of UNRWA in the region. However, prior to bridging the gap in the literature to examine how UNRWA became invaluable, it is important to examine the history of the Agency, starting with who is a Palestine refugees, the root cause of the displacement, and the history of the conflict.

39. Jeremy Anderson. "The Role of Education in Political Stability", *Hobbes Studies* 16, 1: 96

Chapter 3: The History of UNRWA

Who are the Palestine Refugees?

The definition of who is an UNRWA refugee is split into two parts. The *Consolidated Eligibility and Registration Instructions of UNRWA* addresses both, the family history and the continuing generational injustice of the applicants. First, it highlights that the Palestine refugees are “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”⁴⁰ Following the definition, the Agency then addresses generational injustice by outlining that “Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services.”⁴¹ Combined, this working definition of who is an UNRWA refugee explains the rising number of Palestine refugees, despite the conclusion of the first Arab-Israeli war. As such, the rising number of Palestine refugees is a testament to the failures of the international community to present the refugees with a just and lasting solution. The consequences of such a definition will be examined from a historical point of view in the next section, before being analyzed from a political point of view in the chapter that follows.

1948: The *Nakba*

The Agency’s history is directly tied to the history of the Palestinian-Israeli conflict. UNRWA’s mandate has evolved over the years, as the Agency continuously adapted to a rapidly

40. UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Consolidated Eligibility and Registration Instructions (CERI)”, 3.

41. UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), “Consolidated Eligibility and Registration Instructions (CERI)”, 3.

evolving conflict and region. As such, several key moments in history have shaped the Agency's operations and its working mandate. The root cause of the Palestine refugees' question are the events of the 1948 *Nakba* and 1967 *Naksa*. This chapter will examine the root cause of the displacement and the decisive historical moment which created UNRWA, shaped its mandate, and created its refugees – the 1948 Arab-Israeli war, or the 1948 *Nakba*. It was the *Nakba* of 1948 which essentially created UNRWA. Consequently, understanding the history of the *Nakba* is essential in understanding the current structure of UNRWA, the reasoning behind UNRWA's inception as a refugee agency, as well as why the Agency is unique in nature through its work and its definition of who is a Palestine refugee.

Following the atrocities of the Second World War, the then-newly formed United Nations envisioned ways to create a homeland for the Jewish people. The United Nations Special Committee on Palestine, UNSCOP, was, at the time, tasked with making recommendations on the future governance of Palestine following the end of the British mandate.⁴² In September of 1947, UNSCOP issued a report which made three recommendations to the UN General Assembly on the future of the British Mandate of Palestine, which focused on resettling the Jewish population in any future state following the end of the mandate. The recommendations were: a unitary state with a focus on minority groups, a unitary bi-national state, or a partition to create two separate states.⁴³ Noura Erakat highlights that the inalienable right of self-determination of the Palestinian people was deliberately not applied in this case.^{44, 45} Inalienable

42. Erakat, *Justice for Some*, 45.

43. United Nations, General Assembly, *Report to the General Assembly: United Nations Special Committee on Palestine*, A/364 (3 September 1947).

44. It is important to highlight, however, that the right of self-determination was still developing as a human right concept at the time and was not understood as it is in modern times.

45. Erakat, *Justice for Some*, 46.

rights are rights that cannot be transferred nor voided, they form the very basic of rights that all humans are, ideally, entitled to.⁴⁶ The inalienable right to self-determination was long believed to be a principle in international law, it was even later categorized as such in the Friendly Relations Declaration of 1970.⁴⁷

Eventually, the UN General Assembly, through its adoption of General Assembly Resolution 181, decided to enact the third recommendation outlined in UNSCOP's report, the partition of Mandate Palestine into two separate Jewish and Arab states.⁴⁸ The resolution became known as the "Partition Plan", and it "apportioned the Jewish community 55 Percent of Palestine. It allocated 45 percent of the territory to native non-Jewish Palestinians, who constituted 70 percent of the population and owned the vast majority of the land."⁴⁹ While this partition plan was problematic in many ways, including the willful elimination of the inalienable right of the Palestinian people to self-determination following the end of the British mandate, it was most problematic in its omission of the local voices, the Palestinian people.

The Partition Plan, because of its injustice, was rejected by the Palestinians and the neighbouring Arab population. How can a foreign minority lay claim to a majority of the land without so much of a by your leave or even the input of the native population? The rejection sparked the first Arab-Israeli war in 1948. The attachment of the Palestinian population to its homeland, as well as the prospects of a future Palestinian state, meant to the Israeli officials at

46. Stuart M. Brown, "Inalienable Rights." *The Philosophical Review* 64, no. 2 (1955): 192.

47. "United Nations General Assembly: Resolution 2625 (XXV) Declaration on Principles of International Law Concerning Friendly Relations and Co-Operation Among States in Accordance with the Charter of the United Nations." *The American Journal of International Law* 65, no. 1 (1971): 243-51.

48. Nur Masalha, *The Politics of Denial: Israel and the Palestinian Refugee Problem* (London: Pluto Press, 2003), 26.

49. Erakat, *Justice for Some*, 46.

the time that the population must be forcibly removed during the war to make way for a Jewish homeland which encompasses as much land as possible with as little non-Jewish population as possible.

Prior to the establishment of Israel and its state army – the Israeli Defence Force – paramilitary Jewish forces, such as the *Haganah* and the *Irgun*, drafted what became known as Plan *Dalet* – Plan D – to forcibly displace the native Palestinian population and replace it with a Jewish population.⁵⁰ Ilan Pappé explains, in making the argument to prove that ethnic cleansing did take place in Palestine, that the “aim of the plan was in fact the destruction of both the rural and urban areas of Palestine.”⁵¹ The tactics used to displace the Palestinian population include collective punishment and massacres in villages that would force nearby towns and villages to run away in fear of facing the same fate as others who faced the Jewish paramilitary forces.⁵² One notable example of such tactic was the massacre of Deir Yassin in April of 1948, when Irgun forces rounded up, in one night, over one hundred unarmed Palestinian villagers and murdered them using execution style methods.⁵³ Deir Yassin was only one of the many villages that were destroyed in Israel’s campaign to displace the Palestinian people. If Palestinians were not displaced due to direct violence, they were eventually displaced out of fear of facing similar fates.

By 14 May 1948, the day Israel proclaimed its independence, it had displaced over 250,000 Palestinians; that was the start of the Palestine refugee problem and the inception of the

50. Erakat, *Justice for Some*, 49.

51. Pappé, *The Ethnic Cleansing of Palestine*, xii.

52. Erakat, *Justice for Some*, 50.

53. Erakat, *Justice for Some*, 50.

need for UNRWA.⁵⁴ Ultimately, by that day and through the forced displacement of the Palestinian people, Israel had controlled more land than what was planned in General Assembly Resolution 181, the Partition Plan. The proclamation of independence by Israel sparked a war between it and seven neighbouring Arab armies the following day, which resulted in further displacement of the Palestinian people and more loss of land. In less than a year, the Palestinian population was reduced from one million to a little over 150,000 through acts of forced displacement by the then-newly formed Israel; more than 750,000 Palestinians became refugees.⁵⁵ The Palestine refugees fled to the non-occupied areas of Palestine at the time, the West Bank and the Gaza Strip, as well as to Jordan, Lebanon, and Syria. In less than one year, the majority of the Palestinian population who lived in the partitioned part of Mandate Palestine was uprooted. This necessitated a response by the international community, which was partly to blame for the tragedies of the Palestinian population at the time. The UN General Assembly formed the UN Relief and Works Agency for Palestine Refugees in the Near East, UNRWA, as a response to the consequences of the first Arab-Israeli war of 1948.

In the aftermath of the war, the United Nations found itself with one of the most pressing issues to come before it as a newfound organization at the time, the Palestinian-Israeli conflict. There were two issues that had to be attended to by the international body if it wanted to establish any kind of legitimacy: facilitating the discussion to reach a final settlement between the Arabs and the Israelis and ensuring the return of the Palestine refugees to their homes.⁵⁶

54. Erakat, *Justice for Some*, 51.

55. Erakat, *Justice for Some*, 52.

56. Ardi Imesis's doctoral dissertation examines the legitimacy of the United Nations from a legal aspect, focusing specifically on the Question of Palestine and how the UN has ultimately contributed, through some of its structural failures, to the plight of the Palestinian people. Ardi Imseis, "The United Nations and the Question of Palestine: A Study In International Legal Subalternity," (PhD diss., University of Cambridge, 2018)

Thus, the UN General Assembly passed one of the most important resolutions in its history in December of 1948, Resolution 194. In addition to operative paragraphs within the resolution on political and social matters following the Arab-Israeli war of 1948, Article 11 in the resolution established a very important principle, the right of return, which resulted in the creation of UNRWA. The resolution has been referenced in almost every subsequent resolution that deals with the Palestinian-Israeli issue. Resolution 194 has not only enshrined the “right of return” of the Palestine refugees as a just solution to their plight, it also laid down the foundations for a reparative mechanism for the Palestine refugees. Article 11 of Resolution 194 stated 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.⁵⁷

Consequently, adherence to the resolution, including Article 11, was conditioned upon Israel when it was admitted into the international body in 1949.⁵⁸

The facilitation of the right of return, as outlined in Article 11, necessitated the creation of a UN refugee agency. At the time, the United Nations High Commissioner for Refugees, UNHCR, did not exist; nor was the 1951 Refugee Convention Resolution 302 was adopted in 1949, it was UNRWA’s founding document. The resolution not only reaffirmed the right of return for the Palestine refugees, it created a mechanism to facilitate this and outlined the main

57. UN General Assembly, 194 (III). *Palestine - Progress Report of the United Nations Mediator*, 11 December 1948, A/RES/194, art 11.

58. Erakat, *Justice for Some*, 171.

roles and responsibilities of such mechanism. The international community at the time recognized that the situation of the refugees was not only critical, it also affected peace and stability in the region.⁵⁹ At its root, as per Resolution 302, UNRWA's mandate was, and still is, to "carry out in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission" and, additionally, "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."⁶⁰

Through this mandate, UNRWA became much more than just a refugee agency which is only focused on the resettlement of refugees. It conducted what is known as a human rights-based approach, HRBA, to the refugee issue and focused on aiding the refugees in a sustainable manner rather than perpetuate the plight of its refugees. Through this mandate, UNRWA became the caretaker of over 750,000 Palestine refugees in the Near East following the 1948 war.⁶¹ Riccardo Bocco explains, in *A History Within History*, that UNRWA "has since become the only international organization set up to face a specific refugee problem in a specific geographical area (Gaza, West Bank, Jordan, Syria, and Lebanon)."⁶² With the Agency being solely focused on the Palestine refugees, it ensured that it would alleviate some of the stress faced by the five areas of operation through its service model; especially considering that Jordan, Syria, and Lebanon were newly independent states at that time, who were still dealing with the

59. UN General Assembly, 302 (IV). *Assistance to Palestine Refugees*, 8 December 1949, A/RES/302, art 5.

60. UN General Assembly, 302 (IV). *Assistance to Palestine Refugees*, 8 December 1949, A/RES/302, art 7.

61. Bocco, "UNRWA and the Palestinian Refugees", 229.

62. Bocco, "UNRWA and the Palestinian Refugees", 231.

consequences of the Ottoman era, the mandates, the Second World War, as well as the first Arab-Israeli war.

The Agency's model was structured in a way to empower the refugees and create a self-sustaining system. The refugees themselves became the employees of UNRWA; they became the teachers in its schools within the camps, they also became the doctors and healthcare professionals in the Agency's healthcare facilities, and social services within the camps were offered by the Palestine refugees. This model ensured that UNRWA is an agency for the Palestine refugees by the Palestine refugees. The uniqueness in UNRWA's model is also clear in its designation of the descendants of the original refugees as refugees themselves, regardless of whether they have resettled somewhere else or not, as mentioned earlier in the analysis of UNRWA's working definition on the issue. Through the support of the international community, UNRWA has, till this day, performed its duties as outlined in its historical mandate following the *Nakba*. However, while there are moral aspects to the support of the Agency by the international community as evident in the historical analysis, that alone does not fully explain why UNRWA has continued to exist for over 70 years, despite its temporary purpose.

Chapter 4 – The Lack of Political Will: The Continued Existence of UNRWA

UNRWA's continued existence and support by the international community can be attributed to two factors. First, its continued existence has its roots in the political reality surrounding the question of the Palestine refugees. The Agency continues to exist because, simply, the international community lacks the political will to solve the refugee crisis. As long as Israel rejects repatriation of the refugee population, and the host nations reject integration, and the rest of the international community rejects resettlement, UNRWA will continue to exist. To the international community as a whole, the Agency is perhaps the easiest way to handle the refugee question. With no real solution presented to the refugees, the interests of all stakeholders, on humanitarian support and on stability, are all served through UNRWA's continued operations. The political failures are one reason for the Agency's continued existence, seventy years after its inception as a temporary agency for a temporary problem. The second factor is mainly due to UNRWA's services on the ground. Mainly, how the Agency's humanitarian services are translated into stability and security, while simultaneously, protecting the fundamental rights of the refugees.

This chapter will address the first factor, the lack of political will of the international community to solve the Palestine refugee crisis. Using a realist approach to this topic, which is deep rooted in international affairs, this chapter will discuss the political failures of the international community as a whole using three angles: the Oslo peace process between the Israelis and the Palestinians, the lack of political will of the Middle Eastern countries, including the host nations, and the lack of political will of the Western governments to solve the issue of

the Palestine refugees. While UNRWA rejects being a political entity and denies allegations of political bias, the Agency does play a significant role in international relations as it deals with the fallout of political decisions.⁶³

Firstly, the issue of Palestine refugees transformed over the years to become a Final Status Issue, especially after Oslo.⁶⁴ Final Status Issues, as will be discussed in greater detail later in the paper, are a set of long-standing issues that were outlined in the Oslo Accords between the Palestinians and the Israelis that are to be resolved between the two parties prior to any final settlement. The issues to be resolved include refugees, East Jerusalem, final borders, and security. Thus, as the refugee question is part of a political solution, UNRWA plays a major role in the political question of Palestinian statehood. If political discussions fail, UNRWA's services will continue to exist. Secondly, the Middle East, and in particular the host governments, support the Agency's continued existence for its stabilizing role as well as to avoid a scenario in which the refugees are denied their right of return and left to resettle in their countries in the absence of UNRWA. Thirdly, the Western governments support the continuation of the Agency's existence mostly for its intangible benefits, such as global peace and security, and partly because the international community has a moral duty to support the Palestine refugees following the partition of Palestine in 1948. Combined, the analysis of each of those areas would answer why the Agency is still supported after seventy years and will continue to be supported until the Palestine refugees are presented with a just and lasting solution; thus, making UNRWA's role almost indefinite.

63. Bocco, "UNRWA and the Palestinian Refugees", 232.

64. Peace Agreements & Related, *Declaration of Principles on Interim Self-Government Arrangements ("Oslo Agreement")*, 13 September 1993, art VI.

Palestine Refugees as a Final Status Issue

The issue of the Palestine refugees, and more specifically their right of return, has always been at the core of any potential political settlement between the Palestinians and the Israelis. Thus, the existence of UNRWA has been necessitated due to the inability to finalize a peace deal between the two sides. Going back to its historical mandate, UNRWA was deemed essential pending a just and lasting solution to the plight of the Palestine refugees. Consequently, in the absence of such a solution, UNRWA continues to remain part of the political discussion.

While UN resolutions, such as Resolution 194, form the basis of a just solution, it is official agreements and political declarations that form the basis for a potential political settlement, including on the question of the Palestine refugees. As such, the Oslo Accords were seen as the start of a final settlement between the parties. Negotiated initially through Track II Diplomacy before officials from various sides assumed the process in 1993, the Oslo Accords had several key political consequences. It established an interim Palestinian governing body, the Palestinian Authority, it stipulated that Israel will withdraw its military forces from Gaza and Jericho, it sought to build economic partnerships between the future elected Palestinian government and Israel, and it paved the way for self-governance of Palestinians in major cities and municipalities, including Ramallah and Bethlehem.⁶⁵ The agreement also stipulated that there will be a five year transition period, during which, the two sides will finalize “Permanent Status Negotiations.” These negotiations, as outlined in the agreement, covered “Jerusalem, refugees, settlements, security arrangements, borders, relations and cooperation with other

⁶⁵. Peace Agreements & Related, *Declaration of Principles on Interim Self-Government Arrangements* (“Oslo Agreement”), 13 September 1993, art VI.

neighbours, and other issues of common interest.”⁶⁶ These issues became known as Final Status Issues; they will only be resolved through a finalized peace deal between the parties.

Oslo, however, was set up to fail from the start. The topics of the Final Status Issues have been the biggest roadblock to finalizing a peace agreement between the two sides, long before Oslo. On refugees, especially, the Israeli government rejects any kind of reparative actions that might indicate any responsibility of Israel for the plight of the refugees; or any action which might threaten Israel’s demographics in relation to it being the Jewish homeland. In *Imagining a Solution*, Rex Brynen argues that “no Israeli government ever will countenance substantially changing the demographic balance of the state, the *raison d’etre* of which is its Jewish character.”⁶⁷ Brynen explains that the outright Israeli rejection of the refugees’ right of return is attributed to matters of national security, as indicated by former Israeli Prime-Minister, Shimon Peres in his book *The New Middle East*. Peres argued that the right of return is a “maximalist approach” and that “there is no chance that it will be accepted, either now or in the future.”⁶⁸ With the refugees being a Final Status Issue to be negotiated in a final peace agreement, the role of UNRWA continues to remain crucial and necessary for as long the right of return is rejected by Israel.

Reparations for the plight of the Palestine refugees have been rejected ever since their original displacement in 1948. Thus, with UNRWA being set up to assist the refugees until they are presented with a just and lasting solution, the longer the right of return as a Final Status Issue

66. Peace Agreements & Related, *Declaration of Principles on Interim Self-Government Arrangements* (“Oslo Agreement”), 13 September 1993, art V.

67. Rex Brynen, “Imagining a Solution: Final Status Arrangements and Palestinian Refugees in Lebanon.” *Journal of Palestine Studies* 26, no. 2 (1997): 45.

68. Shimon Peres and Arye Naor, *The New Middle East*, (Norwalk, CT: Easton Press, 1994), 189.

continues to be overlooked and avoided, the longer UNRWA's existence will be. Furthermore, going back to UNRWA's guidelines on who qualifies as a refugee, this is not a refugee crisis which will disappear eventually. As long as their plight continues, the number of refugees is bound to grow exponentially considering that the classification of who is a refugee is passed on from one generation to another. The inability to solve the plight of one generation means that another generation is bound to experience the very same plight.

The number of refugees grew from an estimated 750,000 in 1948 to over 5.5 million Palestine refugees in 2020.⁶⁹ With a rising number of refugees, UNRWA's purpose as a "temporary solution to a temporary problem" has changed to become the caretaker agency for a seemingly never-ending problem. The fallout of Israel's rejection of the refugees' right of return affects, mainly, the refugees themselves. The failure to reach a just and lasting agreement on the Final Status Issues, particularly on the refugees, has necessitated the continued existence of the Agency. Simply put, it is not the longevity of UNRWA's existence that has perpetuated the plight of the refugees, but rather, it is Israel's rejection of its responsibility surrounding the events and aftermath of the *Nakba*. For Israel, the continued existence of UNRWA is one of the ways it avoids assuming the responsibility it should have towards the refugees. From a realist standpoint, Israel considers UNRWA's existence to be a tool to control the refugees and ensure that in the long run, it will be beyond unreasonable of the international community to assume that Israel can handle repatriation of the refugees as long as their numbers continue to grow. It is then, in Israel's interest that UNRWA continues to exist and prolong the plight of the refugees until they have no choice but to seek other solutions that are available to them. Yet, and while it seems contradictory to their strategic interests, to maintain their political position that no wrong

69. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

was committed in 1948 or that UNRWA does not represent the “true” number of refugees, the Israeli rhetoric has remained that the Agency must be defunded or abolished.

From an international affairs angle, the international community has a legal and moral responsibility to continue to support the growing number of refugees in their plight.⁷⁰ It was, after all, the very same international community that played a part in their displacement following the UN Partition Plan. As such, during the pledging conference of the Ad Hoc Committee/Voluntary Contributions to UNRWA in 2019, the president of the seventy-third session of the UN General Assembly asked the international community if it has done enough to support the refugees in the absence of a solution to their plight:

have we, as an international community, done enough to honour the spirit of past General Assembly resolutions, in which we established UNRWA to provide for Palestine refugees in Gaza and the West Bank, in Lebanon, Jordan and Syria pending a comprehensive, just and peaceful solution on the basis of international law and agreements, and relevant United Nations resolutions?⁷¹

The question, while rhetorical, has a very clear answer. The international community has yet to fulfil its duties in accordance with article 11 of UN General Assembly Resolution 194. For as long as the refugees who wish to return to their homeland are unable to do so due to the inability to overcome the stalemate on the Final Status Issues, particularly on refugees, UNRWA’s existence will be prolonged and necessary. The necessitation is made even more clear in the support of the international community of UNRWA pending a just and lasting solution.

70. United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: Report of the Secretary-General*, A/71/849 (30 March 2017).

71. U.N. GA, *Meeting of The Ad Hoc Committee of The General Assembly for the Announcement of Voluntary Contributions to UNRWA*, Remarks by the President of the General Assembly. (June 25 2019), 5.

The Support of the International Community

The support of UNRWA by the international community has ensured the continuation of the Agency's services for over seventy years; the international community sees the existence of UNRWA as necessary for a number of reasons. Supporting the Agency is often attributed to its importance as a mechanism of stability and justice. UNRWA's developmental and humanitarian services, which will be analyzed in greater depth in the following chapter, ensure regional and global stability. Additionally, supporting the Agency stems from the commitment of the international community to the relevant UN resolutions and international law. Moreover, there is a self-interest factor when it comes to the support of UNRWA by Western nations. The predominant reason why the Western nations support UNRWA can be analyzed by asking the question of "what are the consequences should UNRWA cease to exist?" The answer to such a question relates to an increased risk in instability as a result of violence or disorder, which at best might only be restricted to geostrategic allies in the Middle East, and at worst, have direct consequences in the West.

Analyzing why UNRWA is necessary and continues to exist seventy years after its inception can be done using two angles that cover the lack of political will by the regional governments and the rest of the international community. The first angle is that of the host nations of UNRWA as well as the region itself. The continued existence of UNRWA, while often attributed to its invaluable role as a stabilizing mechanism, can be attributed to the rejection of the integration of the Palestine refugees into the local systems of the host nations. The second angle is that of Western governments, especially the European Union. In recent years, the European Union has been divided on countless issues, especially on refugees and immigration. Yet, interestingly, the bloc has almost always remained unanimous in its support for UNRWA

and has constantly advocated for its existence. This support, once again, is attributed to the lack of political will, that rejects not only repatriation of the refugees back to their homeland, but also the rejection of the resettlement of the refugees.

Self-interests of the Host Nations and the Middle East

From a political and an ideological standpoint, the support of the Agency by governments in the Middle East, and in particular the host governments, stems from two areas: regional and domestic stability and using the right of return as a pre-text to reject the resettlement of the refugees. The notion of stability was highlighted in the findings of the Steering Committee, which was established in 2017 by the UN Secretary General, António Guterres, following up on paragraph 32 of General Assembly resolution 71/93, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*. The resolution tasked the Secretary General with facilitating discussions with UN Member States to ensure the sustainability and predictability of UNRWA's funding during its severe financial crisis. In its consultations with Member States, the Steering Committee found that an overwhelming majority of countries saw UNRWA as a crucial stabilizing force in the region and supported the efforts to ensure its adequate funding to maintain its much-needed humanitarian, developmental, and protective services.⁷² Through the services that UNRWA provide, the argument on the stabilizing role of UNRWA can be analyzed in terms of what would happen if UNRWA ceases to exist, and along with it, its services. In her article, *Peace Prospects and Implications for UNRWA's Future: An International Law Perspective*, Leila Hilal argues that:

It would be counter-productive to set a rigid, abstract deadline for dissolving UNRWA, especially without due consideration of the full scope of transitional needs. The Agency's

⁷² United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: report of the Secretary-General*, A/71/849 (30 March 2017), 4.

services, such as basic education, health care, and social welfare, are counted as a stabilizing force in the region.⁷³

While the Agency's services will be analyzed in greater depth in the following chapter *vis-à-vis* human rights and development, to fully understand the implications of UNRWA's existence from a political and regional stability standpoint, one must consider a reality in which the Agency ceases to exist. In the case of Lebanon alone, the cessation of UNRWA's services is catastrophic to an already unstable system where there is political division, economic difficulties, and a huge population of other refugee groups. Essential services such as education, for example, are not only fundamental human rights, but politically, they provide much needed security and preserves the authority of the state when they are provided by state-actors. When governments fail to provide essential services to an already marginalized population – whether it be the Palestine refugees or any other population – they create a power vacuum in which non-state actors can ultimately influence the population in ways that strengthens their political agendas.

Non-state actors operating in vacuums in the Middle East, a region that is already divided politically, religiously, and ideologically, can cause massive instability and further division. If the state fail to provide sustainable development efforts with a focus on the human rights and dignity of already marginalized groups, power vacuums will grow, allowing non-state actors to operate within them and resulting in some form of conflict. In analyzing patterns among violent non-state actors, Annette Idler and James Forest explain how such actors operate in power vacuums in the absence of strong state presence:

A central tenet within these discussions is that when states are weak, or absent altogether, a power vacuum can emerge, into which other actors will exert their own authority. For example, the Shiite militia group Hizballah reigns supreme throughout southern Lebanon. ... Non-state actors — violent or otherwise — who have power over a local populace often play by a different set of rules than the formal governments of nation-states. Trust is

73. Leila Hilal. "Peace Prospects and Implications for UNRWA's Future: An International Law Perspective." *Refugee Survey Quarterly* 28, no. 2-3 (2009): 611.

established not by a legal system or formal contract between a leader and those governed, but by informal systems of traditional customs and moral codes.⁷⁴

From the Palestine refugees' point of view, especially in Lebanon, a cessation of UNRWA and its services, and inability or unwillingness of the host nation to integrate the entire refugee population into the local system, non-state actors would ultimately have more legitimacy within the UNRWA camps than official state actors. In this case, a power vacuum left by UNRWA and its services, and in the absence of governmental services, would leave the majority of the Palestine refugees with no choice but to look towards non-state actors. Historically, and ever since the start of the refugees' plight, non-state actors have used the Palestinian cause as a pretext to advance their own agenda, often rejecting foreign occupations and, in particular, the partition of Palestine. Any population that has had its rights protected only by one system – and in this case, the system is UNRWA – would look into any other reliable alternatives should that system cease to exist. Regional governments and host nations understand the direct correlation between UNRWA's existence and the stability of the region and have for so long lobbied for increased funding of the Agency due to its stabilizing role.

As such, UNRWA's developmental services should be understood in terms of regional stability. Education, healthcare, employment, and protection, all foster economic development in the long run. The absence of such services creates the perfect environment for instability in the host nations of UNRWA, and, inadvertently, increase the risk of the spillover of instability to the neighbouring countries. Failure to present the refugees with a just and lasting solution, while at the same time ending UNRWA's mandate, ensures that there are over 5.4 million individuals in

74. Annette Idler and James Forest, "Behavioral Patterns among (Violent) Non-State Actors: A Study of Complementary Governance," (January 5, 2015), 1-2.

the Middle East living with no realistic hope for a better future or even basic services that guarantee them dignity and the very basic of human rights.

Often, however, the argument on the necessity for UNRWA's existence in the pursuit of regional stability is countered with proposals of shifting the duty of care from the Agency to the host nations, and ultimately, resettlement in those nations. However, this option not only goes against the right to self-determination of the refugees and their right of return as enshrined in the relevant UN resolutions, it is rejected by the host nations as well as the other Arab governments.

Using the right of return as a pre-text, Arab governments have long rejected the resettlement of the Palestine refugees in any place other than their historical homeland. While rejecting resettlement of the refugees as a show of support for their right of return, ultimately the rejection is deep rooted in economic and social concerns. In particular, Lebanon's internal division make it difficult to envision such an alternative to UNRWA. The division was, right from the start of the refugees' plight, cited as a problem in the long run, with the Lebanese government at the time labeling the resettlement of the refugees as "unacceptable by the Government and an unbearable burden" and that "Politically[,] absorption of large number Moslems into Lebanon would upset present sensitive balance which exists between Christians and Moslems"⁷⁵ While this statement was made at the start of the refugees' plight, there are still strict laws in place that prohibit the Palestine refugees from being integrated into the Lebanese society, even if they wanted to as opposed to practicing their right of return. Due to the harsh

75. *Foreign Relations of the United States, 1949, Volume VI, The Near East, South Asia, and Africa* (Washington: Government Printing Office), Document 415.

living conditions of Palestine refugees in Lebanon, including *inter alia* their rights to move, work freely, or even own real estate if they wish, 35% of the refugees live in poverty.⁷⁶

The right of return has been used by the regional governments to ensure that when this issue is resolved, the Palestine refugees will leave their countries; and until it is resolved, the refugees will be looked after by UNRWA and will have little chance of overwhelming the local systems and services. The rejection of resettling them goes beyond Lebanon and the host countries. Neighbouring governments, such as those in the Gulf, advocate for the continued existence of UNRWA pending a just solution, in the form of repatriation for the refugees, because of the very same concern host countries have should the Agency cease to exist: where would the refugees go? Thus, the right of return, in this case, does not become a right which the refugees can act on if possible, it becomes the only possible alternative to dehumanization by the countries of refuge.

In the absence of a just solution for the refugees, UNRWA's existence as a humanitarian agency allows the host nations to avoid a reality in which hundreds of thousands of refugees are suddenly resettled into their societies, especially in places divided socially and politically such as Lebanon. For as long as Israel continues to unequivocally reject the Palestine refugees' right of return, efforts by the host nations to block any possibility of the refugee population's integration only complicate the issue further. The usage of the principal of the right of return by the host nations as a pre-text to reject any efforts to absorb the Palestine refugees, particularly as Israel's policies on the issue make the repatriation of the refugees almost impossible, is a testament to the lack of political will on the part of the host nations to present a realistic solution to the refugees. As such, this fundamental right for the Palestine refugees, when used by the host nations to

76. Tianshe Chen, "Palestinian Refugees in Arab Countries and Their Impacts." *Journal of Middle Eastern and Islamic studies in Asia* 3, no. 3 (September 2009), 45.

advance their policies on the issue of the UNRWA refugees, is a political move to ensure the continuation of the Agency and the continued avoidance of their basic responsibilities towards the Palestine refugees. The Agency's temporary structure can only be realized if there are realistic solutions. However, with rejection of resettling the Palestine refugees from both sides – Israel and the host nations – UNRWA became a never-ending mechanism. The rejection of the integration of the refugees into their host countries has all but ensured that UNRWA will continue to exist due to the lack of political will to present the refugees with a just and realistic solution.

Self-Interest: The Support of Western Governments

With the rejection of the host nations, as well as the region itself, to absorb the refugees and resettle them, Western governments continue to support the Agency politically and financially to ensure the continuation of its services. This stems from political and strategic considerations rather than humanitarian ones. Looking at the dynamics within the European Union (E.U.), especially in the years around Brexit, the Union has been divided in its policies on the Middle East as well as in its response to the support of refugees and migrants as a result of conflicts in the region. However, on the issue of UNRWA and Palestine refugees, the bloc has remained almost unanimous in its support of the Agency because of two overarching self-centered reasons: stability of their strategic partners and to avoid another flow of migrants into their countries should UNRWA cease to exist and the refugees were to be resettled in their countries under the auspices of the UNHCR, or even outside of the UNHCR as an institution, particularly, within the working definition of “refugees”.

Following severe funding cuts to the Agency by President Trump's administration, it was the European countries that shouldered the responsibility of decreasing the funding deficit. In

2019, during UNRWA's pledging conference, the E.U. alone pledged a total of \$131 Million in funding for UNRWA's programme delivery and its emergency appeals.⁷⁷ This number does not include the individual contributions by European governments in their national capacity. For example, Germany and the United Kingdom pledged \$169 Million and \$76 Million, respectively, in addition to the total funding of the European Union.⁷⁸ The reasoning behind the E.U.'s financial support for the Agency was highlighted in their statement during the pledging conference in which regional stability was singled out as one of the main reasons behind the necessitation of continuing UNRWA's services and extending its mandate.⁷⁹

Yet, while they support the Agency's operations, the Western governments have either shied away from re-affirming the right of return for the Palestine refugees, or openly rejected the concept of repatriations of the refugees back to their original homeland, such as in the case of the U.S., which even prior to the Trump-era, has maintained a policy of rejecting the right of return for the Palestine refugees, and will continue to do so because of its strategic interests.⁸⁰ Interestingly enough, however, they still funded UNRWA, an agency working to support the refugees, pending a just and lasting solution – which in the case of the Palestine refugees and the Arab governments is the right of return. It would have been less costly for the Western governments to simply defund UNRWA and shift its responsibilities to a refugee agency focused

77. UNRWA, UN GA, *2019 Pledges to UNRWA's Programmes (Cash and In-kind) - TOP 20 Donors as 31 December 2019*, (United Nations, NY, 2019).

78. UNRWA, UN GA, *2019 Pledges to UNRWA's Programmes (Cash and In-kind) - TOP 20 Donors as 31 December 2019*, (United Nations, NY, 2019).

79. U.N. GA, *Meeting of The Ad Hoc Committee of The General Assembly for the Announcement of Voluntary Contributions to UNRWA*, Remarks by the Representative of the European Union. (June 25, 2019), 5.

80. United States. President (2001-2008: Bush). *Public Papers of the Presidents of the United States, George W. Bush*. (Washington, DC: Office of the Federal Register, National Archives and Records Administration: 2004).

on the resettlement of the refugees, especially as they know of the stalemate in negotiations on the refugees as a Final Status Issue. Still, Western governments, including US administrations prior to Trump, continued to support the Agency despite its increasing costs and its increased number of refugees for one simple reason: regional stability.

Stability in this sense, for the Western governments, is understood from two different angles, regional stability and global stability. Should instability occur due to a decrease of UNRWA's services, the first region which would be impacted is the Middle East, where countries such as Israel, Jordan, Saudi Arabia, and the U.A.E, among others, are regarded as strategic allies for the Western governments. Any potential instability would result in potentially losing a key political ally. Furthermore, any instability in the region, will result in some form of refugee flow from the region into Europe and North America. There are two scenarios that might result in an increased refugee flow in relation to UNRWA.

First, should UNRWA only decrease its services in its areas of operations, a power vacuum will be available for violent non-state actors to operate in. One main area for that is the role of education in stability, as will be analyzed in greater detail in the following chapter. Should UNRWA's educational services be ignored by the Agency, for example, there will be a power vacuum available to operate in vis-à-vis the refugees' youth. Researchers note that there is correlation between a population's dissatisfaction with governmental services, or lack of them, and the local political authority of violent non-state actors.⁸¹ For example, in areas of conflict, whether in Gaza, the West Bank, or Syria, violent non-state actors operating within such a vacuum would have the chance to influence the ideology of the youth. As such, rather than educating the refugee youth in order to benefit them and their communities in the future, violent

81. Annette Idler and James Forest, "Behavioral Patterns among (Violent) Non-State Actors: A Study of Complementary Governance," (January 5, 2015), 4.

non-state actors would work towards not only securing the support of the youth population, but also their recruitment. This, in turn, would protract the conflict and would have larger consequences in terms of displaced people and people seeking refuge, and might have spillover effects to neighbouring countries. Thus, a potential conflict might result in a refugee flow into the West. As such, conflicts in an already volatile region will involve more than just the Palestine refugees, and will contribute to a strain of the international refugee system.

The other scenario is one in which UNRWA ends its services completely and is dismantled. Apart from the power vacuum which will take place in all areas of operations of the Agency and potential conflicts in the region, the rejection of the Arab governments to resettle the refugees on the basis of the right of return, as well as Israel's rejection of that very same right, means that these refugees have become "stateless", as per UNHCR's definition of the term.⁸² Thus, the Palestine refugees, should UNRWA cease to exist, will fall under the auspices of the UNHCR, and as such, the Western governments, and especially Europe, will face an extraordinary and sudden flow of refugees as a result of the erosion of UNRWA, for as long as the host nations reject the integration of the Palestine refugees. This scenario, to the Western governments, is what drives their support to the continuation of the Agency's services and mandate; as opposed to pure humanitarian purposes or fully respecting the refugees' right of return.^{83 84}

There is, however, an aspect of moral duty in supporting the Agency, especially considering that a number of Western powers played a role in the original displacement of the

82. Elena Fiddian-Qasmiyeh, "On the Threshold of Statelessness: Palestinian narratives of loss and erasure." *Ethnic and Racial Studies* 39, no. 2 (2016): 302.

83. Al Husseini, "An Agency for the Palestinians?", 313.

84. El-Rifai and Brynen. *The Palestinian Refugee Problem*, 98.

refugees. This moral duty is deep rooted in the need to strengthen multilateralism and international organizations such as the UN by respecting its resolutions and decisions, including General Assembly Resolutions 194 and 302. Over the years, however, the United Nations has weakened its own position as an organization whose purpose was to maintain peace and security when it, inadvertently, made the “end of the [Israeli] occupation contingent on the chimera of negotiation between what the UN record also demonstrates is a bad faith and immensely more powerful occupant and an enfeebled population held captive by it.”⁸⁵ With issues as complex as the refugee question being at the core of the negotiations, and with no realistic options being presented, the United Nations has, in a way, contributed to the plight of the Palestinian people with almost no real action taken to end such a plight.

UNRWA, though, is one of the very few ways that the international community upholds the United Nations General Assembly’s resolutions on the Question of Palestine. It might be difficult for Western governments to advocate for respect of international law and multilateralism when they go against some of the oldest UN resolutions in the organization’s history or the UN Charter. Respect for multilateralism and international law serve the interests of influential governments, including Western ones. By ensuring that multilateral mechanisms, such as the United Nations, preserve their legitimacy, countries, and particularly the Permanent Members of the Security Council (the United Kingdom, United States, France, Russia, and China), can influence global policies on matters of global economics, global peace and security, and partnerships.

However, the moral duty alone cannot explain the continued support for the Agency by Western governments. Stability of the region, and potentially globally, has been the driving force

85. Imseis, "The United Nations and the Question of Palestine" 152.

behind advocating for UNRWA's continued operations and its necessity in the long-term, even if its original purpose was to be a temporary solution for a temporary problem. The failure to negotiate the Final Status Issues has an impact on the stability of the Middle East and the world. Thus, for as long as there is polarity between the Israelis and the Palestinians on the question of refugees as a Final Status Issue, UNRWA will continue to exist and provide its vital services. There are no real alternatives to the Agency, as any discussion of resettlement is rejected by the Arab and Western governments, while talks of repatriations have been rejected by Israel – the refugees continue their plight indefinitely, and with them continues UNRWA's mandate indefinitely. Thus, UNRWA's continued existence, while humanitarian in nature, can be fully attributed to the political situation and the political discourse surrounding the refugees, the right of return, and stability. Essentially, due to the lack of political will by Israel, the host nations, and the rest of the international community, UNRWA has become a necessary mechanism to manage the Palestine refugees' issue until such political will is discovered by at least one of the stakeholders.

Chapter 5 – UNRWA’s Services: Humanitarian and Stabilizing

UNRWA’s stabilizing role, and what necessitates its continued existence, can also be attributed to its humanitarian and developmental roles. The Agency’s services are most similar to essential services which are, typically, the primary responsibilities of governments. With no real solution to the Palestine refugee problem, as the region rejects resettlement while Israel rejects repatriation, UNRWA has become the sole caretaker of the refugees in all its areas of operations. From healthcare, to education, employment, and even protection, UNRWA has shouldered the responsibility towards the Palestine refugees ever since its inception. This chapter will address UNRWA’s services from a humanitarian and developmental lens.

UNRWA’s services have two purposes. The first purpose, and the clearest one, is humanitarian in nature. The Agency is the sole caretaker of the Palestine refugees as the host nations have no role in the refugee camps. The Palestine refugees have a fundamental right to education, healthcare, and employment. UNRWA facilitates these fundamental rights through its services as the host nations are unwilling or unable to facilitate such rights to the refugees. While each area of service will be analyzed in greater detail later in this chapter, UNRWA, as of September 2020, operates 709 schools and 141 healthcare facilities, in addition to creating more than 27,000 jobs for the Palestine refugees within their 58 camps in Jordan, Lebanon, Syria, the besieged Gaza Strip, and the occupied West Bank.⁸⁶ The second purpose of those services is related to the political interests of the host nations as well as the international community as a whole. The facilitation of each of those human rights provides stability in a unique way, mainly through development, as will be defined and examined in the next section. Thus, this chapter will

86. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

first discuss the notion of positive and negative human rights, those that require action by governments and those that require the absence of governments. Then, it will briefly analyze the role of development in security and stability. Finally, it will then present a detailed analysis of UNRWA's services – education, healthcare, and employment. Each service will be analyzed from two lenses, a human rights lens and a security lens. Ultimately, by facilitating these fundamental rights for the Palestine refugees and furthering development, UNRWA is simultaneously providing relative stability in an already volatile region; which makes its work invaluable.

Human Rights in International Relations

The notion of international human rights law and its supremacy as a tool for multilateralism has been deep rooted in international affairs for decades, especially since the inception of the United Nations. International human rights law and the Universal Declaration of Human Rights (UDHR) has placed an undeniable responsibility on governments.⁸⁷ Simply put, governments have duties towards the people they govern. Some of those duties are spelled out very clearly in the UDHR and can be divided into various areas, including, education, healthcare, and employment. Human rights scholar, Jack Donnelly, contends that “beyond preventing state-based wrongs, human rights require the state to provide certain (civil, political, economic, social, and cultural) goods, services, opportunities, and protections.”⁸⁸ In this sense, governments have a duty to facilitate essential services, such educational systems, healthcare systems, and employment assistance in order to facilitate the corresponding human rights to each service. In situations where governments are unable or unwilling to facilitate the fundamental human rights

87. Jack Donnelly, *Universal Human Rights*, 32.

88. Jack Donnelly, *Universal Human Rights*, 34.

of their citizens, the responsibility shifts to the international community, including in some cases other states, as well as international organizations, nongovernmental organizations, and civil society.⁸⁹ There is no set guideline on how such a transfer of responsibility occurs. However, the human rights framework depends on a system of shared moral understanding of the universality of those rights. From an idealistic point of view, when one system fails, other mechanisms should be in place to facilitate those rights. Of course, however, on face value, those ideals go against the notion of realism and state sovereignty, which “is typically defined as supreme authority: to be sovereign is to be subject to no higher authority.”⁹⁰ However, analyzing this issue closely, there is a direct link between human rights and international peace and security, whether in the prevention of conflict or in the sustenance of peace, as outlined by the UN Secretary-General, António Guterres, in 2017.⁹¹ Thus, at the micro-level of analysis of the impact of the application of human rights, and from a realist perspective, countries have an interest in maintaining international peace and security in order to maintain their share of power and authority, whether at the national level or at the global level.

Human rights scholars within international relations have divided the human rights into two groups: those that require the absence of the state and those that require actions by states. Some rights, such as freedom from torture, require states and governments to simply not take active steps to violate them, no action is required by states; the government’s absence in this case facilitates such a right. The rights that require the governments to not take any action are called

89. Michael Goodhart, Marianne Hanson, and Tim Dunne, “Human Rights in International Relations,” in *Human Rights: Politics and Practice* (Oxford: Oxford University Press, 2016), pp. 44-59, 54.

90. Jack Donnelly, *Universal Human Rights*, 261.

91. UN Secretary-General, “Remarks at Security Council meeting on ‘Maintenance of International Peace and Security: Human Rights and the Prevention of Armed Conflict,’” April 18, 2017, available at www.un.org/sg/en/content/sg/statement/2017-04-18/secretary-generals-remarks-security-council-meetingmaintenance .

“negative rights”.⁹² Of course, there can be mechanisms in place to ensure that the right to freedom from torture is not violated by states; but the main principle within the human rights discourse is that governments will not take active steps to torture citizens – their absence, in this case, allows for the enjoyment of those rights. Such right is “usually advanced as the archetypal negative right: it requires ‘nothing more’ than that the state refrain from incursions on personal liberty and bodily integrity.”⁹³

On the other hand, there are rights that can be facilitated only through governments and states; those rights cannot be fulfilled through the absence of the governments. The rights to education, healthcare, employment, and protection cannot be facilitated simply by the government not taking concrete steps to advance their facilitation – as such, they fall under the category of “positive rights”.⁹⁴ Such rights place a responsibility upon governments to take action to facilitate them.⁹⁵ For example, the positive right of education can be facilitated through the creation of a robust public education system which ultimately ensures that the right to education is not impeded by a government’s inaction. There is also a direct connection between those positive rights. For example, the inability or unwillingness to facilitate the positive right of development has implications on other positive rights such as healthcare or education. Underdevelopment of the educational system, for example, infringes upon the right to education as spelled out in the UDHR. Thus, while educational systems might not be explicitly stated in the declaration, as opposed to the concept of education itself, the lack of such services by any

92. Jack Donnelly, *Universal Human Rights*, 42-43.

93. Jack Donnelly, *Universal Human Rights*, 43.

94. Jack Donnelly, *Universal Human Rights*, 42.

95. Emily Zackin. "Defining Positive Rights." In *Looking for Rights in All the Wrong Places: Why State Constitutions Contain America's Positive Rights*, (Princeton; Oxford: Princeton University Press, 2013) 40.

government is, ultimately, a failure in its responsibility towards its citizens. The services are, primarily, the responsibility of the governing authority.⁹⁶ Yet, when governments fail to facilitate such rights, there are other actors that can assume this responsibility and be able to partly facilitate them. As mentioned earlier, however, this shift in responsibility goes against the typical concept of state sovereignty. Albeit, to the host countries, shifting the responsibility to an agency such as UNRWA, rather than invoking the issue of sovereignty, is a strategic move to ensure peace and security while also being supported, financially and logistically, by the international community. In Jordan, for example there are over 2.2 million Palestine refugees registered with UNRWA.⁹⁷ Thus, a shift in responsibility to UNRWA when it comes to essential services that advance human rights ensures that a country like Jordan, which already has a considerable number of refugees from other areas, has one less issue to focus on. This, however, does not mean that the host nations of UNRWA have fully surrendered sovereignty in matters relevant to the Agency, but rather, as will be demonstrated in this chapter, it still influences the delivery of services, such as the curriculum within UNRWA schools.

It is worth noting, however, that negative rights do not necessarily fulfill themselves simply with the absence of the government, sometimes there should be mechanisms in place to allow for the government to be absent and ensure that violations of these rights do not take place.⁹⁸ The same concept also applies to positive rights. Governments may set up mechanisms in place to facilitate positive rights; however, it must also ensure that it does not take active steps to block the accessibility of the citizens in the facilitation of such rights. Ultimately, states have a

96. Oludele Akinloye Akinboade, Mandisa Putuma Mokwena, and Emilie Chanceline Kinfack, "Protesting for Improved Public Service Delivery in South Africa's Sedibeng District." *Social Indicators Research* 119, no. 1 (2014): Page 2.

97. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

98. Jack Donnelly, *Universal Human Rights*, 43.

responsibility to ensure the simultaneous application of both, negative and positive rights. More importantly, however, is that a failure to facilitate fundamental rights, especially in underdeveloped areas, is often attributed as a root cause of instability. To avoid this, the international community implements global development measures that eliminate root causes of instability, such as lack of access to healthcare or education.⁹⁹ UNRWA, as a specialized agency, aims to further development in the region to facilitate the basic human rights of the Palestine refugees, while simultaneously, providing a much-needed form of stability. This approach makes the Agency extremely valuable to all stakeholders and has contributed to its continued support.

Development, ultimately, is the process of building upon the freedoms and life opportunities of individuals, in order to make their lives better¹⁰⁰. This simply means implementing mechanisms that facilitate fundamental human rights for all people, which would ultimately, improve their well-being. Framing development around human rights is done using what is called a “Human Rights Based Approach”, or HRBA. It is defined as a development process “in which goals and processes of international assistance reflect the principles and norms embodied in the international human rights instruments.”¹⁰¹ Tahmina Karimova argues that at the core of this approach, “the concept is (or should be) an operational expression of inclusion of human rights in development policy and practice. In other words, HRBA is itself an approach, a

99. Typically, states are responsible for advancing their national development. However, globalism and multilateralism allow the international community to help in matters of development in areas where states are unable to advance such development measures. See: Carsten Staur and Steven Harris. *Shared Responsibility: The United Nations in the Age of Globalization*. Montreal; Kingston; Ithaca: McGill-Queen's University Press, 2013. <http://www.jstor.org/stable/j.ctt32b8hp>.

100. Sarah Burd-Sharps, Kristen Lewis, Eduardo Borges Martins, Amartya Sen, and William H. Draper. “Understanding Human Development.” In *The Measure of America: American Human Development Report, 2008-2009*, 8–25. New York: Columbia University Press, 2008.

101. J.J.K. Boesen and H.O. Sano, "The Implications and Value Added of a Human Rights-Based Approach", in B.A. Andreassen and S.P. Marks, *Development as a Human Right: Legal, Political and Economic Dimensions*, 45.

method, a tool, to incorporate human rights into development.”¹⁰² HRBA frames development in the sense that human rights and development are, essentially, one component, rather than two. Thus, while UNRWA provides vital humanitarian support for the Palestine refugees, it simultaneously enhances development in the region.

When there is underdevelopment, or lack of facilitation of fundamental human rights, there is instability. Paul Collier contends that underdevelopment is a reoccurring root cause of instability and conflict, especially in regions already facing instability and reoccurring conflict.¹⁰³ In UNRWA’s five areas of operations, there is severe underdevelopment on the part of the host governments within the camps. The majority of the Palestine refugees are not allowed to access basic services usually offered by those governments to their citizens, such as in the case of Lebanon for example, where strict measures are in place to combat integration attempts, as will be discussed later in this chapter.¹⁰⁴ This is done, partly, to not entertain the idea of refugee resettlement, as discussed earlier, and, also, to not overwhelm the local service delivery systems. Essentially, this lack of governmental services available to the Palestine refugees creates regions in each of those countries where causes of potential instability are brewing. Those governments fail to provide the refugees with essential services, such as education, healthcare, and employment. The absence of the state in those refugee camps allows for the potential of exhaustive human rights violations and a considerable power vacuum.

102. Takhmina Karimova, *Human rights and development in international law*. London: Routledge, 2016. 75.

103. Paul Collier, *Breaking the Conflict Trap: Civil War and Development Policy*. (Washington, DC: World Bank, 2003.)

104. Sari Hanafi, Jad Chaaban, and Karin Seyfert “Social Exclusion of Palestinian Refugees in Lebanon: Reflections on the Mechanisms that Cement their Persistent Poverty”, *Refugee Survey Quarterly*, Volume 31, Issue 1, (March 2012), 43.

UNRWA, through its HRBA to development has helped mitigate those risks by becoming the sole caretaker of the Palestine refugees in its camps. The Agency's services, as such, serve two purposes. Educational, healthcare, and employment services by the Agency facilitate human rights while also providing stability. UNRWA's service model has utilized the HRBA method to ensure that within its refugee camps, there are developmental and humanitarian efforts that substitute for the host government's absence in the delivery of such services. Thus, the analysis of UNRWA's services should be done by dividing those services into three areas: education, healthcare, and employment. Those three areas are typically, as mentioned earlier, contributing factors to stability and security. UNRWA's delivery of services, in the absence of the host countries, ensures that the Agency has become invaluable in its work on the ground.

Education

The facilitation of educational services, in any part of the world, whether through the governments or other entities, has two clear implications: increase in development and better chances of stability. One of UNRWA's largest programmes is the educational one. As of 2019, there are more than 700 schools operated by the Agency across its five areas of operations; the education programme of UNRWA is accessible to more than 531,000 Palestine refugees.¹⁰⁵ From a human rights perspective, the accessibility afforded to the refugees is one of ways UNRWA has filled in the void left by the host governments within the refugee camps. The Agency's education programme provides an opportunity for the Palestine refugees to have access to one of the most fundamental and basic of human rights, the Right to Education, as stipulated

105. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

in Article 26 of the UDHR; typically this right is facilitated by governments.¹⁰⁶ By filling in the void left by the host governments and facilitating educational services that are accessible to all Palestine refugees, UNRWA has become, by default, the guarantor of those rights.

For the Palestine refugees, the right of education is one of the rights that are felt at the individual level, rather than at the collective level. UNRWA's facilitation of the right to education gives a chance for the Palestine refugees to rehabilitate individually; it allows for an "upward social mobility without necessarily threatening their right of return."¹⁰⁷ One of the ways in which the refugees can experience this programme at the individual level is through its positive implications on their futures. The Agency's facilitation of this right allows the Palestine refugees to pursue higher education in countries around the world without really infringing on their status as UNRWA refugees or, more importantly, on their right of return – it allows them to escape a reality in which they cannot return home and they cannot be resettled elsewhere.

UNRWA's educational programme has a developmental impact, as well. The Agency not only assumes the duties typically shouldered by governments in simply providing education, UNRWA provides an education that is of the highest quality in the region. Anne Irfan, citing a report by the World Bank, states that "education has been central to the empowerment of Palestinian refugees [...] often being described as the most educated refugees in the world, and one of the most educated populations in the Middle East."¹⁰⁸ Even so, the World Bank labeled UNRWA's educational programs as a "global public good."¹⁰⁹ This public good is done through

106. Gordon, John-Stewart. "Is Inclusive Education a Human Right?" *The Journal of Law, Medicine & Ethics* 41, no. 4 (December 2013): 764.

107. Bocco, "UNRWA and the Palestinian Refugees", 13.

108. Anne Irfan, "The Loss of Education: Palestinian Refugees from Syria and UN SDG 4." *Journal of Palestinian Refugee Studies* 6, no. 1 (2016): 23

a right-based approach to development. In the absence of the host nations within the UNRWA camps, the Agency furthers local development efforts by offering a curriculum similar to that of the host nation.¹¹⁰ This approach is beneficial to both sides, the refugees and the host nations. For the refugees, they are, at the very least, provided with the same material in which the citizens of the host nations are receiving in their public education system. While the quality of the delivery might be different, the similar curriculum ensures that from a human development standpoint, the Palestine refugees are on par with the citizens of the host nations. For the host nations, this approach, since it is consistent with their efforts in local and national development, provides stability in an already volatile region. This notion is widely supported across the international community, especially by host governments who pled with the UNRWA donor countries to increase, maintain, and stabilize their funding of the Agency when it came dangerously close to shutting down its schools due to severe financial difficulties in 2015.¹¹¹

From a humanitarian and developmental perspective, UNRWA's educational service presents the Palestine refugees with an opportunity to experience their fundamental human rights. From a realist perspective, however, UNRWA's educational program is much more than just a humanitarian and developmental mechanism that meets the needs of a desperate population. It is a stabilizing force in an already volatile region. The impact of the Agency's educational programme should be examined by analyzing the only possible alternative, refugee camps without the delivery of educational services. What makes this the only possible alternative

109. United Nations, UNRWA Newsroom, *Open Letter from UNRWA Commissioner-General to Palestine Refugees and UNRWA Staff*. 01 September 2018.

110. George Dickerson. "Education for the Palestine Refugees: The UNRWA/UNESCO Programme." *Journal of Palestine Studies* 3, no. 3 (1974): 128.

111. United Nations, General Assembly, *Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East: report of the Secretary-General, A/71/849* (30 March 2017).

is due to the unwillingness or inability of host nations to integrate the Palestine refugee population in their local systems, Israel's rejection of repatriation, the region's rejection of integration, as well as the international community's rejection of resettlement.

Education plays an immense role in the sustenance of political stability. In *The Role of Education in Political Stability*, Jeremy Anderson analyzes Hobbes' argument of how education, or the lack of it, contributed to the English King's inability to raise a large enough army during the civil war. Anderson contends that "the way education helps to maintain order may be understood by examining how the lack of proper education contributes to disorder."¹¹² Anderson argues that the public's lack of education contributed it not fully believing in the King's authority.¹¹³ Thus, in the absence of UNRWA's educational services, the question then must be asked of what would happen to the youth population of the Palestine refugee camps? Education, if considered at the individual level, is their hope for a better reality than the one they were born into, in which they are not welcomed home and are not accepted anywhere else. At the collective level, educational services that are accessible to the youth population are a form of deterrents of instability. In the case of UNRWA and its host nations, the education programme has helped avoid a power vacuum within the refugees' youth in which violent non-state actors can operate in. From a realist lens, the prospects of a scenario in which non-state actors can negatively influence the youth population of the Palestine refugees is a concept that is not far-fetched should UNRWA suspend its educational services.

The shouldering of the responsibility of education by the Agency has created a sense of social order within its refugee camps. Without such services, the plethora of non-state actors

112. Anderson, "The Role of Education in Political Stability", 96.

113. Anderson, "The Role of Education in Political Stability", 96-97.

within the region can influence the youth population. The case of Gaza alone highlights the invaluable role that the Agency plays on the ground. In Gaza, UNRWA provides educational services to more than 280,000 Palestine refugee youth – 20% of the Palestine refugee population in Gaza, and almost 15% of Gaza’s total population.¹¹⁴ A relatively high percentage of an extremely vulnerable population in Gaza, should they be left without accessible educational services, is a disastrous situation from a security perspective for numerous stakeholders in the region, and particularly, Israel itself. If the Agency abandons its delivery of educational services to the youth population in Gaza, there are a considerable number of non-state actors within Gaza that would welcome such steps. Hamas, as a non-state actor, has long used the suffering of the Palestinian population, including that of the Palestine refugees, as a pre-text for attracting recruits.¹¹⁵ In the absence of the Palestinian Authority in Gaza following the intra-Palestinian division, UNRWA has transformed drastically in Gaza to become the international community’s tool to combat the recruitment of youth into non-state actor groups in Gaza and elsewhere. UNRWA’s educational services in Gaza provide the refugees with a chance to create a better reality, away from Israel’s blockade on the Gaza Strip and from recruitment efforts of non-state actors.

For the relevant stakeholders, UNRWA’s education is much more than just development, or even a tool to facilitate human rights; education, to them, is stability. In a region filled with instability and despair, education can give hope to the refugee population and allows them to better understand and appreciate social order. UNRWA’s shouldering of the responsibility of education for the Palestine refugees is a testament to its invaluable role that has evolved beyond

114. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

115. Matthew Levitt, and Dennis Ross. "Teaching Terror: How the Dawa Radicalizes Palestinian Society." (New Haven; London: Yale University Press, 2006), 110.

a simple relief agency. By guaranteeing the Palestine refugees their basic human right to education, by improving development efforts in the region through quality education based on a curriculum similar to those of the host nations, and by ultimately providing stability through its educational programme, UNRWA has become invaluable for all, Israel, the host governments, the region, and the international community.

Healthcare

While UNRWA's educational programs can maintain political and regional stability, the healthcare programs in the refugee camps have an equally important role. In the Agency's areas of operations, UNRWA runs more than 139 Primary Health Care Facilities (PHCFs), which are visited, annually, more than 8.7 million times by UNRWA refugees.¹¹⁶ PHCFs offer healthcare services such as dental, pre- and neo-natal, and diabetes care. The facilities, while humanitarian in almost every aspect of their services, provide two advantages to the host governments: development and stability. However, the primary purpose is to provide much needed humanitarian healthcare services for an already marginalized population. The HRBA to the development of healthcare services within the camps takes into account that healthcare is a human right, and an inalienable one. The facilitation of such a right is most crucial in areas of conflict. In Gaza and Syria, where conflict is protracted, and human rights are constantly violated, including healthcare rights, UNRWA's services facilitate much needed humanitarian support.

Particularly in Gaza, following the 2008 and 2014 Israeli aggression, as well as the targeted killings and injuring of Palestinian protesters on the Gaza-Israel border by Israeli forces

116. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

in 2018, UNRWA remains the last line of defense for the Palestine refugees.¹¹⁷ The World Health Organization, WHO, estimates that from March 2018 until November 2019, more than 330 Palestinians were killed and more than 33,000 were injured as a direct result of the Great March of Return protests.¹¹⁸ Those protests called for the facilitation of the right of return for the Palestine refugees and to end the Israeli blockade on Gaza; they also coincided with the American embassy move from Tel Aviv to Jerusalem, a move that contradicted international law and the overwhelming international consensus on affecting final status issues in such a way. UNRWA has played a significant role in alleviating the human suffering by offering crucial healthcare services to the refugee population who were targeted by Israel.

In only 22 healthcare facilities, UNRWA cared for over 2,700 patients who had injuries directly resulting from the protests, 20% of which were children – the majority of which were treated by UNRWA healthcare workers for gunshot wounds.¹¹⁹ It is crucial to note, however, that these healthcare facilities are not hospitals, they do not possess the capacity to handle a sudden influx of patients suffering from moderate to severe injuries. Yet, as a humanitarian mechanism, the Agency succeeded in alleviating the pressure faced by a collapsing public health system in Gaza.

This humanitarian role that UNRWA plays in a conflict zone such as Gaza, whether through its daily or emergency services, also have a developmental aspect to it. The quality of

117. General Assembly resolution A/RES/ES-10/20, *Protection of the Palestinian Civilian Population*, A/RES/ES-10/20 (13 June 2018).

118. World Health Organization, *Health Cluster Bulletin: November-December 2019, occupied Palestinian territory – Gaza*, (United Nations: December 2019), 1.

119. UNRWA, *Gaza's "Great March of Return" One Year On*, Protection Division, UNRWA. (United Nations, Amman: 2019) 7-8.

healthcare provided to the Palestine refugees is regarded by healthcare experts as one of the most efficient and advanced systems given the realities on the ground and the limited resources of UNRWA. The quality of service that the PHCFs deliver is of similar, or even high, quality than “some large independent countries with better resources.”¹²⁰

Shahin et al., during their study of UNRWA’s approach to diabetes, concluded that since the majority of countries around the world have “no or only rudimentary services for diabetes and hypertension at the primary care level and may face similar resource and capacity constraints, UNRWA's efforts can serve as a model and inspiration to set up similar initiatives.”¹²¹ The quality of healthcare within UNRWA’s facilities, especially in areas such as Gaza and Syria, furthers development of healthcare systems where the public systems have all but collapsed due to the renewed cycles of conflict. Moreover, the Agency’s healthcare services extend beyond physical health. In areas such as Gaza, post-conflict trauma is prevalent among the population, especially the youth. Mark Brailsford explains that children in Gaza face “persistent violations of their basic human rights, with a devastating psychological impact. These problems include: lack of motivation in school, fear, sleeplessness, difficulty in concentrating, memory loss and flashbacks.”¹²²

This trauma is perpetuated further as Israel imposes its total blockade on the Gaza Strip, essentially making it an open air prison that goes through constant rounds of conflict between Hamas and Israel. With nowhere to go, Gazans heavily rely on UNRWA for mental health

120. Shahin, Kapur, and Seita, "Diabetes Care in Refugee Camps: The Experience of UNRWA.", 2.

121. Shahin, Kapur, and Seita, "Diabetes Care in Refugee Camps: The Experience of UNRWA.", 1.

122. Sari Hanafi, Leila Hilal, and Lex Takkenberg, *UNRWA and Palestinian Refugees: from Relief and Works to Human Development* (London: Routledge, Taylor & Francis Group, 2019). 158.

care.¹²³ The Agency initially created its Community Mental Health Programme in 2002 before it was transformed in 2005 to tackle the mental health issues arising from continued violence and a declining economy in Gaza.¹²⁴ Following the eight day conflict in 2012, the programme's patients doubled, with more than 40% being children under the age of 9.¹²⁵ The Agency's invaluable role *vis-à-vis* healthcare, including mental health, has long term positive impacts. By addressing issues such as post-conflict trauma among a marginalized population, UNRWA attempts to create a better future for the Palestine refugees, including its youth who have lived through various rounds of conflict. Additionally, these development efforts in the healthcare system also contribute to stability in a unique way.

There is a strong link between healthcare and political stability. A study by Klomp and Haan used quantitative methods to analyze if political stability is connected to the healthcare sector of different nations around the world. Analyzing the period of 2000 till 2005, and employing 171 countries as factors, the results of the study highlighted that there is a strong correlation between individual health and political stability. The authors contended that:

Democracy has a positive relationship with individual health, while regime instability has a negative relationship with individual health. Government instability is negatively related to individual health via its link with the quality of the health care sector, while democracy is positively related with individual health.¹²⁶

123. The Gaza Community Mental Health Program, a Palestinian Non-Governmental Organization, also provides crucial mental health services to the Palestinians in Gaza. However, the head office for the Program was heavily damaged in 2008 during the Israeli aggression on Gaza. See: Salena Tramel, "Grassroots Grantee Gaza Community Mental Health Program Damaged in Attacks," Grassroots Grantee Gaza Community Mental Health Program Damaged in Attacks | Grassroots International, January 2, 2009, <https://web.archive.org/web/20110814012849/http://www.grassrootsonline.org/news/blog/grassroots-grantee-gaza-community-mental-health-program-damaged-attacks>.

124. Sari Hanafi, Leila Hilal, and Lex Takkenberg, *UNRWA and Palestinian Refugees: from Relief and Works to Human Development* (London: Routledge, Taylor & Francis Group, 2019). 157.

125. Sari Hanafi, Leila Hilal, and Lex Takkenberg, *UNRWA and Palestinian Refugees: from Relief and Works to Human Development* (London: Routledge, Taylor & Francis Group, 2019). 158.

126. Jeroen Klomp and Jakob de Haan. "Is the Political System Really Related to Health?" *Social Science & Medicine* 69, no. 1 (2009): 36-37.

Using the lens of realism, the invaluable role that the healthcare services of UNRWA play must be examined by looking at a reality in which the Agency's services cease to exist. Any impediments or interruptions to UNRWA's healthcare services have serious implications on the refugees' fundamental human rights, the economy of the host nations, as well as regional stability; these implications are interrelated. There are two clear effects that might result from a cessation of UNRWA's healthcare services: instability resulting from social distrust among the population and instability occurring through a power vacuum.

Firstly, in the event that the Agency ceases its health services, the region will have over 5.3 million refugees who are susceptible to a range of health issues, including viruses that might be similar in nature to COVID-19. A grim socioeconomic situation among the Palestine refugee population will not allow for them to seek private healthcare facilities in the absence of public and accessible governmental services to the refugee population. Should UNRWA dissolve its healthcare services, the political realities on the ground regarding the integration of the Palestine refugee into the local systems make it unrealistic to propose a scenario in which the host governments assume full responsibility for the health of the refugees. If, in extreme instances, the Palestine refugees be able to access the local health services of the host governments, a sudden influx of refugees would threaten the service delivery for the nationals of those countries. An expansion in local capacities by the host nations just to cater for the Palestine refugees is, from a realist perspective, not feasible, especially considering the limited financial and physical resources those governments have made available for the refugees.¹²⁷

In reality, should there be a sudden influx of Palestine refugees accessing the local health systems in the host countries, there will be an increase in social distrust between the local

127. Al Husseini, "UNRWA and the Refugees", 8.

population of those countries and the Palestine refugees, particularly in areas where there has been a strong rejection of any attempts to integrate the refugee population.¹²⁸ Lower quality of service, or even increased waiting times for life saving medical procedures, as a result of enabling better public health access to the Palestine refugees would create resentment among populations that already reject integration attempts. Social distrust, or resentment, among populations will result in instability, as the Palestine refugee population would be blamed for the economic misfortunes of the host nations if there is a drastic increase in spending on healthcare to accommodate the refugee population. Taking into account the history of the Palestine refugees in Lebanon, *vis-à-vis* the civil war, and the clear rejection of their presence by at least one group of the Lebanese population, instability resulting from public resentment is a plausible issue. UNRWA's services drastically limit the number of Palestine refugees accessing the public health services of the host nations. Thus, the Agency's healthcare services help avoid situations where there is instability that result from social distrust or resentment towards the Palestine refugees.

Secondly, the healthcare services of the Agency help mitigate potential power vacuums, especially in regions with a considerable presence of non-state actors. The oppression of the Palestinian population, especially the refugees, by Israel, as well as the international community's contribution to their plight have been used as recruitment pretext for non-state actors. Lebanon, Syria, and the West Bank can all be used as examples to highlight this risk, but the case of the Gaza Strip is a prime example of the risks involved should UNRWA's healthcare services be dissolved. The Strip's public health system has neared total collapse as a result of Israel's continued aggression.

128. Al Hussein, "UNRWA and the Refugees", 8.

The constant bombardment of Gaza by Israel has resulted in a crippled medical infrastructure in a conflict zone. During the Israeli aggression on Gaza in 2008, while civilians and civilian infrastructures were directly targeted by Israel's air force, hospitals such as Al-Shifa and Al-Awada hospitals were shelled, with their foundational structures damaged or destroyed.¹²⁹ With the absence of the Palestinian Authority in Gaza due to the intra-Palestinian division between the Palestinian Liberation Organization – PLO – and Hamas, there is no legitimate governmental body to rebuild damaged medical infrastructures.

UNRWA is a form of the international community's responsibility towards the Palestine refugees. The Agency is one of the few remaining international mechanisms for the population of Gaza. The moment that its much needed humanitarian aid is halted, especially its healthcare services in a conflict zone that has its public health systems crippled, the Palestine refugee population will have resentment against the international community. Without UNRWA's health services, the Palestine refugees will turn to the first group that can guarantee them even a portion of their fundamental rights. From a realist lens, how can a marginalized population be expected to support an international community that has originally created their plight and continued to make their situation worse? Without the presence of a government or a government-backed mechanism such as UNRWA, especially in conflict zones such as Gaza and Syria, the Palestine refugees will be the targets of non-state actors that use the plight of the refugees and their oppression as a pretext to their mandates.

The quality of the healthcare provided by the Agency, and the importance of it from a humanitarian sense, is a stabilizing mechanism. Healthcare, especially in areas of continued conflict, is typically the primary responsibility of official governments. This responsibility places

129. Sharyn Lock, Sarah Irving, and Richard Falk. "The Sky Falls In: December 27, 2008–January 4, 2009." In *Gaza: Beneath the Bombs*, 37-67. (London; New York, NY: Pluto Press, 2010), 66.

an onus upon governments to ensure that there is a reliable health care infrastructure in place. In the case of the Palestine refugees, governments are either unable to fulfill, or have absolved themselves, of this responsibility. UNRWA provides the Palestine refugees with a relatively high-quality healthcare system, while at the same time, it is a mechanism for stability. It works towards avoiding social distrust between the Palestine refugees and the nationals of the host countries who oppose integration, while simultaneously, it fills in a void in the delivery of healthcare services for the Palestine refugees that might otherwise be filled by non-state actors.

Employment

While the positive rights to education and healthcare are typically the responsibility of governments to facilitate, there are other rights that develop as by-products of such facilitation of fundamental rights. The right to employment is a universal human right that is the by-product of the facilitation of other human rights. It is a combination of both, negative and positive rights. Negative in the sense that governments should refrain from being involved in denying individuals their right to work. It is also a positive right in the sense that there should be mechanisms in place to allow those who seek employment to reasonably find it. Yet, governments are not expected to guarantee employment for every individual person. Instead, they aim to increase development, through educational services, healthcare, economic growth, and even market liberalization in some cases. Employment comes as a by-product of this form of development. However, this is another service that the host nations, especially Lebanon, rely on UNRWA to provide. The host nations, partly due to their bleak economic situations and partly

because of their local politics, do not help facilitate such a right. Some also take active steps to not allow the refugees to find employment outside of the camps.¹³⁰

UNRWA's service delivery model allows the Agency to create job growth for its refugees. By creating jobs for the refugees within its camps, the Agency has assumed more responsibilities that are often shouldered by governments. In total, UNRWA employs more than 30,500 Palestine refugees to deliver its crucial services, including 18,000 teachers and 3,300 healthcare workers such as nurses and doctors; in comparison, UNRWA only employs 211 international staff, including those in their headquarters and representative offices.¹³¹ The impact of such a unique model of refugee employment serves two purposes.

First, by employing Palestine refugees to work within their own communities, the Agency improves the socioeconomic situation of the refugees by empowering them. Rather than simply distributing cash for the refugees in the form of financial aid, the Palestine refugees are integrated into the labour market of the camps. This approach serves the Agency financially, as it provides financial aid in the form of payment for a service, which, ultimately, empowers the refugees. The Agency also avoids the extra financial costs of employing non-refugees to deliver its services. Those that will receive the Agency's services, are the same individuals providing it. It also creates a sense of independence for the refugees, allowing them to enjoy one of their fundamental human rights. With more than 35% of Palestine refugees in Lebanon living in poverty, the Agency's services work towards alleviating some of the financial difficulties faced by families.¹³² UNRWA's method of employment also personalizes the delivery of its services.

130. Sari Hanafi, Jad Chaaban, and Karin Seyfert "Social Exclusion of Palestinian Refugees in Lebanon: Reflections on the Mechanisms that Cement their Persistent Poverty", *Refugee Survey Quarterly*, Volume 31, Issue 1, (March 2012), 43.

131. UNRWA, *UNRWA in Figures* (New York: United Nations, 2019).

132. Chen, "Palestinian Refugees in Arab Countries and Their Impacts.", 45.

For example, the teachers in the Agency's schools are refugees who may have experienced UNRWA's education system as students. They can personalize their teaching methods, for example, to be more in line with the Palestine refugees needs than would have been the case with non-refugee service providers. The same idea can also be applied to other services provided by the Agency, such as healthcare.

Secondly, and even more crucial to the host nations, UNRWA's services provide a legitimate sense of security in the form of stability. In Lebanon, especially, the public political opinion on the refugees has been deeply divided. The policies of the government itself do not allow for any form of integration of the Palestine refugees into the local job markets. Looking at this issue from an angle of realism, there are two interrelated issues on hand that make UNRWA's employment model invaluable: the economy of the host nations, such as Lebanon, and the local public opinion on the refugees and their integration. Lebanon is a country that is yet to fully recover, politically and economically, from the events between the civil war, 1975, and the year 2020. During this period, Lebanon has emerged from a civil war, underwent two wars with Israel, has been divided politically due to the structure of its government, experienced political unrest due to the distrust of the government by the local population, as well as a huge refugee flow into the country as a result of regional conflicts. The economy, and the job market, for the local population itself has been affected partly due to these events, among other things. Mona Christophersen argues that the Syrian refugee crisis alone has contributed greatly to the economy of Lebanon:

this unprecedented population increase of 25 to 30 percent has had a great impact on Lebanon's economy, social cohesion, environment and natural resources, security, and political stability, not least because Lebanon had been without an effective government for years prior to 2016.¹³³

133. Mona Christophersen, *Pursuing Sustainable Development under Sectarianism in Lebanon* (International Peace Institute, 2018), 24.

The impact on the economy, specifically, is attributed to the competitive advantage that the refugees supposedly have over the local population in which the cost for employing refugees over the local population is considerably low. Since the start of the Syrian refugee crisis alone, more than 200,000 Lebanese nationals have fell under the poverty line, and more than 300,000 have become unemployed; the refugees are often blamed for this reality.¹³⁴

In the case of the Palestine refugees, the divided public opinion on their presence and integration has made their economic situation dire in every possible way. UNRWA's employment model serves to move the Palestine refugee workforce away from the public job market, thus decreasing competition for the nationals of the host country, while simultaneously, providing much-needed economic support for the refugee population as to deter non-state actors. From a realist angle, the cessation of UNRWA's unique employment model would create instability in two form. The Palestine refugee population can either find employment, if allowed to work in the local market, in direct competition with an already economically frustrated Lebanese population. Alternatively, they might be supported through non-state actors that would work in the power vacuum created by a cessation of UNRWA's services.

The Agency's model of employment, while humanitarian, is more valuable to the host governments because of its stabilizing role. It alleviates the pressure off of an already troubling economy in the cases of Lebanon, Syria, Gaza, and the West Bank. In the areas where the refugees are allowed to access the local job markets, UNRWA's model still serves as a way to lessen the pressure off of the local markets. For the refugees, however, the humanitarian impact it has is invaluable. It provides a sense of dignity for the refugee population, while at the same time, personalizes the services more for the refugees. The refugee students, for example, are

134. Christophersen, *Pursuing Sustainable Development under Sectarianism in Lebanon*, 26.

taught by members of their own communities, who might have gone through similar experiences as them. UNRWA's employment model is ultimately invaluable to all stakeholders.

Chapter 6 – Conclusion and Recommendations

This research paper explored the circumstances surrounding the founding of UNRWA, the continued support of the Agency, what necessitated the constant renewal of its three-year mandate, as well as what makes it truly invaluable. From a moral standpoint, UNRWA is the international community's attempt to rectify the fallouts from the Partition Plan. The Palestine refugees were displaced directly due to Israel's actions following the *Nakba*, and indirectly due to the decisions of the international community. The Agency was envisioned to be a temporary solution to a temporary problem. No one in the international community at the time could have predicted that seventy years later, UNRWA will continue to be the sole caretaker of over 5.4 million refugees. Yet, in the seventy years of UNRWA's existence, there has been a complete lack of political will to solve the refugee issue. Additionally, UNRWA's invaluable role as a humanitarian agency that simultaneously provides security and stability for the host nations and the region has made its continued existence necessary for all stakeholders.

The events of the 1948 *Nakba* were the first genuine test faced by the United Nations in the Middle East. The events of the war took place as the region was slowly transitioning out of the mandate era. To the UN and many of its member states, the conflict was a test of its legitimacy as a mechanism set up to maintain global peace and security.¹³⁵ The 1948 war that resulted from the UN's Partition Plan caused regional instability that continues to have its consequences seen and felt more than seventy years later. The Partition Plan, while it gave rise to Israel as a new nation, spelled the demise for the majority of the Palestinian population at the time. The displacement of the Palestinian population to Gaza, the West Bank, Syria, Jordan, and

135. Imseis, "The United Nations and the Question of Palestine" 106-110.

Lebanon was believed to be a temporary problem. Yet, seventy years later, they continue to be marginalized, their plight used for political gain, they are denied their right to go home, they are unwelcomed in their places of refuge, and rejected by the rest of the world. The right of return, while it is their fundamental right, has been utilized as a political tool by various parties, as the continued lack of political will to solve the plight of the refugees continues seventy years after their displacement. UNRWA's continued existence can be attributed to two factors, the lack of political will and the invaluable role that the Agency plays in the region through its services.

Simply put, from an angle of realism, Israel, the host nations, regional governments, and the rest of the international community have a vested interest in the Agency remaining in existence for as long as possible, far beyond its original mandate duration. This might be in clear contradiction of the rhetoric by Israel and the United States on the Agency, including statements to defund it and delegitimize it.¹³⁶ For Israel, the continued existence of UNRWA means that it continues to avoid its responsibility towards the victims of its crimes; it is also a method to ensure that groups such as Hamas do not fill in power vacuum in areas such as Gaza. The displacement of the refugees, while indirectly initiated by the international community through the Partition Plan, was ultimately carried out by Israel during its campaign in 1948 and later in 1967. As UNRWA continues to serve the Palestine refugees, the number of refugees is bound to grow beyond levels that would be reasonable for Israel to repatriate. Thus, for Israel, in theory, UNRWA's continued existence might be paradoxical in the sense that it is creating more refugees in the long run. In practice, however, the more UNRWA refugees that exist in the region, the smaller the chance is for Israel to eventually be required by the international

136. U.N. Security Council, 8532nd mtg., U.N. Doc. S/PV.8532 (May, 22, 2019), p.24-26, available from <https://undocs.org/en/S/PV.8532>.

community to repatriate the refugees. Ultimately, Israel is counting on the refugees being integrated into the region or resettled away from it.

However, both of those scenarios are politically impossible. The lack of political will on the part of the host nations, regional governments, and the rest of the international community make these scenarios remote. The host nations and the regional governments use the refugees' right of return as a political tool to reject any attempts to integrate them into their local societies. UNRWA's continued existence means that while there are Palestine refugees present in their countries, they are looked after primarily by UNRWA. The Agency's role as a caretaker of the refugees means that the host nations and the regional governments will not be forced to integrate the refugees, as this concept is not in line with their right of return. Additionally, for the rest of the international community, UNRWA's continued existence means that no resettlement efforts must be undertaken. Analyzing this through a realist lens, UNRWA's continued existence means that the Western governments will not have to worry about potential instability due to a sudden influx of refugees.

UNRWA's invaluable role, however, must also be examined from a humanitarian and developmental aspect. As the host nations are either unable to or unwilling to facilitate to the Palestine refugees their fundamental human rights, UNRWA has filled in the gap. Through its education, healthcare, and employment services, the Agency has helped the host nations and the region avoid creating power vacuums that might potentially cause instability. Using a realist analysis on this topic, UNRWA's services, while humanitarian in nature, provide strong stability within the refugee camps. For the refugees, these services facilitate their fundamental human rights.

Education services for the refugees allow for the creation of a better future and reality for them, it also enhances development within the camps. Healthcare helps the refugees mitigate a harsher reality, through the quality of the healthcare provided, UNRWA refugees who are unable to access private healthcare due to the dire economic status within the camps, have the ability to enjoy their fundamental right to healthcare. For those in conflict zone, UNRWA's healthcare services provide essential care in areas where the public health systems are collapsing. The Agency's employment model is no different, it provides the refugees with a sense of independence and dignity. It also allows for an improved economic status without the feeling of dependency for the refugees. For the host countries, UNRWA is a source of internal stability. The education and healthcare services allow for better political stability through development, as was evident in studies and research that found a strong correlation between both sets, education and political stability as well as healthcare and political stability. The Agency's employment also contributes to stability in a unique way. In areas such as Lebanon, where the dire economic situation as well as the public opinion on the refugees has made it impossible for the Palestine refugees to find employment in the public sector, UNRWA's employment model creates stability in two ways. First, it decreases the competition faced by the Lebanese nationals, who are already facing huge unemployment numbers, which in turn decreases the social distrust between the local population and the refugees. The decrease in social distrust is ultimately a decrease in potential conflict between the two groups. Secondly, UNRWA's employment model fills in a crucial power vacuum that might be utilized by non-state actors to attempt to influence a marginalized refugee population.

However, despite all of the detailed analysis, the biggest limitation in this paper was the difficulty of fully assessing how the Palestine refugee population views the Agency. While the

analysis can explain why UNRWA has been necessitated for over 70 years and why it continues to be invaluable in terms of regional and international stability through its humanitarian and developmental services, the research does not examine if there are concerns within the refugee population regarding the services of the Agency. For example, while UNRWA provides primary healthcare to the refugees, does the refugee population consider these services sufficient enough or do they require more comprehensive healthcare coverage? The answer to such a question indicates if the refugee population considers the Agency to be invaluable in their lives in its current state, if it is in need of reform, or if it just prolongs their plight with no added value to their lives.

The answer to the question of whether the refugee population itself considers UNRWA invaluable might help solidify the point that a disruption in the Agency's services, as needed as they are by the refugee population, might have serious security implications if the affected people are dissatisfied. This limitation would ideally be addressed through surveys, for example, in order to take into account the view of the refugee population and give them agency over this question. This limitation will not directly impact the ability to determine if UNRWA is truly invaluable to the international community; but addressing it in the future can possibly add more legitimacy to the research through taking into account the view of the refugee population rather than analyzing it from the outside.

Ultimately, through the political reality surrounding the question of the Palestine refugees as well as the invaluable role that the Agency plays, UNRWA has become truly indispensable and will continue to be supported by the international community. Until the Palestine refugees are presented with a just solution, should there be an eventual political will to present them with one, UNRWA continues to be a source of stability and justice in the Middle East. However, the

Agency has the potential to evolve even further. One area that is worthy of future research is UNRWA's role as a tool for transitional justice.

In Michael Goodhart's edited book, *Human Rights Politics and Practice*, Dr. Joanna Quinn introduces the concept of transitional justice and its applicability to human rights. She introduces the three different approaches to transitional justice: retributive, restorative, and reparative justice.¹³⁷ The application of such types of justice is of relevance to the Palestine refugees in their quest for a just and lasting solution. The right of return, for example, is deep rooted in the principle of reparative justice, which aims to "repair the injury suffered by victims" as opposed to the approaches of retributive and restorative justice, which, respectively, aim to punish the perpetrator and restore the dignity of the victims in the form of truth commissions and healing circles.¹³⁸

Researchers can examine the ways the Agency has kept the right of return relevant for seventy years, through its unique classification of who qualifies to be a Palestine refugee – a move that should be considered as preserving justice. Moreover, the Agency has often been one of the very few ways the United Nations is present on the ground in areas such as Gaza, the West Bank, and Syria. Thus, UNRWA, as an agency, was present when severe human rights violations took place, especially in recent Israeli rounds of aggression such as the 2008-2009 and 2014 Gaza wars as well as in protests such as the Great March of Return. Document of such crimes are will have to become part of an eventual transitional justice process - which might explain the negative Israeli rhetoric on the Agency, despite the value it brings to Israel in terms of allowing it to prolong the delivery of justice as well as in terms of security and stability. Researchers

137. Joanna R. Quinn, "Transitional Justice," in *Human Rights Politics and Practice*, ed. Michael Goodhart (Oxford: Oxford University Press, 2016), 390-402.

138. Quinn, "Transitional Justice", 391.

examining this unique role that the Agency can play in the future would not only fill in a literature gap, but would ultimately cover a new topic, especially as the discussion on the Final Status Issues is transitioned from being about a two-State solution to a one-State reality.

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