Five Decades of Humanitarian Aid: The Case of UNRWA

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Abstract: The United Nations Relief and Works Agency (UNRWA) is an anomaly in the list of United Nations agencies. It is the oldest temporary agency of the United Nations, created in the wake of Palestinian refugee crisis in the late 1940s. Its sole purpose is to deal with the Palestinian refugee crisis, a much different mandate than that of other UN agencies, which have a broader and more global focus. Everything down to its modus operandi, requiring constant contact with clients as opposed to the detached modus operandi of other agencies, makes this agency significantly different from other UN agencies. And that is perhaps why the UNRWA seems to be in a constant state of flux regarding its operations, its goals, and its future. Since its inception, the UNRWA has changed from an agency providing relief and repatriation to Palestinian refugees to becoming the sole provider of education, housing, and other forms of aid to these refugees. Initially conceived as a temporary solution to the refugee problem, the UNRWA has become a problem in solving the plight of the Palestinians. This paper analyzes the mandate and operating methods of the UNRWA, discusses its transformation over the last fifty years, and theorizes about its uncertain role in the future with the increasing authority of the Palestinian Liberation Organization (PLO).

As United Nations peace-keeping operations grow in number, intensity and complexity, UNRWA (United Nations Relief and Works Agency) presents a fifty year record of peace-servicing, an invaluable body of experience to analyze and study for both academicians and practitioners in the field. During the past five decades, the work of UNRWA has been carried on against the backdrop of dramatic changes in regional and global environments. Globally, the post-Soviet era introduced new opportunities for peace, as the Middle East ceased to constitute a theater for playing out East-West tensions. Regionally, the most important changes consisted of the various disengagement and peace agreements concluded during the period under consideration between Israel and its antagonistic neighbors, including the September, 1993, Israeli-PLO Declaration of Principles (DOP). However, none of these agreements contained concrete provisions or specific procedures to resolve the most intractable of all the issues dividing the parties, that of the Palestinian refugees, so as to obviate the need for continued interventions by UNRWA.1

It is the purpose of this article to examine the anatomy and evolution of UNRWA in the context of the global and regional environments within which UNRWA has functioned; to evaluate the Agency’s organizational and substantive contributions to the promotion of peace and the resolution of the Middle East refugee problem; and suggest how similar organizations may be useful in the future, when they will have to operate under entirely new and different regional and global arrangements. More particularly, analysis will focus on structures and procedures controlling UNRWA’s activities; UNRWA’s original mandate, and how it was

1 The DOP did not deal with Palestinian refugees directly. It declared that the negotiations during the five-year transitional period “shall cover the remaining issues, including: Jerusalem, refugees, settlements…” (Article V, No. 3).
changed (formally or informally) to adjust to new environmental realities; UNRWA’s unique status within the United Nations system; past and present support systems undergirding UNRWA; and, conversely, limitations and constraints within which the Agency had been forced to operate. The underlying assumption is that UNRWA’s experience, while ostensibly unique, is, in fact, applicable within broader political, social, and economic contexts.

**General Observations**

From the start, UNRWA has been unique, both as to its mandate and its modus operandi. It is the oldest and largest temporary United Nations humanitarian agency, created by the United Nations General Assembly on December 8, 1949 (General Assembly Resolution 302 (IV))\(^2\), as a temporary relief agency in response to the urgent problem of the Palestinian refugees. UNRWA replaced the short-lived UNRPR (United Nations Relief for Palestinian Refugees), a stop-gap agency created by the General Assembly in November, 1948, to provide emergency services to a small number of homeless and hungry Palestinians who had recently fled their homes and were crowded together in squalid make-shift camps. By June, 1949, it had become clear that the refugee problem would not be solved quickly, and that UNRPR lacked the means and authority to deal with this growing problem.

A Palestinian refugee, as defined by the General Assembly Resolution 194 (III) of December 11, 1948, was a person whose normal residence was Palestine for a minimum of two years before the 1948 Arab-Israeli war and who lost both home and livelihood as a result of the conflict and took refuge in one of the areas which today comprise Jordan, Lebanon, the Syrian Arab Republic and the West Bank and Gaza Strip.\(^4\) Direct Descendants of registered refugees were also deemed eligible for UNRWA’s assistance.

The two-year residency provision enabled transients to be treated as if they had been permanent residents of Palestine, permitting them to acquire refugee status and rendering them eligible for resettlement, repatriation or financial compensation. When UNRWA was founded in 1949, United Nations officials estimated the refugee population to be between 330,000 and 500,000.\(^5\) Between 1949 and 1993, the number of refugees increased by about 500 percent; by 1993, 2.8 million refugees received UNRWA’s assistance. In 1992-93, 393,000 pupils attended

\(^2\) In 1992, UNRWA was authorized by the General Assembly to continue in operation through 1996.

\(^3\) General Assembly Resolution 302 (IV) was legally binding on all parties within its operational intent. By contrast, most other General Assembly resolutions do not automatically acquire such a binding character. Rather, they are not unlike United States Congressional resolutions – more in the nature of advisory policy statements.

\(^4\) The validity of the two-year residency standard may well be questioned, given the migratory patterns of populations in the Middle East and that recent emergence of many of its population groups from their historic nomadic existence. The two-year standard would appear to be more appropriate to settled populations occupying well-defined boundaries for many generations, such as those in Western Europe. This issue is particularly worthy of consideration in light of the documented massive migrations of populations from Syria, Lebanon, and Transjordan to Palestine a few years before the 1948 partition. See, e.g., Joan Peters, *From Time Immemorial: The Origins of the Arab-Jewish Conflict over Palestine* (New York: Harper & Row), 1984. The wording of Resolution 194 deserves more attention than has hitherto been accorded to it, namely, its three qualifying requirements (residence, livelihood, and the abandonment of same) which collectively define refugee status. No mechanism was put in place whereby refugee claimants were required to provide proof that they could satisfy all three jurisdictional elements before they could acquire the official status of refugees. Instead, a mere self-declaration of refugee status, asserting the existence of all or just some of the three qualifying requirements, has been accepted by UNRWA from the beginning as the sole necessary condition for granting refugee status.

UNRWA’s elementary and preparatory schools. The Agency’s forecast for 1994-1995 is for over 416,000 students.6

UNRWA’s 1993 regular budget exceeded $250 million (not including $20 million for various emergency programs). A United Nations task report of September, 1993, asked for a 55 percent increase in UNRWA’s 1994 budget, or an increase in $138 million, to develop new support programs for the interim period of Palestinian autonomy “that will be vital in the West Bank and Gaza Strip.”7

UNRWA has not attempted to modify its role in light of the Declaration of Principles or, as it is sometimes known, the Israeli-Palestinian Accord of September, 1993, which provides for a measure of Palestinian autonomy and which, therefore, would warrant a transfer of authority from UNRWA to the new Palestinian Council for carrying out essential educational and economic activities.

As the United Nations’ largest humanitarian operation, UNRWA employs over 20,000 local Palestinian people and is managed by about 135 international civil servants; it is far larger than the other two United Nations sponsored humanitarian relief agencies, UNICEF (United Nations International Children’s Emergency Fund) and UNHCR (United Nations High Commissioner for Refugees).8

Inevitably, the population of the refugee-clients has come to include large numbers of second and third generation refugees. Most of these consider the camps the only homes they have ever known. Some 940,000 refugees still live in 59 refugee camps in four countries—Israel (West Bank and Gaza), Lebanon, Syria, and Jordan. In addition, UNRWA has provided services to between 600,000 and 800,000 displaced people (exact number not available). The category of “displaced people” was added to UNRWA’s mandate after 19679, to accommodate the Six day War refugees who fled mainly to Jordan10 and Lebanon. These included some 200,000 refugees from 1948, who were displaced for the second time.11 A smaller number of Palestinians became displaced when they fled from Jordan in 1970, following clashes Jordan and the PLO (“Black September”). The protracted civil war in Lebanon during the 1970’s and 1980’s made still more refugees charges of the already overburdened Agency.

As a general rule, most United Nations humanitarian operations are carried out by the UNHCR (United Nations High Commissioner for Refugees), which was established shortly after UNRWA but which, instead of replacing or incorporating the earlier agency, operates on a level that is parallel to it. The rationale for this separate status derives from the fact that the General Assembly saw it fit to single out the Palestinian refugees from all the other refugee categories by taking direct responsibility for the Palestinians: it created UNRWA as the protecting agency

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7 Ibid.
9 UNRWA distinguished between “refugees”, that is, people who lost their homes and livelihood in 1948, and “displaced” people, that is, people who fled the West Bank after 1967 mainly to Jordan, Syria, and Lebanon.
10 Over one million refugees live in Jordan, the largest refugee concentration in any Middle Eastern country. Jordan’s indigenous population is about 3.5 million.
11 The General Assembly gave special attention to Palestinians displaced as a result of the Six Day War. In its Resolution 32/90 B.4 of December 13, 1977, the General Assembly endorsed UNRWA’s humanitarian efforts on behalf of displaced persons. The Secretary-General issued a report (United Nations Document A/32/263) which supported this assumption of responsibilities. Subsequently, the General Assembly adopted Resolution 32/90 E, reaffirming the right of newly-displaced persons to return to their homes, and placing them in the same category of eligibility for UNRWA assistance as the Palestinian refugees.
especially dedicated to this class of refugees. UNRWA was formed to be an autonomous United Nations agency that is directly accountable to the General Assembly. It is an operational agency, incorporated under Article 22 of the United Nations Charter rather than being based on an international treaty or convention, as are most other United Nations agencies.\textsuperscript{12} At its inception, it was assumed that establishing UNRWA by treaty would necessitate the unwarranted delay of a lengthy ratification process.

The “W” in UNRWA reflects the General Assembly’s original intent to create public works operations to provide permanent employment for refugees while at the same time building infrastructures essential to the camps. When the public works plan failed (see discussion below), UNRWA shifted its focus to education, with health services and relief as second and third priorities.

UNRWA’s \textit{modus operandi} has been unlike that of UNICEF or the UNHCR. The latter two global United Nations welfare agencies have focused on formulating and coordinating programs requiring the maintenance of minimum contact with their clients. They have also avoided direct contact with their own local personnel, leaving the implementation of programs to host governments and to various private agencies. In contrast, UNRWA has not only kept close contact with the recipients of its services, but has preferred to have its own personnel carry out its programs. Consequently, UNRWA has become the second largest employer in its theater of operation. By working through its own people, UNRWA risks conflicts of interest that other agencies avoid by acting through the instrumentalities of host governments or private charitable organizations.

As an international humanitarian agency, UNRWA provides support services to refugees by attempting, not always successfully, to regulate and coordinate the functions of various host governments, private organizations, and local enterprises; as a non-elected, non-accountable bureaucracy, it employs thousands of people and performs functions usually rendered by elected local governments.

In its fifth decade of providing refugee services, UNRWA has failed to help the refugee camps evolve local government capable of implementing measures essential to their own well-being. The agency appears to have followed a path that had the effect, by design or inadvertence, of encouraging continuing dependence on the part of the refugees. The very existence of UNRWA may have discouraged the local residents from assuming responsibility for their own welfare. The lack of local autonomy may have also induced the shifting of responsibility for the refugees from Arab countries and from Israel to the international Agency. This situation could not help but foster misunderstanding and friction between the agency, the host governments and the clients.

The General Assembly’s persistent efforts to foster and expand UNRWA’s role arose out of stubborn belief that the United Nations was responsible for the events that led to the refugees’ flight from Palestine and should, therefore, accept the refugees as its wards. Accordingly, the United Nations undertook to provide its protection and its support until such time that the refugees should no longer need the umbrella of its agencies. In this, the United Nations was strongly influenced by its first mediator in Palestine, Count Folke Bernadotte. In his 1948 report to the General Assembly, Bernadotte asserted “that both in origin and disposition the refugee problem entailed a United Nations responsibility.”\textsuperscript{13} Bernadotte’s argument was primarily legal,
not humanitarian. He contended that, since the Palestinians were without citizenship and were residents of a former League of Nations mandated territory, the international community had a continuing responsibility for them until a final settlement was achieved.

Adopting Count Bernadotte’s argument, General Assembly Resolution 194 (III) of December 11, 1948, reached a profoundly influential political conclusion, proclaiming that dispossessed Palestinians had a right of repatriation or compensation. This resolution has had a long-term political effect, defining the political context within which problems concerning the refugees have been debated. The creation of UNRWA was an unprecedented consequence of these political conclusions. The Agency was given the unique assignment of supporting and protecting the rights of a particular national group. “No other [such] intergovernmental international organization exists.”

Only when the protracted nature of the Palestinian refugee issue became evident, after the failure of numerous efforts to settle the Arab-Israeli conflict, did the United Nations replace its initial legalistic approach to the issue of the refugees with a more humanitarian one. This was reflected in changes (discussed later) in UNRWA’s mandate and duties. However, the raison d’être of UNRWA remained unchanged: to endeavor to bring about a political solution to the problem of the Palestinian refugees, namely, repatriation, compensation, or settlement of refugees in countries of the first asylum. UNRWA has insisted that even the signing of the Declaration of Principles (DOP) between Israel and the PLO in September 13, 1993, did not change the Agency’s status or obligations. Indeed, Ilter Turkmen, the Commissioner-General of UNRWA, asserted that “in the Gaza Strip and West Bank, the situation in principle will be no different.” Commissioner Turkmen’s position seems to confirm that UNRWA, like most established bureaucracies, is attached to its power base and is reluctant to yield any part of its authority.

A review of UNRWA’s operations reveals major political and administrative dilemmas which have not been resolved and which evidently affect its work. First, as a non-territorial entity operating within the territorial boundaries of sovereign states, the Agency performs tasks normally carried out by governments: it has become virtually a non-territorial government. However, unlike sovereign governments, UNRWA has no jurisdiction over either the territory in which it operates or over the inhabitants which it services. As an autonomous international body, it cannot be subjugated or subordinated to the authority of any sovereign government; conversely, no sovereign government would debase its sovereignty by submitting to the authority of UNRWA. This situation often impedes the performance of UNRWA and leads to inevitable clashes with host governments and with clients. In short, on the issue of the powers, authority, and accountability of international “non-territorial administrations,” the case of UNRWA deserves particular attention.

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15 Statement of the Commissioner-General to the Special Political and Decolonization Committee (the Fifth Committee), November 15, 1993. See also, Don Peretz, Palestinians, Refugees, and the Middle East Peace Process (Washington, United States Institute of Peace Press, 1993), p. 107, in which Commissioner-General Turkmen is quoted as saying that when the Palestinians in the West Bank and Gaza achieve autonomy, “The agency will be dissolved, transferring its facilities, structures and services to the emerging Palestinian institutions.” The contradictory positions taken by the Commissioner-General on this vital issue clearly reflects unresolved stresses within UNRWA occasioned by developing Palestinian autonomy and the Agency’s reluctance to relinquish power.

16 The term was used Buehrig, p. 7.
Second, as a United Nations agency, UNRWA and its functionaries might expect to enjoy corporate and personnel immunity from territorial authorities. However, this has not always been the case. For instance, acting on Israel Defense Forces (IDF) intelligence reports that UNRWA’s camps were being used to train PLO members and harbor terrorists, Israel has occasionally raided and searched UNRWA’s offices and compounds. No international authorization of doing so was ever requested or granted.\(^{17}\)

Third, it has been argued that UNRWA was not actually helping the refugees, but that its operations were counterproductive. The Agency’s existence “has reified, for Palestinians, their refugee status… [T]he refugee camps… have been breeding grounds for national violence… and… [their] facilities have been used for military purposes.”\(^{18}\)

Fourth, some have contended that UNRWA’s operations, by enhancing the refugees’ living situation, have made them more comfortable, and thereby reduced the refugees’ discontent and their motivation for a permanent settlement of their status. It has been argued that UNRWA might actually have alleviated the need for a permanent solution.

On the other hand, continued and ever-growing discontent of large numbers of refugees suggests that UNRWA’s humanitarian and social operations have been irrelevant to the refugees’ attitude toward their political and social situation. Indeed, the growing feelings of animosity, frustration and anger in the ranks of UNRWA’s clientele, culminating in the 1987 outbreak of Intifada in the Gaza Strip, indicate that UNRWA has had little, if any, effect on the temperature of the political climate among refugees.

Fifth, UNRWA’s critics have also argued that the Agency has succumbed to major bureaucratic pathologies. They have alleged that UNRWA has become a self-serving, work-generating agency with little regard for the real interests of its own clients. Its employment of refugee-workers is said to be suffused with favoritism and patronage, and its services inefficient and ineffective. UNRWA vigorously denies these charges, using healthcare and education records as proof of its effectiveness. UNRWA asserts that, due to its efforts, the refugees are better housed, better fed, healthier, and better educated. Furthermore, UNRWA takes pride in its record of protecting the refugees’ human rights. The Agency contends that it accomplishes all this with a minimal overhead: headquarters personnel account for only 2 percent of the total number of area posts (20,592 total posts for 1992).\(^{19}\)

Finally, UNRWA’s critics have argued that it has habitually exceeded its mandate, which was limited to the humanitarian aspects of the conflict, i.e., that since UNRWA’s mission did not contemplate the Agency’s direct involvement in the Palestinian-Israeli political conflict, the Agency should not have aspired to affect the outcome of that struggle.

During UNRWA’s years as a temporary humanitarian agency, the General Assembly never sought to enlarge the Agency’s role to that of a permanent political institution. UNRWA, however, contends that its mandate is sufficiently broad for it to fulfill its part in the international commitment to the final settlement of the Palestinian-Israeli conflict: providing Palestinian refugees with the proper relief, education, and health care was to be UNRWA’s contribution to

\(^{17}\) In June 1982, after it invaded Lebanon, Israel announced that it had discovered documents proving that UNRWA’s school at Siblin was used by the PLO to train terrorists. Reports published in Israel’s Ha’aretz daily, June 27-30, 1982.

\(^{18}\) Schiff, p. 364.

\(^{19}\) The cost of the international posts for 1992-1993 (two years) was $20,605,000. Projected cost for 1994-1995 (two years) is $20,440,000. This cost is covered by the regular budget of the United Nations. UNRWA paid its international staff $6,108,000 out of its budget. The projected cost for the next two years is $5,601,000. This decline in overhead contrasts with the increase in the number of refugees eligible for services.
the peace process. Nevertheless, it can be shown that UNRWA’s activities did not, in fact, merely play the positive role it claims in furthering the peace process nor that the Agency limited itself to the humanitarian ventures which were entrusted to it, at its formation. If the United Nations hoped to encourage the settlement of the Israeli-Palestinian conflict through the activities of UNRWA, it was bound to be sorely disappointed.

**Structures and Procedures**

In order to allow UNRWA broad freedom of action in the field, the United Nations General Assembly shaped it as an operational organization with a unique corporate status, “capable of engaging in the commercial transactions and establishing legally defined relations with governments, other international organizations, and employees.”

UNRWA has provided a large array of municipal services to a vast population located in five different states, and it has had to manage and control a large administrative and professional apparatus, while being left to fend for itself, both in policy-making and in collecting its own voluntary contributions. It has operated on two-year budget cycles, with the United States as its major contributor ($68 million for FY 1993). The Agency is headed by the Commissioner-General (originally titled a Director), who is appointed by the United Nations Secretary General. No process of approval or confirmation is required for appointment. The Commissioner-General, whose term of office is five years, reports directly to the General Assembly by way of the Fifth Committee (Political and Decolonization). After the Commissioner-General’s report has been discussed in the Fifth Committee, it is forwarded to the General Assembly for resolution and voting.

In 1991, the autonomous authority of the Commissioner-General was further broadened. The General Assembly agreed to eliminate the provision in UNRWA’s mandate requiring the Commissioner-General to reach decisions “in consultation with the Secretary General.” While the Commissioner-General no longer needs to consult the Secretary General, he is still expected to consult and work with an Advisory Commission. This body, which was originally comprised of representatives from France, Britain, the United States and Turkey, was later enlarged to a membership of ten nations by adding representatives from Syria, Jordan, Egypt, Lebanon, Belgium, and Japan.

In order to facilitate negotiations, Advisory Commission members receive accreditation to each of the host countries, Israel, Egypt, Jordan, Lebanon and Syria. Contrary to expectations, the addition of host Arab governments to the Advisory Commission did not improve the Commission’s work: it alienated Israel and led to development of friction between itself, contributing governments, and often even the Commissioner-General. The structure of the enlarged Commission also impeded the development of minimum consensus essential for the Advisory Commission to be effective. In fact, UNRWA became almost self-contained, with its staff appointed or removed solely by the Commissioner-General. This official promulgated his own rules and regulations without interference, as long as these did not expressly conflict with United Nations rules and regulations.

Because UNRWA assumed full responsibility for Palestinian refugees in almost all spheres of life, it has had a virtually free hand in setting policies and priorities, and in allocating

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20 General Assembly Resolution 302 (IV) of December 8, 1949, said: “Continued assistance for the relief of the Palestinian refugees is necessary… to further conditions of peace and stability.”

21 Buehrig, p. 6.

22 Original resolution establishing the Advisory Commission, General Assembly Resolution 302 (IV), paragraph No. 8.
resources. Indeed, UNRWA’s far-ranging administrative bureaucracy has been the source of political decisions affecting the lives of millions of people. Notwithstanding its operational autonomy, UNRWA has had to give considerations to terms of relevant General Assembly resolutions, the limitations imposed by its own financial and operational capabilities, the priorities and preferred policies of the Advisory Commission, when it chose to make these known, and, finally, the burgeoning needs of its clients. Except for salaries of United Nations international staff members, who are on the regular United Nations payroll, UNRWA has depended entirely in voluntary contributions to fund its budgetary needs.

Budgetary constraints have always played a major role in UNRWA’s operations and development programs. Unlike UNICEF and UNHCR, UNRWA’s expenditures “are not subject to formal approval either by its Advisory Commission or by the Special Political Committee of the General Assembly.”23 This is because UNRWA’s founding resolution did not include provisions for formal consideration and approval of its budget: “its fund-raising techniques and budgetary methods developed idiosyncratically within the UN family.”24 In recent years, the Advisory Commission has declined to review UNRWA’s budget without providing justification for its failure to do so. As might be expected, such broad budgetary discretion can have a negative effect on contributors and encourage them to condition the amount of their pledges on desired policy concessions: “Consequently, a contributor is well positioned to use the pledging conference—the final stage of UNRWA’s annual appearance at the General Assembly—as an occasion for attaching conditions to its contribution.”25

This awkward situation is a consequence of the resolution which founded UNRWA. Because the Agency’s resolution was loosely drawn, UNRWA was denied the authority and support systems needed to define its mission clearly, the appropriations to fund its budgets, the administrative structure to recruit and supervise its personnel properly, and the leadership to be held accountable before appropriate United Nations bodies. Moreover, the lack of a Board of Governors resulted in a lack of political guidance. Realistically, the annual review of UNRWA’s report by the general assembly could not serve as an adequate policy forum. Unlike the annual reports of UNICEF and UNHCR, which are first considered by the Economic and Social Council and which are then transmitted to the General Assembly with the Council’s recommendations, UNRWA’s annual report is submitted directly to the General Assembly (the Fifth Committee) by its President. UNRWA’s Advisory Commission, which has the right to scrutinize the report prior to submission, has traditionally refrained from making any recommendations, probably because the commission itself has not been able to develop a consensus on controversial issues. General Assembly reviews of annual reports do not usually lead to resolutions providing detailed operational instructions. The General Assembly’s abdication of supervisory authority has left UNRWA virtually autonomous in all of its policy-making process, such as in policies underlying establishment of its extensive educational system. In short, in fulfilling the principal parts of its mandate, UNRWA has received scant guidance from appropriate General Assembly resolutions, and no financial support.

It is difficult to reconcile the acutely sensitive political context in which UNRWA must operate with the demonstrable lack of guidance and control from either the Advisory Commission or the General Assembly. The Commissioner-General and his staff are left with the burden of making all the decision and paying all the bills.

23 Buehring, p. 53.
24 Schiff, p. 370.
25 Ibid. p. 53.
The lack of a governing or an overseeing body for such a vital organization as UNRWA is troubling. The miscalculation at the time of the formation of UNRWA—that it would be a temporary, very short-lived agency—led to the mistaken assumption that a responsible, business-like oversight apparatus would not be necessary. It is unclear why the General Assembly has subsequently failed to fill this administrative and policy-making vacuum. It should be noted, however, that UNRWA’s officials have made no secret of the fact that both the Commissioner-General and the staff have come to enjoy their autonomous status and feel that additional bureaucratic controls are unnecessary.26

And yet, UNRWA’s freedom of action carries with it a heavy price. The lack of guidance and control has discouraged the much needed backing and support that an active Board of Directors or a resolute Advisory Commission could have provided. The failure to establish a legitimating backdrop is especially troubling when one considers the hostile environment in which UNRWA must operate and the almost total lack of cooperation that it receives from most host countries. Had the Agency been able to marshal the broad political reinforcement and resources needed to operate successfully under such adverse circumstances, it might well have been able to match the relative success of the UNHCR.”27 As it is, however, UNRWA has been accused of a lack of accountability, inefficiency, and even of corruption. Its very isolation has fed allocations that, by becoming embroiled with the disputing parties, it has limited its ability to provide essential humanitarian services in a neutral, disinterested manner.

UNRWA’s budgetary practices have also been called into question. Until the mid 1980’s, UNRWA used to submit artificially inflated budget requests in the hope of increasing its funding. By doing so, UNRWA jeopardized the trust of its donors. At the end of the 1980’s, UNRWA found itself in a severe financial crisis. While the number of dependents for which it cared had increased, the voluntary contributions needed to pay for this care had shrunk. UNRWA had to reduce its work force and to overhaul its budgetary and fund-raising procedures. It realized that it had to consult the Advisory Committee and to develop a greater degree of financial accountability. In 1986, the first informal meeting of the donor states was held at UNRWA’s Vienna headquarters, and, for the first time, budget proposals and long-term plans were introduced. The tactics of submitting inflated budgetary requests was abandoned, while new financial controls were instituted. Since 1986, these informal meetings have become established practice. Moreover, a closer working relationship has developed between UNRWA’s officials and representatives of the donor states. Such closer contacts have made it easier for the United States government, UNRWA’s largest donor, to induce Congress to respond more positively to UNRWA’s financial needs.28

The fact that, for almost five decades, UNRWA could function without proper financial accountability and control standard shows: (a) how autonomous United Nations agencies can become, (b) the vast power and authority that the head of a United Nations agency can exert, and (c) the effects of a lack of administrative regulatory mechanisms within the United Nations system.

Of the three main UNRWA operations, education has become the most important, with relief occupying last place on its priority list. UNRWA provides education to about 20 percent of its clientele, with the intent of making them productive, “socially useful human beings who

27 “UNHCR has been remarkably successful in healing political ruture [the reference in mainly to Europe after World War II] while UNRWA has not.” Buehrig, p. 58.
28 In 1993, the United States contributed $68 million out of a total budget of 300 million.
contribute to society rather than impose a burden on it.”

An Agency staff of approximately 10,000 provides education to over 390,000 elementary and preparatory school children in 641 UNRWA schools. Eight vocational and technical training centers provide over 5,000 training places for refugees. In 1993, the distribution, by place of residence, of UNRWA’s clientele was as follows:

- Lebanon: 328,176 refugees
- Syria: 314,039 refugees
- Jordan: 1,072,561 refugees
- West Bank: 479,023 refugees
- Gaza Strip: 603,380 refugees

UNRWA assumes that the actual number of refugees is higher, as some of the refugees have failed to register.

In 1993, 392,757 students were enrolled in educational or training programs. UNRWA also provided university scholarships for outstanding students. The number of aid recipients rose in 1993 from 661 to 746 students. Educational programs have followed the curricula of the host countries in which they are offered, namely, Lebanon, Jordan, Syria and Egypt (in Gaza), in cooperation with and guidance from UNESCO, which supplied 12 staff members to UNRWA. However, growing criticism about inadequate supervision, inappropriate authority exercised by local teachers to promote political agendas, and a lack of integrated educational objectives prompted the introduction of reforms in UNRWA’s educational system. As of July, 1993, UNRWA decided to reorganize the education department by integrating all divisions into one institute, the UNRWA Institute of Education, located in Amman, Jordan. At the same time, the office of its Director of Education was moved from Vienna to the same location. Due to a lack of job opportunities for its graduates, UNRWA’s two-year teacher-training program was phased out. Instead, Jordan now requires a full four-year academic degree in education of UNRWA-trained teachers. In 1993, UNRWA reported the following statistics for students registered in its schools:

- Lebanon: 33,172
- Syria: 60,216
- Jordan: 152,350
- West Bank: 42,310
- Gaza Strip: 104,709
- Total: 392,757

Because of future budget restrictions, the number of students in educational institutions is to be cut in half.

About half of the total operational budget of UNRWA is spent on education— in 1992, $137.5 million out of a total budget of $274.9 million, in 1993, $141.3 million out of a total budget of $298.7 million. The proposed budget for 1994 allocates for educational purposes $150.4 million out of a total budget of $309.1 million.

While it is clear, from the large share of the budget and large proportion of employees assigned to it, that education has been UNRWA’s most important operation, this function has also given rise to the greatest degree of controversy. Criticism has been mounting from Israel and

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30 UNRWA Update, April 1993. All statistical information cited herein regarding populations and UNRWA educational enterprises rely on this source.
from several of the contributing states that, because UNRWA’s school curricula replicate those of Jordan, Syria, Egypt and Lebanon, they include, perforce, anti-Israeli propaganda and slander. Israel has charged UNRWA with knowingly allowing the Palestinians in its employ to use the Agency’s educational system to promote an anti-Israel agenda to an extent that clearly violates UNRWA’s mandate.\textsuperscript{31} In addition, Israel has maintained that UNRWA should not be permitted to contest Israel’s right to use security measures as a prerogative of Israeli sovereignty.

The Palestinians, on the other hand, have charged UNRWA with cooperating with their enemy (Israel), accusing the Agency of failing to protect their human rights, especially by virtue of failing to prevent Israel from what they see as arbitrary closing of schools.

UNRWA’s health care and relief operations are less extensive than those relating to education, but they follow the same principles and procedures. UNRWA’s health department employs 32=,203 professional and auxiliary health workers (1992-1993), including 207 doctors and dentists, 683 nurses, hygienists and midwives and 230 paramedical staff members. The Agency delivers services to 2.8 million eligible Palestinians. The program provides preventative, natal and clinical health care. The number of area health care workers in Gaza is high in proportion to the number of clients because of the special needs of the refugee population in its nine refugee camps.\textsuperscript{32}

UNRWA’s third function has been to provide temporary relief services to those refugees unable to support themselves. The relief program, which itself has given rise to some controversy, has disturbed some cash to eligible refugees, but most of the aid has consisted of food rations donated by the EEC from its surpluses. While UNRWA preferred granting food rations to granting payments, it found that barter among Palestinian refugees could not satisfy all of their needs. In 1982, when UNRWA experienced a severe financial crisis, hard decisions had to be made concerning reductions in relief programs, including the distribution of food rations. In determining priorities of categories of aid, UNRWA chose not to cut the education budget, but to reduce relief distributions, instead. Since the mid 1980’s, direct relief and food rations have been given only to the most vulnerable groups, especially to children from 6 to 36 months of age and to sick and handicapped refugees. The program for 1994-1995 has been further reduced: it includes 250,000 children (6 to 36 months), 143,200 pregnant women and nursing mothers, and several hundred chronically sick people.

UNRWA’s expenditures for relief for 1992-1993 were $62,525,000. The budget request for 1994-1995 is $71,791,000.\textsuperscript{33} The number of beneficiaries for 1992-1993 was almost 2.8 million people. The number of special hardship cases was 178,575. UNRWA predicts that the number of refugees eligible for relief might increase due to the deterioration in socio-economic conditions and the decline in support from oil producing Arab countries. Palestinian support of Saddam Hussein during the Gulf Was resulted in a sharp decline relief aid from Arab countries.

\textsuperscript{31} Since 1988, the Israeli authorities have often ordered schools in the West Bank and Gaza closed, arguing that the schools “were a beachhead on which young Palestinians organize for trouble. It has fewer security problems when schools were closed.” Viorst, \textit{(Olive Branch)}, p. 16. See also Schiff, pp. 374-375. Schiff explains that since “the Jordanian curriculum is used in the West Bank, the Egyptian curriculum in the Gaza Strip, the political slant… is shaped by these governments."


\textsuperscript{33} The persistent increase in the birth rate among refugees, the continued reductions in contributions from Palestinians following Gulf War, and the rising tide of Palestinian unemployment in Gaza and in the West Bank since the outbreak of the Intifada – all these have given rise to increased dependence on UNRWA’s welfare program, notwithstanding the Agency’s efforts to reduce its welfare budget.
In addition, the number of Palestinians employed in these countries and their essential money-transfers suffered a devastating decline which has not been fully reversed since the end of the Gulf War.

The Future Role of UNRWA

Because UNRWA is a unique organization in its structure, mandate and modus operandi, the evolution of its future operations is open-ended and difficult to predict. First there is every expectation that UNRWA’s operations in Lebanon (where it was headquartered until the late 1970’s) will probably continue without major changes. In 1992, UNRWA registered 319,427 Palestinian refugees there. It is highly unlikely that a significant number of them will be allowed to return to Israel or to territories turned over to Palestinian control. The DOP (Declaration of Principles between Israel and the PLO) provides that, during the interim five year period, negotiations will be held to cover remaining issues, including those concerning refugees. Clearly, neither Israel nor the PLO put the refugee issue near the top of their respective priority lists, as the DOP includes no specific provisions concerning the matter of resettlement or repatriation of refugees.

Second, UNRWA’s operations in Syria, serving 299,207 Palestinian refugees (1992), will probably not change in any meaningful way. On the other hand, changes may be expected in UNRWA’s operations in Jordan, in the West Bank and in the Gaza Strip. During 1992, UNRWA provided services to 1,010,719 Palestinian refugees living in Jordan. The high reproductive rate of that population (3.7 percent per year) increases the number of refugees in Jordan by almost 50 percent every decade. Over half of the population of Jordan is Palestinian, and, as UNRWA’s figures show, a third of Jordan’s 3 million people are registered Palestinian refugees. If the current incremental rate of increase of the refugee population is maintained, and if the nature of UNRWA’s activity does not change, UNRWA will have to greatly expand its operations in Jordan. Providing education, health care and relief to over a third of the country’s population would force the Agency to become a government within a government.

In that event, UNRWA’s only option would be to gradually transfer its responsibility for the education, health care and relief of the refugee population to an appropriate political authority. If the October 26, 1994 Jordanian-Israeli peace agreement includes some sort of interim or long-term settlement of the Palestinian refugees in Jordan, the future of UNRWA’s operation in Jordan is likely to be altered.

The UNRWA areas of operation most likely to be affected in the near term by the Declaration of Principles and the resulting political changes are in the West Bank and in Gaza. It is as yet unclear what mechanisms will replace UNRWA’s services under provisions of an interim or a permanent political agreement between Israel and the elected Palestinian Interim Self-Government Authority (the Council created pursuant to the terms of the DOP). Indeed, the question of UNRWA’s role was not specified in the protocol signed in Washington in September, 1993, as neither the Agency nor its activities and presence in the West Bank and Gaza are mentioned. And Yet, the DOP and the terms negotiated under its aegis are bound to form a vitally relevant basis for UNRWA’s continued existence and operations.

34 DOP, Article V, No. 3.
35 Statistics of refugee populations service by UNRWA are to be found in Viorst, Reaching for the Olive Branch, p. 83.
Under provisions of the DOP, the Council will assume overall responsibility for the well-being of the Palestinian people during a transitional period not exceeding five years. Although the contemplated creation of an independent Palestinian state is at least five years away, the elected Palestinian Council will exercise vast authority in areas currently served by UNRWA. “Immediately after entry into force of this DOP… authority will be transferred to the Palestinians in the following spheres: education and culture, health, social welfare, direct taxation, and tourism.”

The omission of any mention of UNRWA or of a transfer of its roles and functions to the Palestinian Council was probably not an oversight; it would seem to portend a series of major changes to be visited upon UNRWA and its role in Gaza and in the West Bank.

The DOP provides further that the Council will exercise a number of economic functions, that it will “promote economic growth… establish a Palestinian Electricity Authority, Gaza Sea Port Authority, a Palestinian Development Bank,”. Again, the document’s failure to account for UNRWA, which has been in the forefront of economic activities in the area for almost half a century, implies a radical shrinking of the Agency’s future role.

Both the Palestinians and Israel have assumed that the developed countries will make available extensive resources necessary to ensure the successful implementation of this historic agreement. Indeed, about $2 billion was quickly pledged for the projects mentioned, including education, health care, job creation, law and order, security, trade and tourism, and, especially, for economic reconstruction.

It is unclear why UNRWA was neither mentioned in these plans nor asked to provide its services or experience to the planners, but it must be assumed that the Agency’s erstwhile patrons and clients have decided to develop alternative means of providing essential services in the area. Notwithstanding the fact that UNRWA’s present clients will undergo a dramatic change of status once they come under the control of the Palestinian Council, UNRWA does not envision its future fading away, either during the interim period (the five-year period of Palestinian autonomy during which the ultimate status of the Palestinians and of Israel will be determined), or during its aftermath.

The view of UNRWA as to its future role and the view of other significant parties on that subject do not coincide. The conclusion is irresistible that the DOP’s silence in the subject of UNRWA suited the needs of both Palestinians and Israel. For their own reasons, both wished to keep UNRWA out of the picture—Israel, because it does not trust UNRWA and the Palestinians, because of their need to assert independent authority and control over the pledged economic resources. UNRWA, which has been fighting for decades to get the kind of funding pledged in the aftermath of the DOP negotiations, has refused to bow out gracefully at this stage, but, rather has been quick to offer its help to the political newcomers. The Agency argues that it has rich and invaluable experience in the fields critical to a successful settlement: hands-on experience in Gaza and the West Bank in providing education, health care, relief and public administration. UNRWA claims to be the Palestinians’ best ally in the new, developing situation. It feels that Israel and Palestinians ought to accept UNRWA’s contributions and allow the Agency to continue and even expand its operations.

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36 DOP, Article IV, No. 2.
37 DOP, Article VII, No. 4.
38 See, for example, letter dated October 6, 1993, from the Chairman of the Advisory Committee to the Commissioner-General, saying: “In order to ensure the further progress of the peace process, it is imperative that a significant improvement in the social and welfare services and the daily life of the Palestinians be achieved… UNRWA had unique competence in these fields…[i]t is therefore essential to build a firm financial base for the...
Immediately following the September agreement, UNRWA published the findings of a special task force, titled “Supporting the Transition: An Immediate Response of the United Nations to the Interim Period in the West Bank and Gaza Strip” (September 1993). In this report, UNRWA argued that it should increase its activities by 55 percent in the first year of the interim period, with an increase of $138,250,000 over and above the regular $250,000,000 budget. In essence, the report maintained that until the Palestinians are ready to assume complete responsibility for their lives, UNRWA should augment its ongoing programs because of its “capacity to launch immediately activities which will help create and sustain improved conditions.”

UNRWA has also expressed the wish to serve as an intermediary agent between the Palestinians and the contributors, “to ensure a smooth transition to subsequent phases at which time programs run by organizations such as the World Bank, other organizations of the United Nations system and bilateral aid agencies will have become operational.” Furthermore, the Agency has offered to help “mobilize and support the coordination of the large international effort from the non-United Nations sources.”

What remains unspoken in UNRWA’s offers is that since the Agency’s budget is almost entirely dependent on voluntary international contributions, and since the same contributors are asked to provide the wherewithal for Palestinian autonomy, UNRWA is likely to find itself without financial means unless it finds a way to gain control of the funds raised on behalf of the Palestinian Council.

UNRWA’s vast bureaucracy is now evidently fighting for its continued existence, in clear contradiction of its charter which provided for a limited, temporary existence. Like most bureaucracies, UNRWA finds it difficult to adapt to unexpected changes; it thrives on permanent, predictable conditions. Faced with the unexpected Israeli-Palestinian dialogue, the Agency has myopically attempted to preserve a status quo which no longer exists. UNRWA clings to the improbable belief that it will continue to be “the second largest single employer, after the (Israel) Civil Administration…. [O]utlays [will] account for about one third of all public expenditures in the West Bank and about half in Gaza.” UNRWA has not come to grips with the realization that the inception of Palestinian self-rule, UNRWA’s situation will doubtless be suddenly and radically transformed. Like any other bureaucracy, the Agency recoils from relinquishing the vast power and resources it formerly commanded. In a somewhat condescending tone, UNRWA has claimed that “the capacity of the incoming Palestinian authority to assume responsibility for services in education, health, social services, income generation, hospital care, etc., should be supported.”

Brushing aside that fact that an autonomous Palestinian rule will shortly be in place, UNRWA continues to proclaim that “United Nations assistance should address the needs of the health and education sectors, through upgrading existing facilities and constructing new ones where needed.” In a mood of “business as usual,” UNRWA appears ready to overlook the fact that the PLO has had a shadow government in place for many years, capable of providing well-established education, health and welfare programs to thousands of people. It would seem to behoove UNRWA to realize that the Palestinians could take over its operations in short order. Accordingly, instead of contemplating

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40 Ibid.
41 Ibid.
42 Ibid.
43 Ibid.
44 Ibid.
expansion, UNRWA would now be well-advised to contract its operations, encouraging the Palestinians to take control over their lives and provide their people with those essential services for which they used to depend on UNRWA.

One of the most important lessons derived from the UNRWA experience concerns the issue of dependence. During its almost five decades of operation, UNRWA has created great dependence on its services: as much as half of the population in the West Bank and Gaza relies on the Agency for its livelihood. Instead of fostering its clients’ self-reliance, UNRWA actually did the reverse: it encouraged dependence and reliance on humanitarian aid and relief while failing to encourage the growth of private industry and business in the area. For example, the graduates of UNRWA’s education system could either work for UNRWA, leave their homes to find jobs in other countries, or remain in place and be unemployed. A third generation of Palestinian refugees is in the process of seeing UNRWA as an essential source of education, employment and social services; if UNRWA has its way, many more generations will become addicted to the Agency’s largesse.

It is not likely that the Palestinian governing Council will continue to accept the existing conditions of dependence, although UNRWA’s officials claim to have reached tacit agreements with the PLO to that effect. It is even less likely that the Palestinian governing Council will relinquish authority to a United Nations agency over significantly sensitive political issues such as education and health care. The Council is even less likely to transfer financial resources under its control to a United Nations agency, for the “privilege” of managing the construction of new projects under the flag of the United Nations. An autonomous political authority like the Palestinian Council simply would not accept an international agency as the second largest employer in its bailiwick. In short, UNRWA is like an old dowager who seeks to compete romantically with a young bride at her wedding; UNRWA is the inevitable rival of the contemplated Palestinian Council and does not seem to realize it. Even Israel has acknowledged the fact that the time has come to transfer authority to the Palestinians. Perhaps it is time for UNRWA to come to the same realization.

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45 Ibid.