

# **UNRWA**

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

## **A REPORT**

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**Dedicated to Dr. Eugene Weiner ז"ל**

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## ABSTRACT

UNRWA, founded as a humanitarian agency, has subordinated its role as a service provider to a political agenda:

- ❑ It is the only UN agency dedicated exclusively to one group of refugees and establishes its own unique and expansive standards.

As a result, hundreds of thousands, if not millions, who would not be counted as refugees anywhere else in the world (including descendants of refugees) are registered by UNRWA as refugees.

- ❑ It is predicated upon the notion of the “right of return”— a right that in fact does not exist within international law.

As a result, it maintains a policy of keeping the refugees in a temporary situation until they can return to homes and villages in Israel left more than half a century ago (the vast majority of which no longer exist).

It will not work to find realistic solutions to the plight of the refugees and will not consider resettlement as an option. Instead, it reinforces the goal of return with a number of practices within its 59 UNRWA refugee camps.

UNRWA has perpetuated the problems of the refugees:

- ❑ Palestinian Arab refugees and their descendants cannot get on with their lives. They live in “limbo,” deprived of basic human rights.

UNRWA has fomented terrorism among the Palestinians:

- ❑ Refugees, encouraged by UNRWA to see themselves as entitled to a “return” that will never happen, believe they are being cheated.

As a result, they are filled with frustration and rage, and turn to radicalism.

- ❑ Most of the 23,000 employees of UNRWA are themselves refugees, and they too are often associated with terrorist groups such as Hamas.

- ❑ It is in the UNRWA refugee camps that bombs are manufactured, recruitment is done, and suicide bombers are dispatched.

There will be no resolution of the current Palestinian-Israeli crisis, no genuine cessation of violence, until the refugee issue is realistically resolved.

- ❑ UNRWA officials dissemble on these issues, claiming to have no responsibility for what is transpiring—which in fact is not the case.

They rarely even acknowledge the extent of the problem. The degree to which they turn a blind eye is suggestive of tacit approval if not complicity.

It is time for an aroused international community to hold UNRWA accountable. The committed involvement of major UNRWA funders will be key.

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## **BACKGROUND DATA**

### **Founding**

UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, was established by United Nations General Assembly Resolution 302 (IV) of 8 December 1949, to “carry out...direct relief and works programmes” for Palestinian refugees.

Its establishment was a response to the plight of hundreds of thousands of Arabs—the number most frequently used is 540,000 but is sometimes given as 750,000 or more—who fled their homes and villages in the course of the war fought in 1948-49 after a newly established Israel was attacked by surrounding Arab nations.

The Arab nations that had so recently lost the war with Israel now sought to place on Israel the burden of responsibility for the refugee situation; they were very much involved in shaping the mandate of the new agency. A PLO document on the refugees explains: “In order to keep the refugee issue alive and prevent Israel from evading responsibility for their plight, Arab countries—with the notable exception of Jordan—have usually sought to preserve a Palestinian identity by maintaining the Palestinians’ status as refugees.”<sup>1</sup> That is, most Arab nations have deliberately declined to absorb the refugees or give them citizenship, and have instead focused on their right to “return” to Israel; that focus was made central to the UNRWA mandate.

### **Operations**

UNRWA reports to the General Assembly (GA) of the United Nations. However, according to an UNRWA publication, “unlike most other UN organizations [it] is an operational agency performing specific tasks of a governmental character”...and “therefore has a highly developed administrative autonomy, with its own self-contained administration.”<sup>2</sup> This high degree of functional autonomy is of considerable significance in understanding UNRWA’s current situation.

The agency began operations on 1 May 1950; it was anticipated that, as the refugee problem would be resolved, the agency would have a limited duration. Its present mandate, recently renewed by the GA, runs to 30 June 2005.

UNRWA operates in Gaza, the West Bank, Jordan, Syria, Lebanon, and Jerusalem.<sup>3</sup> UNRWA headquarters were moved in 1996 from Vienna to Gaza and Amman; field offices are maintained in Jerusalem, Beirut and Damascus. There are currently approximately 23,000 staff members of UNRWA, all but 98 of whom are Palestinian Arabs. Almost all of those who are on staff are themselves registered as refugees<sup>4</sup> and provide a presence in the field; the international staff is administrative.

### **Finances**

Unlike the UN and its specialized agencies, UNRWA has no system of assessed contributions by member states. Its operations have been financed almost entirely by voluntary contributions. Over the years this funding has come from 116 governments and the European Union. In terms of absolute sums, the US is the largest contributor

(providing some 30% of funding) and the EU is second largest. In terms of donations relative to population size and GDP per capita, the Scandinavian countries, Canada and the Netherlands head the list. Canada has also been mandated to play a crucial role in assisting with the raising of funds: It permanently holds the gavel for the Refugee Working Group, a multilateral group that is an outgrowth of the 1991 Madrid process.

The Arab states have contributed minimally—in 2000, Saudi Arabia, Kuwait and other Gulf Emirates collectively contributed just over 2%, while Egypt, Iraq and Syria contributed nothing. This means that, while the popular impression is that Arab states have the greatest say in determining UNRWA policy, in fact, by virtue of funding, the Western nations do. Some 4-5% of budget, which covers the international staff, is provided by the UN.

In recent years, especially since the onset of the Palestinian war of terror, and its concomitant economic hardships, UNRWA has run a deficit in funding, and expenditures have dropped from \$200 to \$70 annually per refugee. This deficit is likely exacerbated by the fact that UNRWA has extended itself beyond its mandate and become a more general social service agency. (UNRWA Commissioner-General Peter Hansen told a prominent Palestinian Arab publication, *The Jerusalem Times*, on 28 September 2001, "We do not ask people seeking assistance to show refugee cards at present because of the prevalent conditions. We help whoever is in need, which at present includes 50% of the people.")

In addition to its regular operations budget, UNRWA funds special projects and, since September 2000, has run a series of emergency campaigns. According to the UNRWA website there will be regular expenditures of \$315 million in 2003.

UNRWA provides for Palestinian Arab refugees at a level that exceeds assistance for all other refugees worldwide. While these refugees constitute about 17% of the world's refugee population, the UNRWA budget is more than a third of what is allocated by the UN (via the High Commission of Refugees) for all these other refugees.<sup>5</sup>

The Palestinian Arab refugees also often have a better standard of living than surrounding Palestinian Arab population. UNRWA education is superior to what is available to other Palestinians, and the refugees are among the best educated of the Palestinian Arabs. UNRWA provides health care, which is often lacking within the general population, and a support system that includes both cash allotments and foodstuffs for those who are in a situation of hardship. In fact, the UNRWA population is the only Arab population in the world with guaranteed health, education, and welfare benefits.

## THE REFUGEES

As of 2002, UNRWA listed more than 3.9 million registered Palestinian refugees. The derivation of this number is a matter of considerable complexity and invites careful examination.

### Definition

The original resolution that established UNRWA did not define “refugee”—a definition had to evolve within the agency. The definition currently utilized by UNRWA was established in 1994. It says refugees are:

“persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict” and their descendants. UNRWA's services are available to all those who meet this definition, who are registered with the Agency, and who need assistance.

This is a definition with uniquely broad criteria, applied to no other refugees:

- 1) The definition in the 1951 UN Convention Relating to the Status of Refugees, which is the standard that has prevailed for over fifty years, includes, "...owing to well-founded fear of being persecuted ... is outside his country of nationality...or former habitual residence..." The UNRWA definition makes no mention of persecution.
- 2) The 1951 UN Convention Relating to the Status of Refugees makes no mention of descendants. In a position without precedent in international law, UNRWA's definition includes descendants (through patrilineal descent), making the status of refugee one that can be applied in perpetuity.
- 3) The 1951 UN Convention Relating to the Status of Refugees exempts from refugee status a person who "has acquired a new nationality, and enjoys the protection of the country of his new nationality." The UNRWA definition makes no mention of newly acquired nationality. Those who have such nationality (e.g., Palestinian refugees living in Jordan and possessing full Jordanian citizenship) are still classified as refugees.

In addition, it should be noted that all Palestinian Arabs who lived in what became Israel for as little as **two years** prior to the war in 1948 and then fled are counted as refugees. This is significant because of a prevailing PLO position that represents Israel as having been the ancestral home of the refugees: According to article 32 of the constitution proposed in 2001 by the PLO, "The right of the Palestinian refugee to return to his home and **the original home of his ancestors** is a natural right..." (emphasis added) <sup>6</sup>

UNRWA's position is that the number of registered refugees is not intended to be exhaustive from the perspective of political status. It is considered to be an operational number, a number representing those to be assisted by UNRWA by virtue of need and residence within the specific geographic area in which the agency operates.

However, a 1994 change in the definition established shortly after UNRWA's founding appears to have added a political dimension. This newer definition, which is the one used today, dropped an earlier criterion of place of refuge in a country where UNRWA functions; it thus opened UNRWA's registration to Palestinians who would have been disqualified prior to 1994. The previous definition read:

"A Palestine refugee is a person whose normal residence was in Palestine for a minimum of two years preceding the conflict in 1948, and who, as a result of this conflict, lost his home and his means of livelihood and **took refuge in 1948 in one of the countries where UNRWA provides relief**. Refugees within this definition and the direct descendents of such refugees are eligible for Agency assistance if they are registered with UNRWA; living in the area of UNRWA operations; and in need." (emphasis added)

According to Ingrid Bassner Jaradat, Director of the Palestinian organization BADIL—Resource Center for Palestinian Residency and Refugee Rights, this change was implemented with the expectation that UNRWA's registration would one day serve as a major resource for determining refugee status.<sup>7</sup>

The terms utilized by UNRWA, when read carefully, seem to indicate that registration is independent of need, as well.<sup>8</sup> A central question to be asked in the course of this report, then, is whether UNRWA—which identifies itself as a humanitarian agency—maintains on its registry only those refugees who have need, or whether UNRWA defined a refugee population, and then proceeded to register its members and provide them with services. It is pertinent that the Commission-General of UNRWA in 1982 acknowledged that “The refugees tend to view the relief...not as something they have to prove their eligibility for, but rather as a right...”<sup>9</sup>

## Inflated Numbers

Beyond the question of definition, lies convincing evidence that numbers have been considerably inflated through misrepresentation.

UNRWA itself recognized the problem of false registrants very early, and in some instances it would seem that representatives of the agency were conscious of the fact that they were accepting such registrants.

In 1950, the UNWRA director reported, “...a large group of indigent people totaling over 100,000...could not be called refugees, but...have lost their means of livelihood because of the war...The Agency felt their need was even more acute than that of the refugees...”<sup>10</sup>

In its Annual Report of the Director, July 1951–June 1952, there was an acknowledgement that it was difficult to separate “ordinarily nomadic Bedouins and... unemployed or indigent local residents” from genuine refugees, and that “it cannot be doubted that in many cases individuals who could not qualify as being *bona fide* refugees are in fact on the relief rolls.”

The International Committee of the Red Cross, which preceded UNRWA in its work in the field, in its final report to the United Nations stated, “Finally, thousands of individuals, destitute persons and others, have tried to evade the controls by registering themselves in more than one region, or under several names, by increasing the number of family members, or by registering false births and hiding deaths.”<sup>11</sup>

The facts—that many of those originally registered were not truly refugees, that their multiplying descendants added even larger numbers to the register, and that some refugees have a predilection for falsifying data regarding births and deaths—make it eminently clear that the number of legitimate registrants is considerably smaller than the current “operational number” of over 3.9 million. What is more, the liberalization of the UNRWA definition of refugee and its precise wording call into serious question whether the number is truly “operational” at all.

## THE CAMPS

### Breakdown by Area

Of those refugees registered by UNRWA, 1,263,000 are in 59 refugee camps: in Gaza (8), the West Bank (19), Syria (12), Lebanon (12) and Jordan (10). Those registered refugees not actually in the camps live in the environs of the camps and are entitled to UNRWA services; the camps have continued to be the center of refugee life for them.

### Definition

A “camp” is currently defined by UNRWA as “a plot of land placed at the disposal of UNRWA by the host governments for accommodating Palestine refugees and for setting up facilities to cater to their needs.” (Plots of land for camps in the West Bank and Gaza were originally allocated by Jordan and Egypt respectively.)

### Conditions

Despite the impression created by the photo on the homepage of UNRWA’s website, these camps are not tent cities; the tents set up when UNRWA was first established have been gone since 1955. In appearance, the camps suggest shabby<sup>12</sup> urban neighborhoods with two-and three-story stone–block houses. While they are rundown and overcrowded, the homes do provide electricity, running water, sewage, and phone lines; most have modern appliances. There are, as well, facilities within the camps that house a variety of services—schools, clinics, community centers, etc.

According to an official UNRWA report, “several camps contain large numbers of people who are...(not) registered refugees...The camps built on the outskirts of cities have tended, with the passing of time, to merge with these cities and become indistinguishable parts of them.”<sup>13</sup> As early as 1978, Emanuel Marx, writing about the camps, reported that in Gaza “an estimated 23 per cent of the camp-dwellers are now non-refugees.”<sup>14</sup> *Ha'aretz* reported very recently that 50% to 75% of the residents of the Shu’fat camp are not refugees.<sup>15</sup>

While UNRWA currently focuses on the service-providing facilities, in point of fact, the residential buildings within the camps were also constructed by UNRWA, which then allowed refugees to reside in them rent-free and granted permits for them to do added construction over the years.<sup>16</sup> The camps themselves are carefully defined in UNRWA records according to exact location and number of dunim—information available on the UNRWA website.

## THE MANDATE

### Exclusivity

UNRWA is the **only** UN organization dedicated exclusively to one group of refugees. This is in contradistinction to the UN High Commission on Refugees, which is charged with working on behalf of all the world's refugees, other than those who fall under the UNRWA mandate. Furthermore, the High Commission is mandated to “promote solutions” to refugee problems; its mandate recognizes that among these solutions is striving “to ensure that everyone can exercise the right to seek asylum and find safe refuge in another state.” But UNRWA provides only humanitarian aid (education, health care, welfare assistance, social services) and has by *policy* absented itself from involvement in any creative resolution of the Palestinian refugee problem.

### “Right of Return”

Specifically, resolution of the Palestinian refugee problem is defined within the UNRWA mandate as being based on Resolution 194, paragraph 11, which states in its lead sentence 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...”

The question of how it might be determined if Palestinian refugees would truly “live in peace” with their Israeli neighbors is not addressed.

In 1949, the Egyptian Minister of Foreign Affairs, Muhammad Saleh Ed-Din, wrote, “Let it therefore be known and appreciated that, in demanding the restoration of the refugees to Palestine, the Arabs intend that they shall return as the masters of the homeland, and not as slaves. More explicitly, they intend to annihilate the state of Israel.”<sup>17</sup>

While the Lebanese paper *Al-Ziyyad* stated, in 1950, “The return of all of the refugees to their homes would...on the one hand eliminate the refugee problem, and on the other, create a large Arab majority that would serve as the most effective means of reviving the Arab character of Palestine, while forming a powerful fifth column for the day of revenge and reckoning.”<sup>18</sup>

In more recent years, the evidence is strong that a great deal of the violence directed against Israel can be traced to the residents of UNRWA camps. Ibrahim Abu Lughod, who was a Palestinian Arab academic,<sup>19</sup> wrote—in an informational booklet produced by UNRWA in 2000—about the “conservation of Palestinian memory and identity” in the camps, and the refugees’ “resolve to make that identity correspond to citizenship in a state.”<sup>20</sup> One would be very hard pressed to imagine that anything else is implied here other than establishment of a Palestinian state in what is currently Israel, and there is a direct line from this vision of a Palestine that incorporates Israel to violence aimed at destroying Israel.

The full UN Resolution 194 included a call for the formation of a Conciliation Commission and attempted to seek an end to the Arab-Israeli conflict in its entirety. While it was passed by the General Assembly before the 1948 war was over, all of the Arab states voted against it because of its implicit recognition of Israel. It was only later that they returned

to it, exclusively for the purpose of drawing on paragraph 11—which they claimed established a right of return—for the UNRWA mandate.

However, a careful reading of the full paragraph 11 makes it clear that it does not mandate an unconditional “right of return”—after the allusion to return, there is an instruction to the Conciliation Commission to facilitate a number of remedies, including resettlement.

That the General Assembly saw resettlement as an option is made even clearer when other GA resolutions of the same time period are examined. Resolution 393 of 2 December 1950 stated that...“the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement is essential...” Resolution 394 of 14 December 1950 called upon, “the Governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination...” Resolution 513 of 26 January 1952 spoke of “reintegration either by repatriation or resettlement...”

An even more fundamental miscalculation is that of relying upon a resolution of the UN General Assembly to establish a legal “right”<sup>21</sup> at all. The UN General Assembly is not a legislative body and its resolutions do not have the status of international law. Its resolutions are only recommendations and as such are not binding. The GA was simply recommending that refugees be allowed to return.

Yet, upon this recommendation has been built the legal fiction of the “inalienable right of return,” which has been used to provide an ideological basis for UNRWA’s mandate. The fostering of this ostensible “right” has actually been responsible for much human suffering and for a curtailment of the human rights of the refugees and their descendants in the camps.

## **How UNRWA Applies the Mandate in the Field**

### **Focus on Former Villages<sup>22</sup>**

For generations, during the span of more than fifty years, focus within the UNRWA operation has been on the places from which the refugees or their families had come — with the understanding that they have the right to, and ultimately will, return to these same places. When families originally registered with UNRWA, a card was filled out assigning them a registration number that included a five-digit code of origin in “pre-1948 Palestine.” As a report on UNRWA by Badil describes it, “the village structure, as it existed prior to the 1948 war, has thus been preserved by virtue of the registration system.”<sup>23</sup> This goes to the very core of UNRWA policy. Attached to these family registration cards in the UNRWA files are documents—extensive but not comprehensive—containing information about property left behind.

A Badil source reports that at least some of these registration files are now in a computer database controlled by UNRWA. UNRWA’s Public Information Office in Jerusalem reports that the original files are in Jordan, awaiting the massive task of being transferred to computer, and that Sweden has expressed a particular interest in underwriting this.

The camps were originally set up according to villages. In most cases a majority of the people who were from a particular village came together to live in one camp; areas of the camps and even roads were named after villages. And so, even now, everyone in the camps, down to the third and fourth generation, is expected to know exactly where he or she came from. And that awareness is constantly reinforced with a variety of programs.

In 1999, the first website for Palestinian refugees in the camps was opened at Dheisheh camp in Bethlehem as part of a project entitled "Across Borders;" One of the aims of the project is to put on the web a database documenting the Arab villages left behind in 1948. "At first the old were reluctant to speak about the past," says "Across Borders" supporter, Moatz Dajani. "But once they were faced with young people so eager to know the elders became as eager to speak."

Refugee researcher Salman Abu Sitta wrote in tribute to the project that the web "is an excellent medium to unite Palestinian refugees, divided by barbed wire, closures and geographical separation... 'Across Borders' is an electronic 'in-gathering of the exiles' until the right of return to their homes is achieved."<sup>24</sup> This project that promotes "right of return" was established in conjunction with Birzeit University, and receives support from Oxfam-Quebec, which is funded in part by the Canadian government.

In the summer of 2000, BBC followed busloads of Palestinian Arab refugees and their descendents who were brought from the refugee camp in Dheisheh to see the homes they left in Jerusalem in 1948. The BBC report, which followed, indicated that the "right of return" tours had been going on throughout the summer, with the cooperation of UNRWA.<sup>25</sup>

About a year later, the Palestinian group, the Higher Committee for the Return of Refugees, was permitted by UNRWA to come into their schools in order to sharpen the awareness of the students regarding the "predicament of refugees." The program concentrated on introducing students to the issue of refugees and "bolstering their sense of belonging to the homeland." The committee has been working on producing notebooks for children that include in the personal information box "a line reserved for the hometown (sic) of the student."<sup>26</sup> The "homeland" referred to here very clearly is Israel within the Green Line; the "hometowns" are the original Arabs villages left behind in 1948, which have been replaced by Israeli cities and farms—places where these students have never been.

### **Disadvantage to refugees**

This UNRWA focus on "right of return" has consistently led to policies that work against the best interests of the refugees themselves.

In 1997, Badil released a report from the UNRWA refugee camp of Balata in Nablus. It reflected a concern with development programs in the camps and how they impact on the right of return. Dr. Musallam Abu Hilu of Jerusalem Open University speculated "it may well be that development programs have an adverse effect on the refugees' demand for return; such programs might lead to gradual and unconscious refugee integration and resettlement."<sup>27</sup>

At first blush this is astonishing. Emphasis is not on the well-being of the human beings who are residents in the camp; the focus is on the correlation between assistance to the refugees and their demand for return. Return is the priority, not well-being. Amelioration of adverse living conditions is seen as a negative process if it retards or lessens the desire on the part of the refugees to go back to original homes and villages (which in point of fact no longer exist).

A quick review of UNRWA history over the course of fifty years, however, readily reveals that this approach began early on and has been undeviating.

Eight years after UNRWA was founded, Ralph Galloway, former UNRWA director, explained what was happening:

"The Arab states do not want to solve the refugee problem. They want to keep it as an open sore...and as a weapon against Israel. Arab leaders don't give a damn whether the refugees live or die."<sup>28</sup>

On 17 November of that same year, Abba Eban, then Israel's ambassador to the UN, made a statement to the Special Political Committee of the United Nations General Assembly, which eloquently and cogently assessed this very problematic situation. Among the points made (emphasis added):

"...the perpetuation of this refugee problem is an unnatural event, running against the whole course of experience and precedent. Since the end of the Second World War, problems affecting forty million refugees have confronted governments in various parts of the world. In no case, except that of the Arab refugees, amounting to less than two percent of the whole, has the international community shown constant responsibility and provided lavish aid. In every other case a solution has been found by the integration of refugees into their host countries. **In every case but that of the Arab refugees now in Arab lands the countries in which the refugees sought shelter have facilitated their integration. In this case alone has integration been obstructed.**

"The paradox is the more astonishing when we reflect that the kinship of language, religion, social background and national sentiment existing between the Arab refugees and their Arab host countries has been at least as intimate as those existing between any other host countries and any other refugee groups. **It is impossible to escape the conclusion that the integration of Arab refugees into the life of the Arab world is an objectively feasible process which has been resisted for political reasons...**

**"It is painfully evident that this refugee problem has been artificially maintained for political motives against all the economic, social and cultural forces which, had they been allowed free play, would have brought about a solution..."**

"In June 1957 the Chairman of the Near Eastern Sub-Committee of the United States Senate Foreign Relations Committee reported at the end of an illuminating survey:

**"The fact is that the Arab States have for ten years used the Palestine refugees as political hostages in their struggle with Israel. While Arab delegates in the United Nations have condemned the plight of their brothers in the refugee camps nothing has been done to assist them in a practical way lest political leverage against Israel be lost."**<sup>29</sup>

Dr. Eli Lasch, who was head of medical services in Gaza for Israel's Civil Administration until 1985, revealed that UNRWA maintained refugees at a starvation level before 1967. What is more, his professional attempts to assist the refugees with improved medical facilities and services were thwarted by UNRWA; they maintained that the refugees' current situation was supposed to be temporary and there was no need to invest energy or expense in making improvements.<sup>30</sup> Israeli troops who entered UNRWA refugee camps in 1967, were shocked to discover that the Egyptians had allowed no electricity or running water in the camps, while forbidding the camp residents to work outside of the camps.<sup>31</sup>

It was after Israel assumed administrative control of the territories that this situation changed significantly. Dr. Lasch reports<sup>32</sup> that there was a Department for the Rehabilitation of the Refugees,” and that “thousands of refugees” were resettled. “Israel prepared the infrastructure and paid for the building of a small house,” which the refugees frequently enlarged. All that was required of them “was to destroy the shack they had been living in. UNRWA was very upset and threatened they would lose their rights as refugees.”

In 1985, when Israel attempted to move refugees into permanent housing that had been constructed with support from the Catholic Relief Agency, the UN officially intervened. A General Assembly resolution<sup>33</sup> was passed that forbade Israel from moving refugees out of their temporary shelters, since this would violate their “inalienable right of return” to the homes that they left in 1948. The 1,300 homes built on a hill near Nablus were still standing empty as recently as ten years ago.<sup>34</sup>

While purportedly protecting the very dubious “right” of return, UNRWA infringed upon the human rights of the refugees with an action such as this; to date no human rights organization has investigated the situation or seen fit to criticize UNRWA for maintaining a policy that restricted the free movement of the refugees.

In his opening statement at the Madrid Multilateral Peace Conference, 31 October 1991, Israeli Prime Minister Yitzhak Shamir alluded to the above policy and pleaded, “Allow us and the world community to build decent housing for the people who now live in refugee camps.”<sup>35</sup>

## **Stateless Condition of Most Refugees**

With the exception of those in Jordan, the Palestinian refugees registered by UNRWA are without the benefit of citizenship. While in possession of a variety of identity papers within a very complex international setting, they are for all intents and purposes stateless.<sup>36</sup> The Palestinian Authority now has civil administrative jurisdiction over the areas where these refugees live in the West Bank and Gaza. But they are not counted politically as a permanent part of the Palestinian polity.

It was after Oslo—when expectation loomed large that a Palestinian state was in the making—that the greatest disconnect from reality was revealed in UNRWA policy. The political landscape had changed radically since 1950. But the mandate and the political vision of UNRWA did not adapt. **UNRWA has consistently refused to encourage the refugees to see their future as lying with a Palestinian political entity.**

Whatever hope there had been in the course of the peace negotiations that the Palestinian Authority would absorb the refugees in the camps—even the camps within the West Bank and Gaza—was dashed not only by UNRWA, but also by the PA itself. By 1994 the nascent Palestinian Authority had made a declaration that they would not help in improving housing in the camps because the refugees would be returning to where they came from.<sup>37</sup> Subsequently, at a major meeting in Jericho in April 1996, a consensus was reached that the PA would function in the interim as a special host to the refugees in the UNRWA camps in the West Bank and Gaza, with an obligation not to undertake any steps that would undermine return.<sup>38</sup>

Yitzhak Ravid, in a 2001 study on the refugees published under the auspices of the Begin-Sadat Center for Strategic Research, says that the Palestinian Authority has some reservations about improving the situation in the refugee camps even now, and is making an effort to emphasize that such activity cannot be construed as undermining the temporary status of the refugees or as weakening their entitlement to the "right of return."<sup>39</sup>

In the same year, questions were put directly to Peter Hansen, Commissioner-General of UNRWA, regarding the suffering of refugees in the camps, the role of the agency in relieving the suffering, and the notion of settling Palestinian refugees in host regions (most notably those within the Palestinian Authority). His reply was that there could not be any discussion of settling refugees. Such consideration would only be made within the framework of a peace agreement. "It is necessary for Palestinian refugees to enjoy their rights like all other refugees across the world, but I do not think that we are at the point of discussing that right now and I do not believe that settlement should be considered as a solution at present."<sup>40</sup>

Hansen is on record as saying, "The Palestinian refugees will not be compromising on their right of return. This is basic to the perception of themselves and to their history."<sup>41</sup>

## Refugee Perceptions

Thus it was that in 1997, at the Jelazoun camp in Ramallah, resident Ali Shereka was able to complain to a *Washington Jewish Week* correspondent about the camp's dire conditions—the overcrowding and the filth—and then, having thoroughly absorbed UNRWA's message, add, "By being in the camps, we show people outside the country that we are not living free and not living in peace."

Iyad Qadi, himself a Jelazoun camp resident as well as an assistant public information officer for UNRWA, reinforced this notion for the record: "We are living in misery. Palestinians strengthen their claim to a right of return by staying in the camps. The refugees' main concern is to show the whole world that they are still living in the camps, that their situation is very terrible."<sup>42</sup>

While in 1998, a journalist writing for *The Jerusalem Post Magazine* shared his discovery that, to a child, a class in the Shu'fat camp spoke about returning to their homes in what is now Ashkelon (an Israeli city on the Mediterranean that their grandparents had come from but they had likely never even seen). "No one spoke about living in the Palestinian entity in the West Bank or Gaza"<sup>43</sup>

Such stories are countless. So completely has UNRWA's policy been assimilated by the refugees that residents within the camps resist any activity that might be construed as consigning them to permanent residence in areas where they currently live, rather than helping them return.

The first Intifada, in December 1987, broke out in the UNRWA refugee camps. There is "a widely circulated opinion within the Israeli Intelligence community" that this came about as a result of plans by Israel to do a massive overhaul and improvement of camp conditions. Camp residents, it is said, resisted the anticipated renovations, fearing that the Israeli government was making plans to "exile them once again."<sup>44</sup> Badil director, Ingrid Gassner Jaradat, confirms the fact that the refugees "fear development," which "could be a hidden resettlement scheme."<sup>45</sup>

And it was in late September, 2000, *after* the Israeli government had declared that it was ready to relinquish sovereignty over almost all of the West Bank and Gaza, that an armed rebellion broke out in the refugee camps. It was fueled by the refugees' belief that their future was in the pre-1948 Arab villages, coupled with their realization that "return" for them was not necessarily part of the picture as the PA moved forward with its plans. Establishment of a Palestinian state in the West Bank and Gaza held nothing for them and they suspected that their cause would be abandoned.<sup>46</sup>

Early reports, however, showed a tendency on the part of refugees to be quickly assimilated *where they were*.<sup>47</sup> The current record reflects this process. Only one-third of UNRWA registered refugees are in the camps; the two-thirds not in the camps opted, and were able at some level, to assimilate within the host societies. A statement made by UNRWA's Deputy Commissioner-General, Karen AbuZayd, to *The Jerusalem Report* attests to this: "if local resettlement basically means becoming self-sufficient...then the majority of Palestinian refugees would fall in that category."<sup>48</sup>

And Commissioner-General Peter Hansen has acknowledged that many of the refugees have achieved "relative prosperity as respected figures in civil society wherever they reside."<sup>49</sup>

Hansen continues to identify such persons who have become self-sufficient as "refugees." They are not encouraged by UNRWA to think in terms of staying where they are; they are told that their current situation is only interim, and that they will return.

The evidence, then, is that the attitude currently expressed by the refugees in the camps does not reflect an *innate predisposition* to return now, after 50 years, to where they or their grandparents had come from, so much as it reflects persistent schooling in the camps over generations, by UNRWA, in terms of what their rights are and what they should expect. They perceive any procedure that appears to be directed towards keeping them where they are as a violation of their rights.

## **POLICY RESULTS**

A population of millions of Palestinian Arab refugees (or those registered by UNRWA and self-identified as refugees) has been rendered dependent both psychologically and socially on a refugee status that was supposed to have been temporary. Imbued with a promise that has not been realized, shunted aside, caught in the misery of squalid surroundings, the refugees in the camps are filled with frustration, with despair, and with rage. In an enormous anomaly, they are totally discouraged from seeing a Palestinian state-in-the-making as theirs—they are disenfranchised, set apart. But the UNRWA policy of “right of return” has proved to be no solution at all for them.

False expectations, repeatedly dashed, have led to a desire on the part of the refugees to take matters into their own hands. The situation has fomented radicalism and terrorism within this population.

## OTHER FACTORS GENERATING TERRORISM IN THE CAMPS

As central as this basic policy of “right of return” is in promoting terrorism, there are also other related factors that must be considered. These are values and attitudes implicit in the camp culture and inculcated in refugee youngsters by the educational system of UNRWA schools—values and attitudes that generate intransigence in terms of compromising with Israel, promote violence against Israel, and create the expectation that Israel will ultimately disappear.

### The UNRWA Educational System

UNRWA runs one of the largest educational systems in the Arab world—providing schooling for the children of all families registered as refugees. It spends roughly half its budget on education; more than 70% of its staff is concerned with education. But UNRWA does not produce its own textbooks. It is stated UNRWA policy to utilize the textbooks of the host (administrative authority) of an area where a camp is located—Syrian textbooks in camps in Syria, etc.

When Israel assumed administrative control of the West Bank and Gaza in 1967, a decision was made by Israel to continue to use Jordanian textbooks in the West Bank and Egyptian textbooks in Gaza for the Palestinian schools then under their jurisdiction—but with anti-Israel sections expunged. During that period of time, according to Ziad Sharia, liaison to the UNRWA Education Committee, textbooks used in the refugee camps did not have those anti-Israel sections expunged.<sup>50</sup> The reason for this was that Israel, which did not intend to annex the territories, was, by mutual agreement with UNRWA, not counted as a host.<sup>51</sup> This meant that for over 25 years the Palestinian Arab youngsters educated in UNRWA schools in the West Bank and Gaza were taught anti-Israel attitudes that were not part of the formal education of Palestinian Arab youngsters in other West Bank and Gaza schools.

Once the PA assumed administration of most of the Palestinian population after Oslo, the expunged portions were returned to the books in schools that had been administered by Israel. As of 2000, the PA began to publish and release its own textbooks for several grades; at present 21 books have been published and more are in the offing. UNRWA camps in the West Bank and Gaza utilize these books.

The Committee for Monitoring the Impact of Peace (CMIP), using UNESCO guidelines, has done a thorough analysis of these books. Findings – which can be found in their entirety at [www.edume.org](http://www.edume.org) – include the following:

- ❑ Israel's name does not appear on any the maps, and several Israeli cities, as well as an archaeological site, a region and mountain are defined as Palestinian.
- ❑ Jerusalem is presented as a Palestinian city.
- ❑ Peace is not mentioned at all, while war against Israel as a usurper, occupier and aggressor is implicitly encouraged.
- ❑ The refugee issue is also mentioned within the context of the destined return to the 1948 homes.
- ❑ There is praise of and encouragement for the waging of Jihad—Holy War.

- Jews and Israelis are represented as being cunning and deceitful.

None of this should be minimized in terms of the effect on generations of young Palestinian Arab refugees regarding their expectations, their attitudes towards Israel, and their willingness to resort to violence.

Nor should UNRWA's official attitude towards the texts be ignored. After a German member of the European Parliament, Armin Laschet, raised questions about funding these textbooks, UNRWA Commissioner-General Peter Hansen, in an interview with Reuters, commented, "We cannot expect a people under occupation fighting everyday to have textbooks which idealise, praise and express love for their occupiers."<sup>52</sup>

(For the record: George Washington University Professor Nathan Brown, a scholar-in-residence at the pro-Arab Middle East Institute, has drafted a retort to CMIP, which UNRWA carries on its website—[www.un.org/unrwa](http://www.un.org/unrwa). CMIP has responded to Professor Brown.)

## **Refugee Mistrust of UNRWA**

Even further exacerbating this situation is the fact that residents of the camps do not trust UNRWA employees or have confidence they are working for the good of the refugees.<sup>53</sup> "UNRWA's function is to stuff our mouths so we cannot speak," reportedly goes the saying. (Another version: "The UN cannot replace our country with flour.") UNRWA is perceived as sustaining its own interest in continuing its work; the refugees are not convinced (nor is there reason why they should be) that UNRWA has a vested interest in solving their problem. If the problem is solved, 23,000 Palestinian refugees will lose their UNRWA jobs.

Charles Radin has written about complaints of corruption in the Beach Camp, in Gaza, where unemployed men are distressed that vast quantities of flour, rice, oil, and sardines from the UNRWA distribution center do not go to those who need it most. Camp resident Abu Daya said in an interview with Radin, "My neighbor has a Mercedes, his sons have jobs, and he receives rations from UNRWA as a hardship case. He has bought land, he has built a house, and he still is listed as a hardship case" (which entitles him to free supplies of food over and above what other refugees receive).

Radin reports that inside UNRWA food distribution compounds, outside their gates, and at nearby stores, the coupons Palestinians use to claim emergency food aid are bought and sold. The food itself, in packages clearly marked "not for resale," is also openly resold. Faez Abu Amri, a temporary food-distribution worker for UNRWA, says that "90 percent of the people who are getting this food aid do not need it," while the truly needy get less than they should have. "I see people with boats, stores, and jobs who get the food and resell it, or sell their food coupons."<sup>54</sup>

## Connection with Radical Islamic Nationalism

Five years ago the *Washington Jewish Week* ran photographs of UNRWA schools decorated with Hamas and PFLP graffiti and with a map of a Palestine that ran from the Jordan to the Mediterranean, covered with pictures of machine guns.”<sup>55</sup>

Similar reports come from a variety of other sources. Radin has described the UNRWA food distribution center in Beach Camp, in Gaza, which is “decorated with murals of exploding Israeli boats and burning jeeps.” At the elementary boys school nearby, custodians strip posters glorifying suicide bombers from the classroom. Exploding grenades, flaming machine guns, and the slogans of Hamas and Islamic Jihad festoon the outer walls. Posters in the corridor lionize Sultan Abdul Hamid bin Abdul Maggid, who told Zionism's founder, Theodore Herzl, that ‘if you pay me the world in gold . . . I will not accept you in Palestine because I am serving God, the Islamic nation, the nation of Mohammed.’”<sup>56</sup>

According to the website of the Israeli prime minister, “On July 6th 2001 the Hamas movement convened a conference in a school in the Jabalya refugee camp (in Gaza) with the participation of the Palestinian Legislative Council, the school's administration, teachers and hundreds of students.

The Hamas leader Ahmed Yassin presented his ideological doctrine to the junior high school students and said (according to the Hamas Internet site), ‘This is the generation of liberation and victory...the Zionist enemy wants to overpower us and make us give up Palestine, Acre, Haifa, Jerusalem and the Al Aqsa mosque, but this will not happen.’

In a speech to the audience, Saheil Alhinadi, *representing the teaching sector on behalf of UNRWA*, praised Hamas student activists who carried out suicide attacks against Israel in recent months, emphasizing that, ‘The road to Palestine passes through the blood of the fallen, and these fallen have written history with parts of their flesh and their bodies.’”<sup>57</sup>

There have been charges that Hamas controls the unions for the teachers and the medical workers in the refugee camps. But these charges, though oft repeated (and even confirmed strictly off the record by members of Israeli Intelligence), are difficult to document because when elections are held in the camps, Islamic nationalistic candidates—who almost always win—are not formally identified on the ballot as being affiliated with a specific party.

However, “news accounts of those elections dating back at least 10 years—in both the local Arabic press and the international media—report the results exclusively in terms of political affiliation: this many seats for Hamas, that many for Islamic Jihad, and so forth.”<sup>58</sup> Further anecdotal evidence is provided by the incident cited above in which someone representing the UNRWA teachers praised Hamas at a conference convened by Hamas in an UNRWA school. And *The Jerusalem Times*, on 7 September 2001, reported that UNRWA employees had offered to have two percent deducted from their salaries to go to bereaved Palestinian families, which presumably included the families of suicide bombers.

IDF Colonel (ret.) Yoni Figchel, a former military governor in the territories, concurs that UNRWA workers are permitted to openly affiliate with political groups. Radical Islamic movements dominate the camps, he says: “As long as UNRWA employees are members of

Fatah, Hamas, or PFLP [Popular Front for the Liberation of Palestine], they are going to pursue the interests of their party within the framework of their job... Who's going to check up on them to see that they don't? UNRWA? They are UNRWA."<sup>59</sup>

Dore Gold, former Israeli Ambassador to the UN, was in Jenin in April 2002 and himself witnessed the presence of *shahid* (martyr) posters on the walls in the homes of UNRWA workers. "It was clear," he says, "that UNRWA workers were doubling as Hamas operatives."<sup>60</sup>

The identification of residents of the refugee camps with the Islamic nationalists is hardly surprising. It is, in fact, a logical outgrowth of the situation in which they find themselves. Mistrustful of UNRWA, disenfranchised by the PA, awaiting a long-promised but never realized return to homes within Israel, they might be expected to rely on those who are dedicated to Israel's destruction. Were Israel to be destroyed, there would be no problem with "right of return"—they would be able to go back to Ashkelon and Haifa and Acre and Ashdod and Jaffa and Lod.

With prescience, Sheila Ryan wrote, in 1986, "Is it any wonder...these dispossessed people listen to the shadowy figures who preach the efficacy of bloodshed...when all else seems to have failed?"<sup>61</sup>

## VIOLENCE AND TERRORISM INSIDE THE CAMPS

More than 25 years ago, the Lebanese ambassador to the UN, Edward Ghorra, had reported that UNRWA camps in Lebanon had been taken over by terrorist organizations. In his letter to the UN Secretary General of the time, Kurt Waldheim, the ambassador, said that “the Palestinians acted as if they were a state within the State of Lebanon . . . They transformed most, if not all, of the refugee camps into military bastions...in the heart of our commercial and industrial centers, and in the vicinity of large civilian conglomerations.” (The letter was published as an official UN document.) UNRWA camps, with 17,000 employees, had come under PLO control, and under the UN flag they were functioning, for all intents and purposes, as military camps.

In October of 1982, UNRWA formally acknowledged the presence of PLO armed forces in the camps. A comprehensive report, released by UNRWA, related in great detail that its educational institute at Siblian, near Beirut, was in reality a military training base for PLO fighters, with extensive military installations and arms warehouses.<sup>62</sup>

This pattern is being repeated in the West Bank and Gaza. But for a long time little attention was devoted to the situation, as it was being reported.

David Bedein delivered warnings that “the Palestinian Liberation Army has... established bases in each of the UNRWA...refugee camps, to prepare refugee residents to take back their homes by force, if necessary.”<sup>63</sup>

In the summer of 2000, it was public knowledge that UNRWA was allowing 25,000 Palestinian Arab youngsters to use their schools as military training camps; children, ages 8 to 16, were trained in the art of preparing Molotov cocktails, roadside bombs and throwing stones during military confrontations with IDF troops.<sup>64</sup>

On 22 February 2002, Arafat confidant Ghassan Khatib remarked in a CNN interview that every young man in the UNRWA Balata refugee camp had his own personal weapon. This happened because each UNRWA camp hosts a local steering committee in charge of distributing the funds received as charitable donations from relief organizations and donor countries around the world. It is that local steering committee which decides how to spend the money at its disposal—whether to provide food or weapons. The UNRWA website states, “The camp committees in each camp are considered official bodies.” This means it was an *official UNRWA body* that sanctioned purchase of weapons with charitable donations.

But there was no outcry following these various revelations. It has been the Israel Defense Forces (IDF) incursions into the camps, starting with sweeps of UNRWA facilities in Operation Defensive Shield in the spring of 2002—in response to an unprecedented wave of terrorism—that have shed a harsh spotlight on the camps and raised hard questions that for too long were ignored.

What has since become clear is that the UNRWA camps are riddled with small-arms factories, explosives laboratories, and suicide-bombing cells, as well as “a plant manufacturing the new Qassam-2 rocket, designed to reach Israeli population.”<sup>65</sup>

## UNRWA Refugee Camp in Jenin

No camp has been more in the spotlight, more an issue of controversy, than Jenin.

### April 2002

A major IDF operation in the Jenin refugee camp in early April 2002 met with strong resistance from terrorists located there. The IDF response required periods of fierce combat and the demolition of houses that were booby-trapped. A cry went up then from Palestinians that there had been a “massacre” of hundreds and perhaps thousands of innocent civilians. And in many instances these charges were accepted as if they were facts.<sup>66</sup> When the dust settled, it was quite evident that there was no massacre, and that the number of Palestinian dead had been greatly exaggerated.<sup>67</sup>

Israeli Deputy Prime Minister Natan Sharansky, in a formal government briefing in Jerusalem on 19 April 2002, described what had gone on in Jenin:

“...Jenin and the refugee camp of Jenin were the heart of the terror activities. Dozens of suicide bombers were sent from that relatively small place. It had more explosive materials, **this small area of the Jenin refugee camp**, than most of the big cities of Judea and Samaria. Definitely, it **had the highest concentration of explosive materials in this area, if not in the world.** (emphasis added)

“When we came to this refugee camp, to the place where for years no army and no soldier had entered, it became clear that practically every house, and almost every window, was booby-trapped, that the struggle would be very hard.

“...Overwhelmingly, almost everybody who was discovered until now was a soldier with arms, with weapons in their hands and some with explosive materials, suicide bombers.”<sup>68</sup>

Additionally the Israel Defense Forces ran this report to the head of the *Tanzim*, the armed wing of Arafat’s *Fatah* faction, on their website:

"[Jenin refugee camp] is characterized by an exceptional presence of fighters who take the initiative [on behalf of] nationalist activities. Nothing can beat them; nothing bothers them; they are ready for self-sacrifice by any means. It is not surprising that **Jenin [refugee camp has been termed] the suiciders' capital**" [*A'simat Al-Istashidin*, in Arabic]. (emphasis added)

–*Fatah Jenin branch report to Marwan Barghouti, September 25, 2001*<sup>69</sup>

In spite of all that had been documented on the ground, representatives of the UN and its subsidiary, UNRWA, chose to focus on allegedly improper behavior by Israel and not on the primary issue of why there were terrorists in the Jenin refugee camp and what should be done about it .

United Nations envoy Terje Roed-Larsen after touring the Jenin refugee camp called the conditions "horrifying beyond belief." ...Roed-Larsen said, "I think I can speak for all in the UN delegation [in saying] that we are shocked...the stench of death is over many places where we are standing."<sup>70</sup>

It was further reported that Roed-Larsen said it was "morally repugnant" that Israel had not allowed emergency workers in for 11 days to provide humanitarian relief.<sup>71</sup>

A day later Col. (reserves) Didi Yedidya, commander of the Fifth Battalion that operated in Jenin, told Israel Radio in a live interview that Roed-Larsen was "misinformed." He explained that during the entire period, the IDF permitted rescue and evacuation teams in, subject to the condition that there be an inspection, so that the Israelis could make certain that wanted terrorists were not smuggled out. Yedidya noted that few teams accepted this condition and that the IDF inspections discovered wanted terrorists hiding in evacuation vehicles.<sup>72</sup>

UN Secretary General Kofi Annan defended Roed-Larsen, saying he was "disappointed" that Larsen had been attacked "for just saying what he saw" and expressing concern about humanitarian access.<sup>73</sup>

At a press conference, at United Nations Headquarters in New York, on April 22, Annan then announced an "accomplished, highly respected and independent" fact-finding team to investigate the events at the Jenin refugee camp. "I have tried to put together a team with considerable experience, a team familiar with humanitarian issues," he told assembled journalists. In speaking of "humanitarian issues," he was alluding to alleged violations of human rights by Israel. He did not put together a team with experience in terrorism. After Israel objected to the composition of the team, Annan called them back from their assignment and the investigation never took place.

UNRWA Commissioner-General Peter Hansen has given dozens of interviews about Jenin, recounting "wholesale obliteration," "a human catastrophe that has few parallels in recent history," "helicopters... strafing civilian residential areas," and "bodies... piling up" in "mass graves." Some of this carnage Hansen even claims to have seen "with my own eyes."<sup>74</sup> He told a Danish newspaper that 300-400 Palestinians had been killed in Jenin.<sup>75</sup> He told CNN, "I had, first of all, hoped the horror stories coming out were exaggerations as you often hear in this part of the world, but they were all too true."<sup>76</sup>

There has been no retraction of statements made in error on the part of any representative of the UN or UNRWA with regard to this entire situation. Not by Hansen, nor by Annan, nor by Larsen. Their statements stand on the record.

Neither has there been, as a result of the exposure of the enormous amount of terrorism extant in the camps, any serious investigation of the situation. Hansen's subsequent public statements regarding the April IDF action in the camp had to do with rebuilding the destroyed areas, securing funds, and providing assistance to the resident refugees. Focus remained on these refugees as innocent civilian victims and on what Israel "did" to them. There was no attempt by Hansen to objectively examine what brought the IDF into the camp and what necessitated their action.

On July 30, UN Secretary-General Kofi Annan, in response to a directive by the General Assembly, made a report on what had transpired in Jenin. It was compiled without visitation to Jenin. Among its most salient points, which require close and careful attention:

"45. According to both Palestinian and Israeli observers, the Jenin camp had, by April 2002, some 200 armed men from the Al-Aqsa Martyrs Brigades, Tanzim, Palestinian Islamic Jihad and Hamas who operated from the camp. The Government of Israel has charged that, from October 2000 to April 2002, 28 suicide attacks were planned and launched from the Jenin camp...

“53. That the Israeli Defence Forces encountered heavy Palestinian resistance is not in question. Nor is the fact that Palestinian militants in the camp, as elsewhere, adopted methods which constitute breaches of international law that have been and continue to be condemned by the United Nations...

“61. Within two days after 9 April, IDF brought the camp under control and defeated the remaining armed elements. On 11 April, the last Palestinian militants in Jenin camp surrendered to IDF...According to Palestinian Authority sources, those surrendering included wanted Islamic Jihad and Fatah leaders...”

## **November 2002**

On November 22, 2002, an incident again occurred in Jenin that was a minor reprise of the earlier situation. Israeli soldiers, in pursuit of an Islamic Jihad fugitive, came under massive gunfire. In the course of returning fire, the Israelis shot Iain Hook, a British national, in the camp to manage a rebuilding project, who died shortly thereafter.

A preliminary investigation by the IDF revealed that Hook, who was in the UNRWA compound, was holding a cell phone that two soldiers mistook for a weapon. IDF findings released the following night showed that terrorists were shooting from inside the UNRWA compound and from alleyways next to the compound, using civilians as human shields. In one case a terrorist shot from behind a woman holding an UNRWA flag. Throughout, the soldiers strictly adhered to fire regulations regarding endangerment of innocent civilians.

However, as before, denials and recriminations against Israel followed swiftly. Peter Hansen expressed “shock and outrage.” And UNRWA issued a formal refutation of IDF claims: “Our preliminary investigation opposes the IDF report that there was firing from the UNRWA compound... it is contrary to what we believe, in fact it is totally incredible, since we know who was inside the compound—they were all civilians,” said UNRWA spokesman Paul McCann.<sup>77</sup>

On November 26, the IDF released a recording of a message Hook had left on the answering machine of an IDF liaison, shortly before his death. In the message he reported that Palestinian “shababs” or armed gangs, had broken a hole through the compound wall and were trying to enter.

McCann response was that Hook had confronted the men who were breaking in, and convinced them to withdraw. “At no time were there any weapons or armed men inside the compound,” he stated. According to McCann, unless shooting comes directly from the compound there is nothing UNRWA can do, as it has no security responsibility for the camps.

On this occasion Israeli officials accused UNRWA of acting as the Palestinians' defenders in its press releases and official reports. The UN's refusal to consult with the IDF in probing Hook's death is “a bit strange,” said an Israeli official. “We find it weird that they are conducting an inquiry with only one side,” he declared. The official reported that Israel has “requested, unsuccessfully, that UNRWA document terrorism in its annual reports.”<sup>78</sup>

## UNRWA AND UN RESPONSIBILITY FOR THE SITUATION

### Evidence

The terrorist activity in the UNRWA refugee camps has been extensively documented. "Bomb-making, indoctrination, recruiting, and dispatching of suicide bombers all are centered in the camps," says Alan Baker, chief counsel of the Israeli Foreign Ministry.<sup>79</sup> As recently as 31 December 2002, the IDF spokesperson released information on the presence of armed terrorists from the Al-Aqsa Martyr's Brigade in the UNRWA refugee camp of Balata in Nablus.

UNRWA and UN officials have offered some partial acknowledgement of this situation. Kofi Annan, in his report on Jenin alluded clearly to this. Peter Hansen, in an UNRWA press briefing at UN Headquarters on 2 July 2002, said that undoubtedly there were weapons and munitions made in the camps. Sami Mshasha, UNRWA Media and Communications officer in Jerusalem, replied, in an offhand remark when a journalist told him that armed elements of the PLO were in the camps, "Well, they have to sleep somewhere."

### Dissembling by UNRWA

But, to a large degree they tend to dissemble on this issue.

In an interview with Reuters, 24 March 2002, Hansen, alluding to an Israeli action against terrorists in a camp, said, "Armed activists who were there obviously slipped away before the Israelis moved in..." Precisely to whom it was obvious was not clear.

When confronted with the suggestion, at the UNRWA press briefing mentioned above, that UNRWA staff should be aware of activities in the camp, Hansen responded that it would be difficult for staff such as teachers to report to authorities even if they knew something. They live in "a very exposed environment," he explained, and would hesitate to appear to be collaborators. UNRWA staff could not be spies. Besides, he said, surely Israeli intelligence knew more about the events in the camps than schoolteachers.

In August 2002, Deputy Commissioner-General Karen AbuZayd told the *Jerusalem Report*, "We just don't see anything like this. These things are not visible to us."<sup>80</sup>

At the end of the day, it is inconceivable that the camps could become centers of terrorist activities without the knowledge of UNRWA personnel at the highest levels. The denials lead to well-founded speculation of complicity. At best, this means turning a blind eye and preferring not to know, at worst, it implies tacit consent.

As to responsibility for what transpires, Hansen maintains that either the Palestinian Authority or Israel (depending on area) is responsible for security, and not UNRWA. Kofi Annan echoes this position. In May 2002, Tom Lantos, Ranking Democratic Member of the House International Relations Committee, wrote a letter to Mr. Annan, in which he expressed concern about the "ongoing exploitation for terrorist purposes of Palestinian refugee camps administered by the United Nations Relief and Works Agency..."

Annan's reply to Lantos explains "the United Nations has no responsibility for security matters in refugee camps..." A clarification by Hansen, attached to Annan's letter, emphasized that UNRWA is a humanitarian organization without a directive to administer or police the camps, and as such has no "police force, no intelligence apparatus and no mandate to report on political and military activities."<sup>81</sup>

## Points of Responsibility

Hansen's statement notwithstanding, UNRWA is *not* without responsibility to respond to terrorism in the camps. This is the case in several respects:

1) UNRWA officials have themselves made a distinction between terrorists in the camps, for which they say they have no responsibility, and in UNRWA facilities, for which UNRWA clearly does have responsibility.

A Shin Bet (Israeli secret service) report—compiled well before the occasion of Hook's death, when this issue was raised—makes it clear that terrorist activity goes on not merely in the camps, but specifically **in UNRWA facilities**.<sup>82</sup> The report identifies UNRWA schools used for storing ammunition, as well as for hiding suspected terrorists; it documents use of UNRWA vehicles for transporting terrorists on their way to attacks and UNRWA ambulances for transporting ammunition between terror cells.

Where UNRWA facilities and vehicles are concerned, UNRWA has clear and unequivocal responsibility for what transpires.

In an interview in 1991, Sandro Tucci, then head of UNRWA's Public Information Office, was asked about who inherits a home in a refugee camp when the father of the family living there dies. Tucci answered, "This is not his property, **it's our property**."<sup>83</sup> (emphasis added) If the houses in the camp are acknowledged UNRWA property, then indeed UNRWA has responsibility for the fact that they are used to harbor terrorists and manufacture weapons.

2) A mandate to UNRWA—which is a subsidiary of the UN—is built into the sense of recent UN documents regarding terrorism and refugees. UNRWA itself acknowledges this: "**UNRWA has the duty to safeguard the interests of the United Nations...**"<sup>84</sup> (emphasis added)

In April 1998 Kofi Annan wrote, in a report regarding the refugee camps in Africa:

"Failure to separate armed elements from civilians has led to devastating situations in and around camps and settlements. Not separating combatants from civilians allows armed groups to take control of a camp, and its population, politicizing their situation and gradually establishing a military culture within the camp...**Refugee camps and settlements must be kept free of any military presence or equipment, including arms and ammunition...the neutrality and humanitarian character of the camps and settlements must be scrupulously maintained...**"<sup>85</sup> (emphasis added)

The Security Council, that November, adopted a resolution that includes the following:

"Emphasizing that the provision of security to refugees and **the maintenance of the civilian and humanitarian character of refugee camps and settle-**

**ments is an integral part of the national, regional and international response to refugee situations...**

“Affirming the civilian and humanitarian character of refugee camps and settlements, and in this regard **underlining the unacceptability of using refugees and other persons in refugee camps and settlements to achieve military purposes** in the country of asylum or in the country of origin...

“Affirms the primary responsibility of States hosting refugees to **ensure the security and civilian and humanitarian character of refugee camps** and settlements in accordance with international refugee, human rights and humanitarian law...

**“Requests all Member States, relevant international bodies and organizations and all regional and subregional organizations to consider, as appropriate, the application of the measures contained in this resolution to regions other than Africa...”**<sup>86</sup> (emphasis added)

By April 2000, the Security Council adopted a resolution in which it invited...

“...the Secretary-General to bring to its attention situations where refugees and internally displaced persons are vulnerable to the threat of harassment or where their camps are vulnerable to infiltration by armed elements...”<sup>87</sup>

In September 2001, the Security Council passed a resolution in which it decided that States shall:

**“Deny safe haven to those who finance, plan, support, or commit terrorist acts...**

**“Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts...”**<sup>88</sup> (emphasis added)

Put simply then, it is the sense of the Secretary-General of the UN, and of the Security Council, that the civilian nature of refugee camps must be maintained, that the UN is to be informed of refugee harassment by armed infiltrators into the camps, and that refugee status not be used as a cover for those who would perpetrate terrorist acts.

UNRWA, however, has remained oblivious to its obligation in this respect.

In his annual report to the General Assembly, for 1 July 2001–30 June 2002, Commissioner-General Hansen failed to mention the existence of armed elements and bomb factories within the camps—even though he was reporting for the time period in which the Jenin refugee camp was uncovered as a terrorist center.<sup>89</sup>

That the focus of the report, regarding the period of violence, is on difficulties caused by the IDF (without reference to why the IDF must take certain measures) provides incontrovertible evidence that UNRWA conducts itself first as a political rather than as a humanitarian organization.

Were the agency’s concerns primarily humanitarian, this report would have included discussion of the way in which armed elements endanger innocents, most notably by placing themselves, their arms, and their weapons factories within civilian population. It would have made note of the fact that the current situation in the camps contravenes UN

conventions and resolutions. But instead, it discusses only curfews, passage through IDF checkpoints, and IDF incursions into the camps; it mentions that equipment in a health center in Jenin, in April 2002, was damaged and destroyed by IDF gunfire, but not what was discovered in the Jenin camp.

The first and most basic responsibility of UNRWA then is to report on the current situation in the camps. As Professor Irwin Cotler, Canadian human rights lawyer and Member of Parliament, has said, they “have a responsibility to report to the U.N. that ‘we are unable to implement the mandate to which we are charged, or to fulfill international humanitarian law.’”<sup>90</sup>

Karen AbuZayd touches upon an essential problem, when she says, regarding the UNRWA camps, “[everything is] upside down. **The refugees are the armed elements.**”<sup>91</sup> (emphasis added) For her this puts the UNRWA employees in an untenable situation. But ignoring the situation is not the answer. That the Deputy Commissioner-General of UNRWA acknowledges this is an indication of how badly UNRWA policy has failed—and a sure sign of the need to report to the UN a situation that is out of control.

Termination of services is yet another action that can be taken by UNRWA. It is clearly the sense of the UN Security Council that the status of refugee not be used as a cover for terrorist activity. Yet, there are those who “perpetrate, organize, and facilitate terrorists acts” who remain on the UNRWA assistance rolls.

## CONCLUSIONS

UNRWA, launched more than half a century ago to provide for basic humanitarian needs of Palestinian Arab refugees, has subordinated its role as a service provider to a political agenda. That agenda has done a disservice to the refugees registered on its rolls, for it has encouraged them to expect a “return” to former homes (most no longer even in existence) that will never take place,<sup>92</sup> and has failed to facilitate a resettlement that would have allowed them to get on with their lives. The Palestinian Arab refugees—a category unto themselves, bound by rules at variance with those applying to refugees anywhere else—are the only ones in the world who have sustained their status as refugees across four generations; their misery has been utilized as a weapon against Israel.

As a consequence of this situation, the UNRWA refugee camps have become centers of terrorist activities. It is often in the camps that terrorists are recruited, trained, and dispatched, and weapons manufactured; camps (and UNRWA facilities) are utilized for hiding terrorists and weapons. Camps provide a safe haven for terrorists from outside, while residents of the camps themselves are involved in terrorist activities. Regrettably, to date, UNRWA has not assumed responsibility for this state of affairs and in fact often ignores the reality of what is happening. Indeed, there is evidence that UNRWA workers in the camps are themselves affiliated with radical Islamic groups.

The terrorism generated in the camps is so central to what is presently transpiring between the Palestinians and the Israelis, that it is not an exaggeration to say that there will be no resolution of the current crisis, no genuine cessation of violence, until the refugee issue is **realistically** resolved. Dr. Avi Beker, a strong advocate of UNRWA reform, cogently pointed out that the structuring of the UNRWA mandate removed the refugee issue from the larger question of resolving the Arab-Israeli conflict.<sup>93</sup> It is time to once again make that crucial connection.

Additionally, from a purely humanitarian perspective a resolution is required, for the situation of the refugees represents a crisis for which there must be amelioration.<sup>94</sup>

Israeli Mordechai Ben Porat, whose approach to the Palestinian Arab refugees was one of compassion for their situation and frustration with UN policy regarding them,<sup>95</sup> concluded in his 1984 book, “Preservation of the image of ‘miserable, homeless, and penniless refugees’ has...ruled out any possibility of dealing with the issues...**the funds initially intended to erase the refugee problem have become a powerful instrument intent on preserving this very problem.**”<sup>96</sup> (emphasis added)

Ibrahim Abu Lughod, expressing solidarity with the vision of his fellow Palestinian Arab refugees, wrote in 2000, “The fact that all refugees received assistance from the same institution differentiated them from the surrounding population.”<sup>97</sup> For him this was a positive state of affairs that provided a “frame of reference” for refugee identity.

Yet the act of differentiating the Palestinian Arab refugees from the surrounding population is an artificial and highly politicized process. The population surrounding the Palestinian Arab refugees registered by UNRWA is Arab, and in the West Bank and Gaza is specifically Palestinian Arab.<sup>98</sup> What is more, according to the highest-level UNRWA officials themselves, many of the refugees have assimilated into the general population.

The question, then, is whether a policy of continuing to separate out the Palestinian Arab refugees, who have now been living in the midst of other Arabs for over 50 years, is

appropriate, constructive, or humanitarian. The conclusion of this report is that it is none of these.

UNRWA provides genuine humanitarian assistance to the refugees. No one wishes to deny them the credit due for this. However, a continuation of the *status quo* of UNRWA operations is neither desirable nor acceptable. That *status quo* is detrimental both to the long term well being of the refugees and to the possibilities for peace in the Middle East. The UNRWA emphasis on “right of return” provides the Palestinians with an official rationale for their war against Israel.

It falls to the international community to respond to this situation with constructive action. Responsibility rests with the nations that are the primary supporters of UNRWA: Canada as the gavel holder of the Refugee Working Group, the US and the EU as the largest donors. The time has come to withhold funding until the current policy—stating that those registered with UNRWA will retain the status of “refugee” until such time as they can return to former homes in Israel—is terminated. As it is unrealistic to expect this resolution to their plight, it becomes inexcusable (and inhumane) to encourage the refugees to foster this expectation, and to confer upon them a “limbo” status that prevents them from getting on with their lives. The refugees should not be used as political pawns; they are human beings. Without further delay they require assistance in finding viable solutions for their untenable situation.

It may be appropriate for the United Nations High Commission for Refugees to assume UNRWA responsibilities, in order to facilitate resettlement. This decision will not be made without the committed involvement of major UNRWA funders and an aroused international community.

## APPENDIX A

### A COMPARATIVE CHART: Palestinian vs. other refugees

**UNRWA is an agency created just for the Palestinian Arab refugees.  
UNHCR (United Nations High Commission for Refugees)  
responds to all other refugee problems in the world.**

Figures taken from the respective websites: [www.un.org/unrwa](http://www.un.org/unrwa) and [www.unhcr.ch](http://www.unhcr.ch).

	UNRWA	UNHCR
<b>Number of refugees served</b>	3.9 million	19.9 million
<b>Budget</b>	\$315 million	\$881 million
	<i>This breaks down to almost twice as much spent across the board per refugee served by UNRWA as per refugee served by UNHCR.</i>	
<b>Number of countries and territories where it operates</b>	5	120
<b>Number of offices maintained</b>	5	277
<b>Size of staff</b>	23,000	5,000
	About 1 staff person per 170 refugees	About 1 staff person per 4,000 refugees
<b>Definition of refugee</b>	Anyone who lost place of residence and means of livelihood as a result of 1948 Arab-Israeli war.  <i>Note: 1951 Refugee Convention applies to all refugees except Palestinian Arabs.</i>	Person who is outside country of his habitual residence due to a well-founded fear of being persecuted.
<b>Descendants of refugees also counted as refugees</b>	Yes	No
<b>Mandate</b>	To provide humanitarian refugees and services until the refugees can return to pre-1948 homes	To protect refugees and resolve refugee problems.

	UNRWA	UNHCR
<b>Return to place of origin considered an inalienable right</b>	Yes. No other options are considered. Goal is to keep them in temporary situation until they are permitted to return.	No. The right protected is to find asylum; resettlement in country of refuge or a third country are options when return is not possible. Goal is to help refugees get on with their lives and as a result most are resettled, not repatriated.
<b>Education and Health Care provided</b>	Yes, UNRWA maintains schools and clinics.	Only in certain instances. Countries of refuge are expected to assist.

Note: Even with the existence of the High Commission, which is charged with working on behalf of all the refugees of the world, there are many today who receive no help at all, such as those escaping North Korea.

It is estimated that only one-third of the approximately 100 million refugees of the 20<sup>th</sup> century received any form of assistance. (Michel Gurfinkiel, *La Cuisson du Homaird: Réflexion intempestive sur la nouvelle guerre d'Israel*, Michlon, 2001, p. 94.)

## APPENDIX B

### A QUICK SURVEY OF REFUGEE PROBLEMS WORLDWIDE

#### FROM THE EARLY 1900s THROUGH TODAY

**Focus is on the Palestinian Arab refugees.  
This provides a brief look at the world situation.  
The data is not comprehensive.**

- ❑ When the Greeks lost a war with Turkey in the early twenties, Turkey expelled 3,000,000 ethnic Greeks (who were in Turkey for centuries). Greece absorbed them.
- ❑ White Russians fled the Bolshevik Revolution in Russia in 1918. Estimates are that 500,000 left Russia for France, Germany, Turkey and the Balkans.
- ❑ At the end of World War II, there were 1.5 to 2 million people unable or unwilling to return to the European countries they had come from. Most of these were Jews, for whom their homeland represented the horrors of the Holocaust; they ended up in DP (displaced persons) camps. Two-thirds ultimately went to Israel, the rest to the U.S.
- ❑ When World War II ended, some 10 to 15 million ethnic Germans were expelled from Poland, Russia and Czechoslovakia (Sudetenland) and their property expropriated. Some 2 million died, most of those remaining were taken in by Germany and Austria but there has never been compensation.
- ❑ In 1948, after the founding of the State of Israel, some 600,000 Jews in Arab nations found themselves unable to remain in their homes; they either left because of anti-Jewish agitation or were driven out. They were resettled by Israel and have never received compensation.
- ❑ In 1949, Chinese troops invaded Tibet. Ten years later, after all attempts at settlement of the situation failed, the Dalai Lama and some 80,000 Tibetans fled into exile in India, where they have been accepted and provided with assistance.
- ❑ In 1956, when the Soviet Union sent in forces to put down the Hungarian revolution, nearly 200,000 people fled Hungary. The refugees were absorbed by Western countries, after spending time in Austrian and Yugoslavian refugee camps.
- ❑ The Indochina Wars in Cambodia, Laos and Vietnam, which ended in 1975, created upwards of a million refugees, including the boat people. Pol Pot's subsequent campaign in the Cambodian killing fields through 1978 drove out additional people. Refugees often fled first to Thailand and then were for the greatest part successfully absorbed in the U.S., Canada, Australia and other countries.
- ❑ The Afghani refugee population, at almost 3.5 million, is perhaps the largest in the world. Millions fled into Pakistan and Iran starting in 1979 after the Soviet invasion of Afghanistan. Additional refugees left when the U.S. went after the Taliban in 2001. There has been some repatriation but millions remain in horrendous refugee camps, primarily in Pakistan.
- ❑ There have been several waves of Iraqi Kurdish refugees since the 70s, most significantly when 1.5 million fled after the Gulf War. Some have been repatriated. Many have been resettled, with a number coming to the U.S.
- ❑ There are some 150,000 refugees from Chechnya since 1994. There are complaints by them that they are ignored and without access to U.N. assistance.

- ❑ With the breakup of Yugoslavia in 1991, came Europe's largest refugee crisis since WWII, with over 1,300,000 people—Bosnians, Serbs, Croats—fleeing. When NATO bombed Kosovo in 1999, some 800,000 refugees ended up in Macedonia. This situation was resolved in large part through repatriation.
- ❑ North Koreans—possibly as many as 300,000—trying to escape from North Korean repression and violence are fleeing to neighboring countries such as China and Russia. Although officially recognized as refugees they receive no assistance or protection from the UNHCR. China persecutes them and often forces them to return to North Korea, where they meet with harsh punishments or death. They have no safe asylum.

### **Africa**

The civil wars and political unrest in Africa have generated an on-going refugee situation that is horrendous. According to the World Refugee Survey, published by the U.S. Committee for Refugees, there are 3.1 million refugees in Africa. Many are in refugee camps that are prone to violence that includes murder and rape. Of particular note:

Sudan has been engaged in civil war for 17 years. Nearly 500,000 southern Sudanese have fled Sudan and are now refugees in other countries.

The genocide in Rwanda in 1994 caused a flood of two million refugees into Burundi, the Democratic Republic of the Congo, and Tanzania. Thousands were killed, hundreds of thousands forcibly repatriated.

Additionally, as of the end of 2002, the following problematic refugee situations exist, primarily as the result of inadequate funds:

- ❑ In Congo-Kinshasa, 100,000 refugees from Rwanda, Burundi and Angola have not been registered for lack of staff. Registration is required for assistance.
- ❑ In Cameroon, UNHCR has had to close its office. Approximately 40,000 refugees from Chad and Nigeria are lacking in basic assistance.
- ❑ In Eritrea, close to 3,000 Somali refugees remain in a transit camp with inadequate latrines, and receive only poor quality services.
- ❑ In Kenya food rations had to be cut by 25% for some 80,000 Sudanese refugees.
- ❑ In Zambia a full 50% of food rations had to be cut for 35,000 refugees; there is now a high malnutrition rate.
- ❑ In Sierra Leone, more than 30,000 newly arrived Liberian refugees found themselves in transit shelters that are in a state of disrepair. Some do not provide adequate protection from the rain. Some are without sanitation.

Information regarding Africa from the U.S. Committee for Refugees.

## APPENDIX C

### BREAKDOWN OF REFUGEE POPULATION BY AREA

<b>AREA</b>	<b>REGISTERED REFUGEES</b>	<b>IN CAMPS</b>
Jordan	1,680,000	290,000
Lebanon	387,000	217,000
Syria	401,000	116,000
West Bank	627,000	169,000
Gaza	879,000	468,000

Source: UNRWA website, figures for 2002, rounded off to the thousand

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## ENDNOTES

<sup>1</sup>*The Palestinian Refugees FACTFILES*, Palestinian Liberation Organization, Department of Refugee Affairs, Ramallah, 2000, p.22.

<sup>2</sup>UNRWA document: *A Brief History, 1950-1985*, Vienna, 1986, p.30.

<sup>3</sup>There is one camp, Shu'fat, in Jerusalem, but Israel is not counted as a host country – Shu'fat is considered by UNRWA to be in the West Bank.

<sup>4</sup>There has been considerable commentary regarding this fact, which is seen to have positive and negative aspects. On the one hand, staff members who are themselves refugees may have greater insight into the refugee situation, greater capacity to communicate with those they are serving. On the other hand, they may have less capacity to be objective in their decision-making, and, most significantly, be more susceptible to extortion and corruption because they are known, and especially vulnerable if their families live in the camps.

<sup>5</sup>The website of the UN High Commission of Refugees and other sources estimate some 23-24 million refugees worldwide; budget figure provided by UNHCR is \$881 million.

<sup>6</sup>Palestinian National Authority website—[www/mopic.gov.ps](http://www/mopic.gov.ps) under “key documents.”

<sup>7</sup> In e-mail communication December 2002.

<sup>8</sup>It does not say that *only those with need maybe registered*, it says that those who are registered *and* have need may receive assistance.

<sup>9</sup>Special Report of the Commissioner-General of UNRWA, 28 September 1982.

<sup>10</sup>UN General Assembly, Official Record, 5<sup>th</sup> session, Ad Hoc Political Committee 31<sup>st</sup> Meeting, 11 November 1950.

<sup>11</sup>UNWRA document: *A Brief History*, op. cit., p.5.

<sup>12</sup>Mordechai ben Porat wrote in 1984: “in spite of the refugees’ relatively good economic condition and the [Israeli] government’s willingness to assist the camps with basic utilities, UNRWA neither initiates nor supervises improvements of conditions in the camps. Hence the camps endure a neglected and pitiful appearance...”  
–Nadav Anner and Mordechai ben Porat, *Will There Always Be Refugees: A Survey and Proposals for a Solution of the Middle East Refugee Problem*, Merkaz Hahasbara, Jerusalem, 1984, p.36.

<sup>13</sup>Report of the commissioner-General of UNRWA, 1 July 1982 – 30 June 1983.

<sup>14</sup>Emanuel Marx, “Changes in the Arab Refugee Camps,” *The Jerusalem Quarterly*, Number 8, Summer 1978, p. 48.

<sup>15</sup>Amira Has, “50-70% of residents of UNRWA camp in Jerusalem aren't refugees - yet exempt from municipal taxes,” *Ha'aretz*, 1 January 2003.

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<sup>16</sup>UNRWA document: *A Brief History*, op. cit., p.83.

<sup>17</sup>The Egyptian newspaper, *Al-Misri*, 11 October 1949.

<sup>18</sup>6 April 1950.

<sup>19</sup>Abu Lughod was born in Jaffa; after the 1948 war, he went to the US where he established himself as an academic and became active in Arab affairs. In 1977 he joined the Palestinian National Council, and in 1991 came to live in Ramallah; until his death in 2001, he was vice president of near-by Bir Zeit University.

<sup>20</sup>50: *UNRWA and Palestinian Refugees*, UNRWA Headquarters, Gaza, 2000, p.15.

<sup>21</sup>While the resolution establishing UNRWA relies exclusively on 194, arguments are made in some quarters that the “right” of return is established in international law because of other documents. This is tenuous.

The most universal provision dealing with right of return is in the 1966 International Covenant on Civil and Political Rights, which says: "No one shall be arbitrarily deprived of the right to enter his own country." Legal experts have concluded, however, the right of return is probably reserved only for nationals of the state, and that this is not absolute, if the reasons for denial are not arbitrary.

Moreover, the position is held that the right to enter one's country is intended to apply to individuals asserting an individual right. There was no intention here to address the claims of masses of people who have been displaced as a by-product of war. Humanitarian law conventions (such as the 1949 Geneva Conventions for the Protection of Victims of War) do not recognize a right of return.

–Drawn from a summary by Ruth Lapidoth Professor of International Law at the Hebrew University and a member of the Permanent court of Arbitration in The Hague, in *Jerusalem Letter* No. 485, 1 September 2002.

<sup>22</sup>Discovered in the PLO Orient House was a map of a “future Palestinian State,” which marked 531 Arab villages that had been overrun in 1948, and which are destined for “return.” One of these villages was Um Khalid, which, according to the PLO has been illegally absorbed by Netanya.

–<http://www.forthtruthssake.com/rightofreturn.asp>

<sup>23</sup>BADIL Information & Discussion Brief No. 6.

<sup>24</sup>Graham Usher, “Crossing the Borders,” *Al-Ahram Weekly*, 30 Sept. – 6 Oct., 1999, Issue No. 449.

<sup>25</sup>The BBC program aired 21 September 2000; it is available on video.

<sup>26</sup>Mohammed Daraghmeh, “Teaching the refugee issue at UNRWA,” *The Jerusalem Times*, 22 June 2001.

<sup>27</sup>See [www.badil.org/Publications/Other/Refugees/Workshop/wkshop2.htm](http://www.badil.org/Publications/Other/Refugees/Workshop/wkshop2.htm) for study.

<sup>28</sup>Terence Prittie, *The Palestinians: People, History, Politics*, p.71.

<sup>29</sup>Eban’s entire statement is found at [www.mfa.gov.il/mfa/go.asp?MFAH01ako](http://www.mfa.gov.il/mfa/go.asp?MFAH01ako).

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<sup>30</sup>Dr. Eli Lasch, "Child Health Services in Gaza," Public Health Review, 1984.

<sup>31</sup>Eliezer Whartman, World Zionist Press Service, 11 December 1969.

<sup>32</sup>Dr. Eli Lasch, in e-mail communication for purposes of this report, February 2003.

<sup>33</sup>The document can be retrieved at: [www.un.org/documents/ga/res/40/a40r165.htm](http://www.un.org/documents/ga/res/40/a40r165.htm).

<sup>34</sup>In 1992, Sigma News Agency sent a photographer to capture the empty houses standing on a hill.

<sup>35</sup>The statement is found at: <http://mondediplo.com/focus/mideast/madrid-shamir-en>.

<sup>36</sup>Palestine under the British Mandate was not a country. Thus, the Arabs who fled from what became Israel were without citizenship. Those who are refugees in Syria and Lebanon have the status of alien residents. Those in the West Bank have over a period of years received residency status cards from Jordan (not the same as citizenship and containing certain restrictions), as well as identity cards (which convey a status akin to temporary resident) from Israel, and parallel identity cards from the PA. Those in Gaza have received identity cards from Israel and the PA.

<sup>37</sup>Pinchas Inbari, *Al HaMishmar*, 7 May 1994.

<sup>38</sup>Ingrid Gassner Jaradat, Director, Badil, in interview, December 2002.

<sup>39</sup>This study is found at [www.vopi.org/issues4htm](http://www.vopi.org/issues4htm).

<sup>40</sup>*The Jerusalem Times*, 28 September 2001.

<sup>41</sup>Hansen was interviewed by journalist David Aikman for the May 1999 documentary, "Vanishing Peace," produced by the independent TV company AIM INTERNATIONAL, and shown on BBC and CBC.

<sup>42</sup>Shawn Cohen, "The Refugee Dilemma: A Day in the UNRWA Arab Refugee Camps," *Washington Jewish Week*, 23 July 1997.

<sup>43</sup>David Bedein, "Between a Rock and a Hard Place," *The Jerusalem Post Magazine*, 16 October 1998.

<sup>44</sup>Uri Nir, Arab Affairs Correspondent, *Ha'aretz*, 9 December 1989.

<sup>45</sup>Phone conversation December 2002.

<sup>46</sup>When the Declaration of Principles was first signed in Washington in 1993, the issue of right of return was tabled, and it has floated as an amorphous, although never-dying, issue since then. So it was that journalist Danny Rubinstein wrote in *Ha'aretz*, 23 April 1999, "...the demand to establish a Palestinian national state has in recent years replaced the demand to obtain the right of return..."

And the Badil Resource Center, alarmed by the turn of events, put out a press release, "A Palestinian State Cannot Replace the Refugees' Right of Return! Call for Protection of Palestinian Refugee Rights," which stated, in part, "The refugee demand for the right of

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return will remain a legitimate claim, even if the PLO/PA should renounce the right of return in a future political agreement with Israel.”

<sup>47</sup>From the Lebanese Journal *Al-Hayat*, 14 August 1959: “...the refugees’ inclination—in spite of the noisy chorus all about them—is towards immediate integration.”

Emanuel Marx, “Changes in Arab Refugee Camps,” op. cit., p.43, wrote that as early as 1968, most of the refugees had found work, “were involved in the economy of the host country,” and “had become urbanized in the process.”

<sup>48</sup>Isabel Kershner, “Palestinian Affairs: The Refugees’ Choice?” *The Jerusalem Report*, 15 August 2002.

<sup>49</sup>50: *UNRWA and Palestinian Refugees*, op. cit., p.11.

<sup>50</sup>Dr. Daphne Burdman, “A Telling Interview Concerning UNRWA Education,” <http://IsraelBehindTheNews.com/Archives/May-13-02.htm#XXX>, 13 May 2002.

<sup>51</sup>Dr. Eli Lasch, e-mail communication, op. cit.

<sup>52</sup>“UNRWA seeks to calm row over Palestinian textbooks,” *Jordan Times*, 30 August 2001.

<sup>53</sup>From off-the-record comments by a senior relief worker and others.

<sup>54</sup>Charles Radin, “UN role in Palestinian Camps in Dispute,” *The Boston Globe*, 8 July 2002.

<sup>55</sup>Shawn Cohen, “The Refugee Dilemma,” op. cit.

<sup>56</sup>Charles Radin, “UN role in Palestinian Camps in Dispute,” op. cit.

<sup>57</sup>The website of the prime minister: [www.pmo.gov.il/english](http://www.pmo.gov.il/english).

<sup>58</sup>Response by David Tell, in “Letters,” *The Weekly Standard*, 3 June 2002.

<sup>59</sup>Allison Kaplan Sommer, “UNRWA on Trial,” *Reform Judaism Magazine*, Winter 2002, p. 42.

<sup>60</sup>In interview, 14 December 2003. Ambassador Gold was serving as a consultant in the army during time reported.

<sup>61</sup>Sheila Ryan, “No Place to Call Home,” *new internationalist*, issue 161, July 1986.

<sup>62</sup>[www.wjc.org.il/unrwa/refugeesfirst.html](http://www.wjc.org.il/unrwa/refugeesfirst.html).

<sup>63</sup>David Bedein, “Pope’s Planned Visit to UNRWA Refugee Camp Portends Disaster,” <http://IsraelBehindTheNews.com/Mar-14-00.htm#unwra>, 14 March 2000.

<sup>64</sup>John F. Burns, “Palestinian Summer Camp Offers The Games Of War,” *The New York Times*, 3 August 2000, p.1.

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<sup>65</sup>*Wall Street Journal*, 21 April 2002.

<sup>66</sup>As example, from the Australian Broadcasting Company ([www.abc.net.au](http://www.abc.net.au)) came this report on 19 April 2002:

“LINDA MOTTRAM: ...it's becoming clear that Israel will have to answer allegations that it's committed war crimes and crimes against humanity during its occupation of the West Bank.

“One British forensic expert says the evidence points to a massacre by Israeli forces. That expert is Professor Derrick Pounder from Amnesty International who's inspected the devastation and examined some of the now rotting bodies that are still being pulled from the rubble in Jenin.

“DERRICK POUNDER: The stench of decaying corpses are all over the place.”

<sup>67</sup>Paul Martin reporting from Jenin wrote in *The Washington Times*, 1 May 2002:

“Palestinian officials yesterday put the death toll at 56 in the two-week Israeli assault on Jenin, dropping claims of a massacre of 500 that had sparked demands for a U.N. investigation...

“The Palestinians had suggested that most of the bodies were buried beneath the rubble of houses bulldozed by Israeli troops. No digging for bodies was taking place here, and there was no stench that could have come from decaying human flesh.”

<sup>68</sup>Available on the Foreign Ministry website: [www.israel-mfa.gov.il](http://www.israel-mfa.gov.il).

<sup>69</sup>Available on the IDF website: [www.idf.il/newsite/english](http://www.idf.il/newsite/english).

<sup>70</sup>The Associated Press, 18 April 2002.

<sup>71</sup>BBC News, 18 April 2002.

<sup>72</sup>Available via Independent Media Review & Analysis: [imra.org.il](http://imra.org.il)

<sup>73</sup>InterPress Service, 23 April 2002.

<sup>74</sup>Editorial, “The U.N.'s Israel Obsession,” *The Weekly Standard*, 6 May 2002.

<sup>75</sup>*Internatavisen Jyllands-Posten*, 19 April 2002.

<sup>76</sup>CNN, 19 April 2002.

<sup>77</sup>*The Jerusalem Post*, 25 November 2002.

<sup>78</sup>*The Jerusalem Post*, 28 November 2002.

<sup>79</sup>Charles Radin, *The Boston Globe*, 9 June 2002.

<sup>80</sup>Isabel Kershner, “Palestinian Affairs: The Refugees' Choice,” op. cit.

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<sup>81</sup>Ibid.

<sup>82</sup>Herb Keinon, "Shin Bet documents terrorists' misuse of UNRWA facilities," *The Jerusalem Post*, 11 December 2002.

<sup>83</sup>Interview conducted by Jeff Arner and Sylvia Martin, October 1991 in the UNRWA West Bank Field Office in East Jerusalem. Quote drawn from transcription.

<sup>84</sup>UNRWA document: *A Brief History*, op. cit., p.25.

<sup>85</sup>Report of the Secretary-General: The causes of conflict and the promotion of durable peace and sustainable development in Africa, paragraph 54, 13 April 1998

<sup>86</sup>Security Council Resolution 1208, 19 November 1998.

<sup>87</sup>Security Council Resolution 1296, 19 April 2000.

<sup>88</sup>Security Council Resolution 1373, 28 September 2001.

<sup>89</sup>In the Introduction of the Report of the Commissioner-General of UNRWA to the UN General Assembly for 1 July 2001 – 30 June 2002, is this:

"Since February 2002 there has been a major intensification in the level of violence, characterized by a pattern that included suicide bombings and armed attacks by Palestinian militants in Israel and the occupied Palestinian territory, causing heavy loss of life and a massive military offensive launched by the IDF in the West Bank against Palestinian cities towns villages and refugee camps, causing heavy loss of life and widespread damage and destruction of Palestinian property.."

<sup>90</sup>Isabel Kershner, "Palestinian Affairs: The Refugees' Choice," op. cit.

<sup>91</sup>Ibid.

<sup>92</sup>No Israeli government will permit this. The several reasons for this position include the following:

- 1) The refugee situation was created as a result of aggression against Israel, and at the urging of Arab leaders, and thus is not Israel's responsibility.
- 2) At the same time that approximately 500,000 Arab Palestinians became refugees, an equal number of Jews from Arab lands were driven from their homes; they received no recompense from these Arab lands and no assistance from the international community – they were absorbed by Israel with the assistance of Jews in many countries. This situation represents an exchange of populations: It falls to the Arab countries to provide for and absorb the Arab refugees.
- 3) All over the world, resettlement is utilized in order to allow refugees to go on with their lives. Not only is return to their original homes not the exclusive expectation for refugees internationally, in many instances no return at all has been permitted. A different standard should not be applied where Israel is concerned.
- 4) Return of all the refugees will bring about the demise of Israel. Return of even a percentage of the refugees will create a major security problem.

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<sup>93</sup>Avi Beker, "Perpetuating the Tragedy: The United Nations and the Palestinian Refugees," *The Forgotten Millions*, Malka Shulewitz, Ed., Cassell, NY, 1999, p. 142.

<sup>94</sup>The General Assembly in 1950 stated (Resolution 393) that..."the reintegration of the refugees into the economic life of the Near East...is essential..." and urged (Resolution 394) "measures to ensure that refugees...will be treated without any discrimination..." Yet UNRWA, which answers to the General Assembly, has not conducted itself in the spirit of these resolutions. The Palestinian Arab refugees in the UNRWA camps have most certainly been treated in a discriminatory fashion, and now, 52 years later, have still not been well integrated into the economic life of the Middle East.

<sup>95</sup>Ben Porat was asked by Israeli Prime Minister Begin to research ways to settle the Palestinian Arab refugees in humanitarian conditions. He was thwarted in his efforts by the UN resolution preventing their move to new quarters, which has been cited earlier in this report.

<sup>96</sup>Nadav Anner and Mordechai ben Porat, *Will There Always Be Refugees*, op. cit.

<sup>97</sup>50: UNRWA and Palestinian Refugees, op. cit., p.15.

<sup>98</sup>UNRWA refers to this central issue when it quotes the Red Cross:

"...it seems evident that it is more difficult to determine a refugee in his homeland, and to distinguish between him and a normal resident, who is a countryman of his, than to identify a refugee abroad..."

–UNRWA document: *A Brief History*, op. cit., p.5.