

Defunding UNRWA: Trump's Legal Sleight of Hand against Palestine

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In-depth Report: [PALESTINE](#)

Trump wants to dismantle the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and shift responsibility for Palestine refugees to the office of the UN High Commissioner for Refugees (UNHCR). What has UNHCR got to say about that? Is it worried about any negative effects, such as what it has to say about Iran?

Iran's services to the refugees is exemplary and should be encouraged and supported, Representative of the UNHCR in the Islamic Republic of Iran Ivo Freijsen said in a local ceremony. He expressed concern about negative effect of the US' unilateral sanctions on daily life of refugees residing in Iran. ... Iranians have hosted the Afghan refugees for four decades and the international community should help Iran to continue its services for the refugees, the UN diplomat added.

When I read [the above](#), I went looking for a news item regarding what, if anything, UNHCR has to say about the complete [defunding](#) by the United States of UNRWA (established in Dec. 1949 by the UN General Assembly), but I found no pronouncements by UNHCR, only a Facebook ad by the US trying to raise money from subscribers on behalf of UNHCR for the disaster in Yemen ([note](#): Most Americans would be horrified to know that it is U.S. policy leading to the starvation for millions of innocent people there):

I did come across, however, [this](#) warning, in January 2018, by Sara Roy: "Palestinians will suffer the most from the cuts to UNRWA, but the whole region will feel the consequences."

The U.S. has alleged that UNRWA must be dismantled or reformed. In particular, the U.S. has taken issue with how UNRWA defines and registers refugees, alleging that its organizational procedures are contrary to international refugee law and UNHCR regulations. In particular, the U.S. wants a) to redefine Palestine refugees—i.e., remove the descendants of original Palestine refugees from the UNRWA register, as well as those who have obtained the nationality of a host country—example, Jordanian, and b) to dismantle UNRWA and shift responsibility for Palestine refugees to UNHCR.

The strategic discursive attacks on UNRWA are no more different from the strategic discursive attacks on, say, the Boycott, Divestment and Sanctions (BDS) movement. Both are meant to delegitimize Palestinian nationalism and entrench Jewish nationalism in Palestine and lead to policies by and in the U.S. that do just that.

The issue of the expulsion of the Palestinians, their right to return to their

homes, and to compensation for their losses, has in many ways been the core of the question of Palestine refugees since 1948, when the dispossession of the Palestinian people was consummated. Since then, there have been various brazen attempts to dodge this issue or ignore its salience by denying that the Palestinians exist, ranging from Israeli Prime Minister Golda Meir's notorious declaration to this effect in 1969, to the current Trump administration's effort to define away the reality of the Palestinian refugees through legal sleight of hand.

The quote above comes from a recent report (published May 15, 2019) by the Institute for Palestine Studies, which has long addressed knowledge gaps on Palestine as well as challenged unreliable, politically biased information with timely and meaningful scholarly publications.

In its new series Current Issues in Depth, the Institute has issued a [report](#) by Francesca P. Albanese, an Affiliate Researcher with Georgetown University and the American University of Beirut, titled *UNRWA and Palestine Refugee Rights*. The report addresses fundamental legal and historical issues and amply demonstrates that the U.S. policy shift concerning UNRWA and Palestine refugees is ill-informed and driven by political, rather than sound legal considerations, as the U.S. claims.

UNRWA was devised to provide relief and assistance to Palestine refugees until such time that their situation was resolved in accordance with [UNGA Resolution 194](#). It employs 30,000 staff in 711 schools in the region, serves over half a million children and runs 143 health facilities. The Agency has already suspended its emergency relief programs, including essential food and cash distribution to the poorest segment of the Palestine refugee population.

The Institute's report debunks the U.S. allegations against UNRWA as contradicted by international law, UN legislation and "decades of State practice". The claims are all "old talking points" with a new twist—that of the "deal of the century", and shows up the policy of the Trump's administration for what it is—a unilateral wholesale "adoption of the most extreme Israeli positions".

Israel's "extreme position" is described in the report as follows:

Palestine refugees at large, including descendants, are persons of predominantly Arab origin (holding British Mandate citizenship since 1925 and Ottoman nationality before that) who were displaced from the territory of that part of British Mandate Palestine subsequently designated as Israel, to other parts of Mandate Palestine, namely the West Bank and the Gaza Strip, as well as neighbouring countries, namely Jordan, Lebanon, and Syria, in connection with the creation of the State of Israel (i.e. the 1947-49 Arab-Israeli war). Despite being willing to return to their "homeland" in line with applicable international law, approximately 750,000 Palestine refugees were prevented from doing so by virtue of laws enacted by Israel between 1948-52, which resulted in their denationalization as well as the confiscation and disposition of their properties. After enacting a Law of Return in 1950, which encouraged the immigration of Jews from all over the world to the State of Israel, in 1952 Israel also approved the Nationality Law, which stipulated conditions that Arabs of former Palestine could not fulfil, which de facto barred them from returning to the land as nationals.

This is not the first time that the Institute of Palestine Studies has issued information and analysis on UNRWA and its archives. In 2001, in conjunction with the Institute of Jerusalem Studies (IJS), which had undertaken to digitize UNRWA's archival system, it issued a volume titled *Reinterpreting the Historical Record: The Uses of Palestinian Refugees, Archives for Social Science Research and Policy Analysis*, edited by Salim Tamari and Elia Zureik. The purpose was to "preserve a major segment of Palestinian history for national and research purposes, and to make data available to Palestinian negotiators during final status talks about the ... conflict."

The irony here is that the data meant to be useful for the "negotiations" then is being undermined today by the U.S. as a strategic negotiation ploy for the "deal of the century".

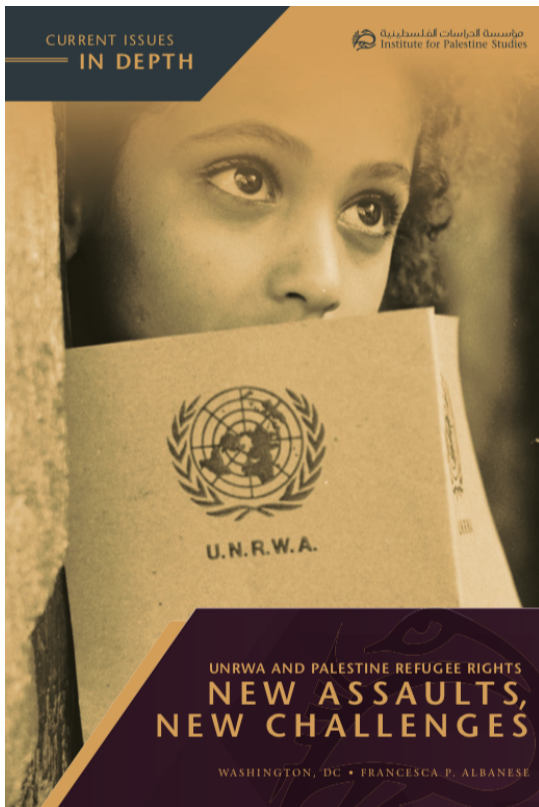
The extensive data available on Palestinian dispossession are lodged in different organizations that pre-date UNRWA. The UN Conciliation Commission for Palestine (UNCCP) possesses in its archives "extensive data on confiscated Palestinian refugee property". Information is also available in the archives of the International Red Cross (IRC) in Geneva and Bern, and the American Friends Service Committee (AFSC) offices in Philadelphia.

The archives also include information on Palestinians who became refugees during the 1967 war and others who were expelled in 1948 but did not register with the Agency, and do not appear in UNRWA's registry.

The claims that UNRWA operates outside the realm of the international refugee regime and perpetuates the refugee problem are based on selective use and erroneous understanding of facts regarding Palestine refugees and UNRWA; misconstrue the international refugee framework, particularly the mandates of UNRWA and UNCHR; and neglect UN norms and procedures regarding cooperation with the UN and among states. ... The argument that UNRWA is an "irredeemably flawed operation" "perpetuating" the refugee crisis is premised upon the assumption that, by not overtly pursuing local integration or third country resettlement of refugees, UNRWA has "perpetuated" the refugee problem—hence, UNHCR should take over the mandate for Palestine refugees so as to easily resettle them.

In the final chapter of *Reinterpreting the Historical Record* (2001), Adnan Abdelrazek has this to say about gaps in the available records and tenders a recommendation that would be much more productive for the Trump administration to take up than its current sabotage endeavors against UNRWA:

In order to close ... gaps in the available records, including the modernized records, and to reach a comprehensive identification of the refugees' properties and the creation of value parameters corresponding to a realistic market value, a specialist team of land and market experts should be brought in. Keeping these records confidentially away from the relevant experts undermines their usefulness and relevancy. As the peace negotiations advance, the completion of these records by technical and economic experts becomes more urgent.



Following are the conclusions in the report [UNRWA and Palestine Refugee Rights](#), Institute of Palestine Studies, published May 15, 2019.

Conclusions

71. The United States has been strategic in determining the UN regime regarding Palestine refugees. The United States, under the auspices of the General Assembly, has played a crucial role in setting up UNRWA and in the way the Agency has worked and developed. For decades, it has influenced through its role within the UN, by means of multilateralism, politics, and processes regarding Palestine refugees. By allowing UNRWA to provide Palestine refugees with relief and development opportunities, especially quality education, employment opportunities, and health services, the international community—and the United States first and foremost—has contributed to alleviate the suffering of Palestine refugees and also fostered stability in the region.

72. The current U.S.-led attempts to reshape the way Palestine refugees are defined, registered and counted, and to dismantle UNRWA, have no legal basis; rather, they seem to constitute an attempt to attain political goals without regard to international law, human rights and history.

73. Both UNRWA's definition and its registration system are in line with international norms and practice, and Palestine refugees, including descendants, are legitimate refugees. While some irregularities exist (unlike UNHCR, UNRWA only registers refugees through the male line and does not count those who were displaced for the first time by the 1967 hostilities as part of its Registered Refugee population), these have not been made the object of U.S. criticism and request for reform.

74. It is irrelevant whether UNRWA's refugee definition differs from how all other refugees in the world are classified. Upon the initiative of the U.S. government, the UN has adopted a sui generis regime for Palestine refugees, by creating (UNCCP and) UNRWA and by incorporating article 7(c) in the

UNHCR Statute and article 1 D in the 1951RC. Article 1 D contains its own “cessation clause” and it was upon insistence of the United States, which saw UNRWA as an instrument to prevent countries in the Middle East from falling into the Soviet sphere of influence that UNRWA continued to treat all Palestine refugees—including those who had citizenship, like in Jordan—as eligible for its services.

75. UNRWA’s history demonstrates that rather than “perpetuating” the refugee problem through its services to refugees, and in the absence of a political solution, the Agency has been a stabilizing factor, helping maintain peace by supporting welfare and development of the refugees in the various host countries. Rather, dependency of growing numbers of refugees on UNRWA services stems from the failure to achieve a political resolution in line with international law. UNRWA stands as a symptom of these structural deficits, not its cause.

76. The right of return of Palestine refugees rests upon international law, as reaffirmed repeatedly by the General Assembly, and its exercise cannot be cancelled based on political considerations.

77. As a United Nations member state, the United States has the power to bring any issues for discussion before the UN, including the need to reform a UN agency, its mandate, or operations. However, the pressure that the United States appears to be exerting both on UNRWA—pressing the Agency to reform itself in a way that contrasts with the Agency mandate and the immediate interests of the refugees—and on other UN member states to change their policies vis-à-vis UNRWA and Palestine refugees, sits uncomfortably with these states’ sovereignty and the independence that UN agencies enjoy under the 1946 Convention on the Privileges and Immunities of the United Nations. It is also at odds with the overall purposes of independence of states in their dealings with the United Nations and cooperation among nations for maintenance of peace and stability enshrined by Article 2 of the UN Charter.

78. Should the General Assembly advise that UNRWA needs to be reformed, new visions and strategy should be discussed within the framework of UN rules and procedures and, bearing in mind the importance of respecting international law—especially human rights norms—also as a stabilizing factor.

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