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Chair of International Organizations and Human Rights

***The Role of the UNRWA in the Settlement of the Palestinian
Refugee Crisis.***

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Abbreviations

AFCS = American Friends Service Committee

CRRF Comprehensive Refugee Response Framework

ESM = Economic Survey Mission

GCR = Global Compact on Refugees

ICCPR = International Covenant on Civil and Political Rights

ICESCR = International Covenant on Economic, Social, and Cultural Rights

ICRC = International Committee of the Red Cross

ICIP = Infrastructure and Camp Improvement Program

IDP = Internally Displaced People

ILO = International Labor Organization

IRO = International Refugee Organization

IRPA = Immigration and Refugee Protection Act

LORCS = Lead of the Red Cross Societies

MHPSS = Mental Health Psychological Support

NYD = New York Declaration for Refugees and Migrants

PA = Palestinian Authority

PHCF = Permanent Healthcare Facilities

RSS = Relief and Social Services

SHAP = Special Hardship Assistance Program

SSNP = Social Safety Net Program

SSP = Social Services Program

UDHR = Universal Declaration of Human Rights

UNCCP = United Nations Conciliation Commission for Palestine

UNGA = United Nations General Assembly

UNHCR = United Nations High Commissioner for Refugees

UNICEF = United Nations Children's Fund

UNRWA = United Nations Relief and Works Agency for Palestine Refugees in the Near East

UNSC = United Nations Security Council

UNSCOP = United Nations Special Committee on Palestine

WHO = World Health Organization

WFP = World Food Program

*“Nothing is permanent, but in the Holy Land,
some things come close.”*

- The Economist, February 15th, 2024.

Introduction

The plight of Palestinian refugees remains one of the most enduring and problematic humanitarian issues of our time. Resulting from the events of 1948, when over 700,000 Palestinians were displaced during the Arab-Israeli conflict, the refugee crisis has evolved into a protracted situation affecting almost 6 million individuals across the Middle East. After different failed attempts that will be explored in chapter one, the international community established the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in 1949 as a temporary measure to address the immediate needs of these refugees. However, over seven decades later, UNRWA continues to operate, providing critical services in education, healthcare, and social welfare to a growing population of Palestinian refugees. This thesis aims at evaluating the role of UNRWA. The central research question is: *does UNRWA have a role in the perpetration of the refugee crisis?* This research seeks to understand whether the agency has effectively contributed to alleviating the Palestinian refugee crisis or if it has inadvertently perpetuated it.

The question of UNRWA's role in the Palestinian refugee crisis has been the subject of extensive academic and political debates. While some scholars argue that UNRWA's humanitarian efforts are indispensable for the survival and well-being of Palestinian refugees, others contend that the agency's structure and mandate have contributed to the crisis, in particular by granting the refugee status to a large number of individuals. This research contributes to the existing literature by offering an evaluation of UNRWA's role, considering both its humanitarian achievements and its limitations, mainly resulting from its mandate and structural characteristics.

A qualitative approach is used, combining historical analysis, with legal review, and policy evaluation. Primary sources include international legal instruments, UN resolutions, and official UNRWA and UNHCR documents. Secondary sources encompass academic literature, reports from non-governmental organizations, and academic contributions on the agency itself, on the conflict, and on the international framework of refugee protection. A comparison between UNRWA and the UNHCR is presented in several contexts throughout the research, aiming at highlighting the differences between the mandates and operations of the two agencies. Additionally, empirical data are used to assess the effectiveness and sustainability of UNRWA's services.

In order to explore the role of UNRWA in the Palestinian refugee crisis, the research will be organized as follows. The first chapter delves into the evolution of the international legal status of refugees, highlighting key milestones such as the 1951 Refugee Convention and the

establishment of the UNHCR. It also addresses the unique status of Palestinian refugees, who are excluded from the protections typically afforded under the 1951 Convention. As it will be discussed, this exclusion has significant implications for the rights and status of Palestinian refugees within the international community. The second chapter instead provides an extensive analysis of UNRWA's structure, mandate, and main activities. It examines the agency's evolution from a temporary relief provider to a long-term service organization deeply intertwined with regional and international political dynamics. The chapter also explores the ambiguous nature of UNRWA, which operates at the intersection of humanitarian assistance and political advocacy, raising questions about its neutrality and effectiveness. Also, the issue of funding is introduced in this chapter, which represents one of the major weaknesses of the agency, as it confines it to a perpetual condition of financial instability and lack of resources. Chapter three begins with an assessment of UNRWA's performance in delivering immediate relief. Through an analysis of poverty and food insecurity levels, healthcare provision, and employment opportunities, the study finds that UNRWA has successfully fulfilled its original mandate of providing essential aid and services to Palestinian refugees, as per UNGA Resolution 302. However, the agency has evolved far beyond a mere service provider, and evaluating UNRWA only based on the immediate assistance it offers to Palestinian refugees would be insufficient. Therefore, the second section of the chapter focuses on vulnerabilities and critical features of the agency, including the ever-growing and unsustainable number of refugees, the lack of an oversight mechanism, and the precarious funding system. This leads to a fundamental question: is UNRWA, in its current form, still the most suitable institution to address the Palestinian refugee crisis 75 years after its establishment? To answer this question, chapter four considers alternatives to UNRWA, including the dismantle of the agency, the gradual transfer of responsibilities to the UNHCR, and the implementation of moderate reforms. While flawed and often problematic, this research finds that the dissolution of UNRWA would not only severely worsen the conditions of Palestinian refugees but also fuel social tensions and instability in the region, an outcome the international community is keen to prevent. In other words, UNRWA is necessary, but in its current form it is unsustainable. Reforms in funding system, oversight mechanisms, and its capacity to pursue and implement durable solutions are necessary to enhance both UNRWA's long-term sustainability and the effectiveness of its services.

Ultimately, this research concludes that UNRWA cannot be held responsible for the protracted nature of the Palestinian crisis, nor for the plight faced by the refugees. While some argue that the agency has contributed to the crisis's persistence, this study aligns with the literature rejecting this claim. Instead, this research asserts that UNRWA's current mandate and structure have become ill-suited for an agency that has existed for over seven decades. This research suggests that the

international community should undertake long-overdue reforms. This would not only improve UNRWA's performance, but also improve the living conditions of Palestinian refugees, which should remain a priority for the international community.

Chapter 1 – The International Framework of Refugee Protection

1. Development of the international legal status of refugee

Throughout human history, people have moved from one place to another, fleeing from their own homelands in search of protection from natural disasters, famine, racial and religious discrimination, epidemics, and conflicts.¹ The Irish Great Famine of the 1840s, which displaced over a million people, and the expulsion of Jews from Spain in the 1490s are notable examples of historical refugee crises. However, despite the occurrence of such crises throughout history, the formal conceptualization of refugees and the legal framework surrounding asylum are relatively recent developments. The concept of political refugee emerged following the French and the America revolutions. More precisely, the 1793 French Constitution contains the first rudimental acknowledgement of what would later become the right of asylum can be found.² Article 120 reads: “(The French Nation) serves as a place of refuge for all who, on account of liberty, are banished from their native country. These it refuses to deliver up to tyrants”.³ Known as the “century of exiles”,⁴ the XIX century gave then rise to an impressive development of the jurisprudence on asylum seekers and political refugees, to the point that most states in Europe began to guarantee minimum levels of protection to people fleeing their countries. One of the most important examples of such development on this matter is the prohibition of non-refoulement.⁵ Found for the first time in the 1826 Registration of Aliens Act in the United Kingdom,⁶ it was included in the Belgian Constitution in 1833 and later in other European countries. This evolution can be understood as a direct result of the emergence of liberal democracy in Europe, as governments developed a sense of moral responsibility to protect political refugees and grant them asylum rather than returning them to regimes where they might face harm.⁷ Despite these steps being crucial for the legal development of the right to asylum, the

¹ I. A. ALESHOVSKI, Z. S. BOTCHAROVA, A. GREBENYUK, *The Evolution of the International Protection of Refugees between the World Wars*, Social Evolution & History 20, no. 2, 2021, 110.

² Ibid, 114.

³ CONSTITUTION FRANÇAISE, Article 120, 1793.

⁴ S. APRILE, D. DIAZ, *Europe and its Political Refugees in the 19th Century*, 2016, 2.

⁵ The principle of non-refoulement is a cornerstone in international human rights law as it offers an essential protection to refugees. This obligation forbids states from transferring or expelling refugees from their control when there are strong reasons to believe that a person would face irreversible harm upon returning, such as persecution, torture, maltreatment, or other grave human rights violations. Among the scholars on the topic, see: S. Riyanto, *Non Refoulement Principle and Its Relevance in the International Law System*, SSRN Electronic Journal 1, 2013, <https://doi.org/10.2139/ssrn.2211817>, and J.H. Bhuiyan, *Protection of refugees through the principle of non-refoulement*, In An introduction to international refugee law, 2013, https://doi.org/10.1163/9789004226166_006.

⁶ I. A. ALESHOVSKI, Z. S. BOTCHAROVA, A. GREBENYUK, cit supra note 1, 114.

⁷ P. OCHARD, *The Historical Development of Refugee Protection in Europe*, Routledge Handbook on the Politics of Migration in Europe, 2018, 4.

protection governments granted in the XIX century differs significantly from the provided nowadays. The main and most significant difference lies in the nature of the obligations.⁸ In the XIX century protection of refugees fell within domestic matters, therefore both the level of protection and the ways in which it was delivered varied significantly from state to state.⁹ There were no established international standards for the protection of refugees. Each state exercised complete discretion over its asylum policies, resulting in significant variation in the level and type of protection offered. The absence of a unified legal framework meant that the treatment of refugees was governed by national laws, political considerations, and diplomatic interests, rather than by any coordinated international agreement or convention.

One important attempt to identify international standards of refugee protection occurred in 1892 with the International Regulations on the Admission and Expulsion of Foreigners, drafted by the *Institut de Droit International*. While most scholars consider the 1920s as the inception of international refugee protection, the frameworks established in these regulations laid the groundwork for the principles underlying contemporary international law. In particular, it was recognized that in the exercise of their sovereignty, states must neither violate the rights and freedoms of foreigners in their territory nor disregard the principle of non-refoulement, establishing that a person who has fled their homeland to avoid criminal prosecution must not be returned.¹⁰

It is nevertheless interesting to read also Article 9 of the Regulations, according to which:

*“Each State should establish the rules for the admission or movement of foreigners through laws or regulations, which must be published in sufficient time before their enforcement.”*¹¹ Such passage highlights how the legislative power concerning the admission, movement, and expulsion of foreigners, including refugees, remained firmly within the purview of national governments. The provisions, drafted with the aim of establishing international standards, were not binding and did not infringe upon the legislative sovereignty of individual states. Each state retained full discretion in determining the legal conditions applicable to refugees within its borders, adapting or disregarding these standards according to domestic needs and policies. Consequently, although the work of the *Institut de Droit International* represented an attempt to achieve legal

⁸ Ibid.

⁹ Ibid.

¹⁰ H. U. SETYARDI, The Origins of the Non-Refoulement Principle and Refugee Admission Considerations in the Refugee Protection Framework, in *Jurnal Kewarganegaraan*, Vol. 7, No. 2, 2023, 2472.

¹¹ INSTITUT DE DROIT INTERNATIONAL, *Règles Internationales Sur l'Admission et l'Expulsion Des Étrangers*, 1892, Article 9. (Translated from French)

harmonization, it did not alter the distribution of legislative authority, which, at that historical moment, remained exclusively national.

1.1 The ICRC, the League of Nations, and Fridtjof Nansen

It was after the First World War that States began to be concerned with the international protection of refugees. In particular, the one event that for the first time raised the question of international protection of refugees was the Russian Revolution, which caused the flee of approximately one million refugees.¹² These individuals, often referred to as the “White Émigrés”, became the focus of the first international legal efforts to address the refugee problem.¹³ This necessity arose following the decree issued by the All-Russian Central Executive Committee and the Council of People's Commissars in 1921. The decree stripped Russian citizenship from certain groups, including those who had resided abroad for more than five years or had left Russia after November 7, 1917, without Soviet government authorization. Consequently, the Russians who had fled during the revolution were rendered stateless, catalyzing international action to address their plight.¹⁴ Initially, countries tried to provide aid to the massive group of Russian refugees, however the magnitude of the crisis made it unthinkable for countries to handle it gradually through national measures as it had happened in the past.¹⁵ The same was true for charitable organizations, as it soon became clear that the material assistance that they were providing was insufficient to solve the crisis.¹⁶ In describing the picture, Sir John Hope Simpson wrote: “resources were becoming exhausted, and there was no central coordinating body”.¹⁷ The problem was therefore brought for the first time to the attention of the international community in February 1921 by former President of the International Committee of the Red Cross (ICRC), Gustave Ador. During a conference held in Paris, Ador urged the President of the League of Nations to intervene to find a solution to the serious humanitarian crisis that was leaving millions of Russian refugees without neither aid nor credible prospects of resettlement.¹⁸ A few months later, in a letter addressed to Secretary General of Save the Children Fund International Union,

¹² G. JEAGER, *On the History of the International Protection of Refugees*, *Revue Internationale de La Croix-Rouge/International Review of the Red Cross*, 83, no. 843, 2001, 727.

¹³ G. GINSBURGS, *The Soviet Union and the Problem of Refugees and Displaced Persons 1917–1956*, *American Journal of International Law*, 51, no.2, 1957, 347.

¹⁴ J.C. HATHAWAY, *The Evolution of Refugee Status in International Law: 1920–1950*, *International and Comparative Law Quarterly* 33, no. 2, 1984, 351.

¹⁵ G. GINSBURGS, *cit supra* note 13, 340.

¹⁶ G. JEAGER, *cit supra* note 12, 728.

¹⁷ J.H. SIMPSON, *The Refugee Problem*, 1939, 199, quoted in G. Jeager, *cit supra* note 12, 728.

¹⁸ G.S. GOODWIN-GILL, *International Refugee Law – Yesterday, Today, but Tomorrow?*, *The Future of Refugee Law: RLI Working Paper Series Special Edition*, 2017.

Ador suggested the appointment of a High Commissioner for Russian refugees, within the framework of the League of Nations,¹⁹ as per the following extract of the letter:

*“The Council of the League of Nations must, in any case, decide either to organize a new service or to assign one of its services to continuously address the issue of Russian refugees, following the direction outlined in the response of the Secretary-General of the League of Nations to the initial intervention of the International Committee of the Red Cross.”*²⁰

The High Commissioner would oversee and coordinate efforts to assist these refugees, potentially with the backing of an additional body entrusted with coordinating continuously the refugee issue, ensuring a more systematic approach. Ador believed that establishing such office would allow the League of Nations to respond to the needs of Russian refugees with a higher degree of independence and adaptability, especially given the diverse political pressures from various governments interested in the refugee situation.²¹ In addition to the question of material relief, Ador was concerned with other aspects: repatriation, emigration, employment opportunities in their current host countries, and, most importantly, legal status.²² Without a defined status, refugees were often left in a precarious legal vacuum, unable to claim rights or protections under any state's jurisdiction. Emerged as a significant consequence of events like the Russian Revolution, statelessness left individuals vulnerable to exploitation, denied them access to basic services, and restricted their ability to work or move freely. Ador was acutely aware efforts to support refugees, whether through repatriation, emigration, or employment opportunities, would remain fundamentally limited without a clearly defined legal status. Recognizing the urgency of these issues, the League of Nations convened a conference of member governments in Geneva in August 1921. It was at this conference that Norwegian diplomat Fridtjof Nansen was appointed the first High Commissioner for Refugees, tasked with finding innovative solutions to the challenges raised by Ador.²³ Building on this groundwork, Nansen introduced the “Nansen Passport” in 1922, a transformative measure to address the identification and legal protection gaps faced by stateless refugees. Issued by national authorities at the High Commissioner’s recommendation, this document provided refugees with a recognized legal identity, enabling them

¹⁹ LEAGUE OF NATIONS, *Les Réfugiés Russes Communiqué par le Comité International de la Croix Rouge. Transmet une Lettre de Mr Ador à Mr Golden*, File R1713/45/12962/12319, 1921.

²⁰ LEAGUE OF NATIONS, cit supra note 19 (Translated from French).

²¹ LEAGUE OF NATIONS, cit supra note 19.

²² I. C. JACKSON, *Dr. Fridtjof Nansen a Pioneer in the International Protection of Refugees*, *Refugee Survey Quarterly*, 22, no. 1, 2003, 7.

²³ G.S. GOODWIN-GILL, cit supra note 18.

to travel across borders and access fundamental rights and protections.²⁴ The creation of this certification represents a memorable step forward in the development of international protection of refugee rights, as refugees were given for the first time in history an internationally recognized document that granted them protection.²⁵

The Russian crisis was followed by the massacre of the Armenian people by the Turkish government. The League of Nations and the Office of the High Commissioner were once again to find a solution for some 320,000 Armenians without identification documents.²⁶ In 1924, for the second time in history, an internationally recognized certificate was issued by the League of Nations to Armenian refugees.²⁷ In 1926 the mandate of the High Commissioner was extended to protect also other refugees.²⁸ Note that Nansen had identified seven groups of people in need of international protection, but the Council of the League of Nations dismissed the proposal on the basis of their “urgency”, claiming that there was no ground to include the Montenegrins, the Ruthenians, the Jews of Bukowina and the Hungarian refugees from Central Europe, as the most urgent cases.²⁹

Despite Nansen's significant achievements in improving the material conditions of refugees, his tenure is universally recognized as a cornerstone in the legal development of the refugee concept. One of his most pivotal contributions was addressing the lack of a clear, internationally accepted definition of who qualified as refugee. The lack of an internationally accepted definition of “refugee” meant that providing them with identification documents and certification was a complex issue, often leaving extensive discretion to officials of the single national governments and resulting in inconsistent treatment of refugees. To remedy this, in 1926 the “Arrangement Relating to the Issue of Identify Certificates to Russian and Armenian Refugees” was adopted by the League of Nations. For the first time, the arrangement provided an official definition of “refugee” for Russians and Armenians, linking refugee status to the loss of protection from their home governments.³⁰ Specifically, Russian refugee was defined as “*any person of Russian origin*

²⁴ O. HIERONYMI, The Nansen Passport: A Tool of Freedom of Movement and of Protection, *Refugee Survey Quarterly*, 22, no. 1, 2003, 37.

²⁵ I. C. JACKSON, *cit supra* note 22, 13.

²⁶ J. C. HATHAWAY, *cit supra* note 14, 352.

²⁷ *Ibid.*

²⁸ G. JEAGER, *cit supra* note 12, 729.

²⁹ J. C. HATHAWAY, *cit supra* note 14, 360.

³⁰ “Considering the urgency: (1) of regularizing the system of identity certificates for Russian and Armenian refugees; (2) of determining in a more accurate and complete manner the number and situation of Russian and American refugees in the various countries; (3) of creating a revolving fund to provide for the cost of the

*who does not enjoy or who no longer enjoys the protection of the Government of the Union of Socialist Soviet Republics and who has not acquired another nationality”, while the Armenian refugee was “any person of Armenian origin formerly a subject of the Ottoman Empire who does not enjoy or who no longer enjoys the protection of the Government of the Turkish Republic and who has not acquired another nationality”*³¹

So, the League of Nations established a clear legal basis for who qualifying a refugee and provided guidelines for international protection. Although limited to these two groups, this definition represented a significant advancement, as it laid the foundation for the broader, inclusive definitions of refugees adopted in subsequent years. In 1928, the League of Nations adopted another arrangement to further expand the definition of a refugee by including additional categories of people without state protection.³² While the 1926 Arrangement primarily focused on refugees of Russian and Armenian origin, the 1928 document extended protection to other groups who, despite lacking legal protection from their home state, were considered at risk and in need of assistance.³³ Indeed, the League of Nations gradually expanded its scope to include additional stateless and unprotected groups, moving a step closer to the internationalization of refugee protection. While the 1928 arrangement was still anchored to the idea of providing protection only to those ethnic and national groups lacking *de jure* protection,³⁴ it also signaled an early recognition of the need to consider social and political factors in defining refugee status. This shift laid the groundwork for a new understanding of refugeehood, acknowledging that persecution could stem from broader societal and political dynamics, and not merely the absence of formal state protection.

1.2 The 1933 Convention on the International Status of Refugees and the Evian Conference

The development of the international legal status of refugees did not stop in 1930 with Nansen’s death, on the contrary, the 1930s witnessed remarkable advancements in the field. In October 1933, the Secretariat of the League of Nations and the Nansen International Office for

transportation and settlement of refugees (...)”. This paragraph precedes the definitions of Russian and Armenian Refugees in the League of Nations Arrangement Relating to the Issue of Identify Certificates to Russian and Armenian Refugees adopted in 1926. For more information see: <https://www.refworld.org/legal/agreements/lon/1926/en/14828>

³¹ LEAGUE OF NATIONS, Arrangement Relating to the Issue of Identify Certificates to Russian and Armenian Refugees, Treaty Series Vol. LXXXIX, No. 2004, 12 May 1926.

³² J.C. HATHAWAY, cit. supra note 14, 354.

³³ Article 1 of the 1928 Arrangement Concerning the Extension to Other Categories of Certain Measures Taken in Favour of Russian and Armenian Refugees reads: “(...) *The arrangement establishes that measure taken on behalf of Russian and Armenian refugees (...) shall be extended to the Turkish, Assyrians, Assyro-Chaldaean and assimilated refugees.*”

³⁴ J. C. HATHAWAY, cit. supra note 14, 358.

Refugees³⁵ held a conference in Geneva, where the Convention on the International Status of Refugees (hereinafter 1933 Convention) was adopted. This convention is considered a cornerstone in the international protection of refugees, since, for the first time in history, its binding nature created legal provisions on this matter that participating States were compelled to observe.³⁶ Until 1933, indeed, international efforts to regulate the status of refugees and their protection had only produced unbinding recommendations. The relevance of the convention stems from, *inter alia*, the inclusion on the principle of non-refoulement in a binding legal instrument. Article 3 stated that:

“Each of the Contracting Parties undertakes not to remove or keep from its territory by application of police measures, such as expulsions or non-admittance at the frontier (refoulement), refugees who have been authorized to reside there regularly, unless the said measures are dictated by reasons of national security or public order.”³⁷

It is evident that this convention stands in sharp contrast to the *ad hoc* arrangements of 1926 and 1928, as it attempted to establish a system of international refugee law: a framework of international norms that would serve as the basis for the 1951 Convention relating to the Status of Refugees (hereinafter 1951 Convention).³⁸ The 1933 Convention represents the first compromise between established practices, customs, national legislation, the interests of specific states, refugees' claims, and the humanitarian principles of international law.³⁹ Interestingly, the convention raised little enthusiasm at the time, and only eight States ratified it. This reluctance was largely due to concerns that the generalized terms in which the refugee definition had been drafted did not adequately safeguard national interests. States were hesitant to commit themselves to obligations they perceived as too broad and undefined.⁴⁰ These concerns became even more pronounced in 1936, when the Institute of International Law defined a refugee as “*any person, who, for the reason of political events on the territory of the country of origin, left it willingly or unwillingly, and who did not acquire new citizenship and did not benefit from the diplomatic*

³⁵ After Fridtjof Nansen's death in 1930, the Office of the High Commissioner for Refugees was abolished and replaced by the Nansen International Office for Refugees as autonomous body, entrusted with protecting human rights. This newly established entity performed its activities until 1938.

³⁶ I. A. ALESHOVSKI, Z. S. BOTCHAROVA, A. GREBENYUK, cit supra note 1, 122.

³⁷ LEAGUE OF NATIONS, *Convention Relating to the International Status of Refugees*, Article 3, Treaty Series Vol. CLIX No. 3663, 1933.

³⁸ S. BEHRAM, *The Evolution and Impact of International Refugee Law*, in *Law and Asylum: Space, Subject, Resistance*, 2018, 102.

³⁹ I. A. ALESHOVSKI, Z. S. BOTCHAROVA, A. GREBENYUK, cit supra note 1, 126.

⁴⁰ G.S. GOODWIN-GILL, cit. supra note 18, 4.

protection of any other state”.⁴¹ This definition further reinforced fears among States that they would be obligated to accept too many individuals without clear limits or safeguards for their sovereignty.

One last effort taken by the international community in the late 1930s that is worth mentioning is the creation of the International Committee for Refugees, meeting for the first time in Évian in July 1938.⁴² The Évian conference marked one of the first large-scale international attempts to address the growing refugee crisis caused by Nazi persecution in Europe. Representatives from 32 countries met to discuss options for Jewish refugees fleeing Germany and Austria, nevertheless, no concrete solution was found as most countries were reluctant to alter their immigration quotas and refugee policies.⁴³ The failure of cooperation within the international community put off protection for refugees at the Evian Conference. Arguably this was why the summit was so relevant in the broader discourse of development of international refugee protection.⁴⁴ By failing to establish concrete commitments or binding legal obligations to admit refugees, the conference highlighted the need for a more structured, rights-based approach to refugee protection. It underscored that without binding international agreements, states would always prioritize national interests over humanitarian needs. This perfectly summarizes the ambiguity of the 1930s and early 1940s, characterized by an urgent need of international cooperation hampered by high tensions between states and increasing weakness of the League of Nations.⁴⁵

In other words, the advancements made in the international protection of refugees during the interwar period were limited and incremental, as international relations of that period significantly influenced, and somewhat prevented, interstate cooperation on the matter of refugee protection. Yet, they should not be seen as insignificant. These modest developments laid the groundwork for the current robust protections, as the principles and frameworks established in the 1920s and 1930s served as foundational building blocks for the comprehensive refugee rights that would emerge in the post-World War II era.

⁴¹ INSTITUT DE DROIT INTERNATIONAL, *Statut Juridique des Apatrides et des Réfugiés*, 1936 quoted in A. I. A. Aleshovski, Z. S. Botcharova, A. Grebenyuk, cit supra note 1, 123.

⁴² I. A. ALESHOVSKI, Z. S. BOTCHAROVA, A. GREBENYUK, cit supra note 1, 124.

⁴³ Ibid.

⁴⁴ M. KALB, *Refugee Crises and the Sad Legacy of the 1938 Evian Conference*, Brookings, 2015, <https://www.brookings.edu/articles/refugee-crises-and-the-sad-legacy-of-the-1938-evian-conference/>.

⁴⁵ G.S. GOODWIN-GILL, cit. supra note 18, 4.

1.3 The IRO, the 1951 Refugee Convention and UNHCR

At the end of World War II, the world had just witnessed what could arguably be described as the most severe systematic abuse of human rights in history. In the late 1940s, Europe alone counted more than 50 million displaced persons, while more than 100 million were displaced in China.⁴⁶ It is not surprising that refugees were among the most urgent priorities of the newly formed United Nations.⁴⁷

To address the impressive number of refugees following the bloodshed of WWII, the General Assembly of the United Nations (UNGA) adopted Resolution 62, establishing the International Refugee Organization (IRO) in December 1946. Despite considerable success in resettling displaced people in the aftermath of the conflict (to the extent that it became known as the “Resettlement Agency”),⁴⁸ levels of cooperation were still fairly poor, showing little to no improvement from the League of Nations context.⁴⁹ While the traumatic events of the early 1940s had led to the creation of a more solid framework of international law (an example of this can be seen in the UN Charter itself, which greatly urges international cooperation among states for the preservation of peace and the protection of human rights), the experiment of the IRO demonstrated that national interests remained central in this matter.⁵⁰ The IRO’s mandate was pretty optimistic and the activities of the organization were meant to last only until 1950, but it soon became obvious that the refugee issue was not going to be settled by that date.⁵¹ What stood as problematic was in particular the restricted timeframe given to the organization coupled with its ambitious mandate.⁵² The IRO was indeed tasked with settling the refugee question from merely every perspective. The organization was expected to address the legal aspect of the definition of status of refugee, but also to coordinate registration, reparation, and resettlement, while possibly ensuring legal and political protection.⁵³ Article 2 of the Constitution of the IRO focused on the functions of the organization, and it reads:

⁴⁶ J. MCADAM, *The Enduring Relevance of the 1951 Refugee Convention*, International Journal of Refugee Law 29, no. 1, 2017, 2.

⁴⁷ Ibid, 5.

⁴⁸ G. JEAGER, cit. supra note 12, 732.

⁴⁹ G.S. GOODWIN-GILL, cit. supra note 18, 5.

⁵⁰ Ibid.

⁵¹ The reason behind the impracticability of settling the question of refugees in a short period of time stems from the new flows of refugees coming from Central and Eastern Europe fleeing to the West. - G. JEAGER, cit. supra note 12, 732.

⁵² E. FELLER, *International refugee protection 50 years on: The protection challenges of the past, present and future*, Revue Internationale de La Croix-Rouge/International Review of the Red Cross 83, no. 843, 2001, 584.

⁵³ Ibid.

“The functions of the Organization to be carried out in accordance with the purposes and the principles of the Charter of the United Nations, shall be : the repatriation; the identification, registration and classification; the care and assistance; the legal and political protection; the transport; and the re-settlement and re-establishment, in countries able and willing to receive them, of persons who are the concern of the Organization under the provisions of Annex I.”⁵⁴

The comprehensive nature of the mandate together with the scarce participation by Member States (only 17 out of 54 countries signed the treaty)⁵⁵ resulted in poor results of the organization. In 1949 the UN Economic and Social Council presented “A Study of Statelessness”, a centerpiece of the development of international protection of refugees.⁵⁶ This study examined the legal and humanitarian issues faced by stateless persons and highlighted the absence of an international framework to address these challenges effectively. In particular, it focused on *de facto* refugees other than *the jure* stateless persons, a novelty at that time.⁵⁷ The findings underscored the need for a dedicated agency to protect refugees and stateless individuals, who lacked access to fundamental rights and the protection of a home state.⁵⁸ In December 1950, the Office of the United Nations High Commissioner for Refugees (UNHCR) was created. Instituted as a subsidiary organ of the UNGA in Geneva, with the UNHCR the current framework of international refugee protection begun. The decision to make UNHCR a subsidiary organ of the UNGA was intentional, as it aimed to foster greater cooperation among states. The embedment of the refugee protection directly within the UNGA makes space for three considerations. The first consideration is that the UNHCR operates within the mandate of the UNGA. This characteristic allows considerable accountability, since the UNHCR must report annually to the Assembly, where States have a structured and consistent forum to review operations, influence policy directions, and contribute to priority setting.⁵⁹ The second consideration concerns State funding. UNGA’s oversight allows for more effective coordination of funding. States contribute to the UNHCR budget with part of the funding they have committed more generally to the UN, encouraging a more consistent flow of resources than the IRO had received.

⁵⁴ UNITED NATIONS, *Constitution of the International Refugee Organization*, Article 2, United Nations, Treaty Series, vol. 18, 1946.

⁵⁵ UNITED NATIONS, *Constitution of the International Refugee Organization*, United Nations, Treaty Series, vol. 18, 1946.

⁵⁶ G. JEAGER, cit. supra note 12, 733.

⁵⁷ Ibid.

⁵⁸ Note that the study also recognized “the necessity of providing at an appropriate time permanent international machinery for ensuring the protection of stateless persons.” See: United Nations Economic and Social Council, A Study of Statelessness, United Nations, E/1112; E/1112/Add.1, UN Ad Hoc Committee on Refugees and Stateless Persons, 1949.

⁵⁹ For more information see: <https://www.unhcr.org/asia/united-nations-general-assembly>

Finally, the purely humanitarian and non-political nature of the body incentivized cooperation of states. Prevention and causes of humanitarian catastrophes were indeed not among the concerns of the newly established body.⁶⁰ In this regard it is important to draw a distinction between UNHCR and previous agencies. While the efforts of the IRO and of the League of Nations were humanitarian in nature, they often became entangled in political issues, especially around the resettlement and repatriation of refugees. Unlike its predecessors, the UNHCR was designed as an explicitly non-political body focused solely on the protection and welfare of refugees.⁶¹ This neutrality made States more willing to collaborate, as they perceived the UNHCR's role as limited to addressing the immediate needs of refugees rather than influencing or interfering in the political issues underlying conflicts. For example, the IRO was sometimes seen as political because it had a broader, more active role, including resettling refugees and managing repatriation efforts, which could intersect with the geopolitical interests of states, particularly during the Cold War. By contrast, the UNHCR's neutrality and focus on immediate humanitarian assistance minimized these political complexities, fostering a greater degree of cooperation among states. At the beginning, the UNHCR operated within the framework of the Universal Declaration of Human Rights (UDHR)⁶² and by the four Geneva Conventions on international humanitarian law.⁶³⁶⁴ In addition, less than one year after the creation of the UNHCR, the 1951 Convention, often referred to as the “*Magna Carta* for refugees”⁶⁵ was adopted. The UNHCR became then the organ responsible to overlook the proper implementation of the 1951 Convention by signatory states.⁶⁶

2. The Current International Framework of Refugee Protection

The Convention relating to the Status of Refugees was adopted on July 28th, 1951 by means of the UNGA resolution 429 (V). It entered into force almost three years later, in April 1954. Over

⁶⁰ G.S. GOODWIN-GILL, cit supra note 18, 6.

⁶¹ D. FORSYTHE, *UNHCR's mandate: the politics of being non-political*, Working Paper No.33, UN High Commissioner for Refugees (UNHCR), 2001, 3.

⁶² The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, is a landmark document that outlines fundamental human rights and freedoms to be universally protected. It serves as a foundational text for modern human rights law.

⁶³ M. ZUBAIR, M.A. KHAN, M. SHAH, *An Analysis of the Legal Framework of International Refugee Protection System*, Global Political Review IV, no. 1, 2019, 1.

⁶⁴ The four Geneva Conventions, adopted in 1949, are a series of international treaties that establish the legal standards for humanitarian treatment during armed conflicts. They focus on the protection of wounded soldiers, prisoners of war, civilians, and medical personnel, forming the cornerstone of international humanitarian law.

⁶⁵ G. JEAGER, cit supra note 12, 736.

⁶⁶ Article 35(1) of the 1951 UN Refugee Convention reads: “The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention”. Also the Article II of the Protocol binds states to cooperate with the UNHCR, therefore securing cooperation of countries that have ratified the Protocol alone, the United States in the first place.

time the number of countries that have ratified it has grown considerably.⁶⁷ However, the 1951 Convention disposes a regulatory framework which includes principles of law and international customary law and therefore it applies also to countries that are not party to the Convention.⁶⁸ Arguably, this conferred additional relevance to it. Refugee crises are transnational, thus the creation of global standards to ensure their protection was considered of paramount importance. Indeed, the establishment of a framework that (at least to some extent) applies also to those countries that have refrained from adopting the convention guarantees a minimum standard of protection to refugees everywhere in the world. This is deeply connected to the broader human rights discourse, which underscores that the rights of refugees are fundamentally human rights, and as such, inherent to every individual by virtue of their humanity, regardless of their nationality. Such consideration can be drawn when the Convention is interpreted in relation to the historical background where it was adopted. The bloodiest conflict recorded in history had just ended and human rights had been violated with unprecedented cruelty. The urge to protect human dignity and fundamental rights and freedom was as widespread as ever. In 1948, UDHR was adopted and the right to asylum was included as a human right.⁶⁹ By adopting the UDHR, but most importantly by embracing the values of the UN enshrined in the UN Charter, States commit to the protection and promotion of human rights and therefore also to the protection of refugees. As a result, the framework of the 1951 Convention was and still is deeply intertwined with the discourse of human rights, as refugee law is regarded a branch of international human rights law.⁷⁰

This can be grasped by the (re-)establishment of the non-refoulment principle (Article 33),⁷¹ which as extensively discussed in the previous section had already been protected by earlier legal instruments and by customary international law,⁷² as well as in other human rights provisions included in the Convention, such as the access to courts,⁷³ freedom of movement and right to receive an adequate education.⁷⁴ Initially conceived as a temporary body with a three-year

⁶⁷ In 1951 only 14 States had ratified the Convention. In 1971 the number of ratifications grew to 60, 104 in 1991 and it reached the current number of 146 ratifications in 2018 with South Sudan becoming a party to the Convention. For the entire ratification list see: <https://www.unhcr.org/media/states-parties-including-reservations-and-declarations-1951-refugee-convention>

⁶⁸ P.M. FONTAINE, *The Relevance of the 1951 Geneva Convention Relating to the Status of Refugees*, Australian International Law Journal 1996, 1996, 71.

⁶⁹ Article 14(1) of the UDHR reads: “Everyone has the right to seek and to enjoy in other countries asylum from persecution”.

⁷⁰ D. KENNEDY, *International Refugee Protection*, Human Rights Quarterly 8, no. 1, 1986, 10.

⁷¹ I.C. JACKSON, *The 1951 Convention Relating to the Status of Refugees: A Universal Basis for Protection*, in *International Journal of Refugee Law*, Vol. 3, 1991, 404.

⁷² J. MCADAM, *cit supra* note 46, 4.

⁷³ *Ibid.*

⁷⁴ D. KENNEDY, *cit supra* note 70, 10.

mandate to settle the refugee crisis sparked by WWII, it was only with UNGA Resolution 58/153 that the UNHCR became a long-term agency, with no temporal limit. It was however established an objective: the UNHCR would have operated until the moment when the refugee question was permanently solved.⁷⁵ Moreover, the UNHCR gradually expanded its geographic presence to the extent that today it works in 136 countries and territories.⁷⁶ In its early years, the UNHCR's main activities were limited to providing minimal humanitarian assistance and finding long-term solutions for approximately one million refugees⁷⁷ and camp occupants. The UNHCR also worked to persuade States to ratify the 1951 Convention,⁷⁸ which today counts 146 parties.⁷⁹ Over time, the UNHCR gradually expanded its geographic presence to the extent that today it works in 136 countries and territories.⁸⁰ The number of refugees seeking assistance has constantly and steadily grown over time. Available data from December 2023 records 43,4 million refugees (31,6 under the UNCHR's mandate) and almost 70 million internally displaced people (IDPs),⁸¹ a significant increase from the original one million people the UNHCR had to aid in the early days of its mandate. Its activities also grew considerably to match the increasing number of refugees, and as of today the UNHCR provides medical assistance and healthcare, sanitation, special services to women, education, food delivery, and shelter.⁸² Interestingly, most of the activities performed by the UNHCR today are not included in neither the Convention nor in its Statute, but rather were added as a result of circumstances in the field.⁸³

In conclusion, it can be right rightfully argued that the 1951 Refugee Convention and the 1967 Protocol to the Convention (known as *New York Protocol*) represent the point of arrival of the creation of an international system of protection for refugees, started in the early 1920s.⁸⁴

⁷⁵ M. MCBRIDE, *Anatomy of a Resolution: the General Assembly in UNHCR history*, Research Paper No. 182, UN High Commissioner for Refugees (UNHCR), 2009, 1.

⁷⁶ UNHCR, *The Global Report*, UNHCR, 2023, <https://reporting.unhcr.org/global-report-2023-executive-summary>.

⁷⁷ M. MCBRIDE, cit. supra note 75, 1.

⁷⁸ J. CRISP, *UNHCR at 70: An Uncertain Future for the International Refugee Regime*, *Global Governance: A Review of Multilateralism and International Organizations* 26, 3, 2020, 360.

⁷⁹ UNHCR, *States parties, including reservations and declarations, to the 1951 Refugee Convention*, 2011, <https://www.unhcr.org/media/states-parties-including-reservations-and-declarations-1951-refugee-convention>.

⁸⁰ UNHCR, *The Global Report*, UNHCR, 2023, <https://reporting.unhcr.org/global-report-2023-executive-summary>.

⁸¹ Ibid.

⁸² M. MCBRIDE, cit supra note 75, 1.

⁸³ B. STOJANOVIĆ, *The Role of the United Nations High Commissioner for Refugees (UNHCR) in the Protection of Refugees and Asylum Seekers*, *BIRCI-Journal* 5, 2022, 320.

⁸⁴ I.C. JACKSON, cit supra note 71, 403.

Many contend that the Convention is now outdated and ineffective in addressing contemporary refugee crises; yet, evaluating its current relevance lies beyond the scope of this research. Instead, the next session focuses on the mandate and the scope of the UNHCR and of the 1951 Convention, considering in particular its applicability.

2.1 Applicability of the 1951 Convention

The 1951 Convention provides international standards for the protection of refugees. Such common standards were deemed necessary to entitle refugees to the same set of rights irrespectively of the country they had fled to. This raised however important questions concerning the definition of refugee, the circumstances in which a refugee loses its status, and the conditions preventing a person from acquiring the status of refugee in the first place.⁸⁵ Article 1 of the 1951 Convention aims at clarifying these issues.

The definition of refugee is to be found in Article 1(A), which reads:

“For the purposes of the present Convention, the term “refugee” shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

[...]

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

*In the case of a person who has more than one nationality, the term 'the country of his nationality' shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.*⁸⁶

⁸⁵ M. ZUBAIR, M.A. KHAN, M. SHAH, cit supra note 63, 5.

⁸⁶ UNITED NATIONS GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, Article 1, United Nations, Treaty Series, vol. 189, 1951.

Article 1(A) of the 1951 Convention provides a comprehensive legal definition of a refugee, outlining the key criteria required for an individual to be recognized under this status. According to the article, a refugee is any person who, due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside their country of nationality and unable or unwilling to avail themselves of its protection. Additionally, the article includes stateless persons who, being outside their country of former habitual residence, face similar fears and cannot return.⁸⁷ The concept of "well-founded fear" requires both subjective and objective elements. Subjectively, the individual must genuinely fear persecution, and objectively, this fear must be reasonable and supported by evidence or circumstances.⁸⁸ Importantly, the article emphasizes the "nexus" between the persecution and one of the five Convention grounds (i.e. race, religion, nationality, membership of a particular social group, and political opinion). This means there must be a clear, direct link between the harm or threats faced by the individual and one of the specified reasons. For example, if an individual is targeted for their political beliefs, it must be demonstrated that the persecution arises specifically because of those beliefs, rather than for unrelated reasons. This nexus requirement is critical in ensuring that the refugee status is applied only to those whose persecution is directly tied to the grounds recognized by the Convention.⁸⁹ It helps distinguish refugees from individuals fleeing generalized violence, poverty, or other hardships that, while severe, do not fall under the legal definition of persecution outlined in the Convention. Additionally, the inclusion of stateless individuals highlights the Convention's commitment to broad protection, ensuring that the absence of formal nationality does not exclude vulnerable individuals from its scope.⁹⁰

To better understand the scope of the Convention, its temporal applicability shall be considered as well.

Currently, the 1951 Convention, together with the 1967 New York Protocol, establishes the current framework for refugee protection, applying to all individuals who meet the refugee criteria, regardless of when the persecution or events causing them to flee occurred.⁹¹ This expansion of the Convention's temporal scope through the adoption of the Protocol encouraged broader global participation. Notably, all but a few states are now parties to both instruments, with Madagascar and Saint Kitts and Nevis being parties to the Convention alone, while the United

⁸⁷ G.S. GOODWIN-GILL, *The International Law of Refugee Protection*, in *The Oxford Handbook of Refugee and Forced Migration Studies*, 2014, 38.

⁸⁸ UNHCR, *Interpreting Article 1 of the 1951 Convention Relating to the Status of Refugees*, 2001, 3-4.

⁸⁹ *Ibid.*, 7.

⁹⁰ *Ibid.*

⁹¹ I.C. JACKSON, *cit supra* note 71, 407.

States of America, Venezuela, and Cabo Verde have ratified only the Protocol.⁹² Originally, however, the Convention confined its application to individuals who experienced persecution or became refugees as a result of events occurring before January 1, 1951. This temporal restriction reflected the historical context in which the Convention was drafted, primarily addressing the displacement caused by World War II and its aftermath.⁹³ Several governments at the time were hesitant to commit to future obligations, effectively signing what they viewed as a “blank cheque.”⁹⁴ By establishing both a broad conceptual framework for identifying refugees and a specific temporal boundary, the Convention sought to balance immediate post-war needs with the foundational principles of international refugee protection.

While Paragraph B provides clarifications concerning what "events occurring before 1 January 1951" shall be interpreted as, Article 1(C) establishes the conditions under a refugee loses its status and the Convention ceases to apply. It reads:

This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He can no longer, because of the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

[...]

(5) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

*[...].*⁹⁵

⁹² UNHCR, *States Parties to the 1951 Convention and Its 1967 Protocol*, UNHCR, 2015, <https://www.unhcr.org/media/states-parties-1951-convention-and-its-1967-protocol>.

⁹³ M. ZUBAIR, M.A. KHAN, M. SHAH, cit supra note 63, 3.

⁹⁴ I.C. JACKSON, cit supra note 71, 406.

⁹⁵ UNITED NATIONS GENERAL ASSEMBLY, cit supra note 87.

As mentioned above, Article 1(C) of the 1951 Refugee Convention governs the cessation of refugee status by outlining circumstances under which an individual's status as a refugee may come to an end. These provisions ensure that international protection remains dynamic, applying only as long as it is necessary. However, their application requires careful consideration to prevent the premature or unjust cessation of protection.⁹⁶ A key principle in cessation due to voluntary actions by the refugee is that these actions must genuinely reflect the refugee's free will and must result in the individual obtaining effective and durable national protection. This ensures that the cessation of refugee status is not applied in situations where the individual remains vulnerable or lacks access to meaningful protection in their country of origin.⁹⁷ For what concerns a change in the condition of the country of origin, the Convention ceases to apply only when such change is fundamental, stable, durable, and directly addresses the causes of the refugee's flight. This connection, often referred to as the "mirror principle," emphasizes that cessation should reflect the disappearance of the specific reasons that justified the initial grant of refugee status. Factors such as political stability, legal protections for fundamental rights, and mechanisms to ensure non-discrimination and law enforcement are crucial in determining whether such changes meet the threshold for cessation.⁹⁸

An exclusion clause is included in Article 1(F). according to this provision, individuals who have engaged in actions incompatible with the United Nations' core values or have committed war crimes, crimes against peace, or crimes against humanity are denied refugee status.⁹⁹

There is one last paragraph of Article 1 of the 1951 Convention that needs to be discussed, namely paragraph D, which provides that:

"This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

*When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention."*¹⁰⁰

⁹⁶ UNHCR, cit. supra note 88, 13.

⁹⁷ Ibid, 13-14.

⁹⁸ Ibid, 14.

⁹⁹ Ibid.

¹⁰⁰ UNITED NATIONS GENERAL ASSEMBLY, cit. supra note 86.

Article 1(D) contains at the same time an exclusion and an inclusion clause. The first paragraph excludes refugees that are under the protection of another agency from the from the scope of the Convention, but the second paragraph recognizes that said refugees would immediately become entitled to receive UNHCR's protection, were the other support to stop.¹⁰¹ While on the one hand it prevents some refugees from being protected by the UNHCR and by the Convention itself, on the other hand this provision provides "continuity of protection".¹⁰² This clause excludes approximately¹⁰³ 6 million refugees from the UNHCR's mandate, as it applies exclusively to Palestinian refugees.¹⁰⁴

3. Status of Palestinian refugees

It has been discussed above that the scope of the Convention has grown considerably since its adoption in the early 1950s, and so has the capacity of the UNHCR. As of October 2024, nearly 65% of refugees in need of international protection from the UNHCR come from four different countries: Syrian Arab Republic, Venezuela, Ukraine, and Afghanistan, each counting between 6.3 and 6.1 million refugees.¹⁰⁵ With almost 6 million refugees, one can conclude that the Palestinian people would represent as well one of the most critical situations. However, as mentioned in the section above, Article 1(D) of the 1951 Convention excludes Palestinian refugees from the mandate of UNHCR. It is very hotly debated whether this exclusion, originally meant to strengthen the Palestinian people's protection, has indeed increased the aid they have received in the past 75 years, as many argue that Article 1(D) limited the humanitarian protection of Palestinian refugees. Arguably, it is very complicated to find an answer to such dilemma, as there has not been one single day in which the Palestinian people has enjoyed the protection of the 1951 Convention or the services of the UNHCR. The reason behind this is that in December 1949, only few months before the establishment of the UNHCR and the drafting of the 1951 Convention, the UNGA adopted resolution 302, establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

¹⁰¹ H.B. Bülbül, *Recognising Palestinian Refugees: Applicability of Article 1D of the 1951 Refugee Convention in Turkey*, *Refugee Survey Quarterly* 43, 2024, 283.

¹⁰² *Ibid*, 284.

¹⁰³ It is not an easy task to identify the exact number of Palestinian refugees, as different sources report different numbers. The BADIL Resource Center for Palestinian Residency and Refugee Rights found that there are approximately 8.36 million refugees as of 2021,¹⁰³ while other official UN sources count 5,9 million people eligible for its services.¹⁰³ For the purpose of this research only official UN data will be considered.

¹⁰⁴ In the aftermath of WWII, multiple *ad hoc* agencies were established by the United Nations to provide aid to refugee people. An example is the United Nations Korean Reconstruction Agency (UNKRA), which provided humanitarian aid and reconstruction assistance in South Korea from 1950 to 1958. UNKRA was a temporary mission operating for less than a decade and once the situation was stabilized it was dismantled.

¹⁰⁵ UNHCR, *UNHCR - Refugee Statistics*, UNHCR, 2024, <https://www.unhcr.org/refugee-statistics>.

This section is further divided into two parts. The first subdivision briefly reviews the main events and historical developments that resulted into one of the most controversial and debated refugee crisis in modern history, eventually leading to the establishment of UNRWA. Building on what discussed in the previous sections and on the historical overview provided, the second part considers the legal implications of this peculiar refugee regime. Main differences between the Palestinian case and the UNHCR framework will be analyzed and discussed.

3.1 Journey to Refugeehood

To understand the complex situation of the Palestinian people, it is necessary to analyze the history of the region since the partition of the Ottoman Empire between France and the United Kingdom, with the 1916 Sykes-Picot Agreement.¹⁰⁶ Despite the original decision to leave Palestine under international regime due to its religious and holy places,¹⁰⁷ the situation quickly shifted during World War I. In 1917, British forces captured Jerusalem during their campaign against the Ottoman Empire, effectively bringing Palestine under British military control. After the war ended, the League of Nations formalized British control through the British Mandate for Palestine,¹⁰⁸ officially established at the San Remo Conference in 1922.¹⁰⁹ Meanwhile, British policy towards Palestine was already taking shape. In 1917, the same year British forces captured Jerusalem, the British government issued the Balfour Declaration, a letter sent by former Foreign Secretary, Arthur James Balfour, to Lord Rothschild, leader of the Jewish community.¹¹⁰ The relevance of this declaration stems from a pivotal statement expressing support for “the establishment in Palestine of a national home for the Jewish people”.¹¹¹ This declaration, intended to secure wartime alliances and support,¹¹² laid the foundation for a future British policy that would influence the mandate's administration, as it was also cited into the preamble of the second

¹⁰⁶ N. CITINO, A.M. GIL, K.P. NORMAN, *Generations of Palestinian Refugees Face Protracted Displacement and Dispossession*, Migration Policy Institute, 2023, <https://www.migrationpolicy.org/article/palestinian-refugees-dispossession>.

¹⁰⁷ P.C.R TERRY, *Britain in Palestine (1917-1948) - Occupation, the Palestine Mandate, and International Law*, University of Bologna Law Review 2, no. 2, 2017, 189.

¹⁰⁸ The mandate system of the League of Nations was established after World War I to administer territories formerly controlled by the Central Powers. These territories, deemed "mandates," were considered not yet ready for self-governance, and the system aimed to prepare them for eventual independence. The mandates were classified into three categories - A, B, and C, depending on their level of development and the degree of responsibility entrusted to the administering powers. For more information see: <https://www.britannica.com/topic/mandate-League-of-Nations>

¹⁰⁹ Ibid.

¹¹⁰ R. PAGE, *Balfour Declaration*, House of Commons Library, 2016, <https://researchbriefings.files.parliament.uk/documents/CBP-7766/CBP-7766.pdf>.

¹¹¹ A.J. BALFOUR, *Balfour Declaration*, Israeli Ministry of Foreign Affairs, 1917 available at http://www.mfa.gov.il/MFA_Graphics/MFA%20Gallery/2003/3/MFAJ0ca10.jpg, retrieved 21/06/2014.

¹¹² P.C.R TERRY, cit supra note 108, 194.

article of the mandate itself.¹¹³ Despite the number of Jews in Palestine growing in the 1930s mainly due to the rise of Nazism in Europe, the Jewish population remained a minority due to the migration bans previously introduced by Ottoman authorities.¹¹⁴ The breakthrough came with WWII and the Holocaust, which left hundreds of thousands of Jews displaced across the European continent,¹¹⁵ increasing the pressures on the British government, already weakened by upheavals, violence between Arab and Jewish communities, and terrorism growing in the region. As a first attempt to settle the critical question, London proposed the Morrison-Grady Plan, in 1946. The plan was drafted by British Deputy PM Herbert Morrison and US Diplomat Henry Grady and it was based on the Anglo-American idea that Palestine should neither be a Jewish nor Arab state.¹¹⁶ The plan proposed a partition of Palestine into four different cantons (a Jewish one, an Arab one, Jerusalem, and the Negev region), under the overall framework of British trusteeship.¹¹⁷ The plan also proposed the immediate admission of 100,000 Jewish refugees into Palestine, which was a contentious issue following the Holocaust.¹¹⁸ However, the plan was rejected by both sides—Zionists opposed it because of the limited portion of land (17% of Palestine) granted to their community,¹¹⁹ while Arabs rejected it as they opposed the partition of Palestine and further Jewish immigration.¹²⁰

The ungovernability of Palestine and the failure of this proposal led the United Kingdom to renounce to its mandate in early 1947 and to delegate the delicate question of Palestine to the newly-established United Nations.¹²¹ A few months later, following the Anglo-American attempt to calm the tensions in the region and find a durable remedy, the UNGA established United Nations Special Committee on Palestine (UNSCOP), composed of eleven countries tasked with observing the situation of Palestine and suggest solutions.¹²² In September 1947, UNSCOP

¹¹³ A. GINAT, *British Mandate for Palestine, in: 1914-1918*, International Encyclopedia of the First World War, Freie Universität Berlin, 2018.

¹¹⁴ N. CITINO, A.M. Gil, K.P. Norman, cit supra note 106.

¹¹⁵ Ibid.

¹¹⁶ R. OVENDALE, *The Origins of the Arab Israeli Wars*, Oxford: Taylor & Francis Group, 2004, 107.

¹¹⁷ E. FRIESEL, *Toward the Partition of Palestine: The Goldmann Mission in Washington, August 1946*, Nahum Goldmann: Statesman Without a State, ed. Mark A. Raider 2009, 5.

¹¹⁸ R. OVENDALE, cit supra note 117, 108.

¹¹⁹ C. SHINDLER, *Opposing Partition: The Zionist Predicaments after the Shoah*, Israel Studies 14, no. 2, 2009, 95.

¹²⁰ Ibid, 108-109.

¹²¹ N. CITINO, A.M. Gil, K.P. Norman, cit supra note 106.

¹²² L. TAKKENBERG, *The United Nations Role in the Question of Palestine: A Moral Imperative for Justice*, Arab Renaissance for Democracy and Development, 2024, <https://ardd-jo.org/blogs/the-united-nations-role-in-the-question-of-palestine-a-moral-imperative-for-justice/>.

reported the following recommendations:¹²³ first, to terminate the British mandate and second, to divide Palestine into an Arab state and a Jewish state,¹²⁴ leaving Jerusalem as a *corpus separatum* under UN administration.¹²⁵ They also suggested that an economic union should be established between the two states.¹²⁶

Building on the UNSCOP's work, on November 29, 1947, the UNGA adopted Resolution 181(II), which reads as follows:

*“The General Assembly, having met in special session at the request of the mandatory Power to constitute and instruct a Special Committee to prepare for the consideration of the question of the future Government of Palestine at the second regular session; [...] considers that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations; [...] and it requests that the] Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, [...], shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed but in any case not later than 1 October 1948”.*¹²⁷

So, Resolution 181 determined the boundaries of the two States.¹²⁸ The Arab State was given 43% of Palestine, while the Jewish state was intentionally drawn to be slightly larger, 56% of the total area.¹²⁹ An immediate problem of such partition, and arguably the most important, arose from the clauses concerning the boundaries of the two States. The difficulty of partition was indeed compounded by the fact that the two communities had long been intermingled, as well as by the lack of obvious boundaries.¹³⁰ This led to an artificial division of Palestine and a complete disregard of the interests of people inhabiting the region for centuries. Such partition was perceived as deeply unjust, but most scholars contend that the Arab population's opposition to the

¹²³ The 11 member states composing the Committee were: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, The Netherlands, Peru, Sweden, Uruguay, and Yugoslavia. The proposal was endorsed by 7 members, while 3 other states supported the creation of a federation with an Arab and a Jewish canton. Australia abstained from voting. For more information see: <https://ecf.org.il/issues/issue/454>

¹²⁴ This partition results from the earlier Morrison-Grady Plan, proposed by the UK and USA in 1946 and rejected by the communities.

¹²⁵ M. HEIAN-ENGDALE, J. JENSEHAUGEN, H.H. WAAGE, *Finishing the Enterprise: Israel's Admission to the United Nations*. The International History Review 35, no. 3, 2013, 467.

¹²⁶ ECF DATABASE, *UNSCOP Report (1947)*, Ecf.org.il, 2015, <https://ecf.org.il/issues/issue/454>.

¹²⁷ UNITED NATIONS GENERAL ASSEMBLY, Resolution 181, 1948.

¹²⁸ Boundaries of the two states are established in Part II of Resolution 181, where paragraph A deals with the Arab State and Paragraph B with the Jewish one. The special regime of the City of Jerusalem is regulated in Part III of the Resolution.

¹²⁹ L. KAMEL, *Framing the Partition Plan for Palestine*, The Cairo Review of Global Affairs, 2022, <https://www.thecaireview.com/essays/framing-the-partition-plan-for-palestine/>.

¹³⁰ Ibid.

establishment of a Jewish state on Palestinian territory was so strong that they were likely to reject any proposal involving the division of land.¹³¹

The result of Resolution 181 was political deterioration in Palestine.¹³² Violence between the Arab and the Jewish communities began even before the adoption of the Resolution in November 1947.

What started as a civil war in Mandatory Palestine quickly turned into a full-fledged international conflict, when the British concluded their withdrawal and the state of Israel formally came to existence on May 15, 1948,¹³³ changing drastically the geopolitics of the Middle East.¹³⁴ The day after Israel declared its independence, Syria, Transjordan, Lebanon, Egypt, and Iraq entered Palestinian territory and engaged in combat with Israeli forces, sparking the first Arab-Israeli conflict, which resulted in the unexpected victory of the newly established Israeli army due to the lack of coordination of Arab forces.¹³⁵ In ten months, the Israeli forces invaded and overtook the control of most areas of Palestine originally assigned to the Arab community by Resolution 181. At the conclusion of the conflict, Israel had taken control of 78% of Palestinian territory, over three-quarters of the Palestinian population had been displaced, and more than 400 towns and villages had been destroyed.¹³⁶ In Israel, this conflict is commonly referred to as “*Milhemet Ha'Atzmaout*” (War of Independence).¹³⁷ In Palestine, the same event is instead known as “*al-Nakba*” (the disaster), and it is traditionally associated to the beginning of the Palestinian refugee crisis.¹³⁸ To this day, *al-Nakba* remains a key component in the formation of the Palestinian collective memory and identity.¹³⁹

In the Palestinian narrative, the United Nations and the British government must be held liable as the ultimate actors responsible for their plight.¹⁴⁰ In this regard, it is interesting to read at the passage reported below from a letter written by a refugee from Shafa Amr to the British Prime Minister Clement Attlee and quoted by Anne Irfan in her work “Refugee and Resistance”. The

¹³¹ M. BUNTON, *Après Nous Le Déluge: Britain, the United Nations, and the 1947 Partition Plan*, in *The Journal of Modern Hellenism*, No. 30, 2014, 19.

¹³² W. KHALIDI, *Selected Documents on the 1948 Palestine War*, in the *Journal of Palestine Studies*, Vol. 27, No. 3, 1998, 62.

¹³³ *Ibid*, 60.

¹³⁴ B. MORRIS, *1948 Refugees*, *Israel Law Review* 51, no. 1, 2018, 47.

¹³⁵ N. CITINO, A.M. GIL, K.P. NORMAN, *cit supra* note 106.

¹³⁶ A.E. IRFAN, *Refuge and Resistance*, Columbia University Press, 2023, 22.

¹³⁷ *Ibid*, 25.

¹³⁸ L. WEISS, *Conflicting Narratives of the 1948 War*, *The Journal of Global Affairs*, 26, 2016, 1 <https://hdl.handle.net/11244.46/77>.

¹³⁹ A. QABAHA, B. HAMAMRA, *The Nakba Continues: The Palestinian Crisis from the Past to the Present*, in *Janus Unbound: Journal of Critical Studies*, Vol. 1, No. 1, 2021, 30.

¹⁴⁰ A. ROMIROWSKY, *Arab-Palestinian Refugees*, *Israel Studies* 24, no. 2, 2019, 91.

passage reads: “*We were under the protection of the British crown for thirty years, but the result is that we are scattered away, far from our homes, our country and our people. [...] O democrats who defend human beings’ rights and sectioned the same in the United Nations Organization. Use your powers to send us back to our country, our homes, and our people*”.¹⁴¹ This quotation is interesting as it highlights two important aspects: the first one being that the Palestinian people were well aware of their condition and tried to persuade the British government to take responsibility for what had happened to them, and secondly, the *Nakba* had neither destroyed nor weakened the Palestinian political consciousness.¹⁴² On the contrary, Riccardo Bocco interestingly noted that the Palestinian people are a unique example in the region of nation-building preceding state-building.¹⁴³ Arguably, the condition of statelessness and the status of refugee have significantly formed and shaped the collective identity of the Palestinian people and as it will be discussed in the upcoming chapters, this factor played considerable influence on UNRWA and its action.

The journey the greatest majority of Palestinians undertook to seek refuge in border countries is known as “*Al-Hijra*”, and it should not only be understood as a mere geographical change. Rather, it was also as a social and legal transformation. From citizens to refugees, from statehood to statelessness.¹⁴⁴ A dispossession that has lasted over 75 years.

3.2 Addressing Displacement: The UN's Early Efforts in Palestine

When considering the actions of the United Nations in Palestine it is easy to raise criticisms and concerns, as the outcomes have often fallen short of expectations. However, the United Nation’s constant and perpetual effort to pursuit peace and to uphold human rights and humanity in Palestine cannot and must not be forgotten. This section aims at providing an overview of the steps taken by the United Nations to mediate between the two peoples and to alleviate the hardships faced by hundreds of thousands of individuals.

In the immediate aftermath of the *Nakba*, the United Nations promptly established *ad hoc* institutions to deal with the impressive number of refugees fleeing Palestine and took notable steps to reduce their sufferings and to provide them aid and support. The first of such steps was appointment of the United Nations Mediator for Palestine, Swedish diplomat Count Folke

¹⁴¹ Letter from Ali Ahmed el-Abed, Wavell Refugee Camp, 1950, quoted in A.E. Irfan, cit supra note 137.

¹⁴² A.E. IRFAN, cit supra note 137, 33.

¹⁴³ R. BOCCO, *UNRWA and the Palestinian Refugees: A History within History*, Refugee Survey Quarterly 28, no. 2-3, 2009, 239.

¹⁴⁴ Ibid.

Bernadotte in May 1948,¹⁴⁵ to address the immediate and long-term challenges in the region. As per the content of UNGA Resolution 186 (S-2), the Mediator's primary duties included ensuring the operation of essential services for the safety and well-being of Palestine's population, protecting holy sites and religious buildings, and promoting a peaceful resolution for Palestine's future.¹⁴⁶ The Mediator was also instructed to work in coordination with the Security Council's Truce Commission¹⁴⁷ and engage with other humanitarian organizations, as well as non-political entities to support the welfare of the inhabitants. It is worth mentioning also the efforts of the Mediator in persuading Israel to admit a limited number of Arab refugees, which however were always rejected by the Jewish authorities. In this regard it is interesting to read paragraph 5.6 of the Progress Report of the Mediator on Palestine in 1948, worded as follows:

*"It is not yet known what the policy of the Provisional Government of Israel with regard to the return of Arab refugees will be when the final terms of settlement are reached. It is, however, undeniable that no settlement can be just and complete if recognition is not accorded to the right of the Arab refugee to return to the home from which he has been dislodged by the hazards and strategy of the armed conflict between Arabs and Jews in Palestine. [...] It would be an offence against the principles of elemental justice if these innocent victims of the conflict were denied the right to return to their homes while Jewish immigrants flow into Palestine, and, indeed, at least offer the threat of permanent replacement of the Arab refugees who have been rooted in the land for centuries".*¹⁴⁸

In the conclusion, the Mediator added:

"The right of the Arab refugees to return to their homes in Jewish-controlled territory at the earliest possible date should be affirmed by the United Nations, and their repatriation, resettlement and economic and social rehabilitation, and payment of adequate compensation for

¹⁴⁵ L. TAKKENBERG, cit supra note 122.

¹⁴⁶ UNITED NATIONS GENERAL ASSEMBLY, Resolutions Adopted on the Reports of the First Committee: Appointment and Terms of Reference of a United Nations Mediator in Palestine, A/RES/186(S-2), paragraph II, 1948.

¹⁴⁷ The Truce Commission for Palestine was created on 23 April 1948 to support the Security Council in overseeing the implementation of Resolution 461 (1948), which called for measures to establish a truce in Palestine. Although the commission was never officially dissolved, it stopped reporting to the Council after January 1949. For more information see: https://main.un.org/securitycouncil/sites/default/files/en/sc/repertoire/46-51/46-51_05.pdf#page=10 (case 9)

¹⁴⁸ UNITED NATIONS, Progress Report of the United Nations Mediator on Palestine Submitted to the Secretary-general for Transmission to the Members of the United Nations, General Assembly Official Records: Third Session Supplements, No 11 (A/648), 1948, paragraph V.

*the property of those choosing not to return, should be supervised and assisted by the United Nations conciliation commission described in paragraph (k) below”.*¹⁴⁹

This passage is useful to understand the centrality of the question of the right to return. Since the beginning, the right of return has been source of conflict between the two parties and has always prevented the achievement of a final solution in the region. It has also significantly impacted the work of international agencies in the region, above all UNRWA, as it has prevented the agency from reaching its objectives because of the high levels of distrust and skepticisms widespread among the Palestinian people. Nevertheless, efforts of the international community in trying to settle this thorny aspect, Bernadotte’s report in the first place, should not be underestimated. The day following the submission of the aforementioned report, Mediator Bernadotte was assassinated in Jerusalem by a member of the parliamentary group Lehi.¹⁵⁰ Subsequently, the UNGA adopted Resolution 194 (III). Specifically, it decided to replace the Mediator with the United Nations Conciliation Commission for Palestine (UNCCP) to find a durable solution to the Palestinian question. Nevertheless, the relevance of this Resolution goes beyond the establishment of the UNCCP, as it also addressed the refugee question, with a special focus on the possibility of their return (while never explicitly mentioning their *right* to return). Indeed, the Resolution stated in paragraph 11 that the UNGA “*resolves that the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.*”¹⁵¹

The ultimate objective of Paragraph 11 of Resolution 194 appears to be that of providing three different mechanisms as a solution to the question of Palestinian refugees. Such mechanisms are the possibility to return, to receive a compensation, and a restitution.¹⁵² Scholars have long debated on the wording of this resolution. According to the Resolution, refugees “*should be permitted*” to return. This sentence has led to different interpretations within the academia. In their research, Baker and Bilke maintain that the term “should” encourages the return of the

¹⁴⁹ Paragraph K reads: In view of the special nature of the Palestine problem and the dangerous complexities of Arab- Jewish relationships, the United Nations should establish a Palestine conciliation commission. This commission, which should be appointed for a limited period, should be responsible to the United Nations and act under its authority. The commission assisted by such United Nations personnel as may prove necessary, should undertake. United Nations, cit supra note 121.

¹⁵⁰ L. TAKKENBERG, cit supra note 122.

¹⁵¹ UNITED NATIONS GENERAL ASSEMBLY, Resolution 194 (III). Palestine - Progress Report of the United Nations Mediator, A/RES/194, 1948, paragraph 11.

¹⁵² G.J. BOLING, *Palestinian Refugees and the Right of Return: An International Law Analysis*, BADIL - Information & Discussion Brief, no. 8 2001, 2.

refugees, it recommends it, but it ultimately delegates to Israel the possibility to effectively decide whether to let them return.¹⁵³ An alternative interpretation of Paragraph 11 suggests that Resolution 194 imposes a direct obligation on Israel to facilitate the return of Palestinian refugees.¹⁵⁴ In addition, many argue that the choice to write “their homes” instead of “areas from which they have come,” as proposed during the drafting, reinforces this interpretation, as the wording “their homes” implies a specific and personal connection to property and residence, rather than a broader, less precise reference to geographic areas.¹⁵⁵ This perspective not only aligns with the broader discussions of the time but is particularly reinforced by the conditionality linked to Israel’s admission to the United Nations.¹⁵⁶ The implementation of the resolution, regarded by the UN General Assembly as a cornerstone for achieving peace and addressing the humanitarian crisis, was indeed expected to serve as a prerequisite for Israel’s accession. However, while international actors, including the United States,¹⁵⁷ exerted pressure on Israel to comply, particularly regarding refugee repatriation, Israel resisted these demands.¹⁵⁸ Instead, it maintained a firm stance against the return of Palestinian refugees, citing security concerns and the potential demographic impact.¹⁵⁹ The UNCCP’s efforts to mediate between the two sides were considerable, but Israeli Prime Minister David Ben-Gurion firmly opposed the return of refugees *en masse*,¹⁶⁰ and the Arab States were unwilling to compromise on their demands for refugee return and territorial concessions.¹⁶¹ The failure of the Lausanne Conference (see note 161) pushed the UNCCP to attempt new strategies, and in 1949 the Economic Survey Mission (ESM) was created. The ESM was established to investigate the economic situation of the region,

¹⁵³ A. BAKER, L. BILKE, *Does a Palestinian ‘Right of Return’ Exist in International Law?*, Jerusalem Center for Security and Foreign Affairs, 2022, <https://jcpa.org/article/does-a-palestinian-right-of-return-exist-in-international-law/>.

¹⁵⁴ G.J. BOLING, cit supra note 152, 3.

¹⁵⁵ Ibid, 3.

¹⁵⁶ Ibid, 4.

¹⁵⁷ The UNCCP, established by Resolution 194 as well, was composed of three member states: Turkey, France, and the United States. The body was tasked, *inter alia*, with attempting to resolve the problem of refugees by mediating with Israel to negotiate terms of compensation and return. For more information see: “[UNRWA and the Palestinian refugees: Protecting refugee rights while structurally addressing the agency’s financially unsustainable modus operandi](#)”

¹⁵⁸ L. TAKKENBERG, cit supra note 122.

¹⁵⁹ L. FISCHER, *An Ambivalent Relationship: Israel and the UN, 1945-1949*, 2005, 12, https://www.diplomatie.gouv.fr/IMG/pdf/ONU_louise_fischer.pdf.

¹⁶⁰ A.E. IRFAN, cit supra note 136, 38.

¹⁶¹ Alternative solutions proposed by Israel included the annexation of the Gaza strip to the Israeli territory and the return of 100.000 Palestinian refugees (instead of the 250.000 expected following the division accepted by the Israeli government established by the UN Partition Plan). This proposal was advanced at the Lausanne Conference (April-September 1949), which led to no agreement between the two sides. The 1950 Geneva Conference had the same fate, with both sides reinforcing their positions.

following the escalation of the hostilities.¹⁶² This body, tasked with drafting a report to share with the UNCCP on the practical problems of resettlement, marked a shift from a political to an economic approach in the search of a remedy for the question of Palestinian refugees.¹⁶³ Also in this case, the possibility to implement paragraph 11 of Resolution 194 and allow the return of Palestinian refugees appeared further away from reality. Instead, Anne Irfan noted that the first report submitted in 1949 by the ESM focused more on the possibility of resettlement of refugees outside Palestine than on reparation and return.¹⁶⁴ What was understood was that the question of Palestinian refugee would not be easily settled and the ESM suggested the creation of a new UN agency entrusted not only with providing relief and aid, but also with coordinating and leading programs to increase the productivity of the area,¹⁶⁵ to eventually smoothen the integration of Palestinian refugees in their host countries' societies.¹⁶⁶

Following the ESM recommendation, the UNGA adopted Resolution 302 in December 1949, and with 49 votes in favor, 6 abstentions and no vote against,¹⁶⁷ instituted UNRWA. It can be rightfully assumed that UNRWA resulted from the failure of the implementation of Resolution 194 by the UNPCC.¹⁶⁸

3.3 UNRWA and the Palestinian Refugees: a Unique Framework of Protection

The following chapter focuses on UNRWA's mandate, on its activities and on how they have evolved over time. Therefore, no reference to UNRWA's operations is made in this last section, which instead aims at looking at the status of refugees under UNRWA protection and how it has evolved since the establishment of the agency.

Previous sections of this chapter have considered the international framework of refugee protection provided by the 1951 Convention and the UNHCR. As noted in relation to Article 1(D) of the aforementioned Convention, Palestinian people are excluded from the scope of action of both the UNHCR and the Convention. An *ad hoc* institution had already been established to provide aid until the crisis would be settled for once, and that was UNRWA. As mentioned above, the sole existence of this agency was (and still is) a sufficient condition for Palestinian refugees

¹⁶² M.L. HOFFMAN, *U.N. Palestine Unit Accepts U.S. Plan: Will Send Economic Mission to Study Arab Placement and Report to Assembly*, New York Times, 1949, 11.

¹⁶³ Ibid.

¹⁶⁴ A.E. IRFAN, cit supra note 136, 38.

¹⁶⁵ UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE, *Final Report of the United Nations Economic Survey Mission for the Middle East*, United Nations, 1949.

¹⁶⁶ A.E. IRFAN, cit supra note 136, 38.

¹⁶⁷ L. TAKKENBERG, cit supra note 122.

¹⁶⁸ K. MICHAEL, M. HAUTEL-RADOSHITZKY, *Seventy Years to UNRWA-- Time for Structural and Functional Reforms*, Institute for National Security Studies, 2022, 17.

not to fall within the scope of the international framework of refugee protection. Contrarily to what one may conclude, the decision to exclude the Palestinians from the international framework of refugee protection was not intended to decrease the level of their protection. Instead, the international community agreed that the Palestinian case was *sui generis*, and as such it required a special framework of protection.¹⁶⁹ Once established that UNRWA would provide for a tailored protection to Palestinian refugees, the agency was called to address the first major problem concerning the definition of *who* is exactly a Palestinian refugee, since neither Resolution 194 nor Resolution 302 established it.¹⁷⁰ This was problematic as definitions draw clear lines between who is entitled to receive aid and benefit from the agency's services and who is not. Indeed, after the first Arab-Israeli conflict, the term Palestinian refugee included *both* Jewish and Arab individuals.¹⁷¹ Since refugees living within the Israeli territory (both Jews and Arabs) were under the responsibility of the government of Israel, UNRWA took charge of Arab refugees living in Syria, Jordan, Lebanon, West Bank, and in the Gaza Strip.¹⁷² Note that after this distinction between Israeli and UNRWA areas of competence, the term "Palestinian refugee" became to be used only to address people under the protection of UNRWA. However, UNRWA still lacked an official definition. In 1950, the agency finally provided its own first definition¹⁷³ of Palestinian refugees as those: "*people whose normal place of residence was Palestine between June 1946 and May 1948, and who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.*"¹⁷⁴ Two considerations stem from this passage. Firstly, this is an operational rather than legal definition.¹⁷⁵ Secondly, this definition differs from the definition of refugee provided in the 1951 Convention.¹⁷⁶

Concerning the first consideration, definition under UNRWA resulted precisely from the necessity of identifying who was eligible for assistance under UNRWA's mandate, rather than to establish their legal status as refugees under international law. So, the operational approach aimed to streamline the delivery of humanitarian aid and services to those directly impacted by the 1948 conflict, focusing on immediate needs rather than broader legal protections or status

¹⁶⁹ S.M. AKRAM, *Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution*, in *Journal of Palestine Studies*, Vol. 31, No. 3, 2002, 40.

¹⁷⁰ A.E. IRFAN, cit supra note 136, 40.

¹⁷¹ K. MICHAEL, M. HAUTEL-RADOSHITZKY, cit supra note 168, 28.

¹⁷² Ibid, 29.

¹⁷³ The choice of using the word "first definition" stems precisely from the numerous times the definition has undergone substantial change.

¹⁷⁴ S.M. AKRAM, cit supra note 169, 39.

¹⁷⁵ I. FELDMAN, *The Challenge of Categories: UNRWA and the Definition of a 'Palestine Refugee'*, in *Journal of Refugee Studies*, Vol. 25, No. 3, 2012, 388.

¹⁷⁶ S.M. AKRAM, cit supra note 169, 39.

considerations. For what concerns the second consideration, there is a substantial difference in the nature of the approach between the definition provided by UNRWA and the one in the 1951 Convention. The former is restricted to individuals in material need and geographically tied to Palestine. The latter defines refugees based on a well-founded fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion.¹⁷⁷ In this sense the definition of refugee provided by the 1951 Convention emphasizes a protection-based approach, safeguarding refugees from persecution and facilitating legal pathways for resettlement or asylum. In contrast, UNRWA's criteria were tailored for a specific historical and regional context, addressing the unique challenges faced by Palestinian refugees. In this regard, one may argue that, while it is evident that the United Nations recognized the complexity of resolving the Palestinian refugee crisis, it is unlikely they anticipated that, 75 years later, the issue would remain unresolved.

Later in XX century, UNRWA definition of refugee underwent several changes. A new definition was drafted only a few months after the first one had been published. It defined a Palestinian refugee as: “*a person who in normal times was a resident of Palestine and lost his home and his livelihood as a result of hostilities and became needy.*”¹⁷⁸ This new definition significantly widened the scope of action of the agency and the number of individuals that was eligible for receiving aid from it. Few years later, the definition was modified again, claiming that Palestinian refugees were those “*whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict*”.¹⁷⁹ The abolition of the “in need” requirement meant that people who did not previously qualify as eligible for UNRWA services could claim the Palestinian refugee status thus falling within UNRWA protection.¹⁸⁰

Kobi Michael and Michal Hatuel-Radoshitzky have meticulously analyzed the evolution of the Palestinian refugee status, and they analyzed some collateral aspects to the definition of Palestinian refugees. In particular they have focused on the question of descendants, a sensitive and complex aspect of the broader definition of Palestinian refugees, shedding light on the generational dimension of this protracted crisis. Here are two definitions which have demonstrated to be particularly relevant.

¹⁷⁷ J. SEKULOW, *UNRWA Has Changed the Definition of Refugee*, Foreign Policy, 2018, <https://foreignpolicy.com/2018/08/17/unrwa-has-changed-the-definition-of-refugee/>.

¹⁷⁸ K. MICHAEL, M. HAUTEL-RADOSHITZKY, cit supra note 168, 29.

¹⁷⁹ J. SEKULOW, cit supra note 177.

¹⁸⁰ K. MICHAEL, M. HAUTEL-RADOSHITZKY, cit supra note 168, 29.

When the first definition of Palestinian refugee was first adopted by UNRWA, there was no explicit reference to the question of descendants.¹⁸¹ This may once again be explained by the fact that it was probably believed that the refugee crisis would be settled in a short period of time. As the crisis continued over the years, the necessity of including second-generation refugees under the mandate of UNRWA arose. The first extension concerned only descendants of male refugees including legally adopted children. In 1965 the definition was enlarged further by applying also to the third generation of refugees, and finally in 1982 it extended to *all* generations.¹⁸² The status of Palestinian refugee is therefore handed down with virtually no limitations, and all descendants of refugees are entitled to receive UNRWA services.¹⁸³ Despite many arguing that the extension of the refugee status to future generations and the prolonged refugee crisis of the Palestinian people constitute a unique case, the UN has observed that there are other refugee crises under the UNHCR mandate that have lasted for a considerable amount of time, namely that in Afghanistan and Somalia.¹⁸⁴ There are arguably other peculiarities of the refugee status of the Palestinian people that are not to be found in refugees within the UNHCR's mandate.

A striking feature of the refugee status under UNRWA that is unparalleled in other frameworks of refugee protection concerns the acquisition of a new nationality. If a Palestinian refugee under the protection of UNRWA obtains another country's citizenship, he or she does not become ineligible to benefit from the agency's services.¹⁸⁵ UNRWA official website reports that as of 2024 there are approximately 2,5 million Palestinian refugees living in Jordan and the largest majority (approximately 2,3 million) of them possess a Jordanian citizenship.¹⁸⁶ If one considers that the total number of refugees qualified to receive UNRWA assistance is approximately 5.9 million refugees, it can be concluded that almost 40% of Palestinian refugees are Jordan citizens.¹⁸⁷ This scenario is not allowed under the international framework of refugee protection, as Article 1(C)(3) of the 1951 Convention specifies that the acquisition of a new nationality is one of the conditions under which the Convention ceases to apply.¹⁸⁸ This aspect, concerning the acquisition of a new

¹⁸¹ Ibid, 30.

¹⁸² Ibid, 31.

¹⁸³ Ibid.

¹⁸⁴ Ibid, 32.

¹⁸⁵ Ibid.

¹⁸⁶ UNRWA, *Protection in Jordan*, updated March 2024, <https://www.unrwa.org/activity/protection-jordan#:~:text=In%20Jordan%2C%20the%202%2C5,of%20the%20June%201967%20hostilities>.

¹⁸⁷ In this regard it is interesting to add that Jordan has always refrained from providing services such as education and healthcare to Palestinian refugees with Jordanian citizenship, since they can access UNRWA facilities. This has a considerable impact also on the process of integration of Palestinian refugees in the societies of their host countries, leading to marginalization and exclusion.

¹⁸⁸ UNITED NATIONS GENERAL ASSEMBLY, cit supra note 86, Article 1(C).

nationality, is directly tied to the debate over the rights of Palestinian refugees because, unlike refugees under the UNHCR mandate, Palestinians who obtain a new citizenship retain their refugee status under UNRWA. This reflects the unique legal framework designed to preserve their right of return and recognition as part of the unresolved Palestinian question, emphasizing the distinct political and historical dimensions of their status.

A similar provision is to be found in the Qualification Directive of the European Parliament (Directive 2011/95/EU), which governs the criteria for granting international protection within the EU. In particular, Article 11(C) reads:

*“[A third-country national or a stateless person shall cease to be a refugee if he or she] has acquired a new nationality and enjoys the protection of the country of his or her new nationality.”*¹⁸⁹

The same rationale is adopted in Canada, where Section 108(1)(a) of the Immigration and Refugee Protection Act (IRPA) states that a person’s refugee protection ceases if they have *“acquired a nationality or re-established the protection of the country of their nationality”*¹⁹⁰ and in the United States, where Section 207(c)(4) of the Immigration and Nationality Act, establishes that the refugee status terminates if a person *“has acquired a new nationality and enjoys the protection of the country of that new nationality.”*¹⁹¹

Despite the acquisition of a new nationality being an apparently sufficient reason for the termination of the refugee status in most systems of refugee protection, UNWRA’s definition of Palestinian refugee does not include a similar provision.¹⁹²

There is one last aspect raised by Michael and Hatuel-Radoshitzky in their analysis that is worth mentioning: the possibility of a refugee being involved in terrorism or in other serious criminal activities. As mentioned in the first section of the chapter, Article 1(F) of the 1951 Convention reads:

“The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

¹⁸⁹ EUROPEAN UNION, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted, Official Journal of the European Union L 337/9, 2011, Article 11(1)(e).

¹⁹⁰ GOVERNMENT OF CANADA, *Immigration and Refugee Protection Act*, S.C. 2001, c. 27. Section 108(1)(a).

¹⁹¹ U.S. CONGRESS, *Immigration and Nationality Act*, United States Code, 1952 Section 207(c)(4).

¹⁹² J. SEKULOW, *cit supra* note 177.

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations.”¹⁹³

Also in this case, the EU aligns with the international framework of protection with Article 12(2) of Directive 2011/95/EU mirroring Article 1(F) of the 1951 Convention. On the contrary, UNWRA does not foresee a procedure to revoke refugee status when individuals are involved in severe criminal activities, first and foremost terrorism.¹⁹⁴ As discussed in the third chapter of this research, the involvement of Palestinian refugees and UNRWA staff in terrorism has created significant challenges for the agency's accountability, prompting many countries to reduce their funding. The lack of formal procedures to revoke refugee status for individuals involved in such activities has arguably deepened these accountability issues. This is compounded by a widespread perception that UNRWA takes limited action to identify and penalize refugees engaged in terrorism, further eroding its credibility.¹⁹⁵

Contrarily to what happens with the definition of refugee under the 1951 Convention, the definition of Palestinian refugee is not established in a treaty, and it has been defined as practical and operational rather than legal.¹⁹⁶ Precisely because of its operational nature, the definition has been changed frequently, to adapt to the changing needs of the Palestinian refugee population and to include more individuals within the agency's mandate. As a result of this, however, UNRWA today provides services and relief to almost 6 million individuals, a number that would quite possibly be lower if the standards of protection established by the 1951 Convention as well as by the European Parliament Directive 2011/95/EU were to be applied.¹⁹⁷

Conclusion

This chapter has considered the evolution of the refugee status under international law, from early developments to the current international framework of protection, embodied in the UNHCR and the 1951 Refugee Convention. The latter was extensively discussed and considered,

¹⁹³ UNITED NATIONS GENERAL ASSEMBLY, cit supra note 86, Article 1(F).

¹⁹⁴ MICHAEL, M. HAUTEL-RADOSHITZKY, cit supra note 168, 34.

¹⁹⁵ Ibid.

¹⁹⁶ I. FELDMAN, cit supra note 175, 388.

¹⁹⁷ MICHAEL, M. HAUTEL-RADOSHITZKY, cit supra note 168, 34.

especially Article 1, which defines who is entitled to receive the refugee status. In particular, Article 1(D) was discussed, as it excludes refugees receiving assistance from another agency from falling within the UNHCR's mandate. This provision is crucial when considering the Palestinian refugee crisis, as the existence of UNRWA, an *ad hoc* UN agency created to provide immediate relief to the Palestinian refugees, has always prevented the inclusion of the Palestinian refugee community in the international framework of refugee protection. The focus was then shifted on the framework established by this peculiar agency in 1950, considering *inter alia* its major differences with the system of the 1951 Convention. The following chapter considers the mandate and the practical activities of UNRWA, while always advancing comparisons with UNHCR. The analysis put forward in the second chapter will prove essential for the evaluation of the agency's activities in the third and final chapter of this thesis.

Chapter 2 – UNRWA: Structure, Mandate, and the Intersection of Politics and Relief

The second chapter of this research discusses UNRWA, providing an overview of the Agency and focusing on different features: its historical development, its mandate, its original functions, and the evolution of its scope overtime. Such in depth study of UNRWA is necessary to appropriately assess the way the agency operates and to achieve the ultimate objective of this research, namely providing an overall evaluation of the agency's role in the settlement of the refugee question in Palestine. For this reason, this chapter is organized as follows. Firstly, the research will consider UN resolutions that have established the mandate of UNRWA. Secondly, a discussion on the ambiguous nature of the agency will be presented. Having introduced the legal framework of the agency, the focus will finally shift over the tasks of UNRWA and their evolution overtime.

1. Structure

UNRWA is a very peculiar agency. It is one of the largest UN programs with approximately 30,000 employees, and it is unique in that it delivers services directly to its beneficiaries.¹ Most UN humanitarian and development agencies, such as the UNHCR, typically partner with governments, NGOs, or implementing agencies to carry out their programs.² In contrast, UNRWA directly operates and manages services such as schools, healthcare centers, and social assistance programs without relying on intermediaries. Another interesting characteristic is that its status as a subsidiary organ to the UNGA³ makes it one of the few agencies that directly report to the Assembly.⁴ UNRWA is headed by the Commissioner-General (or Director), who is an Under-Secretary-General of the UN.⁵ The Commissioner-General is appointed every five years by the UNSC without a procedure of approval or confirmation, and he or she reports directly to the UNGA, through the fifth committee.⁶ At first, the Commissioner-General was required to take decisions in consultation with the UNSC, but this requirement was eliminated in 1991, resulting in a widening of the agency's autonomy.⁷ The Commissioner-General must consult only with the Advisory Commission, which is composed by ten countries: France, the UK, the US, Turkey

¹ UNRWA, *Organizational Structure*, UNRWA, 2024.

² K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 1, 36.

³ Article 7(2) and 22 of the UN Charter envisage the possibility for the UNGA to establish subsidiary organs if necessary to the performance of its functions.

⁴ L. BARTHOLOMEUSZ, *The Mandate of UNRWA at Sixty*, Refugee Survey Quarterly 28, no. 2-3, 2009, 454.

⁵ Ibid.

⁶ N. NACHMIAS, AND E.A. BELGRAD, *Five decades of humanitarian aid: the case of UNRWA*, in *Towson State Journal of International Affairs*, No. 39 1994, 35.

⁷ Ibid.

(original members), Syria, Jordan, Lebanon, Egypt, Belgium, and Japan.⁸ However, Nachmias and Belgrad noted that the Advisory Commission's varied composition often prevents it from reaching a minimum consensus, which is essential for it to be effective.⁹ UNRWA has two headquarters, in Amman and Gaza, and each areas of operation has its field office, responsible *inter alia* for monitoring the delivery of services and responding pressing needs.¹⁰ Out of the 30,000 personnel, the largest majority are Palestinian refugees themselves.¹¹ This extraordinary inclusion of the beneficiaries in the staff of the agency suggests that UNRWA was conceived – and structured – to empower the refugees.¹² The original idea was to create a self-sustaining system for the Palestinian refugees from the Palestinian refugees.¹³ Chapter three will delve more in detail on the dependency and scarce self-reliance that has emerged over the decades.

2. Mandate and its evolution

The mandate of an organization establishes its main mission and the activities it may or must perform in order to achieve its aim.¹⁴ Unlike other UN bodies and agencies – such as UNHCR – UNRWA does not have a constituent document or a statute. Instead, UNGA resolutions serve as the primary sources of its mandate.¹⁵ The UNGA regularly adopts resolutions¹⁶ known as “*Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*” and “*Persons displaced as a result of the June 1967 and subsequent hostilities*”.¹⁷ UNRWA's mandate has evolved over time to adapt to new emerging needs.¹⁸ In this regard, Bartholomeusz noted how UNRWA's mandate was purposely intended as flexible by the UNGA.¹⁹ The following sections explore the objective of the mandate, the individuals falling within its scope, and its temporal dimensions.

⁸ Ibid.

⁹ Ibid.

¹⁰ UNRWA, cit supra note 1.

¹¹ M. AWADEH, *UNRWA: An Indispensable Agency*, 2020, 29.

¹² Ibid.

¹³ Ibid.

¹⁴ L. BARTHOLOMEUSZ, cit supra note 4, 453.

¹⁵ Ibid, 454.

¹⁶ The last Resolution adopted of this kind is A/RES/78/73 and it dates back to December 2023. The resolution acknowledges the critical protection needs of Palestinian refugees across the region and encourages UNRWA's ongoing efforts to provide essential services. It also emphasizes the importance of continued international support to ensure the agency's effective functioning. For more information see: <https://docs.un.org/en/A/RES/78/73>.

¹⁷ Ibid, 455.

¹⁸ L. BARTHOLOMEUSZ, cit supra note 4, 474.

¹⁹ Ibid.

2.1 *Ratione Materiae: Scope and Objectives of UNRWA's Mandate*

As anticipated in the first chapter, the agency was established through UNGA Resolution 302 (IV), which outlines its primary objectives in Paragraph 7:

“[The General Assembly] establishes the United Nations Relief and Works Agency for Palestine Refugees in the Near East:

(a) To carry out in collaboration with local governments the direct relief and works programs as recommended by the Economic Survey Mission;

(b) To consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.”²⁰

Resolution 302 (IV) thus assigned UNRWA two tasks: the first is to collaborate with local governments to provide immediate assistance and employment opportunities as advised by the ESM; and the second one is to assist Near Eastern governments in preparing for the eventual withdrawal of international aid. Together with UNGA Resolution 194(III),²¹ Resolution 302 (IV) forms the backbone of UNRWA, establishing it as a humanitarian organization.²² As it can be grasped from Resolution 302 (IV), at the beginning, the focus was placed on the provision of relief and on the economic integration of refugees in the host States.²³ This idea is stressed in the fourth paragraph of UNGA Resolution 393 (V), which reads:

“The reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area.”²⁴

The emphasis on reintegration through repatriation or resettlement reflects early international efforts to phase out reliance on humanitarian aid. However, this program of large-scale integration failed,²⁵ leading to a shift in the agency's focus from short-term relief to long-term human development.²⁶ Oldfield notes that UNGA Resolution 614 (VII) and Resolution 1315 (XIII)

²⁰ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/302 (IV), 1949, para 7.

²¹ Resolution 194 (III), adopted on 11 December 1948, formally acknowledged the plight of Palestinian refugees displaced by the 1948 Arab-Israeli conflict. It established an international framework for dealing with their situation, which led to the eventual creation of UNRWA through Resolution 302 (IV) in 1949.

²² K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 9.

²³ E. OLDFIELD, *An Agency in Evolution*, in *UNRWA in Focus: Briefing Papers*, No. 1, 2021, 1.

²⁴ UNITED NATIONS GENERAL ASSEMBLY, *Reintegration of Palestine Refugees into the Economic Life of the Near East*, A/RES/393(V), para 4, 1950.

²⁵ E. OLDFIELD, cit supra note 24, 1.

²⁶ L. BARTHOLOMEUSZ, cit supra note 4, 452.

exemplify this change, in that the former stresses the urgency to increase the agency's relief expenditures, while the latter highlighted vocational training, self-sufficiency, primary education, basic healthcare, and ongoing relief as the foundational framework for UNRWA's operations.²⁷ Today, UNRWA runs one of the largest educational systems in the region, offering free primary and secondary education to hundreds of thousands of Palestinian refugee children.²⁸ Similarly, its healthcare services and infrastructure provide crucial support to refugee communities, mitigating the impact of poverty, displacement, and political instability.²⁹

As mentioned above, this adaptability stems from the fact that UNRWA's mandate is not codified in a statute, allowing for ongoing modifications.³⁰ Although the mandate underwent continuous evolution, it should be noted that the *raison d'être* of the agency, namely that of providing relief to the plight of the Palestinian refugees, was left untouched.³¹ When considering the objectives of the agency, it is also important to highlight that UNRWA was never entrusted with finding a durable solution to the Palestinian refugee issue.³² This characteristic is peculiar if compared to the UNHCR, which is instead required by its mandate to provide durable solutions – namely voluntary repatriation, local integration in the host state, and resettlement to a third country.³³ Differently, UNRWA does not have the authority to resettle refugees.³⁴ This aspect will be greatly discussed in the last chapter of this research, as it has been considered by both donor states and scholars as a weakness of the agency.³⁵ For example, Benjamin Schiff, has argued that UNRWA's inability to identify and implement durable solutions has been a significant weakness of the agency, particularly in comparison to the UNHCR.³⁶ In this regard, it will be argued that this represents indeed an obstacle to the effectiveness and usefulness of the agency, and that a further expansion of its mandate may be needed. However, this section does not seek to propose reforms or recommendations; rather, it aims to analyze the evolution of UNRWA's mandate over time and its current scope. In that, UNRWA today remains primarily a humanitarian agency, lacking the capacity to facilitate a durable resolution to the Palestinian refugee crisis.

²⁷ E. OLDFIELD, cit supra note 23, 1.

²⁸ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 12

²⁹ A. AGER, M. ALAMEDDINE, S. WITTER, F. M. FOUAD, K. DIACONU, Z. JAMAL, AND G. LOUGH, *In support of UNRWA appeal for health and dignity of Palestinian refugees*, The Lancet 391, no. 10127, 2018, 1260.

³⁰ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 13

³¹ N. NACHMIAS AND E.A. BELGRAD, cit supra note 6, 4.

³² Ibid.

³³ C. ORCHARD, *Palestinians and the Search for Protection as Refugees and Stateless Persons*, BADIL Resource Center for Palestinian Residency and Refugee Rights and European Network on Statelessness, 2022, 4.

³⁴ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 9.

³⁵ Ibid, 36.

³⁶ K.G. Berg, J. Jørgen, and A.T. Åge, cit supra note 2, 9.

2.2 *Ratione Personae: the Population Covered by UNRWA*

The question of who is identified as a Palestinian refugee is very controversial and has served as a ground for complaints and criticisms over time. Neither Resolution 194 (III) nor Resolution 302 (IV) explicitly define who is a Palestinian refugee. As discussed, Resolution 302 (IV) focuses primarily on the agency's establishment, objectives, and operational framework. It assigns UNRWA the responsibility of providing relief and works programs for Palestine refugees, but it does not include a precise legal definition of who qualifies as a refugee. Similarly, Resolution 194 (III) acknowledges the existence of Palestinian refugees,³⁷ but it fails to provide a precise definition under international law. As discussed in chapter one, this vacuum was filled by UNRWA itself, which provided an operational definition that was repeatedly changed – and broadened – over time.³⁸ This aspect will be further discussed in the last chapter of this research, but for the sake of the discussion and in order to provide a clear and complete picture of the framework in which UNRWA operates, it was necessary to briefly mention the population falling within the agency's mandate. At present, UNRWA provides services to individuals who have resided in Palestine between 1, 1946, and May 15, 1948 and have lost their home due to the 1948 conflict, and their descendants.³⁹ Implications of this definition will be subsequently discussed.

2.3 *Ratione Temporis: Temporal Dimension*

Concerning jurisdiction *ratione temporis* of UNRWA, Paragraphs 5, 6, and 7(b) of UNGA Resolution 302 (IV) have to be considered.

Paragraph 5 acknowledges the necessity of continued assistance, stating:

*“[The UNGA] recognizes that... continued assistance for the relief of the Palestine refugees is necessary to prevent conditions of starvation and distress among them and to further conditions of peace and stability, and that constructive measures should be undertaken at an early date with a view to the termination of international assistance for relief.”*⁴⁰

With this disposition, the UNGA emphasizes the need for early action to end international relief assistance in the long term. This provision seeks to address the immediate suffering of the

³⁷ An example of the acknowledgement of the refugee question can be found in Paragraph 11 of UNGA Resolution 194 (III), which establishes that *refugees* should be permitted to return to their homes if they wish to do so. See UN General Assembly, 194 (III) A/RES/194, 1948, Para 11 for reference.

³⁸ I. FELDMAN, *The Challenge of Categories: UNRWA and the Definition of a 'Palestine Refugee'*, in *Journal of Refugee Studies*, Vol. 25, No. 3, 2012, 388.

³⁹ K. MICHAEL, M. HAUTEL-RADOSHITZKY, *Seventy Years to UNRWA-- Time for Structural and Functional Reforms*, Institute for National Security Studies, 2022, 29.

⁴⁰ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/302 (IV), 1949, para 5.

Palestinian people while political solutions are being worked towards.⁴¹ In addition, the text underscores the temporary nature of international assistance, intended as a short-term measure to prevent starvation and distress while fostering stability.

The sixth paragraph makes this indication even clearer. It establishes that:

*“Direct relief should be terminated not later than 31 December 1950 unless otherwise determined by the General Assembly at its fifth regular session.”*⁴²

Paragraph 6 sets a definitive deadline for the cessation of UNRWA’s operations by December 31, 1950. However, the aim of ending direct relief by 1950 proved unrealistic due to the scale of the crisis and the lack of political progress in resolving the refugee issue, especially considering previous failed attempts of the United Nations to settle the crisis in short periods of time.⁴³

Also Paragraph 7(b) implies a termination of UNRWA’s activities once durable solutions were found and implemented.⁴⁴ In particular, it establishes that the newly-established agency has to: *“consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.”*⁴⁵ Also in this case, the wording suggests that UNRWA was originally expected to be a temporary agency, assisting Near Eastern governments in preparing for a future where international aid would no longer be necessary. This also seems to imply that Resolution 302 (IV) envisioned a transition plan in which host governments would eventually take over the responsibility of supporting Palestinian refugees.

Only one year after the adoption of Resolution 302 (IV), the UNGA passed Resolution 393 (V). The latter recognized *“that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV)”*⁴⁶ and extends the mandate of the agency for two more years, until June 1952.⁴⁷ There since, the UNGA has renewed UNRWA’s mandate, typically in three-year intervals, citing the ongoing need for its services *“pending a just resolution of the Palestine refugee question.”*⁴⁸

⁴¹ L. BARTHOLOMEUSZ, cit supra note 4, 473.

⁴² UNITED NATIONS GENERAL ASSEMBLY, cit supra note 4, para 6.

⁴³ A.E. IRFAN, *Refuge and Resistance*, Columbia University Press, 2023, 38.

⁴⁴ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 1, 9.

⁴⁵ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/302 (IV), 1949, para 7 [emphasis added].

⁴⁶ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/393 (V), 1950, para 2.

⁴⁷ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/393 (V), 1950, para 3.

⁴⁸ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/63/91, 2008, para 3, quoted in L. Bartholomeusz, cit supra note 4, 473.

Lastly, UNGA Resolution 77/123 adopted in December 2022, extended the agency's mandate until June 2026.⁴⁹ On that occasion the UNGA reaffirmed: "*the necessity for the continuation of the work of the United Nations Relief and Works Agency in the Near East and the importance of its unimpeded operation and its provision of services, including emergency assistance, for the well-being, protection and human development of the Palestine refugees and for the stability of the region, pending the just resolution of the question of the Palestine refugees.*"⁵⁰

This seems to reflect the ongoing challenges faced by the international community in achieving a sustainable political resolution to the Palestinian refugee crisis. In conclusion, while the agency was initially envisioned as a temporary mechanism, its survival for over seven decades reflects the both the long-term nature of the crisis as well as the adaptability of its mandate.

2. Humanitarian or Political? The Ambiguous Nature of UNRWA

It is clear by looking at its structure and mandate, that UNRWA is a unique agency.⁵¹ Its peculiarity concerns also its nature. Born as an apolitical humanitarian body, UNRWA has operated for nearly eight decades in one of the most politically charged areas of the world, where domestic and international politics have frequently influenced its activities.⁵²

2.1 The Blue State

As it will be shown in greater detail in the last section of the chapter, UNRWA has assumed responsibility of merely every aspect of the life of Palestinian refugees, performing functions that are usually carried out by governments.⁵³ Interestingly, UNRWA is a non-territorial entity that operates within the sovereign borders of states, yet it carries out functions typically performed by governments. This has led Nachmias and Belgrad to describe UNRWA as a "non-territorial government."⁵⁴ Indeed, UNRWA has been the main (and sometimes the only) service-provider of the region, and the literature often refers to early 1950s as "*ayyam al-UNRWA*" (the days of UNRWA).⁵⁵ The agency presents itself as a service-provider, but it *de facto* exceeds this definition,⁵⁶ to the extent that UNRWA's regime was sometimes labeled "*the Blue State*".⁵⁷ Hanafi notes that it has never been neither an objective nor an ambition of UNRWA to undertake a

⁴⁹ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/77/123, 2022, para 6.

⁵⁰ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/77/123, 2022, para 3.

⁵¹ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit. supra note 2, 14.

⁵² Ibid.

⁵³ A. E. IRFAN, cit. supra note 43, 4.

⁵⁴ N. NACHMIAS, AND E.A. BELGRAD, cit. supra note 6, 33.

⁵⁵ Ibid, 42.

⁵⁶ S. HANAFLI, *UNRWA as a 'Phantom Sovereign'*, in *UNRWA and Palestinian Refugees: From Relief and Works to Human Development*, Taylor & Francis Group, 2014, 129.

⁵⁷ N. NACHMIAS, AND E.A. BELGRAD, cit. supra note 6, 41.

governmental role, however the refugees have over time assigned this key role to the agency, leading to this paradoxical situation.⁵⁸ He describes UNRWA as a “phantom sovereign”, in that it regulates many aspects of the refugees’ daily life, from schooling to healthcare to camp infrastructure, without having legal sovereignty.⁵⁹ Arguably, this ambiguity concerning responsibilities and roles contributes, *inter alia*, to increasing sentiments of mistrust and suspicion.⁶⁰ In addition, Bocco identified the agency’s role in representing the Palestinian crisis at the international level as a further reason why UNRWA is referred to as the “Blue State”.⁶¹ Irfan notes that also the Palestinian refugees perceive the agency as a political body, mainly due to UNRWA’s administration of the camps.⁶²

Despite these aforementioned ambiguities and a number of scholars defining the agency as a *quasi-State*,⁶³ UNRWA cannot be classified as either a state or a parastatal body. It lacks the fundamental attributes of statehood, including sovereignty, territorial jurisdiction, and the authority to govern its population.⁶⁴ Most notably, it has no control over security or military affairs, which are essential components of state power.⁶⁵ Furthermore, UNRWA operates within the sovereign borders of host states without exercising legal jurisdiction over either the areas in which it functions or the refugees it serves. Despite these ambiguities, UNRWA remains an international humanitarian agency rather than a para-governmental authority. Furthermore, UNRWA has always asserted its purely humanitarian and apolitical character.⁶⁶ This leads to a new consideration concerning the relationship between the concepts of humanitarian aid and politics.

2.2 Apolitical humanitarianism

Arguing that UNRWA is apolitical because of its humanitarian essence reflects the belief that international humanitarian aid is, precisely because of its nature, apolitical. This idea is known as apolitical humanitarianism.⁶⁷ However, UNRWA’s policies were shaped from the beginning by local, regional, and international politics. This discourse is deeply entrenched with

⁵⁸ S. HANAFI, cit supra note 56, 130.

⁵⁹ Ibid, 131.

⁶⁰ Ibid, 137.

⁶¹ R. BOCCO, *UNRWA and the Palestinian Refugees: A History within History*, in *Refugee Survey Quarterly* 28, no. 2–3, 2010, 234.

⁶² A. E. IRFAN, cit. supra note 43, 43–44.

⁶³ A.E. Irfan in *Refuge and Resistance*, 5; J. al-Hussein in *UNRWA and the Palestinian Nation-Building Process*, 51; R. Bocco in *UNRWA and the Palestinian Refugees: a History Within History*, 234.

⁶⁴ N. NACHMIAS, AND E.A. BELGRAD, cit. supra note 6, 33.

⁶⁵ A. E. IRFAN, cit. supra note 43, 4.

⁶⁶ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 14.

⁶⁷ S. ELNAKIB, S. ALY, Y.M ASI AND Y.R. SHAWAR., *The Humanitarian System: Politics Can Not Be Avoided*, *The Lancet* 404, no. 10458, 2024, 1106.

the question addressed in the previous paragraph. UNRWA provides the Palestinian people with government-like services, yet it does not represent their interests like a full-fledged government.⁶⁸ This results from the fact that other than the interests of the refugees, UNRWA has to consider also the political priorities of its donor States.⁶⁹ Arguably, the juxtaposition of different interests does not make the agency apolitical, rather *more political* and politicized, especially given the centrality of UNRWA in one of the most polarized conflicts in the world.⁷⁰ In this regard, Anne Irfan brilliantly reflects on the name of the agency itself to prove this point, as the choice to include the word “Works” highlights the efforts to facilitate the socio-economic integration of the Palestinian refugees into the communities of the host States.⁷¹ The very decision to establish UNRWA to cope with the consequences of the Partition may be considered a highly political choice itself.

Apolitical humanitarianism assumes that politics and humanitarian action can be clearly distinguished, with the former concerning relations between different States and the latter dealing with the attempt to alleviate the plight and suffering of human beings, transcending cultural, religious, and ideological differences.⁷² Larry Minear and Thomas G. Weiss wrote “*Even though operating in highly politicized circumstances, humanitarian action does not have to be political.*”⁷³ On a different note, Izabela Pereira Watts maintains that despite humanitarian agents and organizations stressing their apolitical nature, humanitarian aid is a political act.⁷⁴ Similarly, other scholars note that the idea of transcending politics in performing humanitarian activities is simply an illusion,⁷⁵ and that politics permeates humanitarianism.⁷⁶ Nevertheless, the question remains, particularly in relation to UNRWA, an agency operating in what could be arguably described as one of the most politicized areas of the world. As such, would apolitical humanitarianism apply to UNRWA?

Firstly, the delicate context in which the agency performs its activities makes the distinction between humanitarian aid and politics extremely blurred.⁷⁷ Note that this does not imply that

⁶⁸ K. DUGANDZIC, *The Politics of Neutrality: UNRWA's Palestinian Refugee Employees*, in *Undergraduate Journal of Politics*, 2018, 35.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ A. E. IRFAN, cit supra note 43, 43.

⁷² M. BARNETT, *Humanitarianism with a Sovereign Face: UNHCR in the Global Undertow*, in *The International Migration Review*, Vol. 35, No. 1, 2001, 251.

⁷³ L. MINEAR AND T.G. WEISS, *Humanitarian Politics*, Vol. 304, 1995, 17.

⁷⁴ I. PEREIRA WATTS, *Is Humanitarian Aid Politicized?*, E-International Relations, 2013, <https://www.e-ir.info/2017/04/13/is-humanitarian-aid-politicized/>.

⁷⁵ S. ELNAKIB, S. ALY, Y.M ASI AND Y.R. SHAWAR, cit supra note 71.

⁷⁶ Ibid.

⁷⁷ A. E. IRFAN, cit supra note 43, 42.

UNRWA was created as a political body disguised as a humanitarian organization, rather it refers to the highly political contexts in which it operates, thus making increasingly hard to separate the two factors. Leaving discussions about political affiliation and neutrality for the next chapter, what is undoubted so deserves to be analyzed is the relative attachment to regional and international politics since the adoption of UN Resolution 302.

Secondly, UNRWA's dependency on voluntary state contributions inherently ties it to political considerations, as donor states often attach conditions or use funding as leverage to influence the agency's operations.⁷⁸ This question will be further analyzed in later sections, as it represents one of the most critical aspects of the agency, arguably preventing its neutrality, transparency, and accountability, other than significantly hindering the provision of relief.

Thirdly, it is worth mentioning another controversial aspect of the agency, namely its relationship with the Palestinian refugee community. The UNRWA-refugees relationship can be described by the idea of "politics of suffering".⁷⁹ This idea was introduced by anthropologist Nell Gabiam in 2016, when she studied Palestinian camps in Syria.⁸⁰ According to her, the politics of suffering is "*the way in which suffering becomes a means—whether deliberately or not—of attaining political legitimacy and rights*".⁸¹ K.G. Berg, J. Jørgen, and A.T. Åge build upon this definition considering the Palestinian refugees' experiences of prolonged statelessness, denial of rights, and dependency on humanitarian aid.⁸² They believe that the latter has become deeply politicized and intertwined with their collective identity and claims for justice, particularly the right of return.⁸³ At the heart of this issue lies a complex paradox. On the one hand, UNRWA has become a critical lifeline for Palestinian refugees, providing essential services such as education, healthcare, and emergency relief. For many refugees, these services are not merely humanitarian interventions but are also seen as a tangible representation of the international community's acknowledgment of their plight and its responsibility for their situation.⁸⁴ On the other hand, every action taken by UNRWA is scrutinized through a political lens, with some perceiving its efforts to alleviate suffering as inadvertently contributing to the normalization of their displacement.⁸⁵ For example, the provision of long-term services such as education and health can be interpreted as an acceptance of the status quo and a tacit acknowledgment that the refugee crisis may remain unresolved

⁷⁸ R. BOCCO, cit supra note 61, 233.

⁷⁹ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 14.

⁸⁰ N. GABIAM, *The Politics of Suffering Syria's Palestinian Refugee Camps*, University Press, 2016, 9.

⁸¹ Ibid.

⁸² K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 14.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

indefinitely.⁸⁶ Another interesting example is the program of improvement of camp and housing condition, launched in 2007, which will be considered also later in greater detail. Improving living condition of refugee camps in order to higher their standards of living and decrease the spread of diseases is strongly connected to the idea of human dignity and to the broader human rights discourse. In this regard, the first chapter has overviewed the development of international standards of refugee protection and in particular it focused on how ensuring protection to refugees became to be perceived as a human right in the aftermath of WWII.⁸⁷ Arguably, UNRWA's efforts to address the precarious state of refugee camps reflect a commitment to preserving and promoting the dignity of Palestinian refugees. By improving infrastructure, housing, and sanitation, the agency acknowledges that dignity is inseparable from the right to live in environments that foster health, safety, and stability.⁸⁸ By focusing on the enhancement of living standards, UNRWA seems to reinforce the notion that refugee rights extend beyond their mere survival to encompass a life of dignity and opportunity. This program, therefore, is not only a practical response to immediate health and social challenges but also a symbol of the international community's responsibility to uphold the dignity and human rights of refugees, even in protracted crises.⁸⁹ However, the reaction of the refugees was different from the expected – and hoped, one. When refugee camps were first built, they purely represented a space of victimization,⁹⁰ an expression of their condition of plight. In this sense the program was paradoxically, but also understandably, experienced as an attempt of humanitarianization of the Palestinian refugee crisis, a sort of step towards the conservation of the current inhuman status quo.⁹¹ This dynamic underscores the delicate and often contentious role UNRWA occupies. While its humanitarian mandate seeks to address the immediate needs of refugees, its actions are inevitably entangled with the larger political struggle for justice and rights. The politics of suffering thus highlights a profound tension: UNRWA's efforts to mitigate the impact of statelessness are sometimes perceived as reinforcing the very conditions that perpetuate it. Despite these challenges, UNRWA remains a lifeline for millions of Palestinian refugees. Its work has not only provided critical support to communities in need but also contributed to regional stability by preventing the

⁸⁶ N. CITINO, A.M. GIL, K.P. NORMAN, *Generations of Palestinian Refugees Face Protracted Displacement and Dispossession*, Migration Policy Institute, 2023, <https://www.migrationpolicy.org/article/palestinian-refugees-dispossession>.

⁸⁷ B. STOJANOVIĆ, *The Role of the United Nations High Commissioner for Refugees (UNHCR) in the Protection of Refugees and Asylum Seekers*, in *BIRCI-Journal*, Vol. 5, 2022, 320.

⁸⁸ P. MISSELWITZ AND S. HANAFI, *Testing a New Paradigm: UNRWA's Camp Improvement Program*, *Refugee Survey Quarterly* 28, no. 2/3, 2009, 368.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, 360.

⁹¹ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *cit supra* note 2, 14.

escalation of humanitarian crises. However, the agency's dual identity raises important questions about its long-term viability and effectiveness.

2.3 Budget and Funding

Another interesting aspect to consider when discussing the humanitarian-political double nature of UNRWA is how the agency is funded. Unlike other United Nations agencies, which benefit from either a self-generated financial base—through mechanisms such as levies, membership dues, or earmarked revenue streams—or a United Nations assessment-based contribution system, UNRWA relies heavily on voluntary contributions from Member States.⁹² This reliance has profound implications for the agency's financial stability, operational independence, and capacity to fulfill its mandate effectively. Over 92% of UNRWA's budget is sourced from Member States, with the remaining funds coming from the UN regular budget, contributions from other UN entities, and private partnerships.⁹³ Notably, there is no legal obligation for Member States to provide financial support,⁹⁴ leaving the agency entirely dependent on the goodwill and political priorities of its donors. The only fixed portion of UNRWA's funding is to pay the salaries to the international staff,⁹⁵ approximately 200 individuals out of more than 30,000 employees working for the agency, the vast majority of whom are hired locally.⁹⁶ This creates an additional layer of vulnerability, as the majority of funding must be renewed annually, forcing the agency to depend on the willingness of donors to maintain or increase their contributions.⁹⁷ Models of voluntary donations, like the one on which UNRWA depends, are typically employed for temporary organizations established to address specific crises over limited periods. Such models allow for closer scrutiny of the organization's actions and provide donors with greater leverage over the allocation of funds.⁹⁸ However, in the case of UNRWA—an agency that has operated continuously for over seven decades—this model has created a paradox. Originally designed as a temporary body, UNRWA's reliance on voluntary funding has left it highly exposed to the shifting political priorities of its donors. What however stands as the major problem associated to this funding method is the power and influence it gives to donor States to pursue their political interests. Since the establishment of UNRWA, States have used donations as a political tool to

⁹² R. BOCCO, *cit supra* note 61, 233.

⁹³ UNRWA, *How We Are Funded*, UNRWA, 2023.

⁹⁴ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *cit supra* note 2, 23.

⁹⁵ Salaries for the international staff are paid by a UN funding, which is the only non-governmental support of the agency. For more information see: K.G. Berg, J. Jørgen, and A.T. Åge, *cit supra* note 2, 23.

⁹⁶ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *cit supra* note 2, 23.

⁹⁷ R. BOCCO, *cit supra* note 61, 233.

⁹⁸ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *cit supra* note 2, 23.

shape and influence policies of the agency.⁹⁹ Although UNRWA is formally an apolitical organization with a strictly humanitarian mandate, its dependence on voluntary funding means that its actions and programs frequently reflect the political interests of its largest donors.¹⁰⁰ An interesting example concerns the choice of textbooks selected by UNRWA.¹⁰¹ After the emergence of antisemitic ideologies from textbooks adopted in UNRWA's schools, the EU Parliament blocked €20 million in aid to the agency unless “*substantive positive changes are made in the Palestinian Authority curriculum that promote coexistence and tolerance with the Jewish-Israeli ‘other’ and peace education with Israel in alignment with the goals of the two-state solution.*”¹⁰² In this regard, it is interesting to look at the 2023-2024 “Framework for Cooperation between the UNRWA and the United States of America”. In this document the US State Department lays down the conditions on its contribution to the agency. It requests a semi-annual report from UNRWA on its progresses on the improvement of the Agency's capacity to review local textbooks and education material so that they are consistent with UN values and with ideals of peace and non-discrimination.¹⁰³ This exemplifies another tool used by governments to place additional control on the agency's activities.

This section has argued that despite UNRWA being formally apolitical, its actions and programs deeply reflect political interests of donor States, which have consistently placed conditionality upon their donations.¹⁰⁴ To better understand the precarious nature of UNRWA's funding, the graph below illustrates the agency's total budget over the past 15 years (2009–2023).¹⁰⁵

⁹⁹ A.E. IRFAN, *UNRWA Funding Is Burdened with Conditionality*, The Cairo Review of Global Affairs, 2024, <https://www.thecairoreview.com/essays/unrwa-funding-is-burdened-with-conditionality/>.

¹⁰⁰ Ibid.

¹⁰¹ A.E. IRFAN, *Educating Palestinian Refugees: The Origins of UNRWA's Unique Schooling System*, in *Journal of Refugee Studies*, Vol. 34, No. 1, 2021, 1038.

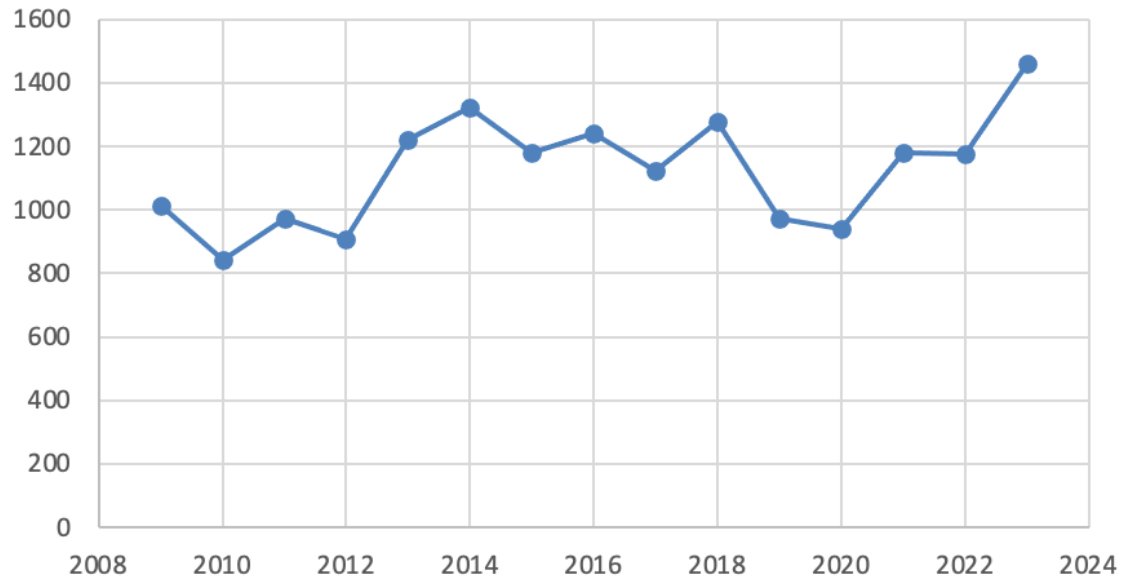
¹⁰² EUROPEAN PARLIAMENT, *Draft amendment 164*, AFET/5016, 2024. See document: https://www.europarl.europa.eu/cmsdata/288220/budg2025-doc3-txt_en.pdf

¹⁰³ STATE DEPARTMENT OF THE UNITED STATES OF AMERICA, *Framework for Cooperation between the UNRWA and the United States of America 2023-2024*, 2023, 5.

¹⁰⁴ A.E. IRFAN, cit supra note 99.

¹⁰⁵ Note that this is useful to understand trends in donations even if the total budget includes private sector partnerships and UN funding, as combined they represent approximately 8% of the annual budget. It can be expected that a variation in State donations significantly affects the total budget of that year (see for example the years 2019 and 2020, when the U.S. had suspended their funding.)

UNRWA's Total Budget in USD Millions (2008-2023)



Graph 1 - Source: UNRWA¹⁰⁶

The graph highlights dramatic fluctuations in the agency's financial situation, underscoring the vulnerability of its funding model.¹⁰⁷

For instance, a notable increase in 2018 can be attributed to emergency contributions following the escalating humanitarian crisis in Gaza,¹⁰⁸ while other periods of decline correlate with political decisions by major donors to reduce or withdraw their support. A prime example of this dynamic occurred in 2018 when the United States, historically UNRWA's largest contributor¹⁰⁹ (in 2017 it provided almost one third of the agency's annual budget),¹¹⁰ abruptly suspended its funding, citing the inability of the agency to effectively provide relief to the refugees.¹¹¹ This decision resulted in a major budget shortfall (see graph 1 reported above). In 2023, the United States resumed its position as the largest contributor to UNRWA, followed by Germany and the

¹⁰⁶ UNRWA, *Donor Charts*, UNRWA, 2009-2023.

¹⁰⁷ R. BOCCO, cit supra note 61, 233.

¹⁰⁸ In January 2018, UNRWA published an "Emergency Appeal" due to the great financial crisis faced in 2017. According to the agency, only 34% of the funds required to cover the cost of emergency interventions were collected (\$138 million instead of the required \$402 million). Through this appeal the agency encouraged donors to increase their fundings, especially considering the humanitarian needs in Gaza and the West Bank. For more information see: https://www.unrwa.org/sites/default/files/content/resources/2018_opt_ea_final_web.pdf

¹⁰⁹ UNRWA, *Donor Charts*, UNRWA, 2009-2023.

¹¹⁰ US CONGRESS, *Decision to Stop U.S. Funding of UNRWA for Palestinian Refugees*, Congressional Research Service, 2018, 1.

¹¹¹ Ibid.

European Union.¹¹² While this support highlights the commitment of certain states to the agency's mission, it also underscores the fragility of UNRWA's funding base. A disproportionate reliance on a small group of key donors amplifies the risks associated with financial volatility, as the withdrawal or reduction of contributions from even one major donor can jeopardize the agency's ability to deliver essential services. This results in donor states exerting significant influence over UNRWA's activities. In other words, although UNRWA was established as a humanitarian agency with the sole purpose of addressing the immediate needs of Palestinian refugees, its reliance on voluntary contributions has deeply entangled its operations with the political agendas of donor states.

3. Services and Activities of UNRWA

Despite the perpetual evolution of its mandate, UNRWA has consistently provided a wide range of services. While some services have been offered since the establishment of the agency, others have been introduced later as a result of the mandate's expansion.¹¹³ As extensively discussed in the first chapter, "*persons whose normal residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict*"¹¹⁴ and their descendants.¹¹⁵ Nevertheless, the provision of UNRWA services is conditioned to the registration with the agency in the area of operation where they live. Note that UNRWA offers assistance to registered refugees living in Gaza, West Bank, Syria, Lebanon, and Jordan, regardless of whether they reside in the camps or not.¹¹⁶ This clarification is important because only one third of Palestinian refugees live in UNRWA camps.¹¹⁷ The rest of the refugee populations lives in cities, towns, and villages of the host countries. Yet, they are still eligible to receive UNRWA assistance.¹¹⁸

In other words, all the individuals deemed eligible can benefit from numerous services, among which the most relevant - discussed below – are education, healthcare, infrastructure and camp improvement relief and social services, and microfinance.¹¹⁹

¹¹² UNRWA, *Donor Charts*, UNRWA, 2023.

¹¹³ An example is the Microfinance Program, which was first launched in 1991, over 40 years following the establishment of the agency. See paragraph on Microfinance for more details.

¹¹⁴ S.M. AKRAM, *Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution*, in *Journal of Palestine Studies*, Vol. 31, No. 3, 2002, 39.

¹¹⁵ A. RAMSAY AND A. AL-ORZZA, *Understanding the Political Underpinnings of UNRWA's Chronic Funding Crisis*, BADIL Resource Center for Palestinian Residency and Refugee Rights, 2018, 5.

¹¹⁶ UNRWA, *Palestine Refugees*, UNRWA.

¹¹⁷ N. CITINO, A.M. GIL, K.P. NORMAN, cit supra note 86.

¹¹⁸ UNRWA, cit supra note 116.

¹¹⁹ UNRWA, *UNRWA Fact Sheet*, UNRWA, 2009.

3.1 Education

“I can’t describe the fear that we lived in ... I was the only one at home who was studying for final exams. My father used to ask me when he saw me studying why I wasn’t afraid. We all used to sit in the same room during the days of the war, and my father didn’t go to work so we followed his lead, but studying for my exams was the most important thing for me to do especially during the days of the war.”

- Female student, Gaza.¹²⁰

In the early 1950s, right after UNRWA’s establishment, it was evident that the return of the Palestinian people to their homeland would not occur within months as initially anticipated. Such acknowledgement created an urgent need to provide long-term services for the refugees. Among these, education emerged as a critical priority,¹²¹ as it was recognized as a fundamental right and it was safeguarded specifically under Article 22 of the 1951 Refugee Convention,¹²² as well as under Article 26 of the UDHR.¹²³ The importance of education in a context of refugeehood goes beyond the mere acquisition of knowledge and skills. It serves as a vital tool for individual and collective empowerment, fostering self-awareness and cultivating the capacity and determination to drive meaningful change.¹²⁴ The origins of Palestinian refugee education precede the creation of UNRWA and their activities, beginning through the efforts of individuals within the community.¹²⁵ Former teachers set up makeshift schools in tents or open spaces to ensure children would continue learning despite the displacement.¹²⁶ These grassroots efforts were soon complemented by international organizations such as the League of the Red Cross Societies (LORCS) and the American Friends Service Committee (AFSC), which established schools in camps across the region.¹²⁷ Therefore, when UNRWA began operations in 1950, it inherited and expanded upon this foundation, institutionalizing education as a core service. The education program, launched by UNRWA and coordinated by UNESCO, quickly became the largest single

¹²⁰ H. ABDUL-HAMID, H.A. PATRINOS, J. REYES, J. KELCEY, AND A. DIAZ VARELA, *Learning in the Face of Adversity: The UNRWA Education Program for Palestine Refugees*, World Bank Studies, 2016, 35.

¹²¹ A.E. IRFAN, cit supra note 101, 1038.

¹²² UNITED NATIONS GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, Article 22, United Nations, Treaty Series, vol. 189, 1951.

¹²³ UNITED NATIONS GENERAL ASSEMBLY, *Universal Declaration of Human Rights*, Article 26, United Nations, 217 A (III), 1948.

¹²⁴ C. KAVURO, *The Value of Education for Refugee Livelihood*, Global Education Magazine, 2015, <https://globaleducationmagazine.com/education-refugee-livelihood/>.

¹²⁵ A.E. IRFAN, cit supra note 101, 1040.

¹²⁶ Ibid, 1041.

¹²⁷ Ibid, 1045.

program of the agency,¹²⁸ from funding to investment to staff involved.¹²⁹ Education services provided by UNRWA were by no means mandatory,¹³⁰ but there was high demand for a more all-encompassing educational system.¹³¹ Most refugees were indeed illiterate and uneducated peasants, and there was a widespread belief that they had lost their land partly because of their ignorance.¹³² Accordingly, education was seen as a crucial step to take to get their country back and to return to their homes.¹³³ This background is key to understand the incredible success of the program since the beginning. Starting from a budget of approximately \$398,000,¹³⁴ the UNRWA educational program rapidly grew, counting 242 schools and 154,000 students only four years after its launch.¹³⁵ One decade after its establishment, the budget destined to the educational program increased to \$6,683,233,¹³⁶ while in 2020 it was of approximately \$467,480,000.¹³⁷ Note that almost 60% of the total budget of the Agency was spent on the education program in 2023.¹³⁸ The agency provides for universal and free education,¹³⁹ covering all the cost of students enrolled.¹⁴⁰ Every child refugee living in the operational areas of UNRWA is granted six years of free primary education, and three years of preparatory school.¹⁴¹ It is worth noting that the cost of education per student in UNRWA schools (\$841.50 in 2019)¹⁴² is significantly lower than in any OECD country¹⁴³ (the average spending in OECD countries in 2019 was \$11,300).¹⁴⁴

UNRWA's education is universal, it helped reducing gender inequality, and in 1954 universal literacy was almost achieved within a generation.¹⁴⁵ UNRWA's education system is influenced by Western, secular, and liberal models.¹⁴⁶ Teachers are mostly Palestinian refugees themselves,

¹²⁸ R. BOCCO, cit supra note 61, 232.

¹²⁹ UNRWA, *UNRWA Education 2030 Baseline Report*, 2023, 8.

¹³⁰ K. PILLSBURY AND A. MALIK NASHEF, *The UNRWA-UNESCO School System for the Palestine (Arab) Refugees*, Comparative Education Review 8, no. 3, 1964, 286.

¹³¹ A.E. IRFAN, cit supra note 101, 1042.

¹³² Ibid., 1041.

¹³³ Ibid.

¹³⁴ K. PILLSBURY AND A. MALIK NASHEF, cit supra note 130, 285.

¹³⁵ A.E. IRFAN, cit supra note 101, 1045.

¹³⁶ K. PILLSBURY AND A. MALIK NASHEF, cit supra note 130, 285.

¹³⁷ UNRWA, *How We Spend Funds*, UNRWA, 2020.

¹³⁸ UNRWA, cit supra note 129, 8.

¹³⁹ A.E. IRFAN, cit supra note 101, 1039.

¹⁴⁰ K. PILLSBURY AND A. MALIK NASHEF, cit supra note 130, 286.

¹⁴¹ Ibid., 288.

¹⁴² UNHCR, *The Global Report*, UNHCR, 2023, 87.

¹⁴³ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 12.

¹⁴⁴ ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, *Digest of Education Statistics 2022*, table 605.10, 2022.

¹⁴⁵ A.E. IRFAN, cit supra note 101, 1039.

¹⁴⁶ R. BOCCO, cit supra note 61, 245.

trained with UNRWA Neutrality Framework,¹⁴⁷ and who are assisted by a staff of international educators provided by UNESCO.¹⁴⁸ Concerning the level of education of the teachers, a significant evolution has occurred over time. In the 1960s, K. Pillsbury and A. Malik Nashef noted that most teachers had only received a secondary education, thus they were not qualified to teach in the programs.¹⁴⁹ Since then, UNRWA has taken significant steps to increase the levels of teaching and learning of its schools. An example that is worth mentioning is the Newly Appointed Teacher (NAT) program, launched in 2018, designed to equip newly recruited teachers with the knowledge, skills, and qualifications needed to deliver high-quality education and attain qualified teacher status.¹⁵⁰

Still, UNRWA educational programs vary depending on the area of operation, given that they are structured around the curricula of the host countries.¹⁵¹ In Syria, Lebanon, and Jordan, Palestinian refugee students use the same textbooks used by other citizens, whereas in Gaza, West Bank, and Jerusalem, the curriculum of the Palestinian Authority (PA) is implemented.¹⁵² Arguably, this has profound implications for the Palestinian national identity. In this regard, Irfan argues that the absence of a Palestinian curriculum results in the erosion of the Palestinian identity, in that Palestinian students are confined within other historical and cultural narratives instead of learning of their own.¹⁵³ According to Irfan, this model aligns with a broader Western agenda that seeks to dissolve the refugees' national consciousness and advance their permanent resettlement in the host States.¹⁵⁴ The use of host-state curricula serves a functional purpose: UNRWA justifies this choice by emphasizing the need to facilitate Palestinian refugees' access to secondary education and university within their countries of residence¹⁵⁵. Additionally, adherence to national curricula ensures that students meet the requirements for state examinations, enabling them to pursue professional and academic opportunities. However, this very integration into host-state educational systems implicitly reinforces the idea that Palestinian refugees should assimilate into their surrounding societies rather than maintain a separate national identity tied to their homeland. According to Irfan, this model aligns with long-standing Western and Israeli objectives that favor resettlement over repatriation. Arguably, the lack of a Palestinian curriculum weakens the

¹⁴⁷ UNRWA, cit supra note 129, 14.

¹⁴⁸ K. PILLSBURY AND A. MALIK NASHEF, cit supra note 130, 285.

¹⁴⁹ Ibid, 288.

¹⁵⁰ UNRWA, Newly Appointed Teacher (NAT) Programme, UNRWA, 2023.

¹⁵¹ R. BOCCO, cit supra note 61, 245.

¹⁵² UNRWA, cit supra note 129, 16.

¹⁵³ A.E. IRFAN, cit supra note 101, 1049.

¹⁵⁴ Ibid, 1948.

¹⁵⁵ UNRWA, cit supra note 129, 14.

collective memory and national consciousness, two essential elements behind the right of return.¹⁵⁶

UNRWA scrutinizes the curricula adopted to ensure their compliance with UN values, maintaining impartiality, independence, and neutrality.¹⁵⁷ Since 2000, the agency has supplemented the host countries' curricula with a Human Rights, Conflict Resolution and Tolerance (HRCRT) education program within schools.¹⁵⁸ The textbooks used in UNRWA schools are the same as those adopted in the host states.¹⁵⁹ However, also in this case, they are thoroughly reviewed by the agency to ensure they align with UN values and principles.

With over 50% of budget used to implement the program and over 70% of the total personnel employed in its schools, UNRWA's education system is often applauded for the high quality of its services, especially in elementary schools.¹⁶⁰ In 2023, 53% of Palestinian refugees in school age were enrolled in UNRWA schools, 24% attended either private or government schools, while the rate of children out of school was approximately around 20%.¹⁶¹ Naturally, the quality of the service varies from area to area, but it must be noted that in the Gaza Strip, where 80% of the population lives below the poverty line and the great majority lives in condition of food insecurity,¹⁶² UNRWA has opened 284 schools,¹⁶³ 71% of them operating on a double-shift.¹⁶⁴

In conclusion, despite being criticized for its outperformance compared to other local schools,¹⁶⁵ the educational program offered by UNRWA has been of considerable success from its early days.

3.2 Healthcare

“Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity. The enjoyment of the highest attainable standard

¹⁵⁶ A.E. IRFAN, cit supra note 101, 1049.

¹⁵⁷ UNRWA, cit supra note 129, 14.

¹⁵⁸ Ibid.

¹⁵⁹ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 11.

¹⁶⁰ R. BOCCO, cit supra note 61, 245.

¹⁶¹ UNRWA, cit supra note 129, 13.

¹⁶² Note that the report containing the data was published in 2023, so it is expected that these figures may no longer accurately reflect the current situation, given the ongoing conflict in the Gaza Strip. However, the objective of this section is to illustrate how UNRWA has operated over the years, and including current data amidst the ongoing conflict would likely lead to considering an outlier, skewing the broader trends.

¹⁶³ The Gaza Strip has the highest number of schools compared to the other areas of operations. As of 2023, there were 161 UNRWA schools in Jordan, 102 in Syria, and 96 in the West Bank, and 63 in Lebanon. For more information:

https://www.unrwa.org/sites/default/files/content/resources/web_unrwa_education_2030_baseline_report.pdf

¹⁶⁴ UNRWA, cit supra note 129, 15.

¹⁶⁵ UNHCR, cit supra note 142, 87.

of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”

- (WHO, *Constitution*)¹⁶⁶

The right to health has been widely recognized as a human right by several legal instruments and treaties.¹⁶⁷ Article 25 of the UDHR for example establishes that everyone enjoys the right to receive medical care.¹⁶⁸ Similarly, the right to health is protected also by the 1967 International Covenant on Economic, Social, and Cultural Rights (ICESCR), by the International Convention on the Elimination of All Forms of Racial Discrimination, by the Convention on the Elimination of All Forms of Discrimination Against Women, and by the Convention on the Rights of the Child.¹⁶⁹ The Constitution of the World Health Organization (WHO), recognizes the right to health as a fundamental human right, emphasizing that everyone is entitled to the highest attainable standard of health without discrimination based on race, religion, political belief, or socioeconomic status.¹⁷⁰ Article 23 of the 1951 Refugee Convention also stipulates that refugees are entitled to receive the same quality of public relief and assistance of that ensured to national citizens.¹⁷¹ Local actors in Palestine, including the PA, have worked extensively to ensure health infrastructures in Gaza and West Bank.¹⁷² The PA is responsible for managing healthcare services focusing on primary, secondary, and specialized care. Despite its efforts, the PA faces significant challenges that hinder the effective provision of healthcare.¹⁷³ Challenges such as resource constraints, political instability, and the influx of refugees often strain the healthcare system, impacting the quality and accessibility of services for vulnerable populations.¹⁷⁴ In contrast, UNRWA has emerged as the most competent actor in the healthcare field for Palestinian refugees,

¹⁶⁶ WORLD HEALTH ORGANIZATION, *Constitution*, preamble, World Health Organization, 1989.

¹⁶⁷ V.A. LEARY, *The Right to Health in International Human Rights Law*, in *Health and Human Rights*, Vol. 1, No. 1, 1994, 25-26.

¹⁶⁸ UNITED NATIONS GENERAL ASSEMBLY, *Universal Declaration of Human Rights*, 217 A (III), 1948, Art. 25.

¹⁶⁹ E. D. KINNEY, *The International Human Right to Health: What Does This Mean for Our Nation and World?*, in *SSRN Electronic Journal*, Vol. 34, 2002, 1460.

¹⁷⁰ WORLD HEALTH ORGANIZATION, *Constitution*, preamble, World Health Organization, 1989.

¹⁷¹ UNITED NATIONS GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, Article 23, United Nations, Treaty Series, Vol. 189, p. 137, 28 July 1951.

¹⁷² E. KEELAN, *Medical Care in Palestine: Working in a Conflict Zone*, *The Ulster Medical Journal* 85, no. 1, 2016, 1.

¹⁷³ The PA operates primarily in the West Bank and Gaza Strip, areas under its jurisdiction as defined by the Oslo Accords. The PA is responsible for managing healthcare, education, and other public services in these regions. After the Oslo Accords, the Palestinian Ministry of Health was established, and it has administered public health since then. Note that the Gaza Strip is only *de jure* under the administration of the PA, as since 2007 it has *de facto* been governed by Hamas. For more information see: <https://al-shabaka.org/scenario-matrix/collapse-of-the-pa-health/>.

¹⁷⁴ E. KEELAN, *cit supra* note 172, 3.

largely due to its ability to operate across all five areas of its mandate: Gaza, the West Bank, Jordan, Lebanon, and Syria. This widespread presence allows UNRWA to maintain a consistent and centralized approach to healthcare provision, addressing gaps left by the PA and local governments, ensuring that refugees in various regions receive access to essential medical services. In providing healthcare, UNRWA has collaborated closely with the WHO. Their partnership started in 1950 with an agreement signed between the two agencies, and the WHO has provided staff “to plan and direct health work”.¹⁷⁵ Over the past decades UNRWA healthcare program grew remarkably, becoming the second largest activity of the agency, using 15% of the total budget,¹⁷⁶ and with approximately 3000 professionals working across the different areas. UNRWA health system is articulated in three different tiers of operations. The first one is the Health Department (HD) at UNRWA HQ in Amman, responsible for policy and strategy development. Then there are five Health Programs (HP), responsible for local operational management each in one area of operation. Finally, 141 Primary Healthcare Facilities (PHCFs) provide primary health care services to approximately 3,15 million refugees registered at UNRWA health centers.¹⁷⁷ In 2019, the PHCFs provided medical assistance more than 8 million times a year.¹⁷⁸ While education remains the biggest and most successful program of the agency, healthcare is regarded as extremely efficient and advanced, especially when relativized to the difficult scenarios in which UNRWA operates.¹⁷⁹ UNRWA strives to safeguard the health of Palestine refugees and minimize their burden by delivering primary healthcare services tailored to their evolving needs throughout all stages of life.¹⁸⁰ Among the services provided, the agency offers reproductive health, infant and childcare, school health, oral health, rehabilitation and physiotherapy, diagnostic services, and treatment to non-communicable diseases.¹⁸¹ Reproductive health represents an important portion of the agency’s activities due to the peculiar demographic of the Palestinian people. According to Population Pyramid, in 2023 57,4% of individuals in the Palestinian territories were below the age of 25.¹⁸² According to the latest UNRWA Health Annual Report, 28,1% of Palestinian refugees are below the age of 18.¹⁸³ UNRWA has facilitated the

¹⁷⁵ WORLD HEALTH ORGANIZATION, *Extension of the Agreement with the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, AI3/P&B/8, 1960.

¹⁷⁶ UNRWA, cit supra note 137.

¹⁷⁷ UNRWA, *Annual Report 2023*, UNRWA Department of Health, 2023, 8.

¹⁷⁸ UNRWA, *UNRWA in Figures 2019-2020*, 2019, 1.

¹⁷⁹ M. AWAWDEH, cit supra note 11, 60.

¹⁸⁰ UNRWA DIRECTOR OF HEALTH, *Health Conditions Of, and Assistance To, Palestine Refugees in the Occupied Palestinian Territory, Including East Jerusalem*, 2021, 2.

¹⁸¹ UNRWA, cit supra note 90.

¹⁸² POPULATION PYRAMID, *Population Pyramids of the World from 1950 to 2100*, PopulationPyramid.net, 2023, <https://www.populationpyramid.net/state-of-palestine/2023/>.

¹⁸³ UNRWA, cit supra note 180, 9.

access to family planning care, which led to a slight yet consistent decline of fertility rate over the past decade.¹⁸⁴ The quality of antenatal and postnatal care has also improved to reduce infant and maternal mortality rates.¹⁸⁵ As shown by Ager *et al* in their research on UNRWA's healthcare, the agency has a remarkable ability to maintain resilience in its operations, by offering a well-structured, cost-efficient, and integrated package of primary healthcare services and preventive care.¹⁸⁶ The abovementioned research predicted that a funding shortfall for UNRWA would have significant consequences for population health, suggesting that reducing service coverage by 20% would lead to a substantial increase in maternal and neonatal deaths among those relying on UNRWA's healthcare services.¹⁸⁷

Building on its efforts in physical health, UNRWA also recognizes the critical importance of mental health and psychosocial support for Palestinian refugees, addressing the growing psychological challenges faced by communities under prolonged stress. UNRWA launched a Community Mental Health Program in Gaza and West Bank in 2005, which was later replaced by a more comprehensive Mental Health and Psychological Support (MHPSS) framework in 2017.¹⁸⁸ UNRWA's MHPSS framework underscores the agency's commitment to ensuring that every Palestine refugee, both adults and children, can achieve optimal mental health and psychosocial well-being. This vision is realized through an integrated approach that incorporates mental health support across all key services, including education, healthcare, relief, social services, infrastructure, and protection.¹⁸⁹ The framework aims to create safe and inclusive environments that address psychosocial needs, build resilience, and promote empowerment. By fostering community participation, strengthening living conditions, and addressing protection threats, UNRWA seeks to reinforce both individual and collective well-being.¹⁹⁰ Once again this

¹⁸⁴ Ibid.

¹⁸⁵ Ibid, 26.

¹⁸⁶ A. AGER, M. ALAMEDDINE, S. WITTER, M. FOUAD, K. DIACONU, Z. JAMAL AND G. LOUGH, *cit supra* note 29, 1260.

¹⁸⁷ Ibid.

¹⁸⁸ A. MIO, Y. SHAHIN, AND A. SEITA, *Scaling up Mental Health Care for Refugee Populations: A Model by UNRWA*, Eastern Mediterranean Health Journal 27, no. 12, 2020, 1135.

¹⁸⁹ Ibid.

¹⁹⁰ UNRWA, *Mental Health and Psychological Support Framework*, UNRWA 2017.

program appears to be consistent with WHO policy recommendations¹⁹¹ and resembles UNHCR's mental health care systems.¹⁹²

The importance of UNRWA's healthcare services exceeds the services offered *per se*, rather, the agency protects an inalienable human right such as healthcare in conflict areas where human rights are often violated and ignored.¹⁹³ In areas like Syria and the Gaza Strip, where wars and conflicts have persisted for decades and regularly resurface, the humanitarian character of the agency truly emerges,¹⁹⁴ with the supply of such service that go beyond a mere provision of relief to the plight of the refugees. By providing access to healthcare, UNRWA addresses not only the immediate needs of refugees but also plays a critical role in upholding the dignity and fundamental rights of an already marginalized and vulnerable community.¹⁹⁵ This approach highlights UNRWA's humanitarian nature and shows its perpetual effort to support resilience and stability among refugee populations, even in contexts defined by prolonged conflict and instability.

3.3 Infrastructure and Camp Improvement

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

- (Universal Declaration of Human Rights).¹⁹⁶

UNWRA established its first refugee camp between Nablus and Tulkarm, in the West Bank in 1950. The number of refugee camps increased over time, and as of 2023, approximately 1.6 million Palestinian refugees reside in 58 camps across UNRWA's five areas of operation.¹⁹⁷ As both the population and number of camps grew, it became evident that these camps had evolved far beyond their original purpose as temporary emergency shelters, transforming over decades

¹⁹¹ Among the five policy considerations published in the 2023 WHO Global Evidence Review on Health and Migration Series, the agency suggested the implementation of “policies and programs for refugees and migrants that promote their social integration, facilitate their participation in society and reduce anti-migrant sentiment and discrimination by: [...] offering a range of mental health services/treatments through a personalized care approach and integrating policies for mental health of refugees [...] in general mental health policies.” For more information see: <https://iris.who.int/bitstream/handle/10665/373279/9789240081840-eng.pdf?sequence=1>.

¹⁹² UNHCR, *Annual Report 2023: Mental Health and Psychosocial Support*, UNHCR, 2023.

¹⁹³ M. AWAWDEH, cit supra note 11, 58.

¹⁹⁴ Ibid, 59.

¹⁹⁵ M. AWAWDEH, cit supra note 11, 58.

¹⁹⁶ UNITED NATIONS, *Universal Declaration of Human Rights*, 217 A (III), Article 25, 1948.

¹⁹⁷ UNRWA, *Infrastructure & Camp Improvement*, UNRWA, 2023.

into densely populated urban spaces.¹⁹⁸ As part of its Organizational Development Initiative, UNRWA introduced the Infrastructure and Camp Improvement Program (ICIP) to address the pressing need for a more strategic approach in 2007. This marked a shift from *ad hoc* shelter rehabilitation and basic infrastructure provision to a comprehensive framework aligned with the agency's commitment to improving living conditions in refugee camps.¹⁹⁹ It is worth noting that the ICIP was a natural extension, a sort of progression, of the already existing program, as it left unchanged the key services offered such as the provision of shelter, housing, and camp-rehabilitation were left unchanged.²⁰⁰ The innovative character of the program concerned the agency's efforts in significantly improving the living conditions of the refugees living in the camps, as well as improving emergency response, damage assessment, and provision of water supply.²⁰¹ The ICIP was developed based on an assessment of the social and economic needs of refugees living in the camps, combined with a participatory process of the community.²⁰² The reason behind UNRWA's decision to adopt the ICIP in the late 2000s is to be found in the strict correlation between living conditions inside the camps and other spheres of life, health in the first place. Habib, Basma, and Yeretzian, for example, have shown in their study the existence of an association between poor housing conditions and diseases in the Burj Barajneh camp in Lebanon, and have called for immediate action to improve living conditions of the refugees.²⁰³ As the main provider of healthcare services to the Palestinian refugees, it was in UNRWA's best interest to improve living and housing conditions in refugee camps while limiting the spread of diseases, illness, and possibly social unrest. Palestinian activist Naji Odeh commented the ICIP: "*Why do we need planning? [...] This is something for cities. Do you want to transform the camp into a city?*"²⁰⁴ As explained by Misselwitz and Hanafi, Naji Odeh's words reflect the assumption of a correlation between the condition of the camp and the fight for their right of return.²⁰⁵ The improvement of housing and camps' conditions automatically represents the first step towards

¹⁹⁸ P. MISSELWITZ AND S. HANAFI, cit supra note 88, 361.

¹⁹⁹ UNRWA, *Infrastructure and Camp Improvement Implementation Plan*, UNRWA, 2009, 2.

²⁰⁰ Ibid.ter

²⁰¹ Ibid, 3.

²⁰² R. TERBECK, *UNRWA's Policy Analysis and Other Research Needs: Strengthening Knowledge Management within the Agency*, Refugee Survey Quarterly, Vol. 28, No. 2/3, 2009, 641.

²⁰³ R.R. HABIB, S.H. BASMA, AND J.S. YERETZIAN, *Harboring Illnesses: On the Association between Disease and Living Conditions in a Palestinian Refugee Camp in Lebanon*, International Journal of Environmental Health Research 16, no. 2, 2006, 106.

²⁰⁴ Naji Odeh, director of Finiq Cultural Centre of organized by the UNRWA-Stuttgart cooperation project in March 2007, published in the *Process Documentation Report of the UNRWA-Stuttgart Cooperation Project*, 211, quoted in P. Misselwitz and S. Hanafi, *Testing a New Paradigm: UNRWA's Camp Improvement Program*, Refugee Survey Quarterly, Vol. 28, No. 2/3, 2009, 363.

²⁰⁵ P. MISSELWITZ AND S. HANAFI, cit supra note 88, 364.

resettlement according to most Palestinian refugees.²⁰⁶ As mentioned above, the ICIP was not perceived as a purely apolitical and humanitarian action, as it has happened for every other action foreseen by UNRWA. As commented in previous sections, the politicization of almost every action of the agency is a very peculiar and unique feature of UNRWA, which to this day hinders the efficiency as well as the responsiveness of the agency.

3.4 Other activities

3.4.1 Relief and Social Services

The Relief and Social Services (RSS) is one of the programs offered by UNRWA aimed at assisting less advantaged members of the Palestinian refugee community by promoting their development and self-reliance.²⁰⁷ Among the most vulnerable there are women, children, the elderly, and people affected by disabilities.²⁰⁸ The RSS is composed by the Social Safety Net Program (SSNP) and the Social Services Program (SSP). Together these programs aim at providing social safety net assistance to the most impoverished refugees, updating and preserving records of the refugees, and empowering the Palestinian refugees.²⁰⁹ UNRWA's relief program started in 1978 as the Special Hardship Assistance Program (SHAP), where additional assistance was provided to households without a physically healthy male adult.²¹⁰ The SHAP was later replaced by the SSNP which determines eligibility criteria for assistance based on poverty levels,²¹¹ derived from national poverty lines and the Proxy Means Testing Formula (PMTF).²¹² In addition to food and cash assistance, beneficiaries of SSNP are entitled to preferential consideration for shelter rehabilitation and expanded coverage for hospitalization.²¹³ Contrarily to education and healthcare, which are delivered on a universal basis, targeted eligibility criteria are applied to SSNP, as mentioned above.²¹⁴ According to available 2020 UNRWA data, 390,443 Palestinian refugees were eligible to receive additional assistance from the SSNP.²¹⁵ The SSP was first introduced in the late 1980s to foster social participation and inclusion of Palestine refugees,

²⁰⁶ Ibid.

²⁰⁷ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 13.

²⁰⁸ Ibid.

²⁰⁹ UNRWA, *Relief & Social Services*, UNRWA, 2019.

²¹⁰ R. TERBECK, cit supra note 202, 639.

²¹¹ Ibid.

²¹² PMTF is a tool used by UNRWA to analyze the root causes of poverty among refugees, taking into account factors such as the cost of food commodities, socio-economic conditions, and protection vulnerabilities. This approach enables the agency to determine whether applicants for poverty assistance fall into the category of abject poverty (lacking food security) or absolute poverty (unable to meet the full range of basic needs, including food). For more information see: <https://www.unrwa.org/what-we-do/social-safety-net-programme?program=40>

²¹³ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit supra note 2, 12.

²¹⁴ Ibid.

²¹⁵ UNRWA, cit supra note 209.

advancing gender equality, encouraging civic engagement, and tackling multi-dimensional poverty.²¹⁶ Over time UNRWA switched from service provider to facilitator between Palestinian refugees and community-based organizations, fostering and promoting the inclusion of the former in local realities.²¹⁷

3.4.2 Microfinance

Established in Gaza in 1991 with an initial capital of less than \$300,000, UNRWA's Microfinance Program was designed to provide sustainable income to Palestinian refugees and other marginalized groups.²¹⁸ Over the years, it expanded to West Bank, Jordan, and Syria, becoming an efficient regional program addressing the economic challenges of poor and vulnerable populations. By June 2022, the program had issued over 616,172 loans, worth approximately \$657 million.²¹⁹ The main objective of the program is to improve the lives of Palestine refugees, small businesses and low-income households through inclusive economic services. These projects are important not only for creating and sustaining jobs but also for poverty alleviation and self-regulation.²²⁰ UNRWA tailors its services to specific needs of its clients through nine distinct lending products, including youth start-up loans, housing loans, consumer loans, and small-business loans. These products support refugees to manage household expenses, improve access to education and healthcare, and expand small businesses. A key feature of the microfinance program is its focus on marginalized groups, especially women and youth. For example, 48% of loans have been granted to women, empowering them to start or expand home-based and small-scale businesses.²²¹ Similarly, high youth unemployment rates are counterbalanced by initiatives like the "*Mubadarati*" start-up loan, which helps young entrepreneurs between 18 and 30 to set up their own businesses.²²² The program's operational model combines financial sustainability with a commitment to social impact. It operates on a self-sustaining basis, recouping operating expenses while offering affordable and competitive interest rates. At the same time, it adheres to global best practices in microfinance, earning high ratings for its financial and social performance.²²³

²¹⁶ Ibid.

²¹⁷ Ibid.

²¹⁸ UNRWA, *Reaching the Unreachable: UNRWA's Microfinance Program in Palestine*, UNRWA Department of Microfinance, 2022, 53.

²¹⁹ Ibid.

²²⁰ UNRWA, *Microfinance*, UNRWA, 2018.

²²¹ Ibid.

²²² Ibid.

²²³ R. TERBECK, cit supra note 202, 141-142.

UNRWA's microfinance services are particularly impactful in situations of conflict and crisis. It has remained operational during challenging periods, such as the outbreak of the Syrian conflict in 2011.²²⁴ In addition to granting loans, UNRWA also provides capacity-building programs to entrepreneurs. Since 1995, over 12,600 individuals have attended training courses including bookkeeping, taxation, and e-commerce, equipping them with the skills needed to manage and grow their businesses.²²⁵

3.4.3 Protection and Emergency Response

In addition to the above-mentioned services, UNRWA constantly engages in emergency response, addressing the acute needs of Palestinian refugees in conflict and crisis situations, and in protecting their rights. Both emergency response and protection are deeply connected to the provision of health, education, housing, and relief and social services. This very well reflects the unique nature of the agency as both a service provider and an advocate. In this sense its emergency response and protection efforts reflect a commitment to addressing not only immediate needs but also the broader structural challenges faced by refugees.

Conclusion

This chapter has provided a detailed analysis of UNRWA, showing the characteristics and features that make it a *sui generis* body within the UN framework. At first its structure, mandate, and evolving functions were considered. It was highlighted, *inter alia*, how the agency's role has shifted over time, moving from an initial focus on relief and employment programs toward long-term service provision, particularly in education and healthcare. This evolution has reinforced UNRWA's significance in sustaining refugee communities while simultaneously fueling debates about its long-term impact on the Palestinian refugee crisis, as it will be further discussed in the last chapter. Secondly, the ambiguous placing of the agency between humanitarian assistance and politics was explored. While formally a humanitarian organization, UNRWA operates in an environment where politics and humanitarianism are deeply intertwined. The agency's interactions with host states, donors, and refugee communities underscore the difficulty of maintaining absolute neutrality in such a highly politicized context. Its dependence on voluntary funding has further complicated this dynamic, exposing UNRWA to political pressures and external conditions that shape its policies and operations. Additionally, the perception of UNRWA by various actors – as either a service provider, a quasi-state, or even a political tool – illustrates the challenges it faces in maintaining legitimacy and operational independence. The last section

²²⁴ UNRWA, cit supra note 218, 54.

²²⁵ UNRWA, cit supra note 209.

of the chapter focused on the actual activities performed by the agency. Note that this section was purely descriptive, as an evaluation of UNRWA's provision of immediate relief is carried out in the third chapter.

Chapter 3 – Evaluation of UNRWA’s Provision of Immediate Relief and Long-Term Sustainability.

At this point of the research, both the process that led to the establishment of UNRWA and the functions performed by the agency have been extensively analyzed and discussed. The aim of this chapter is that of consider UNRWA’s performance and provide an evaluation, while trying to understand whether the agency does play a role in the settlement of the Palestinian refugee crisis or not. As discussed in the previous chapters, UNRWA’s mandate is rather weak, as it consists of UNGA resolutions rather than a statute or constituent document.¹ This has incentivized amendments and expansions of the agency’s mandate,² while remaining faithful to the original mission, namely that of alleviating the sufferings of the Palestinian refugees and supporting their human development.³ In the following paragraph reports and evaluations published by different authors and research institutes will be considered to understand whether UNRWA has effectively succeeded in providing such relief. However, this is not the sole purpose of this chapter. It also wants to discover whether UNRWA has somehow created an environment that is protracting the refugee crisis. In order to do so, scholars highlighting successes and failures of the agency will be reviewed, and a comparison between UNHCR will be presented, in order to highlight key differences and possible shortcomings. In other words, this chapter aims at evaluating UNRWA behind the mere provision of relief. This becomes particularly relevant if it is considered that the agency has been active for 75 years, despite being a temporary body with a short-term mandate. The prolonged activity of UNRWA, far beyond its initially envisioned timeline, has inevitably changed its original mandate,⁴ and the agency has gradually started to address also long-term human development needs.⁵ This evolution explains the broader responsibilities that UNRWA has assumed over time in areas such as education, health, and socio-economic development, and it underscores the need to evaluate its role not only in terms of emergency relief but also in fostering sustainable development and addressing structural challenges.

In order to explore these different aspects, the chapter will be structured as follows. The first section will be focused on the quality and effectiveness of the services provided in alleviating the

¹ L. BARTHOLOMEUSZ, *The Mandate of UNRWA at Sixty* in *Refugee Survey Quarterly*, Vol. 28, No. 2-3, 2009, 455.

² N. NACHMIAS and E.A. BELGRAD, *Five decades of humanitarian aid: the case of UNRWA*, in *Towson State Journal of International Affairs*, Vol 39, 1994, 4.

³ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/77/123, 2022, para 4.

⁴ L. BARTHOLOMEUSZ, *cit supra* note 1, 455.

⁵ *Ibid.*

relief. Once considered successes and shortcoming of the agency in the immediate provision of aid, the focus will be shifted on the implications of the prolonged existence of the agency, considering its long-term sustainability.

1. Provision of Immediate Relief to the Palestinian Refugees

This section focuses on various aspects of the everyday life of Palestinian refugee and seeks to understand whether UNRWA has succeeded in providing immediate relief and alleviation of their plight. A crucial consideration on the matter is that it is extremely difficult to present an objective evaluation of the services provided by the agency without considering the significant fluctuations of the budget at its disposal. The quality of the activities of the agency is indeed exclusively reliant on the donor States' generosity, thus resulting in evident variations in the performance of its duties from one year to another.⁶ Not to mention wars and conflicts, which understandably complicate the picture, often producing extreme data that can lead to inaccurate conclusions.⁷

1.1 Poverty and Food Security

UNRWA is mandated to provide direct relief to Palestinian refugees pending the end of their plight.⁸ Among the services offered by the agency to ensure the refugees a decent life, UNRWA provides cash and food assistance to the most disadvantaged to meet their minimum daily needs.⁹ Before looking specifically at UNRWA's activities and efforts to minimize food scarcity across different territories and host States, a brief overview of the different situations across the five areas of operation of the agency is needed. As it will be shown, while all living in conditions of poverty and hardship, there are significant differences in the quality of life depending on the area of operation. Such clarification seems necessary in order to better understand UNRWA's actions. Before delving into such distinctions, however, a premise must be made. Before the outbreak of the Israeli-Hamas conflict in 2023, no available data had reported

⁶ J. AL HUSSEINI AND J. SABA, *UNRWA's Contribution to Socio-Economic Stability*, in *UNRWA and the Palestine Refugees: Challenges for Developing a Strategic Vision*, the Geneva Observer, Vol. 42, 2023, 60.

⁷ For this reason, even when discussing starvation and food insecurity in Gaza, only data preceding the outbreak of the conflict between Hamas and Israel in October 2023 will be used and considered. Accordingly, this will allow a more neutral and efficient evaluation of UNRWA.

⁸ UNITED NATIONS GENERAL ASSEMBLY, *Assistance to Palestine Refugees*, A/RES/302 (IV), 1949, para 7.

⁹ D. ROMANO, G. STEFANI, B. ROCCHI, C. FIORILLO., *The Impact of Assistance on Poverty and Food Security in a Fragile and Protracted-Crisis Context: The Case of West Bank and Gaza Strip*, in *Bio-Based and Applied Economics*, Vol. 8, No. 1 2010, 52.

deaths from starvation in UNRWA camps due to lack of resources.¹⁰ However, a large number of Palestinian refugees live below the poverty line and struggle to eat an adequate amount of food every day.¹¹ In other words, while no death has been caused by food shortage in UNRWA camps, most Palestinian refugees have experienced a condition of food insecurity. According to the definition drafted during the 1996 World Food Summit, term “Food Security” indicates a condition that is achieved when people “*have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.*”¹²

The largest majority of Palestinian refugees living in the Gaza Strip has been considered either moderately or severely food insecure, reaching 64,3% of the total population in 2022.¹³ There are several factors that usually can lead to conditions of food insecurity, namely poverty, unemployment,¹⁴ and conflicts. The year preceding the outbreak of the Israel-Hamas conflict, 81,5% of the Gaza population lived in poverty and the unemployment rate was approximately 47%, with youth unemployment rate exceeding 62%.¹⁵ The already tragic picture was further worsened by some Israeli policies adopted for security reasons after the rise of Hamas in the Gaza Strip in 2007.¹⁶ With the creation of a 50-square-kilometers buffer zone, nearly 30% of Gaza’s farmland was occupied,¹⁷ resulting in major distress, especially considering the high density of

¹⁰ A significant exception to this data is the 2014 case of the Yarmouk Palestinian refugee camp near Damascus. The camp had been caught in conflict between government and rebel forces since December 2012, with aid deliveries blocked since November 2013. Chris Gunness, UNRWA’s spokesperson, stated that the agency had attempted to provide food and other assistance to the camp’s residents but was ultimately unsuccessful. According to data published by the Palestine Association for Human Rights in Syria, at least 28 individuals had died from starvation in Yarmouk by January 2014. For more information see: <https://edition.cnn.com/2014/01/15/world/meast/syria-palestinian-refugees-starving/index.html>. Note that in my research, I stated that there have been no recorded deaths due to starvation in camps managed by UNRWA, deliberately excluding the case of the Yarmouk Palestinian refugee camp in 2014. The decision to omit this case is not an attempt to falsify data or draw conclusions in favor of UNRWA, but rather to acknowledge the exceptional nature of the situation. In Yarmouk, UNRWA was entirely unable to access the refugees inside the camp due to intense fighting between rebel forces and the government, which rendered the delivery of aid impossible. This scenario differs significantly from cases where UNRWA has access to a camp but lacks the resources to meet the needs of the population, which would seem to be more in line with the scope of the research.

¹¹ UNRWA, *Crisis monitoring report – high frequency survey results*, UNRWA Relief and Social Services Department, 2022.

¹² FAO, *Food Security Policy Brief*, FAO, 2006.

¹³ S. LIPKIND, *Gaza’s Food Crisis Began Long before the Israel-Hamas Conflict* in *Think Global Health*, Council on Foreign Relations, 2024, <https://www.thinkglobalhealth.org/article/gazas-food-crisis-began-long-israel-hamas-conflict>.

¹⁴ J. HUANG, Y. KIM, AND J. BIRKENMAIER, *Unemployment and Household Food Hardship in the Economic Recession*, in *Public Health Nutrition*, Vol. 19, No. 3, 2015, 512.

¹⁵ UNRWA, *Gaza Strip*, UNRWA, 2022.

¹⁶ S. LIPKIND, cit. supra note 13.

¹⁷ ICRC, *Israel, Blockade of Gaza and the Flotilla Incident* in *How Does Law Protect in War? - Online Casebook*, 2012, 14, <https://casebook.icrc.org/case-study/israel-blockade-gaza-and-flotilla-incident>.

the population in the strip.¹⁸ In such a constrained environment, where Gaza's population density leaves little room for expansion or alternative sources of livelihood, every inch of arable land is vital for sustaining the local population.¹⁹ In addition, this loss not only reduced the availability of locally produced staples, but it also affected the livelihoods of thousands of farmers and agricultural workers who depend on this land for their income. Furthermore, the diminished agricultural output significantly limited Gaza's ability to achieve even a minimal degree of self-sufficiency, forcing the population to rely on external aid.²⁰ As of 2019, more than one million refugees²¹ living in Gaza rely on UNRWA food assistance.²² Refugees eligible for this kind of assistance lived either in conditions of abject poverty (below US\$ 1.6 per person per day) or absolute poverty (under US\$ 4 per person per day).²³ The former category receives food parcels providing approximately 1,675 kcal per person, while the latter receive 902 kcal each.²⁴ Usually, food parcels contain staples such as rice, lentils, cooking oil, sugar, whole milk powder, and chickpeas.²⁵ Poverty in Gaza is measured through socio-economic variables predicting levels of family expenditures.²⁶ This method is more precise and, in particular, more reliant, than self-reported incomes.²⁷ Since 2021, cash handouts have become available in Gaza alongside food assistance.²⁸

Refugees in the West Bank live in conditions of hardship as well. The decades-long Israeli occupation of the West Bank has imposed heavy costs in terms of poverty.²⁹ The occupation has limited Palestinian access to valuable natural resources, including fertile agricultural land.³⁰ According to a report by the United Nations Conference on Trade and Development (UNCTAD)

¹⁸ S. LIPKIND, cit. supra note 13.

Note that Gaza is one of the most densely populated areas in the world (5,853 capita per square kilometer), see: <https://www.statista.com/statistics/1423120/gaza-population-density-by-region/>.

¹⁹ S. LIPKIND, cit. supra note 13.

²⁰ Ibid.

²¹ Note that there are 1.4 million refugees in total in Gaza. Approximately 71.43% of refugees depend on UNRWA. For more information see: <https://www.unrwa.org/gaza-emergency#>. The picture is expected to be worsened following the events of October 2023.

²² UNRWA, *Gaza Emergency*, UNRWA, 2019.

²³ UNRWA, *Food Assistance*, UNRWA, 2019.

²⁴ Ibid.

²⁵ UNRWA, *Food Assistance Offers Critical Support to Palestine Refugees in Syria*, UNRWA Newsroom, 2015.

²⁶ Families classified as abject poor lack the resources to meet even their most basic food requirements, leaving them in the most vulnerable state of need. Absolute poor families, while able to cover basic food needs, are unable to afford other essential necessities such as clothing and transportation. In contrast, families classified as non-poor are those capable of meeting both their essential food and non-food needs. For more information see: <https://www.unrwa.org/userfiles/file/publications/gaza/UNRWA%20Gaza%20Poverty%20Survey.pdf>

²⁷ UNRWA, *UNRWA Gaza's Poverty Survey*, UNRWA, 2011.

²⁸ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *UNRWA, funding crisis and the way forward*. CMI Report, 2022, 13.

²⁹ UNITED NATIONS GENERAL ASSEMBLY, *Economic Costs of the Israeli Occupation for the Palestinian People: Poverty in the West Bank between 2000 and 2019*, Note by the Secretary-General, A/76/309, 2021, 2.

³⁰ Ibid, 6.

submitted to the UN General Assembly in 2019, the Israeli occupation and mobility restrictions have severely restricted agricultural production and trade, leading to persistently high unemployment rates and exacerbating poverty.³¹ In response, UNRWA has provided food aid, cash subsidies, emergency cash grants, and shelter to Palestinian refugees in the West Bank.³² According to available data, in 2021 approximately 257,000 Palestinian refugees in the West Bank³³ received UNRWA's food assistance.³⁴

The situation for Palestinian refugees in Syria is similarly dire. According to available data, 420,000 Palestinian refugees in Syria were entitled to receive UNRWA food assistance in 2022, and just below 90% of the population lives in poverty, with \$2,15 or less a day.³⁵ An extremely vulnerable group is those Palestinian refugees from Syria (PRS) that moved to Lebanon following the outbreak of the conflict in 2011.³⁶ 90% of them live under the poverty line with food insecurity levels among refugees reaching 95%.³⁷

The picture in Lebanon is equally dramatic, considering that poverty affects over 80% of the population.³⁸ This bleak situation in Lebanon is partially due to discriminatory employment policies that deny refugees the right to work and own property, making it even harder for them to escape poverty.³⁹

In Jordan, the situation is not as dramatic as it is in Gaza or Lebanon, but challenges persist. Many Palestinian refugees in Jordan were granted citizenship after 1948 and have integrated into the local population.⁴⁰ However, those who fled the 1967 war or later, particularly those residing in refugee camps, remain heavily reliant on UNRWA services.⁴¹

This overview was necessary to shed light over one of the ways in which UNRWA effectively helps Palestinian refugees in the short-term. Refugees still live in precarious conditions, UNRWA

³¹ Ibid.

³² UNRWA, *RSS in the West Bank*, 2021.

³³ As of 2023, there are 912,879 registered refugees living in the West Bank. Assuming no significant variation in the number of families receiving UNRWA food assistance from 2021, approximately 28,15% relies on UNRWA for food consumption. For more information see: <https://www.unrwa.org/where-we-work/west-bank>.

³⁴ UNRWA, cit. supra note 32.

³⁵ UNRWA, *Syria*, UNRWA, 2023, <https://www.unrwa.org/where-we-work/syria>.

³⁶ E. FIDDIAN-QASMIYEH, *The Changing Faces of UNRWA: from the Global to the Local*, in *Journal of Humanitarian Affairs* 1, no. 1, 2019, 29.

³⁷ Ibid.

³⁸ UNRWA, *Lebanon*, UNRWA, 2023.

³⁹ Ibid.

⁴⁰ Note that out of the 2,5 million refugees registered to UNRWA services in Jordan, only 18% live in refugee camps and approximately 2,3 million obtained Jordan citizenship. For more information see: <https://www.unrwa.org/activity/protection-jordan#:~:text=In%20Jordan%2C%20the%20%2C5,of%20the%20June%201967%20hostilities>.

⁴¹ UNRWA, *Jordan*, UNRWA, 2023.

does not have the resources to completely alleviate them from their suffering. Food and cash assistance is often limited and not enough to satisfy the needs of the refugees.⁴² Berg, Jørgen, and Åge have quoted in their research the words of an interlocutor, referring to UNRWA food basket as a “*slap in the face*” because of its insufficient size.⁴³ In addition, the persistent funding crisis faced by the agency significantly affects its ability to address the pressing needs of the refugees, making it harder for UNRWA to effectively deliver aid at all times.⁴⁴

Nevertheless, it is undeniable that without the agency’s efforts to mitigate the refugees’ sufferings, their plight would have been much larger, and data concerning deaths from starvation, for instance, would quite probably be larger. According to a prediction published by UNRWA itself, refugees living below the poverty line in Lebanon (currently at 80%) would reach 93% without the agency’s aid.⁴⁵ In conclusion, by looking at data across the different areas of operations concerning food security and poverty levels, it can be concluded that UNRWA is indeed fundamental in providing relief to the refugees.

1.2 Healthcare

The second chapter delved into the healthcare system showing the wide range of services offered by the agency in the field. Arguably, healthcare represents, together with food security, the most appropriate indicator to explore whether UNRWA effectively delivers immediate relief or not. As already mentioned in the second chapter, UNRWA doctors in PHCFs provide some 8 million visits yearly.⁴⁶ In order to better understand the relevance of this number of consultations, it is interesting to draw a comparison between UNRWA and the UNHCR. Approximately 11 million refugees across 50 different countries can access primary, secondary and tertiary care provided by the UNHCR.⁴⁷ In 2022, the UNHCR grew by 19% compared to the previous year, mounting to 9,36 million visits in one year.⁴⁸ Despite the significant difference in the scale of operations, UNRWA’s healthcare system delivers almost the same number of consultations as UNHCR’s, with the latter managing a far broader and more diverse refugee population across multiple healthcare systems. It seems that UNRWA’s focus on a single refugee population allows for a more streamlined and targeted approach, which contrasts with UNHCR’s broader role in facilitating healthcare across multiple countries. A high number of medical consultations is not *per se* an indicator of good quality of the healthcare system established by UNRWA, yet it reflects

⁴² K.G. BERG, J. JØRGEN, AND A.T. ÅGE, cit. supra note 28, 13.

⁴³ Ibid.

⁴⁴ J. AL HUSSEINI AND J. SABA, cit. supra note 6, 59.

⁴⁵ UNRWA, cit. supra note 38.

⁴⁶ UNRWA, *UNRWA in Figures 2019-2020*, 2019, 1.

⁴⁷ UNHCR, *Annual Public Health Global Review*, UNHCR, 2022, 4.

⁴⁸ Ibid, 3.

the efficiency and accessibility of its services. While the quality of care may vary depending on funding levels, infrastructure, and staffing, the sheer volume of visits indicates that the system is designed to handle a high volume of demand, ensuring that basic medical care is available to a significant portion of the refugee population.

Building on this assessment of UNRWA's healthcare efficiency, it is also crucial to highlight the agency's impactful vaccination campaigns, which have played a pivotal role in significantly reducing mortality rates and preventing the outbreak of life-threatening diseases among refugee populations.⁴⁹ Palestinian refugees, especially those residing into camps, often live in difficult contexts, with scarce levels of sanitation and hygiene. Despite the agency's unwavering commitment to improve camp conditions to reduce the outbreak and spread of diseases, vaccination remains a critical and cost-effective measure to protect vulnerable populations from preventable illnesses.⁵⁰ By ensuring widespread immunization coverage, UNRWA mitigates the risks posed by overcrowded living conditions, poor sanitation, and limited access to clean water, significantly reducing the prevalence of infectious diseases and safeguarding the health of refugee communities. Following the agency's extensive campaigns, vaccination coverage for children between 12 and 18 months has been close to 100% for over a decade, data reports.⁵¹ One last example that can be made to evaluate UNRWA's healthcare system and to understand whether it successfully provides immediate relief to refugees is the agency's response to the Covid-19 pandemic. Acting swiftly, the agency established a Health Department COVID-19 taskforce, aligning with WHO guidelines and coordinating with host governments.⁵² Despite local lockdowns, UNRWA maintained essential primary healthcare services for over 3 million Palestinian refugees by operating 141 health facilities across five fields with 3,298 staff.⁵³ With the goal to protect vulnerable populations, such as the elderly and those with chronic conditions, UNRWA launched large-scale home delivery of medications and implemented telemedicine hotlines, providing consultations and addressing cases of gender-based violence.⁵⁴ UNRWA was aided by NGOs such as Médecins Sans Frontières (MSF), which opened health facilities in UNRWA's centers to train the agency's staff on infection prevention.⁵⁵ Another important aspect that is worth mentioning is that UNRWA did not suspend psychological supports during the

⁴⁹ UNRWA, *UNRWA and SDG 3: Good Health and Well-Being*, UNRWA, 2022.

⁵⁰ UNRWA, *Who We Are – Immunization*, UNRWA, 2020.

⁵¹ Ibid.

⁵² UNRWA, *Covid-19 Response Summary – March-June 2020*, UNRWA, 2020, 6.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ MÉDECINS SANS FRONTIÈRES, *MSF Responds to Coronavirus COVID-19 in Lebanon*, Médecins Sans Frontières (MSF) International, 2020, <https://www.msf.org/msf-responds-coronavirus-covid-19-lebanon>.

pandemic, but it delivered it through dedicated phone lines.⁵⁶ Albeit reduced, also sex and reproductive health services were never completely stopped.⁵⁷ While the vaccination campaign against Covid-19 was not as successful as hoped (only 40% of Palestinians had received at least one vaccine dose),⁵⁸ the resilience of the agency in delivering services during the crisis and quickly adapting to the emergency demonstrates its efficacy.

1.3 UNRWA as Employer: A Lifeline or a Liability?

Unemployment in Palestine and in the other areas of operation represents one major issue for the refugees. As discussed above, unemployment rates in Gaza, and the West Bank are alarming, also due to blockades imposed by the Israeli governments and to the decreased number of work permits issued by it.⁵⁹ In Lebanon, Palestinian refugees are denied basic human rights, such as their right to work,⁶⁰ leading to unemployment rates at 30% in 2022.⁶¹ While refugees in Syria and Jordan have traditionally been more included in the labor market and contributed to the development of the host countries' economies, the outbreak of the conflict in the first case and the Covid-19 pandemics in the second one, significantly increased employment difficulties in the refugee community.⁶²

At this point the focus can be placed on UNRWA's role in addressing these challenges, not only through its provision of essential services but also as a key actor as provider of employment. During the first years of its mandate, the agency was forced to review its approach and include services typical of a permanent institution, rather than a of temporary body.⁶³ This shift not only expanded UNRWA's role in providing essential services but also positioned the agency as a major employer within refugee communities, offering job opportunities to thousands of Palestinian refugees across its areas of operation and mitigating, albeit partially, the severe unemployment crisis. UNRWA indeed hired staff almost exclusively from the refugee population, quickly

⁵⁶ R. KALOTI, R. KAFRI, AND H. MAGHARI. *Situational brief: Palestinian refugees in the occupied Palestine Territories during COVID-19*, 2020, 3.

⁵⁷ Ibid.

⁵⁸ N. HOWARD AND E. SCHNEIDER, *COVID-19 Vaccination in Palestine/Israel: Citizenship, Capitalism, and the Logic of Elimination in Health and Human Rights*, Vol. 24, No. 2, 2022, 271.

⁵⁹ I. SALAMEY AND A. TARTIR, *Analysis of Key Security Trends in UNRWA's Areas of Operation*, in *UNRWA and the Palestine Refugees: Challenges for Developing a Strategic Vision*, the Geneva Observer, Vol. 42, 2023, 103-104.

⁶⁰ Note that the unemployment rate in Lebanon for Lebanese citizens was 11,60%, while that of Palestinian refugees in Lebanon was approximately three times higher. For more information see: <https://www.macrotrends.net/global-metrics/countries/LBN/lebanon/unemployment-rate#:~:text=Unemployment%20refers%20to%20the%20share,a%201.02%25%20decline%20from%202021>.

⁶¹ S. MCCLOSKEY, *The Impact of Lebanon's Economic Crisis on Palestinian Refugees*, Centre for Global Education, 2023, 104.

⁶² Ibid, 102.

⁶³ E. MARX, *Some UNRWA refugees have resettled*, Middle East Quarterly, 2012, 41.

becoming the largest employer in Gaza and the West Bank.⁶⁴ According to author Elena Fiddain-Qasmiyeh, UNRWA's role as employer is to be seen as deeply connected to the agency's commitment to uphold the refugees' basic rights.⁶⁵ This becomes particularly relevant in the case of Lebanon, which as explained above has imposed significant limitations on the refugees' rights,⁶⁶ and in the case of Gaza and the West Bank, where continuous blockades and illegal settlements represent an obstacle to the refugees' employment opportunities. To better understand the importance of UNRWA as an employer, it is sufficient to look at the agency's personnel data: out of 30,000 employees, the international staff amounts to less than 300 individuals. An interesting highlight concerns education, as there are over 23,000 Palestinians hired as teaching staff.⁶⁷ At the beginning of this chapter, a correlation between unemployment, poverty, and food security has been discussed. Unemployment rates however have impacts that exceed poverty levels. An important effect that needs to be considered is social distress and security. In the 1970s, Ted Gurr studied the factors behind social instability and political violence. He found the existence of a correlation between social violence and high unemployment rates (especially concerning the youth).⁶⁸ According to him, the causes of political violence stem from, *inter alia*, feelings of injustice and discrimination.⁶⁹ These aforementioned sentiments of frustration and discontent are typically associated to unemployment. After Gurr's study, several scholars focused on the topic, highlighting the significantly relevant correlation between (youth) unemployment rates and the increase of political instability.⁷⁰ This correlation becomes particularly relevant in the case of the Palestinian refugee community, precisely because of its demographics. As mentioned in the second chapter, the Palestinian population pyramid resembles a triangle with a very wide base (namely a lot of young individuals) that gradually shrinks towards the top. This type of population structure is typical of developing countries, as younger cohorts tend to be the most populous ones, fertility rates are usually very high and life expectancy is lower than in

⁶⁴ Ibid, 42.

⁶⁵ E. FIDDIAN-QASMIYEH, *UNRWA financial crisis: the impact on Palestinian employees in Middle East Report*, Vol. 48, no. 286, 2018, 33.

⁶⁶ Ibid.

⁶⁷ O.E. OGUZERTEM and P. MCADAMS, *UNRWA Experience from the Field in Human Rights, Conflict Resolution, and Tolerance Education*, Vol 6, 2015, 72.

⁶⁸ Y. HAILU DEMEKE, *Youth Unemployment and Political Instability: Evidence from IGAD Member Countries*, in *Cogent Economics & Finance*, Vol. 10, no. 1, 2022, 5.

⁶⁹ Ibid.

⁷⁰ Among the scholars that have contributed to the literature on the matter there are: T.F. Azeng and T.U.Yogo, *Youth Unemployment and Political Instability in Selected Developing Countries*, 2013; B. Fomba Kamga, D.N.D. Talla Fokam, and P. Ningaye, *Political Instability and Youths Unemployment in sub-Saharan Africa* (2022); H. Samani and R. Khilkordi, *Empirical study of the impact of unemployment on political stability in Iran (1985-2015)*, 2021; and G. Friedman, *Unemployment and Instability*, 2013.

developed countries (hence the shrinking at the top).⁷¹ As of 2023, almost 60% of the Palestinian population⁷² was below the age of 25 and 30% between the age of 15 and 29.⁷³ The youth bulge,⁷⁴ combined with persistently high unemployment rates, poses a significant risk of political instability within the Palestinian refugee community. As anticipated, high unemployment among young people exacerbates feelings of frustration, alienation, and hopelessness. This is especially true in regions like Gaza and the West Bank, where political and economic constraints severely limit opportunities for meaningful employment.⁷⁵ On the other hand, a youth-heavy population can also serve as a vital engine for growth and innovation when provided with adequate opportunities.⁷⁶ Investment in education, skill-building, and job creation for young people can transform this demographic challenge into a powerful resource, contributing to social and economic resilience.⁷⁷ In this sense UNRWA has represented over the decades an indispensable agent of social stability in the region. As the main employer in Gaza, West Bank, and Lebanon, UNRWA has performed the troublesome but crucial task of mitigating the risks associated with unemployment, particularly among youth. UNRWA's employment not only provides direct economic relief to thousands of households, but it has perpetually fostered social cohesion and possibly reduced frustration and alienation.

The capability to offer employment opportunities and to reduce social tensions and distress can be seen as twofold. On one hand, it serves as a means for UNRWA to deliver immediate relief. On the other hand, it reflects the agency's expanded role as a driver of human development.⁷⁸ This leads to two considerations. The first one is that the employment opportunities created by UNRWA have been vital in preventing Palestinian refugees from descending into extreme poverty.⁷⁹ The agency has become the largest employer in regions like Gaza and the West Bank, where opportunities for meaningful work are scarce due to ongoing political restrictions, economic blockades, and the denial of basic rights. By offering stable jobs in sectors like

⁷¹ UN TRADE AND DEVELOPMENT, *Fact sheet #12: Age structure*, in *UNCTAD Handbook of Statistics 2017 – Population*, 2017.

⁷² Note that demographic websites like populationpyramid.com do not report data of the refugee population as a whole, but rather as Palestine. These data represent however valuable insights in that provide an overview of the composition of the population. In addition, trends recorded over time show that fertility rates tend to be higher in refugee camps and life expectancy lower.

⁷³ UNDP, *Resilience Series: Youth Employment in Palestine*, 2017, 8.

⁷⁴ The term of youth bulge is generally used to describe those society with large youth cohorts. In particular, a country is said to have a youth bulge when it has a rather high percentage of its population below the age of 30. For more information see: <https://blogs.worldbank.org/en/developmenttalk/youth-bulge-a-demographic-dividend-or-a-demographic-bomb-in-developing-countries>

⁷⁵ UNDP, cit. supra note 73, 11-13.

⁷⁶ Ibid, 9.

⁷⁷ Ibid, 10-11.

⁷⁸ J. AL HUSSEINI and J. SABA, cit. supra note 6, 59-62.

⁷⁹ E. MARX, cit. supra note 63, 42.

education, healthcare, and infrastructure development, UNRWA has played a crucial role in alleviating immediate economic distress. This has been particularly true for the most vulnerable groups such as women, youth, and the elderly. As discussed, the provision of employment not only reduced poverty but it has also stabilized the social fabric, alleviating feelings of frustration, alienation, and hopelessness that could otherwise escalate into social unrest. In this sense, UNRWA's employment initiatives have undoubtedly contributed to social and political stability,⁸⁰ providing a necessary safety net in a context where the lack of economic opportunities could lead to widespread unrest and violence. UNRWA's efforts as an employer have undoubtedly been successful in the provision of immediate relief to the refugees, yet it is interesting to consider the implications they have on the agency's long-term sustainability.

The expansion of UNRWA's mandate from a temporary relief provider to a more permanent institution, has created a system of dependency among Palestinian refugees. By becoming the main employer for many in the refugee community, the agency has inadvertently reinforced the reliance of a large portion of the population on external support.⁸¹ The issue of this dependency between the Palestinian refugees and UNRWA is brilliantly explained by Elena Fiddian-Qasmiyeh.⁸² The problem lies, once again, in the agency's funding method. She noted that Donald Trump's decision to cut its contribution to UNRWA's annual budget in 2018, threatened the agency's ability to provide vital services such as education, healthcare, and emergency assistance to Palestinian refugees.⁸³ In particular Fiddian-Qasmiyeh emphasized that UNRWA's precarious funding situation has led to job insecurities for its 30,000 employees, including teachers, healthcare workers, and sanitation staff.⁸⁴ In 2018, internal circulars announced measures such as freezing retirement extensions, halting new appointments, and suspending conversions of fixed-term contracts to indefinite ones. This has caused widespread fear among employees, as many rely on the agency for both employment and post-retirement support.⁸⁵

This section has examined how UNRWA delivers immediate relief to Palestinian refugees, in line with UNGA Resolution 302, by analyzing key areas of intervention. First, food security and poverty levels were discussed, highlighting UNRWA's success in providing food baskets and cash assistance to a significant portion of the refugee population, despite financial and logistical challenges. The agency's ability to prevent starvation remains one of its most crucial

⁸⁰ M. AWAWDEH, *UNRWA: An Indispensable Agency*, in *Major Papers*, Univeristy of Windsor, 2020, 4.

⁸¹ E. MARX, cit. supra note 63, 42.

⁸² E. FIDDIAN-QASMIYEH, cit. supra note 65, 33-36.

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid.

contributions. Next, healthcare was assessed, with a focus on the volume of medical consultations and the agency's response to the COVID-19 pandemic. While service quality cannot be measured solely by quantitative data, UNRWA has demonstrated its capacity to manage large-scale healthcare operations in difficult conditions, reinforcing its role in crisis response. Finally, the sphere of unemployment was discussed. Note that it was briefly analyzed also when studying poverty trends across the Palestinian refugees, but the last section contains considerations that go beyond the mere economic repercussions. This part indeed investigated the demographics of the Palestinian refugee community and presented the social implications they have when combined to high unemployment rates. The role of UNRWA as employer and, consequently, as a social stabilizer emerged in this context, opening the space for a possible critique to the agency. While its efforts to employ local Palestinian refugees (and therefore reduce hunger, poverty, possibility for social unrest) are evident and cannot be criticized, this research shed light on the heavy dependency that has solidified over the decades between the Palestinian people and UNRWA.

2. UNRWA's Long-Term (Un)Sustainability

Throughout the research, UNRWA's services have been commented and somewhat evaluated, considering both academic research and official reports published by the agency itself. This section aims instead at re-exploring structural problems of the agency to prove its long-term unsustainability. It focuses mainly on two different aspects, that have already been partially addressed in previous chapters, but that need to be considered also in light of UNRWA's extended mandate: the question of eligibility to refugee status and the funding problem. Arguably, they would not represent a problem *per se*, but due to the prolonged (and unplanned) existence of the agency, they have emerged as unsustainable factors. Since both aspects have been introduced either in the first or the second chapter, the analysis will be rather brief, focusing in particular on how they became factors of long-term unsustainability.

2.1 The Burden of Inclusivity: The Rising Number of Refugees under UNRWA

2.1.1 Heritability of Refugee Status

In the first chapter it has been shown that UNRWA lacks a full-fledged legal definition of who is entitled to the status of refugee. Rather, it has adopted an operational definition,⁸⁶ that has changed multiple times to adapt to new emerging needs of the refugee population.⁸⁷ As of today, a Palestinian refugee is a person “*whose normal place of residence was Palestine during the*

⁸⁶ I. FELDMAN, *The Challenge of Categories: UNRWA and the Definition of a 'Palestine Refugee'* in *Journal of Refugee Studies*, Vol. 25, No. 3, 2012, 388.

⁸⁷ K. MICHAEL, M. HAUTEL-RADOSHITZKY, *Seventy Years to UNRWA: Time for Structural and Functional Reforms*, Institute for National Security Studies, 2022, 29.

period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict”.⁸⁸ While at first some limitations were placed on the heritability of the status, these were lifted in 1982, allowing all descendants of refugees to be considered refugees as well.⁸⁹ This has raised several concerns, as many argue that many Palestinian refugees would not be entitled to the refugee status were they under the UNHCR’s mandate.⁹⁰ For example, to justify the US decision to stop funding UNRWA, former US Secretary of State Mike Pompeo maintained that less than 200,000 Palestinians displaced after the *Nakba* are still alive,⁹¹ and the remaining 5,7 million refugees should not be entitled to such status by any rational criteria.⁹² At this point, it is useful to look at the international framework of refugee protection to investigate the question of descentance, and to understand whether Palestinian refugees would be entitled to their status under the UNHCR. The 1951 Refugee Convention does not explicitly touch the question of transmission of the status; however, the issue is indirectly addressed in different ways. While Article 1 of the 1951 Refugee Convention is centered around an individual “well-founded fear of persecution”,⁹³ the preamble of the Convention highlights the importance of protecting family unity as a fundamental aspect of human rights.⁹⁴ In addition, family unity is considered a fundamental principle under international law.⁹⁵ In this context, the UNHCR has developed the principle of “Derivative refugee status”, according to which family members and dependents of a recognized refugee may be granted refugee status.⁹⁶ Derivative status under UNHCR’s guidelines operates to extend refugee status to family members based on the recognition of the principal applicant. In other words, when one member of the family is granted refugee status (the

⁸⁸ Ibid.

⁸⁹ Ibid, 31.

⁹⁰ J.G. LINDSAY, *Reforming UNRWA*, in *Middle East Quarterly*, Vol. 19, No. 4, 2012, 87-88.

⁹¹ “We suspended funding to UNRWA, which is riddled with waste, fraud & concerns of support to terrorism. UNRWA is not a refugee agency; it’s estimated <200,000 Arabs displaced in 1948 are still alive and most others are not refugees by any rational criteria” – Former Secretary of State Mike Pompeo via X: <https://x.com/SecPompeo/status/1349832113923780610?lang=ar-x-fm>

⁹² N. ALHAMDAN, *Palestinian Refugees: Myth vs Reality*, Middle East Institute, 2021, <https://www.mei.edu/publications/palestinian-refugees-myth-vs-reality>.

⁹³ It applies on an individual basis and does not include provisions for the automatic transmission of status to descendants. Each individual must have a well-founded fear of persecution.

⁹⁴ Paragraph B of the preamble of the Convention deals with the Principle of unity of the family. It reads:

“The Conference, considering that the unity of the family, the natural and fundamental group unit of society, is an essential right of the refugee, and that such unity is constantly threatened, and noting with satisfaction that, according to the official commentary of the *ad hoc* Committee on Statelessness and Related Problems (E/1618, p. 40), *the rights granted to a refugee are extended to members of his family, recommends Governments to take the necessary measures for the protection of the refugee’s family*. [...]” [Emphasis added].

⁹⁵ K. JASTRAM AND K. NEWLAND, *Family Unity and Refugee Protection*, in *SSRN Electronic Journal*, 2003, 1.

⁹⁶ UNHCR, *Procedural Standards for Refugee Status Determination under UNHCR’s Mandate: Unit 5: Processing Claims Based on the Right to Family Unity*, UNHCR, 2003, 5-1.

"principal applicant") the other members of the family⁹⁷ can be entitled to the same status.⁹⁸ Jastram and Newland carefully note that UNHCR's guidelines do not require the principal applicant to necessarily be the head of the household, acknowledging gender-based persecution and forms of harm specific to children.⁹⁹ As a result, family members do not need to be directly involved in the persecution claim of the principal applicant; their entitlement to derivative status is based on their familial connection to the recognized refugee.¹⁰⁰ This is an important aspect as it somewhat goes beyond what established by the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, according to which: "*if the head of a family meets the criteria of the definition, his dependents are normally granted refugee status according to the principle of family unity.*"¹⁰¹ While the process is not automatic as it happens in the case of UNRWA, it can be concluded that also the UNHCR has envisaged a procedure for passing down the refugee status to other family members and descendants.¹⁰² In addition there have been several refugee crises other than the Palestinian one that have protracted over time,¹⁰³ with refugees transmitting their status to their children.¹⁰⁴ As noted by an article of the Economist published in February 2024, the reason behind the high number of Palestinian refugees is to be found only in the fact that the crisis has been ongoing for the past 77 years, and not in flawed procedures established by UNRWA.¹⁰⁵

This paragraph has shown that Palestinian refugees would still be entitled to transmit their status were they to fall within the mandate of the UNHCR and the traditional international framework of refugee protection. Therefore, it seems that UNRWA's procedures of transmission of refugee status do neither contravene nor are too far from recognized standards and global refugee practices in prior comparable refugee emergencies.¹⁰⁶

⁹⁷ Usually, family members who are dependent or who form part of the immediate family unit, such as spouses and children.

⁹⁸ K. JASTRAM AND K. NEWLAND, cit supra note 95, 9.

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, Chapter VI on the Principle of Family Unity, 1979.

¹⁰² N. ALHAMDAN, cit supra note 92.

¹⁰³ Afghanistan, Sudan, Somalia, and Angola are only some of the crises that can be mentioned as an example.

N. ALHAMDAN, cit supra note 92

¹⁰⁴ N. ALHAMDAN, cit supra note 92.

¹⁰⁵ THE ECONOMIST, *The Real Problem with the UN's Agency for Palestinians*, The Economist, 2024, <https://www.economist.com/middle-east-and-africa/2024/02/15/the-real-problem-with-the-uns-agency-for-palestinians>.

¹⁰⁶ N. ALHAMDAN, cit. supra note 92.

2.1.2 Acquisition of a New Nationality and the Right of Return

There is a second consideration to be discussed with respect to the eligibility to refugee status, namely the question of a second citizenship. As explained in the first chapter, if a Palestinian refugee acquires a new nationality, they do not become ineligible to benefit from UNRWA services.¹⁰⁷ As shown, this procedure is not allowed under the international framework of refugee protection, as Article 1(C)(3) of the 1951 Convention considers the acquisition of a new citizenship as a sufficient condition for the person to lose its status as a refugee.¹⁰⁸ A similar provision is to be found also in the European framework of refugee protection as well as in different national legislations. UNRWA does not adopt this procedure, and as a result, refugees obtaining a new nationality are still eligible to the refugee status, and therefore to receive UNRWA's aid.¹⁰⁹ Note that since 2,3 million Palestinians have also acquired a Jordanian citizenship,¹¹⁰ approximately 40% of UNRWA beneficiaries would not be considered refugees under the UNHCR's framework¹¹¹. This arguably represent a problem for an agency that is constantly facing a resource shortage. There are several reasons behind this peculiar character of the framework established by UNRWA, mostly political and attached to the idea of the right of return. The main idea is that if a Palestinian refugee were to lose his or her status as refugee, they would automatically lose their right to return.

On the contrary, this section aims at presenting arguments supporting the position that losing the refugee status does not automatically eliminate an individual's right of return. To substantiate this point, various authors will be considered, with particular attention given to Mazen Masri's research. This analysis is crucial as it leads to a significant conclusion: the loss of refugee status resulting from the acquisition of a new nationality does not automatically nullify the Palestinian right of return. This issue carries substantial weight, as the Palestinian community and Arab states exert considerable pressure on UNRWA to avoid de-recognizing refugees who obtain new citizenships, fearing that such actions could undermine their ability to assert their right of return.

¹⁰⁷ K. MICHAEL and M. HAUTEL-RADOSHITZKY, cit. supra note 87, 32.

¹⁰⁸ UNITED NATIONS GENERAL ASSEMBLY, *Convention Relating to the Status of Refugees*, Article 1, United Nations, Treaty Series, vol. 189, 1951, para C.

¹⁰⁹ K. MICHAEL and M. HAUTEL-RADOSHITZKY, cit. supra note 87, 32.

¹¹⁰ Jordanian Law No 6 of 1954 recognizes as Jordanian nationals "any person who, not being Jewish, possessed Palestinian nationality before 15 May 1948 and was a regular resident in [Jordan] between 20 December 1949 and 16 February 1954". A large number of Palestinian refugees were granted Jordanian citizenship by means of this legislation.

¹¹¹ UNRWA, *Protection in Jordan*, updated March 2024.

There are scholars, such as Steve Saideman and Yaffa Zibershtat, that argue that the acquisition of a new nationality delegitimizes Palestinian refugees from invoking their right of return.¹¹² To support their claim they invoke Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR). The article reads:

*“No one shall be arbitrarily deprived of the right to enter his own country.”*¹¹³

The key to their argument lies in the last two words of the article: “*own country*”. Saideman maintains that when a Palestinian refugee acquires a new nationality, their *own country* becomes automatically the new country that has granted them citizenship.¹¹⁴ Similarly, Zibershtat argues that the tie Palestinians claim with what they consider their homeland is purely artificial, as too many years have passed since they have actually lived in that territory.¹¹⁵ He believes that Palestinian refugees have developed stronger connections with the host States, and therefore the latter should be regarded as their own countries.¹¹⁶ This position seems to ignore two important factors. The first one is that identifying Palestine – even if under Israeli sovereignty – as their homeland has been a fundamental part of the development of Palestinian national identity, and therefore reducing their link to that land as artificial appears as an unnecessary simplification of the picture.¹¹⁷ The second factor is that the weakening of the link between Palestinians and their homeland is partially due to Israeli policies, which have consistently denied the refugees their right to return.¹¹⁸ To further counter this position, Masri considers the General Comment No. 27 of the Human Rights Committee on Article 12, according to which the term “*own country*” shall not be interpreted in the strict and formal sense of one’s nationality.¹¹⁹ On the contrary, the Committee wrote:

“[One’s own country] It is not limited to nationality in a formal sense, that is, nationality acquired at birth or by conferral; it embraces, at the very least, an individual who, because of his or her special ties to or claims in relation to a given country, cannot be considered to be a mere alien. [...]

¹¹² M. MASRI, *The Implications of the Acquisition of a New Nationality for the Right of Return of Palestinian Refugees*, in *Asian Journal of International Law*, Vol. 5, No. 2, 2014, 358.

¹¹³ UNITED NATIONS GENERAL ASSEMBLY, *International Covenant on Civil and Political Rights*, Article 12, United Nations, Treaty Series, vol. 999, 1966, para 4.

¹¹⁴ M. MASRI, cit. supra note 112, 358.

¹¹⁵ Ibid, 359.

¹¹⁶ Ibid.

¹¹⁷ Ibid, 373.

¹¹⁸ Ibid.

¹¹⁹ Ibid, 367.

*The language of article 12, paragraph 4, moreover, permits a broader interpretation [...].*¹²⁰

This passage suggests that the concept of "own country" extends beyond formal legal definitions of nationality and instead incorporates deeper personal, cultural, and historical connections that individuals may have with a particular place. For Palestinians, their "special ties" to the land they identify as their homeland – despite prolonged displacement – are grounded in their cultural heritage, collective memory, and historical claims. These ties persist regardless of whether they have obtained citizenship elsewhere, reinforcing the argument that their connection to Palestine cannot be dismissed as artificial or secondary to their host states. The broader interpretation endorsed by the Committee strengthens the notion that Palestinians' right to consider Palestine as their "own country" remains valid and significant, even after decades of displacement. Finally, it is interesting to look also at John Quingley's argument, discussed in Masri's work. He considers the case of Palestinian refugees with a Jordanian citizenship, and he argues that while in other cases the acquisition of a new nationality may be interpreted as a desire of the refugee to renounce to its original one, the picture is different in the context of Palestinians in Jordan. By means of a national legislation passed in 1954, Jordan citizenship was extended to Palestinian refugees that had legally resided in Jordan since 1949 (see note 110). According to Quingley, this shows no sign of intention on the behalf of the Palestinian refugee to renounce to their original nationality, and therefore the right of return should not cease to exist.¹²¹ Furthermore, Jordan has consistently played a leading role in advocating for Palestinian rights at the international level, making the Palestinian issue a central element of its foreign policy.¹²² The country has historically represented Palestinian interests before various international bodies, reinforcing its position as a regional actor committed to securing their political and legal rights.¹²³ This aspect seems to further reinforce Quingley's argument, in that Jordan's granting of citizenship to Palestinian refugees should not be interpreted as an effort to replace or undermine their claim to their original nationality.

In his work, Masri reviewed different positions on the question of the right to return and nationality, and he concluded that the former does not depend only on the latter, but rather on the link the refugees have with their homeland.¹²⁴ More importantly, the loss of refugee status does

¹²⁰ UN HUMAN RIGHTS COMMITTEE, *General Comment No. 27: Freedom of Movement (Art. 12)*, 1999, UN Doc. CCPR/C221/Rev.1/Add.9.

¹²¹ M. MASRI, cit. supra note 112, 359.

¹²² JORDANIAN GOVERNMENT, *The Jordanian Position on the Palestinian Issue*, Department of Palestinian Affairs, 2021.

¹²³ R. CURTIS, *For Jordan, Trump's Latest Pronouncements Threaten an Existential Disaster*, Arab Center Washington DC, 2025, <https://arabcenterdc.org/resource/for-jordan-trumps-latest-pronouncements-threaten-an-existential-disaster/>.

¹²⁴ M. MASRI, cit. supra note 112, 386.

not automatically extinguish an individual's legal, social, and cultural ties to their country of origin.¹²⁵ He believes that it would be unreasonable to assume that the cessation of this status could erase the deep and multifaceted connections that shape a person's identity. Despite being significant, legal status cannot fully encapsulate the complexity of human relationships, cultural heritage, and personal history. Similarly, acquiring a new nationality should not be seen as a transformative event that overrides past experience and the cultural bonds of an individual.¹²⁶

Another interesting question on the matter was raised by Boling. In his research, he notes that also invoking the wording of UNGA Resolution 194(III) to support the correlation between the cessation of the status of refugee and the right to return is illogical. He argues that, while it is true that the Resolution establishes that "*refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date*", their right is protected under international customary law, and therefore it would not cease were this Resolution to become unapplicable. Boling maintains that the right to return is a concept that has crystallized as customary law, and that it was only reaffirmed by the Resolution in 1948.¹²⁷

This long premise was necessary in order to explain why UNRWA should adhere to the international practice of withdrawing the refugee status to individuals acquiring a new nationality. The lift of refugee status to some 2,3 million Palestinians would indeed significantly alleviate the burden on UNRWA, allowing it to focus on a smaller portion of people in need of assistance. As argued, however, this would not result in the loss *ipso facto* of their right to return, which would still be protected under international law.

In conclusion, the ever-growing number of Palestinian refugees represents a factor of unsustainability for the agency. Over the past 75 years the number of refugees has grown exponentially, from 700,000 in the aftermath of the *Nakba* to just below 6 million today,¹²⁸ resulting in increased difficulty in the management of the humanitarian and political question.

2.2 Dependency on Donors' Goodwill

When UNRWA was established, the UN had not envisaged a stable income stream that would regularly finance the agency, so the Member States opted for financing the agency themselves.¹²⁹ After 75 years of operations, donor States remain the main source of funding, and

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ G.J. BOLING, *Palestinian Refugees and the Right of Return: An International Law Analysis*, in *BADIL - Information & Discussion Brief*, No. 8, 2001, 2.

¹²⁸ K. MICHAEL and M. HAUTEL-RADOSHITZKY, cit. supra note 87, 7.

¹²⁹ A.E. IRFAN, *UNRWA Funding Is Burdened with Conditionality*, The Cairo Review of Global Affairs, 2024, <https://www.thecaireview.com/essays/unrwa-funding-is-burdened-with-conditionality/>.

together with intergovernmental organizations and NGOs, they account for over 96% of the agency's budget.¹³⁰ As discussed in the second chapter, this has resulted in huge power¹³¹ in the hands of the main donor States, such as the United States, the EU, and the UK. There is a second consideration stemming out from this unreliable funding system: UNRWA has perpetually reported shortage of funds.¹³² To put it in Benjamin Schiff's words, as reported by Berg, Jørgen, and Åge in their research, "*if money is the organization's lifeblood, since 1956 UNRWA has considered itself anemic.*"¹³³ The scarce and uncertain nature of the fundings the agency receives not only creates a problematic reliance of UNRWA on the donors' benevolence, but it has exposed it to heavy political interference.¹³⁴ Notwithstanding the considerable power donor States exercise on the agency, UNRWA has always been in a condition of perpetual financial crisis.¹³⁵ To cope with this problematic situation, UNRWA has tried to diversify its donor base, with OECD countries and the EU being the main contributors to the Program Budget, and non-OECD countries, Arab States in particular,¹³⁶ funding specific projects and emergency assistance.¹³⁷ However, as the refugee population continues to grow, these diversification efforts will unlikely be enough.¹³⁸

There are several reasons that can be identified as causes of this budget crisis. Nachmias and Belgrad identified the structure of the agency and the lack of an overseeing body as one of the main causes behind constant budgetary constraints. They note that while the UNHCR and the United Nations Children's Fund (UNICEF)'s expenditures are reviewed and approved by either an Advisory Commission or a Special Political Committee of the UNGA, UNRWA's expenses remain unchecked.¹³⁹ This is because when the UNGA created the agency in 1948, it did not envisage a special body entrusted with considering and reviewing its budget.¹⁴⁰ This should not be intended as an overlook of the UNGA, but rather as a misunderstanding of the complexity of the crisis. As repeated several times in this research, the international community was confident

¹³⁰ A. RAMSAY AND A. AL-Orzza, *Understanding the Political Underpinnings of UNRWA's Chronic Funding Crisis*, in *Badil Bulletin* No. 27, 2018, 10.

¹³¹ Intended as the ability to affect UNRWA's performance, policies pursued, and outcomes in general.

¹³² K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 28, 25.

¹³³ B. SCHIFF, *Refugees unto the Third Generation: UN Aid to Palestinians (Contemporary Issues in the Middle East)*, quoted in K.G. Berg, J. Jørgen, and A.T. Åge, cit. supra note 28, 25.

¹³⁴ A. RAMSAY AND A. AL-ORZZA, cit. supra note 130, 11.

¹³⁵ N. NACHMIAS, and E.A. BELGRAD, cit. supra note 2, 8.

¹³⁶ The financial support of the Arab States is very unreliable and unstable. This stems from the fact that they argue that the refugee crisis is a consequence of Israel and its Western supporters, asserting that these parties bear the political and moral responsibility to fund international efforts for Palestinian refugees.

¹³⁷ M. DUMPER, *The Future of UNRWA in the Face of Financial Challenges and Political Pressure*, Palestine Economic Policy Research Institute (MAS), 2020, 7.

¹³⁸ Ibid.

¹³⁹ N. NACHMIAS, and E.A. BELGRAD, cit supra note 2, 7.

¹⁴⁰ Ibid.

that the refugee crisis in Palestine would terminate in a short period of time, thus explained the limited and temporary mandate of the agency. In that, the establishment of an *ad hoc* apparatus responsible to review and approve the expenditures of the agency seemed unnecessary.¹⁴¹ While this reasoning is understandable, it is not so clear why such body was never introduced, considering that UNRWA has been active for the past 75 years. To partially fill this vacuum, during an informal meeting in Vienna between donor States, budget proposals and financial checks were discussed for the first time in 1986.¹⁴² These financial checks have become practice,¹⁴³ and while this marked a step forward in addressing UNRWA's budgetary issues, it still falls short of creating a dedicated oversight body comparable to those in place for UNHCR or UNICEF. Unlike these agencies, UNRWA remains without a formal mechanism to independently review and approve its expenditures, leaving significant power in the hands of donor States. These donor-driven financial checks often prioritize their strategic interests rather than the needs of UNRWA or the Palestinian refugees it serves. Moreover, despite these measures, donor states have continued to voice concerns over UNRWA's lack of accountability and transparency.¹⁴⁴

It has been discussed several times throughout this research that UNRWA's short-term mandate is no longer feasible, representing a significant limitation to its performance. It confines the agency in a state of limbo between its outdated mandate and the increasingly complex environment in which it operates. In addition, the lack of a stable and reliable funding mechanism (e.g., a UN trust fund), coupled with the absence of a formal oversight body to review expenditures, has exposed UNRWA to a perpetual status of dire economic conditions, high exposure to political interference, and lack of transparency and accountability. These criticisms have, in turn, provided donor states with a convenient pretext to defund or limit their contributions, with devastating consequences for Palestinian refugees.¹⁴⁵ Also, the Israeli-Palestinian conflict and UNRWA itself have become deeply politicized, with Israel advancing several criticisms and accusations of corruption and unreliability, and questions of funding often reflect left-right political divides.¹⁴⁶ In other words, it is essential for UNRWA to prioritize reliability and accountability to prevent donors from using these shortcomings as justification to reduce funding. The absence of a dedicated oversight mechanism is no longer sustainable, especially considering the agency's longevity and the critical role it plays in supporting Palestinian refugees.

¹⁴¹ Ibid.

¹⁴² Ibid, 8.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

¹⁴⁵ E. FIDDIAN-QASMIYEH, cit supra note 36, 37.

¹⁴⁶ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 28, 26.

2.2.1 Question of Terrorism

When discussing accountability and transparency, the question of terrorism cannot be ignored, as it has represented over time one of the most important reasons behind funding cuts. This is partially connected also to the debate on the status of refugee. Michael and Hautel-Radoshitzky note that according to the 1951 Refugee Convention, a person involved in war crimes or other criminal activity is no longer entitled to receive refugee protection from UNHCR, as per Article 1(C).¹⁴⁷ On the contrary, UNRWA has never established an official procedure for revoking the refugee status to individuals involved in terrorist activities.¹⁴⁸ While they discussed this when considering the status of refugee under UNRWA and the large number of refugees receiving assistance from the agency, it is interesting to look also at the big implication this has on funding. UNRWA has been criticized several times for being involved in terrorism. Allegations span from hiring terrorists or individuals supporting terrorist groups, to allowing terrorist organizations to use UNRWA's facilities to carry out their activities (a famous example concern Hamas' missile stockpiles found in UNRWA schools in the Gaza Strip during Operation Protective Edge in 2014), and to transport weapons and other illicit tools on their vehicles, which cannot be searched due to diplomatic immunity.¹⁴⁹ In his research on the education offered by UNRWA, Waldman concluded that the agency breeds violence, extremism, and terrorism.¹⁵⁰ The Israeli government has consistently denounced UNRWA for supporting Palestinian nationalism,¹⁵¹ and the situation only deteriorated after the outbreak of the conflict against Hamas, as UNRWA was accused of fostering ties with the terrorist organization Hamas.¹⁵² The involvement of some 12 (only nine confirmed by the Office of Internal Oversight Services' investigation) UNRWA employees with the brutal attacks in October 2023¹⁵³ has further exacerbated this issue, prompting several donor States to suspend or withdraw funding. Among these States, it is worth mentioning the United States¹⁵⁴ and

¹⁴⁷ K. MICHAEL and M. HAUTEL-RADOSHITZKY, cit. supra note 87, 34.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid, 44.

¹⁵⁰ I. SALAMEY, A. TARTIR, cit supra note 59, 114.

¹⁵¹ A.E. IRFAN, *Refuge and Resistance*, Columbia University Press, 2023, 113.

¹⁵² Formal charges were advanced by Israeli Ambassador to the UN, H.E. Danny Danon, by means of a letter addressed to the presidents of the General Assembly and the Security Council on December 18, 2024. The document is available at: <https://govextra.gov.il/media/3bhhmgr3/amb-danon-letter-to-pga-18-12-24.pdf>

¹⁵³ UNRWA, *Investigation Completed: Allegations on UNRWA Staff Participation in the 7 October Attacks*, UNRWA's newsroom, 2024.

¹⁵⁴ US CONGRESS, *Stop Support for United Nations Relief and Works Agency Act of 2024*, Report No. 118-406, 2024. This bill establishes that "The United States may not make any voluntary or assessed contributions to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (referred to in this Act as "UNRWA") or to the regular budget of the United Nations for the support of UNRWA" to prohibit aid that will benefit Hamas, and for other purposes.

several countries of the European Union.¹⁵⁵ Beyond the huge financial implications that this episode had on the agency and, most importantly on its beneficiaries, UNRWA is an agency of the United Nations and as such it is imperative that it respects principles of neutrality and impartiality and all the core values central to the UN mission. The agency's role in delivering humanitarian aid, particularly in politically complex contexts like Palestine, necessitates strict adherence to these principles to maintain its credibility and legitimacy. In that, UNRWA must remain a neutral actor, avoiding any alignment with political or partisan interests. This is crucial not only to preserve its effectiveness but also to ensure the safety and trust of the communities it serves and of the international donors. This discourse is closely connected with the broader issue of the politicization of humanitarian aid in Palestine, which is addressed in the second chapter. In a region marked by deep-rooted political and territorial disputes, the question of whether humanitarian aid can truly remain neutral is complex. Yet, increasing accountability and transparency and eliminating all possible interference with extremist groups stand as paramount to secure the trust of donor States and, as a consequence, their contributions to the agency.

Conclusion

The chapter began with a question: is UNRWA perpetrating the refugee crisis in Palestine? The answer is complicated. First an evaluation of UNRWA's activities was provided, beginning with its role in providing immediate relief, as outlined in UNGA Resolution 302. Three critical areas were examined: poverty and food security, where UNRWA's cash and food assistance efforts were found to be effective; healthcare, particularly its ability to manage large-scale needs during crises such as the COVID-19 pandemic;¹⁵⁶ and employment, which serves as both short-term relief and a stabilizing factor in a region plagued by high unemployment. It however considered also another aspect, namely the condition of dependency that has risen over time between the agency and the refugees, as most aspects of the life of the latter have come to entirely rely on UNRWA. The second section of the chapter investigated the broader implications of UNRWA's continued existence, especially relating to the role of UNRWA in the perpetration of the crisis. Critics of UNRWA uses as main argument against the sustainability of the agency the transmissibility of the refugee status and, more importantly the question of acquisition of a new citizenship. According to them, if UNHCR's standards were to be applied, many refugees

¹⁵⁵ Countries like France and Germany had frozen their contributions in late January 2024, but they were reinstated respectively in March and April 2024. For more information and other countries' suspensions of funding to UNRWA following Israeli charges, see: <https://unwatch.org/updated-list-of-countries-suspending-unwra-funding/>

¹⁵⁶ L. TAKKENBERG, *UNRWA after October 7: Building a Comprehensive Response Framework for Palestinian Refugees*, The Cairo Review of Global Affairs, 2024.

would lose their status, therefore facilitating negotiations with Israel on their right to return and possibly ending this crisis. As explained, however, the cessation of the refugee status does not as such delegitimize the individual to invoke his or her right to return. sTherefore, arguing that UNRWA and its policies are the cause of perpetration of the Palestinian refugee crisis seems not only extreme, but also flawed. Afterwards, the chapter examined UNRWA's antiquated funding mechanism, which is based on voluntary contributions, making it subject to political meddling and financial instability. In this regard, considerations on the lack of an oversight body were presented and the question of involvement with terrorist activities was discussed.

The conclusion was that, overall, UNRWA is successful in providing immediate relief and that it achieves the main purpose set out by UNGA Resolution 302. However, while the mandate of the agency has *de facto* evolved, its structure has remained the same, thus exposing it to practical problems that undermine its long-term sustainability. In the following chapter, it will be shown that UNRWA is not the problem, but neither is it the solution in its current form. While it remains indispensable for the survival of Palestinian refugees, UNRWA must evolve to better serve their needs and to contribute to a broader framework that moves beyond temporary relief toward a sustainable and just resolution of the refugee crisis.

Chapter 4: The Future of Humanitarian Aid to the Palestinian Refugees: UNRWA or Post-UNRWA solutions?

At present, the future of UNRWA looks problematic. It is clear that the agency does not reach its full potential in its current form, but also the implementation of substantial changes is not as easy as it seems. This chapter explores different possibilities concerning the future of the agency. These options have been proposed by scholars over time and they will be discussed based on their applicability and on the impact it would have on the refugees. The first option proposed is to dismantle UNRWA and replace it either with a new agency or with UNHCR, considering both strengths and shortcomings of this option. The second possibility is that of reforming UNRWA to solve these practical problems mentioned above. This last option is expected to be the most suitable both for the stability of the region and the well-being of the Palestinian refugee community.

1. Post-UNRWA Era: A New Framework for Palestinian Refugee?

The Israeli government has argued for the dismantle of UNRWA for a long time for security concerns.¹ However, Israel does not have the power to do so.² It can only defund the agency and exercise pressure on the General Assembly³, which is the only organ entitled to modify and even cease UNRWA's mandate.⁴ The possibility that the UNGA would actually dismantle or replace the agency looks very remote, given the current state of events. However, this option has been considered in the academia and different scholars have discussed the implications that this would have both on the Palestinian refugees and on the donor States. To explore this, the present chapter will be organized as follows. First, consideration of removing UNRWA will be advanced. Secondly, possible replacement of the agency will be discussed. The most notable solutions that have been identified by available literature are the overtake of UNRWA's responsibilities by the UNHCR and the adoption of a mixed model of assistance, rather than the introduction of a brand-new agency to deal with the Palestinian refugee crisis.

1.1 Dismantle UNRWA

This section considers the arguments in favor of dismantling UNRWA and the implications this action would bring. Israeli journalist and academic Adi Schwartz heavily criticizes the agency, supporting its replacement. According to him, while initially created to

¹ M. SHIHADDEH, *UNRWA Closure as Prelude to the Elimination of Palestinians' Right of Return*, Arab Center Washington DC, 2024.

² D. BEDEIN, *Don't Dismantle UNRWA; Reform Its Policies*, BeginSadat Center for Strategic Studies, 2017, 2.

³ See note 152, Chapter 3.

⁴ D. BEDEIN, cit. supra note 2, 2.

provide relief and humanitarian aid to the Palestinian refugee community, UNRWA has done nothing except for perpetrating the refugee crisis.⁵ Without UNRWA, the Palestinian refugees would have relocated to nearby nations, mostly the Arab States, according to Schwartz. This did not occur, he claims, because UNRWA is more concerned with satisfying the Arab desire to destroy Israel than with advancing the humanitarian cause.⁶ A similar position is that of Israeli columnist Shmuel Rosner, who described the agency as a “*problem exacerbator*”, rather than a problem solver.⁷ He blames UNRWA for illuding the Palestinian refugees that they are entitled to return to their homes, rather than focusing on resettlement in Arab States.⁸ These arguments for dismantling UNRWA rely on several flawed assumptions that oversimplify the complex realities of the Palestinian refugee crisis. First, the claim that Palestinian refugees would have seamlessly integrated into Arab states without UNRWA overlooks significant historical and political factors. While it could be the case for Jordan, where Palestinians refugees are well integrated both socially and economically,⁹ as already discussed in previous sections, Lebanon severely restricts basic rights (such as the right to work or to own property) to the Palestinian refugees.¹⁰ In addition, this position fails to consider the interests of the Arab States. Since the Lausanne Conference in 1949, States of the Arab League¹¹ have maintained a unified stance advocating for the refugees' right of return, identifying reparation as the only just solution.¹² A second factor that seems to be ignored by Schwartz and Rosner is that UNRWA has, indeed, provided humanitarian assistance, and it continues to do so. They both claim that the agency has shifted from its original mandate of providing humanitarian assistance to becoming a political tool against the State of Israel. However, as demonstrated in this research, UNRWA continues to deliver immediate relief to Palestinian refugees, addressing critical needs in areas such as food security, healthcare, and employment. Arguably, claims that reduce UNRWA to a political instrument miss the actual impact of its humanitarian operations and the confidence it has earned from the people it serves.

Several scholars have discussed the terrible effects that dismantling UNRWA would bring. Qandeel and Progin-Theuerkauf admitted that the temporary mandate and the flawed funding

⁵ A. SCHWARTZ, *Dismantle UNRWA*, in *BESA Center Perspectives Paper* No. 528, 2017, 1-2.

⁶ Ibid, 2.

⁷ M. SHANNON, *Deconstruction Zone: UNRWA Is a Threat to Coexistence*, Australia/Israel & Jewish Review Council, 2024.

⁸ Ibid.

⁹ UNRWA, *Protection in Jordan*, updated March 2024.

¹⁰ S. ELOUBEIDI AND T. KEMPIN REUTER, *Restricting Access to Employment as a Human Rights Violation: A Case Study of Palestinian Refugees in Lebanon*, in *The International Journal of Human Rights*, Vol. 27, No. 1, 2022, 55.

¹¹ At the time of the Lausanne Conference, the members of the Arab League were Egypt, Iraq, Jordan, Lebanon, Saudi Arabia, Syria, and (North) Yemen.

¹² J. AL HUSSEINI, *The Arab States and the Refugee Issue: A Retrospective View*, in *Israel and the Palestinian Refugees*, Heidelberg: Springer Berlin Heidelberg, 2007, 2-4.

system of the agency have created an incredibly fragile regime, yet they argue that ending UNRWA's humanitarian activities would necessarily result in regional instability.¹³ A similar conclusion was already reached 40 years ago by John Stebbing, who labelled UNRWA as an instrument of peace. According to him, a lasting peace in the region depends also on the Palestinian people achieving a standard of living comparable to that of others in neighboring countries.¹⁴ As long as UNRWA continues to operate, there remains hope that their current circumstances are not permanent, even though the majority of Palestinian refugees have known no other reality than the one shaped by displacement and hardship. In addition, UNRWA has become a means through which the international community supports – or at least acknowledges, the Palestinian question.¹⁵ UNRWA possesses an extremely accurate registration archive, which is evidence of the historic claims advanced by the refugees¹⁶ and the dismantle of the agency would necessarily be perceived as a political move against the Palestinian community. It has been discussed several times throughout the research that UNRWA has become deeply politicized and this is yet another example. Dismantling UNRWA would be largely perceived as abandoning the Palestinian cause.

While dismantling UNRWA and replace it with another agency does not seem to be a wise choice that would in fact improve the conditions of the refugees and of the region as a whole, this research will still consider two possible alternatives to UNRWA. The first option consists in dismantling UNRWA and reallocate its powers and responsibilities across different specialized UN agencies, whereas the second one supports UNRWA's replacement with the UNHCR.

1.2 Reallocating UNRWA's Responsibilities Across UN Agencies

An option considered by different authors is to dismantle UNRWA and transfer the latter's responsibilities to other existing UN agencies. Note that UNRWA already entertains relationships with other UN agencies, as envisaged in the current Medium-Term Strategy.¹⁷ However, this approach is different in that it is based on enhanced partnerships between an increasingly-less powerful UNRWA and other organs of the United Nations.¹⁸ The strength of this model is that it could be implemented bypassing the UNGA, which is unlikely to cease UNRWA's mandate, as

¹³ M. QANDEEL AND S. PROGIN-THEUERKAUF, *Legal Implications of Dismantling UNRWA: A European Perspective*, in *Journal of Politics and Law*, Vol. 14, No. 3, 2021, 95.

¹⁴ J. STEBBING, *Unrwa: An Instrument of Peace in the Middle East*, in *International Relations*, Vol. 8, No. 3, 1985, 280.

¹⁵ M. DUMPER, *The Future of UNRWA in the Face of Financial Challenges and Political Pressure*, Palestine Economic Policy Research Institute (MAS), 2020, 7.

¹⁶ L. TAKKENBERG, *UNRWA after October 7: Building a Comprehensive Response Framework for Palestinian Refugees*, The Cairo Review of Global Affairs, 2024.

¹⁷ K.G. BERG, J. JØRGEN, AND A.T. ÅGE, *UNRWA, funding crisis and the way forward*. CMI Report, 2022, 30.

¹⁸ *Ibid*, 29.

explained.¹⁹ Donor States could indeed stop sending their voluntary contributions to the agency, isolating it from any work and responsibility in the region.²⁰ According to Goldbery and Glick, the adoption of a mixed method of assistance instead of UNRWA would increase efficiency and accountability. Under this model, UNICEF would take over education and child protection programs, ensuring access to quality schooling and safeguarding children's welfare. The World Food Program (WFP) would handle the delivery of food aid and oversee logistics to address hunger and nutritional needs, while the WHO could potentially manage healthcare services, although concerns have been raised regarding past allegations of partnerships with Hamas in certain operational contexts.²¹ The International Labor Organization (ILO) would be tasked with supporting economic recovery, providing vocational training, and promoting employment opportunities for refugees to reduce reliance on aid.²² Goldbery and Glick argue that this decentralized model would ensure a more targeted allocation of resources and increase oversight. This potential solution has gained momentum following recent legislative actions by Israel, including laws enacted in October 2024 that ban UNRWA's operations within its territories,²³ citing alleged affiliations with militant groups.²⁴

Berg, Jørgen and Åge have also considered this model. However, they argue that channeling funding to other UN agencies instead of UNRWA is only more expensive and more complicated, without necessarily leading to increased efficiency and accountability.²⁵ There is another concern that needs to be raised while discussing this mixed model, namely, the exclusion of UNHCR from the picture. Stripping UNRWA of operational power while maintaining its legal responsibilities would create a paradoxical situation where the agency continues to represent refugees at the international level (due to the unlikelihood of UNGA ending its mandate) without the authority to enact any meaningful changes. From a political perspective, this would severely weaken the refugees' international representation, undermining their rights and status. Legally, it would leave them de facto without adequate protection, receiving only immediate aid through decentralized agencies like UNICEF and WFP. Such an arrangement would set a dangerous precedent, as no other refugee situation in the world is handled in this fragmented manner. Given the already

¹⁹ R. GOLDBERY AND B. GLICK, *Turn-Key Alternatives to Replace UNRWA Immediately*, Foundation for Defense of Democracies, 2024.

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

²³ In October 2024, the Knesset approved the bill prohibiting UNRWA from performing any activity and delivering any service on Israeli sovereign territory.

²⁴ MIDDLE EAST MONITOR, *Israel Negotiates Transferring UNRWA Operations to Other UN Agencies*, Middle East Monitor, 2025, <https://www.middleeastmonitor.com/20250117-israel-negotiates-transferring-unrwa-operations-to-other-un-agencies/>.

²⁵ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 29.

unique and complex nature of the Palestinian refugee issue, this approach would exacerbate their vulnerability rather than resolving the core challenges they face. In addition, it must be stressed that UNRWA is a symbolic institution. In this sense its dismantling holds larger implications. Also critics of the agency, such as Alex Joffe considers that removing UNRWA would necessarily be perceived by the Palestinian refugees in the first place, but also by other Arab countries, as the withdrawal of support from the international community to the Palestinian narratives of displacement and return.²⁶ This would arguably complicate the picture, leading to instability in the region.

1.3 UNHCR Takes Over UNRWA's Responsibilities

A more realistic hypothesis consists in a gradual relocation of responsibilities and resources from UNRWA to the UNHCR. This process would probably be lengthy and gradual, and not happen overnight as desired by the Israeli government, but it would lead to important changes.²⁷ This model involves a slow subordination of UNRWA's powers to the UNHCR, which would adopt standard working methods such as those it uses in other refugee crises.²⁸ There are considerations that need to be made also with respect to this proposal. The first one concerns the level of protection offered by UNRWA and its services. The UNHCR mainly relies on host governments and other NGOs to deliver aid, unlike UNRWA which remains the main provider of humanitarian assistance.²⁹ With a transfer of powers from the former to the latter, it is clear that the level of assistance would decrease, and the needs of the Palestinian refugees would not be properly addressed.³⁰ In addition, the UNHCR does not have state-like functions like the ones UNRWA developed over time, as discussed in the second chapter. While this accounts for increased neutrality, it must be recognized that this transfer of responsibilities would leave a vacuum of power, which is likely going to be filled by extremist groups, especially in critical contexts such as the Gaza Strip.³¹ Another argument that is often invoked to support a replacement of UNRWA with the UNHCR is that the latter has the mandate to seek durable solutions, and that it has several successful stories of resettlement throughout its history.³² However, the UNHCR's success in resolving refugee crises has typically depended on the willingness of host states and

²⁶ A. JOFFE, *Transfer UNRWA's Responsibilities to Whom?*, Begin-Sadat Center for Strategic Studies, 2018, <https://besacenter.org/unrwa-responsibilities/>.

²⁷ K. MICHAEL, M. HAUTEL-RADOSHITZKY, *Seventy Years to UNRWA: Time for Structural and Functional Reforms*, Institute for National Security Studies, 2022, 56.

²⁸ Ibid.

²⁹ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 36.

³⁰ Ibid.

³¹ M. QANDEEL AND S. PROGIN-THEUERKAUF, cit supra note 13, 95.

³² J.G. LINDSAY, *Fixing UNRWA. Repairing the UN's Troubled System of Aid to Palestinian Refugees in Policy Focus #91*, The Washington Institute for Near East Policy, 2009, 36.

the international community to cooperate and prioritize durable solutions. The Palestinian question has always been shaped by the lack of political will of the international community to find and enforce a durable solution of the crisis.³³ As Southey brilliantly noted: “Reparation is not a legal issue, but a political one”.³⁴ In other words, UNRWA’s existence reflects the broader unwillingness of key political actors to negotiate and enforce a comprehensive and just solution.³⁵ In that, transferring responsibilities to another body, such as UNHCR, would merely shift the burden without creating meaningful progress.³⁶ Let alone that replacing UNRWA with the UNHCR would inevitably result in discontent and social unrest.³⁷ As mentioned above, UNRWA’s value has exceeded that of mere aid and humanitarian protection. It has come to represent the Palestinian question at the international level, a sort of symbol of the international community’s efforts toward this cause.³⁸ Palestinian refugees fear that under the UNHCR’s mandate, they would lose their distinct identity and the international recognition of their unique plight.³⁹ Palestinians are in fact scared that the cancellation of their special status would overshadow their cause, by reducing it to statistics in a much larger system.⁴⁰ Furthermore, Michael and Hautel-Radoshitzky have evaluated this options and while they recognize that the alignment of the status of Palestinian refugees with that of all the other refugees in the world under UNHCR would undoubtedly represent a practical improvement, they also note that this option is highly unfeasible, as both Palestinian refugees and the Arab States strongly would oppose it.⁴¹

It is interesting also to consider the staff. The UNHCR would likely employ the same personnel currently working for UNRWA, as they are already trained to provide different services.⁴² How would this stand as a solution to donor States or Israel, who have perpetually raised claims concerning the neutrality of UNRWA’s staff? Unless donor states and Israel acknowledge that the issue lies not in the agency itself but in the political dynamics of the region, the debate over neutrality will persist regardless of which UN body administers aid.

³³ M. DUMPER, cit. supra note 15, 9.

³⁴ S. SOUTHEY, *Repatriation vs. Resettlement: The Role of UNRWA in the Stalemate of the Palestinian Refugee Crisis*, 2021, 52.

³⁵ M. AWAWDEH, *UNRWA: An Indispensable Agency*, in *Major Papers*, Univeristy of Windsor, 2020, 4.

³⁶ J.G. LINDSAY, cit supra note 32, 52.

³⁷ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 37.

³⁸ Ibid, 36.

³⁹ Ibid.

⁴⁰ K. MICHAEL and M. HAUTEL-RADOSHITZKY, cit. supra note 27, 57.

⁴¹ Ibid.

⁴² A. JOFFE, cit supra note 26.

1.3.1 Humanitarian Assistance in the Case of Lebanon

There is one last question that is worth discussing when considering the feasibility of transferring UNRWA's powers and responsibilities to the UNHCR. This last consideration focuses on how humanitarian assistance is defined. In the context of the UNHCR, humanitarian assistance is mainly associated with the provision of emergency relief, focusing for example of food distribution, shelter, medical care, and protection.⁴³ On the contrary, it has been long discussed that UNRWA's activities exceeds mere immediate humanitarian assistance, strictly intended as aid aimed to meet the immediate needs of wounded populations to prevent a larger tragedy.⁴⁴ Rosenfeld notes in this regard that the UNHCR's type of assistance can be compared to that of the ICRC or WFP, in that they deliver temporary, but most importantly short-term emergency relief following a disaster, which can range from a war to a natural catastrophe.⁴⁵ This is obviously not the case of UNRWA, which as explained in different section of this thesis, which has provided a broader set of services to Palestinian refugees over the past 75 years. As mentioned, the scale and cost of UNRWA's education program – the largest in UN history –⁴⁶ further highlights how the agency's role exceeds the traditional scope of humanitarian assistance as defined above. As a result, it is likely that the scale of services offered to Palestinian refugees would be reduced were the UNHCR to undertake the responsibilities of UNRWA. However, this leads to additional considerations. The UNHCR intervenes in contexts of acute humanitarian crises, while UNRWA offers its services also to Palestinian refugees in Jordan and Lebanon, where there is no active conflict. This raises the question of whether Palestinian refugees in these areas would still be entitled to assistance if UNRWA's responsibilities were transferred to UNHCR. While refugees in critical situations, such as those in the Gaza Strip or Syria, would likely continue receiving similar services, those in more stable regions might not. This aligns with the perspective of former UNRWA executive James G. Lindsay, who argues that it is illogical to provide services such as education and welfare to the citizens of a member state in a non-emergency situation,⁴⁷ possibly referring to Jordan and Lebanon. The case of Lebanon is particularly worth mentioning. It has been discussed in previous chapters that Palestinian refugees there are systematically denied basic

⁴³ UNHCR USA, *How Does UNHCR Respond to Humanitarian Emergencies?*, Unrefugees.org, 2024.

⁴⁴ M. ROSENFELD, *From Emergency Relief Assistance to Human Development and Back: UNRWA and the Palestinian Refugees, 1950–2009*, in *Refugee Survey Quarterly*, Vol. 28, No. 2–3, 2009, 287–288.

⁴⁵ *Ibid*, 288.

⁴⁶ N. NACHMIAS, *Two Divergent Cases of Protracted Humanitarian Aid Operations: The World Bank and UNRWA (1949–2017)*, in *Cultural and Religious Studies*, Vol. 7, No. 5, 2019, 233.

⁴⁷ *Ibid*, 234.

rights such as property ownership⁴⁸ and employment,⁴⁹ not to mention the acquisition of citizenship.⁵⁰ While the humanitarian situation in Lebanon is not as tragic as the one in the Gaza Strip, for example, it must be acknowledged that Palestinian refugees almost entirely rely on UNRWA for essential services. In addition, evidence from the past shows that the UNHCR typically relies on host states to grant legal protections and access to rights.⁵¹ While this model may work when states are willing to cooperate, it seems to be ill-suited for the case of Lebanon, where Palestinian refugees would possibly face severe legal and institutional barriers. In other words, if UNHCR were to take over UNRWA's responsibilities, it remains uncertain whether it would provide services in Lebanon at all. Even if it did, there is little reason to believe that Palestinian refugees would gain access to local government services, given that they have been systematically denied such rights for decades. This paragraph has provided an additional reason why a transition from UNRWA to UNHCR could result in a drastic reduction in essential services, leaving Palestinian refugees with even fewer protections and resources than they currently have.

In conclusion, while the gradual transfer of UNRWA's responsibilities to UNHCR might seem like a practical solution on paper, it is entangled with significant challenges and risks. The unique nature of the Palestinian refugee issue sets it apart from other refugee crises, and as such it needs a special agency. This section has shown that replacing UNRWA with the UNHCR would erode the political visibility of the Palestinian plight and limit its international recognition, possibly leading to widespread discontent. During the drafting of the 1951 Refugee Convention, the exclusion clause (Article 1(D)) was a topic of extensive debate among state representatives.⁵² Arab states strongly emphasized the unique circumstances of Palestinian refugees, arguing that they needed a distinct legal status.⁵³ It is therefore difficult to imagine that these same states would now reverse their position and accept a replacement of UNRWA with the UNHCR, as doing so

⁴⁸ A. KNUDSEN, *The Law, the Loss and the Lives of Palestinian Refugees in Lebanon*, in *Bergen: Chr. Michelsen Institute CMI Working Paper* WP 2007, No.1, 2007, 12.

⁴⁹ According to a policy brief published by the ILO, Palestinian refugees have always been considered a liability on the Lebanese economy. The issue however lies in the fact that depriving Palestinians from basic rights (including that of being entitled to a desirable occupation) significantly worsens their humanitarian condition. For more information see: https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.ilo.org/media/448996/download&ved=2ahUKEwiuspaHuNKLAXWS9wIHHeIvMk0QFnoECCsQAQ&usg=AOvVaw3L_cTYfe2lsyUB0bDAoYv2

⁵⁰ GOVERNMENT OF THE UNITED KINGDOM, *Country policy and information note: Palestinians in Lebanon*, Lebanon, March 2024, gov.uk, 2024.

⁵¹ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 36.

⁵² J. BASTAKI, *The Legacy of the 1951 Refugee Convention and Palestinian Refugees: Multiple Displacements, Multiple Exclusions*, in *Berkeley J. Middle E. & Islamic L.*, Vol. 8, No. 1, 2017, 12.

⁵³ Ibid.

could undermine the distinct political and legal status they have long advocated for Palestinian refugees.

In addition, while the UNHCR is mandated to provide durable solutions, the level of assistance it offers is limited compared to the one of UNRWA. While this may not be evident in contexts of active conflict like Gaza and Syria, in non-emergency settings such as Lebanon, assistance and protection would diminish drastically. Finally, the conclusion reached by the section is that UNRWA's existence, while deeply fragile and controversial, remains indispensable as both a provider of essential services and a symbol of the Palestinian refugee question on the global stage.

2. A New UNRWA

After 75 years of activity, UNRWA can be criticized under several aspects. Conceived as a temporary agency, it has provided relief for almost eight decades, but its weak mandate prevents it from pursuing and implementing durable solutions. It remains stuck in this borderland where it is criticized for being too political, but at the same time its lack of powers to find a permanent solution serves as basis for additional complaints. Donor States are skeptical because of the absence of an apparatus entrusted with reviewing the agency's expenditures and lament the lack of transparency, but at the same time they exercise enormous political leverage on the agency to foster their geopolitical interests. There are a number of reasons why UNRWA can be considered flawed and doomed to failure. However, as shown in the previous paragraph, abolishing it would only worsen the situation. It appears that the only viable option to improve the conditions of the agency, and most importantly of the Palestinians it serves, lies in implementing reforms. This last section explores some possibilities of reform.

2.1. Unilateral Expansion of UNRWA's Mandate

One of the justifications donor States have used to defund UNRWA is its inability to implement durable solutions to the Palestinian refugee crisis due to its limited mandate. As a result, States have compared funding UNRWA with pouring their funds into a black hole.⁵⁴ Expanding the agency's mandate to include the authority to facilitate a resolution to the refugee issue may seem necessary, but it comes at high costs. Increasing the powers of an already highly political and controversial agency would probably increase key donors' concerns,⁵⁵ as they may view such a move as a purely political decision. Consequently, the international community may be hesitant to take this step. In this regard, Lance Bartholomeusz offers an interesting perspective. He notes that the mandate is specific on what the agency must do, but it does not explicitly state

⁵⁴ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 36.

⁵⁵ Ibid.

what it should not or must not do.⁵⁶ Furthermore, he highlights that UNRWA's mandate is inherently flexible, allowing the agency to adapt its activities based on the discretion of its commissioner-general in consultation with the Advisory Commission.⁵⁷ This suggests that the agency's scope of action is not rigidly confined to its historical functions, but can evolve over time. From this perspective, incorporating durable solutions into UNRWA's work would not necessarily require a formal amendment by the UN General Assembly.⁵⁸ Instead, if the commissioner-general were to determine that such activities align with UNRWA's broader humanitarian mission, they could be pursued without a direct modification of existing UNGA resolutions.⁵⁹ However, while this procedural flexibility could, in theory, allow UNRWA to take steps toward durable solutions, significant political limitations remain. Given the highly sensitive nature of the Palestinian refugee question, any attempt by UNRWA's commissioner-general to unilaterally expand the agency's activities in this direction would likely face resistance from key donor States. These might indeed be reluctant to support such an expansion of UNRWA's role, fearing that it would further politicize an already controversial agency. These constraints suggest that while the agency's mandate may allow for adaptation, political interests could severely limit the feasibility of this approach.

2.2. *Alignment with the International Framework of Refugee Protection*

There is another reform proposal that still focuses on the broadening of the agency's mandate, but this time it would be justified as an alignment with the international refugee regime.⁶⁰ The first chapter of this thesis has considered the international refugee regime and the framework of protection established by the 1951 Convention and protected by the UNHCR. There is a recent development, however, that has not been discussed and that appears to be relevant for the Palestinian refugee cause. After the 2015 European refugee crisis, the international community perceived an imminent need to reconsider the framework of international protection, especially the concept of burden-sharing and factors behind the resolution of these crises.⁶¹ These efforts resulted in the New York Declaration for Refugee and Migrants (NYD) adopted unanimously by

⁵⁶ L. BARTHOLOMEUSZ, *The Mandate of UNRWA at Sixty* in *Refugee Survey Quarterly*, Vol. 28, No. 2-3, 2009, 473.

⁵⁷ *Ibid.*, 474.

⁵⁸ U. RESNICK, *UNRWA's Self-Serving Agenda*, in *Middle East Quarterly*, Vol 19, No. 4, Middle East Forum, 2012.

⁵⁹ *Ibid.*

⁶⁰ K.G. BERG, J. JØRGEN, and A.T. ÅGE, *cit. supra* note 17, 35.

⁶¹ F. P. ALBANESE AND L. TAKKENBERG, *Rethinking Solutions for Palestinian Refugees - A Much-Needed Paradigm Shift and an Opportunity Towards its Realization*, Refugee Studies Centre, Working Paper Series No. 135, 2021, 14.

the UNGA in 2016,⁶² and in the 2018 Global Compact on Refugees (GCR).⁶³ These two documents reaffirm the importance of the international framework of refugee protection and enhance the commitment of states to provide relief to refugees and migrants.⁶⁴ In particular, it is established that every response to refugee situations must consistently integrate humanitarian aid, international protection, *and* long-term solutions.⁶⁵ This applies to “*each situation involving large movements of refugees, including in protracted situations*”,⁶⁶ through the designation and implementation of a Comprehensive Refugee Response Framework (CRRF).⁶⁷ While the importance of these documents is undisputable from various perspectives, their relevance for this research stems from the inclusion of the Palestinian refugees. Despite the long-discussed Article 1(D) of the 1951 Refugee Convention, neither the NYD nor the GCR contain clauses suggesting an exclusion of the Palestinian refugees. On the contrary, there are some references to UNRWA, as if to emphasize the applicability of the documents to the Palestinian refugee community.⁶⁸ In addition, the wording of the sentence refers to *protracted situations*, and the Palestinian refugee crisis is by far the world’s largest protracted one.⁶⁹

While it is highly unlikely that the UNGA would terminate UNRWA’s mandate, it is more plausible that it could amend it, particularly to reduce the disparity between UNRWA’s protection framework and the broader international refugee protection system. The NYD and GCR indeed provide a valid legal basis for the UNGA to amend the agency’s mandate to include also durable solutions and to comply with the declaration. The latter in addition was unanimously adopted and it does not make any explicit reference to excluding the Palestinian question from the framework, leading to the conclusion that the international community would indeed support such amendment. Berg, Jørgen, and Åge argue that with this reform, financing UNRWA would result not only in a humanitarian investment, but also in a political one.⁷⁰ In other words, any amendment to UNRWA’s mandate to include durable solutions would need to align with established principles

⁶² Ibid.

⁶³ The Global Compact on Refugees is a framework aimed at strengthening international cooperation and responsibility-sharing to address refugee crises, ensuring that refugees can live with dignity and integrate with host communities. For more information see: <https://www.unhcr.org/about-unhcr/overview/global-compact-refugees>.

⁶⁴ F. P. ALBANESE AND L. TAKKENBERG, cit. supra note 61, 14.

⁶⁵ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 35.

⁶⁶ UN GENERAL ASSEMBLY, *New York Declaration for Refugees and Migrants*, A/RES/71/1, Annex I para 4, 2016, 16.

⁶⁷ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 35.

⁶⁸ F. P. ALBANESE AND L. TAKKENBERG, cit. supra note 61, 14.

⁶⁹ D. LILLY, *UNRWA’s Protection Mandate: Closing the ‘Protection Gap,’* in *International Journal of Refugee Law*, Vol. 30, No. 3, 2018, 444.

⁷⁰ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 35.

of international refugee law, particularly as outlined in the aforementioned NYD and GCR.⁷¹ This would arguably also reduce the protection gap.⁷²

2.2.1 Closing the Protection Gap?

The concept of *protection gap* refers to the disparity between the assistance provided by UNRWA and the international protection framework available to other refugees under UNHCR.⁷³ It is a wide idea that can be interpreted very broadly, ranging from a disparity in the legal protection (exclusion from the 1951 Refugee Convention) to a disparity in the *actual* protection for example from violence.⁷⁴ For the sake of this research, the protection gap here is intended mainly with regards to UNRWA's mandate being silent on the facilitation of durable solutions, contrarily to the UNHCR.⁷⁵ This narrowed interpretation is necessary given the context established so far: UNRWA successfully delivers aid, education, healthcare, and social services to Palestinian refugees, in some cases exceeding the scope of UNHCR's operations in other protracted refugee situations. For this reason, it would be paradoxical to argue that Palestinian refugees suffer from a protection gap due to UNRWA's inadequate performance or lack of capacity when compared to UNHCR or other UN agencies. Instead, the gap exists primarily in the absence of a framework for implementing durable solutions, leaving Palestinian refugees in a state of prolonged limbo.⁷⁶ This distinction is particularly relevant in light of Lilly's critique of the conventional understanding of the protection gap. Rather than viewing Palestinian refugees as lacking protection altogether, he suggests that the real issue is a durable solutions gap, embodied in the failure to find sustainable ways to settle the refugee crisis, rather than an absence of immediate assistance or protection.⁷⁷ In this regard, Lilly argues that while Palestinian refugees may not be covered by the 1951 Refugee Convention, they are still entitled to protection under international human rights law and international humanitarian law.⁷⁸ However, he emphasizes that the real issue is not merely legal exclusion but the absence of political conditions necessary to implement durable solutions.⁷⁹ The real challenge, therefore, is not simply legal exclusion but the absence of concrete solutions. To ensure legitimacy and effectiveness, an expanded UNRWA

⁷¹ Ibid.

⁷² Ibid.

⁷³ A. KHALIL, *the 'Protection Gap' and the Palestinian Refugees of the Gaza Strip*, in *SSRN Electronic Journal BZU Working Paper Series*, No. 2011/11, 2011, 127.

⁷⁴ M. KAGAN, *Is There Really a Protection Gap? UNRWA's role vis-à-vis Palestinian Refugees*, in *Refugee Survey Quarterly*, Vol. 28, No. 2/3, 2009, 512.

⁷⁵ D. LILLY, cit supra note 69, 445.

⁷⁶ M. KAGAN, cit supra note 74, 512.

⁷⁷ D. LILLY, cit supra note 69, 460.

⁷⁸ Ibid, 462.

⁷⁹ Ibid.

mandate should resemble that of UNHCR in its approach to durable solutions,⁸⁰ integrating mechanisms for long-term stability while respecting the political and legal complexities unique to the Palestinian case.⁸¹

An important aspect must be discussed at this point. The international community has tried to find a durable and permanent solution to the Palestinian refugee crisis for the past 75 years, repeatedly failing. It is therefore absurd to believe that UNRWA would be capable of doing so were its mandate to be re-interpreted or amended by the UNGA. Even if the agency were granted the authority to facilitate and implement durable solutions, it is unlikely that Israel would suddenly comply with UNGA Resolution 194, given its longstanding disregard for this provision over the past seven decades.⁸² Nevertheless, the unlikelihood of the implementation of a swift solution does not *per se* represent a sufficient reason to keep UNRWA's mandate restricted to service provision. In other words, the fact that a durable solution remains politically unattainable in the short term does not mean that UNRWA should not be empowered to actively advocate for and facilitate such solutions. A useful comparison can be drawn with the UNHCR's role in the Rohingya refugee crisis. As extensively discussed in the sections above, the UNHCR is formally tasked with facilitating solutions for all refugees under its mandate.⁸³ This is true also for the case of the Rohingya refugees. Since 2017, the agency has attempted to negotiate repatriation agreements for Rohingya refugees with Myanmar,⁸⁴ but these efforts have failed due to the government's refusal to recognize the Rohingya as citizens and guarantee their safety upon return.⁸⁵ Notwithstanding the political deadlock, the UNHCR remains committed to promoting solutions, with a primary focus on advocating for a safe, voluntary, dignified, and sustainable repatriation process.⁸⁶ It continues to represent their question at the international level, defending their rights, maintaining diplomatic pressure, and negotiating with countries for possible solutions to the Rohingya plight.⁸⁷ Arguably, while the political scenario prevents the implementation of a durable solution, the role of the UNHCR is crucial, as it formally advocates for Rohingya refugees' rights and ensure their protection. The same logic applies to the Palestinian refugee

⁸⁰ R. GARDI, *The Future of Solutions*, UNHCR 2021, 2-4, https://www.unhcr.org/people-forced-to-flee-book/wp-content/uploads/sites/137/2021/10/Rez-Gardi_The-future-of-solutions.pdf.

⁸¹ D. BEDEIN, cit. supra note 2, 3.

⁸² G. KARMI, *Seven Decades after Resolution 194, Why Haven't Palestinian Refugees Returned Home?*, Middle East Eye, 2018, <https://www.middleeasteye.net/opinion/seven-decades-after-resolution-194-why-havent-palestinian-refugees-returned-home>.

⁸³ C. ORCHARD, *Palestinians and the Search for Protection as Refugees and Stateless Persons*, BADIL Resource Center for Palestinian Residency and Refugee Rights and European Network on Statelessness, 2022, 4.

⁸⁴ UNHCR, *Seven Years of Crisis for Rohingya Refugees*, UNHCR, 2024.

⁸⁵ E. ALBERT AND L. MAIZLAND, *The Rohingya Crisis*, Council on Foreign Relations, 2020, <https://www.cfr.org/background/rohingya-crisis>.

⁸⁶ UNHCR, *Annual Results Report 2023 Bangladesh*, UNHCR, 2024, 7.

⁸⁷ UNHCR, *Myanmar Situation - Global Appeal 2023*, UNCHR Global Focus, 2023.

crisis. Even if Israel continues to reject repatriation, expanding UNRWA's mandate would give Palestinian refugees a stronger institutional mechanism to push for their legal rights and political recognition, reducing the protection gap they face with regards to settlement possibilities.⁸⁸ Granting UNRWA the ability to actively pursue durable solutions does not mean that such solutions will materialize overnight, rather that Palestinian refugees would have a dedicated institution fighting for their rights and actively working for a solution, instead of merely providing and administering services. As such, a modified UNRWA's mandate would embed a stronger rights-based approach, emphasizing legal protection as well as advocacy for the human rights of Palestinian refugees.

In conclusion, this paragraph considers the possibility of widening the mandate of UNRWA to empower it to seek durable solutions to the Palestinian cause. This seems necessary for various reasons. First it would result in an alignment of UNRWA's framework to the international model of refugee protection, as per the NYD and the GCR. Secondly, it would help reducing the so-called protection gap, resulting from UNRWA's weak mandate compared to that of the UNHCR. Furthermore, this may serve as an incentive to donor States to continue their contributions to the agency as it would demonstrate a clear and tangible long-term commitment to addressing the refugee issue. It is not the aim of this research to argue that broadening UNRWA's mandate will necessarily result in the achievement of durable solutions, instead it was demonstrated that also when political solutions are difficult to achieve, a stronger mandate would ensure a stronger safeguard of the rights of the Palestinian refugees.

2.3 Short-term Mandate and Funding Model

For UNRWA to effectively exercise this expanded role in pursuing durable solutions, two critical structural challenges must be addressed: the short-term nature of its mandate and the agency's chronic funding instability. Without a sustainable financial model and a more secure institutional framework, any attempt to align UNRWA with the broader international refugee protection system risks being undermined by uncertainty and political pressure.

2.3.1 Short-term Mandate: A Sentence to Uncertainty

Starting from the potential extension of UNRWA's mandate beyond its current three-year cycle, which has been repeatedly renewed by the UN General Assembly since the agency's establishment. Albeit the widespread consensus that the short-term mandate poses a major obstacle to the agency's ability to operate effectively, the likelihood of a fundamental change

⁸⁸ D. LILLY, cit supra note 69, 460.

being implemented remains minimal. Unlike the UNHCR, whose mandate is indefinite and does not require periodic renewals,⁸⁹ UNRWA was deliberately conceived by the UNGA as a temporary body. This original framework continues to shape its institutional limitations, making it unlikely that its status will be redefined as permanent. As Nachmias and Belgrad have noted in their work, the UNGA has renewed UNRWA's mandate for more than 20 times, yet it has never considered changing its role into that of a permanent institution.⁹⁰ This reluctance is not only bureaucratic but also deeply political. Granting UNRWA a permanent status could be interpreted as an implicit recognition of the permanence of the Palestinian refugee status.⁹¹ It has been argued several times in this research that the temporary nature of UNRWA has significant operational consequences. The necessity of renewing the agency's existence every three years creates an environment of constant uncertainty, making long-term planning difficult. Unlike UNHCR, which operates within a relatively stable institutional setting, UNRWA remains vulnerable to donor priorities and interests. Nevertheless, the challenges associated with UNRWA's temporary framework do not seem to be enough and it is difficult to envision a radical change in its structure. The political sensitivities surrounding the Palestinian refugee issue, combined with the agency's institutional history, make it difficult to envision a substantial restructuring. Nevertheless, the structural limitations imposed by the three-year renewal cycle continue to hinder UNRWA's effectiveness and should be a key consideration in discussions about its future.

2.3.2 Challenges of Reforming UNRWA's Funding Mode

Similarly to what argued for the length of the mandate, it is difficult to believe that UNRWA's budgetary systems could be radically transformed, as donor States would lose significant political power on the agency's policies.⁹² For instance, amending the agency's mandate so that it can be funded directly through the UN's assessed contributions,⁹³ could potentially limit the economic burden on UNRWA, but it will probably be opposed by key donor States.⁹⁴ According to Mick Dumper, States like the United Kingdom and the United States fear that granting UNRWA access to assessed contributions would set a precedent, encouraging other UN agencies to make similar budgetary demands.⁹⁵ As such, reforms of this kind seem to be unfeasible. An interesting funding model that is used by several countries to fund the UNHCR is

⁸⁹ UN GENERAL ASSEMBLY, *Implementing Actions Proposed by the United Nations High Commissioner for Refugees to Strengthen the Capacity of the Office to Carry Out its Mandate*, A/RES/58/153, para 9, 2003.

⁹⁰ N. NACHMIAS and E.A. BELGRAD, *Five decades of humanitarian aid: the case of UNRWA*, in *Towson State Journal of International Affairs*, Vol 39, 1994, 5.

⁹¹ M. SHIHADDEH, cit. supra note 1.

⁹² M. DUMPER, cit. supra note 15, 7.

⁹³ Ibid, 8.

⁹⁴ Ibid.

⁹⁵ Ibid.

that of multi-year funding commitments. These contributions are pledged for at least 24 months, and they significantly increase predictability and long-term planning, rather than merely addressing immediate crises.⁹⁶ Sweden, Germany, Denmark, the European Union, and the Netherlands were the leading multi-year donors to UNHCR in 2023.⁹⁷ After years of UNRWA calling for the need of multi-year funding, in 2021, key donors like the EU, the UK, Sweden, and Norway have adopted this model of funding also to UNRWA, trying to convert also other important donors, such as the US.⁹⁸ A crucial step to implement this funding method would be to first establishing an independent oversight body to monitor the agency's expenditures, ensuring greater transparency and accountability, as discussed in previous sections. Arguably, increased financial scrutiny could reassure donor States that their contributions are being efficiently allocated, making them more inclined to commit long-term financial support. If UNRWA were to adopt a similar structure, States might be more willing to transition from short-term emergency contributions to more sustainable, multi-year funding arrangements, ensuring greater financial stability.

Conclusion

This chapter explores potential scenarios for the future of UNRWA. Possibilities involved the dismantle, replacement, and adoption of significant reforms of the agency. Supporters of dismantling UNRWA argue that the agency perpetuates the refugee crisis and that without UNRWA, Palestinian refugees would have integrated into neighboring Arab states. However, this argument oversimplifies the situation and ignores historical and political realities. It was shown that dismantling UNRWA without a viable alternative would likely intensify humanitarian suffering and regional instability, with no guarantee that host states would step in to fill the void.

Another option explored in the chapter is the gradual transfer of UNRWA's responsibilities to other UN agencies like UNICEF, WFP, and WHO taking over specific services. While proponents of this model emphasize the increased efficiency of this decentralized system, this research argues that this fragmentation would only reduce the level of aid delivered and possibly increase operational costs.

The third model involving the replacement of UNRWA that was discussed in this chapter concerned transferring UNRWA's mandate to the UNHCR. At first this option seems appealing, given the latter's experience in resolving refugee crises. Yet, the Palestinian refugee issue is

⁹⁶ UNHCR, *Flexible Funding Report 2023*, UNHCR Global Focus, 2024.

⁹⁷ Ibid.

⁹⁸ K.G. BERG, J. JØRGEN, and A.T. ÅGE, cit. supra note 17, 23.

uniquely complex. Unlike UNRWA, UNHCR relies heavily on host states to provide long-term solutions, which would be problematic in contexts like Lebanon, where Palestinians are systematically excluded from fundamental rights. Moreover, Palestinian refugees fear that falling under UNHCR's mandate would diminish their visibility at the international level. Both the dismantle and replacement of UNRWA would probably be perceived as a political move against the Palestinian cause, possibly fueling unrest and resentment.

Finally, the chapter considers the option of reforming UNRWA, which appears to be the most pragmatic alternative. While there are evident limitations of the agency, the implementation of important reforms, especially concerning the capability of facilitating durable solutions, could strengthen its effectiveness and help bridge the protection gap. The chapter also explores the possibility of the introduction of an oversight mechanism and multi-year funding commitments. The latter, if adopted by a larger number of donor States, could significantly increase financial predictability and possibly limit the perpetual threat of budgetary collapse that has characterized the history of the agency.

Concluding Remarks

The Palestinian refugee crisis is one of the most enduring humanitarian issues in the modern era. The international community has long tried to protect Palestinian refugees with *ad hoc* institutions since the aftermath of the Arab-Israeli war and the *Nakba*, in 1948. In particular, this thesis investigates the role of UNRWA in the persistence of this crisis, exploring whether it has contributed to the perpetration of the plight of Palestinian refugees, as some scholars contend. By exploring the historical development of refugee protection, UNRWA's mandate, structure, nature, and services provided, this research reaches the conclusion that while deeply flawed, UNRWA is indispensable to provide immediate relief. It also argues that its current form is ill-suited for managing a crisis that has persisted for almost 80 years. Substantial reforms are necessary to ensure both the agency's effectiveness and the long-term well-being of Palestinian refugees.

To reach this conclusion, this research starts by tracing an historical evolution of the international refugee protection regime. World War I brought, for the first time in history, the necessity to adopt international standards for the protection of refugees. This sparked the development of international refugee law, which culminated with the establishment of the UNHCR and the adoption of the 1951 Refugee Convention. Approximately 43,7 million individuals have received protection from the UNHCR in 2024. Here, it was underscored the peculiarity of the Palestinian refugees, who were excluded from UNHCR's mandate under Article 1(D) of the Convention due to the existence of UNRWA. Originally designed as a temporary subsidiary organ of the UNGA, UNRWA has provided aid and assistance to the Palestinian refugees for the past 75 years, raising questions about its effectiveness, long-term sustainability, and even its role as a perpetrator of the refugee crisis itself. Chapter one also examines the unique features of Palestinian refugee status, including the hereditary transmission of refugee status and the continued eligibility for assistance even after acquiring new citizenship, emphasizing the unique character of this refugee crisis.

Once discussed the particular framework of protection established by UNRWA, chapter two proceeds to discuss the structure and mandate of the agency, focusing in particular on its ambiguous – and somewhat hybrid nature as a humanitarian actor with *quasi-state* functions. The evolution of UNRWA from service provider to driver of human development has been crucial for Palestinian refugees, yet it has raised several concerns and criticisms about its neutrality and the blurred line between humanitarianism and politics. This chapter highlights some critical questions in the way the agency was designed, spanning from a short-term mandate tied to improbable political solutions, to a weak funding model. In this regard, considerations on how donor States' political agendas have shaped UNRWA's operations were advanced. It discussed how donor States

have used their financial leverage to influence the agency's policies. This dynamic has left UNRWA in a state of perpetual precarity, depending not only on donor's goodwill, but also on their political interests in the region.

The third chapter evaluates UNRWA's performance in delivering immediate relief and its long-term sustainability. When it was first established, UNRWA was mandated to provide immediate relief to the Palestinian refugees, in line with UNGA Resolution 302. In order to ascertain its success in doing so, this research examines three primary areas: poverty levels and food security, delivery of healthcare, and employment opportunities. The findings confirm that UNRWA has excelled in fulfilling this aspect of its mandate, providing vital services that have sustained millions of refugees for decades. Whether through large-scale food assistance programs, extensive healthcare networks, or employment initiatives, UNRWA has been vital in ensuring fundamental stability for Palestinian refugees. However, while its ability to provide instant relief cannot be neglected, the broader implications of its long-term presence complicate the situation. With more than 75 years of operation, UNRWA has well out-lived its initial status as service provider. For this reason, to properly evaluate UNRWA it is also necessary to study its long-term impact, considering all those structural aspects that are typical of transitory bodies and that have grown as obstacles to the agency's performance. In particular, the focus was placed on the ever-growing refugee population tied with the question of a second nationality, the chronic lack of resources, and the volatility of donor-depending funding. The latter, while usually implemented in most temporary agencies to ensure greater transparency and accountability, has become inadequate for an agency that has been active for almost eight decades. Similarly, an oversight body should be introduced, as it would significantly reduce donor States' distrust and skepticism. The chapter argues that UNRWA remains a lifeline for millions, but that it is difficult to believe that in its current form it can remain the primary vehicle for addressing this never-ending crisis.

Building on the flaws of UNRWA discussed in chapter three, the fourth chapter explores potential options for the future of humanitarian aid in Palestine, considering dismantling, replacing, and reforming UNRWA. The chapter rejects the idea of dismantling the agency, arguing that this would only worsen humanitarian conditions and destabilize the region. It also assesses the feasibility of transferring UNRWA's responsibilities either to other UN agencies or to the UNHCR. While the last option has been extensively considered in the academia and proposed by many scholars, the chapter exposes significant limitations of this approach. Not only would a takeover of the UNHCR probably lower the level of assistance received by refugees, but it would be perceived as a political move against the Palestinian cause at the international level. The unique nature of UNRWA's service provision, which extends beyond emergency relief, would be difficult

to replicate under UNHCR's framework, especially in contexts like Lebanon. Moreover, the chapter highlights that the failure to resolve the Palestinian refugee issue is ultimately rooted in the absence of political will, and simply replacing UNRWA with another agency would not resolve this problem. In this sense, transferring responsibilities to UNHCR would not only fail to improve the refugees' situation but would risk erasing their identity and historical claims. Ultimately, the implementation of reforms seems to be the most practicable option. It was argued that strengthening UNRWA's mandate by allowing it to facilitate durable solutions stands as a key reform to increase the agency's efficiency. By invoking the 2016 NYD and 2018 GCR as legal basis, the UNGA could expand UNRWA's mandate to include the pursuit of durable solutions, reducing the gap between the framework of protection of Palestinian refugees and the international standard model. This reform is important as it would bring UNRWA's mandate closer to the UNHCR, while maintaining the former's expertise and historical connection to the Palestinian cause. The broadening of UNRWA's mandate seems necessary because it would align UNRWA with the broader international framework of protection and the NYD in particular, which emphasizes that refugee crisis responses must exceed immediate relief and include long-term solutions and protection. By continuing to function as a mere service provider without a mandate to pursue durable solutions, UNRWA operates outside this framework. Furthermore, this would allow UNRWA to increase the protection of Palestinian refugees, closing, or at least reducing, the so-called protection gap. Reformers should also include the introduction of an independent oversight body to ensure transparency and accountability.

Finally, this research concludes that UNRWA is neither the cause of the crisis nor an immediate barrier to solving it. While some have called for the agency's abolition, this research has explained why this would have catastrophic humanitarian and political consequences, resulting in regional instability and depriving millions of refugees of essential services. Instead, the agency needs to be reformed to address structural vulnerabilities that have grown incompatible with its long-term existence. The Palestinian refugee crisis remains one of the longest-standing humanitarian and political challenges of the contemporary world. To alleviate the plight of these refugees, UNRWA's role is indispensable, and this research finds that abolishing it would only worsen their condition. However, in its current form, UNRWA is unsustainable. The international community must acknowledge this reality and take steps to reform the agency, increasing its ability to operate effectively while addressing the needs of Palestinian refugees. Without these reforms, UNRWA will continue to experience financial and operational challenges, and Palestinian refugees will remain confined in their plight with no clear path toward a durable solution.

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