



مركز العودة الفلسطيني  
Palestinian Return Centre

# **US-UNRWA FRAMEWORK FOR COOPERATION**

**ANOTHER PRELUDE TO DISMANTLE THE AGENCY**





## Introduction

On July 14, the U.S. Department of State's Bureau of Population, Refugees, and Migration signed the "2021-2022 Framework for Cooperation with the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

The Framework includes multiple specific commitments to advance the Agency's ability to deliver effective and efficient aid to Palestinian refugees through strengthened accountability, transparency, and consistency with UN principles, including neutrality.<sup>1</sup>

However, a close reading of the document unravels its biased and dangerous implications on the Palestinian refugee cause.

The framework signals a reawakening of the US pro-Israel policy which seeks to liquidate the Palestinian refugee cause, deny Palestinians' refugee status, and relocate them outside their homeland.

This is also a reminder of the "Johnson Plan", in a reference to the Kennedy administration's attempt to resolve the Palestine refugee problem in 1961–62 with a plan for compensation, resettlement, or repatriation under the formal auspices of the United Nations Palestine Conciliation Commission and negotiated by UN special envoy Dr. Joseph Johnson. The negotiations failed and the plan was canceled by the administration in December 1962.<sup>2</sup>

Later, under Donald Trump's administration, the US has left no stone unturned to delegitimize the refugee status of over 7 million Palestinians. The implementation of the "deal of the century" and the decision to cut all US funding to UNRWA showed extreme disregard for the most basic human needs and human rights. The pro-Israel deal flagrantly violates UN Resolution 194 (III), resolving that "refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or equity, should be made good by the Governments or authorities responsible."<sup>3</sup>

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1 <https://www.state.gov/2021-2022-u-s-unrwa-framework-for-cooperation/>

3 <https://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>





## Re-Defining Palestinian Refugee Status

By definition, a Palestinian refugee is any person 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." Palestine refugees are persons who fulfil the above definition and descendants of fathers fulfilling the definition.

However, the document includes signs of prejudice and partiality that strike at the foundations of the Palestinian refugee status. It stipulates that Palestinian refugees who had received military training be excluded from UN assistance under the pretext of fighting terrorism.

The Framework states that the U.S. shares concerns with UNRWA "about the threat of terrorism, including within the context of the United States' firm commitment to counter terrorism, and conditions under section 301(c) on U.S. contributions for UNRWA".

The document cites section 301 (c) which states that: "No contributions by the United States shall be made to (UNRWA) except on the condition that (UNRWA) take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerilla-type organization or who has engaged in any act of terrorism."<sup>4</sup>

The reference to section 301 (c) implicitly denies the right of Palestinian refugees to humanitarian aid because of completing military service despite this is an obligatory conscription imposed by law on all Palestinian youths in Syria since 1964.

The real danger of the document is that it seeks to normalize a de-historicized definition of the Palestinian refugee status that might be adopted by other international organizations seeking to gradually undermine the historical and moral idiosyncrasies of the definition.

## De-Politicizing the Palestinian Refugee Plight

Though UNRWA does not engage in political issues, Palestinian refugees consider it as an “identity document” defining who they are, protecting their refugee status, and speaking on their behalf at times of need.

This gives the Palestinian refugee plight further legitimacy and carves out a space for the agency as a “representative” of the refugee communities in its fields of operations.

Pro-Israel parties have relentlessly attempted to undermine such an interchangeable legitimacy and recognition between Palestine refugees and UNRWA. Both parties believe the Palestinian right of return is non-negotiable; It is the ultimate goal which both parties seek to attain as long as no political solution to the conflict is established.



For the above reasons, UNRWA, a living witness to the Palestinian refugee plight, has come under endless attacks and ad hominem campaigns seeking to delegitimize its UN-mandated role and negate the right of return for millions of Palestine refugees.

By the same token, the US-drafted framework seeks to depoliticize the Palestinian refugee cause as no single reference is made to the right of return or the historical context of the issue. The document rather lays utmost emphasis on the US conditions to resume funding to the UNRWA, which gives the impression of guardianship or tutelage at a time when UNRWA struggles to keep its programmes running and delivering much needed assistance to vulnerable and marginalized Palestinian refugee communities.

The agreement will also give way to ineligible parties to inspect and manipulate the agency's data and the refugee's personal information in favor of pro-Israel agendas.

The pressure exerted on the UN Agency is a reminder of the U.S. practice of linking aid to its foreign policy goals or pressure on human rights issues. As a journalist quoted by Reuters once wrote "this vividly reveals that the American ulterior intention of linking 'humanitarian assistance' with 'human rights issue' is to legitimise their pressure on the sovereign states and achieve their sinister political scheme".<sup>5</sup>

At the same time, the US, under the pretext of neutrality and impartiality, attempts to force the Agency to abide by its funding conditions in an obvious act of arm-twisting.

## Destabilizing UNRWA's Structure, Mission

UNRWA is created by General Assembly resolution 302 (IV), with the initial mandate to provide "direct relief and works programmes" to Palestine refugees, in order to "prevent conditions of starvation and distress... and to further conditions of peace and stability". UNRWA takes over from the United Nations Relief for Palestine Refugees (UNRPR), established in 1948.<sup>6</sup>

In response to developments in the region, the General Assembly repeatedly extends and expands the UNRWA mandate, requiring the Agency to engage in a wide variety of humanitarian, development and protection activities based on the needs of beneficiaries.

While other agencies and actors have the central role in arriving at a resolution of the Palestine refugee issue, UNRWA is mandated to work with governments on interim measures and to provide relief and assistance to Palestine refugees "pending the just resolution" of the Palestine refugee question. The role UNRWA plays in the region has evolved to reflect the needs and pressures of the times, but the Agency's central mandate remains largely unchanged: UNRWA protects and assists Palestine refugees, seeking to help them achieve their full potential in human development.<sup>7</sup>

By abiding by the conditions set forth in the US framework, UNRWA violates its principles of impartiality, shows a sign of unconcern towards millions of Palestine refugees that it serves in the region, and unravels a frailty in its assessment mechanisms.

The document states that UNRWA staff should abide by the Agency-wide approach to neutrality and should not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature. It also calls for staff members and personnel to follow the neutrality requirements including guidelines on the use of social media. Such tough, however unclear and shallowly-defined, requirements violate personal freedoms, most notably the freedom of expression and political affiliations.

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5 <https://www.reuters.com/world/asia-pacific/nkorea-dismisses-us-humanitarian-aid-sinister-scheme-2021-07-12/>

6 <https://www.unrwa.org/content/resolution-302>

v <https://www.unrwa.org/content/resolution-302>



The framework paralyzes the agency and weakens its underlying principle of autonomy. Humanitarian action must be kept away from any objective or actor that might manipulate its mission, divert its humanitarian trajectory, or turn its crises into bargaining chips.<sup>8</sup>

## Falsifying Palestinian History

The Palestinian refugee plight emerged following the Nakba of 1948, in reference to the mass-expulsion of more than 700,000 Palestinian Arabs – about half of prewar Palestine’s Arab population – from their homes, by Zionist militias. It is this very tragedy which gives the right of return its undeniable legitimacy.

The Israeli occupation has long strived to alter the de facto situation and impose a new fait accompli on the ground, resorting to myths and counterfeit nationalist narratives.

The reference made in the US-UNRWA framework to local textbooks and educational materials raises concerns about attempts of brainwashing and curricula manipulation. Instead of highlighting the importance of developing the intellectual capacity of Palestinian refugee students in accordance with the socio-political and cultural challenges of life in occupied Palestine, the document rather insists on an academic input that conforms with “conditions on U.S. contributions to UNRWA”.

The framework does not hide its deep-seated political and politicized nature; It obviously seeks to strip the Agency, including its educational program, of its national and local identity and to impose, using the cliched pretext of neutrality, a seemingly-standardized vision which will ultimately serve Israeli interests.

## Legal Implications

In its introduction, the document stated that this framework for cooperation “sets forth understandings between the United Nations Relief and Works Agency for Palestinian Refugees in the Near East” and the United States of America.<sup>9</sup>

“It is understood that this document, in its entirety, including the attached Annex, constitutes policy commitments by UNRWA and the United States for calendar years 2021 and 2022. This framework does not constitute an international agreement and does not create any legally binding obligations between the Participant under either international or domestic laws”. (ibid)

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8 <https://www.unrwa.org/independence>

9 <https://www.state.gov/wp-content/uploads/2021/07/2021-2022-US-UNRWA-Framework-Signed.pdf>



Vienna Convention on the Law of Treaties 1969 defines "treaty" as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."<sup>10</sup>

Accordingly, an agreement between subjects of international law (states and international organizations) is considered an international, binding, and bilateral contract in which both parties exchange promises to perform. One party's promise serves as consideration for the promise of the other. As a result, each party is an obligor on that party's own promise. An internationally-recognized agreement must also be registered in the United Nations' International Treaty Collection. The fact that the Framework confesses that it does not constitute an international agreement and is legally non-binding is tantamount to an attempt to dodge international responsibility for any damages resulting from this agreement.

Besides, the Framework stipulates a set of measures, including against allegations of staff misconduct or violations of neutrality. This contradicts the claim that the agreement is non-binding. Often, documents of the latter type do not include punitive measures and do not involve legal liabilities.

Thus, the document rather reveals the US attempt to evade its obligations under national and international laws as international agreements fall within the mandate of the U.S. Congress in terms of execution and monitoring. Regardless of whether this document constitutes an international agreement, it overtly refers to binding political and administrative commitments by UNRWA.

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10 [https://legal.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf)

## Recommendations

- Serious action should be made by Palestinian and international parties to disclose the malevolent intentions and unilateral nature of the agreement, which will give way to ineligible parties to inspect and manipulate the agency's humanitarian agenda in favor of pro-Israel schemes.
- The framework dovetails the ferocious politically-motivated campaigns that seek to ultimately erase the right of return of over 7 million Palestine refugees.
- UNRWA should stand on guard to Israeli-backed agendas seeking to destabilize the Agency's humanitarian mission and eliminate the right of return.
- Palestine refugees have played important roles in the development of younger nations in the region. Most of UNRWA's 28,000 staff members are Palestine refugees themselves. Most of them were educated in UNRWA schools; Many have worked at UNRWA premises, where they continue to provide quality output based on human rights and humanitarian values. Therefore, they should be treated with dignity and granted their personal freedoms, including the right to freedom of expression.
- Serious efforts should be made to by organizations and parties active in advocating the Palestinian refugee cause to deactivate the Framework and speak up for UNRWA's neutrality and autonomy.
- In a region rife with conflicts and crises, the Palestine refugee Agency and its staff are key to stability; They are key to safeguarding international human rights, and key to the wellbeing of millions of vulnerable Palestine refugees.



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