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Eliminating U.S. Aid to Terrorists -- New Policies for the U.S. Gov't & its Partners
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What Is UNRWA

UNRWA, the United Nations Relief and Works Agency for Palestine Refugees in the Near East, began life as an organization devoted to the provision of humanitarian aid to the refugees of the 1947-1949 Arab-Israeli war “...to prevent conditions of starvation and distress among them...” and to take “constructive measures ... at an early date with a view to the termination of international assistance....” From those modest beginnings set forth in its founding document (General Assembly Resolution 302 (IV), 8 December 1949) -- and to which was added later “...the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement...” (General Assembly Resolution 393 (V), December 2, 1950) -- UNRWA has grown into a quasi-governmental organization. It now provides services to a claimed 5.9 million UNRWA-defined “Palestine Refugees,” including education, healthcare, welfare, refugee camp infrastructure (including sewerage) and microfinance. How this transformation occurred is a long story, but the bottom line is that UNRWA has mushroomed into a nearly two-billion-dollar-a-year behemoth, with much of its expenditures over the last nearly 75 years financed by the U.S. taxpayer.

UNRWA, the Events of October 7, 2023 and the Colonna Report

UNRWA’s operations have been critiqued for decades, but there has been little response from UNRWA to the suggestions for its reform. However, in light of the horrific events of October 7, 2023, and subsequently revealed evidence of the participation of UNRWA staff members in those events, the UN Secretary General appointed an independent review group to evaluate UNRWA’s neutrality. That group, headed by former French Foreign Minister Catherine Colonna, presented its report, the “Independent Review of Mechanisms and Procedures to Ensure Adherence by UNRWA to the Humanitarian Principle of Neutrality” (hereafter,

“the Colonna Report” or “the Report”), to the UN Secretary General on 20 April 2024, and it was made public on 22 April 2024.

What the Colonna Report Does Not Address

The Secretary General limited the review’s mandate to “neutrality,” so the Report does not discuss, let alone make recommendations concerning, many long-standing criticisms of UNRWA and proposals for its reform.

Such criticisms include the need to resolve the incompatibility of UNRWA’s unique definition of a “Palestine Refugee” with the definition of a “refugee” that applies to every other refugee in the world, as is set forth in the UN Convention relating to the Status of Refugees (hereafter, “the Refugee Convention”). If it used the Refugee Convention definition of a refugee (which provides that a person cannot be both a citizen under the protection of his state of residence and a refugee), UNRWA would reduce its 5.9 million “Palestine Refugees” by nearly a third (about 1.8 million in Jordan alone), resulting in considerable savings.

Similarly, UNRWA’s rolls of beneficiaries contain a large number of persons (and their descendants) whom even UNRWA admits did not meet the already unexact requirements of UNRWA’s definition when they were first confirmed as “Palestine Refugees” (e.g., the so-called “economic refugees”). Removing those persons from UNRWA’s rolls would further reduce the number of UNRWA’s beneficiaries.

If UNRWA were to base its provisions of services on need, rather than on the status of being an UNRWA-defined “Palestine Refugee,” that again would reduce UNRWA’s cost of operations. In UNRWA’s early years services WERE based on need, but UNRWA formally ended that requirement in 1993. There is no reason for persons not in need to be beneficiaries of U.S. taxpayer, or UN, largesse.

Lastly, while the Report does address, and make recommendations concerning, the vetting of UNRWA staff, it makes no mention of vetting its “Palestine Refugee” beneficiaries. Under the Refugee Convention, a person loses refugee status if there are “serious reasons for considering that: (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.” There is no reason for the United States, as a Donor to UNRWA, or for the UN itself, to be supporting people who have committed “a crime against peace, a war crime or a crime against humanity” – or, for that matter, people who are members or supporters of groups that the United States has determined to be terrorists.

What the Colonna Report Does Address

Confining the scope of the review to neutrality limited the areas in which recommendations could be made. Nonetheless, even with that limitation, the Report came up with some 50 recommendations, the majority of which (by my own count, approximately 37) reflect deficiencies (e.g., training, better coordination with other agencies, better enforcement of rules, employing more women as managers) that any competent management team would have long ago addressed without prodding from an independent review. Moreover, some of those management deficiencies (e.g., no vetting of staff for terrorist sympathies/connections, the presence of antisemitic/anti-Israel and glorification of violence in teaching materials) are both fundamental to the operations of any United Nations agency and have been repeatedly brought to the attention of UNRWA’s management over many years; yet those same deficiencies have persisted and still had to be noted in the Colonna Report.

In short, the recommendations of the Colonna Report – reflecting a lack of competence on the part of UNRWA’s management and a decades-long willful obstruction of fundamental reforms -- constitute a damning indictment of UNRWA’s current and past leadership.

Where the Colonna Report Erred (by Omission)

The Report specifically notes that, “Israel made public claims that a significant number of UNRWA employees [in Gaza] are members of terrorist organizations [but]... has yet to provide supporting evidence of this...” In the absence of any context, that statement has been widely interpreted as evidence that, contrary to the Israeli claims, UNRWA has not employed significant numbers of terrorists and terrorist supporters. That interpretation is very likely wrong.

Firstly, Israel did provide evidence for its accusations that nineteen specific UNRWA employees had participated in the horrors of October 7, 2023. Of those nineteen cases now with the UN, 14 cases remain under UN investigation, four cases have been suspended due to a current lack of information/evidence and one case has been closed due to lack of evidence.

The broader Israeli accusations regarding UNRWA staff members (that about 1200 are Hamas members and about 6000 are related to Hamas members), whether properly supported by evidence or not, highlight a problem. UNRWA, as the Report says (p. 21), does not vet its employees or potential employees for Hamas or Islamic Jihad connections or sympathies, while at the same time, a large percentage of Gazans support Hamas. In the last free election in Gaza, Hamas received nearly 45% of the vote, and polls by a reliable Palestinian pollster in December 2023 and March 2024 indicated that around 40%-60% of Gaza residents remained supportive of Hamas. Thus, it would not be surprising to learn that as many as half of UNRWA's employees were Hamas supporters (of whom some likely would be Hamas members) – which is not that different from what the Israeli government alleged.

Should UNRWA Be Replaced?

A year ago, the Colonna Report, even with its limited purview, would have been welcomed by those who for decades have urged reforms on UNRWA. However, the discussion about UNRWA is no longer only about its long-resisted reforms: the primary question now is not how to reform UNRWA, but whether UNRWA should continue to exist at all.

The Report addresses that latter question only in a conclusory manner (mirroring the views of UNRWA and the UN Secretary General). For instance (at p.4):

“In the absence of a political solution between Israel and the Palestinians, UNRWA remains pivotal in providing life-saving humanitarian aid and essential social services, particularly in health and education, to Palestinian refugees in Gaza, Jordan, Lebanon, Syria and the West Bank. As such, UNRWA is irreplaceable and indispensable to Palestinians’ human and economic development. In addition, many view UNRWA as a humanitarian lifeline.”

Yet, it is simply not true that UNRWA is “irreplaceable.” In every UNRWA field of operation the local authorities provide services (including in health and education) to those of their residents who are not defined as “Palestine Refugees” by UNRWA. Residents of Gaza and the West Bank whose ancestors did not leave the territory that is now Israel, and thus are not defined by UNRWA as “Palestine Refugees,” are educated and provided health care by the local authorities, more or less mirroring those same services provided by UNRWA to its “Palestine Refugees.” These local authorities, if UNRWA’s resources eventually were transferred to them, would simply expand their operations – in most cases utilizing the same personnel and infrastructure currently employed by UNRWA. If an interim period was necessary, other UN, national and NGO organizations could take up UNRWA’s responsibilities temporarily.

Indeed, despite the Report’s nod to UNRWA’s “central and irreplaceable role,” and despite the Secretary General limiting the review’s remit to matters relating to neutrality, and despite the Secretary General’s announced opposition to other UN organizations taking over any UNRWA functions, the Colonna Report nonetheless suggests the need for UNRWA to, on a “temporary” basis, increase its “partnerships” with other aid providers. The Report justifies its Recommendations in this area by the facts that some funding has been “...diverted from UNRWA to other humanitarian organizations, especially for Gaza...” and “UNRWA’s current financial and operational constraints...” (See, the Report’s Recommendations 48-50, at pp. 34-35, 43). These Recommendations, in contrast to the Report’s formulaic words on respecting UNRWA’s mandate, may be a suggestion that UNRWA needs to start cooperating in the transfer of its responsibilities to organizations that are receiving funding that formerly went to UNRWA and that are not so badly compromised in the eyes of the Israeli government and some UNRWA donors.

Given the invalidity of the “UNRWA-cannot-be-replaced” argument, the question becomes “Should UNRWA be replaced?” In other words, should the Colonna Report’s confirmation that UNRWA’s leadership is both incompetent and willfully obstructionist regarding some fundamental reforms, including the fact that UNRWA has made no serious efforts to avoid hiring terrorists and their supporters from a labor pool that is significantly supportive of terrorists, mean that UNRWA’s responsibilities should be assumed by some other organization or organizations?

Posing that latter question surely suggests a positive answer: Yes, UNRWA should be replaced.

How to Replace UNRWA

There are only three ways to bring an end to UNRWA's existence: 1) The General Assembly, which created UNRWA by a resolution, could officially end it the same way; 2) As UNRWA is almost wholly financially dependent on donations from (mostly Western) governments, those donor governments could halt their funding; and 3) a Host State (Lebanon, Syria, Jordan) or Israel could refuse UNRWA access to territory under its control.

As a practical matter, the General Assembly has been consistently supportive of UNRWA. The last vote to renew UNRWA's mandate for another three years was 157 for, 10 abstentions and one vote against. Thus, ending UNRWA via the General Assembly is unlikely.

While some governments occasionally have withheld donations, those pauses have not resulted in UNRWA making significant reforms. The 2018 elimination of the U.S. donation to UNRWA was partially offset by increased donations from other governments and, in any event, the U.S. donation was renewed in 2021. Some of the nations that halted donations in response to the allegations of UNRWA staff involvement in the 07 October 2023 massacre have already renewed (or increased) their donations and others may follow, though the U.S. is bound by law not to renew its donations until 25 March 2025.

With regard to denying UNRWA access to their territory, Host Nations Lebanon, Syria and Jordan will not take that step. They want to be seen as supportive of the Palestinians, and do not want themselves to be responsible for providing services to UNRWA's Palestine Refugees.

Israel, which controls the borders of Gaza and the West Bank, is different. Israel appears already to be limiting UNRWA's activities. UNRWA's commissioner general has complained to the Security Council that "UNRWA is being denied permission to deliver enough lifesaving aid [to Gaza]" and that "UNRWA is facing an Israeli campaign 'to push it out of the Occupied Palestinian Territory.'" The Colonna Report's mention of UNRWA's "operational constraints" may be a

reference to these same difficulties. Thus far, Israel's intention, once it has reduced or eliminated the power of terrorists in Gaza, seems to be to replace UNRWA with other service providers as quickly as possible. Those other service providers gradually would transfer their responsibilities to a local administration whose members would have been vetted to ensure they are not terrorist supporters. Israel has spoken of its hopes that the local administration initially would be guided by a cadre of advisors from non-terrorist-supporting Arab states, (who, unlike UNRWA's top management, would speak Arabic and be better able to properly manage the training and operations of the local administrators). Some movement in that direction is already apparent, with Israel favoring non-UNRWA humanitarian aid providers such as the World Food Program while, as mentioned above, putting "operational constraints" on UNRWA.

Conclusion

Legally prevented from donating to UNRWA until at least 25 March 2025, the U.S. has been transferring to other international aid providers in Gaza the funding that would have gone to UNRWA -- which should contribute to accomplishing the Israeli objective of transferring UNRWA's activities in Gaza to other aid organizations. Thus, whether by design or accident, for the moment the Israel and U.S. governments seem to be working together to accomplish a desirable outcome: Gaza freed of terrorist control and aid to Gaza provided via organizations that are not so compromised by terrorist-supporting employees.

With the above in mind, the U.S. ban on funding to UNRWA in favor of funding to other aid organizations should be extended before it expires on 25 March 2025.