



Written contribution of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on the Global Compact on Refugees

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As the United Nations (UN) Agency established by the General Assembly in 1949 and mandated to provide assistance and protection to registered Palestine refugees in Jordan, Lebanon, Syria, West Bank (including East Jerusalem) and Gaza, UNRWA welcomes the development of the Global Compact on Refugees following the adoption of the New York Declaration in September 2016.

Palestine refugees make up one of the largest and longest-lasting protracted refugee situations in the world today. The 5.3 million Palestine refugees registered with UNRWA at present account for 23.5 per cent of the world's total refugee population and 31.4 per cent of protracted refugees in the absence of a just and lasting solution based on international law. The Global Compact on Refugees represents an important opportunity for the international community to renew, as a priority, its efforts to address the needs of Palestine refugees through the Agency's delivery of essential services.

While Palestine refugees face many of the same challenges as other refugees globally, they also face unique challenges given, amongst other things, that there is no State to which they are presently able to return. UNRWA hopes that the specific situation of Palestine refugees, a recognition of the critical role of UNRWA, including with respect to peace and security and its experience of providing protection and assistance, as well as the need to support the Agency, will be reflected in the Global Compact on Refugees. Until a just and lasting solution is achieved in accordance with relevant UN General Assembly resolutions, including resolution 194, UNRWA executes its specific mandate given to it by the UN General Assembly providing hope and dignity through emergency and human development services to Palestine refugees.

It is with this experience of standing in partnership with host countries and refugees for almost 70 years that UNRWA offers the following recommendations for the Programme of Action, in conjunction with the Comprehensive Refugee Response Framework (CRRF). In making these recommendations UNRWA draws attention to its unique role on the ground through direct delivery of protection and assistance in stable and conflict settings. As such, it bridges the humanitarian-development divide, integrating into its daily operations a range of basic, high impact interventions encompassing education, primary health care, poverty mitigation, and livelihoods through, for example, an internationally-recognized microfinance programme.

While there are many issues being addressed by the Global Compact on Refugees that are relevant to Palestine refugees, UNRWA considers the following ones as key: (1) ensuring adequate, sustained and predictable funding; (2) taking actions to uphold the legal framework that protects refugees (3) addressing the root causes of protracted refugee situations; (4) giving greater attention to education in refugee responses; and (5) ensuring that refugees have access to civil documentation during their displacement.

1. Ensuring adequate, sustained and predictable funding

The human and economic costs of mass refugee movements and protracted displacement are immense and on the rise. While the needs of refugees are mounting, this has not been matched by a commensurate level of funding for the refugee response. As UN Member States have recognized already in the New York Declaration, adopted in September 2016, “United Nations entities such as [UNHCR] and [UNRWA] and other relevant organizations require sufficient funding to be able to carry out their activities effectively and in a predictable manner.”¹

The international community assumed a profound responsibility, through UN General Assembly Resolution A/RES/302 (IV), to assist Palestine refugees until a just and lasting solution is found to their plight. However, UNRWA faces a formidable challenge, and not for the first time in its history, in upholding this mandate to preserve key services such as education, health care and emergency food and cash distribution systems for Palestine refugees. The landmark report of the UN Secretary-General in March 2017 on the operations of UNRWA confirmed the seriousness of the issue when it stated that “[the] Agency’s recurring financial crises threaten to disrupt the provision of services to a vulnerable population of 5.3 million refugees [...] and to intensify the deep uncertainty that this population is exposed to”.² Recent developments have exacerbated the situation, demonstrating that a lack of adequate, sustained and predictable funding can seriously jeopardize a UN agency’s capability to implement its mandate provided by the international community.

In a Middle-East where conflict, violence and polarization remain ever present and impact the lives of millions of people, UNRWA remains a beacon for stability. The UN General Assembly re-affirmed the Agency’s mandate on 7 December 2017 and, in this context, welcomed the affirmation in the New York Declaration of the need for sufficient funding to enable UNRWA to carry out its activities, and appealed to Member States to support the Agency’s mandate and its ability to meet the rising needs of the Palestine refugees and essential associated costs of operations.³

As such, UNRWA recommends that the Programme of Action reaffirms the need for adequate, sustained and predictable funding to meet the needs of refugees, including Palestine refugees, pending a just and lasting solution, and set out concrete measures in that regard, guided by international commitments such as the Grand Bargain, as well as recommendations the UN Secretary-General set out in his report of March 2017 on the operations of UNRWA.

¹ UN doc. A/RES/71/1, paragraph 86.

² UN doc. A/71/849, paragraph 2. See also: <https://www.unrwa.org/newsroom/press-releases/united-nations-secretary-general-urges-member-states-make-unrwa-funds->

³ UN doc. A/RES/72/82, perambulatory paragraph 17 and operative paragraph 11.

2. Taking actions to uphold the legal framework that protects refugees

Refugees should enjoy the human rights and fundamental freedoms that international law guarantees to all people regardless of their origin or nationality and that allow them to live in dignity during displacement. This includes, first and foremost, providing protection and assistance as enshrined in international refugee law and international human rights law. At-risk groups (such as women, children and persons with disabilities) should be ensured an adequate protection response in recognition of their heightened vulnerability in times of crisis and displacement. When denied the opportunity to live in dignity with access to services, the ability to gain employment and to enjoy a decent standard of living, refugees can be at risk of secondary or further displacement. In addition to ensuring the equal enjoyment of human rights for all, gender equality is particularly important.

Palestine refugees continue to experience a variety of protection concerns. For example, for Palestine refugees from Syria displaced across the region, the threat of refoulement as well as their socio-economic status is a concern. In the West Bank (including East Jerusalem) and the Gaza Strip, 50 years of occupation and the 10 year blockade in Gaza by the Government of Israel, continue to impact the enjoyment of Palestine refugees' enjoyment of economic, social and cultural rights. In Lebanon, while changes to Lebanese law have in principle improved Palestine refugees' right to access formal employment and related social protection mechanisms, Palestine refugees in Lebanon are prevented from employment in at least 39 syndicated liberal professions (such as medicine, law, engineering, etc.). These are just some of the protection concerns faced by Palestine refugees.

In this regard, UNRWA recommends that the Programme of Action includes explicit references and modes of action to promote: (1) the need for strict compliance with the principle of non-refoulement⁴ for all refugees, and (2) the need to ensure the enjoyment of rights, including economic, social and cultural rights of all refugees regardless of their origin and in accordance with applicable international legal requirements. The enjoyment of rights should be without discrimination in accordance with international refugee and human rights standards and without prejudice to the status of refugees and their rights relating to a just and lasting solution.

3. Addressing the root causes of protracted refugee situations

As the UN Secretary-General recognized in his report *In safety and dignity: addressing large movements of refugees and migrants*, “addressing the causes of large movements of refugees and migrants must be the cornerstone of all efforts”.⁵ As the Palestine refugee experience demonstrates, the lack of political solutions fuels and prolongs refugee displacement. This year marks the 70th commemoration of Palestine refugees' initial displacement in 1948. Three generations of Palestine refugees have already grown up without peace or hope for a better future. In accordance with the UN General Assembly's annual affirmation of the necessity of

⁴ In accordance with the respect for and adherence to this principle expressed by UN Member States in paragraph 67 of the *New York Declaration for Refugees and Migrants*, UN doc. A/RES/71/1.

⁵ UN doc. A/70/59, paragraph 52.

the continuation of the work of UNRWA,⁶ the Agency continues to exist today because of the lack of a just and lasting solution to the plight of Palestine refugees in accordance with relevant UN General Assembly resolutions.

While paragraph 4 of the CRRF mentions protracted situations, UNRWA recommends that the Programme of Action include renewed vigor and equal measures to address protracted refugee situations along-side mass refugee movements. Furthermore, the Programme of Action should, in addition to focusing on early warning and prevention (as highlighted in panel one of thematic discussion five), also focus on the peaceful resolution of conflict. It is important that a holistic approach, comprising political, security and development measures, be adopted to address root causes of protracted refugee situations.

4. Giving greater attention to education in refugee responses

Education is fundamental to helping each and every child achieve their full potential. Children have a fundamental right to basic education as established in the Universal Declaration of Human Rights and the Convention on the Rights of the Child. Education is not only lifesaving but also life giving during displacement, a pre-requisite for development, a powerful driver for change and a catalyst for the recovery and rebuilding of refugees' lives once displacement ends. It also provides refugee children with a routine, mitigating the likelihood of other protection risks, such as child labour, child marriage, or recruitment into armed forces or groups. However, in general, the provision of education is frequently overlooked in the refugee response leaving countless children without schooling.⁷ A coherent systematic approach to education for refugees is important and this requires an appropriate level of funding.

Since its operations began in 1950, the UNRWA education system has educated three generations of refugees, over two million children and counting. Since 2011, UNRWA has worked to strengthen its education system through the UNRWA Education Reform, which emphasizes support to each and every child to help them realize their full potential. The UNRWA approach was acknowledged in the World Bank study *Learning in the Face of Adversity*⁸ as an example of how to transform education and improve the efficiency and effectiveness of the system, ultimately improving children's learning outcomes.

Today, UNRWA provides education to more than 526,000 children every day in 711 schools across its five fields of operation in Jordan, Lebanon, Syria, West Bank (including East Jerusalem) and Gaza. The UNRWA Education in Emergencies⁹ (EiE) approach seeks to combine the strengths of the Agency's education system with innovative ways of delivering and supporting education. The latter includes the establishment of safe learning and recreational spaces, interactive student self-learning materials, learning support activities, psychosocial support, and safety and security training. The EiE approach helps ensure Palestine

⁶ For the UN General Assembly's latest reaffirmation in that regard, see UN doc. A/RES/72/80 (adopted on 7 December 2017), operative paragraph 3.

⁷ UN High Commissioner for Refugees (UNHCR), *Left Behind: Refugee Education in Crisis*, report available at: <http://www.unhcr.org/left-behind/>.

⁸ Available at: <http://documents.worldbank.org/curated/en/972731468327904489/Learning-in-the-face-of-adversity-the-UNRWA-education-program-for-Palestine-refugees>.

⁹ For more information, see <https://www.unrwa.org/resources/about-unrwa/education-emergencies>.

refugee children continue to benefit from the right to access quality education and learning opportunities, even in times of crisis and conflict.

As such, UNRWA recommends that the Programme of Action emphasizes the need to give greater attention to education in refugee responses to ensure the continuity of education during displacement. The Programme of Action should include a commitment from donors to provide adequate funding to the sector. It should also encourage collaboration and coordination among local and global actors towards the development of systemic innovative approaches to providing education in refugee and emergency settings to allow children, everywhere, to enjoy their right to education, no matter what circumstances they might find themselves in. Barriers to accessing education in refugee contexts, including situations of violence and armed conflict, must be addressed in line with relevant international legal standards.

5. Ensuring that refugees have access to civil documentation during their displacement

A challenge facing many refugees is the difficulty of obtaining civil documentation (birth registration, marriage, divorce and death certificates). A lack of civil documentation can have a significant impact on a person's legal recognition and access to services, and can lead to further protection challenges including access to education. The issue of birth registration is particularly concerning because it can result in the emergence of generations of 'undocumented' refugees and persons at risk of being stateless as a result of a lack of essential documentation.

For example, as a result of the Syria crisis, many Palestine refugees who fled from Syria to Lebanon and Jordan face difficulties in completing civil registration procedures because of their precarious legal status in the country. Other groups of Palestine refugees face similar challenges in obtaining civil documentation. Recently, the Lebanon authorities have made a welcome commitment to allow birth and marriage registration for Palestine refugees from Syria by having waived the condition of valid residency in Lebanon to do so.

UNRWA recommends that the Programme of Action commits host governments (in accordance with paragraph 5(f) of the CRRF) to ensure that refugees are able to fully complete all official civil registration procedures during their displacement in accordance with applicable international standards, regardless of their legal situation in the country. Furthermore, key standards for providing civil documentation should be developed by humanitarian actors to support host governments in this area.