

**UNRWA IN THE WEST BANK AND GAZA STRIP:
CONSTRAINTS AND CHALLENGES SINCE
SEPTEMBER 2000**

**Dissertation submitted to the Jawaharlal Nehru University in partial
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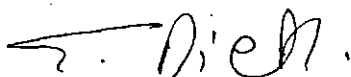
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CERTIFICATE

This is to certify that the Dissertation entitled “UNRWA IN THE WEST BANK AND GAZA STRIP: CONSTRAINTS AND CHALLENGES SINCE SEPTEMBER 2000” submitted by **IMKONGMEREN**, is in partial fulfillment of the requirement for the degree of **MASTER OF PHILOSOPHY** from this University. This dissertation has not been submitted for any other degree from this University, or any other university.

We recommend this Dissertation to be placed before the examiners for evaluation.


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To

My Loving Sister

Sentikumla Longchar

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*Jawaharlal University
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Imkongmeren

Glossary of Abbreviation Used

9/11	11 September 2001
AIPAC	American Israeli Public Affairs Committee
CCP	Conciliation Commission for Palestine
CSO	Camp Service Officer
EMRO	Eastern Mediterranean Regional Office
ESM	Economic Survey Mission
FAO	Food and Agricultural Organization
ICCR	International Committee of the Red Cross
IDF	Israeli Defense Forces
MMP	Micro-finance and Micro-enterprise Programme
NIV	New International Version
OCJ	Operation Colourful Journey
ODS	Operation Defensive Shield
PAA	Palestinian Autonomous Areas
PCBS	Palestine Central Bureau of Statistics
PCJP	Palestine Council for Justice and Peace
PFLP	Popular Front for the Liberation of Palestine
PIP	Peace Implementation Programme
PLC	Palestine Legislative Council
PLO	Palestine Liberation Organization
PNA	Palestine National Assembly
PNA	Palestinian National Authority
PNC	Palestine National Council
PRC	Palestine royal Commission
PRCS	Palestine Red Crescent Society
UMPRC	Union of Palestine Medical Relief Committee
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGAOR	United Nations General Assembly Official Records

UNHCR	United Nations High Commissioner for Refugees
UNIC	United Nations Information Centre
UNICEF	United Nations International Children's Emergency Fund
UNKRA	United Nations Korean Relief Agency
UNRPR	United Nations Relief for Palestine Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNSCOP	United Nations Special Committee on Palestine
WHO	World Health Organization
WTC	World Trade Centre
WZO	World Zionist Organization

CONTENTS

Acknowledgements	i
Glossary of Abbreviations Used	ii
Chapter I Introduction: Historical Background	1
1. Israeli-Palestinian Conflict: A Brief Historical Account	
1.1 Zionism and Colonialism in Palestine	
1.2 The Palestine After the 1948-1949 War	
1.3 Plight of the Palestinian Refugees	
<i>1.3.1 Causes of the Exodus</i>	
2. The West Bank and Gaza Strip: An Introductory Survey	
2.1 The Emergence of West Bank and Gaza Strip	
2.2 1993 Oslo Accord and Thereafter	
Chapter II Emergence of UNRWA	33
1. History and Origin	
2. Structure and Programme	
2.1 Organization	
2.2 Powers of UNRWA	
2.3 Status and Immunities	
2.4 Refugee Camps	
3. Activities of UNWRA	
3.1 Education	
<i>3.1.1 Education in the West Bank</i>	
<i>3.1.2 Education in the Gaza Strip</i>	
3.2 Health	
<i>3.2.1 Health in the West Bank</i>	
<i>3.2.2 Health in the Gaza Strip.</i>	
3.3 Relief and Social Services	

3.3.1 Relief and Social Services in the West Bank

3.3.2 Relief and Social Services in the Gaza Strip

3.3.3 Aid to Displaced Persons

3.4 Peace Implementation Programme

4. Tables and Maps

Chapter-III The Al-Aqsa Intifada and Its Impact on UNRWA 66

1. Al-Aqsa Intifada: Major Causes

1.1 Failure of Camp David II

1.2 Ariel Sharon's Visit to the Temple Mount

1.3 Other Factors

2. Major Consequences of Al-Aqsa Intifada

2.1 Suicide Bombings

2.2 Reoccupation and Its Impact on UNRWA

2.2.1 Operation Colourful Journey

2.2.2 Incursions Into UNRWA Installations

2.2.3 Operation Defensive Shield (ODS)

2.2.4 Incursion Into Jenin Refugee Camp.

2.2.5 UNWRA Through the Operation Defensive Shield

2.2.6 Reaction of the International Community

2.2.7 Reaction of the Israeli Civil Society

Chapter IV Constraints and Challenges: Major Factors 92

1. Allegations Against UNRWA

2. Israel's National Security Concerns

3. IDF Preventive Policies Affecting UNRWA's Activities

3.1 Curfews and Internal Closures

3.2 Denial of Access for Assistance Providers to People in Need

3.3 Driving Permit Restrictions

3.4 Demolition of UNRWA Installations and Vehicles

3.5	Passage Through Checkpoints	
3.6	Port Operation	
3.7	Checking in Crossings	
3.8	Restrictions of Movements	
3.9	Armed Interference	
3.10	Arrest and Detention of Staff	
3.11	Defiance of International Conventions	
3.12	Functional Constraints	
3.12.1	<i>Education</i>	
3.12.2	<i>Medical Services</i>	
3.12.3	<i>Relief Operations</i>	
3.12.4	<i>Financial Constraints</i>	
4.	UNRWAS' Emergency Appeal	
5.	The Cost of the Intifada	
Chapter V	Conclusion: The Unending Challenge	115
	Chronology	125
	Appendix	127
	Bibliography	141

CHAPTER I

Chapter I

Historical Background

Introduction

By the end of the Second World War, the global growth of violence and conflicts has swelled the world's refugees and displaced populations to over 50 million. The United Nations has established humanitarian agencies like UNCHR, UNRWA and UNKRA among others, to provide large-scale relief in form of food, clothes, and medicines and to provide legal protection from deportation or persecution to people fleeing conflict. These humanitarian agencies have been considered as saviours for the affected people particularly in the Third World countries.

However, today humanitarian agencies are all challenged by enormous difficulties from different corners. They face an increasing problem of access to safe areas for people who are persecuted on political, ethnic, religious and other grounds. Organizations and individuals attempting to provide international assistance in these disasters are themselves becoming the victims of violence. In recent conflicts many UN Relief workers, doctors and nurses from explicitly neutral Red Cross Society have been attacked and killed in Chechnya, Bosnia, Kosovo, and West Asia. The relief supplies, vehicles and offices have been plundered by the combatants; and in many instances, militants do not permit civilian and aid workers to control the distribution of food. In countries where the structures of the state have collapsed and armed conflicts are taking place, the humanitarian assistance to the affected people is an enormously difficult undertaking. Thus, the humanitarian agencies on the ground are confronted increasingly by intolerable

dilemmas. They have been constantly obliged to suspend their operations due to the intensity of the conflict situation.

As a major political consequence of 1948 Arab-Israel war, thousands of Palestinians became refugees and they remained as refugees in the immediate post-war period. To give a practical application to its sincere intention to aid the refugees, the UN General Assembly established the United Nations and Relief and Works Agency for Palestine refugees in the Near East (UNRWA) by adopting resolution 302(IV) in 8 December 1949 (Text in the Appendix).

When the Agency commenced operation in May 1950, its task was to give emergency assistance to the destitute Palestinians who had been uprooted as a result of the conflict. Originally envisaged as a temporary relief organization, UNRWA has over time assumed a pivotal role as the main provider of basic services to the Palestinians and a lifeline of support in times of crisis. In the absence of resolution to the refugee problem, the UN General Assembly has subsequently extended its mandate for more than five decades. UNRWA continues to provide essential health care, education, relief assistance and social services to approximately four million Palestinian refugees registered with the Agency (UNRWA figures 2003). The geographical fields of UNRWA's operation are restricted to Lebanon, Syria, Jordan, West Bank and the Gaza Strip.

Considering the above given facts this research work has mainly focused on the areas of West Bank and the Gaza Strip. These two areas have been the most difficult and worst affected areas of operation for the Agency so far. Due to apparent proximity with the strategic militant bases, these areas have become extremely difficult for any international humanitarian agency for a smooth and extensive implementation of their

programme and constant violation of human rights and international laws continues at its worst form. Meanwhile, UNRWA does not own, administer, or police the camps, as it is the responsibility of the host authorities. Despite such obstacles, the Humanitarian Agency is obliged to provide the basic services because the life of the refugees must go on.

The question of Palestinian refugees is considered to be the longest running humanitarian problem in the world today, which has remained unresolved. They are scattered throughout West Asia and beyond and have continued to live in camps, many miles away from their homeland, and their hopes and aspirations for the future depend on the outside world. The social and economic conditions of the refugees have remained difficult and thus it requires urgent intervention on the part of the international community for humanitarian assistance. In spite of its goal for uplifting the deprived refugees, the humanitarian agencies are faced with lots of constraints and challenges from all corners. The nature of those challenges has been intensified by the escalation of terrorist activities in the form of suicide bombings which is a recurring phenomenon of the Israeli-Palestinian conflict. On the other hand, on many occasions Israeli policies deliberately contravene international legal and humanitarian agreements such as, Fourth Geneva Convention, International Covenant on Economic, Social and Cultural Rights and the Comey-Michelmores Agreement of 1967 according to which Israel is responsible to facilitate the Agency's operation to the best of its ability.

In the wake of the second intifada, which started on 28 September 2000, the threat perception of Israel has been intensified and the authority had deliberately adopted coercive counter measures to tackle Palestinian militancy. The authority restricted the

movements of humanitarian personnel and commodities in the hard hit areas particularly in the West Bank and the Gaza Strip.

Israeli Defence Forces pose serious constraints to UNRWA's operation by imposing curfews and internal closures by imposing restrictions for entry into Israel, by refusing to issue of driving permits and by installing checkpoints at crossings. By abducting, detaining, searching, seizing and demolishing houses and properties of the relatives of suspected suicide bombers, it has compounded on already grim situation. Imposing restriction upon the operation of the humanitarian organizations including Red Cross Society and UNRWA, imposing taxes upon international vehicular movements, carrying out back-to-back and hook-unhook system are done in defiance of UN Resolutions and Geneva Conventions and other bilateral agreements.

These kinds of prohibitive measures prevent UNRWA's staff members from reaching their work places and attending to their duties, obstruct access of beneficiaries to services, give rise to additional cost and negatively affect efficiency. Movements of staff and agencies' vehicles have also been affected. Israeli authorities had decreed that all commercial trucks and trailers must cross through specific crossing points, which the Agency had to use and pay charges as well as comply with difficult haulage procedures, causing long delays.

During the Operation Defensive Shield and Operation Colourful Journey the IDF blocked the passage of emergency medical vehicles and personnel to conflict areas to treat and evacuate the wounded. Despite formal protests from UNRWA and International Committee of Red Cross, they failed to protect and respect them. Some relief workers were killed when Israeli soldiers fired on clearly marked ambulances. UNRWA's

installation has been destroyed by IDF on a number of occasions for instance, in Jenin attack, where refugee camps were demolished by bulldozers.

On the other hand the Israeli authorities accuse UNRWA of being a biased humanitarian agency. They maintain that the Palestinians have long been allowed to use UN-sponsored refugee camps in the West Bank and Gaza Strip to incite children to violence, store illegal weaponry and launch terrorist attacks against Israelis. It is also alleged that the camps have become the hotbed of terrorist's activities and UNRWA is the godfather to all terrorist trainings. Israel has also accused that UNRWA has been part of the problem rather than the solution in West Asia. From the very beginning Israel has been highly skeptical about the Agency's activities especially in the matters of recruiting and protecting local staff members. Israel allegedly claims that terrorist infrastructures have been developed in the camps through out the West Bank and the Gaza Strip.

Israel justifies her actions against UNRWA's installations on the above-mentioned grounds. Therefore, Israel considers that it must destroy all the potential elements of terror inside out to contain any possible future attacks on its innocent civilians. These grievances against the Agency have prompted Israel to implement such coercive policies which in turn has perpetually hindered UNRWA's smooth functioning.

Firstly this dissertation focuses on the nature and the growth of UNRWA and its importance in carrying out the relief work in West Asia and in particular in the Gaza Strip and the West Bank by giving a brief historical background of the Israeli-Palestinian conflict, and a brief geo-strategic and historical setting of the inhabitants of these two areas. Secondly, it discusses the factors of constraints and challenges faced by the Agency and analyses how the Agency encounters frequent preventive measures

implemented by IDF. Thirdly, it critically discusses the allegations and counters allegations of UNRWA and Israel against each other and highlights some of the major Israeli policies affecting the operation of UNRWA in the areas. Fourthly, the study tries to identify the factors which prompt Israel to implement such coercive policies and thereby constrain the Agency's humanitarian programme in the West Bank and the Gaza Strip. Finally, it encapsulates a critical assessment of the whole issue and concerns which have been discussed above.

1. Israeli-Palestinian Conflict: A Brief Historical Account

The Israeli-Palestinian conflict provides a unique opportunity to examine a host of concepts important to the understanding of West Asian politics more generally. These concepts include national identity and self-determination, the plight of Palestine refugees, security dilemmas, the role of religion, the relative importance of international law and international organizations such as the United Nations (UN) in dealing with complicated conflicts, great power intervention, globalization and economic interdependence, and forms of violent and non-violent conflict resolution. Given the theoretical and political significance of those issues, it is not surprising that the Israeli-Palestinian conflict is among the most researched topics across academic disciplines as well as in applied settings; it also receives regular and prominent coverage in the media.

The Israeli-Palestinian conflict has shaped the lives of at least three generations of Israelis and Palestinians. This conflict has played a central role not only in the daily lives of the people throughout the West Asia but also in the lives of Palestinians and Jews living outside Israel and the occupied territories, many of whom see their existence as

inseparable from political developments in the region. As David Rodman has put it, “the Arab-Israeli conflict has spawned more episodes of violence than any other enduring conflict in the post-Second World War era. Over the past half-century this conflict has regularly given rise to inter-communal unrest, terrorism, border skirmishes and war”.¹ “Typically, the conflict has been presented as an intractable struggle between two national movements with competing claims over the same territory.”²

The Israeli-Palestinian conflict cannot be fully understood without knowledge of the early history of Palestine. The claims of the parties to the conflict, Jews and Palestinians are rooted deep in early history and it is incumbent, therefore, to examine their respective association with Palestine as well as the events that went into making of the Palestine problem before it exploded in 1948.

Although the history, particularly the Bible, mention the existence of several groups of people in ancient Palestine, only three groups play a leading role so as to have a lasting impact on it. The Palestinians are the descendants of the Canaanites and the Philistines; meanwhile the Canaanites are the earliest known inhabitants of Palestine and are thought to have settled there after 3000 B.C.³ The early inhabitants were semi-nomadic tribes, however about the 20th Century B.C. the Canaanites began to settle in the plains and on the coast. They built villages and developed their own culture.⁴ In the Holy Bible, the country is called ‘the Land of Canaan’ (Numbers; 34:2, Joshua; 5:12) or ‘the Country of Canaanites’ (Exodus; 3:17). Among their cities was Salem (Genesis; 14:18),

¹ David Rodman, “Patterns of War Initiation in the Arab-Israeli Conflict: A Note on the Military Dimension,” *Israel Affairs* (London), vol. 2, no. 1, (Autumn) 1995, pp.115-126.

² Simona Sharona, and Mohammed Abu-Nimer, “The Arab-Israeli Conflict,” *Understanding of Contemporary Middle East*, ed; by : Debora J. Gerner,(London; Lynne Rienner Pub.), 2000. pp. 61-195.

³ Cattan H, *Palestine Question*, (London; Croom Helm 1988).p.3.

⁴ Cattan H, *Palestine the Arabs & Israel*, (London: Longman group 1970), pp.2-9.

which was inhabited by Jebusites tribe of Canaanite, the city was invaded by King David during 1000 BC (2 Samuel; 5:6) and renamed it as Jerusalem.⁵ “The Philistines and the Israelites came to the land of Canaan almost contemporaneously with each other in the later part of the second millennium BC.”⁶ According to the prevalent tradition, the common ancestor of the Jews and the Arabs, Abram who is known as Abraham meaning, father of many nations (Genesis; 17:5), came from Ur of the Chaldeans and settled in Haran.⁷ Quite suddenly a previously unknown, powerful God revealed himself to Abraham saying: “Leave your country, your people and your father’s household and go to the land I will show you. I will make you into a great nation and I will bless you; I will make your name great, and you will be a blessing,” (Genesis; 12:1-2, NIV Bible).

The specific and precise separation of the Jews from the Arabs occurred, supposedly, through the two sons of Abraham, Ishmael and Isaac. Ishmael, his first son born of his second wife Hagar who was an Egyptian maidservant (Genesis; 16-17), was specifically dispossessed of this Covenant by God. God is quoted by Jewish historians as having specified that Abraham’s second son Isaac, born to his first wife Sarah, and Isaac’s issue would inherit the Covenant. The reported subsequent lack of concern for Ishmael, despite Abraham’s intercession with God on his first son’s behalf is summarized in the Holy Bible in Genesis; 17:18, and 17:20. The rapacious, bitter, and grasping Sarah caused Abraham literally to force out Hagar and Ishmael into the desert, admonishing Abraham, “Get rid of that slave woman and her son, for that slave woman’s son will never share in the inheritance with my son Isaac” (Genesis; 21:10, NIV). Nevertheless,

⁵ Gwyn Rowly, *Israel Into Palestine* (London; Mansell Pub. 1984), p. 9.

⁶ Cattan, n.3, p. 9.

⁷ Bernard Reich, *Israel Land of Tradition and Conflict* (London: West View Press, 1985), p. 49.

Ishmael, reputedly the father of the Arab race, is blessed and made fruitful. Indeed God is quoted as promising that, "I will make him (Ishmael) a great nation" (Genesis; 17:20, 21:18). But nothing approaching to the Covenant is offered to Ishmael.⁸

Even the brief philosophico-theological inquiry into the mystery of Ishmael and Isaac revealed a particular irresistible and indeed remarkable significance of the bitter rivalry between the two offspring's of Abraham from the very beginning which cannot be lightly dismissed as simply another ordinary political and economic struggle. After entry into Canaan the Abrahamic clan continued with its nomadic ways and in during one specific famine, they entered Egypt to save their lives. Four centuries later the Israelites returned and invaded the land of Canaan in the 12th Century BC (Genesis; 12:10-20). Once again they found a settled population and an established culture. These included the Canaanites, the Gibeonites, the Amorites, the Hittites, Perizzites, Jebusites, Hivites and the Philistines (Joshua; 11:3). The Philistines and the Canaanites were never completely subdued by the Israelites or any other invaders who could retain control of their coastal plain (along the Mediterranean). It was the Philistines who gave the modern name Palestine. The rest of the country was occupied and settled by the Israelites who established the dominion of Israel. According to historian Bernard Reich, the Israelites conquered and settled much of the Promised Land (Canaan) under the leadership of Joshua and the Judges, and eventually a monarchy was established under King Saul (1020-1004 B.C.). He was succeeded by David (1004-965 B.C.) who unified the Jewish tribes, pacified the area and made Israel into a major regional force.⁹ During David's reign the territory of Israel was expanded by military conquests. But even at the heights

⁸ Rowly, n. 5, p. 9.

⁹ Cited in Reich, n. 7, p. 50, and Rowly, n. 5, pp 10-11.

of his power, David was unable to dominate or subdue the Philistines. The kingdom was split into the Kingdom of Israel in the North and the Kingdom of Judah in the South. In 722 B.C. the Assyrian overran the Northern Kingdom that ended the existence of a sovereign Israeli state. The Kingdom of Judah (Judea) in the South, maintained its capital at Jerusalem until 586 B.C. but with the destruction of Solomon's Temple, the Southern Kingdom too came to an end and much of the Jewish population were exiled to Babylon. Unlike the situation that prevailed before, the Canaanites and the Israelites never peacefully co-existed thenceforth. They were constantly at war with each other (I Samuel Chapters 13-21). With the exile of the Jews, the Hebrew language gradually disappeared from Philistine and was replaced by Aramaic (2 Kings 18:26), which was used alongside the Arabic language for several centuries.¹⁰ Aramaic was the main language used in the countries east of Mediterranean Sea during Jesus' earthly ministry.

After the destruction of Judah, a succession of people ruled Palestine. In 538 B.C., Cyrus, the king of Persia conquered Babylon and allowed Israelites to return to their homeland (Ezra 2:1-3 and 7:13-26). In 332 B.C., Alexander the Great conquered Palestine. In 166 B.C., the Jews revolted against their rulers and established the Maccabean Kingdom. In 134 B.C., Antiochus Sidete, the king of Syria besieged Jerusalem; and in 63 B.C. Roman emperor Pompey conquered Palestine thus ending the Maccabean rule making Palestine the Roman province of Judea.¹¹ In 40 B.C. Herod became king of Judea and rebuilt the Second Temple of Jerusalem. It was during his rule that Jesus Christ, the founder of Christianity, was born in Bethlehem thereby making Palestine become the Holy Land of Christendom.

¹⁰ Cited in Cattani, n. 3, p. 5.

¹¹ *Ibid.*, p. 5.

The Jews revolted twice against the Romans, once from 66 A.D. to 70 A.D. during which Titus the Roman emperor destroyed Jerusalem and the Second Temple and again between 132 A.D. and 135 A.D. leading to either the death or dispersed of Jews to the four corners of the Roman Empire.

Under the Roman Emperor Hadarian Jerusalem was designated as a Roman colony, in which Jews were forbidden either to reside or to enter, and in an attempt to blot out Jewish identity in the land, Judah was renamed as Palestine, supposedly after the Philistines, an Aegean people.¹²

Since that time until the middle of the Nineteenth Century, there were practically no Jews in Jerusalem and only a small number lived in Palestine, but mainly at Tiberias and Safad.

Roman Emperor Constantine, when converted to Christianity, issued a decree in 323 A.D. making Christianity the religion of the Roman Empire. Palestine was then governed for over 200 years as part of the Eastern Empire from Constantinople. In 638 A.D. Palestine came under Islamic rule and remained so till 1099 A.D.¹³ Again in 1517 Palestine was conquered by the Ottomans and remained within that empire for some four centuries till 1917. In 1917 Palestine was captured by British forces and placed under British military administration till the period of the League of Nation's Mandate in 1922.¹⁴ The Turkish conquest did not alter or affect the character of its inhabitants, language, customs and culture which basically remained Arab in nature.¹⁵ Notwithstanding the long and bloodstained story of wars, invasions, and conquests in Palestine, the original indigenous characteristics of the population remained unchanged till the middle of the 20th century.

¹² Cited in Rowley, n.5, p.13.

¹³ Moshe Gil, *A History of Palestine 634-1099* (London: Cambridge University Press, 1997), pp. 45-51.

¹⁴ Pamela Ann Smith, *Palestine and Palestinians 1876-1983*, (London: Croom Helm, 1984), pp.38-44.

¹⁵ Cited in Cattan, n. 4, p.14.

The Palestinians are the original inhabitants of Palestine. They are pre-Islamic people. They lived in Palestine and in other parts of the West Asia before the advent of Islam. The Palestinians of today are the earliest and original inhabitants who lived continuously and without interruption in their country. There was acculturation of other racial elements into the Palestinians stock, mainly the Greeks, the Romans, the Moslem Arabs and the Crusaders. However, this Palestinians stock, which comprises both Moslems and Christians, continued to constitute the main element of the population until the majority of the inhabitants were displaced by the Israelis in 1948. Apart from the Moslems and Christians, there existed other small communities which lived in their midst. These included Jews, Armenians, Assyrians, and Kurds. Jews represented only a small community from the First Century until the Twentieth Century; the Jews almost ceased to exist in Palestine. At the time of the Balfour Declaration (1917), the Jews represented less than 10 per cent of the total population of Palestine.

1.1 Zionism and Colonialism in Palestine

The first turning point involves the emergence of Zionism, the beginning of Jewish immigration and settlement in Palestine in the 1880s. The Zionist emerged in the late Nineteenth Century in Europe in response to the rise of European nationalism and anti-semitism.¹⁶ Though the earliest stirrings of Zionism as a modern political movement occurred in Russia in the 1880s, the movement began in earnest in 1897 when the Hungarian Zionist leader Theoder Herzl, the founder of modern political Zionism,

¹⁶ Cited in Sharoni and Abu- Nimer, n. 2, pp. 61-195.

convened the first Zionist Congress in Basle, Switzerland.¹⁷ Out of the Basle programme emerged the World Zionist Organisation, a National Flag, a National Anthem and the Jewish National Fund.¹⁸ The problem Zionist faced in Palestine was that it was an inhabited country at the time of Basle Programme in 1897. The local Jewish communities constituted less than 7 per cent of the local population, 93 per cent were Palestinians. The Palestinians were all Arabs in language, culture and collective historical memory; 80 per cent of the Palestinians were Muslims and 10 per cent were Christians.

There is no single definition for the term Zionism. For most Jews, Zionism is a movement for Jewish national self-determination designed to restore their right to live in the land of their ancestors. On the other hand, Palestinians and many others, however, view Zionism as an exclusive ideology that underlies the settler-colonial movement responsible for the occupation of Palestine and the dispossession and exploitation of its indigenous population. According to prevalent Jewish interpretation the conflict is centuries old, and Zionism was an attempt to ensure the return of Jews to the land of Israel (Eretz- Israel), which God promised to Abraham and his seed. According to Charles D. Smith, modern Zionism was the wish to establish an independent Jewish existence in Palestine, the ancient land of Israel, which the Jews had last governed nineteen hundred years before.¹⁹ According to Palestinian interpretation, the Palestinian-Israeli conflict is a modern phenomenon whose origins lie not in the Bible but rather in

¹⁷ Cited in Rodman, n. 1, p.115.

¹⁸ Ritchie Owendale, *The Origins of the Arab-Israeli Wars* (London: Longman, 1984), p. 5.

¹⁹ Charles D. Smith, *Palestine and the Arab-Israeli Conflict* (New York: St. Martin press, 1992), p. 25.

Zionist ideology and its implementation in Palestine through policies that are reminiscent of other settler-colonial projects around the world.²⁰

Palestinians refute the idea that Palestine was 'a land without people for the people without a land' as the Zionist slogan proclaimed. They reiterate that it had an existing indigenous population who sought independence first from the Ottoman rulers and later from the British. The Zionist objective of creating a Jewish state in Palestine was the root cause of the trouble and the source of the Palestine tragedy.²¹ It ignored the fact that Jewish presence in Palestine had almost ceased from the First Century A.D. It was also in obvious conflict with the rights of the people of Palestine who had inhabited the country since time immemorial. Historically, the Jews were neither the earliest inhabitants nor the owners of the land in Palestine. The Jewish occupation of Palestine in Biblical times was simply an episode in the long history of the country. The modern Zionist Jews, the great majority of whom can hardly claim to be descendants of the ancient Hebrews, seized upon this biblical episode and began to stake a political claim upon the territory of Palestine after more than twenty centuries. The fact that such a claim was incompatible with the facts of history, with justice and with the rights of the real owners of the country was ignored.²²

It may be objected that King David and his son Solomon conquered all of Palestine and much beyond (1Chronicles 18:1), but their rule lasted only eighty years. To base a modern claim to all of Palestine or areas beyond upon this kingdom would be in some ways similar to England seeking to sustain a permanent claim to the areas of France

²⁰ Cited in Shoroni and Abu-Nimer, n. 2, pp. 61-195.

²¹ Evgeni Primakov, "The Problem of Palestine in the 20th Century: Origins, Evolution, Prospects," *Oriental Studies in the USSR*, no. 9, Moscow: USSR Academy of Sciences, 1984, p. 8.

²² Cited in Cattani, n. 4, p. 11.

which she dominated in the middle ages.²³ After the collapse of the kingdom of Israel in around 700 B.C., the only part of Palestine which remained until 70 A.D., was the kingdom of Judah. The Zionist seized the occasion of the First World War to present the British Government the advantage of winning Jewish support by helping Zionist ambitions.

The World War I provided an opportunity for the Zionist movement to make important gains. Among the most significant was the Balfour Declaration which was issued by the British Government on 2 November 1917. Substantial efforts by the Zionist Organisation, with a special role played by Chasim Weizmann (a Russian-born Jew and a British chemist who having made significant contributions to the British war effort was a permanent Zionist leader who later became the first President of Israel), preceded the government's decision. The declaration took the form of a letter from Arthur James Balfour, the Foreign Secretary, to Lord Rothschild, a prominent Zionist leader.²⁴

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious right of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.

The Balfour Declaration was issued without the knowledge or the consent of the Arabs. When the Arabs learnt it they protested to the British Government, but they were placed in a disadvantageous position from the very start. According to Palestinian historians, the root cause of the Palestinians' disadvantage lies in two political decisions made in Europe. The first decision was made in 1897 by the World Zionist Organization,

²³ Cited in Rowley, n. 5, p.47.

²⁴ Cited in Reich, n. 7, pp. 54-55.

which met in Basle, Switzerland, and resolved to establish a Jewish state in Palestine. The second decision known as the Balfour Declaration, which was made in 1917, undermined the right of the indigenous Palestinian population by promising to support the establishment of a Jewish national home in Palestine. According to Walid Khalidi, from the early 1880s and certainly after the Basle programme, the Palestinians saw the Zionists as a potential dispossessor, displacer and replacer.

The Zionist founding fathers were well aware of the fact that the establishment of a national home in a country that is already the national home of another politically alert people would be a very taunting task. However, they were determined to carry out their plans at any cost by adopting certain strategies which included the implementation of the Basle programme in spite of the opposition of the Palestinians.

The Zionist colonization has taken place in two major phases: the first, from 1918; to 1948 and after a hiatus of nearly twenty years, the second phase which began in 1967 is still extant. It was under British protection and by force of British arms that, during the first phase, the demographic, economic, military and organizational infrastructure of the Jewish state was laid at the expense of the indigenous Palestinian population; the balance of power between the indigenous Palestinian population and the Jewish immigrant population slowly but relentlessly shifted in favour of the Jewish. In the post-war years British accepted a Mandate from the League of Nations to rule Palestine while preparing its inhabitants for self-government. Meanwhile, the post-war troubles in the Eastern Europe and the attractions of good British administration prompted new waves of Jewish immigration to Palestine. The contradiction between Britain's dual commitments in fostering Jewish self-determination and safeguarding Arab

rights soon became apparent, and the inevitability of the clash between Jewish and Arab national aspirations became manifested.²⁵

Given this context, the collision between Zionism and Palestinian nationalism was almost inevitable and thus escalated into several violent confrontations since 1920s. One of the most dramatic escalations of the conflict occurred during the Arab Revolt from 1936 to 1939. This revolt was the longest-running Palestinian protest against Jewish national aspirations in Palestine prior to the establishment of the Jewish state of Israel. The revolt was sparked by the Peel Commission report (which was also known as Palestine Royal Commission) recommending the partition of Palestine into two states in order to accommodate the Jews. Owing to the fierce resistance to the plan among the Palestinians and the Jews, Britain was eventually forced to abandon the 1937 partition plan.

Nevertheless, the partition plan continued to surface, by becoming particularly popular and gaining international legitimacy in the aftermath of the World War II and the Holocaust which resulted in the near destruction of the Jewish people in Europe. During the World War II, the Jews extended full support to the Allies in the hope that at the end of war they would be given their promised homeland. At the end of the war, Britain announced her intentions to withdraw from Palestine and referred the matter to the U.N. General Assembly for decision. The General Assembly appointed a committee called the U.N. Special Committee on Palestine (UNSCOP) which recommended the partition of Palestine. It suggested the formation of a Jewish state and an Arab state with Jerusalem under international control. The three areas were to be linked by a common economic

²⁵ Benny Morris, *1948 and After: Israel and the Palestinians*, (New York: Clerrendon Press, 1990), p.4.

union. The Assembly endorsed these recommendations in November 1947.²⁶ The 1947 UN partition plan also known as UN Resolution 181, indicated that the British mandate over the area was to end on May 15, 1948 thereby giving the new Jewish state 57 per cent of Palestine including the fertile coastal region.²⁷ Palestinians viewed this proposal as fundamentally flawed and unjust since at the time Jews represented only about 33 per cent of the population and owned only 7 per cent of the land. From the Palestinian perspective, the UN partition plan was an illegal and illegitimate attempt to divide Palestine; moreover Palestinians feared that the establishment of two states would result in the expulsion of Palestinians who lived in the areas that fell within the designated territory of the Jewish state.

Soon after the British announcement regarding termination of mandate over Palestine the Jews proclaimed the formation of the state of Israel. The new state kept its boundaries confined to the areas, which were recognized by the UN committee as Jewish areas. Soon USA, UK, and Russia extended recognition of the new state. Other countries of the region like Turkey, Iran, followed them. However Arab countries like Egypt, Syria, Lebanon, Jordan and Iraq could not reconcile with the creation of an independent Jewish state and declared war against it in 1948.²⁸

With British decisively departing the country, the Zionists were determined to implement partition by force and the Palestinians equally determined to resist. There followed two wars: a civil war, largely between the Jewish community and the Palestinian community before the end of the British mandate on 15 May 1948; and a

²⁶ Prakash Chander and Prem Arora., *International Relations*, (New Delhi: Bookhives, 17th edn., 1997), p. 451.

²⁷ UN Documents G.A. Resolution 1947. <http://www.us-israel.org/jsource/un/unga302.html>

²⁸ Cited in Chander and Arora, n. 26, p.451.

regular war after 15 May between Israel (established on that date) and units of the regular Arab armies. In the civil war the Palestinian community was pulverized and routed. According to Walid Khalidi, "it was during the civil war that the Palestinian Exodus and Diaspora began to take place."²⁹ Jews refer to the war of 1948 as the war of independence marking the fulfillment of their national aspirations with the establishment of the state of Israel. For Palestinians, however, 1948 war was a disaster and destruction.³⁰

Thus the genesis of the Palestine problem does not date back to 1948 when the Palestinians and Arabs rejected the establishment of Israel, nor does it date back in the mid 1960s, but it historically dates back to the rise of Basle Programme of 1897.

1.2 The Palestine after the 1948-1949 War

If Israel faced serious problems in the aftermath of war, the position of the Palestinians seemed hopeless; their society ravaged and their political hopes in ruins. The Armistice agreement left Gaza under Egyptian control; its pre -1948 population of 70,000 increased to 270,000 through the influx of refugees. The Gaza Strips soon became a byword for deprivation as even that indigenous population had become separated from its farmlands by the Armistice lines and the area was now cut off from its economic hinterlands. The refugee problem was the most pressing problem in the immediate aftermath of the war. Having left their farms, shops, and workshops, they had no means of survival. For shelter, some found mosques, churches, schools, or hospitable Arab families, but most were in temporary camps that offered the most rudimentary protection, and some were in caves.

²⁹ Walid Khalidi, *Palestine Reborn* (London: I. B. Tauris, 1992), pp. 5-15.

³⁰ Cited in Simona and Abu-Nimer, n. 2, p. 71.

1.3 Plight of the Palestinian Refugees

The birth of the Palestinian refugee problem was the major political consequence of the 1948 war. According to Benny Morris, Palestinian refugee problem was born of war, not by design, Jewish or Arab. It was largely a by-product of Arab and Jewish fears and of the protracted, bitter fighting that characterized the first Israeli-Arab War; in smaller parts it was the deliberate creation of Jewish and Arab military commanders and politicians.³¹

The question of what caused the Palestinians to become refugees has been a fundamental issue between Israel and the Arab states for more than half a century. The general Arab claims that the Jews expelled Palestinians with predetermination and preplanning, as part of a grand political–military design, has served to underline the Arab portrayal of Israel as a vicious, immoral robber state. On the other hand the Israeli official version stated that the Palestinians fled voluntarily not under Jewish compulsion and that they were asked to do so by the leaders of Palestinian and the Arab states.

1.3.1 Causes of the Exodus

The exodus of the Palestinians in 1948 war was mainly due to three causes: Jewish terrorism, expulsion, and the break down of security and government machinery for the preservation of law and order during the last few months of the mandate. The resort to terror by the Jews to force the exodus of the Palestinians during the mandate continued after the emergence of the state of Israel and was carried out by the organized troops of the new state. Having occupied most of the Arab towns in Palestine, with the exception

³¹ Cited in Morris n. 25, pp. 4-10.

of the Old City Jerusalem, Nablus and Hebron, Jewish terrorist actions were concentrated on Arab villages in areas which the Jews wanted to occupy and annex. Many villages were even destroyed after the UN resolution of 11 December 1948, calling upon Israel to permit the return of the refugees to their homes. As regards the terrorism against the Arab population, Evgeni Primakov has said, it was not spontaneous but was a policy of the Zionist leadership which wanted to establish a single national state in Palestine.³²

Another cause of the Palestine exodus was actual expulsion of people from their towns and villages where terrorism forced the departure of the Palestinians. The expulsion of the Palestinians was carried out by the Jewish forces in Haifa, Lydda and Ramleh, Tiberias, Safad, Beersheba and several other towns and villages. On various occasions Israeli forces used loudspeakers to threaten the civilian population and ordered them to leave.³³ Zionist propaganda utilized the massacre at Deir Yassin which occurred on 9 April 1948, and other similar crimes that forced the Arabs flee their homes.

For a long time, Israeli authorities succeeded in preventing any official acknowledgement of the expulsion of the Palestinians in 1948 despite the fact having been established beyond doubt. The truth is emerging slowly. Recent revelation in the Israeli press and disclosures from Israeli sources has shattered the myth spread by Israeli propaganda that the Palestinian exodus of 1948 was voluntary or was ordered by the Arab states. On the contrary, such revelations and disclosures essentially support the view that the expulsion of the Palestinians was a deliberate act intended to rid the new state of Israel of those who were not wanted as citizens and to enable Jewish colonists to settle on Arab land.

³² Cited in n.21, Primakov, p.13.

³³ Cited in Cattani n.3, pp.61-62.

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The last of the causes that contributed to the exodus of Palestinians in 1948 was the breakdown of security and government machinery during the last six months of the mandate. After the outbreak of violence and terrorism following the partition vote by the UN, the British Government was neither able to maintain law and order in Palestine, nor willing to commit its forces for that purpose. The mandate was coming to an end on 15 May 1948, and the British Government concerned itself mainly with the evacuation of its personnel and equipments. In so far as law, order and security were concerned, the people were left to defend for themselves. During March 1948 the evacuation of the British personnel began. Notwithstanding that hundreds were being killed or wounded, not a single prosecution or police enquiry was even attempted. An indication of the complete absence of any government machinery at the time is afforded by the fact that when the massacre of Deir Yassin occurred, no government lifted a finger either to prevent the massacre or to assist and save the wounded or even bury the dead.³⁴ The complete state of chaos into which the country was plunged impelled many Palestine Arabs to seek temporary refuge elsewhere either in Palestine itself or neighbouring countries.³⁵ As a result of the conflict in Palestine, almost the whole of the Arab population fled or was expelled from the area under Jewish occupation, moreover, all the lands, which belonged to the Palestine refugees were confiscated and most of the lands owned by Arabs who remained were expropriated.³⁶

Those are the main causes of the exodus of the Palestine Arabs from Palestine. The Israeli propaganda has sought to misrepresent reasons for the exodus. They have

³⁴ Ibid., p.64.

³⁵ Cited in Cattani n.4, p. 47.

³⁶ Ibid., p.51.

attempted to disclaim liability for the exodus of the Palestinians by alleging that the refugee problem was the result of the war between the Arab states and Israel. But in fact the Palestine refugee tragedy was principally the consequence of the Jewish terrorism and of the Deir Yassin massacre. This massacre was perpetrated several weeks before any war had taken place between the Arab states and Israel. In fact, the exodus had already reached considerable proportions before the outbreak of the war. It was estimated that before the outbreak of the war on 15 May 1948, the number of Palestine refugees had reached about 300,000. As Anthony Nutting has remarked; "it would be truer to say that the refugees were the cause of the first Arab-Israeli war and not the result."³⁷ Israel attributes the unhappy fate of the refugees to inaction on the part of the Arabs. In doing so she seeks to hide her own prime responsibility as the usurper of the homeland of these refugees.

From the very beginning Israel had disowned any responsibility for the problem; most of the refugees were settled in Trans-Jordan and in the Gaza Strip which was placed under Egyptian administration, several hundred thousand settled in Lebanon and Syria, while some found refuge in Iraq. Between 1948 and 1967, the UN General Assembly adopted 19 resolutions confirming their right to repatriation, or if they did not want to return, to compensate for the loss of property, but Israel never complied with these resolutions.

The war of 1967 aggravated the situation; hundreds of thousands of people had again abandoned their homes and become refugees. This time the West Bank of Jordan and Jerusalem, Gaza Strip, Golan Heights and the Sinai Peninsula were occupied by the

³⁷ Ibid., p. 49.

Israeli troops. Many were twice refugees who left their camps set up after 1948 and moved to the East Bank of Jordan, Syria, Lebanon and Iraq.³⁸

Over the years, a minor point of dispute between Israel and the Arab states has been the number of Palestinian Arabs who became refugees during and as a result of 1948 war. Israel also consistently disputed the numbers provided by the United Nations Relief and Works Agency (UNRWA) which was set up exclusively to look after the Palestinian refugees following the establishment of Israel and the Arab-Israeli War of 1948-49. Arab's spokesmen from 1949 onwards spoke of a total of 900,000 or one million refugees. The United Nations Economic Survey Mission and the UNRWA for the Palestinian refugees in the Near East put the figure at 726,00.³⁹ In June 1949 the Secretary-General of the UN reported to the General Assembly the number of Palestinian refugees, was 960,000 (Cattan). The British in February 1949 thought that there were 810,000, of whom 210,000 were in the Gaza Strip, 320,000 in Trans-Jordanian held Palestine and 280,000 in Lebanon, Syria and Trans-Jordan proper. But on the other hand, Israel officially stuck to the low figure of 520,000-530,000 (Benny Morris). Twenty years later Israel had created a second refugee tragedy. The Government of Jordan estimated the number of Palestinians displaced from the West Bank and Gaza Strip as a result of the Israel-Arab War of 5 June 1967 reached 410,248 persons. The total number of Palestinian refugees existing as a result of the two conflicts of 1948 and 1967 need some clarification.⁴⁰

³⁸ Cited in Primakov n.21, p.13.

³⁹ Cited in Morris n.25, p.297.

⁴⁰ Cited in Cattan n.4, p.107.

The flight of Palestinian refugees have taken place in two major phases: the first was in 1948-1949 Israeli-Arab War; and after twenty years later, the second phase began during the 1967 War. For many years the problem of Arab refugees from Palestine has loomed large in the West Asia. Since 1948 it has a constant feature of the Arab-Israeli conflict. To the Arabs and the Palestinians in particular, it represents the injustice to which the Palestinians have been subjected by western powers and Israel. The Zionists look upon it as symbolizing the Arab refusal to accept the existence of Israel. It has, thus, proved to be one of the most difficult problems to come up before the United Nations—a problem involving more than a million homeless and landless Palestinian people who feel as though they had been condemned and exiled for ever to live in misery and bitterness for no fault of theirs.

2. The West Bank and Gaza Strip: An Introductory Survey

The Palestinian Autonomous Areas are located in the West Bank and Gaza Strip. A part of these areas form the territory in which an independent state of Palestine may be declared. The West Bank lies to the west of the Jordan River and the Dead Sea. To the north and south is the State of Israel, to the west is Israel and the Gaza Strip. The Interim Agreement on the West and Gaza Strip of September 1995 provides for the creation of a corridor, or safe passage, linking the Gaza Strip to the West Bank. A 'southern' safe passage between Hebron and Gaza was opened in 1990 (although it been closed since October 2000). Including East Jerusalem, the West Bank covers an area of 5,655 sq km.(2,183 sq miles).

Apart from the urban centres of Bethlehem and Hebron to the south, the majority of the Palestinian population is concentrated in the northern localities around Ramallah (Ram Allah), Nablus (Nabulus), Jenin (Janin), and Tulkarm. In November 1988 the Palestine National Council proclaimed Jerusalem as the capital of a newly declared independent State of Palestine. In fact West Jerusalem has been the capital of the State of Israel since 1950. In 1967 the Israeli authorities formally annexed East Jerusalem, but the UN never had recognized its annexation.⁴¹ The Interim Agreement of September 1995 divided the West Bank into three zones: Areas A, B and C. By October 2000 approximately 17.2 per cent of the West Bank (Area A) was under sole Palestinian jurisdiction and security control, but Israel retained authority over movement into and out of the zone; about 23.8 per cent of the West Bank (Area B) was under Israeli military control with the responsibility for civil administration and public order being transferred to the Palestinian authorities; the remaining 59 per cent of the territory (Area C) was under Israeli military occupation.

The Gaza strip lying beside the Sea and the Israel's border with Egypt, covers an area of 365 sq km (141 sq miles). Crossed only by two shallow valleys, the Gaza Strip is otherwise almost entirely flat, with no surface water. Gaza city is the main inhabited area and the administrative centre for the Palestinian (National Authority (PA)). Ramallah on the other hand is the administrative centre for the West Bank. The majority of the Palestinian population is Muslims; Christian minority representing only about 2 per cent of the Palestinian population of the territories. This minority, in turn, represents about 25 per cent of all the Christians in the West Bank and Gaza strip.

⁴¹ Europa World Year Book, *The Middle East and North Africa*, (London: Europa Pub., 49th edn., 2003), p 891.

According to the final results of first census conducted by the Palestinian Central Bureau of Statistics (PCBS), the Palestinian population of the West Bank and Gaza Strip totaled 2,895,683, in December 1997. Of the total population, 1,663,267 were resident in the West Bank (excluding East Jerusalem), 1,022,207 in the Gaza Strip and an estimated 210,209 in East Jerusalem. According to the census, 54 per cent of the population (excluding the 16 per cent resident in refugee camps) was located in urban areas and 3 per cent in rural areas. The population of West Bank and Gaza increased at the average annual rate of some 3.9 per cent in 1999-2000. The population of the Palestinian territories in mid-2000 was estimated at 3, 224, 50 (Europa World 2003).

2.1 The Emergence of West Bank and Gaza Strip

The term “West Bank” is relatively new in the lexicon of international politics. Palestine as a distinctive political term, as not widely used until after the establishment of the Mandate for Palestine following World War I. The West Bank as identified today is a distinctive entity between Jordan and Israel. It was not used until after 1948 Arab-Israeli war. Before World War I, both Palestine and the West Bank were different entities. Before the League of Nations adopted the Mandate for Palestine in 1922, Palestine was a geographical name of rather loose application. Quoting from the Encyclopedia Britannica of 1911, West Bank generally denoted the southern third of Ottoman Syria. The Jordan River was considered the line of demarcation between Western and Eastern Palestine. Under British administration the East Bank became Trans-Jordan and the West Bank was

generally designated as the rest of the Palestine, or the area in which the provisions of the Balfour Declaration of the 1917 were applicable.⁴²

The present West Bank grew out of a number of factors:

- (a) The 1948 Arab-Israeli War,
- (b) The subsequent Israeli Trans-Jordan Armistice Agreement of 1949,
- (c) Jordan annexation of the areas in western Palestine in 1950, and
- (d) The change in name from Trans-Jordan to the Hashemite Kingdom of Jordan. Thereafter the kingdom was divided by the Jordan River into the East Bank and the West Bank.

The West Bank began to acquire a distinctive identity as a Jordanian province since annexed by Jordan. Jordan continued to control effectively the West Bank, the Old City (East Jerusalem) and its northern, eastern and southern environs, from the time of the General Armistice of 3 April 1949.⁴³

In the June 1967 Arab-Israeli war, Israel captured the West Bank and Gaza. Since conclusion of the war, Israel has been in control of the whole of the former territory of Palestine under the Mandate. Israel took administrative measures to unify the city of Jerusalem. It has exercised a military government administration in the West Bank and Gaza Strip, allowing minimal powers to the local Arab Mayors and town councilors. It has considerably extended the number of new Jewish settlements in the Gaza Strip. Jordan continued to pay for the civil servants in the West Bank and the Jordanian banks continued functioning in the territory. The Jordanian Dinar was the legal tender.⁴⁴

⁴² Don Peretz, *The West Bank: History, Politics and Society*, (London: West View Press), 1986, p. 4.

⁴³ Hassan Bin Talal, *Palestinian Self-Determination*, (London: Quarter Books), 1981, pp. 43-45.

⁴⁴ *Ibid.*,

An administrative province under British Mandate of Palestine, Gaza Strip was transferred to Egypt after the 1949 Armistice and remained under Egyptian administration until it was passed into the hands of the invading Israelis during the Suez War of October-November 1956; however Israel vacated the area in 1957. In June 1967 Arab-Israeli War, the Gaza Strip was once again captured by Israel. It was put under military administration until the provisions of the Declaration of Principles on Palestinian Self-Rule (signed in 1993) began to take effect; the management of the day-to-day affairs was the responsibility of the area's Israeli military commander. Neither Israeli law, nor governmental and public bodies including the Supreme Court could review or alter the orders of the military command to any great extent.⁴⁵

The October War 1973 between Israel and Egypt and the treaty of peace concluded between the two states on 26 March 1979 have affected the situation in the region. This was negotiated through the initiative of Egypt and the impetus of the USA in the Camp David negotiations (which was the first Camp David Accord). No other Arab state has participated in these negotiations or become a party to the treaty. The Accord included an agreement for autonomy for the Palestinians in the West Bank and Gaza to be implemented by 26 May 1980. Since the PLO was not a party to these talks and wanted nothing less than a Palestinian state, the arrangements made by this agreement could not be carried out successfully. Meanwhile Israel indefinitely postponed the local election due in April 1980. The number of Jewish settlements continued to increase, and the existing ones grew more populous. When the Palestinian intifada started, in Gaza in December 1987, it spread to West Bank; Jordan cut its ties with the territory, and the

⁴⁵ Cited in Europa n.41, p 891.

seizure and purchase of land by Israel and Jewish individuals and organizations continued.

2.2 1993 Oslo Accord and Thereafter

A dramatic development in the West Asian conflict took place when Israel and PLO agreed to recognize each other's right to exist as a separate nation and called an end to hostilities. In 1993 the historic Oslo Accord was signed between Israel and the PLO, the two sides reached an agreement on mutual recognition of Palestinian autonomy in the West Bank and Gaza Strip. The precise details of these 'Oslo Accords' were kept deliberately vague but it included an early withdrawal of Israeli forces from Gaza and Jericho area of the West Bank, the redeployment of Israeli troops in other areas of the West Bank, the gradual transfer of civic power to a Palestinian authority; the creation of Palestinian police force, and the election of a Palestinian council. The formal signing of Israeli-PLO Declaration of Principles on Palestinian Self-Rule took place in Washington on 13 September 1993 and concluded with a brief but symbolic handshake between Yitzhak Rabin and Yasser Arafat. The implementation of the agreements was, however, delayed due to differences on key security issues between the two parties. Ultimately May 1994, Israel and PLO signed another historic agreement at Cairo to launch the Palestinian Self-Rule in Gaza Strip and West Bank towns of Jericho. Thus the PLO acquired control over its own affairs after a gap of 27 years.⁴⁶ In 1995 the 800,000 Palestinians of the Gaza Strip and West Bank enclave of Jericho spent their first full year under Palestinian rule. In the rest of the West Bank, the transfer of formal authority to the

⁴⁶ See Chander and Arora,,n.26, pp.464.

Palestinians over local security measures got under way after the Oslo II agreement which was signed in September 1995.

Oslo II committed Israel to redeploying its forces from the 440 villages of the West Bank and six of the seven cities (there was no redeployment agreement on Hebron). The agreement included: (a) civil authority would be transferred to the Palestine National Authority (PNA) in all areas, but Israel would reserve the right to intervene militarily in the villages. (b) An 88 member Palestinian Council was to be elected with executive and some legislative powers. The Israeli Defence Forces (IDF) redeployment began in mid-October from West Bank villages, with Jenin on 25 October being the first city to be evacuated by Israeli troops. However relief among the Palestinians at the removal of the Israeli military presence was tempered by the realization that in many localities the IDF withdrew not much further than municipal boundaries. The IDF's redeployment in the West Bank was completed by the end of 1995, paving the way for the election to the Palestinian Legislative Council (PLC). In 23 October 1998 Wye River Memorandum, which was indented to facilitate the implementation of the Oslo Accords, was signed. Under the terms of the Wye Memorandum, Israel was to transfer a further 13.1 per cent of the West Bank territory from exclusive Israeli control to joint Israeli-Palestinian control. The Wye Memorandum was endorsed by the Israeli Cabinet on 11 November 1998 and approved by the Knesset on 17 November. However the implementation of the Memorandum did not proceed smoothly and there were mutual accusations of failure to observe its terms.

As a consequence, violent clashes erupted in the West Bank between Palestinians and Israeli security forces. The Israeli Prime Minister, Benjamin Netanyahu, reiterated

that the Palestinians should honor their commitments by ceasing incitement to violence and formally relinquishing plans for a unilateral declaration of Palestinian Statehood on 4 May 1999 (the original deadline as established by the Oslo Accords). President Arafat came under intense international pressure to postpone a unilateral declaration of Palestinian statehood. In late April 1999, it was announced that a declaration on Palestinian statehood would be postponed until after the Israeli elections which was to be held in May 1999. Since 29 September 2000, Israeli Defence Forces and the Palestinians have been engaged in a violent confrontation. A series of violence were erupted in the West Bank and Gaza Strip, as Palestinians demonstrated their frustration at the lack of progress in the peace process and their failure to achieve statehood.

The future of the West Bank and Gaza Strip and the issues related to Jewish settlement, Palestinian refugees and Israeli control policies will have an impact on the broader scope of West Asian politics. These issues have affected the relations between Israel and the US, Egypt, Jordan and other Arab countries. They are related to Israeli policies in Lebanon and its integral part in the approach to West Asian peace settlement, including Israeli policies affecting the operation of UNRWA in the area. UNRWA continues to provide essential health care, education, relief, assistance, and social services. In the absence of any resolution on the refugee problem, the UN General Assembly has subsequently extended its mandate for more than five decades. The emergence and growth of UNRWA, its functions, and 'modus operandi' are dealt with in next chapter.

CHAPTER II

Chapter II

Emergence of UNRWA

The present chapter endeavours to assess the crucial role played by the UNRWA in providing relief, health care and educational facilities to the Palestinian refugees, and its significant role in the West Bank and the Gaza Strip.

When the Palestine tragedy occurred in 1948, the conscience of the World was moved and prompt actions were taken to bring relief to the victims. But through political obstruction inside and outside the United Nations, the injustice has been allowed to linger and the distress prolong till now. Thus, the initial impulse of conscience became blunted and the calamity was allowed to continue indefinitely. Instead of a just solution being imposed by the United Nations on the defaulting party under at least the threat of sanctions if compliance could not be effected by other means, meagre relief is doled out to the victims in the hope that time will solve the problem.¹

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was established pursuant to General Assembly resolution of 8 December 1949. The Agency became operational on 1 May 1950 with its headquarters in Beirut and began responding to immediate humanitarian needs of about 880,000 Palestine refugees in the region. Over the past five decades, the Agency has grown into one of the largest United Nations' programmes, UNRWA employs an international staff of about 120 and more than 22,500 the local staff comprising of teachers, health workers, social workers

¹ Sami Hadawi, *Bitter Harvest: Palestine Between 1914-1979* (New York: The Caravan Books, 1979), p. 129.

and their service providers. The Agency operates some 900 programmes providing education, health, relief and social services, as well as a micro-finance and micro-enterprise programme for a growing population of refugees who now number over four million.²

The refugees are registered with UNRWA in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip. About one third of the refugees live in camps that are administered by the governmental authorities where they are located. A number of Agency's installations are also located in the camps. The Agency's services are mostly rendered directly to the beneficiaries, along with services provided by the public sector of the host authorities. While the Agency's services are funded directly from its budget, refugees also contribute to the cost of the services through co-payments, self-help schemes, voluntary efforts, participation fees and voluntary contributions.

Over the years, UNRWA has developed from a relief organization into a quasi-governmental institution, which meets basic needs in the sectors of education, health and vocational training.³ By June 2002, UNRWA had registered 3,973,360 Palestine refugees.⁴

1. History and Origin

UNRWA was founded under Article 22 of the U.N. Charter, which authorizes the General Assembly to "establish such subsidiary organs as it deems necessary to the

² Report of the Commissioner-General of UNRWA, 1 July- 30 June 2002, *General Assembly Official Records* (hereafter GAOR), 57th Session Supplement No. 13 UN.DOC. A/57/13; 26 September 2002, pp. 6-7

³ Rudiger Wolfrum and Christiane Phillip, *United Nations: Law, Policies and Practice* (London: Nijhoff, 1995), p. 1355.

⁴ Cited in GAOR, n.2, p. 68.

performance of its functions". It is one of several autonomous bodies that have been constituted under Article 22, among which the United Nations International Children's Emergency Fund (UNICEF) and the United Nations High Commissioner for Refugees (UNHCR) were created.⁵ The assistance to the Palestine refugees was first provided by NGOs under the umbrella of United Nations Relief for Palestine Refugees (UNRPR). Then, in December 1949, the United Nations General Assembly decided to establish the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

From the outset, the United Nations sought a solution to the problem of the Palestinian refugees through different means. Firstly, the UN General Assembly (GA) Resolution 194 (III) of 11 December 1948 was passed to enable 'the refugees wishing to return to their homes and live in peace with their neighbours should be permitted to do so at the earliest practicable date'. On the other hand, there was to be material compensation for those who did not wish to return. At the same time, GA Resolution 194(III) led to the creation of the Conciliation Commission for Palestine (CCP), which was to formulate the necessary guidelines. A primary task of the CCP was to co-operate with Arab governments in encouraging the economic development of the area and thus to make possible the social reintegration of the Palestine refugees.⁶ During the period of 1948 to early 1949, the UN assumed that the refugees' problem would be short-lived. Thus, GA Resolution 212(III) of 19 November 1948 provided initially only for a Special Fund

⁵ Edward H. Buchrig, *The U.N. and the Palestine Refugees* (London: Indiana University, 1971), p. 43.

⁶ Wolfrum and Philip, n.3, p. 1355.

which was to support and co-ordinate the relief operations of various governmental and non-governmental organizations.

Secondly, the Conciliation Commission in August 1949 established an Economic Survey Mission (or Clapp Mission) in an effort to move the dispute away from political towards economic terrain led by Gordon R. Clapp, Chairman of the Tennessee Valley Authority, and staffed by agricultural, engineering, and economic experts, the mission began its work in Beirut on 12 September 1949.⁷ The full extent of the refugee problem gradually became clear in the autumn of 1949 when the Clapp Mission submitted its first report.⁸ While the Clapp Mission's long-range objectives were to solve the refugee problem through economic development, it also addressed itself to the immediate situation as the existing relief arrangements under UNRPR were running out. The voluntary humanitarian agencies were unanimous in declaring their inability to carry on beyond the spring of 1950.

An interim report of Clapp Mission on 8 November 1949 led to the establishment of UNRWA to succeed UNRPR. Meanwhile the Resolution 302(IV), incorporating the recommendations of the Economic Survey Mission, was adopted by the General Assembly on 8 December 1949 without dissent. Sponsored by France, Turkey, the United Kingdom and the United States, UNRWA was established by a vote of 48-0-6. Five communist governments and South Africa abstained from voting. All of the Arab governments and Israel voted in favour of the resolution.⁹

⁷ Cited in Buehrig, n.5, pp. 33-37.

⁸ Cited in Wolfrum and Phillip, n.3, p.1355.

⁹ See Buehrig n.5, pp. 35-36.

The decision to establish UNRWA was primarily an initiative of the United States government, which was chairing the United Nations Conciliation Commission for Palestine. The decision was taken when it became clear that the government of the new state of Israel was unlikely to agree to any substantial return of refugees to its territory.¹⁰

The US government proposed that the General Assembly should establish a special agency continue to provide relief to the refugees, but which would be primarily responsible for initiating a large-scale development projects. The Arab states accepted this proposal only after they were assured that the establishment of UNRWA would not jeopardize the right of the refugees to return to their original homes as stipulated in General Assembly Resolution 194(III) of 11 December 1948. At the same time, negotiations were taking place at the United Nations on the formation of the UNHCR. However Arab states insisted that once UNRWA was established, the Palestine refugees receiving UNRWA assistance should be excluded from UNHCR's mandate and from the 1951 UN Refugee Convention. The Arabs perceived that the individual refugee definition under discussion in the draft convention undermined the position of Palestinians whose rights as a group to return had been recognized in General Assembly resolutions. Other parties also feared that the non-political character of the work envisaged for the establishment of UNHCR was not compatible with the highly politicized nature of the Palestinian question.

Because of these reasons, both the 1950 UNHCR Statute and the 1951 UN Refugee Convention excludes, 'persons who are at present receiving protection or

¹⁰ UNHCR, *The State of the World's Refugees: Fifty Years of Humanitarian Action* (Oxford: Oxford University Press, 2000), p. 20.

assistance' from other UN organs or agencies. The geographical field of UNRWA's operations is restricted to Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. "It is only once a Palestinian leaves the UNRWA field of operations that this person falls within the UNHCR mandate and the 1951 Convention".¹¹

Unlike UNHCR, UNRWA did not have a detailed statute and over the time developed its own operational refugee definition in its *Consolidated Registration Instructions*. UNRWA defines a Palestine refugees as, "persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict." UNRWA's services are available to all those who meet this definition; who are registered with the Agency and who need assistance. UNRWA's definition of refugee also covers the descendants of persons who became refugees in 1948.¹² Unlike the work of UNHCR, the scope of UNRWA's work does not include the search for permanent solutions for the refugees under its care. Also, its mandate extends primarily to the delivery of essential services and not to the provision of international refugee protection, which by contrast lies at the core of UNHCR's work. The UNHCR was created mainly to provide a permanent and comprehensive legal regime for the protection of refugees.¹³ The adoption of the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol provides a formal structure for responding to the needs of refugees and standards for the protection of refugees under international law.¹⁴ However, Article 1(D) of the 1951 UN Convention

¹¹ Ibid., p. 20.

¹² UNRWA, "Who is a Palestine Refugee," at <http://www.un.org/unrwa>

¹³ J. M. Castro- Magluff, in Sanjay K. Roy, ed, *Refugees and Human Rights* (New Delhi: Rawat, Pub., 2001), p.2

¹⁴ Cited in UNHCR n.10, p.2

on Refugees excludes persons already receiving protection or assistance from agencies or organs of the UN other than UNHCR. Such people include the Palestinians who receive assistance from the UNRWA.¹⁵

2. Structure and Programme

Initially UNRWA was established on a short-term basis. But in the absence of a solution to the refugee problem its mandate has subsequently been extended by the UN General Assembly.

2.1 Organization

In mid 1996 the agency's headquarters were relocated from Vienna, Austria to Gaza and Jordan. UNRWA has no governing body, but its activities are reviewed annually by 10 member Advisory Commission comprising representatives of the governments of:

Belgium	Jordan	Turkey
Egypt	Lebanon	United Kingdom and
France	Syria	USA
Japan		

The head of UNRWA is the Commissioner-General (who was known as the Director of UNRWA till 1961). The General Assembly authorized the UN Secretary-General to appoint the commissioner of the UNRWA in consultation with the member

¹⁵ UNHCR, *Basic International Legal Documents on Refugees* (New Delhi: UNIC, 1999), p.10

governments of the Advisory Commission. At present, Peter Hansen of Denmark is the Commissioner-General of UNRWA.¹⁶

The Commissioner-General heads six departments, three of which are concerned with funding, personnel, and legal matters. Each field office is headed by a director and has departments responsible for education, health, relief and social services programmes, finance, administration, supply and transport, legal affairs and public information.

2.2 Powers of UNRWA

The UN General Assembly Resolution 302(IV) of 1949 Para 7 entrusted UNRWA the following tasks:

- (a) To carry out activities in collaboration with local governments the direct relief and works programmes as recommended by the Economic Survey Mission;
- (b) To consult with the interested West Asian governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works project is no longer available.

The UN Specialized Agencies like the UNICEF, FAO, and UNESCO were also urged to render co-operation and assistance to the UNRWA.¹⁷

The powers and functions of the Commissioner-General are described in Para 9 of the Resolution 302(10) which are as follows:

- a. The Commissioner-General is the Chief Executive Officer of the UNRWA and is responsible to the General Assembly for the operation of the programme;

¹⁶ Europa World Year Book. "*The Middle East and North Africa*". 49th edn, (London: Europa 2003), pp. 1267-1268.

¹⁷ UN. GAOR, 4th Session Supplements 6-15, 20 September-10 December, 1949, p. 23.

- b. The Commissioner-General shall appoint and select his staff in accordance with general arrangements made in agreement with the Secretary-General including such of the staff rules and regulations of the United Nations as the Commissioner-General and the Secretary-General shall agree are applicable, and to the extent possible utilize the facilities and assistance of the Secretary-General;
- c. The Commissioner-General shall in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, establish financial regulation for the UNRWA;
- d. Subjects to the financial regulations established pursuant to Clause (c) of the present paragraphs, the Commissioner-General, in consultation with the Advisory Commission, shall apportion available funds between direct relief and works projects in their discretion, in the event that the estimates in paragraph 6 require revision.¹⁸

The Para 21 of the same Resolution envisaged that the Commissioner-General would submit an annual report on UNRWA's activities along with an audited report of fund, to the General Assembly.¹⁹ Appointment and removal of staff by its executive officer is a mark of UNRWA's administrative self-containment. In addition, the Commissioner-General promulgates his own Regulations and Rules in agreement with the Secretary-General. This flexibility is needed by UNRWA as employer of thousands of locally recruited persons. The General Assembly reviews the agencies annual reports, which affords further opportunity for the Assembly to consider questions on new policies. On the other hand, the reports of other UN agencies like UNICEF, and UNHCR go to the Economic and Social Council which in turn transmits them with

¹⁸ Ibid., P. 24.

¹⁹ Ibid., Para 21.

recommendations if the General Assembly chooses to do so. They are subject to discussion in the Committee prior to submission of a resolution in plenary session. Following a different procedure, the Commissioner-General of UNRWA reports directly to the Assembly through its President. The report is then considered by the Special Political Committee, with prior scrutiny only by UNRWA's Advisory Commission.²⁰

2.3 Status and Immunities

Even though UNRWA is performing functions smoothly with kind of responsibility as that of a government, it does not have a territorial authority. Although the Agency asserts control over its own activities and personnel to the exclusion of government, it has no jurisdictions over the refugees to whom it ministers "The Agency does not own, administer or police the camps as this is the responsibility of the host authorities".²¹

Whereas Article 104 of the Charter on the Privileges and Immunities of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes (See in the Appendix II).

UNRWA had on two occasions entered into agreements with Israel by exchange of letters in late 1956 and again in mid 1967. Each exchange was followed by Israeli military occupation of the areas containing Palestinian refugees. Both times it was agreed that UNRWA would continue its services and that Israel would assume certain costs for handling and transporting supplies, provide security, and accord to UNRWA and its staff,

²⁰ Cited in Buehrig n. 5, pp. 43-54.

²¹ UNRWA, *Where Do the Refugee Live?* <http://www.un.org/unrwa>.

the privileges and immunities of the United Nations Convention.²² As UNRWA does not have territorial authority it can not assume responsibility for security in the camps; it does not have police protection or law enforcement machinery, nor can it in any event involve in the complicated politics of the Palestine question. Hence, it is not only proper but imperative that the host governments assume responsibility for security. UNRWA holds them liable in the matter, bringing claims where, in its judgment, the protection of property and persons falls short of what the international law of state responsibility requires. On the other hand, UNRWA refuses to recognize the validity of police intervention in two kinds of situations: (1) when it affects the inviolability of UNRWA's premises or communications and (2) when it arbitrarily restrains the freedom of UNRWA's employees to perform their duties.²³

In regard to the immunities of staff, distinction between the privileges and immunities of the diplomats and those of the international civil servants (comprising both internationally and locally recruited staff) is not clear-cut in theory and even more ambiguous in practice. The Commissioner-General and his deputy possess diplomatic status in all of the host countries. In Jordan, Lebanon, and Egypt, the Agency's field representatives, known as the Director of UNRWA Affairs, has diplomatic status whereas this status is not accorded to them in Syria. The Director of UNRWA Affairs possesses only the privileges and immunities of Section 18 of the Convention. In Jordan and Lebanon, diplomatic status is granted to all officials of senior rank in the central administration which means that in addition to the Commissioner-General and his

²² Cited in Buehrig n.5, P. 70.

²³ Ibid., PP. 90-92.

Deputy, the Comptroller, the General-Counsel and the Directors of Administration and Relief, of Health and of Education.²⁴ The privileges and immunities of employees of international organization whether international or local staff are covered by the Section 18 of the UN Convention, on the privileges and immunities of the United Nations.

2.4 Refugee Camps

A camp, according to UNRWA's working definition, is a plot of land placed at the disposal of UNRWA by the host government for accommodating Palestine refugees and for setting up facilities to cater to their needs. Areas not designated as such are not considered as camps. However, UNRWA also maintains schools, health centres and distribution centres in areas outside camps where Palestine refugees are concentrated such as in Yarmouk near Damascus.

The plot of lands on which camps are set up are either state owned land or, in most cases, land leased by the host governments from local landowners. This means that the refugees in camps do not "own" the land on which their shelters were built, but have the right to "use" the land for residence. UNRWA's responsibility in the camps is limited to providing services and administering its installations. UNRWA has a camp services office in each camp which the residents visits to update their records or to raise issues relating to Agency services with the Camp Service Officer (CSO). The CSO, in turn, refers refugee concerns and petitions to the UNRWA administration in the area in which the camp is located.

²⁴ Ibid., pp. 82-84.

Ten of the camps were established in the aftermath of the June 1967 war and the Israeli occupation of the West Bank and the Gaza Strip to accommodate a new wave of displaced persons, both refugees and non-refugees. The socio-economic conditions in the camps are generally poor with a high population density, cramped living conditions and inadequate basic infrastructure such as roads and sewers. The other two-third of the registered refugees live in and around the cities and towns of the host countries and in the West Bank and the Gaza Strip, often in environs of official camps. While most UNRWA's installations such as schools and health centres are located in refugee camps, a number of them are located outside the camps. The agency's services are available to both camp and non-camp residents.²⁵

3. Activities of UNWRA

Since the establishment of UNRWA, it has been the main provider of relief, health, education and social services for Palestine refugees in Lebanon, Syria, Jordan, the West Bank and the Gaza Strip. For UNRWA's purposes, a Palestine refugee must reside in one of the five areas in which UNRWA operates and be in need in order to be eligible for assistance. One-third of the registered Palestine refugees, (about 1.1 million) live in 59 recognized refugee camps in the areas of operation. On 31 December 2000 UNRWA was providing essential services to 3,806,055 registered refugees. The number of refugees under UNRWA's care keep on increasing every successive year and thus on 30 June 2002 UNRWA was providing essential services to 3,973,360 registered refugees.

²⁵ Cited in UNRWA n.12, <http://www.org/unrwa>.

UNRWA's three principal areas of activity are education, health services, and relief and social services. Some 82 per cent of the Agency's 2000 regular budget was devoted to these three operational programmes. Whereas in 2002 some 89 per cent of the general fund budget was devoted to the same programmes.²⁶

3.1 Education

The Agency's education programme aims to provide Palestine refugees with the necessary basic knowledge and skills needed to become productive members of their communities in accordance with their identity and cultural heritage. It has sought to foster awareness among Palestine refugees of the need for interdependence and tolerance and to prepare them for the multifaceted challenges and uncertainties of a rapidly changing world and to compete successfully at higher levels of education and in the job market. UNRWA's Department of Education aims to fulfill this mission through its four main programmes: general education, teacher education, vocational and technical education, and education planning and management.

The education programme is the largest single area of activity in the Agency with 16,993 educational staff (including teaching and administrative staff in 2002), representing 75.5 per cent of all Agency staff. In the year 2000/2001 academic year there were 477,216 pupils enrolled in 639 UNRWA schools. In 2002 the number was increased to 486,026 pupils in 644 UNRWA schools. UNRWA also operates eight vocational and teacher training centres, which provide a total of 4,704 training places. UNRWA awarded 431 scholarships for study at Arab Universities in 2000/2001 and 197 scholarships in

²⁶ Cited in Europa n. 16, p. 1267.

2000/2001. Technical co-operation for the Agency's education programme is provided by UNESCO.²⁷ Education accounted for 52% of UNRWA's 2002 Budget.

3.1.1 Education in the West Bank

UNRWA has 95 elementary and preparatory schools in the West Bank, 34 for boys, 45 for girls and 16 co-educational. The schools accommodated 58,509 pupils in 2002. Enrolment in 2001/2002 increased by 5.05 percent compared with the academic year of 2000/2001. The main problem facing the education programme in the West Bank is over crowding with an average of 50 pupils per class room. Due to the growth in the school enrolment and the shortage of school buildings, 24 schools are running on a double shift basis; they share the same school building and 21 schools operates in rented premises.²⁸ The agency runs three vocational and technical training centres in the West Bank which accommodated 1,141 trainees during the 2001-2002 academic years, of whom 520 were women. These three centres offer 16 trade courses and 20 technical/semi-professional courses. In co-operation with the Palestinian Authority, short-term courses in diverse disciplines were also offered at the three centres. The Agency also runs two educational science faculties at Ramallah. The centres offer a four year pre-service teacher-training programme at the post-secondary level.

²⁷ Ibid., pp. 1267-1268.

²⁸ <http://www.un.org/unrwa/refugees/wb.html>. 26 September 2002.

3.1.2 Education in the Gaza Strip

In the Gaza Strip UNRWA's most commendable work is in the field of providing educational facilities to the Palestinian refugees. The Agency runs 169 elementary and preparatory schools. It accommodated 184,951 pupils in 2001/2002 academic year, with the increase of 7,477 pupils (4.2 percent) over the preceding academic year which resulted from natural growth in the refugee population with over 48.5 pupils per class room, the class-room occupancy rate in the Gaza field was the highest Agency-wide. UNRWA also runs a vocational and technical training centre. In 2002, the centre accommodated 820 trainees, including 133 women in 14 trade courses and 8 technical and semi-professional courses. The Agency also offers placement and career guidance services to Palestine refugees graduates of the Agency training Centres and other educational institutions to facilitate their employment.²⁹

The Agency was initially created as a temporary relief organization but later its emphasis was shifted from relief to education. The primary objectives of this shift have been to make the Palestinian refugees self-supporting which were governed by humanitarian considerations. The Agency's education system operating in five areas follows the schools curriculum of the host countries.³⁰

3.2 Health

The UNRWA Health Programme aims to protect, preserve and promote the health status of Palestine refugees and meet their basic health needs, consistent with basic World

²⁹ Cited in GAOR n. 2, p. 64.

³⁰ Ibid., p. 18.

Health Organisation principles and concepts and with the standards of the public sector health services in the region. The Agency's strategy is focused on sustaining adequate levels of investment in primary health care, improving the quality of essential services provided to Palestine refugees and aligning health policies and services standards with those of host authorities.

In pursuit of this objective UNRWA's overall health policy focuses on the direct provision of essential health services to the Palestine refugee population. These services fall into three broad categories:

- I. Primary health care provided free of charge through Agency-run facilities, with emphasis on family health and disease prevention and control;
- II. Assistance towards the cost of secondary medical care, especially emergency and lifesaving treatment, at public, non-governmental and private health care facilities;
- III. Basic sanitation and related environmental health services in refugee camps.

Since 1950, under the terms of an agreement with UNRWA, World Health Organisation (WHO) has provided technical supervision to the health programme through the sustained support of the Eastern Mediterranean Regional Office (EMRO) and WHO headquarters.

These senior programme staff includes UNRWA's Director of Health who is responsible for advising the Commissioner-General of UNRWA and the Regional Director and technical activities of the Agency's health programme.³¹

UNRWA's own health staffs are responsible for directly providing health services to the Palestine refugee community. The Agency currently employs some 3653 staffs

³¹ Cited in GAOR n. 2, pp. 19-25.

(2002 UNRWA sources), including doctors, nurses, paramedics and, in the environmental health programme, sanitation labourers and engineers. Most of these staffs are themselves Palestine refugees.³² At mid 2002 there were 122 primary health care units providing outpatient medical care, disease prevention and control, maternal and child health care, family planning services, health education, secondary care, capacity-building and environmental health, of which 88 also offered dental care. The number of health staffs totaled 3,607 at mid 2002. During 2001 patient visits to UNRWA medical units numbered 8.8m. Health services accounted for 18 per cent of UNRWA's 2002 general fund budget.³³

3.2.1 Health in the West Bank

The Agency runs 34 primary health-care centres which provide primary health-care facilities to Palestine refugees in the West Bank. It runs a 43-bed hospital in the town of Qalqiliya. According to the Commissioner-General report of 2002, construction of new health centres to replace the unsatisfactory premises in the Balata, Dheisheh and Jenin camps were completed. However, those centres were damaged during the Israeli military operations; the centres were equipped with radiological units and provided physiotherapy services. A major problem facing the Agency's health programme in the West Bank is the high number of daily patient visits to the health centres and heavy workload of

³² UNRWA, *Building on Success* (Gaza: UNRWA Pub., 1998), pp. 6-7.

³³ 33 Cited in GAOR n. 2, pp. 18-25.

doctors and other health staff. The average number of patients visit per doctor per day has been 89 in 2002.³⁴

3.2.2 Health in the Gaza Strip.

UNRWA remained one of the main providers of primary health-care services for the population of the Gaza Strip, of whom more than 80 per cent were Palestine refugees. Those services were delivered through a network of 17 primary health-care facilities, all of which offers a full range of medical services, including maternal and child health and family planning, 14 centres offer special care for the management of diabetes mellitus and hypertension and laboratory services. The Agency also provides 11 dental services which are supported by three mobile dental units for community oral health. It also provides hospital services through a contractual agreement with an NGO hospital in Gaza city.³⁵

When UNRWA began providing services to Palestine refugees in 1950, the health status of the refugee population was extremely poor. They suffered from high infant mortality, high prevalence of malnutrition, and high morbidity and mortality from communicable diseases, including tuberculosis and venereal diseases. Currently the Agency is providing health services to some 3.9 million registered Palestine refugees in the Agency's areas of operations. Health care is UNRWA's second largest area of activity after education with its emphasis on comprehensive primary health care. UNRWA's health programme has been instrumental in protecting, preserving and

³⁴ Cited in UNRWA n. 28, pp. 2-3.

³⁵ See <http://un.org/unrwa/refugees/gaza.html>

promoting the health of the Palestine refugee community for more than five decades. The cost-effectiveness of the programme has been repeatedly reaffirmed by independent assessments carried out by the WHO and the World Bank. Health services accounted for 18 per cent of UNRWA's 2001 general budget.

Most of the UNRWA services, including health services, are provided directly to Palestine refugees through a network of Agency-run facilities. Assistance to Palestine refugees is also provided to varying degrees by the host governments of Jordan, Lebanon, and Syrian Arab Republic and by the Palestinian Authority in the West Bank and Gaza Strip. The health programme of the Agency also benefits from the support of UNICEF, UNFPA AND UNAIDS.³⁶

The Agency's health services are provided directly and at no cost to Palestine refugees through the agency's network of 122 primary health care facilities located both inside and outside the camps. Refugees also have varying degrees of access to public sector health services provided by host authorities in the region.

3.3 Relief and Social Services

In the early 1950s, the Relief and Social Services played the most significant role in the UNRWA's programme. This explains the still unchanged name of the Agency. At that time, attempts to initiate social services were closely linked to the conviction that the refugee problem could be solved through resettlement projects in the host countries. Following the failure of this approach, UNRWA ceased to pursue the idea of social services. The relief services then consisted for many years primarily of distributing food

³⁶ Cited in UNRWA n. 32, p. 3.

rations to the destitute inhabitants of the camps. However, every financial crisis affecting UNRWA compelled that these services had to be reduced, particularly in order not to endanger the education programme. Since this part of the programme was only applied in special cases of hardship.³⁷ The mission of the relief and social services programme is to provide humanitarian assistance for Palestine refugees who suffer from acute socio-economic hardship. It also aims at promoting self-reliance among less advantaged members of the refugee community, in particular, women, youth and the physically and mentally challenged persons. In addition, the programme serves as a custodian for historical refugee records and updates and maintains them in order to determine eligibility for all Agency services.

Relief and social services accounted for 10 per cent of UNRWA's general fund budget for 2001. These services comprise the distribution of food rations, the provision of emergency shelter and the organization of welfare programmes for the poorest refugees. On 31 December 2000, around 211,332 refugees or 5.6 per cent of the total registered refugees were eligible to receive special hardship assistance.³⁸ Whereas on 30 June 2002 around 229,404 refugees or 5.8% of the total registered refugees were eligible to receive special hardship assistance. In the year 2002 UNRWA provided technical and financial support to 71 women's programme centres, 27 youth activity centres and 36 community based rehabilitation centres. UNRWA continues to assist refugee families who were unable to meet basic needs for food, shelter and other essentials. The special hardship care programme accounted for 83.8 per cent of the relief and social services budget in

³⁷ Cited in Wolfrum and Phillip in n. 3, p. 3157

³⁸ Europa, *The Middle East and North Africa 2001* (London: Europa 47th ed, 2001), p. 1203.

2002. The percentage of refugees enrolled in the programme is highest in Lebanon at 10.79 per cent followed by the Gaza Strip at 9.09 per cent, and the West Bank at 5.48 per cent.

Assistance provided under the special hardship programme included five basic food commodities for each beneficiaries (flour, rice, sugar, milk and oil) in addition to a cash subsidy equivalent to \$ 40 per person per year. However, due to the limited funds and in kind support available to the Agency for the programme, UNRWA could not provide assistance to the increasing numbers of refugees applying for humanitarian aid; a matter of particular concern in the West Bank and the Gaza Strip, where poverty rates have risen sharply as a result of the conditions of strife and consequent economic deterioration. Nevertheless the food support provided by UNRWA to the special hardship case families continue to serve as a crucial safety net for the poor in areas with high poverty rates and political uncertainty.

One of the main objectives of this programme is to alleviate problems caused by poverty and unemployment and to foster self-reliance among poor refugees.

3.3.1 Relief and Social Services in the West Bank

On 30 June 2002, around 626,532 Palestine refugees were registered with UNRWA in the West Bank; an increase of 3 per cent over 607,770 refugees recorded as in 30 June 2001. The Registration Division witnessed a sharp increase (3 per cent) in the number of refugees updating their registration records as a result of conditions of strife in the occupied Palestinian territory. Enrolment in the special hardship programme was 34,325 representing 5.48 per cent of the registered refugee population in the West Bank. The

Agency's staff also addresses the problems such as drug addiction, illiteracy, school dropouts and health of the vulnerable group. The Agency has also other social services programmes like shelter rehabilitation, poverty alleviation, and the programme on women empowerment.³⁹

3.3.2 Relief and Social Services in the Gaza Strip

The number of Palestine refugee registered with UNRWA in the Gaza Strip increased from 852,626 as in 30 June 2002. This is an increase of 3.09 per cent over the previous year and it represents 22.1 per cent of all the registered refugees. During the year 2001-2002, the number of special hardship cases increased by 6,569 persons, representing 8.95 per cent of the total refugee population in the Gaza Strip. At the end of June 2002, the total number of special hardship cases was 79,930, which represented 9.09 per cent of the refugee population. The Agency had recruited four social workers because of the increase in special hardship cases. The severe Israeli restrictions on movement within the Gaza Strip, affecting almost all UNRWA staff, prevented social workers from visiting many special hardship families. The Agency promotes family and community contribution to shelter rehabilitation and create work for small camp based construction contractors, Agency is also involved in women empowerment programme.

³⁹ *UN Year Book "Assistance to Palestine Refugees"* (New York: Department. of Public Information, 1997), pp. 427-437. Also see UN Year Book 1998-2002.

3.3.3 Aid to displaced persons

After the renewal of Arab-Israeli hostilities in the West Asia in June 1967 hundreds of thousands of Palestinians fled from Israeli-occupied areas to Jordan, Syria, Egypt and Lebanon. UNRWA provided emergency relief for displaced refugees and was additionally empowered by a UN General Assembly resolution to provide 'humanitarian assistance, as far as practicable, on an emergency basis and as a temporary measure' for those persons other than Palestine refugees who were displaced and in urgent need. The Agency, as requested by the Government of Jordan in 1967 and on that Governments' behalf, distributed rations to displaced persons in Jordan who were not registered refugees of 1948.⁴⁰

3.4 Peace Implementation Programme

The Peace Implementation Programme (PIP) was launched by the Agency following the signing of Declaration of Principles on Interim Self-Government Arrangements between the Palestine Liberation Organization and Israel. From October 1993 until December 1999, it was the primary channel for extra budgetary project for activities carried out within the framework of Agency Programmes in education, health, relief and social services and income generation, and contributed in a very practical and tangible way to the improvement of the refugees' overall living conditions and creating employment opportunities and developing infrastructure.⁴¹ This programme continued to attract generous funding from donors in the past years, enabling activities to expand further.

⁴⁰ Cited in Europa n. 38, pp. 1203-1204.

⁴¹ Cited in GAOR n. 2, p. 33., also see n. 39, UN Year Book pp. 427-437.

In September 1994 the first phase of its programme (PIP-I) was concluded after the receipt of US \$93.2m. in pledged donations. PIP-I projects included the construction of 33 schools, 24 classrooms and specialized education rooms, the rehabilitations of 4,700 shelters and the upgrading of solid waste disposal facilities throughout the Gaza Strip. It was estimated that these projects created more than 5,500 jobs in the Gaza Strip for an average period of four months each. By the end of 2000 the total number of PIP projects, including those under the second phase of the programme (PIP-II) amounted to 496, while funds received as pledged to the Programme totaled \$255.6 million.⁴² Following the adoption of the 2000-2001 programme-based biennium budget, which divided the Agency's budget into a regular budget and a projects budget, all new non-core contributions were credited to the projects budget. Thereafter no new funding was received towards the Peace Implementation Programme as it was incorporated into the projects budget. A new "projects 2000-2001 programme" was introduced from January 2000 to track all contributions to the biennium projects budget.⁴³

When UNRWA commenced operations in May 1950, its task was to give emergency assistance to the hundreds of thousands of destitute Palestinians who had been uprooted as a result of the 1948 Arab-Israeli conflict. Originally envisaged as a temporary relief organization, UNRWA has over the time assumed a pivotal role as the main provider of basic services to the Palestine refugee population and a lifeline of support in times of crises. Its mandate has been repeatedly renewed by the UN General Assembly pending resolution of the Palestine refugee problem.

⁴² Cited in Europa n. 38, p. 1203., also see UN Year Book 1999 n. 39, pp. 441-442.

⁴³ Cited in GAOR n. 2, p 33.

Today, UNRWA continues to provide essential education, health care, relief assistance and social services to approximately nine million Palestine refugees registered with the Agency in Jordan, Lebanon, the Syrian Arab Republic, the West Bank and the Gaza Strip. UNRWA has a long tradition of cooperation with host authorities in working to alleviate the plight of the Palestinian refugees. The Agency relies on a strong international support for its humanitarian activities. UNRWA's long record of service, its contributions to the welfare and human development of generations of Palestine refugees, and its role as a stabilizing element in a turbulent region make it unique among international organizations. With the sustained support of the international community, UNRWA is determining to continue its humanitarian mission until the day when its services are no longer necessary.⁴⁴

⁴⁴ UNRWA Press Release, *UNRWA s Pledges to Continue Operations in Gaza* <http://www.unrwa.org>, also see UNRWA n. 32, pp. 2-5.

4. Tables and Maps:

Table 1

Number of registered persons^a (as at 30 June 2002)⁴⁵

Field	1950	1960	1970	1980	1990	1995	2000	2001	2002
Jordan	506 200	613 743	506 038	716 372	929 097	1 288 197	1 570 192	1 639 718	1 679 623
Lebanon	127 600	136 561	175 958	226 554	302 049	346 164	376 472	382 973	387 043
Syrian Arab Republic	82 194	115 043	158 717	209 362	280 731	337 308	383 199	391 651	401 185
West Bank ^b	-	-	272 692	324 035	414 298	517 412	583 009	607 770	626 532
Gaza Strip	198 227	255 542	311 814	367 995	496 339	683 560	824 622	852 626	878 977
Total	914 221^c	1 120 889	1 425 219	1 844 318	2 422 514	3 172 641	3 737 494	3 874 738	3 973 360

^a Figures are based on UNRWA registration records, which are updated continually. However, the number of registered refugees present in the Agency's area of operations is almost certainly less than the population recorded.

^b Until 1967, the West Bank of Jordan was administered as an integral part of the Jordan Field.

^c This total excludes 45,800 persons receiving relief in Israel who were the responsibility of UNRWA until June 1952.

⁴⁵ <http://www.domino.un.org/unispal>.

Table 2

Distribution of registered population (as at 30 June 2002)

<i>Field</i>	<i>Registered population</i>	<i>Number of camps</i>	<i>Total camp population</i>	<i>Registered person not in camps</i>	<i>Percentage of population not in camps</i>
Jordan	1 679 623	10	293 215	1 386 408	82.54
Lebanon	387 043	12	217 211	169 832	43.88
Syrian Arab Republic	401 185	10	115 863	285 322	71.12
West Bank	626 532	19	168 507	458 025	73.10
Gaza	878 977	8	468 071	410 906	46.75
Total	3 973 360	59	1 262 867	2 710 493	68.22

Table 3

Number and distribution of special hardship cases (as at 30 June 2002)⁴⁶

<i>Field</i>	<i>Number of families</i>	<i>Number of persons</i>			<i>Percentage of refugee population</i>
		<i>Receiving rations</i>	<i>Not receiving rations^a</i>	<i>Total</i>	
Jordan	11 635	40 890	2 854	43 744	2.60
Lebanon	10 320	38 128	3 634	41 762	10.79
Syrian Arab Republic	8 864	25 995	3 648	29 643	7.39
West Bank	9 334	29 205	5 120	34 325	5.48
Gaza	17 647	78 342	1 588	79 930	9.09
Total	57 800	212 560	16 844	229 404	5.77

^a Including, inter alia, children under one year of age and students studying away from home.

⁴⁶ Ibid.

Table 4
Staff members arrested or detained (1 July 2001-30 June 2002)

	<i>West Bank (detained by Israeli authorities)</i>	<i>West Bank (detained by Palestinian authorities)</i>	<i>Gaza Strip (detained by Israeli authorities)</i>	<i>Gaza Strip (detained by Palestinian authorities)</i>	<i>Total</i>
Released without charge or trial	45 ¹	5 ²	1	11 ³	71
Charged/tried/sentenced and/or acquitted	1	1	-	-	2
Still in detention on 30 June 2002	17	-	-	1	19
Total	63	6	1	12	92

¹ One staff member died in custody; one staff member, who was released without charge or trial in January 2002 and later re-arrested in May, is not included.

² A staff member who was released without charge or trial in April 2002, and later re-arrested and released without charge or trial in June, is included only once.

³ One staff member committed suicide while in custody.

Table 5
Agency staff (on 30 June 2002)

<i>Programme</i>	<i>Jordan</i>	<i>Lebanon</i>	<i>Syrian Arab Republic</i>	<i>West Bank</i>	<i>Gaza</i>	<i>Headquarters (Amman)</i>	<i>Headquarters (Gaza)</i>	<i>Total</i>
Education	4 961	1 801	2 114	2 435	5 586	74	X	16 971
Health	902	552	453	716	1 016	14	X	3 653
RSS	125	100	90	127	202	14	X	658
Other	267	322	253	465	649	126	160	2 242
Total, area staff	6 255	2 775	2 910	3 743	7 453	228	160	23 524
Total, international staff	6	7	7	19	10	24	57	130 **
Total, staff	6 261	2 782	2 917	3 762	7 463	252	217	23 654

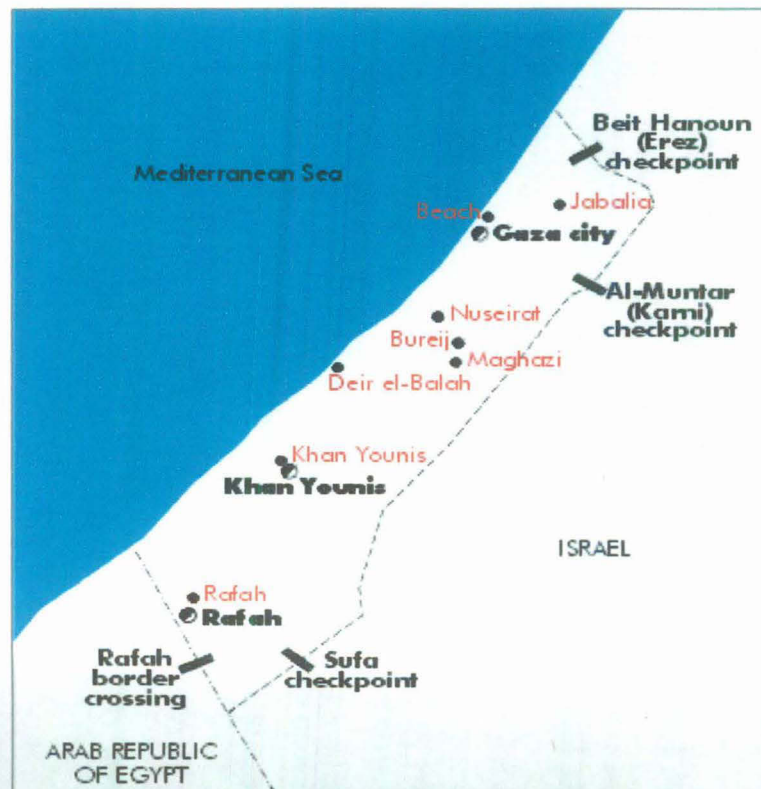
* New York and Geneva staff members were not included.

Table 6
GAZA REFUGEE CAMP PROFILES⁴⁷

CAMP	NUMBER OF REGISTERED REFUGEES
Jabalia	103,646
Rafah	90,638
Beach	76,109
Nuseirat	64,233
Khan Younis	60,662
Bureij	30,059
Maghazi	22,536
Deir el-Balah	20,188

Map 1

Gaza



⁴⁷ <http://www.un.org/unrwa/refugees/gaza.html>

The refugee camps in the Gaza Strip have one of the highest population densities in the world. For example, over 76,000 refugees live in Beach camp whose area is less than one square kilometer. This high population density is reflected in the overcrowded UNRWA schools and classrooms. More than 8,000 new pupils registered in the Agency's schools for the year 2000/2001. Most of the camps do not have a sewerage system, and sewage and waste water flow in open channels. Many roads and pathways in the camps are un-surfaced.

FACTS AND FIGURES: Figures as of 30 June 2002⁴⁸

- Total registered refugees - 878,977
- Registered camp population - 468,071
- Number of camps - 8
- Elementary and preparatory schools - 169
- Enrolled pupils for 2001/2002 - 184,951
- Primary health care facilities - 17
- Number of refugees registered as special hardship cases - 82,162
- Number of UNRWA Field Office Area staff posts - 7,280

TABLE 7

WEST BANK REFUGEE CAMP PROFILES⁴⁹

CAMP	NUMBER OF REGISTERED REFUGEES	CAMP	NUMBER OF REGISTERED REFUGEES
Balata	20,681	Am'ari	8,083
Tulkarm	16,259	Fawwar	7,072
Jenin	14,050	Far'a	6,836
Askar	13,894	Camp No.1	6,221
Dheisheh	10,923	Aqabat Jabr	5,197
Shu'fat	9,567	Aida	4,151
Jalazone	9,284	Deir Ammar	2,189
Kalandia	9,188	Ein el-Sultan	1,888
Arroub	9,180	Beit Jibrin	1,828
Nur Shams	8,179		

⁴⁸ Ibid.

⁴⁹ <http://www.un.org/unrwa/refugees/wb.html>

Map 2

West Bank



Map source: <http://www.un.org/unrwa/refugees/wb.html>

The West Bank covers 5,500 square kilometers with an estimated population of 1.8 million. Approximately, one quarter of the refugees live in nineteen recognized refugee camps and the majority live in West Bank towns and villages. Some camps are located next to major towns and others are situated in rural areas. While the West Bank has the largest number of camps in UNRWA's five fields of operations, the largest camp, Balata, has a similar size population to the smallest camp in Gaza.⁵⁰

⁵⁰ <http://www.un.org/unrwa/refugees/wb.html>

FACTS AND FIGURES: Figures as of 30 June 2002⁵¹

- Total registered refugees – 626,532
- Registered camp population – 168,507
- Number of camps - 19
- Elementary and preparatory schools - 95
- Enrolled pupils for 2001/2002 – 58,509
- Primary health care facilities - 34
- Number of refugees registered as special hardship cases – 34,325
- Number of UNRWA Field Office Area staff posts – 3762

⁵¹ <http://www.un.org/unispal.nsf/85>

CHAPTER III

Chapter-III

The Al-Aqsa Intifada and Its Impact on UNRWA

In the wake of the failed talks at Camp David II and the outbreak of the second intifada (uprising) which started on 28 September 2000, the threat perception of Israel intensified and it adopted deliberately various coercive counter measures to tackle the Palestinian militancy in order to protect its national security interests. The Israeli authorities restricted the movements of humanitarian personnel and commodities in the worst affected areas, particularly in the West Bank and the Gaza Strip.

Since 29 September 2000, Israel Defence Forces (IDF) and the Palestinians have been engaged in a violent confrontation which is defined and portrayed differently by each of the parties. The state of Israel describes the situation as a limited regional war, while the Palestinian Authorities (PA), on the other hand, defines the situation as a popular uprising 'The al-Aqsa-intifada' or the 'intifada for Independence'. According to the PA, the intifada is a well-organized popular uprising whose goal is to further the establishment of the Palestinian State.¹ According to Shai Feldman, the Palestinians' stated goals in initiating the al-Aqsa-intifada are the establishments of an independent Palestinian State, with Jerusalem as its capital, within the 1967 borders, and the realization of the right of return for the Palestinian refugees.² The Palestinian armed struggle combines a civil popular uprising in which civilians hurl stones and fire-bombs at IDF personnel. The activity is aimed at forcing Israel to make the maximum

¹ Shaul Shay and Yoram Schweitzer, "Al-Aqsa Intifada Strategies of Asymmetric Confrontation" *Faultlines*, (New Delhi), vol.8, April 2001, pp.81-103.

² *Ibid.*, pp.81-103.

concessions towards Palestinian demands. During the first intifada (1987-1993) Israel's policies to crush the uprising included a massive increase in arrest, torture, and administrative detention.³ Whereas, in the second intifada, more than one million Palestinians experienced the Israeli bombardment of their homes in just the first few months. It appears that Israel is fully determined to retaliate the Palestinian resistance movements with full scale military action.⁴ In early 2003, Walid Khalidi said that, the Palestinian losses since the al-Aqsa intifada began have been catastrophic: more than 1,800 killed and 40,000 wounded. According to him, "The British population is twenty times the size of the Palestinian population in the occupied territories. So in British terms, Palestinian losses would be about 36,000 killed and 800,000 wounded, in two years".⁵

1. Al-Aqsa Intifada: Major Causes

1.1 Failure of Camp David II

On 11 July 2000, Bill Clinton inaugurated a peace summit between Yasser Arafat and Ehud Barak at the US Presidential retreat at Camp David, Maryland, with the aim of achieving a framework agreement on 'final status'. Despite intensive mediation efforts the Camp David talks ended without any agreement on 25 July. Although progress had been made regarding the borders of a future Palestinian entity and the question of Palestinian refugees, disagreements over the future status of Jerusalem had been the principle obstacle to an accord. During the negotiation Israel offered to the Palestinians

³ Lisa Hajjar, "Human Rights in Israel/Palestine: The History and Politics of a Movement", *Journal of Palestine Studies* vol. 30, no.4 (Summer) 2001, pp.21-38.

⁴ Sara Roy, "Palestinian Society and Economy: The Continued Denial of Possibility", *Journal of Palestine Studies*, vol.30, no.4 (Summer) 2001, pp.5-20.

⁵ Walid Khalidi, "The Prospects of Peace in the Middle East," *Journal of Palestine Studies*, vol.32, no.2 (Winter) 2003, pp.50-62.

municipal authority over certain parts of East Jerusalem, as well as access to the Islamic holy sites. Palestinian National Authority (PNA) officials, however, demanded full sovereignty over the holy sites (in particular the al-Aqsa Mosque and Dome of the Rock) with East Jerusalem as the capital of a Palestinian state. Nevertheless, Israel and PNA pledged to continue peace negotiations and to avoid 'unilateral actions'. However, in late July 2000 an attempted invasion of the al-Aqsa Mosque by Jewish extremists resulted in confrontations between Jews and Muslims in Jerusalem; a similar incident followed in early August.⁶ Israel put the blame on Arafat for the failure and alleged that,

At camp David, Barak offered Arafat the most generous peace settlement conceivable but Arafat walked away from it. Why? Because Arafat's commitment to a negotiated settlement in Oslo in 1993 had been a subterfuge, and he was essentially dedicated to the destruction of Israel through terrorism and suicide bombing.⁷

On the other hand there are various reasons which contributed to the failure of the Camp David II negotiations. Some of the reasons according to Khalidi are as:

Firstly, summits need detailed preparation and Arafat pleaded for such preparation, but Clinton and Barak were in a hurry.

Secondly, during the Camp David, Barak and Arafat never meet even once in one-on-one negotiations because of Barak's personal antipathy towards Arafat.

Thirdly, in calculating the total area of West Bank territory to be "given" to the Palestinians, Israel always leaves out several areas: expanded municipal East Jerusalem, the Latrun salient, and the northwest Dead Sea quadrant which together amount to 5.4 per cent of the West Bank. In other words, when Israel says that it is willing to return 10 per cent of the West Bank, one must subtract 5.4 per cent from that amount. Thus, the famous

⁶ Europa World Year Book 2002 (London: Europa 43rd edn., 2002), p. 3133.

⁷ Quoted in Khalidi n.5, pp. 50-62.

94 to 96 per cent of the post-Camp David (December 2000) Clinton parameters are in reality 88.6 to 90.6 per cent of the West Bank, and so on. Fourthly, national territory, as in human anatomy, is not only a quantitative matter. The territory the Israelis wanted to retain, in and around Jerusalem, was the most crucial politically, economically, strategically, and psychologically for the viability of the Palestinian state. Fifthly, Barak did make “concessions” in municipal East Jerusalem. But the areas he agreed to put under Palestinian sovereignty in East Jerusalem were not contiguous either to one another or to the Nablus/Ramallah region to the north and the Bethlehem/Hebron region to the south. The resultant Palestinian “capital” in East Jerusalem would therefore have been incapable of playing the normal viable role of any capital city. Sixthly, for the first time since 1948, the United States at Camp David came up with a categorical rejection of the Palestinian right of return. This was a tremendous shock, given the multitudinous endorsements over the decades by the UN and the United States of this right.

Seventhly, another tremendous shock was the more than implicit acceptance by the United States at Camp David of the *legality* of the settlers in the occupied territories who had multiplied by 100 per cent since Oslo. The shock was greater because of the multitudinous condemnations by the UN, with US participation, of the *illegality* of the settlements. Eighthly, another shock was the demand by Barak, the secular Labor leader, for Jewish sovereignty over al-Haram al-Sharif, a demand endorsed by liberal, secular, democrat Clinton. No Zionist leader in authority since the First Zionist Congress in 1897 had ever made such a demand and never, of course, had any previous U.S. president or political leader.⁸

⁸ Ibid., pp. 57-58.

1.2 Ariel Sharon's Visit to the Temple Mount

Another cause of the al-Aqsa intifada was sparked by the visit of Ariel Sharon leader of Israel's right-wing Likud Party, on 28 September 2000 to the Temple Mount/Haram ash-Sharif in Jerusalem which is the site of the al-Aqsa Mosque and the Dome of Rock. Sharon's visit to the Islamic holy sites provoked violent protests and stone-throwing by Palestinians, to which Israeli security forces responded with force. At the end of September 2000, the West Bank and Gaza Strip became engulfed in the most serious violence seen in the territories for many years, as Palestinians demonstrated their frustration at the lack of progress in the peace process with Israel and at their failure to achieve statehood. The clashes spread rapidly to other Palestinian towns, and by the end of October 2000 more than 132 Palestinians had died and thousands were wounded. The Israeli authorities closed the borders of the West Bank and Gaza Strip, meanwhile Israeli officials accused Arafat of failing to intervene to halt the violence. The members of Arafat's organization 'Fatah' also joined with Hamas and other militant groups in this intifada. As the immediate cause of the uprising was stirred by Sharon's visit to al-Aqsa mosque, the uprising was known as the 'al-Aqsa intifada'.⁹

1.3 Other Factors

However, with regard to the causes of the al-Aqsa intifada, West Asian analysts have different opinions. In early 2003, Graham Usher¹⁰ had viewed that the outbreak of this

⁹ Europa, "The Middle East and North Africa 2003", (London: Europa, 49th edn., 2003), pp. 900-904, also see, Europa n.6, pp. 3133-3139.

¹⁰ Graham Usher is the Palestine correspondent of the *Economist* and *Middle East International* and author of several books including *Dispatches from Palestine: The Rise and Fall of the Oslo Peace Process* (Pluto Press, 1999).

uprising was not “orchestrated” by Arafat to “evade the difficult historical decisions” posed to him at the Camp David summit in July 2000, as charged by former Israeli prime minister Ehud Barak. It was not even sparked by Ariel Sharon’s provocative “visit” to the Islamic holy sites in Jerusalem’s Old City on 28 September 2000, nor even by the killing of seven Palestinians by Israel’s Border Police at the same sites the next day or, the day after, by the televised murder by Israeli fire of Muhammed al-Dura in Netzarim Junction of Gaza. According to Usher, the outbreak of the al-Aqsa intifada was rather born of a collision between two national wills. On the one hand it was an Israeli-determined peace process whose cumulative impact with every passing year has been experienced by Palestinians as a new form of colonial dispossession. On the other hand, it was a collective understanding fuelled by the mounting sense of Palestinian distress by Fatah’s younger West Bank and Gaza leaders that unless a challenge was mounted soon to Israel’s deepening occupation, their own future claims to leadership would be dashed.¹¹

With the collapse of the Camp David, Fatah’s *tanzim*¹² (organization) leaders demanded that the national PA leadership pursue other “options” besides negotiations. Their central call was that the Palestinians be mobilized to deploy popular and on occasion armed “pressure” against Israeli military outposts and settlements, especially those implanted deep in Palestinian areas. Secondly, they (*tanzim*) insisted that there

¹¹ Graham Usher, “Facing Defeat: The Intifada Two Years On” *Journal of Palestine Studies* vol.32, no. 2 (Winter) 2003, pp. 21-40.

¹² Fatah’s *tanzim* (organization) traces its origins to those cadre who—under the direction of Fatah and PLO leader Khalil al-Wazir (Abu-Jihad) turned to popular rather than armed struggle through the mass Palestinian organizations formed in the occupied territories before and during the first intifada: the so-called inside leadership. With the return of the “outside” PLO leadership to the West Bank and Gaza in 1994—and its establishment as a governing PA— the inside cadre was either marginalized or co-opted into the PA’s new ministries or one of its myriad police and intelligence forces. For more detail information see, Usher, cited in *ibid*.

could be no “end of conflict” with the Jewish state without full implementation of the UN resolutions calling for Israel’s withdrawal from the territories occupied in 1967, complete dismantlement or evacuation of the settlements, and Israel’s recognition of the Palestinian refugee right of return. The third called was for the PA to end its security cooperation with Israel in favour of a new coalition of all the Palestinian factions, including the Islamic and non-PLO movements of Hamas and Islamic Jihad.

2. Major Consequences of Al-Aqsa Intifada

In July 2000, after the failure of Camp David, Marwan Barghouti (Fatah West Bank General Secretary) warned that the Palestinians would not accept-and Mr. Arafat could not accept-less than what Egypt, Jordan, Syria and Lebanon would receive from Israel. He had predicted that the “next intifada” would combine popular protests with “new forms of military activity”.¹³ Two months later Sharon’s tour to the Haram al-Sharif and the violence aftermath turned Barghouti’s prediction into fact.

After the Camp David the conflict rose to new level of bloodshed and destruction. Palestinian militants carried out appalling acts of terrorism in the form of suicide bombing; there were many incidents of suicide attacks in busy streets, cafes and hotels. Israel retaliated the attacks with its full military might. Israeli voters frightened by the suicide attacks brought Ariel Sharon, who through decades had demonstrated his belief that the answers to Palestinian aspiration are force, to power in February 2000. With Sharon as Prime minister, Israeli forces laid siege to the West Bank and Gaza, virtually confining the inhabitants to their own villages and towns, while bulldozers destroyed

¹³ Marwan Barghouti, quoted in Usher n. 11, p. 24.

their houses and plowed under olive groves. Thus Israel often responded to the acts of extremism by punishing people who had not committed the terror, by using F-16s to destroy the infrastructures of Palestinian Authority and humanitarian agencies including UNRWA.

2.1 Suicide Bombings

In May 2002, Eyad El Sarraj, observed in an interview that the people who are committing the suicide bombings in the second intifada are the children of the first intifada-people who witnessed so much trauma as children. So they as grew up their own identity had merged with the national identity of humiliation and defeat, and they avenge that defeat at both the personal and national levels. His second observation is that in the first intifada it was stones at best, whereas in the second intifada it was machine guns, home-made mortars and explosives and especially suicide bombings. The escalation of the level of violence in the second intifada has been much higher. He further predicted that if there is no solution to the problem, the next intifada would certainly happen in another four to seven years which would be even worse than those witnessed in the past two years.¹⁴ He viewed that the escalation of violence in the second intifada was the result of despair and hopelessness that prevails among the Palestinians. He said that there are plenty of volunteers among the palestinian youngsters who are willing to carry out suicide attacks.

On the other hand, some Palestinian leaders and the Palestinian civil society openly condemned the culture of the suicide bombing by saying that after two years of the intifada Palestinians could not achieve any substantial gain. Around mid-November

¹⁴ Eyad El Sarraj (an interview), "Suicide Bombers: Dignity, Despair, and the Need for Hope", *Journal of Palestine Studies* vol.31, no. 4 (Summer)2002, pp. 71-76.

2002, the former PLO Executive Committee Secretary Mahmoud Abbas (the Palestinian Prime Minister) condemned the suicide bombings and criticized the course taken by the al-Aqsa intifada and called for abandonment of the armed struggle. To him, al-Aqsa intifada is a destroyer of what Palestinians have been trying to build as a nation. However, from today's perspective, what happened over these two years has been the total destruction of all that Palestine had built and all that had been built before. He opined that, they now stand below the poverty level in both Gaza and the West Bank. Because many people have responded to Israeli provocations, with the result that the intifada has deviated from its natural path. These people began to use weapons in a way that they were never prepared for, using whatever they could come up with, such as mortars, bombs and other such weapons, firing from houses and neighborhoods, and resorting to masked and armed demonstrations. As a consequence, they are now in the midst of a military confrontation rather than a popular intifada that expresses popular anger to which no one can object, nor resort to all means of destruction against them. "For as you can see today all the West Bank's cities have become subject to destructive operations on a daily basis as a result of Israel's ability to exploit the situation."¹⁵ Abbas called for a halt to the militarization of the intifada that it has gone too far and firmly said "enough is enough we must stop now, and it is in our interest to stop now. We must give ourselves a chance and we may succeed. It is not our hobby to kill."

However he strongly condemns the Israeli coercive reoccupation Palestinian towns and its irresponsible attacks on Palestinians and their leaders. Most recently on 10 June 2003 when Israeli helicopters fired missiles at a car carrying a senior Hamas leader,

¹⁵ Mahmud Abbas, "Call for a Halt to the Militarization of the Intifada", *Journal of Palestine Studies* (Washington D.C.) vol.32, no. 2 (Winter) 2003, pp. 74-78.

Abdel Aziz Rantisi (the most high-profile political leader of Islamic militant group) which killed one of his body guards, wounded him, his son, and three of his body guards and 22 by-standers were wounded, Abbas strongly condemned the strike and told Palestinian Satellite TV that “the strike was a terrorist attack in the full meaning of the word because it targeted innocent people”.¹⁶ According to Walid Khalidi;¹⁷ the first suicide bombing occurred on 14 September 1993, the very next day after Oslo, which was a message primarily to Arafat. From 1994 until the end of 2001, all suicide bombings without exception were carried out by Palestinian groups in opposition to Arafat and the Oslo process sponsored by Arafat. On more than one occasion, those groups were cracked down by Arafat’s security forces, which Arafat risked for an open civil war.

Khalidi stated that the first suicide bombings by the al-Aqsa Martyrs-Brigades, affiliated with Fatah, came about at late January 2002 over a year after the intifada began and after a prolonged and systematic offensive by Israel against the Palestinian security apparatus. He however condemned the killing of innocent people, under any circumstances.

It certainly is contrary to the teachings of the Quran, which says; ‘who so slays a soul not guilty for a soul slain, nor for corruption done in the land shall be as if he had slain mankind altogether; and whoso gives life to a soul shall be as if he had given life to mankind altogether’ (v:32) piety is explicitly defined in the Koran (III:134). The pious are those who give to charity in prosperity and adversity, who *restrain their rage* and who *forgive the offenses of their fellow men*.¹⁸

However he feels that sometimes the temptation to turn suicidal is not so impossible to comprehend when one country shrinks daily before their eyes because of seizures by

¹⁶ “Israel strikes at Hamas, hit road map”, *The Times of India* (New Delhi), 11 June 24, 2003 p. 15.

¹⁷ Walid Khalidi, a founder of the Institute for Palestine Studies and its general secretary, is a former professor at Oxford University, The American University of Beirut and Harvard University.

¹⁸ Quoted in Khalidi n. 5, pp. 50-62.

armed settlers backed by F-16s, Apache helicopters and Merkava tanks; and when the aid of international community and the help from neighbouring countries are unable to obtain.¹⁹

2.2 Reoccupation and its impact on UNRWA

In mid October 2001, Israel deployed helicopter gunships over Palestinian cities and moved troops into the outer fringes of Jenin. On 18 October Israeli forces re-occupied Jenin, Nablus and Ramallah, while Bethlehem and Beit Jala were taken on 19 October and Qalqiliya and Tulkarm on 20 October. Israel did it in retaliation to the assassination of Israeli cabinet minister Rehavam Ze'evi on 17 October by the Palestinian extremists. Ze'evi was assassinated in revenge for Israeli assassination of the Popular Front for the Liberation of Palestine (PFLP) general secretary, Abu Ali Mustafa in Ramallah forty days earlier.

The US on 22 October, condemned the Israeli invasion of PA-controlled cities in Area A as 'unacceptable' and demanded Israel's immediate withdrawal. Israel was forced to pull back from the cities, but its army continued to occupy large sectors of territory belonging to the PA and continued to carry out 'targeted killings' of senior members of extremist groups. The violence continued throughout late 2001 and Arafat expressed his disappointment at the lack of international pressure on the Israel Government.²⁰

¹⁹ Ibid.

²⁰ Cited in Europa 2003 n. 9, p. 904.

2.2.1 Operation Colourful Journey

Another phase of Israeli occupation of Palestinian towns was followed after the suicide attacks by al-Aqsa Martyrs Brigade during the early 2002.²¹ In retaliation to the series of suicide attacks carried out by al-Aqsa Martyrs Brigades, the Israel Defense Forces (IDF) on 28 February 2002 launched the Operation Colourful Journey (OCJ), which targeted Palestinian refugee camps, ostensibly to capture Palestinians involved in militant attacks. The operation began on 28 February with full-scale incursions into the West Bank's Balata and Jenin camps (both are al-Aqsa Martyrs Brigade strongholds) which remained the focus of the operation for the first week.²²

A major escalation occurred on 11 March 2002, when the Israeli army entered Ramallah which was the Palestinians' commercial and political hub in the West Bank. It was a part of a general sweep for activists and militants by Israel. The massive incursions involved some 150 tanks which were part of Israel's largest military offensive in the West Bank and Gaza Strip since the Israel²³ captured these territories in 1967.

The US president George W. Bush decided to send US special envoy Anthony Zinni to the region to secure a cease-fire, and after his arrival in Israel on 14 March 2002, the IDF withdrew to the out-skirts of most of the reoccupied areas, and the Operation Colourful Journey ended by the morning of 19 March 2002.

²¹ The al-Aqsa Martyrs Brigades is a militant offshoot of the mainstream Fatah *tanzim*. During the first three months of 2002 they pursued a campaign of gun attacks against Israeli soldiers at military road-blocks in the West Bank and Gaza, and dispatched suicide bombers deep into Israel. On 21 March 2002 after suicide bombers from the al-Aqsa Martyrs Brigades killed three Israelis and wounded dozens in West Jerusalem, the US State Department branded the Palestinian militia as a 'terrorist organization'.

²² Michele K. Esposito, "Operation Colorful Journey" *Journal of Palestine Studies* vol.31, n. 4, (Summer) 2002, pp. 140-141.

²³ See in Europa n. 9, p. 905.

The incursions resulted in huge damage to Palestinian infrastructures affecting water and electricity supplies, the sewage system and roads. During the operation, some 1,800 Palestinian homes were severely damaged or demolished, many civilians were detained and wounded and some were killed. The main targets were in the West Bank towns of Aida, Amari, Balata, Jenin, Bethlehem, Qalqiliya and Ramallah. The IDF also made large-scale incursions into Beitunia, Khuza and Rafah in Gaza Strip, during the months of February-March 2002. Closures on all other major Palestinian population centres were tightened and land sea and air strikes were carried out in numerous villages across the West Bank and Gaza Strip. In Gaza City, where Shelling on the 7 and 10 March 2002 destroyed the entire 25 buildings of PA compound, including Arafat's personal residence.

2.2.2 Incursions into UNRWA Installations

The Israeli Defense Forces on many occasions entered the Agency's installations in the West Bank and the Gaza Strip during their military campaigns. During the incursion into Balata refugee camps, the camps were sealed off barring even ambulances to enter, cut water and electricity supplies (including to hospitals), imposed long duration curfew, lifting them briefly, to allow civilians to leave the camps, occupied strategically located houses and UNRWA schools as IDF command posts; and conducted house-to house searches, breaking through walls to move from building to building; holding up all adult males at UNRWA schools for interrogation. The IDF followed the same method of reoccupation for the other refugee camps also. Michele K. Exposito stated that, instead of curbing Palestinian violence, Operation Colourful Journey inflamed an unprecedented

string of Palestinian suicide attacks that killed 41 Israelis and injured nearly 200. Suicide bombings were escalated throughout the operation period which was carried out by militant groups such as Hamas, Islamic Jihad and al-Aqsa Martyrs Brigades. These militant groups specifically mobilized volunteers from the refugee camp residents to retaliate the Colourful Journey.²⁴

2.2.3 Operation Defensive Shield (ODS)

On 29 March 2002 Israel launched the 'Operation Defensive Shield'. This was a large-scale military offensives carried out in the West Bank in response to a series of suicide attacks by Palestinian militants. The immediate cause of this operation was triggered by a suicide bombing on 27 March 2002 in Netanya where 29 Israelis were killed and wounded some 100 at a Passover dinner. This was indeed the bloodiest attack since the start of the Palestinian uprising against Israeli occupation in September 2000.²⁵ Again on 28 March 2002, a Hamas gunman infiltrated into Elon Moreh Israeli settlement and killed four settlers. These attacks were carried out during the Arab summit in Beirut in which the Arab states unanimously adopted the Saudi peace initiative. These two attacks somehow completely overshadowed the Arab summit; Israel declared that the initiative was a 'nonstarter'.

As part of its military campaign, between 28 March and 4 April 2002, in a massive and thoroughly planned military offensive named Operation Defensive Shield, Israel invaded and reoccupied all the West Bank cities except the Palestinian controlled parts of Hebron and Jericho. As Graham User had put it, "when a Hamas suicide bomber

²⁴ Cited in Esposito n. 22, pp. 141.

²⁵ Cited in Europa n. 9, p. 906.

detonated in a hotel in Netanya in northern Israel, Sharon finally had the 'war against terrorism' he needed to vanquish Arafat, the PA, and all things (including) Oslo".²⁶ Usher while describing the events of the IDF operations said that, in Ramallah, the army besieged Arafat's compound, killed twenty-six Palestinians, crushed what remained of the Palestinian armed resistance, and spent three weeks destroying every national Palestinian institutions, public and non-governmental, security and civilian that had been built in the last eight years. In Bethlehem Israeli soldiers encircled more than 200 hundred Palestinians in the church of the Nativity and forced the surrender of Palestinian fugitives among them. In a siege lasting six weeks, Israel eventually extracted PA, European and US approval for the expulsion of thirteen of the fugitives to Europe. Twenty six others were dumped in Gaza none have been able to return to their homes in the West Bank.²⁷

2.2.4 Incursion into Jenin Refugee Camp.

Having swept through Ramallah, Bethlehem, Tulkarm and Qalqiliya, on 4 April 2002, the IDF invaded Jenin refugee camp. The heaviest fighting between the Israeli army and Palestinian militias occurred in this refugee camp, the home of about 13,000 Palestinian refugees. Many of the camp's inhabitants fled during the fighting and heavy bombardment from Israeli tanks and helicopters. The fighting in the Jenin camp lasted till 11 April. The Palestinians said that there was a massacre of innocent people by the Israeli armed forces during the operations. Palestinians subsequently estimated that more than 100 had died as a result of the Israeli invasion of the camp. However, a worker from the

²⁶ Cited in Usher n. 11, p. 25.

²⁷ Ibid., pp. 21-40.

International Red Cross outside the camp said that the operation might have killed about 160-200, could have injured 600 and made 3000 homeless. Somehow, an exact count of the number of fatalities was not possible because Israel initially barred reporters and medical personnel from the camp.²⁸

The incursion followed the standard pattern of entry from three directions, closure, shut down of electricity and water, searches and detentions, moreover the IDF maintained tight closure. For instance, the International Committee of the Red Cross (ICCR) reported on 8 April 2002 after hours of negotiation with the IDF that day, that allowed only three ambulances into the camp to take out one injured Palestinian each; however, the procedure was complicated that it took six hours because troops searched each ambulance entering and leaving. Aid workers were permitted 100 yards into the camp for the first time on 15 April 2002. During the operation around 10 per cent of the camp had been flattened and some 1,000 homes were destroyed or severely damaged leaving over 4,000 Palestinians homeless. UNRWA however cautioned that solid figures could not be known until there was a census of the camp and heavy equipment brought in to excavate the bulldozed camp areas.²⁹

The events surrounding Jenin overshadowed the incidents in Nablus and Balata which seemed to have suffered the greatest number of casualties and the highest level of damage of any locality during the Defensive Shield. The World Bank and *Washington Post* on 21 May estimated that some 260 homes had been destroyed, another 1,000

²⁸ Ida Audeh, "Narratives of Siege: Eye-Witness Testimonies from Jenin, Bethlehem, and Nablus," *Journal of Palestine Studies* vol.31, no. 4 (Summer) 2002, pp. 13-34, also see, Graham Usher, "Palestine: Ending the Illusion", *Middle East International* (London) 19 April 2002, pp. 4-5. Also see Europa n. 9, pp. 906-908.

²⁹ Cited in Esposito n. 22, pp. 147-148.

seriously damaged but reparable and 1,500 heavily damaged. At least 75 Palestinian were killed, 50 civilians who died owing to the medical complications when they could not reach hospital. International Committee of the Red Cross (ICRC) personnel Beat Mosimann stated that ambulances were obstructed every time they went out and were regularly shot at. The Israeli army fired at him on three occasions, once while trying to carry a wounded man. Mosimann opined that Israel's whole system does not take into consideration humanitarian concerns.³⁰

Among the institution ransacked and severely damaged by the IDF during operation Defensive Shield were the Palestinian Council offices, PA Ministries of Agriculture, Civil Affairs, Economy and Trade, Education, Finance, Public Works Social Affairs, and the PA Health Secretariat in Ramallah, the Medical Organization Health Development Information Project and the infrastructure as Union of Palestinian Medical Relief Committees (UPMRC). In addition a number of UNRWA medical clinics and schools were destroyed.

The stated purpose of Defensive Shield was to isolate Arafat, to demoralize and intimidate the Palestinians so that they would be willing to accept Israel's demands in the peace negotiations, and to detain militants and dismantle the militant infrastructure. However Israeli Authorities portrayed the dismantling of the PA and the destruction of UNRWA and Palestinian infrastructures were unfortunate byproducts of the campaign forced upon Israel by circumstances generated by Arafat.³¹

Operation Defensive Shield lasted for six weeks and focused on Palestinian population centres in the West Bank. Primary targets were Ramallah, Bethlehem, Jenin

³⁰ Michael Jansen, "Nablus" *Middle East International*, 19 April 2002. p.7.

³¹ Cited, in Esposito n. 22, pp. 144-155.

Camp, and Nablus, Qalqiliya and Tulkarm as secondary targets. The IDF also made major incursions into a number of Palestinian villages and refugee camps. Throughout the operation, closures were imposed on all West Bank Palestinian population centres and on vehicular movements. Somehow, Gaza and Jericho were spared and the Palestinian enclave in Hebron was also left virtually untouched because the IDF could not guarantee the safety of the 450 settlers there during such offensive operation. Tanks were used to crush cars and occasionally ambulances parked on the streets, shoot out windshields of cars and blocked roads to prevent civilian movements. The IDF barred or severely hampered the entry and movements of the press and medical and humanitarian workers, routinely denied care to the sick and injured. The search for wanted men extended even to hospital wards and operating rooms and included halting ambulances.³² The reoccupation of the West Bank took 12 days, the exact number of Palestinians killed was not known. The PA estimated 500, on the contrary the IDF claimed that it had counted only 40 corpses. Red Cross official gave provisional figures of 160-200 dead, 600 injured and 3,000 made homeless.³³

2.2.5 UNWRA Through the Operation Defensive Shield

The World Bank had estimated that the Physical damage from the conflict had reached to a figure of about \$305 millions by December 2001. However according to the UNRWA sources, the Israeli military operations in the West Bank during the period from March to May 2002 alone were estimated to have caused an additional \$342 millions worth of physical and institutional damage. The major escalation to the levels of damage and

³² Ibid., p. 145.

³³ Cited in Usher n. 11, pp. 4-12

destruction has created a situation where humanitarian conditions in the West Bank and the Gaza Strip have deteriorated to a level which was unprecedented in the past decades.

The large-scale military operations which included the frequent imposition of curfews and closures and the creation of closed military zones had an adverse impact on the UNRWA's ability to carry out its humanitarian functions in support of the Palestine refugees. Movement of humanitarian goods, particularly in places where supplies of food, medicines, blood and other items which were urgently needed were often blocked, delayed or made very difficult. The Agency was therefore compelled to take stringent measures to provide immediate relief and also to prepare a plan to meet long-term needs. It was estimated that in the West Bank, 2,629 shelters, housing 13,145 refugees sustained damage during the Israeli operations in March 2002 (UNRWA sources). In the month of April, some 400 families were rendered homeless in the Jenin refugee camp, and repairs were needed for some, 1,100 shelters. In the Balata, Dheisheh and Tulkarem camps, 120 shelters were badly damaged. In addition, camp infrastructure including roads, water pipes, electricity lines and sewage system were severely damaged in the course of the Israeli military operations.

In a number of occasions, UNRWA vehicles and staff members had to face life threatening situations when they came under fire from Israeli forces, some of them were also killed while travelling in a clearly marked Agency's ambulance. In another case, an area staff member died while in the custody of the Israeli Defense Forces, and in other occasions staff members were beaten up and humiliated by Israeli soldiers. In the Gaza Strip external and internal closures were imposed on the area which effectively bisected or trisected the Strip for significant period of time. This led to severe disruptions in the

delivery of UNRWA humanitarian supplies to its distribution centres and to other installations. At the same time, the Agency's staff working at the head quarters and the field office in Gaza city could not reach their work places from cities and refugee camps. All these developments have had an adverse impact on the living conditions of the refugees in the occupied Palestinian territories.³⁴

According to UNRWA strife in September 2000 until 30 April 2003, a total of 12,737 people had seen their homes demolished in Gaza and the West Bank,³⁵ and on 12 May 2003, Press Release reported that, a complete closure of the Gaza Strip imposed on UN international staff has crippled the Gaza operations of the UNRWA. The closure follows two weeks of delays, obstruction and interrogations of UN staff at the Erez crossing point in and out of Gaza. UN staffs have been held for up to seven hours at the border while security checks have been carried out. Some have been forced to submit to interviews by Israel's intelligence services to secure passage, while intrusive search procedures have been increased. None of UNRWA's 7,800 Palestinian staff in the Gaza Strip have been able to enter Israel on duty for the Agency since October 2000. UNRWA's protests to the Israeli Ministry of Foreign Affairs and Ministry of Defense have so far had no effect.³⁶ And thus the living condition of the refugees in the occupied Palestinian territories have been severely affected by the violence and the Israeli closures, destruction of institutional properties and other measures against the PA and the population. Moreover the UNRWA's operation in the areas has been adversely affected by the military operations.

³⁴ Report of the Commissioner-General of the UNRWA *General Assembly Official Records (GAOR)*, 57th Session Supplement no. 13 UN. DOC. (A/57/13) 27 September 2002 pp. 6-14.

³⁵ UNRWA Press Release <http://www.un.org/unrwa>, 7 May 2003.

³⁶ UNRWA Press Release, <http://www.un.org/untwa>, 12 May, 2003.

2.2.6 Reaction of the International Community

The United National General Assembly resumed its tenth emergency special session³⁷, on “Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory” on 5 August to discuss Secretary-General Kofi Annan’s report on the recent events in Jenin and other Palestinian cities. The Jenin report confirmed that Israel had committed war crimes, atrocities and other serious violations of the Fourth Geneva Convention.³⁸ However, Israeli Ambassador to UN Aaron Jacob denied that there was massacre at Jenin and that Israel is committed to facilitating the work of humanitarian agencies. The UN General Assembly on 5 August discussed the matter in detail and demanded an immediate end to military incursions and all acts of violence, terror, provocation, incitement and destruction in Israel and the occupied Palestinian territories.

It also demanded an immediate withdrawal of Israeli occupying forces from Palestinian population centres to the position held prior to September 2000. The Assembly called for urgently needed assistance and services to help alleviate the dire humanitarian situation faced by the Palestinian people and to assist in rebuilding the Palestinian economy. The Assembly also stressed that all concerned must ensure the safety of civilians and respect the universally accepted norms of international

³⁷ The tenth emergency special session was initially convened in 1997 when Israel began construction of a new settlement south of East Jerusalem. The Security Council had met twice on that issue but had failed to adopt two resolutions. Using the “Uniting for Peace” formula, a special emergency session of the General assembly was convened in April again in July and November of 1997. It also resumed in 1998, 1999, 2000, and 2001.

³⁸ Fourth Geneva Convention (1949) deals with the protection of civilians in wartime, for instance Article 31, says “No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties”. For more detail see *“Israel and the Geneva Conventions,”* Published by the Institute for Palestine Studies, Beirut 1968.

humanitarian law, and emphasized that medical and humanitarian organizations should have unhindered access to the Palestinian civilian population at all times.³⁹

The United Nations International Conference of Civil Society, in Support of the Palestinian People, was held at the UN Headquarters in New York on 23 and 24 September 2002 under the auspices of the Committee on the Exercise of the Inalienable Rights of the Palestinian People. The theme of the conference was “End the Occupation”. During the conference, the President of the Palestinian Council for Justice and Peace (PCJP) in Ramallah, Gabi Baramki, said that Palestinians had been living for the past two years under the reign of terror and there had never been a worse time in the past 35 years of the Israeli occupation. The Moderator of the General Assembly of the Presbyterian Church, USA, Fahed Abu-Akel, stated that, the church acknowledged the sufferings and injustices committed against Jews, especially those inflicted in the Holocaust; however, they did not justify the injustices committed against the Palestinian people. He opined that justice should not be claimed by one people at the expense of another. In the conference, representatives from different civil societies expressed their views regarding the ‘illegal occupation’ of the Palestinian areas by the Israeli Defense Forces. They expressed that practical ways to stop the Israeli aggression had to be created to put an end to this endless cycle of violence.

The International NGOs and Civil Society Organizations declared certain resolutions calling on to the United Nations and to the state of Israel to bring an end to the occupation. They apprised that Israel must implement the Geneva Conventions and end the occupation of the West Bank, the Gaza Strip and the East Jerusalem.

³⁹ *UN News letter* “Focus on Middle East” New Delhi: UNIC Pub., 10-16 August 2002. pp. 1-2

We will continue to support the NGO and civil society movements inside the Occupied Palestinian Territory that are working under tremendous odds to provide the humanitarian needs of their people and for the realization of an end to occupation. We will continue to participate in and support the work of those groups working directly to protect Palestinians from the military assault of the occupation forces.

This declaration was made by the non-governmental and civil society organizations on 24 September 2002 in New York.⁴⁰

2.2.7 Reaction of the Israeli Civil Society

On 9 March 2002, Ishai Menuchin⁴¹ stated that, after thirty five years of Israel's occupation of the West Bank and Gaza, the two sides seem only to have grown accustomed to assassinations, bombings, terrorist attacks and house demolitions. Menuchin is a major in the reserves of the Israel Defense Forces who refused to serve in acts of occupation in 1983; he faced military imprisonment for his refusal. There are Israeli army officers and soldiers who still defend their country and feel that military occupation has over the decades made Israel less secure and less humane. They are against Israeli Government's policies of illegal occupations which they feel is against democratic values and human rights. Therefore, those IDF personnel resolved themselves not to participate in any military occupation and to refuse such illegal orders to execute potential terrorists or fire into civilian demonstrations.

This bold step indeed reflects the realization of a modern human being who believes in the principles of democracy and human rights.

⁴⁰ "United Nations International Conference of Civil Society in support of the Palestinian People" (New York: UN Headquarters 23-24 September 2002. pp. 2-27.

⁴¹ Ishai Menuchin is a major in the Israel Defense Forces reserves and Chairman of Yesh Gvul, the soldiers' movement for selective refusal. For detail analysis see, Ishai Menuchin, 'Saying no to Israel's Occupation' in Roane Carey and Jonathan Shainin, eds., *The Other Israel* (New York: The New Press, 2002), pp. 123-125.

I and others who serve in the Defense Forces can not by our action alone change government policies or make peace negotiations more likely, but we can show our fellow citizens that occupation of the territories is not just a political or strategic matter. It is also a moral matter. We can show them an alternative—they can say no to occupation. When we begin to see Israel's situation in that light, perhaps we will be able to let go of our fear enough to find a way forward.⁴²

Yigal Shochat, a former Surgeon General of the Israeli Air Force, has stated that occupation suppresses the Palestinian population.

Neve Gordon on 29 March 2002 wrote, in an open letter to Colonel Aviv Kohavi, Brigade Commander of the Israeli paratroopers that , “your acts in Balata constitute blatant violations of human rights. Such acts are, in fact war crimes”.⁴³ In another open letter by Sergio Yahni to Benjamin Ben-Eliezer, Israeli Minister of Defense, on 19 March 2002 said that the Israeli army has waged a ‘dirty war’ against the Palestinian Authority since 29 September 2000, with extra-judicial killings, the murder of women and children, the destruction of the economic and social infrastructure of the Palestinian population. He said in the letter; “Therefore I will not serve in your army. Your army, which calls itself the “Israel Defense Forces”, is nothing more than the armed wing of the settlement movement”.⁴⁴ He criticized the policies of IDF and its actions in the occupied territories and opined that IDF does not exist to bring security to the citizens of Israel, but it exists to guarantee the continuation of the theft of Palestinian land. This act of occupation according to him is a crime against the Palestinian people as a whole. Yehudit Harel, spokesperson for Gush Shalem in Tel Avive, said that the role of the Israeli peace movement had become more crucial than ever. She supports the presence of international

⁴² Ibid., p.125.

⁴³ Neve Gordon teaches politics at Ben-Gurion University in Beer-Sheva. Ibid., pp. 133-135

⁴⁴ Sergio Yahni “An Open Letter to Benjamin Ben-Eliezer, Minister of Defense. Ibid., pp. 136-137. Sergio Yahni is co-director of the Alternative Information Center, Israel/Palestine. Since 1989 he has been sentenced to jail three times for refusing to serve in the occupied territories. Following the eruption of the second intifada he has refused to serve in Israel's military in any capacity, and was therefore sentenced to 28 days in prison.

forces under United Nations auspices to protect the Palestinian people and help to put an end to the endless cycle of bloodshed. In her opinion, a large part of the Israeli people wished to see a capable and balanced international protection force deployed in the region.

Many Israeli citizens today feel that they also need to be protected from the catastrophic consequences of the belligerent policies of the current Israeli Government led by right-wing Likud leader hardliner Ariel Sharon.

The warmongers in the country had their own sinister agenda and they might make use of a state of war and chaos that might prevail in the region in order to carry out old schemes of an ethnic cleansing directed against the Palestinian people. It was the peace movement's role to make that impossible by any means.⁴⁵

Israeli peace activists view the Palestinian resistance against the Israeli occupation as a struggle for national liberation; and therefore they totally rejected the "war against terrorism" and war for the very existence of Israel, the concepts propagated by the Israeli national leaders.

As a result of the Palestinian armed struggle against the Israeli occupation, the reoccupation is now the overt official state of affairs, and can no longer be denied by anyone. The occupation is defined by the borders determined in the cease-fire agreement at the end of the 1948 war. In all Jewish settlements established after the war of 1967, including all neighborhoods in and around Jerusalem, as opined by Adi Ophir,⁴⁶ reconciliation between the Jews and the Palestinians will occur only if and when occupation ends in the fullest sense of word. He said Israel will have to evacuate the vast

⁴⁵ See UN n. 40. p. 10.

⁴⁶ Adi Ophir is a Professor of Philosophy at the Cohn Institute of History and Philosophy of Science at Tel Aviv University. "A Time of Occupation", Ibid, pp. 50-66.

majority of the settlements. In the wake of the failed talks at Camp David and the outbreak of the second intifada, Israel's frustrated citizens turned to Ariel Sharon who vowed his own rough methods would bring the weary nation peace with security. But after thirty three months in office, and despite massive military invasions of the West Bank and Gaza Strip, Sharon could not deliver either peace or security to its citizens, rather as a consequence, the violence in both sides escalated. The occupation of Palestinian territories, with its settlement construction and colonial policing, has undermined not only the future Palestinian state but also Israel's democratic ideals and liberal values. The occupation has distorted the achievement of Zionism by territorial expansion and military conquest and has deeply compromised the security and moral authority of the state of Israel.

CHAPTER IV

Chapter IV

Constraints and Challenges: Major Factors

The current chapter endeavors to critically discuss the allegations and counter allegations between the Israeli authorities and UNRWA against each other and analyse some of the major factors affecting the operations of UNRWA in the areas. It also examines the perceptions and policies of Israel towards the Agency, and the factors that prompt Israel to implement certain military coercive measures and thereby constrain the smooth functioning of the Agency's programmes in the West Bank and the Gaza Strip.

1. Allegations Against UNRWA

Over the years Israel had made many official commitments in support of UNRWA's operations and signed some important agreements with the Agency. Israel is also obliged to observe International Convention in protecting humanitarian Agency's staffs and its installations. Most recently during the second week of August 2002, Shimon Peres, the Foreign minister of Israel, has pledged his country's support for United Nations humanitarian activities in West Asia and reiterated Israel's commitment to alleviate the humanitarian conditions of the Palestinian people. He assured and told the UN General Secretary Kofi Annan that the Israel Government would fully co-operate with UN agencies on the ground including the UNRWA and the office of the UN Special Coordinator for the West Asian peace process¹.

¹ *UN News letter* "Focus Middle East" New Delhi: UNIC Pub. 10-16 August 2002. pp. 1-3.

Again during the 56th Session of the UN General Assembly, Israeli Government spokesman, Moshe Benzion, stated on 1 November 2001 that, "Israel supports the humanitarian work of UNRWA on behalf of Arab refugees and we wish to formally record our appreciation for the efforts of UNRWA in providing important service, especially in the fields of health care and education."²

However since the establishment of UNRWA, Israel had been highly apprehensive on the Agency's activities especially in the matters of recruiting and protecting local staff members. For Israelis, those Palestinian locals comprising 99 per cent of UNRWA's staff members are not ruled out being involved in the resistance movements. Israel openly accused UNRWA as a biased humanitarian Agency for the Palestinian cause. Pro-Israeli organizations in America, like American Israeli Public Affairs Committee (AIPAC) and Israeli officials alleged that UNRWA's Palestinian refugee camps have become the save heaven for terrorists by being used as bases for suicide squads. They say that, Palestinians have long been allowed to use UN-sponsored refugee camps in West Bank and Gaza Strip to incite children to violence, store illegal weaponry and launch terrorist attacks against Israelis.³

AIPAC supporter Tom Lantos wrote to Kofi Annan on 13 May 2002 that, UNRWA has been part of the problem for too long, rather than the solution in West Asia. He alleged that the initially well-intentioned UNRWA camps have fostered a

² Ian Williams "Hysterical Iceberg". *Middle East International* (London) 28 June 2002. pp.13-14.

³ Ian Williams, "The Witch-Hunt Continues", *Middle East International*, 14 June 2002, pp.23-25.

culture of anger and dependency that undermines both regional peace and the well-being of the camps, inhabitants.⁴

Mortimer Zuckerman, the President of the Council of Major Jewish Organisations, made another allegation against the Agency that the UNRWA is the godfather of all training schools for terrorists notably in Jenin, the so called suicide capital of the Palestinian, from where 28 terrorist attacks have been launched, killing and injuring hundreds of Israelis. He further stated that Israel never had any part in the creation of refugee camps, or in running them for all those decades of its occupation. The Israeli lobby in America and the AIPAC, openly accused UNRWA that for more than fifty years Palestinian terrorist infrastructures have been developed in UN sponsored refugee camps throughout the West Bank and Gaza Strip. It alleged that as the sole Agency mandated to manage the Palestinian refugee camps, UNRWA has effectively turned a blind eye towards terror activities within the camps. This has enabled terrorist groups such as Hamas and Islamic Jihad to develop vast terrorist infrastructures in the camps of the West Bank and Gaza strip. Inside the camps, where 99 per cent of UNRWA's staff are comprised of locally recruited Palestinian refugees, food storage facilities and warehouses have become depots for ammunition and explosives to be used in the terror attack against the Israelis.⁵

The 9/11 anti terror campaign in the US has sparked the Israeli lobbies with their demand that, if UNRWA is proved to be harbouring terrorism, US must withdraw all its aids to the Agency. The Agency must not be used as a political tool against Israel, and

⁴ Ibid., pp.23.

⁵ Ibid., p.25.

UNRWA should be handed over to UNHCR. On 5 June 2002, Republican Eric Contour of Virginia, Chairman of the Congressional Task Force on Terrorism, declared that UNRWA had allowed refugee camps, “under the control” to “become launching pads for terrorist activity against civilian populations.”⁶ Some of the Israeli intellectuals are also critical about the activities of the UNRWA in the region. Emmanuel Mrejin, a PhD candidate in international relations at the Hebrew University of Jerusalem said that, it is also a well-known fact that the UNRWA has done very little to solve the refugee problem, but has proven to be a very reliable partner for the PLO to conduct its terrorist activities.⁷

On the other hand UNRWA’s grievances and allegations against the Israeli authorities and the lobbies are being highlighted in UNRWA’s press releases and its Commissioner-General’s annual reports. Peter Hansen Commissioner-General reiterated during the month of June 2002 that under the Geneva Convention the occupying power is responsible for many of the functions which UNRWA carries out. Moreover, the Agency has over the decades become the symbol of international community’s commitment to the well being of the Palestinian refugees. He stated that until a just and a durable settlement of the refugee problem is achieved, maintaining the quality and extent of the Agency’s service is essential to the international community’s interests in terms of its humanitarian principle and its desire to promote regional

⁶ Cited in Williams no. 2,p.13.

⁷ Emmanuel Mrejin. “*Israel and the Reform of the United Nations*”. Israel affairs (London) vol.5, no.1 (Autumn) 1999. pp.63-86.

stability.⁸ Hansen stated that all those allegations made against UNRWA are false and baseless and is an attempt to justify their illegal actions against the innocent people.

After the Jenin attack, Hansen reacted that it has indeed been targeted at UNRWA. In several cases the IDF have taken their health centres to be used as military bases and have destroyed and smashed medicines and medical instruments. Hansen complained that UNRWA's staff members have often been targeted and subjected to even worse treatment at the checkpoints than anyone else. While trucks with Israeli number plates were allowed to pass through the checkpoints. UNRWA's vehicles whether with medical supplies or whatever were held up for hours. Although this has been happening for sometime it has intensified recently owing to the escalation of the conflict since the second intifada. UNRWA officials deny the possibilities of its staff's involvement in militant activities. Till June 2002 there were no charges brought against UNRWA's staff being involved in activities that are incompatible with the Agency's mission.⁹

2. Israel's National Security Concerns

One of the main determining factors for the military repression against the Palestinians is the Israeli national security concern. The concept of 'national security' refers traditionally to the protection of the territorial and political integrity of the state and its national interests from force used by an adversary. The national security conception of any state is the product of the given reality of external environment and internal

⁸ Report of the Commissioner-General UNRWA, General Assembly Official Records. 57th Session Supplement No.12. UN. Doc.A/57/13, 26th September 2002, p.14.

⁹Ian Williams, "UNRWA Under Fire," *Middle East International* (London), 14 June 2002, p.24.

resources as perceived and processed in the minds of her political and military elite.¹⁰ According to Uri Bar-Joseph, Zionism was born without any national security conception. It started to formulate such a theory only in the 1920s, following the first military clashes between the pre-state Yishuv and the Arab community in Palestine. This crystallized into the Zionist national security paradigm during the 1930s and 1940s. During the early years of post-independence, one of the most fundamental and dangerous threat to Israel's existence had been posed by "an all-out coordinated Arab surprise attack". Therefore, since the inception of Israel, it maintained the ability to defend itself from such a condition by adopting various military repressive policies. According to Edwin S. Cochran, there are two specific aspects of the Holocaust which have left a lasting impression on those responsible for Israel's security. Firstly, the Holocaust focused attention on the basic question of physical survival.

Unlike their counterparts in other countries, Israeli leaders believed, and continue to believe that it is inadequate to define security merely as the safeguarding of political values, institutions and a way of life. For the leadership of Israel, security means the very existence of people

Secondly, the experience of the Holocaust has driven Israeli leaders to the conclusion that physical security is too important to be left to others. Israel must strive to be as self-reliant as possible in matters of defence and security because in times of extreme trouble, sympathetic friends may be unable or unwilling to intervene.¹¹ The presumption of Israeli leadership is that other nations would not sacrifice their interests to fight for a Jewish cause, and therefore Israel had to secure its existence by all means, even by using its

¹⁰ Uri Bar-Joseph, "Towards a Paradigm Shift in Israel National Security Concept," *Israel Affairs* (London), no.3, 4 (Spring/Summer), 2000, pp. 100-126.

¹¹ Edwin S. Cochran, "Israel's Nuclear History", *Israel Affairs* vol.6. no 3&4 (Spring/Summer) 2000, pp. 129-133.

military might to curb any resistance elements that might threaten Israel's security. Israel's only security would come through self-defence and self-reliance.

According to Jeff Halper, "security is defined by Israel in such maximalist terms that it ensures Israeli political military and economic control." Israel insists that a Palestinian state must be demilitarized and forbidden to enter into military pacts with other states, in order to maintain her supremacy over the Palestinian airspace and land forces. Israel is therefore determined to control Palestinian labour and commercial movements through the imposition of security borders, which causes additional constraints on Palestinian development, and the movement of humanitarian agencies in the Palestinian controlled areas. During the years of negotiation between 1993 and 2000, Israel had imposed permanent closure over the occupied territories, doubled its settler population, and demolished more than thousand of Palestinian homes, installed checkpoints and security crossings. Israel implemented those policies on the pretext of protecting its national security interests.¹²

In the wake of the second intifada, the threat perception of Israeli national security has been intensified; it perceived a threat of invasion by the Palestinian suicide attackers in the Israeli towns and cities. This perception has become a major factor which prompted Israel to adopt various coercive military policies to counter the Palestinian uprising. The outright military actions including attacks on civilian population centres, and the Palestinian infrastructures, re-occupation of the West Bank and the Gaza Strip, imposition of curfews and internal closures that are especially evident during the first and

¹² Jeff Halper, "The key to Peace: Dismantling the Matrix of Control," in Roane Carey and Jonathan Shainin, eds., *The Other Israel* (New York: The New Press, 2002), pp. 20-40.

the second intifadas (1987-1992; 2000-present) are justified by Israeli authorities on the ground of its security. Israel use its military might forces to suppress resistance to the occupation as “teaching the Palestinian a lesson,” or “conveying a message”. This objective has been highlighted by the Brig. General Ephrarim Eitem’s statement in *Jerusalem Post* on 1 March 2002. He said that the fall of Balata refugee camp would break Palestinian resistance if the IDF carries out its clear mission in two or three refugee camps; the rest would crumble and the militants taking refuge in the camps would run.¹³

3. IDF Preventive Policies Affecting UNRWA’s Activities

3.1 Curfews and Internal Closures

Curfews and internal closures are the IDF policies, which are frequently imposed in the occupied territories. The preventive measures to check the civilian movements affect not only the civilians but also adversely hinder the movements of humanitarian agencies. During the course of the second intifada, many curfews were imposed throughout the West Bank and Gaza Strip which were in Hebron and villages surrounding Ramallah and Nablus and in refugee camps. In the West Bank many major and minor roads were controlled by fixed and mobile checkpoints established by IDF. UNRWA’s local staff members were forbidden to cross those checkpoints into and out of the West Bank areas, preventing them from carrying out tasks that are necessary for the Agency to fulfill its humanitarian mandates. In April 2002, during the height of the Israeli military operations,

¹³ “IDF Enters Balata, Jenin Camps,” [http:// www.jpost.com](http://www.jpost.com). 1 March 2002.

teachers and students could not attend their schools owing to the restriction on their freedom of movements.¹⁴

Most recently, UNRWA press release on 12 May 2003 stated that there was a complete closure of Gaza Strip imposed by Israel on international staff which has crippled the operations of UNRWA in the area. This measure is in violation of the 1946 Convention on Privileges and Immunities of the UN. The closures cause long delays and obstruction for weeks. At the Erez crossing point, UN staff members have been held up for long durations while security checks have been carried out. According to UNRWA sources, none of the UNRWA's 7,800 Palestinian staff in the Gaza Strip have been able to enter Israel on duty for the Agency since October 2000.¹⁵

3.2 Denial of Access for Assistance Providers to People in Need

From a humanitarian perspective, the most devastating consequences of the closure regime is that a significant part of the population is neither able to access nor be provided with the most basic services. The closures physically prevent people in need from reaching service centers. At the same time, the civilian population is often cut off from essential supplies and services that cannot reach them. Among the most troubling denials of access are:

- Patients who are unable to reach hospitals for life-saving treatment,
- Entire villages that are cut off from water supplies because of restrictions imposed on the movement of water tankers (more than 200,000 villagers in the West Bank depend on those supplies during the dry months).

¹⁴ Cited in UNGAOR n.8, p. 14.

¹⁵ UNRWA Press Release, "Gaza Closure Cripples UN Relief Work", [http:// www.un.org/unrwa](http://www.un.org/unrwa), 12 May 2003.

- Children and teachers are unable to reach schools. During the first months of the 2002/2003 academic year, more than 226,000 children and over 9,300 teachers were denied access to schools and more than 580 schools were forced to remain closed.¹⁶

3.3 Driving Permit Restrictions

Since September 2000, Israeli authorities continued the general prohibition on permit holders of the West Bank and Gaza identification cards, including UNWRA local staff, entering Israel and East Jerusalem. UNRWA is required to seek from Israeli authorities entry permits for local staff members with Gaza or West Bank residency, which would authorize to enter Israel and Jerusalem. Since the outbreak of the second intifada, all entry permits issued to local staff members were revoked by the Israeli authorities, thereby preventing them from entering Israel and Jerusalem. UNRWA reported in June 2002 that Israeli authorities continued their refusal to issue any driving permit to those local staff members whose work primarily involves driving, save for a limited number of exceptional cases for which the Israeli authorities issued on one-day permits.

3.4 Demolition of UNRWA Installations and Vehicles

The IDF has on many occasions, caused damage to UNRWA installations including schools, medical centres, refugee camps, office buildings. It is estimated that since 28 September 2000 damage to UNRWA installations and property in the West Bank has amounted to over \$ 500,000, and in the Gaza Strip to approximately \$ 80,000, according

¹⁶ United Nations, "Humanitarian Plan of Action 2003: Occupied Palestinian Territory," New York, November 2002 in *Journal of Palestine Studies* vol. 32, no.2, (Winter), 2003, pp. 148-171.

to the UNRWA report on 26 September 2002. UNRWA on 7 May reported that since the beginning of the current strife till 30 April 2003, a total of 12,737 people had seen their homes demolished in Gaza and the West Bank. In the first three months of 2003, 221 shelters were damaged beyond repair belonging to 401 families. Israeli military units supported by tanks, and helicopters entered Palestinian areas to destroy certain targeted houses. In some cases, the demolished houses belong to the families of militants or Palestinians detained in Israeli jails.¹⁷

3.5 Passage Through Checkpoints

The IDF has installed a number of checkpoints inside occupied territories. UNRWA vehicles carrying Agency staff members within the occupied territories were regularly stopped at those checkpoints, often for extended periods of time, while checks and searches were carried out. On some occasions staff members were abused and even physically assaulted. The Agency has protested for those incidents to the Israeli authorities and expressed its concerns for the safety of the staff and asked for the investigation of those incidents, but there had been no response from the Israeli authorities to those requests.¹⁸

3.6 Port Operation

Since September 2000, UNRWA has increased their import of basic foodstuffs to six times more through the Ashdod port from various countries. The Israeli authorities insist

¹⁷ UNRWA Press Release, <http://www.un.org/unrwa>, 7 May, 2003.

¹⁸ Cited in UNGAOR n.8, p.46.

on carrying out searches of humanitarian cargo. The Agency has been experiencing considerable difficulties, and bearing additional cost due to the procedures introduced at the Ashdod port in December 2001. The procedure requires UNRWA shipment to be checked by the Israeli authorities before being cleared by Israeli custom officials. This procedure has led to considerable delays and additional loading, off loading, storage and demurrage costs¹⁹.

3.7 Checking in Crossings

About eighty five international staff members working for UN agencies in Gaza are subjected to delays each time they exit Gaza at Erez crossing where their baggage and vehicles are thoroughly searched. In September 2001, a new procedure was introduced at the Allenby bridge (King Hussein bridge) entailing a search of vehicles crossing the frontier between Jordan and the West Bank. As part of this procedure, drivers are separated from their vehicles and the vehicles are searched in a separate building out of sight. In the Erez checkpoint, all the UNRWA vehicles except those in which the holder of a UN Laissez passer with a diplomatic visa is driving or riding, are subjected to both internal and external searches, inclusive of x-raying and inspection of staff members' luggage. At the Karni crossing, the normal procedure required by the Israeli authorities for cargoes coming into the Gaza strip is that all goods (other than those in sealed containers) must be unloaded from the Israeli truck on to the ground, undergo a security check and then be loaded "back- to- back" into a Palestinian truck. Another complicated procedure implemented by the IDF is the "hook-un-hook" system, by which truck

¹⁹ Cited in United Nations, n.16, p.151. Also see UNGOAR n.8, p.46.

arriving at the Israeli side of the Karni crossing point with the trailer on which the goods are loaded is unhooked from its Israeli tractor and then re-hooked to a Palestinian tractor on the Gaza side of the terminal.²⁰

3.8 Restrictions of Movements

Following the outbreak of the intifada, the Israeli authorities, cited security concerns and imposed extreme restrictions on the freedom of movement of UNRWA's personnel, vehicles and goods. These restrictions adversely constraint the operational effectiveness of the Agency's humanitarian programme to a large extent. The restrictions include the external closures of the West Bank and the Gaza Strip, the imposition of curfews, internal closures, and the installations of checkpoints. Owing to difficulties in movements of humanitarian supplies, serious disruptions are caused to all UNRWA's programmes. These restrictions of movements is inconsistent with established principles of international law, particularly in violation of the 1948 Convention of the Privileges and Immunities of the UN and the 1967 bilateral exchange of letters between the Agency and Israel the Comay – Michelmore Agreements.

Due to the restrictions on movements of personnel vehicles and goods as well as lack of construction materials, most construction projects in the West Bank and in the Gaza Strip were delayed or stopped. In addition to the search procedures at Erez and Allenby bridge crossings and at Ashdod Bridge discussed above there were a number of incursions by the IDF into the UNRWA installations in contraventions to the Israeli obligations under international law. The IDF allegedly stated that they had reliable

²⁰ Ibid.

information of armed militants hiding in the schools and camps. The IDF also made major incursions into numerous villages and refugee camps.

3.9 Armed Interference

On a number of occasions UNRWA staff members' identification cards were destroyed or confiscated and the IDF soldiers subjected them to a number of verbal abuses, and on several occasions UNRWA ambulances were fired upon. On 20 October 2001, while treating an injured refugee in the Beit Jibren camp near Bethlehem, an UNRWA officer was shot at the back and leg and an UNRWA ambulance driver was shot at the abdomen by the IDF soldiers. The UNRWA ambulances were clearly marked with the distinctive UN insignia and the staff members were wearing clearly identifiable vests. In an open tragic case, a local staff who was assisting an UNRWA medical team in Tulkarem was shot dead while he was traveling in a clearly marked UNRWA ambulance.

The personal safety and security of humanitarian workers mounted in both Israeli and Palestinian societies in the last three years of the second intifada. Since September 2000, 183 members of the Palestinian Red Crescent Society (PRCS) have been injured and three were killed. The justification put forward by the IDF, in a very general term, is that ambulances have been used to smuggle both arms and militants. However, IDF recently have made public only one such incident and the circumstances surrounding the incident were unclear. In any case, no UN personnel or vehicles were involved in the alleged incident.²¹

²¹ Cited in UN, n.16, and p.153.

3.10 Arrest and Detention of Staff

During the course of Israeli military operations, a large number of UNRWA staff members were arrested and detained by the IDF. The number of staff members arrested and detained during the 1 July 2000 to 30 June 2001 was 22, and it was increased to 92 in July 2001 to June 2002. The number of staff members detained by the Israeli authorities increased owing to the massive military operations in the West Bank during the period from March to June 2002. UNRWA complained to the Israeli authorities about the allegation of having provided with adequate and timely information by the relevant authorities as the reason for the arrest and the detention of its staff members. In the absence of such information, it was not possible for the Agency to determine whether the official functions of the staff members were relevant to their arrest and detention. In the case of the staff members detained by the Israeli authorities, in spite of the Agency's written requests in each instances, the Agency does not receive any information concerning the reasons for any of the arrests and detention. Whereas in the case of the staff members detained by the Palestinian authorities, the Agency was occasionally provided with partial information in response to its requests.

3.11 Defiance of International Conventions

Israel was among the first to sign and ratify the fourth Geneva Convention concerning the protection of civilians in wartime on 12 August 1949. The rules of occupation are stipulated in the third chapter of the fourth convention (Articles 27-78). According to article 53:

Any destruction by the occupying power of movable or immovable property belonging individually or collectively to private persons, or to the state, or to other public authorities, or the social co-operative organizations is prohibited except where such destruction is rendered absolutely necessary by military operations.²²

The demolition of UNRWA's installations (schools, refugee camps and health centres) in the West Bank and Gaza Strip during the Israeli military operations as reprisals against the acts of terrorism, and the systematic destruction of houses as reprisals against the acts of resistance, are in violations of these conventions.

Israel requested UNRWA to continue its operations in Gaza and the West Bank when the Palestinian territory was occupied by Israel in 1967. The Agency and the Government of Israel have a specific legal accord, known as the 1967 Comay – Michelmore Agreement, by which Israel is obliged to protect the movement of humanitarian Agency. This includes the requirement “to permit the international staff of the Agency to move in and out and within Israel and areas in question and to promote the free movement of UNRWA vehicles into, within and out of Israel and the areas in question.”²³ It provides that the Israeli Government will facilitate the task of UNRWA to the best of its ability, subject “*Only to regulations or arrangements which may be necessitated by consideration of military security.*” The Fourth Geneva Convention provides that protected persons shall at all times be treated humanely without discrimination, and shall be protected especially against acts of violence to life and persons (Articles 31 and 32). Since September 2000 when the intifada started and till the middle of 2003, over thousands of Palestinians lost their lives and thousands were

²² “Israel and the Geneva Convention”. *The Institute for Palestine Studies*. (Beirut: I.P.S. Pub., 1968) pp.8-9

²³ . Cited in UNRWA Release n.15, 12 May 2003.

injured. Many of those killed and injured were civilians. More than half of those killed were refugees registered with UNRWA.²⁴

The Convention prohibits the destruction by Occupying Power of public or personal property, except where such destruction is rendered absolutely necessary by military operations (Article 53). In violation to this Convention the Israel Defence Forces had bulldozed number of refugee and non-refugee shelters. The demolition had taken place mostly at night and often without any warning that would allow occupants to remove their personal belongings. Shelling had destroyed shelters either completely or partially. However Israeli authorities mainly on security grounds have justified these demolition and acts of destructions. It is questionable whether these acts carried out by the IDF could be justified on the grounds of military necessity.

3.12 Functional Constraints

3.12.1 Education: The Occupying Power is under an obligation to facilitate the proper working of all institutions devoted to the care and education of children. The military operation continues to disrupt the education system in the two areas. Children and teachers have been regularly prevented from reaching schools due to restrictions on mobility. The security of UNRWA has been threatened on numerous occasions due to shelling by the IDF in the vicinity. The UNRWA schools in the West Bank lost approximately 540 teaching days between September 2001 and March 2002 and approximately three weeks in April when the majority of Palestinian cities and towns and

²⁴ Peter Hansen, "The Humanitarian Situation in the West Bank and Gaza Strip," *Geneva International Conference Centre*, 5 December 2001. p.1-2.

villages in the West Bank were subjected to incursions and curfew restrictions imposed by the IDF. Several UNRWA schools in the West Bank and Gaza Strip sustained considerable damage during the Israeli operations. Teachers and students were unable to reach the schools during such times adversely affecting the smooth running of the educational programme of the Agency in the areas.²⁵ All the schools in the affected areas have reported a serious decline in academic achievement by the end of 2001/2002 academic years.²⁶

3.12.2 Medical Services: The UNRWA health programme continues to face serious difficulties in the West Bank and Gaza Strip as a result of the restriction on the free movement imposed by the Israeli authorities. This prevented patients and health staff from attending hospitals and health centers. Peter Hansen has reported in December 2001 that the Agency's hospital in Qalqilia has noted the percentage of patients from outside Qalqilia to have dropped from 20.9 per cent prior to the intifada to 6.6 per cent in August 2001, clearly pointing to it as a result the restrictions on the freedom on movements of those requiring medical assistance. In the West Bank, limitation in the freedom of movement led to a decline in the numbers of immunized children. The Fourth Geneva Convention 1949 provided that medical personnel of all categories shall be allowed to carry out their duties. In violations to this, UNRWA medical staff members on several occasions have been denied access through checkpoints and hence prevented from carrying out their duties.

²⁵ Cited in GAOR n.8, p.64.

²⁶ Documents and Source Material, "Negative Effects on the Academic and Learning Process," *Journal of Palestinian Studies* vol.32, no.2 (Winter) 2003, pp.160-162.

3.12.3 Relief Operations: There has been a blanket prohibition on marked UNRWA trucks moving into and out of the Gaza Strip. The Israeli authorities have imposed a transit fee at Karni crossing and required that all goods (other than those in containers) be unloaded from one truck and reloaded to another truck at the crossing. As a result of these requirements, agency warehouses in Jerusalem are stocked with some 42-ton truckloads of accumulated medical and other essential supplies for the Gaza Strip. Mobility of staff and goods, including vehicles delivering food commodities are severely restricted. West Bank staff were often not given permission by the Israeli authorities to travel to work in East Jerusalem and staff in Gaza could not reach their field and area offices because of daily road blocks bisecting or trisecting the Gaza Strip. This has rendered UNRWA's distribution of humanitarian aid difficult. The IDF closures on cities and towns in most of the west Bank often paralysed the work of the community-based organizations, particularly training activities and field staff visits. The lack of mobility of UNRWA staff hampers the provisions of services for the Palestine refugee population. Social workers are unable to visit their clients and UNRWA humanitarian assistance to the regular special hardship cases has been disrupted.²⁷

3.12.4 Financial Constraints: more than a million Palestinians are suffering owing to economic collapse, growing unemployment and mal-nutrition problems. They are threatened with food shortages because of meagre financial assistance, meanwhile western governments have turned their backs on UN appeal for funds. The UNRWA says that its plea for about \$ 60 million to feed 1.1 million people in the occupied territories

²⁷ Cited in Hansen no. 24, pp. 4-5. Also see UNGAOR, no. 8, p. 66.

has fallen flat, despite the intifada and Israeli retaliation have driven Palestinians to new depths of poverty.

In 2002, the agency continued to face under-funding of its regular budget. Against its General Assembly-approved cash and in kind budget of US \$326.2 million, the agency actually received \$305.9 million. As a result of the shortfall in contributions, strict financial management was implemented to bring expenditure into line with the income. The severe economic contraction in the West Bank and the Gaza Strip adversely affected UNRWA's Micro-finance and Micro-enterprise (MMP) lending activities and loan repayments during the year 2002. As a result, the MMP incurred a net loss of \$1.7 million on its operations in 2002, leading to the partial erosion of its capital base.

UNRWA's regular budget approved by General Assembly for 2003 is \$344 millions. It is forecast that through efficiency savings, actual net expenditures for the year can be brought down to around \$315 million. However in 2003, based on UNRWA's experience of recent years, forecast at \$290 million, leaving a projected funding gap of \$25 million.

4. UNRWAS' Emergency Appeal

In January 2002 the agency launched its fourth Emergency Appeal for \$117 million to meet the needs of the refugees who are suffering because of the violence, curfews and closures in the West Bank and Gaza Strip. However, the major escalation in the level of violence and destruction from March 2002 has placed unprecedented burdens on the agency's relief operations and an additional appeal for \$55.7 million was issued in May. Of the total \$172 million appealed for, \$95.3 million (55 percent of the total requested)

has been pledged or donated by 31 March 2003. In December 2002 UNRWA launched another Emergency Appeal to cover the needs of the refugees in the occupied Palestinian territory during January- June 2003. The amount requested was \$93. 7 million. As of 31 March 2003, \$32. 6 million had been pledged or donated.²⁸

On 11 February 2003, UNRWA has said that without immediate international help it would run out of money for the coming months to feed more than a million people in the West Bank and Gaza Strip. Since the second intifada, the agency has relied on an emergency fund to supply growing needs for food, shelter and jobs in the occupied territories. For two months during the early 2003, the agency has been appealing for donation totaling \$94 million to replenish the emergency fund whereas it has received only one commitment of \$1.5 million from Switzerland.²⁹ Peter Hansen said, “If we don’t get money coming in soon we will have a rupture in the food distribution which will be very serious, as we have malnutrition levels of 22% among children, and that is bound to rise if food aid stops.”

5. The Cost of the Intifada:

Before the outbreak of the second intifada UNRWA fed about 11,000 people in the Gaza Strip; mostly widows and those with no means of support whereas by mid 2003, it has been feeding 715,000. In 2000 about 70,000 Palestinians worked in Israel, indirectly providing employment for about three times that number in Gaza. Israel now allows entering fewer than 15,000 Palestinian a day to cross from Gaza to work. Medical

²⁸ “How UNRWA is Funded?” <http://www.un.org/unrwa/finances/html>.

²⁹ “Agency Aiding Palestinians is Strapped” <http://www.newyorktimes.com.html>. 11 February 2003.

charities say that they are treating three times more children for malnutrition. An American survey found that 65 per cent could no longer afford staple food such as rice and potatoes in the quantities they are used to. The pass rate in school leaving exams has dropped from 71 per cent to 38 per cent.³⁰ The UNRWA's resources are strained as well. For example, the scholarships that helped make the Palestinians one of the best educated people in the region have gone as the fund shrank and the population grew. Hansen lamented that the UNRWA has not been able to afford higher education scholarship for some time.³¹ The outbreak of the al- Aqsa intifada indefinitely halted the construction of series of industrial estates on the West Bank and Gaza's border with Israel, sponsored by the European investment bank, US Agency for International Development (USAID), and the World Bank.³²

The UNRWA funding shortfall comes amidst growing hardship and desperation in the occupied Palestinian territories where demands for UNRWA services are increasing. More than one million people in the West Bank and Gaza now rely on UNRWA for food aid. Over 12,000 refugees have lost their homes by demolitions and need urgent humanitarian assistance from UNRWA.³³

Israel has imposed such unprecedented restriction on many occasions on the pretext of safeguarding its national security. However these kind of measures are in clear violation of international laws and bilateral agreements between the Israeli government

³⁰ "Food Running Out in Gaza as Aid Appeal Fails" <http://www.guardian.com>, 3 February 2003.

³¹ Jan Williams, "UNRWA-Poverty, Paper and Peril," *Middle East International*, (London), 6 December 2002, p. 15.

³² Peter Lagerquist, "Privatizing the Occupation: The Political Economy of an Oslo Development Project," *Journal of Palestine Studies* 32, no. 2 (Winter) 2003, pp.5-20.

³³ UNRWA Press Release, "UNRWA Pledges to Continue Operations in Gaza," 22 May 2003, <http://www.un.org/unrwa/news.html>.

and the agencies concerned. Israeli authorities do not explain the need for implementation of those restrictions nor give any indication of how long it would continue. The UNRWA and other NGOs alleged that those restrictions came at a time when the government of Israel has promised publicly to ease the plight of the population in the occupied territories and support humanitarian relief efforts. They say that if the government of Israel is serious about wishing to support the humanitarian efforts then these restrictions should be lifted immediately.

CHAPTER V

Chapter V

Conclusion: The Unending Challenge

Today the international community refutes the idea that Palestine was ‘a land without people for the people without a land’ as the Zionist slogan has proclaimed. Palestinians say that Israel was born out of the dispossession of Palestinian people because Palestine always had an existing indigenous population since time immemorial. This claim is supported by most of the modern nation states and the international organizations including the United Nations. The year 1948 was the year of both Palestinian dispossession and Israeli independence. Until today, Zionists have not made convincingly clear from whom that independence was wrested nor have they explained how the plight of the Palestinian refugees has happened.

The question is what made the Palestinians become refugees while Britain was still responsible for maintaining of law and order in the country. This has been a fundamental point of contention between Israel and the Palestine for more than fifty years. Israel today denies the ‘right of return’ for more than one million Palestinian refugees, who became homeless, landless, and exiled forever to live in misery and in bitterness for no fault of theirs. Indeed, Israel’s leadership perceives an offensive strategy as the best form of defense. Naseer Aruri had argued that, “the indigenous Palestinians are declared non-existent, the victims become victimizers, colonization is development, resistance to occupation is terrorism, and the refugees right of return is a threat to Israel’s

demographic security and Jewish character.”¹ Israel’s current offensive strategy towards the Palestinians under military occupation is proclaimed as a defensive war, for its security interests, or a war against terrorism to safeguard its citizens from suicide attacks. During the months of February and March 2002 Israel has launched two offensive military operations in the west Bank and Gaza Strip; namely ‘Operation Colourful Journey and Operation Defensive Shield,’ sending scores of tanks and bulldozers into the occupied territories to reoccupy Palestinian towns and cities in the areas. The two military operations were a part of the offensive strategy campaign. Though the al-Aqsa intifida has entered into thirty three months, yet Israel’s reoccupation of Palestinian territories has not ended.

During the months of November-December 2000 the al-Aqsa intifida was rapidly escalating into armed combat with the IDF. One trend was the clear shift in power structure within the Palestinian national leadership, brought about by the uprising, within the grassroots Fatah leaders such as Marwan Barghouti becoming major players in Palestinian politics. Moreover, institutions such as the PLC and PA ministries effectively ceased to function as a strong force, but were relegated to the subsidiary role of service providers. On the other hand, there was a revival in legitimacy and public loyalty towards Fatah. However in mid-September 2001, Yasser Arafat, who had strongly condemned the suicide attacks, announced that he had given Palestinian militant groups ‘strict orders for a total cease-fire on all fronts’ and declared his readiness to be part of any international alliance for ending terrorism against unarmed innocent civilians.

¹ Naseer Aruri, “Looking for Justice in an Unjust World”, *Middle East International*, 8 February 2002, p. 24.

The unprecedented scale of terrorist attacks launched on the World Trade Centre (WTC) in New York and Pentagon in Washington D.C. on 11 September 2001 has led to escalation of tensions in the West Asian conflict. Since the US administration has begun a massive campaign to gain support for international 'coalition against terror,' President George W. Bush has placed considerable pressure on Israel and the PA to end the fighting in the West Bank and the Gaza Strip. The 11 September attacks on the United States strengthened Ariel Sharon's determinations to hold on the West Bank and Gaza Strip and crush the Palestinian resistance. After the 9/11 incidents, America became very sensitive to anything that could be construed as a terrorist threat and less open to any reasonable argument on the issue. Israel seized this opportunity more capably and enthusiastically.

Today in Israel, two different opinions exist on the whole of Israeli-Palestinian conflict. Israel and its loyalists (hardliners) do not believe in the Palestinian right to national self-determination; they allege even the NGO's working in health, human rights, economic development and education, for harbouring terrorist elements, and brand the whole Palestinian struggle, such as operation against soldiers and settlers, as terrorism. On the other hand, pro-Palestinian critics of the Israeli citizens opine that these arguments form only one aspect of a much wider struggle for the national rights of the Palestinian people, which is fully justified according to the International Law.

Now it seems that the majority of the people in Israel are rather unenthusiastic, except the settlers and the extreme hardliners, towards its government's proclaimed war on terrorism. Ami Ayalon, the former head of Israel's General Security Service from 1996 to 2002, favoured unconditional withdrawal from the territories preferably in the

context of an agreement by which withdrawal should give the Palestinians territorial continuity in the trans-Jordan which is linked to Gaza and open to Egypt and Jordan. He further said, “if they proclaim their own state, Israel should be the first to recognize it and to propose state-to-state negotiation, without conditions.”²

Israel’s commitment to fight against terrorism prompts her to define her security in extreme terms ensuring the Palestinian state to be demilitarized and forbidden to enter into any military agreements with other countries. Israel also wanted to control Palestinian air space, labour and commerce, and its economy. In pursuit of this goal, Israel over the years has imposed security checkpoints at the borders and deliberately adopted coercive counter measures to tackle the armed resistance.

The Israeli threat perception has been intensified during the al-Aqsa intifada. The Israeli authorities imposed restrictions on the movement of humanitarian personals and commodities in the worst affected areas particularly in the West Bank and the Gaza Strip. Israel’s commitment to fight terrorism has been one of the main factors of constraint and challenge on the UNRWA’s smooth operation in the areas of West Bank and the Gaza Strip.

Some of the major preventive measures implemented frequently by the Israeli Defence Forces causing tremendous constraint to the Agency’s operations are as follows:

- a) Imposition of curfews and internal closures,
- b) Demolition and seizure of homes and properties of the relatives of suspected suicide bombers,
- c) Abduction, detainment and house searches.

² Sylvain Cypel, “Interview with Ami Ayalon,” in Roane Carey and Jonathan Shainin, eds, *The Other Israel* (New York: The New Press, 2002), pp. 198-201.

- d) Imposition of restrictions for entry into Israel and issue of driving permits,
- e) Installment of check points at crossing and
- f) Defiance of UN resolution, Geneva Conventions and other agreements by:
 - Imposing restriction upon the operation of the humanitarian organizations including Red Cross Society and UNRWA, etc.
 - Imposing taxes upon international vehicular movement,
 - Carrying out back-to-back and hook-unhook system.

These kind of coercive policies prevent UNRWA's local staff from reaching their work places and attending to their duties, obstruct access of beneficiaries to services, give rise to additional cost that negatively affects efficiency. Israeli authorities decreed that all commercial trucks and trailers must cross through specific crossing points in which, the agency is also compelled to pay taxes as well as comply with difficult haulage procedures causing long delays. The outbreak of the al-Aqsa intifada adversely affected the functioning of UNRWA, there were a number of denial, to access of basic humanitarian services and needs, and assistance providers to people in need. The movement of aid workers and vehicles remain severely restrained. As a consequence, there has been no significant improvement in the ability of the Palestinian Authority, the UN, and other aid agencies to carry out their humanitarian missions. The cost of delivering humanitarian aid has been increased owing directly to closures and other security measures that the Israeli authorities have introduced.

As the largest providers of assistance, UNRWA has been affected in terms of staffing, transport, maintenance, demurrage and storage. On several occasions, the Israel authorities have committed themselves to fully facilitating the work of the humanitarian

aid organizations. However, these commitments, even when expressed at the highest levels by the Israeli government, has not resulted any significant change on the ground. The following provides an overview of some of the major constraints which have been intensified since 28 September 2000.

(a) The number of arrests and detention of UNRWA have increased significantly. During the months of June 1999 to July 2000, only 55 of its staff members were arrested and detained by Israeli authorities whereas in between July 2001 to 30 June 2002 it was increased to 92.

(b) In the course of Israeli military operations during the period from March to June 2002, curfews were imposed frequently in the cities, towns, villages and the Palestinian refugee camps through out the West Bank and Gaza Strip. More than two thirds of UNRWA staff members were not able to reach their work places during the height of the Israeli military operations. About 72 per cent of UNRWA teachers could not attend their schools owing to restrictions on their freedom of movements.

(c) Both the Israeli military operations; namely Operations Colourful Journey and Operation Defensive Shield were the Israeli defensive strategies introduced during the second intifada. The consequences of these two massive military operations have claimed above 12,000 people till May 2003. Since the beginning of the current strife in September 2000 till 30 April 2003, a total of 12,737 had been made homeless in the West Bank and Gaza Strip. UNWRA, which is responsible for almost all of those affected, is trying to raise donor funds to replace the damaged shelters in the areas.

(d) On 7 May 2003, UNWRA press release reported that the recent months have seen a sharp increase in house demolition in the Gaza strip. At the end on 2002, total and partial demolitions had come up from an average of 30 per month to 74 a month. In the first three months of 2003, 221 shelters were demolished or damaged beyond repair. UNWRA has so far been able to complete 158 new shelters for homeless families; a further 471 shelters, including those destroyed in Jenin in April 2002, are at the planning and design stage, however security concerns have caused delays in rebuilding. The perpetual course of al-Aqsa intifada indefinitely halted the construction of those demolished buildings in the areas. So long as the intifada continues, the reconstruction work and rehabilitation programme for the affected refugees will be delayed.

(e) Implementation of closures and checkpoints have also been increased, restricting the civilian movements. On 11 May 2003, the Israeli authorities closed the Erez Crossing between Israel and Gaza Strip in both directions for internationals except for holders of the diplomatic visas or passports. These kinds of closures affect virtually all-international staff of UN, NGO's and other humanitarian and development agencies. The increasing restrictions on the freedom of movements to aid workers seriously disrupted the distribution of humanitarian relief to 1.2 million Palestinians. Closures have made the operations of UN agencies NGO's and other humanitarian and development agencies unreasonably difficult, inefficient and costly. If these kinds of restriction persist, a number of international and non-governmental humanitarian organizations may be forced to stop their operations in the West Bank and Gaza Strip. Some of the NGOs like Medecins Du Monde and UNIAS have already announced in May 2002 to suspend their operations in Gaza because of the blockade at Erez.

UNRWA's resources are strained as well. The Agency gets a meagre relief fund from its donors to feed, educate and care for the millions of Palestinian refugees. In a recent interview, Commissioner-General Peter Hansen in December 2002 pointed out that, some 70 per cent of the Palestinians in the occupied territories are living on less than the global dire poverty level of \$ 2 a day with the economy being tied to Israel where the costs of living is high. He said that the decline began after the Oslo with the travel restriction between 1994 and 2000, but the economic condition has worsened since the outbreak of the second intifada.

UNRWA's economy also has been badly affected by the current strife; its reconstruction works are in standstill, the emergency relief measures for the most vulnerable people are constrained. Even the UNRWA's education scholarship scheme has been affected as the funds shrunk and the population grew. Meanwhile the Israeli authorities are happy that UNRWA is in place using international funds to provide the services that would otherwise be the responsibility of the "occupying power" as per the Geneva Conventions. Nevertheless for some Israelis and their supporters, it serves as a constant reminder that there are indeed internationally recognized refugees who were expelled from their homes in 1968 for no faults of theirs. Their lives must go on against all odds and their human rights must be protected and Palestinians refugees have the right of return to their indigenous homeland according to the international refugee conventions.

UNRWA has a long history of being associated with one group of people. The Palestinian refugees have shared with UNRWA for more than half a century which has been playing the vital role in their lives. The Agency served them in times when the need was greatest and preserved their cultural identity in their various locations and places of

refuge in the host countries. The UNRWA began its operations fifty three years ago to cater for about 900,000 Palestinians who had been uprooted as a result of the 1948 Arab-Israeli conflict. Today they have increased to about four million Palestinian refugees who were expelled from their homes. UNRWA served as a stabilizing factor in a region that has been far from stable as a result of the conflict and turmoil it has seen over more than half a century in the past. UNRWA represents a unique success story in alleviating the suffering of the refugees and maintaining the human dignity, often under difficult conditions.

Since 1967, UNRWA has been looking after the refugees in the West Bank and Gaza Strip by working with the government that created the refugees; therefore the tensions are constant as Israel continues to accuse UNRWA as a bias humanitarian agency. The basis of this allegation is that the Palestinian have long been allowed to use UN sponsored refugee camps to incite children to violence, store illegal weaponry and launch terrorist attacks against Israelis. On the other hand, UNRWA's stand is firm on its original statement that there are no Palestinian fighters operating from the refugee camp compounds. However, Israel allegedly continue to justify her actions against UNRWA's installations on the ground that it never has been an impartial humanitarian agency, but still continue to protect militants and their relatives.

Thus the Israeli authorities affirmed that it must crack down all those safe havens of the suspects by using its latest military weapons. Their goal is to eliminate all potential elements of terror and to contain any possible attacks in the future. The grievances against the Agency is the motivating factor for Israel to implement all these repressive policies imposed among the Palestinian population which would in turn perpetually posed a

hurdle to the smooth functioning of UNRWA's operations in the West Bank and Gaza Strip. Throughout the years since there has been no solution to the refugee issue, UNRWA has become to the refugees a symbol of the international community's commitment to their cause. The mere existence of UNRWA carries the message that the world has not forgotten them. According to the Commissioner-General Peter Hansen, the Agency will continue to exist and carry out its humanitarian service until the refugee issue has been resolved.

Until and unless a long-term and a comprehensive political solution to the Palestinian problem is found and implemented, the Agency would encounter frequent coercive Israeli preventive policies which would continue to obstruct the Agency's programme. It is incumbent on all parties to take urgent steps to de-escalate the level of violence. Israel can contribute to this effort by ensuring that the IDF uses only weapons and methods that minimize the danger to the lives and properties of Palestinian civilians, in conformity with its humanitarian obligations. Respect for international organization is the most basic requirement for any nation that believes in democracy and claims in international community. Therefore UNRWA must be able to fully perform its functions notwithstanding Israel's right to fight terrorism.

In sum, UNRWA'S long record of service, its contributions to the welfare and human development of generations of Palestine refugees, and its role as a stabilizing element in a turbulent region makes it unique among international organizations. With the sustained support of the international community UNRWA pledges to continue its humanitarian mission until the day when its services are no longer necessary.

A Chronology of UNRWA's History

- 1949: UNRWA is set up by General Assembly Resolution 302 of 8 December to provide humanitarian services for the Palestine refugees.
- 1950: UNRWA begins operations on 1 May to cater for about 915,000 refugees.
- 1954: UNRWA opens first training centre in Kalandia (West Bank).
- 1964: UNRWA opens Institution of Education for teacher training purposes.
- 1966: Registered Palestine refugees exceed 1.3 million.
- 1967: Arab-Israeli war breaks out causing the displacement of thousands of refugees from the West Bank and Gaza into Jordan.
- 1968: UNRWA begins replacing tents in emergency camps with more durable shelters.
- 1969-1972: General Assembly forms a working group on the financing of UNRWA.
- 1973: Arab-Israeli hostilities renew.
- 1978: UNRWA HQ relocates from Beirut to Vienna as a result of the civil war in Lebanon.
- 1981: Registered refugees amount to 1.9 million.
- 1982: UNRWA launches a long-scale relief programme as a result of the Israeli invasion of Lebanon,
- 1988: UNRWA launches Expanded Programme of Assistance to the West Bank and Gaza with the beginning of the first intifada.
- 1990: UNRWA introduces Extraordinary Measures in Lebanon and the Occupied Territory (EMLOT) to meet emergency needs in Lebanon and the occupied territories.
- 1991: The Gulf War causes the influx of about 400,000 Palestinians to Jordan and other fields of operations, placing more pressure on UNRWA's already limited resources.
- 1993: UNRWA launches the phase I of the Peace Implementation Programme.

1994: It is decided to relocate UNRWA Headquarters to Gaza and Amman.

1995: UNRWA marks 45th anniversary.

2001: UNRWA launches its second emergency appeal to provide emergency assistance to the refugees in the West Bank and Gaza affected by Israeli repressive measures.

At 31 December 2000 registered Palestinian refugees exceed 3,806,055.

At 30 June 2002 UNRWA provides essential services to 3,973,360.¹

¹ <http://www.un.org/unrwa/news/articles/al-rai.htm>. 22 May 2003.

APPENDIX I
TEXT OF RESOLUTION 302 (IV)
ASSISTANCE TO PALESTINE REFUGEES
Adopted by the General Assembly of the United Nations
On 8 December 1949

The General Assembly

Recalling its resolutions 212 (III) 32/ of 19 November 1948 and 194 (III) 33/ of 11 December 1948, affirming in particular the provisions of paragraph 11 of the latter resolution,

Having examined with appreciation the first interim report 34 of the United Nations Economic Survey Mission for the Middle East and the report 35 of the Secretary-General on assistance to Palestine refugees,

1. Expresses its appreciation to the Governments which have generously responded to the appeal embodied in its resolution 212 (III), and to the appeal of the Secretary-General, to contribute in kind or in funds to the alleviation of the conditions of starvation and distress among the Palestine refugees;
2. Expresses also its gratitude to the International Committee of the Red Cross, to the League of Red Cross Societies and to the American Friends Service Committee for the contribution they have made to this humanitarian cause by discharging, in the face of great difficulties, the responsibility they voluntarily assumed for the distribution of relief supplies and the general care of the refugees; and welcomes the assurance they have given the Secretary-General that they will continue their co-operation with the United Nations until the end of March 1950 on a mutually acceptable basis;
3. Commends the United Nations International Children's Emergency Fund for the important contribution which it has made towards the United Nations programme of assistance; and commends those specialized agencies, which have rendered assistance in their respective fields, in particular the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and the International Refugee Organization.

4. Expresses its thanks to the numerous religious, charitable and humanitarian organizations which have materially assisted in bringing relief to Palestine's refugees;
5. Recognizes that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, 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;
6. Considers that, subject to the provisions of paragraph 9 (d) of the present resolution, the equivalent of approximately \$33,700,000 will be required for direct relief and works programmes for the period 1 January to 31 December 1950 of which the equivalent of \$20,200,000 is required for direct relief and \$13,500,000 for works programmes; that the equivalent of approximately \$21,200,000 will be required for works programmes from 1 January to 30 June 1951, all inclusive of administrative expenses; and that direct relief should be terminated not later than 31 December 1950 unless otherwise determined by the General Assembly at its fifth regular session;
7. 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 programmes 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;
8. Establishes an Advisory Commission consisting of representatives of France, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of American, with power to add not more than three additional members from contributing Governments, to advise and assist the Director of the United Nations Relief and Works Agency for Palestine Refugees in the near East in the execution of the programme; the director and the Advisory Commission shall consult with each

- Near Eastern Government concerned in the selection, planning and execution of projects;
9. Requests the Secretary-General to appoint the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East in consultation with the Governments represented on the Advisory Commission;
 - (a) The Director shall be the chief executive officer of the United Nations Relief and Works Agency for Palestine Refugees in the Near East responsible to the General Assembly for the operation of the programme;
 - (b) The Director shall select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Director and the Secretary-General shall agree are applicable, and to the extent possible utilize the facilities and assistance of the Secretary-General;
 - (c) The Director shall, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, establish financial regulations for the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (d) Subject to the financial regulations established pursuant to clause 9c) of the present paragraph, the Director, in consultation with the Advisory Commission, shall apportion available funds between direct relief and works projects in their discretion, in the event that the estimates in paragraph 6 require revision;
 10. Requests the Director to convene the Advisory Commission at the earliest practicable date for the purpose of developing plans for the organization and administration of the programme, and of adopting rules of procedure;
 11. Continues the United Nations Relief for Palestine Refugees as established under General Assembly resolution 212 (III) until 1 April 1950, or until such date thereafter as the transfer referred to in paragraph 12 is effected, and requests the Secretary-General in consultation, with the operating agencies to continue the endeavour to reduce the numbers of rations by progressive stages in the light of the findings and recommendations of the Economic Survey Mission;

12. Instructs the Secretary-General to transfer to the United Nations Relief and Works Agency for Palestine refugees in the Near East the assets and liabilities of the United Nations Relief for Palestine Refugees by 1 April 1950, or at such date as may be agreed by him and the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
13. Urges all Members of the United Nations and non-members to make voluntary contributions in funds or in kind to ensure that the amount of supplies and funds required is obtained for each period of the programme as set out in paragraph 6; contributions in funds may be made in currencies other than the United States dollar in so far as the programme can be carried out in such currencies;
14. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding \$5,000,000 from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1950 from the voluntary governmental contributions requested under paragraph 13 above;
15. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to negotiate with the International Refugee Organization for an interest-free loan in an amount not to exceed the equivalent of \$2,80,0000 to finance the programme subject to mutually satisfactory conditions for repayment;
16. Authorizes the Secretary-General to continue the Special Fund established under General Assembly resolution 212 (III) and to make withdrawal therefrom for the operation of the United Nations Relief for Palestine Refugees and, upon the request of the Director, for the operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
17. Calls upon the Governments concerned to accord to the United Nations Relief and Works Agency for Palestine Refugees in the Near East the privileges, immunities, exemptions and facilities which have been granted to the United Nations Relief for

- Palestine Refugees, together with all other privileges, immunities, exemptions and facilities necessary for the fulfillment of its functions;
18. Urges the United Nations International Children's Emergency Fund, the International Refugee Organization, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization and other appropriate agencies and private groups and organizations, in consultation with the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, to furnish assistance within the framework of the programme;
 19. Requests the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East:
 - (a) To appoint a representative to attend the meeting of the Technical Assistance Board as observer so that the technical assistance activities of the United Nations Relief and Works Agency for the Palestine Refugees in the Near East may be coordinated with the technical assistance programmes of the United Nations and specialized agencies referred to in Economic and Social Council resolution 222 (IX) A*36 of 15 August 1949;
 - (b) To place at the disposal of the Technical Assistance Board full information concerning any technical assistance work which may be done by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in order that it may be included in the reports submitted by the Technical Assistance Board to the Technical Assistance Committee of the Economic and Social Council;
 20. Directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the United Nations Conciliation Commission for Palestine in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;
 21. Requests the Director to submit to the General Assembly of the United Nations an annual report on the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, including an audit of funds, and invites him to submit to the Secretary-General such other reports as the United Nations Relief and Works Agency for Palestine Refugees in the Near East may wish to bring to the attention of Members of the United Nations, or its appropriate organs;

22. Instructs the United Nations Conciliation Commission for Palestine to transmit the final report of the Economic Survey Mission, with such comments as it may wish to make, to the Secretary-General for transmission to the Members of the United Nations and to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.¹

APPENDIX II

Convention of the privileges and immunities Of the united nations adopted by the General Assembly Of the United Nations on 13 February 1946

Whereas Article 104 of the Charter of the United Nations provides that, the Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes and Whereas Article 105 of the Charter of the United Nations provides that the Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes and that representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

Consequently the General Assembly by a Resolution adopted on the 13 February 1946, approved the following Convention and proposed it for accession by each Member of the United Nations.

ARTICLE I

JURIDICAL PERSONALITY

SECTION 1. The United Nations shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;

¹ Israeli Ministry of Foreign Affairs, <http://www.us-israel.org/jsource/UN/unga302.html>

(c) to institute legal proceedings.

ARTICLE II

PROPERTY, FUNDS AND ASSETS

SECTION 2. The United Nations, its property and assets wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as in any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

SECTION 3. The premises of the United Nations shall be inviolable. The property and assets of the United Nations, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and any other form of interference, whether by executive, administrative, judicial or legislative action.

SECTION 4. The archives of the United Nations, and in general all documents belonging to it or held by it, shall be inviolable wherever located.

SECTION 5. Without being restricted by financial controls, regulations or moratoria of any kind,

- (a) the United Nations may hold funds, gold or currency of any kind and operate accounts in any currency;
- (b) the United Nations shall be free to transfer its funds, gold or currency from one country to another or within any country and to convert any currency held by it into any other currency.

SECTION 6. In exercising its rights under Section 5 above, the United Nations shall pay due regard to any representations made by the Government of any Member insofar as it is considered that effect can be given to such representations without detriment to the interests of the United Nations.

SECTION 7. The United Nations, its assets, income and other property shall be:

- (a) exempt from all direct taxes; it is understood, however, that the United Nations will not claim exemption from taxes which are, in fact, no more than charges for public utility services;
- (b) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of articles imported or exported by the United Nations for its official use. It is understood, however, that articles imported under such exemption will not be sold in the

country into which they were imported except under conditions agreed with the Government of that country;

- (c) exempt from customs duties and prohibitions and restrictions on imports and exports in respect of its publications.

SECTION 8. While the United Nations will not, as a general rule, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless when the United Nations is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, Members will, whenever possible, make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

ARTICLE III

FACILITIES IN RESPECT OF COMMUNICATIONS

SECTION 9. The United Nations shall enjoy in the territory of each Member for its official communications treatment not less favourable than that accorded by the Government of that Member to any other Government including its diplomatic mission in the matter of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications; and press rates for information to the press and radio. No censorship shall be applied to the official correspondence and other official communications of the United Nations.

SECTION 10. The United Nations shall have the right to use codes and to despatch and receive its correspondence by courier or in bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE IV

THE REPRESENTATIVES OF MEMBERS

SECTION 11. Representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, shall, while

exercising their functions and during their journey to and from the place of meeting, enjoy the following privileges and immunities:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their capacity as representatives, immunity from legal process of every kind;
- (b) inviolability for all papers and documents;
- (c) the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in the state they are visiting or through which they are passing in the exercise of their functions;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys, and also;
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.

SECTION 12. In order to secure, for the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer the representatives of Members.

SECTION 13. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Members to the principal and subsidiary organs of the United Nations and to conferences convened by the United Nations are present in a state for the discharge of their duties shall not be considered as periods of residence.

SECTION 14. Privileges and immunities are accorded to the representatives of Members not for the personal benefit of the individuals themselves, but in order to safeguard

the independent exercise of their functions in connection with the United Nations. Consequently a Member not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

SECTION 15. The provisions of Sections 11, 12 and 13 are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.

SECTION 16. In this article the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers, technical experts and secretaries of delegations.

ARTICLE V

OFFICIALS

SECTION 17. The Secretary-General will specify the categories of officials to which the provisions of this Article and Article VII shall apply. He shall submit these categories to the General Assembly. Thereafter these categories shall be communicated to the Governments of all Members. The names of the officials included in these categories shall from time to time be made known to the Governments of Members.

SECTION 18. Officials of the United Nations shall:

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity;
- (b) be exempt from taxation on the salaries and emoluments paid to them by the United Nations;
- (c) be immune from national service obligations;
- (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and alien registration;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to the officials of comparable ranks forming part of diplomatic missions to the Government concerned;

- (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crisis as diplomatic envoys;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the country in question.

SECTION 19. In addition to the immunities and privileges specified in Section, 18, the Secretary-General and all Assistant Secretaries-General Shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

SECTION 20. Privileges and immunities are granted to officials in the interests of the United Nations and not for the personal benefit of the Individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. In the case of the Secretary-General, the Security Council shall have the right to waive immunity.

SECTION 21. The United Nations shall co-operate at all times with the appropriate authorities of Members to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuse in connection with the privileges, immunities and facilities mentioned in this Article.

ARTICLE VI

EXPERTS ON MISSIONS FOR THE UNITED NATIONS

SECTION 22. Experts (other than officials coming within the scope of Article V) performing missions for the United Nations shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent, on journeys in connection with their missions. In particular they shall be accorded:

- (a) immunity from personal arrest or detention and from seizure of their personal baggage;

- (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the United Nations;
- (c) inviolability for all papers and documents;
- (d) for the purpose of their communications with the United Nations, the right to use codes and to receive papers or correspondence by courier or in sealed bags;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic envoys.

SECTION 23. Privileges and immunities are granted to experts in the interests of the United Nations and not for the personal benefit of the individuals themselves. The Secretary-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the United Nations.

ARTICLE VII

UNITED NATIONS LAISSEZ-PASSER

SECTION 24. The United Nations may issue United Nations laissez-passers to its officials. These laissez-passers shall be recognized and accepted as valid travel documents by the authorities of Members, taking into account the provisions of Section 25.

SECTION 25. Applications for visas (where required) from the holders of United Nations laissez-passers, when accompanied by a certificate that they are travelling on the business of the United Nations, shall be dealt with as speedily as possible. In addition, such persons shall be granted facilities for speedy travel.

SECTION 26. Similar facilities to those specified in section 25 shall be accorded to experts and other persons who, though not the holders of United Nations laissez-

passer, have a certificate that they are travelling on the business of the United Nations.

SECTION 27. The Secretary-General, Assistant Secretaries-General and Directors travelling on United Nations laissez-passer on the business of the United Nations shall be granted the same facilities as are accorded to diplomatic envoys.

SECTION 28. The provisions of this article may be applied to the comparable officials of specialized agencies if the agreements for relationship made under Article 63 of the Charter so provide.

ARTICLE VIII

SETTLEMENT OF DISPUTES

SECTION 29. The United Nations shall make provisions for appropriate modes of settlement of:

- (a) disputes arising out of contracts or other disputes of a private law character to which the United Nations is a party;
- (b) disputes involving any official of the United Nations who by reason of his official position enjoys immunity, if immunity has not been waived by the Secretary-General.

SECTION 30. All differences arising out of the interpretation or application of the present convention shall be referred to the International Court of Justice, unless in any case it is agreed by the parties to have recourse to another mode of settlement. If a difference arises between the United Nations on the one hand and a Member on the other hand, a request shall be made for an advisory opinion on any legal question involved in accordance with Article 96 of the Charter and Article 65 of the Statute of the Court. The opinion given by the Court shall be accepted as decisive by the parties.

FINAL ARTICLE

SECTION 31. This convention is submitted to every Member of the United Nations for accession.

SECTION 32. Accession shall be affected by deposit of an instrument with the Secretary-General of the United Nations and the convention shall come into force as regards each Member on the date of deposit of each instrument of accession.

SECTION 33. The Secretary-General shall inform all Members of the United Nations of the deposit of each accession.

SECTION 34. It is understood that, when an instrument of accession is deposited on behalf of any Member, the Member will be in a position under its own law to give effect to the terms of this convention.

SECTION 35. This convention shall continue in force as between the United Nations and every Member which has deposited an instrument of accession for so long as that Member remains a Member of the United Nations, or until a revised general convention has been approved by the General Assembly and that Member has become a party to this revised convention.

SECTION 36. The Secretary-General may conclude with any Member or Members supplementary agreements adjusting the provisions of this convention so far as that Member or those Members are concerned. These supplementary agreements shall in each case be subject to the approval of the General Assembly.²

² <http://www.yale.edu/lawweb/avalon/decade/decad035.htm>

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