

"Time to Merge UNRWA with UNHCR"

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Knesset Lobby for UNRWA Reform, 12 March 2018

The Israeli-Palestinian conflict is so complex that it has defied, so far, the countless attempts to solve it. Many conflicts around the world are still unresolved -such as Northern Cyprus, Western Sahara, and Sri Lanka.

And yet, the prevalent view on the Israeli-Palestinian conflict continues to be that all the core issues (Jerusalem, borders and refugees) must and can all be solved at once. Such was the approach of John Kerry's unsuccessful attempt to solve the conflict in 2014.

Instead of this all-or-nothing approach, how about trying to untie some of the conflict's Gordian knots -even partially and progressively? The refugee issue and UNRWA are a good place to start.

And as foreign diplomats serving in Israel, I believe that you have an important role to play by influencing your respective governments on this issue.

The Palestinian leadership claims that there can be no peace with Israel without the so-called right of return. But if this "right of return" were to be applied as the Palestinians see it, there would be no Israel at all, because Israel would no longer be a nation-state.

What the Palestinians mean by the "right of return" is that the descendants of the 1948 refugees, should be granted, even after three generations, the right to immigrate to pre-1967 Israel and to become Israeli citizens. Since, according to UNRWA, there are about 5 million Palestinian refugees today, Israel would no longer be a nation-state. And, so, the so-called right of return is incompatible with the two-state solution. It is either or.

In the theoretical framework of a two-state solution, Israel would continue to apply the law of return within its own borders, and the Palestinian state would apply its own right of return within its own borders as well. But you cannot apply your own right of return to another country. Yet this is precisely the illusion that UNRWA is keeping alive through its educational system.

The Palestinians claim that the right of return is grounded in international law, and that it would repair a historical injustice. Both claims are wrong. UN Resolution 194 (from 1948) is a General Assembly resolution and, therefore, it is not binding. Besides, this resolution refers to the Palestinian refugees themselves (which were somewhere between 600,000 and 700,000 in 1948) and not to their descendants. Nor does that resolution designate the return of refugees as the only solution. It specifically mentions compensation as another option.

Only Security Council resolutions are binding, and even then, their implementation depends on the agreement of the parties when resolutions are adopted under Chapter 6 of the United Nations Charter. Such is the case of Resolution 242. People generally think that 242 only addresses the territorial issue. It doesn't. It also addresses the refugee issue by calling "**for achieving a just settlement of the refugee problem.**"

But what is a just settlement? This, of course, is a matter of interpretation and of negotiation. But what is clear is that Resolution 242 refers to the refugees themselves and not to their descendants.

And what it means by "refugees" is both Arab and Jewish refugees. This was made very clear by Arthur Goldberg, who served as the US ambassador to the United Nations in 1967. About 900,000 Jews were expelled from Arab and Muslim countries in the two decades that followed Israel's independence, and Resolution 242 refers to them as well.

But the core issue here is neither international law nor competing narratives. It is the double international standard on the refugee issue. There is no reason in the world why the United Nations High Commissioner for Refugees (UNHCR) should be in charge of all refugees in the world, except for Palestinian refugees.

The historical reason for this redundancy is that UNHCR was established in 1950, one year after UNWRA. But UNRWA should have been abolished the moment the UNHCR was established. After all, there were dozens of millions of refugees in the world when UNHCR was established, and Palestinian refugees only represented a small percentage at the time of the world refugee population.

But according to UNRWA, the 600,000 Palestinian refugees of 1948 have turned into 5 million today. How so? Because UNRWA applies the refugee status to the descendants of the 1948 refugees.

UNHCR, by contrast, does not automatically and perpetually transmit the refugee status to descendants as UNWRA does. In fact, UNHCR has a "**cessation clause**" which ends the refugee status once refugees have been integrated or resettled. This is something that could

and should have been done long ago for Palestinian refugees in countries such as Jordan and Lebanon.

So if you want to contribute to the resolution of the refugee issue in the Israeli-Palestinian conflict, the first step must be to progressively merge UNWRA with UNHCR, and to adopt one international standard for the definition of a refugee. The current double-standard has got to end.

One last word. Some claim that the Palestinians know that the "right of return" is a fantasy and that they don't intend to apply it to Israel. The historical record suggests otherwise.

In December 2000, Arafat rejected the Clinton parameters which proposed a right of return only to the Palestinian state and a multi-billion-dollar fund to compensate the rest of the Palestinian refugees. When Mahmoud Abbas rejected the peace proposal of Ehud Olmert in September 2008, he explained to US Secretary of State Condoleezza Rice: "I cannot tell five million Palestinians that only five thousand will go home."

Once of the reasons Abbas felt he couldn't tell five million descendants of refugees that they could not settle in Israel is that UNWRA has been keeping the fantasy alive. This has got to stop.

As I said, if we want to even partially and progressively untie the Gordian knots of the Israeli-Palestinian conflict, UNWRA is a good place to start. It is time to merge UNWRA with UNHCR, to adopt one international definition for all refugees, and to make it clear that the so-called right of return has no basis in international law and that it is incompatible with a two-state solution.