

Commissioner-General's statement

Belgian Institute of International Relations, Brussels, 5 March 2008

Palestine refugees: context and perspectives

Distinguished members and guests of the Belgian Royal Institute of International Relations:

I am honoured by the opportunity to join you for a time of reflection. I appreciate your invitation as an expression of your concern for the well-being of Palestinians and Palestine refugees. And I understand my presence here this evening as a signal of your interest in UNRWA and in its mission to serve Palestine refugees.

This year marks the 60th anniversary of the 1948 conflict, an event as far reaching in its effects as any in modern times. That conflict, which Palestinians refer to as the *Naqba* or catastrophe, gave birth to the State of Israel and in the process cemented visceral, mutually discordant narratives which underpin - and to some extent fuel - the conflict to this day. On the Israeli side there are claims of divinely sanctioned entitlement and an existential struggle to survive in the midst of hostile protagonists, while on the Palestinian side, there is dispossession, continuing persecution, injustice and a steadfast refusal to succumb to occupation and oppression.

The mass flight of some 800,000 refugees from the then British Mandate Palestine was a visible humanitarian consequence of the 1948 conflict, to which the establishment of UNRWA in 1949 was the principal United Nations response. UNRWA was entrusted to provide relief and assistance to Palestine refugees and their descendents in what we call our area of operations - Jordan, Syria, Lebanon and the occupied Palestinian territory.

Refugees registered with UNRWA in these locations currently number just over four and a half million.

There is, however, a global dimension to the Palestine refugee presence that goes well beyond those benefiting from UNRWA services in its areas of operation. Issues pertaining to Palestinians and Palestine refugees often transcend the relatively small physical space they inhabit. For six decades and to the present day, these issues evoke – and question - many premises and principles fundamental to the post-1945 construct of international relations.

The decades-long military occupation of Gaza and the West Bank and the as yet unfulfilled quest for a State of Palestine are at odds with the primacy of the right to self-determination in international law. In terms of its persistence, frequent escalation and destructive impact on civilian lives and property, the armed conflict in the occupied territory raises questions about the international treaty obligations regarding restraint in the use of lethal force and the enforcement of international humanitarian law in general. The notion that dignity is inherent in every human being, an indisputable precept from which flows universal entitlements to human rights and freedoms, is tested by the abject privations faced by many Palestinians and Palestine refugees. And the absence of concrete, durable, outcomes after years of sporadic international activity challenges the efficacy of the particular methods of diplomacy that have been deployed in the Middle East, if not the ability of the international community to achieve a negotiated solution to the conflict.

These features illustrate the extraordinarily complex operational context in which UNRWA performs its humanitarian and human development functions. These are matters to which I will return in my conclusion, but I set them out at this stage as the backdrop to the following description of

the Agency's work in primary education, primary health care, social safety net and social services, infrastructure and microfinance.

Primary education is UNRWA's largest programme, accounting for over 50 percent of the Agency's budget and more than three-quarters of its staff. Our 668 elementary and preparatory schools for nearly half a million refugee children were the first in the Middle East to offer equal educational opportunities for boys and girls. In UNRWA schools, gender parity was achieved many years before the Millennium Development Goals were set. The primary education programme is complemented by teacher training institutions, and in line with our emphasis on enhancing employment prospects for refugee youth, we also offer technical and vocational training and guidance on work placement and careers. UNRWA is aware that in spite of its commitment to and achievement of high standards over the years, current educational standards and pupil achievement levels, particularly in conflict areas such as the oPt, leave much to be desired. This realization has inspired the Agency to embark on a variety of remedial initiatives. This work is most advanced in Gaza, where in close partnership with the entire community, a "Schools of Excellence" programme is in progress seeking to raise standards in all spheres of primary education.

In the field of primary health care, UNRWA has been the main provider for Palestine refugees since its establishment. The Agency's 127 clinics handle almost nine million consultations per year, while a network of environmental health specialists collaborate with local municipalities to ensure that over 1.3 million refugees in camps benefit from solid waste control and access to safe drinking water. Given that women and children comprise about three-quarters of the refugee population, the Agency devotes considerable resources to preventive maternal and child care.

UNRWA's work has borne fruit in primary health standards matching or surpassing those prevailing in the region. A near one-hundred percent inoculation record has been achieved, and infant mortality rates dropped from 160 per 1000 live births in the 1960's to 22 in 2006 – a health status exceeding the World Health Organization target for middle income countries.

New challenges are however posed to the health of Palestine refugees by a rise in the occurrence of non-communicable diseases, including hypertension, diabetes and cancer. Socio-economic decline and poverty in Gaza and the West Bank have also brought in their wake a sharp increase in low birth weight, growth retardation, anemia, malnutrition and the incidence of communicable diseases such as gastroenteritis and viral hepatitis.

As regards relief and social services, the accent of UNRWA's work is on some 250,000 refugees designated as living in 'special hardship'. Services to these and other families affected by poverty include food aid and shelter rehabilitation, as well as selective cash assistance in emergencies, preferential access to vocational training centres, larger subsidies for hospitalization costs and a variety of community-based social services. Registration of refugee status, births, marriage, change of residency, and eligibility for UNRWA services fall within the domain of the social services department, which also leads a major project to digitize, update and maintain historical refugee records dating back to 1948.

Over the coming two years, UNRWA aims to improve the targeting and servicing of the abject poor by adopting a 'poverty-based' approach recommended by the World Bank. For the first time, eligibility for services will be measured against established poverty lines (i.e. needs-based rather than status-based) to ensure that those most in need receive our help.

UNRWA's microfinance programme is self-financing. It was established in 1991 in the oPt with a mission to improve the quality of life of small business owners and micro-entrepreneurs, and has succeeded in supporting the small and informal business sector, thus contributing to reducing unemployment and poverty. The microfinance programme also empowers women through specially designed loan products and provides income-generating opportunities to Palestine refugees and other poor and marginal groups. Since its establishment, the microfinance programme has invested US\$148 million in financing 141,000 enterprise, consumer and housing loans to clients in the West Bank and Gaza, and, more recently, in Jordan and Syria.

The success of UNRWA's microfinance programme in the occupied Palestinian territory has been deeply affected by events in recent years. If the current circumstances continue, UNRWA will have to cut back its operations in Gaza. This will deprive an already disadvantaged small-business community of one of their remaining economic lifelines.

The infrastructure and camp development programme was established to bring a more focused, integrated and participatory approach to addressing the housing and infrastructure requirements of refugees living in camps, many since the early 1950's. In many refugee camps, shelter conditions are appalling and we are committed to mapping refugee needs and assets as a first step to systematically improving those standards.

The 12 refugee camps in Lebanon represent a real test to this undertaking. A comprehensive \$50 million plan to salvage conditions in Lebanon's camps has been somewhat frustrated by successive conflicts during the last two summers. We are working on reviving its implementation alongside a \$174 million Master Plan to rebuild Nahr El Bared camp in

northern Lebanon, following its complete destruction last summer. This will be a massive long-term undertaking which will require all the skills we can muster within UNRWA and from government and UN partners with whom we enjoy a close relationship in Lebanon.

My Agency and I are mindful that we will require much more than financial contributions to assure the re-building of Nahr El Bared and its surrounding communities and the safe return of refugees to their new homes. Lebanon is one example of an environment in which the accomplishment of humanitarian and human development objectives are at the mercy of factors extraneous to the humanitarian world: insecurity from armed conflict, chronic political stability and the risk of recurrent displacement of refugees.

The other more dramatic example is, of course, the occupied Palestinian territory—one that has become even more dramatic in Gaza over the past week.

The impact on lives and human dignity of progressively more severe restrictions since January 2006 cannot be easily described. Only those who actually live in the occupied territory can truly appreciate the realities imposed by the occupying power with the knowledge, tacit encouragement or acquiescence of many in the international community.

Rational minds may recognize that electricity and fuel are essential to normal human life and in particular to the provision of clean water, health and sanitation services, and that to deliberately curtail these essentials is to intentionally cause extreme hardship – and in some cases death – not only to children, the ill and infirm, but as well to the entire population of Gaza. We can foresee that economic calamity is all but certain in a situation where 35 per cent of Gazans live on less than two dollars a day,

unemployment stands at around 50 per cent, 80 percent of Gazans receive some form of humanitarian assistance, and the entry of food and other commodities into Gaza is limited, while the export of commercial produce is prohibited, resulting in the collapse of the private sector. But for all the understanding we can marshal at a cerebral level, words cannot fully convey the raw, physical sensations of mass deprivation, let alone the profound indignities it brings in its wake for the residents of Gaza.

But perhaps it is of no consequence that we are limited in our ability to suffer with the people of Gaza or to share with them the desperate humiliation of enforced poverty, hardship and constant danger. Beyond acknowledgment and empathy, what is of consequence is the responsibility of the international community to situate the plight of Gazans within the rubric of international law and to hold both sides – and itself as well - to account against these rules. In a context where the protagonists are so emotively engrossed in the parochial rightness of their respective causes, there remains a long-standing vacancy for an impartial international arbiter whose authority rests on the even-handed enforcement of international obligations. And in a conflict in which there is a high likelihood of every rocket, missile, shell and bullet inflicting grave injury or death, preserving the sanctity of human life – both Palestinian and Israeli life – must be sufficient motivation for more forceful intervention by the international community.

The principal international actors must assume the custodianship of enforcing international law, fairly and forcefully against both sides. The upward spiral of violence over the past ten days is a reminder of the grave perils lying in store for Palestinians, Israelis and the region should we continue on the path of neglecting that role in favour of supporting and encouraging armed solutions.

I am deeply distressed by the escalation of the conflict in recent weeks. Over the past ten days 118 Palestinians have lost their lives of whom 58 were civilians and 31 were children, including one infant. Over 230 Palestinians have been injured. Three Israelis, two soldiers and one civilian, have died and 18 injured. From recent studies and my own observations as a Gaza resident, I can testify that the suffering is as much in the psychological domain as it is in the physical. An air strike may claim to be exact in its deadly objective, but there is nothing clinical about collateral damage – almost certain in a place of such high population density as Gaza. Also, there is nothing precise about the dreadful sound of massive explosions and disintegrating buildings reverberating in sequence through the night, to the terrifying accompaniment of F16s. The scope of the terror unleashed by this conflict touches everyone in Gaza. My staff (9,000 in Gaza) tell me each morning that they have spent the night huddled with their children, keeping them close because they wonder if they will be around to see them the following day. They struggle with answering the oft-repeated question, “why this is happening to us?” And while Qassam rockets are hardly on par with the power of the Israeli arsenal, I believe children and parents in Sderot must be experiencing the same emotions and inability to answer the same question.

The escalating conflict in Gaza is causing damage of yet another sort. It is distracting attention from other very worrying aspects of the situation in the occupied territory. Towards the end of February the severe closure of Gaza’s borders and its harsh humanitarian impact on ordinary Palestinians finally made headlines in the international media. Although the restrictions had been gathering pace since January 2006, and even more since June 2007, the occupying power took the decision in September and again in January this year to further curtail fuel and electricity supplies to Gaza. This served to trigger a welcome chorus of calls for restraint, with many key international players following the lead of the United Nations to voice

their objections. Since then, the restrictions have stayed in place? In the meantime the voices of concern and reprimand have tapered off.

Events in Gaza also divert attention from the situation in the West Bank. In this part of the occupied Palestinian territory, violations of Palestinian rights and freedoms occur on such a scale that the absence of sustained international attention is puzzling. The illegal separation barrier is at the centre of complex measures that restrict or prohibit the movement of people and goods and cause extraordinary suffering to Palestinians. In defiance of the 2004 advisory opinion of the International Court of Justice, the construction of the barrier continues, extending its already devastating impact on Palestinian lives. The barrier and its associated regime of permits, security checks, towers, trenches and electronic fences guarantee that communities are divided and isolated, livelihoods are destroyed and hundreds of thousands of Palestinians are denied normal access to their jobs, families, markets, schools and hospitals.

The draconian curbs on Palestinian lives and movement contrast sharply with the liberty accorded to Israeli settlers to encroach upon and expropriate Palestinian land. And in addition to severe movement restrictions and loss of their land, Palestinian communities contend with frequent military incursions by the occupying power, often accompanied by sweeping arrests.

The demolition of Palestinian homes, including homes of refugees, is another ruthless yet little-publicized dimension of the situation in the West Bank. The demolition process is often accompanied by a show of force by the occupying power - a military operation in miniature. Palestinians are rarely given much advance notice and serious injuries or deaths in the course of demolition operations are not unknown. A standard feature in

every case is the crushing humiliation of residents and communities as they acquire the status of displaced refugees.

While the lack of a building permit is a reason advanced to justify one category of demolitions, it has been observed that it is rare indeed for a Palestinian to succeed with a permit application. It has also been noted that in the circle in and around occupied East Jerusalem, the inexorable rise of Israeli settlements on Palestinian land combines conveniently with house demolitions to create a zone in which no Palestinians reside.

UNRWA staff, who monitor the situation closely, report an increase in house demolitions since January this year. In that month alone, 68 homes were destroyed and 200 Palestinians were rendered homeless, of whom 148 were Palestine refugees. In the result, families and communities are dislocated and livelihoods lost, sometimes irretrievably. Bedouin and pastoral communities, already impoverished and entirely reliant on the land, are often affected. For the number of West Bank communities against whom demolition orders have already been issued, their outlook as they sit awaiting their fate is as bleak as that of their compatriots in Gaza.

Distinguished guests:

I am reluctant to conclude my remarks on a depressing note and yet the stark realities confronting Palestinians and Palestine refugees compel me to do so. In UNRWA, interpreting our mandate in humanitarian and human development terms means – in part – that protection and care of the individual refugee is at the centre of our efforts. Our programmes seek the human development of Palestine refugees with a view to expand their life choices and enhance their capacity to contribute positively to the Palestinian community, the economy and ultimately to the Palestinian nation.

Our exertions in the humanitarian sphere are undermined, even endangered, by the conflict raging in Gaza and the West Bank and by the absence of progress towards a negotiated settlement. While this is deeply worrying, the matters of perhaps even graver, universal concern are those to which I alluded in the first minutes of my statement. I refer to the fact that the frequency and gravity of violations in the occupied Palestinian territory are such that they challenge fundamental rules of international law and call into question the efficacy of these rules.

Why does this demand the attention of the international community? Because many principles and obligations that are habitually being flouted, disregarded or ignored in Gaza and the West Bank are within the nucleus of human rights law, international humanitarian law and international law generally. A shortlist of these would include: the primacy of human rights and fundamental freedoms and their elevated normative status in relation to questions of perceived national security; the obligation to end poverty and the nexus between poverty, rights violations and questions of peace and security; the forbearance to use force as a means of resolving international disputes and the principle of armed force only as the last resort; restraint and proportionality in the conduct of war and the overarching regard for preserving civilian lives and property; the prohibition against indiscriminately punitive action; the right to self-determination; and the unconditional precept of respect for human dignity. These are principles and obligations upon which the United Nations Charter rests and we share an obligation to safeguard them across the globe, not least in the occupied Palestinian territory.

Perhaps the word “safeguard” points to the way forward, inasmuch as it connotes not only preserving international rules but also defending and enforcing them. Over the last six decades, enforcement of the rules of international law has been one of the missing pieces in the international community’s approach to the situation in the occupied territory. This has

contributed in no small measure to a climate of impunity, exploited by both sides as license for ever bolder violations.

I ask that we, as the international community, devote more thought and action to holding the parties to account, individually and corporately, under international law generally, and especially against the yardstick of established rules of international humanitarian law.

The realization of the right to self-determination through the establishment of a State of Palestine lies at the heart of the Palestinian quest for justice. Justice for Palestinians and Palestine refugees also encompasses fair recompense and recourse for the wrongs inflicted upon them under occupation. The lessons of the Second World War and its immediate aftermath affirm that accountability under international law is a premise of the post-1945 construct of international relations. History also confirms that holding those responsible for wrongdoing to account for their actions is an essential prerequisite of justice. If that construct is to continue to serve us well in the occupied Palestinian territory and beyond, then it is imperative that we do much more to give teeth to international law.