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Palestinian refugees and the Global Compact on Refugees

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Acronyms

CRRF	Comprehensive Refugee Response Framework
GCR	Global Compact on Refugees
GPDF	Global Programme on Forced Displacement
ISF	Israel Security Forces
MNR	married to non-refugees
MTS	Medium Term Strategy
MOPAN	Multilateral Organisation Performance Assessment Network
NGO	non-governmental organizations
oPt	occupied Palestinian territories
PA	Palestinian Authority
PLO	Palestine Liberation Organisation
SG	Secretary-General
UN	United Nations
UNCCP	United Nations Conciliation Commission for Palestine
UNHCR	United Nations High Commissioner for Refugees
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East

Abstract

Palestinian refugees in the Middle East have been displaced for more than 70 years and they are living in an increasingly precarious situation with limited prospect of a political solution to their plight. The system set up to support them by the international community is failing to address their growing needs and has become unsustainable, nor does it provide them with much needed durable solutions. As a blueprint for providing a fairer and more effective response for *all* refugees the Global Compact on Refugees (GCR) adopted in December 2018 provides an important framework in which to rethink the refugee response for Palestinian refugees. This working paper argues that the GCR is equally relevant to Palestinian refugees and its application could help address the many gaps in protection and assistance provided to them. It provides an analysis of the most relevant provisions of the GCR that could help address the many challenges faced by Palestinian refugees and calls on relevant stakeholders to engage in developing a Comprehensive Refugee Response Framework for them under the GCR.

1 Introduction

The adoption of the Global Compact on Refugees (GCR) on 17 December 2018 was heralded as a significant milestone in the advancement of the international refugee regime. The GCR aims to ensure more predictable and equitable responsibility-sharing for large-scale refugee movements and protracted displacement. The first Global Refugee Forum took place at the end of 2019 as a mark of solidarity and international cooperation to implement the GCR, with states and other actors announcing concrete pledges and contributions. Despite making up more than a fifth of the global refugee population, the situation of Palestinian refugees has featured only minimally in the development of the GCR. In many ways, the unique nature of Palestinian refugees is considered an outlier in the international refugee system and, as a result, they have remained peripheral to the GCR thus far.

However, as a blueprint for providing a fairer and more effective response for *all* refugees,¹ the GCR provides an important framework in which to address the plight of Palestinian refugees.² More than 70 years after their initial displacement, the situation of the 5.6 million Palestinian refugees spread across the Middle East is becoming increasingly precarious with diminishing prospects of a political solution, as demonstrated by the latest round of violence with Israel in May 2021. The financial situation of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) that was set up to assist them has also become progressively more unsustainable, causing a serious erosion to the agency's services over the last few years. There is a pressing need for a rethink about how the international community provides support to Palestinian refugees.

¹ Global Compact on Refugees, A/73/12, para 1-4, p1; New York Declaration, A/Res/71, para 34, p16.

² According to UNRWA registration procedures 'Palestine refugees' are "persons whose normal place of residence was Palestine during the period of 1st June 1946 to 15th May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict. (...) descendants of Palestine refugee males, including legally adopted children, are [also] eligible for registration". See UNRWA, Consolidated Eligibility and Registration Instructions (CERI), 2009, p3, available at <https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions>. However, the term 'Palestinian refugees' is used throughout this paper to include all refugees of Palestinian origin including those outside UNRWA areas of operation that fall under the mandate of UNHCR.

This working paper uses the framework of the GCR to analyse the current response to Palestinian refugees and argues how its key provisions, if implemented, could potentially bring about significant improvements. It does not address all the elements of the GCR, but instead focuses on the instrument's central themes and on areas where there is a discrepancy between the aspirations of the GCR and the current treatment of Palestinian refugees. By addressing these gaps, it is contended that the application of the GCR to the situation of Palestinian refugees could help enhance their protection and assistance. The first section of the paper provides a brief introduction to the GCR and outlines its relevance to Palestinian refugees. The second section then provides a detailed analysis of the most relevant GCR commitments to some of the enduring challenges faced by Palestinian refugees.

2 The Global Compact on Refugees and its relevance for Palestinian refugees

The unprecedented arrival in 2015 of more than a million migrants and asylum-seekers in Europe from Syria and elsewhere, as well as the protracted nature of refugee displacement in many other contexts with no apparent solutions in sight, provided the political impetus for the GCR.³ In September 2016, all 193 United Nations (UN) Member States adopted the New York Declaration on Refugees and Migrants, which included a Comprehensive Refugee Response Framework (CRRF) and tasked the United Nations High Commissioner for Refugees (UNHCR) to lead consultations with various stakeholders to develop the GCR. The GCR text also drew on the practical application of the CRRF that had been piloted in 15 countries in Africa and northern Central America. The final version of the GCR was adopted by an almost unanimous UN General Assembly on 17 December 2018.

The GCR is not legally binding⁴ and has been criticised for not being radical enough to enhance accountability within the international refugee system.⁵ However, it was adopted at a time of significantly worsening state policies towards refugees and threats to multilateralism on many fronts, and therefore its agreement represents a significant achievement in itself. Whilst relatively modest in some respects by merely reaffirming existing norms, its aspirational tone and content on some issues clearly set new standards for the treatment of refugees and a framework against which states can be benchmarked, as well as creating new mechanisms for strengthening international cooperation with respect to refugees to attract more resources.⁶ The multi-stakeholder approach of the GCR has been viewed as particularly successful in bringing non-traditional actors, such as development agencies and the private sector, into the refugee response.

In general, the GCR seeks to prevent displacement where possible, respond more effectively when people are displaced, and find solutions for those who need protection. While initially focused on mass refugee movements, its scope was broadened – and importantly so for Palestinian refugees –

³ Ferris, B. and Martin, S., 'The Global Compacts on Refugees and for Safe, Orderly and Regular Migration: Introduction to the Special Issue', *International Migration*, 2019, Vol. 57 (6), p6.

⁴ Global Compact on Refugees, A/73/12, para 4, p1.

⁵ See for example Hathaway, J., 'The Global Cop-Out on Refugees', *International Journal of Refugee Law*, 2018, Vol 30, No 4.

⁶ Betts, A., 'The Global Compact on Refugees: Towards a Theory of Change', *International Journal of Refugee Law*, 2018, Vol 30, No 4, p625.

to include “each situation involving large movements of refugees, including protracted situations.”⁷ The GCR’s central aim is “to provide a basis for predictable and equitable burden- and responsibility-sharing” for the international refugee response.⁸ As Betts has noted:

“While States’ obligations towards refugees who are within their territory or jurisdiction are relatively clearly defined, States’ obligations to support refugees who are on the territory of another State are much weaker. Consequently, while law has shaped asylum, politics has defined responsibility sharing. This has long led to a major power asymmetry within the refugee system in which geography and proximity to crisis de facto define State responsibility.”⁹

It is this challenge of international cooperation and normative gap that the GCR has sought to address by reducing the burden on the small number of host countries where the majority of the world’s refugees reside, and ensuring a more predictable response to refugee movements when they do happen. In this regard, the objectives of the GCR are to:

- (i) ease pressures on host countries;
- (ii) enhance refugee self-reliance;
- (iii) expand access to third country solutions; and
- (iv) support conditions in countries of origin for return in safety and dignity.¹⁰

The GCR has two components: the Comprehensive Refugee Response Framework (CRRF) – a country or regional level framework and template to guide a specific refugee response – and a broader Programme of Action which outlines broader principles for burden- and responsibility-sharing at the global level. The CRRF was already included in the New York Declaration but repeated in the GCR, which was supplemented by the Programme of Action. Many of the provisions contained in these different documents overlap and are mutually reinforcing. Together, they represent best practice and the international community’s resolve to enhance the international refugee response by setting out those measures that refugees can expect to be implemented by the various actors involved. In this regard, the GCR provides an important benchmark against which the treatment of Palestinian refugees can be assessed and examined, as well as a template to identify practical actions to address the gaps noted to enhance the response for them.

The GCR does not refer to specific refugee groups, such as Palestinian refugees, but it rather deals with refugees as a whole. There are, however, three mentions in the New York Declaration and the GCR texts¹¹ – in relation to predictable funding, solutions and education – of UNRWA that is mandated by the UN General Assembly to provide protection and assistance to Palestine refugees. For its part, UNRWA engaged in the consultations to develop the GCR, submitted a written contribution¹² to the drafting process, and commented on successive drafts. The Acting UNRWA

⁷ New York Declaration, A/Res/71, para 4, p16. At the High-Level Meeting on Large Movements of Refugees and Migrants in September 2016, which led to the adoption of the New York Declaration, UNRWA organised along with Sweden, Turkey, Pakistan and UNHCR a special panel event on ‘Protracted refugee situations – what more can be done?’

⁸ Global Compact on Refugees, A/73/12, para 3, p1.

⁹ Betts, A., n 6, p623.

¹⁰ Global Compact on Refugees, A/73/12, para 7, p2.

¹¹ New York Declaration, A/Res/71, para 86, p15; New York Declaration, A/Res/71, para 13, p19; and Global Compact on Refugees, A/73/12, footnote 30, p13.

¹² Written contribution of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) on the Global Compact on Refugees, February 2018, accessed at <https://www.unhcr.org/5a86d1967.pdf>.

Commissioner-General at the time also attended the first Global Refugee Forum, speaking in the high-level panel session on education in December 2019. However, after the adoption of the GCR there has not yet been a dedicated discussion, amongst all relevant stakeholders, about how it could be applied to the situation of Palestinian refugees. With UNRWA about to embark on its next five-year Medium Term Strategy (MTS) from 2022, this is an opportune time to consider the application of the GCR.

Palestinian refugees are the more than 750,00 people (and their descendants) that lost their homes and their livelihoods during the Arab-Israeli conflict in 1948 and sought refuge in the Gaza Strip and West Bank as well as in Jordan, Lebanon and Syria. Further refugee flows resulted from the 1967 Arab-Israeli war, which initiated the Israeli occupation of Palestinian territories. Today, and through natural population growth, there are more than 5.6 million Palestinian refugees registered across the region with UNRWA, which was established in 1949 to provide support and assistance to Palestinian refugees in line with its mandate, pending a just and lasting solution to their plight. Over the years the services provided by UNRWA have evolved and expanded. The agency currently focuses on education, health, relief and social services, infrastructure and camp improvement, microfinance, protection and emergency relief, employing approximately 30,000 staff. UNRWA is unique amongst UN agencies in that it not only provides assistance to a specific population, but also through a direct service delivery model as opposed to through national authorities or other non-governmental implementing partners.

Palestinian refugees have held a unique place in the international refugee regime.¹³ They were treated separately in the 1951 Convention Relating to the Status of Refugees (Refugee Convention) which excludes¹⁴ those refugees receiving protection or assistance from another UN agency other than UNHCR. However, outside of UNRWA's areas of operation¹⁵ Palestinian refugees, by and large, fall within the scope of the Refugee Convention and the mandate of UNHCR. As such the institutional arrangements for Palestinian refugees are split between UNRWA and UNHCR depending on their geographical location. The lack of applicability of the Refugee Convention to Palestinian refugees in UNRWA's areas of operation has led many to conclude that they experience a protection gap. While this argument might be overstated,¹⁶ they certainly face significant protection challenges and lack any institutional arrangements for securing durable solutions.

Despite numerous UN General Assembly resolutions¹⁷ calling for the return of Palestinian refugees to their places of origin, they have remained displaced for more than 70 years with diminishing hope of a political solution to their plight. The release in January 2020 of the United States Government's Middle East peace plan, entitled '*Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People*', made the prospect of a just solution to the refugee issue even more distant. The plan effectively attempted to erase the refugee question and the rights of the refugees. It was rejected out of hand by the Palestinian authorities. With the election of President Biden in the United States it remains to be seen whether the Israel-Palestine peace process can be reinvigorated, which looks unlikely given the most recent round of violence between the two parties. Until this

¹³ For a comprehensive overview of the status of Palestinian refugees in international law, see for example Albanese, F.P. and Takkenberg, L., *Palestinian Refugees in International Law: Second Edition*, Oxford University Press, 2020.

¹⁴ See Article 1D of the 1951 Convention Relating to the Status of Refugees (adopted 28 July 1951, entered into force 22 April 1954), 189 UNTS 137.

¹⁵ These include Jordan, Lebanon, Syria, the Gaza Strip and the West Bank, including East Jerusalem.

¹⁶ See for example, Lilly, D., 'UNRWA's Protection Mandate: Closing the 'Protection Gap'', *Journal of International Refugee Law*, 2018, Vol XX (XX), 1–30.

¹⁷ See UN General Assembly resolution 194 of 11 December 1948, para. 11.

happens, Palestinian refugees live in a perpetual state of limbo – indefinitely displaced and yet with little hope of being able to return home or of accessing other durable solutions.

Although it recently marked the 70th anniversary of its founding, UNRWA has also faced mounting challenges in recent years. It regularly faces political attacks from a variety of critics. In the last few years, the Israel and US governments have misleadingly presented the agency as part of the problem by suggesting that it perpetuates the refugee problem and called for it to be dismantled.¹⁸ Following the decision to move its embassy to Jerusalem in late 2017, the US government abruptly cut over \$300m in funding to UNRWA in January 2018. The agency faced its most serious financial crisis ever. While it managed to close the resulting funding gap, it continues to operate within an extremely precarious funding situation. In 2018, the evaluation of UNRWA by the Multilateral Organisation Performance Assessment Network (MOPAN) of 18 donor countries overall found that UNRWA:

“is an organisation that is competent, resilient and resolute. The organisation is achieving humanitarian and development results in a challenging and resource-constrained environment in ways that reflects a well-managed organisation. By and large, its organisational performance remains on a positive trajectory.”¹⁹

In 2019, UNRWA became embroiled in an investigation by the UN’s Office of Internal Oversight Services into mismanagement and abuse of power, which led to the then Commissioner-General resigning in November 2019 along with the departure of other members of the agency’s senior leadership. The agency has subsequently embarked on a series of organizational reforms to help strengthen its management practices.²⁰ In December 2019, the UN General Assembly voted in favour of renewing UNRWA’s mandate for a further three years, with an overwhelming majority of 169 votes against two votes (the US and Israel). However, despite this positive support from different stakeholders, UNRWA has continued to confront major political and financial threats to its very existence. In November 2020, the agency announced for the first time in its history that it had run out of money as it was no longer possible to pay the salaries in December.²¹ The COVID-19 pandemic has provided yet another challenge for Palestinian refugees leading to the temporary closure of all 700 UNRWA schools and the agency launching an appeal to respond to the disease outbreak in its operations.²²

¹⁸ See ‘Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People’, US Government, January 2020, p33, accessed at <https://www.whitehouse.gov/wp-content/uploads/2020/01/Peace-to-Prosperity-0120.pdf>.

¹⁹ MOPAN 2017-18 Assessments: UNRWA, June 2019, p7, accessed at <http://www.mopanonline.org/assessments/unrwa2017-18/UNRWA%20Report.pdf>.

²⁰ See for example, UNRWA Commissioner-General end of year message to staff at <https://www.unrwa.org/newsroom/official-statements/end-year-message-commissioner-general-unrwa-staff>.

²¹ ‘UNRWA issues emergency call for humanitarian assistance amid end-of-year shortfall; salaries of 28,000 staff at risk, hopes to avoid suspension of essential services’, UNRWA press release, 9 November 2020 available at <https://www.unrwa.org/newsroom/press-releases/unrwa-issues-emergency-call-humanitarian-assistance-amid-end-year-shortfall>.

²² For an overview of the impact of the COVID-19 pandemic on Palestinian refugees, see ‘The question of Palestine in a time of Covid: Position paper on the situation of Palestine refugees in Jordan, Lebanon, occupied Palestine, and Syria (No. 2)’, ARDD, June 2020.

3 Applying the GCR to the situation of Palestinian refugees

Against this challenging backdrop, what benefit could the GCR bring to addressing the situation of Palestinian refugees where other efforts have failed? It clearly applies to Palestinian refugees but there has never been an examination by the relevant stakeholders of what this might entail. The GCR envisages a CRRF for each refugee situation based on the elements contained in the document.²³ Albanese and Takkenberg have recently made proposals for a fundamental paradigm shift to advance solutions for Palestinian refugees, using the commitments made in the GCR and the New York Declaration on Refugees and Migrants.²⁴ Building on these suggestions, the second section of this paper explores in more depth the application of the GCR and what a CRRF with respect to Palestinian refugees could look like and what key issues it would need to address. The analysis is not comprehensive, covering all elements of a CRRF for Palestinian refugees, but rather it focuses on the central themes of the GCR and those most pertinent to the situation of Palestinian refugees.

3.1 Addressing the root causes of refugee displacement

The GCR places a strong emphasis on the need to address the root causes of refugee displacement, both to prevent such displacement happening in the first place and seeking resolution to the protracted nature of many refugee situations.²⁵ The focus on root causes and protracted situations resonates well with the situation of Palestinian refugees who have been displaced longer than any other significant refugee group. The GCR makes a strong call for robust political action to bring an end to refugee displacement, which is clearly needed for Palestinian refugees. A political solution to the Israel-Palestine conflict is, however, as distant a prospect now as it ever has been with the parties further apart than they have ever been historically. While addressing the historical injustice to Palestinian refugees must remain the long-term goal, other measures are needed to break the impasse. Indeed, promoting solutions should be detached from the constraints of politics and the asymmetry in power between the two parties and be guided by the parameters of international law.²⁶ For example, Albanese and Takkenberg have proposed that the GCR be used as the setting to initiate a public discussion around the root causes of the Palestinian question. For them, the “politicization and polarization of the historic narratives have obscured the origins of the Palestinian displacement, affected the parties’ ability to compromise.”²⁷ It is precisely this peacebuilding approach that the GCR envisages to address the root causes of refugee displacement in support of official peace processes. Practically speaking, this would mean establishing a mechanism to build political support for the resolution to the plight of Palestinian refugees from the bottom up, rather than from the top down. This is not to say that there have not already been grass-roots peace initiatives to build trust and reconciliation between Israel and Palestine civil society. Rather, the proposal is to reinvigorate these efforts and direct them towards the refugee question as part of a broader approach to addressing the root causes of the protracted displacement of Palestinians through the application of the GCR.

²³ New York Declaration, A/Res/71, para 4, p16 Also in para 69, p13.

²⁴ See Chapter 8 of Albanese, F. and Takkenberg, L., *The Status of Palestinian Refugees in International Law: Second Edition*, Oxford University Press, May 2020.

²⁵ Global Compact on Refugees, A/73/12, para 8, p2.

²⁶ See Albanese, F. and Lilly, D., ‘The Palestinian refugee question: root causes and breaking the impasse’, *Forced Migration Review*, Issue 62, October 2019, p83.

²⁷ Albanese, F. and Takkenberg, L., n 24.

3.2 Timely, predictable, adequate and sustainable funding

The New York Declaration drew attention to the significant gap between the needs of refugees and the resources available to address them, explicitly mentioning the importance of UNRWA (in addition to UNHCR) receiving sufficient funding to carry out its activities.²⁸ The GCR reinforced this message for timely, predictable, adequate and sustainable funding.²⁹ As mentioned earlier, UNRWA has, in recent years, faced major funding challenges that have nearly forced the agency to suspend its operations. The needs of the more than 5.6 million Palestinian refugees registered with the agency are growing exponentially, but not being matched by increased donor financial support. This has led to an erosion of services and significant strain on the agency's ability to discharge its mandate. By 2030, it is estimated that there will be 8.5 million eligible Palestinian refugees – almost double the figure for 2014 – suggesting that the situation is only going to get worse.³⁰

The funding of UNRWA has also been politicised with the cut of funding by the US Government in 2018 being clearly aligned with its vision of a settlement between Israel and Palestine that ignores the refugees' rights. The funding challenges of UNRWA cannot be attributed solely to the agency losing its largest donor – the US Government – in 2018. Indeed, the agency raised more funds (\$1.26 Bn) in 2018 than in any of the preceding five years because of the unprecedented attention caused by the US Government's decision to stop its funding. In comparison, the amount received in 2019 (\$1.07 Bn) was lower than at any point since 2012, demonstrating the long-term nature of the agency's funding challenges. Since 2015 UNRWA has enacted efficiency and austerity measures that resulted in savings of \$500 million.³¹ On 7 April 2021 the US Government restored its funding with the pledge support of \$150 million. However, this is unlikely to change the long-term decline in funding and UNRWA's financial difficulties are symptomatic of a more general decline in donor funding for the Palestinians. An additional concern for UNRWA is the likely impact in the reduction of funding for the Syrian emergency on which the agency has been reliant in recent years.

The emphasis in the GCR on the need for more timely, predictable, adequate and sustainable funding for refugee responses could not be more relevant than in the case of Palestinian refugees. In addition to calling upon donors to step up their engagement in support of refugees, the GCR also places particular importance on the need to mobilize development assistance – over and above existing levels – to assist host countries and communities that receive refugees.³² In recent years there has been a shift in refugee policy thinking towards viewing protracted displacement situations as much as a development challenge as one to be tackled through humanitarian assistance alone.³³ A humanitarian approach to providing protection and assistance to refugees is not only unsustainable but also inefficient. The aim of the GCR has been to ease the pressure on host countries by strengthening the resilience of refugees and their host communities, particularly through greater development cooperation.³⁴

²⁸ New York Declaration, A/Res/71, para 86, p15.

²⁹ Global Compact on Refugees, A/73/12, para 32, p6.

³⁰ Dumper, M., 'The Future of UNRWA in the Face of Financial Challenges and Political Pressure', Roundtable Briefing Paper, Palestine Economic Policy Research Institute (MAS), August 2020, p4.

³¹ Statement of UNRWA Commissioner-General to the virtual Advisory Commission, 1 July 2021 available at <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-commissioner-general-virtual-advisory-commission>.

³² Global Compact on Refugees, A/73/12, para 32, p6 and para 65, p12.

³³ Zetter, R., 'Reframing Displacement Crises as Development Opportunities', RSC Policy Brief 2014, p2, accessed at <https://www.rsc.ox.ac.uk/files/files-1/pn-reframing-displacement-crises-2014.pdf>.

³⁴ Turk, V., 'The Promise and Potential of the Global Compact on Refugees', *International Journal of Refugee Law*, 2018, Vol 30 (4), p577.

A key turning point has been the World Bank's Global Programme on Forced Displacement (GPDF) – International Development Association (IDA)18 sub-window – which has made available significant funds to support economically and socially sustainable solutions.³⁵ At the conclusion of the current replenishment cycle of the IDA in June 2020, more than \$2 billion had been allocated to some 40 projects benefiting refugees and host communities in 14 eligible countries (including Jordan and Lebanon).³⁶ Other development banks have explored similar measures including the European Bank for Reconstruction and Development and the Asia Development Bank.³⁷ Overall UNHCR estimates that \$6.5 billion has been contributed for development in refugee countries over and above what they received in humanitarian funding.³⁸ Interestingly, UNHCR has not taken World Bank funds itself, but rather it has played a key technical advisory role with regard to host countries that must adopt a protection framework before funds are dispersed.³⁹ As mentioned above, both Jordan and Lebanon were included in the World Bank IDA 18 window but this was largely provided for Syrian, not Palestinian, refugees.

Increased development assistance is certainly not a panacea for dealing with protracted refugee situations. In some contexts, research has shown that donors have not stepped up their levels of development funding in line with their GCR commitments.⁴⁰ The GCR does not contain a mechanism to ensure additional or more predictable development funding, which remains on the basis of voluntary donor contributions.⁴¹ However, the GCR does represent a transformation in thinking about refugee responses in protracted refugee situations, highlighting the inadequacy and costly nature of humanitarian approaches and the effects of neglecting the social and economic development challenges refugees face. The realignment of funding mechanisms available for the refugee response is, therefore, welcome. However, Palestinian refugees have not benefited from this new way of thinking. While the defunct funding model for the support to Palestinian refugees has been widely acknowledged, the modalities have remained largely unchanged.

Although host countries provide significant resources to support Palestinian refugees, the principal responder to their needs is UNRWA, which relies on voluntary contributions from donors to fund its core services through its Programme Budget, its Emergency Appeals for the occupied Palestinian territories (oPt) and Syria, and for individual projects. In January 2020, UNRWA launched an appeal for funds for its 2020 budget of \$1.4 billion⁴² and by the end of the year had again fallen short. Despite UNRWA and its donors being signatories to the Grand Bargain that was launched at the 2016 World Humanitarian Summit to improve humanitarian financing, only a small proportion of

³⁵ See World Bank, 'Forcibly Displaced: Toward a Development Approach Supporting Refugees, the Internally Displaced, and Their Hosts', World Bank, 2017, accessed at <https://openknowledge.worldbank.org/handle/10986/25016>.

³⁶ Triggs, G.D. and Wall, P.C.J., 'The Makings of a Success': The Global Compact on Refugees and the Inaugural Global Refugee Forum', *International Journal of Refugee Law*, 2020, Vol 32 (2), 283–339, p316.

³⁷ For more details see Triggs, G.D. and Wall, P.C.J., n36, p310.

³⁸ Turk, V., n34, p578.

³⁹ Steets, J., Lehmann, J., and Reichhol, U., 'UNHCR's Engagement in Humanitarian-Development Cooperation', GPPI, October 2019, p16.

⁴⁰ Crawford, N. and O'Callaghan, S., 'The Comprehensive Refugee Response Framework: Responsibility-sharing and self-reliance in East Africa', Overseas Development Institute, Humanitarian Policy Group Working Paper, September 2019, p5.

⁴¹ Crawford, N. and O'Callaghan, S., n40, p3.

⁴² This included \$806 million for essential core services and an additional amount of \$155 million for emergency humanitarian aid for the oPt and \$70 million for its Syria Regional Crisis Emergency Appeal, with an estimated \$170 million required for priority projects. See 'UNRWA launches 2020 budget appeal for \$1.4 Billion', 31 January 2020, available at <https://www.unrwa.org/newsroom/press-releases/unrwa-launches-2020-budget-appeal-us-14-billion>.

the agency's funding is provided on a multi-year basis.⁴³ The reality is that at the beginning of each year UNRWA receives annual donor contributions and then forecasts a short-fall that it seeks additional funds throughout the year to bridge the gap. The result is a chronically precarious financial situation with the agency operating for the most part with a cashflow that is only sufficient to cover one to two months of salaries, supplies and other unavoidable costs. Given that most of UNRWA costs are fixed, related to staff salaries and ensuring the on-going operations of more than 700 schools and 165 health clinics, there is little margin to adjust costs to match income without adversely affecting essential services. For the last few years UNRWA has operated in an almost permanent state of financial crisis. The funding model of UNRWA is unsustainable and ill-suited for an agency that is provided three-year mandates from the UN General Assembly and has been in existence for more than 70 years.

There have been several initiatives to resolve UNRWA's funding problems. In 2017, the UN Secretary-General (SG) issued a report that had been requested by the UN General Assembly to make recommendations for more sufficient, predictable and sustained funding of the agency.⁴⁴ The report identified three potential ways to address the funding crisis. First, to increase voluntary contributions by donors (which it was noted made up 94% of the agency's budget) by diversifying the donor base and increasing multi-year funding. Second, to increase the amount of funds received by UNRWA from the assessed budget of the UN (about 4% of the agency's budget). And thirdly, to increase contributions from the international financial institutions (principally the World Bank) although it was noted that they do not typically provide funds directly to UN agencies. Unfortunately, the resolution in the General Assembly to adopt the recommendations of the report was never tabled because of lack of political support (particularly from the US Government) and none of the recommendations were officially implemented. Voluntary contributions and the assessed budget did not increase, and while discussions advanced to establish a World Bank Trust Fund, this did not mobilize increased funds. As noted above, the financial crisis intensified in early 2018 when the US Government cut its funding and has only got worse.

However, the SG's report and subsequent discussions on UNRWA's funding have rarely considered the option of increasing development funding to host countries to expand support to Palestinian refugees, which is the approach proposed by the GCR. To implement the GCR with respect to Palestinian refugees would require not only providing more timely, predictable, adequate and sustainable funding to UNRWA, but also exploring other funding modalities including through official development aid channels to host countries. Indeed, this would be preferable to funding parallel systems such as those implemented by UNRWA. While there is no single solution to improving the funding for Palestinian refugees, applying the GCR could expand access to development aid for host countries, which potentially would be a more sustainable modality than the short-term voluntary contributions to UNRWA. To make such a shift, though, would require a change in the response model for Palestinian refugees which is addressed in the next section.

⁴³ See workstream 7 of the Grand Bargain committed to multi-year funding at <https://interagencystandingcommittee.org/grand-bargain>.

⁴⁴ Report of the Secretary-General, 'Operations of the United Nations Relief and Works Agency for Palestine Refugees in the Near East', 30 March 2017, A/71/849.

3.3 Refugee assistance provided through national services providers

In line with the objective of providing more support to host countries, the GCR promotes the incorporation of the refugee response in national development planning⁴⁵ and, as explained in the previous section, ensuring that there is adequate funding to back this up. In turn, a clear preference is outlined for delivering assistance to refugees through national and local service providers, such as public authorities for health, education, social services and child protection.⁴⁶ As Turk has noted the GCR moves away from:

“parallel systems for refugees, wherever possible. It focuses on strengthening national and local infrastructures to ensure that they can meet the needs of both refugees and their host communities. This enables them to live together in dignity, with access to education, health care, and livelihoods.”⁴⁷

Uganda has often been cited in terms of good practice, with refugees having for a long time benefitted from services such as health and education on a par with nationals and hosted in communities as opposed to camps. Refugees were included in Uganda’s National Development Plan from 2020.⁴⁸ There are other examples of refugee assistance provided through national service providers.⁴⁹ Chad officially converted all refugee community schools into government public schools and enrolled refugee teachers in official teacher training colleges.⁵⁰ In Rwanda, refugees have obtained national identity cards and have access to national health systems, while refugee children are integrated into national primary and secondary education systems. In Kenya, a new education policy aims to integrate refugee children into the national system and refugees are recognised in county development plans.⁵¹ As CRRFs have been rolled out in different contexts, refugee assistance provided through national service providers has been a central theme of GCR implementation.

In comparison to the GCR’s proposed approach, the direct service delivery model of UNRWA is an anomaly. UNRWA is unique amongst UN agencies in having a quasi-governmental service provider status⁵² with a mandate from the General Assembly that provides direct responsibility for the delivery of services that are broadly comparable to those provided by governments. This includes directly managing education, health and social services in parallel to national systems. There are several historical reasons why the operational model of UNRWA developed in this way. In the oPt the occupying power, Israel, has not provided these essential services, even if under international humanitarian law it has the obligation to do so. In the Gaza Strip the *de facto* authorities, Hamas, rely significantly on external assistance to support their impoverished population, which has lived under a blockade for more than a decade. However, the Palestinian Authority (PA) runs schools, health clinics and other services in the West Bank and Gaza Strip, and so beyond the issue of the lack of resources there is no practical reason why they could not also provide the same for Palestinian refugees. In Jordan, Lebanon and Syria, there are even fewer reasons why Palestinian refugees could

⁴⁵ New York Declaration, A/Res/71, para 8, p18.

⁴⁶ Global Compact on Refugees, A/73/12, para 66, p12; New York Declaration, A/Res/71, para 7, p17.

⁴⁷ Turk, V., n34, p578.

⁴⁸ Crawford, N. and O’Callaghan, S., n40, p6.

⁴⁹ Triggs, G.D. and Wall, P.C.J. n36, 283–339.

⁵⁰ Turk, V., n34, p578.

⁵¹ Crawford, N. and O’Callaghan, S., n40, p6.

⁵² Since the 1970s the quasi-governmental character of the UNRWA has increasingly been referred to by the Agency’s Commissioner-General and in other reports of the Agency. See for example the *Annual Report of the Commissioner-General (1 July 1972-30 June 1973)*, Doc. A/9013, para 3.

not be assisted through national service providers rather than the parallel system of UNRWA. In Jordan, as many Palestinian refugee children attend Jordanian schools as they do UNRWA ones. In Syria, Palestinian refugee children have the option to attend government schools, but the superior educational standards keep many of them in UNRWA schools. In Lebanon, Palestinian refugees are denied many of their rights, including access to basic services, but this is because of the failure of the government to fulfill their obligations rather than any practical reasons. In host states, the lack of access for Palestinian refugees to state services is frequently cited as a way that they are discriminated against and their rights undermined. However, providing services to them through a parallel system run by a UN agency, in the form of UNRWA, arguably reinforces this marginalization rather than militating against it.

The reason why the parallel service delivery model of UNRWA persists is ultimately political. The PA and Palestinians themselves would see any transition to national providers away from UNRWA services as an abandonment by the international community who – in many ways – they feel is responsible for their plight. Host countries are reluctant to take on more responsibility for Palestinian refugees as they feel this may perpetuate their presence within their border and the services of UNRWA are politically convenient for them as they are not forced to address the issue. There is also the erroneous concern – elaborated below – that any inclusion of Palestinian refugees in the services of host countries would be tantamount to local integration and therefore undermine their historic right to return. For Palestinian refugees, their identity is constantly affirmed by the delivery of UNRWA services that have been such a stabilizing force in their lives. The political considerations are immense, but the message of the GCR is that the provision of refugee assistance through national service providers is more inclusive with host communities, sustainable in the long-run, and provides better protection for the rights of refugees and therefore should be seriously considered in the context of Palestinian refugees.

The quality of services provided by UNRWA is not in doubt, and Palestinian refugees, in many ways, receive a higher level of assistance than they would through national service providers.⁵³ However, as pointed out above, the UNRWA funding model of direct service provision has become increasingly unsustainable and impossible to finance through voluntary contributions from donors. It has been suggested that providing assistance through national service providers would add an additional financial burden for host countries when they are already suffering economically. Dumper has argued that even Jordan would be unable to cope with replacing the services provided by UNRWA, which would lead to more poverty and insecurity.⁵⁴ However, such propositions are exaggerated and require further investigation and due consideration as part of applying the GCR. The quid pro quo for host countries of taking the risky and politically unpopular step of including Palestinian refugees into their national systems would need to be guaranteed predictable, long-term development funding from the international community. As the last section argued, placing refugee assistance under national service providers that are financed by development aid offers a potentially more sustainable way of funding a response in a protracted refugee situation. Without making such a shift the most likely prospect will be an inevitable further erosion of UNRWA services whose costs will ultimately be borne by the refugees themselves.⁵⁵

⁵³ A World Bank report found that UNRWA schools consistently achieved better results than other state schools in the region.

⁵⁴ Dumper, M., 'The Future of UNRWA in the Face of Financial Challenges and Political Pressure', Roundtable Briefing Paper, Palestine Economic Policy Research Institute (MAS), August 2020, p4.

⁵⁵ Fiddian-Qasmiyeh, E., 'The Changing Faces of UNRWA: From the Global to the Local', *Journal of Humanitarian Affairs*, 2019, Vol 1 (1), 28–41, p34.

There are already precedents for making such arrangements to finance the support to refugees in protracted displacement situations. For example, the Jordan Compact, albeit with more favourable political support, secured billions of dollars in humanitarian and development funding through multi-year grants and concessional loans to Jordan in exchange for its increased school enrolment and work permits for Syrian refugees in the country.⁵⁶ A similar arrangement between Palestinian refugees, host countries and donor governments could be envisaged and be made a central part of a CRRF for Palestinian refugees. Such a transition of responsibilities would in no way imply there would not continue to be a role for UNRWA but – like UNHCR in many other contexts – this would shift in focus to technical support to national authorities and providing protection and assistance in key areas that they are unable to provide. Indeed, for any such transition to succeed it would be critical for UNRWA to retain – and even expand – the provision of services in critical sectors such as livelihoods, protection and social services in which national authorities have lacked capacity. While extremely politically challenging, such a transition to national service providers and realignment of UNRWA services could provide more sustainable support to Palestinian refugees, which is currently lacking. As mentioned earlier with UNRWA shortly about to begin the development of its next five-year Medium Term Strategy (MTS) from 2022, these kinds of reforms should be a central theme for discussion.

3.4 Promoting and supporting refugee self-reliance

The GCR places strong emphasis on supporting the economic self-reliance and social inclusion of refugees so that they can benefit from and contribute to the social and economic well-being of the communities in which they live.⁵⁷ This approach is based on a growing body of research that has shown that when supported with the right policies that promote self-reliance, the presence of refugees can have a positive impact on the economies of hosting countries.⁵⁸ Research from East Africa, for example, has shown positive trends in refugee self-reliance and the potential economic benefits of hosting refugees, albeit with underlying challenges.⁵⁹ Palestinian refugees are in many ways the epitome of self-reliance after enduring more than 70 years of protracted displacement and historical injustice, and repeated crises which they have had to cope with. Looking at self-reliance in terms of strengthening livelihoods and reducing vulnerability, however, they clearly face extreme hardships. For example, the Gaza Strip has the highest reported unemployment rate in the world and Palestinian refugees there have lived under blockade for more than a decade. In the West Bank the policies of Israel as the occupying power have left Palestinian refugees with few economic opportunities and led to a cohort of disaffected youth. In Lebanon, Palestinian refugees have had their right to work severely restricted and limited to a tightly controlled list of 39 approved professions.

As an employer of more than 30,000 Palestinian refugees UNRWA has contributed directly to their self-reliance. It has also made increased livelihood opportunities a strategic priority in its most recent MTS (2016-21) with services including job creation programmes, microfinance credit, cash-for-

⁵⁶ See for example, Barbelet, V., Hagen-Zanker, J., and Mansour-Ille, D., ‘The Jordan Compact: Lessons learnt and implications for future refugee compacts’, Overseas Development Institute (ODI) Policy Briefing, February 2018.

⁵⁷ Global Compact on Refugees, A/73/12, para 64, p12 and para 70-71, page 13; New York Declaration, A/Res/71, para 84, p15.

⁵⁸ Grandi, F., ‘The Global Compact on Refugees: A Historic Achievement’, *International Migration*, 2019, Vol 57 (6), p2.

⁵⁹ Crawford, N. and O’Callaghan, S., n40, p8.

work schemes, and technical and vocational education and training.⁶⁰ While extremely valuable and needed, the number of beneficiaries of these services is quite small (focusing on the most vulnerable groups such youth and women) as compared to the enormous needs.⁶¹ The demands on UNRWA in this area – particularly from host countries – significantly outstrips what the agency has been able to achieve in terms of reducing poverty and expanding economic opportunities for Palestinian refugees. These services have also been the ones at most risk of the funding cuts as the agency has sought to protect its core programmes of education, health, and relief and social services. The application of the GCR would place renewed focus on the need to support the self-reliance of Palestinian refugees. This would include addressing the structural challenges that limit their economic opportunities and promote interventions that have worked in other context including public-private partnerships.

3.5 Refugee camps as the exception

Given the focus on refugee self-reliance and support through national systems, the New York Declaration made clear that refugee camps should be the exception and merely a temporary measure in response to an emergency, and also underlined the importance of ensuring the civilian and humanitarian character of refugee camps and settlements without the presence of armed actors.⁶² The final GCR text was less explicit but nevertheless referred to the importance of pursuing alternatives to camps.⁶³ While there might be times when the establishment of refugee camps is initially necessary, in the long-term they have given rise to security problems and have had a considerable detrimental impact on the socio-economic conditions of the refugees that live in them. The position of the UNHCR has for a long time been that refugee camps should not be viewed as the default settlement option for refugees but rather the exception when other opportunities, such as being hosted in local communities, is not possible.

Many Palestinian refugees still live in official and unofficial refugee camps, which are mostly situated in towns and cities in UNRWA's five areas of operation. In total, approximately 30% of those Palestinian refugees registered with UNRWA live in 358 official refugee camps. While they started out as agglomerations of tents in fields when Palestinian refugees were first displaced more than 70 years ago, they are today located in urban settings and *prima facie* are indistinguishable from the surrounding dwellings. However, they maintain important distinguishing features, including the precarious land tenure arrangements for Palestinian refugees that make it impossible to own their property in Lebanon, while in the oPt *de facto* limitations exist given the policies of Israel as the occupying power. Furthermore, UNRWA is responsible for camp services that are separate to the state-run services found elsewhere. Over the years, complex governance and security structures have been developed to manage the camps. In Lebanon, the national security forces do not enter the camps whose security is left to Palestinian factions and armed groups that exert some form of control but frequently clash. In the West Bank the inhabitants of the Palestinian refugee camps are subjected to daily incursions of the Israel Security Forces (ISF) with frequent confrontations. Numerous camps are seriously over-crowded with Palestinian refugees living in squalid conditions with all the socio-economic and protection challenges that could be expected.

⁶⁰ See UNRWA Medium Term Strategy (2016-21) pages 44-48, available at <https://www.unrwa.org/resources/strategy-policy/medium-term-strategy-2016-2021>.

⁶¹ See UNRWA Annual Operational Report 2018, p38-44, available at <https://www.unrwa.org/resources/reports/annual-operational-report-2018>.

⁶² New York Declaration, A/Res/71, para 73, p14.

⁶³ Global Compact on Refugees, A/73/12, para 54, p10.

While a bastion of Palestinian refugee heritage and identity, the camps they live in represent all the problems of an inadequate form of settlement that the GCR highlights and seeks to avoid. They are a temporary solution to what has become a long-term problem. While UNRWA invests significant resources into camp improvement and providing associated services, it would be far better if Palestinian refugees were offered proper land tenure options and provided the same housing, land and property rights as other individuals in their host countries. While a transformation of Palestinian refugee camps is probably unlikely in the short-term, the application of the GCR would provide renewed focus on the need to improve the conditions of those living in them.

3.6 Registration and documentation

The GCR draws attention to the need to strengthen national capacity for individual refugee registration and documentation, including for women and girls, regardless of marital status.⁶⁴ Palestinian refugees do not undergo refugee status determination unlike other refugees globally under the Refugee Convention, but instead they are registered with the host country to provide them with a legal status, and with UNRWA for the purpose of receiving services. Historically, the definition of a person eligible for registration with UNRWA as a Palestine refugee only recognizes descendants through the male line.⁶⁵ Palestine refugee women who are not married to Palestinian refugee men but rather someone of another nationality risk their children being denied access to UNRWA services. In view of this gender discrimination, and the impact on the spouses and children of Palestine refugee women married to non-refugees, UNRWA extended the eligibility of these individuals to register for UNRWA services (but not the right to pass on registered refugee status) to the husbands and descendants of this category of refugees – so called ‘married to non-refugees’ (MNR) - in 2006.⁶⁶ However, implementing this policy change has faced considerable practical challenges, with variations between and within UNRWA areas of operations. UNRWA’s registration system is also based on the family unit (not individual refugees) and does not officially allow for the registration of single and divorced women whose access to services has also been challenging to ensure, especially in the culturally conservative contexts in which the agency operates where such status is often frowned upon.

The GCR makes clear the need for gender-sensitive approaches to the refugee response⁶⁷ which, applied to the UNRWA registration system, would require the removal of the gender discrimination in favour of the male line and allow for individual registration for all refugees, including for single and divorced women. UNHCR already uses individual, as opposed to family, registration in many contexts and UNRWA should adopt a similar approach. A key impediment to such a move in the UNRWA context has been the potential reaction of host countries given the approach would be inconsistent with their national laws. However, UNRWA is mandated to act in accordance with relevant international human rights instruments and revising its registration system in this way would be consistent with the agency’s Gender Equality Strategy (2016-21).⁶⁸ While such a shift would require significant resources, there is strong support from some donors at least in terms of this being their declared policy, and if adopted, it would represent a major advancement for gender equality for Palestinian refugees.

⁶⁴ Global Compact on Refugees, A/73/12, para 58, p11.

⁶⁵ UNRWA, Consolidated Eligibility and Registration Instructions (CERI), 2009, available at <https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions>.

⁶⁶ UNRWA MTS, n53, p31.

⁶⁷ Global Compact on Refugees, A/73/12, para 74-75, p14.

⁶⁸ UNRWA Gender Equality Strategy (GES) 2016-2021, accessed at <https://www.unrwa.org/resources/strategy-policy/integrating-gender-improving-services-impacting-lives-gender-equality>.

3.7 Reinforce and expand opportunities for solutions

With so many refugees stuck in protracted displacement situations and with historically low numbers of them able to return home, the GCR makes a strong call to reinforce and expand opportunities for solutions. The relevant provisions of the GCR build on established international practice, although with some nuances added. The adopted text makes clear that voluntary repatriation in conditions of safety and dignity, and in full respect for the principle of non-refoulement, remains the preferred solution for refugees.⁶⁹ This matters dearly to Palestinian refugees who strongly hold on to their right to return, in accordance with relevant UN resolutions, despite Israel rejecting this possibility.⁷⁰ Although the GCR probably does not add normatively to what has already been established for Palestinian refugees regarding the right of the return to their places of origin, it is another reaffirmation that this is considered the preferred option. In somewhat of a departure from previous thinking, the GCR recognises that the accomplishment of a political solution is not necessarily a precondition for voluntary repatriation and should not impede the right of refugees to return to their own country.⁷¹ As Chimni has noted, this could be viewed as a potential inherent risk to the principle of non-refoulement, as it might promote the possibility of return when the conditions for safe, voluntary and dignified return have not been met.⁷² Conversely, for Palestinian refugees it could be interpreted as strengthening their right to return even when the Israel-Palestine peace process is at such an impasse, although politically still this appears extremely unlikely.

The GCR also refers to resettlement as another solution for refugees, couching it in terms of a mechanism for burden- and responsibility-sharing in accordance with the overall goal of the GCR.⁷³ The number of refugees that have been resettled has dropped significantly in the last few years, from 126,000 in 2016 to 65,000 in 2017, 56,000 in 2018 and 54,000 departures by end of October in 2019. The travel restrictions brought about by the Covid-19 pandemic have brought resettlement numbers to historically low levels. Nevertheless, resettlement and other alternative pathways remain critical protection interventions for refugees for which greater international action is required. Historically, both the Palestine Liberation Organisation (PLO) and grassroots Palestinian organizations have repudiated resettlement on the grounds that it would undermine their political and national rights as a people, and the right to return which has been a central tenet of the Palestinian nationalist movement since 1948.⁷⁴ However, many Palestinians have successfully pursued third-country resettlement and/or acquired asylum and citizenship in Europe, North America and Latin America, and the issue has taken on a new significance in the context of the Syrian crisis with many vulnerable Palestinian refugees making claims for resettlement.⁷⁵ Given that UNRWA does not have an explicit mandate to support resettlement, and the on-going hostile position of the PLO, Palestinian refugees have found it extremely hard to avail themselves of resettlement opportunities even when they do exist. The UK Government's resettlement scheme for refugees from Syria initially excluded Palestinian refugees, but eventually was changed to include them after the policy was heavily

⁶⁹ Global Compact on Refugees, A/73/12, para 87, p17; also see New York Declaration, A/Res/71, para 11, p19.

⁷⁰ The right of return to modern-day Israel is grounded in international law as it stood prior to 1948 and subsequently, and has been reinforced in numerous GA resolutions, not least General Assembly resolution 194. The acceptance of that resolution was a condition for Israel's admission as a UN member state in 1949.

⁷¹ Global Compact on Refugees, A/73/12, para 87, p17; see also New York Declaration, A/Res/71, para 76, p14.

⁷² Chimni, B.S., 'Global Compact on Refugees: One Step Forward, Two Steps Back', *International Journal of Refugee Law*, 2018, Vol 30 (4), p630.

⁷³ Global Compact on Refugees, A/73/12, para 90, p18.

⁷⁴ Irfan, A., 'Rejecting resettlement: the case of the Palestinians', *Forced Migration Review*, no.54, February 2017, p68.

⁷⁵ Irfan, A., n74, p70.

criticised for being discriminatory. UNRWA has faced increased demands, especially in Lebanon, from Palestinian refugees to be resettled despite the opposition they face from Palestinian authorities.⁷⁶ The fact that neither UNRWA nor UNHCR has an explicit mandate for the resettlement of Palestinian refugees and that they are frequently left out of such schemes represents a major protection gap for those that are extremely vulnerable and require the protection that only resettlement can offer. As Albanese and Takkenberg have argued, the application of the GCR for Palestinian refugees would represent a significant opportunity to explore the scope and limitations of resettlement in the Palestinian context based on the will of the refugees for such resettlement opportunities.⁷⁷

The GCR reiterates that local integration is the third of the durable solutions for refugees. However, it also introduces the additional notion of “local solutions” whereby host countries may elect to provide refugees interim legal stay to facilitate the appropriate economic, social and cultural inclusion of refugees, without prejudice to eventual durable solutions that may become available.⁷⁸ In some contexts, Palestinian refugees are already significantly integrated: in Jordan, the majority of the 2.2 million Palestinian refugees have been granted citizenship and enjoy many (although not all) of the same rights as other Jordanians. Goddard has argued that, if the Refugee Convention were to apply to Palestinian refugees in Jordan, then their claim to refugee status would have already ceased because of the level of local integration.⁷⁹ In Syria, Palestinian refugees have similarly been granted many of the rights accorded to nationals, although they have not received full citizenship and important political and civil rights such as the right to vote.⁸⁰ The same could not be said of Lebanon where they are treated as foreigners and have been denied many basic human rights, especially in relation to the right to work, the ability to own immovable property, and access to social services.⁸¹

There is strong resistance from host countries for any further integration of Palestinian refugees even if there is no prospect of return. While they have been strong advocates for improved living conditions for Palestinian refugees, their resistance is based on the fear that it would perpetuate the stay of Palestinian refugees and undermine their historic right to return. However, under international law, the ending of refugee status for those that wish to locally integrate or be resettled is the consequence of a cessation of their need for international protection and does not affect the rights of return, restitution and compensation established under international law and United Nations resolutions.⁸² In this sense the possibility of local integration should not be viewed with such hostility, but rather as a potential avenue for securing better rights for Palestinian refugees. The notion of “local solutions” introduced in the GCR is particularly germane to the situation of Palestinian refugees. Their protracted displacement has been used as an excuse not to provide them with basic human rights for far too long. The GCR provides a potential vehicle for securing better rights for Palestinian refugees during their displacement without prejudice to them achieving in the long term the durable solution they so choose.

⁷⁶ See for example the statement of the Acting UNRWA Commissioner-General to the 4th Committee of the UN General Assembly on 14 November 2019 at <https://www.unrwa.org/newsroom/official-statements/statement-officer-charge-unrwa-special-political-and-decolonization>.

⁷⁷ Albanese, F. and Takkenberg, L., n24.

⁷⁸ Global Compact on Refugees, A/73/12, para 100, p20.

⁷⁹ Goddard, B., ‘UNHCR and the International Protection of Palestinian Refugees’, *Refugee Survey Quarterly*, 2010, Vol 28 (2 & 3), p493.

⁸⁰ See Erakat, N., ‘Palestinian Refugees and the Syrian Uprising: Filling the Protection Gap during Secondary Forced Displacement’, *International Journal of Refugee Law*, 2014, Vol 26 (4).

⁸¹ See for example, Knudsen, A., ‘Widening the Protection Gap: The 'Politics of Citizenship' for Palestinian Refugees in Lebanon, 1948-2008’, *Journal of Refugee Studies*, 2009, Vol 22 (1).

⁸² Albanese, F. and Takkenberg, L., n24.

Despite the above review of solutions for Palestinian refugees, these have been held hostage to achieving a political solution to the Israel-Palestine conflict. There is a significant gap between the aspirations regarding solutions set out in the GCR and the prospect of such solutions being achieved for Palestinian refugees. There would need to be a significant shift in the political equation to prompt a move away from the current impasse. However, the search for solutions for Palestinian refugees should be detached from the constraints of politics and the asymmetry in power of the parties and be guided by the parameters of international law.⁸³ Indeed, this seems the approach that is being promoted through the GCR. There are many other contexts in which durable solutions for the most vulnerable refugees have been pursued even in the absence of a political settlement. For example, resettlement represents an urgent protection measure for vulnerable refugees who do not have other solutions and is pursued even when conflicts are still active. And yet for Palestinian refugees, durable solutions are in many aspects a taboo subject amongst those actors that have influence over them, which has been to the detriment of the refugees themselves. The application of the GCR to the situation of Palestinian refugees would initiate a fresh exploration of solutions and, as Albanese and Takkenberg have argued, a potential fundamental paradigm shift.⁸⁴

Interestingly, the New York Declaration lists UNRWA alongside UNHCR and other relevant agencies in the section of the text dedicated to solutions,⁸⁵ when UNRWA in fact has no explicit mandate regarding durable solutions. UNHCR only has a durable solutions mandate for Palestinian refugees residing outside UNRWA's areas of operation. The UN Conciliation Commission for Palestine (UNCCP) had a mandate for solutions, but it effectively ceased operations during the 1960s and since then there has been no UN entity that has a mandate dedicated to supporting durable solutions for Palestinian refugees inside UNRWA areas of operation. Kagan has pointed out that it is not the absence of a UN entity with a mandate to support durable solutions for Palestinian refugees that has hindered the achievement of such solutions, but rather the political factors that are the stumbling block.⁸⁶ Nevertheless, if there was a UN entity with an explicit mandate for such a role, it would help advocate for Palestine refugees that require such protection. The GCR provides an opportunity to take a fresh look at such solutions and ensure that there is the institutional arrangement within the UN system to provide predictable support which is currently missing.

3.8 Multi-stakeholder and partnership approach and arrangements for burden- and responsibility-sharing

While recognizing that the primary responsibility in the refugee response lies with states, the GCR promotes a multi-stakeholder and partnership approach involving all relevant actors,⁸⁷ with a particular focus on ensuring complementarity between humanitarian and development assistance.⁸⁸ In addition to the provisions for an enhanced refugee response in the CRRF, the GCR also outlines in its Programme of Action the arrangements for burden- and responsibility-sharing to galvanise international cooperation. In particular, Support Platforms are envisaged to enable context-specific support for refugees and host countries and communities,⁸⁹ while a Global Refugee Forum will be convened (at the ministerial level) every four years for states and actors to make commitments and

⁸³ Albanese, F. and Lilly, D., n26, p83.

⁸⁴ Albanese, F. and Takkenberg, L., n24.

⁸⁵ New York Declaration, A/Res/71, para 13, p19.

⁸⁶ Kagan, M., 'Is there really a protection gap? UNRWA's role vis-à-vis Palestinian refugees', *Refugee Survey Quarterly*, 2010, Vol 28 (2 & 3), p511.

⁸⁷ Global Compact on Refugees, A/73/12, para 33-44, p7.

⁸⁸ Global Compact on Refugees, A/73/12, para 35, p7.

⁸⁹ Global Compact on Refugees, A/73/12, para 23, p5.

pledges towards the implementation of the GCR. Based on CRRF application thus far, the GCR also provides for the involvement of ‘regional and subregional mechanisms and groupings’ in refugee responses where appropriate, which provides precedents for the situation of Palestinian refugees in the Middle East.⁹⁰

At the first Global Refugee Forum, in December 2019, Support Platforms were launched to reinforce three regional refugee responses, namely, the Comprehensive Regional Protection and Solutions Framework in Central America and Mexico (known by its acronym in Spanish, ‘MIRPS’), the Nairobi Process facilitated by the Intergovernmental Authority on Development in the East and Horn of Africa, and the Solutions Strategy for Afghan Refugees that encompasses the Islamic Republics of Afghanistan, Iran, and Pakistan.⁹¹ Building on these precedents, a Support Platform could similarly be activated related to the situation of Palestinian refugees and tasked with developing a CRRF to provide renewed impetus for finding solutions and strengthening protection and assistance in the meantime. Many of the issues outlined in this working paper could be tabled for discussion between all relevant actors including host countries, UN entities, the private sector, non-governmental organizations (NGO) and civil society groups, and most importantly the refugees themselves whose interests would need to be adequately represented. Albanese and Takkenberg have proposed a series of consultations with all stakeholders to inform such a process.⁹²

Currently, the UN General Assembly and the UNRWA Advisory Commission, which meets twice a year, are the only official fora in which the key stakeholders relevant to the situation of Palestinian refugees convene. Unlike the Executive Committee of UNHCR and the Executive Board of UNICEF, the UNRWA Advisory Commission has far fewer decision-making powers and instead provides merely advice to the UNRWA Commissioner-General about the strategic direction of the agency. The need to review the relationship between UNRWA and its Advisory Commission has been noted and a process launched to see how this could be improved.⁹³ During the financial crises UNRWA has faced in the last few years, several high-level donor conferences were organised, but these were dedicated to raising funds so that the agency’s operations could continue. A Support Platform for Palestinian refugees under the GCR could take a more long-term and comprehensive view rather than merely focus on the funding problems. The timeframe of a CRRF on Palestinian refugees could be between 5-10 years and provide a road map for unblocking solutions and focusing services on protection, self-reliance and expanding economic opportunities. Such a Support Platform could also seek to engage a wider group of stakeholders – including for example refugee groups, local authorities, civil society, and the private sector – than are now otherwise currently engaged in addressing the Palestinian refugee situation. Once the CRRF had been developed it would be the responsibility of the sponsoring parties then to report on progress to the Global Refugee Forum that will meet each four years.

⁹⁰ Triggs, G.D. and Wall, P.C.J., n36, p304.

⁹¹ For more details see Triggs, G.D. and Wall, P.C.J., n36, p329.

⁹² Albanese, F. and Takkenberg, L., n24.

⁹³ See Statement of the UNRWA Acting Commissioner-General to the Advisory Commission, 26 November 2019, available at <https://www.unrwa.org/newsroom/official-statements/statement-unrwa-acting-commissioner-general-advisory-commission>.

4 Conclusion

The situation of Palestinian refugees has been worsening for several years and is currently reaching breaking point. While they are receiving important assistance from host countries, UNRWA and other concerned actors, this is clearly not enough to meet their needs, and the modality of the support to them has become unsustainable. When assessed against the key provisions of the GCR, there are significant gaps in the response, which falls short of the standards included, as this working paper has sought to highlight. First and foremost, Palestinian refugees require a political solution to their plight, which must remain the long-term goal. However, a resolution to the refugee question as part of an Israel-Palestine peace deal has never been further from becoming a reality. The fortunes of Palestinian refugees should not be held hostage to these broader political dynamics that have left them marginalized and poorly served. There is clearly a need for a re-think about how the international community assists Palestinian refugees. The goals and aspirations of the GCR apply equally to all refugees in the world and the instrument therefore provides an important framework in which to develop a new approach to improve the protection and assistance for Palestinian refugees. This working paper has provided an initial analysis of the changes that could take place if the GCR were to be applied to the situation of Palestinian refugees. Practically speaking this would require the international community to activate a Support Platform for the development of a CRRF for Palestinian refugees. While this might not be a panacea for the enduring challenges faced by Palestinian refugees, it does deserve due consideration to help better serve them.