

Strengthening UNRWA's Protection Role

The Strategic Assessment (SA) of UNRWA undertaken in 2025¹ highlighted UNRWA's role as "the custodian of Palestine refugee rights". It emphasized the need to strengthen UNRWA's protection role as this "constitutes a core" function that *must remain intact under any future scenario*. This Policy Brief elaborates on this key recommendation and looks at practical ways to implement it.

The SA's recommendation on refugee rights and protection

*"101. Under any scenario, until a just resolution is achieved, UNRWA's unique role as the custodian of Palestine refugee rights and legal identity must be sustained and enhanced at a time when these are under attack, to enable Palestine refugees to claim their right of return and serve the foundations for a just and durable political solution. UNRWA must maintain the refugee registration system and preserve its historical archives, making them available to refugee families. UNRWA's records should be linked with the property records collected by the UNCCP, which contain the most accurate data on properties Palestine refugees left behind in what became the State of Israel. UNRWA should continue to intensify its protection activities, monitoring the status of Palestine refugees and advocating for their rights in accordance with all relevant international law. **These functions constitute a core which must remain intact whatever the full configuration of the Agency in future.**"*

The implementation of this recommendation can take place in the following ways:

The consolidation of UNRWA's archives and refugee registration system

1. UNRWA is in the process of consolidating its refugee registration system and different archives into a data and research centre to be established in Luxembourg. The centre will constitute one of the central repositories of evidence of refugee status, rights and historic claims to return, restitution and compensation. In addition to its moral and symbolical significance, the preservation of these archives and registries serves a legal and practical imperative of protecting the status and identity of Palestine refugees.
2. This will especially be the case once the registration system gets harmonized and synchronised with UNCCP records², as the SA recommended. Combining the UNRWA and UNCCP files will ensure a more complete historical record of the displacement and dispossession of the Palestinian people, including Palestine refugees. The initiative deserves strong support by donors as well as the General Assembly. Palestinians in the region and beyond should also support the initiative.

The acknowledgement of the Nakba and a historical account

3. UNRWA should provide a comprehensive overview of the facts of the origin of the Palestine refugee question, published on its website or in another official format.³ An accurate account of the *Nakba* will provide
 - a. a full understanding of the origin and nature of the ongoing conflict between Israel and Palestine,
 - b. illustrate the historical continuum between the mass displacement and dispossession of the Palestine refugees in 1948 and the subsequent mass displacement and dispossession in Gaza and the West Bank, including East Jerusalem, especially since October 2023.

¹ UNRWA Strategic Assessment - UN80 Initiative, *Report to the Secretary-General, 20 June 2025*.

² For a discussion of the UNCCP property surveys and records, see Fischbach, M.R., *Records of Dispossession, Palestinian Refugee Property and the Arab-Israeli Conflict*, Columbia University Press, 2003.

³ On its website, UNRWA refers to the Palestine refugees as "those displaced during the 1948 war" but does not offer details or context.

- c. Demonstrate how these facts are relevant to the UN's articulation of the Palestine refugees' right to return, restitution and compensation – as enshrined in UN resolution 194.
- d. Explain how the roles of UNCCP, UNRWA and UNHCR are important in the pursuit of solutions to the plight of Palestine refugees.

The reaffirmation of the legal framework applicable to Palestine refugees

4. The question of the rights of the Palestine refugees is often contested and made subordinate to political considerations. To remedy this, the UN General Assembly and UNRWA should reaffirm the relevant legal framework, such as UNGA Resolution 194 of 1948. This would help bring clarity to the collective and individual status of Palestine refugees:
 - a. as refugees,
 - b. often stateless persons,
 - c. at times internally displaced, and
 - d. protected in situations of armed conflict and occupation, and
 - e. as human beings.
5. In this way, the meaning and implications of the various rights applicable to Palestine refugees would be set out comprehensively. This will help counter the denial of the legal foundation of Palestinian refugees' historic rights, including the most controversial one: the right to return. It should also include rights Palestinian refugees should have acquired over time, but that have been denied, often for political reasons, such as the right to citizenship.

The issuing of a Note on UNRWA's Mandate

6. UNRWA should take the initiative to develop a Note on its Mandate, along the lines of that developed by UNHCR in 2013.⁴ The Note should be formulated in such a way as to capture the essence of its work as derived from various General Assembly and Security Council resolutions, and covering any areas where UNRWA considers action is needed to fill a protection gap. If this highlights a need for clarification in order for UNRWA to better serve the refugees, UNRWA could seek such a clarification directly from the General Assembly. UNRWA has done this in the past, when it sought a mandate from the General Assembly to more explicitly engage in protection of Palestine refugees.

The ensuring of international protection until there is a durable solution

7. Only a just and durable solution can end the need for international protection of Palestinian refugees. As recently confirmed by the International Court of Justice, the General Assembly and the Security Council have an obligation to protect the rights of the Palestinian people and to pursue a comprehensive settlement of the conflict [in line with the vision of two States- Israel and Palestine].
8. It should be noted that international law and the unique, permanent responsibility of the UN for the question of Palestine, make the international community legally, politically and morally obligated to support the needs, and to protect the rights, of the Palestinian people, including the Palestine refugees.⁵

The Palestine Refugee Policy Forum is an ad hoc group of independent analysts who seek to generate informed discussion on the future of UNRWA. Participants include Kjersti Berg, Mick Dumper, Mona Ali Khalil, Mezna Qato, Lex Takkenberg and Andrew Whitley

⁴ Note on the Mandate of the High Commissioner for Refugees and His Office, October 2003.

⁵ Imseis, A., *The United Nations and the Question of Palestine, Rule by Law and the Structure of International Legal Subalternity*, Cambridge University Press, 2023.