Why President Trump is correct in defunding a controversial UN agency

September 14, 2018

By Jay Sekulow

The Hill

<https://thehill.com/opinion/international/406596-why-president-trump-is-correct-in-defunding-a-controversial-un-agency>

 [President Trump](https://thehill.com/people/donald-trump)’s decision to defund the United Nations Relief and Works Agency (UNRWA) is, of course, the right move from a legal perspective, but lest there be any confusion, it also is the just and empathetic response towards an organization that long has done a disservice to the very population it was meant to be helping. Unfortunately, op-eds [such as the one Mr. Benjamin Schiff wrote](http://thehill.com/opinion/international/406306-defunding-aid-for-palestinian-refugees-is-not-a-road-to-peace) criticizing the decision while ignoring facts, misstating law, and using circular logic, continue that same disservice.

To briefly review the relevant facts and the law, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was founded in 1949 through United Nations General Assembly [Resolution 302](https://www.unrwa.org/content/general-assembly-resolution-302)at the conclusion of the Arab-Israeli Conflict of 1948 to “alleviate the conditions of starvation and distress among the Palestine refugees” from that conflict. According to UNRWA’s Consolidated Eligibility and Registration Instructions (CERI), Palestinian refugees are “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”

In 1965, UNRWA changed the eligibility requirements to be a Palestinian refugee to include third generation descendants, and in 1982 changed it again, to include all descendants of Palestine refugee males, including legally adopted children regardless of whether or not they have been granted citizenship elsewhere. This classification process is inconsistent with how all other refugees in the world are classified, including the [definition used by](https://www.unrefugees.org/refugee-facts/what-is-a-refugee/) the United Nations High Commission on Refugees (UNHCR) and the [laws concerning refugees](https://www.americanimmigrationcouncil.org/research/overview-us-refugee-law-and-policy) in the United States.

Mr. Schiff is correct that UNRWA had no right to change these definitions; that is precisely why it is so disturbing that it did so anyway. Twice.

Under [Article I(c)(3)](https://cms.emergency.unhcr.org/documents/11982/55726/Convention%2Brelating%2Bto%2Bthe%2BStatus%2Bof%2BRefugees%2B%28signed%2B28%2BJuly%2B1951%2C%2Bentered%2Binto%2Bforce%2B22%2BApril%2B1954%29%2B189%2BUNTS%2B150%2Band%2BProtocol%2Brelating%2Bto%2Bthe%2BStatus%2Bof%2BRefugees%2B%28signed%2B31%2BJanuary%2B1967%2C%2Bentered%2Binto%2Bforce%2B4%2BOctober%2B1967%29%2B606%2BUNTS%2B267/0bf3248a-cfa8-4a60-864d-65cdfece1d47) of the United Nations Convention Relating to the Status of Refugees, a person no longer is a refugee if, for example, he or she has “acquired a new nationality, and enjoys the protection of the country of his new nationality.” UNRWA’s definition of a Palestinian refugee, which is not anchored in treaty, includes no such provision.

Under Article 101(a) of the Immigration and Nationality Act ([8 U.S.C. 1101(a)](https://www.law.cornell.edu/uscode/text/8/1101)) and the requirements for eligibility for refugee status under such act, derivative refugee status may be extended only to the spouse or minor child of such a refugee; an alien who was firmly resettled in any country is not eligible to retain refugee status.

Those are the laws. Here are the facts:

Since the end of World War II, the UNHCR — whose mandate is to protect refugees, forcibly displaced communities and stateless people, and assist in their voluntary repatriation, local integration or resettlement to a third country — has helped tens of millions of people resettle. Mr. Schiff is right that currently UNHCR is unable to help the Palestinians because they are being offered “assistance” by another agency, UNRWA. What he fails to see is that this is exactly why the president needed to defund UNRWA.

The only refugees who do not fall under the UNHCR, and instead have their own agency, are the Palestinians and UNRWA. While the UNHCR has resettled millions, UNRWA has resettled no one. Instead, using their own metrics, the number of refugees has grown exponentially while UNRWA has become one of the largest U.N. agencies with 30,000 personnel and a $1.45 billion budget. UNRWA [spends roughly four times](https://www.ynetnews.com/articles/0%2C7340%2CL-5008515%2C00.html) the amount per refugee that UNHCR does.

This is so even though many of the UNRWA “refugees” are not actually refugees at all under the standard international definition of that term. For example, of the 2 million “Palestinian refugees” in Jordan, the majority have been [granted Jordanian citizenship](https://fanack.com/jordan/population/). Under the current unsustainable model, the number of refugees will keep growing exponentially every few years. As a result, these failed policies have served to perpetuate and exponentially increase suffering and displacement.

Putting aside well-established facts about how UNRWA actually operates, including the fact that it overlooks reported [terrorist group activity](https://www.gatestoneinstitute.org/8511/palestinians-refugee-camps) in some of its camps; allowed [members of Hamas](https://newsok.com/article/feed/1174742/un-suspends-gaza-staffer-amid-allegations-of-hamas-ties) and other terrorist groups [to hold UNRWA staff positions](http://www.romirowsky.com/796/how-unrwa-supports-hamas); teaches children to demonize and delegitimize Israel [using violent propaganda](https://www.jpost.com/Arab-Israeli-Conflict/Palestinian-text-books-in-UNWRA-schools-reportedly-teach-of-killing-Jews-472012); and uses false images to stir up hatred against Israel, UNRWA is the only refugee agency in the world whose purpose is not to resettle refugees and help them go on with their lives.

The United States has been UNRWA’s [biggest donor](https://www.unrwa.org/how-you-can-help/government-partners/funding-trends/donor-charts) since its inception, and contributes a disproportionate amount towards Palestinian refugees compared to other refugees around the world. What the president wants is for the United States to support UNRWA’s original and intended purpose to resettle refugees from the Arab-Israeli Conflict of 1948 under the internationally recognized definition of refugees that applies in every other instance.

Another red herring that Mr. Schiff provides: Of course it is true that the United States sends money to Israel, a massive trading and defense partner and important ally. Defunding UNRWA in no way is the same as denying funding to the Palestinian people. It is precisely by directing this money to other U.N. institutions — agencies with a track record of actually helping and not directly funneling the money into the back pocket of [Hamas and Palestinian Authority](https://www.forbes.com/2009/01/16/gaza-hamas-funding-oped-cx_re_0116ehrenfeld.html#6585b5917afb) leaders — that the Palestinian people will receive the most help.

Interestingly, when the United States announced a cut to UNRWA’s budget, it was Hamas, the U.S.-designated terrorist agency, that was [first in line to demand](https://www.aa.com.tr/en/middle-east/palestine-s-hamas-calls-on-un-to-approve-unrwa-budget/1186970) that the UN keep the financial spigot on.

Mr. Schiff is correct that defunding UNRWA breaks with historic U.S. policy. This is because, demonstrably, the previous policy has not worked. For the Palestinians’ sake, let’s hope that this policy provides the actual refugees with the assistance that they need.