



unrwa
الونروا

the un agency for
palestine refugees

وكالة الأمم المتحدة
للاجئين الفلسطينيين

department of
legal affairs
unrwa headquarters

bayader wadi al-seer
po box 140157
amman 11814
jordan

t +972 2 589 0227
f +972 2 589 0239

www.unrwa.org

To: Ms. Stephanie Motz
Rights in Switzerland and Europe
Langstrasse 113
Postfach 8666
CH-8603 Zurich

cc: United Nations High Commissioner for Refugees
Office for Switzerland and Liechtenstein
Weltpoststrasse 4
CH-3015 Bern

9 July 2021

To whom it may concern,

This letter is provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (“UNRWA” or “the Agency”) to Ms. Stephanie Motz at her request in relation to the appeal against decisions F-3785/2019, F-3786/2019 and F-3788/2019 of the Swiss Federal Administrative Court. It will set out the Agency’s mandate and detail the services that the Agency is able to provide to Palestine refugees focusing on Syria, and the limitations thereto. The information provided is of a general nature and does not pertain to the particular circumstances of the individual claimants in the above-mentioned cases.

UNRWA’s mandate

UNRWA was established on 8 December 1949 by resolution 302 (IV) of the United Nations General Assembly to carry out direct relief and works programmes for Palestine refugees following their displacement and dispossession as a result of the 1948 Arab-Israeli conflict.ⁱ In the absence of a just and durable solution to their plight, the General Assembly has repeatedly renewed UNRWA’s mandate, most recently by resolution 74/83 of 13 December 2019 extending it until June 2023.ⁱⁱ The Agency today provides assistance to some 5.7 million registered Palestine refugees located within its five fields of operations (being Jordan, Lebanon, Syria, West Bank, including East Jerusalem, and Gaza).ⁱⁱⁱ UNRWA does not have a mandate to operate outside of these five fields, and therefore does not have offices or offer services in Switzerland.

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UNRWA pursues its mission within its five fields of operations through the provision of humanitarian assistance and mandated services. Those mandated services are concerned with:

- Basic education,
- Primary health care,
- Relief and social services,
- Infrastructure and camp improvement, and microcredit, and,
- Emergency assistance, including in situations of armed conflict.

The Agency contributes to the protection of Palestine refugees both through its service delivery and by advocating for their rights with relevant stakeholders. UNRWA does not have a mandate to seek durable solutions for Palestine refugees.

It is important to note that UNRWA does not manage refugee camps and is not responsible for protecting the physical safety or security of Palestine refugees or maintaining law and order in UNRWA's five fields of operations. The responsibility for ensuring the physical security of Palestine refugees residing in any of UNRWA's five fields of operations falls within the sovereignty and responsibility of the respective host government.

UNRWA registers Palestine refugees for the purpose of receiving UNRWA services and assistance based on established criteria for registration, which are set out in the Agency's 2009 Consolidated Eligibility and Registration Instructions ("CERI").^{iv} Registration with UNRWA based on these criteria does not confer any legal status, nor does it operate as a form of personal identification, proof of nationality or lack thereof. The host state or authorities – not UNRWA – will control the legal status of Palestine refugees within state borders, including their right to lawfully enter or reside within the relevant area and authority to access public services and other entitlements, including the right to work, right to freedom of association, access to courts, and social protection schemes, including access to social security. Registration with UNRWA does not place an obligation on the host state or authorities to provide government services to Palestine refugees, or legal status through which they may access the above-mentioned rights. UNRWA does not pronounce on whether an individual is a national of any country, nor is UNRWA mandated to do so.

Identity and travel documents for Palestine refugees from Syria

Regarding the issuance of identity and travel documents to Palestine refugees from Syria, kindly note that, as stated above, the legal status and ability of Palestine refugees to obtain travel and other official documents is a matter for the relevant Syrian authorities. While UNRWA understands that travel documents may be issued by the Syrian authorities to

Palestine refugees who are registered with the General Authority of Palestinian Arab Refugees (**GAPAR**), the Agency is not able to make any authoritative statement on such practice. Further, while the Agency has a bilateral agreement with Syria regarding the basis for UNRWA operations, and its privileges and immunities in Syria, it should be stressed that this agreement does not include any provision on the legal status of Palestine refugees from Syria, and registration with the Agency therefore does not oblige the authorities to provide them with any official documentation such as identity or travel documents.

UNRWA also does not have an agreement with the League of Arab States (LAS) that obliges these States to issue travel documents to Palestine refugees. There is a LAS resolution from 1965 on the “Protocol for the Treatment of Palestinians in Arab States” (Casablanca Protocol)^v, which calls upon its signatories to provide a certain standard of treatment to Palestinians, however, UNRWA is not a party to this Protocol as this would be outside the Agency’s mandate since, as mentioned above, registration with UNRWA does not confer legal status.

UNRWA activities and services in Syria with focus on Damascus area

UNRWA pursues its mission in Syria through the provision of essential services and humanitarian assistance to Palestine refugees since it started its field operations in 1950. The Agency’s services in Syria include cash assistance for essential needs, including food, shelter, and non-food items, basic education, primary health care, emergency relief, microfinance, shelter and infrastructural support.

Since the start of the Syrian conflict in 2011, service provision has been severely affected. UNRWA has regularly reported on the impact of the conflict on its operations, staff, beneficiaries, and level of services available in Syria.^{vi} In 2013 and 2014, the Agency reported on the impact of the escalating conflict on its operations, including conflict-related damage to its facilities, which heavily limited the availability of essential services provided by UNRWA and aggravated the humanitarian crisis felt by Palestine refugees.^{vii} By 2013, of 118 schools run by UNRWA, 58 were closed in Damascus due to deteriorating security conditions and armed conflict in Palestine refugee camps,^{viii} and ten health centres were inoperable due to conflict-related damage or access difficulties for staff and patients.^{ix} In 2014, UNRWA reported that Damascus and the surrounding suburbs continued to experience intense armed engagements throughout the year,^x and humanitarian access was severely hampered in several areas where armed opposition groups were present.^{xi} UNRWA further reported on restrictions on freedom of movement, and numerous checkpoints set up in and around Damascus.^{xii} In addition, UNRWA’s emergency appeal received only 53 per cent of funding requirements in 2014, necessitating a reduction in individual assistance.^{xiii} As UNRWA reported, “2014 was marked by unimaginable levels

of violence in Syria, inflicting profound suffering on civilians and resulting in one of the worst humanitarian disasters in decades. Palestine refugee communities are disproportionately affected by the conflict, with over half of them internally or externally displaced and with all camps and gatherings experiencing armed violence at some point of the crisis.”^{xiv}

Affected areas included Qaboun^{xv} in the North East of Damascus, where the individual claimants in cases F-3785/2019, F-3786/2019 and F-3788/2019 were registered with the Agency as residing. The United Nations reported intense attacks on Qaboun and other opposition positions in the outskirts of Damascus from 2013, causing significant destruction, including loss of homes, reported demolition of homes and restrictions on civilian movement.^{xvi} The closest UNRWA service point ‘Alliance’ in central Damascus is approximately 11 kilometers from Qaboun, and was at the time a government controlled area; Qaboun was also subsequently classified as besieged in 2017 amidst reports of further destruction of homes and displacement.^{xvii}

The situation in Syria remains highly insecure to date, with the Palestine refugee population having been gravely affected by the conflict and vulnerable in the extreme. UNRWA has sustained conflict-related property losses in the millions of dollars since hostilities began in 2011. Assessments carried out in late 2018 indicated that almost all Agency installations were in need of major rehabilitation, and many had been severely damaged and were in need of reconstruction.^{xviii} To date, many UNRWA installations in Syria remain inaccessible or have sustained severe damage as a result of the conflict – 40 per cent of UNRWA classrooms have been lost and almost 25 per cent of the Agency’s health centres are currently unusable.^{xix} Despite these challenges, UNRWA continues to provide the above-mentioned services to 463.000 Palestine refugees in Syria, 90 per cent of whom live in poverty and are dependent on UNRWA assistance. It should be noted that UNRWA services in Syria do not include housing assistance.^{xx}

The level of services that UNRWA is able to provide depends on the Agency’s funding situation, which is largely dependent on voluntary contributions by States, and may not correspond to the needs of families that have increased since the onset of the economic crisis amidst the conflict in Syria. For 2021, UNRWA’s Syrian regional crisis emergency appeal requiring USD 318 million, among others, foresees the provision of emergency food assistance in the form of three food baskets a year, and cash assistance in the amount of 27 USD or 16 USD per person per month depending on their level of vulnerability, to 418.000 beneficiaries, with priority given to 140.000 persons assessed as most vulnerable (female headed households, families with persons with disabilities, families headed by an older person and unaccompanied minors/orphans).^{xxi} However, the Agency draws attention to the severe funding shortfalls it has faced in 2020, putting at stake the continuity of its vital

services. In 2020, the impact of the funding gap was particularly severe for the Agency's emergency operations inside Syria, which only received US\$ 63.3 million (27.9 per cent) of the required US\$ 212.8 million. As a result, the amount of monthly cash assistance provided to Palestine refugees in Syria had to be reduced from the planned 28 USD per month to 14 USD for the most vulnerable and from 14 USD per month for vulnerable refugees to 9 USD. Underfunding also undermined the delivery of livelihoods and vocational training opportunities and only allowed for minor repair works to be conducted on UNRWA installations damaged during the conflict. Protection activities in Syria were also constrained with most activities having to be implemented under project funds.^{xxii}

In closing, the Agency takes this opportunity to note that nothing in or related to this letter shall be deemed a waiver, express or implied, of any of the privileges and immunities accorded to UNRWA under international law.

Sincerely,

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Ana Peyró Llopis
Acting Director, Department of Legal Affairs
UNRWA

ⁱ United Nations General Assembly resolution 302 (IV), "Assistance to Palestine refugees", 8 December 1949, paragraph 7.

ⁱⁱ United Nations General Assembly resolution 74/83, "Assistance to Palestine refugees", 13 December 2019, paragraph 7 (UN Doc. A/RES/74/83).

ⁱⁱⁱ UNRWA, Registered Population Dashboard, available at: <https://www.unrwa.org/what-we-do/relief-and-social-services/unrwa-registered-population-dashboard>

^{iv} UNRWA, Consolidated Eligibility and Registration Instructions, 2009, available at: <https://www.unrwa.org/resources/strategy-policy/consolidated-eligibility-and-registration-instructions>

^v League of Arab States Protocol on the Treatment of Palestinians in Arab States (Casablanca Protocol), 11 September 1965, available at: <https://www.refworld.org/docid/460a2b252.html>

^{vi} UNRWA has issued numerous statements and press releases on the impact of the conflict in Syria on its staff, beneficiaries, operations, and services, which can be found online at: <https://www.unrwa.org/newsroom>.

^{vii} UNRWA statement, "UNRWA deplores the violence in Dera'a refugee camp in Southern Syria, which reportedly claimed the lives of Palestine refugees and severely damaged UNRWA's health centre and women's programme centre", 14 October 2013, available at: <https://www.unrwa.org/newsroom/official-statements/unrwa-deplores-violence-dera%E2%80%99-refugee-camp-southern-syria-which>

^{viii} UNRWA, The Syrian catastrophe: socioeconomic monitoring report, first quarterly report (January - March 2013), page 26, available at: <https://www.unrwa.org/sites/default/files/2013071244355.pdf>

^{ix} UNRWA, Syria crisis response annual report, 2013, page 21, available at:

https://www.unrwa.org/sites/default/files/syria_crisis_response_annual_report_2013_1.pdf

^x Report of the Commissioner-General of [UNRWA] to the United Nations General Assembly, 1 January-31 December 2014, paragraph 11 (UN Doc. A/70/13), available at:

https://www.unrwa.org/sites/default/files/report_of_the_unrwa_commissioner-general_to_the_un_general_assembly_2014_eng_updated.pdf

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- ^{xi} UNRWA, 2014 Syria crisis response annual report, 1 January to 31 December 2014, page 8. available at: https://www.unrwa.org/sites/default/files/syria_crisis_response_annual_report_2014.pdf
- ^{xii} Report of the Commissioner-General of [UNRWA] to the United Nations General Assembly, 1 January-31 December 2012, General Assembly (UN Doc. A/68/13), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N13/290/81/pdf/N1329081.pdf?OpenElement>; see also for instance Report of the Commissioner-General of UNRWA to the United Nations General Assembly, 1 January-31 December 2014, paragraph 49 (UN Doc. A/70/13), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/098/31/pdf/N1509831.pdf?OpenElement>; see also
- ^{xiii} UNRWA, 2014 Syria crisis response annual report, page 3, available at: https://www.unrwa.org/sites/default/files/syria_crisis_response_annual_report_2014.pdf
- ^{xiv} Ibid, page 7.
- ^{xv} Qaboun may also be spelled as Qabun or Qaboon.
- ^{xvi} OCHA, Regional Analysis Syria, 26 June 2013, Part 1 Syria, pages 25-26, available at : <https://reliefweb.int/sites/reliefweb.int/files/resources/r-regional-analysis-for-syria--part-i-syria-june-2013.pdf>; Report of the independent international commission of inquiry on the Syrian Arab Republic, 5 February 2013, paragraphs 16, 35 and 160 (UN Doc. A/HRC/22/59), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/106/27/pdf/G1310627.pdf?OpenElement>;
- ^{xvii} Report of the UN Secretary General, Implementation of Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014), 2258 (2015) and 2332 (2016), 23 May 2017 (UN Doc. S/2017/445) p. 6; Reach, Syria Community Profile Update: Qaboun, December 2017, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/reach_syr_factsheet_community_profile_update_qaboun_december2017.pdf
- ^{xviii} Report of the Commissioner-General of [UNRWA] to the United Nations General Assembly, 1 January-31 December 2019, paragraph 62 (UN Doc. A/75/13), available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/222/10/pdf/N2022210.pdf?OpenElement>
- ^{xix} See “UNRWA Deputy Commissioner-General Leni Stenseth concludes first visit to Syria, calls for increased services for Palestine refugees”, 7 May 2021 available at: <https://www.unrwa.org/newsroom/press-releases/unrwa-deputy-commissioner-general-leni-stenseth-concludes-first-visit-syria>; and, “Syria: 10 years of multiple hardships for Palestine refugees”, 15 March 2021, available at: <https://www.unrwa.org/newsroom/press-releases/syria-10-years-multiple-hardships-palestine-refugees>
- ^{xx} UNRWA, 2021 Syria regional crisis emergency appeal, page 3, available at: <https://www.unrwa.org/resources/emergency-appeals/syria-regional-crisis-emergency-appeal-2021>
- ^{xxi} Ibid, page 15.
- ^{xxii} UNRWA, Annual Operational Report 2020, for the reporting period 01 January - 31 December 2020, in particular pages 95-96, forthcoming at www.unrwa.org.