



EXPOSING & REFORMING UNRWA

Fomenting Violence: The Consequences of Unbridled U.S. Funding of the United Nations Relief Works Agency for Palestine Refugees in the Near East

I. INTRODUCTION

The United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) is currently petitioning donor nations to increase to their funding of the organization. July 22, 2013 saw the launch of a new public fundraising and awareness campaign for Palestinians in Syria and Gaza.¹ UNRWA's contemporary mandate charges the Agency with the provision of relief, human development, and protection services for Palestinian refugees.² However, UNRWA's screening practices for beneficiaries and broader financial practices put them in potential violation of two U.S. laws, while their education system, rife with the promotion of violence, teaches a war curriculum to innocent Palestinian children and violates precepts of the United Nation's Convention on the Rights of the Child in addition to other international law. The United States is one of the largest donor nations to UNRWA, contributing more than USD 232 million in 2012 alone, and has the power to condition its funding on UNRWA's cessation of illegal activity. In sum, continued unbridled funding of UNRWA results in the use of U.S. taxpayer dollars to teach Palestinian children to revere suicide-homicide bombings, effectively grooming these children for recruitment by terrorist groups like Hamas.

II. UNRWA'S MISSION

A. Redefining "Refugees"

In operation since 1950, UNRWA is the United Nations organization responsible for providing basic services for eligible Palestinian refugees in Gaza, the West Bank, Lebanon, Jordan, and Syria. UNRWA's education, health, relief, and social services are available to individuals who meet the Agency's expansive definition of "Palestinian refugee," which UNRWA defines as any person 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

¹ <http://unrwa.org/etemplate.php?id=1830>

² <http://www.unrwa.org/etemplate.php?id=87>

of the 1948 conflict . . . and *descendants* of fathers fulfilling the definition."³ This definition of refugees starkly contrasts with the definition employed by the United Nations High Commissioner for Refugees (UNHCR), the organization responsible for the protection of all other refugees worldwide. The UNHCR more accurately defines a refugee as an individual who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country."⁴ The most notable difference between these definitions is their relative positions with respect to descendants of refugees: UNRWA's definition, unlike that of the UNHCR and without any legal precedent, automatically includes all patrilineal descendants, a practice which inflates the number of individuals under UNRWA's care from approximately thirty thousand to a number approaching five million and growing every year, *ad infinitum*.⁵

B. Program & Budget

UNRWA's core program budget for the 2012–2013 biennium is USD 1.3 billion, more than half of which is spent on education.⁶ As of January 2012, the program educates nearly 500,000 students at 699 schools.⁷ In connection with these educational efforts, UNRWA also promotes their "Human Rights Conflict, Resolution, and Tolerance" (HRCRT) policy, implemented in 2000, which purports to embrace principles such as human dignity, equality, non-discrimination, and tolerance.⁸

In addition to its school programs, UNRWA has been running summer camp programs for Palestinian children in the Gaza Strip since 2007.⁹ While the 2012 program was cancelled due to lack of funds, "UNRWA Summer Fun Weeks" returned in 2013.¹⁰ Since 2010, UNRWA has also hosted "Summer Fun Days" in the West Bank, an initiative funded by the European Union.¹¹ The UNRWA website promotes these summer camp programs as providing "a safe place for children to play and learn the universal values of human rights, tolerance, and gender equality."¹² A video produced by UNRWA, titled "Summer Games 2011," paints a similarly pleasant picture, with children partaking in traditional summer camp activities: learning to swim

³ <http://www.unrwa.org/etemplate.php?id=87> (emphasis added)

⁴ <http://www.unhcr.org/pages/49c3646c125.html>

⁵ http://www.americanthinker.com/2012/07/refugee_or_not_refugee_no_longer_a_question.html. An expert has shown that there are at least eight cases where UNHCR allows descendants of refugees to inherit the parents' refugee status. The key difference with UNRWA is that it is the only refugee agency to aggressively promote the supposed "right of return" as a core issue of its curriculum and as a central message communicated regularly by UNRWA to the residents of UNRWA camp facilities. In terms of the number of Palestinian refugees that UNRWA claims that it is responsible for, Michael Kingsley-Nyindah, director of the executive office of UNRWA, declared in a speech in Jerusalem in February 2009 that UNRWA is responsible for eight million Palestinian refugees, including Palestinian refugees currently living in various countries around the world.

⁶ <http://www.unrwa.org/etemplate.php?id=248>

⁷ <http://www.unrwa.org/etemplate.php?id=32>

⁸ <http://www.unrwa.org/etemplate.php?id=92> and <http://www.unrwa.org/userfiles/2013060633922.pdf> pg. 8

⁹ <http://www.unrwa.org/etemplate.php?id=70>

¹⁰ <http://www.unrwa.org/etemplate.php?id=1782>. According to UNRWA, the 2013 camps were made possible by financial support from the Finnish government.

¹¹ <http://www.unrwa.org/etemplate.php?id=1804>

¹² <http://www.unrwa.org/etemplate.php?id=1563>

at the beach, racing in potato sacks, playing tug-of-war, and striving to beat world records in events like kite flying, soccer ball dribbling, and handprint painting.¹³

III. HATE EDUCATION & RADICALIZATION OF PALESTINIAN CHILDREN

A. *UNRWA Schools: War Curriculum Teaching Extremism, Extremism Anti-Semitic/Anti-Israel Rhetoric, Hiring Terrorists for Teaching Positions*

While UNRWA describes the aforementioned initiatives as positive developments for Palestinian children, these programs are in fact nefarious and dangerous. For example, studies have shown that UNRWA schools teach from textbooks that encourage suicide-homicide “martyrdom” and jihad (holy war against “infidels”) and demonize non-Muslim cultures. In addition, UNRWA has hired staff teachers with ties to designated terrorist organisations such as Hamas and Palestinian Islamic Jihad.

All UNRWA schools teach the curriculum provided by their host countries and authorities. With respect to UNRWA schools in Gaza and the West Bank, the Palestinian Authority (PA) is responsible for curriculum content. In a recent study of the PA textbooks used in UNRWA schools, Dr. Arnon Groiss identified multiple instances in which the concepts of jihad and martyrdom were promoted. For example, the translation of a poem in the 2011 fifth grade textbook *Our Beautiful Language* reads, “We shall return to the homes, to the valleys, to the mountains/Under the flag of glory, Jihad and struggle/With blood, sacrifice [fida’], fraternity and loyalty/We shall return.”¹⁴ *Reading and Texts*, a 2009 eighth grade book, goes even further: “O brother, the oppressors have exceeded all bounds and Jihad and sacrifice [fida’] are imperative”¹⁵ In 2011, the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-SE) conducted a study, the fourth chapter of which examined the indoctrination into martyrdom present in the PA texts.¹⁶ One excerpt from a ninth grade reading textbook exemplifies this trend: in an exercise where students are asked to connect two sentence, a correct answer links the phrase “Morning of glory and red redemption, nourished by the blood of Martyrs” with the concept of “hope for the liberation of Palestine.”¹⁷ The IMPACT-SE study also examined the attitudes towards the West presented in the books and found them to be predominantly negative; the West was portrayed as materialistic, imperialistic to the detriment of Muslim countries, and as a power “threatening to eradicate Muslim culture.”¹⁸ Additionally, an Al-Tarbiya al-Islamiyya (Islamic Education) fifth-grade textbook dedicates an entire chapter to shahids (martyrs) and their importance for the Muslim nation. It tells the tale of Sumayya bint Khayyat, the first female shahid in Islam, and Al-Khansaa, the mother of shahids, whose four sons were killed in battle after she encouraged them to fight and show courage in order to gain

¹³ <http://www.youtube.com/watch?v=aGD60Mp0a5k>

¹⁴ *Our Beautiful Language*, Grade 5, Part 1 (2011) p. 50;
<http://israelbehindthenews.com/library/pdfs/RightofReturninUNRWASchools.pdf>
(scans - <http://israelbehindthenews.com/bin/content.cgi?ID=5560&q=1>)

¹⁵ *Reading and Texts*, Grade 8, Part 1 (2009) p. 66; poem titled “Palestine” by Ali Mahmoud Taha
<http://israelbehindthenews.com/library/pdfs/RightofReturninUNRWASchools.pdf>
(scans - <http://israelbehindthenews.com/bin/content.cgi?ID=5560&q=1>)

¹⁶ *Israel, the West, Women and the Environment in Palestinian Textbooks: An Analysis of Palestinian Authority Textbooks, Grades 1-12* (2011) <http://www.impact-se.org/docs/reports/PA/PA2011.pdf>

¹⁷ *Id.* at 46 (*Reading and Text*, Grade 9, Part 1 (2010), pages 20-21, 24)

¹⁸ *Id.* at 55

honor in paradise. When she found out they had died, she thanked God for honoring her with their deaths for his sake.¹⁹

Both studies also detail the coverage in the PA texts of the "right of return," a concept asserting that it is an inalienable right of all Palestinian refugees (that is, both original refugees and their descendants) to return to live within Israel's borders. This principle, if fully applied, would result in the destruction of Israel as a Jewish state²⁰ and the end of the right of the Jewish people to self-determination as recognised by the UN partition resolution of 1947.²¹ The promotion of sentiments such as these within UNRWA schools perpetuate the current state of hostilities, are violations of the children's basic right to protection from harmful influences, and run counter to American security interests.

Furthermore, the Center for Near East Policy Research, in cooperation with a Norwegian newspaper, conducted a study of the ten books issued by UNRWA under its self-described "human rights" curriculum. The study showed these textbooks to be devoid of any adherence to basic principles of respect for human rights and civil liberties of Israelis and without any relevance to the Arab-Israeli war.²²

In addition to the harmful content of UNRWA's textbooks, UNRWA employs members of designated foreign terrorist organizations as teachers. This practice enables the indoctrination of innocent Palestinian children towards violence as well as direct recruitment by such terrorist groups. Awad Al-Quid, for instance, served as deputy headmaster at UNRWA's Rafah Prep Boys School in Gaza, worked as part of a rocket engineering squad for Palestinian Islamic Jihad (PIJ). Following his death in an Israeli airstrike in 2008, the PIJ praised Al-Quid as a martyr, hanging a poster outside of the school at which he taught. Said Seyam, a math and science teacher at UNRWA schools from 1980 to 1993, was one of the top five Hamas leaders in Gaza and arrested four times during his tenure in UNRWA schools.²³ UNRWA schools have also produced several Hamas leaders, including Ismail Haniyeh, Prime Minister of the Hamas Gaza government.²⁴ Even more concerning, forty-one UNRWA students and graduates became suicide bombers, resulting in eighty-three deaths and more than four hundred injuries.²⁵ Additionally, perhaps the most significant direct influence of Hamas on UNRWA education occurred when

¹⁹ http://www.terrorism-info.org.il/data/pdf/PDF_06_040_2.pdf

²⁰ As of December 2012, the Israel Central Bureau of Statistics listed the population of Israel at 7,981.4 million, with 6,014.2 - approximately 75% - of the population being Jewish (see <http://www1.cbs.gov.il/publications13/yarhon0413/pdf/b1.pdf>). Allowing an unlimited right of return for Palestinian refugees would not allow the Jewish people to maintain a majority population in the state of Israel, effectively destroying its ability to continue as a Jewish state.

²¹ Dr. Arnon Groiss, *Teaching the Right of Return in UNRWA Schools* (Sept. 15 2011) <http://israelbehindthenews.com/library/pdfs/RightofReturninUNRWASchools.pdf>; see also [UN General Assembly Resolution 181](#), ISRAEL MINISTRY OF FOREIGN AFFAIRS [http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/UN General Assembly Resolution 181.aspx](http://www.mfa.gov.il/MFA/ForeignPolicy/Peace/Guide/Pages/UN%20General%20Assembly%20Resolution%20181.aspx)

²² See <http://israelbehindthenews.com/bin/content.cgi?ID=4420&q=1> and <http://israelbehindthenews.com/bin/content.cgi?ID=4426&q=1>.

²³ <http://www.aljazeera.com/news/middleeast/2009/01/2009115175553898436.html>

²⁴ <http://www.jewishpolicycenter.org/53/how-unrwa-supports-hamas>; <http://www.jpost.com/Opinion/Op-Ed-Contributors/Do-UNRWA-schools-encourage-terror-against-Israel>

²⁵ https://www.youtube.com/watch?feature=player_embedded&v=QbzZ7fFoaE#at=598 at 9:51

Hamas took over the UNRWA teachers' union in landslide elections that occurred in 1999, 2003, 2006, 2009 and 2012.²⁶

B. Summer Camps: War Curriculum

In 2000, reports emerged detailing the activities of militant summer camps organized by the Palestinian Authority.²⁷ At these camps, children were trained to strip and reassemble real rifles, participated in mock kidnappings of Israeli leaders, and launched a simulated attack on an Israeli military post that culminated in, according to the *New York Times*, a sentry "being grabbed by the neck and fatally stabbed."²⁸ Several of these training camps allegedly operated on the grounds of UNRWA schools, which had been turned over to the PA for use without adequate supervision requirements.²⁹

Over the past three years, the Center for Near East Policy Research (CNEPR) has documented the pervasive indoctrination occurring both in UNRWA's regular school system as well as their summer camp program. A film from August 2011, for example, features children painting posters of a large number 194—a reference to UN General Assembly Resolution 194, which has been interpreted as a basis for the Palestinian right of return. When asked the meaning of the number, one camper responded, "The right of return – don't you know?"³⁰ CNEPR returned in 2013 to Gaza and the West Bank, procuring more incriminating footage of the summer camps run from June 15th to July 4th. One particularly disturbing scene shows a group of young children in a classroom at the Balata camp, ready for what their teacher calls "story time," a history lesson of sorts, in which the teacher asks: "What did the Jews do to us? They expelled and deported us! They killed us and shot our families. They expelled us from our villages, they arrested our fathers and grandfathers."³¹ Flashing back to the same group later on in the film, the teacher and students are engaged in an energetic call-and-repeat exchange, including such chants as "Palestine is an Arab land from the river to the sea."³²

Songs are also used to familiarize campers with the principles of the right of return, jihad and martyrdom. Hadil Speiten, an UNRWA camper at the Balata location, paused in her map-drawing activities to opine that, "with the songs and the map, my dream of returning continues."³³ She goes on to sing for the camera, "We are the revolutionaries. We are filled with rage. We are the hope of generations. With our deeds, heroism has been written. We are the rising sun."³⁴ The film closes with a particularly chilling musical call to martyrdom, performed by a young female camper at the Balata camp: "When we die as martyrs we go up to heaven.

²⁶

<http://israelbehindthenews.com/library/pdfs/UNRWA%20in%20Gaza%20and%20Terrorist%20Organizations%20A%20Cooperative%20Relationship.pdf>

²⁷ NYT "Palestinian Summer Camp Offers the Games of War" (03/08/2000)

<http://www.nytimes.com/2000/08/03/world/palestinian-summer-camp-offers-the-games-of-war.html?pagewanted=print&src=pm>

²⁸ Id.

²⁹ James Lindsay, Fixing UNRWA

³⁰ UNRWA Right of Return Summer Camp August 2011 <http://www.youtube.com/watch?v=pFSeHLVqn2A> (1:16)

³¹ Camp Jihad (Master, 2013) http://www.youtube.com/watch?v=kbrafPte_LQ#at=19 (11:26)

³² Camp Jihad (Master, 2013) http://www.youtube.com/watch?v=kbrafPte_LQ#at=19 (17:20)

³³ Camp Jihad (Master, 2013) http://www.youtube.com/watch?v=kbrafPte_LQ#at=19 (8:08)

³⁴ Camp Jihad (Master, 2013) http://www.youtube.com/watch?v=kbrafPte_LQ#at=19 (8:33)

Don't say that we are children, because life has made us older. In Palestine, there is no childhood. There is no childhood without Palestine. Children have obeyed the command."³⁵

IV. CONTINUED U.S. FUNDING OF UNRWA DESPITE ADEQUATE ANTITERRORISM CONTROLS, OVERSIGHT, OR TRANSPARENCY

Despite these open and ongoing problems with UNRWA's educational system, the United States continues to be UNRWA's single largest donor with contributions in 2012 exceeding USD 233 million.³⁶ USD 125 million of that amount was directed to UNRWA's General Fund, and USD 103 million for emergency funds and special projects.³⁷ These donations are administered through the State Department's Bureau of Population, Refugees, and Migration (PRM), with the funds coming from both the Migration and Refugee Assistance (MRA) and the Emergency Refugee and Migration Assistant (ERMA) accounts.³⁸ In June 2013, the United States announced a donation of \$123 million to UNRWA, bringing the total U.S. contribution to UNRWA in 2013 to \$244.5 million.³⁹ Additionally, the United States Agency for International Development (USAID) administers more than USD 300 million for UNRWA, especially for UNRWA schools. In July 2010, CNEPR asked USAID staff if they examine the textbooks used by UNRWA schools. The response from USAID, in writing, was a terse "no." In May 2013, CNEPR asked USAID, in a registered letter, to request that UNRWA no longer use textbooks or conduct lessons that encourage UNRWA pupils to campaign for the "right of return" by means of total war against Israel. USAID did not respond to the letter. USAID has also worked alongside UNRWA; for example, in May of 2012, USAID partnered with UNRWA to fund the expansion of the Jalazone Girls' School in the West Bank's Area C.⁴⁰ Moreover, Representative Chris Smith (R-NJ), over a period of ten years, has placed numerous demands of account to UNRWA.⁴¹ In 2003, Rep. Smith filed a complaint with the U.S. State Department concerning UNRWA's "non-compliance" with section 301(c) of the Foreign Assistance Act of 1961, discussed further below, due to the terrorist presence within UNRWA's staff.

In addition to the funding UNRWA receives from the U.S. government, private organizations like American Friends of UNRWA (AFU) also work within the United States to gather further donations for the Agency. AFU is a 501(c)(3) non-profit organization with a mission to "promote a life of dignity and human development for Palestinian refugees by informing the U.S. public about UNRWA's work and generating support for its programs

³⁵ Camp Jihad (Master, 2013) http://www.youtube.com/watch?v=kbrafPTe_LQ#at=19 (17:56)

³⁶ <http://www.fas.org/sgp/crs/mideast/RS22967.pdf> pg. 17. USD 125 million of that amount was directed to the Agency's General Fund, and USD 103 million for emergency funds and special projects. These donations are administered through the State Department's Bureau of Population, Refugees, and Migration (PRM), with the funds coming from both the Migration and Refugee Assistance (MRA) and the Emergency Refugee and Migration Assistant (ERMA) accounts.

³⁷ *Id.* at 16.

³⁸ *Id.*

³⁹ *U.S. Donates \$123 Million to UNRWA*, Middle East Monitor, June 19, 2013,

<http://www.middleeastmonitor.com/news/americas/6327-us-donates-123-million-to-unrwa>.

⁴⁰ <http://unispal.un.org/UNISPAL.NSF/0/59A1719648E4C6CA852579ED0059CFD2c/http://blog.usaid.gov/2012/05/expanding-access-to-quality-education-and-improved-health-care-in-the-west-banks-area-c/>

⁴¹ Rep. Smith has also hosted CNEPR to conduct informal briefings for staffers over the past ten years. *See* <http://israelbehindthenews.com/bin/content.cgi?ID=4649&q=1>.

through fundraising, education, and advocacy."⁴² With its 501(c)(3), AFU is able to accept tax-deductible donations.

V. UNRWA'S POTENTIAL VIOLATIONS OF U.S. AND INTERNATIONAL LAW

Continued funding of UNRWA is likely in violation of U.S. law, specifically the Foreign Assistance Act of 1961 and 18 U.S.C. § 1913.⁴³ UNRWA's activities, particularly with respect to its use of PA curriculums, may also violate international law, namely the United Nations Convention on the Rights of the Child (UNCRC), as well as various norms of customary international law.

A. *Non-Compliance with Foreign Assistance Act § 301(c)*

U.S. funding of UNRWA is governed by section 301(c) of the Foreign Assistance Act of 1961 (FAA), which requires UNRWA to "take all possible measures to ensure that no part of the United States' contribution is being used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestinian Liberation Army or any guerrilla-type organization or anyone who has engaged in any act of terrorism."⁴⁴ While "all possible measures" is a very broad requirement—and one that the U.S. government, despite recommendations in a 2009 GAO report, has failed to clarify—evidence of UNRWA's failures in compliance are readily apparent.⁴⁵ In 2005, for example, the United States made a request that UNRWA vet its prospective and existing partners against both the UN 1267 Sanctions List and the U.S. Treasury Department's list of individuals and entities tied to terrorism (the "OFAC list").⁴⁶ UNRWA accepted the former half of this suggestion and currently screens the names of all aid beneficiaries, employees, and third party suppliers against the Sanctions List.⁴⁷ This

⁴² <http://www.unrwausa.org/page.aspx?pid=404>

⁴³ The United States Code ("U.S.C.") is a consolidation and codification by subject matter of the general and permanent laws of the United States. It is prepared by the Office of the Law Revision Counsel of the United States House of Representatives. OLRC Home, <http://uscode.house.gov/>.

⁴⁴ <http://transition.usaid.gov/policy/ads/faa.pdf>. Defined post-2003 GAO report – "In 2003, we reported that State had not defined "terrorism" for the purpose of implementing section 301(c),²⁵ but State has since concurred with UNRWA in its use of the definition of terrorism contained in the International Convention for the Suppression of the Financing of Terrorism." (from pg. 23 of 2009 GAO report)

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex; or

(b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

⁴⁵ <http://www.gao.gov/assets/290/289897.pdf>

⁴⁶ James Lindsay, Fixing UNRWA pg. 29. "OFAC," the Office of Foreign Assets Control of the U.S. Department of the Treasury, administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States. OFAC acts under Presidential national emergency powers, as well as authority granted by specific legislation, to impose controls on transactions and freeze assets under US jurisdiction. Many of the sanctions are based on United Nations and other international mandates, are multilateral in scope, and involve close cooperation with allied governments. Office of Foreign Assets Control, <http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx>.

⁴⁷ <http://www.unrwa.org/userfiles/2011033075942.pdf>

concession, however, is more symbolic than practical: unlike the more comprehensive OFAC list, the Sanctions List contains only the names of affiliates of Al-Qaeda and the Taliban, neither of which is active in the regions where UNRWA operates.⁴⁸ This means that UNRWA is not currently checking their staff and beneficiaries against any list containing individuals associated with Hamas, Hezbollah, Al-Aqsa Martyrs Brigade, the Palestinian Islamic Jihad, or any other designated terrorist group operating in the area. Providing aid to a refugee who is or has been an active member of one of these groups, all of which the United States has designated as foreign terrorist organisations (FTOs) and hiring teachers who are members of FTOs likely constitute violations of section 301(c).

To compound these screening issues, UNRWA asks whether applicants for staff positions have been arrested but does not explicitly ask whether or not they are or have been engaged in acts of terrorism.⁴⁹ UNRWA neither asks these questions of their beneficiaries nor notes terrorist convictions on refugee registration cards.⁵⁰ When refugees apply for hardship assistance, they are questioned by social workers but it is typically the responsibility of the applicant family to volunteer data concerning imprisonment or other charges—a singularly unhelpful policy in preventing the funding of those affiliated with terrorism.⁵¹ UNRWA has proffered two excuses for its failure to obtain this information from its beneficiaries: first, UNRWA claims the data is unverifiable and thus of little practical use. Second, UNRWA claims requests for such information will likely endanger UNRWA staff.⁵² Regarding the first, UNRWA has agreements with the local governments in Jordan, Syria, and Lebanon for the verification of criminal records statements given by potential Agency employees.⁵³ Per the requirement that UNRWA take "all possible measures" to avoid providing funds to those engaged in terrorism, it is imperative that UNRWA ask for such relevant information as criminal records of their beneficiaries, and, further, make use of the same verification networks to screen these beneficiaries as well as their potential employees. There is no justification for UNRWA's failure to enforce its policies equally in the Palestinian context by developing similar verification systems within Gaza and the West Bank.

B. Non-Compliance With 18 U.S.C. § 1913

In addition to potential violations of the Foreign Assistance Act, UNRWA's accounting and lobbying methods may run afoul of 18 U.S.C. § 1913. Section 1913 specifically prohibits monies appropriated by any enactment of Congress from being used, directly or indirectly, "to pay for any service . . . or device, intended or designed to influence in any manner a Member of Congress . . . or an official of any government, to favor, adopt, or oppose . . . any legislation, law, ratification, policy, or appropriation"⁵⁴ Despite the fact that the population it serves is

⁴⁸ James Lindsay, Fixing UNRWA pg. 29

⁴⁹ UNRWA: A Hard Look at an Agency in Trouble, pg. 27

(<http://www.israelbehindtheneews.com/library/pdfs/UNRWAReport-Consolidation.pdf>)

⁵⁰ GAO 2003 report pg. 23 slide 20 - <http://www.gao.gov/new.items/d04276r.pdf>; see also UNRWA: A Hard Look at an Agency in Trouble, pg. 26 (<http://www.israelbehindtheneews.com/library/pdfs/UNRWAReport-Consolidation.pdf>, pg 24)

⁵¹ GAO 2003 report pg. 23, slide 20 - <http://www.gao.gov/new.items/d04276r.pdf>

⁵² GAO 2003 report pg. 8, slide 5 - <http://www.gao.gov/new.items/d04276r.pdf>

⁵³ GAO 2003 report pg. 22, slide 19 - <http://www.gao.gov/new.items/d04276r.pdf>; see also UNRWA: A Hard Look at an Agency in Trouble pg. 26-27

⁵⁴ <http://www.law.cornell.edu/uscode/text/18/1913>

located exclusively in the Middle East, UNRWA currently staffs a liaison office in Washington, D.C., which appears to be in direct conflict with the precepts of section 1913.⁵⁵ The majority of funding provided to UNRWA by the United States is directed towards UNRWA's General Fund, which provides funds for recurrent staff and non-staff costs.⁵⁶ The 2012–2013 budget for this fund breaks down planned spending costs amongst four stated human development goals, as well as offering details regarding across UNRWA's five areas of operations.⁵⁷ What this budget does not do, however, is detail where donations from each donor country are being directed and, as the General Fund is not restricted in nature, it can be used for any of UNRWA's operations.⁵⁸ The fungible nature of money, combined with UNRWA's lack of transparency, raises the likelihood that U.S. funds are being used to finance the D.C. liaison office, while such use of U.S. funds is likely unlawful under section 1913.

The two staffers at the liaison office have considerable political experience—Matthew Reynolds served as Assistant Secretary of State for Legislative Affairs, and Christopher McGrath is a former aide to Nevada Senator Harry Reid—and both meet frequently with lawmakers to discuss UNRWA's work and how U.S. donations to UNRWA are spent.⁵⁹ At an informal screening of two films about UNRWA conducted by CNEPR for U.S. congressional staffers, Reynolds stood up and made clear that his presence on the Hill was to impress upon Congress the need for humanitarian funds for UNRWA. Reynolds's apparent role as a lobbyist for UNRWA was far from discreet, as he visited a number of congressional offices that day to encourage continued U.S. funding of UNRWA. It is incumbent on the U.S. government to ensure that such meetings are not "intended or designed to influence" opinion in order to prevent violation of section 1913.

Further, a violation of 18 U.S.C. § 1913 also constitutes a violation of 31 U.S.C. § 1352, the latter of which prohibits the use of funds appropriated by any Act from being used by the recipient to pay any person for influencing or attempting to influence an officer or employee of any agency, Member of Congress, officer or employee of Congress, or employee of a Member of Congress.⁶⁰

C. Funding of UNRWA May Violate U.S. Law Proscribing the Provision of Material Support to Designated Foreign Terrorist Groups

18 U.S.C. § 2339B stipulates that "[w]hoever knowingly provides material support or resources to a foreign terrorist organization, or attempts or conspires to do so, shall be fined under this title or imprisoned not more than 15 years . . ." ⁶¹ To violate this statute, a person must "have knowledge that the organization is a designated terrorism organization . . . , or that

⁵⁵ <http://www.unrwa.org/etemplate.php?id=43>

⁵⁶ <http://www.unrwa.org/etemplate.php?id=248>

⁵⁷ http://www.unrwa.org/userfiles/file/financial_updates/2011/Blue%20Book%202012-2013.pdf

⁵⁸ Report of the United Nations Board of Auditors for the biennium ended 31 December 2011, pg. 18 (http://www.unrwa.org/userfiles/file/key%20documents/board_of_auditors_report_2010-2011.pdf)

⁵⁹ Jennifer Rubin, Washington Post, 06/01/2012 http://www.washingtonpost.com/blogs/right-turn/post/what-is-a-un-agency-for-palestinian-refugees-doing-in-dc/2012/06/01/gJQAXxAA7U_blog.html

⁶⁰ 31 U.S.C 1352 (<http://www.law.cornell.edu/uscode/text/31/1352>)

⁶¹ 18 U.S.C.A § 2339B(a)(1)

the organization has engaged or engages in terrorist activity . . . or that the organization has engaged or engages in terrorism"62

Section 2339B explicitly adopts the broad definition of material support found in 2339A(b)(1), which includes "property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation, or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel . . . , and transportation, except medicine or religious materials."⁶³

When considering potential liability under the material support statute of groups that solicit funds for and donate to UNRWA, there are two primary considerations. First, actions taken by UNRWA must be found to constitute material support of the FTO Hamas, such that provision of funds to UNRWA would also constitute proscribed material support of the FTO. Second, such groups must have acted with knowledge that funds provided to UNRWA would ultimately reach Hamas.

(a) UNRWA's Actions Likely Constitute Material Support of Hamas

In *Holder v. Humanitarian Law Project*, the U.S. Supreme Court held that section 2339B prohibits "any form of material support furnished 'to' a foreign terrorist organization should be barred," because "foreign organizations that engage in terrorist activity are so tainted by their criminal conduct that any contribution to such an organization facilitates that conduct."⁶⁴ The Court further noted that, in enacting 2339B, Congress simultaneously removed an exception that had previously existed in 2339A, which had allowed for the provision of material support "in the form of humanitarian assistance to persons not directly involved in terrorist activity."⁶⁵ Further, the Court stated that this repeal "demonstrates that Congress considered and rejected the view that ostensibly peaceful aid would have no harmful effects."⁶⁶ . Additionally, in *Boim v. Holy Land Foundation for Relief and Development* 549 F.3d 685 (hereinafter *Boim III*), the Supreme Court stated that "the distinction between aiding an organization and aiding individual members of that organization does not hold up."⁶⁷ The Court reasoned that any support for members of a terrorist organization "frees up other resources within the organization that may be put to violent ends."⁶⁸ Thus, the hiring of members of a designated foreign terrorist organization, such as UNRWA's hiring of Hamas members as teachers, may constitute a violation of the statute.

Former UNRWA Director Peter Hansen stated in 2004 that he was "sure that there [were] Hamas members on the UNRWA payroll," and that he "[didn't] see that as a crime."⁶⁹ Said Seyam, for example, was a math and science teacher at UNRWA schools for twenty-three years;

⁶² Id.

⁶³ 18 U.S.C.A § 2339A(b)(1) (18 U.S.C.A §2339B(g)(5) adopts 2339A definition)

⁶⁴ *Holder v. Humanitarian Law Project* 130 S.Ct. 2705, 2725; 2710 (2010) (emphasis added)

⁶⁵ Id.

⁶⁶ *Boim v. Holy Land Foundation* 549 F.3d 685, 711 (2008) (internal citations removed) (Hereinafter *Boim III*)

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ CBC, "Canada looking at UN agency over Palestinian connection" (04/10/2004)

<http://www.cbc.ca/news/world/story/2004/10/03/unwra041003.html>

he was also one the top five Hamas leaders in Gaza prior to his death in 2009.⁷⁰ Awad Al-Quid, former deputy headmaster at UNRWA's Rafah Prep Boys School in Gaza, worked as part of a rocket engineering squad for the PIJ.⁷¹ It has been reported that Suheil Al-Hindi, recently re-elected as head of the teachers union of UNRWA in Gaza, represents Hamas in an official capacity at events.⁷² Given that UNRWA does not screen beneficiaries (or employees, or third party contractors) against any list that includes Hamas operatives, it is entirely possible that there are members of Hamas among the recipients of the humanitarian aid that UNRWA distributes.⁷³ Under the Supreme Court's interpretation of the material support statute, the provision of aid to members of Hamas would likely constitute illegal material support of Hamas.

(b) Liability Under Section 2339B for Indirectly Providing Material Support to a Designated Foreign Terrorist Organization

If UNRWA is found to have provided material support for Hamas, AFU may be found to have violated 2339B even if AFU's support of Hamas was indirect (via its donations to UNRWA). In *Goldberg v. UBS AG*, the United States District Court for the Eastern District of New York found that "liability may be found under § 2339B even where support wasn't directly provided to an FTO."⁷⁴ The court also found that liability may attach where "an entity provides money or support to an organization knowing that the ultimate beneficiary is the FTO."⁷⁵ In *U.S. v. Rahmani*, the district court rejected the argument that criminal liability under 2339B could not attach where the initial recipient of the defendant's support was not designated as an FTO, nor was an alias of one.⁷⁶ The *Rahmani* court held that, to violate the statute, it was sufficient "that the ultimate destination of the solicited funds was a designated foreign terrorist organization."⁷⁷

Further, the *Boim III* court indicated that it is not necessary for the intermediary organization (here, UNRWA) to know the ultimate destination of the funds so long as the initial provider of the support (here, AFU) does possess this knowledge. That is, "the funnel doesn't have to know what it's doing to be an effective funnel."⁷⁸ While the evidence discussed above indicates that UNRWA was very likely aware that it was providing aid to Hamas, AFU may still be liable under 2339B irrespective of the level of knowledge UNRWA held.

(c) Has AFU Knowingly Provided Material Support to Hamas?

The material support statute requires that a person "*knowingly* provide material support," namely, that the person must have knowledge that a final recipient organization is either a

⁷⁰ Aljazeera, "Israeli missiles kill Hamas leader" (16/01/2009)

<http://www.aljazeera.com/news/middleeast/2009/01/2009115175553898436.html>

⁷¹ Reuters, "Gaza headmaster was Islamic Jihad rocket-maker" (05/05/2008)

<http://www.reuters.com/article/2008/05/05/us-palestinians-israel-rocketmaker-idUSL0568611520080505>

⁷² Arlene Kushner, UNRWA Association with Hamas: An Overview (pg. 5)

<http://www.israelbehindthenews.com/library/pdfs/HamasAssociationwithUNRWA-July2011.pdf>

⁷³ James Lindsay, Fixing UNRWA (pg. 29)

⁷⁴ *Goldberg v. UBS AG*, 660 F.Supp.2d 410, 432 (citing *Strauss v. Credit Lyonnaise, S.A.* 2006 WL 282704)

⁷⁵ *Id.* at 433

⁷⁶ *U.S. v. Rahmani*, 209 F. Supp. 2d 1045, 1052 (C.D. Cal. 2002) (*U.S. v. Rahmani* was reversed by *U.S. Afshari*, but grounds for such was the reversal of the finding that the terrorist designation statute was unconstitutional)

⁷⁷ *Id.*

⁷⁸ *Boim III* at 701

designated FTO or has engaged or engages in terrorist activity or terrorism.⁷⁹ To satisfy the knowledge requirement, then, it would have to be shown first that AFU knew the ultimate destination of their donations to UNRWA may have been Hamas, and, second, that it knew Hamas was a designated FTO or that Hamas engages in or has engaged in terrorism.⁸⁰

D. UNRWA's Educational Programs Conflict with the UN Convention on the Rights of the Child

UNRWA's use of the Palestinian Authority's curriculum directly contradicts the precepts of the UN Convention on the Rights of the Child. Article 3.1 of the Convention, for instance, requires that "in all actions concerning children . . . the best interests of the child shall be a primary consideration."⁸¹ Similarly, Article 6 requires that parties recognize "that every child has the inherent right to life," and, further, that parties "shall ensure to the maximum extent possible the survival and development of the child."⁸² Education that actively encourages and esteems the principles of jihad and martyrdom is not in the best interests of the child, and certainly do not ensure the "survival and development" of healthy children. Article 28 of the Convention recognizes the right of the child to education, while Article 29 requires that such education be directed to, among other things, "the development of respect for human rights" and the "preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of the sexes, and friendship among all peoples"⁸³ Unarguably, the hatred for Israelis and non-Muslims that appears in the textbooks UNRWA uses in Gaza and the West Bank violates said principles of peace, tolerance, and respect for human rights. Additionally, as is depicted in the movie "Camp Jihad," UNRWA teachers have made anti-Semitic comments demonizing the Jewish people during the UNRWA summer camp program, including telling child campers that Jews are "wolves."⁸⁴

⁷⁹ 18 U.S.C.A §2339B. 18 U.S.C.A § 2339A imposes a specific intent requirement with respect to forwarding the future illegal activities of the donation recipient. While defendants have argued that such specific intent must also be proven for liability under 2339B, courts have rejected reading a specific intent requirement into 2339B (*see Holder v. Humanitarian Law Project* 130 S.Ct. 2705 (2010) ("Congress chose knowledge about the organization's connection to terrorism, not specific intent to further its terrorist activities, as the necessary mental state for a violation."); *Rothstein v. USB AG* 772 F.Supp.2d 511 (2011),

⁸⁰ Over the past twenty-four years, the Center for Near East policy Research has issued numerous reports on the documented presence of Hamas within UNRWA facilities. *See* UNRWA Links to Terrorism, Oct. 2004, <http://israelbehindthenews.com/library/pdfs/UNRWA.pdf>; UNRWA: Overview and Policy Critique, Nov. 2008, <http://israelbehindthenews.com/library/pdfs/UNRWAOverviewAndCritique.pdf>; UNRWA in Gaza & Terror Groups: The Connection, Mar. 2009, <http://israelbehindthenews.com/library/pdfs/UNRWA%20in%20Gaza%20and%20Terrorist%20Organizations%20A%20Cooperative%20Relationship.pdf>; The Case for Reforming UNRWA, May 2011, <http://israelbehindthenews.com/library/pdfs/the-case-for-reforming-unrwa-2011.pdf>; The Incitement Report, Vol. 5, July 2011, <http://israelbehindthenews.com/library/pdfs/THE-INCITEMENT-REPORT-VOL-5.pdf>; UNRWA Association with Hamas: An Overview, July 2011, <http://israelbehindthenews.com/library/pdfs/HamasAssociationwithUNRWA-July2011.pdf>; UNRWA Schools in Gaza a Greenhouse for Hamas and Anti-Israeli Radicalism, Oct. 2011, <http://israelbehindthenews.com/library/pdfs/UNRWASchoolsinGaza.pdf>; Anatomy of Hamas Takeover of UNRWA, Mar. 2012, <http://israelbehindthenews.com/bin/content.cgi?ID=4698&q=1>.

⁸¹ UNCRC Art. 3.1 (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>)

⁸² UNCRC Art. 6.1-2 (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>)

⁸³ UNCRC Art. 28, 29.1(b),(d) (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>)

⁸⁴ Camp Jihad (Master, 2013), http://www.youtube.com/watch?v=kbrafPTe_LQ#at=19 (11:22)

VI. "EXPOSING & REFORMING UNRWA"

There is urgent need to (i) document UNRWA's summer camp and school-year curriculum, (ii) present this evidence to the public and lawmakers to counter the false information being propagated by UNRWA, which is designed to mislead donor nations into continued unbridled funding of its programs, and (iii) alert U.S. lawmakers and the public of potential violations of U.S. law.

There exists a misconception that only the UN General Assembly can change UNRWA policies. In reality, nations⁸⁵ donating to UNRWA can change UNRWA policies by conditioning funds to UNRWA on the requirement that UNRWA cease its practices of: (i) using textbooks and employing teachers that encourage children to revere and engage in violence; (ii) providing material support for, and working with, designated foreign terrorist entities such as Hamas; (iii) promoting the principle of the "right of return" through the "armed struggle," and (iii) ascribe to the accepted legal definition of "refugee."

Canada has divested from UNRWA's General Fund, instead allocating those earmarked funds—\$15.1 million in 2011—to the Emergency Appeals program to fund pre-approved project-specific initiatives. In announcing this reallocation, then-President of the Treasury Board Victor Toews stated that the funds were "now being redirected in accordance with Canadian values,"⁸⁶ with the goal of "[ensuring] accountability and [fostering] democracy in the PA."⁸⁷

Currently, UNRWA summer camps are sites of indoctrination, exploiting the malleability of children's minds to breed hostility toward Israel and the West and to encourage violent homicide suicide attacks. Due to the covert nature of these operations, exposure of UNRWA's practices are of paramount importance.

⁸⁵ Top 20 Donors to UNRWA in 2010 – Overall Contributions

G<http://israelbehindthenews.com/library/pdfs/Top20DonorsUNRWA2010.pdf>

⁸⁶ http://www.thestar.com/life/2010/01/15/canada_redirects_funding_for_un_relief_agency.html

⁸⁷ <http://www.jta.org/2010/01/14/news-opinion/israel-middle-east/canada-redirecting-palestinian-aid-from-unrwa>