

# **FRAMEWORK FOR COOPERATION BETWEEN THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST AND THE UNITED STATES OF AMERICA FOR 2017**

## **I. Introduction**

This Framework for Cooperation sets forth understandings between the United Nations Relief and Works Agency for Palestine Refugees in the Near East (hereinafter referred to as “UNRWA”) and the United States of America (hereinafter referred to as “the United States” or “U.S.”). The United States and UNRWA have been working in partnership through a Framework for Cooperation since 2005 to provide humanitarian assistance to UNRWA’s beneficiaries in accordance with its mandate as approved by the United Nations General Assembly. The United States and UNRWA review their Framework for Cooperation annually to advance shared objectives. It is understood that this document, in its entirety, constitutes policy commitments by UNRWA and the United States, and is therefore not intended to be legally binding.

## **II. Shared Goals and Priorities**

UNRWA was established in 1949 to provide support to Palestine refugees pending the just solution of their plight. It operates in Jordan, Gaza, Lebanon, Syria, and the West Bank on a budget mostly financed by voluntary contributions, and employs more than 30,800 staff to provide education, primary health care, relief and social services, infrastructure and camp improvement, and emergency and other assistance to Palestine refugees in its areas of operation. In the more than 65 years since its inception, the number of Palestine refugees and others registered by UNRWA has increased through natural population growth to more than 5.7 million persons.

Assisting vulnerable populations through effective provision of humanitarian assistance is a key element of U.S. foreign policy. The goal of U.S. support to UNRWA is to ensure that Palestine refugees live in dignity with an enhanced human development potential until a comprehensive and just solution is secured. These objectives dovetail with UNRWA’s ongoing goals to address the needs of Palestine refugees through the provision of basic education, health, relief and social services, and emergency and other assistance. They also promote the human development of Palestine refugees by improving living conditions, economic potential, livelihoods, and human rights.

The United States and UNRWA plan to work together to address the following strategic priorities in 2017:

- Efficient and effective delivery of core education, health, and relief services to the most vulnerable Palestine refugees, as well as protection of Palestine refugees, as articulated in UNRWA’s 2016-2021 Medium Term Strategy.
- Continued provision of emergency assistance to Palestine refugees experiencing the impacts of acute and protracted conflict across UNRWA’s fields of operation, alongside efforts to improve the safety and security of UNRWA personnel operating in areas of conflict or insecurity.
- Conformance with conditions on U.S. contributions, pursuant to section 301(c) of the Foreign Assistance Act and consistent with UN humanitarian principles of neutrality and impartiality and UN values, including the rejection of racism in all forms.

- Improved financial stability through complementary efforts to implement concrete and lasting measures to control and contain the growth of UNRWA's core costs and mobilize additional resources.

### III. Conformance with Section 301(c)

The United States appreciates its ongoing close consultation with UNRWA regarding section 301(c) of the Foreign Assistance Act of 1961 (hereinafter referred to as "section 301(c)"), which states: "No contributions by the United States shall be made to (UNRWA) except on the condition that (UNRWA) take all possible measures to assure that no part of the United States contribution shall be used to furnish assistance to any refugee who is receiving military training as a member of the so-called Palestine Liberation Army or any other guerilla-type organization or who has engaged in any act of terrorism."

The United States and UNRWA share concerns about the threat of terrorism, including within the context of the United Nations' firm commitment to counter terrorism and the conditions on U.S. contributions to UNRWA under section 301(c). To this end, UNRWA is committed to taking all possible measures to ensure that funding provided by the United States to UNRWA is not used to provide assistance to, or otherwise support, terrorists or terrorist organizations. The United States expects UNRWA to maintain constant vigilance in its efforts and actions to fully meet the conditions on U.S. contributions as described in section 301(c).

The Department of State plans to use the activities set forth in the Annex of this Framework as a means to evaluate UNRWA's conformance with the conditions on U.S. contributions to UNRWA set out in section 301(c). To inform the Department of State's evaluation of UNRWA's completion of the Annex activities, UNRWA is expected to provide information to the Department of State every six months regarding actions taken by the organization to ensure conformance with conditions on U.S. contributions to UNRWA, pursuant to section 301(c), and other related issues.

The United States and UNRWA intend to continue to work together throughout 2017 to enhance conformance with the conditions on U.S. contributions to UNRWA pursuant to section 301(c). Specific priority measures recommended for 2017, in addition to those outlined in the Annex, include:

- Continued U.S. support for UNRWA's Operations Support Officer (OSO) programs in the West Bank, Gaza, Jordan, and Lebanon, and the Area Support Officer (ASO) program in Syria, which are essential to helping ensure the neutrality of UNRWA facilities through a regular regime of quarterly formal inspections of all UNRWA facilities, security permitting, and efforts to improve the consistency of OSO operations across fields, including through implementation of Standard Operating Procedures for all inspections, Agency-wide. The OSOs' primary function remains safeguarding UNRWA's neutrality.
- Implementation of appropriate recommendations relating to UNRWA put forward by the UN Secretary General's Board of Inquiry investigation into incidents affecting the neutrality of UNRWA's facilities and operations during the Gaza 2014 conflict, as well as implementation of recommendations made by UNRWA's internal Board of Inquiry investigation into the same. In particular, this includes the finalization and roll-out of UNRWA's Neutrality Framework, which sets forth in one document all relevant UNRWA standards, practices, and procedures in order to ensure a consistent and coherent approach, Agency-wide, to key issues relating to the neutrality of UNRWA operations.

- New and continued training of UNRWA personnel on the importance of UNRWA's neutrality, including through induction courses for new employees, OSO-led training and workshops, continued implementation of UNRWA's e-ethics course, and e-training on UNRWA's policy on social media use by UNRWA personnel.
- Strengthening the capacity of UNRWA staff to conduct investigations into credible allegations of misconduct by UNRWA personnel, including for alleged violations of UNRWA policies on neutrality, and consistent application of UNRWA policies regarding such investigations.
- Clear and consistent levying of administrative or disciplinary action, consistent with appropriate procedural safeguards, in response to those cases in which personnel have been found to be in violation of UNRWA's regulatory framework.
- Consistent with appropriate procedural safeguards and the Agency's guidelines, suitable action taken with respect to discretionary benefits to Palestine refugees who have been proven to engage in inappropriate conduct.

#### **IV. Implementation and Consolidation of Key UNRWA Reforms and Related Initiatives**

Ongoing UNRWA reform initiatives have improved management capacity, increased program quality and efficiency, and increased financial sustainability and accountability of the Agency. In 2016, this included the transition from in-kind food aid to cash/voucher assistance for purchase of food items in Jordan, Lebanon, and the West Bank, a reform in line with global best practice. Consistent with the priorities outlined in the 2016-2021 Medium Term Strategy, implementation of UNRWA's reform initiatives is expected to continue in 2017. The United States is particularly interested in:

- Continued progress toward increased budget clarity and improved targeting and prioritization within UNRWA's budgeting process;
- Application of the Agency's pay policy, which promotes parity in salary levels between UNRWA staff and host government officials in comparable sectors/positions;
- Development of a strengthened system for Agency-wide response to emergencies and the mainstreaming of the protection function across UNRWA fields and programs;
- Further consolidation of programmatic reforms in the health and education sectors and implementation of targeted reforms for the relief and social services sector, including finalization of vulnerability criteria to improve targeting of assistance, and completion of an UNRWA headquarters-led evaluation of the transition from food to cash vouchers, with the involvement of an ad hoc steering committee of interested donors and hosts.
- Ongoing curriculum review process, which enables UNRWA's educators to use consistent criteria in analyzing and enriching local textbooks, in order to promote UN values and principles in UNRWA classrooms;
- Improvements in UNRWA efforts to systematically collect, respond to, and incorporate beneficiary feedback into program design and implementation in order to improve the quality and relevance of UNRWA assistance;
- Continued efforts to ensure inclusion of gender, gender-based violence (GBV), and disability considerations in program design and implementation, particularly in UNRWA's emergency response programming, including through implementation of and adherence to UNRWA's GBV policies;
- To the extent possible, expedited implementation of recommendations made via internal UNRWA audits and evaluations, as well as recommendations made by the UN Board of Auditors (UNBOA), and improved tracking of and transparency with regards to such implementation;

- Implementation of necessary internal controls under UNRWA's Enterprise Risk Management (ERM) framework, to include risk assessments that reduce the risk of fraud, as well as UNRWA's regular review of the effectiveness of its ERM; and
- Efforts to improve the safety and security of UNRWA personnel, particularly those who do not fall under the purview of the UN Department for Safety and Security.

## V. Monitoring and Reporting

The United States commends UNRWA for the development and release of the UNRWA Annual Operational Report (AOR) and appreciates the ongoing consultative implementation of this initiative, which ensures that donors' programmatic reporting requirements are consistent with performance measures monitored and consolidated at an organizational level. The United States and UNRWA remain committed to working with other donors to further refine the AOR. In 2017, UNRWA should continue to strengthen its monitoring and evaluation and internal oversight functions for the effective oversight of UNRWA programs. UNRWA is committed to providing continued financial oversight so that U.S. funds are expended in a manner consistent with U.S. contribution letters, including U.S. contributions to UNRWA emergency appeals.

The United States appreciates UNRWA's commitment to provide consistent and detailed reporting on the use of U.S. funding.

- Reflecting the principles of Good Humanitarian Donorship, the United States believes UNRWA's standardized reporting as included in the UNRWA AOR would satisfy the majority of U.S. reporting requirements for 2017 as they pertain to U.S. contributions to the Program Budget. Completion of the UNRWA AOR is requested by March 31, 2018, on efforts and results as of December 31, 2017.
- UNRWA is expected to provide to the United States a semi-annual report on actions taken regarding its conformance with conditions on U.S. funding of UNRWA pursuant to section 301(c), as referred to in section III.
- In relation to U.S. contributions to UNRWA's emergency and/or flash appeals for the West Bank and Gaza and UNRWA's Syria regional response, UNRWA is expected to provide two semi-annual consolidated reports outlining results achieved; these reports should be distinct from the AOR but may reflect a harmonized approach to donors' reporting requirements. With regard to UNRWA's emergency programming inside Syria, UNRWA is expected to continue providing information as outlined in the U.S.-UNRWA enhanced monitoring plan for Syria. In addition, UNRWA is expected to report semi-annually on U.S.-funded reconstruction projects in Gaza and Nahr el Bared camp in Northern Lebanon and quarterly on U.S.-funded shelter reconstruction projects in Gaza, until such time as all U.S. funding for reconstruction is fully expended.
- UNRWA is expected to provide a tailored, timely financial update on U.S. funding, consistent with UNRWA's financial allocation rules and internal controls, to all emergency, flash, and/or reconstruction appeals on a quarterly basis with specific reference to how U.S. funds were expended and the total proportion of U.S. funding relative to total donor receipts.
- UNRWA is expected to report semi-annually on U.S.-funded special projects as stipulated by the U.S.-approved project proposals, and to update the United States periodically on its communications strategy with regard to U.S. funding to UNRWA.

- For purposes of U.S. reporting requirements, UNRWA is also expected to provide relevant information pertaining to its implementation of UNBOA recommendations and, in accordance with UN and/or UNRWA procedures and policies, required data for U.S. reporting against the United Nations Transparency and Accounting Initiative (UNTAI).

The United States recognizes that UNRWA works in a highly volatile environment where political and military actions frequently place constraints on the delivery of its services. Furthermore, UNRWA is dependent for the majority of its funding on voluntary contributions provided by UN member states – contributions which fluctuate beyond UNRWA's control. Therefore, it is important that UNRWA's performance against identified indicators be reviewed in light of constraints imposed by the operating environment and funding made available to UNRWA.

## **VI. Continued Support**

The United States is committed to continuing its partnership with UNRWA to assist Palestine refugees and other persons registered by UNRWA until a just solution is achieved and UNRWA's mandate ends.

Recognizing the need for early and predictable funding, the United States should endeavor to provide a significant contribution to UNRWA for its 2017 core programs early in the 2017 calendar year. Subject to the availability of funds, the United States endeavors to provide 18-20 percent of Program Budget requirements.

Subject to the availability of funds, the United States aims to contribute to UNRWA's needs as articulated in its emergency and/or flash appeals for the West Bank, Gaza, and Syria regional response.

In addition, subject to the availability of funds, the United States intends to continue support for selected special projects mutually identified by the United States and UNRWA, including continued support for UNRWA's human rights, conflict resolution, and tolerance education program in all five fields; continued support for the OSO programs in the West Bank, Gaza, Jordan, and Lebanon and the ASO program in Syria; and continued support for UNRWA school or clinic construction projects designed to replace rented facilities, thereby resulting in long-term cost-savings for the Agency and improved facilities for provision of UNRWA services.

## **VII. Communications and Consultations**

In pursuit of meeting the goals and achieving the results articulated under this Framework, the United States and UNRWA remain committed to continuous information sharing and cooperation at all levels. UNRWA should work closely with the PRM Refugee Coordinator's Office based in Jerusalem and other U.S. Embassy and Consulate-based staff in its fields of operations to inform the United States of developments on the ground and to communicate achievements and challenges throughout the year. UNRWA's Representative Office in Washington serves as the liaison with the Department of State in Washington, DC. UNRWA's Representative Office in New York serves as the liaison to the U.S. Mission to the United Nations in New York. UNRWA's Chief of Staff serves as the neutrality management focal point for the Agency, liaising with relevant Department of State colleagues on all neutrality-related issues.

The United States remains an active participant in UNRWA's Advisory Commission, which typically meets twice per year, and should endeavor to provide advice and guidance to UNRWA through its engagement at meetings of the Advisory Commission. The United States continues to serve as Vice-Chair of the Sub-Committee to the Advisory Commission through June 2017 and endeavors to provide leadership and support to the Sub-Committee in its capacity as a technical advisory group to the Advisory Commission.

The United States and UNRWA intend to regularly consult bilaterally on policy and program issues identified in this Framework.

Signed on the 4th day of November 2016.



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Annex: Activities related to Conformance with U.S. Funding Conditions Pursuant to Section 301(c) of the Foreign Assistance Act

**ANNEX:  
ACTIVITIES RELATED TO CONFORMANCE WITH U.S. FUNDING CONDITIONS  
PURSUANT TO SECTION 301(C) OF THE 1961 FOREIGN ASSISTANCE ACT**

	Yes	No	Notes
<i>General</i>			
1. Commitment by the Agency to conform to, consistent with UN resolutions and rules, conditions on U.S. contributions as outlined in funding agreements with the U.S. Department of State.			
2. Five meetings every six months between UNRWA and relevant State Department officials in which section 301(c)-related issues are discussed.			
3. Written communication between UNRWA and relevant State Department officials on section 301(c)-related issues.			
<i>Neutrality of staff/personnel</i>			
4. Checks conducted and documented of all UNRWA staff against the Consolidated United Nations Security Council Sanctions List once every six months.			
5. Provision of lists of UNRWA staff members to host governments, the Palestinian Authority, Egypt and Israel on an annual basis and other UN member states upon request.			
6. Communication to staff about appropriate behavior consistent with UNRWA's neutrality rules/regulations at least once every year for each of UNRWA's five fields of operation.			
7. Consistent with appropriate procedural safeguards, initiation of investigations upon receipt of credible information about alleged staff/personnel misconduct.			
8. Immediate efforts taken to seek information from host countries and other authorities when staff are detained/convicted, etc.			

<b><i>Neutrality of beneficiaries</i></b>			
9. Checks conducted and documented of registered Palestinian refugees and other registered beneficiaries against the Consolidated United Nations Security Council Sanctions List every six months.			
10. Upon receipt of credible information that beneficiaries have engaged in inappropriate activities, conduct of fact-finding, assessment and, as appropriate, denial of discretionary assistance to beneficiaries found to be involved in such activities.			
<b><i>Neutrality of facilities</i></b>			
11. Inspection of each UNRWA facility in the West Bank, Gaza, and Lebanon at least twice every six months by UNRWA Operations Support Officers to ensure appropriate use, and at least once every six months in Jordan. Additional inspections of UNRWA installations in Jordan and Syria may be conducted by senior UNRWA staff, security permitting.			
12. Immediate investigation of incidents of misuse of facilities and immediate steps taken to assure non-recurrence, including, in appropriate cases, through seeking third party assistance.			
<b><i>Neutrality of non-state donors</i></b>			
13. Checks conducted and documented of all contractors, vendors, and non-state donors against the Consolidated United Nations Security Council Sanctions List every six months.			
14. Inclusion of all appropriate Agency neutrality clauses in Agency contracts, with mechanisms to respond to non-compliance with neutrality clauses, as appropriate.			
15. Accurate, complete, and timely details of UNRWA procurement contracts for goods or services (including construction) of aggregate annual value greater than \$100,000 are made publicly available one month after the end of each quarter. Entries are based on consistent use of vendor names.			