

THE STATUS OF THE PALESTINIAN REFUGEES IN THE NEAR EAST: THE RIGHT OF RETURN AND UNRWA IN PERSPECTIVE

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The article explores the Palestine refugees' legal status in the Near East: Jordan, Lebanon, Syria, the West Bank, and the Gaza Strip. Combining findings of recent surveys with information drawn from primary and secondary sources, it seeks to highlight the continuous interplay of humanitarian, socioeconomic, and political considerations that have shaped the refugees' status in the Near East during two distinct phases of their history, namely before and after the signing of the "Oslo Accords" between Israel and the Palestine Liberation Organization in September 1993. In this respect, the Palestine refugee experience offers a textbook example of how the relationships between humanitarian agencies, donor and host authorities and refugees evolve in such a way as to maintain over decades, and despite widely diverging agendas, a status quo predicated on the hypothetical advent of a regional peace. The article also sheds light on the potential lines of fragmentation and cohesion that have appeared amongst Palestinians during the "Oslo process" over such crucial issues as the very meaning of the "right of return" and the role United Nations Relief and Works Agency for Palestine Refugees in the Near East ought to be called upon to play pending the achievement of a lasting Arab–Israeli peace process.

The article explores the Palestinian refugees' legal status in the Near East: Jordan, Lebanon, Syria, the West Bank, and the Gaza Strip. For the sake of this article, we will focus more particularly on the "Palestine refugees", namely those Palestinian refugees (and their descendants) living in the above-mentioned countries/territories and registered on humanitarian grounds by the United Nations Relief and Works Agency for Palestine Refugees in the

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Near East (UNRWA).¹ The 4.6 million “Palestine refugees” constitute about four-fifths of the total number of Palestinian refugees living in the Near East and two-thirds of the total number of Palestinian refugees around the world, estimated to be about 7.5 million.²

The Palestine refugees have lived under a variety of different national jurisdictions, hence experiencing different living conditions. Formal citizens in Jordan since 1949, the majority of those residing in the other host countries have remained stateless. At the socioeconomic level, they have been subjected to various discriminatory systems, from quasi-parity in Syria to complete marginalization in Lebanon. Beyond these differences, two patterns have nevertheless contributed to defining them as one cohesive, transnational, refugee category.

The first pattern is the prevalence of the “right of return” in their collective narratives.³ Predicated on the UN General Assembly (UNGA) resolution 194 (III),⁴ the “right of return” has been instrumental in shaping the refugees’ legal status as well as their daily relationships with host societies.⁵ The notion of the “right of return” has also conditioned the development of the refugee camps’ physical and housing infrastructure. While the legal relevance of such a claim is hardly questionable, it seems legitimate to enquire about its salience for most refugees after sixty years of exile.

The second pattern is the existence of UNRWA, the “ubiquitous” agency, whose temporary mandate has been regularly extended by the UNGA since 1949. The only UN Agency to have served exclusively, and for such a long time, one particular category of refugees, UNRWA has gradually established itself over the years as a quasi-state institution, taking on responsibilities

¹ UNRWA’s current Consolidated Eligibility and Registration Instructions define Palestine refugees as being 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. Palestine Refugees, and descendants of Palestine refugee males, including legally adopted children, are eligible to register for UNRWA services. The Agency accepts new applications from persons who wish to be registered as Palestine Refugees [regardless of their economic status].” Currently excluded from UNRWA’s services are those Palestinian refugees who did not meet the requirement of UNRWA’s definition of the Palestine refugee; those who did not seek refuge in one of UNRWA’s fields of operations (the fields), and those who chose not to register with it. For full details of eligibility instructions, see UNRWA, *Consolidated Eligibility and Registration Instructions* (CERI), Gaza and Amman, UNRWA, 2006.

² BADIL Resource Center for Palestinian Residency and Refugee Rights, *Survey of Palestinian Refugees and Internally Displaced Persons 2004–2005*, Badil, Bethlehem, 2006, 49.

³ See R. Farah, “Crossing Boundaries: Reconstruction of Palestinian Identities in al-Baqa’ Refugee Camp, Jordan”, in R. Bocco, B. Destremau, J. Hannover (eds.), *Palestine, Palestiniens. Territoire national, espaces communautaires*, Amman, CERMOC, 1997, 259–98; and Ch. Pirinoli, “Jeux et enjeux de mémoire”, in N. Picardou (ed.), *Territoires palestiniens de mémoire*, Paris, Karthala, 2006, 87–114.

⁴ Interpreted by the refugees and their representatives as a legitimization of their right of return, para. 11 of this resolution, adopted in Dec. 1948, resolves that: “the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible.” This resolution has since then been endorsed yearly by a majority of the UNGA’s Member States. Presently, Israel, the US (since 1994), and Canada (since 2006) are among the few States that do not endorse it.

⁵ See N. Aruri (ed.), *Palestinian Refugees. The Right of Return*. London, Pluto Press, 2001; and: F. Mardam-Bey and E. Sanbar (eds.), *Le Droit au retour. Le problème des réfugiés palestiniens*. Arles, Sindbad/Actes Sud, 2002.

traditionally assigned to national governments in the field of basic education and vocational training, preventive and curative health care, regular and emergency relief and social welfare services and, especially since the early 1990s, micro-credit and microfinance. How do the refugees perceive the Agency's mandate, six decades after its establishment? How does UNRWA humanitarian mandate fit within the larger political and socioeconomic contexts of its fields of operation?

Combining findings of recent surveys with information drawn from primary and secondary sources, this contribution seeks to highlight the continuous interplay of humanitarian, socioeconomic, and political considerations that have shaped the refugees' status in the Near East during two distinct phases of their history, namely before and after the signing in Washington DC. of the Declaration of Principles (generally known as the "Oslo Accords") between Israel and the Palestine Liberation Organization (PLO) in September 1993. In this respect, the Palestine refugee experience offers a textbook example of how the relationships between humanitarian agencies, donor and host authorities and refugees evolve in such a way as to maintain over decades (and despite widely diverging agendas) a *status quo* predicated on the hypothetical advent of a regional peace. The article also sheds light on the potential lines of fragmentation and cohesion that have appeared among Palestinians during the Oslo process over such crucial issues as the very meaning of the "right of return" and the role UNRWA ought to be called upon to play pending the achievement of a lasting Arab–Israeli peace process.

1. The evolution of the Palestine refugees' status in the Near East: the interrelated dynamics of humanitarian aid, local, and regional politics

In order to understand the refugees' current status in the Near East countries, it is necessary to look back at the early years of their exile. It is during the 1950s that the Arab League formally established the legal and political guidelines for the Palestine refugees' integration in each of their host States. Despite numerous infringements, these guidelines are still regarded as the standards to which the Arab States should adhere.

1.1. Qualified "positive discrimination" as a means of preserving the "right of return"

Maintaining the refugees as stateless persons in order to retain their Palestinian nationality and thus preserve their "right of return" is the major principle that has guided the Arab League's Palestine refugee policies.⁶ Apart from a few

⁶ Res. 231 of 17 Mar. 1949 adopted by the Arab League Council states: "that the lasting and just solution of the problem of the refugees would be their repatriation and the safeguarding of all their rights to their properties, lives and liberty, and that these should be guaranteed by the United Nations." Unlike UNGA res. 194 (III), repatriation is not predicated on a peace agreement between the Arab States and Israel.

exceptions, all Near-East Arab countries have adopted this principle, providing mere travel documents to the refugees.⁷ Jordan has from the outset departed from this general trend. As early as late 1949, the newly independent Kingdom started conferring citizenship to all Palestinians residing in the areas under its control, on both banks of the Jordan River. This included the Palestinian refugees and their descendents to whom the authorities nevertheless continued to vow to struggle for the liberation of their homeland. In doing so, Jordan “created” a new type of refugee: “the refugee-citizen,” namely “temporary-citizen” formally endowed with citizenship rights and duties pending the day when they would be given the right to choose to return to Palestine or to stay in Jordan as permanent citizens. Regardless of the political motivations underlying it, this naturalization policy⁸ has enabled the refugees to participate in Jordan’s national politics and facilitated their absorption into local and regional job markets. Such a liberal attitude has nevertheless had, up to the emergence of the PLO in the 1960s, a political cost. For while the refugees’ “right of return” and entitlement to receive UNRWA’s assistance was officially upheld in national and international forums, any notion of a separate “Palestinian identity” in Jordan’s internal politics was banned by royal decree.⁹

The inhabitants of the official refugee camps jointly administered by UNRWA and the host authorities (about one-third of the total registered refugee population) have symbolized both the refugees’ plight and their struggle against permanent resettlement for the sake of the “right of return.” Such a symbolic endowment has nevertheless severely affected their living conditions. Camp refugees have long opposed any structural improvements in the camps because that could be interpreted as a sign of acquiescence to their permanent resettlement.¹⁰ Moreover, the necessity to maintain the temporary character of the camps resulted in UNRWA and the host authorities imposing drastic limitations on the growth of housing units. This necessity, combined with demographic growth, restrictions on camps’ extension, widespread poverty, and poor material and financial investment, has led to the deterioration of the refugee camps’

⁷ Exemptions include 30,000 Christian (or wealthy Muslim) refugees to whom Lebanon granted citizenship in the 1950s, as well as 60,000 refugees, mostly Sunnis, who lived on the Lebanese side of the Palestinian–Lebanese border in 1948, and who received Lebanese citizenship in 1994. The authorities of the Syrian Arab Republic have in some rare cases granted citizenship to Palestinian refugees when it was deemed in the higher interests of the country. For a detailed overview and legal analysis of the Palestinian refugees’ status, see L. Takkenberg, *The Status of Palestinian Refugees in International Law*, Oxford, Clarendon Press, 1998; A. Shibliak and U. Davis, *Civil and Citizenship Rights of Palestinian Refugees*, Ramallah, Shaml, 1995.

⁸ By conferring citizenship on the Palestinians living on Jordanian territory (refugees as well as indigenous West Bankers – a practice institutionalized in Jordan’s Nationality Law of 1954), King Abdallah I intended to fulfill two main objectives: prevent the emergence of a nationalist Palestinian movement and fully benefit from the Palestinian population involvement in the consolidation of the Jordanian State. His ultimate ambition was the establishment of a Greater Syria kingdom under Hashemite rule. See S. Mishal, *West Bank/East Bank – The Palestinians in Jordan, 1947–1967*, New Haven, Yale University Press, 1978.

⁹ A royal decree dated 1 Mar. 1950 even banned the term “Palestine” from all the Kingdom’s administrative documents.

¹⁰ For instance, it took UNRWA almost ten years (until 1961) and countless awareness campaigns to convince camp refugees to have their makeshift tents replaced by concrete shelters. See UNRWA, *Report of the Commissioner-General of UNRWA, 1 July 2001–30 June 2002*. Supplement No.13 (A/57/13), 2002, Table 4.

physical, environmental, and socioeconomic conditions. The camps and their inhabitants therefore epitomize the dilemma pertaining to the refugees' terms of integration in the host countries. In turn, this dilemma has spawned ambivalent representations of the camp refugees, either in terms of the last guardians of the "right of return" or as major obstacles to the host countries' political and socioeconomic stability, including among the indigenous populations of the West Bank and Gaza.¹¹

The "positive" discriminatory regime established by the Arab League was nevertheless compensated for by numerous resolutions aimed at ensuring that the Palestinian refugees would be treated on par with the host countries' citizens in such socioeconomic fields – not covered by UNRWA – as employment, residency, mobility, and higher education. However, these recommendations, as synthesized in the Casablanca Protocol of 1965,¹² have never been fully implemented. As a matter of fact, the modalities of the refugees' integration in the Arab host countries have been predominantly dictated by internal considerations related to the internal political and socioeconomic balance. The refugees' demographic weight (in Jordan and Lebanon in particular)¹³ and their active political involvement, first in opposition factions (such as the Baath and Communist parties, or the Muslim Brotherhood) then in the PLO-led Palestinian national movement from the late 1960s, has only reinforced the fear amongst Arab leaders that the refugees' presence would remain a potential threat to their country's stability.¹⁴

The socioeconomic discrimination imposed by each host country on the Palestine refugees, most often in the name of the "right of return", has varied over time. In Lebanon, where the refugees represent about 10 per cent of the total population, authorities have prevented the socioeconomic absorption of the Palestinian refugees, lest any major improvements in their living conditions "lead to resettling the Palestinian refugees and their eventual assimilation."¹⁵ Accordingly, Lebanese authorities have, since the 1960s, subjected them to the

¹¹ See S. Shamir, "West Bank Refugees. Between Camp and Society", in J.S. Migdal (ed.), *Palestinian Society and Politics*, Princeton, Princeton University Press, 1980, 153–8; and I. Halevi, "D'une Intifada à l'autre", *Revue d'études palestiniennes*, 84, 2002, 102.

¹² See text of the Protocol in <http://www.unhcr.org/refworld/publisher,LAS,,460a2b252,0.html> (Last visited 25 Apr. 2009).

¹³ During the past thirty years, the Palestine registered refugees in Jordan have constituted over one-third of the total host country population, while they averaged 10–11 per cent in Lebanon. The sensitivity of the Palestinian demography in the two host countries is related to different reasons. Beside the Black September civil war of 1970–71, the Hashemite Kingdom has been confronted at times by the hostile policies of Israeli Prime Ministers such as Golda Meir or Ariel Sharon who, by denying a specific Jordanian identity, have been the proponents of the "Jordan is Palestine" solution. In the case of Lebanon, the presence and possible naturalization of Palestinian refugees (mostly Sunni Muslims) has often been perceived as a menace for the political system, because potentially altering the delicate balance of confessional communities' representation.

¹⁴ Y. Sayigh, *Armed Struggle and the Search for State. The Palestinian National Movement, 1949–1993*. Oxford, Clarendon Press, 1997.

¹⁵ In the words of the then Lebanese Prime Minister Rafiq Hariri in Feb. 1998, quoted in R. Bowker, *Palestinian Refugees. Mythology, Identity and the Search for Peace*. Boulder, Lynne Rienner, 2003, 75.

laws pertaining to foreigners in such matters as employment, acquisition of property, taxation, and social security. Suspended after the conclusion of the Cairo Accords between the PLO and the Lebanese authorities in 1969, these discriminatory regulations have been fully enforced upon the Palestinians since the abrogation of these accords in 1987.¹⁶ In contrast, Syria has from the outset undertaken legal steps placing Palestinians on a par with its nationals in economic and social fields.¹⁷ Feelings of solidarity with the refugees aside, such a liberal stance may also be explained by the fact that the Palestinian refugees in Syria have never constituted more than 3–4 per cent of the total population. In Jordan, as well in the West Bank and Gaza, 1948 refugees have benefited from the same social and economic rights as the indigenous population. In Jordan, however, observers have pointed out informal discrimination against Jordanians of Palestinian origin in the fields of employment in the public sector (especially in the military and intelligence services) and of representation in parliament and other national institutions.¹⁸ The fate of the West Bankers (refugees and non-refugees alike) offers a stark illustration of the Palestinian's vulnerability *vis-à-vis* host country policies. Following King Hussein's 1988 decision to sever all administrative and legal links between the Hashemite Kingdom and the West Bank, in recognition of "the PLO's ambition to embody the Palestinian identity on Palestinian soil",¹⁹ the West Bankers (including the refugees residing in the West Bank) were stripped of their Jordanian citizenship, thus becoming stateless "would-be citizens" of a future Palestinian state. Since 1988, they have been considered foreigners in Jordan, together with the "Gazans" (refugees and non-refugees), displaced persons who were transferred to Jordan following the 1967 Arab–Israeli war.²⁰

By 1991, the Arab League had seemingly abandoned its efforts to guarantee minimal legal protection to the Palestinian refugees in the Arab States. Its resolution 5093 (1991) conditioned the treatment of the Palestinians to the

¹⁶ See R. Sayigh, *Too Many Enemies: the Palestinian Experience in Lebanon*. London, Zed Books, 1994; and J. Suleiman, *Marginalised Community: The Case of Palestinian Refugees in Lebanon*, University of Sussex, Apr. 2006, http://www.migrationdrc.org/publications/research_reports/JaberEdited.pdf (last visited 25 Apr. 2009)

¹⁷ Exceptions to national treatment, motivated by the need to protect the "right of return", are the right to vote, to acquire purchase arable land and to own more than one house.

¹⁸ See A. Abou Odeh, *Jordanians, Palestinians & the Hashemite Kingdom in the Middle East Peace Process*. Washington DC., US Institute of Peace Press, 1999.

¹⁹ Quote from King Hussein's address to the Nation on 31 July 1988; see full text in: http://www.kinghussein.gov.jo/88_july31.html (last visited 25 Apr. 2009).

²⁰ The number of such displaced "Gazans" today reaches about 200,000 people; 125,000 of them, originally 1948 refugees, are registered with UNRWA in Jordan (about 7 per cent of the total UNRWA registered population Jordan). Displaced "Gazans" are given two-year temporary "travel documents" while the "West Bankers" were first given temporary two-year, then – as of 1995 – five-year "travel documents"; see <http://www.un.org/unrwa/refugees/jordan.html> (last visited 25 Apr. 2009); and O. El Abed, "Immobile Palestinians: ongoing plight of Gazans in Jordan", *Forced Migration Review*, 26, 2006, 17.

rules and laws in force in each state. While it is not clear whether that resolution has formally revoked the Casablanca Protocol or not, it may well have politically weakened the legal obligations embodied in it.²¹ In retrospect, the marginalization of the Palestine refugees may have contributed to preserving the salience of the “right of return.” But it has also been instrumental in transforming the early popular grassroots patriotism of the 1950s (directly linked to the memory of the lost home and village) into a “proto-nationalism” related to a larger notion of Palestine and then into a modern national movement embodied by autonomous institutions under the aegis of the PLO.²² Such a process was to have dramatic consequences on “weak states” inherently prone to political fragmentation. The “Black September” events of Jordan in 1970 and the various episodes of the civil war in Lebanon since 1975 stand out as evidence of the dangerous side effects of policies of marginalization.

1.2. UNRWA as an unintended guardian of the “right of return”

The second component of the “Arab refugee system” has to do with the politicization of UNRWA’s mandate. In the eyes of the Western powers that initially elaborated it, UNRWA’s humanitarian assistance on behalf of the then 914,000 Palestine refugees was to be temporary and mainly directed towards facilitating their socioeconomic integration in the host countries. Relief aid was to be discontinued by the end of 1950 and gradually superseded by a works’ program (mainly in the agricultural domain) to be terminated by mid-1951. The Arab host countries were to bear the onus of monitoring the refugees’ socioeconomic conditions following UNRWA’s dismantlement. However, during the discussions that preceded the adoption of UNGA resolution 302 (IV), pertaining to the establishment of UNRWA, the Arab host States managed to link directly the Agency’s mandate to the implementation of UNGA resolution 194 (III).²³ Hence, while paragraph 5 of the resolution states that the Agency’s activities “would not be prejudicial to the provisions of resolution 194 (III)”, its paragraph 20 directs UNRWA to “consult with the United Nations Conciliation Commission for Palestine²⁴ in the best interests of

²¹ See L. Takkenberg, *The Status of Palestinian Refugees in International Law*, op. cit. 149.

²² See Y. Sayigh, *Armed Struggle and the Search for State*, op. cit. 46; and L. A. Brand, *Palestinians in the Arab World. Institution Building and the Search for State*. New York, Columbia University Press, 1988, 223.

²³ The Arab countries’ leverage over the Western powers (the USA, the United Kingdom, and France, in particular) stemmed from the crucial role they were called upon to play in the implementation of UNRWA’s relief and works programmes in the field of logistics (provision of transportation, camp lands, and facilities) and security. More importantly, the host countries were to take responsibility for the refugees’ well being once international assistance was no longer available.

²⁴ The UN Conciliation Commission for Palestine (UNCCP), which has been a “dormant” body since the 1960s, is the political body created by UNGA res. 194 (III), para. 2 to bring about a comprehensive peace agreement between Israel and the Arab countries. It is composed of the US, France, and Turkey. In the early 1950s, it also set out to survey Arab and Jewish losses in Palestine, a task that was completed by the mid-1960s.

their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III).²⁵

The organic link thus established between UNRWA and UNGA resolution 194 (III) was but one of several factors that helped to root UNRWA in the lives of the refugee communities. UNRWA's institutional characteristics have had a similar effect. Not only is the Agency the only UN body to have worked for such a long time in the exclusive service of one particular category of refugees, but also, unlike sister agencies, such as the UN High Commissioner for Refugees (UNHCR), it has through the years directly administered its humanitarian programs thanks to its ever-growing number of local employees,²⁶ thereby acquiring the trappings of a "quasi-governmental mission."²⁷ UNRWA's prevalence among the Palestinian communities also stems from the demise, or non-involvement, of other organizations that might have played an active role in the Palestine refugee issue. Amongst these is the UNCCP, created in December 1948. Although its mandate was never terminated – it usually meets once a year – it is a dormant institution that has become the symbol of the UN's inability to resolve the Arab-Israeli dispute. For its part, the UNHCR, which was created by the UNGA about the same time as UNRWA, excluded from its protection mandate any refugee "receiving from organs or agencies of the UN other than the UNHCR protection and assistance."²⁸ This is obviously the case of the UNRWA-serviced Palestine refugees, although the Agency's general assistance mandate has never included as a regular activity the protection activities covered by the UNHCR.²⁹

²⁵ Other provisions were imposed by the Arab States during the UN Special Political Commission debates, which preceded the adoption of res. 302 (IV) in Dec. 1949. For instance, the initial name the drafters of the resolution gave to the Agency ("Near East Relief and Works Agency...") was changed to "United Nations Near East Relief and Works Agency..." in order to highlight the UN's responsibility in catering to the basic needs of the refugees pending the just political settlement of the refugee issue. See J. Al Hussein, "The Arab States and the refugee issue: a retrospective view", in E. Benvenisti, C. Gans and S. Hanafi (eds.), *Israel and the Palestinian Refugees*, Berlin, Springer, 2007, 436–64.

²⁶ The rise in the number of international staff, from about 6,000 to more than 27,000 employees between 1950 and 2008 has followed the demographic growth of the Palestine refugees during the same period of time: from 914,000 to 4.6 million.

²⁷ E. H. Buehrig, *The U.N. and the Palestinian Refugees. A Study in Nonterritorial Administration*, Bloomington, Indiana University Press, 1971.

²⁸ See Art. 1.D of the 1951 Convention relating to the Status of Refugees and Art. C. of the UNHCR Statute. In the same vein, the Palestine refugees were also excluded from the 1951 Convention, which provides a universal definition of the term "refugee". See A. Takkenberg and C. Tahbaz (eds.), *The Collected Travaux Préparatoires of the 1951 Relating to the Status of Refugees*, Amsterdam, Dutch Refugee Council, 1989; and the contribution of B. Goddard to this volume.

²⁹ Despite numerous pressures from the refugee communities and the PLO, UNRWA has repeatedly refused to endorse physical protection activities as a formalized component of its activities, arguing that its mandate was restricted to the delivery of basic services. Its protection activities were limited to informing the international community about breaches of humanitarian law against "its" refugees and discussing them with the host authorities. The only *ad hoc* exception to this principle occurred in the Occupied Palestinian Territories (OPT) during the first Intifada (1987–93) when UNRWA set up a passive protection programmes similar to those carried out by the UNHCR (field reporting of human rights violations) and a monitoring of the situation of Palestinian civilians. These *ad hoc* protection programmes had an exceptional character: they were initiated by Security Council resolutions 605 (1987) and 681 (1990), and were discontinued in 1994.

Consequently, UNRWA has been perceived by the refugees not only as a social security net, but also as a unique reflection of the international community's recognition of their "right to return." In line with this peculiar interpretation of the Agency's mandate, its services have from the outset been considered by the refugees (and the host countries) as entitlements rather than a charity scheme depending on the generosity of the international community. Most significantly, the UNRWA registration card quickly became a political symbol: the only official documentary evidence of refugee status. It is still widely held as a "Passport to Palestine" or as a prop likely to further compensation claims.³⁰ This explains why nearly every UNRWA step has been scrutinized by the refugees through the prism of its conformity with the right of return (and/or compensation). It is on this ground that most refugees were reluctant to engage in the collective small and large scale reintegration works programs devised by the Agency in the 1950s. Conversely, the refugees approved of the individual reintegration policy pursued by UNRWA from 1959/60. Based on educational and vocational training programs, it led to professional reinsertion of a large number of them, whether as local UNRWA employees or as skilled labour, in the Gulf countries in particular.³¹

In contrast, the refugees and the Arab countries failed in their efforts to reinforce UNRWA's institutional foundations. UNRWA has remained a temporary agency endowed with three to five-year mandates, thus preventing its staff from engaging in long-term planning. And its budget, based almost exclusively on voluntary contributions from the members of the international community, has failed to keep pace with its increasing financial needs, three quarters of which are devoted to the salaries of local staff.³² Recurrent budget deficits have compelled UNRWA to adopt austerity measures, such as the curtailment of traditional services or the lack of maintenance of its educational and medical facilities, preventing it from adapting its services to host country and international standards. Despite this situation and the criticism it have sparked from the refugee communities and host countries, the Agency's services are still renowned for their relative efficiency, notably in the field of education. Furthermore, and quite paradoxically, the Agency has continued to be seen as a stabilizing "peace servicing" factor in the Near East in the eyes of the

³⁰ See A. Plascov, *The Palestinian Refugees in Jordan, 1948–57*, London, Frank Cass, 1981, 64–65; and M. Viorst, *UNRWA and Peace in the Middle East*, Washington D.C., The Middle East Institute, 1989, 49.

³¹ See B. Schiff, *Refugees Unto the Third Generation. UN Aid to Palestinians*, New York, Syracuse University Press, 1995; and H. Elnajjar, "Planned emigration: the Palestinian Case", *International Migration Review*, 27(101), 1993, 34–50.

³² Expected income and expenditure for 2008 indicated a funding shortfall of US\$39.1 million when compared to the net budgeted expenditure of US\$523.8 million with total expected income of US\$484.7 million. See <http://www.un.org/unrwa/finances/index.html> (last visited 1 June 2009). According to UNRWA past estimates, its budget should have increased annually by 5 per cent in order to keep the pace with the 3.5 per cent annual population growth. See UNRWA, *UNRWA and the transitional period: a five-year perspective on the role of the Agency and its financial requirements*, Vienna, UNRWA Headquarters, 1995, 9.

Western donor countries³³ and as a symbol of the preservation of their rights for the refugees. This explains the steady, though ambivalent, support UNRWA has garnered from its different stakeholders since 1950.

2. Palestine refugees and the challenges of the “Oslo peace process”

2.1 *Dealing with the refugees’ permanent status*

The Declaration of Principles of September 1993 significantly affected the trilateral refugee-UNRWA-host country relationship. By setting a time frame of five years for the settlement of all components of the Arab-Israeli conflict, including the refugee issue, the “Oslo Accords” brought up to date the handover agenda which the UNRWA’s founding resolution of December 1949 had set at the heart of the Agency’s operational mandate: “Consult with the interested Near Eastern Governments concerning measures to be taken by them preparatory to the time when international assistance for relief and works projects is no longer available.”³⁴ Under the aegis of the UN Secretariat, UNRWA devised in association with the newly established Palestinian Authority (PA), a handover strategy aimed at fostering “UNRWA-PA” cooperation during the interim period. As UNRWA put it in early 1995, the PA was first to be targeted:

since the population of the West Bank and Gaza, regardless of refugee status, is Palestinian and the interim self-government applies to the entire Palestinian population living in the autonomous areas... In the case of the host countries... it is clear that any handover will require either a political resolution of the refugee issue or a resolution of the General Assembly.³⁵

In line with this “West Bank-Gaza first” policy, in December 1993 the UNGA asked UNRWA to contribute to the economic and social stability of the Occupied Palestinian Territories (OPT).³⁶ The Peace Implementation Program (PIP) that UNRWA implemented from 1993 to 2000 aimed at setting up a permanent socioeconomic infrastructure in Gaza and the West Bank, mainly through the improvement of the camps’ infrastructure and job creation schemes. In addition, UNRWA undertook internal measures in preparation for its phasing out. First, new teachers were hired on short-term contracts and contract termination indemnities were estimated for the entire UNRWA staff;³⁷ second, in July 1996, the Agency’s headquarters were moved from Vienna to Gaza (the PA’s stronghold) instead of Beirut, its original location. For its part, the

³³ D. Forsythe, “UNRWA, the Palestine Refugees and World Politics, 1949–1969”, *International Organization*, XXV(1), 197, 1–3.

³⁴ UNGA res. 194 (III) 11 Dec. 1948, para. 7.

³⁵ UNRWA, *UNRWA and the transitional period*, *op.cit.*, 1995, 10–11.

³⁶ UNGA res. 48/40, 13 Dec. 1993.

³⁷ UNRWA, *UNRWA and the transitional period*, *op.cit.*, 1995, 33.

PA sought to dismantle the camps through their integration into neighbouring municipalities. In the eyes of the Palestinian leadership, refugee camps had become no more than symbols of poverty and socioeconomic dependency on international charity that hardly fit its vision of a fully-fledged sovereign state meant to serve as a model for the Arab world.³⁸

Excluded from the bilateral format of the peace process talks, the Arab host countries found themselves at the mercy of decisions taken separately by Israelis and Palestinians. The prospect of being compelled to resettle the Palestinian refugees – regardless of the internal challenges such resettlement would raise – led some Arab host countries to further strengthen their internal discriminatory regime towards the refugees. Resorting to various excuses – from the necessity of preserving the “right of return” to the importance of implementing the Taef peace agreements of 1989 – the Lebanese government has kept enforcing legal restrictions against the Palestinian refugees, in relation to employment, access to public universities, or to inheritance rights.³⁹

As the Minister of Foreign Affairs clearly explained in 1994, pushing the refugees to emigrate permanently had become a cornerstone of Lebanon’s policy *vis-à-vis* the Palestinians.⁴⁰ Such a policy seems to have been rather successful: while the number of Palestine refugees registered with UNRWA in Lebanon amounted to about 392,000 people in 2003,⁴¹ the actual number residing in the country was estimated by other sources at less than 200,000.⁴² Jordan’s initial strategy differed, as its leadership had bet since the early 1990s on a forthcoming peace in the Near East. In October 1994, King Hussein signed a peace treaty with Israel that explicitly alluded to the permanent settlement of the refugees in Jordan. Article 8 of the “Wadi Araba Treaty” on refugees and displaced persons underscored the “massive human problems caused to both Parties by the conflict in the Middle East and the need to further alleviate those problems at a bilateral level or multilateral level” (para. 1). This included “agreed United Nations programs and other agreed international economic programs concerning refugees and displaced persons, including assistance for their settlement” (para. 2).⁴³

In the following years, the hopes nurtured by the Palestinian and Jordanian leaderships in the peace process were smashed by the deterioration of Israeli–Palestinian relations and their adverse impact on the peace talks. Furthermore, both of them saw their “pro-peace” stance meet with fierce internal opposition.

³⁸ B. Kodmani-Darwish, *La diaspora palestinienne*, Paris, PUF, 1997, 157.

³⁹ See J. Suleiman, *Marginalised Community*, *op. cit.*, 2006; and D. Meier, *Mariages et identité nationale au Liban. Les relations libano-palestiniennes dans le Liban de Taef, 1989–2005*, Paris, Karthala, 2008.

⁴⁰ In an interview to al-Safir (Lebanon) in 1994, as mentioned in Ph. Mattar (ed.), *Encyclopedia of Palestine*, New York, Facts On File, Inc., 2000, 261.

⁴¹ UNRWA, *UNRWA in Figures – Figures as of 30 June 2003*, Public Information Office, UNRWA Headquarters, Aug. 2003.

⁴² O. Fr. Ugland (ed.), *Difficult Past, Uncertain Future. Living Conditions among Palestinians in Refugee Camps and Gatherings in Lebanon*. Oslo, FAFO, Report 409, 2003, 17.

⁴³ See the text of the Treaty in: <http://www.kinghussein.gov.jo/peacetreaty.html> (last visited 25 Apr. 2009)

In the West Bank and Gaza, the refugees coalesced as early as 1993 around the “Union of the Refugee Youth Activities Centers” and launched campaigns aimed at putting the “right of return” centre-stage on the Palestinian national agenda. They also warned against the dissolution of both UNRWA and of the camps it serviced before the achievement of a just peace agreement. By 1996–97, the once-envisioned early dissolution of the camps and the transfer of UNRWA’s activities to the PA had become taboo issues. The informal Israeli–Palestinian peace initiatives that have taken place since 2000 have institutionalized a gradual approach to UNRWA’s handover process, whereby the Agency should be phased out in accordance with an agreed timetable of five years as a targeted period.⁴⁴ In Jordan, opposition to the “Wadi Araba” process came from refugee groups and opposition parties as well as nationalist “Transjordanian” pressure groups that started questioning the refugees’ double-identity as “Jordanians–Palestinians” and thus reviving the dreaded scenario of “the alternative Palestine state in Jordan” (*al-watan al-badil*).⁴⁵ Under the pressure, in the late 1990s Jordan joined Syria, Lebanon, and the Arab League in condemning any plan aimed at giving away the refugees’ political rights, despite the promises of compensation made to them by the Western sponsors of the peace process.⁴⁶

In retrospect, the one conclusive legacy of the “Oslo peace process” remains the refugees’ and host authorities’ new positive attitude towards the camps’ management. Long viewed as contradicting the principle of the “right of return”, the notion of a sustainable improvement of camps’ physical infrastructure had become one of the main claims made by the refugees’ local representative, provided it did not affect their temporary status or threaten UNRWA’s mandate. Pending a comprehensive political settlement, collective socioeconomic rehabilitation programs were to be clearly differentiated from resettlement schemes aimed at burying the “right of return”.⁴⁷ In this spirit, the refugees welcomed UNRWA’s above-mentioned PIP projects, even though these were balanced by a net reduction of the Agency’s general budget.⁴⁸ The PLO Department of

⁴⁴ See for instance the *EU non-paper* (The “Moratinos Document”), Taba, Jan. 2001, as published in *Ha’aretz*, 14 Feb. 2002.

⁴⁵ See A. Abu Odeh, *Jordanians, Palestinians & the Hashemite Kingdom*, *op. cit.*, 235–248.

⁴⁶ Up to \$40 billion for the PA and Jordan and US\$10 billions for Lebanon and Syria over a ten to twenty year period were pledged. See “American ‘Non-Paper’ Describing Israel/PA Positions”, *The Israel Report*, May/June 2000, in <http://www.cdn-friends-icej.ca/isreport/mayjun00/nonpaper.html> (last visited 1 July 2009).

⁴⁷ Already in 1988 the UN Secretary-General had stated that (OPT) refugees would welcome steps to improve conditions in the camps provided that it was made absolutely clear that this was a temporary measure, pending a comprehensive political settlement, and that the work was done by UNRWA” (See UNSC, “Report of the Secretary-General of the United Nations to the Security Council regarding the Situation in the Occupied Territories”, UN Doc. S/19443, 21 Jan. 1988, para. 47. This stance was openly confirmed by the refugees themselves in the several mobilization conferences they organized in the wake of the Oslo process in the West Bank and Gaza. See for instance “Recommendations and Decisions Issued by the First Popular Refugee Conference in Deheishe Refugee Camp/Bethlehem”, *Article 74*, 17, 1996, 3–6.

⁴⁸ UNRWA’s yearly expenditure per capita (general budget) decreased from about US\$100 in the early 1990s to about US\$70–75 in the 2000s.

Refugee Affairs bolstered this developmental trend in 1996–97 by establishing in each camp “Services Committees” whose mandate to date is to implement, in coordination with UNRWA, developmental projects in the camps, including the rehabilitation of the road, water, and electricity systems.

Since the early 2000s, Jordan, Syria and even Lebanon have followed suit in modifying, to various extents, their overall approach to camp development. This shift may be interpreted as an attempt to reconcile the camps’ harsh realities with their drive for long-term socioeconomic modernization and with political stability. Equally significant has been the warm response this new approach elicited amongst the refugee communities, despite attempts by the opposition parties to mobilize refugees against it. The Jordanian authorities, who since the mid-1970s had taken over UNRWA’s role as caretakers of the camps’ physical infrastructure, have been the most pro-active in this field. Since 2000, they have unilaterally integrated the refugee camps in the country’s development policies.⁴⁹ Since 2005, Lebanon has been more favourable to camp rehabilitation projects, including in the PLO-controlled camps of southern Lebanon where access to construction material had previously been restricted. Moreover, in March 2006, a delegation of three Lebanese ministers visited the Sabra and Shatila camps in Beirut. Following the visit, the delegation denounced the camp dwellers’ abominable living conditions, publicly stating: “it is unthinkable that this endures and that the Palestinians continue in these living conditions which come close to an attack on human dignity and human rights.”⁵⁰ Finally, the Syrian authorities have assisted UNRWA in the implementation of large-scale water/wastewater rehabilitation in several camps of the country.⁵¹ Syria’s flagship program is the dual “Neirab/Ein al-Tal” camps rehabilitation project (near Aleppo). Started in 2001, this project has entailed the relocation of 300 families of the overcrowded Neirab camp and a new urban planning design meant to secure adequate housing and public spaces to its inhabitants. The 300 departing families were relocated in the neighbouring “unofficial” camp of Ein al-Tal in new model housing units.⁵²

Similarly, the reconstruction of those areas of the Jenin camp in the West Bank which were demolished by the Israeli army in April 2002 and that of the Nahr el-Bared camp in Lebanon – literally razed in the course of the clashes that

⁴⁹ Elaborated in the late 1990s, Jordan’s Social Productivity Program, a developmental scheme aimed *inter alia* at upgrading the poor areas’ housing and infrastructural networks, has covered – for the first time ever – the country’s refugee camps. See <http://www.espp.gov.jo/about%20espp.htm> (last visited 25 Apr. 2009).

⁵⁰ See AFP article: “Lebanese ministers visit refugee camp for first time”, http://findarticles.com/p/articles/mi_kmaf/is_200603/ai_n16237152/ (last visited 25 Apr. 2009).

⁵¹ In this respect, the projects under way in two Damascus camps (Khan Eshieh camp and Khan Danoun) stand out. They are linked to a government regional water supply improvement scheme. See <http://www.un.org.sy/forms/pages/viewPage.php?id=48> (last visited 25 Apr. 2009).

⁵² See http://www.sdcjordan.com.jo/en/Home/SDC_Programmes/Palestine_Refugees/Neirab_Camp_Rehabilitation (last visited 25 Apr. 2009). See also: A. Byrne, “Engaging Refugees in Change: Some of the Challenges Facing UNRWA in Engaging Neirab’s Refugees in Camp Development”, *al-Majdal*, 24, 47–51.

opposed the fundamentalist Fath al-Islam faction and the Lebanese army in 2007 – were both conducted in such a way as to endow them with suitable housing and community spaces.⁵³ One of the most remarkable aspects of all these recent camp projects is that they have involved, in line with recent development approaches pursued by international development agencies since the 1990s, the refugees in their various stages: from the design of the rebuilt areas to their maintenance following UNRWA's intervention.⁵⁴

This shift in the refugees' and host countries' attitude towards camp development has been accompanied by dramatic changes in the way the Palestinian leadership conceives of the "right of return." Seemingly forgoing the notion of a "right of return" to the refugees' homes and villages, as promoted in UNGA resolution 194 (III), it has instead favoured a pragmatic solution chiefly based on the repatriation of the 1948 refugees and the 1967 displaced persons to the territories of the future Palestinian state, namely the West Bank and Gaza, and on a compensated resettlement outside Palestine.⁵⁵ Similarly, the current Arab negotiation platform elaborated by the Arab Summit in Beirut in 2002 calls for the "achievement of a just solution to the Palestinian refugee problem to be agreed upon in accordance with UN General Assembly resolution 194" within the framework of a two-state solution, but without specifying the modalities of implementation of that resolution in terms.⁵⁶ In parallel, host countries have taken integrative steps towards the Palestinian refugees as a whole. For instance, the Jordanian authorities have sought to strengthen their Jordanian identity by trying to co-opt them within the several nation-wide campaigns they have launched since the early 2000s ("Jordan first", "the National Agenda", and "We are all Jordan") in order to unify the various segments of the country's population for the sake of political and socioeconomic modernization.⁵⁷ And even the Lebanese authorities, who had so far been reluctant to engage the Palestine refugees on internal issues, established a Lebanese–Palestinian Dialogue Committee (LPDC) in October 2005, whose aims are to tackle

⁵³ On the reconstruction of the Nahr al-Bared Camp, see UNRWA's website: http://www.un.org/unrwa/publications/NBC/efforts_NBC.html (last visited 25 Apr. 2009).

⁵⁴ R. Wilkinson, "Refugee Assistance – UNRWA's Role in Housing Reconstruction", *al-Majdal*, 20, 2003, 43–46.

⁵⁵ The "Taba Accords" (2001) and the "Geneva Initiative" (2003) provide for the return of a small amount of returnees to Israel, the modalities of which would be set by the authorities of this state under a family rehabilitation scheme, not as an implementation of a right of return. See A. Keller, *L'Accord de Genève. Un pari réaliste*, Genève, Labor & Fides, 2004.

⁵⁶ That stance is in keeping with the PLO's official declarations since 1988 that have confirmed the necessity of resolving the refugee issue according to the relevant UN resolutions, without however mentioning the "right of return". At the same time, "the right of return" has continued to be regularly spelled out in the Arab leaders' discourses, mainly for public-consumption purposes.

⁵⁷ One of its main goals was to "deepen the sense of national identity among citizens and spread a culture of respect and tolerance to integrate and fortify a diverse, but united, national and social fabric that thrives in an atmosphere of justice, democracy..." See "Jordan First national campaign aims to prepare society for a better future", *The Daily Star* (57th Anniversary of Independence Feature Supplement), 27 May 2003, 4.

inter alia the outstanding socioeconomic, legal, and security issues related to the Palestinian refugees residing in Lebanon, in collaboration with UNRWA.⁵⁸

However, these developments should not (yet) be interpreted as reflecting an on-going host country-led process of gradual assimilation of the refugees. Host countries have been careful to predicate their camp interventions on purely humanitarian grounds. More forcefully, in March 2005, the Arab countries flatly rejected Palestinian president Abu Mazen's suggestion that host countries confer citizenship on the Palestinian refugees residing on their soil pending the achievement of a permanent status agreement.⁵⁹ The failure of the peace process, together with Israel's intransigence regarding the issue of the "right of return", has left the Arab countries with little room for manoeuvre. Moreover, their concerns over the gradual dismantlement of UNRWA, as well as over the internal socioeconomic and political challenges likely to be brought up by any revision of the legal system ruling the Palestinian refugees, have not been alleviated. As things stand, the preservation of a manageable sub-optimal *status quo* is therefore considered preferable to the uncertainties related to any in-depth overhaul of the refugee's status. To some extent, this also holds true for the PA. Although all refugee categories participated in the 1997 and 2006 legislative elections and are therefore represented in the PA's legislative council, West Bank camp refugees have remained, at the demand of the latter's representatives, separate administrative entities and did not, therefore, get involved in the 2005 municipal elections.⁶⁰

But what do the refugees think of their present situation? So far, refugees' collective and individual voices have mainly been conveyed, and *interpreted*, through institutional stakeholders, including on the Palestinian political scene. The core issue has revolved around the commitment to the "right of return", underscoring lines of fragmentation. Some, mostly refugee activists, have insisted on the "sacrosanct" character of that right, conceding at most that, in keeping with the provisions of UNGA resolution 194 (III), it would be up to the refugees themselves to decide whether they wish to implement it or rather receive compensations. Other stakeholders, including PLO officials, have since the late 1980s claimed that only a small portion of the refugees would decide to return to their homes if they were given the opportunity to do so, especially if they were able to settle in a Palestinian state.⁶¹ A 2003 survey carried out among refugee communities in the OPT, Jordan and Lebanon has seemingly given

⁵⁸ See the LPDC's website: <http://www.lpdc.gov.lb/index.php> (last visited 25 Apr. 2009).

⁵⁹ Including in Jordan, see for example: "Abu Mazen'a Declarations brace for concessions to the right of return" in *al-Sabil*, 7 Mar. 2005; and "Palestinian concerns about the right of return and Arab fears concerning resettlement", *al-Arab al-Yaum*, 12 July 2005.

⁶⁰ However, the dwellers of those camps in Gaza that had already been merged with the surrounding municipalities since the 1970s were given the right to participate in the municipal elections. See A. Signoles, "Réfugiés des camps, réfugiés des villes et familles autochtones: vers une reconfiguration des pouvoirs locaux en Cisjordanie", *Les Annales de l'Autre Islam*, 8, Paris, Institut National des Langues et Civilisations Orientales (INALCO), 2001, 318–22.

⁶¹ S. Khalaf (Abu Iyad), "Lowering the Sword", *Foreign Policy*, 78, 1990, 92–101; and annex "Questions and Answers with Abu Iyad", 102–12.

credit to the latest, qualified approach of the “right of return”: almost all refugees demanded the recognition of this right. However, only 10 per cent, on average, were actually looking forward to implementing it.⁶² One may wonder whether the refugees, the crushing majority of whom have never seen their former places of origin,⁶³ are in a position to seriously envisage such scenarios as repatriation to their places of origin, sixty years after the exodus. Be that as it may, other correlated – and more significant – questions arise. In the current absence of any breakthrough in the peace process, how do refugees regard their status in both the humanitarian and political dimensions? More particularly, what significance do they attach to their registration with UNRWA? How do they assess their status within their host societies? And what are the main problems they face as refugees?

2.2. UNRWA: a basic services provider or rather a proof of “refugee identity”?

This section tackles the Palestine refugees’ opinions about their “refugee status”. It is mainly based on the findings of a quantitative survey (the Near East Project [NEP] survey) conducted with Palestine refugees in the Agency’s five fields of operations (or “host countries”) in August and September 2005 by the Graduate Institute of Development Studies (IUED-Geneva University) and the University of Louvain-la-Neuve (Belgium) in co-ordination with UNRWA.⁶⁴ In addition to the traditional socioeconomic topics covered by living conditions surveys (including poverty, education, health, and housing status), the questionnaire included at its end two general questions referring to the issue at stake. The first question pertained to the refugees’ perceptions of UNRWA in terms of the benefits accruing from it. The second question explored the refugees’ views about their status in terms of problems they faced as refugees.

Is being registered with UNRWA more a means of getting access to its basic services; or does it rather constitute a proof of refugee status likely to promote a “refugee identity” in exile or to be used as a legal prop for future claims to

⁶² With significant regional variations, from 5 per cent in Jordan to 23 per cent in Lebanon; see Palestinian Center for Policy and Survey Research, <http://www.pcpsr.org/survey/polls/2003/refugeesjune03.html> (last visited 25 Apr. 2009).

⁶³ According to UNRWA, in June 2000, Palestine refugees over 55 years of age made up 12 per cent of the total Palestine refugee population; see <http://www.un.org/unrwa/publications/index.html> (section “General”, last visited 25 Apr. 2009).

⁶⁴ This individual survey covered a randomly drawn sample of about 2000 respondents per field of operation aged 16 and above selected from UNRWA’s list of refugees and residing in UNRWA’s fields of operations. This sample was stratified according to gender and age, and allowed for analysis at national/governorate level. It provided a confidence interval of some ± 1 per cent for the five fields altogether and a confidence interval of 2.2 per cent in each of them. The survey is one of the main outcomes of a conference organized by UNRWA and the Swiss government entitled “Meeting the Humanitarian Needs of Palestinian Refugees in the Near East; Building Partnership in support of UNRWA”, that took place in Geneva in June 2004. The detailed findings have so far been available only on the UNRWA intranet as a tool within the framework of the Agency’s organizational Development reform. A general report has been made publicly available: R. Bocco, M. Brunner, J. Husseini, F. Lapeyre and E. Zureik, *The Living Conditions of the Palestine Refugees: A Synthesis Report*, UNRWA-IUED/UCL Survey, Geneva, 2007.

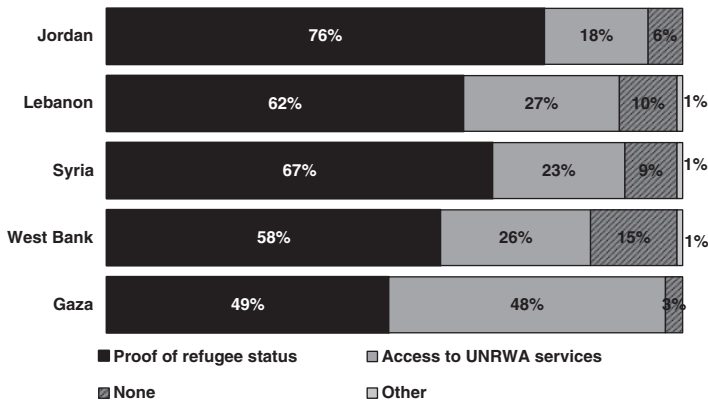


Figure 1. Main advantage of registration with UNRWA.

repatriation and compensation? Or, alternatively, has it become, sixty years after its establishment, a meaningless institution?⁶⁵

The NEP survey first indicates that UNRWA has remained a “meaningful” institution in the eyes of a large majority of refugees across the Agency’s fields of operations.⁶⁶ As shown by Figure 1, only a small minority of refugees think otherwise, in the West Bank and Lebanon in particular. These may include registered refugee who do not use UNRWA services,⁶⁷ or refugees dissatisfied with them.⁶⁸ They may also comprise refugees disillusioned with the peace process and therefore unconvinced that recognition of their refugee status is likely to lead to a partial or full recovery of their rights, either through repatriation and/or compensation.

⁶⁵ Question 66 of the survey is a multiple choice question that was formulated after numerous talks with host country representatives and UNRWA staff. It reads: “What is in your own case the main advantage of being registered with UNRWA? (multiple answers): Access to UNRWA services/Proof of refugee status/Other [specify:]/None/Don’t know/no answer.

⁶⁶ In the following paragraphs, cross-tabulations used for the sake of analysis passed the statistical significance tests. Findings have been contextualized and interpreted in the light of other NEP survey’s findings, as well as other surveys.

⁶⁷ This would be more the case in the West Bank. The NEP survey confirmed that in this field of operations (as well as in Jordan), a significant portion of refugees use alternative governmental services; in the field of primary education for instance, less than 44 per cent of Palestine refugee children attended the Agency’s primary schools, compared to over three-quarters in the other fields of operations (See J. Al Hussein, C. Calvé and Ch. Skhiri, *Education profile of the Palestine Refugees in the Near East*, IUED/Louvain-La-Neuve/UNRWA survey, Geneva/Amman, UNRWA intranet, May 2007, 37). This attests the refugees’ socio-economic integration in their Jordanian/West Bank host societies but may also be explained by physical accessibility patterns: refugees tend to attend the closest schools and UNRWA has failed to create enough facilities to accommodate the various communities disseminated in the country outside the refugee camps.

⁶⁸ This may be the case in Lebanon where, despite the refugees’ dependency on UNRWA’s services, a majority of refugees (60 per cent) said they were dissatisfied with the Agency’s education services for instance. In contrast, refugees living in the other fields of operations were more positive about these services, from half of the refugees satisfied in Jordan to about three quarters of them in the West Bank and Gaza. See J. Al Hussein et al., *Education profile of the Palestine Refugees in the Near East*, op. cit. 47.

Figure 1 also shows that in all fields of operations except Gaza, the majority of refugees (up to three-quarters of them in Jordan) see proof of refugee status as the main advantage of registration with UNRWA.

These findings confirm two different but coexisting patterns related to the UNRWA–refugee relationship already discussed above. First, the importance of the political, instrumental, significance the refugees still attach to being registered with the Agency. Second, the declining quality of UNRWA’s services due to budget restrictions may have jeopardized their salience in the eyes of the refugees.⁶⁹ Gaza’s specificity in that regard may stem from its unique socio-economic and humanitarian contexts. The only field predominantly inhabited by Palestinian refugees (over two-thirds of the total Gaza population),⁷⁰ it has traditionally been, just behind Lebanon, UNRWA’s most financially endowed area of operation in respect of its regular educational, healthcare and relief and social services: US\$153 per capita per 2-year period, as compared to US\$117 in the West Bank, US\$100 in Syria, and just US\$61 in Jordan.⁷¹ UNRWA’s operational significance in Gaza has further been reinforced since the outbreak of the al-Aqsa Intifada in 2000. In response to the dramatic human and material damage sustained by its population, the refugee residents have been the main beneficiaries of the emergency programs in the OPT.⁷² Such a commitment has been most welcomed by the Gaza refugee population. A poll carried out in Gaza by the Norwegian research institute FAFO in September 2005 indicated that over three-quarters of the population expressed confidence in UNRWA, as opposed to one-quarter who mainly trusted the PA institutions.⁷³

In order to better grasp the refugees’ relationship with UNRWA, we cross-tabulated these overall findings with an independent variable: the “area of residence” variable relating to the location of the interviewed refugees, either inside or outside a camp. It was initially assumed that camp refugees would be comparatively more numerous in emphasizing the importance of UNRWA as a basic services’ provider. While the Agency is expected to provide such services to all registered refugees, whatever their area of residence, camps are

⁶⁹ UNRWA shares this opinion, ascribing the decreasing quality of its services to lack of funds and shortage of staff, and to demographic pressure. See UNRWA, Medium Term Plan (MTP), “A Better Future for Palestine Refugees”, 2005, 7–9, available at: <http://www.reliefweb.int/rw/rwb.nsf/db900sid/HMYT-6A2MNE?OpenDocument> (last visited 25 Apr. 2009).

⁷⁰ According to the Palestinian Central Bureau of Statistics (PCBS) in 2007; see <http://www.pcbs.gov.ps/desktopmodules/newscrollEnglish/newscrollView.aspx?ItemID=813&mid=11170> (last visited 25 Apr. 2009).

⁷¹ For regular programmes UNRWA’s Lebanon field has the largest capita budget, reaching \$168 per capita; see UNRWA, 2008.

⁷² For a documented overview of the evolution of the living conditions in the OPT since the outbreak of the Second Intifada, see also the “Palestinian Public Perceptions Reports”, published from 2001 to 2008 by the IUED, Graduate institute of Development Studies (the full list of reports and databases are available on www.iuedpolls.org).

⁷³ Fafo, *Gaza Poll Summary*, Sep. 2005. See <http://www.fafo.no/gazapoll/summary.htm>. (last visited 31 Dec. 2009). More recently, a poll conducted in Mar. 2009 following the Jan. 2009 Israeli attacks against Hamas in Gaza confirmed this trend: nearly 70 per cent of Gazans gave a positive opinion about UNRWA as opposed to less than 50 per cent for the various Palestinian institutions See <http://www.fafo.no/ais/mideast/opt/opinionpolls/hasselknippe-poll-presentation.pdf>, (last visited 25 Apr. 2009).

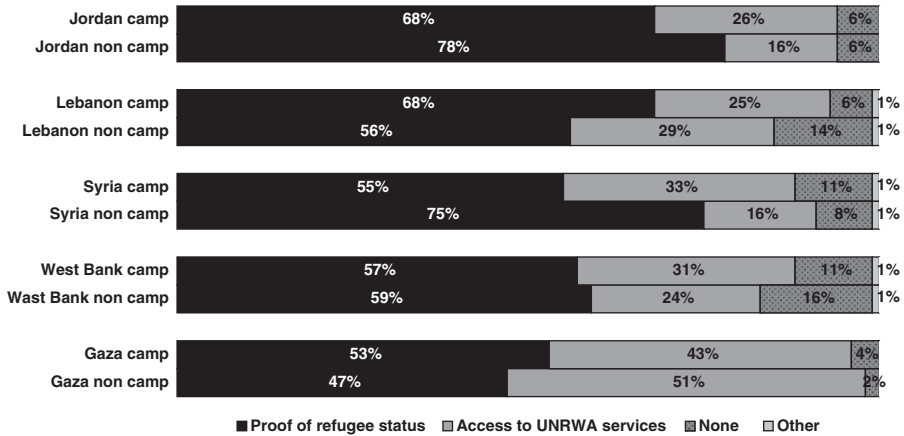


Figure 2. Main advantage of registration with UNRWA per place of residence.

Table 1. UNRWA registered refugees in June 2008

	West Bank	Gaza Strip	Jordan	Lebanon	Syria	Total
Registered Refugees (RR)	754,263	1,059,584	1,930,703	408,438	415,608	4,618,141
RR as per cent of total RRs	16	23	42	9	10	100
Existing camps	19	8	10	12	9	58
RR in Camps (RRCs)	191,408	492,299	335,307	220,908	123,646	1,226,213
RRCs as per cent of RRs	25	47	17	53	27	30

Source: UNRWA in Figures—Figures as of 30 June 2008, Gaza and Amman, UNRWA Public Information Office, 2008.

usually the only locations to host the full gamut of schools, clinics, relief distribution, and social centres. Moreover, as the NEP poll has shown, camp refugees are on average poorer than non-camp refugees,⁷⁴ and they also tend to use UNRWA services in higher numbers, including in Jordan and the West Bank.⁷⁵ Figure 2 shows that our assumption holds true in the West Bank, Jordan, and Syria. Conversely, in Lebanon and Gaza, namely the host countries with the highest percentages of camp refugees (53 per cent and 47 per cent, respectively, see Table 1), refugees living outside camps attached more

⁷⁴ Indeed, the NEP survey shows that as many as 57 per cent of the camp refugees in Jordan belong to the lowest or the lower-mid income quintile as opposed to 35 per cent of non-camp dwellers. The results are 49 per cent and 35 per cent, respectively, in Syria and 47 per cent and 33 per cent, respectively, in Lebanon. In the West Bank and Gaza, conversely, the rate of poor or very poor respondents is not higher inside than outside camps. See NEP report: F. Lapeyre and M. Bensaid, *Socio-economic profile of UNRWA Registered Refugees*, IUED/Louvain-La-Neuve/UNRWA survey, Geneva/Amman, UNRWA intranet, 25 July 2006, 31.

⁷⁵ According to the NEP survey, in 2005 the vast majority of refugee children living in camps attended UNRWA elementary and preparatory schools, including in fields of operations (Jordan and the West Bank) where most Palestine refugee children rather attend governmental schools: from around 85–88 per cent in Jordan and the West Bank, to around 95 per cent in Lebanon, Gaza, and Syria. Al Hussein et al., *Education profile of the Palestine Refugees in the Near East*, op. cit. 38.

importance to UNRWA's services than the camp dwellers. In Gaza, outside the camps, access to such services was even considered by refugees as more important than securing refugee status.

The data from Lebanon and Gaza reflects the unique importance ascribed by refugees to UNRWA as a basic services provider, whatever the quality. In Lebanon, where camps gather most if not all of UNRWA facilities, restrictions on access to governmental services and the high costs imposed by private institutions render the Agency's services comparatively more valuable for non-camp refugees. In Gaza, the non-camp refugees' emphasis on UNRWA's services reflects the similar degree of poverty inside and outside camps, and attests as well to the Agency's overall popularity in this field of operation.⁷⁶

2.3 The "cost of refugee-ness"

Beside registration with UNRWA, two additional factors have contributed to shape the refugees' lives in the Arab host countries: their legal status as "stateless" people – except in Jordan – and their submission to more or less discriminatory socioeconomic regimes. What perception do the Palestine refugees have of their current situation? The NEP survey has endeavoured to tackle this question by asking the refugee respondents to identify the three main problems they usually face due to their specific status. During the data processing phase of the survey, the respondent's answers were categorized into eight significant "problem categories". Most of these categories pertain to problems directly linked to the terms of their integration in the host country: "economic problems" (or poverty); "unemployment"; "mobility" (internally, or opportunity to migrate, or forced displacement); "substandard housing and environment"; "insufficient aid and substandard services"; and "discrimination" (in general or specifically related to employment, political, and social types of discrimination). One category is related to the refugees' symbolic attachment to their place of origin: "loss of homeland/longing for return."⁷⁷

The following paragraphs will focus only on the most frequently mentioned problems of the refugees.⁷⁸ The findings of the survey (Figure 3) indicate that,

⁷⁶ Be that as it may, in camps and outside camps, refugees with low or very low incomes tend to be comparatively more numerous among those who UNRWA as chiefly a source of basic services. However, this trend is not linear, which may reflect the fact that, since 1992, eligibility for the Agency's main regular programmes, namely primary education and health care, is no longer based on the criteria of income and need but solely on conformity with refugee status (see UNRWA, 1992, para. 35). In Lebanon however, no clear pattern can be singled out. This may be ascribed to the rigid institutional discriminatory legal status (as foreigners) imposed by the authorities upon the whole refugee population that has resulted in the relative homogenization of the refugees' dependence on UNRWA, irrespective of their socioeconomic profile.

⁷⁷ The eighth and last category is "other". Before undertaking the data analysis, it is important to stress the caution needed when interpreting the data obtained. Indeed, it is likely that references to the three first above-mentioned "problem categories" do not necessarily relate to problems faced by the refugees *as refugees*, but rather by the residents of the host country at large; this may be the case of "unemployment", or for mobility problems in the West Bank, for instance.

⁷⁸ For reasons related to statistical accountability. In many cases, the refugees interviewed only mentioned one specific problem. In Syria for instance, 1566 refugees gave one answer, 1026 refugees gave two answers and only 486 refugees gave three answers.

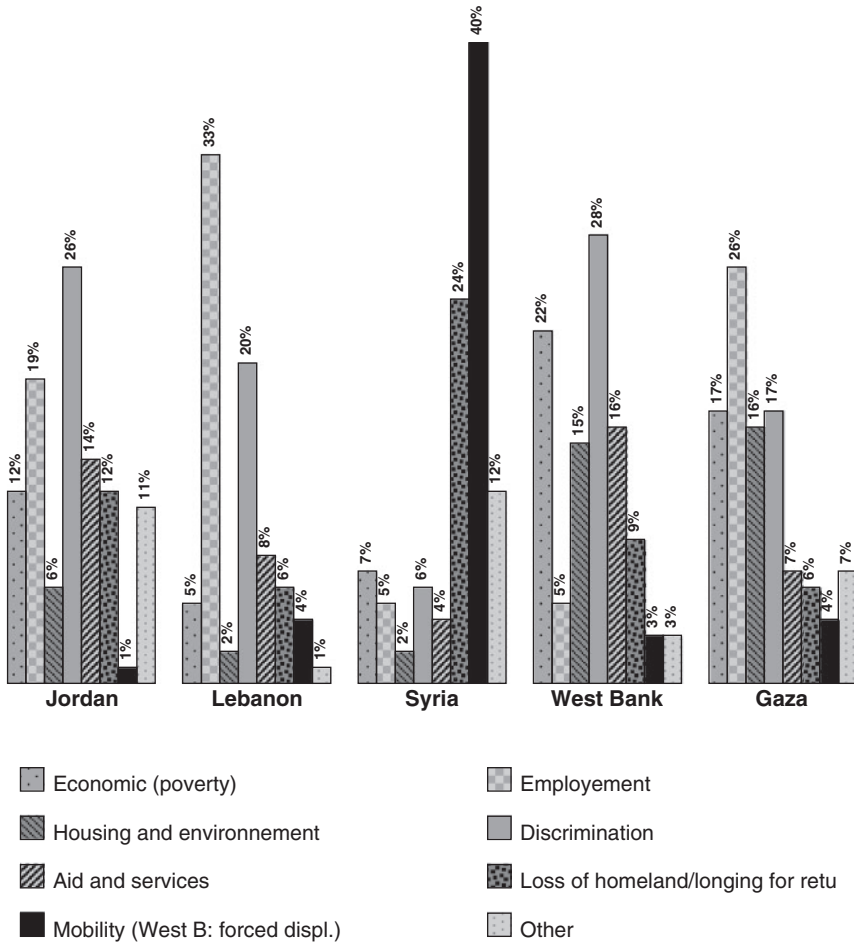


Figure 3. Refugees’ main problems per host country.

except for Syria, *discrimination* stands out as the first main problem faced by the refugees, affecting up to one-fifth/one-third of them across the host countries. This is also true in Jordan, despite the comparatively more favourable legal status conferred on the refugees as citizens of the Kingdom.⁷⁹ This rather surprising finding sheds light on the informal discrimination these refugees have been subjected to in past years, especially in the field of recruitment to the Jordanian public sector. Being for the most part full-fledged citizens, refugees in Jordan may also have higher expectations in this regard.

Further in-depth analysis of the “discrimination” variable reveals that where Palestine refugees formally benefit from the same legal status as the host population, namely Jordan, the West Bank and Gaza, discrimination is mostly defined

⁷⁹ Except the 1967 refugees displaced from Gaza.

in “general/social discrimination” terms. Conversely, political discrimination is seen as the main problem where refugees are stateless and can therefore not participate officially in the country’s national politics, namely Syria and Lebanon. Whether these refugees would accept to be involved in national politics through the partial or full regularization of their situation in the host country remains an open question. However, the above-mentioned rejection of President Abu Mazen’s 2005 initiative indicates that this option is not in the offing (see section 2.1). Be that as it may, referring to “discrimination” as a problem – whereas it is still often held by the host authorities as a “positive” step meant to preserve the refugees’ “right of return” – confirms the refugees’ questioning of the legal status system set up for them by the Arab countries in the 1950s.

Socioeconomic problems (either in the form of (*un*)employment or poverty) also rank high among the refugees’ main problems, except (again) in Syria. In Lebanon, the ultra-restrictive job regulations they are subjected to, combined with their status as stateless persons, render refugees particularly vulnerable.⁸⁰ In the OPT, more contextual patterns prevail. In Gaza, refugees’ focus on unemployment betrays the very high level of refugees declaring themselves unemployed when the survey was undertaken (40 per cent versus 26 per cent in the West Bank), which is mainly due to sheer lack of access to jobs in either the Gaza Strip itself or in Israel.⁸¹ In general, the NEP survey attests to the adverse effects of the *Intifada al-Aqsa* on the OPT refugees’ general living conditions, expressed either in terms of unemployment in Gaza or of poverty in the West Bank. In the same vein, the serious degradation of the housing and environment conditions in the OPT since 2000 was highlighted by the comparatively higher numbers of refugees of these territories that referred to “sub-standard housing and environment” as their first problem, in the camps more especially.⁸²

Problems related to access to *aid and access to basic services* were perceived as relatively secondary when compared to the more fundamental problems of

⁸⁰ This being said, as the NEP data shows, unemployment amongst refugees is not higher than amongst the host population: 13 per cent of refugees (NEP, 2005) versus 11.5 per cent of nationals in Lebanon (Lebanese sources, 2001); and 14 per cent of refugees (NEP, 2005) versus 13.2 per cent nationals in Jordan (Jordanian sources, 2006). Rather than unemployment, the assumption here would be that low (or at any rate comparatively lower) labour participation rates are the refugees’ actual problem outside Palestine. The activity rates of Palestine refugees (men and women) are lower than that of the population of the host countries. In Lebanon: 75 per cent of male Palestine refugees and 24 per cent of female Palestine refugees (NEP, 2005) versus 83.7 per cent of male Lebanese and 35 per cent of female Lebanese (Lebanese sources, 2004). In Jordan: 72 per cent of male Palestine refugees and 25 per cent of female Palestine refugees (NEP, 2005) versus 79.5 per cent of male Jordanians and 35 per cent of female Jordanians (Jordanian sources, 2004). This discrepancy also exists in Syria, where Palestinians are stateless as well, but the feeling of discrimination is much lesser than in Lebanon and Jordan. See M. Bensaid and F. Lapeyre, *Labour Markets of UNRWA Registered Refugees*, IUED/Louvain-La-Neuve/UNRWA. NEP survey, Geneva/Amman, UNRWA intranet, 25 July 2006, 17–18.

⁸¹ *Ibid.*

⁸² Namely 44 per cent of camp refugees compared to 17 per cent of non-camp refugees in the West Bank; and 38 per cent of camp refugees compared to 23 per cent of non-camp refugees in Gaza. See NEP report: H. Rueff and A. Viaro, *Assessment of Housing Conditions of Palestine Refugees*, IUED/Louvain-La-Neuve/UNRWA survey, Geneva/Amman, May 2007.

discrimination, employment, and poverty. They nevertheless constitute a salient “problem category” among refugees residing in Jordan and in the West Bank, namely those fields where the refugees expressed the least interest in the operational aspect of UNRWA’s services (less than one-fifth of the respondents in Jordan), or in registration with UNRWA as a whole (up to 15 per cent of the respondents in the West Bank) (see Figure 1). In any event, such findings indicate that little consideration for UNRWA and its services does not necessarily entail outright disregard for them.

Finally, while references to problems related to *longing for return* is present in all fields, they only rank high in Syria. Understandably, nearly sixty years after the exodus, such feelings were less prevalent than day-to-day problems.⁸³ However, this should not be interpreted as to minimize the refugees’ attachment to their “right of return”. Its full recognition as a principle of international law by Israel and the international community has remained one of the refugees’ main demands since 1948.⁸⁴ It also stands out as one of the PLO’s main demands within the framework of the permanent status talks with Israel, regardless of the modalities of its implementation. The symbolic interpretation of UNRWA’s registration made by a majority of refugees as a proof of their status (see section 2.2) also testifies to the preserved significance of the vested rights attached to it.

Figure 3 also highlights the specificity of the Palestine refugees’ situation in Syria. Reflecting the relatively liberal socioeconomic regime tailored for them by the Syrian authorities, less emphasis was placed on problems that are pervasive elsewhere, such as employment, discrimination, and insufficient basic services. Conversely, they come out as comparatively much more prone to *mobility problems*. Confirming this figure, migration-related data from the NEP survey indicate that only one out of ten respondents in Syria had not migrated either internally or outside the country, compared to about one-third of them in Jordan and in the West Bank and about half of them in Lebanon and in Gaza.⁸⁵ The high proportion of refugees referring to mobility problems in Syria may have different causes. It might precisely result, as Maslow theory would have it, from

⁸³ Data analysis on this variable shows that it is amongst the refugees older than 60 years of age, namely those who may have lived in “pre-1948 Palestine” or in times when the possibility of recovering Palestine was less remote than today, that *homesickness/longing for return* is the most cited as the main most important problem (54 per cent of the >60 of age in Syria, for instance). Another category concerned is the younger 16–20-years-old group (41 per cent of the 16–20 age group in Syria). For this group, longing for return may reflect a feeling of frustration at still being refugees subjected to the stigmata of exile, at a time when the prospect of recovering the original homes (or even to be compensated for the loss of these homes) either by force or through negotiations with Israel, seems to have vanished.

⁸⁴ As UNRWA’s Director put it in as early as 1951: “The desire to go back to their homes is general among all classes. . . Many refugees are ceasing to believe in a possible return, yet this does not prevent them from insisting on it, since they feel that to agree to consider any other solution would be to show their weakness and to relinquish their fundamental right, acknowledged even by the General Assembly” See UNRWA, *Report of the Director of UNRWA*, Supplement No.16 (A/1905), 1951, para. 37.

⁸⁵ Figures are: 11 per cent in Syria, 37 per cent in Jordan, 38 per cent in the West Bank, 46 per cent in Lebanon and 47 per cent in Gaza. Amongst those who migrated, only 21 per cent migrated abroad, versus 35 per cent in Jordan, 49 per cent in Gaza, 54 per cent in the West Bank and 75 per cent in Lebanon.

the refugees' relatively little concern for the other problems – discrimination in particular – usually referred to in the other host countries. However, several factors specific to the mobility situation in Syria also explain the prevalence of mobility as a problem in Syria. With regard to *external* labour migration, refugees in Syria may have been considered on average less “competitive” on the regional labour market given their comparatively lower educational attainments and language skills.⁸⁶ In addition, the departure of the Syrian troops from Lebanon in April 2005 deprived many non-qualified refugees from Syria (as well as Syrian nationals) of an external job outlet.⁸⁷ Explaining the low levels of *internal migration* in Syria, when compared to regional levels, a FAFO report put forward such factors as the guaranteed ownership of the dwelling, which makes it more difficult to move: near parity in social services and little variations in wage levels, offering few incentives to migrate; and expensive housing costs in large cities.⁸⁸

3. Conclusion

The refugees' status in the Near East has been moulded to a large extent by the legal “refugee system” set up by the Arab States in the wake of the 1948 exodus around two priorities: the preservation of the refugees' right of return and the handling of the refugees' social and economic needs in accordance with the host societies' internal interests. This explains why, behind the common Arab discourse in favour of the refugees' “right of return” through the implementation of UNGA resolution 194 (III), there remain large disparities in the refugees' legal, political, and socioeconomic status and realities across the Near East.

In spite of the many turbulent events that have marked the relations between the Palestinian refugee communities and their host countries since 1948, the “Arab refugee system” is still in place. UNGA Resolution 194 (III), the cornerstone of the refugees' claims, is still endorsed by a large majority of the UNGA's Member States. Moreover, despite chronic budget shortages, UNRWA is still fully operative in its five fields of operation, witnessing the international community's humanitarian and political responsibilities *vis-à-vis* the refugees. In this respect, the 2005 NEP survey highlighted the prevalence of the political value that refugees ascribe to their registration with the Agency, namely as a

⁸⁶ The NEP survey indicates that over half of the (aged 16 and above) Palestine refugee population in Syria (51 per cent) dropped out of school before completing the basic school cycle, as compared to 38 per cent in the West Bank, 35 per cent in Jordan and 29 per cent in Gaza. Only refugees in Lebanon claim a higher percentage of “basic education dropouts”: 54 per cent. Yet, refugees in Lebanon (as well in Jordan, Gaza and the West Bank) claim much higher levels of proficiency in languages (including Arabic and English) (Al Hussein, “The Arab States and the refugee Issue: A Retrospective View”, *op cit.* 19–31).

⁸⁷ Nevertheless, the departure of the Syrian workers (usually menial jobs in the construction sector) from Lebanon has had beneficial consequences on the Palestinian refugees in Lebanon, who filled their place on the job market.

⁸⁸ See M. Khawaja, *Internal Migration in Syria*, Oslo, FAFO, report 375, 2002, 21.

proof of their refugee status rather than as a source of basic services (except in Gaza). This may be a matter of concern for UNRWA. The fact that only a minority of refugees (roughly one-third of them) perceive access to its services as an advantage accruing from registration also reflects dissatisfaction with the state of UNRWA's services. Also questioned by the refugees is the discriminatory system set up by the Arab host countries to preserve their rights. Improving the modalities of their integration in these countries, especially in the economic and social fields, is no more seen by the refugees, inside and outside camps, as a threat to their political rights, but quite to the opposite.

These findings may be policy relevant for the way any permanent status agreement can be perceived and implemented by the refugees and the host countries. The first issue concerns the notion of resettlement. Given Israel's refusal to consider any return of the refugees in accordance with the provisions of UNGA resolution 194 (III), resettlement has been repeatedly presented by Israeli and Western stakeholders as *the* "magic solution" likely to solve quickly and permanently the Palestinian refugee problem. Our survey's findings allude to the fact that, should the resettlement option prevail, its implementation in a post-peace agreement context would necessarily entail, in each of the host countries, potentially destabilizing reappraisals of the refugees' formal and informal statuses at all local and national levels. The uncertainties surrounding the modalities of resettlement are compounded by the fact that, despite the laudable efforts displayed by the informal settlement proposals that have flourished since the late 1990s, the issue of compensation for refugees (in exchange for their return to their original homes) has not yet been clearly defined, either with regard to the amount of the compensation sums involved, or to the modalities of payment.⁸⁹ Furthermore, neither the host countries (who were excluded from the bilateral, Israeli–Palestinian, format of the permanent status talks) nor the refugee communities have been directly consulted on such crucial matters.

More worrying, from a refugee perspective, is the emergence among international, Arab, and even some Palestinian stakeholders of a new "pragmatic" interpretation of the notion of return that encapsulates it within a two-state solution. According to this interpretation, the bulk of the refugees in the Diaspora would be granted a "right of return" limited to the future Palestinian state in the West Bank and Gaza, rather than to their original homes now located in Israel. Neither the PLO nor the Arab States ever formally endorsed this approach, mainly because Israel has never initiated the necessary reciprocal conciliatory steps. It also obviously failed to consider the current lack of absorption capacity of the OPT and to address the demands for return of those refugees *already* residing in the West Bank and in Gaza.

⁸⁹ The "Clinton parameters" of Dec. 2000, the "Taba agreements" of Jan. 2001 and the "Geneva Accords" of Dec. 2003 limited themselves to general principles, notably the setting up of an international compensation fund. The "Arab Summit Declaration" of Mar. 2002 called upon Israel to affirm that the achievement of a just solution to the Palestinian refugee problem had to be agreed upon in accordance with UNGA res. 194.

The unconditional recognition of the refugees' right of return to Palestine therefore remains at the core of the refugees' self-perceptions and political claims. Their response to any peace plan that would sell out their "right of return" to the original homes, villages, and towns in exchange for the establishment of an independent Palestinian state might very well trigger violent responses, especially in the absence of coherent and rewarding compensation, alternative repatriation, or resettlement schemes.