8 Dynamics of humanitarian aid, local and regional politics

The Palestine refugees as a case-study

Jalal Al Husseini and Riccardo Bocco

This chapter explores the Palestinian refugees’ legal status in the Near East: Jordan, Lebanon, Syria, the West Bank and the Gaza Strip. It will focus more particularly on the ‘Palestine refugees’, namely those Palestinian refugees (and their descendants) living in the above-mentioned countries/territories registered by the United Nations Relief and Works Agency for the Palestine Refugees in the Near East (see Table 8.1).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 at about 7.5 million (Badil 2006: 49). The Palestine refugees have lived under a variety of different national jurisdictions. Formal citizens in Jordan since 1949, the majority of those residing in the other host countries have remained stateless. On the socioeconomic level, they have been subjected to various discriminatory systems, from quasi-parity in Syria to sheer marginalization in Lebanon. Beyond these differences, two patterns have nevertheless contributed to define them as one cohesive, transnational, refugee category.

The first pattern is the prevalence of the ‘right of return’ in their collective narratives (Farah 1997: 259–98). Predicated on resolution 194 (III) of the United Nations General Assembly (UNGA),² the ‘right of return’ has been instrumental in shaping the refugees’ legal status as well as their daily relationships with host societies (Aruri 2001). 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 inquire about its salience for most refugees after 60 years of exile.

The second pattern is the existence of UNRWA, whose temporary mandate has been regularly extended by the UNGA since 1949. UNRWA has gradually established itself over the years as a ‘quasi-state’ institution taking on responsibilities traditionally assigned to national governments in the field of education, health care, relief and social welfare services and, since the early 1990s, micro-credit and microfinance (Bocco 2009). How do the refugees perceive the Agency’s mandate, six decades after its establishment? How does UNRWA’s humanitarian mandate fit within the larger political and socioeconomic contexts of its operation fields?

Combining findings of recent surveys with information drawn from primary and secondary sources, this chapter highlights the 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 of the Declaration of Principles (generally known as the ‘Oslo Accords’) between Israel and the PLO in September 1993. 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, a status quo predicated on the hypothetical advent of a regional peace. This chapter 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 of UNRWA.

The evolution of the Palestine refugees’ status in the Near East

It was during the 1950s that the Arab League formally established the legal and political guidelines for the Palestine refugees’ integration in each of the Arab host state. Despite numerous infringements, these guidelines are still regarded as the standards to which the Arab states should adhere.

Statelessness 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
Jalal Al Husseini and Riccardo Bocco

guided the Arab League’s ‘Palestine refugee’ policies. Apart from a few exemptions, all Near East Arab countries have adopted this principle, providing mere travel documents to the refugees (Takkenberg 1998). Jordan has from the outset departed from this general trend. As early as late 1949, it 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 descendants to whom the authorities continued to vow to struggle for the liberation of their homeland. In so doing, Jordan created ‘temporary refugee-citizens’, 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. This naturalization policy has enabled the refugees to participate in Jordan’s national politics and facilitated their absorption in the 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 upheld in national and international forums, any notion of a separate ‘Palestinian identity’ in Jordan’s internal politics was banned by royal decree.

The inhabitants of the official refugee camps jointly administered by UNRWA and the host authorities have symbolized the refugees’ humanitarian plight as well as their struggle against permanent resettlement for the sake of the ‘right of return’. Camp refugees have long opposed any structural improvements in the camps because that could be interpreted as a permanent resettlement. Moreover, the necessity to maintain the temporary character of the camps resulted in UNRWA and the host authorities imposing drastic limitations on the housing units’ growth. This, 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’ physical and environmental conditions. Today, the camps and their inhabitants 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’ stability.

The ‘positive’ discriminatory regime established by the Arab League was compensated 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 the Casablanca Protocol of 1965 (UNHCR 2009), have never been fully implemented. The modalities of the refugees’ integration in the Arab host countries have been predominantly dictated by internal considerations. The refugees’ demographic weight 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, has just but reinforced the fear amongst the Arab host societies that the refugees’ prolonged presence may remain a potential threat to their internal stability (Sayigh 1997).

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, authorities have prevented the socioeconomic absorption of the Palestinian refugees for fear that any major improvement in their living conditions ‘led to resetting the Palestinian refugees and their eventual assimilation’ (Prime Minister Rafik Hariri quoted in Bowker 2003: 75). Accordingly, the Lebanese authorities have since the 1960s subjected them to the laws pertaining to foreigners in such matters as employment, acquisition of property, taxation and social security. Suspended after the conclusion of the ‘Cairo Accords’ in 1969, these discriminatory regulations have been fully enforced upon the Palestinians since their abrogation in 1987 (Suleiman 2006). In contrast, Syria has undertaken legal steps placing Palestinians on a par with its nationals in the economic and social fields. 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 the West Bank and Gaza, refugees have benefited from the same social and economic rights as the indigenous population. In Jordan, observers have pointed out a number of informal discriminations against ‘Jordanians of Palestinian origin’ in the fields of employment in the public sector (especially the military and intelligence services) and of representation in national institutions (Odeh 1999). The fate of the West Bankers, refugees and non-refugees alike, offers a stark illustration of the Palestinian’s vulnerability.

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’ (King Hussein 1988), the West Bankers 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 ‘Gazan’ displaced persons who were transferred to Jordan following the 1967 Arab–Israeli war (UNRWA 2009; Abed 2006: 17).6

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, UNRWA’s humanitarian assistance on behalf of the 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’ programme to be terminated by mid-1951. The Arab host countries were to bear the onus of monitoring the refugees’ socioeconomic conditions following UNRWA 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 resolution 194 (III). 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 Palestine’ in the best interests of their respective tasks, with particular reference to paragraph 11 of General Assembly resolution 194 (III).
The organic link thus established between UNRWA and resolution 194 (III) was only but one of the factors that contributed to root UNRWA in the lives of the refugee communities. UNRWA’s institutional characteristics have had a similar effect. Unlike sister agencies, such as the United Nations High Commissioner for Refugees (UNHCR), UNRWA has directly administered its humanitarian programmes thanks to its ever-growing number of local employees, thereby acquiring the trappings of a ‘quasi-governmental mission’ (Buehrig 1971). UNRWA’s prevalence amongst the Palestinian communities also stems from the demise, or non-involvement, of other organizations such as the United Nations Conciliation Commission for Palestine (UNCCP), created in December 1948. Although its mandate was never terminated, it has become the symbol of the United Nations’ (UN) 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 United Nations other than the United Nations High Commissioner for Refugees protection and assistance’. This is obviously the case of the UNRWA-serviced Palestine refugees, although the Agency’s general assistance mandate has never included the protection activities covered by the UNHCR.

Consequently, UNRWA has been perceived by the refugees as a unique reflection of the international community’s recognition of their ‘right to return’. Its registration card became a political symbol: the only official documentary evidence of the refugee status and it is still widely held as a ‘Passport to Palestine’ or as a prop likely to further compensation claims (Plascov 1981: 64–5). This explains why nearly every UNRWA step has been scrutinized by the refugees through the prism of its conformity with the right of return. It is on these grounds that most refugees were reluctant to engage in the collective small- and large-scale reintegration works programmes devised by the Agency in the 1950s; conversely, the refugees approved of the individual reintegration policy pursued by UNRWA as from 1959/60. Based on educational and vocational training programmes, 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 (Schiff 1995).

In contrast, UNRWA’s institutional foundations have remained weak. Its three- to five-year mandates have prevented its staff from engaging in long-term planning. And its budget, based on voluntary contributions from the members of the international community, has fallen short of keeping pace with its increasing financial needs, three-quarters of which are devoted to the local staff salaries (UNRWA 1995: 9). Recurrent budget deficits have compelled UNRWA to adopt austerity measures in the form of curtailment of traditional services or the lack of maintenance of its educational and medical facilities. Despite these adverse measures, the Agency’s services output are still renowned for their relative efficiency, notably in the field of education. Furthermore, the Agency has continued to be held as a stabilizing ‘peace servicing’ factor in the Near East in the eyes of the Western donor countries and as a symbol of the preservation of the refugees’ rights (Forsythe 1971: 1–3).
Palestine refugees and the challenges of the ‘Oslo peace process’

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 that the UNRWA’s founding resolution of December 1949 had set at the heart of the Agency’s operational mandate. 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.

(UNRWA 1995: 10–11)

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) (UNGA 1993). The Peace Implementation Program (PIP) 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. Besides, 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 (UNRWA 1995: 33); second, in July 1996, the Agency’s headquarters were moved from Vienna to Gaza (the PA’s stronghold) instead of Beirut, its original location. On its part, the PA sought to dismantle the camps through their integration within the 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 (Kodmani-Darwish 1997: 157).

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 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 and to inheritance rights (Suleiman 2006; Meier, 2008). Pushing the refugees
to emigrate permanently became a cornerstone of Lebanon’s policy vis-à-vis the Palestinians (Mattar 2000: 261). 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, the actual number actually residing in the country was estimated by other sources at less than 200,000 (Ugland 2003: 17). 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’ (paragraph 1). This included ‘agreed United Nations programmes and other agreed international economic programmes concerning refugees and displaced persons, including assistance for their settlement’ (paragraph 2) (King Hussein 1994).

In the following years, the hopes nurtured by the Palestinian and Jordanian leaderships in the peace process were crushed by the deterioration of the Israeli–Palestinian relations. What is more, both of them saw their ‘pro-peace’ stance meet with fierce internal opposition. 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 centre-stage the ‘right of return’ 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 1996–7, 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. 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 of Palestinian origin, thus reviving the dreaded scenario of ‘the alternative Palestine state in Jordan’ (Odeh 1999: 235–48). 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.

The one conclusive legacy of the ‘Oslo peace process’ remains the refugees’ and host authorities’ new positive attitude towards the camps’ management. The notion of a sustainable improvement of camps’ physical infrastructure had become one of the refugees’ local representative main claims. Collective socioeconomic rehabilitation programmes were to be clearly differentiated from resettlement schemes aimed at burying the right of return. In this spirit, the refugees welcomed UNRWA’s PIP projects, even though these were balanced by a net reduction of the Agency’s general budget. The PLO Department of Refugee Affairs bolstered this developmental trend in 1996–7 by establishing in each camp ‘Services Committees’ whose
mandate to date is to implement, in coordination with UNRWA, developmental projects in the camps.

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. 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 regularly integrated the refugee camps in some of the country’s development policies. The Syrian authorities have assisted UNRWA in the implementation of large-scale water/wastewater and housing rehabilitation in several camps of the country. Finally, 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.

Similarly, the reconstruction of those areas of the Jenin camp in the West Bank that 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 opposed the fundamentalist Fatah 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 (UNRWA 2010b). One of the most remarkable aspects of all these recent camp projects is that they have involved the refugees in their various stages: from the design of the rebuilt areas to their maintenance following UNRWA’s intervention (Wilkinson 2003: 43–6).

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’. It has actually 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. 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. 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 in order to unify the various segments of the country’s population for the sake of political and socioeconomic modernization. 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 inter alia the outstanding socioeconomic, legal and security issues related to the Palestinian refugees residing in Lebanon, in collaboration with UNRWA (LPDC 2009).
Host countries, however, have been careful to predicate their camp interventions on purely humanitarian grounds and not as policies for refugees’ assimilation. 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 (Mazen 2005). The failure of the peace process, together with Israel’s intransigence regarding the issue of the ‘right of return’, have left the Arab countries with little room for manoeuvring. Moreover, their concerns over the gradual dismantling 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 status. To some extent, this also holds true for the PA: although all refugee categories have participated in the 1997 and 2006 legislative elections and therefore are represented in the PA’s legislative council, West Bank camp refugees have remained separate administrative entities and did therefore not get involved in the 2005 municipal elections (Signoles 2001: 318–22).

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. 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 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 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 (Khalaf 1990: 92–112). From this, a host of other significant issues arise: in the absence of 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? What are the main problems they face as refugees?

UNRWA: a basic services provider or 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–September 2005 by the Graduate Institute of Development Studies (IUED-Geneva University) and the University of Louvain-la-Neuve (Belgium) in coordination with UNRWA. 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; does it rather constitute a proof of refugee status likely to promote a ‘refugee identity’ in exile and/or to be used as a legal prop for future claims to repatriation and compensation; or, alternatively, has it become, 60 years after its establishment, a meaningless institution?19

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.20 As shown by Table 8.2, only a small minority of refugees think otherwise, in the West Bank and Lebanon in particular. These may include registered refugees who do not use UNRWA services,21 or refugees dissatisfied with them, respectively.22 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. Table 8.2 also shows that in all fields of operations except Gaza, the bulk 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: 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 (UNRWA 2005a: 7–9). Gaza’s specificity in that regard may stem from its unique socioeconomic and humanitarian contexts. The only field predominantly inhabited by Palestinian refugees (over two-thirds of the total Gaza population) (PCBS 2009), 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: $153 per capita per two-year period, as compared to $117 in the West Bank, $100 in Syria and just $61 in Jordan (UNRWA 2008).23 UNRWA’s operational significance in Gaza has further been reinforced since the outbreak of the al-Aqsa Intifada in 2000. The refugee residents have been the main beneficiaries of the emergency programmes in the OPT (IUED 2001–8).24 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 (Fafo 2005, 2009).25

Table 8.2 Main advantage of registration with UNRWA (in per cent)

<table>
<thead>
<tr>
<th></th>
<th>Gaza</th>
<th>West Bank</th>
<th>Syria</th>
<th>Lebanon</th>
<th>Jordan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of refugee status</td>
<td>49</td>
<td>58</td>
<td>67</td>
<td>62</td>
<td>76</td>
</tr>
<tr>
<td>Access to UNRWA services</td>
<td>48</td>
<td>26</td>
<td>23</td>
<td>27</td>
<td>18</td>
</tr>
<tr>
<td>None</td>
<td>3</td>
<td>15</td>
<td>9</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: NEP project, 2005.
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 more camp refugees would emphasize 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 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, and they also tend to use UNRWA services in higher numbers. Table 8.3 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 46 per cent, respectively, see Table 8.1), refugees living outside camps attached more 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 reflect 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.

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 socio-economic 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 related to the refugees’ symbolic attachment to their place of origin: ‘loss of homeland/longing for return’.

The following paragraphs will focus only on the most significant problem mentioned by the refugees. The findings of the survey (Table 8.4) indicate that, except for Syria, discrimination stands out as the first main problem faced by the refugees,
### Table 8.3 Main advantage of registration with UNRWA per place or residence (in per cent)

<table>
<thead>
<tr>
<th></th>
<th>Gaza non-camp</th>
<th>Gaza camp</th>
<th>West Bank non-camp</th>
<th>West Bank camp</th>
<th>Syria non-camp</th>
<th>Syria camp</th>
<th>Lebanon non-camp</th>
<th>Lebanon camp</th>
<th>Jordan non-camp</th>
<th>Jordan camp</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proof of refugee status</td>
<td>47</td>
<td>53</td>
<td>59</td>
<td>57</td>
<td>75</td>
<td>55</td>
<td>56</td>
<td>68</td>
<td>78</td>
<td>68</td>
</tr>
<tr>
<td>Access to UNRWA services</td>
<td>51</td>
<td>43</td>
<td>24</td>
<td>31</td>
<td>16</td>
<td>33</td>
<td>29</td>
<td>25</td>
<td>16</td>
<td>26</td>
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<tr>
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<td>2</td>
<td>4</td>
<td>16</td>
<td>11</td>
<td>8</td>
<td>11</td>
<td>14</td>
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<tr>
<td>Other</td>
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<td>1</td>
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<td>1</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: NEP project, 2005.
affecting around one-fifth and up to nearly one-third of them across the host countries. This is also true in Jordan, despite the comparatively more favourable legal status conferred on most refugees as citizens. 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 in the Jordanian public sector. Being for the most part fully fledged citizens, refugees in Jordan may also have higher expectations in this regard.

Further in-depth analysis on 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 in terms of ‘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 in 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. 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 amongst 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.29 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 the Strip itself or in Israel. In general, the NEP survey attests to the adverse effects of the al-Aqsa Intifada 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 ‘substandard housing and environment’ as their primary problem, in the camps more especially.30

Problems related to access to aid and access to basic services were perceived as relatively secondary when compared to the more fundamental problems of discrimination, employment and poverty. They nevertheless constitute a salient ‘problem category’ amongst 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 Table 8.2). 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* are present in all fields, they only rank high in Syria. Understandably, nearly 60 years after the exodus, such feelings were less prevalent than day-to-day problems. 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 (UNRWA 1951). 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 also testifies to the preserved significance of the vested rights attached to it.

Table 8.4 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 set 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. The high proportion of refugees referring to mobility problems in Syria may have different causes. It might precisely result from 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

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<td>Employment</td>
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<td>Discrimination</td>
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<td>Aid and services</td>
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<tr>
<td>Loss of homeland/longing</td>
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<td>Mobility (West Bank</td>
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Source: NEP project, 2005.
attainments and language skills. 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. 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 (Khawaja 2002: 21).

Conclusion

The refugees’ status in the Near East has been shaped 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 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. 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 the agency’s five ‘fields’, and doing its best to deliver on 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 the refugee ascribe to their registration with the Agency, namely as a 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) perceives 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 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
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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.33 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. This approach was never formally endorsed either by the Arab countries or by the PLO, 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.

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.

Notes

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’, see UNRWA (2006a).

2 Paragraph 11 of this resolution (December 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’.

3 Resolution 231 of 17 March 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 Resolution 194 (III), repatriation is not predicated on a peace agreement between the Arab States and Israel.
By conferring citizenship to the Palestinians living on Jordanian territory (refugees and indigenous West Bankers), King Abdullah I intended to benefit from the Palestinian population involvement in the Jordanian state-building, see Mishal (1978).

The Palestine registered refugees in Jordan constitute over one-third of the total host country population, while they averaged 10–11 per cent in Lebanon (see UNRWA 1992). The sensitivity of the Palestinian demography in the two host countries is related to different reasons. The Hashemite Kingdom fears that it could become an alternative Palestinian state in the future. In Lebanon, the naturalization of Palestinian refugees (mostly Sunni Muslims) has often been perceived as a menace for the political system, because potentially altering the balance of confessional communities’ representation.

The number of such displaced ‘Gazans’ today reaches about 200,000 people; 125,000 of them are registered with UNRWA in Jordan. Displaced ‘Gazans’ are given two-year temporary ‘travel document’ while the ‘West Bankers’ are given five-year ‘travel documents’ (UNRWA 2010a).

The UNCCP, which has been a ‘dormant’ body since the 1960s, is the political body created by resolution 194 (III), paragraph 2 (11 December 1948) to bring about a comprehensive peace agreement between Israel and the Arab countries.

The number of international staff has grown from about 6,000 to more than 27,000 employees between 1950 and 2008.

See Article I.D of the Convention and article c) of the UNHCR Statute. The Palestine refugees were also excluded from the 1951 Convention Relating to the Status of Refugees, which provides a universal definition of the term ‘refugee’.

Despite numerous pressures from the PLO, UNRWA has repeatedly refused to endorse physical protection activities as a formalized component of its activities. For an updated juridical debate on the UNRWA’s protection mandate, see the contributions of Goddard et al. (2009).

For instance, the Social Productivity Program that aimed inter alia at upgrading the poor areas’ infrastructural networks has also covered the camps. See http://www.espp.gov.jo/about%20espp.htm (accessed 25 April 2009).

For infrastructural projects in Damascus camps, see http://www.un.org.sy/forms/pages/viewPage.php?id=48 (accessed 25 April 2009). Syria’s flagship programme is the ‘Neirab’ camp rehabilitation project near Aleppo, where the infrastructural and housing works in this camp are preceded by a re-housing of part of its inhabitants in another area, the informal Ein al-Tall camp (see Byrne 2005: 44–51).

See UNRWA’s website on the Nahr el-Bared camp’s reconstruction (UNRWA 2010b).

The ‘Taba Accords’ (2001) and the ‘Geneva Initiative’ (2003) provide for the return of a small amount of refugees to Israel under a family reunification scheme, not as an implementation of a right of return see Keller (2004).

Similarly, PLO’s official statements since 1988 have confirmed the necessity of resolving the refugee issue according to the relevant UN resolutions, while ‘the right of return’ has continued to be regularly spelled out in the Arab leaders’ discourses.

One of its main goals was to ‘deepen the sense of national identity among citizens’, see Daily Star (2003).

In the same vein, a 2003 survey carried out among refugee communities in the OPT, Jordan and Lebanon has found that although almost all refugees demanded the recognition of the right of return, only 10%, on average, were actually looking forward to implementing it outrightly (PCPSR 2003).

This survey covered a randomly drawn sample of about 2,000 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 and a confidence interval of 2.2 per cent in each of them. The survey is an outcome of a conference organized by UNRWA and the Swiss government entitled ‘Meeting the Humanitarian Needs of Palestinian Refugees
in the Near East’, held in Geneva in June 2004. The detailed findings are available on the UNRWA intranet. Only a synthesis report is publicly available, see Bocco et al. (2007).

19 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.

20 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.

21 In the field of primary education for instance, less than 44 per cent of Palestine refugee children in the West Bank (and in Jordan) attended the Agency’s primary schools, compared to over three-quarters in the other fields of operations (Al Husseini et al. 2007: 37). This attests the refugees’ socioeconomic integration in the West Bank/Jordanian host societies.

22 A majority of refugees in Lebanon (60 per cent) said they were dissatisfied with the Agency’s education services. 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 (Al Husseini et al. 2007: 47).

23 For regular programmes UNRWA’s Lebanon field has the largest capita budget, reaching $168 per capita see UNRWA (2008).

24 For a documented overview of the evolution of the living conditions in the OPT since the outbreak of the Second Intifada see IUED (2001–8).

25 See Fafo (2005). More recently, a poll conducted in March 2009 following the January 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/middeast/opt/opinionpolls/poll2009.html (accessed 28 May 2010).

26 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 respectively 49 per cent and 35 per cent in Syria and 47 per cent and 33 per cent in Lebanon. In the West Bank and Gaza, conversely, the rate of poor or very poor respondents is not higher inside than outside camps (Lapeyre and Bensaid 2006: 31).

27 For instance, the vast majority of camp refugee children attended UNRWA primary schools: from around 85–8 per cent in Jordan and the West Bank, to around 95 per cent in Lebanon, Gaza and Syria (Al Husseini et al. 2007: 38).

28 In and outside camps, refugees with low/very low incomes are comparatively more numerous to consider UNRWA a source of basic services. However, this trend is not linear, which may reflect the fact that, since 1992, eligibility for the Agency’s primary education and health care is no longer based on the criteria of income and need but on refugee status (UNRWA 1992: paragraph 35). In Lebanon, no clear pattern is singled out. This may be ascribed to the rigid discriminatory legal status imposed by the authorities upon the refugee population that has resulted in a relatively homogeneous dependence on UNRWA.

29 This said, 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 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 (Bensaid and Lapeyre 2006: 17–18).
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 (Rueff and Viaro 2007).

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 (54 per cent of the 60+ age group 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). This 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 to be compensated) either by force or through negotiations with Israel, seems to have vanished.

The NEP survey indicates that over half of the (16 of age 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 Husseini et al. 2007: 19–31).

The ‘Clinton parameters’ of December 2000, the ‘Taba agreements’ of January 2001 and the ‘Geneva Accords’ of December 2003 limited themselves to general principles, notably the setting up of an international compensation fund.