

Close Shelter: From Refugees Under International Protection to Wandering Poor

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Introduction

This study attempts to shed light on groups of citizens in several Arab countries, who have become displaced or refugees, whether as a result of internal strife and armed conflicts, as in Iraq and Syria, or through external colonization, as in Palestine.

One of the problems accompanying asylum has been the absence of social protection, based on the concept of citizenship, and, thus, the transfer of responsibility regarding many needs, particularly in health, education, and security, to international relief organizations and host countries. This is starting to apply to millions of citizens in the Arab world, after 2006, in particular, with the intensification of the war in Iraq, and then in 2011, with the eruption of the Syrian arena. This is added to the 60-year-old question of Palestinian refugees and absence of their own state, whose circumstances vary according to the laws and regulations governing their presence in host countries.

According to a report by ESCWA:¹ “More than 53 per cent of the total number of refugees in the world comes from the Arab region, which is home to less than 5 per cent of the world population.” (ESCWA: 2014, 133). The number of refugees and forcibly displaced in the Arab region is on the increase and starting to include people from various origins, such as Palestinians, Iraqis, Sudanese, Somalis, Syrians, and Libyans, as well as refugees from other African countries, including Ethiopia and Eritrea. According to the UNHCR, Egypt, Jordan, and Lebanon hold the largest concentration of refugees, in addition to Iraq, which also suffers from exporting a large number of refugees and internally displaced people.

1- ESCWA, Arab Integration: A 21st Century Development Imperative, UN Publications, ESCWA, Beirut, 2014.

This paper investigate the types of social protection in neighboring countries accessible to those seeking refuge from the crises and wars raging in their country? To answer, the report will provide an analytical and comparative description of the question of social protection related to several asylum cases, including Syrian refugees in Lebanon, Iraqi refugees in Jordan, and Palestinian refugees in Gaza.² The comparison will allow a space to address the problem in various contexts and from various angles, proposing appropriate policies, after taking the whole question the refugee question into account. As evident from older protection experiences, there is no “one-size-fits-all” solution to the various contexts facing refugees.

It should be noted first that term “social protection” is used in this paper to distinguish between: social protection in the form of services provided by the host country for refugees, in order to respond to their everyday problems, on one hand, and the protection offered by international conventions and laws for those who “gain” the title of refugee, on the other. However, it should be emphasized that protection in both cases cannot fully address the political essence of the question of refugees, as it falls in the context of treating the symptoms, whether the result of military intervention, direct colonialism, or internal disputes over sovereignty and power, which may take a sectarian tern and are often fed by international and regional powers. This leaves the people – who suddenly found themselves in a battle not of their choosing – with two options: either remain under threat of direct fire or seek shelter in a safer place.

Due to practical limitations, the paper will focus on discussing the second alternative, in an attempt to identify mechanisms to expand the

2- There are five million Palestinian refugees in the West Bank and the Gaza Strip, in addition to Jordan, Lebanon, Syria, and all over the world.

protection currently afforded to refugees in the region and not in the aim of seeking a definitive solution to their plight. Comprehensive solutions, however, cannot be reached in isolation from the underlying framework of the political context that produced them, to avoid falling into treating the question as merely a relief issue.

In the context of refugees and internal displacement, protection means legal assistance, relief, and international protection prescribed by the 1951 Refugee Convention, which includes shelter, food, healthcare, and education assistance, travel documents for refugees, and facilitating the implementation of durable voluntary solutions, such as: return to the country of origin, integration into host communities, or resettlement in a third country. Protection is usually carried out by the UNHCR.

In other cases, such as the Palestinian issue, the responsibility was delegated to UNRWA (in December 1949). As in the case with UNHCR, UNRWA does not propose durable solutions for Palestinian refugees, as it is considered the responsibility of the parties to the conflict. Unlike most refugees seeking protection for fear of forcible return to their homeland, the main problem facing Palestinian refugees has been the denial by the State of Israel of right to compensation and return to their original homes.

The common feature shared by the cases studied in this paper is that refugees suffered tremendous losses, on the level of social and political existence and not merely on the individual humanitarian level. Most of them continue to live in poor conditions, in the absence of minimum protection. In the Palestinian case, the bulk of Palestinians were uprooted from the social space where they used to live, to be replaced by a state for the world's Jewish population in one particular spot and under an ideological, religious justification of the "Promised Land". And ever since 1948, especially for the Gaza refugees addressed by this report, they have been subjected to continued aggression from the Israeli occupation, which led to the destruction of the protective space, however small, provided by UNRWA, most recently in three wars on Gaza in the span of seven years (2008, 2012, and 2014).

In Iraq, on the other hand, the refugee issue had been influenced by the practices of the former regime, escalating during the wholesale blockade – the longest in history – imposed by the United Nations and the West for thirteen whole years (1991-2003). The wave of refugees reached its peak following the US and British invasion and occupation of the country in 2003, which destroyed the pillars of the Iraqi state and its institutions. Between 2003 and 2006, Iraq became a killing field and bombings forced many of its inhabitants to flee in the largest wave, which included Iraqis of all religions and sects (Marfleet, 2007; Sasson, 2008).³

The Syrian refugee issue began in 2011, with popular protests facing the repression of the regime, which quickly escalated into armed military confrontations between the regime's forces and armed groups under different monikers. The flames of the war destroyed many of requirements of life in a country already hosting more than half a million Palestinian refugees and a peak of 1.7 million Iraqi refugees between 2007 and 2008. State services soon declined and food and fuel prices were on the rise, while battles raged and displaced many Syrians (in addition to Iraqi and Palestinian refugees in the country), who resorted to safer areas inside and outside the country.

The review of the quality of current social protection for refugees and problems related to their provision will focus on recent examples of Syrian refugees in Lebanon and Iraqi refugees in Jordan. It will be based on a review of specialized studies and reports, as well as preliminary information from interviews with Iraqi refugees and organizations working with them in Jordan. It will also provide a brief description of the development of protection for Palestinian refugees in Gaza following repeated Israeli aggressions and recent wars in the Strip.

Reducing the Protection Space for Refugees

3- Marfleet, Ph., "Iraq's refugees: 'exit' from the state", *International Journal of Contemporary Iraqi Studies (IJCIS)*, 1(3), 2007, pp. 397-419; Sassoon, J., *The Iraqi Refugees: the New Crisis in the Middle East*, London: I.B. Tauris, 2009.

Based on the 1951 Refugee Convention and 1967 Protocols, protection spaces entail the provision of emergency protection and relief to refugees, through a shared responsibility with the international community, leading eventually to a permanent solution to their problem. This protection is associated with a person obtaining refugee status, according to criteria established by the following definition provided by UNHCR:

“A person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

UNHCR defines protection and its responsibility thereof as follows. In many cases, as in conflicts or civil wars, many people flee their homes and, in many cases, to other countries, where they are classified as refugees. As they are no longer under the protection of their governments, the role is taken up by the international community and the responsibility for protecting of refugees rests primarily with host governments. “The 139 countries signatory to the 1951 Convention are obliged to implement its provisions. The UNHCR maintains a “supervisory responsibility” in this process and intervene as necessary to ensure granting status to truthful refugees and not forcing them to return to countries where their lives would be at risk. UNHCR seeks ways to help refugees restart their lives, either through voluntary return to their home countries or, if not possible, through resettlement in host or “third” countries.” (Original emphasis in quotes, author’s emphasis underlined).⁴

Due to the absence of a legal framework for protecting refugees in the countries covered by the report (specifically Lebanon and Jordan), which did not sign the 1951 Convention, UNHCR is working with governments of host countries to address the influx of people displaced from

4- From UNHCR-Arabic Website: <http://www.unhcr-arabic.org/pages/4be7cc27201.html>.

neighboring ones, from a humanitarian perspective. However, the situation is limited to informal cooperation for the provision of services and assistance under a non-binding memorandum with government agencies, in the absence of legal safeguards for the protection, putting refugees at risk of arrest or forced displacement.

In both of the cases considered, refugees do not reside in camps under direct UNHCR supervision, but are distributed among the population of the country as so-called “urban refugees”. Although resorting to urban areas may seem to be a solution to the problems caused by the usual method of protecting refugees, grouping them in camps and shelters to receive services centrally by the UNHCR, pending a permanent solution. However, the presence of urban refugees does not necessarily entail an expansion of protection, especially due to the lack of guarantees related to providing regular services or shielding refugees from harassment by host communities or official authorities.

Although an urban setting could sometimes provide informal work opportunities for some refugees, it does not offer them protection from the constant risks of not having legal residency papers or work permits, which exposes them to legal accountability, arrest, or detention by the authorities.⁵ Sometimes, the situation could turn into collective punishment, such as in the curfews imposed by Lebanese municipalities (Baskinta, Bneih - Aley, Batchai - Mardash, Burj Hammoud, and others), which prevent Syrians from leaving their homes at night.⁶

Both Lebanon and, to a lesser extent, Jordan refuse to treat Syrians and Iraqis as refugees for various political reasons and do not abide by international standards to determine their legal status as refugees. Authorities of both countries

5- Human Rights Watch, “The Silent Treatment: Fleeing Iraq, Surviving in Jordan”, Volume 18, No. 10(E), November 2006, pp 30-41.

6- In an article published in www.Jadaliyya.com on 25 June 2014, Sakr al-Nour discusses the apparent contradiction in the racist action directed against Syrians, which was taken after an incident, which could have occurred in any area of the capital, which is full of charged demarcation lines. However, the decision does omit the interests of shops and institutions, which benefit economically from hiring Syrians.

continue to exploit the numbers of refugees, their images, and stories to attract funding, a large portion of which goes to support state budgets and facilities, especially since both countries suffer from semi-permanent economic crises.

Efforts by international donors to link protection grants for refugees with development plans in host countries have increased. This was described by the World Bank as a cooperation model that “links direct assistance to refugees with efforts to address the needs and capacities of the communities and institutions that host them, forming a nexus between humanitarian aid and development” (World Bank, 2013).⁷

This solution might help absorb some of the tensions arising between refugees and host communities, especially the poor, resulting from competition over scarce local resources and already weak services. However, reports by international actors (UN development agencies and institutions like the World Bank and the IMF) tend to ignore the risks related to linking humanitarian aid to development in host countries does not guarantee securing the necessary protection to refugees. Rather, it consumes a significant portion of the funds dedicated to assisting refugees on sectors that serve host communities, in addition to salaries and administrative expenses for organizations contracted to provide services. This problem is often overcome through systems that quantify the needs of refugees so they do not exceed the needs of the poorest groups in the host communities. Through time, this leaves many refugees, who may be initially poorer than the host country’s poor, vulnerable to impoverishment, as in the case of Iraqi refugees in Jordan, which will be presented later.

Although it proposes to expand social protection

7- “At the request of the Lebanese government, the World Bank Group has undertaken an Economic and Social Impact Assessment (ESIA) of the Syrian Crisis on Lebanon, in cooperation with other development partners, namely the United Nations agencies, the European Union and the International Monetary Fund.” The World Bank also noted that it was ready to help promote Lebanon’s stamina and recovery, through supporting development, which complements immediate humanitarian work. <http://www.worldbank.org/en/news/feature/2013/09/24/lebanon-bears-the-brunt-of-the-economic-and-social-spillovers-of-the-syrian-conflict>.

nets, as a way to compensate for the negative impact of its recommendations to remove subsidies aimed at the poor, the IMF does not take the situation of social protection programs in Arab countries into account, which are already weak, often non-existent, and thus unable to assist the poor in coping with price increases. In many cases, corruption and lack of transparency mechanisms are additional obstacles to the distribution of social welfare services.⁸ The question posed here is: what mechanisms could ensure the expansion of the narrow social protection space so as to guarantee the provision of additional protection for refugees in these countries?

Regionalization and Linking Humanitarian Assistance to Refugees with the Development of Host Communities

A growing international discourse seeks to address the question of refugees within regions, through what is termed by international agencies as Regional Response Plans (RRP) or “regionalization”.

The regionalization discourse is also evident in UN approaches to mobilizing the necessary funding to deal with the refugee crisis in the region. In 2013, the UN made an appeal with a value of US \$4.4 billion, the largest amount for a single appeal in its history. It planned to distribute \$1.4 billion for response operations inside Syria and \$3 billion for the RRP.⁹

The international trend to regionalize refugee operations does not merely arise from security concerns or fears of the spillover of terrorism, as in the justifications provided by European countries and the US who refuse to host the refugees.¹⁰ Another important dimension lies in the financial burden, since hosting the largest number of refu-

8- Arab NGO Network for Development and the Egyptian Center for Social and Economic Rights, “Arab Uprisings and Social Justice”, Report, ANND/ECESR, 2014.

9- <http://www.un.org/apps/news/story.asp?NewsID=45112#.VA7cOPmSz00>

10- Leenders criticizes the exaggeration of security risks posed by refugees and the consequent neglect of Iraqi refugees who are excluded from the protection space. Leenders, R., “Refugee Warriors or War Refugees? Iraqi Refugees’ Predicament in Syria, Jordan and Lebanon”, *Mediterranean Politics*, vol 14, no. 3, pp. 343-363.

gees in neighboring countries temporarily would be less expensive than permanent resettlement in receiving countries. For, example, UNHCR reports that in 2003, the UK spent more than \$1.5 billion to assist 93,000 asylum seekers. The UNHCR budget for that year, aimed for the relief of more than 20 million refugees inside and outside their countries, reached \$1.07 billion. However, the UK's contribution did not exceed \$47 million (UNHCR, 2003: 30-33).¹¹

Regionalization plans do not focus on the value added by those refugees to overall the economic cycle in host countries. Disputes arising from the positions and conflicting alignments of political forces are a hindrance to government plans or conceptions to accommodate the refugees and alleviate their suffering. However, the regionalization being promoted does not usually provide adequate financial support for host countries. For example, Lebanon requested \$2.2 billion from the Friends of Lebanon Conference, dedicated to support its economy. But the amount has still not arrived by the end of 2014. It is expected that Lebanon, through a joint paper with Jordan, will reiterate its calls at the Berlin conference for financial support to the local economy, which is beginning to witness conflicts between the country's marginalized and poor, on one hand, and the downtrodden Syrian refugees on the other. (See, "Jordanian-Lebanese Paper at the Berlin Conference on Syrian Refugees", *(al-Dustour, Jordan, 25 October 2014*

It is worth noting that neighboring countries hosting the highest number of refugees are not resource rich and already suffers from weak social protection afforded to its citizens. Lebanon, Egypt, and Jordan all suffer from rising unemployment and Jordan is the fourth water-poor country in the world, in addition to the absence of political stability in Lebanon and Egypt. These countries already depend on external grants, aid, and loans. With the influx of refugees, another problem emerged, which is the reconciliation of services provided to the population and marginalized groups and those provided to refugees.

In order to encourage countries in the region and provide them with incentives for hosting refugees, the discourse international institutions is

11- UNHCR, "UNHCR Global Report", pp. 30-33, <http://www.unhcr.org/publ/PUBL/40c6d74f0.pdf>.

evolving in the direction of linking refugee grants with development projects in the country, as in the World Bank reports mentioned previously. This is beginning to encourage finding temporary places of employment at lower wages to accommodate the poor and refugees in the country and prevent unrest. A report by the IRC stresses the need for more donor influence to guarantee that funding is being utilized through an effective strategy and in a more efficient manner:

"Dialogue and joint planning between humanitarian and development donors needs to be stronger to ensure that funding is used most strategically and efficiently. IRC welcomes efforts by USAID to work with humanitarian donors to explore ways to better target development dollars to areas most impacted by the refugee influx. The U.S. Government is working with other donors to establish a dialog with the World Bank and the International Monetary Fund on ways to better assist Lebanon in dealing with the influx. Other countries should follow suit and direct development dollars to areas that are more adversely impacted by the influx of Syrian refugees and to improving infrastructure which will be benefit both Lebanese citizens and Syrian refugees." (IRC, 2013).¹²

- Arab Initiatives to Address Asylum

The reaction by Arab countries to the question of refugees has been to hold a number of regional meetings under the umbrella of the Arab League, in the presence of Arab experts and legal professionals. This resulted in the adoption of two major documents related to refugees in the early 1990s: the Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab world in November 1992 and the Arab Convention on Regulating Status of Refugees in the Arab Countries in 1994.¹³ Detailed

12- <http://www.rescue.org/sites/default/files/resource-file/Lebanon%20Policy%20Paper,%20Final%20-%20June%202013.pdf>.

13- Cairo Declaration: <http://www.inf.org.lb/migrationnetwork/un12.html>; Arab Convention: <http://www.refworld.org/docid/4dd5123f2.html>. Original Arabic versions available here: http://www.lasportal.org/wps/wcm/connect/LAS/las/las_ar_aln/arab_legal_network_agreements/?W-

on the agreements and reservations are available online in the previous reference; articles which identify the type of protection granted to refugees will be discussed below.

The 1994 Convention bases its definition of refugees on the 1951 Refugee Convention and its protocols, expanding its scope to include refugees from foreign occupation and aggression or natural disasters. Article 14 addresses the possibility of cooperation between signatory countries to provide protection to refugees, but it does not explain the type of protection to be afforded to refugees by state parties. This is with the exception of right to asylum in their territories and non-refoulement, unless it conflicts with national security or public order. It grants refugees identification cards and travel documents according to international relating to the refugee status. It also ensures “that refugees are accorded a level of treatment no less than that accorded to foreign residents on their territories.”

This reveals a major flaw in the Convention, which does not take into account the special needs of refugee protection (by equating them with foreigners), since asylum conditions rarely prepare them to compete with foreigners for work, health, and education services. However, these regional Arab instruments did not develop follow-up mechanisms or institutions for coordination between countries to provide urgent protection services for refugees. Although the 1951 Convention and its 1967 Protocol were identified as the two key international documents setting the legal status of refugees, to this day, most Arab countries have not ratified them, with the exception of Egypt, albeit with reservations.

Situation of Protection Available to Refugees in the Cases under Study

Both Lebanon and Jordan – who had been exposed to past waves of Palestinian refugees – insist on not being countries of asylum, preferring to use terms such as “Arab brethren”, “guests”, or “foreigners”, when referring to Syrian refugees. In Lebanon, for example, the term “displaced” is commonly utilized to refer to the Syrians, in daily interactions related to residence or employment opportunities for Iraqi and Syrian

refugees. On the other hand, Syrians and Iraqis are presented as refugees in the media coverage and reports issued by authorities in both countries, in the hope of obtaining support and funding for the already existing economic crisis, exacerbated by the influx of refugees. This is consistent with the tendency of the World Bank and other donors to link humanitarian aid to refugees with development in the host country.

In the absence of any international or local legal instruments to protect refugees or to organize the distribution of donor aid, Jordan and Lebanon signed memorandums of understanding with the UNHCR, serving as a foundation for service provision to refugees by UNHCR. Although each memorandum has a different content, they agree on emphasizing the urgent and interim dimension of protection measures.

I) Iraqi Refugees in Jordan: The Need for Protection

Jordan is host to Iraqi and Syrian refugees. Palestinian refugees have access to UNRWA services, in addition to the large percentage given Jordanian nationality, which provides them with civil rights. The Jordanian government signed an MoU with UNHCR in 1998, laying the groundwork for cooperation in providing protection and assistance to refugees and asylum seekers (non-Palestinians). However, ever since the so-called Iraqi refugee crisis in Jordan in 2007, UNHCR began strengthening its partnership with the government through the Ministry of Planning and International Cooperation. This included coordination between more than fifty international and local non-governmental organizations and United Nations organizations to provide the required services for refugees.

The Jordanian MoU is founded on the international definition of refugees (Article 1). On one hand, it elaborates mechanisms for coordinating with UNHCR to ensure protection services related to litigation, labor, and financial assistance for housing, food, and treatment. On the other, the memorandum clearly states that Jordan will provide the specified protection on a temporary basis, for duration of six months, and that the responsibility for a lasting solution rests on UN refugee agency (Article 5).

The MoU “allows mandate refugees a maximum stay of six months after recognition, during which a durable solution has to be found. When the residency permit expires, refugees will be treated as foreigners and not entitled to stay in the country without a residency permit, which is usually for one year. Some refugees try to obtain residency under the investment article, which permits them to work. However, most Iraqi (and Syrian) refugees in Jordan are working illegally.¹⁴ Temporary and urgent nature of protection does not merely affect residency and work arrangements, it also has an impact on refugees’ access to humanitarian aid, which includes food aid, cash assistance, healthcare, etc.

A field study conducted in Jordan in 2010-2011,¹⁵ showed that accepting Iraqi refugees in the humanitarian protection space does not occur automatically, but requires a measure of profiling to determine the extent of their entitlement to emergency assistance and temporary protection. Many were excluded due to the lack of “the required quantity of vulnerability” as developed by relief agencies to assist the poorest of Iraqis. Some of the families, which had initially depended on their savings from selling property in Iraq, were forced to sell the furniture of their rented homes in Amman to cover their living costs.

Measuring and quantifying need, which depends on “clear and present need”, does not take the circumstances of Iraqi refugees into consideration. In fact, many Iraqi refugees who fled to Jordan after 2006 had originally belonged to the middle class, which included government employees, in addition to doctors and academics.

A 2007 study by Norwegian FAFO Foundation found that 60% of Iraqis (women and men) over 16 years old arriving in Jordan between 2006 and 2007 held university degrees.¹⁶ However, this social capital remains unexploited (except

14- Jordan’s Ministry of Labor publishes a regular list of professions restricted to Jordanian nationals.

15- Most of the data in the section on Iraqi refugees in Jordan is based on field research by the author Laura Adwan in the context of her PhD in Social Anthropology from Bergen University in Norway.

16- FAFO/DoS/UNFPA, “Iraqis in Jordan: Their Number and Characteristics”, Amman, 2007.

in a few cases involving university professors or doctors in some specialties) due to limitations imposed on work for refugees in Jordan. 75% of households depend on remittances from relatives abroad. 42% of these remittances arrive from Iraq, usually from a family member who chose to stay to work there despite the risks. As the asylum period grew, savings were almost depleted, sources of remittances decreased, and many families fell into poverty (De Bel-Air, 2009).¹⁷

We asked a UNHCR official about a case where emergency cash assistance for an Iraqi family was stopped due to an assessment, which pointed out that the family is not poor enough to qualify since one of their daughters is currently in a medium university. The official replied, “It was natural to stop aid to this family. Do you know how many Jordanian citizens cannot send their sons or daughters to university? Do you want me to give her the money to send her daughter to university, while other refugees do not have enough money to buy food?”¹⁸

For this family, whom one of the researchers got to know closely, the father, who holds a master’s degree in law, could not find a job in Jordan. The mother had to work several jobs to secure a living, after they exhausted their savings collected from the sale of family property in Iraq. Later, their daughter managed to secure admission to a medium-sized university (after waiting for two years) due to its low cost from a simple donation by a relative living in Europe. With the elimination of cash assistance, the family’s situation got worse and their daughter’s graduation was delayed, after being expelled from the examinations room for not paying her tuition on time.

Nevertheless, the UNHCR’s reply above is important. It does not merely answers many of the questions of Iraqi families whose cash assistance was terminated for a variety of reasons, but also calls into question the definition of refugees, their rights, and the responsibility of in-

17- Françoise De Bel-Air, “Iraqis in Jordan since 2003: What Socio-Political Stakes?” CARIM Research Reports 2009/10, European University Institute: Robert Schuman Centre for Advanced Studies, 2009.

18- Interview with UNHCR project official on 23 February 2011.

ternational organizations to protect them. Iraqis forced to leave their homes due to the US-UK invasion of Iraq in 2003 were only recognized as refugees in 2007, when UNHCR decided to “grant refugee status to all Iraqi nationals from central and southern Iraq who seek asylum in Jordan, Syria, Egypt, Turkey, and Lebanon.” However, this does oblige countries that did not ratify the 1951 Convention. This situation added to the suffering of Iraqis, which was partially described by Human Rights Watch in a major report entitled “The Silent Treatment”.¹⁹

In 2010-2011, the date of information collected for this study, response to the Iraqi refugee problem remained silent for the most part, except for assistance in health and education. In the absence of plans to establish appropriate assistance programs, many Iraqis were pushed out of the protection space and left to fend for themselves, through relatives, knocking on the doors of charities, and deception in some cases.

UNHCR and partner organizations defend the measurement and quantification, due to concerns about abusing the aid program, which may sometimes occur, as explained in conversations with refugees and aid workers. In some cases, “wealthy” Iraqis would rent uninhabitable apartments in a slum in Amman and furnish them cheaply. They dress up as beggars to gain access to emergency cash assistance, or what refugees call the “salary”. However, the total number of Iraqi refugees receiving cash assistance did not exceed 5,000 (according to an interview with a UNHCR official in May 2011). The value of emergency cash assistance is 70 Jordanian dinars (\$99) per person per month, JD180 (\$254) for a family of three members, and no more than JD260 (\$367) for families with more than three members. This means the proportion of people receiving emergency cash assistance is tiny, compared to the declared number of Iraqi refugees in Jordan at the time (500,000) and less than the number of refugees registered at UNHCR, who totaled 21,857 Iraqis in 2010, according to UNHCR data.

19- Many reports refer to silence, negligence, and lack of humanitarian assistance to Iraqi refugees, compared to other cases of war refugees; see for example, Chatelard, 2003, 2008, 2009; Harper, 2008; HRW, 2006; Leenders, 2009; Peteet, 2007, 2010).

To access the protection space, Iraqis must reproduce their needs within the standards followed by protection organizations to measure the humanitarian needs of the refugees. Usually, this is measured in comparison with “the needs of the poorest individuals in the host society.” As expressed by Harrell-Bond, a researcher on refugee issues, aid is distributed equally to ensure that a person’s share will not be generous to a degree making them seem better off than the members of the host community.²⁰ The researcher explained how donors seek this standard in host countries in her research in Africa in the 1980s. The goal was to prevent attracting new refugees across the border. These justifications are still found in countries worried about the further influx of refugees, such as the case of Arab countries in general. But what is the impact of quantifying needs on the situation of refugees targeted by the protection operations?

In practice, using such criteria to select which Iraqis would be allowed in the protection space means that they must double their efforts to prove their need for assistance, which often involves more impoverishment, as refugee needs are scaled down to the level of the poorest Jordanians (host society). A striking contradiction is highlighted in this case, caused by linking humanitarian assistance to refugees with achieving development in the host country. Refugee experiences indicate that the equality and justice achieved in distributing assistance according to the above criteria has led to equal poverty among refugees and the poorest segments in the host community.

Impact of Temporary Protection

The Jordanian government justifies the emergency nature of protection by the lack of capacity and intent to absorb more refugees in the country. UNHCR and other responded through the consequent implementation of emergency aid programs through official Jordanian bodies and NGOs, based on contracted projects, where UNHCR would monitor the coordination of services based on the “quantity of need”. This meant that a large part of the budget dedicat-

20- Barbara Harrell-Bond, *Imposing Aid: Emergency Assistance to Refugees*, Oxford University Press, 1986.

ed to the protection of Iraqis was spent to cover the administrative and logistical expenses of UNHCR's partner organizations and Jordanian government institutions, rather than being used to expand into protection for Iraqis.

In this context, Chatelard criticizes the limited humanitarian agenda in dealing with the ongoing Iraqi refugee crisis, which, as she describes, goes back in time in several countries around the world as "a humanitarian agenda serves Jordan's governmental interests better than those of Iraqis who have had no choice but to look for safety and a future outside of their country."²¹

In addition to limited assistance, the emergency nature of its provision has a negative impact on Iraqis and humanitarian organizations and their employees. Funding allocated to cover the emergency needs of refugees arrives in the form of temporary projects. According to a project coordinator at an organization providing services for persons with special needs: "There is a high rate of special needs among Iraqis. The problem is that UNHCR functions according to emergency plans, while some of the services should be continuous, such as physiotherapy and special education. They are not services that could be provided once and the beneficiary would no longer need them, like giving a wheelchair to a paraplegic. You have to keep giving services to those in need."

The issue gets even more complicated when it comes to assisting persons with chronic diseases, such as the case of one Iraqi woman in her 40s who was invited to a workshop funded by an international health organization on "Early Detection of Cancer". At the end of the course, each participant received a grant to cover the cost of a mammogram. The woman said she did not care about the test since she did not feel anything unusual. However, she was surprised to see the results, which showed the presence of tumors and was informed by the center of the need for urgent surgery. The woman called the social worker who invited her to the workshop, but the social worker said the project was only

21- Géraldine Chatelard, "Constructing and deconstructing (the Iraq refugee crisis)", Paper presented at the conference of the International Association of Contemporary Iraqi Studies, SOAS, London, 16th-17th July 2008.

designed to cover mammography and treatment was not one of the project's objective, suggesting that she contacts other organizations that might be able to help. The woman's reply still echoes loud: "If they don't have money for the treatment, why do they trick us with a free mammogram? My life wasn't easy before than workshop, but today it has turned into hell."

Funding allocated to Iraqis was depleted in the following years, with the emergence of new refugee crises, forcing many organizations to stop or reduce their services to Iraqis.

II) Syrian Refugees in Lebanon: Growing Number and Shrinking Protection Space

In addition to the recent influx of Syrian and Iraqi refugees, Lebanon hosts a Palestinian refugee population, yet it has not yet ratified the 1951 Refugee Convention. According to the MoU with UNHCR, Lebanon is not considered a country of refuge and, thus, the only acceptable solution for internationally recognized refugees by organizations like UNRWA or UNHCR is resettlement in a third country. Given the absence of legal protection and to avoid deportation and reduce arrests, refugees (non-Palestinian) are addressed via MoUs between Lebanon and UNHCR.²² Under the law, General Security should allow Syrians entering into Lebanon an initial period of residency of 6 months, renewable for an additional 6 months, not as refugees but awaiting their return to Syria or resettlement in a third country.

The third option, however, is only available for a small portion of Syrian applicants and depends on conditions specific to each country, which provides asylum for a specific numbers of refugees, such as Germany, Sweden, and Norway.²³

22- There are increasing difficulties in the entry of Palestinian refugees from Syria into Lebanon. Recently, access was restricted to those presenting evidence of travel arrangements via Lebanon, on the grounds that Lebanon is only a transit point. In an informal interview in April 2014 with a family of Palestinian origins, which crossed the Syrian borders into Lebanon to travel to Germany, they said the new procedures only did not allow them entry except eight hours before the time of departure from Lebanese territories.

23- Boston University School of Law, "Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing", 2014, <http://www.bu.edu/law/central/jd/programs/clinics/international-human-rights/documents/FINALFull>

Renewing residency permits is another problem altogether. After the expiration of the initial residency and the first free 6-month renewal, renewing at General Security will cost \$200 for each member of the family or they will need to exit and re-enter Lebanon. The amount is rarely available for the majority of the poor Syrian households and families are afraid of crossing the borders to be able to renew for free, thus requiring huge financial assistance to renew residency permits. This drives many refugees to avoid movement, in order to protect themselves from exposure to accountability, which confines the life of some within the limits of the rented room or the tent.

Despite the open borders policy being adopted at the beginning of the crisis and the recognition of the displacement status accorded by UNHCR to Syrian refugees since August 2012, reports are indicating that refugees started to encounter increasing difficulties in crossing the border in 2013 (ALEF, 2013: 12).²⁴ Reports are indicating that the 2013 MoU is not being applied on Syrian refugees and except those who entered the country after it entry into force. The MoU signed with the Lebanese government, in any case, provides little room for protection, and this is also reflected in reports on the situation of refugees. They indicate rising fear and increased discrimination among refugees in Lebanon as a result of political factors, demographics, sensitivity, and tensions between host and refugee communities (especially when it comes to Syrians in Lebanon), thus contributing to reducing the already narrow protection space.

In its 2013 work plan, UNHCR promised to sustain efforts to reach a new understanding with the Lebanese government, to agree on some points related to hosting refugees and their legal status, issue temporary residency permits, seek durable solutions and regular exchange of information of refugees, hold joint training, and enhance the ability to respond to the needs. (UNHCR: 2013, 1) However, a new formula has not yet been reached (based on our questions to the UNHCR).

Report.pdf.

24- See report by ALEF - Act for Human Rights, "Two Years On: Syrian Refugees in Lebanon", Lebanon, July 2013.

The bulk of Syrian refugees in Lebanon are facing difficult circumstances, as a result of the lack of relief services and failure to improve the situation in their country of origin. The relief aspect cannot be set apart from the legal framework guaranteeing relief (to refugees or asylum seekers) in the host country. Technically, refugees are usually allowed to benefit from public services. However, those lacking identification papers or UNHCR registration could face obstacles in accessing the services, especially children whose parents were unable to obtain identification documents for them or newborns in the host country whose registration takes time. Without birth certificates, it is difficult for children to enroll in schools and access health care or other services.

The aforementioned IRC report expresses concerns about the situation of unregistered refugees, especially in rural areas far from the registration centers, where women refugees, in particular, would generally face difficulties in traveling alone, which denies women their right to obtain assistance whether from the Lebanese government or UNHCR (IRC, June 2013).²⁵

There is an additional impact to the lack of a legal framework for protection; refugees fall victim to exploitation and sometimes violence. In most cases, they will not find any protection or recourse, such as when being exploited by their employers and denied their wages, assuming that refugees will not call the police or any other authority due to their illegal status.

In terms of education and health, the authorities allowed refugees to attend public schools, however, many were unable to due to lack of space or costs of tuition and books. Moreover, UNHCR and its international partners provide assistance related to medical treatment, but it does not include all the costs, which some families may not be able to be cover. The greatest misery is concentrated in households with a family member suffering from chronic illness and the cost of treatment, which is permanent and sometimes very expensive, forcing its members to collect donations of more than source.

25-<http://www.rescue.org/sites/default/files/resource-file/Lebanon%20Policy%20Paper,%20Final%20-%20June%202013.pdf>.

UNHCR also provides assistance in social services, supporting families in covering their household needs, such as food, cash assistance, education, health care, and consultative and legal services (the intervention also includes assistance to refugees arrested on charges involving the breach of regulations such as working without a permit or expired residency).

However, the volume of aid is not enough to guarantee that all refugees are protected, which forces UNHCR and other donors to pick the criteria, which limit such services and their beneficiaries, in a manner similar to measuring the need of Iraqi refugees in Jordan.

For example, WFP conducted a profiling operation funded by ECHO to determine the baseline standards of vulnerable groups to identify beneficiaries. Related reports indicate that the final version of these features have been introduced to UNHCR's biological database. Each feature was given a weight, according to its importance, to enable the classification of Syrian refugee families according to its level of vulnerability. Some exceptions will be made especially for families with children or elderly and women-headed households, among other criteria.

Due to the Lebanese government insisting on its no-camp policy, rising cost of rent, and lack of available housing, which could be rehabilitated to host refugees, especially with the prolonged asylum period, some refugees turn to securing housing informally: on agricultural land and unused buildings whose inhabitants suffer from lack of sanitation.

In addition to the above, many cases of violence against refugees have been reported, which fall into the context of human trafficking, such as the exploitation of bodies and organs under duress and coercion and sometimes through exploiting people's needs and weaknesses. ALEF indicates that women and girls are being exploited physically, psychologically, and in their livelihood to push them into often forced marriages. This is in addition to allegations of rape and sexual harassment that can not be verified easily and whose victims do not seek the courts or public services due to cultural taboos. In parallel, many Syrians women in Lebanon resort to sex work,

as means to earn desperately needed income. (ALEF, 203: 29-31).

Some of the problems pertaining to the protection of Syrian refugees in Lebanon could be summarized as follows (these problems also apply to other cases of urban refugees, such as Iraqi refugees in Jordan).

1. Difficulty in identifying the exact number of refugees and their locations due to several factors: legal problems in registration and the continuous influx of refugees. In most cases, the figures come from various sources, in addition to the problem of classification, where not all refugees have the same status, as not all of them take the initiative to register at the UNHCR. Palestinian refugees originally residing in Syria who entered the country are estimated by some reports at 80,000, in addition to returning Lebanese, estimated at 49,000.²⁶ Certain parties resort to amplifying or reducing the numbers due to political or financing motivations, which makes it difficult for service providers, since the availability of accurate numbers of refugees could help in determining the amount of aid, arranging its distribution, and, thus, determine the type of need and meet as much of it as possible. The situation is complicated further by the nature of the urban refugee in cities, who are spread in more than one urban or village setting. They are also generally mobile, making it difficult for stakeholders to count them.
 2. Lack of available resources: The large influx of refugees is a significant burden on the economies, infrastructures, and resources of host countries. Most countries rely on funding from donor states to ease the burden. Donors impose conditions, which restrict aid to the degree of need. They set standards for the size of the need, to ensure that only the most needful or the most vulnerable groups would receive assistance, which creates a great difficulty for families, who are also in urgent need but where the criteria are not flagrant.
 3. Absence of mechanisms to cope with the
- 26- <http://data.unhcr.org/syrianrefugees/regional.php>

refugee burden related problems: Due to the absence of a legal framework for protection in host countries, protecting refugees is limited to relief. It is managed by the International Organization operating in the country, in coordination with other international organizations, NGOs, and, sometimes, the concerned country's government agencies.

Given the complexity of managing the problem and the overlapping sides and responsibilities, a lot of effort and money is being lost along the way. What ultimately reaches the refugees is insignificant compared to refugee needs.

III) Palestinian Refugees in Gaza: UNRWA's Mandate is Relief and not Protection

It is worth mentioning that UNRWA's mandate is only to provide relief and only includes a narrow margin of protection: "UNRWA was established by United Nations General Assembly resolution 302 (IV) of 8 December 1949 to carry out direct relief and works programs for Palestine refugees. The Agency began operations on 1 May 1950. In the absence of a solution to the Palestine refugee problem, the General Assembly has repeatedly renewed UNRWA's mandate, most recently extending it until 30 June 2017. UNRWA services are available to all those living in its areas of operations who meet this definition, who are registered with the Agency and who need assistance. The descendants of Palestine refugee males, including legally adopted children, are also eligible for registration. When the Agency began operations in 1950, it was responding to the needs of about 750,000 Palestine refugees. Today, some 5 million Palestine refugees are eligible for UNRWA services."²⁷

However, UNRWA faces mounting pressures to reduce its services to Palestinian refugees, as some UN Member States, UNRWA's main donors, are reducing their support. In addition to the political significance of what some powerful countries want to attain by putting an end to UNRWA's work, in the absence of application of decisions concerning the right of return of Palestinian refugees to their homes from which they were displaced, this policy has placed UNRWA

27- <http://www.unrwa.org/who-we-are>

in direct confrontation with the refugees, where the reduction of services led to many strikes and protests, particularly in the camps.

UNRWA figures indicate that the total number of Palestinian refugees was around 5.3 million as of 1 January 2013.²⁸ In addition to the difficulties faced by the Palestinians as a result of the Zionist occupation, refugees face particularly difficult circumstances in access to health services, securing adequate housing, or finding job opportunities.

After seven years of blockade imposed on Gaza Strip and its destruction once every two years, "Gaza is on the threshold of becoming the first territory to be intentionally reduced to a state of abject destitution, with the knowledge, acquiescence and - some would say - encouragement of the international community." (Karen Abu-Zayd, Deputy Commissioner General of UNRWA). With the increasing reliance on foreign aid by the residents of the Gaza, the concept of social protection becomes a form of luxury, while emergency programs, funding mostly through international organizations, attempt to prevent the complete collapse of the economy conditions, as the percentage of Palestinians in Gaza living below the poverty line (\$2 a day) has reached 87.7% of the population,²⁹ while the percentage of refugees inside the Strip reached about 67%, according to the Palestinian Central Bureau of Statistics data for 2013.

In a period of no more than 6 years, Gaza faced three devastating wars, with a continuing siege for over 7 years. And despite pledges by the international community for reconstruction, many have not been fulfilled and whatever was rebuilt in the previous years was destroyed once again in the recent aggression by Israeli occupation forces (2014). It is expected that the money promised for Gaza's reconstruction fund recently will also fail due to the mechanisms and complications imposed by the Israeli occupation authorities. According to a statement by Oxfam, "under current restrictions and rate of imports it could take more than 50 years to build the 89,000 new homes, 226 new schools and the health facilities, factories and water and sanitation

28- <http://www.wafainfo.ps/atemplate.aspx?id=3259>

29- <http://www.undp.ps/ar/12/pub/ffgar07.pdf>

infrastructure that people in Gaza need.”³⁰ While these facts are being ignored and while negotiations occur on the terms of the siege, rather than its termination, Gaza will remain volatile, since the money being earmarked in reconstruction conferences is not the solution to all its problems. Meanwhile, UN reports are stressing that Gaza will become uninhabitable by 2020.³¹

Unfortunately, the devastation in Gaza continues to be ignored, with a focus on additional mechanisms to put the population under control and surveillance and preventing the entry of proposed construction materials. On the other hand, the environment of Palestinian reconciliation (if successful) could have a positive impact on the population of the Gaza Strip and could turn the pages on years of political division. However, there is fear that the unity government might fail, which entails a return to separate governments, under the shadow of international and regional polarization.

Personal Protection Initiatives for Refugees and their Families

With the restricted protection space available, refugees continue to look for ways to survive, which will be mentioned in brief:

- Reliance on family ties, cooperation in securing needs, and reducing the costs of rent: Many Iraqis and Syrians are starting to live with relatives in Jordan and Lebanon. Sometimes, one family member would remain in the original country, if work is available, to be able to send money to his or her refugee family in the neighboring country.
- Overseas asylum and illegal immigration: When neighboring host countries fail to provide basic needs, refugees will start looking for a way into Europe, which avoids the complexities and bureaucracy in dealing with official asylum requests. However, many refugees fell victim to exploitation by smugglers and mafias ac-

30-https://www.oxfam.org/en/pressroom/pressreleases/2014-10-10/money-pledged-gaza-donor-conference-could-take-decades-reach?utm_source=oxf

31- <http://www.lajeen-db.ps/ar/?p=8740>

tive in the Mediterranean. It is noteworthy that no more than 60 thousand Syrian refugees have been admitted to European countries, while only 36 people out of 135,000 asylum seekers had been resettled in the US in 2013, according to a report by Middle East Monitor published in 2014. The report also indicated that the total number resettled in the US since the beginning of the Syrian crisis was merely 121 refugees.³²

General Conclusion and Recommendations

As wars rage in the Arab region, more restrictions are imposed on refugees attempting to flee to safer places. Western countries have closed their doors to refugees and their policies are heading towards encouraging regionalization, while the flow of refugees to neighboring countries continues, despite their reservations about the development of legal tools to guarantee protection for refugees and displaced persons on the local and regional levels, for political and economic reasons. As noted at the beginning of the report, comprehensive solutions to the plight of refugees cannot be discussed in isolation of the basic framework of the political problem that transformed them into refugees, to avoid the pitfalls of removing the issue from its political context and reducing it to just the humanitarian dimension.

Since the causes of asylum are political, the solution will require eliminating such causes in a manner allowing refugees who wish to return to their homes and countries to do so. Knowing that the situation does not currently allow such a solution, the following recommendations will be proposed:

1. Develop an Arab Charter for Refugee Protection in the Arab Region and local legal frameworks to provide a safety net for refugees in the Arab region and guarantee adequate protection, until durable solutions are found.
2. Create a formula to oblige host countries

32- Johansen, Henriette, “International communities’ response to the world’s largest refugee crisis”, Middle East Monitor, 2014.

- to respect the proposed Charter.
3. Develop strategies to underline the priorities of regional cooperation proposed by the international community in the Arab region towards confronting the causes of the refugee question and not merely its symptoms.
 4. In the absence of mechanisms to put an end to causes leading to more wars and continued restrictions on the entry of refugees into European countries and the US, which have a greater capacity to receive refugees, the emergency situation requires the development of local plans in each country to search mechanisms to cope with the influx of refugees and their protection in neighboring countries, in a manner that does not put them in danger of accountability or deportation by government agencies.
 5. Work to achieve common Arab coordination CSOs to form a committee to protect refugees, taking into account the special situation in the original and host countries; to reduce competition for limited resources in host countries, between its already marginalized poor population and refugees; and maximize benefit from expertise and human resources of refugees. CSOs could also play a greater role in mitigating tensions and hostility towards refugees, which is on the increasing in some host countries and sometimes fueled by the media along political or sectarian lines.
 6. Develop advocacy mechanisms on the level of the international community to shoulder its responsibilities in conflicts, which it directly or indirectly fuels.
 7. Arab countries are main contributors to UNRWA and are thus capable of putting pressure through the UNGA against imposing more cuts in its budget, which in turn fuels several protests in the Palestinian refugee communities in areas where UNRWA operates.
 8. Work to disengage Palestinians from the state of regional polarizations and conflicts between axes, in addition to supporting the presence of a Palestinian unity government and opening Rafah crossing permanently, which would certainly ease the suffering of Gaza's refugees and its population in general.
 9. While the media focuses its attention on Syrian refugees, and rightly so, it cannot continue to ignore the plight of other groups of refugees, such as Iraqis or Palestinian made refugees for the second or third time due to internal conflicts, such as in Syrian today and their situation in Iraq after the 2003 war.