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UNHCR's Expansion to the GCC States: Establishing a UNHCR Presence in Saudi Arabia 1987-1993

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ABSTRACT: *How did the United Nations High Commissioner for Refugees (UNHCR) establish its presence in states of the Gulf Cooperation Council (GCC)? And how did it negotiate the legal frameworks needed to formally operate in these states? To answer these questions, the article focuses on the historical case of Saudi Arabia. Based on UNHCR archival material and interviews with key actors (including Government officials, UNHCR staff and individuals formerly living as refugees), it details how an unprecedented opportunity for UNHCR to establish a formal presence in Saudi Arabia emerged in the context of the 1991 Gulf War. The article argues that Saudi Arabia's hosting of Iraqi refugees in the Rafha camp provided a watershed moment for UNHCR to carve out an official presence by, first, negotiating a Note Verbale providing UNHCR with official recognition in 1992, and second, a formal Memorandum of Understanding (MoU) in 1993. Importantly, this MoU provides the basis for UNHCR-Saudi relations up to this day.*

KEY WORDS: *GCC-states; Migration; Refugee protection; Saudi Arabia; UNHCR*

How does the United Nations High Commissioner for Refugees (UNHCR) establish its presence in member states of the Gulf Cooperation Council (GCC)? And how does it negotiate the legal frameworks needed to formally operate in such states? Taking these questions as its starting point, this article focuses on the establishment of UNHCR in Saudi Arabia between 1987 and 1993. Saudi Arabia is not a state party to the 1951 Refugee Convention (nor to its 1967 Protocol),¹ but participated in its drafting and has even been portrayed as one of UNHCR's 'major counterparts worldwide.'² Today, the country is an important donor to UNHCR,³ and UNHCR's office in Riyadh is the Regional Office covering the member states of the GCC.

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¹ Convention relating to the Status of Refugees (adopted July 28, 1951, entered into force April 22, 1954) 189 UNTS 137 (1951 Convention); Protocol relating to the Status of Refugees (adopted January 31, 1967, entered into force October 4, 1967) 606 UNTS 267 (1967 Protocol).

² UNHCR, Situation Operations Plan Gulf Countries 2001, undated. Available at: <https://www.unhcr.org/3c6398174.pdf>.

³ UNHCR, Saudi Arabia, undated. Available at: <https://reporting.unhcr.org/donors-saudi-arabia>, accessed February 2, 2022.

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Therefore, to understand the contemporary relation between UNHCR, Saudi Arabia, and the wider Gulf region necessitates a historical reading of UNHCR's expansion and establishment.

Little is known about how UNHCR operates in Saudi Arabia and the wider Gulf region. More broadly, the literature on Saudi Arabia's approach to refugees remains scarce, and there is a pressing need for more knowledge on and understanding of refugeehood in Saudi Arabia.⁴ The country has long been heavily reliant on foreign migrant workers, and issues of migration have often been studied merely in relation to its petroleum economy. Nonetheless, Saudi Arabia has an important history of being a place of refuge. Even before the establishment of the contemporary Saudi state in 1932, foreign Muslim dissidents commonly sought refuge in the Hijaz region.⁵ Today, a large proportion of Saudi Arabia's population are non-citizens, and many of these—including those arriving on pilgrim visas—come from 'refugee-producing' countries.⁶ While it is difficult to ascertain how many of the country's migrants are refugees,⁷ both the Saudi government and UNHCR have suggested that more than 5 per cent of the total population of Saudi Arabia are in fact refugees.⁸

Saudi Arabia and the broader Gulf region have long been treated as scholarly exceptions, both in studies of international refugee law and in the broader field of Middle East studies. Scholarship within international refugee law includes rarely insights from the GCC states, who are treated largely as exceptional due to their non-ratification of the key international protection instruments, their general lack of asylum law frameworks, and a flawed assumption that they host foreign migrant workers and only few or even no refugees.⁹ The negative consequences of approaching the region as exceptional have also been discussed at length within Middle East studies, with calls being made for 'de-exceptionalizing' the Gulf in scholarly work.¹⁰ While the multiple challenges of conducting research in the GCC states explain partly this exceptionalism,

⁴ Georgia Cole (2021) Pluralising Geographies of Refuge, *Progress in Human Geography*, 45(1), pp. 88–110. For exceptions, see Joseph Kéchichian & Fahad Alsharif (2021) *Saudi Policies Towards Migrants and Refugees: A Sacred Duty* (Chicago: Sussex Academic Press); Helene Thiollet (2011) Migration as Diplomacy: Labor Migrants, Refugees, and Arab Regional Politics in the Oil-Rich Countries, *International Labor and Working-Class History* 79(1), pp. 103–121.

⁵ Christopher Low (2020) *Imperial Mecca: Ottoman Arabia and the Indian Ocean Hajj* (New York: Columbia University Press).

⁶ In 2018, an approximate 12.6 million out of a total population of 33.4 million were non-citizens. Kingdom of Saudi Arabia General Authority for Statistics, "Population by Gender, Age Groups and Nationality (Saudi/Non-Saudi)," (2018), Available at: <https://www.stats.gov.sa/en/5680>, accessed February 2, 2022.

⁷ Françoise De Bel-Air (2015) A Note on Syrian Refugees in the Gulf: Attempting to Assess Data and Policies, *Migration Policy Centre*. Available at: <https://cadmus.eui.eu/handle/1814/37965>; Marko Valenta & Jo Jakobsen (2017) Mixed Migrations to the Gulf: An Empirical Analysis of Migrations from Unstable and Refugee-Producing Countries to the GCC, 1960–2015, *Refugee Survey Quarterly*, 36(2), pp. 33–56.

⁸ Of course, this estimate stands in stark contrast to the very small number of asylum applications registered annually by UNHCR; in 2020, UNHCR's Riyadh office registered merely 9,434 asylum applications, and in 2021, the official number of refugees under UNHCR's mandate was only 340. See UNHCR, Refugee Data Finder, undated, available at: <https://www.unhcr.org/refugee-statistics/download/?url=3HJ0lc>, accessed February 10, 2022.

⁹ For a general discussion on the exceptionalism of non-signatory states, see Maja Janmyr (2021) The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda, *International Journal of Refugee Law*, 33(2), pp. 188–213.

¹⁰ See Ahmed Kanna, Amélie Le Renard & Neha Vora (2020) *Beyond Exception* (Ithaca: Cornell University Press); Matthew Grey (2018) Emerging Trends and Debates in Gulf Studies, in Katlyn Quenzer, Maria Syed, & Elisabeth Yarbakhsh (eds.) *Emerging Scholarship on the Middle East and Central Asia. Moving from the Periphery* (Lanham: Rowman & Littlefield).

there is also an entrenched assumption that research from and about the GCC states brings about findings rarely relevant or applicable to other contexts.¹¹ Similarly, there has long been an assumption that the study of the international refugee regime in the Gulf region is of little relevance to the broader field of international refugee law.

This article aims to question these studies treating Saudi Arabia and the Gulf region as exceptional and it provides a broader and more nuanced historical understanding of refugee issues in Saudi Arabia, and of UNHCR-state relations. By doing so, it provides a more comprehensive understanding of the expansion of UNHCR's operations *globally*. The article argues that, while UNHCR had long attempted to establish a formal presence in Saudi Arabia, an unprecedented opportunity presented itself in the context of the 1991 Gulf War. Saudi Arabia's hosting of Iraqi refugees in the Rafha camp provided a watershed moment for UNHCR to carve out an official presence by negotiating two major documents: First, a *Note Verbale* providing UNHCR with official recognition in 1992; and second, a formal Memorandum of Understanding (MoU) in 1993. While the latter was amended slightly in 2010, the MoU provides the legal basis for UNHCR-Saudi relations up to this day.

The article is based primarily on hitherto unresearched material from UNHCR archives on Saudi Arabia, pertaining to the years 1987-1994.¹² As such, it portrays largely the views and narratives of UNHCR. To ensure a more comprehensive perspective, these sources have been triangulated with interviews with key government and UNHCR actors, as well as individuals who were formerly living as refugees in Saudi Arabia. Between 2020 and 2022, a total of 22 semi-structured interviews were conducted virtually, as well as in person in Oslo and in Riyadh. Interviewees included Saudi and US officials with knowledge and/or experience from the Rafha- and Artawiyah camps, individuals previously living as refugees in these camps, diplomats and (former and current) UNHCR officials.¹³

The article is structured in three main parts. The first part offers a general overview of UNHCR's role on the global and regional plane. Part two discusses the period between 1987-1991, focusing on the place of the Liaison Office and the onset of the 1991 Gulf War. Part three details the formalization of UNHCR's presence in 1992-1993, zooming into the 1992 *Note Verbale*, the 1992 Draft MoU and the 1993 MoU.

UNHCR on the Global and Regional Plane

While 149 States are party to the 1951 Convention, its 1967 Protocol, or both, forty-four members of the United Nations are not. These include most Arab States, with the exception of Yemen and Egypt. The reluctance of most Arab states to ratify the

¹¹ James Onley & Gerd Nonneman (2020) The Journal of Arabian Studies and the Development of Gulf and Arabian Peninsula Studies, *Journal of Arabian Studies* 10(1), pp. 1–50.

¹² This period was chosen as it covers the time before and after the 1990 Gulf war, when UNHCR established gradually a formal presence in Saudi Arabia.

¹³ Interviews were carried out in either English or Norwegian, supplemented by Arabic. All interviewees have been anonymized. Ethical approval has been obtained by the Norwegian Centre for Research Data (NSD), ref. no. 785863/ 510076. We also adhere to the Guidelines for Research ethics in the Social Sciences, Humanities, Law and Theology by the Norwegian National Research Committees, available at: <https://www.forskningsetikk.no/en/guidelines/social-sciences-humanities-law-and-theology/guidelines-for-research-ethics-in-the-social-sciences-humanities-law-and-theology/> as well as UNHCR's guidelines for archival research, available at: <https://www.unhcr.org/3b03896a4.html>.

Convention/Protocol is contentious. While various reasons have been proffered over the years, the most common entails their reluctance to offer permanent residence.¹⁴ At the same time, many of these states, with Saudi Arabia as case in point, participated actively in the drafting processes of the Convention and in the creation of UNHCR, an indication that their relation to the international refugee regime is far from straightforward.

While UNHCR expanded its operations into the broader Middle East region in the 1960s, it was only in the 1980s that it established its presence among the member states of the GCC. Today, UNHCR has a regional representation in Saudi Arabia covering the GCC countries. UNHCR's competence with respect to refugees is universal in nature, without any geographical limitation; in both signatory and non-signatory states alike, UNHCR has a highly operational presence, engaging in both international protection and direct assistance to refugees and asylum seekers. Due to a general reluctance to accede to international refugee protection instruments, however, in many non-signatory states—particularly in the Middle East—UNHCR has found it necessary to adopt a pragmatic approach, focusing largely on the promotion and negotiation of 'protection space' for refugees. This environment is generally understood as one 'sympathetic to international protection principles and enabling their implementation to the benefit of all those entitled to protection.'¹⁵

While UNHCR has considerable latitude to 'orient policy in a direction of its own choosing',¹⁶ the policies of the host state can limit its ability to execute its international protection mandate, requiring constant (re)negotiation of refugee protection.¹⁷ For example, the GCC states have often used their wealth—i.e. financial connections and interdependencies—to exert their influence over UNHCR.¹⁸ Yet, UNHCR's presence in the region is also formalized through the negotiation of MoUs with the host authorities. Such MoUs may be considered as alternative protection regimes to the 1951 Convention providing a legal framework to regulate the status of refugees.¹⁹ The agreements lay the groundwork for UNHCR's official presence and create an important link between non-signatory states and the 1951 Convention. In such a context, one can grasp the significance of the historical negotiations that took place between UNHCR and Saudi Arabia, resulting in a *Note Verbale* and a MoU. These documents become crucial in advancing our understanding of refugee protection in the region, both historically and in the present.

¹⁴ Maja Janmyr & Dallal Stevens (2021) Regional Refugee Regimes: Middle East, in Cathryn Costello, Michelle Foster, & Jane McAdam (eds.) *The Oxford Handbook of International Refugee Law* (Oxford: Oxford University Press).

¹⁵ Erika Feller (2009) Protecting People in Conflict and Crisis: Responding to the Challenges of a Changing World, Opening Address, *Humanitarian Space Conference*, Refugee Studies Centre, Oxford, p. 5.

¹⁶ Dallal Stevens (2016) Rights, Needs or Assistance? The Role of the UNHCR in Refugee Protection in the Middle East, *International Journal of Human Rights* 20(2), p. 264.

¹⁷ Maja Janmyr (2017) No Country of Asylum: 'Legitimizing' Lebanon's Rejection of the 1951 Refugee Convention, *International Journal of Refugee Law* 29(3), pp. 438–465.

¹⁸ Georgia Cole (2021) Non-signatory Donor States and UNHCR: Questions of Funding and Influence, *Forced Migration Review* 67, pp. 56–59.

¹⁹ Janmyr & Stevens, "Regional Refugee Regimes: Middle East". See also Janmyr, "The 1951 Refugee Convention and Non-Signatory States: Charting a Research Agenda"; Marjoleine Zieck (2006) *UNHCR's Worldwide Presence in the Field: A Legal Analysis of UNHCR's Cooperation Agreements* (Nijmegen: Wolf Legal Publishers).

Laying the Groundwork: 1987-1991

UNHCR's Liaison Office in Riyadh

The story of UNHCR's presence in Saudi Arabia begins essentially in 1987, when an informal Liaison Office (LO) was set up in Riyadh and staffed with a single senior liaison officer named Fadhil A. Khalil.²⁰ Having no formal recognition from the Saudi government, the LO was located physically in Riyadh, and supported administratively by the UNDP office in the same city. It nonetheless reported directly to the UNHCR Regional Office in Cairo, where Abdel Mawla el-Solh held the post of regional Representative for the entire period of study covered by this article.²¹

UNHCR's LO engaged heavily in fundraising and public relations. Much effort was spent on raising awareness about UNHCR and its mandate, and the LO appears to have established good relations with Saudi Arabian media outlets.²² Important groundwork for later UNHCR activity in the country was also made by networking and collaborating with key regional bodies such as the Gulf Cooperation Council (GCC), the Organization of Islamic Cooperation (OIC) and the Islamic Development Bank (IDB). A regional seminar on refugee law was co-organized with the GCC already in 1988.²³

The Liaison Office also appeared to have had a certain protection role. UNHCR archival material make reference to the LO's involvement in preventing deportations from Saudi Arabia, with the LO negotiating individual cases directly with the Saudi Arabian Director of Deportation at the Ministry of Interior (MoI).²⁴ To a certain extent, the LO also dealt with individual asylum cases, yet focusing primarily on receiving individual asylum applications and referring them to the Regional Office for consideration.²⁵ In 1991, about 500 cases were pending UNHCR determination, some for more than a year. The backlog of cases was ascribed to there being no protection officer deployed to the LO.

Essentially, the main purpose of the LO was to create conditions conducive for a full-fledged UNHCR establishment. As the next section will show, this opportunity arose unexpectedly in connection with the Gulf War in 1991.

The 1991 Gulf War

In the first few months of 1991, a military coalition of thirty-five states, led by the United States, launched a war against Iraq—referred as the Gulf War—in response to the latter's invasion and annexation of Kuwait. A few days after the announcement of US President George Bush that Kuwait was liberated, turmoil broke out in Iraq. While unrest spread quickly, by early April the Iraqi army had quashed all riots. As a result,

²⁰ Transcription of names follows the transcription adopted in the archival documents.

²¹ UNHCR Archives, Fonds 11 Series 3 (hereafter UNHCR 11/3), "Final Report: Mission to Kingdom of Saudi Arabia 17 October – 18 December 1991," in 010.SAU External Relations. Relations with Governments. Saudi Arabia (1986-1994) (hereafter 010.SAU), December 24, 1991.

²² UNHCR 11/3, "UNHCR Memorandum: Report from 01-31 July 1990," in 022.SAU Reports BO Reports Saudi Arabia (1988-1992) (hereafter 022.SAU), August 12, 1990.

²³ UNHCR 11/3, "UNHCR Incoming Cable from UNDP/HCR Riyadh/SAU to HCR", in 022.SAU, June 13, 1988.

²⁴ UNHCR 11/3, "UNHCR Memorandum: Report from 01-31 July 1990."

²⁵ UNHCR 11/3, "UNHCR Mission Report /UNHCR 1991 Annual Protection Report: Kingdom of Saudi Arabia," in 010.SAU, December 16, 1991.

a large number of civilians, deserters, and rebels fled; more than 30,000 sought protection from the coalition forces in the demilitarized zone close to the Iraq-Saudi Arabia border. As coalition forces prepared to withdraw, UNHCR sent a high-level mission to Iraq in order to find amenable solutions for the displaced Iraqis.²⁶ After numerous negotiations, Saudi Arabia agreed to offer temporary asylum to these Iraqis in two separate camps: the Rafha refugee camp, which hosted civilians and families; and the Artawiyah camp, set up for those who were designated as Prisoners of War. Both groups merged in the Rafha camp in November 1992.²⁷

The Gulf War constituted a watershed moment for UNHCR's operations in the entire region, paving a way as it did for UNHCR to establish an official presence in Saudi Arabia and to emerge as a major regional actor in the aftermath of the war. The situation was extraordinary in many ways, not the least as it involved the airlifting of Iraqi refugees seeking protection from the coalition forces from the demilitarized zone in Iraq to Saudi Arabia. It was complex as it responded to an immediate and critical humanitarian situation in the face of sensitive political and security-related dimensions that came with the multi-state military operation in Iraq—where Saudi Arabia also played a part. More than anything else, the Rafha refugee situation provided UNHCR with an important momentum to establish a substantial presence in Saudi Arabia and to foster closer ties with the Gulf Cooperation Council. The significance of this opportunity was not lost on UNHCR, with UNHCR's Nicholas Morris, Special Assistant to the High Commissioner during the mission to Saudi Arabia and Kuwait in April 1991, noting in his final Mission Report that:

The situation now lends itself to the establishment of a presence in Saudi Arabia that could have a significance for UNHCR beyond the immediate reason for the presence. This would build on the foundations already laid over recent months and could have a dimension that included the Gulf Cooperation Council states. These states are increasingly coordinating their approach on immigration as well as economic and security matters.²⁸

As the article will discuss further, Saudi Arabia found itself increasingly dependent on UNHCR's expertise in protecting and assisting the refugees, yet looking for durable solutions for these same refugees.²⁹ While both camps were funded and managed fully by the Saudi government through the Ministry of Defence and Aviation (MODA), Saudi authorities had no prior experience of camp administration.

In Artawiyah, camp residents protested their conditions in August 1991, and again in July 1992, demanding freedom of movement, refugee recognition, and a UN presence in the camp.³⁰ Interviews with former refugees living in Artawiyah suggest that their efforts with regard to protest, hunger-strikes, and smuggling of letters to

²⁶ Kamel Morjane, "Terms of reference for the mission to Saudi Arabia and Kuwait by Mm N. Morris and M. Menning," UNHCR (1991). On file with authors.

²⁷ UNHCR, "Report of the United Nations High Commissioner for Refugees," A/48/12 (1993): para. 165.

²⁸ UNHCR 11/3, "Mission Report Saudi Arabia/Kuwait/Saudi Arabia (10-26 April 91) Nicholas Morris," in 010.SAU, April 26, 1991.

²⁹ Human Rights Watch (1992) Human Rights Watch World Report 1992: Events of 1991, undated, available at: <https://www.hrw.org/reports/1992/WR92/MEW2-02.htm>, accessed March 14, 2022.

³⁰ Interview with former refugee, Oslo, November 2020; Interview with former refugee, online, October 2021.

international media contributed to international attention and subsequent UNHCR involvement.³¹ As a response to the protests, a number of refugees were returned forcibly to Iraq, and in December 1991, the forced return of Iraqi refugees by the Saudi government attracted international attention.³² According to UNHCR:

Following several incidents in late 1991 and early 1992, the presence of UNHCR in Saudi Arabia (particularly in Rafha and Artewiyah), was temporarily strengthened by the dispatch of a mission whose primary objective is to identify appropriate durable solutions, in full collaboration with the Saudi authorities, diplomatic and United Nations missions, for the 35,000 refugees and former prisoners of war who are located in the two camps.³³

The Rafha resettlement operation soon became one of UNHCR's key activities globally. During this period, its resettlement activities in Saudi Arabia constituted the bulk of its resettlement efforts worldwide.³⁴ In 1992, for example, Iraqis from Saudi Arabia totaled some 30,000 out of the 42,000 persons UNHCR sought resettlement for globally.³⁵ While the archival records does not provide insights as to why the Iraqis in Saudi Arabia were prioritized for resettlement, HC Ogata stated to the *NYTimes* in November 1991 that, 'I hope that by providing this service we shall be able to draw Saudi Arabia and its allies into our funding system for the first time when we face the challenge of mass repatriation.'³⁶ Hence, the resettlement efforts should be seen in relation to UNHCR's aim of establishing a closer (financial) relationship to Saudi Arabia.

Formalizing UNHCR's Presence: 1992-1993

1992 Note Verbale

Prompted by the Iraqi arrivals to Saudi Arabia in early 1991, UNHCR made repeated requests to the Saudi government about establishing a formal presence, including a Branch Office (BO) in Riyadh and Field Offices (FO) in Rafha and Artawiyah.³⁷ While a first letter concerning these requests was sent from the then UN High Commissioner, Sadako Ogata, to the Saudi authorities already in April 1991, it took almost a full year of negotiations for the Saudi Ministry of Foreign Affairs (MFA) to

³¹ Interview with former refugee, Oslo, November 2020; Interview with former refugee, online, January 2021; Interview with former refugee, Online, October 2021.

³² UNHCR 11/3, "Situation Report – KSA," in 010.SAU, May 4, 1992.

³³ UNHCR, "Report of the United Nations High Commissioner for Refugees," A/47/12 (1992): para. 171.

³⁴ UNHCR, "UNHCR activities financed by voluntary funds: report for 1994-1995 and proposed programmes and budget for 1996. Part 5, South West Asia, North Africa and the Middle East," A/AC.96/846/Part V/12 (1995): para. 2 (d); UNHCR, "Report of the United Nations High Commissioner for Refugees," A/49/12 (1994): paras. 54–55.

³⁵ UNHCR, "Report of the United Nations High Commissioner for Refugees," A/48/12 (1993): paras. 57–58.

³⁶ Paul Lewis (1991) U.N. Refugee Chief Seeking Help From the Gulf Nations. *The New York Times*, November 10, p. 14.

³⁷ UNHCR, "Report of the United Nations High Commissioner for Refugees," A/47/12 (1992): paras. 171–172.

issue a *Note Verbale* providing UNHCR with a degree of official recognition. This section will detail these negotiations.

From the perspective of UNHCR, official recognition from the Saudi authorities was crucial for the office to fulfil properly and credibly its mandate in the country. Also, as mentioned above, UNHCR sought to capitalize on the rare window of opportunity that had arisen with the presence of the Iraqi refugees. Sharing his views in internal UNHCR communications in September 1991, Regional Representative el-Solh described the urgency and opportunity:

[...] we must ensure that Liaison Office is not existing in a legal vacuum. Experience has shown that working arrangements made in haste for short term results or expediency has, in the long run, had negative impact on our ability to work with refugees and consequently on the credibility of Office itself. It is also a question of timing. Now HCR is in a bargaining position because the Government needs us. It is thus imperative to attempt to establish separate HCR existence with some sort of formal agreement outlining mandate of Office [...], privileges and immunities for HCR staff including right to entry visa irrespective of nationality etc. It is now or never.³⁸

The UNHCR acknowledged that the acquisition of an official status in the country was a sensitive and potentially drawn-out process, requiring careful negotiations. For these reasons, it decided to pursue a two-track approach. This approach translated into looking for solutions to the immediate problems presented by the Iraqi refugees in Saudi Arabia, and ‘the long term strategy of an enhanced regional role for the Office and the KSA (with GCC countries), should the KSA and the GCC wish to play that role.’³⁹

Between October and December 1991, a mission was thus sent from Geneva HQ to Saudi Arabia with an explicit task to ‘discuss with the concerned authorities the issue of the status of UNHCR offices and the exercise of the mandate of the Office.’⁴⁰ UNHCR archival material suggests a flurry of activities during this visit, consisting of meetings not only with various Saudi ministries, but also with key actors in Riyadh’s diplomatic community. UNHCR’s efforts had notably the steady backing of the United States, the coalition force lead during the Gulf War. Reportedly, ‘the USA was willing to assist in any way possible to strengthen the Office in the KSA and to promote its official recognition.’⁴¹

Two Saudi ministries were of particular importance to UNHCR—MODA and MFA. However, these two ministries had almost opposing approaches to UNHCR, with MODA being the most supportive of UNHCR’s expanded role. In fact, at the time of the UNHCR mission, Saudi Arabia faced allegations in the international press

³⁸ UNHCR 11/3, “Letters to MOD/MFA,” in 010.SAU External Relations. Relations with Governments. Saudi Arabia (1986-1994), September 23, 1991.

³⁹ UNHCR 11/3, “UNHCR Mission Report/Note for the File. 15 November 1991. Meeting at USA Embassy,” in 010.SAU, November 15, 1991.

⁴⁰ UNHCR 11/3, “UNHCR Final Report: Mission to Kingdom of Saudi Arabia 17 October – 18 December 1991,” in 010.SAU, December 24, 1991.

⁴¹ UNHCR 11/3, “UNHCR Mission Report/Note for the File. 15 November 1991. Meeting at USA Embassy.” See also UNHCR 11/3, “UNHCR Mission Report/Note for the File, 18 November 1991. Telecon with USA,” in 010.SAU, November 15, 1991.

concerning 'forced repatriations and abuse of refugees in KSA.'⁴² MODA was adamant about the cooperation of UNHCR (and ICRC) to counter these allegations and to prove that the returns were in fact voluntary. UNHCR explained to MODA why it could not participate in nor condone these movements:

[...] any statement or 'witness' of the voluntary decision to return would only serve the government of Iraq, which might indeed be trying to discredit the international agencies (by claiming that they were participating in infiltrations of the border, there being no agreement with the GOI for these movements. This could possibly jeopardize later or on-going negotiations for UNHCR's role in official repatriation movements with the GOI.)⁴³

When Major General Abdel Aziz Al Esheikh, representing MODA, 'concluded that he had only one choice, which was to continue as they were now, without the endorsement of the international agencies,'⁴⁴ UNHCR saw its opportunity to (again) advocate for official recognition:

UNHCR replied that there was another possibility, which was the official recognition by the KSA of negotiations (on behalf of the KSA) with the GOI, for official voluntary repatriation. [...] The General welcomed this possibility and asked UNHCR to draft a letter, to be officially sent back to the UNHCR, which would strengthen UNHCR's position to do this. (It had been argued by UNHCR that without official recognition by the KSA, there was no apparent reason for the GOI to accept UNHCR as an interlocutor on behalf of Iraqi refugees in the KSA.) UNHCR agreed to do this as quickly as possible and send it to his office.⁴⁵

However, the problem with this approach, as UNHCR also noted in internal communications, was that UNHCR required official 'recognition' from the MFA, not from MODA. MODA remained nonetheless supportive, and according to UNHCR documents, some months later Prince Sultan bin Abdel Aziz, who was also Second Premier, Minister of Defence and Aviation, and Inspector General, told UNHCR that it could implement its task in full cooperation with the Government and that 'UNHCR would have 'Carte Blanche' for the KSA in support of its efforts.'⁴⁶

UNHCR negotiations with the MFA, however, were not as smooth, despite UNHCR arguing that it 'needed the recognition of the KSA to authoritatively negotiate for durable solutions for the refugees in the KSA.'⁴⁷ The MFA had two major concerns. First, the perceived 'permanency' of a UNHCR office in Saudi Arabia; and second, the UNHCR expectation on Saudi Arabia to cover indefinitely UNHCR's administrative costs in the country. UNHCR explained repeatedly that by definition, refugee problems

⁴² UNHCR 11/3, "UNHCR Mission Report/Note for the File. 23 November 1991. Meeting with MODA, KSA," in 010.SAU, November 23, 1991.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ UNHCR 11/3, "Meeting with Prince Sultan Bin Abdel Aziz," in 010.SAU, January 28, 1992.

⁴⁷ UNHCR 11/3, "UNHCR Mission Report/Note for the File. 24 November 1991. Meeting with MFA, KSA," in 010.SAU, December 24, 1991.

are supposed to be temporary, and, as such, ‘UNHCR could not expect to establish a ‘permanent’ office.’⁴⁸

On January 29, 1992, UNHCR finally received a communication from the Saudi MFA granting recognition of UNHCR offices. The *Note Verbale* inter alia stated that:

With reference to the letter No. 0426/91/21 dated 5/5/1412 concerning the request for opening an office for UNHCR in Riyadh and two field offices in Rafha and Artawiyeh where there are the camps for the Iraqi refugees, and also concerning the issue of appointing 16 staff member of your organization to function in these offices. The Ministry wishes to inform of the agreement for the opening of these offices on the following conditions: The presence of these offices should be temporary, and should be terminated when a final solution for the refugees in the Kingdom is found. The number of staff should be limited to the minimum. The UNHCR fully covers the expenses of this offices [sic]. In the opinion of the Kingdom, the best solution for the refugees present on the Saudi territories would be in their departure, whenever possible.⁴⁹

For UNHCR, this *Note Verbale* was not an ideal one. In February 1992, el-Solh wrote to HQ that the Note ‘represents a weak point for the future in case of any differences approaches/views.’⁵⁰ He listed a number of outstanding issues, including official recognition from Saudi Arabia that UNHCR’s presence ‘[...] is in accordance with its international obligations to assist all refugees in KSA including the Iraqi refugees,’ that UNHCR wishes to have ‘full recognition of its mandate and that the KSA apply the same procedures, i.e. immunities, status given to other UN agencies,’ and that ‘UNHCR will do its best according to its mandate to find durable solutions to the refugees in the Kingdom.’⁵¹ The question of administrative costs also remained unsettled. Acknowledging that these issues would be negotiated further through a MoU, el-Solh concluded his letter by emphasizing that ‘UNHCR should not be in a hurry to accept conditions but negotiate to reach better agreement/letter of understanding, etc. At present our presence recognized officially even without agreement and the Saudis will realize by time the need for strong presence of UNHCR.’⁵²

1992 Draft Memorandum of Understanding

Following the Saudi *Note Verbale*, records indicate that UNHCR assumed that the negotiation of a formal MoU would be a fairly quick process. A draft MoU was developed quickly at UNHCR HQ in Geneva with input from the Regional Bureau for South West Asia, North Africa and the Middle East (SWANAME), the Regional Office in Cairo, and the Liaison Office in Riyadh. It was then sent from LO Riyadh to

⁴⁸ UNHCR 11/3, “UNHCR Mission Report/Note for the File. 13 November 1991, Meeting with MFA, Riyadh,” in 010.SAU, December 24, 1991. See also UNHCR 11/3, “UNHCR Mission Report/Note for the File. 24 November 1991.”

⁴⁹ UNHCR 11/3, “KSA Recognition of UNHCR”, in 010.SAU, January 29, 1992.

⁵⁰ UNHCR 11/3, “Incoming Cable, from A.M. El-Solh to UNHCR Att: Morjane/Fakoury/Djamali, Geneva, De Brancovan Cairo, Fadhil A. Khalil, Riyadh,” in 010.SAU, February 4, 1992.

⁵¹ *Ibid.*

⁵² *Ibid.*

the Saudi MFA in late March 1992, only two months after the receipt of the *Note Verbale*.⁵³ Once the parties had landed on an acceptable version, it was thought that Kamel Morjane—head of SWANAME and designated by HC Ogata as her representative—would travel to Riyadh to sign the deal formally.⁵⁴

A few years earlier, UNHCR had developed a twelve-page model agreement to be used in its operations globally.⁵⁵ While many of UNHCR's MoUs with governments follow the structure, form and content of this model agreement, the one developed for Saudi Arabia does not. Rather, it is a considerably less detailed three-page draft 'Memorandum of Understanding between the Government of the Kingdom of Saudi Arabia and the United Nations High Commissioner for Refugees,' which was strikingly similar to that developed for UNHCR Syria at around the same time. The main parts read as follows:

1. The Government of the Kingdom of Saudi Arabia, hereinafter referred to as the Government, and the United Nations High Commissioner for Refugees, hereinafter referred to as UNHCR, wish in a spirit of humanitarian co-operation to conform the terms and conditions under which UNHCR will establish its own office in the Kingdom of Saudi Arabia and exercise its traditional mandate.
2. To this effect, UNHCR shall:
 - 2.1 assume the function of providing international protection to refugees who fall within the scope of its Statute;
 - 2.2 maintain consultations and co-operation with the Government on all matters related to the welfare of refugees in the host country;
 - 2.3 assist the Government in its efforts to provide and organize the humanitarian assistance to refugees in the Kingdom.
 - 2.4 In close co-operation with the Government, facilitate consultations with other concerned governments and International Organizations with the aim of identifying and pursuing durable solutions to the refugee problem;
3. For its part, the Government:
 - 3.1 agrees to UNHCR's strengthening of its independent Office in Riyadh and to establish two new offices in Rafha and Artawiyeh;
 - 3.2 shall grant UNHCR personnel unimpeded access to all refugees located in the Kingdom;
 - 3.3 shall grant UNHCR such facilities, funds and services as may be necessary for the speedy and efficient execution of its mandate for refugees in the Kingdom;
 - 3.4 shall apply to UNHCR international staff, its property, funds and assets, and to its officials on mission such privileges, immunities and exemptions as normally extended to diplomatic missions and other recognized international organizations.

⁵³ UNHCR 11/3, "UNHCR Electronic Cable. From Morjane to Barbeau, Djemali, Fakhouri, Fell, Menning, Morjane, Ouanes, Sultani," in 010.SAU, March 26, 1992.

⁵⁴ UNHCR 11/3, "Letter to Prince Saud al-Faisal from Sadako Ogata," in 010.SAU, June 21, 1993.

⁵⁵ Zieck, "UNHCR's Worldwide Presence in the Field: A Legal Analysis of UNHCR's Cooperation Agreements". See also UNHCR, Model UNHCR Co-operation Agreement between the United Nations High Commissioner for Refugees and the Government of Country X, 2009, Rev. MNW 24/10/01, available at, <https://www.refworld.org/docid/3ae6b31b27.html>, accessed January 27, 2022.

4. This Memorandum of Understanding shall enter into force on the date of its signature by both Parties and will remain in force until the signature by both Parties of a formal Co-operation Agreement.⁵⁶

Perhaps not unexpectedly, the Saudi MFA opposed key aspects of the draft MoU. Archival records suggest that the main issues were—once again—related to administrative costs and the temporary nature of UNHCR's presence. Requesting further clarification as to the scope of proposed paragraph 3.3, the Saudi MFA asked bluntly what UNHCR's response would be if the country did not cover UNHCR's administrative costs. UNHCR explained that it would be forced to ask the international community for money for operations in KSA 'which may not be appreciated by the Kingdom.'⁵⁷

Internally, however, UNHCR also had other concerns. While it was willing to compromise on the wording, it was worried that if the Saudi Government was only to commit itself to in-kind contributions, 'then HCR's protection role could be compromised because the Government could, in theory withhold its contributions anytime and paralyze the functioning of HCR in the Kingdom.'⁵⁸ Insisting that 'in-kind contribution alone was not KSA's practice vis-à-vis other UN agencies,'⁵⁹ UNHCR was furthermore adamant about being treated in the same way as the other UN offices in the country. And in any case, 'the administrative costs of UNHCR would be minimal compared to what the KSA was already spending on the refugees.'⁶⁰

The discussions about paragraph 3.3. led to considerable delays, and the involvement—once again—of the US Embassy in Riyadh, who urged an 'early compromise on the issue.'⁶¹ UNHCR records suggest that the US Ambassador told the Saudi MFA that the 'MOU was a good document and that disagreement on the wording of para 3.3 should not in itself, be a case for postponement of the agreement since it was extremely urgent to place protection staff in the camps which in turn was contingent on the signing of the MOU.'⁶² By May 1992, el-Solh reported back to Geneva that 'the draft MOU submitted to MFA will probably be accepted by the authorities with minor changes to para 3.3 under which the Saudis clearly wish to limit their contributions to refugees and HCR to materials, equipment and facilities.'⁶³ The Saudi government was hesitant to enter into an agreement with UNHCR that would 'bind them to financial obligations of unknown/uncertain measure.'⁶⁴

⁵⁶ UNHCR 11/3, "UNHCR Electronic Cable. From Morjane to 010.SAU. HCR/are/0411," in 010.SAU, March 26, 1992.

⁵⁷ UNHCR 11/3, "Draft MOU – Saudi Arabia," in 010.SAU External Relations. Relations with Governments. Saudi Arabia (1986-1994), April 13, 1992. See also UNHCR 11/3, "Incoming Fax Cable from A. M. Solh, Regional Representative, to Mr K. Morjane, Head of Bureau SWANAME," in 010.SAU, June 24, 1992. For a similar discussion, see also UNHCR 11/3, "Meeting with Amb. J. El Lakani, MFA, 29 January 1992," in 010.SAU, January 29, 1992.

⁵⁸ UNHCR 11/3, "Faxgram from A.M. El-Solh, Regional Representative on Mission Saudi Arabia, to UNHCR Geneva Attn: HC/Morjane/Troeller. 30 April 1992." in 010.SAU, April 30, 1992.

⁵⁹ *Ibid.*

⁶⁰ UNHCR 11/3, "Meeting with Amb. J. El Lakani, MFA, 29 January 1992."

⁶¹ UNHCR 11/3, "Faxgram from A.M. El-Solh, Regional Representative on Mission Saudi Arabia, to UNHCR Geneva Attn: HC/Morjane/Troeller. 30 April 1992."

⁶² *Ibid.*

⁶³ UNHCR 11/3, "Situation Report – KSA."

⁶⁴ UNHCR 11/3, "Development of MOU with K.S.A. and Meeting with S.G. MFO for Political Affairs and the American Ambassador to the KSA," in 010, July 17, 1992.

Another concern raised by the Saudi MFA was nonetheless the need for UNHCR's presence to be temporary rather than permanent. In a June 1992 letter, the Saudi MFA repeated that '... the K.S.A. Government would like to fix the validity period of the Memorandum of understanding to be on yearly basis, renewable automatically unless the KSA government does not wish to renew it or the Iraqi Refugees problem is solved.'⁶⁵ Again, UNHCR explained that 'HCR was in KSA only to assist the Government. Our presence in KSA, as in every other country, has intended to be temporary only to last as long as the refugee problem itself.'⁶⁶

With the process dragging out, UNHCR decided in July 1992 to request MFA invitations for a high-level visit of high-ranking UNHCR officials. Such a visit, el-Solh proposed to Geneva:

[...] would be very useful to pave way for a new UNHCR era and bring better understanding of HCR mandate and highlight the refugees' needs particularly in this region. The mission could highlight KSA's and Gulf States' international obligations towards the Islamic and Arab refugees and emphasize the need to enhance their international obligations. If Saudi Arabia responds positively, then this will trigger a chain reaction in other Gulf states, making them more receptive to the international protection role of UNHCR.⁶⁷

An official invitation for the High Commissioner to visit Saudi Arabia came in September 1992, whose importance could not be overstated. Internally, UNHCR commented that:

With Saudi invitation to HC to visit KSA, we have finally made serious inroads in gaining confidence of Saudis and by extension of other Gulf countries. [...] It is thus imperative to capitalize on HC's forthcoming visit to reach an understanding on fundamental protection principles, particularly in view of the fact that anything agreed in Riyadh will affect other GCC countries.⁶⁸

The urgency UNHCR felt about getting a solid foot into Saudi Arabia, and through that also into the other GCC countries, is overwhelmingly clear from the archival records. In January 1993, High Commissioner Ogata conducted a week-long visit to Saudi Arabia, subsequently praising it as '[...] among the countries most committed to the cause of refugees [...].'⁶⁹ However, in March 1993, Saudi Arabia again faced harsh international criticism for its treatment of Iraqi refugees when at least nine refugees and four Saudi guards died following clashes in Rafha.⁷⁰ Again, Saudi authorities

⁶⁵ UNHCR 11/3, "Incoming Fax Cable from A.M. Solh, Regional Representative, to Mr K. Morjane, Head of Bureau SWANAME."

⁶⁶ UNHCR 11/3, "Development of MOU with K.S.A. and Meeting with S.G. MFO for Political Affairs and the American Ambassador to the KSA."

⁶⁷ Ibid.

⁶⁸ UNHCR 11/3, "UNHCR Incoming Cable from B. Panday to Morjane/Franco/Troeller, 23 September 1992," in 010.SAU, September 23, 1992.

⁶⁹ UNHCR 11/3, "Letter to Ali El Shair, Minister of Information from Sadako Ogata, United Nations High Commissioner for Refugees," in 010.SAU, February 1, 1993.

⁷⁰ The Associated Press (1993) 13 Reported Killed in March In Riot at Iraqi Refugee Camp, *The New York Times*, 23 May, available at: <https://www.nytimes.com/1993/05/23/world/13-reported-killed-in-march-in-riot-at-iraqi-refugee-camp.html>, accessed March 14, 2022.

turned to UNHCR, asking the office ‘as a neutral witness to the events of 9/3/93, to help explain the circumstances and outcomes of the violence to the international community.’⁷¹ Overall, Saudi Arabia depended on UNHCR for its legitimacy on the international plane, while UNHCR continued to cajole the Saudi authorities as part of its efforts to formalize its country presence once and for all.

1993 Memorandum of Understanding

Once the Saudi MFA and UNHCR agreed about the form and content of the MoU, the final version was sent for approval by the Royal Cabinet before being returned to the MFA for the official signing ceremony on June 22, 1993.⁷² A three-page document, the MoU’s content is very similar to the draft MoU albeit containing some noteworthy exceptions that will be further explained in this section. It is divided into four parts; the first and second constitute the main parts of the MoU and set out the role of UNHCR and the Saudi government. The third and fourth parts constitute two short paragraphs pertaining to, on the one hand, the entry into force and termination of the agreement, and on the other, the language versions of the agreement, providing that the Arabic version remains the basis of the MoU.

The preambular paragraph has been modified and is arguably more technical. Removed from the final version for reasons unexplained in the archival records is the previous reference to ‘spirit of humanitarian co-operation.’ It now reads: ‘The Government of the Kingdom of Saudi Arabia, hereinafter referred to as the Government, and the United Nations High Commissioner for Refugees, hereinafter referred to as UNHCR, wishing to establish UNHCR office in the Kingdom of Saudi Arabia and regulate its functions have agreed [...]’

As for the duties of UNHCR, the MoU establishes that UNHCR shall:

1. Assume the function of its known international reconized [sic] role;
2. Maintain consultations and cooperation with the Government on all matters related to the welfare of refugees in the host country;
3. Assist the Government in its efforts to provide and organize the humanitarian assistance to refugees in the Kingdom;
4. In close cooperation with the Government, facilitate consultations with other concerned governments and International organizations with the aim of identifying and pursuing durable solutions to the refugee problem;

Under the MoU, Saudi Arabia:

1. Provides protection to refugees present in the Kingdom;
2. Agrees to strengthening UNHCR’s presence in the Kingdom through the establishment of an independent office in Riyadh and an office in Rafha;
3. Shall grant UNHCR personnel the necessary access to all refugees located in the Kingdom;

⁷¹ UNHCR 11/3, “Meeting with Prince TURKI on 15.03.1993,” in 010.SAU, March 16, 1993.

⁷² UNHCR 11/3, “Signing of MoU with Kingdom of Saudi Arabia,” in 010.SAU, June 16, 1993.

4. Shall grant UNHCR such facilities as may be necessary for the speedy and efficient execution of its mandate for the refugees in the Kingdom, including providing donations covering expenses for the UNHCR's two offices in the Kingdom by paying rents and operating costs and personnel transportation, to a limit of SR 2,5 million per annum.
5. Shall accord to UNHCR staff, its property, funds and assets, and to its officials on mission such privileges, immunities and exemptions as are normally extended to credited U.N. officials in the Kingdom.

The MoU appears both broad-brushed and detailed. It includes sweeping mentions of intricate concepts, such as 'protection' and 'durable solutions,' without defining them. At the same time, it sets out precise details about UNHCR funding per annum and what exactly this funding will cover (e.g. costs for personnel transportation).

As for the stated tasks of UNHCR, three out of the four points are identical in the draft and final MoU. However, and perhaps the most important point, UNHCR's role has been amended. While the draft MoU stipulated that UNHCR would 'assume the function of providing international protection to refugees who fall within the scope of its Statute,' the final version states that UNHCR shall 'assume the function of its known international reconized [sic] role.' At the outset, this could be perceived as a way of toning down UNHCR's international protection mandate, one that is firmly rooted in international law through UNHCR's Statute. At the same time, and with the draft version in mind, the reference to UNHCR's 'known international reconized [sic] role' can arguably be interpreted as referring precisely to its mandate of international protection.

The UNHCR archives provide no evidence of any substantial discussions between UNHCR and the MFA about the MoU amendment to UNHCR's function of international protection. This archival silence could be interpreted in several ways. It could be a change requested by the Saudi MFA towards the very end of the negotiations; or UNHCR was content with the amendment and did not request to discuss it at length internally (perhaps precisely because it interpreted 'its known international reconized [sic] role' to be its mandate of international protection). What is clear, however, is that the amendment did not trigger a paper-trail discussion internally within UNHCR.

Previous discussions between UNHCR and the Saudi authorities nonetheless give the impression that the government was aware of, and largely understood, UNHCR's mandate of international protection. UNHCR reported in 1991 that the Saudi authorities had requested it to 'play its normal role, and [that UNHCR therefore] shall be strengthening UNHCR's presence in Saudi Arabia accordingly.'⁷³ Additionally, in the *Note Verbale* negotiations, the Saudi MFA did not seek to limit UNHCR's activities to any particular group of refugees in Saudi Arabia. To the contrary, 'Ambassador el-Lakani agreed immediately that UNHCR should be concerned with all refugees, as this was the mandate of the Office.'⁷⁴ This broad approach to UNHCR's mandate has been also kept in discussions about the MoU, with the final MoU specifying in the section on Saudi government duties that the government agrees to provide UNHCR with the facilities necessary 'for the speedy and efficient execution of its mandate for the refugees in the Kingdom.' Such facilities would presumably be those

⁷³ UNHCR, UNHCR Electronic Cable/Telex, To the UN Secretary General from the High Commissioner, 26 April 1991. 010.SAU. On file with authors.

⁷⁴ UNHCR 11/3, "Meeting with Amb. J. El Lakani, MFA, 29 January 1992."

needed for UNHCR to conduct various operations, i.e. refugee status determination and resettlement.

The amendment to UNHCR's function also can be seen in light of the addition to the tasks of the Saudi government. In this regard, the draft version of the MoU details four points, yet the final MoU adds to these a point stating that Saudi Arabia 'provides protection to refugees present in the Kingdom.' This is the only reference to 'protection' in the entire document, and suggests a preference for a Saudi protection of refugees over that of UNHCR. Again, archival material provides little guidance as to the deliberations behind these changes. Additional, yet minor, changes were also made to the other points detailing the tasks of the Saudi government—the MoU now speaks of granting UNHCR 'necessary' access to all refugees rather than previously phrased 'unimpeded' access, the opening of an office in Artawiyah was removed altogether as the camp by then had been merged with Rafha, and slight changes were also made to the wording concerning privileges and immunities.

When it comes to the primary concerns of the Saudi government as raised during the negotiations, namely UNHCR's administrative costs and the temporary nature of UNHCR's presence, what was previously paragraph 3.3 is now point 4 in the section on Saudi tasks. To the original 'shall grant UNHCR such facilities, funds and services as may be necessary for the speedy and efficient execution of its mandate for refugees in the Kingdom' the following has been added: 'including providing donations covering expenses for the UNHCR's two offices in the Kingdom by paying rents and operating costs and personnel transportation, to a limit of SR 2,5 million per annum.' Essentially, this was a compromise between UNHCR's wish for predictable funding and Saudi Arabia's fear of being bound to financial obligations of unknown measure.

As for the temporal concerns, UNHCR appears to have managed to secure the continued application of the MoU, with the agreement specifying that: 'this Memorandum of Understanding shall enter into force on the date of its signature by both Parties and will remain in force until either Signatory demands its termination three (3) months earlier.' Being amended only in 2010, the document still today constitutes the basis for Saudi-UNHCR relations.⁷⁵ While the 2010 MoU has not been made publicly available, conversations with high-level UNHCR staff indicate that the 2010 amendments include the removal of the remarks about the Rafha camp specifically, as well as those referring to Saudi Arabia covering UNHCR's administrative costs.⁷⁶

Conclusions

While GCC states long have been considered to be exceptions to international refugee law simply because they are not party to the 1951 Convention and its 1967 Protocol, this article shifts and expands our understandings of these states' relationships to the international refugee regime. As the article has detailed, the 1991 Gulf War and its aftermath constituted a watershed moment for UNHCR's engagement with Saudi Arabia. Since the late 1980s UNHCR attempted to establish a formal presence in the country, and Saudi Arabia's hosting of Iraqi refugees in the Rafha camp provided an unexpected and unprecedented opportunity for UNHCR to negotiate such a presence. Heavily backed by the US coalition, UNHCR

⁷⁵ UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report—Universal Periodic Review: The Kingdom of Saudi Arabia," (2013).

⁷⁶ Interview with UNHCR official, online, February 2022.

negotiated first, a *Note Verbale* providing UNHCR with official recognition in 1992, and second, a formal Memorandum of Understanding (MoU) in 1993. Albeit amended slightly in 2010, the MoU provides the basis for UNHCR-Saudi relations still today.

The MoU is broad brushed, when it discusses—for instance—intricate concepts such as 'protection' and 'durable solutions;' but also very detailed, i.e. on Saudi Arabia's financial contribution to the running costs of UNHCR's offices in the country. As this article argues, this imbalance is the direct result of years of negotiations between UNHCR and the Saudi government. More importantly, it reflects arguably UNHCR's pragmatic approach to refugee protection in the entire region. Building upon these findings, future research would do well to focus on the extent to which (or not) the MoU has affected UNHCR's ability to execute its international protection mandate, in Saudi Arabia as well as in the other GCC countries.

UNHCR's formal establishment in Saudi Arabia also paved a way for UNHCR to emerge as an important regional actor in the realm of refugee protection. As this article discusses, from the very onset of the negotiations, UNHCR had an outright ambition to take on an enhanced regional role in the GCC countries and setting a solid foot in Saudi Arabia was a key component of this strategy. Today, UNHCR's Riyadh covers fully and directly the whole Gulf region. In this vein, future research should explore more in-depth how the relationship between UNHCR and Saudi Arabia has affected the GCC's policies and practices in matters of forced migration and humanitarian affairs in the 30 years since UNHCR's establishment in Saudi Arabia.

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