

Refugee mobility

Causes and perspective in the Middle East

I. Introduction

Today there are about 59.5 million refugees, asylum seekers, internally displaced and stateless people in the world,¹ of which Syria provides the largest contingent, followed by Colombia and Iraq. While there is a myriad of factors that push people out of their own country, currently civil wars are playing a vital role in generating refugees. At present, there are around 14 ongoing larger conflicts: eight in Africa (Ivory Coast, Central African Republic, Libya, Mali, Nigeria, Democratic Republic of Congo, South Sudan and Burundi), three in the Middle East (Syria, Iraq and Yemen), three in Central Asia (Kyrgyzstan, Myanmar and Pakistan) and one in Europe (Ukraine). Overall, by 2014 the Middle East has the highest number of refugees in the world (17.2 million), settled especially in Turkey (1.6 million, or 223 per 10,000 inhabitants) and Lebanon.²

Over the last two years, conflict and persecution have forced an average of 42,500 people per day to leave their homes and seek protection elsewhere, either within the borders of their country or beyond.³ At this moment, as we talk about the Middle East, the most pressing issue that appears in front of us is of refugees and conflicts in Syria. Half of the 23 million population of Syria have been forced from their homes, with four million becoming refugees in other countries. Millions of people are fleeing conflict in Syria, Iraq, Afghanistan and Ukraine, as well as persecution in areas of Southeast Asia and Sub-Saharan Africa, creating the highest level of displacement since World War II.⁴

Refugee outbreaks have taken place in the Middle East and North Africa (MENA) at different points of time in history. A number of factors have contributed to the creation of refugee flows in the region. Colonial occupations, pervasive poverty, political violence and repression, and ethnic violence are generally listed among the primary reasons for the creation of such refugee flows, although a counter-argument here is that poverty elsewhere does not seem to generate refugees in these numbers. Since 2011, the countries of the Arab Uprisings have generated a growing number of refugees.⁵ However, the protracted Syrian crisis has shaped a new pattern of refugee flows.

Countries with 'controversial' leaderships, such as Egypt, Libya, Yemen, Bahrain and Syria, have faced the domino effect of uprising. Following Tunisia, the governments of Egypt and Libya were overthrown. Although the magnitude of the revolutions was considerable, they did not escalate into civil war like they did in Libya and Syria. In Syria, specifically, fierce fighting between protesters and the government is ongoing and has resulted in miserable living conditions for Syrians in general as well as an ever-increasing number of refugees.

The Arab Uprisings resulted in massive movements of refugees and displaced people across the MENA region. In some places, it led to the eruption of xenophobic attacks against non-nationals; most visible was the case of sub-Saharan Africans in Libya. It has therefore become clear from the onset that

¹ UNHCR, *Statistical Yearbook*, 2015, 27.

² Ullah, *Refugee Politics in the Middle East and North Africa*, 2014.

³ UNHCR, *World at War*, 2014, 2.

⁴ Ullah, *Refugee Politics in the Middle East and North Africa*, 2014; UNHCR, *Global Forced Displacement tops 50 million for first time in post-World War II era*, 2014.

⁵ Ullah, *Refugee Politics in the Middle East and North Africa*, 2014.

the Arab Uprisings have had a direct impact on issues of migration, asylum and protection. More than two million people are believed to have been forced to leave their homes across the MENA region. Asylum seeking claims have risen by around 20 percent as an outcome of the events.⁶ Many Tunisians have sought refuge in neighbouring states, while at the same time Tunisia itself became a recipient country for refugees and asylum seekers from Libya when sentiments against the regime of long-serving ruler Muammer Al-Gaddafi erupted.⁷ By the end of August 2012, the number of internally displaced persons (IDPs) rose to around 80,000 in Tunisia; in Yemen, this stood at about 500,000 people as a result of internal conflict. Yemen also hosts around 230,000 refugees, mainly from Somalia, Ethiopia and Eritrea. As of June 2013, an estimated 1,588,286 people have left Syria, mostly for Lebanon, Jordan, Turkey and Iraq, and around 2.5 million people have been displaced within Syria itself.⁸ Likewise, in Libya the anti-Gaddafi protests degenerated into a civil war in which over one million individuals fled across the borders to neighbouring countries, including Tunisia, Egypt, Algeria, Niger and Chad. Egypt and Tunisia accepted around 630,000 of the refugees, both Libyan nationals and foreign migrant workers.

II. The Perspective of Refugee Creation

In many countries in the Middle East in the past, popular aspirations for change led to violent political movements that eventually caused millions to be displaced. The bread riots that occurred in Egypt in 1977, the Massacre of Hama in 1982 and the Algerian Civil War in 1991 are just a few examples that demonstrate tentative feelings of change

(and democratisation) in the region. However, the robustness of the military apparatus and the division between secular and religious groups help to explain the previous lack of democracy in the region.⁹ The current situation in Syria is no different from what happened in the past.¹⁰

Talking about the issue of refugees in the Middle East, however, for a long time meant talking about Palestinian refugees. In this paper, I preclude Palestinian refugees deliberately, owing to the fact that the currency and urgency of refugees generated in Syria has surpassed many other important sources of refugee movement. There were similar demands and mobilisations in many countries of the region, at which citizens and protesters chanted the same slogans. Nevertheless, the experiences of each country have been distinct. For instance, in some countries the military defected from the regime, like in Tunisia and Egypt, while in Libya, Yemen and Syria the military has stayed loyal to the president.¹¹ Some uprisings seemed to be domestic affairs while others quickly led to foreign intervention, such as the intervention of the Gulf Cooperation Council (GCC), led by Saudi Arabia, in Bahrain and that of NATO in Libya. Some wealthy states have responded with increased spending on job creation and benefits for their citizens while some other wealthy countries, such as Kuwait, Qatar and the United Arab Emirates, have observed events silently. Citizens of these states are generally satisfied with their governments. The situation was different in Bahrain, where the Shia majority of the population demanded political reforms, about which Saudi Arabia became very concerned because of the fear of Iranian influence among Shia in the Arab Gulf states.¹²

⁶ Koser, *Migration, Displacement and the Arab Spring: Lessons to Learn*, 2012.

⁷ Mikail, *Refugees in the MENA Region: What Geopolitical Consequences?*, 2013.

⁸ Ibid.

⁹ Bellin, *The Robustness of Authoritarianism in the Middle East: Exceptionalism in Comparative Perspective*, 2004; Albrecht and Schlumberger, *Waiting for Godot: Regime Change without Democratization in the Middle East*, 2004.

¹⁰ Hamilton, *Africans Say Libyan Troops Try to Make them Fight*, 2011.

¹¹ Rogan, *Regional Overview*, 2011.

¹² Ibid.

Morocco and Jordan tried to quell the situation by initiating constitutional reforms.

The unrest in the region has caused displacement to varying degrees – not only of citizens, but also of migrants and refugees being hosted in these countries. In Egypt, Islamic parties took the lead in the parliamentary elections held between November 2011 and February 2012. The Supreme Council of the Armed Forces announced that it would hand over power following the Presidential elections held in May and June 2013, yet the regime ‘struck back’.

In Syria, peaceful protests swept across the country in March 2011 only to be responded to by the Syrian government with brutal crackdowns. The government did make some concessions, such as the lifting of the emergency laws in April 2011, yet this attempt to calm down the situation faded with on-going violence and fatal state responses against civilian protestors. A formal UN Resolution against the regime failed due to the veto by Russia and China. The bloodshed has never ended. Demonstrations against governments elsewhere in the region have been seen as a domino effect of Tunisia. Protests have occurred in Morocco, Algeria, Yemen, Oman, Bahrain, Iraq, Iran, Israel and the Palestinian Territories of varying scales and durations. These political changes have brought two new dynamics to the refugee issue: one is the change from being host country to becoming an origin country of refugees, and the other is the new challenge presented by the existing refugees from other countries. Tunisians attempted to flee to Europe via boats, mainly to the Italian island of Lampedusa both during and after the uprising. Months after the fall of Tunisian president Zine El Abidine Ben Ali, the majority of people arriving on the island from

North Africa were Tunisians. They ended up on overcrowded Italian shores.

In Libya, the final overthrow of Al-Gaddafi was preceded by a brutal battle. In February 2011, political violence erupted across the country after the government violently suppressed demonstrations against the Libyan leader. This was followed by months of intense fighting between government and opposition forces as well as the involvement of international forces. The Libyan economy has been heavily dependent on migrant workers. As violence broke out in Libya, Tripoli literally became empty of foreigners. Border zones became crowded with anxious people fleeing conflict. At the onset of the conflict, some 20 percent of the approximately 6.5 million people living in Libya were from sub-Saharan Africa, most of them being migrant workers and refugees.¹³ They came from various countries, including Burkina Faso, Ethiopia, Eritrea, Ghana, Mali, Niger, Nigeria, Somalia and Sudan.¹⁴ These sub-Saharan Africans faced harsh discrimination when it came to light that Gaddafi employed sub-Saharan African mercenaries to crush the protests. Between 1.2-1.5 million Egyptians were also estimated to have been in the country at the outbreak of the conflict, mostly as migrant workers.¹⁵

Many fled Libya trying to cross the Mediterranean. Some of those had initially fled from Libya to Tunisia but returned back to Libya due to the frustrating conditions in the Tunisian camps before starting the journey to Europe. At least 1,500 people have drowned during these attempts.¹⁶ Most Libyans crossed the borders only temporarily to purchase gasoline and other goods or to bring family members to a secure location. By the end of August 2011, when the Gaddafi regime

¹³ Pennington and Kristele, *Libya: Protect Vulnerable Minorities and Assist Civilians Harmed*, 2011.

¹⁴ Amnesty International, *Year of Rebellion: The State of Human Rights in the Middle East and North Africa*, 2012; Ullah, *Refugee Politics in the Middle East and North Africa*, 2014.

¹⁵ Amnesty International, *Year of Rebellion: The State of Human Rights in the Middle East and North Africa*, 2012, 51.

¹⁶ Agharzam and Tishler, *Migrants Caught in Crisis: The IOM Experience in Libya*, 2012, 11.

was toppled, out of the 247,167 Libyans who had crossed into Egypt, only 4,500 remained there.¹⁷

About half a million people fled to Egypt through the Salloum border. These included Libyans as well as foreigners who resided in Libya. The International Organisation for Migration, in cooperation with border authorities, reported that by January 2012 only 263,554 people had crossed the Libyan-Egyptian border, of which 173,873 were Egyptians and 89,681 were foreigners. Most of those in the latter group fled on their own without asking for assistance. This comprised mainly people from Middle Eastern countries and Sudan. They were not required to wait for visa processing at the border.¹⁸

An estimated 43 percent of the total number of refugees fleeing Libya crossed the Western Libyan border from Tripoli and other Libyan cities that are located close to the Tunisian border. Consequently, Tunisia received the most refugees from Libya. Camps were set up along the border. According to Egyptian authorities, almost 63,000 Egyptians made their way to Tunisia between 28 February 2011 and 3 March 2011.¹⁹ Over 235,000 people had fled from Libya to Tunisia through the main border points of Ras Adjir and Dehiba by April 2011. By January 2012, approximately 137,000 Tunisians and 208,489 other foreigners had arrived in the country. The flows to Tunisia decreased by two thirds in June with an average of 1,795 people arriving per day.²⁰

III. The 'Burden' and Direction: The Case of Italy

People fleeing through the Mediterranean Sea to Italy, Spain or Malta are not small in number.²¹ The journey has been dangerous and at least 1,500 are believed to have died between 2011 and 2012 during the attempted cross-over, and one boat which departed Libya drifted for two weeks on the sea. Only nine out of its 72 passengers survived.

European countries have continued to play a vital role in the movement of refugees since the Arab Uprisings.²² The vast majority of those refugees went to southern Europe to seek refuge, particularly to Italy, Malta²³ and Turkey. Italy has been one of the most reachable states for the incoming migrants from Tunisia, Libya and even Egypt seeking a safer place after the Arab Uprisings.²⁴ For example, about 57,000 migrants turned up on Lampedusa Island as a result, and the Italian detention centre there was allowed to overflow, triggering protests and clashes between authorities, detainees and locals angry that the influx had scared off tourists.²⁵

Italy has not been prepared for such a huge number of migrants, and it has caused a conflict between international human rights standards in theory and the implementation of these principles in reality. Italy, as a signatory state to several human rights conventions, is obliged to receive refugees into its territory. This right is preserved in Article 14 of the Universal Declaration of Human Rights²⁶ and in the EU Council Directive on

¹⁷ Ibid.

¹⁸ Ibid, 12.

¹⁹ Sanz, *Socio-economic Profile of Egyptian Migrants Returning from Libya due to Crisis: Sample Analysis*, 2011.

²⁰ Pennington and Kristele, *Libya: Protect Vulnerable Minorities and Assist Civilians Harmed*, 2011.

²¹ Agharzam and Tishler, *Migrants Caught in Crisis: The IOM Experience in Libya*, 2012.

²² Wheeler, *Waves Upon Waves: Arab Spring Refugees Cross the Mediterranean*, 2011.

²³ Nebahay, *Arab Spring Helps Push Asylum Claims up 20 percent in the West*, 2012.

²⁴ Diamantopoulos, *The Arab Spring and Its Consequences on the Euro-Mediterranean Migration Flows*, 2011.

²⁵ Wheeler, *Waves Upon Waves: Arab Spring Refugees Cross the Mediterranean*, 2011.

²⁶ Article 14: (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from

the Temporary Protection of Displaced Persons, which requires that “asylum-seekers forming part of a large influx of migrants must be admitted to the country to which they first seek refuge. If that first country cannot admit asylum-seekers on a permanent basis, it must at least provide temporary protection”.²⁷ Additionally, refugees cannot be expelled from Italy according to the UN Convention and Protocol Relating to the Status of Refugees, which guarantees the principles of non-refoulement and thereby “prohibits the expulsion or return of refugees against their will to territories where their life or freedom would be threatened”. Furthermore, Italy is party to the Dublin agreement, which requires it to process each refugee’s application for asylum. These steps have not been met easily with the current migration movement from the neighbouring Arab Uprisings countries since these North African countries have witnessed the fleeing of different groups with different backgrounds all with unique immigration purposes.²⁸

European states have not responded to the refugees that have resulted from the Arab Uprisings equally. For example, Italy and Greece have accused the United Kingdom and its northern European neighbours of not sharing the responsibility for a crisis in migration that has left them struggling to cope.²⁹ Furthermore, both Italy and Greece have sought a suspension to their commitment to the EU Dublin system since that system compounds their burden. In order to escape from their responsibility, European states allege that such refugees are illegal immigrants and not asylum seekers, which then allows them to refuse their entrance to Europe.³⁰

Italy has initiated a policy to lessen this volume of migrants in coordination with the EU Border Protection Agency, which has resulted in a clear violation of international refugee laws. There have been incidents where Italian authorities have blocked boats carrying migrants from entering Italian ports and failed to provide aid. Distinguishing between illegal immigrants and refugees is necessary for the protection of the country; however, failing to follow this policy of distinguishing leads to a violation of international refugee laws regarding “the admission of, and the prohibition on the expulsion of, asylum seekers”.³¹ Such cases have ultimately been dodged by politicians framing the people fleeing Libya and Tunisia as illegal immigrants rather than refugees seeking asylum.³² An example of the reluctance of Italy to tackle the situation positively is clear in the recent agreement between Italy and Libya’s National Transitional Council to exchange information on illegal immigrants and the arrangement for their repatriation.³³ Despite the mounting pressure of refugees, Italy is bound by EU law to deal with the matter on its own.

As the situation on the little island of Lampedusa became unsustainable, Italy decided to give an estimated 25,000 Tunisian refugees a humanitarian visa that allowed them unlimited travel throughout Europe. Other EU member states, such as France, Germany and the Netherlands, fear that this humanitarian visa may cause them increased illegal immigration and affect many social, medical and housing programmes. The reaction of other EU member states, such as Belgium, Denmark and Austria, was to resume border

acts contrary to the purposes and principles of the United Nations. (Universal Declaration of Human Rights)
Available at: <http://www.un.org/en/documents/udhr/index.shtml>

²⁷ Curtis, *Refugee Rights and Italy’s Response to the Influx of North African Migrants*, 2011.

²⁸ Ibid.

²⁹ Grant and Domokos, *UK Failing to Share Burden of Migration Crisis*, 2011.

³⁰ McPhun, *The Arab Spring’s Refugee Crisis*, 2011.

³¹ Curtis, *Refugee Rights and Italy’s Response to the Influx of North African Migrants*, 2011.

³² Wheeler, *Waves Upon Waves: Arab Spring Refugees Cross the Mediterranean*, 2011.

³³ McPhun, *The Arab Spring’s Refugee Crisis*, 2011.

checkpoints. The only EU member that supported Italy's decision was Malta for the simple reason that it has to face the same refugee crisis. Italy and Malta pushed for the implementation of the EU directive 2001/55/EC, which was drafted after the Kosovo War. This directive would allow refugees to stay in any EU member state other than the country of first entry in order to temporarily provide shelter for refugees for a maximum period of one year.³⁴

Without support from the international community, refugee-hosting countries can no longer provide for this vulnerable population. This development, coupled with renewed violence inside Syria, has forced millions of Syrians to seek refuge elsewhere, including Europe. Yet, as the number of refugees has surged, it has also become harder for them to travel to Europe legally. European countries have restricted visas once available to refugees and few offer humanitarian visas, which allow those in need of international protection to access a third country in order to apply for asylum. European countries have the legal tools to bring in refugees safely and legally, but they use these tools infrequently and ineffectively.

IV. Conclusions

The main reason for the dramatic acceleration in displacement in 2015 has been the continuing conflict in Syria, which has made the Middle East simultaneously the largest producer and host of forcibly displaced people in the world. Four and a half years of violence have uprooted an estimated 7.6 million people within the country, and driven more than four million people across Syria's borders and into neighbouring Lebanon, Jordan, Turkey and Iraq. These countries can no longer cope with the strain of hosting such large numbers of refugees. Turkey, which has taken in more than two million Syrians since the beginning of the conflict, has become the largest refugee-hosting country in the

world. It has put the annual cost of hosting Syrian refugees at USD 4.5 billion at least. In Lebanon, Syrians constitute between a quarter and a third of the population; the World Bank estimates that Lebanon's basic infrastructure will need investment of up to USD 2.5 billion just to be restored to pre-crisis levels. Iraq, already suffering from massive internal displacement, is hosting approximately a quarter of a million people. And Jordan, one of the most water-starved nations on the planet, hosts more than 630,000 registered refugees.

Refugees resulting from the Arab Uprisings are not isolated problems; on the contrary, it is a regional and worldwide problem. People seeking democracy and human rights should be respected and valued especially if these are the principles that govern the whole world and Western states in particular. This support can be achieved through providing a humane and civilised arena for people fleeing from their states, not through escaping from the responsibility and seeking the suspension of their international legal obligation towards those refugees.

The image of a 3-year-old drowned boy, Aylan Kurdi, lying face down on a beach had a huge symbolic effect on all refugee-receiving countries. It has affected them more than the many greater tragedies in war-torn city centres in Syria and elsewhere over last few years. Therefore, the refugee crisis not only demands an urgent solution but also raises fundamental questions about the nature of politics and leadership in the Arab and Muslim world. Western Europe habitually avoids any connection of the crisis with religion or racial identity, but others are less coy. Senior officials in Eastern Europe have openly declared their opposition to taking in Muslim refugees.

Before the current international refugee apparatus was established, protection of refugees was recognised as a primary ob-

³⁴ Squires, *Refugees Head for Europe from Tunisia and Libya*, 2011.

jective. In 1946, in the aftermath of the Second World War, which resulted in the world's largest crisis of refugees and displaced persons ever seen so far, the then newly established International Refugee Organisation (IRO)'s mandate was to engage in, among other tasks, "the care and assistance; the legal and political protection...of persons who are the concern of the Organization...". Provision 1 of the statute of the IRO's follow-up, the UNHCR, was to "assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute". For a refugee population to

fall within the mandate of the UNHCR, the population has to have, or have had, a well-founded fear of persecution. Today however, the protection mandate of the UNHCR covers not only those who fall within the 1951 Convention definition but provides protection services to millions of refugees who fall within much broader categories,³⁵ though Palestinian refugees do not fall under the protective mandate of the UNHCR. The claim here is that the 1951 Convention does not apply to those who are at present receiving from specific organs or agencies of the United Nations other than the UNHCR protection and assistance.³⁶

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³⁵ Matas and Simon, *Closing the Doors: The Failure of Refugee Protection*, 1989.

³⁶ Zimmermann, *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary*, 2011.

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