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REFUGEE POLITICS IN THE MIDDLE EAST AND NORTH AFRICA

HUMAN RIGHTS, SAFETY, AND IDENTITY

AKM AHSAN ULLAH



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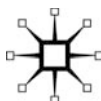
Refugee Politics in the Middle East and North Africa

Human Rights, Safety, and Identity

AKM Ahsan Ullah

American University in Cairo, Egypt

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Foreword © Khalid Koser 2014

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Foreword

Migration and displacement in the Middle East and North Africa are at a tipping point. First, the recent Syrian crisis has added millions to the number of people already displaced across the region, and there are prospects for even greater displacement from Afghanistan into the region during 2014. Second, these movements are increasingly complex, including refugees, internally displaced persons, economic migrants, mixed migrations, and voluntary and involuntary returnees. Third, solutions are drying up. The Palestinian refugee crisis is the world's longest-standing protracted refugee situation; there are millions of Afghans who have been outside their homes for generations; the Iraqi and now Syrian refugee crises seem intractable, as does internal displacement in Sudan and South Sudan; at the same time more and more people are moving north through Africa to try to cross the Mediterranean.

What is needed is a consolidated analysis of displacement across the region, a critical analysis of previous approaches, and fresh thinking about new responses. This is exactly what this book provides. I particularly welcome its insistence on respecting the human rights, safety, and identity of refugees and its conviction that this need not undermine effective policies that also prioritize state interests. The focus on regional solutions is also timely and important: while the international community cannot abrogate its responsibility to refugees in the region, neither should regional organizations abrogate theirs. The arguments in the book are all the more convincing because they are made by a scholar of the region, writing from the region.

An authentic voice, outside-the-box thinking, and focus on a critical issue combine to make *Refugee Politics in the Middle East and North Africa* an important book.

*Dr Khalid Koser
Deputy Director and Academic Dean
Geneva Centre for Security Policy
Switzerland*

Preface

The Middle East and North Africa (MENA) region has become the focus of some of the most important intersecting topics in the contemporary scholarly discourse about refugee politics and human rights in recent years. In addition, MENA has become the most important area of study in terms of geopolitical significance, ethnic diversity, refugee dynamics, political landscape, and recent changes in migration, labor, and immigration policies; all this has resulted in growing interest among scholars of many different fields. The Arab Spring and refugee issues obviously not only have currency at the moment, but will be the subject of academic discussions in the years to come.

There is certainly no dearth of literature on the politics of the region. Critical analysis in the fields of refugee and migration studies has also been undertaken from numerous disciplinary perspectives. Yet, as recent events in the region have prompted significant new movements of migrants and refugees across borders, and as the international political context of refugee protection continues to evolve, an in-depth analysis of refugee issues in MENA is warranted.

This book seeks to fill this gap by analyzing regional and international responses to refugee movements in MENA. This is undertaken at the domestic, regional, and international level from a number of theoretical perspectives. Throughout the book, the concepts of rights, safety, and identity (RSI) are considered within geographic and situational contexts, and a new theoretical framework is proposed. I suggest that this framework as well as the analysis contained in this manuscript provide a useful paradigm for the ongoing protection of refugees and other migrants in the complex MENA region.

Studies and research conducted on this region that dealt with issues of human mobility – forced or voluntary – are largely disjointed in terms of both locus and focus. This book offers a holistic approach to refugee, identity, safety, and human rights and puts MENA into its larger context. Within the ambit of refugee and migration studies, human rights, identity, and safety issues are the crux.

This book encompasses a host of issues on forced human mobility. Livelihoods, for a time, led human beings into certain directions, and at some point in history colonialism gave a new shape to human mobility across the globe. Eventually, economic considerations came to the fore

as the primary driver for such mobility. The interplay of global economy and politics that has over the past centuries created competition over land, water, and oil has led some to acquire hegemony over others. Forced mobility has been taking place as a result. Highly political, the rights and safety of refugees in the region are in a volatile situation. This book addresses three areas: the drivers and reasons of human mobility; rights and humanitarianism; safety, refugee regimes, and policy responses.

Refugee and migration issues will never be the sole factor upon which governments or international institutions make decisions. However, safeguarding the rights, ensuring the safety, and encouraging the identity of migrant communities are of utmost importance in a region that hosts hundreds of thousands of refugees and migrants.

Having this analytical window is in no doubt facilitated by the resources available at my disposal. I would like to express my deep gratitude to the American University in Cairo (AUC) and the Centre for Migration and Refugee Studies (CMRS) at the AUC for offering me the necessary resources for this research. I would like to extend my thanks to my refugee respondents for this manuscript. Without their voluntary information and cooperation, this work would have been difficult to complete. I would also like to express my very great appreciation to Md. Mizanur Rahman of the National University of Singapore; Taiabur Rahman of the KIMEP University, Kazakhstan; and Shahjahan Bhuiyan of the American University in Cairo for their valuable and constructive suggestions and critiques during the planning and development of this work. Their willingness to share their time so generously in commenting on earlier drafts has been very much appreciated.

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I record my indebtedness to my daughter Agelia Sanelle Ragsag-Ullah for the enormous love for me I see in her eyes. This helps me refresh my mind to get to work with full energy. I thank my wife Anabelle Ragsag for lending fantastic ideas, constant advice, patience, and assistance throughout the process and progress of this work and others. My thanks go to my parents whose constant prayers enlighten my way.

List of Acronyms and Abbreviations

ADB	Asian Development Bank
ADB	African Development Bank
AFP	Agence France-Presse
AHC	Arab Higher Committee
AI	Amnesty International
AL	Arab League
AMERA	Africa and Middle East Refugee Assistance
ANSAMed	Ansa Mediterranean
ARA	American Relief Administration
ARC	African Refugee Convention
ARDC	African Refugee Development Centre
AU	African Union
AUC	American University in Cairo
BBC	British Broadcasting Corporation
BRC	Basic Rider Course
BRC	Badil Resource Centre
BRYCS	Bridging Refugee Youth and Children's Services
CAR	Central African Republic
CARIM	Consortium for Applied Research on International Migration
CAS	Country Assistance Strategy
CBO	Community Based Organisation
CDTPDP	Council Directive on the Temporary Protection of Displaced Persons
CEE	Central and Eastern Europe
CEOSS	Coptic Evangelical Organization for Social Services
CHS	United Nations Commission on Human Security
CIA	Central Intelligence Agency
CMRS	Centre for Migration and Refugee Studies
CPA	Comprehensive Peace Agreement
CPT	Committee for the Prevention of Torture
CRC	Children's Rights Council
CRS	Catholic Relief Services
CSO	Central Statistics Office

CTOC	Convention against Transnational Organized Crime
DAR	Development Assistance for Refugees
DID	Development Induced Displacement
DIDR	Development-Induced Displacement And Resettlement
DLI	Development through Local Integration
DPA	Department of Palestinian Affairs
EACH-FOR	Environmental Change and Forced Migration Scenarios
EC	European Commission
ECHR	European Convention on Human Rights
EOHR	Egyptian Organization for Human Rights
EU	European Union
EXCOM	Executive Committee of the High Commissioners Program
FAO	Food and Agriculture Agency
GA	General Assembly
GC	Geneva Convention
GCC	Gulf Cooperation Council
GDP	Gross Domestic Product
GIFT	Global Initiative to Fight Human Trafficking
GOS	Government of Sudan
GW	Gulf War
HDI	Human Development Index
HDR	Human Development Report
HHI	Harvard Humanitarian Initiative
HIHK	Heidelberg Institute for International Conflict Research
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICG	International Crisis Group
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
IDP	Internally Displaced People
IDF	Israeli Defense Forces
IHRC	Islamic Human Rights Commission
ILO	International Labour Organization
IMP	International Migration Programme
INGO	International Non-governmental Organizations
IOM	International Organization for Migration
IOPCR	International Organization for Peace, Care and Relief

IRIN	Integrated Regional Information Network
IRR	Impoverishment Risks and Reconstruction
JEM	Justice and Equality Movement
LAF	Lebanese Armed Forces
LCBC	Lake Chad Basin Committee
LCBP	Lake Chad Basin Project
LN	League of Nations
MBD	Million Barrels per Day
MDM	Médecins du Monde
MENA	Middle East and North Africa
MoFA	Ministry of Foreign Affairs
MoI	Ministry of Interior
MOU	Memorandum of Understanding
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OCHA	Occupied Palestinian Territory: Consolidated Appeal
OPT	Occupied Palestinian Territories
PCR	Partition Commission Report
PHR	Physicians for Human Rights
PLO	Palestine Liberation Organization
PNLM	Palestine National Liberation Movement
PRC	Palestine Royal Commission
RHRC	Refugee Health Research Centre
RSD	Refugee Status Determination
SCAF	Supreme Council of Armed Forces
SLA	Sudanese Liberation Army
SPLA/M	Sudan People's Liberation Army/Movement
StARS	Saint Andrews Refugee Service
SUDIA	Southeast United Dairy Industry Association
TIP	Trafficking in People Report
TNP	Turkish National Police
TNC	Transitional National Council
TOC	Transnational Organized Crime
TPR	Trafficking in Person's Report
TVPA	Trafficking Victim's Protection Act
UAE	United Arab Emirates
UAR	United Arab Republic
UASCU	Unaccompanied And Separated Children
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNCCP	United Nations Conciliation Commission for Palestine
UNDP	United Nations Development Programme

UNDOC	United Nations Office on Drugs and Crime
UN ECOSOC	United Nations Economic and Social Council
UNEP	United Nations Environment Programme
UNFPA	United Nations Fund for Population Activities
UNGA	United Nations General Assembly
U.N.GAOR	United Nations General Assembly Official Records
UNGAR	United Nations General Assembly Resolution
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UNODC	UN Office on Drugs and Crime
UNRRA	United Nations Relief and Rehabilitation Administration
UNRWA	United Nations Relief and Works Agency
UNSCOP	UN Special Committee on Palestine
URRC	University Refugee Rights Clinic
VAW	Violence Against Women
WB	World Bank
WFD	World Food Day

1

Rights, Safety, and Identity: The Context of Forced Mobility in the MENA

Every human being is born with certain fundamental rights. These rights entitle everyone to a degree of safety for life and existence. Identity is one factor that knits together the fabric of both rights and safety. However, due to differences in geographical and economic landscape, differential opportunities, and political differences these three critical issues – rights, safety, and identity (RSI) – bring differential results to the lives of migrant and refugee populations. Metaphorically, we say that the world has significantly transformed in the second half of 20th century due to the ongoing process of globalization. From a political perspective, some parts of the world are globally marginalized, while others are semiglobalized or advanced. Adaptation of market liberalization and competitiveness are perceived as significant constituent components of globalization (Beblawi and Luciani 1987; Larsson 2001). The notion of globalization may get distorted depending on the premise and location its definition is based on. Some economies perform well in the face of economic interdependence to compete with globalization; some grow faster than globalization itself. This creates an unequal race in the world. This has implications for rights, safety, and identity for refugees and non-refugees alike. Anthony Giddens has defined globalization as “the intensification of worldwide social relations which link distant localities in such a way that local activities are shaped by events occurring many miles away and vice versa” (1990, 64). Albrow adds that people are increasingly tied into a single world society (1990). This remarkable change has initiated new phenomena and also raised fresh concerns.

Theoretically, it is both fascinating as well as horrifying to think that globalization itself is driving us apart from each other. In an unequal

world, not everyone can engage in the race toward globalization. Global migratory movements are clearly one of the indicators of globalization: "Since the 1960s, a number of major developments in global migration patterns have placed the phenomenon at the heart of international politics" (Stivachtis 2008, 10). These developments include an unparalleled scale and heterogeneity of population mobility, which have reshaped culturally homogeneous localities into unprecedentedly diverse mosaics, mixing not only people, but also norms, values, approaches, habits, and practices. With the rapid changes of social composition, new challenges have emerged, undermining the nation-state, and its relationship with citizens that leads to the feeling of identity and security. The rise of "super-diversity" (Vertovec 2007) brought also the rise of discrimination, xenophobic violence, intolerance, and identity politics, namely, competition and conflict, controversially diagnosed by Samuel Huntington as "a clash of civilizations" (Huntington 1993). Simultaneously, the world has witnessed the "rights revolution" (Sunstein 1990), with an emerging discourse on human rights encompassing the whole of mankind without any exceptions. Human rights violations or deficient mechanisms of human rights protection result in enhanced insecurity for refugee populations.

This chapter sets out the main argument, objectives, and conceptual issues upon which the manuscript is built and outlines a theoretical framework from which the following chapters proceed. The conditions that contribute to the ongoing refugee situation and the growing claims of human rights violations affecting the lives of refugees in the region are also analyzed. The chapter, which is broadly divided into two sections, describes refugee contexts of selected countries from the region. The first section presents a theoretical framework outlining the main theories of identity, safety, and human rights that allows the reader to connect each chapter with the essence of the book. This section conceptualizes notions of identity, safety, and human rights within the refugee context. The second section includes the conceptualization aimed at addressing the vacuum in scholarship and is primarily organized around geographical and political settings. I identify these three powerful notions – rights, safety and identity – as critical areas where the lives of refugees are caught in a difficult predicament.

In analyzing the conditions that have generated huge numbers of refugees, it is necessary to understand the Middle East and North Africa (MENA) as an economically diverse region including both oil-rich and resource-scarce economies. Two primary factors influenced the region's economic fortunes in the past decades: the price of oil and the legacy of

economic policies, such as the policy on diversifying economy and the import substitution industrial policy. With approximately 32 percent of the 350 million people in MENA living on less than \$2 a day, fighting poverty is part of their daily lives (World Bank 2012). Seemingly unresolved multilayered conflicts have also characterized the MENA region's interstate relationships during recent decades. The Arab-Israeli conflict, inter-Palestinian power relationships, territorial claims and border issues, ethnic-based confrontations in various localities, and the ongoing Arab uprisings are among the best examples of such conflicts. These situations have certainly harmed potential economic relations and prospects for cooperation in the region. The stunning contrast in the region in terms of economic progress also is an intriguing addition to the discourse of the critical areas of rights, safety and identity.

The three systems in the region – the Gulf Cooperation Council (GCC), Maghreb, and Mashreq – are distinctively characterized by differing geopolitical and economic landscapes. A significant portion of about 45 million refugees and asylum seekers globally originate from the MENA region. And, 55 percent of refugees come from five countries affected by war; Afghanistan, Somalia, Iraq, Syria, and Sudan (*Guardian* 2012b). “By end 2012, 45.2 million people were forcibly displaced worldwide as a result of persecution, conflict, generalized violence and human rights violations. Some 15.4 million people were refugees: 10.5 million under UNHCR’s mandate and 4.9 million Palestinian refugees registered by UNRWA. The global figure included 28.8 million internally displaced persons (IDPs) and nearly one million asylum seekers. The 2012 level was the highest since 1994, when an estimated 47 million people were forcibly displaced worldwide” (UNHCR 2012f, 2). The UNHCR currently cares for 10.4 million refugees worldwide, while the UNRWA helps some 4.8 million registered Palestine refugees in Jordan, Lebanon, Syria, and the occupied Palestinian territory (United Nations 2013).

Political persecution, ethnic and religious conflicts, and poverty have contributed to the growing number of refugees. This population has emerged as one of the most vulnerable groups in the world. Their vulnerabilities essentially stem from three critical areas: failures in protecting human rights, providing safety, and creating identity. While various refugee regimes have been working in this critical area, there are widespread claims that the efforts are less effective than they appear. This book therefore advances with a number of noteworthy arguments, suggesting that these phenomena have been continuously evolving and that the refugee regime fails to sufficiently address the various issues of refugees. There are inherent lacunae within the protection agenda of

the humanitarian organizations; hence, the expected yields have not appeared. These arguments have been substantiated by evidence from selected countries in the region. At present, refugees from any country are entitled to seek protection in one of the 147 countries that are party to the 1951 Convention Relating to the Status of Refugees (Refugee Convention). Refugee status is important for the rights it bestows under international law (Ben-Nun 2013). A refugee is entitled to reside, at least temporarily, in the host country and is protected by the principle of *non-refoulement*. Host states are obliged to offer civil and economic rights, and refugees enjoy access to social services and the protection of national laws.

The second section of this chapter includes the conceptualization of the research the manuscript is based on. Research on refugees is a complex undertaking, and there is no tested method for studying refugees. Research challenges are exacerbated by the need to conduct research in precarious conditions where refugees reside. In this way, this book addresses the vacuum in scholarship and prepares the ground for designing research based on geographical and political settings, and it proposes new alternatives for addressing these challenges posed by the context.

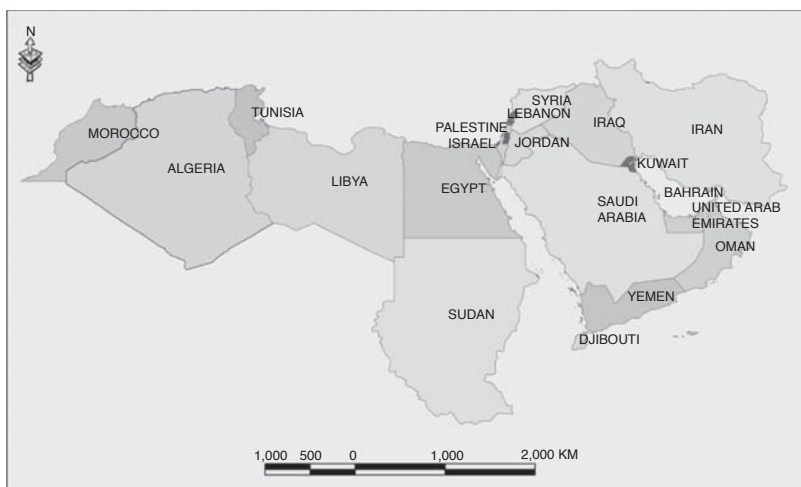
Forced mobility, geopolitics, and MENA

I have developed the concept of Rights, Safety, and Identity (RSI) as a critical area for a number of reasons. In the following sections, I illuminate why RSI became the center of the discourse on refugee movements. This book considers RSI and three areas of refugee studies: the drivers of forced migration, refugee rights and humanitarianism, and trafficking and policy responses. Studies and researches conducted in these areas have in the past grasped these issues largely in isolation. This book, on the other hand, proposes an interlocking approach. In doing so, it encompasses, for instance, a host of issues related to human mobility, such as voluntary and involuntary mobility, conflict and humanitarianism, human rights, and unaccompanied children. Indeed, RSI is involved at various levels of mobility. Livelihoods lead humans in certain directions, and at some point in history colonialism gave a different shape to human mobility around the globe. Such mobility was later driven by new economic considerations, where the global economy and global politics – over the last centuries – created competition over land, water, oil, dominance, and power. Migration has been taking place as a result. No geographical space around the world is spared enhanced migration.

However, MENA hosts entirely different dynamics of human mobility in terms of preferences of destinations and motivations. Internal conflicts on different fronts in almost all the countries that were liberated and nearly liberated from colonial influence between the 1950s and 1960s suffer from common phenomena that continue to produce conflict and millions of stateless and displaced people. Highly political, refugee rights and safety in the region are in a volatile situation.

The current discourse about refugees and their RSI stems from this historical past. Yet, there are many current challenges to providing protection and lasting solutions for refugees in the MENA region. A few pressing questions remain: Who facilitates the creation of mass refugee flows and who should support and provide protection and assistance? Do neighboring countries within the region do their part to host and include refugees? How does political turmoil in host countries, such as Egypt and Syria, affect the availability of meaningful protection to refugees? Domestic upheavals within MENA states have significant impacts both within and beyond the region.

Confusion is rife in the understanding of geographical the location of MENA. Some say location of the MENA is a creation of the mind. Hazbun (2011) for example, articulated that the Middle East is a region of the globe defined from the point of view of the north Atlantic states and is devoid of geographic or cultural referents. There are arguments that there is no standardized list of countries that constitute the MENA region. Some geographers contend that the term typically includes the area from Morocco in northwest Africa to Iran in southwest Asia and down to Sudan in Africa. The Western public and news media often associate the Middle East with particular political, economic, and cultural characteristics. Among these associations is that the Middle East represents a territorial exception to globalization (Hazbun 2011; Adelson 1995). The Middle East and the North Africa are two separate regions. Still these regions are perceived and viewed as a single entity, united by a number of political, religious, and cultural commonalities despite significant economic disparity. The MENA region has 60 percent of the world's oil reserves and 45 percent of the world's natural gas reserves. About 5 percent of the world's population lives there, but they have access to only 1 percent of the world's supply of fresh water (Gärber 2007). The population of this region is also disproportionately distributed. About 40 percent of the total population live in Iran (75 million) and Egypt (84 million); in contrast a large number of small and very small states have populations of less than 5 million (including the United Arab Emirates, Kuwait, Oman) or of less than 1 million (including Qatar and Bahrain).



Map 1.1 Map of MENA regions

There is a long-standing debate and confusion regarding the particular countries constituting the MENA regions. For the purposes of this book's discussion, I rely on the World Bank's definition of the MENA region, which includes: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Malta, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank and Gaza, and Yemen (World Bank 2013).

The countries in the region have heterogeneous political systems, including: monarchies (GCC states, Morocco, and Jordan), republics with secular, authoritarian presidential regimes (Egypt – changed recently after overthrow of President Hosni Mubarak, but again in July 2013 the elected president was deposed by the military – Syria, Tunisia, and Algeria), or Islamist (military) regimes (Sudan and Iran), dysfunctional democracies (Lebanon) (Brand 2006), occupied countries arguably moving toward democracy (Palestinian territories, Iraq), and democracies (Israel). What factors prompt this region to produce such a large number of refugees? This remains one of the most of significant questions in the refugee discourse. Some reasons could include: historical armed and unarmed and political conflicts over borders and resources, lack of freedom, and recent Arab uprisings. The high profile conflicts of international significance – the Middle East territorial conflict over Palestine, the Iraq conflicts of

various forms and among sects, the hegemony conflict in the Persian Gulf, and the international conflict over Iran's nuclear ambitions – as well as some low-profile conflicts with regional ramifications, such as the Darfur conflict in Sudan, the West Sahara conflict, and the Kurdish conflict have also led millions to leave their countries of origin (Gärber 2007).

The region has also failed to be fully integrated into trends of globalization. Perhaps, it is said, because of the low international trade (around 3.4 percent) and because intraregional trade is below 10 percent, except for the intraregional migration of labor. The region is divided into three economic subregions, often called systems: the Maghreb, the Mashreq, and the GCC. These systems are intended to coordinate political and economic cooperation. However, they are either suspended (e.g., the Arab Cooperation Council), frequently impeded and unable to act (e.g., the Arab League), or exist only on paper (e.g., Arab Maghreb Union). The GCC was originally founded as a security alliance against the Iranian threat in the 1980s. The main impetus for the creation of the GCC was political rather than economic. Nevertheless, the GCC has proven to be a relative success in terms of the economic integration it has reached since its establishment (Broude 2010, 289). In addition, the region suffers from the colonial legacy. For instance, the border drawn during colonial periods caused many border disputes in the present time. Colonial states tended to be authoritarian; today we see that almost all states – with a few exceptions, such as Lebanon – adopted a postcolonial development strategy based on state interventionism. There is an interesting as well as dangerous twist regarding military spending in the region. Gärber (2007, 5) offers very relevant examples of such a twist: if Saudi Arabia, for example, purchases arms as a deterrent against Iran, Israel feels threatened. When Israel purchases arms, Syria feels threatened. Syrian arms purchases provoke Turkey. Turkey's arms purchases threaten Iran. Iran's arms purchases provoke Saudi Arabia. This means the entire region is chained by mutual distrust, which creates a tense situation in the region. A number of peace processes, agreements, and accords (such as Oslo peace process, Geneva Accord, Camp David Agreement, Road Map Plan, Madrid Middle East Peace, and Casablanca Agreement) were signed in order to bring this region back to a peaceful region (see Chapter 2).

RSI: the framework for critical analysis

I will now elaborate on the theoretical framework of this book in order to demonstrate the complex and multidimensional linkages between the

three concepts of pivotal importance: security, human rights, and identity in the context of migration and refugee studies. Primarily, I touch upon the conceptualization of these three terms separately and, subsequently, the analysis of their interrelations follows with the emphasis on the modern migratory context. This part is divided into three separate sections: identity – security, security – (human) rights, and identity – rights. This arbitrary division serves the purpose of clarity; however, all of the topics are closely related to each other (Hornsey 2007). Security and autonomy are inextricable concepts. It is impossible to conceive of security without autonomy and vice versa. Without according autonomy, we similarly cannot guarantee security. In order to provide security to a refugee, autonomy should be taken into account. However, limiting autonomy under the pretext of security provision is common in the refugee context.

Security constitutes an important part of identity development, which is largely dependent on how secure a person is in a particular society or an environment. In an insecure environment, an individual cannot develop as a normal human being. Freedom and autonomy play important roles in identity development and formation. However, here I emphasize “controlled freedom,” which is not necessarily free will and does not necessarily allow a person to do whatever he or she likes. Enjoying freedom should not go beyond social norms. Some may argue that responding to social norms is tantamount to curtailing a certain degree of freedom. I argue that responding to social norms is essential to an individual’s survival in contexts dominated by social norms. In this sense, “controlled freedom” – or freedom structured by necessary responses to social norms – warrants greater protection than limitless freedom in facilitating the identity formation process.

Here I draw theoretically the notion of identity, security, and human rights to show how contemporary migratory movements are influencing these concepts. Identity is often sensitive to nationality and nationalism. Some nationals seem to be indifferent when their countries are mocked. Some other nationals in contrast are very sensitive to such reactions. High sensitivity can generate hatred, which may lead someone to be extraordinarily vindictive. Hence, as I said elsewhere in the book, as a result today we may hear louder voices about revenge than words of condolences (in the event of someone’s death).

From the perspective of Erikson’s theory (1968), safety is a prerequisite for a healthy evolution of identity. The first stage of identity development (and the one that creates the background for all the following) is about developing an ability to generate trust and hope toward

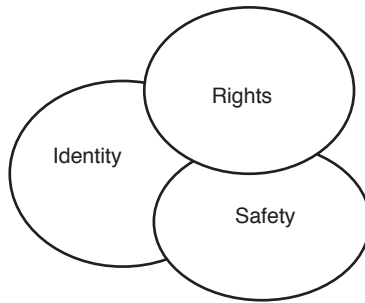


Figure 1.1 Critical areas

other social actors. Muss explains that “children learn to trust because mother does come and take care of them regularly. They ideally experience living in a predictable, secure world in which their basic needs are consistently satisfied” (1996, 47). This context is particularly relevant to the children growing up in refugee camps. In other words, for Erikson, the feeling of safety creates the foundation necessary for trust and that in turn creates a base for identity. But safety is also among the outcomes of the identity formation process because “the trusting infant has developed the first requisite for developing confidence, optimism, and finally, a feeling of security” in the long run (Muss 1996, 48). A disorder experienced due to a lack of security, predictability, and safety in childhood may cause serious psychosocial malfunctions in adulthood (Erickson 1968).

Safety could also be related to identity in more abstract, existential terms as a kind of psychological stability. Both identity theory and social identity theory specify the basic human need for a stable, positive, and socially verified self-concept. It has even been suggested that “legitimizing one’s identity in the eyes of others is always a driving force of human behavior” (Turner 2013, 337). This confirmation is achieved by conformism with normative or behavioral expectations related to a particular role or membership in a specific group.

The identity of immigrants and refugees may be seriously influenced by both aspects of security. Refugees flee their home countries in search of freedom from want, freedom from fear of persecution, or both. The absence of safety may trigger a certain cognitive disposition to resignation and alienation, stress and anxiety, mistrust, and lack of confidence. Children are the most endangered as they are undergoing the process of identity construction.

Security is an even more powerful constituent component in identity than freedom of development. For instance, there are countries where freedom exists, but identity is in crisis or not yet consolidated, such as in Israel. Both Israelis and Palestinians still struggle to locate themselves in a space where their identities are not challenged. Their identities are fading away due to the fact that identity is embedded in nationalism. Elsewhere in this book, I argue that attention should have been placed on nation-building in order to have avoided some of the contemporary dilemmas plaguing both sides of this long-standing conflict.

When the absence of security is understood as normative stabilization caused by transition to another country with different cultural norms and behavioral expectations, this absence can be damaging for the development of identity of migrants and refugees. There exists a certain type of social boundary that separates minorities from majorities (Alba 2005). Alba (2005, 21–22) makes a good point by arguing that “some boundaries are ‘bright’—the distinction involved is unambiguous, so that individuals know at all times which side of the boundary they are on. Others are ‘blurry,’ involving zones of self-presentation and social representation that allow for ambiguous locations with respect to the boundary. The nature of the minority-majority boundary depends on the way in which it has been institutionalized in different domains.” Undoubtedly, the mere existence of social boundaries in a new place of settlement and the absence of normative security may lead to identity crises, cognitive confusion, and significant problems with self-definition and adaptation, all of which are characteristic among for adult migrants with already developed self-identities and especially for those in socially disadvantaged groups (Hauge 2007). Interestingly, physical transition may not only result in an identity crisis but also in identity development because “once adolescents leave the safety and security of their neighborhood...and are faced with many persons who look and act very different from persons in their own ethnic group, ethnicity becomes salient, and a process of exploration may begin” (French et al. 2006, 8). Everything depends on “coping strategies...the dynamic interplay between structure, culture (of which ethnicity is a significant part) and personal agency” (Thomson and Crul 2007, 1030).

Rights

The emergent people-centered security paradigm reflects the philosophy of universal rights inherent in every human being. Article 3 of the Universal Declaration of Human Rights (UDHR) articulates the right to life, liberty, and security for everyone. Respectively, article 25 states

that “everyone has the right to a standard of living adequate for health and well-being of himself and of his family, including food, clothing, housing, medical care, and necessary social services.” This article correlates with human security understood as freedom from want. According to Dahl-Eriksen (2007, 19) “human rights concerns can be included into the domain of security. However, the opposite is not possible since the security discussion contains aspects which fall outside human rights discussion.” That said, human rights issues are seen as one of many components of human security (Liotta and Owen 2006). Migration is often viewed by people of the host states as posing threats to their national security as well as to their political, social, and cultural stability (Stivachtis 2008, 1; Ullah 2013). The 9/11 terrorist attack triggered a widespread mistrust about the Muslim minority in the West. Terrorist attacks in Madrid and London have raised similar concerns in Europe. Security-centric arguments are often used by governments to justify the violation of human rights of newcomers and restricting their freedom of movement, freedom of association, or right to family formation and unification (Human Rights Watch 2008).

“There is hardly any country in the world – from China, South Africa and Egypt to Mexico, Britain and the United States – where arguments involving human rights have not been raised in one context or another in contemporary political debates” (Sen 2005, 151). Indeed, contemporary public debates are overwhelmed by the discourse of rights which has recently gained “the status of an ethical *lingua franca*” (Tasioulas 2003, 1). These principal ethical demands are anchored in a set of international documents, above all the Universal Declaration of Human Rights (UDHR 1948), the International Covenant on Civil and Political Rights (ICCPR 1966), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR 1966). In general, human rights can be divided into three main groups: civil rights (area of individual autonomy guaranteed by the state), political rights (ensuring certain impact of individuals on the governing process), and social and economic rights (related to living conditions) (Dahl-Eriksen 2007, 18–19).

Rights versus identity

I perceive the connection between identity and human rights as very similar to the noted correlation between security and human rights. While security provisions in human rights law apply to personal safety or living conditions, identity protection relates to deeper dimensions of human existence. Although the word “identity” does not explicitly appear in human rights treaties, it is included implicitly. Ethnicity,

gender, race, language, nationality, religion, opinion, expression, belief, conscience, working status, membership in associations, and even leisure activities are all components of personal identity, which is protected by the UDHR. In other words, international human rights law protects the core of human identity. What is more, identity and human rights fit well together because they are based on the same philosophy of individualism, a concept that affirms the priority of rights over duties and the independence of the individual from society (Viola 1995).

Social context is key to understanding the sensitive relationship between identity and human rights from the perspective of migrants and refugees. These two groups live outside their countries of origin, usually in different social and cultural settings compared to their domestic contexts. As presented above, this difference may cause a serious identity crisis when the heterogeneous notions of norms, values, or behavioral expectations meet. This encounter does not take place in a vacuum but against the backdrop of a particular social vision, embedded in rules, integration policy requirements, and allowances for the accommodation of diversity (Reitz 2002).

Safety and security

Undoubtedly, “security lies at the heart of our individual and communal existence” (Newman 2001, 239), and similarly it remains an ambiguous term without a single, widely accepted meaning. Newman (2001, 240) goes on to say that human security is not a coherent concept; rather, it may comprise different and sometimes competing concepts of human security reflecting different sociological, cultural, and geostrategic orientations. “Most theories on securities converse on one thing: that understanding of security has considerably changed by moving from traditional type of security to nontraditional security” (Buzan 2007; Liotta and Owen 2006). This shift of the security paradigm entails a significant qualitative shift from the military context of territorial defense toward a more existential context. This relates to human welfare and well-being and embraces a variety of psychological, social, economic, and environmental needs (Ullah 2013). Therefore, the broadest definition, proposed by the United Nations Commission on Human Security (CHS), calls for security “to protect the core of all human lives in ways that enhance human freedoms. Human security essentially means the protection of fundamental freedoms” (CHS 2003a, 4). It is therefore relevant to outline some of the popular human security typologies that are useful in the context of migration and refugee studies.

In the context of migration and refuge, security assumes pivotal importance because it is the lack of personal safety that forces refugees and migrants to search for security. But their security may be endangered not only when they decide to flee their countries of origin but also while in transit, during the stay in new places, and in the case of return (Bradley 2006). The UN and International Organization for Migration (IOM) provide a framework for an assistance (1996) related to protection for migrants and refugees. Nongovernmental organizations (such as Amnesty International, Red Cross/Red Crescent, Oxfam, Save the Children) are as well increasingly involved in refugee rights and safety. However, despite the current retreat from a state-oriented traditional perspective on security, "it is difficult to see how human rights can be realized without a state giving guarantees, with laws, law-enforcing entities, and other adequate institutions" (Dahl-Eriksen 2007, 20).

The United Nations has postulated that "for most people, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event. Thus, job security, income security, health, environmental security, security from crime – all are concerns of human security" (UNDP 1994, 3). The UN offers an all-encompassing definition that combines an interdisciplinary notion of human security that should be people-centered, multisectoral, context-specific, and prevention-oriented as well as be comprised of seven general clusters of security (OCHA 2009, 12–16). *Freedom from want* – understood as satisfaction of basic human needs by an increase in personal and social welfare as well as the popularization of democracy – is seen as a way to prevent conflicts by pacifying collective discontent (Burton 1990). As this broad definition of security encompasses a wide spectrum of phenomena related to human existence and living conditions, its implementation requires long-term planning and very complex political action. One can compare this approach with the *vulnerabilities* proposed by Liotta, saying that in the broadest understanding, *vulnerability* may not be understood and when it is understood, vulnerability often remains only an indicator. It is not clearly identifiable, often linked to a complex interdependence among related issues, and does not always suggest a correct or even adequate response (Liotta and Owen 2006).

As an example I can present the case of the Canadian government, which propagates a narrower and more pragmatic concept of human security suggesting that *freedom from fear* defines security only regarding violent threats and leaves all aspects of the above-mentioned welfare to be addressed by the autonomous domain of international development. This narrow definition of human security overlaps with the

second component of Liotta's typology, namely, *threats*. In contrast to vulnerabilities, *threat* is an "external cause of harm: identifiable, often immediate, which requires an understandable response... [and is] clearly visible or commonly acknowledged" (Liotta and Owen 2006, 45).

In my previous works, I asserted that poverty contributes to human security. This signals that identity is inextricably linked with poverty. Identity is also an important factor to which every person can lay claim. This book discusses why so much emphasis is attached to the three critical areas in relation to the MENA region. The simple answer lies in the political systems the countries of MENA have embraced throughout their histories. My argument is that monarchical political systems and undemocratic government systems can in no way provide for the critical areas of RSI for their own citizens, let alone the refugee and migrant populations.

It is important to note that a sort of "physical safety imperative" may lead to externally organized actions aimed at the protection of endangered civilians even at the cost of violations of a state's sovereignty. "The assertive and interventionist focus" (Newman 2001, 244) legitimizes humanitarian interventions if the state is not capable of ensuring the security of its citizens. Politicization of aid work is ethically ambiguous and raises important questions about unequal power relations among various political actors in the contemporary world (see Chapter 3).

Another aspect of security, described by Bary Buzan from what is known as the Copenhagen School of Security, has recently gained extraordinary attention from scholars and policy makers. This approach goes beyond the traditional notion of security (Buzan 1998) and can be described as *new security* as it "focuses on 'nontraditional' security and 'uncivil society': issues such as epidemiology (especially AIDS), drugs, terrorism, small arms, inhumane weapons, cyberwar, and trafficking in human beings" (Newman 2001, 245). This security refers to the new threats related to modern technical development and the process of globalization. "As the argument goes, political, economic and technological changes that allow process of globalization to flourish also allow malignant forces to exploit the same opportunities and to pose serious challenges to democracy, development and security" (Newman 2001, 245).

Identity

The widespread conviction of the importance of identity for human existence goes hand in hand with its equally prevalent terminological ambiguity. Before going into the theoretical discourse of identity, I here attempt to articulate a few simple aspects of identity we apply in our

normal daily life. In rural South Asia, someone from a family from a low social status is called “ai,” “hey,” and “you.” These words carry a derogatory notion about the self. This suggests a denial of one’s identity because he or she has a name but is called without a name. It is important to note that in South Asia, calling someone senior to the callers by name is considered a sign of disrespect. In some parts of African society as well, calling a person of low status by name is rare. This suggests that socioeconomic status determines how a person will be accorded his or her identity. Brewer argues that “the term has no single, shared meaning; the problem with trying to extract any common definition is that the term is integrally embedded in separate theoretical structures and literatures with little or no cross-citation or mutual influence” (2001, 115). In their famous essay “Beyond Identity,” Brubaker and Cooper go even further, claiming that identity “is too ambiguous, too torn between ‘hard’ and ‘soft’ meanings, essentialist connotations and constructivist qualifiers, to serve well the demands of social analysis” (2000, 2) as this term “bears a multivalent, even contradictory theoretical burden” (8).

But despite criticisms, the concept of identity remains extraordinarily significant for the social sciences and definitely deserves attention. What is it then? Broadly speaking, in psychology, “identity is a cognitive construct of the self – fundamentally relational and self-referential – that answers the questions who am I” (Korte 2007, 168). This general construct comprises many minor identity variants that vary between theories. However, there exists a general consensus about “the social nature of self as constituted by society ... [but also] independent of and prior to society ... differentiated into multiple identities that reside in circumscribed practices (e.g., norms, roles)” (Hogg et al. 1995, 255). Identity is then located between “me” (individual self) and “we” (collective structures). Various theorists specify different elements of this continuum. The most commonly used are core identity, social identity, group identity, and role identity (Turner 2013).

Why is RSI important for refugee children? Approximately 45 percent of the world’s refugees are under 18 years old (BRYCS 2013). This huge population is growing up under conditions of human rights violations, under safety threats and identity confusion. There is no doubt that refugeeeness and psychological distress go hand in hand due to the very complex and perplexing processes of adaptation and assimilation refugees go through as they move through different socioeconomic and cultural milieus (Vernez 1991; Boothby 1992). Traumatic events such as conflicts and wars (i.e., religious, political, and ethnic) have created an unabated and exponential refugee situation that includes children.

Millions of children worldwide have witnessed the brutal killing of their parents, relatives, neighbors, and friends. As a matter of fact, the majority of refugee children (around 60 percent of the children, according to a study) had been exposed to violence in their country of origin (Leyens and Mahjoub 1989). Witnessing violence firsthand has been shown to inflict multidimensional psychological stress: refugee-ness, absence of parents or legal guardians, and traumatic experiences. In Syria alone, two million Syrians have been uprooted, and half of them are children. According to the United Nations, thousands of children – accompanied and unaccompanied – are settling into refugee camps carrying with them the psychological burdens from having experienced and witnessed atrocities inflicted on their kin and neighbors. Exposure to such brutal actions inflicts damage on children's mental health. Disruption of schooling, separation from friends, and detachment from parents also impede psychological development that encompasses a sense of self-esteem, exposure to compassion, and feeling that they belong to a community (Woerner and Grush 2013). The extent of impact of human rights violations on a child depends on the nature of the trauma, age of the child, and the level of care accorded to the child (Victorian Foundation for Survivors of Torture 2000). The loss of families, friends, and communities resulting from traumatic experiences has an impact on psychological development and physical growth and by and large also on the sense of identity and belonging of those affected.

I now turn to the argument as to how protracted refugee situations lead to erosion of refugee identity. First-generation refugees, irrespective of their country of residence, consider their country of origin to be the primary element of their identity. The second generation endures the most difficult path. The predicament is that this generation still has strong feelings regarding the parents' country of origin and also regarding the country of residence. The dilemma concerns what to leave behind and what to hold on to. With successive generations, the dilemma tends to diminish because people tend to forget the fact that they are guests in the destination country. This may sound promising in that for the third and fourth generations, the dilemma will be less acute. However, the level or facilitation of assimilation plays a significant role in allowing these generations to acquire the identity of the destination country. The following figure demonstrates that as the members of a generation progress, they tend to lose their identity of origin while they gain identity at the destinations. However, as argued above, the second and third generations face identity confusion more than any other generations. I call taking or holding the identity of the destination country a "loss of self," a term I do not intend as pejorative. Losing the self could happen

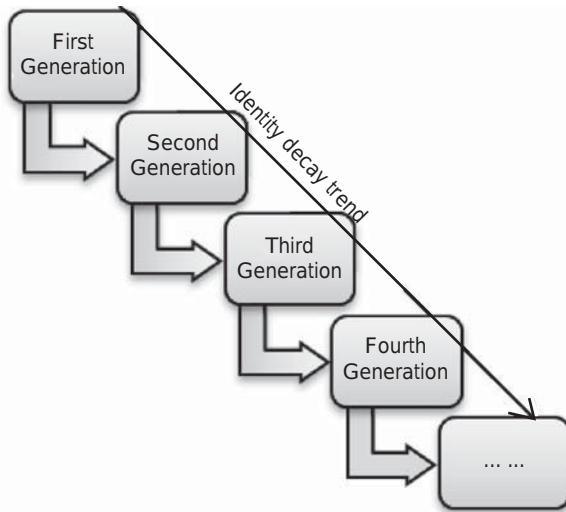


Figure 1.2 Generation hierarchy

Source: Ullah (2013).

in two ways: under duress and voluntarily. The former applies to forced migrants and refugees and the latter to formal applicants for immigration to developed countries (Ullah 2013).

I argue that there is no one in the world without an identity – a personal and collective name – however millions of refugees in camps continue to be defined based on their statistical significance (i.e., numbers) rather than based on their identities.

Erikson's *epigenetic principle of development*, proposes a sequence of eight interrelated stages of identity development that are based on conflict and may potentially develop in a syntonc or dystonic way. These dichotomous phases of development are chronologically as follows: trust-mistrust, autonomy-shame/doubt, initiative-guilt, industry-inferiority, identity-identity confusion, intimacy-isolation, generativity-stagnation, and integrity-despair (Erikson 1968, 92).

The most important, however, is the notion of the parallel and complementary evolution of biological (inherent in the human organism) and social (external) factors as “the epigenetic plan which arises from within the human organism [and] is supported (or interfered with) by social demands” (Muss 1996, 43). Rights, safety, and identity are mutually inclusive. Without ensuring human rights, safety cannot guarantee the realization of complete humanity; without identity, safety and rights cannot be integrated and translated into daily meaning.

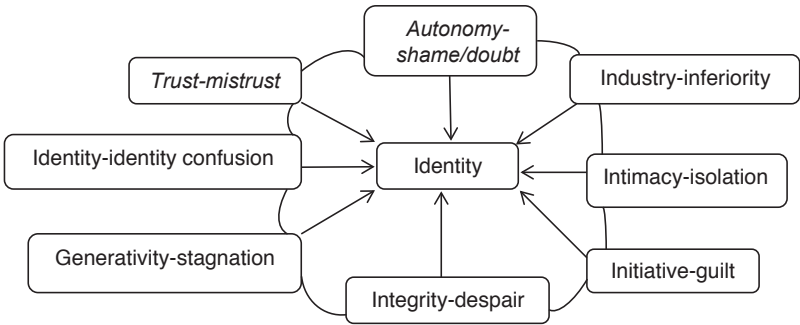


Figure 1.3 Identity formation dynamics

Source: Compiled from Muss (1996).

Geopolitics, protection, and humanitarianism

The following chapters analyze four major aspects of the current refugee context in order to analyze the effectiveness of the current refugee regime and elaborate on RSI in the MENA region. Being displaced can often seem equal to displacement from the locus of identity. Similarly, displacement contributes to violations of human rights and detracts from safety. How do rights, safety, and identity issues converge in the political, social, and economic contexts of displacement? Where does the refugee population fit in, and what are the implications of failing to confront these critical areas? To that end, geopolitics, refugee camps, and refugee protection, and humanitarianism have been considered major components.

Refugee populations lose their names and thus their principal personal identity in refugee camps. They are identified by specific numbers but not by names. Calling a person by a number is humiliating. This “identity loss” has a serious impact on people’s ability to conceptualize themselves in relation to their peers. This topic is discussed in more depth in Chapter 3. A name of a person is the primary identity of an individual. To some, religion is a significant part of their identity; to others it is not; to some ethnicity is important, but to others it is not. However, nationality, I think, is one of the most significant factors of identity to most people on earth. People often renounce their ethnic affiliation or religion, but nationality is only infrequently renounced voluntarily. Nationality and statelessness occur under forced conditions and are often accompanied by life-threatening events.

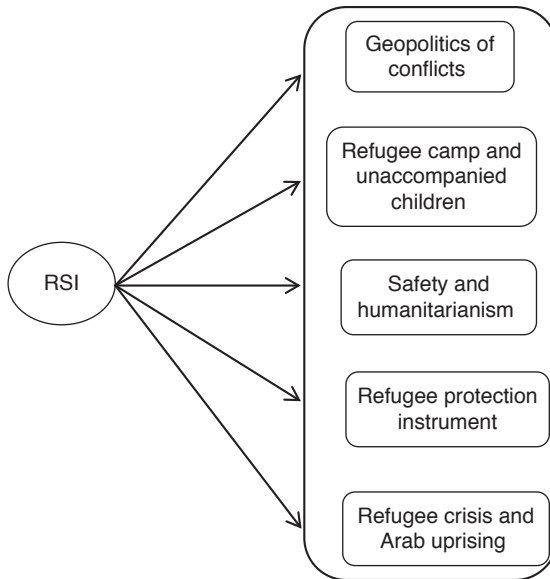


Figure 1.4 RSI framework

Identity is something nobody wants to lose. A person growing up without a clear personal identity or with a confused identity may appear as a threat to the security of the host state. When identity is considered fundamental, human rights and safety issues also become important factors in the personal development framework. In most (if not all) countries in the Arab world, human rights have remained one of the most trivial issues. Some of these countries do not even allow human rights organizations to work within their borders.

This does not necessarily mean that these nations lack visionaries who can take these issues forward. However, these visionaries are headhunted by global political hegemonies and rewarded with international and prestigious awards and recognition so that they often tend to forget their national cause. For example, in my conversations with youth during the Egyptian uprisings, many expressed both admiration for Nobel laureate Mohammed el-Baradei and his desire to democratize Egypt and concern with his exposure to the West through his work with the IAEA. Rather than being a visionary whose leadership credentials are largely unquestioned, he raises concerns among many about his ability to spearhead the

post-Mubarak nation due to perceptions that his personal identity was informed, in part, by his international experience. These examples of fragmented identity are particularly pronounced in cases where an individual holds dual or multiple nationalities. Such suspicion relates to questions about whether an individual with a fragmented national identity could be expected to contribute to national development (Ullah 2013).

Identity formation and identity development are matters of exercise. This implies that identity formation and development do not happen overnight. Identity development has for many states become a significant step toward self-actualization. I offer examples from a different perspective. For instance, South Korea, one of the fastest growing economies in the world, has been trying to establish itself as an economically and socially progressive state at the global level through a number of initiatives. One of such initiative is the Brain Korea or BK21 program (see Ullah 2007). This may, in turn, trigger reckless competition and a sense of pride among Koreans. Another pertinent example could be presented from Malaysia. Recently, universities in Malaysia imposed conditions on teachers to publish in journals indexed by ISI. The aim of this imposition is to lift universities in terms of world ranking. This has led to many teachers in Malaysian universities believing that there is no value in journals that are not ISI-indexed. In my experience, I saw this kind of imposition often create false bragging in scholars' identity creation.

Identity matters at every step of life and even after life. African refugees who are killed while crossing the Sinai desert by Bedouin gangsters or/and Egyptian border guards are buried in different graveyards depending on their religious affiliation. These killings have implications for geopolitical conflict because the issue of crossing the Sinai desert in order to get to Israel is a highly geopolitical issue. Some humanitarian organizations bury the dead bodies after they have been recovered.

The relationships between these ambiguous notions are multidimensional and complex. Security is a central concept, situated between identity and human rights. Security, in both territorial and human terms, is a prerequisite for healthy identity development and a requirement for psychosocial stability. Security thus remains a mainstay of human rights movements, and it is one of the most pivotal contemporary concerns for national and transnational political actors.

The contexts of migration and forced migration serve as examples of these complicated linkages because of the vulnerability of these groups. Refugees leave behind their homes in pursuit of safety in all possible terms: political, economic, and social. But what they often encounter in

host states are fresh challenges, new insecurities, and new crises of identity. In his book, Scheffer (2011) notes that immigrants and host societies remain in symbiosis because they share exactly the same type of fears: fear of loss what is well-known and accustomed, of loss of the neighborhoods that were “theirs” and now also belong to “the others,” of loss of their culture that now becomes more syncretistic and is shared with “the strangers.” Although I focus mainly on the perspective of migrants or refugees, all described developments refer equally to the receiving societies, which are currently facing similar dilemmas, identity crises, and feelings of insecurity. If we look at Egyptian politics today (as of July 2013) and Egyptian society in general, we see it is split along identity lines, including class, religion, and political opinion, in a seemingly unprecedented way. This problem is so chronic that the merits or flaws of an argument are almost entirely determined by who is making the argument, the judgment clouded in a haze of fury and suspicion (Carr 2013).

Regional fragmentation and integrity

According to Broude (2010), the Middle East and North Africa (MENA) is not a region that could easily be linked through political, social, or economic integration. Instead, the region gives the impression of geopolitical discord, state-led economies, authoritarian regimes, and oil Sheikdoms that fear the political liberalization that may come with economic openness. One may wonder about the connection between regional integration and RSI and refugee population. I argue that inter-regional labor migration is not the only criterion of regional integration but rather integration by currency, trust among neighboring countries, ethnicity, tolerance for each other, and neighborly attitude are important. This endorses Broude’s claim.

This view is also endorsed by the Arab uprising that began in late 2010 in Tunisia and continued fiercely in Syria and elsewhere (see Chapter 6). Democracy is a precondition for national integrity and consolidation. Nondemocratic systems may seem to work in consolidating the national identity; however, this is not a lasting and comfortable condition. The result is obvious in the region today. This section takes us back into the history of the Ottoman Empire, World War I, and today’s Palestine. The case of Palestine remains as a unique example in the world in the context of RSI. The right of return and staying in their own home is uncertain, safety for life is volatile, and identity is on the decay, especially for the second and third generations of more than six million Palestinian refugees.

The last decades of the 19th century were characterized by independence movements in the Ottoman Empire (Fromkin 1989), which was finally destroyed by the First World War. With the mass destruction of Jewish society in Europe, the Second World War also led to the call for an immediate home for Jews. The UN Special Committee on Palestine (UNSCOP) took over the situation and decided that Palestine be partitioned into two states: one for Jews and the other for Arabs. The territory of Palestine was conquered in 1917 and 1918, and during that time the Balfour Declaration was issued, which set the foundation for the establishment of a "National Home for the Jewish People while promising to safeguard the civil and religious rights of its majority Arab inhabitants" (Morris 2004, 9). The sacred religious sites remain under international control. In rejecting the partition plan, the Palestinian side began to prepare for war through the Arab Liberation Army, which was joined by several thousand volunteers. On the other side, the Jews received financial and political support from the world community for consolidating their nationhood.

The Jews were motivated by their desire for a homeland and were equipped with well-educated and militarily experienced human resources compared to their Arab opponents. On the other side, Palestinian society was not in a position to defeat a well-organized Jewish opposition. Most Palestinian Arabs lived in rural areas, and only one-third of the population lived in towns and cities. Hence, during World War II, Palestinians were politically inactive at a national level. The distinction between Hussein and the opposition camp manifested itself in geographical and familial clan demarcations, which became one of the main features of Palestinian society. Another element that split Palestinian society was the sectarian cleavage between Muslims and Christians. Muslims suspected that Christians would cooperate with the British and the Zionists because of their religious allegiance. On May 14, 1948, the State of Israel was declared established, and the departure of British forces from Israel began. Over the next two days, the Egyptian, Jordanian, Iraqi, and Syrian armies invaded Israel (Morris 2004). Despite the fact that Arab armies surprised Israeli forces and achieved some military advantages, they were defeated by the Haganah due to their failure to ensure sufficient preparation and due to the superiority of the Israeli army (Prior 1999; Rubinsten 2000).

The Zionist strategy for the transfer of Arabs from Palestinian soil may be seen as the main trigger of Palestinian refugee issues. The transfer of the Palestinian population was portrayed as necessary to ensure the safety of Israel. Moreover, the return of Palestinian refugees to Israel

might make them minority. Hence, the main problem was how to persuade the Arabs of Palestine to leave their homes, especially since Jewish immigrants were fewer in number compared to Arabs and thus formed the minority rather than the majority.

The issuance, and subsequent rejection, of the UN Partition Plan sparked the outbreak of further unrest in Palestine. Elsewhere in this book I argue that the rejection of the partition plan, while a legitimate decision and desire, was a major mistake. Arab leaders could and should have accepted the plan and made efforts to strengthen a nation-state that is closely related to its economic and political fortitude. Clearly, this is a controversial stance, and there are many counterarguments. Yet despite these arguments, I contend that it behooves all parties involved to undertake a cost-benefit analysis: does the loss of 2 percent of land equal the loss of hundreds of thousands of lives, enduring insecurity for millions, displacement of 6 million refugees, and millions of children growing up on others' land without identity and human rights protection?

UN Resolution 181 (UN Partition Plan of Palestine) was issued on November 29, 1947, and resulted immediately in renewed tension in the region. The Arab Higher Committee (AHC) rejected the UN Partition Plan and observed a three-day general strike. The Arab Higher Committee, comprising representatives of all Palestinian parties, was formed on April 25, 1936. It called for a general strike and civil disobedience to continue until the formation of a national government responsible to a representative assembly, the prevention of the transfer of Arab lands to the Jews, and the stoppage of Jewish immigration (Khalidi 1984). The period from December 1947 to March 1948 was marked by the first wave of the exodus of Arab civilians, but the Arab armies remained on the offensive. As a result, the Haganah adjusted its strategy, adopting more aggressive defensive tactics, which included the assassination of Palestinian political and militia leaders.

The migration of Arabs began among the urban upper and middle classes of Jaffa, Haifa, and Jerusalem. Arab families located in predominantly Jewish areas, such as the Jordan Valley, fled to Arab centers, while wealthy families fled to Syria, Lebanon, and Cyprus. Arab leaders declared their intent and willingness to maintain peace with their neighbors, and their Jewish counterparts agreed to do the same as long as the Arabs kept their word (Schiff 1989). Accordingly, peace agreements were signed between many villages and neighboring settlements. However, things kept going wrong. Despite calls from the Jewish leadership for Arabs to remain in their lands, the Jewish military acted in contradictory

manner, looting and vandalizing Arab property. Haganah, the Jewish paramilitary organization, in a retaliatory strike partially evacuated many neighboring areas. In order to tighten the situation in Haifa, Tira had been attacked by the Haganah, and this led to mass evacuation (Morris 2004).

The large-scale return of refugees was seen by Jews as a threat to the Jewish state. Accordingly, a plan was developed to settle more Jews in captured territories, expand the Jewish settlement program, place Arab villages on the verge of disappearance, prevent the establishment of new ones, and enact legislation against return along with propaganda encouraging Arabs to permanently abandon their lands. Furthermore, the Jews of Safad and other cities supported the calls for the permanent expulsion of Arabs and went as far as to appeal to the cabinet to further this aim (Morris 2004).

In the light of this official policy and based on the possibility of return of significant numbers of Arab refugees, the Israeli state took measures to hinder their return, building new settlements, destroying villages, and damaging Arab fields to discourage refugees from returning. Millions of Palestinian refugees spread all over the world as a result. The right of return was denied to Palestinians; safety was ignored, and identity thoroughly questioned.

Once the first truce with the Egyptian army ended, the Israeli Defense Forces (IDF) went on the offensive in the northern and central fronts. Ten days of IDF operations from July 9 to 18 created a new wave of refugees. Despite official instructions to avoid the unnecessary killing of Arabs and destruction of Arab property, however, immunity was given to those who killed Arabs and vandalized their property. Many refugees fled to Jordan, and this resulted in widespread demonstrations among Jordanians. In the north of Israel, the Upper Galilee region was evacuated after opening fire by an Arab legion on Israeli traffic, and tens of thousands fled to Lebanon. In addition, Operation Hiram caused a significant flight of civilians in Galilee, and around 50,000 refugees went from there to Lebanon.

This offers a background of the conditions that made tens of thousands of Arabs leave their land. Refugees in Jordan from Palestine serve as a unique example of refugee rights and identity by the fact that a huge number of Palestinians got citizenship in Jordan; however, they still tend to identify themselves as Palestinians. As I mentioned before, though identification has changed, their identity remains.

Upon the termination of hostilities, the new borders of Arab communities were a major focus of the policies of Israeli authorities. Israeli

military officials were primarily focused on ensuring national security. However, the political desire to reduce the number of Arabs in the Jewish state largely influenced their strategies. When refugees began to return to their villages, legislation was issued that banned their return saying that the border was a security zone (Morris 2004, 508). In effect, this legislation legalized the uprooting of communities in the area. Point 11 of the UN General Assembly Resolution 194 clearly says “Resolves that the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date” (United Nations 2012). Surprisingly, however, I notice some people blog without mentioning this essential part of the Resolution 194.

Social and demographic conditions changed in Palestine, which made it hard for families to reunite or return to live there. Yet, there was another solution proposed, namely, that the Gaza Strip and its residents be transferred to Israel (Morris 2004). In 1956, the IDF tried to conquer the Gaza Strip, but it was unsuccessful and Gaza remained under Egyptian control. Egypt was prepared to transfer Gaza either to Israel or to Jordan. Israel was as well ready for this and believed that this would solve its refugees’ problems. However, no practical steps were taken by Egypt, and then Israel offered a territorial compensation plan that provided access to the Mediterranean through Gaza and Haifa (Morris 2004). However, the Egyptians denounced the plan as they considered it favored Israel rather than solving refugees’ problems. Even though Israel found great benefit in taking Gaza with its refugees, it was not ready to absorb such great numbers of refugees. Pressures on Israel and demands to receive refugees forced it to accept the return of Arab families that had been separated as a result of the war; hence, Israel agreed to accept special categories, such as women whose husbands were still in Israel, children, and unmarried daughters.

The “unwise” rejection of the partition plan has led Palestinians to struggle for their existence for the past six decades. Why were Jews able to strongly establish their nation state and consolidate their power within the same period of time? One may argue that Jews received enormous help from the United States and the Jewish diaspora, while others argue it is the failure of the Arabs or Muslim Arabs to attract the attention of the Muslim world to get such help. Egypt today has become politically weaker in its past six decades of power history in the region due to its growing need for loans to support its economy. This puts Egypt into a condition where it cannot hold its past negotiating position. Syria’s devastating civil war may lead to worsening conditions for the country itself (US Department of State 2012b) and for the region as well. Here two

forces are in action: one is strong – i.e., the government – and the other is the relatively weaker – i.e., rebels. Collier and Sambanis (2002) argue that the weakest elements cannot restrain the strongest – the perpetrators of violence that arose in communities where intracommunity political institutions are incapable of restraining a minority and cannot enforce the majority's preferences for peace (Collier and Sambanis 2002). In this circumstance, it is hard to predict when the violence may end and at what cost. Similarly, Turkey may not be able to hold its previous stance with Israel, as the United States is notoriously involved in negotiating. As a result, the dream for a Palestinian state for Palestinians in their own land may remain unrealized for an unknown period of time.

The fragmented identity of a nation gives opportunities to other nations to intervene. Iraq is a good example of fragmented identity as opposed to China and India. Many Iraqis were found to applaud the US invasion of Iraq; we see this when a nation is divided and identity is fragmented. A region could be fragmented in a number of ways. One important way is having different currency systems in different regions, which discourages foreign investment.

There is no doubt that conflict, fragmentations, unresolved issues, particularly the Palestine and Israel issues, and refugee issues are the product of imperial manipulation. That being said, time has come to turn around. We witness that violators of human rights become eventual victims of violation. Saddam Hussein and Libyan leader Colonel Gaddafi are good examples. Syrian president Bashar Al Asad is most likely going to face a similar fate. One can argue that a number of regimes, such as the United States, violate human rights, but no visible evidence is available that they become victims of revenge. Whenever the leaders of the United States are out of their protection fence, angry people do not bother to throw the most disgraceful words or even shoes at them.

In Iraq, the first wave of departure of Iraqis migrating out of the country occurred during the Iran-Iraq war in the 1980s when people left the country for political or economic reasons. Even though the government at the time was keen to provide security to its own citizens, it also displaced many citizens for political reasons. This was based on the suspicion that citizens of Persian origins would have divided loyalties. The Ba'athist Arab regime believed some Shia Iraqis would have divided loyalties, and as a result, the Ba'athist regime in Iraq deported many Shia to Iran and Arab Gulf countries, mainly Kuwait and the United Arab Emirates. They became refugees as a result (Gibney and Hansen 2005).

In addition to political reasons, some people left Iraq voluntarily as a result of the deterioration of the economy (Gibney and Hansen 2005).

A large segment of Iraqi businessmen left during the eight years of war that, in addition to massive destruction of Iraqi oil facilities, resulted in a 60 percent decline in oil revenues. This led Iraq to depend on debt. The war-caused destruction of oil facilities, such as loading terminals, pumping stations, refineries, and pipelines forced oil output to decline sharply from 3.4 million barrel per day (MBD) in August 1980 to 0.9 MBD in 1981. This in turn resulted in the collapse of Iraq's oil revenue from \$26.1 billion in 1980 to \$ 10.4 billion in 1981 or by 60 percent (Alnasrawi 2000). The third wave of migration occurred following Saddam Hussein's invasion of Kuwait in 1990. In addition to the worsening economic conditions and emigration of business people who are the key stimulator of the Iraqi economy, Iraq had suffered 13 years of internationally imposed sanctions. This gradually devastated the country's infrastructure and local resources, led to a widespread migration from all sectors of Iraqi society. However, the migration of Iraqis during that time was not only economically driven, as many well-off families decided to leave the country due to the "political oppression" and the opaque future. The US war on Iraq, begun in 2003, had more damaging effects on the country and its people.

Chapter organization

Chapter 2 analyzes the interrelationships among geopolitics, political dynamics, and their attendant crises in the MENA region, divided into three broad subsections. This chapter further aims to make a critical contribution to the political economy literature by conducting a theoretically and historically informed analysis of the transformation dynamics in the MENA region. To this end, the multifaceted legacy of colonialism, the role of oil as a strategic resource, structural changes in the world economy, and divergent politico-economic reforms in the wake of economic globalization have been critically analyzed.

Chapter 3 discusses the reasons why the "security-first" approach should be the basis of an overall strategy to ensure security and protection in refugee hosting areas. This strategy should be made "regionally appropriate"; that is, this strategy should be devised according to the needs and capacities of the various states, international, and non-state actors that participate in the specific refugee situation.

In Chapter 4, the theoretical nexus between refugee safety and humanitarianism is explored. These issues are significant components in the argument the current manuscript is advancing. Safety and humanitarianism are inextricable terms in the ambit of refugee discourse. This

chapter also analyzes the transformations of the humanitarian industry over the past decades.

Chapter 5 deals with one of the most critical areas related to refugees rights and protection and existing protection instruments. This chapter further analyzes the burden sharing and the responsibilities of the states in protecting refugee rights. This chapter outlines the understanding of the contemporary international refugee regime, its scope and successes and failures.

Chapter 6 turns to the recent uprisings in the region and considers how political transformation has impacted the life of refugees in the region. The seed of the Arab uprisings was sown in Tunisia when a man set himself on fire; this was followed by many protests in Tunisia. This uprising then erupted in other countries, such as Egypt, Libya, Yemen, and Syria. As a result, the governments of Egypt, Tunisia, and Libya were overthrown along with their rulers. However, Yemen and Syria still live with unrest and ongoing conflict. In Syria, specifically, armed forces have turned their weapons on civilians, and this resulted in miserable living conditions for Syrians in general and refugees in particular. The whole situation in this region has impacted the lives of refugees and migrants critically and significantly.

Finally, Chapter 7 encapsulates the assessment of refugee policies, refugee and migration regimes, protection instruments, and their effectiveness in terms of ensuring refugees' safety, rights, and identity. This chapter clearly sets out how the arguments have been addressed and what objectives have been achieved through the empirics throughout the book. It concludes with a set of policy recommendations for policy makers, researchers, academics, and the refugee regimes.

2

MENA: Geopolitics of Conflicts and Refugees

Geopolitically intertwined and strategically significant, refugee policy in the MENA region is frequently analyzed in light of well-documented ethnic, religious, class, and border conflicts. Yet, policy is also inexorably linked to the broader geopolitics of the global refugee protection regime and discourse. This chapter analyzes the complex relationship between geopolitics, domestic political dynamics, and their attendant crises in the MENA region. It examines three regional case studies, which have been selected as representations of refugee and migration policy in the MENA region and for their role in triggering or complicating refugee movements. First, the situation of mixed migration across the Egyptian–Israeli border is discussed and the complexity of migration motivations highlighted. Second, the issue of Palestinian refugees in MENA is explored from a historical perspective, highlighting ongoing challenges to protecting human rights. Finally, the chapter discusses migration policy in Libya and its relationship with divergent EU and international interests.

Each of these cases illuminates tensions inherent in the current international refugee regime. This discussion will demonstrate that refugee policy is dependent not only on domestic policy but also on both regional and global geopolitical dynamics. The chapter therefore argues that transformative political processes occurring in several countries across the MENA region will require a renegotiation of relationships between state and non-state actors from across the political spectrum. This chapter further aims to make a critical contribution to literature on the political economy of refugee policies by conducting a theoretically and historically informed analysis of the dynamics of political transformation in the MENA region. Current political crises have many causes that vary by country, including politics, religion, and ideology – shaped

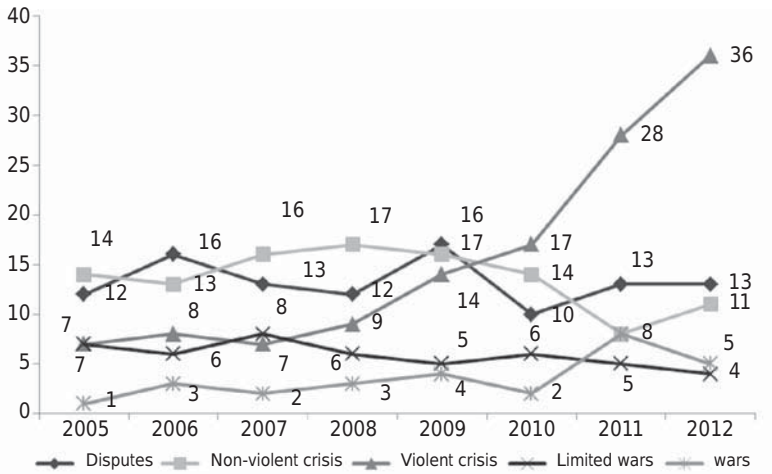


Figure 2.1 Number of conflicts in the Middle East and North Africa from 2005 to 2012, by conflict intensity

Source: Compiled from HIIK (2013).

in many cases by the major tribal, ethnic, sectarian, and regional differences within a given nation. The political dynamics of these crises are, however, only part of the story. To this end, the multifaceted legacy of colonialism, the role of oil as a strategic resource, the structural changes in the world economy, and the divergent politico-economic reforms stemming from economic globalization are analyzed critically in each case study.

Conflict is viewed as one of the major causes of exile. Refugees are perceived to have left behind the ongoing conflicts in the sending area. An increase in asylum applications and refugee populations from conflict zones since the late 1980s has led to considerable public, political, and policy discourse (Zimmermann and Zetter 2011). Conflicts kill human beings, but the consequences extend far beyond those killed or wounded. Conflict also leads to forced migration and the destruction of a societies' infrastructure. The most immediate political consequence of armed conflict is that large parts of society become securitized. Freedom of speech can be limited through associating certain political stances with "the terrorists" (Gates et al. 2010).

Some of the conflicts in late 1970s were associated with decolonization, whereas other conflicts relate to issues of statehood, in particular the Palestinian conflict. During the 1980s and well into the 1990s, the

number of conflicts in the MENA region increased with the Iran-Iraq war and the Algerian Civil War.

The first Arab-Israeli war of 1948 is the first in a series of large wars in the MENA region (Gates et al. 2010). The figure demonstrates the number of conflicts in the MENA from 2005–2012, by intensity of conflict. The new conflict methodology of the Heidelberg Institute for International Conflict Research (HIK) refers to a political conflict as a positional difference regarding values relevant to a society between at least two involved actors, for example, ethnic or religious groups or governments. HIK distinguishes five levels of intensity of political conflict: dispute, non-violent crises, violent crises, limited war, and war. The last three are violent conflicts, whereas a dispute is a political conflict carried out without resorting to violence. Violent conflicts are measured by the instruments for the use of force (use of weapons and use of personnel) and the consequences of the use of force (casualties, refugees, and demolition) (HIK 2013).

Geopolitics and political transformation in MENA

Geopolitics is normally discussed in terms of what individual states do to align and attune themselves to the challenges they meet in the external political environment. In the MENA region, where the democratic legitimacy of governing regimes is often limited, it has been the norm to equate entire regimes with the international stances adopted by individual leaders. Prior to 2011, this may have been an appropriate understanding; individual leaders did frequently dictate the political course of their nation. However, political transformations in the region since the Arab uprising have challenged this assumption. In Egypt, for instance, decisions taken by the interim government of the Supreme Council of Armed Forces (SCAF) – a governing body of 21 senior officers in the Egyptian military – have been monitored and challenged by a wider array of domestic political actors. As the return of protestors to Tahrir Square in Egypt in January 2011 demonstrated (see Chapter 6), the balance of power and decision-making authority in Egypt is likely to be contested for some time. The focus has primarily been on the domestic activities of the Egyptian military, but eventually this will translate into a longer-term debate about Egypt's position in the wider region and the world. Similar questions exist for other states in the MENA region, even where protests have yet to engineer significant political change.

In addition, although ongoing political developments in the Arab world continue to transform the MENA region, the nature of this transformation is unpredictable. There has been no serial collapse of

authoritarian regimes giving way to widespread democratization. Each country faces its own set of opportunities and challenges, and outcomes cannot be predicted or generalized. Arab societies and polities do indeed have tight interconnections and share some important characteristics (Albrecht and Schlumberger 2004); however, the Arab world is hardly a unified entity. Thus, this chapter analyzes refugee policy in MENA through a geopolitical lens in order to demonstrate the significant challenges facing the MENA states and the international community in resolving regional refugee situations. The chapter also illustrates the extreme complexity of regional political dynamics against a changing global discourse on refugee protection.

Tensions in the global refugee discourse

Before considering regional case studies, it is necessary to explore the nature of the global refugee protection regime and the associated refugee discourse. Refugee policy in MENA both shapes and is subject to this discourse and its global implications.

International discourse on refugee policy has shifted significantly since the end of the Cold War. Once considered politically useful to receiving countries, refugees are now frequently seen as “problems” to be “managed” by receiving states. This has translated into new exclusionary and restrictive policies, particularly in industrialized states receiving refugees from the Third World. A notable element of this shift is the subtle role UNHCR plays in the rethinking and disseminating of the new paradigm in accordance with what has been called the Northern view of the refugee “problem.” As argued by scholars such as B. S. Chimni and Eduardo Arboleda, this view promotes what is often called “pragmatic” thinking and “workable solutions,” which in practice have pared down the definition of and protection provided to refugees. Despite regional protection mechanisms, such as the 1969 OAU Convention in Africa and 1984 Cartagena Declaration in Latin America, which were designed in part to respond to limitations of the 1951 and 1967 Protocols, protection has deteriorated even in these regions. Rutinwa (2002) has further argued that the changing nature of refugee protection in Africa has been caused by restrictive policies put in place by industrialized states and then emulated by African states.

More than just a natural effect of changing global policy, however, these developments could also be seen as the desired outcome of the contemporary regime itself. Whereas Arboleda considers regional protection instruments to be linked to broad humanitarian principles (even if these principles are rarely achieved in practice), Chimni

(2004) argues that UNHCR's modification of the refugee definition (see UNHCR 2006) represents an endorsement of and alignment with the political interests of the industrialized North. Accordingly, UNHCR has promoted policies, such as regional and in-country assistance, and shown an unprecedented acceptance for repatriation over other durable solutions. This chasm between the language of UNHCR and its practice is what Chimni has called "the language of protection and the reality of rejection. Chimni, 1995"

Given mounting criticism that foundational norms such as non-refoulement are under attack, many scholars suggest that the refugee system is in crisis. However, while a consensus exists about the need for reform, there is no consensus on what norms and principles should be changed and in what way. Proposed changes range from incremental changes to the content of refugee rights or the redefinition of terms to sweeping changes that would fundamentally transform the international refugee regime. Some proposals represent a radical departure from the present refugee regime, and in the reality of the political context dominated by the North, ramifications of these proposals could present a special concern to the countries of the South.

James Hathaway has been one of the most outspoken advocates for far-reaching changes to the international refugee regime, advancing an elaborate scheme that goes far beyond safe havens and third-country asylum. His proposal entails a legal and formalized international system of collectivized protection in which wealthy states discharge their international obligations to the refugees by, in effect, "renting" or "buying" space in countries of the South where refugees could be moved at the request of the Northern states. Under such a scheme, Southern states would be compensated for taking in the refugees and providing the protection that is expected by international law. As he explains, "[w]e believe that developed states will be prepared to finance burden sharing with the governments that agree to host refugees as the *quid pro quo* for access to a system of responsibility sharing... Because the agreement of potential partner states in the region of origin is essential to securing the flexibility desired by Northern governments, it should prove possible to negotiate the collectivized protection arrangement in a way that advances the key goals of the less developed world. The bargaining leverage of the South ought to suffice to ensure that these funds are reallocated to those who assume the responsibilities and burdens of protection" (Hathaway 1997, 18).

This proposal has both supporters and detractors. Some critics have questioned its feasibility, while others have attacked the scheme on the

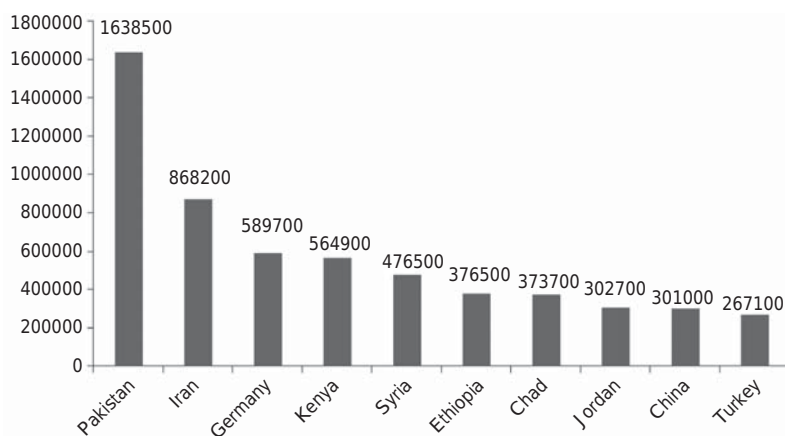


Figure 2.2 Major refugee-hosting countries

Source: Compiled from UNHCR (2012, 14).

basis of international law and Kantian philosophical principles. There has also been criticism on moral grounds, with Chimni rejecting the “morally offensive notion of burden sharing which would have Northern states pay for the care of refugees in exchange for being refugee-free states” (Chimni 1999, 12).

The proposed “collectivized protection arrangement” also relies on an assumption of mutual enforcement, which does not necessarily reflect the true balance of power inherent in the international state system. From issues of adequate compensation to issues of implementation of the protective arrangement, these schemes would be risky for weak countries, which lack the power to ensure compliance with the arrangement on the part of dominant states. However, dominant states that purchase space from a poor country would have the means to enforce the arrangement.

It is impossible to ignore the political and ideological uses that dominant states have made of refugees. Neither should we neglect the fact that claims of violation of international norms and human rights have been enforced selectively against weak states by dominant states, as has been the case in Iraq, Rwanda, and the occupied Palestine territories.

Each of the following case studies focuses on refugee movements and policy in the MENA region itself. It is therefore tempting to analyze them within a merely regional or country-specific framework. However, as the remaining discussion demonstrates, each situation is clearly informed by

economic, historical, and geopolitical dynamics. This discussion therefore challenges assumptions inherent in the predominant “Northern” view of refugee protection.

Migration across the Egyptian–Israeli border

This section considers tensions over migration between Egypt and Israel as well as the discourse on refugee policy emanating from the politics of the two nations. The critical tension related to refugees and migrants concerns the border crossing from Egypt to Israel (Paz 2011). It is often argued that Israel’s migration regime is inadequately equipped to properly manage the mixed flow of non-Jewish and African migrants into the country. “Migration regime” has been defined as “the institutional and ideological principles that determine the set of goals, agencies, and procedures – including formal legal provisions and informal institutionalized practices – employed by the states to deal with migratory flows” (Willen 2003, 5). However, Israel’s migration policy itself is situated within a complex political context. The significance of the border and of border crossings cannot be understated in evaluating the evolution of Egyptian–Israeli relations alone. Instead, state policy and refugee movements themselves have been determined by the confluence of multiple factors, including history, economics, demographics, and law.

This section explores these multiple factors and frames the evolution of policy toward refugees and migrants within the previously described global discourse on refugee protection. It then applies economic theory to current migration patterns, connecting Egyptian and Israeli policy back to the geopolitical context.

The concept of “mixed migration” has been used in recent literature to describe the various motivations of migrants, heterogeneous composition of groups of migrants, and varying experiences of migrants throughout their migration journeys. The concept is applicable to the Israeli–Egyptian situation, in which increasing numbers of both migrants and refugees have moved from Egypt to Israel.

Migration across the Egyptian–Israeli border thus exemplifies a contemporary tension within the sphere of refugee and migration issues, as it represents a nexus between humanitarian and economic concerns. The border is frequently the site of violent clashes, killing, and forcible repatriation; however, it is also the site of important economic linkages between Egypt and Israel. It is unknown how many migrants have died in the past few years while attempting to cross from Egypt into Israel. While media outlets cover many of these incidents, aid agencies

and NGOs frequently suggest that such coverage is not comprehensive. While it is known that Israel is the destination, many questions persist: why, given the significant risks to both life and liberty, do migrants still choose to try to cross the border? How do they decide that the potential payoff of their journey is worth the risk?

Comprehensive answers to these questions are impossible given the dearth of academic research on the subject; therefore, it is useful to offer a picture of the migrants trying to cross into Israel. Given possible desires and push factors working on the migrants, why did they attempt this crossing? This section also traces the paths of the potential border crossers both backward and forward: backward to where they came from and forward to Israel and other goals of their migration. By constructing this triangle between Egypt, the border, and Israel, this section applies a few established theories of migration to the situation and illuminates gaps in the current migration regime.

Restricting migration from Egypt to Israel

The vast majority of migrants traveling across the Israeli-Egyptian border are Africans traveling from Egypt to Israel. Under the Israeli asylum system, "asylum seekers in Israel are normally granted temporary work permits while their cases remain pending," while "recognized refugees receive temporary residence permits that include full social security entitlements" (Kagan 2006). However, the Israeli asylum system also includes the Infiltration Law that excludes "enemy nationals." This politically defined administrative category has excluded many African migrants and asylum seekers from applying for asylum or refugee status despite their theoretical right to do so. "Known in the Israeli procedure as 'Section 6,' the exclusion has no basis in any Israeli legislation, and is found only in unpublished administrative instructions issued by the Ministry of Justice. If these [Sudanese] refugees were from nearly any other country, they would in most cases be released from detention and permitted to work in Israel." This discriminatory practice sheds light on the ambiguous overlap between economic migration, forced migration, and refugeehood (Kagan 2006). It also situates refugee policy in Israel within the changing global discourse on refugees, which increasingly allows what would ordinarily be considered inappropriately exclusionary asylum policies.

This Infiltration Law has also enabled Israel to detain numerous asylum seekers without a hearing. Prior to 2000, Sudanese were detained under the Entry to Israel Law that provides for regular review of their imprisonment by a specialized tribunal. By adopting the Infiltration

Law, the government has effectively bypassed the judicial review process (Kagan 2006). In addition, the Israeli policy of “hot return” returns Sudanese asylum seekers caught at the Egyptian-Israeli border to Egypt within 24 hours, with no opportunity to meet lawyers or UNHCR or appeal the decision in court. Sudan in fact prohibits its citizens from travelling to Israel. There was a report that it has executed two persons who were returned from Israel via Jordan in the mid-1990s. As a result, all Sudanese have sur place claims to refugee status based simply on their entry into Israel. Sur place claims, as defined by the United Nations High Commissioner for Refugees (UNHCR), concern persons who were not refugees when they left their country, but who become refugees due to changes in circumstances in their home country or as a result of their own actions. A sur place claim places additional pressure on the legislative and policy framework of the Israeli migration regime. Given the frequency of legislative and policy change in the Israeli immigration and asylum regime, the importance of maintaining up-to-date scholarship on the topic cannot be overstated. Further, as in any nation receiving asylum seekers and refugees, NGOs and other agencies that are active with refugees and asylum seekers in Israel need to have access to scholarship on best practices for managing mixed migration.

Migration across the Egyptian-Israeli border has been theorized from several perspectives. Preferring historical considerations, Shamsal Huda Ibrahim Idris (2007) has suggested that the historical relationship between Israeli and Sudan has contributed to current tensions related to the arrival in Israel of Sudanese migrants from Egypt. Idris notes that the political history of the Israeli-Sudanese relationship has included colonial administrators’ provision of aid to the Jewish state, Israel’s strategic relationships with states located in the Horn of Africa, and Israeli intervention in Sudanese politics (Idris 2007). Although this argument incorrectly implies that Sudan is a single and unified political actor, it is still a useful lens for considering contemporary dynamics. However, this perspective would need to be expanded to apply to all migrants crossing into Israel from Egypt and not just to Sudanese.

Similarly, addressing Sudanese migrants in particular, Abadi (2000) has persuasively connected the orientation of Khartoum to Israeli and Egyptian foreign policy initiatives, arguing that states’ migration policies are connected to their foreign policy goals and interests. Such international relations approaches could also be a valuable addition to explaining increasingly restrictive policies. In addition, it has been suggested that Israel’s difficulty in managing mixed migration has resulted from tensions between its ethno-national identity and the

increasing influx of non-Jewish, African migrants and asylum seekers (Yacobi 2010; Pergola 2008).

It has been argued that many migrants crossing from Egypt to Israel are not fleeing human rights abuses or persecution, but rather economic poverty (Thal-Prusan 2007). This suspicion has justified the increasing level of assessment undertaken by the Israeli government before admitting migrants for protection. Indeed, this aim of distinguishing between “true” and “bogus” asylum seekers and refugees has justified increasing exclusion around the world, as implicitly supported by UNHCR and described above.

In addition to the aforementioned demographic, geopolitical, and historical factors, economic network theory appears useful in explaining the migration regime in this context. However, that theory is ultimately limited to voluntary migration for economic purposes and not tailored to mixed migration. The realities of labor demand and wage differentials between Egypt and Israel do not trump the humanitarian “push” factors driving asylum seekers to Israel; however, analysis of economic factors may offer relevant insight on the scale and momentum of the current migration to Israel.

Instead, Oishi’s (2002) critique of theoretical approaches to migration provides a clear application of network theory to the topic and proposes a new “integrative approach” that incorporates three levels of analysis: macro, micro, and meso. At the micro-level, it is possible to analyze the experiences of migrants among a mixed flow to Israel. At the macro-level, analysis of Sudanese-Israeli relations is clearly significant. Finally, at the meso-level, analysis of Israeli civil society and assistance networks provides useful insight.

Research on the illegal attempts to cross from Egypt into Israel is limited to media reports and human rights organizations advocating for more humane treatment of those attempting to cross the border. A more comprehensive study would require exploring the social implications of border killings and, perhaps, the implications of the government’s restrictive migration policy as contributing to irregular migration. While the root causes of this situation are of extreme importance (de Haas 2006), for this section the effect of such migratory action is more relevant than its cause.

Human Rights Watch and Amnesty International Reports offer comprehensive and transparent reports about border crossings. According to speculations, since 2006 more than 13,000 people have attempted to cross the border between Egypt and Israel illegally (de Haas 2006); at times “in early 2008, over 100 people per night

reportedly crossed the border" (Human Rights Watch 2008, 2009). "The majority of those who cross Sinai to enter Israel are Eritreans and Sudanese...approximately 4,300...and more than 3,700 Sudanese" (IRIN December 8, 2008). Other official bodies have far higher estimates; according to the Israeli Ministry of the Interior, "some 24,000 asylum seekers have illegally entered Israel through its southern border in the past five years" (IRIN December 8, 2008).

In response to the flow of migrants across the Egyptian–Israeli border, both countries introduced policies to tighten border controls. These policies have resulted in a further increase in the number of deaths at the border, and attempts to cross the border have become incredibly precarious.

Sigal Rosen, of the NGO *Moked* said in 2008,

We've interviewed hundreds of asylum seekers and nearly all told us that some people in their group were shot and left behind while attempting to cross the border. Furthermore, we have evidence from IDF [Israeli Defense Forces] soldiers revealing that the death toll on the Egyptian side is much higher than reported. The graveyard for asylum seekers shot on the [Israeli side] of the border in Kibbutz Hatzor already holds 25 graves [since mid-2007]. Many of the asylum seekers tell us that [other] bodies are left in the desert.

In addition to the threat of being shot, Human Rights Watch recorded various other threats to human rights on the border:

Beginning in February 2008, Egypt refused to allow UNHCR access to Eritreans in detention, many of whom military tribunals had sentenced to between one and three years in prison for illegally entering the country from Sudan. Over one week in June Egypt forcibly returned up to 1,200 of these detainees – of a total of approximately 1,400 – to Eritrea, and the Eritrean government reportedly detained 740 of the returnees. In mid-April Egypt deported 49 Southern Sudanese men, at least 11 of whom were asylum seekers or refugees, to Juba, Southern Sudan.

There are claims that the "[Egyptian-Israeli border] has become something of an El Dorado for Africans fleeing the miseries of their own countries" (Al-Anany 2009). However, considering that many of these border crossers were originally refugees in Egypt, a country that does not, at least apparently, produce refugees, this interpretation of

migrants' motivations is superficial. As one IDF soldier explained, there is "[shooting] every night, and nearly every morning we are informed that the Egyptians shot more asylum seekers to death – it is common practice" (IRIN December 8, 2008).

Some have attributed migrants' motivations to the poor treatment of refugees and asylum seekers in Egypt (Coker 2004a; Human Rights Watch 2008a) and the comparatively better treatment of migrants in Israel (Larry 2008; Bazelon 2008). Refugees may obtain assistance from UNHCR and local NGOs, including Moked, Assaf, the African Refugee Development Centre (ARDC), and Physicians for Human Rights (PHR). Available benefits include medical care, shelter, clothes, and legal assistance as well as education for children between the ages of 5 and 16 (IRIN, 26 August 2008). However, others have described terrible conditions facing migrants upon their arrival in Israel (Hetfield in Bazelon 2008). Indeed, it is difficult to know the situations facing individual migrants or their particular interpretation of the difference between conditions in Egypt and those in Israel. At the least, Israel's treatment of migrants upon arrival is unpredictable and its policy often arbitrary (Ben-Dor and Adut 2003). For example, Israel recently offered one-year temporary residence permits to approximately 600 Darfuris, while providing approximately 2,000 Eritreans with six-month work visas. At the same time, it holds thousands of refugees from other countries in desert detention centers, while still others live in makeshift, slumlike quarters around the Tel Aviv bus station (Bazelon 2008).

Regardless of the qualitative difference between life in Egypt and Israel, it is clear that migrants crossing into Israel are willing to migrate rather than remain in either their country of origin or their first asylum. However, this alone does not necessarily disqualify them from being given protection.

What prompts refugees to prolong their journey in order to reach Israel, given the appalling conditions in which refugees in Israel find themselves? Although those crossing into Israel via Egypt may be refugees from other states in Africa, they are not refugees from Egypt *per se*, despite the Egyptian government's failure to guarantee them a quality standard of living. Rather, these refugees are leaving the country of first asylum for a country with a higher level of affluence. This secondary flight does not diminish the vulnerability of these migrants, and it does not necessarily detract from their status as refugees. Still, the nature of this migration appears to some – including many in Israel – to blur the line between refugee and migrant. For instance, flight is not due to immediate threats to life or liberty; though refugees are

willing to risk death, detention, and deportation, their movement is based on available options.

Given such blurred distinctions, it is relevant to conceptualize this secondary flight as migration rather than as refugee movement. Here, gravity theory, network theory, new economic theory, and neoclassical theory at both macro- and micro-levels can be applied to explain this migratory movement. However, investigating migration from Egypt to Israel poses a unique challenge in that Israel differs significantly from its regional neighbors in terms of both living standards and political context. It is therefore virtually impossible to correlate data on migration to Israel with data on migration elsewhere in MENA.

In applying the theoretical frameworks noted above, it is important to look at both the selectivity of migration and at the “push” and “pull” factors facing individual migrants. It has been suggested that selectivity is less influential when a particular situation has more “push” than “pull” forces (Ullah 2009), such as in instances where desire to leave a desperate situation is more pressing than knowledge of the benefits available at the destination. On the other hand, migration from Egypt to Israel can be quite selective because of the number of obstacles that must be overcome in order to reach Israel, including severe restrictions placed on illegal labor. Therefore, when looking at such models, “push” factors facing migrants – namely, difficult conditions in Egypt – are likely more influential in migration decisions than “pull” factors in Israel.

Does distance decay or gravity theory, attributed to Ravenstein in the 19th century, contribute to this explanation? Ravenstein argued that most migrants move short distances, with smaller numbers of migrants moving further away from the origin (Ravenstein 1876, 1889). This assertion underscores the practicality of migration to Israel: the border is reachable compared with that of countries in Europe. Another applicable rule from gravity theory is a preference for urban centers among migrants (Ravenstein 1885), as most migrants aim to move from one city to another – for example, from Cairo to an urban area in Israel.

Alternatively, network theory suggests that connections between individuals and communities in different locations help determine migration decisions (Ullah 2010, 2012). These connections may be formal or informal; however, data on such connections is lacking. This theory should not be simply discounted for this reason, as there are clearly connections between migrants and their destination, particularly considering that secondary migration from Egypt to Israel is planned and executed with an eye to improving economic standing in a country that does not extend special support or work permits to those entering

irregularly. This implies a kind of informal support system in Israel although more investigation is needed to understand the nature of such support networks (Willen 2007).

Alternatively, “new economics” theory contends that migration decisions are made by families in order to diversify the family unit’s earning potential (Ullah 2009). This theory may offer insight into the migration flows under consideration, given stories of entire families attempting the border crossing from Egypt to Israel. However, most migration stories suggest that the majority of those attempting to cross borders are individuals, particularly individual men. For example, among Eritreans, one of the largest groups attempting to cross from Egypt into Israel, the majority are men fleeing Eritrea under threat of forced military service (de Haas 2006). On the surface, the needs of the family unit seem to be a lower priority than avoiding military service; however, it is possible that flight is, at least in part, the result of a consideration of the relative earning potential of male migrants employed as a soldier or employed abroad. Some of those for whom crossing to Israel is the second flight may view their situation in their country of first asylum – for example, Egypt – as untenable due not only to poor quality of life but also their inability to support family members left behind in their country of origin or even in the country of first asylum. Nevertheless, if attempting such a perilous crossing is the result of a family decision or of consideration of the family unit’s needs, it seems a significant risk to take when safer alternatives may exist. Demographic information – widely speculated about in media reports – suggests that men of working age are disproportionately represented among those attempting to cross the border. Many also speculate that the intent of the move is ultimately financial; whether the family plays a role in the decision-making process remains unclear.

Neoclassical economic theory takes a macro-level approach to migration, interpreting migration as an indicator of labor supply and labor demand (Vertovec 2004; Lewis 1954; Ullah 2011). This theory does not offer clear insight into the case of the Israeli border crossing. At the micro-level, border crossers have undertaken a cost-benefit analysis, and based on this analysis, they have determined that moving to Israel is the best choice. However, the neoclassical model assumes that this decision is the primary factor in determining successful migration – an assumption that is only relevant in cases of regular migration.

Given that most of those attempting to cross from Egypt into Israel combine characteristics of both refugees and economic migrants, developing a conceptual framework to explain this migration flow must consider aspects of both refugee and migration theory. A possible

theory encompassing these elements to interpret the situation at the Israeli border may read as follows: irregular migrants attempting to cross the Israeli border from Egypt are refugees fleeing from the pressures of subsistence in Cairo, pressures that do not make them actual Convention refugees from Egypt but rather a kind of refugee-migrant hybrid. These refugee-migrants have made personal, analytical choices to seek a better climate for improving their economic well-being in Israel, but they should not be viewed solely from the perspective of traditional migrant theory, as they are not simply responding to economic “pull” factors. Instead, a combination of elements from several theories is called for, including network theory, new economic theory, and neoclassical economic theory. Therefore, migration from Cairo through the Sinai and across the border into Israel must be approached as a question of both economics and refugee movement. Migration flows are not easily definable; questions of choice, motivation, and agency are increasingly pertinent and debated in host states.

Israeli-Palestine political dynamics

The situation of Palestinian refugees is one of the most protracted, complex, and politically contentious refugee issues facing MENA and the world. While Palestinian national identity has solidified in refugee camps in the wake of wars and uprisings, seemingly insurmountable barriers have been erected to a timely or fair resolution of the Palestinian situation. Most refugees spend years living in border zones, in unsafe circumstances, and with inadequate means to support themselves and their children. Their legal status in the host country is ambiguous, and they are not granted full asylum and are not likely to be resettled in a third country. Thus, service to Palestinian refugees is characterized by a “care and maintenance” model of assistance in countries of first asylum; this means that the basic needs of refugees residing in camps are met while local integration is neglected (Jacobsen 2003).

The issues regarding Palestinian refugees are inextricably linked to the history of political conflict between Palestine and Israel, a history that is reflected in long-standing distrust and turbulence in the political landscape throughout the region. Arab-Israeli conflict, writ large, is thus an unavoidable consideration in studying the Palestinian refugee problem.

The creation of Palestinian refugees

The fledgling Zionist movement began to encourage Jewish migration – or *aliyah* – to Palestine toward the end of the Ottoman Empire with the goal of legitimating the creation of an Israeli state on the territory and

provide a haven from anti-Semitism in Europe.¹ Around the same time, Arab nationalism and a desire for Arab autonomy began to emerge in the Eastern Mediterranean (Fraser 1995). "Compared with the largely manufactured cultures of much 19th- and 20th-century European nationalism, Arab nationalism could draw strength and inspiration from centuries when the Middle East was at the centre of world civilization" (Fraser 1995, 3).

Following the First World War, the Ottoman Empire was divided into mandates and divided among European powers. Britain was later given authority over Palestine by the League of Nations under the condition that the civil and religious rights of all inhabitants would be safeguarded, irrespective of race and religion.

In 1917, British Foreign Secretary James Balfour issued the Balfour Declaration, setting in motion events that would later lead to the Palestinian refugee crisis. The declaration provided for a Jewish homeland in the British-mandated region of Palestine, stating that the British Government would "view with favour the establishment in Palestine of a national home for the Jewish people," with the understanding that "nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

This latter provision suggests that the non-Jewish inhabitants (which at the time totaled around 64 percent of the population) should be offered equal rights in the territory. However, this was not fully realized, as Britain returned jurisdiction over Palestine to the United Nations following World War II. As Jewish immigration increased and Arabs saw the lack of fruition of earlier agreements with the British, violence between Jews and Arabs in the region began to flare up. The British government responded by establishing the Peel Commission, which called for a partition of Jews and Arabs. The Zionists reacted by organizing militant groups, such as Irgun and Leh'I, and both Arabs and Israelis resorted to aggression against the British as well as against each other. Violence continued in the lead-up to World War II.

The future of Palestine remained unclear during World War II, as the British were embroiled in the war and had little time to contemplate mandated territories. Amid the dissolution of the League of Nations, the creation of the United Nations, and the establishment of a bipolar international balance of power, the British government found itself economically and socially fractured. Unable to continue its mandate in Palestine, Britain relegated responsibility to the United Nations. The great tragedy of the Holocaust experienced by the Jews was made known to the world

in conjunction with knowledge that thousands of Jewish survivors were now refugees from Europe with nowhere to go. For Jews, the Holocaust, coming after centuries of European anti-Semitism, confirmed the need for securing their future independently (Fraser 1995).

The newly formed United Nations (UN) attempted to avoid more conflict by issuing the 1947 UN Partition Plan,² which divided the territory of Palestine between Jews and Arabs. The Partition Plan was viewed by many as an insult to the Arab nationalist movement that was gaining momentum in Jordan, Egypt, the Levant, and the Gulf. Unwisely or desperately, the Arabs quickly rejected the plan, while the Jewish leadership accepted it. The Arab League maintained that the UN should adhere to article 73b of its charter, which stated that the UN should develop self-government of the peoples under its administration. As historian Benny Morris (2004, 524) has written, "all observers – Jewish, British, Palestinian Arab, and external Arab – agreed on the eve of the war that the Palestinians were incapable of beating the Zionists or of withstanding Zionist assault. The Palestinians were simply too weak."

The Jewish declaration of independence of the State of Israel on May 14, 1948, marked the beginning of outright war, referred to as the War of Independence by Israelis. For Palestinians, however, this conflict became known as the *nakba*, or exodus, as Palestinians fled from the territory conquered by Israel. The *nakba* has been perhaps the single most defining event in contemporary Palestinian history, and it continues to dominate the lives of Palestinian refugees throughout the region.

However, many leaders around the world expressed satisfaction with the creation of Israel in 1948, stating that Palestine was "a land without a people and the Jews were a people without a land."³ However, as discussed, Palestine was not a "land without a people." Instead, throughout the subsequent Israeli nation-building endeavors, multiple wars, and continued occupations, Palestinians became a people without a land. In the aftermath of the 1948 conflict, the UN passed General Assembly Resolution 194, which created the Palestine Conciliation Committee to facilitate the repatriation and/or compensation of nearly one million Palestinian refugees.⁴ The UN also established the United Nations Relief and Works Agency (UNRWA) to provide aid and relief to Palestinian refugees (Schiff 1989).

In the following era, the Arab-Israeli conflict saw drastic changes, including the emergence of the Palestinian Liberation Organization (PLO) as a political representative of Palestinians, a significant departure from the previous era when non-Palestinian Arab leaders assumed this role. Yet, by the late 1980s many Palestinians viewed both the PLO and its

leader Yasser Arafat as incompetent and ineffective. In 1987, Palestinian frustration reached a boiling point as a cumulative result of economic suppression and failure, the Israeli occupation resulting from the 1967 war, increased settler activity, and external forces of globalization.

The first intifada (or uprising) began in the Jabalia refugee camp and quickly spread throughout the occupied territories. The fact that the uprising originated in the camps should come as no surprise; it was in the camps that the memory of Israeli oppression was strongest. Together with a second uprising of the early 2000s, the two intifadas laid the foundation for continued Palestinian awareness – and for the development of nationalist, religious, and extremist groups largely based in the refugee camps. In addition, they highlighted the failure of international law to protect the rights of the Palestinian people and painted a grim picture of the future of Palestinian refugees in the occupied territories (Shalev 1991).

Further, the two intifadas finally put to rest the notion that the Palestinian territories could one day be merged with Jordan. The Palestinians proved to the world that they were a unified entity, desiring their own state. The unequal battle between stone-throwing youth and armed Israeli soldiers called the world's attention to the virtual apartheid of the occupied territories as well as to the vast human rights violations occurring there. Khesouri (not a real name), a Palestinian Christian from Bethlehem, described that when he was a young boy during the second *intifada*, many of his friends, most under the age of 14, were killed or arrested and are still in Israeli jails.

The Israeli security wall

Following the outbreak of the second intifada, the Israeli army set up checkpoints and constructed a security wall around the West Bank, allegedly to safeguard against suicide bombers (B'Tselem 2013). Yet, the security wall seemed to create a new barrier to peace. Physically, the wall infringes on accepted borders of Palestinian territory, and psychologically it clearly represents the ongoing Israeli externalization of Palestinian refugees.

Rather than cutting straight across the recognized Green Line, the security wall instead surrounds each Israeli settlement in the West Bank. The settlements are often located miles within the Green Line, and this leads to more and more land being annexed by Israel. Since much of the land surrounding these settlements used to be Palestinian olive groves and farmland, Palestinians call this an Israeli landgrab.

The wall also cuts through Palestinian towns, dividing families and friends. Local economies have stagnated, goods cannot be exported,

and business is constantly interrupted by Israeli checkpoints. In many cases, water sources have been commandeered by the Israelis (B'Tselem 2013). For example, a settlement built on a hill above the Palestinian village Nahalin cut off the village's water supply, leaving people there with one public well that is rapidly sinking. Such stories are common throughout the West Bank. As security walls are built, olive groves are annexed to Israel and the Palestinians are cut off from their livelihoods (Nassar 2011). The total sum of land acquired by Israel through the building of the wall and settlements is estimated at between 5 and 17 percent of the West Bank; with road networks included, the amount could total 46 percent (United Nations 2008a). The subject of borders throughout Israel and Palestine is a deep and divisive issue – one that threatens the negotiations on the states' final status. Many refer to the walls as Apartheid Walls, portraying them as a symbol of the Israeli failure to recognize the rights of Palestinians.

UNRWA and regional refugee protection

Incontrovertibly, the result of such ongoing conflict has been the creation of one of the worst refugee problems in the world. When UNRWA was created in 1950, it was charged with assisting approximately 750,000 refugees; today, this number is around six million, one-third of whom live in urban refugee camps in Jordan, Lebanon, and Syria (UNRWA 2012). The UNRWA currently supports 58 camps: 10 in Jordan, 9 in Syria, 12 in Lebanon, 19 in the West Bank, and 8 in Gaza. Palestinians are ranked as the largest refugee population after the Afghans, and globally one in three refugees is a Palestinian (UNRWA 2012).

In addition to livelihood challenges common to the vast majority of refugee populations – such as access to food aid, medical care, education, and employment – Palestinian refugees also grapple with demographic changes, identity confusion, and citizenship dilemmas (Feldman 2007). What is unique about the Palestinians' situation in history is their ongoing status as a people in exile, their lack of a viable homeland to return to, and their symbolic position in the midst of the larger Arab-Israeli conflict. While many Palestinian refugees in the occupied territories and surrounding nations still express a desire to return “home” to the villages that their grandparents left in 1948, in many cases those villages have been destroyed or incorporated into Israel. In the wake of post-9/11 security concerns, these refugees face many more years in the camps before the final status negotiations are opened.

The human rights of the Palestinians have become an important issue, as most have a precarious existence at best and get no stable protection

Table 2.1 Distribution of Palestinians as of January 2011

All references are to agency installations	Jordan	Lebanon	Syria	West Bank	Gaza strip	Total/average
General						
Registered refugees (RR)	1,999,466	455,373	495,970	848,494	1,176,361	4,966,994
Increase in RRs over previous year (%)	0.8	6.9	5.1	8.9	5.5	4.2
RR as % of total RRs	40.0	9.0	10.0	17.0	24.0	100
Existing camps	10	12	9	19	8	58
RR in camps (RRs)	350,899	227,718	149,822	206,123	518,147	1,452,709
RRCs as % of RRs	17.7	53.5	31.7	26.5	46.8	30.5
Education – 2010/2011 academic year						
Schools (Elem, Prep + 6 Secondary in Lebanon)	172	74	118	98	238	700
Educational staff	5,538	2,023	2,706	3,264	9,301	22,904
Pupil enrolment	119,678	30,896	66,400	53,954	211,867	482,795
Female pupil (%)	48.9	55.4	49.0	58.1	47.9	49.9
Cost per elementary pupil (US\$)	561.2	1,005.6	376.7	801.5	660.5	681.1
Cost per preparatory pupil (US\$)	567.8	1,685.1	516.2	867.5	916.6	910.6
Vocational and technical training centers (V TTC)	2	2	1	3	2	10
V TTC training places	1,572	1,137	1,090	800	1,610	6,209
Educational sciences faculties (4 years course) ¹	1			2		3
Pre – services places	1,100			600		1,700
Number of in – service teachers in training	322	93	95	–	905	1,415

Health						
Primary health care facilities (PHCF)	24	29	23	41	20	137
Health staff (excluding environmental health) ²	717	324	394	797	867	3,111
Health staff (including environmental health)	1,043	325	394	1,011	867	3,654
PHCFs with dental services (incl. 10 mobile units)	33	21	19	23	22	118
PHCFs with dental services (excluding mobile units)	29	19	18	23	19	108
PHCFs offering MCH and family planning	24	29	23	40	20	136
PHCFs offering diabetes/hypertension care	24	29	23	41	18	135
PHCFs offering laboratory services	24	17	21	40	18	120
Annual patient visits (1 January to 30 December 2010)	2,611,607	1,139,241	1,092,933	1,694,115	4,587,461	11,125,357
CS (5) connected to water networks (%)	99.4	100.0	100.0	100.0	100.0	99.8
CS connected to sewerage networks (%)	93.0	91.7	96.1	62.5	93.4	87.0
Relief and social services						
Special hardship cases (SHCs)	55,466	54,267	37,224	36,867	104,581	288,405
SHCs as % of RR	2.8	11.9	7.5	4.3	9.0	5.8
Women's programme centres	12	9	15	16	10	62
Community rehabilitation centres	8	1	6	15	6	36
Community development centres	3	1	2	0	0	6

Continued

Table 2.1 Continued

All references are to agency installations	Jordan	Lebanon	Syria	West Bank	Gaza strip	Total/average
Community managed fund schemes	13	5	11	7	0	36
Relief and social services staff	110	115	98	166	201	707
Microfinance and microenterprise (Gaza and West Bank)	(Totals since programme inception in 1991/1992 in Gaza, 1996 in West Bank, 2003 Syria and Jordan)					
Number of loans awarded	28,418		43,323	58,913	94,914	225,568
Value of loans awarded (US\$) (cumulative)	39,384,180		30,062,274	83,521,234	103,891,695	256,859,383
Projects						
No. of projects funded (in 2011) ³	12	23	20	19	33	121
Pledges and contributions (millions of US\$)	1.7	12.5	15.6	5.9	38.2	77.0

Notes: ¹ Two-year preservice teacher training at Sibling Training Center, Lebanon. Due to difficulties in recruiting elementary teachers in possession of a two-year teacher training diploma, the agency decided to establish a two-year preservice teacher training course at Sibling Training Center in 1997.

² In addition, 72 educational staff, 14 health staff, and 17 relief and social services staff are based at HQ Amman.

³ In addition, 6 and 8 projects are run from HQ Amman and HQ Gaza respectively, with contributions of US\$ 1.6 million and US\$ 1.5 million.

Source: Compiled from UNRWA (2011).

of their internationally guaranteed rights. In camps, refugees resort to extreme measures to survive, such as concealing deaths or bribing officials to increase the number of family members so that they can receive more rations (Feldman 2007). Refugees living in camps often have to rely on work inside Israel, but as Israel increases its border security, many refugees are unable to support themselves or their families.

UNRWA has been working closely with Arab states hosting a significant number of Palestinians (UNRWA 2010b). However, their work is largely circumscribed by the continued refusal of these host states – with the exception of Jordan – to grant Palestinian refugees the full rights and privileges of citizenship, coupled with the equally steadfast refusal of Israel to grant Palestinians the right of return.

Palestinian refugees fit precariously into the international legal protection regime. UNRWA established a new definition of refugee-hood specifically for Palestinian refugees; this definition afforded them basic subsistence, but not the human rights and freedoms guaranteed by the Refugee Convention and UNHCR (Akram 2002). UNRWA defines a refugee as a person “whose normal place of residence was Palestine during the period June 1, 1946 to May 15, 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” This definition applies only to refugees in the within UNRWA’s area of operations: the West Bank, Gaza, Lebanon, Syria, and Jordan.

The Arab world has been roundly criticized for exploiting the refugees’ turmoil while failing to provide them with real assistance, either financial or political. It can be argued in some cases that rather than address the status of Palestinian refugees by adopting them into their own states through naturalization, Arab leaders hoped to prolong the refugee status of Palestinians in order to continue the conflict with Israel. In 1952, for example, the Arab League barred member states from granting citizenship to Palestinian Arab refugees or their descendants “to avoid dissolution of their identity and protect their right to return to their homeland” (Ghafour 2004; Pipes 2004).

On the other hand, it is also important to note that many of the surrounding states had – and continue to have – fragile economies with shaky government infrastructure and therefore did not necessarily have the means to attend to the refugee problem effectively. It is questionable whether neighboring states are in fact suitable for hosting a significant number of refugees, how willing they are to do so, and how long they might cooperate. Lebanon was the least hospitable to Palestinian refugees as they were barred from working in certain professional fields, such as medicine, law, and engineering, and were excluded

from national health care. To qualify this statement, Lebanon did grant around 50,000 Palestinian refugees citizenship in the 1950s, but this was mainly for political purposes in Lebanon's complex majority system. The Palestinians could not obtain work permits, and they could not own land, making it virtually impossible for Palestinian refugees to be integrated locally in Lebanon. Likewise, Egypt abided by the Arab League's decision not to grant Palestinians citizenship, and it has had additional difficulties with its responsibility for certain camps, owing to the changing ownership of the Sinai and the Gaza Strip.

The majority of scholars agree that Jordan has been the most welcoming of the Arab states, and it is the only one to naturalize Palestinian refugees, giving them full status as citizens. Jordan continues to host the largest Palestinian refugee population outside the occupied territories, with over one million Palestinian refugees residing in Jordan. Jordan also grants passports to Palestinians in the occupied territories for travel purposes (United Nations 2008b). According to UN estimates, by 1951 as many as 711,000 Palestinian refugees lived outside Israel (UNRWA 2007). These refugees have lived in adverse political, economic, and social conditions – conditions that create a barrier to peace between Israel and her neighbors (Pappe 2002). Clearly, a sovereign nation to return to is expected to relieve the abject situation of these refugees and provide a framework for peace. This nation would require adequate land for the numbers of refugees it would have to accommodate. Today, there are several plans for the resolution of border conflicts between Israelis and Palestinians. The most plausible and widely supported proposal calls for the creation of a Palestinian state with permanent borders along the 1949 Armistice lines. This obviously presents some problems, as a security wall has been built within those lines and settlements are scattered on both sides of this border.

Protection for refugees and migrants in the Maghreb

Having discussed two distinct refugee and migration issues, in the remaining section I address and analyze Libya's policies toward migrants and refugees as a further example of the importance of geopolitical considerations. As with the previous case studies, analysis of the Libyan case helps to illustrate the political context of the larger region (IOM 2012a) and how this relates to the status of refugees. In particular, the lack of a legal framework distinguishing between refugees, asylum seekers, and economic migrants and a general lack of protection for migrants in the country has led to critical conditions for migrants in

Libya. Organizations such as UNHCR (2009, 2009b), the International Organization for Migration (IOM), the International Organization for Peace, Care and Relief (IOPCR), Human Rights Watch (HRW), the Islamic Human Rights Commission (IHRC), and the Red Crescent have strongly criticized the conditions for migrants in Libya as well as their own limited ability to assist all vulnerable groups.

The IOM mission in Tripoli focuses on capacity-building and training projects for Libyan authorities, and to a limited extent it has been able to provide support, including voluntary repatriation, for immigrants. It seems clear that Libyans have been skeptical of engagement with international actors (US Department of State 2012) until very recently and that further political dialogue is required to enhance the role of protection agencies (IOM 2009a). Overall, Gaddafi's Libya developed its own apparatus to deal with and restrict immigration to the country. As is the case in many developing countries, the discourse of asylum and protection has been a low priority on the agenda of the Libyan government.

Reports of the severity of mistreatment of refugees by the Gaddafi regime vary. Human rights organizations portray the situation from a humanitarian perspective, leading to harsh criticisms, while international migration agencies view the same situation from a comparative point of view. These differences reflect the mandates of the organizations themselves as much as the actual conditions within Libya. In May 2008, IHCR reported that an Ethiopian refugee named Birhan Haileselassie died of negligence in the Misratah detention camp. Stories about detained immigrants having their organs stolen have also appeared, while immigrants detained in camps complain that the camps were overcrowded and inadequate and that they are regularly detained for many years without information about the status of their case (IHRC 2008). Migrants in the major urban centers of Tripoli and Benghazi state that they try to remain hidden to escape both security forces and xenophobic violence. Women and unaccompanied children have been especially vulnerable, as families were frequently separated thus leaving women at greater risk. On numerous occasions, Libyan officials would deport migrants or leave them in the desert, where the chance of survival is small (Human Rights Watch 2009). The regime has long denied that mistreatment of immigrants is a problem, and Gaddafi himself played on xenophobic sentiment in Libya, proclaiming that "Africans are living in the desert, in the forests, having no identity at all." He also publicly dismissed demands that Libya grant asylum status to refugees entitled to protection under the conventions Libya has signed (ANSAMed 2009).

Libya's authoritarian and anti-Western regime has not participated in the Western-led discourse on refugee protection and migrants' rights. However, Libya's isolation has been somewhat reduced due to increasing engagement with the EU and other Western powers. This engagement was closely linked to the issue of the migration of "boat people" from Libya to Europe, to Italy in particular. Libya has long been reluctant to address this issue, which was of little concern domestically. It was also uninterested in providing asylum to refugees from Sub-Saharan Africa and the Middle East, as the regime felt that the foreign population already present was a potential threat, and it wanted to prevent a new influx of refugees from these conflict-prone regions (Hamood 2006).

The change in policies in the country from 2000 onward coincides with an increasing political focus in the northern Mediterranean countries on boat migrants. Media coverage of the growing numbers of migrants drowning at sea or being detained in Europe raised the issue on the European agenda. The number of boat migrants soared by 75 percent from 2007 to 2008, leading to significant popular unease (Bruno 2009). In particular, Italy pushed the EU to address the matter, leading the EU to open negotiations with Libya on a variety of issues, including immigration. However, the domestic concerns in Italy over boat migrants made Prime Minister Berlusconi sign bilateral agreements with Gaddafi in 2004 and in 2008. According to these agreements, Libya tightened border security to tackle illegal migration, while Italy compensated Libya for its efforts (Gazzini 2009).

Berlusconi hailed the agreement as a major step forward in securing Italy's cultural integrity and linking Libya with the West. However, many have criticized the agreement for failing to consider the rights and needs of migrants and for perhaps violating international law (Amnesty International 2009). One of the most problematic aspects of the agreement is that Italian coast guard officers cooperate with Libyans to return boats at sea to Libya and to extradite migrants from Italian territory as quickly as possible. The agreement between Italy and Libya went much further than previous assistance channeled through the EU, and it has been criticized for leaving the European Commission out of the discussion (Bruno 2009; Hamood 2008). It is clear that Libya has been increasingly concerned with gaining acceptance from the West, both to obtain the removal of sanctions and to increase economic cooperation. Europe and the United States have an interest in access to Libyan oil and in Libyan cooperation in the war on terrorism and on irregular migration. However, the focus on strategic interests and the security aspect of managing migration flows has pushed the human rights and protection

aspect to the sidelines. The Italians' hurried return of immigrants to Libya illustrates that the European countries must share the responsibility for the treatment of migrants by the Libyan government. UNHCR has expressed concern that hundreds of migrants are being returned to Libya without having their protection needs assessed and without regard for the brutal migration system mentioned above (UNHCR 2009).

Italy is not the only actor in the EU striving to define new relations between Europe and Libya. The European Commission is currently negotiating a comprehensive framework agreement that will cover issues ranging from free trade and immigration to justice and development. Thus far, the EU has provided more than €20 million in technical assistance to the migration domain since 2004 although significant concerns about the treatment of migrants from a human rights perspective remain unaddressed. EU policy papers on the dialogue with Libya reiterate the continued effort to "fight illegal migration," while human rights issues seem to be lower on the agenda (European Commission 2009). European countries believe they need Libya's cooperation on the transit migration issue and prefer to have a stable "buffer zone" on the doorstep to the EU rather than challenge Gaddafi's dictatorship.

It is difficult to imagine that an authoritarian state such as Gaddafi's would liberalize its laws and adopt a discourse on rights and protection on its own. Instead, Gaddafi was able to use a security-centered rhetoric to defend his harsh treatment of immigrants and the foreign workforce. This rhetoric has, in turn, been echoed by European leaders who defend his policies. Libya has retained a strong sense of skepticism toward Western influence and the presence of agencies perceived as Western, such as the UNHCR, IOM, and others. However, within the ongoing Euro-Libyan negotiations, Europe also deserves a share of the blame for Libya's immigration policy and the unacceptable circumstances faced by migrants. The Libyan state has indeed used its apparatus to curb illegal migration; yet, it has been under little international pressure to build domestic capacity or to protect migrants' rights. With the Euro-Libyan relationship growing closer, Libyans are positioning themselves to achieve more prestige and greater economic benefits: they claim that they need € 1 billion in aid to address the migration issue properly, and the EU is prepared to allot more funds for this purpose (Bruno 2009). On the other hand, critics are multiplying, and it is clear that the disparity between security, control, and return versus protection, asylum, and a dignified treatment of migrants is increasingly unacceptable. It is clearly up to European countries to address this imbalance or to at least ensure accountability when partnering with a state doing so much to undermine migrants' rights.

The EU could demand that refugee rights be incorporated into any form of agreement, ensure that reference is made to the treaties Libya has signed, and lobby for Libya to sign the 1951 Refugee Convention and 1967 Protocol. The importance of fighting trafficking, smuggling of people, slavery, and sexual abuse of women migrants in Libya could also be stressed. The EU could request that Libya develop its own legal instruments to provide protection and adhere to human rights standards and that it offer adequate technical assistance, expertise, and capacity-building to assist in this process. Libya needs to fully cooperate with international humanitarian and refugee agencies, especially UNHCR. These organizations and their national partners should furthermore be granted full access to camps and detention centers and be allowed to register, screen, and assist all migrants in need.

Such recommendations are broad and require that both parties adjust their priorities and rhetoric. From a political perspective, it would be ideal to include these elements in a broader agreement covering free trade, diplomatic representation, access to oil markets, and other benefits that are valuable to Libya. We have seen how xenophobia in an authoritarian state may lead to repressive policies that undermine international conventions. We have also seen how Libya developed this system without criticism from Western countries. In a globalized world, with more focus on international regulation of migration flows, it seems that the EU must take some responsibility for this neglect in the Libyan context, as it has appeared to promote its own strategic aims at the expense of human rights protection. A more nuanced discourse is needed to address migrants' conditions in states like Libya, and developed, democratic states must abide by their duty to utilize this discourse when discussing common immigration concerns with authoritarian or developing countries.

However, such observations in the Libyan case cannot be separated from the tensions inherent in the international refugee discourse. As discussed, the international community has seemed to promote increasingly exclusionary migration policies while justifying widespread mistreatment of migrants and refugees on a number of grounds. Libya's appeal to security concerns is similar to many EU states' own reasons for allowing increasingly cumbersome Refugee Status Determination processes, the indefinite and often inhumane detention of migrants awaiting case adjudication, and portrayal of migrants as threats in popular discourse. Thus, policies affecting migrants in states such as Libya cannot be separated from contemporary discourse concerning refugees and migrants more broadly or the geopolitical nature of such policies.

The geopolitics of refugee protection in MENA

Examples of the cross-border migration from Egypt to Israel, the Palestinian refugee crisis, and the Libyan approach to migration policy serve to illustrate the importance of geopolitics to migration policy formation in the MENA region. This chapter has provided necessary insight into the global discourse on the protection of refugees and migrants and has placed each case in its geopolitical context. The example of Egyptian-Israeli migration demonstrated not only the failures of policy implementation but also the inadequacy of the very definitions on which policy relies. It is clearly problematic to distinguish between economic and humanitarian migrants. Yet, even if this distinction were possible, such information would provide an insufficient basis on which to formulate effective policy. Furthermore, protection in this case is related to more than this designation. Factors such as the contemporary relationship between Egypt and Israel, the historical dynamic between Israel and Sudan, and the influence of regional and international political interests are critical. Thus, policy affecting migrants is tied to a myriad interconnected issues.

Similarly, the international community's failure to provide solutions for Palestinian refugees has also been geopolitical in nature. The history of Israeli-Palestinian conflict is fraught with international intervention, driven often by North American and European interests and interventions. Such external interests are also exhibited in the operation of UNRWA, which has defined Palestinian refugees in its own way and has relied on the cooperation of states in the MENA region to provide assistance. While this could in theory provide better protection for such a vulnerable and unique population, in practice this policy cannot be separated from the broader geopolitics of refugee and migrant protection.

Finally, the example of Libya complements these conclusions by emphasizing the shared burden of responsibility between developed and developing countries to ensure adequate protection for migrants. The EU cannot simply expect an authoritarian Libyan regime to enact humanitarian reforms, and it should require such reforms before providing assistance. The EU's unwillingness to do so is due to its promotion of its own political interests and its support of a contemporary discourse, which bolsters restrictive over humanitarian migration policies. Libya, in turn, can justify its own illiberal policies by invoking security concerns, and this functionally perpetuates this exclusionary discourse.

This discussion has laid the groundwork for the following chapters, which will examine specific aspects of refugee and migration in the

MENA region from a geopolitical perspective. As states in the MENA region continue to address significant migration challenges, several important questions remain.

What are the implications of the changing global refugee and migration discourse on MENA policies, and to what extent will this discourse be aided or hindered by political transformations in the region? What is the practical effect of concepts such as “mixed migration” and “security” on state policy formation? Furthermore, how have these concepts affected the decisions and wishes of migrants themselves? Finally, migration policy is obviously tied to other policies designed and implemented by states. How is migration policy in MENA tied to states’ broader regional and international strategic objectives?

3

Refugees in Camps: Anatomy of an Identity Crisis

The previous chapter analyzes the interplay between geopolitics, border politics, and the creation of refugee movements. I now turn to refugees in camps, their predicaments, and the complex identities of refugee children. Encampment has long been an essential element of the humanitarian response to refugees – for several decades. The focus of the international humanitarian response in asylum countries has been to emphasize assistance at the expense of legal protection. Camps have become emblematic of this paradigm, as refugees frequently live for years or even decades in protracted camp settings with physical assistance while lacking access to the traditional durable solutions.

This chapter explores the case study of Palestinian youth in refugee camps and argues that, instead, a “security-first” approach should be the basis of an overall strategy to ensure security and protection for refugees. This strategy should be made “regionally appropriate”; that is, it should be tailored to the varying needs and capacities of the numerous state, international, and non-state actors that participate in each specific refugee situation. This chapter also grapples with the failures of the international community in developing long-term solutions for refugee children, and it questions the extent to which such failures are indicative of broader weaknesses in the international refugee regime. The MENA region’s complex regional history, conflicting group identities, and international pressures make this an especially relevant topic.

One of the significant issues that consistently plagues the political situation of refugees is the inability to find a solution. The term “protracted refugee situations becomes important in the literature in this context, and it means that the situations “have lasted for more than 5 years and have no immediate prospect of a solution” (Kaiser 2005, 351). Another particular aspect is the “frustration” experienced by aid organizations

that often expend significant amounts of funding to maintain refugee populations.

An important argument pertaining to the issue of funding also relates to the attitudes of the state toward certain refugee populations within the country. Therefore, if there is a desire that certain groups should not be in the country, this would greatly impact the government's decision whether and how much to assist with aid. Providing aid to refugee communities, within certain host states, could be interpreted as encouraging and extending the residency of these refugee groups.

Arguments relating to "local integration" versus "repatriation" also become part of the current discourse. The concept of "local integration" relates to the transition from "refugee" to "citizen." A continuing significant increase in people making that transition raises the question to what extent this contributes to how policies are formatted and begin to change?

"Repatriation" serves as a tool pertaining to how certain groups maintain a "mini-state" within their host countries. A very strong example relates to the presence of Palestinian refugees in Syria during the 1950s. This connection continues to be greatly beneficial to the researcher as it demonstrates how the maintaining of a significant population could hypothetically cause the development of a new nation, one that abides by rules and standards that benefit that particular nation. One prime example of this is the migration of Mexican communities to the United States in states such as California, Texas, Nevada, and Arizona. Scholars have even developed a hypothesis concerning the possibility of many of these states being voted back into Mexico through the democratic process in the United States. Is it irrational to presume for the terms "repatriation" and "local integration" are used to foreshadow the possibility of a similar scenario (Kaiser 2005)?

Refugee camps, assistance, and protection

There are many different types of refugee camps around the world, and it would certainly be impossible to generalize regarding the experiences of refugees living in camps. However, there are some common themes and aspects of camp life that make examination of encampment, youth, and identity worthy of study. Most refugees are housed in refugee camps erected largely in border areas on the assumption that they will return to their countries of origin as soon as the situation there returns to normal. Refugee camps are therefore most often conceived as a "temporary solution in spite of countless examples of protracted existence in camps.

Within the camp, there are also some common features, including particular types of camp management. Camps have been analyzed as biopolitical spaces, for instance, in which refugees are numbered, counted, and homogenized for the purposes of standardization and management. These methods have, in turn, been analyzed as contributing to refugees' identity confusion and to limiting individuals' dignity and selfhood. It is outside the scope of this discussion to fully assess the validity of this argument or its application to the Palestinian context. However, the idea of management tools, numbering, counting, and administration within camps relates clearly to identity and geopolitics.

A notable feature in the case of the Palestinian refugees is the issue of Palestinian identity. Speaking to the larger issue of refugee identity, Zetter (2007) has discussed the hegemony of the nation-state as arbiter of belonging. Citizenship and nationality often have an almost monolithic hold over how people self-identify and how they are perceived in relation to others. However, increasing global migration, whether forced or voluntary, calls into question state-based mechanisms of identification. Migrants and refugees challenge the role that national identity often plays in determining agency, suggesting that there is a fundamental flaw in how governments and agencies often construct identities while providing protection and assistance. The label of "refugee" frequently acquires both political and bureaucratic significance and thus restricts the identity of those to whom it is ascribed (Zetter 2007, 189). This observation can be usefully applied to the situation of Palestinian refugee children. This chapter poses a significant question: in a context of instability and rapidly shifting historical circumstances, how do children, whose understandings are shaped by refugee camps, make sense of their complex politico-historical environment and identity?

Bernard (1986) attached emphasis to the issue of how the multiple refugee experiences are heavily linked to policy development and formation. "Beneath this superficial uniformity, however, the experience of being a refugee is governed by its own 'foreign' and 'domestic' politics, and we can almost conceive of the different refugee populations as a set of non-nations, governed by internal and external power relationships with their own rules and regularities" (Bernard 1986, 617). It is also important to understand how systems of race, gender, color, religion, class, and national background begin to define the experiences of different migrant communities.

Bernard provides the researcher with ample opportunity to examine how systems of oppression (race, gender, color, class, and religion) are connected to governmental policies by host nations. The variations of

experiences within the context of “refugee” or “migrant” have even allowed for a hierarchy to emerge within such communities. This relates to discrepancies regarding payment in the labor force, protection, access to certain resources, and even to how governmental policies favor certain migrants versus others as a result of different qualities and varieties in identity. It should be reiterated that Article 1 of the 1951 Convention addresses how the term “refugee” is defined. Furthermore, Article 6 makes reference to the issue of “in the same circumstances.” “In the same circumstances” refers, for example, to the duration of residency, for persons who are not labeled as “refugees.” It addresses a unique attribute regarding variations concerning the advantages and disadvantages of being considered a “refugee.”

Refugee children in camps

There is no denying that refugee children¹ are among the most vulnerable populations in the world as a result of their heightened insecurity and future uncertainty; their forced displacement is engendered by underdevelopment, environmental devastation, and political, ethnic, and religious conflict (Kinch 2007). Refugee children are especially vulnerable and require special safeguards to protect them from abuse, neglect, and exploitation. The United Nations High Commissioner for Refugees (UNHCR 1989, 2005a) estimates that half of the population of concern is comprised of children.

Moreover, some of the most vulnerable displaced children are growing up parentless, unaccompanied, or separated from family² in refugee camps around the world. Unaccompanied and separated children (UASC hereafter) are at an increased risk and especially vulnerable because they lack first line of defense, i.e., parental care and protection. It is critical that a child has an adult caregiver who is both willing and able to meet the child’s basic needs while providing the child with a stable, safe, and loving environment.

There is a lack of policy addressing the concerns of UASC in protracted refugee situations as much of the policy regarding UASC has focused on children who become separated from their parents, prior to, during, or soon after flight, which is the emergency relief phase of a refugee operation. Yet, separated children who were born into a protracted refugee situation or during the care and maintenance phase of a refugee operation have remained largely unattended³ on the levels of policy and practical help are, as a consequence, the most vulnerable children and remain invisible as far as policy is concerned (Kinch 2007). Historically, children

have always been a vulnerable group in society, primarily because they rely heavily on the physical, emotional, and mental support for protection. Generally, this support and protection are provided by a child's parents. Children's vulnerability also results in part from dependence on adults for their needs and protection. "Refugee children are more vulnerable as many no longer have the protection of their households, communities, and state than children under first line of protection" (Kinch 2007, 68).

The residents of camps are adults, children, and seniors. Their individual vulnerabilities vary depending on their gender, age, and country of origin. However, children are at a critical point at which they develop their identity, build future life expectations, and negotiate links to their countries of origin.

In the previous chapter I introduced several key legal and administrative tools and organizational bodies involved in refugee protection generally and in the Palestinian case in particular. In terms of conventions specific to refugee children, the 1951 Refugee Convention and the 1967 Protocol set standards that apply to both children and adults. A child who has a well-founded fear of persecution due to nationality, race, religion, political opinion, or social group may be recognized as a "refugee" and cannot therefore be forcibly returned to his or her country of origin. Articles 4 and 17(c) of the Convention set standards that are of special importance to children, including treatment equal to nationals in primary education and equal to other foreign, non-refugee children and youth in secondary education. Similarly, neither the 1969 OAU Convention nor the 1984 Cartagena Declaration (UNHCR 1992) distinguishes between standards applied or rights granted to children and adults while expanding regional refugee protections.

More generally, under the Convention on the Rights of the Child (CRC), children are recognized as individual actors possessing agency, and they are given rights accordingly. Though not specific to refugee children, the CRC is nonetheless relevant as it is universally applicable to anyone under the age of 18, regardless of nationality, and because of its near-universal ratification. The CRC standards have been applied by countries in every region of the world, to areas of every size, stage of economic development, and representing every type of political and religious paradigm. The CRC may therefore be used as the primary basis for protecting refugee children.

Considering the implications of the CRC for refugee children, Bjawi-Levine has discussed how child refugees make sense of their national identity. He has convincingly argued that in a camp situation, despite

their right to self-determination, children frequently adopt ambivalence toward identity in light of their complex historico-political environment and national identity. Feelings of exclusion and conflicting views about their identity and nationality are common. According to Bjawi-Levine, "children's rights provide Palestinian camp refugee children with a space in which they perceive themselves in different ways than the ones they have learned from their family and the Palestinian community" (Bjawi-Levine 2009, 3). Child refugees in camp are therefore socialized into a distinct camp culture, and everyday life in the camp reinforces this identity.

There can therefore be multiple types of identity despite the homogeneous identity of a particular legal status attached to all camp inhabitants. This has impacts on daily life and wellness. The health status of refugee children and their potential for development is mediated by their parents' health and psychosocial conditions. Mental health, self-esteem, and emotional aplomb directly contribute to improved health, nutrition, psychological well-being and development, and they function as a preventive intervention.

Children are influenced by their childhood experiences throughout life. At times, a person may seem unconsciously to regress to these early experiences, especially during periods of difficulty, crisis, and change (Kristal-Andersson 2000). The experience of becoming a refugee in a foreign country is increasingly recognized to place young people at great risk for developing psychological challenges (Lavik et al. 1996; Ying 1999). The relocation and disruption of the social and cultural milieu can result in loss of self-identification, social isolation, and loss of the sense of security and well-being (Boothby 1991). Refugee children and adolescents may also be confronted with traumas that result from prolonged and sustained exposure to repeated stressors, as often occurs in psychological or sexual abuse: refugee children often experience these events even before the flight from their home country and many also after their arrival in the host country.

Finally, children are confronted by different social structures, including school systems, unfamiliar role patterns, cultural habits, rules, and customs (Ferenci 2001; Kohli 2002), along with language barriers (Bashir 1993). They often face a dilemma in balancing between integration into the host society and "disintegration" from the society left behind (Kohli 2002).

Clearly, children have the right to take full advantage of their surroundings to discover their own identities and formulate their own opinions. The CRC strongly emphasizes the importance of children's viewpoints

in determining their own protection needs and in securing their own human rights. However, children and youth must complete this negotiation within a complex and widely variable set of circumstances. Such unique individual experiences push back against commonly employed labels and bureaucratic methods. Though the “refugee” label often leads to the homogenization of refugee children as passive victims or inconsequential actors (e.g., Michael 1998), despite their vulnerabilities children and youth also possess incredible strength and resilience and should be able to contribute meaningfully to protection and assistance activities.

The Palestinian context

When asked his nationality, a Palestinian child residing in Lebanon answered, “my heart lies in my country of origin, my ID card is from Lebanon, and my physical body is in the camp.” This statement describes the complexity and confusion of refugee children’s identity.

Part of a child’s healthy development includes developing an identity within a shared national context. Yet, Palestinian children residing in refugee camps in Lebanon, Iraq, Syria, and across the MENA region have been denied the opportunity to experience much of their national heritage. As a result, many young Palestinians have expressed feeling as if their identity as Palestinians has been imposed upon them. This may be particularly true for those born outside of Palestine. As Diana Allen explains,

Younger [Palestinian] generations are expected to miss keenly something they themselves have not experienced losing...making it harder for their children to celebrate or acknowledge the undeniable strengths of [their current] community...instead of being the catalyst for discussion about the past in which youth and elders can share experiences, these institutions appear to be teaching Palestinian youth that by adopting the faculty of nostalgia in relation to the idea of Palestine and the events of 1948, this will itself be enough to generate the memory of a loss that they have not suffered directly. (Allan 2005)

As described in the previous chapter, states have primary responsibility for providing protection to refugees and are assisted by the partnership of UNHCR. However, Palestinian refugees are not covered under the UNHCR protection plan. Since there is no foreseeable solution to the Palestinian refugee problem, the UN General Assembly has repeatedly

renewed UNRWA's mandate, most recently extending it until June 30, 2014 (UNRWA 2013). Given the restrictive policies enforced by surrounding Arab countries, Palestinian communities under UNRWA protection are still greatly restricted (for details see Chapter 5).

In this context, the idea of a protection gap facing the Palestinian community is useful – the community doubly disenfranchised, being without a nation-state to protect its rights and being displaced into foreign states that restrict its rights. As Gabiam notes, “the fact that Palestinian cultural and political communities have not yet coincided in time and space also points to the current link between Palestinian identity and refugee-hood” (2006, 723). National identity, in the era of the dominance of the nation-state, consistently plays a role in assigning self-identity, but Palestinian national identity has assumed the discourse of displacement and refugeehood as a very major focal point in its current inception. Palestinian discourses of national identity have all but established Palestinians as a refugee nation, and ongoing marginalization within Arab communities and the international human rights regime further build this displaced identity.

The precarious case of the Palestinian community in particular shows the broad failures of the response of the international community to refugeehood. Examining the case of Palestinians in Iraq, for instance, Human Rights Watch in 2008 estimated that between 34,000 and 90,000 Palestinians live in Iraq, primarily concentrated in Baghdad. This population came from wide array of socioeconomic, cultural, and religious backgrounds within the Palestinian diaspora, having been displaced during conflicts in 1948–1949, 1967, and 1991 and including also Palestinian economic migrants from other Arab states.

Palestinians in Iraq had a unique experience compared to those in neighboring states, due in part to Saddam Hussein's rejection of UNRWA's assistance. As an ardent supporter of the Palestinian cause, Hussein was adamant about providing aid to the Palestinian population himself. As part of his endeavor to help the Palestinians, the government built housing complexes for them after an influx of refugees resulting from the 1967 war. The amenities turned out inadequate, and then the government forced private landlords to rent their homes to the government so the government could provide them to the Palestinians. After the 1991 Gulf War and the severe downturn in Iraq's economy, the government froze the rents paid to the landlords and prohibited them from breaking lease agreements, and this contributed to a resentment against the Palestinian community at large. The establishment of the Jerusalem Army, meant to fight for the liberation of Palestine, required mandatory

service of Iraqis but not of Palestinians (Human Rights Watch 2006a). After the US invasion of Iraq in 2003, Palestinians in Iraq as well as other immigrant communities, such as Iranian Kurds and Somalis, were subject to increased harassment, including forced evictions from rental housing and general violence. In this situation, there were claims that UNRWA could have begun operations to provide protection.

According to Human Rights Watch (2006b), harassment was due to resentment based on perceptions of preferential treatment and to landlords wishing to reclaim their homes in order to make a larger profit. With Hussein's fall, landlords were eager to receive market rates for their properties. Many Palestinians were expelled from their homes; many became internally displaced in Baghdad. Despite this situation, most neighboring countries, even those receiving aid from UNRWA, kept their borders closed to Palestinian refugees and asylum-seekers from Iraq. Thus the Palestinians became refugees for the third time.

On the other hand, Jordan is an example of a country that has maintained a generally positive attitude toward the Palestinian refugee community. Compared to most host countries, Jordan generally affords the Palestinian community more expansive citizenship rights. Leading up to the 2003 US invasion of Iraq, Jordan worked with UNHCR and other organizations to prepare for an onslaught of refugees, particularly along the Jordanian-Iraqi border. Several camps were established, both for Palestinians and for Iraqi nationals (Human Rights Watch 2006a).

However, though it must be acknowledged that Jordan has been very generous to Palestinians, there were claims that it imposes some unexpected restrictions on Palestinians fleeing from Iraq. Some were forced to sign an agreement that they would return to Baghdad as soon as the situation had stabilized, or they had restrictions placed on their freedom of movement. This is obviously in violation of the obligations under international law; however, it is also a salient example of attempts by a nation-state to maintain its sovereignty at the expense of refugee rights.

Since the early 1950s, the Arab League has passed a number of resolutions in the attempt to ensure that Palestinian refugees would be treated on a par with the citizens of host states (Al Hussein 2007). The 1965 Casablanca Protocol addressed issues such as employment, residency, education, and free movement and called for greater equality between Palestinian refugees and host state nationals. At the same time, it maintained that Palestinians should retain their national identity as a means of sustaining their right to return. Unfortunately, no state has ever fully implemented the Casablanca Protocol, and consequently Palestinian

refugees have generally been subjected to discrimination. Provision of equitable legal status is further complicated by the fact that in certain host states – specifically those outside of UNRWA's area of operations – Palestinian refugees are provided refugee status under the 1951 Refugee Convention and 1967 Refugee Protocol, but in other states they are recognized under different conventions.

Host states justify discrimination against Palestinian refugees in different ways, mainly on the basis of protecting Palestinians' right to return; states fear that naturalizing Palestinians would negate their right to return. Many host states lack the absorptive capacity to integrate a sizeable refugee population, and a proportion of the refugee population itself has been adamant about not being integrated, focusing instead on their right to return rather than accept permanent settlement in host states. In addition, the Arab League weakened, if not revoked, the protective aspects of the Casablanca Protocol by passing a resolution subjecting Palestinians to the laws of each host state.

Palestinian youth and identity

I will now address two major questions surrounding the protection of Palestinian refugees in Arab host states. First, do Palestinian refugees fare better when they are treated as citizens? Second, does citizenship affect the right of return or the desire to act on it? Through analyzing the treatment of Palestinian refugees in Egypt, Lebanon, and Jordan, I argue that citizenship may not be essential for the protection of refugees, but protection is essential for their growing up properly. Without protection and the accompanying rights, Palestinian refugees are vulnerable to institutionalized discrimination and social and economic hardship significantly greater than those of host state nationals.

In order to explore youth and identity within this context, it is helpful to describe three key narratives surrounding the creation of the Palestinian refugee situation: the Zionist narrative, the Palestinian nationalist narrative, and the Israeli "New Historian" narrative. First, the Zionist narrative can be best described by a few key phrases: a Jewish homeland in Palestine and a land without a people for a people without a land (Khalidi 1997). This narrative places blame for Palestinian displacement, to the extent it is acknowledged, on Arab states and Arab leaders' calls for Palestinians to flee so that a war could be fought against Israel (Oz 2007). Displacement arising from the conflict in 1948 should therefore be dealt with by Arab states since they arguably encouraged Palestinians to flee.

Second, the Palestinian nationalist narrative suggests that population transfers are tantamount to the systematic removal of the Arab

population of Palestine (Masalha 2003). This narrative highlights Israel's denial of Palestinians as a national community and of their attachment to the land of Palestine. Some other proponents argue that the forced expulsion of Palestinians from their land is part of a larger conspiracy by the West to support Israel at the expense of the Arabs as evidenced by support from England and the United Nations for the partition plan proposed under United Nations General Assembly (UNGA) Resolution 181 (Masalha 2003).

Finally, the Israeli new historian narrative is based on recently unsealed records from the Israeli Defense Forces (Morris 1994; Karsh 1996). New historians challenge traditional assumptions about Israeli history, including the Zionist narrative of the 1948 exodus. Their arguments revolve around the illegitimacy of sources used to advance the Zionist narrative; it is argued that the Zionist narrative was based on memoirs and personal histories and was deliberately misleading and deceitful. The new historians argue that though the idea of population transfer was acceptable to many, there was no organized transfer policy resulting in or from the 1948 exodus (Morris 1994).

These three narratives suggest different reasons for the exodus of the Palestinian population. While the Palestinian nationalist narrative focuses explicitly on push factors and sees forced exile as supported by the international community, the Zionist narrative argues that the migration was voluntary but still acknowledges it was a mixed migration flow. Within this paradigm, exodus was intended to preserve the Palestinians' culture and to improve their situation in a land that was not shared with Jews.

Identity negotiation in exile

Having established the widely variable treatment of and opportunities available for Palestinian refugees across the MENA region as well as having examined the core concepts related to youth and identity, it is helpful to consider how identity may be negotiated by Palestinian youth living in exile in the region.

Egypt has had an unstable relationship with the Palestinian refugees, fluctuating with national and international political and socioeconomic concerns. Attitudes have ranged from a desire to minimize the Palestinian refugee population to a "golden era" under Nasser and to discriminatory contemporary policies. Despite these fluctuations, various Egyptian administrations have maintained that Palestinians should not be granted Egyptian citizenship, regardless of the length of their residence in Egypt (El-Abed 2009).

Egypt's initial response to the refugee influx in 1948 was to provide emergency aid to refugees in the Gaza Strip, allowing a limited number of Palestinians to stay in the country. Attempts were made to keep Palestinians separate from the national population, so as to easily repatriate them to their homes, which was anticipated to occur quickly. This policy also reflected Egypt's concerns with widespread poverty in the domestic population. Egypt was responsible for Palestinian refugee populations under the 1949 Armistice Agreement: a small population of refugees in camps in Egypt proper and approximately 200,000 refugees residing in the Gaza Strip, which was placed under Egypt's administration. Egypt initially refused UN assistance, hoping to avoid creating conditions that might encourage refugees to permanently settle in Egypt. UNRWA does not currently operate in Egypt. Palestinians were not automatically granted refugee status but had to prove their status to the Egyptian Higher Committee for Palestinian Immigrants, which required residency cards recording refugee status issued by the Egyptian Department of Passports and Nationality (El-Abed 2009). Others had to obtain an Egyptian sponsor and show financial resources in order to obtain a temporary residence permit.

Life without a residence permit was virtually impossible, as refugees without residence permits were unable to access government services, including schools, and were not permitted to work. When Palestinian refugees were in distressed conditions in terms of safety, livelihood, etc., Palestinians in Egypt were left to fend for themselves. The government did not make life easy for Palestinians, regardless of their economic status.

In 1952, Nasser and the Free Officers movement overthrew the monarchy and implemented new policies regarding the Palestinians. While easing restrictions on access to services, two policy themes remained consistent under Nasser: the separateness of Palestinian identity and the notion of Gaza as a separate Palestinian entity. Nasser's Palestine policy fit into his larger Arabism policy; "Nasserism and Palestinianism became two sides of the same coin" (El-Abed 2009, 36). Nasser opened Egyptian universities to Palestinian students and loosened restrictions on employment for Palestinians within Egypt. By the early 1960s, Nasser had permitted the recruitment of Palestinians for work in government agencies and had given them the same employment rights Egyptian nationals have. Laws discriminatory to foreigners were amended to exempt Palestinians "until the Palestinian territories are liberated from the occupiers and Palestinians return to their homeland."⁴

Egyptian policies toward Palestinians shifted again under Sadat. Discontent with the preferential treatment afforded to Palestinians under Nasser grew more vocal. In response, Sadat launched an "Egypt First" slogan, laying the groundwork for an anti-Palestinian campaign on multiple levels (El-Abed 2009). After the assassination of an Egyptian minister by an expelled Palestinian militiaman, the campaign grew fast. Arrests and surveillance became an everyday occurrence; the media inflamed popular opinion against the "disloyal" Palestinians. As a result, the special status Palestinians enjoyed was annulled. Sadat made peace with Israel and announced that Egypt was no longer the patron of Palestine or the primary defender of the Palestinian cause.

When Mubarak assumed office in 1981, popular opinion shifted again, this time in favor of the Palestinian cause. Israeli action against Palestine generated greater sympathy for Palestinians in Egypt. However, when the PLO supported Saddam Hussein's invasion of Kuwait, resulting in the expulsion of thousands of Palestinians from that country, many refugees using Egyptian travel documents were not allowed back into Egypt on the grounds that they did not have valid return visas. At root, however, Palestinians lost popular support in the country after siding with Saddam. These refugees became refugees for a second or even third time, and Egypt provided no aid. Though Palestinians have endured Egyptian policies, the themes of separateness and denial of citizenship established under the Casablanca Protocol have remained constant. However, that separateness has sometimes been so strictly enforced as to infringe upon the rights of Palestinians as refugees.

As discussed previously, Jordan hosts the largest Palestinian refugee population, with about two million refugees registered with UNRWA (BRC-BADIL 2005). Jordan also has the most liberal policies regarding granting citizenship to Palestinians within its borders.⁵ Palestinians who sought refuge after 1948 were granted Jordanian citizenship, and as such they do not require travel documents within Jordan. Between 1948 and 1967, Jordan occupied the West Bank, and extended citizenship to West Bank Palestinians in 1950.⁶ After 1954, Palestinians were issued one-year temporary passports that served as residence permits, but these passports were not the same as the ones issued to refugees who came into the country before 1954. All refugees who entered Jordan after 1954, including those from Gaza who fled during and after the 1967 conflict, were not granted full citizenship but were required to regularly renew temporary residence permits. Jordanian passports do not automatically grant citizenship rights in Jordan, especially if the holder has no ties

to the country or has never lived in Jordan; the passport is primarily considered a travel document.

The Jordanian government created a dual card system to distinguish between Palestinian citizens living in Jordan and those living in the West Bank, and that system came into effect in 1983. Palestinian citizens and residents of Jordan were granted a yellow card, which represented full citizenship and resident status. Palestinians living in the West Bank were provided green cards, which did not grant any right to reside in Jordan. Ex-Gazans do not have Jordanian citizenship, and many use Egyptian travel documents, which were issued when Egypt controlled Gaza from 1960 to 1967.

Within Jordan, Palestinian refugees from either conflict, with the exception of those from the Gaza Strip arriving after 1967, have similar rights to employment as Jordanian nationals (BRC-BADIL 2005); however, informal discrimination still exists. Ex-Gazans who entered Jordan during or after the conflict of 1967 must obtain approval from state security officials before seeking employment. Palestinian refugees, again excepting ex-Gazans, have access to schools similar to nationals; ex-Gazans must compete for limited spaces available to other foreign Arab students, pay school fees in foreign currency, and face more stringent security checks than their counterparts from the West Bank.

In addition to citizenship for some refugees and travel documents for all, Jordan has also set up three official non-UNRWA camps offering free housing; the camps are serviced completely by the Jordanian government (Al Hussein 2007). Jordanian authorities spent US\$365 million on refugees in 1999, which contrasts with UNRWA's budget of US\$75 million (Department of Palestinian Affairs 2000).

Access to employment and educational opportunities for most Palestinian refugees as well as Jordan's substantial financial support for Palestinians appear to make Jordan a positive example of how a small nation can host a massive number of refugees and move forward with few political or cultural consequences. Unfortunately, the tide seems to be shifting against Palestinian refugees in Jordan, as the government recently has begun revoking citizenship from refugees within its borders (Toameh 2009). Rumors suggest that this was done to prevent Israel from recognizing Palestinian refugees, which might happen because of their Jordanian citizenship. Jordan claims that revoking citizenship is simply keeping in line with the process of disengaging from Palestinians in order to preserve their national identity. This process can be traced to 1988, when Jordan rescinded its claim to the West Bank at the urging of the PLO; at the time, the PLO wanted to consolidate its role as the sole

legitimate representative of the Palestinian people (Al Hussein 2007). However, Jordan has not expelled any Palestinians but rather altered their legal status in the country.

While discrimination against Palestinians generally has not been institutionalized, certain subgroups face legal difficulties; specifically, ex-Gazans are permitted to work or enter the educational system on a par with other Arab foreigners rather than with other Palestinians. Many refugees and their descendants enjoy full protection under the law as citizens of the country and travel on a Jordanian passport. Though this is changing, it does not appear that the removal of citizenship will affect discrimination on an institutional level. There is always the possibility of discrimination at the social level, however, and this cannot be ignored as a factor in a refugee's decision to stay in the host country or push for a right to return. It appears that Jordan has followed the spirit of the Casablanca Protocol more closely than any other Arab state, with the exception of the provision of citizenship, and therefore Jordanian authorities are now "correcting their mistake" by rescinding citizenship (Toameh 2009).

Egypt and Jordan have treated Palestinian refugee populations in vastly different ways, reflecting trends in local and international politics. Jordan's protection of Palestinian refugees was institutionalized almost immediately and included the benefit of citizenship; now that citizenship is being stripped from refugees, but Jordan claims that all other rights will remain intact. If this is the case – which remains to be seen – then citizenship is not vital for the protection of Palestinian refugees in Jordan. In Egypt, however, where Palestinians are largely unwelcome, they remain unprotected and have absolutely no chance of attaining citizenship. In the absence of protection, Palestinians in Egypt endure many challenges, including social discrimination based on ethnicity, identity, safety, rights, and political discrimination. The concern that citizenship will affect the right of return is a definite fear in both Jordan and Egypt. However, since Palestinians have never been offered a right of return, it is impossible to measure how citizenship affects the desire to act on that right.

Should all countries hosting large numbers of Palestinian refugees grant those refugees citizenship? The answer may be "no" if the concern is that granting citizenship takes away Palestinians' right to return to their homeland. However, Palestinians should be guaranteed rights on a par with those of host state nationals, as is called for in the Casablanca Protocol. Unfortunately, the right of return is consistently treated as a right that can be granted solely by Israel and is being saved for

final status talks in peace negotiations; even the Oslo Accords delayed addressing the right of return. As such, refugees will continue to live in host states until the end of the Arab-Israeli conflict, and they are at the mercy of their hosts. Citizenship does not need to be granted to protect Palestinian refugees, but some sort of protection of their basic rights, on a par with the 1951 Convention, should be granted.

The creation of the State of Israel in 1948 and the subsequent Arab-Israeli conflicts caused many refugees to flee to neighboring countries. The prospects for these refugees and their descendants having a right to return to their ancestral lands based on international law are getting dimmer than ever. An estimated 300,000 Palestinian refugees currently reside in Lebanon, comprising nearly 10 percent of that country's population. Child refugees⁷ account for approximately one-third of the total registered refugee population in Lebanon (UNHCR 2005; BRC-BADIL 2007).

Compared to Palestinians sheltered in Syria and Jordan, the Palestinian refugees, including child refugees, in Lebanon endure significantly worse suffering. Health care for young Palestinian refugees in Lebanese camps is insufficient, and refugee camps in Lebanon fail to meet the social and developmental needs of Palestinian refugee children. The effect of Lebanese policies on parents further negatively impacts their children's development. The political autonomy granted to Palestinian refugee camps can foster extremely dangerous conditions for children residing in the camps, as militarized and armed groups maintain strong presences in many camps. This exposes Palestinian children to violence and places them in danger of recruitment into armed insurgencies (O'Sullivan et al. 2007).

Furthermore, Palestinian refugees in camps are forced into overcrowded, deteriorating facilities that lack the basic infrastructure required for leading normal and healthy lives. Despite a quadrupling of registered Palestinian refugees in Lebanon since 1948, the land allotted for official refugee camps has not increased. Lebanese law forbids the transport of building materials into camps, and this unfairly prevents residents from renovating (maintaining, repairing, or expanding) their residences (Amnesty International 2007). Punishments for illegal building include the demolition of homes, fines, and even imprisonment. To sustain the growing refugee population, some refugees have disregarded this law and expanded their homes in buildings. This has resulted in a narrowing and darkening of the alleyways, preventing sunlight from reaching many residences. Housing for the refugees is often made from concrete blocks and is therefore difficult to insulate in winter, and this further increases the risk of respiratory and diarrheal diseases, placing refugee children at great risk (UNHCR 1989). Lack of access to safe drinking water remains

a problem in many Palestinian refugee camps (BRC-BADIL 2007). Such grotesque conditions are not conducive for children to maintain good health, which is a right enshrined in Article 24 of the Convention on the Rights of the Child (CRC) (BRC-BADIL 2007).

Palestinian refugee children in Lebanon are also denied the rights guaranteed to them by international human rights law, international refugee law, and international humanitarian law (Farid 1997). The failure of the international community to find a durable solution to the Israeli occupation of Palestine harms Palestinian children and their families by forcing them to live in unsafe surroundings and by denying them access to citizenship. Both Article 24 of the International Covenant on Civil and Political Rights and Article 7 of the CRC state that every child has the right to acquire a nationality (UNHCR 2009; BRC-BADIL 2007). Palestinian youth born in Lebanon are denied a nationality; therefore, they do not have the state protection granted to nationals. Israel's Citizenship Law of 1952 denationalized all 1948 refugees and their descendants by instituting eligibility criteria that are impossible for refugees in Lebanon to fulfill, namely, physical presence in Israel on the day the law was adopted (BRC-BADIL 2007). Many Palestinian children desire Palestinian citizenship and would opt out of naturalization processes in host states in order to ensure their right to return to their traditional homes as long as this option remains viable. According to a 14-year-old Palestinian in Lebanon, "Every Palestinian should have an identity. We have the right to have an identity card to preserve our honor and dignity in front of other people. We will hopefully return to our homeland Palestine" (BRC-BADIL 2007).

Palestinian children are denied the opportunity to discover their personal identities in Lebanese refugee camps. Since they have not been able to experience their cultural heritage personally, while in the camps they are expected to represent and advocate regarding a loss that they themselves have not experienced (Allan 2005). Youths are not permitted to focus on their current communities and assets, which they nevertheless must develop in order to work toward a successful future. The participation of Palestinian children in determining their own protective needs is paramount. For refugee camp programs to be successful and for protection within camps to be effective, Palestinian children must be encouraged to set their own priorities and give insight into policies affecting their lives and the lives of their families.

Refugee camps in Lebanon do not adequately provide the social and psychological resources that are crucial for the healthy growth and development of young Palestinians in Lebanon. Studies undertaken

with Palestinian children have revealed that living under prolonged conflict impedes normal identity development and influence psychosocial health, and it also alters perceptions of the future (Hinton et al. 2007). According to the UNHCR's Report on Refugee Children, healthy child development is based on criteria including "a sense of security, knowledge of who one is as a member of a family or a community, and a vision of a future in which one's potential can be realized individually and as a member of society." Articles 19, 24, and 25 of the CRC outline the right of all children to psychosocial well-being. Neither healthy child development nor psychosocial well-being is currently evident in the majority of Palestinian children in Lebanon, where a group of refugee children in one camp expressed their opinion by jointly stating, "Just like we need food, we also need to play in order to develop our minds and bodies. We play in camp alleys. These places are crowded. There are rats and sewage. This makes us ill" (BRC-BADIL 2007).

According to the ICG (2009), the abundance of weapons in Palestinian camps has led to increased violence among a marginalized and desperately poor population. While living in such volatile, violent surroundings obviously poses risks to the physical well-being of children in camps, living with the conditions of hopelessness and deprivation that characterize the camps could lead the children themselves to violence. Palestinian children residing in camps are at risk of what Barbara Harrell-Bond believes is the "worst threat refugee children can face," namely, the "forcible recruitment into the armies of guerrilla fighters" (Harrell-Bond 2000). Reports indicate that young people in the refugee camps are often encouraged to enlist in military factions (Mawad 2009). With few prospects, forced to live in poverty and deprivation, and with their rights denied on a daily basis, military recruitment and retrieval of a sense of power and belonging would be a very tempting option for many young people. According to a young man in a refugee camp outside of Beirut, "to survive the camp's difficult living conditions, young people have no other option but to join militias. Hence, most of the camp's youth are armed, and evidently any argument might end in a bloodbath" (Alami 2007, 1).

The return of Palestinians to their homeland will not likely occur in the foreseeable future, and this means that they will remain in host countries, perhaps indefinitely. In light of this reality, host countries cannot continue to deny the rights of Palestinian children and their families. In order to protect young Palestinians and enable them to grow into successful adults, humanitarian staff, parents, and guardians must try to understand the causes, characteristics, and degrees of risk faced by children and youth in the refugee camps. One possible option to effectively

protect children and youth in the camps would be to learn directly from them about their needs and what they perceive as sources of danger (Jesse 2005). Children and youth should also be actively involved in setting protection and program priorities within the camps.

Finally, the formation, negotiation, and reorientation of identity are complex processes that cannot be predicted or taken for granted. This is particularly true in the MENA region and among Palestinian refugee youth, as there are many factors contributing to and complicating identity formation on the level of the individual and the community. This chapter has considered the negotiation of identity by Palestinian youth and the relationship between identity and the particular location of displacement across the region. Inseparable from this discussion is the role of states, UNRWA, and other bodies providing protection and assistance. Thus, the issue of identity is closely related to the geopolitical dynamics at work in the region related to refugee protection. As “solutions” are sought to refugee “problems” around the world, and particularly to the issue of protracted Palestinian displacement, it is crucial to consider the individual experiences and desires of the refugees themselves. A simple state-citizen bond cannot be assumed to be desired or even achievable. Thus, the international refugee regime must grapple with the idea of identity and belonging, in addition to the traditional concepts of citizenship and ties to land.

What other contemporary refugee situations may be similarly analyzed from the perspective of identity? What is unique about *youth* identities in particular, as opposed to refugee identity in general? This chapter briefly described the concept of “labeling” as well as some of the bureaucratic and managerial tools used in camp settings. Is this a useful way of thinking about identity? Could there be alternatives to such labels and tools?

4

Refugee Safety and Humanitarianism Discourse

The previous chapter has analyzed the use of particular refugee camp management methods, examined the legal status of refugees in camps, including children, and considered the unsettled identity of refugee children by drawing on the case study of Palestinian refugees. This chapter analyzes the theoretical nexus between refugee safety and humanitarianism.

The treatment accorded to refugees has become a crucial concern for human rights advocates around the world, as refugees are frequently fleeing grave human rights violations. Furthermore, persecution, discrimination, and human rights abuses may continue even after refugees have left their countries of origin. It is often asserted that active racism, discrimination, and intolerance thwart international efforts to protect refugees. Some host communities see refugees as a threat to their way of life or culture or to their national security and stability. Others regard foreigners in general as competitors for limited national resources. The positive contribution that refugees can make to the country of asylum and their need for humanitarian support and protection are in most cases lost in impassioned xenophobic debates about unwanted migrants. However, the genuine protection of refugees remains one of the most effective ways to prevent human rights violations.

Safety and humanitarianism are inextricably linked to the refugee discourse. This chapter traces the transformation of the humanitarian industry in recent decades. Criticisms of the classic approach to humanitarianism, based on principles of nonpartisan and impartial aid and the evolution of increasingly complex humanitarian emergencies in a globalized world have led to the development of what has been called the “new humanitarianism.” As will be discussed, this new humanitarianism is increasingly tied to the political sphere, as humanitarian

organizations attempt to address the “root causes” of conflict rather than simply attend to the consequences of that conflict. However, although this may seem to be a logical development, it is practically challenging and politically complicated to identify and address such root causes accurately and without bias.

The notion of humanitarianism is also inseparably linked to the funding flows that sustain the ongoing international aid operation. UNHCR, funded largely by voluntary contributions, relies on the donor community to respond to refugee emergencies. In cooperation with the country of asylum, UNHCR (2012e) establishes donor-relation strategies in the first days of an emergency and maintains its fundraising activities throughout its operations. Funding flows are often politically determined. Though private donations are growing steadily, they are less commonly directed toward refugee protection, and state-sponsored refugee aid contributions remain the primary source for refugee emergency aid and protection. These state-provided budgets for refugee aid are largely dependent on political considerations and are tied to the idea of a moral necessity or humanitarian impulse to assist people in need. As such, aid falls within the broad spectrum of humanitarian action taken by rich countries assisting those who are less privileged. It is therefore inherently connected to the geopolitical dynamics on which this book focuses.

A frequent argument made by host governments is that refugees bring security problems to the host countries and that it is therefore best to confine refugees in camps. Refugees are often blamed for preexisting social or economic problems, such as rises in crime and insecurity, declining standards of living, and public health crises such as HIV/AIDS (Ullah 2013). Some people may view refugee camps as defenders of human rights. This might be true to some extent. To my view, however, camps are erected in order to stop refugees at the camp point so they cannot enter into the mainstream of the receiving country. In recent years, the governments of many countries in the MENA have acted on these beliefs and insisted that all refugees live in camps. Yet, these policies raise the question of whose safety is given priority – that of refugees or that of the host countries?

In addition to posing the challenges presented in the previous chapter, encampment has proved to be an inadequate solution to social problems in host countries. Rather, the camps themselves can be security threats; they are susceptible to raids or direct attacks and are known for having poor living conditions. Camps often fail to provide adequate protection to women and children, resulting in high rates of violence perpetrated

against them by a range of actors. It is possible, given these challenges, that locally integrated and self-settled refugees may therefore be somewhat less vulnerable than camp dwellers. Thus, the issue of humanitarianism and the right to protection come into question.

The country of asylum may be under tremendous pressure and facing media scrutiny, and it may not have sufficient experience in handling the arrival of large numbers of refugees. A realistic view of humanitarian intervention begins with the assumption that the perpetrator of the abuses is a strategic actor. Abuses – whether mass killings, forced migration, ethnic cleansing, targeted killing, torture, or rape – are probably intended to improve the position of the perpetrators: their security, power, or access to resources.

The notion of safety is primarily concerned with personal well-being, dignity, and relative freedom from danger, risk, or threat of harm and injury, whether deliberate or not. In a global humanitarian society, individual and communal safety should be considered a motivating force for international humanitarian action. International human rights standards and the rule of law are advanced, and those who violate internationally recognized standards are held accountable through global, regional, and bilateral instruments and institutions. The primary principles of humanitarianism ensure that – in terms of protection needs – no distinction is to be made on the basis of gender, sexual orientation, tribe, caste, age, religion, or nationality.

This chapter argues that the move toward a “political” or “new” humanitarianism is unable to accomplish its goal of eliminating suffering or conflict but will instead perpetuate suffering by becoming intertwined with the global world order that has created contemporary humanitarian crises. The transition to this new humanitarianism further calls into question the effects of refugee policies that focus primarily on the provision of humanitarian aid for refugees and asylum seekers. Are such policies flawed? How is state responsibility toward refugees framed by international law?

The remainder of this chapter traces the transformation of classic humanitarianism into the new humanitarianism. It examines how conflicts and their root causes as well as the humanitarian response to these crises are affected by politics. Finally, it considers how aid conditionality is related to principles of humanitarianism and to politics. The section uses Egypt as a case study to show how states respond politically to the humanitarian issues of refugees and asylum seekers despite commitments made under international humanitarian law.

In light of this discussion, I propose an integrative approach to safety and humanitarianism in the context of refugee protection, an approach that will better equip refugee regimes, governments, and international policy makers to design more effective safety provisions for refugees. This chapter also attempts to expand the general notion of safety, and it questions the contribution of this concept to the human security agenda.

Humanitarianism in history

The notion of humanitarianism was born out of a historical moment of human suffering. When Henry Dunant looked down at the Battle of Solferino in the summer of 1859, he witnessed the frightening aftermath of a battle that claimed over 40,000 lives. After experiencing the ravaging inhumanity of war, Dunant vowed to dedicate his life to the creation of the world's first modern humanitarian organization: the International Committee of the Red Cross (ICRC). Today, the ICRC remains one of the best-known symbols of humanitarian action, and it is often viewed as a testament to the power and compassion of people the world over. Humanitarian work in theory is straightforward: human beings would help human beings in need. However, humanitarians have gone through struggles with numerous complex political, economic, and moral challenges over the years that have changed the humanitarian environment.

The beginning of the modern humanitarian movement was in fact in 1968 during the Biafran famine that resulted from the secessionist movement over oil-rich Biafra in south-eastern Nigeria against the federal government. Conflict and famine created one of the severest human crises in Nigeria. Some humanitarian organizations, especially the ICRC, responded with food aid. Biafra was the ICRC's first large-scale relief operation and Oxfam's second field operation. It was a real test for nongovernmental humanitarian organizations and led to a split between the Red Cross and major NGOs over the nature of humanitarian action.

The international attention to the famine was making headlines. The political complexities on the ground were more intricate than was imagined. The media coverage of the first African famine to become headline news led to accusations that the British government's arms shipments to the Nigerian leadership and lack of support for the Biafrans were it complicit in genocide by starvation.

The lack of UN or outside government relief for the secessionists enabled the humanitarian aid effort to be monopolized, for the first time, by the NGOs. The NGOs and the church-funded campaigns became the main propagandists and source of international support for the Biafran struggle. The Joint Church Airlift supplied aid and attempted to establish a Biafran air force against Nigerian government opposition. This led to a federal ban on outside aid flights.

The ICRC did not engage in any publicity and accepted the federal government's ban on aid flights. This position was condemned by the more interventionist and partisan aid NGOs. Internationalizing the struggle put pressure on the Nigerian regime and enabled the Biafran leadership to prolong the war. Biafra rejoined Nigeria in 1970. There are claims that the conflict would have ended much earlier than that if there had been no aid for the secessionists. The war was already over when the famine became news, and the international interest was immediately used to rekindle the struggle. Some argue that humanitarianism began soon after the First World War and was initiated by the United States. Reconstruction of Europe under the Marshall Plan can be considered as a major humanitarian action in recent history. The United States undertook a huge plan of extending food aid in 1918 and 1945 and repatriated millions of people on the European continent. The American Relief Administration (ARA 1919–1923) delivered six billion tons of food to 23 European nations. The United Nations Relief and Rehabilitation Administration (UNRRA), predominantly dependent on US funds, spent 10 billion dollars in food supplies alone between 1945 and 1947 (Cohen 2008).

The need for specialized humanitarian organizations to play a role in responding to crisis and conflict was recognized through the work of the ICRC in the first Geneva Conventions in 1864, which paved the way for the development of a wider humanitarian industry. Red Cross societies quickly spread into other European states in the following year. In 1870, Turkey began the first Red Crescent society, and today almost every country has a Red Cross or Red Crescent branch (ICRC 2010).

The ICRC was first established to provide care for the wounded on the battlefield. It was pivotal to the creation of the ICRC to be neutral and unconnected to either side of the conflict. The ICRC provided its services to people rather than political causes. Because the ICRC needed to occupy a separate space, removed from the politics of war, it was formed based on the fundamental principles of humanity, impartiality, independence, neutrality, voluntary service, unity, and universality. All these principles are deeply intertwined with the belief that humanitarian aid should be nonpolitical.

After World War II, other organizations were established to respond to the growing inequalities between nations, the brutality of war, and the increasing number of humanitarian crises around the world. The United Nations General Assembly launched nonpolitical humanitarian organizations, such as the United Nations Children's Emergency Fund (UNICEF) in 1946 and the United Nations High Commissioner for Refugees (UNHCR) in 1950. Amnesty International was formed in 1961 on the principle of impartiality. The organization aims to protect political prisoners and is closely tied to the 1951 Refugee Convention. Although each of these organizations has been criticized for having political agendas, each is fundamentally designed to provide humanitarian assistance to people in need. Indeed, this claim to moral authority "gave humanitarian NGOs a radical edge, putting the interests of people above the strategic concerns of the East/West divide and providing aid against the wishes of Western governments" (Chandler 2001, 681). In this way, aid can be seen as separate from governmental interests and economic concerns.

Goodwin-Gill (2008) goes on to project that organizations such as UNHCR are not necessarily preoccupied with solutions but merely focused on protection. As Goodwin-Gill tackles key time frames such as the 1940s and 1950s, he questions ideals and suggests that refugee communities are utilized as political tools for the nation-state. One would presume it to be more beneficial to engage in solutions that allow refugee communities to be more self-sufficient while remaining in host nations. Or possibly refugees could assist in the strengthening of their home countries, making them more stable for the refugees' eventual return. Such solutions would actually benefit the state and humanitarian organizations as they would not feel strained by limited resources and could also provide for their own citizens. The issue of refugee politics incites discourse and awareness regarding how the circumstances of refugees are utilized for political interests. One of the highlighted features presented by Goodwin-Gill is the historical analysis regarding the time when refugees became a political tool.

"New humanitarianism" evolves

The world has changed considerably in the 150 years since Dunant witnessed the brutal reality of war. The world is now governed by global hierarchies, economies, and politics of nation-states that intertwine and connect in previously unimagined ways. Consequently, humanitarianism has evolved as well. At the heart of humanitarianism is the same spirit of compassion that once compelled Dunant and many others to

act. The same belief still prevails: if there is suffering, human beings must act to mitigate, if not alleviate, that suffering.

Humanitarian aid has become an integral part of donors' comprehensive strategy to transform conflicts, decrease violence, and set the stage for liberal development. This changing role of humanitarian aid is frequently called the "new humanitarianism" and has characterized international responses to many recent conflicts, including those in Afghanistan, Serbia, and Sierra Leone (Curtis 2001).

Individual and corporate philanthropy are forms of new humanitarianism. The IBM Worldwide Crisis Response Team and Motorola's partnership with Care International are good examples of new forms of humanitarianism. Celebrities these days involve themselves in humanitarian work: George Clooney and Angelina Jolie, for instance. In 2007, IBM and Cisco announced they would partner to provide emergency crisis response to help people prepare for, respond to, and rapidly recover from disruptive events and challenging environments.

In 2010, Motorola, CARE, and CURE International announced that the Motorola Foundation, the philanthropic arm of Motorola, would donate funds totaling \$200,000 to the two aid organizations to support education and health care programs in Afghanistan. Angelina Jolie, Special Envoy for the United Nations refugee agency, urges the international community to scale up aid to Syrian refugees. She travelled to the Jordan-Syria border to sound the alarm about the staggering number of people forced to flee their homes in Syria. The Harvard Humanitarian Initiative (HHI) is collaborating on a new human rights project initiated by George Clooney. It aimed to monitor the country's 2011 referendum on independence for oil-rich southern Sudan that might spark civil war and humanitarian disaster.

While the power and compassion of well-intentioned people are not to be discredited, it is necessary to problematize the politics and methods through which humanitarianism is enacted. In the past 20 years, humanitarianism has come under attack for various reasons. Humanitarian practitioners, academics, journalists, governments, and recipients, including refugees, have voiced complaints and criticisms of the humanitarian industry (Africa Justice 2003). Critics of the sector condemn both its fundamental politics and the inequities that underlie the humanitarian impulse as well as its means of implementation. In response to these arguments and to increasing numbers of displaced persons in need of humanitarian aid, a "new humanitarianism" is being developed. Humanitarian work increasingly focuses on eliminating the

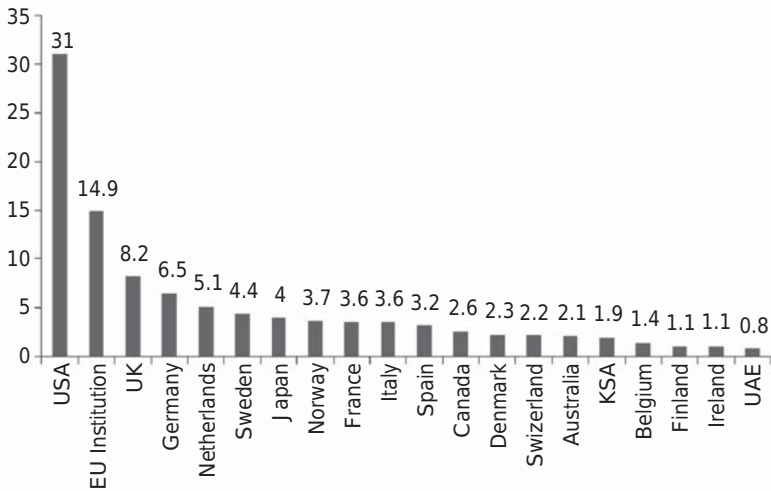


Figure 4.1 Top 20 government contributors to international humanitarian response, 2000–2009 (US\$ billion)

Source: Compiled from Global Humanitarian Assistance (2011, 15).

root causes of conflict and on the principles of human rights (Ben 1997), with more agencies adopting a “rights-based approach.”

Human rights are the appropriate basis for the legitimacy of humanitarianism. Rights dignify individuals rather than patronizing them, and victims of conflict become claimants of rights rather than objects of charity. Therefore, a rights-based approach allows humanitarians to connect with a “proper politicization” that goes beyond humanitarian protection, and that is grounded in natural rights and justice (Curtis 2001).

However, while there is a clear need to reform and change the traditional humanitarian response, “new” humanitarianism has abandoned the founding principles of nonpolitical, neutral, and impartial aid, and as such it has morphed into an entirely different operation. New humanitarianism has become increasingly tied to the political and economic interests of Western nations and, despite its purported intention to promote rights, it has become subject to the world order that perpetuates humanitarian emergencies in the first place. The well-known criticism that humanitarian aid can prolong or exacerbate war has fuelled calls for humanitarian assistance to be subject to risk assessments that weigh up short-term and long-term effects of humanitarian interventions.

Humanitarian intervention has also evolved due to the growing number of international crises that include not only war but also famine and natural and man-made disasters. This has complicated the delivery and design of humanitarian programming (Alex 2003). For example, if a country is suffering from a severe and seemingly endless famine is it up to the international community to provide food aid until the famine ends? Or should the international community instead focus its energy on eliminating the root causes of the famine? Since the 1970s, aid efforts have become divided into two categories: humanitarian assistance and development assistance. Humanitarian assistance is directed at emergency situations, such as natural disasters and conflict-induced crises. Development assistance is directed at achieving change goals for the longer term in social or economic development, such as the eradication of poverty or creating basic health or education services. This reminds me of the powerful statement of Martin Luther King Jr., "Philanthropy is commendable, but it must not cause the philanthropist to overlook the circumstances of economic injustice which make philanthropy necessary."

Aid has also failed to reduce the overall vulnerability of populations. This "developmentalist" critique argues that humanitarian relief creates dependency and reduces the capacity of communities and local groups to act (Curtis 2001). For instance, Skuric-Prodanovic (2001) argues that in Serbia many Western donors and especially NATO members saw humanitarian aid as supporting the longevity of the Milosevic regime and as counterproductive to their decision to intervene in Kosovo. Western governments had difficulty separating the notion of humanitarian assistance from the political situation when the majority of the population in Serbia seemed to be supporting the Milosevic government. Humanitarian assistance has always been a highly political activity. Nonetheless, the relationship between humanitarian aid and politics is changing. It is very important to make specific policies for the use of aid. The effects of aid and policy on the risk of civil conflict are *a priori* ambiguous (Collier and Hoeffler 2002). "The prospect of capturing control of aid may increase the incentive to rebel; however, if aid strengthens the government and the economy, it may make rebellion more difficult. It may also change the distribution of income, leading to resistance" (Collier and Hoeffler 2002, 437). Humanitarianism has always influenced the political economy of recipient countries and has always been influenced by the political considerations of donor governments. Humanitarian actors are driven solely on the basis of need, but the humanitarian principles of neutrality and impartiality are under constant assault (Curtis 2001).

The classical approach under attack

Although humanitarianism encompasses more than assistance for refugees, the field is deeply connected to the refugee discourse. In the 1990s, the increasing focus on the securitization of humanitarian crises coincided with securitization of the refugee regime. Refugees started to be seen as threats to security, presumably due to criticism by states and practitioners regarding how the distribution of aid was fueling or prolonging a war and how difficult it was to distinguish refugees from combatants.

The classical approach to humanitarianism, rooted in the pillars of neutrality, impartiality, and independence, has come under attack for three main reasons: (1) changes in the way wars occur, (2) worry that humanitarian aid can perpetuate rather than resolve conflict, and (3) concern that assistance can encourage dependency among recipients of aid.

Contemporary wars are increasingly fought by armed militia groups and quasi-state or non-state actors rather than clearly defined, state-sponsored armies, and this blurs the lines between who is a civilian and who is military (David 2007). This is in part owing to the changing causality of warfare, which has become more closely tied to everyday survival and to social and economic needs. It has been alleged that classical humanitarianism is unable to meet the needs of current society with its new challenges and ever more complex disasters.

In addition, it has been argued that humanitarian aid fuels warfare by giving aid unconditionally and thus potentially ensures the survival of perpetrators and aggressors who prolong conflict. Governments, media, and humanitarian workers have roundly criticized refugee camps and feeding centers, for instance, for feeding both warriors and refugees, and thus enabling militant groups to continue their activities. During the civil war in Sudan, for instance, food, medicine, and other services delivered to refugees by assistance organizations during daylight hours were taken by militants in the evening when they also regularly recruited well-fed young refugees (Helton 2001).

Humanitarianism has been criticized for fostering dependency in refugees. Popularized by Barbara Harrell-Bond (2002), this argument is important to understanding the relationship between humanitarianism and refugee work. Harrell-Bond and others have also problematized the troubling power relations between humanitarian aid workers and refugees.

In addition to these three main concerns, the value of aid itself has also been questioned. Is aid indeed a sustainable and positive solution

to humanitarian crises? This question is particularly urgent when recipients of aid have little voice or decision-making power in the design or distribution of assistance (Macrae and Leader 2001). The negative consequences of denying the agency of refugees are very evident in the treatment of refugees. Most refugees are treated with suspicion and are often forced to go above and beyond a practical level to prove their refugee status. This reveals the extremely unequal distribution of power between refugees and humanitarian aid workers. Refugees have neither voice nor agency not only in the determination of their own status but also in assessing their own needs and rights.

Furthermore, humanitarian organizations considered "too large to fail" are often inefficient. Small changes coming from the field can take a long time to be approved and implemented. Significant funding may go toward administration rather than to actual service delivery in the field. Even UNHCR has been accused of being excessively bureaucratic and inefficiently run. It can often take months or even years for refugee status to be determined, and the quality and speed of individuals' status determination depends largely on the personality and decision making of individual staff.

Such bureaucratization and professionalization of large agencies leads to an ever more bureaucratic and hierarchical approach, driven largely by institutional and donor demands rather than by realities on the ground. This widens the gap between decision makers in humanitarian agencies and the communities they seek to assist. By not allowing adequate representation and participation of refugees in the processes that directly affect them, the agency of refugees in determining their own lives and future is denied. This reinforces refugees' sense of powerless and dependency both for aid workers and refugees themselves. These arguments pose a strong critique of the politics of refugee aid.

These dynamics and the fact that many humanitarian crises are the result of political actions have also led to a politicized humanitarian response. Humanitarianism is not a symbol of success but rather of failure. Humanitarian assistance is required when a disaster has already happened, when epidemics have already broken out, and when refugee crises have already been created. For example, during the Rwandan genocide in the early 1990s, the international community was not seen taking any political action. Instead, international organizations relied on the underfunded and understaffed humanitarian community to respond. Once the world realized that the incredible human tragedy in Rwanda could have been prevented by proper political or

military interventions, the international community started to look deeply into it and reevaluate the roles and methods of humanitarian intervention (Randolph 2002). ICRC's silent role during the Nazi atrocities therefore has come under criticism until today.

As the operations of humanitarian organizations grew, so did their funding needs. Eventually, private donors and states became the primary funders. However, the share of private giving is increasing exponentially. Humanitarian agencies and states have begun to share agendas. States have become more willing to act in the name of humanitarianism, fund relief operations, use their diplomatic and political power to advance humanitarian causes, authorize military troops to deliver relief, and protect civilian populations (Barnett 2005). States obviously can avoid being directly involved in humanitarian activities by extending support to humanitarian organizations. Humanitarian organizations, however, have been torn by the growing involvement of states. Thus, the changing nature of both crises and the responses to them has led to the industrialization of humanitarianism.

Humanitarian crises

What causes a crisis? Why are there wars, famines, and natural disasters? How to mitigate the effects of disasters? How to effectively manage them? Scholars and humanitarian practitioners have asked these questions throughout history. The root causes of these issues are multifaceted, interrelated, and due to long historical relationships. New humanitarianism attempts to address these root causes of crises instead of purely delivering emergency humanitarian relief. On the surface, this seems like a good strategy for assisting displaced populations. However, the motivation of Western powers and humanitarian organizations for this new humanitarianism is deeply rooted in their own ideological assumptions and their own economic interests.

The transformation of responses to international humanitarian crises is the result of changing political, social, and economic dynamics, reflecting shifts in the global and domestic politics as discussed in Chapter 1. Although the humanitarian aid industry has experienced an identity crisis in the past twenty years, the changes were not necessarily for the better. Attempts to focus on the root causes of conflicts and emergencies have been misdirected and conceived under simplified and limited interpretations from a distinctly Western perspective. The relationship between humanitarian aid workers and refugees has also changed, but not into a more equal distribution of power, as

critics had hoped. The institutionalization of the humanitarian aid industry is problematic, as both workers and refugees feel alienated from the system.

The discourse surrounding human rights is laden with diametrically opposed absolutes. Within this discourse, one either has human rights or one does not; one is either the victim or the aggressor. Universal conceptions of human rights are simplified and even misleading. For example, the smuggler who is perceived in human rights discourse as the obvious aggressor might also have his own reasons – including the desire for basic human rights such as food and shelter – for engaging in smuggling. The smuggled person, who usually is portrayed as an innocent victim being manipulated and deceived by smugglers, may be escaping prosecution or, in response to his perceived lack of choice, may have been smuggled more than once and be completely aware and willing to take on the associated risk.

The evolution of this discourse is not the result of one or two factors, but rather a product of many diverse and interrelated causes. Therefore, applying simplified solutions to one narrowly conceived root cause of humanitarian crises is often impossible. For instance, microcredit alone has not been successful in ending poverty, and military intervention in humanitarian emergencies rarely stops violations of human rights. The point is that current humanitarian aid misses the big picture. While aid alone does not perpetuate conflicts, the new humanitarian system, within which aid is embedded, may perpetuate conflict.

The politicization of humanitarian aid is equally problematic. On the surface, the desire of governments and nation-states to help in the elimination of humanitarian emergencies is positive. However, the means by which most states have attempted to do so reveal not just ambivalence but also economic, ideological, and political intentions. In some cases, such as Kosovo, governments have increased humanitarian intervention to avoid direct war. In the case of Iraq and Afghanistan, the United States and its allies have used the veil of humanitarianism to justify war. Humanitarian aid from the United States to the Occupied Palestinian Territories (OPT) has been criticized as serving to mollify the Palestinian people and thereby reducing their resistance to Israeli occupation. Aid and politics have a long and complex history in Afghanistan. However, the politicization of humanitarian assistance to the country is the pursuit of foreign policies of donor states by “humanitarian means.” The new conditions attached to the humanitarian aid policies seem to have more to do with isolating the Taliban than with the actual conditions required for principled humanitarian action. During the Cold War

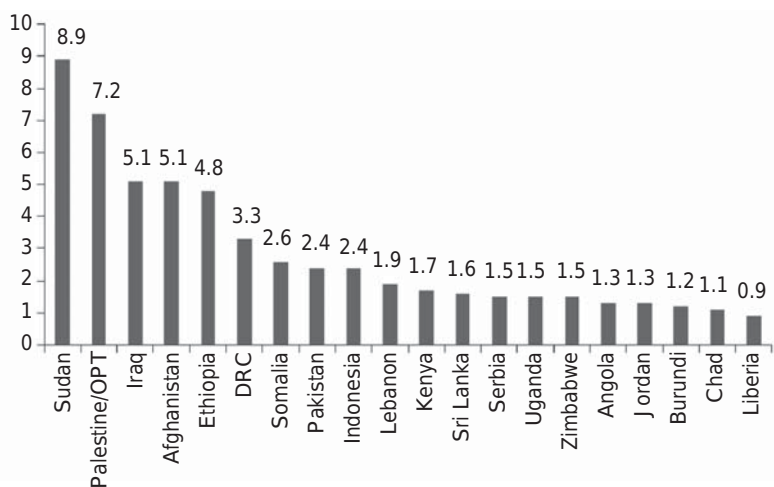


Figure 4.2 Top 20 recipients of international humanitarian aid, 2000–2009 (US\$ billion)

Source: Compiled from Global Humanitarian Assistance (2011, 27).

years, Afghanistan was initially a “survival” issue for the West, but after the withdrawal of the Soviets from the country in 1989, the narrative of Afghanistan in the West has changed. During the Cold War period, Afghanistan received the highest per-capita aid in its history. The United States alone provided military and humanitarian aid worth over US\$600 million per annum after 1986. However, only 20 to 30 percent of the humanitarian aid reached its intended beneficiaries, and the rest went astray, mostly to feed war efforts. While the war has resulted in the death of over 1.5 million Afghans and a similar number of people maimed for life, it has also produced one of the world’s largest refugee and IDPs caseloads; the response from the West has been largely based on narrow domestic and foreign policy concerns. In the aftermath of the US air strikes on the “terrorist camps” in Afghanistan in August 1998, the US and UK governments identified threats to their citizens. Consequently, they asked the UN not to send back their nationals working as UN employees to Afghanistan, and the UK ruled that any NGO sending any expatriate to Afghanistan would be automatically disqualified for DFID funding. This restriction still holds. Many NGOs with large life-saving operations were forced to forgo DFID funding (Atmar 2001).

Humanitarian intervention from states or organizations often comes with conditions that are designed to transform “developing” societies

so they resemble Western societies. Aid conditionality is based on what humanitarian organizations and funding states perceive to be the major problems of receiving societies. Yet, as discussed earlier, these problems are driven by funding and identified through a Western lens. The international response to the conflict in Sudan, for instance, reveals different phases of the politicization of humanitarianism. During the first years of the crisis, Sudan received very little media or international attention, and at the same time humanitarian organizations were underfunded in their aid operation attempts (Oxfam 2007). It was evident that Sudan was not significant enough in the global economy for states to take action. However, after the conflict in Darfur in 2003, media, NGOs, and state actors vied to participate in the humanitarian response. While each had different philosophies on how to best end the genocide, the international humanitarian aid community did not work in a coordinated manner to best serve Sudanese refugees. After complaints that they were perpetuating the war, many governments stepped back and cut aid funding. They became reluctant to grant asylum under the pretext that granting asylum may justify ethnic cleansing. In this way, the humanitarian response was used as a political tool to serve Western interests rather than serve the needs of those affected by the crisis.

Another critical matter in humanitarian aid is the centrality of supporting and helping people in need out of benevolence rather than for financial gain. Mitigating suffering and helping those who are in need are the primary goals of humanitarian organizations; however, appealing to funding sources has become the focus of many such organizations. As a result, these organizations participate in advertising efforts to attract outside funding rather than being driven by the needs of refugees. This disparity between the goals of funding sources and the needs of refugees is further exacerbated by the fact that refugees are often out of sight and estranged from the humanitarian aid network seeking to help them.

Applying these dynamics to the MENA context, it is instructive to consider the example of Egypt's treatment of refugees. This discussion again demonstrates the geopolitical nature of refugee protection and state responses to refugee and humanitarian assistance as well as the effects of the politicization and bureaucratization of aid structures.

States play a crucial role in the delivery of humanitarian aid to refugees and asylum seekers in their territory, but the level of protection and assistance provided varies widely. Drawing on the experience of Sudanese refugees in Egypt, this section argues that Egypt's humanitarian response to refugees and asylum seekers is flawed.

Egypt is fairly tolerant of asylum seekers and refugees in its territory. It hosts the fifth largest urban refugee population in the world and partners with numerous international and national institutions that provide humanitarian support. Although there are only 95,000 officially recognized refugees and 19,000 asylum seekers in Egypt, unofficial estimates suggest that there may be more than 500,000 (AMERA 2013). Most refugees come from Africa, with the majority coming from Sudan, Somalia, Ethiopia, and Eritrea. Significant numbers of Iraqi and, more recently, Syrian refugees have also come to Egypt following recent conflicts in those countries.

The long history of civil war in Sudan, leading to the succession and independence of the state of South Sudan in 2011, has been widely documented. Violence in Sudan's Darfur region since 2003 is especially noteworthy, with over two million people killed there and five million displaced (Grabska 2006). Protracted conflict in Sudan is the result of myriad factors including governance issues, land and water rights, and ethnic and religious disagreement. The Arab Sudanese government based in Khartoum has also systematically persecuted non-Arab Southern and Darfuri Sudanese – persecution motivated by racial discrimination and attempts to control oil reserves located in the south of Sudan.

For decades Egypt has pursued an open-door policy toward Sudanese migrants and refugees moving to Egypt for reasons of civil war, persecution, famine, or in flight from refugee camps. Until 1995, the Wadi El Nil agreement gave Sudanese migrants access to education, health services, property ownership, and employment in Egypt (Ahmed 2009). A 1995 assassination attempt on the Egyptian president in Ethiopia, allegedly supported by Khartoum, changed this open-door policy (Zohry 2003). All Sudanese migrants must now possess a visa to enter Egypt, and asylum seekers must proceed through the refugee status determination (RSD) process.

Egypt is a party to the 1969 OAU and the 1951 UN conventions, giving it clear legal obligations to refugees and asylum seekers. However, it has made many reservations to these conventions, and these have affected the substance and quality of its humanitarian assistance to refugees. For example, Egypt submitted reservations regarding the articles on elementary education, public relief, the right to work, social security, and personal status (AMERA 2013). Egypt's reservations to international refugee protection instruments and its lack of institutional capacity challenge the country's ability to provide adequate humanitarian aid to refugees.

Refugee children in Egypt are theoretically entitled to receive education, as per Egypt's ratification of the Convention on the Rights of the Child (CRC). However, the experience of Sudanese refugee children demonstrates the practical challenges to realizing this right. There are claims that refugees are frequently excluded from Egyptian schools. Most Sudanese children attend faith-based refugee primary schools that are not accredited. Opportunities for secondary, tertiary, and higher education are nearly nonexistent (Harrell-Bond 2002). It is understandable that the capacity to accommodate refugee children in the public school system is limited. With about 37 percent of Egypt's population under the age of 15, the public education system itself is already under significant pressure.

Employment for refugees is another sensitive issue in Egypt. For Sudanese refugees and asylum seekers it is almost impossible to obtain a legal work permit. They have to go through the same procedure to obtain one as any other foreigners (AMERA 2013). This makes it notoriously difficult for Sudanese refugees and asylum seekers to find a job in Egypt for their survival (Roman 2006). Refugees who do manage to obtain employment often work in the informal sector, are subject to exploitation (Sperl 2001), and assume potentially harmful positions such as sex work (Roman 2006). Unemployment remains high among both foreigners and Egyptians. With an unemployment rate of about 14 percent Egypt does not find it easy to absorb refugees in the job market (Nassar 2011; Zohry 2003).

Discrimination against refugees by local communities has been widely reported and has perpetuated the social and economic exclusion of migrants and refugees. Racism against refugees and against Sudanese refugees in particular has escalated in the past decade and has compounded the other challenges facing displaced communities (Pascale 2002). The state has been criticized for failing to provide adequate protection; indeed, failing to safeguard against such discrimination is a clear violation of human rights standards and is even more concerning when it affects vulnerable populations such as refugees. Discrimination is one of the major causes of social inequality that has a negative impact on the distribution of life opportunities, including access to education, employment, housing, and good health (Ullah 2013; Goffman 1963). Sudanese refugees end up being among the poorest segment in Egyptian society, living in squatter settlements that have little access to clean water, electricity, or sanitation (Harrell-Bond 2002).

Egypt makes it very difficult for refugees to become nationals due to the highly restrictive definition of citizenship. Scholars such as Mulki

(1998), Mukhtar (1995), Kusow (1995), and Besteman (1999), who highlight the regional, racial, and economic hierarchies on which a society is based, agree that Islam has historically been one of the main foundations of national identity in Egypt. Despite this fact, the Muslim identity of Sudanese refugees in Cairo is differentiated in an Arab Muslim setting. This is primarily due to the different Sudanese ethnic, cultural, and linguistic backgrounds, resulting in the refugees' inferior status in Cairo. In addition, a large number of Sudanese refugees are not Muslims. They come from the persecuted predominantly Christian areas of southern Sudan and Darfur.

State responsibility and the humanitarian system

Throughout its history UNHCR has been conceived to be predominantly state-centric and state-led. The response to humanitarian crisis depends on the implementing partners of NGOs and INGOs, but the funding and core humanitarian response is driven by states (Betts et al. 2012). Barnett and Weiss (2011) also endorse that humanitarian governance has been state-centric throughout history. Generally, charity becomes an instant response coordinated by donor governments when displacements take place. In case of a crisis breaking out, the humanitarian system comes in to provide protection (Betts et al. 2012).

The 1951 Refugee Convention places certain responsibilities upon the host state; these responsibilities toward refugees and asylum seekers include supporting their basic rights in relation to other citizens of the country as well as providing access to services. UNHCR recently presented a rights-based approach for understanding refugees' situations in urban areas, recognizing that the majority of refugees today live in this type of environment, as opposed to refugee camps (Kagan 2009). Distinct challenges exist in this context, as registration and provision of services become more challenging within cities where are not concentrated in a geographical space as they are in a camp. Refugees are often spread out throughout the urban environment, and it may be difficult to locate and/or to travel to UNHCR offices or to connect refugees with other organizations offering assistance (Kagan 2009).

Over time, the role of UNHCR has changed from legal support and capacity building to refugee care and maintenance and humanitarian functions (Loescher 2001). Though refugee aid should proceed relatively quickly from emergency response to protection to durable solutions, a huge number of refugees remain in a protracted situation for many years without opportunities for work, education, or mobility. Betts et al. (2012)

have argued that a paradigm shift has taken place in the ambit of humanitarian assistance. The shifts are from states or public sector to the private sector, from dependency to empowerment, from humanitarianism to development, from public good to private good, and from seeing refugees as a burden to seeing them as a benefit.

A number of steps are important to take in order to give effective and efficient humanitarian aid to Sudanese refugees and asylum seekers in Egypt. The Egyptian government must find a way to ensure legal protection for refugees and asylum seekers in Egypt through registration, documentation, and targeted refugee status determination activities (UNHCR 2012, 2013c, 2009a). In addition, legal aid partners must be assisted to become operational in civil, administrative, and criminal law to ensure that people of concern are provided with counseling, interventions, and representation while also strengthening access of refugees and asylum seekers to public services in primary and emergency health care and primary and lower secondary education.

The Department of Refugee Affairs in Cairo does not provide naturalization to refugees, claiming that Egypt, as a country, cannot economically afford to grant refugees citizenship rights and entitlements. Therefore, while Egypt should continue its initiative of accepting refugees and asylum seekers, the country must look at improving long-term services and integration because it is not enough to just open its borders and then leave refugees to face long-term poverty and a myriad of predicaments.

Improving the documentation system and its policies would clearly ameliorate the dire conditions facing refugees and improve assistance for refugees and asylum seekers. Once accurate documentation and improved policies are available, the Egyptian government can address the different aspects of the refugees' problems more effectively. In addition, there should be greater coordination between the different non-state bodies and institutions that assist refugees and asylum seekers in order to improve Egypt's humanitarian aid system.

It is the government that ultimately is responsible for refugees and their protection, whether or not it has delegated its role to UNHCR. Recognizing the human rights of refugees should be enshrined in domestic legislation, and the leadership should make every effort to increase all Egyptians' understanding of their obligations under the conventions to extend hospitality to refugees (Harrell-Bond 2002). Humanitarian assistance has to be targeted to specific fundamental principles such as education, health, employment, food, and shelter.

The new UNHCR urban refugee policy represents an important shift toward a rights-based approach that recognizes that refugees have the “right to decide where and how they live” (Kagan 2009). The policy advocates for greater interaction between UNHCR, NGOs, and refugee communities with a focus on empowering communities. This approach is a significant step, but it does not necessarily mean a real change in the lives of refugees (UNHCR 2009). In Egypt, this remains a great challenge, and the state has placed several reservations on the 1951 Refugee Convention and has no domestic legislation concerning refugees. Because of these reservations, the UNHCR must work beyond its mandate, stretching its time and limited resources.

In order to provide access to basic rights and to meet the needs of refugees living in Cairo, several community-based and civil society organizations and various international NGOs have designed a variety of programs and services, including legal services, primary schooling for children, basic health care services, food and clothing assistance, language classes, vocational training, job placement for adults, and youth programming. Many of these programs run with support from or in partnership with UNHCR (UNHCR 2009). Cooperation and collaboration among the organizations that work with refugees in Cairo is important for clear communication and efficiency in meeting the needs of communities in a dense urban setting. While continued collaboration between UNHCR, civil society, and NGOs is crucial for filling the gaps and ensuring refugees can access their rights in Egypt, reliance on these non-state networks may result in a parallel system rendering the state unaccountable concerning its humanitarian obligations. This approach is inconsistent with a rights-based approach, which should hold states increasingly accountable for ensuring the rights of those within their borders.

There are challenges in the humanitarian system, such as unconditional humanitarian charity may undermine people’s autonomy and that can lead to dependency. However, in protracted refugee situations, in which refugees are confined to refugee camps where they have no right to work, humanitarian assistance is crucial (Crisp 2003; Loescher et al. 2008).

Rights and refugee services

This section examines the refugee experience in the urban environment of Cairo and explores the various roles played by UNHCR, NGOs, and refugee community organizations. Literature, specifically that regarding

African refugees, has historically treated the existence of refugees as a “burden” for international organizations and states (Edward 2007). Thus, it is also important to ask why the general tendency is to jump to the conclusion that refugees are a burden and not a responsibility. With good intentions, researchers and scholars use the term “burden” frequently. The term “burden” carries a negative connotation. Being a refugee is not the fault of the refugees themselves. As Jane Kani Edward (2007) points out, earlier discourse in the field of refugee studies includes the terms “crisis,” “problem,” and “burden” and frames refugees as a problem; this discourse diverts attention away from the reasons why refugees flee their homes, reasons such as war, conflict, or human rights abuses.

Edward suggests that the terminology perpetuates a separate approach to refugee communities, which is particularly problematic in the urban context. Drawing upon the work of Liisa Malkki (1995) concerning the definition of “refugee,” Edward goes on to argue that using the label “refugee” can be problematic in its homogenization of diverse groups of people and can lead to ignoring their distinct experiences, background, culture, and life stories. Furthermore, use of the term “refugee” serves to strip agency from refugees because it tends to imply victimization, and the very definition of refugee status focuses on grounds for surrogate protection and international assistance.

Barbara Harrell-Bond (2002) presents a similar argument in her critique of the humanitarian aid regime, which is that refugees in camps run by the UNHCR are treated largely as dependent victims rather than as active stakeholders with agency. Harrell-Bond questions the necessity of – UNHCR operations often run by Western and international nongovernmental organizations that then have control over all aspects of the operation of refugee camps, from distribution of aid to justice and security (Harrell-Bond 2002). In her book, *Managing Displacement: Refugees and the Politics of Humanitarianism*, Jennifer Hyndman (2000) makes critical observations about the hierarchical relationships established among UNHCR, NGO workers, refugees employed by UNHCR or NGOs, and the entire refugee population in the camps. She provides an important critique of the ways in which refugees are categorized and judged within this hierarchy, and she condemns the continued homogenization and victimization of refugees even by humanitarian workers and organizations with the best intentions.

While Harrell-Bond and Hyndman specifically touch upon the dynamics of refugee camps and the politics of humanitarian aid, their analyzes are relevant to understanding the ways in which refugees are

categorized and placed within the field of international humanitarian aid. This was discussed in Chapter 2 in the Palestinian context. Yet, Harrell-Bond's and Hyndman's critiques do not only apply to camps alone but are also relevant in the context of the growing urbanization of delivery of refugee services. Nearly 50 percent of the worldwide refugee population now lives in urban areas (Women's Refugee Commission 2013). As noted earlier, UNHCR acknowledges this trend toward urbanization in its recently revised urban refugee policy.

The UNHCR urban refugee policy is clear regarding host country responsibilities. National and local authorities have a primary role to play in providing refugees with protection. UNHCR (2012e) offers assistance to governments in providing this support but strongly advocates that refugees in urban settings should ultimately be granted the same access to public services and employment as nationals. However, for many countries – including Egypt – this remains theory.

UNHCR's implementation of its urban refugee policy in Egypt is drastically affected by Egypt's reservations to the 1951 Refugee Convention. While Egypt is a signatory to the 1951 Refugee Convention, its 1967 Refugee Protocol, and the 1969 OAU Convention, it has placed several reservations limiting refugees' access to basic rights stipulated in the Conventions (also mentioned elsewhere in the book), including employment, health care, welfare, and education. Specifically, Egypt has placed reservations on Articles 12(1) (personal status), 20 (rationing), 22(1) (elementary education), 23 (public relief), and 24 (labor legislation and social security) (UNHCR 2012, 2012c). In a 1954 MOU between Egypt and UNHCR, the government requested that UNHCR "process all refugee claims and coordinate all assistance activities." While there are no reservations in place for articles 17 and 18 concerning employment and self-employment – because no domestic legislation exists in Egypt – refugees must follow the same procedures as all other foreigners, including obtaining a work permit, a process that can be "time-consuming and expensive" (Fanjoy et al. 2005).

Egypt also has "parallel policies that entirely relate to its special relationship with Sudan, and these policies often conflict with or contradict the information regarding services and rights that are available to Sudanese asylum seekers and refugees."¹ Egypt is known as a transitory or temporary place of residence for Sudanese refugees. However, this is not the case for thousands of Sudanese living in Egypt without plans for repatriation or prospects of resettlement. They are, instead, living in a protracted situation and cannot move to another country because they lack resettlement residence rights (Crisp 2003).

Since Egypt does not have its own domestic asylum procedures, UNHCR handles all the processes related to RSD; as a result UNHCR in Cairo is preoccupied by a function external to its mandate. This may have an effect on the quality of services (Lewis 2007). UNHCR in Cairo and its partner organizations provide basic services and limited financial assistance to recognized refugees; the assistance includes educational grants for children's schooling at programs through local churches, coverage of 50 percent of medical costs at certain facilities, and some monetary assistance for designated families. However, this assistance does not reach all the refugees living in Cairo.

There are some organizations that are church-based or are affiliated with churches or mosques (Al Shebab 2007). These organizations include "humanitarian organizations focusing on the provision of material and financial assistance, health care, education, and vocational services to human rights organizations advocating refugees' rights." About ten of these organizations focus on a particular community or group of refugees, primarily Sudanese or Palestinian populations. Ten organizations were established through churches or mosques. Among UNHCR's implementing partners are Caritas, Catholic Relief Services (CRS), Family Planning, CEOSS, and Refuge Egypt. Operational partners include the Egyptian Ministry of Foreign Affairs, Refugee Affairs Department, and Africa and Middle East Refugee Assistance (AMERA).

Coordination among organizations working for refugees in Cairo remains a huge challenge. The Refugee's Directory is an important resource as it compiles basic profiles and contact information for organizations working with refugees in Cairo. This is a key step toward coordinating, organizing, and communicating information about rights and services for refugees. Communication between the UNHCR (2003), NGOs, government agencies, and refugee communities needs to be improved, and there need to be better coordinated efforts among NGOs and civil society organizations to share resources and information. In the 1990s Sudanese refugees formed a number of NGOs. The Sudanese Development Initiative Abroad (SUDIA) created a coordinating body for the Sudanese NGOs in Egypt called the Sudanese NGO Forum in Egypt. The primary focus of SUDIA was to build capacity and build networks among the Sudanese NGOs. However, the Forum ended its activity in 1998 primarily because of legal issues, that is, the NGO registration issues in Egypt (Global Humanitarian Assistance Development Initiative, GHADI 2010).

In addition to UNHCR, there are a number of organizations that are actively involved in refugees services, such as the International

Organization for Migration (IOM), All Saints Cathedral, Refuge Egypt, St. Andrew's Refugee Services, Sacred Heart Church, Catholic Relief Services, the Resettlement Legal Aid Project, SUDIA, MA'AN Group, and the Centre for Migration and Refugee Studies (CMRS) at the American University in Cairo (AUC).

A coordinating body for refugee organizations would be an excellent addition to refugee services. Along with the state and bilateral organizations and NGOs and INGOs, I argue here that corporate social responsibility (CSR) could be a crucial idea to engage in refugee services. CSR is a concept with a growing currency around the globe, and many see it as the private sector's way of integrating the economic, social, and environmental imperatives of its activities. However, very little is in fact known regarding this significant area of CSR and refugee issues in Egypt. Unknown is whether any spending of the corporate sectors goes directly toward meeting the urgent needs of the refugees. It is important to assess and analyze the needs of the refugees, and review CSR spending to pragmatically suggest how a small portion of spending earmarked for social responsibilities could substantiate humanitarian initiatives of the government and UN systems for the refugee needs. Using a rights-based approach, Egyptian organizations could advocate for the rights of all communities in Egypt.

Greater collaboration coupled with better organized NGOs and clearer roles for them would reduce duplication of services and could help in effective redistribution of resources to address community needs. This could improve the access to quality education, health care, employment assistance, and public services. However, this also perpetuates the existence of a parallel structure for refugees and consequently maintains the status quo for refugee policy in Egypt. Egypt's reservations to refugee conventions impede access to basic rights for refugees and leave huge gaps to be filled by community organizations, NGOs, and UNHCR. Continued parallel but separate systems keep refugees separate from nationals, perpetuating the common misconception that Egypt is a temporary host only and lessening the prospects for integration. Parallel systems establish often unfair or discriminatory differences in accessibility of rights and public services for various groups of people.

In fine, the history of humanitarianism and its evolution in recent decades reveals several remaining tensions within the field and their practical implications for refugee assistance and protection. Applied to the case study of Egypt, it is clear that failures of the government and international community to recognize the basic rights of refugees have led to a patchwork of humanitarian assistance programs. Though

these programs do provide some assistance, the guise of humanitarianism masks the root problems at work: Western powers' intervention and perpetuation of conflict, the failure of states and international institutions to address displacement, and the inefficiencies and failures of humanitarian organizations in practice. The allegation that humanitarian assistance has transformed itself away from its classical principles and has adopted a new rights-based approach is thus fundamentally flawed.

The international community needs to answer some very important questions: How to best respond? When to give more, when to hold back, when to step in, and when to leave altogether? And ultimately, how much can we blame ourselves for the conflicts, poverty, and humanitarian crises of the world? How important is it to uphold traditional humanitarian principles, such as neutrality, impartiality, independence, and universality? Does the new humanitarianism result in a loss of perceived neutrality, which in turn may jeopardize the security and independence of aid personnel?

5

Refugee Rights, Protection, and Existing Instruments

The previous chapter has analyzed and outlined the theoretical nexus between refugee safety and humanitarianism. This chapter deals with one of the most critical areas, namely, RSI related to refugee rights, protection, and existing protection instruments. It further analyzes burden-sharing instruments and the responsibilities of states to protect refugee rights. It suggests that the existing instruments for protecting refugee rights are insufficient as they do not properly encompass human rights nor address the reasons for the refugees' flight. This chapter outlines the scope, successes, and failures of the contemporary international refugee regime.

Protection has dominated the discourse of the refugee regime throughout its history. As discussed in Chapter 2, the definition and application of protection has been heavily influenced by the regime's Eurocentric bias; this means that countries of the South were not a concern for the protection system as it was first established in the 1950s. It was only in the 1960s, when refugee problems began to diversify and mount in developing countries, that this regime was extended to countries of the South. Over the past half century, the international community has generally responded generously to refugee crises. However, in recent years, some worrying trends have begun to emerge. Countries that had once generously opened their doors to refugees have discussed shutting their borders for fear of assuming endless responsibilities, abetting an uncontrolled flow of refugees, and jeopardizing national security.

As mentioned earlier, providing protection to refugees is primarily the responsibility of host states. However, host states frequently partner with the UNHCR on refugee protection. Working with UNHCR, these countries grant asylum to refugees and allow them to remain until conditions back home become appropriate for the refugees to return

in safety and with dignity. Although UNHCR's primary mandate is to protect refugees, it also offers assistance to host states, as the assistance relieves some of the financial burden of hosting refugees. This chapter further analyzes the limitations of existing refugee protection instruments by exploring the application of several key instruments in the MENA region, situating this analysis within the context of conflict in African regions, and considering case studies of Egypt and Malta in particular.

Legal frameworks

Safeguarding the rights of the refugees is the primary objective of the UNHCR. The ultimate goal is to find a durable solution for them. There are three solutions open to them where UNHCR helps out: voluntary repatriation, local integration, or resettlement to a third country in situations where it is impossible for a person to go back home or remain in the host country (UNHCR 2003a). "In post-conflict situations in countries of origin, the High Commissioner proposed an integrated approach known as 'Repatriation, Reintegration, Rehabilitation, and Reconstruction (4Rs).'" This approach brings together humanitarian and development actors and funds. The aim is to allocate more resources to creating a "conducive environment in the countries of origin so as to not only prevent the recurrence of mass outflows but also facilitate sustainable repatriation" (UNHCR 2003a, 5).

In countries of asylum where local integration of refugees is a viable option, the UNHCR proposed a strategy called "Development through Local Integration" (DLI). Local integration is based on the assumption that refugees will remain in their country of asylum permanently and find a solution to their plight in that state. It is a legal, economic, and sociocultural process and is related to self-reliance as well as to local settlement (Costa 2006).

In order to achieve more equitable sharing of responsibilities and to build capacities to receive and protect refugees and to resolve their problems on a durable basis, one of the objectives of Goal 3 of the Agenda for Protection is to use resettlement more effectively as a tool of burden sharing (UNHCR 2003). After the initial humanitarian assistance provided, the subsequent process of reintegration to longer-term reconstruction does not occur without challenges. In the politically fragile environment returnees are left in precarious conditions without means to ensure their future. As a result, many opt to return to their country of asylum.

The relationship between the refugee rights discourse and international politics is clear: the effective protection of refugees depends on the effective operation of the international political order. The Refugee Convention was drafted in the wake of World War II, and its definition of a refugee focuses on displacement as a result of events that occurred before January 1, 1951. As new refugee crises emerged in the late 1950s and early 1960s, it became necessary to widen both the temporal and geographic scope of the Refugee Convention, and the 1967 Refugee Protocol to the Convention was therefore adopted.

Refugee protection is a response to the specific needs of people who have well-founded reason to fear that their own governments cannot or will not safeguard their rights. Protection is a temporary substitute for national protection. Protection is meant to prevent refugees from being returned against their will to a place where they reasonably fear being persecuted (Newland and Papademetriou 1998). The principle of non-refoulement is frequently considered to be “the cornerstone of international refugee law.” According to the principle (Article 33), “no contracting state shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” (UNHCR 2012).

The guarantee of non-refoulement is the essence of refugee protection. Refugees must be able to enjoy all their civil and political rights. Economic, social, and cultural rights are essential to the enjoyment of protection and other human rights. The right to legal protection should last for as long as international protection is required.

Through the institution of asylum refugees gain access to the territory of a state that accords them the same civil and economic rights as to other legal residents, rights such as physical security, access to the courts in case asylees are attacked or their rights are violated, and protection against economic exploitation (Newland and Papademetriou 1999). UNHCR and other protection advocates also work to ensure that refugees are allowed to escape from danger and can gain access to asylum. Three factors are important in international protection: access to protection, quality of protection, and respect of the principle of non-refoulement. Refugees obviously place a considerable burden on the host country. States shoulder this burden for a number of reasons. Newland and Papademetriou (1998) argues that states do so because they seek support for the political cause in which the refugees are embroiled, have sympathy for displaced co-ethnics or coreligionists,

have a desire to score political points at an adversary's expense, or seek needed human resources.

Initially, UNHCR was concerned with the millions of individuals who had fled Nazism and later Communism in Europe. The organization's work was mainly of a legal nature to ensure entry and ease integration in accordance with the 1951 Convention. There is no doubt that the 1951 Convention is a landmark in setting standards for the treatment of refugees. Feller (2001) pointed out that the 1951 Convention has three angles to explain: the first one is legal because it provides the basic standards on which principled action can be based; the second is political because it provides a truly universal framework within which states can cooperate and share the responsibility resulting from forced displacement, and the third and last is ethical because it is a unique declaration by the states of their commitment to uphold and protect the rights of some of the world's most vulnerable and disadvantaged people.

Refugee protection embraces the safeguarding of basic human rights – the right to life, liberty, and security of person, the right to be free from torture and other cruel treatment, the right not be discriminated against, and the right of access to the basics necessary for survival as well as, at a later point, the right to self-sufficiency.

The big question regarding the 1951 Convention is whether the convention has become outdated and unworkable owing to the fact that contemporary population mobility has taken more complex shapes than ever before (Feller 2001). However, there are claims that the 1951 Convention cannot be blamed for any failure. There has been mounting disappointment with the system of international refugee protection primarily because of the burden-sharing problems (Barutciski and Suhrke 2001). It is true that some states bear an inequitable share of the burden of international refugee protection. A number of scholars have suggested that refugee protection has important characteristics of being a "public good" and that the reception of displaced persons can be regarded as an international public good from which all states benefit (Thielemann and Dewan 2006).

Protection is the first priority in a refugee emergency. There are some people who flee from armed conflict but are not always recognized as refugees in asylum countries. These people are not given protection under the 1951 Convention. In a genuine case of large numbers of people fleeing armed conflict or other mass violations of human rights, examining individual claims for refugee status is unnecessary. UNHCR and states usually can directly go for RSD for the entire group based on their knowledge of objective conditions in the country of origin. Every

member of the group is considered a refugee *prima facie* (UNHCR 2001). In countries that have not used *prima facie* recognition on a group basis, temporary protection has usually been offered, allowing people immediate access to safety and protecting their basic human rights. Still, individuals can be excluded from refugee status even if a group determination has been made (UNHCR 2001).

Several additional regional instruments have emerged since the drafting of the original conventions, and together they form the international legal protection regime. For example, the 1969 OAU Convention was drafted following conflicts at the end of the colonial era in Africa that led to multiple large-scale refugee movements. In addition, in 1967, the UN General Assembly adopted a Declaration on Territorial Asylum directed toward states; the declaration reiterates that granting asylum is a peaceful and humanitarian act that cannot be regarded as unfriendly by any other state. It further notes that the country of asylum is responsible for evaluating a person's claim to asylum.

The adoption of national refugee legislation based on international standards is crucial to strengthening the protection provided by asylum and making it more effective. Such legislation also provides a basis for seeking solutions to the plight of refugees. Incorporating international law into national legislation is particularly important in areas the Refugee Convention does not address, such as procedures for determining refugee status.

Frequently caught in the midst of national and international armed conflict, refugees also find themselves at the intersection of multiple legal instruments. Refugee law, for instance, is often closely linked to humanitarian law, which provides that victims of armed conflict, whether displaced or not, should be respected, protected against the effects of war, and provided with impartial assistance.¹ Therefore, effective national refugee legislation should incorporate international humanitarian law in addition to the international refugee conventions.

There are many individuals and families who require international protection despite the fact that they do not meet the refugee definition set forth in the Refugee Convention. These are persons fleeing armed conflict or serious internal disorder or other forms of serious harm but whose reasons for fleeing are not linked to a specific Convention article. Such people may fall within the broader definition of "refugee" contained in the OAU Convention and the Cartagena Declaration and are also in UNHCR's scope of responsibility.

The right to seek and enjoy asylum is recognized in international human rights law and is critical for protecting refugees. In 1992, the

UNHCR Executive Committee stated that “the institution of asylum, which derives directly from the right to seek and enjoy asylum set out in Article 14(1) 1 of the Universal Declaration of Human Rights, is among the most basic mechanisms of the international protection of refugees” (UNHCR 2001, 44). Thus, refugee rights are also protected by the human rights framework and legislation. However, the relationship between refugee law and human rights law is complex.

Since the inception of the term “refugee,” scholars, politicians, and aid workers alike have contested the term as defined by the 1951 Refugee Convention. Refugee problems are shared problems as one country’s conflicts can affect many more countries. The refugee problem is essentially a political one, and hence the solution should come from political actions. Therefore, the questions regarding the term are shared questions (Hakovirta 1993). These terms tend to be politically motivated and are usually defined to promote the interests of the developed, Western nations without giving credence to the people these terms were intended to protect (Zetter 1991). Since the time of the drafting of the Refugee Convention, people have moved for other reasons beyond what the founders of the convention imagined. People flee their homes for reasons such as war, poverty, development, environmental disasters, and famine (Hakovirta 1993, 5). Furthermore, refugee and forced migration patterns often intersect and overlap with other migration patterns. These mixed migration flows create challenges for the international community when it comes to creating protocols and programs to assist different groups of people (Bariagaber 1999).

In addition to these practical and political challenges, there is also a lack of consensus regarding some theoretical aspects of the definition and protection of refugees. For instance, what is the relationship between refugee rights and human rights? Chetail (2012) has warned that such questioning may appear provocative as refugees routinely fall victim of abuses in a context of restrictive asylum policies. In order to identify the obligations of states toward refugees, it is important to understand the relations between refugee law and human rights law. A range of literature has dealt with the interaction between human rights law and refugee law and calls for two preliminary remarks: first, academic discussions are very specific and focused on refugee law- to the detriment of a more systemic analysis, and second, they are based on the premise that the Geneva Convention is a “specialist human rights treaty,” (Chetail 2012). Indeed, the Geneva Convention has attracted similar criticisms on the grounds that “the Convention is redundant...or because

it is functionally inefficient, overly legalistic, complex, and difficult to apply" (Goodwin-Gill 2001).

Article 1 of the 1951 Convention has become endangered as far as the protection of refugee communities is concerned. Again, we are also presented with issues concerning nationalism. With the attack on Article 1, the connection with the Goodwin-Gill opinion comes into play as now refugee communities have become targets of discrimination and exploitation not only from the state but also from civil society. Additional speculation would even allow for believing that host governments are using the plight of refugee communities to showcase their power in the international community against other nation-states. Lack of job opportunities also continues to pose a threat to integration. What also proves to be rather inefficient for national integration is the fact that "there is no national integration strategy for asylum seekers, which poses problems when asylum applications take sometimes more than two years" (Wurth 2011, 13). It remains very clear that the aim of many host governments is not to integrate refugee communities into the population. "For instance, the EU-Libya readmission agreement signed in October 2010 has allocated 60 million Euros to Libya for 'managing migration flows.' The money mainly flows into strengthening border guards and building detention centers" (Wurth 2011, 16). Such actions seem to be geared toward ensuring the protection of borders rather than that of those who are trying to immigrate.

This internationally agreed system of protection has provided safety to millions of refugees in the last half-century. The number of people recognized as refugees meeting the terms of the 1951 Convention or otherwise falling within the mandate of UNHCR peaked at about 18 million in 1993, and this number did not include the nearly 6 million Palestinian refugees who have been assisted by the UNRWA since 1948 (Newland and Papademetriou 1999). It is true that the Universal Declaration of Human Rights (UDHR) failed to enshrine an individual right to be granted asylum. Article 14 of the UDHR only refers to a vague proclamation that "everyone has the right to seek and to enjoy in other countries asylum from persecution."

Though the Geneva Convention is commonly seen as an extraordinary tool for protecting the rights of refugees, it is different from human rights as it is based on the model of interstate obligations rather than that of individual rights (Zwaan 2007). Compared to international refugee law, human rights law is distinguished by two essential characteristics: it is both inclusive and universal. This suggests that human rights are inherent to the quality of human being; therefore, the rights are not

limited to citizens of states or other parties but must also be available to all individuals, regardless of nationality or statelessness (Zwaan 2007). The Geneva Convention contains a fairly limited range of political and civil rights including the rights of nondiscrimination, freedom of religion, freedom of association, access to courts, freedom of movement, and due process guarantees governing expulsion.

Human rights law has been instrumental for the implementation of the Geneva Convention at the domestic level. The Geneva Convention draws a clear-cut distinction between the international norms enshrined therein and their national implementation entrusted to each individual state party to the convention. As a result of this premise, the Geneva Convention does not formally require a refugee status determination procedure nor explicitly regulate its content and functioning. Otherwise, states would be bound to grant refugee status to all persons claiming to be refugees.

Procedural guarantees granted by human rights law at the domestic level are vital to compensate for the lacunae in the Geneva Convention. In the meanwhile, the contextual and dynamic interpretations of treaty bodies have been so instrumental that the two branches of international law are now intimately interdependent. Both in principle and in practice, human rights law and refugee law are bound to work in tandem. The human rights treaty bodies have played a decisive role in the propagation of human rights law within refugee law. They have reiterated that “it is not [their] function to examine asylum claims or to monitor the performance of Contracting States with regard to their observance of their obligations under the Geneva Convention on Refugees.”

The lack of an independent mechanism for monitoring the Geneva Convention contrasts sharply with the control-oriented paradigm of human rights law. Both universal and regional human rights treaties are supported by their own treaty bodies specifically mandated to monitor states’ compliance with their conventional obligations. As abundantly exemplified by the present chapter, the two first functions have played a critical role in ensuring the protection of refugees and asylum seekers through a contextual interpretation of general human rights treaties.

Challenges to protection

Addressing the huge flow of refugees is indeed a challenging and daunting task for the countries involved and for the refugee regime. The direction, scale, and nature of refugee flows have changed over time and have challenged existing instruments of protection. Along with many

other respondents, a number of UNHCR staff, in personal conversations with me, have questioned the relevance of the 1951 Convention. Critics argue that the 1951 Convention is Eurocentric, inflexible, outdated, and not capable of addressing the complexities of today's global refugee crisis (Milner 2008). However, though it might be quite limited, there is no denying that the Convention continues to provide an important and legitimate foundation for the international regime of refugee protection.

The most significant challenges to the protection regime are the measures for reducing the number of asylum seekers introduced by the West. These measures include non-arrival policies, diversion policies, and increasingly restrictive application of the 1951 Convention. Sadly, the UK called for the scrapping of the 1951 Convention and the introduction of a new international refugee regime based on containing refugees within their region of origin (Loescher and Milner 2003).

As a result, many countries have limited the extent of asylum they offer to refugees by closing their borders and by pushing for the early and often unsustainable return of refugees to their country of origin. Many states place limits on the quality of asylum they offer to refugees by denying them the social and economic rights stipulated in the 1951 Convention, such as freedom of movement and the right to seek employment (Milner 2008).

It is also undeniable imperative for the international community to ensure the protection of refugees; UNHCR often cannot realize this mandate without the cooperation of states. I agree with Milner (2008) that the lack of cooperation by states has significantly frustrated UNHCR's activities in recent years – not only those designed to ensure protection but, more generally, those intended to find solutions to the plight of refugees.

UNHCR's statute outlines three solutions for refugees: repatriation, integration into the host society, or resettlement in a third country. The reality, however, is that refugees are caught up in protracted situations (Loescher et al. 2008). The number of refugees getting resettled is extremely limited compared to the vast number of those waiting. There are claims that such situations are the result of a political failure.

This protracted situation has a significant impact on the human rights of refugees, and it also has important consequences for security, particularly for the host states (Milner 2008). UNHCR has been facing challenges regarding funding. The budget now stands at some US\$1 billion per year; however, the contributions from the UN regular budget account for less than 3 percent of UNHCR's annual budget. This implies that

UNHCR is exclusively dependent on voluntary contributions to carry out its activities. The unpredictability of funding and the concentration of donorship may place UNHCR in a precarious political position. While it attempts to safeguard the integrity of its mandate – being politically impartial – its ability to carry out its programs may be dependent upon its ability to respond to the interests of a relatively small number of donor states (Milner 2008).

It is helpful to consider the effectiveness of protective mechanisms within a particular political context. The Horn of Africa is instructive as it highlights geopolitical, national, and local politics and the interaction between these politics and refugee protection instruments. In addition, it is important to remember the particular vulnerabilities of subgroups of refugees.

“Africa is the most conflict ridden region of the World and the only region in which the number of armed conflicts is on the increase” (SIPRI 1999, 20). Because of the many conflicts plaguing the region, people are forced to move for a range of factors. Conflict in the Horn of Africa directly affects Ethiopia, Sudan, Somalia, Eritrea, and Djibouti. The primary reasons for discord in this region are border conflicts (Adepoju 1982a). At the Berlin Conference of 1884, the colonial powers of Europe arbitrarily divided Africa into countries, paying little attention to preexisting borders separating indigenous groups, and in the post-colonial period, these new borders have become a major source of conflict. Since most conflicts are transnational and because migration patterns are fluid, every country in the Horn of Africa serves as a host, origin, and transit country for refugees (Bariagaber 1999; Adepoju 1982a).

These dynamics become especially complicated as refugees are moving from one war-torn and poverty-stricken country to another (Woodward 2002). Incredible stress is placed on these low-income countries that have no means of supporting such a large influx of refugees. This pattern is common throughout Africa and beyond as most refugees both originate from and are hosted in the developing world (Stein 1986). Therefore, refugees are more apt to look for an alternative to their first country of asylum since staying there so often proves unsustainable. Asylum states also prefer that refugees seek long-term refuge elsewhere because large refugee influxes may either aggravate or create new threats to national security (Jacobsen 1996). Yet, access to durable solutions is frequently limited. Widespread famine, drought, and poverty cause people to move on in order to find ways of securing a sustainable livelihood (Wood 1994). However, the region has inadequate infrastructure for

facilitating this mass movement of people (Jacobsen 1996), and thus people are more likely to take the risks of dangerous migration routes.

War and conflicts within Africa are primary causes for the migration of huge numbers of people. Ethiopia, like its neighbors, has a long history of war and conflict. In the past decades, Ethiopia has been primarily motivated by border conflicts with Somalia and Eritrea. More recently, Ethiopia has also been challenged when conflicts from neighboring countries have spilled over into Ethiopian territory. These conflicts come primarily from long-standing civil war in Sudan (for details on the spill-over effect of the Arab uprisings, see Chapter 6). Moreover, Somalia – a failed state – and its conflicts occasionally spill over into Ethiopia, and the latter consequently both sends and hosts refugees. Though hosting refugees is largely seen as having a negative impact on developing countries, Karen Jacobsen argues that Ethiopia in fact benefits from receiving large influxes of refugees because humanitarian aid money the state receives can be used to support local infrastructure. However, in some cases, as the result of government corruption, aid money is funneled away from refugees (Jacobsen 1996).

The wide array of conflicts in Ethiopia has generated a mixed migration flow, including refugees and economic migrants as well as individuals who fall into both categories. Ethiopians end up in Yemen. In order to get to Yemen, it is necessary for migrants to pass through Somalia, Djibouti, or Eritrea before crossing the Gulf of Aden in a boat. Usually, refugees, trafficking victims, and economic migrants are all literally in the same boat and are entirely indistinguishable from one another.

In addition, increased movement of human beings has also contributed to and illuminated an increase in human trafficking. This trend is striking in the MENA region. This changing flow of populations challenges many theories and assumptions currently prevailing in research and in the discourse on human trafficking and refugee protection. Like the concept of “mixed migration” more generally, these complexities affect the way in which the international community defines and assists people in migration flows. What are the protective tools mobilized to assist and protect refugees in this complex context? It is instructive to consider several key instruments and principles upon which the contemporary refugee regime is based.

As discussed in the previous chapter, all members of refugee families face problems when separated during flight and when countries of asylum do not facilitate reunification with other family members. Because of not being with family members, separated refugees must

live under temporary arrangements and often have fewer rights than recognized refugees.

When fleeing during an emergency, refugee children can easily become separated from their families. Separated refugee children are at greater risk of being recruited as child soldiers or of being sexually exploited. Because of the normal developmental needs of growing children, even children who remain with their families suffer tremendously from trauma. Approximately 41 percent of the persons of concern to UNHCR are under the age of eighteen, and 12 percent are under the age of five (UNHCR 2012, 1999). Refugee children benefit from the same protections as adult refugees; however, given their special needs and vulnerabilities (and as discussed further in previous chapters), refugee children should also receive special protection and assistance.

Similarly, women comprise at least half of any refugee population. They have many of the same needs as male refugees, such as protection against forced return, respect for their human rights while in exile, and help in finding durable solutions to their plight. However, they also have different and additional needs in their experience as refugees. The local community has minimal impact on policy formation and the treatment of refugee populations in civil society. One of the main issues is the role and power of nationalism in civil society. Race and color could also serve as critical tools in the analysis of experiences of refugee communities in Egypt. In reverting back to the issue of nationalism, it would be conclusive to examine whether nationalism serves as a stronger factor among the local populations than the policies (including historical) of the nation-state (Samy 2009).

The failures of refugee protection

Having discussed the existing legal frameworks, I now analyze core international and regional human rights instruments that govern asylum policy in Egypt and Malta. These states are presented as examples because they represent two major destinations for African refugees. Malta is the first European country that many African refugees reach by boat from the shores of North Africa on their way to mainland Europe. Egypt, on the other hand, is the first asylum country for many African refugees. Egypt and Malta differ in terms of the regional conventions signed and ratified by states, their different legal systems, and the types of refugees who enter their territories. However, both states have a poor record of respecting human rights laws. Malta has been the first destination for migrants from Africa to Europe who normally make the hazardous

trip across the Mediterranean Sea using primitive boats (Ullah 2007). In many cases, African refugees have not reached their destinations in Europe because of bad weather or because of the capsizing of overloaded boats. In some cases, these migrants and asylum seekers only reach the closest European soil, which is the island of Malta, not far from the African side of the Mediterranean.

Malta has ratified the 1951 Refugee Convention, which means that those who reach Maltese territory have the right to be considered as refugees under the terms of the Convention. On the other hand, Egypt is a major destination for refugees from at least 35 countries of MENA and beyond (UNHCR 2003).

Malta has enacted domestic legislation based on the international conventions. In 2001, the 1951 Refugee Convention was incorporated into the Maltese domestic legislation as the Refugees Act (Law no. 420). This is a comprehensive instrument consisting of 20 articles that address all aspects related to RSD. The government was obligated by the EU to respect international and regional conventions and at the same time to control the increasing immigration of African migrants and refugees. The Refugee Commissioner, who is a governmental official, conducts RSD interviews. The commissioner does this in line with the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Refugee Convention and the 1967 Refugee Protocol.

Even though the Refugee Act adheres to the 1951 Refugee Convention and the 1950 European Convention of Human Rights and Fundamental Freedoms, the Maltese government seems to fail to conform to international standards. Anyone who manages to reach Maltese territory is treated as an illegal migrant and is promptly detained for 18 months even if the person has a genuine refugee claim. This measure is applied especially to migrants who have destroyed their identity documents in order to avoid being forcibly repatriated. Implementation of this measure continues although repatriation in these circumstances is a clear violation of Article 31 (1) of the 1951 Refugee Convention. There is only one nongovernmental organization in Malta that is entitled to deal with refugees and asylum seekers – the Jesuit Refugee Service Malta. Asylum seekers are primarily imprisoned, then on appeal, if granted, may be represented by legal aid lawyers.

Maltese authorities do not differentiate between refugees and economic migrants and disregard the fact that asylum seekers can be in a desperate need of international protection while at risk of being persecuted. The UNHCR states that the use of detention against refugees and asylum seekers on account of their illegal entry or presence in the country of

asylum is, in the view of the UNHCR, "inherently undesirable." Freedom from arbitrary detention is a fundamental human right, and the use of detention is, in many instances, contrary to established norms and principles of international law and no doubt of regional conventions such as the European Convention, which Malta is a party to. The right to seek and enjoy asylum is equally recognized as a basic human right. The act of illegal entry or presence in the territory of a state in order to seek asylum therefore cannot be considered a crime.

According to the Amnesty International (2008), at the end of June 2008 approximately 3,000 migrants and asylum seekers were detained in Malta and more than 1,300 of them were kept in closed detention facilities (Amnesty International 2008). Up to 800 migrants, including pregnant women, were housed in approximately 25 tents, some of them with holes in them and inmates were directly exposed to rain, wind, and low temperatures leading to sleep deprivation and illnesses. The European Committee for Prevention of Torture (CPT) noted that the Maltese authorities hold unaccompanied minors in detention centers (Amnesty International 2008). This is a breach of the Convention on the Rights of the Child (CRC), which is the most ratified human rights instrument since the UDHR. The CRC, which was ratified by Malta, provides specific standards and safeguards for children, including the requirement that detention can only be used as a measure of last resort.

In Egypt, on the other hand, the unofficial number of refugees is estimated to be between 500,000 and 3,000,000 persons, including those who have never applied for refugee status (Shafie 2003). UNHCR has also reported an increase in cases of trafficked and stateless persons, which adds to the numbers of unregistered people. As mentioned earlier, Sudanese refugees and asylum seekers in particular make up a significant proportion of the population of concern.

Egypt, as mentioned earlier, has an open gate policy with respect to entry visas, and people from some countries may enter the territory without a visa. This policy together with its geographic location in North Africa makes Egypt an attractive country in which to seek asylum, but it is also susceptible to the irregular movement of people who are not necessarily recorded in UNHCR's figures. Egypt is bound by several international and regional conventions and domestic legislation regarding aliens in general and refugees in particular. Such obligations led Egypt to sign and ratify these conventions and incorporate them in the domestic legislation according the Egyptian Constitution.

An agreement between the Egyptian government and UNHCR dated February 1954 entitled UNHCR to conduct RSD on behalf of the Egyptian

government. The agreement also obligated Egyptian authorities to cooperate with UNHCR to guarantee protection of refugees and asylum seekers (UNHCR 1999). However, the Egyptian authorities consider refugees aliens, defined in Article 1 of Presidential Decree No.89 for 1960² as “whoever is not enjoying the nationality of the United Arab Republic” (Grindell 2003, 4).

In order to assess the importance of international conventions in Egyptian legislation, it is important to know how the Egyptian Constitution views international conventions and to understand their impact upon ratification. As the first paragraph of Article 151 of the Constitution stipulates, “The President of the Republic shall conclude treaties and communicate them to the People’s Assembly, accompanied with suitable clarification. They shall have the force of law after their conclusion, ratification, and publication according to the established procedure.”³ Accordingly, any convention that has been ratified by the Egyptian government becomes part of national legislation and becomes law soon after being incorporated into the Egyptian legal system. Therefore, international conventions have the power of law according to this article of the Egyptian Constitution.

However, before ratifying the 1951 Convention, Egypt submitted five reservations (Harrell-Bond 2002). These reservations were related to the following articles of the Convention:

Article 12 relating to nationality. The reservation to this article was due to the fact that Egyptian domestic legislation contradicts it, and according to Egyptian law, domestic legislation takes precedence.

Article 20 relating to food rationing. This reservation was related to the inability to provide food materials to refugees not only for economic reasons but also because refugees in Egypt are not in refugee camps.

Article 22 (1) relating to public education. This reservation was made despite the declared policy of the Egyptian government to treat refugee students equal to nationals.

Article 23 relating to public relief. This reservation is a confirmation that the Egyptian government would not be able to provide refugees with any kind of financial assistance and the refugees would be relying only on the allowance given to them via UNHCR implementing partners.

Article 24 relating to labor legislation and social security. This is the most significant reservation as it is related to the problem of unemployment in Egypt, which is addressed in the Egyptian Labour Law

that places many conditions on foreigners applying for work permits. However, refugees can obtain work permits if they fulfill the required conditions as aliens because they receive no special treatment as refugees.

These reservations have prevented refugees from accessing public health care, food rationing, employment, and education (McKenzie Trust 2004, and they have furthermore excluded them from means of subsistence and social inclusion.

Although the Egyptian government agreed with the UNHCR in the 1954 Memorandum of Understanding (MOU) that refugees in Egypt are entitled to have a refugee card issued by UNHCR, claims are widespread that some Egyptian authorities still do not recognize this document. The blue card that the UNHCR gives to refugees is supposed to grant them a residence permit, which would be stamped in the card itself instead of in the refugee's national passport. Refugees who want to obtain a marriage certificate or even benefit from the services of an attorney in a legal action face obstacles from the Egyptian authorities. In order to get married, refugees are required to obtain a letter from their embassy and must possess a valid residence permit. In a meeting at the UNHCR premises, some Egyptian activists complained about the requirement of a letter from the refugee's embassy in order to obtain a marriage certificate because this requirement may sabotage a person's refugee status (Lutfi 2005).

According to the 1954 MOU, the Egyptian government and the UNHCR are supposed to share the task of protecting refugees. The security challenges refugees in Egypt face vary from normal problems with Egyptian police regarding residence permits (Egyptian police still do not acknowledge refugee cards) to criminal cases. In such cases, the UNHCR office may follow up through its contacts with Egyptian NGOs, such as the Egyptian Foundation for Refugee Rights, that represent refugees and asylum seekers.

Some NGOs believe that Egyptian security services indirectly allow Sudanese security officers to pursue refugees in Egypt as a form of security cooperation between the two states. As the Egyptian government does not have any official system for dealing with refugees, it is easy to start a detention wave by arresting any person with dark skin and deporting him/her back to his/her country of origin. Additionally, because of the lack of a clear policy, the Egyptian police generally respond violently to any gathering of refugees. Three confrontations between Egyptian security personnel and refugees (mainly Sudanese) led to injuries, arrests,

and even deaths of the refugees. These three confrontations illustrate Egypt's greater concern for relations with the country of origin (especially Sudan) than respect for international agreements; this supports the claim of Egyptian activists that the Egyptian and Sudanese governments cooperate regarding security.

In 2003, the Egyptian government launched a random detention wave in the Maadi area of Cairo, a wave that targeted people with dark skin. Over the course of a few hours, government forces arrested over 250 Africans in roundups. International human right organizations strongly condemned the Egyptian police's extremely discriminatory actions against these detainees, forcing the Egyptian government to halt their deportation (Apiku 2003). This incident was likely politically motivated and had nothing to do with security measures. The police hurled racial insults at refugees and asylum seekers and "sexually" harassed women in detention. Additionally, the police deliberately deprived the detained refugees of fresh air in the Immigration Department cells, so that they could extort bribes in exchange for opening the door (Grindell 2003).

From a legal perspective, the Egyptian government did not handle the detention of refugees in accordance with Egyptian domestic law. The detention was arbitrary since it constituted a cruel penalty to which refugees were subjected only due to their illegal entry or presence in Egypt, and as such it contradicts Article 31 of the 1951 Refugee Convention. Furthermore, the detention of these refugees lacked a proper legal framework, such as judicial or administrative review of the necessity of detention in the circumstances or the possibility of release in the absence of grounds for continued detention (Grindell 2003).

The Egyptian NGO South Centre for Human Rights (Aljanoub) on 18 August 2004 called for a protest in front of the UNHCR office in Cairo in response to its suspension of interviews of Sudanese asylum seekers since the end of June that year. The organization called for other Egyptian NGOs to join in submitting a complaint to the UNHCR office; the latter responded a week later by rejecting the petition. Around two thousand Sudanese refugees and asylum seekers started to demonstrate, resulting in a confrontation with Egyptian riot police. Some of the demonstrating refugees stormed the UNHCR premises, resulting in dozens of injuries of both demonstrators and guards.

After the confrontation, the police arrested 22 Sudanese refugees and asylum seekers in the area and denied them access to legal representation even when a delegation of Egyptian NGOs tried to visit them while in custody. The following day, the Egyptian security services committed

a gross violation of the 1951 Refugee Convention when they allowed security personnel from the Sudanese embassy to intimidate the refugees while in detention. Furthermore, Sudanese embassy personnel took a list of the detainees' names and addresses both in Sudan and Egypt, and ordered them to sign a petition to the Sudanese embassy to help release them. All of these detainees were under the mandate of UNHCR, which includes protecting refugees from any harm by the embassies of their country of origin.

The latest confrontation between Egyptian authorities and refugees occurred on December 30, 2005. At that time, dozens of refugees lost their lives because they practiced their legitimate right of peaceful demonstration. A group of Sudanese refugees who called themselves Refugee Voice in Cairo declared that they would engage in a sit-in protest in front of the UNHCR office at Mustafa Mahmoud Park. They had a list of 20 demands related to resettlement and protection issues. There was a round of negotiations between a delegation of five negotiators representing the protestors and UNHCR staff on September 29, but the negotiations proved unsuccessful. Another round of negotiations was held on October 26 with NGO representatives present, but this was also unsuccessful. On December 17, UNHCR submitted a proposal for a compromise; the demonstrators asked for some time to convince their colleagues to end the sit-in. UNHCR then issued a statement (UNHCR 2005) that declared that the heads of the demonstration had failed to convince other demonstrators to end the strike and that UNHCR was not responsible for the consequences.

In the evening of December 29, 2005, Egyptian security forces started gathering reinforcements and antiriot troops. When the state security officer in charge of the area was asked by one of the heads of the strike why security had been increased, he stated that there would be some fundamentalists demonstrating on Friday and that bringing the troops was only a precaution. At around 12:30 a.m., around 6,000 soldiers surrounded the demonstrators' camp with around six circles and security men came with megaphones asking the refugees to get into some buses that had been brought along. However, the protestors refused because they were afraid that they would be taken to an unknown place with their children and because there was no one from UNHCR to witness what would happen there.⁴

On December 30, water cannons were fired toward the camp for two hours from four different points until the whole area was flooded with water. The security men then gave the protesters final warnings, and very early in the morning the security forces began attacking. They charged

into the camp where they encountered almost no resistance and started beating protestors indiscriminately using long sticks while armed with their shields. Then soldiers started dragging away the people who were injured, had fainted, or had even died. They also kept beating those who had raised their hands in surrender. They forced everyone into the buses, and the injured were left on the road as there were no ambulances. Some of the children were put into different buses from their parents and taken to different destinations. They were all taken to different prisons and training camps for soldiers. The attack led to the death of around 50 people despite the fact that the Egyptian authorities insisted that the number of victims was only 10; later it was announced that the fatality count was 29 people according to the district attorney handling the case. However, the refugees' leaders claim that the real number of those who lost their lives during the attack was 156. The Egyptian authorities created a news blackout and prevented journalists and human rights activists from approaching any of the hospitals holding the injured and even from contacting the morgue (AHRLA 2006).

Both Egyptian authorities from the Ministry of the Interior (MoI) and the Ministry of Foreign Affairs (MoFA) and authorities from the UNHCR office in Cairo blamed each other for the attack. UNHCR claimed that it had not asked the Egyptian authorities to use excessive force to disperse the demonstrators (UNHCR 2005), and the Egyptian Ministry of Foreign Affairs claimed that the UNHCR office had demanded intervention three times. In a press release, UNHCR stated that the Egyptian MoFA summoned the NHCR regional representative in Cairo on December 31, 2005 asking for an explanation for his statement to the international press in which he had blamed the Egyptian authorities.

In another press release, the MoFA stated that the refugees had violated Egyptian law, which is to be respected according to the 1951 Refugee Convention. It is an indication that the press release was issued randomly without revision of the name of the 1951 Refugee Convention. In addition, this press release ignored the fact that the right to peaceful demonstration is respected according to both ICCPR and the African Charter of which Egypt is a signatory. Another mistake in the Egyptian MoFA press releases is the quote from a letter dated January 2, 2006, to the Egyptian Organization for Human Rights: a considerable numbers of Sudanese come to Egypt with a tourist visa, and upon arrival, they seek asylum, which is an abuse of the international regime created to protect refugees" (MoFA 2006).⁵

The Egyptian MoFA's accusation here shows total unawareness of refugee laws or even of the 1951 Refugee Convention, which does not

prevent entering with tourist visas to seek asylum, as most refugees to Egypt do. The Refugee Convention even exempts those who enter the country illegally from any punishment, and such entry is not considered abuse at all.

It is also noteworthy that the Egyptian Goodwill Ambassador representing refugees in Egypt, the famous actor Mr. Adel Imam, did not support the refugees whom he was representing. Instead, he stated on the front page of the Egyptian major newspaper *Al Ahram* that refugees threatened the UNHCR staff that they would kill them (*Al Ahram* 2005) even though his job was not to accuse them. Moreover, the head of the police force that attacked the demonstrators submitted police complaint no. 9975/2005 (Dokki Police Station) that accuses Sudanese refugees of attacking police officers and soldiers and injuring some of them. Finally, it is also important to indicate that on June 3, 2006, the Egyptian attorney general declared the investigation of the criminal case of the killing of the Sudanese protesters closed. The reasons given to justify the decision were that the perpetrators who are responsible for the killings were not identified.

In conclusion, two elements must be established if advocates are to work toward a solution where migrants act as agents of development and function as productive members of the global economy without falling victim to human rights abuses. First, no matter who they are or where they are from, migrants cannot be subjected to any derogation of their human rights. Specifying that they are outside their country of origin when violations occur is unnecessary and inappropriately suggests that the local government does not have the power or concern to ensure that these rights are upheld. This is incorrect as human rights function as a universal standard for protection regardless of location. Second, if human rights abuses are punishable by local laws that uphold universal rights, abuses will decrease. This will result in a decrease in the crime currently referred to as "trafficking." If there is no exploitation and migrants find themselves in acceptable situations abroad, they will become what the IOM would deem "good migrants" or migrants that contribute to the economy in their destination country and possibly also in their country of origin through remittances (IOM 1998, 1999, 2000).

For aid workers, providing means to redress situations of human rights abuses is a complicated task, but it is more tenable than trying to define trafficking and also providing support for victims. By refocusing on abuses, aid organizations can have a clearer mandate that serves to identify aid targets, and they can concentrate on how that aid should be delivered. For researchers, looking at both reported and unreported situations of abuse will give continuity to the body of data collected and

enable different international agencies to address the issue of human rights abuses of persons outside their country of origin and do so from a more standardized and cohesive perspective.

The case of refugees in Egypt shows that there is a significant gap between existing protective mechanisms and the realization of human rights protection. In Egypt, refugees are frequently unable to meet even their basic needs. The government of Egypt is neither willing nor able to provide them with their basic needs.

Egypt is a receiving country for refugees, and it is also the first safe country for tens of thousands of refugees from the region (mainly Africa) due to its geographical location. It has been considered a haven for asylum seekers as it would be the gateway to resettlement states such as Australia, Canada, and the United States. It is therefore possible to consider Egypt and Malta as transit countries rather than host states for refugees. Malta is the nearest European territory to the African side of the Mediterranean, and this location makes it a main haven for African migrants or asylum seekers. These migrants and asylum seekers cross the sea in search of a better life or, in many cases, to seek protection from persecution from their home countries. The government of Malta, in its ongoing efforts to restrict the mass influx of migrants and asylum seekers, tends to impose severe penalties to deter refugees. Such penalties contradict the classical concept of refugee protection, and they violate the core principles of legal treatment of asylum seekers. Furthermore, the deteriorating prison conditions and the denial of access to lawyers for detainees are serious breaches of the rights of detainees according to both international and European human rights standards. Together, this illustrates a bleak reality and the significant protection gaps that exist within the politically bound contemporary refugee regime.

This chapter has highlighted practical challenges to ensuring the human rights and basic protection of refugees, in particular in the case study of Egypt and Malta. However, is the failure of such protective mechanisms the result of poor implementation or poor design? How could one conceive of an alternative protective system if finances and political will were no problem? What other barriers would prohibit the realization of such an “ideal” system?

6

Arab Uprisings and New Dimensions of Refugee Crises

Recent events across the Arab world, often called the Arab Spring, Arab Revolution, or Arab Uprising, have raised serious issues for the rights, safety, and identity (RSI) of refugees in the region. While many countries in the MENA region had already hosted millions of refugees, these drastic political changes generated even more new refugees. Many refugees were displaced for a second time, becoming refugees again as they were displaced from their first country of asylum. Reasons for this secondary displacement were numerous. Some migrated at the onset of the uprisings due to lack of RSI, while others left because they found themselves caught between political factions and were unsure which side they should show allegiance to – government or protesters. This chapter considers the impacts of the Arab uprisings on the life of refugee and migrant communities in the region.

The seed of Arab uprising was sowed in Tunisia with the self-immolation of Mohamed Bouazizi in protest against the harassment and humiliation inflicted on him by municipal officials. This was in no way a deliberate political action. His excruciating death resulted in tremendous political gains in the region. What is of particular significance about the event is that he was not directly protesting the authoritarian regime. Rather, he expressed his despair after a lifetime of economic repression and exposure to political corruption that was taking away the meager earnings he obtained to feed his family of seven; he had been the family's primary breadwinner for 14 years. Bouazizi's self-immolation, from Marxist point of view, was a reaction to having been exploited within the capitalist system. The economic aspect of this event is fundamentally linked to politics, with the corruption of local government and the high unemployment rate under the authoritarian regime (Beaumont 2011). It would of course be a weak dichotomy to compare or make a distinction

between whether the self-immolation was an “economic” or a “political” act (De Soto 2011, 2).

This angered Tunisians and triggered many protests across the country, leading to the resignation of the Tunisian president. Countries with controversial leadership – such as Egypt, Libya, Yemen, Bahrain, and Syria – faced the domino effects of this uprising. The governments of Egypt, Tunisia, and Libya were either overthrown or compelled to step down, and the region has remained in political tumult. In June 2013 yet another wave of conflict began in Egypt, and in Syria fierce fighting between protesters and government has been ongoing since 2011 and has resulted in a large loss of life, miserable living conditions, and the creation of more than 3 million refugees spread throughout the region (UNHCR 2011, 2011a, 2011b, 2011c, 2012).

While the desire for democracy in the uprisings is clear, the practical outcome of these fundamental political changes remains uncertain. The future of individual refugees also remains unpredictable amid this political uncertainty. Amid such significant political tensions and transformations, it appears that the rights, safety, and identity of refugees are too easily forgotten.

Displacement and the consequences of the Arab uprisings

The potency of images of unarmed, popular protests did indeed translate rapidly into a changing political mood, with copycat revolts and protests affecting states to differing degrees across the whole region. From Morocco to Iran, what began as an infectious zeitgeist in early 2011 has provoked, and continues to provoke, very different approaches to political contest in states as diverse as Libya, Syria, Jordan, Bahrain, Yemen, Oman, and Saudi Arabia (Spencer 2011). The uprising gave different experiences to republics and monarchies in terms of challenges faced and strategies to pursue. Most republics faced revolutionary movements seeking the overthrow of the regimes; the monarchies pursued a number of strategies to thwart the movement. Protesters chanted the same slogans as citizens in other countries in the region. Yet, the experiences of each state have been different. For instance, in some countries the military defected from the regime; it did so, for example, in Tunisia and Egypt. In Libya, Yemen, and Syria, on the other hand, the military has stayed loyal to the president (Rogan 2011). Some uprisings seemed to be a domestic affair; however, the Gulf Cooperation Council (GCC), led by Saudi Arabia, intervened in Bahrain and NATO in Libya.

Until today, Algeria, Lebanon, Iraq, and Sudan have been spared the threat of a revolution except for some protests. However, they have suffered from civil conflict in the recent past, and this might have an impact on the current situation. Some wealthy states have responded by increased spending on job creation and benefits for their citizens, and some other wealthy countries, such as Kuwait, Qatar, and the UAE, have observed events silently. Citizens of these states are generally satisfied with their governments. The situation was different in Bahrain where the Shia majority demanded political reforms. Saudi Arabia became very concerned because of the fear of Iranian influence among Shia in the Arab Gulf states (Rogan 2011). Morocco and Jordan tried to quell the situation by initiating constitutional reforms.

The uprisings have also given rise to a humanitarian crisis at the domestic level in the region. However, narratives about the Arab uprisings as covered by recent research and in the media largely seem to leave the plights of refugees aside. Refugees claim that the refugee regime's efforts to address their needs in the wake of these fledgling democracies are insufficient.

The Arab uprisings resulted in massive movements of refugees and displaced people across the MENA region. Host countries generated refugees who are faced with new challenges. In some places this has led to xenophobic attacks against nonnationals, such as in the case of sub-Saharan Africans in Libya. In total, more than three million people are believed to have been forced to leave their homes across the region, and refugee claims have risen by around 20 percent as a result of the events (UNHCR 2012; Koser 2012).

Many Tunisians sought refuge in neighboring states while at the same time Tunisia became a recipient country for refugees and asylum seekers from Libya. In Libya, protests degenerated into a civil war in which over one million individuals fled across the borders to neighboring countries including Tunisia, Egypt, Algeria, Niger, and Chad. Egypt and Tunisia accepted around 630,000 refugees who are both Libyan nationals as well as foreign migrant workers (UNHCR 2011d, 2011e, 2012). Also, by mid-February 2011, more than 5,200 refugees had reached Lampedusa Island in Italy. By the end of August 2012, the number of IDPs rose to around 80,000 in Tunisia (UNHCR 2011b, 2012); in Yemen, the number rose to about 500,000 people as a result of internal conflict. Yemen as well hosts around 230,000 refugees, mainly from Somalia, Ethiopia, and Eritrea. As of June 2013, about 1,588,286 people might have left Syria, most of them for Lebanon, Jordan, Turkey, and Iraq, and around 2.5 million people have been displaced within Syria itself (Mikail 2013; UNHCR 2013).

Whether in terms of the economy, politics, or security, all countries in the MENA region have been affected by these political transformations in some way. By any reckoning, the Arab uprisings have produced security crises for the refugee population in the MENA region. Refugees and migrants in some countries were affected directly and some were affected indirectly. Tunisia, Egypt, Libya, and Syria are directly affected. The geographical position of Libya as a gateway between Europe and Africa and the fact that Libya shares land borders with six countries make it a strategically significant country for a wide variety of migration dynamics (IOM 2013). There were more than two million migrant workers in Libya and a total of 114,570 refugees, people in refugee-like situations, asylum seekers, returnee refugee, and IDPs in Libya (UNHCR 2013, 2013a, 2013b).

In Egypt there were about 53,563 foreign migrant workers in 2006 (CARIM 2010) and 56,700 registered refugees and asylum seekers (UNHCR 2013). According to the Migration Policy Centre (MPC), there are more than 102,396 foreign workers in Syria (MPC 2013) and 3,138,710 refugees and asylum seekers (UNHCR 2013). In Tunisia there were about 35,192 migrant workers in 2003 (Tunisian National Institute of Statistics 2004) and more than 200,000 refugees in 2012 (UNHCR 2013). In Bahrain, there are more than 239,000 migrant workers (Fowler 2012); they make up about 39 percent of the country's total population. In Yemen there are around half a million refugees and asylum seekers (UNHCR 2013). These data indicated that a huge number of populations are directly affected by the uprisings.

The phenomenon of migration is as old as the history of humanity and has always had the ability to transform countries and regions around the world. The ongoing transfer of migrant populations within and between the Middle East and North African regions has existed for many centuries. Yet recent events in the MENA region have strained migrants as well as the national and regional policies and institutions designed to protect them (CEMMIS 2011).

While the Arab uprising has created new refugees and displaced existing refugees for the second time or more, it has also enabled increased irregular and illegal migration. The migration of people through trafficking, smuggling, and other illegal networking systems has increased dramatically. This trend challenges many of the dominant refugee and migration theories and assumptions, calling into question existing policies for protection, categorization, and assistance for vulnerable migrants. The pattern of human smuggling and trafficking in the MENA region is unique. The risks and motivating factors of human trafficking and migration

after revolutions diverge from generalized and theorized trends and give birth to a new way of approaching human trafficking during the uprisings.

Camps in border regions. As mentioned above, the record level of increase in the requests of asylum seekers is one of the outcomes of the Arab uprisings (Nebehay 2012). The uprising has left refugees and migrant workers in the region with limited choices (Feuiherade 2012), and the current blend of migrants requiring support means that all people fleeing the regional conflicts should be considered potentially refugees. Assuming otherwise risks the possibility that a true refugee will be denied his or her rights (Curtis 2011). In case of border conflicts, such as in Tunisia, Syria, and Libya, refugees have been confined to camps, with little material goods or resources to sustain meaningful life. Although refugee camps should be a place where people find necessary assistance and protection, conditions in border camps in the region are often worse than in the refugees' countries of origin. An incident in Shousha camp in Tunisia provides just one example; there four refugees died when a fire of unknown origin spread through the camp at night. This event was followed by violent demonstrations against the poor living conditions in the temporary camp (Mcphun 2011).

Moreover, refugees who were transferred to camps were subject to violence and aggression since these camps encompass people of different nationalities. For instance, "[In] the Yayladagi refugee camp near Turkey's border with Syria, there are around 3,500 refugees living there with more families arriving by the day. Its occupants fled in terror, leaving their homes and the land where they belong. They are part of a wave of Syrians escaping the government crackdown on pro-democracy protesters" (Ridgwell 2011). Along with Syrians in these camps, there are also sub-Saharan African refugees, such as Eritreans and Ethiopians, who reported violence because of hostility toward them from Libyans, and this contributes to the high rate of violence and aggression among refugees in these camps.

Mixed migration and migrants' multiple displacements. Most countries in the MENA region have historically hosted refugees of Palestine and African origins. Due to the current uprisings, some countries that used to host refugees became sending countries. This phenomenon has changed the balance in the regional burden sharing dramatically and has placed some countries in an uncertain situation in terms of their responsibilities. Some countries already burdened with a huge number of Palestinian refugees, such as Lebanon, for example, are now receiving

hundreds of thousands of Syrian refugees. They have also received Iraqis in several waves in recent years (such as 1991 and 2003). Refugees have thus faced the challenge of being unable to estimate the scale of danger in the place to which they have been displaced or in their other regional alternative displacement locations.

Challenges for the future of asylum policy. What impact the Arab uprisings will have on the various countries' asylum policies is yet to be seen. For some countries, recent events have provided an opportunity to develop or renew national policies toward asylum seekers and refugees. However, for the near future, the main concern will be mainly to manage those still displaced by meeting their basic needs and providing assistance for either repatriation or resettlement of refugees and the safe return of internally displaced people. Local integration for refugees remains largely elusive. For example, thousands of Libyans fled to Tunisia and Egypt, but are these countries safe for them? Should the refugees support the uprising or the governments? How should the region make such decisions? How can refugees and migrants themselves decide? These questions merit further investigation.

National responses to displacement

In retrospect, the socioeconomic and political circumstances across North Africa and the Middle East “were bound to culminate in sweeping changes in the region” (Aghazarm et al. 2012). For decades, most of these countries were governed by authoritarian regimes leading to political repression, economic stagnation, and often dire livelihoods and development situations. The revolutions in several MENA countries shook regimes that had been in power for decades. Ben Ali had ruled Tunisia with an iron fist for 23 years; Egypt was under a state of emergency for 30 years under Hosni Mubarak; Gaddafi had ruled Libya for 42 years, and Syria has been under the rule of the Al Assad family for 40 years. Several factors explain why the regimes of the MENA region had been stable and immune to democratization for so long: the exploitation of family, ethnic, and religious loyalties, the creation of parallel militaries that counterbalanced the regular military forces, the establishment of security agencies that watched everyone, including other security agencies, and the encouragement of expertness in the regular military (Quinlivan 1999).

The academic literature related to Middle East Politics has long acknowledged the lack of democracy in the region. On the one hand, the lack of democracy is an inappropriate focus. Researchers

are basically searching for something that does not exist, and some have argued that research should instead be focused on other issues in MENA politics (Anderson 2006). On the other hand, the robustness and strong coercion of the military apparatus in the region could be seen as the primary reason why the democratization process was stifled in the region (Bellin 2004). The explanation for such a complex and somewhat unique phenomenon can also be linked to the rise of Islamist forces. Political Islam has become a doctrine that focuses its attention on how Islam has been used for political purposes. The fear that Islamists can take over has worked as an impediment to democratization (Brumberg 2002; Zakaria 2007; Volpi 2004).

Leaders have also strategized by making concessions for liberalism only in order to maintain rule and legitimacy. "Liberalized autocracy" as "a system of rule allowing for a measure of political openness and competition in the electoral, party, and press arenas, while ultimately ensuring that power rests in the hands of ruling regimes," seems an apt description of the region's policies (Brumberg 2005). Before the revolutions in 2010, the Middle East experienced a phase of political opening. Another example is Bahrain, which held its first legislative elections in 29 years in 2002 and resumed its parliament in December of the same year for the first time since 1975. Sectarian cleavages, however, became evident with many Shiites boycotting the elections (Gordon 2010).

Between 2004 and 2006, political reforms also took place in several other countries in the region. These included elections in Algeria in 2004, the announcement of multiparty elections in Egypt, elections in Lebanon after the assassination of former Prime Minister Rafik Hariri on February 14, 2005 – which led to protests and calls for regime change – and elections in the Palestine territories in 2006, which led to Hamas winning power. Reforms also took place in Kuwait, Qatar, and Morocco (Gordon 2010). Despite these moves toward democratization, Gordon argues that the "Arab governments always had control over the kinds of reforms they would undertake as well as how extensive those reforms would be" (Gordon 2010).

Those last points related to the illiberal democracy or liberalized autocracy have to be linked to a broader phenomenon that has been noticed in the last decade: the end of the transitology paradigm (Carothers 2002). Despite the third wave of democratization, some regions are struggling to consolidate their democratic institutions. The simple fact that many authoritarian regimes had a breakdown and undertook democratic processes does not necessarily mean that they can establish and consolidate democratic institutions (US Department of State 2012a). Most of these

countries are lost in the “grey zone.” On the one hand, they cannot be defined as authoritarian by applying the definition and characteristics of an authoritarian regime, and on the other they are far from being democratic. The uprisings that occurred in the MENA region challenge some of the previously described positions.

It was hence not before December 2010 that the region was shaken by a wave of uprisings and revolutions, triggered by the self-immolation of Bouazizi. The MENA region saw outcries against “years of oppression, human rights violations, misrule, and corruption” (Amnesty International 2012). Poverty and unemployment as a result of economic decline, the concentration of power and wealth in the hands of a few, and corruption were other triggers. There are some “striking” commonalities between the different uprisings. As mentioned before, one was greater openness “or at least the promise thereof.” Over the past 10 years political freedom that had existed was then repressed again by the ruling autocrats (Elegati 2011). Other “common root[s]” were economic corruption, repressive security forces, and a lack of opportunities. The region had made improvements in literacy rates and living standards, but the lack of reforms left many – especially the youth – with unfulfilled aspirations. The reasons that sparked the uprising in Libya are explained less by socioeconomic destitution of the population than by a movement against the leader Al-Gaddafi (Aghazarm et al. 2012).

Although many regional trends can be seen, it is important also to consider the responses of individual countries to recent political transformations and displacement. This section discusses migration into and out of several countries as well as national political and policy responses regarding the management of migration in the region.

Tunisia. As of January 2012, as many as 3,610 refugees, 80 asylum seekers, and 10,500 other persons of concern were registered with the UNHCR in Tunisia (UNHCR 2012). Tunisia was very generous in opening its borders to refugees from Libya, for both Libyan nationals and non-Libyans alike. It launched relief efforts together with the UNHCR and other organizations to cater to the incoming refugees. In June 2011, Tunisia signed an agreement with UNHCR in regard to cooperation between various ministries of the Tunisian government and the UNHCR, including the Ministry of Foreign Affairs, the Ministry of Social Affairs and Women, and the Ministries of Defense, Interior, and Justice. UNHCR’s operation in Tunis currently manages three asylum-seeking populations: Libyan asylum seekers who stay with families in the southern part of the country, asylum seekers and refugees residing in camps along the south-eastern border, and urban refugees and asylum

seekers. The urban refugee and asylum-seeking populations are small, with 130 asylum seekers, mainly from Côte d'Ivoire, and 90 refugees from various nationalities living in Tunis (UNHCR 2012).

While almost all non-Libyans remained in the camps in Tunisia, many Libyans have returned home following the fall of the Gaddafi regime and the implementation of a new government. At the time that UNHCR wrote its Global Appeal for 2012–2013, the number of people residing in the transit camps along the border included some 1,470 asylum seekers and more than 2,230 refugees from over 30 nationalities including mostly Eritreans, Somalis, and Sudanese. Sub-Saharan Africans cannot or are not willing to go back to Libya because of fear and the risk of being discriminated against or attacked because of accusations of being mercenaries of Gaddafi. Despite all this, the prognosis for Tunisia is fairly positive, as the revolution has seemed to have led the country to engage in political debate in the media and the public sphere (Willis 2011).

Egypt. Inspired by the events in Tunisia, Egyptians took to the streets to demand the resignation of then president, Hosni Mubarak on January 25, 2011. That day, January 25, marked the beginning of what would be a massive uprising centered in Tahrir Square (Medan Tahrir) in Cairo, and it eventually led to the resignation of Hosni Mubarak on February 11, 2011. The Supreme Council of Armed Forces (SCAF) then assumed power in preparation for a transition to democratic elections.

As of January 2012, a total of 25,221 refugees were officially registered with the UNHCR in Egypt. Sudanese, including South Sudanese constitute the largest population (10,339) followed by Somalis (6,328), Iraqis (6,132), Eritreans (1,041), Ethiopians (6,160), and other nationalities (765). However, the total number of people exposed to potential protection risks is much higher. According to a local organization working with refugees in Cairo, there are at least 500,000 undocumented migrants in Egypt (AMERA). Approximately 43,000 migrants are believed to be refugees (IRIN 2012a).

Egypt is a signatory to the 1951 Convention relating to the Status of Refugees (UN Refugee Convention) and the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention). Though there are claims that Egypt does not have comprehensive national refugee legislation in place and has abdicated most of its responsibilities toward refugees and asylum seekers to UNHCR through a Memorandum of Understanding signed in 1954 (Kagan 2011), Egypt has been fairly cooperative and tolerant of refugees within its borders.

The Egyptian Revolution has brought many new challenges for refugees in Cairo, which is where most refugees in Egypt reside. Increased discrimination and less help from authorities since the resignation of Hosni Mubarak have been reported (IRIN 2011). The deputy representative of the UNHCR in Egypt has also associated the increased intolerance toward refugees with the former regime's largely welcoming policies. Accordingly, the popular attitude is something along the lines of, "Now it's over, so you can go home."

Egyptian children's rights organizations raised awareness about increased incidents of child abductions in Cairo and around the country since the ousting of the Mubarak regime because of the weakened security system (IRIN 2012b). A main reason for this phenomenon can be traced back to "an almost total collapse of Egypt's security system, with police absent from the streets for extended periods of time." The motives brought forward to explain child abductions are ransom money and organ trafficking (IRIN 2012b). Rather than finding solutions against the phenomenon of trafficking, Egyptian security forces at the border have continued to use excessive force against people trying to cross into Israel.

Egypt is one of the places where the aforementioned increase in illegal activity related to migration, including human trafficking and smuggling, can be clearly seen. Lack of control of the peninsula and organized smuggling of weapons and human beings was already a problem before February 2011. However, the recent political and security uncertainties in Egypt arguably have contributed to increased trafficking of persons in the Sinai. One worry shared by many is a possible continued neglect of the problem against the background of the prioritization of political reforms after the revolution coupled with possible increasing political insecurity and diminishing control in the country as a whole.

For geopolitical and security reasons it would appear that true and transparent democracy, free of corruption and manipulation, has not yet been realized in Egypt. There is concern that repression and restriction will continue even if a more open and relatively stable regime were to emerge (Ramadan 2011).

Libya. Libya became a monarchy upon independence in 1951, but Colonel Gaddafi overthrew the king in 1969 and installed a new regime; he became a self-declared protagonist of pan-Arabism, anti-colonialism, and anti-imperialism with a strong anti-Western stance. Meanwhile, Libya has also become a major oil-exporting country, with oil accounting for almost all of the country's export revenue. In 2004, oil exports formed 95 percent of Libya's export revenue (IMF 2012), and the

booming economy demanded foreign labor to work on the oil fields in the southern parts of the country. Libya therefore became a major immigration draw in North Africa in the 1970s and 1980s. The immigrants during that period came mainly from Egypt, Sudan, and Sub-Saharan African countries, and they saw Libya as an attractive option compared to the conflict and poverty in their own regions (de Haas 2006). Regions such as Darfur have a long history of trade and migrations flows with Libya, and socioeconomic development during Gaddafi's era expanded on existing migratory trends (IMF 2012).

In the 1990s, Gaddafi's regime changed its focus from Pan-Arabism to Pan-Africanism, introducing policies encouraging Africans to come and work in the country (Hilarias 2001). During this period Gaddafi was reluctant to solve the problem of irregular migrants aiming at transiting through Libya to Europe. In addition, realistically, Libyan authorities were never actually able to register or restrict more than a fraction of the irregular migration into the country.

Libya has chosen to emphasize the security aspect of its migration policies. The Gaddafi regime proclaimed from the outset that it aimed at the emancipation of people everywhere and at freedom from want and persecution. However, the Libyan immigration system was never consistent with these objectives. For example, although Libya is a signatory to the 1969 OAU Refugee Convention and the 1981 African Charter on Human and People's Rights, the state never adopted any clear legal instruments defining who is a refugee. The country never signed the crucial 1951 Refugee Convention or the 1967 Protocol, but declarations made by the regime itself, such as the 1988 Human Rights Charter of the Jamahiriyan Era, guarantee the protection from persecution for both nationals and foreigners (IOM 2009a).

In February 2011, political violence erupted across Libya after the government brutally suppressed demonstrations against the Libyan leader. This was followed by months of fighting between government and opposition forces, and later international forces became involved. After the death of Gaddafi, the country was officially declared liberated by the Transitional National Council (TNC) on October 23, 2011. Sources report that security forces deliberately attacked refugee camps and forced sub-Saharan nationals to join pro-Gaddafi forces.

The crisis in Libya affected not only the Libyan people but also had a massive impact on countries in the south of Libya since 100,000 Chadians and 80,000–90,000 Nigerians were compelled to return to their countries after losing employment and sources of remittances in Libya. Border states such as Egypt and Tunisia also ended up receiving

a huge number of migrants fleeing Libya during the conflict. Statistics report that 20,000 Egyptian and 82,000 Tunisian migrants returned to their countries of origin in the first few months of the turmoil (Feuiherade 2012). Since the crisis in Libya began, as many as 1,400 Libyan asylum seekers have drowned in the Mediterranean Sea while undertaking the voyage to seek refuge in Europe. Coghlan (2011) stated that according to the IOM, many asylum seekers, both Libyan and guest workers from countries like Chad, are seeking refuge in Italy, Spain, France, and Britain.

According to UNHCR, about half a million people fled to Egypt through the Salloum border crossing. These included Libyans as well as foreigners who resided in Libya (UNHCR 2012f, 129). IOM, in cooperation with border authorities, reported that by January 2012 only 263,554 people had crossed the Libyan-Egyptian border, and 173,873 of them were Egyptians and 89,681 were foreigners. Most of those in the latter group fled on their own without asking for assistance. This group comprised mainly people from Middle Eastern countries and Sudan. They were not required to wait for visa processing at the border (Aghazarm et al. 2012).

Some 43 percent of the total number of refugees fleeing Libya was estimated to have 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 February 28, 2011 and March 3, 2011 (Sanz 2011). Over 235,000 people had fled from Libya to Tunisia by April 2011 through the main border points of Ras Adjir and Dehiba. Up to 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 (Pennington and Kristele 2011). Libya has never had asylum policies in place and is not party to the 1951 UN Refugee Convention. Like Libyans, many foreigners (including refugees and asylum seekers) have lost their livelihoods as a result of the conflict and displacement. For months, thousands of sub-Saharan Africans were residing in makeshift camps throughout the country (Pennington and Kristele 2011). It is not clear how many are still presently living in these camps.

One significant consequence for refugees resulting from the conflict is increased resentment against sub-Saharan Africans. UNHCR has also reported increased risk of arrest and detention (UNHCR 2012f, 134). As already mentioned, sub-Saharan Africans became targets of arbitrary

arrest and attacks as they were perceived to be Gaddafi's mercenaries. As Amnesty International has reported, racist and xenophobic attacks, already frequent before the unrest, increased as a result of the breakdown of law and order (Amnesty International 2011a, 2011b). Many of the sub-Saharan Africans who did not or could not leave the country were arrested by the opposition and accused of being Gaddafi's mercenaries. Fifteen hundred of an estimated 7,000 prisoners, kept in official or ad hoc prisons, are foreign nationals and most of them are from sub-Saharan Africa (Pennington and Kristele 2011; Aghazarm et al. 2012).

Libya is a strategic backwater for most of the European countries. It is feared that its collapse may create a welcome space for international terrorists, push a flood of migrants to Europe, and generate prolonged insecurity in energy markets (Joshi 2011). The Maghreb region has always been at the crossroads of migration and trade between North Africa and Sub-Saharan Africa, Europe, and the Orient. Libya, Tunisia, Algeria, and Morocco have long traditions of migration, but the postcolonial era has seen many new challenges in the region. One of the wealthiest and least populated countries in North Africa, Libya has seen several waves of labor immigration as well as an increased influx of transit migrants headed for Europe and farther afield. The authoritarian state and radical foreign policies of Muammar Gaddafi's Libya have conditioned its immigration policies, particularly in handling transit migration, since the 1990s.

Yemen. In the Arabian Peninsula, only Yemen has signed the 1951 Convention and 1967 Protocol. Yemen hosts a large number of refugees from troubled countries of the Horn of Africa and also from oil-rich countries (Hughes 2003; UNHCR 2013). In a difficult political landscape Mr. Saleh governed Yemen for about 33 years essentially based on the rule of the military and traditional rent systems. In order to secure allegiance, the president distributed political rents from the oil-driven economy through an inclusive patronage network of tribal, religious, military, and party elites. Through his crony administration, he dominated the state's security apparatus. As the protests gained momentum in 2011, Mr Saleh responded with patronage and bribery, co-option, repression, and propaganda (Thiel 2012).

Yemen's three rival elite factions – Saleh's family, the al-Ahmar family, and the now-defected General Ali Mohsen – have been developing for years, but rivalry broke out in earnest between Saleh's regime and the al-Ahmar faction in 2011. The port of Aden, usually a destination for refugees and economic migrants from the Horn of Africa, has become refuge to 150,000 internally displaced Yemenis since May 2011. Some 20,000 people live in public schools and vacant public buildings. In the

north of the country, clashes between the government and the militant Al-Houtis group have been continuing despite a peace agreement that was signed in June 2010. These conflicts and sporadic tribal clashes have displaced more than 300,000 people (UNHCR 2012). Most refugees from Yemen seek refuge in Saudi Arabia (Reinl 2009).

The ongoing conflicts against a backdrop of a failing economy, high unemployment rates, mass poverty and hunger, and a fuel, water, and food crisis threaten to induce a nationwide humanitarian disaster (Nevens 2011).

Bahrain. Uprisings in Bahrain were driven by decades-long local grievances. Kinninmont (2011) argues that the competition for influence between Iran and Saudi Arabia on politics in Bahrain has perpetuated local disputes about the distribution of power and wealth and transformed them into a sectarian issue. The uprising is not over simply because protests have been suppressed rather than resolved. Although violence has diminished, the political situation, social tensions, human rights, and the economy are all in far worse condition than before the uprising (Kinninmont 2011).

Syria. Perhaps the largest and most urgent and complex movement of people in the MENA region has resulted from ongoing civil conflict in Syria. The Syrian revolution began on March 18, 2011, after worshipers in a mosque protested against the arrest of 11 children from Daraa after Friday prayers. As events unfolded, clashes between protesters and security forces spread quickly, and violence rapidly engulfed the country. Protesters burned one official building of Syrian security forces on their premises in Al Qasr Al Adli, a few meters away from the Palestinian refugee camp of Daraa. Security forces accused Palestinians in the camps of participating in the events, and this raised alarms for Palestinians. It became clear to them that they were the most vulnerable group and exposed to abuse, and at least 71,000 Palestinians have fled Syria for the comparative safety of Lebanon due to the ongoing unrest. They have again become second-time refugees (Irfan 2013).

Syrians as well are threatened by the continuing conflict. Syria is (as of August 2013) still facing fierce unrest and conflict within the country between two sides (Abdelkader 2013): the government and protesters. Syrians have had no choice but to flee to neighboring countries such as Turkey, Lebanon, and Jordan, which already host hundreds of thousands of refugees (Feuiherade 2012). A few million people have already sought refuge in neighboring countries (Ridgwell 2011), and even soldiers who have simply refused to shoot civilians have been forced to flee.

However, the status of Syrians in refuge is problematic. Jordan does not offer asylum to Syrians though it provides medical attention and shelters to displaced Syrians (Feuiherade 2012). Turkey has been an important destination for Syrian refugees and is planning to create a security zone in case there are more Syrian refugees. More than 300,000 Syrians have taken refuge in Turkey (Jones 2013).

There were more than one million refugees, asylum seekers, and stateless person in Syria prior to the revolution, but only approximately 118,600 have received assistance from UNHCR (UNHCR 2012, 134). Currently, Iraqis make up most asylum seekers and refugees. At the same time, interest in voluntary repatriation and independent emigration has increased. The current unrest represents a general protection risk for refugees and asylum seekers. Beyond that, the unrest took a heavy social and economic toll on people at large (UNHCR 2012).

People fleeing their homes in Syria when violence intensified mainly headed toward Lebanon, Turkey, and Jordan. By the middle of 2011, many Syrians had fled to Lebanon but were not secure there due to the Syrian military intelligence and its Lebanese allies. Around 20,000 Syrians fled to Turkey, half of whom ended up in camps set up by the Turkish Red Crescent at the Turkish-Syrian border (Amnesty International 2012). By March 2012, UNHCR and Lebanon's High Relief Commission (HRC) together had registered 7,900 Syrians in north Lebanon. Registration was continuing in Tripoli where several thousand Syrians had taken refuge. Another 5,000 refugees are estimated to be in the Bekaa valley of Lebanon (United Nations 2012).

A third of Syrians fleeing their country head to Lebanon; Jordan received another 33 percent, Turkey 19 percent, and Iraq 11 percent. Lebanon faces a severe shortage of essential medical supplies needed to treat refugees while aid workers in Egypt have identified mental health issues among Syrians entering the country. Jordan, a major host of Iraqi refugees, is now seeing its public services being stretched to the breaking point. As one of the region's smaller countries, it has seen the influx of refugees swelling its population by 10 percent (UNHCR 2012).

Half the Syrian refugees who fled to Turkey were housed in camps along the border set up by the Turkish Red Crescent (Amnesty International 2012). About 30,000 people are distributed across nine camps in the Hatay Province, in Gaziantep, and in Kilis. Turkey has had to spend \$600 million to set up 17 refugee camps, and it will need to continue to build more to accommodate the thousands that continue to flee across Syria's borders every day. The Jordan Hashemite Charity Organization estimates that up to 20,000 Syrians have entered the

country but have not sought protection or assistance until mid-2012 (United Nations 2012). Some 17,000 Syrian children have registered in schools. While 13,000 have already started attending school, some 4,000 children are on waiting lists (UNHCR 2012). Internally displaced Syrians and those who found refuge in neighboring countries are often dependent on assistance from NGOs or their families. UNHCR and international NGOs are concentrated in the border areas such as Wadi Khaled. While the provisioning of services in Wadi Khaled is adequate, in the areas in north and eastern Lebanon, south of Beirut, and in Tripoli assistance for much larger refugee populations is largely lacking (Reynolds and Cordell 2012).

In 2012, UNHCR prepared a Syria Regional Response Plan to address the protection and assistance needs of refugees fleeing the Syrian conflict into Jordan, Lebanon, Turkey, and Iraq. For all four countries national strategic plans have been developed. In Jordan, where most Syrian refugees currently reside in cities and towns with families or in self-rented apartments, protection concerns, the provision of basic needs, and access to health and education are the main foci. In the case of Turkey where the government has located Syrian refugees mainly in tented camps or container settlements, the UNHCR mainly provides technical support in voluntary repatriation or camp management (United Nations 2012).

Politics and international protection

Unrest in the MENA region has caused displacement in varied degrees – not only of nationals but also of migrants and refugees hosted in these countries. While each country has responded to the Arab uprising and domestic politics in its own way, the national response ultimately cannot be separated from the international discourse on migration and refugees and on international refugee and migration policy.

There are many examples of refugees and migrants being used as political tools throughout the region. There are widespread claims that Colonel Gaddafi hired foreign mercenaries from Nigeria, Mali, Chad, and Kenya to fight protestors. Other sources report that security forces deliberately attacked refugee camps and forced sub-Saharan nationals to join pro-Gaddafi forces (Hamilton 2011). Many states' economies have been disrupted due to violence and conflict, and this is only exacerbated by the migration and displacement patterns. The Libyan economy has been heavily dependent on migrant workers, but when violence erupted, Tripoli became empty of foreigners. Borders became

crowded with anxious people fleeing the 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 migrant workers (Pennington and Kristele 2011). They came from various countries including Burkina Faso, Ethiopia, Eritrea, Ghana, Mali, Niger, Nigeria, Somalia, and Sudan (Amnesty International 2012). They faced harsh discrimination when it was revealed out that Gaddafi employed sub-Saharan African mercenaries to crush domestic protests (UNHCR 2011b). Also, between 1.2 and 1.5 million Egyptians were estimated to have been in the country at the outbreak of the conflict, mostly as migrant workers (Amnesty International 2012).

Labor migrants could theoretically be repatriated in the event of conflict or unrest in the host country, but some one thousand sub-Saharan Africans were unable to return to their home countries due to fear of persecution. With Egypt and Tunisia unwilling to accept migrant workers, resettlement became the only viable solution. However, this process has been slow, which is also due to the unwillingness of the EU member states to accept resettled refugees. As of January 2012, some 5,000 sub-Saharan refugees were still lingering in the desert camps of Tunisia and the Salloum camp in Egypt (Amnesty International 2012). Likewise, black Libyans – especially those from the Tawargha region, which was seen to be loyal to Gaddafi and used as a base for his troops – were highly vulnerable to attacks. About 30,000 residents fled the city when it came under the control of armed fighters from Misratah; many of these refugees remained displaced due to fear of return.

Europe has responded to increasing flows of refugees seeking asylum in Italy and Greece with increasingly restrictive policies. Containment in the region is seen as the optimal solution to mass displacement, despite the lack of meaningful solutions available for refugees in politically tumultuous and insecure countries that lack basic protection and assistance infrastructure. As mentioned earlier, thousands of Tunisians and Libyans have attempted to flee to Europe via boats, mainly to the Italian island of Lampedusa, during and after the uprising. Between mid-January and mid-February in 2011 more than 5,200 Tunisians arrived on Italian shores (UNHCR 2011a). More recently, several hundred Syrian refugees have left Egypt by boat, hoping to reach Italy or southern Europe.

The number of people fleeing through the Mediterranean Sea to Italy, Spain, or Malta was small, totaling approximately 4 percent of the one million people fleeing Libya (Aghazarm et al. 2012). The journey has been dangerous and at least 1,500 are believed to have died during the

attempted crossing, and one boat that departed from Libya on March 25, 2011 drifted for two weeks at sea. Only 9 of its 72 passengers survived. The incident received much media attention because survivors reported to have seen “a military helicopter, what appeared to be an aircraft carrier, and other vessels” but did not receive any help (Agenzia 2011; Guardian 2011; Human Rights Watch 2011).

European countries continued to play a vital role in the movement of refugees since the Arab uprisings (Wheeler 2011). The vast majority of those refugees went to southern Europe to seek refuge particularly in Italy, Malta (Nebehay 2012), and Turkey. Italy has been one of the most reachable states by the migrants from Tunisia, Libya, and even from Egypt after the Arab uprising who seek a safer place (CEMMIS 2011). For example, about 57,000 migrants turned up on Lampedusa Island as a result, and the Italian detention center there was allowed to overfill, triggering protests and clashes between authorities, detainees, and locals who were angry that the influx had scared off tourists. It is as though European states are being tested on their commitment to the international obligations toward refugees and asylum seekers through the Arab uprising experience (Wheeler 2011).

Refugees heading for Greece are considered to be in a critical position that needs to be handled wisely. Italy, on the other hand, has not been prepared for such a huge number of migrants and has struggled with a conflict between international human rights standards theoretically and the implementation of these principles in practice. 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 Rights¹ and in the EU Council Directive on the Temporary Protection of Displaced Persons (CDTPDP), 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” (Curtis 2011, 2). Additionally, refugees cannot be expelled from Italy according to the UN Convention and Protocol Relating to the Status of Refugees, which guarantees the principle of non-refoulement that “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 Italy to process each refugee’s application for asylum. These steps have not been met easily with the current migration movement from the Arab uprisings in neighboring countries since the North African countries saw the fleeing of different groups with different backgrounds, each with unique immigration purposes (Curtis 2011).

European states have not equally responded to the refugees fleeing from the Arab uprising. Italy and Greece have accused Britain and its northern European neighbors of not sharing the responsibility for a crisis in migration that has left them struggling to cope (Grant and Domokos 2011). Both Italy and Greece have also sought to suspend their commitment to the EU Dublin system since the system exacerbates their relatively large burden. In order to escape from their responsibility, European states allege that the refugees are illegal immigrants and not asylum seekers and that they are therefore allowed to refuse them entrance to Europe (Mcphun 2011).

Italy's initiation of a policy to decrease the influx of migrants, undertaken in coordination with the EU Border Protection Agency, has resulted in a clear violation of international refugee laws. In numerous incidents, Italian authorities have blocked boats carrying migrants from entering Italian ports and have 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 violation of international refugee laws regarding "the admission of, and the prohibition on the expulsion of, asylum seekers" (Curtis 2011).

"Experts and rights groups say that politicians dodged the issue, framing the people fleeing Libya and Tunisia as illegal immigrants rather than as refugees seeking asylum (Wheeler 2011). An example of Italy's reluctance to tackle the situation positively is the recent agreement between Italy and Libya's National Transitional Council to exchange information on illegal immigrants and the arrangement for their repatriation (Mcphun 2011). Despite the mounting pressure of refugees, Italy is bound by EU law to deal with the matter on its own (Wijnants 2011).

When the situation in 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 increased illegal immigration and will also affect social, medical, and housing programs. The reaction of some EU states such as Belgium, France, Germany, Austria, and the Netherlands was to resume border 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 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, and it would thus temporarily provide shelter for refugees for a maximum period of one year (Squires 2011).

Refugees in the “new” MENA

It is difficult to identify positive outcomes for refugees fleeing the Arab uprisings. Economies throughout the region continue to suffer, existing refugee protection regimes are overstretched, and new types of migration lead to an inhumane existence for migrants; these problems are not addressed sufficiently. Harassment and xenophobia have increased dramatically. Incidents of trafficking, kidnapping, sexual and gender-based violence, robberies, muggings, assaults, and general harassment have become worryingly frequent. Legal support has, it seems, narrowed. Women of color and foreigners are reported to have experienced more sexual violence than nationals.

Refugees resulting from the Arab uprisings as well as those continuing to live in exile throughout the region do not pose an isolated problem. On the contrary, the massive gaps in meaningful protection are the region's and world's shared responsibility. 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. It seems to be the responsibility and the role of the whole world to support Arab states in this critical and transitional period in their history and particularly to safeguard the rights of the most vulnerable people in society. This support can be achieved through providing humane and civilized solutions for people fleeing their countries of origin rather than by shirking responsibility and shifting attention away from international legal obligations toward those refugees. Gaps in protection regimes should be addressed through new legislation and increased assistance mechanisms. Following political transitions undertaken in order to increase standards of living and quality of life, it is important to ensure that migrants' lives are also improved rather than put at risk.

Since 2010, security crises resulting from the Arab uprisings have caused a wave of refugees and internally displaced persons (IDPs) in the MENA region. New movements of refugees are part of a complex set of political waves of the Arab uprisings. The massive movement within the Middle East itself is a more significant challenge than inflows from the MENA to European countries (Mikail 2013).

Fargues (2011) has suggested Albert Hirschman's theory of response to deteriorating conditions to explain the relationship between migration and protest. Among the choices between "exit," "voice," and "loyalty," showing loyalty (or, more precisely, silencing complaints) has historically been the dominant response in Arab populations. The emergence of individuals enjoying unprecedented freedom of movement has opened the door to risk taking, and people first exited, and they now voice. The exit response – emigration – had been widespread across the Arab region for the second half of the 20th century except for the oil-rich countries of the Gulf (Fargues 2011). Now the question is whether the Arab uprisings will further affect migration and refugee flows. The Arab uprisings are still ongoing and will produce a variety of migratory political and socioeconomic outcomes. In case this revolution ends up establishing a democratic and responsive government, it is highly likely that the outflow will decline and a return migration from the diaspora will take place. However, a mass migration due to the uprisings is unlikely though the outflow from sending countries will continue as long as the governments fail to respond to people's aspirations for economic security. When the revolution broke out in Libya in mid-February 2011, the country hosted 1 million or more migrants, mainly from Egypt, Tunisia, and sub-Saharan Africa. The scenario of the First Gulf War between 1990 and 1991, during which 3 million migrant workers and their families were suddenly driven into exile, is being repeated in Libya (Fargues 2011).

MENA hosts the world's largest and longest-standing refugee problem: that of Palestinian refugees, in addition to millions of displaced Iraqis, and thousands of other displaced groups. For decades MENA has been plagued by a multitude of political and socioeconomic challenges. Population displacement has featured prominently among these challenges, and it is firmly embedded in the geopolitical realities of interstate conflict and internal civil strife (CMRS 2013). Generally, during such revolutions, law and order can no longer control the situation. The main source of insecurity causes the rise in levels of crime and threats from "thugs, many of whom had increased access to weaponry. Following the revolution in Egypt, the level of violence increased against Egyptians as well; yet, refugees were more disproportionately affected due to their lack of access to legal recourse and local support structures" (Khallaf 2013). Since the fall of the Mubarak regime in 2011, Egypt has experienced a drastic fall in both foreign investment and tourism revenues, followed by a 60 percent drop in foreign exchange reserves, a 3 percent drop in growth, and a rapid devaluation of the Egyptian pound. This has

led to Egypt's worst economic crisis since the 1930s. The number of evictions of refugees who have had to find short-term makeshift housing arrangements has increased as well. Refugees face another unanticipated dilemma: people see the presence of refugees as linked to the former regime. Under the previous regime refugees were at least tolerated, but now that it is gone, the refugees are supposed to go too (Khallaf 2013). One interesting relation was noted during the Libyan migration crisis. UNHCR and IOM worked together for those fleeing Libya. They have separate mandates; therefore, they merged their mandates, expertise, operations, and institutional cultures to prevent the crisis from escalating into a humanitarian or a protracted displacement crisis. The displacement in Syria resulting from the conflict has become one of the fastest growing crises. Since March 2011, the number of IDPs so far has totaled around 4.25 million, and around another 7 million people are in need of assistance (OCHA 2013). "In recognition of the fact that the response in these countries needs to address the wider impact of the refugee influx (on infrastructure and local communities), the interagency response plans for some of the host countries are presented alongside plans developed by these governments in close coordination with the humanitarian actors on the ground" (Khallaf 2013, 10).

Some important review questions here must be further thought over. How can practitioners and advocates working to support refugees and migrants best advocate amid regional political turmoil? Has the space for advocacy increased or contracted? Has there been simultaneous movement in both directions? What should be the responsibilities of non-Arab states in addressing human rights and migration in the MENA region? What if refugees, who by definition are unable to avail themselves of the protection of their home country, are also increasingly unable to seek meaningful protection in the region? Are international organizations, such as UNHCR and UNRWA, being given increasing responsibility to provide basic protection to refugees in the region? Do they have the resources and political leverage to adapt to this changing and perhaps increasing role? If growing "democratization" movements in the region instead lead to increasing asylum restrictiveness, can the political transformations of the Arab uprisings be considered truly liberal or democratic?

7

Discussions and Policy Implications

The previous chapters analyzed the rights, safety, and identity (RSI) of refugees in the context of the MENA region. Crucial to these chapters' investigations are issues covering refugees and refugee children in camps: their safety, their rights and protection available and accessible to them, protection gaps, and instruments of their protection. Having analyzed several regional and thematic topics related to the protection of refugees in the Middle East and North Africa, this chapter returns to a critical analysis of the theoretical approach to RSI proposed in this book. This analysis identifies common threads connecting the themes of geopolitics, refugee camps, safety and humanitarianism, protection, the refugee regime, and Arab uprisings discussed in the previous chapters. This chapter also encapsulates an assessment of refugee policies, the refugee and migration regime, protection instruments, and their effectiveness in terms of protecting refugee safety, rights, and identity. It further establishes how the suggested arguments have been addressed and objectives achieved through the empirical data included in this book. The result is a set of policy recommendations for policy makers, researchers, academics, and other decision makers within the refugee regime.

This chapter also clarifies the justifications for the conclusions presented in each individual chapter and shows how they are integrated with the central argument of the book. This highlights the existing lacunae in refugee protection policies. Burden sharing is not simply based on financial cooperation but on many other factors as well. Although saving the lives of refugees by providing vital necessities, setting up fair and efficient asylum procedures, and helping refugees access available durable solutions all come with financial costs, much of

what is spent on protecting and assisting refugees is difficult to calculate in monetary terms. Governments that host refugees contribute in a very concrete way to refugee protection, for instance, by making land available for refugee camps and settlements and providing local infrastructure to serve refugee populations. Though it is difficult to quantify this type of contribution, host governments are also donor governments and should be recognized and acknowledged as such. All the contributions are critical to international solidarity and to sharing the responsibility for refugee protection.

This chapter outlines new knowledge contributed in this work and its implications for refugee identity, safety, and human rights. The findings of this research have crucial policy implications globally as well as regionally, particularly for the refugee regime and for governments in the MENA region. Based on these findings, a set of policy recommendations are directed toward policy makers, researchers, legal and protection professionals, and service providers. This research also allows for the identification of further research gaps and suggests future research directions.

In order to understand and incorporate the proposed policies, this chapter revisits the historical environment of the refugee regime. As discussed in Chapter 2, the contemporary international refugee regime has suffered from a firmly Eurocentric bias since its conception; countries of the South were not a concern for the protection system designed in the 1950s for European refugees. It was only in the 1960s, a decade later, that this regime was extended to countries of the South and began its evolution toward becoming a global regime. From its inception, the refugee rights discourse has been wedded to the international political order. In turn, the international political order structures the refugee rights discourse by incorporating legal and normative values. Yet, there have been clear signs since the Cold War that dominant states seek to alter the refugee regime to better serve their own political interests. More important, the changes proposed by dominant states are not just a matter of reformulations and adjustment of texts and mechanisms, but rather the aim appears to be a redefinition of the fundamental concepts on which the structure of the refugee rights system rests. Dominant states seem eager to progressively redesign the refugee regime for the purpose of achieving new political and economic goals in their self-interest. Thus, the topic of refugee protection cannot be separated from issues of global politics and economics. The theoretical and political underpinnings of the evolution of the refugee regime have been described

in Chapter 5, while possible ramifications of the changes proposed by dominant states are discussed.

International law scholars distinguish between different periods in the evolution of the refugee protection system, and while their classifications vary slightly, there appears to be a general consensus that the refugee practices established during the Cold War era contrast sharply with the refugee practices followed in the post-Cold War era. While this implies that the international refugee regime was reformed after the Cold War, it has also been argued that two refugee regimes (rather than only one) were already in place and concurrently operating during the Cold War. First, it could be argued that the "Northern refugee regime" was part of the anticommunist program and was used as a tool in the struggle between states in a bipolar political structure. This regime was designed for refugees from Eastern and Central Europe and relied on resettlement rather than repatriation. It was notable for its generous aid to and flexibility toward applicants, extending them the benefit of the doubt even when some of the applicants were clearly seeking asylum for economic gain rather than fleeing persecution.

The second, "Southern" regime could be seen as having evolved under the auspices of the UNHCR as a set of practices for refugees from the rest of the world. Although refugee-generating conflicts in the South were also the result of the Cold War (in proxy wars such as those in Vietnam or Afghanistan), the regime followed in the rest of the world was one of mitigating the fallout from the conflicts and containing refugees in their region of origin rather than promoting their resettlement. There seem to be two main factors shaping the consideration of refugee issues. First, refugees from the South did not have the same ideological values of the West, whereas Eastern Europeans rejected communism in favor of democratic capitalism. The only exception would be the case of the Cuban refugees, who were perceived to be given asylum in the United States in order to weaken the Cuban revolution. Second, the ethnic, racial, and cultural makeup of the (non-European) refugees affected the practice of the Northern states. The different practices pursued both by Northern states and international agencies were made explicit through the introduction of new concepts designed to change the refugee rights discourse. The theoretical basis for this shift is the notion of "difference," a notion Chimni calls a "myth" (1998). Starting in the late 1980s, the industrialized states of the North sought to redefine and adjust accepted international norms regulating the involuntary displacement of people. This was accomplished through a critique of the prevailing positivist framework (with its exilic bias) and through the construction of the

“normal” (white, male, anticommunist) refugee, a norm that would not apply to the new and predominantly Third-World asylum-seekers. This difference is significant because it undermines the theoretical basis of refugee rights, which is that refugees are entitled to basic human rights despite being alienated from their country of origin or habitual residence. A restrictive nonentry regime, which suits industrialized countries, became the dominant framework globally by the 1990s.

The international refugee regime

The international refugee regime exists to provide a framework for dealing with millions of forced migrants who cross international borders as a result of persecution. Mass influxes of people can have an enormous impact on nation states near and far from the displacement-causing events, and this framework exists to provide aid to ensure the welfare of refugees as well as to coordinate the obligations and responses of nation states. Two main cornerstones are the founding elements of what we refer to as the international refugee regime: the 1951 *Convention Relating to the Status of Refugees* (Refugee Convention) and the 1967 *Protocol Relating to the Status of Refugees* (Refugee Protocol) as its legal basis and the UNHCR as the facilitator of its activities through protection. Along with these two main pillars, the 1969 OAU *Convention Governing the Specific Aspects of Refugee Problems Africa*, the 1984 *Cartagena Declaration*, and various private and public nongovernmental organizations that deal with refugee issues compose the current refugee regime. Ultimately, the function and effectiveness of the regime relies entirely on the main actor in the international arena: individual nation states. They are the actors that possess the ability to produce policies that determine the protection, rights, and livelihoods of refugees. Hence the ability of UNHCR to operate, the legitimacy of the Refugee Convention, and the care of recognized refugees is entirely dependent on the cooperation, participation, and capacity of states.

In the light of the defining role of individual nation states in the refugee regime, much of the literature addresses refugee issues from the perspective of their role in international relations. Authors such as Keely (2001), Betts (2008), and Roberts (1998) focus on the relationship between actors that make up the regime and in particular on the influence of state interest and capacity in areas of cooperation, funding, and effectiveness of the regime. Betts especially utilizes game theories of international relations to frame the interactions of different actors within the system. Many of the arguments and conclusions about the

international refugee regime are concerned with the way the system functions and why.

While there is widespread agreement in academia about the role of sovereign state interest, policy implications resulting of state interests are viewed differently by different scholars. Analysis of the refugee regime is often framed in terms of the difficulty of coordinating and aligning interests between states of the “North” and “South,” dividing states along lines of relative development or underdevelopment. Another debate within the discussion of the international refugee regime relates to the scope, limitations, and effectiveness of the regime’s primary organization: UNHCR. Because of the central role it plays, UNHCR is subject to both criticism and praise resulting from the analysis of the effectiveness of the regime. Other relevant debates center on different regional understandings of how to create, implement, and maintain durable solutions as well as on the role of burden sharing among the regime’s many state actors.

Almost all of the literature employs some social theory, as is necessary in dealing with the effects of policy on mass populations of people, especially when the focus of the refugee regime deals with humanitarian objectives. The methodology available for analyzing the refugee regime consists mainly of case studies and historical analysis, while a few authors base their ideas purely on conceptual frameworks. The literature reviewed here is mostly concerned with interactions between different actors and characterizes this interaction in terms of the role that states play in the regime. This is a reasonable framework for analysis because international agreement and cooperation is largely dependent on the degree to which individual states contribute and participate. While UNHCR serves as a coordinator and the 1951 Refugee Convention and the 1967 Refugee Protocol provides a legal framework for the regime, it is the nature of the international system and the function of international law within it that pose a hindrance to the operation of the regime, as there is no governing authority that can enforce states’ compliance. Therefore, an assessment of the historical and political interaction of the components of the regime is the main lens of analysis for the effectiveness of the regime.

UNHCR: coordination and limitations

As a humanitarian and nonpolitical organization with a mandate to provide international protection to refugees and seek permanent solutions to their problems (Jastram and Achiron 2001), UNHCR plays a vital role in the coordination of refugee protection. As an organization, it plays a role whether or not particular refugees fall within the definition of the Refugee

Convention and Protocol, creating two main categories of refugees: “convention refugees” – refugees recognized based on states’ interpretation of the Refugee Convention criteria – and “mandate refugees” – refugees recognized as such by the UNHCR without necessarily fitting the Refugee Convention definition (Jastram and Achiron 2001, 23). The UN General Assembly has expanded UNHCR’s responsibilities over the years, making the organization’s role greater than that of states, but its responsibility is limited to only those people who are considered to be refugees based on UNHCR’s definitions.

Due to the expansion of the UNHCR’s role in refugee protection, the UNHCR can influence states to make positive policy decisions on refugee matters through international assistance during emergencies and mass influxes. The type of international assistance UNHCR provides can be helpful to states by improving or creating missing infrastructure during the building of camps, appealing for and funneling financial assistance from other states and donors, and stimulating domestic markets (Jacobsen 2001). In the process of operating in any given country, the UNHCR can influence host government policies by the fact that the organization can reduce the assistance it provides.

A key limitation of UNHCR’s operational process is that upon finalization of the initial emergency phase, UNHCR decreases funding, often causing the host country to change its policy at the expense of refugees. This is true whether refugees live in urban areas or in camp settings. A case study by Elise Beth Whitaker on Tanzania presents such a case; there it was suggested that “as funding for the refugee operation in Tanzania declined, the government’s willingness and sense of obligation to live up to its international commitments also waned” (Whitaker 2008, 244). Whitaker extends the implications of this conclusion to the entire international refugee regime, arguing that the difficulties encountered by UNHCR in raising donations “present serious questions about the funding structure of the international refugee regime” and that the solution lies in increased decision-making power for the UNHCR regarding allocation of funding and, most important, making donor and host countries live up to their obligations.

Hence, the ultimate functionality of the UNHCR depends on the funds of states and is in turn limited by the resources and lack of coordination in the international system. Jean-François Durieux (2008, 334) articulates the role and limitations of the UNHCR as follows:

The policy options available to the UNHCR remain very few. UNHCR alone can do very little. UNHCR is a facilitator and a mediator.

UNHCR must and does instigate a dialogue among states to work out solutions. UNHCR has no territory on which to settle refugees. UNHCR cannot force states to do anything. So it can just create goodwill. At the end of the day, it *must be states that actually find ways to assume responsibilities* in a just and effective way.

Durieux's rather encompassing statement exemplifies why the UNHCR must partner with states and points out the importance of state participation and cooperation in the refugee regime through burden sharing. In spite of the responsibilities of the UNHCR and its capacity to carry them out through pressure on state policies, governments can practice policy pressures on one another; they can encourage or threaten through earmarking donations to UNHCR or through other economic sanctions. Sovereign states ultimately have the ability to simply refuse to aid, withhold visas, or throw UNHCR out of the country at any time. Along with Durieux, many authors agree that international cooperation is key to the success of the international refugee regime and the protection of refugees, and they identify this as the main intention of the regime as an international framework. Ultimately, states must be the ones to admit refugees within their sovereign borders, permit them to stay, and protect their fundamental rights; that is, they must act as a surrogate state for those who can no longer avail themselves of the protection of their state of origin. Host states' role does not end with changes in policy, as they must also contribute financially to the regime in order for it to continue to function. This is especially important for states whose distance from regions producing refugees means that they are less likely to host refugees.

Accordingly, the political maneuvering of UNHCR ought to be conducted on two levels. Primarily, the political influence can be exerted at the policy level, which would apply to the Northern states that have greater ability to make policy decisions based on deterrence of asylum seekers, to conduct refugee status determination (RSD) procedures with their own governmental institutions, and to generally have more of a say in who and how many refugees they accept within their borders. It is these states in particular that UNHCR has little control over but only seeks to influence policy as a humanitarian organization with a nonbinding legal mandate. The UNHCR can only lobby signatories to comply with their obligations under the Refugee Convention and other human rights agreements, but it does not have any effective authority. On the other hand, the UNHCR has greater influence over less developed, Southern states that generally have less choice over who and how

many asylum seekers and refugees to accommodate due to their proximity to the conflict and the principle of *non-refoulement* or the necessity of establishing refugee camps within their borders.

Though I have misgivings about using the term “burden” sharing, I have interchangeably used both burden sharing and responsibility sharing. The participation of states in burden-sharing is a balancing act whereby international humanitarian obligations are pitted against the degree of burden, or potential social, political, and economic costs, of hosting refugee populations. As a result, state policies can be seen as a balance between willingness, capacity, and the pressures of international humanitarian norms. The ability of states to contribute financially to the refugee regime varies significantly between developed, industrialized states and poorer, less developed states. In reality, states with less capacity tend to receive greater numbers of asylum seekers, mostly due to their proximity to conflict areas. Examples of conflicts or regimes producing refugees can be found in Sub-Saharan Africa, where many of those affected flee on foot due to the lack of state infrastructure or the absence of personal resources. This results in a large number of refugees in neighboring states suffering from a similar lack of infrastructure and stability. In this case, the state of asylum already lacks capacity to deal with its own domestic issues, and it cannot deal with the added social and economic burden of refugees without international assistance.

On the other hand, states that do have the capacity to absorb refugees often lack the political will to accept the burden. This is the case of many European states, which rarely receive mass influxes, and have the luxury of choosing small numbers of refugees for third-country resettlement based on their own criteria. The asylum seekers that are met with restrictive policies intended to deter them from trying to enter Europe (Thielemann 2004). Beyond deterrence policies, European and other Northern states have the power to choose how much they are willing to contribute financially to the refugee regime, while Southern states that are most often recipients of international aid have very little influence over donors.

Alexander Betts describes this power relationship in terms of international relations theory as a “suasion game” where the stronger actor has little interest in negotiation, while the weaker one has so little bargaining power that it is forced to accept whatever the stronger actor is willing to provide. Negotiation or refusing to accept an inadequate outcome would only have negative consequences for the weaker actor. Applying the framework of the suasion game, Northern states are clearly the stronger actors, with little compelling interest in cooperation, while

Southern states are so weak that they have no choice but to accept any aid that is provided. Betts (2008) argues that Northern states' financial support for the refugee regime is discretionary and "creates a perverse incentive for Northern states to allocate far more resources toward exclusion and deterrence policies" that serve their own interests, as opposed to supporting Southern states that protect refugees in their region of origin (Betts 2008, 159).

The two important intermediate factors between turmoil and instability and migration and refugee flows result from uprisings, as Awad (2013) notes: a slowdown in economic activity and the loss of tourism revenues as well as an atmosphere of increased civil strife that would generate migration flows of a different nature and composition, primarily of people seeking safety in neighboring countries. However, volumes and directions were contingent on geographic, economic, and policy factors. Concerns were expressed about the unpredictable volume of flows of migrants and refugees by European countries, especially those closest to Arab countries where uprisings are occurring. They were of course successful in preventing population overflows into Europe from North Africa (Awad 2013). "The Syrian refugee crisis is the largest and most politically significant population movement situation arising from the Arab Spring" (Awad 2013, 19). The gruesome event in Syria has overshadowed the waves of Arab uprisings in other countries. There are widespread claims that the Asad regime has used chemical weapon to brutally suppress the uprising. The United Nations Security Council (UNSC) unanimously passed a resolution calling for the elimination of all of chemical weapons in Syria by placing them under international control. The resolution, however, is likely to make little difference in the lives of the more than two million Syrians (76 percent of whom are women and children) who have been forced to leave their country and the additional five million who got displaced within Syria in the past two years (Miller 2013; European Parliament 2013).

Today, more than one-fourth of all Syrian citizens have been displaced from their homes since 2011. The scale of the Syrian refugee flows has created a regional crisis. Local economies, schools, hospitals, and housing of neighboring countries are unable to absorb the sudden increase. A significant number of refugees live in the Za'atari Refugee Camp in the north of Jordan, only a few kilometers south of Daara. In Lebanon Syrian refugees constitute 25 percent of the nation's population. Unlike Jordan, Lebanon has no UNHCR-administered refugee camps – this means that Syrian refugees need to rent their own housing. Many of them reside in empty schools and abandoned buildings, and many are found to squat

on the streets. Many of the neighboring host countries are undergoing civil strife. The presence of new refugees from Syria is likely to add further to internal and regional unrest. The Morsi regime in Egypt welcomed Syrian refugees. The regime and the Muslim Brotherhood allies treated the refugees sympathetically. Since the regime change in 2013, Syrian refugees in Egypt have been affected by the evolving political situation.

Influences on state policy making

Responsibility sharing is key to the success of the international refugee regime, and therefore the guarantee of refugee protection and durable solutions depend upon it. The very principle behind burden sharing is, as Astri Suhrke explains, that “collective action might lead to a better and more enduring resolution of crises than unilateral measures by individual nation states” (Suhrke 1998, 401). Yet, equitable burden-sharing in refugee response is difficult to achieve on a global scale because states’ interests largely determine their participation in and levels of commitment to the regime much more than international norms or conventions. Though the refugee regime that facilitates burden-sharing is comprised of numerous different states, policy directions should be understood on a regional level, as in many cases regions share refugee influxes and, to a certain extent, normative values. This feeds into the logic of dividing the refugee regime along the lines of North and South, as Northern and Southern states clearly experience responsibility sharing very differently.

Many theories point to state motivations, or lack thereof, as the main factor in determining states’ commitment to refugee burden-sharing. Explanations range from security concerns to bureaucratic or international politics, national identity, and social welfare. One example of an attempt to overcome the obstacle of divergent state interests that undermine burden-sharing is the Convention Plus initiative. Though it was not successful in creating an agreement to supplement the Refugee Convention, the Convention Plus initiative was, in the words of the head of the Convention Plus Unit Jean-Francois Durieux, intended to “regulate, in a way that would be as mandatory and as compelling as possible...international solidarity” through the creation of burden-sharing norms (Durieux 2008, 337). The initiative was to be accomplished through agreements that would be negotiated between Northern and Southern states and could be applied to future refugee situations. These negotiations were to focus on “issue linkages” among policy areas that usually carry greater weight in states than refugee policy, including “migration, security, and development.” The purpose of using issue

linkages was to draw states into negotiation in an effort to create norms that promote stronger burden-sharing within the international refugee regime.

Durieux and Betts divide the global refugee regime into two subregimes that include asylum and burden-sharing. The subregime dealing with asylum is supported by strong human rights principles, while the burden-sharing regime has few standardized, norm-driven procedures that govern burden-sharing in a way that outweighs state interest. Certainly this is a valid point, because international law, though hardly flawlessly implemented, is much easier for states to justify and adjudicate than norms that have not been incorporated into law. This is especially true of the principle of *non-refoulement*, which is one of the most solidly enforceable principles in human rights and refugee law. The failure of the Convention Plus initiative points to the complications of encouraging collective action with respect to the refugee regime.

Keely's discussion of the significance of the end of the Cold War provides a different perspective on the way states' perception of their duty toward refugees affects policy decisions. His analysis of the development of the international refugee regime was deeply influenced by the Cold War context and intends to provide an explanation of problems in asylum policies of industrialized countries today. The basis of the argument is that during the Cold War, North American and European states formed their own separate refugee regimes and policies to serve the political purposes of those who "voted with their feet" in favor of capitalist democracy by fleeing the Soviet Bloc, a development of which Keely is highly critical. He suggests that after the Cold War ended, these same states in North America and Europe gradually adopted more restrictive policies, including time limits on seeking asylum, increased visa requirements for people coming from refugee-producing states, and carrier sanctions for airlines. These new and increasingly punitive measures carry "implications of racism ... because many newer applicants are from Third World countries rather than Eastern or Central Europe or the Soviet Union" (Keely 2001).

While Keely's (2001) criticisms may seem highly controversial, there are political questions at stake in the way states manage migration flows. Using his analysis of the Cold War context, the ideological positioning of Western or Northern States in seeking to provide permanent asylum to those fleeing the Soviet Bloc becomes apparent. At a time when the world seemed to be divided into a clear binary of "good" and "evil," asylum decisions clearly positioned these Northern states in opposition to the Communist Bloc. Durieux also takes this perspective and suggests

that this is part of the reason that states are reluctant to respond to contemporary refugee crises. From his perspective, during the Cold War the general public in the North understood the “evil” that refugees from the Soviet Bloc were fleeing; in contrast, more recent conflicts no longer exist in black and white. The victims and perpetrators look the same, and without a clear understanding of who is right and wrong in complex contemporary conflicts, the international community’s reaction is, “let’s give them the minimum we must” (Durieux 2008, 340). States’ reaction to these refugee-producing conflicts can be understood as related to their lack of understanding, which results in a lack of sympathetic duty toward refugees coming from modern conflicts, in contrast to refugees who fled the communist ideology of the Cold War.

Furthermore, in Durieux’s opinion, states should be motivated, in ideological terms, by their values. It is easy for the international community to understand Betts’ “subregime” of asylum based on shared value norms, but it is more difficult to use these norms to encourage states to set aside their own interests in exchange for greater burden-sharing. However, Durieux points out the role of national identity in states’ perceptions of refugees. National identity plays a role in the refugee discourse since preserving aspects of national identity is an inherent part of refugee claims, and xenophobia causes states to fear the influence of aliens on their national identity. Durieux suggests that this same identity could actually play a positive role in asylum decisions and that it can be used to reduce the tension caused by outsiders in societies. Just as the Northern regime was sympathetic to those fleeing persecution during the Cold War, today states can also be sympathetic based on shared values; as he explains, “if we believe that freedom, for example, is important, then we should be prepared to admit among us people for whom freedom is also important but who don’t have the means to exercise it in their country of origin.” Since this perception of shared values plays an important role in the success of international asylum law and has historically proven to be a major impetus for cooperation, this idea could be incorporated into state perceptions of refugees and serve as motivation for burden-sharing and asylum policy.

Cooperation between actors is the key determinant of the functionality of the international refugee regime; accordingly, the lack of cooperation has great consequences for the protection of refugees. When states do not fulfill their obligations as surrogate protectors of refugees within their borders and other states do not contribute financially and the resources of the UNHCR are stretched too thin to fill in the gaps, refugees suffer. Egypt is an example of a state with relatively low capacity

(as it is considered a “developing country”) and a lack of political will to deal with the burden of refugees though it houses so many refugees and asylum seekers. Egypt is a signatory to the Refugee Convention and the OAU Convention, yet it fails to ensure the rights of thousands of registered refugees and asylum-seekers at the level of domestic policy. The two most significant ways that Egypt fails refugees is through its inability or refusal to conduct RSD, instead outsourcing this to UNHCR, and its numerous reservations to the Refugee Convention, which seriously hamper the degree of protection and quality of life refugees can attain in Egypt.

One of a state’s greatest responsibilities in the international regime is providing access to asylum procedures that are governed by international law. States have the ability to interpret the Refugee Convention in their own terms, but the procedure should be safeguarded by a fair judiciary and access to appeals. However, the Egyptian government leaves the process of RSD to be conducted solely by the UNHCR office as decided by an agreement between Egypt and UNHCR, and this allows the refugee agency to issue residency permits. However, this agreement is problematic because fair RSD, involving interviews, careful individual assessment, and appeals, is a resource-intensive process that frequently strains UNHCR’s resources. Unable to fairly or adequately provide RSD for refugees, UNHCR thus risks making “errant decisions that could leave *bona fide* refugees unprotected.” Likewise, outsourcing RSD to UNHCR creates a sort of a “conflict of interest between [UNHCR’s] role as a refugee protector and refugee decision maker” (Kagan 2006). This can lead to a degree of mistrust of UNHCR. This is often the case in Cairo, where refugees have high expectations of UNHCR but are disillusioned by the lack of help they feel they receive when RSD processes take several years. However, Egypt has not created its own asylum legislation to provide RSD via interpretation of the Refugee Convention though this would be a step toward solving the problems posed by UNHCR RSD procedures, and it would free up funds for different types of assistance.

The Refugee Convention, including its Refugee Protocol, enumerates all of the rights that recognized refugees should be able to enjoy in a country of asylum, yet the Refugee Convention is nonbinding and certainly not easily enforced. As part of the obligations under the regime framework, states should ideally abide by the Refugee Convention, providing refugees rights equal to those of the states’ nationals. Egypt, however, has made reservations to five articles of the Convention, thereby denying several rights essential for refugees to maintain a livelihood in their new country. Furthermore, Egypt does not grant refugees

the privileges of Egyptian citizens. The most detrimental effects of these reservations are that refugees are prevented from getting employment in the formal sector, from getting education for their children, and from getting affordable health care. According to a Human Rights Watch report specifically addressing the problems of Sudanese refugees in Cairo, "although Egyptian authorities no longer stamp 'not authorized to work' in passports of Sudanese asylum seekers, as they used to, it is practically impossible for poor non-Egyptians to work in the formal economy due to quotas and other requirements" (Human Rights Watch 2008). Work in the informal economy is problematic because "noncitizens have limited rights of redress if they are harmed or exploited in the workplace." Refugees are further marginalized in Egypt because children are not allowed to attend public primary schools and the public school system does not recognize certificates from schools run by community-based organizations or refugee communities, certificates that would allow entrance to higher levels of education. While health care is provided for refugees through the public system, their access is at their own expense, and UNHCR reimbursements cannot cover the expenses of preexisting medical conditions. Overall, the assistance provided by the UNHCR to asylum-seekers and refugees covers "only 20–30 percent of basic needs," due to UNHCR's budget limitations (Durieux 2008). Compounding the severe lack of social and economic rights refugees and asylum-seekers face in Cairo, is their general lack of integration into Egyptian society due to widespread racism that leads to further marginalization as well as to incidents of maltreatment by police.

Despite the harsh reality of life for refugees and asylum-seekers living within its borders, Egypt claims to actively cooperate with the UN and the African Commission on refugee issues. In a speech in October 2009, then President Hosni Mubarak acknowledged the "complexity of the issue of migration and displacement in Africa" and later proudly claimed that Egypt provides the large number of refugees it hosts with "the needed support as stated in international and regional treaties,"¹ Mubarak's rhetoric suggests that Egypt's reservations to the Refugee Convention and failure to ensure adequate socioeconomic rights or integration are not the result of a lack of political will. Instead, this suggests that Egypt's policy decisions, or lack thereof, on refugee protection point to a lack of the state's capacity. Egypt hosts enormous numbers of urban refugees in Cairo, refugees whose integration into public assistance is essential to their survival. Urban refugees face greater difficulties with regard to access to UNHCR aid and require greater rights for self-sufficiency and different types of assistance to sustain their lives than those hosted in

camp settings. Until countries in the MENA develop their own asylum legislation that allows refugees to be integrated into public structures including the labor market, education, and health care systems, refugees will continue to be dependent on humanitarian aid provided through UNHCR and supported by donor countries.

Finally, distribution of the physical and financial burden of support for the refugee regime is dependent on cooperation among states at the international level and on participation of states in funding as well as on adherence to the principles and norms of the Refugee Convention and other agreements. While UNHCR plays an important role in facilitation and coordination, it cannot bear the responsibility for millions of refugees on a limited budget. Obstacles to state participation must continue to be discussed, argued, and negotiated. State interests can be incorporated into negotiations by linking issues with other policy areas; this will create more compelling international norms that encourage burden-sharing and promotion of universally agreed upon human rights. It is particularly important that such action be taken by wealthy states, which must spend more time and money on funding for host states and pursuit of durable solutions. Though burden-sharing may never be possible on a generalized policy level, eventually a framework for situation-specific cooperation may be developed, as per the goals of the Convention Plus initiative. Greater understanding and awareness of refugee issues and of situations producing refugees as well as recognition of the reality of state obligations regarding international protection are the first step in building the capacity of host states and encouraging the increased commitment and contribution of all states to the protection of refugees.

Notes

2 Rights, Safety, and Identity: The Context of Forced Mobility in the MENA

1. The revolutionary character of Zionism stemmed from the notion of the urge to construct a Jewish national life in response to modernity. Nationalism relies on a historical, primordial identity connected with religion, history, and territory (Smith 2004). Zionism is an excellent example of the role of nationalism in the reconstruction of nations (Maor 2009). Anderson (1983) argues that nationalism is a dynamic process of remembering and forgetting fundamental concepts of collective identities. The fundamental premise of Zionist ideology was that the solution for a viable Jewish communal existence in modern times could be implemented only in Eretz Israel – the land in which the identity of the Jewish people had originally formed – constituted a continuous component within the Jewish collective consciousness (Maor 2009).
2. It is conceivable that the lack of experience of the United Nations at that time, as well as the general turmoil resulting from World War II, led to the decisions that would in the long term have negative consequences for all parties involved regarding Palestine. There was no historical precedent in modern history for the creation of a state for a people chiefly living elsewhere and thus requiring large-scale immigration in order to succeed. Conversely, there was no precedent regarding the placement and care of refugees on the massive levels experienced following World War II.
3. The great Jewish philosopher Martin Buber, comprehending this fallacy, stated in June 1947 that the conflict stemming from the creation of Israel was a conflict of a land of two peoples. The fact that Arabs and Jews had a different name for the land they shared reflected the discrepancy.
4. General Assembly Resolution 194, UNGAOR, 3rd Session, 194(III), UN Doc A/194 (1948). The primary issue of Resolution 194 was “the right to return” of Palestinians passed by the United Nation General Assembly (UNGA).

3 MENA: Geopolitics of Conflicts and Refugees

1. Child is defined according to Article 1 of the Convention on the Rights of a Child (CRC), which states that a child means every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier (CRC 2009).
2. Unaccompanied children are those who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so. And separated children are those who are separated from both parents, or from their previous legal or customary or primary caregivers, but not necessarily from their relatives. These may therefore include children accompanied by adult family members other than their parents (UNHCR 2006).

3. Commonly referred to as a Protracted Relief and Recovery Operation (PRRO). This is a program of the WFP.
4. Article 1, Law 15, 1963.
5. Nationality Law (No. 6) (1954), Passport Law (No. 2) (1969). Law No. 6 of 1954 on Nationality (last amended 1987) outlines the law in respect of the conferral of Jordanian nationality to children.
6. The Jordan House of Deputies and House of Notables, in a joint session, adopted a resolution declaring "complete unity between the two sides of the Jordan and their union in one state...at whose head reigns King Abdullah Ibn al Hussain, on a basis of constitutional representative government and equality of the rights and duties of all citizens" on April 24, 1950.
7. UNHCR's Strategy and Activities Concerning Refugee Children, Summary Note, Geneva, October 2005.

4 Refugees in Camps: Anatomy of an Identity Crisis

1. See Wadi El-Nil Agreement of 1976 and Four Freedoms Agreement of 2004. In 1976, the bilateral agreement between Sudan and Egypt is called Wadi El-Nil Agreement. This agreement granted Sudanese in Egypt rights on a par with those of Egyptians, including the rights to enter and exit the country without visas. This also accorded unrestricted access to the Egyptian education system, employment, health care, and ownership of property (Azzam 2006). However, this agreement was revoked in 1995 as the blame for an assassination attempt of then Egyptian President was made against Sudanese Islamist extremists in Ethiopia. In 2004 there was an agreement signed between Egypt and Sudan called Four Freedoms Agreement. This agreement was considered a partial return to the 1976 Wadi El-Nil Agreement. The four treatment and rights of each other's nationals are: (1) freedom of movement, (2) residence, (3) work, and (4) ownership of property.

5 Refugee Rights, Protection, and Existing Instruments

1. The Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949) contains an article that deals specifically with refugees and displaced persons (Article 44). The Additional Protocol I (1977) provides that refugees and stateless persons are to be protected under the provisions of Parts I and III of the Fourth Geneva Convention.
2. Presidential Decree No.89/1960 concerning Entry and Residence of Aliens in the Territories of the United Arab Republic and their Departure Therefrom, as amended by Laws nos.49/1968, 124/1980, 100/1983, and 99/1996.
3. Egypt's Constitution, www.egypt.gov.eg/english/laws/constitution/index.asp.
4. Egyptian Organization for Human Rights, "Sudanese refugee swings between Interior's violence and UNHCR protection," EOHR's report on (December 29, 2005) crucial events.
5. Egyptian Ministry of Foreign Affairs, "An Official Letter to the Secretary General of the Egyptian Organization for Human Rights Mr. Hafez Abu Seada on 2/1/2006."

6 Arab Uprisings and New Dimensions of Refugee Crises

1. 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 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>.

7 Discussions and Policy Implications

1. Translation provided by the Psychosocial Training Institute of Cairo. "Mubarak Calls on the Extraordinary Summit to Alleviate the Pains of Refugees."

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