

# Geopolitics of Conflicts and Refugees in the Middle East and North Africa

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**AKM Ahsan Ullah<sup>1</sup>**

## Abstract

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. However, the policy is also inexorably linked to the broader geopolitics of the global refugee protection regime and discourse. This article analyzes the complex relationship between geopolitics, domestic political dynamics, and their attendant crises in the MENA region. The complex set of political shockwaves of the Arab Spring induced massive mobility of people which may compound incipient political tensions between and within MENA states.

## Keywords

MENA, refugee, Arab Spring, Syria, Egypt, Israel

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. At the same time, this policy is also inexorably linked to the broader geopolitics of the global refugee protection regime and discourse. Current political crises have many causes that vary by country, including politics, religion, and ideology—shaped 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, role of oil as a strategic resource, structural changes in the world economy, and the divergent politico-economic reforms stemming from economic globalization need to be critically analyzed.

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

<sup>1</sup> Associate Professor, Faculty of Arts and Social Sciences, Universiti Brunei Darussalam, Brunei.

## Corresponding author:

AKM Ahsan Ullah, Associate Professor, Faculty of Arts and Social Sciences, Universiti Brunei Darussalam, Tungku Link Road, BE1410 Brunei Darussalam.

E-mail: [akmahsanullah@gmail.com](mailto:akmahsanullah@gmail.com)

regimes is often limited, it has been the norm to equate entire regimes with the international stances adopted by individual leaders. Prior to the Arab Spring, this may have been an appropriate understanding; individual leaders did frequently dictate the political course of the nation. However, political transformations in the region since the Arab uprising have challenged this assumption. In Egypt, for instance, decisions undertaken by the interim government of the Supreme Council of Armed Forces (SCAF), a governing body of 21 senior officers in Egyptian Military, have been monitored and challenged by a wider array of domestic political actors.

As the arrival of protestors to Tahrir Square in Egypt in January 2011 demonstrated, 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 the country'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.

The domino effect of Egypt has percolated into the peaceful demonstrations in Libya and Syria. Some argue that this has been an impact made by regime violence. The large populations of internally displaced peoples (IDPs) have been created inside of those countries as well as great numbers of refugees fleeing to neighboring ones. The Arab Spring have serious ramifications for already existing refugee populations, notably the more than one million Iraqi refugees that have settled in Syria since 2006 (Ullah, 2010a, 2010b). The possibility of increased large-scale refugee movement from Libya and Syria spurred a devastating humanitarian crisis which led to geopolitical destabilization in the region.

Although ongoing political developments in the Arab world (that began in 2010 in Tunisia) 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 the widespread democratization. Each country faces its own set of opportunities and challenges and outcomes cannot be predicted nor generalized. The Arab societies and politics do indeed have tight interconnections and share some important characteristics, but the Arab world is hardly a single unified entity. Thus, this article analyzes refugee policy in MENA through a geopolitical lens to demonstrate the significant challenges facing these states and the international community in resolving regional refugee situations. It also illustrates the extreme complexity of regional political dynamics against a changing global refugee protection discourse.

## Global Refugee Discourse

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 UN Human Rights Council (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, 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 the refugee.

Despite regional protection mechanisms such as the Organization of African Unity Convention of 1969 in Africa and Cartagena Declaration of 1984 in Latin America, which were designed in part to respond to the limitations of the 1951 Convention and 1967 Protocol, even protection in these regions has deteriorated. 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 the African states.

More than just a natural effect of changing global policy, however, these developments could also be seen as a desired outcome of the contemporary regime itself. Whereas Arboleda (1991) considers regional protection instruments to be linked to broad humanitarian principles (even if these principles are rarely achieved in practice), Chimni (2000) argues that UNHCR’s modification of the refugee definition 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 shows an unprecedented acceptance for repatriation over other durable solutions. Describing this chasm between the language of UNHCR and its practice is what Chimni has called “the language of protection and the reality of rejection.”

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 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 northern-led political context, 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 by 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 & Neve, 1997, p. 18)

This proposal has had both supporters and detractors. Some critics have questioned its feasibility, while others have attacked the scheme on the 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, 1990, p. 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, while 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 one neglect the fact that claims of violation of international norms nor has human rights been enforced selectively against weak states by dominant states, as has been the case in Iraq, Rwanda, and the occupied Palestine territories. The following are the cases focused on refugee movements and policy within 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.

This article analyzes the complex relationship between geopolitics, domestic political dynamics, and their attendant crises in the MENA region. It examines three regional cases, which have been selected as representations of refugee and migration policy in the region and for their role in triggering or complicating refugee movements (Ullah, 2011). 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 article 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 article, therefore, argues that transformative political processes occurring in several countries across in the region will require a renegotiation of relationships between state and non-state actors from across the political spectrum.

## **The Arab Uprising and Displacement Dynamics**

The contemporary events across the Arab world, often called the Arab Spring, Arab Revolutions, or Arab Uprising, have raised serious issues for rights, safety, and identity (RSI) of refugees in the region (Ullah, 2011, 2014). While many countries in the region had already hosted millions of refugees, the political upheavals generated newer refugees. Many existing 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 many. 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.

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 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 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 politically tumultuous. 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, resulting in a large loss of life, miserable living conditions, and the creation of more than three million refugees spread throughout the region (UNHCR, 2012).

While the desire for democracy in the uprisings is clear, the practical outcome of these fundamental political changes remains uncertain and hence the future of individual refugees remains unpredictable. Amid such significant political tensions and transformations, it is appearing that the rights, safety, and identities of refugees are too easily forgotten.

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 republican regimes and monarchies in terms of challenges faced and strategies to pursue them. Most republics faced revolutionary movements seeking the overthrow of the regimes; the monarchies pursued a number of strategies to thwart the movement. Protesters chanted same slogans as citizens in other countries in the region. Yet the experiences of each State have been distinct; for instance, in some countries, the military defected from the regime in Tunisia and Egypt while in Libya, Yemen, and Syria, the military has stayed loyal to the ruler (Rogan, 2011). Some uprising 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 some protests. They, however, have suffered from civil conflict in the recent past which might have impact on the current situation. Some wealthy states have responded by increased spending on job creation and benefits for their citizens and 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 Shia majority demanded political reforms and 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 uprising has 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 leave aside the plights of refugees. Refugees claim that the efforts from the refugee regime in addressing their need in this wake of fledgling democracies of the region 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 to cope. In some places, this led to xenophobic attacks against non-nationals, such as 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 region and refugee claims have risen by around 20 percent as a result of the events (Koser, 2012; UNHCR, 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 of refugees who are both Libyan nationals as well as foreign migrant workers (UNHCR, 2012). By mid-February 2011, more than 5,200 refugees had reached Lampedusa Island in Italy and at the end of August 2012, the number of IDPs rose to around 80,000 in Tunisia (UNHCR, 2012) and 500,000 in Yemen 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 mostly for Lebanon, Jordan, Turkey, and Iraq and around 2.5 million people have been displaced within Syria itself (Mikail, 2013; UNHCR, 2013).

### *Syrian Protracted Conflict and an Exemplar*

Only a decade ago, the number of global refugees population was 37 million. Since 2011, the Syrian conflict contributed to this acceleration (from 37 million to 60 million) in the number (UNHCR, 2015). Syrian conflict, one of the protracted ones the region has witnessed in recent times, is a continuation of the so-called Arab uprising which started in 2010 in Tunisia to put an end to authoritarian rule and corruption and to demand liberty, dignity, and social justice. The demands turned into violent protests which transcended the borders in the region. These protests generated outcomes ranging from devastating upheavals in the ruling



regimes to disgraceful toppling of regimes. The outcomes were different across the region owing to the fact that Arab regimes are diverse in terms of their ruling mechanisms, domestic power structures, and international relations (Darwisheh, 2013; Ullah, 2014).

While conflict in other countries in the region has quelled to some extent, the Syrian conflict continued to accelerate. As a result, as of mid-2016, two-thirds of Syrians have fled Syria. About one-third of the population still remain in Syria that became IDPs (Hinnebusch, 2008; Orhan, 2015; UNHCR, 2014). Around 500,000 Syrians were killed and out of them about 25,000 were children (International Rescue Committee [IRC], 2013). About one-third of the Syrian refugees living outside Syria consist of children, that is, about 2.5 million. Anecdotes suggest that, so far, amongst these thousands who have sought refuge, more than 20,000 children have crossed into neighboring countries—mostly in Turkey, Lebanon, Jordan, and Iraq—without parents or adult relatives (UNICEF, 2018), that is, unaccompanied.

## **The Egyptian–Israeli Border**

The migration or refugee flow between Egypt and Israel viewed extremely important by both the countries. Israeli government has always been seeing the flow related to the protection of the state against the double threat of illegal migration and terrorism from Sinai. Therefore, the border fence was constructed that has taken several years to construct, at an estimated cost of NIS 1.4 billion (US\$377 million). The refugee flow is not just seen as one single factor rather it seen as a central point to geopolitical debate in the region.

The critical tension related to refugees and migrants is the border crossing from Egypt to Israel. It is often argued that Israel's migration regime<sup>1</sup> is inadequately equipped to properly manage the mixed flow of non-Jewish and African migrants into the country. 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, demography, and law. 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 Egyptian–Israeli 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 sphere of the refugee and migration issues, as it represents a nexus between humanitarian and economic concerns. 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 irregularly? How did 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 backwards and forwards: backwards from where they came and forwards to Israel and the 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.

The vast majority of migrants traveling across the Egyptian–Israeli 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,” which 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.

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. 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 Israeli 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 a common practice” (IRIN, 2008).

Some have attributed migrants’ motivations to the poor treatment of refugees and asylum seekers in Egypt (Coker, 2004; Human Rights Watch, 2008) and the comparatively better treatment of migrants in Israel (Larry, 2008). Refugees may obtain assistance from UNHCR and local NGOs, including Moked, Assaf, the African Refugee Development Center (ARDC), and Physicians for Human Rights (PHR). Available benefits include medical care, shelter, clothes, and legal assistance and education for children between the ages of 5 and 16 (IRIN, 2009). However, others have described terrible conditions facing migrants upon their arrival to Israel (IRIN, 2009). Indeed, it is difficult to know the situations facing individual migrants or their particular interpretation of the difference between conditions in Egypt and Israel. At the least, Israel’s treatment of migrants upon arrival is unpredictable and its policy often arbitrary (Ben-Dor & Adut, 2003).

Regardless of the qualitative difference between life in Egypt and Israel, it is clear that migrants crossing to Israel are willing to migrate rather than remain in



either their country of origin or 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 quality standards of living. Rather, they are leaving the country of first asylum for a country with a higher level of affluence. While secondary flight does not diminish the vulnerability of these migrants, nor does it necessarily detract from their status as refugees, 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 justifications of available options.

Given such blurred distinctions, it is relevant to conceptualize this secondary flight as migration, rather than refugee movement. Here, gravity theory, network theory, new economics 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.

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 which do not make them actual conventional 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 their improving economic well-being in Israel, but should not be viewed solely from traditional migrant theory, as they are not responding to economic "pull" factors. They combine elements from several theories, including network theory, new economics 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-Palestinian 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 nor 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, meaning that the basic needs of refugees residing in camps are met, while local integration is neglected (Jacobsen, 1996).

The issues surrounding Palestinian refugees are inextricably linked to the history of political conflict between Palestine and Israel, which is reflected in longstanding 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 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.<sup>2</sup> Around the same time, Arab nationalism and a desire for Arab autonomy began to emerge in the Eastern Mediterranean (Fraser, 1995).<sup>3</sup>

As Jewish immigration increased and Arabs saw the lack of fruition of earlier agreements with the British and violence between Jews and Arabs in the region began to flare. The future of Palestine remained unclear during Second World War, 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 (UN), 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 UN. 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 of Europe with nowhere to go. For Jews, the Holocaust, coming after centuries of European anti-Semitism, confirmed the need to secure their future independently (Fraser, 1995, p. 17).

The newly formed UN attempted to avoid more conflict by issuing the 1947 Partition Plan,<sup>4</sup> which proposed the division the territory of Palestine between Jews and Arabs. The Partition Plan was viewed by many as an insult to the Arab nationalist movement gaining momentum in Jordan, Egypt, the Levant, and the Gulf. Unwisely or desperately, the Arabs quickly rejected the plan, while the Jewish leadership accepted. 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) 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 14 May 1948 marked the beginning of outright war, referred to as the War for Independence by Israelis. For Palestinians, however, this conflict became known as the *Nakba*,

or exodus, as Palestinians fled from territory conquered by Israel. The *Nakba* has been perhaps the single most defining event in contemporary Palestinian history and 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.”<sup>5</sup> However, as discussed, Palestine was not a “land without a people.” Instead, over 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.<sup>6</sup> 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 Palestine Liberation Organization (PLO) as a political representative of Palestinians, a significant departure from the previous era, in which non-Palestinian Arab leaders assumed this mantle. 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 of 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. Elias Halabi, a Palestinian Christian from Bethlehem, described how as 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 (refer Halabi, personal communication, 22 June, 2007).

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, while psychologically, it clearly represents 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. They are often located miles within the Green Line, leading to more annexation of land by Israel. Since much of the land surrounding these settlements was Palestinian olive groves and farmland, Palestinians call this as an Israeli land grab.

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. Water sources have been, in many cases, 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 them 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 into Israel and the Palestinians are cut off from their livelihoods (Nassar, personal communication, 16 June, 2007). The total sum of land acquired by Israel through the building of the wall and settlements is estimated at between 5 percent and 17 percent of the West Bank; with road networks included, it could be up to 46 percent (Ullah, 2014). The subject of borders throughout Israel and Palestine is a deep and divisive issue, one that threatens the negotiations on final status (Thal-Prusan, 2007). Many refer to the walls as Apartheid Walls, portraying them as a symbol of Israeli failure to recognize the rights of Palestinians.

### *Refugee Protection and UNRWA*

Uncontrovertibly, 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 charged with assisting approximately 750,000 refugees; today, this number rose to around six million, one-third of whom live in urban refugee camps in Jordan, Lebanon, and Syria (UNRWA, 2010). The UNRWA currently supports 58 camps: 10 in Jordan, 9 in Syria, 12 in Lebanon, 19 in the West Bank, and 8 in Gaza (UNRWA, 2010). Palestinians are ranked as the largest refugee population after the Afghans and globally, one in three refugees is a Palestinian.

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 Palestinian refugees' 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 wider 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.

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

guaranteed rights. In camps, refugees resort to extreme measures to live, 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.

The UNRWA has been working closely with Arab states hosting significant number of Palestinians, but their work is largely circumscribed by ongoing 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. The UNRWA established a new definition specifically for Palestinian refugees, which afforded them basic subsistence, but not the human rights and freedoms guaranteed by the Refugee Convention and UNHCR (Akram, 2002). The UNRWA definition of a refugee is as a person “whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948 and who lost both home and means of livelihood as a result of the 1948 conflict.” This definition applies only to refugees within the UNRWA’s area of operations, namely, 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 that in some cases rather than address the status of Palestinian refugees by adopting them into their states through naturalization, the 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 suitable for hosting significant number of refugees, how willing they are to do so, and how long they might cooperate. Lebanon was for the least hospitable to Palestinian refugees,<sup>7</sup> as they were barred from working in certain professional fields such as medicine, law, and engineering and excluded from national healthcare. They could not obtain work permits and they could not own land, making it virtually impossible for Palestinian refugees to integrate locally in Lebanon. Likewise, Egypt abided by the Arab League’s decision not to grant Palestinian citizenship and has had additional difficulties with their responsibility for certain camps, owing to the changing ownership of the Sinai and the Gaza Strip.

Jordan has been the most welcoming of the Arab states and the only one to naturalize Palestinian refugees, giving them full status as citizens. Jordan continues to host the largest number of Palestinian refugee population outside the occupied territories, with over one million Palestinian refugees residing in the Kingdom. Jordan also grants passports to Palestinians in the occupied territories for travel purposes (Halabi, personal communication, May, 2007; Ullah, 2014). By 1951, the UN estimated 711,000 Palestinian refugees existed outside Israel

(UNRWA, 1950). These refugees have lived in adverse political, economic, and social conditions—conditions which create a barrier to peace between Israel and her neighbors (Pappe, 2002, p. 85). 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 an adequate land for the numbers of refugees it would have to accommodate. Today, there are several plans for the resolution of border conflicts between the Israelis and the Palestinians that seek to resolve this issue. 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.

## Conclusions

This article has provided insight to the global discourse on the protection of refugees and migrants and has placed each case within 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 were possible, such information would provide an insufficient basis on which to formulate effective policy. Factors such as the contemporary relationship between Egypt and Israel, historical dynamic between Israel and Sudan, and influence of regional and international political interests are critical. Thus, policy affecting migrants is tied to 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 intervention. Such external interests are exhibited also in the operation of UNRWA, which has defined Palestinian refugees in its own way and has relied on the cooperation of states in the 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.

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? The region has been struggling with the challenges related to millions of refugee inflows since the last six decades. The refugee crisis will continue to resonate globally.



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### Notes

1. "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" (Roshenhek, 1999, p. 587 in Willen, 2015, p. 5).
2. Zionism as a political force followed on hundreds of years of Jewish heritage built around longing for Jerusalem. The Jewish diaspora, however, ensured that modern Jewish culture developed mainly in the margins of post-Roman Europe and Russia.
3. "Compared with the largely manufactured cultures of much nineteenth- and twentieth-century European nationalism, Arab nationalism could draw strength and inspiration from centuries when the Middle East was at the center of world civilization" (Fraser, 1995, p. 3).
4. It is conceivable that the lack of experience of the United Nations at this time, as well as the general turmoil resulting from Second World War, 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 that chiefly lived elsewhere and would require 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 Second World War.
5. 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.
6. G.A.Res.194, U.N.GAOR, 3rd Sess., 194(III), U.N. Doc A/194 (1948) [hereinafter UNGA 194].
7. To qualify this statement, Lebanon did grant around 50,000 Palestinian refugees citizenship in the 1950s, though it was mainly for political purposes within Lebanon's complex majority system.

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