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International Affairs

"Displacement in the Middle East and North Africa:
Between an Arab Winter and the Arab Spring"

Shaden Khallaf

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Contents

I - Background to Displacement in the Middle East

The Middle East and North Africa region has been rife with volatility and turmoil for decades due to inter-State conflict, military occupation, intra-State power struggles, international sanctions, strained economic systems, social transformations, high population growth, varying illiteracy rates, high unemployment and underemployment, poverty, gender inequalities, extremism, and an overarching lack of transparency in dealing with these daunting challenges. On the displacement front, the region has also seen its fair share of refugee crises, from the world's largest and most protracted one, that of Palestinian refugees, to the Sudanese, Somali, Western Saharan, and Iraqi refugees, to those who fled the recent conflict in Libya, to those who continue to be internally displaced in Yemen, and finally to the dramatically large and ever increasing numbers currently fleeing the conflict in Syria. Despite the magnitude and almost continuous nature of the flows of forced displacement over several decades, the region has also been characterized by having largely informal, sometimes ad hoc, systems of dealing with refugee issues, which raises concerns among analysts and practitioners about their consistency, comprehensiveness, and predictability in providing effective protection and assistance to those who need it most.

The Arab Uprisings have clearly been a game-changer on numerous levels. The challenge of predicting the trends has been acutely felt by researchers and practitioners in the field of asylum and refugee protection, who continue to analyze questions related to the impact of the uprisings on population movements. More specifically, some of the questions which have emerged are:

- Will the uprisings positively influence policies and laws on asylum and protection in the region?

- Will more democratic regimes lead to greater respect for international legal human and refugee rights-related obligations?

- Will the political changes lead to wider space to advocate for human rights and dignity for all, including refugees, or will the latter group fall through the cracks of targeted reform due to heightened - and potentially exclusionary - notions of nationalism?

- How have states been addressing the delicate, arguably existential, questions, related to sovereignty and border controls which are challenged by waves of displaced persons seeking to enter their territory?

- To what extent has Pan-Arabism been influencing government policies towards refugees from the Arab Spring, and what effect has it been having on accession to the international refugee law framework?

- How are the sensitive ethnic, religious and socio-demographic power-sharing arrangements which characterize many of the states in the region affected by refugee outflows?

- To what extent has and will the "occupation prism" through which much is seen in the Middle East and North Africa continue to influence positions towards refugees and asylum?

- Considering the long-standing and well-rooted tradition of asylum in Islam, how will Islamist-dominated governments deal with the concepts of asylum and refugee protection? Is there any scope to expect improvement, or will, on the contrary, a more restrictive, pan-Islamist approach distinguish and potentially discriminate between asylum seekers based on their religious affiliation?

- How will gender dynamics fare, and what will be the impact on the status of women and will there be a spike in gender-related persecution?

- Will minority rights be guaranteed in the face of the new found power of the masses, or will the demographic composition of countries in the midst of uprisings be dramatically altered by the flight of groups who face exacerbated or new forms of persecution?

This paper posits that the trends which have emerged, while requiring disaggregation by country and not necessarily all progressing in the same direction or at the same pace, indicate a general convergence in at least one way: being part of a cyclical pattern of alternating expansion and retraction of space for human rights and refugee protection. By default, transitional phases are often chaotic and progression toward the stated goal of more democratic, rights-respecting systems of governance can hardly be expected to follow a linear trajectory. This therefore leads to a need for a continuous recalibration of policies in place to address issues such as displacement, which has been a direct result of the uprisings at many levels. Understanding the complexity of dealing with displacement issues after the Arab Spring, however, requires reflection on the conditions in the "Arab Winter," i.e. before the uprisings erupted.

II – Fragility of Protection Regime in MENA

Despite being an area hosting a high proportion of refugees, and despite remarkable generosity shown in receiving hundreds of thousands of refugees throughout contemporary history, the protection regime in MENA may still be characterized by a significant degree of "fragility." This can be illustrated through a number of influential characteristics:

a. The dominance of the Palestinian refugee problem for over 60 years, which has inevitably shaped the perception and approach to dealing with many other refugee problems, creating fears of the "Palestinization" of emerging refugee movements;

b. The lack of democratic governance and rule of law before the revolutions, which made asylum a sensitive subject. And where uprisings have taken place and promised to bring human rights issues to the fore, they remain incomplete, in flux, and still ambivalent towards human rights, refugees and asylum principles;

c. Security-centric vs rights based approaches to governance, where maintaining the sanctity of state sovereignty, including border control, takes precedence over individual rights protection;

d. The absence of a legal framework and the lack of accession to international legal instruments regulating asylum and refugee protection, and where there is accession, there are no national asylum institutions or legislation;

e. As a result of the legal vacuum mentioned above, policies towards displacement have tended to be ad hoc and sometimes arbitrary in nature. Some may see that this offers a certain degree of flexibility, yet, it also leads to an absence of predictability, accountability, and guaranteed equitable standards of treatment for displaced persons across the board;

f. Emergency-based, reactive policies, which continually find governments "putting out fires" as opposed to mainstreaming longer term contingency planning for asylum as part of national plans and development projects;

g. Questions related to identity, resulting in sensitivities about demographic balance and existential questions about the sustainability of existing ethnic/religious/social structures;

h. The urban context of asylum, which makes access and outreach to refugees by aid agencies difficult, and contributes to marginalization and externalization; and

i. Increasingly protracted displacement situations, partly due to the changing nature of the conflicts creating refugee flows– with no end in sight to the plight of the displaced, and no applicable widescale solutions.

j. Against this backdrop of fragility, the conditions of asylum in the Arab "Winter," i.e. before the arrival of the "Spring," could be described as precarious. The upheaval and change created by the latter, therefore, led to a compounded effect of vulnerability.

III – Refugees and the Nation-State

Understanding these regionally specific characteristics can be complemented here by situating refugees within the politicized context of their relationship with the nation-state system more broadly. Giorgio Agamben, leading contemporary figure in philosophy and political theory, indicates that refugees challenge the concept of the nation-state system and the concept of human rights by exposing the limits of these supposedly universal concepts, arguing that "the refugee is the sole category in which it is possible today to perceive the forms and limits of a political community."[1] The nation-state system, which structures the international legal-political system, is in principle based on a contract between states and their citizens – a contract which outlines the rights and obligations of both parties and sets the parameters for citizenship. A breach in this contract, in the form of state-sponsored persecution against a particular group, or the breakdown of law and order, which leads to an inability or unwillingness on the part of the citizen to avail him or herself of the protection of that state – is a key trigger for displacement. Refugees, according to Agamben, are thus a physical expression of the limits of the nation-state's ability and willingness to protect citizens. While individual exceptions have always existed, Agamben argues that exceptions in large numbers, such as cases of mass displacement, question the conceptualization of the nation-state as the representative of citizens. In effect, where mass displacement exists, the break between citizens and the state ceases to be exceptional and becomes a normal state of being.

Agamben further argues that refugees expose the limits of the concept of the "rights of man." The rights of man were conceived as inalienable and universal, owed to each individual from birth to death. The state was positioned as the primary protector and advocate of these rights. However, Agamben argues that these rights, rather than being inalienable and universal, are inextricably tied to citizenship, as these rights can only be protected by nation-states. Refugees and displaced persons represent a break between "man" and "citizen", where citizens can pursue their rights through the vehicle of the nation-state, while "man" is left unprotected. If rights cannot be protected outside the confines of membership in the nation-state, the "rights of man" cease to be inalienable and universal. Agamben suggests that the insistence of the international community on the temporality of refugeehood is evidence that a permanent status of "man in himself"[2]—independent of the nation-state—is inconceivable under the nation-state system.

An equally important characteristic of the commonly understood or assumed temporary nature of asylum is its increasingly protracted nature, which has particular relevance to refugee situations in the Middle East. UNHCR defines protracted displacement as that which lasts for over five years, during which a refugee's basic rights and social, economic and psychological needs are unfulfilled in the asylum state. Currently, 30 major refugee groups, and approximately seven million refugees are facing protracted displacement. The average duration of displaced time has now reached 20 years.[3] In the region, the Palestinian, Iraqi, Sudanese, and Somali refugee groups are all considered protracted ones and where the three traditional durable solutions (voluntary repatriation, resettlement, and local integration) have not been applicable to the large majority of refugees. It is against this background of urban and protracted asylum that the displacement crises which emerged during the Arab Uprisings unfolded (and continue to unfold in the case of Syria). To what extent do these increasingly protracted situations pose a challenge to the nation-state structures as we know them, and to our understanding of global human mobility?

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1   Giorgio Agamben. «We Refugees.» *Symposium.* 1995, No. 49(2), Summer, p.114. English, Translation by Michael Rocke

2   Ibid, p. 116

3   Long, Kathy. "Permanent Crises: Unlocking the Protracted Displacement of Refugees and Internally Displaced Persons." Refugee Studies Centre, University of Oxford, October 2011.

IV - Impact of the Arab Spring on Displacement in the Middle East

This paper will seek to analyze the state of asylum and protection in the Middle East and North Africa in the post-revolutionary era from 3 angles:

1. Conditions of refugees who had previously been residing in countries where the upheaval took place;

2. Displacement created directly by the political and social upheaval, and;

3. Policy-making implications of the changes in regimes and governance structures on human rights and refugee protection.

A. Pre-existing Refugee Groups

Refugees in Egypt

Some preliminary research carried out among organizations working with refugees and asylum-seekers in Egypt highlighted that some of the main issues which emerged for refugees during and immediately after the revolution in Egypt were similar to the ones which emerged for Egyptians, yet in the case of refugees, the struggle was compounded due to their particular vulnerabilities. A Sudanese refugee summed the situation up concisely saying:

"There is no government, no police and no legal support. There is no security on the street. Egyptians don't know what they want... And we don't know what's happening."[4]

a. Insecurity: Increased instances of arrest and detention during the 18 days of the revolution and beyond were noted. Yet most seem to have been quickly released and those interviewed did not point to arrest rising as a result of targeting by the police. Rather the main source of insecurity was described as the rise in levels of crime, and threats from ***"baltageya"*** or thugs, many of whom had increased access to weaponry from Libya after the conflict there, and a subsequent inability to seek recourse through the local authorities. During the revolution, several police stations were burned down and prisons attacked, leading to the release of some 23,000 convicts. Instances of rape, kidnapping, and physical assault were increasingly experienced by refugees. Robbery was reported to have risen by 350% in 2012.[5] Immediately following the revolution, the frequency and level of violence rose against Egyptians as well, yet refugees were more disproportionately affected due to their lack of access to legal recourse and local support structures.

b. Rising costs, rents, evictions: "Since the fall of Hosni Mubarak in 2011, Egypt has experienced a drastic fall in both foreign investment and tourism revenues, followed by a 60% drop in foreign exchange reserves, a 3% drop in growth, and a rapid devaluation of the Egyptian pound. All this has led to mushrooming food prices, ballooning unemployment and a shortage of fuel and cooking gas - leading to Egypt's worst economic crisis since the 1930s"6 As a result, landlords have been affected, and raising rent, or being less tolerant of delays in paying it, has led to a notable rise in the number of evictions of refugees who have had to find short-term makeshift housing arrangements.

c. Arbitrary public hostility: The second component of the challenges faced by refugees is the perception by some that their presence was linked to the former regime, or that they were at least tolerated under the previous regime, and now, since it has gone, they too must go.

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4   Interview conducted with Sudanese refugee, Ain Shams, Cairo, 15/02/12.

5   Kingsley, Patrick. "Egypt Suffering Worst Economic Crisis since 1930s." The Guardian, Thursday 16 May 2013.

6   Ibid.

d. Xenophobia: Although a concern for refugees (particularly of African origin) in the pre-revolutionary era, the phenomenon evolved at the policy and popular levels immediately after the revolution. Collective fear and the splintering of communities within themselves led to a wariness towards anything "external" or "foreign," partly as a result of messaging from transitional authorities warned of conspiratorial plots to "destroy Egypt" being machinated by "hidden hands" and "foreign elements." Non-Egyptians present in the country were perceived with new-found suspicion about ulterior motives and meddling in local affairs. Use of fear-mongering and finger-pointing became easier against foreigners in general, and in some cases, refugees.

e. Urban challenges: The arrival of increasingly higher numbers of Syrian refugees most recently has created new challenges in terms of outreach and protection. Many of the Syrians are from middle class, well-education, professional backgrounds, and have fled to Egypt and elsewhere in the region as an alternative to the camps in Jordan or Turkey, and the precarious nature of the situation in Lebanon. Their struggles to sustain their livelihoods and the severe trauma witnesses prior to arrival, as well as their concerns about registration with international organizations contribute to the need for wider mobilization and awareness about their conditions and prospects. Being hosted and received in an urban context means that the displaced are self-settled, with potentially more limited access to service providers due to being dispersed throughout cities, or due to a desire to maintain anonymity.

B. Displacement Resulting from the Uprisings

In the midst of ongoing uprisings, violence, and political turmoil, widespread population displacement took place as a result of the conflict in Libya, the violence in Syria and upheaval in Yemen. In each of these contexts, the new waves of displacement took place in or to areas already struggling with previous waves, leading to multi-layered and complex crises.

Fleeing Libya

The situation in Libya following the uprising of February 2011 was characterized by several distinct elements:

1. The element of external military intervention and the death of the country's former leader;

2. The violence created one of the largest mixed-migration flows ever dealt with, reaching almost 800,000 migrants crossing the borders to flee violence, with some 263,000 reaching Egypt and 345,000 to Tunisia;

3. Over 120 nationalities, and 5 separate categories of displaced persons could be identified: migrant workers, Libyan nationals, "boat-people" heading towards the European Union, internally displaced persons, and asylum-seekers and refugees who had previously been residing in Libya;[7]

4. Both of the countries to which Libyans and migrants were fleeing were in the midst of their own revolutions, which could have had a disastrous impact on their respect for the legal principle of **non-refoulement**, had these 2 countries not kept their borders open. Yet, it did not. Both the Tunisian and Egyptian borders remained open;

5. Relations between the United Nations and the pre-revolutionary government with regard to the existing 8,000 refugees and over 3,000 asylum-seekers had been fragile and access had not been guaranteed to all;

6. Some 2.5 million migrant workers were estimated to be living in Libya prior to the uprising. Many of the Sub-Saharans among them came to be viewed with extreme suspicion due to assumed connections with the previous regime, and faced particular aggression, abuse, and discrimination during the conflict;

7. The attempts by some Libyans (and Tunisians) to seek safety from the violence at home by crossing the Mediterranean sea triggered fears among European politicians and populations of arrivals in "Biblical" proportions that would "flood" their shores. This spurred on a flurry of legislative activity and patrolling of the waters to manage arrivals.

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7   Khalid Koser. "Responding to Migration from Complex Humanitarian Emergencies: Lessons Learned from Libya." Centre on Global Health Security, November 2011.

The displacement from Libya received widespread global attention due to the speed and scope with which it unfolded, and the countries it unfolded into, which were both in the midst of their own revolutions. On one hand, Tunisia maintained an open-door policy towards refugees from Libya. During the course of the year, Libyan nationals received *de facto* temporary protection in Tunisia after fleeing the Libyan conflict.[8] The Choucha camp at the Tunisia-Libyan border held at its peak nearly 20,000 refugees fleeing Libya. Many others were concentrated in urban and semi-urban areas where they were generously accommodated by host communities, in particular in the south.[9] Most non-Libyans, third country nationals (TCNs) who had fled were assisted to return to their country of origin.

The Government of Tunisia initially allowed refugees to enter the country regardless of whether they had appropriate documentation or not. In September 2011, however, Tunisia resumed application of its regular immigration rules, by which third country nationals without adequate documentation, including persons holding UNHCR asylum-seeker or refugee certificates, were not able to enter the country.[10]

Almost a year later, in October 2012, the camp population had decreased to over 2000 refugees from East Africa, Sub-Saharan Africa, Palestine and Iraq, plans to close the camp by June 2013 were discussed between UNHCR and the Tunisian government[11] yet several hundred refugees remain in the camp, unwilling to leave. One refugee was quoted as saying "We do not want to be integrated in a Tunisia that does not have a law to protect refugees."[12] Government authorities have expressed support for including a clause in the new Tunisian constitution addressing the right to asylum and principle of non-expulsion for refugees.[13] To what extent will this be upheld, considering the changeable human rights framework in the country? While some progress has been made in terms of reforming electoral law, ratifying the Rome Statute, and thereby becoming a member of the International Criminal Court; lifting most of Tunisia's reservations on the Convention on the Elimination of All Forms of Discrimination against Women; and adoption of a new press code and decree laws on political parties and associations, according to Human Rights Watch.[14] Yet, restrictions on the freedom of expression persist, and several activists, artists, and bloggers have been arrested and detained for criticising government officials or for publishing writings perceived as offensive to Islam.[15] In terms of gender, HRW also laments that "the draft constitution elaborated by the NCA, makes no explicit mention of gender equality. Rather, the draft constitution contains an article where women are described as "partners" of men in building the nation and stating their "complementary" roles inside the family."[16]

On Libya's Eastern border, those fleeing the violence were allowed entry into Egypt, yet there was no possibility to set up camps. Pressure to address the needs of the refugees urgently was thus heavy, particularly in light of the cold winter conditions. The transitional military authorities at the time, the Supreme Council of the Armed Forces (SCAF) were at the forefront of managing the crisis together with the United Nations agencies, and some local organizations. Reception facilities were organized at Salloum, where Libyan refugees, Egyptians, sub-Saharan refugees and asylum-seekers, and third country nationals were received.

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8   UNHCR, "Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: TUNISIA," November 2011

9   UNHCR, "UNHCR TUNISIA Factsheet. September 2011," 2011, http://northafrica.humanitarianresponse.info/sites/default/files/110929_UNHCR_FactSheet_Tunisia.pdf

10   Ibid.

11   Houda Mzioudet, "UNHCR to Support Tunisia in Closing Shousha Refugee Camp," Tunisialive, 10 October 2012, http://www.tunisia-live.net/2012/10/10/unhcr-to-support-tunisia-in-closing-shousha-refugee-camp/

12   "Hundreds of Refugees Refuse to Leave Tunisia Camp." The Daily Star Lebanon. 30 June 2013. http://www.dailystar.com.lb/News/Middle-East/2013/Jun-30/222063-hundreds-of-refugees-refuse-to-leave-tunisia-camp.ashx#axzz2XsTgHsY7

13   Ibid.

14   Human Rights Watch, "World Report 2012: Tunisia," January 2012, http://www.hrw.org/world-report-2012/world-report-2012-tunisia

15   HRW," World Report: Tunisia," 2013.

16   Human Rights Watch, "UN Human Rights Council: Adoption of the Outcome of Tunisia›s UPR," 19 September 2012, http://www.hrw.org/news/2012/09/19/un-human-rights-council-adoption-outcome-tunisias-upr

Humanitarian Response

The scope and speed with which the numbers of border crossings took place was initially overwhelming to the two neighboring countries, particularly in light of the NATO military intervention's impact, which ironically, in the name of protecting civilians, led to many civilian casualties and thousands of displaced.[17] In terms of the international humanitarian response to the crisis, cooperation between a host of agencies, including UNHCR, IOM, OCHA, UNICEF, ICRC, WFP, and WHO fell into place at early stage of operation.

The first three months of the crisis witnessed massive cross border movements into Tunisia, reaching 7,000 arrivals on 7 March. In June, flows decreased by two thirds (1,795 people per day on average) to reach a low of 144 people on 28 August. From November to December 2011 the number of crossings (3,387) through the south Tunisian border of Ras Adjir had substantially decreased.[18]

A significant step taken by IOM and UNHCR was to jointly recognize this as being a 'migration crisis' rather than a 'refugee crisis'. This required IOM's experience in 'migration management' and in ensuring that states fulfill obligations towards migrants within their territories, and necessitated that IOM undertake "determining the specific needs of migrants in Libya, facilitating travel documents, conducting travel and health assessments, and providing transportation."[19] Protecting refugees and IDPs inside Libya fell more clearly under UNHCR's mandate, yet, access to many of these groups was limited.

Most of the migrants arrived at the borders in destitute conditions, without sufficient assets and means to organize and finance their own way home. In order to prevent a potential secondary humanitarian crisis at the border areas of receiving countries and at the request of concerned governments, IOM implemented a set of stabilizing activities, followed by full scale direct humanitarian assistance, return assistance and evacuation activities. IOM's activities were focused on the provision of food, non-food items (NFIs), healthcare and psychosocial support and other necessities for the affected population in the camps, transit centers and en route to the airports and seaports.[20] On the other side of the Libyan border, one of the main objectives in Salloum was to quickly decongest the border through evacuation assistance in order to limit the impact of the influx on Egypt and prevent the onset of a humanitarian crisis. IOM assisted TCNs through registration, medical clinic services, health referrals to nearby hospitals, psychosocial assistance, and medical escorts.

The Libyan migration crisis was a unique operation for UNHCR and IOM as it required merging their mandates, expertise, operations, and institutional cultures to prevent the crisis from escalating into a humanitarian or a protracted displacement crisis. "IOM referred individuals (mainly from Sudan, Somalia, and Eritrea) seeking asylum to UNHCR; and UNHCR lent its operational expertise to coordinate interventions for shelter, non-food items, and food; lobbied the Egyptian and Tunisian governments to provide temporary 'asylum' spaces; and ensured that the principle of non-refoulement was not violated as the migration crisis was being addressed."[21] The operation also highlighted the increasingly "mixed" nature of migratory flows and the blurring of the distinction in many cases between migrants and refugees.

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17 "The NATO military mission, authorized by the United Nations Security Council, began on March 31 2011 with the aim of protecting civilians under attack or threat of attack. NATO forces carried out some 26,000 sorties including some 9,600 strike missions and destroyed about 5,900 targets before operations ended on October 31." Reuters, London: 19 March 2012. http://www.reuters.com/article/2012/03/19/us-libya-amnesty-nato-idUSBRE82I04Y20120319

18 Ibid.

19 "The Arab Spring and Beyond: Human Mobility, Forced Migration and Institutional Responses." Refugee Studies Centre, Workshop Report. http://www.rsc.ox.ac.uk/publications/rsc-reports/wr-arab-spring-beyond-120612.pdf

20 "Humanitarian Response to the Libyan Crisis," International Organization for Migration Report, February-December 2011.

21 Ibid.

When compared to other humanitarian operations involving such large scale human displacement, the scale of the operation becomes even more evident. During the Kosovo crisis for example, IOM operated around 600 flights over a period of 2 years, while in Libya approximately 700 flights left over a couple of months. During the Lebanon crisis in 2006, approximately 12,000 migrants were evacuated over 1.5 months while for Libya, evacuation operations airlifted more than 14,000 returnees in 3 days only (from 15 to 17 March).[22]

By and large, these large outflows were successfully addressed, primarily due to the open border policies of neighboring countries that allowed hundreds of thousands of migrants to cross into Tunisia, Egypt, Algeria, Niger, Chad and Sudan. It is also because those countries kept their borders open and provided generous humanitarian assistance, including through their Red Crescent societies and local population, that a full-fledged humanitarian and migration crisis was averted. This remarkable policy decision allowed aid agencies to set up an unprecedented humanitarian evacuation program for hundreds of thousands of stranded African and Asian migrants. The quick resolution of the majority of the displacement is not reflective, however, of the trends which have been developing across other parts of the region, namely in Yemen and in Syria. The extent to which this was due to the external intervention by NATO opens up a wide spectrum of questions about global geo-political interests and their impact on humanitarian space and assistance. Would the speed and efficiency of the international humanitarian response have been comparable had NATO not been a part of the equation?

The Syrian Crisis

The displacement resulting from the conflict in Syria is increasingly taking on the massive proportions, has been described as one of the fastest growing crises ever dealt with. Since March 2011, the number of those internally displaced inside Syria is estimated to be 4.25 million, and a total of 6.8 million are thought to be in need of assistance, according to UNOCHA on 17 June 2013. The number of Syrian refugees, seeking safety for themselves and their families from the violence, and in certain instances, targeted persecution, across international borders continues to rise, reaching 1.7 million as at July 2013, according to UNHCR, is expected to reach 3.45 million by the end of the year. Neighboring countries have to date received the Syrians generously, receiving the Syrians in capitals, urban settlements, or camps. The host populations and governments concerned are ones already dealing with staggering socio-economic challenges, and as a result, there is a pressing need for greater support from the international community, whether through UNHCR, UNICEF, and WFP assistance, or through local groups such as Red Crescent Societies and other NGOs. Many are starting to consider the presence of such large numbers of displaced persons as a destabilizing element in the region.   Yet, and despite the fact that most of the countries are not signatories to the 1951 *Convention relating to the Status of Refugees*, borders have remained open, refugees have been allowed safe-stay, and access to minimum life-sustaining assistance has been made available to most. 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 inter-agency 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.

In Jordan, over 490,000 (1 July 2013) Syrians have registered or are awaiting registration as refugees, and are hosted mainly in the Zaatari desert camp, where the conditions are harsh, and the strain on Jordan's energy, water, health and education services severe. Many others are residing outside the camp and are struggling to make ends meet and find stability. Some families in urban areas are recipients of cash assistance to meet their daily needs. Within the camps, UNHCR provides food, water, sanitation, and primary education for children.[23] On 14 March, the Jordanian government announced plans to build a new camp in Al -Azraq to host the ever-increasing numbers of arrivals. Additionally, Jordan – one of the poorest countries on earth in terms of water – is gravely concerned about the effect of the huge influx of refugees on its very limited water supplies without receiving additional aid from the international community.

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22   Ibid, p.29

23   UNHCR. "Syria Regional Refugee Response: Jordan, Lebanon, Iraq, Turkey." (18 November 2012), 3.

In Lebanon, established registration centers, as well as mobile units, have registered or are in the process of registering 575,000 Syrians (28 June 2013). Registered refugees reside primarily in urban centers, particularly in Tripoli and Beirut, and 50% of these refugees live in host Lebanese homes.[24]

In Turkey, the government has registered almost 392,000 persons and spent over US $600 million on setting up the 17 camps where they are hosted, with more under construction. Residents of the camps along the Syrian border are provided with food, water, medical assistance, hygiene kits, heat radiators and protection from the Turkish military.[25]

In Iraq, the number of Syrian refugees has reached more than 159,000 (30 June 2013). The refugees live primarily in UNHCR camps in the Kurdistan region – an additional camp is under construction in order to combat overcrowding - but some refugees reside in other host communities. UNHCR, UNICEF, and Iraq's Ministry of Displacement and Migration (MoDM) provide food and healthcare to the refugees located within the camps.[26] The country is struggling to contain violence as it recovers from its own conflict, and thus its capacities are largely overstretched.

In Egypt, some 87,000 (26 June 2013) Syrians have been registered or are awaiting registration. Egyptian officials had announced in October 2012 that there are 100,000 Syrians in the country. What are the reasons behind this gap and how can it be best addressed? Is the rising number of arrivals indicative of or directly correlated to the dramatic escalation of violence in and around Damascus and other major Syrian urban centers, including Homs and Aleppo? Does the lack of registration in higher numbers reflect concerns among the refugees?

A large contributing factor to the existing protection gaps for both Syrian refugees and IDPs is the shortfall being met by UNHCR in its funding for humanitarian aid. Currently, the UNHCR missions for Syrian refugee aid and in-country aid for IDPs remain underfunded. As of June 2013, UNHCR's appeal for $488 million to aid Syrian refugees was only "about a third funded" while, as of November 2, UNHCR's appeal for $348 million for humanitarian aid for Syrian IDPs was only about 45 percent funded.[27] This lack of funding is due partially to the lack of funding from "traditional donors" such as the United States, Japan, and Canada, among others.

Regardless of its causes, the lack of aid has far-reaching consequences with regards to extension of protection to Syrian refugees and IDPs. This lack of funds has strained UNHCR resources in countries hosting Syrian refugees and left IDPs without sufficient aid and is indicative of a lack of international solidarity with major host countries in extending aid during this displacement crisis.

One of the main challenges faced regionally in dealing with the Syrian refugee crisis has been the urban nature of 70% of the asylum context. While some camps have been set up in Jordan, Turkey, and Iraq, the majority of Syrians seek refuge in capital and urban conglomerates where they can benefit from the services available to nationals, and in many instances, they have been allowed to do so officially. Urban displacement, however, brings numerous challenges to a refugee regime which as been camp-centric for decades, and which requires a recalibration at many levels, including policy-making, protection planning, and the delivery of assistance.

Looking forward to a time after the Syrian civil war is resolved, it is most likely that Syrian refugees will repatriate to Syria than access the other durable solutions as defined by UNHCR. However, it is important to note that this prediction is due much more to the improbability of either host country integration or third country resettlement as a likely solution rather than to any likely success or quick availability of reintegration into Syria. Host country integration is unlikely due to existing barriers in the major host countries who are already hosting hundreds of thousands of refugees, and where the obstacles to integration have already been made clear during the Iraqi and protracted Palestinian refugee crises. Historically, refugees in Jordan and Lebanon have been prevented from holding

24   UNHCR. "Syria Regional Refugee Response: Jordan, Lebanon, Iraq, Turkey." (18 November 2012), 5.
25   UNHCR. "Syria Regional Refugee Response: Jordan, Lebanon, Iraq, Turkey." (18 November 2012), 7.
26   UNHCR. "Syria Regional Refugee Response: Jordan, Lebanon, Iraq, Turkey." (18 November 2012), 6.
27   Lederer, Edith. "UN warns of escalating humanitarian need in Syria." (Associated Press, 8 November 2012), 1.

jobs, enrolling their children in public school without great efforts and fees, and have struggled to collect public aid benefits. Syrian refugees living in these countries would face a similar situation. In Turkey, Syrian refugees would face a language barrier that would greatly impact their ability to find employment, as other refugee populations have in the past.[28] In Iraq, it is unlikely that Syrian refugees would be able to successfully integrate due to the ongoing security and other challenges faced throughout many parts of the country, and where sectarian violence has been on the rise once again.

C. Policy Implications for Dealing with Asylum and Refugee Movements after the Arab Uprisings

The initial hope was that the heightened awareness of and demands for respect for human rights and dignity that were the main calls of the uprisings, as well as adherence to international legal principles, would spill over into the treatment of asylum-seekers and refugees, who are often among the most vulnerable. A more rights-based approach to governance and civic responsibilities, on one hand, as well more sympathy for and understanding among the general public of what makes people flee their homes were likewise reasons for optimism. A more democratic Middle East would be one in which the rule of law, independence of the judiciary, and respect for international legal commitments are cornerstones of governance, which can only lead to a strengthening of the existing fragile protection regime and improvement in the lives, conditions, and prospects for asylum seekers, refugees and migrants in the medium and longer term.

Less positive scenarios, in which transitional phases on the path to comprehensive reform are prolonged, or in which months of uprisings, instability, and violence place additional pressure on already strained economies could result in more negative perceptions and increasingly hostile wariness of refugees and asylum-seekers. Some of the main challenges facing refugees in many parts of the region have been the restrictions placed on their socio-economic rights and livelihood opportunities. Addressing this would become more difficult if general conditions deteriorate further. A more unstable, security-centric environment in the short and medium term might likewise lead to less tolerance among host populations and authorities, and more targeting of those who are not familiar, or those who are perceived to be competing with nationals, potentially leading to greater instances of harassment and marginalization.

It is clear that deeper analysis of the political changes and their impact will require more time for the "dust to settle," and for the institutional responses (or lack thereof) to set in. The situation on the ground continues to unfold and evolve on an almost daily basis, and therefore analysis at this point in time, while critical, must continue to evolve in conjunction with and at the same pace of the changes on the ground.

Some of the trends noted to date include:

a. A cyclical pattern of alternating expansion and restriction of space for advocacy and human rights (including refugee rights) discourse: freedom of speech and association was expanded through demonstrations and peaceful protest, and a newfound political voice for youth emerged. Yet, the same space is also being retracted, with well-known TV presenters, journalists, bloggers, and activists being summoned or interrogated for criticism of the ruling authorities that was deemed too vocal or blunt, or detrimental to their image and standing.

b. Democracy is not synonymous with human rights and democratically elected governments or authorities do not necessarily guarantee greater respect for the rights and dignity of all. It is possible that democratically elected post-revolutionary parliaments pass legislation which negatively impacts human rights according to international standards. The new Egyptian constitution, for example, has also been under criticism for not meeting such standards in terms of guaranteeing the rights of women and minorities.

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28   Frambach, Nina. "Refugees in Istanbul: Lost between Policy and Practice." (University Utrecht, Department of Geosciences, August 2011), 4.

c. The impact of "gender disempowerment" and potential reversal of gains in redressing gender inequalities, i.e. the shockingly high instance of rape as a tool of war in the Syrian conflict, low representation of women in parliament, virginity testing, targeted/humiliating violence against protesting women, and negative positions on legal reforms passed under the former regimes, due to their association with "external influences", advocacy for women's rights (possibly including refugee women?) is likely to be an uphill struggle. Could this eventually be a trigger for displacement among categories of women who may begin to face persecution for their opinions and positions? What about minority protection and the emergence of vicious sectarianism?

d. The emergence of Islamist forces as the most powerful ones on the post-revolutionary political scenes in the region leads to some food for thought on the impact of this trend on refugees and their conditions, in light of the long history of asylum in Islam. Can wider protection space for refugees be sought through faith-based advocacy?

V - The Way Forward

Below are some thoughts on how the political changes in the region might have a more "refugee-friendly" approach. Advocates and supporters of human rights and refugees in countries where the transitional phases are less violent may consider:

a. The need to work through both formal and informal structures to effect change, as they are mutually reinforcing and needed in different ways. While working on developing national structures and formal asylum systems, reinforcing/codifying existing positive informal practices or policies towards refugees is essential, as is awareness about the refugee plight.

b. Tapping into the human rights discourse and heightened interest in the broader scope of human rights, even if only superficial, short-lived, or sporadic. Use human rights activist channels to influence new policies and legislation in parliament, as well as to influence public discourse and awareness about the refugee plight. In doing so, it is important to maintain a balance between potentially jeopardizing existing standards, and waiting until the dust settles and the political and social arena is less ambiguous and delicate.

c. Taking a gradual, deliberate and strategic approach to bringing protection issues to the fore. Advocacy and engagement should be carried out in a phased approach, differentiating between the medium and longer term needs and adapting to the developments on the ground as they continue to evolve. Some see that the time now is not right – that societies in the region are too inwardly focused in this phase of their development, and even that the initial hopes and expectations about the revolutions transforming popular and institutional approaches to asylum were false or unfounded. Others believe that the window of opportunity to address these issues was, in fact, open for a short while immediately following the revolution, but that now, it may be in the process of closing, if it has not already closed.

d. Continuing to improve emergency preparedness in the event of further displacement as a result of prolonged or continuing violence and instability to prevent further deterioration of conditions and alleviate the burden on all parties.

Where violence is still rampant, and where urgent life-saving aid is still required:

a. Strategies to engage and involve local host communities are essential. Projects and longer term programs which additionally benefit these same communities are very much in demand;

b. Integrating as much as possible the work carried out by international organizations into mainstream government and local NGO policies;

c. Widening the scope of potential donors and intensifying fundraising campaigns;

Despite these challenges, there is still some room for cautious optimism in the long run. The new-found sense of justice among populations and policy-makers throughout the region, and the remarkable resilience of refugees themselves are two main factors that can help weather the transitional socio-political storm until greater stability and sustainability is reached, and human rights find their place in the core of the new Middle East and North Africa region.