



The Arab Refugee Paradox

**An overview of refugee legislations
in the Arab Middle East**



Konrad
Adenauer
Stiftung

Laura El Chemali is a PhD candidate of Political Science at Université Libre de Bruxelles and guest researcher at Konrad-Adenauer-Stiftung's Syria/Iraq Office in Beirut.

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According to the United Nations High Commissioner for Refugees (UNHCR), Egypt, Iraq, Lebanon and Jordan host some of the largest numbers of refugees in the world.¹ However, among the Arab states, only Egypt and Yemen have signed the Geneva Convention of 1951 on the status of refugees. While nation states in the West have long offered the possibility of full citizenship to immigrants and refugees, it is surprising that the 'Arab Unity' model idealised by important Arab political leaders such as Gamal Abdel Nasser in Egypt, Hafez Al-Assad in Syria or Saddam Hussein in Iraq did not envision a form of permanent incorporation of other Arabs into any part of the 'Arab Nation'.² The Arab Unity framework, which has endured to this day, encourages Arab citizens of other states to have a stake in a supranational Arab identity without offering a coherent legal and political framework for the protection and integration of Arab refugees.³

The 1951 Convention, which was drafted in the aftermath of World War II and the first Arab-Israeli conflict, emphasizes the protection of persons from political or other forms of persecution. According to the Convention,

a refugee is a person, who is unable or unwilling to return to his country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion. The Convention is both a status and rights-based instrument and is underpinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement.⁴

Today, the reluctance of the Arab countries to adhere to the Convention of 1951 is a major obstacle to govern the movement of people in the region that has taken unprecedented dimensions with far reaching consequences for Europe, its neighbourhood and the Arab states themselves. The European Union - in search of a solution to the so called refugee and migration crisis - has on several occasions urged its Arab partner states to sign the Geneva Convention of 1951 in order to 'legalize' readmission agreements with the southern neighbourhood countries - hitherto without success. Accordingly, this article aims to provide an overview of the stance of Arab states on the legislation towards refugees and the current legal frameworks in place in Iraq, Jordan,

1.- In all four countries, there are 4,837,134 Million registered refugees with UNHCR compared to 1,037,760 Syrian asylum seekers in Europe (last update June 10 2016). Cp. UNHCR 2016: Syria Regional Refugee Response, in: <http://data.unhcr.org/syrianrefugees/regional.php>[29.06.2016].

2.- Many researchers suggest that the issue of Arab citizenship relates back to the 'Nakba' of 1948 in the aftermath of the first Israeli-Arab War, as a response to the defiant Israeli position that the Arabs of the Palestinian territories could be easily absorbed by their fellow Arabs. Cp. Zaiotti, R. 2006: Dealing with non-Palestinian refugees in the Middle East: Policies and practices in an uncertain environment, in: International Journal of Refugee Law, 18(2), p.333.

3.- Ibidem.

4.- Meaning that the Convention should be applied without discrimination as to sex, age, disability, sexuality, or other prohibited grounds of discrimination. But most importantly, the Convention contains various safeguards against the expulsion of refugees. In this sense, the principle of non-refoulement is so fundamental that no reservations or derogations may be made to it. It provides that no one shall expel or return ("refouler") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom. See for more information: UNHCR 2010: Convention and protocol relating to the status of refugees, in: www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf [29.06.2016].

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Lebanon, the Gulf countries and Egypt for the protection of refugees.

Arab regional conventions for the protection of refugees

Rather than signing the Geneva Convention of 1951, Arab leaders individually or under the umbrella of the Arab League have usually only endorsed the right of refugees to return to their homes, as expressed in Resolution 194 (III) of the United Nations General Assembly, thus keeping in line with the prevalent refugee doctrine that has been in place in many Middle Eastern countries since 1948. Common explications for the hesitancy of Arab states to sign the convention are related to historical and socio-economic factors experienced since the first Arab-Israeli conflict in 1947 and the Iraqi refugee crisis in 1980-1988. Persistent waves of refugees in the region spurred the fear of governments to be obliged to take over the political and legal responsibility for refugees, while at the same time facing the problem of poor infrastructure, weak economies, public health and education sectors in their own countries.⁵ According to Jalal Hussein, certain state interests linked to the preservation of internal stability, from either political or socioeconomic perspectives, have been instrumental in justifying discriminatory attitudes and guiding regional refugee policies since 1948.⁶ Nevertheless, Arab states were not completely ignorant to the problem. Several agreements among Arab states aim to deal with the situation of increasing

waves of refugees and migrants that were wrongly expected only to be temporary.

In the Casablanca Protocol of September 1965, the member states of the Arab League for example agreed on a first resolution concerning the safeguard of Palestinian refugees underlining their right to return as well as the right of employment.⁷ In the context of the first Intifada (1987-1994), two regional meetings were held with the intention to explore solutions and develop mechanisms to help host Arab countries to deal with the situation of increasing refugee flows. These regional meetings resulted in the draft of two main documents: (1) The Cairo Declaration on the Protection of Refugees and Displaced Persons in the Arab World that was adopted in November 1992 and (2) the Arab Convention on Regulating the Status of Refugees in the Arab Countries adopted by the Arab League in 1994.

The declaration of 1992 recommends "to study the feasibility of creating an Arab organism for refugees in the Arab World, within the framework of the specialized agencies of the League, with a view to providing legal and humanitarian protection for the refugees."⁸ The document of 1994 reconfirms the provisions of the international community as well as the 1992 Cairo Declaration. Moreover, the document, which was adopted but not ratified by the Member States of the Arab League, affirms in article 14: "Should a Contracting State face difficul-

5.- Cp. Thiollet, H. 2011: Migration as diplomacy: Labor migrants, refugees, and Arab regional politics in the oil-rich countries, in: *International Labor and Working-Class History*, 79(01), p.105.

6.- Cp. Al Hussein, J. (2007): The Arab States and the Refugee Issue: A Retrospective View, in: Benvenisti, E./Gans, C./Hanafi, S. (Eds.): *Israel and the Palestinian refugees*, Berlin/Heidelberg, pp. 435-463, here:p.435.

7.- Jordan, Algeria, the Democratic Republic of Sudan, Iraq, Syria, Egypt and Yemen accepted this declaration without reservations. Meanwhile, Lebanon, Kuwait, and Libya attached a couple of reservations and Saudi Arabia, Morocco and Tunisia did not approve the declaration. See for more information: League of Arab States 1965: Protocol for the Treatment of Palestinians in Arab States ("Casablanca Protocol"), in: <http://www.refworld.org/docid/460a2b252.html>[24 August 2016].

8.- UNHCR 1992: Declaration on the Protection of Refugees and Displaced Persons in the Arab World, in: <http://www.refworld.org/docid/452675944.html>[24 August 2016].

ty in granting or continuing to grant right of asylum under this Convention because of sudden or mass influx or for any other compelling reasons, the rest of the Contracting States shall, at the request of such State, take such appropriate measures, severally or jointly as to alleviate the burden to the asylum-providing State."Article 5 of the 1994 declaration maintains that "[t]he Contracting States to this Convention shall undertake to exert every possible effort, to ensure that refugees are accorded a level of treatment no less than that accorded to foreign residents on their territories."⁹ However, this formulation leaves space for discriminatory treatments by the host states.

While these regional agreements target important problems of the refugee issue in the Middle East and foresee some relevant solutions - for example the establishment of an Arab institution for refugees - these objectives have mostly not been achieved. Moreover, by the reliance of Arab states on the right of Palestinian refugees to return to their homes, they hamper tangible progress in regional refugee policies. On the national level, refugee and asylum policies for the protection of refugees and especially Arab refugees also remain weak.

Iraq

Iraq is hosting approximately 4.7 million refugees, of whom about 3.4 Million are internally displaced Iraqis, most of them settled in the Kurdistan region of Iraq.¹⁰ Dealing

with the many problems associated with this situation presents serious challenges for the Iraqi government. There are three legislative instruments related to refugees in Iraq.

The Political Refugee Law of 1971 addresses political refugees only and establishes benefits such as the right to work and the same access to health and education services as Iraqis. However, it does not apply to refugees who have fled their countries for other reasons.¹¹ With respect to benefits offered to refugees, the ministerial resolution 202 of 2001 provides Palestinian refugees with all the services to which Iraqi nationals are entitled.¹² Nevertheless, following the high level of violence in Iraq in the aftermath of the fall of Saddam Hussein, Palestinian refugees have become increasingly victims of torture, discrimination and violence.

Law 21 of 2010 established the Ministry of Migration and Displacement, providing assistance and services to both internally displaced persons and refugees inside Iraq.¹³ Despite this kind of legal provisions, refugee populations in Iraq continue to face numerous problems, particularly since they are located in urban centres rather than in refugee camps. Due to a fall of oil prices triggering a budgetary crisis and low job opportunities, refugees in the Kurdistan Region of Iraq, which hosts the majority of refugees, experience great competition to access scarce resources. Also access to public services like health care and education is

9.- League of Arab States 1994:Arab Convention on Regulating Status of Refugees in the Arab Countries, in: <http://www.refworld.org/docid/4dd5123f2.html>[24 August 2016].

10.- Cp. Zebari, A. 2013: Iraqi Kurdistan Region Struggles to Cope with Syrian Refugees, Al Monitor, in:

<http://www.al-monitor.com/pulse/originals/2013/06/iraq-kurdistan-syrian-refugees-aid.html#>(8 August 2016).

11.- Cp. Law 51-1971, Al Waqa'a al Iraqyah, vol. 1985, 4 October 1971, at 489, in: <http://www.legislations.gov.iq/LoadLawBook.aspxSP=REF&SC=031220057446704&Year=1971&PageNum=1> [16 September 2016].

12.- Cp. Ministerial Resolution 202-2001, Al Waqa'a al Iraqyah, vol. 3897, 24 September 2001, in: <http://www.legislations.gov.iq/LoadLawBook.aspx?SP=REF&SC=130120013724516&Year=2001&PageNum=1> [16 September 2016].

13.- Cp. Zebari, A. 2013: Iraqi Kurdistan Region Struggles to Cope with Syrian Refugees, Al Monitor, in: <http://www.al-monitor.com/pulse/originals/2013/06/iraq-kurdistan-syrian-refugees-aid.html#> (8 August 2016).

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very limited for refugees.¹⁴ Following the Syrian Crisis in 2011, authorities in the Kurdish region of Iraq granted Syrian refugees the right to enroll in public schools and work in the region.¹⁵ Indeed, despite the fragility of the Iraqi state and persistent internal conflicts, especially the Kurdish Regional Government has done an effort in order to assure some basic legal safeguards for Syrian refugees, allowing their children to enter schools, and to benefit from health care services as Iraqis.¹⁶

Jordan

Jordan is one of the only Arab countries that is supposedly dealing the best with refugees without being a signatory to the UN 1951 Geneva Convention. Jordan hosts Palestinian, Iraqi and Syrian refugees. Nevertheless, Jordan has an annual per capita income of only 11,000 US-Dollars and the inflow of Syrian refugees after 2011 has posed an important challenge to Jordanian infrastructure, education, the labour market and the health care system. According to a Memorandum of Understanding signed in 1998 between the UNHCR and the Jordanian government, refugees can remain in Jordan for six months after recognition, during which the UNHCR has to find a resettlement country for them.

Though Jordan is not a signatory party to the Convention on Refugees, there are some legal and administrative regulations in place to manage the refugee inflow. Among the laws adopted by Jordan to regulate the legal status of foreigners in the country is

Article 2 of the country's nationality law, Law No. 6 of 1954, which guarantees Jordanian nationality to all Palestinians who lived in Jordan between 20 December 1949 and 16 February 1954.¹⁷ Article 21 of the Jordanian Constitution prohibits the extradition of 'political refugees'. Moreover, a Law of 1973 on Residence and Foreigners' Affairs grants the Ministry of the Interior the authority to determine on a case-by-case basis whether persons that entered illegally will be deported. However, it does not identify conditions under which individuals are eligible for asylum. When recognized, refugees do not automatically acquire rights to residency, employment, public education, or health care. Refugees receive residency permits, but such permits are in most cases valid for one year only and are granted only in small numbers. Regarding the labour market, for instance, about 160,000 Syrians are working illegally in Jordan according to the UNHCR.

As in other Arab countries, the Jordanian Ministry of Labour published a list of professions and industries in which only Jordanian citizens are allowed to work to avoid that foreigners compete with Jordanians on the national labour market.¹⁸ Still, most of the Palestinians in Jordan enjoy full citizenship, with the right to education and jobs in both the public and private sectors. Currently, the Jordanian government is encouraging the employment of Syrians in the construction, nursery or handcraft sectors, as they are often better qualified and cheaper than the Egyptian labour force. Nevertheless, the refugee and migration regime of Jordan

14.- Cp. UNHCR 2016: Iraq Global Focus, in: http://reporting.unhcr.org/node/2547#_ga=1.211187158.23303189.1464947926 [16 September 2016].

15.- Cp. Sadek, G., 2013: Legal status of refugees in Egypt, Jordan, Lebanon and Iraq, in: <http://www.loc.gov/law/help/refugees/legal-status-refugees.php> [23.07.2016].

16.- Cp. Zebari, A. 2013: Iraqi Kurdistan Region Struggles to Cope with Syrian Refugees, Al Monitor, in: <http://www.al-monitor.com/pulse/originals/2013/06/iraq-kurdistan-syrian-refugees-aid.html#> (8 August 2016).

17.- Ibidem.

18.- These include medical, engineering, administrative, accounting and clerical professions; telephone and warehouse employment; sales; education; hairdressing; decorating; fuel sales; electrical and mechanical occupations; guards; drivers; and construction workers.

should not be idealized. Many Palestinians, even those holding the Jordanian passport, remain subject to discrimination and social exclusion.¹⁹

Lebanon

Lebanon is a similar case to Jordan and Iraq. Although the country hosts a considerable number of Palestinian, Iraqi and Syrian refugees, Lebanon is neither a state party to the 1951 Geneva Convention nor to its additional protocol of 1967. Lebanese politicians have to face the fear deeply engrained in Lebanese society that attributing a 'legal' status to refugees will increase the competition between Lebanese citizens and refugees with regard to jobs, education, health and social-welfare services. This attitude goes back to the Nakba causing the influx of thousands of Palestinians to other Arab countries and especially Lebanon.²⁰

As soon as 1950, the Lebanese government created the Central Committee for Refugee Affairs to administer the Palestinian presence in Lebanon. Moreover, the government issued Presidential Decree 42-1959 to create the Department of Palestinian Refugee Affairs to coordinate with the United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) with respect to shelter, education, health, and social services.²¹ Already at that

time, Lebanese authorities forbid Palestinians from entering into as many as 20 professions, including law, engineering and medicine, what led many young Palestinians in Lebanon to give up on education.

In February 2013, the situation partly changed with Resolution 1/19 of the Lebanese Council of Ministers that opened some professions, such as those involving construction, electricity, and sales, to refugees, which were previously restricted to Lebanese citizens.²² Still, Lebanon does not have any specific legislation or administrative practices in place to address the specific needs of refugees and asylum seekers. Refugees are subject to domestic law provisions that would apply to any other foreign national, especially the 1962 Law Regulating the Entry and Stay of Foreigners. It provides for the detention and deportation of people who enter or remain in Lebanon without authorization. As a result, refugees who enter the country without prior authorization or who overstay their visas are considered to be illegally in the country and are therefore continuously exposed to the risk of being fined, detained or deported. This situation characterises approximately 75 percent of the population of refugees and asylum seekers in Lebanon, mostly because they overstayed their visas.²³

19.- Palestinians holding the Jordanian passport are for example normally entitled also to access positions in the public and administrative sectors. Nevertheless, their career options remain mostly limited to the private sector: "They run the economy, but have no access to the decision making circles and state institutions". See: Al Abed, O. 2004: Palestinian refugees in Jordan, in: <http://www.forced-migration.org/research-resources/expert-guides/palestinian-refugees-in-jordan/fmo025.pdf>. [16 September 2016].

20.- Cp. Zaiotti, R. 2006: Dealing with non-Palestinian refugees in the Middle East: Policies and practices in an uncertain environment, in: *International Journal of Refugee Law*, 18(2), p.333.

21.- Cp. Sadek, G. 2013: Legal status of refugees in Egypt, Jordan, Lebanon and Iraq, in: <http://www.loc.gov/law/help/refugees/legal-status-refugees.php> [23.07.2016].

22.- On 2 February 2013, the Council of Ministers, in Resolution No. 1/19, excluded some professions from the list of those available only to Lebanese (on a full-time or part-time basis) and allowed Syrians to work in the following fields and jobs: Technical professions in the construction sector, commercial representative, mechanics and maintenance personnel, gatekeeper and guard, tailor, works supervisor, and metal work and upholstery. On 16 December 2014, Resolution No. 1/197 annulled these exceptions and stated that the following professions and positions were exclusively open to Lebanese: administrative positions; banking; insurance and educational work of all kinds; etc. See: The Lebanese Center of Policy Studies, *Asylum Crisis or Migrant Labor Crisis?*, May 2015, in: <http://www.lcps-lebanon.org/featuredArticle.php?id=42> [31.08.2016].

23.- Cp. Sadek, G. 2013: Legal status of refugees in Egypt, Jordan, Lebanon and Iraq, in: <http://www.loc.gov/law/help/refugees/legal-status-refugees.php>, [23.07.2016].

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In this critical context, Lebanon's Minister of Foreign Affairs, Gebran Bassil, recently declared having defined the 'red lines' of local politics towards Syrian refugees and the actions to be adopted by different municipalities in the country, meaning 'the interdictions' to impose on the population of refugees, such as opening local businesses, or establishing random camps.²⁴

Saudi Arabia and the Gulf states

Compared to the countries in Syria's direct neighborhood, Saudi Arabia and the Gulf states remain particularly reluctant in hosting Syrian refugees. Refugees that seek asylum even avoid these countries because of their hostile policies and restrictive legal standards for migrant workers and refugees. Neither the Saudi government, nor the other five countries of the Gulf Cooperation Council - Kuwait, Oman, the United Arab Emirates, Bahrain and Qatar - have signed the Geneva Convention or the 1965 Casablanca Protocol of the Arab League of States for Palestinians that all guarantee protection and assistance to refugees.²⁵ Moreover, none of these countries has agreed on a resettlement policy for Syrian refugees - despite their oil richness, the relative geographic proximity with Syria, the similarity of the language, religion and culture (mostly Arab Sunnis) as well as the strong involvement of some Gulf countries in the Syrian civil war.²⁶

It is nearly impossible for refugees to cross the borders of the Gulf countries and once they have arrived in one of the Gulf Cooperation countries, they risk to be resent to their home countries. Refugees cannot be recognized as such and cannot seek asylum. Those refugees who receive a visa from the Saudi government have still no right of protection, of financial support, asylum or citizenship. Moreover, all migrant workers and refugees need to leave the Gulf states after a certain period in order to return to their home countries. The only alternative for them is to marry a Saudi national though this law is not applicable to Palestinians. Palestinians are also the sole foreign group that cannot benefit from a law passed by Saudi Arabia's Council of Ministers in 2004, which entitles expatriates of all nationalities who have resided in the kingdom for ten years to apply for citizenship.²⁷

The strict migration and asylum policies of the Gulf countries mainly owes to the fear of governments that an open refugee and migration policy could affect the demographic balance of their countries and their policies of "nationalization", which Saudi Arabia, Kuwait and the UAE developed in the 1980's in order to keep the percentage of national labour force within their countries high. Considering the case of Saudi Arabia, for instance, up to 81 percent of migrants and foreign workers constitute at least 75 percent of the national workforce.²⁸ While criticized for their apathy and indifference in

24.- These measures are in accordance with the government's previous political discourse at the beginning of the Syrian refugee crisis, allowing municipalities to impose 'curfews' on refugee populations presumably for security reasons, though according to human rights organisations, this is clearly discriminatory towards refugee populations. Cp. L'Orient-le-Jour 2016: "Bassil veut interdire les camps de réfugiés dans les municipalités dirigée par le CPL", 26.06.2016, in: <http://www.lorientlejour.com/article/993296/bassil-veut-interdire-les-camps-de-refugies-syriens-dans-les-municipalites-dirigees-par-le-cpl.html>, [01.07.2016].

25.- Cp. Thiollet, H. 2011: Migration as diplomacy: Labor migrants, refugees, and Arab regional politics in the oil-rich countries. *International Labor and Working-Class History*, 79(1), p.113.

26.- Cp. Chaker, K. 2015: No, Arab Gulf State are not taking in Syrian refugees, *Huffington Post*, in: http://www.huffingtonpost.com/chaker-khazaal/no-arab-gulf-countries-ar_b_8280448.html#comments [07.08.2016].

27.- Cp. Abdul Ghafour, P.K. 2005: Expatriates Can Apply for Saudi Citizenship in Two-to-Three Months, *arabnews.com*, in: <http://www.arabnews.com/node/262342>[16.08.2016].

28.- Cp. Thiollet, H. 2011: Migration as diplomacy: Labor migrants, refugees, and Arab regional politics in the oil-rich countries, in: *International Labor and Working-Class History*, 79(01), p. 113.

refugee policies despite their involvement in Syria, the Gulf countries defend their position with the argument of demographic, economic and political submergence fearing that the risk for their security and political stability would be too high.

Most likely it is not despite but because of cultural and linguistic similarities that the countries of the Gulf Cooperation Council are against inflows of Arab refugees and labour forces as they want to prevent from the spread of unwanted political ideas and religious radicalism that might endanger the purity of their doctrines, especially Wahhabism in Saudi Arabia.²⁹ Norman is suggesting that by agreeing on a certain resettlement numbers, just as Saudi Arabia did in 1993 by accepting approximately 35,000 Iraqi refugees, Saudi Arabia and the Gulf countries could accommodate refugee populations that do not upset demographic balances, and the UNHCR could assist the states in pre-approving resettlement applications to prevent security risks.³⁰

Egypt

Egypt hosts Syrian, Sudanese, Ethiopian, Somali, Eritrean, Palestinian, and Iraqi refugees. In contrast to its Arab neighbour countries, Egypt is one of the few Arab states that signed the Refugee Convention in July 1951. In May 1981, it ratified the Convention and its 1967 Protocol, but made reservations to five provisions, namely article 12(1) (personal status), article 20 (rationing), article 22(1) (access to primary education), article 23 (public relief and assistance) and article 24 (labour legislation and social security).

While Egypt initially made a reservation to article 22(1) of the Convention, denying refugees the right to be admitted to public schools, the Egyptian Minister of Education issued Ministerial Decree No. 24 in 1992, allowing the children of recognised refugees from Sudan and the children of Sudanese, Libyan and Jordanian political asylum seekers to attend public schools. Recognised refugees are provided with a UNHCR blue refugee card, which is stamped by the Ministry of Foreign Affairs and the Ministry of Interior. Together with the refugee card, a renewable residence permit with duration of six months is provided. According to Decree No. 8180 of 1996, issued by the Ministry of Interior, refugees generally receive a three-year temporary residency permit. Palestinian refugees may receive a longer residency permit, depending on when they arrived. Palestinian refugees who arrived in 1948 receive residency permits that are renewable every five years, but Palestinians who arrived in 1956 receive residency permits that are renewable every three years.

Egypt did not make a reservation against articles 17 and 18 of the Refugee Convention, which protect the refugees' rights to employment. However, Egyptian work permits, similar to other countries, are difficult to obtain in order to protect the local labour market. Article 11 of Ministerial Resolution 390 of 1982, issued by the Ministry of Labour, requires proof on the part of the employer that no Egyptian national is available to do the work before a permit may be issued.³¹

The Egyptian authorities have adopted a number of domestic legislative initiatives to regulate the legal status of refugees and

29.- Cp. McMahan, L. 2015: Why the rich Gulf states are saying no to Syrian refugees, in: <http://www.news.com.au/finance/work/leaders/why-the-rich-gulf-states-are-saying-no-to-syrias-refugees/news-story/9a2cd799330d0502b3db1f8fe455e7a9>[16.08.2016].

30.- Cp. Norman, J. 2015: Saudi Arabia doesn't do refugees - it's time to change, in: <http://beforeitsnews.com/economy/2015/10/saudi-arabia-doesnt-do-refugees-its-time-to-change-that-2767938.html>[16.08.2016].

31.- Cp. Hickox, S. 1986: Labor Market Needs and Social Policy: Guestworkers in West Germany and the Arab Gulf States, in: *Comp. Lab. LJ*, 8, p.357.

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asylum seekers: In May 1984, a presidential decree established a permanent committee in the Ministry of Foreign Affairs to review asylum applications and grant refugee status; presidential decree 331 of 1980 adopted the Refugee Convention as domestic law; the suspended Egyptian Constitution of 2012 provides protection to refugees and asylum seekers; for instance, article 57 prohibits the extradition of political refugees.³² If a law of 1958 prevents foreigners from owning agricultural land on Egyptian territory, another law of 1963 considers Palestinian refugees to be an exception. In 2004, Egyptian authorities drafted a law that is prohibiting the children of foreigners who are born on Egyptian soil from acquiring citizenship, as Egyptian nationality is granted only on the basis of ancestry.³³

Conclusion

With the exception of Egypt and Yemen, which have ratified the 1951 Convention on Refugees with a number of reservations, most Arab countries have not even signed the Geneva Convention and its additional Protocol of 1967 for a number of financial, demographic, political and security reasons. While regional conventions dealing with refugees in the Arab world have actually been developed, they have only scarcely been implemented. Moreover, many Arab countries - in order to protect their own societies - do not have domestic laws governing the status of refugees. Indeed, with the exception of Jordan, none of the Arab states has - for political reasons - offered the possibility of naturalisation and permanent citizenship rights. Thus, most refugees in Middle Eastern countries struggle to survive, face obstacles sending their children to

school and are obliged to turn to illicit activities reinforcing in return discriminatory actions by the host states.

Paradoxically, all the countries under investigation (apart from the Gulf states) have historically maintained a relatively open door policy regarding non-nationals, particularly if coming from a regional Middle Eastern nation, even though some do not have the capacity to meet the needs of refugees. One major contradiction at the centre of the refugee issue in the Middle East resides therefore in the opposition between the ideal of the supranational Arab Nation and its framework of cooperation and interaction among Arab peoples on the one hand and the system of sovereign nation-states defined by geopolitical borders that structure people's movement on the other hand.

The European Union as well as researchers and advocates from Western institutions have tried to encourage Arab states to expand their international legal obligations toward refugees in their borders - especially, through the promotion of the 1951 Convention as a tool for refugee protection.³⁴ However, seeing the local conditions in the Arab countries, it seems difficult to oblige these states to adhere to the 1951 Convention in any near future.

Policy recommendations

Given the lack of legal structures, there is a need for more profound solutions. These need to include both top-down and local bottom-up approaches to ensure a better integration of refugees in their Arab host societies:

32.- Cp. Raimondi, F. 2015: Precarious Refugee Protection in Egypt, in: <http://hdl.handle.net/10579/6985>, [27.07.2016].

33.- Cp. Sadek, G. 2013: Legal status of refugees in Egypt, Jordan, Lebanon and Iraq, in: <http://www.loc.gov/law/help/refugees/legal-status-refugees.php>, [23.07.2016].

34.- Cp. Yakoob, N./Mir, A. 2004: A contextual approach to improving asylum law and practices in the Middle East, in: Haddad, Y. Y./Stowasser, B. F. (Eds.): Islamic law and the challenges of modernity, New York/Toronto/Oxford, pp.99-132, here: p.99.

- First of all, there is a need for a mentality change within governments. The large number of refugees should be perceived as a chance rather than a burden. On the one hand, host countries receive an increased amount of financial support from the international community that can serve their long-term development. On the other hand, studies have shown that large refugee populations offer opportunities for host countries both with regard to production and as consumers.
- To reap these opportunities, governments should develop proper legal frameworks allowing refugees to work in order to avoid the creation of parallel structures, forcing them into criminal actions or to work on the black market. Moreover, governments need to ensure that young refugees have access to education in order to forestall the creation of "lost generations" that will in the future create even higher costs - both socially and financially - for the host countries.
- Aside from this top-down approach, civil society needs to be involved in efforts to cope with the refugee situation. In Lebanon, for example, many civil society organisations are conducting job trainings, "start-up" workshops for small businesses and job-market insertion programs for refugees. This ensures that refugees are increasingly independent from financial support provided by the governments or international donors and can contribute to the economic development of host countries.
- Civil society organisations should also take on the responsibility to 'educate' the public and state officials about their states' obligations as signatories to the Convention, and about the human rights situations in their own and other host countries. Educating people might make them more familiar with their countries' theoretical obligations under international and regional law.
- Overall, there is a need towards a more coordinated approach between governments, local organisations and Arab legal experts through technical discussions as a means to develop a more comprehensive national strategy for an equal treatment of refugees in the host societies.