

70 Year Protecting People Forced to Flee

Short regional panel reports

Region: Middle East and North Africa (MENA)

Hosting/organising institution: Centre for Migration and Refugee Studies, The American University in Cairo

Sessions Titles:

Session 1: Legal and Policy Frameworks in Refugee Hosting Countries: Perspectives from the MENA region

Session 2: International Cooperation in the face of the Syrian Refugee Crisis

Context/Background of the panel

At present, the Middle East and North Africa (MENA) is the largest region in terms of producing and hosting refugees. According to the latest statistics of the United Nations High Commissioner for Refugees (UNHCR), the Syrian Arab Republic continues to be the source of the highest number of refugees worldwide (6.6 million), the majority having fled to other countries in the region. Earlier refugee flows produced and received by the region included those fleeing Palestine, Iraq, South Sudan, Eritrea and Somalia. They are hosted by countries including Egypt, Jordan, Lebanon, Libya, Sudan and Tunisia. Despite the necessity to address policy gaps and shortcomings, the attitudes of MENA countries towards refugees and asylum-seekers need to be saluted. They have maintained largely open doors, hosted millions of refugees and asylum-seekers, and provided for their livelihoods within the limit of their available resources complemented by international cooperation.

The Center for Migration and Refugees studies organized two sessions. The first addressed the particular situation of each country and how the legal and policy frameworks in each country enable or impede UNHCR to achieve its objectives. The second session assessed the level of international cooperation in facing up to the Syrian refugee crisis and the extent to which it allowed for an effective response to the crisis, in line with the Statute's objectives.

Major points arising from speakers and discussions:

Two main points were addressed and discussed in the first session. The first point is the lack of legal policy frameworks. Many of the countries in the region, Jordan and Lebanon for example, are not parties to the 1951 Geneva convention. Other countries, like Egypt and Tunisia, are parties but have not adopted national asylum legislations. **Tamirace Fakhoury** argued that the consequence is that the response to and governance of refugees is usually ad hoc, lacking a rights based approach, such as in Lebanon's legal framework. She discussed the binary between open borders and local closures. Fakhoury regretted the resulting ambiguity and incoherence that characterize the official response to displacement in Lebanon. **Parastou**

Hassouri commented on how refugees' issues in Egypt are mainly governed by the UNHCR according to a Memorandum of Understanding (MOU) signed with the Egyptian government in 1954 and which needs to be updated. The Refugee Status determination that is entirely conducted by UNHCR raises the argument that the gatekeeper role of the UNHCR might interfere with its protection mandate as more resources, according to Hassouri, are spent on status determination than for providing for the needs of refugees inside the country. There has been a discussion since 2005 as to whether Egypt would move towards nationalizing the status determination procedure but the discussion is still ongoing and has not materialized into any action. **Bouthaine Ismaili** commented on Morocco efforts in this regard highlighting that despite the implementation of a national strategy in 2013, progress with regard to the new law on asylum seeking is slow.

The second main issue discussed is the fact that most of the countries in the region perceive themselves as transit rather than host countries despite the reality that indicates otherwise. For example, the MOU between Egypt and UNHCR was based on the assumption that Egypt is not a destination country and that refugees would and should be resettled to third countries and are only in Egypt on a temporary basis. However, resettlement and voluntary repatriation have proven to be increasingly challenging. The current situation, argues **Tamirace Fakhoury** signals "the death of resettlement." This means that refugees hosted by countries in MENA would continue to remain in the region. If local integration is not achieved and resettlement and repatriation are not foreseen, then most refugees in the region will continue living in limbo. **Mohamed Dayri** argued that with the increased inflow of refugees into countries of the region and the lack of durable solutions, many MENA countries have sought to limit refugees' flows.

In addition to the above-mentioned two points, the penalization of irregular entry into the countries of MENA was another point that was raised. It was argued that such penalization violates key articles and protections outlined in the 1951 Refugee Convention which protect refugees from being detained for irregular entry.

Discussions in the second panel focused on the Global Compact for refugees (GCR), the Regional Refugee Resilience Plan (3RP), and the Jordan Compact. **Shaden Khallaf** pointed out how the Syrian refugee crisis helped in shaping the international refugee regime and its ramifications as the impact of the Syrian refugee crisis went beyond its borders to gain a global reach. The partnership in the face of the crisis successfully linked academia, governments, civil society, and the private sector. Kallaf pointed out the importance of thinking ahead to the future of the region knowing that it is a conflict-prone region. She also highlighted the need for the humanitarian responses to be strongly linked to the developmental trajectory of the region. **Jinan Bastaki** focused on the Gulf Cooperation countries and put forward ideas on how they can contribute to the GCR. She argued that their contribution has mostly been through the provision of external aid. Some countries provided amnesty in some forms like for example, the UAE created a new visa category to those from worn-torn countries who were overstaying their residency permit and Saudi Arabia created temporary residencies for Yemenis and Syrians. However, these initiatives are not enough and more can be done. According to Bastaki, the labor migration regime, enhanced with protection provisions, could be used to admit refugees in the GCC countries and as workers in their labour markets. **Mary Kawar** focused on the peculiarity of the Syrian crisis in influencing international attention and cooperation. She asks "What is different about the Syrian refugee crisis?" It is one of the longest, most protracted, and complicated humanitarian emergencies in recent times. Its proximity to Europe

should be taken in consideration when attempting to understand the international cooperation it elicited. She described the Syrian crisis as a “very “unusual” crisis with very complicated geopolitics.” **Mary Kawar** then discussed the situation in Jordan and the reasons that led to the adoption of the Jordan compact in 2016, which institutes a new paradigm that provides economic and employment benefits to both Syrians refugees and Jordanian nationals.

Recommendations/Conclusions on the way forward (*These should be actionable and directed to specific actors*):

- Governments of the region should take concrete steps towards adopting national asylum legislations and developing coherent policies towards hosting refugees
- Governments of the region should adhere to the principle of non-refoulement and refrain from criminalizing asylum seekers on the basis of irregular entry
- The Gulf Cooperation Countries should increase their cooperation beyond provision of external aid
- Consistent advocacy for refugees’ basic rights should continue and should not be confined to governments but should be extended to public and civil society groups.
- International cooperation with MENA countries hosting refugees should be reinforced: developing host countries in MENA have their own economic and political hardships
- Greater international solidarity should be shown towards MENA countries, by increasing funding to refugee hosting and livelihood programmes.
- The international community should show solidarity by expanding resettlement programmes.
- Humanitarian initiatives should be linked to development initiatives

Top two quotations from the session:

- Parastou Hassouri “if the 1951 convention were up for debate today, how many countries would become signatories?”
- Shaden Khallaf “we should look at the opportunities that refugees bring, not only the responsibilities they create.