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TASK FORCE

NEW SECURITY ARRANGEMENTS FOR THE MENA REGION

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The Middle East as the Intersection of Global Dynamics of Displacement

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Forced displacement is a ubiquitous phenomenon today, and the Middle East is no exception. Western Asia and North Africa are areas in which some of the most extensive refugee crises in the world have taken place in recent years.[1] Syria is the top-ranking state of origin, with 6 million refugees, while 2.6 million refugees come from Afghanistan. Not far from the core of the region, 2.4 million refugees have fled South Sudan and other states such as Somalia (1 million) and Sudan (more than 0.5 million) have also contributed to the global refugee figure of 70 million. On top of this, displacement in the Middle East includes more than 5 million Palestinians whose precarious situation has been a protracted issue for decades. Internal displacement is also unprecedented in magnitude in countries like Syria (6 million), Yemen (2 million), and Iraq (2.6 million at the time of the Mosul crisis).

Not only is the Middle East an area producing millions of refugees, but it is also where most of them are hosted. Turkey, Lebanon, Jordan, and Iraq are the countries where most Syrian refugees reside. Pakistan and Iran respectively host 1 and 1.5 million Afghan refugees. If we include the Palestinian refugee population, Middle Eastern states shelter half of the internationally displaced population of the world.

Inadequate Legal Infrastructure

The status of refugees is poorly defined and regulated in the domestic legislation of most Middle Eastern states. With few exceptions, most states control and define the presence of refugees using legislation that regulates the presence of ordinary foreigners on national territory. The right to asylum is virtually absent, and where it exists it remains unapplied.

International law is of little help here. Few of the states of this region are part of the 1951 Convention Relating to the Status of Refugees and its Additional Protocol of 1967.[2] Those states that are party to the refugee convention often apply heavy

reservations; for example, Turkey recognizes only refugees from Europe. The UNHCR has in some cases agreed memoranda of understanding with host states like Jordan and Lebanon to facilitate registration procedures and grant temporary or "de facto refugee" status, but these remain transitional measures.

The result is an inconsistent legal environment that leaves refugees in a condition of limbo. Governments and security agencies have found themselves responding to mass displacement emergencies in the absence of refugee-specific legal directives that could have made their policies more consistent and more efficient. Instead, they have filled these legal loopholes with ad hoc regulatory arrangements that reflect political moods or pressure from external factors, rather than long term policy planning.

The Transborder Dynamics of Displacement Responses

One thing that makes displacement different in the Middle East region is that transnational dynamics and regional interdependence play an important role in shaping local responses to refugee crises.

Notwithstanding the consolidation of national politics and polities in the past decades, displacement in this region exposes the degree of socio-political interconnectedness across borders, which is not as common in other domains of crisis. The Syrian crisis in its early stage, for example, generated discourses of hospitality, solidarity, and brotherhood among political leaders and local social groups that found themselves at the receiving end of the crisis. This has not been a mere exercise in rhetoric, instead it became the framework which justified receptive policies towards millions of refugees. Identity, religion, and kin connections have been resources for refugees and host governments to articulate respectively their demands for hospitality and their political responses. At least at an early stage, these reactions overcame the nationalist objections which we often see in other parts of the world when similar circumstances have occurred.

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While these decisions may also be genuine acts of generosity, a disenchanted perspective could interpret these as carriers of political messages. As much as closing borders can be a way to appeal to constituencies frustrated in their nationalist aspirations, openness to refugees is an equally powerful instrument to show empathy with groups that identify with oppression and to condemn regimes responsible for the flight of their own people. At the peak of the Arab uprisings in

2011 and 2012, a discourse of hospitality towards Syrian refugees resonated with a condemnation of violence in Syria and was amplified by a region galvanised by the fall of regimes in countries such as Egypt and Tunisia, with Syrian dictator Bashar al-Assad expected to follow soon after.

Then the situation in Syria began to morph into an internationalized civil war. The uprisings gave way to the return of autocratic regimes in countries like Egypt, while governments had to face the dissatisfaction of already poor local communities hosting large populations of refugees. Consequently, borders have become increasingly difficult to cross for refugees, and host states have introduced restrictive measures or turned to international actors with demands for support to deal with the crisis.

These regionalised dynamics of displacement are not uncommon. For example, the Palestinian or the Iraqi refugee populations have both experienced similar situations. Both cases have gone through contradictive phases. Pan-Arab support for Palestinians has been a key aspect of much of the official rhetoric of most Middle Eastern states and indeed Palestinians are today hosted in many Middle Eastern countries. But the Palestinian situation has gone through phases of restrictive measures caused by mutations in domestic and regional politics as well as in the Arab-Israeli conflict.

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Political and social connections cutting across the regions' state borders shape governments' responses to displacement crises and make them inherently volatile. This is a mixed blessing for refugees and their host countries. Whereas transnational dynamics can underpin discourses of solidarity and hospitality rarely seen elsewhere; these cross-boundary connections make the refugee presence susceptible to the fluctuations of regional politics and conflict, adding further instability to their already-uncertain condition.

Extra-Regional Interests

To add complexity, the displacement crises that take place in the Middle East have spill-over effects into European states and beyond. Overstated by xenophobic political groups, refugee crises and migration have come to the forefront of politics within the EU and its member states. In EU politics, refugee crises are used as leverage to weaken the unity and governance of the EU; in domestic politics these undermine the legitimacy of governments to the advantage of nationalist groups.

Thus, limiting the impact of Middle Eastern displacement on European states has become a highly prized objective for governments blackmailed by anti-migration rhetoric. States such as the UK, Germany, France, and Italy have therefore supported financially the efforts of countries hosting refugee populations while, except for Germany, making it increasingly difficult to access their territories.

Apart from the EU-Turkey Action Plan of 2016, the fragmented political picture of the region as well as divisions among European states have hindered the possibility of significant multilateral engagement. Instead, states have preferred bilateral relations and agreements which allow for aid policies that reflect more closely the interests of donors and recipient states.

A Regional Framework for More Effective Responses to Displacement

All things considered, it would seem natural for Middle Eastern states to facilitate the creation of a regional mechanism for greater consistency in dealing with forced displacement crises, while minimizing the suffering of refugees and the costs for host communities. Yet, the only precedent in this respect is the Casablanca Protocol of 1965 established by the Arab League. The protocol in theory should have facilitated employment rights and the right of movement for Palestinians among member states of the Arab League, but as a matter of fact it remained largely unheeded.

Notwithstanding the magnitude of the phenomenon and the clear benefits that cooperation may bring in this respect, no concerted efforts have been made to establish the conditions for an orderly and effective response to forced displacement.

This is unsurprising: the Middle East is well known as a region without regionalism, and the lack of a scheme for the co-ordination of refugee issues fits into this picture. There are also valid reasons to claim that this is the worst of times for a regional regime of co-ordination to emerge. The region has hardly ever been so divided by conflicts, thus making the possibility of co-operation unlikely. Second, there is the risk that policy co-ordination will end up reproducing the imbalances of the region and its problematic approaches to displacement, instead of marking a step towards greater policy effectiveness and consistency with international law standards. Thus, its desirability to the states of the region – for the time being – could be dubious.

One advantage of a multilateral regional framework is that it could create more uniform conditions for refugees and reduce political arbitrariness. There may be the possibility of achieving a common definition of a

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refugee, perhaps benefitting from those discourses of solidarity and hospitality, which have underpinned receptive policies towards refugees in the region. A regional co-ordination mechanism could make life easier for refugees travelling from one state to another: for example, by agreeing on a shared policy on travel documents. This kind of policy co-ordination may help to make crisis responses more consistent, thus making the consequences of displacement more predictable, which is in the interest of refugees as well as international organizations. Furthermore, a regional refugee framework could regulate more reliably matters such as refugees' employment, education, and access to services such as healthcare.

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A regionally-coordinated structure to address displacement could facilitate responsibility-sharing among all the regional stakeholders and even out the impact of refugee crises between countries that are interested by the phenomenon in different ways. For example, refugee quotas among states could be agreed upon, or states that are unwilling to accept quotas instead may be willing to contribute to a regional refugee emergency fund.

Furthermore, a regional refugee agreement could focus on matching the needs of states with a limited labor force with those of refugees willing to work in exchange for fair employment conditions. Greater regional coordination could facilitate agreements such as the transportability of pensions, so that refugees can return to their country of origin after employment abroad without incurring economic losses that could deter their return.

While the idea of a regional forum for refugee co-ordination is certainly ambitious; an analysis of its benefits shows that its creation could benefit refugees as much as the states and societies which host them.

Endnotes

1- UNHCR, "Global Trends 2017," in Global Trends, ed. UNHCR (Geneva: UNHCR, 2018).
2- Algeria, Egypt, Iran, Israel, Morocco, Tunisia, and Turkey.

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The Sharq Forum is an independent international network whose mission is to undertake impartial research and develop long-term strategies to ensure the political development, social justice and economic prosperity of the people of Al-Sharq. The Forum does this through promoting the ideals of democratic participation, an informed citizenry, multi-stakeholder dialogue, social justice, and public-spirited research.

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