Vulnerability and Human Rights of Protracted Refugees in the Arab Region

Dr. Sari Hanafi
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The classic notion of nation-state has developed rights for citizens, but not for human beings. Hannah Arendt extraordinarily noted as early as the beginning of the 1950s that there is no place for the human being outside the nation-state. There are citizens’ rights but not human rights. To have rights, you must be a citizen. The refugee and the stateless person do not have rights to have a right, but their ontological status and benefits are dependent on the disciplinary apparatuses of the police and security forces.

The state formation in the Arab region has witnessed a production of different forms of citizenship, refugeeeness, and statelessness. Moreover, the Arab countries are a particularly conflict-ridden region and witness relentless population movements (particularly in Sudan, Palestine, Lebanon, Iraq, Somalia, Libya and the Gulf monarchies).

1. Who are Protracted Refugees?
Protracted refugees are defined as a ‘crude measure of refugee populations of 25,000 persons or more who have been in exile for five or more years in developing countries’ (UNHCR 2004:2). In the Arab region, protracted refugees are often refugees without rights and raise thus major social and political challenges. Their situation matches the definition of “warehoused refugee population” (World Refugees Survey, 2008). Warehoused refugees are typically, but not always, confined to camps or segregated settlements where they are virtually dependent on humanitarian assistance. But even refugees who are free to move are still warehoused, in effect, if they are not allowed their rights to work, practice professions, run businesses, and own property”. Among 8,525,500 warehoused refugee population worldwide (as of Dec. 31, 2007), there are 3,756,300 dwell in or originally from the Arab region. (WRS 2008).

2. Current policy frameworks
The stability of the Arab states will remain jeopardized not by the massive presence of the refugees but by the way the states [host governments] look at the long-term by turning them into stateless refugees.

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- The decree of de-naturalization in 1988 of more than two million Palestinians living in the West Bank who were carrying Jordanian passports
- The massive expulsion of Palestinian refugees from Libya and Iraq,
- the absence of civil and socio-economic rights of Palestinian refugees in Lebanon

Table 1: Warehoused refugee populations in the Arab Region (as of Dec. 31, 2007)

<table>
<thead>
<tr>
<th>Year since began</th>
<th>Population</th>
<th>Host country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>59</td>
<td>Palestinians</td>
<td>Gaza, West Bank, &amp; Lebanon</td>
<td>2,063,000</td>
</tr>
<tr>
<td>40</td>
<td>Palestinians</td>
<td>Jordan, Saudi Arabia, Egypt, Kuwait</td>
<td>521,500</td>
</tr>
<tr>
<td>39</td>
<td>Eritreans</td>
<td>Sudan, Ethiopia</td>
<td>264,300</td>
</tr>
<tr>
<td>32</td>
<td>Sahrawis</td>
<td>Algeria</td>
<td>90,000</td>
</tr>
<tr>
<td>28</td>
<td>Iraqis</td>
<td>Iran</td>
<td>57,400</td>
</tr>
<tr>
<td>27</td>
<td>Eritreans</td>
<td>Sudan</td>
<td>20,800</td>
</tr>
<tr>
<td>24</td>
<td>Sudanese</td>
<td>Uganda, Kenya, Ethiopia, Egypt, et al.</td>
<td>300,700</td>
</tr>
<tr>
<td>18</td>
<td>Mauritanians</td>
<td>Senegal</td>
<td>20,200</td>
</tr>
<tr>
<td>16</td>
<td>Somalis</td>
<td>Kenya, Ethiopia, Yemen</td>
<td>418,400</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>3,756,300</strong></td>
</tr>
</tbody>
</table>

Source: adapted from (WRS, 2008)

3. Camp as a way of marginalization of refugees

Maintaining the camps as temporary space has as one major consequence: the further marginalization of the refugee population.

Many refugee camps in the Arab region become congested enclaves having difficulty to be inserted into urban tissue of the cities where they are located. Although Palestinian refugee camp dwellers, by and large, enjoy adequate health and education services thanks to UNRWA, they are disfavored and overlooked in the socioeconomic plans of some host countries. While differences between camp dwellers and refugee urban (off-camp) dwellers in Syria and to a lesser extent in Jordan are minimal, the gap between camp and off-camp dwellers in Lebanon and in the West Bank is enormous. This can be explained by the fact that the camps in Jordan and Syria constitute, by and large, open spaces regulated by the host state, while in the West Bank and Lebanon, they are set in closed spaces.

“Open space” is regulated by the host country to look like any residential low-income neighborhood, which can be connected to the surrounding cities and villages. ‘Open’ camp dwellers are relatively integrated socially and economically into the surrounding neighborhood and labor market. On the other hand, a “closed space” does not meet at least one of these conditions. Camps organized as closed spaces constitute either urban enclaves or satellites located at the urban periphery, all lacking in green spaces, with poor access to surrounding neighborhoods and to the labor market and with poor housing.

Unregulated camps are devoid of laws and regulations. The urbanization process without planning policies has resulted in a large population suffering from poverty, living in slum areas
surrounding the cities. The buildings are often heaped in narrow alleys with no natural light, exposed to hazardous building materials, inadequate temperature control, and poor ventilation. In this situation nothing is legally defined. Everything is suspended but upheld without written documents concerning this suspension.

The result of maintaining refugees in camps so as to keep them operational in the political struggle and ready for the refugees’ return was relocating the refugees farther from their place of origin and keeping them in a state of double alienation: both from their place of origin and from the urban and social domains in the host country’s society.

4. Flexible citizenship and Migration

A system of variegated citizenship is a by-product of globalization which induced a situation of graduated sovereignty. Populations are subjected to different regimes of value and enjoy different kinds of rights, discipline, caring, and security whereby the state let corporate entities set terms for constituting and regulating some domains while weaker and less desirable groups are given over to the regulation of supranational entities (1999: 215).

To this effect of globalization, one should add the will of the state to exercise the state of exception in order to create different categories of populations corresponding to different grades of sovereignty. In this context, Arab citizenship is tremendously transformed and become sometimes flexible.

The position of the Arab nation-state has been generally reactionary through repressing minority visibility or minority rights and conceiving a very hard model of the nation-state in which rights are conferred only to those who declare uni-allegiance to the state and in which the state is identified with a nation or with a religion.

The way the nation-state is defined becomes an exclusionary setting to those segments of the population. In this model, there are also no rights for migrants/refugees. This leads to the second factor: the effect of migration.

While migrants (whether refugees or not) are used to adopting flexible (sometimes survival) strategies in both their host countries and the place of return, the Arab states do not facilitate such flexibility. Political environments are hostile to the transnational practices of refugees/transmigrants, or at least, do not facilitate these practices, with some exceptions.

5. Steps to a way forward

- It is urgent that all the Arab countries to ratify the Geneva Convention on the status of refugees. Syria, Lebanon and Jordan still have not yet ratified it.
- A staged approach should be adopted for the protracted refugees: 1) by ensuring that they can live in safety and enjoy their basic rights;2) by enabling them to engage in productive activities as the basis for sustainable livelihoods.
- "International community should establish a combined political- humanitarian initiative to resolve the protracted refugee problem
- Humanitarian agenda should be more inclusive with all humanitarian actors
- To make return sustainable, property –homes, land and belongings- of the refugees/ Internal Displaced Populations (IDPs) have to be restituted. In case of the impossibility, a means of compensation/rehabilitation needs to be developed.
- To circulate accurate information and to support refugees to make a free and informed choice for their return among real alternatives.
Since more than four decades, Eritrean and Ethiopian refugees in Sudan living in camps lack of adequate drinking water and food and are denied the right to work. Labeled as “refugees”, without any other option than spatially segregated sites, they have few opportunities for social and cultural integration in Sudan.

Palestinian refugees, after 60 years and three generations in Lebanon, are often stripped of their political existence and reduced to their status as individuals in need of shelter and food, this bare-life, as well as the entire refugee question, has been transferred to the hands of the police and military forces, on the one hand, and to apolitical service organizations like UNRWA on the other hand.

Bibliography


