

On the Move

Migration Challenges in the Indian Ocean Littoral

Ellen Laipson

Amit Pandya

Editors

Copyright © 2010
The Henry L. Stimson Center

ISBN: 978-0-9821935-6-3

Library of Congress Control Number: 2010920308

Cover photos: Associated Press and Gustavo Montes de Oca, flickr.com

Cover design by Free Range Studios/Updated by Shawn Woodley

Book design/layout by Nita Congress

An electronic version of this publication is available at:
www.stimson.org/rv

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without prior written consent from
The Henry L. Stimson Center.

The Henry L. Stimson Center
1111 19th Street, NW, 12th Floor
Washington, DC 20036
Telephone: 202.223.5956
Fax: 202.238.9604
www.stimson.org

Refugees and International Security

Jill Goldenziel

Recent civil and international conflicts have given rise to a global crisis of human displacement. Resultant refugee flows have created humanitarian and political woes in their host states. A major part of this displacement has occurred in the Middle East, and from this region to other parts of the world.* For the most part, host states in the region are poor and politically distant from traditional sources of power and funding in the international community. Palestinian and Iraqi refugees present particularly revealing case studies of the strength and efficacy of the international refugee management system. The protracted plight of these refugees has become an international security issue as terrorist groups have recruited from Palestinian refugee camps. These crises thus highlight the limits of the international refugee management system.

Palestinian Refugees

The case of Palestinian refugees exemplifies how a long-term refugee crisis can persistently affect international politics. Palestinians represent the world's largest group of refugees. During the years before and immediately following the establishment of the state of Israel, hundreds of thousands of Arab residents of British Mandatory Palestine fled their homes. Exact numbers are unobtainable; estimates vary from the Israeli figure of 520,000 to the Arab estimate of 900,000 to 1 million. In 1967, the Six-Day War displaced another wave of Palestinians. About 162,500 previously displaced West Bankers and 15,000 Gazans fled to Jordan, as did another 240,000 Palestinians fleeing for the first time.¹ More than 115,000 people were also displaced when Israel occupied the Golan Heights and Quneitra, including 16,000 refugees from the 1948 war.

*In the years immediately before and after the establishment of the state of Israel on May 14, 1948, more than 500,000 Jewish citizens of Arab countries left or were forced from their homes and sought refuge in the new Jewish state. These refugees were absorbed into Israel and given Israeli citizenship, ending their status as refugees. While the Jewish refugees in the Middle East represent a mass refugee influx and one of the region's largest population transfers, is not considered here because the refugees' status had short duration before resolution.

The countries surrounding Israel were unprepared to handle such a massive population influx. Most governments crowded their refugees into camps along borders, hoping for their eventual repatriation. These camps were administered by the United Nations Relief and Works Agency (UNRWA), which began operations in 1950 to manage Palestinian refugees. As the refugee situation became protracted, conventional housing was built in the camps, which now often resemble nearby towns and villages. Today, approximately one-third of UNRWA-registered 1948 refugees and their descendants remain in the 61 official refugee camps.* As time progressed and the refugees were unable to return to their homes, Arab countries have varied in their treatment of Palestinians. Because most Palestinian refugees lack citizenship in any internationally recognized state, they are at the mercy of their host governments for basic rights and freedoms.

The United Nations High Commissioner for Refugees (UNHCR), which is funded by voluntary donor states, international organizations, and private donors, serves as the guardian of international refugee law. UNHCR's mandate extends to include all people in need of international protection, including stateless people. At the end of 2000, UNHCR reported 12,148,000 refugees worldwide, excluding asylum seekers, returned refugees, internally displaced persons (IDPs), and other persons of concern.

For its part, UNRWA has guaranteed basic rights, extended physical protection, granted legal assistance, and provided educational and social services to Palestinian refugees in Jordan, Lebanon, Syria, the West Bank, and Gaza Strip, pursuant to bilateral agreements with their host states.² As of 2007, over 4.4 million Palestinians were registered with UNRWA. UNRWA also promotes economic and social stability in the West Bank and Gaza Strip, in preparation for eventual Palestinian statehood.

UNHCR and UNRWA provide different protections for different groups of refugees. Palestinian refugees in UNRWA countries benefit from UNRWA's many development programs, but do not receive the same overall human rights protections guaranteed by UNHCR. One important gap between the protections proffered by the two agencies exists because only the descendants of male Palestinian refugees displaced in 1948 and registered with UNRWA are eligible for that agency's services. The offspring of a Palestinian refugee woman and a nonrefugee man is not eligible, nor are the descendants of Palestinian refugees from the 1967 war. Since many Palestinian refugees are stateless, their only source of rights and protections is derived from international law and agencies like UNHCR and UNRWA. Such protection gaps in the international legal regime have serious consequences for the basic rights and liberties of thousands.

*UNRWA defines a camp as an area in any of its countries of operation designed by the host government as a residential area for Palestinian refugees.

The Limits of International Law

After World War II, the international community created laws to protect refugees who crossed state borders as a result of conflict. Yet the primary sources of international legal protections for refugees, the 1951 Convention Relating to the Status of Refugees and the subsequent 1967 Protocol, do not effectively address the scope of modern refugee crises. The core of the 1951 Convention and its 1967 Protocol is nonrefoulement, which binds host countries not to return refugees to persecution in their countries of origin. Nonrefoulement is a strong norm elsewhere in international law, and may be considered binding to nonsignatories as a matter of customary international law.¹

However, the 1951 Convention and 1967 Protocol give refugees little recourse against noncompliant host states, and do not guarantee them any protection in cases of mass influx. Refugees who are illegally residing in recipient countries cannot get international assistance without discovery and sanctions by host governments. Many states have not signed the 1951 Convention or the 1967 Protocol, making those states' commitments to refugees under international law even more difficult to enforce. Finally, the 1951 Convention was specifically designed to exclude Palestinian refugees, who constitute one of the world's largest groups of refugees.

The 1951 Convention and 1967 Protocol also give little protection to their state signatories. The documents reflect little concern with international security, which has become a major issue in processing refugee influxes in recent decades. Recipient states have no guarantees of assistance in handling mass influxes, and have no commitment from the international community to provide the financial and human capital needed to ensure security amid instability. International law offers no enforcement provisions and no guarantee of assistance to poor host countries in times of crisis.

¹Erika Feller et al., *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge: Cambridge University Press, 2003).

Jordan's relationship with Palestinian refugees is one of both symbiosis and conflict. The demographics of the kingdom of 6 million were drastically changed by the influxes of 1948 and 1967. As of 2008, UNRWA reports 1,951,603 registered refugees in Jordan, of whom 338,000 live in its 10 refugee camps. Alone among the Arab states, Jordan granted Palestinians, including those registered with UNRWA, full citizenship and rights through the Nationality Law of February 4, 1954. Palestinians quickly assimilated, comprising much of the civil service and becoming among the most educated members of society.

Many sources estimate that Palestinians comprise a majority of the Jordanian population. The influx of refugees following the 1967 war strengthened local Palestinian nationalist movements and antigovernment sentiment. In "Black September" 1970, the Palestinian Liberation Organization (PLO) attempted to take over the Jordanian government; however, it was violently expelled to Lebanon. In 1988, Jordan formally renounced all legal claims to the West Bank, leaving more than a million Palestinians stateless overnight.³

As of 2007, the US Committee for Refugees and Immigrants (USCRI) reported 263,700 Palestinians living in Lebanon; UNRWA reported 409,000 registrants living in Lebanon. After the PLO was expelled from Jordan in 1970, it set up a de facto state in south Lebanon. Already torn by sectarian strife, the Lebanese government feared that the predominantly Sunni Muslim Palestinians would upset the delicate balance of Christian-Muslim power in the state. The PLO soon became involved in the Lebanese civil war that lasted from 1975 to 1990. After Israel invaded southern Lebanon in 1982, the PLO fled to Tunisia, and many Palestinians left Lebanon for fear of persecution.

The Lebanese government claims that those refugees who arrived in Lebanon after 1948 are illegal residents for whom Lebanon has no responsibility. As a result, it has barred them from registering for identity documents attesting to their right to be in Lebanon, or travel documents permitting them to leave. UNHCR has intervened on behalf of Palestinian refugees from Lebanon, urging Western governments to prevent any forcible return to Lebanon of Palestinian refugees with Lebanese travel documents. The Lebanese government has threatened to expel the Palestinians at other times, and has forbidden them from entering government hospitals and secondary schools. Lebanese law also prohibits Palestinian refugees from owning houses and from passing their property on to their families upon death. As a result, Palestinian widows and their families can be evicted from their homes and stripped of all property and finances. In 2005, Lebanon partially repealed work restrictions on Palestinian refugees, allowing Lebanese-born Palestinians to compete for many low- to medium-skilled jobs. That year, however, fewer than 300 Palestinians obtained work permits due to continuing work restrictions. As a result of this treatment, many Palestinian refugees from Lebanon have sought protection elsewhere under UNHCR's mandate.

Syria has accepted approximately 400,000 Palestinian refugees. It has extended numerous protections to Palestinians, including rights to employment, commerce, national service, and freedom to travel with a special travel document. However, Syrian law has stopped short of offering Palestinians full citizenship. They may not vote, own arable land, or possess more than one home.

Egypt's 60,000 Palestinian refugees come under the purview of UNHCR, not UNRWA, and are afforded a special status by the Arab League. These refugees must obtain an Arab League Travel Document for Palestinian Refugees and are not issued Convention Travel Documents pursuant to Article 28 of the 1951 Convention Relating to the Status of Refugees. Gulf Cooperation Council countries have granted Palestinians similar legal status.

Palestinian refugees in Iraq have suffered harsh treatment and dual displacement. According to the USCRI, as of 2007, approximately 15,000 Palestinian refugees were in Iraq, out of a population of 29.6 million. These refugees were of primarily Sunni origin and received

subsidies and other privileges under Saddam Hussein's regime. After the US invasion of 2003, Palestinians fell prey to anti-Sunni backlash, as Shias associated them with the larger Sunni insurgency. Palestinians have repeatedly received death threats and been attacked by insurgents. In March 2007, a group of 90 Palestinians fled Baghdad for Jordan, and after four days of detention, were ordered to return to Iraq, in violation of nonrefoulement, the international legal prohibition against returning a refugee to a place of danger.⁴ Syria also closed its border to Palestinians from Iraq in 2007, potentially in violation of nonrefoulement. After years in a crowded border camp with little to no freedom of movement, the majority of these Palestinians were slowly resettled.

Iraqi Refugees

The second largest group of refugees in the region are displaced Iraqis. By 2003, 500,000 refugees from Saddam Hussein's regime and from the first Gulf War were already dispersed throughout Iraq's neighboring states and the Gulf region. An estimated 1.5 million Iraqi Kurds and tens of thousands of Arabs from southern Iraq were displaced within Iraq or had fled to Turkey or Iran during the Kurdish and Shia uprisings following the first Gulf War. Although exact numbers are impossible to obtain, the International Organization for Migration estimates that 2 million Iraqi refugees remain scattered throughout the Middle East, and an estimated 1.9 million are internally displaced. UNHCR has registered considerably lower numbers of Iraqi refugees.

After the US invasion of 2003, neighboring countries initially welcomed refugees. Certain political refugees, like the Ba'athist officials who fled Iraq in the early months of the occupation, were seen as politically useful in negotiations with the provisional and future Iraqi governments. Wealthy, early refugees also brought capital to nearby developing countries.⁵ However, in the months after the Samarra shrine bombing of 2006, most host countries attempted to curtail refugee flows, but were unable to stop the mass influx resulting from Iraq's civil conflict.*

Impact on Jordan

The influx of Iraqi refugees into Jordan has strained Jordanian politics. Iraqis are viewed as a threat by many Jordanians. The Hashemites also fear another Black September-style rebellion against the government. Iraqi refugees likewise feared reprisal following attacks

*After 2005, Jordan allowed in only Iraqis who had major in-country investments, made a US\$150,000 deposit in a local bank, or had some official connection to UN or international organization programs. Eventually, Jordan was unable to stop the refugee influx, particularly after the Samarra shrine bombing of 2006, and rich and poor Iraqis fled into the country. Jordan established tighter border controls in 2007. According to the International Crisis Group, Jordan has barred the entry of single Iraqi men between the ages of 17 and 35 since November 2006, seeking to keep its population of refugee youth low.

carried out by Iraqi members of Al-Qaeda, such as the Aqaba Bay bombings of US warships and the Amman hotel bombings of November 9, 2005.

Although the official report on the numbers and characteristics of Iraqis in Jordan states that only 17 percent are Shia, Jordan's Sunni majority fears that the Shia refugees are prone to a political alliance with Hezbollah.⁶ In 2004, Jordan's King Abdullah II expressed fears of a "Shiite Crescent" running from Iran to Lebanon, which may have bolstered local fears. There have been anecdotal reports of harassment and discrimination against Shiites, including official denial of permission to build a Shiite mosque. Demonstrations in Jordan against the US-led war in Iraq, in March and April 2003, were also closely controlled for fear of violence. Shortly thereafter, King Abdullah II announced parliamentary elections to relieve domestic stress and stepped up Jordan's role in the "Roadmap" peace process discussions.

Impact on Syria

While Syria has accepted many Iraqi refugees, it has not treated them according to the standards of international law. As of 2007, the USCRI estimated that the country housed 1.2 million Iraqi nationals.⁷ Some suspect that initial Syrian willingness to accept Iraqi refugees may have been to curry favor with the United States.

Syria has been greatly concerned with its need to insulate itself from the Iraq war and protect itself from conflict spillover in a country whose Alawite regime holds tenuous control over a Sunni majority population. Syria also maintains close ties with Iran and its Arab neighbors, creating a particularly fragile situation. Syria's large Palestinian population has already increased competition for jobs and housing. Finally, Syria also has political difficulties with its Kurdish population, making an influx of Iraqi Kurdish refugees especially unwelcome.

In light of these interests, Syria has tried to shield itself from the Iraqi refugee influx. It has welcomed a large number of refugees, but has also expelled many, citing security concerns. While Syria previously permitted Arabs to travel to Syria without a visa, it has, since September 2007, required Iraqis to obtain both visas and residence permits.⁸ Syria has also restricted access to employment, property, and health care to ensure that Iraqi refugees remain temporary residents.

Syrians have resisted the Iraqi refugee influx. Refugees boosted consumption and regulated the housing market, but have been blamed for a higher demand for subsidized goods and also inflation. The government of Syria cut back state subsidies to its own citizens at the same time as the first refugee influx, causing popular dissent. Some crime and ethnic/sectarian violence occurred, especially after Saddam's fall. Syria claims that it spends US\$1.5 billion per year to host Iraqi refugees, although this number is not substantiated.

Unlike Jordan, Syria is unable to attract international aid to help refugees because of its political tensions with the West. Syria allowed international NGOs to operate in the country for the first time to assist with managing the Iraqi refugees and as a way to attract international funding. However, these NGOs have a limited role because the Syrian government requires that they partner with the quasi-governmental Syrian Arab Red Crescent, which has extensive monitoring and oversight into their activities. Thus, many Iraqi refugees in Syria remain poor and vulnerable, despite the significant level of state assistance that they are guaranteed.

Impact on Lebanon

Lebanon's Iraqi refugees are perhaps the most vulnerable of Iraqi refugee communities. UNHCR reports that there are approximately 50,000 Iraqi refugees in Lebanon. Most are Shiites and live in Beirut's southern suburbs, among the Shiite population. Iraqi refugees in Lebanon also include a large number of Christians. Unlike Jordan, Syria, and Egypt, the Lebanese state does not provide significant social services for refugees or its own population. Lebanon has routinely denied refugees access to health and educational institutions. People are more likely to receive services from sectarian providers such as Hezbollah, which may also have militant wings. According to UNHCR, Iraqis in Lebanon have an unsettling demographic profile, as 60 percent are age 29 or younger and 68 percent are single. In contrast, Iraqis who fled to Jordan and Syria are disproportionately female and elderly, and therefore much less likely to engage in conflict. Unlike other Middle Eastern countries, Lebanon permits Iraqi refugees to establish charities to care for themselves. As discussed below, this policy may also allow them to mobilize. Given Lebanon's history of violent sectarian conflict through organizations tied to providing social services, Iraqi refugees may pose a greater security risk there than elsewhere.

Impact of Refugees in the Gulf States, Iran, and Turkey

Kuwait maintained a restrictive border policy during both Gulf Wars, and its domestic law does not recognize refugee status. In 2001, as the target of Iraqi invasion, Kuwait was reluctant to accept Iraqi refugees. In 2003, Kuwait would not permit the establishment of refugee camps on its side of the border, relegating them instead to a demilitarized zone in Iraqi territory. This distinction turns would-be refugees into IDPs, which gives them fewer protections under international law. Unlike Turkey, Jordan, and Iran, Kuwait forbade UNHCR from positioning supplies inside its borders. However, Kuwait has recognized UNHCR's mandate to protect refugees and adjudicate their claims. In 2003, this legal recognition enabled UNHCR to issue protection letters, signed and stamped by the Kuwaiti Ministry of the Interior, to protect registered refugees from deportation and detention.

Most refugees in Kuwait are long-term residents. According to USCRI, 50,000 refugees lived in Kuwait, a country of 1,811,000, in 2001. Of these, approximately 35,000 were

Palestinians; 15,000 were Iraqis; and smaller numbers were from Afghanistan, Somalia, and elsewhere. Kuwait also houses 120,000 stateless Arabs many of whom have lived their entire lives in Kuwait. Some refugees have joined Kuwait's large foreign labor force. In contrast, after the Gulf War, Kuwait accused its Palestinian population—the backbone of its civil service—of colluding with the Iraqi occupation and expelled many of them to Iraq.⁹ Iraqis have remained suspect since the invasion.

Saudi Arabia has traditionally been unwelcoming to refugees and is not a party to the 1951 Convention. Nevertheless, as of 2007, the kingdom housed 288,000 refugees and asylum seekers in need of protection, 287,000 of whom were Palestinians.¹⁰ The country also experienced a mass refugee influx during the 1991 Gulf War, and placed the 33,000 Iraqi

Refugees in Iran

According to USCRI data, Iran has one of the largest refugee populations in the world, hosting 935,000 Afghans, 58,100 Iraqis, 30,000 other nationalities, and thousands more unregistered refugees. There are several designated refugee settlements around Iran, but the vast majority live in urban areas. Iran is a signatory to the 1951 Convention and the 1967 Protocol, with some reservations, including the right to work and freedom of movement. Iran's restrictions on the right of refugees to work has led to some abuses, as work permits are often refused or restricted, cultivating a black market for permits. There have also been strict sanctions placed on businesses hosting undocumented workers. Movement is widely restricted, and there are now 19 areas of the country that are off limits to foreigners, including refugees of any status.

Iran granted ready asylum to Afghan refugees in 1978–79, despite its own concurrent political upheaval. In 1983, Iran first requested financial assistance from the international community, and UNHCR set up offices and programs, but the country has done much itself to provide for Afghan refugees. When the United States invaded Afghanistan in 2001, Iran officially refused to accept refugees, though many were taken in by relatives and given medical treatment by the government. Iran later made agreements with the Taliban and anti-Taliban forces to allow the Iranian Red Crescent to set up tent camps in the desert on the Afghan side of the border.¹ These camps, funded mainly with Iranian aid, hosted around 10,500 refugees at their peak.² Until the mid-1990s, education, health care, and food rations were available to all residents, including registered and unregistered refugees.

Officially, Iran spoke out against long-term integration and for voluntary repatriation. Since 2000, Iran has worked with UNHCR to launch voluntary repatriation programs for Afghans, and, according to UNHCR, more than 1.5 million have returned to Afghanistan. In addition to these voluntary returns, in the past two years, Iran has deported 720,000 Afghans classified as illegal migrants. USCRI notes that this action remains disputed, as it is possibly a violation of nonrefoulement. Despite these abuses, Iran's openness to refugees is exceptional in the region, especially as Iran has weathered its own conflicts during the past four decades.

refugees into temporary camps. The camps are in a heavily guarded militarized zone with no freedom of movement and a strict curfew. In 2003, Saudi Arabia provided funds to help Jordan take in Iraqi refugees, but did not open its own borders. In 2006, the Saudi government allocated US\$500 million for the construction of a border fence to keep out Iraqis.¹¹

Despite the lack of a legal framework for refugees in Saudi Arabia, UNHCR has been permitted to carry out refugee status determinations in the cases of individual asylum seekers since 1998. Therefore, refugees and asylum seekers do have recognition as persons in need of protection, though Saudi law still does not grant refugee status. Like Kuwait, Saudi Arabia often groups its refugees with its large expatriate workforce for legal purposes. Refugees who enter the kingdom have their passports impounded and their movement

Iran has hosted Iraqi refugees for decades, with the first wave of Kurds arriving in the late 1970s, and followed in the decades since the Iran-Iraq War, by tens of thousands of Arab Shiites and Kurds. After the Gulf War, Iran hosted millions of refugees in the wake of the rebellions against Saddam Hussein.³ Most recently, the number of Iraqi refugees has increased following the US invasion and ongoing regional instability. According to USCRI data, the majority of Iraqi refugees live in urban centers, with about 5,000 reported to be in the 12 refugee settlements. Unlike the larger population of Afghan refugees, Iraqis have a somewhat easier time obtaining work visas and are allowed to enroll in primary and secondary schools. Iran has increased fines for those noncompliant with visa or registration laws to encourage more refugees to return home.

In the year after Saddam Hussein's removal, about 107,000 refugees returned to Iraq.⁴ The process of reintegration has been very difficult for them, given the country's current political and economic state. In addition, as one of the most heavily mined borders in the world, it is extremely dangerous to cross. UNHCR planned to have 1,500 Iraqis repatriate in 2009, but officially deemed the country too unstable for returns.

As Iran deals with its own political and economic struggles, issues involving the large population of refugees have become increasingly dominant. There is a great need among the refugees for medical care, access to schools, work permits, and skills and training for their eventual return. Iran has continued to emphasize and push for voluntary repatriation, working in conjunction with UNHCR, and at times forcibly returning those who are characterized as illegal. As resources to assist refugees have become more strained, Iran has looked for assistance from UNHCR and international NGOs.

Sources: USCRI, "Iran 2009," country report, www.refugees.org/countryreports.aspx?id=2329 (accessed March 8, 2010); UNHCR, "Country Operations Profile: Islamic Republic of Iran" (2008).

¹Jim Muir, "Iran's Refugee Tide Ebbs," *BBC News South Asia*, November 7, 2001.

²"Afghanistan: Iran closes Mahkaki and Mile-46 camps," IRIN, May 8, 2002.

³UN to close Iraqi camps in Iran," *BBC News*, December 14, 2004.

⁴*ibid.*

monitored. While the government provides them with health care and education, refugees have limited freedom and little hope of resettlement.

Turkey has highly restrictive refugee laws compared to Iraq's other neighbors. It signed the 1951 Convention and related documents under a special qualifying clause that maintains the Convention's original geographical restriction linking refugee recognition to events in Europe. Notably, Turkey considers only Europeans to be refugees, and thus only practices nonrefoulement toward Europeans.¹² Non-Europeans must undergo a complicated registration process at UNHCR offices, visit a local police station, and finally submit their case to the Ministries of the Interior and Foreign Affairs to be granted temporary asylum-seeker status. After six months of residence, the asylum seeker is turned over to UNHCR for resettlement in a third country. UNHCR works in Turkey under a special mandate that permits it to conduct status determination procedures and automatic third-country resettlement for bona fide refugees.

Refugees in Turkey tend to be poor and live in slums on the margins of society. They are not permitted to work, but children may attend Turkish primary school. Before the 2003 Iraq war, the Turkish Red Crescent requested international funds to accommodate almost 100,000 people, who were interviewed, registered, and given temporary identification. While reluctant to open its borders, the Turkish Red Crescent organized some relief efforts inside northern Iraq, including setting up 12 camps within Iraq and 6 within Turkey.

UN officials have blamed "host country fatigue" for the unwillingness of some of Iraq's neighbors to assist after the 2003 invasion. After the 1991 Gulf War, UN credibility also suffered, as humanitarian actions were perceived as related to political and military strategies.

Regional Security Concerns

Iraqi refugees may pose a potential threat to regional security. Human Rights Watch's London director, Tom Porteous, has described the Iraqi refugee crisis as a "security time bomb," likely to produce the next generation of terrorists because of host countries' deteriorating conditions and capacity. Recent political science research has demonstrated that refugees can cause security threats in host countries and internationally as well. Idean Salehyan writes that mobilization among diaspora and refugee groups has become increasingly common in many conflicts.¹³ While many Iraqis lived in mixed communities within Iraq, they have separated into largely Sunni (Jordan) and Shiite and Christian (Syria and Lebanon) communities in the diaspora. With their previous social order destroyed, these Iraqis may seek to organize for their own protection. In neighboring countries outside Iraq, they can mobilize away from the pervasive intelligence and geographic control of neighborhood militias, while still being close enough to Iraq to collect intelligence there. King Abdullah II of Jordan has publicly warned, "We will never allow Jordan to be used as

a staging post to foment any problems against Iraq.” However, Jordan and Syria may have incentives to help empower influential groups of refugees to ensure their political involvement in the new Iraqi government and its vast oil wealth.

Salehyan also notes that weak states that are incapable of evicting rebel refugees become unwillingly drawn into international conflicts, while strong neighbors that do not support rebel aims are unlikely to become staging grounds for transnational conflict. Whether bound by norms of Arab hospitality, international law, or political relationships to Iraq, Iraq’s neighbors have been unable to evict Iraqi refugees and have been repeatedly unsuccessful at sealing their borders for long periods. More recent Iraqi refugees have been increasingly poor and more traumatized, while longer term Iraqi refugees have depleted their savings and become more dependent on host governments. Given these developments, traditionally strong states may find it difficult to suppress Iraqi refugee rebellions.

Civil wars often encourage diversionary behavior as leaders seek to distract their populace from domestic issues. Rebels may seek out foreign sanctuaries or travel across borders to mobilize, or initiate cross-border insurgency actions. This analysis is sobering when applied to the Iraq war. Given the well-known links between the Shia militias in Iraq and the Iranian government, civil conflict in Iraq may well spill into a broader Iran-Iraq conflict, which would have enormous international ramifications. The delicate political balances in Syria and Lebanon may also be disturbed by an influx of Christian and Shia refugees. While initial fears that refugees would continue their sectarian strife in their host countries have not materialized, the protracted conflict in Iraq creates a looming security risk.

Increasingly impoverished refugees may mobilize because of depleting financial resources and a continuing lack of economic opportunity. Jordan and Syria house large numbers of former Ba’athist military and intelligence officers, with connections and concrete grievances that may prompt violent behavior. Refugees have also settled along sectarian lines, which may encourage mobilization. The overwhelming majority of Iraqis in Jordan are Sunni. Shiite Iraqis have found refuge in predominantly Shiite neighborhoods of Beirut and Damascus. Refugees tend to avoid contact with refugees of opposite sectarian groups and to maintain social networks primarily within their sect.

Conclusion: International Refugee Management and International Security

Refugee crises far exceed the boundaries of nation-states. These crises are not national, but regional and even global in scope. Beyond the challenge of attracting funding from wealthy donor states, governments of countries in poor regions may lack the coordination mechanisms necessary to provide efficient humanitarian aid to refugees. Political enmity of the kind that flows between Sunnis and Shiites throughout the Middle East may prevent

cooperation and sharing of resources. International organizations and international law have the potential to coordinate states to solve these problems, but only if they look beyond the nation-state as a solution. Regional and international solutions must be developed for these issues which affect the entire globe.

In the case of Iraqi refugees, strained host country capacities and the political incentives of the Iraqi and American governments may expedite refugee returns and lead to tensions with IDPs in Iraq. The government of Iraq has, in at least one documented instance in 2007, requested the government of Syria to close its border to Iraqi refugees in an attempt to assert control of the border and to signify that conflict within Iraq had ceased producing refugees.¹⁴ The government of Iraq has also offered financial incentives for returning refugees, which would likely attract the most vulnerable refugees. According to the Iraqi Red Crescent, some 46,000 refugees did return from Syria to Baghdad in 2007. The government of Iraq then proceeded to stamp the visas of some returning refugees with a five-year non-exit stamp. According to one UN official, as of 2008, the Bush administration was putting enormous pressure on UNHCR to declare Iraq safe for return to advance its own political agenda. Many international organizations also believe that Syria and Jordan want Iraqis to return as soon as feasible to avoid potential instability.

Yet Iraqi refugees are likely to pose a protracted problem for the Middle East and the world. Conflict in Iraq continues, and even when it ends, the Iraqi refugee crisis is unlikely to result in full repatriation. Sectarian militia leaders have established control over neighborhoods, and those of the opposite sect find it unsafe to return. According to UNHCR surveys, 70 percent of returned refugees have now become IDPs. Knowing this, Iraqis are likely to remain in host countries for the foreseeable future.

To keep the Iraqi refugee crisis from becoming violent, international refugee protection must be reconceived as a problem of international security. If states view refugee protection as a way to protect their own borders, they will be motivated to comply with international refugee law. Only in this way can an international refugee protection regime be developed that will safeguard the individual rights of refugees along with the rights of sovereign states.

Afghans in Pakistan and Internal Security

Almost 30 years after the Soviet invasion of Afghanistan, Afghans remain the third largest group of refugees in the world. As of 2006, about 2.1 million Afghans were displaced. Afghans began exiting en masse when the secular Saur Revolution of 1978 threatened Muslim traditions. Subsequent refugee waves followed the Soviet occupation of 1979–89, the ensuing Afghan civil war, and the US invasion in 2001. Most displaced Afghans took refuge in Pakistan, but significant numbers fled to Iran and other countries throughout the region. As of 2000, 2.5 million Afghan refugees were dispersed throughout Pakistan and the Middle East, while 1.7 million had been successfully repatriated by UNHCR.

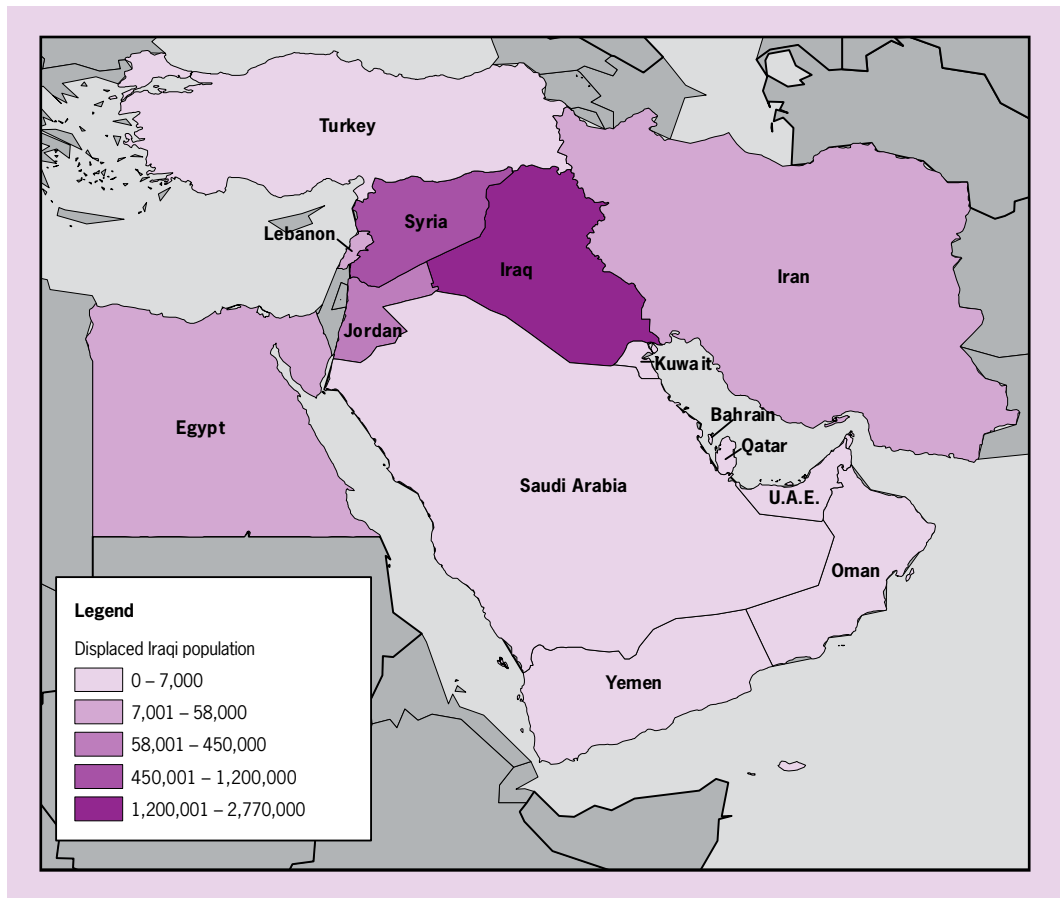
The Afghan refugee crisis exemplifies the crucial links between refugee protection, international relations, and international security. During the Cold War, Afghan refugees were pawns in a game of political manipulation. Pakistan, hoping to influence its future relationship with Afghanistan's government, first welcomed scores of refugees. Muslim countries viewed the Soviet invasion as a direct attack on their traditions and generously assisted the refugees. The United States and China aided the Afghans in defying the Soviet threat, giving the Afghan refugees an extraordinary amount of international assistance. However, donors mixed humanitarian aid with military aid, arming the *mujaheddin* fighters based in the refugee camps against the Soviet army.

Distracted by the success of the *mujaheddin* in fighting the Soviets, donor countries neglected the refugees' deteriorating situation. The extended displacement exceeded the capacity of tribal and religious groups, NGOs, and even UNHCR. As Afghan refugees became more established in Pakistani society, donor interest waned, and stopped completely by 1995. Pakistan was not prepared to accept the burden of supporting the Afghan refugees, and the Pakistani people began to resent their guests. As unemployment rose, Afghans were blamed for keeping wages down and pushing low-wage Pakistanis out of work. Afghans also gained opprobrium for increasing rents and property prices, since their refugee assistance checks helped make them wealthier than many Pakistanis. Having overstayed their welcome, the refugees were eventually barred from participation in the Pakistani educational system, leading to the creation of an uneducated, armed young populace. Refugee camps increasingly became loci for drug and arms smuggling which eventually spread throughout Pakistan.

Political exploitation of Afghan refugees by the international community backfired gruesomely. After the Soviet withdrawal, armed *mujaheddin* began fighting, leading to civil war. A fundamentalist group of *mujaheddin* known as the Taliban established draconian rule over the country and provided shelter and support to international terrorist groups including Al-Qaeda. The Afghan influx into Pakistan was also predominantly Sunni, which began to balance Shia dominance in certain areas and economic sectors, provoking sectarian violence and instability in Pakistan. The radical brand of Sunni Islam bred in the refugee camps also entered Pakistan as a violent political force. Several known Kashmiri separatist terrorists were also trained in Afghan refugee camps.

When the United States invaded Afghanistan to combat the Taliban on October 7, 2001, the international infrastructure for supporting Afghan refugees was already overtaxed. Many countries closed their borders completely or severely restricted refugee intake. Poorly maintained border camps were erected within and outside of Afghanistan's borders, and assignment to a camp by a humanitarian agency dictated a displaced person's legal status as a refugee or an IDP. In light of their history and of current international terror threats, Afghan refugees face constant surveillance and waning international protection.

Iraqi Refugees in the Middle East



Host country	Total no. of Iraq refugees (est.)	Total Iraqis registered with UNHCR
Turkey	7,000	7,000
Egypt	40,000	15,000
Lebanon	50,000	12,000
Iran	58,000	58,000
Gulf States	150,000	2,700
Jordan	450,000	65,000
Syria	1,200,000	236,000
Internally displaced persons	2,770,000	400,000

Source: United Nations High Commissioner for Refugees (UNHCR), January 2009.

Refugees and International Security

- 1 . Lex Takkenberg et al., *The Status of Palestinian Refugees in International Law* (New York: Clarendon Press, 1998).
- 2 . See generally Takkenberg, *op. cit.*
- 3 . Anis Kassim, "The Palestinians: From Hyphenated to Integrated Citizenship," Nils A. Butenschon, Uri Davis, and Manuel Hassassian, eds., *Citizenship and the State in the Middle East: Approaches and Applications* (Syracuse, NY: Syracuse University Press, 2000), pp. 201–24.
- 4 . US Committee for Refugees and Immigrants (USCRI), "Jordan 2007," country report, <http://refugees.org/countryreports.aspx?id=2004> (accessed March 8, 2010).
- 5 . Nir Rosen, "The flight from Iraq," *New York Times Magazine*, May 13, 2007.
- 6 . Fafo, *Iraqis in Jordan 2007: Their Number and Characteristics* (2008), www.faf.no/ais/middeast/jordan/IJ.pdf (accessed March 7, 2010).
- 7 . See, e.g., USCRI, "Syria 2008," country report, <http://refugees.org/countryreports.aspx?id=2172> (accessed March 8, 2010); Patricia Fagen, *Iraqi Refugees: Seeking Stability in Syria and Jordan* (Washington, DC: Institute for the Study of International Migration and Centre for International and Regional Studies, 2007).
- 8 . International Crisis Group (ICG), "Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon," Middle East Report, No. 77 (Brussels: ICG, 2008).
- 9 . Kassim, *op. cit.*
- 10 . USCRI, "World Refugee Survey 2007," www.refugees.org/countryreports.aspx?id=2166 (accessed November 25, 2009).
- 11 . USCRI, "Saudi Arabia 2007," country report, www.uscri.org/countryreports.aspx (accessed January 5, 2007).
- 12 . M. R. Alborzi, *Evaluating the Effectiveness of International Refugee Law: The Protection of Iraqi Refugees* (Martinus Nijhoff Publishers, 2006).
- 13 . Idean Salehyan, "No shelter here: rebel sanctuaries and international conflict," *Journal of Politics* 70, no. 1 (2008): 54–66.
- 14 . Kristele Younes and Nir Rosen, "Uprooted and Unstable, Meeting Urgent Humanitarian Needs in Iraq" (Refugees International, 2008), www.newamerica.net/files/nafmigration/Uprooted_and_Unstable.pdf (accessed March 8, 2010).

Iraqi "Temporary Guests" in Neighboring Countries

- 1 . United Nations High Commissioner for Refugees (UNHCR), "Resettlement to Germany of Iraqi refugees in Syria gets under way," News Stories, March 19, 2009, www.unhcr.org/49c273aa2.html (accessed March 8, 2010).
- 2 . Ashraf Al-Khalidi et al., "Iraqi Refugees in the Syrian Arab Republic: A Field-Based Snapshot" (Brookings, 2007), www.brookings.edu/papers/2007/0611humanrights_al-khalidi.aspx (accessed March 8, 2010), pp. 30–33.
- 3 . J. Crisp et al., *Surviving in the City: A Review of UNHCR's Operation for Iraqi Refugees in Urban Areas of Jordan, Lebanon and Syria* (Geneva: UNHCR, 2009), p. 10.
- 4 . Patricia Fagen, *Iraqi Refugees: Seeking Stability in Syria and Jordan* (Washington, DC: Institute for the Study of International Migration and Centre for International and Regional Studies, 2007), p. 16.
- 5 . International Crisis Group (ICG), "Failed Responsibility: Iraqi Refugees in Syria, Jordan and Lebanon," Middle East Report, No. 77 (Brussels: ICG, 2008).
- 6 . Mohamed Dorai, "Iraqi Refugees in Syria," paper prepared for Migration and Refugee Movements in the Middle East and North Africa, Centre for Migration and Refugee Studies, The American University in Cairo, 2007, www.aucegypt.edu/ResearchatAUC/rc/cmrs/Documents/MohamedDorai.pdf (accessed February 12, 2009).
- 7 . Fagen, *op. cit.*
- 8 . Crisp et al., *op. cit.*
- 9 . Géraldine Chaterlard, "Jordan as a Transit Country: Semi-Protectionist Immigration Policies and Their Effects on Iraqi Forced Migrants" (European University Institute, 2002).