A plethora of literature has unpacked how states deal with refugees in the Middle East, and how states’ governance strategies impact refugees’ daily lives and their prospects and aspirations. There is, however, less focus on how supranational actors’ agendas affect states’ behaviour towards refugees and asylum policy-making, on the one hand, and refugee rights on the other. The underlying assumption is that once international actors pressure states that are reluctant to reform their asylum systems, then such “recalcitrant” states may yield to pressures in the hope of improving their international reputation and extracting benefits such as financial aid. However, what is under-researched is how supranational actors’ divergent interests and strategies provide a contextual backdrop for “illiberal refugee hosting states” to tighten refugee restrictions and dilute discourse on refugee protection.

Based on my article published in the Journal of Ethnic and Migration Studies, this piece provides a general overview of characteristics and policy legacies that have shaped refugee politics in the Arab Middle East. Then it focuses on the question of how transregional actors, such as the European Union (EU), the UN Refugee Agency (UNHCR), the Arab League (LAS) and the Gulf Cooperation Council (GCC) have governed displacement from Syria in the Arab Middle East. I argue that multiple actors (regional and international organisations) have developed various cooperative strategies to govern the refugee issue. Despite cooperative links, policy frames have remained conflictive. Divergent agendas have had an impact on the ground: they have affected Arab states’ readiness to reform their asylum systems and have impacted refugee protection needs on the ground.

Refugee Politics in the Arab Region

What do we know about refugee governance in the Arab world? What are the defining legal, political and informal instruments and practices that have shaped refugee governance? And how can the history of refugee governance in the Arab region help us to understand the way displacement from Syria has so far been governed?

Refugee governance in the Middle East has been polycentric and fluid. Actors that seek to order and shape processes of collective action around refugee issues have been local,
community-based, national, regional and international. Those actors form intersecting sites of authority, leading to a fragmented refugee governance architecture.

Historically, weak regional arrangements have characterised the Arab inter-state system. As a result, the governance of migration flows has lacked a regionalised approach. It resembles more a patchwork or assemblage of migration policies and practices that articulate themselves around geopolitical transformations, conflicts and economic interests. In such a setting, enduring authoritarianism and security-centred state practices have to a large extent thwarted a rights-based approach to the governance of both economic and forced migration. Migrants’ rights and access to justice have remained conspicuously curtailed. When it comes to refugee governance, though states have hosted large refugee populations, they have treated them as temporary guests. As most of these refugees come from the region itself, issues of refugee integration and access to the labour market remain heavily politicised. For example, one of the reasons why Lebanon has rejected the 1951 Geneva Convention is the fear of “tawteen” or naturalisation of Palestinians. In the context of several refugee waves following conflicts such the 2003 US-led invasion in Iraq or the 2003 Darfur crisis, Arab states have opened their borders only to adopt restrictive and fluctuating policies once displacement had become protracted. Framing refugees as persons who are temporarily displaced rather than entitled to a more permanent status, governments have restricted their access to residency and employment.

Does this mean that there are no regional protocols and conventions regulating forced migration governance? Arab regional bodies and states have adopted several regional refugee instruments, especially in the context of conflicts that have produced refugees. Key examples are the Protocol for the Treatment of Palestinians in Arab States (The Casablanca Protocol of 1965), the Declaration on the Protection of Refugees and Displaced Persons in the Arab World in 1992, and the Convention on Regulating the Status of Refugees in the Arab Countries in 1994. States have also adopted and/or ratified international conventions that have a bearing on refugees. Examples are the UN Human Rights Declaration, the Convention against Torture, the International Covenant on Civil and Political Rights (ICCPR), and the Convention on the Rights of the Child (CRC). Those conventions lay out obligations on the states especially when it comes to non-refoulement, non-discrimination and the necessity of providing decent standards of treatment. Still, these instruments have had little impact on national legislation. In other words, international refugee law has had little impact on Arab states’ asylum regimes. To understand why international legal principles have had little impact on the ground, it is important to interpret regional and international law instruments in the context of states’ geopolitical practices. Since most refugees come from the region itself, legal and political practices have become intertwined. As Maja Janmyr argues, there is an uneasy relationship between states’ practices and international legal principles. For example, Arab states have been reluctant to sign the 1951 Geneva Convention, which recognises refugees because of their political persecution by another state. As the “good neighbourliness” principle has however prevailed in inter-Arab relations, Arab States have felt compelled not to interfere in the “sensitive issues” of their neighbours and not to accuse “fellow Arab states” of persecution. 1

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Another key characteristic of refugee governance in the region is Arab states’ reliance on third or external actors. Arab states such as Jordan, Egypt and Lebanon have delegated refugee assistance and protection to international agencies such as the UNHCR and UNRWA. Still, the work of UN agencies has remained tightly linked to states’ security concerns. In various instances, the UNHCR has been unable to negotiate with refugee hosting states guidelines for rights-based refugee norms.

Displacement from Syria

Displacement from Syria has turned into a critical turning point for Syria’s neighbouring countries. Syria’s Arab neighbours (Lebanon, Jordan, Egypt and Iraq) have taken in about 2 million refugees. In such a setting, supranational actors have devised policy responses that would provide basic services and protection to refugees and help Syria’s neighbouring countries respond to the refugee challenge. Yet how collaborative and effective were these supranational responses? My research shows that supranational policy frames have remained fragmented and divergent, and that their competing agendas have yielded consequences.

The EU has emerged as a key regional actor that has provided refugee aid in Syria’s neighbouring host states. The EU’s refugee strategies consisted in allocating refugee aid, developing “resilience” strategies that target both refugee and host communities (e.g. trust funds and compacts), and scaling up negotiation on migration and security with Arab governments. After 2015 (following the “refugee crisis on the EU’s soil), the EU has developed longer-term policy responses that have aimed to harmonise refugee aid with development aid. It has also sought to align its refugee response with governmental priorities, ensuring that its aid complements rather than replaces governmental responses. Through some of its instruments such as the 2016 EU-Lebanon compact and the EU-Jordan compact, it has allocated funding that would create jobs and educational opportunities for both refugee and host communities. Similarly, the UN Refugee Agency has provided vital services and protection mechanisms to refugees. It has additionally initiated transregional Refugee and Resilience Plans (the so-called 3RP) that stressed the necessity of coupling humanitarian relief with development.

Arab regional organisations, namely the Arab League and the GCC have also entered the fray. The Arab League has stepped up its “diplomacy” efforts, for example sending delegations to Syria’s neighbouring states to discuss issues related to refugee livelihoods and protection needs. The GCC and its states have allocated substantial financial aid to Syria’s neighbouring countries and have contributed to the UNHCR budget. In the face of vociferous criticism that they have hosted refugees, some of the GCC states argued that they have shared the refugee burden through donor aid and through easing residency requirements to Syrians who were already living in the Gulf.

What are the gains and dilemmas that have resulted from these supranational and cross-sectoral strategies? Was the multi-scalar response effective? The EU and the UNHCR can be lauded for having developed, especially after 2015, longer-term funded programmes and to have collaborated more closely with Arab governments and local civil society actors. The Arab
League has revamped some of its dormant diplomacy tools with a view to playing a role, albeit minimal, in refugee governance. The Gulf States have been key contributors to the UNHCR budget. Yet how effective was this multi-level refugee response?

If we scratch beneath the surface, we notice that cross-collaborative strategies mask deeper divergences and conflictive stances. For example, though the EU has emerged as the main financial power set to mitigate the “refugee crisis”, its agenda has been tied to its own security and stability needs. Analysts have criticised how some of its refugee instruments, such as the 2016 Compacts, have sought to externalise rather than to share the burden. In the case of the UNHCR, the refugee agency has played an important role in advocating refugee protection needs. Yet it has not had the authority to enforce these prescribed norms. In fact, it has had to accept, somewhat reluctantly, states’ increasingly restrictive refugee regimes, be it on the northern or the southern shores of the Mediterranean. Despite their lofty rhetoric, Arab regional bodies have played only a limited role in finding “durable solutions” to refugees. Geopolitical divisions over the Syrian conflict have tremendously curbed their ability to advocate for refugee rights on the one hand, and limited their readiness to champion resettlement solutions. In January 2019, the Arab League released a statement encouraging refugees to return to Syria, a stance that has been condemned by international actors given that the war is not over yet.

Against this background, how have these fragmented responses affected the asylum policy-making of Arab refugee hosting states and refugee rights on the ground? I show in my article published in the Journal of Ethnic and Migration Studies that fragmented and divergent responses have provided Arab states with a rationale or opportunity to be even more neglectful of reform. Many political executives have for instance questioned why Syria’s neighbouring states should take in so many refugees when more affluent EU member states have not done so. Adding to this, supranational organisations and states have held conflicting perceptions of the so-called Syrian refugee challenges, and, as Dawn Chatty argues, disparities in perceptions have negatively impacted refugee rights. The UNHCR has called on Syria’s neighbouring host countries to improve their legal protection mechanisms. In contrast, Syria’s neighbours have drawn on their overstretched capacity to legitimise more restrictive refugee practices. Within this climate, unable to translate its normative power into tangible action, the UNHCR has had to agree to more securitised refugee policies. In a broader perspective, its efforts to negotiate more resettlement options for refugees have been largely frustrated.

In such a grim context, practitioners and civil society activists have called for assigning value to the funding instruments that supranational organisations have devised. As refugees in Syria’s neighbouring countries have been pushed into more vulnerability, poverty and illegality, many critical practitioners have scrutinised the gap between these programme’s intended objectives and their outputs on the ground. As we know, in terms of aid shortfall, regional response plans have remained underfunded. In 2018, the 3RP or the UNHCR Regional Response plan for Turkey Lebanon and Jordan received only 49.6% of the requested funding.

At the core of such dilemmas lies the more complex question of power politics and asymmetries within the wider global refugee regime. Policy collaboration over the refugee challenge in Syria’s neighbouring host countries remained disconnected from international solidarity. Additionally, as I hinted above, global resettlement schemes have been on the decline.

**Concluding Remarks**

This piece has reviewed some of key policy legacies that have characterised refugee politics in the Arab region. It has brought attention to some of the divergent policy frames and strategies that supranational actors have adopted. As underscored, divergences have not remained rhetorical. They have had consequences on national asylum systems and refugee rights. With this background in mind, I brought attention to the necessity of looking beyond the national level prism. More specifically, I called for inquiring into how multi-level agendas and strategies intertwine and clash, affecting national, local and human realities on the ground. The intent is not to ignore how Arab states’ governance strategies have negatively influenced refugee livelihoods and rights. Rather the idea is to provide a broader picture that factors in how broader power politics and institutional interplay shape national refugee policy-making and refugee protection needs on the ground.

On the brighter side, the case of displacement from Syria has seen the empowerment of grassroots actors and of a transnational civil society in which community-based organisations, refugee networks as well as private initiatives have collaborated to improve refugee protection needs. The debate on bottom-up refugee governance behoves us to account for the important role of Syrians refugees as actors in their own right, an issue that most policy-focused research has tended to overlook. Indeed, as several scholars and practitioners insist, understanding dynamics undergirding refugee governance remains incomplete if we do not integrate refugee voices, and account for the role that they play in shaping the international refugee regime.