

The 'Selective Participation' of the GCC in the Syrian Refugee Crisis:

Where Participation Meets Responsibility

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INTRODUCTION

Syrians attempting to escape the war in Syria, which has already been a harsh reality for five years now, are driven to board unwarranted boats in order to flee across the Mediterranean, risking everything from detention, to deportation, to drowning. There is mounting evidence that points to the fact that the people risking their livelihoods in order to reach the shores of Europe are not only fleeing the war in Syria, but also the oppressive nature of the Middle East in general.

While evident pressure arises for leaders across Europe to assist in the solving of the Syrian Refugee Crisis, voices from around the world are also questioning the reality as to why Middle Eastern governments have not put up more efforts to assist the now approximated four million Syrians who are currently fleeing their homes. These refugees represent one of the largest mass movements of refugees since the Second World War (see figure 1, pg. 4). Subsequently, much of the international community's questions have targeted the rather wealthy states along the Persian Gulf.

According to a report by Amnesty International¹, the six countries of the Gulf Cooperation Council (GCC) '*offered zero formal resettlement slots to Syrians by the end of 2014.*'² The report further indicates that the countries of the GCC, (namely Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE), with wealth accumulated from their oil resources, gas resources and other forms of finance³, jointly possess a much more vast amount of

¹ Amnesty International (2014), *Left Out in the Cold: Syrian Refugees Abandoned by the International Community*, Amnesty International Ltd, Retrieve at:

https://www.amnesty.org.nz/sites/default/files/Left_Out_In_The_Cold_0.pdf

² Ibid

³ The Gulf Cooperation Council (GCC) countries region is fast becoming a lucrative place for banks and wealth managers to do business, with the amount of money privately held by rich households now amounting to \$2.2 trillion (Dh8 trillion), up from \$1.1 trillion in 2010, a new research has found. The combined wealth is now being held by at least 1.5 million wealthy households in the GCC. Each of these households has between \$200,000

resources than the two Arab states that have taken in the majority of Syrian refugees since the outbreak of the crisis: Jordan and Lebanon (see figure 2, pg. 5). The Gulf States in question are not only Arabic-speaking, but also possess both historical ties to Syria and are involved in the current crisis through their financial/arm support of insurgent groups within Syria.

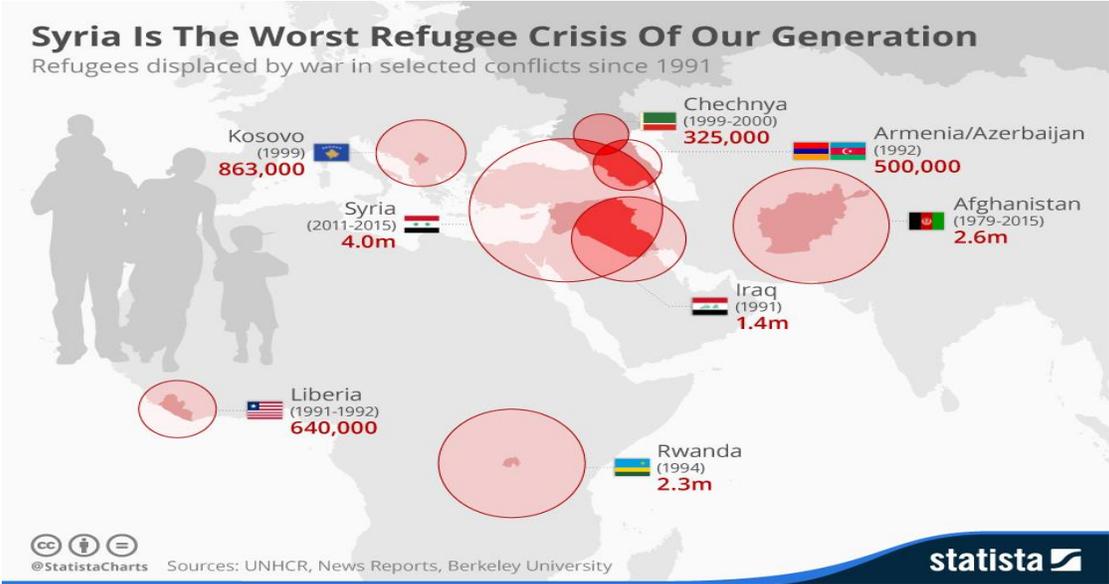


Figure 1: Syria Is the Worst Syrian Crisis of Our Generation, UNHCR (2015)

Moreover, supporters of the positions held by the GCC oppose this argument through shedding light upon the fact that these states have donated tens of millions of dollars to aid Syrian refugees in countries such as Jordan for instance.⁴ Saudi Arabia claims it has

(Dh734, 630) and more than \$50 million (Dh183 million) held in cash or bank accounts, and other assets that can be easily converted into cash. Read more here: <http://gulfnews.com/business/economy/who-controls-74-of-the-wealth-in-gcc-1.1457935>

⁴ The Kingdom of Saudi Arabia started the (57 Relief Program Project) in accordance with directives from the Custodian of the Two Holy Mosques King Abdullah bin Abdulaziz. The Saudi National Campaign to Support the Brothers in Syria established 57 relief programs and projects for the displaced Syrian people in Jordan, Lebanon and Turkey, as well as those displaced inside Syria, at a total cost of SR 428,860,814 (\$114,362,884).

admitted half a million Syrians since 2011.⁵ Syrians are welcome to come; the argument goes, even if they are not legally registered as refugees.⁶

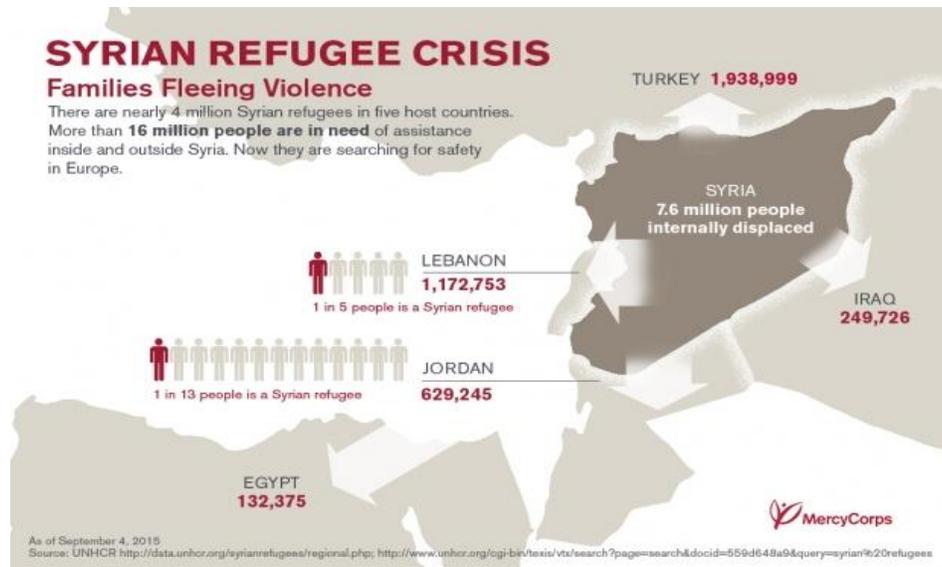


Figure 2: The Syrian Refugee Crisis as of September 2015, Mercy Corps (2015)

This research paper will not only shed light upon this reality, but will also highlight the concerns and burdens placed upon the international community, in light of the GCC's unwillingness to make its policies more lenient and more 'hosting'. It will also conclude with recommendations and concluding observations revolving around the possibilities and opportunities the GCC countries could create should they shift their concentration from actively participating in the conflict, to a more relief-oriented, and developmental approach.

⁵The Guardian (2015), *Saudi Arabia says criticism of Syria refugee response 'false and misleading'*, Retrieve at: <http://www.theguardian.com/world/2015/sep/12/saudi-arabia-says-reports-of-its-syrian-refugee-response-false-and-misleading>

⁶ Ibid

The desk research will mostly rely on academic publications by professionals and scholars, reports by INGOs, public statements, media and news clippings, as well as testimonies and relief agency assessments and evaluation of on-the-ground realities.

THE SYRIAN REFUGEE CRISIS: A QUICK OVERVIEW

With the Syrian Refugee Crisis becoming one of the most traumatic global humanitarian disasters of the 21st century, coupled with its colossal repercussions and challenges not only upon the civilian population that it immediately affects, but also upon the host countries and the international community, realities on the ground illustrate the internal displacement of approximately 7.6 million individuals, the overwhelming inflow of over 4 million refugees into neighboring countries (i.e. Lebanon, Jordan, Turkey, Egypt and Iraq. See figure 2, pg. 5), the submission of host countries and their communities to the international refugee burden the crisis has yielded, as well as the strong and rigid stance of the GCC in terms of humanitarian aid, hosting options, or settlement possibilities for these fleeing refugees. The crisis consequently triggered, and continues to trigger, record-high asylum-seeking applications now caught in most European and non-European countries.

The majority of Syrian refugees are sheltered mainly in Turkey who currently hosts close to 2 million refugees, and in Lebanon. Records reveal that 1.1 million Syrian refugees are registered in Lebanon with the UNHCR, and that to date, an estimated 1 million are unregistered (approximately half the total population of the country). Moreover, Jordan has close to 600,000 refugees, Iraq 250,000, and Egypt about 160,000 (see figure 2, pg. 5). Evidently, with regard to these refugee populations in all of the aforementioned countries

the issues of: settlement, financing humanitarian aid projects, and funding the host countries to enable them to maintain an open-border policy come into play.

THE GCC & SYRIAN REFUGEES

In reference to the Syrian Crisis, more specifically the implications, and challenges it has yielded not only upon the international community as a collective, but also upon the very understanding of the notions of International Law, International Humanitarian Law, as well as International Human Rights Law, the response of the international community and more specifically the countries in the Middle East has been distressingly insufficient in the areas of providing aid for the hosting countries mostly affected.

While few countries in the Middle Eastern, namely Lebanon, Jordan, and Iraq, and Egypt to a small extent, have endured the impact of the crisis with the little means they have present amidst their own internal turmoil and obstacles, the GCC, The Kingdom of Saudi Arabia, Qatar, Kuwait, Oman, Bahrain, and the United Arab Emirates (UAE), have sustained their apathetic stance towards this humanitarian crisis, and have maintained their rigid policies amidst an ever-evolving European strategy, and struggling Lebanese, Jordanian, Iraqi and Egyptian strategies. Since the beginning of the crisis, and more so during present times, the countries of the GCC have not only not hosted Syrian refugees, but have also maintained their stance on the term 'refugee status' all in all.⁷

Moreover, a number of the very countries supporting military actions and actively participating in the crisis such as The Kingdom of Saudi Arabia as well as Qatar are in contrast, not attempting to make any efforts to neither host or resettle Syrian refugees

⁷ Miller, E. (2015), *For Desperate Syrian Refugees, the Arab Gulf is not an Option*, The Times of Israel, Retrieve at: <http://www.timesofisrael.com/for-desperate-syrian-refugees-the-arab-gulf-is-not-an-option/>

within their own territories.⁸ According to the Brookings Institution⁹, hundreds of millions of dollars from both Saudi Arabia and Qatar have reached Syria since the beginning of the crisis in 2011 in the form of private funding.¹⁰

It is important to note that regional Shia power Iran is alleged to be spending billions of dollars per year to prop up President Assad and his Alawite-dominated government, providing military advisers and subsidized weapons, as well as lines of credit and oil transfers.¹¹ However, the specific role of Iran in the conflict will not be addressed exclusively in this paper.

Assigning funds to assist with the crisis and actually being willing to host these refugees are too highly delicate and highly politically challenging matters. The hosting of these refugees assists in the establishment of even more political obstacles and tension within the Middle Eastern countries which are in fact directing financial aid at the crisis as a means of dealing with it. For within the countries of first asylum in the ME, the crisis has not only deepened political fractures and gaps, but has moreover been a major catalyst for both social tension between the host communities and the refugees, and for a weakened grip upon the overall social order. The Crisis has disrupted economic activities, putting the countries, their populations, and the refugees at additional risks; pressured public services, such as infrastructure, schooling, healthcare, and housing, and triggered fear over national

⁸ Khazaal, C. (2015), *No, Arab Gulf Countries Are Not Taking in Refugees*, The World Post: http://www.huffingtonpost.com/chaker-khazaal/no-arab-gulf-countries-ar_b_8280448.html

⁹ The Brookings Institution is a private non-profit organization. Its mission is to conduct high-quality, independent research and, based on that research, to provide innovative, practical recommendations for policymakers and the public.

¹⁰ Ferris, E., Kirisci, K. & Shaikh, S., *SYRIAN CRISIS: MASSIVE DISPLACEMENT, DIRE NEEDS AND A SHORTAGE OF SOLUTIONS*, Brookings Foreign Policy, Retrieve at: <http://www.brookings.edu/~media/research/files/reports/2013/09/18-syria-ferris-shaikh-kirisci/syrian-crisismassive-displacement-dire-needs-and-shortage-of-solutions-september-18-2013.pdf>

¹¹ BBC (2015), Syria crisis: Where key countries stand, Retrieve at: <http://www.bbc.com/news/world-middle-east-23849587>

security.¹² The most defenseless and exposed countries, namely both Lebanon and Jordan, as well as the countries which are victims of their own domestic turmoil, namely Iraq and Egypt, have not only opened their borders to the mass influx of refugees, but are also aiding them to their maximum potential.¹³

On the contrary, the countries of the GCC have been consistently apathetic in spite of the intensification of the international humanitarian crisis. The GCC has not hosted Syrian refugees nor has it settled any asylum seekers the way European and non-European countries have, and have not voiced any official statements welcoming the victims of the Syrian crisis under refugee status either.¹⁴ European and non-European countries alike have settled these refugees and have amended their policies in order to accept and accommodate the increase in number of Syrians who are seeking asylum opportunities.¹⁵

Furthermore, the GCC has also failed to grant working visas, to permit family reunification, and to create temporary protection plans. The GCC has not united in its financial capacity as well as in its responsibility to alleviate the anguish of the refugees, nor has it united to lessen the load thrown upon the less capable countries, such as Lebanon and Jordan, among others, in hosting hundreds of thousands, even millions, of Syrian refugees.¹⁶

¹² Soergel, A. (2015), *Refugees: Economic Boon or Burden?*, USNews.com, Retrieve at: <http://www.usnews.com/news/blogs/data-mine/2015/09/15/would-syrian-refugees-be-an-economic-boon-or-burden>

¹³ Belhaj, F. (2015), *Syrian Refugee Crisis: What we watch in horror on the nightly news has been unfolding for years in the Middle East*, The World Bank, Retrieve at: <http://www.worldbank.org/en/news/opinion/2015/09/15/op-ed-syrian-refugee-crisis>

¹⁴ Al-Khatteeb, L. (2015), *The Gulf states should do more for Syrian refugees*, Brookings Press, Retrieve at: <http://www.brookings.edu/blogs/markaz/posts/2015/09/30-gulf-states-syrian-refugees-alkhateeb>

¹⁵ Ibid

¹⁶ Kinnimont, J. (2015), *Why Aren't Gulf Countries Taking in Syrian Refugees?*, Chatham House: The Royal Institute of International Affairs, Retrieve at: <https://www.chathamhouse.org/expert/comment/why-aren-t-gulf-countries-taking-syrian-refugees>

DECLARATIONS, CONVENTIONS & RELATED DOCUMENTS: A TIMELINE

According to Kagan, most Middle Eastern countries in the areas of conventional legal measures *“have done very little to implement their obligations to protect refugees, in that few have signed the [1951] Convention and none have passed domestic refugee legislation.”*¹⁷

Efforts by the Arab League to create regimes which are capable of governing refugees in the Middle East were initiated in the year 1992. The compiled document was drafted under the title, *“The Declaration on the Protection of Refugees and Displaced Persons in the Arab World.”*¹⁸ In 1994, the Arab Convention on Regulating the Status of Refugees in the Arab Countries was adopted but has not been entered into force.¹⁹ The UNHCR and along with both local and international human rights organizations have submitted numerous legal suggestions with the aim of improving as well as regulating the services accessible to refugees. Kagan argues that: *“[...] despite lack of legislation, there exist non-conventional systems that allow the receiving of people fleeing persecution. The systems that exist on the ground for refugees in the Middle East,”* says Kagan, *“are essentially off the radar screen of conventional thinking in the field of international law because they rely on shifting responsibility from state to the UN. The difference in the Middle East is that there are two relevant UN refugee agencies, UNRWA for Palestinians and UNHCR for non-Palestinians, and urban settings have long been more prominent than rural encampments of refugees”*.²⁰

¹⁷ Kagan, M. (2011), *“We Live in a Country of UNHCR” The UN surrogate state and refugee policy in the Middle East*, New Issues In Refugee Research, Research Paper No. 201, UNHCR, 2011, p. 10.

¹⁸ The Group of Arab Experts, meeting in Cairo, Arab Republic of Egypt, from 16 to 19 November 1992 at the Fourth Arab Seminar on "Asylum and Refugee Law in the Arab World", organized by the International Institute of Humanitarian Law in collaboration with the Faculty of Law of Cairo University, under the sponsorship of the United Nations High Commissioner for Refugees. Retrieve at: <http://www.refworld.org/docid/452675944.html>

¹⁹ Arab Convention on Regulating Status of Refugees in the Arab Countries Adopted by the League of Arab States, 1994, Retrieve at: <http://rsq.oxfordjournals.org/content/27/2/87.full>

²⁰ Ibid

On another note, all of Lebanon, Jordan, and Iraq have not ratified the 1951 Geneva Convention on Refugees and furthermore, do not label themselves as countries of permanent settlement for refugees, and have been withstanding the overwhelming economic, social, and strategic concerns which come along with this forced reality. Fenton argues that if the countries of the GCC, along with the other countries involved in the protracted crisis in Syria begin to orient their strategy towards accepting these refugees and asylum seekers within their borders, that they could possibly be the major catalyst toward the gradual end of the conflict in Syria, rather than its fueling agent through the military support they provide, or the distant funding towards humanitarian aid that they provide.²¹ *“Providing aid from a distance simply keeps the problem at a distance.”*²²

IN THE AREAS OF POLICY & INTERNATIONAL CUSTOMARY LAW

The Syrian refugee crisis has evidently highlighted a number of policy issues which are of concern not only to countries of the Middle East, but also to the international community as a whole. Within the realm of Customary International Law, several principals have come into focus as a result of the overwhelming realities these refugees now bring along with them – challenging both the international community’s understandings surrounding these principles, and further emphasizing the need for states to incorporate them in their local policies on the national level.

²¹ Fenton, J. (2015), *Gulf countries face pressure to take in more Syrian refugees*, Al-Jazeera America, Retrieve at: <http://america.aljazeera.com/articles/2015/9/4/gulf-countries-pressure-syrian-refugees.html> ; Qayyum, M. (2014), *Syrian Refugees Plight Goes Beyond Funding*, The World Post, Retrieve at:

http://www.huffingtonpost.com/mehrunisa-qayyum/syrian-refugees-plight-go_b_4575676.html

²² Ibid

The GCC's policies regarding the Syrian refugee population are currently centered upon maintaining a balance between the following principles, and the local realities and ambitions they have for their own countries:

State Responsibility & Border Crossing

Arimatsu, in her paper *The Law of State Responsibility in Relation to Border Crossings: An Ignored Legal Paradigm* stresses the need to ensure the freedom of movement of populations from conflict regions across borders, while maintaining the national security and territorial integrity of the host country.²³ Moreover, Middle Eastern countries are faced with this reality with regard to the current refugee crisis, and argue that anything 'forced' upon them by the international community is a violation of each state's territorial integrity in itself.²⁴

The Principle of Non-refoulement

According to Bethlehem and Lauterpacht, "*the concept of non-refoulement is relevant in a number of contexts – principally, but not exclusively, of a treaty nature. Its best known expression for present purposes is in Article 33 of the 1951 Convention Relating to the Status of Refugees.*"²⁵ Moreover, Messineo further elaborates on this point by stating that "*So far, we have considered the treaty sources of various non-refoulement obligations in international refugee law and international human rights law. It is now time to consider the extent to which*

²³ Arimatsu, L. (2013), *The Law of State Responsibility in Relation to Border Crossings: An Ignored Legal Paradigm*, U.S. Naval College: International Law Studies, Retrieve at: <https://www.usnwc.edu/getattachment/71e7447b-2253-4e2a-bab8-4a859d3bd173/GoW-Arimastu-Final-03082013-pdf.aspx>

²⁴ Al-Khatteeb, L. (2015), *The Gulf states should do more for Syrian refugees*, Brookings Press, Retrieve at: <http://www.brookings.edu/blogs/markaz/posts/2015/09/30-gulf-states-syrian-refugees-alkhateeb>

²⁵ Bethlehem, D. & Lauterpacht, S. (2001), *The Scope and Content of the Principle of non-refoulement: opinion*, UNHCR, Retrieve at: <http://www.unhcr.org/419c75ce4.html>

non-refoulement obligations exist also in customary international law."²⁶ Messineo explains that "there is near-universal acceptance of the legal binding nature of non-refoulement [...]"²⁷ Moving from this concept, the GCC countries are faced with the reality that whether or not they are signatory to the 1951 Convention on the Status of Refugees, "expelling" a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened, is not only intolerable by international standards, but also in violation of International Customary Law, and International Human Right principles.²⁸

Asylum, Resettling & Refugee Rights

The GCC is currently faced with several decisions when it comes to their policies towards the mass influx of Syrian refugees. Namely, related to decisions revolving around easing the delivery of asylum or humanitarian visas through Middle Eastern countries especially those of the Gulf; increasing resettlement of refugees; exempting refugees from visa requirements as well as granting working visas, and permitting family reunification in order to ensure legal entry. These countries are also faced with the need to establish reception centers on their border in order to provide temporary legal protection for the refugees who have not entered the host state yet. According to the International Justice Resource Center however, and according to the arguments of the GCC, there are no legal documents (including the 1951 Convention) which dictate the manner in which states are

²⁶ Messineo, Francesco, *Non-Refoulement Obligations in Public International Law: Towards a New Protection Status?* (April 4, 2011). THE ASHGATE RESEARCH COMPANION TO MIGRATION LAW, THEORY AND POLICY, Satvinder S. Juss, ed., Ashgate, 2013, at pp. 129-155. Available at SSRN: <http://ssrn.com/abstract=1802800>

²⁷ Messineo references his claim to the UN Doc. HCR/MMSP/2001/09 (2001), para. 4. (See also UNHCR ExCom No. 25 (1982)), where state parties to the Geneva Convention acknowledged the continuing relevance and resilience of [international refugee law], including at its core the principle of non-refoulement, whose applicability is embedded in customary international law.

²⁸ Ibid

to determine whether an individual meets the definition of what a refugee is.²⁹ As a matter of fact, the establishment of asylum proceedings and refugee status determinations are at the liberty of each state to develop on its own.³⁰ Furthermore, this has laid the foundation for the disparities amongst states, as governments base their own asylum laws upon their diverse resources, national security/border concerns, as well as their own histories with migration movements across the years.³¹

The Principle of Shared Responsibility

Jacobs & Nollkaemper, use the term 'responsibility' to refer to instances where "[...] *collaboration between two or more actors leads to harmful outcomes, for instance by infringing the rights of third parties, and in the related question of how to apportion responsibility among these actors*"³² Based upon this definition, as well as based upon the active participation of the GCC in fueling the Syrian Conflict itself,³³ the international argument is that regional Middle Eastern governments, namely the countries of the GCC, must share both the financial and refugee burdens, which would include the sharing of the responsibility towards the hosting countries with regard to humanitarian aid. The reality remains that if the GCC countries are not doing both simultaneously, the efforts of one will simply cancel out the other – meaning: if the GCC states share the financial burdens of other host countries, while maintaining their stance not to accept refugees within their border,

²⁹ The International Justice Resource Center (n.d.), Asylum and the Rights of Refugees, Retrieve at: <http://www.ijrcenter.org/refugee-law/>

³⁰ Ibid

³¹ Ibid

³² Nollkaemper, A. & Jacobs, D., Shared Responsibility in International Law: A Conceptual Framework, 34 Mich. J. Int'l L. 359 (2013). Available at: <http://repository.law.umich.edu/mjil/vol34/iss2/3>

³³ Blair, D. & Spencer, R. (2014), *How Qatar is funding the rise of Islamist extremists*, Telegraph.co.uk, Retrieve at: <http://www.telegraph.co.uk/news/worldnews/middleeast/qatar/11110931/How-Qatar-is-funding-the-rise-of-Islamist-extremists.html>

and while also still financing and fueling the conflict itself, then their efforts are simply not adequate and also not in compliance with the principle of Shared Responsibility.

PROSPECTS & RECOMMENDATIONS: INVOLVING THE GCC

Amidst peace talks among the Syrian regime and the opposition proceed to be unstable and unpromising, the war continues to devastate and threaten all the regions of Syria, and consequently to cause further internal displacement and external migration movements. Furthermore, even if the two conflicting factions do reach a consensus within the next few months or years, the Syrian refugees or “special guests,”³⁴ as referred to by the countries of the GCC, will not be able to return to Syria immediately, nor will they be able to rebuild their lives immediately upon their return. The majority of the Syrian refugee population will have to consider whether or not to return at all amidst the fear of reprisal, the lack of professional/educational opportunities as well as the major lack of employment or other financial prospects. The protracted Syrian refugee crisis will need to be addressed through formulating medium- and long-term intervention mechanisms and projections.³⁵

The EU, along with friendly nations of the GCC countries are advised to tackle the policy issues mentioned above with the GCC countries themselves. The international community could approach the role of the GCC countries in relieving both the physical and the financial burdens of the Syrian refugee population by playing upon the very notions of Islamic tradition on the right to asylum based upon the Islamic Sharia. Guterres³⁶ argues that,

³⁴ Fenton, J. (2015), *Gulf countries face pressure to take in more Syrian refugees*, Al-Jazeera America, Retrieve at: <http://america.aljazeera.com/articles/2015/9/4/gulf-countries-pressure-syrian-refugees.html>

³⁵ Hourani, G. (2014), *Syrian Refugees and the Middle East*, Keynote Speech at ESCAPES: Laboratorio di Studi Critici sulle Migrazioni Forzate Cercare Rifugio Nel Mediterraneo E In Europa Transiti, Barriere, Libertà, Milano – Italy

³⁶ António Manuel de Oliveira Guterres, is a former Portuguese politician who was Prime Minister of Portugal from 1995 to 2002. He also served for a time as President of the Socialist International. He served as United Nations High Commissioner for Refugees from June 2005 to December 2015.

*“More than any other historical source, the Holy Qur'an along with the Sunnah and Hadith of the Prophet of Islam are a foundation of contemporary refugee law.”*³⁷ He moves on to emphasize that both the inherent notions of protection the individual human being, as well as the preservation of an individual’s dignity are intensely rooted Islamic traditions. He highlights the notions of *“istijara”* (plea for protection), *“ijara”* (granting protection), *“iwaa”* (sheltering) as roots and sources of the concept of protection – the very foundation and center of the mandate conversed in the UNHCR. He further emphasizes his point by stating, *“[...] the Islamic Shari’a further consolidated the humanitarian principles of brotherhood, equality and tolerance among human beings. Relieving suffering and assisting, sheltering, and granting safety to the needy, even enemies, are an integral part of Islamic Shari’a, which preceded by many centuries current international human rights treaties and norms, including the right to asylum and the principle of non-refoulement, which are designed to preserve the refugee’s life and ensure his or her well-being.”*

Elmadmad³⁸, in her paper *Asylum in Islam and Modern Refugee Law* further adds to Gueterres’s point in her indication that the Islamic Sharia addresses the issue of asylum in minute and comprehensive detail. She also indicated that It tackles the notions of guaranteed safety, dignity and care for the *“musta’men”* (the asylum-seeker).³⁹ Islamic society adopted quite specific dealings in response to asylum requests. The return, or

³⁷ Gueterres, A. (2009), *Foreword to “The Right to Asylum between Islamic Shari’ah and International Refugee Law: A Comparative Study,”* by Professor Ahmed Abu Al-Wafa, UNHCR, Retrieve at:

<http://www.unhcr.org/4a44830e6.html> (Read the entire book here: <http://www.unhcr.org/4a9645646.html>)

³⁸ Khadija Elmadmad is a Law Professor, an Advocate and International Consultant. She is the holder of the UNESCO Chair “Migration and Human Rights”, the Chair of the Rabat NGO Migration and the Law and the Chair of the Moroccan Network of Experts in Refugee Law.

³⁹ Elmadmad, K. (2015), *Asylum in Islam and Modern Refugee Law*, Oxford Journals, Retrieve at: <http://rsg.oxfordjournals.org/content/27/2/51.full>

refoulement, of the “*musta’men*” was forbidden by virtue of Sharia.⁴⁰ In our modern day, the principle of *non-refoulement* founds the very basis of International Refugee Law and to a large extent relies solely upon it.⁴¹

CONCLUSION

Embarking on five years of the Syrian Crisis, and its refugee crisis respectively, countries of first asylum in the ME are under grave amounts of pressure to accommodate their own needs and the needs of the refugee influx. These vulnerably countries face pressure upon their national infrastructure, security, and socio-economic orders – leaving the eventual strain on their political orders aside for now.

In fact, scholars and academics are even referring to the crisis as “an existential threat” that can overturn these vulnerable host countries and cause more catastrophes in the ME region.⁴² For this reason, both European and Non-European countries alike, must not only share the burden and the responsibility of the Syrian refugees within the realms of International Customary Law, and International Refugee Law respectively, but also amend their own policies in order to revoke and overcome their concerns and reservations with regard to the mass influx of migration into their regions.

In conclusion, both the Lebanese and the Jordanian governments, coupled with international organizations, are encouraged to cooperate with the aim of creating a development program which encompasses both the national development goals, and national strategic interests of both these countries. The program will consequently be

⁴⁰ Ibid

⁴¹ Newmark, R. L. (1993), *Non-Refoulement Run Afoul: The Questionable Legality of Extraterritorial Repatriation Programs*, 71 Wash. U. L. Q. 833 (1993). Available at: http://openscholarship.wustl.edu/law_lawreview/vol71/iss3/9

⁴² Harb, C. & Saab, R. (2014), *Social Cohesion and Intergroup Relations: Syrian Refugees and Lebanese Nationals in the Bekaa and Akkar*, American University of Beirut Press & Save the Children, p. 5.

aimed at job creation in these countries, the enhancement of their labor markets and the revitalization the economic progression. These programs can benefit from the mass influx of refugees and capitalize upon them with the aim of enhancing the host country's infrastructure, while simultaneously providing these refugees with employment opportunities to be productive and give back, rather than drain and consume the meager resources and services of these countries.⁴³ Giugliano (2014) states that importance and weight should be given to labor intensive and capital projects, as the development of infrastructure assists in the development of rural areas and improves productivity simultaneously, creating instant job opportunities for both host community nationals and refugees themselves.⁴⁴

FURTHER READINGS

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Dzubow, J. (2012), *Asylum and Shari'ah Law*, The Asylumist, Retrieve at: <http://www.asylumist.com/wp-content/plugins/as-pdf/generate.php?post=2558>

Rahaei, S. (2012), *The Rights of Refugee Women and Children in Islam*, Forced Migration Review, Refugee Studies Centre or the University of Oxford, Retrieve at: <http://www.fmreview.org/en/FMRpdfs/Human-Rights/rahaei.pdf>

⁴³ Giugliano, F. (2015), *A short-term burden, refugees may yet boost sagging EU economy*, ft.com, Retrieve at: <http://www.ft.com/cms/s/0/6d9a2214-5df0-11e5-a28b-50226830d644.html#axzz3wNt1SKIN>

⁴⁴ Ibid