

Challenges of temporary protection in Syria

by Ann Maymann

Forced displacement is now a defining characteristic of Iraqi society and will remain so for years to come. Many have chosen to leave for neighbouring countries, particularly Syria and Jordan, but remain in a limbo of temporary protection.

Aware of US preparations for an attack on Iraq, the humanitarian community was ready to receive thousands of Iraqis expected to pour into Syria and Jordan at the end of March 2003. However, instead of arriving as expected *en masse*,¹ Iraqi refugees have arrived in dribs and drabs – threatened both by bullets and loss of livelihoods – as the situation in Iraq has continued to deteriorate.

The number of Iraqis in Syria is widely contested. The Syrian authorities estimate the number at around 400,000, other sources quote one million and Syrian taxi drivers say two million. Many are financially self-sufficient or have family connections in Syria and the majority have never approached UNHCR. As of February 2005, UNHCR has registered approximately 15,000 Iraqis since the outbreak of the war. During 2004, an average of 250 Iraqis approached UNHCR every week for registration and documentation. Christians constitute some 35% of registered Iraqis in Syria, despite the fact that in Iraq Christians constitute only around 5% of the total population.

Iraqi refugees are concentrated in urban centres, especially Damascus and Aleppo. Shia and Sunni Muslims and Assyrian and Chaldean Christians from Iraq tend to live in areas alongside other members – whether Syrian or foreign – of the same groups. The fact that they are drawn to urban centres also explains the apparent paradox that, despite increasing numbers of Iraqi refugees entering Syria, in June 2004 UNHCR closed down the refugee camp in Hassakeh province in northeastern Syria. There were only some 50 refugees left, for whom individual

solutions were found in cooperation with the Syrian authorities and resettlement countries.

Iraqi refugees in Syria come from urban backgrounds and seek livelihood opportunities in familiar networks and settings. Iraqi refugees are mostly employed in the informal sector – often, men in the construction sector and women in sewing and tailoring. They pay higher house rents than Syrian nationals and there is evidence that their presence has forced up house prices and rents.

Iraqi refugees are not a new phenomenon in Syria but their sheer numbers are having an impact on the lives of Syrians. Some Syrians blame Iraqis for driving down wages, for petty crime and for prostitution. Poverty in Iraq and the impact of Islamic fundamentalism have undoubtedly forced many prostitutes to flee to Syria.

Syrian sanctuary?

In addition to the 15,000 registered Iraqi refugees, Syria also hosts some 2,500 refugees of other origins – plus around half a million Palestinian refugees (410,000 of whom are registered with UNRWA, the UN Relief and Works Agency for Palestine Refugees) who enjoy similar rights as Syrian citizens. Syria has no specific laws regulating asylum seekers and refugees. Entry, stay and exit of asylum seekers and refugees are regulated under the ordinary immigration legislation pertaining to any alien on Syrian territory. Syria, like the majority of members of the Arab League, has not signed the 1951 Refugee Convention.²

Prior to the war in Iraq, Iraqis with refugee status determined by UNHCR

in Syria were submitted for resettlement to third countries such as Australia, Canada, the European Union, New Zealand or the US. This changed in March 2003 when UNHCR called on national states to provide temporary protection to all Iraqis whether for those already in exile or subsequent arrivals. It implied a complete ban on forced return of Iraqis including rejected asylum seekers and in turn also the temporary halt to the individual refugee status determination. Given the political sensitivities, the unpredictable developments in Iraq and the varying attitudes of both Western and regional states towards the plight of Iraqis, advocating for temporary protection status with all its flaws and incompleteness was the only viable option at hand – and was indeed effective in preventing enforced returns to Iraq.

Temporary protection status affords less protection compared to that based on UNHCR's mandate or the 1951 Convention – but is better than no protection at all. Above all, it safeguards against *refoulement*. In mass influx situations it has also been used when it has proved impossible to undertake individual refugee status determination. UNHCR first employed it in 1992 with the intention that it would provide short-term minimum protection to those fleeing conflict in ex-Yugoslavia.

In June 2001, the Directive on Temporary Protection by the European Union Ministers of Justice and Home Affairs (JHA) was welcomed by UNHCR whereby it was recognised that “temporary protection is not an alternative to refugee status under the 1951 Convention, but only a practical device aimed at meeting urgent protection needs during a mass influx situation until the individuals concerned have their asylum requests determined on a case-by-case basis”³. Iraqi refugees have now been under ‘temporary’ protection in Syria for more than two years.

Syrian authorities normally exhibit warm hospitality towards Arabs,

including Iraqis, Somalis and Sudanese. UNHCR is encouraging the Syrian authorities to continue this tradition and to offer real protection for Iraqi refugees. One tangible means is through provision of support to those sectors of society, such as health and education institutions, having to deal with the impact of the increasing number of refugees. UNHCR in collaboration with their operational partners, the Syrian Red Crescent and the Syrian Women Union, identifies those Iraqi refugees under temporary protection who require specific assistance such as emergency medical response and support for family reunification.

Syrian hospitality towards members of the huge Iraqi community is under threat not only from the pressure imposed on Syrian society and its resources but also from the US coalition and its crackdown on terrorists. In the current extremely tense atmosphere in which the US does not rule out the option of military strikes against Damascus the question remains which criteria are applied for identifying a terrorist.

In the initial registration of Iraqis under temporary protection in Syria, it emerged that some had opted to leave Iraq due to their membership of the Ba'ath party. Today it is a criminal offence even to be a party member but under Saddam Hussein's regime many joined to ensure their economic survival. There are concerns that Ba'ath associations may exclude them from refugee status. It looks now as if the concept

of 'persecution' has been taken hostage by political considerations. Just as asylum seekers have sometimes been described as 'asylum shopping' in Europe, so resettlement countries occasionally go 'refugee shopping', prioritising for example groups such as 'women at risk' or specific ethnic or religious groups. They misunderstand the complex nature of conflict in Iraq and the rapid changes in grounds for persecution.

The challenge of injecting substance into temporary protection is that, in this region, refugee status has hitherto meant resettlement. UNHCR is striving to change this perception and there are indeed positive signs emerging on institutionalising refugee protection through negotiations with authorities.

Outlook

As temporary protection begins to acquire a manifestly non-temporary status, questions arise: would the world have reacted differently if Iraq had been invaded by North Korea or Iran? Would the exodus to neighbouring countries have been characterised as a refugee situation and would Iraqis have been welcomed for resettlement out of the region?

If temporary protection is to have real value, it must form part of a comprehensive international strategy, designed to deal with both the causes and the consequences of a refugee-producing conflict. UNHCR and the UN as a whole are obviously in no position to effectively address

the causes and consequences of the present conflict in Iraq. The question is: which countries will cooperate with the UN and UNHCR to protect Iraqi civilians from an increasingly confusing and maniacal armed conflict?

When the time is ripe, one possibility would be to organise a debate at the regional or international level on the impact of the war in Iraq on civilians in order to generate creative suggestions for the amelioration of daily life whether in Iraq or in exile. Participants should include human rights groups, refugee advocates and Iraqi civilians.

While not all Iraqi civilians are at risk, many are – and they deserve our concerted attention and protection.

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The thoughts expressed are personal and do not necessarily reflect the views of UNHCR or the UN. UNHCR's Iraq homepage is at: www.unhcr.ch/cgi-bin/texis/vtx/iraq

1. Dawn Chatty 'Operation Iraqi Freedom' and its phantom million Iraqi refugees', *FMR* 18, p51, www.fmreview.org/FMRpdfs/FMR18/fmr18rsc.pdf
2. Thirteen Arab League states are non-signatories. Those that have signed are Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen
3. 'UNHCR welcomes EU agreement on temporary protection', 1 June 2001

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Displacements is a multidisciplinary project focusing on the experiences of refugees living in various situations – Johannesburg in South Africa, Massy in France and Kakuma

refugee camp in Kenya. Through a series of creative workshops, collaborations and exhibitions shown both within and outside the communities in which they were created, the project – directed by Marie Ange Bordas (marieange@terra.com.br) – aims to raise awareness about their plight through their own ideas and voices.

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