



**THE AMERICAN UNIVERSITY IN CAIRO**

**Forced Migration and Refugee Studies (FMRS)**

**WORKSHOP REPORT**

**RIGHTS, POLICY FRAMEWORKS AND DEFINITIONS:  
CONTEMPORARY CHALLENGES IN FORCED  
MIGRATION**

**By: Sarah Sadek  
Research Assistant  
Development Research Centre (DRC)  
Migration, Globalization and Poverty  
Forced Migration and Refugees Studies FMRS**

**Date: 22/10/2004**

## **Introduction:**

The workshop took place on October 6<sup>th</sup>-8<sup>th</sup> 2004 at the American University in Cairo. It was hosted by the Forced Migration and Refugees Studies (FMRS) program. Twenty-eight participants including researchers and representatives of FMRS, Sussex University, international and non-governmental organizations and other institutions from Cairo, Sudan, Lebanon, Malaysia, India and Bangladesh attended the workshop (see Annex A). During the first two days, the issues of refugees' policies and rights in different countries were presented by speakers. The third day was devoted to a closed session in which representatives of Sussex and FMRS formed work plans for the research under Development Research Center (DRC) Project (see annex B).

## **Presentations:**

Presentations conducted during the first two days:

- 1. Overview of DRC working paper on rights and risk: Whose Needs are Right: Refugees, Oustees and the Challenges of Rights-Based Approaches in Forced Migration by: Lyla Mehta, Fellow at the Institute of Development Studies & Jaideep Gupte, Researcher at the University of Sussex**

The paper pointed out that applying the top-down policies and research approaches is problematic in the context refugee and oustees related research. In addition, there are often tensions between definitions of refugees and oustees as well as between different sets of rights for both (civil and political rights vs. social and economic rights). During the discussion of the paper, finding a new policy and research approaches to advocate the two sets of political and economic rights for both refugees and oustees was emphasized.

- 2. Lessons from Refugee Studies by: Barbara Harrel-Bond, Distinguished Visiting Professor AMERA/AUC**

Five main lessons or problems regarding refugees studies were addressed in the presentation. First, the fact that refugees are resources for development should be considered. Second, there is a need to regularize refugees' status and enshrine their rights in domestic legislation. Third, refugees should be integrated within the host countries. Fourth, refugees should be included in governments' development plans. Fifth, there is a need to eliminate the proliferation of actors and donors allocations of funds.

The discussion focused on research-related issues. Host communities are often not considered by researchers, thus the need to integrate refugees within the host countries is a research-related issue. Researchers are also finding it challenging to resist the notion of UNHCR playing a role in refugees' protection. It was stressed that governments should assume their roles in providing protection and assistance to refugees.

- 3. New Approaches in Forced Migration by: Behrooz Morvaridi, Senior Lecturer, University of Bradford**

The paper emphasized that Islamic conceptions shaping NGOs regarding providing assistance to refugees is on the top of the common themes of forced migration in the Middle East. It was mentioned that ethnic and religious perspectives in the Middle East play a major role in determining whether certain groups of refugees are eligible for assistance. It is pivotal that assistance to refugees should not be carried out exclusively by religious agencies but rather other donor agencies to prevent any discrimination between refugees.

**4. Policy Frameworks and Migration: The Muddle in the Middle East by: Hania Sholkamy, Faculty, Assistant Professor, SRC/AUC**

Dr. Sholkamy pointed out that issues of migration, population movements and refugees are absent from the agendas of Arab states which rather focus on nationalism, citizenship and middle class discourse. Translating research into policy is still a formidable task to consider research and the well being of refugees on the popular reform agenda of Arab states. It was stressed that the big international discourse on development focuses on the millennium development goals which are counterpoint to rights-based approach and which were used to set up and train action field researchers. However, many researchers reject looking at the MDG as a departure point for issues of concern and prefer to focus on the problems emanating from field research.

**5. Sudanese IDPs by: Manzoul Assal, Assistant Professor, University of Khartoum**

Dr. Assal stressed the rights-based approach is the first step towards the needs-based approach; however it lacks representation due to the absence of efficient civil societies in some countries, especially in Africa. Consequently, decisions regarding refugees' policies are taken by individuals who have no connection to the status of refugees. The discussion focused on the prevailing of religious conceptions over NGOs policies and the need to have studies that focus on basic needs, since adopting human rights approaches is problematic in countries like Sudan.

**6. Living on the Margins: The Livelihoods of Rejected Sudanese Refugees in Egypt: Urban Refugees and Policy by: Katarzyna Grabska, Researcher/Projects Coordinator, FMRS, AUC**

The rights-based approach was used to examine the status of Sudanese refugees in Egypt. One of the issues addressed was the prospects of local integration and wellbeing of refugees in urban settings of developing countries. Current policy on urban refugees promoted by UNHCR does not adequately address the issues of economic and social marginalization that refugees suffer from. Despite the marginalization, Sudanese refugees including those who are rejected, contribute significantly to the center sectors of the Egyptian economy. Therefore, their development potentials should be recognized by the governments by re-considering their rights in the country of asylum and a potential for integration within the host country.

The main points of discussion were related to the negative impacts of both resettlement programs and UNHCR's policies towards refugees. Active resettlement programs discourage refugees to invest in transit host countries and prevent viable policies for refugees to settle in host societies. United Nations High Commissioner for Refugees still considers direct assistance as the only way

of helping refugees, however assistance provided by UNHCR does not improve their livelihoods. The states and UNHCR are the entities that determine the legality status of refugees, thus if policies changed, refugees are threatened to be considered illegal.

**DRC projects: Presentation of ideas for future investigation by:  
Carol Yong, Giulia El Dardiry, Manzoul Assal, C.R. Abrar, Lyla Mehta**

**1. Livelihood, Rights and Forced Migration: Drawing Lessons from the Orang Asli Experience by: Carol Yong, PhD. Candidate, University of Sussex**

This DRC research deals with the displacement of indigenous people in Malaysia as a result of building of dams. Until now, dams-related research has focused on financial and technological side of constructing dams, dominating over the socio-cultural aspects of the issue. There is a need for more empirical research on the link between policy development and the cultural, gendered and political dimensions of dams. Development should not be imposed on IDPs at a pace which they are not ready for as land is a fundamental link between culture and economics. This project will be part of the DRC research.

**2. Palestinian Refugees in Lebanon Government Policies, Local Practices and Community Mobilization: Resisting the State's Deployment of Arbitrary Power and Struggling to Access Health Care by: Giulia El Dardiry, Development Advisor, Oxfam Quebec**

This one-year study carried out last year focused on health perceptions in two camps in Lebanon: Borj El Barajneh and El Galeel. The results pointed out to the fact that Palestinians' perceptions of their health fall in line with their actual problems. However more studies are needed on the consequences of the lack of Palestinian rights. In Lebanon, refugees-related policies are highly dependent upon the location of the camp as the camps on the Syrian-borders have different policies than the ones in the center of Lebanon.

The main points of discussion were related to the issue of the right to return. The claims of the right to live where refugees reside and the right to return including nostalgic imaginations are interlinked. One way of maintaining a strong link to Palestine manifests itself in re-registering children of Palestinian refugees in UNRWA through claiming attachment to camps. This strategy is commonly used by refugees with children born in different countries in order to maintain the right to return and compensation. DRC funded research will focus on the rights of Palestinian refugees in Lebanon.

**3. Displaced Persons in Khartoum: Current Realities and Post-war Scenarios by: Manzoul Assal**

The main aims of this DRC-funded research are to gather information on IDPs and their living conditions in camps as well as to examine the option of repatriating IDPs to former places of residence. IDPs and refugees suffer from similar experiences, however, refugees enjoy more recognition and support from different organizations. Refugees and IDPs tend to perceive their homelands in a very nostalgic way that may not necessarily reflect the true situation of their homelands. The research will consider the threads of institutional and political contexts in the framework of IDPs policies particularly the issue of repatriation.

#### **4. C.R Abrar, Professor Dhaka University, RMMRU**

RMMRU will not be directly engage in the DRC research focusing on forced migration issues. However, many of the refugee-related problems exist in Bangladesh and should be tackled. The actions of non-state actors in terms of providing assistance to refugees has been limited by states, thus more knowledge is needed in terms of the role of human rights organizations. Integration within the host country is problematic since rural migrants are considered a problem and are forced to return through programs such as “Return Home” without taking into consideration their contribution to urban areas.

#### **5. Lyla Mehta, Research Fellow, IDS, Sussex University**

The presentation highlighted the importance of focusing on the gendered impacts of development displacement in India since rights of women were often not recognized officially. This has affected their health well-being, participation in resettlement places and changing social and gender relations. The DRC research will consider the effects of internal displacement caused by the construction of dams in India

#### **Keynote: Migration, Globalization and Poverty by Dr. Richard Black, Professor of Human Geography, University of Sussex**

Dr. Black shared the statistics and facts regarding the flow of migrants, the pattern of global migration and the flow of resources to developing countries were with the audience. Key questions were posed regarding the challenges of migration policy and research. It was pointed out that there is an orthodoxy of ideas amongst most politicians and development agencies that underdevelopment causes migration; and/or that underdevelopment causes conflict, which leads to forced migration. Refugees are a classical category of people who are treated as exceptional in law, policy, humanitarian work and development, which has positive and negative results. The main point of discussion related to the freedom of movement including the dilemma of brain drain, which follows the liberalisation of trade and should not be restricted by governments for fear of any adverse effects.

#### **Key Questions:**

Key questions concerning rights were presented through a flow diagram (see annex C).

#### **Case Studies:**

Definitions of rights, categories of refugees and supporting organizations were identified by researchers concerned with 7 countries case-studies (see annex D).

## **Thematic conclusions:**

### **A. General Concerns:**

1. The issue of integration within the host society is often challenged by the perception held by refugees about their homelands seen through a nostalgic perspective as well as being determined by their intention of moving forward.
2. Palestinian refugees have been perceived and treated in an exceptional manner in international law as well as in policies. The issues of their resistance and the right to return have been most commonly addressed.
3. Development projects are often evaluated in terms of technological and economic benefits, which undermine some social, economic and cultural rights of IDPs such as the right to own property and reside.
4. Current policy frameworks do not protect the social, economic and political rights of displaced individuals and groups.
5. The idea that legitimate policies are considered through religious or/and ethnic perspectives deprives some refugees of their basic needs because they belong to certain religious or ethnic groups.
6. Refugees are misrepresented through:
  - A. The implementation of policies by policy-makers who have no direct connection to the living standards of refugees.
  - B. The absence of refugees-related policies such as migration and population movement from the reform agenda of some states.
7. The fact that international donors and organizations interfere in the decision-making process of refugees-related policies restricts the role of states in providing assistance to refugees and makes it important to look at the role of other non-state actors such as civil societies and local NGOs.
8. The legal status of refugees is often threatened by the policy changes made by UNHCR and states which are the entities determining the legality of refugees.
9. Economic contributions made by refugees to urban areas are often neglected because:
  - A. Active resettlement programs make refugees perceive the host country as temporary and discourage them to invest economically and socially in the transit countries.
  - B. Many refugees are outside the legal framework of host countries, thus their economic and social contributions to the host societies are not noted. They are rather perceived as burdens to the local society.

### **B. Recommendations:**

#### **I. Research Recommendations:**

1. To develop an effective common framework for forced migration research that could be transformed into policy.
2. To bridge the divide between refugee and oustee studies.
3. To include rejected refugees as well as those who refuse assistance in the studies on forced migration.
4. To bridge the gap between legalized studies and localized studies, taking into account the local context of the host country, where citizens are often in comparable situations with refugees.
5. To evaluate the conceptual, methodological and practical challenges of rights-based approach.

6. To form a coherent set of studies to resolve tensions between different ideas regarding rights by looking at the consequences of the lack of rights for refugees.
7. To conduct an empirical research that highlights the gendered and political dimensions of displacement as a result of building development projects.
8. To consider the threads of institutional and political contexts in terms of IDPs policies, particularly the issue of repatriation.

## II. General Recommendations:

1. To focus on dismantling obstacles preventing migrants and refugees from accessing their rights.
2. To recognize the development potential of refugees including those who are rejected. This will help governments of host countries to include them in their development plans.
3. To develop a regional approach for the Middle East countries regarding refugees policies as countries in the Middle East tend to compare their policies with their neighbors.
4. To maintain a link between global and local resistance of refugees and oustees in order to support active local resistance.

## Steps forward:

Future planning for deadlines as well as communications between researchers is included in a timeline table (see annex E).

## ANNEX A

### List of participants:

C. R. Abrar	Dhaka University / RMMRU, Bangladesh	Professor
Abdel Ghaffar M. Ahmed	Population Council, Egypt	Program Director
Peroline Ainsworth	AUC / Oxford Brookes, Egypt	Visiting Researcher
Karim Amer	UNHCR Cairo, Egypt	Associate Resettlement Officer
Munzoul Assal	University of Khartoum, Sudan	Assistant Professor
Rania Abdul Azim	Cairo University, Egypt	Researcher
Fateh Azzam	FMRS / AUC, Egypt	Program Director
Richard Black	University of Sussex, UK	Professor of Human Geography
Alistair Boulton	UNHCR Cairo, Egypt	Resettlement Officer
Giulia ElDardiry	Oxfam Quebec, Lebanon	Development Advisor
Barbara Harrell-Bond	AUC / FMRS, Egypt	Distinguished Visiting Professor
Katarzyna Grabska	FMRS / AUC, Egypt	Researcher / Projects Coordinator
Jaideep Gupte	University of Sussex, UK	Researcher
Hilary Ingraham	AUC, Egypt	Graduate Student
Laura Maxwell	FMRS / AUC, Egypt	Research Associate
Lyla Mehta	Institute of Development Studies, University of Sussex	Research Fellow
Behrooz Maorvaridi	University of Bradford, UK	Senior Lecturer
Hussam ElDin ElNaim	AUC, Egypt	Graduate Student
Amir Osman	FMRS / AUC, Egypt	Researcher
Otim Sisto Pioywak	OAS / AUC, Egypt	Graduate Student
Gafar Mahmmod Salim	AMERA, Egypt	Interpreter
Sherifa Shafie	AMERA, Egypt	
Azza ElSherif	AUC and Trans Africa Commercial Ent., Egypt	Graduate Student
Hania Sholkamy	SRC / AUC, Egypt	Faculty, Assistant Professor
Sarah Sadek	FMRS/ AUC, Egypt	Research Assistant
Kevin Tabe	AUC, Egypt	Graduate Student
Carol (Ooi Lin) Yong	University of Sussex, UK	PhD. Candidate
George Ajen Zumba	AUC, Egypt	Graduate Student



## ANNEX B

### AGENDA

#### RIGHTS, POLICY FRAMEWORKS AND DEFINITIONS: CONTEMPORARY CHALLENGES IN FORCED MIGRATION

6<sup>th</sup> - 8<sup>th</sup> October 2004

##### Day 1: Wednesday October 6<sup>th</sup>

- 9.00 – 10.00 am
- Welcome, introduction, logistics: *Fateh Azzam & Hania Sholkamy*
  - Introduction to the workshop format, content and objective: *Lyla Mehta*
  - Introduction to the DRC and its objectives as they relate to workshop: *Richard Black*
- 10.00 – 11.30
- Overview of DRC working paper on rights and risk: *Lyla Mehta & Jaideep Gupte*
  - Discussion
- 11.30 – 12.00
- COFFEE/TEA BREAK
- 12.00 – 1.30 pm
- Lessons from Refugee Studies: *Barbara Harrel-Bond*
  - New approaches in Forced Migration: *Behrooz Morvaridi*
- 1.30 – 2.30
- LUNCH
- 2.30 – 3.30
- Policy Frameworks and Migration: The Muddle in the Middle East: *Hania Sholkamy*
  - Sudanese IDPs: *Manzoul Assal*
  - Discussion (Tea will be served throughout the afternoon)
- 3.30 – 4.00
- 7.00 pm
- Felucca Ride on the Nile and Sandwiches*

##### Day 2: Thursday October 7<sup>th</sup>

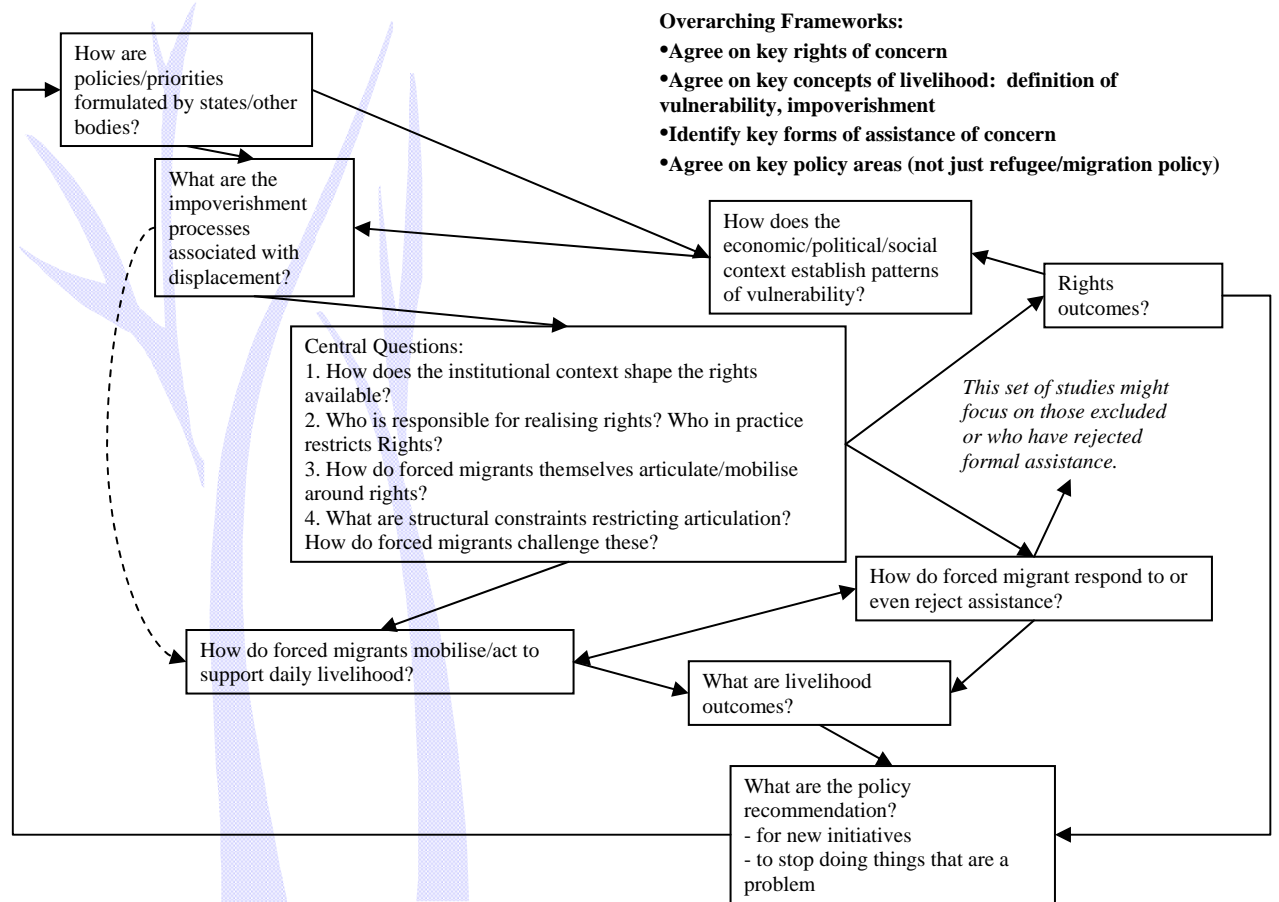
- 9.30-10.30
- The Livelihoods of Sudanese Refugees in Cairo: Urban Refugees and Policy: *Kasia Grabska*
  - Discussion
- 10.30 – 11.00
- COFFEE/TEA BREAK
- 11.00 – 1.30
- DRC projects: Presentation of ideas for future investigation: *Giulia El Dardiry, Manzoul Assal, Carol Yong, C.R. Abrar, Lyla Mehta*
  - Discussion
- 1.30 – 2.30
- LUNCH
- 2.30 – 4.30
- Brain storming on key questions/ challenges / conceptual framework:  
*Chairs C.R. Abrar & Barbara Harrell-Bond*
- 4.30
- Key Note: *Richard Black*
- 8.00
- DINNER

##### Day 3: Friday October 8<sup>th</sup>: **CLOSED SESSION**

- 10.00 – 1.00
- Work plans for researchers (methodologies / ethics) and DRC partners/sightseeing for non DRC persons coming from abroad.
- 1.00
- Closing Remarks: *Lyla Mehta & Fateh Azzam*
- 1.30 – 2.30
- LUNCH

# ANNEX C

## Flow Diagram:



## ANNEX D

### Case Studies:

	<b>Protection</b>	<b>Civil and political rights/right to access</b>	<b>Social, economic and cultural rights</b>	<b>Dimensions of forced migration</b>	<b>Agency/life worlds/ Imaginings</b>	<b>Mobilization Strategy/ Resistance</b>
<b>Researchers</b>	From arbitrary power/ right to return/move	Right to justice/redress /Courts/reside and move/own Property/ Association/ organize	Work, Health, standard of living	Refugees/ Oustees/IDPs (Policy impacts) other specific groups	Policy impacts	
<b>India</b>	-Forcible eviction; -Eminent domain	Right to protest; justice and power	Livelihood Resources	oustees	Symbolic notion of resources/ wellbeing	Protest movement; convert resistance
<b>Malaysia</b>	Arbitrary power of state; Dominant interest groups; Forcible eviction	Residence/ cultural expression; to resources and land	Inheritance; Overlapping identities; Related to Social services; Livelihood	Development-induced displaced indigenous groups	Ethnic identity as religion; Perception around minority policy, traditional health systems	Through civil Soc/NGO; Political parties
<b>Bangladesh</b>	Access to procedure		Livelihood education health	Refugees (without access)		Social network (?)
<b>Lebanon</b>	Return/ Arbitrary Change of power	Own property/ Inherit	Health and Education	Refugees/ IDPs	Perceptions Of solutions/ Rights	Community
<b>Sudan</b>	return	residence	education	IDP	Recreation of Ethnicity/ Identity	Leadership; civil Soc/ organizations
<b>Egypt</b>	Effectiveness	Mobility	Education/ work	Refugees (not Confined to UNHCR def)	Perceptions of solutions/ rights	Role/ strategies Of 'community' Actors (organized efforts); definitions
<b>Ghana</b>	Non – refolement	Work?				

## ANNEX E

### Timeline:

What	Who	When
Circulate notes of this meeting – send notes/ PowerPoint etc. to Sarah	Hania/Peroline/Sarah – send to everyone - send to Sarah	18 October 2004
Comment and approve meeting notes – annex PowerPoint	All participants – reply to Sarah	31 October 2004
Develop 5 pages fieldwork proposal for each project, including <ul style="list-style-type: none"> <li>• statement of questions/objectives... ,</li> <li>• timeline,</li> <li>• fieldwork, secondary research,</li> <li>• key references,</li> <li>• any non-budgeted resources required</li> </ul>	Munzoul, Giulia, Kasia, Carol, Lyla, (John, Abrar) – to Kasia and Lyla, but copied to each other	15 November 2004
Respond with comments on proposals	All above	1 December 2004
Gain relevant ethical approval – revise proposals if necessary	Each researcher – within institution	31 December 2004
Select book editor(s) and publication strategy	Lyla, Hania, Abrar, John	31 December 2004
Start fieldwork	Each researcher Guglia – January Monzoul - January Kasia –February Abrar-February	Each researcher to identify when they will be in field
Write book proposal	Editor – to publisher, with possibility of co-publishing in Cairo, Delhi, Dhaka	30 May 2005
Produce initial report/ working paper	Each researcher – to all	1 December 2005
Produce analysis of policy obstacles	Each researcher – to BHB	1 December 2005
E-conference	All participants	Mid Feb 2006
Further meeting	Each researcher	Fix around an existing meeting in 2005??
Produce drafts for book chapter	Each researcher	15 March 2006
Writeshop (1 week?) and external presentation (1/2 or 1 day linked to partnership meeting)	Who should be involved?	April 2006 – immediately before partnership meeting in Sussex
Book chapters to go to	Referees to be identified	??

external referees		
International Forced Migration Conference at AUC	Anyone who wishes attend	December 2006???
Other dissemination		Existing meetings, e.g. IASFM, DSA, AAA, ASA, AAG, etc.