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# FORCED MIGRATION review

*Special feature*

## **Mobilising for rights in the MENA region**



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## Forced Migration Review

(FMR) provides a forum for the regular exchange of practical experience, information and ideas between researchers, refugees and internally displaced people, and those who work with them. It is usually published in English, Arabic, Spanish and French by the Refugee Studies Centre of the Oxford Department of International Development, University of Oxford.

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Front/back cover image: A road separates Al-Naim district, which is home to citizens of Kuwait (right), and the shantytowns of the Bidoon (left). Credit: Belal Alfadli



## From the Editor



Forced Migration Review often covers themes across many regions but once in a while we focus on a particular part of the world in order to explore a theme in more depth. In partnership with the University of Oslo's REF-ARAB project, in this special issue we look at how people are working to ensure that the rights of

forced migrants are respected and made real in the Middle East and in North Africa.

As part of our commitment to including a broader range of voices in FMR and connecting people together, we put in place a few new initiatives for this special issue. We had an open call for articles and invited potential authors to a workshop to discuss their ideas prior to submitting their proposals. We then selected a group of 15 authors to write their full articles for us to review. This enabled a richer dialogue between authors interested in this theme and is something we hope to do again in future.

The REF-ARAB team have been engaged partners throughout and the quality of submissions is testament to their hard work shaping the call, sharing it with their extensive networks and reviewing articles, alongside the Editors. I am also grateful to Olivia Berthon who managed the editorial process before finishing her time at FMR. We wish her all the best with her new endeavours.

This issue will be available in Arabic, English and French online and in print. See [www.fmreview.org/rights-mobilisation](http://www.fmreview.org/rights-mobilisation).

We hope you enjoy this special issue and welcome your feedback!

With best wishes,

Alice Philip

Editor, Forced Migration Review

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# Introduction: Rights mobilisation in the Middle East and North Africa region

Mirjam Twigt, Nora Milch and Abdullah Omar Yassen

**In this special feature, a range of authors examine how localised or transnational acts of mobilisation can support the rights of forced migrants in the Middle East and North Africa region.**

Worldwide, procedures and processes put in place for refugee rights-recognition fall short. They can be elusive and frequently draw upon exclusionary mechanisms such as focusing on national backgrounds or narrow understandings of vulnerability. For activists, pursuing rights-recognition entails risks, particularly in environments that are often already not favourable to refugees. For instance, the negative effects of increased anti-migrant rhetoric on people who have sought protection can be seen starkly in Tunisia, where such rhetoric is negatively impacting their already precarious legal stay in the country. In this context, this special feature asks: what role(s) can localised or transnational acts of mobilisation play in supporting the rights of forced migrants in the Middle East and North Africa region (MENA)?

The articles in this special feature bring our attention to initiatives geared towards strengthening the rights of forced migrants across the MENA region. The authors show the importance of acts of mobilisation in different locations and contexts. However, they do not shy away from reflecting on the many obstacles that often confront such efforts. Some of these obstacles concern the complex legal landscapes these initiatives are operating in. Other obstacles relate to donor restrictions, European containment policies and practices, and the increasingly widespread criminalisation of solidarity – the process of illegalising support for other people's human rights.

When conceptualising this feature we adopted a broad understanding of mobilisation as the processes and efforts undertaken by different actors to engage, join and take action to address structural oppression and establish social change – in this case to improve the circumstances of people seeking refuge.<sup>1</sup> As partners on this feature, we particularly

encouraged articles where people actively involved in negotiating rights in the region, including forced migrants themselves, co-authored with others who brought a different perspective. We were delighted to see how many of the submissions responded to this encouragement. The selected articles showcase opportunities for, and obstacles to, mobilisation through a variety of initiatives, from refugee-led organising to transnational solidarity. Some articles actively engage with potential avenues for mobilisation, whereas others serve as a cautionary tale; all share lessons learned in the process.

Reading these pieces together, we are able to see that solidarity and bottom-up approaches are vital for ensuring meaningful and safe rights mobilisation in challenging environments. In this introduction, we reflect on three lessons which emerge across a number of articles: the significance of bottom-up approaches, the importance of transnational solidarity, and the challenges of NGO-isation. Together, these lessons illustrate the reality that establishing sustainable change for the rights of forced migrants is incredibly hard work and does not benefit from being romanticised.

## Bottom-up approaches

Several articles highlight the importance of locally-led efforts and bottom-up approaches for mobilisation. Focusing on refugee paralegals in Egypt, Adhar Marup and Chuol Simon emphasise the important roles that refugees themselves can play in improving access to justice. In their article on refugee-led organisations, Watfa Najdi, Mustafa Hoshmand, Farah Al Hamouri and Oroub el Abed provide greater understanding of the legal support mechanisms that refugees in Turkey, Jordan and Lebanon have been able to set up for

themselves, allowing them to play a significant role with different policy environments.

Khadija Al-Khawaj, Amouna Tammimi and Mette Edith Stendevad discuss how to incorporate bottom-up approaches in knowledge production. In humanitarian practice, much knowledge is produced in written documents such as reports and evaluations. We learn how these standard approaches often fail to recognise people's expertise and their own efforts towards rights-recognition. Based on the authors' experience of collaborative research involving both researchers and participants, they suggest lessons learned and tools which offer a useful model for writing and actions that seek to mobilise rights.

### **Solidarity across borders**

The second lesson we would like to highlight that emerges in this feature is the significance of solidarity across borders for sustaining mobilisation efforts. Thomas McGee and Zahra Albarazi tell the story behind the formation of the MENA Statelessness Network, known as 'Hawiati'. Given the lack of a formal mechanism to recognise stateless persons in the region, advocacy and solidarity may, in many cases, be the only tools available. This article shows how regional network building can support grassroot efforts for, and initiated by, stateless people.

Solidarity with people on the move is the driving force of the *Alarme Phone Sahara* project, discussed in a conversation between Maurice Stierl and Moctar Dan Yaye, an activist responding to the human rights violations faced by people crossing the Sahara towards North Africa. What we learn is the importance of having a greater awareness of threats to the lives both of people seeking refuge and of people seeking to aid them, threats that are not the same across the world. As Moctar Dan Yaye talks of the dangers that he faces in response to his actions with *Alarme Phone Sahara*, he reminds us that "we are all activists but we are not in the same situation".

### **NGO-isation of refugee support**

Two of the articles reflect on how mobilisation initiatives – including efforts to formalise these

initiatives – interact with the broader structures of humanitarian aid. These articles speak to our third lesson on NGO-isation. We draw on *Islah Jad's* understanding of this term as a mode of organising that can transform collective issues into isolated 'projects' that depend on foreign funding.<sup>2</sup>

Dina Baslan's article takes us to Jordan, where minority refugees have united with Jordanian and transnational supporters to address exclusion from humanitarian programming and the structural racism they face. She reflects on the dilemmas the organisation she co-founded encountered as they formalised as an NGO, noting that "we found our capacities overstretched in trying to respond to the (at times conflicting) needs of different parties: the community, partner organisations, researchers, donors and the government". Adhar Marup and Chuol Simon point us to a related issue in their contribution: the humanitarian sector's preconceived bias about the capacity of refugees to act as paralegals, which limits what role they are allowed to play.

### **Reflections**

By showcasing various examples of acts of mobilisation, we as partners on this feature have aimed to show our solidarity with activists working to support the rights of forced migrants. We consider ourselves as activists, but we are by no means in the same situation as many of our contributors. For example, we received funding for this project from the Research Council of Norway and were at no risk in the process. We have learned a lot from the contributing authors. For us, this experience has sparked our reflexive thinking around ways to collaborate and to strengthen solidarity with (refugee) activists in the future.

We hope this special feature invites readers to consider the many possibilities for solidarity in the MENA region, even though the conditions for mobilisation in the region may not seem conducive to solidarity. Each article, along with the three main lessons we have teased out here – the importance of bottom-up approaches, the opportunities for solidarity across borders, and addressing challenges that come with NGO-isation – allows us to see that initiatives supporting the rights of refugees

indeed are navigating these conditions and are making progress. Happy reading!

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1. The work by Peter Nyers and Kim Rygjel serve as source of inspiration. See for instance Nyers P and Rygjel K (Eds) (2012) *Citizenship, Migrant Activism, and the Politics of Movement*, Routledge.

2. Jad I (2004) 'The 'NGOization' of the Arab Women's Movements', *Al-Raida Journal*, 38-47 [bit.ly/Jad-NGOization](http://bit.ly/Jad-NGOization)

The authors are core members of the REF-ARAB project team. You can read more about their work on page 23 or by visiting their website: [www.jus.uio.no/ikrs/english/research/projects/ref-arab/](http://www.jus.uio.no/ikrs/english/research/projects/ref-arab/)

## Palestinian women of Syria mobilising to influence knowledge production

Khadija Al-Khawaja, Amouna Tammimi and Mette Edith Lundsryd Stendevad

**The voices of Palestinian women of Syria are often silenced in knowledge produced in humanitarian research and practice. 'Speaking back' sessions provide crucial insights into these women's experiences and their relevance for discussions on rights mobilisation.**

Forced migrants are often asked to share parts of their lives with journalists, researchers and humanitarian professionals. Knowledge production is part and parcel of humanitarian practice: humanitarian actors endlessly collect, share and analyse testimonies from marginalised peoples in order to access funding and distribute aid. However, research participants' wider stories and experiences are often silenced. They are seldom asked to take part in these processes and have little influence over how their words, voices and images are framed. Few researchers have actively engaged in how to empower participants from marginalised communities to act as consultants and experts that inform dialogues on knowledge production about their own communities.<sup>1</sup>

As authors, we cannot write as a collective 'we': Khadija and Amouna<sup>2</sup> identify as stateless Palestinian cis women from Yarmouk, displaced from their homeland, Palestine, and their birthplace in Syria. They participated in an oral *herstory*<sup>3</sup> project that documented how history is remembered by four generations of women of Palestinian heritage that were born

in Syria.<sup>4</sup> As the Danish lead researcher, Mette collected the digital oral recordings as part of her PhD thesis. Mette was last in Yarmouk in 2012 and Khadija and Amouna escaped in 2014; Khadija has since been granted asylum in Germany, while Amouna and her children remain internally displaced in an UNRWA camp in Syria. Khadija and Mette met in 2018 in Germany and Mette continues to connect online with Amouna. While there is much that separates us, there is also much that connects us: we identify as cis women, loved places in Syria we used to call home, and have been unable to return for a decade.

Long before the women who participated became involved in this research project they were active in mobilising for their rights to cross borders, to access education, for protection and family unification, and for recognition as Palestinians. For example, the women held pro-democracy protests, organised education for their children and set up health and food facilities while living under siege, arranged dignified funerals and attempted to support in documenting the numbers of people who

died from systematic starvation in Yarmouk. But these actions did not come across in NGO reporting and academic studies. The historical silencing of stateless Palestinian women of Syria makes us acutely aware of processes of marginalisation, stateless communities and female perspectives in forced migration. Today, the ongoing war in Syria affects stateless Syrian-born Palestinian women in multiple and complex ways.<sup>5</sup> As authors we came together to ask: how can stateless Palestinian women gain access to influence knowledge production informed by their experiences?

### “No substitute for experience”

Khadija and Amouna’s grandparents fled from northern Palestine to Syria during *al-nakba*<sup>6</sup> and later settled in Yarmouk, an unofficial refugee camp in Syria which nonetheless housed 16 different UNRWA facilities such as schools, clinics and cinemas. Yarmouk was established in 1957 and prior to the eruption of conflict in 2011 was home to 160,000 refugees; the largest Palestinian community outside of Palestine.<sup>7</sup>

In 2014, an iconic picture brought Yarmouk to the attention of the world, depicting thousands of people queuing for food on a bombed-out street. This may be how many people know Yarmouk today, undermining the central role of ‘little Palestine’ – as Yarmouk was nicknamed – to Palestinians in Syria and to the peaceful resistance at that stage in the armed conflict.<sup>8</sup> The picture was also featured on the cover of FMR’s issue on the Syria crisis.<sup>9</sup>

But unlike others who were seeking refuge outside Syria at that time, Palestinians attempting to escape to Lebanon, Jordan and Turkey had been pushed back since 2012. This experience of being pushed back to Syria is difficult for others to comprehend, including Mette, despite her being actively involved in documenting these pushbacks. As Khadija explained:

*“There is no substitute for experience. No matter how many stories Mette would record, write down and translate or how many times she would listen to the story of al-nakba, the ongoing nakba or the siege of Yarmouk, she would never really understand and those who would read [about it] wouldn’t either.”*

### ‘Speaking back’: creating space to explore complex stories

Central to the oral *herstory* project was what Mette coined ‘speaking back’ sessions. At the outset, the participants contributed to designing the research before their stories were recorded. The ‘speaking back’ sessions then allowed them to more fully explain their experiences, as they would listen to their own recordings and make comments or correct any misunderstandings. During these sessions, the women were also provided with written translations to confirm whether the written accounts were true to what they had said and meant.

According to Khadija, this allowed the participants to “show ourselves as dynamic, developing people affected by our complicated lives and circumstances”. One of the examples relates to the difficulties of sustaining and evolving family relationships during conflict. As an anti-regime activist, Khadija initially cut ties with her father, who had stayed in Syria and was allegedly supporting the Assad regime. But over the years her experience was that asylum authorities, NGO workers and activist researchers failed to understand that, despite her father’s political viewpoints (whether genuine or feigned), their relationship also had room for love and for making peace. She believes that the representation of her experiences in humanitarian reporting also contributed to reducing her human complexity:

*“To me, there was something that went wrong there. Our words are frozen in time because at one point speaking back had to end and words had to be printed in reports, articles and dissertations. But I need space to be allowed complexity and I don’t feel UN reports or academic research [...] show this.”*

‘Speaking back’ enabled participants to bring nuance to seemingly conflicting thoughts and feelings. Like Khadija, Amouna also had conflicting feelings about how she and her heritage was remembered – in this case, concerning her birthplace, Yarmouk. Of course, Yarmouk is also a place that carries fond memories. Listening to her own recordings, Amouna recognised that nostalgic yearning towards the place she used to call home can be misinterpreted. She connected this to UNRWA’s plans

to reopen Yarmouk, led by the Syrian regime and its stakeholders:

*“How can we make a new temporary home in the rubble of Yarmouk, when we know all the evil things that happened there? [...] Whoever thinks they can recreate Yarmouk is a fool and just wants us back in a lockdown where they can control us in camps.”*

Amouna’s words resonate with what activists and researchers have been calling for: ‘camp abolition’. She emphasises the tendency of UN agencies, international NGOs (INGOs) and State authorities to reproduce camps as the only place where stateless Palestinians could live, and urges forced migration researchers, practitioners and policymakers to keep camp abolitionism on the agenda. A nostalgia for past homes should not be used to romanticise encampment.

### Involving research participants

Alongside the ‘speaking back’ approach, the research participants were involved in the research in other ways. For instance, Mette and the participants had a shared understanding of how the techniques used during the recording, translation and analyses worked. Large parts of the analysis were jointly conducted with the participating women. Most participants highly valued learning more about how data is encrypted, translated and anonymised, and how software tools are used to organise themes. All research participants were given their own notebooks, to write down notes they might want to come back to later or to keep for themselves. Participants who found it difficult to write could record their personal notes digitally; an option that necessarily involves ensuring that participants know how to keep this data safe, for instance via encryption and anonymising names, places, age and gender.

### Participation as integral to rights struggles

People are often led to believe that participating in research can lead to a change in their circumstances. And while recording oral histories and sharing experiences might have therapeutic effects, most often the destinies of the Palestinian women of Syria remain unchanged or in some cases worsened

by humanitarian research. The possibility that knowledge production alone – for humanitarian planning or academic research – can fundamentally effect change is limited. But continuing to seek out creative ways for research to be conducted, authored, discussed in meetings or workshops, and published can ensure greater dignity for marginalised communities and can be integral to how rights struggles evolve and progress.

In this project, ‘speaking back’ and other participatory approaches did influence the research outcomes and helped to reveal important nuances and complexities that would otherwise have been missed. Yet it did not change power asymmetries between the researcher and those being researched, particularly due to the need for many of the participants to be anonymised due to their circumstances, and the lack of institutional recognition of their contribution. Most importantly, it showed that while Palestinian women of Syria are actively involved in rights struggles, regrettably their efforts are seldomly taken seriously by policymakers or highlighted in research or practice.

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1. For example, Dance J, Lory and Johnson L (2019) ‘Ideal Dialogues with Immigrants of Color in Sweden and The United States: A Participatory-Ethnographic Approach’, *Journal of Ethnographic & Qualitative Research*, 13, pp. 169–186.
2. Khadija and Amouna are pseudonyms for the authors.
3. The term *herstory* emphasises that it is a person who identifies as *her* who is the her-storyteller (*hakya*). The recorded stories contain narratives about her, her life and other women. This includes male, State, children’s and organisational stories.
4. Stendevad M E L (2022) *Palestinian Women of Syria Speaking Back. Portraying Stateless Female Diaspora*, Doctoral dissertation, The University of Leicester
5. Erakat N (2014) ‘Palestinian refugees and the Syrian uprising: Filling the protection gap during secondary forced displacement’, *International Journal of Refugee Law*, doi 10.1093/ijrl/eeu047
6. *Al-nakba* is the Arabic word used to refer to the historical event of the Palestinian people’s eviction from Palestine and the war from 1947–1949. It translates as ‘the catastrophe’.
7. [bit.ly/unrwa-yarmouk](http://bit.ly/unrwa-yarmouk)
8. Al-Khatib A (2021) *Little Palestine (Diary of a Siege)*, Films de Force Majeure, Bidayyat for Audiovisual Arts, Doha Film Institute [bit.ly/little-palestine](http://bit.ly/little-palestine)
9. [www.fmrreview.org/syria](http://www.fmrreview.org/syria)

# Refugee mobilisation to support refugee rights in Jordan, Lebanon and Turkey

Watfa Najdi, Mustafa Hoshmand, Farah Al Hamouri and Oroub El Abed

**Refugee-led initiatives supporting refugee communities in the Middle East have developed in different ways in response to an often restrictive policy environment. The international humanitarian and research communities should acknowledge the capacity of these initiatives and find ways to listen to, learn from and collaborate with them more effectively.**

The literature on community mobilisation has been expanding in recent years, with a particular focus on refugee communities. This reflects the ‘localisation of aid’ agenda promoted at the 2016 UN World Humanitarian Summit (WHS), and the UN’s growing recognition of the role played by local actors and refugee leaders. It also links in with the ‘Grand Bargain’ (launched at the WHS) which aims to enhance the effectiveness of the humanitarian response by strengthening local humanitarian actors’ capacities and providing them with greater access to funding and information. Likewise, the 2018 Global Compact on Refugees placed an emphasis on enhancing refugee self-reliance and recognising the value of refugee participation in decision-making.

The paradigm shift in humanitarian funding towards more inclusive and development-focused approaches prompted humanitarian actors and private donors to fund refugee-led organisations (RLOs), encouraging them to become self-reliant. However, there has been limited research on the experiences of RLOs in the Middle East<sup>1</sup> and the strategies they employ to claim their rights and challenge power asymmetries in host countries and within the international humanitarian system.

To explore this issue, we looked at refugee mobilisation within local, national and international ecosystems, focusing on the diverse policy environments of the Middle East. This allowed us to better understand the structures that refugees have created and the role they have been able to play. Through 18 months of desk research, mapping, field research, interviews, focus groups and comparative analysis in Jordan, Lebanon and Turkey, we identified

a total of 336<sup>2</sup> refugee-led responses of various patterns and types, including a limited number of registered RLOs in addition to a much wider range and greater number of less visible and typically smaller RLOs.

The findings of our research informed the development of the following definition of an RLO relevant to the context of the Middle East:

*An RLO is an organised, formal or informal response initiated, led or managed by a forcibly displaced person(s) to provide the community with humanitarian, socioeconomic, cultural and/or protection services.*<sup>3</sup>

## **RLOs in the Middle East: present and active despite restrictive policies**

The three countries included in this study have different policies towards refugees – policies that have been developed in response to changing power dynamics, international relations and shifting interests.

In Jordan, non-Jordanians are denied the right to form civil society entities; even if just one of the members of such an entity is non-Jordanian, the organisation must have special prime ministerial consent which is extremely difficult to obtain. Refugees in Jordan are considered as ‘asylum seekers’ (Jordan is not a signatory of the 1951 Refugee Convention) and therefore refugees are denied the right to organise as non-Jordanians.

In Lebanon, policies affecting different refugee groups are constantly changing. Foreign organisations<sup>4</sup> follow a registration process established by special decree issued by the Council of Ministers. An RLO follows the same registration procedure as a local NGO. However, it is important to note that Syrians, Palestinians and other refugees are



not allowed to create organisations and therefore have to partner with Lebanese nationals to help, protect and represent their organisation publicly before the State.

Turkish law does not draw a distinction between foreigners and Turkish citizens with regard to forming an NGO in Turkey – but there are a number of conditions that must be met in order to create a legal association or NGO in Turkey. Most importantly, the organisation must have at least seven founding members who are either Turkish or foreigners who have legal status in Turkey.

Given the restrictive regulations of host countries and the requirements of donors, the majority of RLOs are not registered, have not been able to secure external funding, and have very limited visibility beyond the communities they serve. The establishment of RLOs and the patterns of the action they undertake are determined by several factors:

- the ambiguous or restrictive policies of the host country in relation to refugee status
- the prevailing policy environment relating to registering organisations
- the level of refugees' awareness about navigating domestic laws and policies
- the social and financial capital as well as networks that refugees possess or have access to
- the support that refugees receive from international humanitarian organisations.

### **RLOs in action: shapes, sizes and patterns**

This regulatory and policy environment has resulted in significant diversity in the forms that an RLO may take. We have grouped the various manifestations of RLOs in several layers. These layers reflect how RLO action takes shape in particular ways in response to the needs of the community, the concentration or dispersal of community members (either dispersed in large urban areas or concentrated in semi-urban or rural contexts), the availability of funding, legal status, community mobilisation structures, and access to local and international networks (that is, the ability

to liaise with established humanitarian aid organisations to coordinate services).

**Layer 1 – Transnational Organisations:** These are RLOs which have the capacity to work across borders by mobilising transnational networks that include refugee communities in exile. In this way, RLOs are able to widen their scope of services, increase the size of the communities they can reach, and diversify their networks with international donors. We identified five such organisations in Turkey, six in Jordan and 12 in Lebanon.

**Layer 2 – Institutionalised Community Mobilisation:** In this category we find RLOs that have managed to register as an organisation or a for-profit company (social enterprise) or an association, thereby institutionalising their community mobilisation. This helps them attract external funding and broaden the community they serve. Our research identified five registered organisations in Turkey, 36 in Lebanon and 80 in Jordan.

**Layer 3 - Localised Community Mobilisation:** This occurs when members from a refugee community are brought together by a leader or several leaders who mobilise the community through networking. Such entities are then able to have a wider outreach to refugees by securing funds and support for the community from local actors. Of these, we counted 56 in Jordan, 57 in Lebanon and 58 in Turkey.

**Layer 4 – Philanthropic Individual Initiative:** These initiatives represent action by a single person or a small group of people from the community who have identified a particular need and have organised themselves to respond. Such initiatives are often led by influential refugees with access to money and networks. We identified three such initiatives in Jordan, five in Lebanon and 13 in Turkey.

### **RLO strategies: social capital and networks to fill the gap**

A defining feature of an RLO is the role of refugees in the organisation's leadership and decision-making process. As such, the legal status of refugees themselves mattered



Graffiti in the streets of Nahr el-Bared Camp in Lebanon of a young boy waving the flag of Palestine in front of the Dome of the Rock. (Credit: Watfa Najdi)

significantly in determining their ability to institutionalise and scale up their organisation – an important step in enhancing the organisation’s visibility and scope of work.

Regardless of the scale of activity, we found that all RLOs were created to fill protection and assistance gaps left by international humanitarian actors and resulting from host State policies in providing access to basic rights and services. We found that RLOs demonstrate agency through their activities in the areas of social protection and service provision, while also providing a space to maintain or recreate their homeland in exile.

RLOs were found to have had significant positive impact in their areas of activity across all 11 locations of our research. The significant impact of RLOs, whether they are small and relatively invisible or big and registered, is found to derive primarily from the strength of established relations between the members of the RLO on the one hand and members of the host community on the other. More successful RLOs have also established sustained relations

with host State officials and members of international organisations and donors. The impact of RLOs was measured through the numbers they serve, the programmes they deliver, the staff they recruit and the target objectives they meet.

Moreover, although limited in number in the Middle East, RLOs that are connected to transnational networks have had more visible impact due to their capacity to work across multiple contexts, their access to institutional actors, and their ability to receive external funding. They have also been able to communicate the effectiveness of their programmes in terms of targeted goals, planned milestones, achieved results and people reached. Their work has to serve the needs of their community while complying with donor conditionality. Meanwhile, the impact of non-registered RLOs was found to be limited to members of their immediate community and more reliant on the social networks they have established among members of the communities they serve. This impact, although non-quantifiable, was identified as

being significant and important for refugees as it helped sustain a supporting community, which in turn facilitated social protection and other forms of support.

Although it is important to recognise the impact of larger, more visible RLOs and the significant contributions they make, it is equally important not to overlook the work and role of smaller, often unregistered RLOs.

### RLOs as equal partners and decision-makers

Understanding the work and impact of RLOs in the Middle East requires a deep understanding of the diverse realities of local and national refugee governance in this region, where national, regional, international and transnational actors contribute to shaping the refugee policies of each country and where the State “continue[s] traditional statist styles of governance in terms of bureaucratic rule making” and exercises power over refugees.<sup>5</sup> This consequently shapes the scale of RLOs as well as their plan of work, their access to funding, and their ‘impact’.

Through this work, we sought to highlight the important role of the localised humanitarian support led by refugees, regardless of the size and registration status of their organisations. Our findings highlight the agency of refugee communities, and their ability to evaluate choices, make decisions and take action, despite a restrictive policy environment. These findings provide important evidence for policymakers, funders and practitioners to guide their engagement with various types of RLOs in the region, mindful of the diverse structures, strategies and levels of formality represented by different refugee-led responses.

More specifically, and in light of Grand Bargain commitments and the principles of the Global Compact on Refugees, donors should develop more flexible and permissive policies towards funding for RLOs, ensuring that support for RLOs is not exclusively accessible to the limited number of prominent RLOs in the region.

In response to commitments by humanitarian NGOs to localise action and transfer power to actors closest to communities in need of humanitarian assistance, humanitarian

organisations should develop innovative mechanisms to listen to, learn from and collaborate with RLOs. For this to happen, humanitarian organisations need to recognise and value the agency, knowledge, expertise and perspectives of RLOs and work to dismantle power imbalances that can hinder effective collaboration. They need to view RLOs as equal and valued partners within the community of humanitarian actors and ensure that they have equal participation in the decision-making process.

This also applies to researchers. Given the substantive benefits of participatory research led by researchers closest to the phenomenon of forced migration, researchers should involve refugees as full members of the research team from the design stage of research. They should also recognise the important contribution that RLOs can make to research, especially by identifying research needs, understanding local conditions, and navigating complex research environments.

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1. We prefer the term ‘West Asia’ rather than ‘Middle East’ as it is more accurate and geographically precise. The latter is a Eurocentric and arbitrary label that perpetuates colonial perceptions of the region and fails to acknowledge the geographical distinctions and the unique cultural identities within it. However, to be consistent with the title of this special feature, we have used ‘Middle East’ in our article.

2. This is not a comprehensive figure for all such initiatives that may exist in these countries but represents those covered in our research; however, we feel the breakdown of numbers of different types of responses reflects the relative numbers of such initiatives.

3. El Abed O, Nadjji W, Hoshmand M and Al Hamouri F (2023) ‘Refugee Communities Mobilising in the Middle East’, LERRN [bit.ly/rlos-mobilising](https://bit.ly/rlos-mobilising)

4. The association is considered foreign if its founder or director is not Lebanese, if it is based outside Lebanon, or if more than a quarter of the members of its general assembly are foreigners.

5. Mencütek Z Ş (2020) *Refugee Governance, State and Politics in the Middle East*, Routledge

## Addressing statelessness in the MENA region: a new network for mobilisation

Zahra Albarazi and Thomas McGee

**A new regional network on statelessness in the Middle East and North Africa region is raising awareness and providing a platform for mobilisation.**

Statelessness has been an issue across the Middle East and North Africa (MENA) region since the very origins of its modern nation-state system. According to UNHCR statistics, there are thousands of individuals across the MENA region who live without a nationality – and millions more if one includes the Palestinians recorded under a separate system.<sup>1</sup> Whole families and communities can be affected by statelessness, and statelessness can be inherited across multiple generations, causing severe violations of fundamental rights.

As co-coordinators of the relatively recently formed MENA Statelessness Network,<sup>2</sup> we reflect on how the varied positions and experiences of those working on the issue of statelessness throughout the region have been represented. Moreover, we consider a challenge we regularly face: (how) can a regional network support bottom-up interventions led by stateless persons and their allies at local or national levels?

### The next step in engagement

Known for short as ‘Hawiati’, which means ‘my identity’ or ‘my ID’ in Arabic, the network was formally established in mid-2020. While the formalisation of the network marked a key milestone, it was certainly not the start of work on the issue of statelessness in the region but rather the culmination of years of informal and ad hoc engagement. Indeed, the Lebanese NGO Ruwad Al Houkouk (Frontiers Rights) has been committed to providing legal assistance to stateless people since the early 2000s. However, actors in the MENA region had struggled to form an effective regional network. This was partly due to the impact of the divisive politics practised by authoritarian States, and the fact that many statelessness advocates (particularly those from the Gulf) have to operate from distant locations in diaspora communities.

Hawiati aims to expand solidarity towards and among those affected by, and engaged in, work on statelessness.<sup>3</sup> Drawing on the experiences of our emerging network and its various collaborations over the last few years, we highlight a number of lessons learned when seeking to facilitate local mobilisation of communities affected by statelessness. We also present some of the exciting developments in the collective pursuit of the rights of stateless individuals, primarily driven by members of communities who are themselves affected by statelessness.

### Active, local projects

Stateless activists, alongside their allies, have designed new generations of projects to place stateless people at the centre of programmatic responses to the issue. Traditionally, stateless people had been considered as mere recipients of programming but they are now being seen as active participants in finding solutions. In Libya, Tuareg people excluded from citizenship formed the No to Discrimination and Tuareg Tribes movements, which have both been campaigning on the ground for inclusion through legal reform. “We need to raise our voices to the world, and be heard by international organisations,” says Jafr Othman Al-Ansari, a representative of the latter group. Meanwhile, the pilot project Maktoum Aid devised by stateless mobiliser Sami Haddad in northern Lebanon brings together a cohort of those struggling to access citizenship by navigating the country’s complex court system. The innovation of this initiative lies in its focus on the peer support and learning shared by those directly affected by statelessness. Sami sums up this approach: “It is our struggle after all, since we are the ones born without citizenship. We must own the cause and find the practical solutions.”

Meanwhile, in Kuwait a number of Bidoon raised the public profile of the statelessness issue affecting them and their community by volunteering within the early phase of the COVID-19 vaccination response.

While the global pandemic placed unexpected and unprecedented challenges on the work on statelessness in the region, it also led to some more creative thinking on future programming modalities. Although there were significant challenges for us as a regional network founded in the midst of restricted international travel and national lockdowns, this situation also served to heighten our awareness of the pre-existing barriers to participation that are often closely linked with the very nature of statelessness. Stateless change-maker Lynn Al Khatib makes this point eloquently, highlighting how the lack of travel documents and visas restricts mobility and associated opportunities for participation for stateless individuals.<sup>4</sup>

In some ways, being obliged to operate solely online was helpful. Stateless activists and academics from the region engaged in critical reflection on engagement and mobilisation opportunities through the expanded digital space created by the pandemic.<sup>5</sup> For example, we were pleased to be able to co-host an online workshop – our first large-scale activity – with a partner from each of the MENA region’s three sub-regions: the Gulf, Levant and North Africa. “It was the first time I had heard that statelessness is a problem outside my own country,” one participant commented. We hope, therefore, that such regional approaches may continue to unleash the potential for new collaborations, solidarity and inspiration beyond national silos.

### Managing expectations

We are acutely aware of the limitations we face. In a region where statelessness is not recognised as a protected legal status, and there is no formal mechanism to recognise somebody as stateless,<sup>6</sup> there are often few or no effective referrals that we are able to make in order to help stateless individuals. Advocacy and solidarity may, in many cases, be the only tools available to us. We therefore believe it is essential to manage expectations clearly.

We cannot solve statelessness issues through simple signposting. We are under no illusions about the frustrations and disappointment that this may cause to those (sometimes desperately) seeking to resolve their statelessness. Instead, for the moment at least, we seek to continue to build awareness of the gravity of living as a stateless person, to advocate with national authorities for change, and to fortify and consolidate disparate actions across the region. Most of all, we look to see how we can support grassroots efforts initiated by the stateless themselves. Initial ideas for such practical projects have been generated through the very process of building shared solidarity across different affected communities. As one of our workshop participants put it: “We have only just begun. We need to work a lot more on networking among actors relevant to statelessness work across the region. And we need to do so with urgency.”

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1. While UNHCR has a mandate to identify and protect stateless people, and to prevent and reduce statelessness globally, most Palestinians in the Middle East fall under the responsibility of UNRWA.

2. [www.hawiati-mena.org](http://www.hawiati-mena.org)

3. Albarazi Z and McGee T (2021) ‘Introducing “Hawiati”: A network for stateless solidarity in the Middle East and North Africa (MENA)’, European Network on Statelessness [bit.ly/intro-hawiati](https://bit.ly/intro-hawiati)

4. Al Khatib L (2022) ‘“Please don’t buy me a plane ticket to present at your event, I don’t have a passport” – the birth of ENS’s community speaker policy’ [bit.ly/ENS-policy](https://bit.ly/ENS-policy)

5. Poladoghly J (2022) ‘When the Subaltern Speaks Online: Stateless Advocacy through the Post-Pandemic Digital Space’, Critical Statelessness Studies [bit.ly/stateless-advocacy](https://bit.ly/stateless-advocacy)

6. Although UNHCR advocates for the establishment of a national Statelessness Determination Procedure, no such mechanism exists in any MENA States: UNHCR (2020) *Establishing Statelessness Determination Procedures for the Protection of Stateless Persons*, Good Practice Papers, Action 6 [bit.ly/determination-procedures](https://bit.ly/determination-procedures)

## Freedom of movement activism in the Sahara

Moctar Dan Yaye and Maurice Stierl

**Activists in the Sahara have mobilised to protect the rights of migrants to mobility and safety during their journeys to North Africa but they face significant challenges in a hostile political environment.**

As the largest hot desert in the world, the Sahara is close in size to China or the US. Historically divided into countries through borders drawn by colonial powers, today the region faces the effects of Europe's externalisation of its borders.<sup>1</sup> Niger is one of the eleven countries touched by the Sahara. The region is host to diverse communities, despite people often conceiving of the desert as a vast and empty space. The Sahara also experiences interrelated (geo-)political conflicts over territory, resources and mobility.

Although Niger is not part of the Middle East and North Africa region, it plays an important role in the context of migration. Niger hosts many people on the move, including those in transit, people pushed back from North Africa, or those migrating along trade routes as part of the regional economy.

In places such as Niger, the externalisation of Europe's borders has had particularly devastating consequences. Both politically pressured and financially incentivised by the EU, Niger passed a law<sup>2</sup> (law 0-36) in May 2015 on the 'illegal trafficking of migrants', thereby criminalising what had previously been a legal and regular occupation: the northbound transport of people on the move. The effect of this type of work moving 'underground' was an increase in inexperienced drivers, longer and more dangerous routes, and increased fatalities.

In response to the deaths along desert routes, activists in Niger and several other African countries launched *Alarme Phone Sahara*. Since 2017, this project "with the aim to defend the lives and the freedom of movement of migrants and refugees against repressive and often deadly migration policies"<sup>3</sup> has run awareness campaigns about the conditions and risks of the journey, documented accidents, violence and deaths on migratory routes, and assisted people in distress in the desert.

Moctar Dan Yaye, who lives in Niamey, Niger, is an activist of *Alarme Phone Sahara*. In the following interview he highlights how EU policies seeking to restrict migration movements have prompted activism in response and how, despite adverse political conditions, *Alarme Phone Sahara* has evolved into a trans-border infrastructure of solidarity.

### Why do people on the move die in the Sahara?

In the desert, almost all deaths occur from dehydration – when cars break down, when people lose their way while trying to avoid detection, or when people are abandoned. In the past, before this criminalisation of transport, people used to travel to Libya or Algeria in a convoy of cars. If one car broke down, others would assist. If someone was in distress, others passing by would help them. Since the criminalisation, there are no more convoys and everyone has to find their own route. Also, the type of driver has changed. Unlike the old drivers, the new ones are not known to the local population and they do not know the desert well enough, which puts lives at risks.

### How did *Alarme Phone Sahara* come about?

*Alarme Phone Sahara* started in 2017, following the so-called 'migration crisis' of 2015 in Europe. We realised that public attention was focused on the Mediterranean Sea and other EU border regions. We decided to draw attention to the situation here to show what people on the move were experiencing before reaching the Mediterranean. We wanted to expose human rights violations.

Our motto is: free to go, free to stay. We ourselves are not facilitating movements. We just want to stop human beings dying. Our headquarters is in Agadez, Niger – one of the main gateways of northbound migration – but we are

also present in many other African countries, such as Mali, Togo, Burkina Faso and Morocco. We also have members in Europe and consider ourselves to be a transnational project between Africa and Europe.

We see Alarme Phone Sahara as the sister project of Alarm Phone, the activist hotline operating in the Mediterranean, which inspired us. We decided to build a similar structure for the desert, and circulate a phone number that could be called by people in distress. However, we realised that creating a phone line here was not enough, due to limited network coverage in the desert.

**In some regions of the Mediterranean people use satellite phones because of such limited network coverage. Do people crossing the Sahara carry satellite phones?**

People on the move rarely have satellite phones. It is dangerous to carry them as you could be seen by the police or military as belonging to a crime network. We therefore had to think about alternative ways to learn about distress situations.

We decided to build a network of volunteers who live in villages around the routes of migration to Libya or Algeria and who know these regions well. We call these people ‘whistle-blowers’ as they raise the alarm when migrants are in distress. They know where to find phone network coverage and water or how to assist people in need, for example by fixing broken cars. Finding whistle-blowers was not easy, however. We had to build confidence among the population. Over time, these locals realised that what we were trying to do was also in their own interest. We see this as a common fight.

The criminalisation of migration has affected the whole economy of the region. Many people were involved in migration-related activities, which used to be legal and normal. People in the villages do not want anyone to die in the desert but they are scared of the consequences of engaging with migrants. They fear criminalisation. So, together, we tried to come up with ideas of what to do. We also held meetings with former drivers who used to transport people (legally) in order to get their advice and share our information with them.

If our whistle-blowers hear about abandoned migrants, they cannot transport them as they might be considered smugglers or traffickers if caught by the police. What they can do, however, is to orientate the migrants and tell them how far it is to reach Libya or the next village.

Combined with this network of whistle-blowers, our hotline works well. Sometimes when we inform authorities about distress cases, they allow us or our whistle-blowers to evacuate the migrants to the nearest villages. We also get calls from different cities in Niger from people asking about the risks of the journey, or we receive calls from abroad from people in the diaspora who are searching for someone.

**Some international organisations claim that more people die in the Sahara than in the Mediterranean. Do you have an estimate of how many people die in the desert while migrating?**

Nobody can tell how many dead bodies lie hidden in the desert. As Alarme Phone Sahara, we never give estimates on the number of people dying in the desert. Organisations that claim to know might do so because they use numbers to justify their work or to get funds. In the political realm, numbers give importance to an issue, but for us it is not about numbers but humans. We are human rights defenders. What we do is to draw attention to the fact that deaths are happening in the desert, and to the criminalisation and repression of human rights defenders involved in rescue.

**What do you regard as your biggest successes and main obstacles?**

We have succeeded in drawing international attention to what goes on in the Sahara – that is, before people reach the Mediterranean and Europe. For us, this is a real achievement. We have also been on several tours in Europe to speak to a range of audiences about the situation here. In addition, we have managed to document what nobody else had documented before: the pushbacks of migrants from Algeria. Now more people have a sense of the scale of pushbacks occurring along the Algeria–Niger border.

The biggest challenge we face is the 0-36 law and the lack of legal protection. We work in a situation where we could be criminalised at any moment, if considered to be helping 'irregular migration' or accused of human trafficking. And that scares us. Another big challenge is the security issue. The desert is a dangerous place due to militarisation and increased insecurity. We go out there at our own risk in order to defend the right of mobility for everyone.

**Do you ever feel at risk in your activism?  
Do European activists fail to understand what it means to do activism in the Sahara?**

When you do activism like this, in a country like ours, the feelings of danger and fear are permanent. The biggest issue is that if something happens to you, you do not know who to turn to. They can throw you in jail or even worse. In terms of controlling migration, both local authorities and international forces collude. In 2021, I was physically assaulted by men in uniform without knowing their exact reason for doing so. Was it because of my activism or just for being in the wrong place at the wrong time?

I would not say that European activists completely fail to understand the context here. We are in contact with many international networks and inform them about the environment

in which we work. Still, I do not think they fully understand the situation and the conditions in which we engage. We are all activists but we are not in the same situation. They have privileges that others do not have, so they need to remember this and place it in the centre of our collaborations.

Some activists can move freely. Some are protected by the law. Others are not.

Another issue is finances. To be an activist here closes many doors, even in your paid work, which is not the same in the Global North. Here you often cannot do activism openly. I would remind other activists and comrades from the Global North to always remember this, and to always engage in sharing knowledge about the contexts and realities of activists in the Global South.

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1. See [www.fmreview.org/externalisation](http://www.fmreview.org/externalisation) for further discussion on externalisation.
2. République du Niger (2015) 'Loi N° 2015-36 du 26 mai 2015 relative au trafic illicite de migrants' [www.refworld.org/docid/60a505e24.html](http://www.refworld.org/docid/60a505e24.html)
3. <https://alarmephonesahara.info/en/>



Alarme Phone Sahara office, Agadez, Niger. (Credit: Laura Lambert)



## Mobilisation: a mode of survival for overlooked minority refugees

Dina Baslan

**Minority refugees and their supporters in Jordan have tried to address the unmet needs of their marginalised communities through daily acts of resistance and informal network-building efforts.**

The struggle of Jordan's minority refugees has been overlooked for more than a decade. Jordan's national refugee plan,<sup>1</sup> designed to respond to the Syrian crisis and its impact on Jordanians, has minoritised a community of up to 80,000 people. In learning to survive at the margins of society, many turn to their community for solutions to shared daily struggles.

Between 2015 and 2022, I worked with others to help the minority refugee community in Amman to bolster their voices through volunteerism, activism, research and advocacy work. Through the coordination of Sawiyan for Community Development (*sawiyan* is an Arabic word meaning 'together'), a grassroots organisation I co-founded in 2018, I became part of a community of givers to whom I am indebted for a journey in collective learning and action.

### Minority refugees in Jordan

When large numbers of Syrians crossed Jordan's northern borders in 2011-12 following the outbreak of the conflict, international aid flooded in to scale up UNHCR's response in the country. The highly publicised humanitarian operation attracted the attention of individuals searching for pathways to access international protection, from countries such as Eritrea, Somalia, Sudan and Yemen. More than ten years later, with unemployment rising and humanitarian funds dwindling, the Jordanian government has been reluctant to implement policies that might usher in an increase in the country's urban refugee population.

Even if registered by UNHCR, foreigners from countries other than Syria who remain in Jordan beyond their visa's expiration are not issued governmental IDs to regularise their stay. Sponsorship by a Jordanian national or a residency permit connected to a work contract

would regularise their status but is rarely attainable. Nonetheless, the security apparatus has tended to turn a blind eye to the irregular presence of tens of thousands, if they remain 'law-abiding'.

### From protests to grassroots volunteer mobilisations

The government's capacity for tolerance was put to the test in November 2015 when hundreds of Sudanese refugees staged an open-ended protest, erecting tents in front of UNHCR's premises in Amman. The protesters held up placards and flags of major resettlement countries such as the US, Canada and Germany, trying to make themselves visible to the international community. They protested against the inadequate assistance and lack of protection and resettlement opportunities available to them compared with those offered to Syrian asylum seekers, and condemned the discrimination and racism they faced. The timing of the protest coincided with home eviction notices issued to some by their landlords for failing to pay rent. Securing shelter is a major struggle for refugees, pushing many to resort to negative coping strategies.<sup>2</sup>

What the protesters and their supporters did not sufficiently take into account was how risky mobilising can be in a country where civic space is severely constrained, despite warnings from UNHCR. Nor did it help that when the clash between the protesters and the police took place, just a few weeks prior to the Christmas holidays, many diplomats were out of the country. On 16th December the police arrived at 4am, handcuffing protesters and transporting them to the airport where up to 800 were deported to Sudan shortly thereafter.

A marginalised community's effort to mobilise not only had failed but eventually

led to a shared sense of loss and defeat. In the aftermath of the deportations, people who stood in solidarity with the community were prompted to act, moving beyond their existing social circles to create alternative networks. The purpose of such grassroots networks is for people to find a way to mobilise outside of the modernising of economic and cultural systems, such as State or UN systems, instead seeking alternative and more familiar or informal institutions or relations.<sup>3</sup>

Individual volunteers raised funds, carried out doorstep distributions, organised psychosocial activities in public spaces and, most importantly, forged bonds with those Sudanese asylum seekers and refugees who had been separated from family members by the deportations. In this way, the volunteers – including Jordanians, Sudanese protesters who had avoided deportation, and others – learned first-hand about the everyday experiences and demographics of the Sudanese refugee community in Amman. In return, they started to become known by the community as ‘the volunteer team’.

### Building partnerships

The volunteer team built a database to help identify the most urgent needs, which then informed the kinds of partnerships needed. New local and transnational partnerships were forged to address both the exclusion of minority refugees from mainstream humanitarian planning and the emerging needs of the community. For example, a partnership was established with a registered team of American lawyers to seek resettlement opportunities as a means of reunifying families separated by the deportations. Two years later, most separated families were reunited. The volunteers also helped expand another organisation’s food coupon programme to include the Sudanese community by filling out forms during home visits about families’ nutritional intake.

In mid-2018, a team of researchers in our network independently published a rights-focused assessment that exposed the exclusion of Sudanese and Yemeni refugees from national and humanitarian organisations’ programmes.<sup>4</sup> The report proved instrumental in highlighting the community’s concerns,

conditions and lived experiences. Around the time that the research for this assessment started, my co-founder Aaron Williams and I registered Sawiyan as a local organisation in order to gain a place at the table with international NGOs (INGOs). Our aim was to influence policy and to highlight the perceived discrimination experienced by community members and its impact on their lives.

Meanwhile, our decision to register was contested by some members of the volunteer team who had conflicting opinions about ‘NGO-isation’ and the way it would affect our relationship with the community. It had taken the volunteer team two years to build relations of trust with a community that had grown wary and suspicious of organisations’ failed promises and agendas. While the formalisation was inspired by the volunteer effort, it was independent of it. Sawiyan was a new, different chapter in our journey of mobilisation. The fears of the volunteer members were not entirely unfounded, however. Indeed, shortly after registering, when we had yet to develop our short- or long-term strategy, we found our capacities over-stretched in trying to respond to the (at times conflicting) needs of different parties: the community, partner organisations, researchers, donors and the government. We navigated these murky waters cautiously by trying to communicate transparently about our motives, goals and beliefs. We also had to ensure that new volunteers understood that Sawiyan’s registration as a non-profit corporation forbade us from engaging in informal transfer of funds or goods, or distribution of humanitarian assistance. Any fundraising or distributions efforts to third parties had to be carried out independently from the NGO.<sup>5</sup>

Soon after formalising Sawiyan, we opened an office space where we welcomed visits from potential collaborators and community members. We were not prepared for the acute need that was expressed for such a safe and welcoming space for communities of African origin in Amman. At one point, women migrant workers from Africa approached us for protection and support to escape the exploitation they suffered under the *kafala* system.<sup>6</sup> We listened and tried to learn about their lived experiences and challenges, including ways



Hassan Abdullahi from Somalia (on right) and Mubarak Adam Ricky from Sudan (on left), co-founders of the English programme, give a class at a local CBO in Amman. (Credit: UNHCR/Lilly Carlisle)

in which they intersected with those of the African refugee community, and made referrals to partner organisations that provided legal and shelter assistance.

My co-founder and I aspired to keep the organisation small, to avoid bureaucracy and to prioritise hiring community leaders. However, work permits are only permissible to Syrian refugees within closed markets that exclude NGO work, making it impossible for us to hire community members officially and pay them fair wages. Instead, we resorted to what many organisations do: paying refugee workers volunteer salaries with no benefits.

### **Giving back to community through refugee-led initiatives**

The opening of the office created a space for people with similar aspirations and dreams to meet. One of the many initiatives that emerged was the English language programme: a project by the community, for the community. Community leaders turned our office space into a classroom in the evenings, and students

of different ages gathered as new volunteers tried teaching – or rather facilitating – in what became an active, collaborative learning process between the teachers and the students from the community. In late 2019, the British Council trained 25 of these volunteer teachers from the Sudanese and Somali community in teaching methods. The programme slowly expanded to other neighbourhoods in Amman through collaboration with a variety of organisations (such as charities, cultural centres, INGOs and grassroots NGOs). Volunteer teachers were for the first time being treated by Jordanian institutions as facilitators of knowledge exchange and production within their own community.

The co-founders of the programme, Mubarak Adam (Ricky) from Sudan and Hassan Abdullahi from Somalia, went on to develop a racially empowering and culturally relevant curriculum for their classes with the guidance of Sawiyan board member, Shireen Keyl. They eventually built a team of volunteer teachers that is keeping the project running

voluntarily, with more than 200 students currently enrolled. When the COVID-19 pandemic hit, the programme was moved online and offered an opportunity for community bonding at a time of crisis and isolation. When asked why she volunteers her time to teach, one student-turned-teacher cited the lyrics of a song by popular Sudanese singer Hanan Elneil: “to live as a person of worth and value”.

### Refusing to give up

Policy change is never guaranteed as a result of mobilisation. Despite the long journey to seek to integrate minority refugees, in response to a government order which came into effect in January 2019, UNHCR stopped registering newly arriving ‘non-Syrian’ refugees. The NGO-isation of Sawiyan represented one mode of mobilisation and, although it was not directly criminalised, legislative frameworks and other factors continued to challenge Sawiyan’s existence, eventually leading us to de-register it and revert to working as a volunteer team. Relationships we built during a time of crisis, however, proved to be irreplaceable and long-lasting; they continue to help those stuck in a situation of limbo to hold on to the dream of a better future and to restore faith in the power of people.

Minority refugees and asylum seekers in Jordan have survived by adopting community solidarity as a way of life. Some have been

waiting for resettlement for more than 15 years. During this time, they have mobilised overtly through protests and covertly through education. Refusing to give up is one form of resistance. As long as refugees resist by choosing to live, we have no other option but to work hand-in-hand with communities, including their leaders and youth, facilitating awareness raising on topics such as self-care and mobilising support safely within the confines of the law. I am hopeful that, through centring the knowledge of community members and building on their skills, we can build stronger partnerships and develop innovative forms of humanitarian action built on deep relations of mutual understanding, trust and respect.

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1. Jordan does not have national legislature to govern refugee response and is a non-signatory State to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.
2. Baslan D, Kvittingen A, Perlmann M (2017) *Sheltering in Amman*, Mixed Migration Centre [bit.ly/sheltering-amman](http://bit.ly/sheltering-amman)
3. Asef Bayat (2013) *Life as Politics. How Ordinary People Change the Middle East*, Stanford University Press
4. Johnston R, Baslan D and Kvittingen A (2019) *Realizing the rights of refugees and asylum seekers from countries other than Syria*, Norwegian Refugee Council Jordan [bit.ly/realizing-rights](http://bit.ly/realizing-rights)
5. The Jordanian government has monitored such transactions under strict anti-terrorism laws since the early 2000s.
6. The *kafala* system allows foreign workers to gain residency through sponsorship by a Jordanian national.

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## Community-centred legal aid: strengthening protection and access to rights for refugees

Adhar Marup and Chuol Simon

**A local service provider in Cairo has been partnering with refugee-led organisations to develop a decentralised network of community-based legal services in order to better protect refugees’ rights, while also working to promote the inclusion of refugees in broader decision-making processes.**

In recent years, NGOs in the Global South have been challenging the Global North domination of humanitarian assistance and protection, and have been advocating for change, highlighting the importance of refugee inclusion and the impact of refugee-led organisations.<sup>1</sup>

St Andrew’s Refugee Service (StARS) was established in 1979 in Cairo, Egypt to provide educational services to refugees and migrants, including both children and adults. Over time it started providing additional services such as psychosocial support, community outreach,

and specialised legal services through its Refugee Legal Aid Program (RLAP). StARS is currently a refugee-led organisation.

In 2018, RLAP started training refugee legal advisors to provide legal representation and advice to refugees in refugee status determination (RSD) and registration processes.<sup>2</sup> After a successful first phase of this programme, RLAP began to consider how this model could be used to meet the ever-growing demand for legal services. Rooted in a recognition of the strength and capacity of refugees, it developed partnerships with RLOs (with whom StARS already partners on other services) to train refugee paralegals to provide community-based legal services, thereby facilitating refugees' access to protection and rights.

The paralegal programme envisaged decentralising access to free-of-charge legal services through the placement of 15 paralegals in 15 different RLOs, each located in neighbourhoods where most refugees in Egypt live. The programme's intended goal was the wide delivery of efficient and effective services within refugee communities, and particularly to reach groups who may not have access to traditional service providers, such as new arrivals with disabilities, those with protection concerns that prevent them from leaving certain areas, and those in vulnerable households impeded by travel costs.

In the programme's pilot phase, RLAP and its refugee lawyers provided extensive legal training and shadowing programmes for the refugee community paralegals to educate them in UNHCR procedures, international refugee law, protection, and the ethics applicable to refugee legal aid. The paralegals then started to provide advice and services to refugee communities by explaining refugee rights at meetings and workshops, and by providing direct legal advice to refugees in RLO offices.

These services were bolstered by the establishment of a referral pathway between RLOs and StARS to identify the most vulnerable refugees and refer them to StARS for legal and non-legal services. The paralegals also participated in activities designed to increase refugees' awareness of how to access legal services in Cairo on physical protection and on domestic legislation impacting personal

status matters, such as procedures to obtain birth, marriage or death certificates. In addition, paralegals provided information and awareness-raising sessions on local service providers, and worked to counter exploitation and fraudulent schemes that asylum seekers and refugees face in their communities.

### **Benefits and successes**

The paralegal programme had a tremendous impact since it provided essential information about services and refugee rights, and also offered these services directly to communities. Paralegals are best qualified to manage and refer the most urgent vulnerable cases to local and international service providers. The environment for accessing rights in refugee settings is complex, and StARS and partner RLOs are keen to support refugees in these contexts.

Having an established paralegals programme embedded in RLOs has consolidated referrals between RLOs and StARS, enabling a wider group of asylum seekers to have access to advice on claiming asylum in Egypt, UNHCR registration, RSD and protection. During this process, StARS learned that traditional humanitarian legal aid can be inefficient in the face of complex and often urgent refugee needs in urban settings. Having paralegals in RLOs expedited service provision and reduced the pressure on many service providers. It also addressed some of the access barriers that are embedded in traditional humanitarian aid service provision. Mobilising similar paralegal programmes could help promote refugee rights in the MENA region on a much larger scale.

With the arrival of COVID-19, most service providers partially closed their doors and shifted to working remotely. However, several RLOs with paralegals in Cairo remained open to fill the gap, responding bravely to the urgent needs of vulnerable refugees and migrants despite the RLOs' limited resources and capacity.

The paralegals provided advice, helped refugees fill out online registration forms, and flagged the most urgent registration inquiries to the appropriate service providers. During this period, paralegals identified over

a thousand of the most vulnerable refugees in need of registration with UNHCR at a time when UNHCR had suspended all registration activities, except for emergency and urgent cases. Without the work of the paralegals in these RLOs it would have been almost impossible to identify and ensure the protection of these asylum seekers and refugees. Furthermore, the collaboration with paralegals on first instance RSD rejections by UNHCR Egypt ensured that everyone had access to advice at a time of a sharp increase in rejection rates.

Paralegals in the RLOs have also worked to identify refugees in need of resettlement due to additional protection risks such as gender-based violence. The paralegals have successfully referred more than 300 cases to StARS over the past three years, which were then assessed by RLAP and referred to UNHCR (representing around 24% of RLAP's referrals to UNHCR for resettlement consideration).

Language barriers remain a huge challenge for vulnerable clients who approach traditional service providers. Sometimes clients fail to access such services or mistakes happen in interpretation, or language barriers in writing applications force asylum seekers to pay for help – using money that could be better used for meeting basic needs. Paralegals can greatly help them overcome these challenges, communicating directly with clients and even being available during holiday periods.

### Challenges encountered

Many of the challenges encountered by StARS in establishing paralegal programmes in the RLOs in Cairo were rooted in RLOs being under-resourced and underfunded, and in existing biases and preconceptions against refugees and their capacity to implement high-quality services with high standards of integrity. This was often seen through the reluctance of international NGOs (INGOs) and UN agencies to work closely with RLOs, but was also observed through the behaviour of some members of the communities themselves, who tended to assume that they would receive better services through INGOs.

StARS and its RLO partners recognised that the development of services must be

accompanied by strengthening internal systems and governance structures within RLOs as a crucial step to mitigate these challenges. The successes achieved in addressing these challenges can be attributed to the consultative and holistic approach to capacity building that StARS adopted in implementing the paralegal programme. StARS relied on a multi-pronged approach integrating the development of services with the development of strong governance and accountability systems, and with financial stability. Furthermore, StARS knew that the change of mindset required for refugees to consider services from other RLOs would take time. Based on StARS' experience, we highlight the following important points.

Firstly, StARS provided the RLOs with a case management tool to ensure that they were able to maintain client records confidentially (and avoid duplication) and could follow up properly, thereby enhancing the quality of and trust in their services.

Secondly, RLAP and RLOs conducted joint awareness sessions in the communities, capitalising on the RLOs' outreach capacities to enhance awareness of available services.

Thirdly, on an ongoing basis StARS embraces opportunities across different fora and with its partners to promote the importance of inclusion of refugees in decision-making, programme design, and implementation of the responses to refugee communities' needs. StARS has supported a number of RLOs to present their work and governance structures to INGOs and works closely with RLOs to develop services and referrals alongside other service providers. StARS has seen that RLOs are successfully able to create referrals with other international and local actors in service provision: examples which show that this model can result in concrete steps towards refugee inclusion.

### Recommendations

Refugee inclusion in legal aid services can expand access to rights for refugees who may be isolated due to their protection profiles or vulnerabilities. As paralegals live within these refugees' communities, they have a better awareness of the problems that their

communities face daily, and this allows them to respond promptly to refugees' needs. We would make the following recommendations for any refugee-led or non-governmental organisation wishing to strengthen community-based legal aid services.

Developing RLO partnerships for inclusion of refugees in decision-making and service delivery is a major step toward sustainability and effective service provision. However, this process brings challenges. We recommend establishing a basis of equal partnership and strong collaboration in order to jointly identify solutions to challenges encountered.

UNHCR should recognise the role of RLOs and their capacity to provide meaningful protection interventions by including RLOs in interagency coordination mechanisms and in protection cluster structures. This would help all actors to better understand the needs of the most vulnerable refugees and how best to respond. It would also support

UNHCR's mandate for providing international protection.

Finally, we recommend that the paralegals programme be replicated in different parts of the world since it fosters knowledge sharing, allows greater understanding of the challenges faced by refugees, and supports the goal shared by all actors of providing sustainable, high-quality, efficient services to refugees.

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## Refugees and the Arab Middle East: Protection in States Not Party to the Refugee Convention (REF-ARAB)

What does refugee protection look like in States facing extraordinary refugee influxes and who are not party to the key international legal instruments providing for the protection of the world's refugees?

REF-ARAB (2019-2023) is an interdisciplinary project led by Professor Maja Janmyr and including collaborators from the University of Glasgow, University of Warwick, the University of York and Erbil Polytechnic University. The project is funded by the Research Council of Norway and hosted by the Faculty of Law at the University of Oslo. It explores refugee protection in States of the Arab Middle East that have not ratified the 1951 Refugee Convention.

The project has three aims:

- to study the historical and political circumstances related to why so many States in this region remained non-parties to the Convention
- to explore how UNHCR executes its mandate to provide international protection to refugees in these same States
- to examine the avenues available for refugees in these countries by means of non-governmental legal aid organisations in securing legal protection on the basis of human rights instruments and other domestic legislation.

For more details, including a list of publications, please visit the project website at: [www.jus.uio.no/ikrs/english/research/projects/ref-arab/](http://www.jus.uio.no/ikrs/english/research/projects/ref-arab/)

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