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## NATO, the EU, and the Arab Refugee Crisis

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## NATO, THE EU AND THE ARAB REFUGEE CRISIS

*Shams Al Din Al Hajjaji\**

*This Article argues that the solution of relocating Syrian refugees in Egypt is a feasible solution. The Syrian refugee crisis has been a major challenge for many Western countries, who have found themselves between a rock and a hard place, faced with two options. The first option involved agreeing to host the massive waves of refugees, to honor their principles of human dignity and morality. The second involved closing their doors to them, in order to protect the quality of their lives. Many countries made their own choice: some chose the first option, while many others are still struggling to find a way to accommodate the second choice. Politicians, philosophers and business executives proposed several solutions, most of which are of proven inefficacy, like those of Trump and the EU. A third proposed solution sought to relocate Syrian refugees in a third Arab/Muslim country. This Article assesses this third solution from multiple perspectives: historical, cultural, legal, economic, and political.*

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## I. INTRODUCTION: THE DILEMMA OF REACHING A SOLUTION FOR SYRIAN REFUGEES

This Article argues that relocating Syrian refugees, who are settled in western countries, in Egypt is a feasible option. The refugees' international legal framework places several economic burdens on Western countries.<sup>1</sup> The increasing number of refugees in Western countries has paved the way for extremist far-right parties and politicians to increase their popularity.<sup>2</sup> In Germany, the AFD (Alternative for Germany) won 13% of the parliamentary elections for the first time in the last six decades.<sup>3</sup> In the UK, one major reason behind Brexit is the immigration/refugee crisis.<sup>4</sup> 52% of the British population voted to leave the EU, and thus for the first time in the seventy-year history of the EU, a member state has chosen to leave the organization.<sup>5</sup> The alternative to the current legal framework will therefore depend on the national basis of the third host country, which in this case is Egypt.

Many temporary solutions have been proposed to ease the trend of the increasing number of refugees in European Countries.<sup>6</sup>

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<sup>1</sup> See generally *For Good or Ill: The Economic Impact of Refugees*, THE ECONOMIST (Jan. 23, 2016), <https://www.economist.com/news/finance-and-economics/21688938-europes-new-arrivals-will-probably-dent-public-finances-not-wages-good-or-social-and-economic-impact-of-large-refugee-populations-on-host-developing-countries>, UNHCR (January 6, 1997), <http://www.unhcr.org/excom/standcom/3ae68d0e10/social-economic-impact-large-refugee-populations-host-developing-countries.html>.

<sup>2</sup> See Claudia Postelnicescu, *Europe's New Identity: The Refugee Crisis and the Rise of Nationalism*, 12 EUR. J. PSYCHOL. 203, 203-04 (2016).

<sup>3</sup> Jon Henley, *German Elections 2017: Angela Merkel Wins Fourth Term but AFD makes gains- as it happened*, THE GUARDIAN (Sept. 24, 2017, 4:09 PM), <https://www.theguardian.com/world/live/2017/sep/24/german-elections-2017-angela-merkel-cdu-spd-afd-live-updates>.

<sup>4</sup> George Friedman, *3 Reasons Brits Voted for Brexit*, FORBES (July 5, 2016, 7:26 AM), <https://www.forbes.com/sites/johnmauldin/2016/07/05/3-reasons-brits-voted-for-brexit/#66b712a1f9d6>.

<sup>5</sup> *Id.*

<sup>6</sup> Jessica Brandt, *The Refugee Crisis needs Concrete Solutions- here are three*, Brookings (Sept. 20, 2016), <https://www.brookings.edu/blog/order-from-chaos/2016/09/20/the-refugee-crisis-needs-concrete-solutions-here-are-three/>; see also, *8 Ways to Solve the World Refugee Crisis*, AMNESTY INTERNATIONAL,

However, among the many proposed solutions, senior public officials and business tycoons identified three solutions. The European Union (EU) proposed the first solution, which was to distribute Syrian refugees among all EU countries.<sup>7</sup> Distribution is based on the proportional percentage of refugees.<sup>8</sup> This solution failed on many levels. While many countries have honored their international commitment, many failed to do so. Poland, Hungary, and the Czech Republic refused to accept any share of refugees.<sup>9</sup> The United Kingdom held a referendum to leave the EU to be able to protect its borders.<sup>10</sup> Italy and Greece both suffer from major economic problems, and the refugees will only place a heavier burden on their economic development.<sup>11</sup> The EU faces a major challenge to identify

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<https://www.amnesty.org/en/latest/campaigns/2015/10/eight-solutions-world-refugee-crisis/> (last visited March 1, 2018).

<sup>7</sup> Nils Holtug, *A Fair Distribution of Refugees in the European Union*, 12 J GLOBAL ETHICS, 279, 282 (2016); see also, *Towards a Sustainable and Fair Common European Asylum System*, EUROPEAN COMMISSION (May 4, 2016), [http://europa.eu/rapid/press-release\\_IP-16-1620\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1620_en.htm).

<sup>8</sup> Eleni Karageorgiou, *Solidarity and Sharing in the Common European Asylum System: The Case of Syrian Refugees*, 17 EUROPEAN POL. & SOC. 196, 197 (2016).

<sup>9</sup> See Jennifer Rankin, *EU court dismisses complaints by Hungary and Slovakia over refugee quotas*, THE GUARDIAN (Sept. 6, 2017, 10:19 AM), <https://www.theguardian.com/world/2017/sep/06/eu-court-dismisses-complaints-by-hungary-and-slovakia-over-refugees>; see also Patrick Wintour, *EU takes action against eastern states for refusing to take refugees*, THE GUARDIAN (June 13, 2017, 12:31 PM), <https://www.theguardian.com/world/2017/jun/13/eu-takes-action-against-eastern-states-for-refusing-to-take-refugees>.

<sup>10</sup> Terry McGuinness, *Brexit and Borders: Migration and Asylum*, SECOND READING THE HOUSE OF COMMONS LIBRARY BLOG- UK PARLIAMENT (June 21, 2017), <https://secondreading.uk/uk/brexit-and-borders-migration-and-asylum/>; *EU Referendum: Hollande Warns of UK exit Consequences*, BBC (Mar. 3, 2016), <http://www.bbc.com/news/uk-politics-eu-referendum-35712463>; see also, Angela Dewan, *Brexit: What will Immigration Look like If Britain Leaves the EU?*, CNN (June 20, 2016), <http://edition.cnn.com/2016/06/16/europe/brexit-britain-immigration-referendum/index.html>.

<sup>11</sup> For Greek economic problems and refugees, see generally *Refugee Crisis Creating Significant Problems for Greek Economy: OECD*, REUTERS (March 10, 2016, 6:18 AM), <https://www.reuters.com/article/us-europe-migrants-greece-oecd/refugee-crisis-creating-significant-problems-for-greek-economy-oecd-idUSKCN0WC1BC>; see also, Daniel Marans, *Greece's Economy is Getting Crushed Between Austerity and the Refugee Crisis*, HUFFPOST (July 25, 2017), <https://www.huffingtonpost.com/entry/greece-refugee-crisis->

a solution,<sup>12</sup> especially with the increasing number of Syrian refugees.<sup>13</sup>

Moreover, there are some ongoing negotiations by the EU with some Middle Eastern countries, to control the latter's borders.<sup>14</sup> One of the major agreements is the EU agreement with Libya to hold back illegal immigration.<sup>15</sup> EU aims to slow down the flow of immigration, yet the solution will not fully prevent them.<sup>16</sup> However, this agreement has ended with catastrophic consequences. It was not only categorized as a violation of human rights norms,<sup>17</sup> but it also it revived slave markets.<sup>18</sup> Therefore, the EU needs to change its strategy.

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economy\_us\_56b12f1de4b04f9b57d7b7d4. For Italy economic problem and refugees, see *Italy's Migrant Crisis Is Europe's Problem: The Refugee Emergency Calls for a Common European Fund*, BLOOMBERG (July 10, 2017), <https://www.bloomberg.com/view/articles/2017-07-10/italy-s-migrant-crisis-is-europe-s-problem>; see also, Patrick Wintour, *Pressure Builds in Italy After G7 Leaders Fail to Tackle Refugee Crisis*, THE GUARDIAN (June 7, 2017 1:00 PM), <https://www.theguardian.com/world/2017/jun/07/pressure-builds-in-italy-after-g7-leaders-fail-to-tackle-refugee-crisis>.

<sup>12</sup> Simon Tisdall, *Divided Europe Seeks a Long-term Answer to a Refugee Crisis that needs a Solution Now*, THE GUARDIAN (July 23, 2017, 7:35 PM), <https://www.theguardian.com/world/2017/jul/22/divided-europe-refugee-crisis-italy-serbia-greece>; see also, Gianni Pittella, *EU needs Lasting Solution to Refugee Crisis*, EU OBSERVER (Aug. 9, 2015, 7:34 AM), <https://euobserver.com/opinion/138707>.

<sup>13</sup> *Id.*

<sup>14</sup> Press Release, *Question & Answers: Migration on the Central Mediterranean Route*, EUROPEAN COMMISSION (Jan. 25, 2017), [http://europa.eu/rapid/press-release\\_MEMO-17-135\\_en.htm](http://europa.eu/rapid/press-release_MEMO-17-135_en.htm); see also, Henry Samuel, *EU Leaders offer Support to Libyan Coastguards, Chad and Niger to Stem Migrant Flow at Paris Summit*, THE TELEGRAPH (Aug. 28, 2017, 7:58 PM), <http://www.telegraph.co.uk/news/2017/08/28/eu-leaders-offer-support-libyan-coastguards-chad-niger-stem/>.

<sup>15</sup> *Id.*

<sup>16</sup> Jessica Losier and Delphine Nakache, *The European Union Immigration Agreement With Libya: Out of Sight, Out of Mind?*, E-INTERNATIONAL RELATIONS (July 25, 2017), <http://www.e-ir.info/2017/07/25/the-european-union-immigration-agreement-with-libya-out-of-sight-out-of-mind/>.

<sup>17</sup> *EU's Policy of helping Libya Intercept Migrants is Inhuman, Says UN*, THE GUARDIAN (Nov. 14, 2017, 1:16 PM), <https://www.theguardian.com/world/2017/nov/14/eu-libya-coastguard-detention-centres-migration-mediterranean-un-zeid-raad-al-hussein>.

<sup>18</sup> *Libya migrant slave market footage sparks outrage*, BBC (Nov.18, 2017), <http://www.bbc.com/news/world-africa-42038451>.

President Trump, along with a number of other presidents,<sup>19</sup> proposed the second solution.<sup>20</sup> It entailed setting up safe zones for Syrians.<sup>21</sup> However, this solution was unsuccessful for two reasons. First, it made no distinction between two different types of citizens: refugees and internally displaced individuals. Refugees are those who have been forced to leave their home countries to escape imminent, life-threatening danger.<sup>22</sup> Internally displaced people are those who face the same imminent danger, yet are able to move inside their homeland.<sup>23</sup> The current estimate of internally displaced Syrians is 6.6 million people,<sup>24</sup> while the number of Syrian refugees totals approximately 11 million people.<sup>25</sup> Moreover, this solution violates the principle of non-refoulement<sup>26</sup> This principle is mandated in both

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<sup>19</sup> Ercan Gurses, and Andreas Rinke, *Germany Seeking Safe Zones in Syria to Shelter Refugees*, REUTERS (April 23, 2016, 8:40AM), <http://www.reuters.com/article/us-europe-migrants-turkey-germany/germany-seeking-safe-zones-in-syria-to-shelter-refugees-idUSKCN0XK0BS>; see also, Soimeon Kerr and Erika Solomon, *Saudis Tell Trump They Support Safe Zones for Refugees in Syria*, FINANCIAL TIMES (Jan. 30, 2017), <https://www.ft.com/content/d9d6f33a-e6c5-11e6-967b-c88452263daf>.

<sup>20</sup> Phil Stewart, *Trump's Hopes for Syria Safe Zones may Force Decision on Assad*, REUTERS (Jan. 27, 2017, 1:20 AM), <https://www.reuters.com/article/us-usa-trump-safezones/trumps-hopes-for-syria-safe-zones-may-force-decision-on-assad-idUSKBN15B0E5>; see Rex Tillerson says US will set up safe zones for refugees from ISIS, THE GUARDIAN (March 22, 2017), <https://www.theguardian.com/us-news/2017/mar/22/rex-tillerson-us-safe-zones-refugees-isis>.

<sup>21</sup> Julia Edwards Ainsley and Matt Spetalnick, *Trump says he will order safe zones for Syria*, REUTERS (Jan. 25, 2017), <https://www.reuters.com/article/us-usa-trump-syria-safezones/trump-says-he-will-order-safe-zones-for-syria-idUSKBN1592O8>

<sup>22</sup> See UNHCR, CONVENTION AND PROTOCOL RELATING TO THE STATUS OF REFUGEES art. 1 (1951).

<sup>23</sup> *Internally Displaced People*, UNHCR, <http://www.unhcr.org/internally-displaced-people.html> (last visited Feb. 23, 2018).

<sup>24</sup> See *Internally Displaced People*, UNHCR (July 7, 2016), <http://www.unhcr.org/sy/29-internally-displaced-people.html>.

<sup>25</sup> See *The Syrian Refugee Crisis and its Repercussions for the EU*, SYRIAN REFUGEES (Sept. 2016), <http://syrianrefugees.eu/>.

<sup>26</sup> 1951 United Nations Convention Relating to the Status of Refugees, art. 33 states “[n]o Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

international law,<sup>27</sup> and customary international law.<sup>28</sup> This principle prohibits countries from returning refugees to their home countries, for fear of persecution.<sup>29</sup> Returning refugees to their home countries would expose them to danger either from Al-Assad, ISIS, or the Al-Nusra Front forces.<sup>30</sup> Thus, this solution faces a legal challenge that was not addressed properly by Trump's administration.

Second, Trump did not have a well thought-out plan on how to return Syrians to their home country, either as regular citizens, or as internally displaced persons.<sup>31</sup> Instead, he took a number of drastic measures against refugees.<sup>32</sup> In January 2017, he issued a controversial travel ban.<sup>33</sup> The ban targeted "seven Muslim-majority countries - Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. . . ."<sup>34</sup> He also suspended all US refugee admission programs for three

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<sup>27</sup> See U.N. High Commissioner for Refugees, Note on Non-Refoulement (Submitted by the High Commissioner), U.N. Doc. EC/SCP/2 (Aug. 23, 1977).

<sup>28</sup> Alice Farmer, *Non-Refoulement and Jus Cogens: Limiting Anti-Terror Measures That Threaten Refugee Protection*, 23 GEO. IMMIGR. L.J. 36, 37 (2008).

<sup>29</sup> *Id.*

<sup>30</sup> Carlo Munoz and Guy Taylor, *Syria Safe Zones For Refugees Pose Dangers for US Alliances*, *The Washington Times* (Feb. 22, 2017), <http://www.washingtontimes.com/news/2017/feb/22/donald-trumps-plan-for-safe-zones-for-syrian-refug/>; see Dominic Tierney, *The Hidden Danger of Safe Zones in Syria*, *THE ATLANTIC* (Nov. 10, 2015), <https://www.theatlantic.com/international/archive/2015/11/safe-zone-syria-conflict/415134/>; see also Constanze Letsch, *Human Rights Group Sound Alarm over Safe Zones For Syrian Refugees*, *The Guardian* (Apr. 12, 2016), <https://www.theguardian.com/world/2016/apr/12/human-rights-groups-sound-alarm-over-safe-zones-for-syrian-refugees>.

<sup>31</sup> Josh Lederman and Matthew Lee, *Trump Plans to Slash US Refugee Admission*, *US NEWS* (Sept. 26, 2017, 7:26 PM), <https://www.usnews.com/news/politics/articles/2017-09-26/trump-plans-to-slash-us-refugee-admissions>; see also Patrick Wintour, *Hope for Refugee Crisis Plan Fall into Chasm Between G7 and Trump*, *THE GUARDIAN* (May 26, 2017), <https://www.theguardian.com/world/2017/may/26/trump-set-to-clash-with-other-g7-leaders-over-refugees-and-climate>.

<sup>32</sup> Stephenson Emily and Erick Knecht, *Trump Bars Door to Refugees, visitor from Seven mainly Muslim Nations*, *REUTERS* (Jan. 28, 2017), <https://www.reuters.com/article/us-usa-trump-refugees/trump-bars-door-to-refugees-visitors-from-seven-mainly-muslim-nations-idUSKBN15B2HL>.

<sup>33</sup> *Trump's Executive Order: Who does Travel Ban Affect?* *BBC NEWS* (February 10, 2017), <http://www.bbc.com/news/world-us-canada-38781302>.

<sup>34</sup> *Id.*



months.<sup>35</sup> In July 2017, he decreased the number of refugees admitted to the US from 110,000 to 50,000.<sup>36</sup> In September 2017, he increased the number of countries included in the ban,<sup>37</sup> rather than announcing a plan that would settle the issue of refugees. Hence, Trump's proposal failed both legally, and practically.

The third solution was proposed by Naguib Sawiris, an Egyptian business tycoon and a political party leader.<sup>38</sup> In early 2015, Sawiris announced that he was willing to purchase an island from Greece to host Syrian refugees.<sup>39</sup> However, his proposal prompted much speculation about its feasibility and underlying motivation. Ownership of the land, the question of sovereignty, conflicting countries' commitment to refugees and matters of funding, were some of the major challenges facing this plan. The lack of a feasibility study backing up his initiative gave the impression that his statement was nothing more than a media stunt.<sup>40</sup> Sawiris' Free Egyptians Party (Hizb Al-Masryeen Al-Ahrar) ran for parliamentary elections in Egypt at the end of 2015.<sup>41</sup> His island initiative implied that it was designed to increase support for the 2015 parliamentary campaign.<sup>42</sup> The proposal in Sawiris' format does differ from the two previous

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<sup>35</sup> *Id.*

<sup>36</sup> Sylie Atwood, *U.S. Hits Refugee Limit for 2017*, CBS NEWS (July 12, 2017), <https://www.cbsnews.com/news/u-s-hits-refugee-limit-for-2017/>.

<sup>37</sup> *Donald Trump Expands Travel Ban to Include North Korea*, THE TELEGRAPH (Sept. 25, 2017), <http://www.telegraph.co.uk/news/2017/09/25/donald-trump-unveils-expanded-travel-ban-involving-eight-countries/>.

<sup>38</sup> *Profile, Naguib Sawiris*, FORBES (Mar. 11, 2017), <https://www.forbes.com/profile/naguib-sawiris/>.

<sup>39</sup> Ivana Kottasova, *Egyptian Billionaire Offers to Buy Island for Refugees*, CNNMONEY (Sept. 10, 2015, 11:55 AM), <http://money.cnn.com/2015/09/04/news/refugees-island-billionaire/>.

<sup>40</sup> Lucy Barnard, *Sawiris Raw as Deal for Greek Islands for Refugees Falls Flat*, THE NATIONAL (Feb. 2, 2017), <https://www.thenational.ae/business/property/sawiris-raw-as-deal-for-greek-islands-for-refugees-falls-flat-1.50242>

<sup>41</sup> *Egypt's Islamic parties win elections to parliament*, BBC (Jan. 21 2012) <http://www.bbc.com/news/world-middle-east-16665748>.

<sup>42</sup> To read about Sawiris role in the 2015 Parliamentary Elections see Ayah Aman, *Egyptians Prepare for Elections . . . But Do They Really Matter?*, AL-MONITOR (Oct. 15, 2015), <https://www.al-monitor.com/pulse/originals/2015/10/egypt-parliament-elections-mubarak-sisi-parties-candidates.html>.

solutions.<sup>43</sup> As a result, this solution needs to be modified to achieve any success.

The modified form of the third solution is the relocation of Syrian refugees to Arab or Muslim countries. In contrast to Sawiris' solution, this Article assesses the reallocation of Syrian refugees in Egypt, as a third Arab/Muslim country. On the one hand, it focuses on a relocation site away from Europe. Sawiris' proposal was to relocate them to one of the Greek islands,<sup>44</sup> while this study assesses a relocation to an Arab/Muslim country, in this case Egypt. There are many countries that could serve as potential locations for the relocation project, such as Tunisia, Algeria, Morocco, or Jordan. However, the aim of limiting the scope of the hosting country to Egypt is to offer a personalized solution.

Furthermore, this study is limited to Syrian refugees only. Relocating protected refugees to another country is a complicated legal issue.<sup>45</sup> It needs to be tackled delicately, and separately.<sup>46</sup> The legal status of refugees has been appropriately defined in several legal terms.<sup>47</sup> The Article does not deal with internally displaced persons,<sup>48</sup> economic immigrants,<sup>49</sup> or illegal immigrants.<sup>50</sup> For example, economic immigration will be tackled with economic solutions.<sup>51</sup> In

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<sup>43</sup> The Greek did not respond to Sawiris solution at all. *See* Keren Blankfeld, *Africa's 10<sup>th</sup> Richest Man Still Waiting to Buy A Greek Island to House refugees*, FORBES (Nov. 18, 2015, 9:45 AM), <https://www.forbes.com/sites/kerenblankfeld/2015/11/18/africas-10th-richest-man-still-waiting-to-buy-a-greek-island-to-house-refugees/#1524ce132fde>

<sup>44</sup> *Id.*

<sup>45</sup> *See Solutions*, U.N. HIGH COMMISSIONER FOR REFUGEES, <http://www.unhcr.org/solutions.html> (last visited Feb. 18, 2018).

<sup>46</sup> *Id.*

<sup>47</sup> Adrian Edwards, *UNHCR viewpoint: Refugee or migrant, Which is Right?*, UNHCR (July 11, 2016), <http://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html>; *see also What is a Refugee?*, UNHCR, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> (last visited Feb. 18, 2018).

<sup>48</sup> *What is a refugee?*, *supra* note 47.

<sup>49</sup> Edwards, *supra* note 47.

<sup>50</sup> *Id.*

<sup>51</sup> MIGRATION POLICY DEBATES, IS MIGRATION GOOD FOR THE ECONOMY? (2014),

addition, illegal immigration will be addressed with legal instruments on a national level.<sup>52</sup> Additionally, this study does not pertain to other refugees around the world, or those who share the same conditions as Syrian refugees, such as Iraqi, Yemeni, and Libyan refugees.<sup>53</sup> Hence, the study is limited to Syrian refugees in Western countries.

This Article does not deal with whether refugees themselves would accept relocation to a third country, which in this Article is Egypt. In a future step, a new study will answer this question separately using a different methodology.<sup>54</sup> This study will answer this question through data collection compiled from interviews with refugees.<sup>55</sup> The study question for this future study is whether refugees will accept being relocated to a third country. Answering this question will help with the adoption of the relocation solution. Therefore, there will be a separate study to tackle this question.

To effectively assess the feasibility of the relocation solution, this Article is divided into six sections. Combined, they offer a thorough assessment of an effective and smooth relocation process of Syrians, from Western countries to Egypt. The first section introduces the historical background of the Arab refugee crisis. The second section deals with why Egypt is considered as a good host for the relocation project. The third section presents the new legal status of Arabs that will help in the relocation project's success. The fourth section tackles the political obstacles and solution to the Egyptian political regime. The fifth section tackles the economic aspect of the project, both its revenues and expenditures. The last section outlines several practical steps to start the relocation process.

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<https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf>.

<sup>52</sup> On how law can success to fight the illegal immigration, see Michael Hor, *Illegal Immigration: Principle and Pragmatism in the Criminal Law*, 14 SINGAPORE ACADEMY OF LAW JOURNAL 18, 19-21(2002).

<sup>53</sup> Donna Racel Edmunds, Muslim Countries refuse to Take a Single Syrian Refugee, Cite Risk of Exposure to Terrorism, (5 September 2015) <http://www.breitbart.com/london/2015/09/05/gulf-states-refuse-to-take-a-single-syrian-refugee-say-doing-so-exposes-them-to-risk-of-terrorism/>.

<sup>54</sup> FREDERICK AHEAM, PSYCHOSOCIAL WELLNESS OF REFUGEES: ISSUES IN QUALITATIVE AND QUANTITATIVE RESEARCH 45-6 (2000).

<sup>55</sup> *Id.*

## II. THE ORIGIN OF THE CRISIS: THE ARAB SPRING AND THE REFUGEE CRISIS

Protests that broke out in the Middle East and North Africa (MENA) by the end of 2010 led to considerable change. The outcome of these protests has varied from one country to another and can be divided into three groups. The first group involves countries such as Tunisia, which emerged victorious from the transition process after the collapse of their authoritarian regime.<sup>56</sup> The Tunisian example provides the most successful illustration of political and legal change.<sup>57</sup> This example was a success that led to the drafting of a widely accepted constitution that enjoyed the unanimous approval of the Tunisian people.<sup>58</sup> As a result, the Constituent Assembly awarded the 2015 Nobel Peace Prize.<sup>59</sup>

The second group consists of Arab/Muslim countries that failed to make a democratic transition, but nevertheless did not really suffer significant damage or violence. Clear examples of this second group are Egypt and Bahrain. After protests in Tunisia successfully ousted President Zine El Abdine Ben Ali in December 2010,<sup>60</sup> the Egyptians followed suit in an effort to overthrow the Mubarak regime.<sup>61</sup> After the success of the 2011 revolution, the Muslim

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<sup>56</sup> MOHAMED CHEMINGUI AND MARCO SANCHEZ, ASSESSING DEVELOPMENT STRATEGIES TO ACHIEVE THE MDGs IN THE REPUBLIC OF TUNISIA 9 (2011), [http://www.un.org/en/development/desa/policy/capacity/output\\_studies/roa87\\_study\\_tun.pdf](http://www.un.org/en/development/desa/policy/capacity/output_studies/roa87_study_tun.pdf).

<sup>57</sup> Mohamed Samir Koubaa, *Democratic Transition in Tunisia: A Rewarding Path*, 23 SEC. & HUM. RTS. 223, 223-224 (2012).

<sup>58</sup> Mounira Maya Charrad, *Progressive Law: How It Came about in Tunisia*, 18 J. GENDER RACE & JUST. 351, 351 (2015-2016).

<sup>59</sup> Anthony Faiola, *Tunisian Group Wins Nobel Peace Prize*, THE WASHINGTON POST, (October 9, 2015), [https://www.washingtonpost.com/world/tunisian-national-dialogue-quartet-wins-the-2015-nobel-peace-prize/2015/10/09/b85871ae-6e1a-11e5-aa5b-f78a98956699\\_story.html?utm\\_term=.8a22b62a7293](https://www.washingtonpost.com/world/tunisian-national-dialogue-quartet-wins-the-2015-nobel-peace-prize/2015/10/09/b85871ae-6e1a-11e5-aa5b-f78a98956699_story.html?utm_term=.8a22b62a7293).

<sup>60</sup> Tunisia since the Arab Spring: timeline, THE TELEGRAPH, (2015) <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tunisia/11480587/Tunisia-since-the-Arab-Spring-timeline.html>.

<sup>61</sup> Shams Al Din Al Hajjaji, *The Egyptian Judiciary in the Age of the Republic: The Role of Internal Conflicts in Controlling the Judicial System*, 4 INDON J INT'L & COMP L 363, 378 (2017).

Brotherhood came to power.<sup>62</sup> Following this, the Egyptian army succeeded in overthrowing the Muslim Brotherhood rule in a military coup in 2013.<sup>63</sup> Since then, Egypt has been struggling with social, economic, and political crises.<sup>64</sup> The Bahraini example, on the other hand, unfolded much more smoothly, since Saudi Arabia played a vital role in ending the uprising against the government.<sup>65</sup>

The third group is made up of countries such as Syria, Libya, and Yemen. These countries have been ravished by civil war.<sup>66</sup> In late 2011, various protests broke out in Yemen, Libya, and Syria.<sup>67</sup> These protests were met with brutality by their regimes, or their allies.<sup>68</sup> Escalating levels of aggression led to the breakout of civil war in these countries.<sup>69</sup> Once again, Saudi Arabia played a vital role in easing these conflicts.<sup>70</sup> Nevertheless, Saudi Arabia suffered unprecedented failure when it applied the Bahraini conflict-resolution model to these countries.<sup>71</sup> This occurred due to uncalled-for

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> Shams Al Din Al Hajjaji, *A Call for Judicial Reform in Egypt*, 11 VIENNA J. INT'L CONST. L. 256, 256-259 (2017).

<sup>65</sup> Aidan Lewis, *Why has Morocco's King survived the Arab Spring?*, BBC (Nov. 24, 2011) <http://www.bbc.com/news/world-middle-east-15856989>.

<sup>66</sup> Michelle Nichols, *UN Warns Yemen Conflict Could Become Iraq-Libya-Syria Scenario*, REUTERS (Mar. 22, 2015), <http://www.reuters.com/article/us-yemen-security-un/u-n-warns-yemen-conflict-could-become-iraq-libya-syria-scenario-idUSKBN0MI0QO20150322>.

<sup>67</sup> *Id.*

<sup>68</sup> Patrick Cockburn, *The Arab Spring, Five Years on: A Season that Began in Hope, but Ended in Desolation*, INDEPENDENT (UK) (January 8, 2016), <http://www.independent.co.uk/news/world/middle-east/the-arab-spring-five-years-on-a-season-that-began-in-hope-but-ended-in-desolation-a6803161.html>.

<sup>69</sup> Maya Bhardwaj, *Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War*, OPERATIONS PAIX, [http://www.operationspaix.net/DATA/DOCUMENT/7367~v~Development\\_of\\_Conflict\\_in\\_Arab\\_Spring\\_Libya\\_and\\_Syria\\_From\\_Revolution\\_to\\_Civil\\_War.pdf](http://www.operationspaix.net/DATA/DOCUMENT/7367~v~Development_of_Conflict_in_Arab_Spring_Libya_and_Syria_From_Revolution_to_Civil_War.pdf) (last visited Apr. 18, 2018).

<sup>70</sup> *Syrian Crisis: Where Key Countries Stand*, BBC NEWS (Oct. 30, 2015), <http://www.bbc.com/news/world-middle-east-23849587>; Chris Stephen, *War in Libya- the Guardian Briefing*, THE GUARDIAN (Aug. 29, 2014), <https://www.theguardian.com/world/2014/aug/29/-sp-briefing-war-in-libya>; see also *Yemen Crisis: Who is Fighting Whom?*, BBC NEWS (March 28, 2017), <http://www.bbc.com/news/world-middle-east-29319423>.

<sup>71</sup> *Id.*

interference from several countries, such as Russia, Iran, Turkey and the US.<sup>72</sup> Their involvement has caused the situation to complicate matters further, making it more difficult, even for civilians, to stay in their countries.<sup>73</sup> The outcome has been the emergence of the refugee crisis, which has affected neighboring countries, as well as most of Europe.

### III. THE LEGAL BASIS FOR THE RELOCATION: INTRODUCING THE NEW ARAB LEGAL STATUS

#### A. Offer Syrians a Special Legal Status as Arabs

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Additional Protocol are the major governing legal rules for refugees around the world.<sup>74</sup> The Convention and the Protocol are considered a major part of customary international law.<sup>75</sup> However, the current legal framework of regulating refugees is inadequate for accommodating the relocation solution. Firstly, the principle of non-refoulement bans any nation from returning refugees to their home countries, if there is a chance of them being persecuted in said country.<sup>76</sup> Any involuntary return or relocation of refugees to a third country is considered illegal.<sup>77</sup> Any country that hosts refugees must continue to support them until the situation in their homeland is resolved.<sup>78</sup> As the war in Syria is a proxy war between Western countries, a solution to the war is far from imminent.<sup>79</sup> The main obstacle of returning these refugees to their

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<sup>72</sup> *Syria War: A Brief Guide to Who's Fighting whom*, BBC NEWS (April 7, 2017), <http://www.bbc.com/news/world-middle-east-39528673>.

<sup>73</sup> *Id.*

<sup>74</sup> Alice Edwards, *Temporary Protection, Derogation and the 1951 Refugee Convention*, 13 MELB. J. INT'L L. 595, 615 (2012).

<sup>75</sup> *Id.*

<sup>76</sup> Mike Sanderson, *Syrian Crisis and the Principle of Non-Refoulement*, 89 INT'L L. STUD. SER. US NAVAL WAR COL. 776, 785 (2013).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> Mohamed Bazzi, *The Growing US- Iran Proxy Fight in Syria*, THE ATLANTIC (June 20, 2017), <https://www.theatlantic.com/international/archive/2017/06/iran-syria-trump-saudi-arabia-escalation-isis/530844/>.

home country is the continuity of the civil war in their countries.<sup>80</sup> Therefore, the complex situation of a proxy war in Syria, Yemen, Libya, and Iraq prevents any form of permanent solution for the refugees.<sup>81</sup>

The alternative legal solution is through national means. There is dim hope for international action to amend the current legal framework, in order to face current global disagreements. However, the only foreseeable solution will be of a third host country. This entails extending the law of protection to offer Syrians a special status. This status will be legally equivalent to that of Europeans within the EU. The new legislation gives Syrian citizens the right to move freely, live, and work without any restrictions. The name of the legal status would be “Arab citizenship.” Syrians have previously had access to Egypt throughout several periods of their history.<sup>82</sup> It would not be novel to offer them such a status again.

Unlike the European model, the Egyptian Parliament would introduce the new legal status unilaterally. The EU model is a convention among the signatory parties.<sup>83</sup> In Egypt, the legal status will be in the form of legislation. The new legislation would give Syrian citizens generally, and the Syrian refugees specifically, the right to relocate to Egypt and the right to equal access to the Egyptian market without a need for a residence permit.

Moreover, the legislation would give Syrians the right to live without a special work permit. This step would ensure that Syrians stand on equal footing in the Egyptian labor market. The proposed legal framework in Egypt is similar to the EU solution – with one major difference. In Europe, Articles 21 and 24 of the Treaty on the

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<sup>80</sup> *Update: Durable Solutions for Syrian Refugees*, UNHCR (Aug. 7, 2017), [data.unhcr.org/syrianrefugees/download.php?id=13878](http://data.unhcr.org/syrianrefugees/download.php?id=13878)

<sup>81</sup> *Syria: The Story of the Conflict*, BBC (Mar. 11, 2016), <http://www.bbc.com/news/world-middle-east-26116868>

<sup>82</sup> *The Union with Egypt, 1958-61*, ENCYCLOPEDIA BRITANNICA, (March 22, 2018), <https://www.britannica.com/place/Syria/The-union-with-Egypt-1958-61>

<sup>83</sup> Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, art. 21 and 24, 2010 O.J. (C83), 2012 O.J. (C326).

Functioning of the EU gives EU citizens three main rights.<sup>84</sup> These rights include: the right to move, reside freely within the territories of member states, and to petition in front of any European community.

<sup>85</sup> Yet, the Treaty does not give preferential or equal rights of work in certain European countries to other citizens of the European Union.

<sup>86</sup> The preference in appointment is always given to the national citizens, then to other European countries citizens.<sup>87</sup> In the case of Egypt, Syrians would be given a right to work equal to that of Egyptian citizens.

The special legal status for Syrians in Egypt aims to protect them from daily difficulties with Egyptian authorities.<sup>88</sup> A recent legislative enactment in Egypt was passed to give the government the right to deny the entrance to Syrians.<sup>89</sup> After the 2013 military coup, the army made the decision to ban Syrians from entering Egypt, due to the allegations of their participation in the Muslims Brotherhood's protests against the coup.<sup>90</sup> Since then, Syrians are not able to visit Egypt, even though previously they had the right to enter Egypt without any special travel documentation.

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<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> Walt Curnow, *Syrian in Egypt Demand Clearer Work Regulations*, AL-MONITOR (June 2, 2017), <https://www.al-monitor.com/pulse/originals/2017/06/egypt-syrian-refugees-business-regulations-economy.html>.

<sup>89</sup> Hisham Issa, *Overview of Refugee Situation in Egypt*, AMNESTY INTERNATIONAL (December 2013), <http://www.amnestymena.org/en/magazine/Issue21/SituationofRefugeesinEgypt.aspx?articleID=1128>; Jack Redden, *UNHCR Concerned at Arbitrary Detention of Syrian Refugees in Egypt*, UNHCR (July 26, 2013), <http://www.unhcr.org/news/latest/2013/7/51f27733540/unhcr-concerned-arbitrary-detention-syrian-refugees-egypt.html>; see Khalid Hassan, *Will Syrian Students be Banned From Egypt's Universities?*, AL MONITOR (March 6, 2017), <https://www.al-monitor.com/pulse/originals/2017/03/egyptian-proposal-banning-enrollment-students-universities.html>; see also *UN Decries Growing anti-Syrian Hostility in Egypt*, REUTERS (July 26, 2013), <http://www.reuters.com/article/us-syria-crisis-egypt-refugees/u-n-decries-growing-anti-syrian-hostility-in-egypt-idUSBRE96P0HQ20130726>.

<sup>90</sup> *Id.*



The Egyptian regime will accept Syrian refugees in Egypt, as long as they are far away from politics. Giving Syrians equal rights to Egyptians has already been applied on a small scale in the world of football. Recently, the Egyptian football federation adopted a bylaw that gives Syrian footballers the right to play with Egyptian clubs.<sup>91</sup> The main rule is that the number of foreign players must not exceed three.<sup>92</sup> However, the new bylaw exempts Syrian players from this mandate.<sup>93</sup> Even though this example is limited to the world of football, it gives an indication of public and governmental acceptance to the solution.

#### B. Why Egypt as the Host Country to the Relocation Project: Cultural Reasons

There are several cultural factors that increase the chances of a successful relocation of Syrian refugees to Egypt.<sup>94</sup> These factors are: a common language, a common religion, and common social behavior. The first common feature is language.<sup>95</sup> Both Egyptians and Syrians speak Arabic.<sup>96</sup> They differ in dialect only. While most Egyptians speak Egyptian Arabic, Syrians speak Levant Arabic.<sup>97</sup> In Egypt, there are several dialects, like those of the Bedouins, northern, and upper Egyptians.<sup>98</sup> Resorting to Modern Standard Arabic helps everyone understand one another, while preserving individual dialects.<sup>99</sup>

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<sup>91</sup> Mohamed Moarad, Itahad Al-Kourah: Mo'amalat La'bi Soriay we-Falastin kamasrien fi al-mousam aljadid, AL-YOUM 7, (August 3, 2017).

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> S. QALB-I-ABID AND MASSARRAT ABID, EGYPT'S UNION WITH SYRIA, ITS IMPACT AND THE JUNE 1967 WAR, <http://pu.edu.pk/images/journal/studies/PDF-FILES/Artical%20No-8.pdf>.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Egyptian Arabic- Essential Facts and Features*, EGYPTIAN ARABIC, <https://egyptianarabic.com/> (last visited March 1, 2018).

<sup>99</sup> Omar Nassra, *The Benefits of Learning Modern Standard Arabic*, LONDON ARABIC TUITION (Oct. 3, 216) (<http://www.londonarabictuition.com/blog/arabic-language/the-benefits-of-learning-modern-standard-arabic/>).

The second common feature between Syrians and Egyptians is religion. The majority of Syrians and Egyptians are Muslims. Their political Islamic approach is *Sunni* Islam.<sup>100</sup> Sunni Muslims in Syria account for more than 75% of the population.<sup>101</sup> The two main minorities in Syria are *Alawites* and Christians, accounting for 12% and 10% respectively.<sup>102</sup> Egypt shares a very similar religious demography with Syria. Muslims make up the majority with a percentage of more than 90%.<sup>103</sup> Christians are considered to be the major minority, making up less than 9%.<sup>104</sup>

The third common feature between Syrians and Egyptians is their shared customs and social behavior. The evidence of the two populations sharing common customs is apparent in that both countries have adopted a similar civil code,<sup>105</sup> with only minor differences in application.<sup>106</sup> *Al-Sanhuri* was the legal mastermind behind both civil codes. He transplanted the French civil code module and implemented some changes to make it comply with Islamic *Sharia*.<sup>107</sup>

The final common feature between Syrians and Egyptians is their enriching cultural diversity.<sup>108</sup> The Syrians have managed to

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<sup>100</sup> *Syria's Alawites, a Secretive and Persecuted Sect*, REUTERS (Feb. 2, 2012), <https://www.reuters.com/article/us-syria-alawites-sect/syrias-alawites-a-secretive-and-persecuted-sect-idUSTRE8110Q720120202>.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *The World Factbook*, CENTRAL INTELLIGENCE AGENCY, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> (last visited March 1, 2018).

<sup>104</sup> *Id.*

<sup>105</sup> VICTOR KNAPP, INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW: TORT, 59 (1983).

<sup>106</sup> Mohamed Salem Malham, *Al-Tatawar al-Tarikhi Lelqanounn al-Madani AlOrdonia*, ALRAI (December 1, 2011), <http://alrai.com/article/6286.html>.

<sup>107</sup> Ibrahim Khalil Al-Laf, *Abdel Razzek Al-Sanhuri . . . Rajal al-Qanounn al-madni Al-Arabi Al-kabeer, Al Howar al-Motamaden* [Abdel Razzek Al-Sanhuri, the Arabian civil law man](Dec. 29, 2009), <http://www.m.ahewar.org/s.asp?aid=197229&r=0>.

<sup>108</sup> Valentina Primo, *The Syrian Entrepreneurs Starting New Lives in Egypt*, BBC (October 1, 2015), <http://www.bbc.com/news/business-34380016>.

integrate into Egyptian society very fast.<sup>109</sup> Many have been able to operate very successful businesses in one of the worst economic and business environments in the world.<sup>110</sup> In 2017, Egypt was ranked 122 out of 190 countries in the World Bank's Ease of Doing Business data, a measurement of creating and operating business regulations across the world.<sup>111</sup> Within this unwelcome economic environment, Syrians were nevertheless able to contribute positively to the economy of the country.<sup>112</sup>

#### IV. POLITICAL OBSTACLES TO THE RELOCATION PROJECT: TOWARDS AN EFFECTIVE ROLE FOR NATO

NATO would be heavily involved in the negotiation process with the Egyptian regime. The ability to negotiate with the Egyptian military regime calls for a specific type of official candidate. They will need to hail from a military background in order to achieve positive results with the Egyptian government and regime. Non-military institutions and candidates would not be able to achieve the desired results or efficiently communicate with the military regime of Egypt.

In Egyptian contemporary history, the Egyptian army has dominated the political, social, and legal lives of Egyptians.<sup>113</sup> During

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<sup>109</sup> Gihan Shahine, *Syrians in Egypt: A Haven Despite the Hardships*, AHAM ONLINE (May 17, 2016), <http://english.ahram.org.eg/NewsContent/1/151/217025/Egypt/Features/Syrians-in-Egypt-A-haven-despite-the-hardships.aspx>.

<sup>110</sup> *Id.*

<sup>111</sup> *Doing Business in Arab Republic of Egypt*, THE WORLD BANK, <http://www.doingbusiness.org/data/exploreconomies/egypt> (last visited March 1, 2018).

<sup>112</sup> *Syrian Refugees Contributes over \$US 800 Million to Egypt's Economy Since 2011; UNDP Report*, EGYPTIAN STREETS (May 16, 2017), <https://egyptianstreets.com/2017/05/16/syrian-refugees-contributed-over-us-800-million-to-egypts-economy-since-2011-undp-report/>.

<sup>113</sup> Michele Dunne, and Amr Hamzawy, *Egypt's Secular Political Parties; A Struggle for Identity and Independence*, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE (March 31 2017), <http://carnegieendowment.org/2017/03/31/egypt-s-secular-political-parties-struggle-for-identity-and-independence-pub-68482>.

the 1800s, Mohamed Ali Pasha founded modern Egypt.<sup>114</sup> He was Albanian, and an officer in the Ottoman Army.<sup>115</sup> After the French colonization of Egypt ended in 1801, Egyptian jurists formed one of the early *Shura* councils, and elected Mohamed Ali to be the *Amir*. In a massacre known as the ‘Massacre of Mamluks’ at Cairo Citadel, Ali killed all the senior officers in the Egyptian army who opposed him.<sup>116</sup> He then led a war against the Ottomans to secure Egypt as his own property.<sup>117</sup> At the end of this war, he became the recognized and legitimate ruler of Egypt.<sup>118</sup>

In 1952, the Egyptian military launched a successful military coup against King Farouk, the great-grandson of Mohamed Ali.<sup>119</sup> It then declared Egypt a republic.<sup>120</sup> Mohamed Naguib, who ruled from 1952 to 1953,<sup>121</sup> Gamal Abdel-Nasser (1953-1970),<sup>122</sup> Anwar Al-Sadat (1970-1981),<sup>123</sup> and Mohamed Hosni Mubarak (1981-2011),<sup>124</sup> were all military officers. There have been very few exceptions to the army rule, such as Supreme Court Chief Justice Judge Adly Mansour (2013-2014),<sup>125</sup> and Professor Sofi Abu Talib (1981).<sup>126</sup> The most important exception, however, occurred after the success of the 2011

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<sup>114</sup> ALI COSKUN TUNCER, SOVEREIGN DEBT AND INTERNATIONAL FINANCIAL CONTROL THE MIDDLE EAST AND THE BALKANS, 1870-1914, 30-31 (2015).

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> Laura M. James, *Gamal Abdel Nasser, in* MENTAL MAPS IN THE EARLY COLD WAR ERA 1945-68 218, 218 (Steven Casey and Jonathan Wright eds. 2011).

<sup>120</sup> *Id.*

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> Mustafa Menshawy, STATE, MEMORY AND EGYPT’S VICTORY IN THE 1973 WAR RULING BY DISCOURSE 149-155 (2017).

<sup>124</sup> ALAA AL-DIN ARAFAT, THE MUBARAK LEADERSHIP AND FUTURE OF DEMOCRACY IN EGYPT 24 (2009).

<sup>125</sup> ALAA AL-DIN ARAFAT, EGYPT IN CRISIS THE FALL OF ISLAMISM AND PROSPECTS OF DEMOCRATIZATION 124 (2017).

<sup>126</sup> Former acting President of Egypt dies in Malaysia, REUTERS (Feb. 21, 2008), <http://www.reuters.com/article/idINIndia-32078520080221>.

Revolution.<sup>127</sup> In 2012, Egypt had its first civilian president, who was a professor of engineering.<sup>128</sup> His ascension to power lasted only a year,<sup>129</sup> when the army assumed the ruling authority once again in 2013, after a military coup against President Morsi.<sup>130</sup>

The 2013 military coup resulted in the full domination of the military over every aspect of the government.<sup>131</sup> In terms of the executive authority, the current President of the republic is Field-Marshal Abdelfattah Al-Sisi.<sup>132</sup> Al-Sisi was the mastermind behind the military coup.<sup>133</sup> He was the Minister of Defense during the presidency of ex-President Mohamed Morsi.<sup>134</sup> Al-Sisi has appointed former army generals as governors.<sup>135</sup> As for the legislative authority, the army formed a political coalition with some politicians and former Generals called “For the love of Egypt” during 2015

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<sup>127</sup> JOSEPH J. KAMINSKI, *THE CONTEMPORARY ISLAMIC GOVERNED STATE A RECONCEPTUALIZATION* 231-233 (2017).

<sup>128</sup> *Mohamed Morsi Fast Facts*, CNN (Aug. 25, 2017), <http://edition.cnn.com/2012/12/28/world/meast/mohamed-morsy---fast-facts/index.html>.

<sup>129</sup> *Profile: Egypt's Mohamed Morsi*, BBC (April 21, 2015), <http://www.bbc.com/news/world-middle-east-18371427>.

<sup>130</sup> Richard Spencer, *A Military Coup in all but Name: How Egypt's Crisis Unfolded*, THE TELEGRAPH (July 3, 2013), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/10158641/A-military-coup-in-all-but-name-how-Egypt-crisis-unfolded.html>.

<sup>131</sup> Joana Saba, *The Military and the State: The Role of the Armed Forces in Post-30 June Egypt*, DAILY NEWS EGYPT (Sept. 27, 2014), <https://dailynewsegypt.com/2014/09/27/military-state-role-armed-forces-post-30-june-egypt/>.

<sup>132</sup> *Id.*

<sup>133</sup> David D. Kipkpatrick, *Army Ousts Egypt's President; Morsi Is Taken Into Military Custody*, THE NEW YORK TIMES (July 3, 2013), <http://www.nytimes.com/2013/07/04/world/middleeast/egypt.html?mcubz=1>.

<sup>134</sup> Kareem Fahim, *In Upheaval for Egypt, Morsi Forces out Military Chiefs*, N.Y. TIMES (Aug. 12, 2012), <http://www.nytimes.com/2012/08/13/world/middleeast/egyptian-leader-ousts-military-chiefs.html?mcubz=1>.

<sup>135</sup> *Egypt Names Six provincial Governors, mostly ex-general*, REUTERS (Sept. 7, 2016), <http://www.reuters.com/article/us-egypt-governors/egypt-names-six-provincial-governors-mostly-ex-generals-idUSKCN11D285>; see also Sarah el-Sheikh, *Government reshuffle features al-Sisi appointment with Military Background*, DAILY NEWS EGYPT (Dec. 26, 2015), <https://dailynewsegypt.com/2015/12/26/government-reshuffle-features-al-sisi-appointments-with-military-backgrounds/>.

Parliament elections.<sup>136</sup> This coalition was made up of 380 members.<sup>137</sup> They were able to secure the majority in the Parliament.<sup>138</sup> Currently, 71 military generals are members in the 2015 parliament out of 445 members.<sup>139</sup>

As for the judiciary, an incessant massacre of judges, known as the “judicial massacre,” began in 2014.<sup>140</sup> After the success of the 2013 military coup, many disciplinary trials took place to impeach a number of judges, who declared their opposition to the return of military rule of the government.<sup>141</sup> Between 2014 and 2016, more than 200 judges were impeached.<sup>142</sup> Military forces, once again, have become the undisputed authority during Al-Sisi’s rule.

The military judiciary plays a vital role in the military’s authoritarian regime in Egypt.<sup>143</sup> The military judiciary’s representatives have been members of all the constitutional assemblies since January 2011.<sup>144</sup> They advocate for a special status for the military judiciary in all constitutions. This is based on two reasons. Firstly, the army advocates for exclusive jurisdiction of the

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<sup>136</sup> Ahmed Fouad, *Did Egyptian intelligence meddle in recent elections?*, AL-MONITOR (Jan. 1, 2016) <http://www.al-monitor.com/pulse/originals/2016/01/egypt-parliament-accusation-interference-intelligence.html>.

<sup>137</sup> Omar Halawa, *Meet Egypt’s New parliamentary Majority Bloc: In Support of Egypt*, ATLANTIC COUNCIL (Jan. 11, 2016), <http://www.atlanticcouncil.org/blogs/menasource/meet-egypt-s-new-parliamentary-majority-bloc-in-support-of-egypt>.

<sup>138</sup> *Id.*

<sup>139</sup> Belasma’ .. ta’araf ‘al 71 lawa jaysh we-mokhabarat fi albarlaman al-’skari, *nafaẓat Parlamen*, (Dec. 5, 2015), [http://old.egyptwindow.net/news\\_Details.aspx?News\\_ID=90772](http://old.egyptwindow.net/news_Details.aspx?News_ID=90772).

<sup>140</sup> Shams Al Din Al Hajjaji, *Clash of the Titans: A Comparative Approach to Reform of Judicial Accountability in Egypt*, 41 SEATTLE U. L. REV. 61, 65 (2017)

<sup>141</sup> Ahmed Saliman, *37 kharqan fi mazhabat al-Qada’h fi misr*, AL-ARABY (Mar. 21, 2015) <http://www.alaraby.co.uk/opinion/2015/3/21/>.

<sup>142</sup> Shams Al Din Al Hajjaji, *Clash of Titans: A Comparative Approach to Reform of Judicial Accountability in Egypt*, 41 SEATTLE U. L. REV. 61, 68 (2017).

<sup>143</sup> ANTONI ABAT I NANET & MARK TUSHNET, *THE ARAB SPRING: AN ESSAY ON REVOLUTION AND CONSTITUTIONALISM* 242 (2015).

<sup>144</sup> Stephan Roll, *Managing Change: How Egypt’s Military Leadership Shaped the Transformation*, 21 MEDITERRANEAN POLITICS 23, 23-26 (2016).

military judiciary over any issues related to the army.<sup>145</sup> One of the aims of this exclusive jurisdiction is to protect army investments.<sup>146</sup> The army owns farms, gas stations, factories, and outlet stores.<sup>147</sup> It offers services to the public at a fair market price, without being subjected to the tax law.<sup>148</sup> The 2014 Constitution reflects these objectives in Article 204.<sup>149</sup>

Secondly, the 2014 Constitution prohibits trials of civilians before military courts.<sup>150</sup> However, the Constitution allows for a very broad exception to this rule.<sup>151</sup> The list includes prosecution of any alleged assault against military facilities, military barracks, or any establishments that falls under military authority.<sup>152</sup> Army General Medhat Radwan, head of the Military Judiciary Authority, was asked during a television interview whether the army's facilities, such as the armed forces' clubs, military-run factory outlets, and gas stations, are

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<sup>145</sup> *Id.*

<sup>146</sup> *Id.*

<sup>147</sup> Shana Marshall, *The Egyptian Armed Forces and the Remaking of an Economic Empire*, CARNEGIE MIDDLE EAST CENTER (April 15, 2015), <http://carnegiemec.org/2015/04/15/egyptian-armed-forces-and-remaking-of-economic-empire-pub-59726>.

<sup>148</sup> Abigail Hauslohner, *Egypt's Military Inc. Expands its Control of the Economy*, THE GUARDIAN (March 18, 2014), <https://www.theguardian.com/world/2014/mar/18/egypt-military-economy-power-elections>.

<sup>149</sup> Article 204/1 of the Constitution of the Arab Republic of Egypt states that

The Military Judiciary is an independent judiciary that adjudicates exclusively in all crimes related to the armed forces, its officers, personnel, and their equals, and in the crimes committed by general intelligence personnel during and because of the service.

CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 18 Jan. 2014, art. 204/1.

<sup>150</sup> Article 204/2 states "No civilian shall face trial before the Military Court." *Id.* art. 204/2

<sup>151</sup> Article 204/3 states

Except for crimes that represent a direct assault against military facilities, military barracks, or whatever falls under their authority; stipulated military or border zones; its equipment, vehicles, weapons, ammunition, documents, military secrets, public funds or military factories; crimes related to conscription; or crimes that represent a direct assault against its officers or personnel because of the performance of their duties.

*Id.* art. 204/3.

<sup>152</sup> *Id.*

open to the public.<sup>153</sup> He asserted that there is no difference between a military facility for civilians, and a military facility for the army. Both are military places.<sup>154</sup> He replied, “There is no difference between the soldier in these facilities, and the soldier sitting on a tank; it is not his fault that he serves in this place.”<sup>155</sup> The interviewer responded with “... but this is a civilian activity,”<sup>156</sup> to which he replied: “sorry madam, it is not.”<sup>157</sup>

## V. ECONOMIC SOLUTIONS: SUSTAINABLE DEVELOPMENT APPROACH

### A. Economic Benefits to Western Countries for Financing the Project

The project does not require any extra allocation of resources. It encourages Western countries to reallocate their national spending on refugees. This reallocation is based on dedicating 20% of national spending on refugee to the relocation project fund. The reallocation will help Western governments to achieve two economic benefits.

The first is decreasing the number of refugees. Western countries that wish to decrease the number of refugees trickling into their countries should allocate a portion of their funds to refugees, who will be relocated to Egypt. The target number of relocated Syrians depends on how much Western countries are willing to invest in the project. If these countries invest 20% of their annual national fund on refugees, the project shall target to relocate at least 21% of their refugees. If Germany invests 20% of its annual fund to relocate Syrians to Egypt, this will help Germany decrease the number of refugees by at least 21%.<sup>158</sup> As a result, the number of refugees who

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<sup>153</sup> *Mohabkamat alskarayah elie Yatkehanak ma-a'mal albanzenat al-watanyah we-eli-mish A'gbah yeseab al-balad*, YOUTUBE (December 2, 2013), [https:// www.youtube.com/watch?v=gp2HRVVC0QA](https://www.youtube.com/watch?v=gp2HRVVC0QA).

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> Germany plans to spend 93.6 billion euros on Refugees by the end of 2020, see *German Government Plans to Spend 93.6 billion euros on Refugees by end 2020*:



accept relocation to Egypt must increase each year in relation to the previous year.

The second gain is investing part of the “wasted” portion of their national spending. Western countries will invest 20% of their already dedicated amount of spending on refugees. In 2015, the value of the 20% of the annual spending by Western countries on refugees is \$25 billion (excluding the EU spending). This portion will be transferred from the national fund towards the investment, establishment and operation of the project. Spending on the relocation project will turn refugees into economic immigrants. The following table shows the number of refugees in 24 Western countries in the period from 2015 to 2016. It also shows their annual spending in million USD. Table (1) indicates the total number of refugees in 2015 to be 1,683,099.<sup>159</sup> The annual national spending on refugees in these countries was around \$125 billion during the same year.<sup>160</sup> In 2016, the number of refugees increased to 2,350,878, an approximately 40% increase compared with the previous year.<sup>161</sup> This means that the budget for refugees increased at the same amount.

Table (1): Table showing Number of Refugees in Western Countries during 2015 and 2016 as well as their Average Spending on Refugees in 2015

Country	Refugees in 2015	Refugees in 2016	Annual Spending 2015
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*Speigel*, REUTERS (May 14, 2016), <https://www.reuters.com/article/us-europe-migrants-germany-costs/german-government-plans-to-spend-93-6-billion-euros-on-refugees-by-end-2020-spiegel-idUSKCN0Y50DY>.

<sup>159</sup> UNHCR *Statistical Yearbook 2015*, UNHCR, <http://www.unhcr.org/statistics/country/59b294387/unhcr-statistical-yearbook-2015-15th-edition.html> (last visited March 2, 2018).

<sup>160</sup> OECD, DEVELOPING AID RISES AGAIN IN 2015, SPENDING ON REFUGEES DOUBLES (2015), <http://www.oecd.org/dac/stats/ODA-2015-complete-data-tables.pdf>.

<sup>161</sup> Refugee Population by Country or Territory of Asylum 2016, THE WORLD BANK DATA, <https://data.worldbank.org/indicator/SM.POP.REFG?locations=DE-CA> (last visited March 2, 2018);

EU	-	-	€4.5 billion with €2 billion extra increase in 2016 <sup>162</sup>
Austria	72,216	93,183	\$1,207 million
Belgium	35,314	42,128	\$1,894 million
Canada	135, 888	97,311	\$4,287 million
Czech Republic	3,644	3,580	\$202 million
Denmark	27,326	33,346	\$2,566 million
Finland	12,703	18,302	\$1,292 million
France	273,126	304,507	\$9,226 million
Germany	316,115	669,408	\$17,779 million
Greece	13,008	46,381	\$282 million
Latvia	208	325	No data
Italy	118,047	147,302	\$3,844 million
Liechtenstein	150	156	No data
Lithuania	1,093	1,064	No data
Luxembourg	1,332	1,995	\$361 million
Netherlands	88,536	101,702	\$5,813 million
Norway	50,389	59,452	\$4,278 million

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*Who bears the cost of integrating refugees?*, MIGRATION POLICY DEBATES OECD (Jan. 13, 2017), <https://www.oecd.org/els/mig/migration-policy-debates-13.pdf>.

Poland	14,065	11,703	\$442 million
Portugal	853	1,129	\$306 million
Slovenia	292	439	\$62 million
Spain	6,457	12,943	\$1,604 million
Sweden	169,520	230,103	\$7,092 million
Switzerland	73,336	82,608	\$3,538 million
United Kingdom	123,067	118,913	\$18,700 million
United States	273,302	272,898	\$31,076 million

## B. Economic Benefit to Egypt, and Syrian refugees

### 1. Aids: Undercover Bribery to the Egyptian Government

The first spending of the project is in aiding the Egyptian government. The targeted amount to encourage the Egyptian regime to adopt the relocation solution is \$3 to \$5 billion annually from a total of \$25 billion dedicated to the project. According to Graph (2), Egypt receives an average of \$2.5 billion annually from several sources.<sup>163</sup> The major annual amount of the aid comes from the U.S. at \$1.5 billion.<sup>164</sup> The rest of the aid amount comes from several

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<sup>163</sup> *Net Official Development Assistance and Official Aid Received, Egypt, Arab Rep.* (1983-2016), WORLD BANK DATA, <https://data.worldbank.org/indicator/DT.ODA.ALLD.CD?locations=EG> (last visited March 3, 2018).

<sup>164</sup> Brad Plumer, *The US gives Egypt \$ 1.5 billion a year in aid: here 's what it does*, THE WASHINGTON POST (July 9, 2013), [https://www.washingtonpost.com/news/wonk/wp/2013/07/09/the-u-s-gives-egypt-1-5-billion-a-year-in-aid-heres-what-it-does/?utm\\_term=.ece8377b2806](https://www.washingtonpost.com/news/wonk/wp/2013/07/09/the-u-s-gives-egypt-1-5-billion-a-year-in-aid-heres-what-it-does/?utm_term=.ece8377b2806).

other donors, like the EU,<sup>165</sup> Saudi Arabia,<sup>166</sup> and the United Arab Emirates.<sup>167</sup>

The amount of financial aid to the Egyptian government has been raised twice to reach \$5 billion in the years 1990 and 2013.<sup>168</sup> The first time was to encourage the Egyptian regime to join the Gulf War. In 1990, Iraq invaded Kuwait.<sup>169</sup> In 1991, the Gulf War Coalition, which included 34 countries, was formed to free Kuwait from the Iraqi forces.<sup>170</sup> To urge the Egyptian regime – during Mubarak’s era – to act positively, both Western and Arab countries paid the Egyptian government an extra amount of aid to join the Coalition, as shown in the graph. The second time was to encourage the military regime to overthrow Mohamed Morsi. In 2013, Arab countries, especially Saudi Arabia, were antagonistic and hostile to the Muslim Brotherhood.<sup>171</sup> They financed the 2013 military coup in Egypt, against the legitimate ex-President Morsi.<sup>172</sup> They believed that the military regime in Egypt, rather than the Muslim Brotherhood,

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<sup>165</sup> *Egypt and the EU*, THE EUROPEAN UNION DELEGATION TO EGYPT (Nov. 5, 2016), [https://eeas.europa.eu/delegations/egypt\\_en/1156/Egypt%20and%20the%20EU](https://eeas.europa.eu/delegations/egypt_en/1156/Egypt%20and%20the%20EU).

<sup>166</sup> Declan Walsh, *Despite Public Outcry, Egypt to Transfer Islands to Saudi Arabia*, N.Y. TIMES (June 14, 2017), <https://www.nytimes.com/2017/06/14/world/middleeast/egypt-saudi-arabia-islands-sisi.html>; Ken Karuri, *Egypt Secures \$2bn Saudi Aid- Minister*, AFRICA NEWS (August 18, 2016) <http://www.africa-news.com/2016/08/18/egypt-secures-2bn-saudi-aid-minister/>.

<sup>167</sup> Maha El Dahan and Stanley Carvalho, *UAE to Continue aid to Egypt, Sees more Stability After Sisi win*, REUTERS (May 31, 2014), <http://www.reuters.com/article/us-emirates-egypt-support/uae-to-continue-aid-to-egypt-sees-more-stability-after-sisi-win-idUSKBN0EB0GH20140531>; *Egypt got \$23 billion in aid from Gulf in 18 Months- Minister*, REUTER (March 2, 2015), <https://uk.reuters.com/article/uk-egypt-investment-gulf/egypt-got-23-billion-in-aid-from-gulf-in-18-months-minister-idUKKBN0LY0UT20150302>.

<sup>168</sup> Ved Nanda, *The Iraqi Invasion of Kuwait: The UN Response*, 15 S. ILL. U. L. J. 431, 431-32 (1991).

<sup>169</sup> *Id.* at 452.

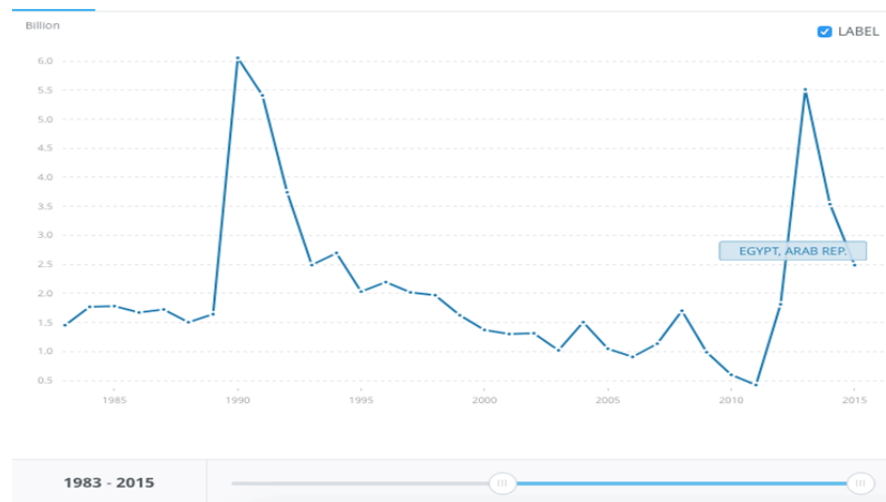
<sup>170</sup> *Id.*

<sup>171</sup> Rod Nordland, *Saudi Arabia Promises to Aid Egypt’s Regime*, N.Y. TIMES (Aug. 19, 2013), <http://www.nytimes.com/2013/08/20/world/middleeast/saudi-arabia-vows-to-back-egypts-rulers.html?mcubz=1>.

<sup>172</sup> David Hearst, *Why Saudi Arabia is Taking a Risk by Backing the Egyptian Coup*, THE GUARDIAN (August 20, 2013), <https://www.theguardian.com/commentisfree/2013/aug/20/saudi-arabia-coup-egypt>.

would better suit their interests in Egypt.<sup>173</sup> They offered Egypt plenty of aid, both in cash and oil-industry commodities.<sup>174</sup> Their policy makers believed that this was the way to buy the Egyptian regime's loyalty.<sup>175</sup>

Graph (2): The Amount of Foreign Aid to Egypt (1983 to 2015):<sup>176</sup>



The main economic benefit to the Egyptian regime comes from aid. Aid aims to encourage the Egyptian regime to host Syrians and agree to their relocation to Egypt as economic immigrants. The Egyptian military will not accept the relocation proposal, unless it

<sup>173</sup> Rod Nordland, *Saudi Arabia Promises to Aid Egypt's Regime*, N.Y. TIMES (August 19, 2013), <http://www.nytimes.com/2013/08/20/world/middleeast/saudi-arabia-vows-to-back-egypts-rulers.html?mcubz=1>.

<sup>174</sup> *Saudi Arabia Approves \$5 Billion aid package to Egypt*, ALARABIYA ENGLISH (July 9, 2013), <http://english.alarabiya.net/en/business/economy/2013/07/09/Saudi-Arabia-approves-5-billion-aid-package-to-Egypt.html>.

<sup>175</sup> Saudi Arabia immediately stopped all kinds of aid to Egypt once it realized that the Egyptian regime would not follow, and abide by its regional policies. See Lin Noueihed & Asma AlSharif, *Fuel Aid Halt Suggests Deeper Saudi Egyptian Rift*, REUTERS (Oct. 12, 2016), <http://www.reuters.com/article/us-egypt-saudi-analysis/fuel-aid-halt-suggests-deeper-saudi-egyptian-rift-idUSKBN12E1N8>; see also *Saudi Arabia halts \$23 bn oil Aid deal to Egypt indefinitely*, MIDDLE EAST (Nov. 7, 2016), <http://www.middleeasteye.net/news/egypt-strike-new-oil-deals-iran-report-124526470>.

<sup>176</sup> See *supra* note 162.

comes with direct financial benefit. Even though this project is based on Islamic principles,<sup>177</sup> which is the main source of legislation in Egypt,<sup>178</sup> the military regime in Egypt would not consider that as a valid enough reason to adopt the relocation project. Hence, financial aid to the Egyptian government is the only way to ensure the adoption to this solution.

## 2. Loans for Infrastructure Only: No Military Investment

The second, and major, source of the Project's spending would be in infrastructure loans and investments. Egypt has already received more than a few loans from a number of sources, such as the World Bank and the IMF, worth about \$20 billion during 2016 alone.<sup>179</sup> Western countries and financial institutions should offer Egypt loans on two conditions. Firstly, that the Egyptian government accepts and takes all the necessary measures to relocate Syrians to Egypt. Secondly, that the loans are directly invested in infrastructure projects, and not in military equipment. In return, Egypt will receive competitive interest rates, and have previous loan settlements rescheduled.

Moreover, the project shall invest in infrastructure only. These investments will repair and feed into the dilapidated infrastructure in Egypt.<sup>180</sup> These loans, however, have to be limited to investment in infrastructure projects only, unless the Western countries are willing to have both Egyptians and Syrians flee to Europe. The failure to repair infrastructure in Egypt will result in the social and economic failure of the Project. The increase of Syrian refugees to another million or two will place a great burden on the

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<sup>177</sup> *Supra* section II.

<sup>178</sup> CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT, 18 Jan. 2014, art. 2.

<sup>179</sup> *Egypt Total External Debt (1997-2017)*, TRADING ECONOMICS <https://tradingeconomics.com/egypt/external-debt> (last visited March 2, 2018).

<sup>180</sup> Amira Mikhail, *Corruption in Construction: Egypt's Failing Infrastructure*, ATLANTIC COUNCIL (April 19, 2014), <http://www.atlanticcouncil.org/blogs/menasource/corruption-in-construction-egypt-s-failing-infrastructure>; see Ruth Michaelson, *Egypt's Economy is in Crisis. So Why is the Government Spending Millions on a Fancy New Space Agency*, NEWS WEEK (Feb. 28, 2017), <http://www.newsweek.com/2017/03/10/egypts-economy-crisis-government-spending-millions-new-space-agency-561743.html>.

infrastructure of Egypt. Hence, there is an urgency to increase the scope and intensity of infrastructure projects.

The loans are restricted to infrastructure. Military or security loans to Egypt will be banned from any money coming from the Project. The military regime in Egypt lacks the competencies to invest in any line of business except the army and military operations.<sup>181</sup> If the loans are handed to the military regime to invest in infrastructure without any direct supervision, the loans will be spent on military operations.<sup>182</sup> In 2016, Egypt received loans from Western donors to the tune of \$19.5 billion as shown in Graph (3).<sup>183</sup> The current Egyptian debt jumped to more than \$73 billion. This increase in debt was invested mainly to buy weapons from France,<sup>184</sup> Russia,<sup>185</sup> and Germany.<sup>186</sup> In 2015, Egypt imported weapons for more than \$5 billion. Egypt signed an agreement for \$11.9 billion for the transfer of arms.<sup>187</sup>

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<sup>181</sup> See CARNEGIE MIDDLE EAST CENTER, THE MILITARY EMPIRE IN EGYPT, SHANA MARSHALL, THE EGYPTIAN ARMED FORCES AND THE REMAKING OF AN ECONOMIC EMPIRE (April 2015), [http://carnegieendowment.org/files/egyptian\\_armed\\_forces.pdf](http://carnegieendowment.org/files/egyptian_armed_forces.pdf); see also Margaret Suter, *Why is Egypt's Sisi Buying Arms From Kim Jong Un?*, NEWS WEEK (Sept. 19, 2017), <http://www.newsweek.com/why-egypts-sisi-buying-arms-kim-jong-un-667587>.

<sup>182</sup> *Id.*

<sup>183</sup> Hossam Mounir, *Egypt's Foreign Debt Jumps by \$19.5bn 2016*, DAILY NEWS EGYPT (April 2, 2017), <https://dailynewsegypt.com/2017/04/02/egypts-foreign-debt-jumps-19-5bn-2016/>.

<sup>184</sup> *Egypt, France to Sign Arms Deal Mid-April*, DEFENSE NEWS, <https://www.defensenews.com/industry/2016/04/06/egypt-france-to-sign-arms-deal-mid-april/> (last visited March 1, 2018).

<sup>185</sup> David Schenker & Eric Trager, *Egypt's Arms Deal With Russia: Potential Strategic Costs*, THE WASHINGTON INSTITUTE (March 4, 2014), <http://www.washingtoninstitute.org/policy-analysis/view/egypts-arms-deal-with-russia-potential-strategic-costs>; see also Russia, *Egypt seal Preliminary Arms Deal Worth \$ 3.5 billion: Agency*, REUTERS (Sept. 17, 2014), <http://uk.reuters.com/article/us-russia-egypt-arms/russia-egypt-seal-preliminary-arms-deal-worth-3-5-billion-agency-idUSKBN0HC19T20140917>.

<sup>186</sup> Egypt's Navy Receives First Submarine From Germany, ISRAEL DEFENSE, (April 20, 2017), <http://www.israeldefense.co.il/en/node/29290>.

<sup>187</sup> Catherine A. Theohary, Conventional Arms Transfers to Developing Nations, 2008-2015, CONGRESSIONAL RESEARCH SERVICE, <https://fas.org/sgp/crs/weapons/R44716.pdf>.

Graph (3) Egypt Total External Debt.<sup>188</sup>

The second aim of the loans is to initiate high-labor infrastructure projects. The loans should be invested in building airports, railroads, solar energy projects, schools, universities, and hospitals. This type of investment will not only raise the level of infrastructure in Egypt to accommodate an extra couple of million of Syrians, but will also provide many direct and indirect job opportunities for newcomers. In 2016, the solar energy industry in the US successfully employed more than 250,000 workers.<sup>189</sup> Investing in the solar energy sector in Egypt could accommodate similar numbers.<sup>190</sup> There is high potential in Egypt to invest in this sector, as solar power in Egypt is available all year round.<sup>191</sup> Emulating Frankfurt airport in Egypt as a transit station to connect Europe to Africa will provide at least 20,000 direct jobs.<sup>192</sup> This number could lead to 80,000 indirect jobs.<sup>193</sup>

<sup>188</sup> *Supra* note 179.

<sup>189</sup> Kirsten Korosec, *US Solar Jobs Jumped Almost 25% in the Past Year*, FORTUNE (Feb. 7, 2017) <http://fortune.com/2017/02/07/us-solar-jobs-2016/>.

<sup>190</sup> Shams Al Din Al Hajjaji, *Replacement Policy for Nuclear Energy for Peaceful Purposes: An Environmental Approach*, 29 ENVIR. CLAIMS J. 235, 238 (2017).

<sup>191</sup> *Id.*

<sup>192</sup> *Facts and Figures of Frankfurt Airport 2016*, FRANKFURT AIRPORT, [https://www.frankfurt-airport.com/en/flights---more/transfer.detail.suffix.html/article/b2b/airlines\\_tourism/airlines/facts-and-figures.html](https://www.frankfurt-airport.com/en/flights---more/transfer.detail.suffix.html/article/b2b/airlines_tourism/airlines/facts-and-figures.html) (last visited March 2, 2018).

<sup>193</sup> *Id.*



### 3. Direct Investment in Relocation of Syrians in Egypt:

The third major expenditure item in the relocation project will be direct investments in Syrians, who accept to relocate to Egypt. The direct investment helps Syrian entrepreneurs to find their own jobs. Two-thirds of Syrians in Egypt are entrepreneurs, who have not requested any assistance from the Egyptian government or the UNHCR. According to the UNHCR, the official number of Syrian refugees is estimated to total 150,000 refugees.<sup>194</sup> The number of non-registered Syrians is estimated to be over half a million.<sup>195</sup> Additionally, the direct investment in Syrians, who accept to relocate in Egypt, will adopt the Muhammed Yunus approach of social investment.<sup>196</sup> The main aim of such an investment plan is to help Syrians, not to take advantage of them. Syrian refugees have plenty of success stories.<sup>197</sup> They just need an opportunity; hence investment projects will make sure that Syrians are able to enjoy equal and fair opportunities in the labor market.

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<sup>194</sup> *Joint Assessment for Syrian Refugees in Egypt*, UNHCR (November 2013), [data.unhcr.org/syrianrefugees/download.php?id=6025](http://data.unhcr.org/syrianrefugees/download.php?id=6025).

<sup>195</sup> *Id.*

<sup>196</sup> Celia W. Dugger, *Peace Prize to Pioneer of Loans to Poor No Bank Would Touch*, N.Y. TIMES (Oct. 14, 2006), <http://www.nytimes.com/2006/10/14/world/asia/14nobel.html>; see Miriam Cosic, *We are all Entrepreneurs: Muhammad Yunus on Changing the World, one Microloan at a time*, THE GUARDIAN (March 29, 2017), <https://www.theguardian.com/sustainable-business/2017/mar/29/we-are-all-entrepreneurs-muhammad-yunus-on-changing-the-world-one-microloan-at-a-time>.

<sup>197</sup> Ishaan Tharoor, *Syrian Immigration to the US has been a Success, Study Finds*, THE WASHINGTON POST (Dec. 13, 2016), [https://www.washingtonpost.com/news/worldviews/wp/2016/12/13/syrian-immigrants-represent-an-american-success-story-not-a-threat/?utm\\_term=.6c99a7939ff1](https://www.washingtonpost.com/news/worldviews/wp/2016/12/13/syrian-immigrants-represent-an-american-success-story-not-a-threat/?utm_term=.6c99a7939ff1); see also Simon Kuper, *The Power of a Syrian Success Story*, FINANCIAL TIMES (April 12, 2017), <https://www.ft.com/content/ea7c9414-1f01-11e7-a454-ab04428977f9>.

## VI. RECOMMENDATIONS: WHERE TO START?

## A. Formulation of the Negotiation Team: Military Politicians and Lawyers

The negotiation team consists mainly of military politicians and lawyers. Politicians are required due to the nature of the military regime in Egypt, as outlined earlier. The second component is lawyers. The selection of the lawyers is less complicated than that of the politicians. The assigned lawyers will help the Egyptian regime incorporate the new legislative amendments in its national law. The qualification of these lawyers is based on their knowledge of Egyptian and EU laws. For the Egyptian law, they need to identify the laws that stand in the way of applying the new legal regime, such as the labor law, immigration law, and civil law. As for their EU legal knowledge, they must have a visionary idea of rights and obligations of European citizens in Europe. This idea is not to transplant the EU law to Egypt, as this will not be effective. They must, however, incorporate the right to equal work opportunities in Egypt.

## B. Formulation of the Project Team: Lawyers, Economists and Statisticians.

The formulation of the negotiation team should differ from that of the project team, after the acceptance by the Egyptian regime to introduce the new legal status in its national law. The new team consists of lawyers and economists. Lawyers in this phase will have to play a different role to that in the first phase (negotiation team). They will play two new roles, other than their previous role. Firstly, they will have to build the legal understanding of the Egyptian public officials regarding the new legal status of Syrians. The new status will turn Syrians into economic immigrants with equal labor rights in the Egyptian market. These rights will be new to the law enforcement officials, including judges, prosecutors, police officers and public employees. They will have to be educated through legal training about the new status, and its ramifications. The second role of the lawyers is to ensure full legal protection of Syrians from arbitrary practices that might arise during the application of the project. The Egyptian regime can introduce other legal and factual barriers against

the presence of Syrians in Egypt. The lawyers will make sure to sue the Egyptian government to remove any such barriers.

As for the economists, they will play two major roles to sustain the project. Firstly, they will help Syrians find employment in Egypt. This happens either through investing in Syrian projects, or in creating job opportunities for them. The success of Syrians to integrate and find jobs in Egypt is the only way to open doors and encourage other Syrians to relocate in Egypt. Secondly, they will oversee the use of aid funds, and loans, to make sure they are invested in infrastructure projects with high employment capacities. The new loans, as mentioned earlier, are not supposed to be invested in the purchase of military equipment. Hence, economists will play a vital role in the project.

Moreover, statisticians help the project administration set its targets. They will be considered a measure of the success/failure of the project. Independent statisticians will track the progress of the project. The project targets relocated Syrian refugees from Western countries to Egypt. Statisticians have to be independent of the project, or any other country. They have to issue an annual report on the progress of the project. This includes the number of refugees who accept to relocate to Egypt, and from where they were moved. They will also track the success of the investment of the projects, and their progress. Moreover, the report has to be issued by a neutral body. The multinational nature of the project will raise many doubts about its efficiency. This is also to avoid the misinterpretation of the data from the project administration, or the Egyptian authorities to sustain the project, while it may face some burden to relocate Syrians in Egypt.

### C. Initial Timeframe of the Project

The timeframe starts once the Egyptian government incorporates the new legal amendment in its national law. The initial timeframe of the project is three to five years. However, an assessment of the project shall be conducted yearly. After the end of the first three to five years, a general assessment of the project will take place to track the progress of the project. In the event of success of the project, another period shall be extended with the same

privileges to both Syrian immigrants to Egypt, and the Egyptian government. In the event of failure of the project, all the privileges to the Egyptian government will be suspended. The investments in Syrian people shall continue as an interim period for a couple of years after the end of the project.

There will be two separate periods between the time that Western countries accept to adopt the relocation project and the Egyptian government making all the required legal amendments. Firstly, the negotiation period is the time invested to reach an agreement with the Egyptian government. This period is not part of the timeline of the project. It will be excluded from the initial assessment period of the project. This period could be protracted, since there will be a lot of concerns from both sides, Western countries and the Egyptian side. Secondly, the time until the amendments is enforced. This period starts after reaching a political agreement with the Egyptian government. The government has to take this political agreement to Parliament to enact a new legislation and amend many of the current national laws. This period ends once the Egyptian Parliament, which has governmental majority, enacts all the required laws and makes all the necessary amendments. After these two periods have passed, the timeline of the relocation project starts.

Neither the political negotiation period nor the legal amendment period are part of the project timeline. There is no foreseen time to reach a political agreement with the Egyptian government, or to enact a legal amendment from the Egyptian Parliament. While reaching a political agreement with the Egyptian government depends on the adoption by the Western countries of the project, enacting a new legal order in Egypt depends on the Egyptian government. Failure or success of the Western countries or the Egyptian government does not have to be part of the project timeline. Hence, the previous two periods are not part of the project timeline.

## VII. CONCLUSION:

This Article is aimed to help the refugees and their dilemma in Western countries. It assesses several aspects of the relocation project. The assessment includes both theoretical and practical aspects. For the theoretical aspects, the Article presents a brief mutual history between Syria and Egypt. This history has led to the existence of several cultural common aspects between the Syrians and Egyptians, their shared language, customs and religion.

The practical aspects include a legal, economic, and political assessment. For the legal assessment, the Article proposes a new legal framework to work with the international legal order simultaneously. This Article proposes a legal alternative on a national Egyptian level to accommodate the relocation of the Syrian refugees without any violation to the current legal norms. The challenge of the non-refoulement principle hinders any form of force to return refugees to their home countries. Thus, a complementary legal framework does not violate the current legal norms. The economic assessment not only aims at facilitating the refugees' relocation process, but also at achieving economic gain for both the Western countries and the Egyptian government. Relocation has to result in economic and humanitarian advantages for the refugees, the EU, and the host countries. The increasing number of refugees in the EU is leading to a growing financial burden on the Union. The Article proposes a dedication of the internal expenditure on refugees to finance their relocation project. The high cost of integration and accommodation of the refugees in Western countries stands as a financial barrier to invest in the refugees in these countries. The main assumption of this Article is that Syrians are able to succeed if offered the suitable environment, as evidenced by two thirds of Syrians living in Egypt.

The relocation project will face some political challenges with different partners. The most important political challenge lies in the methods used to persuade the Egyptian government to accept the project. The Egyptian government hinders the entrance of Syrians to its territory for security reasons. It disregards all its moral commitments toward Syria. Western countries as well as NATO will play a major role in convincing the Egyptian regime to adopt the

relocation solution. This depends also on the type of politicians assigned to the negotiation process. The Article proposes that these politicians should have both military and political experience to be able to handle negotiations with the military regime in Egypt. The formulation of the negotiation team is one of the most challenging tasks of the project. The interim timeframe to reach an agreement with the regime will depend majorly on the regime to enforce this agreement. Hence, the formulation of the project teams differs according to the period of the negotiation. Before the Egyptian military regime accepts to incorporate the new legal amendment in its legislation, the relocation negotiation team should consist of military politicians and lawyers. This formulation will change after reaching an agreement with the Egyptian government to relocate the Syrians and to legalize their status. Finally, this project has several assessment tools to track its success or failure.