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Frontispiece: Israeli border wall pictured from Bethlehem, Palestine.
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Back to Basics: Practical Policy from the Refugee Convention's Foundational Values

Part I.

Yonatan Jakubowicz

Abstract

The surge in asylum-related migration has led to rising tensions between state sovereignty and humanitarian considerations, amid skepticism over the efficiency and relevance of the 1951 Refugee Convention. In some cases, these concerns have led to calls for amending the convention, withdrawal, or the outright abolition of this historic international treaty.

While these concerns are understandable, a return to the foundational values of the convention's original drafters and rereading the basic legal meaning of the convention's text clarifies that much of this tension is unfounded and has no basis in the provisions of the treaty. Rather, they arise from later, distorted interpretations or adopted policies.

A "Back to Basics" approach to the convention's text and meaning may pave the way for more balanced and practical policies on asylum, while reducing both the tensions and the risk that if current policies are left intact, this may result in the long term in the elimination or total disregard of this important international document.

This article is published in two parts. Part I. outlines the significant limitations and even absurdities arising from current widespread policies regarding the refugee status determination process (RSD), and interpretations of the terms "particular social group" and "well-founded fear", as phrased in article 1A(2) of the 1951 Refugee Convention.

Part II. provides a comparative legal review of the interpretation and original meaning of "lawful stay" under the convention's provisions. This interpretation, and the differentiation between refugees whose stay is lawful and those whose stay in unlawful, opens many options for those wishing to adopt responsible asylum policies. It enables signatory states to balance both their responsibilities towards their own citizens on the one hand, and uphold their commitments according to the convention's original purpose and foundational values on the other hand, while saving lives among those in genuine need.

Keywords: Refugee convention, lawful stay, refugee status determination (RSD), migration, asylum

Introduction

In recent years, it seems that we have witnessed an upward trend in asylum migration, as UNHCR reports unprecedented refugee numbers since the end of World War II and the issue has gained more public attention. It is unclear if these figures stem from increased wars and political violence, or maybe due to policy and criteria changes, since the numbers of casualties from violent conflicts has significantly decreased compared to the era between the mid 1960s until the end of the Cold War, notwithstanding a recent uptick due mainly to the Russia–Ukraine war.[1]

While this question remains to be answered, it seems we can conclude with reasonable certainty that there is no direct correlation between the violence levels in countries of origin, and rates of secondary migration to developed countries. This conclusion is supported by comparisons to both earlier decades and between different countries of origin today.

Africa, for instance, endured particularly bloody conflicts in previous decades, especially during the 1960s and early 1970s. The Nigerian civil war claimed 1-3 million lives, and persistent violence in Congo resulted in millions of deaths. Yet despite this horrific violence, very few migrants or asylum seekers from these countries arrived in the developed world during those years.

Comparison to relatively recent years further illustrates this point. For example, in 2016, one of the top ten countries of origin for migrants making the journey to

[1] Our World in Data, "Death rate in state-based conflicts, World", https://ourworldindata.org/grapher/death-rate-in-state-based-conflicts.

Italy through the dangerous Mediterranean was Senegal (6% of arrivals).[2] Although undoubtedly an especially poor country, it is important to note that Senegal was classified that year by Freedom House as a stable and even liberal democracy.[3] The number of migrants from Senegal arriving in Italy surpassed those from Sudan (5% of arrivals) and Somalia (4% of arrivals), although they are usually considered countries in crisis. It appears, therefore, that the reality is at least much more nuanced than common claims and slogans promoted by advocacy groups, as if the fact that people choose to make the perilous journey automatically proves in effect that they are fleeing due to life-threatening situations at home.

For an even more striking comparison, we can take a glance at two neighboring countries from the Horn of Africa, Sudan and Eritrea, both considered to be in some sort of political crisis. According to the Eurostat database, in the year 2024, no less than 12,310 migrants from Eritrea submitted first time asylum applications in EU member states, compared to 9,555 applications submitted by Sudanese nationals.[4] This is true despite Sudan's population being ten times larger than that of Eritrea, and the country is currently plagued by active civil war. This trend is consistent with that of previous years, including those when Sudan was experiencing extensive internal violence, particularly the war in Darfur and its aftermath. Even without consensus in the international community about whether that conflict met the definition of genocide, it is clear to all that it was a highly violent conflict claiming many lives.

In contrast, Eritrea, although ruled by an absolute and repressive single-party government, is for the most part still considered one of the most peaceful countries in the Horn of Africa, at least since the end of 2001. Without diminishing the severity of living conditions under such a dictatorship, it would seem that from an objective perspective, the intensity of the threat in Sudan is significantly greater, and yet Eritreans migrate in higher numbers, both absolute, and with an even starker contrast, relative to size.

It seems that despite migration decisions being complex and potentially influenced by many diverse reasons, the "pull factor" can be attributed significantly greater weight than the severity of the objective situation and the "push factor" in countries of origin. Accordingly, it is safe to assume that the liberalization of asylum policies and the increasing chances of obtaining refugee status and the social rights that typically accompany such status in host countries, carry significant weight in the

[2] UNHCR, "Refugees and migrants".
[3] Freedom House, "Freedom in the World 2016".
[4] Eurostat, "Asylum applicants by type, citizenship, age and sex – annual aggregated data 2008-2024", https://doi.org/10.2908/MIGR_ASYAPPCTZA.

rise of migration numbers to the developed world, while objective changes in global violence levels are of secondary importance.

Much of the attention on these legal and policy changes rightfully focuses on the expanding interpretation given to persecution based on the "particular social group" clause, ascribed in article 1A(2) of the 1951 Refugee Convention. A clear example of such an expansion can be found in UNHCR's 2002 guidelines on this issue: [5]

> There is no "closed list" of what groups may constitute a "particular social group" within the meaning of Article 1A(2). The Convention includes no specific list of social groups, nor does the ratifying history reflect a view that there is a set of identified groups that might qualify under this ground. Rather, the term membership of a particular social group should be read in an evolutionary manner, open to the diverse and changing nature of groups in various societies and evolving international human rights norms.

This "evolutionary" approach has led over the years to recognition of persecution on grounds not previously acknowledged, such as sexual orientation and gender, among others. An example of such evolution, similar to many other countries and in a short period of time, can be found in Israeli case law. For instance, in a 2011 District Court ruling concerning a Nigerian migrant who sought asylum based on fear of domestic violence, the court supported the Ministry of Interior's position that this did not qualify for refugee status and rejected the appeal, briefly ruling that "It is unreasonable that the Convention intended to grant refugee status to such a large number of millions of people".[6]

In contrast, by 2020, the Israeli Supreme Court issued a ruling recognizing gender-based persecution claims, after these were rejected by two lower courts.[7] The ruling determined that refugee status should be granted to a couple, illegal migrants from Ivory Coast, and their two daughters, because they feared that if they returned to their country the grandmother of their daughter (the migrant woman's mother) would force them to perform female genital mutilation (FGM) on her, despite their own opposition to this practice.

These rulings and the change in approach they reflect are perceived to focus mainly on the question of recognizing gender-based persecution through membership of a "particular social group". But essentially, despite these issues not receiving

[5] UNHCR, "Guidelines", Article 3.
[6] Administrative appeal 11144-10-11 Osaloni v. The Ministry of the Interior (October 6, 2011).
[7] HCJ 5040/18 Unidentified v. The Ministry of the Interior.

explicit attention in the courts' reasonings, the truly significant change can be more accurately attributed to the expanding interpretation of two other criteria for the term "Refugee" as they are set out in the convention. The first being the definition of "persecution", and the second being the required threshold for satisfying a "well-founded fear".

On the face of it, the District Court's reasoning, which was criticized by activists and academics working for migrant rights[8], is indeed problematic in substance, since the number of refugees arriving in a country has no mention in the Refugee Convention, and rightly so. If we take for example a genocide situation like the one in Rwanda, had members of the Tutsi ethnic group arrived in a neighboring asylum country at the height of the killings, could one say that the first thousand, ten thousand or million arrivals were refugees, but refugee number one million and one was not entitled or deserving of protection under the Convention (or basic human morality), simply because the number was too large? While there may be extreme theoretical situations where one could argue there is a number above which a country has no possibility of providing asylum, as far as awarding basic asylum and reception in refugee camps adjacent to the border is concerned, in general such a position would be unreasonable.

Moreover, from a substantive perspective, I would even go so far as to say that there is a logical and even moral flaw in the significant weight given to the technical legalistic question of membership in a "particular group", yes or no. If a person arrives at the gates of a certain country and asks to be saved from risk of death or severe physical harm, does it really matter whether they are persecuted on grounds of one of the Convention's clauses, with emphasis on membership in a particular group, or persecuted for other reasons?

Despite the problematic reasoning, it appears that what truly underpinned the District Court's expressed perspective, even if not stated in purely legal terms, was that the Convention is not intended to address every type of hardship, distress, or even some level of violence in undeveloped countries of origin. Far from it, the Convention was designed to create a mechanism of international commitment to save people who are in distress from fear of death or severe persecution only.

Conversely, the Supreme Court's ruling not only recognized gender as a "particular social group", but also that a cultural practice, albeit severe, yet one performed by women themselves, usually family relatives who certainly do not seek to

[8] Kritzman-Amir et al., "Between Neutrality and Neglect".

"persecute" the girls who undergo it, is in fact harsh enough to be considered a form of persecution under the Refugee Convention.

Without diminishing in any way the severity of this practice, as well as concerns about those rare cases where life-threatening risks arise due to complications of the procedure, it is highly doubtful that the Convention's drafters intended to include this type of severe cultural practice, that affects hundreds of millions of people worldwide, under the protections granted by the Convention, regardless of membership in a particular social group. This basic premise is strengthened by the fact that FGM is widespread in many of the countries that ratified the convention.

However, even on this matter, despite the ruling causing public controversy in Israel, it seems that many would actually agree, myself included, that in the de facto rare cases where a girl or young woman is required to undergo the procedure against her will, and she manages to escape and seek temporary asylum in another country, there would be justification to grant her some form of protection.

Therefore, an even deeper analysis of the ruling would lead to the conclusion that the main difficulty arising from the approach adopted by the Israeli Supreme Court lies mainly in the threshold required to establish a "well-founded fear".

In this case, the Court applied the Convention even where the parents themselves declared they opposed the practice and determined that the parents could not move to a major city in another region, because members of their ethnic group might identify and hand the daughter over to her grandmother.

Additionally, the Court ruled that she faced a "well-founded fear" of persecution, despite the practice itself being illegal in Côte d'Ivoire, with law enforcement filing several indictments against people who performed it, because according to the Court, the fact that the practice continues to exist on a substantial scale proves there is no "effective enforcement".

Such an extreme approach reveals a stark absurdity, considering that in Israel itself, there is no official legal prohibition against FGM (although there are other legal prohibitions against abuse, also while there are no official reports of the practice taking place, and even traditionally practicing communities such as Arab-Bedouins have reportedly ceased to engage in it). Moreover, in countries like the United Kingdom, which has seen a dramatic rise in the number of migrants from

backgrounds where FGM is practiced, estimates suggest that tens of thousands of British girls from immigrant families have undergone the procedure. Yet, the first criminal sentencing given in the U.K. for practicing FGM was handed down only in the beginning of 2024.[9] Furthermore, despite the significant prevalence, these criminal indictments are rare and still significantly fewer than those issued in Côte d'Ivoire.

It seems that the Israeli Supreme Court ruling, like many others in different developed countries, stems from a troubling combination of deep ignorance regarding countries of origin and a kind of distorted, almost mystical "Orientalism". As if, in a major city like Abidjan in Côte d'Ivoire, home to millions of people, members of an ethnic group could identify a random girl as belonging to the same group, miraculously know whether she has undergone the procedure, and then somehow relay that information back to a tribal grandmother in a remote village hundreds of kilometers away, against her parents' wishes. Regretfully, the reality is that the practice continues most probably because of the popular support it still receives, including from family members who do not report it to the authorities, as is the case in the U.K.[10]

Contrariwise, at least as far as the situation in Côte d'Ivoire goes, it is also clear that when the parents do oppose the procedure, as was the case in the Supreme Court's ruling, it cannot be forced upon them, and the law does in fact offer a certain level of protection. Taken together, these factors make the Israeli ruling one of the most far-reaching and radical verdicts in the field of comparative refugee law on FGM, since even most of the caselaw cited by the Court itself dealt with young unaccompanied girls or women fleeing their parents who supported the practice, and had no effective way of relocating or protecting themselves.

It seems that beyond the almost mystical perception of the situation in the country of origin, the ruling's underlying assumption, shared by many rulings on refugee law across the Western world in other contexts, is that "effective enforcement" must provide almost perfect protection, disregarding the fact that such enforcement does not exist even in the countries of asylum themselves. As a result, even a relatively low-level or indirect risk may now suffice to establish a "well-founded fear".

Perhaps the most famous shift to the expected probability of risk in the country of origin perceived as acceptable can be found in the 1987 U.S. Supreme Court ruling in *INS v. Cardoza-Fonseca*.[11] Whereas previous rulings required that the risk

[9] Jelen, "UK Criminal Court".
[10] Farina et al, "The relationship".
[11] INS v. Cardoza-Fonseca, 480 U.S. 421 (1987).

exceed 50 percent ("more likely than not"), the Court held that even a "one in ten" risk could establish such a fear.

This approach is particularly problematic. There is no doubt that in many developing countries, law enforcement, whether regarding crime or even road safety and any number of other risks, is significantly weaker than in developed countries. If you take such logic to the extreme, even just repatriating someone from a country like France to Ethiopia might lower their life expectancy by several years due to these risks and underdeveloped healthcare. But it seems hardly conceivable that the framers of the Refugee Convention ever intended for mere nationality in such countries where there are heightened risks compared to more developed ones, to justify migration to those countries. And while a general heightened risk would not be grounds for Refugee status, it is hard to accept that a similar heightened, albeit still low level of risk, would justify such recognition just because it may be attributed to a certain criterion mentioned in article 1A of the convention.

Thus, it would seem that the expansion in eligibility for asylum in recent years can be attributed first and foremost to the lower threshold for claiming a "well-founded fear", followed by the lower threshold for "persecution", and only to a lesser extent the "evolution" of the "particular social group" clause.

The Limitations of the RSD Process

Beyond the question of how "likely" it is that a given asylum seeker would face harm upon return, based on his personal data and the objective situation in his country, there is another kind of challenge when assessing asylum requests. A clear example was offered by the head of Denmark's immigration authority, Mr. Henrik Grunnet, in an interview he gave following public outcry sparked by a report his organization published on the observations of a fact-finding delegation to Eritrea.[12] In response to the outcry, the Danish government retracted much of the initial conclusions and policy changes from the report within a relatively short time. But contrary to the way it was portrayed by Eritrean activists and pro-migration advocates, the retraction did not signal an acknowledgment that all Eritreans face persecution. Far from it.

Rather, Grunnet explained that he was of the position that 90 out of every 100 Eritrean migrants are not refugees, but because the authorities have no practical way of distinguishing those 90 from the ten who truly are at risk, they have no

[12] Crone, Pedersen, and Bendtsen, "Chef for Udlændingestyrelsen".

choice but to grant refugee status to them all.[13] It is important to point out that in the case of asylum claims submitted by Eritrean migrants, most applications lack any concrete or objective indicators of danger of personal persecution upon return, since the main criteria is typically based on the applicant's subjective relationship with the regime.

Thus, in Israel for example, the government decided to apply "group-based complementary protection"[14] to all Eritrean nationals who have illegally entered the country from its southern border with Egypt due to a rationale similar to that which Grunnet presented. Nevertheless, many Eritrean migrants who enjoy this protection participate in events organized by their country's embassy. Additionally, violent clashes and mutual assaults erupt between pro- and antigovernment activists[15], while de facto government supporters live in the country under the pretense of a so-called fear from their government's reprisal if they return.

This challenge is distinct from the classical "probability" question where the goal is to assess how likely it is that a specific individual with verifiable circumstances may be harmed in a clearly identified situation like a conflict zone. In the case of Eritrean asylum seekers, the answer tends to be binary: those who have regularized their status with the regime by paying a 2 percent tax on all their income since they left the country face no real risk upon return, while those who have not are at significant risk of persecution.[16] But within the RSD process, there is no reliable way to identify who is who.

This reality reflects a broader truth that applies to many other asylum-seeking populations. Yet within what has become the "asylum industry" including lawyers, academics, activists, and courts, many are reluctant to admit this. In practice, despite the great weight typically attributed to the RSD process, it is essentially a long-form interview with unidentified individuals, for whom there is almost no reliable or objective information. As a result, the process's effectiveness is extremely limited.

True, at the extremes, the system can produce clear answers. For instance, Israel has seen asylum claims over the years from Nigerian tourists claiming persecution by "a demon-possessed monkey" or "a cursed wooden log."[17] Even assuming they sincerely believe in such supernatural threats, it is obvious that even if we accept their stories at face value they are not entitled to refugee status.

[13] Crone, Pedersen, and Bendtsen, "Udlændingestyrelsen ændrer kurs i Eritrea-sag".
[14] UNHCR, "Israel".
[15] Hendrix and Berger, "More than 150 injured".
[16] Home Office, "Report".
[17] Appeal 2283-24, TLV Immigration Tribunal, September 26, 2024.

On the other end of the spectrum, there are situations where a person can be identified as a refugee with high certainty, for example, in cases of ethnic conflict between tribes with clear and objectively recognizable markers such as language or distinct cultural practices. But in many – if not the majority – of cases, the reality is much less clear cut and far murkier.

Given that, in principle, these are life-or-death decisions, it is understandable that decision-makers, whether administrative bodies or courts, prefer to err on the side of caution. No one wants to be responsible for returning someone to a situation where they might be killed or seriously harmed.

That being said, when it comes to immigration policy, we cannot accept the absurd result that every citizen of a given country, Eritrea for example, is eligible for refugee status with full social rights, just because they managed to deceive authorities, take significant personal risks, and successfully arrive at a developed country's territory. Even if Denmark chose to adopt such an approach regarding Eritrean migrants, it is clear that other countries, including Israel, are not obligated to do the same.

The dramatic increase in the scope of migrants who are eligible for protection under the Convention has sparked growing calls around the world for countries to withdraw from it altogether. A recent and surprising example is the Republic of South Africa, whose government published a white paper on the need to withdraw from or post reservations to the Convention due to rising numbers of asylum seekers entering the country.[18]

In my view, even though radical elements have indeed distorted and, in some cases, hijacked the Convention to promote open-border agendas, such withdrawal would be disastrous, since at its core the Convention is a landmark document and a noble human achievement, intended to protect people facing the most serious forms of persecution.

But even more importantly, such dramatic steps are wholly unnecessary. All that is needed is for signatory states who wish to curtail the levels of asylum-related or "mixed" migration, is to adopt a "back to basics" policy and adhere to the plain language of the Convention, consistent with the original and explicit intent of its drafters, as I will detail.

[18] Home Affairs, South Africa, "White paper".

Back to Basics

Up to this point, I have discussed the definition of a refugee according to Article 1A(2) of the Refugee Convention. Most of the public and legal discourse in the developed world today, certainly in Israel, assumes that an asylum seeker who meets these definitions is automatically entitled to, at the very least, temporary resident status, along with the full package of social rights granted to citizens. In many countries, refugees eventually receive permanent residency or citizenship, and even the right to bring additional family members into the host country.

However, a closer reading of the Convention reveals that meeting the definition of a refugee is only the first stage. The truly decisive stage, particularly in terms of the rights that host countries are obligated to grant such a refugee, lies in determining their legal status of stay in the host country. The set of rights awarded is directly tied to this status.

This distinction was clearly articulated by Nehemiah Robinson, of the World Jewish Congress, in his work *Convention Relating to the Status of Refugees: Its History, Significance and Contents*, written for the Institute of Jewish Affairs shortly after the signing of the Convention. Robinson's interpretation is considered one of the earliest, and therefore also one of the most well-known and influential. He writes:[19]

> Not all persons who satisfy the requirements of the Convention as "refugees" are granted all its rights. As a condition for the enjoyment of rights the Convention often requires that the refugee lawfully stay in the territory of the state of residence. This requirement is explicitly stated in a number of instances – right of association, employment and vocations, housing, etc. – It is, however, not considered a condition for the benefit of all rights. Certain rights are granted refugees who do not stay in the country at all. Sometimes the Convention explicitly deals with refugees unlawfully in the country of refuge, such as in the case of illegal entry.

In effect, the Convention divides the rights granted to refugees into five distinct levels based on their legal status in the country of asylum, with each article specifying the refugee's required legal status explicitly. These levels, and the rights derived from them, are structured in ascending order, as follows:

[19] Robinson, "Convention"

1. Subject to a state's jurisdiction

This is the most basic level, applicable even in cases where the refugee is not physically present in the country itself. Every recognized refugee meets at least the threshold for the rights included in this level, though they are minimal and highly limited. These rights include, first and foremost, the prohibition, under Article 33 of the Convention, against deporting a refugee to a country where he may face a risk of persecution.

In addition, Article 3 prohibits discrimination based on race, religion, or country of origin. Article 12 preserves personal status rights such as marriage. Article 13 protects property rights in both movable and immovable assets. Article 16(a) grants access to the courts. Article 20 provides for equal treatment in state-run systems for distributing scarce goods. Article 22 grants the right to free primary education. Article 29 prohibits discriminatory or excessive taxation or fees.

2. Physical presence

When a refugee is physically present in the host country, they are entitled to an additional set of rights, including Article 4, which grants freedom of religion and worship; Article 27, which guarantees identification documents; and Article 31, which protects against criminal penalties for unlawful entry or stay, as well as unrestricted limitations on freedom of movement. It is important to note that the protections under article 31 apply only to refugees who arrived "directly" from the country in which they were at risk. Therefore, even someone who meets all the criteria of a refugee will not be entitled to these protections if they did not arrive directly.

3. Lawful presence

The next level of rights are to be granted only to refugees "lawfully" in the host country territory. It is worth noting that even lawful presence entitles the individual to a limited set of rights. Chief among them is protection from forced removal to another country, even if they will not face and danger in that country, under Article 32. Additional rights include the freedom to pursue self-employment under Article 18, and freedom of movement under Article 26.

4. Lawfully staying

"Lawful stay" entitles refugees to the broadest package of substantial rights committed to by signatory states; freedom of association under Article 15; the right to salaried employment under Article 17; recognition of diplomas and the ability to practice liberal professions under Article 19; access to public housing under Article 21; social assistance under Article 23; and coverage by labor protections and social security under Article 24.

5. Durable Residence

The fifth and highest level applies to refugees who have been granted permanent residence. These include protection of copyright under Article 14, protection from reciprocity-based legislation under Article 7(2), eligibility for legal aid similar to that of citizens under Article 16(2), and exemption from employment restrictions typically imposed on foreigners under Article 17(2).

Lawful versus unlawful presence

Despite the Convention's clear language, the distinctions between the various levels of legal status for refugees in host countries are rarely acknowledged in developed countries. There is one partial exception, at least in public discourse, although it too is often misrepresented: Article 31 of the Convention. This article, titled "refugees unlawfully in the country of refuge," explicitly addresses refugees who are present in the country of asylum without legal status, and states that (emphasis added):

> The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their *illegal entry or presence*.

The prevailing perception, at least in the public discourse in Israel, and it seems to be true for other countries as well, is that according to this article, an asylum seeker will be recognized as a refugee only if they arrived directly from the country

where their life or freedom was threatened. By contrast, if they arrived after passing through additional countries, they are no longer considered refugees.

This interpretation has no basis in the actual language of the Convention. Although it may echo the rationale behind Article 31, in practice it contradicts basic common sense. If a person is a refugee, in the sense that they have a well-founded fear of persecution in their country, passing through another country, especially if they cannot be returned to that third country, does not magically cancel their refugee status.

However, the Convention does state explicitly that while a person who meets the refugee definition remains a refugee regardless of the circumstances, the rights that states are required to grant may be limited. Furthermore, the Convention explicitly allows criminal penalties to be imposed even on a recognized refugee who enters a country unlawfully, unless they arrived directly from their country of origin.

While the meaning of the Convention is clear when dealing with a refugee who enters unlawfully, the question arises: what qualifies as unlawful presence according to the Convention, and by extension, what qualifies as lawful presence? This question was addressed in the clearest possible terms, more than once, by the Ad Hoc Committee on Statelessness and Related Problems, appointed by the United Nations Economic and Social Council to draft the text of the Refugee Convention. In its first report, whose initial draft was presented in January 1950, the committee members explicitly defined that[20]

> The expression "lawfully within their territory" throughout this draft Convention would exclude a refugee who while lawfully admitted has overstayed the period for which he was admitted or was authorized to stay or who has violated any other condition attached to his admission or stay.

In other words, the drafters of the Convention made it explicitly clear that the term "lawfully staying", in the context of rights granted to refugees, was intended to exclude even a refugee who had initially entered a country lawfully but remained beyond the validity of their visa, or even merely violated one of the conditions attached to it.

In the second report submitted by the same committee, after receiving comments from member states and council representatives, this point is reiterated. The

[20] UN Ad Hoc Committee on Statelessness and Related Problems, "Report".

clarification was provided in response to questions raised by state representatives on this very issue:[21]

> The Committee decided that it was not always necessary to insert in the text definitions of expressions used. However, since some question was raised as to the phrase "lawfully in the territory", the Committee expressed the view that, in any event, a Contracting State may consider that a refugee is no longer lawfully in its territory if he is in contravention of terms imposed as a condition of his admission or sojourn.

It is worth noting that the prevailing disregard for the legal status of refugees is almost entirely exclusive to developed countries. According to data from the UNHCR, the vast majority of recognized refugees in the world reside in developing countries, most of them without any civil rights, and a significant percentage are even required to live exclusively within the boundaries of refugee camps.[22]

In this regard, Uganda is an interesting example, as UNHCR describes its asylum policy (emphasis added):[23]

> *Uganda is considered to have one of the most progressive asylum regimes globally.* Under the Refugees Act of 2006 and the 2010 regulations, Uganda's asylum policies uphold key rights, including access to asylum, freedom of movement and expression and the right to work. The legislation conforms to international refugee law.

This stands in contrast to countries like Ethiopia which requires refugees to remain almost entirely within the boundaries of semi-closed refugee camps. On the other hand, Uganda does not give social security rights, and its constitution categorically denies any possibility of granting citizenship to a refugee, or a person who was born to a refugee, or even has one grandparent who came to the country as a refugee.[24]

And while Uganda's approach may certainly be commended, it is unimaginable that the UNHCR would use such positive language to describe an identical or similar policy if it were enacted in a member state of the European Union. While it may be understandable to hold higher expectations of developed countries, it is important to emphasize that these expectations have nothing at all to do with the Refugee Convention itself. As a matter of fact, Uganda upholds the Refugee

[21] UN Ad Hoc Committee on Statelessness and Related Problems, "Report", 2nd session.
[22] UNHCR, "2024 Mid-Year".
[23] UNHCR, "Uganda".
[24] Grześkowiak, "When Legal Inclusion is not Enough".

Convention for the simple reason that the convention awards states total discretion regarding citizenship and most social rights, not because Uganda is poor.

But beyond the double standard demonstrated by organizations such as UNHCR, the main reason that the Convention's explicit emphasis on the legal status attributed to the different rights accorded to refugees does not receive much attention in developed countries lies in the fact that most chose to incorporate the definitions of Article 1(A)(2) of the Convention, either verbatim or with minor changes, into their immigration laws. Thus making the question of legal status void of practical meaning. This is of course their sovereign prerogative, but again, it has no basis in the Convention.

Conclusions

As clearly stated in the Convention's provisions and by the drafting committee, regardless of the complex question of defining and recognizing refugees and differentiating them from other classes of migrants, the signatory state's obligations towards non-citizens who entered or stayed unlawfully, even if they do meet the criteria of "refugee", are very limited. These limited obligations create a substantially lower degree of tension with regards to the country of asylum's sovereignty, resources and discretion regarding rights they wish to award exclusively to their own citizens.

In Part II, I present a comparative legal review on the decisive question as to what constitutes "lawful stay" as opposed to unlawful stay, and the benefits of distinguishing between these two separate statuses regarding refugees, as the Convention clearly intended. This kind of approach allows countries to formulate a balanced and practical asylum policy that fully upholds their commitments according to the Convention, while realistically addressing the difficulties in determining refugee status, as outlined above in Part I.

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How War in Lebanon and Regime Change in Syria Reshaped Syrian Displacement Dynamics

Elias Dahrouge

Abstract

The latest developments in both Lebanon and Syria have drastically reconfigured the structural context that conditioned the Syrian refugee displacement in Lebanon. The 2023–2024 Israel–Hezbollah war, the fall of the Assad regime in December 2024, and Lebanon's ongoing socio-economic and financial collapse have overturned the long-standing refugee mobility drivers. These shifts have produced new patterns marked by both sizable return and renewed refugee inflows, particularly of minorities, pro-Assad groups and Alawites fleeing violence in coastal Syria. This article examines how intersecting crises, coupled with the evolving Lebanese policy response, altered Syrian refugees' migration trajectories by analyzing the different contextual drivers and their impact on both protracted and recent displacements. Based on field research conducted in 2025, the study presents also an in-depth account to the new wave of Alawite refugees to North Lebanon.

Keywords: Forced displacement, Syrian refugees, migration drivers, Lebanon, Alawites, migration policy

Introduction

Lebanon has been one of the most affected countries by the Syrian refugee crisis, hosting around 1.5 million refugees for a protracted period spanning over 14 years (2011–2025). What began as an emergency influx driven by the outbreak of the Syrian civil war in 2011 has evolved into a long-term displacement situation with deep political, social, and economic implications for Lebanon. Over time, their prolonged presence has transformed the refugee situation from a humanitarian emergency into a structural and deeply political issue within Lebanon's complex sectarian and governance landscape.[1]

[1] To better understand the political dimension of the Syrian presence in Lebanon, it is important to mention the historical context prior to the recent conflict-induced refugee crisis (2011 and onwards). In fact, Lebanon constituted a long-time destination for Syrian low-skilled – mostly male – manpower migration, which amplified significantly in the post-war reconstruction period

However, the past few years have been marked by a drastic change of context that has significantly altered the dynamics of the Syrian refugee situation in Lebanon. This shifting context has been shaped by three major developments. First, the 2023–2024 Israel–Hezbollah war, through the consequences of the Israeli military aggression, led to heightened insecurity, large-scale internal displacement, and further deterioration of state infrastructure. Second, the fall of the Assad regime in Syria in December 2024 introduced new scenarios, opening prospects of return for some, while generating insecurity and displacement for others, especially among minorities. Third, these changes occurred in the wake of a continuous and deepening socioeconomic and financial crisis in Lebanon that began in 2019 and was qualified as one of the most severe crises in modern history.[2]

This contextual change is investigated in this article through the following question: *How has the changing context in Lebanon and Syria shaped Syrian refugees' migration dynamics and patterns?* The article begins by offering a comprehensive review of the past 14 years (2011–2025) of protracted Syrian displacement in Lebanon, including its effects and the Lebanese state's policy responses through time. It argues that throughout the years, the state's restrictive policies, coupled with the growing negative Lebanese public perception, shaped new contextual drivers for Syrian refugee mobility. It then introduces the recent contextual transformations in Lebanon and Syria as disruptive variables that have reshaped the structural drivers of refugee dynamics on a macro level. It argues that crisis and war in Lebanon, coupled with regime change in Syria created new structures for Syrian refugee return and displacement. Finally, the article delves into the case of the recently arrived Alawite refugees from Syria to Akkar, North Lebanon. It shows how regime change as a driver has had a drastically different impact on Alawite refugee mobility in comparison with the displacement trajectories of long-settled Syrian refugees in Lebanon since 2011.

The analysis draws on qualitative field research conducted between March 25 and June 10, 2025, using field observation and key informant interviews (KIIs) to capture diverse perspectives across refugee and host populations. A total of eight KIIs were conducted: four with newly arrived Alawite refugees who fled the 2025 massacres of coastal Syria and sought refuge in Akkar, two with local community leaders from Akkar's Alawite host communities, and two with Syrians residing in Lebanon. This approach aims to link field insights with theoretical concepts.

(1990s and 2000s). At its highest peak, the country hosted around 500,000 Syrian workers (see in this respect: Bou Khater, *Labour Policy and Practice*). In parallel, Lebanon was under Syrian military occupation until 2005, which also partly explains any potential resentment against Syrians in general. For more information on this topic, see Dahrouge, "The Syrian Refugee Crisis", particularly chapters 5 and 6.

[2] World Bank, "Lebanon Sinking".

Key Concepts and Definitions

Before starting the analysis, it is important to present and define some of the main theoretical concepts used throughout the following study. While the main focus is on the drivers of Syrian refugee migration, push/pull factors, determinants, aspirations and capabilities are also employed across the article.

In the literature, *drivers* of migration are broadly understood as the underlying macro-level structural factors that create conditions for migration to occur, as conceptualized by de Haas.[3] They include political, economic, social, demographic, environmental, and security-related conditions that influence the decision to move. They are contextual, deep-rooted and long-term factors shaping mobility or immobility. In our understanding, social or economic marginalization, restrictive policies, structural effects of war and regime change can all arguably constitute drivers of refugee migration.

Although closely related, *push* and *pull* factors differ conceptually from *drivers*. *Push* and *pulls* are immediate conditions that compel people to leave or attract people to come, as first conceptualized by Lee.[4] For example, if regime change is a driver, sectarian massacres constitute a push factor for displacement.

Determinants are the different intermediate meso-level factors that limit, enhance or condition whether or not migration actually occurs. According to de Haas,[5] determinants are the various factors that determine how drivers shape migration. They can be related to identity, age, sex, geography, or tribal networks.

Finally, *aspirations* and *capabilities* constitute the factors that influence the agency of individuals to migrate, as conceptualized by Carling,[6] de Haas,[7] and by Carling and Schewel.[8] They address the interplay between the desire to move and the actual ability to do so on the micro-level.

In summary, drivers shape the structural context of migration at the macro-level. They constitute the underlying conditions from which push and pull factors emerge instantly. At the micro-level, individual tendency to migrate depends on their aspirations and their capabilities to act on them. Finally, at the meso-level, determinants mediate between structure and agency, shaping how macro-

[3] de Haas, "The Internal Dynamics"; de Haas, "A Theory of Migration".
[4] Lee, "A Theory of Migration".
[5] de Haas, "A Theory of Migration," 65.
[6] Carling, "Migration in the Age of Involuntary Immobility".
[7] de Haas, "A Theory of Migration," 65.
[8] Carling and Schewel, "Revisiting Aspiration and Ability".

level drivers influence aspirations and capabilities, thus explaining why individual migration patterns differ under similar structural contexts.

Lebanon's Syrian Refugee Crisis – Overview and Impact

Between 2011 and 2025, it is believed that over 1.5 million Syrian persons have sought refuge in Lebanon.[9] Their presence was marked by high poverty levels, undignified housing, and poor access to basic services. These compounded vulnerabilities have deepened over time, placing mounting strain on Lebanon's fragile infrastructure, economy, social cohesion, and sectarian balance.

A Protracted Syrian Refugee Presence in Lebanon

The protests against the Assad regime in Syria that erupted in 2011 led gradually to a cycle of acute violence that resulted in one of the worst displacement crises and, subsequently, humanitarian crises in the world since World War II.[10] Around two thirds of Syria's 2010 population of 22.5 million[11] were estimated to have become either internally displaced – 7.4 million IDPs – or refugees – more than 6 million.[12] The number of UNHCR-registered Syrian refugees peaked between 2019 and 2022, reaching more than 5.6 million.[13] By May 2025, this number continued to be relatively high, though it diminished slightly to 4.5 million.[14]

Along with Turkey and Jordan, Lebanon soon became one of the most impacted neighboring countries, ranking as the country with the highest number of refugees per capita in the world.[15] For an estimated 1.5 million Syrian refugees,[16] the country's geographical proximity, coupled with the deep socioeconomic, cultural and historic ties that it shares with Syria, made it a natural and appealing destination for the ones fleeing hostilities and various conflict-related constraints.

Overwhelmed by the scale of the influx and hindered by its limited resources and poor coordination, the Lebanese state let refugees scatter all across the country, with hotspots concentrated along the bordering regions of the East and the North.

[9] UNICEF, UNHCR and WFP, *Vulnerability Assessment*.
[10] UNICEF, *A Timeline*.
[11] The World Bank, "Population, Total".
[12] UNHCR, "Syria Refugee Crisis Explained".
[13] UNHCR, "Operational Data Portal. Syria Regional Refugee Response".
[14] UNHCR, *Syria Regional Refugee Response*.
[15] UNHCR, "The Number of Syrian Refugees".
[16] Jeanine Jalkh, "Has Lebanon Raised the Bar Too High for Syrian Migrants' Return?" *L'Orient Today*, April 25, 2024. https://today.lorientlejour.com/article/1411673/has-lebanon-raised-the-bar-too-high-for-syrian-migrants-return.html.

In this respect, the Beqaa hosted the largest share (37%), followed by North Lebanon (26%), Beirut (25%), and South Lebanon (11%) as of 2020,[17] with some towns seeing refugees outnumber local residents. The lack of organization resulted in various shelter options – mostly through paying rent to landlords – in which the vast majority (80%) had to self-settle,[18] while informal non-permanent tented settlements represented only 19% of the overall refugee housing scheme.[19] By 2022, around 71% of refugee households lived in residential structures, but half of them were considered as overcrowded or inadequate, with 15% of them in danger of collapse,[20] and many others with poor sanitation or heating options.

Beside geographical repartition and housing, it is noteworthy to highlight the challenging socioeconomic conditions of the Syrian refugees in Lebanon, most of them being vulnerable and deprived. These conditions have progressively worsened throughout the years. As of 2019, more than half of the refugees lived in extreme poverty.[21] More than 10 years into the crisis, 76% of refugee households remained below the Minimum Expenditure Basket (MEB) covering access to basic and essential needs.[22] Moreover, 88% of households were resorting to borrowing money, 90% declaring to do so for buying food.[23] Similarly, access to basic services and rights was also deficient. In the case of education for example, less than two thirds (57%) and less than one fifth (18%) of refugee children enrolled in primary and secondary school respectively.[24] In fact, many families had no other choice than sending their children to work[25] to overcome financial burdens.[26]

Finally, from a religious perspective, most of the refugees' sectarian affiliation was Sunni Islam.[27] This became quickly perceived by many Lebanese as a threat to the sectarian demographic status quo, especially when linking it to the outcomes of the Palestinian refugee precedent.[28] All these elements represented continuous yet

[17] UNHCR, "Operational Data Portal. Refugee Situation".
[18] Stel, *Hybrid Political Order*.
[19] Yassin, *101 Facts & Figures*.
[20] UNICEF, UNHCR and WFP, *VASyR 2023*.
[21] S. Roupetz et al., "Displacement and Emotional Well-Being".
[22] UNICEF, UNHCR and WFP, *VASyR 2023*.
[23] UNICEF, UNHCR and WFP, *VASyR 2023*.
[24] UNICEF, UNHCR and WFP, *VASyR 2023*.
[25] While child labor is forbidden in Lebanon according to Decree no. 8987 of 2012, many Syrian children are illegally employed in the informal job market. The prevalence of child labor can be directly observed in everyday settings such as grocery markets, bakeries, restaurants, and agricultural fields across the country.
[26] R. Habib et al., "Work-Related Injuries".
[27] Tinas, *Syrian Refugees in Lebanon*.
[28] Lebanon's historical experience with the similarly mostly Sunni Palestinian refugees – viewed as an armed, politically active group threatening the country's sectarian and demographic balance – has shaped Lebanese society's perception of Syrian refugees as a similar threat to the demographic

growing factors for social instability and insecurity. They were further exacerbated by Lebanon's multiple crises since 2019, including hyperinflation and currency devaluation, the COVID-19 pandemic, the 2020 Beirut port explosion,[29] as well as, more recently, the 2023–2024 war with Israel.

The Impact of the Syrian Refugee Crisis on Lebanon

The Syrian refugee crisis had a significant impact on Lebanon on all levels. While the real weight of the burden might be subject to various interpretations and estimations, it is certain that the presence of 1.5 million – mostly vulnerable – persons created considerable constraints on the country's infrastructure, healthcare, society, politics, security and environment. It is enough to consider the effects of such an influx on the healthcare system, the sewage infrastructure, water, energy, transportation, or on solid waste management that were mostly already strained or dysfunctional.

Early on, the World Bank estimated the cost to be around $13 billion for the 3-year period of 2012–2015.[30] The demographic pressure and the strain on municipalities, coupled with the degrading livelihoods of vulnerable groups, was seen by some as contributing to an increasing risk of deepened social divisions heightening the probability of unrests.[31] In parallel, job competition created ongoing tension between Lebanese and Syrians.[32] This was accentuated by the negative impact that the Syrian conflict had on the Lebanese economy. While direct causality is difficult to establish, the early years of the crisis coincided with 170,000 Lebanese being pushed into poverty.[33] The general Lebanese perception accusing Syrians of stealing jobs from local job seekers can be linked to both the nature and magnitude of Syrian refugee employment. In 2015, more than 90% of the employed Syrian refugees were underpaid, working without contracts and outside of the Lebanese labor protection mechanism.[34] By 2023, a total of 39% of Syrian refugees were employed, with around 75% of refugee households having at least one working member, predominantly in low-skilled jobs in sectors like agriculture, construction and services.[35] As a result, Nevertheless, other studies demonstrated how Lebanon has benefited from the presence of Syrian refugees

sectarian status quo, fueling widespread resentment and institutional exclusion. For more information, see Dahrouge, "The Syrian Refugee Crisis".

[29] Ragi et al., "Legal Residency Status".

[30] Brun, Shuayb, and Hammoud, *The Economic Impact of the Syrian Refugee Crisis in Lebanon*.

[31] Beaujouan and Rasheed, "An Overview".

[32] Kreidie, Kreidie, and Atassi, "Living with Ongoing Political Trauma".

[33] World Bank, Lebanon, "Economic and Social Impact Assessment".

[34] Cherri, Arcos González, and Castro Delgado, "The Lebanese–Syrian Crisis".

[35] UNICEF, UNHCR and WFP, *VASyR 2023*.

through receiving international aid for refugees.[36] The considerable injection of foreign money into the economy helped delay the financial and socioeconomic collapse that finally occurred after 2019.[37]

The crisis led gradually to negative perceptions of refugees among Lebanese host communities.[38], [39] These were soon translated into restrictive state measures responding to the tensions and fears generated by their protracted presence, especially knowing the multi-sectarian nature of Lebanon.

Lebanon's State Policy Response

In general, the Lebanese state response can be described as intentionally ambiguous and fragmented, enabling better refugee control and exploitation through creating a structure of political uncertainty.[40] The only notable consistency that the state maintained throughout the years was its position claiming that it is "neither a country of asylum, nor a final destination for refugees, let alone a country of resettlement".[41] This could explain its refusal to sign the 1951 Refugee Convention and its Protocol.[42] This primary stance was balanced with the pragmatic aim of attracting international funds through commodifying refugees and building up an economic scheme in which Lebanon was categorized a refugee rentier state.[43]

Nonetheless, the state's various policies and actions evolved along three main phases since 2011. From an initial state of inaction, the government became more reactive and shifted towards adopting restrictive measures. Later, it engaged in the active facilitation and encouragement of voluntary return of Syrian refugees. The latter phase was coupled with growing political scapegoating and anti-Syrian refugee media campaigns.

The first phase (2011–2014) was characterized by a "policy of no policy"[44] where borders remained open to Syrian refugees, humanitarian aid was outsourced

[36] Brun et al., *The Economic Impact*.
[37] Brun et al., *The Economic Impact*.
[38] Karasapan and Shah, "Why Syrian Refugees in Lebanon Are a Crisis".
[39] While perceptions varied according to different factors like place of origin, sect, interaction with Syrian refugees or age, many Lebanese expressed resentment throughout the years. For example, around 31% of Lebanese respondents felt hatred and 33% felt fear towards Syrian refugees in 2015 (see: Alsharabati and Nammour, "Survey on Perceptions"), while 32% qualified their relationship with Syrians in their region as negative or very negative in 2021 (see: ARK, *Regular Perception Surveys*).
[40] Stel, *Hybrid Political Order*.
[41] Fakhoury, "Refugee Return"; Mourad, "'Standoffish' Policy-Making".
[42] Almustafa, "Reframing Refugee Crisis"; Janmyr, "No Country of Asylum".
[43] Tsourapas, "The Syrian Refugee Crisis".
[44] Kikano, Fauveaud, and Lizarralde, "Policies of Exclusion".

to international and local organizations, and management was delegated to municipalities, many of which started imposing curfews.[45] The only noticeable decision was the no-camp policy, which explicitly banned refugee camps, leading to the emergence of ad-hoc informal settlements across the country.[46]

The second phase (2014-2016) marked a shift toward "policies of exclusion",[47] both political and economic, when the government sought to regulate the movement of Syrians through "formal informality", pushing them towards manufactured vulnerability.[48] This came also along with the emergence of ISIS and other radical groups, which led to an increased securitization of refugee policies.[49]

On a political level, the government imposed a restrictive visa and residency regime to refugees, while asking the UNHCR to freeze new registrations, leaving many Syrians ineligible for aid and vulnerable to exploitation. The restrictive residency permit system has become a particularly problematic aspect of Lebanon's policy framework. The complicated and expensive registration process made it extremely difficult for refugees to live and work legally in the country.[50] As a result, the vast majority (80%) fell de facto into illegality, while only 20% could secure a valid legal residency.[51] This reality exposed most of them to various severe vulnerabilities such as risk of detention, deportation, or exploitation,[52] but also limited their access to education and healthcare.[53]

On an economic level, Syrian refugee access to employment was limited through restrictive labor regulations. On the one hand, Syrians who were registered by the UNHCR as refugees were banned from legal employment,[54] under the pretext that a working person is automatically an economic migrant rather than a refugee. On the other hand, the Syrian labor force was confined to limited sectors requiring low skills such as construction, agriculture and cleaning. But the complicated and expensive bureaucratic paperwork required made it almost impossible for refugees to work legally.[55]

The third phase (2016–2024) began during the mandate of President Michel Aoun, with the implementation of soft coercive measures aiming at achieving the return of as many Syrian refugees as possible. The process was fragmented, with

[45] Baroud, *From Exile to Uncertainty*.
[46] Dahrouge, "From Inactivity to Reactivity".
[47] Kikano, Fauveaud, and Lizarralde, "Policies of Exclusion".
[48] Stel, *Hybrid Political Order*.
[49] Hourani, "State Security and Refugees".
[50] Habib et al., "Work-Related Injuries".
[51] Ragi et al., "Legal Residency Status"; UNICEF, UNHCR, and WFP, *VASyR 2023*.
[52] UNICEF, UNHCR and WFP, *VASyR 2023*.
[53] Ragi et al., "Legal Residency Status"; Almustafa, "Reframing Refugee Crisis".
[54] Müller-Funk and Fransen, "I Will Return Strong".
[55] Habib et al., "Work-Related Injuries"

multiple initiatives, including state and non-state actors facilitating, coordinating and even pressuring Syrians to return. For instance, in coordination with the General Security (GS) Hezbollah opened several offices across Lebanon where refugees could register for return.[56] The results of such actions remained relatively limited. By 2019, around 2,700 Syrians had been repatriated, and an estimated 76,000 refugees returned between 2016 and 2022.[57] In this context, the caretaker Minister of the Displaced announced the government's plan to repatriate 15,000 refugees each month.[58] While these objectives could never be achieved, the Lebanese state went a step further in 2023, engaging in hundreds of coercive and summary deportations to Syria.[59] In 2024, around 5,600 Syrians were deported.[60] Call for action exacerbated further following the fall of the Assad regime in December 2024. Many politicians were arguing that the main factor hindering return was no more. By this logic, the government reinitiated the 2022 repatriation plan, while some parliamentarians submitted a bill aiming at regulating return.[61]

In parallel, Lebanon witnessed since 2022 a surge in anti-Syrian refugee sentiment that was fueled by politicians' populism[62] and scapegoating through various vehement media campaigns actively calling for their return.[63] This peaked with campaigns such as the "Undo the Damage" of 2024, playing on the fears related to the protracted presence of Syrians in Lebanon.[64] These messages could be endorsed easier than before by the general public suffering from a multilevel socioeconomic, financial and political crisis in Lebanon that defined the changing context of the last few years.

In summary, the state's restrictive policies, coupled with the growing negative public perceptions among Lebanese – fed by anti-Syrian refugee political speech –, shaped the structural conditions of Syrian refugees in Lebanon, thus creating new contextual drivers of refugee mobility. The policy response gradually created structural limitations on access to rights, legal residency, services and employment that reshaped the long-term viability of staying in Lebanon. Simultaneously, the

[56] Müller-Funk and Fransen, "'I Will Return Strong'".
[57] Dahrouge, "From Inactivity to Reactivity".
[58] Kareem Chehayeb, "Lebanon Hopes to Repatriate Syrian Refugees within Months," *AP News*, July 6, 2022. https://apnews.com/article/middle-east-syria-lebanon-united-nations-b899025139e1210008bba194effa9557.
[59] Amnesty International, "Lebanon".
[60] Baroud, *From Exile to Uncertainty*.
[61] Baroud, *From Exile to Uncertainty*.
[62] Nafah, "Syrian Refugees in Lebanon".
[63] Salhani, "Targeted".
[64] Ghadir Hamadi, "Controversial New Campaign Calls to 'Undo the Damage' of Syrians in Lebanon," *L'Orient Today*, March 18, 2024, https://today.lorientlejour.com/article/1369676/controversial-new-campaign-calls-to-undo-the-damage-of-syrians-in-lebanon.html.

negative public perceptions embedded these limitations in the host society through structurally enhancing social exclusion.

A Changing Context

The past years have witnessed a drastic shift in the context surrounding the protracted Syrian refugee presence in Lebanon, with significant implications for this issue. The evolving landscape was marked by three fundamental developments: the socioeconomic crisis since 2019 and its many repercussions, the Israel-Lebanon war of 2023–2024, and the fulgurant fall of the Assad regime in December 2024. These macro-level disruptive transformations created new structures for both Syrian refugee return and displacement.

The Compounded Crisis Starting 2019 – The Prelude

It has been more than five years now that Lebanon entered starting 2019 in the most severe socioeconomic and financial collapse of its modern history. The crisis was also coupled with a long-lasting political deadlock opposing the country's many political factions, influential financial and economic lobbies and civil society. These struggles initiated a wave of mass protests in 2019 during which hundreds of thousands of Lebanese called for reform, accountability and improvement of their economic conditions. The country also soon faced state insolvency, inflation, currency devaluation, and rising poverty levels, with more than 80% of the population estimated to live in poverty.[65] In parallel, the banking sector collapsed, dispossessing citizens of crucial assets for eventual initiatives through grassroot resilience.[66] The crisis weakened public institutions and decreased public service efficiency. It also pushed thousands of Lebanese to emigrate for better life and job conditions.

Amidst these developments, Syrian refugees were subject to increasingly harsh living conditions, leading to rising poverty and vulnerability. Within years, foodstuff prices increased by 700%, while earnings remained low.[67] The COVID-19 pandemic and the Beirut port explosion further strained access to humanitarian aid and basic services. For instance, following the port explosion, Syrian refugee victims were excluded from the state compensation mechanism although representing a quarter of the death toll.[68] In short, while most refugees had no other choice in sight then staying in Lebanon, a growing number began to aspire for – what they perceived to be – better conditions. This could definitely be one explanation for

[65] Ipsos, *Socioeconomic and Political Landscape*.
[66] Ali, "Displacement in Place".
[67] UNHCR, "UN: Worsening Conditions".
[68] Yassine, "Facing the Abyss".

the rising number of irregular maritime migration from Lebanon towards Cyprus, Italy and Europe that doubled after the crisis,[69] and in which Syrian refugees were consistently representing the majority.[70]

The Israel-Lebanon War 2023-2024 – The Disruption

Beyond the socioeconomic crisis, the spillover effects of the October 7 attack represented a second major contextual shift of the Syrian refugee situation in Lebanon. As a matter of fact, the 2023–2024 war and displacement crisis considerably changed the prevailing conditions of all the residents of Lebanon.

The fighting between Hezbollah and Israel that started in October 2023 plunged Lebanon into a severe displacement crisis, surpassing former similar episodes such as the 2006 war. During the initial phase, the conflict led to the displacement of around 100,000 residents.[71] Most of those affected by this initial wave were residents of the southern villages along the border and sought refuge in bigger southern cities such as Tyre or Nabatiyeh. But later, Israel's escalation of September 2024, which was defined by an intense bombing campaign and destructive ground operations, resulted in hundreds of casualties in just a few days and displaced millions from the targeted areas.[72] The Israeli forces resorted to the so-called "Dahieh Doctrine"[73] which involved the disproportionate use of force and the targeting of civilian infrastructure in Beirut, the Beqaa, and across the country. They also used scorched-earth tactics along the border, evidenced by the systematic destruction of entire villages and neighborhoods in the South.[74] As a result, a significant percentage of the infrastructure, homes, public services, and critical facilities in the targeted areas were heavily damaged, necessitating a complex and costly reconstruction phase that would need years to be completed. Consequently, around 93,000 people remained displaced as of the end of March 2025.[75]

By November 2024, Lebanese governmental sources estimated that over 1.2 million persons were displaced from their homes.[76] This number included around 875,000 internally displaced persons (IDPs) from the affected areas of the South,

[69] Sally Abou AlJoud, "The New Routes and Rising Numbers of Would-Be Migrants Leaving Lebanon," *L'Orient Today*, September 21, 2022, https://today.lorientlejour.com/article/1312253/the-new-routes-and-rising-numbers-of-would-be-migrants-leaving-lebanon.html; Diab and Jouhari, *Conflict, Crisis, and Migration*.
[70] Baroud, "Country Report".
[71] IOM, "Displacement Tracking Matrix".
[72] "Chronicles of Displacement - Timeline".
[73] Somdeep Sen, "'Dahiyeh Doctrine' Returns to Dahiyeh," *Al Jazeera*, October 3, 2024, https://www.aljazeera.com/opinions/2024/10/3/dahiyeh-doctrine-returns-to-dahiyeh.
[74] NNA, "Israeli Enemy's Military Operations"; "Chronicles of Displacement – Timeline".
[75] OCHA, "Lebanon: Flash Update #65".
[76] UNHCR, "Lebanon Emergency Flash Update".

the Beqaa, and South Beirut[77]. While most were Lebanese, around 97,000 were secondarily displaced Syrian refugees,[78] in additions to around 25,000 migrant workers from Asia or Africa.[79]

Secondary displaced Syrian refugees were often either excluded from access to public shelters or evicted in favor of Lebanese displaced persons.[80] This might be linked to and explained by the growing anti-Syrian sentiment developed earlier, which transformed most shelters into "Lebanese-only" exclusive spaces, leaving Syrians without assistance, similarly to secondary displaced Palestinian refugees who were also subject to discrimination and reduced access to aid, shelter and relief during this war.[81]

Other displaced persons chose to flee the country towards Syria. These refugees were constituted of approximately 200,000 Lebanese,[82] 5,000 Palestinians,[83] and roughly 330,000 Syrian returnees[84] who chose diverse formal and informal paths.[85] Many returned after the ceasefire of November 2024 through informal routes since economic livelihood was quasi-impossible to sustain in Syria.[86] But in some southern villages strained by the destruction from war, municipalities denied return for secondary displaced Syrian refugees.[87]

In conclusion, the war structurally disrupted Syrian refugees' safety and access to shelter or aid. It shaped new structural conditions that constituted a new driver for Syrian refugee return migration, pushing hundreds of thousands to seek refuge back in Syria and/or reconsidering their presence in Lebanon.

The Regime Change in Syria – A Twofold Impact

Simultaneously with the fragile ceasefire established in Lebanon on 27 November 2024, neighboring Syria underwent a series of cascading events that rearranged its

[77] IOM, "Displacement Tracking Matrix".
[78] UNHCR, "Lebanon Emergency Flash Update".
[79] IOM, "IOM Supports Sierra Leonean Migrants".
[80] Haid, "Caught Between Two Wars".
[81] Bou Diab, "Far from Home".
[82] UNHCR, "Lebanon Emergency Flash Update".
[83] UNRWA, "Situation Report #9".
[84] UNHCR, "Lebanon Emergency Flash Update".
[85] "While Syrian Refugees Don't Want to Return, Officials in Lebanon and Syria See Exodus as Opportunity," *Naharnet.com*, November 10, 2024, https://www.naharnet.com/stories/en/309152-while-syrian-refugees-don-t-want-to-return-officials-in-lebanon-and-syria-see-exodus-as-opportunity.
[86] Natacha Danon, "Syrians Continue to Flock to Lebanon after the Regime's Fall," *Syria Direct*, February 25, 2025, https://syriadirect.org/syrians-continue-to-flock-to-lebanon-after-the-regimes-fall/.
[87] Baroud, *From Exile to Uncertainty*.

internal landscape. In the wake of Hezbollah's significant weakening in Lebanon, the long-standing regional balance of power began to shift, culminating in the collapse of the Assad regime in December 2024. This political rupture ended over five decades of Baathist rule and ushered in a period of uncertainty under the de facto leadership of Ahmad al-Sharaa – previously known as Al-Julani, former leader of the Al-Qaeda-affiliated Jabhat al-Nusra. Though the new leadership promised a break from the past, the regime change brought a mix of opportunity and instability.

This changing context produced a twofold effect on the drivers of Syrian refugee mobility. On the one hand, it renewed hopes for return among long-exiled Syrians.[88] With the fall of the Assad regime, several long-standing barriers to return – such as the fear of state repression, arbitrary detention, security clearance in case of return, and forced military conscription – were partially abolished.[89] While the economy remained fragile and public services like electricity, water, and transport barely functional, the end of Baathist authoritarianism gave rise to new aspirations. Many viewed the change as an opportunity to reclaim lost property, reunite with families, and rebuild livelihoods, as highlighted by Syrian informants interviewed in May 2025. As a result, in February 2025, 80% of Syrian refugees expressed their hope to return to Syria one day compared to 57% in April 2024,[90] accounting for the striking shift in return aspirations driven by regime change. This optimism, combined with the lifting of US and other international sanctions, translated into concrete movements. By April 2025, UNHCR recorded approximately 1 million IDP returns within Syria, as well as 443,000 refugee returns to Syria,[91] mostly from Turkey, Jordan, and Lebanon.

On the other hand, the changing Syrian domestic context generated new fears and patterns of displacement. The regime change unleashed a wave of revenge-driven political and sectarian violence, particularly targeting communities associated with the former regime, such as the Alawites. It also led to a power vacuum that heightened perceptions of insecurity involving occasional killings or lootings. Concerning Lebanon, the north Beqaa region witnessed the arrival of more than 88,500 individuals from Syria since 8 December 2024,[92] mostly Syrian Shia, or former regime loyalists, in addition to Lebanese-Syrian binational families from the Qusayr region.[93] Simultaneously, the March 2025 massacres in coastal Syria, which targeted Alawite communities, forced an estimated 36,000 Alawites to flee

[88] Baroud, *From Exile to Uncertainty*.
[89] Gebara, "The Shifting Landscape".
[90] UNHCR MENA, "Flash Regional Survey".
[91] UNHCR, "Regional Flash Update #24".
[92] OCHA, "Lebanon: Flash Update #65".
[93] Heller, "Cross-Border Shuffle".

into North Lebanon,[94] settling in areas like Akkar and Tripoli. These dramatic events were followed by deadly clashes in Jaramana, Sahnaya and Sweida between new regime forces and Druze militias,[95] leading to growing insecurities and fears among the Druze and other minority groups.
Moreover, the climate of lawlessness and uncertainty prompted smaller waves of under-documented displacement, including middle-income Christian individuals or families and former regime sympathizers seeking safety in Lebanon, as confirmed by Syrian informants interviewed in May 2025. These developments exposed a new, paradoxical mobility landscape: even as some Syrians returned home for the first time in over a decade, others were now driven to flee. The result is a complex and often contradictory set of migration trajectories shaped by the underlying structural drivers that were born following the regime change in Syria.

In Focus: Akkar's Alawite Refugees

Overview of Alawite Displacement

Alawites constitute an estimated 10% of the Syrian population[96] and have historically occupied a complex and ambivalent position within Syrian society. Under the Assad regime, they became strongly associated with the ruling elite, as key figures in the military, security, and administrative apparatus were drawn disproportionately from Alawite communities. Around 80% of the Alawites were working for the Baathist state,[97] which affiliation bred rising resentment from other communities, especially Islamist opposition factions who derogatorily referred to Alawites as *Nusayris*.[98] Despite these associations, the Alawite community remained predominantly poor, rural, and geographically concentrated in the mountainous and coastal regions of western Syria.

Following the fall of the Assad regime in December 2024, Alawites across Syria were plunged into a state of fear and vulnerability. Their association with the former regime made them targets for increasing hostility. Many individual and collective acts of violence have been reported since December 2024.[99] The new

[94] UNHCR, "Lebanon Flash Update: New Arrivals".
[95] Arab Center for Research and Policy Studies, "Sectarian Violence".
[96] Friedman, "The Enigma".
[97] Balanche, "Alawites Under Threat in Syria?".
[98] "*Nusayri*" is considered to have negative connotations as it is an outsider term used mainly by Sunni Islamists to delegitimize the Alawite faith, whereas Alawites prefer the term "*Alawite*". For more information on sectarian terminologies, see Zelin and Smyth, *The Vocabulary of Sectarianism*.
[99] Federation of Alawites in Europe, "Full Text of the Report".

authorities dismissed thousands of Alawite civil servants, security personnel, and local officials,[100] further marginalizing them economically and socially. In parallel, small-scale rebellions in Alawite-majority coastal areas led by pro-Assad regime "remnants" opened the door for brutal retaliations by the new authorities and allies.[101] The repression of these uprisings quickly escalated into systematic acts of sectarian violence, including summary executions and indiscriminate shootings against civilians.[102] Massacres and mass graves were reported across Alawite regions,[103] with the Syrian Observatory for Human Rights estimating that the number of Alawites killed in such incidents reached 1,700 persons.[104] As previously mentioned, in the wake of the March atrocities, more than 36,000 Syrians Alawites fled to North Lebanon.

It is in this context that the field visit to Akkar was conducted between March 25 and 26, 2025 and included field observation and six key informant interviews (KIIs). The interviews were held with four recently arrived Alawite refugees – two men and two women – and two community leaders from Akkar's Alawite host communities. These interviews revealed that most displaced sought refuge in Alawite-majority towns and neighborhoods where they had kinship or community ties, particularly in the coastal plain of Akkar – mainly in the villages of Massoudiyyeh, El Hissa, and Dahr El Anbar – and Jabal Mohsen in Tripoli. The majority of refugees came from adjacent bordering localities, in a maximal array of 30 to 40 kilometers from the Lebanese borders. Some have relatives or kin relations in Lebanon's Alawite communities. Almost all came through informal routes and crossed the Al-Kabir River – which constitutes the border with Lebanon – on foot. Interviewees consistently emphasized high humanitarian needs, particularly concerning shelter, food, and psychosocial support. They also shared harrowing testimonies of ethnic cleansing and mass killings that had prompted their flight.

Echoes From the Field

The key informant interviews with recently displaced Alawite refugees from Syria revealed a distressing pattern of forced migration driven by extreme violence,

[100] Madjid Zerrouky, "In Syria, a Climate of Purge in the Public Sector," *Le Monde*, February 21, 2025, https://www.lemonde.fr/en/international/article/2025/02/21/in-syria-a-climate-of-purge-in-the-public-sector_6738400_4.html.

[101] Mawadah Bahah, "Syria Clashes – What Happened?" *Al Jazeera*, March 10, 2025, https://www.aljazeera.com/news/2025/3/10/syria-clashes-what-happened.

[102] Human Rights Watch, "Syria".

[103] "3 Majāzir Judud fī al-Sāḥil al-Sūrī wa-Makhāṭir min al-Dafn al-Jamāʿī [3 New Massacres in the Syrian Coast and Fears of Mass Graves]," *Annahar*, March 12, 2025, https://www.annahar.com/Arab-World/201283.

[104] AFP, "Three Alawites Killed by Security Forces in the West, Says NGO," *L'Orient Today*, June 5, 2025, https://today.lorientlejour.com/article/1463419/three-alawites-killed-by-security-forces-in-the-west-says-ngo.html.

sectarian persecution, and in some cases, elements of ethnic cleansing. Most respondents recalled the relative stability they experienced prior to the regime change. While life was already difficult due to longstanding poverty, they emphasized that at least "there was a state", a phrase repeated to express a lost sense of order and security following the arrival of armed Islamist Jihadists, including many foreign fighters such as Chechens for instance, as reported by respondents. The violence began to escalate gradually. At first, it was only meant to intimidate: "They shot my cow, it was my source of income", said a woman from rural Tartus. She then described how a few days later gunfire shattered her living room window, and her toddler lost part of his finger to flying glass. In Homs, the situation was more dangerous. A women from there told in the interview how they became locked in the Alawite neighborhood, like in a sort of ghetto. "We did not sleep in 3 months" out of fear, she said. Another man from Tartus said that while amnesty and normalization was settled with the new authorities, men were called back later by the newly appointed local ruling military factions for further investigation and disappeared.

Then came the days of the massacres in March. The woman from rural Tartus described how armed men pointed the gun at her husband, ordering them to leave immediately without taking anything. They then looted their home before setting fire to it. All villagers were forced to flee. The woman's old mother was shot in front of her eyes, unable to escape with the others. Holy Alawite and Christian sites were vandalized and desecrated, reported one man. Some women and children were kidnapped, others killed and buried in mass graves, with some bodies thrown into the sea. The other man witnessed the random killing of 18 people from his village of 1,500 residents. Many reported cases of rape. Almost all interviewees affirmed seeing armed men with the General Security logo on their uniforms.

The escaping families did not take main roads to flee. "They were patrolling the motorways. We moved through olive groves, across valleys," recounted a man from Tartus's countryside. "Some of us walked for two days, sleeping in fields." Many of the fleeing women dressed in hijabs to hide their Alawite identities. The woman coming from Homs had to bribe taxi drivers and security checkpoint guards to reach the Lebanese border. Eventually, they crossed the Al-Kabir River, marking the boundary with Lebanon. Despite the informal nature of their crossing, the Lebanese army did not push them back. "They didn't help, but they didn't stop us either," one refugee said. Upon arrival, most sought shelter in Alawite-majority villages on the coastal plain of Akkar and Tripoli's Jabal Mohsen in collective communal shelters. Others were taken in by extended family, as many have relatives in Lebanon.

Their needs upon arrival were immense. Humanitarian organizations were not prepared for this influx. Most had fled without belongings, documentation, or savings. They all showed visible signs of trauma, especially the women and children. Psychosocial support, food, shelter, and legal aid were cited as the most urgent gaps. Across all interviews, Lebanon emerged as a relative sanctuary. The perception of safety was shaped less by objective security than by a comparative logic: "At least here they don't want to kill us," as one man put it. Respondents highlighted informal community solidarity mechanisms as essential to their early survival.

Most respondents conveyed a bleak outlook for their future. Aspirations remained minimal. None of the interviewees expressed a desire to return to Syria under the new regime, and all rejected the idea that Syria would be safe for them again. Their horizon of action remained bounded by short-term survival, coping mainly with the issues of finding housing and accessing basic necessities. Many spoke of "waiting," not in the hopeful sense of anticipating change but as a condition of indefinite suspension. This lack of agency was compounded by the emotional trauma that dominated their narratives. All of them were carrying the unhealed burden of grief, the loss of loved ones, and the psychological toll of forced displacement. The themes of violence, fear, compelled refuge, and suspended futures were all parts of their stories.

Finally, additional findings from follow-up interviews with the local Alawite host community leaders revealed that during the months of April and May 2025, many of the refugee families were relocating to Beirut or Tripoli. Also, the discussion revealed that most of the latecomers were from bordering regions, a key determinant for their capabilities in reaching Lebanon easily and safely. But also, those who were to come from farther places like Hama's countryside were now reporting to be paying up to 100 USD for smugglers who are members of the new regime apparatus, or Hay'at Tahrir Al-Sham (HTS) members themselves. This shows again that the Alawites' forced migration to Lebanon was determined by their financial capabilities, irrespective of their initial aspirations to find refuge in Lebanon or not.

Regime Change as a Driver for Alawite Displacement

The regime change in Syria served as a structural driver, altering both macro-political conditions and localized dynamics of power. This generated both new push factors like sectarian-based massacres, purges and marginalization, and shifted pull factors, like perceived safety in Lebanon's Alawite-majority areas. Determinants

such as sectarian identity, geography (proximity to Akkar), and kinship networks (friends and relatives in Lebanon) played a significant role in shaping who could move and how. Aspirations shifted from initial hopes of survival under the new regime to a desperate need to flee. Capabilities were enabled by community ties, informal border crossings, endurance for walking, money for smugglers (when applicable), and the absence of Lebanese state control at the border.

Conclusions

The Lebanese state's increasingly restrictive policies – reinforced by hostile political discourse and widespread anti-Syrian sentiment – progressively shaped the structural conditions in which Syrian refugees navigated their lives. Over time, this evolving political and social environment shaped and changed the contextual driver of Syrian refugee mobility. Legal insecurity, limited access to employment, basic services, and protection, along with growing fears of detention or deportation, fundamentally undermined the viability of long-term stay in Lebanon. These state policy-induced vulnerabilities were further entrenched by public perceptions that normalized exclusion and legitimized coercive policy shifts. As a result, refugee aspirations to remain declined, while the inclination to seek alternatives grew. Ultimately, before the onset of recent regional shifts, the Lebanese policy framework itself had already altered the structural drivers of refugee presence and reconfigured the landscape of mobility patterns.

The structural context of Syrian refugee presence in Lebanon was then fundamentally reshaped by three cumulative macro-level shifts: the 2019 socioeconomic collapse, the 2023–2024 Israel-Lebanon war, and the regime change in Syria. These developments constituted new contextual drivers and recalibrated determinants, altering both aspirations and capabilities to remain in or return from Lebanon. The economic crisis acted as a gradual but foundational driver, compounding poverty and marginalization. Worsening conditions fostered aspirations to leave, whether by returning to Syria or attempting irregular maritime migration to third countries for instance. But poverty and political affiliation – as determinants – hindered these aspirations, as irregular migration remained costly and return impossible because of repression. The war with Israel introduced a sudden disruptive driver, generating mass displacement and excluding many Syrian refugees from aid and shelter. Discriminatory treatment and secondary displacement shaped new determinants, pushing hundreds of thousands towards return. The main determinant was security-related, translated into the capacity to return without fearing reprisals from the then still standing Assad regime. Others were financial, such as affording return

through legal or irregular routes, or leaving jobs. Finally, the regime change in Syria constituted a dual migration driver. It removed prior structural barriers to return for some, while producing new threats for others. As a result, different refugee groups recalibrated their intentions in opposite directions toward return or new displacement. This was based on determinants like sectarian identity, past regime loyalty, and local security. The striking difference in aspirations was evidenced by the diverging intentions on livelihood in Syria. In this respect, the vast majority (80%) of the protracted – mostly Sunni – refugees expressed their hope to return to Syria, while the newly displaced Alawites refused to envisage any future under Syria's new rule. Nevertheless, the optimistic aspirations for return of protracted refugees are still hindered by their capabilities to do so, as these are conditioned by the instable sociopolitical environment and considerable challenges that Syria faces under the new regime.

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Human Smuggling Crimes and Related Incidences across the Kenya-Ethiopia Border

Josephat Nyandoro Omuria

Abstract

This study explores human smuggling crimes and related incidences across the Kenya-Ethiopia border by examining the effectiveness of existing legal frameworks and cross-border cooperation in combating the phenomena. A descriptive research design was used. The target population was the community members, law enforcement officers as other government officers such as the chiefs and the immigration officers. The results obtained from the study reveals that while existing legal frameworks and cross-border cooperation between Kenya and Ethiopia have a statistically significant effect on combating human smuggling, their impact is weak. Contributing factors include: inconsistent enforcement, resource constraints, corruption, and outdated legal provisions, along with challenges in cross-border collaboration and public awareness gaps. The findings underscore the need for comprehensive reforms to strengthen legal frameworks and enhance cooperation. Improved enforcement, updated laws, better resource allocation, and more structured, inclusive cross-border initiatives are essential for a more effective response to human smuggling in the region.

Keywords: Human smuggling, related incidences, border, Kenya, Ethiopia

Introduction

Human smuggling is a global issue that transcends borders, affecting millions of people worldwide.[1] Defined as the illegal trade of humans for purposes such as forced labor, sexual exploitation, and other forms of modern slavery, human smuggling is a crime that generates billions of dollars annually, ranking among the most lucrative criminal activities globally.[2] The phenomenon is complex, involving various actors, methods, and routes, and is facilitated by the vulnerabilities of

[1] Weitzer, "New directions".
[2] Burke and Bruijn, "Introduction".

those trafficked, including poverty, lack of education, political instability, and corruption.[3]

Globally, human smuggling crimes have been reported across various borders, with some regions experiencing more intense smuggling activities due to geopolitical, economic, and social factors.

In Europe, for example, the porous borders of the Schengen Area have made the region a significant destination and transit point for human smuggling.[4] Traffickers exploit the ease of movement within the European Union (EU) to transport victims across multiple countries without the need for border checks.[5] Countries like Germany, Italy, and Spain have been identified as key destination countries for victims, many of whom are trafficked from Eastern Europe, Africa, and Asia. The Balkans, particularly the Serbia-Hungary border, has also become hotspots for smuggling, with organized crime networks exploiting the migrant crisis to funnel victims into Western Europe.[6] These networks use a combination of coercion, deception, and force to control their victims, often exploiting the complexities of legal systems and the challenges of international cooperation in law enforcement.[7] In Asia, the Thailand-Myanmar border is notorious for human smuggling activities. This border region, characterized by its dense forests and rugged terrain, has become a significant route for traffickers who exploit the political and economic instability in Myanmar.[8] Victims, including men, women, and children, are trafficked for various purposes, including forced labor, sexual exploitation, and even as child soldiers. The situation is exacerbated by the lack of effective law enforcement and the complicity of some officials, who turn a blind eye to smuggling activities in exchange for bribes.[9] Similar challenges are faced in other parts of Asia, including the India-Nepal and India-Bangladesh borders, where smuggling is facilitated by widespread poverty, social discrimination, and porous borders.

Moving to Africa, the continent is riddled with human smuggling crimes, often exacerbated by weak governance, widespread poverty, and ongoing conflicts. The Libya-Niger border, for instance, has gained notoriety as a major smuggling route. Libya's political instability and lawlessness, especially in the aftermath of the 2011

[3] Gibbons, Chisolm-Straker and Stoklosa, "Human smuggling".
[4] Hernandez and Rudolph, "Modern day slavery".
[5] Shelley, "Human Smuggling and Trafficking".
[6] Surtees, "Traffickers and smuggling".
[7] Wylie and McRedmond, "Introduction".
[8] Chan, "Deprivation of citizenship".
[9] Han, "Human trafficking".

revolution, have made it a key hub for human traffickers.[10] Migrants from sub-Saharan Africa, seeking to reach Europe, often pass through Libya, where they fall into the hands of traffickers who exploit them for forced labor or sexual purposes. The situation is compounded by the existence of militia groups and criminal networks that control vast swathes of the country, operating detention centers where migrants are held under inhumane conditions and sold to the highest bidder.[11] In West Africa, the borders between Nigeria and its neighbors, such as Niger and Benin, are also significant smuggling routes. Nigeria, with its large population and high levels of poverty and unemployment, is both a source and transit country for smuggling.[12] Victims are trafficked internally and across borders for forced labor, sexual exploitation, and domestic servitude.[13] The situation is particularly dire for young women and girls, who are often lured by promises of employment or education in Europe, only to find themselves trapped in a cycle of exploitation. The porous nature of the borders and the presence of corrupt officials further complicate efforts to combat smuggling in the region.

In East Africa, the Kenya-Uganda and Kenya-Tanzania borders are significant routes for human smuggling. These borders, characterized by their long stretches of unmonitored and often remote areas, provide traffickers with the opportunity to move victims across countries with little risk of detection. In Kenya, internal smuggling is also a significant problem, with victims being trafficked from rural to urban areas for forced labor and sexual exploitation.[14] The factors driving smuggling in East Africa are similar to those in other parts of the continent, including poverty, unemployment, and the lack of effective law enforcement. The challenges are further exacerbated by the existence of cross-border ethnic communities which traffickers exploit to their advantage.[15] Focusing more specifically on Kenya, the country is a source, transit, and destination country for human smuggling. Internally, smuggling is fueled by rural-urban migration, where individuals, particularly children and women, are lured to urban areas with promises of better employment opportunities. However, upon arrival, they are often subjected to forced labor in domestic servitude or commercial sexual exploitation.[16] Kenya's strategic location as a gateway to East and Central Africa also makes it a significant transit country for victims trafficked from neighboring

[10] Onuoha and Okafor, "State failure".
[11] Rizk, "Exploring the Nexus".
[12] Iyanda and Nwogwugwu, "Globalization and rising human smuggling"
[13] Kigbu and Hassan, "Legal framework".
[14] Ondieki, "Human smuggling and its impact".
[15] Manani, "Regional Economic Communities".
[16] Bello and Olutola, "The conundrum".

countries, including Uganda, Tanzania, and Ethiopia. These victims are often en route to the Middle East where they face various forms of exploitation. Kenya's borders with its neighbors, particularly Uganda, Tanzania, and Somalia, are critical transit points for traffickers.[17] The porous nature of these borders, coupled with weak law enforcement and corruption, has facilitated the movement of trafficked persons. In recent years, the Kenyan government has made efforts to strengthen its legal framework to combat human smuggling, including the enactment of the Counter-Trafficking in Persons Act in 2010. However, challenges remain, particularly in the implementation of these laws, as well as in raising awareness among vulnerable populations about the risks of smuggling.[18]

At the local level, the Kenya-Ethiopia border presents a unique set of challenges in the fight against human smuggling. This border, which stretches over 800 kilometers, is characterized by rugged terrain and remote areas, making it difficult for law enforcement agencies to monitor and control smuggling activities. The border is also home to various ethnic communities, including the Borana and Gabra, who have traditionally moved freely across the border.[19] Traffickers exploit these cross-border ethnic ties, as well as the lack of effective border controls, to move victims from Ethiopia into Kenya, where they are then trafficked further afield or exploited within the country. The socio-economic conditions in the border regions exacerbate the smuggling problem. Both Kenya and Ethiopia have high levels of poverty, particularly in the border areas, where communities often lack access to basic services such as education, healthcare, and employment opportunities.[20] This economic deprivation makes individuals vulnerable to smugglers who exploit their desperation for better opportunities. Moreover, the border regions have been affected by periodic conflicts which have displaced populations and created further vulnerabilities.[21] Traffickers often target these displaced populations, particularly women and children, who are at a higher risk of being trafficked for forced labor or sexual exploitation. Efforts to combat human smuggling along the Kenya-Ethiopia border have been hampered by several factors, including the lack of effective cross-border cooperation between the two countries.[22] While both Kenya and Ethiopia have ratified international conventions aimed at combating human smuggling, the implementation of these commitments at the local level has been inconsistent. Law enforcement agencies in both countries are often under-resourced and lack

[17] Ondieki, "Human smuggling and its impact".
[18] Manani, "Regional Economic Communities".
[19] Tefera, "Cross-border migration".
[20] Kiniti and Auya, "Influence of strategic cross border practices".
[21] Shariff, "Human Smuggling".
[22] Munialo, "Factors".

the capacity to effectively monitor and control smuggling activities. Moreover, corruption remains a significant challenge, with some officials complicit in smuggling activities or turning a blind eye in exchange for bribes.[23]

Research Hypotheses, Methodology

The study aimed to determine the human smuggling crimes and related incidences across the Kenya-Ethiopia border. The study was guided by the following objectives:

i. To assess the effectiveness of existing legal frameworks in combating human smuggling and smuggling and related incidents along the Kenya-Ethiopia border.
ii. To establish the effectiveness of existing cross-border cooperation in combating human smuggling and related incidents along the Kenya-Ethiopia border.

The research hypotheses were**:**

i. $H_0$1 There is no statistically significant effect of existing legal frameworks in combating human smuggling and related incidents along the Kenya-Ethiopia border.
ii. $H_0$2 There is no statistically significant effect of existing cross-border cooperation in combating human smuggling and related incidents along the Kenya-Ethiopia border.

The study employed a descriptive research design. The target population included community members residing along the border, law enforcement officers, and other relevant government officials such as chiefs and immigration officers, all of whom possessed pertinent information on the issue. The population in the border region on the Kenyan side was approximately 448,546 individuals, from which a sample of 156 participants was purposively selected for participation in the study. It deliberately involved selection of participants based on their knowledge, relevance, or expertise concerning human smuggling. They included 10 residents and three community leaders from each of the 10 local administrative wards. Further 20 personnel and 6 senior administrators were recruited from the department of immigration. Data collection took place between February and August 2024 and involved the use of a structured questionnaire administered directly by the researcher to the 156 community residents, 97 males and 59 females, ensuring a comprehensive understanding of local perceptions and experiences related

[23] Teshome, Tusa and Boyossa, "Assessment".

to human smuggling. The questions were in English and translated to Kiswahili language, thus enabling participants to understand them. The responses were recorded on paper and later transcribed and analyzed using SPSS software. Additionally, interviews were used to gather detailed insights from law enforcement officers, chiefs, and immigration officials, focusing on the effectiveness of legal frameworks and the cross-border cooperation in addressing smuggling. The interviews were conducted in English and were recorded electronically for transcription and analyzed using NVIVO software.

Results and Discussion

Factors contributing to the prevalence of human smuggling along the Kenya-Ethiopia border

The most frequently cited factor, identified by 57 respondents (37%) who were local participants, is the porous nature of the border. This suggests that the ease with which people can be moved across the border without detection is a significant contributor to human smuggling in the region. The second most reported factor, mentioned by 42 respondents (27%), is weak law enforcement. This indicates that inadequacies in policing and border control, possibly exacerbated by corruption, are crucial in facilitating smuggling activities. Identified by 33 respondents (21%), this factor highlights the role of economic demand for cheap labor in driving human smuggling, reflecting how traffickers exploit vulnerable populations for forced labor. With 14 of the total respondents (9%) pointing to sexual exploitation, this factor illustrates the demand for smuggling victims in the sex industry, although it is less frequently cited than labor exploitation. Only 6 respondents (4%) identified poverty and economic hardship as a primary factor, suggesting that while these are underlying contributors, they are perceived as less direct causes of smuggling in this context. The least cited factor, mentioned by 4 respondents (2%), is political instability, indicating that while it plays a role, it is not seen as a predominant driver of smuggling in the region. The results suggest that the most significant contributors to human smuggling along the Kenya-Ethiopia border are structural and systemic issues related to border management and law enforcement. The high frequency of responses citing porous borders and weak law enforcement indicates that these are critical areas requiring intervention. Strengthening border controls and improving law enforcement capacity could be essential in curbing smuggling

activities. Overall, the findings imply that effective counter-smuggling measures along the Kenya-Ethiopia border should prioritize securing the border, enhancing law enforcement, and addressing the economic drivers of smuggling, particularly the demand for cheap labor (Table 1).

Table 1

Participant perceptions of contributing factors of human smuggling along the Kenya-Ethiopia border

Factor	**Frequency**	**Percentage (%)**
Porous border	57	37
Weak law enforcement	42	27
High demand for cheap labor	33	21
Sexual exploitation	14	9
Poverty and economic hardship	6	4
Political instability	4	2
Total	**156**	**100**

Effectiveness of legal frameworks in combating human smuggling along the Kenya-Ethiopia border

Article 2 (5) and (6) of the Constitution of Kenya[24] provide that any treaty or convention ratified by Kenya shall from part of the Law of Kenya under the constitution. The effect of this is that the said conventions are applied by the municipal courts. Chapter 4 of the Constitution on the Bill of Rights contains fundamental rights and freedoms, some of which can be the basis for protecting the victims of trafficking in persons. These include the right to life; equality and freedom from discrimination; right to human dignity; protection against slavery, servitude and forced labour and freedom of movement and residence and protection of victims of offences. Article 59 (2) (g) under this chapter also sets up a commission that promotes respect for and develops a culture of human rights in Kenya. One of the principle functions is to ensure compliance with obligations under treaties and conventions relating to human rights. All the above rights cover a cross-section of abuses that are notorious within the context of human trafficking, such as murder, torture, inhuman or degrading treatment, discrimination, restriction of movement and where a person has been employed, poor remuneration.

The Kenyan Parliament enacted the Counter-Trafficking in Persons Act on 17 September 2010. The Act's intention is to implement Kenya's obligation under the

[24] The Constitution of Kenya, 2010, https://www.parliament.go.ke/sites/default/files/2023-03/The_Constitution_of_Kenya_2010.pdf.

United Nations Convention against Transnational Organized Crime, particularly in its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This national plan of action to combat human trafficking articulates the 3Ps approaches, namely Prevention, Protection and Prosecution. The act also comprehensively covers the offences of trafficking in persons and other related offences, modalities of trial of offenders and an elaborate system on victim assistance. It further establishes a fund for victims of trafficking. For purposes of implementation, the act provides for the establishment of an advisory committee under section 19. The primary function of the committee is to advise relevant ministries on interagency activities aimed at combating trafficking and the implementation of preventive, protective and rehabilitative programmes for trafficked persons. The membership of the committee is diverse and comprehensive. The Counter-Trafficking in Persons Act[25] repealed and amended sections of the Penal Code, the Sexual Offences Act 2006 and the Children Act, 2001 that touch on trafficking. The Act became effective in 2012.

Table 2 presents data on the perceived effectiveness of existing legal frameworks in combating human smuggling along the Kenya-Ethiopia border, based on responses from 156 participants. The respondents were asked whether they believe the current legal frameworks are effective in addressing human smuggling in the region. A slight majority of respondents, 87 out of 156 (56%), believe that the existing legal frameworks are effective in combating human smuggling. This suggests that more than half of the participants view the legal measures in place as adequate or somewhat successful in addressing the issue. On the other hand, 69 respondents (44%) do not believe that the existing legal frameworks are effective. This indicates a significant portion of the population perceives deficiencies in the legal system, suggesting that these frameworks may be insufficient, poorly implemented, or inadequately enforced. The implication of the result indicates a divided opinion among the respondents regarding the effectiveness of the legal frameworks in place to combat human smuggling along the Kenya-Ethiopia border. While the majority (56%) feels that the legal frameworks are effective, the substantial minority (44%) who disagree highlights ongoing concerns about the efficacy of these measures. This split suggests a need for a closer examination of the legal frameworks in question. The fact that nearly half of the respondents see the frameworks as ineffective implies that there could be significant gaps in the legislation, enforcement, or both. This could point to issues such as inadequate resources, corruption, lack of training among law enforcement officers, or insufficient legal provisions to deal with the complexities of human smuggling.

[25] Counter-Trafficking in Persons Act, 2012, https://new.kenyalaw.org/akn/ke/act/2010/8/eng@2023-12-11.

Table 2
Are the existing legal frameworks effective in combating human smuggling?

Response	**Frequency**	**Percentage (%)**
Yes	87	56
No	69	44
Total	**156**	**100**

Effectiveness of cross-border cooperation in combating human smuggling along the Kenya-Ethiopia border

Ethiopia and Kenya are in the process to improve trade along the border and top unlawful trade in Moyale, a town shared by the two countries. Kenya and Ethiopia have been trying to develop Moyale in order to upgrade it into a joint combined city status. The underlying push factor in the eventual creation of a jointly governed city and establish a special economic zone supported by the satellite urban centers around it. The commissioning of the much awaited one-stop border post in Moyale helped to streamline trade practice in the town and fight illicit trade which was rampant and jeopardized revenue collection by the two countries. The use of unofficial routes to smuggle contraband goods and people was rampant.

Furthermore, the participants claimed that there was laxity and high levels of corrupt practice among Kenyan security officials who aided crime along the road leading to Moyale. On the Ethiopian side officials denied knowledge of any form of narcotics trafficking, which could not have been true. The porous border also aids in the smuggling of migrants who seek better opportunities in southern African countries such as Botswana, Namibia and South Africa using the 7,000 km long Trans-African Highway.

In a 2015 report, Kenya's National Crime Research Centre[26] found that Moyale was a major recruitment point for agents and the main town in the country's northern area, and the nucleus for human and contraband smuggling. Smugglers and their agents aid the illegal movement and eventual crossing of migrants into Kenya through Moyale, Dukana and Forolle in North Horr, Bute in Wajir North and Takaba in Mandera West. The migrants originate from Ethiopia, Eritrea and Somalia according to a 2012 Special Status Agreement[27].

[26] Muteti, "The Problem of Human Trafficking".
[27] Special Status Agreement on Kenya-Ethiopia Border Management, 2012, https://resilience.igad.int/wp-content/uploads/2020/06/F126-SPECIAL-STATUS-AGREEMENT-21-Nov-2012.pdf.

Established criminal gangs have aided border violence in response to effort by the Kenyan government to stop the same by tightening immigration and border customs. In March there were reported incidence perpetrated by the Garre ethnic militia from the Ethiopian side of Moyale that I believed to engineer and support fully human and contraband smuggling. They attacked worker deployed to dig trenches to deter the use of unofficial routes.

This flow of smuggled or illegal goods between Kenya and Ethiopia is unlikely to decrease without common identification of the problem and auctioned commitment to multi-pronged cooperation. A start towards bilateral streamlining of legal trade along the border may be Kenyan authorities drawing lessons from the methods used by Ethiopian counterparts to achieve relative success in containing smuggling on the Ethiopian side.

Table 3 presents data on the perceived effectiveness of existing cross-border cooperation between Kenya and Ethiopia in combating human smuggling, based on responses from 156 participants. The respondents were asked whether they believe the current cross-border cooperation is effective in addressing human smuggling along the Kenya-Ethiopia border. A narrow majority of respondents, 80 out of 156 (51%), believe that the existing cross-border cooperation is effective in combating human smuggling. This suggests that just over half of the participants feel that the collaboration between the two countries is working to some extent in addressing the issue. A nearly equal proportion of respondents, 76 out of 156 (49%), do not believe that the cross-border cooperation is effective. This indicates that almost half of the population perceives significant shortcomings or ineffectiveness in the current cooperation efforts. This result reveals a near-even split in perceptions regarding the effectiveness of cross-border cooperation between Kenya and Ethiopia in combating human smuggling, which suggests that there are considerable concerns about the current state of collaboration. In summary, while cross-border cooperation is viewed as somewhat effective by a slight majority, the almost equal division in opinions underscores the need for a renewed focus on improving these efforts. Strengthening cross-border cooperation could be key to achieving more significant and sustained success in combating human smuggling along the Kenya-Ethiopia border.

Table 3

Is the existing cross-border cooperation effective in combating human smuggling on this border?

Response	**Frequency**	**Percentage (%)**
Yes	80	51
No	76	49
Total	**156**	**100**

Research Hypothesis $H_0 1$

There is no statistically significant effect of existing legal frameworks in combating human smuggling and related incidents along the Kenya-Ethiopia border.

Table 4

Area of Study	Existing legal frameworks	Human smuggling	Pearson Correlation Coefficient Value	Sig. (2-tailed)
Kenya-Ethiopia Border			.323*	.002

* – Means significant at 5% level

Pearson's Correlation Coefficient (r) of the variables i.e., existing legal framework and combating human smuggling is .583 and a significant level of .004 which is less than .05. This means that existing legal framework has a statistically significant effect on combating human smuggling. The coefficient (r) is a weak positive correlation which means that as existing legal frameworks are continued to be enforced so does the increase in combating human smuggling. Thus, the null hypothesis was rejected.

In disseminating the findings of our study on the effectiveness of existing legal frameworks in combating human smuggling along the Kenya-Ethiopia border, it is crucial to address the apparent contradiction in the results and provide insights into the underlying reasons for these outcomes. The statistical analysis indicated a Pearson Correlation Coefficient (r) of .583 and a significance level of .004, suggesting that there is a statistically significant relationship between the existing legal frameworks and the efforts to combat human smuggling. This finding challenges the null hypothesis, which posited no significant effect of these frameworks. However, the correlation is weakly positive, implying that while the legal frameworks have an impact, their effectiveness may be limited.

The thematic analysis of interviews with law enforcement officers, chiefs, and immigration officials provides a deeper understanding of these results. One of the prominent themes that emerged was the inconsistency in the enforcement of legal frameworks. An immigration official participant pointed out, "The laws are there, but the problem is that they are not applied uniformly across the border. Some areas have better enforcement than others, leading to gaps that traffickers can exploit." This inconsistency could explain why the correlation is positive but not strong; the legal frameworks do have an effect, but it is undermined by uneven implementation.

Another theme that came through in the interviews was the issue of resource constraints. A law enforcement participant remarked, "We are doing our best with what we have, but the reality is that we are understaffed and under-resourced. This makes it difficult to enforce the laws effectively, especially in remote areas where traffickers operate." This sentiment was echoed by a local administrator who stated, "Without adequate resources, our hands are tied. We can only do so much, and traffickers know this. They take advantage of our limitations." These quotes suggest that while the legal frameworks themselves may be sound, their effectiveness is hampered by the lack of resources needed to enforce them properly.

Corruption also emerged as a significant theme in the interviews, with respondents expressing concerns about the integrity of the enforcement process. One immigration officer participant candidly noted, "Corruption is a big problem. Sometimes, traffickers bribe their way through, and the legal framework becomes meaningless. This is one of the reasons why the impact of the laws is not as strong as it could be." A law enforcement officer added, "We have seen cases where known traffickers were arrested but released soon after because someone was paid off. This kind of thing makes it hard to say that the legal frameworks are truly effective." These statements highlight the challenges posed by corruption, which not only undermines the enforcement of laws but also erodes public trust in the legal system.

Another critical factor identified was the complexity of cross-border cooperation. A participant from the law enforcement community Moyale emphasized, "Cooperation between Kenya and Ethiopia is crucial, but it is not always smooth. There are legal and bureaucratic hurdles that slow down our response times and allow traffickers to slip through the cracks." This theme was reinforced by an immigration official who observed, "The two countries have different legal systems and priorities, which sometimes leads to confusion and delays in enforcement. We need better coordination to make the legal frameworks more effective." The challenges in cross-border cooperation further dilute the impact of existing legal frameworks, contributing to the weak correlation observed in the study.

Furthermore, the issue of public awareness and education was highlighted as a factor influencing the effectiveness of legal frameworks. A chief in the border region noted, "Many people in the community are not fully aware of the laws related to human smuggling. Without this knowledge, they are less likely to report suspicious activities, which limit the effectiveness of the legal frameworks."

The thematic analysis also revealed that some respondents felt the legal frameworks were outdated and not fully equipped to handle the evolving nature of human smuggling. A law enforcement officer commented, "Human smuggling is constantly changing. The traffickers are getting smarter, using new methods that our current laws do not always cover. We need to update these laws to keep up with the changes." This view was supported by an immigration official who stated, "The legal frameworks need to be more dynamic, able to adapt to new trends in smuggling. Otherwise, we will always be one step behind the traffickers." This concern about the adaptability of legal frameworks suggests that while they have a positive impact, their effectiveness is limited by their inability to address the full scope of smuggling activities.

In summary, the findings from our study indicate that while the existing legal frameworks have a statistically significant effect on combating human smuggling along the Kenya-Ethiopia border, their impact is relatively weak. This is due to several factors, including inconsistent enforcement, resource constraints, corruption, and challenges in cross-border cooperation, public awareness gaps, and the outdated nature of some legal provisions. These issues highlight the need for a more comprehensive approach to strengthening legal frameworks and their enforcement, ensuring that they are not only robust on paper but also effective in practice. The voices of law enforcement officers, chiefs, and immigration officials underscore the complexity of the problem and the urgent need for targeted interventions to enhance the fight against human smuggling in this region.

Research Hypothesis $H_0 2$

There is no statistically significant effect of existing cross-border cooperation in combating human smuggling and related incidents along the Kenya-Ethiopia border.

Table 5

Area of Study	Cross-border cooperation	Human smuggling	Pearson Correlation Coefficient Value	Sig. (2-tailed)
Kenya-Ethiopia Border			.212*	.004

* – Means significant at 5% level

Pearson's Correlation Coefficient (r) of the variables i.e., cross-border cooperation and combating human smuggling is .212 and a significant level of .004 which is less than .05. This means that existing cross-border cooperation has a statistically significant effect on combating human smuggling. The coefficient (r) is a very weak positive correlation which means that as existing cross-border cooperation are continued to be enforced so does the increase in combating human smuggling with a very small margin. Thus, the null hypothesis was rejected.

In disseminating the findings of our study on the effectiveness of cross-border cooperation in combating human smuggling along the Kenya-Ethiopia border, it is essential to carefully analyze the implications of the statistical results. The study revealed a Pearson Correlation Coefficient (r) of .212 and a significance level of .004, indicating that there is a statistically significant relationship between cross-border cooperation and the efforts to combat human smuggling. However, the correlation is very weak, suggesting that while cross-border cooperation does have an effect, its impact is minimal.

This weak correlation raises important questions about the effectiveness of current cross-border initiatives. The thematic analysis of interviews with law enforcement officers, chiefs, and immigration officials provides valuable insights into why this might be the case. One of the central themes that emerged from these interviews was the lack of consistent and structured collaboration between the two countries. An immigration officer candidly noted in Moyale, "There is cooperation, but it's not as organized or as regular as it needs to be. We have meetings, but they're sporadic, and follow-up is often lacking." This inconsistency in collaboration could explain why the effect of cross-border cooperation on combating human smuggling is so limited.

Another theme that came through strongly in the interviews was the issue of differing priorities between Kenya and Ethiopia. A law enforcement officer commented in Moyale, "The problem is that our priorities don't always align. What's urgent for us may not be urgent for them, and that creates delays and gaps in our efforts." This mismatch in priorities can lead to disjointed actions and slow response times, reducing the overall effectiveness of cross-border cooperation in tackling human smuggling. A chief from the border region echoed this sentiment, saying, "Sometimes it feels like we're not on the same page. We're trying to fight the same problem, but we're not always moving in the same direction."

Resource constraints also play a significant role in limiting the effectiveness of cross-border cooperation. Many respondents pointed out that while there is a willingness to collaborate, the lack of resources makes it difficult to sustain these efforts. One law enforcement officer observed, "We don't have the resources to maintain a constant and effective collaboration with our counterparts. It's hard to share intelligence or conduct joint operations when we're stretched thin." This resource scarcity not only affects the ability to maintain ongoing cooperation but also limits the scope and impact of any joint initiatives that are undertaken.

Corruption, a pervasive issue in the region, was another theme that emerged from the interviews. An immigration official remarked, "Corruption on both sides of the border makes it difficult to trust the system. We might have agreements in place, but if people are being bribed, those agreements become meaningless." This corruption undermines the foundation of cross-border cooperation, as it erodes trust between the two countries and allows traffickers to exploit existing loopholes in the system. A law enforcement officer added, "Even when we do manage to cooperate, there's always the fear that someone on the other side has been compromised. That uncertainty weakens our efforts."

The challenges of legal and procedural differences between Kenya and Ethiopia were also highlighted by respondents. A chief mentioned, "Our legal systems are different, and that causes confusion. Sometimes what's legal on one side of the border isn't on the other, and that complicates our cooperation." This lack of legal harmonization can create significant obstacles to effective cross-border collaboration, as it leads to delays, miscommunication, and inconsistencies in enforcement. An immigration official further explained, "We need to streamline our legal frameworks so that we're all working from the same playbook. Right now, it's like we're speaking different languages when it comes to the law."

Another important theme that surfaced was the lack of community involvement in cross-border initiatives. Many respondents felt that the success of cross-border cooperation depended not just on government agencies but also on the active participation of local communities. A law enforcement officer stated, "We need to involve the communities more. They're the ones who know what's really going on, but right now, they're often left out of the loop." This exclusion of local communities from cross-border efforts can lead to a lack of local support, critical for the success of anti-smuggling measures. A chief echoed this sentiment, saying, "Without the community's trust and involvement, we're fighting an uphill battle. They need to be part of the solution, not just bystanders."

In summary, while the study found that cross-border cooperation between Kenya and Ethiopia has a statistically significant effect on combating human smuggling, the very weak correlation suggests that its impact is minimal. This means with more cooperation between the two countries, human smuggling incidences will be reduced significantly. The thematic analysis of interviews with key stakeholders reveals several factors contributing to this limited effectiveness, including inconsistent collaboration, differing priorities, resource constraints, corruption, legal and procedural differences, and the lack of community involvement. These findings highlight the need for a more structured, resource-supported, and inclusive approach to cross-border cooperation.

Conclusions

Although the existing legal frameworks have a statistically significant effect on combating human smuggling, their impact is relatively weak due to inconsistent enforcement, resource constraints, corruption, and outdated provisions. The effectiveness of legal frameworks is compromised by challenges in cross-border cooperation, public awareness gaps, and the outdated nature of some legal provisions, indicating a need for a more comprehensive approach. Despite a statistically significant effect, the impact of cross-border cooperation between Kenya and Ethiopia on combating human smuggling is minimal due to factors like inconsistent collaboration, differing priorities, and resource constraints. The effectiveness of cross-border efforts is hampered by corruption, legal differences, and a lack of community involvement, underscoring the need for a more structured and inclusive approach. The two countries should strive to make the following become a possibility: implement measures to ensure consistent enforcement of legal frameworks and update outdated legal provisions to better address the evolving nature of human smuggling. They also need to improve cross-border coordination and increase resource allocation to support joint anti-smuggling efforts and address systemic challenges effectively. Kenya and Ethiopia must develop a more organized framework for cross-border cooperation with increased resources to address inconsistencies and differing priorities. Lastly, they should implement measures to reduce corruption and actively involve local communities in anti-smuggling initiatives to improve the overall impact of cross-border efforts.

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Are They Back? Current Migration Trends on Hungary's Southern Border

Géza Dobó

Abstract

2024 saw a trend of decrease in the influx of illegal immigrants into the European Union. The number of irregular migrant border crossings on the Western Balkans route decreased at a pace faster than globally. In addition, on the Serbia–Hungary border along the northern trail of the Western Balkans route which has several junctions, a significant decrease could be observed already from October 2023, thanks to the rigorous action taken by Serbian law enforcement agencies. However, both Hungarian border police data and Serbian sources with knowledge of the field are reporting that illegal immigration is on the rise again. In our analysis, we will primarily focus on this phenomenon, while also including discussion of the overall European migration flows and the alternative forks on the Western Balkans route.

Keywords: irregular migration, Western Balkans route, Serbia–Hungary border control, illegal immigration

Reasons for the decline in irregular border crossings

The number of illegal crossings on the Serbia–Hungary border fell dramatically from October 2023. Along with the reduction of global migration pressure on Europe, the decrease is also due to the fact that, in addition to the continuous and intensive protection of the technical border barrier by the Hungarian authorities – border police and border patrols –, Serbian authorities also started shouldering their share in the effective protection of the border.[1] They were pushed to do so when violence between irregular migrants reached a peak in 2023, mainly due to rivalries between people smuggler gangs recruited from among them. The fighting culminated in deadly armed clashes.[2] Parliamentary elections were held in Serbia

[1] Subotica.Com, "Jake snage žandarmerije i policije sprovode akcije na teritoriji grada, prigradskih naselja i šume", October 28, 2023, https://www.subotica.com/vesti/jake-snage-zandarmerije-i-policije-sprovode-akcije-na-teritoriji-grada-prigradskih-naselja-i-sume-id47940.html.

[2] Tibor Lengyel, "Tálib titkosszolgálatot, ismert terrorszervezetet is emleget a déli határhelyzetről szóló titkosszolgálati jelentés", *HVG*, November 2, 2023, https://hvg.hu/itthon/20231102_

at the end of 2023, so in order to calm the public outcry caused by irregular migration, it was no longer enough to treat the symptoms of the problem as before. Before the end of 2023, illegal immigrants camping out near the border were dealt with by transporting them to reception centers in various parts of Serbia. The camps were open, however, migrants were free to leave, and Serbian authorities did not prevent the taxi drivers, who were essentially acting as people smugglers, from taking the migrants back to the Hungarian border right next day after they were detained.[3]

Alternative routes

As illegal border crossings between Serbia and Hungary became considerably more difficult, the alternatives along the main Western Balkans route gained in importance. Migrants are increasingly trying to enter the EU from the western direction, via Bosnia and Herzegovina, instead of taking the northern route. Typically, they cross the Drina River separating Serbia from Bosnia and Herzegovina that can be navigated on foot when water levels are low, and then pass through Croatia and almost without exception continue across Slovenia to Austria or Italy. The Drina crossing is also used when water levels are high, which unfortunately results in frequent deaths by drowning.[4]

Despite the downward trend in irregular migration across Europe in 2024, including the Western Balkans route, the migration pressure on Croatia increased as a result of the shifts outlined. However, the various statistics should be treated with caution, as while the European Border and Coast Guard Agency (Frontex) recorded a total of 21,520 illegal border crossings on the entire Western Balkans route for the year 2024 (see Figure 1), the Croatian Ministry of Interior recorded 26,534 illegal border crossings in Croatia alone in the first 10 months of 2024.[5] Croatia's effective border management is hampered by the fact that its most exposed border section with Bosnia and Herzegovina, which is subject to irregular migration pressure, is over 1,000 kilometers long. By comparison, the technical border barrier covering the Serbia–Hungary border is only 155 kilometers long. In Croatia, 1,099 people smugglers were caught in the first 10 months of 2023,

Tamadhatova_valt_a_deli_hatarzar__ismeri_a_titkosszolgalati_jelentes_am_a_lenyeget_kitakartak_belole.

[3] Pannon RTV, "A hatóságok elszállítják, a taxisok visszahozzák a migránsokat", August 5, 2023, https://pannonrtv.com/rovatok/tarsadalom/hatosagok-elszallitjak-taxisok-visszahozzak-migransokat.

[4] BBC, "Najmanje 10 migranata se utopilo a Drini, među njima i beba", August 22, 2024, https://www.bbc.com/serbian/lat/srbija-69287751.

[5] Rüdiger Rossig, "Nevidljivi migranti u Hrvatskoj", *Deutsche Welle*, December 14, 2024, https://www.dw.com/bs/nevidljivi-migranti-u-hrvatskoj/a-71030702.

and 1,460 in the same period in 2024, which means an increase of around 25% (Table 1).

Table 1. People Smuggling

	NUMBER OF CRIMINAL OFFENCES	NUMBER OF PERPETRATORS
2016	156	167
2017	365	321
2018	619	620
2019	946	983
2020	698	692
2021	957	885
2022	914	774
2023	1,499	1,612
I-X 2023	1,050	1,099
I-X 2024	1,500	1,460 /**+24.73%**

Source: Croatian Ministry of the Interior[6]

Of the 1,124 irregular migrants interviewed by the Croatian Ministry of Interior, 25% were Moroccan, 22% Syrian, and 16% Afghan. The interviews revealed that 95% of the migrants were male and 80% were single. The average time from the starting point of their journey to the interviews in Croatia was 529 days. More than 30% of them have experienced at least 3 failed border crossings. 58% travelled by bus, and 26% by taxi. 30% spent the night in abandoned buildings or in tents pitched in the open air or. However, the majority of migrants do not plan to stay in the region: 40% are heading for Germany, 29% for Italy, and 10% for France.[7] Traffickers caught in Croatia between 2019 and 2024 are highly heterogeneous in terms of nationality. According to Croatian police records, the smugglers are recruited from citizens of 82 countries. Most of them are citizens of Croatia (1,716), Bosnia and Herzegovina (765), Serbia (640), Romania (478) and Ukraine (371), while the largest numbers of people smugglers from the migrants' countries of origin are Syrians (112), Pakistanis (63), and Afghans (31).[8]

On the Western Balkans route, Croatia receives the largest number of irregular immigrants to its eastern part, mainly from Serbia and Bosnia and Herzegovina's north-western corner. From the data collected on the social position and lifestyle of the smugglers, Croatian police found that they are typically middle class or from lower socio-economic strata. They have a high prevalence of drug use and

[6] Cited in Boris Novak, "Smuggling of Migrants"
[7] Ibid.
[8] Ibid.

addiction, and a significant number have criminal records. Many make their living from transporting passengers, or they own or are employed at car rental shops.[9]

A global decrease in irregular migration

According to Frontex records, the number of illegal border crossings recorded in 2024 was 38% down on the previous year. This is the lowest figure since 2021, the year of the coronavirus pandemic, with around 239,000 arrivals at the EU's external borders. The Western Balkans route recorded the highest drop, with Frontex experts attributing the 78% decrease to stricter measures taken by the states of the region.

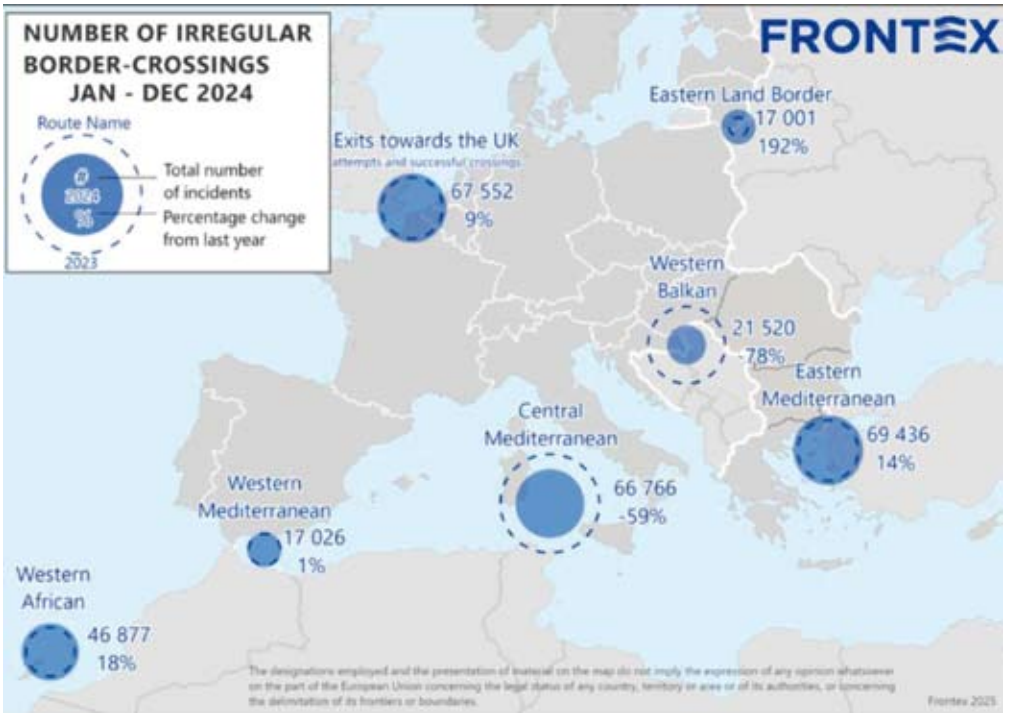

Figure 1. Irregular border crossings, 2024
Source: Frontex[10]

Most of the 21,520 illegal border crossers on the Western Balkans route are Syrian, Turkish, and Afghan nationals. It is difficult to prejudge whether the decline

[9] Ibid.
[10] "EU external borders: Irregular crossings down 40%; Western African route at record high", Frontex, December 13, 2024, https://www.frontex.europa.eu/media-centre/news/news-release/eu-external-borders-irregular-crossings-down-40-western-african-route-at-record-high-MGXenj.

will be sustained, as experience from previous years shows that since the peak migration year of 2015, occasional drops were followed by a steady increase. If border protection in the states of the region slackens, the trends could reverse again. As this analysis shows, this is also the trend at the Serbia–Hungary border.

Trickling back to the Serbia–Hungary border

Following the Serbian elections, active border surveillance lasted only for a while: the period from October 2023 to the first four months of 2024 was characterized by stagnation, followed by a slight increase in the number of border violations (Figure 2).

During a field visit in June 2024, there were signs that illegal immigrants had reappeared in the forests surrounding Subotica on the Serbian side of the border. Traces of fire pits and fresh waste, mainly empty energy drink cans, indicated their presence. Energy drinks are a popular stimulant taken before an illegal border fence crossing attempt, referred to as a "game" between migrants regardless of their English language skills.[11]

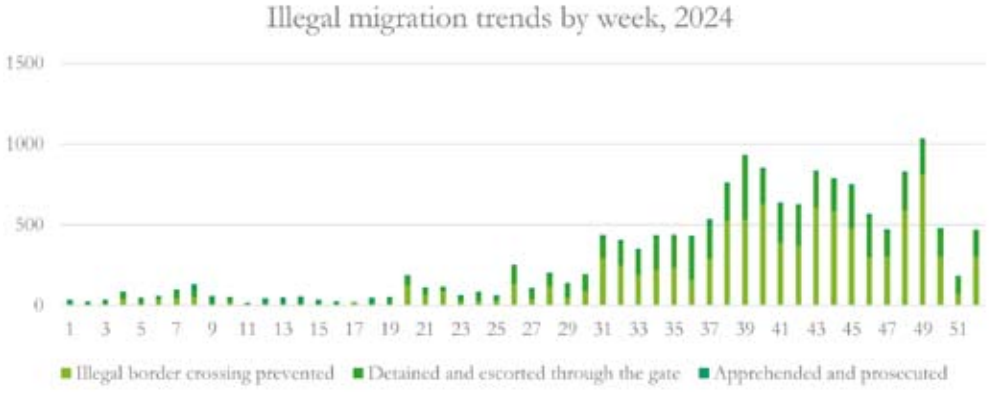

Figure 2. Weekly irregular migration in 2024
Source: Police.hu[12]

In the second half of 2024, there were weeks when the number of irregular border crossings prevented, and the number of people apprehended and escorted back through the gates of the temporary security border barrier was in the thousands

[11] Géza Dobó, "Megindult a visszaszivárgás".

[12] "Illegális migráció alakulása – heti bontásban", *Police.hu*, https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa?weekly_migration_created%5Bmin%5D=2024-01-01+00%3A00%3A00&weekly_migration_created%5Bmax%5D=2025-01-01+00%3A00%3A00.

(Figure 2). Both sides of the border barrier, which consists of a double fence system, lie on the territory of Hungary. Under the relevant Hungarian legislation, illegal crossers who are escorted back through the gates of the border barrier have the option to lodge their asylum claims at a Hungarian diplomatic mission.[13] In the case of Serbia, they can do so at the Hungarian embassy in Belgrade.
Only 26 asylum applications were lodged in Hungary in 2024, which suggests that the majority of irregular immigrants arriving in Hungary from Serbia are economic migrants and not persecuted under the Geneva Convention on the Protection of Human Rights and Fundamental Freedoms on grounds of race, religion, nationality, political opinion or membership of a particular social group.

The same database also shows that on a single day at the beginning of January, the number of persons apprehended and prevented from crossing the border illegally was 71, although it should be noted that the intensity of illegal immigration is generally lower in the winter months.

In January 2025, our informant from last year's field visit confirmed that the return of migrants has continued since, with people smugglers once again living in the forests, but their movements are restricted to the night. He also indicated that the presence of the Serbian law enforcement agencies has diminished again. His daily work takes our informant roaming the forests surrounding Subotica, and he has a good view of the irregular migrants' temporary field shelters and migration routes.

Current trends of irregular migration on the Hungarian side of the border

A significant number of migrants entering Hungary from Serbia arrive at the outskirts of Ásotthalom, a village in Csongrád-Csanád county.

The city limits to the south lie on the northern side of the fence marking the Hungary–Serbia border. More than half of the inhabitants of the village of 112.5 km^2 and a population of around 3,700 live in the farmlands surrounding the village center. To compare, the territory of the village is larger than Kaposvár's, a city with a population of nearly 59,000. The forested, sparsely populated area offers an ideal route for illegal immigrants hiding from the authorities. For more than a decade now, irregular migrants have been crossing this section of the border from Serbia with varying degrees of intensity.

On March 12, 2025, we conducted a field trip in the area. Sándor Kereki, the president of the Ásotthalom Farmer Citizen Guard Association and Attila Balog, the secretary of the association helped us by sharing their local knowledge and

[13] Hungarian Helsinki Committee, "Asylum procedure in Hungary".

experiences.[14]

According to the men, the Hungarian border police are continuously improving and expanding their equipment, including higher-quality cameras and innovative drones. However, people smugglers also stepped up to the plate, both in terms of the use of increasingly sophisticated equipment and creative solutions. Their sentries keep scanning the terrain from a strip of forest on the Serbian side, and they too use drones. The citizen guards said that the migrants sometimes use tactical maneuvers that suggest they may have a background in military training. One night, they sent a migrant with a leg injury ahead, and while the guards were busy with him, a whole group managed to slip through.

The citizen guards also told us that they already recognize some of the illegal immigrants by face and monitored the "career development" of one of them. The man was guiding larger and larger groups across the border throughout a year. The migrants follow GPS coordinates to arrive at meeting points where they are picked up by people smugglers operating in Hungary. They have by now become much more cautious, moving only at night and travelling longer distances in forced marches to be picked up by smugglers on more secluded routes, taking fewer risks. Previously, they were picked up as soon as possible along Route 55, the main road nearest to the southern border.

The guards also found a mobile phone with a simplified version of the Android operating system installed on it, specifically designed to communicate with the people smugglers.

Hungarian border control patrol the area between the double fence system continuously with their military pickups. The vehicles are also equipped with special tyres and belly armor, for it is imperative that the vehicles serving the border guards can operate in the most extreme conditions.[15]

Indeed, at the moment these Toyota Hilux models look as if they were being used in the most extreme conditions: with windshields and headlight covers broken, body panels dented. It is a common tactic for smugglers to throw stones and sticks at the patrolling border rangers' pickups, distracting them while another group of migrants attempts to cross at a remote point on the technical border barrier.

People smuggling drivers in Hungary are recruited from all nationalities, but recently there have been many Georgian and Romanian nationals among them. Hungarians do not really give the job a try, as they would not get away with

[14] Details about the citizen guard association can be found at https://tanyaorseg.hu/.

[15] "Erősítés a határra: páncéllal felszerelt terepjárókat kapnak a határvadászok – idén már 150 ezer illegális migráns akart az országba jutni", *M1*, August 26, 2022, https://hirado.hu/belfold/cikk/2022/08/26/erosites-a-hatarra-pancellal-felszerelt-terepjarokat-kapnak-a-hatarvadaszok-iden-mar-150-ezer-illegalis-migrans-akart-az-orszagba-jutni.

it like foreigners do, the latter only having to leave the country – provided no more major crimes were committed.[16] Drivers transporting illegal immigrants often cause accidents when fleeing from the authorities; abandoned car wrecks are therefore not uncommon around Ásotthalom.

"I do feel sorry for migrants, and I understand that they are trying to reach the wealthier parts of Europe in hopes of a better life", says Sándor Kereki, president of the Ásotthalom Civilian Guards Association. At the same time, he added that irregular migrants were also a source of harm to local residents who live in fear of the uninvited night visitors. Illegal migrants mainly take refuge in dilapidated, abandoned farm buildings, but they also often break into inhabited farms by damaging fences. They are usually looking for food, water or a power socket to charge their mobile phones. Since they follow GPS coordinates only, they often damage fences that cross their path. Most of the local residents try to protect their property with electric fences. Some also acquired rubber bullet guns and typically keep large dogs for similar purposes. Also stressful for the local population is the amount of rubbish left behind by migrants that had to be cleared through organizing volunteers for several waste collection projects.[17]

A popular track among migrants staying near the Serbian border cuts through the Wild Boar Gardens set up on the outskirts of Ásotthalom right next to the border, between the E374 and E418. The numbers indicate sections of the border fence, the distance between sections varies. The wooded area is also comfortable to cut through in 8 minutes. In addition, the risk of getting caught under the cover of the trees is low. At the far end of the plot, they can continue the journey through even denser woodlands. To avoid permanent damage to the fence of the wild boar garden, a piece of a ladder left behind by migrants was built into the fence to allow them to cross through there.

According to László Papp, a police lieutenant colonel serving at the remote surveillance center of the border police in Mórahalom, the number of thwarted and successful border violations is about half and half. In the year 2025, 3,546 illegal entry attempts were registered until March 12. There has been a significant increase in the number of Egyptian citizens among them compared to previous years.

Both the police officer and the citizen guards experienced a slight decrease in the number of border infringements since January 1 this year. That was when Romania and Bulgaria joined the Schengen area in full, including their land borders. And migration routes are constantly changing. However, on the one hand, migrants

[16] Gábor Mátó, "'Szinte következmények nélkül lehet embercsempészettel foglalkozni' – határhelyzet Ásotthalmon", *Telex.hu*, March 3, 2025, https://telex.hu/belfold/2025/03/03/asotthalom-migracio-hatarhelyzet-riport.
[17] Ásotthalmi Tanyasi Polgárőrség, "Tanyasi polgárőrség"

who had been stationed on the Serbian side of the border for some time continue to try to cross through here. On the other hand, it is important to realize that it is not the best-informed who use this branch of the Western Balkans migration route. These migrants rely on the information spread by people smugglers on social media. As they have built up a large service base along this section of the border, they continue to entice their clients with promises of a transit through Serbia to their EU destinations.

Summary

In contrast to recent global and local downward trends, there has been a slight increase in irregular migration activity at the Serbia–Hungary border. There is concern among the local population that the influx of migrants has already started up again. This is mainly due to the significant reduction in the presence of Serbian police and gendarmerie near the border. The shortcoming creates a favorable environment for human trafficking gangs, which may once again set up camps in the surrounding forests, similar to the situation prior to October 2023. Despite the dip in traffic, the Western Balkans migration route remains active. The over 21,000 border crossings detected last year are not a negligible figure. On this route, migrants continue to pass partly through Bosnia and Herzegovina on their way to their destinations in Western Europe, but a renewed and continuous presence of Serbian law enforcement agencies would be needed to prevent a resumption of the proliferation of traffic on the route through Hungary.

The experiences of Hungarian border police and the civilian guards supporting them in the fight against irregular migration on the northern side of the Serbia–Hungary border show that illegal immigrants and the people smugglers helping them have become more cautious. They also refined their methods, and the smugglers with presumed military training choose effective tactical solutions and deploy state-of-the-art technical equipment. All officials interviewed report a decrease since the January 1, 2025 accession of Romania and Bulgaria to full Schengen membership. However, it would be too early to draw definitive conclusions from this.

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A Special Kind of Migration Wave

Ildikó Kaposi

***Tárik Meszár: Zsidók egy arab országban* [*Jews in an Arab Country*]**
Dream Vision 47 Kiadó.
Budapest, 2025. 159 pages

When Israeli, or as the Arabic press prefers to say, Israeli-Iraqi[1] actor Igal Naor shot to international fame playing the title role in the BBC-HBO coproduced 2008 hit docudrama House of Saddam, he also spotlighted Iraqi Jews in Israel. "He's Israeli, of Iraqi descent. And he plays Saddam Hussein. It's no small feat of audacity for the producers", columnists opined.[2] Through biographical details he shared in subsequent interviews, Naor created a degree of awareness of the existence of such a community. He spoke about growing up in "strange conditions" as a son of parents who immigrated to Israel in the early 1950s, being raised by his Iraqi grandmother in a neighborhood like "a 'little Baghdad' around Tel Aviv"[3] where the language of the streets was "Iraqi" and, unlike in nursery school, it was fine for a boy to have Arabic as his first language.[4] He also referred briefly to pressures of forced assimilation as the State of Israel "strongly encouraged" the new immigrants to change the family name to something sounding less Arabic.

Naor's personal story is a condensed version of the highlights of Meszár Tárik's 150-page monograph on the subject of the history of Iraqi Jews. Written in Hungarian, *Zsidók egy arab országban* [Jews in an Arab Country] sketches the historical backdrop against which the mass emigration of Jews from Iraq occurred. Using mainly Anglo-American historical works and the resources of the Iraqi Jewish Archive, Tárik makes the case for a cautionary tale about how even millennia-long coexistence and intricate ties binding a minority group to majority society and culture may not guarantee peaceful cohabitation forever.

[1] "'House of Saddam' airs to rave reviews in UK", *Al-Arabiya*, July 31, 2008, https://www.alarabiya.net/articles/2008%2F07%2F31%2F54046.
[2] Nicolas Dufour, "Un Saddam télévisuel passionne les Anglais. Dans une mini-série BBC, le dictateur est joué par un Israélien" *Le Temps*, August 02, 2008, https://www.letemps.ch/societe/un-saddam-televisuel-passionne-anglais?srsltid=AfmBOopasn_JrTdtNcnfYliHfzXkMMpAX-FqCRxcTYdaHsFZS3sqCMrO.
[3] "Israeli actor to interpret Saddam Hussein", *France24*, August 27, 2008, https://www.france24.com/en/20080728-israeli-actor-interpret-saddam-hussein-television-iraq.
[4] Rachel Shabi, "'I am Saddam and he is me'", *The Guardian*, August 26, 2008, https://www.theguardian.com/culture/2008/aug/26/television.bbc.

Tárik begins the story of Iraqi Jews in Mesopotamia in the 6th century BCE with the Babylonian exile, the first of many waves of migration that saw Jews exiled and migrating *en masse* across the territories of ancient empires. One pattern emerging from the author's summary of the historical waves of migration is the practice of Jewish communities taking with them their traditions, spreading the Babylonian way of living religion and culture to the diaspora in the Levant, North Africa, Italy, and Spain (p. 26). Another pattern concerns the need to renegotiate the population's social position under each new power that conquered the land. The 'superpowers' of the day used Jews to further their own agendas, such as when Mongol occupying forces in the 13th century sought to stabilize power relations in the land they conquered by offering more favorable treatment to Jews in exchange for their cooperation in public administration (p. 29). Other areas where Jewish expertise was appreciated by the ruling forces were commerce, finance, and certain occupations – like silversmithing or customs collection – initially rejected by Muslim populations (p. 30). Through the example of Ottoman times, Tárik also demonstrates the fickleness of favorable dispositions towards minorities when he states how prosperous times tended to inspire tolerance and acceptance towards Jews, only to shift dramatically to envy and antipathy as the empire started sliding into decline (p. 35).

Relations between Iraqi Jews and the British who succeeded the Ottomans in controlling the region repeated some of the patterns of earlier centuries. Iraqi Jews constituted a well-organized and highly qualified community with extensive networks that gave them an advantage in commerce and a degree of leverage on the international scene. Similarly to other non-Muslim groups, they had an openness to Western culture and a tradition of acquiring foreign language skills, which made them valuable to the European powers, both political and corporate, colonizing the region (pp. 39–43). While Iraqi Jews benefited from rights and freedoms granted by the British, their Muslim majority compatriots were instead focused on independence from European colonial rule.

Jews contributed significantly to the modernization of Iraq in finance and public administration, and through their strong representation among white-collar professionals they became a major force of the Iraqi economy, culture, and society. Over time, however, their success made them a target of rising social discontent, and the growing popularity of Iraqi nationalism helped identify Jews with the colonial system. Repressive measures were introduced against them throughout

the 1930s, and popular anti-Jewish sentiment culminated in the 1941 pogrom against Baghdad Jews (pp. 45–49). Known in Arabic as *farhud*, the events – including the exact amount of damage, the precise number of casualties, and the forces (including the Nazis, the British, the Zionists) responsible for inciting the attacks – remain a hotly contested issue[5] between Arab and Jewish parties. Tárik does not explore the ongoing struggle over interpretation, but he reads the trauma of the *farhud* as a warning sign for Iraqi Jews that they may need to reevaluate their position in Iraq (p. 49). By this time, emigration to Palestine was a widely understood option for the Jews of the Middle East – and Zionism, the ideology promoting it, was officially banned in Iraq in 1935. Following the 1948 creation of the State of Israel, Jews in Iraq suffered intensifying scapegoating, and they would be allowed to emigrate legally only on condition of relinquishing their Iraqi nationality and leaving behind their wealth and property (p. 56).

Tárik builds a convincing case in his overview of the rising tide of anti-Jewish sentiment in Iraq's public discourse in the 1940s. He presents a selection of the Iraqi Jewish Archive's Arabic press clippings dating from 1949-1951 to identify three dominant topics driving the rhetorical campaign against Jews: the smuggling of Jews from Iraq and the criminalization of their emigration, Jewish conspiracies, and the focus on accumulated Jewish wealth that should be confiscated (p. 51). This build-up leads to Chapter 4 dedicated to Operation Ezra and Nehemiah, the 1951-52 airlift of over 120,000 Iraqi Jews to Israel. For comparison, the author cites figures showing that between 1919 and 1948 the number of Jews who emigrated to the territory of the future Israel totaled 7,995. The operation represented a unique form of mass migration in that the target country actively fought for the arrival of the tens of thousands of incoming migrants.

As Tárik states, emigration for Iraqi Jews meant the hope of a new life in a country built on the ideology of Zionism (p. 77). The story was of course also rife with historical and religious symbolism, with a large group of Jews leaving Babylon for the land of Israel. The Iraqi Jewish *aliyah* resonated with the Exodus, the second book of the Torah (and the Old Testament), as the archetype of migration narratives in Judeo-Christian cultural tradition. As before, the 1950s reenactment of the mythical story promised to lead to a confirmation of the national belonging

[5] Alaa Al-Lami, "altazwir alshywny li'ahdath <<alfarhud>> watahjir alyahud aleraqyyn [Zionist falsification of the Farhud events and the displacement of Iraqi Jews]", *Al-Akhbar*, January 29, 2021, https://www.al-akhbar.com/Opinion/299500; Mahdi Al-Zaidawi, "yahud aleiraq 'iilaa 'iisrayiyl.. min naeim babil 'iilaa jahim sahyun [Iraqi Jews to Israel: From the Bliss of Babylon to the Hell of Zion]", *Al-Jazeera*, May 11, 2023,
https://www.aljazeera.net/history/2023/5/11/يهود-العراق-إلى-إسرائيل-من-نعيم-بابل

of Israelites. However, as Tárik shows in Chapter 5, the integration of the new arrivals posed significant challenges, paradoxically because of their millennia of success in integrating into Iraqi society. They were Mizrahi Jews as steeped in the traditions of the Arab world as Israel's dominant Ashkenazi communities were in the traditions of Europe (p. 80). The differences between language, customs, and religious rituals marked Mizrahis, among them Iraqi Jews, as "others" in an unconscious reenactment of the patterns identified by Edward Said[6].

Tárik describes the sense of hopelessness permeating the first decades of the resettlement of Iraqi Jews in Israel as rooted in an inability to feel at home in either country. He asserts that while over time non-Ashkenazi immigrants managed to improve the systemic bias disfavoring them, many of the original Iraqi immigrant generation, along with their descendants, continue to look upon Iraq with deep-felt nostalgia (p. 102). The short bios the author lists for people of Iraqi Jewish descent as examples of great career success stories (pp. 104–108) are to demonstrate that integration is possible. At the same time, in Tárik's telling the ongoing use of Arabic, along with the importance of Iraq-infused traditional music and dishes described with the helpful precision of a guidebook (pp. 123–26) all confirm a story of great loss, the gradual eradication of a 2,500-year-old community with the uprooting of its members. Finally, the closing Chapter 9 draws analogies with the situation of minorities that remain in Iraq, and the book concludes that protections for minorities and their ability to preserve their cultural heritage are of fundamental importance for society as a whole.

Meszár Tárik's monograph offers an accessible introduction to a slice of 20th-century history. A local book review highlighted the work's significance in bringing attention to events not very well known in Hungary.[7] Another review lauded the author for his objectivity and scientific approach even as writing from a "philosemitic" position.[8] A third stressed that the book worked not only for historical discussion, but also as an inspiration for socio-historical self-reflection.[9] Its narration of the extraordinary migration wave of Iraqi Jews brings to Hungarian audiences a close-up view of the region still struggling to approximate Canaan.

[6] Edward Said, *Orientalism*, Vintage Books, 1979.

[7] András Siklós, "Kétszáz emberrel végeztek, több mint ezren megsérültek a kétnapos őrjöngésben", *Index*, July 13, 2025, https://index.hu/kultur/2025/07/13/irak-zsidosag-izrael-kivandorlas-nehezsegek-konyvrecenzio/.

[8] Dorina Szekeres, "Zsidók egy arab országban", *Szombat*, June 18, 2025, https://www.szombat.org/kultura-muveszetek/zsidok-egy-arab-orszagban.

[9] "Tárik Meszár: Zsidók egy arab országban", *Eurázsia Magazin*, 2025, https://eurazsiamagazin.hu/tarik-meszar-zsidok-egy-arab-orszagban.

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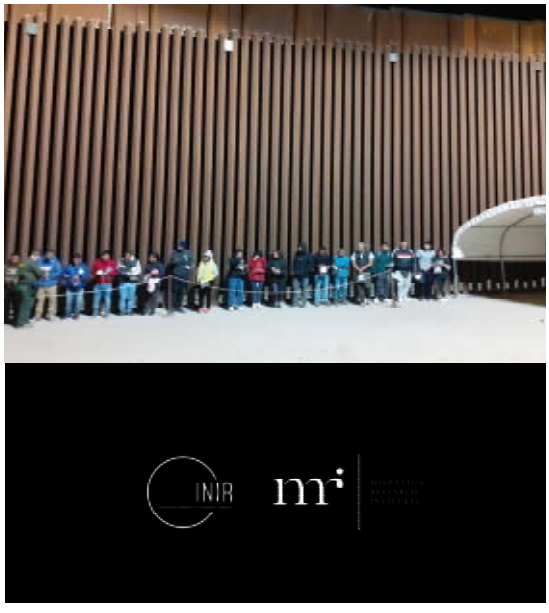

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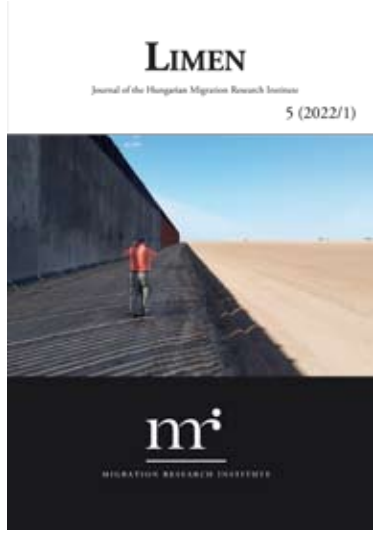
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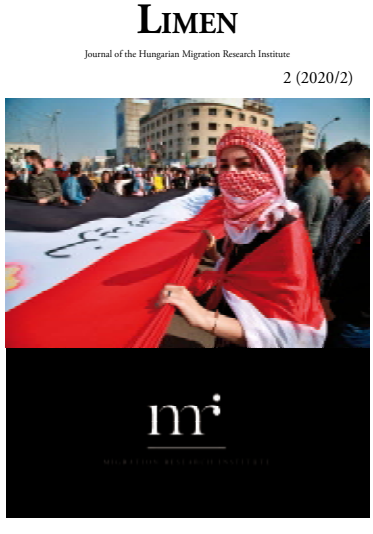
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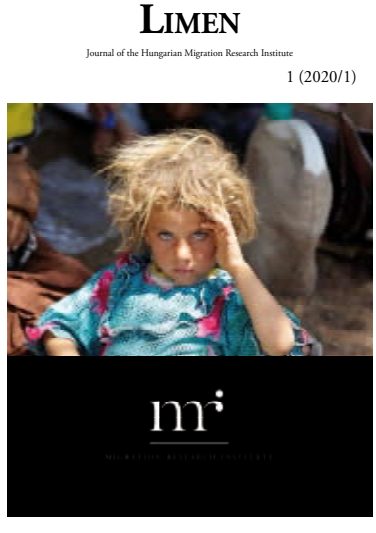
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