North Africa, Middle East, Turkey and the Gulf States

Introduction

The geographic area discussed in this paper concerns 10% of the world's migrants. The migratory dynamics are diverse, and the related management issues are complex.

The region is one of the largest departure areas (North Africa and Middle East), and is also a transit zone (especially for Europe) and, increasingly, a settlement area (North Africa for sub-Saharan migrants and Turkey for migrants from the CIS).

The oil-producing countries of the region (members of the Gulf Co-operation Council (GCC), Libya and, to a lesser extent, Algeria) have been a major point of attraction for manpower (trans-regional and interregional labour migration) for several decades.

Moreover, because of the acute political crises shaking the region (Iraq) and several neighbouring countries (Sudan, Somalia, Afghanistan), countries such as Jordan, Egypt, Yemen, and Turkey are faced with a large influx of refugees and asylum seekers.

1. Labour migration

This area, particularly the countries in the southern Arabian peninsula (Yemen and Oman) and the Levant already had a longstanding migratory tradition when labour immigration increased significantly in the region after the 1973 oil crisis [Simon G., 1995]. These black-gold migrations, linked to substantially increased oil revenues combined with "[…] exceptionally high population growth that lasted until the early 21st century (and is now declining), caused population movements inside and outside the Arab world. (…) Certain countries have oil while others have manpower. Few Arab countries, except for Algeria, have both; hence the attraction of the people from the latter to the former" [Wihtol de Wenden C., 2005, p. 43].

1.1. Reciprocal dependence

The Gulf countries - In relative value, oil-producing countries, especially the United Arab Emirates (UAE), Qatar and Kuwait with a foreign population of over 80% and 70% respectively, have experienced the most massive immigration influx and constitute one of the largest employment basins in the world.¹

The sizeable presence of emigrants from countries other that neighbouring countries is characteristic of the sub-region.²

¹ 20-30% foreigners in Libya, Saudi Arabia and Oman.
² The present population structure of the GCC states is largely the result of relations and past migratory movements between the north (today Iran) and south of the Arab-Persian Gulf [Montigny A., 2005 and Lavergne M., 2003].
While the receiving countries are greatly dependent on this manpower that guarantees a smoothly functioning economy and society, the economies of the countries of departure depend on the substantial revenues they receive from the segment of the working population that has emigrated.³

After the second Gulf war (1991) the Asian workers, generally unskilled, who first arrived in the 1980s became the majority and account for nearly 80% of the foreign population in certain Gulf countries [Simon G., 1995, p. 93].

The main departure points in Asia for migration to the Gulf are southern Asia (Pakistan, India, Sri Lanka, and Nepal) and Southeast Asia (Indonesia and the Philippines).

Recruitment zones have extended as far as Japan, South Korea and the West, particularly to recruit highly skilled technical workers who were then not available in the oil-producing countries⁴. Such a broad expansion of recruitment zones is the result of a combination of several factors [Simon G., 1995]: political and religious concerns (for fear of extremists and terrorism, the Gulf states prefer to recruit personnel from non-Muslim countries and regions); economic factors (lower wages paid to Asian workers than to Arab migrant workers); and a highly organised recruitment system.

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Between 1973 and 1991 (the year Iraq invaded Kuwait), Arab migrant workers were the majority in the Gulf.⁵ Although today they are much less numerous, they are still present, and their remittances constitute a considerable source of revenue for the countries of departure [IOM, 2005].

Intra-regional worker migrations are considerable in the Middle East. A non-negligible proportion of the working population of Jordan sought jobs abroad causing massive emigration to the Gulf states, for which the country compensated with "replacement migration" (mostly Turks and Egyptians), to mitigate the manpower shortage it was faced with. Today, the large numbers of foreign workers, mainly from neighbouring countries, especially Egypt and Syria,⁶ pose problems since the country has a high unemployment rate, which it is attempting to contain through a policy of "employment nationalisation." Jordanian authorities have created a system of job certificates for private sector employees that guarantees certain rights to migrant workers (health insurance, pensions, etc.) and aims to limit the hiring of irregular workers (especially Egyptians). Nevertheless, many companies continue to hire them and deprive these workers of their basic rights.

### 1.2. The Gulf States- The Management of Immigrants, a Source of Exploitation

Migrations to the Gulf are strictly by contract⁷. Consequently, they are temporary [Simon G., 1995, p. 44] and highly selective and mainly involve the skilled, working-age population. A direct consequence of this is an extremely high proportion of members of the active working population among the foreign population. Length of stays in the country and family reunification are strictly controlled.

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³ For example, in the Philippines, the world's leading exporter of labour (18.5% of the working population has emigrated), transfers of funds make up 8.2% of GDP. Transfers from the Gulf countries are second largest, just after those from the U.S.A. (In *Atlas des migrations dans le monde*, p. 53). Several Asian states have developed an emigration encouragement policy by implementing an educational policy that results in a highly competitive "exportable" labour force.

⁴ Highly skilled workers enjoy a privileged status with contracts negotiated by mutual agreement, the right to settle in the country and bring their families, etc. Such conditions are in no way comparable to the situation of other workers.

⁵ Citizens of Arab countries that supported Iraq (Palestine, Jordan, Yemen and Sudan) were ruthlessly ousted and often forced to leave their savings behind or prevented from returning to their jobs in the oil kingdoms threatened or attacked by Iraq. Egyptians have been ruled out for fear of uprisings.

⁶ Transfers coming from emigrant workers are also an important source of revenue for Egypt.

⁷ Migrations by contract share in general the following characteristics: “limited duration of the stay, high level of control and management by the authorities of the host country or by the companies responsible of migrant workers vis-à-vis the administration” [Simon, 1995, p.44]
Migration by an Asian migrant worker to his/her country of employment in the Gulf is closely managed and controlled and is a source of numerous types of abuse.

Recruitment takes place in most countries of Southeast Asia and is handled either by government or private agencies. Agencies guarantee the candidates’ level of skill and good health, and also provide transportation for candidates to places of employment. The practices of these agencies are often usurious. Migrants must repay the price of their travel and visa and are also required to pay a fee for the services provided, which often amounts to a year’s earnings or more [Lavergne M., 2003].

In the country of employment, "regular migration borders on bondage" [Simon G., 1995, p. 49]. The worker is entrusted to a sponsor, kafil, who will employ him/her or place the worker elsewhere, retaining his/her passport throughout the worker's stay. In addition, the sponsor usually takes a sum equivalent to one-third or even half of the employee's income. If a conflict arises and the sponsor revokes the guarantee, the foreign worker finds him/herself in an irregular administrative situation and subject to immediate expulsion.

The attitudes of countries of departure toward protection of their citizens vary. While India has created a policy of support and training for its migrants, Sri Lanka, for example, abandons them to the exactions of their employers, despite the substantial revenues they provide [Simon G., 1995].

As legal workers these migrants, according to international agreements, should be protected and are entitled to a certain number of rights that are identical to those granted to nationals, namely, access to jobs, working conditions, social security, and the right to join a trade union. But, to date, none of the countries in the sub-region have ratified the international conventions and apply especially discriminatory measures to immigrants and any other persons who are not citizens. [IOM, 2005, p.53].

Despite a policy of highly controlled entry, the Gulf States have their share of irregular workers, who live in very precarious conditions. Saudi Arabia, for instance, expels between 350,000 and 450,000 irregular immigrants per year.

Migration to the Gulf States and other oil rich countries has always been predicated on the prevailing economic and political circumstances, which makes the fate of the workers even more precarious because they risk being dismissed from one day to the next.

Just as Jordan has done, for economic and social reasons, the Gulf States need to "nationalise" jobs so as to guarantee employment for their young people. Furthermore, States want the currency immigrants send to their countries to remain on their soil. At some point, job nationalisation policies may have repercussions on the economies that depend on migrant labour, and especially for immigrants from the Middle East working in the Gulf States, who currently perform intermediate jobs; this is less likely to be the case for the majority of the Asian immigrants who are mainly limited to jobs that the local population is inclined to refuse.

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8 This is one aspect of the policies established in the framework of a global economic policy by states that encourage their populations to emigrate.
9 In particular, ILO conventions, Convention no. 97 on migrant workers and Convention no. 143 “Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers” as well as the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families”. See annex for ratifications of these conventions.
10 This especially applies to the “bidun jinsiyya”, literally means "without nationality", in other words, population groups with no proof of citizenship in their country of origin. There are unusual numbers of such groups in Kuwait where they suffer from discriminatory practices with regard to access to the labour market, health services and education. In Bahrain, since 2001, the situation for these groups has improved considerably; the majority of the bidun have obtain Bahraini nationality. [IMO, 2005, p.53]
11 For instance, during the 1980s, migratory flows slowed down because of the drop in oil revenue. And, as mentioned earlier, the Iraq invasion of Kuwait in 1991 led millions of Arab workers to return to their home countries.
1.3. Job Migration in Israel

Israel, a country of immigration by definition, also uses migrant labour, mainly in construction and agriculture. Until the first intifada, most migrant workers were Palestinian. Today, Israel has approximately 250,000 migrant workers from Romania, Ghana, Nigeria, Colombia, Philippines, Turkey, ex-USSR, Thailand and China. In 1991 the government adopted a law on foreign workers that was rather favourable\[12\] [IOM, 2005, p.71], but when the unemployment rate and the number of foreign workers rose steeply, the government revised its management of employment migration and adopted a policy limiting the number of irregular migrant workers, which included expulsion; it also revised its management and controls of migratory flows [FIDH, 2003].

2. Irregular Migration – Challenges to Transit and Destination Countries

2.1. Trans-Saharan Migrations

Effects of the cancellation of Libya's pan-African policy

After the 1973 oil crisis, Libya soon became a major destination for migrants from North Africa, especially Egyptian and Sudanese.

Feeling abandoned by its Arab brethren during the 1992-2000 embargo, Libya revised its foreign policy and assumed the position of an African leader by developing a pan-African policy that welcomed migrant workers from sub-Saharan Africa. It became a preferred destination for migrants from West Africa and the Horn of Africa [de Haas H., 2006].

Violent xenophobic reactions from the Libyan population against sub-Saharan migrants quickly convinced the government to reverse its position and adopt a highly repressive policy: more restrictive immigration controls; extended arbitrary detention of immigrants under poor conditions in prisons and camps; and physical violence and forced repatriation of tens of thousands of immigrants. Between 2003 and 2005, the Libyan government deported nearly 145,000 irregular migrants, most of whom were from sub-Saharan Africa.

This change of attitude by the Libyan authorities resulted in, inter alia, the partial reorientation of trans-Saharan migration, with flows increasing to Algeria, Morocco and Tunisia.

The Development of Trans-Saharan Migration

The history of trans-Saharan mobility is very old. Mobility slowed down with the arrival of colonisation and the creation of modern states. It took off again in the 1990s when Libya introduced its pan-African immigration policy, and was further spurred by growing instability in African countries, (civil) wars and the economic downturns that especially afflicted West Africa, the Horn of Africa (Somalia, Ethiopia, and Eritrea) and the Democratic Republic of Congo (DRC).

Contrary to preconceived ideas, these migrants\[13\] usually have a good educational level and come from middle level socio-economic communities. Their reason for leaving is often a lack of opportunity at home, fear of persecution or violence, or both. That is why it is difficult to classify these migrants in the usual migration categories, i.e. economic or political migrants, refugees, etc.

According to estimates, between 65,000 and 120,000 sub-Saharan Africans enter the Maghreb countries (Mauritania, Morocco, Tunisia, Algeria, and Libya) each year and some tens of thousands of them try to

\[12\] Decent working conditions, health insurance, employment contracts, right to schooling even for children whose parents are in an irregular situation [IMO, 2005, p.71]

\[13\] Main countries of origin: Senegal, Gambia, Sierra Leone, Liberia, Mali, Côte d'Ivoire, Ghana, Nigeria, DRC, Cameroon, Sudan and the countries in the Horn of Africa. Furthermore, there are migrants from China, India, Pakistan and Bangladesh who go to Morocco via the Sahara.

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cross the Mediterranean. While the large majority of migrants travel on their own, a non-negligible number fall prey to traffickers and smugglers.

The Maghreb countries, traditionally a source of emigrants to Europe, have gradually become countries of transit or settlement for Sub-Saharan migrants [de Haas H., 2006]. This new situation creates new challenges for the public authorities regarding the management of migratory flows.

**Heavy-handed management of migratory flows**

In 2003 and 2004, Morocco and Tunisia passed new immigration laws that heavily penalise illegal immigration and human trafficking. Although the laws do refer to the relevant international conventions with regard to the rights of migrants and refugees, in practice these provisions are often ignored.

During the last few years – partly in response to pressure from the European Union but also because of growing xenophobia within the countries, the authorities in the countries of North Africa have put tighter controls on borders and coastlines. These countries have also made their internal policy towards migrants stricter; refugees and irregular migrants are frequently arrested, subjected to arbitrary detention or forcefully escorted back to the border. Several reports also mention frequent verbal and physical violence against migrants, particularly by the police forces, especially in Libya.

Further, since they have no legal status, most of the migrants find highly precarious "petty jobs" and are often subjected to various forms of exploitation by their employers.

### 2.2. Turkey- Increase in Irregular Migrations

Like the countries of the Maghreb, Turkey (Kirisci, K., 2003, IOM, 2005, pp. 157-159) has a historical tradition of emigration. Today, emigration is usually limited to the regrouping of families and Turkish or Kurdish asylum seekers. It is also a country for both transit and settlement.

Qualifying countries of the Maghreb as being countries of transit migration is often deemed inappropriate, certain migrants and refugees do see these countries as their prime destination and some of those who have failed to get to Europe or drop the idea, decide to stay in the Maghreb rather than go back to their more unstable, poorer and more unsafe countries. On the other hand, over the years, Turkey has become a real transit area for people going west. The monitoring and management of these migrations which are often irregular have become the main concerns of the Turkish authorities who are encouraged in their efforts by the European Union [IOM, 2003].

Since the beginning of the 1990s, Turkey has had to deal with a new form of irregular migration that includes nationals from neighbouring countries and migrants in transit that has been made easier by a relatively flexible visa policy for nationals from a large number of neighbouring countries.

These irregular migrants (who may number between several hundred thousands and a million) most often work as domestic workers, sex workers (of both sexes), construction workers and in the tourist trade. The illegal nature of both their work and residency makes them particularly vulnerable to exploitation.

The large number of migrants in Turkey is due, to a large extent, to the same reasons that there are migrants from sub-Saharan Africa in the Maghreb: migrants seeking to escape from crime and violence and to find a better life; migrants in transit, travelling to the West or the North; migrants unable to go further because of more restrictive procedures for entry and immigration in Europe; and migrants attracted by the relative economic prosperity of Turkey (better economic situation than that of the countries of origin).

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14 At least 100,000 sub-Saharan migrants now live in Algeria, 1 to1.5 million in Libya and between 2.2 and 4 million (mainly Sudanese) in Egypt. Morocco and Tunisia are taking in smaller (but growing) groups of sub-Saharan migrants that amount to several tens of thousands of people.

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Even more so than in the Maghreb, Turkey has to deal with different categories of migrants (in transit, irregular migrant workers, asylum seekers, refugees and regular emigrants). It is here again very difficult to clearly distinguish between these categories.

3. Political Migrants, Asylum Seekers and Refugees

Palestinians comprise the largest refugee population in the world; they can be found in the quasi-totality of the Arab world, but their status differs according to the policies of the host country (for example, they are not granted permanent resident status in the Gulf countries). Generally speaking, the legal status of Palestinian refugees is truly remarkable: because of the existence of the UNRWA, which is responsible for providing Palestinians with humanitarian aid, they do not fall under the protection of the 1951 Geneva Convention concerning the status of refugees and are not included in refugee statistics.

In 2003, it was estimated that there were 6 million refugees in the region. The dramatic consequence of the war in Iraq, the persistence of conflicts in Sudan, the grave political and security issues in Afghanistan, and recent events in Somalia, all have, without a doubt, increased the number of refugees and asylum seekers entering the region every day.

Egypt

During the 1970s, Egypt opened its doors to emigrants from the Sudan. But things changed with the resurgence of civil war in Sudan in the 1980s that led to the arrival of a great number of refugees and asylum seekers in Egypt. Although party to the 1951 Geneva Convention, Egypt then decided to revise its policies by considerably restricting the influx of refugees.

In September 2005 the treatment by the Egyptian authorities of Sudanese refugees having fled the ongoing conflicts raging in Darfur confirmed this trend and illustrates Egypt’s failure to meet its international commitments in this domain.

Turkey

Another signatory of the 1951 Geneva Convention, Turkey is historically a country of asylum. During the Cold War it accepted a large number of temporary refugees from the communist countries of Eastern Europe and the Soviet Union who were waiting to be accepted by a third country. Since the 1980s, Turkey has become a major country for asylum seekers and refugees from neighbouring Middle Eastern countries.

Turkey is one of the few countries that still maintains a “geographical limitation” in the application of the 1951 Geneva Convention and consequently refuses to grant refugee status to non-European asylum seekers [Kirisci K, 2003]. With the prospect of becoming a member of the European Union, it is however in the process of revising its administrative and legal system relative to asylum in order to put it in conformity with international practices.

Yemen

The only signatory of the 1951 Geneva Convention in the Arabian peninsula, Yemen attracts a large number of asylum seekers from sub-Saharan Africa who endanger their lives by crossing the Red Sea to reach the Aden coast. Refugees live in urban areas and in refugee camps located mainly in the southern part of the country.

Faced with a massive increase in the number of migrants, most of whom arrive from the Horn of Africa, Yemenite authorities have adopted far more repressive measures by reinforcing patrols on the Red Sea in

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order to intercept smugglers’ boats and by deporting irregular migrants among the group of asylum seekers.

**Iraqi Refugees**

Since the beginning of the conflict, over 3 million Iraqis have fled their country to take refuge, as a first resort in Jordan. Given the daily worsening of the situation both in terms of security and from a humanitarian vantage point, it is likely that there will be ever greater flows of refugees trying to cross borders.

4. **The Traffic and Exploitation of Vulnerable Populations, in Particular Women**

4.1. **Specific Vulnerability of Female Migrants**

The majority of female migrants in the geographical area under consideration are in the countries of the GCC, in Jordan and in Lebanon. These women come mainly from Asia\(^{15}\) where they were recruited to work in unskilled jobs in industry, the hotel trade or more often as domestic servants. A proportion of the migrants who migrated to work in hotels, end up as sex workers once they reach their destination [IOM, 2005, pp 54-55].

Female migrants are often victims of exploitation, more so than males, due to the very nature of their jobs. Often labour laws, hardly favourable to migrant workers in general, are not applicable to women working as domestic servants or in other low skill jobs. Furthermore, the sponsorship system, widespread in all of these countries, puts them in a situation of total dependency vis-à-vis their employer with all the resulting consequences.

4.2. **The Smuggling and Trafficking of Human Beings**

Although many countries in the region have ratified the Convention on Transnational Organized Crime and its additional protocols \(^{16}\) on the smuggling and trafficking of human beings, the main victims of which are women, the practices are widespread and rarely countered by the authorities in the region.

Two types of cases are widespread: The first case concerns women mainly from Asia (Philippines, Bangladesh, Pakistan, India, Thailand, Sri Lanka, and Indonesia) and Africa (Ethiopia, Madagascar) who have been tricked into thinking they will get well-paid jobs as domestic servants in Gulf countries or in Lebanon. When they reach their destination, they are often under-paid or mistreated by their employers or, worse still, they are victims of physical and/or sexual violence or are forced to become prostitutes [IMO, 2005, p.57]. The distress of women from countries in conflict (Iraq, Sudan) or who have to face severe economic crises is exploited in particular by prostitution networks.

The authorities of certain countries are not ignorant of the existence of trafficking networks, but they continue to turn a blind eye to the problem. In the United Arab Emirates (UAE), for example, the sponsorship system created to handle nationals from Central Asia and Russia, where most of the sexual workers in the UAE come from, is used by traffickers to gain total control of the persons they bring into the country.

Israel and Turkey, important destinations for the traffic that originates mainly in countries of the former Soviet Union, are attempting to stem the flow and combat the scourge by reinforcing border controls and making human trafficking a criminal offence. Notwithstanding, the trafficking and exploitation of women continues to be a major problem in both countries.

\(^{15}\) Mainly from Sri Lanka, Philippines, Indonesia, Thailand, Bangladesh, Pakistan and India.

\(^{16}\) List of ratifications in annex.
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