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Refugees and Migrants from Eritrea to the Arab World: The Cases of Sudan, Yemen and Saudi Arabia 1991-2007

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I. Introduction

Since the early 1960s, exiles have been fleeing from Eritrea to neighbouring Sudan, the Arab world, and more recently to the West. The independence war that saw Eritreans rise against the Ethiopian state after the annexation of the former Italian colony in 1962, raged until 1991 and caused massive population displacement. Ongoing violence and poverty created over one million refugees in the 1980s and continuous flows of emigrants until the beginning of the 1990s.

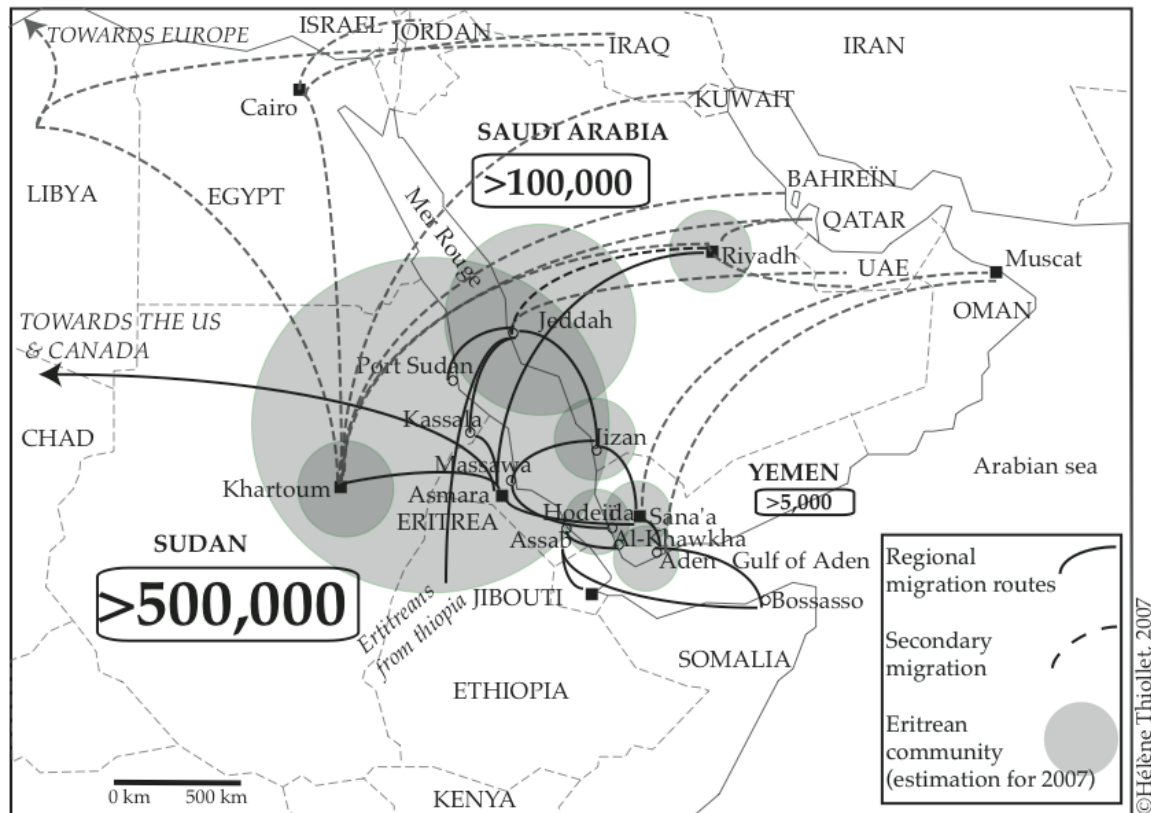
Eritrean independence, established in 1993, was expected to put refugees on their way back home. With the outbreak of a new war in 1998 and the authoritarian rule of Issayas Afewerki, however, new exiles have been created and the old exiles have been prevented from returning.

There were approximately 3 million Eritreans in Eritrea and 1 million in the diaspora in 1993. Eritrean communities are mainly settled in neighbouring countries in Africa and the Middle East; a marginal part of the diaspora is located in the West. Although many research projects have been conducted since the beginning of the 2000s on Eritrean communities in Europe and North America (United States and Canada), mainly by anthropologists and political scientists, the diasporas in the Middle East and Africa remain largely unknown because of the difficulty of carrying on fieldwork research.

Until 2002, Eritreans have been granted protection and assistance by UNHCR under *prima facie* refugee status. Since the cessation clause of 2002, however, Eritreans keep

crossing the borders to neighbouring countries with very few assurances concerning their status and the conditions of their stay. Neither refugees nor emigrants, Eritreans belong to this new category of “mixed migrants,” whose safety and future are jeopardized by anti-immigration and anti-asylum policies in security-concerned host countries.

For many Eritreans, Sudan and Yemen are countries of asylum or transit, whereas Saudi Arabia is clearly pointed to as the desired destination of Eritreans in the Arab region. Through the case study of Eritrean migrants and refugees, we examine the politics of immigration and asylum on the margins of the Arab world. We also examine the ambivalence of Eritrean mobility and the blurred boundaries of migrant statuses.



II. The Politics of Eritrean Mobility

Massive emigration occurred due to the annexation of the former Italian colony and British protectorate by Emperor Haile Selassie, in 1962, until 1993 when the country became independent. Most refugees arrived in Sudan as a first country of asylum. In

1984, there were over a million Eritreans in Sudan and refugee communities in Yemen. Refugees circulated from Sudan to the oil-rich countries and around the Arab world, depending on political and economic opportunities. (Thiollet, 2005)

Eritrea's neighbours, like Sudan, Yemen and even Saudi Arabia, hosted Eritreans as either migrants or refugees, on account of supporting a decolonisation war, a Muslim struggle and a strategic objective. Support to Eritrea against Ethiopia and its ally Israel, furthermore, aimed at protecting the Arab identity of the Red sea, keeping it an "Arab lake." (Shafi'â, 2003)

In the 1990s, the Eritrean regime broke political alliances sealed during the independence struggle and started controversial alliances with Israel and the US.¹ Sudan and Yemen also supported Eritrean opposition groups settled on their territory as a means to weaken the Eritrean government.

Sudan and Yemen, on the one hand, are countries of emigration, mainly to the Arabian Peninsula, as well as transit and immigration countries for African migrants. Saudi Arabia, on the other hand, is one of the greatest labour importers in the world. Saudi Arabia is a middle-income country whereas Yemen and Sudan are among the least developed countries, heavily relying on foreign aid. The immigration profile of these three countries proves complementary. Yemen and Sudan are emigration and transit countries, especially for populations from the Horn of Africa who plan on migrating to oil-rich countries (Saudi Arabia and the Gulf states). For many migrants and refugees, the Kingdom is the ultimate goal of complex, arduous migration routes, an Eldorado both geographically close and unreachable in a context of immigration restrictions (in the 1990s).

Regarding refugee law, Sudan and Yemen are parties to the 1951 Geneva Convention. Sudan also has a national refugee law (Asylum act, 1974) and Yemen is still in the

¹ In January 1993, both Issayas Afewerki and Ali Sayyed Abdallah, the head o the provisional government are welcomed in Israel under the pretext of hospitalization in Tel Aviv and Shimon Peres, then Ministry of Foreign Affairs make official Israeli-Eritrean ties with a diplomatic visit to Asmara.

process of adopting one. Saudi Arabia is no party to any international or regional legal instrument concerning refugees but has a status for Palestinian refugees and exceptional cases of political asylum. In Sudan and in Yemen, Eritrean refugees were welcomed from the 1960s to the end of the 1990s within the legal framework of international protection (in the case of Sudan with the cooperation of local legal and administrative bodies). In Saudi Arabia, the situation of Eritrean exiles was dealt with under immigration law and specific regulations established to facilitate Eritrean immigration to the Kingdom.

III. Eritrean Migrants in Saudi Arabia: Migration Politics as indirect Asylum Policy

The history of Eritrean immigration trends in Saudi Arabia can be described as “indirect asylum policies” where immigration was used as *de facto* ‘refugeism.’ Neither Saudi Arabia nor the Gulf countries² are parties to the 1951 Convention or the 1967 Protocol concerning refugees. However, immigration policies were used as a sort of indirect asylum policy. Rather than straightforward political support through explicit asylum rights, the stance of the Saudi government was to welcome Eritrean migrants; the financial fluxes of remittances from the Kingdom, furthermore, became a crucial support to Eritrean “freedom fighters.”

Immigration Diplomacy

Saudi Arabia’s selection of Eritrean immigrants was designed along lines of regional and international politics. We call this specific kind of politics *immigration diplomacy* as Saudi immigration policies serve the purposes of regional diplomacy. Favouring the selection of Arab migrants in economic immigration is a diplomatic tool that enhances regional integration. (Fargues, 2000) In the absence of a formal asylum policy, migration diplomacy has become a key element in Saudi foreign politics. It was, therefore, instrumental to Saudi Arabia’s integration into the Arab political arena. (Humphrey, 1993)

² Kuwait, UAE, Qatar, Bahrain and the Sultanate of Oman. The Gulf region being outside the UNRWA’s area of operation, Palestinians seeking asylum fall under international protection and the UNHCR mandate either as “1948 Palestine Refugee” or “1967 Displaced Persons”.

Since the 1980s, however, the pattern of Asian migrations to oil-rich countries has been described as governed by economic logics. (Shah,1983; Nagi, 1986; F. Eelens, T. Schampers and J. D. Speckmann, 1992) In 1975, there were supposedly 2 million foreign workers in the oil-producing states, 68% of them Arab and the rest mainly from Asia with a slight proportion of Western skilled workers. In 1983 their numbers rose to 5 million, of whom 55% were Arab. The proportion of Arab workers continued to decline throughout the 1980s and the 1990s. (Fargues, 2000)³ The supply/demand framework still dominates the analysis of historical immigration patterns.⁴

The role of state politics never ceased to be prominent. Economic incentives were put forth as the only explanation for migrant selection. By breaking with a “regional order,” based on economic complementariness between labour-importing and labour-exporting Arab countries, Saudi Arabia (and the Gulf countries) gained autonomy on the regional diplomatic stage vis-à-vis Arab political powers such as Egypt, Iraq or Syria. (Okruhlik and Conge 1997) Immigration policy served regional strategies through migrant selection. Economic rationality and political conservatism came together in the migration policies of the 1980s.

By promoting massive labour imports from Asia and the Indian subcontinent in the 1980s, the Saudi state also tried to prevent the “risk” of migrant social integration. Arab migrants were considered as both a social and a political threat. The political activism of Yemenis and Palestinians, for instance, was considered threatening to national and regional stability. Diversification of nationalities among expatriate workers was meant to

³ Egyptian surveys show that 44,3% of 3 million Egyptian expatriates returned in the 1980s, particularly in 1986 and 1989. During the Gulf crisis, between august 1990 and January 1991, 839,000 Egyptians forcedly returned from Iraq and Kuwait. Central Agency for Public Mobilization and Statistics, quoted by Mostafa Kharoufi in “La crise du Golfe, une aubaine pour l'Égypte ?,” pp. 289-301 in *Crise du Golfe et ordre politique au Moyen-Orient*, *Quatrième rencontres franco-égyptiennes de Politologie*, Aix en Provence 23--24--25 janvier 1992, Paris~: CNRS éditions, 1993. 343 p.

⁴ “The changes in nationality composition of migrant workers in the oil-producing countries in the Peninsula during the 1980s were attributable not only to the decline in Arab labour supply, but also to an ever-increasing supply of labour from non-Arab Asian countries.” p. 26 in *Levels and Trends of International Migration to Selected Countries in Asia*, Department of Economic and Social Affairs, Population Division. ST/ESA/SER.A/218. “From the economic standpoint there were advantages in hiring more Asians rather than Arabs. Asians were reliable, their workers accepted lower wages and they did not require the same social support services as the Arabs, who were more likely to settle and bring their families.” (McMurray, 1999: 17)

prevent hosting political activism that could jeopardize Saudi foreign relations and to keep Saudi society as impermeable as possible to these transnational advocacy networks. The prospect of migrant integration threatened not only the state, but also the regime.

Immigration policies (labour import) and immigrant politics (the integration of migrants) are interlinked and connected to domestic politics, regional politics and international relations. Migratory diplomacy (labour import strategies) was used to protect the social and ethnic status quo of Saudi society, reinforcing the existing “integration-avert” legal framework.

De facto Asylum Policy through Immigration Politics

The refugee population in the KSA is mainly composed of Palestinians; the kingdom hosts around 250,000 Palestinian refugees and a small number of Iraqis in Rafha, as some 33,000 Iraqis sought asylum in Saudi Arabia after the 1991 Gulf war (22,000 of them were resettled in a third country, the rest having repatriated⁵). The KSA is not a party to the 1965 Casablanca Protocol adopted within the framework of the League of Arab States. Protection and asylum are granted in a legal quasi-vacuum, where the State implements most of the 1965 Protocol’s stipulations.¹ Historically, *refugeeism* and immigration were not treated distinctly in the case of Palestinian workers. In the early stages of the oil economy, Palestinian skilled workers were recruited by ARAMCO, their numbers rising as the displacement caused by the establishment of the state of Israel in 1948 made more of them available for immigration. A pro-Palestinian immigration stance was imposed on ARAMCO managers by Saudi officials who pushed for the opening in Beirut of a specific recruitment office for Palestinians in 1949. (Vitalis, 2007)

Saudi Arabia’s diplomatic position towards Eritrean immigration also illustrates the politics of immigration policies. Saudi Arabia showed support to the Eritrean struggle through immigration policy. The KSA provided financial support to the Eritrean Liberation Front (ELF). The most efficient part of Saudi Arabia’s support policy was to grant Eritreans quasi-asylum status in the 1970s and 1980s, and the toleration of

⁵ Source : UNHCR country report on Saudi Arabia, 2006

Eritreans settlements in the country. Immigration procedures were facilitated for Eritreans and there are, today, more than 100,000 Eritreans on Saudi soil.⁶ The Ministry of Labour counted 53,000 Eritrean workers in 2004. The Eritrean embassy acknowledges the presence of around 100,000 of its citizens. These figures are underestimated, however, according to the field survey conducted in the Eritrean community in 2006.

Saudi Arabia, as well as other Arab countries, has harboured thousands of refugees, with or without UNHCR Travel Documents. Immigration to the Kingdom was made possible through recognition of Convention Travel Documents (CTD) as giving a right to work and residence. Eritrean refugees would leave their place of residence, acquire refugee status in Sudan through the UNHCR channels of Refugee Status Determination (RSD), and use the CTD obtained from Sudanese services to emigrate to Saudi Arabia. This “secondary migration” movement was accepted and regularized by Saudi administrations at the Ministry of Labour and the Ministry of Interior. According to Nobel:

A holder of a Sudanese CTD may therefore very well be considered by a non-African State as not eligible for the status of a refugee under the Geneva Convention and thus not be entitled to a CTD. Against this background it is not surprising that the appearance in late 1975 of holders of Sudanese CTDs gave rise to questions channelled through the UNHCR.⁷

Eritreans have benefited from facilities in term of residence registration throughout the 1970s and 1980s. Most Eritreans enter Saudi Arabia without documents, with their refugee documents, or with a *haj* or *'umra* visa. The question is that of the regularization of their situation: a 1979 royal decree granted the ELF a status of institutional *kâfil* for Eritrean migrants, which means that they can ask the Service for Passport and Immigration to acknowledge their situation and obtain a 2-year residence permit for free. *Iqâma* delivery was made at the local branch of the *Jawazât* against an attestation from the local ELF section. The decree was abrogated in 1981, but Eritreans are tolerated,

⁶ To give a quantitative appraisal of the Eritrean population in the Kingdom we use both national statistics from the ministry of Labour and field work survey within the Eritrean community.

⁷ NOBEL Peter, *Refugee law in the Sudan with the Refugee Conventions and the Regulation of Asylum Act of 1974*, Research report n°64, Scandinavian institute for African studies, Uppsala 1982. 31 p. + XXV p. Appendix.

especially when it comes to regularizing their situation. The decree was again enforced between 1984 and 1985, during the Jeddah conference of Eritrean parties in exile. The Islamic movements that emerged in 1982 from the ELF (the National Islamic front, and the Muslim vanguard⁸) and subsequent parties (al-Islah or Popular Islamic congress, al Jihad itirtî) try to keep the link with Saudi authorities active.

Figure 1: CTD of Eritrean Refugee for Arab Countries



After independence, the Eritrean government chose to break with the pro-Arab trends of ELF-led guerrilla diplomacy. The EPLF, the rather pro-Western guerrilla front that took over the guerrilla in the 1980s and eventually achieved independence in 1991, bent the Eritrean foreign policy towards Western and African alliances, including new diplomatic ties with Israel at the beginning of the 1990s. (Shafî‘â 2003)

⁸ 1982, National Islamic Front for the Liberation of Eritrea (Jabha al-tah. rir al-Iritriyya al-Wataniyya al-Islamiyya) and the Muslim Vanguard (Al-Ruwad al-Muslim)

These diplomatic choices have been sanctioned by less favourable immigration policies towards Eritrean nationals, and selective asylum granted to political opponents. In 2005, there were 1,523 refugees and 203 asylum seekers in the KSA, including 215 ex-military Eritrean refugees in 2004 and 2005. Granting asylum to Eritrean opponents is consistent with Saudi criticisms of Issayas Afewerki's regime. The refugees were admitted by the Saudi authorities in Jizan and granted refugee status by RO Riyadh.⁹

IV. Eritrean Refugees in Sudan: Local and International Concern

Sudan has been and remains the first destination for refugees fleeing from Eritrea. Throughout the independence war, massive inflows of Eritrean refugees took place according to the frequency and intensity of Ethiopian attacks on the Eritrean territory and as a result of the economic and environmental crises induced by the war. In 1984, particularly, the conjunction of drought and Ethiopian attacks (Henze 1990, Pateman 1990) sent thousands of Eritreans on the roads to Eastern Sudan. They sought refuge in the Kassala region, the Red Sea Hills area, Port Sudan and the Central state around the city of Gedaref. These influxes and the general trends of asylum shaped the social geography, the economy and even the urbanization of Sudanese "refugee-affected" regions. (Kibread 1996)

At the regional level, refugee influxes and refugee communities have played a role in the relations between Sudan and Eritrea. The political oppositions to General Bashir's and President Aferwerki's regimes are each located in the neighbouring country, and their presence was used by both governments as a diplomatic tool during the 1990s. (Abu Al Fadl 2003) Tensions in the East marked the region as a transnational space. The political activism of the Eastern Front and Free Lions challenged Khartoum's sovereignty, and the Democratic alliance founded by Eritrean parties in exile has been denouncing the authoritarian rule in Asmara, particularly since the 2001 purges and the surge of repression under Afewerki's government. (Debessay 2003)

⁹ <http://www.unhcr.org/home/RSDCOI/45221de92.pdf>

The presence of Eritrean opposition groups in Eastern Sudan has been part of the diplomatic game played by Sudan against the new Eritrean state.¹⁰ During the 1994 tensions on the Sudanese-Eritrean border, full support was granted to the Eritrean opposition parties, and particularly to Al-Islah and the Eritrean Liberation Front (Abu Al Fadl 2003) while Asmara supported the SPLA and the Beja Congress. In 2005, Eritrea adopted a more consensual role as a third party in the peace process in Eastern Sudan, hosting conferences and leading negotiations.¹¹ The diplomatic strain between Khartoum and Asmara loosened up¹² and, subsequently, opposition groups started to be targeted by the Sudanese police. The diplomatic game served the Eritrean opposition, but had little impact on the refugee communities.

UNHCR and Eritrean Refugees in Sudan: The Forgotten People?

“High Commissioner Antonio Guterres referred to the refugees in Eastern Sudan as “the forgotten people” living among very poor but generous Eastern Sudanese who have shared their scarce resources with them for the past 40 years.”¹³

A minority of refugees were settled in camps managed by the UNHCR and the Sudanese Commissioner for Refugee – COR (Ministry of Interior) – but the main part of the refugee population settled “spontaneously” in rural or urban areas. As Tom Kuhlman has showed, the human and economic geography of the Eastern Sudanese regions has been strongly impacted by the presence of Eritrean refugees, not only as a burden on social services and the agricultural labour market, but also as a “boon” for local development. (Kuhlman 1990)

Assessing local integration of Eritrean populations in a trans-border region where mobility is hardly a contemporary social phenomenon has had little impact on the

¹⁰ “The typical pattern is one in which refuge is willingly provided to persons fleeing an adversarial neighboring regime, in part as a means of maintaining a reservoir of opposition that often expresses itself in the form of cross border guerilla activities.” (Teitelbaum 1984)

¹¹ *Sudan Tribune*, Sunday November 5 2006

¹² “Sudan, Eritrea to open new chapter in bilateral ties - communiqué ?”, *Sudan Tribune* October 15 2005.

¹³ 13 July 2007 UNHCR Briefing Notes.

definition of UNHCR strategies in the 1990s. After independence, the agency launched a negotiation process that led to the signature of a cessation clause in 2000, thanks to a tripartite agreement between the UNHCR, the State of Sudan represented by COR, and the State of Eritrea.¹⁴ These highly political negotiations revealed the Eritrean state's ambivalent attitude towards a diaspora that would certainly be a burden to the homeland and its economy, yet which is seen as a major source of remittances and a means of pressure to bargain financial aid from the international community.¹⁵

On these grounds, the UNHCR's strategy has been to implement a "phasing out" of Eastern Sudan infrastructures and programmes in an attempt to transfer refugee management to the Sudanese administration. Nevertheless, the UNHCR faces resistance from COR, which tries to protect its very existence as a partner and as main manager of refugee populations in the East.¹⁶

Repatriation programmes were launched during the 1990s. They were mainly aimed at camp-based refugees, when the main part of the Eritrean community had scattered and settled spontaneously across Eastern Sudan. Between 1991 and 1997, according to J. Bascom, some 180,000 Eritreans repatriated, 139,000 of them from Sudan under the UNHCR's PROFERI programme. (Bascom 2005) In 2007, the account of repatriation differs widely from one actor to another; the politics of refugee-counting have led alternately to over- and under-estimation of actual population movements. In 2001, the Sudanese ministry of interior counted 530,020 Eritrean refugees, mainly settled in the East, and mostly spontaneously settled with no recognition from the UNHCR. It soon became impossible for the latter to ignore the new arrivals caused by the 1998 conflict, but the number of people under its protection and assistance programme is nevertheless

¹⁴ Eritrea-Sudan-UNHCR Tripartite Agreement, 7 Apr 2000, UNHCR Briefing Notes, <http://www.unhcr.org>

¹⁵ "One UNHCR official stated that the Eritrean repatriations had become the most highly politicised that he had ever experienced." (Black et Koser 1999, p. 73)

¹⁶ In the 2006 UNHCR Appeal for Sudan, the agency is calling for the dismantlement of COR and its replacement with a more efficient, less costly administration that would display less independence towards UNHCR policies. Source: <http://www.unhcr.org/cgi-bin/texis/vtx/publ/openssl.pdf?tbl=PUBL&id=4371d1a33f>

declining.¹⁷ In 2004, the agency changed strategy and adopted a “scaling down” policy, starting pro-active local integration and camp closure and rehabilitation programmes. In 2007, nearly 70,000 Eritreans lost their refugee status following the application of the cessation clause, but continue to live in the camps.¹⁸

As a way to counter UNHCR policies which meant budgetary cuts for the Sudanese administration, COR generously granted refugee status to new asylum seekers and ex-returnees finding their way again to Sudan. New arrivals and re-emigration of returnees more or less wiped out the effect of repatriation policies.¹⁹

The attempt to resume returning campaigns after the Eritrean-Ethiopian war of 1998-2000 was considered a failure. New arrivals of asylum-seekers in the early 2000s shed more doubt on the efficiency of repatriation programmes. The agency’s strategy was justified by the cessation clause and the need for durable solutions, either repatriation, third country resettlement or local integration – all three solutions dependent on individual refugee status determination. After the 1998-2000 war, the RSD procedures and screening processes were overflowed by Eritreans wishing to obtain refugee status on an individual basis in order to remain in Eastern Sudan or ask for resettlement.

Even though no legal integration was possible through immigration regularization processes, Eritreans stayed in and came back to Eastern Sudan after independence because of temporary or structural causes of displacement. The UNHCR sought to adapt to the “protracted situation” in Eastern Sudan and the International Protection department granted provisional protection to rejected asylum seekers and “former Eritrean refugees,” thus creating a new terminology to describe Eritreans in Sudan.

¹⁷ Between January and December 2004, the number of Eritrean refugees counted by the agency rose from 124,121 to 131,119, whereas the number of assisted persons declined from 80,365 to 77,372. Source : UNHCR, 2006.

¹⁸ <http://www.unhcr.org/publ/PUBL/474ac8c911.pdf>

¹⁹ The US Committee for Refugees currently claim that 90,000 Eritrean refugees have crossed over to Sudan since the beginning of the war (1998); in 2003, the UNHCR counted 22,000 new refugees in Sudan, and COR estimates that 50,000 new Eritrean refugees have joined the traditional asylum areas (Kassala, Gedaref, Port Sudan and Khartoum) since 2003.

V. Eritreans in Yemen: From Rear Base to Transit Country

From the 1970s to the 1980s, North Yemen served as the rear base for the Eritrean liberation struggle. The Eritrean-Ethiopian war was a focal point for diplomatic positioning between the two Yemens: after the Ethiopian Marxist revolution in 1974 and the rise of the Derg regime headed by Haile Mariam Mengestu, the People's Democratic Republic of Yemen (South Yemen) supported the Ethiopian unionist stance whereas the imamate supported the Eritrean struggle. The settlement of Eritrean rear bases on the shores of the Red Sea illustrates this web of both local and regional alliances.

The village of Al Khawkha, for instance, was not only used by the ELF armed forces; it also welcomed Eritrean refugees from the lowlands (the Afar region). In 2007, in a completely different political context, the village is still a settling area for Eritreans. The "refugee village," a 100% Eritrean locality, is neighbouring a Yemeni fishermen village in the southern Tihama region. The refugee village is populated by more than 1,000 Afar Eritreans, mostly second-generation settlers. The population of this area is a direct legacy of Arab politics in the 1970s: Al Khawkha is a transnational village.

Eritrean fluxes and settlements to Yemen altered dramatically after 1991. What Nicholas Van Hear called a "migration crisis" shattered the micro-regional political economy of population movement. With the 1991 King Fahd Royal Decree of September 19th 1990, following the Yemeni government's declared support of Saddam Hussein's invasion of Kuwait, the Saudi government put an end to the administrative exemptions that favoured Yemeni immigrants in the Kingdom.²⁰ The decision caused massive return migrations which provoked a major labour crisis in the Yemeni economy. (Stevenson 1993) The economic crisis deprived many Eritrean immigrants/refugees who were already in Yemen of employment opportunities. The Yemeni state subsequently established a labour and

²⁰ Until the Gulf war, Yemeni nationals could stay and work in Saudi Arabia without a *kâfil* and own businesses without a Saudi partner. Yemenis represented the largest group of foreign workers until the outbreak of the Gulf war and, since 1992, they have more or less gained back their momentum in the Saudi labour-force.

immigration legislation that made it more difficult for foreigners, even long-term settlers, to integrate into the labour market.

At the same time, Yemen became a harbour for Somali refugees fleeing civil war and endemic violence in their country after the fall of Siyad Barré and failed attempts at international interventions (ONUSUOM I and II and operations under UNITAF – “provide relief” in 1992 and “Operation Restore hope” in 1992-3). The massive arrival of Somali refugees made the Eritrean question marginal on the humanitarian agenda. The Yemeni state struck a bargain with the UNHCR and the international community on the institutionalization of refugee protection and humanitarian assistance.²¹

The Somali refugee crisis led to the emergence in Yemen of new procedures and institutions, with financial, technical and legal support from the UNHCR.²² In 2005, a refugee law was drafted by the Ministry of Interior that is still awaiting parliament vote and ratification.²³ The reception centres and procedures created under UNHCR control remain largely dependent on funding and monitoring from the international community to ensure human and refugee rights are respected – in a country where nationals’ political rights and liberties hardly are.

For the UNHCR, Yemen is the lesser of two evils as refugee activists claim resettlement in a third country; which the UN agency can hardly grant as Western countries are

²¹ “Somali citizens arriving in Yemen are automatically granted refugee status by the government. As of the end of October, there were some 79,000 refugees registered with UNHCR in Yemen, more than 68,000 of them from Somalia. Most Somalis live in urban areas, with roughly 7,500 staying at the Kharaz refugee camp in the country’s south.” <http://www.irinnews.org/report.aspx?reportid=25741>

²² “Yemen issues Somali refugees with ID cards – co-signed by UNHCR – that legalise their stay, permit freedom of movement and facilitate access to employment and education. “We also want the Yemeni government to help us go to a third country where we can find better standards of living,” Adam added. In response, the UNHCR announced on Thursday that it had agreed with the Yemeni government to immediately open six permanent registration centres nationwide, including one in the capital, for the issuance and renewal of identity cards.” <http://www.irinnews.org/report.aspx?reportid=25741>

²³ The law draws on the international legal framework, the 1951 Geneva Convention and the 1967 Protocol. No reference is made to the Convention on refugee status in the Arab states adopted on Sept 3 1994 by the League of Arab States. Made of a preamble and 18 articles, the convention is referring to the UDHR, the 1966 HR pacts, the 1951 Geneva Convention but not to the African Union Organisation’s 1969 Convention on refugees. Nevertheless the Arab Convention uses the definitions of collective asylum and group refugee status established by the OAU.

restricting asylum policies and Saudi Arabia, the closest potential developed country, is not a party to the 1951 Convention.

In 1994, the sovereignty conflict between Yemen and the newly born Eritrean state generated more tension across the Red Sea; fighting for territorial sovereignty over Hanish Island, Eritrea was clearly giving up the pro-Arab stance that had been its main orientation in previous years.

Since the application of the cessation clause in 2002, Eritreans have disappeared from UNHCR accounts. Some of them tried to leave the country but many became irregular immigrants under Yemeni law, losing their access to the official labour market.

| | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 |
|------------|------|------|------|------|------|------|------|------|------|------|
| Eritreans | - | - | - | - | - | - | - | - | - | - |
| Ethiopians | 50 | 360 | 550 | 1030 | 1400 | 3680 | 4280 | 5000 | 5000 | 3000 |

| | 1988 | 1989 | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|------------|------|------|------|------|------|------|------|------|------|------|------|
| Eritreans | - | - | - | - | - | 1500 | 1500 | 2500 | 2503 | 2503 | 2503 |
| Ethiopians | 1090 | 190 | 1118 | 3109 | 3386 | 550 | 750 | 687 | 1077 | 912 | 1292 |

| | 1999 | 2000 | 2001 |
|------------|------|------|------------------|
| Eritreans | 2500 | 2566 | 75 ²⁴ |
| Ethiopians | 2414 | 1203 | 1480 |

The Eritrean population in Yemen became particularly vulnerable in the context of the economic crisis of the late 1990s and did not benefit from the Yemeni authorities' renewed attention to refugees.

²⁴ Dec. 2001 data account for 2,870 Eritrean refugees (2001 Report).

From Refugee Fluxes to “Mixed Migration”

We have studied the Eritrean “near diaspora” in neighbouring countries, whereas others have paid attention to the “wider diaspora.”²⁵ In the case of the southern Red Sea, the political ties of riparian states and the history of migratory circulation led to reassessing the political context in which refugee movements took place. The case of Eritrean refugees allows us to analyze a protracted refugee situation. The history of Palestinian refugeeism is far more documented in the Arab world and focuses more of the media’s attention. However, the Eritrean situation offers a marginal case study illustrating the illusion of mobility management both at the local (national) and international level, especially in the case of neighbouring migrations. In fact, the failure of returning programmes is to be taken very seriously as a milestone towards understanding forced migration as a transformative social process more than a kinetic translation. (Castles 2007) As the Eritrean and other cases around the Middle East show, displacements provoked by violence (political or social) were hardly ever temporary. They hardly ever disappeared or solved themselves when the “causes” disappeared.²⁶ Eritrean exiles did not all return because the independence war has ceased or because politically oppressive or unsafe conditions were bound to improve under the new Eritrean government.

Defining mobility indicates that actors are facing ambiguity on the ground of refugee status determination. This ambiguity is enhanced by security issues and the political agenda of both local and intervening nation-states. A. Zolberg, A. Suhzke and S. Aguayo have offered a wide definition of the concept of refugee: extreme poverty begets structural violence and victims of this situation should be considered refugees.²⁷ The concept of “mixed migrations” reveals an attempt to take into account the complexity of

²⁵ It is broadly true that the majority of refugees seek safety within their regions, and that the majority of refugees are therefore located in the poorer countries of the world. We might describe these refugees as living in the ‘near diaspora.’ An increasing proportion, however, appear to be moving longer distances to more developed countries, and live in what we may term the ‘wider diaspora.’” (Koser and Van Hear 2003, 3)

²⁶ Nazli Choucri, “New perspectives on Political Economy of Migration in the Middle East”, Nazli Choucri, p. 21 in Reginald Appleyard, *Emigration dynamics in developing countries*, volume IV : The Arab Region, IOM, 1999.

²⁷ Cf. p. 133 in ZOLBERG Aristide, SUHZKE A., and AGUAYO, S. (eds), *Escape from violence : conflict and the refugee crisis in the developing world*, Oxford : Oxford University Press, 1989

mobility but runs the risk of depriving vulnerable populations of a status and of the means of survival or integration at the local level.

In 2006, the UNHCR's ten-point action plan on the protection of refugees and mixed migrations meant to help states face the issue of migrations.²⁸ The focus of the ten-point plan is undocumented mobility in the Mediterranean. It aims at answering the issue of asylum seekers and undocumented migrants trying to enter the EU, with the EU focusing its effort on control of its borders. It has a clear application in the Red Sea where security issues are dominant since the beginning of the 1990s and especially since Sept. 11th 2001. Far from being a simple problem of typology, it has an impact on the programmes and policies implemented in the region by states and by international organizations such as the UNHCR.

²⁸ In the term of reference of UNHCR programmes, "irregular migrants" have been included which show the interest of the agency for mobility under uncertain statuses. <http://www.unhcr.fr/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&page=home&id=44b262dd4>

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