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THE IMPACT OF CIVIL SOCIETY ON REFUGEE POLITICS IN EGYPT

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The Impact of Civil Society on Refugee Politics in Egypt

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Abstract

The research paper sheds light on the impact of civil society on refugee politics in Egypt. It first profiles the refugee communities in the country and discusses their main aspects of livelihood. The paper then explores the nature of civil-society presence and action on the refugee scene, deriving the main characteristics and challenges facing this involvement particularly in the case of human rights advocacy organisations. The paper argues that civil society has a minimal impact on refugee politics in Egypt since the scope of activities, which revolves around service delivery, does not impact policy-making nor does it shape advocacy rights.

Résumé

La présente note de recherche met en exergue l'impact de la société civile sur la politique des réfugiés en Egypte. Après avoir passé en revue les différentes catégories de réfugiés dans le pays et examiné leurs différentes ressources et moyens de subsistance, la note examine la nature des organisations et associations civiles et leurs activités dans le domaine de la politique des réfugiés. La note analyse ensuite les caractéristiques de cet engagement civil et les défis qui l'entravent, notamment les défis qui se posent aux organisations de défense des droits de l'homme.

L'auteur démontre en conclusion que la société civile a un impact minimal sur la politique des réfugiés en Egypte puisque les activités du secteur associatif s'articulent essentiellement autour de la délivrance des services aux réfugiés et n'affectent pas le noyau des politiques gouvernementales ni les politiques et droits à préconiser.

Introduction

Interest in refugee-related issues in Egypt has by and large revolved around the living conditions of refugee communities there, state policies towards refugees, refugee-state confrontation and the role of the United Nations High Commissioner for Refugees (UNHCR).

From a very different perspective, a thriving and ongoing debate looks into the role of civil society on a national level – a debate grounded in the challenges of democratization, development and the role of globalization in creating a society in which actors other than the state and its bureaucracy will play a role. Indicative of this interest in the role of civil society and the challenges it faces in contemporary Egypt, are the many studies devoted to the issue.¹ The United Nations Development Programme (UNDP) in Egypt has even dedicated its latest report (The 2008 Egypt Human Development Report EHDR) to discussing, over more than 300 pages, what civil society is and what it can do in Egypt. In this respect, the EHDR has gone as far as calling for the integration of civil society – as the third pillar of the state, alongside government and the private sector – in a new social contract for all (EHDR 2008: vii). Furthermore, the report highlights the key role to be played by civil society and civil-society organizations as catalysts for change, engaging citizens to help make and shape public policies that affect them the most (EHDR 2008: 1), in other words: impacting policy-making.

While such a debate is taking place at the national level, rarely has the role of civil society gained sufficient research interest within the precincts of the local refugee context. Nor have studies on civil society paid particular attention to refugee issues. Hence, a plausible question to put forward in this regard would be: if civil-society in relation to refugee issues is to be considered, alongside other players such as the state, UNHCR and the refugees themselves, what is the nature of the role that civil society is playing?

To answer this question, the present paper probes the extent to which civil society has had an impact on refugee politics in Egypt. Rather than conducting an impact assessment exercise, the question will be explored by outlining the nature of civil-society presence and action on the refugee scene, and observing the main characteristics and challenges facing this involvement. The paper will argue that civil society has a minimal impact on refugee politics.

In order to understand the environment surrounding the refugee presence in Egypt, the paper begins by profiling the refugee communities in the country. With the magnitude, history and main characteristics drawn out, section two turns to the key aspects of the livelihood of the refugees. Here, state policies towards pertinent issues and problems associated with legal status, access to work, education and health care, are outlined. The third part of the paper highlights recent political developments affecting the refugee environment. As the scene is then set to explore the role of civil society, the last section of this paper is devoted to that issue. First we map out the presence and the actions of civil society. Given that the sum of field observations and analysis suggest that the scope of activity is geared toward service delivery rather than targeting policy-making and advocating rights, attention is devoted to the specific case of human-rights advocacy organisations, substantiating the argument that the impact of civil society on refugee politics in Egypt is poor.

Prior to tackling these issues, a note on definitions is useful. Any researcher working on refugees, asylum seekers and migrant workers in Egypt is faced with the indomitable challenge of defining the population of his/her research. This paper is no exception. As the reader will see in section one, boundaries between the various categories are murky. Inaccurate enumeration and often inexistent statistics are frequently the norm rather than the exception. In the context of this research, the term 'refugee' will be loosely used so as to encompass refugees recognised by UNHCR, registered asylum seekers, unregistered refugees and those irregular migrants (including transit migrants) present in

¹ See bibliography for a variety of sources.

Egypt. For a variety of reasons, many of those are either unwilling or unable to return to their home countries and remain in Egypt on an irregular basis. It should be noted though that the issue of recognition is important here as official refugee status entails a set of rights. However, the larger unrecognised community is deprived of even more rights, an additional reason why the development of the role of civil society in this regard is called for. Moreover, the activity of civil society cuts across these categories, not least because many major problems refugees and migrants encounter are common to both categories.

Another definition worth clarifying at this point is the notion of civil society. With the increase in interest in civil society in recent years, a number of definitions have emerged in the literature.² In its study, EHDR (2008: 4) described civil society as an arena of voluntary collective actions around shared interests, purposes and values distinct from family, state and profit-seeking institutions. It is a particular space in a society where people come together to debate, associate and influence broader society. Accordingly, civil-society organisations are “[...] *autonomous, voluntary, not-for-profit associations that have a structured governance and organizational framework. They operate within boundaries defined by legislation and defend the public interest outside of the political realm*” (EHDR 2008: 5).

Within civil society, a wide range of non-state and non-market bodies (civil-society associations CSOs) exist, varying according to their purpose, philosophy, expertise and scope of activities.³ CSOs are defined as non-state actors whose aims are neither to generate profits nor to seek governing power, uniting people to advance shared goals and interests (EHDR 2008: 62). In that context, CSOs include the full range of formal and informal organizations within civil society: non-governmental organisations (NGOs), community-based organizations (CBOs), indigenous peoples’ organizations (IPOs), academia, journalist associations, faith-based organizations, trade unions and trade associations, organizations with a philanthropic or services orientation, associations reflecting special interests such as business, professional groups such as syndicates, in addition to advocacy groups defending the ‘collective benefit’ including human-rights organizations, which seek to influence legislation and public opinion on various issues (EHDR 2008: 5).

Within this wide range of CSOs, this paper will invoke some cross-category examples whenever deemed of benefit to the analysis. The emphasis, however, is on NGOs and human-rights organisations.

Finally, I wish to note that the various phases of this research paper have benefited from a large number of interviews and exchanges with activists, colleagues, specialists in the field of refugees and civil society in Egypt, as well as members of the refugee community. I have only listed in the bibliography those whom I have directly referred to below. I am, however, indebted to all those who have dedicated time and energy sharing their views, expertise, problems and hopes.

I. Profile of refugees in Egypt

Egypt hosts a diversified community of refugees and migrants who have mostly fled difficult conditions and conflicts in Israel/Palestine, Sudan, Somalia, Ethiopia, Eritrea and, more recently, have arrived from Iraq.

It is difficult to determine how many refugees reside in Egypt. A number of reasons are put forward to explain this uncertainty. There are no official government records of refugees entering the country,

² For discussions of definitions related to Egypt in particular, see, for example, Abdelrahman 2004, El-Sayed 2006, Al-Sayyid 1995 and Zaki. 1995. See also Kandil 2008.

³ In addition to the features they hold in common, CSOs are also distinguishable by their value dimension. This includes peaceful resolution of disagreements, dialogue, and tolerance of different viewpoints, thus demonstrating ‘civic culture’ (EHDR 2008: 2).

the only statistics available being those produced by the UNHCR. However, whereas some refugees have come to Egypt with the purpose of applying for UNHCR recognition, many have opted to remain in the country without claiming asylum. Many refugees are uncomfortable with the negative psychological connotation of being labelled 'refugee'. What is more, a number of those are hopeful that their presence in Egypt is only temporary, before going back home: they thus do not register as refugees. Some are even unaware of the significance of the recognition and registration process. Additionally, a number of closed-files refugees, whose applications have failed, are unable (or unwilling) to return to their home countries and thus remain in Egypt on an irregular basis. As discussed below in section III, the constrained resettlement policies practiced by UNHCR since 2004, mean that increasing numbers of refugees are present in the country. In addition to refugee communities, there are also transit migrants, whose numbers are difficult to ascertain and who enter Egypt with the objective of crossing to a third country (Europe or Israel), but end up remaining in Egypt. Finally, one other factor in making estimates of refugee communities in Egypt so difficult is the urban factor. As camps are absent in the country, refugees are scattered through many cities, but mainly Cairo. In short, if refugees do not take the pro-active step of applying for asylum at UNHCR, it is virtually impossible to account for them as they 'disappear' in the urban fabric.

Therefore, figures concerning the various refugee populations present in Egypt, reproduced in the table below can only be indicative.⁴

Table 1: Refugee communities in Egypt

Nationality	Number of persons	Percentage of total
Sudan	23,498	54%
Iraq	10,988	25%
Somalia	5,460	12%
Eritrea	1,503	3%
Ethiopia	853	2%
Others	1,153	3%
Total	43,455	100%

A closer look at the major refugee communities present in Egypt adds context to the significance of the figures portrayed in the table above.⁵

Palestinian refugees

UNHCR figures in the table above exclude Palestinian refugees. If included, they would inflate the total refugee figure by a further 60-70,000 refugees according to the UNHCR Country Plan for 2008⁶ (UNHCR 2008).

Palestinian refugees are the oldest refugee community in the country. The conflict in Palestine in the late 1940s uprooted two thirds of the Palestinian people, creating a massive displacement that has

⁴ The figures presented in this table are taken from the UNHCR factsheet on Egypt, May 2008.

⁵ For a general overview of refugee communities in Egypt in Arabic see Marei 2008

⁶ The World Refugee Survey country report for Egypt in 2008 puts the figure of Palestinian refugees in Egypt at 61,000 (US Committee for Refugees and Immigrants 2008).

marked the entire region. A number of the fleeing Palestinians found refuge in Egypt and have remained ever since.⁷

Legally and institutionally though, Palestinian refugees are treated by the state as a category apart. Accordingly, assistance was at first provided by the Egyptian government's High Committee for Palestinian Immigrants. The situation improved during the Nasser era when Palestinians were treated on par with Egyptians. 1962 to 1978 was named the 'Golden Era', during which Palestinians were permitted to practise their rights as citizens while holding Egyptian travel documents. The prevailing circumstances surrounding the signing of the Camp David Accords between Egypt and Israel in the late 1970s have had their toll on the situation of Palestinians in Egypt. Soon after, Palestinians lost many of the privileges they held and were treated as foreigners (El-Abed 2004).

The Sudanese community

Sudanese refugees are the largest refugee population in the country. Until very recently with the arrival of Iraqi refugees, the Sudanese were estimated to form circa 75% of the total refugee population in the country.

It is important to note that the UNHCR figures in the table above do not reflect the true number of Sudanese refugees in Egypt since the UNHCR statistics here do not cover those who have never applied to the agency for refugee status and whose numbers are unknown. The long history of migration from Sudan to Egypt, enhanced by flexible entry and residency measures, make the Sudanese presence in Egypt historically significant. In fact, UNHCR's Country Operations Plan for 2008 indicates that Egypt continues to host some 3-5 million Sudanese nationals (UNHCR 2007)⁸.

The current crisis in Darfur, has led, since 2003, to a wave of displacement from the west of Sudan. Historically though, displacement from Darfur is not the first refugee flow generated by a country torn by war. However, as reported by the Forced Migration Online (FMO) research guide on Sudan, it took two decades of war in South Sudan to displace four million people, but only three years to displace two million in and from Darfur (Verney 2006). Although the majority of refugees from Darfur have fled to Chad, many have made their way further afield to other countries including Egypt. As violence is ongoing and even escalating with no signs of the conflict dying down and no prospects of it being halted, displacement is still a pressing issue of concern, with no return possible for refugees at present. Crossing the borders between the two countries being relatively easy, the Darfurian community in Egypt is likely to swell.

Darfurian refugees have thus come to join a larger Sudanese community present in the country. It is worth noting here that the status of Sudanese nationals in Egypt has fluctuated over time, and, yet, is generally different from that of other foreign and refugee communities.

Difficulties surrounding the status of the Sudanese in Egypt have increased over the last 15 years, much affected by regional and domestic policies. 1995 was a pivotal date in the history of the Sudanese presence in Egypt. An assassination attempt on President Mubarak's life in Ethiopia, attributed to Sudanese extremists, affected Egyptian policies towards the Sudanese in Egypt (Azzam 2006, Hilal and Samy 2009).

Prior to 1995, the Wadi-El-Nil Treaty of 1978 provided for reciprocal treatment of the nationals of both countries. Under the treaty, Sudanese nationals were permitted to enter without a visa and were in theory given unrestricted access to employment, education, health care and ownership of property.

⁷ For detailed information on the history, status and livelihood of Palestinian refugees in Egypt see: El-Abed 2003 and El-Abed 2004.

⁸ Worth noting here that when quoting this figure of 2-3 million in its Country Plan, UNHCR does not provide the source of this estimation.

Abrogated in 1995, after the assassination attempt, the Egyptian government consequently began requiring Sudanese nationals to carry an entry visa and a residence permit. Their rights reverted to those accorded to any foreign national on Egyptian territory (Azzam 2006, see also Hilal and Samy 2009).

From another perspective, the position of Sudanese refugees in Egypt is a function of the relationship between the governments of Sudan and Egypt. It is believed that Sudanese refugees were welcomed during the dispute between Mubarak and Bashir in the late 1990s. However, starting from 2002, the situation appeared to take a different turn. According to local activists, soon after the emergence of the fighting in Darfur, many Sudanese refugees of Darfurian origin reported that Sudanese security men chased them in the streets of Cairo. They also claimed that Sudanese security men would intimidate them if they did not provide information about Darfurian activists in Cairo (Hilal and Samy 2009). Such security-related problems are also believed to have increased encompassing all segments of the Sudanese community in the aftermath of the Mostapha Mahmoud sit-in in 2005⁹ (Human Rights Watch 2008).

The Iraqi community

One of the major repercussions of the US invasion of Iraq in 2003 was a massive displacement of Iraqis into neighbouring countries. The flow from this displacement reached its peak in the aftermath of the bombing of the al-Askareya Shi'a mosque in Samarra in February 2006. Up to 2.5 million Iraqis are believed to have found their way to neighbouring countries such as Syria and Jordan; and further afield to Egypt, Lebanon and others. The geographic proximity of these countries to Iraq, easy access of Iraqis to the territories of those states, cultural affinity, family networks, business ties and trade relationships; are the major reason why Iraqis fled to those particular countries. This situation has, however, changed as states have altered their policies with various degrees of intransigence, discouraging the entry of more Iraqi refugees, as the crisis intensifies.¹⁰

It is in this context that Egypt started receiving its first waves of Iraqis in 2006. Estimations vary from 10,000 to 150,000. Up to May 2008, about 10,988 (circa 25% of the total refugee population in Egypt) were registered with UNHCR. This figure compares to 3,098 registered by the end of 2006 and a mere 241 at the end of 2005. A recent survey jointly conducted by Egypt's Information and Decision Support Centre (IDSC) and the American University in Cairo's Centre for Migration and Refugee Studies (CMRS) claims that since refugees registered with UNHCR represent 64% of all Iraqi refugees; the total number would therefore be around 17,000 (Fargues et al 2008, see also IRIN 2008, Daily News 2008). Human Rights Watch and the BBC both estimated in 2007 that the number of Iraqis in Egypt could approach 150,000 (IRIN 2008). This trend of steady increase has come to a halt with the introduction by Egypt of visa restrictions which made it virtually impossible for Iraqis to enter the country. Security concerns were the reasons invoked by government officials for imposing the entry restrictions (Hilal and Samy 2009).

As the number of Iraqi refugees present in Egypt proves to be as controversial as that of the Sudanese, the implication is that the vast number present in the country and the ability to assess the amount of assistance required, while offering outreach to this 'invisible' community has been hampered.

⁹ The Mostapha Mahmoud incident is further discussed in section III of this paper.

¹⁰ For comparative information on neighbouring state policies on entry measures applicable to Iraqi refugee see for example Hilal and Samy 2009 and International Crisis Group 2008.

Other refugee communities

In addition to Palestinians, Sudanese and Iraqi communities, smaller refugee populations also live in Cairo. These include Somali, Ethiopian and Eritrean refugees.

Somalis are believed to have fled their country in the aftermath of the fall of the Syed Barri regime and the ensuing power struggle (Al-Sharmani, 2003 and Shafie 2005). Ethiopians, meanwhile, constituting some 2% of the total refugee population recognised by UNHCR, have fled to Egypt in three waves. The first was from 1977-1979 escaping the Mengistu regime. The second wave occurred with the fall of the regime between 1991-1992 (Shafie 2005). The ongoing border conflict with Eritrea, and the deteriorating situation in the country are believed to be creating a steady displacement flow.

The arrival of Eritrean refugees to Egypt began in 2000 with the invocation of the cessation clause by UNHCR and the Eritrean government, which resulted in the exodus of the Eritrean refugees in Sudan towards Egypt for fear of forcible return (Shafie 2005).

According to the FMO research guide on Egypt, it is estimated that the majority of Ethiopian and Eritrean refugees in Egypt have had their asylum claims rejected by UNHCR (Shafie 2005). It is also worth noting in this regard that there has been a recent increase in the number of Eritreans entering the country with the objective of crossing the Sinai into Israel, thus using Egypt as a transit country and not seeking to register as refugees.¹¹

II. Aspects of livelihood

This section addresses the various aspects of refugee livelihood in Egypt. It will specifically look at their legal status, as well as their main social rights, such as the right to work and their access to education and health care.

Legal status

Refugees in Egypt are either political asylees granted recognition by the Egyptian government, Palestinian refugees, or persons recognised as refugees by UNHCR.

Political asylees are granted asylum by a government decree and their affairs are regulated by the Office of Political Asylee Affairs Presidency of the Republic as per Law 26 of 1975 (Shafie 2005).¹² This category of refugees is extremely small. This category of refugees is minimal as it has only been practiced on a limited level in relation to a few political leaders such as the former Shah of Iran and Gaafar Numeri, the former president of Sudan¹³.

As for Palestinian refugees, they were granted asylum by the Egyptian government upon arrival into the country in 1948. The Higher Committee for Palestinian Immigrant Affairs was established in May of 1948, and was the body responsible for the affairs of Palestinian refugees in Egypt. At present, the Palestinian refugees section in the Department of Migration and Citizenship, the Ministry of the Interior issues documentation for Palestinian refugees in Egypt (Shafie 2005).

It is important to note here that the mandate of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) does not cover Egypt. Consequently, Palestinian refugees do not fall

¹¹ Information on the phenomenon of migrants entering Egypt to illegally cross the Sinai borders into Israel can be found in Human Rights Watch 2008.

¹² According to Article 53 of the Egyptian Constitution of 22 May 1980: the right to political asylum shall be guaranteed by the State for every foreigner persecuted for defending the peoples' interests, human rights, peace or justice. The extradition of political refugees is prohibited. Quoted in Shafie 2005.

¹³ For more details see Shafie 2005.

under its auspices, as their counterparts in Jordan, Syria, Lebanon, the West Bank and the Gaza Strip do. Moreover, UNHCR does not normally offer any protection or assistance to Palestinian refugees in the country.¹⁴

The third category of refugees recognised in Egypt are those registered with UNHCR. Egypt is a signatory to the 1951 Convention Relating to the Status of Refugees/1967 Optional Protocol and the 1969 Organization for African Unity (OAU) Convention Governing Special Aspects of Refugees in Africa. However, the Egyptian government does not process asylum claims. All activities pertaining to registration, documentation and refugee status determination (RSD) are relegated to UNHCR according to a Memorandum of Understanding (MoU) signed between the agency and the Egyptian government in 1954.¹⁵

One major implication to note here is the significant role played by UNHCR in processing asylum claims, determining refugee status and offering services to the refugee community. Another implication is that Egypt has never developed a national policy of asylum, which means that the situation of asylum seekers and recognised refugees remains a function of political fluctuations (Hilal and Samy 2009).

Before moving on to the rights available for refugees in Egypt, it is important to take note of the five reservations Egypt made to the 1951 Convention: article 12 (1) on personal status; article 20 on rationing; article 22 (1) on access to primary education; article 23 on public relief and assistance; and article 24 on labour legislation and social security.¹⁶

By and large then, protection is not fully available to refugees in Egypt and this affects access to employment, as well to education and health care.

Access to work

The issue of employment is regulated by Egypt's local labour legislation, Law no. 12 of 2003 concerning the employment of foreign nationals. Accordingly, as is the case with all foreign nationals in the country, refugees are required to obtain work permits from the government. In theory, Sudanese nationals should be exempt from this requirement under the Four Freedoms Agreement, but the latter is not currently being implemented (see Hilal and Samy 2009). The complex criteria associated with granting work permits makes them extremely difficult to obtain. For example, applicants for work permits must prove, among other requirements, that Egyptian nationals cannot perform the job in question. Some recent developments have sought to ease the burden for Sudanese refugees, including a change in government practice whereby it ceased stamping resident permits with 'work not permitted'. Nevertheless, these developments have had minimal impact (Hilal and Samy 2009).

Consequently, most refugees, regardless of their official status, are only able to work sporadically, in the informal market, for little money, with no job security, and often under exploitative conditions. Even those with legal status are, generally, afraid to report abuses to police and thus have no redress for exploitation. The lack of sufficient employment opportunities causes many refugees to become impoverished. (Hilal and Samy 2009; Shafie 2005). Acknowledging those dire conditions, UNHCR provided living assistance to asylum seekers and refugees in Egypt, though this assistance only covered 20 to 30 percent of their basic needs (Human Rights Watch 2008: 24).

¹⁴ According to FMO research guide on Egypt, in 2004 there were about 216 Palestinian refugees in Egypt who are registered with the UNHCR in Cairo and who hold UNHCR blue cards (Shafie 2005).

¹⁵ In 1984, Presidential decree no. 188 called for the creation of a permanent committee in the Ministry of Foreign Affairs to review asylum applications and grant refugee status. This decree has, however, never been activated.

¹⁶ For more details see Hilal and Samy 2009.

Access to education

Education in public schools is not normally available to refugees.¹⁷ However, in 1992 the Ministry of Education issued Decree No. 24 allowing Sudanese children to enrol in schools. This decree was reportedly only implemented in 2000 according to Shafie (2005). In 2004, the Ministry of Education instructed schools to accept all refugees with UNHCR documentation and government-issued residence permits, among other documents. The extensive documentation requirements and the acutely over-crowded schools has limited this right in practice, and the vast majority of refugees have to resort, instead, to private schooling, the fees for which most refugees cannot pay (Azzam 2006, Hilal and Samy 2009).

Some schooling grants are offered to refugee children through UNHCR's main partner in education, Catholic Relief Services (CRS). These educational grants are offered as reimbursements rather than as advances, which means that in many cases, asylum seekers and refugees must choose between paying for school and paying several months' worth of rent. Moreover, those whom UNHCR registers as asylum seekers or recognises as refugees after the beginning of the school year are forced to wait until the following year to enroll in the grant programme. And, crucially, while the grants pay the tuition of schools run by refugee communities, the diplomas of these schools are not recognized by the state (Human Rights Watch 2008: 25).

Access to health care

According to a 2005 Ministry of Health decision, foreign nationals, including refugees, have a right to public primary health services on a par with nationals. But, other than in emergencies, only Egyptians were eligible for free services. Registered refugees and asylum seekers can have access to health care through UNHCR implementing partners such as Caritas. In practice, though, increased numbers of those in need of services means that the availability of health care depends on an ability to pay. Human Rights Watch (2008: 25) quotes UNHCR's spokesperson stating that over 30,000 refugees and asylum seekers in Egypt received healthcare assistance during 2007, but acknowledged that UNHCR's funding was inadequate in many cases. Moreover, while several NGOs, churches and CBOs have developed healthcare initiatives, many services are only available to holders of blue and yellow cards, with yellow-card holders only allowed access to emergency healthcare¹⁸ (Hilal and Samy 2009).

The situation, therefore, is that the reservations Egypt entered when signing the 1951 Convention do not allow for local integration for refugees. The overall policy of the Egyptian government seems to be that of accommodating refugees on a temporary basis, rather than providing the rights associated with a long stay. This temporality, reflected in the essence of state policies, did not factor in refugees' inability to repatriate, or change in resettlement policies. At the same time, this section has also shown how the basic rights and needs of refugees are lacking. What is more, the little that is available is accessible only to registered asylum seekers and recognised refugees. A large unregistered community is thus excluded from several channels of assistance, notably those provided through UNHCR and its implementing partners.

In such a context where state policies do not encourage long-term rights, coupled with the difficulties surrounding the main aspects of refugee livelihood, a plausible question would be the extent to which civil society is addressing the existing gaps, needs and rights. Before dwelling on the role of civil society in this regard, the following section looks at the most recent policy developments on the refugee scene and their effects on refugee politics in Egypt.

¹⁷ For full analysis of the right of refugees to education see Badawy 2008.

¹⁸ Blue card holders are those recognised by UNHCR, while yellow card holders are those only registered with the agency.

III. Policy developments within a changing environment

With only a poor protection framework and difficulties in fulfilling basic needs, the refugee scene in recent years has, nevertheless, witnessed a series of developments which introduced policies hitherto unknown in refugee politics in Egypt. Difficult daily lives, exacerbated by an unexpected reduction in resettlement quotas, brought unprecedented confrontation between many refugees and the government. In addition, the deportation of refugees and confrontations on border crossings in Sinai are now part of the reality of refugee life. This chain of events and policies represented in dwindling durable solutions, confrontation and deportation; are further explored below.

Dwindling durable solutions

In 2004, a number of important developments affecting refugee status in Egypt took place. The first was the signing of the Four Freedoms Agreement between Egypt and Sudan, a policy measure affecting the large Sudanese community present in the country. The agreement provided reciprocal rights for each country's nationals to work, freedom of movement, residence and property ownership. The agreement, however, is not being implemented (Hilal and Samy 2009).

This non-implementation gains further significance when viewed in conjunction with UNHCR's suspension of RSD procedures as of 1 June 2004. This policy continues for all refugees with the exception of vulnerable cases. In practical terms, this policy means that asylum seekers approaching the agency are not obtaining formal recognition. It should be noted in this respect that Iraqis from the south and centre of Iraq are recognised on a *prima facie* basis (Hilal and Samy 2009).

In parallel, a repatriation programme of southern Sudanese nationals to the south of Sudan is currently being implemented by UNHCR, a decision taken in the aftermath of the Comprehensive Peace Agreement between the Khartoum government and the Sudanese People's Liberation Army. This policy affects the southern Sudanese community in Egypt, but is not applicable to Darfurians. As the situation in Darfur is still precarious and generating displacement, no repatriation of Darfurians is currently envisaged as a UNHCR-led durable solution.

In short, as no new refugees have been officially recognised by the agency since 2004, refugees are neither getting resettled nor repatriated, which means that long-term stays in Egypt is the only option for refugees who have found their way to the country.¹⁹ In this perspective, whereas the above indicators (access to employment, education and health care) are designed for a transitory stay, a significant reduction in resettlement emphasized by the suspension of RSD, make this state of transition a prolonged stay in reality (Hilal and Samy 2009).

In her research, Grabska argues that without the possibility of accessing their right to livelihood, refugees do not see the value of UNHCR protection. Accordingly, they see resettlement as a form of protection and a right to which they are entitled. Resettlement to western countries is seen in the context of full membership of an international community where they will have equal rights with local nationals and access to services and jobs, as well as the possibility of acquiring citizenship (Grabska 2006: 34). In the same context, interviews conducted with Sudanese nationals show that many came to view resettlement almost as a right, but that only one in four has seen their expectations met (Azzam 2006). Up to the changes introduced in 2004, the UNHCR Cairo office had developed one of the largest resettlement operations in the world. The number of Sudanese resettled from Egypt with

¹⁹ In such an atmosphere, since there has been a suspension of recognition since 2004, Darfurian asylum seekers may be considered to be in a more vulnerable position than other southern Sudanese refugees who may have arrived and are recognised as refugees by UNHCR and thus enjoying – at least in theory – more benefits. Additionally, as the southern Sudanese have a longer presence in the country, they benefit from the help of more organisations and CBOs. Compared to their Darfurian counterparts, southern Sudanese are also more inclined to seek help with churches and faith-based organisations

UNHCR's assistance has declined sharply since 2005 as resettlement countries showed less interest in resettling Sudanese refugees from Cairo after the signing of the peace agreement in Sudan. In fact, the US, the leading resettlement country, reportedly resettled 2,759 Sudanese from Cairo in 2004, 1,540 in 2005, 1,088 in 2006, and as few as 312 in 2007 (Human Rights Watch 2008: 25, 14).

With such difficult living conditions, the Sudanese refugee community in Egypt became deeply disenchanted with UNHCR's policy change in 2004, as it clamped down on their hopes for resettlement and effectively prolonged a difficult stay in Egypt. Such was the background to the confrontation which took place in 2005.

Confrontation

Two months after the suspension of RSD, 23 Sudanese refugees were reportedly arrested following a demonstration to protest against this decision. Accused of rioting and damaging public property, they were nevertheless all released the following month. Rioting and demonstrations were now featuring for the first time on the asylum scene in Egypt (see Hilal and Samy 2009).

Sudanese unrest and disillusionment with their conditions and the change in UNHCR policies were again highlighted by the end of December 2005 by the controversial forceful removal of some three thousand Sudanese who had set up a temporary protest camp three months earlier in the Mohandiseen quarter, in the heart of Cairo, close to the office of UNHCR. The demonstrators were calling for improvements in their living conditions, protection from return to Sudan, and resettlement in Europe or North America. This dramatic sit-in at the end of 2005 brought into the limelight the problems facing refugees living in Egypt and the reality of their prolonged stay with the dwindling of resettlement quotas.²⁰

Deportation

In addition to the escalation in the confrontation between the refugees and the Egyptian government highlighted by the 2005 sit-in, deportation is to be added as a new development facing many African migrants, asylum seekers and refugees.

Throughout the history of asylum in Egypt, deportation was not regularly practiced by the state. This seems to have changed during the past year and a half. In April 2008, Egyptian authorities deported to Sudan 49 Southern Sudanese, including 11 recognized refugees and asylum seekers (Human Rights Watch 2008: 1). In June 2008, Egypt also deported up to approximately 1,200 detained Eritreans out of a total of nearly 1,400 (Human Rights Watch 2008: 15). The most recent deportations took place in December 2008/January 2009 when 100 Eritreans were deported (Amnesty International 2009).

Further confrontation

Further confrontation between the Egyptian government and refugees/migrants continues. The Egyptian border police used excessive force against many refugees and migrants who tried to cross into Israel from Egypt via Sinai, reportedly killing at least 33 migrants since the first known fatality in June 2007 (Human Rights Watch 2008: 1).

In fact, the number of migrants and refugees attempting to cross the borders between Egypt and Israel through Sinai has been on the increase. According to Human Rights Watch (2008: 1), since 2006 over 13,000 refugees, asylum seekers and other migrants have succeeded in passing through Egypt into Israel. Many of the approximately 4,300 Eritrean who have sought asylum in Israel since 2006 travelled illegally through Sudan and Egypt. Additionally, many of the 3,700 Sudanese who

²⁰ For details of the 2005 sit-in see for example Azzam 2006 and The Egyptian Organisation for Human Rights 2006.

sought asylum in Israel, including southern Sudanese and Darfurians, lived in Egypt for a time (Human Rights Watch 2008: 2-3).

Many Sudanese refugees said they had made, or were considering making the journey to Israel, because no durable solutions were available to them anymore: '*They felt trapped in an unlivable situation in Egypt, where they were unable to work; had no avenues to resettlement to a third country; and could not risk returning home*': Human Rights Watch in its report on the issue (2008: 22-23).

Noteworthy in this regard is the increase in the number of Sudanese refugees fleeing to Israel in the months following the Mustapha Mustafa Mahmoud events. When Human Rights Watch asked them about life in Egypt, Sudanese asylum seekers and refugees almost uniformly referred to the Egyptian police crackdown at Mustafa Mahmoud. Some even cited it as the primary reason they left for Israel (Human Rights Watch 2008: 18).²¹

Trapped between difficult living conditions and a narrowing scope for durable solutions, the refugee community in Egypt finds itself moving into a changing environment where confrontation is now increasingly on the menu. The picture is best illustrated by looking at how enmeshed state policies are with UNHCR policies as actors on the refugee scene, together with the communities of refugees themselves. Yet, as Grabska (2006: 33) argues, the key concern for refugees is effective protection and security. Refugees do not only view their protection in terms of being free from random arrests and deportation, but also as being linked to the provision of basic human rights such as access to education, work, housing and health care. Within such dynamics, the following section turns to the role played by civil society in refugee politics in Egypt.

IV. The role of civil society

In the next pages, this paper will argue that civil society does not target refugee rights or policy-making, and, therefore, cannot be considered to have anything but a minimal impact. Field studies point to a number of observations surrounding a limited civil-society presence and some corresponding action in refugee affairs. This section will start by mapping out that civil-society presence, outlining the nature of any action. A number of observations, allowing for a better understanding of the situation, are drawn from this mapping exercise. As this analysis points to a limited offering of needs-based services or assistance, the second part of the section delves further. Here, human-rights advocacy organisations are taken as an example to probe the reasons behind the limited involvement of civil society in refugee policy-making and advocacy for deficient rights.

Presence and action

In their field work, conducted during the summer of 2008, while seeking to draw a map of civil-society activity in relation to refugee issues in Egypt, Hilal and Samy identified the most active organisations operating in the field (Hilal and Samy 2009). The table annexed to this paper is an adaptation of their original one. This table lists the different categories of civil-society organisations whose work covers refugees whether directly or indirectly. While not meant to be a fully comprehensive table of each and every organisation offering some type of services to refugees, it is nevertheless representative of the various CSOs active in the field.²² Included are the names of those organisations, the date of establishment or commencement of operations in Egypt (when available), as well as a brief account of the type of activities and service provisions offered to their constituents.

²¹ According to Human Rights Watch (2008: 21), before the events in 2005, 56 Sudanese had entered Israel compared to 270 in 2006.

²² It should be noted that CBOs in particular are only cited as examples. For a directory of organisations working with refugees, see Al Shehab Foundation for Comprehensive Development 2007.

Broadly speaking, these organisations range from local to international, CBOs to churches, NGOs, law firms, research centres, civil companies and others. Whereas this variety is sometimes invoked in the context of the analysis provided below, the reader is reminded that particular attention is paid to NGOs and human-rights advocacy organisations.

Several observations can be drawn from this table in relation to understanding the nature of civil-society activity in Egypt in relation to refugees. These observations revolve around the extent of their involvement, the various existing categories, their scope of activity and service provision, the indirect provision of services, as well as the non-integrative nature of any activities.

Modest involvement

The attached table is indicative of the low number of organisations offering services to refugees. When viewed together with the total number of CSOs operating in the country, it is striking how few organisations are concerned with refugees. This observation is still more pertinent when bearing in mind that the table encompasses a variety of CSOs and not only NGOs.

In its coverage of civil-society presence in Egypt, the EHDR points out that an operational mapping describing the size and conditions of Egypt's CSOs is difficult to draw, given that information, data and research is lacking and that an accurate and more discriminating official classification system is pending. Notwithstanding, the general trend during the past years has been towards an increase in the number of CSOs operating in the country. The number had risen from 7,593 in 1985 to 16,000 in 1999. Available data suggests new CSOs were growing at a rate of about 600 new organizations a year between 2002 and 2006 (EHDR 2008: 68). At the beginning of 2007, official figures provided by the Ministry of Social Solidarity (MOSS) stated that the total number of NGOs in Egypt stood at 21,500. In the same year, Egypt's General Federation of Associations (GFA) published the result of a survey which identified the number of associations at 15,151 (EHDR 2008: 67). The discrepancy in figures notwithstanding, the number of NGOs working with refugees is not matched by the increasing number of NGOs on the national level.

Active categories

The table is also indicative of the existence of a variety of types or categories of organisations working with refugees. Generally, these are a mixture of church affiliated charities such as the All Saints Cathedral, Sakakini and St Andrew's Church; NGOs like Tadamon and Africa & Middle East Refugee Assistance (AMERA); human-rights organisations such as the Egyptian Organisation for Human Rights (EOHR) and the Egyptian Initiative for Personal Rights and CBOs such as the Sudanese Development Initiative and the Sons of Sudan Charity.

The variety, together with the predominance of certain categories, is in line with the general trend nationwide. This is particularly the case with the relative abundance of philanthropic organisations in contrast to the paucity of human-rights organisations. National statistics have shown how the last decade has seen the birth of a considerable number of NGOs and that the spectrum of NGO interests has increased. At present, there are three main categories: service delivery and welfare organisations, development, in addition to advocacy organisations (EHDR 2008: 72-89).

The first category of service delivery and welfare organization provides care for the family, the elderly, special groups or needs, and motherhood/ childhood care. The majority of civil-society association activities today are to be found in this category.²³ Development organizations, on the other hand, focus on raising the quality of life of citizens and families, including their economic wellbeing

²³ The GFA survey indicates that there are 14,362 such associations providing diverse services for targeted beneficiaries. According to EHDR (2008), it is difficult to determine the precise significance of their delivery to specific fields given the lack of clear mission statements by most welfare organizations.

through activities for income generation, or by participating in local development projects.²⁴ Finally, advocacy organizations address civic, economic and social issues; or issues that target marginalized social groups. Activities are based on the provisions of international agreements and on declarations concerning the protection of human rights. As mentioned in the introduction to this paper, advocacy groups provide a 'collective benefit' to society by seeking to affect government legislation and by influencing public opinion through their agenda (EHDR 2008: 72-89).

It is worth noting that, on the national level, philanthropic organisations dominate development and human-rights organisations. According to EHDR (2008: 87-99), faith-based CSOs (Islamic and Christian) are about 33% of the total.²⁵ The major reason behind the preponderance of philanthropic organisations is that the history of civil-society activity in Egypt was largely based on faith-based charities. Despite many changes in the nature of state/civil-society organisations in the last century, welfare and philanthropy has been a defining theme²⁶ (EHDR 2008: 63). This is probably why traditional philanthropic and welfare services remain the least contentious and preferred arena of many voluntary organization's activities as civil- society organizations and that is why this is the area where most registered NGOs are found (EHDR 2008: 66).

This is equally true of the refugee scene where many philanthropic organisations are active, as opposed to human-rights organisations. This matter is further explored below while looking at advocacy and human-rights organisations.

Scope of activities and service provision

The categories of organisations present on the scene suggest, as shown in the previous section, an inclination towards filling the gaps existent in some of the immediate needs of refugees. As a large proportion of refugees suffer from lack of basic needs, employment, education and health care, many organisations try to satisfy some of these needs. This tendency towards providing services on a needs-based basis is also in line with the national trend. The EHDR report (2008: 63-65) notes that the multiplication of CSOs in Egypt over the last decades has frequently been in response to the services gaps created by a retreating and financially constrained state. Furthermore, a large number of CSOs believed that the nature of their activity was to meet the immediate practical needs of beneficiaries, rather than to address longer term national developmental issues (EHDR 2008: 8). In fact, in her study on civil society in Egypt, Abdelrahman (2004: 196-197) argues that the goal of most Egyptian NGOs is not to alter the structural inequalities in society, but rather to attempt to alleviate the suffering of the poor and render their lives more bearable. By doing so, NGOs are actually postponing any lasting solutions to deeply-embedded problems.

To further describe the services offered by the organisations active in the refugee context, we find that faith-based organisations such as Refuge Egypt, the Sacred Heart Church in Sakakini, St Andrew's and others provide emergency assistance, skill-training, some health-care assistance and educational classes for children and adults.²⁷

²⁴ These areas reflect the activity fields of 7204 associations according to the GFA survey. According to EHDR (2008), most register several activities, but do not necessarily comply with this listing, suggesting, once more, that a gap exists between legally registered and true activities on the ground.

²⁵ During the field work, no direct involvement of Islamic organisations in refugee issues was brought to attention, as opposed to a number of international churches, who actively engaged in providing a variety of services to refugees as part of their international mandates..

²⁶ For an account of the history of development of CSOs in Egypt since the 19th century, see: Abdelrahman (2004: 123-135) and EHDR (2008: 63-65).

²⁷ For full details on services offered by a number of faith-based organisations see Grabska 2006: 29-30, Shafie 2005, Sakakini: Comboni Missionaries in Egypt 2008, Refuge Egypt 2008, St Andrew's United church of Cairo 2008.

Some other important actors in the field of service provision include UNHCR implementing partners such as Caritas and CRS. Caritas, for example, is in charge of relief assistance, including the distribution of financial allowances, provision of medical assistance, and facilitating access to vocational training (Caritas 2008, Fawzy 2008, Shafie 2005). CRS, on the other hand, handles the educational grants for asylum seekers and recognized refugees (CRS 2008, Shafie 2005).

Little effort is directed towards providing help for refugee employment and that refugee skill-training programmes do not lead to job placement. The Coptic Evangelical Organisation for Social Services (CEOSS), for example, is active in trying to provide job placements. However, the right to work is often neglected in the context of the overall services provided to refugees to bridge the gap of deficient social rights (Hilal and Samy 2009). Grabska (2006: 42) notes that neglect of this matter belittles the value of skill-training and education provided, describing them as '*just keeping people busy*' and '*not mak[ing] people self-sufficient economically*'.

Moreover, the majority of programmes operated by NGOs and churches are deemed to be providing language and skills training more compatible with the environments refugees will eventually find themselves in when resettled rather than the requirements of the local setting (Grabska 2006: 42). With the lack of resettlement options this is changing though. Commenting on this issue, Fiona Cameron, assistant director of the children's education programme at St Andrew's refugee ministry, notes that their service provision started with some basic English language for those being resettled, but is now expanding to providing adult education, Arabic language and computer skills, as people's needs were changing as the possibility of resettlement receded (Cameron 2008).

However, with the expanding refugee population, depleting funds available to UNHCR as well as financial constraints on those NGOs and churches providing assistance to refugees, the majority of recognized refugees are left with only limited support. In addition, those who have been rejected and are residing in Egypt irregularly are excluded from many assistance outlets, relying on help from some of the faith-based institutions and community organizations that serve both recognized and rejected refugees (Grabska 2006: 28-29).

Indirect provision of services

Another important conclusion to draw from the table is the paucity of organisations directly catering for refugees. With the exception of a few purposefully created for helping refugees, such as Tadamon and AMERA for example, the majority of those listed in the table were not created specifically for refugees. Rather, what usually happens is that organisations offer their services to refugees indirectly, whereby a type of service would be on offer and refugees would resort to it on that basis. Al-Nadim Centre for Victims of Torture is one such example. The centre happens to receive refugees in their capacity as torture victims (among other torture victims), but was not created with the express purpose of offering this particular service to refugee torture victims (Imam 2008).

This, in fact, is one of the reasons why it is very difficult to accurately identify the organisations that offer services to refugees on a national level. As indicated earlier, it is common practice in Egypt to list a number of diverse activities for any one organization and there is some confusion between stated beneficiaries and type of activities. This makes it difficult to accurately classify organizations by area of activity since there is considerable double counting (EHDR 2008: 69).

Another implication is the inexistence of classification dedicated to refugees in official documents or surveys conducted by the GFA. Commenting on this issue, Abdel-Aziz Hegazy, former Prime Minister and head of GFA, believes that '*Civil society is not interested ...People have special problems more important than refugee problems*' (Hegazy 2008).

This matter, which is further explored in the discussion of advocacy and human-rights organisations below, suggests a difference, on the one hand, in the societal view of refugee problems and how to address them and, on the other, between gaps in refugee needs and their own view of their

plight. What is at issue then is a poor awareness of refugee issues among the local population, distracted by the magnitude of national problems that overshadow the difficulties of a small refugee minority. This matter was very palpable in the interviews conducted with specialists and organisations not particularly involved in refugee-related issues.

Non-integrative approach

Among the organisations active in the refugee field, very few have an integrative approach that seeks to provide programmes that foster refugee integration with the surrounding community while implementing developmental projects that are beneficial to both. Assistance provided to refugees through UNHCR, faith-based charities, CBOs or NGOs, singles out refugees from the rest of Egyptian society. Grabska (2006: 43) observes that this approach results in tensions between the impoverished host community and refugees. In her opinion, this approach was taken with the idea that refugees were present in Egypt on a transitional basis.

Two organisations in the field operate against this trend: Tadamon and the National Forum for Egypt and Sudan (NFES). Tadamon's primary objective is to develop cooperative links between Egyptian society and refugee communities (Tadamon 2008, Youssry 2008). As the organisation's coordinator explains, "It doesn't help anybody if there is positive discrimination against refugees particularly in marginalised areas" (Youssry 2008). Therefore, Tadamon seeks to provide access to services (currently capacity-building) in less privileged areas, both to refugees and local communities alike.

The NFES was created by its founders because of the increasingly isolationist distinction between the Sudanese in Egypt, particularly those from the south, and the local population in areas where there were high concentrations of Sudanese refugees (Eleish 2008). To the founders, the danger was not so much with refugees, as it was with relations between Sudan and Egypt. Accordingly, it was agreed that the term 'refugee' would be substituted with 'displaced person' in order to avoid any legal connotations, especially as 'the word 'displaced' suggests the desire to integrate into society and communicate with it rather than feeling estranged' (Eleish 2008). The goal was thus to coax the Sudanese into the mainstream by creating youth centres, cultural activities and by helping them to establish some joint organisations, among other things (Eleish 2008).

It should be clear from the above that civil-society presence and action in the field stops at indirect interest and needs-based services or assistance, activities not conducive to affecting state policies. As human-rights advocacy organisations are, in theory, concerned with having such an impact, in the following sub-section I seek to explore why human-rights organisations do not usually deal with refugee cases.

Advocating for the rights of refugees: the case of Human-Rights organisations

Although advocacy and policy intervention remains weak in Egypt, the number of advocacy organisations promoting respect for human rights has, according to GFA records, risen from about 30 at the end of the 1990s to 61 at the beginning of 2007. These organisations work mainly in three domains: the observation and monitoring of human-rights violations; the promotion of a human-rights culture (through awareness raising, seminars, research, conferences and reports); and the provision of direct legal assistance to the victims of human-rights violations (EHDR 2008: 63-65).

Despite this rising trend, very few of these organisations are specifically interested in refugee issues. In fact, only one is identified by the table as having been specifically created so as to offer legal aid to refugees. The Africa & Middle East Refugee Assistance (AMERA) was established to provide legal aid for asylum seekers and refugees particularly in their dealings with UNHCR such as preparing for RSD and providing evidence and testimonies which are deemed helpful for RSD interview purposes. Moreover, among its major activities, AMERA runs programmes on sexual gender-based violence and unaccompanied minors (AMERA 2008).

A handful of other advocacy and human-rights organisations only have partial and intermittent involvement in refugee-related issues. This is the case of organisations such as the Egyptian Organisation for Human Rights (EOHR), the Hisham Mubarak Law Centre and the Egyptian Initiative for Personal Rights. These organisations cater to refugees in an indirect manner and have not adopted an advocacy agenda for refugee rights. In the following pages, an attempt to probe the reasons behind such limited involvement is presented. The main causes for this range from the infancy of the human-rights movement in Egypt to a lack of vision vis-à-vis refugee issues, the prevailing political environment and, finally, the nature of the legal structure.

Infancy of the human-rights movement

Specialists in the field believe that the novelty of an organised human-rights movement in Egypt affects the nature of the issues that they adopt and advocate (Kandil 2008, Bahgat 2008, Hassan 2008). As discussed earlier, the first generation of NGOs were the traditional benevolent family of organisations associated with religious charity. This was followed by service delivery and social-welfare generation with a more specialised focus. After the emergence of development organisations, advocacy and human-rights organisations, that carry a message with particular demands, followed. In other words then, the interest of civil society in human rights is relatively recent. The first such organization was EOHR, established in 1985. EOHR had many problems with the government and only got its legal license in 2002 with a change in the law.

Furthermore, within the family of advocacy and human-rights organizations in Egypt, the first activities focused on demands related to broad civil and political freedoms as well as citizenship rights. Issues raised revolved, for example, around elections, freedom of expression and the abolition of the emergency law. More recently, demands sharpened around more specific issues such as the rights of women, workers and farmers. At present, advocacy groups have started to focus on other social issues like the right to education, health care and housing²⁸ (EHDR 2008: 70, Bahgat 2008). Bahgat (2008) explains that interest in less privileged and peripheral groups/issues such as child rights and housing, which are more prone to violations, has come very late. Refugees are considered part of such groups.

Lack of vision

When viewed from a national perspective, refugee issues, despite their negative effects on the lives of refugees, are not on a comparable level with the many weighty national problems that a country like Egypt suffers from. To a great extent, this is reflected in the perceptions of civil society and the issues it should adopt. *'The priorities of civil society are scattered between basic needs, liberties and rights...Therefore, the scope for caring for 'the other' is extremely limited except when it becomes a public issue such as with the MostaphaMahmoud incident'* (Kandil 2008).

This point made by Kandil is particularly relevant to the present discussion. While the vast majority of human-rights organisations do not particularly cover refugee issues, what is more telling about their approach is the sporadic nature of their involvement, which mostly seems to occur with incidents of a certain public magnitude.

A visit to the EOHR's website, for example, reveals no coverage of any refugee-related issue, with the exception of a report dating from 2006 covering the Mostapha Mahmoud event (EOHR 2006) although the Secretary General of the organisation declared a forthcoming report on the issue of the Sinai crossing (Abu Seada 2008). From another perspective, the Hisham Mubarak Law Centre sometimes takes up a handful of refugee cases among its total case-load, on a random basis (Seif 2008). But the firm has also recently published a monograph on the detention and deportation of the 1,200 Eritrean migrants last June. According to Ahmed Seif, the Director, the publication of this

²⁸ For a discussion on the evolution of human rights organisations in Egypt and an assessment example see Kandil 2006. See also Kandil 2005.

monograph was the result of a coincidence, namely the existence of a branch of Hisham Mobarak in the city of Aswan, where the Eritrean migrants were detained (Seif 2008). Moreover, the Egyptian Initiative for Personal Rights, which does not usually work on refugee issues, has published one report in which the 2005 events are incorporated, as part of its participation in a United Nations-related event (Egyptian Initiative for Personal Rights 2007).

When questioned on the reasons behind such slight and intermittent involvement, the reasons given by activists varied. The low priority of refugee issues in light of the massive human-rights problems at the national level was put forward (Bahgat 2008). As Kandil (2008) puts it: *‘when we have a catastrophe such as Deweika [a recent accident causing massive destruction of makeshift housing with a large number of fatalities], who will pay attention to the Sudanese?’* Moreover, activists pointed to the lack of expertise which hobbles work in refugee affairs (Abu Seada 2008, Eid 2008, Seif 2008). An additional reason was a narrow mandate not stipulating coverage of refugee issues (Hassan 2008, Seif 2008). Moreover, the paucity of available funds was thought to be a factor associated with the lack of expertise. Donor money was likely to be directed to other more pressing needs from their point of view (Eid 2008). Eid (2008) also noted that the prevailing perception was that the refugee issue is controlled by the state, meaning that any impact will be slight.

Interest arises with public events such as the Mostapha Mahmoud sit-in in 2005. This has also been the case with the mass deportation of 1,200 Eritrean in June of 2008, as well as the shootings of migrants crossing the border with Israel in Sinai. Here, the activity of the various human-rights organisations does not stem from a concern for refugee-related issues, so much as it is a reaction to a general violation of human rights, triggering concern and condemnation (Eid 2008, Bahgat 2008, Hassan 2008, Abu Seada 2008). The reaction, however, is limited and stops at denunciations with rarely any follow-up attempts to work together on refugee rights (Bayoumi 2008).

The political environment

Human-rights organisations wishing to cover refugee issues are affected by the general prevailing political environment which does not offer full freedom of action. With a history of state centralization of power, CSOs have functioned in a highly inhibited environment that is not conducive to unrestricted civil action (see EHDR 2008: 88).

Some observers believe that the State is, as it claims, promoting civil-society values. The use by Egypt’s President of the term ‘civil society’ for the first time in a speech in 2000 is indicative of this position (EHDR 2008: 9). Nevertheless, even such optimistic views acknowledge the *‘huge gap between the intentions stated in the political discourse and the reality on the ground’* (EHDR 2008: 9). As Abdelrahman (2004: 120) argues, NGOs are tightly controlled by the state represented by MOSS, which not only limits the autonomy of NGOs, but also undermines the very essence of their identity as ‘non-governmental’. The state/civil society nexus has often been portrayed in the institutional framework of Egyptian corporatism facilitating state penetration and control (Pratt 2005: 26, Abdelrahman 2004).

In this respect, the rhetoric supporting the concept of ‘partnership’ between the various national sectors favours a role for civil society that implements services projects and public policies. Advocacy organizations that support civic and democratic development are viewed with suspicion, and perceived as ‘potential centres of sedition or opposition’ (EHDR 2008: 89). Moreover, civil society is sidelined as it is rarely, if ever, considered an equal partner in the initial planning, in the implementation process or in the monitoring of many activities. In this context, any participation is usually limited to consultation sessions or to hearings.

Despite this prevailing atmosphere in which human-rights organisations have to fight their battle, activists believe there is a window of hope insofar as refugee issues are concerned. *“I think there is space for action from the state’s point of view. The state will be apprehensive, but they will see there is some assistance offered which it is unable to provide”* (Eid 2008), also adding that *“there is room for*

action because there is no deliberate policy to prevent work on refugees". However, this window of opportunity is applicable when the issues at stake are not security-related. It is often the case that issues related to Sudanese refugees, Iraqis or the deportation of Eritreans, is treated by the state as a national security matter (Eid 2008). In fact, in its statements regarding the Sinai crossings, the government pronounced the matter as one of national security.²⁹

The legal structure

The legal framework governing civil-society organizations is a crucial dimension that strongly affects their effectiveness. The legal dimension, in fact, frames the nature of the relationship between the state and civil society and is evidently the field where the interplay between state control and independent action of civil society takes place.

In Egypt, the current legal framework governing NGOs is Law 84/2002 on Non- Governmental Organizations and the Executive Statute.³⁰ Observers believe the law to have a number of positive implications for the activities of NGOs, mainly the right to found human-rights organizations (see EHDR 2008: 91). Such development is a leap forward from Law No. 32/1964 which gave government officials the authority to reject the formation of organizations. According to the same law, the government also had discretion to amalgamate or dissolve groups at any time it judged appropriate³¹ (EHDR 2008: 90).

Nevertheless, Law 84/2002 also restricts civil society in a number of ways. It is often advocacy and human-rights organizations that are targeted and that remain more vulnerable than the more traditional and less contentious philanthropic and service-orientated NGOs. For example, though the law designates the executive authority as MOSS (the administrative authority for registration and oversight of NGOs), the Office of State Security maintains a presence within the Ministry and plays a significant role in the oversight of organisations. This role, however, is neither authorized in the law, nor in the Constitution (EHDR 2008: 10). Additionally, complicated bureaucratic procedures for licensing organizations, tight control on daily activities of NGOs, powers to confiscate funds, dissolve organizations, supervise details of budgets, limit access to information — all of these restrict freedoms (EHDR 2008: 63).

Another important issue in this regard is that of the registration of organisations. According to Gamal Eid, whose organisation (The Arab Network for Human Rights

Information ANHRI) is not registered as an NGO, so as to escape control as the authorities do not allow political activists to form institutions, *'the solution is civil companies or lawyer firms'* (Eid 2008). More pertinently, AMERA officers stated that much of the problems associated with advocacy activities can be attributed to the fact that their organisation is not yet fully registered with the government, especially that two NGOs have already been shut down (AMERA 2008).

In addition to the limitations associated with Law 84/2002 governing activities of NGOs, the application of the penal code to infringements of the Association Law are significant legislative

²⁹ According to Human Rights Watch (2008: 3, 37), the Egyptian authorities argue that the phenomenon of migrants and refugees leaving Egypt for Israel is a threat to Egypt's national security because of its alleged connection to transnational organized criminal groups that are involved in smuggling women sex workers and drugs into Israel as well as the potential connections with terrorist attacks against tourist and government targets in the Sinai since 2004.

³⁰ The text of the law (Arabic) is available at the following link: http://www.geocities.com/esmk_1/1Kanon84/02kmwes.htm, last accessed December 2008.

For recent discussions of civil society efforts to amend the bill, see the document published by the EOHR, *150 NGOs adopt a new bill to replace Law No. 84-2002*,

<http://en.eohr.org/?p=65#more-65>, last accessed December 2008.

³¹ For the historical development of legislation applicable to civil society organisations see Abdelrahman (2004: 121-135) and EHDR (2008: 90). Also, for further discussion of the law and previous versions see Fouad et al 2005 and El-Sayed 2006.

barriers to effective civil-society activity (EHDR 2008: 63). Moreover, both the Emergency Law in Egypt and the new draft of the Anti-Terrorism Law also indirectly limit the activities of civil society³² (EHDR 2008: 10).

Conclusion

The overall conclusion to draw from this research is that refugees are marginalised. This is also due to different actors' divergent perceptions and approaches vis-à-vis the refugee issue. From the state's perspective, the lack of strategy demonstrated by the absence of a protection framework applicable to refugees, means that the state subjects the refugee issue to fluctuating political considerations. It does not deal with it on a comprehensive long-term basis. The nature of the enacted laws and available rights, as discussed in section two, suggest that the state regards refugees as foreigners, tolerated temporarily, unless further security and political concerns introduce new policy measures. This has been true since the arrival of the Palestinian refugees as well as with the political decisions to grant asylum to a number of international leaders. More recently, security and political factors have been behind the entry restrictions imposed on Iraqis, for example, or the management of the Sinai crossing dossier.

The everyday reality from the refugee perspective is that of a community in limbo, struggling with the uncertainty of prolonged temporality. A precarious legal status and deficiency in the major set of social rights constituting basic needs such as education, health care and the right to work, call for pressing attention.

In such a context, probing the impact civil society may have on refugee politics in Egypt necessitated an examination of the role civil society plays vis-à-vis refugee issues. This role was explored by fleshing out the presence and scope of action of civil-society organisations working on refugee issues. The associated set of observations has shed light on some of the major characteristics of civil-society involvement with refugees. Not only involved organisations were few, but those established with the specific objective of dealing with refugees, were even fewer. Another contrast was the predominance of service-oriented philanthropic faith-based organisations, while human-rights advocacy organisations were somewhere in the background.

This was the point behind the structure of the research as it appears in its current form. If, on the one hand, such poor and intermittent involvement is how human-rights organisations seem to approach the refugee issue, while at the same time aiming at influencing policy-making and advocating for rights, what reasons lie behind this matter? Interviews and analysis revealed how low the refugee issue was on the priority list of human-rights organisations. When viewed from a national perspective, the refugee problem emerges as being minimal compared to a multitude of weighty problems plaguing the country. Coupled with inter-related factors such as little expertise, lack of funds, poor coordination, among others; a lack of vision capable of creating an advocate strategy for refugee rights, explains the weak and sporadic nature of involvement. At the same time, human-rights organisations have their own battle to fight within a domestic political scene imposing a number of restrictions, not least, a constraining legal structure.

In light of the above, in order to create an impact on policy-making, civil society must first be involved and have an interest in refugee issues. If activists agree there is political space for action, even if limited action, civil society must take a proactive step in order to be more involved. Drawing on the comparative advocacy experiences, and cooperating with civil-society organisations in other countries with similar circumstances would be advisable in this regard. More particularly, awareness-

³² The Emergency Law (Law No. 162/1958) has been in application since 1967, except for an eighteen month break in 1980. It was imposed during the 1967 Arab-Israeli War, and re-imposed following the assassination of President Sadat. The law sharply circumscribes any non-governmental political activity: street demonstrations, non-approved political organizations, and unregistered financial donations are formally banned. In 2005, the Emergency Law was extended two more years or "until anti-terrorism measures are passed and enacted," (EHDR 2008)..

raising among civil society and the general public is likely to boost refugee-related issues. As most activists confirmed, a lack of knowledgeable expertise prevents any increase in the involvement of civil-society organisations. This is linked to the availability of funds and the incorporation of refugees as an issue of concern, alongside other problems which donors are more attentive to. Helping in the development of informed activists is a step in this direction. In parallel, the refugee issue should be taken up as a rights issue rather than as a mere humanitarian problem, requiring the satisfaction of needs. Advocating for refugees ought to be grounded in the discourse of the protection afforded to the refugees present in Egypt. Moreover, civil society may consider a dialogue with the state linking attention to refugees and the provision of associated rights as a political gain for the state. These are some steps which may help pave the way for the involvement of civil society in policy-making, a step towards effecting an impact.

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Annex 1: Civil Society Organisations active in the refugee context

Name of Organisation	Date of establishment	Activities /services provided
Africa Hope Learning Centre	1998	General education for grades 1-8
AMERA (Africa & Middle East Refugee Assistance)	2003	RSD legal assistance, Protection Psycho-social support Assistance for unaccompanied minors Access to education and other social services and rights Community outreach, training of lawyers and awareness-raising SBGV activities including visiting victims in detention, legal aid and counselling, medical referrals, matching persons to safe houses and assisting them to seek resettlement through UNHCR.
Association for the Development and Enhancement of Women (ADEW)	1987	Micro-credit Program Legal Assistance and Awareness Program Health Program Arab Women Speak Out Program Literacy Program Shelter Program – has provided shelter to a few refugee women that are victims of SBGV
Cairo Family Planning Association	1967	Educational courses on first aid, reproductive health and vocational training / home economics/ SGVB awareness sessions
Caritas	1967	Emergency grants Subsistence allowance Medical assistance Vocational training Social counselling
Catholic Relief Services	1956	Implements UNHCR educational programme by providing educational grants and grants for adults literacy courses
Center for Migration and Refugee Studies (CMRS), American University in Cairo		Research programme and publication of reports Postgraduate education on forced migration and refugee studies Outreach programmes with the public and refugee communities
Coptic Evangelical Organisation for social Services (CEOSS)	1960	Capacity building of UNHCR partners CBOs Vocational training Counselling on job placement
Egyptian Initiative for Personal Rights	2002	Some awareness-raising on refugee and migrant rights Has produced a report on Migrant rights
The Egyptian Organization for Human Rights (EOHR)	1985	Assessment of Human Rights situation Awareness raising reports

Hisham Mubarak Law centre	1999	Legal services for some refugee-related cases Has produced a monograph on the deportation of Eritreans
Ma'an	N/A	Promotes respect for Human Rights, women's rights Community based training Women capacity building
Modern Education Centre for Sudanese (MEC)	2003	Basic education for young Adults illiteracy education classes
El Nadim Centre for the Rehabilitation of Torture Victims	August 1993	Provides medical and psychological rehabilitation to victims of torture and violence.
National Forum for Egypt and Sudan	2002	Facilitating Sudanese integration in Egypt through workshops /conferences, establishment of CBOs, advocating for provision of services
Refugee Egypt All Saints Cathedral	1988	Primary and secondary health care Education Emergency food assistance Clothing assistance Income generation activities
Sakakini (Sacred Heart Community Church)	1984	Educational programmes Computer training Food distribution and financial assistance Vocational training
Sons of Sudan Charity Association	2001	Provides some families with a monthly stipend and aid in special circumstances such as marriage or death, education classes in English and Arabic language, computer literacy and handicraft classes. It also provides newly arrived Sudanese with temporary housing.
St Andrew's Church	1979	Education Vocational training Income generation Financial assistance
Sudanese Community Development Programme (SCDP)	2001	Primary and pre-school education Adult education programme Computer classes
Sudanese Development Initiative (SUDIA)	1995	Training seminars, computer classes, support for project start-up
Tadamon {The Egyptian Refugee Multicultural Council }	2006	Capacity-building of member organizations and community-based organizations Integration projects between refugees and Egyptians through civil society Vocational training Awareness-raising