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## Modern Application of the Islamic Principle of Brotherhood: An Assessment of the Syrian Refugees' Relocation Solution in Egypt

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# Modern Application of the Islamic Principle of Brotherhood: An Assessment of the Syrian Refugees' Relocation Solution in Egypt

SHAMS AL DIN AL HAJJAJI \*

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*“The believers in their mutual kindness, compassion and sympathy are just like one body. When one of the limbs suffers, the whole body responds to it with wakefulness and fever.”*

The Prophet (Peace be Upon Him)

#### ABSTRACT

This Article argues that the Islamic principle of Brotherhood provides a feasible basis to solve the Arab refugee crisis. The Islamic solution is based on relocating Syrian refugees to Egypt. The solution has many positive factors that make it the most promising solution among the various other proposed solutions. The Syrian refugee crisis has been one of the major challenges for many Western countries, who have found themselves between a rock and a hard place, faced with two options. The first option involves agreeing to host the massive waves of refugees, to honor their principles of human dignity and morality. The second involves closing their doors to all refugees, in order to protect their people. Many countries made their own choice: some chose the first option, while many others are still struggling to find a way to accommodate the second choice. Politicians, philosophers and business executives proposed several solutions, most of which are of proven inefficacy, like those of Trump and the EU. A third proposed solution

sought to relocate Syrian refugees in a third Arab/Muslim country, which is the least analyzed solution. This research assesses this third solution from six perspectives: historical, moral, cultural, legal, economic, and political. The Article is divided into three main parts. The first presents the Islamic base, and logic for the relocation project. The second tackles the assessment of the solution, while the third proposes some recommendations regarding several practical aspects, like formulating the negotiation and project teams, as well as the assessment and progress of the project.

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

The Islamic principle of Brotherhood provides a feasible solution for the Arab refugee crisis. The Islamic solution is based on relocating Syrian refugees in Egypt. The refugee crisis in the Middle East generally, and that of Syria specifically, has reached unprecedented levels of disagreement among Western countries.<sup>1</sup> Many temporary solutions have been proposed to ease the trend of the increasing number of refugees in European Countries.<sup>2</sup> However, among the many proposed solutions, senior public officials, and business tycoons identified three solutions.

The European Union ("EU") proposed the first solution: distributing Syrian refugees among all EU countries.<sup>3</sup> Distribution is based on the proportional percentage of refugees.<sup>4</sup> However, this solution failed on many levels. While many countries honored their international commitment, many failed to do so; Poland, Hungary, and the Czech Republic refused to accept any share

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1. Ginger Adams Otis, *European Leaders Disagree on how to Handle Refugee Influx*, DAILY NEWS (Sept. 11, 2015), <http://www.nydailynews.com/news/world/european-leaders-disagree-handle-refugee-influx-article-1.2357453> [<https://perma.cc/VNA7-DZSD>]; *How is the Migrant Crisis Dividing EU Countries?*, BBC NEWS (Mar. 4, 2016), <http://www.bbc.com/news/world-europe-34278886> [<https://perma.cc/UQU2-BHSD>].

2. Jessica Brandt, *The Refugee Crisis needs Concrete Solutions—Here are Three*, BROOKINGS (Sept. 20, 2016), <https://www.brookings.edu/blog/order-from-chaos/2016/09/20/the-refugee-crisis-needs-concrete-solutions-here-are-three/> [<https://perma.cc/CXQ4-7BYC>]; see also Amnesty Int'l., *8 Ways to Solve the World Refugee Crisis*, <https://www.amnesty.org/en/latest/campaigns/2015/10/eight-solutions-world-refugee-crisis/> [<https://perma.cc/N525-HSLH>].

3. Nils Holtug, *A Fair Distribution of Refugees in the European Union*, 12 J. GLOBAL ETHICS, 279, 282 (2016); see also European Commission Press Release IP/16/1620, *Towards a Sustainable and Fair Common European Asylum System* (May 4, 2016).

4. Eleni Karageorgiou, *Solidarity and Sharing in the Common European Asylum System: The Case of Syrian Refugees*, 17 EUROPEAN POL. & SOC. 196, 203 (2016).

of refugees.<sup>5</sup> The United Kingdom held a referendum to leave the EU so it would have the ability to protect its borders.<sup>6</sup> Italy and Greece both suffer from major economic problems, and refugees will only place a heavier burden on their economic development.<sup>7</sup> The EU faces a major challenge to identify a solution,<sup>8</sup> especially as the number of Syrian refugees increase.<sup>9</sup> Moreover, there are some ongoing negotiations by the EU with some Middle Eastern countries, to control latter's borders.<sup>10</sup> However, these endeavors are temporary political actions.<sup>11</sup> They aim to slow down the flow of immigration, yet they will not fully prevent them.<sup>12</sup> Therefore, the EU needs to change its strategy.

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5. Patrick Wintour, *EU Takes action against Eastern States For Refusing to Take Refugees*, THE GUARDIAN (June 13, 2017), <https://www.theguardian.com/world/2017/jun/13/eu-takes-action-against-eastern-states-for-refusing-to-take-refugees> [https://perma.cc/ZSS5F-JWTX]; see also Jennifer Rankin, *EU Court Dismisses Complaints by Hungary and Slovakia over Refugee Quotes*, THE GUARDIAN (Sept. 6, 2017), <https://www.theguardian.com/world/2017/sep/06/eu-court-dismisses-complaints-by-hungary-and-slovakia-over-refugees> [https://perma.cc/ZSS5F-JWTX].

6. Angela Dewan, *Brexit; What will Immigration Look like If Britain Leaves the EU?*, CNN (June 20, 2016), <http://edition.cnn.com/2016/06/16/europe/brexit-britain-immigration-referendum/index.html> [https://perma.cc/32UN-QCKL].

7. For Greek economic problems and refugees, see *Refugee Crisis Creating Significant Problems for Greek Economy: OECD*, REUTERS (Mar. 10, 2016), <https://www.reuters.com/article/us-europe-migrants-greece-oecd/refugee-crisis-creating-significant-problems-for-greek-economy-oecd-idUSKCN0WC1BC> [https://perma.cc/YYYY8-ZAXF]; see also Daniel Marans, *Greece's Economy is Getting Crushed Between Austerity and the Refugee Crisis*, HUFFINGTON POST (July 25, 2017), [https://www.huffingtonpost.com/entry/greece-refugee-crisis-economy\\_us\\_56b12f1de4b04f9b57d7b7d4](https://www.huffingtonpost.com/entry/greece-refugee-crisis-economy_us_56b12f1de4b04f9b57d7b7d4) [https://perma.cc/7H5E-R2X3]. For Italy economic problem and refugees, see *Italy's Migrant Crisis Is Europe's Problem: The Refugee Emergency Calls for a Common European Fund*, BLOOMBERG (July 10, 2017), <https://www.bloomberg.com/view/articles/2017-07-10/italy-s-migrant-crisis-is-europe-s-problem> [https://perma.cc/GC36-CGK7].

8. Simon Tisdall, *Divided Europe Seeks a Long-term Answer to a Refugee Crisis that needs a Solution Now*, THE GUARDIAN (July 23, 2017), <https://www.theguardian.com/world/2017/jul/22/divided-europe-refugee-crisis-italy-serbia-greece> [https://perma.cc/8JDJ-4J87]; see also Gianni Pittella, *EU needs Lasting Solution to Refugee Crisis*, EU OBSERVER (Aug. 9, 2015), <https://euobserver.com/opinion/138707> [https://perma.cc/M25H-WCU3].

9. Simon Tisdall, *supra* note 8.

10. *Question & Answers: Migration on the Central Mediterranean Route*, EUROPEAN COMMISSION, PRESS RELEASE DATABASES (Jan. 25, 2017); see also Henry Samuel, *EU Leaders offer Support to Libyan Coastguards, Chad and Niger to Stem Migrant Flow at Paris Summit*, THE TELEGRAPH (Aug. 28, 2017), <http://www.telegraph.co.uk/news/2017/08/28/eu-leaders-offer-support-libyan-coastguards-chad-niger-stem/> [https://perma.cc/Z8R3-SETX].

11. See Press Release, European Commission, *supra* note 10.

12. See Samuel, *supra* note 10.

President Trump, along with a number of other presidents,<sup>13</sup> proposed the second solution.<sup>14</sup> It entailed setting up safe zones for Syrians.<sup>15</sup> However, this solution was unsuccessful for two reasons. Firstly, it made no legal distinction between two different types of citizens: refugees and internally displaced individuals. Refugees are those who have been forced to leave their home countries to escape imminent, life-threatening danger.<sup>16</sup> Internally displaced people are those who face the same imminent danger, but remain inside their homeland.<sup>17</sup> The current estimate of internally displaced Syrians is 6.5 million people,<sup>18</sup> while the number of Syrian refugees totals approximately 11 million people.<sup>19</sup> Moreover, this solution violates the principle of non-refoulement.<sup>20</sup> This principle is mandated in

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13. See Ercan Gurses & Andreas Rinke, *Germany Seeking Safe Zones in Syria to Shelter Refugees*, REUTERS (Apr. 23, 2016), <http://www.reuters.com/article/us-europe-migrants-turkey-germany/germany-seeking-safe-zones-in-syria-to-shelter-refugees-idUSKCN0XK0BS> [https://perma.cc/3SJ9-BTDA]; see also Simeon Kerr & Erika Solomon, *Saudis Tell Trump They Support Safe Zones for Refugees in Syria*, FIN. TIMES (Jan. 30, 2017), <https://www.ft.com/content/d9d6f33a-e6c5-11e6-967b-c88452263daf> [https://perma.cc/XW4T-HHJA].

14. See Phil Stewart, *Trump's Hopes for Syria Safe Zones May Force Decision on Assad*, REUTERS (Jan. 27, 2017, 10:20 PM), <https://www.reuters.com/article/us-usa-trump-safezones/trumps-hopes-for-syria-safe-zones-may-force-decision-on-assad-idUSKBN15B0E5> [https://perma.cc/L479-3SVV]; see Rex Tillerson Says US Will Set Up Safe Zones For Refugees From ISIS, THE GUARDIAN (Mar. 22, 2017, 5:26 PM), <https://www.theguardian.com/us-news/2017/mar/22/rex-tillerson-us-safe-zones-refugees-isis> [https://perma.cc/6P5G-RTEV].

15. See Julia Edwards Ainsley & Matt Spetalnick, *Trump Says He Will Order Safe Zones for Syria*, REUTERS (Jan. 25, 2017, 12:49 PM), <https://www.reuters.com/article/us-usa-trump-syria-safezones/trump-says-he-will-order-safe-zones-for-syria-idUSKBN159208> [https://perma.cc/Q9YV-ANVT].

16. United Nations Convention for the Law of Refugees, art. 1, July 28, 1951, 189 U.N.T.S. 137.

17. U.N. Refugee Agency, *Internally Displaced People*, <http://www.unhcr.org/internally-displaced-people.html> [https://perma.cc/C33X-KV8L] (last visited Jan. 17, 2018).

18. U.N. Refugee Agency, *Internally Displaces People* (July 7, 2016), <http://www.unhcr.org/sy/29-internally-displaced-people.html> (last updated Sept. 2016) [https://perma.cc/HA9B-248U].

19. *Syrian Refugees: A snapshot of the Crisis - in the Middle East and Europe*, SYRIAN REFUGEES (Sept. 2016), <http://syrianrefugees.eu/> [https://perma.cc/P57V-LYZ3] (last updated Sept. 2016).

20. United Nations Convention Relating to the Status of Refugees, *supra* note 16, art. 33 at 176 (“No Contracting State shall expel or return (‘refouler’) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”).

both international law,<sup>21</sup> and international customary law.<sup>22</sup> This principle prohibits countries from returning refugees to their home countries, for fear of persecution.<sup>23</sup> Returning Syrian refugees to their home countries would expose them to danger either from Al-Assad, ISIS, or the Al-Nusra Front forces.<sup>24</sup> Thus, this solution faces a legal challenge not yet addressed properly by Trump's administration.

Secondly, President Trump did not have a well thought-out plan on how to return Syrians to their home country, either as regular citizens, or even as internally displaced persons.<sup>25</sup> Instead, he took a number of drastic measures against refugees.<sup>26</sup> In January 2017, he issued a controversial travel ban.<sup>27</sup> The ban targeted six Muslim majority countries, namely Syria, Iraq, Libya, Somalia, Sudan, and Yemen.<sup>28</sup> He suspended all US refugee admission programs for three months.<sup>29</sup> In July 2017, President Trump decreased the number of refugees admitted to the US from 110,000 to 50,000.<sup>30</sup> In September 2017, he increased the number of countries included in the

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21. The United Nations High Comm'r for Refugees [UNCHR], *Note on Non-Refoulement (Submitted by the High Commissioner) Note on Non-Refoulement (Submitted by the High Commissioner)*, EC/SCP/2 (Aug. 23, 1977), <http://www.unhcr.org/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html> [<https://perma.cc/2TDN-YLR9>].

22. Alice Farmer, *Non-Refoulement and Jus Cogens: Limiting Anti-Terror Measures That Threaten Refugee Protection*, 23 GEORGE IMMIGRATION L.J. 36, 37 (2008).

23. *Id.*

24. Carlo Munoz & Guy Taylor, *Syria Safe Zones For Refugees Pose Dangers for US Alliances*, WASH. TIMES (Feb. 22, 2017), <http://www.washingtontimes.com/news/2017/feb/22/donald-trumps-plan-for-safe-zones-for-syrian-refug/> [<https://perma.cc/Y45C-3UUJ>]; see Dominic Tierney, *The Hidden Danger of Safe Zones in Syria*, THE ATLANTIC (Nov. 10, 2015), <https://www.theatlantic.com/international/archive/2015/11/safe-zone-syria-conflict/415134/> [<https://perma.cc/3E36-R9PU>]; see also Constanze Letsch, *Human Rights Group Sound Alarm Over Safe Zones For Syrian Refugees*, THE GUARDIAN (Apr. 12, 2016), <https://www.theguardian.com/world/2016/apr/12/human-rights-groups-sound-alarm-over-safe-zones-for-syrian-refugees> [<https://perma.cc/2Q2J-CLBD>].

25. Josh Lederman & Matthew Lee, *Trump Plans to Slash US Refugee Admission*, U.S. NEWS (Sept. 26, 2017), <https://www.usnews.com/news/politics/articles/2017-09-26/trump-plans-to-slash-us-refugee-admissions>.

26. See Stephenson Emily & Eric Knecht, *Trump Bars Door to Refugees, Visitor From Seven Mainly Muslim Nations*, REUTERS (Jan. 28, 2017, 3:12 PM), <https://www.reuters.com/article/us-usa-trump-refugees/trump-bars-door-to-refugees-visitors-from-seven-mainly-muslim-nations-idUSKBN15B2HL> [<https://perma.cc/R7XG-3HG9>].

27. *Trump's Executive Order: Who does Travel Ban Affect?* BBC NEWS (Feb. 10, 2017), <http://www.bbc.com/news/world-us-canada-38781302> [<https://perma.cc/GFM5-4979>].

28. *Id.*

29. *Id.*

30. Sylie Atwood, *U.S. Hits Refugee Limit for 2017*, CBS NEWS (July 12, 2017), <https://www.cbsnews.com/news/u-s-hits-refugee-limit-for-2017/> [<https://perma.cc/RVT8-XLWJ>].

ban,<sup>31</sup> rather than announcing a plan that would settle the issue of refugees. Hence, President Trump's proposal failed both legally, and practically.

The third solution was proposed by Naguib Sawiris, an Egyptian business tycoon,<sup>32</sup> and a political party leader.<sup>33</sup> In early 2015, Sawiris announced that he was willing to purchase an island from Greece or Italy to host Syrian refugees.<sup>34</sup> However, his proposal prompted much speculation about its feasibility, and underlying motivation, especially that neither Greece nor Italy respond to his proposal.<sup>35</sup> The lack of a feasibility study backing up his initiative gave the impression that his statement was nothing but a media stunt.<sup>36</sup> Sawiris' Free Egyptians Party (Hizb Al-Masryeen Al-Ahrar) ran for parliamentary elections in Egypt at the end of 2015.<sup>37</sup> His island initiative implied that it was designed to increase support for the 2015 parliamentary campaign.<sup>38</sup> The proposal in Sawiris' format does differ from the two previous solutions.<sup>39</sup> As a result, this solution needs to be modified to achieve any success.

The Islamic form of this solution is relocating Syrian refugees to Arab or Muslim countries. In contrast to Sawiris' solution, this Article assesses

31. *Donald Trump Expands Travel Ban to Include North Korea*, TELEGRAPH (Sept. 25, 2017, 8:30 AM), <http://www.telegraph.co.uk/news/2017/09/25/donald-trump-unveils-expanded-travel-ban-involving-eight-countries/> [https://perma.cc/RVT8-XLWZ].

32. *Profile: Naguib Sawiris*, FORBES, <https://www.forbes.com/profile/naguib-sawiris/> [https://perma.cc/3ZUH-3TA8] (last visited Feb. 9, 2018).

33. Ivana Kottasova, *Egyptian Billionaire Offers to Buy Island for Refugees*, CNN (Sept. 10, 2015), <http://money.cnn.com/2015/09/04/news/refugees-island-billionaire/> [https://perma.cc/H2CH-D228].

34. *Id.*

35. See Keren Blankfeld, *Africa's 10th Richest Man Still Waiting To Buy A Greek Island to House Refugees*, FORBES (Nov. 18, 2015 9:45 AM), <https://www.forbes.com/sites/kerenblankfeld/2015/11/18/africas-10th-richest-man-still-waiting-to-buy-a-greek-island-to-house-refugees/#d8b34682fde4>.

36. *Egyptian billionaire Sawiris 'serious' about buying 'refugee island'*, THE NEW ARAB (Sept. 7, 2015), <https://www.alaraby.co.uk/english/politics/2015/9/7/egyptian-billionaire-sawiris-serious-about-buying-refugee-island> [https://perma.cc/LFH3-LLDF].

37. To read about Sawiris' role in the 2015 Parliamentary Elections see Ayah Aman, *Egyptians Prepare for Elections . . . But Do They Really Matter?*, AL-MONITOR (Oct. 15, 2015), <https://www.al-monitor.com/pulse/originals/2015/10/egypt-parliament-elections-mubrarak-sisi-parties-candidates.html> [https://perma.cc/2SEK-Z4SA].

38. *Id.*

39. The Greek did not respond to Sawiris solution at all. See Keren Blankfeld, *Africa's 10th Richest Man Still Waiting to Buy A Greek Island to House refugees*, FORBES (Nov. 18, 2015), <https://www.forbes.com/sites/kerenblankfeld/2015/11/18/africas-10th-richest-man-still-waiting-to-buy-a-greek-island-to-house-refugees/#1524ce132fde> [https://perma.cc/XP4X-6CB7].



the reallocation of Syrian refugees in Egypt, as a third Arab/Muslim country. On the one hand, it focuses on a relocation site away from Europe. Sawiris' proposal was to relocate the refugees to one of the Greek islands,<sup>40</sup> while this study assesses relocation to an Arab/Muslim country, in this case Egypt. There are many countries that could serve as potential locations for the relocation project, such as Tunisia, Algeria, Morocco or Jordan. However, the aim of limiting the scope of the hosting country to Egypt is to offer a personalized solution.

Furthermore, this Article is limited to Syrian refugees only. Relocating protected refugees to another country is a complicated legal issue.<sup>41</sup> It needs to be tackled delicately, and separately.<sup>42</sup> The legal status of refugees has been appropriately defined in several legal terms.<sup>43</sup> This Article will not deal with internally displaced persons, economic immigrants, or illegal immigrants. Economic immigration should be tackled with economic solutions,<sup>44</sup> and illegal immigration should be addressed with legal instruments on a national level.<sup>45</sup> Additionally, this study does not pertain to other refugees around the world or those who share the same conditions as Syrian refugees, such as Iraqi, Yemeni, and Libyan refugees.<sup>46</sup> Thus, the study is limited to Syrian refugees in Western countries.

This article does not deal with the acceptance of refugees relocating to a third country, such as Egypt, but leaves that open for a future article to answer this question separately using a different methodology.<sup>47</sup>

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40. *Id.*

41. See *Durable Solutions*, UNHCR, <http://www.unhcr.org/solutions.html> [https://perma.cc/QN55-BS4L] (last visited Jan. 16, 2018).

42. See *id.*

43. *UNHCR viewpoint: 'Refugee' or 'migrant' – Which is Right?*, UNHCR (July 11, 2016), <http://www.unhcr.org/news/latest/2016/7/55df0e556/unhcr-viewpoint-refugee-migrant-right.html> [https://perma.cc/86UB-QU6E]; see also *What is a Refugee?*, UNHCR, <https://www.unrefugees.org/refugee-facts/what-is-a-refugee/> [https://perma.cc/4U6J-WWZ5] (last visited Feb. 9, 2018).

44. See *generally Is Migration Good for the Economy?*, OECD (May 2014), <https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf> [https://perma.cc/95ZJ-QS3L].

45. For how law can successfully fight illegal immigration, see Michael Hor, *Illegal Immigration: Principle and Pragmatism in the Criminal Law*, 14 SING. ACAD. L.J. 18, 19–21 (2002).

46. Donna Racel Edmunds, *Muslim Countries Refuse to Take a Single Syrian Refugee. Cite Risk of Exposure to Terrorism*, BREITBART (Sept. 5, 2015), <http://www.breitbart.com/london/2015/09/05/gulf-states-refuse-to-take-a-single-syrian-refugee-say-doing-so-exposes-them-to-risk-of-terrorism/> [https://perma.cc/UHW5-FEDU].

47. PSYCHOSOCIAL WELLNESS OF REFUGEES: ISSUES IN QUALITATIVE AND QUANTITATIVE RESEARCH 45–46 (Frederick L. Ahearn ed., 2000). This future article will conduct research through data collection compiled from interviews with refugees. *Id.* The issue reserved is whether refugees will accept being relocated to a third country, because answering this question will help the adoption of the relocation solution.

To effectively assess the feasibility of the relocation solution, this Article is divided into three major sections. Combined, they offer a thorough assessment of an effective and smooth relocation process of Syrians, from Western countries to Egypt. The first section presents the Islamic basis for a relocation project. It is based on the Brotherhood Principle in Islam that ensures good will and sincerity among Muslims. The second section addresses different aspects of a relocation project. This includes an assessment of theoretical aspects, such as cultural, historical, legal, economic, and political aspects. The last section outlines several practical steps to start the relocation process.

## II. THE ISLAMIC BASIS FOR THE RELOCATION PROJECT: THE ISLAMIC PRINCIPLE OF BROTHERHOOD

The entire idea of this Article is based on the Islamic understanding of supporting the weak within Muslim communities.<sup>48</sup> As a preliminary matter, Islam encourages Muslims to support their fellow brothers and sisters.<sup>49</sup> Arab and Muslim countries have lived in harmony and unison for over fourteen centuries.<sup>50</sup> Syria shares common ground with all Arab countries,<sup>51</sup> an indication that integration within similar communities would prove much more feasible and achievable than within European countries.<sup>52</sup> This research therefore reignites this commitment, and its foundation in the Quran, the Prophet's practice, and Islamic *Sharia* (jurisprudence).

The Quran is categorically clear on the relationship among Muslims.<sup>53</sup> They are brothers, allies and supporters to each other.<sup>54</sup> The Brotherhood relationship among Muslims is a condition of either being a Muslim or believing in Islam.<sup>55</sup> The Prophet said:

A Muslim is a brother of another Muslim, so he should not oppress him, nor should he hand him over to an oppressor. Whoever fulfilled the needs of his brother, God (*Allah*) will fulfill his needs; whoever brought his Muslim brother out of discomfort,

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48. The Quran states: "The believers are nothing but brothers. So make reconciliation between your brothers, and fear Allah, that you may receive mercy." QUR'AN, *Sūrat Al-Hujurat* 49:10.

49. *Id.*

50. *See infra* III.A.

51. *Id.*

52. *Id.*

53. Blankfeld, *supra* note 39.

54. *Id.*

55. *Id.*

God will deliver him out of the discomforts of the Day of Resurrection, and whoever screened a Muslim, God will screen him on the Day of Resurrection.<sup>56</sup>

The Prophet established the first bond of brotherhood between Muslims.<sup>57</sup> Early Muslims immigrated twice.<sup>58</sup> The first immigration was to Abyssinia, which was a Christian Kingdom.<sup>59</sup> The Prophet sent many of his followers to King Nagus because of his reputation as a just and fair king.<sup>60</sup> Negus welcomed all Muslims to his Kingdom in Abyssinia.<sup>61</sup>

The second early Muslim immigration was to Madina.<sup>62</sup> When the Muslims reached the city, the Prophet established the first brotherhood bond between the *Ansar*,<sup>63</sup> and the *Muhajireen*.<sup>64</sup> In general, all Muslims are brothers to all Muslims.<sup>65</sup> In the second immigration, the Prophet made an additional bond between *Ansar* and *Muhajireen*.<sup>66</sup> The bond was based on giving full support to each other.<sup>67</sup> Each member of *Ansar* shared his money and property

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56. *Oppressions, Chapter: A Muslim Should not Oppress another Muslim*, SUNNAH, <https://sunnah.com/bukhari/46/3> [<https://perma.cc/RRF2-2MD7>]. This Hadith was said several times in different occasions with different wordings. In Sahih Muslim, the Prophet said:

Avoid jealousy between yourselves, do not outbid one another (with a view to raising the price), do not harbor hatred against one another, do not bear enmity against one another, one of you should not enter into a transaction when the other has already entered into it; and be fellow brothers and slaves of Allah. A Muslim is a Muslim's brother. He does not wrong, desert or despise him. Piety is found here (pointing three times to his chest), despising his Muslim brother is enough evil for any man to do. Every Muslim's blood, property and honor are unlawful to be violated by another Muslim.

The Comprehensive Book, SUNNAH, <https://sunnah.com/urn/2054580> [<https://perma.cc/2WVH-6XZL>].

57. SEYED KAZEM SADR, *THE ECONOMIC SYSTEM OF THE EARLY ISLAMIC PERIOD: INSTITUTIONS AND POLICIES* 129 (2016).

58. Zeki Saritoprak, *Migration, Feelings of Belonging to a Land, and the Universality of Islam* 46 in *ISLAM AND CITIZENSHIP EDUCATION* (Ednan Aslan and Marcia Hermansen eds., 2015).

59. *Id.*

60. The Prophet said: "If you were to go to Abyssinia (it would be better for you), for the king (there) will not tolerate injustice and it is a friendly country, until such time as God shall relieve you from your distress."

61. The Two Migrations of Muslims to Abyssinia, Al-Islam, <https://www.al-islam.org/restatement-history-islam-and-muslims-sayyid-ali-ashgar-razwy/two-migrations-muslims-abyssinia> [<https://perma.cc/2X8C-RJGC>].

62. *Id.*

63. See Last Prophet.info, *Ansar (The Helpers)*, <http://www.lastprophet.info/ansar-the-helpers> [<https://perma.cc/9TZ8-6VFJ>] (specifying that Ansar refers to the Muslims of Madinah).

64. Muhajireen represents immigrant Muslims traveling from Makkah to Madinah.

65. QUR'AN, *Sūrah al-Hujurāt* 49:10, *supra* note 48.

66. TERENCE LOVAT & AMIR MOGHADAM, *THE HISTORY OF ISLAM: REVELATION, RECONSTRUCTION OR BOTH?* 63 (2017).

67. *Id.*

with one of his brothers (*Muhajireen*), who immigrated from Mecca.<sup>68</sup> The *Muhajireen* left all their money and property back in Mecca, which were confiscated by the infidels.<sup>69</sup>

It has been argued that the sacredness of the city of Madina is due to the existence of the Prophet's tomb and his mosque.<sup>70</sup> It is true that the Prophet's tomb, mosque, and his first two successors are buried in the city.<sup>71</sup> However, the sacrifices of the *Ansar* were the real reason that this city has a status of holiness in Muslim history. The holiness of the city is due to the truthful position of the *Ansar* and their application of the principle of brotherhood. This is based on the following reasons. Firstly, Muslims were experiencing high levels of discrimination and prosecution from the infidels, until they immigrated to Madina.<sup>72</sup> Even during the first immigration to Abyssinia, the infidels sent several messengers requesting the King turn the Muslims in.<sup>73</sup> Although King Nagus did not turn Muslims in to them,<sup>74</sup> he held several debates between the Muslims and the infidels.<sup>75</sup> Conversely, the support of the *Ansar* to the *Muhajireen* was unlimited and unquestioned.<sup>76</sup> Madina was a land of safety and support for the weak immigrants.<sup>77</sup> The *Ansar* did not negotiate or debate the presence of the *Muhajireen*.<sup>78</sup>

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68. The Quran Surat *Al-Hashr* states: "For the poor emigrants who were expelled from their homes and their properties, seeking bounty from Allah and [His] approval and supporting God and His Messenger, [There is also a Share]. Those are the Truthful." QUR'AN, *Sūrah al-Hashr* 59:8.

69. The Quran Surat *Al-Hashr* states:

And [also for] those who were settled in al-Madinah and [adopted] the faith before them. They love those who emigrated to them and find not any want in their breasts of what the emigrants were given but give [them] preference over themselves, even though they are in privation. And whoever is protected from the stinginess of this soul- it is those who will be the successful.

QUR'AN, *Sūrah al-Hashr* 59:9.

70. Abdallah Marouf Omar, *Al-Aqsa Mosque: Centre of Barakah or Centre of Holiness* 88 in GEOGRAPHICAL DIMENSIONS OF ISLAMIC JERUSALEM (Khalid El-Awaisi ed., 2008).

71. *Id.*

72. ALI MOHAMMED AL-SALABI, *GHAZAWAT ALRASUL SALAA ALLAH EALAYH WASALAM DURUS W EABR W FAWAYID* 7 (2007).

73. See Liaquat Ali Khan, *Protection of Languages and Self-Expressions Under Islamic Law*, 19 J. TRANSNAT'L L. & POL'Y 61, 87 (2010).

74. *Id.*

75. *Id.*

76. Marouf Omar, *supra* note 70.

77. *Id.*

78. *Id.*

Secondly, the Quran and the Prophet's traditions give the city and its people a special status. The Quran is clear that God protected the city from the wrath of God.<sup>79</sup> The Quran's messages also ensured that God was pleased with both *Muhajireen* and *Ansar*.<sup>80</sup> The Prophet acknowledged his preference for the *Ansar* and their city over any other thing, even his own city Mecca. After the Battle of *At-Taif*, the Prophet, who won the Battle, started to distribute the spoils of the war to everyone except the *Ansar*. The *Ansar* felt unhappy with the Prophet's decision.<sup>81</sup> When the Prophet became aware of their feelings, he requested to meet with them.<sup>82</sup> He said to them "Won't you be pleased that the people take the sheep and camels, and you take the prophet along with you?"<sup>83</sup> He further said "If the people took their way through a valley and the *Ansar* took their way through a mountain pass, then I would choose the mountain pass of the *Ansar*."<sup>84</sup> The Prophet returned with them to Madinah, just as he was used to doing.<sup>85</sup> Two years later, the Prophet died and was buried there.

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79. Quran Surat al-Tawbah, states:

It was not [proper] for the people of Madinah and those surrounding them of the bedouins that they remain behind after [the departure of] the Messenger of Allah or that they prefer themselves over his self. That is because they are not afflicted by thirst or fatigue or hunger in the cause of Allah, nor do they tread on any ground that enrages the disbelievers, nor do they inflict upon an enemy any infliction but that is registered for them as a righteous deed. Indeed, Allah does not allow to be lost the reward of the doers of good. Nor do they spend an expenditure, small or large, or cross a valley but that it is registered for them that Allah may reward them for the best of what they were doing.

QUR'AN, *Sūrah al-Tawbah* 9:120–21.

80. Quran Surat al-Tawbah, states:

And the first forerunners [in the faith] among the Muhajireen and the Ansar and those who followed them with good conduct - Allah is pleased with them and they are pleased with Him, and He has prepared for them gardens beneath which rivers flow, wherein they will abide forever. That is the great attainment.

QUR'AN, *Sūrah al-Tawbah* 9:100.

81. Sahih al-Bukhari, *Military Expeditions led by the Prophet (pbuh) (Al-Maghazzi)*, Chapter: *The Ghazwa of At-Taif*, SUNNAH, <https://sunnah.com/bukhari/64/362> [<https://perma.cc/C62C-3L7F>] (last visited Feb. 15, 2018).

82. *Id.*

83. *Id.*

84. *Id.*

85. The Quran states:

For the poor emigrants who were expelled from their homes and their properties, seeking bounty from Allah and [His] approval and supporting Allah and His Messenger, [there is also a share]. Those are the truthful. And [also for] those who were settled in al-Madinah and [adopted] the faith before them. They love those who emigrated to them and find not any want in their breasts of what the emigrants were given but give [them] preference over themselves, even though they are in privation. And whoever is protected from the stinginess of his soul - it is those who will be the successful.

QUR'AN, *Sūrah al-Hashrt*, 59:8–9.

Thirdly, the successor of the Prophet continued the Prophet's tradition of reinstating *Madina* as the main capital of Muslims.<sup>86</sup> The change in capital from *Madina* to Damascus did not occur until the death of the fourth *Amir al-Maminiun* Ali Ibn Abi Taleb.<sup>87</sup> This was the start of a new era in Islam, distinct from the Prophet's traditions. Moreover, many Muslim scholars like *Imam* Malik ibn Anas, considered the customs of *Madina*, specifically, a source of Islamic Jurisprudence.<sup>88</sup> He regarded the customs of *Madina* to be at a higher level than *Ijtihad* or independent reasoning.<sup>89</sup> He commonly used to phrase "That is the custom among us."<sup>90</sup>

In the present day, there are several applications of the brotherhood principles in various Muslim nations. A recent example of the brotherhood principles is a statement made by Bangladesh's Prime Minister, Sheikh Hasina.<sup>91</sup> Bangladesh is home to more than 400,000 refugees who have fled Myanmar.<sup>92</sup> When the Prime Minister met with U.S. President Donald Trump at the United Nations General Assembly in September 2017, he did not offer any support in regard to Bangladesh's refugee crisis.<sup>93</sup> She later commented on her talk with President Trump<sup>94</sup> saying "America has already declared that it will not allow any refugees . . . what I can expect from them, and especially

86. John Bagot Glubb & Ass'ad Sulaiman Abdo, *Medina Saudi Arabia*, ENCYCLOPEDIA BRITANNICA (June 23, 2016), <https://www.britannica.com/place/Medina-Saudi-Arabia> [http://perma.cc/XM29-F8AQ].

87. *Umayyad Dynasty: Islamic History*, ENCYCLOPEDIA BRITANNICA (Nov. 11, 2017), <https://www.britannica.com/topic/Umayyad-dynasty-Islamic-history> [https://perma.cc/5WFF-NLTP].

88. Anis ibn Malik, Book 50: *The Evil Eye in Malik's Muwatta* (A'ish Abdearhman at-Tarjumana & Ya'qub Johnson trans.).

89. See Muhammad Abu Zahrah, *The Fundamental Principles of Imam Malik's Fiqh*, IIUM, [http://www.iium.edu.my/deed/lawbase/maliki\\_fiqh/index.html](http://www.iium.edu.my/deed/lawbase/maliki_fiqh/index.html) [https://perma.cc/FX2Y-KL2V] (last visited Jan. 22, 2018).

90. Malik, *supra* note 88, at 57.

91. SHEIKH HASINA, THE FAMOUS PEOPLE, <https://www.thefamouspeople.com/profiles/sheikh-hasina-5680.php> [https://perma.cc/2XAZ-3DKT] (last visited Feb. 16, 2018).

92. Ruma Paul, *Bangladesh Warns Myanmar Over Border Amid Refugee Crisis*, REUTERS (Sept. 16, 2017, 8:52 PM), <https://www.reuters.com/article/us-myanmar-rohingya/bangladesh-warns-myanmar-over-border-amid-refugee-crisis-idUSKCN1BR03V> [https://perma.cc/537Y-8ZCT].

93. Michelle Nichols, *Exclusive: Bangladesh PM Says Expects no Help from Trump on Refugees Fleeing Myanmar*, REUTERS (Sept. 19, 2017), <https://www.reuters.com/article/us-myanmar-rohingya-bangladesh-trump-exc/exclusive-bangladesh-pm-says-expects-no-help-from-trump-on-refugees-fleeing-myanmar-idUSKCN1BU07C> [http://perma.cc/W5S6-GBTB].

94. *Id.*

[the] President. He already declared his mind . . . so why should I talk.”<sup>95</sup> She then put the principle of brotherhood in an easy and clear statement. “Bangladesh is not a rich country . . . but if we can feed 160 million people, we can certainly feed another 500,000 – 700,000 people, we can do it, we can share our food. And our people are already doing it.”<sup>96</sup> Even though she did not reveal the Islamic source for her statement, Bangladesh is an Islamic country with a Muslim majority; Islamic *Sharia* law is the main source of legislation according to its Constitution.<sup>97</sup>

### III. ASSESSMENT OF THE RELOCATION PERSPECTIVE

A relocation project must include assessment in multiple areas to provide a full and informed proposed solution to the current issue presented. These areas include theoretical, legal, economic, and political aspects, each of which includes their own individual considerations and will be discussed in detail in this section.

#### A. *Theoretical Assessment of the Relocation Solution*

The first aspect of the assessment of the relocation proposal is theoretical. The theoretical assessment covers two sides, historical and cultural. The historical aspect shows, briefly, the long mutual history between Egypt and Syria, beginning with the Pharaonic era, all the way to the 2011 revolution, in support of the relocation proposal. As for the cultural aspect, Egypt and Syria share a common language, common religion, and similar social behavior. These considerations should also be considered in the relocation proposal, and as will be addressed below, support relocation to Egypt.

##### 1. *Historical Aspect: Long Ties of Friendship and Mutual Interest*

###### a. *Brief Historical Background Between Egypt and Syria*

As a baseline, the common history between Egypt and Syria is characterized as either a strong alliance or a one-country territory. The history between

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95. WION, *Here's Why Sheikh Hasina Expects No Help from Trump on Rohingya Refugees Fleeing Myanmar*, YOUTUBE, (Sept. 20, 2017) <https://www.youtube.com/watch?v=mFosUumvOjc> [<https://perma.cc/3FK8-FD2W>].

96. *Id.*

97. THE CONSTITUTION OF THE PEOPLE'S REPUBLIC OF BANGLADESH, Nov. 4, 1972, art. 2A (“The state religion of the Republic is Islam, but other religions may be practiced in peace and harmony in the Republic.”); *id.* art. 25(2) (“The State Shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”) (Clause (2) was omitted by the Constitution (Fifteenth Amendment) Act, 2011, section 15, (ii)).

the two countries dates back to 1258 B.C.<sup>98</sup> Ramses II, an Emperor of Egypt, signed the first known peace treaty in history with Hittite after the Battle of *Kadesh*,<sup>99</sup> which took place in what is present-day Syria.<sup>100</sup> The peace treaty secured great success and victory for Ramses.<sup>101</sup> He signed the peace treaty with the Hittite to prevent them from potentially invading Egypt, or its future territories.<sup>102</sup> As a result, this was the last war between the Egyptians and the Syrians.<sup>103</sup>

At the end of the Pharaohs' period, Egypt and Syria – along with other nations – became part of the Roman Empire.<sup>104</sup> The Romans took full control of Syria first.<sup>105</sup> Then, after a short civil war between Augustus and Antonius and Cleopatra, the Egyptian territory became part of the Empire.<sup>106</sup> Figure (1) shows a map of the Roman Empire in 14 AD.<sup>107</sup> For more than five centuries, both Egypt and Syria were part of the Roman Empire.<sup>108</sup> They remained a part of the Roman Empire until the arrival of the Muslims.<sup>109</sup>

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98. Joshua Mark, *The Battle of Kadesh & the First Peace Treaty*, ANCIENT HISTORY ENCYCLOPEDIA, (Jan. 18, 2012), <https://www.ancient.eu/article/78/the-battle-of-kadesh-the-first-peace-treaty/> [<https://perma.cc/L6MV-CLCP>].

99. Jimmy Dunn (writing as Tory Fox), *The Actual Battle of Kadesh (Battle of Kadesh, Part II)*, TOUR EGYPT, <http://www.touregypt.net/featurestories/kadesh.htm> [<https://perma.cc/YWS6-JYYE>] (last visited Jan. 30, 2018).

100. John Wilson, *The Texts of the Battle of Kadesh*, 43(4) AM. J. SEMITIC LANGUAGE & LITERATURES 266, 267–77 (1927); Mark, *supra* note 98.

101. *Ramses II King of Egypt*, ENCYCLOPEDIA BRITANNICA (Feb. 2, 2018), <https://www.britannica.com/biography/Ramses-II-king-of-Egypt> [<https://perma.cc/SMN5-U7KG>].

102. *Id.*

103. *Id.*

104. *The Roman Empire at 14 AD*, THE ROMAN EMPIRE, <http://www.roman-empire.net/maps/empire/extent/augustus.html> [<https://perma.cc/P7LB-JU6P>] (last visited Mar. 6, 2018).

105. *Syria: Hellenistic and Roman periods*, ENCYCLOPEDIA BRITANNICA (Jan. 17, 2018), <https://www.britannica.com/place/Syria/Hellenistic-and-Roman-periods> [<https://perma.cc/4BB4-ZFRX>].

106. THE ROMAN EMPIRE, *supra* note 104.

107. WILLIAM J. DUKER & JACKSON SPIELVOGEL, THE ESSENTIAL WORLD HISTORY 104 (3rd ed., 2008).

108. *See id.* at 109.

109. *See id.* at 104.



FIGURE 1  
ROMAN EMPIRE MAP (EGYPT AND SYRIA)<sup>110</sup>



After the Battle of *Yarmouk*, the Muslims' armies were able to claim Jerusalem, as well as the Levant, from Roman rule.<sup>111</sup> The Prophet established the first Islamic capital in Madina, located in present-day Saudi Arabia.<sup>112</sup> However, the Muslims moved their capital to Damascus during the *Umayyad* era (661-750).<sup>113</sup> During this period, Damascus (Syria) was the capital of the *Umayyad* dynasty.<sup>114</sup> The capital was later moved to Baghdad (Iraq) during the *Abbasid* era from 750 to 1258.<sup>115</sup> Two centuries later, the Ottoman Empire held both Syrian and Egypt under its rule, as shown in Figure (3).<sup>116</sup> The unification of those countries was dissolved after the collapse of the Ottoman

110. WILLIAM J. DUIKER & JACKSON SPIELVOGEL, *THE ESSENTIAL WORLD HISTORY* 124 (3rd ed., 2008). **Editor's Note:** From DUIKER/SPIELVOGEL. *THE ESSENTIAL WORLD HISTORY*, 7E. © 2014 South-Western, a part of Cengage, Inc. Reproduced by permission: <http://www.cengage.com/permissions>.

111. M. Cherif Bassiouni, *Evolving Approaches to Jihad: Self-defense to Revolutionary and Regime-Change Political Violence*, 8(1) CHI. J. INT'L L. 119, 140 (2007).

112. Bagot Glubb, *supra* note 86.

113. ENCYCLOPEDIA BRITANNICA, *supra* note 87.

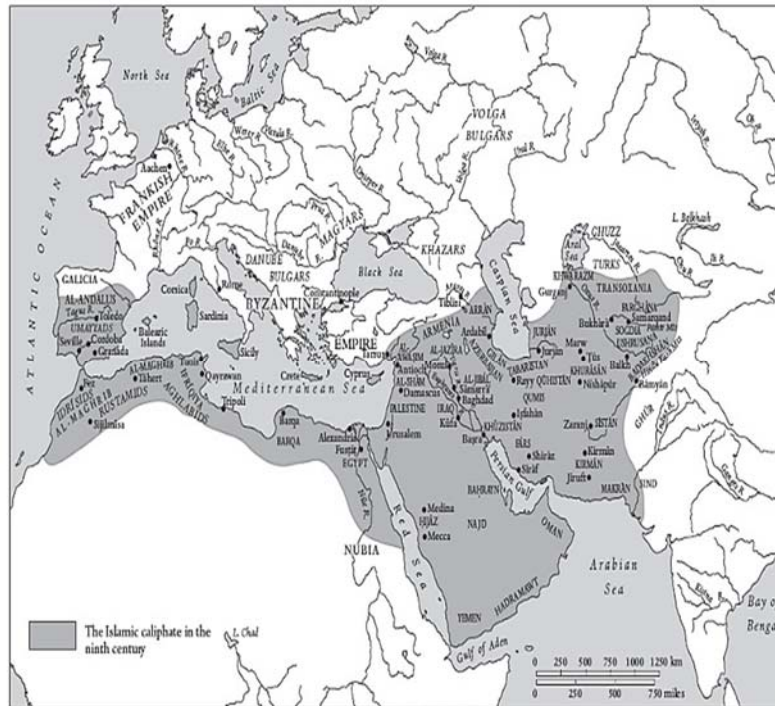
114. *Id.*

115. *Abbasid Dynasty*, ENCYCLOPEDIA BRITANNICA (Oct. 24, 2014), <https://www.britannica.com/topic/Abbasid-dynasty> [<https://perma.cc/L2M5-2HR3>].

116. Stanford Jay Shaw & Malcolm Edward Yapp, *Ottoman Empire*, ENCYCLOPEDIA BRITANNICA (Feb. 15, 2017), <https://www.britannica.com/place/Ottoman-Empire> [<https://perma.cc/K6UA-6YHQ>].

Empire in 1922.<sup>117</sup> Between 1920 and 1950, Egypt was under British occupation, and Syria was under French mandate.<sup>118</sup>

FIGURE 2  
THE 'ABBASID EMPIRE IN C. 800<sup>119</sup>



117. *Id.*

118. *The French Mandate*, ENCYCLOPEDIA BRITANNICA (Jan. 17, 2018), <https://www.britannica.com/place/Syria/The-French-mandate> [<https://perma.cc/JN7B-M2CL>].

119. *THE NEW CAMBRIDGE HISTORY OF ISLAM, VOLUME I: THE FORMATION OF THE ISLAMIC WORLD, SIXTH TO ELEVENTH CENTURIES*, xxxi (Chase F. Robinson ed. 2010).

**Editor's Note:** Express non-exclusive permission the map was given to the Journal by Cambridge

FIGURE 3

OTTOMAN EMPIRE ERA MAP (EGYPT AND SYRIA)<sup>120</sup>



In 1958, both Egypt and Syria decided to enter a legal and political alliance.<sup>121</sup> They formed a new country called the United Arab Republic, consisting of two territories.<sup>122</sup> The northern territory was Syria, while the southern territory was Egypt.<sup>123</sup> Much like how the union was established peacefully, it was later dissolved peacefully. The union was short-lived, lasting only three years.<sup>124</sup> In 1961, a military coup in Syria took place against the

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University Press. Permission email on file with Journal. CHASE F. ROBINSON (ED.), *THE NEW CAMBRIDGE HISTORY OF ISLAM, VOLUME 1: THE FORMATION OF THE ISLAMIC WORLD, SIXTH TO ELEVENTH CENTURIES* © Cambridge University Press 2010.

120. *Ottoman Empire*, BRITANNICA ENCYCLOPEDIA, <https://www.britannica.com/place/Ottoman-Empire>. **Editor's note:** By courtesy of Encyclopædia Britannica, Inc., copyright 2017; used with permission.

121. Eugene Cotran, *Some Legal Aspects of the Formation of the United Arab Republic and the United Arab States*, 8(2) INT'L & COMP. L. Q. 346, 346-47 (1959).

122. Nevill Barbour, *Impressions of the United Arab Republic*, 36 ROYAL INST. INT'L AFF. 21, 21-22 (1960).

123. *Id.* at 23.

124. *Syria: The Union with Egypt, 1958-61*, BRITANNICA ENCYCLOPEDIA (Jan. 17, 2018), <https://www.britannica.com/place/Syria/The-union-with-Egypt-1958-61> [<https://perma.cc/6KFC-9578>].

centralized authority of the Union.<sup>125</sup> The coup led to the factual independence of Syria from the union.<sup>126</sup> Egypt did not recognize the coup for 10 years.<sup>127</sup> Egypt even kept its name as United Arab Republic.<sup>128</sup>

In 1973, Egypt and Syria started their last international war against Israel.<sup>129</sup> Israel occupied the Egyptian territory (the *Sinai* Peninsula),<sup>130</sup> and the Syrian territory (*Golan* Heights).<sup>131</sup> Egypt and Syria, along with other Arab countries, formed an alliance against Israel to free their land from the occupation. After six years of secret collaboration, they launched war against Israel in October 1973.<sup>132</sup> After the end of the war, President Sadat of Egypt decided on his own initiative to enter into a peace pact with the Israelis.<sup>133</sup> This decision was not acceptable to Syria.<sup>134</sup> It led to a breakdown of the mutual relationship between Egypt and Syria for the first time in their history.<sup>135</sup>

### b. *The Arab Spring and the Refugee Crisis*

Even though the official relationship between Syria and Egypt did not return to its previous status, the social mutual influence remains the same. The protests that broke out in the Middle East and North Africa ("MENA") region by the end of 2010 led to considerable change. The outcome of these protests has varied from one country to another but can be divided into three groups. The first group involves countries such as Tunisia, which emerged victorious from the transition process after the collapse of their authoritarian regime.<sup>136</sup> Tunisia provides the most successful illustration of political and

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125. Karol R. Sorby, *The Separatist Period in Syria, 1961-1963*, 18 *ASIAN & AFRICAN STUD.* 145, 145-47 (2009).

126. *Id.*

127. *Id.*

128. *United Arab Republic*, *ENCYCLOPEDIA BRITANNICA* (Aug. 29, 2017), <https://www.britannica.com/place/United-Arab-Republic> [<https://perma.cc/7ED9-BMLH>].

129. Ze'ev Schiff, *Israel After the War*, 70 *FOREIGN AFF.* 19, 27 (1991).

130. *The 1967 and 1973 Wars, The Question of Palestine and the United Nations*, UNITED NATIONS, (Mar. 2003), <http://www.un.org/Depts/dpi/palestine/ch3.pdf>.

131. S.C. Res. 497, ¶ 4 (Dec. 17, 1981).

132. Alan Cowell, *Arab League Headquarters to Return to Cairo*, *N.Y. TIMES* (Mar. 12, 1990), <http://www.nytimes.com/1990/03/12/world/arab-league-headquarters-to-return-to-cairo.html>.

133. *Id.*

134. *Id.*

135. *Id.*

136. U.N. Dep't for Soc. & Econ. Affairs, Mohamed Chemingui & Marco Sanchez, *Assessing Development Strategies to Achieve the MDGs in The Republic of Tunisia*, Country

legal change,<sup>137</sup> and provides an example of success that has led to the drawing up of a widely acceptable constitution that received unanimous approval.<sup>138</sup> As a result, the Tunisian 2014 Constitution, and the Constituent Assembly were awarded the 2015 Nobel Peace Prize.<sup>139</sup>

The second group consists of Arab/Muslim countries that failed to make a democratic transition, but nevertheless did not really suffer significant damage or violence. These countries managed to eliminate only part of their ruling regimes. Clear examples of this second group are Egypt and Bahrain. After protests in Tunisia successfully ousted President Zine El Abdine Ben Ali in December 2010,<sup>140</sup> the Egyptians followed suit in an effort to overthrow the Mubarak regime.<sup>141</sup> After the success of the 2011 revolution, the Muslim Brotherhood group came to power.<sup>142</sup> Shortly after, the Egyptian army succeeded in overthrowing the Muslim Brotherhood rule in a military coup in 2013.<sup>143</sup> Since then, Egypt has been in a social, economic, and political crises.<sup>144</sup> In Bahrain, on the other hand, the transition unfolded much more smoothly, because Saudi Arabia played a vital role in helping end the conflict against the government.<sup>145</sup>

The third and final group is made up of countries such as Syria, Libya and Yemen. These countries have been ravished by civil war.<sup>146</sup> In late

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Study (Oct.2011), [http://www.un.org/en/development/desa/policy/capacity/output\\_studies/roa87\\_study\\_tun.pdf](http://www.un.org/en/development/desa/policy/capacity/output_studies/roa87_study_tun.pdf) [<https://perma.cc/9BJJ-3QS8>].

137. See Mohamed Samir Koubaa, *Democratic Transition in Tunisia; A Rewarding Path*, 23 SEC. & HUM. RTS. 223, 223–24 (2012).

138. See Mounira Maya Charrad, *Progressive Law: How it Came about in Tunisia*, 18 J. GENDER RACE & JUST. 351, 351 (2016).

139. Anthony Faiola, *Tunisian group wins Nobel Peace Prize*, WASH. POST (Oct.9, 2015), [https://www.washingtonpost.com/world/tunisian-national-dialogue-quartet-wins-the-2015-nobel-peace-prize/2015/10/09/b85871ae-6e1a-11e5-aa5b-f78a98956699\\_story.html?utm\\_term=.8a22b62a7293](https://www.washingtonpost.com/world/tunisian-national-dialogue-quartet-wins-the-2015-nobel-peace-prize/2015/10/09/b85871ae-6e1a-11e5-aa5b-f78a98956699_story.html?utm_term=.8a22b62a7293) [<https://perma.cc/6QJD-23HL>].

140. *Tunisia since the Arab Spring: timeline*, THE TELEGRAPH, (Mar. 18, 2015), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tunisia/11480587/Tunisia-since-the-Arab-Spring-timeline.html> [<https://perma.cc/D5PA-3JQY>].

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

142. *Id.*

143. *Id.*

144. Shams Al Din Al Hajjaji, *A Call for Judicial Reform in Egypt*, 11 VIENNA J. INT'L CONST. L. 256, 256–59 (2017).

145. Aidan Lewis, *why has Morocco's king survived the Arab Spring?*, BBC NEWS, (Nov. 24, 2011), <http://www.bbc.com/news/world-middle-east-15856989> [<https://perma.cc/BZY7-U5XD>].

146. Michelle Nichols, *U.N. warns Yemen conflict could become Iraq-Libya-Syria scenario*, REUTERS, (Mar. 22, 2015), <http://www.reuters.com/article/us-yemen-security-un/u-n-warns-yemen-conflict-could-become-iraq-libya-syria-scenario-idUSKBNOMI0QO20150322> [<https://perma.cc/6KBJ-5UWH>].

2011, various protests broke out in Yemen, Iraq, Libya, and Syria.<sup>147</sup> These protests were met with brutality by the regime, or its allies.<sup>148</sup> Escalating and numerous levels of aggression led to the breakout of civil war in these countries.<sup>149</sup> Once again, Saudi Arabia played a vital role in easing these conflicts.<sup>150</sup> Nevertheless, Saudi Arabia met with unprecedented failure when it applied the Bahraini conflict-resolution model to these countries.<sup>151</sup> This occurred due to uncalled-for interference from several countries, such as Russia, Iran, Turkey and the US.<sup>152</sup> Their involvement has complicated matters further, making it more difficult, even for civilians, to stay in their countries.<sup>153</sup> The outcome has been the emergence of the refugee crisis, which has affected neighboring countries, as well as most of Europe.

## 2. Cultural Aspect: One Religion, Language and Culture

The second assessment essential to the proposed solution is considering culture. There are several cultural factors that increase the chances of a successful relocation of Syrian refugees to Egypt.<sup>154</sup> These factors are common language, common religion, and similar social behavior. First, both Egyptians and Syrians speak Arabic.<sup>155</sup> They differ in dialect only; most Egyptians speak Egyptian Arabic, and Syrians speak Levant Arabic. In Egypt, there are

147. *Id.*

148. Patrick Cockburn, *The Arab Spring, five years on: A season that began in hope, but ended in desolation*, THE INDEPENDENT (Jan. 8, 2016, 7:45 PM), <http://www.independent.co.uk/news/world/middle-east/the-arab-spring-five-years-on-a-season-that-began-in-hope-but-ended-in-desolation-a6803161.html> [https://perma.cc/2N4S-RHHQ].

149. Maya Bhardwaj, *Development of Conflict in Arab Spring Libya and Syria: From Revolution to Civil War*, OPÉRATIONS DE PAIX, [http://www.operationspaix.net/DOCUMENT/7367~v~Development\\_of\\_Conflict\\_in\\_Arab\\_Spring\\_Libya\\_and\\_Syria\\_From\\_Revolution\\_to\\_Civil\\_War.pdf](http://www.operationspaix.net/DOCUMENT/7367~v~Development_of_Conflict_in_Arab_Spring_Libya_and_Syria_From_Revolution_to_Civil_War.pdf) [https://perma.cc/RFJ5-SW5B].

150. *Syrian crisis: Where key countries stand*, BBC NEWS (Oct. 30, 2015), <http://www.bbc.com/news/world-middle-east-23849587> [https://perma.cc/22F5-CKLE]; Chris Stephen, *War in Libya- the Guardian briefing*, THE GUARDIAN (Aug. 29, 2014, 11:47 PM), <https://www.theguardian.com/world/2014/aug/29/-sp-briefing-war-in-libya> [https://perma.cc/4PC9-HPQ5]; see also *Yemen crisis: Who is Fighting Whom?*, BBC NEWS (Mar. 28, 2017), <http://www.bbc.com/news/world-middle-east-29319423> [https://perma.cc/9VNB-XAPX].

151. *Id.*

152. *Syria war: A brief guide to who's fighting whom*, BBC NEWS (Apr. 7, 2017), <http://www.bbc.com/news/world-middle-east-39528673> [https://perma.cc/CGS5-V7J3].

153. *Id.*

154. S. Qalb-i-abid & Massarrat Abid, *Egypt's Union With Syria, its Impact and the June 1967 War*, <http://pu.edu.pk/images/journal/studies/PDF-FILES/Artical%20No-8.pdf> [https://perma.cc/3HJB-KX9W].

155. *Id.*

several dialects, like those of the Bedouins, northern, and upper Egyptians.<sup>156</sup> Resorting to a Modern Standard Arabic helps everyone understand one another, while preserving individual dialects.<sup>157</sup>

Second, the majority of Syrians and Egyptians are Muslims. Their political Islamic approach is *Sunni* Islam.<sup>158</sup> Sunni Muslims in Syria account for more than 74% of the population.<sup>159</sup> The two main minorities in Syria are *Alawites* and Christians, accounting for 10% of the population.<sup>160</sup> Egypt shares a very similar religious demography with the Syrians. Muslims make up the majority with a percentage of more than 90%.<sup>161</sup> Christians are considered to be the major minority, making up less than 9%.<sup>162</sup>

Third, Syrians and Egyptians share customs and social behavior. Evidence of these common customs is apparent in both countries having adopted a similar civil code,<sup>163</sup> with only minor differences in its application.<sup>164</sup> *Al-Sanhuri* was the legal mastermind behind both civil codes. He transplanted the French civil code module and implemented some changes to make it comply with Islamic *Sharia*.<sup>165</sup>

Finally, Syria and Egypt are both rich in cultural diversity.<sup>166</sup> Syrians have managed to integrate into Egyptian society very quickly.<sup>167</sup> Many have been able to operate very successful businesses in one of the worst economic and business environments in the world.<sup>168</sup> In 2017, Egypt was

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156. Arabic (Egyptian Spoken), About World Languages, <http://aboutworldlanguages.com/arabic-egyptian> [https://perma.cc/QA9S-5MA7] (last visited Jan. 30, 2018).

157. Omar Nassra, The Benefits of Learning Modern Standard Arabic, London Arabic Tuition, <http://www.londonarabictuition.com/blog/arabic-language/the-benefits-of-learning-modern-standard-arabic/> [https://perma.cc/J8L7-86MC] (last visited Jan. 30, 2018).

158. Syria's Alawites, a Secretive and Persecuted Sect, Reuters (Feb. 2, 2012), <http://www.reuters.com/article/us-syria-alawites-sect/syrias-alawites-a-secretive-and-persecuted-sect-idUSTRE8110Q720120202> [https://perma.cc/DSH8-5YFL].

159. *Id.*

160. *Id.*

161. The World Factbook, Central Intelligence Agency, <https://www.cia.gov/library/publications/the-world-factbook/geos/eg.html> [https://perma.cc/8KUF-MUP] (last visited Jan. 31, 2018).

162. *Id.*

163. 11 INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW 59 (André Tunc et al. eds., 1983).

164. See Mohamed Salem Malham, The Historical Development of Jordanian Civil Law (Dec. 1, 2011), <http://alrai.com/article/6286.html> [https://perma.cc/E5YC-HNL9].

165. Ibrahim Khalil Al-Laf, Abdel Razzek Al-Sanhuri, Al Howar Al-Motamaden (Dec. 29, 2009), <http://www.m.ahewar.org/s.asp?aid=197229&r=0> [https://perma.cc/4WES-HL63].

166. See Valentina Primo, The Syrian Entrepreneurs Starting New Lives in Egypt, BBC NEWS (Oct. 1, 2015), <http://www.bbc.com/news/business-34380016> [https://perma.cc/DZ5Y-LNPY].

167. Gihan Shahine, *Syrians in Egypt: A Haven Despite the Hardships*, AHARAM ONLINE (May 17, 2016), <http://english.ahram.org.eg/NewsContent/1/151/217025/Egypt/Features/Syrians-in-Egypt-A-haven-despite-the-hardships.aspx> [https://perma.cc/7E95-TQSC].

168. *Id.*

ranked 122 out of 190 countries in the World Bank's Ease of Doing Business data (a measurement of creating and operating business regulations across the world).<sup>169</sup> In spite of this unwelcome economic environment, Syrians were nevertheless able to contribute positively to the economy of the country.<sup>170</sup>

*B. A Practical Legal Assessment: Extending the Protection of Egyptians' Law to Syrians as Arabs*

*1. Inadequacy of the 1951 UN Convention*

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol are the major governing legal rules for refugees in the world.<sup>171</sup> The Convention and the Protocol are considered a major part of customary international law.<sup>172</sup> However, the current legal framework of regulating refugees is inadequate for accommodating the relocation solution. Firstly, the principle of non-refoulement bans any nation from returning refugees to their home countries, if there is a chance of them being persecuted in said country.<sup>173</sup> Any involuntary return or relocation of refugees to a third country is considered illegal according to the legal context.<sup>174</sup> Any country that hosts refugees must continue to support them until the situation in their homeland has been resolved. As the war in Syria is a proxy war between Western countries, a solution to the war is far from imminent.<sup>175</sup> The continuity of civil war in their countries is the main obstacle preventing these refugees from returning to their home countries.<sup>176</sup> Therefore,

169. Doing Business in Arabic Republic of Egypt, The World Bank, <http://www.doingbusiness.org/data/exploreeconomies/egypt> [https://perma.cc/Y6QX-HWUG].

170. Syrian Refugees Contributes over \$US 800 Million to Egypt's Economy Since 2011: UNDP Report, Egyptian Streets (May 16, 2017), <https://egyptianstreets.com/2017/05/16/syrian-refugees-contributed-over-us-800-million-to-egypts-economy-since-2011-undp-report/> [https://perma.cc/6EBE-688E].

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

172. *Id.*

173. Mike Sanderson, *Syrian Crisis and the Principle of Non-Refoulement*, 89 INT'L L. STUD. 776, 785 (2013).

174. *Id.*

175. Mohamed Bazzi, *The Growing US – Iran Proxy Fight in Syria*, THE ATLANTIC (June 20, 2017), <https://www.theatlantic.com/international/archive/2017/06/iran-syria-trump-saudi-arabia-escalation-isis/530844/> [https://perma.cc/WX2A-ZY9W].

176. *Update: Durable Solutions for Syrian Refugees*, UNHCR (Aug. 7, 2017), data.unhcr.org/syrianrefugees/download.php?id=13878 [https://perma.cc/MU33-PNXL].



the complex situation of a proxy war in Syria, Yemen, Libya, and Iraq prevents any form of permanent solution for the refugees.<sup>177</sup>

Secondly, the refugees' international legal framework places several economic burdens on Western countries.<sup>178</sup> The increasing number of refugees in Western countries has paved the way for extremist far-right parties and politicians who use them as a tool to increase their popularity.<sup>179</sup> In Germany, the Alternative for Germany ("AFD") won 13% of the parliamentary elections for the first time in the last six decades.<sup>180</sup> In 2016, Germany alone paid 20 billion euros to help alleviate the refugee crisis.<sup>181</sup> In the U.K., the major reason behind Brexit is the immigration/refugee crisis.<sup>182</sup> 52% of the British population voted to leave the EU for the first time in the seventy-year history of the EU.<sup>183</sup> In the same year, the National Audit Office in the U.K. declared that hosting refugees comes at a cost of 1.7 billion pounds sterling.<sup>184</sup> The alternative to the current legal framework will therefore depend on the national basis of a third host country, which in this case is Egypt.

## 2. *The National Alternative: Offer Syrians a Special Status as Arabs*

The alternative legal solution is through national means. There is dim hope for international action to amend the current legal framework, as there are current global disagreements. However, the only foreseeable solution is a

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177. *Syria: The Story of the Conflict*, BBC NEWS (Mar. 11, 2016), <http://www.bbc.com/news/world-middle-east-26116868> [<https://perma.cc/D7MH-6DTU>].

178. *For Good or Ill: The Economic Impact of Refugees*, THE ECONOMIST (Jan. 23, 2016), <https://www.economist.com/news/finance-and-economics/21688938-europes-new-arrivals-will-probably-dent-public-finances-not-wages-good-or> [<http://perma.cc/N8LA-34VA>]; *Social and Economic Impact of Large Refugee Populations on Host developing Countries*, UNHCR, (Jan. 1997), <http://www.unhcr.org/excom/standcom/3ae68d0e10/social-economic-impact-large-refugee-populations-host-developing-countries.html> [<https://perma.cc/PPQ7-6LU6>].

179. Claudia Postelnicescu, *Europe's New Identity: The Refugee Crisis and the Rise of Nationalism*, 12 EUR. J. PSYCHOL. 203, 203–04 (2016).

180. Jon Henley, *German Elections 2017: Angela Merkel Wins Fourth Term but AFD Makes Gains – as it Happened*, THE GUARDIAN (Sept. 24, 2017), <https://www.theguardian.com/world/live/2017/sep/24/german-elections-2017-angela-merkel-cdu-spd-afd-live-updates> [<https://perma.cc/VVV9-EXLF>].

181. Lizzie Dearden, *Germany Spent More Than 20bn on Refugees in 2016 as Crisis Outstrips State Budgets*, INDEPENDENT (Mar. 10, 2017), <http://www.independent.co.uk/news/world/europe/germany-refugees-spend-20-billion-euros-2016-angela-merkel-crisis-budgets-middle-east-north-africa-a7623466.html> [<https://perma.cc/JA7B-GPE3>].

182. George Friedman, *3 Reasons Brits Voted for Brexit*, FORBES (July 5, 2016), <https://www.forbes.com/sites/johnmauldin/2016/07/05/3-reasons-brits-voted-for-brexit/#66b712a1f9d6> [<https://perma.cc/JV82-TJES>].

183. *Id.*

184. Amyas Morse, *The Syrian Vulnerable Persons Resettlement Programme*, NATIONAL AUDIT OFFICE, <https://www.nao.org.uk/report/the-syrian-vulnerable-persons-resettlement-programme/> [<https://perma.cc/3RV9-GZS8>].

third host country. This proposed solution would entail extending the law of protection to offer Syrians a special status. This special status gives Syrians a legally equivalent status to that of Europeans within the European Union. The new legislation would allow Syrian citizens the right to move freely, live, and work without any restrictions. The name of the legal status for the purposes of this Article will be referred to as “Arab citizenship.”

Unlike the European model, the Egyptian Parliament would introduce this new legal status unilaterally. The EU model is a convention among the signatory parties,<sup>185</sup> but in Egypt, the legal status will be in legislation form. The new legislation would give the Syrian refugees the right to equal access to the Egyptian market without a need for residence or work permit.

Moreover, the legislation would give Syrians the right to live without a special work permit. This step would ensure that Syrians stand on equal footing in the Egyptian labor market. The proposed legal framework in Egypt is similar to the EU solution—with one major difference. In Europe, Articles 21 and 24 of the Treaty on the Functioning of the EU gives EU citizens three main rights: the right to (1) move, (2) reside freely within the territories of Member States, and (3) petition in front of any European community.<sup>186</sup> Yet, the Treaty does not give preferential or equal rights of work in certain European countries to other citizens of the European Union.<sup>187</sup> Preference in appointment is always given to the national citizens, over other European countries citizens.<sup>188</sup> In the case of the proposed legislation, Syrians would have a right to work in Egypt that is equal to Egyptian citizens.

This special legal status for Syrians in Egypt aims to protect them from the daily difficulties with Egyptian authorities.<sup>189</sup> Recently, legislation in Egypt was passed to give the government the right to deny entrance to Syrians.<sup>190</sup> After the 2013 military coup, the army made the decision to ban

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185. Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union art. 21, 24, 2012 O.J. (C 326) 1.

186. *Id.*

187. *Id.*

188. *Id.*

189. See generally *Syrians in Egypt demand clearer work regulations*, ANTI-CORRUPTION DIGEST (June 5, 2017), <https://anticorruptiondigest.com/anti-corruption-news/2017/06/05/syrians-in-egypt-demand-clearer-work-regulations/> [<https://perma.cc/TX5Q-223U>]. For example, Abu Abada struggles day to day to cover her living expenses living in Egypt. *Id.*

190. Hisham Issa, *Overview of Refugee Situation in Egypt*, AMNESTY INT'L, (Dec. 2013), <http://www.amnestymena.org/en/magazine/Issue21/SituationofRefugeesinEgypt.aspx?articleID=1128> [<https://perma.cc/NP2Y-JARF>] (last visited Feb. 7, 2018); Jack Redden, *UNHCR*

Syrians from entering Egypt, in response to allegations Syrians participated in the Muslims Brotherhood's protests against the coup.<sup>191</sup> Since then, Syrians have not been able to visit Egypt, even though they previously had the right to enter Egypt without any special travel documentation.

The Egyptian regime will accept Syrian refugees in Egypt, as long as they are far away from politics. Giving Syrians equal rights to Egyptians has already been applied on a small scale in the world of football. Recently, the Egyptian football federation adopted a bylaw that gives Syrian footballers the right to play with Egyptian clubs.<sup>192</sup> While the number of foreign players must not exceed three, the new bylaw exempts Syrian players from this mandate.<sup>193</sup> Even though this example is limited to the world of football, it provides a foundation for the public and the government can still accept the solution.

### *C. Practical Political Aspects: Towards an Effective Role for NATO*

One of the major challenges facing the relocation project is the Egyptian government itself. The military nature of the Egyptian regime imposes certain restrictions on the choice of the politicians, and who can be involved in the negotiation process. Hence, politics must be considered in any proposal for Syrian refugees and this section deals with nature of the Egyptian regime, and the military nature of the negotiation team.

#### *1. The Military Nature of the Egyptian Regime*

For logical reasons, the North Atlantic Treaty Organization (“NATO”) would be heavily involved in the negotiation process with the Egyptian regime. But, the ability to negotiate with the Egyptian military regime calls for a specific type of official candidate. It is recommended that this official candidate hail from a military background in order to achieve positive

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*Concerned at Arbitrary Detention of Syrian Refugees in Egypt*, UNHCR (July 26, 2013), <http://www.unhcr.org/news/latest/2013/7/51f27733540/unhcr-concerned-arbitrary-detention-syrian-refugees-egypt.html> [<https://perma.cc/YM3V-FWYT>]; see also *UN Decries Growing Anti-Syrian Hostility in Egypt*, REUTERS (July 26, 2013), <http://www.reuters.com/article/us-syria-crisis-egypt-refugees/u-n-decries-growing-anti-syrian-hostility-in-egypt-idUSBRE96P0HQ20130726> [<https://perma.cc/Y6BN-3ZZ2>]; see also Khaled Hassan, *Will Syrian Students be Banned from Egypt's Universities?* ARABIA HIGHER EDUC., (Mar. 08, 2017, 2:27 PM), <http://www.arabiahighered.com/index.php/home-news/all-news/138-syria/713-will-syrian-students-be-banned-from-egypt-s-universities-read-more-http-www-al-monitor-compulse-originals-2017-03-egyptian-proposal-banning-enrollment-students-universities-html-ixzz4ajjd5jke> [<https://perma.cc/2X9U-XHVX>].

191. *Id.*

192. Mohamed Moarad, *Itahad Al-Kourah: Mo'amalat La'bi Soriay we-Falastin kamasrien fi al-mousam aljaadid*, AL-YOUM 7 (Aug. 3, 2017).

193. *Id.*

results with the Egyptian government and regime; non-military institutional candidates would not be able to achieve the desired results and efficiently communicate with the military regime of Egypt.

In support of this recommendation, it is noted that in Egyptian contemporary history, the Egyptian army dominated the political, social, and legal lives of Egyptians.<sup>194</sup> During the 1800s, Mohamed Ali Pasha founded modern Egypt.<sup>195</sup> He was Albanian, and an officer in the Ottoman Army.<sup>196</sup> After the French colonization of Egypt ended in 1801, Egyptian jurists formed one of the early *Shura* councils, and elected Mohamed Aly to be the *Amir*. In a massacre known as the 'Massacre of Mamluks' at Cairo Citadel, Ali killed all the senior officers in the Egyptian army who opposed him.<sup>197</sup> He then led a war against the Ottomans to secure Egypt as his own property.<sup>198</sup> The end of this war meant the start of his rule and to his dynasty, and as recognized and legitimate rulers of Egypt.<sup>199</sup> His dynasty ruled Egypt until 1952.

In 1952, the Egyptian military started a military coup against King Farouk, the great-grandson of Mohamed Ali.<sup>200</sup> They declared Egypt a republic.<sup>201</sup> Mohamed Naguib who ruled from 1952 to 1953,<sup>202</sup> Gamal Abdel Nasser (1952-1970),<sup>203</sup> Anwar Al-Sadat (1970-1981),<sup>204</sup> and Mohamed Hosni Mubarak (1981-2011),<sup>205</sup> were all military officers. There have been very few exceptions

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

195. ALI COSKUN TUNCER, SOVEREIGN DEBT AND INTERNATIONAL FINANCIAL CONTROL THE MIDDLE EAST AND THE BALKANS, 1870-1914 30-31 (2015).

196. *Id.*

197. *Id.*

198. *Id.*

199. *Id.*

200. *1952 Military Seizes Power in Egypt*, HISTORY (Apr. 07, 2018), <https://www.history.com/this-day-in-history/military-seizes-power-in-egypt> [<https://perma.cc/ALD7-DWT2>].

201. *Id.*

202. *Mohamed Naguib*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Muhammad-Naguib> (last updated Feb. 14, 2018).

203. Laura M. James, Gamal Abdel Nasser, in MENTAL MAPS IN THE EARLY COLD WAR ERA, 1945-68, 218 (Steven Casey & Jonathan Wright eds., 2011).

204. *Anwar Sadat*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/biography/Anwar-Sadat> [<http://perma.cc/9L52-QNA2>] (last updated Feb. 19, 2018).

205. *Hosni Mubarak*, ENCYCLOPEDIA BRITANNICA (Apr. 26, 2017), <https://www.britannica.com/biography/Hosni-Mubarak> [<https://perma.cc/K4AE-QHE4>].

to the army rule, such as Supreme Court Chief Justice Judge Adli Mansour (2013-2014),<sup>206</sup> and Professor Sofi Abu Talib (1973-1981).<sup>207</sup> The most important exception, however, occurred after the success of the 2011 Revolution.<sup>208</sup> In 2012, Egypt had its first civilian president, Mohammed Morsi, a professor of engineering.<sup>209</sup> His ascension to power lasted for only a year,<sup>210</sup> when the army assumed the ruling authority once again in 2013, after a military coup against President Morsi.<sup>211</sup>

The 2013 military coup resulted in the full military domination over almost every aspect of the government.<sup>212</sup> In terms of the executive authority, the current president of the republic is Field-Marshal Abdel Fattah Al-Sisi.<sup>213</sup> Al-Sisi was the mastermind behind the military coup.<sup>214</sup> He was the Minister of Defense during the presidency of ex-President Mohammed Morsi.<sup>215</sup> Al-Sisi appointed former army generals as governors.<sup>216</sup> As for the legislative authority, the army formed a political coalition with some politicians and former generals called “For the Love of Egypt” during 2015

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206. *List of Presidents of Egypt*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/topic/list-of-presidents-of-Egypt-2067026> [<https://perma.cc/3D6Y-H25W>].

207. Former Acting President of Egypt Dies in Malaysia, Reuters (Feb. 21, 2008), <http://www.reuters.com/article/idINIndia-32078520080221> [<https://perma.cc/S5JS-WK86>].

208. JOSEPH J. KAMINSKI, *THE CONTEMPORARY ISLAMIC GOVERNED STATE A RECONCEPTUALIZATION* 231–33 (2017).

209. *Mohammed Morsi Fast Facts*, CNN (Aug. 25, 2017), <http://edition.cnn.com/2012/12/28/world/meast/mohamed-morsy-fast-facts/index.html> [<https://perma.cc/343C-EZLW>].

210. *Profile: Egypt's Mohammed Morsi*, CNN (Apr. 21, 2015), <http://www.bbc.com/news/world-middle-east-18371427> [<https://perma.cc/5GLL-LLXK>].

211. Richard Spencer, *A MILITARY COUP IN ALL BUT NAME: HOW EGYPT'S CRISIS UNFOLDED*, TELEGRAPH (July 3, 2013), <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/10158641/A-military-coup-in-all-but-name-how-Egypt-s-crisis-unfolded.html> [<https://perma.cc/B2HK-SPRA>].

212. Joana Saba, *The Military and the State: The Role of the Armed Forces in Post-30 June Egypt*, DAILY NEWS EGYPT (Sept. 27, 2014), <https://dailynewsegypt.com/2014/09/27/military-state-role-armed-forces-post-30-june-egypt/> [<https://perma.cc/N6AG-8FC5>].

213. *Id.*

214. See David D. Kipkpatrick, *Army Ousts Egypt's President; Morsi Is Taken Into Military Custody*, N.Y. TIMES (July 3, 2013), <http://www.nytimes.com/2013/07/04/world/middleeast/egypt.html?mcubz=1> [<https://perma.cc/LH8Z-6YJ9>].

215. Kareem Fahim, *In Upheaval for Egypt, Morsi Forces Out Military Chiefs*, N.Y. TIMES (Aug. 12, 2012), <http://www.nytimes.com/2012/08/13/world/middleeast/egyptian-leader-ousts-military-chiefs.html?mcubz=1> [<https://perma.cc/3TNV-5MCS>].

216. See *Egypt Names Six Provincial Governors, Mostly Ex-Generals*, REUTERS (Sept. 7, 2016), <http://www.reuters.com/article/us-egypt-governors/egypt-names-six-provincial-governors-mostly-ex-generals-idUSKCN11D285> [<http://perma.cc/6QLR-WTXK>]; Sarah El-Sheikh, *Government Reshuffle Features Al-Sisi Appointments with Military Backgrounds*, DAILY NEWS EGYPT (Dec. 26, 2015), <https://dailynewsegypt.com/2015/12/26/government-reshuffle-features-al-sisi-appointments-with-military-backgrounds/> [<http://perma.cc/A27L-VEWH>].

Parliament elections.<sup>217</sup> This coalition was made up of 380 members.<sup>218</sup> They were able to secure the majority in the Parliament.<sup>219</sup> Currently, 71 military generals are members in the 2015 parliament out of 445 members.<sup>220</sup>

As for the judiciary, the military judiciary plays a vital role in the military authoritarian regime in Egypt.<sup>221</sup> The military judiciary's representatives have been members of all the constitutional assemblies since January 2011.<sup>222</sup> They advocate for a special status for the military judiciary in all constitutions.<sup>223</sup> This is based on two reasons. First, the army advocates for exclusive jurisdiction of the military judiciary over any issues related to the army.<sup>224</sup> One aim of this exclusive jurisdiction is to protect army investments.<sup>225</sup> The army owns farms, gas stations, factories, and outlet stores.<sup>226</sup> It offers services to the public at a fair market price, without being subjected to the tax law.<sup>227</sup> The 2014 Constitution reflects these objectives in Article 204.<sup>228</sup>

217. See Ahmed Fouad, Did Egyptian Intelligence Meddle in Recent Elections?, AL-Monitor (Jan. 22, 2016), <http://www.al-monitor.com/pulse/originals/2016/01/egypt-parliament-accusation-interference-intelligence.html> [http://perma.cc/B3E7-M3CP].

218. Omar Halawa, Meet Egypt's New Parliamentary Majority Bloc: In Support of Egypt, Atlantic Council (Jan. 11, 2016), <http://www.atlanticcouncil.org/blogs/menasource/meet-egypt-s-new-parliamentary-majority-bloc-in-support-of-egypt> [http://perma.cc/EC4M-EA3J].

219. *Id.*

220. *Belasma' ... ta'araf 'al 71 lawa jaysh we-mokhabarat fi albarlaman al-'skari, nafazat Parlamen*, EGYPT WINDOW (Dec. 5, 2015), [http://old.egyptwindow.net/news\\_Details.aspx?News\\_ID=90772](http://old.egyptwindow.net/news_Details.aspx?News_ID=90772) [http://perma.cc/Z5QJ-MAE3].

221. See David Risley, EGYPT'S JUDICIARY: OBSTRUCTING OR ASSISTING REFORM? MIDDLE EAST INST. 2-3 (Jan. 2016), [http://www.mei.edu/sites/default/files/publications/risley\\_egyptjudiciary.pdf](http://www.mei.edu/sites/default/files/publications/risley_egyptjudiciary.pdf) [https://perma.cc/9QPP-8MHW].

222. *Id.*

223. See Stephan Roll, *Managing Change: How Egypt's Military Leadership Shaped the Transformation*, 21 MEDITERRANEAN POL. 23, 32 (2016).

224. *Id.* at 23-26.

225. *See id.*

226. See Shana Marshall, *The Egyptian Armed Forces and the Remaking of an Economic Empire*, CARNEGIE MIDDLE E. CTR (Apr. 15, 2015), <http://carnegie-mec.org/2015/04/15/egyptian-armed-forces-and-remaking-of-economic-empire-pub-59726> [https://perma.cc/FZ3D-D4ZF].

227. See Abigail Hauslohner, *Egypt's Military Inc. Expands its Control of the Economy*, THE GUARDIAN (Mar. 18, 2014), <https://www.theguardian.com/world/2014/mar/18/egypt-military-economy-power-elections> [https://perma.cc/54E5-A24D].

228. Article 204(1) of the Constitution of the Arab Republic of Egypt states:

The Military Judiciary is an independent judiciary that adjudicates exclusively in all crimes related to the armed forces, its officers, personnel, and their equals,

Second, the 2014 Constitution prohibits trials of civilians before military courts.<sup>229</sup> However, the Constitution allows for a very broad exception to this rule.<sup>230</sup> The list includes: assault against military facilities, military barracks, or any establishments that falls under military authority.<sup>231</sup> Army General Medhat Radwan, head of the Military Judiciary Authority, was asked during a television interview whether the army's facilities, such as the armed forces' clubs, military-run factory outlets, and gas stations are open to the public.<sup>232</sup> He asserted that there is no difference between a military facility for civilians and a military facility for the army. Both are military places. He replied, "There is no difference between the soldier in these facilities, and the soldier sitting on a tank; it is not his fault that he serves in this place."<sup>233</sup> The interviewer responded with ". . . but this is a civilian activity,"<sup>234</sup> to which he replied: "sorry madam, it is not."<sup>235</sup>

## 2. *The Military Nature of the Negotiation Team with the Egyptian Regime*

There are four examples of politicians who could deal with sensitive issues in the Middle East. Three of these examples should be avoided in order to achieve a positive result with the Egyptian regime.

The first type to be avoided involves politicians from the Middle East with no experience other than their relationship with the political regime. For example, Crown Prince Mohamed Ibn Salman led an Islamic Military Alliance to fight terrorism in the Middle East.<sup>236</sup> However, the Alliance

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and in the crimes committed by general intelligence personnel during and because of the service.

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

229. *Id.* art. 204(2) ("No civilian shall face trial before the Military Court.").

230. *Id.* art. 204(3).

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

*Id.* art. 204(3).

231. *Id.*

232. *Mohahkamat alskarayah elie Yatkhanak ma-a'mal albanzenat al-watanyah weli-mish A'gboh yeseab al-balad*, YOUTUBE (Dec. 2, 2013), <https://www.youtube.com/watch?v=gp2HRVVC0QA>.

233. *Id.*

234. *Id.*

235. *Id.*

236. Simeon Kerr, *Saudi crown prince pledges to rid world of Islamist terror*, FIN. TIMES, (Nov. 26, 2017), <https://www.ft.com/content/0f61de82-d2c7-11e7-a303-9060cb1e5f44>.

failed to achieve any progress in Yemen.<sup>237</sup> On the one hand, the terrorist groups in Iraq base their argument on the injustice inflicted on them.<sup>238</sup> They interpret the Quran to serve their terrorist agenda.<sup>239</sup> This interpretation has helped ISIS recruit Muslims to join its war in Iraq.<sup>240</sup> On the other hand, the idea of the Alliance is to form a legitimate Islamic body to fight the aggressors among the Muslims.<sup>241</sup> The war against ISIS was supposed to be handled by an Islamic body, such as the Arab League, or the Organization of Islamic Cooperation. If this had been the case, a disagreement on the war between Islamic and non-Islamic parties could have been avoided. Mohammed Ibn Salman, as the Minister of Defense and the official responsible for the Alliance, has turned the forces into war criminals.<sup>242</sup> The UN is currently investigating war crimes committed by the Saudi forces in Yemen.<sup>243</sup> The forces ended up participating in the civil war in Yemen,<sup>244</sup> rather than being an Islamic coalition fighting the Muslim aggressors.<sup>245</sup> Hence, assigning

237. Colum Lynch, *Confidential UN Report Suggests Saudi- Led Coalition Failing in Yemen*, FOREIGN POL'Y, (Aug. 15, 2017), <http://foreignpolicy.com/2017/08/18/confidential-un-report-suggests-saudi-led-coalition-failing-in-yemen/> [https://perma.cc/4Y6M-9VCK].

238. Fred Strasser, *Iraq Research: Sense of Injustice is Key to Violent Extremism*, U.S. INST. PEACE (Jan. 13, 2016), <https://www.usip.org/publications/2016/01/iraq-research-sense-injustice-key-violent-extremism> [https://perma.cc/EN6W-LY48].

239. The Quran states: "Permission to fight is given to those who were duly wronged, and Allah (God) indeed will eventually grant them victory." QUR'AN, *Surat Haj*, 22:39.

240. See generally David Choi, *Leaked ISIS Documents: The majority of Recruits Knew Nothing About Islam*, BUSINESS INSIDER (Aug. 15, 2016), <http://uk.businessinsider.com/isis-recruits-dont-know-islam-2016-8?r=US&IR=T> [https://perma.cc/6QK2-MDLU].

241. Ed Payne & Salma Abdelaziz, *Muslim Nations Form Coalition to Fight Terror, Call Islamic Extremism 'Disease'*, CNN (Dec. 22, 2015), <http://edition.cnn.com/2015/12/14/middleeast/islamic-coalition-isis-saudi-arabia/index.html> [https://perma.cc/LBU3-9P8V].

242. Stephanie Nebehay, *Yemen: UN Agrees to Investigate Alleged War Crimes Amid Conflict Between Saudi Arabia-Led Coalition and Rebels*, INDEPENDENT (Sept. 29, 2017), <http://www.independent.co.uk/news/world/middle-east/yemen-saudi-arabia-war-crimes-un-investigation-houthi-rebels-latest-a7974541.html> [https://perma.cc/FZ2P-89H5]. Although not expressly named in the article, "Saudi Arabia has said it follows international law when it comes to its airstrikes on Yemen," implying the government, led by Mohammed Ibn Salman as Minister of Defense feels its actions are justified. *Id.*

243. *Id.*

244. Dan De Luce & Paul Mcleary, *Pentagon Weighs More Support for Saudi-led War in Yemen*, FOREIGN POL'Y (Mar. 26, 2017), <http://foreignpolicy.com/2017/03/26/pentagon-weighs-more-support-for-saudi-led-war-in-yemen/> [https://perma.cc/CG4C-EUWR].

245. The Quran states: "And if two factions among the believers should fight, then make settlement between them. But if one of them oppresses the other, then fight against the oppressor they return to the ordinance of Allah. If the oppressor maintains aggression, then settle their disputes in justice, and be fair." QUR'AN, *Surat Al-Haj* 49:9.



the negotiation process to Ibn Salman will not likely yield any positive results.

The second type of politician who to be avoided are foreign politicians with no experience of the Middle East other than their relationship with the political regime. The most prominent figure and example of this type of politician is Jared Kushner, U.S. White House senior adviser.<sup>246</sup> He was assigned to work on the peacemaking process between Israel and Palestine.<sup>247</sup> However, Kushner does not have any experience regarding the importance and urgency of the assignment he is handling.<sup>248</sup> Not only that, he also has no governmental experience. This is a clear indication that the Trump administration is not planning to achieve any new progress in the Israeli-Palestinian conflict.<sup>249</sup> There is no doubt that the Trump administration has unlimited support to Israel over the Palestinian.<sup>250</sup> But choosing Kushner is in line with the Trump administration's policy, which is choosing someone with no experience to achieve no results. Therefore, it should be mandatory to have an experienced and well-informed politician to be part of this process.

The third type of politician to be avoided are foreign civilian politicians. Civilian politicians are not equipped to achieve any progress with the Egyptian regime, due to the nature of the regime.<sup>251</sup> Generals of the Egyptian army will not take civilian politicians seriously. They will see the project as an opportunity to take advantage of the economic gain without a minimum commitment to the relocation. In 2016, Al-Sisi went to Japan.<sup>252</sup> The Japanese government offered to build several schools implementing the Japanese method of education in Egypt.<sup>253</sup> The Japanese government requested that

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246. Jamie Gorelick, *Letter to the Editor, Jared Kushner's Appointment is Legal*, N.Y. TIMES (Jan. 18, 2017), <https://www.nytimes.com/2017/01/18/opinion/jared-kushners-appointments-legal.html> [<https://perma.cc/Q3J6-K5T7>].

247. Raf Sanchez, *No One Knows What Jared Kushner's Israeli-Palestinian Peacemaking Effort is Trying to Achieve*, TELEGRAPH (Aug. 25, 2017), <http://www.telegraph.co.uk/news/2017/08/25/no-one-knows-jared-kushners-israeli-palestinian-peacemaking/> [<https://perma.cc/GN5X-P4BG>].

248. *Jared Kushner: The Son-in-Law with Donald Trump's Ear*, CNN (June 2, 2017), <http://www.bbc.com/news/world-us-canada-37986429> [<https://perma.cc/VG39-ASFF>].

249. Press Release, White House, Remarks by Vice President Mike Pence and Prime Minister Benjamin Netanyahu of Israel, WHITE HOUSE, (Jan. 22, 2018), <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-mike-pence-prime-minister-benjamin-netanyahu-israel-joint-press-statements/>.

250. *Id.*

251. *See supra* Part III.C.1.

252. Julian Ryall, Development, *Security Issues to Dominate El-Sisi's Japan Trip*, DW (Feb. 26, 2016), <http://www.dw.com/en/development-security-issues-to-dominate-el-sisis-japan-trip/a-19075297> [<https://perma.cc/67DF-Y9H7>].

253. *Egypt Signs Cooperation Agreement With Japanese Agency to Build Schools, Develop Technical Training*, EGYPTIAN STREETS (Oct. 10, 2016), <https://egyptianstreets.com/2016/10/10/egypt-signs-cooperation-agreement-with-japanese-agency-to-build-schools-develop-technical-training/> [<https://perma.cc/XF28-5XPQ>].

the tuition fees be affordable, so that the schools would be accessible to the poor, as well as the majority of people in Egypt.<sup>254</sup> In 2017, the Japanese fulfilled their part of the deal.<sup>255</sup> They have built several schools in several Egyptian Governorates.<sup>256</sup> The Egyptian government, however, raised tuition fees without the consent of the Japanese government, and without honoring the pact between the two governments.<sup>257</sup> In October 2017, the Japanese government became aware of the increased tuition rates. It responded with an official objection refuting the Egyptian government's unilateral decision.<sup>258</sup> In response to the Japanese protestation, the Egyptian government suspended the project altogether, even though the schools have been built and are ready to operate.<sup>259</sup> During the same month, Al-Sisi paid an official visit to France.<sup>260</sup> He was asked about the status of human rights in Egypt during a presidential press conference.<sup>261</sup> Al-Sisi did not feel any shame in asserting that Egypt lacks good education,<sup>262</sup> notwithstanding the fact that he has recently suspended the Japanese school project.<sup>263</sup> To avoid a recurrence of the Japanese experience with the Egyptian government, there should be tools

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254. Daina Abdel Khaliq, *Ba'ad Tajeal al-Darasah fiah . . . Al-Qasah Kamalah Lemadares Al-Yabanyah fi-Misir* [The Full Story of the Japanese Schools in Egypt], EL-WATANNEWS (Oct. 19, 2017), <https://www.elwatannews.com/news/details/2631474> [<https://perma.cc/FAW6-R43R>].

255. *Japanese Schools in Egypt Postponed 10 Days*, EGYPT TODAY STAFF (Aug. 28, 2017), <https://www.egypttoday.com/Article/1/19845/Japanese-schools-in-Egypt-postponed-10-days> [<https://perma.cc/S9CW-R9WL>].

256. *Id.*

257. Sameh Gad, *Has the Japanese School Project Failed in Egypt?*, AL-AIN (Oct. 20, 2017), <https://al-ain.com/article/schools-japanese-egypt-education> [<https://perma.cc/LMC9-SQVU>].

258. Amira, *Tokyo Rejects the Education Proposal to Determine the Expenses of Japanese Schools and Ask for Reduction*, EL WATAN NEWS (Oct. 8, 2017), <http://www.elwatannews.com/news/details/2591031> [<https://perma.cc/R8VG-ZG3T>].

259. *Id.*

260. *France to Discuss Possible New Rafale Sale with Egypt's al-Sisi: Le maire*, REUTERS (Oct. 24, 2017), <https://www.reuters.com/article/us-france-egypt/france-to-discuss-possible-new-rafale-sale-with-egypts-al-sisi-le-maire-idUSKBN1CT0R1> [<https://perma.cc/LJ2C-QLQR>].

261. Monique El-Faizy, *Egypt's Human Rights Record Casts a Shadow on Sisi's Visit to France*, FRANCE 24 (Oct. 23, 2017), <http://www.france24.com/en/20171023-criticisms-egypt-human-rights-record-cast-shadow-sisi-visit-france> [<https://perma.cc/SBQ6-LADJ>].

262. France 24 English, *Replay – Watch Emmanuel Macron's and Egypt's President Abdel Fatah al-Sisi's Joint Conference*, Youtube (Oct. 24, 2017), <https://www.youtube.com/watch?v=iS6vqNJWcxk>.

263. *Id.*

in place to force the Egyptian military regime to honor bilateral obligations and commitments.

The fourth and final type of politician involves politicians with a military background. Rather than being avoided, these politicians are the best choice for leading the negotiation process with the Egyptian military regime. An example of this type of politician is Senator John McCain. McCain is from the Republican Party, which is the majority party in the 2017 U.S. Congress.<sup>264</sup> As a politician, he serves as the Chairman of the Senate Committee on Armed Services, is a Member and former Chairman of the Senate Committee on Indian Affairs as well as a Member of the Senate Committee on Homeland Security and Governmental Affairs.<sup>265</sup> These committees are the primary committees that provide the Egyptian Army with its annual military aid.<sup>266</sup> McCain has ample experience with the Egyptian military regime. He was among the first politicians to correctly describe Al-Sisi's action against the legitimate president Mohamed Morsi as a 'military coup'.<sup>267</sup> McCain has indubitable military experience and education. He has served in several wars, such as the Vietnam War.<sup>268</sup> His qualifications and experience surely equip him with the right tools to negotiate an agreement with the Egyptian military regime. Hence, appointing someone with the same qualifications enhances the chances of getting the relocation process on solid ground with Egypt's military regime.

#### *D. Economic Aspect: Combination of Aids, Loans and Investments*

The economic aspect of the relocation project analysis addresses project financing. There are three parties to the relocation project, the Western countries, Egypt, and the refugees. The economic success of the relocation project is based on achieving the maximum benefit to all parties. This section presents the economic benefits to all party countries and provides a recommendation as to which country should carry the burden.

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264. *Committee Assignments*, JOHN MCCAIN U.S. SENATOR ARIZONA, <https://www.mccain.senate.gov/public/index.cfm/committee-assignments> [<https://perma.cc/8CAN-PC9S>] (last visited Feb. 5, 2018).

265. *Id.*

266. Amy Hawthorne, *Congress and the Reluctance to Stop US Aid to Egypt*, ATLANTIC COUNCIL (Jan. 14, 2014), <http://www.atlanticcouncil.org/blogs/menasource/congress-and-the-reluctance-to-stop-us-aid-to-egypt> [<https://perma.cc/66HD-ZSSQ>].

267. Martin Chulov, *Egypt's Ousting of Mohamed Morsi was a Coup, says John McCain*, THE GUARDIAN (Aug. 6, 2013), <https://www.theguardian.com/world/2013/aug/06/john-mccain-egypt-mohamed-morsi-coup> [<http://perma.cc/U6XT-KTL6>].

268. Sean Wilentz, *John McCain: United States Senator*, ENCYCLOPEDIA BRITANNICA (Feb. 5, 2018), <https://www.britannica.com/biography/John-McCain> [<http://perma.cc/TX8B-2ZZB>].

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

The relocation proposal does not require any extra allocation of resources. Rather, it would encourage Western countries to reallocate their national spending on refugees. This reallocation is based on dedicating 20% of national spending to a relocation project fund. The reallocation will help Western governments achieve two economic benefits.

The first benefit is decreasing the number of refugees. Western countries that wish to decrease the number of refugees trickling into their countries should allocate a portion of their funds to refugees relocated to Egypt. The target number of relocated Syrians depends on how much Western countries are willing to invest in the project. If these countries invest 20% of their annual national fund on refugees, the project shall target to relocate at least 21% of their refugees. If Germany invests 20% of its annual fund to relocate Syrians to Egypt, this will help Germany decrease the number of refugees by at least 21%.<sup>269</sup> As a result, the number of refugees who accept relocation to Egypt must increase each year in relation to the previous year.

The second benefit is investing part of the “wasted” portion of their national spending. Western countries will invest 20% of their already dedicated amount of spending on refugees. In 2015, the value of the 20% of the annual spending by Western countries on refugees is \$25 billion (excluding the EU spending).<sup>270</sup> This portion will be transferred from the national fund towards the investment, establishment and operation of the project. Spending on the relocation project will turn refugees into economic immigrants. The following table shows the number of refugees in 24 Western countries in the period from 2015 to 2016. It also shows their annual spending in million USD. Table (4) indicates the total number of refugees in 2015 to be 1,683,099.<sup>271</sup> The annual national spending on refugees in these countries

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269. Germany plans to spend 93.6 billion euros on Refugees by the end of 2020, *see German Government Plans to Spend 93.6 billion euros on Refugees by end 2020*: Spiegel, REUTERS (May 14, 2016), <https://www.reuters.com/article/us-europe-migrants-germany-costs/german-government-plans-to-spend-93-6-billion-euros-on-refugees-by-end-2020-spiegel-idUSKCN0Y50DY> [<https://perma.cc/S6XQ-3HZG>].

270. This is a summation of the Table (4) with a 20% calculation. *See infra* note 274.

271. UNHCR *Statistical Yearbook 2015*, UNHCR, <http://www.unhcr.org/statistics/country/59b294387/unhcr-statistical-yearbook-2015-15th-edition.html> [<http://perma.cc/3RS2-CUHQ>].

was around \$125 billion during the same year.<sup>272</sup> In 2016, the number of refugees increased to 2,350,878, an approximately 40% increase compared with the previous year.<sup>273</sup> This means that the budget for refugees should have increased at the same amount.

FIGURE 4

TABLE SHOWING NUMBER OF REFUGEES IN WESTERN COUNTRIES DURING 2015 AND 2016 AS WELL AS THEIR AVERAGE SPENDING ON REFUGEES IN 2015<sup>274</sup>

COUNTRY	REFUGEES IN 2015	REFUGEES IN 2016	ANNUAL SPENDING 2015
EU	-	-	€4.5 billion with €2 billion extra increase in 2016 <sup>275</sup>
Austria	72,216	93,183	\$1,207 million
Belgium	35,314	42,128	\$1,894 million
Canada	135,888	97,311	\$4,287 million
Czech Republic	3,644	3,580	\$202 million
Denmark	27,326	33,346	\$2,566 million
Finland	12,703	18,302	\$1,292 million
France	273,126	304,507	\$9,226 million
Germany	316,115	669,408	\$17,779 million
Greece	13,008	46,381	\$282 million

272. *Developing aid rises again in 2015, spending on Refugees doubles*, OECD (Apr. 13, 2016), <http://www.oecd.org/dac/stats/ODA-2015-complete-data-tables.pdf> [<http://perma.cc/LTB3-NA23>].

273. *Refugee Population by Country or Territory of Asylum*, THE WORLD BANK DATA (2016), <https://data.worldbank.org/indicator/SM.POP.REFG?locations=DE-CA> [<https://perma.cc/X75K-42BJ>].

274. The following figure was compiled based on information derived from four difference sources based on data from sources, accessed on April 13, 2016. See *UNHCR Statistical Yearbook 2015*, UNHCR, <http://www.unhcr.org/statistics/country/59b294387/unhcr-statistical-yearbook-2015-15th-edition.html> [<http://perma.cc/3RS2-CUHQ>]; *Developing aid rises again in 2015, spending on Refugees doubles*, *supra* note 272; *Refugee Population by Country or Territory of Asylum*, *supra* note 273; *Migration Policy Debates*, OECD (Jan. 13, 2017), <https://www.oecd.org/els/mig/migration-policy-debates-13.pdf> [<https://perma.cc/TKM9-7PHJ>]. **Editor's Note:** Express permission for use of data given to the Journal by OECD. OECD (2015), (*Developing aid rises again in 2015, spending on Refugees doubles*), OECD Publishing, Paris, <http://www.oecd.org/dac/stats/ODA-2015-complete-data-tables.pdf>; OECD (2017), (*Migration Policy Debates*), OECD Publishing, Paris, <https://www.oecd.org/els/mig/migration-policy-debates-13.pdf>.

275. *Migration Policy Debates*, *supra* note 274.

Latvia	208	325	No data
Italy	118,047	147,302	\$3,844 million
Liechtenstein	150	156	No data
Lithuania	1,093	1,064	No data
Luxembourg	1,332	1,995	\$361 million
Netherlands	88,536	101,702	\$5,813 million
Norway	50,389	59,452	\$4,278 million
Poland	14,065	11,703	\$442 million
Portugal	853	1,129	\$306 million
Slovenia	292	439	\$62 million
Spain	6,457	12,943	\$1,604 million
Sweden	169,520	230,103	\$7,092 million
Switzerland	73,336	82,608	\$3,538 million
United Kingdom	123,067	118,913	\$18,700 million
United States	273,302	272,898	\$31,076 million

## 2. *Economic Benefits to Egypt and Syrian Refugees*

### a. *Aids: Undercover Bribery to the Egyptian Government*

The first expenditure of the project is in aiding the Egyptian government. The targeted amount to encourage the Egyptian regime to adopt the relocation solution is \$3 to \$5 billion annually from a total of \$25 billion dedicated to the project. According to Graph (6), Egypt receives average of \$2.5 billion annually from several sources.<sup>276</sup> The major annual amount of the aid comes

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276. *Net Official Development Assistance and Official Aid Received*, THE WORLD BANK, <https://data.worldbank.org/indicator/DT.ODA.ALLD.CD?locations=EG> [http://perma.cc/48GA-E8HT] (last visited Feb. 9, 2018).

from the US at \$1.5 billion.<sup>277</sup> The rest of the aid amount comes from several other donors, like the EU,<sup>278</sup> Saudi Arabia,<sup>279</sup> and the United Arab Emirates.<sup>280</sup>

The amount of financial aid to the Egyptian government has been raised twice to reach \$5 billion in the years 1990 and 2013.<sup>281</sup> The first time was to encourage the Egyptian regime to join the Gulf War. In 1990, Iraq invaded Kuwait.<sup>282</sup> In 1991, the Gulf War Coalition, which included 34 countries, formed to free Kuwait from the Iraqi forces.<sup>283</sup> To urge the Egyptian regime – during Mubarak’s era – to act positively, both Western and Arab countries provided the Egyptian government extra aid to join the Coalition, as shown in the graph. The second spike correlates with encouragement of the Military regime to overthrow Mohamed Morsi. In 2013, Arab countries, especially Saudi Arabia, were antagonistic and hostile to the Muslim Brotherhood.<sup>284</sup> They financed the 2013 military coup in Egypt, against the legitimate ex-President Morsi.<sup>285</sup> They believed that the military regime in Egypt, rather than the Muslim Brotherhood, would better suit their interests in Egypt.<sup>286</sup> They offered Egypt plenty of aid, both in cash and oil-industry

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277. Brad Plumer, *The US gives Egypt \$ 1.5 billion a year in aid: here 's what it does*, WASH. POST: WONKBLOG (July 9, 2013), [https://www.washingtonpost.com/news/wonk/wp/2013/07/09/the-u-s-gives-egypt-1-5-billion-a-year-in-aid-heres-what-it-does/?utm\\_term=.ece8377b2806](https://www.washingtonpost.com/news/wonk/wp/2013/07/09/the-u-s-gives-egypt-1-5-billion-a-year-in-aid-heres-what-it-does/?utm_term=.ece8377b2806) [<http://perma.cc/QZ97-N3HY>].

278. *Egypt and the EU*, EUROPEAN EXTERNAL ACTION SERV. (May 11, 2016, 4:38 PM), [https://eeas.europa.eu/delegations/egypt\\_en/1156/Egypt%20and%20the%20EU](https://eeas.europa.eu/delegations/egypt_en/1156/Egypt%20and%20the%20EU) [<http://perma.cc/JZ95-E882>].

279. Declan Walsh, *Despite Public Outcry, Egypt to Transfer Islands to Saudi Arabia*, N.Y. TIMES (June 14, 2017), <https://www.nytimes.com/2017/06/14/world/middleeast/egypt-saudi-arabia-islands-sisi.html> [<http://perma.cc/V2Z5-UGE9>]; Ken Karuri, *Egypt Secures \$2bn Saudi Aid- Minister*, AFRICA NEWS (Aug. 18, 2016), <http://www.africanews.com/2016/08/18/egypt-secures-2bn-saudi-aid-minister/> [<http://perma.cc/7LS4-EBED>].

280. Maha El Dahan & Stanley Carvalho, *UAE to Continue Aid to Egypt, Sees More Stability After Sisi Win*, REUTERS (May 31, 2014), <http://www.reuters.com/article/us-emirates-egypt-support/uae-to-continue-aid-to-egypt-sees-more-stability-after-sisi-win-idUSKBN0EB0GH20140531> [<https://perma.cc/FK9B-2DWX>]; *Egypt got \$23 billion in aid from Gulf in 18 Months: Minister*, REUTERS (Mar. 2, 2015), <https://uk.reuters.com/article/uk-egypt-investment-gulf/egypt-got-23-billion-in-aid-from-gulf-in-18-months-minister-idUKKBNOLY0UT20150302> [<https://perma.cc/N2EZ-RDZB>].

281. Ved P. Nanda, *The Iraqi Invasion of Kuwait: The U.N. Response*, 15 S. ILL. U. L.J. 431, 431–32 (1991).

282. *Id.* at 431.

283. *Id.*

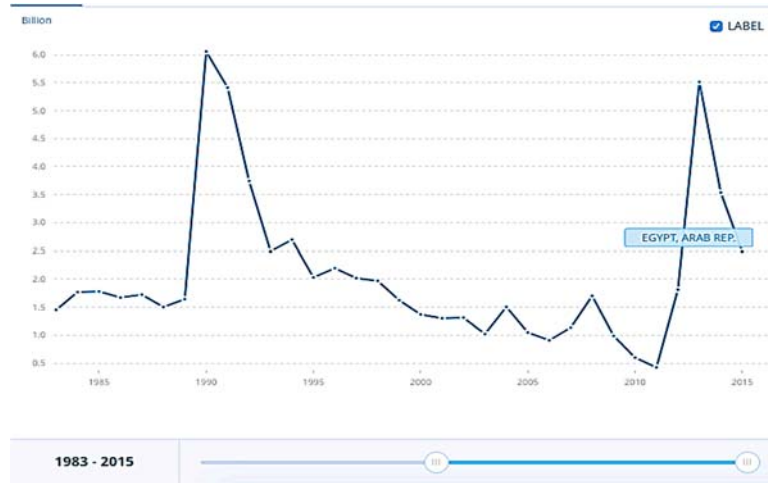
284. Rod Nordland, *Saudi Arabia Promises to Aid Egypt’s Regime*, N.Y. TIMES (Aug. 19, 2013), <http://www.nytimes.com/2013/08/20/world/middleeast/saudi-arabia-vows-to-back-egypts-rulers.html?mcubz=1> [<https://perma.cc/4977-P7EQ>].

285. David Hearst, *Why Saudi Arabia is Taking a Risk by Backing the Egyptian Coup*, THE GUARDIAN (Aug. 20, 2013), <https://www.theguardian.com/commentisfree/2013/aug/20/saudi-arabia-coup-egypt> [<https://perma.cc/5HVG-K792>].

286. See Nordland, *supra* note 284.

commodities.<sup>287</sup> Their policy makers believed that this was the way to buy the Egyptian regime's loyalty.<sup>288</sup>

FIGURE 5

THE AMOUNT OF FOREIGN AID TO EGYPT (1983 TO 2015)<sup>289</sup>

287. *Saudi Arabia Approves \$5 Billion aid package to Egypt*, ALARABIYA ENGLISH (July 9, 2013), <http://english.alarabiya.net/en/business/economy/2013/07/09/Saudi-Arabia-approves-5-billion-aid-package-to-Egypt.html> [<https://perma.cc/5VQK-M6SQ>].

288. Saudi Arabia immediately stopped all kinds of aid to Egypt once it realized that the Egyptian regime would not follow and abide by its regional policies. See Lin Noueihed & Asma AlSharif, *Fuel Aid Halt Suggests Deeper Saudi Egyptian Rift*, REUTERS (Oct. 12, 2016), <http://www.reuters.com/article/us-egypt-saudi-analysis/fuel-aid-halt-suggests-deeper-saudi-egyptian-rift-idUSKBN12E1N8> [<https://perma.cc/Q8ND-ZA7B>]; see also *Saudi Arabia halts \$23bn Oil Aid Deal to Egypt Indefinitely*, MIDDLE EAST (Nov. 7, 2016), <http://www.middleeasteye.net/news/egypt-strike-new-oil-deals-iran-report-124526470> [<https://perma.cc/833E-S2B3>].

289. *Net Official Development Assistance and Official Aid Received*, THE WORLD BANK, <https://data.worldbank.org/indicator/DT.ODA.ALLD.CD?locations=EG> [<http://perma.cc/48GA-E8HT>] (last visited Feb. 9, 2018). **Editor's Note:** permission to utilize data from the source is provided. This data/graph is under Creative Commons Attribution 4.0, or also referred to as CC-BY 4.0, of the World Bank. See *Data Access And Licensing*, THE WORLD BANK, <https://datacatalog.worldbank.org/public-licenses#cc-by> [<https://perma.cc/3RUW-AFDT>] (last visited Apr. 3, 2018).



The main economic benefit to the Egyptian regime comes from aid. Aid aims to encourage the Egyptian regime to host Syrians and agree to their relocation to Egypt as economic immigrants.<sup>290</sup> The Egyptian military will not accept the relocation proposal, unless it comes with direct financial benefit. Even though this project is based on Islamic principles,<sup>291</sup> which is the main source of legislation in Egypt,<sup>292</sup> the military regime in Egypt would not consider that as a sufficient reason to adopt the relocation project. Hence, financial aid to the Egyptian government is the only way to ensure the adoption to this solution.

Moreover, both forms of aid, from the Western countries and the Project, should be unified in order to force the Egyptian regime to accept the relocation solution. Currently, Egypt gets approximately half its aid amount from Western and Arab countries.<sup>293</sup> Even though Western countries are not under the same moral obligation as Arab countries,<sup>294</sup> they take more Syrians than some Arab countries, such as Saudi Arabia, the United Arab Emirates, Kuwait, Qatar, Oman, and Bahrain.<sup>295</sup> Hence, unorganized aid from Western and Arab countries shall be unified with the Project aid to reach the required level.

*b. Loans for Infrastructure Only: No Military Investment*

The second, and major, expenditure of the Project is in infrastructure loans and investments. Egypt has already received more than a few loans from a number of sources, such as the World Bank and the IMF, worth about \$20 billion during 2016 alone.<sup>296</sup> Western countries and financial institutions should offer Egypt loans on two conditions. Firstly, that the Egyptian government accepts and takes all the necessary measures to relocate Syrians to Egypt. Secondly, that the loans are directly invested in infrastructure projects, and not in military equipment. In return, Egypt will receive competitive interest rates, and have previous loan settlements rescheduled.

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290. Same as 1990 and 2013. The Egyptian Military regime did not act positively until Western and Arab countries supported the country with several billion dollars. See Nebehay, *supra* note 242.

291. *See supra* Part II.

292. CONSTITUTION OF THE ARAB REPUBLIC OF EGYPT Jan. 18, 2014, art. 2.

293. Jared Malsin, *Why Some Arab States Refuse to Accept Syrian Refugees*, TIME (Sept. 8, 2015), <http://time.com/4025187/arab-states-syrian-refugees/> [<https://perma.cc/ED2T-QM3Q>]; *see also Saudi Arabia defends Aid Effort Towards Syria After Criticism on Refugees*, REUTERS (Sept. 11, 2015), <https://www.reuters.com/article/us-europe-migrants-saudi/saudi-arabia-defends-aid-effort-towards-syria-after-criticism-on-refugees-idUSKCN0RB2F320150911> [<https://perma.cc/2GDF-BXWU>].

294. *Id.*

295. *Id.*

296. Egypt Total External Debt, TRADING ECONOMICS (1997-2018), <https://tradingeconomics.com/egypt/external-debt> [<https://perma.cc/9DET-N9LK>].

Moreover, the project shall invest in infrastructure only. These investments will repair and contribute to the dilapidated infrastructure in Egypt.<sup>297</sup> These loans, however, have to be limited to investment in infrastructure projects only, unless the Western countries are willing to have both Egyptians and Syrians flee to Europe. The failure to repair infrastructure in Egypt will result in the social and economic failure of the project. The increase of Syrian refugees to another million or two will place a great burden on the infrastructure of Egypt. Hence, there is an urgency to increase the scope and intensity of infrastructure projects.

The loans are restricted to infrastructure. Military or security loans to Egypt will be banned. The military regime in Egypt lacks the competencies to invest in any line of business except the army and military operations.<sup>298</sup> If the loans are handed to the military regime to invest in infrastructure without any direct supervision, the loans will be spent on military operations.<sup>299</sup> In 2016, Egypt received loans from Western donors to the tune of \$19.5 billion as shown in Graph (7).<sup>300</sup> The current Egyptian debt jumped to more than \$73 billion. This increase in debt was invested mainly to buy weapons from

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297. Amira Mikhail, *Corruption in Construction: Egypt's Failing Infrastructure*, ATLANTIC COUNCIL (Apr. 19, 2014), <http://www.atlanticcouncil.org/blogs/menasource/corruption-in-construction-egypt-s-failing-infrastructure> [https://perma.cc/7QUT-6N6T]; see Ruth Michaelson, *Egypt's Economy is in Crisis. So Why is the Government Spending Millions on a Fancy New Space Agency*, NEWS WEEK (Feb. 28, 2017), <http://www.newsweek.com/2017/03/10/egypts-economy-crisis-government-spending-millions-new-space-agency-561743.html> [https://perma.cc/X6FD-NCG3].

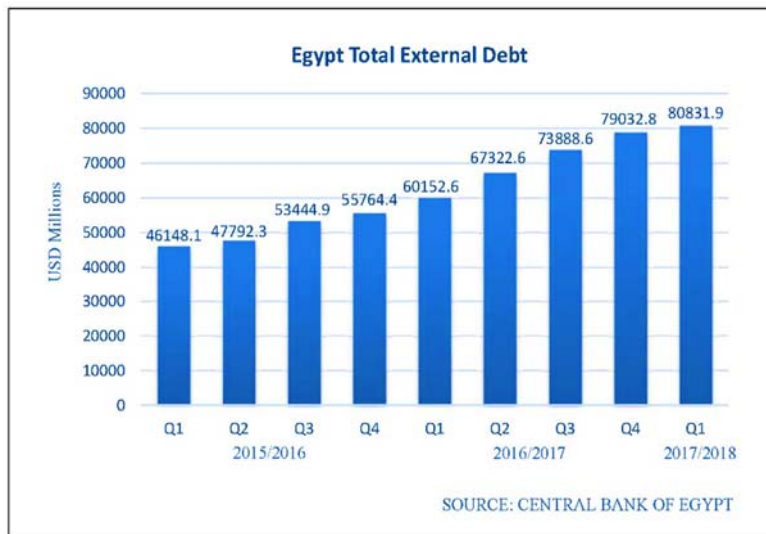
298. See Shana Marshall, *The Egyptian Armed Forces and the Remaking of an Economic Empire*, CARNEGIE MIDDLE EAST CENTER (Apr. 2015), [http://carnegieendowment.org/files/egyptian\\_armed\\_forces.pdf](http://carnegieendowment.org/files/egyptian_armed_forces.pdf) [https://perma.cc/Y93D-X9KS]; see also Margaret Suter, *Why is Egypt's Sisi Buying Arms From Kim Jong Un?*, Newsweek (Sept. 19, 2017), <http://www.newsweek.com/why-egypts-sisi-buying-arms-kim-jong-un-667587> [https://perma.cc/7AZF-ASTS].

299. *Id.*

300. Hossam Mounir, *Egypt's Foreign Debt Jumps by \$19.5bn 2016*, DAILY NEWS EGYPT (Apr. 2, 2017), <https://dailynewsegypt.com/2017/04/02/egypts-foreign-debt-jumps-19-5bn-2016/> [https://perma.cc/JJC7-BJA7].

France,<sup>301</sup> Russia,<sup>302</sup> and Germany.<sup>303</sup> In 2015, Egypt imported weapons for more than \$5 billion. Egypt signed an agreement for \$11.9 billion for the transfer of arms.<sup>304</sup>

FIGURE 6<sup>305</sup>



301. Oscar Nkala, *Egypt, France to Sign Arms Deal Mid-April*, DEFENSE NEWS (Apr. 2, 2017), <https://www.defensenews.com/industry/2016/04/06/egypt-france-to-sign-arms-deal-mid-april/> [https://perma.cc/FMG6-Q9F2].

302. David Schenker & Eric Trager, *Egypt's Arms Deal With Russia: Potential Strategic Costs*, THE WASHINGTON INSTITUTE (Mar. 4, 2014), <http://www.washingtoninstitute.org/policy-analysis/view/egypts-arms-deal-with-russia-potential-strategic-costs> [https://perma.cc/B2AV-MTT6]; see also *Russia, Egypt seal Preliminary Arms Deal Worth \$ 3.5 billion: Agency*, REUTERS (Sept. 17, 2014, 5:48 AM), <http://uk.reuters.com/article/us-russia-egypt-arms/russia-egypt-seal-preliminary-arms-deal-worth-3-5-billion-agency-idUSKBN0HC19T20140917> [https://perma.cc/S6YW-SDBR].

303. *Egypt's Navy Receives First Submarine from Germany*, ISRAEL DEFENSE (Apr. 20, 2017), <http://www.israeldefense.co.il/en/node/29290> [https://perma.cc/AA9K-6NUR].

304. CATHERINE A. THEOHARY, CONVENTIONAL ARMS TRANSFERS TO DEVELOPING NATIONS, 2008-2015 (2016).

305. This chart is created from information and data available to the public from the Central Bank of Egypt. *External Debt*, CENTRAL BANK OF EGYPT, [http://www.cbe.org.eg/en/EconomicResearch/Publications/\\_layouts/xlviewer.aspx?id=/en/EconomicResearch/Publications/SDDSdl/External%20Debt.xlsx&DefaultItemOpen=1](http://www.cbe.org.eg/en/EconomicResearch/Publications/_layouts/xlviewer.aspx?id=/en/EconomicResearch/Publications/SDDSdl/External%20Debt.xlsx&DefaultItemOpen=1) [http://www.cbe.org.eg/en/EconomicResearch/Publications/\\_layouts/xlviewer.aspx?id=/en/EconomicResearch/Publications/SDDSdl/External%20Debt.xlsx&DefaultItemOpen=1](http://www.cbe.org.eg/en/EconomicResearch/Publications/_layouts/xlviewer.aspx?id=/en/EconomicResearch/Publications/SDDSdl/External%20Debt.xlsx&DefaultItemOpen=1) (last visited Apr. 14, 2018). As of publication of this Article, the chart reflects the accurate numbers portrayed. *Id.*

The second aim of the loans is to initiate high-labor infrastructure projects. The loans should be invested in building airports, railroads, solar energy projects, schools, universities, and hospitals. This type of investment will not only raise the level of infrastructure in Egypt to accommodate an extra couple of millions of Syrians, but will also provide many direct and indirect job opportunities for newcomers. In 2016, the solar energy industry in the US successfully employed more than 250,000 workers.<sup>306</sup> Investing in the solar energy sector in Egypt could accommodate similar numbers.<sup>307</sup> There is high potential in Egypt to invest in this sector, as solar power in Egypt is available all year round.<sup>308</sup> Emulating Frankfurt airport in Egypt as a transit station to connect Europe to Africa will provide at least 20,000 direct jobs.<sup>309</sup> This number could lead to 80,000 indirect jobs.<sup>310</sup>

### c. Direct Investment in Relocation of Syrians in Egypt

The third major expenditure item in the relocation project will be direct investments in Syrians, who accept to relocate to Egypt. The direct investment helps Syrian entrepreneurs to find their own jobs. Two thirds of Syrians in Egypt are entrepreneurs, who have not requested any assistance from the Egyptian government or the UNHCR. According to the UNHCR, the official number of Syrian refugees is estimated to be a total of 150,000.<sup>311</sup> The number of non-registered Syrians is estimated to be over half a million.<sup>312</sup> Additionally, the direct investment in Syrians, who accept to relocate in Egypt, will adopt the Muhammed Yunus approach of social investment.<sup>313</sup> The main

306. Kirsten Korosec, *U.S. Solar Jobs Jumped Almost 25% in the Past Year*, FORTUNE (Feb. 7, 2017), <http://fortune.com/2017/02/07/us-solar-jobs-2016/> [<https://perma.cc/QYS5-A868>].

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

308. *Id.*

309. FRANKFURT AIRPORT, FACTS AND FIGURES OF FRANKFURT AIRPORT (2016), [https://www.frankfurt-airport.com/en/flights-more/transfer.detail.suffix.html/article/b2b/airlines\\_tourism/airlines/facts-and-figures.html](https://www.frankfurt-airport.com/en/flights-more/transfer.detail.suffix.html/article/b2b/airlines_tourism/airlines/facts-and-figures.html) [<https://perma.cc/LRE9-T4RS>].

310. *Id.*

311. UNHCR, *Joint Assessment for Syrian Refugees in Egypt* (Nov. 2013), [data.unhcr.org/syrianrefugees/download.php?id=6025](http://data.unhcr.org/syrianrefugees/download.php?id=6025) [<https://perma.cc/QYA3-EYFV>].

312. *Id.*

313. Celia W. Dugger, *Peace Prize to Pioneer of Loans to Poor No Bank Would Touch*, N.Y. TIMES (Oct. 14, 2006), <http://www.nytimes.com/2006/10/14/world/asia/14nobel.html> [<https://perma.cc/Y3QY-H6XJ>]; see also Miriam Cosic, *We Are All Entrepreneurs: Muhammad Yunus on Changing the World, one Microloan at a Time*, THE GUARDIAN (Mar. 29, 2017), <https://www.theguardian.com/sustainable-business/2017/mar/29/we-are-all-entrepreneurs-muhammad-yunus-on-changing-the-world-one-microloan-at-a-time> [<https://perma.cc/A25N-8BYB>].

aim of such an investment plan is to help Syrians, not to take advantage of them. Syrian refugees have plenty of success stories.<sup>314</sup> They just need an opportunity; hence, investment projects will make sure that Syrians are able to enjoy equal and fair opportunities in the labor market.

#### IV. RECOMMENDATIONS: WHERE TO START?

Given all of the information and research shared above, the current status of Syrian refugees requires a new approach and solution. As it stands, the current system is not working. That said, the following recommendations will provide a viable means for a more meaningful approach and solution.

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

First, the negotiation team should consist mainly of military politicians and lawyers. Politicians are necessary due to the nature and history of the military regime in Egypt, as outlined and explained earlier. Lawyers should also be included in the mix. However, much different than the selection of politicians, the selection of the lawyers is less complicated. The assigned lawyers will help the Egyptian regime incorporate the new legislative amendments in its national law. Qualification of these lawyers should be based on their knowledge of both Egyptian and EU laws. For the Egyptian law, the lawyer needs to capably identify the laws that stand in the way of applying the new legal regime, such as labor law, immigration law, and civil law. As for their EU legal knowledge, the lawyer must have a visionary idea of rights and obligations of European citizens in Europe. This idea is not to transplant EU law to Egypt, as this will not be effective; however, the lawyer must be able to incorporate the right to equal work opportunities in Egypt.

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

Second, the formulation of the project team, or the visionaries behind the new solution, should differ from the negotiation team. This is because the project team acts after the new and proposed solution passes acceptance

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314. Ishaan Tharoor, *Syrian Immigration to the US has been a Success, Study Finds*, WASH. POST (Dec. 13, 2016), [https://www.washingtonpost.com/news/worldviews/wp/2016/12/13/syrian-immigrants-represent-an-american-success-story-not-a-threat/?utm\\_term=.6c99a7939ff1](https://www.washingtonpost.com/news/worldviews/wp/2016/12/13/syrian-immigrants-represent-an-american-success-story-not-a-threat/?utm_term=.6c99a7939ff1) [<https://perma.cc/M4Y7-JRMA>]; see also Simon Kuper, *The Power of a Syrian Success Story*, FIN. TIMES (Apr. 12, 2017), <https://www.ft.com/content/ea7c9414-1f01-11e7-a454-ab04428977f9>.

by the Egyptian regime to introduce the new legal status into its national law.

This team should consist of lawyers and economists. Lawyers in this phase, however, will have to play a different role than lawyers in the negotiation team. They will play two new roles, different than the roles in negotiations.

First, they will have to develop a more in-depth legal understanding of the new legal status than their Egyptian public official's counterparts. The new status will turn Syrians into economic immigrants with equal labor rights in the Egyptian market and these rights will be new to the law enforcement officials, including judges, prosecutors, police officers and public employees. These officials will need to be educated through legal training about the new status, and its ramifications.

The second role of these lawyers is to ensure full legal protection of Syrians from arbitrary practices that might arise during the application of the project. The new implemented status does not prevent the Egyptian regime from introducing other legal and factual barriers that could potentially prevent the presence of Syrians in Egypt. The lawyers will make sure to be informed and potentially sue the Egyptian government to remove any such barriers.

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

Finally, statisticians will help the project administration set its targets. They will be the ones that measure the success or failure of the project. Independent statisticians' sole responsibility is to track the progress of the project. The project targets relocated Syrian refugees from Western countries to Egypt. Statisticians must be independent as to the project, and allegiance to any other country.

Statisticians will issue an annual report on the progress of the project. The report will include the number of refugees who relocated to Egypt, and where they moved from. The statisticians will also track the success of the investments of the project, and their progress. Moreover, the report must be issued by a neutral body. As this solution is multinational in nature,

and will like raise doubts as to its efficiency, the statisticians are there to provide data to avoid misinterpretation by the project administration or Egyptian authorities that sustain the project.

### *C. Initial Timeframe of the Project*

Timeframe for the project should start once the Egyptian government incorporates the new legal amendment in its national law. It is proposed that the initial timeframe of the project is three to five years. Within three to five years of implementation, the project should either be deemed a success or failure.

Assessment of the project shall be conducted on a yearly basis. After the end of the first three to five years, a general assessment of the project will take place to track the progress of the project. In the event of project success, the period shall be extended to allow the same privileges to both Syrian immigrants to Egypt and the Egyptian government. In the event of project failure, all the privileges to the Egyptian government will be suspended. The investments in Syrian people should continue as an interim period for a couple of years after the end of the project.

Additionally, two separate periods of this relocation project and solution should not be considered in the timeline period. These periods are related to the time that Western countries accept adoption of the relocation project and the Egyptian government passing all the required legal amendments.

The first period is the negotiation period. Such period is the time invested to reach an agreement with the Egyptian government. This period is not considered part of the timeline of the project. It will be excluded from the initial assessment period of the project. This period could be protracted since there will be a lot of concerns from both sides, Western countries and the Egypt. The second period is between the date of reaching an agreement, and the date of putting such agreement into force. This period will start after reaching a political agreement with the Egyptian government. The government must take this political agreement to Parliament to enact a new legislation and amend any applicable current national laws. This period will end once the Egyptian Parliament, with governmental majority, enacts all the required laws and makes all the necessary amendments. After these two periods have passed, the timeline of the relocation project will officially start.

To reiterate, neither the political negotiation period, nor the legal amendment period are part of the project timeline. This is due to the uncertainty in estimating how long it can take to reach a political agreement with the Egyptian government or to enact a legal amendment from the Egyptian Parliament. Thus, a statute of limitations on a prescribed period of time should not affect the good faith attempt to reach a satisfactory solution. Additionally, reaching a

political agreement with the Egyptian government depends on the adoption by the Western countries of the project and enacting a new legal order in Egypt depends on the Egyptian government. Predictable initial rejections of the project by the Western countries or the Egyptian government does not have to be part of the project timeline. Hence, the previous two periods are not part of the project timeline.

## V. CONCLUSION

This Article is aimed to help the refugees, and their dilemma in Western countries. The principle of brotherhood among Muslims is the primary reason, both for Islamic and moral basis for relocating Syrian refugees without using any form of violence or additional security measures.

The principle has long been practiced among Muslims. Brotherhood among Muslims is considered a matter of honor and integrity. They are one body. If one organ (a group of Muslims) is sick, the whole body (all Muslims) shall be in solidarity with that organ. This principle can be found in the Quran, the Sunna, and the Muslims' traditions, and history.

The Article assessed several aspects of the relocation project. The assessment included both theoretical and practical aspects. For the theoretical aspects, this Article presented a brief mutual history between Syria and Egypt. This history extends from the Pharaohs' days, and the first peace treaty in their joint history. Their relationship was never broken until the colonization period. Even after the colonization, there were some endeavors to restore their unity. This history has led to the existence of several cultural common aspects between the Syrians and Egyptians, their shared language, customs and religion.

The practical aspects include a legal, economic and political assessment. For the legal assessment, this Article proposed a new legal framework to work with the international legal order simultaneously. This Article also proposed a legal alternative on a national Egyptian level to accommodate the relocation of the Syrian refugees without any violation to the current legal norms. The challenge of the non-refoulment principle hinders any form of force to return refugees to their home countries. Thus, a complementary legal framework does not violate the current legal norms.

The economic assessment not only aims at facilitating the refugees' relocation process, but also at achieving economic gain for both the Western countries and the Egyptian government. Relocation has to result in economic and humanitarian advantages for the refugees, the EU, and the host countries. The increasing number of refugees in the EU is leading to a growing financial



burden on the Union. The research proposes a dedication of the internal expenditure on refugees to finance their relocation project. The high cost of integration and accommodation of the refugees in Western countries stands as a financial barrier to invest in the refugees in these countries. The main assumption of this research is that Syrians are able to succeed if offered the suitable environment, as evidenced by two thirds of Syrians living in Egypt.

The relocation project will inevitably face political challenges with different partners. The most important political challenge lies in the methods used to persuade the Egyptian government to accept the project. The Egyptian government currently hinders the entrance of Syrians to its territory for security reasons. It disregards all its moral commitments toward Syria. However, Western countries, as well as NATO, will play a major role in convincing the Egyptian regime to adopt the relocation solution. This depends also on the type of politicians assigned to the negotiation process. This Article proposed that these politicians should have both military and political experience to be able to handle negotiations with the military regime in Egypt. The formulation of the negotiation team is one the most challenging tasks of the project. The interim timeframe to reach an agreement with the regime will depend majorly on them to enforce this agreement. Hence, the formulation of the project teams differs according to the period of the negotiation.

Because the Egyptian military regime needs to accept incorporation of the new legal amendment in its legislation, the relocation negotiation team should consist of military politicians, and lawyers. This formulation will change after reaching an agreement with the Egyptian government to relocate the Syrians and to legalize their status. Finally, this project has several assessment tools to track its success or failure.

Relocation of Syrian refugees has consistently been a topic of debate throughout Western countries since chemical weapons were used on Syrians civilians. However, all current refugee solutions and proposals fall below acceptable standards. Taking into consideration the aspects raised in this Article, a new and effective solution can be created. This solution provides a means to a better life for Syrians and parties involved should consider these during negotiations and proposals.