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## Lebanon and the Syrian Refugee Crisis

– Vierlinger, J.

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# ***Lebanon and the Syrian Refugee Crisis***

**- Vierlinger, J.**

*The Asfari Institute*

*for Civil Society and Citizenship*

*American University of Beirut*

## **ABOUT THE ASFARI INSTITUTE AT AUB**

The Asfari Institute for Civil Society and Citizenship is a regional hub of a dynamic community of academics, practitioners, policymakers, activists, and members of the general public interested in exploring traditional and innovative forms of collective actions, locally-grounded policy debates and in advancing realistic solutions to the obstacles to effective civil society and citizenship in the Arab world. In doing so, the Institute provides training workshops and programs beside regular teaching at AUB, encourages and provides evidence-based research in areas related to political participation, accountability and good governance, produces policy/practice recommendations to improve citizens' engagement and civil society roles in mediation, deliberation and self-organization.

It also promotes public awareness of civil society and civic engagement best practices in the region through its monthly meetings and seminars and stimulates fruitful dialogue among the region's varied publics through its programmatic activities of workshops, conferences, blog and publications.

The Asfari Institute is a research center based at AUB since 2012 and is a solid partner in consolidating AUB commitment to serve, educate and engage the Lebanese society. The Institute is mobilized to develop a new minor program on civil society and collective action with relevant AUB faculties. Among its new activities is the consolidation of three new lines of work: Civil Society Law and Governance, Culture as Resistance, and Civil Society in Conflict and Post Conflict Setting.

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## ***Bridging Academia and Activism***

# ***ABOUT THE PROJECT***

## **THE LAY OF THE LAND:**

### **A Social Mapping of Daily Practices in Informality amongst Syrian Displaced Communities in Lebanon**

*Funded by the Ford Foundation*

This research project examines how, in the face of conflict and crisis, Syrian displaced individuals and communities in Lebanon are attempting to (re)organize themselves within the informal sector to secure access to essential services. We understand informality as a sector of goods and services that is outside of, but not necessarily disconnected from the formal purview of the state. In Lebanon, most citizens are already accessing resources such as water and electricity from within the informal sector. Whereas access to such services might ideally be seen as indissolubly linked to the rights of citizens, the distribution of such goods in Lebanon is hardly equal in practice. The access to goods and services by displaced populations is consequently further compounded in such a context where, by the nature of the country's political economy, must also acquire and secure their rights through informal networks.

By addressing this question of informalization and displacement, we reflect on practices of exclusion as experienced amongst Syrian displaced communities from different socio-economic backgrounds who are otherwise perceived as non-citizens in Lebanon. We aim to document through qualitative methods and life history approaches some of the ways Syrian communities have attempted to harness basic livelihood necessities. In so doing, we examine how the Syrian crisis is contributing to the reassembling of these networks, their hierarchies, and ultimately reshaping modes of governance and state borders between Syria, Lebanon and among Syrians themselves.

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## ***Abstract***

The paper attempts to outline the main challenges that Syrian refugees are facing today in Lebanon. In order to do so, it (a) investigates the legal structures in place pertaining to foreigners in Lebanon; (b) examines the institutional dynamics pertaining to the application or non-application of said law; (c) surveys the societal response to the refugee crisis, while considering the unique social fabric of Lebanon; and (d) explores the political status quo; i.e. policy makers attitudes towards the refugees issue. Finally, it explores the recent efforts of refoulement from a political and ad hominem perspective. In order to do so, it draws from a wide range of resources such as Lebanese legal texts and commentaries, reports by recognized institutions and organizations active in the field, and articles published by trusted Lebanese

media. Based on its findings, the paper concludes that the situation of Syrian refugees in Lebanon is defined by a complex net of dependencies and uncertainties due to an interplay of spheres: (a) a unfavorable legal framework that precludes the legal identity of refugee; (b) an executive and institutional incoherence resulting from non-application of laws and corruption; (c) an ambiguous civil society response, especially in rural areas; (d) and a considerable ambiguity of political leadership, resulting from firstly, the make-up of the current government, and secondly, the municipal/national government divide.

# Introduction

A factsheet published by the European Commission (EUC) in March 2017 found that there were around 1.5 million Syrian refugees residing in Lebanon, out of which only around 1.011 million were registered with relevant agencies<sup>1</sup>. One and a half years later, despite the international discourse appearing to have adopted a rhetoric arguing that the Syrian Civil War is over<sup>2</sup>, these numbers have hardly changed. The United Nations High Commissioner for Refugees (henceforth, UNHCR) currently counts 952,562<sup>3</sup> registered Syrian refugees in Lebanon, translating to roughly 60,000 refugees having returned.

This discrepancy between those registered and those not, is firstly due to several legal steps taken by the Lebanese government that render accessing and remaining in the territory in a legal manner increasingly hard; and secondly, to the high birth rates of refugees paired with the difficulty of Syrian refugees born in Lebanon to obtain birth certificates, and the UNHCR's policy to not register children of refugees not registered with it. Yet, according to EUC estimates, around %75 of the refugees are women and children, with UNHCR adding that among their registered refugees, 417,000 are between 3 and 14 years of age. At any rate, the EUC estimates that around half the Syrian children in Lebanon have no access to education or schooling<sup>4</sup>. Furthermore an estimated %70 of Syrians in Lebanon live under the poverty line<sup>5</sup>.

The Lebanese government has strictly enforced the so-called 'no camp policy' – arguably as a result of the

country's experience with Palestinian refugee camps (which, until today, remain under effective and legal control of the Palestine Liberation Organization) – leading to a wide distribution of informal refugee settlements around the country. Refugees are forced to either find shelter in pre-existing camps, rent accommodation (in most cases, simply plots of land) from Lebanese landowners or to find shelter with community based initiatives, with some host communities receiving aid and financial support from UN instruments and the like. This dynamic has given (and continues giving) rise to complex issues of corruption, mis-allocation of funds, but more generally to a conceptual problem: Ninette Kelly, director of the UNHCR's mission in Lebanon, was cited in an Aljazeera interview from March 2015 as stating that “some municipalities, some landlords do not want us to make any significant structural improvements there for fear that refugees will remain”<sup>6</sup>. In general, the climate of both civil and government response has been dominated by a strong denial of the prospect of a long-term settlement of the Syrian refugees in Lebanon.

In terms of spatial distribution, the Bekaa remains the largest center of refugee settlement in Lebanon, with 338,577 refugees registered, followed by Beirut with around 250,161, Tripoli (and surroundings) with 248,225 and the South with 115,599. The figures amount to 217,450 registered households countrywide<sup>7</sup>. This relative dispersion of displaced persons all over the country has fostered the involvement of various actors, including Hezbollah and Islamic community

<sup>1</sup> ECHO Factsheet: “Lebanon: Syria crisis”, March 2017

<sup>2</sup> Steven A, Cook, “The Syrian War is Over, and America Lost”, Foreign Policy, July 23, 2018. Accessed November 24, 2018.

<sup>3</sup> Operational Portal UNHCR Regional Refugee Response. Accessed November 24, 2018. <https://data2.unhcr.org/en/situations/syria/location/71>.

<sup>4</sup> ECHO Factsheet: “Lebanon: Syria crisis”, March 2017

<sup>5</sup> “Lebanon: Residency Rules Put Syrians at Risk.” Human Rights Watch, 12 January 2016, [www.hrw.org/news/2016/01/12/lebanon-residency-rules-put-syrians-risk](http://www.hrw.org/news/2016/01/12/lebanon-residency-rules-put-syrians-risk).

<sup>6</sup> Venetia Rainey, “Lebanon: No formal refugee camps for Syrians.” News | Al Jazeera, Al Jazeera, 11 Mar. 2015

<sup>7</sup> Syrian Regional Refugee Response Inter-Agency Data Sharing Portal (<http://data.unhcr.org/syrianrefugees/country.php>) - last update, June 2017

<sup>8</sup> Bassam Khawaja, “The Gaps in Lebanon's New Refugee Policy”, Human Rights Watch, 14 Mar. 2017

<sup>9</sup> Scott Preston, “Syrian refugees in Lebanon face eviction”, Al-Monitor, 16 Nov. 2017, [www.al-monitor.com/pulse/originals/2017/11/lebanon-refugees-evictions-syrians-notice-municipalities.html](http://www.al-monitor.com/pulse/originals/2017/11/lebanon-refugees-evictions-syrians-notice-municipalities.html).

organizations. Furthermore, it is worth mentioning that there has been a rather active response from civil society organizations attempting to deal with the shortcomings of the Lebanese government's policies, UN bodies and international community organizations.

The legal status of refugees has been subject to several changes over the years since the beginning of the crisis in 2011. Many have argued that the new regulations are aimed at a), hindering the flow of refugees from Syria into the country and b), reducing the number of refugees in the country by creating a political/legal climate motivating refugees to leave the country<sup>98</sup>. Due to this, several major issues have emerged, linked to laws and institutions, failure of institutional practices and Lebanese societal attitudes towards the crisis as well. This paper will thus attempt to draw a concise image of the situation of Syrian refugees in Lebanon today by the main, legal, institutional, social and historical factors shaping the contemporary dynamics of inclusion and exclusion.

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# Lebanon, Refugees and International Law

Lebanon is not a signatory to the 1951 UN Convention on the Status of Refugees thus effectively rendering the Syrian refugees in the country unprotected by international law. There is, however, a constitutional provision found in section B of the Lebanese constitution stipulating that:

“Lebanon is ... a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights. The Government shall embody these principles in all fields and areas without exception”<sup>10</sup> .

In an entry of the Library of Congress concerning the topic, Issam Saliba argues that:

“This provision requires, among other things, that the government enact comprehensive legislation related to refugees. However, no such legislation exists”<sup>11</sup> .

A major issue resulting from the non-ratification of the Refugee Convention is the absence of a legal obligation for Lebanon to issue identification/to register refugees, and to provide basic needs (education, rationing and public assistance), as provided by Articles 27, 20, 22 and 23 of the convention <sup>12</sup> . The country has, however, signed a Memorandum of Understanding (MoU) with the UNHCR allowing these obligations to be carried out by the UNHCR, on which basis registration of refugees has been effectuated thus far. (A similar memorandum has,

at the time, been made in regards to UNRWA and the Palestinian refugees in Lebanon <sup>13</sup> .) However, in 2015 the Lebanese government has ordered the UNHCR to stop registering refugees, in accordance with the policy of closed borders <sup>14</sup> .

Article 24 of the convention would deal with a major issue facing Syrians in Lebanon, which is of special interest in regards to Networks of informality, as it would provide that:

“Refugees shall be treated at least like nationals in relation to legislation and social security.”

It is these sorts of issues that no MoU can delegate to the international community. In the case of Palestinian refugees, the same issue is pertinent: there is no international legal obligation for Lebanon to integrate refugees into their labour market, effectively pushing said persons either into informal labor or into dependence on international/domestic aid outside of state bounds. Specifically, in regard to the dynamics mentioned in point 4, this pushes the refugee in a form of catch-22 situation, where he/she can neither stay nor leave.

<sup>10</sup> Lebanese Constitution (1926), as amended to 1995,

<sup>11</sup> Issam Saliba, “Refugee Law and Policy: Lebanon.” *Refugee Law and Policy: Lebanon*, Library of Congress, 1 Mar. 2016, [www.loc.gov/law/help/refugee-law/lebanon.php](http://www.loc.gov/law/help/refugee-law/lebanon.php).

<sup>12</sup> Convention and Protocol Relating to the Status of Refugees UNHCR, [www.unhcr.org/3b66c2aa10](http://www.unhcr.org/3b66c2aa10).

<sup>13</sup> Saliba 2016

<sup>14</sup> Khawaja 2017

<sup>15</sup> When Lebanon mobilised to end the Syrian occupation

<sup>16</sup> ILO Regional Office for the Arab States (2013)

# Syrian Lebanese Bilateralism and the End of Mobility

In 1993, Syria and Lebanon signed a treaty entitled "Agreement for Economic and Social Cooperation and Coordination" which ensured the freedom of stay, work, employment and practice of economic activity for nationals of both countries. At the time, the document was seen by many as an effective instrument of the Syrian occupation of Lebanon as it was regarded to heavily favor Syria over Lebanon. Ever since, Lebanese employers hired Syrian workers as cheap labor. In the wake of the Cedar Revolution of 2005<sup>15</sup>, dynamics shifted - yet, the agreement on labor mobility was still in effect. Furthermore, in 2010, before the outbreak of the Syrian uprising, Lebanon and Syria had declared a will to increase economic cooperation effectively returning to the bilateral pre-war status quo. The legal procedure involved for a Syrian to work or conduct business in Lebanon was relatively simple. A once-renewable entrance slip (each slip would allow for 6 months of stay) at the border sufficed to apply for a working permit at the Ministry of Labor, which would have to be renewed on a regular basis. However, the International Labor Organization (ILO) notes that Lebanese authorities were relatively lenient with un-regulated labor: "in 2011 only 390 Syrian workers applied for a work permit for the first time and 571 work permits were renewed" - while informal Syrian labor was omnipresent. At any rate, while Syrian workers profited from relative ease of attaining a permit, they were subject to some discrimination in terms of insurance. Even at full

contribution, their access to the Lebanese National Social Security Fund (NSSF) was limited<sup>16</sup>.

Therefore, the legal status of Syrian Refugees in Lebanon very much rests on these past yet effective agreements on labor mobility; It was the period from 2013 to 2015 that effectively changed the formalities of Syrians entering Lebanon, with massive consequences on said legal status.

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# Lebanon, Refugees, and Domestic Law

Lebanon's domestic law has very little to say about refugees. The related material is part of the legal corpus of the 1962 law 'Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country'. Two relevant articles refer to the status of the refugee:

**Article 26:**

"Any foreigner who is subject of pursuit or has been convicted for a political crime by a non-Lebanese authority or whose life or freedom is threatened because of political considerations may ask for political asylum"<sup>17</sup>.

In the case of denial of political asylum, another provision holds:

**Article 31:**

"If a decision to expel a political refugee has been made it is not permissible to deport such refugee to the territory of a state where his life or freedom are not secured"<sup>18</sup>.

This article 31 is more or less a form of legal transplant of the *ius cogens* principle of 'non-refoulement', the interdiction of deportation into zones of conflict. There is thus - like is it the case in many European legislations - a form of legal limbo for Syrian refugees being denied political asylum, where they are technically not welcome in the country, but cannot be evicted either. Contrary to recommendations made by the UNHCR and the like, there is no *prima facie* regulation in place that would ascribe Syrians the status of 'refugee' upon arrival in Lebanon - as has been previously negotiated for Iraqi immigrants<sup>19</sup>. Entrance into Lebanon has for the longest time of the conflict been regulated by the agreements mentioned in section 2, whereas residing in Lebanon has - over the

time of the duration of hostilities in Syria - become more complicated.

Most Syrian refugees are simply treated as residents of foreign origin, a status which entails a number of implications and obligations for the refugees themselves. The first step of the procedure is the entrance slip attained at the border which functions as a permit to stay on Lebanese territory for 6 months, which can be renewed one time, free of charge. After that, a residence permit is required. As of the revision of the law concerning residents of foreign origin that came into power in January 2015, there are currently two ways for Syrians to obtain a residence permit, depending on their registration status with the UNHCR. For refugees registered with the UNHCR they can apply for such a permit at General Security, provided that they can produce valid identification, the entry slip from the border, a housing pledge confirming their place of residence, and two photographs stamped by a Lebanese local official. Furthermore, they need to pay a 200\$ annual fee. For refugees not registered with the UNHCR - that is, refugees that entered Lebanon after 2015 or have not registered for miscellaneous reasons - another condition applies: a pledge of sponsorship by a Lebanese national or a legally recognized entity, according to the practice of *Kafala*, that Lebanon upholds until this day. The focal point here is that for a refugee registered at the UNHCR, the UNHCR is considered sponsoring entity<sup>20 21</sup>. A report by Human Rights Watch published in 2016 essentially comprising 60 qualitative interviews with Syrian refugees in Lebanon, has pointed out the darkest sides of the sponsorship policy. Interviewees reported that Lebanese citizens would sell their sponsorship for amounts around 1000\$, and that sponsorship was in

<sup>18</sup> Ibid.

<sup>19</sup> Maya Jammyr, "The Legal Status of Refugees in Lebanon", Working Paper #33 March 2016.<sup>12</sup> Convention and Protocol Relating to the Status of Refugees UNHCR, [www.unhcr.org/3b66c2aa10](http://www.unhcr.org/3b66c2aa10).

<sup>20</sup> Lebanon: Residency Rules Put Syrians at Risk, Human Rights Watch, January 12, 2016. Accessed December 12, 2017.<sup>14</sup> Khawaja 2017

<sup>21</sup> Lebanon: New Refugee Policy a Step Forward. Human Rights Watch, February 14, 2017. Accessed December 12, 2017.

many cases the pathway into a form of slavery. Stories of sexual coercion, physical and psychological abuse and forced labor figure prominently in the report. It is furthermore pointed out that the victims of such crimes cannot or do not seek assistance from the authorities, for fear of having their sponsorship - and thus their residency - revoked <sup>22</sup> .

In February 2017, the Lebanese government announced that the 200\$ renewal fee was to be waived for all refugees registered with the UNHCR (that is, if registered prior to 2015). Commentators have noted that while this measure was beneficial to a large number of refugees who were having trouble to pay the renewal fee, a lot remain excluded; specifically, all refugees with Lebanese sponsors. Furthermore, did the measure not help any refugees that are in the country in an irregular manner- a number that is consistently growing <sup>23</sup> .

There are many ways of becoming an irregular displaced Syrian immigrant in Lebanon. The first two are outlined above: having one's residency revoked due to failing to pay the 200\$ annual fine, or having one's sponsorship revoked. As previously noted, since 2013, there has been a progressive change of entry requirements for Syrians wishing to cross the border. The first group affected were Syrian refugees of Palestinian origin who were barred from entering Lebanon in 2013. In 2014, only Syrians from areas not affected by fighting were allowed in. Then, in January 2015, the aforementioned new policy imposing Visa requirements for Syrians came into effect, and the government ordered the UNHCR to stop all registration procedures <sup>24</sup>. The Visa policy restricted entry to applicants wishing to enter Lebanon for reasons

of tourism, education, medical treatment or business <sup>25</sup> . This lead to the classification of Syrians entering Lebanon outside of these categories as irregular immigrants. Thus, a dual dynamic is now in place: previously legal residents becoming irregular, and newcomers arriving on irregular terms - and en masse, due to the porousness of the Syrian-Lebanese border.

Once irregular, Syrian immigrants are threatened to the terms of the following article of the above-cited "Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country":

"Pursuant to article 32 foreigners who enter Lebanon illegally can be imprisoned for one month to 3 years and/or fined" <sup>26</sup> .

There are no publicly accessible records of how many Syrian immigrants are currently jailed under the cited article.

Another issue arising from being considered an irregular Syrian immigrant to Lebanon is the issue of newborn statelessness. The latest report on the matter, dating from 2015, cited around 36.000 newborns not being eligible to any citizenship, as neither the UNHCR nor the Lebanese government give out birth certificates to refugees without paperwork - however, it is estimated that the largest number of parents in the situation do not even seek the institutions for fear of arrest <sup>27</sup> . Stateless children are consequently not eligible for schooling or healthcare. In August 2018, following increased pressure on the government by international institutions, there has been an ease in birth registration rules for Syrian

<sup>22</sup> 'I Just Wanted to be Treated like a Person': How Lebanon's Residency Rules Facilitate Abuse of Syrian Refugees, Human Rights Watch report, 2016. <sup>11</sup> Issam Saliba, "Refugee Law and Policy: Lebanon." Refugee Law and Policy: Lebanon, Library of Congress, 1 Mar. 2016, [www.loc.gov/law/help/refugee-law/lebanon.php](http://www.loc.gov/law/help/refugee-law/lebanon.php).

<sup>23</sup> Khawaja 2017.

<sup>24</sup> Maya Jammyr. "The Legal Status of Refugees in Lebanon", Working Paper #33 March 2016.<sup>14</sup> Khawaja 2017

<sup>25</sup> Lebanon: New entry requirements for Syrians likely to block would-be refugees. Relief Web. January 6, 2015. Accessed December 12, 2017.

<sup>26</sup> Law of 1962.

<sup>27</sup> UNHCR Lebanon Statelessness Update - September 2014 & Diana Al-Rifai, "UN: 36,000 newborn Syrians stateless in Lebanon." News | Al Jazeera. May 11, 2015. Accessed December 12, 2017.

<sup>28</sup> Lebanon Eases Birth Registration Rules for Syrian Refugees. UNHCR. Accessed November 24, 2018.

<sup>29</sup> Mazen Radwan, "Human Trafficking Networks Highly Active across Lebanon-Syria Borders." 7dnews.com. October 30, 2018.

refugees, resulting to an estimated 20% of unregistered newborns obtaining legal status. Yet, the number of stateless newborns remains high <sup>28</sup> .

The domestic legal framework concerning Syrian refugees in Lebanon is thus one that is (a) hostile to long-term settlement and (b) harsh on 'new' refugees; the agenda clearly seems to position Lebanon as a form of 'transit country'. This notion is reinforced by the way Lebanese authorities (and right wing media) refer to Syrians in the country: 'Nazihin' (temporarily displaced) as opposed to 'Lajin' (refugees). In the course of 2018, with renewed government offensives against rebel strongholds throughout Syria, there appears to be a growing willingness from the side of the Lebanese State to curb refugee influx, with the army patrolling the borders more aggressively. This has led to an increased activity of human trafficking and people smuggling from Syria to Lebanon, at times ending in human tragedy and armed confrontation between smugglers and security forces <sup>29</sup> .

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*Article 31: "If a decision to expel a political refugee has been made it is not permissible to deport such refugee to the territory of a state where his life or freedom are not secured"*

# Non-State Actor Roles

Syrian workers in Lebanon have a long history of engagement at the margins of the formal and informal sectors of the economy. Due to the above outlined legal constraints to both formal labor and residency per se, sponsorship and accommodation processes have in many cases been taken over by informal networks - that often have ties with political parties. Harakat Amal and Hezbollah are two prominent stakeholders in Lebanon's informal economy, and have thus been heavily engaged with the Syrian labor force<sup>30</sup>. In the wake of the Syrian Civil War, this engagement has arguably increased. However, there is virtually no data or research publicly accessible in regards to this issue, due to the political sensibility attached to the situation. At any rate, the dynamics of the complex Lebanese legal framework, paired with the considerable economic and political interest of non-state actors in Syrian labor, has led to a situation of dependency of a large number of Syrian refugees on the major stakeholders in the Lebanese informal economy. In general, non-state entities play a major role in, and contribute enormously to the complexity of Syrian life in Lebanon.

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<sup>30</sup> Elizabeth Saleh, "The master cockroach: scrap metal and Syrian labour in Beirut's informal economy." Contemporary Levant 1, no. 2 (2016): 93-107.

# Executive Incoherence, Institutional Non-Compliance and State Corruption

A further obstacle to Syrian refugees is the inefficiency of the Lebanese state in enforcing passed regulations. With low-scale corruption flourishing in the volatile political situation of Lebanon, refugees face non-institutional obstacles in legal procedures. Reports highlight a broad array of related activities in institutional environments, ranging from the ubiquity of bribe-taking in government offices all the way to coercive practices of government officials exploiting the legal uncertainty around the status of Syrian refugees<sup>31</sup>. Furthermore there has been a general incoherence from the side of numerous government institutions (especially General Security) when it comes to the enforcement of regulations nationwide. For example, numerous cases have been cited where General Security clerks have demanded the \$200 residency fee from refugees holding UNHCR registration even after the decision was made to waive the amount<sup>32</sup>. The weakness of the Lebanese institutions is thus a further obstacle to Syrians residing in the country, as in cases of absence of due process, there are no governmental institutions in place to file complaints. In 2016, Lebanon ranked 136th out of 175 countries on the Transparency International corruption perception index, translating to roughly 1 in

3 individuals questioned having reported to have paid a bribe to government officials. It is thus easy to conclude that the situation of the refugee is not only heavily dependent on the (by itself restrictive) legal framework but also on the correct application of this framework which is by no means given<sup>33</sup>.

*In 2016, Lebanon ranked 136th out of 175 countries on the Transparency International corruption perception index, translating to roughly 1 in 3 individuals questioned having reported to have paid a bribe to government officials.*

<sup>31</sup> Press Release: Strengthen integrity of aid response in Lebanon to ensure it reaches Syrian refugees most in need, Transparency International. June 15, 2017.

<sup>32</sup> Lebanon: New Refugee Policy a Step Forward, Human Rights Watch. February 14, 2017. Accessed December 12, 2017.

<sup>33</sup> 2016 Corruption TI Perception Index

# Aid Practices (State, Non-Governmental, International)

In April 2017, Transparency International published a report pointing out the multiple deficiencies of the Humanitarian response to the refugee crisis in Lebanon. In terms of accountability, the report has spotted massive risks in all sectors of aid provision; that is, assistance provided through public institutions and those sub-contracted to national, local civil society organizations, to private actors.. The risk is largely due to the opacity of Lebanese government institutions when it comes to distribution of funds within ministries and institutions, giving leeway for embezzlement and misappropriation of funds - especially when provided by the International community. Lebanon's government has indeed received massive amounts of sponsorship from the international community to provide help in dealing with the crisis. In the timeframe of 2016-2015, the Lebanese Ministry for Education and Higher Education alone has received aid amounting to 382 million US dollars, channeled by UNICEF, the World Bank and UNHCR. Transparency around the allocation of grants of this sort has been low; however, due to the lack of alternatives, little can be done to change this matter apart from recommendations encouraging accountability. Transparency's concerns seem justified in light of instances such as the 2013 arrest of the head of High Relief Committee on embezzlement charges for the misappropriation of 10 million US dollars. However, the issue is not limited to high-level governance. When it comes to in-kind assistance (e.g.: food provision), the report cites that

"According to the interviewees, when doing in-kind distributions in Aarsal, their organization had to deliver between %10 and %20 of the in-kind boxes to a public authority in order to be able to distribute them to beneficiaries"<sup>34</sup>.

The interviewees argued that this was not due to corrupt diversion of aid, but rather an effect of the local authorities aspirations to 'keep their face' in front of the public in order to distribute the aid among themselves - although no evidence has been provided to prove this claim. When it comes to aid services such as the direct cash program (equipping liable refugees registered with the UNHCR with a purchase-limiting ATM card), Transparency is reporting positively. The same is the case with health care - that is, in terms of corruption: the report notes cynically that 'refugees often have to give up medical care, in particular medication, because they can't afford the treatments. This also applies to vulnerable refugees when free of charge services are found insufficient. The situation of people with chronic diseases is of the greatest concern as chronic illness medications are unaffordable for patients. Many Syrian refugees are not even able to pay for a regular consultation '<sup>35</sup>.

<sup>34</sup> Collective Resolution to Enhance Accountability and Transparency in Emergencies (CREATE) Report: Transparency International (2017) p. 29

<sup>35</sup> Ibid.

# Eviction Campaigns, Municipal Curfews, & a Passive Civil Society

Civil Society's response to Syrian refugees in Lebanon has been mixed at best. While there is a large number of local NGOs operating in the Beqa', Tripoli, and Beirut, the situation in Christian-dominated municipalities across the country has been characterized by a negative trend. Especially in 2017, a large number of civil society powered, municipally enforced eviction campaigns have been reported in these areas. The motivations and justifications underlying these campaigns are various: in some areas, authorities have cited infringements of labor laws while in others they have voiced 'demographic concerns'. One story in particular, that occurred in late 2017, has been described as triggering massive public resentment of Christian communities against Syrian refugees: the case of the rape and murder of a young Maronite woman and allegedly committed by a Syrian concierge in the small town of Miziara. The legal instrument used in almost all cases is an ambiguous provision in the Lebanese constitution that allows municipalities to "protect" their territory with all means necessary. The national government has thus far not intervened in any applications of the article<sup>36</sup>. The root cause of the resentment is most probably a toxic mix of civil war memories of demographic threat, paired with the thoroughly negative experience of the rural Christian communities during the Syrian occupation. Stories like the above-cited murder contribute to the aura of threat these communities ascribe to Syrian presence.

Furthermore, Lebanese municipalities have in the past earned condemnations by Human Rights groups for imposing curfews on refugees, which were - at the time - justified with the same article as mentioned above, as well as with the necessity to provide for 'public order'. The issue has been consistent throughout the crisis, with reports of such curfews appearing from as early as 2014<sup>37</sup>, to the end of 2016<sup>38</sup>.

In April 2018, eviction campaigns surged again, prompting Human Rights Watch to draft a report on the issue. It argues that there is a trend towards increasingly large-scale, and increasingly violent evictions<sup>39</sup>. This is arguably due to mounting pressure on the Lebanese government from the side of civil society actors to make refugees return home, as the situation appears to become ever more permanent. The relative inactivity of the government when it comes to changing the status quo then finds a response from municipal governments, who protect the interest of their constituencies. It is probably no coincidence that the surge coincided with the intensification of political campaigning for the May general elections.

November 2018 saw another crackdown on refugees, this time especially the informal economy of Syrian-owned shops in Southern Lebanon, further drawing an image of the tipping point being reached<sup>40</sup>.

<sup>36</sup> Peter Khoury, "Syrian refugees in Lebanon face eviction, Al-Monitor. (November 16, 2017), Accessed December 12, 2017.

<sup>37</sup> Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees Human Rights Watch. October 03, 2014. Accessed December 12, 2017.

<sup>38</sup> "Lebanon Towns Impose Curfew on Syrian Refugees." The Daily Star Newspaper - Lebanon. Accessed December 12, 2017.

<sup>39</sup> Our Homes Are Not for Strangers: Mass Evictions of Syrian Refugees by Lebanese Municipalities, Human Rights Watch. April 2018.

<sup>40</sup> Michal Kranz, "Lebanese Security Forces Crackdown on Syrians as Pressure Builds on Refugees to Return." Alaraby. November 21, 2018.

<sup>41</sup> U.N. Refugee Agency Hopes Lebanon Will Reverse Residency Freeze, Reuters. June 12, 2018. Accessed November 24, 2018.

<sup>42</sup> Sana Hussein, "Right of Return? The Fate of Syrians Returning to Regime-held Territory." Middle East Monitor. October 31, 2018.

<sup>43</sup> M.Chulov, "Iran repopulates Syria with Shia Muslims to help tighten regime's control." January 14, 2017.

<sup>44</sup> Ibid.

<sup>45</sup> "Lebanon Minister: 20 Returning Refugees Killed by Syria Regime," Middle East Monitor. November 05, 2018.

<sup>46</sup> Laila.Bassam, "Fifty Thousand Syrians Returned to Syria from Lebanon This Year", Reuters. September 25, 2018.

<sup>47</sup> "Lebanon Minister: 20 Returning Refugees Killed by Syria Regime", Middle East Monitor. November 05, 2018.

<sup>48</sup> Timour Azhari, "Mere'bi: Syria Allies Aim to Keep Refugees in Lebanon", The Daily Star - Lebanon. November 12, 2018.

# Facing the Scenarios

In 2018, voices demanding a return of refugees to Syria have become louder - arguably responding to the international rhetoric of the war slowly coming to an end. However, NGOs and international organizations active in the field have not ceased to deny the possibility of a large scale return, citing safety concerns for returnees. This dynamic turned into a political polemic in June in particular, when General Security temporarily froze residence applications for UNHCR personnel on the orders of Minister of Foreign Affairs (MFA) Gebran Bassil. Bassil accused the UNHCR of "spreading fear" in the refugee community, and thus hindering the effectiveness of return process. UNHCR's Lebanon representative Mireille Girard stood her ground, and the decision was eventually revoked<sup>41</sup>. According to UNHCR surveys presented by Girard, %88 of Syrians wish to return home, but are scared of what awaits them there. Indeed, reports from Syria indicate that returnees face harsh conditions - ranging from their homes having been confiscated by the regime, over forced conscription, to violent retribution and executions, especially Damascus' passing of the infamous 'Law Ten' by presidential decree has put refugees in a complicated situation. The Law, which when first announced in May sparked an international outcry, foresees the seizure of homes belonging to nationals who have left the country, should those nationals not claim ownership within a given timeframe<sup>42</sup>. The law is part of a larger campaign of the Assad regime to consolidate power in a post-war scenario, by favoring loyal citizens who did not flee the country, and friendly Iranian immigrant populations<sup>43</sup>, over returning refugees. In an August address to the nation, Assad was quite open about this 'cleansing' effect of the war when argued that: "We lost the best of our youth and our infrastructure [in the war] ... But in exchange, we won a healthier and more homogeneous society in the true sense"<sup>44</sup>.

Despite this, several accords were drawn up between the Syrian and Lebanese governments to facilitate the 'voluntary return' of some refugees to 'safe areas' - in many cases in close cooperation with Hezbollah, due to its presence both in Syria and Lebanon. There are, however, a number of reports indicating that in many cases, these returns were neither voluntary nor safe<sup>45</sup>.

According to MFA Gebran Bassil, around 55.000 Syrians have so far returned, while he wishes to see this number rise to 200.000 by the end of the year<sup>46</sup>. The number can however not be confirmed, as it is not certain how many of the total 60.000 UNHCR registered refugees have actually returned or left Lebanon for different destinations than Syria.

At any rate, there seems to be a certain amount of disagreement in the Lebanese cabinet pertaining to issues of return. The new government's Minister for State for Displaced Affairs Mouin Merhebi, a staunch critic of Hezbollah, has recently made a public address that vividly describes the fate of three under-aged returnees who, upon returning to Syria, were executed by a senior member of the Syrian security forces. He furthermore decried the lacking cooperation between his ministry and the General Security, and stated that his ministry did not have the capacity to ensure the safety of Syrians returning home<sup>47</sup>. In a different address, he stated that 'Syria's allies active in Lebanon' are increasingly meddling with the return process, insinuating that Damascus was using its influence to effectively 'choose' who should return, who should not - and who should return for execution<sup>48</sup>.

To conclude this section, there appears to be an increasing willingness from the side of the Lebanese government to facilitate a return of refugees to Syria - in response to popular demand, and the apparent realization that the current situation is unsustainable. Regardless of the fact that any such policies are in blatant breach of the international law principle of non-refoulement (which as stated earlier Lebanon claims to adhere to), and that there is a considerable number of tragic reports pertaining to the fate of returnees, the policies have so far not been successful to any standard of measurement.

# Conclusion

The situation of the Syrian refugees has been subject to a number of issues. In addition to a generally restrictive legal framework which has pushed (and continues to push) Syrians either into the informal sector of the economy or into full-out illegality, corruption and non-compliance to existing norms prevail in the country. The implementation of a coherent international policy to deal with the situation is impeded by an absence of will to enforce a coherent national policy from the part of the government; existing policies are undermined by the general weakness of institutions. The presence of the no-camp policy has led to a relatively uncontrolled spread of informal refugee settlements around the country, leaving refugees to the good-will of the municipalities whose territory they happen to find themselves on - with, at times, dire consequences. In general, there is an observable trend from both the state and non-state level pointing to a direction of hostility to the presence of refugees in the country, and there is evidence that this will lead to the prevalence of aggressive policies targeted at returning refugees to their home - which, in the current state of affairs, will have tragic consequences. One must, however, take into account the historical dimension of the crisis. The presence of Palestinian refugees in Lebanon is widely perceived as a key factor leading to the escalation of the civil war. Furthermore, the Syrian occupation of Lebanon has left large portions of the population scarred and filled with resentments against Syrians in general. The over-proportional engagement of Syrian residents (dating before the Civil war in Syria) in the informal sector of the economy has arguably contributed

further to the perception of Syrians as not to be trusted, and fueled resentment. Regardless, there are currently still around 1.5 million Syrians in the country. Therefore, Syrian refugees alone (that is, excluding the Palestinian refugee population) make up %30 of the population of Lebanon, which means there are some grounds to Lebanese perceptions of saturation.

There are several points this working paper has not discussed, such as the effectivity of education, healthcare and aid policies or the current outlook of labor statistics and the notion. A further concern that has recently been expressed by experts in the field is the epidemical dimension; that is, the enormous risk that Lebanon is currently exposed to when it comes to infectious diseases. The existing measures in place would doubtlessly fail to contain or deal with a worsening of the medical situation of the country.

At any rate, it is necessary to note that the dire circumstances the Syrians find themselves confronted with in the country have given rise to massive importance of informal activities; of systems of revenue making that are below the radar of monitoring organizations, the government and the international community alike.

*Syrian refugees alone (that is, excluding the Palestinian refugee population) make up 30% of the population of Lebanon, which means there are some grounds to Lebanese perceptions of saturation.*

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