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RESPONDING TO CRISIS: HOW LEBANON DETERMINES ITS
REFUGEE POLICIES

Alex Levy
George Shamiyeh

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INTRODUCTION

The Syrian Civil War and the resultant refugee crisis have forced states throughout Europe and the Middle East to re-evaluate their respective migration policies. As the war continues years beyond what was predicted, countries neighboring Syria seek to address and deal with the socio-economic and security issues that have accompanied influxes of millions of refugees and migrants. Lebanon represents an especially remarkable case, as it currently hosts more than 1.1 million Syrian refugees, which accounts for a quarter of its population, and according to the World Bank, will cost the country close to \$7.5 billion.¹ Compounding this situation, Lebanon has been operating without a president for over two years, and maintains a weak political system that is dependent upon maintaining equal proportions of religious populations within the state. This leads to two important questions: how is refugee and migration policy instituted in a politically and socially divided state like Lebanon, and is the magnitude of the Syrian refugee crisis spurring a response from an otherwise fragmented government?

State rhetoric indicates that Lebanon is not a final destination for refugees, largely due to the view that any significant migrant influx would upset the country's sectarian balance.² Lebanon has not held a census since 1932, which has perpetuated the notion that the current governmental system is representative of the population percentages. Accepting the Syrian refugees, most of whom are Sunni, would upend this picture, and would cause many politicians, academics, and citizens to focus on the sectarian balance angle in terms of refugee policy. Despite this concern, there are numerous other determinants that

¹ See CFR tracker on the sectarian conflict in Lebanon: <http://www.cfr.org/global/global-conflict-tracker/p32137#!/conflict/sectarian-conflict-in-lebanon>

² Interview with Advisor to Ministry of Interior (MOI), Khalil Gebara - January 4, 2016

influence the state to behave the way it does, such as socio-economic factors and national security concerns. The purpose of this study is to uncover the factors that drive the Lebanese government's response to the Syrian refugee crisis, and how policy is created in a fragmented political system.

This paper aims to contribute to the literature surrounding immigration in the Middle East, and particularly that pertaining to refugee-state relations in the region. In the case of Lebanon, the term *tawteen*, or permanent resettlement, is a taboo notion, yet one commonly associated with immigration, and specifically with the idea of granting citizenship to Palestinian refugees in Lebanon. Since the Lebanese political system depends on religious population percentages to remain steady, many academics believe that this is the reason that Palestinians, the majority of whom are also Sunni, have not been granted citizenship. We believe, however, that *tawteen* is not a primary determinant, but rather an underlying factor in influencing Lebanese policy towards refugees. What makes Lebanon's refugee crisis additionally unique is that despite *tawteen* being an issue that ostensibly threatens the Lebanese consociational system, it has not generated a cohesive or unified response to the crisis. In order to prove these theories, we examined what motivated policies, and how they were implemented.

JUSTIFICATION

Given the levels of political deadlock in Lebanon, the lack of coherent executive leadership, and consistently delayed parliamentary elections, the state has put forth relatively few migration-related legislative bills. This is surprising considering the mass of refugees that has entered Lebanon since the outset of the Syrian Civil War in 2011. We

specifically focused on four areas of policy which we deemed had the greatest impact on the refugee crisis in Lebanon: education, labor, borders, and refugee camps. Lebanon also has no formal mechanism or legislative process to address and deal with such issues, so we took particular interest in how the state came to seemingly significant policy conclusions given its relatively minimal response capacity.

Ultimately, we did not include the universe of refugees in Lebanon, but rather discussed Lebanon's past and ongoing experiences with Palestinian refugees, and focused primarily on the state's response to the present Syrian refugee crisis. Although there have been other groups that have sought refuge in Lebanon, the two aforementioned groups constitute the majority of refugees in Lebanon. In addition, although we seek to define the process and considerations for current refugee policies, a large precedence for refugee policy was established following the 1948 War and the influx of Palestinian refugees. We considered including the 2003 Iraqi refugees, many of whom were Christian, but we decided this case was not to be considered impactful in this study as most were absorbed into Christian communities, and the sample size was small, with only around 6,000 Iraqi refugees arriving to Lebanon.³

METHODOLOGY

We engaged in interviews with government and UN officials, as well as prominent NGO representatives operating in Lebanon's informal refugee camps. Included were two senior ministry advisors, three UN liaison officers, representing the UN High Commissioner for

³ See European Commission factsheet on the Syria crisis' impact on Lebanon: http://ec.europa.eu/echo/files/aid/countries/factsheets/lebanon_syrian_crisis_en.pdf

Refugees (UNHCR), the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the UN World Food Programme (WFP), as well as representatives from the Norwegian Refugee Council, the Lebanese Red Cross, and the American University of Beirut.

Conducting interviews at varying levels of society, from grassroots to government, allowed us to analyze official government policy statements, as well as field workers' perceptions towards the government's response to the Syrian refugee crisis. Our questions revolved around determining who was responsible for the implementation of recent refugee policies that our interviewees deemed most important, focusing on policies implemented since the beginning of the Syrian War in 2011. The most valuable interviews were conducted with UN officials and NGOs operating in Lebanon, as they provided the most consistent descriptions of how refugee and migration policies are instituted: primarily through emails and other informal ad-hoc backchannels, as opposed to official policy. Since the study was focused on policy as opposed to humanitarian concerns, interviews with refugees were deemed beyond the scope of the paper.

REFUGEE POLICY: LITERATURE REVIEW

In the global context, international conventions define who is a “refugee,” their status in international law, and the customary procedures which intend to protect them. The 1951 Refugee Convention identifies a refugee as any person who

... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

In addition to defining “refugee” for international use, the 1951 Convention also establishes non-discrimination norms for refugees in terms of work, social welfare programs, and religious freedoms.⁴ While the Convention is only relevant to refugees as a result of events occurring before 1 January 1951, the 1967 Protocol holds that the Convention is relevant for any time or any place.⁵ Although Lebanon, along with Egypt, Jordan and Syria, has not signed onto the 1951 Refugee Convention, it is a signatory to the League of Arab States’ own refugee protocol, the Casablanca Protocol.⁶

Customary International Law is significant when discussing policy, as its components apply to all states whether or not they are party to the relevant treaties.⁷ According to customary law, individual states have the authority to regulate the movement of people across their borders, including the ability to decide who is admitted and for what period of time.⁸ It does, however, provide “protection of refugees from return to countries in which they would face persecution, suppression of human trafficking and human smuggling, obligation of States to provide consular protection to their nationals in other States, and the duties of States to readmit nationals who seek to return.”⁹

One of the large holes in customary law is confronting issues of asylum. Although “seeking asylum” is a recognized right, it does not include a guarantee that the state will grant asylum, or admit a person who is seeking asylum. The only necessity is *non-*

⁴ Aleinikoff, “International Legal Norms and Migration: an Analysis.” (2002) pgs. 7-55

⁵ “NGO Manual on International and Regional Instruments Concerning Refugees and Human Rights.” (1998), see: <http://www.unhcr.org/46e660d70.pdf>

⁶ This protocol holds that member states are required to “take the necessary measures” to provide Palestinians with civil rights and good living conditions. Under this agreement, refugees are to maintain the same status as host country nationals without obtaining citizenship.

⁷ “International Refugee Law” Geneva Academy - Rule of Law in Armed Conflicts Project, see: http://www.geneva-academy.ch/RULAC/international_refugee_law.php.

⁸ Martin, “The Legal and Normative Framework of International Migration,” September, 2005. pg. 6

⁹ Ibid

refoulement, the agreement to not send someone back to a place in which they may be in danger.¹⁰ Therefore, states often create obstacles for people to leave their country of origin or gain refugee status. Along similar lines, customary law also does not indicate any set of practices regarding admission at the border, or the issuance or refusal of visas.¹¹ This leads to varying procedures among states, including signatories of the 1951 Refugee Convention.

International law, both customary and conventions, provides countries with space to determine many aspects of state policy towards refugees, but it does not explain a government's approach. According to Egon Kunz, underpopulated countries, on the most basic level, may support immigration since it contributes to the nation's economic growth. On the contrary, overpopulated countries would not want to assimilate new immigrants. Along with population size and its relation to a state's economy, culture and social receptiveness also play role; more monistic societies are less likely to be welcoming to people of different cultures.¹² Lebanon serves as an interesting interplay between these factors. Although it is not an overpopulated or a homogenous society, its fear of becoming overpopulated or overcome by a new cultural norm influences its refugee policies. In this way, it acts as a monistic society, since it aims to maintain its culture, even if it is a culture of many confessions.

Simon Hix and Abdul Noury explain how these cultural or socio-economic interests translate into policy, a process that depends mainly on the "design of electoral and

¹⁰ This term is defined in both the 1951 Refugee Convention as well as the 1984 Convention against Torture to which Lebanon is a signatory.

¹¹ Hix and Noury, "Politics, Not Economic Interests: Determinants of Migration Policies in the European Union." 2007, pg. 187

¹² Kunz, "Exile and Resettlement: Refugee Theory" (Spring - Summer, 1981), pgs. 42-51

political institutions.”¹³ For example, in countries with a first-past-the-post voting system, elected politicians often respond to their constituents to remain in power. Meanwhile, in parliamentary systems, in which parties play a larger role, elected politicians will typically follow the preferences of the party leaders.¹⁴ This correlates with the strong influence of political parties on the individual – something unique to Lebanon, unlike the surrounding region.

Refugee Framework within the Middle East

Despite the strong role migration trends have played in shaping the Middle East migration studies remains a relatively new academic paradigm in the region.

Traditionally, the research and literature pertaining to migration, both within the region and in the international community, have concentrated on Western notions and ideals concerning migrant rights and treatment in various host states.¹⁵ In recent years, however, most notably since the Syrian migrant crisis began in mid-2011, scholars and analysts have increasingly approached migration studies through international security paradigms. As a result, less attention has been given to the determinants of regional policies and attitudes towards migrants and integration.

The Arab world, as it regards migrants, refugees, and their legal and sociopolitical status, has straddled the line between upholding Pan-Arab identity and divergent nationalist values. Whereas most Western states have mapped procedures and agreements to assure migrant and refugee protection, Arab nationalism during the 1960s created a complex

¹³ Hix and Noury, pg. 187

¹⁴ Ibid

¹⁵ Fabos, “Refugees in the Arab Middle East: Academic and Policy Perspectives,” (2015). pg. 97

migration web in the Middle East in which long-term visas and residency permits were provided on a case by case basis, with priority frequently given to migrants over refugees.¹⁶

One such example is the Palestinian case, in which host country opposition to providing naturalization and citizenship rights is generally stated as a decision meant to uphold the right of return. This decision has shaped the way both citizens and politicians throughout the region view and respond to migration trends. In all Arab states except Jordan, Palestinians were denied naturalization and citizenship rights and jobs by Arab governments who claimed they were supporting refugees' rights to return to Palestine. Lebanon, Syria, Egypt, and Jordan all hosted significant Palestinian refugee populations, but each government offered only nominal support for the right of return. Again, except for Jordan, resistance to Palestinian naturalization reflected more a denial of responsibility and an unwillingness to accept the social, economic, and political burdens that accompany the issue. Historically, the inability to attain a solution to the Palestine issue, compounded by poor host government treatment, has led numerous scholars and activists to address refugee treatment, living conditions and legal status in host countries. Research on non-Palestinian Arab refugees, however, is much scarcer, typically "produced around humanitarian crises," and is mostly concerned with integration issues under national migration and settlement policies.¹⁷

¹⁶ Fabos, "Refugees in the Arab Middle East: Academic and Policy Perspectives," (2015). pg. 102

¹⁷ Ibid, pg. 99

Concept of Tawteen

One key migration issue that has permeated Lebanon's socio-political environment in particular is that of resettlement, or *tawteen*. For decades, Lebanese citizens and politicians alike have displayed fear and "strident rejection" of permanent settlement of refugees in the country; most have justified their opposition on economic or demographic grounds.¹⁸ While there is relative popular consensus against *tawteen* in Lebanon, the issue remains controversial nonetheless, especially among human rights and refugee advocates within the international community. *Tawteen*, as it regards migrants and refugees in Lebanon, has long been associated with the plight of the Palestinian refugees of 1948 and 1967, as well as those Palestinians who migrated to Lebanon from Jordan following the Palestinian Liberation Organization's (PLO) ouster in 1970 during Black September.¹⁹ As tensions and violence increased between the PLO and Lebanon's right-wing Christian factions during the early 1970s, many Lebanese, across all social and religious sects, increasingly adopted resistant attitudes towards Palestinians and the concept of *tawteen*.

The Arabic term *tawteen* itself has proven to be controversial, as well. The word or idea is associated with Palestinian refugees almost exclusively, but has taken on various meanings since the conclusion of the Lebanese civil war. In Lebanon, it has meant more restrictive and onerous measures against refugee resettlement. Though *tawteen* literally means "permanent settlement," which is specifically outlawed under the Ta'if

¹⁸ Haddad, "The Politics of Refugees' Non-Integration," (2003), pg. 3

¹⁹ The PLO was founded in 1964 aiming to liberate Palestine through armed struggle. It functioned as a state within Jordan until it was expelled in 1970 following clashes with the Jordanian Kingdom, after which it moved its base to Lebanon and continued its operations there.

Agreement, the Lebanese government has accepted no established definition for the term and its ramifications. This has given the government flexibility in rejecting or suppressing all aspects that pertain to settlement and integration, such as civil rights, naturalization, citizenship, and economic opportunity, claiming the idea is a “concrete threat” to the country.²⁰ While this approach originated in the Palestinian refugee crisis, it undoubtedly shapes the way Lebanon’s government and political parties continue to portray and approach mass migration and refugee populations in general.

With regard to the literature discussing *tawteen* and its origins in Lebanon, scholars differ on key issues. Some academics, such as Nur Masalha, believe that sectarian and identity-related issues primarily drive negative attitudes towards refugees,²¹ while others, like Simon Haddad, argue that socio-economic concerns are more determinative of such behaviors and attitudes.²² Fida Nasrallah, a prominent Lebanese scholar, argues a third approach, which holds that Lebanon’s strict approach towards refugees indicates the basic, xenophobic notion that Palestinians and refugees in general are simply unwanted in Lebanon.²³ One point, however, is shared and clear among all views: that in Lebanon, assumptions about migration and refugees have long centered nearly exclusively on a discussion of Palestinians and the idea of *tawteen*. Our research, though, instead suggests that the widely held argument that fear of *tawteen* is the primary factor in influencing Lebanon’s refugee policies ultimately overlooks and simplifies the country’s intricate and convoluted political system, as well as the power and influence of political parties. In our

²⁰ Shehadi, “A Staircase in Nahr el Bared: The Future of Palestinian Refugees in Lebanon,” (October 2010), pg. 8

²¹ See Masalha, “Sectarianism and the Rejection of *Tawteen*: Lebanon and the Palestinian Refugees,” (2002)

²² See Haddad, “The Politics of Refugees’ Non-Integration,” (2003)

²³ See Nasrallah, “Lebanese Perceptions of the Palestinians in Lebanon: Case Studies” (1997)

paper, we will examine other fundamental political, security, and socio-economic factors that collectively play a decisive role in implementing policies towards refugees and migrants.

BACKGROUND

Refugees in Lebanon

Lebanon has been challenged by the need to address migration and refugee issues since its independence. The first Arab-Israeli War produced nearly 700,000 Palestinian refugees, many of whom fled to Lebanon. Most who found refuge in the newly independent state ultimately settled into either UN-sanctioned refugee camps or informal settlements which collectively formed communities surrounding the camps. Lebanon's relationship with and responsibilities towards the 1948 refugees were guided and essentially carried out by UNRWA, which historically has administered all aid and services to Palestinian refugees in the region. In the first 20 years of refuge in Lebanon, most Palestinians experienced gradually-institutionalized economic, social, and political marginalization, largely due to the government's resistance towards refugee resettlement. Relations between the state and refugees throughout the country only deteriorated after the Six Day War in 1967, as well as the Jordanian Civil War in 1970, both of which culminated in a second influx of thousands of Palestinian refugees into Lebanon.

The Lebanese Civil War, which began in 1975 and ended in 1991 with the Ta'if Agreement, proved to be a tremendous challenge for refugees in Lebanon. Palestinians were essentially at the center of the country's "constant civil and inter-sectarian strife" in

the years leading up to the conflict. Following the PLO's ousting from Jordan in 1970, Lebanon emerged as a hub for the Palestinian national movement.²⁴ Upon organizing and establishing itself in both Beirut and southern Lebanon, the PLO gained popularity quickly with those Lebanese who had been marginalized and downtrodden in their own society – primarily the non-elite Sunni class, and most of the Shi'a population. The PLO's efforts to establish a stronghold in Lebanon sparked tensions and violence between the PLO, its affiliates, and several left- and right-wing Christian factions, culminating in a series of battles and skirmishes that sparked the 15-year civil war. As the PLO had essentially established a "state within a state," its deterioration during the war and ultimate withdrawal from Lebanon following Israel's 1982 invasion contributed to the quick collapse of a budding Palestinian civil society within Lebanon. This left a significant portion of Lebanon's Palestinian refugee population vulnerable to both anti-Palestinian violence and popular anti-settlement attitudes.

With regard to how Lebanon approaches migrant and refugee status, the state views only those Palestinians who were displaced in 1948 as "refugees," as defined by international law. Nevertheless, Lebanon has and continues to place legal restrictions on all Palestinians, other refugees and "foreigners," which precludes them from particular civic and employment opportunities.²⁵ This, combined with the state's decision to avert the 1951 Refugee Convention, leaves the Lebanese government unprepared to adequately address such migrant crises as the Palestinian and Syrian cases. In this environment, the state relies instead upon organizations like UNRWA and UNHCR, which do not

²⁴ Masalha, "Sectarianism and the Rejection of *Tawteen*: Lebanon and the Palestinian Refugees," (2002) pg. 120

²⁵ Al-Natour, "The Legal Status of Palestinians in Lebanon," *Refugee Studies*, (1997). pg. 364

distinguish refugees fleeing humanitarian disasters, to adopt more visible roles and agency than usual. Compounded by a sectarian governance structure which seems to encourage incoherence, Lebanon's response capacity is much weaker than most other states dealing with such refugee crises, such as Turkey and Jordan.

Political Environment

Lebanon has endured a long and tumultuous history in dealing with migration trends and refugees. The country's social and political divisions, institutionalized by a governing structure built upon communal rivalry rather than cohesion, have determined how national issues – like the Palestinian and Syrian refugee crises – are addressed. The consociational political system adopted by Lebanon establishes representation based on religious proportionality, and institutionalizes religious identity; in this context, religion becomes an exclusive identity at the expense of other forms of personal or communal identity. Lebanon's consociational system, therefore, does not encourage political and social cohesion, but rather creates an environment in which political gridlock becomes rampant at the elite level, and alternative forms of identity become subservient to religious affiliation. Although there is a relative balance of power among the political elite in Lebanon, political rivalries within individual subcultures and at the popular level date back decades, and remain ever-present.

History

The Syrian refugee case is further complicated by the historical relationship between Lebanon and Syria, dating back to the Ottoman occupation in the 16th century when both countries comprised a part of Greater Syria. In 1919, following the Sykes-Picot

agreement with Britain, France divided the countries into a Christian majority Lebanon and a Sunni majority Syria that was subdivided into five semi-autonomous regions.²⁶ Even after this division, however, a significant, primarily Muslim, Lebanese contingent maintained strong support for Syria and its pan-Arab socio-political outlook, ultimately sustaining the relationship between both states and peoples.²⁷ As a growing pan-Arabist power, Syria exerted increasing influence among the Lebanese Muslim population, as well as the country's political and economic agenda, throughout the 20th century and especially during the 1960s. It then consolidated its role in Lebanese affairs by intervening militarily in Lebanon's civil war in 1975 and occupying the country until 2005. After 30 years of occupation, heavy Syrian influence in Lebanon's political environment, and the assassination of Prime Minister Rafiq al-Hariri, millions of Lebanese demonstrators gathered in Beirut in February 2005 to protest Syria's presence in the country, finally ending the occupation. However, having been subjected to persistent external intervention in state affairs for so long, national institutions and political representatives emerged as both weak and beholden to external interests, ultimately undermining Lebanon's ability to respond to national crises.

Demographics

A major challenge facing Lebanon is the country's ethnic and religious diversity, and the sectarian elements that deeply pervade both politics and society. In an attempt to overcome this obstacle, Lebanon has recognized 17 religions in its constitution, in

²⁶ Fildis, "The Troubles in Syria: Spawned by French Divide and Rule." (2011)

²⁷ Harris, *The New Face of Lebanon: History's Revenge*. (2007), pg. 142

addition to stating “there shall be no segregation of the people on the basis of any type of belonging, and no fragmentation, partition, or settlement of non-Lebanese in Lebanon”²⁸

This sectarian emphasis was solidified in the 1943 National Pact which stipulated Lebanon’s president must be a Maronite, prime minister a Sunni, and parliamentary speaker a Shi’a. The pact also specified that Christians would have six seats in Parliament for every five seats held by Muslims. This structure is based on a 1932 census which found that the majority of Lebanese were Christian; however, a new census has not been recorded since. The Ta’if Agreement following the civil war reduced Christian power by instituting amendments that decreased the number of Christian representatives in the government and parliament to a “fifty-fifty” arrangement with Muslims.²⁹ Despite this change, the backbone of the consociational system is still based on the 1932 census – one that no longer represents the population percentages in Lebanon.

Along with confessions being represented in the political system, Lebanese have generally congregated in specific areas of Lebanon based on their religion.³⁰ The majority of Syrians are Sunni, and therefore have settled in traditionally Sunni areas of Lebanon, namely the southern part of the Beqaa Valley and northern Akkar region. These areas were already Lebanon’s more marginalized regions, and the refugee crisis has further strained the economy and refugee-Lebanese relations.³¹ Syrians have begun to also move south into Shia and Hizballah territory in recent years seeking employment. Although

²⁸ See Lebanese Constitution:

<http://www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf>

²⁹ See Makabi, “The Lebanese Census of 1932 Revisited. Who are the Lebanese?” (November 1999)

³⁰ See Appendix I for maps demonstrating how demographics have played a role in refugee settlement.

³¹ Dagher, “Human and Economic Pressures: Syrian Refugees Drive Down Wages in Lebanon.” *WSJ Blog*. (2014)

refugees in this area have not complained of ill treatment, it is uncertain if this is due to fear of retribution by Hizballah, or a true feeling of security.

Present Day

Sectarianism, however, does not completely explain policy determinants or the political environment in Lebanon. During the Civil War, and ever since, political parties have engaged in relationships and alliances among each other that would seemingly challenge the notion that religion exclusively drives politics. Most political leaders seek alliances within the consociational system based on mutual personal interests or external support, ultimately seeking to gain political advantage and greater parliamentary and cabinet representation – which incentivizes preserving the consociational political system altogether.

Politically, Lebanon is led by two primary coalitions, the March 8 and March 14 blocs. These coalitions emerged amidst a national debate regarding Syria's role in Lebanese affairs which was sparked by former Prime Minister Rafiq Hariri's assassination in February 2005. The March 8 movement is pro-Syria and pro-Iran oriented, and led by Hizballah, Amal, and the Maronite Free Patriotic Movement (FPM). The March 14 coalition, on the other hand, comprises Lebanon's Sunni political elite and right-leaning Christian parties, and maintains a pro-Western and unwavering anti-Syria stance, supported by Saudi Arabia. While the two coalitions were formed in response to Syrian intervention in Lebanon's political and social environment, since 2011, they have grown to oppose each other on the basis of differing approaches to Lebanon's role in the Syrian Civil War. Despite deep divisions over Syria, however, there is also general consensus

among the coalitions regarding the refugee crisis, as both agree upon an anti-settlement policy that also precludes establishing refugee camps in the country.

The current political and governance environment in Lebanon remains in a state of deadlock that has rendered the central government unable to provide basic services to the populace. Though Lebanon's consociational governing structure has long been considered weak, political divisions regarding dynamics within Syria have affected virtually every policy issue in Lebanon, making political cooperation across coalition lines essentially impossible. Distrust and contempt among Lebanon's political parties and leaders have precluded agreement on a presidential nominee and resulted in the delaying of parliamentary elections since 2014. The standstill has ultimately produced a governing structure in which ministries, usually driven by party agendas and external patron relationships, decide upon policies on an ad-hoc basis.

POLICY ANALYSIS

UN-Lebanon Relations

The Lebanese government has addressed the Syrian refugee crisis through a multilateral process that includes primary engagement with UNHCR and other UN agencies, in addition to receiving strategic recommendations from international donors. The Ministry of Social Affairs (MoSA) leads the national response primarily through creating the Lebanon Crisis Response Plan 2015-2016 (LCRP), which directs and coordinates aid and policy towards both vulnerable Syrian and Lebanese communities in the country. The strategy is driven by an Inter-Sectoral Working Group, led by both MoSA and the UN

Resident Coordinator, and is centered on both targeted stabilization and humanitarian dimensions; all relevant technical ministries are also involved in the planning process.³² At a level below, coordination and decision-making processes involve sector-oriented working groups, comprising ministries, lead UN agencies, and NGO partners.³³ On the ground, UNHCR, in addition to registering over 1 million Syrians, has worked increasingly with local administrative bodies in directing political, economic, and humanitarian assistance and stabilization.³⁴ Though UNHCR plays a direct role, however, the agency is also subject to policy changes implemented by the central government. In other words, the UN is not totally autonomous within Lebanon, illustrated by numerous state policies that have directed the agency to alter strategies. Perhaps the most glaring example illustrating the latter was the government's demand to UNHCR in May 2015 to temporarily suspend registration, so as to curtail Syrian entry into Lebanon.³⁵

Though the government has laid out its role in the stabilization scheme, municipalities have played an increasingly important role as service providers, and in many cases have assumed the central government's duties.³⁶ Moreover, while the LCRP delineates working-group coordination and responsibilities, individual ministries have driven policy-making to a great extent, while planning and coordination efforts have been led by UNHCR with relatively little NGO policy input in the LCRP.³⁷ Naturally, then, the

³² Lebanon Crisis Response Plan, 2015-16, pg. 24

³³ Main UN agencies involved in the working group are: United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), United Nations Children's Fund (UNICEF), United Nations World Food Programme (WFP)

³⁴ Interview with UNHCR Liaison Officer - January 6, 2016

³⁵ "Pushed to the Edge," *Amnesty International*, (2015) pg. 5

³⁶ Interview with AUB Research Faculty - January 11, 2016

³⁷ Interview with Program Manager of prominent INGO operating in Lebanon - January 6, 2016

“national response” to the crisis is neither calculated nor planned, but rather a collection of responses addressing short-term issues.

While the government continues to operate in an incoherent and ad-hoc manner, however, international and Lebanese NGOs, in addition to the numerous UN agencies operating in the country, have continued to develop and implement programs to address gaps in economic, educational, and livelihood opportunities for both underrepresented Lebanese communities and Syrian refugees. In numerous communities, local NGOs and Lebanese civil society organizations, in partnership with municipality administrations, have engaged in hands-on humanitarian aid and socio-economic development programs – operations which reportedly involve minimal government action and oversight.³⁸

Policy Approaches

Although *tawteen* is an underlying long-term pretext to push an anti-refugee agenda, its use in making policy reflects more immediate factors, such as economic and national security fears. The policy process in Lebanon is convoluted, with little transparency in how policy is determined. Executive branch representation, including the ministries, is equally shared among the state’s primary political blocs, March 14 and March 8, and a “centrist” bloc. The one-third division ultimately precludes the ability to pass legislation “by denying quorum to the cabinet,” guaranteeing deadlock and division.³⁹

³⁸ Interview with Program Manager of prominent INGO operating in Lebanon - January 6, 2016

³⁹ “Lebanon’s New Government” *Qifa Nabki* [blog], Feb 15, 2014

Overall, there are seemingly two main avenues to create or transform policy: a unilateral ministry decision, or a need to create consensus among numerous ministries.⁴⁰ This can be seen in an examination of four main policies advocated for in the last five years: education, labor, border control, and the debate surrounding refugee camps. In discussing and analyzing the major policies implemented by the Lebanese government, it is evident that decisions pertaining to the more existential implications of the refugee crisis, namely the potential settlement of refugees, necessitated a “whole of government” approach through which ministries came to agreement on particular policies. The implementation of such policies, particularly the January 2015 border closure and the comprehensive decision to preclude camp establishment, was driven by either consensus opinions against resettlement and naturalization or political deadlock.

The most instrumental ministries in determining and implementing migrant and refugee policies in Lebanon include the Ministries of Education (MOE), Labor (MOL), Social Affairs (MoSA), Interior (MOI), and Foreign Affairs and Expatriates (MoFA), in addition to the office of the Prime Minister. The governance system in Lebanon is structured so that parties essentially compete for ministry representation, particularly in the more influential posts, such as those listed above. Because present political circumstances have paralyzed the government and the ministries are now capable of unilateral action, ministerial positions are highly desirable.⁴¹ Lebanon’s dominant political parties and ideologies, therefore, exert significant influence in various policy sectors and in many

⁴⁰ See Appendix III for a chart illustrating the two main methods in which policies are implemented in Lebanon

⁴¹ See public discourse between Hizballah and Future Party in 2014 concerning MOI <http://english.al-akhbar.com/content/salam-present-cabinet-lineup-amid-uncertainties>

cases driving ministerial agendas. Compounding this, international pressure has oftentimes impacted more immediate concerns, overpowering domestic political sway in the decision-making process.

Unilateral Policies

As a result of the political fragmentation within the Lebanese government, policy decisions can be made by individual ministries as opposed to a collaborated effort. For example, policies regarding education and labor can be announced with little communication or need for consensus from other ministries. This suggests that policy may drastically change when a new minister assumes his or her position, especially in the case of refugee policy and other issues where the different parties have strong stances. Many argue that Lebanon's experience with Palestinians has most influenced the state's approach to refugee policy, but politics and the ability of a minister and his or her party to make unilateral decisions are perhaps more significant factors.⁴²

Education

Education policy is one example in which a decision can be made by one ministry with little need for consensus or collaboration. Reaching All Children with Education (RACE) was first initiated by UN agencies, with the help of the Ministry of Education and Higher Education, following a 2013 United Nations General Assembly discussing the Syrian crisis. The Government of Lebanon worked with UN agencies to develop a three-year program "to ensure that vulnerable school-aged children (3-18 years), affected by the

⁴² Interview with UNRWA - January 12, 2016

Syria crisis, are able to access quality formal and non-formal learning opportunities in safe and protective environments.”⁴³

Prior to the implementation of RACE, former Minister of Education Hassan Diab began the process of integrating Syrian refugee children into the education system and in 2012 issued a memorandum to schools to enroll Syrian students regardless of their legal status. Diab issued a number of statements emphasizing that all students were welcome, “as long as the public education sector is able to accommodate them after registering the Lebanese students.”⁴⁴ According to Diab’s figures, this would have added 50,000 Syrian students could be accommodated, thereby doubling the number of Syrian students registered in Lebanon’s education system. Diab’s acceptance of this policy of accepting formerly banned refugees from schools was a natural one for a Lebanese Sunni, but Human Rights Watch research found that some school directors continued to deny children without legal status enrollment in public schools. Diab’s statements continuously stressed that the main obstacle in registering additional Syrian children into schools is the lack funding from donors “or an exceptional decision by the government.”⁴⁵

The position of the current Minister of Education, a Maronite member of the FPM, is far more complex. Although at first glance he appeared to be more lenient towards Sunni refugees than the former minister, in reality the policy was largely passed due to international pressure. The Lebanese government promoted this program as being “under the leadership of the Minister of Education Elias Bou Saab” with “vital support by the

⁴³ See MOE policy: Reaching All Children with Education in Lebanon (RACE), June 2014:

<http://www.mehe.gov.lb/uploads/file/2015/Feb2015/Projects/RACEfinalEnglish2.pdf>

⁴⁴ Ouloua, “Syrian Refugees Overwhelm Lebanon’s Schools” *Al-Monitor*. (September 10, 2013)

⁴⁵ “I Just Wanted to be Treated Like a Person,” *Human Rights Watch*. (January 2016)

international community,” but this was not the image portrayed by all.⁴⁶ Other perhaps less biased sources emphasized the push by foreign governments, the UN, and International NGOs. One International NGO representative stated that, “UNICEF and the Italians paid for everything,” emphasizing the involvement of the international community rather than a Lebanese initiative.⁴⁷ Either way, this project demonstrates a ministry’s ability to initiate a policy with little, if any, input from fellow ministers.

Labor

The Ministry of Labor (MOL) is also able to propose and implement policy unilaterally, illustrated by Palestinian and Syrian labor laws and how they have changed over the last decade. It is clear that the MOL originally instituted strict regulations upon Palestinians as a method of deterring *tawteen* or resettlement, as well as to avoid recognizing Israeli statehood. Labor laws represent an interesting case, in that the government has gradually restricted Syrian labor since 2011, as laws have backtracked from easy access to work permits to similar restrictions faced by Palestinians. This trend indicates that the government, to an extent, has begun to seriously consider not just the possibility of permanent Syrian resettlement, but also the potential economic ramifications. Citizens in areas most impacted by the Syrian crisis, such as the Beqaa Valley, believe hourly pay has drastically decreased as result of the recent Syrian influx.⁴⁸ This claim is backed by the World Bank, which stated that “the Lebanese economy needed to create six times the

⁴⁶ “Government of Lebanon and International Community Plan for Successful Enrollment Process and Education Quality Improvement for September School Year Start.” *National News Agency* (July 29, 2015)

⁴⁷ Interview with Program Manager of prominent INGO operating in Lebanon

⁴⁸ Dagher, “Human and Economic Pressures: Syrian Refugees Drive Down Wages in Lebanon.” *WSJ Blog* (March 2014)

amount of jobs it previously did to absorb new entrants to the labour market.”⁴⁹

Considering these socio-economic concerns, it is not surprising that Syrian employment laws have begun to echo Palestinians labor laws in an effort by the MOL to help Lebanese stay employed.

In 1948, the Ministry of Labor created drastically different laws for the Palestinian refugees than migrant workers. Although these laws demonstrated the Lebanese government’s historic fear of resettlement, especially with regard to Palestinian refugees, the policy changes over the years also illustrate the unilateral power of the ministry and political party influences. These policies also demonstrate the leeway that the Lebanese government maintains by not signing the 1951 Refugee Convention.⁵⁰ Some restrictions included: impossible documentation of nationality to be hired; a reciprocity law stating that foreigners could only be hired for specific jobs if those same jobs were provided to the Lebanese in their country of origin,⁵¹ and work permits valid for only one year, but too expensive for many Palestinians to renew.^{52 53} Palestinians were allowed to work without permits in the agriculture and casual labor sectors, sectors which therefore absorbed the bulk of Palestinian workers.⁵⁴

The first major change in labor laws regarding Palestinians was made in 2005, which held that those born in Lebanon were not subject to some of the previous restrictions,

⁴⁹ Karam, “How Lebanon is Coping with more than a Million Refugees,” *The Spectator*, November 14, 2015.

⁵⁰ See “Overview of Right to Work for Refugees: Syria Crisis Response: Lebanon & Jordan.” *IRC* <http://www.rescue.org/sites/default/files/resource-file/IRC%20Policy%20Brief%20Right%20to%20Work%20for%20Refugees%20.pdf>

⁵¹ Both documentation of nationality and reciprocity were impossible for Palestinians as they no longer had a state, and Lebanon did not recognize Israel.

⁵² Al-Natour, “The Legal Status of Palestinians in Lebanon,” *Refugee Studies*, (1997). pg. 364

⁵³ *Ibid*

⁵⁴ *Ibid*

although the reciprocity rule remained in effect for certain jobs.⁵⁵ Palestinians are still required to apply for a work permit for certain jobs. These policy changes paved the way for future changes in job restrictions for Palestinians, and demonstrated a shift unrelated to the stereotypical positions of Hizballah – a party that has typically remained neutral when it comes to Palestinians’ right to work or own property.

Similarly, the next set of labor policies specific to Palestinians was introduced in 2012 and also represented a shift away from traditional political positions. Then former Labor Minister Charbel Nahas, member of the March 8 coalition and the FPM, advocated not hiring foreign labor, and denying a higher rate of permits to foreigners.⁵⁶ However, he also created an amendment in August 2012 that allowed Palestinians to work in all sectors of Lebanon, a provision he created only hours before stepping down from his position.^{57 58} This amendment was built upon an ambiguous law created in 2010 which began the process of further easing work restriction son Palestinians.⁵⁹ His successor, Salim Jreissati, however, immediately refuted the need for this bill, stating that the Palestinian refugees are better off without the amendments, and postponed its implementation.⁶⁰

Until January 2015, Syrians received a six month work permit upon crossing the border into Lebanon, as they were traditionally employed as migrant workers in the construction

⁵⁵ “Palestinians in Lebanon and Right to Work Amendment to Allow More Refugees Access to Employment.” *Badil - Issue 27* (Autumn 2005)

⁵⁶ “Lebanese Minister of Labor Promises to Abolish Sponsorship ‘Kafala’ System.” *Migrant-Rights.org* (January 2012)

⁵⁷ Al-Sayyed, “A Colonial Lie: Reflections on Gaza 2012,” *Al Akhbar* (Dec 15, 2012)

⁵⁸ Abouzaki, “Lebanese Labor Minister: Palestinians are Doing Just Fine.” *Al Akhbar* (June 27, 2012)

⁵⁹ Hanafi, “Stop Humiliating Palestinian Refugees.” *The Daily Star* (March 16, 2012)

⁶⁰ Abouzaki

and agriculture sectors.⁶¹ Even prior to January 2015, however, permits were not issued as regularly as the law dictates.⁶² The delivery of work permits is largely dependent on the receiving of residency permits. Since January 2015, however, many Syrians have entered into a similar labor situation as the Palestinians, largely congregating in the informal sector in order to avoid having to obtain a work permit. This is largely due to the inability of Syrians to cross over the border in order to renew their residency and work permits – an issue that will be discussed in more detail in the following section. In addition, they now need to sign a pledge not to work upon entry into Lebanon.⁶³ Upon applying for a work permit, Human Rights Watch (HRW) reported that many of the refugees they interviewed were asked to provide a sponsor, even though that is not a requirement. According to HRW, a refugee said, “sponsors are making a business out of it. They sell sponsorships for up to \$1,000 a person. Potential sponsors wait on the Syrian border or at the airport to sell sponsorships to new arrivals.”⁶⁴ The sponsor may also threaten to cancel the agreement, ultimately leading to refugees working longer hours for even less pay.

For both Syrians and Palestinians, employment in the informal sector allowed for greater control and exploitation by the employer. Working in the informal sector put Palestinians and Syrians in danger of being arrested for illegally working. Although Khalil Gebara, Advisor to the Minister of Interior, said that the government turns a blind eye towards

⁶¹ “Too Close for Comfort: Syrians in Lebanon,” *International Crisis Group (ICG)*, (2013) pg.17

⁶² See “Overview of Right to Work for Refugees: Syria Crisis Response: Lebanon & Jordan.” *IRC*

⁶³ Holmes, “New Restrictions in Lebanon mean Syrian refugees live in fear.” *Reuters* (Apr 17, 2015)

⁶⁴ See Human Rights Watch report: ““I Just Wanted to be Treated like a Person” (January 2016)

Syrians working illegally, the threat of going to jail remained a deterrent for many “foreigners” hoping to work.⁶⁵

Multilateral Policies

Lebanon continues to be challenged by political deadlock and competing domestic and external interests when dealing with more existential social and economic issues, particularly those regarding rebalancing sectarian divisions, upholding national security, and sustaining domestic employment. Political divisions among ministries have tended to preclude any real decision-making until such issues are perceived as immediately threatening. The Syrian refugee crisis has exposed Lebanon’s inability to make serious policy decisions, especially in addressing the state’s open borders and the establishing of refugee camps.

Border Closure and Residency Restrictions

Upon the outset of the Syrian Civil War in 2011, and the massive refugee flows that came as a consequence, Lebanon began operating under an “open border” policy. The border has proven to be a delicate policy issue with long-term consequences regarding regulating migration and potential resettlement for Lebanon and its neighbors. The government’s initial approach to border security and managing Syrian migration trends was marked by incoherence and political division regarding whether or not the state should institute increased entry regulations.

⁶⁵ Interview with Khalil Gebara

Most notable was the ideological divergence in approaching the crisis between MoSA, which was more progressive towards migrants and refugees fleeing Syria upon the outset of violence, and MoFA, which had aligned with the pro-Syrian regime March 8 coalition. Both ministries engaged in public debates regarding issues such as the border closure and birth registrations, but ultimately, political deadlock surrounding these concerns and the potential long-term consequences prevented consensus on any policy intended to mitigate the impacts of Syrian migration.⁶⁶ Thus, the open border stance continued through 2013, except for new restrictions “on the entry of Palestinian refugees from Syria (PRS).”⁶⁷ By late 2013, however, as the Syrian refugee population skyrocketed, political discussions among the cabinet regarding potential closure of the border had gained increased traction.

The ministry with greatest leverage over border policies, the MOI, which was led at the time by Marwan Charbel, was outspoken against the growing Syrian population in Lebanon. Charbel was closely aligned with the Free Patriotic Movement and the March 8 coalition, and argued that the rise in crime in Lebanon between 2011 and 2013 could be attributed directly to the “sudden influx of poor [Syrian] refugees.”⁶⁸ MoFA head, Adnan Mansour, also part of the pro-Syrian regime March 8 coalition, backed the ministry’s positions. He argued fervently for increased border patrols to control and end the influx of refugees. Mansour said the refugee population, at the time numbering nearly 160,000, constituted a major burden on the state, necessitating the border’s closure.⁶⁹

⁶⁶ Aziz, “Lebanese, UN fall out over refugee registration.” *Al Monitor* (July 21, 2015)

⁶⁷ “Pushed to the Edge,” *Amnesty International*, (2015) pg. 8

⁶⁸ Frelick and Whitson. “Letter to the Minister of Interior Marwan Charbel.” *HRW* (November 25, 2013)

⁶⁹ “Mansour: Spiking Number of Syrian Refugees in Lebanon a Burden on the State,” December 28, 2012: <http://www.naharnet.com/stories/en/66238>; “Lebanon considers closing the borders to Syrian refugees,” December 20, 2012: <http://www.albawaba.com/news/lebanon-syrian-refugees-458250>

While parliamentary and presidential elections were delayed in 2014, and remain delayed, the cabinet did approve a ministerial working group in May 2014 which was dedicated to addressing the crisis and its impacts. The committee, headed by two March 14 bloc ministers, Interior Minister Nohad Machnouk and Minister of Social Affairs Rashid Derbas, and one March 8-aligned minister, Foreign Minister Gebran Bassil, was charged with taking “the necessary steps to confront the refugee influx [and] ensuring that [the refugees] return to their country.”⁷⁰ In June 2014, the newly formed committee issued new entry requirements and restrictions incumbent upon Syrians, namely that only those coming from areas enduring heavy fighting near the Lebanese border would be allowed entry, and that any individual who traveled back to Syria would automatically lose temporary refugee status. At this point more than one million Syrians had entered Lebanon, which undoubtedly added significantly to already-strained national infrastructure and resources and led many municipalities throughout the country to impose curfew for Syrians.⁷¹ The growing refugee population raised the possibility and heightened the perception that resettlement may become a reality, and a potential threat to stability and security, with which Lebanon had to come to terms.

By mid-2014, an increasing number of municipalities had begun to impose curfews for Syrians, and many administrative councils had called upon General Security to raid temporary informal settlements suspected of providing haven to militants, especially in the northern Beqaa Valley.⁷² Targeted raids and evictions increased dramatically

⁷⁰ “Ministerial Committee Formed to Face Refugee Crisis.” *NOW*. May 23, 2014. <https://now.mmedia.me/lb/en/archive/548568-ministerial-committee-formed-to-face-refugee-crisis>

⁷¹ “Lebanon: At least 45 Local Curfews imposed on Syrian Refugees.” *HRW* (October 3, 2014)

⁷² *Ibid*

following the August 2014 battle in Arsaal between the LAF and jihadist elements, including ISIL and al-Nusra Front.⁷³ The battle, which saw militants lay siege to the town in the northern Beqaa, left nearly 50 civilians dead while 24 LAF soldiers were kidnapped, illustrating that Lebanon was vulnerable to the violence that had subsumed Syria and threatened Iraq.

As economic conditions and refugee-host community relations continued to deteriorate, the events in Arsaal ultimately drove the government to take action. Discussions among the cabinet and the tri-ministry committee on refugees culminated in an October 2014 policy statement which expressly laid out the government's intent to reduce the Syrian refugee population in Lebanon by closing the border and encouraging refugees to leave the country, in addition to preserving Lebanon's security environment and protecting economic and employment opportunities for Lebanese citizens.⁷⁴

The policy was fully implemented in January 2015, and imposed new visa and work regulations upon Syrians attempting to enter the country in an effort to ensure that Syrians "adhered to the same requirements as other foreigners in the country," and return to Syria.⁷⁵ ⁷⁶ As a result, Syrians who planned to enter Lebanon had to meet one of seven requirements set forth by the Lebanese government: entering Lebanon for tourism and educational purposes, to transit to a third country, displacement, to receive medical

⁷³ Solh, "Army Raids Arsal Refugee Camp" *The Daily Star* (May 28, 2015)

⁷⁴ [Arabic] See documented minutes of Council of Ministers meeting held on October 23, 2014: <http://www.pcm.gov.lb/Arabic/subpg.aspx?pageid=6119>

⁷⁵ Interview with Advisor to MoSA, Hala Helou - January 7, 2016

⁷⁶ [Arabic] See documented minutes of Council of Ministers meeting held on October 23, 2014

attention, arrange an embassy appointment, or obtain work sponsorship.⁷⁷ According to the policy document, Syrians were no longer allowed to enter the country as “displaced persons,” except under extreme humanitarian circumstances. In April 2015, the ministry delineated who would be eligible to enter Lebanon as “unaccompanied children with a parent already registered in Lebanon; persons living with disabilities with a relative already registered in Lebanon; persons with urgent medical needs for whom treatment in Syria is unavailable; and persons who will be resettled to third countries.”⁷⁸ Later in the same month, MoSA also urged UNHCR to de-register nearly 1,500 Syrians who had entered the country after the January 2015 restrictions were implemented, and then requested that UNHCR temporarily suspend all registrations in May. The UNHCR expressed its concerns with this policy, but it was bound to comply with the policies instituted by the government.

A top MoSA advisor assured that the policies do not discriminate against Syrians, but the ministry still has provided no credible reasoning as to how the entry requirements were established, only stating that each entry will be observed on a “case-by-case” basis.⁷⁹ Moreover, Syrians who were already registered with UNHCR prior to the January policy change would be required under new stipulations to pay \$200 to renew residency permits every six months. As the UN began to experience a gradual decrease in donor support and shifted towards more targeted programs in Lebanon, most refugees were unable to afford the fee. This made legal status precarious, leaving many Syrians vulnerable to

⁷⁷ See policy document laid out by General Security, under the MOI, which indicates criteria Syrian refugees must meet to enter Lebanon: <http://www.general-security.gov.lb/getattachment/e1e76fe0-181e-4fe7-a19c-9b175759ad49/Rules.pdf.aspx?chset=f247bae1-d485-42fa-8a33-079df973a536>

⁷⁸ See “Protection Monthly Dashboard” *Inter-Agency Coordination Lebanon* (April 2015): <http://reliefweb.int/sites/reliefweb.int/files/resources/April2015-ProtectionSectoralDashboard.pdf>

⁷⁹ Interview with Hala Helou

arrests and detention.⁸⁰ Even Khalil Gebara, senior advisor to the MOI, “acknowledged some difficulties with the new rules.”⁸¹

The border closure policy raises the question of why the Lebanese government took so long not only to establish a ministerial working group aimed at addressing the crisis’ impacts, but also why it waited so long to approve the policy itself. Hala Helou also assured that there was no refugee cap number in mind when discussing possibly closing the border, so why did it take over three years to negotiate and approve?⁸² Ultimately, the policy decision represents the government’s initial “non-approach” or “non-policy” towards the crisis. As the impacts of the Syrian civil war and confrontations with ISIL, Syrian forces, and Iran increasingly affected security, society, and Lebanon’s fragile economy and politics, the country’s political environment gradually destabilized between late 2013 and 2014. Only then did the government, led by MoSA, MOI and MoFA, begin to institute reactive and stringent policies in an attempt to curtail and disincentive Syrian entry into the country.

Refugee Camp Debate

The refugee camps epitomize the lack of cooperation and consensus between the ministries and the strong opinions voiced by their correlating parties that led the Lebanese government to political inactivity and unresponsiveness. The politicians justified their inability to reach consensus on the implementation of refugee camps on fear of the historic use of camps as a base for foreign fighters. Yet the ostensible issue is

⁸⁰ “Pushed to the Edge,” *Amnesty International*, June 2015, pg. 20

⁸¹ Holmes, “New Restrictions in Lebanon mean Syrian refugees live in fear.” *Reuters*. Apr 17, 2015.

⁸² Interview with Hala Helou

the inability of the Lebanese government to make proactive decisions. The difficulty in analyzing the lack of refugee camps stems from the controversy over whether they represent an issue of *tawteen*, or are just an example of the inability for the ministries to make a unified decision.

Following the Arab-Israeli wars in 1948 and 1967, and Black September in 1970, the resultant refugee influxes into Lebanon forced the government to build camps to ensure that refugees would remain in the country only on a temporary basis as opposed to becoming integrated into Lebanese society. Currently, there are 12 official refugee camps in Lebanon, which house nearly 53% of the country's Palestinian refugees (as of 2014), in addition to 15 unofficial settlements that are not managed by UNRWA, and hold many thousands more. The camps are governed by the 1969 Cairo Agreement, signed by the PLO and the Lebanese government, which granted Palestinian autonomy in the camps. The rights assured to Palestinians in the agreement were rescinded in 1987, but Palestinian political and paramilitary groups remained in control in the camps.

The policy shift away from the use of camps for the Syrian case was largely the result of negative experiences with Palestinian refugee camps, which had provided Palestinians with a community and space to organize politically, created an environment for radicalization and encouraged "settlement." Lebanon's political and social divisions, which were much more palpable than those in Jordan and Syria, ultimately delayed Lebanon's ability to address the challenges presented by the PLO, paralleling the government's reaction to the Syrian refugees today.

Although the lack of refugee camps for the current influx is largely influenced by the ability of the PLO to co-opt the camps in the 1960s and a fear of a repeated history, it was also decided by a lack of action. When the war first began in 2011, the Lebanese government had little to no response to the influx of people, as it expected that this would die down similar to other uprisings in the region.⁸³ Upon realizing the war's enduring nature, the Lebanese government adopted the tactic of dispersing Syrian refugees instead, although it is unclear if this was a proactive decision, or simply a result of indecision. The refugee camp debate has been revived periodically over the last five years; however, the general consensus is that it is now too late to establish camps. Khalil Gebara, an advisor to the MOI, referred to it as a "geographic challenge"; at this point refugees are already settled, and there is no space to set up a camp as an alternative to the informal settlements.⁸⁴ An alternative, though, proposed by several NGOs, is that the Lebanese government is purposefully making life more difficult for refugees with the hope that it encourages them to leave quicker.⁸⁵

Establishing refugee camps would require a consensus among state ministries, as it cross-cuts numerous issues, such as camp locations, service-provision responsibilities, and internal security. Although most ministers and parties in Lebanon agreed against establishing camps, the primary justifications highlight main points for the debate. Sunni Lebanese leaders advocated camps in the early stages of the refugee crisis, with UNHCR initially supporting the idea as it was deemed easier to provide services for refugees when

⁸³ "No Place to Stay? Reflections on the Syrian Refugee Shelter Policy in Lebanon." *AUB - Assam Fares Institute*, September 2015.

⁸⁴ Interview with Khalil Gebara

⁸⁵ Interview with Norwegian Refugee Council - January 11, 2016

they are located in confined areas.⁸⁶ Hizballah, on the other hand, countered that the camps would provide havens and “military sanctuaries” to anti-Syrian regime militants, and Christian parties referred to them as “redlines.”⁸⁷ Both of these factions have, and continue to view Syrian refugees as a national security risk. On numerous occasions, Hizballah officials have warned that refugee communities, and especially camps, were likely becoming “havens” that could be infiltrated by extremist militants.⁸⁸ Even prior to the massive refugee influx, senior party representatives rejected the idea of refugee camps on the basis that they would establish “military pockets” from which militants could both recruit and launch attacks within Lebanon and against Syria.⁸⁹

According to an AUB researcher, MoSA advocated establishing camps in the early stages of the refugee influx, facing opposition from the March 8-aligned MoFA. This type of statement largely oversimplifies the situation. Although this position makes sense, as MoSA is part of the March 14 coalition while the MoFA aligns with March 8, this clash of ideology no longer seems to hold true for the case of refugee camps. MoSA may have originally supported the concept of refugee camps, but the large influx of refugees has changed their position. Similar to the issues facing the ministries when dealing with the border crossing, MoSA is currently overwhelmed by the number of refugees residing both legally and illegally in Lebanon, a number that Lebanon had drastically underestimated at the beginning of the conflict.

⁸⁶ Interview with UNHCR Liaison Officer

⁸⁷ Interview with Khalil Gebara

⁸⁸ “Syrian Refugees are a ‘Time Bomb’: Hezbollah MP,” *The Daily Star* (February 14, 2016) <http://www.dailystar.com.lb/ArticlePrint.aspx?id=337163&mode=print>

⁸⁹ “Hezbollah Rejects Refugee Camps in Lebanon,” *The Daily Star* (March 10, 2012) <http://www.dailystar.com.lb/News/Politics/2012/Mar-10/166204-hezbollah-rejects-syrian-refugee-camps-in-lebanon.ashx>

Although MoSA may have originally found issue with MoFA's harsh statements about returning refugees to Syria, they now express a similar line of thought. The current Minister of Social Affairs, Rashid Derbas, has told reporters that there are two possible solutions to the refugee crisis: either for other countries to accommodate displaced people, or "to revive the idea of safe areas either inside Syria or along its border with Turkey."⁹⁰ This idea of safe areas within Syria is identical to Foreign Minister Gebran Bassil's recommendation, although he went a step further in advocating the return of the displaced to Syria.⁹¹ These statements are in sharp contrast to those of the current Minister of Health, and former Minister of Social Affairs, Wael Abou Faour, who soon after his shift between ministries stated that "there is no solution to the continuous influx of refugees other than establishing refugee camps." He went on to say that there had been many conversations about the creation of refugee camps, yet "such a solution was previously opposed by a number of political forces who argue that [establishing camps] could destabilize the country's security."⁹² This disparity in views can be attributed to fundamental political differences over the opposing sides in the Syrian conflict. While Abou Faour and his Druze Progressive Socialist Party (PSP) have largely stood against the Asad regime and in support of the opposition, Bassil and the March 8-aligned FPM have remained firmly behind the Syrian regime.

⁹⁰ Aziz, "Lebanon Continues to Struggle under Weight of Syrian Refugee Crisis." *Al Monitor* (November 12, 2015)

⁹¹ "Bassil Calls for Safe Zone inside Syria to House Refugees." *The Daily Star* (October 1, 2015) www.dailystar.com.lb/News/Lebanon-News/2015/Oct-01/317196-bassil-calls-for-safe-zone-inside-syria-to-house-refugees.ashx

⁹² "Camps only Solution to Refugee Crisis: Abu Faour" *The Daily Star* (May 12, 2014) <http://www.dailystar.com.lb/News/Lebanon-News/2014/May-12/256151-camps-only-solution-to-refugee-crisis-abu-faour.ashx>

The issue of *tawteen* has also played a role, as numerous ministries cite the fear of security issues that can be largely attributed to the Palestinian refugee camps, but a larger issue seems to be the underestimation of the number of refugees entering and the inability of the ministries to form a united front to create the camps.⁹³ In May 2013, caretaker Interior Minister Marwan Charbel admitted that Lebanon “should have kept Syrian refugees in [camps] and provided them with all the necessary humanitarian assistance and medical aid ... to contain the security violators that are present among them.”⁹⁴ The retroactive perspective of the refugee camps is indicative of a major flaw in policy making in Lebanon: too often decisions are postponed until it is too late to act on the problems at hand, largely due to intra-ministerial disputes.

Given the ostensible incoherence and unpreparedness displayed by the Lebanese government in responding to the crisis, however, it must be stated that the country’s populace has proven resilient. The pressures added by the massive influx have burdened the country’s infrastructure and economy to a great extent, but while many predicted that Lebanon would collapse under the impacts of the Syrian conflict, the state continues to operate in a relatively normal manner. In fact, when comparing how Lebanon has addressed and dealt with the crisis with other regional and international states, the sheer impact and breadth of the migration movement from Syria becomes markedly clear. Lebanon is a dysfunctional and divided state and has indeed struggled to cope with its migration and refugee crises, but the same can be said of states considered much more

⁹³ Interview with Khalil Gebara

⁹⁴ “Minister Marwan Charbel on Syrian Refugees.” *Blog Baladi*, (May 21, 2013)
<http://blogbaladi.com/minister-marwan-charbel-on-syrian-refugees/>

advanced, economically and politically, and historically much more open towards accepting and integrating migrants and refugees.

INTERNATIONAL CASE STUDIES

In order to better contextualize Lebanon's refugee policies and crisis response, it is helpful to observe the broader regional and global approach to the ongoing refugee crisis – particularly among the European Union (EU) states, Turkey and Jordan.

Though the EU is generally viewed as a collective entity, whose member states promote free movement across borders and coordinate border policies with non-EU countries, its members have at times come to varying policy conclusions based primarily on economic and political motivations. Many of the countries that have most directly dealt with the influx of refugees have begun closing their borders, similar to Lebanon's decision last year. While the EU recently issued quotas for migrants and refugees resettled throughout Europe, some states have decided not to accept EU restrictions. Moreover, as an increasing number of EU member states refuse to share the burden of the refugee influx, more individual state policies are pursuing anti-immigration stances for economic and political purposes.

Denmark and Hungary are two countries attempting to break away from the EU quotas presented. Although Denmark has historically welcomed immigrants, officials are now stating that the country is overwhelmed, and that "they have no choice" but to create new refugee policy to discourage the newest wave of refugees. The two primary reasons for this shift are, first, that in the last two years the number of asylum applicant has almost

tripled (7,557 in 2013 to 21,000 in 2015), and second, that Denmark's welfare system is unable to handle the influx.⁹⁵ In the last year, the government has initiated three measures to discourage the number of asylum seekers: cutting social benefits to refugees and immigrants by 5 percent, proposing relocating refugees from urban areas to camps outside the city, and most recently, seizing any asset of an asylum seeker greater than \$1,450. Hungary enacted a more extreme policy last year which revolved around building a fence to physically keep out migrants and immigrants. These shifts represent the difficult position EU members are in, and the potential transition towards economic motives to deter interest in migrants seeking refuge. As EU members, and signatories to multiple UN conventions related to immigration and refugees, they are unable to completely close their borders, leading Denmark to use a more passive strategy. Hungary, however, by taking unilateral action, is now facing an investigation by the EU.

Since mid-2011, Turkey, also a signatory to the 1951 Geneva Convention, has embraced an "open door policy" and provided "temporary protection" status to nearly 2.5 million Syrian refugees.⁹⁶ Turkey has at times reverted to arbitrary policies, particularly when deciding whether international NGOs are granted access to the camps, and determining the status and definition of a "refugee" as opposed to a "guest," but every Syrian who entered the country legally with an ID card is granted both access to health care throughout the country and educational opportunities to all Syrian children.⁹⁷ However, whereas the UN stipulates refugees must be guaranteed certain rights, Turkey maintains

⁹⁵ Delman. "How Not to Welcome Refugees," *The Atlantic* (Jan 27, 2016)

⁹⁶ Ahmadoun, "Turkey's Policy Toward Syrian Refugees," *Stiftung Wissenschaft und Politik* (November 2014), pg. 1

⁹⁷ Howe III, "Medical Needs Growing for Syrian Refugees in Turkey," *Project Hope*, (February 11, 2015)

essentially no permanent constitutional protections for refugees, making them vulnerable to the range of policy options available to the state. Although most Syrians in Turkey are registered with UNHCR, the majority are urban refugees who are not guaranteed the everyday services UNHCR provides in its 22 camps in southern Turkey. The strain on state resources has ultimately decreased overall assistance capacity, and has resulted in increasingly restrictive border entry policies.⁹⁸

Jordan's refugee crisis, on the other hand, has compounded governmental weaknesses which existed prior to the Syrian Civil War and currently prevent the country from addressing the crisis at a local level.⁹⁹ Because Syrian refugees in Jordan are concentrated in the most vulnerable regions, and in some cases receive more perceived support than disenfranchised Jordanian communities, it is increasingly likely that Jordan will continue to face popular pressure over the issue. Amman has addressed public frustrations, particularly with regard to the perception that refugees are receiving more aid and assistance than citizens in need, by curtailing opportunities for refugees, including cutting public healthcare, limiting freedom of movement, and closing numerous border crossings. Although Jordan generally preserves international law as it pertains to refugees, this response has constrained the government's ability to deal effectively with the crisis at hand. The Kingdom has ultimately decided to approach the issue from a short-term, security-driven outlook, rather than a longer-term, developmental posture.

What is evident in observing the spectrum of responses to the Syrian refugee crisis – from the most progressive and open societies in western Europe, to autocratic states in

⁹⁸ Ahmadoun, "Turkey's Policy Toward Syrian Refugees," pg. 2

⁹⁹ "The Role of Local Government in Addressing the Impact of Syrian Refugees: Jordan Case Study," *Chatham House*, (June, 2015) pg. 2

the Middle East, to dysfunctional and divided Lebanon – is that despite how these countries have approached the issue, state behaviors and tendencies were not previously examined thoroughly by academics and policy-makers, and even functional governments have been unable to address and assuage the crises. A more thorough and coordinated international approach to the conflict in Syria, and its transnational deluge, is very much needed.

CONCLUSIONS & RECOMMENDATIONS

For years, the Lebanese government has attributed its positions on migration to an anti-settlement and anti-Palestinian policy outlook. The perception that increased refugee rights would ultimately pave the way for the settlement and permanency of Lebanon's refugee populations has contributed directly to the substandard physical, social, and economic conditions that refugees continue to endure in the country. Though an increasing number of Syrian refugees have left Lebanon for Europe since the influx began, the perception that there is safety in Europe is fast receding. Meanwhile, the crisis in Syria appears to have no end in sight, making it highly likely that the refugee crisis will remain a protracted one, and that Lebanon will seek increased regional and international support to address both the humanitarian and development crises within its borders.

While the Lebanese government did take a step forward in issuing the Lebanon Crisis Response Plan, the strategy comes with significant flaws and gaps, especially when considering long-term issues and the possibility that the conflict in Syria will continue for

years to come. At this rate, the government has illustrated that it is, and will remain, largely incapable of addressing long-term socio-economic and national security issues related to the refugee crisis. There are, however, steps that Lebanon has proven that it can undertake for short periods in recent years and examples in which ministries in opposing coalitions have collaborated in the face of overwhelming fear such as in closing the border. Lebanon must develop a comprehensive strategy that is both rooted in rights for refugees and finds a way to supersede the political deadlock. Though resettling Syrians may not be a popular policy option among the Lebanese, the government must come to terms with the notion that providing human, economic, and political rights to refugees does not necessitate or lead to permanent settlement. Therefore, a requisite step incumbent upon the government is to establish a definition of *tawteen*, so that Lebanon may proceed with the following recommendations:

- **Lebanese government must develop a strategy that builds upon the LCRP and overcomes political divisions.** MoSA should continue leading the working group, but needs to incorporate other ministries into the discussion so that policies may be initiated and implemented in a more efficient manner.
- **Work more directly with NGOs and municipalities to develop a strategy to better assess and meet the needs of Lebanon's refugees.** While the LCRP is a good first step in espousing multi-level collaboration, the Lebanese government must seek greater insight from NGOs, which currently have very minimal policy input.
- **Waive all fees associated with entering Lebanon and renewing visa permits, and waive all documentation requiring refugees to pledge not to work, or to**

seek Lebanese sponsorship to work. The government successfully waived residency renewal fees for both Palestinian refugees from Syria and Syrian refugees for a 4-month period in late 2014, but Lebanon should seek a more permanent institution of this policy. Also, the government should end the practice of detaining “illegal” Syrian refugees based on expired documentation.

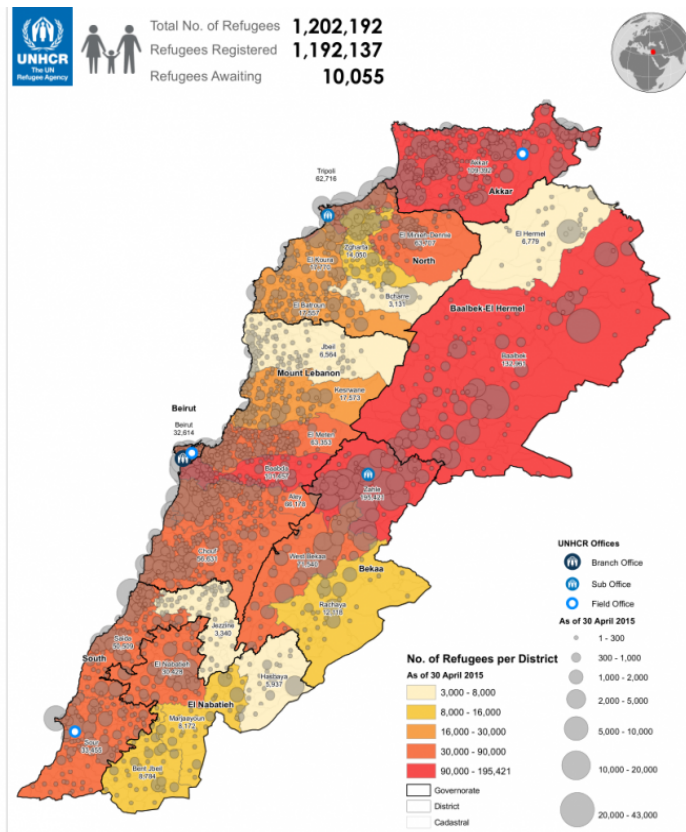
- **Ensure that *non-refoulement* is upheld**, so that no refugee may be forced to return to conflict-ridden areas. As the protracted war continues, the ministries have ostensibly united against refugees in Lebanon. It must be certain that they will not find a way to circumvent this long-standing policy in result of fearing refugee settlement.
- **Restart the refugee registration process through UNHCR**, so that all refugees may be accounted for and assisted.

While the Lebanese government remains largely paralyzed in reacting to the crisis, the international community can take a larger role in stabilizing and aiding Lebanon:

- **Donor states should ensure that monetary pledges are fulfilled and delivered as swiftly as possible**, especially so that life-saving services may be provided on a broader scale.
- **Donors should work towards providing development aid in complement to the international humanitarian response.** The LCRP, and specifically MoSA, has specifically requested this dual aid. Lebanon’s infrastructure and economy have suffered tremendously, and global support for long-term development and renovation projects are greatly needed. This will also reduce tensions between Lebanese citizens and refugees.

- **International aid organizations and donor states should begin to provide greater aid and technical and capacity-building support directly to Lebanese municipalities**, as their administrative bodies deal with the crisis directly.
- **Finally, the international community – especially Western states – based on the humanitarian principle of shared responsibility, should collectively seek to increase refugee resettlement admissions.** This can be achieved through such mechanisms allowing for greater applications for asylum.

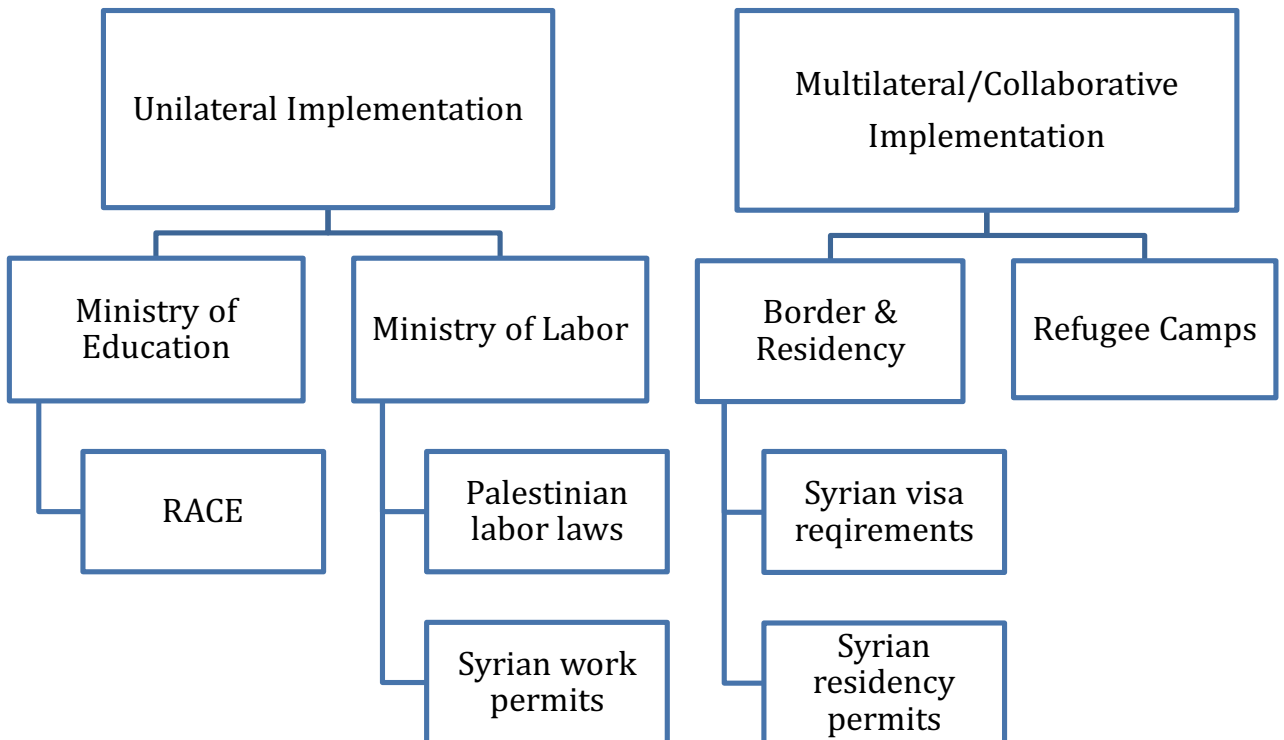
Appendix I – Demographics Maps



Appendix II – Acronyms

MOE - Ministry of Education
MOL - Ministry of Labor
MOI - Ministry of Interior
MoSA - Ministry of Social Affairs
MoFA - Ministry of Foreign Affairs
LCRP - Lebanon Crisis Response Plan
UNHCR - UN High Commissioner for Refugees
UNRWA - UN Relief Works Agency
UNICEF - UN Children’s Emergency Fund
WFP - UN World Food Program
UNDP - UN Development Programme
HRW - Human Rights Watch
ICG - International Crisis Group
IRC - International Rescue Committee
PLO - Palestine Liberation Organization

Appendix III – Examples of Policy Implementation



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