

From Inaction to Restrictions: Changes in Lebanon's Policy Responses to Syrian Mass Refugee Movement

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Zeynep Şahin Mencutek

**From Inaction to
Restrictions:
Changes in Lebanon's
Policy Responses to Syrian
Mass Refugee Movement**

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Abstract

Focusing on the case of Lebanon in which refugee concentration is the highest in the world relative to the population size, this paper aims to explore which factors shape initial policy preferences and changes over time in the first refugee destination countries. The paper specifically questions the policy responses of Lebanon to the Syrian refugee movement from 2012 to 2016, the motivations behind policies and the consequences of change. The paper argues that despite historically being a refugee receiving country, Lebanon has had neither structured border management, nor effective reception, protection and integration policies. Instead, it has largely adopted ad hoc policies for each refugee group. Through its response to the Syrian refugee movement in the initial years, Lebanon's inaction showed characteristics of policy paralysis, a situation in which the government was unable to create or implement policy programs. The government was only able to block undesirable policy options, such as the establishment of camps, and to implement few ad-hoc policies that overall exemplify inaction. However, since the end of 2014, inaction has been replaced by restrictive measures on border management and reception to dissuade Syrian refugees, while the creation of protection and integration policies has been avoided. Policy changes in border control and reception reflect the Lebanese state's recognition of a demographic challenge, its desire to appease growing negative public sentiment, to renegotiate its sovereignty vis-à-vis growing security challenges and to increase the involvement of international organizations (IOs) in refugee governance. On the other hand, Lebanon refrains from developing protection and integration measures due to a lack of capacity, ideational concerns pertaining to a delicate sectarian balance, as well as its historical experience with the protracted Palestinian refugee issue. The paper is based on qualitative research including case study evaluation, process tracing and policy ethnography. Data is drawn from the desk research of secondary literature, published reports and news as well as on fieldwork.

Keywords

refugee governance, refugee policies, refugee hosting countries, Lebanon, Syrian mass flow, Syrian refugee movement, politics of refugees in Middle East

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From Inaction to Restrictions: Changes in Lebanon's Policy Responses to Syrian Mass Refugee Movement*

by Zeynep Şahin Mencutek

1 Introduction

How do first refugee destination countries respond to mass forced migration? Which factors have led these refugee hosting countries of the Global South to cope with the vast majority of the world's refugee population, redefining their initial inaction in multiple new directions ranging from restrictive to accommodating or ambiguous policies? Despite receiving less attention in the refugee studies literature—in comparison to research on refugee policies of the Global North—case studies reveal that the national policies of these countries and changes over time can be understood within the context of their historic, political, socio-economic and governance conditions, the specific characteristics of refugee flows, as well as their relations with refugee sending countries and international actors. Extensive case studies, and ideally comparative studies, may offer some insights about the policy preferences and impetus for change.

As of November 2016, the United Nations High Commissioner of Refugees (UNHCR) reports 1,017,433 registered Syrian refugees in Lebanon¹ along with 449,957 Palestinian refugees who were registered with United Nations Relief and Works Agency (UNRWA).² The country with a population of almost 6 million³ has

* I would like to thank the Käte Hamburger Kolleg / Centre of Global Cooperation Research for supporting this research paper. I further want to express my gratitude to Faten Ghosn, Frank Gadinger, Markus Böckenförde, and Martin Wolf for their advice and suggestions on the paper; Bezen Balamir for her comments on an early version of the paper; Estella Carpi, Sinem Uygun, Valentina Facchinetti, and Maria A. D'Angelo for their support in data collection. Many thanks also to Nina Fink for the comprehensive editorial support.

¹ Since 2015, UNHCR Lebanon has temporarily suspended new registration as per Government of Lebanon's instructions. Accordingly, individuals awaiting to be registered are no longer included. See UNHCR and UNDP 2016; European Commission/European Humanitarian Aid and Civil Protection 2016.

² UNRWA is mandated to provide assistance to Palestinian refugees in its five areas of operation (Gaza, Jordan, Lebanon, Syria, and the West Bank). See UNRWA 2016.

³ For Lebanon, the World Bank provides a population estimate of 5,850,743 for 2015. World Bank data is maintained by the Lebanese Government. World Bank total population estimates are based on the de facto definition of a population, which counts all residents regardless of

turned into the country with the highest concentration of refugees worldwide. Syrian refugees live in over 1,700 communities, in various locations across the country. 70.5 percent of them continue to live below the poverty line, while many rely on humanitarian aid to survive.⁴ In 2015, countries outside of the region offered only 4,500 resettlement and humanitarian admission places for refugees in Lebanon—this is less than 0.04 percent of Syrian refugees.⁵ Lebanon shoulders a heavier burden in comparison to other host countries with respect to its refugee concentration, in part due to its shaky economic performance, inadequate infrastructure and weak governance capabilities. The words of Lebanon Prime Minister Tammam Salam, in the first ever United Nations (UN) Migrants and Refugee Summit in September 2016, gives insights into the critical perceptions within Lebanon that have evolved in response to the great refugee-burden:

More Syrians are born in Lebanon than are being resettled in other countries. It is unthinkable that Lebanon could alone cope with an existential challenge of such proportion...when is the world going to do something for Lebanon? ... This huge and sudden influx of refugees is posing dangerous risks to our stability, security, economy and public services ... Lebanon risks collapsing if the international community does not exert major efforts in this regard ... United Nations (UN) should devise a detailed roadmap for the safe and honourable return of the Syrian refugees who are present in Lebanon to their country.⁶

It is important to trace how Lebanon came to the point of urging the international society towards a repatriation of Syrian refugees. Drawing data from desk research and fieldwork, the paper argues that despite historically being a refugee receiving country, Lebanon had neither structured border management, nor adequate reception, protection or integration policies until the end of 2014. In responding to the Syrian refugee crisis, its overall inaction was marked by pursuing ad-hoc policies and blocking undesirable options such the erection of camps. However, Lebanon has recently chosen to formulate a strict policy of border management and reception to dissuade Syrian refugees, while avoiding the creation of protection and integration policies. Policy changes in border control and reception stem from the Lebanese state's recognition of a demographic challenge associated with its refugee concentration, its desire to appease negative public sentiment, its efforts to renegotiate its sovereignty vis-à-vis increasing public security concerns and the involvement of international organizations in refugee governance. On the other hand, it has refrained from framing any protection and integration policy because of a lack of capacity, ideational concerns

their legal status or citizenship. The values shown are midyear estimates. See World Bank 2017.

⁴ UNHCR/Inter-Agency Coordination Lebanon 2016.

⁵ UNHCR aimed to resettle 9,000 Syrian refugees from Lebanon in 2015. See UNHCR and UNDP 2015.

⁶ Naharnat 2016.

about a delicate sectarian balance and its historical experience with the protracted Palestinian refugee issue.

These arguments will be elaborated throughout the paper in the following order. The paper will first briefly review the political structure of Lebanon, its historical relations with Syria, and the policy paralysis situation so as to provide an overview of the policy-making context. Second, it will move to summarize migration patterns to and from Lebanon with a specific focus on the existent national refugee regime before the mass flow started in March 2011. The third section will address the initial response, here referred to as the inaction policies period between 2012 and fall 2014, and detail its reasons. Fourth, a section will be devoted to outlining policy changes and their implementation since early 2015, here considered as a policy of acceptance and regulation. This section will fifth be followed by a discussion of the motivations that lie behind policy changes. In conclusion, the paper will propose some hypotheses about policy responses to mass flows in the main hosting countries of the Global South and the effects that these have had on the global refugee regime.

2 Political Structure of Lebanon and Relations with Syria

During the first years of the 1920s, under the League of Nations' mandate system, France was assigned the mandate of Syria and Lebanon. Since independence in 1943, Lebanon has struggled with a society deeply divided along sectarian and religious lines. The most recent demographic study conducted in 2011 by Statistics Lebanon, a Beirut-based research firm, indicated that 27 percent of the population are Sunni Muslim, 27 percent Shia Muslim, 21 percent Maronite Christian, 8 percent Greek Orthodox, 5 percent Druze, and 4 percent Greek Catholic, with the remaining 7 percent belonging to smaller Christian denominations and other religious groups.⁷

The ethno-religious fabric is directly reflected in the political sphere, with a so-called a corporate consociational system.⁸ The Lebanese constitution dates back to 1926. It requires that Christians and Muslims be represented equally in the parliament, in the cabinet, and in high-level civil service positions and also calls for a proportional representation among geographic regions.⁹ The 1943 *National Pact* shapes the post-independence confessional politics and stipulates that the president must be a Maronite Christian, the prime minister a Sunni Muslim, and the speaker of the parliament a Shia Muslim.¹⁰ The constitutional and then pact-based provisions for the distribution of political power and positions are designed to establish equality between Christians and Muslims, to improve internal unity within Lebanon and to prevent a single confessional group from gaining a dominant

⁷ For political reasons, the Lebanese Central Administration of Statistics—under the authority of Presidency of Council of Ministers—does not collect survey data about the sectarian denotions. See US Department of State 2011.

⁸ Kerr 2012.

⁹ See Republic of Lebanon 1995.

¹⁰ US Department of State 2011.

position. Nevertheless, competition for political power and pertinent deadlocks in the system are an inevitable part of political life. This pact also 'embodied Lebanese unity vis-à-vis the outside world, mainly Syria (the major actor in Lebanon's regional order), and France (the major colonial power in Syria and Lebanon)'.¹¹

Historically, Lebanese politics can be characterized as having been in a constant state of emergency with respect to two occupying neighbouring forces—Israel and Syria—and as facing a constant risk of becoming a battle ground for wider regional conflicts. Invasions, political violence and civil strife have been recurrent since the start of the civil war in 1975. Internal troubles were further compounded by the Israeli invasion of the country in 1978 and 1982, the war against Israeli occupation of Southern Lebanon, Operation Grapes of Wrath (1996), July War (2006), and the Nahr Al Bared crisis (2007). Fifteen years of civil war ended in 1989 with the internationally brokered Taif Accords that revised some of the power-sharing provisions laid out in the 1943 National Pact.¹² Syria became the 'official guarantor of the peace', a status that resulted in the Syrian regime assuming de facto political and military control of Lebanon.¹³ While some Lebanese politicians maintained close relationship with Syrian regime and developed cooperation among both countries, others have preferred more distant relationship and took antagonistic stance towards the Syrian regime.¹⁴ The assassination of former Lebanese Prime Minister Rafik Hariri in February 2005 led to a Lebanese uprising against the Syrian presence in Lebanon. At the end, Syrian troops withdrew from Lebanon. But, the uprising further polarized Lebanese political elites, gradually leading to a policy paralysis situation.

3 Situation of 'Policy Paralysis' in Lebanon

Since 2005, Lebanon's main political forces have gathered along two main political fronts and have organized large demonstrations both in favour and against Syrian withdrawal. These have been named after dates in that year: the March 14 Alliance and the March 8 Alliance, respectively.¹⁵ The March 14 camp views Syria as the perpetrator of Hariri's assassination, has an anti-Syrian stance, and is backed by countries like the US and France. The March 8 camp supports Syria's extensive role in Lebanon and is backed by Iran.¹⁶ Acute political divisions brought Lebanon's

¹¹ El-Khazen 1991.

¹² The powers of the president (a Maronite) were reduced, while the council of ministers was given more prominence as a multi-sectarian decision-making body. Ratio in the legislature between Christians and Muslims replaced the pre-war six-to-five ratio that favoured Christians. See Fakhoury 2015.

¹³ Berti and Lee 2014: 95.

¹⁴ Thibos 2014: 2.

¹⁵ Daher 2016.

¹⁶ The country's major parliamentary blocs and parties reflect a socially and confessionally mixed population. The March 14 coalition has been led by the (mainly Sunni) Future Movement, supported by the (mainly Christian) Lebanese Forces Party, the (mainly Maronite) Phalanges Party and other small parties. The March 8 camp is led by the (Shiite) Islamist

institutions to a gradual state of stalemate and finally created policy paralysis after 2011.¹⁷

From the public governance perspective, policy paralysis refers to a situation in which a government is 'unable to create or implement policy programs'.¹⁸ More specifically, it describes a situation where important laws, reforms, and policies are not enacted because of a lack of commitment on part of the government and an inability of the government to reach a consensus over the correct form and the timing. -Also policy paralysis refers to contexts in which, despite the presence of policy, it is not acted upon or implemented to achieve the desired ends. -According to Wilensky, 'the indicators of policy paralysis include (a) both elites and masses favouring a policy or program, (b) other countries that have acted successfully, and (c) no action for the country concerned'.¹⁹ As Tambulasi writes: 'policy paralysis is not an inherent phenomenon but a "contingent condition" triggered by various factors, key to which are institutions'.²⁰

Lebanon has experienced chronic policy paralysis due to a combination of factors, including the delicacy of its political system, internal deadlocks and external threats. Subsequent governments have had limited motivation and ability to initiate coherent and long term policies that would appease all the domestic groups. Rather, governments have introduced ad hoc policies that were unable to change the status quo and they have also failed to fully implement existing policies.²¹ This has generated political mistrust and scepticism about the government's ability to bring about positive changes—a perception of the central state further compounded by the widespread sense that it also suffers from deeply rooted corruption and semi-dysfunctional institutions. In order to fill the existing gap, many non-state actors, ranging from political parties to national and international NGOs, civil society organizations and faith groups perform the state—i.e. provide social welfare, protection and safety to various communities and carry out development activities at local levels.²²

During the early years of the Arab Spring revolt, Lebanon looked inward and remained calm, but spill-over of uprisings in Syria fed divisions within the country and would, in turn, worsen the paralysis.²³ As noted below, during the Syrian civil war, Lebanon was

ever-more polarized between pro- and anti-Syrian supporters due to the pre-existing political and increasingly sectarian cleavage ... the

Hezbollah, and is supported by the (mainly Christian) Free Patriotic Movement, the (mainly Shiite) Amal Movement, the (mainly Maronite) Marada Party and other small parties. -See Knudsen and Kerr 2012.

¹⁷ Prof. Faten Ghosn brought this point to my attention. I am borrowing this term from her. A number of studies also refer to policy paralysis in discussing Lebanon's politics. See Felsch and Wählich 2016: 34; Bana 2015.

¹⁸ Amy 1983: 345; Tambulasi 2011: 335.

¹⁹ Wilensky 2002: 693.

²⁰ Tambulasi 2011: 336; Hermes 2005: 5–7.

²¹ Carpi 2014: 404.

²² Ibid.: 406–407; Mouzahem 2016.

²³ Fakhoury 2015; Salem 2012.

steady rise in internal violence, boosting domestic Salafi-jihadist groups and overall leading to renewed political and societal instability.²⁴

The March 14 leaders politically and materially supported Syrian rebels, and called for an intervention to overthrow the regime; while March 8 leaders called for a political resolution that would preserve stability and the status quo that favoured them in Syria. The March 14 alliance, particularly Hezbollah, fought with Assad forces against the rebels.²⁵ On the other hand, the government led by Najib Mikati (June 2011-March 2013) tried to play a delicate balancing game to protect from effects of the Syrian civil war. Calling it a disassociation policy, the government refrained from participating in any international sanctions or condemnations against the Syrian regime, referring to all problems as 'internal matters'.²⁶ Mikati publicly expressed the country's dilemma when he stated: 'taking a position [against Syria] would hurt our geopolitical interests, while being against Arabs would force us to lose in several ways'.²⁷ As expected, the disassociation policy failed and Mikati resigned in early 2013 due to intensifying pressures between the March 8 and March 14 alliances.

The recurring policy paralysis situation reached its peak when the government could not be formed within the course of a year. Finally, independent candidate Tammam Salam was elected as Prime Minister and a new government formed. Thereafter, the presidential post remained vacant for two and half years (May 2014–October 2016), due to the failed election attempts in 45 previous sessions of the parliament. The cabinet—divided along pro- and anti-Syria lines—was unable to make progress, and the parliament lacked sufficient consensus to convene on key legislations. Meanwhile, the unity of the Lebanese Armed Forces (LAF), which used to be the most trusted institution in Lebanon, came under increasing strain because of accusations that it allegedly favoured the Hezbollah and the Shiite community over the Sunnis and that it contributed to the spread of violence across the country.²⁸ In the words of Prime Minister Tammam Salam in August 2015 in a television speech: 'I warn we are moving towards collapse if matters continue'.²⁹ Finally, Michel Aoun was elected as Lebanon's 13rd president on 31 October 2016 with the support of Hezbollah.³⁰ Under President Michel Aoun, Saad Hariri managed to form the first national consensus government in December 2016, despite differences that erupted between the major blocs over the number of ministers and their responsibilities.

In this era of political vacuum, although elites and masses favoured policies to strengthen stability and security, limited actions were taken towards fixing the country's accumulating problems. Most policy issues were neglected or shelved

²⁴ Berti and Lee 2014: 100.

²⁵ Lebanon Support 2015: 14; Makdisi 2015: 202.

²⁶ Constantine 2012.

²⁷ The Daily Star 2012a.

²⁸ Yacoubian 2014: 3.

²⁹ Schmitt 2016.

³⁰ Hashem 2016.

despite deteriorating socio-economic and environmental conditions.³¹ The government was unable to address issues like poverty and development and was only able to act very slowly in improving basic infrastructure services such as water, electricity, and garbage services.³² War in neighbouring Syria and the steady influx of more than one million Syrian refugees did not help to overcome the paralysis.³³ The policy paralysis was also reflected in the stance towards Syrian refugees. Lebanese government acted carefully, slowly and inadequately in policy making during the initial years—intending to maintain a status quo of ad hoc policies and half-heartedly implementing existing legislation, which will be discussed in more detail below. Before moving onto this discussion, it is important to review the country's national migration and refugee legislation, previous migration ties with Syria, and the Palestinian refugee experience, which in sum came to define inaction towards the Syrian mass refugee movement.

4 History of Migration in Lebanon and the National Refugee Regime

Lebanon can be characterized as a source, destination and transit country. As a source country, it is estimated that 990,000 people left the country during the civil war, accounting for 40 percent of the total population.³⁴ The 2006 July war led to a displacement of around one million Lebanese to the southern regions and to the suburbs of Beirut. During this massive displacement, 180,000 found refuge in Syria where the government pursued an open door policy and provided shelter and relief to Lebanese.³⁵ Soon after the ceasefire, many displaced Lebanese returned home.

Lebanon used to be destination country for labour migrants. Since 1943, many Syrian workers have migrated to serve in agriculture, construction and service sectors. Several bilateral agreements were signed between Syria and Lebanon to facilitate the access to work, including, for instance, the Economic and Social Cooperation and Coordination Agreement in 1993 that enforces 'freedom of persons' movement between both countries; as well as freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country'.³⁶ Estimates of the number of Syrian migrants in Lebanon vary between one hundred thousands to one million, since no official records are kept on the migrant population.³⁷ The Senior Protection Officer for UNHCR in Beirut reported that: '... even before the conflict some of the rumours suggested that as many as 700,000 were in this country. They were Syrians coming in and out all the time as well ...'³⁸ Another informant seemed sure that there were one

³¹ Makdisi 2015: 34.

³² Lebanon Support 2015: 15.

³³ International Monetary Fund 2015.

³⁴ Tabar 2009: 9.

³⁵ Murphy 2006.

³⁶ Syrian Lebanese Higher Council 1993.

³⁷ Murphy 2006.

³⁸ Interview with the UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

million Syrian workers who went back and forth.³⁹ Also, workers from Egypt, Sri Lanka, India, Vietnam, the Philippines, Ethiopia, and elsewhere have been coming to Lebanon thanks to its *laissez-faire* labour-market policy and the contract-labour work system.⁴⁰

Lebanon has historically also been a refugee receiving country. Many people fleeing religious mistreatment and discrimination in neighbouring states immigrated here. In the 2000s, it was the wars in Iraq, Somalia and Sudan that resulted in significant refugee flows to Lebanon. The most notable refugee population in the country are Palestinians.⁴¹ An estimated 260,000 to 280,000 of the 450,000 registered Palestinian refugees in Lebanon continue to depend on UNRWA's work in camps while the rest live in areas outside of the camps. Relations between Lebanese and Palestinians have been tense due to security reasons and primarily the camps have been seen as a security weakness that could blast at any time. This fear has historical roots.

Since the mid-1960s, the camps in Lebanon became the centre of Palestinian nationalism and resistance against the Israeli state. The 1969 Cairo Agreement between the Lebanese government and the Palestinian Liberation Organization (PLO) delegation, passed control over the 16 Palestinian refugee camps from the Lebanese Armed Forces to the Palestinian Armed Struggle Command.⁴² The Cairo Agreement laid down a virtual autonomy (state-within-a-state) in southern Lebanon, whereby camps became enclaves out of reach of Lebanese law. The PLO was allowed to operate in refugee camps and to train, arm and recruit fighters, using Lebanese territory as its base for military attacks against Israel. Military activities continued in the camps, parallel with the on-going Israel-Palestinian conflict. Israel's invasion of Lebanon (1982–2000) revealed the existence of salafist jihadist networks inside some Palestinian camps. In order to extend Lebanese state authority and law to camps, Lebanese parliament declared null and void the Cairo agreement in 1987.⁴³ Despite the state's attempts at substantial disarmament in the camps in 1991, significant weapon caches remained intact and the armed groups continued their activities. Some groups, such as Hamas and Islamic Jihad, locate themselves primarily within Palestinian nationalist space, while salafist jihadist groups have moved into the realm of global Islamic insurgency—particularly established Al-Qaeda networks.⁴⁴ Some camps like Ain al-Hilwah, the largest one in Southern Lebanon, reportedly turned into a teeming recruiting ground for Al Qaeda currents in Lebanon.⁴⁵ It is not a coincidence that this camp is also the most impoverished and radical refugee camp in the country, which hosts more than a dozen militant factions all competing for influence inside the camp. Nevertheless, it is quite important to note that 'salafist jihadism in Lebanon is not exclusively a Palestinian phenomenon and that its universe is not limited to the

³⁹ Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

⁴⁰ Murphy 2006.

⁴¹ Yassine 2010.

⁴² See UNRWA (n.d.).

⁴³ Hanafi 2008: 86.

⁴⁴ Norton 1998: 154; Rougier 2007: 4.

⁴⁵ Saab and Ranstorp 2007: 837.

Palestinian refugee camps'.⁴⁶ It has also attracted a large number of Lebanese followers from the early 1998 onwards, intensifying significantly after the 2003 Iraqi war.⁴⁷

Given this background, in parallel with the politically volatile post-civil war conditions, Lebanese security forces tried to imply strict surveillance and control over camps and targeted several salafist jihadist groups in and outside of the camps. The Lebanese army first confronted salafist jihadist groups in December 1999 in a six-day insurgency in Tripoli in northern Lebanon, claiming the lives of 11 soldiers, 5 civilians and 15 militants.⁴⁸ Since then, salafist jihadist groups have reportedly been involved in a series of assassinations, counter assassinations, and suicide bombings targeting politicians, spiritual figures, military officials, judges, civilians from various Lebanese sects/communities (also among Palestinians) and have attacked state institutions, several embassies and shops in Beirut.⁴⁹

The Lebanese state intentionally delayed the introduction of comprehensive policies for Palestinian refugees, which worsened problems pertaining to residency, employment, and access to government services. Their legal status remains similar that of foreigners, creating obstacles to the equal fulfilment of social, civil and economic rights. Palestinians are not allowed to work in more than 20 professions and they are also unable to claim the same rights as foreigners who work and live in Lebanon.⁵⁰ Discriminatory restrictions concerning access to the labour market make self-sufficiency and empowerment of Palestinians difficult.⁵¹ The nationality laws remain strict, since children born to Lebanese mothers and foreign fathers are not granted citizenship. If their father is a Palestinian, they end up being stateless.⁵² Lebanon rejects discussing naturalization to Palestinians, claiming that latter should maintain the right of return and that any future naturalisation would risk disturbing Lebanon's delicate confessional balance.⁵³ As Sari Hanafi correctly states: 'In a deeply divided political and sectarian context, the only common ground between various Lebanese political parties is that permanent settlement of Palestinians is a taboo'.⁵⁴ Nevertheless, a limited number of Palestinian refugees have been naturalised with governmental decrees. There were a number of Palestinians among the 300 individuals and families (about 644 people in total) who were granted Lebanese citizenship with the decree of former President Michel Suleiman's in June 2014, which sparked public outcry. It served as a reminder that 'there is a politicization of naturalization that can be done depending on who is in authority in the country'.⁵⁵

⁴⁶ Ibid.: 825–26.

⁴⁷ Ibid.

⁴⁸ Ibid.: 833.

⁴⁹ Ibid.

⁵⁰ See UNRWA 2016.

⁵¹ Jones and Ksaifi 2016.

⁵² Nationality provisions in Lebanon are governed by Decree No.15 issued on 19/1/1925 and its amendments.

⁵³ Migration Policy Centre 2013: 6; Christophersen et al. 2013: 51.

⁵⁴ Hanafi 2014: 591.

⁵⁵ Interview with the UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

Despite its long-term hosting commitment to both Palestinian and non-Palestinian refugees, Lebanon has avoided adopting the international refugee instruments, such as the 1951 Refugee Convention and its 1967 Protocol. Similar to other Middle Eastern states, it has been reluctant to ratify the Convention due to concerns that ratification might mean approval of 'UNHCR's proposal about local integration or resettlement for Palestinians at the expense of Palestinians' right of return'.⁵⁶ Nevertheless, Lebanon is bound by the key facet of refugee law, namely the non-refoulement principle. This forbids returning people to places where their life and freedom could be threatened, and where they could be at risk of being persecuted, tortured, or exposed to inhuman or degrading treatment or punishment.⁵⁷

The relationship between Lebanon and the agencies of the international national refugee regime was established in light of the protracted Palestinian displacement. While UNRWA has a specific mandate to provide services to Palestinian refugees across the region since 1943, UNHCR established an office in Beirut in the 1980s to keep a close watch on non-Palestinian refugees and asylum seekers.⁵⁸ Triggered by the Iraqi refugee flow, Lebanon signed a Memorandum of Understanding (MoU) with UNHCR in September 2003. This MoU seems to be the only structured means of collaboration for UNHCR, because Lebanon did not sign the 1951 Convention and its 1967 Protocol. Despite the MoU, it has been issuing arrests, detentions and deportations of asylum seekers who are identified as illegal entrants according to Lebanese law.⁵⁹ The MoU granted the UNHCR authority to conduct registration, documentation and refugee status determination (RSD) in addition to the provision of financial, medical, and educational assistance.⁶⁰ The MoU formally ensures the right of asylum seekers to remain in Lebanon until the UNHCR is able to find durable solutions such as repatriation or resettlement of refugees to a third country. The content of the MoU specifies that 'asylum seeker' means a 'person seeking asylum in a country other than Lebanon', acknowledging Lebanon's assertion for not being an asylum country.⁶¹ Informed by the UNHCR about asylum seeking applications, the Lebanese General Security Office issues temporary residence permits to asylum seekers, normally for three months (and up to a maximum of 6-9 months). During this period, the UNHCR is expected to review an asylum claim and initiate a resettlement process. However, this MoU was designed to deal with individual asylum seeking cases but not with mass flows. In the words of a Senior Protection Officer from UNHCR Beirut Bureau:

The MoU reflects at least an outlook from the government. It views that refugees would be something small, something that can be

⁵⁶ Hanafi 2014: 591.

⁵⁷ The Syria Needs Analysis Project 2013.

⁵⁸ Murphy 2006.

⁵⁹ UNHCR 2004.

⁶⁰ Ibid.

⁶¹ Janmyr 2016: 10.

contained and something that is entirely relying on the international community to solve the problems.⁶²

The UNHCR has discussed updating the current MOU with Lebanese authorities, but so far nothing has been finalized and the proposed MoU is pending for approval at the Council of Ministers.⁶³ In sum, it can be concluded that Lebanon had almost no national refugee legislation in place, when the mass flow started from Syria in March 2011.

5 Initial Responses to Mass Syrian Refugee Flow: Inaction from 2012 to late 2014

Lebanon allowed entry of those fleeing from conflict in Syria via five official border crossings and unofficial crossings along porous borders where control retained minimal.⁶⁴ Following the pre-crisis regulations, Lebanese authorities had allowed Syrians with an identity card or passport to enter the country without issuing a visa requirement.⁶⁵ Also many Syrian workers in Lebanon brought their families in the context of massive migration flows. Entry coupon and stamp at the border was adequate to be granted a free-of-charge residency permit for a period of six months with the right to renew the residency for an additional six months with nearly no fee.⁶⁶ However, Palestinian refugees coming from Syria (PRS) have been subjected to a different treatment. They have been entitled to a visa valid for 15 days, which could be renewed for up to three months with the payment of a fee. In February 2013, the government circular provided that PRS could obtain a 3-month visa free-of-charge.⁶⁷

In general, border entry procedures were eased for Syrians, particularly between February and August 2013. Thereafter, the Lebanese authorities started to impose restrictions on the entry of PRS by asking for a valid pre-approved visa that required an application made by a guarantor.⁶⁸ In May 2014, the government put in place new entry requirements effectively closing the border to all PRS, which also applied to all Syrians in October 2014.⁶⁹

It was clear from the beginning that the flight of civilians from Syria is a mass refugee flow of persons seeking urgent and temporary protection. According to

⁶² Interview with an UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

⁶³ Janmyr 2016: 10.

⁶⁴ Official border crossings include Aarida (between Homs and northern Lebanon), El Aabboudiye (between Tartous and northern Lebanon), Qaa Baalbek (at the northern end of the Bekaa valley), Al-Masnaa (between rural Damascus and Bekaa), and Wadi Kahled (between northern Lebanon and Homs). In addition, there are several unofficial crossing points. See BBC News 2015.-

⁶⁵ The Syria Needs Analysis Project 2013; Saghleh and Frangieh 2014.

⁶⁶ Bobseine 2016.

⁶⁷ Ibid.

⁶⁸ Amnesty International 2014a.

⁶⁹ Ibid.

the UNHCR, all Syrians entering Lebanon deserve *prima facie* recognition of refugee status, meaning ‘when dire situations, such as internal conflicts, result in large influxes of people fleeing their country, the Convention regards each member of that population as a *prima facie* refugee’.⁷⁰ Lebanon did not adopt this international *prima facie* refugee status.⁷¹ It intentionally avoided using the word of *laji* (refugee) and instead preferred to call individuals who had fled from Syria to Lebanon and those who could not return after March 2011 *nazih* (displaced).⁷² The term of displaced was applied to all refugees, including PRS, registered and unregistered Syrian nationals as well as persons registered as refugees by UNHCR.⁷³ However, the term of displaced persons is quite vague, being used to refer not only to those displaced, but also to those who have crossed international borders and thereby have become refugees.

In the first three years, the Lebanese state did not regularly register displaced Syrians. While municipalities and UNHCR offices registered refugees, the General Security Office—affiliated with the Ministry of Interior—granted residency permits. But the registration of UNHCR was not mandatory, only voluntary, in order to be able to get aid and protection. There have been many refugees who have not been registered at all due to well-grounded fears. Institutionally, the Ministry of Social Affairs has a leading position on refugee issues and the Ministry of Foreign Affairs deals with borders, donors and the international legal framework for refugees.

As almost all interviewees noted, Lebanon has been experiencing paralysis when it comes to formulating policies, providing governance and ensuring coordination. To tackle the refugee challenge, the government prepared a response plan on 3 December 2012, but the plan was never adopted because the Prime Minister Najib Mikati resigned and the new cabinet failed to adopt the plan.⁷⁴ Nevertheless, the government made a concerted effort to block particularly undesirable options such as the erection of refugee camps.⁷⁵ In official policies, there is no trace of the intention to build camps, unlike the case in other hosting countries such as Jordan and Turkey.⁷⁶ The government also did not propose sustainable alternatives for shelters and opposed the building of non-permanent Refugee Housing Units. Due to the lack of camps, in the course of a few years, more than one million refugees have become scattered around 1150 municipalities, of which many of them are administratively and fiscally too weak to meet the basic needs of their communities.⁷⁷ The same municipalities have to play a crucial role in refugee governance because they often serve as the first point of reference for legal and social issues after displaced Syrians arrive in Lebanon.⁷⁸ Municipalities carry out Syrian refugee needs in terms of ‘registering new arrivals, maintaining security, ensuring adequate and sufficient water, electricity and sanitation services,

⁷⁰ See UNHCR 2016.

⁷¹ Janmyr 2016: 10.

⁷² Saghle and Frangieh 2014.

⁷³ See United Nations Lebanon 2015a.

⁷⁴ Boustani 2014.

⁷⁵ Boustani et al. 2016.

⁷⁶ Saghle and Frangieh 2014.

⁷⁷ Mercy Corps 2014: 4.

⁷⁸ Lebanon Support 2015: 20.

facilitating shelter by providing housing assistance, as well as preventing and mediating community tensions'.⁷⁹ All of these challenging tasks have put more pressure on already strained municipal systems.

UN agencies, particularly UNHCR along with INGOs and local NGOs, carried out financial assistance, food delivery, counselling and referral services. The Ministry of Education and Higher Education committed to ensure free access to education. All Syrian students are entitled to enrol in public schools for reduced fees.⁸⁰ As of September 2016, 330 Lebanese schools—mainly funded by UN agencies, INGOs and NGOs—have been offering a second block of classes during the day, in order to allow 469,000 Syrian children to continue their education.⁸¹ In terms of healthcare, once registered, Syrians have been able to access primary healthcare through existing Lebanese healthcare structures. Unregistered Syrians with serious health concerns can enter a fast track registration procedure.⁸² Meanwhile, the UN agencies and INGOs also support the Lebanese public institutions in their service provisions. They have collaborated with municipal actors to strengthen their capacity in electricity, irrigation canals, water networks and solid waste management as well as pertaining to health services.⁸³

6 Motivations behind Inaction and Ad hoc Policies

As discussed above, the Lebanese inaction or 'policy of no policy' in the words of Mat Nashed⁸⁴ reflects a state of policy paralysis. It was fuelled by the intention to keep borders open without formalizing and regulating the presence of Syrian refugees as well as through the outsourcing of assistance and protection services to local governments, UN, INGOS, and NGOs.

In the early days of the crisis, Prime Minister Mikati stated that 'we disassociate ourselves politically, but we don't disassociate from the needs of our Syrian brothers and our humanity'.⁸⁵ It was humanitarian considerations that prevented the government from fully blocking the entry of Syrians. The statement of an expert on migration from Lebanon offers some insights into the reasons that stood behind this initial open door policy:

During the war 2006 the people who fled from Lebanon, they fled to Syria, there are a lot of intermarriage population, so there are already ties due to being border countries. Even the economy is interlinked

⁷⁹ Mercy Corps 2014: 4.

⁸⁰ The Syria Needs Analysis Project 2013.

⁸¹ UNHCR and UNDP 2016.

⁸² The Syria Needs Analysis Project 2013.

⁸³ See UNHCR and UNDP 2016.

⁸⁴ Nashed 2016.

⁸⁵ The Daily Star 2012a.

somehow ... So out of humanitarian considerations and out of their past, they open the borders.⁸⁶

But the policy cannot only be explained by kinship, long-term trade relations and the lack of demarcated borders. A political stalemate and the lack of state regulatory capacity also played a role. As in the words of an interviewee: 'The political factions are completely opposing each other as a result no major policy decisions were being made in Lebanon at this time'.⁸⁷ Nevertheless, different components of the government, such as the Shiite Hezbollah Party⁸⁸, were supporting an open-door policy towards mainly Sunni Syrian refugees as well as an involvement of humanitarian agencies for aid distribution. Also, because main donors such as the Gulf States are Sunni, Hezbollah did not block their humanitarian aid to Syrian refugees.⁸⁹ Lebanese security officers issued deportation orders for Syrian refugees in some cases, but they did not actually execute them.⁹⁰ They rarely arrested, prosecuted, or detained them.⁹¹ The reason for this is that the state probably did not have enough capacities to judge or punish every crime relating to border entries or visas.

On the other hand, there were notable ambiguities. Lebanon avoided using the term of refugee for Syrians and avoided establishing camps. Terminology preference, in turn, allowed Lebanon to avoid commitments for refugee protection. In particular, in terms of providing protection and shelter, and in ensuring access to education, health services and the labour market—which are to be ensured by all signatories of the Refugee Convention. The categorical rejection of granting refugee status and establishing refugee camps has been tied to past experiences with Palestinian refugees who have lived in Lebanon for more than 60 years. Reinforced by certain Lebanese politicians and the media, many Lebanese have vehemently opposed the establishment of camps, commonly referred to as 'no-law zones' and 'spaces of refugee for criminals'.⁹² They have been afraid that camps might turn into perpetual dwellings for jihadist salafist groups, as points of attraction for Syrian and Israel aggressions, as constituting a destabilising danger for Lebanon⁹³ and that these would encourage the permanent settlement of Syrian refugees similar to what had happened with the Palestinian refugees. Particularly Hezbollah announced its opposition to the establishment of such camps within its geographic areas of influence. Its deputy leader, Sheikh Naim Qassem, stated: 'We

⁸⁶ Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

⁸⁷ Interview with a representative of INGOs serving in Lebanon, Beirut, 13 April 2016.

⁸⁸ It remains unclear what the stance of other political parties has been towards the refugee crisis, and what their preferred response would be. They seem to share concerns about security and the risk of destabilising the demographic balance. There is a consensus about rejecting any permanent settlement option for both Palestinian and Syrian refugees.

⁸⁹ Drawing from this case, Hugh Eakin (2013) writes that 'it is one of the more paradoxical consequences of the Syrian conflict: while the war has deeply divided the Middle East, the refugee crisis it has produced is forcing the opposing sides to work together outside Syria's borders.'

⁹⁰ Interview with an UNHCR Protect Officer in Beirut Office, Beirut, 13 April 2016.

⁹¹ The Syria Needs Analysis Project 2013.

⁹² Peteet 2005: 173; Hassan and Hanafi 2010: 29.

⁹³ Thørliefsson 2016.

cannot accept refugee camps for Syrians in Lebanon because any camp will become a military pocket that will be used as a launch pad against Syria and then against Lebanon'.⁹⁴ On the other hand, challenging security-based explanations, Lewis Turner (2015) argues that Lebanon preferred non-encampment of Syrians because 'its economy "requires" large numbers of low-wage Syrian workers'.⁹⁵

7 Regulation Attempts from late 2014 to 2016

Lebanon's almost three-year-long generosity towards Syrians, which has been widely commented upon by the international community, gradually came to an end in the last months of 2014. In its initial formulation, the policy changes did not contain any repressive measures, such as deportation or border closing, but rather sought to control Syrians' entrance, exit and stay.⁹⁶ According to policy makers, decline in the numbers would on the one hand be achieved through the 'encouragement' of refugees who had been registered within UNHCR to leave for other countries, and on the other hand by making new entries difficult. This phase can be called a 'regulation policies' phase.

Lebanese tendency towards a more restrictive stance started with Palestinian refugees from Syria, of which some were denied entry and others were deported without trial in Spring 2014.⁹⁷ After closing a few unofficial border-crossing points, in June 2014 the Lebanese authorities announced that only Syrians coming from Lebanese border areas engulfed in fighting would be allowed to enter the country.⁹⁸ On 23 October 2014, the cabinet agreed upon new rules for Syrian refugees under the heading 'reducing numbers', and imposed laws concerning '(displaced) foreigners'. The new policy consisted of three main goals. The first was to halt the Syrian refugee inflow at the borders, with the exception of 'humanitarian cases' assessed by the government. The second was to encourage Syrian nationals in Lebanon to return to their country of origin. The third goal was to formalise, control and monitor their presence as well as to limit informal employment structures.⁹⁹

These objectives led to the introduction of concrete restrictive measures to govern entrance, registration, and the granting of residential and work permits. To regulate entries to the country, the General Directorate of General Security issued guidelines on 31 December 2014¹⁰⁰ that prescribed different lengths of stay and required different supporting documentation depending on the purpose of stay.¹⁰¹ Syrians need to now provide the necessary documents in one of seven

⁹⁴ The Daily Star 2012b; Yahya 2015: 12.

⁹⁵ Turner 2015.

⁹⁶ Saghle and Frangieh 2014.

⁹⁷ Amnesty International 2014a.

⁹⁸ For further information see Amnesty International 2014b; Amnesty International 2015.

⁹⁹ See Lebanon Support 2016: 8–9.

¹⁰⁰ Bobseine 2016: 1. The circular came into force on 5 January 2015, was amended on 13 January, 3 February and 23 February 2015.

¹⁰¹ Library of Congress 2016.

categories.¹⁰² The majority of these categories allow for entry into Lebanon for a defined period of time, ranging from 24 hours to one month.¹⁰³ Often refugees fleeing from Syria fall under the category four, namely ‘entries for those who have been displaced’. But the same instructions stipulate that ‘no Syrian shall be permitted to enter as a refugee, in exceptional circumstances shall be latter determined in coordination with the Ministry of Social Affairs’¹⁰⁴. Exceptional circumstances are limited to ‘unaccompanied and/or separated 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 in third countries’.¹⁰⁵ All Syrians who wish to enter Lebanon are required to provide a house pledge confirming their place of residence, a certified attestation that the landlord owns the property, and two photographs stamped by the *mukhtar* (the administrative head of the village or neighbourhood).

To regulate registrations and stay, residency permits are put under control of the Ministry of Interior and their renewal necessitates strict bureaucratic procedures. Syrians who want to obtain a residency permit need to show a legally valid lease contract for a rental property and a ‘pledge of responsibility’ signed by a Lebanese sponsor (can be a Lebanese national or a Lebanese employer), who thereby commits to obtain a work permit for the Syrian individual or group of Syrians, or to sponsor and host the family.¹⁰⁶ The employer sponsor is supposed to work in specific sectors defined in the 2013 Ministry of Labour regulation, such as agriculture, construction, environment and cleaning.¹⁰⁷ All Syrians above the age of 15 (both registered by UNHCR and those who are not) are required to pay \$200 each year to renew their permits for six months, and need to provide a range of documents. Syrians holding UNHCR certificates are asked to provide a notarized commitment that they will not seek employment.¹⁰⁸ Also, any Syrian who has to go back to Syria, for example to collect a child left behind, or to check on home and property, automatically loses his/her refugee status.¹⁰⁹

In addition to these measures, the Lebanese government agreed to formulate a crisis response plan in December 2014 that addresses both humanitarian assistance and stabilization efforts. Being the first plan of its kind¹¹⁰, the Lebanon Crisis

¹⁰² Category one is for tourism, shopping, business, landlords, and tenants; category two is for studying; category three is for transiting to a third country; category four is for those displaced; category five for medical treatment; category six for an embassy appointment; and category seven for those entering with a pledge of responsibility (a Lebanese sponsor).

¹⁰³ Lebanon Support 2016.

¹⁰⁴ Library of Congress 2016.

¹⁰⁵ Lebanon Support 2016: 11, cited from Amnesty International 2015b.

¹⁰⁶ Lebanon Support 2016: 14.

¹⁰⁷ Ibid.: 11.

¹⁰⁸ Library of Congress 2016.

¹⁰⁹ Interview with a scholar of Public Policy, American University of Beirut, Beirut, 12 April 2016.

¹¹⁰ In 2013, the Government of Lebanon developed a Roadmap for Priority Interventions for Stabilisation from the Syria Conflict that recommends a four-track approach: 1) existing projects should be scaled up and existing actors should respond rapidly; 2) mid-sized projects should be planned; 3) longer-term delivery and impact should be achieved through resilience

Response Plan 2015–16 (LCRP) came into existence through a joint endeavour of the Lebanese government, UN agencies, various international organizations as well as international and local non-governmental organization.¹¹¹ This LCRP is based on an agreed set of priorities guided by national plans and strategies, implemented under the overall leadership of the Government of Lebanon.¹¹² The LCRP will be steered by the Minister of Social Affairs, as designated by the Prime Minister and the UN Resident and Humanitarian Coordinator, under the oversight of the Government Crisis Cell, in collaboration with a line of ministries as well as national and international partners.¹¹³ The plan proposes three main strategic objectives:

- 1) To ensure humanitarian assistance and protection for the most vulnerable amongst those displaced from Syria and poor Lebanese citizens,
- 2) To strengthen the capacity of national and local service delivery systems to expand access to and quality of basic public services,
- 3) To reinforce Lebanon's economic, social, environmental and institutional stability, ensuring a continuation of the 'necessary work of delivering on humanitarian assistance to refugees from Syria and other vulnerable groups', while expanding plans to invest in Lebanese services, economies and institutions.¹¹⁴

The plan targets up to 2.8 million of the most vulnerable Lebanese, displaced Syrians and Palestinian refugees; 1.9 million individuals are targeted for protection and direct assistance; and 2.1 million individuals are targeted for service delivery, economic recovery, and community services.¹¹⁵ -Thus, it extends to the target population of IOs and NGOs by including vulnerable Lebanese citizens.

8 Enforcement and Consequences of Regulatory Restrictive Policies

The Lebanese government's aforementioned restrictive regulation of refugees' entrance, registration, the limited granting of residential and work permits as well as the preparation of LCRP were illustrative of an unprecedented policy development, given previous scattered policies and weak governance performance. They are explicit early indications of overcoming policy paralysis. In order to claim that Lebanon fully bypassed policy paralysis in its Syrian refugee response, it is important to trace how these measures have been implemented in practice and what were the consequences. As a UNHCR Senior Protection Officer from Beirut

building programmes; 4) private sector engagement in the Lebanese market should be stimulated. Mercy Corps 2014: 3.

¹¹¹ United Nations Lebanon 2015a.

¹¹² Ibid.

¹¹³ United Nations Lebanon 2015c.

¹¹⁴ Ibid.

¹¹⁵ United Nations Lebanon 2015b: 4.

said: 'after the policy came out, we were all wondering how and what extend it would be implemented. They did implement much of it. Maybe there is even more to be implemented, we will see'.¹¹⁶

First of all, new regulations influenced the border entry regime. New visa regulations that require obtaining one of the six types of visas and related documents have restricted entry for people desperate to flee from Syria to Lebanon.¹¹⁷ As the Ministry of Social Affairs stated, border authorities only allowed 'extreme humanitarian cases' to enter. In the words of a UNHCR Senior Protection Officer:

There is technically one visa category for people seeking international protection on the paper but it is not practically applied. Currently for any Syrian who wants to come in under displaced status, they literally need the signature of the minister himself of social affairs and the director general of immigration to allow one person in.¹¹⁸

Some Syrians that came in under the categories of tourism, business, as well as some of those who had Lebanese sponsors, were not accepted in Lebanon by army officers who considered these Syrians to be potential asylum seekers.¹¹⁹ The restrictions caused a 50 percent decline in people seeking to register with the UNHCR in November and December 2014 and a drop in monthly registrations of 80 percent in the first three months of 2015, compared to a similar period in 2014.¹²⁰ The decline also continued in 2016.¹²¹

To deter entries, Lebanese authorities have denied anyone who has entered through an irregular border the ability to regulate his/her status inside Lebanon. To do so, they would need to pay a fee of US \$633, leave within five days, and could then only re-enter if they met the new entry requirements. If they were not able to pay the fine, they were permanently banned from re-entering Lebanon.¹²² In this sense, access to Lebanon for new Syrian refugees has become close to impossible, effectively undoing their right to seek asylum via one of their neighbouring countries.

In the realm of registration restrictions, the Lebanese government made a substantial change by blocking the UNHCR's long-term registration function. In April 2015, the Ministry of Social Affairs requested that UNHCR de-register over 1,400 Syrian refugees who had arrived in Lebanon after 5 January 2015.¹²³ In the course of a month, Lebanese authorities instructed UNHCR to temporarily suspend registration of Syrian refugees, except for humanitarian cases approved by the

¹¹⁶ Interview with a UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

¹¹⁷ Amnesty International 2015a.

¹¹⁸ Interview with a UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

¹¹⁹ Ibid.

¹²⁰ Amnesty International 2015a.

¹²¹ UNHCR and UNDP 2016.

¹²² Amnesty International 2015b: 20

¹²³ Ibid.

Ministry of Social Affairs and the Ministry of Interior and Municipalities.¹²⁴ So, UNHCR has not been allowed to register new persons as refugees.

The most consequential implementation has been observed in the renewal of residency permits and in the application for work permits which have logistically become much more difficult. According to UNHCR, a year-and-a-half after the new regulations came into force, one-in-two registered refugees was not able to renew their residency permit and then started to live outside the law.¹²⁵ In many cases, officers of related state institutions have found applicants' documents inadequate and/or inappropriate for the renewal for their residency permits. For instance, half of the Syrians interviewed by Human Rights Watch acknowledged that although they have been registered with the UNHCR, the General Security has denied them the ability to renew their residency permits and told them to find a work sponsor.¹²⁶ The sponsors, in these cases, would have to sign a 'pledge of responsibility' that holds them accountable for the individual's respective legal and criminal acts.¹²⁷

Moreover, the Ministry of Labour put restrictions over the access of Syrian workers to the Lebanese labour market and started to monitor informal employment.¹²⁸ Government representatives have emphasised their commitment not to allow Syrians to work. Foreign Minister, Gebran Bassil, also the leader of the Free Patriotic Movement, has made calls to companies to respect this law.

New restrictions did not fully regularize Syrians' presence in the country, but encouraged many Syrians to return.¹²⁹ Such an intensive bureaucratization has caused many to lose their residency permits. Lebanese authorities have not published statistics about the rate of illegality, but it is known that many Syrians are already without legal papers or find themselves in immediate danger of losing them in the near future.¹³⁰ Lacking legal documents and/or facing the risk of losing their refugee status, has put Syrians and Palestinians from Syria into the category of illegal immigrants who are subject to various types of further vulnerabilities, including expulsion. It has further caused serious difficulties in schooling and healthcare, while registration of new births, marriages and divorces has become almost impossible.

Restrictions on work permits have pushed more Syrians to work without having official contracts, and opened up more spaces for clientelistic structures and overlapping practices of bribery, blackmailing, exploitation and corruption.¹³¹ Due to a lack of rights in work places, Syrians face longer hours without proper payment, insurance or adequate job security. Also, these arrangements have put employers and brokers in a position of power. Brokers charge huge amounts of money, sometimes deceive those who are left at their mercy, and landowners

¹²⁴ Janmyr 2016: 10.

¹²⁵ Bobseine 2016: 10.

¹²⁶ Lebanon Support 2016: 14.

¹²⁷ Ibid.: 16.

¹²⁸ Frangieh 2015.

¹²⁹ Lebanon Support 2016: 14.

¹³⁰ Ibid.: 17.

¹³¹ Lebanon Support 2015: 28.

increase rents. Reports note incoherence, informality, and insecurity in the renewal process, which causes Syrians to sidestep authorities, deepening the gap between them and the government. A vivid black market of fake sponsors, brokers, employers, and contracts emerged and evolved.¹³² Officers of the state (General Security, municipalities etc.) do not refrain from daily insults, mistreatment as well as occasional incidents of physical abuse in order to scare refugees, to discourage them from staying and working in Lebanon.

A news review verified the existence of frequent curfews, arrests and detention cases. From August 2014 to August 2015, at least 45 municipalities across the country imposed curfews for Syrians for couple of days (sometimes longer), without providing any real reasons and despite not having the legal authority to in fact impose curfews, either on Lebanese citizens or foreigners.¹³³ Curfews have also been followed by forced evictions, arrests and detentions, primarily on security grounds. More than 7,000 people were forcibly evicted in the first quarter of 2015.¹³⁴ Mass arrests lead to arbitrary detentions of dozens of Syrians for days or longer, primarily on the basis that these did not have the required legal documents.¹³⁵ For example, on 15 October 2016, army intelligence conducted raids in tented settlements where Syrians live in dozens, arrested 40 people without proper documentation and turned them over the judiciary.¹³⁶

Meanwhile, refugees have almost no resources to seek justice. They avoid turning to authorities for protection due to fear of being arrested and repercussions if they appealed.¹³⁷ The only official protection for Syrian refugees against arrest and subsequent deportation is 'Lebanon's recognition of refugees' entry papers stamped by the UNHCR and the Lebanese General Security.¹³⁸ Lack of legality limits their freedom of movement and prospects for the future. They remain with few options and either stay in Lebanon without legal papers, or leave for another destination to seek alternative economic opportunities in Europe. Furthermore, previous experiences show that such grievances and lack of future prospects may provide fertile ground for the recruitment of young refugees by militant groups.

In addition to all these consequential restrictive policies, the repatriation of Syrians is also on the agenda of Lebanese politicians. One of the earliest proposals was voiced in 2013 by the Lebanese ambassador to the US. He said: 'We cannot bear this burden; they should go back to and resettle in Syria which is 18 times bigger than Lebanon.'¹³⁹ Officially, the issue started to be discussed when Labour Minister Sejaan Azzi announced his study on a new plan in September 2016 with the following words:

¹³² Dyke 2015.

¹³³ Human Rights Watch 2014.

¹³⁴ Amnesty International 2015b: 19.

¹³⁵ Ruhayem 2016; Diab 2016.

¹³⁶ The Daily Star 2016a.

¹³⁷ Weistein 2016.

¹³⁸ Ibid.

¹³⁹ Speech delivered by Antoine Chedid at the Wilson Center, Washington, D.C., 29 October 2013; see Carpi 2016.

To avoid an obscure experience, we must make clear decisions. We do not want emotions, but rather a project to repatriate the Syrian refugees, so that both peoples could preserve their countries ... Return of refugees to their country was required to redefine the essence of the conflict in that country. The implementation of the plan, which will be announced in January 2017, will extend along two years, calling upon donors to cover the cost.¹⁴⁰

The most concerning signal about repatriation was revealed during the UN Migration and Refugee Summit in 2016. During his speech at the Summit, Prime Minister Tammam Salam warned the international community not to look to Lebanon as a place of permanent asylum for Syrian refugees. Salam reiterated Lebanon's official stance and reaffirmed its absolute rejection of naturalization.¹⁴¹

Although it is known that repatriation is practically impossible and most government officials have respected the principle of non-refoulement and acknowledged that they may not forcibly return Syrians, the Lebanese government has made similar statements on a number of other occasions. As an interlocutor pointed out, what the Lebanese government is hoping for is that there will be a political settlement in Syria or at least the creation of safe zones between the Lebanese-Syrian border.¹⁴² The government has been keeping the repatriation issue on the agenda as an effort to gain leverage against the international community's demand for the naturalization of Syrians. In the course of UN General Secretary Ban Ki Moon's visit in March 2016, Lebanon was requested to grant citizenship to Syrians. Ban Ki Moon's statement caused a political reaction¹⁴³ and a public outcry. According to interviewees, his statement was 'naïve' and only demonstrated 'his lack of knowledge about Lebanese realities and history'.¹⁴⁴ But when this turned into the UN's official agenda and was raised more frequently, government officers needed to show a firm stance for the rejection of naturalization. Shortly before the departure of Lebanon's delegation to the Donor Conference in London in February 2016, Gebran Bassil, Lebanon's foreign minister said his country must be 'very cautious not to tolerate the passing of new statements' that would encourage Syrians to remain in Lebanon permanently. Although Bassil has proposed a project that would allow a limited number of refugees access to short-term contracts in the building and farming sectors, he has previously also called for the establishment of safe zones inside Syria as an alternative solution to the refugee crisis.¹⁴⁵ So, in the end, Lebanon has reached a policy point of pushing for repatriation.

¹⁴⁰ National News Agency 2016.

¹⁴¹ Naharnat 2016

¹⁴² Interview with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016.

¹⁴³ Orient News 2016.

¹⁴⁴ Focus group study with experts on NGO work in Lebanon, Beirut, 12 April 2016.

¹⁴⁵ Armstrong 2016.

9 The Reasons behind Policy Changes

As explored above, Lebanon has recently chosen to formulate a strict policy of border management and reception to dissuade Syrian refugees, while it has avoided creating protection and integration policies. It is necessary to delve into the reasons that stand behind such policy changes. Evidence shows that policy changes in border control and reception are reflective of the country's recognition that it is facing a demographic challenge, as well as its desire to appease negative public sentiment, and to renegotiate its sovereignty vis-à-vis increasing involvement of international organizations in refugee governance. On the other hand, it refrains from developing protection and integration policies due to a lack of capacity, ideational concerns (regarding the delicate sectarian balance) and its historical experience of a protracted Palestinian refugee issue. The details will be discussed below.

First of all, the issue of having been confronted with increasing numbers of refugees within the course of a few years and, in turn, the negative public sentiment that this has sparked, necessitated the government to do something. As a result of the refugee flow, Lebanon has been forced to grapple with a demographic shock.¹⁴⁶ When Lebanon first introduced entry restrictions in 5 January 2015, Interior Minister Nohad Machnouk said in a press conference broadcasted on local television that 'we have enough. There's no capacity any more to host more displaced'.¹⁴⁷ Similarly, when they asked about refugee policy changes, Lebanese informants first pointed out numbers. For example, a migration scholar expressed this point with a margin of exaggeration: 'They are criticizing the Lebanese government for not doing enough. We are the only country in the world that has half of its population consisting of refugees'.¹⁴⁸ Secondly, interviewees mentioned the lack of adequate state capacity 'given the fact that also Government doesn't provide the normal services for the Lebanese people, so how could they do for the Syrians and even the labour market cannot absorb the Lebanese themselves'.¹⁴⁹

Being aware of such common thoughts, the government has aimed to mediate negative public perceptions. Although international humanitarian agencies have partially embraced aid and service delivery to refugees since 2012, even by paying local families a given amount to host Syrian refugees for a limited period of them (max. one year),¹⁵⁰ local Lebanese communities' reluctance about Syrians' presence (an 'othering' of them) has nevertheless grown in years. Specifically, local communities have been concerned about the decrease in local employment opportunities due to the availability of cheaper menial labour provided by Syrians, the increase in the cost of living, housing problems, differences in cultural attitudes as well as security concerns (including an increase in petty crimes). Syrians are

¹⁴⁶ Interview with a scholar of Political Science and an expert on migration at the Lebanese American University, Beirut, 13 April 2016.

¹⁴⁷ The Guardian 2015.

¹⁴⁸ Interview with a Lebanese scholar on migration, Beirut, 11 April 2016.

¹⁴⁹ Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

¹⁵⁰ Carpi 2016.

criticized for overstaying their welcome, working illegally, stealing the jobs of nationals and enjoying both international and local aid. Lebanon's Social Affairs Minister Rashid Derbas has described opening up the country's job market to Syrian refugees as neither 'possible' nor 'appropriate' due to on-going unemployment in the country and due to presence of Palestinian refugees.¹⁵¹

As demonstrated in the words of a Lebanese expert working for an INGO, the fact that Syrians have been able to work in Lebanon and getting aid creates tensions:

Refugees are getting money from the UNHCR and hundred dollars for the Syrian person who was living in Syria is a lot, for Lebanese it's just ... So, if you take from UNHCR that money, you get money working here in Lebanon and then you could go into Syria and get all the cheap products from there and coming back, when it's time to get the money from UNHCR. This situation, coming and going, and having an advantage over the Lebanese people, the poor people, because the refugees they came into the places where the most vulnerable and the most poor people are living and they took maybe their jobs. So, the Government said that we can't help them in such a way and then opening the borders, because the Lebanese people started to show their discontent and the Government had the attention to do something against it, so that's when they started to say ok, we will do something about it and we will enforce the entry permit or the residence permit, which was there since ever, but it was never enforced in such a way.¹⁵²

The tension among Lebanese host and Syrian refugee communities has a socio-economic character that can be summarized as a competition over scarce jobs, resources and aid.¹⁵³ In fact, conflict dynamics are not necessarily new or related to recent developments, but rather the crisis has 'acted as a magnifying glass of the structural and pre-existing conflictual dynamics in the region'.¹⁵⁴ All of these created resentments among Lebanese citizens who, in turn, have put pressure on political parties. Thus, the government needed to take action, trying to negotiate particularly with the UN agencies—as seen in the formulation of LCRP—and aiming to also put the vulnerability of host communities on the agenda.¹⁵⁵

Another concern of the government and the public is intimately tied to identity issues. Syrian refugees have been considered as a threat to Lebanon's delicate sectarian balances, because most refugees are Sunni Arabs. Many see the arrival of more than one million Sunni Arabs—with a possibility of permanent settlement similar to Palestinians—as having the potential to destabilize the fundamental roots of an already fragile political system and social order. In the words of Labour Minister Sejaan Azzi: 'National identity is threatened with change, as the Lebanese entity is at risk. Therefore, the return of the Syrians to Syria is a necessity'. Similarly,

¹⁵¹ Armstrong 2016.

¹⁵² Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

¹⁵³ Lebanon Support 2015: 27.

¹⁵⁴ Ibid.: 28.

¹⁵⁵ Focus group study with experts on NGO work in Lebanon, Beirut, 12 April 2016.

Foreign Minister Gebran Bassil has warned that the Syrian refugee crisis is threatening the 'Lebanese identity'.¹⁵⁶ An expert explained why the issue is seen as a threat by government officers when he said: 'They believe that Lebanon suffers from this sectarian system and sharing power and most of the Syrian refugees are Sunni and this would totally bring Lebanon to chaos'.¹⁵⁷ As observed in the Palestinian case, there is a consensus about the rejection of integration for Syrians. In the words of a Lebanese expert on humanitarian aid: 'I guess almost everybody is against the integration, if you say integration is like naturalization ... it's not on the table at all and not for anybody'.¹⁵⁸ Nevertheless, state capacity is the rationale behind anti-integration discourse. As a Lebanese scholar pointed out: 'The integration cannot be pragmatic plan, because it entails some responsibility for some part of state and state does not want to take this responsibility'.¹⁵⁹

Moreover, concerns about security and safety have fuelled concerns about the erosion of state sovereignty, which is seen to be challenged from three directions. A first challenge is seen to be posed by cross border incursions; second, by a loss of control over public security; and third, by a lack of power and regulation concerning the engagement of the UN, INGOs and NGOs in the humanitarian aid and development sectors.

Border incidents have been common and fluctuating since the early days of the uprising in Syria—committed by both the Syrian regime and the opposition forces. While the former has conducted air strikes and airspace violations, the latter has sparked clashes, land violations and border crossings. The army did not have the capacity to fully control the Syria-Lebanon border, as was observed in October 2011 when Syrian regime forces chased rebellion groups across the border and the Lebanese army was not able to intervene.¹⁶⁰ Thus, the Lebanese state restricted border controls, but failed to provide full control.

The outbreak of the Syrian crisis reinforced the emergence of radical salafist militancy in Palestinian refugee camps where militia groups have been 'strengthening their ranks, developing clandestine networks with some components of the Lebanese and Syrian jihadist sphere'.¹⁶¹ There has been evidence for ties emerging between some armed elements of the Syrian refugee population and radical Islamist factions in the Palestinian refugee camps, given the fact that Syrian refugees increasingly settle in the Palestinian refugee camps as shelter grows scarcer.¹⁶² For instance, Ain al-Hilwah became the headquarters for some Salafist jihadist armed groups that are opposed to the Lebanese army and Hezbollah, and who maintain close political and security ties with some factions of the Syrian opposition, especially Jabhat an-Nusra, the official al-Qaeda affiliate in Syria. It has been suspected that Palestinians and Syrians, as Sunni-dominated

¹⁵⁶ The Daily Star 2016b.

¹⁵⁷ Interview with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016.

¹⁵⁸ Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

¹⁵⁹ Interview with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016.

¹⁶⁰ Salem 2012.

¹⁶¹ Dot-Puillard 2015: 2.

¹⁶² Yacoubian 2014: 2–3.

refugee populations, find common cause and undertake joint attacks against Lebanese adversaries—particularly the Lebanese Army and the Internal Security Forces.¹⁶³ Such an involvement of Palestinian camps in the context of the Syrian crisis might have acute political and military implications for Lebanon similar to those experienced during the civil war.

The Lebanese state has advanced gradual and nationwide securitization of Syrian refugees' presence with the tacit support of media and political networks in order to comfort its own citizens as well as to demonstrate its sovereignty over territory and population. New policies suggest that marking the territory as Lebanese is done in order to manage and control 'the home' which is 'outnumbered and overpopulated' by Syrians.¹⁶⁴ Lebanese felt that they have a responsibility to safeguard their home' and not to allow Syrian refugees to occupy their space.¹⁶⁵

Concerns over sovereignty also encompass regulating and monitoring both citizens and foreigners who live in the country. In order to regain control, the state has imposed strict residency permit regulations, while UNHCR's registration was suspended. Moreover, municipalities have exercised state power by imposing more raids and curfews on Syrians, even though their success was previously questioned.¹⁶⁶ The words of Lebanon's interior ministry adviser Khalil Gebara, in a response to the question about municipality raids in refugee settlements, emphasised the notion of sovereignty:

It [ministry] is trying to regain in some of the excesses of the municipalities, but insists it must balance that against the reality of massively overburdened infrastructure, as well as security concerns. Hundreds of Syrians do not have any papers, which means we do not even know who they are. We must remember there are bombings that have taken place in Lebanon and there is a war that's 50 km away from the Lebanese border.¹⁶⁷

Although there are no real security threats or in fact a traceable rise in crime, the state and non-state security apparatus has emphasized its need to guarantee for security, and has in this regard also pointed particularly to Syrian refugees. State gendarmerie forces have been involved in controlling and monitoring the refugee community. They have authority to intervene in scenes of conflict and violence, but they are predominantly seen as corrupt, violent, as employing illegal methods. At the same time, they are seen as being 'protected and rendered immune by the state.'¹⁶⁸ Many municipalities increased their security presence with more staff.¹⁶⁹ Moreover, the country has observed the 'emergence of privatized security

¹⁶³ Ibid.: 2.

¹⁶⁴ Carpi 2016.

¹⁶⁵ Lebanon Support 2015: 25.

¹⁶⁶ Ibid.: 20.

¹⁶⁷ Ruhayem 2016.

¹⁶⁸ Lebanon Support 2015: 22.

¹⁶⁹ Mercy Corps 2014: 3.

networks organized around traditional notables or political parties'.¹⁷⁰ These actors together continue to further securitize refugee presence.

Another concern of the Lebanese state around sovereignty is concerned with the intense international intervention in refugee governance. In fact, Lebanon has been a country with a high density of national and international NGOs since 1990.¹⁷¹ There has been limited state regulation over them, because the country has been suffering from wars and related structural shortcomings in governance across many sectors. UN agencies and INGOs took the initial lead in responding to Syrian displacement by first delivering massive amounts of material and non-material aid. Also, international donors funded several projects of local NGOs. But, decreasing levels of aid and failures in meeting commitments disappointed Lebanon in terms of burden sharing by the international community. In this line, Amnesty International argues that 'the lack of international support in the form of a meaningful number of resettlement places and financial assistance has almost certainly played a role in Lebanon's decision to impose such significant restrictions on refugees from Syria'.¹⁷² As in the words of Labour Minister Sejaan Azzi: 'No aid being offered to Lebanon can compensate for the burden of hosting Syrian refugees, calling on the international community to find a real solution to the crisis.'¹⁷³ The disappointment of and reaction to the international community and its representatives (UN agencies and INGOs) was reflected in the government's order to UNHCR to stop registration in 2015. Different narratives of informants give insights into the tensions between UNHCR and the Lebanese state. As one informant said: 'They imposed to stop the registration because they close the border. So what they are practically saying is that there are no new refugees coming.'¹⁷⁴ Conversely, another informant noted that 'it is not just the government but it is also UNHCR itself, the whole UN, saying that there are no longer funds'.¹⁷⁵

The lack of state control and regulation has also raised concerns about the capacity of the Lebanese government to respond external concerns of demands. During focus group, the issue was addressed by a Lebanese migration expert:

Since the beginning we were trying to voice that we want more state in the management of this respond. International funding was written on the assumption during the first year that there is no state in Lebanon. All in the sudden, the state is back in.¹⁷⁶

To tackle this problem, in addition to strict regulations, the Lebanese government collaborated with the UN and INGOs to prepare the Lebanon Crisis Response Plan (LCRP). The LCRP illustrates how the Lebanese government aims to exert greater control over refugee governance that was externalized to

¹⁷⁰ Lebanon Support 2015: 28.

¹⁷¹ Ibid.: 20.

¹⁷² Amnesty International 2015b: 7.

¹⁷³ The Daily Star 2016c.

¹⁷⁴ Focus group study with experts on NGO work in Lebanon, Beirut, 12 April 2016.

¹⁷⁵ Ibid.

¹⁷⁶ Focus group study with experts on NGO Work in Lebanon, Beirut, 12 April 2016.

international actors over the last few years. The government has sought to address its concerns and reshape its relationship with the plethora of international organizations that used to be bypassing the government in the process of managing issues in Lebanon.¹⁷⁷ A conversation that I observed between a German representative of an NGO funded by Germany and a Lebanese humanitarian aid expert reveals what lies at the heart of these tensions. When the German representative legitimized bypassing the government due to its weak performance and corruption, the Lebanese expert reacted with the following sentences:

Excuse me, this is my country, so I have to manage my country by myself and if you come into my country as a foreigner and you would like to arrange things which are proper to my job, then it's not ok, you have at least to coordinate with me and I have to solve this problem.¹⁷⁸

The German representative went on by explaining the situation of paralysis:

Because of course the Lebanon Government was asking for the international support, they got a lot of money, but you don't have to complain, but then this government was incapable of making any decisions and also legally they cannot receive funds, because they need approval of the Council of Ministries or the Parliament or whatever. They are all not working.¹⁷⁹

An officer of an international NGO who worked in Lebanon for three years reported that:

The relationship between government and NGOs is very tense right now. Because the government wants money, but donors do not feel comfortable with that because they know the government is very problematic in taking any action. For example, the Ministry of Water is saying all water projects have to be approved by the government, that is gonna take forever.¹⁸⁰

A Senior Protection Officer from UNHCR shared the concerns voiced by INGO representatives, but he also added that the UN has been looking to advocate some issues with the government such as the registration of refugees.¹⁸¹ At the same time, it is also recognised that the government is trying to increase its negotiation power in international platforms. As one interviewee pointed out:

¹⁷⁷ Interview with a Lebanese Co-director of an international NGO, Beirut, 14 April 2016.

¹⁷⁸ Ibid.

¹⁷⁹ Interview with a German Co-director of an international NGO, Beirut, 14 April 2016.

¹⁸⁰ Interview with a representative of an INGO working on humanitarian and development aid, Beirut, 14 April 2016.

¹⁸¹ Interview with an UNHCR Senior Protection Officer in Beirut Office, Beirut, 13 April 2016.

My opinion is that the government is creating all of those barriers about legal status, it is paper, that is how it is. But they are creating all of these to make it difficult for Syrians and also to create some leverage for themselves. So the Lebanese government can go to the donors at the London Conference and this is exactly what happened and say you know give us 10 billion dollars just give it to the government and we will let the Syrians exist. And now there is a negotiation around the program called STEP where the government will give 300,000 work permits to Syrians. The reality is Syrians are working.¹⁸²

As interviewees noted, despite newly introduced strict policies and negative comments of politicians concerning Syrians' access to the job market, the Lebanese government has made commitments in international platforms to attract funding, such as was being proposed with a Statement of Intent during the February 2016 Syrian Crisis Conference in London. The government promised to create around 300,000 to 350,000 jobs, of which 60 percent could be for Syrians via investments in municipalities and job creation in labour intensive sectors. The new job opportunities will not only facilitate Syrians access to labour market but also support to meet the Lebanese infrastructure needs.¹⁸³ It is seen that the Lebanese state has gradually increased its leverage power by rendering transparent the burden that lies on its shoulders.

Also, the case of Lebanon demonstrates the role of contingency and imitation in responding to mass refugee movements. Contingency and imitation occur at both discursive and policy levels.

At a discursive level, it has been evident that politicians, policymakers, IO, NGOs and research funding bodies across Europe have largely framed the arrival of refugees and migrants in 2015 as an unprecedented 'event', 'refugee crisis' and as evidence of an 'on-going crisis' of migration. Also, the political establishment and the media spectacles in Lebanon have adopted the same framing and added terms of 'emergency crisis'. In comparison to European countries, Lebanon had greater and more complex strategic geo-political and military stakes in Syria's on-going armed conflict and in the forced mobility of Syrians. In fact, the very language of 'migrant crisis' or 'refugee crisis' has direct policy implications. It works to dehumanize the migrant subjects of crisis, and places them in a nebulous place of irregularity and illegality. It 'tends to relocate "crisis" in the body and person of the figurative migrant/refugee, as if s/he is the carrier of a disease called "crisis", and thus carries the contagion of "crisis" wherever s/he may go'.¹⁸⁴ The figure of the migrant/refugee hereby has been framed as one that threatens many significant phenomena across different locations, such as European values and integration or Lebanon's national identity, sovereignty and stability. A very extreme case exemplifying how refugees are seen as carriers of the contagion of 'crisis' can be

¹⁸² Interview with a representative of an INGO working on humanitarian and development aid, Beirut, 14 April 2016.

¹⁸³ Republic of Lebanon 2016.

¹⁸⁴ De Genova et al. 2016.

found in the Ğizzīn municipality in South Lebanon where public gatherings were entirely prohibited to Syrian nationals in 2014.¹⁸⁵

Most importantly, the framing of the refugee movement as a crisis helps to legitimate the authorization of exceptional or emergency—mainly security driven—governmental measures, policies and then their normalization.¹⁸⁶ In Lebanon, the crisis discourse leads to the exercise of excessive power to govern, control and contain refugees; to extreme forms of migration policing; and to a limitation of IO's capacities to assist refugees. The discourse normalizes controversial policies such as high fees for the renewal of residency permits despite regularization attempts; difficulties in granting work permits despite a high rate among Syrian refugees working; and the system of sponsorship which itself creates vulnerabilities and further illegalities. Moreover, the very term of crisis legitimizes measures such as curfews, raids to refugee settlements, detention and seizures of refugees' belongings that violate the very fundamental rights of refugees.

The crisis centric-securitizing discourses of the EU have been closely appropriated by Lebanon, criticising European countries for advocating measures that aim to prevent further immigration to Europe, and the international community at large for global inaction. When the international community brought the issues of naturalisation and working rights for Syrians on the agenda, Lebanon reacted to them fiercely on the basis that these would risk the permanent settlement of refugees. Paradoxically, the framing based on emergency crises worked to benefit Lebanon in terms of getting more financial support—due to the fact that 'crises' are still more able to attract international attention.

On this point, it is worthwhile mentioning that scholarship and research on these topics has commonly come to recapitulate both the dominant discourses of 'crisis' and to re-reify them. As De Genova et al. (2016) put it rightly; there is a need to problematize the discursive construction of crisis and to critically ask the question of whose 'crisis'? In general, this is fundamentally a 'crisis' of state power over transnational human mobility.¹⁸⁷ Particularly for countries like Lebanon, this refugee movement is a reality moment that shows the crisis of neglected refugee governance and magnifies the country's long-term policy paralysis.

10 Conclusion

There is increasing attention being paid to how Syrians' massive displacement has impacted refugee governance in EU countries, but there is less attention being turned towards understanding refugee politics and policy making in the first destination countries. Here, questions concerning the role of actors, the interaction of actors, as well as the factors playing into refugee policymaking and their directions are crucial. Studies exploring patterns in the first destination countries

¹⁸⁵ Carpi 2014: 417.

¹⁸⁶ De Genova et al. 2016.

¹⁸⁷ Ibid.

will contribute towards theory development in the forced migration and refugee studies literature. On the practical level, it is important to explore their policies in more detail—particularly, as it is already well documented that these have had a significant impact on the continuation of refugee movements towards Europe.

In the first five years of the Syrian crisis, neighbouring destination countries—Turkey, Jordan, and Lebanon—reached their limits demographically and the integration of all refugees seemed to be hindered by a lack of capacity, political will and public support. Instead, the Syrian refugee issue has required them to either reframe their border control, reception, protection and integration policies, which used to be neither absent nor ad hoc until the previous years. As seen in the case of Lebanon, these countries have attempted to create restrictive policies, following an open-door policy and generosity towards refugees in initial years. The countries are gradually receding from a humanitarian approach on the one hand, and they are creating ambiguous policies on the other. While border management and reception policies are highly regularized, protection and integration policies are almost non-existent. They seek to externalize refugee governance to the international community by employing a burden-sharing discourse and simultaneously intend to shape it according to their priorities and concerns.

Insights from the Lebanese case allow us to hypothesize that previous refugee experience, governance capacity, domestic politics and the country' stake in the conflict come to define policy making on refugees in destination countries. Research on Turkey and Jordan proves that domestic politics as well as the stake in the crisis, overwhelmingly determine the direction of refugee policy in both countries. In addition, previous experience and governance capacity appear as additionally detrimental factors in the Jordanian case.¹⁸⁸ In sum, the weight of each factor may differ according to the specificity of each country.

To conclude, Syrian mass forced migration has not only been challenging the existing norms and regulations that define refugee governance in Europe, but has also threatened already fragile and scattered systems in the main hosting countries of the Global South, paralyzing the refugee regime in the long run. On the other hand, such policies urge more refugees to seek shelter outside of the affected regions, even by trying more dangerous routes and methods. In order to build better global cooperation in the refugee protection realm, there is a need to consider the impacts of current mass forced migration by starting to examine discourses, conditions and policy changes in the main host countries, paying specific attention to discourses and interactions.

¹⁸⁸ For the Turkish case see, Şahin Mencutek and Gökâl Aras 2015; *ibid.* 2016; for the Jordan case see Şahin Mencutek 2015.

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