



# **Influence of actors for durable solutions for refugees fleeing the Syrian War in Lebanon**

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### **III Acronyms**

1. International Law of Refugees (ILR)
2. International Humanitarian Law (IHL)
3. Government of Lebanon (GoL)
4. Ministry of Social Affairs (MoSA)
5. United Nations High Commissioner for Refugees (UNHCR)
6. Convention Relating to the Status of Refugees from 1951 (51 CV / Convention 1951/ 51 Convention)
7. The Protocol Relating to the Status of Refugees from 1967 (Protocol from 1967)
8. Palestinian Liberation Organization (PLO)
9. Human Rights Watch (HRM)
10. Lebanese Crisis Response Plan (LCRP)
11. Memorandum of Understanding between the UNHCR and the government of Lebanon (MoU)
12. United Nations (UN)

## **IV Abstract**

This research focus upon the durable solutions for refugees in a hosting state. This comprises the opportunities of integration, resettlement and voluntary return. To provide those solutions to the refugees is a mandate from the United Nations High Commissioner for the Refugees but it is a responsibility that reaches many other actors. We will discuss how these actors try to influence each other in order to create or limit the possibilities of the refugees to access to the solutions.

We reviewed the theory from a legal perspective and developed a framework for assessing the influence of the actors for creating durable solutions. Then we used the case study of Lebanon, that qualifies as a critical case study because is the country hosting more refugees per capita in the world. After applying the framework into the case study and obtaining information by interviews and informal conversations with diverse actors in the country, we discuss the theory, focusing on those aspects that need revision or further development.

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## **Chapter 1: Introduction**

This chapter will present the discussion that justifies the debate around Durable Solutions. Then it will focus on the previous academic research, the main components and the structure of the thesis.

### **1.1. Background and Problem Statement**

The identification of a refugee as a category under the International Law of Refugees (IRL) was initially conceived as an individual process and designed to establish obligations towards the States where the refugees arrived. Since then, the law has evolved in order to include the cases of massive influx of refugees and in order to focus in the rights that refugees ought to have. However, the IRL we have now does not indicate the path a State should take in order to deal with the daily presence of refugees in their territory and all the consequences in their societies, economies, politics, etc. This can be more dramatic in cases where the presence of refugee is significant in terms of numbers and time.

The effects of massive influx of refugees into a country are hard to quantify. Different actors will interpret the influx in different ways and the consequence is the difficulty to arrive into a consensus regarding on how to channel the influx into positive outcomes for everybody. Especially for those States that are hosting large number of refugees, the type of response can imply a negative perspective followed by restrictions in the movement and liberties of refugees, paralysis or doing nothing because of not considering it relevant for their agenda (Jacobsen, 1987, p. 658.)

In those settings, where the numbers of refugees go far beyond an anecdotic, temporal, or manageable possibilities, it is relevant to think about merging the efforts of different actors who are dealing with the humanitarian, economic, political and social consequences of the presence of the refugees and strengthening the leadership of the State where they are settled. This goal cannot be isolated from the international community support, this is known as the “principle of cooperation” in IRL. We have seen a very low applicability of that

principle, as there are huge differences between the amounts of refugees that the developed states have been willing to accept in comparison to the neighbor countries to the area from where they have fled (87% refugees were in neighboring countries for 2016) (UNCHR, 2017, p.16).

We are talking about the necessity of leading with the massive influx or presence of refugees through the development of public policies (this can be studied from a national or global perspective) that takes in consideration the refugee massive influx as a phenomenon that must be regulated with the aim of providing durable solutions for their presence in a country.

The goal of a public policy regarding the massive influx of refugees is to propose a plan that can provide “protection, solutions or assistance for refugees” (Milner, 2014, p. 480.) that can, at the same time, take into consideration the capacities of the State and the development of local population.

Responding to a complex phenomenon such as an ongoing or sudden massive influx of refugees requires to understand the actions of a multiplicity of actors, their side effects and their positions and this will require to develop a strategy. We are talking about policy making, which implies a set of processes, activities and the seeking for a consensus between relevant actors.

It is not the same to study the policy itself than the process that is required to its adoption or its implementation (or put into practice). To undertake both studies it is a complex process that it is vital for the interest of the State, for the sake of the rights of the refugees and local population. Due to its characteristics, building a public policy like creating Durable Solutions for the refugees in a State, requires a clear understanding of the context, a goal easy to identify and a coordinated will to transform indistinct measures into coherent, consistent and relevant policies. The result of it should be perceptible in the lives of the refugees once those policies are implemented and in the host communities where they are living or going to live.

It is vital to understand the process, the existing networks and the levels of influence between different actors that impact in the way a government adopts a public policy, especially in cases where the influx of refugees is massive, or has a huge impact in the hosting country.

### **1.1.1. Previous academic research**

As for the prior research about this topic, our first theoretical approach is through the studies of public policies. The analysis of public policies have a very broad variety of insights from the field of social sciences and it is an evolving field of study. Therefore there are diverse methodologies and frameworks that could be applicable. A particular perspective is related to the networks of power, or the participation of actors who put pressure in the government in order to adopt a particular public policy tendency, authors who write about this are Carlos Salazar Vargas (2012). Within this analysis, there are studies from Jonathan Fox et al. (2016), Daley and Garand (2005) regarding the horizontal and vertical relations of influence and the process of agenda setting like Guy Peters (2015). In that way, we can incorporate the relation between the national public policies and the Global Public Policy studies on one side; and then the importance of taking into consideration the citizens participation as a way to generate social demands, in this last topic, we find academics like Weeks (1970), Kallio et al (2016) and Bäcklund (2009).

If we focus on policies regarding refugees, the Refugees Studies Centre have a working paper where it presents the framework for understanding Global Refugee Policy from the basis of the studies of Global Public Policy. In the same line, Bauman and Miller (2012) wrote an article about the varying perspectives regarding Global Refugees Policies. This valuable studies are extremely important to have a first understanding of the influences of the work of organisms like UNHCR and other non-governmental agencies into the adoption of national or regional responses to refugee influx, like the book from Loescher about the role of UNHCR in World Politics (2001).

We have not found studies of this type for the national level only. There are not academic articles regarding the way to measure the influence that determine that

a particular State adopts a decisions of durable solution as part of its public policies regarding the presence and influx of refugees into their territory. There are only fragmented studies, as they focus only in certain type of influence, like the one that comes from a political parties or the public opinion (Picard, 2014) and not in overall factors.

The political relations regarding the public policies for refugees can also be studied from a legal dimension. There is not enough research yet about how the networks of power and actors influence the government in order to adopt a particular or a variety of legal dispositions for refugees. There is an article regarding the relationships between the international law and the refugee's policies from Gammeltoft-Hansen (2014). However, if we focus in the State as a center of action, to whom the other actors will interact with, then we can say that there are not studies for this.

That is why our aim is to understand and assess the level the influence of different actors, at the national level, behind the adoption of public policies and legal measures related to durable solutions regarding the presence of refugees in a country.

### **1.1.2. Case Study selection and previous research of the case**

We aim to study the networks of influence behind the adoption of public policies regarding the presence of a large amount of refugees in the hosting State that can lead or not to the adoption of Durable Solutions. In order to do so, we will use the case study of Lebanon<sup>1</sup>.

As for the state of the research in connection to our case of study, the development of the policies adopted by the government is clearly presented in the report "Formal Informality, Brokering Mechanisms, and Illegality. The text Impact of the Lebanese State's Policies on Syrian Refugees' Daily Lives" (Lebanon Support, 2016) drafts the measures of the government since the initial moment of the Syrian war, with a special focus on the latest decisions of the

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<sup>1</sup> For further details on the election of Lebanon as a case study refer to the Methodology chapter.

government and their impact in the living condition of the Syrian refugees. The working paper of Janmyr (2016) focus in the regulatory changes of 2015 and the impact in the legal situation of the refugees. The most updated document is the Lebanese Crisis Response Plan 2017-2020 and it does not have paper analysis yet, excepting an article by HRW (2017).

Professor Karim Al Mufti (2014) writes about how all this measures represents a policy of no policy because of the lack of “political will, a sense of confusion and the implementation of contradictory measures”. In the same line goes Lama Mourad (2015), who understand the inaction in relation to the roles that international organizations like UNHCR are playing in the crisis response. From a different perspective, Saghieh and Frangieh (2014) write about the use of a soft power in the policies undertaken by the Lebanese government, so they do not consider that there is lack of policy but the application of measures that go along with their interests. There is a gap then in the moment of identifying if the measures undertaken by Lebanon can qualify as a proper public policy or how to qualify them.

All this information is regarding the measures adopted by Lebanon that could account as public policy regarding the refugee issue. However, a different kind of research is how this process was achieved in terms of the relations of influence between national and international actors. A brief mention on this topic can be found in the article of Berti (2017). With a better understanding of politicizing the refugee presence, Filippo Dionigi presents the perspective of different political parties and the sectarianism as a factor behind part of their motivation (Dionigi, 2014). By the side of the influence of humanitarian organizations, the UN Human Settlements Programme presented a report regarding the shelter policy in Lebanon where it indicated the influence of UNHCR and certain governmental agencies in these issues (UN HABITAD, 2015). In this line, the level of influence of NGOs in Lebanon, in general is studied in the article by Chehayeb (2015). The same is done in the Project of mapping Civil Society Organizations in Lebanon (Beyond, 2015). For a critical perspective regarding the requirement by the Lebanese nationals of getting also involved by the development programs, we

can refer to the article of Meaker (2017). And the attempts of the refugee's settlements to present their demands is mentioned by Clarke (2016).

Even more, there are not articles regarding the possibility of working towards Durable Solutions options in the country, it is a debate that seems not to be in the agenda. Only the organization ALEF (2014) have a position paper very comprehensive about it and we will discuss certain aspects not addressed like how feasible is to build durable solutions in Lebanon, who are the relevant actors for it and how it is the process to do so, all from an academic perspective. As we have seen, there is literature in terms of influence between diverse actors, but they are very specific, there is not an overall study of the interrelations between all actors and less for durable solutions purposes.

## **1.2. Research Question**

This is our research question: How to assess the influence that have shaped the legal dispositions and public policies related to durable solutions for the presence of refugees in a State?

## **1.3. Objectives**

Our objectives will have in mind the theoretical gaps as well as the gaps in the case study. We will address those aspects where there is not enough research and that also can contribute to a greater discussion about an overall perspective of the legal, political, economic assumptions and decisions by different actors handling the massive presence of refugees in any State.

### **1.3.1. Overall objective**

Our overall objective for this research is to ascertain the actors, their relationships and how they managed to influence in the adoption of public policies regarding the massive presence of refugees in Lebanon after the influx generated by the Syrian war.

There are several concepts and theories that we have to develop in order to be able to start this study. To start, this is an evolutionary study of the policies since 2011 until today, and its focus relies in the internal and international actors who

influence the government. It is centered in the policies directed to respond to the necessities of those who arrived into Lebanon after the beginning of the Syrian war but also of the Lebanese population who have been affected by this influx. When we refer to influence, we also want to analyze a possible lack of influence by part of the population because of the insufficient citizenship participation in the elaboration of policies and by so, we are thinking about democratic legitimacy, which can be related with the success of the decisions.

### 1.3.2. Specific Objectives

1. To determine the theoretical framework for studying and analyzing the public policies regarding durable solutions for refugees.
2. To explore the evolution of the public policies in Lebanon since the start of the Syrian armed conflict.
3. To ascertain the interaction of relevant actors within a country that influence in those the public policies.

In the following table, we present a summary of the main components of this research:

Table 1: Summary of the components of the research

<b>Problem</b>	There is not enough knowledge regarding the way to measure the influence of actors into the decisions of durable solution as part of public policies regarding the presence and influx of refugees into their territory
<b>Aim</b>	That is why our aim is to understand and assess the level the influence of different actors, at the national level, behind the adoption of public policies and legal measures related to durable solutions regarding the presence of refugees in a country.
<b>Research question</b>	How to assess the influence that have shaped the legal dispositions and public policies related to durable solutions for the presence of refugees in a State?
<b>Overall Objective</b>	Ascertain the actors, their relationships and how they are influencing each other in the adoption or lack of adoption of durable solutions regarding the massive presence of refugees in Lebanon after the influx generated by the Syrian war.
<b>Specific objectives</b>	<ol style="list-style-type: none"> <li>1. To determine the theoretical framework for analyzing the existing Durable Solutions, or the possibilities to build them, in any hosting State.</li> <li>2. To explore the evolution of the public policies in Lebanon regarding all the elements relevant for durable solutions, since start of the Syrian armed conflict.</li> <li>3. To ascertain the interaction of relevant actors (at national level) that influence in those Public policies relevant for the discussion around durable solutions.</li> </ol>

Source: This paper.

#### **1.4. Research Design**

The main discipline of the thesis is related to refugee law, human rights and IHL, however, it will also incorporate public policy analysis. The goal is to use the relevant concepts and ideas as long as they are suitable to the purpose of the investigation.

As for the structure for the analysis, in the next chapter we will study the legal background for refugee protection in an international level. Later we will focus on the case of Lebanon in terms of historical relevant elements related to refugee's influx and the national framework of response towards the presence of Syrians and Palestine in the country. Afterwards, we will present the methodological tools for analysis of the data that can allow us to build a perspective about the present and the possibilities of building durable solutions in any country, this will be used in the chapter of findings and finally we will conclude the paper in the section of discussions.

The idea of this sections is to have a consistent narrative, with clear and visible linkages between chapters, but at the same time, we will design each chapter in a way that can allow different type of readers to put their attention on a particular aspect of their interest. For the organizations working in Lebanon, maybe the legal or the historic part might not be as interesting as the finding discussions, where they can see the perspectives or their counterparts or from other actors that they might be interested in connect to.

#### **1.5. Utility**

Since the beginning of the influx, the decision makers and the overall population in Lebanon had the perception that its duty towards the Syrian refugees was to allow a temporal residence and no more. But after more than 5 years of the conflict with no perspectives for a close end, there is a need for a better response. On a national level, there is an increase of politicization of the refugee issue, with political parties arguing over the topic without arriving at a consensus. One of the main preoccupation is the economic burden of having more than 1 million of Syrians in Lebanon, this in the social services structure such as the education and health services programs, as in the work opportunities. All these factors lead



to the adoption of restrictive measures that “protect” the Lebanese population of the presence of Syrians, like the prohibition to work as a pre requisite for renewing the residence permit or the imposition of curfews in certain municipalities.

The situation of Syrian in Lebanon is one of the axis of the refugee current crisis in the world. An articulated policy is important because it is meant to be beneficial for the State, for its citizens, and for the refugees, the lack of an articulated position is, on the contrary, generating detrimental effects that are affecting severely the human rights of all concerned. To promote an active regulation that can benefit all parties is a way to reduce the risk of a social conflict and will improve the living conditions of refugees and local population. This doesn't mean to forget the responsibility of the rest of the States to collaborate and provide opportunities of resettlement.

In terms of the relevance of the study in the humanitarian field, Lebanon is facing a complex emergency, especially in terms of social, cultural and economic rights. The refugees have a very low incomes that comes mainly from the UNHCR and other organizations; the capacity of the social security system to provide services in terms of health and education is exceeded. As the Syrian conflict is entering into its 7 year without any close solution at sight, the exodus is becoming a protracted situation, where the boundaries between humanitarian intervention and development projects are even less clear. The lack of an articulated public policy led by the State might be having direct impact in the projects that the humanitarian organization are undertaking in the country, or maybe the other way around as well.

Therefore, this research could be of utility to humanitarian aid organization working in advocacy and negotiations, to the government representatives of Lebanon, to the academy sector and overall society interested in these topics. It aims to put a variety of interests, positions and perspectives that might be not publicly shared, into a common ground for animating a more transparent and open debate over this issue.

## **Chapter 2: Literature review (theoretical legal background)**

The international legal theory for refugee's protection goes beyond the International Refugee Law. There are other branches that supplement the protections, these are International Human Rights Law, International Humanitarian Law, among others. We will resort to them when it is necessary to fill gaps in the regulation and as long as they are relevant for understanding the legal system that backups the idea of "durable solutions".

### **2.1. International Refugee Law. The core elements for protection: identification, nonrefoulement, rights.**

The universal treaty regarding the status of the refugees is the "Convention for the Status of Refugees" from 1951. Since then, regional treaties and declarations like the Convention of the African Union Governing Specific Aspects of Refugee Problems in Africa, the Principles of Bangkok, the Declaration of Cartagena and the European Directives of Qualification have broadened the meaning of the term "refugee" and the protection for them. However, this regional documents will be applicable as a complement to the Convention of 1951.

The content of this treaty can be divided in the following way: definition of refugee, non-devolution core protection, rights and formal clauses.

#### **2.1.1. Definition as refugee**

The basis for the architecture relies in the qualification as refugee. The definition have clauses of inclusion, of exclusion and cessation for the condition as refugee. Only by using the inclusion clause, and with the amendments of the Protocol of 1967<sup>2</sup>, a refugee would be a person who:

"Owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such

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<sup>2</sup> In the Protocol of 1967 is omitted a phrasing that limited the concept to the events occurred before 1<sup>st</sup> of January of 1951 and the geographic scope, limited to Europe in the Convention of 1951.

fear, is unwilling to return to it” (Convention Relating to the Status of Refugees, 1951).

As a conclusion, refugee is a person who flee persecution for discriminatory reasons according to that treaty. This kind of definition responds to the context where it was adopted: the end of the Second World War (Holzer, 2012). Since then, the dynamics of violence have varied (Kaldor, 2013), affecting the patterns of forced displacement.

In that context, the definition of the Convention of 1951 is not enough to protect persons who flee places like Syria, South Sudan, and Afghanistan among other spaces nowadays. They are fleeing armed conflicts, where the level of affectation of rights is the same or in some cases worst of the persons who flee context of discriminatory persecution. How the law can qualify them as refugees without a universal treaty? As we mention, the regional treaties and documents include the cases of armed conflict (among others) as context from where a person who flee can be considered as a refugee. But the special scope is limited to certain countries and the level of enforcement varies because not all of them are treaties.

Regardless of this ongoing discussion, nowadays it is generally accepted that any person who flees an armed conflict will be considered as refugee. This happens for various reasons: the most likely reason is that the States already acknowledge this through a national acts, or that they are part of one of the regional treaties or documents like the AU Convention Governing Specific Aspects of Refugee Problems in Africa, the Principles of Bangkok, the Declaration of Cartagena and the European Directives of Qualification were the definition of refugee includes other situations beyond persecution like armed conflicts, external occupation, generalized violence among others. . Besides, the refugees are under the protection of the UNHCR which has moved towards a position of considering people fleeing armed conflicts as refugees and it is urging the States to acknowledge this (UNCHR, 2016); and finally, because an international custom regarding the protection the statute as refugee that includes any person fleeing his country because of the effects of an armed conflict

(Salvador, 2016). In any case, we should verify the case of each State that we are referring to in order to determine why and how they are protecting those persons who are in their territory and which are the objective and subjective reasons that lead them to take that decision. All of this by having in mind that the States cannot isolate themselves from the international legal frameworks of protection anymore, at least in a theoretical level.

As for the exclusion and cessation clause, these are applicable to different premises. The exclusion clauses in the 51 CV can be found in the article 1(C), this list is exhaustive and should be interpreted restrictively and it applies in the cases when the refugees do not longer international protection once they have obtained effective national protection from the country of origin or another country (UNHCR, 1997). That can happen when: the refugee has re availed himself under the protection of the country of his nationality; has voluntarily re-acquired a previously lost nationality; has acquired a new nationality and enjoy the protection of such country; has willingly reestablished himself in the country that he left; he cannot longer refuse to avail the protection of the country of his nationality because the **objective circumstances** that lead to the recognition as a refugee ceased to exist (there is no more conflict or persecution for example).

The last point, about the **objective circumstances**, is a matter of our interest, as they can be somehow related to the “voluntary return” process of the durable solutions scheme. This change in circumstances must be “fundamental, durable and effective” (UNHCR, 1997, Ibid.): a) Fundamental is when the basis for the persecution or the threat to the life is removed; b) Durable, to assess this a period of consolidation it is required to consider if the improvements will remain; for this, certain indicators can be if the warring groups or factions have reconciled, the repatriations have provoked new confrontations, and there has been the start of a national reconciliation process, etc.”; c) Effective, that can include the existence of a functioning government and basic administrative structures, a complete political change and the improvement of the overall situation of human rights in the country (UNHCR, 2003). We will use the cessation clause when we get to compare it with some of the existing durable solutions and we should bear in mind

that cessation practices should be used in a consistent manner with the goal of durable solutions as well (UNHCR, 2003, p.3).

The exclusion clauses, on the other side, can be found in the Article 1(F) of the 51 CV. These clauses are related to the persons not deserving the protection as a refugee because of the crimes they have committed and because the refugee status cannot be used as a way to obtain impunity (UNHCR, 1997, Ibid.). To exclude a person with the qualification of refugee does not necessarily implies expulsion<sup>3</sup>. This clauses affect to those persons from whom there “are serious reasons for considering that: a) he has committed international crimes, b) he has committed a serious nonpolitical crime outside the host country or c) he is guilty of acts contrary to the purpose of UN.

This is not the same that what it is stipulated in the article 32 of the Convention of 1951 that deals with the expulsion of refugees when they become a danger to the host State because of the commission of crimes after have obtained the status as a refugee.

### **2.1.2. Non-devolution principle**

The International Refugee Law will also focus in the protection that those refugees require in comparison to the case of any other type of migrant. The core of the protection relies in the clause of “non-refoulement” (or no devolution). This is the cornerstone of the protection of refugees. A regular or economical migrant is protected by the Human Rights Law and the International Migration Law, however those bodies of law are not enough as for avoiding a person to be expelled from a country if they haven’t enter to the country according to the internal migration policies of a State or if they do not accomplish other internal regulations of the State. While the case of a refugee, the non-refoulement clause will prohibit that any State put a refugee into a territory where his life, security or integrity might be under risk. This kind of protection is not only contained in the 51 CV or other treaties, but is considered as a principle that also comes from

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<sup>3</sup> That is the case of those persons who require the protection against torture (Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment)

customary international law, which bind even those States that have not signed neither ratified relevant convention for this matters (UNHCR, 2011).

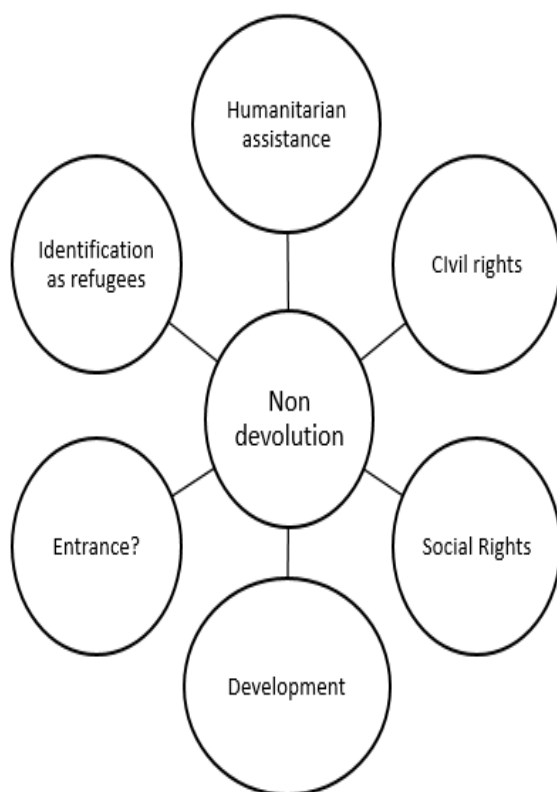
### **2.1.3. Rights for refugees**

The State is the main actor who has the responsibility of respecting and guaranteeing the right of all person subject to their jurisdiction. This is a phrasing from the main treaties of Human Rights (like the article 2 from the International Covenant on Civil and Political Rights) that is also backed up by the way the humanitarianism sees the role of the government: “In all contexts, disaster response should support and/or complement existing government services in terms of structure, design and long-term sustainability” (Sphere Project, 2004, p.7). The idea behind it is that, regardless of the nationality of the person living in a determine country, the State has to provide all the necessary protection to those living there, and in the case of emergency settings, that responsibility belongs mainly to the government, where the humanitarian organizations have a complementary role, filling the gaps where it is necessary.

When the Convention of 1951 was adopted, the emerging body of refugee law was focused on establishing obligation towards the States, and that goal was to unify the practices of the European countries in order to react to the historical moment that there were witnesses: the massive flows of people who escaped from Germany during the Second World War. Therefore, the consequence of this setting was a limited scope for defining refugee and that the law was not formulated in terms of rights for the refugees but rather as obligation towards the State.

The levels and types of actions required by any government towards the refugees are very diverse, and the source for that responsibility as well. The following scheme summarized the rights related to refugee protection:

Figure 1: Rights related to the refugees



The 51 Convention contains certain obligations from the State regarding identification, humanitarian assistance, civil, social rights and non-devolution. However, other law bodies like Humanitarian Law, Human Rights Law and International Refugee Law have evolved in concepts and protection for the refugee in other spheres, like developmental rights. The entrance to a territory is not yet considered an indisputable right<sup>4</sup>.

Source: This paper.

#### 2.1.4. Non-judicial discussion related to refugees

Not only the scope of the definition has evolved, but also the conception of the body of IRL has varied, as now the protection as a refugee and the asylum claims are considered as rights (Aleinikof, 1992). There are aspects that are not precisely legal but that determine how the legal norms will be adopted. One of such cases, where the legal framework is not yet developed enough is related to the durable solutions discussion that comprises integration, voluntary return or resettlement. There is a germ of this discussion in the Convention of 1951, in the preamble, where it says that:

“considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the

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<sup>4</sup> With this we are not considering the cases where a refugee is in a territory or sea that it is under the jurisdiction of such State because then it can be considered that then the State has the obligation to receive their petition, process their request to be recognized as refugee. We are talking about the spaces where the States doesn't have any level of sovereignty and it is closing the entrance in order to avoid assuming responsibilities. In such cases there is an ongoing discussion.

United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation”.

We can understand that the problem to be addressed requires a pathway for improving the rights of the refugees by respecting the interest of the hosting States. The idea of durable solutions is a way to tackle this kind of worries.

The greater responsibility for protection relies still in the State but a lot has been done and achieved through the work of a variety of actors. The most important of them is the UNHCR, but there are thousands of non- governmental organization and civil society advocating daily in order to put pressure States all over the world in order to adopt appropriate legal frameworks and practical behavior in order to be accountable for the rights of the refugees living in their territory or outside so they can increase the quotas of resettlement.

This type of study is usually outside of the analysis of the legal discipline because there are no treaties or not even declarations from the States in this regards. This is quite surprising considering that any legal disposition adopted in the past, even the Convention of 1951, is an exercise of policy development and advocacy (Ferracioli, 2014).

## **2.2. Durable solutions**

Developing countries host most of the refugees in the world in comparison to developed countries. This implies a “burden” for the State in their infrastructure, economy, work opportunities, ecosystem, etc. The term “burden” is not the best word as it might sound like charged with a negative connotation, but it reflect the idea that without a proper channeling of the presence of the refugees, negatives consequences are likely to affect the host State, the refugees and the local population. What UNHCR propose, in a large scale, it is known as “durable solutions”.

We should focus on each word. “Durable” as an opposite of immediate, is connected to the acknowledgement that refugee crisis tend to be protracted (Crawford et al., 2015) and that to provide only humanitarian responses without



linking them to development measures, could be ineffective, out of reality, and create undesired consequences for the refugees and the host State (Harild and Christensen, 2010). “Solutions”, because they are a response that imply canalizing efforts in order to deter chaos and that permits taking to an end the crisis experience and the perception to be in a limbo, waiting. It is the logic of a promise to the States that are hosting large scales of refugees, in order to help them to not be excessively affected by their hospitality, that their burden will be shared or solved. This can only work in a scenario where all the States share a responsibility towards the refugees in the world, even when they are not yet in their territory. What is the logic behind? Solidarity and cooperation.

The actual framework for durable solutions consist in three pillars: i. voluntary repatriation, by which the refugees return to their country of origin, ii. Local integration, where the refugees legally, economically and socially integrate in the host country, iii. Resettlement, where refugees are selected and transferred from the country of refugee to a third State which has agreed to admit them as refugee with permanent residence status (UNHCR, 2011). In the history of the work of UNHCR there have been shifts in the emphasis they have put into each pillar (UNHCR, 2000).

The preferred recipe is to seek to improve the conditions of the State from where the refugees fled in order to promote the voluntary return. The preference of any pillars tend to undermine the potential of the other ones? States who expect that the refugees return or be repatriated, might not invest or facilitate the integration. The opposite as well, when a State is doing great efforts to integrate refugees, the rest of States do not care so much about helping them to ease the burden. This generates two important principle in order to create a balance among this solutions: all of them (resettlement, integration, and voluntary repatriation) should have an equal value and the responsibility of the solutions relies in the hosting State, the rest of States in the world, and the country of origin of the refugees.

“The three solutions are complementary in nature and, when applied together, can form a viable and comprehensive strategy for resolving a refugee situation (...) **A comprehensive approach to durable solutions** refers to an effort to utilize all three durable solutions – voluntary

repatriation, local integration, and resettlement – often in a concerted and systematic manner directed at achieving durable solutions for a specific group in a given country of asylum or in a region” (UNHCR, 2011, p.30).

We have focused, however, in the large scale picture. A problem with the durable solution, in practice, is precisely taking decisions without the participation and desires of the refugees. That is why it is important that all these solutions should be available for the refugees in order to allow them to decide, a decision that certainly would have major constraints.

We can find a broad variety, in the themes and approaches, of frameworks related to operationalizing durable solutions. We have compiled them by topic (Annex 1). It is important to emphasize that these documents are frameworks, operational guides and strategic plans and theoretical development of the concepts. All this information was used in order to develop a table of standards that can explain better each of the solutions (see Table 5) and also to identify the main elements that surround the Durable Solutions as it is presented in the following table:

Table 2: Elements of the Durable Solutions

<b>Elements</b>	<b>Durable solutions</b>
Condition	<ul style="list-style-type: none"> <li>- Explore feasibility of comprehensive DS strategies.</li> <li>- Conduct Evidence-based programming assessment to ensure that DS decisions are well designed.</li> </ul>
Negotiation	Design and implement DS in close consultation with countries of origin, host countries, resettlement countries and refugees.
Participation of refugees	Community-based, participatory approach: The response should address the rights, needs and interests of refugee returnees, IDPs and other affected populations and allow them to participate in the planning and management of durable solutions.
Core protection	<p>Solutions for persons of concern to UNHCR are achieved when they can enjoy their rights, including through access to national services, on a sustained, legal basis equivalent to that of nationals.</p> <p>The progressive approach to solutions is a move away from a focus on only the three traditional durable solutions, voluntary repatriation, local integration and resettlement, towards a comprehensive approach to seeking solutions through different pathways such as those used to facilitate international mobility for education, work and family reunion. Wherever refugees find solutions, they will need to integrate – or to reintegrate – into society. This will require their inclusion in national services and systems such as those addressing civil registration, education, justice and healthcare, as well as the building of social and cultural ties.</p>
Human rights based approach	The rights, needs and interests of refugee returnees and IDPs should be the primary consideration guiding all policies, decisions and programmes on durable solutions.

Social stability and reconciliation	Do no harm: The assessment to seek durable solutions shall ensure that risk of conflicts is minimized with regard to ensuring non-discriminatory access to assistance, property rights and obligations in relation with access and use of natural resources (forests, fishery grounds, land, rivers, water, pastures and other).
Development	Despite the signing of peace agreements or other events that bring a de facto end to the hostilities, the search for long-term durable solutions can continue for months and, in most cases, years. Securing durable solutions for refugee returnees and IDPs is therefore critical to the recovery and to sustainable development of post-conflict countries

Source: Information from documents in Annex 1.

### 2.2.1. Resettlement

This solution consist in the transfer of the refugees from a host State to another that admit them to be settle in a territory and to obtain an eventual citizenship (Nawyn, 2011). This process is not available for all the refugees of a certain country, but only for those under the most vulnerable conditions whose needs are not being meet in the country where they are hosted (UNHCR, 2011, p37.). After a selection process, they will be transferred into a new country that has agreed to admit them with a permanent residence status that protects them against any refoulement and provide them with rights that are similar to those enjoyed by nationals (UNHCR, 2011, p9.). The spaces available and acceptance of the refugees from another country is a prerogative from that State, not a right to be demanded (Thomson, 2017).

This is a direct way to put in practice the required international cooperation under the principle of international solidarity. The goal is to help that a proportion of the refugees in a very overwhelmed State can go to a State that does not have a significant amount of refugees in comparison. As for the way to determine the amount of refugees each State will receive, some decisions are taken under a bilateral agreement between the State and the UNHCR, but a fair system should encompass a global determination based upon objective criteria like the economic strength of each State, the population in the territory, etc. This kind of agreement has never be achieved. Some efforts in this direction are progressing with the Global Compact on Refugees to be presented by UNHCR in 2018, an initiative as a direct response to the 2016 New York Declaration (ICVA, 2017).

There are other ways for increasing the opportunities for resettlement like promoting negotiations between certain countries and the hosting State or advocating for States to make more places available or increasing their quotas and introducing flexible criteria of admission; design multilateral operations. The UNHCR knows the available positions for resettlement and then plan their operations accordingly.

As for the process that allows that certain refugees enter into the resettlement program of UNHCR, some immediate questions arise:

- Which refugees will benefit from this resettlement? The consideration shouldn't be under discriminatory basis like "we accept refugees from this religion, or from this socio-economic background" but a deep vulnerability that create need that cannot be addressed by the initial country of asylum.
- Can anyone apply to a resettlement program, or the agencies can decide who should leave? The process is not designed for accepting the application of refugees who want to be resettled, rather, is UNHCR that undergo through a process of identification of the most vulnerable persons that qualify under their type of eligibility. As for whom is eligible, the design of the resettlement program, under the UNHCR program, is by identifying which refugee "need" resettlement regardless on their "desire" for it. No actor should influence in the decisions or in the process of identification undertaken by UNHCR (2011).
- Which is the criteria required in order to be part of the process? There are certain conditions or types of submission eligibility that allow the UNHCR to determine who can be part of the process.

For the last question, the preconditions for resettlement consideration are: 1) to be a refugee for UNHCR which means that the status of refugee has been already determined either by the State or by UNHCR. UNHCR conducts status determination when States are not party to 1951 CV and Protocol, or don't have asylum procedures, or have a territorial scope restriction or if UNHCR considers that the States asylum states procedures are unable to provide required

protection. UNHCR’s mandate to protect refugees also extends to persons who are affected by the indiscriminate effects of armed conflict or other “man-made disasters”; 2) the prospects for all durable solutions were assessed, and resettlement is identified as the most appropriate solution and 3) fall under one or more submission groups (UNHCR, 2011), which are defined in the following table:

Table 3: Submission groups from UNHCR for resettlement opportunities

<b>Submission group</b>	<b>Detail</b>
<b>Legal and/or Physical Protection Needs</b>	Of the refugee in the country of refuge (this includes a threat of refoulement).
<b>Survivors of Torture and/or Violence</b>	Where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk; or where appropriate treatment is not available.
<b>Medical Needs</b>	In particular life-saving treatment that is unavailable in the country of refuge.
<b>Women and Girls at Risk</b>	Who have protection problems particular to their gender.
<b>Family Reunification</b>	When resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents.
<b>Children and Adolescents at Risk</b>	Where a best interests determination supports resettlement.
<b>Lack of Foreseeable Alternative Durable Solutions</b>	Which generally is relevant only when other solutions are not feasible in the foreseeable future, when resettlement can be used strategically, and/or when it can open possibilities for comprehensive solutions.

Source: information from Resettlement Handbook (UNHCR, 2011, p.46)

Even when these criteria will allow a refugee to be selected by the UNHCR in order to be part of the resettlement process if the refugee's consent this in an informed way, this doesn’t mean that he can go to any State, because there are certain criteria determined by each State that should be accomplished in order to be part of the process (USCIS, 2016).

The process that is required for identifying who should be participant of a resettlement scheme should be based upon the principles of transparency, consistency, coordination with protection and durable solutions strategies that secure an equitable resettlement delivery, non-discrimination (UNHCR, 2011).

This principles would be relevant during the whole resettlement process, which implies stages like: identification of refugees in need of resettlement consideration, assessment of individual assessment need, preparation of the resettlement submission, UNHCR submission decision and finally, the resettlement country decision (UNHCR, 2011).

### **2.2.2. Voluntary repatriation**

It consist in the return of refugees to their country of origin under safe and dignified conditions and based upon their free and informed decision (UNHCR, 1996, p.10). It is considered as the better solution, when the conditions allow it, because it enable refugees to be back to a known environment.

There must be some indications that can help UNHCR to decide whether if voluntary repatriation is a viable option. This indicators should prove that the return is going to be in safe and dignity which for UNHCR means “return in, and to conditions of physical, legal and material safety with full restoration of national protection” (UNHCR, 2011).

The State from where the refugees have fled have the obligation of creating the conditions of safety and security in order to promote and facilitate the return. And the UNHCR and their partners should support this kind of programs. This could go from eliminating any kind of practice or legislation that is persecutory of the population, or any systematic violation of human rights, regardless if those acts come from government representatives or particulars. The duty goes as far as protecting the property of the refugees or provide them with new spaces for re-starting their life's in order to avoid conflicts with migrants or people who might have occupied the land of the refugees while they were gone (UNHCR, 2004).

The return in safety includes a legal, physical and material safety. While the legal side covers the provision of amnesties or the elimination of laws that promote persecution, the existence of a process of peace and reconciliation and laws regarding restitution or allocation of property; the physical security includes protection against armed attacks, demining areas, an improvement of the human rights protection where the spontaneous return of refugees in an indication

(UNHCR, 2004); the material side will focus on the access to means of livelihoods.

The return with dignity on the other side, has to secure a process with minimum safeguards of an informant consent, this decision has to be presented in the country of asylum, where there is not a political or economic pressure on them, this means that they are not returning because of an intended hardship imposed on them to motivate them to leave (UNHCR, 1996, p.30).

“In practice, dignity means that refugees are not mistreated, are able to return unconditionally or spontaneously at their own pace, are not arbitrarily separated from family members, are treated with respect and full acceptance by their national authorities, and that they have full restoration of their rights” (UNHCR, 2011, p.33).

The refugees, on the other side, should be able to decide by themselves and have enough information as for determine if the territory from where they initially escaped is then safe. This solution should be considered carefully, because if the element of “voluntary” is not fulfilled and the conditions for the return are not yet set, there is a high risk of affecting the core of the refugee protection: the non-refoulement principle. There are standards that have been developed in order to considerate that the repatriation is voluntary and will not affect the principle of non-refoulement.

Table 4: Elements of a voluntary decision for repatriation

<b>Element</b>	<b>Content</b>
Informed	Voluntary UNHCR should be satisfied that the refugee has been counseled and has based his or her decision to repatriate on objective information as to the situation in the country of origin.
Non conditioned	The refugee’s decision to repatriate should not be coerced by factors such as the asylum situation in the host country, lack of or reduction in assistance, or threats to family or property in his or her country of origin. UNHCR must intervene where severe discrimination or human rights abuses come to light.

Source: Information from the Handbook for Resettlement UNHCR (2011)

There is a case that we should be very aware of and discuss to detail. It is possible to talk about voluntary return when there is an ongoing armed conflict? Especially in those cases where there are not armed confrontations in certain areas of a country. To respond to this we can use the parallelism with the

response that it is provided by UNHCR in terms of cessation clauses when there are parts in a country that are in peace in a case of a civil conflict. For applying the cessation clause (by which the refugee protection it is no longer required) it is necessary the existence of an effective **national protection** in the country where the return will take place (UNHCR, 1997).

National protection it is understand as physical security or safety, the presence of a functioning governing authority, the existence of basic structures of administration (law and justice systems), the existence of adequate infrastructures and the human rights situation must also be assessed. Time it is necessary to evaluate if the security it is stable and durable and in cases of areas that are surrounded by other areas in strife, the changes must stabilize before assessing if durability is achieved (UNHCR, 1997). This type of criteria can serve in order to determine if the Durable Solution of voluntary repatriation can be adopted in a setting where the armed conflict it is not over yet. However, as the main difference between the cessation clause and the voluntary repatriation it is about numbers (the cessation is focused on an individual basis decision while voluntary repatriation it is for a massive presence of refugees) then the political consequences of the return should be also assessed and the active engagement of the parts in conflict that accept the return and guarantee that they won't attack the returnees would be also necessary.

As for a comparison of the voluntary repatriation as a Durable Solution versus other types of figures that might be similar:

- The voluntary repatriation it is not the same that the cessation of the status of refugees due to the clause of "objective circumstances". There are factors that overlap, the aim of each concept is different, the clause of cessation is an individual assessment process, an "it is not of itself a durable solution" but at the same time, "the absence of a durable solution does not preclude the application of the cessation clause" because this clause can work if the acts of the refugee are such that they indicate that he has obtained the protection of the country of origin (or other country) (UNHCR, 1996). But even when the 51 Convention doesn't address the voluntary repatriation, the cessation



provisions are important in terms of the standards to achieve for assessing that the person can go back as we just presented.

- The voluntary repatriation is not the same as “spontaneous repatriation” or “large-scale spontaneous repatriation” either. Even when it can be interpreted as an indicator of improvement in the situation in the country of origin, it can also respond to the stabilization of the level of conflict, a deterioration of the conditions in the country of asylum, etc. and it is not reliable for indicating that is the right time for starting a voluntary repatriation process.

### **2.2.3. Local integration**

Local integration is a process that include improvement in the living conditions in the host State in legal, economic and socio cultural terms, it that aims to provide a refugee the right to stay in the country of asylum in a permanent way, even as a citizen in certain cases (Byrne, 2013) In this case, we can refer to the 1951 Convention even when it is not addressed straightforward because the framework of the protection leads to a local integration in the country of asylum because of the logic of the Convention is that after certain time, the refugees should enjoy broader scope of rights while they strength their tights with the host State (UNHCR, 2010).

The Convention of 1951 was created in order to provide a status to those persons fleeing a context of persecution. The causes for the cessation of that status are variated but they never include a time frame. There is not a time perspective in the creation of the status, quite the opposite, the protection subsisted as long of the circumstances that force the refugee to flee persist. However, what the governments usually do is to provide the refugee condition for a certain period and then renew it for another term, this in order to be able to verify is the situation of the country has improved or not.

In terms of rights, the refugees are provided with a special protection in comparison to an economic migrant, but their rights have limitations and some distinction in the exercise of the rights (in comparison to the nationals) are valid then. For example, the Convention is silent in relation to association for political reasons.

Therefore, if a refugee stays for a very long period in the territory of the other State, shouldn't there be options for them to be able to naturalize? Maybe this is going too far. As we mentioned before, at the national level, the States normally provide the protection of refuge for a limited time in order to be able to review if the protection is still required after a while. After a long stay, should the refugees be under this uncertainty about their permission to stay? What about their linkages, affections and relationships developed during that time? To solve this problematics, the article 34 of the 51 CV indicates that: "The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings".

But naturalization is not the goal of integration necessarily (the article says "as far as possible") and this is not well understood for many government representatives. We can make a list of rights related to integration:

- Legal: Refugees are granted a progressively wider range of rights (similar to those enjoyed by citizens) leading eventually to permanent residency and, in some situations, to naturalization. They exercise the right to freedom of movement.
- Economic: Refugees gradually become less dependent on aid from the country of asylum or on humanitarian assistance and become increasingly self-reliant to support themselves and contribute to the local economy. Access to labor market it is part of it.
- Socio cultural: The interaction between refugees and the local community allows refugees to participate in the social life of their new country without fear of discrimination or hostility while not obliged to abandon their own culture. Access to the education, health care and other social services.

This broadly described elements can be assumed into different levels depending on the welfare of the States. There are not legal provisions that force any State to facilitate the integration of refugees, "local integration is a sovereign decision

and an option to be exercised by States guided by their treaty obligations and human rights principles” (UNHCR, 2005).

As a Durable Solution, UNHCR should make an assessment in order to determine if it is feasible to develop programs in relation to it. This includes exploring the level of acceptance and agreement of the host country decision makers and the enabling environment like the existence of close linkages between the communities and the social stability (UNHCR, 2011, p. 34) that can be related to the level of employment or if there are patterns of discrimination or not.

We have developed a table that summarize the information we have discussed previously where we include the main elements for each of the Durable Solutions:

Table 5: Summary and main elements of each of the Durable Solutions

	<b>Voluntary return</b>	<b>Integration</b>	<b>Resettlement</b>
<b>Conditions</b>	Pre-existing acceptable framework of physical, legal and material safety for returnees.	Not a very tense or fragile environment against the refugees in the host State.	The existence of a program of resettlement ready to receive the refugee.
<b>Negotiation</b>	Conclusion of tripartite agreements between countries of origin, of asylum and UNHCR related to measures facilitating decisions on return,	Mobilization of different actors in order to provide support to the State for being able to cope with the necessities of refugees and their own nationals.	Advocate that States make resettlement places available or increase their quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.
<b>Core protection</b>	In the hosting State refugees given an opportunity to make a free and fully informed decision, free from coercion and based on objective information, regarding return and to sign individually the Voluntary Repatriation. They should be able to return in a safe, dignified and humane manner.	Provision of a secure legal status and residence rights, with the possibility (not necessity) of naturalization to the refugees who had reached a high level of social integration.	Identification and selection of refugees to be resettlement, enable them to be resettled and conduct the process in a timely efficient way.

Source: Information from documents in Annex 1.

There are also strong relations between the concepts of Durable Solutions and others like “self-reliance”, “linking aid to development” and “temporary or complementary pathways of protection”. We will study them now in order to have a bigger picture of the function of the durable solutions.

### **2.3. Self-reliance for refugees**

In the Convention of 1951, the article 17 is related to provide to the refugee the most favorable treatment given to national of foreign country for the right to engage a wage earning employment. Even if there are restriction to access in to the labour market that affect aliens, certain refugees should be exempted if: i) they have 2 years of residence in the country, ii) they have a spouse possessing the nationality of the country of residence, iii) they have children that possess the nationality of the country of residence. The self-generation of sources as an explicit right for refugees might not seem attractive per se when the discourse about refugees taking away jobs of the local population it is in rise, that it is why the UNHCR has promoted the use of the concept of self-reliance. As for the definition of this concept:

““Self-reliance” means the economic and social ability of the individual refugee, household or community to meet essential needs in a sustainable manner and with dignity. In practice, self-reliance usually means granting refugees access to the economy in the host country, including through access to the labor market. Education, micro-financing, language courses, vocational training, and access to adequate accommodation and social services can help refugees to become self-reliant” ” (UNHCR, 2011, p. 188).

This focus upon the abilities of the individuals to meet their needs and to facilitate that by providing work opportunities or the possibility of creating enterprise it is promoted by strong arguments like: that this will reduce the burden on the country of asylum by decreasing refugees dependence on its assistance, improving the conditions and confidence of refugees by giving them more control of their daily lives and hope for the future and preparing the refugees to be ready for a Durable Solution like voluntary repatriation, resettlement or local integration (UNHCR, 2011). This last point means that self-reliance it is a proposal that can be built without aiming to integration necessarily. It should be clear that self-reliance is

not a durable solution by itself but can be a precursor to the three durable solutions because it provides benefits to all stakeholders (UNHCR, 2005).

The activities or projects that try to focus on building self-reliance of refugees can include self-income generating activities, capacity training, skills training, vocational training, and opening windows for enabling them to work legally in the state among other possibilities (UNHCR, 2011). Besides, these projects as many others, do not target only the refugees, they also include the host communities as well.

#### **2.4. Complementary pathways of protection**

There is not a framework for the complementary pathways of protection to develop because it is mostly an ad hoc decision taken by refugees, government, organizations in order to provide the refugees legal and safe means to reach solutions for their protection needs. They provide permanent solutions immediately or contribute for a future durable solution in the long term (Nichles, 2016).

The options are family reunifications for extended family, education scholarships, and visas for work or study, among other schemes (OECD, 2016). The flexibility of the options and the broad variety of alternatives should be an issue to further discussion and programming from the organizations side, including UNHCR.

#### **2.5. Summary of conceptual framework**

A core element in the refugee law is the no devolution principle, by which it is prohibit to return a person to a territory where his life and integrity can be under risk. Therefore, it is very important to define who can qualify as a refugee, in order to protect this person rights. According to the 51 Convention, refugee is a person who is fear of being persecuted. The definition of refugee has being broadened through the treaties and declarations at a regional level, and by customary law. Each case would require an extend study, but in the case of the people fleeing the effects of armed conflicts, the individualized persecution against them, it is not required in order to recognize them as refugees.

The exclusion and cessation clauses for the qualification of refugees can be of use when we discuss about durable solutions. For example, the cessation clauses because the objectives circumstances have changes and the protection is no longer needed, can be a referent when talking about the conditions for a safe return in case of the solution of voluntary repatriation. However, at the end, the Durable Solution and the previous clauses are not the same and their purposes are different.

When we talk about durable solution, we are referring to integration, voluntary repatriation or resettlement. Regardless of where the refugees will find their durable solution, either in the host country where they first arrive, in a new host country who will receive them or in the country from where they initially escaped, we should find the common denominator of this possibilities: the refugees are able to live in a State where they resume their lives, they undertake their daily activities with confidence, where the factor that lead them to flee is not anymore a threat in their lives. This is the opposite to remain in a territory where the society, the laws and the institutions make them feel unwanted, where there is a constant risk that they will have to forcibly return to the context that force them to scape, or where they do not have the basic possibility to live under their own means, to use their strength and capacity to take a lead in their own lives instead of depending on the aid of humanitarian organizations.

In terms of resettlement, this concept relies the principle of international solidarity, and it target vulnerable refugees, whose needs cannot be met in the initial country of asylum. UNHCR takes the lead in the connection between the possible country of resettlement and the refugees, who are not allowed to apply, but have to be identified and called by the organization. The criteria are: legal and or physical needs, survivors or torture and or violence, medical needs, women and girls at risk, family reunification, children and adolescent at risk and lack of foreseeable alternative durable solutions.

Voluntary repatriation it is the preferred solution because it allows the refugees to return to the country of their nationality or habitual residence. The return should be done in safe and dignity, which includes physical, legal and material safety

and full restoration of the national protection. The State of origin have the duty to create the conditions for that to happen. The hosting State should be able to provide the safeguards that the decision of the refugees for leaving their territory it is an informant consent, where there is no political, military or economic pressure or coercion on the refugees to come back. This requires that the refugees have enough information for taking their decision.

The last Durable Solution is local integration. The aim is to improve the living conditions of the refugees in the hosting state in terms of legal, economic and cultural terms. It does not necessarily include the possibility of naturalizing the refugees, but as long as that it is possible, that is a preferable pathway. There are strong reasons for working towards the integration of the refugees, among them, the fact that refugee's crisis tend to be protracted or that strengthening the capacities of the refugees in the host state is a way to contribute to the State by reducing the dependence of the refugees on the aid of the State and organization, and allowing to generate incomes and be self-reliant. It is important to remark that the local integration as a durable solution is a sovereign decision of the hosting state.

Self-reliance it is not a durable solution per se but it can prepare refugees to be ready for other Durable Solutions, so to promote self-reliance doesn't mean that the goal is the integration of the refugees in the host State. Even when there are many aspects in common, the difference between self-reliance and integration is that there are certain activities that promote self-reliance that doesn't connect with integration. An example is the educational opportunities, trainings in skills and vocation training in a country where the possibilities of obtaining work are restricted. In those cases, the training has the purpose of build the capacities of the refugees for the time they are able to return to their country. Work is a big part of the self-reliance concept.

Finally, the complementary pathways of protection are a variety of opportunities and decisions for the refugees in order to find an immediate solution in another country (family reunification for extended family members, scholarships, traineeships). In a context of lack of foreseeable durable solutions, or insufficient

resettlement quotas, the organizations like UNHCR should focus to increase this type of opportunities.

## **2.6. Analytical framework**

To study and analyze the influence of different actors into the decision regarding durable solutions for refugees, requires a tool for processing the information in a systematic way, that can explain the linkages between the actors and factors that shape their capabilities for being able to influence each other. Therefore, we first needed to draw the theory surrounding the concept of durable solutions and later use a framework of analysis.

There are certain activities like advocacy that need to go beyond the ideas and theories under discussion and focus on the actors who are behind them. It is relevant to understand the mutual influence, common understandings, the main gaps in the advocacy efforts, opportunity and weakness of the actors, and the flexibility or constrain or the system to be permeable to new type of regulations. This type of questions, however, belong to the field of political science mostly.

In International Refugee Law there is a high level of political background for the creation and enforcement of the legal regulations. The States are systematically ignoring, contradicting and violating the body of law designed for the protection of refugees and the decision of respecting the law can be often lead by political interests and calculations. In the case of Lebanon, for example, the application of the internal regulations designed to deal with the presence of refugees cannot be understood or sustained by an internal juridical logic, because it can only be explained by contextual reasons, like the massive amount of refugees they are dealing with, the insufficient help of the international community to help to lesse the burden by resettlement offerings, etc. How it is then possible to analyze this kind of factors without resorting to the tools of political science?

“The disciplines of both law and political science are key in understanding the interaction of law and politics. Legal analysis must take into account political factors if it is to be at all faithful to the phenomenon studied. Political studies must take into account what the law says, and how lawyers and judges think about the law, to understand legal and political



outcomes. I think most would agree that the majority of scholarship in both disciplines is weak when it comes to considering how politics shape legal outcomes and how the legal process shapes political outcomes. Thus, improving communication across disciplines is important for improving scholarship in both disciplines” (Alter et al, 2002).

The discussion for durable solution is somehow extra-judicial. In a context like that, the analysis of the theoretical and practical development of durable solutions in any country, cannot be a legal one, mainly because there is not a normativity to analyze.

### **2.6.1. Measure of influence**

Is there then a framework of analysis from political science that can complement the legal background in order to be able to understand how was the process of influence of diverse actors that can explain the adoption of durable solutions towards the refugees? Our main interest is to use a framework of analysis that can help us to understand how different actors are able to influence in the decision taken by a government in terms of durable solutions for refugees. This will help us to respond to our Objective 1: To determine the theoretical framework for analyzing the existing Durable Solutions, or the possibilities to build them, in any hosting State.

We understand “influence” as the achievement of the interacting actors in making their position to be considered and used by the decision-makers in the construction of public policies. According to Marume, M. factors that influence public policy generally includes:

“a. circumstances such as technological developments, population increases and urbanization of the population, crisis, natural disasters, war and depression, international relations, economic and industrial development; b. public wants and needs; c. policies of political parties; d. activities and representations of interest groups; e. personal views of political office – bearers as well as views and experience of expert public officials, f. research and investigations.” (Marume, 2016, p13)

In the article “Factors of influence on legislative decision making: a descriptive study”, the authors explain the 18 key factors that influence on the legislative

decision making discovered by Canfield-Davis in 1996. Even when we are not exclusively focused upon the legislative body only, let's focus on those factors:

“Fiscal impact, trust, constituents, timing of when a bill is introduced, committee chairs, legislative leadership, sources of information, sponsor, regionalism, governor, interest groups, lobbyists, sources of voting advice, re-election, state agency bureaucrats/civil servants, religion, legislative staff, and media” (Canfield-Davis et al., 2009, p.56).

Some of the previous factors are quite limit to the legislative process (committee chair, legislative leadership), but we can easily identify other factors that coincide with the factors of Marume (constituents being equivalent to public wants and needs; source of information equivalent to research and investigation, etc.).

In the book “Think Tanks, Public Policy, and the Politics of Expertise”, the likelihood to influence policymakers by expert depends of four characteristics or behaviors: “(1) they perceived credibility, (2) their access to policymakers, (3) the timelines of their efforts, and (4) the intensity of their marketing” (Rich, 2004). We are not particularly focus on think tanks either, so we can reformulate those type of characteristics/ behaviors for a broader perspective: (1) the strength of the actor, (2) access to decision-makers, (3) timelines of their efforts, and (4) intensity of their advocacy

Using the evaluation of factors of influence for the specific case of disease prevention and health promotion programmes in children and adolescent, the factors identified in the paper Macfarlane, A. are:

“• national planning, political factors and capacity; • availability of data about the target population and intervention impacts; • influence of socio-economic factors and special considerations regarding the age of target population; • burden of the health problem to society, family and individual; • use of intervention in a multifactorial setting; • communication strategies through media and school to reach vulnerable and minority groups; and • engagement of all levels of the society (from government to individual) in the process.” (Macfarlane, 2005, p.4).

Again, if we think about these factors in a more generic perspective, we would have the type of information we require to incorporate in our framework.

In the previous review we have enough information in terms of factors, but the influence of policy also should consider aspects like the players, objects, activities and effectiveness (Adams, 2006). All the previous components will be summarized and systematized in order to create the relevant framework for durable solutions.

### **2.6.2. Aim of the framework**

We want to understand how a government takes decisions related to the durable solutions for the refugees that are on its territory. As we mentioned already, our aim is to understand how is the process of influence that determines the changes in the legal regulations contained in the public policies for durable solutions for refugees at the national level, in a State. Our framework should be able to include factors, causes, relationships that can explain the “how”.

### **2.6.3. Who can use this framework?**

This framework can serve to prepare an advocacy plan for organizations who desire to increase their influence in the decision making by a State regarding the durable solutions for refugees. It can also be of use for government entities, that can be aware of the perception of their own position or lack of position towards Durable Solutions and it will show the efforts of the other actors for creating a change that can help the government to deal in a durable, sustainable way with the presence of refugees in their territory.

### **2.6.4. How is the process to create this framework?**

It was clear after a while that the Durable Solutions are not immediate possibilities, but they require conscious efforts and coordinated wills to be plausible. Therefore, it was important to create a framework that can explain the picture of the moment by an assessment of the initial position of the decision makers. This framework should also respond to the influencing possibilities of other actors. Therefore, it requires to portray the present situation and the possibilities of building durable solutions.

We incorporate in the main elements of the framework the information we obtained in the section “measure of influence” in a systematic way, trying to create a consistent narrative built upon the perception of the actors themselves.

### 2.6.5. Framework for assessing influence for durable solutions

The following table contain the elements that we consider can explain better the existing or inexistent Durable solutions in a State and the possibility of building them in the future.

Table 6: Framework for assessing the influence for durable solutions

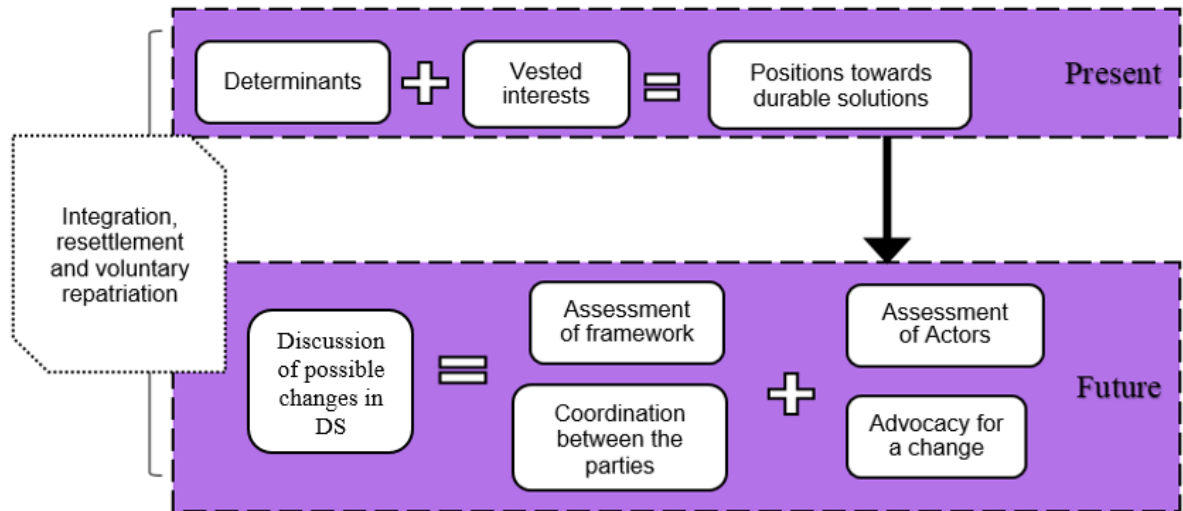
	<b>Determinants</b>	<b>Vested interests</b>	<b>Positions towards DS</b>
<b>PRESENT</b>	<ul style="list-style-type: none"> <li>- History related to the presence of refugees in the country</li> <li>- Public perception</li> <li>- Increasing population and urbanization</li> <li>- Legal background</li> <li>- Participation of the refugees</li> <li>- Enabling environment</li> <li>- Access to policy making</li> </ul>	<ul style="list-style-type: none"> <li>- Political interest</li> <li>- External circumstances</li> <li>- Attitudes</li> <li>- Economic factors</li> </ul>	<ul style="list-style-type: none"> <li>- Decision makers position</li> </ul>

	<b>Assessment of actors</b>	<b>Assessment of framework</b>	<b>Advocacy for a change</b>	<b>Coordination between actors</b>
<b>POSSIBLE CHANGES</b>	<ul style="list-style-type: none"> <li>- Capacities of the government</li> <li>- Main needs in the response</li> <li>- Social tension</li> <li>- Public engagement</li> <li>- Refugees engagement</li> <li>- Attitude</li> </ul>	<ul style="list-style-type: none"> <li>- Position of the actors on the legal framework and policies related to the Durable Solutions</li> </ul>	<ul style="list-style-type: none"> <li>- Role of the Media</li> <li>- Engaging the Media</li> <li>- Advocacy strategies of the actors</li> <li>- Problems with the advocacy</li> </ul>	<ul style="list-style-type: none"> <li>- Role of the academy</li> <li>- Coordination for implementing DS</li> <li>- Weaknesses in the coordination</li> </ul>

Source: This paper.

The resume framework would be the following:

Figure 2: Summary of the framework for assessing the influence for durable solutions



## **Chapter 3: Methodology**

### **3.1. Theoretical approach**

Our main approach is by inductive methods because one of our main interest is to explore the construction of a response by different actors regarding durable solutions. The information we want to systematize depends on existing perspectives, objectives and interest of this actors; therefore we require to approach them and present our questions, confront their ideas to the proposal from other actors and try to portrait a comprehensive panorama of the possibilities to acknowledge or work towards durable solutions for the refugees coming from Syria (Syrians and Palestine) living in Lebanon.

In the Chapter 2, we were able to present the theoretical discussion regarding durable solutions, it is clear that there are certain standards for each of the possibilities: resettlement, integration and voluntary repatriation. This standards imply a concrete position of the diverse actors that are able to take decisions in this topics. In the chapter 3 we found that those decisions are barely presented and assumed by actors like the Government of Lebanon or UNHCR. In terms of integration, the policies and decisions seems to be in direct opposition to this possibility; as for the resettlement, the quotas are very low in comparison to the amount of Syrians in Lebanon and the complementary pathways of protections are mentioned but not very developed in the LCRP; as for the voluntary repatriation, this has been presented as the ideal solution for the Lebanese Government, but with the war in Syria not over yet, they haven't present a plan about how to work towards that goal or prepare the population to be ready to return at the opportune moment.

This information it is the basis for the Findings Chapter and the methodology we will use implies the use of qualitative methods in order to ask Informants from different backgrounds about their perspective regarding the existing national policies for refugees and the possibilities to increase the coordination of decision makers and other actor for building and increasing the possibilities of the refugees to access to durable solutions.

### **3.2. Methodology**

The methodology we use should be conducive to respond to the objectives we proposed for this research. In the case of the first objective: to determine a theoretical framework for analyzing durable solutions in a hosting State, we should indicate that this was a process of reviewing treaties, declarations, papers regarding International Refugee Law and durable solution in specific, studying the analytical tools for the process of influence in general and then constructing a framework that respond to our needs.

For the second objective: to explore the evolution of public policies in Lebanon regarding relevant elements for durable solutions since the start of the Syrian armed conflict, we also conducted a document revision of national and local legislation, ordinances, regulation related to the Syrian refugees, historical documents and social components revision was also necessary.

For the final objective: ascertain the interaction of relevant actors (at national level) that influence in those public policies relevant for the discussion around durable solutions, we will leave behind the document analysis in order to prioritize a qualitative research in order to obtain information based upon what the main actors believe, opt and decide.

In this Chapter we will present the reasons for choosing the topic and Lebanon as a case study, the methods of research, and the concrete methodology for the framework we developed in the chapter of literature review, the construction of the interviews, the process of identification of the Informants, the limitations for our study and finally, the ethical considerations for this research.

#### **3.2.1. Choice of topic and Case Study**

UNHCR has the mandate to provide solutions for refugees, since the start of its activities, the emphasis places on the type of solutions has shifted (UNHCR, 2000). The main problem with the Durable Solutions is its political nature and the increasing tendency of several States to try to not deal with the presence of the refugees in their territory. In particular, the funding for refugees are available but

they tend to focus more in the humanitarian response rather in a comprehensive strategy for the refugees (ReDSS, 2016).

This can imply a waste in the resources, the lack of a perspective on the long-term, affectation in the rights of the refugees, etc. When addressing the situation of the refugees, there are enough research in terms of human rights consequences, but there is not a comprehensive dialogue among different actors who can plainly and clearly present their position towards the refugees, their perspective on broader cooperation, on how they perceive the efforts of the other actors and the legal resources for action, all of this adds into what can be construct in terms of durable solutions.

As for Lebanon as a case study, this is not a random selection, rather selected as a critical case in relation to any other context where States have to handle the massive presence of refugees in their territory. A critical case is used in order to “achieve information that permits logical deductions of the type because if it (not) valid for this case, then it applied to all (no cases)” (Flyvbjerg, 2006). Lebanon qualifies as a critical case because if it is possible to create a public policy in Lebanon regarding the refugee’s presence, despite the contextual conditions, then it is possible in other countries as well. The main reason relies in the complexity of the socio, political and economic characteristics of this State.

There are good reasons for choosing Lebanon as a critical case for understanding the influence relations behind the adoption of public policy. Lebanon has dealt with massive influx of refugees in their recent history, like the presence of Palestinian refugees. The military activities of the OLP and Palestinian refugees were a relevant factor in the Lebanese Civil War and the following invasion of Israel. It is a country that could or might be mistrustful towards the presence of new huge waves of refugees and now they have again a huge amount of Syrian and Palestinian refugees in theirs territory. Usually the citizenship perception in these topics has a deep influence in the decisions in the type of protection elected for the refugees and even how they conceptualize the refuge (Gibney, 2004).



Another characteristic of this country is the fact that they have a demographic composition similar to Syria, the country from where most of the refugees come, with Sunni and Shia population in both States and a strong identity based upon those religions. There could be an ethnic misbalance because of that, but at the same time, there is certain affinity that can explain why they were quite receptive at the beginning of the crisis. It is a country that is also avoiding to enter into a new situation of unrest, because after the end of the civil war there have being situations of conflicts that were deeply connected to the neighbor countries so now after the Syrian war, there were an initial fear against the spillover of that country. The direct involvement of certain political parties in the Syrian war is also a relevant issue to analyze in order to measure the inaction for the adoption of public policies and the latest developments. This type of initial assumptions would be studied in deep in the Findings Chapter through the perspective of the informants.

### **3.2.2. Research methods**

We rely mainly in qualitative studies. This is mainly because the political nature of the Durable Solutions required that we had the possibility of asking back again to the interviewees about certain statements in order to go deeper in the real and apparent reasons for their decision. Besides, the way these actors interact does not have a previous research that can serve as a guide to identify a way to systematize by a quantitative approach. Understanding the relationship among the actors required to understand one actor at the time, identify their networks and go to the next relevant actor that can help us to get the gap we were missing.

The qualitative method has the advantage to allow us certain flexibility for probing the actors. We would recommend to incorporate qualitative methods in the cases where the panorama of interactions, the pathways of discussions in a State are very clear and are accessible just by literature review, this is not the case in Lebanon.

Primary data will be obtained by interviews with governmental representatives in order to understand their perspective regarding the public policy related to the refugees in Lebanon. Qualitative research among leaders, humanitarian aid

agencies connected to policy studies, and refugee organizations will be important, if the access is feasible.

We also rely in informal discussions, we try to minimize the inputs of this information in the thesis because the source cannot be shared because of the decision of this informants. However, this discussions were relevant as for providing us a guidance in terms of whom to approach and which topics trying to cover.

### 3.2.3. Methodology for the framework

There are a methodologies that aim to measure the influence, we summarized the most important and applied it to our research in order to identify how to apply it to our Framework of analysis of Durable Solutions.

Table 7: Methods for measuring influence

Method	Detail	Applicability to our research
Attributed influence approach	"Asking the members of a studied group to provide a self-evaluation of its influence or "a peer assessment of the influence of other groups"".	The interviews will focus upon the assessment of the actors and of other groups.
Process-tracing approach	"Scholars to scrutinize group preferences, their influence attempts, their access to decision-makers, decision-makers' responses to the influence attempts, the degree to which groups' preferences are reflected in outcomes and groups' statements of (dis)satisfaction with the outcome".	A section of the interviews will be dedicated to the influences attempts in terms of advocacy, the position of the actors. This will serve to analyze the response in the findings sections.
The degree of preference attainment approach	"Reassuring the policy outcome by calculating the distance between the desired point of influence and the interest group's real achievement".	The final framework will have into consideration 2 sections: the present and the possible changes for DS.
Using more than one approach (methodological triangulation)	"Better to use more than one approach, aiming at balancing the measurement of influence by the annulment of the disadvantages of one approach with the advantages of another one".	We will apply all this methodologies to our framework.

Source: with the information from Anderson-Macedo, (2010)

#### **3.2.4. Secondary data**

As we mention already, we resorted to secondary data for the previous chapters. The narrative study implied a process of selection of official documents as a priority, the analysis documents from organizations like UNHCR in a second place, and finally, the academic discussion. For the last type of documents, we mainly used the database from Uppsala University and University College Dublin online library.

As for the Chapter of findings, we aim to base the information on what the Informants share, however, in certain cases where situations or context needs to be confirmed, we will include information from the media and public statements. This information it is normally changing rapidly and being updated, therefore, we use this sources that are more flexible than academic reports.

#### **3.2.5. Interviews and informal conversations**

In order to prepare the interviews, it was important to work on the theoretical framework for knowing with precision the main aspect of the public policy creation process in Lebanon. Our interviews were semi-unstructured because we first identify a list of questions that all the actors can respond in order to establish their perspective for the same topics, however, in each case interview, certain topics were discussed more deeply according to the particular background of the interviewed. This type of flexibility was necessary in order to obtain deeper information, this in particular in a context of certain reserve from some of the informant because of the political considerations under discussion.

As for the informal conversations, this helped us to construct a clear panorama about the main policy makers in Lebanon regarding the topic of refugees. We used the main concerns of this type of Informants, in order to ask questions to our official Informants. This resulted very successful because then the interviews tackle the main aspects of the debate around the legal situation, possibilities of return, resettlement opportunities of the Syrian refugees.

### **3.2.6. Informants**

A professor from the University Saint Joseph in Lebanon, partner to the NOHA Master, put us in contact with a humanitarian worker who helped us to connect with several actors from various backgrounds. This help was invaluable as for starting the process of qualitative research. The election of the interviews depended on the specialization, knowledge and experience of this actors in terms of Durable Solutions or related issues. A complete list of the Informants can be find in the Annex 2.

We looked for respondents from various backgrounds in order to have a mixed and comprehensive perspective. This backgrounds include: UNHCR representatives in operative issues, resettlement opportunities, advocacy activities; university professor; organizations working in advocacy; government representatives from national and regional level, journalist and Lebanese citizens. We went to another region in the country in several occasions in order to talk with representative of organizations working with a better connection to the field work. From our experience in the informal conversations we found that this topic, durable solutions, required to be discussed with respondents with strong knowledge on the topics presented, which was the case.

### **3.2.7. Limitations**

This investigation has to deal with the fact that the policy of this country is under current discussion and it could change during the investigation process, as it is occurring. Besides, it focus only in the case of the refugees fleeing Syria, not in other refugees (like Palestinians, Iraqis, etc.) and the Durable Solutions should be also elaborated for all the refugees in a country in general, we couldn't do that for length reasons.

Another limitation is that the interviews were conducted in English and Spanish and not in Arabic. We didn't resort to translators because the conversations required a very dynamic, fast and comfortable environments for the respondents to be able to develop their ideas without limitations.

Another relevant limitation was that we were unable to contact a politician from any political party. This was because we didn't find a contact who can put us in contact. Such Informant would have provide a more complete account on the Findings because the role of the political parties for the decision towards the presence of refugees is quite important.

### **3.3. Ethical considerations**

The principle that guide this kind of work is "do not harm" (Booth et al., 2016, p. 84). This includes confidentiality for the representatives of the government and of the humanitarian organizations and the refugees. The idea was not to look for controversial issues, but to focus mainly in the perceptions about how to manage the refugee's presence in Lebanon.

The political nature of the discussion lead us to take the decision of covering the names from all the Informants. Some of them asked for this explicitly, we asked them at the beginning and at the end of the interview about this; in the case of two respondents, they were comfortable with indicating their names but making clear distinctions when their position was personal or when it was representing their organizations, due to change in the political scene in Lebanon, we decided to anonymize all the names. In the case of the government representatives, one of them requested the information from this report explicitly, which was submitted. We didn't indicate the position or the specific body for which the government representatives were working because the work of these offices are highly affected by changes of political nature and we prefer not to interfere in this in any sense.

## **Chapter 4: The case of Lebanon**

This chapter will help us to respond to our Objective 2: to explore the evolution of the public policies in Lebanon regarding all the elements relevant for durable solutions, since start of the Syrian armed conflict. When we mention the elements relevant for durable solution, we are referring to the legal status of the Syrians in the country, the possibilities to access to options of resettlement, the threats to expulsions of the country, the agreements for returns among other key factors that are components to the durable solutions that we studied in the previous chapter.

### **4.1. Context for the exodus from Syria**

The protection of refugees is one of the mainstream topics in our days because of the global scale of forced displacement. Among the list from where most of the refugees are coming from, Syria is one of the top (UNHCR, 2016). The war started in 2011 and since the very first moment the world have witnessed internal displacement and refugee influx from this country. This could be attributed to the complexity of the confrontation, the territorial dispute among a multiplicity of actors and the resource to means and methods of combat that systematically violated the IHL.

The countries in the region that are hosting most of the people who fled this war are Turkey, Lebanon, Jordan (UNHCR, 2016). We will focus in the migration into Lebanon as our Case Study. Ever since the beginning of the demonstrations and the repression from the government, the first migration flows were inside Syria, a phenomenon which is known as “internal displacement” in the international sphere. By March of 2012, the scale of departures increased in areas like Homs or Deraa where the level of confrontation had already military characteristics. The following massacres in those areas and the bombing of cities like Aleppo raised the toll of departures into Lebanon. By March 2013, the government recapture areas previously controlled by the rebels, this can be attributed to the contribution of the intervention of parties like Hezbollah (Nakhoul, S., 2013). The escalation of the conflict and spillover into Iraq raised the influx of people into Lebanon. By

April 2014, the influx into Lebanon was over 1 million people (BBB, 2015). The emergence of DAESH increased the amount of the displacements.

Even when ISIS is being defeated in Syrian and Iraq, and the State has regained territory and presence in the last year (NY Times, 2016), the civilian casualties are still happening (SOHR, 2017) and the overall situation of the country in term of rights and living conditions are still very precarious (UNICEF, 2017).

Why exactly are people fleeing? It is doubtless that one of the main reasons that influence the human movement from Syria is or was the level of armed confrontations, this was the case of the siege of Aleppo (The Guardian, 2016) for example. However, there are other factors like living in an area controlled by the government or the opposition, or the fear for young males to be recruited to the armed forces, or even the precarious way of living after the impact of the conflict. Besides the direct impact of the war, the detriment of the systems for provision of public services, the lack of health systems, the general impoverishment of the population, the compulsory military service and the insufficient humanitarian aid are factors that combined push Syrians to flee the country. The reasons for fleeing Syria (or not be willing to return to) are not only related to the security, but also to the consequences of that lack of security in the standard of living of the population.

## **4. 2. Lebanese context**

We will discuss the situation of the refugees, Syrians and Palestinians who have arrived in Lebanon as a consequence of the beginning of the Syrian war. In order to do so, it is important first to outline the history of Lebanon in relation to the migration of this two groups in their territory and to understand the main characteristics of the State.

### **4.2.1. Religious composition, confessionalism, sectarianism and patronage in Lebanon**

In the founding of Lebanon as an independent country, there was a tacit agreement known as the National Pact (1943) that determined that a Christian Maronite will be the president; a Sunnite Prime Minister and a Shia Muslim as a

Speaker of the Parliament. This confessional composition of the government was a reflection of power relations and proportions in the population with the supremacy of the power of Maronites over the others. The agreement was possible because of the commitments of each group: while the Maronites agreed on not asking for an intervention of France in their favor, the Muslims accepted to give up on their aspirations to unite Syria (Nader, 2013).

The power distribution was based upon the census of 1932, which is still to our days a very controversial issue. The Christians numerical dominance was obtained through a process of exclusion of Muslim residents in Lebanon in the calculation, in particularly the Shies and of the “emigrants”, term that was not defined. This census had legal consequences over the population, as generated a large scale of stateless and undocumented people. The final ratio the census generated was six to five favoring Christians over Muslims (Maktabi, 1999).

In time, the power that the Maronite held was too much to be bare for the other sects. The amount of people who belonged to each sect, changed in time as well, even when no census was allowed, it is estimated that the Maronite community eventually became less bigger in comparison to the Sunni Muslims (Maktabi, R., 1999). During the 50s until the 70s, regardless of the economic growth, there was certain level of inequality, but the sectarian composition of the country made that the income distribution were less in favor of Shia community. The demands of the Muslim leaders for obtaining a more equal power sharing were ignored by the Christians (Fisk, 2001, p. 75).

On the other side, the very active military presence of Palestinian organizations in Lebanon, that were operating against Israel to reclaim Palestine increased the political tension as they decided to exploit the weakness of the political system in order to enhance their position, to do so, they forced alliances with unsatisfied sectarian and nonsectarian parties like the Muslim Shia and the leftist, even when the nature of the complains were different because the Shias wanted to readjust the sectarian formula to increase their presence while the leftist were looking to transform the system in a one less confessional. This endemic problems led to inevitable confrontation in 1975 (Makdisi and Sadaka, 2003).



After the Lebanese Civil War, the Taif Agreement tried to solve some of the main sources that triggered the conflict, like the focus on abolishing sectarianism but allowing in the meantime an equal representation by Christians and Muslims. The consequence was an increase in power for Sunnis, but in the recent years, the Shiites have overcome in power through the actions of Hezbollah. What we can see as well is how the shifts of power reflect the ability of the sects to acquire power in the context of the national struggle against a foreign domination (Moaddel et al, 2012).

Identity in Lebanon is not based upon nationality but relies on the Sunni and Shia belonging, as well as Christian, Alawi, Druze among others ethnic (Bahout, 2016). Therefore, population feels more connected to what is happening to other members of their ethnic groups in Syria than to their own nationals due to the chronic weakness of the State, that was replaced by the clientelage of the services according to the ethnic/religious belonging (Lion Bustillo, 2014).

The unwritten National Pact at the beginning and now the Taif Agreement, perpetuated the conformation of the country as a confessional one, even if the former promotes the establishment of a secular political parties who compete for the government, it also states that meanwhile that is achieved, the already existent confessional parties should have equal representation in the government. This has lead to practices of gridlock, that even avoided to elect a president between 2014 and 2016; it also generated that parties benefit their own voters and provide them with public services (Helou, 2015) because they are not accountable to others segments of the population.

This clientelism (zuama), is part of the history during the Ottoman rule, in recent time, the political leaders provide favors to voters in exchange to electoral loyalty and has infiltrated many of the institutions in the State:

“Sectarianism has perhaps been stronger in the bureaucracy than in any other Lebanese political institution. President Shihab, one of the few national-level politicians to introduce reforms to the system, in 1959 enacted the Personnel Law. This statute technically abolished the practice

of appointing officers on the basis of the six-to-five formula; instead, Christians and Muslims were to be appointed on an equal basis. (...) But as with other reform measures that threatened the hold of the zuama, these efforts were largely ignored” (Ghazi, 1997).

#### **4.2.2. History with refugee’s influx: Migration of Syrians into Lebanon during the years before the Syrian Civil War**

Since the occupation from Syria in 1976 that lasted for more than 29 years, the relationship between the Lebanese citizens and the Syrians have been deeply affected. Along with the occupation, there was an influx of Syrian workers and most of those migrants were unskilled and occupied positions in construction, seasonal agriculture, services including street vendors and taxi drivers (Nisan, M., 2000). The scope of the migrant workers was over one million people and it has been interpreted as a “virtual colonization movement to change the human landscape in a menacing fashion” (Nisan, 2000). This claim is supported by the following statement:

“In 1994, under pressure from Syria, the Lebanese regime granted citizenship to over 200,000 Syrians resident in the country. Many of these newly-naturalized citizens were registered in the electoral districts of pro-Syrian political elites [...] in order to consolidate Syrian authority over the Lebanese political system”. (Gambill, 2001)

The response by some Lebanese citizens included sporadic attacks against the Syrian workers (HRW, 2014). In the political arena, this moved the regime to address the issue like when in November 2001, the Prime Minister Hariri said that “perhaps certain jobs that are now being done by Syrians should be done by Lebanese workers” (Gambill, 2001). As a consequence, way before the beginning of the Syrian war, the perception of the presence of Syrians in Lebanon was a matter of concern.

#### **4.2.3. History with refugee’s influx: Palestinians in Lebanon**

The creation of the State of Israel in 1948 was an antecedent to the Nakba or “catastrophe” that marked the beginning of the exodus from Palestinians to other countries (AlJazeera, 2017). This was a determinant factor for the creation of UNRWA that provides protection and services to registered Palestinians with 400, 582 registered but exact numbers are not available in Lebanon (Elsayed-Ali,

2006), and they haven't been able to return for 2017 more than 60 years after the beginning of the exodus.

Another relevant event was the expulsion of the Palestinian refugees from Jordan in 1970 because of the military activities of the Palestinian Liberation Organization (PLO) (Tristram, 2017). Members of organization and refugees went to Lebanon, where they became very active politically and their military activities encouraged the government to sign the Cairo Agreement in 1969 in order to regularize the political and military presence of the Palestine armed groups while trying to reaffirm the sovereignty of Lebanon (Yassine, 2010). This secret agreement recognized the operation of PLO and other Palestinian organization in the camps, the training, arming and recruitment against Israel and using the country as a base for military operations (AlJazeera, 2009), which meant an involvement of Lebanon in the Arab-Israeli conflict, in exchange the Lebanese military and civil authorities were able to exercise their prerogatives in all Lebanon including the areas under control of PLO (Brynen, 1990).

This agreement also had some dispositions towards the presence of Palestinians in the country. It recognize the right to work, residence and movement of Palestinians, the formation of committees in the camps, and spaces for interacting with Lebanese authorities (Brynen, R., 1990). As we will see, this agreement was insufficient for regularizing the presence of Palestinians in the country because their presence and activities polarized the nation, as we mentioned before, between those who supported and those who opposed the PLO presence (Rabild, 2016).

After the invasion of Israel into Lebanon the PLO influence in the country was minimized, the validity of the Cairo Agreement was over but any other agreement with between the Lebanese State and the Palestinians organizations replace it, leaving them in a very difficult situation of suffering the restrictive conditions of residence and work limitations the Lebanese government imposed to them (Yassine, D., 2010). Only in 2005, there was as an attempt to improve the relations with the Palestinians known as the Lebanese-Palestinian Dialogue Committee (LPDC), this is an inter-ministerial agency that works as a focal point

between Palestinian refugees and local and international stakeholders in order to provide policy recommendations to the Government of Lebanon (LDLP, n.d.). As a consequence of the work of this Committee, the GoL established official diplomatic relations with the Palestinian Authority (PA) and the office of the PLO was reopened in 2008 and the dialogue with other Palestinian political factions were initiated as well (Yassine, D., 2010).

The consequence on the perspective about the way to deal with the influxes of Palestinians is by consider itself a country of asylum but rather a country of transit, and where the Palestinians are identified as “displaced” and not as refugees (Lebanon Support, 2016). This policy has being repeated in the case of the Syrian refugees.

#### **4.2.4. Spillover of Syrian war into Lebanon? Security concerns**

In 2011 Syria entered into an internal armed conflict and this conflict has spillover in certain degree into Lebanon. Hezbollah armed forces had entered into Syria to support Assad government, bringing back to Lebanon deadly clashes against the rebels supporters. As a reaction, some incidents between Syria and Lebanon have occurred due to the militants crossing the borders (Salloukh, 2017).

The degree of the spillover is not as for indicating that there is an internal armed conflict in Lebanon, the intensity has not yet reached that level, the effects of the spillover has been contained to lower levels and into certain regions.

It is a paradoxical outcome what we are witnessing: in one side, the spillover it is being contained but the threat is still present. The intricate relations between the internal divisions and the regional powers around Lebanon and Syria make it very hard to achieve a neutral position and to encapsulate the effects of the Syrian war into Lebanon. Any significant change in the dynamics of the war or in the larger regional rivalries between Iran and Saudi Arabia can represent a threat in the spillover into Lebanon again (Bahout, 2017).

Some elements of such spillover have been shellings in the borders, car bombing, clashes between armed groups and the permanent risk of radicalization in the

borders (ALEF and PAX, 2015). Certain areas in particular, like Aarsal, Ras Baalbek and the Bekaa Valley, were affected by jihadist infiltration and later confrontation with armed groups like Hezbollah or the Lebanese Armed Forces (Reuters, 2017). In these areas there have been bomb attacks against the LBA where soldiers have died (OSAC, 2016) and there were claims about military and police brutality against refugees (AIMonitor, 2016). To this, we should add the occasional clashes, killings and explosion in Palestinian camps (Melhem, 2016) and incidents of gunfire in Tripoli (The Daily Star, 2017). Syria and Lebanon are connected by more than 375 km of the border, this space is easily infiltrated by jihadists, rebels and transfer of arms, money, and equipment have been a constant (Young et al, 2014).

There is a discussion about the role of Syrian refugees in the spillover of the conflict into Lebanon. There are reports of recruitment of children by organizations like DAESH in Lebanon (The Guardian, 2017). Although, not a single report of terror attacks in Lebanon was connected to refugees (McDowall, 2016) until 2016 when in June a series of suicide bombings affected the town of Al-Qaa in the Bekaa Valley. Part of Lebanese population consider that the suicide bombers came from Syrian refugees camps were terrorist groups are hiding so they blamed the refugees for this attacks, and politicians used the media to ask for the return of the refugees (Saad, 2016). The Interior Minister, on the other side, said that attackers come from inside Syria, not from refugee camps (McDowall, 2016).

The raids in the refugees informal settlements included arrest and forced evictions (AIMonitor, 2016). The curfews on foreign residents were deemed as lawless by the former Interior Minister, Marwan Charbel; but the municipal leaders perceive that their communities are requesting an improvement in the security and a better social tension management (HRW, 2014).

#### **4.2.5. Policy of disassociation**

There have been attempts to avoid that Hezbollah participates in the Syrian war. An example of this was The Baabda Declaration in 2012 that seeks that Lebanon remains neutral in regional events.

“The policy (...) prevented the Lebanese government from engaging with Assad’s government in an official capacity. It also meant that Lebanon would not officially support Assad or the Syrian opposition” (Osseiran, 2017).

But this policy only exist in formal terms, in reality Hezbollah (Shia party) has being fighting for six years in Syria already. The situation of the Syrian refugees in Lebanon is also part of this problematic of disassociation. There is an intense discussion because the parties that support Al-Assad are demanding the government to engage in negotiations for the return of the Syrian refugees but the Prime Minister Saad Hariri indicated that the coordination of the transfer was going to be only with UNHCR (Osseiran, 2017). Even when this is the formal decision, in August and September 2017, Hezbollah has coordinated with the Syrian regime and armed parties from the opposition the return of fighters and refugees to certain regions in Syria (Nordland, 2017) without the official involvement humanitarian agencies and the Lebanese government allowed them to act in this sense.

### **4.3. National Legal Framework**

In this kind of scenario, how is the Lebanese State legislating? There have been almost imperceptible changes that had major consequences in the daily living of thousands of refugees. The legal framework that we will study goes in several levels, from the participation on international treaties, the Constitution and then norms and policies that regulate and deal with the presence of “refugees” in Lebanon.

#### **4.3.1. Participation in International Treaties**

In terms of juridical regulation, the first thing we notice is the lack of participation of Lebanon towards the most important international treaty related to the recognition of refugees, this is the Convention related to the Status of Refugees of 1951 and it’s Additional Protocol from 1967. This fact has been repetitively used in order to explain the weakness of the refugees in the juridical order in Lebanon (Arani and Kalis, 2014). However, it is important to highlight that Lebanon is member of the Asian-African Legal Organization (AALCO), an

organization that adopted the Principles of Bangkok where the definition of refugees as those who flee political persecution or armed conflicts is included.

As we mention as well, there is an international custom that also reinforces the validity of the principle of non-devolution. We cannot say that the Lebanese State has converted itself in a persistent objector which could allow them to be excluded from the application of such custom because in several occasions the authorities have ratified the importance of such principle. Is this legal protection impacting in the way the State legislate at the national level or behave towards the Syrians?

#### **4.3.2. Lebanese Constitution**

The Lebanese Constitution is from 1926 and it has had several amendments. There is not a direct reference to the rights of foreign nationals at all. In terms of nationality and the way to acquire it, it is stated that the law will determine this issue (article 6). It is quite interesting not to find another reference to the presence of foreigners in the Constitution, especially when it says that Lebanon, as an Arab country in identity and affiliation, is a founding and active member of the League of Arabs States and the United Nations and abides their covenants and the UDHR (preamble of the Constitution). This can be used to integrate the protection of asylum seekers as part of the obligation of the Lebanese State.

“The Preamble of the Lebanese Constitution of 1926 (as amended in 1990) explicitly states that “Lebanon is [...] a founding and active member of the United Nations Organization and abides by its covenants and by the Universal Declaration of Human Rights.” It moreover asserts that “the Government shall embody these principles in all fields and areas without exception”. Of particular interest here, this would include Article 14, UDHR and the right to seek asylum. While international human rights conventions constitutionally also take precedence over national law, it has been observed that this principle is seldom practiced in domestic courts” (Janmyr, M., 2016, p. 10).

#### **4.3.3. National legislation regarding migration and refugee**

In the national level, there is an absence of a legislation related specifically to the refugees, even when the Law Regulating the Status of Foreign Nationals in Lebanon of 1962 stipulates that political asylum can be requested by the foreigner convicted by a political crime or whose life or freedom is threatened of political

considerations in other country (article 26) and that deporting a political refugee is not permissible to a territory of a state where his life or freedom are not secured (article 31), this type of legislation is not enough to protect the majority Syrian refugees, because most of them are not fleeing for political reasons, but they are fleeing because of the effects of the armed conflict in their territory, therefore a definition that includes that postulation is necessary.

The legislation could also establish rights and obligation for the refugees, and set a framework that can outline an integrated policy towards them that can take under consideration the reality of the refugee crisis and the national interest of the State, but that didn't happen either. The article 27 of the Law of 1962 aims to grant the right by ordering the creation of a Committee conformed by Minister of Interior, Director of Justices of Foreign Affairs and General Security, whom would decide case by case; this norm has not been implemented (ALEF and PAX, 2015) and the right to asylum has been granted only in one occasion (Janmyr, M., 2016, p.11), therefore the recognition as a refugee is not a right that is been protected.

But this doesn't mean that State rejects the validity of certain scope of the protection for refugees and the principle of non-devolution because in the article 31 of the Law, it is written that: "In the event that a former political refugee is deported, he or she may not be removed to the territory of a country where his or her life or freedom is threatened", for example. Besides, the government has adopted a series of measures and humanitarian response framework that we proceed to study.

#### **4.4. Evolution of the response towards the presence of Syrian Refugees**

In this part we will analyze the response adopted by the government to the presence of Syrian refugees as a consequence of the Syrian War. This includes legal dispositions, public policies and humanitarian responses that were created in collaboration with organizations. This analysis is not focused upon the effects on human rights unless it is necessary for describing what the government have willingly decided in order to manage the influx of refugees in the country.



#### **4.4.1. Entry and permanence permit**

This two moments are vital as for being able to qualify as a refugee because this depend on the conditions or restrictions imposed by State in connection to those moments.

##### **a) Registration as refugee**

As we saw, the national legislation for regulating the presence of foreign nationals in Lebanon didn't provide the mechanism for identifying refugees and providing them with the required rights accordingly. Before the beginning of the Syrian War, and as a way to close the legal gap, UNHCR and Lebanon signed a Memorandum of Understanding (MoU) in 2003 (Frangieh, 2016, p.37). This MoU allows registered refugees to obtain a temporary circulation permit that is oriented to guarantee a resettlement of refugees to other countries. This document provided a safe space for both sides: while UNHCR was able to register asylum seekers and determine if they qualify as refugees, while providing them with social services related to health education, among other services; the Lebanese government was able to proclaim that they do not consider themselves as a country of asylum, that the goal of the registration is to resettle the refugees in a period of six months that could be extended once and that the meaning of asylum seeker was "a person seeking asylum to a country other than Lebanon" (Coalition of Civil Society Organizations in Lebanon, 2010).

After the outbreak of the Syrian War, the UNHCR was advocating at the Council of Ministers for a new MoU more precise in order to respond to the needs of the Syrian refugees (Janmyr, 2016); but the Ministry of Social Affairs requested UNHCR in April 2015 to de-register 1400 Syrian refugees (The Daily Star, 2015). Later in May 2015, the authorities requested UNHCR to suspend registration (for new arrivals or people that was already in the country) and then to finally stop it (Janmyr, 2016).

"(...) in April 2015, the Ministry of Social Affairs notified UNHCR that refugees registered with the organization, who entered Lebanon after January 5th should be deregistered, and at the same time, Lebanon's Foreign Minister, Gebran Bassil, wrote to the UN High Commissioner for Refugees, Antonio Guterres, threatening Lebanon's relationship with the

organization unless it stopped registering refugees adults and children” (ALEF and PAX, 2015).

Nowadays, there is not a way to seek recognition as a refugee, there is an exception of humanitarian visa which is very limited in scope and we will analyze it afterward.

## **b) Entry**

Before the Syrian war, the entrance of Syrians into Lebanon implied that Syrians would only present their passport or identification card and they would receive a coupon and entry stamp. With this, they were able to stay up to six months in the country with the possibility of renew it for another six months. After this time, the residence permit would cost 200 USD for person who were 15 or older (Lebanon Support, 2016). The framework for this movement was the Law Regulating the Entry and Stay of Foreigners in Lebanon and Exit from the Country from 1962 and the Bilateral Agreement for Economic and Social Cooperation and Coordination between the Lebanese Republic and the Syrian Arab Republic from 1993 that aimed to establish freedom of persons movement between both countries, and freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country (Lebanese Republic and Syrian Arab Republic, 1993).

After the beginning of the Syrian war, the open door policy and no camps was greatly acknowledged by the international community. Nevertheless, this decisions might have been prove of the paralysis of the government in taking decisions and the lack of strategy (Janmyr, 2016) rather than a real position of the government.

As the refugees couldn't go back to Syria renew their residence, the General Directorate of General Security enabled the possibility of renewing in Lebanon without returning to Syria in June 2013. A limitation of this procedure was that the renewal cost 200 USD. Between August and December 2014, the government offered gratis regularization for Syrians whose legal residency had expired, 27 000 Syrians were benefited by this measure in that time (UNHCR, 2015).

In 2014, the authorities decided that only the Syrians coming from the areas bordering Lebanon where there was an active fighting would be able to enter to the country (UNHCR, 2015).

The feeling of being overcome by the influx of refugees, among several other factors, led the government to decide that they should change the regulation for the entry. Known as “Syrian Policy Paper on the Syrian Displacement to Lebanon” from October 2014, this regulations were proposed by the Ministerial Committee for the Syrian Displaced, adopted by the Council of Ministries (Janmyr, 2016) and later announced by the Information Minister, Ramzi Joreige, to the Lebanese Parliament (Montgomery, 2014).

This regulations represent a huge shift, as it was not possible anymore for Syrians to enter to Lebanon as a way to escape from the war in Syria (UNHCR, 2015). The objectives of this policy were:

1. Relieve the burden on Lebanese people and economy by reducing the numbers that required to stop the border displacement excepting exceptional humanitarian cases and to request UNHCR to stop the registration of displaced persons.
2. Encourage the return of displaced Syrians to their country or other countries by all means possible, to tighten the application of Lebanese laws on them, to remove the status of “displaced” for those who go to Syria or that violates the Lebanese laws and entry requirements.
3. To implement measures to control the security of the displacement, and organize municipalities in order to conduct a periodic statistical survey of the displaced and provide the municipalities the elements of municipal police to maintain security.
4. Strict the enforcement of Lebanese laws on Syrian displaced persons to protect the Lebanese in employment.
5. To balance the aid given to the displaced and the host community (Presidency Council Ministries, 2014).

This objectives have worked pretty well in their own logic as the conditions required to the Syrians are very hard or even impossible to accomplish. The

results today is that at least 67% of the Syrians lack regular residency papers therefore, their presence in the country is not legal (ALEF and PAX, 2015).

This regulations created categories for allowing the entry of Syrians, each one had specific requirements that, if accomplished would determine the provision of a visa approved by the Ministry of Social Affairs and the Ministry of Interior. The categories are: tourism, shopping business and landlords, tenants, studying, transit for another country, humanitarian exceptional cases, medical treatment, embassy appointment and pledge of responsibility (or sponsorship) (ALEF and PAX, 2016).

There is not a category that includes the definition of refugee from the Convention of 1951 or the broader version (fleeing an armed conflict for example). The category for humanitarian exceptional cases was developed in April 2015 and it applies 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; persons who will be resettled to third countries.” (UNPF, UNCF and UNHCR, 2015).

There is not a breach of the international obligations of Lebanon with this disposition because there is not yet a legal norm, either written or customary, that force the States to receive persons who flee armed conflicts. The right as refugee and the Principle of non-refoulement starts when the person is under the jurisdiction of the State.

### **c) Renewal of permanence**

The renewal of permanence procedures also became way for more complicated with the October 2014 regulations. There was a group that was registered with UNHCR and a group that wasn't and the renewal required the elements detailed in the next table, depending on that difference.

Table 8: Requirements for the renewal of the residence permit for Syrians in Lebanon

Requirements for the renewal	Detail	Registered with UNHCR	Not registered *
Fees	USD 200 per year of renewal, plus notary and mukhtar fees.	Yes	Yes
Identification documents	Passport, entry slip and return card.	Yes	Yes
Housing commitment	Certified copies of a lease agreement or real estate deed. Must be accompanied by certified copies of the Lebanese landlord's identity document and lease agreement or real estate deed. It also requires that the landlord to inform GSO of any changes.	Yes	Yes
	If living in informal tented settlements, they should provide a residency statement from the local municipality.	Yes	Yes
Mukhtar certificate	The Mukhtar or village leader should attest that the landlord owns the property.	Yes	Yes
UNHCR certificate	UNHCR registration certificate with a validity between three and six months.	Yes	No
Prove of financial means	Bank statements, documents showing money transfer or proof of charitable or UN support.	Yes	No
Return pledge	Some refugees are also asked to sign a notarized pledge that they will return to Syria when their permit expires or when requested by the government. <sup>5</sup>	No in theory	No in theory
Pledge not to work	Signed in the presence of a notary	Yes	No
Sponsorship	Sponsorship for an individual work permit by a Lebanese individual, or a group pledge of responsibility provided by a registered entity that hires a number of Syrian nationals.	No	Yes
	Lebanese national may also pledge to host and be fully responsible for one Syrian family". It must be accompanied by extract of the family civil registry record of the Lebanese sponsor.	No	Yes

Source: Table created with the information from UNHCR (2015) and Janmyr, (2016).

\*there is no possibility to register since January 2015.

To provide the previous documentation is very difficult, the leasing market is very informal which makes it very complicate that landlords provide the required proves of ownership. The way this system is designed can lead to exploitation of

<sup>5</sup> The template that some notaries are using for the pledge not to work currently requires refugees to commit to leaving Lebanon upon expiration of their residency permit or upon request by concerned authorities. This requirement is, however, not stipulated in the GSO instructions.

abuse of power of the persons who should provide the documentation to the refugees (Amrita, 2014). In the case of those registered with UNHCR the pledge not to work increase dependency of humanitarian aid and doesn't contribute to self-reliance.

We can say that the objectives of reducing the numbers of Syrians and encourage them to return to their country by "tighten the application of Lebanese laws on them"<sup>6</sup> has been clearly attempted by this policy. To obtain the documents for entry and renewal was too complicated and expensive (UNHCR, 2015). Other subsequent regulations were adopted in this sense, like in August 2014 when the Council of Ministries announced that Syrians who are willing to return the country and without a legal residency status, would be exempted from fees for overstay. This was a way to encourage them to leave (ALEF and PAX, 2015).

Diverse actors like Norwegian Refugee Council, ALEF and Human Rights Watch advocated for a change in the regulations by denouncing the critical conditions this generated in the human rights of the Syrian refugees (ALEF and PAX, 2015). Finally, in February of 2017, the General Security waived the fee of 200 USD to the refugees registered with UNHCR before 1<sup>st</sup> January 2015 or obtained residence through their UNHCR certificate at least once in 2015 or 2016 but not to anyone who might have enter to Lebanon after 6<sup>th</sup> May 2015. This benefited 1,000 0000 people, excluding other 500,000. It didn't apply to Palestinians either (HRW, 2017).

In September 2017, the Direction of General Security informed that to renew the residence by sponsorship system, Syrians are not obliged to abandon Lebanon for changing the sponsor, as they were before. The reason behind this it is not to promote integration but it is a way to facilitate the return to Syria by extending the authority of the Lebanese State to all the residents; another explanation is to facilitate the resettlement (or other complementary pathway of protection) because most of the embassies require a residence permit for asking for a Visa (Franjeh, 2017).

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<sup>6</sup> Refer to October 2014 Regulations.

#### **4.4.2. Qualification as refugees or displaced?**

First by the MoU (where the government didn't accept that those persons in the country qualify as asylum seekers of Lebanon, but claimed that they were asylum seekers in transit) and later with the October 2014 regulations, there is a clear political line about the lack of will recognizing those fleeing persecution and armed conflict as refugees, which is the term and status to be used under their condition if we follow the international legal framework. The term used in Lebanon is "displaced", which is connected to:

"One strand of this disassociation policy was the enforcement by Miqati of the use of "displaced persons" (nazihoun in Arabic) as a legitimate terminology rather than "refugees" (lajjoun)" (Janmyr, 2016).

The use of term displaced is a very strong political tool for refusing to commit completely with the protection of the Syrian and Palestine refugees. As we studied in the first chapter, the refugee statute has its source in treaties and international custom, and the recognition as refuge is declarative, not constitutive. Regardless of what the State might say, those persons who qualify as refugee, are refugees at the light of International Refugee Law. And the expelling of these persons can be accounted as a violation of international law.

#### **4.4.3. Working permits**

The Decree N° 17561 from 1964 is the general law in the subject that regulates the work of aliens in Lebanon (President of the Lebanese Republic, 1964). It states that the Ministry of Labor and Social Affairs approves the entrance of aliens into Lebanon to carry a profession or do a job (article 2) and that a work permit can be obtained prior arrival (article 6). The real limitation in the regulation is that Lebanese nationals have a "preferential right" over the aliens. This means that the alien will obtain the work permit or the renewal if: 1. He is a specialist or an expert in that job that cannot be done by a Lebanese national, 2. He has entered into Lebanon before the 1<sup>st</sup> of January of 1954 and reside there ever since, 3. If he has taken to wife a Lebanese national, 4. If he is born of a Lebanese mother or if he is of Lebanese origin, 5. If he is one of the manager of foreign companies, 6. If he is the representative of a foreign company and 7. Is he is the Head of a

profession or handicraft that has been residing in Lebanon since before 1954 (article 8). Every one of this possibilities have particular requirements.

This general regulation, being complicated itself, is the base for the forthcoming laws that are specifically designed for the presence of migrants like the Syrians, for example. In terms of work permits, there are two possibilities according to the October 2014 policies: those who are registered with UNHCR cannot work, so their expenses and needs will be covered by the aid of humanitarian organizations; for those who are not registered and have a sponsor, the Lebanese sponsor will be the one that will apply for a work permit from the Ministry of Labor.

In February 2013, the Ministry of Labor decided that there were certain professions that were exclusively open to Lebanese (AnNahar, 2014) for obtaining the sponsorship, limiting even more the scope of opportunities for the Syrians. This kind of restriction have been used before with Palestinian refugees as well. The list of professions that were confined to Lebanese citizens covers all sort of business, professions, crafts and jobs (Inter-Agency Coordination Lebanon, 2017). Syrian are only allowed to work in agriculture, environmental and construction sector (Lebanon Support, 2016). To work in other sectors require Syrians to prove that they have an expertise in a job which cannot be filled by a Lebanese<sup>7</sup>, to prove this is extremely complicated as the person requesting the permit (the employee) should present evidence of failing to find a Lebanese for this position after a research of three months in order to obtain an statement of the National Employment Office (Inter-Agency Coordination Lebanon, 2017), such are the requirements of the article 8 of the Decree N° 17561 of 1964.

This regulations have result in the increase of chances for exploitation against the refugees. This system has been accused of paternalist and as a servitude type (Hamill, 2010) because it externalize the responsibility of the State of supervising the behavior of the migrants and pass it to the employers (Lebanon Support, 2016, p.21).

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<sup>7</sup> Condition sets at the Article 8 of Decree No. 17561, dated on 18/09/1964



“In some cases, workers are forced to endure very harsh work conditions due to fear of dismissal and subsequent deportation, and may even, as Saghieh (2015) has noted, have to pay large sums of money or relinquish their rights before the employer agrees to transfer their sponsorship to another person. As such, the sponsorship system “concentrates all the power in the hands of employers” and “clearly puts workers in an extremely weak and vulnerable position” (Saghieh 2015)” (Janmyr, M., 2016).

There have been issued new regulations, the latest in 31<sup>st</sup> January 2017, when the Ministry of Labor submitted the Decision Number 1/41 which is almost identical to the Decision 218/1. The difference among this regulation is that there has been introduced a ratio of workers: 1 foreigner versus 10 Lebanese workers, excepting in the cleaning work, where the ratio is not necessary and in construction work and equivalent, where the ratio is 1 foreigner and 1 Lebanese<sup>8</sup>.

#### **4.4.4. Restriction of movement**

The lack of residence permit papers is a limitation for many refugees in order to travel in the country, as they fear to be retained in checkpoints operated by Lebanese Armed Forces (HRW, 2016). This limits their right to movement and their capacities to undertake projects or business.

There have been direct norms that restrict the movement of Syrians. In terms of the temporary return to Syria, in May 2014 the Interior Ministry announced that those persons who go to Syria for a short visit would lose the protection they might have (ALEF and PAX, 2015). At the local level, some municipalities have imposed curfews to Syrians that were enforced by municipality police and local vigilante groups (HRW, 2014).

#### **4.4.5. Birth registration and Stateless**

A relevant element to consider when we talk about the legal situation of refugees is the situation of new born of the refugees, the possibility that they end up being stateless or not having a birth register. These (lack of birth registration and

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<sup>8</sup> Article 14 of the Decree 17561/1964 regulating the work of foreigners and Article 107 of the Lebanese Labor Law.

stateless) are different situations with different consequences in terms of rights, however, they are deeply connected.

As for the birth registration, the administrative process should be completed within the 12 months of the birth of the baby: 1) Obtain a birth notification provided by a hospital or from a certified midwife, 2) Obtain a birth certificate from the closest Mukhtar (local leader) to the place of birth, for this it is required document from the parent like their passports and marriage certificate and a fee of LBP 30,000, 3) Approach the Personal Status Department in order to register the Birth Certificate, the first part is go to the nearest place of birth, this step will interrupt the one-year time limit to register the birth of a baby; 4) Then approach to the Foreigners Register at the Personal Status Department of a Governorate, but for this the legal stay documentation of the parents is required (NRC, 2015). In the case the parents do not have a legal residency, then the parents should go to Lebanese Ministry of Foreign Affairs and then the Syrian Embassy. And if after 1 year, the child has not been registered, the process becomes way more complicated, because a judicial rule will be required (NRC, 2015).

In reality, the process is not well known by refugees, who have problems of mobilization because of their illegal status, and who cannot complete the process precisely because of not having a legal residence in the country, are not married or there are no proofs for it. The consequence in the lack of birth registration will affect the rights of the children in term to access to public services (ALEF and PAX, 2015) and it is also connected to the stateless problem, as not having civil documentation by the birth registration create a higher risk of statelessness (GoL and UN, 2017). At the end, statelessness weakens the possibilities to find durable solutions because the lack of papers and recognition make the bureaucracy process for the resettlement or the return are way far more complicated to manage.

In September 2017, the General Security also informed that the process for obtaining the register of marriage and new-born was going to be simplified (Franjeh, G., 2017).

#### **4.4.6. Joint plans for crisis response**

That regulations have exposed and lead a big groups of Syrians into illegality is part of the objectives of the politics of October 2014. However, this does not necessarily means that the government does nothing for addressing the critical situation of the Syrians or Lebanese population. Side by side with UN, the government has developed a joint plan in 2014 and one later named: "Lebanon Crisis Response Plan 2017-2020".

The Plan is detailed in terms of numbers about who require assistance, what are the funding requirements, which sectors are targeted, how is the situation of the Syrian, Palestinian and Lebanese in terms of protection and guarantee of human rights. We will not focus in those aspects which are operative, or purely humanitarian response, or coordination measures. Rather, our aim is to extract the information in the Plan where there is an account or decision to regulate the legal situation and permits or constraints of the Syrian refugees, any mention towards resettlement or voluntary repatriation.

In the Plan, it is acknowledged that obtaining civil documentation is hard, that obtaining legal residency and labor policies increase their vulnerability, limit their access to livelihoods opportunities and essential services, and expose them to illegal and exploitative labor. Therefore, the increase of number of people not registered with Lebanese authorities require a "review of the policies implemented so far with a view to redressing their situation" (GoL and UN, 2017, p.12). This phrase is very promising but let's see if the Plan develop the content of that "reviewing of policies" and actually proposes a concrete change in the regulations we already studied.

Just at the beginning of the Plan, one of the most controverted issues is presented: the different perspective that UNHCR and the GoL (Government of Lebanon now on) have respective the condition of the Syrians who fled their country and arrived to Lebanon. While UNHCR "characterizes the flight of civilians from Syria as a refugee movement, and considers that these Syrians are seeking international protection and are likely to meet the refugee definition", the

GoL considers that those individuals who arrived from Syria after March 2011 are “temporarily displaced individuals, and reserves its sovereign right to determine their status according to Lebanese laws and regulations” (GoL and UN, 2017, p.4). This indication should be an enough warning against expecting a significant change in the legal system we studied already.

The Plan it is structured in two main components: the Lebanon Crisis Response Strategy and the Operational Response Plans. While the first component is an overall account of the Plan, the second component focus in specific necessities to cover like basic assistance, education, energy, food security, health, livelihoods, protection, shelter, social stability and water.

#### **a) Lebanon Crisis Response Strategy**

The first part of the Plan consist of identifying the strategic priorities and intervene in accordance to national policies, responding to evolving needs by focusing on humanitarian assistance (GoL and UN, 2017, p.16). The strategic objectives of the Plan are:

1. Ensure the **protection** of displaced Syrians, vulnerable Lebanese and Palestine refugees.
2. Provide immediate assistance to vulnerable populations.
3. Strengthen the capacity of national and local service delivery systems to expand access to and quality of basic public services.
4. To reinforce Lebanon’s economic, social and environmental stability.

After a detailed study of this objectives, we found that the first objective (**protection** of displaced Syrians, vulnerable Lebanese and Palestine refugees) content is related to the legal status of the Syrians in Lebanon. Some relevant points in this are:

- “Ensure that persons displaced from Syria have access to legal status in accordance with Lebanese laws and regulations, while anticipating their return as the durable solution and while abiding by the principle of non-refoulement.
- Continue granting access to Lebanon for exceptional humanitarian cases.

- Continue to work on solutions such as resettlement and other admissions to third countries.
- Continue facilitating access to civil documentation for persons displaced from Syria as per Lebanese laws, regulations and policies.” (GoL and UN, 2017, p.16)

We find the first point particularly contradictory. The actual Lebanese laws and regulations tend to directly put a big number of Syrians into illegality (NRC, 2014). Unless there is a change on the regulation, then it is not feasible to achieve such goal. The second part of the first point is more illuminating about the intentions of the government: “to anticipate their return as a durable solution”. As for the access to humanitarian exceptional cases, this is part of the October regulation already, as we studied, so, there is not a change or improvement.

We resumed the key indicators for this first objective (**protection**), when it comes to the legal status of the refugees, in the following table:

Table 9: Indicators for the Protection Sector in the LCRP 2017-2020

<b>Key indicators for primary sector: protection</b>	<b>Target 2017</b>
Number of individuals who benefitted from counseling, legal assistance and legal representation regarding civil registration including birth registration, marriage and divorce	70,000 individuals
Percentage of individuals with legal stay	50%
Number of individuals who benefitted from counseling, legal assistance, and legal representation regarding legal stay	40,000 individuals

Source: LCRP 2017-2020

As we mention, to achieve a legal stay requires a change in the legislation or to reduce the presence of the Syrian refugees who are not registered or do not have a sponsorship (by sending them back to Syria or allocating them for resettlement), there is not a third way.

## **b) Operational Response Plans**

We found that the legal protection was included in the section of “protection”. Here the Plan first analyses the context and acknowledge that the number of “displaced” Syrians without valid residency has risen, and this affects their sense of safety, limits their freedom to move. Therefore, the strategy for this sector aims to ensure that:

- a) Persons displaced from Syria have their basic rights respected, including access to safety, justice, civil documentation and security of tenure;
- b) Communities are involved in addressing the challenges they face in accordance with Lebanese laws;
- (...)
- d) Potential for resettlement and other complementary pathways (such as scholarships or labor mobility) is realized” (GoL and UN, 2017, p.121)<sup>9</sup>.

In order to do so, the Plan put emphasis on ensuring access to legal services and supporting relevant civil documentation. Special emphasis is put in the registration, documentation and nationality of newborn babies. It will also focus on dissemination of legal information by conduction sessions about rights, services, protection referrals, civil documentation, residency, education and healthcare. Finally, the Plan include the provision of humanitarian entrance for extreme vulnerability cases. Let’s look the outcomes for the sector of protection (we will focus only in the information related to legal protection and resettlement:

Table 10: Outcomes No. 1 and 3 of the Protection Sector in the LCRP 2017-2020

	<b>Outcome #1. Legal protection</b>	<b>Outcome #3. Resettlement</b>
Content	Persons displaced from Syria (...) enjoy access to justice and have a valid legal residency.	(...) Resettlement/other form of humanitarian pathways is realized.
Indicators	Percentage of individuals who have legal residency	Number of individuals resettled
Outputs and activities	<ul style="list-style-type: none"> <li>- Improve (...) civil documentation and legal stay.</li> <li>- Identification of individuals that meet the MoSA’s humanitarian exceptions criteria will continue alongside protection interviews for displaced Syrians.</li> <li>- Access to justice, civil status documentation, and legal stay will be provided through information sessions, individual legal counseling, legal assistance and representation in court, and administrative bodies.</li> </ul>	<ul style="list-style-type: none"> <li>- In 2017, 16,700 displaced Syrians in Lebanon will be submitted for resettlement and other humanitarian admission programmes. These cases will consist of the most vulnerable refugees and those with serious protection concerns.</li> <li>- In the next four years, the options and opportunities for complementary forms of admission to third countries will be increased, including through sponsorships, scholarships, family reunification programmes, and labor mobility schemes, with appropriate protection safeguards in place.</li> </ul>

<sup>9</sup> There are other elements of the strategy, but we are focused upon those related to durable solutions.

Source: LCRP 2017-2020

The previous table mentions relevant topics related to Durable Solutions like civil documentation, humanitarian exceptions protection, services for legal stay, quotas for resettlement and complementary pathways of protection. This information will serve for making appeals for developing projects in these topics. However, there is no clarity in terms of how these activities will be implemented, no indications if the government or UNHCR will carry on more registration of Syrians.

The LCRP has the strategic objective of ensuring protection of vulnerable solutions by anticipating the return as a durable solution and abiding to the principle of non-devolution. Tangible steps should be presented to achieve such strategy, this can include indicating the process of assessment for considering the places for the return as safe; establishing a criteria and indicators for organizing returns while the conflict is not over yet in the whole country; strengthening the community boundaries among the refugees in order for them to contribute to the process of return; put more emphasis in the capacity building and self-reliance of the Syrians in order for them to be able to be part in the reconstruction once they go back. The objective of increasing the possibilities of voluntary return has no base in a concrete plan, which is risky because there is a chance that the process of return starts without proper planning, maybe affecting the standards of return (safe, in dignity, informed and without coercion) and there is a threat that political turmoil can lead to returns that are hard to supervise, and that are done in the midst of a crisis.

#### **4.5. UNHCR documentation regarding durable solutions in Lebanon**

In April 2017, a paper from UNHCR highlighted the main operations of the organization in Lebanon. In the section regarding durable solutions, they indicate:

“Durable solutions for refugees in Lebanon are limited to voluntary repatriation, when conditions allow, and resettlement for cases with specific protection or other needs that cannot be addressed in Lebanon. The position of the Government is that local integration is not an option in Lebanon. UNHCR provides counseling to those who willingly decide to return to their country, or to move on their own to third countries. From 2011 to December 2016, UNHCR submitted the files of over 64,000 refugees from Lebanon. Over 40,000 departures took place in the same period” (UNHCR, 2017).

The UNHCR operational update for Lebanon from April to June 2017, presents some of the main concerns of the organization in terms of return and resettlement as durable solutions (after acknowledge that local integration is not a possibility because of the decision of the government). As for resettlement, UNHCR present its concern for the reduction in the resettlement quotas, already below the 10% target. The organization also indicates why at that moment the voluntary return cannot be seen as a solution:

“UNHCR does not currently facilitate or promote refugee returns to Syria because conditions for voluntary, safe and dignified returns are not in place. The level of destruction of housing and infrastructure, basic services, social safety nets, and livelihood opportunities inside Syria is massive, the security and humanitarian situation remains volatile, and displacement continues. Refugees are expressing concerns about obstacles to return such as recruitment by armed groups, conscription, arbitrary arrest and detention, and other forms of physical violence. Significant improvements in security and the overall protection environment as well as access to services, HLP rights and livelihoods need to be in place before large scale returns could take place. Nevertheless, small-scale, self-organized return movements by refugees, are occurring. UNHCR anticipates that self-organized returns will continue to take place. UNHCR advocates that it is important that refugee returns are based on a free and informed decision. Ensuring access to territory and safety and the ability to remain in host countries for refugees who do not wish to return remains critical” (UNHCR, 2017).

In June, UNHCR issued the Protection and Solution Strategy for Lebanon. In relation to the durable solutions, they reiterate the position of the GoL that Lebanon is not a country of asylum, then they indicate that the security, human rights and humanitarian conditions in Syria are not conducive for the return. They remark that there is an absence of political solution even when there are discussion among armed actors and there are self-organized returns, the conditions are not yet there. They also indicate that the resettlement opportunities for 2017 have reduced from 20,000 to 12,000 (UNHCR, 2017).

In August 2017, UNHCR presented a document applicable for the region, not only for Lebanon regarding durable solution for Syrians, (there is a more updated paper from October but it doesn't address relevant concepts). The main policy, programmatic and strategic directions pursued are:



- “Expanding opportunities for resettlement and other admission pathways to third countries, such as family reunification, labor mobility and academic scholarships;
- Advocating for readmission to host countries of Syrian refugees who are, for instance, studying or working, visiting family, or have other legitimate reasons for travel to a third country;
- Advocating for regularization of temporary visits of limited duration to Syria coupled with readmission to host countries;
- Working with the Government of Syria and other agencies on issues relating to Housing, Land and Property (HLP), civil registration and documentation as well as other protection issues inside Syria that could have a positive impact on Syrian returnees, displaced and affected communities;
- Supporting vulnerable self-organized returnees on a case-by-case basis, including by assisting individuals and through community-based interventions;
- Advocating for international support to refugee hosting countries to enable them to maintain a dignified protection environment” (UNHCR, 2017)

Even when we will explore all this positions in the Findings section it is important to have first an understanding about their decisions in official documents.

#### **4.6. Actors for durable solutions in Lebanon**

The actors that take decisions upon the viability of certain durable solutions are the decision makers, while the actors that try to influence upon those decisions are advocacy actors. But the line is not as clear always because the decision makers are not unlimited in power, they depend upon the cooperation of other actors if they aim to achieve their own objectives.

Preliminary, we should say that the main decision-makers in general and in Lebanon are the State and UNHCR because the decision that can allow the integration of refugees is only from the State, the possibilities of accessing to resettlement depends on the work of UNHCR. The voluntary repatriation it is more complicated, because the Host State has the role of guaranteeing that the returnees won't be prosecuted or persecuted, will have access to the lands and to services and won't be targeted in any sense. Other States might engage for supervising the protection of civilians, UNHCR has the role to assessing if the conditions for the return are there and the hosting State should refrain to put pressure on the refugees to return if the conditions for a safe return are not there.

A way to identify the relevant actors for durable solutions, can be through the existing frameworks of protection of refugees. In some frameworks<sup>10</sup>, the following actors were mentioned as for having an important role in the durable solutions for refugees (in general not just for Lebanon): hosting state including national and local authorities, state of origin of refugees, international organization, UNHCR, civil society, faith-based organizations, press, academics, political parties and politicians, returnees, diaspora and refugees. From this list we will not include the international organizations that don't have a national office in the country not the returnees or the diaspora because they have a role outside of the national level<sup>11</sup>.

In order to identify other relevant actors at the national level, it is important to review the existing forums of exchange of information and to follow up the spaces for cooperation and coordination. The leadership can rely in different actors therefore, there can be a variety of results as for this identification process. In Lebanon, the main forums we identified are those related to the LCRP where the partners involved are national organizations, international organizations and various bodies from UN like UNDP, UNHCR and UNICEF.

As for the government structure, the Ministry of Social Affairs has the lead in the LCRP, it has being mandated by the Council of Ministries and the Inter-Ministerial Committee to take the lead on the crisis. They have geographical presence through the regional focal points. They also lead the sectors of protection,

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<sup>10</sup> Agenda for Protection, Framework for Durable Solutions for refugees and persons of concern, 10 Point Plan, 10 Points Plan in Action, Refugee protection and Durable Solutions in the context of international migration, Annex I to the New York Declaration for refugees and Migrants, Security Council preliminary framework for "Ending displacement in the aftermath of a conflict and A Preliminary Operational Guide to the United Nations Secretary-General's decision on Durable Solutions to Displacement.

<sup>11</sup> In the document 10 Point Plan it list key partners as "Effective approaches to the dilemmas of mixed movements will inevitably depend upon full cooperation amongst the key actors concerned: affected states, governmental bodies, regional and international organizations with relevant mandates (e.g. UNHCR, OHCHR, UNICEF and IOM) as well as local and international NGOs". Or in the document 10 Points Plan in Action it says that. "Engagement of all stakeholders, including returnees and the communities they return to, national authorities and civil societies in countries of origin, UNHCR, international development and humanitarian actors, diaspora and others, is important for successful repatriation and reintegration". The New York Declaration states that the most comprehensive response framework will developed between: "... a multi-stakeholder approach, including national and local authorities, international organizations, international financial institutions, regional organizations, regional coordination and partnership mechanisms, civil society partners, including faith-based organizations and academia, the private sector, media and the refugees themselves".

livelihood, social stability, child protection, SGVB and basic assistance. Other Ministries like Education and Health lead their sectors, the Ministry of Interior provide support in topics like establishing settlements or providing support when there are floods. Another relevant level is the Municipalities.

#### **4.7. Summary of the chapter**

In this chapter we focused upon the history of the Syrian and Palestinian migrations into Lebanon, the politic context, the dynamics of power in the country, the Syrian War and its spill over and the position of the government and discussions around it.

This was the basis for understanding the national legal and policy framework that deal with the presence of Syrians in the country. It is a complex structure but that doesn't necessarily respond to technical needs rather it follows the main interests of the political powers. Starting by the lack of participation in the Convention of 1951 regarding the status of refugees, or the lack of a national legislation regarding the presence of refugees, the Lebanese State does not subscribes to any proper legal framework for the protection of the refugees. Despite this absences, in reality Lebanon has to deal with the presence of at least 1.5 million of Syrians and the policies developed try to balance the perceived interest of the nation (not being overwhelmed by the presence of refugees that exceeds the capabilities of the State to absorb them) and their humanitarian role in front of their citizens and in front of the international community.

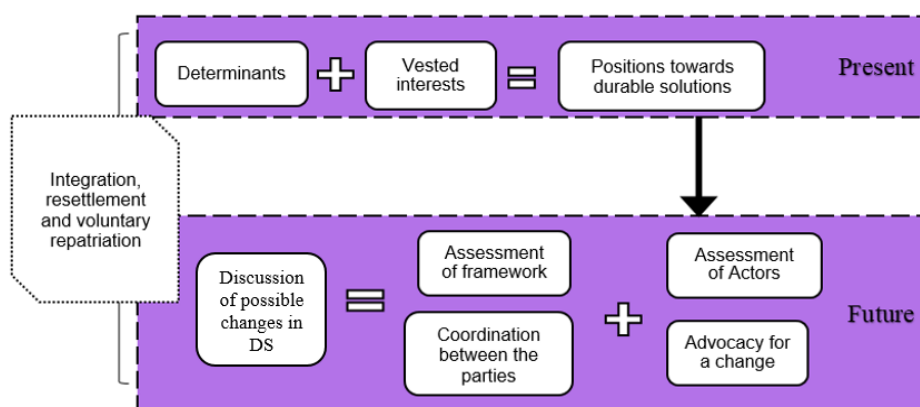
The policies adopted include the express denial of the term "refugee" and the preference for the term "displaced"; the closure of the borders to stop the influx after the number of refugees was close to 1,000 000 Syrians in a country of 4, 000 000 inhabitants; the restriction to further entrances to very specific cases very hard to accomplish; the renewal of the permanence under expensive fees (later removed) and with the compliance with many documentation also hard to compile; the tendency of pushing the refugees into a sponsorship system where the qualification between refugee and migrant worker tend to be diffuse and the risk of devolution higher; a consequent dependence of humanitarian aid rather than the promotion of self-reliance.

As an overall panorama, the policies imply the rejection of the integration of the Syrians into Lebanon as a Durable Solution. The Lebanese Crisis Response Plan (LCRP) is a humanitarian response where different sectors aim to be tackled, it does not create the environment for enabling a better participation of the refugees in the satisfaction of their own needs. In the protection sector of the Plan we see the subtle effort towards having a better approach and greater control of the presence of the refugees, the pathway for this is not a change in the regulations for allowing a legal stay of the refugees and protection against refoulement, we are still unclear about what are going to be the concrete decisions of the government in this particular. In the next chapter we will present the perspective of diverse Informants in these issues.

## Chapter 5: Findings

In this chapter we will use our framework of analysis for the influence of different actors in relation to the adoption of durable solutions to handle the massive presence of refugees in a country. We will use the framework that we developed in the literature review section:

Figure 2: Summary of the framework for assessing the influence for durable solutions



This framework has the purpose to create a structure for organizing the responses of the Informants but we are maintaining the position of the actors for each case. Due to the amount of information to be analyzed, we quoted directly in the cases where the insights were particularly revealing; but we also paragraphed and synthesized the ideas and positions of the Informants.

It is to be noticed that the factors and explanations about the reasons for adopting or changing or building the constitutive elements of the durable solutions in the country, are based upon the responses of the Informants. Where there was a coincidence in the positions, the factors were congregated but we also included the positions of the Informants when didn't agree with certain perspectives. This process was necessary because the possibility of adopting or rejecting certain Durable Solution it is based upon discussions and influence of actors within a country, therefore, what we aimed with this section is to bring their opinion together through the framework in order to make visible the current state of the Durable Solutions and the possibilities for a change.

All of the Informants had a deep understand on the crisis, on the possibilities or feasibility of changing the current legal and social status of the refugees in the country, but each one presented a different angle in their responses depending on their social, vocational and professional background, the coincides in the responses were very high in terms of factors, but they differed slightly on the position that they had towards the durable solutions or in the positions or when assessing other actors.

The political nature of the discussion was the reason for protecting the identity of the informants and to make a reference to their general background only when it was opportune. We haven't change any of the names of locations or politicians mentioned because the information in this section hardly contains any data that could help to identify the informants and because that data was already in the public domain.

## **5.1. Current state of the Durable Solutions in Lebanon**

This section outlines factors that lead to the actors that have the possibility of directly deciding the resource of Durable Solutions, to adopt a specific position in the present. With "present" we refer to November of 2017 and this picture of the positions it is necessary as long as they provide clarity about the factors that might influence into the internal process of decision making of the actors. However, the process of adopting Durable Solution it is subject to the possibility of a shift in the perspective of the actors and that will be analyzed in the second section of this chapter (building Durable Solutions in Lebanon).

### **5.1.1. Determinants**

This factors that will affect all the margin of action of the decision makers; and until certain point, they are quite stable because they are rooted in the past, in the upper level of decisions and in the configuration of the State. The selection of the determinants was based upon the recurrent explanation by the informants about the reasons that influence in the configuration of the legal system for the Syrians in Lebanon and why the public policy of the State has the shape we already outlined.

**a) History in general and history with other refugees**

As for the history as a factor, the antecedents of the presence of the Palestinians in Lebanon has been mentioned as a strong reason for treating the Syrian influx with caution. An official representative considers that the presence of Palestinians and the difficulties to handle them it is a factor that leads to the use of the term of “displaced population” over the recognition as a refugee. This perspective is shared by the Informant 8 that also adds that there is a fear by certain sectors of society, that the type of military presence of the Palestinian population (who fought for their national struggle against Israel from Lebanese soil) would be repeated by the Syrian opposition.

The problems of Lebanon to control the Palestinian camps, the military autonomy in this places and the presence of weapons led to the decision of officially prohibiting camps for Syrians (Rainey, 2015). According to an Informant, the fear is that the Syrians have the possibility of organizing, controlling territory or inciting to a revolution in Lebanon. For the informant 4, “this part of history in Lebanon will affect the whole future of it”. A government representative considers that the Palestinian antecedent determines that integration for Syrians it is not a possibility because a permanent presence of the Syrians represents a risk of heading towards another civil war.

As for the historic relationship between Syria, and Lebanon, according to one of the informants, three factors contributes to having a negative perspective of the massive presence of refugees: 1) the persistent ideology of the Great Syria (Salibi, 1998, p.17) represents the threat for some Lebanese of being absorbed into Syria, the fact that the politics of this two countries are very interrelated can give indicatives of the reasons for such fear; 2) even the occupation by Syria is part of that narrative, because in areas that were particularly affected by the occupation, the rejection against the refugees is stronger; and 3) a narrative about migration cycles were the Arab Syrians have being entering to Lebanon and pushing the Christian Occidental Lebanese to the exile abroad (Salibi, 1998, p.149). The Informant 10 considers that the occupation of Syria of the country it is a narrative that is used when dealing with the Syrian refugees, in her perspective “the political and cultural history with the Syrian regime has been

transmitted to the people, in any case the people have to pay for the fails or any regimen”.

**b) “Burden” and public perception**

The mass influx of Syrians in Lebanon became an issue of national concern after passing number of 1 million in 2014 and for an Informant, in this moment the government tried to destroy any possibility of presenting a public number over the million and demanded that the UNHCR stopped the registration.

Today the real numbers of refugees remains to be an issue where there is not enough clarity, there are for sure 1 million of Syrians who are registered with UNHCR and it is likely that 500 000 more Syrians are in Lebanon without having a valid stay (ECHO, 2017) (Informant 1). In terms of perceptions, the numbers could also be higher and this magnitude affects the possibility of finding durable solutions for the refugees. In the words of a government official:

“We used to know the numbers, now we don’t know. Some are talking about 2 million some talk about 1.5 million, maybe there are 3 million here, we don’t know. There is illegal border, smugglers taking people... each day we have 300 individuals entering illegally. We have pictures, we have videos. So, the number is increasing, we have registered (...) newborn babies (...) calculating by 4 years (...) in all Lebanon, you would have quarter a million after three years in addition to the population in Lebanon. With no education, no health, no protection, no rights. Imagine it is a disaster. We are trying as much as we can to find solutions, but there is no solutions”.

For the Informant 1 there is “no numbers in the country or whatsoever, if you want we have number of registered refugees [and] there are number of recorded refugees which UNHCR would not share because of not wanting to expose how many people came in after 2015”. The same perspective about UNHCR is shared by the Informant 10 who said that: “UNHCR, I don’t believe that they will give you the exact number because they are afraid that the population will get angrier”.

According to the perspective of the informants, there is a massive influx with two additional components: the pressure on the infrastructure concerns with the reaction of the population to this and how that influences in the government



decisions. For one of the informants, the Syrians in Lebanon: “need money, they need electricity, they need land they need everything. I don’t want to say it is a burden, but actually it is; when 1 million people come to a very poor country, we even we don’t have water and electricity”.

This perspective is shared by the official representative, who adds that “we cannot bear the consequences. The first biggest donor ever to the Syrian refugees has been the Lebanese citizens and the Lebanese government before any other donor. The pressure that we have on our infrastructure, economy, livelihoods, job creation, etcetera”.

This concern about the public services and capacities of the State creates a blurring perspective about what can be attributed to the refugee’s presence and what was part of the pre-existent weakness of the State in those aspects. Another informant reflect about the structural weakness of the State: “Lebanon it is not a wealthy country. It really have a huge number of debts to foreign countries, or foreign organizations, they don’t have a really productive economy, they rely on a service economy, (...). Lebanon it is not a country that can deal with a huge number of refugees”.

What it is interesting is that this kind of appreciation it is also shared by a couple of the informants who are refugees in the country, but they also say that before the presence of the Syrians, the Palestinians were blamed for being a burden, for taking the lands and the jobs and that after the Syrian occupation and the Syrian refugee crisis “they are hating the Palestinians less and less, I don’t think people hate us as much as they hate the Syrians, they put the burden with Syrians” (Informant 6).

For an informant that works in an organization, all of this will influence in “any stand or position the government adopts “because it will be in order to “protect themselves against popular uprisings, (...) politicians specifically, to ensure that during the next elections they will be elected again. So, it is a political game, It is not based on IHL, it is not based on human rights laws, it is not based on anything, it is just based on (...) how they will be able to satisfy their surroundings”.

### **c) Demographics**

The composition of the communities within Lebanon it is also a factor that, influences in the decisions adopted of the government. For an Informant, the country has a very strong religious groups identities and the fact of not calling them refugees can be also explained on the government interest on not adding:

“on existing sensitivities on demographic balance, meaning that they don’t want to say that those are refugees who might be naturalized one day because those are by majority Muslim, Muslim Sunnis specifically the same that Palestinians who are Muslim Sunnis, so any attempt to naturalize Palestinians or Syrians it is an attempt to change or shift the demographic balance of Lebanon, which it is a little bit silly, because regardless whether you want to work towards integration or not, those are still refugees who fled war and crossed international borders.”.

Those existing sensitivities come from a community in particular: the Christian population. The Informant 4 portrays the religious proportions and political representation in the following terms:

“The Christians here in Lebanon are afraid of Palestinians because they are Muslims, not just because they are Palestinians. In Lebanon there is a demographic balance between Christians Shia, Sunna, Druze and other sects in Lebanon. The Christians are afraid of the Syrian refugees for this point too, 90% of Syrian refugees are Muslims, so the Christians, from this point, they have a problem”.

But this demographic concern will also affect the other communities because, in the perspective of the same informant: “The other parties in Lebanon have this problem with their communities because they are Muslim (that) receive the refugees more than the areas. It is flooded, it is crowded. (...) So the communities are upset. There is an unfriendly environment to the Syrians. The communities are pushing the politicians.”

And the demographics are deeply connected to the power dynamics, in the perspective of an Informant: “here they care about numbers. Every leader each year make statistics of something: “we are more than you, we count more”. The percentages that are on the Parliament it is based on the numbers, if we give

20% to the Muslim, for example, it is because they make 20% of the population". This awareness about the correlation of the numbers and the political representation was also presented by the Informant 9: "

"With the regime in general, we have 17 religious party in Lebanon, each one wants the right. Muslim wants the right, Christians in the rights. Everything it is divided 50% Muslims and 50% Christians, even the members of parliament. People started to complain and political parties divided between people who doesn't want to keep the Syrians in Lebanon and people who mention that we need to respect the human rights and the refugees so we cannot jump on the human rights, so we have to find solutions".

Which would also determine the perceived inutility of advocating for a stronger political representation for refugees: "To vote for the Parliament? No, nobody is asking for that (...) because the percentage of Palestinians in Lebanon, the highest are Muslim, and Muslim Sunni. So if you want to give them the right to vote, then the Muslim Sunni would be the most powerful in Lebanon. No of the other parties would have a benefit for that so they won't go for that".

When asked about the factors that determine the possibility or not of building durable solutions in the country, an informant said: "I think on the issue of refugees, the biggest things is demographics, so how can, in the case of the refugee crisis, can maintain (...) balance of power within the different groups".

One of our Informants considered that this discussion does not have the sectarian explanation when asked about this: "I don't like the link to a sectarian issue. I don't see it as a sectarian issue.. It is more related to perception. It is not sectarian (...). Look at the position of the Pope it is positive about refugees; or even the Islamic leaders, the Islamic NGOs are the biggest funders and donors for the Syrian crisis. So I don't think it is religion, whenever you bring communities that could be religious, it is an issue of demographics". The same perspective was shared by another informant who said that the main concerns about the presence of the Syrians it is not based upon religion but about whom do they support in the Syrian war:

“It is not religion, of you are talking about the Syrians coming, it is not about religion, it is about whom they support, do they support the regime or do they support the other part.. It is more about the political opinion”.

**d) Lack of legal recognition**

The fact that Lebanon is not part of the Convention of 1951 is being quoted as a reason for not calling the Syrians as refugees but rather, maintaining the term of “internal displaced population”. In the words of a government representative:

“In the case of the Syrian displaced, focusing on the issue of displacement it is essential, because Lebanon it is already committed to the humanitarian needs but we cannot name them officially as refugees, despite of our strategy because we are not signatory of the Convention and we will not accept to label them as official refugees in the country.”

Due to the relevance of this particular point, we insisted about the implication of the term “displaced” and response was: “Keep in mind that the government it is not signatory of the 1951 Refugees Convention. But still, the non-signatory or parties to the convention have certain obligations to the refugees, that it is why mainly the position of the government not to name them as refugees because when they are name as refugees, there are obligations from part of the government that it is not able to commit, it is useless to commit to something that you can’t”.

It is to be noticed that if Lebanon it is not using the refugee convention or the official framework of protection, then the possibilities of providing durable solutions are less likely to materialize because this two topics (refugee recognition and durable solutions for refugees) are deeply connected.

**e) Will of the refugees**

Due to their work as a journalist in one case, and as a researcher in the other, two of the Informants have been directly involved in projects where they assessed the preference of the refugees in terms of durable solutions. It is interesting to notice how the alternatives elected depends in the lack of possibilities of choosing another one:

“going back to Syria is the prefer solution for the majority of people we talk to, now, this is not possible today, but for the future this is what they want. So, it is not possible today, we cannot not be returning refugees to Syria today, unless they decide to go and they feel it is safe and they would have a dignified life there. Staying here only 4% of the Syrian refugees that I have interviewed and 7% of the Palestinians refugees from Syria, that I have interviewed, want to stay here. Now, I wouldn’t say that people are saying they want to stay here because they love the country and they love the conditions they are living in, I would say that people are saying that (...) because they don’t believe that the war in Syria will end, because they don’t see another option, because they are afraid to travel abroad and that would be the only option since they can’t go back to Syria..”.

The same it is repeated by other Informant, who also incorporates the time perspective of the refugees:

“After 7 years in the camps in an area that it is not friendly community area for the refugees, it is hard to live there. The refugees would chose to return to their homes (...). If the ceasefire hold, the circumstances of this areas would be better. I think in general and in my personal experience with some of the refugee, I asked a lot of refugees in this last years, I asked this questions: “If the ceasefire hold, would you return home?” “Sure, we wouldn’t stay here, we don’t have a future here”. They dream that they can pass to Europe but in this circumstances they lose their hope, UNHCR haven’t relocated refugees since months. We have 1.3 or 1.2 million refugees. (...) They would prefer, if the ceasefire holds, to go back home”.

One element to notice is that the solution of return is central in both assessments but that there is a recognition of obstacles for the use of such solution in this moment, where the war it is not over.

#### **f) External factors**

In this research we have tried to exclude all the external elements as much as possible but they were recurrently mentioned by the Informants. The role of the regional players it is particularly important in terms of resettlement and voluntary repatriation. The possibilities of a voluntary repatriation in relation to the situation in Syria depends on the areas under control of different local parties that are supported by external actors like Russia, Jordan, Iran, US, etc. (Asrar, 2017) In the perspective of the Informant 4, there is a linkage between the backup of the international actors and the possibility of maintaining a ceasefire that allow some refugees from the region to return:

“In Syria there are multiple areas controlled by rebels or Islamic groups. This areas has different situation because of the backed countries or backed forces of this opposition groups (...) When the backer say stop fighting, they will stop fighting because the only supply route for them is Jordan, if Jordan cut the borders with them they would starve. (...) Russia deploys points around the rebel area in the south. It is responsible for monitoring the ceasefire between rebels and government. (...) Maybe if the ceasefire hold, (...) maybe a lot of refugees will return from Jordan. They will cross the border and return to the rebel area control ceasefire area”.

The chances for building durable solutions or even for avoiding forced returns depends on the existence of a stable local and regional environment that right now it has been challenged with the resignation of Prime Minister Saad Hariri the 4<sup>th</sup> of November (Barnard, 2017). We can notice the intricate relationships between the regional powers and the situation within Lebanon in the words of one of the Informants:

“I think the situation of refugees in Lebanon (...) it is related to regional powers. When there is an agreement for the whole situation in Syria which Turkey, South Arabia, Qatar, Iran and Russia, USA are agree in this situation, maybe they will find a way to find this problem here”.

The current political crisis for the resignation of the Prime Minister Saad Hariri (leader of Future Movement and partner with Saudi Arabia) could reshape the disassociation policy and this could have an impact in the position of the refugees. If in the forthcoming elections Hezbollah chooses to run for the key positions in the decisions regarding the refugees, they could start a direct coordination with Syrian government for the return of the refugees.

An article from the Carnegie Middle East Center indicates that the survival of the Assad regime at this moment in the war, implies that governments like Saudi Arabia will try to compensate the loss in Syria, and try to rebalance the regional influences by focusing on Lebanon, while at the same time, Hezbollah will be pushing towards normalizing the relations with the Assad regime due to the stabilization in Syria. This tensions, according to the article, will affect a variety of bilateral Lebanese-Syrian concerns, including refugees (Bahout, J., 2017).

Based upon informal conversations, some of the Lebanese citizens mentioned that the only reason why Lebanon was accepting the presence of the Syrians was related to the economic support of international actors or INGOs. Two of our informants also consider that: “we are not independent in our decisions. There is always an external influence, where problems are decided at international level than local. (...) Because even if Lebanese (....) decide that they don't want to shelter refugees (...), we cannot decide, we are a country very dependent of countries and political regimes that are our neighbors”.

#### **g) Resettlement quotas**

Also related to external factors, are the resettlement quotas that are not decided inside Lebanon. The resettlement opportunities for 2017 is 16,700 according to the LCRP, this represents the 1.67 % of the total of the Syrian refugees with legal stay in Lebanon (1,000 000).

In an informal conversation with two representatives from an organization working in resettlement processes, the Informants highlighted that the resettlement system is seen as discretionary in terms of accountability. As it is not possible to apply for a resettlement opportunity, one of the Informants consider that it should be a right and that refugees should have a right to durable solutions, while the other informant considered that even when the resettlement process must change but not as far as converting that opportunity as a right. One very interesting remark by one Informant was that the larger role in influencing policies on Lebanon from the foreign States it is not by the resettlement quotas but the humanitarian related money. In terms of suggested changes, the Informant indicated that UNHCR could have a more respectful system for communicating with people during the resettlement process.

#### **h) Policymaking in Lebanon**

The last of the determinants is the way policymaking is done in general in the country. According to Informant 2, the adoption of the consociation decision making in Lebanon (by which all the sects must have their share in representation in the Parliament and government) affects the policies in general and not only refugee's policies because:

“there is an agreement that every policy that needs to pass, need to be agreed upon by everybody, and basically this results in an extended period of time for decisions to be decided, it results in the inability to create something comprehensive (...) so whatever is pass is the minimum common denominator that the political powers have been able to agree upon”.

This kind of gridlock paralyzes both the Parliament and the Ministries. The same informant indicates that the powers that are in the parliament are the same that are represented in the council of Ministries and this leads to the lack of possibilities for building a different policy:

“Because whoever is in the cabinet it is in the parliament, why they would like to meet in the parliament if they are already meeting in the cabinet? Nobody it is questioning this decisions. The only way the parliament would engage is if the Parliament structure changes. (...) If everybody it is in the cabinet why the parliament (...) would (...) question the government policies? You need at least a block that it is not representing in the parliament that will ask to the cabinet, we need to discuss the Syria crisis, etc. If everybody it is in the cabinet, why would they meet, why would they questions? Will they ask themselves the questions? It is impossible”.

The Informant 2 mentioned the lack of clear pathways and the inconsistent processes in the way changes happen in the adoption of public policies:

“If you want to go further into how to influence and who to influence (...). This is something we do on daily basis, there is no evidence or facts about it, in a country where decision making is not transparent, there is no access to information, and there is no documentation of decisions. All this issues remain anecdotic and not really evidence. So I can tell you that X person influences, or this political party, influences the decision of the Ministry of X in this way because of this interest but it is always on anecdotal evidence, it is very difficult to prove. The reason behind is that there is not proper decision making, political parties do not report publicly what they do, (...) Whatever is happening, on the issue of policymaking in Lebanon it is not based on facts, it is not based on research”.

In the perspective of Informant 8, the policies seem to be done with decrees and “at the rhythms of crisis periods”. On a personal level, the Informant 1 considers that the work in advocacy can be quite challenging in that kind of context:

“You feel that you get to too many walls, there is no clear policy, there are not clear positions, you are bombarded with changes and policies and actions that are taken by different actors that you can’t do anything with.



So in general, I believe in the importance of working in policies and advocating to the rights of refugees, but at the same time I don't see us getting anywhere with that so far".

### **5.1.2. Vested interests**

In this section we will focus upon the interest and factors that will influence in the decision of certain actors, among which we can incorporate the political alliances, the involvement in the conflict, the need of cooperation and the economic interest.

#### **a) Political divisions**

The main political division in Lebanon is between the 8<sup>th</sup> and 14<sup>th</sup> alliances. The first one supports the Syrian regime and it is supported by foreign powers like Iran, Russia, China; while the 14<sup>th</sup> Alliance has better relations with Western countries (Slackman, 2017).

Al-Mustaqbal party (Future Movement led by Prime Minister Hariri) belongs to 14<sup>th</sup> March Alliance and has mostly Sunni supporters. According to Informants 4 and 8, this implied that this party and the 14<sup>th</sup> March Alliance supported the Syrian refugees because they are against the Syrian regime (Alawite) and they were expelled by the war. Both Informants agree that after 7 years, the exhaustion is becoming generalized and not even the political affiliation is enough for supporting the refugees now.

According to the Informant 4, both coalitions have a mutual desire that the refugees leave Lebanon, but they do not agree in the way to do it. The 8<sup>th</sup> Alliance with Hezbollah as main representative, wants that Lebanon discuss with the government of Syrian about the return of the refugees; while the 14<sup>th</sup> Alliance don't want to recognize the Syrian government. (Informant 4)

#### **b) Involvement in the war**

Since Hezbollah entered into direct confrontations in Syria in 2012, their position in the national level has raised a multitude of questions and concerns for other Political actors (Barnard, 2017). What remains unclear is the position of this party towards the presence of the Syrians in Lebanon, most of them fleeing the violence from the conflict with a strong rejection of the Syrian regime (Barnard,

2017). The Informant 8 said that some refugees in regions like Aarsal are from specific cities, like Qalamoun, that were occupied by the Syrian regime and Hezbollah after heavy fights in 2013 (Fisk, 2017) and that for as long as Hezbollah or the regime maintains the control of such areas, the return there will be impossible. The same example was used by the Informant 9, who also add that the refugees cannot go back “because those people (Hezbollah) will never leave this place because strategically and geographically they are linking the old Syria with the Lebanese-Shia, a pathway to Tartus in Syria and from Tartus to Iran”.

The possible return of the refugees is affected by the military presence of Hezbollah, and their mere stay in Lebanon implies a threat to them, the Informant 5 said that: “They are very sensitive to the presence of any Syrian opposition. Presence of opposition inside Lebanon, (...) in their places like suburbs of Beirut where they have power”.

The Informant 4 considers that because Hezbollah is fighting in Syria and in the borders, they consider that they are martyr against the terrorist while the Syrians in Lebanon are not fighting for their own country.

### **c) Complaisance of the organizations**

Actors like the NGOs or UNHCR are not challenging the overall structure of policies, but are rather focused upon advocating for a change in minor aspects of them. There is an overall climate of complaisance to the decisions of taken by government due to the acknowledge of the burden than the presence of more than 1.5 million refugees represent to the State capacities and to the Lebanese people in general, and mainly because humanitarian and development organizations have prioritized to undertake their activities with the support and acceptance of the government over the possibility of asking for a deep reform of the policies.

First, for the organizations, they are not empowered enough as for challenging the government: “Very few organizations, in terms of policy, are willing to go against the wind, and very few organizations are willing to be public about their

statements here because of the situation, maybe NGOs not having leverage in the country”.

The same applies for UNHCR. In October 2015, the government asked UNHCR to stop the registration of Syrians, this was interpreted by the Informant 4 as a weakness of the organization in relation to the government:

“So, the UNHCR wants to complete its work in Lebanon, in the camps, in the crowded areas. It doesn’t have the choice to force the government and say: “no, I will register the refugees if they came here”. The Lebanese government was able to force it, to stop this registration”.

#### **d) Economic winners and losers**

There is a consensus among three of our informants that the agricultural sector it is being benefited by the presence of the Syrian refugees. Lebanese citizens are reluctant to work in sectors like agriculture or cleaning, so historically Syrians have cover the workforce for agriculture and now with the bigger influx that represents a decrease in the salaries for them, which works well for the landowners: “That it is why we are benefiting now, agricultural seasons are getting improved. (...) We can bring people to work for a very low price” (Informant 9).

There are other sectors that are in competition, like the skilled workers or the small business owners. As one of the Informants puts it: “It shouldn’t be an issue of anti-Syrians, but between economic Lebanese sectors and how to generate a better redistribution for the people who loose [with the presence of the Syrian workers]”. A great example was provided by one Informant in relation to a city in the Beqaa Governorate, where the refugees are paying rent to install their settlements and the landowners are not dedicating anymore to agriculture; the rents are not paying fees to the municipalities either but these have to deal with the supplementary expenses that the presence of the refugees mean without having the incomes to do so.

The presence of refugees and the emergence of black markets it is also a concern for the government (Executive Magazine, 2015). Informant 9 notices that

the borders are very permeable and there are entire areas, like Baalbek, where the prices are cheaper in comparison to the rest of the country because they are not paying taxes.

### **5.1.3. Positions towards DS**

The vested interests of the actors should have given us a glimpse of their current position towards the durable solutions and the legal status of the Syrians and Palestinians coming from Syria. This will be a result of the conjugation of determinant factors as well.

#### **a) Coalitions**

In the perspective of a journalist, one of our informants, both coalitions are trying to use the presence of refugees as a way to direct their own agendas even when they share the same goal: the return of the Syrians to their homeland. While for the 14<sup>th</sup> of March this means trying to avoid the involvement of Hezbollah in the Syrian war, for the 8<sup>th</sup> of March the return of the Syrians require that the GoL acknowledge the Syrian government as the valid counterpart for the negotiations:

“The coalition of 14th of March (...) are trying to say, so ok: “Hezbollah it is fighting in Syria, so the refugees should leave their homes, it is a war. We have Lebanese party who are fighting in Syria, so if we want to tell the Syrians, go home, we should say Hezbollah have to stop acting in Syria”. They know Hezbollah will not stop fighting in Syria in this current situation, so they are using refugee’s card to push Hezbollah. Hezbollah say: “we can’t tell refugees to go back to Syria without organize a process with the Syrian government, who is a legal government and its recapturing areas for two years (...), so we have to organize this process with them”. Which is refused by other coalition. So they are using the refugees here as a political card for now”.

Informant 5 says in relation to the discussion about the recognition of the Syrian regime that: “Politically there are two parties, one party saying: “we should have a good relationship with the Syrian regime”, others say, “no we should not recognize the Syrian regime because they are criminals””.

## **b) Hezbollah**

We were not able to interview directly to any member of the party, however, in informal conversations in the Tourist Landmark of Resistance, Museum of Mleeta (the museum of Hezbollah), our guides said that Hezbollah doesn't have any problem with the Syrian refugees in the country or any refugees at all. In public declarations, the leader Hassan Nasrallah indicated that refugees should not be coerced to go home but the victories by Al-Assad forces means that it is safe for them to return: "Military victories in Syria, the most recent of them the victory in Aleppo... have turned large areas into safe and quiet spaces." (AlMonitor, 2017).

For some of our informants, to really know the position of Hezbollah can be quite complicated because "Hezbollah now is very into trying to regain popularity on the country. I am not sure on the political side, Hezbollah is always a mysterious for me, so I don't know, but definitely they are becoming stronger in the country" (Informant 1).

The Informant 1 consider that the area where she is working shows that the Municipalities headed by Hezbollah are not as restrictive as the ones leader by Christian right-wing leaders. The Informant 4 says that the television channel of Hezbollah, Al-Manar, tries not to mention the refugees or the impact of the refugees in the countries as a strategy of Hezbollah for not inciting their own supporters and avoid the tension and this is consider by the Informant as a good strategy.

This cautious position might not be what really Hezbollah prefers, according to the Informant 8:

"In public, Hezbollah will say that (the situation in Syria) it is stable and that refugees desire to return. The problem will be how to reconfigure Syria and the role of the refugees on that. So, at the end, what Hezbollah thinks in private is that refugees cannot return for now and that there are areas where they will prohibit their return."

## **c) Government of Lebanon and Ministry of Social Affairs**

The position of the GoL is to maintain social stability between communities and avoid a context that might lead to another situation of unrest or war: "what we aim

is to maintain social stability in the country and to maintain stability, so most of the sectors are interrelated in order to maintain stable and calmed situation in Lebanon that cannot lead towards another civil war” (Informant 7)<sup>12</sup>.

To achieve that they adopted the decision of rejecting the possibility of integration of Syrians as a durable solution for the crisis as a response to the desires of the whole community because in their perspective:

“all the Lebanese community and its various sects as well as the various political moves they are all against integration of Syrian refugees in Lebanon or having them to be present on a permanent basis in Lebanon; and if you go to the field and you met with the refugees, not a single refugees would want to stay and live under such conditions as refugees in a host country. They would all prefer to go back to their motherlands”.

If not integration, we asked this representative if the government was considering other durable solutions for the Syrians: “The position of the government it is completely against integration, but we are trying to do is to respond to the humanitarian needs of the Syrian refugees up until there are favorable conditions that allow them to return to their lands”.

In a context where the war was not yet over and the presence of Syrians can become a protracted displacement, we asked how feasible was to focus on a safe return as a durable solution for the Syrians, then his response was:

“In terms of the durable solutions for refugees, (...) this is the official position of the Lebanese government: All refugees should return to their land, however, the Lebanese government position, as well as this Ministry position, is the safe return of this Syrian refugees. This is what it change practically after having the formation of the latest government. Where the council of ministries, all united behind under one rhetoric towards the Syrian refugee crisis in Lebanon, (...) and all the ministries are cooperating”.

The materialization of policies that determine that Syrians have to legally leave Lebanon are not hard to imagine, especially when another representative of the government mentioned:

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<sup>12</sup> For a very comprehensive detail of the position (in this and other related topics) of the government under the administration of Prime Minister Saad Hariri, refer to interview by Burns and Dunne, (2017).

“And now we are looking for a long terms strategy for returning people who are not refugees, they are coming under the name of refugees to Lebanon and they are working, that is unskilled labor, there are safe zones in Syria. At the right moment people from this zones can return to their villages. And the people who we think don't have a place in their villages, or are still having problems, we will not be forcing them to leave, they are refugees”.

**d) UNHCR**

In an informal conversation we have being told that integration is not in the debate and it is better like that for UNHCR because the possibility of integration is impossible. The political nature of the integration is almost indisputable, for most of the Informants it seemed like an unlikely possibility and a very sensitive topic. There is no neutral ground for making such proposal, in the perspective of one informant.

The official position of UNHCR in regards to all the durable solutions is, according to the Informant 11:

“UNHCR, as the Lebanese government has express category against local integration, we of course respect that and we are working for the two other durable solutions. First of all resettlement, because currently it is impossible to return safely and in dignity to Syria, so currently we are focusing on resettling as one of the solutions and also increasing other resettlement pathways like humanitarian visas advocating a lot with resettlement countries for increasing their quotas”.

When asked about the return as a durable solution in a context where the war in Syria it is not over yet, the response was:

“Eventually repatriation is the goal that we are working for, but right now our position is that we believe the conditions in Syria are still not conducive for the return in safety and dignity for Syrian refugees from Lebanon and from other countries in the region the reason being the conflict lines are still shifting the situation it is still not stable in many areas and there are no many protection guarantees that have not been stablished yet and need to be ensure before the return of this refugees, and a lot of Amnesties we need to ensure. That it is our position, we have no intention in integrating Syrian refugees in Lebanon, or naturalizing (...) Lebanon it is actually such as small country and it is hosting so many refugees it is a very heavy burden already, hosting them on the short term, we are not working towards local integration in Lebanon”.

## **5.2. Building durable solutions**

It is possible to think about a change on the positions of the actors that we outlined previously? The current state of the legal framework and the general policies for refugees can be a result of external and internal conditioning, however, a change in the circumstances, perspectives and interactions can generate the possibility of building durable solutions where the position of the actors is a more logical and realistic construction. It is not our position to say that every durable solution should be available to each country, but to insist that an improvement in the dynamics of between the actors can lead to new possibilities and creative solutions where a sense of ownership of the future of the refugees, of the future of the host state is built. The overall sense of gridlock and paralysis should be minimized when the durable solutions are strategically planned.

### **5.2.1. Assessment of actors**

In this section we will study those variables that can influence into changes in the perspective of the actors. Basically, here we are considering the self-assessment or the assessment of the Informants to the degree of flexibility of the actors.

#### **a) Insufficient capacities of the government and need for help**

We studied the burden and the perception of the public as a determinant, but at the same time, it represents an opportunity for engagement with other actors with the government. Here it is possible to notice that, if not for durable solutions, at least for providing assistance with the Syrian and Palestinians while they are in the country, the role of the organizations is quite relevant.

For the Informant 4, UN has a strong influence in Lebanon that could change the landscape of the framework of protection in Lebanon, excepting the possibility of integration as durable solution, which seems to be unaffected regardless of how much help the organizations can provide to the government:

“The UN have a great influence in Lebanon. If they make a deal between the government and the organizations that work here to found a project, that maybe allow the refugees here to work and live in better circumstances right now(...).. All the organizations here have a lack of funds. So, it would be a money deal, if they can reach an amount that allow



the Lebanese government to support other economic sectors, besides the refugees, they would take the deal. But they will not sign any type of agreement that allow the Syrians to stay here by their own will.”

The support provided by the organizations like UNHCR goes beyond the provision of aid services to the refugees or host population, but it is relevant also in terms of increasing the capacity of the government to deal and lead the protection of the refugees in the country. An informant working for the government at a regional level, mentioned that his office has insufficient staff and logistics to deal with his functions but UNHCR, UNICEF, UNDP support them in terms of installations and assets.

How far the influences of international organizations working in Lebanon does goes? In the perspective of a government representative, the Lebanese “system it is very fragile, if we don’t have UN support we are in a very bad situation, you would find more people on the streets. The Lebanese government wouldn’t give any assistance to the Syrian refugees unless it is coming from outside Lebanon distributing to them, it is the only way. It is rarely giving their citizens the rights, so don’t think they are giving the Syrians rights in Lebanon”

Even when the role of the organization in providing services to the vulnerable refugees and host population, the leadership in the humanitarian response relies in the government, this is clearly stablished in the LCRP (GoL and UN, 2017, p.10). However, is this being accomplishing following the general principles of humanitarian aid? In the perspective of one Informant, the aid it is not independent and not enough impartial because the government says to the organizations to whom to support. When we asked if the aid had sectarian basis for the government, his response was: “No I don’t think so, I wouldn’t go that far. It is an issue of perception and statistics. That they support 50% Lebanese and 50% Syrian”.

#### **b) Moving towards sustainable development**

The consequences of the presence of more than 1 million of Syrian refugees in the systems of provision of services it is very present for Lebanese population. For the Informant 2, the response is to increase the “development nexus”, which

is bridging humanitarian assistance with development, in the next LCRP. A government representative admits that a change is needed, moving from crisis management to sustainable development and in his opinion, Lebanon is the scenario where all the countries, UN agencies and international organizations are focused in terms of the discussion of maintaining humanitarian response or to move forward developmental response.

In terms of strategy decision should be done with coordination with the actors working closer to the refugees; for an Informant, it is necessary that the decision for investment in development involves the municipalities because the leaders who know better the impact in development for the presence of refugees and have the will to handle the tensions between the Lebanese and Syrians, are the mayors. Even the Ministry of Social Affairs works at grassroots level through the Social Deployment Centres as the reference point for the interaction with the refugees (Informant 12).

The work in development is more complicated than humanitarianism, for a representative of an organization, the development institutions are more exposed to the government than humanitarians and while humanitarians are faster and more flexible, the funding is not enough and the development side is missing. The position of UN that development organizations have to work under the directives of the government, but in Lebanon it is hard to handle neutrality at that level (Informant 8).

We asked if the efforts towards development was not a way of promoting the integration of the refugees unofficially or even unwillingly. For our Informants from UNHCR and the government, the answer was no. In the case of UNHCR an Informant indicated that:

“What we have to guarantee is that while the return becomes possible, two things happen: that refugees are allowed to remain in Lebanon in conditions of dignity and rights; and that the internal community responds to the challenges of development that the presence of refugees is creating in Lebanon. This is the way we formulate this, it is not development for local integration, it has nothing to do with that”.

Another UNHCR representative agreed with that position:

“The projects are meant to stay for Lebanese, not for refugees. When we build water reservoirs, yes, now both communities can benefit but eventually these will stay here to benefit Lebanese, not refugees. Because these are chosen, these are projects are selected in areas where Lebanese also suffer from lack of specific services in the past, even before the Syrian crisis started, so there are chosen in areas where there is a need for such services and where such services can remain”.

In the case of the government representative, his response was:

“When we talk about sustainable development it is not about maintaining a continues presence for the Syrian refugees in the country (...), it is about having the sustainable response towards the crisis yet keeping in mind all the time that this refugees should come back to their land at some point; from an operational point of view you need to move to sustainable development and make sure that you are not planning for 6 months or one year or so because even if the crisis end up right now in Syria it would take people more than 5 years to come back to their land. Don't forget that for most of them their properties are destroyed, you have zero living conditions, etcetera. Even if things [war] would end this moment we are speaking you would need on an average 5 to 6 years to move people back to Syria”.

As for the connections between self-reliance and integration, that we studied in the literature review chapter, when we asked about this to another UNHCR representative, her response was:

“Actually, in the case of Lebanon we are focusing more on skill training that would help refugees while addressing their needs in Lebanon while they are in Lebanon but mainly that would to help them, prepare them, to return to Syrian and to help with reconstruction process in Syria, mainly we are focused on the skill training for youth looking at the long term for their return, in anticipation of their return to Syria”.

### **c) Fragile Ministries**

The Ministry of Social Affairs in Lebanon is the leading in the refugee response but the work among the Ministries doesn't seem to be as coordinated according to a couple of our Informants. They appear to be fragile and susceptible to political interest, one Informant mentions that when a mayor from a particular sect, requires to create a project, doesn't ask for support of the Ministry of the

correlative sector, rather he will address a Minister that belongs to his same sect. Therefore, in the opinion of this Informant, “there is not a system that respond to real needs of investment in function of necessities”. This position is shared by an Informant working for the government:

“I am sorry to say this: the political system it is fragile in Lebanon. Each ministry it is working alone, they don't want to coordinate with the other, they want to do their own strategy, the Ministry strategy and its political part strategy. They don't want to put hands and see what kind of solution we can find. The system it is corrupted”.

This is the same perception of an Informant working for a NGO, who claims that “government it is very complex, it is very divided, especially on the issue of refugees. Two very strong differently opinions within the government. It is not always easy. Sometimes we can agree one thing with a specific ministry but the other ministry would be against the decision. This is why somethings this things take time”. Even a government representative coincides that if one Ministry requires something to be solved by another Ministry: “and the Ministry it is from another political party than my Minister, or they are against each other in politics, they will stop this issue.”

The framework towards the refugees depends also in the perspective that the leaders in the government about the presence of the refugee. If those leader are changed, and as elections will be held in 2018 that is very likely (Reuters, 2017), there is a possibility that the position towards the refugees also changes. For an Informant, in terms of the possibility of return, the government position (for September 2017) is not to negotiate with the Syrian regime and this is a strategy followed by the Minister of Social Affairs but:

“maybe in the next coming years, then I will tell you another issue because I will have a new Minister and I need to stick to my Ministry strategy. If the Ministry here is against the regime (he) will be working against sending refugees back to Syria unless they have a safe zones controlled by the UN or international parties”.

This is particularly relevant because some political parties are particularly in favor of the regime and they have representation both in the Parliament and in the

Ministries, the decisive position will be the Ministry of Social Affairs certainly and not the Parliament because until today:

“The parliament have meet zero times on the Syria crisis. It’s been 6 years since the crisis, there have being zero meetings on the Syria crisis. What kind of crisis is this that the parliament never met? This is a very big question mark on policy making, if it a crisis the Parliament should have met at least once a year to discuss the Syrian crisis, zero times”. (Informant 2)

#### **d) Tension increasing behavior**

The discontent of the population puts pressure on the politicians in order to limit the presence of the refugees but there are also politicians that indicates that refugees are the responsible in the hardships of Lebanese and this:

“It creates a non-friendly community for the refugees; if you go in Lebanon in the crowded areas in refugees, especially in Beqaa Valley and in Tripoli (...) you will find that people are not friendly enough with refugees because they think, the political says, the refugees are responsible for this hard economy situation, lack of vacancies, of jobs”. (Informant 4)

This kind of problematic has been identified in the declarations done in the media, an informant working for an organization considers that the government officials should calm down people but instead, they are inciting them by accusing the Syrians of taking the job of Lebanese or be out of control. This is applicable to some political leaders who address the demands of their constituents, the lack of provision of services or work opportunities by blaming on the refugees (Informant 4).

An informant talked about a particular leader, Gebran Bassil, who is the leader of Free Patriotic Movement political party and the son in law of the President Michel Aoun, who is very critical to the presence of refugees and very explicit about their preference and exclamations on the return of the refugees even with discriminatory tones (Shebaya, 2017).

#### **e) Changes in the relationship between communities**

We also mention the community perception as a determinant that lead the government to adopt a position towards the presence of refugees in the country,

however, this is susceptible to changes. For the Informant 10, part of the Lebanese population is becoming aware that they cannot decide and that even in some sectors, the economy is moving because of the presence of the refugees, therefore the tension has decreased but it is a fluctuant tension that can rise at any moment. The Informant 8 agrees that the public opinion works with rhythms and it can “become very algid for a month and no one know if that can lead to a war or if it is going to decrease, most of the time decreases”. The Informant 4 thinks that there are “waves here in the relation between the refugee and community. For months, the relation might suffer from tough tensions between them and after months it relieves, they forget the tension between the refugees and the communities”.

This changes in the perception can be also applicable to the other refugees from Palestinian, Armenian and Iraqi origin. In the words of an Informant, Lebanese population it is comfortable with those communities and have a high regards for the Armenians because they are “very professional, very honest, they respect the laws, although we the Lebanese don’t respect it here they respect them more than us and we consider them Lebanese now”. Then he mentioned that Syrian population has certain cultural practices like selling their children and having a lot of children in order to send them to work (Lamb, 2017). What it is interesting to notice is how the relationship with the Palestinian was quite bad until the entrance of the Syrian, for an Informant from Palestinian background: now the Lebanese are putting the burden and blame into the Syrians. As we see, perceptions evolves with time and circumstances.

#### **f) Relationship between refugee communities**

A factor that can also increase tension and it is often not taken under consideration is the relationship between the refugees communities. In terms of legislation and response, the situation of the Palestinians it is deeply connected to the situation with the Syrians, although it is not the same. When working for building Durable Solutions for refugees, the specificities of each case should be taken under consideration, but differences should be valid only if they are reasonable and justifiable.

When asked about the relationship between Palestinians and Syrians, an Informant from Palestinian background mentioned that in the camps, poor Palestinians feel that Syrians are having more aid from the organization and that they are forgetting about them. This, united to the increase in the rent fees in the camps because of the presence of Syrians, lead even to discrimination in her perspective.

**g) Participation of the population. The garbage protests**

In 2015 and 2016 there were massive demonstrations in Lebanon because there were problems with the garbage collection. The Informant 2 told us his experience:

“garbage on the street everywhere like you can’t imagine it. How much garbage there was! I remember, next to my house there was piles of garbage knowing that the actual garbage place is not too far from my place, it goes for months people were not taking garbage. Mar Mikhael was full of garbage and people was still going out drinking”.

The magnitude of the protest was such that people went to the streets for months (AlJazeera, 2017) but the level of involvement was questioned by an Informant, who consider that the numbers of protesters were not as big as compared to the people who should be protesting considering that the problem was affecting everybody. The Informant 4 also mentioned that the main demonstrators were activist, the Informant 5 also mentioned that only middle class and civil society were protesting, people working for NGOs, more educated and university students.

Another factor that weakened the protest was the problems with the involvement of the supporters of political parties. The Informant 4 mentioned that some supporters of the parties joined, like Hezbollah, Amal, Al-Kataeb at some point but withdraw later, which showed how dependent were the activist on the participation of the parties (Saab, 2015), the Informant 5 also consider that the protest didn’t succeeded because the biggest parties, as they are ruling and causing the problem, didn’t actively sent their followers to protest, and these parties have a lot of population, the biggest in the country. And in terms of

leadership, for the Informant 5, the leaders of the protest didn't have a speech that can unite the campaigns, each of them wanted to be visible and they end up splitting so they didn't succeed to call more people to the streets.

During the demonstrations, there were accidents, injured people (AlJazeera, 2015), people were arrested, detained and beaten (Informant 1). The Informant 5 mention that during the crisis, people from the outside (not really committed to the protest) started to be more violent and this weakened the position of the protesters in the eyes of the rest of the community, he also mentioned that there is "a lot of intelligence here. Having protest against the Lebanese Army it is scary".

The results of this protest was a temporal solution, the Informant 2 said that the government didn't change any policy, "they just opened the garbage. They just opened two other dumpster, this is how they solved the problem". The Informant 5 said that the government just postponed the solution, even the company that used to collect the garbage when the problem was originated is the same, they just changed the name of the company and never solved the waste management.

When asked about why people stopped demonstrating about this, the Informant 2 said that there is fatigue because nothing happens. The informant 5 said that people lost hope. In terms of protest for the rights of refugees, only the Informant 5 mentioned that this is done only by NGOs and civil society.

We mention this antecedent because the example was provided by all the previous Informants when asked about the possibility of the public putting pressure in the public policies taken by the government in general.

#### **h) Attitude**

This is hard to present without admitting that it can be a generalization because it depends from case to case, but we have encounter a similar mentality in a lot of people, which doesn't mean necessarily that we have to take the following perspective as a fact. The Informant 2 said that the participation in demonstration was also "an issue also about how Lebanese think in general, we are living as



there is not tomorrow, this is very problematic, like “khalas [enough!], the garbage problem has been solve, for three years, it is fine, after three we will find out, maybe there is not Lebanon in three years”.

The informant 2 says that nobody it is talking about the impact that the lack of confidence of an improvement on the overall situation in the country can create in the economy:

“people don’t have money, they expend it, they don’t economize. Me and other people, it is not that I am perfect, me also, we don’t economize. We all expend the money... I don’t go and buy a house because if I want to buy a house I need to pay for 30 year mortgage, maybe there is no Lebanon, maybe I am not living in Lebanon in 30 years, maybe there is a war in 10 years. I have to keep on paying for a house that it is destroyed or that I cannot reach or I am not going to be living in Lebanon? So I keep postponing the decision”.

This perception also influences in the way some people see the solution of the presence of the refugees. Informant 2 says that “they want the result now. Something like: “We want to kick the refugees now”, ok yes but this will not solve your problem”. This Informant also considers that there is, at the same time, public tolerance about everything against refugees, against terrorism, everything supportive of the army.

#### **i) Restriction in the expression of Lebanese population**

The environment of the debate for social media it is too polarized, for the Informant 5. He say that he doesn’t want to share his opinion because the positions tend to be very extreme and there is not space for having an opinion that is not either with one or the other side.

The Informant 6 says that regardless of how much people complains, the government doesn’t respond and recently the police is after the people who post things on social media, because they are being followed by the government. In her words:

“People it is getting caught to police for posting something, because people share stuff and get caught for sharing their opinion specially if is political

or insulting, before you can insult and name them, now if you write anything like that, you have to report to the court. Multiple of cases have happen”.

Informant 1 mentioned that the government arrested a person for calling for demonstration against torture because in the raids of Aarsal there were accusations against the Lebanese Army for torturing refugees (HRW, 2017). This informant mentioned how politicized can be to try to express against the government or the army:

“Inciting the Syrian population against the Lebanese armed forces, common, this was very silly. None is going to go public to talk against the Lebanese armed forces, they won’t do that, not NGOs, no UN agencies, no-one would dares to that anyway. If you are calling for a demonstration against torture, it is your right to call for that, we are a free country. They said that they were afraid that if people would go and protest against torture, others would go and protest against Syrian refugees (...) and that it how it turned, it was not supposed to be Syrian refugees versus the Lebanese armed forces, and it was supposed to be people against torture”.

#### **j) Participation of refugees**

Our Palestinian Informant reflected about the possibilities of the Palestinian community to influence in the decision taken in the government. The informant said that they are zero politically active because they cannot vote, they are not allowed to intervene in anything political and they contribute to the elections because it would unbalance the representations of the sects.

When we asked about the support they might receive from official political parties, the perspective of the Informant was that even when Hezbollah members claim to be on the side of Palestinians, they do not vote in the Parliament to give them any right, so all it is just in the speech, this is similar for the case of the other parties: “14th of March say: “we are with the Palestinians” and 8th of March: “we will free their land”. And in the parliament when someone is voting, no-one is voting for us. It is only on their speeches”.

In terms of the Palestinian parties leading the camps, the Informant considered that Fatah and Hamas “They just care about getting money, spending in the

weapons and fighting in the camps. They don't do anything. Now Palestinians are weak".

In the case of Syrian refugees, a representative of an organization considered that it is one of the most disorganized and misstructured population because they are afraid. In a meeting with refugees, the Informant asked if they were gathering to discuss how to make proposal to authorities and NGOs. The response he got was: "the moment they see 4 Syrians they will think that it is a cellule of DAESH". The reflection of this Informant is that there is a fear because there are at least 100 000 young male Syrians who have done military services and people it is afraid that they are organized in clandestine networks and in case of a War, the refugees might line up with a side who is enough attractive for them. That is why the government wants them to be as disorganized as possible, not living together in camps.

**k) Comparison between the situation of Palestinian and Syrian refugees opportunities for Durable Solutions**

There are many interrelated issues among both communities, and we should mention that the legal framework regarding the stay of the Palestinians in Lebanon has many limits that are similar that the Syrians are now encountering. In terms of durable solutions, there is a main distinction: the Palestinians do not have an opportunity for voluntary repatriation. A Palestinian Informant put it in this terms:

"I think their struggle in Syria is different, it is still civil, and it is not like someone invaded the country. It is people inside the country who are fighting, not someone who came and kicked Syrians out, like it happened in Palestinians. Now Syrians, they can go to Syria, there is war but they can go even if they get killed. It is not the same for Palestinians, we are not even given that choice to go and get killed. Even that choice! So I think it is a different type of struggle".

This hasn't meant that the Lebanese government put an effort or emphasis in the other two remaining durable solutions (resettlement or integration) even when the time the Palestinians have been in the country is over 60 years. When we asked about this possibility to repeat in the case of the Syrians, an Informant reply:

“But it will not be like the Palestinians refugees, the Palestinians can’t entirely go to their homes, they are not allowed. But the Palestinians here in Lebanon they can’t work, they work but not in a legal way. The Syrians won’t stay like this, the Syrians who stay here are able to work in construction, services, and agriculture areas. But for sure it will not be Palestinians because a lot of Syrians would prefer to go back to Syria even if there is a war, they would rather go to Syria than stay here”.

### **5.2.2. Assessment of framework**

We already presented our perspective of the legal framework and the policies regarding the presence of the refugees in the country. These are deeply connected with the possibility of providing durable solutions for the refugees. However, we discussed with the Informants about their perspective on the legal and policy framework of response towards the presence of refugees. Interesting enough is to say that some of them mentioned that some changes were soon to be introduced.

#### **a) Facilities for resettlement or voluntary repatriation**

Something that was agreed upon the government and UNHCR for Durable Solutions was to provide resettlement opportunities for the refugees. Our Palestinian informant told us that the passport of the Palestinians was handwritten until this year and that the change to a biometric one required rich Palestinians to donate money to the government for this<sup>13</sup>. The Informant also considered that the UNHCR quotas of resettlement are very low, not even a percentage.

An Informant working for an organization explained that the resettlement opportunities given by UNHCR depended on the identification of candidates according to their criteria and if the refugee was not interested in the resettlement, then UNHCR should go back and do it again with another refugee, but:

“The whole system of resettlement here seems to be either mismanaged or very limited. One of the recommendations that we gave through the research was for refugees to be able to apply to resettlement, if people wants to apply for resettlement, they should be given that option”.

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<sup>13</sup> Palestinians were able to access to the biometric passport in 2017 but we couldn’t confirm is there was a donation by richer Palestinians for this to happen.

This informant also mentioned that when leaving the country, refugees have to pay to the General Security Office to regularize their stay in the country because they didn't have a legal residence. She even mentioned that only when the resettlement is provided by the UNHCR, they help with the expenses but if the resettlement is given by an embassy, then nobody helps them with the money required by the GSO. In the opinion of the Informant, the government should help them leave without paying the fees, if their aim is to increase the resettlement opportunities.

**b) Displaced person versus refugee**

As we already presented, in Lebanon, the government position is to use the term "displaced persons" and not refugees. We asked a UNHCR representative about how it was possible to coordinate with the government about the aid to provide to the refugees when there was not even an agreement in the basic understanding about the juridical category to apply to the Syrians in the country, the response was the following:

"Of course we have a huge difference with the government on this, the choice of words. Because for us, the person who has crossed international borders to seek protection in another country, it is a refugee. The displaced person is a person who was displaced internally in his or her own country. Our position is very clear to the government, and their position is the fear that using the term refugee means that they are staying, which was the case of Palestinian refugees. There was a lot of back and forward, but both positions were very firm. We have to work with the government to appeal for funding for the response plan, we have to coordinate with the government (...). There is no way of answering that question unfortunately. But at the same time, although the State hasn't ratified the 1951 Refugee Convention, the Lebanese government has committed not to forcibly return the refugees in Lebanon and so far they have abided by their commitment and they stood by it, although they don't call them refugees, they haven't forcibly, as a government, returned refugees".

This perception was also ratified by another UNHCR representative, who mentioned that: "in Lebanon there are not almost forced returns, so you can see the difference between a blind rhetoric and reality, but sometimes there are expulsions in the frontier".

Here we can notice that both the government and UNHCR can work together in order to protect the rights and cover the needs of the refugees, even when the legal framework it is not clear. We would also consider that the legal framework is precarious but still necessary in order to protect the refugees from sudden changes in the leadership of the country.

**c) Lift of fees**

1,001 051 refugees are registered with UNHCR (2017) and with the latest circular from February 2017 ("Khawaja, 2017), they don't have to pay the 200 dollars fee for the renewal of permission to stay in the country. The Informant 2 says that UNHCR was advocating for this change in the last months, but the Informant 1 says that this change it is applicable only to those who arrived before January 2015 and never renewed with a sponsorship, besides, the circular has not been applied properly along the country because the GSO tell people that they should find an sponsor because they have a working age. In the Informant opinion, the system is pushing the refugees to the status of economic migrant through the residency renewal system.

**d) Register and renewal**

After 2015, the UNHCR was prohibit to register more refugees after an express request from the government. After the removal of the fees to the refugees, an Informant told us that the UNHCR has been advocating to ensure: "that all refugees manage to renew their residency. We are advocating right now for instant to restart registration of Syrian refugees because we have been asked by the government to stop in January 2015".

If this change materialize, maybe there will be a double recognition by the UNHCR and the GSO or the Ministry of Social Affairs in order to provide services to the refugees and to have a better clarity on the numbers. After the overall conversation with our informants, we are inclined to think that these recognition might not beneficiate all the refugees but only for the most vulnerable among them. The assessment on vulnerability should be objective, but it is likely that the government considers that only those refugees who are not working will qualify for the recognition.

What is the reason behind this possible change? In terms of rights, the Informant 8 considers that the consequence in the lack of documents is not the threat of expulsion but the affectation to the freedom of movement and work, the Informant says that even if the authorities detain and release an undocumented Syrian with an expulsion order, in practice, that expulsion doesn't take place. Therefore, the new documentation will allow the Syrians to move with confidence in the country, even to do the registration of their children. We should mention that we were witnesses of the high amount of security checkpoints along the country.

However, the same Informant consider that the forthcoming changes obey to the realization, from the government side that without a system of registration, to handle the return won't be possible. Is this a strategy to return Syrians to the country? We only have the answer of one of the Informants 1, and it should be a matter of concern to see the direction of the changes:

“The plans that has been unofficially announced, but announced, by different government official have included that the last people to be return to Syrian will be the people that registered in UNHCR. But then again, how does the government define that you are registered with UNHCR or not? Because if you are registered with UNHCR but you are renewing through sponsor then you are not displaced or refugee or a person of concern, you are an economic migrant. That would be the problematic at the time”.

#### **e) Understanding the LCRP**

The LCRP was designed without the participation of refugees<sup>14</sup>. Beyond that, for an organization representative, it is not a proper framework for refugee response because even when it is very much focus upon budgeting and indicators, it is “not (...) a proper response where different actors divide the task upon themselves and engage in proper coordination and respond to the need of the people”.

For a government representative, on the other side, the creation of the LCRP represents a sense of ownership of the government of the leadership in the refugee crisis in the country.

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<sup>14</sup> In the whole report there is no account of proper participation by the refugees in the design or previous assessment required for the LCRP.

“The LCRP came (...), to give the government the role of the government... because the UN cannot work as if there is no government. They are here to support the government, they are not here to work alone or have a strategy without the government knowing what it is happening. That what it was happening before 2015, and then things changed and it is good for both of us, for the government and UN”.

### **5.2.3. Advocacy for a change**

In this section we will focus upon the strategies of different actors in order to influence in the decision of each other. We won't focus on specific strategies regarding Durable Solutions because advocacy in Lebanon usually happens in terms on concrete decisions. Only UNHCR, and not all the levels of the organization, would be able to present a bigger panorama like the durable solutions, and as we have presented previously, the position of UNHCR in this sense is to respect the decision of the government in this sense. Therefore, the opportunities that advocacy can create for diverse actors will have a clear limitation but it doesn't mean that there is no a margin of action, which we will discover from the perspective of the Informants, who are from different backgrounds like the Lebanese government, UNHCR, NGOs, university professor, among others.

#### **a) Role of the Media**

For the Informant 2, the Media in Lebanon is conformist to the statements from the government, they don't go beyond their connections or do proper research or investigative journalism. The Informant 4 indicates that some newspapers just follow what the politicians says, the Informant 2 also consider that the media it is not questioning the decision of the Ministries, they are not asking facts to the decision makers or even telling the government that it is not ok to feed hatred.

The Informant 4 said that some newspapers act aggressively against the refugees like Al-Nahar (The Day) that has some covers that are very racist to the refugees. This Informant also mentions that in Lebanon the television has much more audiences than the readers of the newspapers and, that television it is sponsored by political parties and that channels like MTV and LBCI that are rightest Christian voices broadcast programs against refugees (SNHR, 2017).



A UNHCR representative considers that the media has a strong role in the influence of the sentiments towards the refugees, in easing or fueling tensions between communities, but there is a lot of negative rhetoric against them coming from traditional and social media. This Informant adds that there is a lot of misinformation, wrong facts that are being circulated that increase the negative perceptions, and the escape goat of blaming the refugees for all the problems in Lebanon. The Informant 4 and the UNHCR Informant coincide that the numbers that some newspapers use in terms of refugees, are not accurate.

On the other side, only the newspapers Al Akhbar (aligned to the 8<sup>th</sup> March Movement) and Al Safir (this one closed in 2016) replied to the racist remarks in TV by indicating that even if the refugees were affecting the economy, this problem was not going to be solved by returning refugees (Informant 4). According to this Informant, the editorials from this newspaper have the capacity of reaching a broad public but as everything in Lebanon they become trend for a while and then people forget about it.

There is also Al Manar which is a Hezbollah channel, but they avoid to mention the refugees (Informant 4), this goes along with the overall position of Hezbollah that we already studied.

#### **b) Relationship between the media and humanitarian organizations**

This situation previously outlined inclined the UNHCR to work with the media in order to ease tensions, they are coordinating with the Ministry of Information in order to tackle this problem and they conducted workshop with journalists. In this last activity, they discovered that many journalist in Lebanon that write constantly about refugees have never visited a refugee in their life (UNHCR representative).

A representative from a NGO explain how it is the relationship between the NGOs and the media and how the first try to engage with them in order to generate an impact among them as well:

“Even if we (the NGOs) do one article per month that it is very well done but in Lebanon debate, all this news, all this websites and Lebanese papers just throw everyday articles about “Increasing the of the Syria,

Syrians are taking out jobs” this is the mainstream media this is a very big problem. We do our best, we do report, we sit with the media as much as possible, we share, sometimes they cover, sometimes they don't, we invite them to press conference, we do infographic just for the media, we do briefing meetings. We do it, it would affect maximum 15 journalists, that are committed already and don't need us because they are already professional and ethical”.

**c) Type of advocacy undertaken by NGO**

In informal conversations with NGO representatives, many of them referred to this organization as one of the most interesting one in terms of advocacy because of the approach they have, in concrete, they referred us to the Informant we interviewed. We will summarise to the perspective of this Informant in this section.

In terms of content, the organization focus on two possibilities: advocacy to generate a change and advocacy not to regress and they alternate between both. The advocacy of not regress it is important because there are spaces where it is clear that there is no spaces for changes, for example, in the decision of the government to not accept more refugees, then they focus in avoiding that the government force the refugees to leave.

As for the moment to put more impulse in the strategies, they work in a basis of continuum pursuance of the spaces for dialogue, of proposal of initiatives and research, to maintain the meetings in an uninterrupted way in order to identify opportunities. They build the evidence, data and tools required in order to influence the decision that is to take place. The representative mentioned that it is being said that the government will reshape its policies on refugees and for that, the organization has being preparing by increasing the meetings, drafting a position paper and they will try to be in the space of conference at the opportune moment. All of this in order to try to influence what happens with the government policies, and for that they identified a moment of change so they will try to influence how the change takes place.

As for the type of actors they try to influence, the Informant said that they focus more on technical actors in the ministries or political parties rather than the solely political actors. The reason for this is the possibility to discuss with more time,

and follow up issues with the technical actors while with there is no point of meeting a Minister who won't give them enough time or who will just agree without really committing. To engage with the technical actors is sustainable, it is possible to build common forces, share informal information, help the technical actors to translate technical objective in to political objectives, but the weak side is that this won't represent a big influence in the final decisions because the decisions taken by the government are not based on evidence at all.

In order to be able to undertake the previous activities, this organizations identify a profile of the stakeholders, and keep the information update about the ministries, the power dynamics, what are the Ministries focusing upon, what kind of policies they are willing to work on and this is done through the relationship with the technical actors.

The Informant also reflected about the difference between addressing directly the government and involving the public into the discussion. He considers that it depends on the function of the NGO, and the tactics and strategy they identify as the more suitable. In the long term, the organization tries to influence the public opinion about the situation of refugees, and sometimes the strategy could focus only in the public, only in the government or in both at the same time. Some issues are too technical as for bringing them to the public attention, or some things "sometimes needs to be slow cooking, some things you need to avoid the public to know certain things in order for the policy to pass".

A problem of trying to influence public opinion is that campaigns requires funding, it will depend on the resources available. Another problem is that there is public tolerance of measures against the refugees. As a consequences, in relation to the Syrian refugees, most of the resources of the organization focus on the decision makers and not in public opinion.

#### **d) Strategy from the government**

From the perspective of a government representative, the Ministries and the partners coordinate, communicate the same message when addressing the

media. A strong point of the Ministry of Social Affairs is the regional coordinators, which are the focal point for any organizations that wants to work in certain region.

Another government representative indicates that the reason to have success in handling tensions is because the regional coordinators have a strong connection with the municipalities and the local actors. The team under his leadership has a background from all the political parties and religion in order to represent the team when there are problems with the other actors and solve those issues.

A government representative said that they have many partners like UNDP or UNHCR but that they also work with local organizations and that they have a bottom-up approach, and that they are interested that all the partners, the Lebanese community and the refugees as well, participate in the response.

**e) Strategy from ACNUR**

According to a UN representative, the organization have different strategies for each goal they want to achieve. In terms of residency, that implies advocate with the GSO and the Ministry of Interior by providing support to the processing centers of the General Security. As for ensuring protection of the refugees and combating the eviction, they lease with different authorities including the Lebanese Armed Forces and the governorates in the area. When they identify eviction threats in specific areas, they lease immediately with local authorities, or when a specific municipality it is enforcing curfews on refugees or asking them to pay fees (that they don't have to), they address directly the municipality governor or Ministry. UNHCR work a lot with the different Ministries, in particular with the Ministry of Social Affairs which is in charge of the portfolio of Syrian refugees and also the Ministry of Internal Displaces affairs, recently created.

Another UNHCR representative indicated that another strategy adopted was to speaking openly about the return and the position of the UNHCR: that right now in Syria there are no conditions for that durable solution and that they are not against the agreements for concrete returns as long as there is no coercion on the refugees and that the office can supervise and interview the families but they won't participate with the negotiations.

The UNHCR representative also mentioned that they have a liaison officer who is in charge to deal and negotiate with the Municipalities when they adopt measures like trying to close down the stores owned by Syrians.

**f) Problems with the advocacy**

We asked about some perceived weaknesses with the currently advocacy undertaken by the organizations in Lebanon. An Informant talked about the limited audience of the campaigns dedicated to the public:

The usual suspects. I think we need to make a self-assess of NGO. That we target a portion of that Lebanese society that is very small and it is very elitist. We try to make be a mainstream as possible, but still it is elitist, university students, journalist, activist, it is not public opinion.

He also reflected about the terminologies the organizations use when they want to target public opinion, he said and presented examples of cases where the language is not mainstream enough. Or the location of the advertisement, often located in bars and cafes where activist frequently go, not reaching sectors of society who are not often interested by these topics.

The Informant 4 consider that the organizations interested in legalizing the refugees presence in Lebanon do not have the practical tools to enforce the government, or they don't have influence in the parties, even more, the parties look negatively to the activist:

"Maybe Hezbollah and Amal had said more than one time: "they are acting under the voice of embassies, they are not representing Lebanese voice". So, there is not a positive look to this activist, so they cannot affect the main decision-makers in the government".

Finally, another weakness that the Informant 1 mention is that the advocacy haven't reach the level of denouncing, and it is very limited to what the government and UNHCR negotiate, and the stand of UNHCR it is very weak for the situation.

#### **g) Role of the academy**

Informant 10 reflected about the role of the Academia in the construction of policies for the refugees in the following terms. Her position was that even when more research can support the government in order to take decisions at the same time, the government does not take in consideration those proposals.

She mentioned that other possibilities for increasing the influence is by working along with the organizations in the field; to provide more university courses on the subject; teach the new generations to accept the differences in a political level; and create common activities between university students and refugees in order to reduce the social tension. A limitation in this sense, is that sometimes organizations do not incorporate students in the internships as a generalized possibility.

Finally, her position was that the role of the Academia is to do research, proposals, but the politics, programs and work opportunities and decisions are meant to be taken by the government.

#### **5.2.4. Coordination between actors**

One of the last things that we will check are those aspects of practical coordination between the actors in topics where issues related to durable solutions have been held (like cases of devolution). We haven't found concrete activities or programs among the organizations, UNHCR and the government regarding integration. In the case of resettlement, the coordination occurs through the process of referrals by the organizations of cases of protection concerns to the UNHCR, however, this is not a particularity in Lebanon, and the system works like this in other places as well. The situation of concern are those coordination regarding the return of refugees to Lebanon.

#### **a) Coordination between the GoL and Syria for the return of refugees**

We already presented this discussion previously, however it was necessary to ask to the government representatives about the possibilities for the government to involve in direct discussions with the government in Syria to coordinate the return of the Syrian refugees back to their homeland. The response we got was

predictable in terms of the current leadership (in September 2017) of the Ministries that are dealing with the refugee crisis:

“This will happen when... it is all in the hands of UN agencies and international organizations, as well as the regional and the international powers, it is not about the (Lebanese) government communicating with the Syrian government because there is no even communication between both governments and there is no acceptance by the Syrian regime this is a political issue between whatever has been emerged of the Syrian crisis. Even when the Prime Ministry talk about that there is nothing called as the Syrian government anymore, there are several entities within the Syrian conflict and each entities controlling specific parts on the territory. And it has all consequences on the role of all the regional powers in Syria and the international powers, so it is another different history”.

We asked if in the future there were chances of the involvement of the government in concrete agreements for returns, the response was:

“So far, definitely not. The Lebanese government cannot guarantee the safety of anyone or say that “this is a safe area that you can return to”. It is on behalf of international, regional powers included within the Syrian conflict as well as the UN agencies. But definitely the UN agencies will never, after what happened historically in terms of declaring a safe area for refugees to return, they cannot do it again after the atrocities we saw historically before. They will never declare a specific territory of Syria as a safe area where people can return. They will never do it”.

#### **b) Negotiations for the return of fighters and refugees**

In February 2017, Hezbollah and Saraya Ahl Al-Sham signed an agreement for the return of the fighters of Saraya from Wadi Hmeid to Ruhaiba in Syria, along with the fighters, their families and Syrian refugees left in August 2017 (Arab News, 2017). After fights, in July Al Nusra and Hezbollah negotiated the return of fighters, families and refugees to Idlib in Syria (AlJazeera, 2017)<sup>15</sup> and later in August Hezbollah negotiated with DAESH the return of fighters in exchange of soldiers bodies (Norland, 2017). The Syrian government participated providing a safe passage to the rebel-controlled areas in the country while the Government of Lebanon officially didn't participate in these agreements or in the returns<sup>16</sup>.

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<sup>15</sup> The numbers has been contested by some of our Informants.

<sup>16</sup> According to the declarations of one of our informants.

In this process, the military tactic from Hezbollah was first to weaken the presence of the Saraya fighters by arranging the return to be able to concentrate in defeating Al Nusra. While Hezbollah focused on launching the offensive from Syria, the Lebanese Army attacked from the Lebanese enclave of DAESH. It is very hard not to see the subsequent military actions of these two groups (Samaha, 2017). For the Informant 5 many questions arise in terms of these military enterprises, like why did Hezbollah negotiate with these terrorist organizations if they were winning? The Informant 7 considers that Hezbollah guaranteeing the safety of the fighters of DAESH completely contradictory to the initial rhetoric of this organization in relation to the Syria crisis.

Beyond that kind of military strategies, what is important for us is if the return of the refugees qualified as a safe and dignified return and if the conditions in Syria are conducive for such returns and finally, what were the role of the government and the UNHCR in these returns. In the perspective of the Informant 1:

“Now in terms of contradiction, the government has issued an official statement saying it is committed to the principle of non refoulement, (...) and then you have the military exporting refugees to the border, so this commitment to non refoulement has really very little value because it is not being applied, it is not being bided. (...) refugees who are being returned to Syria, regardless of whether they registered to return or not, when you are in a military zone, your choices are very limited, so people who are leaving from Aarsal today are going to Edlib. And you will never know whether this return is a coerced return or is a voluntary return. And this is not how things should be done, there should be proper assessment, there should be informed decisions that are being made, it should be voluntary and safe and dignified, we all have forgotten about all of that”.

The government position, according to one government representative, is that the Lebanese government has nothing to do with the deals forged between Hezbollah and the Syrian entities (Syrian regime and armed factions in the opposition). When we asked if the government was able to supervise if the return was voluntary, his response was that their main concern was that people were taking hostages at a later stage, but he considers that the returnees knew the deal and they had guarantees.

“And it was mainly voluntary return because it was a free choice for the refugees to go back. We make sure, whether inside Aarsal or in the main



checkpoints that this people are making an inform decisions, to make sure that they are not forced to leave, but obviously, this was part of a negotiation that guaranteed their safety, If people want to return you cannot, whether is us as a government or another organization, tell them: “not, you cannot return”, it is not ethical”.

If the Lebanese government didn't publicly participate of the agreements, certainly it was informed about it because otherwise the former declaration of the supervision on the checkpoints would have been impossible. The role of supervision should be mostly from the UNHCR that was also previously informed about the combats to be held in Arsal in order to coordinate the protection of the civilians (Informant 8). When we asked a UNHCR representative if they were interested in negotiating with organizations like Hezbollah or others from the Syrian side, in order to guarantee the voluntary consent of the refugees, the response was:

“The UNHCR does not get involved to any movements or any discussion with armed actors. We are a humanitarian apolitical agency, we couldn't be involved in the returns of this refugees that were return as par as part of the return of arm elements as well. We were not in discussion with this, no. We did lease with the government and we did express the need to ensure that this refugees are returning on a voluntary basis, we did asked for access to speak to the families, we reiterated our position to the government that this returns should be based on free and informed decision, there sure be no pressure on this refugees and the government committed to forcibly return any refugee. We did not liaise with the armed groups themselves, no”.

We were informed that UNHCR was able to supervise at least one of those returns but in the other cases, the Informant said that they were not sure if the returns were completely voluntary because they couldn't assess the situation because they didn't have access to the areas they were returning to in Syria:

“Because we didn't have access and of course we did expressed concern because the conditions of the area they were returning to, for us were not safe. Our position it is to advise the government and the refugees that they can change their minds even if their sign for a return movement, they can change their minds even at the last minute. This was the message that we were sending to the refugees. Our position it is that refugees it is ultimately their decision whether they want to return or not. They should not be subjected to any undue pressure from the community around them, from the Lebanese, from their families, they can choose not to return if they don't feel it is safe for them to return. For us, it needs to be a free and

informed decision, so they need to understand the conditions of the areas they are returning to in Syria. Whenever we try to assess the voluntary character of the return, and when we did have access, we ask the families: “do you know if you still have the house back home? Do you know what the conditions are? Do you feel safe in returning?” We need to assess all of that and if we feel that there is refoulement, of course we immediately escalate up to the government because refoulement it is violation of the basic principles of international human rights law. So we are trying our best to ensure that the returns that are happening are voluntary, at the same time, there are spontaneous returns that we don’t always know, and refugees don’t necessarily always inform us that they are leaving”.

A report from Human Rights Watch, organization that was able to visit the area, indicates that the factors that influenced the return of the Syrians were the harsh conditions in Aarsal, the lack of legal residency, restrictions on freedom of movement, fear to arrest and detention during raids, limited access to education and healthcare, and even when HRW didn’t find evidence of direct forced returns, the interviewees said that they left under pressure rather than voluntarily (HRW, 2017).

In terms of the conditions in Syria, certain areas like Qalamun don’t have income generator projects, people it is very controlled, there is still military services (Informant 8).

### **c) Report from the media about case of returns**

In a context where there is a risk of return of refugees, the media should be one of the most active actors that can properly report about this, however, based upon our conversation with the actors, we should say that in the situation of Aarsal, the role of the press was far to be accomplished.

The Informant 1 told us that the way the Media report was not specific. The headlines would were: “The Al-Nursa fighters and their families are living now to Edlib”.

“So, when regular Lebanese citizen sited at home watching TV and listening to this, the first thing that come to that person mind: “yeah, let them go, we don’t want them”. Why would you want them? Because they are fighters, because they have occupied Aarsal... and they forget about the refugees who are the majority”.

However, there were also refugees going with them and that was not in the reports of the media. The Informant 7 indicates that the media doesn't ask about how many of the total returnees are refugees, how many are actual fighters, where are they going, etc.

**d) Weaknesses in the coordination**

Even when we have drafted the perspective of the relevant actors in terms of the influence they aim to have in the government decisions, and even when the government representatives we interviewed indicate that they do coordinate with NGOs in the response to the refugee crisis, it doesn't mean that core decisions will be affected by those relationship. In the perspective of an Informant working in advocacy, the government:

“Haven't grasp effectively the role of NGO and advocacy NGO in influencing public policy. And for that the relationship to be on the two sides. On one side, them to be open... seeing our role as a positive element. I don't think they see us, (...) that sees NGOs as an actors. They see something happening in the satellite, not totally going to the core. Definitely it changes from one political party to the other, from one government to the other, I am not trying to generalize, what I am trying to say is that we have not being able to use our advocacy to the maximum and they haven't understood this maximum role that we can play”.

In terms of the coordination among the organizations themselves, a representative of a NGO consider that.

“So it's not one actor, whether the government that not complies, it is everyone, and every agency and NGO and governmental institution that is not coordinating properly that it is not specifying redlines, like refoulement should definitely be a read line, apparently it's not”.

In terms of the role of the UNHCR in coordination sense, a NGO representative indicates that:

“Definitely as an NGO I would say that UN needs to be more transparent, the UN needs to be better engage with local and international NGOs, this is certain. I am just trying to say that I also understand where their secrecy and lack of cooperation comes, because of the government also, you cannot really influence very publicly”.



## **Chapter 6: Discussion**

### **6.1. Linkage between the theory of durable solutions and the case study**

In the final chapter we will analyze critically the existing theory of durable solutions. In order to do that we will use the findings from our case study. Lebanon is a critical case study because it has a variety internal and external factors that make complicated to provide durable solutions for the Syrians easily. In this context, the findings serve as a caution line for other situations that are similar or less complicated. In general terms we should say that the case study shows that theory regarding durable solutions requires further development, that there are certain trends that are going in the right direction and that this topic should be more and more addressed by the organizations working in advocacy and by academia. The following discussion will connect both: theory and case study.

The theory regarding the Durable Solutions has a strong connection to the standards and indicators of protection of the right of refugees. Our Case Study allowed us to perceive that this kind of approach (too focused on standards and indicators) omits to tackle other aspects in the discussion around the durable solution, like the political implications of the solutions and the required efforts to build possibilities of integration, resettlement and voluntary repatriation. This solutions are not only given by the context, there is a possibility to change the perception of the actors and to create paths for allowing more solutions to the refugees.

Is often said in the theory that is important to “find” durable solutions but we consider that the correct phrasing is “to build” them. In general terms we should consider the DS as a process and a construction, not as possibilities solely dependent on the context or external determinants. If that would be the case, then the opportunities to achieve durable solutions are minimal and there is a chance of worsening the situation of the refugees, by forcing them to return. In the case of Lebanon, that political changes represent a threat on the return of the refugees when the conditions in Syria are not yet met and the opportunities of resettlement are minimal. At the same time, the relative stability of the government until the resignation of the Prime Minister was a period of paralysis in terms of solutions.

It is impossible to build Durable Solutions if the actors don't consider this as a goal. Of course it will take time, they can take 10 to 15 years to become a reality but even if the DS are an objective that can be materialize in the future, there must be clarity in terms of how the actors are able to construct positively in that sense, and to express with clarity when they are allowing the opposite: a state of paralysis, of suspension in the dreams and hopes of refugees or there are cases of refoulement. For example, when the returns from Aarsal occurred, the Media didn't accomplished its role to inform in detail if the returns were voluntary or not and very few organizations expressed a strong rejection to these events.

This led us to the political discussion that is not properly acknowledged when talking about durable solutions. The legal framework from the IRL creates the fiction that the institution of refugee is a neutral one, where if the relevant criteria is met, the person should be protected with the status of refugee. In the case of Lebanon, not even this level of recognition is out of the political interests, this can be confirmed by use of the terms "displaced Syrians" and the lack of commitment to the 1951 Convention.

Of course, a country with the particular characteristics like Lebanon in terms of demography, history with refugee's communities and easily affected by the regional turmoil, might not be in the position to be follow the IRL fully. In this context, the durable solutions are even more politically charged that the recognition as refugees. We consider that this shouldn't be used as an excuse for not doing anything at all but the opposite. All the options should be explored and if an initial plan of action is not working in favor of any stakeholder, the possibilities of adopting a turn should be also considered.

In the case of Lebanon, the lack of clarity in terms of goals and targets directly related to durable solutions, has originated what many call a "policy of no policy" in the country. This inconsistent, unclear, mutable framework represents the stagnation in the living conditions of the Syrians, who are living in a country without a proper recognition of their presence, a tangible protection against refoulement, dependent to the aid of humanitarian organizations and without

clarity about their future. Of course, this cannot be blamed to the government decisions only, the scale of the presence of the refugees creates a responsibility that reaches the whole international community.

How is the government fulfilling its interests by maintaining such framework? The policy of no policy works very well for creating informality and a convenient margin of action. We have many examples to prove that statement: the GoL is committed to the protection of Syrians, but it won't call them refugees because if there is the decision of sending them back to Syria is taken, then they haven't break any obligation; the GoL is not participating in the agreements for the returns of Syrians but it is allowing other actors and parties to do it; there is a policy of dissociation, yet some political parties are pushing for negotiating with the Syrian regime for the return of the refugees.

In the case of the organizations, and in particular UNHCR, we consider that they have to make a balance between their interest (and mandate) to achieve durable solutions and the possibility of providing assistance to the refugees. So far now, they have managed to overcome theoretical discrepancies with the government (refugees vs. displaced population) and the lack of cooperation of other States (that have reduced the refugee quotas for resettlement). Their main achievement during this year was to make their discourse to prime among other possibilities: they indicate that there are no conditions for the return in Syria yet and this idea was repeated for most of the informants including the government representatives. This is a success if we consider that the narrative in the streets is that there are safe spaces in Syria where the refugees could return to. However, we consider that both discourses are striving to prevail and that changes in the leadership in the government or a change in the regional scene can turn around the current discourse very easily.

As a consequence, UNHCR is risking the protection of the refugees on the medium term. The organization have accepted the conditions imposed by the State and it will be very difficult now to oppose them if they decide to send the Syrians back to their country. The organization has not engaged other parties that have conducted the return of fighters and refugees, and maybe this actors

will assume greater power in the close future. If at a small scale UNHCR has been unable to do an assessment of the conditions of all the returns, at a bigger scale, we cannot guess the consequences.

## **6.2. Analysis of each of the durable solutions, self-reliance, complementary pathways of protection and development at the light of the case study.**

In the Chapter 2 we studied the legal background for durable solutions, and we were able to grasp that the institutional responses require more development beyond the traditional theory. In this sense, the “concepts of complementary pathways of protection” and “self-reliance” were analyzed in relation to the durable solutions. In general, we should say that the theory is heading towards considering these concepts as complementary possibilities that go in parallel but without merging them. Therefore, self-reliance is not the same as integration, for example. In this particular point, we should say that the Case Study confirmed that this kind of position is the best to adopt, because when a State closes the possibility of focusing on integration, this won't mean that the options for increasing self-reliance are over. Activities and projects that aim to increase the job skills of Syrians while they are in Lebanon can have the aim to help them to reinsert in the work market in Syria once they return.

The case study of Lebanon helped us to understand how the position of several actors is determinant for allowing the refugees to access to these solutions. A red line in terms of return, is the coordination that should be clearly defined since the beginning, there are theoretical allocated responsibilities for each actor. The host State should avoid actions that aim to push the refugees to return. This pushing can happen directly or indirectly, among we can find eviction threats, lack of legal status for residence (if they don't have the permission to remain in the country theoretically they should leave), lack of basic conditions for living, restrictions in the movement and a general environment of repression just because of their conditions as refugees. UNHCR has the role of supervising that the refugees have a minimum level of protection against the previous acts, that the refugees receive the response of the humanitarians, that the refugees are allowed to grow in resilience and then conduct advocacy for these purposes.



The State of origin where the refugees are going to return has the duty of creating the conditions for the return, this includes the restoration of a safe environment, free of armed confrontations, the elimination of persecutory acts or any legislation that represent a threat to the life, dignity and integrity of the refugees. Our case study allowed us to identify a clear gap in the theoretical discussion of the role of the hosting State: the actor who will represent the State might not be easy to identify and in that case, who will assume the responsibility of creating the conditions for allowing the refugees to return? In Lebanon one of the main discussion among the political parties as if they should coordinate with the regime of Al Assad or not. We consider that this discussion, in terms durable solutions, should be avoided because it won't address the needs of the refugees, rather, it focuses on the interest of the political factions and to find a response that satisfy everyone it is unlikely. Rather, the discussion should be: it is possible to indicate that a process of return can be held in a context where the conflict is not yet over? This kind of questions is addressed by the clause of cessation of status of refugee, a parallel should be created and used in the discourse for the case of durable solutions as well.

Another discussion that has being avoided is, how are the refugees going to be prepared for the time of the return? What is the role of concepts like self-reliance while the refugees cannot return? We consider that the creation of capabilities like skills and vocational training should be more strengthened, even the possibilities of organizing the refugees in groups that can create and propose projects for generating incomes. It is vital to provide education, vocational, labor conducive training for building hope and strength in the refugees to go back to their homelands and be part of the reconstruction.

As for the resettlement opportunities, what the case study teaches us is that they do not depend solely on what other countries can offer in terms of quotas but also on building a strategy at national level in terms of increasing the legal pathways for resettlement. This includes engaging in agreements with other countries, advocating for more quotas between countries, reducing the bureaucratic procedures and eliminating fees that might obstruct the travel of the refugees,

providing the refugees with proper documents of recognition of their status or other civil acts like marriage and identification in general. When this type of documents are not easy to obtain, then the possibilities to finding resettlement opportunities are less likely. UNHCR takes the lead in terms of the resettlement by connecting the refugees and the countries of resettlement, but then the hosting state is excluded in the process and this is detrimental to having a proper perspective on the global situation of the refugees in the country.

On the other side, UNHCR has established clearly that the process is based upon the selection of the most vulnerable cases, but we wonder if the family reunification should be part of this type of system. The people who has a relative abroad will try to go with them through complementary pathways of protection, which includes direct applications to embassies, but if UNHCR would engage in this process and allow the refugees to apply to their assistance, maybe the opportunities for the refugees to leave would increase. We consider that some of the type of types of resettlement should be open for voluntary applications or, alternatively the complementary pathways of protections shall be more structured than now.

As for integration, we consider that it should be clearly stated that the integration doesn't mean naturalization necessarily, even when this is part of it. The discourses that forget the clarity in the concepts and terms are source of confusion. The government representatives should be clearly aware of the dynamics in displacement before any context of influx to their territories. The decision makers in the State should be aware that restricting rights of the Syrians in order to avoid committing towards integration have also consequences in other levels. Refugee situations tend to be protracted, for example. Do they consider that refugees should be assisted for that long? Are they ready to assume that this refugees and the new-born live under a situation of dependence for that long? The term integration might sound as a great burden to assume as well, but there should be studies in terms of the economic impacts, a proper assessment of the economic sectors where the impact might be stronger and those that are benefited by the presence of refugees, if they are aware that an illegal labor market will rise and they are unable to do a proper inspection and put sanctions,

we wonder if it is wise to persist with those restrictions, they have losses in terms of taxes collection. Of course the response is not as easy as: legalize everything, but at least, create an environment of discussion, incorporate technical decision makers and do not respond only the fears and desire of the population.

Some positive shifts we notice, is related to a growing interest in working towards sustainable development. In the world, 54% of the refugees under the protection of UNHCR are in protracted situation (Harild and Christensen, 2010) and just the real possibility that a crisis become protracted should guide and inform in the decisions taken by all stakeholders. In Lebanon the organization and the government are trying to improve in this direction but as we noticed before, some of the Informants consider that there is not a proper system that can allow a neutral allocation of resources.

### 6.3. Discussion of possible changes, theory and practice

Now we will focus upon specific concepts used on the theory chapter and we will connect them directly to the case study. We aim to complete our framework for assessing the influence for durable solutions in the section of “discussion of possible changes”.

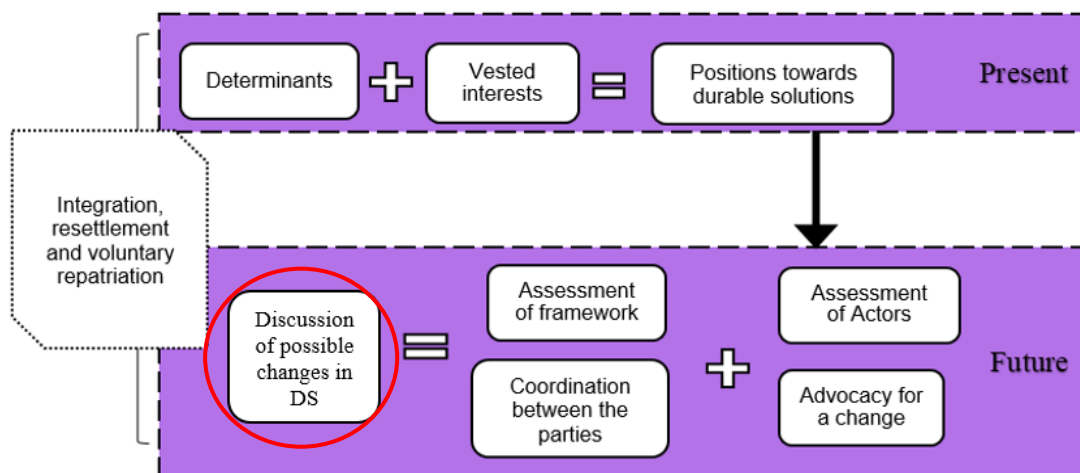


Figure 2.

In general, the criteria for durable solution should be consider as a way to help the host state to handle a crisis, not as an imposition or a burden on them. In terms of the assessment of the actors, the government has started to work

towards development but it will be necessary to increase the independence of the technical actors, to take decisions upon assessment needs, with roles very distinguishable in the Ministries and promotion of the capacities of the regional and local governments. The government should be accountable to its citizens, allowing the freedom of expression, encouraging the participation of the refugees on the issues of their concerns. By restricting the movement and possibilities of organization of the refugees, they risk to fulfil what they fear: the triggering of discontent.

The position of several actors around the legal, policy framework in Lebanon is the request for a change. The government has accepted the lift of the fees to the Syrians who are registered but the situation of those under the sponsorship system remains unclear. The fact that part of the Syrians are working doesn't mean that they are economic migrants. That would be to forget that conditions of living within the country: the high costs for rent, that the humanitarian aid is not covering all the needs, etc. Therefore, the framework should acknowledge the needs of the government to keep track of the presence of the Syrians in the country, and promote the self-reliance of refugees even with a clear restriction against integration.

As for the advocacy around durable solutions. We consider that the advocacy has been very limited in terms of targets: the organizations have focused on specific points (like the fees, the eviction orders, etc.) without presenting a bigger perspective in terms of durable solutions. Even when UNHCR has position papers on this regards, it is a position that is restricted to the present conditions and external conditionings. There is not a common goal with other organizations to build and broaden the possibilities of durable solutions for the future.

We cannot deny that this discussion is centered in the host state when the international cooperation should lead us as well to consider the role of other States for increasing their quotas, or to question the funds and agreements they choose to support as long as they keep the refugees far from their territories. We could suspect about their role in promoting Durable solutions when they don't put

the same emphasis in all the solutions. The Principle of the solutions being all equal cannot be a reality unless that is the States response accordingly.

We also notice that the discourse of durable solutions is hard to permeate other levels in the society. There is a gap in terms of the projects that can target the overall population for increasing awareness on the importance to discuss this topics and be part of the solutions.

Finally, as for the coordination among the actors. We believe that the returns organized in 2017 are a proof that there is not an overall system that can protect the refugees against *non-refoulement*. This can be explained by many factors but the relevant stakeholders like the government, organizations and the media should be aware of their share in the responsibility for this events and mainly, they should be ready for what can happen if there is not a change in this trend. We were witness of the great efforts that many of this stakeholders are taking every day to handle a situation that is lasting more that it was expected, with numbers that can be overwhelming for the country. However, to build durable solutions is to create hope among the refugees but also to give a direction to the country and an ownership over the future to its citizens.

## VI Annexes

### Annex 1

Source	Specific document	AIM
Global Consultations	Agenda for Protection	This intention, to make the protection more reliable, and equitable, was expressed in the Agenda for protection that it is a great intersection between providing international protection and setting strategies in order to do it (UNHCR, 2003).
Framework for DS	Framework for Durable Solutions for refugees and persons of concern.	“Achieve, through Development Assistance for Refugees (DAR), Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs) and Development through Local Integration (DLI), sharing burdens and responsibilities more equitably and building capacities to receive and protect refugees; and, redoubling the search for durable solutions” (UNHCR, 2003).
10 Point Plan and related documents	10 Points Plan.	“Assist States in developing comprehensive and “protection-sensitive” asylum and migration strategies”... The 10-Point Plan framework and methodology have since formed the basis for the development of integrated regional strategies which address irregular “mixed movements” in all of their complexity (UNHCR, 2007).
	Checklist for UNHCR.	<ul style="list-style-type: none"> <li>• “Government responses to mixed movements are comprehensive, cooperative and protection-sensitive.</li> <li>• Solutions are available which address differently and in appropriate ways the situation of the respective groups.</li> <li>• Refugees are identified and protected, while the irregular movement is reduced” (UNHCR, 2006).</li> </ul>
	10 Points Plan in Action, 2011 and update from 2016.	“Highlight a range of practical tools developed across each of the areas of the 10-Point Plan in different countries and regions” (UNHCR, 2016).
	Refugee protection and durable solutions in the context of international migration.	“The first section sets out the basic understandings that guide UNHCR’s involvement in this policy domain. The second identifies those migration-related issues that are of direct relevance to UNHCR’s mandate for refugee protection and solutions, and explains the primary concerns and objectives of the Office in each of these areas. The final section of the paper presents the strategy that UNHCR is employing to attain these objectives” (UNHCR, 2007).

New York Declaration	Annex I to the New York Declaration for Refugees and Migrants	Contains a comprehensive refugee response (CCR) framework and outlines steps towards the achievement of a global compact on refugees in 2018. This CRR should be developed for each situation involving large movements of refugees. (General Assembly UN, 2016).
Ending displacement framework	SC preliminary framework for “Ending displacement in the aftermath of a conflict”.	“Establishes priorities and responsibilities to support the delivery of durable solutions for internally displaced persons (IDPs) and refugees returning to their country of origin” (Secretary General of UN, 2011)
	A Preliminary Operational Guide to the United Nations Secretary-General’s decision on Durable Solutions to Displacement.	“Develop guidance for field-based practitioners on how to develop a strategy for supporting durable solutions for Internally Displaced Persons (IDPs) and refugees returning to their country of origin. The Guide is thus limited to situations where there are internally displaced persons and where refugees have returned to their countries of origin or habitual residence, if not to their regions of origin” (UNDP and UNHCR, Global Cluster for Early Recovery, with the Global Protection Cluster, 2016).

## Annex 2: Informants

<b>Informant No.</b>	<b>Name</b>
Informant 1	Anonymized
Informant 2	Anonymized
Informant 3	Anonymized
Informant 4	Anonymized
Informant 5	Anonymized
Informant 6	Anonymized
Informant 7	Anonymized
Informant 8	Anonymized
Informant 9	Anonymized
Informant 10	Anonymized
Informant 11	Anonymized
Informant 12	Anonymized
Informant 13	Anonymized
Informant 14	Anonymized

<b>Name of Organization</b>
OXFAM
ALEF
NGO "X"
NGO "Y"
NGO "Y"
Journalist
Lebanese writer
University Saint Joseph
Ministry of Social Affairs
Ministry of Social Affairs
Ministry of Social Affairs- Regional Officer
UNHCR- Resettlement Officer
UNHCR- Advocacy Officer
UNHCR- Regional Officer



## **Annex 3: Consent Form**

### **Interview Consent Form**

- Research project title: Relations of power behind the formation of the public policy in Lebanon for Refugees fleeing the Syrian War
- Research Participants name:

The interview will take between 45 mins to 1 hour. You have the right to stop the interview or withdraw from the research at any time.

Thank you for agreeing to be interviewed as part of the above research project. The purpose of this interview is to get to know your perception regarding the presence of Syrian refugees in Lebanon. The information will be used in the elaboration of the thesis for obtaining my Master Degree at the NOHA program. Your consent is necessary for me to ensure that you understand the purpose of your involvement and that you agree to the conditions of your participation. By signing this form you agree that:

- The interview will be recorded and a transcript will be produced.
- You will be sent the transcript and given the opportunity to correct any factual errors
- The transcript of the interview will be analyzed by Morgana Salvador as research investigator.
- Access to the interview transcript will be limited to Morgana Salvador and to the academic supervisor of this thesis, if it is required.  
Any summary interview content, or direct quotations from the interview, that are made available through academic publication or other academic outlets will be anonymized so that you cannot be identified, and care will be taken to ensure that other information in the interview that could identify yourself is not revealed.
- The actual recording will be kept under Morgana Salvador protection.
- Quotation Agreement: you also understand that your words may be quoted directly.
- All or part of the content of the interview may be used in academic papers, policy papers or news articles.
- You are able to ask any questions you might have during and after the interview. You are free to contact the researcher with any question in the future.

Name:

Signature:

Date:

Researcher signature:

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*“To those, bred under an elaborate social order few such moments of exhilaration can come as that which stands at the threshold of wild travel. The gates of the enclosed garden are thrown open, the chain at the entrance of the sanctuary is lowered; with a wary glance to right and left you step forth, and, behold! the immeasurable world. The world of adventure and of enterprise, dark with hurrying storms, glittering in raw sunlight, an unanswered question and an unanswerable doubt hidden in the fold of every hill”.*

*Syria, The Desert and the Snow. Gertrude Lowthian Bell*