The Head Out of the Sand
Addressing the legal and practical options
George Ghali

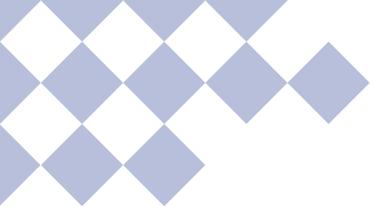# Policy Paper
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Disclaimers

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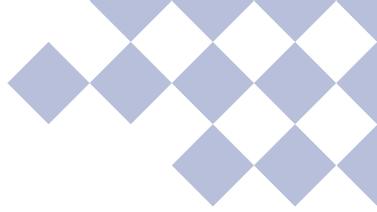
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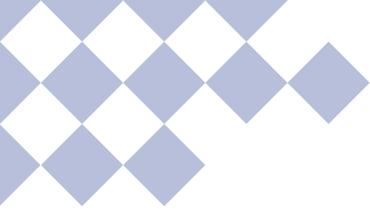
Acronyms

- **CAT:** Committee Against Torture
- **CRC:** Convention on the Rights of the Child
- **CSO:** Civil Society Organization
- **DGGS:** Directorate General of General Security
- **EU:** European Union
- **ISF:** Internal Security Forces
- **MoIM:** Ministry of Interior and Municipalities
- **MoL:** Ministry of Labour
- **MoSA:** Ministry of Social Affairs
- **MP:** Member of Parliament
- **NGO:** Non-Governmental Organization
- **NSSF/L:** National Social Security Fund/ Law
- **PRL:** Palestinian Refugees in Lebanon
- **PRS:** Palestinian Refugees from Syria
- **PWD:** Persons with Disabilities
- **RSD:** Refugee Status Determination
- **UNDP:** United Nations Development Programme
- **UNHCR:** United Nations High Commissioner for Refugees
- **UNRWA:** United Nations Relief and Works Agency for Palestine Refugees in the Near East
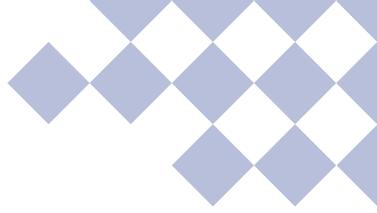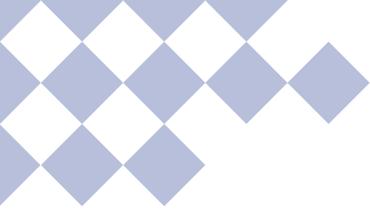
Background

Since March 2012, the Lebanese community and government, along with dozens of international organizations, UN agencies, and Lebanese NGOs have been responding to what became known as the "worst humanitarian crisis since World War II.[1]" More than one million Syrians fled to neighboring Lebanon seeking safety and shelter away from the conflict raging their home country. This influx of refugees has caused the already shattered infrastructure, poor security, instability, and fragmented social fabric in Lebanon to collapse further[2].

This refugee influx sparked by the Syrian crisis has stress-tested the current refugee regime and models globally. In Lebanon, the legal framework governing the movement of Syrians to Lebanon since the early 1990s was replaced by a well-founded yet ineffective visa system[3]. The ad hoc models usually developed in the form of extraordinary memorandums of understanding to facilitate the work of the UNHCR in Lebanon were not applied in the specific context of the Syrian refugee crisisresponse[4].

At the regional level, the moderately successful Dublin system applied to manage mobility and asylum-seeking inside Europe collapsed as thousands of

1.- Stephen O'Brien, UN Under Secretary for Humanitarian Affairs, New York, March 10,2017. https://www.theguardian.com/world/2017/mar/11/world-faces-worst-humanitarian-crisis-since-1945-says-un-official

2.- The escalating polarization following the Syrian civil war resulted in the Baabda Declaration which emphasizes Lebanon's neutrality with regard to the Syrian conflict. Further details available on http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Lebanon%20S%202012%20477.pdf

3.- ALEF, PAX, "Trapped in Lebanon: The alarming human rights situation of Syrian refugees in Lebanon", May 2016, pp 20-21

4.-ALEF, "Two Years On: Syrian refugees in Lebanon", September 2013, pp 13
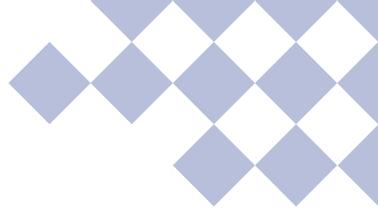
refugees from Syria and the region made it illegally across the Mediterranean to European shores. In parallel, the debate on migration, humanitarian reform and other issues in Europe, the USA, and the UN has been shaping initiatives such as the Regional Resilience and Response Plan, the World Humanitarian Summit, the UN Global Compact, and several other platforms aimed at reforming the existing refugee management systems.

This technical debate has revived ideological discussions on idealism, humanity, nationalism and how they shape protection solutions. As counterintuitive as it may seem, the Syrian civil war and its by-products have allowed new perspectives on humanitarian issues, a common good problem.

Executive Summary

This paper attempts to analyze the current legal and practical developments in the situation of Syrian refugees in Lebanon. It is aimed at providing a policy-oriented audience with valuable in sight into refugee protection in Lebanon. While the refugee situation in Lebanon has inflicted a myriad of threats and challenges on both the Lebanese community and Syrian refugees in Lebanon, this paper will focus on those strictly relevant to the policy debates that have been unfolding between political parties and current council of ministers. It will, as well, suggest measures that may be applied in Lebanon, pending durable solutions.

The attitude and actions of the Lebanese State agencies vis-à-vis the crisis have ranged from complete passiveness and withdrawal to more hands-on solidary approaches to the response efforts. While Lebanon wants to play a more active role in the response to the crisis, its position and attitude remain driven by short-sighted policy choices that affect refugees and their host communities alike. The limited recognition of refugee status, the barriers to legal recourse, and other issues related to civil documentation, birth registration, and status determination expose the refugees to a series of obstacles preventing their access to protection and assistance. And since the Lebanese State is bound by several

international human rights instruments and the principle of non-discrimination, referring to Syrians by using any term other than "refugees" does not detract from the rights to which they are entitled.

On the other hand, the response plans implemented by the UN and several international humanitarian agencies in the beginning of the crisis have failed to apply conflict-sensitive approaches. Perhaps the most illustrative example is the distribution of aid, which has triggered feelings of unfairness and injustice among the Lebanese host communities. Another example is the *prima facie* status identification which started in May 2015 when the Lebanese government, alarmed by the waves of Syrian refugees, took a hasty decision that denied them status identification. Consequently, the number of Syrian refugees registered with the UNHCR dropped from 1, 200, 000 in 2014 to 997,905 in December 2017[5]. This demonstrates the need to adopt response plans that have been developed and tested in other crisis situations to ensure the protection and status identification of refugees.

The Lebanese internal debate echoed legitimate fears of destabilization and insecurity that were believed by much of the general public to be caused by refugees. But it is actually the ill-chosen policies that have fuelled this feeling of insecurity, overstretched the capacity of state agencies, and thrown additional stumbling blocks in the way of refugees. This is particularly evident in the government's state of inertia or "burying of the head in the sand" in front of the proliferation of informal refugee settlements across the country. The weak socio-economic situation of both host communities and Syrian refugees has left the latter with the only option of renting tents and sheds in agricultural lands. Although the Lebanese government emphasizes, time and again, the security threat that such settlements may pose, it has hither to failed to implement proper threat mitigation solutions. Instead, it decided to turn the blind eye to these camps, appoint and empower strongmen (locally known as *Shawish*) from the camps to serve as informants, and prevent the structured delivery of services thereto.

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5 UNHCR, "Inter-agency Information Sharing Portal", http://data.unhcr.org/syrianrefugees/country.php?id=122
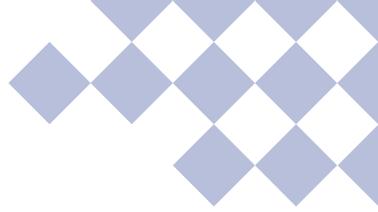
With the elections season now in full swing, the response to the crisis is translating into a race to return the refugees. Political parties are competing to propose the fastest and most efficient refugee return plan, each according to their political position towards the Syrian conflict. The discussion, either intentionally or unintentionally, opened a Pandora's box of issues that exposed coercive, restrictive, and racist attitudes in the country, including a tolerance for discriminatory municipal measures, physical violence and other practices which have only worsened the situation of refugees.

In view of the state of play described above, Lebanon is urged to develop an overarching policy that would position the current debate in a more rights-based approach. Pulling the head out of the sand is an imperative starting point for any policy debate on the subject of the refugee crisis. Rights-based policies neither discredit nor invalidate the concerns of the Lebanese government and community, as some may claim. What is needed is an out-of-the-box policy-making process that achieves the required balance. UN agencies, international NGOs, and Lebanese decision-makers often find it difficult to consider solutions outside their political "comfort zone", hence the years of missed opportunities. Political parties often prioritize the public's perception of their positions over advancing policy discussions and coming up with effective solutions. They have, in several instances, recognized the failure and admitted the counter-productive impact of policy choices, yet they insist on perpetuating similar or even stricter policies to maintain their image as being "tough on refugees", or "keen on protecting Lebanon". Similarly, UN agencies and INGOs have not harnessed their expertise and resources to take policy options outside the box. Their reliance on previously adopted knowledge and strategies and their determination to keep the debate locked up in a narrow policy landscape resulted in their advocacy efforts being often disregarded by policy makers in Lebanon.

To conclude, any policy option put on the table should not disregard the issues of refugee identification, sheltering and protection, which can enhance the state of security and stability in Lebanon. The Lebanese government should provide solutions that are in line with the principle of international protection that advocates for responsibility sharing and durable solutions. Only this type

of solutions would enable Lebanon to stand firm in front of the international community and demand fair burden sharing schemes. In parallel, rights-based solutions ease the tension between the refugees and host communities, there by reinforcing cohesion and stability.

### I – The Legal Frameworks Covering Refugee Identification and Protection

Discussions on the refugee file in Lebanon have always been fueled by dissociation, misconceptions, violence and misinformation. Such gaps and challenges have mostly taken the form of lengthy "*Byzantine discussions*" on words, terminologies and language. Since the 1960s, at least, the debate on language in Lebanon has been designed to evade responsibility, in the hope that word choices will make the situation better. This section will address the identification of refugees and their protection under Lebanese laws, while also presenting the development of this issue internationally by looking at two frameworks in cases of mass influx[6].

The process of refugee identification remains one of the key steps to refugee protection since it enables the host countries and the international community alike, to identify the people of concern, for international protection. Refugee identification is also closely linked to the process of burden sharing, or responsibility sharing.

The legal framework applicable to Syrian refugees in Lebanon is relatively loose and involves various sources and bodies of international law. However, Lebanon is not party to the 1951 Convention, which constitutes a significant gap, notably in terms of regulating the legal status and rights afforded to Syrian refugees. As a result, there is no comprehensive set of rules at the domestic level governing the treatment of refugees, hence the subjection of Syrian refugees to the national legislation on foreign nationals and, in particular, the specific regulations applicable to all Syrian nationals[7]. As illustrated below, this raises a series of protection issues, notably due to the changing and ad hoc policies adopted by the Lebanese authorities.

6 This section does not seek to present an authoritative legal analysis. Other legal frameworks are not covered in this paper.
7 Syria Needs Analysis Project, *Legal status of individuals fleeing Syria*, op. cit., p. 4.
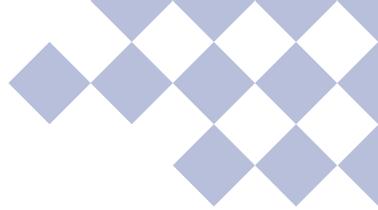
COUNTRY PROFILE FOR LEBANON

Status of Ratifications

Human Rights Instrument : (Date into force)	Ratification Status	Declaration
International Convention on the Elimination of All Forms of Racial Discrimination :1969	Signature: NA, Ratification/Accession: 1971	✓
International Covenant on Civil and Political Rights :1976	Signature: NA, Ratification/Accession: 1972	
Optional Protocol to the International Covenant on Civil and Political Rights :1976	Signature: NA, Ratification/Accession: NA	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991	Signature: NA, Ratification/Accession: NA	
International Covenant on Economic, Social and Cultural Rights :1976	Signature: NA, Ratification/Accession: 1972	
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights :2013	Signature: NA, Ratification/Accession: NA	
Convention on the Elimination of All Forms of Discrimination against Women :1981	Signature: NA, Ratification/Accession: 1997	✓
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women :2000	Signature: NA, Ratification/Accession: NA	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :1987	Signature: NA, Ratification/Accession: 2000	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: NA, Ratification/Accession: 2008	
Convention on the Rights of the Child :1990	Signature: 1990, Ratification/Accession: 1991	
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: 2002, Ratification/Accession: NA	
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: 2001, Ratification/Accession: 2004	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: NA, Ratification/Accession: NA	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: 2007, Ratification/Accession: NA	
Convention on the Rights of Persons with Disabilities :2008	Signature: 2007, Ratification/Accession: NA	
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: 2007, Ratification/Accession: NA	

The Refugee Convention of 1951 and its 1967 protocol do not provide a recipe for refugee status identification which remains within the realm of state sovereignty. However, the deprivation of status identificationis not permissible under the guise of sovereignty. The frameworks organizing refugee protection might beexternal to the refugee regime, but they remain rooted in the general frameworks of human rights. The government of Lebanon thus has no leeway todeny refugees their rights enshrined in human rights instruments signed and ratified by Lebanon. Civil and political rights, economic, social and cultural rights, the rights of the child, and torture prevention are all sets of moral and human rights obligations that Lebanon is required to fulfill for refugees, under the principle of non-discrimination.

A deeper understanding of the principles of non-discrimination and equality within the treaty based systems provides valuable insight into the enjoyment of these rights and the obligations of the state beyond the "state's subjects."

General Comment 18 emphasizes the principle of non-discrimination based on "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.[8]" The question that follows is: Does avoiding the ratification of the UN Refugee Convention-andnever missing an opportunity to use this argument as a pretext, have any effect on Lebanon's duty to provide protection, assistance and fair treatment to refugees? The answer is simple: Lebanon is party to, and thus bound by, a number of international human rights law instruments[9] that lay down a set of rights and norms applicable to Syrian refugees. And so, all solutions developed by the Lebanese State on the subject of Syrian refugees should reflect and be consistent with these rights and norms. In any case, Lebanon is bound to uphold and guarantee these rights and norms for all people existing on its territory and within its jurisdiction. In principle, human rights apply irrespective of immigration or other status, be it refugee, asylum-seeker, stateless person, or migrant worker[10]. They include an obligation not to return a person to a place where there is a real risk of exposure to torture or inhumane and degrading treatment, whatever the causes of such ill-treatment may be. This obligation is also known as "*non-refoulement*", the fundamental principle of international law applicable in the specific context of prohibition of torture and other ill-treatment[11].

The main legal and political basis behind Lebanon's non-ratification of the 1951 UN Refugee Convention stems from Lebanon's permanent derogation from "local integration" as one of the durable solutions to the crisis. It is the-

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8 HRC, Thirty seventh session (1989) General comment No. 18: Non discrimination, HRI/GEN/1/Rev.9 (Vol. I) page 195

9 These instruments include notably the International Covenant on Civil and Political Rights (acceded on November 3, 1972), the UN Convention on the Rights of the Child (ratified on May 14, 1991) and the International Covenant on Economic, Social and Cultural Rights (acceded on November 3, 1972).

10 See Article 2(2) of the ICESCR and Article 2(1) of the ICCPR. See also, ICESCR, General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights (art. 2, para. 2) (E/C.12/GC/20, 2009), paragraph 30, which states: "The Covenant rights apply to everyone including non-nationals, such as refugees, asylum-seekers, stateless persons, migrant workers and victims of international trafficking, regardless of legal status and documentation." See also, United Nations Human Rights Committee, General Comment No. 15, The Position of Aliens under the Covenant, UN Doc. CCPR/C/21/Rev.1 (19 May 1989), paragraph 1.

11 Human Rights Committee, General Comment N°31, CCPR/C/Rev.1/Add.13, May 26, 2004, para. 12

various communities of Lebanon that have mutually agreed, in a constitutional framework, on the prohibition of naturalization[12], which clearly deviates from the provisions of Article 34 of the 1951 Convention[13]. Nevertheless, expressing reservations to elements of conventions is not alien to the Lebanese practice with regard to the human rights system[14].
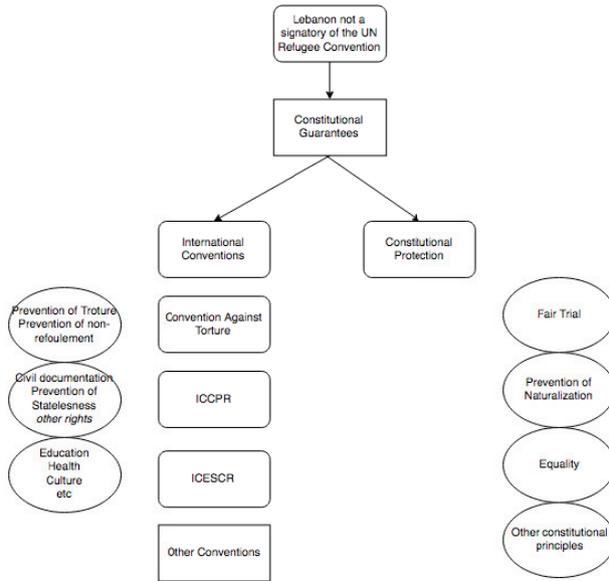
The diagram above illustrates the components of the legal framework applied to refugee protection and demonstrates their constitutional strength. The prohibition of naturalization and the enjoyment of human rights are both legally and constitutionally-enshrined principles that the Lebanese state agencies are

12 The Taef Agreement, General Principles, Paragraph 8, "Lebanon's soil is united and it belongs to all the Lebanese. Every Lebanese is entitled to live in and enjoy any part of the country under the supremacy of the law. The people may not be categorized on the basis of any affiliation whatsoever and there shall be no fragmentation, no partition, and no settlement (Tawteen)"
13 UN Refugee Convention of 1951 and its 1967 Protocol Article 34.
14 See CEDAW, ICCPR, CAT

bound to uphold. However, the "fear" of naturalization will remain weakly evidenced, futile, and irrelevant unless two-thirds of the Lebanese MPs become in favor of a constitutional amendment allowing its enforcement.

In practice, the Syrian refugee issue and its legal framework also interact with and are influenced by public perceptions and linguistics. The Lebanese government has since 2012 utilized the term "displaced Syrians" in order to refer to Syrian refugees in Lebanon. The position is built on an assumption that referring to refugees as displaced would relieve the State of Lebanon of its responsibilities. This approach raises two main concerns: First, this shifts the policy issue into a linguistic exercise of word choices synonymous to peoples' movement and mobility. The early years of the crisis focused largely on ensuring that communication with regard to the humanitarian crisis excluded the word refugees, to be replaced by displaced (*Nazihin*). The second concern, which is more dangerous in nature, lies in motivations and intentions. By adopting such terminologies, the Government of Lebanon aims to evade obligations and responsibilities that normally fall on any duty bearer within the human rights framework.

Beyond Lebanon, refugee movements have been occurring for years. Since the inception of the UN in 1945, international resources and mechanisms have been dedicated to assist and protect people in need[15]. The last three decades have been marked by warfare tactics that left millions of people internally displaced or refugees. Assistance mechanisms were thus designed to respond to new dynamics, unfolding challenges, and lessons learned. Fortunately, the response to the mass influx challenge has been only driven by morality, humanity and common values, and more recently, by a need for containment and border management.

A review of previous cases of mass influx serves to identify some lessons learned and contributes to the current discourse on solutions. It should be noted, first, that there is no universally accepted definition of "mass influx". While a few international soft-law instruments only refer to "mass influx"[16], the Euro-

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15 See UNRWA 1949 – UNHCR 1950 – among others
16 For instance, the Declaration on Territorial Asylum adopted by the UNGA in its resolution 2312(XXII) of December 14, 1967, Art. 3(2).
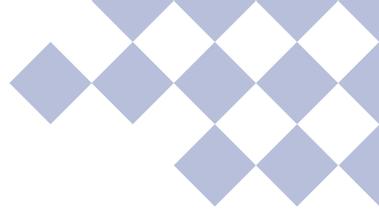
pean Union Directive on Temporary Protection is the only binding instrument for EU member states, providing a definition of mass influx[17] and a mechanism that may be applicable to the Syrian refugee crisis[18].

Most importantly, though, the UNHCR Executive Committee (EXCOM) identified a number of parameters characterizing a situation of mass influx, which are particularly relevant for establishing the occurrence of "influx" of Syrian refugees into Lebanon:

> *"(...) mass influx situations may, inter alia, have some or all of the following characteristics: (i) considerable numbers of people arriving over an international border; (ii) a rapid rate of arrival; (iii) inadequate absorption or response capacity in host States, particularly during the emergency; (iv) individual asylum procedures, where they exist, which are unable to deal with the assessment of such large numbers"*[19].

Despite the absence of definition, the notion of "mass influx" has had critical influence on temporary refuge or temporary protection practices. The terms "temporary refuge" and "temporary protection" also need to be clarified as they have been used inter changeably over the past decades to refer to various types of practices[20]. This confusion of terms also reflects the varying scope and purpose of application of the different practices referred to as temporary refuge or temporary protection. In a nutshell, temporary refuge or temporary protection have been used to cope with two completely different realities[21], either as

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17 Art. 2(d) of the Temporary Protection Directive provides as follows: "'mass influx' means arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme", EU Directive on Temporary Protection, 2001/55/EC, 20 July 2001, available at:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF

18 Cynthia Orchard and Dawn Chatty, "High Time for Europe to Offer Temporary Protection to Refugees from Syria?", *Oxford Human Rights Hub*, 27 October 2014, available at: http://ohrh.law.ox.ac.uk/high-time-for-europe-to-offer-temporary-protection-to-refugees-from-syria/

19 EXCOM Conclusion No 100 (LV) on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations, 2004, at http://www.unhcr.org/41751fd82.html

20 instance, see UNHCR, *A Comprehensive Response to the Humanitarian Crisis innthe Former Yugoslavia*, HCR/IMFY/1992/2, 27 July 1992.

21 See UN General Assembly, Note on International Protection, A/AC.96/830, 19-20 (Sept. 7, 1994)

a form of complementary protection for persons not covered by the 1951 Convention[22], or as a form of temporary admission, in case of mass influx, without prejudging the persons' eligibility for international protection[23]. This is how the present paper understands and uses these notions and terms. In other words, the practices described below cover instances of temporary protection offered to refugees in exceptional circumstances of mass influx where the determination of the refugee status of the persons concerned was either practically impossible due to the scale of the crisis, or simply irrelevant as the host countries were not party to the 1951 Convention.

The most significant and pertinent case is the "boat people crisis" which took place in South East Asia between the mid 1970's and the early 90's and involved the exodus of more than 3 million refugees from Vietnam, Cambodia and Laos into neighboring countries, particularly Thailand.

The main lessons that can be learnt from "the boat people crisis" and applied to the current Syrian refugee crisis in Lebanon,are summarized as follows:
- Being a party to the 1951 Convention, or not, is not necessarily a determining factor; therefore, strategic and comprehensive solutions to a mass influx situation may be developed and implemented despite this legal hurdle;
- There are a number of specific minimum standards and safeguards required in the response to mass influx situations. Lebanon has acknowledged these standards and safeguards and even contributed to their enactment in the EXCOM Conclusion N°22;
- Temporary asylum in the host country is part of the comprehensive solution that includes resettlement as an expression of burden sharing[24];
- Appropriate and sufficient international solidarity[25], including through re-settlement, is key to ensuring continued compliance of first countries of a

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22 E.g. HARTMAN, J. F., PERLUSS, D., *"Temporary Refuge: Emergence of a Customary Norm"*, Virginia Journal of International Law, Vol. 26, 1985-1986, p. 554.
23 COLES, G. J. H., op. cit.
24 *UNGA, Declaration and Comprehensive Plan of Action of the International Conference on Indo-Chinese Refugees – Report of the Secretary-General, § C5(a)*
25 For a detailed analysis of this principle see EGGLI, A. V., M*ass Refugee Influx and the Limits of Public International Law,* Martinus Nijhoff, The Hague, 2002.
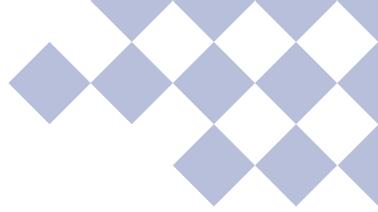
sylum with relevant standards[26], but it should not be a prerequisite[27]. Otherwise, as demonstrated in the "boat people crisis", there is a risk that host countries would not only have reservations about the admission of further refugees, but also question the status of those already on their territory. During the "boat people crisis", the EXCOM members spoke of an obligation for the States to take all measures possible to assist a country facing a mass influx[28]. Lastly, this precedent also demonstrated the need to ensure that international cooperation is comprehensive and covers protection, assistance and durable solutions[29]. The comprehensive plan of action was further acknowledged in the context of other mass influx situations like the one resulting from the conflict in former Yugoslavia in the early 90s[30].

While critics of temporary protection mainly emphasize the risk that it may undermine the protection provided for in the 1951 Refugee Convention[31] since it does not take in certain durable solutions such as permanent resettlement and integration, this risk is less legally and practically relevant in the Lebanese context, for the simple reason that Lebanon is not a party to the 1951 Convention. Although their main purpose is repatriation as a durable solution, certain temporary protection solutions might lead to resettlement plans.

The most important aspect to consider in cases of mass influx is that refugees are entitled to temporary protection before their status has been identified.

26 *UNHCR Note on international protection*, A/AC.96/850 1 Sept 1995 para. 14
27 EXCOM Conclusion No 85 para. (p)
28 EXCOM Conclusion No 22, *op. cit.*, para IV(1) available at: http://www.refworld.org/docid/4b28bf1f2.html
29 HCR, International Solidarity and Burden-Sharing in All its Aspects: National, Regional and International Responsibilities for Refugees, A/AC.96/904, 7 September 1998, §§ 7 and 27, http://www.unhcr.org/excom/EXCOM/3ae68d978.pdf
30 "(u) Acknowledges that the realization of solutions in a growing number of mass outflow situations is much facilitated where these are made an integral part of a comprehensive plan of action, which balances the interests of affected States and the rights and needs of individuals and, accordingly, encourages UNHCR to work together with States and other interested organizations to explore new solutions-oriented approaches, which might include temporary protection and necessary arrangements for burden-sharing, when a situation so requires;" http://www.unhcr.org/3ae68c6e1c.html
31 See for example Akram Report, op. cit., p. 5.
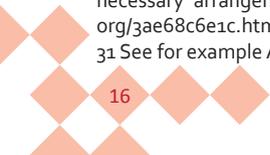
Another modality developed to respond to refugee crisesrelies mostly on *prima facie* status identification. In the case of the Syrian refugee crisis, the scale of displacement has prompted the UNHCR to strengthen and expedite their refugee identification processes by adopting the *prima facie* status identification process which prevents individuals seeking international protection from falling through the cracks while awaiting the lengthy refugee status determination (RSD) process. The UNHCR defines the process as follows:

> "*While refugee status must normally be determined on an individual basis, situations have also arisen in which entire groups have been displaced under circumstances indicating that members of the group could be considered individually as refugees. In such situations, the need to provide assistance is often extremely urgent and it may not be possible for purely practical reasons to carry out an individual determination of refugee status for each member of the group. Recourse has therefore been had to so-called "group determination" of refugee status, where by each member of the group is regarded prima facie (i.e. in the absence of evidence to the contrary) as a refugee*"[32].

In the Lebanese context, the above modality resulted in the certification of around 1.2 million Syrian refugees by mid-2014[33], which raised concerns among the Lebanese decision-makers and communities. The below graph shows the exponential increase of Syrian refugees in Lebanon. This increase has been mostly due to developments in the Syrian armed conflict. By the end of 2013 and through 2014, the conflict took dramatic turns and violent clashes erupted in areas close to the Lebanese borders, including Yarmouk camp siege, Damascus countryside, Qalamoun and Zabadani[34].

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32 UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, reissued December 2011, HCR/1P/4/ENG/REV.3, para. 44.
33 Numbers gathered continuously by the team at ALEF using the UNHCR Inter Agency Web Portal. http://data.unhcr.org/syrianrefugees/country.php?id=122
34 More information could be found by visiting the compiled timeline on: https://en.wikipedia.org/wiki/Timeline_of_the_Syrian_Civil_War

Syrian Registered Refugee Population in Lebanon
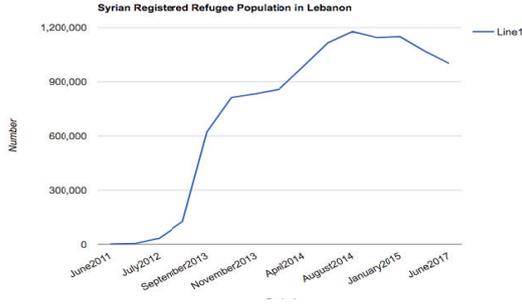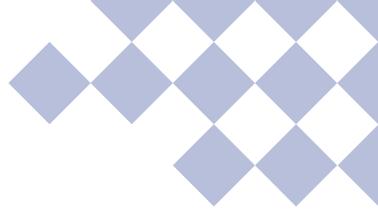
Based on the foregoing,it is possible to identify two refugee identification processes applicable in cases of mass influx. Both processes seek to secure an ecosystem for protection where the obligations of the state are fulfilled. They were developed in contexts where state refugee identification systems collapsed under heavy workload.

Temporary protection in cases of mass influx	Prima facie process
Applicable in the context of mass influx	Applicable in the context of mass influx
Considers protection to be going in parallel with Refugee Status Determination (RSD)	Drastically shortens the regular RSD process to ensure individuals benefit from applicable protections
Seeks to fill the gap between the needs of individuals in terms of protection and assistance, and the identification process	Seeks to fill the gap between the needs of individuals in terms of protection and assistance, and the identification process
Considers RSD as a rigorous process unable to cope with the large movement	Considers RSD as a rigorous process unable to cope with the large movement

As summarized in the table above both processes seek to provide protection while also maintain the ability to accommodate the large movement of people. Over the last two decades, the *prima facie* process has gone a step further. In many situations, the UNHCR's adoption of a *prima facie* status identification pushed states to enhance their responsibility sharing schemes and accelerate their resettlement paths[35]. For example, in Nepal, the government conducted

35 UNHCR, GUIDELINES ON INTERNATIONAL PROTECTION No 11, http://www.unhcr.org/publications/legal/558a62299/guidelines-international-protection-11-prima-facie-recognition-refugee.html

prima facie status determination for refugees arriving from Tibet since 1959, and refugees arriving from Bhutan between 2006 and 2012. In Cameroon, the UN-HCR conducted prima facie status identification, and in Sudan, refugees from Chad were identified on *prima facie* basis[36].

However, in contexts where status recognition could spark tension, humanitarian agencies and governments alike should balance between efforts to prevent the deprivation of status on one hand, and efforts to ensure safety and cohesion, on the other. In Lebanon, the tension increased in the 1960s and was fuelled by escalation and polarization against the Palestinian refugees. The Lebanese experience with Palestinian refugees has set a pattern, or customary practice, for dealing with refugees in Lebanon. While this practice is an effort maintained to prevent violent incidents, the "temporary protection" model seemsmore effective in providing balance and ensuring that refugees are not denied protection and durable solutions.
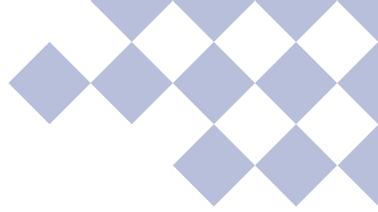
Seven years into the Syrian refugee crisis, the refugee movement has slowed down in Lebanon. It is thus time to re-evaluate the *prima facie* status model. Lebanon still lacks a comprehensive refugee policy. An RSD model could push it to engage further in discussions leading to such policy. In May 2015, the Lebanese government requested the UNHCR to halt all refugee registration processes[37]. Since then, a large number of Syrian refugees in Lebanon have been denied refugee certificates and were left in limbo. An RSD process would allow such individuals to be recognized as refugees, and most importantly, push the international community to demonstrate "appropriate and sufficient international solidarity."

II- Protection Options: 4 Camps and non-Camps

With this better understanding of status identification modalities and the

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36 Summary of refugee registration and refugee status determination by Country of Asylum, http://www.rstp.ca/wpcontent/uploads/2017/01/RSDs-by-country-updated-January-2017Final.pdf
37 Jean Aziz, "Lebanese, UN fall out over refugee registration", *Al Monitor*, July 21, 2015. https://www.al-monitor.com/pulse/originals/2015/07/lebanon-syria-refugees-unhcr-gebran-bassil-rejection.html

framework governing refugee protection in Lebanon, it becomes possible to address the debate on the protection design. Syrian nationals who found refuge in Lebanon have mainly resided in already underdeveloped areas that suffer from structural problems and inequalities in terms of public services, employment and other aspects of life. The refugees' choice of housing and shelter, including rented apartments, rented buildings under construction, tents, and others was mostly determined by their vulnerability and socio-economic class[38].

Shelter is a strong component of refugee protection and assistance. Whether in mainstream discussions on refugees, people's perceptions of refugee crises, or emergency settings, refugees heltering is an overriding concern. Protection mainstreaming involves a series of measures to be taken in any sheltering program. The Global Shelter Cluster which brings together a number of organizations that work on shelter issues seeks to standardize responses and guidelines on shelter by establishing a series of standards that guarantee the protection element of shelter. In brief, the Cluster highlights two sets of principles that provide an overarching crisis response. Protection considerations, notably the principles of do no harm and non-discrimination are cross-cutting requirements in shelter assessments, programme design, implementation, monitoring and evaluation.

The provision of shelter is also rooted in human rights. The right to adequate housing, recognised in key international legal instruments, should not be interpreted narrowly, but rather as including the right to live somewhere in security, peace, and dignity. The right to adequate housing contains both freedoms and entitlements[39].

The current standard divides the provision of protection and assistance into three main titles[40]:

- **Assistance options and modes of delivery:** Standards that guide the actions and processes to determine what humanitarian assistance is required;

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38 Rabih Shibli, Issam Fares Institute for Public Policy and International Affairs American University of Beirut, "Reconfiguring Relief Mechanisms: The Syrian Refugee Crisis in Lebanon", *Refugee Research and Policy in the Arab World*, Research Report, February 2014
39 Sphere Handbook Draft 2 for consultation - Shelter and Settlement Standards –October 2017
40 Idem

how it should be provided; and how to engage with communities and other non-traditional actors involved in shelter responses.

- **Enabling environments:** Standards that reflect the elements required for successful shelter and settlement programming. While these standards of action are not unique to shelter and link with other sectors, they are a critical part of ensuring successful shelter interventions and can often have long-term results.
- **Habitation and physical living space:** Standards that determine the qualitative outcomes of shelter. Shelter interventions should ensure that affected families attain protective spaces and living accessories, which enable domestic and community living.

In Lebanon, the existing fears of protracted refugee situations, the discussionson refugee sheltering, and the approaches adopted by the Lebanese government have resulted in an ad hoc shelter response that avoids breaching the humanitarian principles cited above. Despite the Lebanese government's strong position against the establishment of refugee camps for Syrians[41], thousands of "informal tented settlements" (ITS) were mounted in numerous regions of Lebanon. This matter raises several questions on the effective modalities that could be implemented so as to maintain a decent balance between protection and assistance on the one hand, and security and cohesion on the other.

Refugee camps and concentrations in randomly selected area scan be double-edged. Refugee camps provide shelter which is a primary concern for any family or individual fleeing disaster or conflict. Shelter allow sagencies operating the camps to deliver more comprehensive response strategies, provide more effective protection main streaming, and conduct more targeted needs assessments. However, the refugee camp setting may have serious implications on the refugee's right to live in dignity, social integration and cohesion, and the ability to design assistance programs that promote limited dependence on aid. Refugees in camps also have less access to livelihood opportunities. More importantly, in the case of Lebanon, refugee camps make it difficult for aid pro-

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41 Kelley, N. (2017) "Responding to a Refugee Influx: Lessons from Lebanon", Journal on Migration and Human Security, Volume 5, Issue 1 (2017), 82-104
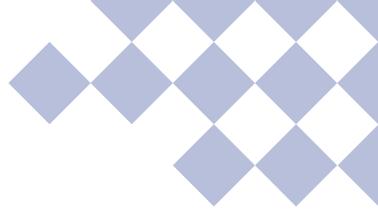
grams to support host communities while providing aid to refugees.To top it all, the issue of security and safety in refugee camps remains blurred and ill-defined.

On the other hand, allowing refugees to manage their shelters and incorporate their housing traditions and norms also has its benefits and challenges. Dispersed shelters give refugees better access to livelihood opportunities and promote their engagement and integration in the host community. This can either foster social cohesion orfuel community tensions. One positive aspect is that assistance programs that target the refugee communities will at the same time target host communities and respond to their needs in terms of education support, health support and others. In 2017, a grand total of USD 39,101,419.38 was spent in the framework of the Lebanon Host Communities Support Programme (LHSP)[42]. Additionally, donors invested nearly 1 Billion USD in public works projects in Lebanon to help the countrymitigate the effects of the Syrian refugee crisis[43]. Such developmental investments and other forms of programming that benefit host communities would not be possible in the refugee camp modality. However, the dispersed shelter modality is not without challenges, especially in terms of ensuring protection, identifying vulnerability, and providing a proper response to needs. Syrian refugees in Lebanon now suffer from extreme household debt. They spend most of their income on rent and find themselves unable to afford other basic needs.

Ensuring safety and security depends greatly onthe capacity and resources of the state and, most importantly, on political will. The 1969 and 1973 events that took place in Lebanon between the Lebanese army and Palestinian factions are a perfect example of this narrative[44]. This brings us to the following question: Knowing that the Syrian conflict came at a time of increased escalation and polarization between the Lebanese counter parts, and a time when Lebanon is still coping with the consequences and remnants of the 2007 Nahr el Bared

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42 UNDP, Lebanon Host Communities Support Programme (LHSP), www.lb.undp.org/content/lebanon/en/home/operations/projects/poverty_reduction/support-to-economic-recovery--community-security-and-social-cohe.html
43 UNHCR, 3RP Regional Resilience and Refugee Plan 2017-2018, October 2017.
44 Politics in Lebanon: The Creation of the Lebanese Army, Federal Research Division - Library of Congress (Edited by Thomas Collelo, December 1987)
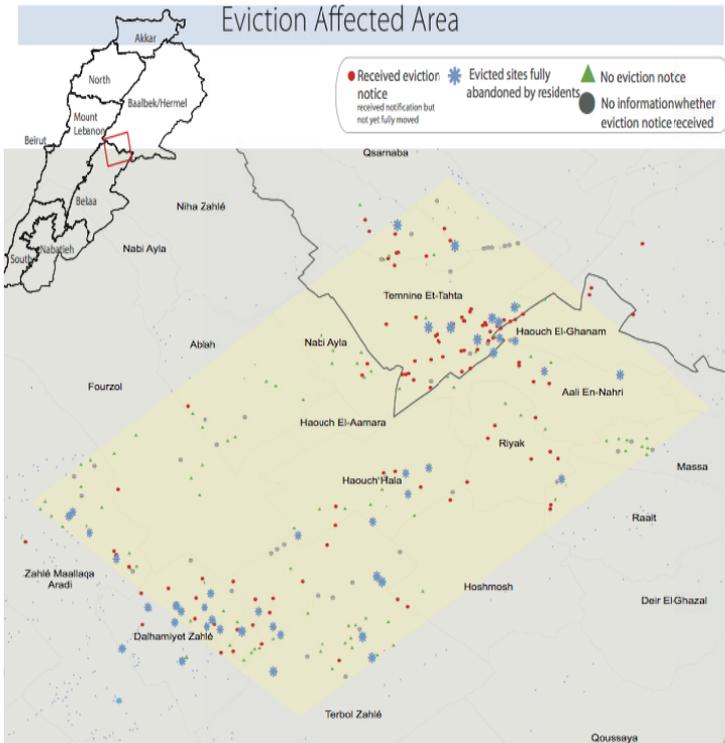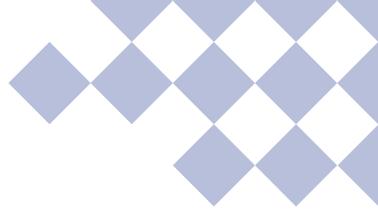
conflict[45], does the Lebanese government now have the capacity, resources, and political will necessary for ensuring the safety of millions of individuals in refugee camps? Although this paper does not intend to delve into the details and politics of security in Lebanon, it uses this argument to highlight the consequences of the camp shelter modality.

It should be noted, however, that neither the UN agencies nor the Lebanese government made shelter choices on behalf of refugees. It was the refugees who made their own choices. Unfortunately, this has exposed them to serious violations including exploitation by landlords, gender-based violence, and other problematic practices. Despite these challenges and poor security, thousands of refugees currently live in ITSs with minimal services from humanitarian agencies and non-existent government care. In view of the fact that the situation of refugee ITSs is a fait-accompli, the position of the Lebanese government has proven to be counter productive as it is aggravating security risks rather than mitigating them. Pulling the head out of the sand is the first step towards providing the proper balance between security, stability, and refugee protection.

In March 2017, the army command of the Riyak Airbase in the Bekaa requested the eviction of thousands of tented settlements surrounding the airbase[46]. The map below shows the area and geographical scope of the eviction decision. Although the eviction was carried out for security reasons and the safety of the airbase, dispersing the refugees to other ITSs or forcing them to mount new ITSs in other areas of the Bekaa does not neutralize the alleged security risks.

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45 More information on the Nahr el Bared conflict could be found on the following link: https://alefliban.org/publications/nahr-el-bared-displacement-return-monitoring/
46 Heba Kanso "Syrian refugees in Lebanon struggle after eviction", *The Daily Star*, May 11, 2017

Eviction Affected Area

III- Protection Options: Restricting the Right to Work and Autonomous Support

The shelter modality depends on steady household income that enables the refugee to afford the rent of their current shelter option. But in view of the heightened economic recession in Lebanon, this modality implies that Lebanon is implementing conflicting policy choices.

As explained earlier, the protection measures implemented in Lebanon, including shelter, rely heavily on self-support modalities requiring a household income. However, the Lebanese government livelihood strategy limits the Syr-

ian's right to work to three job sectors: construction, environment (garbage collection), and agriculture[47]. Although the Lebanese government, and any other government in general, has the right to control and manage the foreign labourers' access to the Lebanese job market, the policy of the Lebanese authorities in this regard is not based on evidence gathering or market research. The paragraphs below present an overview of the traditional Syrian workforce, the three job sectors listed above, and potential options that Lebanon could apply to achieve its objective.
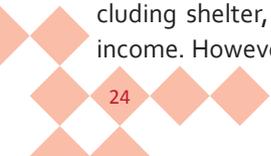
Since the 1990s, the Syrian workforce has been benefiting from the principle of reciprocity agreed between Lebanon and Syria, allowing Syrians to work in Lebanon under minimal restrictions and requirements. The Lebanese-Syrian agreement on economic cooperation and coordination grants the Syrian nationals facilitated entry to Lebanon and wages higher than those offered in Syria. This has resulted in the presence of 400,000 Syrians working in Lebanon[48]. Syrians in Lebanon work essentially in construction, seasonal agricultural activities, and other low-skilled professions. The low-skilled professions sector in Lebanon has always been marked by heightened competition between Syrian and Lebanese low-skilled workers. The Lebanese low-skilled workers have limited to no job protection, which exposes them to the risk of weakened employability in the face of the highly competitive Syrian workforce.

In that regard, any labour protection strategy implemented by the Lebanese government should focus on securing job protection for the Lebanese instead of imposing restrictions on other workers. Measures could include social protection and financial incentives, among others.

The policies adopted by the Lebanese Ministry of Labour to limit the job sectors open for Syrian refugees were counterproductive for several reasons. Firstly, these sectors have traditionally been dominated by the Syrian workforce

47 Lorenza Errighi and Jörn Griesse, 6 EUROPEAN ECONOMY Economic and Financial Affairs ISSN 2443-8022 (online) EUROPEAN ECONOMY The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebanon. Pp 11
48 BALANCHE, F., « Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression », Le Monde Diplomatique-Éditions arabes, mars 2007.

in Lebanon; therefore, the refugees arriving to Lebanon will not be competing in these sectors but in sectors normally secured for the Lebanese.

Secondly, such sectors have always been characterized by part-time wage, employability, and the non-requirement of a work permit. In construction for example, the former Minister of Labour, Mr. Sejaan Azzi, announced in a conference organized by UMAM in 2017 that during his tenure at the ministry only 83 work permits were requested for Syrians to work in construction[49]. The number clearly indicates that the sector is not regularized by work permits, which takes it off the Ministry's radar.

The Syrians' struggle to afford daily household needs and keep up with the growing cost of living has pushed them to look for alternative employment. The saturation of the construction, agricultural and environment sectors has pushed Syrians to find opportunities outside their "traditional" job sectors, a move that felt threatening for the Lebanese workforce. Instead of finding progressive solutions, the Lebanese government imposed additional restrictions on Syrian workers there by pushing them into the informal sector and intensifying the competition with the Lebanese.

The best approach to this issue would first recognize the economic needs of both Syrians and Lebanese, and then, conduct a proper policy debate on foreign labour, in general. This should turn the Syrian workforce in Lebanon from a threat to an opportunity for the Lebanese economy to thrive and reform the current foreign labour regulations in Lebanon. In 2016, the Lebanese Ministry of Labour processed 232, 330 work permits[50]. This number proves the Lebanese market's need for foreign labour. A reform of the foreign labour regulations in Lebanon, based on substantial studies, might allow Lebanon to reshape the need for foreign labour in a way that allows the Syrians, the Palestinians and other refugee populations in Lebanon to secure opportunities.

49 UMAM ,الطائفيَّة ميزان في» اللجوء» :لبنان - لاجئيه في لبنان ؟والسعة الرحب على الطائفيَّة ميزان في» اللجوء» :لبنان Intervention by Former Minister of Labor, Mr Sejaan Azzi, Riviera, Beirut, May 2017.
50 Lebanese Ministry of Labour, Annual Report 2016, PP 31. http://www.labor.gov.lb/_layouts/MOL_Application/Cur/%D8%A7%D9%84%D8%AA%D9%82%D8%B1%D9%8A%D8%B1%20%D8%A7%D9%84%D8%B3%D9%86%D9%88%D9%8A%20%20%D9%84%D9%84%D8%B9%D8%A7%D9%85%202016.pdf

IV- Durable Solutions Options and Responsibility Sharing

As described in the previous sections of the paper, lessons learnt in cases of mass influx became successful when appropriate and sufficient international solidarity mechanisms[51] were put in place.

The ability of the country of first asylum and its community to maintain their commitment to humanitarian standards depends largely on the availability of responsibility sharing in the form of resettlement options in third countries or other forms of humanitarian admissions.

Current resettlement schemes are limited by a lack of political will from third countries, which reflects the general anti-refugee sentiment in countries that have the capacity and resources to receive more refugees[52]. Less than three percent of the Syrian refugee population has been resettled to a third country since the start of the crisis[53]. 19,000 out of the 19,100 places open for resettlement were filled in 2016; however, the resettlement quota for 2017 has been reduced to 12,000 places[54]. This reduction of an already low quotacompared to actual needs is a major protection downfall.

Resettlement and other forms of humanitarian admission can benefit both refugees and third countries hosting them. If third countries provided language and targeted vocational trainings to refugees before their arrival, refugees would be able to acquire specific skills that are needed in the resettlement country. This would guarantee refugee protection and contribute to meeting labour needs in countries of destination, while facilitating the integration of refugees into the country of destination.

In this context, the responsibility of countries of first asylum and the international community to push the search for durable solutions forward comes into play.

51 For a detailed analysis of this principle see EGGLI, A. V., *Mass Refugee Influx and the Limits of Public International Law*, Martinus Nijhoff, The Hague, 2002.
52 Oxfam, «Where there's a will, there's a way : Safe havens needed for refugees from Syria », 16 December 2016, available at : https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-where-theres-a-will-syria-refugees-161216-en.pdf
53 Idem
54 UNHCR, Global Focus, http://reporting.unhcr.org/node/17293
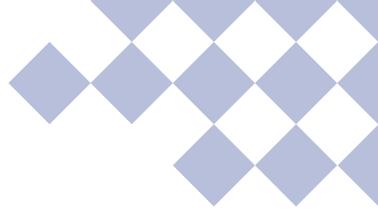
Unfortunately, burden sharing practices have in recent years degenerated into burden shifting practices[55]. Developed countries are more likely to provide financial support to host states than build resettlement schemes. The humanitarian-development nexus has increased the focus on financial support and investment to help countries manage the economic impact rather than the distribution of demographics[56]. Such perspective tends to limit the scope of burden sharing. More importantly, this policy, once translated to action, will only seek to alleviate the economic impact, not with standing the long-term effects of the crisis and the movement.

The 1951 Convention clearly states that a large influx of refugees may overburden countries of first asylum, and calls for international cooperation. However, there are no rules for distributing refugees across signatory states or sharing the economic cost of hosting refugees. Although the New York Declaration expresses commitments to addressing large movements of refugees, the shape of these commitments has yet to be defined in the refugee compact expected to be adopted by the UN General Assembly in 2018. In preparation for the Global Compact on Refugees, a series of thematic consultations took place to examine current responsibility- sharing arrangements for large movements of refugees.

Until a strong responsibility-sharing plan is reached, best practices and lessons learnt could be a basis for moving this agenda forward. In April 1999, the former Yugoslav Republic of Macedonia – concerned about the potentially destabilizing effects of a large influx of refugees – requested a system of international burden sharing be put in place. It agreed to continue to admit refugees on the understanding that some would then be evacuated to third countries on a temporary basis. By the end of the emergency, almost 96,000 refugees had been temporarily evacuated to 29 countries through the Humanitarian Evacuation Programme (HEP). Another 1,400 persons were transferred from the for-

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55 Alannah Newton, "Burden sharing or burden shifting? An analysis of the compatibility of Australia's policy of offshore processing with the principles of human rights established under international law"

56 Matthias Lücke, Claas Schneiderheinze, "More Financial Burden-Sharing for Developing Countries that Host Refugees", *G20 Insights*, November 20, 2017. http://www.g20-insights.org/policy_briefs/financial-burden-sharing-developing-countries-host-refugees/

mer Yugoslav Republic of Macedonia to Albania under the Humanitarian Transfer Programme (HTP)[57].

Conclusion: Policy Elements for Enhanced Protection and Stability

The previous chapters of this paperidentify four pillars of a policy that, if adopted by the Lebanese government, could enhance the country's long-term response capacity. More importantly, the current global debate on refugee protection has been influenced and shaped by developments taking place in the region, and Lebanon, in particular. In that regard, policy designs developed by Lebanon could set guidelines for future strategies and cases of displacement.

The elements of this policy will focus on:
1. The trajectory of refugee identification and legal protection;
2. Shelter and Protection concerns and enhanced security and stabilization;
3. Livelihood opportunities for protection and income generation;
4. Burden sharing and durable solutions.

The trajectory of refugee identification and legal protection
In May 2015, the Government of Lebanon requested the UNHCR to suspend all refugee certification processes in Lebanon. This measure has deprived asylum seekers who entered to Lebanon or were unable to register with UNHCR prior to 2015 from accessing basic protection needs. Rather than halting the refugee status identification exercise, the GoL should engage in dialogue with the UNHCR so as to resume a detailed status identification and re-examination process, in line with the 1951 Refugee Convention.

As an integral part of this process, individuals claiming asylum should satisfy the "*well-founded fear of being persecuted*" criteria as per the Convention. The subjective nature of the "fear" element requires an evaluation of the applicant's individual claim rather than a judgment of the general situation in their country and area of origin. The subjective element is then complemented by an objec-
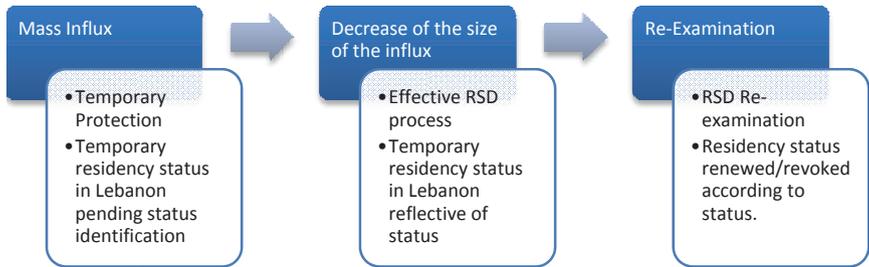
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57 United Nations, Humanitarian Evacuation Programme (HEP) and Humanitarian Transfer Programme (HTP) (Kosovo (S/RES/1244 (1999))
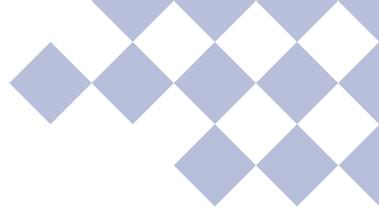
tive determination of whether the fear itself is "well- founded" and based on facts.

In view of the above and of the changes in the flow of displacement, UN agencies could develop an appropriate refugee status determination exercise (RSD) that would enhance the registration of asylum seekers and the re-examination of their status. This will allow both the UN agencies and the government to identify the population of concern, and improve assistance efforts, based on more credible vulnerability assessments.

The RSD exercise would be incomplete without clearer and more accessible residency procedures that provide legal protection rather than perpetuate exclusion. Accordingly, the status of individuals should determine the residency type offered. Refugees whose status requires international protection could not receive the same treatment as other foreigners.

Mass Influx	Decrease of the size of the influx	Re-Examination
• Temporary Protection • Temporary residency status in Lebanon pending status identification	• Effective RSD process • Temporary residency status in Lebanon reflective of status	• RSD Re-examination • Residency status renewed/revoked according to status.

The above flowchart explains the interaction between the scale of refugee movement, the required legal status of refugees in Lebanon, and the policy changes that have occurred. It is imperative to contextualize these policy changes in relation to the protracted situation and developments of the armed conflict in Syria, and other events in the region.

Following the RSD exercise, the Lebanese government will be able to facilitate the Syrian nationals' access to civil documentation. Lebanon already has stateless persons of Lebanese descent on its territory, and so, should avoid having yet another category of stateless individuals living without civil documenta-

tion on its territory. The benefits of granting civil documentation to refugees are not limited to refugees alone. Civil documentation helps maintain security in Lebanon, and more importantly, facilitates the implementation of any return strategy as part of a durable solution in line with international standards, since the return of undocumented refugees could be hampered.

- **Birth Registration:** An efficient and effective birth registration system should be guaranteed for both Lebanese nationals and refugees. This system would be the solution for stateless refugees falling into the cracks of protection efforts. Birth registration policies should not be set in stone. They should rather be dynamic, constantly evaluated, reviewed, and updated to ensure that they are properly implemented and achieving their objectives.
- **Marriage Certificates:** Clearly, the Syrian refugee crisis has made the Lebanese citizens, government, and civil society more aware of long-standing traditions that undermine child and women protection. This includes early marriages, archaic civil documentation issued by religious institutions, and other practices justified by the community. Any policy that seeks to improve civil documentation should take into consideration these practices and focus on preventing and fighting gender-based violence and abuse under marriage cover. Another aim of this policy should take into consideration the proper identification and registration of marriage to prevent obstacles in subsequent documentation processes. Marriage certification policies should not be set in stone. They should rather be dynamic, constantly evaluated, reviewed, and updated to ensure that they are properly implemented and achieving their objectives.
- **Death Certificates:** Refugees have been facing difficulties in registering and announcing the death of a family member. Finding burial sites that respect their traditions and values is not the only concern for refugees. Their concerns include inheritance rights and other civil documentation issues. Death certification is particularly important in the framework of durable solutions, and returns in particular. Families returning to Syria will face enormous problems related to property, housing, and land ownership. Death certification policies should not be set in stone. They should rather

be dynamic, constantly evaluated, reviewed, and updated to ensure that they are properly implemented and achieving their objectives.

Livelihood opportunities for protection and income generation

Livelihoods, labour and other income generating activities of refugees should not be examined through an economic lens only. They should be equally examined from the perspective of protection, since refugee protection measures in Lebanon are often self-provided. Additionally, the Lebanese government has to prepare development and growth policies that target local communities most affected by the crisis. Such policies should not be designed behind closed doors, but rather engage a multitude of stakeholders. The failure of the policy restricting the job sectors for Syrians is essentially due to the fact that it rushed into capitalizing on the appealing low wages of the Syrian workforce and overlooked other facts.

Protection and income generation policy design should go through the following steps:

1. Identify the expertise, skills and economic needs of the Lebanese workforce;

2. Identify the expertise, skills and economic needs of the Syrian workforce;

3. Understand the economic situation in Lebanon and market demands;

4. Identify the market needs for foreign labour.

Labour policies and livelihood opportunities should aim at creating labour protection measures that promote synergies and interdependence and respond to the market needs. They should aim at boosting economic growth, eliminating economic inequalities, ensuring labour securities, and preventing labour exploitation.

Shelter and Protection concerns and enhanced security and stabilization

The third pillar of the policy is key to maintaining balance in Lebanon between the protection of refugees on the one hand, and the preservation of stability and security on the other. Lebanese decision makers, security agencies and citizens often voice their concerns about stability and security. Therefore,

any policy that disregards these concerns will be undermining national imperatives and perpetuating ad hoc and stand-alone practices.
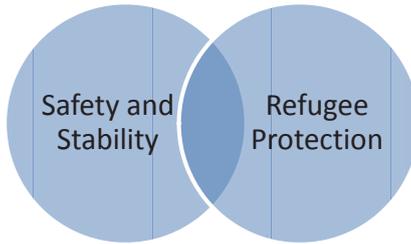
Achieving this balance requires that protection response be designed with transparency through a participatory approach that involves all actors concerned. In brief, Lebanese state institutions are invited to conduct a better assessment of security risks and efforts required to ensure stability and security, while properly addressing the protection needs of refugees. Most importantly, any measure adopted in this regard should be properly communicated and organized to prevent communal destabilization and deprivation of protection.

The Lebanese government should have a more realistic outlook on the current state of play. Turning the blind eye to tented settlements, denying their existence, or invoking their illegality is only allowing the security threats and protection problems to fester. The government should control and curb the spread of refugee camps and maintain their safety and security while allowing humanitarian agencies to implement sustainable protection responses. This cannot be achieved without recognition by the government that the camp shelter modality is the only choice available for many refugees, and long-term planning that guarantees the sustainability of the security and protection measures adopted. To conclude, repeated evictions should be avoided as they generate problems that affect the security, the relation with host communities, the protection of refugees, and the ability to design and provide long-term protection measures.

Burden sharing and durable solutions

The Lebanese community is bearing the burden of mass influx, mostly because of the long-standing structural problems in the Lebanese state institutions. The international community response is rather shy. Current resettlement schemes are limited by a lack of political will from third countries, which echoes the general anti-refugee sentiment in countries that have the capacity and resources to receive more refugees. Less than three percent of the Syrian refugee population has been resettled to a third country since the start of the crisis.

The Lebanese government should take the above described context as an opportunity to design and promote a responsibility sharing scheme that takes into consideration durable solutions: Through its diplomatic missions, the Ministry of Education and Higher Education, the Ministry of Economy, and the Ministry of Labour among others, it should map the economic and market needs of potential resettlement countries and highlight areas in which resettled refugees could receive further protection and contribute to the economy of the resettlement country. In Germany for example, 73% of small and medium enterprises (SMEs) rely on foreign workers, while 63% of micro-businesses recruit internationally, and 82% of retail workers are foreign workers. German SMEs, alone, have hired 250,000 refugees in the past five years. By conducting proper negotiations with relevant foreign governments, the Lebanese government could build admission programs and, eventually, provide efficacious resettlement options for refugees[58].

Private sponsorships are yet another venue that should be scaled up from Latin American countries all the way to Canada on the Western Hemisphere, and to Europe and African countries. Families, sponsorship organizations, religious entities, and other grass root groups should reinforce their support for resettlement and other forms of refugee evacuation.
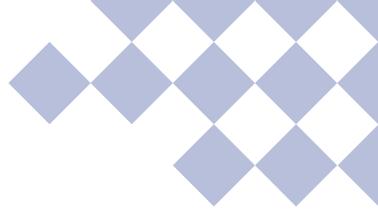
Resettlement and temporary protection (see pillars one and two) are not the only solutions to the crisis. Despite the wide opposition to the idea of refugee returns, discussions on return plans as a form of durable solution are nei-

58 Christine Volk, KFW, "German SMEs need foreign workers", January 16, 2017 https://www.kfw.de/KfW- Group/Newsroom/Aktuelles/Pressemitteilungen/Pressemitteilungen-Details_394112.html

ther illegitimate nor precluded. Protection and fundamental rights should be at the centre of all discussions involving the return option. The return to Syria should be voluntary and informed. Certain cases of non-voluntary return are tant amount to *refoulement*. A voluntary return should take into account the conditions in Syria and Lebanon alike. The refugees should be allowed to make a free informed choice, without any coercive conditions imposed to influence their decisions. However, the free choice of Syrian refugees in Lebanon is now constrained by the countless threats and protection needs that they are facing, let alone the developments of the conflict and crisis.

Lebanon's participation in the International Syria Support Group (ISSG) and the Geneva Talks set to solve the Syrian Civil War gives the Government of Lebanon a strong platform to promote refugee return as an essential component of a peaceful settlement. It would be counter-productive for Lebanon not to prioritise the discussion on return while exploring effective protection schemes and resettlement options. The recent International Support Group for Lebanon statement[59] is yet another reminder that the international community will support Lebanon's return plans if the conditions of safety, voluntariness, and dignity are preserved. The tug-of-war, populist statements, toleration of discriminatory municipal measures, and other forms of coercive treatment will not result in long-term and sustainable returns as a form of durable solution.

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59 International Support Group for Lebanon, Joint Press Conference, December 8, 2017. https://unscol. unmissions.org/sites/default/files/isg-joint_ministerial_statement-paris_08_12_17-arabic.pdf

Recommendations and Road Map for Policy Implementation				
Government Bodies		**Civil Society**		**UN Agencies and Humanitarian Organizations**
Ministry of Social Affairs	• Coordinate among government bodies, civil society, and UN agencies to promote social and human security principles in policy debates • Evaluate, review and develop policies to ensureequitable access to social protection, and guarantee respect for human security	**Social and Economic Council**	• Provide a contemporary overview of the state of the economy in Lebanon that represents the situation of the several sectors represented; • Conduct further discussions with other civil society groups, including labour unions, to promote recommendations;	• The UNHCR to continue and intensify advocacy efforts towards states to increase the number of places for Syrian refugees globally on resettlement, humanitarian admission, or other forms of admission • The UNHCR and other aid agencies to increase and improve communications to both the Lebanese government and the public around programs supporting Lebanese citizens, and the positive impacts of assistance on local communities and economies • The UNHCR to develop an RSD scheme that would determine and distinguish the status of refugees from asylum seekers in Lebanon. • The UNHCR to continue to assist the Lebanese authorities in developing civil documentation guidelines that are mindful of systemic protection gaps • The UNDP to support the design of comprehensive development policies • UN agencies to enhance their coordination, in particular on policy reform and advocacy to prevent counteractive rhetoric.
Ministry of Interior	• Coordinate with civil society, government bodies, and UN agencies to promote and identify effective stabilization measures that are balanced with human rights and refugee protection • Develop a transparent strategy that would identify actual security risks, and adopt stability measures that do not compromise the state's human rights obligations. • Evaluate, review and develop policies ensuring effective access to civil documentation.	**Development organizations**	• Promote development strategies which influence policy choices towards a more sustainable development, and job creation in Lebanon	
Ministry of Labour	• Coordinate among government bodies, civil society, and UN agencies to promote a reformed and regulated labour policy, with thorough consideration for foreigners' access to the Lebanese labour force; • Evaluate, review, and develop policies to be conducive to economic growth by addressing the root causes of economic inequalities, guaranteeing labour securities, and preventing labour exploitation.	**Humanitarian organizations**	• Promote conflict-sensitive protection measures and modalities that enhance the protection space for refugees in Lebanon • Effectively evaluate policies affecting protection in Lebanon, in order to provide timely recommendations that would enhance the protection space.	
		Conflict management organizations	• Promote conflict-sensitive approaches, mitigation methods, and effective stabilization tactics allowing to balance human rights, refugees protection, and security concerns equally. • Identify counter-productive choke points in adopted policies, while recommending more efficacious alternative solutions,	