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THE DOUBLE-EDGED SWORD OF A SUCCESSFUL SECURITIZATION: THE TRADE OFF OF HUMAN RIGHTS FOR A FLAWED SENSE OF SECURITY? THE CASE OF THE SECURITIZATION OF REFUGEES FROM SYRIA IN LEBANON SINCE 2011.

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ABSTRACT

The Syrian crisis has shed a light on the tragedy of refugee flows and on the behaviour of states when dealing with this tragedy, underlining the shortcomings of the current refugee protection framework. The forced displacement resulting from the Syrian crisis has placed the questions of state responsibility and refugee agency at the forefront of forced displacement debates. Indeed, refugees are increasingly being seen as security threats, not only by the potential host countries in the West, but also by the neighbouring countries in the region where most of the world's refugee populations reside. This dissertation focuses on Lebanon's policies of securitization regarding its refugee population from Syria since 2011. It will first present a conceptual framework of the theory of securitization, and will argue that the Copenhagen School of Security is not, on its own, adequate to deconstruct and understand the securitization of refugees from Syria in Lebanon. The dissertation will argue that a more sociological approach of securitization and a study of the context are required to better comprehend the process; consequently, the thesis will also take on a socio-political, and psycho-cultural analysis of Lebanon.

This conceptual and contextual analysis will help put forward the paradox of securitization. In other words, the increased concerns about security and policies emanating from emergency politics enabled a flawed sense of security, and often put at risk the population the policies were trying to protect. Indeed, the current securitization policies in Lebanon not only inflict human rights abuses on the refugee populations, but also create protection gaps for the Lebanese populations. These human rights and protection gaps are also the result of the current Refugee Convention and international community dynamics. This essay will therefore put forward the discussion regarding the role of non-traditional actors, such as development actors, in dealing with large flows of forced displacement, in an age where refugee displacement has become increasingly protracted. It will address the benefits of expanding the set of actors involved in protecting and managing refugees, and will explore the undergoing development projects involving refugees in countries similar to Lebanon.

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LIST OF ABBREVIATIONS:

CEDAW – Convention on the Elimination of all Discrimination Against Women

CRC – Convention on the Rights of the Child

CRSR'51 – Convention Relating to the Status of Refugees

CSS – Copenhagen School of Security

IMC – International Medical Corps

ICCPR – International Covenant of Civil and Political Rights

MoU – Memorandum of Understanding

PSC – Protracted Social Conflict

UDHR – Universal Declaration of Human Rights

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations International Children and Infant Fund

UNRWA – United Nations Relief and Work Agency for Palestinian Refugees

INTRODUCTION

This dissertation aims at underlining the shortcomings of both the securitization theory and the current refugee protection framework when operating in countries of first asylum. To do so it will take as case study the securitization of refugees from Syria who have arrived in Lebanon from 2011 onwards. It will argue that the securitization of refugees from Syria is due to the wider socio-cultural, environmental, political and economic context, which has allowed the state and the key power holders to characterize the refugees as security threats, resulting in the use of emergency measures to deal with refugees. The emergency measures were meant to protect the status quo and the Lebanese community. However, due to the inherently unstable context of Lebanon and the limitations of both the securitization process and the wider international refugee protection framework, both the refugee and host communities were the victims of human rights abuses and protection gaps. Consequently, the dissertation will tackle the following questions: What is securitization? What is the role of the Lebanese context in the securitization of refugees? What human rights and protection gaps were inflicted on the various communities? Is the current international framework regarding refugees doomed?

Background:

A refugee is defined by Article 1 of the Convention Relating to the Status of Refugees (CRSR'51) as: "a person who owing to a 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 fear, is unwilling to return to it.”¹

It can be argued that the securitization of refugees is a rather new phenomenon. Indeed, migration, and forced migrants in particular, were first introduced on the security agenda of states after the Cold War. This was the result of a shift from a state-centric approach to security, to a more individual based approach where the person becomes the referent object², meaning that the security field, and the security agenda of sovereign states, has widened and deepened. This observation does not mean that the traditional security concerns (i.e. war, military campaigns, weapons etc.) were ignored, but rather that new ones emerged. These *new security threats* can be organized into five categories: environmental, political, societal, military and economic. The expansion of the spectrum of security has led to the materialization of a modern literature and to a merging of theoretical concepts pertaining to the field of Security Studies explaining the correlation between migration and security. This relatively modern focus on the relationship between forced migration and security stems from two conceptual and historical factors.

Historically, two main events explain this expanded security framework. First, the crumbling of the Soviet Union resulted in a wave of Eastern immigrants towards Western countries. The historical context of the relationship between the two spheres resulted in the West identifying this migration flow in security terms, and placing it high on its security agenda. The second empirical example is the aftermath of the Iraq War of 1990; indeed, the latter conflict resulted in a strengthening of the moral conscience of the global order as a response of the large-scale minority

¹ The Convention Relating to the Status of Refugees (1951) Article 1

² A referent object is defined “as the unit for which the threat is securitized” (Buzan 1991)

cleansing and forced displacement. The conflict introduced both the concepts of new wars, where ethnic cleansing became a means to an end, and the norm of humanitarian intervention. From that point on, the management of refugees was seen as an integral part of the peace-building and security-building strategies in the post-conflict environment.

Conceptually, the intersection of the fields of security and migration is a result of the gradual criticism of realist theory; the criticism of the realist approach to the global order and the widening and deepening of the security agenda, a debate over what constitutes security and what is meant by security emerged. This re-defining of security parameters and criteria of threats has led to a more liberal take on risk management. The liberal approach of threat assessment is inherently ever-changing and heterogeneous, as it is heavily influenced by political and state interests. Consequently, it has left the door open for an easy securitization of migration, forced or not, in the contemporary era.

In order to illustrate the process of constructing a security threat, this work will explore the case of refugees from Syria in Lebanon. The flow of refugees from Syria to Lebanon started as early as 2011, as a result of the Syrian civil war. The first wave was escaping the repression of Bashar al-Assad, whereas the ones that followed were fleeing both atrocities conducted by the government and the surfacing of extremist groups. In September 2016, UNHCR claims that more than 1.3 million refugees from Syria – mainly Syrians, Palestinians, Kurds and Iraqis – are currently residing in Lebanon, of which only 287,651 are registered.³

³ UNHCR, “Syria Regional Refugee Response” (2016)

Plan

To fulfil its objectives, this dissertation is divided into five chapters. The first chapter serves as a conceptual framework on which the rest of thesis depends. It explores the theory of securitization, the main criticism and changes to the theory in the past decades, and the underlying, interrelated notions of biopolitics, nation-building and Protracted Social Conflicts-- key to understanding the securitization of identity and migration in Lebanon. The second chapter focuses on the contextual framework within which the refugees found themselves after finding asylum in Lebanon. The analysis allows for identification of the securitizing actors and for a better understanding of the socio-political, economic and psycho-cultural context that has allowed the Lebanese population to become a receptive audience to the moves of the securitizing actors. The third chapter addresses the human rights abuses and protection gaps resulting from the securitization of refugees, affecting both the refugee communities and the national population. It puts forward the resulting legal frameworks deployed to control and govern refugees, and how the latter translate on the ground (i.e. analyzing the different abuses.) The fourth and fifth chapter both tackle the question of whether or not the current refugee protection framework is doomed. The fourth chapter analyzes the shortcomings of the CRSR'51, but also argues that a re-drafting of the Convention will be more dangerous than effective. The fifth chapter tackles the potential of development actors in improving the integration and protection of refugees in countries of first asylum. The final chapter underlines the need for non-traditional developmental agencies, and their partners, to complement the work of traditional humanitarian agencies in the management of refugees, especially because of the increasingly protracted nature of forced displacement. Protracted displacement is defined is a

refugee situation in which 25,000 or more refugees from the same nationality have been in exile for more than five years.⁴

⁴ UNHCR, “Conclusions on Protracted refugees” (2009)

CHAPTER 1 – THE CONCEPTUAL FRAMEWORK

This chapter will explore the theory of securitization, its main proponents, its shortcomings, and alternative approaches best suited to explore the phenomenon of securitization of refugees in particular contexts, such as Lebanon. Indeed, this section of the dissertation will argue that while the Copenhagen School of Security (CSS) represents a cornerstone in the study of the security field in the post-Cold War era, it does not take into account a number of interrelated theories needed to deconstruct the process of securitization. Consequently, Balzacq's sociological approach to the theory of securitization will be put forward, as well as correlated concepts that will help create a coherent framework to deconstruct and understand how refugees are addressed in the framework of securitization. The latter concepts are: Foucault's biopolitics, Arendt's understanding of nationhood and Azar's theory of Protracted Social Conflict.

a) Securitization theory:

The field of security has expanded since the end of the Cold War, which allowed for alterations in the nature of threats. Indeed, by the 1990s, the definition of security widened and deepened, introducing five sectors, which each categorize the nature of an existential issue: military, political, economic, societal and environmental. This re-conception and re-definition of these emerging categories of threats is due to the fact that the state is no longer at the centre of the securitization conceptual framework; indeed, in the past decades, it is the individual that has taken centre-stage. As Buzan argued, the individual becomes “the irreducible basic unit to which the concept of security can be applied to.”⁵

⁵ Buzan “People, States and Fear” (1991), p 23

Securitization is defined by the Copenhagen School of Security as “the positioning through speech acts of a particular issue as a threat to survival, which in turn enables emergency measures and the suspension of *normal politics* in dealing with an issue.”⁶ Securitization and the CSS therefore don’t focus on defining what constitutes security or a security threat, but rather on explaining how a threat is constructed; a successful securitization indicates a successful construction and wide perception of an issue as a threat rather than the policies and power deployed to neutralize said threat. Thus, securitization focuses on the question: what are the processes through which security threats are constructed?⁷

The Copenhagen School emphasizes the discursive nature of securitization; it focuses on what *speaking* security entails. Drawing on Austin’s and Searle’s constructivist language theory, “by saying the words, something is done.” Consequently, securitization becomes understood as speech acts, as *performatives*. Indeed, Wæver argues that “security is not of interest as a sign that refers to something more real; the utterance itself is the act. By saying it, something is done (as in betting, giving a promise, or naming a ship).”⁸ This means, that by bringing an issue into the field of security, by claiming it is a matter of security, the urgency that it emanates takes priority. The field of security is therefore self-referential; an issue becomes part of security matters because it has been labelled as such. This escalation of an issue from ordinary politics to emergency politics has given the pretext for some actors to act in a preventive and pre-emptive manner with an urgent

⁶ Buzan, Wæver, De Wilde (1998) p 78

⁷ T. Balzacq “A theory of securitization: origins, core assumptions and variants” (2011), p 89

⁸ Wæver (1995), p 118

response, resulting in the justification of the use exceptional measures (often involving violence) to counter and eliminate the threat, or constructed threat.⁹

b) Criticism of the Copenhagen School of Security

Criticism of the Copenhagen School's approach to securitization has led to the materialization of two camps: the wideners (who support the shift from the state centric approach to an individual based securitization) and the traditionalists (who believe that the true referent object of security should be the state.)¹⁰ This division is also reflected among the wideners, especially concerning the definition of securitization. Indeed, there is no *neutral* definition of the concept, meaning that the definition of securitization cannot stem from objectivity.¹¹ This inherently subjective characteristic of the process has led others to argue that it widens the security agenda a little too much, so much so that it can lead to its nullification of the security agenda by incorporating every perceived threat to every individual.¹² The questions become: Where should the line of security be drawn? Whose security is more important? Who is the *other* that should be securitized? The latter is especially true, and dangerous, when deconstructing the securitization of refugees or other instances of forced migration, where the other, seen as upsetting the established societal, political, economic and environmental equilibrium, represents a threat to a community due to the widening and deepening of the security agenda.

⁹ Balzacq, "Enquiries into methods: a new framework for securitization analysis", p 35

¹⁰ Balzacq, "Enquiries into methods: a new framework for securitization analysis", p 35

¹¹ *Ibid.* p 66

¹² *Ibid.* p 70

Another criticism of the Copenhagen School of securitization is the fact that it is too Eurocentric, and that the application of this perception of the concept of security cannot be applied beyond the borders of the Western world.¹³ Indeed, the plurality of the notions of *power*, *security*, and *national interest*, which are key in the concept of securitization, are not approached or understood the same worldwide. The CSS seems to underline that “the constitution of agency proposed by securitization is a symptom of the Westphalian straitjacket that limits the CSS’s ability to theorize outside a Eurocentric frame.”¹⁴ This concept of security was developed in a very peculiar context, namely the end of the Cold War and its repercussions on Europe.¹⁵ This led to the rise of a societal security as a direct response to the issue of foreigners’ integration within the Western societies. This underlines that the CSS’ approach of security is based on a Western understanding of state-society relations and may not be applicable in all cases that have a different understanding of state-society dynamics.¹⁶

Additionally, as mentioned, CSS relies heavily on the concept of *speaking security*, underlining the predominance of the discursive characteristic of securitization. Indeed, the act of speaking security seems to allow an “enactment of exceptionalism in political life”,¹⁷ which could be detrimental in the long-term for democracies, as it could infringe on personal liberties and democratic ideals. Moreover, in some cases where securitization is successful, the ability to speak can be constrained, and at times the entire process can occur without the presence of speech acts, which led some to question the centrality the CSS gives it. Bigo argues through the case study of

¹³ *Ibid.* p 100

¹⁴ *Ibid.* p 101

¹⁵ Balzacq (2011) p 103

¹⁶ *Ibid.* p 105

¹⁷ Fako “strategies of desecuritization” (2012) p 21

immigrants in Europe that CSS' view of securitization reaffirms security professionals' and the traditional elites' positions as legitimate authorities on what constitutes a threat to the collective.¹⁸ By underlining this balance of power and attributing to the latter groups the power of persuasion, the "CS fails to challenge traditional structures of power that deny security to those who are not authorized to speak security."¹⁹ This leads to Hansen's criticism of the illocutionary emphasis of the CSS' conception of securitization; she argues that this characterization of securitization makes it exclusive and marginalizes the ones who cannot speak security because they do not seem to have the legitimacy or the authority to do so, undermining minority rights.²⁰ She uses the example of women in Pakistan victim of sexual or physical assaults, who she argues are silenced by the CSS' approach to security, and therefore cannot securitize threats such as sexual assaults. She concludes that, indirectly, CSS results in securitization perpetrating an undermining of minorities' political power and rights, resulting in groups not being capable of becoming a referent object.²¹

Finally, the reliance on the discursive aspect of securitization undermines the centrality of emotions, especially the one of fear, in influencing how an audience reacts when faced with an issue characterized as an existential threat.²² Van Rythoyen claims that "collective fears, serve as the locus of an audience's judgement for the practice of securitization."²³ The CSS fails to provide a coherent model of analysis for theorizing this important fear factor, and therefore fails to understand the societal dynamics required for a successful securitization. Indeed, as Huysmans underlines "fear is a particular principle of making human relations intelligible in a certain way."²⁴

¹⁸ *Ibid.* p 21

¹⁹ Hansen Lene, (2000), p 290

²⁰ Hansen Lene, (2000) p 291

²¹ *Ibid.* p 294

²² Moller (2007), p 179

²³ Rythoyen (2011), p 458

²⁴ Huysmans (2006), p 52

From this criticism we can also understand that the CSS overemphasizes the role of the securitizing actor, at the expense of the centrality of the audience. The CSS does not sufficiently explore the interactive nature of the securitizing procedure²⁵; the Copenhagen School seems to picture the audience as a passive receiver, which fails to consider the possibility of acts of resistance from the targeted audience, embodied by the trend of desecuritization.

c) The securitization of identity

The Copenhagen School's shortcomings make it inadequate to understand the securitization of refugees and identity in certain contexts. Therefore, a new, more sociological and constructivist approach toward securitization has emerged. The latter, in the case of refugees, depends on a variety of interrelated concepts. Indeed, as Balzacq argues, securitization is a "set of interrelated practices and the process of their production, diffusion and reception or translation that bring threats into being."²⁶ This section of the chapter will explore three theories that complement a coherent deconstruction of the securitization of refugees: Foucault's biopolitics, Arendt's work on nation-building, and Azar's theory of Protracted Social Conflict (PSC). All three offer a theoretical understanding of how communities are pit against one another, allowing for the use of emergency of policies, resulting the exclusion of a community from the political, social and economic spheres of a state.

i) Biopolitics

Foucault's concept of biopolitics focuses primarily on the role of power relations, administrative politics and the interests of institutions to determine what or who is included in the securitization

²⁵ Rythoyen (2011), p 461

²⁶ Balzacq (2011), p 32

process, which also includes what measures are to be taken to deal with the situation.²⁷ Securitization becomes less about the dramatics of speech acts and more about control of populations by specific actors as part of their risk management and governmental strategies (ex: surveillance) as a way to achieve balance and regularity within a state. This leads to an increase of state power and control over the people, which can have as a consequence the re-affirming and strengthening of the power held by the established elites.²⁸ Indeed, in the word of Foucault, biopower is a political power that “deals with the population as a political problem.”²⁹ This development has resulted in excluding people who are considered as improper, out of place or dangerous, creating a divide between the *good and safe individuals* the *bad and dangerous others* as to maintain the way a certain way of life.³⁰ This rise in biopolitics in how the international community operates has allowed for the characterization of refugees, who are inherently moving bodies, as threats to the equilibrium resulting in the perceived need for greater regulation to inhibit the integration of the *other* in the society.³¹

ii) Security and Nationhood

One of the related notions and theory often associated with securitization is that of nationalism and nation building. Some perceived the pitting of communities against one another as a strategy to create a nation around the elites’ interests, embedding the process of state building into the one of nation building; therefore, a threat to the state became a threat to the nation and vice versa.³² As Buzan argues, identity and societal security became at the centre of the nation building.³³ From

²⁷ Balzacq(2011), p 210

²⁸ *Ibid.* p211

²⁹ Foucault (2003), p 8

³⁰ Duffield (2007), p 14

³¹ Edkins (2008), p 221

³² B. Anderson “The nation as an imagined community” (1983), p 45

³³ Buzan (1991), p 65

this it can be argued that the nation also became an incremental part of security; as a result, migrants and refugees, taking on the role of the constructed *other* in our reasoning, became a threat to community's cohesion, the nation and the state, making their securitization seem as primordial for survival.

This demonization of the *other*, in our case the refugee, can be explained by comparing it to a pre-Nazi and post-World War II Europe.³⁴ Indeed, during that period of time we could witness an undermining of civic rights explained by the emergence of an ethnic based nationalism. Arendt argues that the latter phenomenon started in Europe due to a combination of the disintegration of the European Great Empires and the social and economic crisis that led to an increase in unemployment.³⁵ Indeed, the Empires used hatred directed at minorities to consolidate the power; hence, when they collapsed, there was no solidarity to be found within the territory, resulting in mass migration flows within Eastern Europe, and from Eastern Europe to Western Europe.³⁶ This intra-state competition was complemented with inter-state hatred, which was also based on ethnic and cultural criteria. Therefore, the migration of the *other* to one's nation was regarded as a threat not only to the culture, but also to their economic and social prosperity.³⁷ Arendt argues that it is at this point in time that a new principle of nation state emerges; a new principle that completely bypasses the needed balance between nation and state, and tilts in favour of nationality solely.³⁸ Indeed, a state based on civic rights defines its citizenship regardless of ethnic, tribal, language, cultural or religious criteria, in order to create a community sharing similar political and normative

³⁴ Arendt "The Decline of the Nation State and the end of the rights of Men" (1958), p 276

³⁵ *Ibid.* p 280

³⁶ Arendt, p 270

³⁷ *Ibid.* p 278

³⁸ *Ibid.* p 282

values, whereas an ethnic based nation solely relies on a common culture and enables the “triumph of nation over the state.”³⁹ Consequently, the rise of the latter version of a nation makes membership to a state exclusive to a certain group, making any individual not able to be granted membership to the group, due to subjective factors, a threat to the status quo.

iii) Protracted Social Conflicts

In many ways security and identity are embedded in and re-enforce one another. E. Azar characterizes the interaction between the two notions, as well as between the different identities in one geographical space as Protracted Social Conflicts⁴⁰, or PSC, which he defines as hostile interactions between the different groups caused by biased persistent and elongated hatred based on subjective characteristics, such as race, ethnicity or religion.⁴¹ Azar argues that PSC occurs when communities are in deprivation, where the latter is caused by a complex chain of events involving the states of the geographical space and the pattern of international linkages.⁴² However, much like securitization, underlying conditions are necessary to shape the set of conditions that are responsible for the shift from a non-conflictual setting to a conflictual one (ex: domestic historical setting, colonial legacy, or the multi-communal make up of a society) Azar identifies four variables key to PSC: communal content, human needs, the role of the state, and international linkages.⁴³

Communal (dis)content:

³⁹ *Ibid.* p 279

⁴⁰ Fako (2012), p 34

⁴¹ *Ibid.* p 36

⁴² Azar, “The Management of Protracted Social Conflict: Theory and Cases” (Aldershot, Dartmouth 1990) p &2

⁴³ *Ibid.* p 1

Azar puts forward the argument that the societies that are the most vulnerable to form and undergo Protracted Social Conflicts are the ones which are composed of multiple communities. Indeed, he underlines that multi-communal societies results from either former colonial divide and rule policies or through historical rivalries, leading to the dominance of one group over another.⁴⁴ This communal and cultural balance of power between societies were institutionalized, creating a disarticulation between the state and the society as the state would be considered as unresponsive to the needs of the *other* groups.⁴⁵

Human needs:

The second variable used by Azar to explain the emergence of PSC is a set of considerations taken on by the individual, contingent upon the satisfaction of basic needs. The latter are: individual and communal survival, and well being. These needs should not, however, be considered in terms of meeting material needs as it restricts the understanding of basic human needs, but rather, in terms of minorities' access to the market, or to political institutions, and recognition of minority communities' existence.⁴⁶

The state:

The variable of the role of the state is linked to the previously mentioned factor of meeting basic human needs, and of providing security and recognition. Azar points out that countries experiencing PSC, have their political power monopolized by one identity group, that uses their

⁴⁴ *Ibid.* p 7

⁴⁵ *Ibid.* p 6

⁴⁶ Azar (1990), p 9

institutional leverage to maintain the balance of power by undermining the minority identity groups' participation, increasing competitive and conflictual attitudes.

International linkages:

The occurrence of PSC is also based on the internal policies being dictated by international linkages; according to Azar international linkages can take two forms: economic dependency and client relationships. He argues that there is a direct correlation between states' economic dependence on the wider international economic system and the weakening of their autonomy by outside influences--exacerbating denial of access to needs of communal groups by distorting the domestic political and economic systems "through the realignment of subtle coalitions of international capital, domestic capital and the state capital."⁴⁷ Azar defines client relations as a set of arrangements whereby a state's security is guaranteed by an external power on the guarantee of loyalty. This nature of international linkages is equally significant in distracting the state from its internal responsibilities as it involves some sacrifice of autonomy and independence inducing the client state in pursuing domestic and international policies that are disjointed from the needs of its populations.⁴⁸

This is especially true in the case of refugees from Syria in Lebanon. Indeed, refugees from Syria are part of three main minority identity groups in Lebanon: Syrian, Palestinian and Muslim. All three groups are systematically undermined by the institutional framework, and the socio-political history of Lebanon. This in turn resulted in Azar's prediction regarding the four outcomes of PSCs:

⁴⁷ *Ibid.* p 10

⁴⁸ *Ibid.* p 11

deterioration of physical security, psychological ossification, institutional deformity and increased dependency.⁴⁹

d) Key factors for a successful securitization of refugees

Therefore, identity groups and membership to those groups are defined in ethno-centric terms. Identity becomes framed by the language of security; the “otherness breaches the harmonious inner sphere and therefore can introduce the possibility of death; he or she becomes the civil enemy placing the entire society in a war-like environment.”⁵⁰ The mentioned *death* is perceived as representing the dissolution of cultural norms and native identity by the non-native norms and customs. According to Huysmans, the securitization of migrants, introduces a foe vs. ally dichotomy within the political community.⁵¹ This is especially true in deeply divided societies, such as Lebanon, where identities are heavily politicized. In our particular case, it is this perception of the refugees on which their nation-wide securitization lies. However, for the securitization of refugees to take place and for exceptional measures to be put forward, three key factors are required: the audience, the context and practices.

First, Edelman argues in favour of the centrality of the audience; indeed, the success of securitization depends on the securitizing actor’s ability to identify and instrumentalize the audience’s emotions, interests and needs. In other words the securitizing actor needs to construct a *political spectacle*.⁵² The two groups, the audience and the securitizing actor(s), need to reach a common perception of a threat and an accord on how to deal with it; securitization becomes a

⁴⁹ *Ibid.* p 15

⁵⁰ Huysmans (2000), p 375

⁵¹ *Ibid.* p 376

⁵² *Ibid.*, p78

negotiations process. Therefore, the securitizing actor needs to adapt its language to its targeted audience and pull on emotional strings or use past experiences, as the securitizing actor's arguments need to resonate with the audience. This act of *speaking* security does not only rely on words, the securitizing actor could use tone, gestures, body language, images and so on.⁵³ The securitizing actor therefore engages in an advertisement campaign of sorts to mould the perception of the audience and to arouse their interests. The latter is done under an emergency and urgent atmosphere, which will help sway attitudes and encourage a mobilization of the targeted audience.⁵⁴

Then comes the role of the context – this core assumption stems from the sociological version of securitization inspired by Foucault's work.⁵⁵ The success of securitization does indeed rely on the audience, however, for the speech acts to echo within the audience and to allow the securitizing actor access to unlimited resources and power to tackle the threat at hand, an underlying context, or as Balzacq puts it: felicity conditions⁵⁶, is necessary. Indeed, language is inherently limited in its role of creating a new reality, where the *us* would allow their representatives to act against the *them*. In the words of de Wilde, "words only have a meaning for those who know how to interpret them in terms of that which they refer."⁵⁷ Consequently, for securitization to be successful it needs to occur in a specific environment.

⁵³ Williams (2003), p 25

⁵⁴ *Ibid.* p 82

⁵⁵ Balzacq (2011)p 128

⁵⁶ Wæver (1995) p 140

⁵⁷ De Wilde (2005), p 21

Finally, claiming that the success of securitization is only the result of a rational design part of a predetermined agenda would be undermining the primordial role of practices.⁵⁸ Reckwitzes define practices as a “routinized type of behaviour which consists of several elements interconnected to one another: forms of bodily activities, forms of mental activities, things and their use, a background knowledge in the form of understanding and know-how, states of emotion and motivational knowledge.”⁵⁹ Reckwitzes emphasizes how practice theory, in our case securitization, applies differently according to the “localization of the social and in their conceptualization of the body, mind, things, knowledge (...) and the agent.”⁶⁰ Therefore, if one has to take into account both the context and the audience, it also has to emphasize the role of practices, which constitutes the former and increases the chances of the securitizing actor’s speech acts to resonate in the latter.

The dissertation conceptual framework rests on a sociological approach to securitization; the CSS’ shortcomings due to its emphasis on speech acts and lack of focus on the context, have made it inadequate to understand the securitization of refugees from Syria in Lebanon. Indeed, the emphasis of the CSS limits the intersubjective concepts essential to understand the securitization of identity and of refugees; the latter being Foucault’s biopolitics, Arendt’s take on nation-building and Azar’s theory of PSC. These concepts emphasize Balzacq’s claim to take a sociological approach to better deconstruct the process. The latter conceptual framework rests on three key

⁵⁸ Balzacq (2011), p 145

⁵⁹ *Ibid.* p 100

⁶⁰ *Ibid.* p 108

factors to make securitization possible: the audience, the context and practices. The next chapter will explore how those three factors are manifested in the overarching Lebanese context.

CHAPTER II – THE CONTEXTUAL FRAMEWORK

To understand the securitization of the 1.3 million refugees from Syria in Lebanon it is important to explore Lebanese-Syrian relations, as well as the domestic and international environments. The former has enabled a psycho-social and politico-economic context in the latter, which was then exacerbated by internal issues inherent to the state of Lebanon, offering a fertile ground in which the securitizing actors could use unrestricted and exceptional resources and power to deal with the perceived threats of the Syrian refugees. In the case of the Lebanese government, the unrestricted power was manifested by being able to not deal with the refugee problem and go against the international rights of refugees, as will be explored in chapter three and four.

Additionally, from a study of the context it becomes possible to discern the relevant securitizing actors part of the process. This section will argue that the securitizing actors are mainly: the various anti-Syrian Lebanese governments, with the most recent one of President Michel Aoun, the concerned political parties, and indirectly the UNHCR. This chapter will first explore the role of the UNHCR in the securitization of refugee communities, it will then gradually narrow down on the Lebanese-Syrian contexts that allowed for the rapid securitization of refugees from Syria in Lebanon.

A – THE WIDER INTERNATIONAL CONTEXT: UNHCR’S INDIRECT ROLE IN SECURITIZING REFUGEES

It is important to look at the international context, which allowed refugees in general to be subject to securitization. When exploring the wider geopolitical environment, unexpected securitizing actors

emerge, such as UNHCR within its wider humanitarian efforts to address the growing displacement phenomenon. The UNHCR's indirect securitization of refugees underlines the central role of language in the securitization process. Indeed, since the 1990s, the UNHCR has been inadvertently key in enabling the inextricable connection between refugees and security issues.

The UNHCR, with its new mission of putting an emphasis on human security has securitized the entirety of the transnational refugee population through the broadcasting of its numerous speeches and publishing of annual reports. The UNHCR mention of security relating to refugees was obviously a way to emphasize the need to ensure the security *of* refugees rather than *from* refugees, however, it resulted in the latter rather than the former.⁶¹ It can be argued that this trend was first initiated under the UN High Commissioner of the time, Sadako Ogato. In October 1994, Ogato claimed in one of her first speeches that: "population displacement whether internal or international has gone beyond the humanitarian domain to become a major political, security and socio-economic issue, affecting regional and global stability"⁶², and that "refugee problems invariably affect key state interests. They are related to matters of national, regional and even international peace and security. Humanitarian crises in our times increasingly are strategic crises, although they are infrequently dealt with as such."⁶³

When analysing the organization's annual reports since the 1970s to the General Assembly, we can witness an increase in the frequency of the use of the word "security" and relating terms. Indeed, from 1970 to 1986, the term security is hardly mentioned, on average it is used only 3.5 times per

⁶¹ *Ibid.* p 15

⁶² Ogata, Sadako (1994). *Preparing for the Future: Knowledge in Action* (Geneva: Graduate Institute for International Studies, 25 October 1994).

⁶³ Ogata, Sadako (1992a). *Refugees: A Multilateral Response to Humanitarian Crises*

report⁶⁴; the vocabulary used relates more to terms such as “humanitarian issue”, “refugee needs” and “humanitarian distress.”⁶⁵ However, from 1986 to 1987 the mention of security almost triples; this trend only increases at the turn of the century and in 2011, it reaches an all time high of an average of 38 mentions of words conveying the concept of security. A similar increase can be found during the same period of time in the UNHCR’s annual notes on international protection.⁶⁶ Therefore, the UNHCR enabled an international framework where the refugees could be securitized on regional levels, according to specific contexts, as can be illustrated by the securitization of refugees from Syria in Lebanon.

B – THE REGIONAL CONTEXT

i) Lebanese-Syrian relations:

First, one needs to explore the concept of Greater Syria in order to comprehend the diplomatic rollercoaster embodied by Lebanese-Syrian relations. Greater Syria is the region stretching from Turkey, to Egypt, and from Iraq to the Mediterranean Sea; therefore, until its declaration of independence, Lebanon was an integral part of this semi-territorial empire. The latter was divided and re-distributed among the great powers during World War I, under the Sykes Picot agreement (1916).⁶⁷ The agreement traumatized the region and created a launching pad for the majority of the presently conducted conflicts in the Middle East. Lebanon and Syria were given to the French and both were mandates; even if the communitarian makeup of the two countries have strike

⁶⁴ Hammerstadt (2013), p 15

⁶⁵ Ogata, Sadako (1992b). Refugees: A Humanitarian Strategy (Brussels: Royal Institute for International Relations, 25 November 1992)

⁶⁶ *Ibid.*

⁶⁷ Ma’oz, M. Finat, J and Winckler, O. “Modern Syria” (1998)p 12

resemblances, their respective experiences under the French was very different.⁶⁸ This was mainly due to the Maronites' hold on power in Lebanon, whereas in Syria the Muslim majority, the Sunnis, had the hold on political power.⁶⁹ Additionally, the colonial complex of Syrians, who did not recognize the authority of the French over what it considered its land, created tensions not only with the French, but also with the Lebanese who declared their independence explicitly from the French, and implicitly from Syria, in November 1943. Despite its declaration of independence, Syria still practiced a neo-colonial policy towards the smaller neighbouring region, as can be seen in its active involvement in Lebanese civil war and its aftermath.⁷⁰ This can be illustrated by the fact that the Syrian military forces did not leave Lebanon until 2005, when they were removed under heavy international pressure. In order to understand the power leverage Syria has on its smaller neighbour, it is important to study the Lebanese civil war.⁷¹

i) Lebanese Civil War

The Lebanese Civil War (1975-1990) was the result of a combination of sectarian rivalries and external involvement. The Lebanese constitution was based on the 1932 consensus showing that the population of the time had a majority of Christian Maronites (54% of the population were Christian, 44% were Muslims and the remaining 2% included numerous and different ethnic and religious groups)⁷²; therefore, based on this consensus, the governmental powers were distributed. The Maronites were given the Presidency, the Sunni the Prime Ministership, while the Speaker of the Parliament had to be Shi'a.⁷³ The 1932 national census however was no longer an accurate

⁶⁸ Meur "Lebanon, Syria: inextricable destinies"(2012), p 35

⁶⁹ Ma'oz, Finat, Winckler (1998), p 24

⁷⁰ Meur (2012), p 43

⁷¹ Traboulsi "History of Modern Lebanon" (2007), p 143

⁷² *Ibid.* p 75

⁷³ Traboulsi (2007). p 54

representation of the sectarian repartition of the country by the mid 1950s, and the confessional balance tipped in favour of the Muslims; however this change in demographics was not represented in the constitution of the government and policies, which ended creating friction amongst the different factions and in the questioning of the legitimacy of the government.⁷⁴ This, in turn, resulted in the beginning of the Maronites' and the zuama's (the commercial elite composed of both Christians and Muslims) paranoia over the potential loss of their power and advantages.

The alteration in the domestic configuration of the state was coupled with a severe socio-economic crisis. The tertiary sector was monopolized by the zuama and the focus on the development of services led to a negligence of the inward looking sectors of the economy (i.e. the industry and agriculture). This disparity in economic development mirrored the sectarian rift, where certain confessions had the most privileges, whereas others were ostracized from economic development.⁷⁵ This resulted in a faulty urbanization, leading to the creation of poverty belts around the capital, mainly Muslim populated, and the rise of the *mahroumeen* (the *neglected*) in the South.⁷⁶ This socio-economic repartition of the society also affected access to education and healthcare, which helped reproduce the feudal hierarchy over the years, and increased inter-sectarian grievances. The grievances were even more pronounced when clear instances of corruption at the government level were taking place, and a system of patronage was established.⁷⁷

This gradually deepening rift between the different confessional groups were exacerbated by international powers for their own benefit, which not only made the outbreak of the war more

⁷⁴ El Khazen (2000) p 110

⁷⁵ *Ibid.* p 112

⁷⁶ Traboulsi (2007), p 89

⁷⁷ Lawson "Syrian intervention in the Lebanese civil War, 1976" (1984), p 13

likely, but it also increased the destructive potential and longevity once the war was initiated in 1975.⁷⁸ As mentioned earlier, Syria was a major participant in both the enabling of the war and its destructiveness. The Syrian government used their geographical and ethnic proximity to manipulate the militias that were formed to benefit their aspirations to regional hegemony. Some even argue, that the Lebanese Civil War also served as a Syrian playground to conduct its own grievances.⁷⁹ Its financing and arming of the militias gave them greater political and military power, enough for the militias to take on a de-facto governmental position, completely marginalizing the state. Indeed, it even led some scholars to claim that the state was now the weaker partner of the militias.⁸⁰ Its interference also created intra-militia violence, which increased the level of violence in the territory. The intra-militia violence led to a blurring of the military and political objectives, turning the war into a senseless ethnic cleansing of sort – everything needed to be done to eliminate the civil enemy, but the definition of who the enemy was became gradually less precise through the years. This led to the impossibility of the local authorities to put an end to the war, which resulted in the calling for external help to end the hostilities.⁸¹

The war ended with the signing of the Ta'if agreement in 1989, calling for the disarmament of all militias, except Hezbollah, and establishing a Syrian tutelage of Lebanon to help the war-torn country establish a central government.⁸² The tutelage was supposed to last a couple of years and ended up being extended to 2005. The extended stay of the Syrian forces, combined with the grievances of the war, led to the emergence of two semi-political parties, who only re-enforced the

⁷⁸ *Ibid.* p 14

⁷⁹ *Ibid.* p 215

⁸⁰ Lawson (1984), p 111

⁸¹ *Ibid.* p 213

⁸² *Ibid.* p 32

marginalization of, and paralysis within the state in modern day Lebanon, and illustrates the failure of the Ta'if agreement: 8th March (led by Hezbollah; a pro-Syrian coalition) and 14th March (led by the Hariri family; against Syrian involvement.)⁸³ Throughout the years, the two camps have stagnated the decision-making process of any institutional body and increased sectarian tensions, while each group was under the patronage of an external power.⁸⁴ The continuous Syrian protection of Hezbollah was probably the biggest bone of contention in politics, and underlined that even though the violence of the civil war stopped, the systematic patronage system, and the root-causes of the conflict have never been addressed and are still persisting in modern day Lebanese politics.⁸⁵

ii) Psycho-social context:

The psychological environment in which the Lebanese found themselves after years of conflict and perceived condescension from the Syrians in regards to the Lebanese population, illustrate the relationship between the two civilian populations after years of political and military rivalry.⁸⁶ The *Issam Fares Institute for Public Policy and International affairs* conducted a study in the summer of 2014 on approximately 2000 Lebanese nationals to quantify the above mentioned psychological environment, which underlined, on a limited scale, the perception Lebanese had of Syrian refugees when taking into account the Syrian-Lebanese historical relationship. The study came up with the following result: 88% see Syrians as taking jobs away from the Lebanese who need them the most; 82% do not want their family members to marry a Syrian or a Syrian descendent; 63% see the monetary aid given to the Syrians since 2011 as money that could be spent on the Lebanese population; 72% oppose the Lebanese state's imposed responsibility of giving a refuge to Syrian

⁸³ Leenders (2004), p 134

⁸⁴ *Ibid.* p 142

⁸⁵ *Ibid.* p 140

⁸⁶ Lawson (1989), p 132

refugees, and 51% of the latter are strictly against offering Syrian refugees shelter in the previously established Palestinian camps; 58% mistrust Syrians; 71% believe that the gradual increase of Syrian refugees in Lebanon will eventually result in the resurgence of another inter-confessional conflict; 67% are persuaded that the Syrian refugee presence will inevitably lead to a second civil war.⁸⁷

This psychological context is also a result of the previous experiences the Lebanese nationals had with Palestinian refugees from 1948, to the present days. Indeed, the *nakba* of 1948 has led over 213,000 Palestinians to seek refuge in Lebanon, and today the Palestinian refugees amount to over 489,000 individuals.⁸⁸ This previous experience with refugees has been quite a negative one, especially after the PLO's migration from Jordan to Lebanon in 1970⁸⁹, which resulted in the Palestinians involvement in the civil war and in their characterization as "refugee warriors."⁹⁰ The PLO's re-settlement in Lebanon found a fertile ground for recruitment in Palestinian camps, which helped them conduct their fight against Israel.⁹¹ Indeed, the Palestinian refugees were not allowed to have working permits--meaning that they were physically, politically, socially and economically marginalized from the entire society, leading to the materialization of a quasi-state within those camps.

The PLO offered employment, salaries and protection; the increasing number of refugee warriors exposed Lebanon to military threats due to the ongoing Palestinian-Israeli war.⁹² For instance, the

⁸⁷ *Issam Fares Institute for Public Policy and international affairs* (2014) "Addressing the impact of the Syrian Refugee Crisis"

⁸⁸ El Khazen "The Breakdown of the State in Lebanon" (2000), p 29

⁸⁹ *Ibid.* p 187

⁹⁰ Adelman, Howard "Why refugee warriors are threats", p 6

⁹¹ *Ibid.* p 11

⁹² *Ibid.* p 13

PLO were conducting retaliatory raids against Israel, which led to a cross-border offensive led by Ariel Sharon in 1982, which in turn led to the sieging of Beirut and to an insurgency in the south where the Israeli ended up retreating and staying for 18 years.⁹³ The insurgency resulted in more than 12,000 casualties and in the Shi'a-oriented radicalisation of the south led by Hezbollah, creating tensions at the governmental level as explored previously.⁹⁴ The PLO was also blamed for the murder of Bachir Gemayel, former president and leader of the Kataeb, two weeks after his presidential election. The Palestinians were however wrongfully accused, but still paid the price as the Kataeb sent troops in the camps of Sabra and Chatila and massacred over 2000 refugees.⁹⁵

The study of Lebanese attitudes toward Syrians cited above was conducted in 2014, before certain events, such as the suicide bombing in Beirut on November 12th 2015 (which increases the fear of terrorists coming in Lebanon through the flow of refugees) and before the garbage crisis that started in July 2015. When taking these factors into account, it could be argued that the percentage of those with negative attitudes toward Syrians shown in the study would probably have been higher.

iii) The environmental crisis:

Today, more than 5.9 million people are living in less than 10452 km² territory, of which 21% is mountainous and inhabitable; this means that there are 540 persons per km².⁹⁶ Therefore, taking into account the density of the demographics, and the failure of the Lebanese government waste management program, Syrian refugees do become security threats for the environmental sector, not because they are refugees, or because they are Syrian, but because of the overpopulation, which

⁹³ Traboulsi (2007)

⁹⁴ *Ibid.* p 191

⁹⁵ *Ibid.* p 201

⁹⁶ Traboulsi (2007) p 23

increases risk concerning health and the environmental sustainability, and greatly affects Lebanon's development. The increase in population density has resulted in Lebanon being ranked at number 16 on the world population density index (previously 21).⁹⁷ Such increase results in environmental and social impediments for the host country, including but not limited to, increases in: waste generation, water and sanitation problems, use of vehicles, pollution and crowds.⁹⁸

In 2015, with the large presence of Syrian refugees, the waste level of the country reached the levels it should have been at in 2055.⁹⁹ It is estimated that the refugees have produced an additional 40,000 tons of waste per year ever since 2012 leading to a proportional increase in incremental pollution. The increase level of waste has led to phenomena such as open dumping and open burning.¹⁰⁰ Indeed, 52% of the waste is disposed in existing open dumps, which increases the chances of land, water and soil contamination.¹⁰¹ This resulted in authorities burning waste, which increases the level of carbon dioxide in the oxygen; consequently, the land, the water and the air's pollution are increasing at a terrifying pace.

The fact that so much waste is in open space leads to a 22% increase of the risk of being exposed to diseases.¹⁰² This risk has been heightened throughout the previous years to a staggering 39% due to the fact that Syrian refugees were more exposed to the open dumps because of their status and their lack of shelter resulting in diseases being spread more widely and rapidly throughout the territory.¹⁰³ Refugees need for water has led to a corresponding 8-12% national water demand,

⁹⁷ *Ibid.* p 34

⁹⁸ *Ibid.* p 55

⁹⁹ Lebanon environmental assessment of the Syrian conflict and priority interventions (2014), p 40

¹⁰⁰ Lebanon environmental assessment of the Syrian conflict and priority interventions (2014), p 110

¹⁰¹ *Ibid.* p 46

¹⁰² *Ibid.* p 56

¹⁰³ *Ibid.* p 87

resulting in a grave depletion of water resources and water quality, which will result in, again higher health related risks, which in the long run affect not only the Lebanese population, its wildlife and ecosystem (plants, animals both on land and at sea), but more severely the already impoverished refugee communities.¹⁰⁴ Finally, the influx of refugees has also impacted the electrical capacity and consumption of the host country; prior to the Syrian refugee arrival, Lebanon already couldn't answer the national demand for electricity, leading to a necessary procurement of private generators in residential areas. The acquisition of private generators has increased with the arrival of over a million refugees, and proportionally, the emission of nitrogen dioxide has augmented by 10%.¹⁰⁵

This environmental catastrophe has only worsened since the beginning of July 2015, when the Lebanese garbage crisis erupted. The crisis is mainly due the fact that garbage management is still conducted by private actors, who have a political agenda of creating friction within the government, which led to the termination of their contract.¹⁰⁶ It was also the result of the fact that garbage was dumped in one specific area in the north of the country; the citizens prohibited access to the area as they could no longer take the smell and, the burden and risks that came with the poor management of waste.¹⁰⁷ The garbage crisis has also created a peaceful uprising in Lebanon, where the population were not only protesting for their right to health and security but also against the corrupt Parliament, which keeps prolonging its term, undermining the already fragile democracy and heightening societal tensions.¹⁰⁸

¹⁰⁴ *Ibid.* p 78

¹⁰⁵ *Ibid.* p 88

¹⁰⁶ <https://www.washingtonpost.com/blogs/monkey-cage/wp/2015/09/18/this-isnt-lebanons-first-garbage-crisis-and-what-that-should-teach-us/> (2015)

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

The analysis of the context provides a better understanding of the Lebanese nationals acceptance of the securitizing actor's speech acts. From this brief analysis of the context it became possible to identify the key securitizing actors; the latter are: the UNCHR, the current anti-Syrian Lebanese government led by Michel Aoun (elected in October 2016), and the different political factions that first emerged during the civil war. Indeed, the heritage of the civil war, coupled with the evolution and deepening of existing grievances translated in the modern-day constitution of the Lebanese political, societal and cultural infrastructures has given the relevant securitizing actors virtually unlimited resources and the ability to navigate outside *normal politics* to undermine the threat of refugees. This is translated in the government's refusal to adhere to the only international treaty directly tackling the issue of refugees, the Convention Relating to the Status of Refugees, and in the resulting policies in the region and domestically deployed to govern, control and ostracize the large refugee population.

CHAPTER III – THE AFTERMATH OF SECURITIZATION: HUMAN RIGHTS

VIOLATIONS AND PROTECTION GAPS

The lack of structure and the continuous efforts of the Lebanese government to ostracize the refugee populations through the years have led to a number of protection gaps and human rights violations. Ironically, the refugee population from Syria is not the only victim of such a systemic abuse resulting from the institutionalized securitizing process. Indeed, the very community and interests the securitizing policies were meant to protect, are jeopardized, creating a flawed sense of security. This chapter will be divided two parts.

The first part will explore the legal framework that has made the securitization possible in the first place. Indeed, Lebanon is not a signatory state to the Convention Relating to the Status of Refugees (1951), which has allowed the state to develop an intricate domestic administrative and legal system to govern and control refugees, such as the establishment of the Memorandum of Understanding built upon the previous Bilateral Agreement with Syria (1994).

The second part will explore the human rights abuses and protection gaps resulting from the securitization policies. It will argue that it is the *no policy* policy that has allowed both the host community and the refugee community to be exposed to various protection gaps and human rights abuses. These abuses and gaps include: the right to security, freedom of movement, the right to health and the right to education. While some will argue that the Lebanese government is guilty of violating more human rights articles (ex: the right to work), this chapter will put forward the fact that, unfortunately, the Lebanese government is not party to any treaty that would make it a legal obligation for the government to take positive actions to ensure the full fulfilment of those rights.

Moreover, it is important to underline that rights such as the right to work, are not customary international law¹⁰⁹, meaning that it is hard to prove that they are legally binding, or that the governments are not abiding by them to the best of their ability.

I – THE LEGAL FRAMEWORK

- i) The Convention Relating to the Status of Refugees (1951) and the Additional Protocol (1967):

It can be argued that the phenomenon of securitizing refugees in Lebanon started well before the arrival of the Syrian refugees on the Lebanese territory in 2011. Indeed, in 1951, the Lebanese government refused to sign or ratify the Convention relating to the Status of Refugees (CRSR'51) and the additional protocol of 1967.¹¹⁰

The CSRS'51 is, to this date, the key international law instrument put in place to deal with the phenomenon of transnational forced immigration; it not only lays out the framework for refugee rights and the obligations of host states to protect them, it also gives jurisdiction to UNHCR to operate and provide humanitarian relief in the signatory countries hosting refugees. The core

¹⁰⁹ Customary international law is an instrument of international law; it results in a custom or principle being regarded as a legal norm. However, for a custom/principle to be considered as customary international law, two components are required: *opinio juris* (the state is following it due to a sense of legal obligation) and settled state practice (enough state in the international community are following that principle/custom making it legal binding). Most of the world's states tend to accept the existence of the principle of customary international law

¹¹⁰ Michael Kagan, *The UN "Surrogate State" and the Foundation of Refugee Policy in the Middle East* (2014)

obligation of the treaty is the concept of non-refoulement, which prohibits returning asylum-seekers to the country he or she is fleeing due to life-threatening persecution.¹¹¹ While this notion of non-refoulement is a direct responsibility of the signatory states, today, the concept has become settled state practice, making it customary international law, and hence legally enforceable.¹¹²

The additional protocol of 1967, created January 31st 1967 in New York City, was put in place as a way to adapt to the changing times, to remove the restrictive temporal and geographic characteristics of refugees as stated in the 1951 Convention.¹¹³ Indeed, when the 1951 Convention relating to the Status of Refugees was drafted, the majority of refugees were of European origin and were mainly refugees in European countries. As the phenomenon of decolonization and transnational refugees – or even as we are seeing today, intercontinental refugees – grew, it became primordial to re-define what constitutes a refugee, his or her rights and the hosting states' responsibilities regarding this alarmingly growing community. Consequently, the additional protocol of 1967 is part of the United Nations' efforts to make the Convention relating to the rights of refugees (1951) universal, and legally enforceable regardless of the geo-temporal constrictions inherent to the international system.¹¹⁴

The rhetoric behind the Lebanese government's refusal to sign or ratify either document was influenced by the Palestinian refugee problem within the Lebanese territories. Indeed, the majority of the domestic and regional parties agreed to not be part of the International Convention but for different reasons. Two main arguments stood forward: first, the Arab countries – mainly Egypt

¹¹¹ The UN Convention Relating to the Status of Refugees of 1951 (CRSR'51)

¹¹² *Ibid.*

¹¹³ The additional Protocol of 1967

¹¹⁴ The Additional Protocol of 1967

because of the leadership position it wanted to earn in the 1950s in regards to the Middle East – were pressuring the Lebanese government, which was hosting a large number of Palestinian refugees, to not be part of what they saw as an imperialist decree that would only reduce the validity of the Palestinian right of return to their land, and therefore constituted a European ploy to strengthen Israel.¹¹⁵ The ratifying of either document would undermine the temporary nature of Palestinian refugees by making them indirectly permanent residents in Lebanon, due to the continuous Israeli-Palestinian conflict. It is interesting to note that Egypt signed the CSR51 in May 1981.¹¹⁶ Then, the less mediatized domestic argument was that Lebanon was a country with a majority population of Christians, making the arrival of Palestinians, who for the large majority were of Sunni confession, a threat to the stability of the established constitutional balance of power. Moreover, in the 1950s, and well into the 1960s, Lebanon was undergoing a period of socio-economic prosperity, and the government saw the influx of refugees as a burden to the continuous development of said prosperity.¹¹⁷

While Lebanon has undergone a number of transformative events, such as the fifteen years-long civil war or the change in demographics, it can be argued that those arguments are still the drivers of their current policy, or “no policy” policy when dealing with the Syrian refugees. Lebanon has still not ratified either document, despite the fact that it is hosting one of the largest refugee populations in the region, and it has the highest concentration of refugees per-capita worldwide.

ii) The Bilateral Agreement with Syria (1994)

¹¹⁵ Michael Kagan (2014)

¹¹⁶ The Convention relating to the Status of Refugees of 1951

¹¹⁷ Michael Keagan (2014)

The bilateral agreement between Syrian and Lebanon signed in 1994 includes the monitoring and conditions of Syrian nationals entry in Lebanon. Under the agreement, it is stipulated that nationals from either country can enter freely enter the counterpart, without a visa, only by showing a Lebanese or Syrian national identity card or document.¹¹⁸ This agreement is still in place, however, due to the large influx of Syrian nationals since 2011, the Lebanese government has taken steps to establish temporary resident permits for Syrian immigrants seeking asylum in Lebanon, as will be discussed later in this chapter.

iii) The Memorandum of Understanding (MoU)

As a result of the absence of a comprehensive national refugee law in Lebanon, a Memorandum of Understanding (MoU) was signed and ratified by both the Lebanese government and the United Nations High Commissioner for Human Rights (UNHCR) in September 2003.¹¹⁹ This MoU puts down a framework to deal with the phenomenon of transnational forced migration; one of the main mechanisms resulting from this Memorandum is the issuing of residence permits to the asylum seekers. These permits are renewable and are usually issued for a duration of three to six months. However, in 2013, due to the dire circumstances, the possibility of extending the duration of the permits to nine-months was introduced.¹²⁰ This mechanism was seen as allowing UNHCR a window to re-settle the refugees in question in other countries, where their stay will be more durable.

¹¹⁸ The Bilateral Agreement with Syria 1994

¹¹⁹ <https://www.loc.gov/law/help/refugee-law/lebanon.php> - last visited 20/10/2016

¹²⁰ *Ibid.*

The domestic legislation that governs refugees in Lebanon is essentially the *Law Regulating the Entry and Stay of Foreigners in Lebanon, and their Exit from the Country* established in 1962.¹²¹

The articles of the law relevant to the recent situation in Lebanon are: Article 26, 31 and 32.¹²² All three lay out the judicial and political rights of foreigners in Lebanon; mainly that a foreigner that is being persecuted by a non-Lebanon government, authority or organization can seek political asylum in the country without the fear of being expelled or deported back to the country or region where his life or freedom are not secured.¹²³ However, the latter also stipulate that a political refugee can be convicted for a crime by the Lebanese government, which could result in a fine or in his or her illegal imprisonment for up to 3 months.¹²⁴

Additionally, since January 5th 2015, instructions regarding the entry of Syrians in Lebanon have been incorporated and published by the General Directorate of General Security.¹²⁵ These instructions dictate and assign different lengths of stay and require the procuring of different supporting documents depending on the nature of the stay (ex: studies, tourism, medical treatment, work etc.) These instructions stipulate verbatim that “no Syrian shall be permitted to enter as a refugee save in exceptional circumstances as shall be determined in coordination with the Ministry of Social affairs (...) Syrians previously registered as refugees will be allowed to re-enter if they

¹²¹ The Law Regulating the Entry and Stay of Foreigners in Lebanon, and their Exit from the Country established in 1962.

¹²² *Ibid.*

¹²³ Law Regulating the Entry and Stay of Foreigners in Lebanon, and their Exit from the Country established in 1962

¹²⁴ <https://www.loc.gov/law/help/refugee-law/lebanon.php> - last visited 20/10/2016

¹²⁵ “Instructions for the Entry of Syrians,” available on the website of the General Directorate of General Security (2015)

meet the conditions set out in this memorandum.”¹²⁶ Moreover, only individuals holding UNHCR refugee certificates will be considered when applying as a refugee in Lebanon. In addition to those restrictions to acquiring the status, when a Syrian national ends up as a refugee, he or she will not have the right to seek employment, unless it is directly sponsored by a company operating in Lebanon, if he or she wants to apply or renew the temporary residence permits.¹²⁷ It is also stipulated that the Syrian nationals wanting to set foot in the Lebanese territory must have a rental agreement from their landlord before applying for the temporary residence visa.¹²⁸ These instructions do not mention anything about the renewal process, but they do mention that Syrian refugees are granted a 24 hours stay if they are traveling through Lebanese seaports or airports.¹²⁹

This legal and administrative framework meant to govern over minorities that represent a threat to the status quo have allowed the government to take little, yet drastic, measures to minimize the impact of the heavy refugee flow in Lebanon. The government has adopted a *no policy* policy, embodied by the lack of camps and infrastructure (institutional or physical) to help absorb the 1.3 million refugees from Syria. This has in turn resulted in major human rights abuses and security concerns for both the refugees and the Lebanese hosting communities.

II – HUMAN RIGHTS ABUSES AND PROTECTION GAPS

- i) “No policy” policy:

¹²⁶ *Ibid.*

¹²⁷ *Ibid.*

¹²⁸ “Instructions for the Entry of Syrians,” available on the website of the General Directorate of General Security (2015)

¹²⁹ *Ibid.* It is important to note that there is no information regarding whether this set of directions has been formally adopted or issued by a Council Ministry decree since January 2015.

This laissez faire of the Lebanese authorities regarding the phenomenon of refugees, and more recently Syrian refugees, has led to unwillingness to allow formal camps for Syrian refugees. Indeed, from early on, the government adopted a no camps policy.¹³⁰ This decision was heavily influenced by the previous Palestinian refugee camps experience set up by the UN and UNRWA (United Nations Relief and Works Agency for Palestinian Refugees in the Near East), where the community created a parallel system, which the Lebanese government, and security forces had no authority over.¹³¹ Moreover, as mentioned, refugee camps in Lebanon bring back the traumatizing events of the Sabra and Shatila massacres in 1982.¹³²

The official statement regarding the government's reluctance to set up formal UN refugee camps is that these camps hinder the opportunities of the displaced communities, as they create a vicious cycle of reliance on relief and humanitarian assistance provided in this kind of infrastructure, which hamper their ability, and willingness, to seek opportunities outside camp environments.¹³³ Furthermore, other arguments justifying the lack of formal refugee camps echo the arguments put forward when refusing to sign the CSRS'51, mainly that camps will not allow the humanitarian situation to be temporary, and that camps creates the risk of the refugee population to become permanent residents, and often illegal immigrants in Lebanon.¹³⁴

¹³⁰ Human Rights Watch (2016), *World report 2016: Lebanon*

¹³¹ Michael Kagan, (2014)

¹³² *Ibid.*

¹³³ HRW (2016)

¹³⁴ *Ibid.*

As a result of this policy of not establishing formal UNHCR camps, the Syrian refugee population is now living scattered into 1700 communities across the country.¹³⁵ More than 65% are residing in the Bekaa Valley in de-facto camps where they rent their tents for 100 dollars a month. These de-facto camps are not designed to host a community this large and cannot accommodate them in terms of infrastructure (ex: not enough water, no sewage system etc.)¹³⁶ The remaining 35% of the refugee population from Syria are split between residing in previously established Palestinian camps and in the streets or in inhabited or unfinished buildings around the capital and in the south.¹³⁷ The majority of the Palestinian refugee in Syria that were forced to come to Lebanon due to the circumstances in their previous host country are residing in already established Palestinian camps.¹³⁸

a) The Right to Security:

As mentioned, Lebanon is a signatory of the Universal Declaration of Human Rights (1948), which includes the right to security for any person on the member states' territory. Indeed, Article 3 of the Declaration explicitly states:

*Everyone has the right to life, liberty and security of person.*¹³⁹

¹³⁵ <http://data.unhcr.org/syrianrefugees/country.php?id=122> - last visited 20/10/2016

¹³⁶ HRW (2016)

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

¹³⁹ Article 3, Universal Declaration of Human Rights (1948)

The inadequate monitoring of the refugee population in Lebanon has resulted in increasing the vulnerability of the population; it has exposed them to various kinds of violence, especially due to the inherent tensions between the host country's population and the refugees from Syria.¹⁴⁰ Indeed, tensions rose after the large influx of refugees in 2011, especially since the refugees have settled in underdeveloped regions of the country, where the conditions of the Lebanese populations were close to the universal standards of poverty. The most shocking event that illustrates the lack of protection of refugees was the setting of fire to various informal de-facto camps in 2014, in the Bekaa region.¹⁴¹ Moreover, refugees have been subjected to violence from Lebanese law enforcement, from torture to illegal and unjustified detention. Due to the increase in criminality since 2011, the Lebanese authorities have been given the power to detain and interrogate migrants – registered or unregistered – for 72 hours before telling them why they have been arrested; many accounts report vicious tactics of torture during the interrogations.¹⁴²

b) Freedom of movement:

A consequence of the lack of security is the obstruction of the refugees' freedom of movement in Lebanon. Indeed, Article 12(1) of Universal Declaration of Human Rights claims that:

*Everyone has the right to freedom of movement and residence within the borders of each state*¹⁴³

¹⁴⁰ S. Bidinger, A. Lang, D. Hites, Y. Kuzmova, E. Nouredine (Boston, 2014) p 25

¹⁴¹ UNICEF Annual Report 2015: Lebanon

¹⁴² UNHCR Annual Report: Lebanon (2015)

¹⁴³ Article 12(1) Universal Declaration of Human Rights (1948)

However, the increasing number of unregistered refugees and of the complex visa application and residency system resulting in many refugees lacking the relevant residency permits have led to an impediment of the refugee's freedom of movement. This fear of being caught resulted in the majority of the community being clustered in one region limiting their access to essential services such as registering with the UNHCR, especially since the increased ad hoc checkpoints throughout the country and the right of law enforcement officers to search a person or a vehicle.¹⁴⁴ Threats of refoulement and long-term detention are still looming over the unregistered refugees' heads.¹⁴⁵ Additionally, their freedom of movement is heavily restricted by the lack of economic resources to cover the transportation costs, which indirectly renders them unable to go to: school, hospitals, UNHCR monitored regions or governmental offices. This leads to the denial of not only the refugee's rights to security and to movement, but also their rights to education, work and health.

The Lebanese population's right to security is also violated as a result of the securitization of refugees from Syria. Indeed, the exclusion of the refugee population from the economy, politics and social sectors have created a vicious cycle of criminality and violence against Lebanese nationals.¹⁴⁶ In 2015, criminality rates in and around Beirut have increased by 62%, most of them involving drugs and human trafficking targeted towards women and children. Crimes, such as the kidnapping of Lebanese nationals for ransoms or to sell organs on the black market have become more and more common in Lebanon, and does not only affect remote areas but also the city

¹⁴⁴ *Ibid.* p15

¹⁴⁵ UNHCR Report: Vulnerability Assessment of Syrian refugees in Lebanon (2015)

¹⁴⁶ *Ibid.*

centre.¹⁴⁷ For example, from 2013 to 2015, 460 kidnappings have been reported to the Lebanese authorities.¹⁴⁸

Moreover, in 1981, the United Nations put forward the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), due to the contemporary recognition that for gender equality to be institutionalized, the international community had to recognize that a number of concepts and rights had to be put forward to ensure the bridging of the gender gap and to establish equality between men and women.¹⁴⁹ This is especially important in situations of forced displacement where women and girls become increasingly exposed to violent abuses, and where discrimination is more likely to occur. General Comment 23 of the convention explicitly mentions the need to protect women from sexual-based offences:

Under the Convention, States parties' obligations to prevent, investigate and punish trafficking and sexual and gender based violence are reinforced by international criminal law (...) sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity may constitute a war crime, a crime against humanity or an act of torture, or constitute an act of genocide (...) sexual violence must also be interpreted consistently with the Convention and other internationally recognized human rights instruments¹⁵⁰

¹⁴⁷ *Ibid.* p 38

¹⁴⁸ <http://www.theatlantic.com/international/archive/2013/09/the-syrian-war-is-creating-a-massive-kidnapping-crisis-in-lebanon/279414/> (last visited 12/14/16)

¹⁴⁹ CEDAW, General Comment 23

¹⁵⁰ UNHCR Report: Gender based violence against women and girls displaced by the Syrian Conflict in South Lebanon and North Jordan: scope of violence and health correlates

However, the *no policy* policy of the Lebanese authorities regarding the large influx of Syrian nationals in Lebanon have led to an increase in the phenomena of: sexual violence against mostly Syrian women, sex trafficking, increase in child marriage and prostitution. More than 56% of the refugees fleeing Syria to Lebanon are of female gender, and the average age is 21¹⁵¹; this coupled with the lack of camps, and hence the lack of surveillance and protection from UNHCR, has rendered women and girls vulnerable to gender-based violence, especially when the refugees are in transit trying to reach the host country or even within the country. Indeed, the United State's Trafficking in Persons Report (2016) Lebanon is now ranked 9th on the list of the countries source of the most trafficked women, whereas in 2014 it was ranked 16th.¹⁵² Additionally, Reuters reported that 1 in 5 Syrian refugee women is forced into prostitution for financial survival, and 1 in 3 has suffered from some kind of sexual abuse; most of those women are between the age of 16 and 28.¹⁵³ While the data is less concrete on this issue, UNHCR has also reported that due to the lack of infrastructure to support the influx of refugees from Syria, Palestinian and Syrian women are coerced into providing sexual favours to secure access to food, shelter or employment.¹⁵⁴

In the case of Syrian or Palestinian girls forced into child marriage, UNHCR has confirmed that it has become a growing trend in Lebanon.¹⁵⁵ While heavily contested, the minimum legal age of marriage in Lebanon is 14 years old¹⁵⁶; Syrian refugee families often use the established legal framework as a way: to lift the economic burden of seeking refuge in the neighbouring country, to

¹⁵¹ Coordination Tanseeq: Addressing sexual and Gender-Based violence related to the Syrian Crisis (July 2014)

¹⁵² G. Anani (2015), p 12

¹⁵³ *Ibid.* p 13

¹⁵⁴ *Ibid.* p 15

¹⁵⁵ <http://theconversation.com/syrian-girls-are-being-pushed-into-child-marriage-in-lebanese-refugee-camps-66967> (last visited 1/11/16)

¹⁵⁶ <http://www.girlsnotbrides.org/child-marriage/lebanon/> (last visited 1/11/16)

protect her from future sexual harassment and to ensure the economic security of their child.¹⁵⁷ The partaking in child marriage has become for many a survival strategy. However, the girl who has been sold into marriage is exposed to greater risks of: domestic violence, sexual exploitation, complicated pregnancies, and inability to exit the marriage if she wishes to do so – both due to cultural norms and the lack of legal aid provided.¹⁵⁸ The notion of consent is at the centre of this dilemma, where if blurred, the practice could be considered as slavery or human trafficking through marriage where the girl who is married becomes a commodity for both her parents and her future husband.¹⁵⁹

This growing trend of sexual violence against women has increasingly affected Lebanese women as well. Indeed, since the closing of the border in 2015 as an effort to stop the refugee flow, the number of refugee women has stagnated, making the pool of potential trafficked women smaller; therefore, Lebanese women from the hosting villages have become the prime targets of the traffickers.¹⁶⁰ Additionally, in the past five years, the volume of sexual crimes reported has tripled; some trace back this increase in violence against women to the recent influx of male refugees from Syria.¹⁶¹ While it would be ignorant to claim that all refugees are predators, it is important to underline that the conditions within which the refugees found themselves after their forced migration, the violence they experienced at home and the mental-health consequences of the Syrian war on its population, creates a conducive environment for violence against women.¹⁶²

¹⁵⁷ <https://hivos.org/news/combating-gender-based-violence-gbv-lebanon>

¹⁵⁸ G. Anni (2015) p 18

¹⁵⁹ *Ibid.* p 16

¹⁶⁰ *Ibid.* p 19

¹⁶¹ *Ibid.* p 21

¹⁶² G. Anani (2015), p 14

c) The Right to Health:

Another major consequence of the open setting within which the refugees found themselves in after their settlement in Lebanon, is related to health conditions. Lebanon has signed and ratified the International Covenant of Civil and Political Rights in 1966. The latter Covenant explicitly stipulates the right to health, which includes: safe drinking water and adequate sanitation, safe food, adequate nutrition and housing, healthy working and environmental environments, and gender equality in the fulfilling of the right.¹⁶³

A number of obstacles arise when it comes to the fulfilment of the right to health of refugees, mainly: the incapacity to access healthcare services, the inability to cover all fees, and the current environmental crisis in the host country.

In Lebanon, refugees are scattered and mostly reside in urban environments, which poses major challenges for health interventions¹⁶⁴; it also makes access to hospitals extremely difficult. Indeed, if there were to be camps, a comprehensive and central system could be designed to ensure health services and monitoring.¹⁶⁵ The lack of movement due to the fear of being arrested has led the refugees to not seek medical help.¹⁶⁶ In addition to their reluctance, and sometimes inability to reach hospitals or healthcare facilities, the burden of payments is also a huge factor in the compromising of the right to health of refugees. Even though UNHCR covers some of the hospital costs for registered refugees, they do not cover them all.¹⁶⁷

¹⁶³ International Covenant of Civil and Political Rights (1966)

¹⁶⁴ UNHCR Report: Vulnerability Assessment of Syrian refugees in Lebanon (2015)

¹⁶⁵ *Ibid.*

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

Furthermore, the current environmental crisis in Lebanon is continuously threatening the health of refugees and Lebanese equally. Indeed, the increase in the population density, and the garbage crisis has resulted in a level of pollution that Lebanon was estimated to reach in 2055. The two combined makes the context prone to large-scale outbreaks of diseases. The lack of surveillance and monitoring of refugees and the fact that they are often informally living alongside the Lebanese population make it even harder to contain the passing of diseases within the region.¹⁶⁸ Moreover, the garbage crisis has affected water and food supplies, which makes the refugees in de-facto camps particularly vulnerable. Indeed, in formal camps, UNHCR would ensure that the sewage system and the water supplies are completely separate for the former to not affect the latter, or compromise the food supply (ex: through washing vegetables).¹⁶⁹ However, the lack of formal camps combined with the unsanitary impacts of the open dumps and garbage crisis in Lebanon on crop-based foods, meat and water, has left the refugees from Syria exposed to health issues with no real access to quality medical assistance.¹⁷⁰

Finally, a large majority of the refugees from Syria have undergone severe traumas and have witnessed, and have been victims of atrocities. This added to the daily stresses of living as a refugee (ex: trying to secure food and water, or knowing where to sleep) resulted in a growing population suffering from mental health issues.¹⁷¹ It is common to find symptoms of severe anxiety, depression, withdrawal, and insomnia amongst the large refugee population. Often mental health

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

¹⁷⁰ D. Halawi, "Lebanon struggles to help Syrian refugees with mental health problems" Reuters, Feb 29th 2016

¹⁷¹ *Ibid.*

is not prioritized due to the limits of budgets and to the stigma in the region.¹⁷² Indeed, in Lebanon medical services to treat mental health-related issues are mostly private and very expensive, therefore refugees heavily rely on the local and international NGOs. Refugees tend to not prioritize it due to more important economic demands, such as feeding their family and paying rent. While a certain number of NGOs (the World Health Organization and UNICEF) have mobilized and partnered with the Lebanese Health ministry, which has resulted in the set up of 60 agencies training medical personal – from doctors to social workers – to provide help for refugees suffering any mental illness, the burden of the stigma surrounding mental health issues remains the biggest obstacle.¹⁷³ Either refugees do not realize they need help, as they are uneducated on the risks or even the sickness, or they chose not to as they fear being labelled as mad, being ostracized, and not being able to work and cover expenses.¹⁷⁴

The failure to address those problems does not only have repercussions on the neglected refugee population, but also on Lebanon and Syria, as in the long term it would have socio-economic effects on both societies, as it could result in: dropping out early from school, difficulty to maintain a job, homelessness and the inability to form relationships and of taking care of their children – putting them at risk as well.¹⁷⁵ If mental health conditions are left untreated, especially amongst the young population, this could lead to a “lost generation.”¹⁷⁶ Indeed, the International Medical Corps (IMC), the organization who provides psychological support for Syrian refugees in their various host

¹⁷² UNHCR Report: Culture, Context and the Mental Health and Psychosocial wellbeing of Syrians (2015)

¹⁷³ *Ibid.*

¹⁷⁴ *Ibid.*

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

countries, including Lebanon, has stated that individuals with untreated mental health issues are at risk of no longer being able to function in any given society.¹⁷⁷

d) The Right to Education:

The Right to Education is most important when related to the development of children; indeed, the Convention on the Rights of the Child (CRC) of 1990 has been created to ensure the full most beneficial path for children.¹⁷⁸ While the CRC and the rights under the convention overlap with many treaties and their articles, such as the UDHR or CEDAW, it directly tackles protection gaps that would in theory help in times of displacement. For instance, the two sub sections of Article 32 of the CRC stipulate that:

State parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (...)
States parties shall take legislative, administrative, social and education measures to ensure the implementation of the prevent article¹⁷⁹

Children of forced displacement in developing countries often found themselves exposed to forced labour, or slavery-like labour as a way to contribute and help in covering the economic burden.¹⁸⁰

In Lebanon, Syrian nationals have always had the right to work; however, their access to the job

¹⁷⁷ *Ibid.*

¹⁷⁸ *Ibid.*

¹⁷⁹ Article 32, Convention on the Rights of the Child (1990)

¹⁸⁰ Freedom Fund Report, (London 2015) p 15

market has been severely diminished since the Syrian uprising, which limits the ability of Syrian families to provide an education for their children. Indeed, in December 2014, the Minister of Labour reduced the number of professions open to Syrians, which mirrors the restrictions imposed on Palestinian refugees.¹⁸¹ Syrian refugees are consequently no longer able to seek high positions in the medical, legal and teaching fields. In addition, the office of General Security issued a statement in April 2015 claims that for a Syrian refugee to have the right to work, the employer must be “actively seeking to secure a work permit”¹⁸² and to obtain a secure work visa from the Minister of Labour.¹⁸³

Therefore, most of the professional opportunities offered to refugees are low skilled and low paid jobs (ex: construction, service); to this obstacle is added the fact that more than 56% of the refugees currently in Lebanon are not registered with UNHCR, and are therefore more likely to be exploited by the Lebanese employers, resulting in even lower pay and in dangerous work conditions. This has led to the need of children participating in generating revenues to help make ends meet.¹⁸⁴

In 2015, Reuters reported that according to the Freedom Fund, and NGO that fights against modern slavery, more than 70% of Syrian Refugee Children are forced into full-time exploitative Child labour by the age of 5. This in turn has led to a steep decline in Syrian refugee education.¹⁸⁵ The Human Rights Watch Report on Lebanon’s (2015) figures show that out of 500,000 Syrian children, only 158,321 are receiving a school-taught education, meaning that less than 1 in 5 Syrian

¹⁸¹ *Ibid.* p 16

¹⁸² *Ibid.* 19

¹⁸³ *Ibid.* p 45

¹⁸⁴ *Ibid.* p 21

¹⁸⁵ UNICEF “Growing up without an education: barriers to Education for Syrian Refugee Children in Lebanon” (July 2016) p 3

refugee under the age of 18 is enrolled in school.¹⁸⁶ This is not only due to the economic demands of being a refugee in Lebanon but also to the Lebanese government's intentional barriers to providing education to Syrian children. Several factors deprive Syrian refugee children of their right to education: the lack of compliance in implementing the enrolment policy, limiting school ratios, insufficient funding and support for children of forced migration in adapting to the curriculum, lack of available space, transportation costs and the cultural bullying and ostracizing of Syrian children in Lebanese schools.¹⁸⁷

i) Non compliance in implementing the education policy:

UNICEF states that the irregularities in the implementation of Lebanon's enrolment policy is one of the main reasons impeding of Syrian families from enrolling their children in school.¹⁸⁸ According to the local guidelines, public schools only require an identification document, two-passport sized photographs for each child, and previous school certificates. However, on the ground, it has been reported that directors have been asking Syrian families to provide additional papers, such as proof of valid residency or health records, or pay school fees although enrolment in public schools are free of charge.¹⁸⁹ These additional requirements are almost impossible for the large majority of Syrian families to meet, especially since a large number of Syrian refugees are not legally registered and because of the way they fled their home, which in almost every case results in the lack of the required records. In addition to those hurdles prior to entry, Syrian refugee

¹⁸⁶ *Ibid.* p 10

¹⁸⁷ *Ibid.* p 14

¹⁸⁸ UNICEF "Growing up without an education: barriers to Education for Syrian Refugee Children in Lebanon" (July 2016)

¹⁸⁹ *Ibid.* p 15

children could also face complications once in, as the board of direction of schools have the right to expel children without any explanation.¹⁹⁰

ii) School ratios and quotas:

Another implicit restriction to access to education for Syrian refugee children is the scarcity of the availability of second shifts. According to the Lebanese Ministry of Education, second shift policy, schools will only open a class for grades 1 through 6 if there is a demand from at least 25 students, and of 20 students for the grades 7 through 9.¹⁹¹ This has become increasingly complicated since fewer Syrian children continue to get an education past grade 5, resulting in insufficient numbers of students to open upper grade classes, which in turn leads to Syrian students having to repeat the lower grades classes or opting out of school.¹⁹²

A quota policy also governs whether the entire second shift at a given school remains open; under the Lebanese second shift policy, if less than 250 Syrians enrol in the second shift school, the program could close, which requires Syrians to find new schools even during the middle of the school year.¹⁹³ This is made increasingly difficult since the establishment of an additional ratio within the first shift classes, which impose a maximum of one to one ratio of Lebanese to non-Lebanese students in each class. Moreover, Syrian refugee children are also facing a lack of space in Lebanese public schools, despite almost 50,000 unused seats in 2015, because schools that do have space are not located in the areas of need, and as mentioned, the freedom of movement of

¹⁹⁰ *Ibid.* p 16

¹⁹¹ *Ibid.* p 18

¹⁹² *Ibid.* p 27

¹⁹³ *Ibid.* p 28

Syrian refugee families is restricted in the host country – due to transportation costs or fear of unregistered refugees of getting caught by local authorities.¹⁹⁴

iii) Funding

In 2015, and for the past ten years the Ministry of Education had a budget of around \$300,000,000 despite the fact that the population of children in Lebanon has almost doubled due to the refugee crisis.¹⁹⁵ Additionally, municipalities throughout the country are given the same budget for education services, which creates disproportions as some are hosting more refugees while others are hosting none.¹⁹⁶ These restrictions in funding and support hinder the educational development of the children, who sometime chose to stop their education and work. This in turn results in a high number of unqualified and unskilled workers; for instance, the two municipalities hosting the most refugees, Bekaa and Akkar, have the highest percentage of out of school children of secondary school age – 81% and 79% respectively.¹⁹⁷

This is not only detrimental to the Syrian refugee child population, but also to the Lebanese children, and the larger Lebanese population. Indeed, in some instances, classes can have up to 55 children in one class, meaning that the quality of education has severely decreased in places where it was not very high to begin with due to the remote location of certain villages. Indeed, the obstacles to the fulfilment of the right to education of refugees stemming from a number of

¹⁹⁴ UNICEF “Growing up without an education: barriers to Education for Syrian Refugee Children in Lebanon” (July 2016)

¹⁹⁵ *Ibid.* p 31

¹⁹⁶ *Ibid.* p 29

¹⁹⁷ *Ibid.* p 33

obstacles, such as funding, also obstructs and violates the right of education of the Lebanese children.¹⁹⁸ For instance, at the end of 2014, UNICEF estimated that the number of future illiterate Lebanese children and school drop outs would increase by 18% in 2020.¹⁹⁹

The legal and administrative apparatus deployed to control refugees on the Lebanese territory has allowed for grave abuses victimizing both the refugees and the national populations. Indeed, the Lebanese government's refusal to ratify the Convention, and the established policies regarding individuals from Syria entering the Lebanese territory has allowed for a “no policy” policy approach to refugee management. The latter is translated on the ground by the lack of formal refugee camps, which in turns leads to violations of multiple human rights rights (i.e. the right to security, freedom of movement, the right to health and the right to education) under conventions, declarations and covenants that Lebanon did adhere to. This freedom in interpreting the moral and legal requirements of the refugee frameworks, and the discrepancies in providing protection can lead us to ask whether or not the international framework is inherently doomed, and thus obsolete in dealing and managing large refugee flows.

¹⁹⁸ *Ibid.* p 34

¹⁹⁹ *Ibid.* p 41

CHAPTER 4 – A DOOMED REFUGEE PROTECTION FRAMEWORK? (PART I)

THE LIMITS OF THE REFUGEE CONVENTION

To understand the securitization of transnational forced displacement, it is important to explore the limits and incoherencies in the current international refugee framework; the discrepancies of the institutionalized resettlement process and protection of the displaced has made it possible to characterize refugees as threats to the host countries. Indeed, the current framework of forced migration has been under scrutiny since the turn of the millennium, as refugee crises seem to have elongated and intensified. The main criticism of the 1951 Convention Relating to the Status of Refugees, drafted by the United Nations, is that it is anachronistic. The geopolitical scene is heavily defined by the heritage of the Cold War, whereas the Convention was drafted in a world characterized by the consequences of the Second World War, making it outdated and geographically restricted. This debate over the limits of the refugee framework has led to the questioning of the validity of the current convention regarding the status and rights of refugees in host countries. Indeed, scholars are putting forward proposals for a re-drafting of the Convention, or for a complete dismissal of the existing framework.

This part of the dissertation will first lay down the core limits of the framework, including: the definition of a refugee, the omnipresent inconsistencies and discrepancies in practice and in theory, the absence and contention of an exit strategy (i.e. resettlement of refugees to their country of origin), and the different and changing migration channels taken by refugees. It will conclude that despite the inherent flaws of the CRSR'51, its re-drafting or dismissal will not be advantageous for the community of transnational forced migrants due to the realist nature of the international community. Instead of the drastic proposal of creating a new refugee protection framework, this

chapter will put forward the potential role and benefits of development actors in helping refugees in protracted situations, in first countries of asylum.

a) The definition

The primary criticism concerning the current Convention Relating on the Status of Refugees is the fact that the definition of refugees no longer fits the modern forced migration flows, leaving out some persecuted groups. Indeed, the Convention's definition of a refugee is based on the Jewish refugee influx during and after the Second World War.²⁰⁰ Consequently, the definition is a product of 1950s Western and European powers; the definition is temporally and geographically limited making it inadequate to characterize the current refugee flows. The Article 1 of the Convention defines refugees as:

*A person who, owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group of 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*²⁰¹

The modern flows of forced migration differ from the above-mentioned definition in both nature and longevity.²⁰² Indeed, the definition is characterized by many as being too narrow, and therefore does not include many social groups that are in need of international protection; hence, not every

²⁰⁰ Arulanantham, Ahilan, 'Restructured safe havens: A proposal for reform of the refugee protection system', *Human Rights Quarterly*, vol. 22, no. 1, February 2000, p 31

²⁰¹ UN CRSR'51, Article 1

²⁰² Ahilan (2000), p 27

person who is a refugee is covered by the Convention. For instance, many of the refugees have been forced to migrate due to phenomenon such as: civil wars, persecution by non-state groups (ex: gangs, terrorist groups, drug cartels), climate change, domestic violence or persecution based on a person's lack of right to exit a group (ex: targeted violence due to non-adherence to cultural norms, such as female circumcision).²⁰³ The UN tried to address this gap in the convention by introducing the Additional Protocol of 1967, which aims at amending the temporal and geographical limits of the definition of a refugee as to make it wider and more inclusive.²⁰⁴ However, the issues of the Convention and its protocol are not limited to the definition of refugees.

a) The proposed solutions:

The definition of a refugee, which is at the core of the convention, can also become problematic as some may argue it leads to asking the wrong questions.²⁰⁵ By focusing on defining who is a refugee, little attention is given to the mechanisms that should be put in place to alleviate the tragedy of becoming a refugee. While neither the Convention nor protocol of 1967 directly addresses the root causes of refugee flows, which creates a permanent obstacle in the forced migration framework, there has been very little contestation in extending the definition of refugees. It is the proposed solutions to deal with refugee crises that have been the most problematic. Indeed, most of the current policies regarding refugees' resettlement are underlined by state interests rather than human interests, as hosting refugees and providing protection is costly.²⁰⁶

²⁰³ *Ibid.* p 30

²⁰⁴ Additional Protocol 1967

²⁰⁵ Schuck, Peter, 'Refugee burden-sharing: a modest proposal', *Yale Journal of International Law*, vol. 22, no. 243, 1997

²⁰⁶ Joint Committee on Treaties, Reference: *Convention on the status of refugees*, Hansard of hearings Monday 6 March and Monday 10 April 2000

The Convention of 1951, despite dealing with a phenomenon which calls for the use of international humanitarian law, is not a human rights document, but rather a document to regulate the post-refugee flow order.²⁰⁷ Thus, another limit of the Convention is that the solutions put forward (ex: immediate humanitarian relief, construction of camps in host countries etc.) are not pre-emptive and do not offer long-term solutions as they do not deal with the root cause of refugee crises but rather tend to organize the refugee flows after the fact.²⁰⁸ The UNHCR mandate was not drafted to deal with the increasing number of refugees worldwide, and is not equipped to manage the protracted situations refugees find themselves in after fleeing.²⁰⁹

b) Inconsistencies in practice:

The Convention of 1951 does not provide the international community the conceptual or the normative tools needed to secure a robust protection to the refugees, meaning there is no specification regarding how states should react to or assist refugee communities. Indeed, the CRSR'51 was not designed to establish a burden-sharing mechanism when dealing with refugee flows, which leaves the entire system vulnerable to interpretation of host states characterized by states' interests.²¹⁰

²⁰⁷ Schuck (1997), p 67

²⁰⁸ Gibney, Matthew, 'Liberal democratic states and responsibilities to refugees', *American Political Science Journal*, vol. 93, no. 1, March 1999

²⁰⁹ *Ibid.* p 11

²¹⁰ *Ibid.* p 160

Most refugees tend to make rational decisions when it comes to choosing which country to relocate in. Some may want to migrate to neighbouring countries, especially in cases of refugee flows caused by conflict and when refugees have very limited resources, as it would be easier to return and the risks of transit are not as great; while others may seek refuge in countries who have a better welfare system and better job opportunities, mostly when they see the chances of going back as meagre. However, most decide to seek refuge in countries neighbouring their countries of origin – 92% of the world’s refugees have crossed only one border²¹¹ –which demands greater contribution to refugee assistance from some countries. This has resulted in both a total of only 10 countries taking care of 75% of the global refugee populations²¹² and, in the shift in the perception of refugees from victims in need of international assistance, to an economic burden, from which countries tend to run away.²¹³ Refugee resettlement would be much more practical, and much less contentious if there were to be a global burden-sharing mechanism that would alleviate the burden of hosting refugees.

c) Migration channel:

The Convention gives refugees the right to seek asylum, but the transit towards asylum is not taken into account in the document.²¹⁴ Recent development in regards to how refugees get to host countries have become central to modern debates regarding the security of refugees, not only when they get to the host countries, but also during their migration. Indeed, refugees have now become

²¹¹ The World Bank, *Forcibly Displaced: Toward a development approach supporting refugees, the internally displaced, and their hosts* (September 2016) p 16

²¹² *Ibid.* p 21

²¹³ *Ibid.* p 23

²¹⁴ Collinson, Sarah, *Beyond borders: West European migration policy towards the 21st century*, Royal Institute of International Affairs, London, 1993

inter-continental, and are taking greater risks while fleeing persecution, as can be illustrated by the Syrian, Afghan and Libyan refugees taking boats across the Mediterranean to reach sanctuary in Europe.²¹⁵ Besides, the inherent hazardous risks of travelling on a boat with a number of people exceeding the maximum capacity and with very little resources, which lead to thousands of deaths at sea, the rights of refugees under the Convention doesn't extend on the seas, which leads to various attempts of potential host governments to go around the right of non-refoulement to find a non-illegal way to deter the arrival of refugees on their lands.²¹⁶ This can be illustrated by Turkish authority targeting refugee boats as a way to inhibit them from reaching the shores of Greece.²¹⁷ It can also be exemplified by the recent EU-Turkish deal, which creates a cap of refugees in Turkey as a way to prevent refugees to leave and go to Greece, which would eventually lead them to go to other key European countries.²¹⁸

Furthermore, while the convention explicitly forbids the refoulement of refugees, the document does not give the refugees the right to enter.²¹⁹ Indeed, we are seeing instances of thousands of refugees being detained at the border in Italy, Australia, Austria or Hungary. Detention centres doesn't only strip refugees from their dignity by criminalizing them upon their arrival and often resulting into people trying to enter the country illegally, but also makes it difficult for relief agencies to operate. Refugees can stay in those detention centres for up to two years, while waiting to be processed and registered with UNHCR, only then will they be moved to a refugee camp; however, in certain instances refugees, even when registered, refugees still do not have the right to

²¹⁵ Gibney (1993)

²¹⁶ <https://www.theguardian.com/australia-news/2016/aug/17/manus-island-detention-centre-to-close-australia-and-papua-new-guinea-agree>

²¹⁷ <https://www.stratfor.com/analysis/eu-turkey-search-lasting-migrant-deal>

²¹⁸ *Ibid.*

²¹⁹ Gibney (1993)

enter the country. For example, Australia has detained most of the refugees trying to reach its shores and placed them on two of its islands, Nauru and Manus Islands (closing later this year), without any prospect of hosting them on mainland Australia.²²⁰

d) Lack of re-resettlement framework:

The last critique of the established forced migration framework is that the Convention does not mention solutions for promoting the right of return. Indeed, today, refugee crises seem to have elongated, and the hopes and prospects of returning home have become dim.²²¹ Refugees' stay in host countries have become less ephemeral, which blurs the line between refugees and economic migrants; this, coupled with the lack of efforts to integrate refugees in the host society, as a way to promote return to home states, undermine the right of return to countries of origins. Additionally, the Convention does not give the ability of refugees to return home, as with the conditions of their transit to the host country, it is the responsibility of the refugee to find a way to go back home.²²²

However, this is probably the most controversial criticism made in regards to the Convention Relating to the Status of Refugees, as it has undertones of mass deportation and doesn't ensure that refugees, once back, won't be victims of persecution all over again. Furthermore, the safekeeping of the right of return has often been politicized as used as justification to avoid both giving permanent membership to the host countries to the refugees, and governmental involvement in the refugee resettlement process (ex: Lebanon with Palestinian refugees.)

²²⁰ <https://www.theguardian.com/australia-news/2016/aug/17/manus-island-detention-centre-to-close-australia-and-papua-new-guinea-agree>

²²¹ World Bank Report (2016) p 45

²²² *Ibid.* p 47

The inherent shortcomings of the CRSR'51 have led many to argue that it is too idealistic in inhibiting the integration and protection of refugees in host countries, and therefore should be re-drafted to better circumscribe the needs of the international refugee population. However, this is a dangerous enterprise, as the narrative around refugees regarding their impact on societies has changed. Indeed, as mentioned, refugees are seen as an economic burden, at best, and a security threat, at worst. Indeed, the moral framework within which the CRSR'51 was drafted was one where refugees were seen as helpless and in need of assistance, allowing for the Convention to set a high moral benchmark the participatory countries have to, theoretically, abide to; a re-drafting would most probably lower that moral benchmark. Additionally, a refugee is only considered a refugee if she or he crosses one border; the crossing of a second border, or even a third in the case of Syrian refugees attempting to reach European countries, has blurred the lines between economic migrant and refugee. The re-drafting would consequently be heavily influenced by the interests of states who are desperately attempting to keep refugee flows from penetrating the country. This tendency can be exemplified by the recent EU-Turkish deal, which creates a cap of refugees in Turkey as a way to prevent refugees to leave and go to Greece, which would eventually lead them to go to other key European countries.²²³ Therefore, despite the criticism of the Convention being inadequate in dealing with the current demands of refugee protection because of the room it leaves for interpretation, it is precisely this lack of precision that could allow for innovative proposals to

²²³ *Ibid.*

deal with the large refugee flows, such as the introduction of development actors in countries of first asylum.

CHAPTER 5 – A DOOMED REFUGEE PROTECTION FRAMEWORK? (PART II)

THE ROLE OF DEVELOPMENT ACTORS IN FIRST COUNTRIES OF ASYLUM

The numbers related to forced displacement seem colossal as UNHCR has accounted for more than 65 million people displaced from their home, both inside their country and internationally. This accounts for less than 1% of the total world population.²²⁴ The total number of international refugees amounts to less than 24 million individuals, representing less than 10% of the total world migrant flows.²²⁵ Therefore, this crisis can be managed. However, as mentioned, the current tools used by the international community to respond to the refugee crises fail to match the scale and complexity of the phenomenon, especially since both the needs and the demands have changed tremendously due to the protracted and urban nature of the displacement of refugees. Indeed, protracted displacement calls for access to: education, healthcare and economic recovery opportunities. The established humanitarian instruments utilized often focus on the basic needs and short-term funding, making them limited both in scope and scale when dealing with the long-term displaced communities; consequently, scholars and practitioners have lobbied for the introduction of development actors when dealing with the ever-increasing refugee populations.

The development actors' relation with host governments are far different than the one shared by humanitarian agencies and governments. Humanitarian actors often find themselves at odds with the state from the very beginning due to the unwillingness to negotiate on moral standards, whereas

²²⁴ The World Bank, *Forcibly Displaced: Toward a development approach supporting refugees, the internally displaced, and their hosts* (September 2016) p 6

²²⁵ *Ibid.* p 8

development actors can better negotiate with the government and bring solutions that make the host state part of the solution rather than part of the problem (ex: formalizing refugees and giving them work permits.) As a result, relevant international agencies initiated a move towards a development approach to forced migration. The involvement of development actors in the *refugee problem* represents a step in the right direction; it allows for greater capital to be invested in the cause and for a solution that incorporates both the refugee communities and the host countries' population. This trend aims at transitioning the current forced displacement framework from one of immediate relief to one of development. Despite previous failed attempts to enable this transition, the Syrian refugee population has created a new political and humanitarian impetus for non-traditional actors' involvement the protection and management of forced migrants. Consequently, we are seeing a convergence in the agendas of humanitarian agencies and development actors.

This chapter addresses the role development actors can play in managing refugees and host communities in countries of first asylum. It is based on the World Bank Report (September 2016) regarding the role of development actors in dealing with forced displacement. It argues that the participation of development actors would promote long term and sustainable solutions by encouraging refugees' self reliance rather than dependence on humanitarian agencies. It tries to do so by exploring the development actors' role in: managing host communities, reducing vulnerabilities, and rebuilding lives. This section also presents three current development projects in countries hosting large refugee populations, from which Lebanon could benefit: The Graduation Approach, the economic zones in Jordan and the re-designing of the Za'tari camp in Jordan by Ennead.

a) Managing changes for host communities:

The majority of the world's forcibly displaced population are concentrated in underdeveloped or developing countries, where challenges concerning education, health and security were there even prior to the influx of refugees, but were exacerbated and multiplied with their arrival. Indeed, the host community's initial equilibrium is disrupted by the large influx of refugees due to the increase in demands of service and the time the supply needs to take to adjust to change; however, overtime a new set of equilibria emerges.²²⁶ The question becomes whether or not this new environment is more conducive to poverty reduction projects. Key Poverty Index tend to reduce with the arrival of a large number of asylum seekers, as they often reside in poor urban centres where responses to demands are already spotty before their arrival or in camps, which may heighten challenges while reducing opportunities for the host country to benefit from the displaced community's presence.²²⁷ Humanitarian actors often increase poverty and indirectly slow down development, whereas non-traditional actors, especially development actors, can use this gap in the resettlement framework to introduce development projects within this new equilibrium.²²⁸

Development actors should assist host countries to absorb the shock of the large influx of the forcibly displaced, and help them make further progress, or at least avoid interruption, in the hosts' own development and poverty reduction efforts. To do so, they could engage in various sectors: enhance assistance to help deal with the pre-existing issues through the traditional development programs; help support the communities most vulnerable and the most negatively impacted by the

²²⁶ World Bank Report (Sept 2016) p 9

²²⁷ Milner & Loescher, Responding to protracted refugee situations: Lessons from a decade of discussions (2011) p 12

²²⁸ *Ibid.* p 14

arrival refugees among the host communities; and, to support and encourage sound policies on: the right to work, encampment and the delivery of aid.²²⁹

Tackling of pre-existing development problems:

The support of development actors of the traditional development agenda is critical in the response to manage a refugee crisis, due to the already slow development characteristic of the majority of host countries. To do so, forced displacement considerations should be integrated in the host countries' development strategies as to re-calibrate and adapt to the changing need. Part of this redefinition of priorities amongst the host communities should be an emphasis on the right to work and employment.²³⁰

Support the ones who are negatively impacted

Forced displacement's impact on the host communities is unevenly distributed; consequently, development actors should be able to identify the groups who may need the most support, evaluate their respective vulnerabilities and assess the coping strategies and the political economy to identify the entry points to provide assistance. Emphasis should be put on labour market interventions, such as developing programs to upgrade the work skills and enhance their employment opportunities as a strategy to alleviate the competition on the job market.²³¹ Here, the expertise of development actors in such projects would be key, but there is a need for a parallel action to strengthen and to tailor the weak social protection programs, especially in the labour market as development actors

²²⁹ Report of the Secretary-General, In safety and dignity: addressing large movements of refugees and migrants (April 2016)

²³⁰ *Ibid.*

²³¹ World Bank Report (2016) p 14

would be operating in difficult regions. For example, upgrading the skills of the working force could be problematic due to instances of illiteracy or the age of the active population.²³²

Promote freedom of movement, the right to work and improvements in aid delivery

Development actors would also be able to promote host-friendly solutions to the relevant host stakeholders and external agencies, as a way to benefit both the displaced and the host communities. For instance, the common governmental restrictive policies regarding refugees (ex: denial of the right to work, restrictions on the freedom of movement) have been largely ineffective to address the concerns of security and unemployment.²³³ Incentives to loosen the host communities policies regarding the displaced could incorporate: aid programs that target both the refugees and the hosts; the use of cash rather than humanitarian assistance (products, services etc.), as it can lead to the boosting of the local production and create economic opportunities; and, initiate the gradual transition of aid delivery mechanisms towards the use of country systems which could have for impact the bettering of the relations between the two communities (ex: delivery of education services).²³⁴

Help host countries and communities prepare:

Episodes of waves of forced displacement can often be predicted, leaving time for potential host countries to prepare to better mitigate the immediate impact of refugees. For instance, an early warning mechanism can be implemented to forecast waves of displacement. While scholars and humanitarians have, through the years, attempted to identify parameters to predict episodes of force

²³² *Ibid.* p 18

²³³ *Ibid.* p 19

²³⁴ *Ibid.* p 21

displacement, they fell short.²³⁵ However, the emergence of big data has made it possible to engage in a new approach as it has been proven to be effective in forecasting the timing and volume of economic migration to areas.²³⁶ The challenge becomes to extend this mechanism as to fit the one of forced displacement. This potential development agenda regarding the forcibly displaced is largely unexplored, but is inspired by other relatively successful shock management programs (ex: natural disasters.)²³⁷

Example of development project: economic zones in Jordan

The Jordanian government, with the help of the World Bank and the UK, has developed a program that directly addresses the refugee crisis by developing jobs for both Syrians and Jordanians in a *special economic zone*. The investors in such zone would be required to employ a quota of Syrians in their workforce. The incentive behind this “Compact Program”, introduced at the Supporting Syrian and the Region Conference in London, in February 2016, rests on developing new economic opportunities through an enhanced access to the EU market, and through the relaxation of rules-of-origins requirements for products manufactured in such *special economic zones*. Jordan is ranked 113 on the WBG doing Business Index, therefore, the core challenge of this project will be to attract investors by improving the business environment. The government has already taken steps, such as the issuing of work permits for Syrian refugees to be employed in the zones, and providing training for the displaced to meet the required qualifications.²³⁸ Indeed, the operation will provide support to Jordanian authorities in the issuance of up to 200,000 work permits for Syrian refugees.

²³⁵ Aleinikoff & Poellot, *The Responsibility to Solve: The International Community and Protracted Refugee Situations*, 54 Va. J. Int'l L. (2014)

²³⁶ The UN Population Fund and Global Pulse conducted a study that found that internet queries related to job opportunities in specific locations had a positive correlation with the official migration statistics – search data can be used as proxy to quantify the intent to migrate and predict migration flows

²³⁷ Aleinkoff & Poellot (2014), p 20

²³⁸ <https://www.foreignaffairs.com/articles/middle-east/2016-04-28/jordans-refugee-experiment>

The rationale behind the project was to formalize the Syrian refugees in Jordan who are already engaged in the informal labour market, as a way to benefit both the refugee community and the Jordanian economy. The operation will also finance the support for developing private sector activities to broaden and diversify the type of work offered to the displaced.²³⁹

The formalizing and introduction of refugees on the market would not only allow for economic development and revenues that could benefit both the refugee populations and the host communities, but would also allow for a less exclusionary behaviour towards refugees. By integrating the refugees in the society through labour, the protection gaps mentioned in Chapter 3 would narrow down, and violence against both the nationals and the refugees would potentially decrease. This could be extremely beneficial in Lebanon, undergoing a severe economic crisis and where the tensions between the host and refugee communities are increasing alarmingly.

b) Reducing vulnerabilities:

The main purpose of introducing a development response to the displacement dilemma is to overcome the displacement-induced vulnerabilities, which impedes the ability of the displaced to seize potential opportunities and expose them to risks of lasting poverty. The key drivers of mitigating vulnerabilities are employment and economic opportunities – they might not suffice on their own, but they are necessary and should be integral parts of short, medium and long-term solutions. We have discussed the importance of less restrictive policies concerning the right to work and the freedom of movement, but development actors should also look at programs aimed

²³⁹ World Bank Report (2016), p 35

at creating opportunities, the building and tailoring of skills and continuing the support of the vulnerable.²⁴⁰

Create opportunities rather than de-facto exile:

While creating opportunities for the displaced requires a significant financial investment, over the years, there have been various externally funded aid programs aimed at creating jobs and enhancing livelihoods. To ensure success and sustainability, such activities should be within the private sector and market-driven programs; attracting the private sector is therefore key for the programs.²⁴¹

While public works programs and other subsidized schemes provide immediate relief, the latter is only temporary and needs to be rapidly followed by private sector-led professional opportunities. The private sector investment in refugee-hosting is mostly driven by business considerations, such as the demand from local and international markets, the availability of skilled workers, the quality of the existing infrastructures etc. Here, development actors could play a key role by providing guarantees and loans or equity investments to private investors to incentivize the private sector to get involved and invest in the project.²⁴²

Build skills tailored to the local labour market needs:

Another obstacle to development, besides the lack of opportunities, is the gap between the existing skills of refugees and the existing professional opportunities. To reduce the mismatch between the two, development actors could, and are, developing programs to upgrade and refine the forcibly displaced's skills. To do so, a careful analysis of the demand in the labour market should be

²⁴⁰ Aleinikoff, From Dependence to Self-Reliance: Changing the Paradigm in Protracted Refugee Situations (May 2015) p 9

²⁴¹ World Bank Report (2016) p 21

²⁴² *Ibid.* p 66

provided; however, this becomes complicated when the labour market is saturated, like Lebanon.²⁴³

In such cases, development actors' efforts should also be aimed at strengthening the capacity to seize future opportunities both in the current environment and in possible future destinations, by focusing on helping the refugees develop language and transferrable skills rather than environment specific skills. Simultaneously, development actors are working on providing education services to children of displacement to avoid a lost generation scenario in the host community and at home.²⁴⁴

Continue supporting the vulnerable:

While creation of opportunities, with the help of non-traditional actors, is available for the displaced in host communities, there are still minorities (ex: the disabled, the elderly, the unaccompanied children, PTSD victims etc.) who need dedicated support as they may not be able to access such opportunities, and therefore leave them exposed to heightened risks. However, leaving them as the responsibility of humanitarian agencies will not solve the problem of self-reliance; thus, development actors could intervene by presenting and sharing the lessons learned in the modernizing of social protection systems to inform the debate on aid effectiveness.²⁴⁵ Development actors might also want to expand their programs in areas key to the success of development programs and where there is no track record of effective intervention, such as issues related to mental health and psychological services.

Example of development project: Re-designing of camps by Ennead

²⁴³ Aleinikoff (May 2015)

²⁴⁴ *Ibid.* p 13

²⁴⁵ Aleinikoff (2015), p 15

Ennead is an architectural company who, in collaboration with Stanford University and UNHCR, has taken on the project of redesigning and rethinking the architectural design of refugee camps in an attempt to enable refugees to access and live in dignified and secure settlements, that could improve their social, economic and environmental quality of life as a community by allowing for a do-it-yourself approach to life in camps. While Ennead is not a development actor per say, its project aims at promoting development in camp and host countries settings.

The project came to life in response to the need to change UNHCR's approach to resettlement in camps as: to make the relationship between the displaced and the host communities mutually beneficial, to plan for durable and realistic solutions, and to come up with rational exit strategies.²⁴⁶

The project is a direct response for the urbanization of resettlement camps and relies on the Toolkit, which is a systematic framework for integrating information, design, required technical tools and the expertise of multiple leaders in various disciplines and stakeholders to ameliorate settlement plans. The Toolkit aims at enabling UNHCR to achieve more holistic resettlement sites for the displaced, beginning with the selection of potential camp sites – taking into account ecological considerations, architectural designs of the camps – and with the defining of the means required to forge a sustainable relation between the refugees and the host communities. The Toolkit's aims directly address the previously mentioned gaps the refugees faced when displaced abroad; indeed, the framework would benefit the communities impacted by the displacement by improving their health, safety, and access to education and economic opportunities. Besides undermining the limbo state refugees find themselves in, the project also helps pivot the perception of refugees to one of

²⁴⁶ http://www.enneadlab.org/portfolio_page/refugee/

partners in development, rather than parasites, by “dissolving borders between the familiar and the other.”²⁴⁷

The project is currently taking place in the Zaatari camp in Jordan due to the realization that organic development in refugee camps is unstoppable, and should therefore be leveraged. Most of the shops in the camp are unauthorized, creating a black market undermining the legitimate Jordanian businesses, and indirectly profiting criminal gangs inside and outside the camps.²⁴⁸ For instance, refugees at Zaatari steal the electricity that powers their shops and appliances, which amounts to approximately a \$750,000 loss, creating an unsustainable burden for the UN and Jordan; as a result, a redesign of the camps, such as installing circuit breaks or working on a payment plan establishing monthly fees for shop owners or refugees with appliances demanding electricity, so the system would not collapse.²⁴⁹

The re-designing project will also take into account the vulnerabilities of minority groups inherent to the phenomenon of forced migration and of protracted situations, such as sexual violence or contamination of water resources. The latter takes into account the placement of bathroom facilities (i.e. locks on the doors, bathroom for women in a safe area etc.) and of the water resources (i.e. far away from the sewage system infrastructure). By introducing a non-traditional actor in the process, whose main priority is think of practical considerations, this allows for a more context-specific

²⁴⁷ <http://www.metropolismag.com/November-2016/Could-Refugees-Save-Americas-Legacy-Cities/>

²⁴⁸ http://www.nytimes.com/2014/07/05/world/middleeast/zaatari-refugee-camp-in-jordan-evolves-as-a-do-it-yourself-city.html?hp&action=click&pgtype=Homepage&version=LargeMediaHeadlineSum&module=photo-spot-region®ion=photo-spot&WT.nav=photo-spot&_r=3

²⁴⁹ *Ibid.*

approach to the different refugee hosting situations and complements the efforts humanitarian agencies, whose main priority is response to basic needs, often at the expense of practicality.

c) Rebuilding lives:

Support the return of communities:

A range of activities is required from development actors to successfully support the displaced population who wants to return home. The first one is continuous support of other agencies, primarily UNHCR, to help organize the inherently spontaneous move back home. Monitoring the flow of return would also allow the development actors to be able to determine what are the places of return of refugees and that therefore are in the most need of support, which will in turn lead to development actors tapping into their extensive experience in supporting conflict recovery to get involved in the home country's recovery.²⁵⁰

Integration in host communities:

While return of displaced communities is often hope for, 86% of refugees decide not to return home, resulting in a de-facto integration in the host countries due to the protracted nature of their displacement; therefore, development actors should aim at promoting the provision of legal status and opportunities to the previously displaced.²⁵¹ However, host countries are often reluctant in giving a permanent status to refugees, as their integration may exacerbate the fragile environment- and the conditions for hosting them relied on the fact that they were supposed to stay in the country

²⁵⁰ Aleinikoff & Poellot (2014)

²⁵¹ Aleinikoff (2015), p 7

temporarily. In those cases, a flexible approach is needed; one that would directly address the concerns of the local population and governments.²⁵²

To avoid limbo situations:

Limbo has become a key characteristic of displacement across the host communities, even in cases where legal integration and membership to another state are possible, as a result of long-term stays in camps and dependency on humanitarian assistance. Here, development actors could engage along two axes: they could support initiatives to transform camps into settlements and efforts to integrate these camps in the local economy; or, they could help transform the camps based on the modern social protection systems where stakeholders would be encouraged to distinguish between the highly vulnerable groups, who would need targeted assistance on the long term, and the people who have the ability to work but are discouraged because of the humanitarian aid provided.²⁵³

Example of a development project: The Graduation Approach

This approach is aimed at supporting people living in extreme poverty and at “helping them graduate out of it.” It was first implemented by BRAC, a Bangladeshi NGO, with the support of the World Bank Organization and the Ford Foundation, but is now being tested in eight countries. The approach includes sequences of 18 to 36 month sets of intervention in: consumption stipends to ensure food security until income generation from professional activities, training to kick-start the economy, financial education, and monitoring of households on a weekly basis. The assessment of the Graduation Approach by Innovations for Poverty Action showed evidence of breaking

²⁵²Milner & Loescher (2011) p 19

²⁵³ *Ibid.* p 34

through the poverty trap with an overall increase of earnings by 37%, and of consumption by 43% over a nine years' period. UNHCR has recognized the potential of the Approach if it is tailored for refugees (i.e. incorporate legal assistance and psychological counselling); it is currently being tested in five countries where there are rural, urban and camp settings (Zambia, Egypt, Costa Rica, Burkina Faso and Ecuador) and results have been promising.²⁵⁴

The introduction of development actors in the solution to the refugee problem seems like the logical next step in amending the refugee framework due to the current protracted nature of displacement. Indeed, besides bringing in monetary support, development actors and their partners can recalibrate the aims and strategies when dealing with forced displacement. Development actors bring their skills and expertise of dealing with extreme poverty and with navigating states within which they operate, to prevent governments from becoming obstacles. The World Bank's report on the how development actors should intervene is thorough and coherent, and introduces concepts, such as pre-emption of heavy migration flows and tailored refugee training, that the humanitarian agencies could not have taken on due to: their lack of knowledge in certain fields, the rigidity of their structure and their economic limitations. However, development actors should not replace humanitarian agencies; the latter set of actors should complement each other rather than compete with one another. The task therefore becomes to establish a way to efficiently coordinate the aims and efforts of two essentially different actors.

²⁵⁴ *Ibid.* p 41

CONCLUSION

The dissertation has tried to convey, through the deconstruction of the securitization of refugees from Syria in Lebanon, that the securitization process is socially and politically constructed to benefit the aims of the securitizing actors. Indeed, by dealing with the issue of refugees through emergency politics, the securitizing actors are given unlimited and exceptional power to undermine the perceived threat. However, as mentioned, not every issue needs to be securitized; a lot needs to be aligned for securitization to occur. The latter elements are: a receptive audience, a context fertile for securitization, and established practices. All three are present in Lebanon, which has allowed for a quick securitization of refugees from Syria since 2011. Indeed, the context of Lebanon is particularly complex; the country has suffered many traumas and has had a very tumultuous relationship with the government of Syria. The country has not yet finished grieving the atrocities of the civil war, which has led many to argue that the conflict is not resolved, leaving the country under a permanent ceasefire. Indeed, the pre-empting of threats and the paranoia-like behaviour of states, such as Lebanon, regarding the refugees gives them a particular agency in a context within which they are seen as destabilizing. As a result, it becomes crucial to initiate attempts to de-escalate the issue to the realm of normal politics. This can be done by assessing and understanding the limits of the current international refugee framework, and by allowing for the intervention of non-traditional actors in the process of refugee management, such as development actors and their partners, especially in countries of first asylum. A better infrastructure of refugee management and protection would allow for a fairer burden-sharing system and for an alleviation of the consequences of protracted displacement in hosting countries, which in turn could result both in a new perception and narrative regarding refugees in the neighbouring countries, and better prospects in countries of resettlement.

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