LEBANESE AMERICAN UNIVERSITY

Failure of the International Intervention in Refugee Crisis
Lebanon: A “Cry of Pain”
By

Youssef Charbel Francis

A Thesis
Submitted in partial fulfillment of the requirements
for the degree of Master of Arts in International Affairs

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To my beloved father, mother and sister

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Failure of the International Intervention in Refugee Crisis

Lebanon: A “Cry of Pain”

Youssef Charbel Francis

ABSTRACT

..”During wartime, people still dream, fall in love, aspire - they are human, they are not freaks”... The Art of War

The issue of refugees holds within it several aspects of the study of international affairs including human rights, politics, power, war, international intervention, foreign policy, domestic policies, policy making, demography and ethnicity. My work experience with the United Nations High Commissioner for Refugees (UNHCR) in Lebanon has encouraged me to deepen my knowledge on this issue and make use of my observations during my work, which are the result of daily field interaction with the Iraqi, Syrian, Sudanese and other refugees from different nationalities who fled their country seeking safe heaven and a life with dignity in Lebanon. The aim is to explore the roots and causes of the continuous suffering of refugees in Lebanon based on my personal experience as well as the national and international surveys and studies. This study will make use of the literature review on this subject and apply the theoretical findings on the case of Lebanon. Through analyzing the various aspects of the refugee crisis in Lebanon, this paper has discovered that the gap in the international refugee law has allowed the political considerations of the national and international actors to contribute to increased refugee suffering. Particularly, this paper argues that the international law is weak and lacks adequate implementation mechanisms that are essential to induce the international community and the national governments to provide adequate protection for refugees.

Keywords: Refugee, Protection, Legal, Politics, Conflict, Lebanon, United Nations, UNHCR, Assistance, International community, International law, Mass influx, Host Communities, Human Rights.

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List of Abbreviations

AJEM	Association Justice et Miséricorde
ANERA	American Near East Refugee Aid
AUB	American University of Beirut
DAC	Development Assistance Committee
DMI	Development Management International
ECHO	European Commission's Humanitarian Aid Department
EU	European Union
FTS	Financial Tracking Service
ILO	International Labor Organization
IMF	International Monetary Fund
GSO	General Security Office
GoL	Government of Lebanon
KSA	Kingdom of Saudi Arabia
LIFE	Lebanese Institute for Democracy and Human Rights
MEHE	Ministry of Education and Higher Education
MOPH	Ministry of Public Health
NGO	Non-Governmental Organization
NRC	Norwegian Refugee Council
OECD	Organization for Economic and Development
PLO	Palestine Liberation Organization
PRCS	Palestinian Red Crescent Society
RRP	Regional Response Report

SGBV	Sexual and Gender-based Violence
SSNP	Syrian Nationalist Part
UAE	United Arab Emirates
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Emergency Children's Fund
UNRWA	United Nations Relief and Works Agency
UK	United Kingdom
UN	United Nations
US	United States
USD	United States Dollar
WB	World Bank
WFP	World Food Program

Chapter One

Refugees: A National and International Dilemma

1.1 Historical and Global Picture

“..One refugee without shelter is too many”-- UNHCR Moto

According to Amnesty International, one refugee is born every twenty-one seconds due to persecution based on political, religious and generalized violence while hundreds of them die every year while seeking asylum (Amnesty International, 2014). The international community has been working for the past several decades to reduce refugee suffering through a set of laws geared towards refugee protection. Particularly, the right to refugee safety and dignity is clearly defined in article 14 of the Universal Declaration of Human Rights *“Everyone has the right to seek and to enjoy in other countries asylum from persecution”* (United Nations, n.d.). However, despite all the efforts, media reports and studies have shown that refugees often lack basic human needs and protection (Human Rights Watch, 2002; United Nations University, 2008). Throughout this paper, we will go over several studies on refugee suffering worldwide which will serve as an umbrella for our argument, then, we will refer to refugee protection in Lebanon as a particular case study. The bulk of our study will revolve around analyzing and comparing the particular case study to the bigger picture presented while trying to draw conclusions on the roots and causes of refugee problems.

In this first chapter, we will present an overview of refugee protection worldwide as well as a brief historical background of the emergence of the notion of “refugee” and the

evolution of the human reaction to it. We will also analyze the importance of this topic and what is the rationale behind tackling it. In addition, this chapter will present some facts and figures about several aspects of refugees' lives to build a solid base for answering the research question and formulating the hypothesis later on in the thesis. Finally, the introduction section will end up with a summarized framework of the thesis that would acquaint the reader with its structure.

To start with, it is important to discuss the theoretical perspective of this issue and its historical evolution. In fact, refugees flee their countries due to a wide range of political and social changes that are influenced by national and international dynamics. Such changes do not only affect the countries involved; but also, have influence on the whole international system (Haddad, 2008). Throughout history, asylum seekers have always been a weak entity within their host communities, being subjected to exploitation, abuse and exclusion. For instance, refugees were enslaved and kidnapped during the long standing conflicts between the Roman Empire and Attila the Hun (Silove, 2002). Moreover, during the Middle Ages era, refugees were being manipulated and used as “double-agents”, such as the Jews of Europe who were subjected to exploitation during conflicts (Wilson & Drozdek, 2004). Later on, the status of the refugees improved when they were able to take part in the development of the societies they fled to. In particular, the prosperity of the Austro-Hungarian Empire was led by the substantial involvement of Emancipated Jews (Wilson & Drozdek, 2004). In addition, in the mid twentieth century, refugees fleeing from Europe have been able to contribute to the creation of developed societies in Australia and North America (Wilson & Drozdek, 2004). Author Derrick Silove explains this phenomenon by arguing that: “*This pattern of historical flux*

in fortunes of refugees through the ages illustrates a key point where refugees have been welcomed and offered opportunities to develop their capacities and to participate in all the affairs of the host country, they have overcome major adversities of the past. In contrast, where refugees are marginalized, victimized or constrained, they tend to become entrapped in negative stereotypic roles that are self-reinforcing, leading to further persecution and deprivation” (Silove, 2002). Indeed, this shows that the double-standard perspective has for long been a major setback to effectively handling refugee crisis.

With the end of the Second World War, the international community formulated a special convention to set rules and procedures to manage refugee crisis. A feel of collective failure had induced the international community to provide adequate protection for asylum seekers after the events of the Nazi Holocaust (Wilson & Drozdek, 2004). Hence, the 1951 Geneva Convention was drafted to serve as multilateral treaty that introduces a legal framework to be the basis for refugee protection (Goodwin-Gill, 2001).

Indeed, the 1951 convention emerged as a necessity for the international community and as a major notion in favor of the concept of state interdependence in modern history. Mass movements of refugees require countries to take actions. How each country acts has ultimately a considerable impact on other countries; making refugees a significant factor when it comes to regional and international relations (Haddad, 2008). Asylum seekers’ mass movement indicates that their local or national government has no longer the ability to protect them against violence, persecution or to provide them basic human needs. Therefore, wherever they go it should be the duty of the host government to provide them protection with the assistance of the international community in addition to

other basic needs. Accordingly, the 1951 Geneva Convention came out to provide a legal framework to organize and manage the protection process by defining the responsibilities of each stakeholder. As such, it is the duty of the host government to rely on the legal framework set by the United Nations to provide protection for refugees regardless of their political, social, cultural or religious background. However, the theoretical framework is not always taken as reference in the implementation on the ground. This paper will go over the dynamics that interfere to make this issue an interrelated and more complicated one.

1.2 Who is a Refugee?

According to the 1951 convention, which introduced the UNHCR mandate, a refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in particular social group, or political opinion, is outside the country of his nationality, and is unable to 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” (UNHCR, 2003). In other words, the international law has been mandated to provide protection for people who escape intolerable conditions such as threat to life and oppression resulting from conflicts or natural disasters. The refugee law was to reassure that humans, regardless of their origin and culture, have the right to live in safety and dignity when wars or disasters make the circumstances at home unbearable. In summary, the 1951 convention was introduced to transform this issue into a global one while highlighting the responsibility of host states in refugee protection. As a result,

refugee protection was enhanced during the cold war. For instance, asylum seekers fleeing totalitarian regimes, such as the Soviet Union and Czechoslovakia, were received, protected and on many occasions integrated into the United States (US) and European societies (Wilson & Drozdek, 2004). However, since the 1970s, the refugee situation worldwide has changed drastically with its rates increasing dramatically (Robinson, 1998). As a result, fearing significant demographic changes, the attitudes of host societies have changed becoming more restrictive towards asylum seekers (Robinson, 1998). For instance, the war in Indochina led to mass numbers of refugees fleeing to Southeast Asian countries and Australia. With such large numbers, refugees were forced to remain in enclosed refugee camps and in harsh living conditions (Robinson, 1998). Eventually, some of the camps were transformed into detention centers that lack basic human living conditions (Robinson, 1998). Since then, governments have been more aware of the dangers of mass refugee influxes to their societies and, hence, demography (Wilson & Drozdek, 2004). To make things worse, since early 1980s, the world has seen an unprecedented escalation of civil unrests that resulted in a remarkable increase of people fleeing their lands and seeking asylum in other countries. As a result, we have seen further hesitation towards refugee protection among international community members (Wilson & Drozdek, 2004). In the upcoming chapters, we will discuss the roots and causes of the hesitation of the international community in protecting refugees. This will form our umbrella argument just before relating it to our particular case study.

1.3 Special Focus on Lebanon's Refugee Crisis

One year of work experience with the Syrian refugees in Lebanon was sufficient to steer my interest towards the topic of refugee protection. My daily interaction with refugees enabled me to discover the refugees' suffering in Lebanon and how much work needs to be done to relieve them. When working with an international humanitarian agency like UNHCR, you expect to effectively contribute to refugee protection and relief. However, the fact that we were working with such limited resources, made it impossible to adequately respond to their needs. We treated them like numbers while they were people with feelings who had lost their lives, dreams and everything they own. We were there to help them, but failed.

1.3.1 The Syrian refugees' dilemma.

The ongoing war in Syria has forced millions of Syrians to flee and seek asylum in neighboring Jordan, Lebanon, Turkey and beyond. According to the UN refugee agency, more than 1.1million Syrian refugees were registered in Lebanon and thousands others waiting for registration (M. Monzer, Personal Communication, December 16, 2014). A simple math calculation shows that there is one Syrian for every four Lebanese making the Syrian population more than 20 percent of the total host population. Although Lebanon is not a signatory state of the 1951 refugee convention, the country's "open door" policy helped Syrians escape the conflict zone areas and cross the borders to live and work freely in Lebanon (M. Monzer, Personal Communication, December 16, 2014). Most Syrian refugees reside in poor areas, including the Bekaa and Northern governorates, straining basic services and overwhelming municipalities (International Labor Organization, 2013). They rent rooms in homes and hotels, stay

with families, and live in unoccupied public and private buildings or in tents on private and municipal lands (International Labor Organization, 2013). According to UNHCR, the total number of registered and non-registered Syrian refugees in Lebanon reached more than 1.3 million spread over more than 1500 village (UNHCR, 2014). Several studies have shown that the huge influx of refugees to Lebanon has had a direct and indirect impact on the Lebanese social, economic and political structure. For instance, the International Labor Organization (ILO) conducted an assessment study on the impact of Syrian refugees on the Lebanese economic sector and the host communities' livelihoods. To start with, the assessment showed that the Lebanese labor market was negatively affected by the refugee influx, as job opportunities for Lebanese declined while cheaper Syrian laborers were being recruited instead (ILO, 2013). In fact, the assessment's figures showed that around 50 percent of working age Syrian refugees are employed or active which has contributed to the ever increasing Lebanese youth unemployment (ILO, 2013). Consequently, economic growth in Lebanon has decreased due to reduced trade and investments (ILO, 2013). Yet, the Syrian refugees are still living in harsh economic conditions with little access to health and education (ILO, 2013). For instance, while the majority of Syrian refugees are youth and children, the school enrollment rate has not exceeded thirty percent (ILO, 2013). In addition, accessing affordable health services seems to be an impossible mission to Syrians who enjoyed almost free hospitalization in their country and now are faced with expensive health services in Lebanon. Furthermore, the assessment's results showed that Syrian workers are exposed to dangerous health problems due to their working conditions, which make them vulnerable to illness, with little ability to be hospitalized or medicated (ILO, 2013). In chapter 3, we will discuss the findings of a World Bank (WB)

assessment and study that was conducted in 2014 to identify the quantifiable impact of the Syrian refugee influx on Lebanon.

While the above data presented shows the tremendous challenges facing the Lebanese Government in tackling the refugee flow since 2011, this paper studies the policies used by the Lebanese government and the existing legal framework governing refugees' presence. This paper will also review the legal framework used by the international community, including international organizations, in assisting the Lebanese government. The results of our research would serve as the basis for identifying the main strengths and weaknesses of concerned actors and what still needs to be done to overcome future challenges.

1.3.2 Lebanon: an ever ending refugee crisis

Lebanon is not new to the issue of refugees. The long-standing Palestinian refugee crisis, as well as the recent Iraqi refugee influx are major challenges the government has been trying to tackle for the past several decades. Although our paper is not going to tackle these particular issues, it is important to briefly analyze existing Lebanese policies towards Palestinian and Iraqi refugees. Indeed, the Palestinian refugees experience has been a controversial issue and one of the major reasons why the Lebanese decision makers refrained from signing the 1951 Geneva Convention. A bloody relationship between some of the Lebanese groups and Palestinians refugees has been one of the many controversial events in the Lebanese modern history. Thereof, the 1975 clashes between the Palestinians and rightist Christian parties which led to Lebanon's 15-year civil war prove that the issue of refugees has had major social and political ramifications. At that time, Christians feared the demographic changes that the mostly

“Muslim” Palestinian refugees would bring to Lebanon’s delicate religious balance (Sobel, 1979). Indeed, having refugee camps that were beyond the Lebanese state’s control was described as having a state within a state. Furthermore, the existence of armed Palestinian guerillas represented a great example of failing to manage a refugee crisis. This argument paves the way for my research question and hypothesis which will be elaborated in the next chapter.

1.3.3 The Success story of Iraqi refugees in Lebanon

With the fall of the Saddam Hussein regime in 2003, Iraq witnessed ethnic and religious civil strife leading to an influx of Iraqi refugees escaping religious and ethnic persecution. During my work with UNHCR I had the chance to work on several Iraqi cases who were families who fled to Lebanon after being subjected to persecution because of their religion. In this case, Lebanon was able to host them as their numbers did not exceed thousands which is relatively small when compared to the number of Palestinian and Syrian refugees. Furthermore, the Iraqi refugee issue was less complicated due to the international community’s quick and positive response. For instance, UNHCR was able to coordinate with several countries such as Australia, the United States and the European countries in order to provide sustainable solutions by offering resettlement opportunities. Furthermore, the Lebanese government and the international community were able to provide minimum protection and assistance to Iraqi refugees residing in Lebanon. While waiting for a final decision on their status and the possibility of being resettled to third countries, which sometimes took several months, Iraqis enjoyed health and education access provided by several local and international organizations working in Lebanon such as Caritas and United Nations

International Emergency Children's Fund (UNICEF) (M. Monzer, Personal Communication, 16 December, 2014).

Briefly discussing the Iraqi refugee case in Lebanon is important for our analysis to be able to compare this “success story” with the more complicated issue of Syrian refugees and to identify what could be done to achieve similar outcomes.

1.4 Rationale and Importance of the Topic Selection

Setting up the standard to assess whether international intervention is a failure or a success requires deep understanding of the circumstances of each and every conflict that resulted in a mass influx of people from one country to another. Therefore, this thesis will refer to Lebanon as a case study in order to identify the challenges that this country is facing in tackling the recent refugee crisis. In fact, since the eruption of the Syrian uprising in 2011, the Lebanese government's open door policy has led to the influx of more than one million refugees to Lebanese regions (UNHCR, 2014). However, despite all the efforts of the Lebanese government and international organizations, the response to this refugee crisis did not meet the expectations and needs of refugees. This statement is justified when we discover that only 52 percent of the needed funds to support refugees in Lebanon were provided till date by the international donors/community (UNHCR, 2015). This gap between needs and actual assistance has led refugees to live in poverty and distress. For instance, confirmed reports from the northern city of Tripoli have shown that a refugee woman has set herself on fire in front of a UNHCR center to protest the lack of food assistance to Syrian refugees (Naharnet, 2014).

Choosing this topic came after one year of daily interaction with Syrian refugees.

Listening to their heartbreaking stories, which are full of tragedies from the moment they left their homes until the time they arrived and settled in Lebanon, has left a certain conviction in me that something is missing and there is much more that could and should be done to assist them. Indeed, investigating this topic stems from personal experience and my interest in discovering the roots and causes of this problem.

Besides, the importance of studying this topic comes from the fact that in the last two decades, around 40 million people have fled their home country because of wars or fear of persecution (Goodwin-Gill & McAdam, 2007). The increase in the number of refugees in the past decades shows the devastating effects of wars and human rights abuses, leading to more and more people needing assistance and protection worldwide. Since the creation of UNHCR in 1951, the United Nations (UN) Refugee Agency has been tackling refugee problems all over the world. Eastern Europe was one of the first interventions of the agency just before widening its operation into Latin America, Asia and Africa (Ed. Sobel, 1979).

As discussed earlier, Lebanon's unique political and social structure makes any refugee crisis on its territories a complicated issue that needs a particular set of policies and procedures to adequately address. As such, the importance of studying the Syrian refugee crisis in Lebanon comes out from similar painful experiences that have plagued Lebanon's modern history and caused civil unrest. This paper explores the impact of the Syrian refugee influx since 2011 on Lebanon's economic, political and social structure. It further analyzes the ramifications of not tackling this issue adequately on both the Lebanese society and the Syrian refugees. It finally highlights the relationship that

exists between the state of the Syrian refugee population and the ramifications it has on the conflict in Syria.

1.5 Thesis Framework

After this introduction, a literature review section will serve as a starting and reference point for developing the research question and methodology. Chapter two presents the research question, a brief hypothesis and the research methodology. Chapter three presents the data collected during the research. Chapter four provides a thorough analysis of the data collected. Finally, Chapter five summarizes the main argument of the thesis and presents recommendations pertinent to how refugee populations can be better treated and the kind of framework that needs to be in place to do so.

Chapter Two

Refugees in the Literature

2.1 Chapter Overview

The literature on this topic can be divided into two categories. The first one focuses on studying and proving the fact that, throughout history, international intervention in refugee crisis has been weak and inefficient. The second category focuses on the failures of international intervention in refugee crisis and its causes, which according to several authors and researchers such as Guy Goodwin-Gill, M.R. Alborzi, Niraj Nathwani and Kisangani N. F. Emizet, is due to the weak international law that does not provide a solid basis for international intervention in such a crisis. Finally, we will look at what the literature has to say about the recent refugee crisis in Lebanon and the impact of refugees on the economic and social situation in Lebanon.

2.2 Weak International Intervention in Refugee Crisis

The first category of literature review demonstrates through facts and figures that the international community is not doing enough to address refugee problems. For instance, the United Nations High Commissioner for Refugees, Antonio Guterres, writes an article entitled “*Millions Uprooted: Saving Refugees and the Displaced*” after visiting several refugee camps in Africa and the Middle East, highlighting the fact that refugees are still suffering from the lack of basic human living conditions on one hand, and from ongoing security-related dangers on the other hand, and that despite UN assistance (Guterres, 2008). According to Guterres, even if a refugee reaches an enclosed refugee camp, these

camps are controlled by militia-men who often exploit and harass the refugees. Besides, these camps lack sufficient food and water access as well as shelter to protect refugees from the harsh climate conditions (Guterres, 2008). Guterres suggests that this is not only the result of the international community's recklessness or inability to offer adequate assistance to refugees, but also from the barriers that the UN humanitarian agencies are facing and that the domestic governments are responsible for. For instance, on many occasions, governments express their refusal of humanitarian intervention (Guterres, 2008). Moreover, terrorist attacks are posing an increasing threat to UN staff and volunteers similar to what happened in 2003 against the UN building in Iraq (Guterres, 2008).

In 2002, Human Rights Watch published a book entitled "*Hidden in Plain View: Refugees living without protection in Nairobi and Kampala*" that included a 150 pages report of interviews with refugees and displaced persons from Ethiopia, Congo, Rwanda, Somalia and Sudan. The outcome of the interviews again show that these people are living in harsh conditions as "*not only do refugees face serious challenges to their social and economic survival; they are also at great risk from a lack of protection for their physical safety*" (Human Rights Watch, 2002). Lack of protection is the result of the violence and sexual abuse as well as the torture that they are subjected to. Their only choice is often to live on the streets with limited food, water or access to medication. According to the same report, Human Rights Watch observed that even the UN refugee agency was not able to provide protection for certain high level personalities and officials such as politicians and journalists turning them into vulnerable refugees. The report sheds the light on the case of a nine-year old Rwandan child, who is related to the former Rwandan president Juvenal Habyarimana, who was murdered while being in UN

protected premises. The report argued that this child should have been resettled to a foreign country as soon as possible given his family ties (Human Rights Watch, 2002). In that same respect, Mbuwa Rumbi, who was sent by the Human Rights Watch to monitor refugee camps in Tanzania, discovered that violence against women refugees in that country is increasing despite the efforts of the UN refugee agency to prevent women's abuse. Refugee women were subjected to rape, sexual assault and other forms of sexual violence (Mabuwa, 2000).

Another book that tackles the refugee suffering in Libya produced by Human Rights Watch based on a report written by Ophelia Field, Fred Abrahams, and Ian Gorvin highlights the human rights abuses by the former Libyan regime against refugees (Human Rights Watch, 2006). This book along with two other articles provides concrete evidence about refugees suffering. They provide field observation based on direct interaction with refugees. The first one is written in 2003 by Bruna Irene Seu entitled "*The Woman with the Baby: Exploring Narratives of Female Refugees*" in which the author sheds the light on woman refugee suffering based on indirect interaction and observation as well as interviews with Non-Governmental Organizations (NGOs) and human rights agencies working with refugees (Seu, 2003). The second article was written by Robert Chambers entitled "*Hidden Lose: the Impact of Rural Refugees and Refugee Programs on Poorer Hosts*" in 1986 and studies refugee suffering through direct observation in Africa. Hence, the above literature shows again that refugee protection has failed in many instances around the globe.

2.3 An Incomplete International Legal Regime

The second category of the literature focuses on the weakness of international law and considers it as the reason why refugees lack adequate protection. Author Guy Goodwin-Gill wrote books and articles assessing the effectiveness of the international law regarding refugees. His book published in 2007 entitled “*The Refugee in International Law*” and his article published in 2001 entitled “*Refugee: Challenges to Protection*” suggest that the Refugee law remains an “*incomplete legal regime of protection, imperfectly covering what ought to be a situation of exception*” (Goodwin-Gill, 2001, 2007). His major concern is that, identifying refugees who have the right to asylum from people who cannot be considered as refugees, according to the international refugee law, is a subjective matter. Moreover, he argues that people who flee their country because of violation of human rights other than the common “fear of persecution” do not have the right to asylum which leaves such people vulnerable and exposed to danger (Goodwin-Gill, 2007). Furthermore, the author speaks about several other shortcomings of the refugee law and suggests that one of the most important ones is that the refugee law is “reactive” rather than “proactive” often making the rescue missions a long process that increases the suffering of refugees (Goodwin-Gill, 2001). The author of the book “*Evaluating the Effectiveness of International Refugee Law*” M.R. Alborzi does not diverge from the above argument and argues that “*the provisions of contractual international refugee law are not sufficiently developed to cover the needs of refugees today*” (Alborzi, 2006). To prove his argument, the author refers to various examples from the case of the Iraqi refugees who, as he suggests, were not adequately protected following the fall of Saddam’s regime (Alborzi, 2006).

Within the same perspective of the weakness of international law argument, the United Nations University Press published in 2008 a book entitled “*Protracted Refugee Situation*” that highlights this issue but from a different dimension. The book shows that the refugee law is oriented towards tackling emergency rather than protracted situations (United Nations University, 2008). In other words, the law focuses on the international intervention in cases of emergencies not in cases of chronic refugee problems. The idea is that although it is based on the idea of protracted refugee protection, international law does not provide a solid base for solving this issue. According to the book “*they are also indicative of the marginalization of refugee communities in policy circles and, above all, the reluctance on the part of governments to undertake serious remedial action, especially if that might include local integration. Protracted refugees situations are, therefore, the most acute test of refugee and asylum policy, and one that is indicative of broader challenges in this field*” (United Nations University, 2008). The book concludes that there is an urgent need for the international community to refocus its efforts on solving the issue of the protracted refugees who constitute more than half of all refugees worldwide.

Also, the weakness of the refugee law was shown by author Niraj Nathwani who, in 2003, wrote a book entitled “*Rethinking Refugee Law*”. She emphasized the idea that the issue of distinguishing refugees from economic migrants and other migrants who do not have the right to be granted a refugee title is controversial (Nathwani, 2003). She argues that interpreting key concepts in the refugee law, such as reasons of persecution, should not stand against providing the protection for refugees who flee their country for reasons that are not under the UN refugee agency mandate (Nathwani, 2003).

According to the author, there is an ethical and moral obligation for those people to be granted asylum rights because sometimes the cost of not granting them the right to asylum is high and unpredictable(Nathwani,2003).

Another article that sheds the light on the weakness of the international law, but from a different perspective is entitled “*The Massacre of Refugees in Congo: a Case of UN Peacekeeping Failure and International Law*”. The author Kisangani N. F. Emizet refers to the refugee massacres in Congo during the 1996 war and observes a gap between the legal texts of international law and the actual implementation on the ground (Emizet, 2000). The article’s main finding is that international law related to refugees’ protection is weak because it does not provide the authority for UN peacekeeping missions to intervene and protect refugees located in enclosed camps while realizing that there is a real threat to their lives (Emizet, 2000).

To sum up, we discover that numerous authors studying international refugee law reach the same conclusion, namely that this body of law is either too weak to tackle this issue effectively or is strong, but lacks efficient implementation mechanisms that would ensure the protection of all refugees. A book entitled “*Refugee Protection in International Law: UNHCR’s Global Consultations on International Protection*” which was published in 2003 by UNHCR backs up the argument found in this category of the literature. The UN refugee agency acknowledges that there is a gap between the international law concerning refugee protection and the actual practices on the ground. According to the agency, this problem is due to the bias interpretation of the law where each country provides different interpretation based on its own interests raising huge difficulties and challenges against effective refugee protection (UNHCR, 2003).

2.4 The Political Perspective: Refugees as Political Agendas

Others have tended to explain refugee suffering from a political perspective by arguing that decisions concerning refugees are influenced by the political agenda of major powers. In other words, the international intervention in refugee crisis has been weak and on many occasions failed due to the political agenda of major powers and foreign governments. The national and international organizations working on refugee protection receive most of their refugee relief funds from major powers. As such, the literature argues that those major powers conduct bias policies towards refugees, receiving states, and sending states, for donations are accompanied by a series of preconditions that are political in nature. For instance, the article written by Ben Barber entitled *“Feeding Refugees or War?”* and the book written by B.E. Harrell-Bond entitled *“Imposing Aid”* observed that during the cold war, the refugee issue was extremely politicized and was manipulated to contain communism by pursuing bias aid policies. For example, Barber argued that *“Anyone fleeing or opposing communism was likely to win Western asylum and aid. The United States liked to cloak at least some of its military aid to anticommunist insurgents as assistance to refugees”* (Barber, 1997). Also, the author presented the example of the Afghan refugee camps in Pakistan in the 1980s. The Afghan fighters and Jihadists against the Soviet invaders used to steal all the food and medication that international agencies and donors provided for the refugees keeping them in disastrous living conditions (Barber, 1997). Moreover, Harell-Bond argues that the US and the British policy makers *“have taken the view that the proper role of state-assisted humanitarian agencies is to be complementary to their foreign policy”* and the refugee relief programs and funds should not diverge from that guiding

principle (Harell-Bond, 1986).

Another book entitled “*Rethinking Asylum, History, Purpose, and Limits*” deals with the biasness of the United States and Western governments in granting asylum to refugees. The author argues that these governments use asylum as a foreign policy tool to send messages and “express disapproval” for other governments and regimes’ policies (Matthew, 2009). Furthermore, the author shows the prejudice of the US policies by arguing that the government easily granted asylum to refugees fleeing countries that were anti-US such as Cuba and the former Soviet Union, while it ignored asylum seekers who flee authoritarian countries allying with the US such as El Salvador, Guatemala and Haiti (Matthew, 2009). Furthermore, author Kelly Greenhill writes a book, entitled “*Weapons of Mass Migration*” which is about the relation between refugee crisis and foreign policies of major powers. Greenhill provides a more complicated argument suggesting that major powers’ governments resort to coercion and threat against targeted states to achieve a certain political end (Greenhill, 2011). Those governments know that certain target states cannot afford to have a mass influx of refugees; therefore, they formulate foreign policy strategies based on manipulation. To prove this argument, the author refers to more than fifty cases where foreign governments have used refugee issues to achieve political ends (Greenhill, 2011). Hence, the third category that we have discovered through the literature review emphasizes sovereignty, security and interest which each state considers when generating refugee protection policies. The literature here draws our attention to worldwide refugee suffering and to the inappropriate response of the international community which is first and foremost a matter of political decision.

2.5 The Case of Lebanon

Regarding Syrian refugee protection in Lebanon, the literature review shows that what was written on this specific subject consists of articles, reports and press releases that some online journals, newspapers, humanitarian organizations and institutes have published. In addition, since the issue of refugees in its general terms is not new to Lebanon with the long-standing Palestinian refugee crisis, several articles and books tackled this specific issue and will be reviewed within this category of literature review after presenting what authors have done about the recent refugee crisis.

The Lebanese Institute for Democracy and Human Rights (LIFE) issued a report on the situation of the Syrian refugees in Lebanon in 2012. The report aimed at highlighting the legal situation of Syrian refugees in Lebanon and highly criticized the Lebanese government's refugee protection policies. The report suggested that the Lebanese authorities were using the legal aspect in order to increase pressure on refugees not protect them (LIFE, 2012). The argument here is that the Lebanese security forces did not treat the Syrians as refugees, but they were treated as foreigners as if the situation in their country does not require specific protection measures in the host country (LIFE, 2012). For instance, other neighboring countries of Syria such as Turkey and Jordan did find a legal procedure to provide Syrians with protection rights without granting them refugee status. Namely, they were given the title of displaced persons which allowed them to have their protection rights (LIFE, 2012). The international law does not absolve host countries from their commitments even if the country is not a ratifying party of the 1951 refugee convention (LIFE, 2012). However, the Lebanese government, according to the report, does not provide protection for vulnerable refugees

who flee Syria. The report gives various examples from the defected soldiers to civilian opposition groups who are all subjected to detention and are all treated as foreigners rather than refugees (LIFE, 2012). The report suggested that the legal context that Syrian refugees are being treated under is the domestic Lebanese law which any local or foreign resident could be subjected to. Indeed, when it comes to refugees, the Lebanese authorities should refer to specific laws with defined policies to treat and protect refugees residing on its territory (LIFE, 2012).

Another article entitled “*Official Response to the Syrian Refugee Crisis in Lebanon, the Disastrous Policy of No-policy*” tackled this issue from the same perspective and was written by Dr. Karim El-Mufti who is a University professor and expert in International Human Rights and Humanitarian Law. The article also criticized the arbitrary detention that Lebanese security forces are conducting against Syrian refugees regardless of their legal conditions (El-Mufti, 2014). This article suggested that there is no legal or policy context that the Lebanese government is operating under when responding to the Syrian refugee influx into the country (El-Mufti, 2014). Again, this article highlights the legal status of the refugees in Lebanon and the failure of the Lebanese government to provide them adequate protection as defined in international law (2014).

Other literature focuses on what the Lebanese government has done in terms of formulating refugee protection legislations and studying the status of Lebanon regarding the refugee international law. For instance, George Sadek, a senior legal analyst at the Law Library of Congress, has written an article in 2013 entitled “*Legal Status of Refugees: Egypt, Jordan, Lebanon and Iraq*” in which he suggested that “*although the Lebanese government created the Central Committee for Refugee Affairs in 1950 to administer the Palestinian presence in Lebanon, Lebanon has not ratified the 1951*

Refugee Convention Relating to the Status of Refugees” (Sadek, 2013). Also, in legal terms, Sadek highlighted that Lebanon issued a presidential Decree 42-1959 to create a Department of Palestinian Refugee Affairs to coordinate with international refugee agencies concerning refugee protection in the country (Sadek, 2013). In 2000, this department was changed to the Department of Political and Refugee Affairs (Sadek, 2013). In 2013, a new resolution allowed Palestinian refugees to practice some professions previously restricted such as construction and sales (Sadek, 2013). However, all these legislations remain relatively insufficient and lack implementation mechanisms (Sadek, 2013). The UNHCR 2014 country overview report information on Lebanon findings also intersects with the above argument by George Sadek. Although Lebanon has not signed the 1951 refugee convention, it has signed most of the other human rights treaties relevant to the protection of refugees (UNHCR, 2014). In legal terms, that should have numerous implications for the Lebanese government because the signed human rights refugee treaties should prevail over domestic law according to the Lebanese constitution. However, UNHCR observed that the Lebanese security forces and judicial system do not refer to the signed treaties (UNHCR, 2014). Moreover, Lebanon did not issue domestic legislation and practices to address refugee needs and protection (UNHCR, 2014). Also, the literature shows that Syrian refugees in Lebanon benefit from the long standing bilateral agreement between the two countries that permits entry and work. For instance, a national protection strategy in 2013 produced by UNHCR and other humanitarian agencies suggested that: *“While Syrians currently benefit from favorable bilateral agreements permitting entry and work, the absence of an administrative framework means that those refugees are in violation of the 1962 Immigration Law (due to*

unofficial entry or expiry of legal stay) may lack legal protection against arrest, prosecution and deportation” (UNHCR, 2013). The same report criticizes the Lebanese General Security Office (GSO), which is responsible for the legal issues of the Syrians in Lebanon, because it does not allow the entrance of Syrians who do not provide proper personal documentation. GSO disregarded the fact that those people are facing tremendous challenges while fleeing to Lebanon. The report suggested that while fleeing to Lebanon, some Syrian refugees drive through tensed areas in Syria putting them at risk of losing their personal documents (UNHCR, 2013). Such people are vulnerable and need protection in Lebanon; however, the Lebanese GSO prevents them from crossing the borders (UNHCR, 2013).

Amnesty International’s report agrees with the above information that acknowledges the efforts of the Lebanese government and its open doors policy, but it also criticizes some of the policies that treat refugees as normal citizens or economic migrants. For instance, the report criticized Lebanon for “*reportedly preventing some categories of people fleeing from the conflict in Syria from entering their territories, which would constitute a violation of international law*” (Amnesty International, 2013).

2.6 The Palestinian Refugees in Lebanon

To understand how the Lebanese government is implementing its policies towards Syrian refugees, it is important to study what has been written about the Palestinian refugee situation in Lebanon. The literature review shows that several writers and political scientists have tackled it from different perspectives. As we are going to see later on, the literature could be divided into three major categories: the first tackles the

issue from a purely socio-economic perspective, the second from a legal perspective and the third from a political perspective.

2.6.1 Socio-economic conditions of Palestinian refugees in Lebanon

Several studies were conducted and presented in academic books that show the social and economic status of Palestinian refugees in Lebanon. For instance, a book entitled *“The Political Views of Palestinian Refugees in Lebanon”* written by Dr. Mohsen Moh’d Saleh provides a study arguing that Palestinians are suffering from deep financial and social difficulties, for 80 percent of them live in poverty with relatively low access to health and education services (Saleh,2009). In addition, an assessment study conducted by the American University of Beirut (AUB) and United Nations Relief and Works Agency (UNRWA) in 2010 also shows the harsh social and economic conditions of Palestinians in Lebanon. The study tackles all aspects of the Palestinians’ lives including health, education, poverty, employment, housing and food security. The study discovers that there is a wide range of illnesses and health conditions that Palestinians have in Lebanon due to deprivation and their poor living conditions. However, the study shows that UNRWA and national and international NGOs such as the Palestinian Red Crescent Society (PRCS) are providing health care services to large number of refugees through health centers and clinics (Chaaban et al., 2010). Also, the same study discovers that high rates of poverty and unemployment among the Palestinian refugees lead to high percentages of food insecurity and low rates of secondary school enrollment (Chaaban et al., 2010). Other reports’ findings that intersect with what was discovered above were conducted by the American Near East Refugee Aid (ANERA) and by UNRWA with the following conclusion: *“The Palestinian refugee camps in Lebanon*

are considered the worst of the region's refugee camps in terms of poverty, health, education and living conditions. Families crowded into what was designed as "temporary housing" have to cope with open channels of sewage and rotting piles of garbage, which make conditions ripe for the spread of disease. But, there are few clinics and hospitals to treat the sick. A tangle of electrical wires hang dangerously low over narrow, unlit alleyways, within reach of children playing there" (ANERA, 2012). The reports continue to suggest that Lebanon has the highest rates of poverty among Palestinian refugees in the region where two out of three live on less than \$6 per day (ANERA, 2012; UNRWA, 2011).

2.6.2 Legal status of Palestinian refugees in Lebanon: A "protection gap"

Other authors and reports have highlighted the legal perspective of the Palestinian refugees in Lebanon suggesting that Lebanon is not a signatory of the 1951 refugee convention and its 1967 protocol which did not oblige the Lebanese government to provide basic rights for Palestinian refugees in Lebanon. For instance, Palestinians do not have the right to access Lebanese public schools, benefit from the Lebanese health system including social security and even do not have the right to own any property on the Lebanese territories. In addition, the rights granted for foreign nationals in Lebanon are not given to stateless Palestinians in Lebanon. For instance, author Are Knudsen highlights that Palestinians are denied several civic rights such as creating or owning organizations. According to him, Palestinians suffer from *"more than a decade of systematic legal discrimination by the Lebanese legislature and executive"* (Knudsen, 2007). The author argues that there is a sort of social and economic exclusion conducted by the Lebanese government through legal channels. For example, the Lebanese

authorities have formulated laws that aim at excluding Palestinians rather than assisting them. The 2001 law amendment prevented Palestinians from ownership of property in Lebanon which falls under “systematic legal abuse” according to the author (Knudsen, 2007). All this legal discrimination is due to the fear of granting permanent settlement rights to Palestinian refugees in Lebanon which would destabilize the demographic nature of the Lebanese society leading to civil unrest (Knudsen, 2007). Along with Nadine Sawaya who wrote a Master’s thesis entitled “*Palestinian Refugees under International Law: Opportunities and Constraints*”; Knudsen and Sawaya go further to suggest that the international law itself did not provide adequate protection for Palestinian refugees in Lebanon. They both argue that establishing UNRWA to be concerned with the Palestinian refugee crisis and preventing UNHCR from tackling this issue excluded the Palestinians from their legal protection rights and only established an agency that is concerned with humanitarian aid (Knudsen, 2007; Sawaya, 2008). Having said that, the two authors criticize such policy and stress that if the international community failed to provide laws that guarantee the protection of Palestinian refugees, then we cannot expect the Lebanese government to be willing to do so (Knudsen, 2007; Sawaya, 2008). Knudsen identifies this dilemma as being a “protection gap” that needs to be urgently addressed (Knudsen, 2007). In that same respect, a Ph.D. dissertation by Agnieszka Czajka showed that the international law supports the Palestinian refugees’ right of return (Czajka, 2008). Czajka argues here that the right of return is depicted in the International Human Rights Law during the 1948 Universal Declaration of Human rights as well as Hague Regulations of the Law of War, and the 1949 Geneva Civilians Convention where the law’s language among all these declarations is summarized by “*everyone has the right to*

leave any country and to return to his country” (Czajka, 2008). However, the essential observation of Czajka is that although Lebanon supports the right of return to Palestinians, the Lebanese national law contradicts the international law concerning this issue (Czajka, 2008). Souheil Al-Natour who wrote a paper in 1996 entitled “*The Legal Status of Palestinians in Lebanon*” agrees with Czajka and suggested that, practically, Lebanese laws categorize the Palestinian refugees as any other foreign citizens in Lebanon excluding them from employment opportunities (Al-Natour, 1996; Czajka, 2008). However, Czajka continues to observe that this directly contradicts the essence of the international refugee law that made it mandatory for states to “*accord to refugees the most favorable treatment accorded to nationals of a foreign country in the same circumstances*” (As cited in Said, 2001). Moreover, Czajka observes that due to the weak international law and the delicate international community response, Palestinian refugees in Lebanon have been excluded and deprived (Czajka, 2008).

Czajka among other authors, such as Souheil Al-Natour, argue that Lebanon fears granting civil, political and economic privileges for Palestinian refugees because it could serve as a prerequisite to their assimilation in the Lebanese society (Czajka, 2008; Al-Natour, 1996).

Furthermore, the Office of Attorneys Fadi El-Kobrossi and Roger Chidiac published a study in 2009 entitled “*Legal Texts Governing the Employment of Palestinian Refugees in Lebanon*” that suggested that “*the most comprehensive framework for dealing with the subject of Palestinian refugees remains UN General Assembly Resolution 194, which stipulated the right of return and compensation for Palestinian refugees in general but*

without defining who is considered a Palestinian refugee” (Office of Attorneys El-Kobrossi & Chidiac, 2009). The study showed that Lebanon’s legislators have prepared preliminary draft laws that organize the issue of the rights of Palestinian refugees in Lebanon by granting them some of their basic civil rights. For example a “*Draft Bill Aimed at Regulating the Employment of Palestinian Refugees in Lebanon*” is awaiting political consensus to be submitted and voted on by the Lebanese parliament (Office of Attorneys El-Kobrossi and Chidiac 2009). A book by Rebecca Roberts (2010) entitled “*Palestinians in Lebanon: Refugees Living with Long-term Displacement*” and another book entitled “*The Status of Palestinian Refugees in International Law*” (1998) by Lex Takkenberg, as well as a research study conducted by Jaber Suleiman in 2006 entitled “*Marginalized Community: The Case of Palestinian Refugees in Lebanon*”, re-emphasize the important fact that the international legal framework that handles the Palestinian refugees issue in Lebanon is of deep concern (Takkenberg, 1998;Suleiman, 2006). The authors observed that the problem is only being tackled on the short run through providing humanitarian assistance rather than providing long-run solutions (Roberts, 2010; Takkenberg, 1998, Suleiman, 2006). Marie-Louise Weighill agrees with this argument in her article “*Palestinian Refugees in Lebanon: the Politics of Assistance*” written in 1996 where she stresses that transforming this issue into a humanitarian one rather than an issue of political rights is contributing to the marginalization of Palestinian refugees: “*Externally-designed, relief oriented assistance serves to reduce the capacities of the beneficiaries to help themselves by for example fixing them in a camp often isolated from sources of trade or employment and preventing them from improving their own socioeconomic status and increases their vulnerabilities by isolating individuals and weakening community and political*

organization by the imposition of a hierarchical structure where the beneficiaries are accountable to an agency which is in turn accountable not to them but to outside donors” (Weighill, 1996).

2.6.2 Political Status of Palestinian Refugees in Lebanon

Some other authors such as Nur Masalha have tackled this issue from a solely political perspective emphasizing that the Palestinian refugee dilemma has to do with the long-standing Israeli-Palestinian conflict and that an overall solution cannot be established separately; but rather, an all-in-all package of conflict resolution between the two “states” is the only way to resolve this issue. Yet, the controversy is that the Palestinian refugee case, if continued to be ignored, is one of the major obstacles preventing the long-awaited agreement of peace in the Middle East. Nur Masalha’s book (2003) *“The Politics of Denial: Israel and the Palestinian Refugee Problem”* argues that Israel is to be blamed for denying the right of return of Palestinian refugees. According to the author *“The Israeli position toward the refugees has always emphasized their resettlement and rehabilitation in the Arab states, rather than repatriation and/or compensation. This resettlement was designed to prevent refugees return, to ‘dissolve’ the refugee situation and break up the collective identity of the refugees and their perceived militancy, to reduce both international humanitarian, UN and Western diplomatic pressure on Israel and remove a critical problem form the heart of the Arab-Israeli conflict”* (Masalha, 2003).

On the other hand, a briefing paper by Abbas Shibliak (2009) highlights the role of the Palestinian movements and groups in delaying the peace process as they refuse to reach any agreement that does not secure the full right of return for all Palestinian refugees.

This issue has become “*a major part of Palestinian identity*” according to him (Shiblak, 2009). The above two arguments can be found in one article entitled “*The Palestinian Refugee Problem and the Right of Return*” written by Joseph Alpher and Khalil Shikaki in 1998 where the authors observed that “*Palestinians and Israelis approach the question of the refugees and the right of return from radically different perspectives*”. Each party blames the other for provoking this issue as the Palestinians accuse Israel of expelling them in 1948 and ask her to acknowledge their right of return, whereas the Israelis insist that the Arabs started the war against Israel which led to the refugee problem and their return constitutes an “*existential threat*” to the Jewish state (Alpher & Shikaki, 1998). Moreover, the literature review has discovered that several authors such as Hilal Khachan, and Rex Brynen have tackled the role of the Palestinian refugees during the 1975-1990 civil war and their role in the overall political dynamics of Lebanon (Brynen, 1990; Khachan, 1994). They argue that the majority of Palestinian refugees being of Muslim Sunni origin are regarded to have supported Lebanese Muslims against Lebanese Christians during the 15-year war (Brynen, 1990; Khachan, 1994). The studies have shown that even after the end of the civil war in Lebanon, some religious groups supported the integration of the Palestinian refugees in Lebanon for demographic and political reasons. A study conducted by Hilal Khachan entitled “*Palestinian Resettlement in Lebanon: behind the Debate*” shows that approximately half of the Sunni Lebanese population surveyed support the Palestinian refugees’ integration in Lebanese society compared to very low percentages among Christians and Shiites respondents (Khachan, 1994). Moreover, Rex Brynen’s article “*Sanctuary and Survival: the Palestine Liberation Organization (PLO) in Lebanon*” sheds the light on the Palestinian refugees’ role, through the PLO, which was extensively involved in the

Lebanese civil war. In the words of the author: *“The PLO would serve to catalyze internal challenges to the Lebanese status quo, becoming a part (unwilling or otherwise) in Lebanon's mounting internal political struggles”* (Brynen, 1990).

To summarize, through the literature review we have discovered that Lebanon is not new to dealing with refugee issues. Exploring the international community as well as the Lebanese governments’ policies regarding the issue of Palestinian refugees in the country was essential to understand the whole context of this issue. The literature review highlighted several concerns of the Lebanese authorities regarding the Syrian refugees; which will be further elaborated in chapters three and four of this paper. In addition, the literature highlighted the legal aspect of this issue through studying the effectiveness of international and Lebanese law regarding Palestinian refugees in Lebanon. Finally, the literature reviewed regarding the political aspects of Palestinian refugees issue in Lebanon highlighted the impact they had on the history of the country.

2.7 Literature Review Analysis: Framing the Response to the Refugee Crisis in Lebanon

This paper has noticed a gap within the literature review concerning the Lebanese case study. Namely, that it lacks a scholarly article that gathers all the provided information and data in one academic study that tackles the issue of refugees in Lebanon from a theoretical and practical perspective; a key element to find out whether there is a failure of international law (hence the international community) or not. Thus, this paper contributes to the literature by tackling the international intervention in refugee crisis, while referring to Lebanon’s recent Syrian refugee predicament as a case study, something that has not been done before. While other authors have referred to various

case studies in the world when it comes to refugees, the literature review points to the fact that there is no agreement on the main factor explaining the failure of the international community in tackling this issue. Based on that, the next section will introduce the research question and thesis methodology.

2.7.1 Research Question and Methodology

As explained earlier, this paper is interested in addressing the reasons behind the suffering of Syrian refugees in Lebanon. Therefore, the research question that the paper tries to answer is:

“How is international refugee law shaping the response to the Syrian refugee crisis in Lebanon?”

To investigate this question, I analyze the data collected during the literature review and research phase. The researched data is divided into two categories: The first constitutes material found in research, studies and assessments conducted by local and international organizations such as the United Nations, the World Bank and Lebanese ministries. The second category consists of data collected by the author during interviews, as well as from direct observation collected during daily interaction with refugees. The literature review in chapter two allows us to define two major conceptual frameworks that are used in analyzing the data. The first traces back the problem to the legal regime and argues that due to the weak international refugee law we have refugees suffering around the world. The second looks at the political side of the problem and argues that refugee issues around the globe are governed by the political agenda of some actors involved, which prevents the adequate implementation of the international law. We will be

presenting the data collected during the research, and then applying the above concepts in Chapter Four.

To begin with, data is collected from academic books and articles exploring possible answers to the research question. Most of the official statistical data on refugee numbers and their situation are taken from the United Nations' refugee agency. Next, we supplement our findings with interviews conducted with: a United Nations staff member, a nongovernmental organization representative, a lawyer and a Lebanese head of municipality. The interview with the UN representative focuses on the major challenges facing UNHCR in Lebanon from a legal perspective in providing adequate protection for refugees and what can be done in the future in order to have a more appropriate and efficient intervention in the refugee crisis, and how this relates to the existing legal framework. In addition, an interview is conducted with a representative from an NGO working in the humanitarian sector to learn how such organizations perceive the legal framework under which they operate in Lebanon and what are their recommendations for improvements. The interview conducted with a lawyer familiar with refugee issues in Lebanon and international law aims to seek her opinion on the subject and glean some recommendations that could be made to address the Syrian refugee crisis in Lebanon. This interview helps the author look at the international treaties and agreements that Lebanon has signed regarding refugees, complementing the information found in the literature review. Finally, the interview conducted with a representative of a municipality in Lebanon hosting a large number of refugees helps in presenting the reader with the legal context that such municipalities are operating within

when hosting refugee populations (Interviews' scripts were approved by the Lebanese American University Institutional Review Board – scripts are available in annex 5) .

Theoretically, the international community should effectively intervene in any refugee crisis because it is an ethical and moral obligation. Similarly, international law must provide adequate policies and a set of rules and procedures that enable affected states to tackle refugee crisis on their territories. The international community has an ethical responsibility to intervene and address refugee crisis through providing a clear and applicable legal framework for states to address this issue. However, to understand the strengths and weaknesses of the refugee international law, it is important to study major ongoing refugee crises and how they are addressed. This paper utilizes the case of Lebanon after the recent influx of Syrians, which is described by UNHCR Lebanon as the worst refugee crisis in modern times (UNHCR, 2013). The indicator to identify the source of that problem is whether the Lebanese government and non-state actors are referring to a clear and applicable legal context when deciding on best policies to use in providing protection for the refugees and addressing their daily needs. This paper will not focus on the individual life of refugees, but will refer to some observations that show how Syrian refugees are living in their asylum period. Based on that, we will explore the failure of the international humanitarian intervention in refugee crisis and later on assess its causes. Thus, this paper studies the nature and effects of international intervention from both a humanitarian and political perspective.

Chapter Three

Refugees' Suffering and their Burden on the Host Community

3.1 The Personal Observation and Personal Interviews

This chapter presents the findings of the research phase. The first section includes personal firsthand observations of the suffering of refugees while the second presents the data gathered through the desk review and interviews.

Between March 2013 and March 2014, I was selected by UNHCR in Lebanon to interview and register refugees at the Beirut field office. The Office received approximately 1000 Syrian refugees on daily basis to register and was responsible for registering Syrian refugees settled in Mount Lebanon and Beirut Areas. As part of the registration team, I was responsible for interviewing and registering around 50 individuals per day. I had the chance to interview Syrian refugees coming from different religious backgrounds, different ages, families, unaccompanied children, individuals who are ex-fighters or army evaders, tortured teenagers, and people with special needs.

Indeed, when I applied for the UNHCR job in Beirut, it was evident that I was going to meet, listen to and counsel Syrian refugees who fled their country to save their lives. However, what I did not know is that this experience would change my perception towards the Syrian population in general and the Syrian refugees in particular. I was able to witness the human side of the Syrian population; how parents loved their children and how innocent children loved life. I was able to observe how much grandparents missed their homes in Syria, their lands and their homeless sons and

daughters who were displaced to different locations. It often passed my mind that this could be me or my family and kept on asking what could we do. Where would we go? How would we manage all the suffering they are experiencing?

Indeed, it was working with UNHCR on the Syrian refugee operation in Lebanon for almost a year that allowed me to discover the meaning of refugee suffering and the importance of refugee protection. The daily interaction allowed me to discover the disastrous humanitarian consequences of conflicts. The stories made me realize how people can suddenly lose their sense of safety and that this can happen to anyone of us. The saddest thing was that even the United Nations did not have sufficient resources to provide them with the needed relief. Syrian refugees are suffering in Lebanon; I saw it in their eyes, in their tears and the stories that remained the only thing they had. Most of the refugees I met have fled due to the generalized violence in Aleppo, Rural Damascus, Homs, Idleb, Deir El Zor, Hama and many other regions in Syria. Most of them claimed that their house was either partially or even completely destroyed due to bombings and airstrikes. On many occasions, they were trapped in the middle of the battles forcing them to flee from one area inside Syria to another until no more safe areas could be found; hence, Lebanon became their only option. I had the curiosity to ask them why not other countries such as Jordan or Turkey. One common answer was that they already know the country since they have visited Beirut several times before the Syrian uprising in 2011. Besides, some refugees claimed that Jordan did not allow them to cross the borders. The only available option was to reside inside the Zaatari camp on the Jordanian-Syrian border. They refused to live in this camp as they did not imagine themselves living in tents. It was significant how much they had a fear from having to

live in refugee camps. One could observe is that many Syrian refugees in Lebanon did not approach UNHCR to register once they fled. When asked during the interviews why they have waited so long to register, a common answer was that they feared being obliged by the Lebanese government and the United Nations to settle in refugee camps on the Lebanese-Syrian borders. Their fear was based on the circulated rumors among the refugees that the Lebanese government was planning to move them all and into refugee camps. Many refugees have already been settled and employed; thus, moving into a refugee camp would mean to them that they would lose their jobs and live in camps that lack basic living conditions.

3.1.1 The story behind refugee suffering: The long journey of Syrian refugees

After escaping the war, the story begins at the Lebanese-Syrian borders with the Syrian borders guards. The first challenge is to be able to cross the Syrian checkpoint at the borders. In fact, many families who came for registration missed the father or one of the adult brothers who were either not allowed to cross the borders or arbitrarily detained by the Syrian security forces. Usually, the adult men who came from areas controlled by the Syrian opposition guerillas were more prone to being arrested by the Syrian regime security forces for the simple fact that their identification cards showed that they belonged to those areas. Therefore, large numbers of refugees registered with UNHCR were singly women who lost their husbands either inside Syria or at the borders for arbitrary detention. The most alarming stories were the ones of torture during detention. Electrical shocks, hot water, sever beating and withholding food and water for several days were among many other common torture means that these people were subjected to during their detention period. Eventually, months after detention and daily torture, most

of them were released because there were no valid charges against them. The Syrian refugees would next arrive to the Lebanese borders where things were much easier as the GSO in Lebanon easily granted Syrians six months of residency permit directly at the borders (although recently things have changed as will be discussed later in this chapter). Usually, they spent the first weeks in Lebanon at their relatives' houses until they could find a place to reside in. The issue of house rental in Lebanon was the second challenge for the Syrian refugees as most of them used to complain during that time that the market price increased and that almost 50 percent of their monthly income was spent on rental fees. This issue continues to challenge refugees during their residence in Lebanon. The third challenge was to find a job. A common observation was that rare cases of permanent employment were found among Syrian refugees in Lebanon. Most of the active laborers were working as porters, drivers, painters and construction workers. Refugees who claimed that they had a job complained that it was not permanent and that they work for few hours and remain jobless for weeks. The issue of income generation is a major challenge for refugees to be able to live in a country with high price inflation compared with the actual level of commodities and services in Syria which are, according to refugees statements, significantly low compared to Lebanon.

After settling in Lebanon, accessing health care services without the assistance of NGOs was impossible for the refugees. On many occasions, when the NGOs failed to provide coverage for certain health diseases, refugees had to risk their lives and return to Syria for a few days in order to get medical treatment or be hospitalized. They argued that it was their only option since hospitals and health care services in Syria are almost free whereas in Lebanon hospitalization is unaffordable.

In terms of food access, the cases varied as some families did have the chance to be provided with monthly food coupons sponsored by UNHCR and the World Food Program (WFP). However, other families who did not have the opportunity to benefit from the coupons complained from the high food prices and stated that they managed this through having only one or two meals per day. Indeed, we are going to tackle this issue later in this chapter to find out why and how certain people received food coupons while others did not. School access for Syrian refugee children was a common necessity among parents. Although UNHCR in collaboration with the Lebanese Ministry of Education and other international donors covered the registration fees for Syrian children who would like to register in public schools, many families claimed that they could not enroll their children in public schools because of their incapacity to grasp all the enrollment demands. Thus, this has generated further social problems for refugees such as child labor. In fact, I was responsible for identifying children labor cases while interviewing the refugees, and it was not easy for them to admit that their children were working fearing that UNHCR would force them to leave their jobs. Because school access was impossible and the father could barely generate any income, children had to find a job to support their families. Certainly, private school access in Lebanon for Syrian refugees living under such conditions was far from being affordable. Furthermore, many cases of traumatized refugees were identified and were more likely to be found among women and children who witnessed an act of violence before fleeing Syria. Numerous stories of children having nightmares of bombings and killings show that refugee suffering do not end after fleeing the war.

3.1.2 Deserters and ex-combatants

I also met with large numbers of army deserters and ex-combatants who after escaping the armed conflicts crossed the borders to Lebanon illegally to avoid being detained at borders checkpoints. Most of them were helped by smugglers to cross illegal borders without having any personal identification document. Such cases were considered to be highly vulnerable and sensitive since they did not have any legal permit to stay in Lebanon and we had to refer them to the legal department at UNHCR for counseling. However, in terms of protection, we were asked to inform such cases that UNHCR does not provide any document to legalize their status in Lebanon whatsoever. Such statement was confirmed by UNHCR official in Lebanon Ms. Mona Monzer during a personal interview for this thesis. Ms. Monzer traces it back to the fact that Lebanon is not a signatory member of the 1951 convention which allows the government to pursue its own policies (Ms. Monzer, Personal Communication, December 16, 2014). In terms of counseling, we had to advise them to keep a low profile and avoid military checkpoints.

Another noteworthy observation was the eagerness of most of the Syrian refugees, of different backgrounds, to resettle in third countries. This shows the extent of their suffering in Lebanon and how they lost hope in their country. In fact, at the beginning of the Syrian refugee influx to Lebanon there were very few resettlement opportunities. However, with time and the escalation of the conflict, some European countries such as Germany and Sweden allowed more resettlements especially to vulnerable cases among refugees. Resettlement opportunities happened towards the end of 2013, almost three years after the refugee crisis erupted. As part of my job, I had to identify potential resettlement cases solely based on their vulnerabilities. We were asked to highlight the

family cases that include disabilities, women at risk, and elderly persons at risk, unaccompanied children and people with acute health conditions. Such cases would be referred to the resettlement unit at UNHCR to be thoroughly studied and then referred again to the German or Swedish government. This process took several months and the final decision was up to the third country's government. By the time the news spread, it was noticeable how the attitude of the refugees who approached to register with UNHCR changed. Their first concern shifted from "*what is the assistance we will get*" to "*we are here requesting resettlement*". However, while the demand for resettlement was high, supply was significantly low, adding further frustration and disappointments among the refugees.

The aspiration for resettlement could also be noticed among Syrian people who, despite the danger, remained in Syria after the war. For instance, rumors have spread in different Syrian areas claiming that UNHCR in Lebanon has been providing resettlement for Syrians. Thus, thousands of Syrians have traveled to Lebanon for a few days to approach UNHCR and inquire about resettlement opportunities. However, UNHCR could not register or resettle people who were still residing in their home country. As a result, such people could not benefit from resettlement opportunities whatsoever.

Last but not least, Syrian refugees were frustrated due to the fact that Lebanese people had racist attitude towards them. Many complained that they were regarded as inferior and that they were mistreated. Others claimed that they were being stolen and beaten up randomly on Lebanese streets. Regardless of whether these claims were exaggerated or not, it is definitely an additional burden that the Syrian refugees had to live through in

Lebanon on a daily basis. For many Lebanese, the Syrian refugees were regarded as competitors rather than as refugees escaping war.

3.1.3 An overview of the registration benefits

It is important to note that since Lebanon is not a signatory member of the 1951 refugee convention; the Lebanese government does not have the obligation to allow UNHCR to assist Syrian refugees. However, an agreement between the two parties consisted of registering Syrians as “displaced” rather than actual “refugees” (M. Monzer, Personal Communication, December 16, 2014). However, and since the international law does not distinguish between displaced persons and refugees in host countries, UNHCR considered all Syrian registered as refugees. In the upcoming sections, we will find out why this agreement took place and distinguish the difference between displaced persons and refugees. Thus, registering with UNHCR allowed the Syrians to have some relief assistance and so-called “legal protection”. Health assistance consisted of 75 percent medical insurance at public hospitals in Lebanon, but did not include cancer, kidney, dental among many other diseases (M. Monzer, Personal Communication, December 16, 2014). Thus, the complaint was always about the remaining 25 percent which was not affordable to most of the refugees. In terms of food coupons, the families with at least one adult male and no more than 5 individual did not have the right to receive food coupons. UNHCR considered that the adult male has the ability to work and generate income to buy food for less than 6 family members. That was also a source of frustration due to the lack of employment opportunities and knowing that UNHCR could not help them find jobs. For families that included old, disabled and single women individuals, food coupons were granted on

monthly basis in collaboration with the World Food Program (M. Monzer, Personal Communication, December 16, 2014).

In terms of housing, refugees always hoped that UNHCR would assist them in paying the high rental fees of the places they resided in; however, UNHCR's staff had to respond that the agency did not have the ability to do so. Only in rare cases was UNHCR able to help with housing, especially for cases that included older persons who lived alone and did not have any relatives to take care of them and the unaccompanied children who had lost their parents. As for the legal issues, UNHCR legal unit used to visit Syrian refugees who were detained in different prisons such as Roumieh, and provided them with free legal counseling. They were also registered with UNHCR (M. Monzer, Personal Communication, December 16, 2014). In addition, the legal unit used to coordinate with GSO office to tackle the legal issues of refugees in Lebanon (M. Monzer, Personal Communication, December 16, 2014). Yet, for refugees who did not have any legal documentation for reasons we mentioned earlier in this chapter, UNHCR did not have the ability to guarantee any solution to their problem other than contacting the Lebanese authorities and urging them to collaborate on different legal matters. Refugees were informed that UNHCR could not impose any legal obligation on the Lebanese government which has the ultimate final decision on any matter regarding refugees on its territories. Finally, it is important to mention that traumatized refugees were referred to partner NGOs and centers specialized in providing psycho-social support for such cases (M. Monzer, Personal Communication, December 16, 2014).

In summary, the difficult journey of Syrian refugees in Lebanon begins from the moment they encounter events that force them to flee their country to the moment they

cross the borders and settle in Lebanon. My daily contact with them led me to understand their suffering and that enlightened me on many aspects of their lives. Without any doubt, providing basic needs for humans is essential to make them live in dignity and certainly what was provided for the Syrian refugees in Lebanon was at least not up to their expectations. In the next sections, this paper is going to provide concrete examples through the presented data that would show whether the provided assistance was sufficient or not for Syrian refugees in Lebanon.

3.2 Economic and Social Impact of the Syrian Conflict and Refugee Crisis on Lebanon and its Host Communities

After presenting my own field observations, it is important to present the data collected from the studies and assessments conducted by international organizations in Lebanon on this matter as well as the information gathered from the different interviews conducted for this study.

Upon the request of the UN, European Union (EU) and International Monetary Fund (IMF), the World Bank conducted an economic and social impact assessment of the Syrian conflict on Lebanon. The assessment went beyond the particular impact of refugees to the overall conflict in Syria and how it affected Lebanon. The report suggested that, if the situation in Syria continues to persist and the influx of refugee continues to put a high burden over the Lebanese government the country would face a:

“cut[in] real GDP growth by 2.9 percentage points each year, entailing large losses in terms of wages, profits, taxes, or private consumption and investment; (2) push approximately 170,000 Lebanese into poverty (over and above the 1 million currently living below the poverty line) and double the unemployment rate to above 20 percent, most of them unskilled youth; and (3) depress government revenue collection by US Dollar (USD) 1.5 billion while simultaneously increasing government expenditure by USD1.1 billion due to the surge in demand for public services, bringing the total fiscal impact to USD2.6 billion. Across all key public services, the surge in demand is currently being partly met through a decline in both the access to and the quality of public service delivery. It is estimated that an additional spending of USD2.5 billion

would be required for stabilization, i.e., to reinstate the access to and quality of public services to their pre-Syrian conflict level” (World Bank, 2013).

According to UNHCR’s 2014 Syria’s Regional Response Report (RRP) Lebanon is facing:

- 1.5 million Syrian refugees
- 100,000 Palestine refugees from Syria
- 50,000 Lebanese returnees
- 1.5 million affected Lebanese

To elaborate, the World Bank report showed that the spillover effect of the security situation in Syria over Lebanon had a negative impact on investments. In contrast, the huge influx of refugees increased the demand for public services leading to significant pressure on the public finances of the country (World Bank, 2013). In addition, the economy was affected by a deficiency in the trade sector due to Syria’s fading role as trading partner on one hand, and the decrease of transit operations coming through Syria on the other hand (World Bank, 2013). Also, the report talked about the tourism sector and how it declined since 2010 due to the ongoing war in Syria and its spillover effect over the security situation in Lebanon. The decline in tourism along with other weaker economic activities cut the government’s revenues by USD 1.5 billion for the period of 2012 to 2014 (World Bank, 2013). In addition, Lebanon’s debt started to rise again starting 2012 due to the increased fiscal deficit associated with stagnation caused by the Syrian conflict (World Bank, 2013). Due to the refugee influx, the unemployment rate in Lebanon was anticipated to rise to more than 20 percent as labor supply has increased up to 50 percent in some sectors, something that will lead to increasing social tensions between the Lebanese people and the Syrian refugees (World Bank, 2013). Furthermore, the refugee influx has led to increasing health care demand and placed an additional burden on the Lebanese Ministry of Public Health (MOPH). The appearance

of new diseases such as “*Leishmaniasis, Waterborne, Measles and tuberculosis*” is straining the Lebanese health care system which has now to accommodate both the Lebanese and Syrian communities (World Bank, 2013). For instance, 40 percent of the total primary health care visitors were of Syrian refugees during the month of December 2012 (World Bank, 2013). Moreover, the report which reviewed Lebanon’s infrastructure as “*water and Sanitation, municipal services, electricity and transport*”, suggested that, due to high refugee influx, the additional demand for water is estimated to reach 26.1 million m³ per year, doubling the solid waste generation in many districts which contributes to increased pollution including ground water contamination (World Bank, 2013). In addition, the demand for electricity increased and contributed to deteriorating the everlasting power capacity problem in Lebanon (World Bank, 2013). In some areas, such as Akkar and Zahle, the roads will not be able to absorb the increase in traffic due to refugee influx and lack of adequate public transportation system (World Bank, 2013).

3.3.1 Impact on the host communities

A study conducted by Development Management International (DMI) assessed the impact of the refugee crisis on the Lebanese host communities and concluded that the concentration of refugees in marginalized areas such as the Bekaa and the North has added to the already elevated illiteracy rates and poverty (DMI, 2012). DMI showed that several Lebanese households in the North and Bekaa opened their doors and accommodated up to 25 refugees at the same time (DMI, 2012). As a result, expenditures of the Lebanese receiving households increased up to 80 percent in some areas in the North which led to increasing poverty (DMI, 2012). While the average

poverty rate overall Lebanon is at 28 percent, it reached 53 percent in the North, whereas 46 percent of the extremely poor population in Lebanon is located in the North (ILO, 2013). Additionally, ILO stated that the income of 90 percent of the Lebanese labor force in the Bekaa areas have declined as a result of the security situation and the increased competition from Syrian refugees labor force (ILO, 2013). Moreover, the public school system is another sector that was heavily affected by the Syrian refugee influx (UNICEF, 2013). Each year, approximately 90,000 Syrian children are enrolled in the Lebanese public schools which “*added pressure to an already frail public school system in need of safer buildings, healthier sanitary conditions, sufficient material and equipment, and qualified personnel*” (ILO, 2013). The report concludes that had all other 70 percent of out of schools Syrian refugee children been enrolled in Public schools, this would have caused disastrous outcomes on the educational system in Lebanon (ILO, 2013). This issue was particularly highlighted during the personal interview with Ms. Monzer in which she asserted that one of the main challenges facing UNHCR is reducing the tensions between the Syrian refugees and the Lebanese host communities. Monzer argues that the relationship was transformed into a competitive one (M. Monzer, Personal Communication, December 16, 2014). To further justify this argument, the personal interview with Mayor of Tyre municipality, Northern Lebanon, Mr. Hassan Dbouk showed that one of the challenges his municipality is facing, is to reduce the level of tensions between the population of Tyre and the refugees. According to him, the fact that most of the Syrians are eligible for assistance from the international organizations and have access to work opportunities, allow them to have two sources of income generation while the host communities barely have one source and it is being competed on by the refugees (H. Dbouk, Personal Communication, December 15, 2014).

In addition, the mayor speaks about the security issues and the fact that some Syrian opposition groups are organizing terrorist attacks against the Lebanese army and some of the Lebanese Shiite villages which is generating more tensions and hostile attitudes towards refugees in his village (H. Dbouk, Personal Communication, December 15, 2014).

Tension and competition also exist in the Lebanese prisons, according to Association Justice et Miséricorde (AJEM). In addition to the fact that the Lebanese detention centers are in poor conditions, detained Syrian refugees face racist and hostile attitudes from their Lebanese counterparts. As a result, AJEM highlights the fact that refugees, who escape the war in their homeland, face tremendous physical and psychological challenges in Lebanon due to tensions with the host communities (J. El-Koury, Personal Communication, December 12, 2014). AJEM provides legal counseling to around 1000 Syrian detainees in different Lebanese prisons (J. El-Koury, Personal Communication, December 12, 2014).

To conclude, this section has revealed the huge negative impact of the spillover effect of the Syrian crisis in general and the consequences of the high refugee influx in particular. The last chapter will provide some recommendations based on the above findings for it is evident that the international community should assist Lebanon to tackle this negative impact through providing adequate financial and development support. Later in this chapter, we discuss what is being done to assist Lebanon in this regard.

3.3 The Economic, Social and Legal status of Syrian refugees

In the first section of this chapter we presented personal observations of the Syrian refugees' situation in Lebanon and reviewed the data showing the impact of the spillover

effects of the Syrian crisis on Lebanon including the effect of the refugee influx. Next, we will present the data collected from several studies to reveal, using concrete numbers, the situation of Syrian refugees in Lebanon and to assess in the next chapter whether refugees are being adequately assisted and protected or not.

First, DMI assessment showed that the day a Syrian refugee flees to Lebanon; it would take him up to 3 months to register with UNHCR and hence benefit from the relief assistance and protection (DMI, 2012). I can confirm such a statement since UNHCR was ill equipped in terms of personnel in order to process the early refugee influx as on average, a refugee would wait up to 45 days before being given an interview appointment for registration. However, by the time I left the agency in February 2014, the average waiting time decreased to 31 days in some areas such as Beirut and Mount Lebanon.

UNHCR reported that the socio-economic condition of most Syrian refugees in Lebanon is harsh, and high accommodation spending leaves the refugees with very little ability to spend on other basic human living needs (UNHCR, 2013). ILO's report has highlighted this issue since more than 60 percent of refugees have had to rent houses leaving them with little income left (ILO, 2013). According to the key findings of a study conducted by WFP in March 2014, 69 percent of refugees registered with UNHCR in Beirut pay rental fees for unfurnished shelters (WFP, 2014). In terms of education, the ILO assessment concluded that although the Ministry of Education and Higher Education (MEHE) in collaboration with UNICEF and UNHCR and other donors have opened the opportunity for Syrian children to attend Lebanese public schools for free; however, the available schools did not have the capacity to

accommodate more than 30 percent of the total school-aged Syrian children refugees (ILO, 2013). In addition, UNICEF and Save the Children reported that since the free public school program did not include transportation, uniforms, and text books' cost, this constituted a difficult obstacle for educational access (UNICEF & Save the Children 2012). Also, the ILO study found out that 19 percent of the causes making school enrollment difficult was the fact that the Lebanese schools' curriculum differs significantly from the Syrian curriculum particularly with respect to languages such as French and English (ILO, 2013).

As for the health care services, the ILO report observed that although UNHCR and other donors provide 75 percent coverage in terms of hospitalization and medication, most of the refugees cannot afford to cover the remaining 25 percent of their medical bills (ILO, 2013). Adding to that, the issue of water and sanitation is contributing to the deterioration of the refugees' health and is of a high concern. For instance, *“a high level of contamination of drinking water, inadequate sanitation facilities, as well as poor hygiene”* was found as a major reason for health problems such as *“diarrhea, skin disease and Hepatitis”* among Syrian refugees according to the ILO assessment study in the Bekaa and the North (ILO, 2013). In terms of labor force, the ILO survey showed that 53 percent of the Syrian labor force is unemployed (ILO, 2013). This high rate of unemployment leaves the Syrian refugees with little leeway to survive which guides some of them to illegal acts in order to survive (WFP, 2014). As critical, the working conditions of employed refugees do not seem to meet with the minimum standards, as acts of discrimination and racism from employers were identified (ILO, 2013). One ILO interviewed refugee said: *“... we are being*

discriminated against and exploited ... this is the fault of the employers who are undermining our dignity. We were satisfied by the little income we were getting, but this did not satisfy the employers. They think about their profit only. It is the fault of the state which has driven us to this degrading level” (ILO, 2013).

As for the access to basic living needs such as food and clothing, a WFP study showed that 75 percent of visited households have had difficulties in buying food during and had to revert to other means to buy food such as borrowing money (WFP, 2014). In fact, the 78 percent of the surveyed households stated that they borrowed money for that purpose 3 months before the survey was conducted (WFP, 2014). Additionally, considerable percentages of households have abandoned access to clothing, health and education in order to afford food access (WFP, 2014). Moreover, UNHCR identifies 12 percent of the Syrian refugees registered in its offices as not having legal residency permit for illegally crossing the borders (UNCHR, 2013). Such refugees are at risk of detention and do not move freely within the country. This have limited their access to employment and increased their suffering (UNCHR, 2013). Furthermore, the Protection Working Group report observed that the night curfews’ being implemented by several municipalities in Lebanon on refugees is a challenge to the concept of human rights and freedom (2013). Finally, the working group has highlighted major protection concerns in all the Lebanese regions by stating that:

“In Akkar, some of the main protection concerns involve security problems close to the border, including cross-border shelling and sniping activities, monitoring of the three official border crossings of Boqaiaa, Arida and Aboudiyeh, as well as the Wadi Khaled dynamic and freedom of movement through the Chadra checkpoint. In Tripoli and its surroundings, the proliferation of arms and heightened tensions around supporters and opponents of the Syria regime have raised serious concerns over protection incidents, evictions and a strict posture by security forces. In

Mt. Lebanon, there remain gaps in services due to the more recent establishment of humanitarian activities as well as the wide dispersion of refugees in diverse and often isolated mountain areas. Similarly in the South, refugees live in a widely dispersed area with few collective settlements or shelters making outreach difficult; meanwhile, the unique political context of South Lebanon and the Security Belt can also pose particular challenges for protection. In the Bekaa, key protection priorities include the impact of the security situation on humanitarian space, large numbers of informal tented settlements spread over a broad geographical area, and serious concerns over a potential mass influx through Masnaa or Aarsal” (UNHCR, 2013).

The above was a brief summary of the situation of Syrian refugees in Lebanon. The data was presented from several sources which conducted needs assessment in certain locations and in the whole country.

The next section will analyze the alarming findings presented above and inquire into their roots and implications. The next section will also discuss what the Lebanese government and international community have and are doing to tackle the presented challenges.

3.4 Lebanese Government Actions and Plans

As the situation deteriorated in Syria and the refugee influx increased, the first response of the Lebanese government was to prohibit the establishment of refugee camps across the country (ILO, 2013). Equally important, the Lebanese Council of Ministers met in 2012 and issued a series of action plans to tackle this issue and among them (Presidency of the Council of Ministers, 2012):

- Allocating a budget of USD 600,000 over four months to cover a USD 100 monthly assistance for each family who is hosting Syrian refugees.
- Allocating a budget of USD 1.5 million to initiate social projects that targets hosting households.
- Allocating a budget to rehabilitate the Ministry of Social Affairs’ (MSA) medical centers.
- Launching dispensaries in the North, South, Bekaa and Beirut.

- Allocating a budget of USD 648,000 to implement psycho-social activities for Lebanese and Syrian student refugees.
- Rehabilitating more than 200 public schools in collaboration with international donors.

Indeed, back in 2012 the amount and path of the Syrian crisis and refugee influx could not be foreseen as by December 2012, the registered refugees were only 170,000 individuals (UNHCR, 2012). Therefore, the above action plan and decisions were not able to handle the further challenges and the incredible amount of refugees that fled into Lebanon in 2013 and 2014 topping the 1 million figure. Thus, in early 2013, the Government of Prime Minister Najib Miqati established a national steering committee on Syrian refugees and laid out a new plan to tackle the crisis (Carnegie, 2013). The Lebanese government identified \$449 million to be able to implement the plan and asked the international community to fund it (Carnegie, 2013). The plan focused on providing developmental support to the refugee host communities to counter the rising tensions between the Syrian refugees and the Lebanese society (Ministry of Economy and Trade, 2013). The plan was called “*the roadmap of priority interventions for stabilization*” and included four tracks:

- *Track 1: Rapid delivery and immediate impact*
- *Track 2: medium term delivery and impact*
- *Track 3: Long-term delivery and impact*
- *Track 4: private sector engagement*

The first track included initiating programs targeting the Lebanese most affected host communities (Ministry of Economy and Trade, 2013). That would be achieved through funding existing projects that tackle this issue and seek to extend them (Ministry of Economy and Trade, 2013). The second track focuses on initiating medium size projects that need time for both planning and implementation (Ministry of Economy and Trade,

2013). As for the third track, the aim was to initiate programs of sustainable development in order to “*carry sectorial policy reforms, such as infrastructure and finance and private sector investments and/or emergency projects to mitigate the impact of the Syrian crisis*” (Ministry of Economy and Trade, 2013). This track also focuses on empowering local governments through seeking grants from national and international donors (Ministry of Economy and Trade, 2013). Finally, the fourth track focused on involving the private sector through seeking grants and funds that allow the sector to enter the “*delivery of services, such as energy, electricity, water and transport, and in connection with the policy reform agenda pursued in track 3*” (Ministry of Economy and Trade, 2013).

In order to accomplish this roadmap, the Lebanese Government approached the World Bank to provide funding for the various activities and projects already identified (Ministry of Economy and Trade, 2013). As a result, the Government of Lebanon (GoL) specified a special trust fund called the Lebanese Syrian Conflict Trust Fund that is administered by the World Bank to channel the acquired resources to the planned projects (Ministry of Economy and Trade, 2013). Furthermore, the Ministry of Education and Higher Education (MEHE) was one of the most active ministries and worked towards providing free education for school-aged Syrian refugees in public schools regardless of their legal status (UNICEF & Save the Children, 2012).

To summarize, the information presented show that the GoL was relatively active within the limitations of its capabilities. The example on MEHE proves that Lebanon is willing to be involved in refugee protection and assistance as much as possible. However, the

recent security, social and political events have increased the pressure on Prime Minister Tamam Salam's government and a new policy is looming. In fact, in June 2014, the Ministerial Committee for the Affairs of Syrian refugees initiated a plan to reconsider the current status of Syrian refugees and formulated an action plan that focused on "restricting their numbers" (Al-Mokhtar, 2014). The plan consisted of a decision that prohibits the Syrian refugees registered with UNHCR in Lebanon to go back and forth to Syria risking losing their refugee status (Al-Mokhtar, 2014). In addition, Syrians who come from areas that are not close to the Lebanese borders and/or that are considered to be safe were to be prevented from entering Lebanon (Al-Mokhtar). Most importantly, Minister Gebran Bassil was assigned to contact Arab and international influential actors to discuss the possibility of establishing refugee camps for Syrian refugees in Lebanon on the borders' side of either Lebanon or Syria (Al-Mokhtar, 2014). Below are the government's decisions taken on June 2, 2014:

- *"To link the acceptance of displaced Syrians to the Syrian military battles in the areas near the Lebanese border".*
- *"To cease considering as "displaced" anyone who goes from Lebanon to Syria".*
- *"That the minister of social affairs will follow-up on the subject of those residing in Lebanon and who hold a displaced card contrary to legal standards".*
- *"To make the needed contacts to secure the necessary conditions to establish safe camps inside Syria or on the buffer zones between Lebanon and Syria" (Al-Mokhtar, 2014).*

The final section of this chapter is going to discuss the regional and international community intervention in the refugee crisis in Lebanon.

3.5 International Community Assistance to Lebanon

After presenting the international organizations' assessment of the impact of the refugee crisis, it is important to study what has and is being done by the international community

to assist Lebanon to adequately tackle this issue. As we have seen throughout the World Bank report, Lebanon does not only need international support to protect refugees on its territories. What is also needed is support to handle the economic, political and social burdens of the Syrian refugee crisis on the overall structure of the country. This section will look at what is being done by the EU, the United Nations and the United States to tackle this issue.

3.5.1 European Union

The findings of this research show that the EU has been active in funding several projects targeted to solve the challenges of the Syrian refugee crisis in Lebanon. According to Escalona Paturel, head of the Cooperation Section at the Delegation of the European Union to Lebanon, the EU has allocated up to 113 million Euros as humanitarian assistance for Syrian refugees in Lebanon since the beginning of the influx (Carnegie, 2013). For instance, one of the projects funded was signed in October 2013 and is called the “*Empowerment of Syrian Refugee Youths in Lebanon*” (Ministry of Finance, 2013). The 1 Million Euros project is aimed at enhancing the Syrian youth professional capacity and skills (Ministry of Finance, 2013). Another 1 Million Euros project funded by the EU signed in September 2013 aimed at enabling access to education for Syrian refugee school-aged children through assisting MEHE to develop “*language teaching methodology and cultural awareness training*” (Ministry of Finance, 2013).

Recently, the EU has decided to allocate an additional 21 million Euros that will in particular benefit the hosting communities. Štefan Füle, Commissioner for Enlargement and European Neighborhood Policy stated: “*The EU clearly understands that it is*

crucial to support not only Syrian refugees, but also communities hosting them. In its response to mitigate consequences of the Syrian crisis to Lebanon, the new support will contribute to relieve the current pressure by upgrading solid-waste management municipal services and also by boosting local initiatives to create jobs” (European Commission, 2014). As a result, the additional 21 million will contribute to the GoL road map set in 2013 and its tracks related to medium and long term planned activities. All in all, this amount will add to the previous 333 million Euros that the EU provided in terms of development and humanitarian assistance (European Commission, 2014).

3.5.2 United Nations response

The United Nations agencies such as UNHCR, WFP, United Nations Development Program (UNDP), UNRWA and UNICEF have been actively involved in tackling the refugee crises. Particularly, UNHCR that was the entity responsible for tackling this issue through intervening in, planning and implementing the Syrian operation in Lebanon (M. Monzer, Personal Communication, December 16, 2014). Indeed, other UN agencies were part of the efforts and each had their role within their specific mandate. Yet, all the other agencies’ work was under the umbrella and in collaboration with UNHCR which is the agency responsible, according to the 1951 Geneva Convention for refugees (M. Monzer, Personal Communication, December 16, 2014). As an example of the collaboration between the UN agencies and UNHCR, the WFP provided free food coupons as well as electronic vouchers to needed Syrian refugee families (up to 800,000 refugee) to help them afford purchasing food (M. Monzer, Personal Communication, December 16, 2014). To elaborate, before the 2011 Syrian refugee influx, the UNHCR operation in Lebanon included the protection of 10,000 refugees who were mostly Iraqis

(M. Monzer, Personal Communication, December 16, 2014). Today, UNHCR has registered more than 1.2 million Syrian refugees (M. Monzer, Personal Communication, December 16, 2014). Other than providing direct assistance, UNHCR in partnership with several local and international organizations to provide for registered Syrian refugees “*primary and secondary healthcare, provision of safe shelter, educational support, vocational training, psycho-social support, distribution of items to cover basic needs, financial assistance to vulnerable people, and assistance with safe water, adequate sanitation and hygiene*” (UN system in Lebanon,n.d.). In details, UNHCR stated that the total acquired funds in 2013, was USD 887,769,237 out of the needed USD 1,216,189,393. The division of funds needed and actually received per section was as follows:

- 62% of the needed USD 144 million funds for protection.
- 75%of the needed USD 278 million funds for food security.
- 64% of the needed USD 134 million funds for education.
- 76% of the needed USD 93 million funds for health.
- 38% of the needed USD 201 million funds for shelter.
- 63% of the needed USD189 million funds for Non Food Items.
- 50% of the needed USD143 million funds for wash was received (UNHCR, 2014).

In total, UNHCR received 73 percent of the funds requested in 2013 by several country donors such as the US, Canada, United Kingdom (UK), Australia, Brazil, Norway, Switzerland and many others (UNHCR, 2014). The distribution of the funds targeted different areas. For instance, in terms of protection, the UNHCR 2013 final report stated that they had reached out to 238,000 children offering them protection and psycho-social support services (UNHCR, 2014). In addition, more than 25,000 individuals with specific needs such as disabilities and

critical medical conditions were supported through special programs (UNHCR RRP 5, 2014). Moreover, 65,000 refugees were offered legal awareness sessions that included counseling, especially for those who had legal issues with the Lebanese authorities (UNHCR, 2014). Sexual and Gender-based Violence (SGBV) programs is another area in which UNHCR is highly involved through offering victims specific services and support (M. Monzer, Personal Communication, December 16, 2014). In terms of food and health services, in 2013, almost 648,000 Syrian refugees received free food coupons while 94,000 households received special programs cards to enhance their basic needs purchasing abilities (UNHCR, 2014). As for health care, 487,000 individuals were partially covered on primary health care services whereas 580,000 children were vaccinated against Polio (UNHCR, 2014). Concerning education and shelter, up to 160,000 Syrian children were able to access formal and non-formal education programs and more than 242,000 individuals were provided with shelter assistance (UNHCR, 2014). Finally, the UNHCR report stated that 486,000 individuals received fuel and clothing assistance including blankets during the winter time (UNHCR, 2014).

Indeed, the data presented is summarized and taken from the UNHCR official final report of the 2013 response to refugee crisis in the region. As we have already highlighted, all the achievements we saw are the result of cooperation between UNHCR and other international organizations on the one hand and with local NGOs on the other hand. It is important to mention that most of the internationally funded programs are being implemented by local NGOs in Lebanon (M. Monzer, Personal Communication, December 16, 2014). According to the report regarding the overall regional response, *“Over 100 entities collaborated in the inter-agency regional response for the Syria crisis, including 84 actors that appealed for funding in the RRP5, this was at the time of*

its release the largest humanitarian appeal ever for a refugee operation - it sought a total of USD 2.9 billion to provide basic lifesaving assistance and protection for Syrian refugees, Palestine refugees fleeing Syria, and some 1.8 million people from host communities” (UNHCR, 2014).

3.6.3 Regional assistance

The regional assistance to Lebanon to handle the challenges of the refugee crisis remains shy and insufficient. However, several Arab countries are funding specific programs to help Lebanon overcome some of the challenges. For instance, the Kingdom of Saudi Arabia (KSA) announced on June 2014 a new aid program through its Ambassador Ali Awad Asiri in Lebanon. The assistance came “*as a part of the Saudi National Campaign to Support Brethren in Syria*” Assiri stated (Daily Star, 2014). A six months program of USD 1.8 million was initiated to provide shelter for up to 1000 Syrian families. In addition, the program consists of food assistance and distribution to several needy and vulnerable refugee families, including 150 tons of dates and 17,000 milk containers (Daily Star, 2014). This has to be added up to the previous KSA assistance that included providing treatment for wounded Syrians refugees in Lebanese hospitals as well as allocating USD 3.7 million relief assistance for 8,000 refugee households and establishing shelter centers for refugees (Daily Star, 2014). In addition, the Saudis collaborated with the Hariri Foundation in Lebanon and were able to distribute 100,000 blankets and food for more than 1,000 refugee families in the Beirut and Saida areas since 2012 (Daily Star, 2014). However, the Saudi efforts have been inefficient and have not met UNHCR expectations who described them as solo efforts that lack coordination with other agencies. UNHCR representative to Lebanon Ninette Kelly

criticizes the KSA programs by stating that: *“They follow what we do ... but are not as predictable as we would like to see”* (Slavin, 2013).

Other Arab countries have contributed to efforts being done by providing additional funds for international UN agencies. For instance, Kuwait has pledged up to USD 1 billion for agencies addressing refugee crisis in the region and among them a large amount is directed to Lebanon’s working UN agencies such as UNRWA, UNHCR and UNICEF (The Guardian, 2015). Other Arab countries such as Qatar and the United Arab Emirates (UAE) are sending in-kind assistance to Syrian refugees in Lebanon (Daily Star, 2013). For instance, Qatar contributed in USD 60 million of stoves, blankets, hygiene kits and fuel assistance to some 24,000 Syrian families in Lebanon in 2014 (Daily Star, 2013).

In brief, the regional response for the refugee crisis in Lebanon seems to be active; however, it remains incomplete and needs to be proactive in terms of finding durable solutions for the refugees. In the next chapter, we will go back to this issue and discuss it thoroughly. Next, we study the legal framework that the Lebanese government is working under when implementing policies regarding the Syrian refugees on its territory.

3.6 The Legal Status of Syrian Refugees

As we have already mentioned, Lebanon is not a signatory member of the 1951 Geneva refugee convention or its 1967 protocol. Therefore, it is evident that Lebanese legislators did not formulate national laws to govern the specific issue of refugees. To learn more on this issue, an interview was conducted with a lawyer working on refugee issues in Lebanon since 2004. The lawyer who refused to reveal his name stated that the

constitution of the Lebanese state does not recognize refugees. Instead, the law treats them as any other foreigner or migrant workers on its territories (Lawyer, Personal Communication, January 9, 2015). As a result, Lebanon's handling of refugee issues remains chaotic and unpredictable. For instance, the lawyer criticized the recent legal measures taken by the Lebanese authorities to implement new rules and regulations to "organize" the entry and exit of the Syrian nationals to Lebanon. The new measures that started effective January 5th, 2015 consist of issuing visas to Syrians wishing to enter Lebanon under only six categories including tourist, business, student, transit, short stay and medical (Daily Star, 2015). Clearly, the new policy did not recognize a type of visa for people escaping the war. The lawyer described this action as "disastrous" and called the Lebanese government to reconsider it (Lawyer, Personal Communication, January 9, 2015). Despite all of that, Lebanon is a signatory member of the 1948 Universal Declaration of Human Rights where article 14 depicts the rights of every individual to "seek" other countries asylum: *"Everyone has the right to seek and to enjoy in other countries asylum from persecution"* (Lawyer, Personal Communication, January 9, 2015). In addition, the principle of "non-refoulement", which prohibits any country from deporting or returning displaced persons, is considered to be a "customary law" that is binding to all countries irrespective whether they are signatory members of specific conventions or not (ILO, 2013). As a result, Lebanon, as a signatory member of the 1948 Human Rights declaration, has an obligation to refrain from deporting any displaced person as long as he/she has a well-founded fear of persecution based on his/her *"religion, race, nationality membership of a particular social group or political opinion"* (ILO, 2013). More importantly, Lebanon is a ratifying member of the convention against torture which was adopted by the UN general assembly in 1984

(Lawyer, Personal Communication, January 9, 2015). Article 3 of the convention states that: “ *No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture*” (OHCHR, 2015).

In terms of legal context, the interview with the UNHCR representative, as well as the lawyer who is familiar with the international refugee law allowed us to discover that Lebanon is tackling refugee issues through two memorandum signed with UNHCR one in 2003 and the other one 2010 (Lawyer, Personal Communication, January 9, 2015; M. Monzer, Personal Communication, December 16, 2014). In fact, in 2003 Lebanon and UNHCR signed a Memorandum of Understanding that allowed UNHCR to manage any related refugee issue in the country (ACAPS, 2013). The memorandum “*formally recognizes the right of refugees to remain in Lebanon if their lives or freedom are in danger in their home countries, with the expectation that refugees will be resettled to a third country within 9 months*” (ACAPS, 2013). According to UNHCR, the Lebanese Government is relatively cooperative in the current refugee crisis. Specifically, it serves as the bridge between UNHCR and refugees who are spread on 1,700 locations in Lebanon (M. Monzer, Personal Communication, December 16, 2014). Without the cooperation of the Lebanese authorities, the UN agencies would not be able to defy the major challenges and reach out to all refugees on the Lebanese territories (M. Monzer, Personal Communication, December 16, 2014). The cooperative nature of the relationship between Lebanon and UNHCR is due to the fact that all political parties in Lebanon agree on the agencies’ work in the country which is reflected in the government’s attitude (M. Monzer, Personal Communication,

December 16, 2014). However, it is when going into small details where refugee protection challenges arise in Lebanon and when a combination of social and political considerations prevents the Lebanese Government from granting full support and acceptance to UNHCR programs in Lebanon (M. Monzer, Personal Communication, December 16, 2014).

Through the conducted interviews, we have discovered that other than the Lebanese laws for foreigners, the refugees are treated based on specific bilateral agreements between the Lebanese and Syrian governments (Lawyer, Personal Communication, January 9, 2015). For instance, the employment status of Syrians in Lebanon is governed by the 1993 bilateral agreement between the two governments that “*granted freedom of stay, work, employment and practice of economic activity for nationals of both countries*” (ACAPS, 2013). An additional example could be found in the property owning regulations, where Syrians continue to benefit from the national law that allows any foreign citizen to have a maximum of 3000 square meters of “constructed or non-constructed” properties without seeking to have a prior license or approval (ILO, 2013). At the legal level, the lawyer provided important information pertaining to refugee’s legal status in Lebanese courts explaining that the most important conventions regarding Syrian refugees are the Convention against Torture and the Universal Declaration of Human Rights. As a result, lawyers assigned by NGOs, such as Caritas in Lebanon, are being able to present a strong argument in front of the Lebanese courts when defending refugees who crossed illegally to Lebanon and who face repatriation dangers (Lawyer, Personal Communication, January 9, 2015). In that same respect, the personal interview with Ms. Julie El-Khoury from AJEM NGO showed that the Lebanese authorities have been implementing restrictive regulations against Syrians who cross the borders illegally

to Lebanon for the past few months (J. El-Koury, Personal Communication, December 12, 2014). AJEM works with refugees in Lebanon without any legal context that governs the relationship between the refugees, the NGO and the Lebanese government (J. El-Koury, Personal Communication, December 12, 2014). As such, the organization tries to abide by the Lebanese rules and regulations for foreigners in general when tackling refugee issues. The NGOs' internal processes and bylaws are taken from the European models when dealing with refugees (J. El-Koury, Personal Communication, December 12, 2014). Besides, AJEM does not receive any sort of funding from the Lebanese government; however, the organization has succeeded to establish a minimum level of coordination with some of the Lebanese official entities such as the GSO and Ministry of Interior Affairs (J. El-Koury, Personal Communication, December 12, 2014). Such coordination remains bilateral and is not governed by specific laws other than the existing general ones (J. El-Koury, Personal Communication, December 12, 2014). Therefore, Ms. El-Khoury has noticed discretionary behavior by the Lebanese government when it comes to refugees due to the lack of a governing refugee law in Lebanon. For instance, AJEM is not always being granted access to Lebanese detention centers to meet refugees who remain subject to the personal decision of the authorized Lebanese official (J. El-Koury, Personal Communication, December 12, 2014). Moreover, AJEM faces other challenges such as the limited resources and the unclear and constantly changing refugee policies of the Lebanese Government. Among the unclear measures, there is the 10 days' notice given by GSO to refugees who cross the borders illegally to leave the country. This can be considered according to El-Koury as a sort of implicit deportation for which the Lebanese government is responsible for (J. El-Koury, Personal Communication, December 12, 2014).

Also, in order to understand the legal context of refugees in Lebanon, a personal interview was conducted with Mr. Hassan Dbouk the Mayor of Tyre Municipality in Southern Lebanon where around 60,000 refugees reside since the beginning of the conflict (H. Dbouk, Personal Communication, December 15, 2014). Tyre represents a good example of how the Lebanese political parties are pushing to treat refugees. According to Mr. Dbouk who is affiliated with the AMAL movement led by Parliament Speaker Nabih Berri, the political parties in the area recommend respectful and humanitarian treatment of the residing refugees (H. Dbouk, Personal Communication, December 15, 2014). However, Mr. Dbouk continues to conclude that the municipality has no legal context based upon which it can handle refugee issues. However, as a municipality, it is in their interest to assist refugees in order to avoid seeing them resort to crime as another means of surviving (H. Dbouk, Personal Communication, December 15, 2014). Yet, looking at its limited resources, the municipality is not able to provide significant level of assistance other than referring new coming refugees to UNHCR offices for registration (H. Dbouk, Personal Communication, December 15, 2014). The mayor traces it back to the bureaucratic nature of his municipality's work where any budget and fund to be obligated must go through complicated bureaucratic procedures. In addition, Tyre's municipality did not receive any assistance from the Lebanese government to assist refugees (H. Dbouk, Personal Communication, December 15, 2014). Hence, it is almost impossible for them to allocate and have an approved budget for refugees (H. Dbouk, Personal Communication, December 15, 2014). To overcome this problem, Mr. Dbouk revealed that they are coordinating with some international donor organizations such as UNDP to address some of the rising refugee problems. For instance, a project has been funded by UNDP to treat the solid waste in Tyre. Indeed,

solid waste has been a rising problem due to the increased level of refugee population which increased the aggregate population level in Tyre (H. Dbouk, Personal Communication, December 15, 2014). As such, we can conclude from the interview with Mr. Dbouk that municipalities in Lebanon have limited resources to tackle refugee issues; however, it is in the interest of their communities to provide assistance and that is only being done through coordination with local and international organizations.

To conclude, this chapter presented available data on the legal status and state of refugee assistance in Lebanon since 2012, through several interviews, official agencies reports as well as personal observation from working with UNHCR for a year in Lebanon. This chapter has presented a solid base for our discussions and analysis in the next chapters that will focus on framing the data within one perspective that best matches the findings as well as providing recommendations for the future.

Chapter Four

Conceptualizing Roots of Refugee Suffering in Lebanon

4.1 Applying Case Study Findings: the Legal Perspective

This chapter will analyze the data collected and present preliminary research findings just before concluding with chapter five. Our analysis is divided into two parts. One section analyzes the legal perspective we have discussed earlier, and another analyzes the political perspective.

It is not a hidden fact that refugees are exposed to several challenges that make them vulnerable and put them in danger. To protect them, a set of national and international responses must take place. The literature review in chapter two showed that the international law is either too weak to be able to provide solid material for the international community to adequately address this issue, or is strong but often lacks efficient and effective implementing mechanisms. The weak international law perspective identifies several indicators that prove this argument. For instance, the international law is “incomplete” and “subjective” since different countries interpret it differently and according to their own interests (Goodwin-Gill, 2007). The issue of distinguishing refugees from economic migrants, for instance, continues to be subjected to the concerned states’ own interpretation (Goodwin-Gill, 2007). Additionally, those in favor of the weak international law perspective argue that the law is “reactive” rather than “proactive” which makes it more challenging to tackle the issue (Goodwin, 2001).

Furthermore, international law does not require UN peacekeeping troops to provide military protection for refugee camps (Emizet, 2000). Also, while international law does have significant intervention mechanisms in refugee crisis, however, that remains valid for relatively small crisis. A deficiency in addressing mass influx due to the gap in the 1951 refugee convention and its 1967 protocol is an element that limits international law and its ability to provide solutions for large refugee influx (Albozri, 2006). Additionally, the international legal regime is incomplete in terms of providing mechanisms for adequate protection as well as relief assistance that covers the basic needs of refugees (Alborzi, 2006). For instance, it does not mention that refugees have the right to have equal access to legal, social, political and economic rights that local citizens have in host countries (Dunbar-Ortiz & Harell-Bond, 1987). The international law focused on individual refugees who flee their home countries fearing personal persecution, whereas large conflicts and generalized violence were not included in the provisions of international refugee law (Alborzi, 2006). Finally, the notion of “burden-sharing” that is not mentioned in the international refugee law also constitutes another challenge for the international community. The international law does not include a provision that provides efficient mechanisms for a collective problem solving that includes sharing short and long term refugee burden (Alborzi, 2006).

Based on what we have already discussed, we can draw two contradictory observations on our case study. Although efforts are being made to tackle refugee crisis in Lebanon, refugees are suffering in Lebanon. Therefore, this section will analyze the protection deficiencies in Lebanon and inspect whether it is the result of the international law weakness or not.

To start with, we have known earlier that advocates of the weak international refugee law theory argue that the law is reactive rather than proactive. When we look deeply at our case study, we discover that such claim is valid. For instance, at the beginning of the Syrian uprising in 2011, the flow of events led to armed conflicts and an influx of Syrian refugees to Lebanon. But, the international community and the UN agencies were not prepared to address mass influx of refugees. My working experience with UNHCR allowed me to discover that at the early stages of the Syrian crisis, refugees who fled to Lebanon were not allowed to register with UNHCR. It was not until the middle of the year 2012 – more than one year after the conflict eruption in Syria – that the UN refugee agency started to register and assist refugees from Syria. Moreover, the absence of the international response could be observed at many levels. For instance, if one compares a report issued by UNHCR back in 2012 to one issued in 2014 regarding refugee issues in Lebanon, the 2012 report shows that, at that time, the total number of national and international UNHCR staff in Lebanon was 241, whereas in 2014, the total reached 800 (UNHCR, 2012; UNHCR, 2014). The total number of registered Syrian refugees in May 2012 was 17,000 with a waiting period for each Syrian family to register with UNHCR of 56 days compared to a standard worldwide waiting period of 31 days (UNHCR, 2012). In 2012, the monthly average of Syrians fleeing to Lebanon was 60,000. However, due to limited resources, UNHCR was only able to register 17,000 refugees per month (UNHCR, 2012). Because they cannot benefit from protection or relief aids before being officially registered with UNHCR, the Syrian refugees in Lebanon were left at the beginning of the crisis with almost a two month waiting period without any source of national or

international humanitarian assistance or protection. The report concluded that: *“The steep rise in the number of Syrian refugees placed heavy demands on UNHCR. Budgetary and staffing allocations could not keep pace with operational needs, giving rise to gaps in registration, outreach to those with specific needs, assistance to those awaiting registration, and health care”* (UNHCR, 2012). The unmet needs of the most vulnerable refugees that the report showed are the most alarming. For instance, 1,600 vulnerable Syrian families who needed housing could not be reached for assistance due to short staffing and absence of clear emergency responses policies (UNHCR, 2012). Finally, the report stated that UNHCR and the GoL continued discussions over a new memorandum to provide a legal framework for the Syrian refugee response in Lebanon (UNHCR, 2012). Noticeably, we can observe that almost two years after the Syrian uprising and the start of refugee influx, the Lebanese government and UNHCR were still in discussion on how to address the Syrian refugee crisis and under what legal framework. Had the international law been proactive, UNHCR would have been equipped with all necessary tools to tackle this issue from the first day. During my work experience with UNHCR, I was also able to identify several deficiencies in the UN refugee agency’s responses to large refugee influx. For example, one of the main challenges for UNHCR staff in Lebanon and among them myself, was to be able to discover whether the refugees we were interviewing approached the office before and have already registered or not. A double registration was common among refugees who, looking at the scarcity of relief assistance, tried to register more than once hoping that it would increase their chances to receive more aid from UNHCR. In fact, tracking such cases was not an easy task due to the lack of advanced technological tools and equipment. As a result, at every assistance distribution cycle some refugees were able to

receive assistance more than once. Looking at the scarce and limited assistance provided, this was a significant problem since double registration would mean preventing another refugee family from receiving assistance. It was not until the beginning of 2014 - two years after the UNHCR Syrian operation in Lebanon had begun - that we were provided with technological equipment of “eye scanning” that allowed us to be able to identify double registration cases. However, eye scanning technology tools came late, as already more than 1 million refugees had been registered with the agency without being able to completely identify whether they registered before or not. Had the international law regime been more complete, such issues would have been adequately addressed. The refugee law should not only present theoretical provisions for states to abide by. Equally important, the law should provide practical provisions that require states to be actively involved in keeping the UN humanitarian agencies fully at a minimum level of readiness.

Furthermore, among the UN durable solutions for refugees we can identify the third country resettlement solution as well as integration in host communities. However, such solutions can only be efficient when we have a small scale of refugee crisis. Mass refugee influx cannot be solved through resettlement and/or integration. As such, the international law lacks provisions that address the issue of mass Influx of refugees and that gives the specified UN agencies the right mechanisms to tackle this issue. Indeed, based on the review done for this paper, we discover that the international law does not adequately address refugee crises where mass influx occurs. Another gap in the international law could be identified through our case study findings when we analyze the concept of “burden sharing” and how it was applied recently

during the Syrian refugee crisis. For instance, third countries, such as the US and EU, provided limited resettlement opportunities for Syrian refugees in Lebanon. Less than 1 percent of refugees residing in Lebanon were offered resettlement opportunities. Hence, our research findings show that the gap in the international law is represented by the absence of pre-defined burden sharing policies especially when host countries lack the tools to adequately protect and provide assistance for refugees. Other than the lack of refugee number's "burden-sharing", lack of financial burden sharing is identified as a major problem through our case study. Consequently, Lebanon continues to suffer from the lack of financial funds that cover its needs, as well as NGOs needs, to adequately tackle this issue. For instance, the UNHCR inter-agency information sharing portal showed that only 52 percent of the needed funds for the Syrian refugee operation had been provided during 2014. Another gap in the international law is that states do not have any obligation to pledge funds for refugee operations. According to UNHCR: *"International assistance to refugees is channeled through UNHCR, through NGOs, and bilaterally. UNHCR is one of the few UN agencies that depend almost entirely on voluntary contributions to finance its operations. Less than two per cent of UNHCR's annual budget comes from the United Nations; the rest is contributed by states, individuals and the private sector"* (Inter-Parliamentary Union & UNHCR, 2001). Hence, the UNHCR's struggle, which identified funds scarcity as the most significant challenge facing refugee protection in Lebanon (M. Monzer, Personal communication, December 16, 2014), is the result of the gap in international law and the lack of the law implementation mechanisms. The implementation mechanisms in this case should have included articles that require signatory states to share the financial burden of any large refugee crisis response in the

world. To make a further point, Antoine Chedid, the Lebanese Ambassador to the US, stated that the refugee crisis is painful to the Lebanese government, and that Lebanon is over-handling a burden that is “an existential problem” to the country (Slavin, 2013). Chedid, who was speaking at the Woodrow Wilson Center for International Scholars, compared the situation in Lebanon to the equivalent of “... *100 million refugees suddenly entering the United States*” (Salvin, 2013). The ambassador warned that if the status quo would remain unchanged, the GoL will have to prevent Syrians from fleeing to Lebanon through the borders (Salvin, 2013). From that point, many questions could be asked had the Lebanese authorities closed the doors against any refugee influx from Syria. What would be the reaction of the international community? What would happen to those escaping the war? Indeed, it would not be to anyone’s surprise that Lebanon would have been accused of breaching international law and Article 14 of the Human rights law. While on the other hand, the international law did not provide mechanisms that allow developing states such as Lebanon to protect refugees. A research conducted by international aid agency Oxfam showed that countries such as France, Qatar, UAE, Japan, South Korea and Russia are providing less than half of their financial shares that are aimed to tackle the effects of the crisis in Syria including the refugee assistance in Lebanon (Oxfam International, 2013). The research focused on country members of the Development Assistance Committee (DAC) and of the Organization for Economic and Development (OECD) who are considered to be among the richest countries in the world. This research sought the funding information from the “*UN Financial Tracking Service (FTS) and the UN Central Emergency Response Fund, the European Commission’s Humanitarian Aid Department (ECHO), along with other bilateral contributions confirmed by donors*”

(Oxfam International, 2013). The research showed that Qatar and Russia, who are among the most active political actors involved in the Syrian crisis, have only contributed 3 percent of their “fair shares” (Oxfam International, 2013). Based on the concept of burden sharing, Oxfam has calculated the amount that should be given, and that is considered to be a fair share, according to a country’s Gross National Income (GNI) and its overall wealth (Please see annex 4 for the detailed study analysis). According to the head of Oxfam Syria program, Colette Fear on: *“Too many donor countries are not delivering the level of funds that is expected of them, while economic times are tough, we are facing the largest man-made humanitarian disaster in two decades and we have to seriously address it. The scale of this crisis is unprecedented and some countries must start to show their concerns to the crisis in Syria by putting their hands in their pockets”* (Oxfam International, 2013). Furthermore, the research clearly shows the unbalance of the burden-sharing between countries. For instance, countries such as Denmark, Kuwait, Norway, the UK and Sweden are all exceeding their 100percent financial shares reaching sometimes 461 percent in the case of Kuwait (Oxfam International, 2013).

4.1.1 GoL confused refugee protection response

A brief review of the international refugee law and measures that the GoL has taken allows us to conclude that although Lebanon would have had better responsive policies had it been part of the 1951 convention, it would not be sufficient for full refugee protection.

For instance, article 16 of the convention states that *“A refugee shall have free access to the courts of law on the territory of all Contracting States”* (UNHCR, 2010). In fact, the

Lebanese government indirectly granted this right to refugees by allowing UNHCR's legal unit to provide free of charge legal assistance to needy refugees. As part of the counseling, UNHCR staff was to inform refugees that they have the right to call the organization at any time if they face legal challenges. Additionally, UNHCR in collaboration with the Norwegian Refugee Council (NRC) and NGOs in Lebanon created legal assistance centers for refugees who would like to have legal advice on issues such as civil documentation, birth registration, marriage certificates and other social-legal matters (NRC Lebanon, 2014). However, the absence of clearly defined rules and regulations that govern the legal status of refugees in Lebanon has constituted a challenge for both NGOs and Refugees. In addition, this has led to confusion among the Lebanese authorities as well. For instance, the Lebanese government remained relatively strict towards those who had crossed the borders illegally. Ironically, the policy of the GSO was to detain those who crossed the borders illegally but without repatriating them. According to AJEM, GSO detained refugees who crossed illegally. After few weeks in detention, those refugees were given conditional release assuming that they would go back to Syria. However, GSO did not have a tracking mechanism and released refugees would remain in the country until detained again (J. El-Khoury, Personal Communication, December 12, 2014). Hence, for those who were released and could not issue legal residency permit in Lebanon, they would have to reduce their movements and avoid military check points. Certainly, had Lebanon ratified the 1951 convention, that would have constituted a violation for the article 22 of the convention that states that: *"The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their*

territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence” (UNHCR, 2010). A study conducted by NRC Lebanon shows that 73 percent of interviewed refugees who entered illegally had limited freedom of movement as they feared crossing the official checkpoints which added more challenges to accessing basic human living needs such as health services and employment (NRC, 2014). Furthermore, in the case of refugees who entered legally and who had to renew their residency for the third time and pay a charge of USD 200, NRC study discovered that about 30 percent of the interviewed refugees did not renew their residency and are now illegal residents mainly due to the inability to cover the high fees required by the GSO (NRC, 2014). Others had to return to Syria and re-enter Lebanon to avoid paying the residency renewal fees. That, according to NRC, exposed them to “dangerous security risks” as the Syrian borders military checkpoints could detain them or prevent them from coming back to Lebanon (NRC, 2014). Indeed, based on the above findings, we can observe confusion in the behavior of the Lebanese authorities towards refugees. The lack of national legislations and the fact that Lebanon is not a signatory state of the 1951 refugee convention has made it more challenging for the government to address this issue. This case shows the poor response of a country that did not ratify the 1951 convention, but seeks to implement some of its provisions and articles. For instance, further policy confusion could be identified when the GoL granted the Syrian refugees the right to educational access. This meets with article 22 of the 1951 convention requirement: *“The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education”* (UNHCR, 2010). The MEHE collaboration with UNICEF and UNHCR provided free access to public schools for Syrian refugee children. In contrast, the GSO

imposed charges on refugees who would like to renew their residency permit. The two acts contradict each other; one aims at refugee protection and the other one challenges it. This implies a significant confusion that Lebanon's government is facing. More importantly, it reveals the gap in the international law which again fails to provide implementing mechanisms when it comes to addressing refugee crisis. For instance, article 22 gave the rights for elementary education for all refugee children in host countries; however, the law did not consider that a large influx of refugees could prevent the host government that lacks the capacity to address this issue from conforming to the law. MEHE granted free education for Syrian children, but was only able to accommodate 30 percent of them given the limited capacity of the Lebanese public schools. So, what happens next? The gap identified here should have been tackled by the international community either by introducing a new article that grants remaining students, for instance, temporary third country resettlement or any other solution that should be depicted in the international refugee practical law. In short, this section has shown the contradiction of policies that the GoL has been implementing towards refugees where protection is provided in one area and taken away in another. Also, this section has demonstrated that there are gaps in the international law for the articles governing the refugee law tend again to tackle a relatively small refugee crisis rather than large influxes. In that same respect, another gap in the international law was identified regarding the ability to address the basic needs of the refugees other than access to education and legal system. Although, it is one of the most important basic human needs, HealthCare was not mentioned through any article of the international refugee law. In the case of Lebanon, in the previous chapter we discovered that UNHCR is providing up to 75

percent of medical health care coverage. However, we have also discovered that refugees lack the ability to cover the remaining amount of their medical bills. The international law does not oblige countries to provide free of charge medical health for refugees. Thus, the Lebanese government does not have any obligation in that regard. This situation increased the challenges facing Syrian refugees, who on many occasions had to risk their lives by returning to Syria to get medical treatment before returning to Lebanon. Two major gaps were identified here; one is that the declaration of human rights, which Lebanon is signatory to, did not impose any legal framework on the Lebanese authorities to provide free medical services for refugees, and the second is that the international refugee law ignored such important aspect which freed the UN refugee agency from any obligation regarding this issue. In addition, this paper claims that the political divisions in the country and the different perceptions of Lebanese political parties towards this issue led to the GoL policy confusion when it came to how to manage the Syrian refugee crisis. The fear of integrating the refugees in the Lebanese society has led certain political parties to oppose the open door policy. While others have supported this policy and claimed that this is a humanitarian issue and that Lebanon should receive all persons fleeing the war in Syria. That has contributed to further delays in presenting action plans to manage this issue and hence further policy confusion. According to Marwan Charbel, the Minister of Interior and Municipalities at that time, the government was not able to agree on one policy because March 8 representatives suggested that the government prevent refugees from entering the borders and work to establish refugee camps on the Syrian side of the borders while March 14 coalition refused the idea and demanded that Lebanon open the door in front of all refugees because they were escaping the “criminal” Syrian regime

(Charbel, 2014). Based on that, this paper claims that the confusion in the policy is the result of the political disagreement on how to deal with the refugee population rather than it being planned.

4.1.2 Lebanon: a “Cry of Pain”

Another important gap identified in the international law is the absence of articles that tackle the support for host states and host communities. The international law ignores the major challenges that host countries encounter when addressing a refugee issue on their territories, especially those who have limited economic capacity. The case of Lebanon is an example of that where the Lebanese government has been desperately urging the international community to help the country to adequately address this issue. The discussions in Chapter 3 have shown that Lebanon’s economic, social, and security sectors have been badly damaged due to the effects of the Syrian conflict in general and the refugee crisis in particular. The data presented showed that the international community continues to fail the Lebanese government when it comes to adequate financial and political support. The World Bank report shows how the crisis has had disastrous economic effects on Lebanon, where more than 170,000 Lebanese were pushed into poverty, doubling the unemployment rates among Lebanese youth, depressing government revenues and depleting the government’s public infrastructures (World Bank, 2013). The report also suggests that the Lebanese government’s refugee crisis financial burden would reach USD 7.5 billion by the end of 2014, and that Lebanon would need in return billions of dollars to restore its previous infrastructure (World Bank, 2013). Our research has shown that addressing such challenges was not among the international refugee law provisions. Recently, Lebanon’s ambassador to the

US has urged the international community to hear Lebanon's "*Cry of Pain*" and warned that if the international community continues to ignore Lebanon's needs, the government will have to shut its doors to any other refugee influx from Syria (Salvin, 2013). The presented argument on the obligation of the international community to address this issue through supporting host countries, as well as the absence of any obligations previously set by the international law intersects with our previous lack of "Burden-sharing" argument among states. Moreover, the international law ignores the effects of the presence of high numbers of refugees in the host community inside each country. For instance, in chapter three we have seen through the ILO's report that more than 50 percent of working age Syrian refugees are employed or active which contributed to the ever increased Lebanese youth unemployment (ILO, 2013). One can argue that the international refugee law, which reserved a complete chapter (chapter III) of the 1951 Geneva Convention to ensure that refugees receive their full rights as any other national or foreign citizen in terms of employment, ignored the consequences of such policies and their effects on the local citizens in terms of competition and rising unemployment (UNHCR, 2010). As we have seen in Lebanon, this has led to increasing poverty among the Lebanese. As such, in this section we have discovered that the Lebanese case study proves that the international law does not provide mechanisms to handle the burdens that a host country and a host community would have as a consequence of a refugee crisis. Last but not least, this paper argues that the international law is weak because it does not include an article that authorizes the UN peacekeeping missions to protect specific areas where large numbers of refugees are gathered (Emizet, 2000). In fact, this argument adds to Emizet's argument that peacekeeping forces should intervene to avoid massacres

in refugee camps similar to what happened in Congo in 1996 (Emizet, 2000). The peacekeeping missions should be responsible for the safety of any refugee camp around the globe. However, establishing peacekeeping missions holds with it political dimensions due to the fact that it requires a Security Council decision. In other words, the balance of power within the council and the national interest of each member state would be considered first and foremost, rather than how pressing is the humanitarian need to establish such missions. Had that been applied, the GoL would have been able to achieve its aim to set refugee camps on the Syrian-Lebanese borders that are protected by the United Nations. In fact, Lebanon's latest plan initiated by the ministerial committee for the affairs of Syrian refugees in June 2014 included the assigning of the Minister of Foreign Affairs Gebran Bassil to contact regional and international actors to discuss the possibility of establishing refugee camps on the borders and identify the necessary conditions to reach that goal (Al-Mokhtar, 2014). According to Ambassador Antoine Chedid, the plan has been cleared by several national and international stakeholders; however, *"no country has volunteered to protect such a zone"* (Al-Mokhtar, 2014). Indeed, settling some of the refugees in specific locations such as the Zaatari Camp in Jordan might not be as easy as it sounds. Yet, as Chedid has asserted, Lebanon will have an *"existentialist problem"* if the refugee crisis continues to persist (Al-Mokhtar, 2014). It is then clear that as long as the gap in the international law exists regarding the protection of refugee camps, the international community will not commit itself to their creation.

To conclude this section of Chapter four, we have been able to adapt our case study and data presented in chapter three to the conceptual framework developed from the

literature review and that argues that the international community is failing to tackle the refugee crisis because of the gaps in the international law. The findings in our case have concluded that many aspects of the international law are weak which is adding many other challenges that Lebanon has to face to tackle the refugee crisis that erupted since the Syrian conflict in 2011. Most importantly, we have discovered that although Lebanon is not a signatory member of the 1951 Geneva Convention and its 1967 protocol, the country has implemented several policies that are set by the convention itself such as the educational rights of refugee children. As important, we have discovered that the UN refugee agency in Lebanon is working under the international refugee law provisions. Consequently, this allowed us to go through the refugee convention and identify many of the weaknesses in it that could prevent the international community from adequately addressing the refugee crisis. Also, we have discovered that being a signatory member of the declaration of Human rights, which includes an article that grants people the right to seek asylum in second countries, is not sufficient to induce host countries to adequately address refugee crisis. Our case study showed that a government may allow refugees to reside on its territories; however, the living circumstances and conditions might sometimes be as dangerous as living in one's original country which is another weakness in the international law. Finally, we have also discovered that Lebanon lacks specific legislations to handle refugee crisis creating a significant confusion in terms of implementing undefined ad hoc policies such as the refugee entry, residence, and employment in Lebanon. Next, we will identify the political challenges that prevent Lebanon and the international community from adequately tackling the refugee issue.

4.2 Applying Case Study Findings: the Political Perspective

International Refugee Law would not be adequate as long as each state tackles this issue based on the concept of sovereignty and national interest. According to this perspective, host states hesitate to provide refugee protection fearing that it would be a first step towards refugee assimilation and integration in their societies. Religion, ethnicity and nationalism are among several barriers that prevent refugee protection. Hence, preserving the demography and national identity of host states are always considered while tackling refugee issues (Haddad, 2008). The issue of national interest and security has always been preventing some countries from accepting refugees as they tend to associate them to insecurity (Haddad, 2008). Moreover, “political agendas” and “conditional assistance” are also common barriers against refugee protection. On many occasions, major powers conduct bias policies where they tend to secure protection for certain refugees based on their political interest while ignoring others. For instance, refugees fleeing communism were directly granted protection in the West while others fleeing pro-western regimes were ignored for years (Barber, 1997; Harrell-Bond, 1986; Matthew, 2009).

4.2.1 Lebanon refugee strategy: Politics and more

From a political perspective, many aspects of Lebanon’s weak handling of the refugee crisis could be traced to Lebanon’s political conflicts. Part of the literature reviewed has shown that the international law cannot be complete as long as states continue to approach this issue based on preserving their sovereignty and national interest. For instance, amending and improving the international law would require political consensus among the international community. Similarly, the Lebanese political

divisions have contributed to poor refugee protection strategies by the GoL. Many examples were identified while presenting our research findings. For instance, the literature has shown how the circumstances surrounding Palestinian refugee issues in Lebanon have contributed to the outbreak of a civil war in the country. We have also discovered that the fear of demographic changes has prevented the Lebanese governments from ratifying the 1951 refugee convention and its 1967 protocol.

Lebanon's political system is mainly shaped by sectarian dynamics. The political scene is dominated by a system of equilibrium between political actors who struggle for power based on their sectarian belonging. Lebanon's political and sectarian parties' relationship is based on a consociational power-sharing system. However, this system has always been destabilized by the interrelated national and international political dynamics. Disagreement over refugee policies has been one of the major grounds for the ongoing political and armed conflicts in the country's recent history. For instance, in 1948, the Palestinian refugee influx played a key role setting the stage for the Lebanese 1975-1990 war. Some sects feared the integration of Palestinian refugees which could lead to changing the demographic and political balance of power. Therefore, their aim was to defy any government policy that could induce Palestinians to stay in Lebanon. The strategy was preventing them from recognizing Palestinian political or civil rights. Palestinians in Lebanon, gradually became "refugee warriors" and contributed in many ways to the Lebanese 1975-1990 war that later degenerated into a civil war. From that political perspective, one could understand the GoL hesitation and fear of facilitating Syrian refugees' settlement process in Lebanon. Yet, such hesitation has practically meant that political parties in government could not agree on a clear refugee policy. As

such, understanding the Lebanese political context is essential to understating Lebanon's inconsistent response to its refugee crises.

Although Lebanon is not a signatory state of the 1951 convention and its 1967 protocol due to the above political reasons, Lebanon's international commitment to the current refugee crisis has been shaped by several political and legal factors. For instance, Lebanon has signed the Universal Declaration of Human Rights – Article 14 - which in one way or another, commits Lebanon to protecting refugees. However, such international commitments do not induce the GoL to generate better refugee responses. In other words, the political side of this issue has preceded over the legal side obligations.

Hence, as a result of disagreements among its political actors, Lebanon has often placed its domestic political considerations above its international commitments. The Lebanese individual factions' interest has prevailed over the country's overall interest. Indeed, it is important to note that this is not a statement that concludes that Lebanon has not done enough when it comes to Syrian refugees. The figures previously shown, namely the 1.3 million refugees welcomed; prove that Lebanon has contributed to saving thousands of Syrian lives. However, the aim here is to show how the political side of this issue has contributed to confused refugee responses even when international legal obligations existed.

To conclude, the political dimensions of this issue have prevented the Lebanese government from providing adequate protection to Palestinian refugees. Similarly, when the Syrian refugee crisis erupted, the political actors who were represented within

the Lebanese government were not able to agree on one policy to respond to the crisis. Consequently, the government was not able to formulate an immediate policy to respond to the unfolding crisis. While the literature focused on two political dimensions of this issue; one asserting that demography is a major factor against refugee protection, and another one emphasizing the issue of political agenda and interest, our findings suggest that both political dimensions could apply to our case study. In Lebanon, different parties wanted to use Syrian refugees as means to certain political ends. With time, political agendas of Lebanese parties began to be evident. In mid-2014, the decision of the pro-March 14 Minister of interior Nouhad Al-Mashnouq's to withdraw the refugee status from Syrians who go back and forth to Syria has created much political controversy. Thus, we need to analyze this action from a legal perspective to discover whether it is a politically motivated decision or not. First, the international refugee law is defined as follows: "...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it..."(OHCHR, 2015). Definitely, if we tackle this issue without considering the surrounding circumstances of the refugees who decide to go back to their country, we would justify the decision of the Lebanese government. However, as we have seen, with the amount of suffering refugees are encountering in Lebanon especially in terms of health access and the high cost of living, some of them have no choice at a certain stage but to go back to Syria and expose themselves to danger in order to benefit from low cost services such as

hospitalization. As such, the Lebanese government's decision is controversial and might be holding political messages for refugees who support the Syrian regime. For instance, parties from March 8 such as the Syrian Nationalist Party (SSNP) stated that *"this political decision is an apparent attempt to put direct pressure on the Syrians to prevent them from exercising their democratic right to elect a president in Syria. ... Such a decision is contrary to the most basic rules and values"* (Al-Mokhtar, 2014). The decision of the Minister of Interior and Municipalities Al-Mashnouq taken hours before the Syrian presidential elections was then perceived as targeting Syrians who were willing to cross the borders to vote for President Bashar El-Assad and return to Lebanon. Several pro-Syrian regime Lebanese parties attacked that decision and claimed that it revealed the Future Movement and March 14th fear of the expected high rates of participation of the Syrian refugees in Lebanon in the Syrian presidential elections (Al-Mokhtar, 2014). In addition, UNHCR's response was critical of the GoL decision and stated that the agency would not fully collaborate with the government concerning this issue, wondering if *"it was normal to lose the refugee status for jeopardizing your own life to check on a relative or your property"* (Naharnet, 2014). Indeed, one can conclude that this issue may have different political interpretations and implications; however, from the legal perspective, such decisions should be taken carefully and implemented while considering the surrounding dynamics. To summarize, we just presented an argument that shows how politics could interfere and prevent adequate protection and refugee assistance on the national level. Next, we will examine how political consideration at the international level may lead to inadequate refugee protection.

4.2.2 Third country resettlement dilemma: Politics and more

Although the international refugee law requires the United Nations to provide durable solutions for refugees including resettlement to third countries, all foreign countries continue to hesitate to grant resettlement for Syrian refugees in Lebanon. In the previous chapters, we have seen that the EU, the US and Australia have opened relatively few opportunities for refugee resettlement that do not exceed 1 percent of the total refugee population. With the ongoing conflict in Syria extending to Iraq and to a lesser degree to Lebanon, various political considerations start to influence the decisions of other potential host countries. For instance, the total number of Syrian refugees in the region accepted for resettlement in Europe and Latin America reached 34.7 thousand compared to more than 2.5 million refugees existing in the neighboring countries of Syria (European Resettlement Network, 2014). Obviously, the figures show a lack of responsive measures taken to find durable solutions for refugees although the international law does mention resettlement as one of the solutions. According to the Guardian journalist Eleanor Acer, the US is doing too little and must do more in terms of resettlement given the gravity of the issue at stake. Acer observed that the US is still hesitating on this matter because refugees are mislabeled as terrorists and constitute a great danger to the US national security (Acer, 2014). Acer continues to observe that the UK tackled the issue from the same US perspective and that other countries such as Bulgaria and Greece have taken preventive measures to disallow Syrian refugees from entering their territories which contradicts with the essence of the international law (Acer, 2014). According to the European Council Committee on Migration, Refugee and Displaced Persons, about 691,000 refugees globally and among them Syrian refugees are in need of resettlement this year while there are only 80,000 places

available (Council of Europe, 2014). In addition, Wren Maurice, the chief executive of the British Refugee Council argued that the domestic constituency that opposed migration has been essential in the British government hesitation to provide resettlement opportunities for Syrian refugees (Chulov & Grant, 2014). According to the UN commissioner for refugees Antonio Guterres: *“While countries neighboring the conflict are being asked to keep their borders open, I find it disconcerting how many Syrians struggle to find protection in Europe, with reports of people being pushed back from a number of borders. And all this is happening although the overall numbers are small in comparison – Turkey alone has received 10 times the number of Syrian refugees as all EU member states together”* (Chulov & Grant, 2014). Indeed, the above arguments show how much political considerations, such as national security, constitute obstacles against finding durable solutions for Syrian refugees. Countries such as the US and UK continue to be influenced by their societies’ prejudice over refugees. In Europe, we discovered that several countries such as Greece and Bulgaria prevent Syrian refugees from crossing their borders while others only provided few resettlement opportunities. Perceiving refugees as terrorists have had its impact over the policy making of several foreign countries. However, it is noticeable that some EU member states such as Germany, Sweden, Norway and Denmark are more concerned towards this issue than the US and UK. Such countries tend to look more at the humanitarian side of this issue and hence respect the international refugee law and its convention. For instance, Germany has offered a resettlement program for vulnerable Syrian refugees in Lebanon that allowed thousands of them to benefit from 3 years temporary resettlement to Germany. On the other hand, the US and UK are still reluctant to receive such numbers of refugees. Hence, this

shows the difference in policy behavior between governments that tend to consider national interest and between governments that tend to have more of humanitarian response policies.

Furthermore, several Gulf countries such as UAE and KSA have been preventing Syrian nationals of any access to their territories regardless of whether they are seeking asylum, economic migrants or even visiting family members. During my time at UNHCR, I interviewed many Syrian nationals who lived and worked in the Gulf for several years before the crisis. After the Syrian crisis erupted and once their residency permit expired, the authorities refused to renew the residency and asked them to leave the country. In addition, many of whom I interviewed stated that they had hopelessly tried to apply for a visa to the Gulf countries but had been denied, even when they had family there. For instance, Al-Akhbar Lebanese newspaper conducted a conference call with a Syrian national that is residing in Kuwait. The woman, who refused to reveal her name in the article entitled “*Syrians simply could not get in*”, gave the example of her uncle who has been living and working in KSA for 30 years owning an investment company and that was being denied access to Kuwait when he requested a visa to visit his parents there (Al-Saadi, 2013). The newspaper stated that after the Syrian crisis, which started in spring 2011, Kuwait banned all Syrians from entering the country (Al-Saadi, 2013). Obviously, the Gulf countries conducted a policy of preventing any form of visas for Syrian nationals after the Syrian crisis has erupted. Such decisions are understood to be holding political considerations as they aim at preserving national security and preventing the Syrian “fire” from reaching the Gulf countries.

In this section, we have discovered that the prejudiced and often racist attitude of certain groups and political party supporters in some countries have impacted the political decisions of governments regarding accepting or not, more resettlement applications for refugees. We have also discovered that the restrictive security policies and national interest protection in certain countries of the region of the Gulf and Lebanon is contributing to more refugees suffering. National political dynamics in terms of demography and religion have also played a role in the government's decisions towards refugees similar to what happened with GoL at the beginning of the influx. Therefore, we can conclude that the national and international political perspective of the refugee crisis in Lebanon has contributed to the weak response and suffering of refugees. In the next chapter, we will draw conclusions to be able to come up with an answer to the research question and allow us to finalize the framework we have started to build from the first chapter.

Chapter Five

Conclusion and Summary

5.1 Conclusion

In this Chapter, I try to develop an answer to the research question building on the data collected and the analysis outlined in the previous chapter. First, the theoretical framework of the weak intervention in the refugee crisis has focused on two major arguments and provided several observations that apply to other conflicts as mentioned in the literature review. The first argument claims that the international law is incomplete; therefore, it is not allowing the international community to adequately tackle this issue. The second argument claims that the political agenda that each state adopts when tackling this issue is a main reason behind the failure of refugee protection. Our major concern was to find out whether the national and international law allow the actors involved to assist the refugees and adequately tackle the issue. Hence, we gathered data on the situation of Syrian refugees and found that although efforts are being made to tackle this issue, Syrian refugees continue to suffer in Lebanon. The international law states that refugees should live in dignity in their place of asylum, whereas in Lebanon refugee protection and assistance remains incomplete. The case of Lebanon has shown that the international law is weak because it is reactive rather than proactive. Also, we have discovered that the law lacks articles that address large influx of refugees which is also related to the absence of the concept of “burden sharing” in the international law. In addition, the international law is incomplete due to the fact that it does not address the consequences of the refugee crisis on the host communities as is the

case in Lebanon.

Finally, our case study has shown that the international law is incomplete due to the fact that it lacks adequate implementation mechanisms to protect refugees. The failure to form UN peacekeeping troops to protect possible refugee camps on the borders between Lebanon and Syria is a great example of that.

This paper also claims that the political agenda of the national and international political actors that are involved in the refugee crisis in Lebanon has often been a contributing factor to the refugee crisis. At the national level, the Palestinian refugees' bad experience that the Lebanese have witnessed, which was the result a combination of socio-political dynamics, has been raising the Lebanese people's fears of going through similar events. In addition, we have seen that the Lebanese political parties sought to use the issue of refugees to achieve certain political agendas. As a result, this paper argues that the domestic political dynamics of the refugee issues in Lebanon have been contributing to their sufferings.

On the international level, the low resettlement opportunities for Syrian refugees, is due to the foreign governments' national security and demography considerations. As such, this paper claims that international politics based on national interest have also been contributing to refugee suffering.

In other words, this paper's hypothesis is that the international law is not enabling the international community and Lebanon to adequately address the refugee issue. Also, we have discovered that the gap in the international refugee law has allowed the political consideration of the local and international actors to contribute to increased refugee suffering. Particularly, through studying the various aspects of the refugee crisis in Lebanon, this paper has discovered that the international law is weak and lacks adequate

implementation mechanisms that are essential to induce the international community and the national governments to provide protection for refugees. Consequently, this paper claims that political groups have been benefiting from the weakness of the international law in order to implement some policies that advance their political agendas leading to further refugee suffering. For instance, the lack of resettlement strategies implementation and the lack of any obligation mechanism have allowed the international community to disregard its responsibilities due to political considerations. Thus, the incomplete international law has led states to continue to generate policies based on their national interest and political agenda. To further elaborate on this argument, a complete international law would have led to better refugee protection outcomes. For instance, in the case of financial and resettlement burden-sharing, the international refugee law could have provided implementation mechanisms such as dividing the financial and human refugee burdens in mass influxes among the UN member states according to each state's capacity. In case member states refuse receiving their proposed share of refugees, the provision shall require them to financially compensate host countries until the problem is solved. Had such implementing mechanisms existed, states would have had to weigh their options and take into account several considerations before advancing their political agendas over refugee protection. In practice, our case study shows that providing implementing mechanisms for sharing the financial burdens of the refugee crisis would lead the international community to improve the quality of the relief assistance in terms of health, education and food access. In Lebanon, as we have seen earlier, UNHCR has been able to gather only 52 percent of the required funds in 2014. As a result, that led to relief assistance gap where not all refugees have been receiving food aids, and all of them were not fully covered in terms

of health care. Had the international law been able to provide mechanisms to induce states to fully fund the UNHCR refugee response in Lebanon, the refugee suffering would have been diminished. As for the Lebanese government and host communities, had the international law included articles that require member states to provide adequate assistance for host countries and their communities, Lebanon would have been able to improve the response and the tensions between the host communities and refugees would have been lessened. As we have seen earlier, the increasing tensions between the host communities and refugees is mainly due to the competition over scarce resources that was brought by the large influx of refugees. To conclude, this paper suggests that the international law lacks implementing mechanisms allowing the authorities to ignore it in order to preserve their political and national interests. Our findings allowed us to notice the level of interrelation between the legal and the political dimension of this issue. For instance, improving other areas in the international law, such as introducing articles that tackle establishing refugee camps protected by the United Nations' peacekeeping missions, requires political consensus among the international community member states. Without international agreement, the law cannot be amended.

Lebanon's case represents a good example that embodies the complexity of political and legal interrelation. The confusion that exists in the Lebanese government regarding recent refugee response policies is mainly due to political and demographic considerations that also led to the non-signing of the 1951 convention. Again, similar to the crisis response on the international level and all its considerations mentioned above, on the national level, the political considerations have been disabling the country to establish adequate legislations to tackle any refugee crisis. The recent Syrian refugee

crisis has shown that political parties in Lebanon have not learned from our recent history mistakes and continued to use refugees as means to reach their political ends. Consequently, the Lebanese government has not been able to establish an adequate response to the crisis until there was political consensus among Lebanese political parties. Once reached, political consensus led to better refugee protection strategies and decisions. The consensus was reflected in the action plans set by the government ministerial committee for the affairs of Syrian refugees that included representatives from the different political parties (Al-Moktar, 2014). For the first time, Lebanon seemed to be eager to find long term solutions for the refugee crisis by raising the voice and approaching the regional and international actors to discuss possible solutions.

Finally, the above analysis would lead us to reaffirm this paper's argument that the international law does not adequately allow the national and international community to tackle the refugee crisis in Lebanon. However, this paper's findings highlight the interrelation between the legal contexts, on one hand, and the political context of any refugee crisis on the other hand, and that any improvement in the national and international refugee law needs political consensus among concerned actors before anything else. Next, we summarize the arguments of the previous chapters and provide recommendations for the national and international levels based on our findings and conclusions to adequately address the refugee crisis.

5.2 Summary of the Chapters

This paper consisted of 5 chapters that covered an introduction to the topic, a literature review, data presentation and analysis and finally a concluding chapter. In the first chapter, we introduced the topic by presenting an overview of the refugee problem

worldwide as well as a brief historical background on the emergence of the idea of “refugee” and the evolution of the human’s reaction to such a problem. We have found out that, throughout history, refugees have often been enslaved, exploited and abused. With time, the notion of “refugees” started to take different dimensions as some societies started to benefit from their existence to improve their own lot such as in the case of the Austro-Hungarian Empire with regard to the Jews refugee population (Wilson & Drozdek, 2004). Later on, we have discovered that the end of the Second World War brought with it the 1951 Geneva Convention that established a legal framework for refugee protection (Goodwin-Gill, 2001). We later defined who is a refugee according to the international law and the UNHCR mandate and discovered that refugees are people who escape intolerable conditions such as threat to life and oppression due to ongoing wars or natural disasters in their home country. Afterwards, we provided a section that introduces our case study where we briefly discussed the issue of the Syrian refugee crisis in Lebanon and its economic and social implications for Lebanon and the refugees themselves. We discussed how the Lebanese government conducted an “open door” policy which led to approximately 1.2 million registered refugees in a country of 4 million indigenous inhabitants. Then, we tackled Lebanon’s never ending refugee crisis that started with the Palestinians and continued with the Iraqi refugees in the country’s recent history. The chapter continued to discuss the importance and the rationale for the topic selection just before providing a framework that introduced the structure of the thesis.

In the second chapter, we went through the literature on the chosen subject before analyzing it and coming up with a research question and research methodology. We

have discovered that, in general, the literature focuses on several aspects of the refugee crisis. The first tries to capture the state and the suffering of the refugees worldwide. The second aspect highlights the legal aspect of this issue through studying the efficiency of the international law and discussing the main arguments that lead the authors to conclude that the international refugee law is weak. The third aspect of analyzing the international community failure to address refugee issues focused on the political perspective and the national interest and political agenda factors that states consider when tackling this issue. In particular, the literature reviewed regarding the case of the refugees in Lebanon focused on the practical aspect of this issue rather than the theoretical one. For instance, the literature described the daily challenges facing refugees and the GoL. The roots and causes for refugee suffering in Lebanon were not thoroughly described. Therefore, this paper highlighted the factors contributing to this crisis. Namely, we found out that the factors were a confluence of interrelated national and international dynamics that are shaped by the weak international law. Finally, chapter two ended with defining our research methodology which focused on my personal observations during my field experience with the UN refugee agency in Lebanon, as well as referring to the assessment studies and official reports presented by the international organizations on the situation of refugees in Lebanon and the consequences of the crisis for the Lebanese government.

The third chapter was dedicated to thorough data presentation on the status of the Syrian refugees in Lebanon and its impact on the Lebanese economic, social and political life. We discussed the journey of a Syrian refugee from the day s/he leaves Syria until the

moment s/he settles in Lebanon based on firsthand testimonies. Then, we referred to several sources to present how Syrian refugees are being assisted in Lebanon and what is still lacking to lessen their suffering. Afterwards, we discussed in figures the influence of the refugee crisis on the Lebanese economy from different perspectives and discovered that this issue is deeply damaging to the Lebanese economic system. Also, we presented figures about the effects of the large influx of refugees on local Lebanese host communities where we found that significant numbers of Lebanese have been pushed into poverty due to the effects of the refugee crisis. Later, we discussed the GoL and the international community response to the crisis and discovered that it was confused and inadequate. Finally, we discussed the legal framework that the Syrian refugees in Lebanon are being treated under and observed that there is no specific framework other than the legal text that governs the rights of any other foreign national on the Lebanese territories as well as the bilateral agreements previously set between Lebanon and Syria. Important information presented in this chapter was gathered from interviews conducted with important organizations and actors deeply involved in this issue.

The data presented in Chapter 3 provided solid bases for our analysis in chapter 4 that focused on framing the findings within one perspective that best matches the hypothesis. In fact, chapter four went from general to specific in terms of applying the findings and identifying which perspective matches best the realities on the ground. First, we provided a general overview of both perspectives found in the literature, namely the political perspective which focused on the political agenda and interest and the legal perspective which focused on the gaps in the international law. Then, we were able to

identify why and where the national and international actors failed to adequately address the Syrian refugee crisis in Lebanon. The final chapter presented the research findings. Chapter 5 also formulated an argument based on the research findings that suggest that a refugee crisis in Lebanon is due to a confluence of things. Namely the poor national legislations, poor international law provisions and weak support from the major powers.

5.3 Recommendations for the International Community

The recommendations are going to be divided into two categories: one on the international level and the other on the national level. As we have seen throughout this paper, the international refugee law seems to be weak because it lacks articles that tackle the issue from all its aspects. Also, it lacks implementation mechanisms that require the international community to assume full responsibility. Indeed, the weakness of the international law has led to major gaps in the international community response and as such, its ability to act effectively and efficiently. Emphasizing the importance of formulating effective refugee protection policies could be the starting point for saving lives. That leads us to critic the combination of humanitarian versus politically based decision making phenomena that the international system has been hostage to in the past decades when tackling refugee crisis and call for separating the two processes in the future. This paper recommends that politics serve in improving the international refugee law not vice versa. Below are some recommendations on how to update the legal instruments of the refugee law:

- Introducing a chapter that is related to the large influx of refugee which includes:
 - Finding efficient durable solutions for large influx of refugees such as temporary resettlement policies.

- Establishing an emergency fund that is specified to large refugee influxes worldwide, and that would be a preemptive measure.
- As a preemptive measure, establishing a monitoring unit at UNHCR that is responsible to identify and assess refugee situations. The aim here is to identify and respond quickly to any refugee crises.
 - As a preemptive measure, establishing an emergency response unit at UNHCR that is always prepared and ready to intervene in newly emerging refugee crisis.
 - Expanding UNHCR's role to become a supervisory one to ensure that all member states are engaged and comply with their obligations towards the international refugee treaties.
 - Adding an article that is related to providing fully covered health services for all refugees.
 - Adding an article that is related to providing full food access for all refugees.
 - Adding a chapter that introduces a support to the host country's economic and social structure especially in cases of large refugee influxes.
 - Adding an article within the introduced chapter that provides direct support for host communities and host governments.
 - In the international law, states that have refugee camps on their territories are primarily responsible to protect the rights of the refugees (Good-Win & Mc Adam, 2007). However, based on our findings and in order to find durable solutions if resettlement and integration options are sufficient, it is recommended that the United Nations take full responsibility of refugee camps in terms of management and protection.

- Since sometimes this is being differently interpreted according to the states' interest, the work should focus on defining the ambiguous articles in the international refugee law especially those related to refugee definition.
- Introducing new implementation mechanisms and instruments to the international law to tackle the following:
 - Making sure that all refugees have full access to their social, economic, legal and political rights.
 - Establishing an implementation mechanism that requires all member states to share the financial burden of the overall refugee crisis.
 - Establishing an implementation mechanism that requires all member states to share the refugee influx burden of the overall refugee crisis in terms of resettlement opportunities.
- Introducing an instrument with a pre-defined set of policies and procedures to address refugee crisis in countries that are not signatory of the 1951 Geneva Convention.
- Introducing a legal text to the law where all parties involved in a conflict resulting in refugees are held accountable.

Certainly, the above recommendations are solely based on this research paper's findings as the subject studied could cover many other aspects which could present more solutions in terms of refugee protection. Finally, the notion of political consensus among the international community is mostly required in order to be able to introduce new instruments to the international refugee law. Therefore, this paper recommends that the involved actors discuss the international law deficiencies and agree on the potential

solutions. Next, we will provide some recommendations to the Lebanese government concerning the refugee crisis.

5.4 Recommendations for the Lebanese Decision Makers

As we have also seen, Lebanon lacks specific legislations that address refugee crisis which creates a significant confusion in terms of implementing undefined ad hoc policies. This was the case in the recent Syrian refugee crisis and included refugee entry, residence, and employment in Lebanon. Therefore, the following are recommendations based on the paper's findings and that are targeted to loosen the burden over the Lebanese economy:

- Expanding public services including health and education to accommodate all the refugee population.
- Calling the international community to introduce short and mid-term developmental programs that target the Lebanese host communities and Syrian refugees as follows:
 - Creating job opportunities for both host community and refugees.
 - Strengthening the Lebanese educational system to allow it to welcome all school-aged refugee children.
 - Strengthening the health care system to meet the needs of all refugees with a full medical coverage including establishing mobile clinics in overcrowded refugee areas.
 - Strengthening the municipalities' financial, technical, and human capacity to tackle day-to-day refugee and host communities' problems.

- Introducing micro-finance programs to enhance micro-enterprises creation among Lebanese and refugees.
 - Introducing capacity building programs for Syrian refugees including vocational educational support.
- Expanding the food coupons distribution to include all refugees as well as the Lebanese host communities that are most affected.
 - Providing Lebanese households that are hosting Syrian refugees with financial and material compensation.
 - Increasing the number of Lebanese security forces and enhancing their technical training to better deal with refugee situations all over the country.

In addition, the following are other recommendations to the Lebanese government in order to decrease the refugee suffering in Lebanon:

- Decrease the yearly fees charged on refugees to renew their residency permits.
- Recognize the registration certificate issued by UNHCR for refugees upon registration to be a personal proof of identity and legal residency permit in Lebanon, especially for those refugees who cross illegally and have direct protection concerns in Syria.
- The Lebanese government should demand the lifting of night curfews imposed by some municipalities.
- The latest decision of the ministry of interior and municipalities to take away the refugee status of those who go back and forth to Syria should be reconsidered. In that respect, the GoL should manage this by establishing a criteria for those who wish to go back for a few days. For instance, since refugees in Lebanon are

not fully covered in terms of health care, individuals who have health issues that are not covered in Lebanon could be allowed to go to Syria for hospitalization and come back.

Finally, Lebanon should reconsider the policies conducted towards refugees starting with ratifying the 1951 Geneva Convention along with its 1967 protocol as the current crisis proved that Lebanon is committed to the international law. The Lebanese political parties should refrain from taking advantage of the refugees and using them as political agendas. The Lebanese government should continue to seek international consensus on the importance of establishing refugee camps on the Syrian side of the borders as long as the international community continues to hesitate to absorb more refugees under resettlement programs.

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Annexes

(Annex1) 1948 Universal Declaration of Human Rights

Article 1.

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2.

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3.

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

Article 4.

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5.

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6.

- Everyone has the right to recognition everywhere as a person before the law.

Article 7.

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8.

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9.

- No one shall be subjected to arbitrary arrest, detention or exile.

Article 10.

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11.

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12.

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13.

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14.

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15.

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16.

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17.

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 18.

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19.

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20.

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

Article 21.

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22.

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23.

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24.

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25.

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26.

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27.

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28.

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

(Annex2) Convention against Torture

PART I

Article 1

1. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

2. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 3

1. No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4

1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

Article 5

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

- (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
 - (b) When the alleged offender is a national of that State;
 - (c) When the victim is a national of that State if that State considers it appropriate.
2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.
2. Such State shall immediately make a preliminary inquiry into the facts.
3. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.
4. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

Article 7

1. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.
2. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.
3. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

Article 8

1. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.
2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

Article 10

1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.
2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.
2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.
2. The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion.

PART II

Article 17

1. There shall be established a Committee against Torture (hereinafter referred to as the Committee) which shall carry out the functions hereinafter provided. The Committee shall consist of ten experts of high moral standing and recognized competence in the field of human rights, who shall serve in their personal capacity. The experts shall be elected by the States Parties, consideration being given to equitable geographical distribution and to the usefulness of the participation of some persons having legal experience.
2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals. States Parties shall bear in mind the usefulness of nominating persons who are also members of the Human Rights Committee established under the International Covenant on Civil and Political Rights and who are willing to serve on the Committee against Torture.
3. Elections of the members of the Committee shall be held at biennial meetings of States Parties convened by the Secretary-General of the United Nations. At those meetings, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
4. The initial election shall be held no later than six months after the date of the entry into force of this Convention. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.
5. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the chairman of the meeting referred to in paragraph 3 of this article.
6. If a member of the Committee dies or resigns or for any other cause can no longer perform his Committee duties, the State Party which nominated him shall appoint another expert from among its nationals to serve for the remainder of his term, subject to the approval of the majority of the States Parties. The approval shall be considered given unless half or more of the States Parties respond negatively within six weeks after having been informed by the Secretary-General of the United Nations of the proposed appointment.
7. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 18

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, inter alia, that:
 - (a) Six members shall constitute a quorum;
 - (b) Decisions of the Committee shall be made by a majority vote of the members present.
3. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under this Convention.
4. The Secretary-General of the United Nations shall convene the initial meeting of the Committee. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
5. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 3 of this article.

Article 19

1. The States Parties shall submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have taken to give effect to their undertakings under this Convention, within one year after the entry into force of the Convention for the State Party concerned. Thereafter the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request.
2. The Secretary-General of the United Nations shall transmit the reports to all States Parties.
3. Each report shall be considered by the Committee which may make such general comments on the report as it may consider appropriate and shall forward these to the State Party concerned. That State Party may respond with any observations it chooses to the Committee.
4. The Committee may, at its discretion, decide to include any comments made by it in accordance with paragraph 3 of this article, together with the observations thereon received from the State Party concerned, in its annual report made in accordance with article 24. If so requested by the State Party concerned, the Committee may also include a copy of the report submitted under paragraph 1 of this article.

Article 20

1. If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory of a State Party, the Committee shall invite that State Party to co-operate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations which may have been submitted by the State Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently.
3. If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the co-operation of the State Party concerned. In agreement with that State Party, such an inquiry may include a visit to its territory.
4. After examining the findings of its member or members submitted in accordance with paragraph 2 of this article, the Commission shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.
5. All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential and at all stages of the proceedings the co-operation of the State Party shall be sought. After such proceedings have been completed with regard to an inquiry made in

accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.

Article 21

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under this Convention. Such communications may be received and considered according to the procedures laid down in this article only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be dealt with by the Committee under this article if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure;

(a) If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation or any other statement in writing clarifying the matter, which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;

(b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;

(c) The Committee shall deal with a matter referred to it under this article only after it has ascertained that all domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention;

(d) The Committee shall hold closed meetings when examining communications under this article; (e) Subject to the provisions of subparagraph

(e), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for the obligations provided for in this Convention. For this purpose, the Committee may, when appropriate, set up an ad hoc conciliation commission;

(f) In any matter referred to it under this article, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;

(g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;

(h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:

(i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;

(ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report.

In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received under this article after the notification of

withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 22

1. A State Party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. The Committee shall consider inadmissible any communication under this article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of this Convention.

3. Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

4. The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned. 5. The Committee shall not consider any communications from an individual under this article unless it has ascertained that:

(a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;

(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of this Convention.

6. The Committee shall hold closed meetings when examining communications under this article.

7. The Committee shall forward its views to the State Party concerned and to the individual.

8. The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 23

The members of the Committee and of the ad hoc conciliation commissions which may be appointed under article 21, paragraph 1 (e), shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 24

The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.

PART III

Article 25

1. This Convention is open for signature by all States. 2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 26

This Convention is open to accession by all States. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 27

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession. 2. For each State ratifying this Convention or acceding to it after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or accession.

Article 28

1. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20. 2. Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 29

1. Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all the States Parties for acceptance. 2. An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes. 3. When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

Article 30

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

2. Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not consider itself bound by paragraph I of this article. The other States Parties shall not be bound by paragraph I of this article with respect to any State Party having made such a reservation.

3. Any State Party having made a reservation in accordance with paragraph 2 of this article may at any time withdraw this reservation by notification to the Secretary-General of the United Nations.

Article 31

1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

2. Such a denunciation shall not have the effect of releasing the State Party from its obligations under this Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.

3. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 32

The Secretary-General of the United Nations shall inform all States Members of the United Nations and all States which have signed this Convention or acceded to it of the following:

- (a) Signatures, ratifications and accessions under articles 25 and 26;
- (b) The date of entry into force of this Convention under article 27 and the date of the entry into force of any amendments under article 29;
- (c) Denunciations under article 31.

Article 33

1. This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.

(Annex 3) 1951 Geneva Convention

Convention relating to the Status of Refugees

**Adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened
under General Assembly resolution 429 (V) of 14 December 1950
Entry into force: 22 April 1954, in accordance with article 43**

Chapter I

GENERAL PROVISIONS

Article 1 - Definition of the term "refugee"

A. For the purposes of the present Convention, the term "refugee" shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "events occurring before 1 January 1951" in article 1, section A, shall be understood to mean either (a) "events occurring in Europe before 1 January 1951"; or (b) "events occurring in Europe or elsewhere before 1 January 1951"; and each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;

(6) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

Article 2 - General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3 - Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4 - Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 5 - Rights granted apart from this Convention

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

Article 6 - The term "in the same circumstances"

For the purposes of this Convention, the term "in the same circumstances" implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

Article 7 - Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.
2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.
5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8 - Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9 - Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 10 - Continuity of residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 11 - Refugee seamen

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

Chapter II

JURIDICAL STATUS

Article 12 - Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.

2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13 - Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14 - Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting States, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15 - Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16 - Access to courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from caution judicatus solvi .
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Chapter III

GAINFUL EMPLOYMENT

Article 17 - Wage-earning employment

1. The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.
2. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - (a) He has completed three years' residence in the country;
 - (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;
 - (c) He has one or more children possessing the nationality of the country of residence.
3. The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

Article 18 - Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19 - Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Chapter IV

WELFARE

Article 20 - Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21 - Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22 - Public education

1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 23 - Public relief

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

Article 24 - Labour legislation and social security

1. The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters;

(a) In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;

(b) Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

(i) There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;

(ii) National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.

2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.

3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.

4. The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Chapter V

ADMINISTRATIVE MEASURES

Article 25 - Administrative assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this article shall be without prejudice to articles 27 and 28.

Article 26 - Freedom of movement

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.

Article 27 - Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28 - Travel documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by Parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29 - Fiscal charges

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30 - Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

Article 31 - Refugees unlawfully in the country of refuge

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

2. The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

Article 32 - Expulsion

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.

2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.

3. The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

Article 33 - Prohibition of expulsion or return ("refoulement")

1. No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

Article 34 - Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Chapter VI

EXECUTORY AND TRANSITORY PROVISIONS

Article 35 - Co-operation of the national authorities with the United Nations

1. The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.

2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:

- (a) The condition of refugees,
- (b) The implementation of this Convention, and
- (c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

Article 36 - Information on national legislation

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

Article 37 - Relation to previous conventions

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between Parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

Chapter VII

FINAL CLAUSES

Article 38 - Settlement of disputes

Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

Article 39 - Signature, ratification and accession

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations. It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

2. This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 40 - Territorial application clause

1. Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

2. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.

3. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

Article 41 - Federal clause

In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

Article 42 - Reservations

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36-46 inclusive.

2. Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

Article 43 - Entry into force

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

Article 44 - Denunciation

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.

3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

Article 45 - Revision

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

Article 46 - Notifications by the Secretary-General of the United Nations

The Secretary-General of the United Nations shall inform all Members of the United Nations and non-member States referred to in article 39:

(a) Of declarations and notifications in accordance with section B of article 1;

(b) Of signatures, ratifications and accessions in accordance with article 39;

(c) Of declarations and notifications in accordance with article 40;

- (d) Of reservations and withdrawals in accordance with article 42;
- (e) Of the date on which this Convention will come into force in accordance with article 43;
- (f) Of denunciations and notifications in accordance with article 44;
- (g) Of requests for revision in accordance with article 45.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

Done at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

(Annex 4) OXFAM Fair Share Analysis Study

REQUIRED FUNDS (\$m)	5880
AVAILABLE FUNDS (\$m)	3154
SHORTFALL (\$m)	2726
% FUNDS COVERED	54%

DAC share (%)	60%	(see note below)
DAC share (\$m)	3528	

Colour coding

>90% fair share contributed
50-90% fair share contributed
<50% fair share contributed
shortfall >\$5m

		Bilateral pledge for Syria 2013 so far (\$m)	Imputed share of CERF & ECHO (\$m)	Total incl. CERF/ECHO share (\$m)	Fair share in \$m	Shortfall (\$m)	% of fair share contributed	
Source:		sheet 4	sheet 8	C + D	sheet 1	G - E	E / G	
Bilateral DAC members	Australia	64.7	1.3	66.0	79.8	13.8	83%	Australia
	Austria	4.7	12.3	17.0	33.4	16.4	51%	Austria
	Belgium	16.1	16.3	32.5	42.3	9.8	77%	Belgium
	Canada	85.4	2.2	87.6	137.3	49.7	64%	Canada
	Denmark	51.5	12.8	64.3	28.0	-36.3	230%	Denmark
	Finland	11.3	9.0	20.3	21.5	1.2	94%	Finland
	France	15.4	93.3	108.7	230.9	122.2	47%	France
	Germany	188.2	105.1	293.3	296.0	2.7	99%	Germany
	Greece	0.1	10.7	10.8	25.9	15.1	42%	Greece
	Ireland	7.6	6.6	14.2	15.2	1.0	93%	Ireland
	Italy	14.1	71.0	85.1	179.3	94.2	47%	Italy
	Japan	82.0	0.2	82.2	496.2	414.0	17%	Japan
	Korea, Republic of	1.1	0.3	1.4	89.9	88.5	2%	Korea, Republic of
	Luxembourg	6.0	1.8	7.8	3.4	-4.4	232%	Luxembourg
	Netherlands	16.0	24.9	40.9	68.5	27.6	60%	Netherlands
	New Zealand	0.0	0.1	0.1	10.8	10.6	1%	New Zealand
	Norway	43.3	5.7	49.0	36.7	-12.3	134%	Norway
	Portugal	0.0	7.6	7.6	19.6	12.0	39%	Portugal
	Spain	9.3	47.3	56.5	123.0	66.5	46%	Spain
	Sweden	36.0	18.7	54.7	41.4	-13.3	132%	Sweden
	Switzerland	16.0	0.5	16.5	50.4	33.9	33%	Switzerland
HI Non-DAC	United Kingdom	241.6	70.5	312.1	202.0	-110.1	154%	United Kingdom
	United States	818.2	0.4	818.6	1296.6	478.0	63%	United States
	Kuwait	324.0	0.1	324.1	70.2	-253.9	461%	Kuwait
	Russian Federation	17.8	0.2	18.0	620.4	602.4	3%	Russian Federation
	Qatar	2.7	0.0	2.7	78.7	76.0	3%	Qatar
	Saudi Arabia	373.0	0.0	373.0	200.0	-173.0	187%	Saudi Arabia
	United Arab Emirates	47.3	0.0	47.3	143.3	96.0	33%	United Arab Emirates
	TOTALS	2,493	519	3,012	4641	1280.9	n/a	TOTALS

Multilaterals	CERF	42.2
	ECHO	618.2

TOTAL (INCL. MULTILAT)	3,154
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(Annex 5) Approved interview scripts

- **Interview script (non-governmental local and/or international organizations)**

- 1- Is there any national legal context that your organization is working under?
- 2- Is there any international legal context that your organization is working under?
- 3- If yes what is this legal context? And is it enabling you to achieve your objectives?
- 4- If no? What framework or regulations, if any, are you referring to when deciding on the policies of refugees' protection?
- 5- What is your organization's role with respect to refugee protection?
- 6- What do you think is missing in the national legal context when it comes to refugee protection?
- 7- What do you think is missing in the international legal context when it comes to refugee protection?
- 8- What are the main challenges facing your organization on the ground in General?
- 9- What is the role of the Lebanese government in terms of refugee protection? Supportive to or limiting your role?
- 10- What is the role of the political parties in facilitating your job? Are you facing any problems with parties that are considered hostile to refugees?
- 11- Do you coordinate with other humanitarian agencies? Are you aware of any laws at the international level that provide guidelines for that?
- 12- Is there any coordination with the Lebanese government to facilitate your job in tackling refugee issues? What is the legal context that governs this aspect?
- 13- What is the role of the municipalities in reporting and tackling refugee suffering in their specific areas? Is there any coordination between agencies and municipalities?
- 14- If not, why? If yes, what type of issues do you coordinate on?

- 15- What sort of assistance and protection does your organization provide to refugees?
- 16- What specific protection and assistance do you think is missing that needs to be urgently provided to refugees in Lebanon? And why is it not being provided yet?
- 17- What do you think is the difference between other operations in the world and the Syrian refugees' assistance operation in Lebanon in regard to refugee protection?
- 18- Is Lebanon a ratifying member of the refugee international law? Why do you think the Lebanese government has always been cautious when it comes to refugees?
- 19- Which country is contributing the most to refugee protection in Lebanon? Under what means?
- 17- What does the legal context impose over foreign countries with regard to contributing to refugee protection (major powers mainly)?
- 20- Does the international legal context make it mandatory to the international community to protect refugees? Or it is a matter of choice?
- 21- What are the areas/locations where your organization operates in Lebanon? Is there any area that you are not allowed to operate in? If yes, why?
- 22- From your daily interactions with refugees, can you describe some of the suffering that these refugees are going through? And what is being done to tackle these specific issues?
- 23- Can you give us some information about the number of refugees your organization is assisting?
- 24- Can you describe where and how they are living?
- 25- How are the hosting communities treating them?
- 26- Can you provide some recommendations for the future regarding improving refugee protection in general?

- **Interview script (municipality and/or political parties representatives)**

- 1- Can you give us some information about the number of refugees in your villages?
- 2- Can you describe where and how they are living?
- 3- How are the hosting communities treating them?
- 4- What is the role of the municipality in refugee protection?

- 5- Is there any legal context that you are referring to or operating under when it comes to handling refugee needs and problems?
- 6- If no? What are you relying on when treating refugees?
- 7- Do you impose specific rules on refugees in your village? Such as night curfews?
- 8- If yes, under what legal context?
- 9- What kind of assistance if any does the municipality provide for refugees? Especially the vulnerable ones?
- 10- Are you being supported by any national or international organization to accomplish your job in handling refugees' issues? If yes, what kind of support?
- 11- Is there any legal context for that support you can describe?
- 12- What is the role of the Lebanese government? Does it provide any sort of guidance on how to handle/treat refugees? If yes, under what legal context?
- 13- Do you accept having refugees who were ex-fighters in your village? If no, how do you treat one if you find him/her out?
- 14- Did you receive any political pressure that made/asked you to change the way you are handling Syrian refugees in your village?
- 15- Did any political party approach you to give them information about specific refugee living in your village?
- 16- Did any party/government/organization asked you to report the political background of the refugees living in your village?
- 17- If your answer is yes on Q15/16, what was your response? Is there any legal context that obliges you or prevent you from giving such information?
- 18- Can you give recommendations on how to enhance refugee protection in Lebanon generally and in your village specifically?

- **Interview script (International lawyer)**

- 1- Tell us about your experience in dealing with legal issues of refugees
- 2- Can you summarize what the legal law says about refugee protection?
- 3- What parts of international law concerning refugees did Lebanon ratify?
- 4- What is the role of international community in providing protection for refugees?

5- What is the legal context that national and international organizations are working under in Lebanon?

6- From a legal perspective, how do you assess the Lebanese government reaction to refugees who fled since the Syrian uprising?

7- In terms of the humanitarian legal context, why do you think refugees are still suffering all over the world and in Lebanon?

8- What do you think about the international refugee law concerning protection? Is it complete, incomplete or the best that could be done?

9- Is there any relationship between refugee suffering in Lebanon and the international law in your opinion? If so, what do you attribute it to?

10- Does the international legal context make it mandatory to the international community to protect refugees? Or it is a matter of choice?

11- In your opinion, should the Lebanese legislative provide laws that enhance refugee protection in order to adapt with the emerged refugee crisis in the country? How much is that possible knowing that Lebanon did not ratify the 1951 refugee law convention?

12- Do you have any recommendations on how to provide protection to the Syrian refugees in Lebanon?