Examining the Intersection of UN Policy Dilemmas with Lebanon's Incoherent Policy Landscape: The Case of UNHCR

By

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To my loving parents,
Thank you for everything that you are.
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Furthermore, thanks to all the stakeholders for their flexibility and contribution to this research during a year when a historic collision of crises in Lebanon brought the country and its people on their knees. During the planning and the execution of this research, one of the most powerful non-nuclear explosions in history shattered Beirut amid a deadly coronavirus pandemic, a phenomenal protest movement, and an economic and financial meltdown.

Finally, I dedicate this study to my family as a small token of my great debt of gratitude for their love and support.
Examining the Intersection of UN Policy Dilemmas with Lebanon's Incoherent Policy Landscape: The Case of UNHCR

Fidaa B. Al Fakih

Abstract

The thesis problematizes the role of the United Nations High Commissioner for Refugees (UNHCR) in International Relations and studies how the organization interacts with refugee hosting states facing protracted refugee challenges. To that end, it integrates the analysis of UNHCR’s humanitarian and development programming as well as its refugee policies in Lebanon between 2012 and 2019 into the wider literature on international organizations and the international refugee regime. The thesis controls for Lebanon’s registration and border policy, return policy, and its securitization of the displacement influx and argues that UNHCR had to reinvent its “norm entrepreneurship” role in Lebanon and to adapt its humanitarian and development policies to a continuously changing and ambiguous policy landscape. It therefore takes UNHCR’s humanitarian programing and refugee policies as the dependent variables and, concomitantly, Lebanon’s policy landscape as the independent variable. In so doing, it advances the hypothesis that UNHCR would not have likely been able to navigate Lebanon’s complex refugee policy cycles without adopting an often-criticized pragmatic role.

Keywords: UNHCR, Refugee Governance, International Refugee Regime, Policymaking, Pragmatism, International Organizations, Humanitarian and Development Programs.
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Chapter 1

Setting the Stage: UNHCR and World Politics

1.1 Research Aims and Objectives

This thesis problematizes the United Nations High Commissioner for Refugees (UNHCR) in International Relations and locates the analysis of UNHCR’s humanitarian and development programming and refugee policies in Lebanon between January 2012 and December 2019 into the wider literature on international organizations and the international refugee regime. It goes far beyond the description of the interactions between UNHCR and Lebanon and the mere lamenting of the deficiencies in Lebanon’s policy landscape. The research seeks to explore the nexus between humanitarian and development programming and the refugee policies and realities on the ground. Through a case study analysis, the thesis will rely on concrete indicators and will operationalize specific variables to investigate how UNHCR has pragmatically developed its programs and policies to cope with Lebanon’s changing policy phases, political disputes, and dysfunctional institutions.

The thesis also brings forth a very important and often overlooked dimension on this topic: the rights and voices of refugees. In general, scholarly analysis is very much about policymakers and refugee policies and little about the refugees themselves. The research draws on how the incoherent policies of the Lebanese government and the pragmatic policies of UNHCR have affected refugee rights in practice. In the broader context of International Relations, the thesis reveals why and how international organizations within the international refugee regime transform from
normative to pragmatic actors. It draws on the critical literature of international organizations, especially in the International Relations theory of Constructivism, to disclose what it means to be a pragmatic international organization.

The topic is of utmost importance because the movement and the plight of refugees have evolved into a pressing global policy concern and a contentious issue in the Middle East. The topic is also significant given the prominence of international organizations and humanitarian and development programs in contemporary International Relations. In other words, international humanitarian and development programming in refugee crises in the context of incoherent national policies speaks to a broader literature on international organizations, on refugee policies in the international refugee regime, and on the normative and pragmatic roles of UNHCR in refugee governance in the Middle East and beyond.

1.2 Research Question, Indicators, and Variables

The research stems from a central question: How has UNHCR navigated Lebanon’s fragmented and incoherent policies in response to the Syrian refugee crisis? Against this backdrop, it investigates how the role of UNHCR in Lebanon has evolved between 2012 and 2019.

The thesis operationalizes several concepts including humanitarian and development programming, refugee governance, pragmatism, policymaking, and policy dilemmas. It interrogates the interaction between Lebanon and UNHCR by taking UNHCR’s humanitarian programing and refugee policies as the dependent variables and, concomitantly, Lebanon’s policy landscape as the independent variable.
The aim of this scientific research is to control for the independent variable to test its impact on the dependent variables.

Indicators include changes in UNHCR’s role, changes in UNHCR’s programming, and policy divergences and apprehension between UNHCR and the Lebanese government. Put differently, the research controls for Lebanon’s registration and border policy, return policy, and its securitization of the displacement influx to examine how each of these cycles translated into a UNHCR policy shift from a rights-based to a needs-based approach and from a normative protection role to a pragmatic role of hybrid functions. Therefore, the normative agenda of UNHCR in this thesis encompass refugee protection based on the rights outlined in the 1951 Refugee Convention, whereas UNHCR’s pragmatic agenda is characterized by a shift to a service provider that addresses the needs of vulnerable populations and negotiates refugee responses with host governments.

The thesis attempts to provide answers to the research question through an array of sub-questions including: Why do international organizations broadly, and UNHCR in specific, get transformed in their behavior regarding their interactions with states in the international refugee regime? What does it mean to be a pragmatic international organization in International Relations and within the international refugee regime? What were UNHCR’s main policy phases in Lebanon between 2012 and 2019? Why has UNHCR undergone a policy dilemma in Lebanon? And how has these policy dilemmas transformed its humanitarian and development programs?

All these questions are central because answers about UNHCR’s policy dilemmas and policy phases in Lebanon speak to a bigger audience interested in international humanitarian and development programs by international organizations.
in the Middle East. Answers will also speak to a broader literature on the role of UNHCR in International Relations and within the international refugee regime and will help fill a literature gap presented under the literature review section.

1.3 Introductory Background

Among today’s 79.5 million forcibly displaced people around the world, 26 million are refugees and asylum seekers (UNHCR). At a time when one per cent of the global population have been forced to flee their homes due to persecution or conflict (UNHCR), refugee policies and humanitarian and development programs have evolved into an essential and contentious element in International Relations (Loescher and Betts 2011).

Beyond the compelling humanitarian dimension of mass displacement, refugees are a clear demonstration of the collapse of the ‘state system’ which lays the foundation of the international society and which rises on the ‘citizen-state-territory relationship’ (Haddad 2008). Put differently, refugees are ‘ordinary citizens’ who have involuntarily fled their ‘territories’ and crossed an international border due to extraordinary events of persecution, war, or violence in their ‘state’ (The 1951 Refugee Convention).

From the lens of International Relations, the plight of refugees pertains to a wide spectrum of notions like war and peace, balance of power and power asymmetry, international conventions and instruments, state and non-state actors, global public policies, foreign policies, an international refugee regime, and international organizations. As discussed, the latter is of particular interest in this research.
International organizations,¹ entities consisting of three or more sovereign states, are an integral element of International Relations. They continue to proliferate exponentially in the international system on the basis of formal multilateral cooperation among sovereign polities.² As long-lasting bodies, international organizations have powerful influence on international policies and stability, regional and domestic political processes, and the lives of people facing complex issues that cannot be addressed by single states functioning in isolation (Park 2017).

The United Nations (UN), established in the aftermath of the Second World War in aspiration for a peaceful international community, is the prime example of an international organization with a universal legitimacy and membership (Abidin 2017). Comprised of principal organs, a New York-based central system, specialized agencies, and a variety programs and funds,³ the UN is founded on functions that

1 Some scholars often use the term ‘International Organizations’ to capture organizations founded by state and non-state actors like international governmental organizations (IGOs, also referred to as intergovernmental organizations), non-governmental organizations (NGOs) operating at the international level, and corporations. In this thesis, ‘International Organizations’ refer to intergovernmental organizations.


3 See figure 2. Source: United Nations Department of Public Information
encompass economic and social development, security, environment protection, and the protection of human rights (Curtis and Taylor 2017). At the core of these functions is the protection of refugees and forcibly displaced people, a mandate assigned to UNHCR.
1.4 A Brief History of UNHCR

The Second World War left nations torn apart and millions of refugees in Europe away from their homelands. In December 1950, the UN established the UNHCR to aid governments and coordinate the crisis of displacement. Few months later, a diplomatic conference in Geneva adopted the Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention).\(^4\) This Convention, later amended by the 1967 Protocol Relating to the Status of Refugees (also known as the 1967 Protocol),\(^5\) was the legal foundation that guided UNHCR’s work. It gave the organization global responsibility for lives that are uprooted and torn apart by war, conflict, persecution, or natural disasters.

Few years after the initiation of UNHCR, refugees were no longer a post-world war European issue. The next decades saw millions of refugees across the world unable or afraid to return to their homelands in the aftermaths of the Arab-Israeli War, the decolonization of Africa, the Cold War, and other civil wars and crises in the Middle East and elsewhere (Loescher, Betts and Milner 2012). They had a substantiated and justified “fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group” (The 1951 Refugee Convention).

As conflict altered and the number of uprooted people spiraled upward, so has the role and the size of the Organization. In a world of civil wars, ethnic conflicts, and natural disasters, the UN guiding principles added a new group of victims to UNHCR’s persons of concern: people driven from their homes but not their countries, also known as the internally displaced people. Additionally, UNHCR moved to work directly in

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\(^4\) See the “1951 Convention Relating to the Status of Refugees” in the annex.

conflict zones – something it had not done in the first four decades – and continues to do so to this day.

In terms of organizational structure, starting in Europe with 34 employees, UNHCR now has over 17,000 employees working in 135 countries (UNHCR 2020). The Organization, 70 years after its birth, counts on its protection mandate in the international law, on its partnerships with over 900 other agencies, and on support from donors and governments to implement its humanitarian and development programs across the world.

1.5 Refugee Governance in the Middle East

In the twenty-first century, the challenges of mass displacement have alarmingly grown at the forefront of international affairs. The past decade witnessed a record number of forcibly displaced people escaping long bitter wars and war-torn states in Africa, Latin America, Southeast Asia, and the Middle East. The latter has captivated the interest of scholars examining the international refugee regime because the landscape of displacement in the region is marked by a mosaic of political, cultural, socioeconomic, geostrategic, and protection complications.

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While the Middle East is active with immigration, emigration, and forced displacement movements, most of its countries are not party to the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees. These non-party states are not legally bound to the Convention’s definition of a refugee. They often rely on UNHCR, through memoranda of understanding, to conduct refugee status determination and to lead protection provision to refugees and asylum seekers in coordination with partner nongovernmental organizations.

Therefore, UNHCR in the Middle East relies on its statute and mandate, on the applicable memoranda of understanding, and on a variety of instruments to orient and execute “a multi-dimensional protection regime that includes, *inter alia*, refugee law and policy, humanitarianism, human rights, and development approaches” (D. Stevens 2016).

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9 See Dallal Stevens, “Rights, needs or assistance? The role of the UNHCR in refugee protection in the Middle East,” *The International Journal of Human Rights*, 2016.
1.6 The Middle East’s Syrian Refugee Crisis

Of the biggest recent crises in the Middle East is that of Syria following the onset of the Syrian civil war in 2011. The Syrian conflict evolved into a proxy war of dizzying array of actors and gained global humanitarian attention with a record number of uprooted people.\(^\text{10}\) Nine years into the crisis, 13.1 million internally displaced Syrians are in dire need in their country, and 5.6 million Syrian refugees are registered in countries of first asylum, namely in Lebanon, Jordan, Turkey, Iraq, and Egypt.\(^\text{11}\) According to the crude measurement of the UN Executive Committee of the High Commissioner’s Programme (UN EXCOM 2004), “refugee populations of 25,000


persons or more who have been in exile for five or more years in developing countries” form protracted refugee situations (Milner and Loescher 2005). Hence, millions of Syrian refugees are miserably enduring what seems to be a long-term and strenuous state of limbo.

![Figure 5 Trend of Registered Syrian Refugees](image)

Although Lebanon has not signed the 1951 Refugee Convention, the Government of Lebanon estimates hosting 1.5 million Syrian refugees (Human Rights Watch 2019). The country hosts almost 16% of the registered Syrian refugee population, but it remains, and by far, the country hosting the largest number of refugees per capita in the world. Under ‘normal’ political circumstances, designing a national policy to deal with large-scale refugee influx is a complicated operation. However, Lebanon’s ‘normal’ has always been characterized by abnormal circumstances, and this resulted in a “policy of no official policy” in response to the Syrian refugee influx (El Mufti 2014).

As a matter of fact, Lebanon does not have a legal refugee regime, nor it is a country of asylum (Fakhoury 2017). Instead, the state banks on a 2003 memorandum

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12 Lebanon often refers to them as “displaced persons” instead of “refugees” and generally does not grant them rights beyond those granted to other foreigners.

of understanding with UNHCR that highlights a “policy of cooperation” between both parties in humanitarian responses to displacement crises (Fakhoury 2017). Hence, Lebanon has been reliant on UNHCR and on a wide spectrum of international organizations to assist, protect, and explore durable solutions for the Syrian refugees on its soil. It consequently becomes intriguing to explore how UNHCR executes its mandate in a host state marked by its rejection to the international refugee law coupled by a record number of refugees, an overstretched infrastructure, and political deadlocks.

<table>
<thead>
<tr>
<th>Location Name</th>
<th>Data Source</th>
<th>Data Date</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Turkey</td>
<td>Turkey</td>
<td>July 2, 2020</td>
<td>64.7%</td>
<td>3,594,981</td>
</tr>
<tr>
<td>Lebanon</td>
<td>UNHCR</td>
<td>May 31, 2020</td>
<td>16.1%</td>
<td>892,310</td>
</tr>
<tr>
<td>Jordan</td>
<td>UNHCR</td>
<td>July 5, 2020</td>
<td>11.9%</td>
<td>658,028</td>
</tr>
<tr>
<td>Iraq</td>
<td>UNHCR</td>
<td>June 30, 2020</td>
<td>4.4%</td>
<td>245,421</td>
</tr>
<tr>
<td>Egypt</td>
<td>UNHCR</td>
<td>June 30, 2020</td>
<td>2.3%</td>
<td>130,042</td>
</tr>
<tr>
<td>Other (North Africa)</td>
<td>UNHCR</td>
<td>January 31, 2020</td>
<td>0.6%</td>
<td>31,657</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
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<td><strong>5,552,439</strong></td>
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*Table 1 Total Registered Syrian Refugees by Country of Asylum*

1.7 Research Methodology

The proposed thesis is developed through a qualitative single case study research. It accounts for proper case study implications and guidelines for thorough analysis.\(^\text{14}\) Taking the UNHCR operation in Lebanon between January 2012 and December 2019 as a case study, the thesis argues that Lebanon’s complicated and changing policy landscape forced UNHCR to reinvent its role and to constantly transform its policies and humanitarian programming. The research advances the

\(^{\text{14}}\text{In line with Case Studies and Theory Development in the Social Sciences by Alexander L. George and Andrew Bennett.}\)
hypothesis that UNHCR would have likely not been able to navigate Lebanon’s complicated policy landscape without adopting an often-criticized pragmatic role.

This case study research analyzes data derived from secondary and primary sources. The secondary sources include literature review in academic books and journal articles, data review on the UNHCR global data portal, and media mapping. The literature review presents the academic, theoretical, and policy debates pertaining to UNHCR’s policy dilemma in its interaction with the wider global refugee regime. By banking on existing literature, the thesis creates a theoretical framework that examines UNHCR’s current refugee governance role in the international refugee regime. This theoretical framework eventually informs, links, and speaks to the case study.

Additionally, the data review on the UNHCR global data portal contextualizes the evolution of the UN Refugee Agency and quantitatively and qualitatively unpacks UNHCR’s current humanitarian and development programming in Lebanon. The data portal also proved to be an effective tool to trace policy statements by UNHCR officials pertaining to their operations in Lebanon.

Lastly, the research banks on media analysis to map the divergences between Lebanese officials and UN policy experts over UNHCR’s humanitarian and development programming in Lebanon. The case study uses secondary sources to retrieve data related to three policy cycles: Lebanon’s 2015 policy pertaining to the border and to refugee registration, the securitization of the Syrian displacement between 2013 and 2019, and Lebanon’s return policy in 2018.

On the other hand, the primary sources include data derived from transcripts of semi-structured interviews with national and international policy experts. The
interviews guided the research through the three policy cycles listed above from the perspectives of different stakeholders. The primary sources also include a reflection on my personal hands-on experience with UNHCR’s humanitarian programming and policies in Lebanon between 2017 and 2019.

1.8 Thesis Structure

After this introductory chapter, the thesis includes five chapters. The second and the third chapters construct a theoretic framework to problematize UNHCR in International Relations and locate the analysis of its humanitarian and development programming and refugee policies into the wider literature on international organizations. This part of the thesis examines UNHCR’s power struggle and its policy intersections with states within the international refugee regime. The thesis then establishes a case study analysis in the fourth and the fifth chapter. Chapter 4 explains how UNHCR navigated a multitude of policy complications in Lebanon to implement its international protection mandate. It controls for Lebanon’s registration and border policy, return policy, and its securitization of the displacement influx to examine how each of these policy cycles by the Lebanese government translated into a pragmatic shift in UNHCR’s policies. Chapter 5 then sheds light on the repercussions of these pragmatic policies on the refugee governance in Lebanon and, equally important, on the refugees themselves. The thesis then ends with some concluding remarks and policy recommendations in Chapter 6.
Chapter 2

Three-Dimensional Theoretical Framework

2.1 Introduction

Problematizing UNHCR in International Relations requires locating the analysis of its humanitarian and development programming and refugee policies into the wider literature on international organizations. For that, the thesis constructs a theoretical framework of three theoretical lenses.¹⁵

First, drawing on the critical literature of international organizations, the framework develops a Constructivist approach to explain the power and behavior of international organizations in global politics. Second, the framework unpacks ‘policy pragmatism’ in international relations and foreign policy practice to flesh out what it means to be a pragmatic international organization. Third, giving special emphasis on

¹⁵ See figure 6.
UNHCR, the framework employs the notion of ‘Global Refugee Policy’ to unpack UNHCR’s role under the label of the international refugee regime.

Before unpacking this three-dimensional theoretical framework, it is very important to lay a foundation of how the four main theoretical schools of International Relations examine the motives of states to establish international organizations. Why do states create and join permanent structures and tie themselves to procedures, regulations, and financing instead of using informal multilateralism through informal groupings (e.g. Group of Twenty)? For instance, Lisa Martin argues that “there is never an absolute need for international organizations” in the international system (1992). Similarly, Charles Lipson underlines that informal multilateralism facilitates decision making and is not restricted by international pledges (1991). Therefore, a brief analysis of the views of Liberalism, Realism, Constructivism, and Marxism to international organizations will solidify the understanding of the motives of states to establish international organizations as formal platforms for multilateralism.16

Starting with the Liberal theoretical approach, Classical Liberals emphasize that international organizations safeguard individual freedom and prosperity (Mitrany 1943). Similarly, Neoliberal Institutionalists view international organizations as platforms and tools to advance peace and international cooperation (Jacobson 1984). Realism, on the other hand, presents a different viewpoint which dismisses the Liberals’ optimism that international organizations can profoundly influence international politics. Realists believe that “international institutions are shaped and limited by the states that found and sustain them and have little independent effect”

16 See table 2.
They emphasize that states use international organizations as tools to advance their own interests and to achieve higher relative gains in the anarchical nature of the international order (Grieco 1990). Additionally, The Marxist and Gramscian theoretical approaches toward the prospects of international organizations “demonstrate how consensus is constructed over the global capitalist system through the operations of international organizations” (Park 2017). Marxists, for instance, consider that the programs and funding policies of international organizations contribute to the global outspread of capitalism and to the reinforcement of capitalist states (Gill 2005). Separately, Social Constructivists depict international organizations as autonomous actors that inform and influence world politics by “framing issues, setting international agendas, and classifying states’ behavior” (Park 2017).

<table>
<thead>
<tr>
<th>IR Theory</th>
<th>Views of the Role of IOs</th>
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<tbody>
<tr>
<td>Liberalism</td>
<td>Advance peace and international cooperation</td>
</tr>
<tr>
<td>Realism</td>
<td>Serve as tools used by states to advance state interests</td>
</tr>
<tr>
<td>Constructivism</td>
<td>Shape world politics as autonomous actors</td>
</tr>
<tr>
<td>Marxism</td>
<td>Reinforce the global capitalist system</td>
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This theoretical debate reflects the variety and multiplicity of perspectives in International Relations regarding the role of international organizations in the international system. However, the thesis focuses solely on constructivism because the research is interested in the way UNHCR constructs norms in the international system and in how the organization is sometime seen to shy away from its humanitarian discourse. It therefore becomes important to draw on this Social Constructivist approach to develop the first foundation of the theoretical framework and explain the power and behavior of international organizations. This focus on
Constructivism, however, is not meant to obscure other theoretical paradigms that also look on international organizations and their logic in the international system.

2.2 International Organizations in Constructivist Understanding

Constructivism is a contemporary theoretical school in International Relations, one that many International Relations scholars have followed in recent years (Teaching, Research and International Policy 2014). The rise of the Constructivist school in International Relations signaled a reorientation of International Relations scholarship to a historical, sociological, and practical form (Reus-Smit 2013). As a metatheory, Constructivism simultaneously holds an epistemological position that emphasizes the social construction of knowledge and meaning and an ontological stance that underlines “the construction of social reality” (Guzzini 2000).

At the core of the social form of Constructivism rest the notions of ideational forces and structuralism (Wendt 1999, Barnett and Duvall 2005). Common among Social Constructivists is the focus on both the role of human consciousness in international life (Ruggie 1998) and the evolution of normative structures (Finnemore and Sikkink 1998). These notions and focus areas certainly have significant implications on how Constructivist scholars analyze and interpret international politics.

Taking a Social Constructivist posture often enables scholars to be critical and innovative about mainstream International Relations theories (Guzzini 2000). “Constructivists have taken up the idea that states form more than a system – that they form a society – and they have pushed this idea to new levels of theoretical and conceptual sophistication” (Reus-Smit 2013). As a social theory of international
Social Constructivism is a leading approach to the understanding of international organizations. Not only does it reveal the influential role of international organizations, it also explores and analyzes their operational behavior. Social Constructivists defy the conception that international organizations are passive fields in which polities function. Instead, they analyze how “international organizations are engaged in classifying the world, creating categories of actors and actions, fixing meanings in the social world, and articulating and diffusing new norms, principles, and actors around the globe” (Barnett and Finnemore 1999).

In contrast with Realism, Social Constructivism considers international organizations as powerful autonomous actors in international affairs and not merely a reflection of the interest of states (Park 2017). Although most international organizations have mandates and policies that were authorized by states, they remain independent bureaucracies with high discretion regarding how they enact their policies, fulfill their mandates, and conduct their operations within the available resources from member states (Park 2017). Therefore, Social Constructivists underline that international organizations frame global and regional issues and then demarcate “what is possible and socially accepted” in the international arena. They advance the argument that international organizations play a significant role in setting the
international agenda (such as humanitarian assistance to refugee crises) and in constructing new categorizations of actors (like UNHCR’s separation between refugees, asylum seekers, and internally displaced people).

From the lens of Social Constructivism, many powerful international organizations evolve as the international experts that states fall back on for support and assistance (such as UNHCR in the context of mass displacements). They are the influential actors who can alter how countries view a problem (such as humanitarian and development programs in response to refugee crises in countries with limited hosting bandwidth). They are also the “norm entrepreneurs” (Fakhoury 2018) who plan, develop, and formulate new international action strategies and who disseminate norms and construct normative frameworks (Biermann and Siebenhner 2009) that covert to accepted practices among the international community (such as UNHCR’s defining of ‘refugee’). Thus, Social Constructivists have revealed not only how international organizations change the world but also on how they impact our own understanding of the world (Park 2017).

Social Constructivist literature is also critical about the behavior of international organizations at the international level. For example, Social Constructivist scholars argue that an international organization’s culture, being the “internal system of meaning that governs staff expectations and behavior,” influences and shapes the policies and decisions that an international organization makes (Chwieroth 2008). Codes of conduct, internal rules and procedures, and mission charters are all determining factors for action and intervention – or inaction and nonintervention, as was the case with the Rwandan genocide for example (M. Barnett 2002).
In addition, scholars criticize how the organizational cultures within international organizations facilitate the formation of new norms and standards by their own staff instead of generating the standards from member states (Park 2017). They argue that these established organizational cultures sometimes prevent international organizations from embracing novel ideas and norms that menace their ways of conducting business (Barnett and Coleman 2005). This, in turn, substantiates the influence that international organizations’ cultures impose on state behavior in terms of informing policies and determining domestic structures (Bayeh 2014).

Furthermore, Social Constructivists who problematize international organizations in the international system point out to the tendency of some international organizations for dysfunctional behaviors, inefficiency, or pragmatism. For example, in terms of vitality, Julia Gray argues that while some international organizations are alive and functioning, others have either died and faded into obsolescence or have become “zombies” (2018). She presents “zombie” organizations as those who operate “without progress toward their mandate” (Gray 2018). Figure 7 shows the vitality of just one type of international organizations (economic) over time based on Gray’s research, and her findings are alerting. Generally, there are international organizations of different types that operate at a minimal level with little, if any, actual output consistent with their mandates. Such dysfunctionality and inefficiency limits the “cooperation through socialization” (Schimmelfennig 2005, Johnston 2001) and the “transmission of information” (Fang 2009) in and among international organizations and therefore contradicts the reason for their existence.

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Figure 7 Vitality of Economic Organizations over Time

Critics also assail international organizations on allegations of organized hypocrisy – a phenomenon that resembles the failure of some international organizations to perform in line with the ideals they adopt and advocate for (Weaver 2008, M. Lipson 2007). For example, hypocrisy can be seen through claims that the World Bank and the International Monetary Fund were disloyal to their founding principles that they were supposed to promote (Stiglitz 2002). It can be seen through accusations of how the UN has allegedly breeched its founding ideals (Muravchik 2005, Polman 2003). It can be also seen through arguments that international organizations on a mission to promote democracy and foster national sovereignty are accused of corroding both (Rabkin 2005).

In a nutshell, this analysis of the power and behavior of international organizations in world politics through Social Constructivism speaks directly to the role of UNHCR in the international system. As a powerful autonomous actor, UNHCR plays a central role in constructing normative frameworks, defusing international norms, influencing state policies, and altering domestic structures. While dysfunctional behaviors and inefficiency do not characterize UNHCR, the thesis advances the argument that ‘pragmatism’ does. The next section will unpack the notion
of ‘policy pragmatism’ and will present what it means to be a ‘pragmatic’ international organization.

2.3 Pragmatism and Pragmatic International Organizations

In the past, social sciences and International Relations researchers have acknowledged pragmatic commonsense but have not embraced ‘pragmatism’ as an official doctrine (Friedrichs and Kratochwil 2009). Later, from the 1990s onward, ‘pragmatism’ has evolved from an implied commonsense to a clear standalone agenda item of the discipline of political science and international affairs (Friedrichs and Kratochwil 2009, Puchala 1995, Alker 1996). A decade later, the notion of ‘pragmatism’ made it to top political science journals (Haas and Haas 2002, Owen 2002) and became, since then, a methodological policy element and part of research epistemological debates (Bauer and Brighi 2009, Kratochwil 2007).

From a philosophical tradition perspective, pragmatism was proposed as “a way out of various quagmires” (James 1995, Joas 1993). Similarly, from a political perspective, pragmatism is “working within, rather than challenging, the dominant political agenda” and passing policy items in any way that makes them eligible for acceptance (Bell 2006). Pragmatic politics refrains from overcomplicating policy agenda items and seeks to constrain dissent and criticisms (Bell 2006).

Additionally, Realism, Liberalism, and Constructivism, as the three influential theoretical perspectives in International Relations, refer to pragmatism in the instrumentalist and shallow sense of “choosing appropriate foreign policy tools to achieve proposed policy objectives” (Butler 2013). Nonetheless, in the context of international organizations in international relations and foreign policy, it is important
to raise the following question: What are the characteristics of pragmatic actors in policy formulation and execution?

Building on Butler’s “*Philosophical Pragmatism and International Relations,*” a pragmatist tradition among international organizations include key characteristics such as “a flexible approach to crafting policy ends, theory integrally related to practice, a concern for both the normative and explanatory dimensions of international relations research, and policy means treated as hypotheses for experimental testing” (2013). These characteristics apply to a range of active international organizations, including UNHCR. A lot has been written about how UNHCR gets transformed in its behavior regarding its intersection with state policies in the international refugee regime. In attempt to clarify how UNHCR oscillates between and a normative and a pragmatic role, the next section operationalizes the notion of Global Refugee Policy to present the third and final element of this theoretical framework: the international refugee regime.

### 2.4 The International Refugee Regime and Global Public Policies

To examine the role of UNHCR under the label of the international refugee regime, this third element of the theoretical framework relates to Global Refugee Policy (GRP). From an International Relations perspective, the typical approach to analyze GRP is through the lens of Global Public Policy (GPP) that illustrates how governments and international organizations collaborate on addressing global issues (Soroos 1986). The core assumption of GPP is that domestic policies are incapable of addressing international issues in an age of globalization marked by global
interconnectedness and interdependence. Thus, GPP augments an analytical weight when observing GRP, specifically in the context of the refugee protection policies of international organizations.

There are multiple theoretical models or approaches to examine GPP at a broad level and GRP at a specific level. These models include the theory of partnership (Brinkerhoff 2002), the theory of networks and transnationalism (Benner, Reinicke and Witte 2003, Keck and Sikkink 1998), the normative approach (Betts and Durieux 2007, Thakur and Weiss 2009), the economic approach (Betts 2003), and the regimes approach. Although all these theoretical models are generally central to understanding GRP, the thesis solely utilizes and operationalizes the ‘regimes’ theoretical approach to examine the policies of UNHCR in the ‘international refugee regime.’

This theoretical approach explores the shifts in UNHCR’s mandate and their implications on refugee protection in the international refugee regime (Barutciski 2002, Crisp 2003). For instance, Laura Barnett underlines a divergency in UNHCR’s role in the international refugee regime from international refugee protection to areas like containment of refugee flows, pre-emptive humanitarian programming, and security (2002). She argues that UNHCR has evolved into a solutions-oriented “broadly based humanitarian agency” (L. Barnett 2002). Similarly, David Forsythe holds UNHCR’s shifting mandate the responsibility of the deteriorating standards of traditional refugee protection (2001). Building on his criticism, Guy Goodwin-Gill emphasizes that UNHCR’s relation with states under the label of the international

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refugee regime in recent years has not been marked by adequate transparency and accountability and has given less emphasis on principles of protection (2008).

This theoretical approach also confirms UNHCR’s power and autonomy in the international political scheme. Alexander Betts metaphorically depicts UNHCR as a monster in the international refugee regime “fighting for relevance” while states try to sideline its role by imposing their asylum policies via other international organizations (2014). However, Michael Barnett presents an opposite argument. Barnett proclaims that UNHCR possesses an uncontested centralized power in the realm of displacement and humanitarianism in the international refugee regime (2001). Similarly, David Forsythe flags that UNHCR faces a power struggle between fulfilling its normative mandate and implementing the policies that reflect the priorities and the interests of its powerful donor states (2001).

It therefore becomes intriguing to have a more focused examination on the current role of UNCHR in refugee governance in the international refugee regime from the lens of GRP. By banking on the critical Social Constructivist literature on international organizations and on the notion of policy pragmatism, the next chapter examines the main characteristics of UNHCR’s power struggle and policy intersections with the domestic policies of states.

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Chapter 3

UNHCR’s Pragmatism: A Review of Literature

3.1 Introduction

Based on the three-dimensional theoretical framework constructed in the second chapter, this chapter is a survey of scholarly sources that problematize UNHCR’s power struggle and its policy intersections with states. From the plethora of literature on UNHCR, this chapter solely focuses on a specific strand of literature that illustrates the policy dilemmas that UNHCR faces in the international refugee regime. It captures two divergent viewpoints of scholars and academics over the two roles that UNHCR ostensibly embraces. The first category of literature favors UNHCR’s normative role in refugee protection and is critical of its pragmatic role. On the contrary, the second group of literature dismisses criticisms of UNHCR’s pragmatic role and justifies why adhering to a normative role is not always possible.

![Figure 8 Divergent Viewpoints over the role of UNHCR](image)

The subsequent sections of this chapter shed light on this substantial literature debate. Having discussed in the second chapter what it means for an international

\[\text{See figure 8.}\]
organization to be pragmatic, this literature debate helps uncover why international organizations broadly, and the UN Refugee Agency in specific, transform from normative to pragmatic actors in the international refugee regime.

3.2 Criticism of the Pragmatic UNHCR

As UNCHR’s mandate expanded to include international refugee governance and humanitarian and development programming, the Agency became pragmatic in the eyes of several scholars and stakeholders. This first literature category advances the argument that UNHCR’s pragmatism violates refugee rights and breaches the power and sovereignty of states. It accuses UNHCR of facilitating the violation of refugee rights and seizing the duty of sovereign states in formulating their own refugee policies (Lomo 2000, J. Stevens 2006).

At the core of this argument is the critique that UNHCR prioritizes its relentless quest for institutional power and international funds over the welfare of its persons of concern (Verdirame and Harrell-Bond 2005). For example, Barbara Harrell-Bond criticizes UNHCR of adopting a pragmatic “inhuman humanitarianism” (2002). She points out that UNHCR should embrace “rights-based humanitarianism” that focuses on the dignity and the human rights of its persons of concern and goes beyond discretionary relief aid that advances the interests of donor states (Harrell-Bond 2002). This criticism of the “good guys” violating rights and human norms intensified after the Former UN High Commissioner for Refugees Sadako Ogata published a book titled “The Turbulent Decade” (Sachs 2005).²¹

²¹ See Sadako Ogata, The Turbulent Decade: Confronting the Refugee Crises of the 1990s (New York: W. W. Norton & Company, 2005). The book uncovers in depth insights of the UNHCR’s response to several refugee crisis in the 1990s, namely the Kurdish refugee crisis, refugees during the Balkan wars, the Afghan refugees, and the Great Lakes crisis in Africa.
Under this literature category, UNHCR is labelled with “legal anomalies” (Verdirame 1999) and is depicted as a “surrogate state” (Slaughter and Crisp 2005) carrying out a “state replacement role” without an actual capability to completely replace a host government. Embedded in this scholarly perspective is a political assumption that UNHCR, just like the UN at large and any other international organization, pragmatically seek more power and status (Weiss 2009) – even if this came at the expense of giving a blind eye to some norms.

Moreover, some scholars and policy experts argue that UNHCR’s extended mandate has not synchronized with concrete improvement of practical refugee protection (Barutciski 2002). For example, in an article titled “A Critical View on UNHCR’s Mandate Dilemma,” Michael Barutciski contends that UNHCR’s “superficial use of an interventionist human rights discourse” in host states has “complicated its basic role as the UN agency responsible for dealing with asylum issues” (2002). Put differently, UNHCR is seen to be trapped in the bubble of basic emergency standards which sometimes “undermine the prospects of achieving a durable solution” (Muggah 2003).

Against this backdrop, Jacob Stevens (2006) and Nicholas Morris (2007) suggest that pragmatism has driven UNHCR to be complicit in perpetuating situations of refuge that might have otherwise ended reasonably quickly. Sylvana Foa, former UN Secretary-General spokesperson, thinks this is a direct outcome of governments telling UNHCR “suck your thumb, and we’re going to find a nice negotiated diplomatic solution” (Miles 2015). Foa believes that, with their future career ambitions

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in mind, the last thing senior UN officers want to do is to criticize governments or piss them off (Miles 2015).

### 3.3 Justification of the Pragmatic UNHCR

On the other side of this literature debate are scholars and policy experts who dismiss criticisms of UNHCR’s pragmatic role and justify why adhering to a normative role is not always possible. The mandate of UNHCR stipulates that the Agency is stringently non-political (and thus non-pragmatic) organization (Forsythe 2001). However, David Forsythe wonders how the organization can protect persons of concern and address the root causes of forced displacement and human rights violations (that are of a political nature) all while being non-political (2001).

The former UNHCR Special Envoy Nicholas Morris defends UNHCR’s expanded pragmatic mandate with an “instrumental humanitarianism approach” (Weiner 1998). This approach emphasizes that the Agency’s humanitarian operations and protection policies cannot be effective except through their flexible adaptation to the political realities and practical constraints (1997). Similarly, Alexander Betts, Gil Loescher, and James Milner affirm that the belief that UNHCR’s work is non-political, non-pragmatic, and solely normative is inaccurate (2012). As the godparent of the international refugee regime, UNHCR must work in “areas that are more inherently political than refugee protection” (Loescher, Betts and Milner 2012). It has to respond to refugee needs by pragmatically overcoming the “increasingly restrictive refugee policies adopted by states” (Loescher, Betts and Milner 2012).

While Maja Janmyr flags that this pragmatism sometimes “appears to be at the expense of core international norms and humanitarian values” (2017), Tamirace
Fakhoury highlights that international organizations, like UNHCR, which support narratives on rights-based approaches often get captivated by “their dual role as norm entrepreneurs and pragmatic ‘migration managers’” (Fakhoury 2018). According to Dallal Stevens, this is demonstrated by the way UNHCR often orient its humanitarian programming to a needs-based approach, instead of a rights-based one, to comply with the preferences of a host country (2016).

### 3.4 Gap in Existing Research

This literature overview presents how scholars conceptualize the policy dilemmas of UNHCR’s interaction with the wider global refugee regime. In short, the literature indicates that UNHCR’s policy dilemmas are characterized either by adhering to its normative protection role or by adopting more pragmatic humanitarian and development policies. The literature, nevertheless, does not analyze these policy dilemmas against recent protracted refugee crises.

The remainder of this thesis address this gap. It will analyze UNHCR’s policy dilemmas against the agency’s largest single-country operation in world – its current operation in Lebanon. The broad aim is to yield clearer empirical contributions and to generate better understanding on UNHCR’s policy formulation and refugee governance in the Middle East and globally.

Hitherto, the thesis has explained what it means for an international organization to be pragmatic and why international organizations broadly, and UNHCR in specific, get transformed in their behavior regarding their interactions with states in the international refugee regime. The case study analysis in the next chapters shifts the analysis from the macro level to the meso level. The case study relies on
concrete indicators and operationalizes specific variables to investigate how UNHCR pragmatically developed its programs and policies between 2012 and 2019 to cope with Lebanon’s changing policy phases, political disputes, and dysfunctional institutions. It will answer questions like: How has UNHCR navigated Lebanon’s fragmented and incoherent policies in response to the Syrian refugee crisis? How has the role of UNHCR in Lebanon evolved between 2012 and 2019? What were the Lebanese government’s and UNHCR’s main policy friction between 2012 and 2019? Why has UNHCR undergone a policy dilemma in Lebanon? And how has UNHCR’s policy dilemma and policy phases in Lebanon shape its role and its humanitarian and development programming?
Chapter 4

Lebanon’s Push and Pull with UNHCR

4.1 Lebanon’s Intersection with the International Refugee Regime

Despite its firm rejection to ratify the 1951 Refugee Convention and its 1967 Protocol, Lebanon paradoxically remains mightily rooted within the international refugee regime. Lebanon, of a size less than 11,000 square kilometers and smaller than Connecticut in the United States, has received more than a million Syrian refugees since the beginning of the war in Syria. In proportion to its geographical size and population, Lebanon has taken more Syrian refugees than any other country in the world. By 2015, four years through war, one in every four residents on the Lebanese territory was a Syrian refugee.23

Nine years through the Syrian crisis, the Lebanese authorities estimate hosting nearly 1.5 million Syrian refugees (UNHCR and Government of Lebanon 2019).24 Relatively speaking, this Syrian refugee population in Lebanon is equivalent to the United States admitting over 100 million refugees or the European Union accommodating over 160 million refugees.25


24 Lebanon also hosts around half a million Palestinian refugees under the mandate of UNRWA (See UNRWA, https://www.unrwa.org/where-we-work/lebanon. [Accessed on August 12, 2020]). The thesis only focuses on UNHCR’s response to the Syrian refugee crisis in Lebanon. It therefore excludes the refugees in Lebanon who fall under the mandate of other UN agencies and refugees of other nationalities.

Given Lebanon’s aversion to the international refugee regime, the country has never developed national legislations that addressed the status of refugees (D. Stevens 2014). As a result, Lebanon has shouldered UNHCR since 1963 with the responsibility of assisting, protecting, and finding durable solutions for the non-Palestinian refugees on Lebanese soil (Kagan 2012, Zaiotti 2006).

After operating for four decades based on an unwritten ‘gentlemen agreement’ with Lebanese authorities (Kagan 2011), the UN Refugee Agency formalized its operational mission in Lebanon through a memorandum of understanding with the Ministry of Interior’s General Security Office in 2003. The provisions of this bilateral memorandum of understanding disclose that “Lebanon is not a country of asylum” and that “refugees and asylum-seekers will be tolerated [in Lebanon], but only for a limited period, pending resettlement or voluntary repatriation” (UNHCR 2010).

This agreement protruded as a legal instrument that substitutes the 1951 Convention in terms of refugee status regulation in Lebanon. However, it fell short on eliminating the domestic legal complications pertaining to refugees – even before Syria’s war. For instance, a UNHCR report in 2010 underscored that “refugees enjoy few, if any, legal rights in Lebanon” (UNHCR 2010). Almost two years later, the Syrian refugee crisis has come only to exacerbate refugee rights and to add significant extra pressure on Lebanon’s struggling economy, weak infrastructure, and subtle demographic balance (Yassin, et al. 2015).

Following the Syrian refugee influx, UNHCR grew more influential and powerful in Lebanon as the primary UN agency mandated with refugee protection and

26 Negotiations between UNHCR and the Lebanese authorities in 2013 to update the memorandum of understanding to reconcile the country’s refugee governance with the international refugee law got discontinued and did not materialize (Fakhoury 2017).
assistance provision. Nevertheless, navigating Lebanon’s fragmented policy landscape and the country’s refusal to accommodate Syrian refugees remained an enormous challenge. That notwithstanding, UNHCR adopted pragmatic tactics for dealing with the Lebanese government and concentrated on the creation of a “protection space” for refugees without driving Lebanon to ratify the 1951 Refugee Convention (Janmyr 2017). The subsequent sections in this chapter shed light on how UNHCR navigated a multitude of policy complications in Lebanon to implement its international protection mandate.

**4.2 Push-and-Pull over Refugee Status and Registration**

By the beginning of the Syrian refugee influx, international human rights organizations and UNHCR praised Lebanon for adopting an open-border policy and for respecting the principle of non-refoulement (Turner 2015, Fakhoury 2017). Nevertheless, it is noteworthy that this was not a government policy per se but an agreement among Lebanese political elites to avoid the creation of a policy that copes with the arising refugee crisis (Janmyr 2018). Bickering among Lebanon’s main political parties, with one political block overtly supporting the Syrian regime and another undisguisedly backing the Syrian opposition, necessitated that Lebanon adopts a neutral stance toward the Syrian conflict to preserve its internal stability (Fakhoury and Al-Fakih 2021). Hence, in 2011, the Lebanese government opted to cope with the refugee crisis under UN auspices (Amrieh 2011). A year later, it adopted a “disassociation policy” toward the developments in Syria (Meier 2014).

The enormous scale of the Syrian influx to Lebanon from 2012 onward was of unexpected proportions. In the light of this, the Lebanese government [metaphorically] took a seat in the back and delegated to UNHCR the role of refugee protection
(including refugee registration as a core international protection component) and the provision of humanitarian assistance.

It was not as smooth as it sounds. In a country marked by its rejection to the international refugee law, coupled by a record number of refugees, an overstretched infrastructure, and political deadlocks, refugee governance, protection, and assistance is both sensitive and demanding. The Refugee Agency’s capability to carry out its mandate was challenged by a range of contention elements with the Lebanese government explained in the subsections below. The two subsections below explain how, at the macro level, UNHCR has particularly navigated two points of contention with the Lebanese government related to the use of labelling terminology and refugee registration. After that, the third and the fourth sections of this chapter respectively reveal contentions between UNHCR and the Lebanese government over the securitization of the Syrian displacement and refugee return.

### 4.2.1 Navigating the Contention over Refugee Labelling

The application of the ‘refugee label’ in Lebanon has, for decades, been a point of heavy political contention whereby this label was only applied to Palestinians (Skulte-Ouaiss and Tabar 2015) and to a few Iraqis and Sudanese in conformity with the scope of the 2003 memorandum of understanding (Janmyr 2018). The Lebanese authorities deliberately avoid using the ‘refugee term’ to defy the permanent nature of refuge on its territory and to deny any legal obligation by the Lebanese government toward people fleeing persecution.28

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27 See table 3.

28 Interview with a former government official on July 30, 2020.
Following the Syrian influx, the Lebanese government was intransigent about the UN Refugee Agency avoiding the usage of the ‘refugee’ term. Even though UNHCR considered all Syrians outside their home country to be refugees (as the thesis shows later in this subsection), the Lebanese government showed firm disagreement with UNHCR’s views. The former Minister of Social Affairs Rachid Derbas, for example, underscored that “the only refugees that Lebanon is willing to accept are those coming from areas close to the fighting, in line with the Geneva Convention of 1951” (Kullab 2014a).29

From the Lebanese perspective, authorities argued that many Syrians are economic migrants seeking work in Lebanon and not fleeing persecution (Knutsen 2014a). The term ‘migrant’, unlike ‘refugee’, was believed to be protective of the Lebanese social fabric by omitting any long-term risk of refugee settlement (Janmyr and Mourad 2018). This classification of refugees as economic migrants was also echoed in the different residency regulations that the Lebanese government issued for Syrian individuals later over the years (Janmyr and Mourad 2018).

The Lebanese government’s firm stance was frequently reiterated by multiple officials. The Foreign Minister at the time, Gebran Bassil, was at the forefront of this heated tension with the UN. He was repeatedly quoted contending that “[it] must be us, in our capacity as the Lebanese government, who decide who is a refugee and who is not – [not] the UNHCR” (Knutsen 2014b).

This was one of the main (and numerous) instances when UNHCR was in a dilemma between the host country’s views on asylum, on the one hand, and the

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29 This reference to the 1951 Convention is both interesting and paradoxical given that Lebanon did not ratify the Convention.
international refugee law norms on the other. After multiple advocacy attempts to incorporate the refugee terminology in the humanitarian response, UNHCR came to realize that picking a fight over terminologies while the refugee crisis was exponentially intensifying would likely have dangerous repercussions on the humanitarian response itself. Amidst this tension, Ninette Kelley, the Representative of UNHCR to Lebanon at the time pragmatically underscored that “the important thing for us [UNHCR] is the question of ‘are people being protected’. They [refugees] are here. Whether they [Lebanese authorities] call them displaced persons or refugees, what this country has done should be held up as an example to the world” (Al-Saadi 2014).

UNHCR also showed flexibility over the application of the term in the official strategic planning framework of assistance needs and refugee protection between the Lebanese government and the international community, known as Lebanon Crisis Response Plan (LCRP). The preface of the LCRP stipulates that while the Lebanese government “refers to individuals who fled from Syria to Lebanon after March 2011 as displaced,” the United Nations “characterizes the flight of civilians from Syria as a refugee movement, and considers that most of these Syrians are seeking international protection and are likely to meet the refugee definition” (UNHCR and Government of Lebanon 2014).

30 Interview with a UNHCR official on July 22, 2020.
31 Ibid.
32 The 2017-2020 Lebanon Crisis Response Plan included the same preface with the exception of replacing “displaced individuals” with “temporarily displaced individuals” to mirror Lebanon’s concerns about the long-lasting refugee crisis.
Incorporating the term ‘displaced’ in the LCRP revealed UNHCR’s understanding of the Lebanese government’s concerns and the Agency’s overt intent to avoid contentious confrontations with the authorities. Nonetheless, the notion of ‘refugee movement’ that UNHCR has put in use was vague. Understanding the [arguably pragmatic] use of this term and its relevance to the international refugee law requires a deeper look into UNHCR’s registration policies in Lebanon.

4.2.2 Navigating the Contention over Refugee Registration

Although UNHCR has not officially declared prima facie refugee status for Syrian individuals fleeing their country, critical observation discloses that UNHCR’s registration policy in Lebanon entailed prima facie refugee status determination practices (Janmyr 2018). Generally, according to its mandate, UNHCR has the authority to grant refugee status on a prima facie basis through group determination without examining individual claims (Durieux 2008, Albert 2010). During prima facie registration exercises, information based on the outflow from a specific place during a specific time period is efficiently and unhesitatingly recognized during the registration process (Rutinwa 2002, Durieux and McAdam 2004). Therefore, prima facie refugees are normally entitled to the entire rights outlined in the 1951 Refugee Convention and other relevant instruments (UNHCR 2015).

At a time when UNHCR could have publicly declared displaced Syrian individuals as prima facie refugees, it did not. Rather, it has described the influx as a “refugee movement” (UNHCR 2012) – a method that is not recognized under the international law for the determination of refugee status. To understand the rationale

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33 Interview with a former government official on July 30, 2020.
behind such a sophisticated registration policy, one should look no further than the Middle East’s Iraqi refugee influx in 2003.

Following the Iraqi influx, UNHCR’s declaration of prima facie refugee status for Iraqi nationals in 2006 was denied completely by the Lebanese authorities (Trad and Frangieh 2007, Harper 2008, Barnes 2009). Building on this previous experience with Lebanon and on the government’s aversion to the ‘refugee label’ and to the registration procedures following the Syrian influx, UNHCR pragmatically refrained from announcing a prima facie refugee status for all displaced Syrian nationals. It was another instance where UNHCR was seemingly juxtaposed between the Lebanese government’s policy bickering and the international refugee law yet decided to circumvent the latter. Eventually, as one UNHCR official pragmatically asserts, “UNHCR’s characterization of Syrians as a ‘refugee movement’ and the prima facie approach are more or less the same in all but formality” (Janmyr 2018). Similarly, a UNHCR staff member emphasizes that the Agency “considers all Syrians to be refugees” (Janmyr 2018) – a statement that can be proved correct in the High Commissioner’s regular referrals to ‘Syrian Refugees’ (UNHCR 2014).

As refugee registrations approached one million by 2014, the Lebanese government felt the displacement crisis “threatened the existence of Lebanon” (The Daily Star 2013). It therefore adopted decisive border restriction policies to limit the access of the ‘displaced’ Syrians to the Lebanese territory (Janmyr 2016). The government also attempted to limit refugee registration by setting forth specified registration criteria and, concomitantly, asking UNHCR to de-register some profiles (Knutsen 2014a, Knutsen 2014c).
The deregistration request came after the government realized that thousands of Syrians were commuting across border crossings despite being registered as refugees with UNHCR. Paradoxically, the Lebanese government made reference to Article 1 (C) of the 1951 Convention to argue that these individuals “have voluntarily re-availed themselves of the protection of the country of their nationality” and should accordingly be ineligible to a refugee status designated by the UN (Knutsen 2014d, Knutsen 2014c, Dionigi 2016).

Interestingly, UNHCR deregistered those individuals in compliance with the Lebanese government’s directive (Kullab 2014b). Sixty-eight thousand refugees saw their UNHCR registration status being revoked in summer 2014 because they seemingly did not require international protection according to then-UNHCR Representative Ninette Kelley (Kullab 2014b). Few months later, UNHCR also complied with the Lebanese government’s request to deregister 1,400 Syrian refugees who were admitted to Lebanon after the government issued and placed into force new entry criteria and residency policies for Syrian nationals in January 2015 (The Daily Star 2015a, Inter-agency Coordination Lebanon 2015).

While legal concerns regarding the fairness of the procedural adjudication and the consequent deregistration of these cases have prevailed (D. Stevens 2017), this thesis examines the issue from a different lens. Despite UNHCR’s consideration of all Syrians outside Syrian to be refugees, and notwithstanding its concerns regarding the denial of international protection to its own ‘persons of concern,’ the Agency still revoked refugee statuses – and this is what really matters here. This was another

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34 See Article 1 (C) of the 1951 Convention in the annex.
instance of choosing between adherence to humanitarian protection norms or alignment with local views on asylum – and UNHCR opted for the latter.

Finally, at the request of the Lebanese government, UNHCR suspended new refugee registrations as of May 6, 2015 after the number of registered refugees topped to 1.2 million (Amnesty International 2015). This came after the Minister of Foreign Affairs repeatedly claimed that “the conditions to register refugees should be the responsibility of the state rather than the UN” (The Daily Star 2014).

![Number of Syrian Refugees Registered with UNHCR](https://data2.unhcr.org/en/situations/syria/location/71)

<table>
<thead>
<tr>
<th>Date</th>
<th>Number of Syrian Refugees Registered with UNHCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 3, 2013</td>
<td>259,503</td>
</tr>
<tr>
<td>December 31, 2013</td>
<td>805,835</td>
</tr>
<tr>
<td>December 31, 2014</td>
<td>1,146,405</td>
</tr>
<tr>
<td>December 31, 2015</td>
<td>1,069,111</td>
</tr>
<tr>
<td>December 31, 2016</td>
<td>1,011,366</td>
</tr>
<tr>
<td>December 31, 2017</td>
<td>997,552</td>
</tr>
<tr>
<td>December 31, 2018</td>
<td>948,849</td>
</tr>
<tr>
<td>December 31, 2019</td>
<td>914,648</td>
</tr>
</tbody>
</table>

*Figure 9 Number of Syrian Refugees Registered with UNHCR in Lebanon*

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The Lebanese government justified the suspension by proclaiming that a new registration mechanism was to be developed (Amnesty International 2015). This mechanism, however, has never seen light since then. What mattered the most for the government at a time of institutional failure, protests, and political wrangling in 2015 was to end the rising curve of registration. As reported by the media in 2015, “at the end of the year, the calculations should show more deactivations than new refugees” (Gebeily 2015). The suspension was hoped to decrease political and communal tensions in Lebanon yet ended up being compared metaphorically to when “an ostrich buries its head in the sand”.

However, from UNHCR’s viewpoint, the suspension was merely “window dressing” (Janmyr 2018). A UNHCR official underlined that suspension was only a matter of the government’s perception given that refugees were in Lebanon and new refugees were arriving regardless if UNHCR proceeds with its registration procedures or not (Janmyr 2018).

UNHCR’s pragmatic use of diction and terminologies was a core element of its compliance with the Lebanese government’s order to suspend the registration system. As UNHCR stopped refugee ‘registration,’ it initiated refugee ‘recording.’ The two nouns are synonyms and have an identical meaning in Arabic: Tasjeel. UNHCR conducted recording procedures by capturing the biometrics and the basic information of new refugees, allegedly for assistance purposes. This fundamentally implies that the major difference between registered refugees and recorded refugees is that the latter

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36 Interview with a government official on October 16, 2020.
37 Ibid.
38 Ibid.
did not receive a UNHCR registration certificate and were not eligible for resettlement. However, registered and recorded refugees were all receiving international protection and assistance.

<table>
<thead>
<tr>
<th>Contentious Points</th>
<th>Lebanese Government</th>
<th>UNHCR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee label</td>
<td>Expressed aversion to the ‘refugee’ label</td>
<td>Characterized the flight of Syrians as a ‘refugee movement’ and incorporated the term ‘displaced’ in the LCRP</td>
</tr>
<tr>
<td>Refugee registration</td>
<td>Expressed aversion to giving a ‘refugee’ status to Syrian nationals</td>
<td>Did not officially declare prima facie refugee status although its registration policy entailed prima facie refugee status determination</td>
</tr>
<tr>
<td></td>
<td>Requested the de-registration of certain individuals in 2015</td>
<td>Revoked the refugee status of these individuals in compliance</td>
</tr>
<tr>
<td></td>
<td>Requested the suspension of registration procedures</td>
<td>Suspended ‘registration’ procedures and initiated ‘recording’ procedures instead</td>
</tr>
<tr>
<td>Newborn refugees</td>
<td>Called for the suspension of the registration exception for newborn babies to refugees registered with UNHCR before January 2015</td>
<td>Began referring to refugee newborns as “add-ons” instead of “registration of newborns”</td>
</tr>
</tbody>
</table>

Table 3 Contention Between UNHCR and the Lebanese Government over Refugee Label and Registration

This registration suspension is still in progress except for Syrian babies born in Lebanon to parents who already have UNHCR registration certificates. According to UNHCR’s Handbook for Registration, birth registration and the registration of persons of concerns are two distinct and independent procedures (UNHCR 2003). This exception, however, was the subject of a heated disagreement between UNHCR and

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39 Based on the author’s hands-on experience in UNHCR.
the former Minister of Foreign Affairs Gebran Bassil who proclaimed that newborn registrations “constitute a disguised and hidden prelude to resettle those displaced Syrians on Lebanese territory” (Aziz 2015). The Foreign Minister also accused UNHCR of “exceeding its prerogatives” and “violating Lebanese sovereignty” through its birth registration exercises (The Daily Star 2015). Against this backdrop, UNHCR resolved the issue with the government by officially referring to this registration exception as “add-ons of newborns” instead of “the registration of newborns”.

4.3 Push and Pull over Social Stability and Security

A firm rejection to establish formal Syrian refugee camps has prevailed among most of the Lebanese political factions. It was not a tactic to foster refugee inclusion but a decision stemming from security and economic concerns (Turner 2015). Most political powers were worried that Syrian refugee camps would transform into illegitimate, violent, and uncontrollable enclaves and would replicate the state’s “bitter” experience with Palestinian refugee camps (Bassam and Perry 2015). Nonetheless, Lebanon’s non-encampment policy translated into Syrian refugees settling formally or informally in every town across the country. In some towns, refugees outnumbered local inhabitants (Kelley 2017).

40 Approximately one-fifth of the Syrian refugee population in Lebanon lives in informal tented settlements and the rest reside in substandard shelters, unfinished buildings, collective shelters, or regular houses. As of December 2018, and based on the author’s hands-on experience in UNHCR, Lebanon had 2,664 informal settlements comprised of less than 4 tented shelters and 2,867 informal settlements consisting of more than 4 tented shelters.

At the early stages of the Syrian influx, refugees received a warm welcome in Lebanon especially in the border governorates which were the first in the receiving line (Sikimic 2011). Dominant parties in these areas like the Sunni’s Future Movement and the Shiite’s Hezbollah urged their supporters to embrace hospitality provision and assist with humanitarian duties toward the ‘brothers and sisters’ from Syria (Saad, Barnard and Hauser 2013).

However, as the armed confrontations in Syria intensified and involved external actors, it became obvious that Syrians in Lebanon will undergo a protracted refugee situation and will not return to their homeland as quickly as expected. Therefore, the notions of ‘brothers and sisters’ and ‘hospitality’ faded out swiftly from the Lebanese political rhetoric and were respectively substituted by the concepts of ‘displaced’ and ‘displacement burden’ (Massih 2014).

From 2013 onward, this political rhetoric exacerbated the tension between Syrian refugees and some host communities (Abi Khalil 2015). It became tangible that refugees were overstretching Lebanon’s infrastructure and hosting capacity, especially
in underprivileged communities (World Bank 2013). The general perception among the Lebanese was that Syrian refugees were a threat to their national security (Beirut Research and Innovation Center and Lebanese Center for Studies and Research 2015, Naharnet 2013).

Lebanon’s social fabric gradually witnessed a form of transformation, and security incidents, like the Arsal cross-border confrontations between the Lebanese Armed Forces and Syrian militants, flagged the hazards that the influx presented on Lebanon and aroused fear of refugees armament and militarization (Kelley 2017). Hence, the nexus between the Syrian influx and security has become inextricably intertwined.

Against this backdrop, Lebanese authorities decided to impose strict border restrictions as discussed in the previous section. Although the Lebanese borderline with Syria is porous with countless unofficial crossings, all political parties backed the sealing of official border crossings to limit refugee inflows. This strict enforcement of border regulations was justified by referring to the country’s economic tautness and the instable security situation (Abi Khalil 2015).

The Arsal events were in fact a watershed moment beyond which securitized policies toward Syrian refugees became more widespread (European Commission and High Representative of the EU for Foreign Affairs and Security Policy 2015, Lebanon Support 2015). In some areas, municipalities sought to limit the mobility of Syrians and prohibit their large gatherings by imposing strict community policing practices and imposing curfews (BBC 2016).

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There was also a growing number of politically backed eviction incidents where refugees were asked to leave their formal or informal settlements in certain areas in the hope that these actions would trigger return movements.\textsuperscript{43} For example, after Syrian militants blew themselves up in the north-eastern border town of Al-Qaa, the Lebanese Armed Forces and other security apparatuses raided informal refugee settlements for concerns of militarization. Simultaneously, refugees in the Bekaa governorate were evicted from cities that were thought to be sensitive, such as main roads, international highways, and areas near the Rayak Air Base (Kanso 2017, Human Rights Watch 2018).

Additionally, the political discourse over the Syrian displacement became even more securitized. Syrians were continually framed as an economic encumbrance, a jeopardy on the state’s delicate sectarian equilibrium of power, and a security threat. The main Lebanese political parties banked on arguments that emphasized the damage that refugees posed on social stability and infrastructure. They flagged apprehension about naturalization, demographic manipulation, and civil unrest that could potentially be stimulated by refugee militarization acts. They also blamed refugees for Lebanon’s political deadlocks and its staggering domestic governance indicators.\textsuperscript{44}

Christian-based parties like the Free Patriotic Movement, the Lebanese Forces, and the Kataeb Party have demanded stricter refugee containment strategies. They underscored that extended refugee presence in Lebanon would threaten the country’s ‘accommodationist’ balance between Muslims and Christians – a core element of Lebanon’s “national covenant” (Fakhoury 2017).

\textsuperscript{43} Based on the author’s hands-on experience in UNHCR.

Muslim-based political parties like Hezbollah and the Future Movement were no different. Hezbollah, for example, cautioned that radical and extremist actors might instrumentalize Syrians in Lebanon (The Daily Star 2016). Similarly, the Future Movement was concerned about the “politicization and friction” that refugees can pose on Lebanon (Fakhoury 2017).

Consequently, the Lebanese political landscape was subject for a strong divergence between the country’s intentional solid rejection to develop a refugee regime (The Daily Star 2014a) and the international community’s plea for a better refugee protection legal framework (European Commission and High Representative of the EU for Foreign Affairs and Security Policy 2015). As this gap widened, UNHCR’s policy dilemmas and policy complications grew bigger.
In this unstable securitized context and amid waves of mass refugee evictions that swept various regions in Lebanon, UNHCR undertook advocacy initiatives at the levels of municipalities, cadasters, and governorates to lobby against these practices.\textsuperscript{45} Gradually, it became evident that eviction practices have other reasons than the ostensible [and fair] justifications that related to overburdened infrastructure, illegal shelter structures, environment pollution, or tension between refugees and the local community.\textsuperscript{46} UNHCR realized that most of these decisions were firmly rooted in political and sectarian foundations and were often backed (or even instructed) by political parties and/or religious authorities.\textsuperscript{47} This often left little or no room for advocacy or negotiation.\textsuperscript{48}

In few cases at the micro level, UNHCR has succeeded in delaying some evictions for a few days or weeks to give more time for refugees to find alternative shelters.\textsuperscript{49} In few other instances, it has successfully negotiated the waiver of curfews or the inclusion of refugee students in local schools.\textsuperscript{50} However, at the macro level, UNHCR was amid yet another dilemma. On the one hand, the Agency must secure an improved refugee protection framework in line with its mandate. On the other hand, negotiating Lebanon’s incoherent refugee regime with authorities while the securitization of the crisis prevailed was of very delicate and sensitive.

\textsuperscript{45} Based on the author’s hands-on experience in UNHCR and involvement in these efforts.

\textsuperscript{46} Ibid.

\textsuperscript{47} Ibid.

\textsuperscript{48} Ibid.

\textsuperscript{49} Ibid.

\textsuperscript{50} Ibid.
UNHCR realized that the refugee tension with the host community will continue to rise exponentially unless Lebanese community members receive direct or indirect assistance to cope with the crisis. Therefore, the Agency opted for addressing the structural and developmental challenges identified by municipalities or local authorities, which, in most instances, were ostensibly legitimate. UNHCR knew that addressing these challenges would curb local and political authorities and would expand the bandwidth of vulnerable host communities. From UNHCR’s viewpoint, this was believed to establish a win-win solution whereby the Agency contains community sentiments and the political rhetoric toward refugees all while ensuring that refugees have the attainable and tolerable level of protection.\textsuperscript{51}

This required that UNHCR links its humanitarian action to development support – and the Agency did (Kelley 2017). It promptly complemented its refugee protection and basic assistance programs with humanitarian development programs throughout the country to foster social stability and create welcoming atmospheres toward refugees. Some of these development programs addressed systemic public service gaps at municipal levels that predated the refugee influx as a token of appreciation for the community’s hospitality (Kelley 2017).

Hundreds of development projects were implemented across Lebanon in regions that were marked high in terms of refugee numbers, poverty, and tension.\textsuperscript{52} The projects ranged from waste management and sanitation facilities, to wells, community centers and medical facilities; and from education and livelihood programs...

\textsuperscript{51} Ibid.

to shelter rehabilitation projects. In fact, there are a wide range of examples to bring forth on this subject matter. However, only a few examples, where the author was involved directly or indirectly, are outlined below for situational awareness. While all the presented hands-on examples are from the UNHCR operation in the governorates of Northern Lebanon and Akkar, it is worth noting that UNHCR, in partnership with other international organizations, replicated the same (or similar) development programs in all governorates based on assessments of needs.

In vulnerable municipalities that complained about overstretched water infrastructure, water trucking to informal settlements gradually shifted to the development of reservoirs and wells in partnership with the North Lebanon Water Establishment and the Ministry of Water and Energy (Kelley 2017). These water solutions presented a win-win situation for refugees and the local community.

Similarly, some 109,000 people in Akkar living in vulnerable towns hosting a remarkably high number of refugees benefited from the installation of 534 solar energy street lighting poles to alleviate the recurrent electricity blackouts. Installing streetlights in these rural areas established a new service that brought in an improved sense of security in the community and increased refugee tolerance.

A third example is the rehabilitation of shelters in areas with dense refugee population and characterized by strong socio-economic challenges, tension between refugees and the host community, and eviction threats. Under this development program, a considerable number of Lebanese landlords have benefitted from the

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upgrading of the poorly structured apartments they provided for vulnerable refugee families. This investment deflated communal tension across displacement lines. It also ensured, on the basis of agreements, that the owners of the rehabilitated shelters would in turn host refugees for a rent-free period or would reduce the rent for a longer period.

Furthermore, UNHCR established community development centers as part of its efforts to foster social stability. Scattered throughout the country, these centers provided support to refugees and members of the host community through awareness raising activities, accelerated capacity building programs, life skills activities, and psychosocial support. They also served as a mechanism for identifying communal vulnerabilities and referring individuals to existing services.

As a matter of fact, UNHCR invested over 217 million U.S. dollars between 2011 and 2018 in governmental institutions and in host community support projects (UNHCR n.d.).\textsuperscript{54} Targeted support to key ministries included appropriations for staffing, capacity building, organizational infrastructure, equipment, development

\textsuperscript{54} See figure 12.
projects, medications, among other things. On the other hand, funding community support projects brought the requisite service to the most vulnerable host communities to alleviate the impact of the crisis. These were made possible through international humanitarian pledges and contributions that grew from under twenty million U.S. dollars in 2011 to over one billion U.S. dollars in 2019.

A final example to set forth is cash-based assistance. Cash-based assistance programs in response to the Syrian refugee crisis was a breakthrough for UNHCR’s global operations. The Lebanese government was quick in resisting the introduction of assistance cash cards in Lebanon on the grounds that underprivileged Lebanese will be indignant at cash provision to foreigners in their community. To overcome this challenge, UNHCR appropriated a portion of this cash assistance to support Lebanon’s National Poverty Targeting Program (NPTP) that provided social assistance packages to underprivileged Lebanese families (Kelley 2017, World Bank 2014).

Investments in these humanitarian development programs were planned to span for multiple years and were significantly high in dollar value. Development projects in the sectors of electricity, water, waste management, health, and other services – although were insufficient to holistically address the impact of the influx on Lebanon’s infrastructure – increased refugee tolerance and contributed to the resilience of the host community. On one hand, these projects played an instrumental role in aiding and supporting the bandwidth of host communities. On the other hand, they reduced the existing and the prospective tension between refugees and the local communities.

Additionally, despite the Lebanese government’s reluctance to cooperate on refugee norms, UNHCR still sought cooperation with other civil society actors and academics. For example, apart from regular inter-agency coordination with national and community-based organizations, UNHCR supported the Lebanon Policy and Research Network on Displacement. This initiative served as a communication platform for local organizations, policymakers, and researchers to counter misinformation and the anti-refugee narrative, shape public opinions, and foster well-informed and cohesive decision-making in terms of refugee assistance and protection. This initiative resulted in a range of outputs and outcomes including several forums, campaigns, and media engagements to address the refugee misperceptions. Outputs also included the issuance of two volumes of a booklet titled “101 Facts and Figures on the Syrian Refugee Crisis” addressed primarily to policymakers to counter fallacies and twisted facts.

4.4 Push and Pull over Refugee Return

From 2017 onward, a consensus prevailed among almost all Lebanese political constituencies that the protracted Syrian influx in Lebanon has tipped a remarkably dangerous point for Lebanon and for the refugees themselves. Underneath newspaper

56 See Lebanon Policy and Research Network on Displacement through https://www.globalcompactrefugees.org/article/lebanon-policy-and-research-network-displacement


58 Interviews with a senior Free Patriotic Movement executive on May 9, 2019; a senior Progressive Socialist Party executive on May 2, 2019; a senior Kataeb Party executive on May 10, 2019; a Future Movement member of parliament on June 11, 2019; and a Lebanese Forces governmental official on May 6, 2019.
headlines, media statements, and populist outbursts rested an actual political will among leading political parties from across the spectrum to formulate, discuss, and execute practical policies that can potentially address the return of Syrian refugees.\textsuperscript{59}

UNHCR requires that refugee return movements must be safe, voluntary, and sustainable. Such movements necessitate rigorous coordination between the host country, the country of origin, and the international community. However, there were divergent views among the Lebanese political elites on interpreting the three return criteria and on agreeing on a return coordination mechanism.

At its early stages, this political will was tied to geostrategic interests. Political parties that comprise a pro-Syrian regime alliance urged the government to restore ties with the Syrian authorities and coordinate return movements (Al Jazeera 2019).\textsuperscript{60} The parties considered that the Syrian regime was able to secure safety assurances for the returnees (Reuters 2018a) and saw blurring lines between ‘voluntary return’, on one hand, and ‘naturalization’ or a lasting stay on the other hand (Sewell 2019). On the other hand, anti-Syrian regime parties rejected the normalization of ties with the Syrian regime before a political solution was achieved in Syria.\textsuperscript{61} Accordingly, they were against direct coordination between Lebanese ministers and their Syrian counterparts over return (Dakroub 2017). These parties did not want to revive Syria’s influence in Lebanon (Fakhoury 2020) and wanted to deny the Syrian regime any regional or international leverage (Jacob 2019).

\textsuperscript{59} Ibid.

\textsuperscript{60} These parties include Hezbollah, Amal Movement, the Free Patriotic Movement, Marada Movement, among others.

\textsuperscript{61} These parties include the Lebanese Forces, the Progressive Social Party, the Kataeb Party, the Future Movement among others.
Nevertheless, as political pressures mounted and an economic meltdown loomed, Lebanese constituencies and political forces softened their return ‘auxiliary demands’ in terms of normalizing ties with the Syrian government or waiting for a completed political settlement that ensure that all of UNHCR’s “twenty-two protection thresholds” could be met.\(^6^2\) Instead, the focus became on how some kind of refugee return can be responsibly and reasonably kickstarted. At the end of the day, the main political powers were convinced that the Syrian government does not want and is not prepared to receive medium or large-scale returns of refugees for socio-economic and stability-related reasons primarily.\(^6^3\)

As such, leading political actors realized that their pushing for substantial levels of returns would potentially lead to resistant receptivity from Damascus, likely resulting in obstruction of return movements or in returnees to Syria returning to Lebanon again in the near future.\(^6^4\) Supporters of the “Russian Return Initiative” also understood that the initiative remains fundamentally hollow although it provides a helpful way out of the normalization conundrum.\(^6^5\) It became evident that constraints include Russia’s humble limited experience in managing such a process practically in the field, the resistance to the initiative by the United States, the European Union and the influential Arab states, and the limited buy-in from the Syrian government. Therefore, the Lebanese government opted for facilitating return movements through


\(^6^3\) Interview with former government official on July 30, 2020.

\(^6^4\) Ibid.

\(^6^5\) Ibid.
General Security Office and for pressuring UNHCR to facilitate return (Associated Press 2019). While the Lebanese authorities estimate that 170,000 refugees have returned in these voluntary movements, UNHCR underlines that the number is significantly lower (Sewell 2019). 66

Some spontaneous returns have already taken place in Lebanon, particularly since 2017. In 2017, over 11,000 refugees returned spontaneously to Syria (UNHCR Lebanon 2018a). For the first quarter of 2018, more than 1,200 refugees have returned by themselves (UNHCR Lebanon 2018a), in addition to the 474 refugees who returned in mid-April 2018 from Chebaa, South Lebanon, to Beit Jin in Syria (UNHCR Lebanon 2018b).

Beit Jin’s return was a watershed moment being “one of the first organized and reportedly voluntary transfers” of civilian Syrian families from Lebanon to their homeland (Edwards and Zaatari 2018). Following Beit Jan’s return, UNHCR Lebanon was quick in issuing an official statement that denied its involvement in this movement (UNHCR Lebanon 2018b). Back then, there was uncertainty within UNHCR Lebanon

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about the pace of the return, and the pace was believed to depend on the gradual removal of obstacles to return and the sustainability of the returns that were taking place at the time. As a matter of fact, in summer 2017, UNHCR issued a public report on the spontaneous returns to Syria and alerted the international community to be ready to pay attention to this trend (UNHCR 2017, Dearden 2017). These reports were updated regularly as part of UNHCR’s efforts to monitor the pace of returns, and refugees who returned were included in existing humanitarian programs if such programs existed in the areas they returned to. It is such reports that enabled UNHCR, for example, to forecast that around 0.25 million refugees could return to Syria in 2019 (The Daily Star 2018g).

When UNHCR organizes refugee returns, this implies that the Refugee Agency assumes part of the responsibility for the fate of these individuals upon their return, notably that they can re-establish a life in safety and dignity. UNHCR and other UN agencies do not have access to many areas in Syria which refugees might return to and lack formal safeguards regarding the protection of refugees upon return according to High Commissioner Filippo Grandi (The Daily Star 2019e). A UNHCR officer underlines that:

“UNHCR is not the obstacle preventing refugees from returning to Syria. Seven years of war and destruction, and a complex political and security situation on the ground and in the region are. Therefore we [UNHCR] are coordinating closely with other members of the UN family, as well as with regional organizations and the broader

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67 Based on the author’s hands-on experience in UNHCR.

68 Ibid.

69 Interview with UNHCR official on October 10, 2020.
international community, for everyone to contribute to creating conditions for a safe and dignified return.”

According to UNHCR, the vast majority of Syrian refugees intend to return based on surveys that the UNHCR does (The Daily Star 2018h). However, refugees do not specify when they intend to pursue repatriation. When asked about UNHCR’s position when refugees choose to return even before UNHCR is organizing return movement, a UNHCR officer explained that:

“The when refugees decide to return on their own, UNHCR respects their decision and would not try to change their minds or discourage them from returning. UNHCR tries to be as helpful as possible to the refugees as they get ready to leave, in a variety of ways, including assisting them obtain key documents they may be missing, e.g. birth, marriage, death certificates, or school records, all of which help the refugee re-establish, have access to services and assert his/her rights when they are back in Syria. UNHCR also assesses medical needs and tries to find ways to supply refugees with some advance stocks.”

Figure 14 The Repatriation Intentions of Syrian Refugees

Against the backdrop of UNHCR’s statement following Beit Jin’s return, the Lebanese government accused the Refugee Agency of “scaremongering” refugees and obstructing return (Human Rights Watch 2018). Few months later, in June 2018, three


72 Interview with UNHCR official on October 10, 2020.
thousand refugees in the north-eastern border town of Arsal expressed their intention to return to Syria (The Daily Star 2018i). UNHCR staff met with many of these families and conducted pre-return interviews as part of standard operational procedures. Interviews conducted by UNHCR before departure help refugees be better equipped upon return, according to UNHCR Lebanon.

“Listening to refugees and relaying their voice is core to UNHCR’s work. In the case of return, exploring and identifying the refugees’ main concerns and priorities as they make their decisions to return is key to UNHCR’s advocacy and planning purposes to help remove the obstacles to the return of refugees. The identification of obstacles enables UNHCR to more effectively work towards removing these obstacles. This work is a global responsibility of UNHCR based on international standards, and something we do in all refugee situations as a core activity.”

However, the Lebanese government perceived these pre-return interviews as a mechanism that aimed at deterring refugees from returning. These interviews in summer 2018 triggered heightened escalation between UNHCR and the Lebanese government through the Ministry of Foreign Affairs. Then-Minister of Foreign Affairs Gebran Bassil intensified his criticism of the UN return policies and underscored that the Lebanese government neither has the resources nor the patience for the refugee crisis to drag further (Elbadawi 2018). “We [Lebanese government] want it to be short. Their [UNHCR’s] policy is to forbid the return [of refugees], the Lebanese policy is to encourage return,” he asserted (Malla 2018). Concomitantly, Bassil ordered a freeze of residency applications for UNHCR international staff in Lebanon for spreading

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73 Based on the author’s hands-on experience in UNHCR.

74 Interview with UNHCR official on October 10, 2020.

75 Ibid.
fears among refugees and discouraging return (Reuters 2018b, France24 2018). This measure came after UNHCR Representative in Lebanon Mireille Girard and was summoned a couple of times to the Foreign Affairs Ministry and was warned about UNHCR’s return policies (The Daily Star 2018d). Despite UNHCR’s insistence that “[the agency] does not try to discourage the refugees from returning back to Syria [and that it] respects […] the individual decisions for people to return” (Reuters 2018a), the Ministry of Foreign Affairs gave UNHCR two weeks in summer 2018 to present to the Lebanese authorities a comprehensive and clear strategy for gradual refugee return (Human Rights Watch 2018, The Daily Star 2018e).

A UNHCR officer explains here that “UNHCR’s mandate is generally centered on solutions and UNHCR ensures that solutions are safe, dignified and sustainable, and that in the context of Lebanon, the solutions pursued are repatriation in line with international standards and resettlement to third countries.” At the time, UNHCR was in constant dialogue with authorities in Syria on a number of fundamental safeguards such as exemption of military mobilization upon return, property recovery, and guaranteeing access to returnees upon their return. However, it was evident that conditions for dignified, sustainable, and safe return were not yet in place in Syria (Yusof 2018). Consequently, the Lebanese government did not receive the strategy it asked for and shifted the escalation to new heights that created a tense diplomatic whirlwind with the international community. Bassil threatened to declare Mireille Girard, the UNHCR Representative in Beirut, as a persona non grata (an unwelcome diplomatic person) should UNHCR not cooperate on return movements (LBCI 2018).

76 Ibid.

77 Based on the author’s hands-on experience in UNHCR.
As a result, despite UNHCR’s and High Commissioner Filippo Grandi’s stance that the Agency cannot and will not encourage return given “the complex situation on the ground” (The Daily Star 2018f), and notwithstanding that conditions for dignified, sustainable, and safe return in Syria were not ripe, Grandi assured Foreign Minister Gebran Bassil “that the UNHCR will work to remove obstacles to refugee returns, ‘especially in terms of legal framework, housing security and issues relating to property and service distribution’” (The Daily Star 2019d). This signaled that “UNHCR will begin encouraging the return […] ‘without promoting’ it, […] and this was seen as a “significant change in UNHCR’s tone” by the Ministry of Foreign Affairs (Haboush 2018).

This was yet another instance when UNHCR had to navigate local views on asylum while sacrificing few international refugee norms. Against this diplomatic escalation, UNHCR opted for observing refugee return movements at gathering points and border crossings. It has also assisted refugees intending to return to obtain legal documents like birth certificates. UNHCR also implicitly coordinated with the General Security Office to receive the list of returnees ahead of every return movement. Upon receiving the lists, UNHCR verified the identity of the returnees in its database. UNHCR then contacted them to verify their return intention and to enquire whether return was compulsory and whether they required assistance.78

During the return movement, UNHCR crosschecked the names of the individuals boarding the return buses against the list of registrants from the General Security Office. This helped in two things. First, it allowed UNHCR to have a precise estimation of the actual number of refugees who return especially that not every

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78 Based on the author’s hands-on experience in UNHCR.
registrant shows up on the day of the departure. Second, UNHCR was able to track who has returned where. By that, the Agency was able to follow up on their situation in Syria through their family members who remained in Lebanon, especially that most of the returnees were women and children and had family members (mostly men) stay in Lebanon. 79 Many Syrian men were mostly hesitant about return for fear of military conscription.

Were these practices by UNHCR completely in line with its mandate and with the international refugee law? The answer is an easy ‘no’. However, this was all what UNHCR could have done to avoid a confrontation with the Lebanese government all while ensuring that it has exerted every possible effort under the umbrella of ‘protection.’

Hitherto, this case study has mapped contentious points that arose between the Lebanese government and UNCHR. It also explained how UNHCR has adopted pragmatic policies to navigate these contentions. The case study will go on to outline the repercussions of these pragmatic policies on the refugee governance in Lebanon and, equally important, on the refugees themselves.

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79 Based on the author’s hands-on experience in UNHCR.
Chapter 5

Discussion and Critical Reflection

5.1 Introduction

This chapter presents critical reflections on the Lebanese government’s fragmented policies as well as on the pragmatic policies that UNHCR has adopted in Lebanon to navigate the country’s complicated policy landscape. As mentioned in the introductory chapter, the thesis does not just aim to analyze the interactions between UNHCR and the Lebanese government and to unpack the deficiencies in Lebanon’s policy landscape. Therefore, this chapter brings forth a very important and often overlooked dimension on this topic: the rights and voices of refugees. In general, scholarly analysis is very much about policymakers and refugee policies and little about the refugees themselves. After presenting the critical reflections and the problematique in the second and the third sections of this chapter, the final section ties in the detrimental impact of Lebanon’s incoherent policies and UNHCR’s pragmatism on refugee rights in practice.

5.2 Critical Reflection on the Lebanon’s Fragmented Policies

There are different viewpoints on the Lebanese government’s decision to suspend refugee registration. Despite UNHCR’s compliance, this thesis argues that this uninformed decision has backfired.80 First, as discussed in section 4.2, as UNHCR stopped its registration procedures, it continued to capture the information of new

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80 Based on the author’s hands-on experience in UNHCR.
displaced individuals for assistance purposes without issuing registration certificates through what it called ‘recording procedures.’ Therefore, not only did this government policy not prohibit UNHCR from adding new displaced individuals to its database, it increased the ambiguity over the number of refugees in the country. UNHCR only announced the number of refugees that were registered before the government suspension decision in 2015. Accordingly, the unannounced number of recorded refugees (i.e. individuals who were recorded from 2015 onward) remained subject for speculations by the policymakers, the observers, and the intelligentsia alike.

Second, out of the three durable solutions for any refugee crisis, the Lebanese government only acknowledges ‘repatriation’ and ‘resettlement’ and strongly objects ‘naturalization.’ The government’s decision to suspend registration does not help achieve the two desired solutions. Sections 4.3 and 4.4 revealed how the Syrian refugee influx became securitized in Lebanon and how calls for refugee return by state and non-state actors have intensified. What is worth noting is that the government’s registration suspension decision obstructs the return of the unregistered refugee population under UN auspices when the conditions in Syria are ripe. According to former UNHCR Representative in Lebanon Ninette Kelley, unregistered refugees might not benefit from UNHCR’s return support, and the Agency “may not be able to monitor their reintegration back into their country […] which may result in renewed displacement” (Kelley 2017). In addition, the resettlement of refugees with high vulnerability to third countries is only made possible (although in very shy numbers) for individuals who have a UNHCR registration certificates. Therefore, the

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82 Based on the author’s hands-on experience in UNHCR. In fact, some Embassies consider recorded refugees through their own immigration and resettlement programs that are protection-based purposes upon a pitch from UNHCR. However, these procedures are exceptions.
government’s argument that the registration suspension in 2015 aimed to reduce the Syrian refugee population in Lebanon is refutable. Not only did it not limit the number of refugees, it made a bad situation worse. It left a significant number of refugees exposed to substantial vulnerabilities as this chapter reveals in the fourth section.

In addition, the thesis argues that the government’s decision to prohibit birth registrations is also misinformed and will have pricey repercussions in the future. In principle, Syrian refugee birth registrations through UNHCR apply to newborns for refugee parents where the father and the mother are Syrian nationals. When the Lebanese government rejects to offer a newborn refugee an official birth certificate that includes a formal attestation that the baby belongs to two Syrian parents, the baby becomes at the heightened risk of statelessness on the long term. Consequently, this imposes significant risk on Lebanon’s national fabric given the religious and the political authorizes’ entrenched concerns about naturalizing stateless individuals and the subsequent effect that such a policy could have on the country’s sectarian balance (Chatty, Mansour and Yassin 2013, Frontiers Ruwad Association 2011). In other words, while the Lebanese government’s newborn registration suspension is thought to be a policy to crack down on refugees and stimulate return movements, the thesis argues that the detrimental effects of this populist policy will likely unfold over the next generation(s).

Separately, despite the Lebanese government’s negative sentiments toward Syrian refugees and the extreme pressures that the Syrian crisis has imposed on the country, Lebanese officials were able to extract some ‘benefits’ from the Syrian

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83 Interview with a UNHCR official on July 22, 2020.
displacement – or so they thought. 

Between 2012 and 2019, the country has taken the Syrian displacement as a reason to “justify the institutional vacuum” and as a “leverage in Lebanon’s international relations” (Fakhoury 2017). As discussed in sections 4.3 and 4.4, Lebanon’s political elites have securitized the Syrian displacement and banked on speeches about return as a “bargaining leverage for sustaining geostrategic alliances” and as a mechanism to impact the domestic balance of power (Fakhoury 2020). Such disordered (and often chaotic) policies in turn exacerbated refugee vulnerabilities (as this chapter reveals in the fourth section) without any significant breakthrough in terms of return. After all, the informed political actors in Lebanon acknowledge that Syrian refugee return is part of an equation that encompass demography as a factor in the regional and the international political balance of power - and that Lebanon has no influence whatsoever on the equation. 

In the words of a senior international community policy expert in Lebanon:

“We [the international community] are working hard for a durable solution for Syrians to return safely. 95% of the Syrian refugees in Lebanon want to return to Syria, but they think they cannot. The problem is that when we [the international community] try to explore voluntary return, it is the Syrian [regime] who does not want the return.

When people registered in previous [General Security Office] return movements from Lebanon, people were selected, and two thirds could not return. In some instances, clearance was for just one person from the family, so the family then decided to stay. This is something that we don’t talk about in media. This is the reality and the fact.

There are many people who wish to return, but they cannot because they are not

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84 The thesis argues that what is perceived by officials to be policy ‘benefits’ are in fact political disadvantages.

85 Interview with a governmental official on May 6, 2019.
authorized to. This is simply against the international law. These people have the right
to return to their country of origin."

In general, a host country cannot fulfill refugee rights absent a holistic and
articulated refugee governance system, and this has proved true in Lebanon. The
protection regime in Lebanon was arguably ineffective because it was executed by
UNHCR without a proactive involvement of the government and because it lacked a
“national framework for refugee protection” (Trad and Frangieh 2007). Moreover, the
fact that UNHCR’s legal mandate in Lebanon was undefined and unformalized left
wide room for the government to interfere in the Agency’s operations (Janmyr 2018).
This has adversely affected UNHCR’s ability to execute its full mandate. Thus, the
political stagnation and instability in Lebanon, coupled with a fragmented and highly
polarized policy landscape within successive governments, necessitated that UNHCR
embraces pragmatism as a coping mechanism. The next section unpacks some
reflections in that regard.

5.3 Critical Reflection on UNHCR’s Pragmatic Policies

In a recent journal article, Tamirace Fakhoury argues that countries without a
refugee protection legal framework and fragmented governance are likely to rely on
the “political regime’s repertoire” to cope with displacement (Fakhoury 2020). This
thesis builds on Fakhoury’s observation and advances the argument that UNHCR does
the same in such countries. The Agency in these countries also banks on the repertoire
of norms and interactions that are ingrained in (and will likely not offend) the state’s

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36 Interview with a senior international community policy expert in Lebanon on May 8, 2020.
mode of governance to develop a multi-dimensional protection regime which includes humanitarian and development programs (D. Stevens 2013).

It became evident in Chapter 4 that UNHCR has a substantial latitude under its mandate to orientate its policies the way it wants. However, Lebanon’s policy fragmentation and its measures to reduce the number of Syrian refugees on its soil have greatly impacted UNHCR’s own capability to carry out its international refugee ‘protection’ mandate (Janmyr 2018). Before delving into specifics from the UNHCR operation in Lebanon, it is worth spending a moment to unpack a term that has been recurrent thus far: protection.

The notion of ‘protection’ means “the act of respecting and upholding fundamental human rights” (Helton 2003, D. Stevens 2013). Accordingly, refugee protection in practice encompasses the preservation of the rights that are set forth in the 1951 Convention and in several human rights instruments, charters, and agreements (OHCHR 2003). Thus, the provision of protection to refugees is, inter alia, the preservation of their rights. Therefore, one would expect UNHCR, in its capacity as a “norm entrepreneur” (Fakhoury 2018), to enshrine refugee rights and to approach the response to a refugee crisis from a rights-based perspective.

However, a right-based approach does not mirror the actuality of UNHCR’s assistance in the field. The reality is that assistance is oriented toward needs. ‘Vulnerability’ is the main criterion for the Agency’s assistance provision and protection intervention. While this shift from a rights-based approach to a needs-based approach has been often criticized by many scholars, the thesis argues that UNHCR would likely be unable to execute its mandate in countries with aversion to the international refugee regime by intervening in a crisis from a rights-based approach.
Such an approach often hinders the willingness of states that are not party to the 1951 Convention to host refugees for a long duration (D. Stevens 2016). Lebanon, for example, has rejected the enforcement of full refugee rights at a time when its own resources were pressured, and at a time when the rights of its own people were not realized. As a matter of fact, the thesis advances the argument that putting a lot of emphasis on the rights of refugees in a country notorious for its rejection to a refugee regime would have served to the detriment of refugees. As a UNHCR staff member puts it:

“\text{We constantly remind the countries of the existing legal articles that relate to refugees. This is an integral part of UNHCR’s work although it is not visible enough. In Lebanon we are circling around policies instead of targeting policies and influencing them because of the political complexity and the fragmented political scene. We are here [in Lebanon] based on the government’s request and to support the government in responding to displacement crises. This is how sensitive the situation is. We are not assertive in terms of pushing the government, but we were weighing between international protection, local views on asylum, and risks. The question is: What will we risk if we do this or that? How will authorities react to our response and how will that impact refugees?}^{87}$$87$

To draw on a specific example, as discussed in section 4.2, UNHCR has intentionally not declared prima facie refugee status for Syrian refugees and preferred instead to obscurely classify the influx from Syria as a ‘refugee movement.’ However, this classification remains ambiguous in legal terms. Taken in the context of the Lebanese government’s views on asylum, this classification suggests two things. On the one hand, it avoided a detrimental confrontation with a government known for its
firm rejection to the refugee regime. On the other hand, this circumvention enabled the Agency to establish certain protection norms within the allowable boundaries.

This is not a unique policy that the Agency has developed just for Lebanon. There are multiple examples from the world of UNHCR operations that sought alternative protection strategies that did not necessitate a refugee status determination (UNHCR 2016). However, the pragmatic policy of sacrificing the refugee status of a risk group is very telling. It means that refugee protection is no longer based on refugee status but on vulnerability assessment. This pragmatic policy gave more room for actual humanitarian operations in the field, but this room often came at the expense of fundamental international refugee protection norms.

UNHCR’s policies did not lack pitfalls. Yet, amid the gloom, they also charted notable accomplishments. After all, the reception, protection, and assistance of over a million refugees would have not been possible without UNHCR’s leadership role. Additionally, plagued by a myriad of crises, Lebanon has substantially benefitted from UNHCR’s support to the local community, national organizations, and governmental institutions.

5.4 Refugee Realities and Voices

Almost 1.5 million displaced Syrians were in Lebanon as of the end of 2019. Today in 2020, in the throes of a pandemic outbreak, a collapsing host country, and a war-torn homeland, each of these individuals has a story to tell about losses, struggles, courage, and resilience. They also have a lot to say about the policy push-and-pull between the Lebanese government and UNHCR because they are the ones who continue to bear the expense with an appalling amount of suffering.
As discussed in section 4.2, UNHCR refugee registration certificates are not formally recognized by the government although the document entitles refugees to humanitarian assistance and international protection (Chaaban, et al. 2013). However, after the government updated its residency policy for Syrian nationals in 2015 while, concomitantly, suspending refugee registration, the registration certificates have arguably been granted a legal value (Gebeily 2015). Under this policy, Syrians were able to claim residency through two options, one of which is presenting a UNHCR registration certificate (UNHCR and Government of Lebanon 2019). Nevertheless, being denied a refugee status and forbidden from registering with UNHCR, 78% of Syrian refugee families in Lebanon could not secure legal housing or legal livelihood opportunities and are at heightened risks of getting arrested, detained, or forcibly deported to Syria (VASyR 2019, Janmyr 2016, ALEF Act For Human Rights 2019).

Besides that, 70% of the Syrian births in Lebanon are not officially registered with the relevant authorities. This significantly high percentage of undocumented births has negative repercussions on refugees and limits their access to basic and key services (VASyR 2019). Additionally, unregistered births, coupled with unregistered marriages among 30% of the Syrian refugees (VASyR 2019), adds a layer of complications to managing the humanitarian response in Lebanon and to finding a durable solution for refugees via resettlement or repatriation.

Above and beyond, a further legal challenge is characterized by a limited freedom of movement among refugees “resulting in lack of access to services, particularly healthcare and education and lack of accessing UNHCR registration” (Janmyr 2016). Fears prohibiting free movements include arrest and detention at checkpoints by Lebanese security apparatuses as well as curfews imposed within certain Lebanese communities (Janmyr 2016). In 2019, 14% of the Syrian refugees
relayed that arbitrary curfew policies or other forms of movement restrictions were imposed on them (VASyR 2019). These restrictions have been criticized by human rights activists who believe that these practices “manufacture vulnerability” and facilitate the exploitation of refugee rights (Saghieh 2015, Al-Saadi 2014).

Some human rights activists and scholars also criticize the sponsorship system that Syrian refugees need to be part of to have access to legal residencies. For example, Michael Kagan believes that the sponsorship (kafala) system “appears most analogous to a parent and child, or alternatively, master and slave or servant” (Kagan 2012). Similarly, Nizar Saghieh highlights that the kafala system “concentrates all the power in the hands of employers” and “clearly puts workers in an extremely weak and vulnerable position” (Saghieh 2015).

All this gave rise to negative coping mechanisms among the Syrian refugees in Lebanon. Observations and interaction with refugee families in the field are heartbreaking. Policy fragmentation on Lebanon’s end and policy dilemmas on the UN’s end have driven refugee families to resort to child labor, sex work and human trafficking (United Nations 2014), early marriages (IRIN News 2012, Anderson 2014), and domestic violence (Leigh 2014). Against this backdrop, some Syrian refugees have decided to endure these protection complications in Lebanon until a durable solution is in place. Others have contemplated voluntary return to areas that are allegedly safe or even dangerous return journeys, in some instances, despite the security uncertainties (Human Rights Watch 2019). The rest have embarked on dangerous onward movements through illegal sea crossings to third countries.

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88 Based on the author’s extensive interaction with refugee families as part of his former role in UNHCR.
Chapter 6

Connecting the Dots

Based on the foregoing, the refugee saga in Lebanon and the Middle East is intriguing both from the academic and political perspectives. Policy-based frictions between these states and international organizations surface the underlying rejection to the international refugee regime in the region. Therefore, an empirical examination of how UNHCR executed its mandate under such challenging circumstances in Lebanon revealed findings that speak to the broader literature on the role of international organizations in International Relations.

As a recap, relying on a theoretical framework that looked at the international refugee regime through the constructivist and pragmatic lenses, the research revealed that international organizations are autonomous [and often pragmatic] actors in the international refugee regime. They have their own power, authority, and influence. They classify the world. They categorize actors and action. They articulate and diffuse novel norms and principles. They have their own identities and cultures. Their own policy agendas are influenced by donor states but not to the extent that they turn into state-led puppets. They also often opt for pragmatic policies to advance their missions.

The research brought forth the argument that international organizations broadly, and UNHCR in specific, get transformed in their behavior regarding their interactions with states in the international refugee regime as a pragmatic attempt to navigate policy complications and fulfill their mandates to the extent possible. A pragmatic international organization in International Relations does not challenge a dominant political agenda that falls beyond its scope of influence. Instead, it fulfills its
mandate while working within this dominant policy structure to constrain dissent and criticism.

By analyzing UNHCR’s programs and policies in Lebanon between January 2012 and December 2019, this thesis attempted to problematize UNHCR in International Relations and to situate the research into the wider literature on international organizations and the international refugee regime. Not only did the thesis describe three main policy phases and junctures between the Lebanese government and UNHCR, it also presented critical reflections on these policies and revealed their detrimental impact of the lives and the rights of refugees.

The case study analysis operationalized specific variables and indicators to explain how UNHCR has pragmatically developed its programs and policies to cope with Lebanon’s incoherent policies, political disputes, and dysfunctional institutions. By controlling for Lebanon’s registration and border policy, return policy, and refugee securitization, the case study examined how each of these cycles translated into a UNHCR policy shift from a rights-based to a needs-based approach and from a normative protection role to a pragmatic role.

UNHCR sacrificed a range of protection norms to wander through Lebanon’s domestic complications. The case study advanced the argument that UNHCR has undergone a policy dilemma in Lebanon because it has often found itself torn between international protection norms and Lebanon’s local views on asylum, geostrategic interests, and political disputes. It also advanced the argument that UNHCR has reinvented its role and policies through each of these policy phases to avoid contentious confrontations with the Lebanese government. The research revealed that while UNHCR’s pragmatic policies allowed the Agency to navigate Lebanon’s policy
complications, the policy friction between both parties had painful repercussions on refugees on the ground.

This policy-oriented research ensured that the discussions and interviews with national and international policy experts, as well as the analysis of media and textual sources, reflected multiple perspectives. My hands-on experience in the UN Refugee Agency in Lebanon also gave an additional context for analysis and interpretation.

Literature on the role of UNHCR in International Relations encompass competing strands of thoughts on the role of the Organization in the international refugee regime. This thesis is hoped to add to the existing literature by cultivating the understanding of how UNHCR adopted pragmatic policies to cope with Lebanon’s fragmented policy phases.

On a final note, this concluding chapter presents some policy recommendations as to what UNHCR can do in the future to better support refugee rights and protection in complicated and delicate policy situations like the one in Lebanon. Insights that emanated from the research supported the hypothesis that UNHCR would have likely not been able to operate in Lebanon without being pragmatic. The dynamics of Lebanon’s sectarian power sharing model, its dysfunctional institutions, its fragmented policies, and its rejection to the refugee regime all make from the country one of the most challenging and unique operations for UNHCR. Therefore, based on the research findings and on hands-on experience with UNHCR policy formulation and implementation, the thesis recommends that UNHCR continues approaching the Lebanese government with regular business through pragmatic means. However, UNHCR should limit the detrimental effect of its pragmatic policies on refugee rights.
To be able to do that, UNHCR should intensify its advocacy effort with the host government to allow for a rights-based approach in the provision of protection and assistance to vulnerable populations, including the elimination of regulatory provisions that obstruct legal and social rights. UNHCR should boost such advocacy efforts especially in international conferences that support Syrian refugees in the region to garner additional international support to (and pressure on) the Lebanese government.

UNHCR should also acknowledge that its pragmatic policies and Lebanon’s political complications will only exacerbate refugee rights in the future without a durable solution in sight. Until conditions are ripe for repatriation, UNHCR must constantly intensify its calls for the international community to respect their commitment to increase resettlement to third countries to an annual rate of at least ten percent of the Syrian refugee population.

UNHCR, and the UN at large, should also increase their support to vulnerable crisis-affected communities that continue to face a myriad of socioeconomic challenges and mounting pressure on infrastructure and public services. This can ideally happen through inter-agency coordination among UN agencies and international organizations to enhance the humanitarian-development nexus through a multi-year strategic planning framework. Such humanitarian and development programming must, in turn, stimulate connections to protection frameworks that are sustainable.

Pragmatism can still be the mean to sustain such frameworks and programming. In fact, it seems pragmatism is the only available mean given the prevailing factors and conditions. However, UNHCR’s pragmatism and the Lebanese
government’s policy fragmentation must not continue to collide at the expense of refugee rights and wellbeing. It is worth reiterating that every refugee in Lebanon has a story to tell about losses, struggles, courage, and resilience. Refugees also have a lot to say about the policy push-and-pull between the Lebanese government and UNHCR because they are the ones who continue to bear the expense with an appalling amount of suffering.

The thesis is hoped to contribute to the literature on the UNHCR and refugee hosting states, showing how endemic challenges and policy constraints shape the UNHCR’s role in the international refugee regime. It drew on the rich academic literature regarding the role of international organizations in the international system and in the international refugee complex. It also drew on Lebanon’s incoherent policy cycles to showcase the dilemmas and constraints that the UNHCR has navigated to shape refugee protection in Lebanon. The thesis is also hoped to contribute to the literature on Lebanon’s refugee response. It shied away from a nation-centric perspective and explored how Lebanon, as a refugee hosting state, has interacted with the international system in the field of refugee protection norms.
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Annex 1

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

Preamble

The High Contracting Parties,

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavored to assure refugees the widest possible exercise of these fundamental rights and freedoms,

Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

Have agreed as follows:

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 favorable as that accorded to their nationals with respect to freedom to practice 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 favorable 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 favorably 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 favor 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 favorable as possible and, in any event, not less favorable 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, trademarks, 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 favorable 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 cautio judicatum 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 favorable 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 labor 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 programs of labor recruitment or under immigration schemes.

Article 18 - Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favorable as possible and, in any event, not less favorable 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
practicing a liberal profession, treatment as favorable as possible and, in any event, not less favorable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavors 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 favorable as possible and, in any event, not less favorable 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 favorable as possible, and, in any event, not less favorable 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 - Labor 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 reopened 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 favorable 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 2

Protocol relating to the Status of Refugees

The Protocol was taken note of with approval by the Economic and Social Council in resolution 1186 (XLI) of 18 November 1966 and was taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966. In the same resolution the General Assembly requested the Secretary-General to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol.

Entry into force 4 October 1967, in accordance with article VIII

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

Article 1 - General provision

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.

2. For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article I of the Convention as if the words "As a result of events occurring before 1 January 1951 and..." and the words "...as a result of such events", in article I A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article I B (1) (a) of the Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.

Article 2 - Co-operation of the national authorities with the United Nations

1. The States Parties to the present Protocol 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 the present Protocol.

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 States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:

(a) The condition of refugees;

(b) The implementation of the present Protocol;

(c) Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.
Article 3 - Information on national legislation

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

Article 4 - Settlement of disputes

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and 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 5 - Accession

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 6 - Federal clause

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

(a) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol 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 States Parties which are not Federal States;

(b) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol 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 favorable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto 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 to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

Article 7 - Reservations and declarations

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.

2. Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.

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

4. Declarations made under article 40, paragraphs I and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present
Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply mutatis mutandis to the present Protocol.

**Article 8 - Entry into Protocol**

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.

2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

**Article 9 - Denunciation**

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

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

**Article 10 - Notifications by the Secretary-General of the United Nations**

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

**Article 11 - Deposit in the archives of the Secretariat of the United Nations**

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article 5 above.