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THESIS: STATES, BORDERS AND HUMAN RIGHTS:
BORDER CONTROL BETWEEN LEBANON AND SYRIA

By

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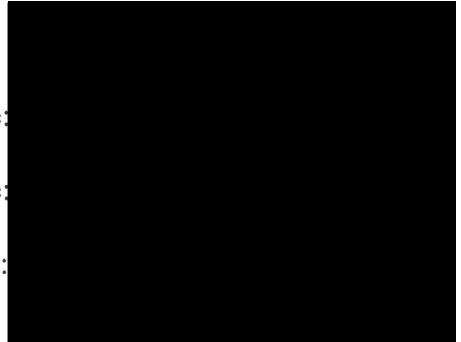
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To my loving parents

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AN ABSTRACT OF THE THESIS

Farah Kassem Dally for Master in International Affairs
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Title: States, Borders and Human Rights: border control between Lebanon and Syria

The issue of border control and human rights has become one of the main political agendas when addressing global issues and has raised concern amongst a great number of scholars on an international level. This has the consequence of making the issue a rather disputed in nature as different actors in different positions address it from different perspectives and assign different meanings to it. My thesis was motivated by a pursuit to gain a better understanding of this ambiguity and array of approaches and further, how border control between Lebanon and Syria and human rights is understood and approached within the discursive phenomenon. In order to achieve my objective, I conducted an assessment study of all research made in this topic. In order to gain primary information I carried out meetings and conducted fieldwork by visiting the three selected Lebanese border areas (Il Ka'a, Aarsal, Yanta). I undertook a sampling and analysis of the relevant data for the purpose of reaching viable outcomes which have the potential to preserve the human rights of Lebanese border communities while guaranteeing efficient border control between Lebanon and Syria. The expected outcome of this thesis is identifying solutions and recommendations that allow the implementation of border control without violation of human rights. In other words, the thesis will argue for the possibility of "soft" border control between Lebanon and Syria, preserving proficient control of border crossing points whilst ensuring Lebanese border communities their basic human rights.

TABLE OF CONTENTS

Chapter	Page
I – Introduction	13-22
1.1- General Overview on Border Control and Human Rights	13-22
II – Chapter One: International Theories, Border Control, and Human Rights	23-52
2.1-Theoretical Framework on Border Control:	24
2.1.1-The Concept of Sovereignty	24
2.1.2- Realists V/S Liberals View	25
2.1.3- The Democratic Theory of Popular Sovereignty	30
2.1.4- The Developmental Theory	31
2.1.5- Summary on Theoretical Discourses and Border Control	33
2.2- The Human Rights Impact of Border Control on Border Communities:	34
2.2.1-Universal Declarations on Human Rights	34
2.2.2-Migration, Immigration, and Border Control	35
2.2.3-Border Control and Several Challenges	37
2.2.4-Borders as Areas of Major Confrontations	39
2.2.5- Human Rights and Movements Across the Borders	42

III – Chapter Two: The Border between Lebanon and Syria	53-76
3.1- Border and UN Resolutions	55
3.2-Regions of Intersections between Lebanon and Syria	60
3.3- The Border Crossing Points between Lebanon and Syria	64
3.4-Illegal Border Crossings and Smuggle Roads	68
3.5-Human Rights and Border Control	70
IV – Chapter Three: Border Control, Border Communities and	77-98
Human Rights in the Bekaa Valley	
4.1-II Ka’a	78
4.2- Aarsal	84
4.3-Yanta	90
4.4-Brief Interpretation	94
V – Chapter Four: The Humanitarian Duty of the State toward	116-133
Border Communities	
5.1-The Duty of the Lebanese State toward its Border Communities	99-109
5.2- The Vulnerability of Border Communities	109-115

VI – Chapter Five: Border Control and Different Scenarios	116-133
6.1-Soft Model of Border Control	116
6.1.1-The Finnish Border Security System	116-126
6.1.1.1-Brief Background	117
6.1.1.2-The Boundaries	117
6.1.1.3-The Nordic Passport Union	119
6.1.1.4-On The Way to More Professional Border Safety	119
6.1.1.5-The Current Form of the Frontier Guard	120
6.1.1.6-The National Cooperation	122
6.1.1.7-The International Cooperation	123
6.1.1.8-Boundary Safety Arrangement	124
6.2-Strict Model of Border Control	125
6.2.1-The U.S-Mexico Border	125-132
6.2.1.1-The Shift toward Integration	128
6.2.1.2-The Insistence On Separation	129
6.2.1.3-The Costs of Contradiction	130
6.2.1.4-Fruitless Anticipation	130
6.2.1.5-Wasted Money	131
6.2.1.6-The Increase in the Number of Settlements	131
VII – Conclusions and Recommendations	134-140
7.1-Introduction	134
7.2-Recommendations	138
7.3-Conclusions	139

LIST OF TABLES

Table	Table Title	Page
Table 1.1	Summary of Population Characteristics in Il Ka'a	79
Table 1.2	Summary of Population Characteristics in Aarsal	85
Table 1.3	Summary of Population Characteristics in Yanta	90

LIST OF FIGURES

Figure	Figure Title	Page
Figure 1.1	The map of Lebanon and its border with Syria	53
Figure 1.2	The Municipality of Il Ka'a	80
Figure 1.3	Aarsal Village	86
Figure 1.4	Yanta Village	91

Introduction

1.1 General Overviews on Border Control and Human Rights

Is it possible to regulate state's boundaries in terms of individual natural rights? The Universal Declaration of Human Rights attests that every person shall be granted the right to leave any state, including his country of origin, and to return at any time he wants. Yet, in case the freedom of movement is approved, what can be said about the equivalent relation between border control and human rights? This question is a main issue in a world divided into territorially confined states, all claiming the sovereign right to regulate its own internal affairs, its relationship with neighboring states and with the outsiders, and its absolute political authority over its recognized territory and inhabitants. While border communities move without great difficulty especially in the absence of strict border control, the most powerful challenge to this "chaotic" feature is the challenge of preserving states' supreme right to decide who may cross the border and under what circumstances without violating the human rights of border communities.¹ This thesis maintains that this dilemma highlights significant human rights confrontations that have not been fully approved.

To acknowledge that the state is the absolute arbiter of its internal and external affairs hence boundary issues may entail that it has the absolute authority to control its own territory independent of any moral criteria. This evidently is a debatable issue between many IR theories which makes the question of border control and human rights only problematic. In other words, borders have become an area of major moral and political debate between IR scholars. At the forefront are the so-called realists who argue in

¹ Bull, H. (1977). *The Anarchical Society: A Study of Order in World Politics*. New York: Columbia University Press.

favor of states' right for strict and closed border control conflicting with the liberal perspective which oppose this view arguing that moral limits determine how states may treat their borders in a legitimate manner. Since

the "Treaty of Westphalia" in 1648, states have been recognized as the ultimate players in the global arena. They have been recognized as the main source of political authority without any superior power that may control their international relations.² In this context, realists came to argue what has been considered as an anarchical world where security and survival are the main concerns of states in terms of national autonomy. For realists, the main objective of the state is survival and its independence and security must be defended at all costs. In an era of globalization, however, the question of border control has become connected with new competing concerns complicated by "transborder" communication necessitating cooperation between states. The leading efforts to create national borders within the sphere of international cooperation fall within the core ideas of liberalism that remains in deep contrast to realism in terms of hypothetical determination of border control.³

Liberalism holds the view that the sovereignty of the state is diminishing because of the fact that the responsibility of the state is being transferred to non-state actors and non-governmental organizations (NGOs). One of the most prevailing confrontations to state sovereignty has come from the *liberal egalitarian* tradition which argues that the respect for the moral freedom and equality places moral limits on states' border control. Liberal egalitarians formulate these limits in terms of human rights that put moral restrictions on how

² Baylis, J., Wirtz, J., Gray, C.S., and Cohen, E. (2001). *Strategy In The Contemporary World*. Oxford: Oxford University Press.

³ Dowty, A. (1987). *Closed Borders. The Contemporary Assault of Freedom of Movement*. New Haven: Yale University Press.

the state could regulate its own boundaries, for instance in its treatment of border communities.⁴ Indeed, the ideology of state's sovereignty may instead rest on a procedural-political claim concerning who has the legitimate authority to make the final judgment and what these moral rights and duties are by means of legal and political practice. While the "liberal egalitarian" discourse of human rights provides a moral glossary to critique the relatively "closed state borders" (absolutist states), those concerned with the injustices of the Westphalian regime of border control address the legitimacy of the political processes within which foreigners' claims to free movement are arbitrated.⁵ Whether or not the right to freedom of movement urged by some liberal egalitarians merits legal recognition, its legitimate recognition or denial must be the consequence of democratic processes that link human rights issues with ensuring democratic practices. The ideology of states' border control simply arises from states' capacity to impose social order and to preserve the unity of its territory through the obedience to legitimate rules. This principle focuses exclusively on the political commitments of the individual, portrayed as a mere subject of political power, that "liberal egalitarian" political ideology first emerged. Two sets of rights were traditionally emphasized in the liberal tradition. "Classical" liberals which focus on the threat of coercion to individuals' freedom of movement and "social" liberals primarily concerned with the threat of inequality to social justice emphasizing the necessity of guaranteeing a minimum level of economic welfare and security and equal socio-economic opportunities. Such civil and social rights imply significant moral constraints on states'

⁴ Bellamy, R. (1992). *Liberalism and Modern Society: A Historical Argument.* Cambridge: Polite Press.

⁵ Waltz, K. (1979). *Theory of International Politics.* New York: Random House.

sovereignty.⁶

Some liberals however, like Joseph H. Carens, have argued that if prosperous states were to open their borders to everyone within current levels of global economic inequality, states might experience a large scale and rapid population growth, which has the potential to lead to chaos and a general breakdown in public order.⁷ The debate, therefore, poses the empirical question

of what levels of border control states could handle.

Critics of “open borders” refute that free movement across state boundaries is a basic liberty and argue that states have no duty to recognize outsiders’ freedom of movement within their own territory.⁸ Supporters of the “*democratic model*” of citizenship have typically opposed

liberal egalitarians. These theorists have put forward two main arguments: first, that closed borders are instrumentally necessary for ensuring the empirical prerequisites of vivid democratic practice; and second, that democratic self-determination intrinsically entails the unilateral right to control one’s own borders, including the moral permission to close its borders from foreigners.⁹

Meaning, while the real controversy in the advanced theories on border control remains in the number of open-ended dispute that do not give us definite answers. A mainly common characteristic of current border strategies is their restrictive character. Borders are frequently associated with sovereignty and internal security hence states feel the necessity to protect their borders from outsiders.¹⁰ Perhaps the most prominent case tackled is the US-Mexico border, where sizeable barricades have been built and an increasing number of guard organizations rely

⁶ Hinsley, F.H. (1986). *Sovereignty* (2nd ed.) Cambridge: Cambridge University Press.

⁷ Carens, J. (1987). In Gutmann, A. (Eds.). *Migration and the Welfare State*. Princeton: Princeton University Press.

⁸ Johnson, K. (2003). Open Borders? *UCLA Law Review*, Vol.51.

⁹ Waltz, S.M. (1998). “International Relations: One World Many Theories,” *Foreign Policy*, 110 (Spring):29-35.

¹⁰ Krasner, S.D. (1999). *Sovereignty: Organized Hypocrisy*. Princeton, NJ: Princeton University Press.

on technically sophisticated tools which entail amongst other methods high-condensed illumination, elevated toughen fences, and video aiming to supervise the border.¹¹ The same approach can be recognized in many European regions. Additional components are included in the supervision of borders such as airline transporters whose main task is to verify the passengers' illegibility to travel to the country of destination.¹² Yet, in recent studies, human rights concerns have fortified this tendency and placed the connection between border control and human rights in the spot light. External management of borders is associated with internal management which aims to detect illegal migrants after entering the country. Some border security measures are frequently predicted and occasionally accomplished, but give way to little consequences because they disturb the workers and contain soaring financial expenses that necessitate enormous hard work to be suitably accomplished.¹³ Cohen underlines that this is accompanied by a broad range of inspection procedures such as cameras in public areas that supervise all citizens and have led to unprecedented invasion of the privacy of citizens. A different method of border control remains as cooperation between states. States are incited to contribute to border control by stopping the steady flow of unchecked asylum seekers. Countries that are classified as so called transfer countries are also urged to exercise power over their boundaries as permeable and malleable borders are considered as facilitators of illegal activities. In North America, for example, the lengthy abandoned US-Canada boundary remained a fundamental concern and provoked reliance on new sophisticated technologies on

¹¹ Nevins, J. (2002). *Operation Gatekeeper: the rise of the "illegal alien" and the making of the U.S.-Mexico boundary*. New York: Routledge.

¹² Bigo, D. (2001). *Migration And Security*. In Guiradon, V. and Joppke, C. (Eds.). *Controlling A New Migration World*. London: Routledge.

¹³ In Cohen, S., Humphries, B., and Mynott, E. (Eds.). (2002). *From Immigration Controls to Welfare Controls*. New York: Routledge.

both sides of the border.¹⁴

Neighboring states, however, experience many difficulties in controlling their common borders that are entrenched in the policies of most states regarding payments, low-priced employment, and internal assistances. States face a further dilemma as in a globalized world borders are subject to easy penetration due to open international trade and tourism.¹⁵ Controlling borders is mainly a challenge for liberal democracies which emphasizes the utility of the trade and high regard for individuals' basic privileges. In other words, market agents continuously strive for integration beyond the confines of national boundaries and challenge states' right of border control, while respect for human rights gives the right for freedom of movement a minimum level of official security.¹⁶

According to human rights' doctrine, the protection of individuals is based on personhood and not on the basis of nationality, which restrains the right to sovereign rule by a government¹⁷. In practice, this reflects the fact that human rights assemblies and NGOs can challenge government's procedures to the extent that in some countries "unacceptable" regulations have been confronted by courts. Historically, "strict border control" never exists in the practical sense. Moreover, it is underlined that "open borders" existed in the nineteenth century, but the illustration of unrestricted immigration regulations is sometimes overstated since states have gradually obtained the capability to manage and organize individuals' movements, an advantage which is achieved in collaboration

¹⁴ Axworthy, T. (2004, August). "An Independent Canada in a Shared North America: Must We Be in Love or Will an Arranged Marriage Do?" *International Journal* 59, No. 4.

¹⁵ In Andreas, P. and Snyder, T. (Eds.). (2000). *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*. Lanham, MD: Rowman and Littlefield

¹⁶ In Entzinger, H., Mariniello, M., and Withol de Wenden, C. (Eds.). (2004). *Migration Between States and Markets*. Aldershot: Ashgate.

¹⁷ Jacobson, D. (1996). *Rights across Borders. Immigration and the Decline of Citizenship*. Baltimore: The John Hopkins University Press.

with additional civil players such as private companies.¹⁸ In this context, countries are more capable to organize and supervise illegal immigration and their noticeable loss of domination is based on the allegory of an ideal autonomy that did not exist.¹⁹ Whether it is true or not that states have the full capability to supervise their border, we cannot ignore the fact that current regulations of border issues are linked with numerous human rights confrontations. These challenges are agricultural, social, economic in nature, as well as concerning issues of health and water and property rights. They concern asylum seekers because there is dispute between those considered as asylum seekers and those considered as economic migrants, which may lead to never-ending measures to confirm the presence of maltreatment besides individual rights exploitations and anguish for real and counterfeit expatriates. The efforts to restrain the passage of migrants before they reach their country of destination influence the capability of migrants to search for shelter. In this context, Castles underlines that a strategy of open borders would intimidate the capacity to shelter by weakening its exclusively civilized tendency into a larger arrangement of “freedom of movement”; on the other side closed borders make the reality of leaving the country of origin for the purpose to search for security challenging.²⁰

Another challenge entails “smuggling”. Cross-border movements entail different types of illegal activities because of the impracticality and hopelessness of many to pursue legal travel. For this reason, rigid border control is considered to be effective in combating “trafficking”. The more difficult it is to cross a state border, the more persons are dependent on “smugglers”. As a

¹⁸ Tropey, J. (2000). *The Invention of Passport, Surveillance, Citizenship and the State*. Cambridge: University Press.

¹⁹ Joppke, C. (1998). *Immigration Challenges the Nation-State: Immigration In Western Europe and the United States*. Oxford: Oxford University Press.

²⁰ Castles, S. and Miller, M.J. (2003). *The Age of Migration. International Population Movements in the Modern World* (3rd ed.) Basingstoke: Palgrave Macmillan.

result, we are confronted by a “self-pity” process that concurrently promotes the violation of human rights and the necessity to implement harsh and severe border regulations: border control promotes smuggling that requires more control.²¹ An additional challenge may be the tremendous weakness of illegal migrants and their mistreatment being judged as a source of probable deterioration of states. Borders thus

remain an area of major political, social, economic, and ethical challenges, which leaves great reason to address human rights concerns especially concerning people who live in border communities.²² The main issue remains the complexity of reconciling the economically motivated reasoning for opening borders with their safety concerned closing, a dispute that leaves little space to peoples’ rights and self-esteem.²³ Thus examining the relation between border control and human rights is not an easy task due to the ethical complication and the weak relations between governments and human rights agencies.²⁴ In this perspective, the question concerning the case between Lebanon and Syria is not simply related to the complexity of delimitation and demarcation of the borders between both states and what is happening at the proximity of the borders. The responsibility for the preservation of basic human rights of border communities shall remain at the core of any future negotiations which aim to solve border disputes between Lebanon and Syria. Since any future border agreement may restrict peoples’ mobility, the association between “border control” and the ensuring of basic human rights must be practically demonstrated by claiming border communities’ rights to

²¹ Andreas, P. (2000). *Border Games. Policing the U.S.-Mexico Divide*. Ithaca: Cornell University Press.

²² Jacobson, D. (1996). *Rights across Borders. Immigration and the Decline of Citizenship*. Baltimore: The John Hopkins University Press.

²³ Flynn, S.E. (2000). *Beyond Border Control*. *Foreign Affairs* 79 (6): 57-59.

²⁴ Meneses, G.A. (2003). Human Rights and Undocumented Migration along the Mexican-U.S. Border. *UCLA Law Review* 51: 267-270.

cross the borders within lenient and flexible legal policies. Hence, I will try to find out which kind of border control is more appropriately to be best implemented between Lebanon and Syria while basing on recommendations on field resources. In an era of globalization, having access to mobility becomes crucial especially for border communities that share economic and social relations with neighboring states. Each kind of border control has its own characteristics. Soft border control is morally justifiable and suitably supports the human rights of border communities. It can serve as an incentive not only to intricate reasonable border control policies, but also to query the ethical, intellectual, social, economic, and political basics of existing performance between both states. Strict border policies provoke mistrust and paranoia toward foreigners and insiders and forbid border communities from their right of freedom of movement. Open borders without any regulations or political legitimacy may compromise both states' national security and broaden the practice of illegal activities. Concerning borders in particular, the democratic principle of legitimation, according to which all those subject to the exercise of political power ought to have a right of democratic say over how power is exercised, necessitates that the laws governing border communities be determined in a political process in which representatives of these communities can participate.²⁵

In short, in the face of potential human rights challenges, beyond substantive procedural-political question, the Lebanese/ Syrian commission that is in charge for the delimitation and demarcation of borders between Lebanon and Syria must also address the human rights issue of who has the legitimate authority to choose upon the laws that govern Lebanese/ Syrian

²⁵ Wendt, A. (1999). *Social Theory of International Politics*. Cambridge, UK: Cambridge University Press.

borders without violating the human rights of border communities. The right to move may be considered as a naïve concept. However, it is similarly naïve to suppose that strict or very lenient border arrangements will offer convincing responses to the human rights confrontations raised by Lebanese border communities. Recognizing the link between border control and human right is a conciliatory way to question the rationalization of policies that are to be taken by both the Lebanese and Syrian governments. Which kind of border model is more suitably to be implemented between Lebanon and Syria? This is what I will try to elaborate in the next chapters.

Chapter One

International Theories, Border Controls, and Human Rights

Abstract: This chapter discusses the international theories which have tackled the issue of border control from a human rights perspective. It argues that border policies are largely debatable between various international relation theories that seek to defend their arguments in favor of or against closed border control. From a “humanitarian” framework, the control of a border is accompanied by serious confrontations, which ultimately threaten their moral foundation. In this context, border control and human rights of border communities constitute a relevant study and this chapter examines the human rights impact of border control on border communities.

Key Words: international theories, states, border control, sovereignty, human rights.

Border Controls are procedures put in place by a country to supervise or control its borders. They exist in order to regulate legal and illegal migration, to manage and supervise the movement of citizens, and to prohibit smuggling of drugs, weapons, and other harmful or dangerous material.

Closed Borders are borders where a country uses harsh and coercive measures to monitor or regulate its territory. In this case, borders are not easily penetrable.

Open Borders are unlimited and uncontrolled borders allowing anyone to access freely another country without restrictive measures.

Soft Borders is a political denomination seeking to suggest that movements of people, trade, and commerce take place without too many restrictive controls. It implies border-crossings at designated points with security checks, with effective surveillance and intelligence, but with minimum limitations on the free mobility of people in general and border communities in particular.

Human Rights are fundamental rights and liberties to which all humans are permitted. They are divided into “*civil rights*” and “*political rights*”. Civil rights embrace: ensuring people’s physical reliability and security, protection from favoritism, and equivalent admittance to healthcare, education, culture, work, etc. Political rights embrace: fair dealing in law such as the right to a fair assessment, individual political freedom such as liberty of thought, liberty of expression, liberty of movement, and the right to contribute and to be engaged in civil society.

2.1 Theoretical Framework on Border Control:

2.1.1 The Concept of Sovereignty:

The concept of sovereignty is a central theme in international relation studies where sovereignty is described as the ownership of absolute or relative power within a delimited territorial area. “*Internally*”, a sovereign government is a government with permanent and ultimate power over an established population on its land. “*Externally*”, independence constitutes the acknowledgment of other states, which assists ensuring territorial veracity and establishing diplomatic and international relations with other states.²⁶

The establishment of a system of autonomous and self-governing states took place in Europe at the Peace of Westphalia in 1648.²⁷ This accord represented both the internal and external aspects of sovereignty, and during and after decolonization, the procedure of portraying borders to obviously demarcate borders becoming significant for identifying states’ sovereignty. Much of international regulations aimed to strengthen states’ independence and many states adopted a number of accords under the sponsorship of the “United Nations” that invited states to defend the basic rights of their populace and to seek solutions for their arbitrarily drawn borders. Nowadays, sovereignty is fundamentally based on borders and not only on the capability of states to exercise power over their internationally recognized territory. Conventionally, the

²⁶ Hinsley, F.H. (1986). *Sovereignty* (2nd ed.) Cambridge: Cambridge University Press.

²⁷ Hinsley, F.H. (1986). *Sovereignty* (2nd ed.) Cambridge: Cambridge University Press.

dogma of state independence reflected the fact that the state “is subject to no other state, and had full and exclusive powers within its jurisdiction....”²⁸

But the emergence of human rights as a subject of apprehension in international law and arena contradicts this traditional view of sovereignty and the emergence of common expectations of states and non-states actors concerning the protection of human rights lead to a major erosion of the traditional understanding of sovereignty. Before 1960’s, no state had a clear human rights policy. By 1960’s, some European countries adapted a multilateral policy, with the acceptance of the compulsory authority of the European court of Human Rights. It was until the late 1960’s and early 1970s that states started to adopt external and bilateral human rights policies and by mid -1990’s, these policies had become the norm in many countries.²⁹

2.1.2 Realists V/S Liberals View:

This led to the occurrence of what has been described as “international regimes”. The global regimes are defined as values, customs, regulations, and measures around which player outlooks congregate in a specified global matter.³⁰ However, even with the presence of international regimes, *realists* argue that the state is the ultimate and supreme power over its determined territory and it is also the final arbiter of internal,

²⁸ The Classical definition of sovereignty given by the World Court in the Wimbledon case, as cited in Hoffmann, Stanley, “International Systems and International Law,” In Falk, R. and Mendlovitz, S.H. (Eds.).(1996) .*The Strategy of World Order*. New York, World Law Fund, pp.164.

²⁹ Herbst, J. (2000). *States and Power in Africa: Comparative Lesson in Authority and Control*. Princeton: Princeton University Press.

³⁰ Krasner, S. (1982, Spring). “Structural Causes and Regime Consequences: Regimes as Intervening Variables” *International Organization* 36:2.

external, and boundary issue.³¹ For realists, state-building means the endeavor by states to expand political authority and monopoly of rule over inherited territory (Herbst, 2000). They argue that the end of the Cold War has created a structure dominated by insecurity, and the chief goal of independent states is to preserve their internal security regardless of any moral criteria and the issue of human rights has little or no consideration.

In this context, states are unlikely to cooperate and each state seeks to create viable and defensible borders to ensure its “internal security”. Yet, in the presence of a variety of threats, shared borders between states become zones of cooperation.³² Since each state aims to secure its borders, it faces challenges over its territory and it becomes more aware of the importance of border control as a symbol of sovereignty and an affirmation of “state-building”. Therefore, due to the need for cooperation between states, some scholars argue that state sovereignty is declining especially with the growing emphasis on the importance of the standards recognized by agencies concerned with human rights’ issues. Jacobson underlines that the foundations of state legality and authority are moving from values of independence and self-governance to worldwide human rights. Soysal in turn (1994, 136-39) recognizes that the international system is prearranged by a mixture of local independence and worldwide human rights’ issues.³³

³¹ Bull, H. (1999). *The Anarchical Society: A Study of Order in World Politics*. New York: Macmillan and Columbia University Press, pp. 8. See also Krasner, S.D. (1999). *Organized Hypocrisy*. Princeton, NJ: Princeton University Press.

³² Robert, A.M. (1983). *The Evolution of Cooperation*. New York: Basic Books.

³³ Soysal, Y.N. (1994). *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: The University of Chicago Press.

Indeed, the human rights issue cannot be ignored when addressing states' sovereignty, if we consider that states have a duty to defend the basic human rights of citizens (national and non-national) living within its territory. From this perspective, *Liberal Egalitarians* underline that the respect for the moral freedom and equality of persons puts moral limitations on how a state may legitimately deal with the issue of border control. In other words, human rights place moral limits on how the state could regulate its boundaries. For liberal egalitarians, the respect for the freedom and equality of persons requires an "interstate" regime of borders open to everyone due to basic human rights of free movement, nutrition, work, education, healthcare etc and due to the moral and ethical necessity of global distributive justice.³⁴

Liberal egalitarians promote a sufficient critique of "absolute sovereignty" though the ideology of state sovereignty may rest on a procedural-political assertion on who has the ultimate and legitimate authority over territory, what these moral rights and duties are, and what they mean in the political sense. Here, we must turn instead to a powerful critique of state sovereignty approach, namely, the *democratic theory of popular sovereignty*. It maintains that while liberal egalitarian discourse advances a moral tone to criticize closed state borders, those concerned with criticizing the injustices of the Westphalian system of border control should not deny the democratic principle of "self-determination" without ignoring the moral demands imposed by human rights issues.

Revising the liberals' view, contrasting the ideology of absolutist state carried by realists and starting with the claim of the importance of equality between individuals,

³⁴ Caporaso, J.A. (2000). "Changes in the Westphalian Order: *Territory, Public Authority, and Sovereignty*," *International Studies Review*, Vol.2, No.2, pp.1-5.

liberals argue the issue of border control in terms of respect of individuals' right for freedom of movement. Two sets of rights were emphasized in the liberal view. "Classical" liberals, concerned primarily with the threat of coercion and oppression to individual's freedom, emphasize *civil rights* that enable citizens to benefit from free contact with other states. "Social" liberals in turn, primarily concerned with the threat of inequality to social justice, emphasize socio-economic rights that guarantee a minimum level of welfare and security as well as socio-economic opportunities. Such civil, social, and economic rights may challenge state sovereignty when focusing on the rights of citizens within and across the political society far away from the traditional concept of state sovereignty. It is widely recognized that taking into consideration the issues of human rights necessitate restriction on state's internal sovereignty. The right of any person to freely leave a state's territory and to freely return to it, is today widely acknowledged in the "1948 Universal Declaration of Human Rights".

Some liberal egalitarians argue that duties of humanitarian assistance require states to abide by current international law in the meaning of freedom of movement and social and economic equality of all persons. In this context, borders should be open for everyone. Two major arguments for open borders have been advanced, one appealing to the value of *freedom*, the other to the value of *equality*. Both arguments underline that when a state closes its borders and uses coercion, it restricts a person's liberty. Furthermore, when an affluent and wealthy state closes its borders, it effectively uses force to protect the prosperity of its own citizens, which deprives the worst off from

accessing similar opportunities.³⁵ Yet, some scholars argue that due to the contemporary level of worldwide economic dissimilarity, if prosperous states open their borders without restrictions or regulations, they might face massive large-scale and quick rise in population growth, which might lead to chaos through interrupting the public order. The debate, therefore, turns on what level of border control a state could handle without having adverse implications on its national security. Some scholars criticize the open border concept and deny that free movement across state is a basic human right. Michael Blake, for instance, argues that the right to benefit from free movement across state only arises within a particular “institutional” context. States must recognize free movement nationally as a basic liberty for the purpose of justifying its imposition of a coercive legal system on free and equal persons within its territory. On the other hand, *social liberals* argue that given the immense stage of poverty and inequality in the world and the failure of many states to offer their population the appropriate valuable options, states have the duty to keep their borders open. Here, entry is viewed not as something to which persons have a basic right, but as a valuable socio-economic right, which must be distributed according to global values of distributive justice that either concern absolute levels of poverty or relative levels of inequality.³⁶ Samuel Freeman argues that the peak of values of distributive justice is to control the distribution of goods produced by social cooperation that can truly exist

³⁵ Carens, J.H. (1987) “Aliens and Citizens: The Case for Open Borders,” *The Review of Politics* 49: 251-60. And Carens, J.H. (1988). “*Immigration and the Welfare State*,” in *Democracy and the Welfare State*. In Guttman, A. (Eds). Princeton, NJ: Princeton University Press, pp.215.

³⁶ Woodward, J. (1992) “Commentary: Liberalism and Migration,” in Barry, B. and Goodin, R.E. (Eds.) *Free Movement: Ethical Issues in the Transnational Migration of People and Money*. University Park, PA: Pennsylvania State University Press, pp.62.

when there are shared “socio-political” institutions controlling the basic means of collaboration.³⁷ Therefore, for social liberals, what matters is the welfare state and social and economic rights are meant to protect it. Beyond defending the economy of the welfare state and defending the notion of open borders, some liberals also argue that the state possesses the right to close its borders to foreigners for the purpose of defending the integrity of its citizens’ culture. Will Kymlicka argues that meaningful freedom or autonomy requires that a person’s culture is the “context of choice” providing it: a culture is the source of beliefs concerning what is of value and it offers options matching those beliefs. Closing borders is therefore justified as the necessary means for protecting citizens’ cultural context of choice from being flooded or harmed by immigration.³⁸

2.1.3 The Democratic Theory of Popular Sovereignty:

In contrast, despite criticizing the ideology of closed border control, the *democratic theory of popular sovereignty* has opposed liberal egalitarians and brought forward two arguments: first that closed borders are instrumentally necessary for ensuring the empirical preconditions of viable democratic principles; and second, that democratic self-determination fundamentally involves the moral permission to close borders from foreigners. The “*instrumental*” argument, advanced by some scholars, is that feasible democratic practice necessitates a “community of character” with a shared national

³⁷ Freeman, S. (2006) “Distributive Justice and The Law of Peoples,” in Martin, R. and Reidy, D.A. (Eds.) *Rawls’s Laws of Peoples: a Realistic Utopia?* Oxford: Blackwell.

³⁸ Kymlicka, W. (1995). *Multicultural Citizenship: A Liberal Theory of minority Rights*. Oxford: Clarendon Press, pp.83.

public culture, which would be undermined by open borders.³⁹ The *intrinsic* argument maintains that a democratic polity has the legitimate moral discretion unilaterally to determine its own border policies. It is not an argument in favor of closed borders, but an argument against the alleged duty to open borders.

2.1.4 The Developmental Theory:

The *developmental* theory in turn, deals with the issue of border control from a developmental angle which emphasizes the improvement of better conditions for border communities. This includes firstly increasing competitiveness of the border areas in a way that ensures better environment for private enterprise, the growth of tourism, and easy entry to the border regions. Secondly, this entails increasing the quality of life within border communities in a way that ensures normal protection of the environment in border areas within protected borders. Thirdly, the developmental approach involves arranging cooperation between people through local cross-border collaboration competence construction and local communities' proposals. In other words, developmental theory deals with the improvement of the quality and accessibility of infrastructure, which includes technologies infrastructure contributing to the increase of the areas' investment attractiveness for both internal and external investors.⁴⁰ It also promotes "soft-type" activities aimed at the socio-economic development of border areas. Such activities can help the creation of regional marketing, trade and investment promotion, developed local and regional labor market, the development of an

³⁹ Schnapper, D. (1994). *La Communauté des citoyens: Sur l'idée moderne de nation*. Paris: Gallimard.

⁴⁰ Jacobs, M. (1990). *The Green Economy. Environment, Sustainable Development, and the Politics of the Future*. Concord MA: Pluto Press.

information society, new technologies, improvement of cooperation between business institutions, and environmental rehabilitation of border areas.

Developmental theory also argues for the possibility of the establishment of what is called “agro-tourism” in cases where border areas are characterized by various agricultural and natural conditions. It focuses on the improvement of the quality and accessibility of the social and economic infrastructure with emphasis on transport, energy, logistic systems, and water supply; which helps improving the quality of life of border communities. Further, when speaking about nature conservation in the border lands, developmental theory emphasizes the enhancement of the quality of the natural environment, which increases inhabitants’ living standard and boosts the investment in environmental protection through cross-border cooperation on environmental protection. All such activities cannot take place without the presence of secured borders as in order to expand the social and economic potential of border areas, it is necessary to alleviate the administrative, institutional, and infrastructural obstacles in the face of free mobility of commodities, services, and individuals across the boundaries. Therefore, it can be argued that developmental theory merely takes the position of open borders that facilitates the presence of a permanent cooperative structure along the local and regional organizations and institutions so as to enhance cross-border cooperation.

Sustainable social and economic development of border areas will only be possible when the local communities cooperate on a regular basis with political authorities in order to enhance the implementation of agricultural, commercial, industrial, educational and cultural needs of border communities. The chief goal of developmental

theory is to boost the establishment of social, economic, and cultural integration of the border areas. In terms of sustainable development, the standard adopted necessitates that the subsequent principles take priority: first, people are the main element of all requirements for sustainable development and they have the right to benefit from vigorous lives. Secondly, the right to improve the self must be practiced in a way that respects the developmental and environmental needs of border communities. Thirdly, for the purpose of attaining sustainable development, the protection of the environment must constitute an essential part of the development practices. Fourthly, border residents who are directly influenced by the developmental and environmental challenges are encouraged to make their voices heard in decision-making concerning the administration of their communities.

2.1.5 Summary On Theoretical Discourses and Border Control:

In sum, theoretical discourses on border control and human rights provide a powerful tool for scholars, political authorities, and activists to address the fundamental human rights of border communities through the establishment of soft borders that ensure the sovereignty of states and national security without violation of basic “humanitarian” rights of border communities. Soft borders allow for the creation of a political, economic, and social environment where every human being is of equal worth. The extent of border openness, with respect to human rights, will depend on pragmatic circumstances. This necessitates real political standing for those who defend human rights of border communities for the purpose of possessing the ability to shape relevant legal and political structures. In the absence of such influence over political processes, it

is even less likely that these rights aspired to be protected will find legal and political backing. Therefore, not only must activists seek to ensure that states live up to their moral duties toward border communities, they must also seek to reform the political processes by which the laws of the border are determined. Border communities must be invited to help formulate the coercive regulations that administer their lives.

2.2 The human rights impact of border control on border communities:

2.2.1 Universal Declarations on Human Rights:

Several challenging foundations have been emphasized in universal human rights declarations. Many researchers and intellectuals have argued that the presence of human rights aims to protect the fundamental pride of human life. Indeed, the United Nations Declaration on Human Rights embraces this objective by announcing that human rights come from “the inherent dignity of the human person.”⁴¹ Whereas acknowledgment of the usual dignity and the identical and unlimited rights of all members of humanity is the basis of liberty, fairness, and peace in the world as emphasized in the Universal Declaration on Human Rights in 1948. The 1993 Vienna World Conference on Human Rights noticed that it is the responsibility of states to sponsor and safeguard all human rights and basic freedoms, irrespective of their political, economic, and cultural structures. In this context, the rights of border communities should be respected and protected, and these rights can be further separated into numerous categories such as: “*protection*” rights that guard against

⁴¹ United Nation Universal Declaration of Human Right in 1948 (Article 2).

assassination and persecution; “*procedure*” rights that guard against exploitation of the ruling authority such as detention with no fair assessment; “*liberty*” rights that protect freedom of expression and organization; “*political*” rights that protect the right to be involved in politics throughout means such as exchanging information, gathering, and serving in official office; “*egalitarian*” rights that ensure fairness before the regulation and no segregation; “*societal*” rights that necessitate insurance of education, healthcare and protection against scarcity; and “*economic*” rights that protect rights to work, right to sustainable development, and right to benefit from goods, services, and resources (Anaya 2004, Baker 2004, Henerad 2004, and Kymlicka 1989).

2.2.2 Migration, Immigration, and Border Control:

Nevertheless, due to the absence of clear border control policies and the absence of effective governments, border communities in many states have been obliged to search for their right elsewhere, which has placed international migration at the heart of the issue of border control. In what Castles and Miller (2003) describe the “age of migration,” the migration of individuals transforms to be international in characteristic and influences more or less all states, whether being subject to transfer, in receipt of, or a combination of both. Migration is frequently considered, in terms of security, as a challenge and leads to awareness on state level on the necessity to protect against this menace.⁴²

Recently, the issue of terrorism has further promoted this approach and placed borders in the limelight. From this perspective, asymmetrical migration is conceived as

⁴² Castles, S. and Miller, M.J. (2003). *The Age of Migration*. International Population Movements in the Modern World (3rd ed.) Basingstoke: Palgrave Macmillan.

an essential occurrence reflecting the malleability of borders and necessitating additional supervision. Controlling borders has thus become a significant concern on the policy agenda of many countries that are suffering from disorder across their borders. The borders, for example, between western countries have been monitored through the employment of complicated techniques of supervision. The most prominent example is the US-Mexico border, where barricades have been built and an increasing amount of guards depend on technologically highly sophisticated tools.⁴³ Additional measures are included in managing borders such as air transporters that aim to verify the passenger's legibility to travel to the country of destination.⁴⁴

External controls at the borders are usually associated with internal controls aimed to identify illegal migrants after their entry. The admittance of migrants into welfare, social, and economic services is also used to re-enforce their authoritative reputation. The approach to controlling borders remains in cooperation between states. Transfer states oppose the manner in which their illegal migrants are treated by other states. Yet they are not encouraging migration nor do they often possess the required fiscal means to be effectively engaged in halting the steady flow of illegal migrants. It is generally considered that all states are encouraged to enhance the control of their borders.⁴⁵ Migration control, however, is not without high costs. Such expenses come from supervising borders, releasing visas, impeaching, arresting, and removing illegal migrants, and addressing asylum seekers. Some individuals are confined to boundary

⁴³ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

⁴⁴ Joppke, C. (1998). *Immigration Challenges the Nation-State: Immigration in Western Europe and the United States*. Oxford: Oxford University Press.

⁴⁵ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

areas whereas others are excluded, but the most desperate ones are able to flee border control by taking risks such as searching for new border areas or relying on specialized and experienced human traffickers. Migration control does not appear to be able to attain its main objectives, and many intellectuals have questioned the capability of states to restrain steady flows of migration.

States confront an additional obstacle as in a “globalized” world, state boundaries must be flexible. Hence controlling immigration remains a different task for liberal democracies, which emphasize the central role of the market and the worth of the essential human rights of individuals.⁴⁶ International markets continuously seek growth and for this reason they are oftentimes prepared to challenge states’ border control.

In line with the doctrine of human rights, the protection of individuals is based on personhood and not nationality, thus restraining the sovereignty of government.⁴⁷ In practice, full border control has never been the norm. States, nevertheless, are nowadays capable to monitor their boundaries and the apparent decrease in supervision depends on the concept of ideal autonomy which never existed.

2.2.3 Border Control and Several Challenges:

If states have the ability and the skill to entirely control their borders, it cannot be ignored that present border control regulations face numerous confrontations in terms of human rights concerns. The first challenge is “*asylum*”. The several procedures taken to limit the asymmetrical migration have direct consequence on the “*asylum*” standard.

⁴⁶ In Andreas, P. and Biersteker, T.J. (Eds.). (2003). *The Rebordering of North America. Integration and Exclusion in a New Security Context*. New York: Routledge.

⁴⁷ Jacobson, D. (1996). *Rights across Borders. Immigration and the Decline of Citizenship*. Baltimore: The John Hopkins University Press.

The lack of legal channels leads to uncontrollable measures and the abuse of human rights. In Europe, for instance, heads of states are discussing the option of prompt expatriates to reside in states close to their country of origin.⁴⁸ Although Castles (2004) underlines that a strategy of flexible borders would intimidate the right to be protected by weakening its civilized character into a larger system of open mobility, closed borders render the reality of exiting the state of origin for the purpose of seeking security problematic.⁴⁹

The second dispute involves so called “*trafficking*” and “*smuggling*”. Mobility across the border has a propensity to transform into illegal activities that flourish due to the impossibility of masses of people crossing the border legally. Characteristically, rigid border controls are considered to boost the fight against “*trafficking*”. It is obvious that the more a person faces difficulty to enter a state, the more he or she depends on traffickers. We are thus confronted by a self-perpetuating process that promotes the violation of individuals’ rights and austere strategies to control the border; the control of the border promotes “*smuggling*” that calls for the necessity of more serious control.⁵⁰

The third dispute deals with the “costs” of migration for the immigrants. The most noticeable illustration lies in the number of people who die on their way to receiving states. Eschbach et al. (1999) approximate that “roughly 920 migrants died while trying to arrive to Europe between 1993 and 1997.” According to a 2002 statement presented to the UN Secretary General, “over

⁴⁸ Schuster, L. (2004). *The Exclusion of Asylum Seekers in Europe*. Policy and Society Working Paper No.1 Centre on Migration. England: University of Oxford.

⁴⁹ Castles, S. and Miller, M. J. (2004). *The Age of Migration. International Population Movements in The Modern World* (3rd ed.). Basingstoke: Palgrave Macmillan.

⁵⁰ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

3,000 migrants died between 1997 and 2000, most of them while seeking to cross the passages of Gibraltar.”⁵¹

2.2.4 Borders as Areas of Major Confrontations:

Therefore, borders transform into areas of moral confrontations, and four aspects are recognized. First, an apprehension between the issue of defense and human rights permeates the answer to this occurrence. After the Cold War, migration has to an increasing extent been recognized as a menace for protection, particularly with the increased number of migrants and the shelter predicament that are viewed as the base of probable damage for states.⁵² This leaves little room for the consideration of human rights issues. In reality, the obvious issue remains in the complexity to reconcile the open economic characteristic of the border with its closed nature in terms of security, a dispute where the rights of peoples have little room. In addition, the concept of security is a vague one. Although an all-inclusive conceptualization of security must include both general and individual safety and hence include the issue of human rights, current tendencies emphasize general safety without taking into consideration the comfort of individuals. Countries’ unwillingness to deal with the issue of migration from a human rights framework is noticeable in their reactions in front the UN Convention Migrants Workers’ Rights; lesser than thirty countries have approved it.⁵³ Second, restraining the travelling of individuals has been recognized as an abuse of individuals’ rights and confronting it

⁵¹ United Nation, Economic and Social Council, E/CN.4/2002/NGO/45.

⁵² Doomernik, J. (2004). Migration and Security: The Wrong End of the Stick? In Anker, C. (Eds.) *the Political Economy of New Slavery*. Basingstoke: Palgrave Mamillan.

⁵³ Pécoud, A. and De Guchteneire, P. (2004). *Migration, Human Rights, and the United Nations: An Investigation into the Low Ratification Record of the UN Migrant Workers Convention*. Geneva: Global Commission on International Migration, Global Perspectives, No, 3.

becomes a main concern for various states. Asylum also has significant attention and it is dealt on a nationwide level; even the European Union (EU), which in fact has a progressed answer to the question of asylum, has difficulty to demonstrate unity. Asylum is usually considered independently from immigration policies and trafficking. The association between restraining asylum, smuggling, and vulnerability and susceptibility of immigrants is not acknowledged. Further, when human rights violations are acknowledged, they are tackled as a dilemma on its own and not linked to the illustration of border policies. There is a need to protect the humanitarian border regulations, which does not favor the costs of immigration monitoring but tolerate their inevitability and authenticity. Concerning the connection between border control and human rights, the mission cannot be simplified due to the ethical difficulty and the vague relation between governments and private agencies. Smugglers are frequently responsible for cruelly using asymmetrical immigrants' suffering. However in the framework of rigid shelter procedures, some smugglers allow individuals to escape maltreatment and harassment whereas other smugglers simply assist travelers who are authentically appreciative. Migrants themselves could be criticized for taking risks, but it cannot be denied that many of them rely on migration for survival and to ensure their basic social and economic needs. "Sending states" could also be put to blame for not providing sufficient care for their citizens, ensuring economic, social, educational, and healthcare needs, and for allowing people by border communities to live in dangerous conditions.

The human rights violations adjacent to border control policies are hence hard to establish. The question is not only restricted on what is happening at borders. Disorganized border regulations may symbolize a menace for both border communities and the measures of human

rights that remain at the heart of modern countries. In this regard Hayter considers that the principles of borders, where the issue of human rights is at its lowest level, can threaten the internal security of states.⁵⁴

Though the measures of border control may not be compatible with the harmonious performance of a democratic system, the norms that conduct the communities cannot be interrupted at the boundaries and margins. Norms should instigate approaches vis-à-vis foreigners. The manner in which a community deals with the fate of foreigners reflects its values and the growth of the border control with larger severity might ultimately rebound and menace the freedom that lies at the heart of egalitarian principles.⁵⁵

Moreover, governments are unable to follow their aspiration and objective of absolute control of their borders as preventive border policies remain un-trustworthy. Some regulations appear to be muffled and ineffective especially in the eyes of border communities. Nett underlines that “Building walls is a peculiarly lonely job and an admission of the inadequacy of the system”.⁵⁶ This is also confessed in the 2005 report of the Global Commission on International Migration (GCIM) which acknowledges that the worldwide society did not succeed in solving the problems linked with the issue of global immigration and that countries must follow pragmatic advances on worldwide immigration. The weak points of this strategy go with human rights matters, which push for a reconsideration of border strategies. Therefore, the right to free movement by individuals may strengthen a moral approach to border controls.

⁵⁴ Hayter, T. (2000). *Open Borders. The Case against Immigration Controls*. London: Pluto Press.

⁵⁵ Loescher, G. (1993). *Beyond Charity: International Cooperation and the Global Refugee Crisis*. Oxford: Oxford University Press.

⁵⁶ Nett, R. (1971) “The Civil Right We Are Not Ready For: The Right of Free Movement of People on The Face of The Earth” *Ethics* 81 (3): 212-214.

Dowty considers that the exit from the country of origin was not consistently clear-cut, although it is nowadays practiced, which aggravate the incongruity between “migration and immigration.”⁵⁷

2.2.5 Human Rights and Movements across the Borders:

This issue can be analyzed and explained in contradictory directions. A person can underline what Walzer argues that immigration and emigration are ethically irregular⁵⁸ and in a time the right to migrate provides individuals the exit choice in their dealings with their states; this does not essentially mean that the other countries are obliged without limits or regulations to welcome outsiders. In contrast, another person may consider that possessing the right to migrate is insignificant if the person is not allowed to go into another state. From a realistic standpoint, a person allowed emigrate but not welcomed by another state would think that his emigration right is being abused.⁵⁹ Hence, both emigration and immigration go together and the Universal Declaration of Human Rights has in some way recognized “the right to freedom of movement”. Movement is an advantage that is dispersed between individuals. However people coming from economically developed states may move and reside in any place in the world, whereas their collaborators who originate from underdeveloped states rely on the undecided issuance of visas. Another type of inequality is related to criterion. Nowadays, skilled labor is in high demand and individuals qualifying in this group benefit from a superior level of movement

⁵⁷ Dowty, A. (1987). *Closed Borders. The Contemporary Assault of Freedom of Movement*. New Haven: Yale University Press.

⁵⁸ Walzer, M. (1983). *Spheres of Justice. A Defense of Pluralism and Equality*. Oxford: Roberston.

⁵⁹ Dummett, A. (1992). The Transnational Migration of People Seen from within a Natural Law Tradition. In Barry, B. and Goodin, R.E. (Eds.) *Free Movement, Ethical Issues in the Transnational Migration of People and of Money*. New York: Harvester Wheatsheaf.

than their under- or unqualified fellow citizens. States therefore practice their right to choose “valuable” refugees to the detriment of “unwelcome” refugees. Therefore, certain types of movements are certified while others are rejected or prohibited. The countries’ right to deal with individuals in such separated and distinguished way is rarely confronted. Nevertheless, limitations on movements are not easy to merge with the liberal angle that assumes that equal opportunities are precisely appropriate during the era of globalization, at the core of which remains the issue of worldwide crossing of the border. Globalization made movement, in the view of Zygmund Bauman, the utmost influential and popular stratifying issue.⁶⁰ In a world of free flows, the right of entry turns out to be essential to ensure chances and to reach other areas. Kalm shows that debates on globalization are exemplified by two separate but synchronized features that legalize policies; a “globalist” approach validates the vulnerability of national borders, while a “nationalist” approach emphasizes national unity and the necessary closure to outsiders. Nevins argues that in a period of financial globalization and growing socio-economic disparities, “the human right to free option of employment” (article 23 of the Universal Declaration of Human Rights) and “to an adequate average of living” (article 25) are not easily achievable due to the absence of migration opportunities.⁶¹ The link between movement and the benefit from the fundamental individuals’ rights is demonstrated by illegal immigrants who confront this rough migration division by declaring their right to travel to other states for the purpose of attaining the higher standard living conditions. Although it seems candid to acknowledge what might occur if borders are open without any regulations, one can

⁶⁰ Bauman, Z. (1998). *Globalization: The Human Consequences*. New York: Columbia University Press.

⁶¹ Nevins, J. (2002). *Operation Gatekeeper. The Rise of “Illegal Alien” and the Making of the U.S-Mexico Boundary*. New York: Routledge.

nonetheless attempt to determine these uncertainties. In the EU, freedom of mobility has not come as a result of augmented and amplified migration and every footstep was accompanied by worries of enormous migration streams that remained ungrounded. Preventive policies do not prevent individuals from trying to cross the border illegally. Absolute restrictions on movement limit individuals' freedom to travel, hence contributing to a high rate of continuing settlement and prohibiting people from returning to their country of origin.

Some liberal guidelines have little influence on the persons who migrate, whether migration is permitted or prohibited; it may only diminish the threats that confront them. Mexican migration to the United States exemplifies that people continue to try to cross the border until they accomplish the mission and, due to the complexity of accomplishing this mission, be apt to stay on a steady base in the state. It is thus profitable to think about a third option that stands in between the two directions; this third option can be the establishment of *soft borders* that give both parties (states and border communities) their rights by allowing a flexible and constructive relation between states and their citizens.

Border control policies under soft border control in this international structure make it possible for border communities to feel comfortable by ensuring the lawful elasticity for the exit and access of border communities, and further by respecting the conditions under which border communities can participate in the economic and social sphere in the countries of origin and receiving countries. Such policies must include ensuring domestic services, the prevention of all kinds of abuse, higher education through the construction of sufficient number of schools and universities, and non-emergency medical services. Despite their weaknesses, states are

necessary actors in securing a good standard of living for their residents and guaranteeing fairness amongst all the citizens. This includes that each country cares for its own residents instead of making people being obliged to move where such option is available or not in a manner that would ultimately devastate the duties of states toward their people. Mahnig underlines that although it seems unforgivable to maintain deprived individuals far away from wealthy states, it is really a requirement and merely the reasonable course of action. In this respect, it is developmental to assist countries that are in need. The development process leads to social and economic restructuring of border communities, which may help balancing and controlling the illegal cross-border activities.

Unlimited movements across the borders are sometimes perceived as a menace to communal harmony. The entry of new people may threaten the communities that receive them and jeopardize the national feeling that lies at the central part of social life. From a cultural framework, it is not only a matter of distinctiveness but it is also an ethical issue: morals and principles come from contribution in a specified society and restricting foreigners' entry to the society is essential to allow their growth.⁶² The threat, however, posed by foreigners to national unity is sometimes exaggerated as migrants can have an optimistic contribution on values and norms and the exaggeration of such a threat is sometimes no more than a strong argument to advance a moral explanation to closed border control.⁶³ It should therefore be dealt with a specific emphasis on the organizations that solidify social unity and on the probable group anxiety that can intimidate it. Movement is a main confrontation to the wellbeing the country.

⁶² Walzer, M. (1983). *Spheres of Justice. A Defense of Pluralism and Equality*. Oxford: Roberston.

⁶³ Carens, J.H. (1987). In Gutmann, A. (Eds.). *Migration and the Welfare States*. Princeton: Princeton University Press.

The right to a free movement is about openness and transmission, while wellbeing structures rely on tight restrictions. Unrestricted freedom of movement may paralyze the common cohesion that motivates individuals to be engaged in welfare systems, therefore supervised and controlled borders must be essential to protect national unity.

Furthermore, citizens and democratic contribution represent main elements of national unity. In theory, the benefit from the right of citizenship relies on nationality without including foreigners. In reality, nevertheless, foreigners benefit from certain basic individual rights. Though it is reasonable to grant fundamental rights to all persons crossing over to a certain state, this would however confront the conventional distribution of rights. Culturally speaking, illegal migrants are often believed to incorporate improperly, thus intimidating and menacing the cultural practicalities of the countries of destination, leading to anxiety with the origin inhabitants, and nurturing discrimination. In this context, Walzer recognizes that if a state does not attempt to control the movements of foreigners, local residents will accomplish this mission by aggressive refusals of foreigners. Moreover, the absence of suitable border policies may nourish discrimination by strengthening the idea that foreigners are unwelcome. The issue of national unity highlights the complicated dimension of “cross-border” movements. Jacobson notes that bordering turns to be more complicated of “geographic” and “non- geographic” shapes of social, political, and economic qualities.⁶⁴

Close to the social factors, the economic factors also play a crucial role. Some scholars argue that the major achievements regarding progress and the decline of poverty do not reside in the

⁶⁴ In Albert, M., Jacobson, D., and Lapid, Y. (Eds.). *Identities Borders Orders: Rethinking International Relations Theory*. Minneapolis: University of Minnesota Press.

argued matters related to liberated business, but in the worldwide mobility of employers, a minimum liberalization would be mandatory to endorse the growth of deprived countries. Migration, however, has distributive consequences, helping some migrants and menacing others. For example, trained migration is for the benefit of the receiving countries, but not at the same level for the sending countries; the amalgamation is significant for migrants but not constantly helpful to the receiving countries. Further, unskilled labor migration may have effective contribution in the economy of the receiving country, but endanger the welfare conditions and the standard of living of its working force. Closed border control, however, constitutes exclusion in the recent trend of globalization and liberalization. The US-Mexico situation can be an effective example: they are two states unified through free trade agreements accord but alienated by an armed boundary. This discrepancy is illustrated by the World Trade Organization (WTO) negotiation on what is named “Mode 4” that implies the momentary movement of persons. Being aware that the exchange of goods and services necessitates direct communication between suppliers and consumers and willing to promote the “liberalization” of the international commerce, the members of WTO have been involved in discussions concerning the movement of labor across the border. This focuses only on the momentary services and keeps out all the other matters of endless movement.⁶⁵

The boundary issue is not clear-cut as between many countries the issue is still not well understood or known. In this context, it is crucial to examine the matter of security and the governance of borders. Massey and Taylor suggest a mid-way between “open and closed

⁶⁵ Kolsowski, R. (2001). “Economic Globalization, Human Smuggling and Global Governance,” in Kyle D. and Kolsowski R. (Eds.) *Global Human Smuggling in Comparative Perspective*. Johns Hopkins University Press.

borders” that can be a way of multiparty control of outflows where states would organize the agendas that concern migration for their reciprocated advantage as recognized with flows of goods and services.⁶⁶ Recently, many scholars have emphasized what is generally considered as the organization of migration, which led to many proposals such as General Agreement on Migration and Refugee Policy (Harris, 1995, 224).⁶⁷ The main supposition is that sending and receiving states would circumvent the drawback of one-sided strategies whereas being certain that the procedures of migration do not harm the national interests of both states and border communities. Nowadays, faced with the threat of terrorism, states seek to establish a “re-bordering” procedure. In political discussions and in the formulation of the policy, borders are backward in approach. Rather than simply being taken into pieces in the face of increasing demands of economic integration, the border controls are being reshaped as a feature of the new escalating “war on terrorism”.⁶⁸

Flynn (2005, 57) argues that the internationalization of most national economies includes serious movements of individuals across the border, automobiles, and batches, and in this way, breaking off the influence of threat is similar to the winning in the lottery. To effectively manage these flows would be very costly. Hence, tackling the risks provided by flows of treacherous objects includes a search for well-groomed means for border. What are desirable are soft borders that instead of performing as barricades, they act as filters and they raise attention over human rights issues. By showing intelligence and collaboration to control the flows that go beyond national borders, states may reduce safety measures while allowing fluid

⁶⁶ Massey, D. and Taylor, E.J. (2004). *International Migration: Prospects and Policies In A Global Market*. Oxford: Oxford University Press.

⁶⁷ Harris, N. (1995). *The New Untouchables: Immigration and the New World Order*. London: Penguin.

⁶⁸ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

border crossing. The right to full free mobility is most likely unsafe and disordered. Further the response to the inadequacy of unilateral policies remains in apparatus of the authority throughout which countries collaborate to attain their main objectives. States can and should cooperate but with what purposes? We can perceive a condition in which cooperation between the countries is crucial though being a momentary action in the organization of a “right” to movement. As no state can be assumed to step forward in the track of border control, and other states do not pursue a similar track, “multilateral” cooperation, through accord or associations, is an obligation.

Migration can also be organized in a restrictive manner and it is not difficult to envisage a condition where interstate collaboration would simply carry on recent restraining regulations. At times, tight border control policies, whether nationally or multilaterally executed, lead to illegal conditions and mistrust that make supportive border management a difficult mission. Oppressive border policies do not effectively stop the movement of people but provoke them to move secretly. They give smugglers and trafficker’ improved business choices: “If migrants are not able to enter a desired country because of tight border enforcement, they will rely on the assistance of third parties. And the more efficient migration controls are, the more profitable smuggling becomes and the higher the fees are payable by those who are smuggled.”⁶⁹ Hence, ineffective border control not only exacerbates the weakness of travelers but they also make difficult “migration policies” and increase security threats through leading to imperceptible flows. Johnson argues that “open borders” are fully consistent with attempts

⁶⁹ Doomernik, J. (2004). Migration and Security: The Wrong End of the Stick? In Van Den Anker, C. (Eds.) *The Political Economy of New Slavery*. Basingstoke: Palgrave Macmillan.

to avoid terrorism. More liberal migration would permit for complete consideration to be given to the real threats against the national security.⁷⁰ Restrictive migration policies can engender suspicion alongside the borders. In this context, closed border control may create a kind of border civilization that in turn may interrupt efforts to endorse needed cross-border collaboration. Here, we are examining a structure-agent affiliation as border policies create frameworks to which individuals react. Closed border policies engender illegal migration, smuggling and trafficking. The standards of control policies influence peoples' behavior, not only creating an apparent call for amplified supervision but also discouraging the "cross-border" relations that would render interstate cooperation possible. In this framework, a restricted mobility may constitute a means to eliminate this brutal path by providing a significant approach on the concept of organization in fields such as migration and security. In a unified concept of humanity, concerns will require multilateral coordination. This cannot be accomplished entirely from the top at the governmental or managerial level; citizens also have a critical role because in the absence of clear-cut "human cross-border" relations, the cross-border policies of are alone insufficient to achieve the required goals.

The right to freedom of movement is morally justifiable and frequently supports the human right of emigration. It can be an incentive, not only to intricate equal border control policies, but also to query the ethical, educational, and political basics of modern performances. The policies of migration have connotations both for emigrants and boundaries. Closed border control policies generate suspicion toward outsiders and create an obstacle in front of fruitful relations between people across borders. One wide set of concerns what it is ethically

⁷⁰ Johnson, K. (2003). *Open Borders? UCLA Law Review*, Vol.51.

satisfactory for states to do in order to implement the entry and exit regulations they set. Some would consider that authorized protection given to citizens that protect basic human rights should also include irregular residents. For example, if every person enjoys the right not to be illegally harmed or violated, then people who are irregular residents should also have possess the same rights.

Within a country, there are usually no coercive restrictions that obstruct people who desire to move into a neighborhood. In a world of open borders, the world in a sense becomes a small village, and anyone has the freedom to move into any state he/she chooses. This should not, however, prevent the state from undertaking some moral tasks to supervise its boundaries and to control its land, including access to the territory. In a sense, it is a moral determination of border control policy. Once we assume a world of liberal democratic policies and fairness, then the pragmatic standard that closing borders is essential to release particular duties to the nationally “worst off” becomes broadly doubtful. Worldwide labor offers a chance for improving the conditions of the local poor hence any moral duties owed by wealthier countries, would in fact best be released via a global soft border regime.

Closed, open, or soft, the issue of border control and human rights concerns many countries across the world among them Lebanon and Syria. A type of soft border can be applicable on the Lebanese/Syrian case in a manner that recognizes the social and economic rights of border communities. Those families living along the Lebanese/Syrian borders have become pledged in the political game of foreign and national policy; often leading to the corrosion of rights granted to all human beings under the “Universal Declaration of Human Rights” and the “International

Covenant on Civil and Political Rights” (ICCPR). How border control can be implemented between Lebanon and Syria without violation of basic human rights of border communities? What conditions should be taken into consideration during the negotiations on the delimitation and demarcation of borders between Lebanon and Syria? What are the duties of the Lebanese state toward border communities living on the Lebanese side? Few of many questions I will attempt to explore in the next chapters.

Chapter Two

The Border between Lebanon and Syria



Figure 1.1 The Map of Lebanon and its border with Syria (Source: www.the-lebanon.com).

Abstract: In this chapter I will examine the Lebanese/Syrian border. I will provide a brief look over the Lebanese and Syrian border. This border is still a subject of discussion for both sides and constitutes a point of connection in which the international accusations congregate. Lebanon and Syria share a history by virtue of the geo-political reality that has shaped interdependence between the two states. Lebanon needed Syria's sustainment as an Arab state and Syria needed a wider connection with the world which it was able to achieve through the Lebanese window overlooking the Mediterranean Sea. This situation led to the absence of a formal border between the two states as well as a lack of formal and serious discussions. The basic points that will be discussed in this chapter are the reality of the border between the two countries, the absence of formal border, the UN resolutions and the calling upon Lebanon to secure its borders, and Syria's agreement to establish a common committee with Lebanon to negotiate the delimitation and demarcation of common borders.

Key words: Lebanon, Syria, border, delimitation and demarcation.

Delimitation is the fact of setting up the limits of borders of a certain area or region.

Demarcation is the fact of establishing a frontier around an area or region.

Definition is the fact of identifying natural elements, towns, streams, etc.

3.1 Border and UN Resolutions:

After Lebanon's president, Michel Suleiman, and the Syrian president, Bashar Al-Assad, met in Damascus in 2008, one of the agreements achieved was to solve the border's problems through "delineating" and "demarcating" the common border between the two countries.

Historically, Lebanon and Syria emerged from the remains of the Ottoman Empire in 1920 and sided under the French mandate. "*Greater Syria*" included both contemporary countries as well as an independent and self-governing area for the Maronite Christians. For financial viability, the French chose to unite the Maronite Christian areas with the largely Muslim Békaa Valley and the coastal cities. This was followed by Lebanese independence in 1943 and Syria gained its independence in 1945. For Syria, Lebanon was portrayed as a fake unit and for long period of time, Syria did not accept to follow a formal demarcation and delineation of the borders. In fact, the Lebanese boundaries were set up , demarcated, and delimited under the French Mandate, however, after attaining autonomy after World War Two, Lebanon and Syria did not establish an official and internationally recognized border separating the two states as Syria adopted the notion of "*Greater Syria*" which assumes that Syria and Lebanon are **one** state. Once the recently created Lebanese and Syrian states called the government of France for authorized and certified documents on their mutual boundary, it was exposed that more or less nil existed. As a consequence, Lebanon and Syria created a cooperative border commission more recently in the 1950's for the purpose of agreeing on an official border and resolve some territorial disagreements, especially concerning the dispute over the Sheb'aa Farms located in the South-East of Lebanon. In 1964, after finishing its mission, the commission offered its conclusions to both states and suggested that the common boundary be redrawn in accordance

with its recommendations. Nevertheless, both states did not take into consideration the commission's recommendations and they did not send the results to the United Nations (UN) in order to establish new certified and authorized maps.

Kofi Annan, the previous UN Secretary-General, confirmed the appearance that no authorized and certified documentation existed of an official international border accord between Lebanon and Syria⁷¹. Given that there was no agreement upon official borders, until recently the internationally documented Lebanese boundaries continue to be those recognized by the French Mandate. This is primarily due to previous strong Syrian opposition to delimitate and demarcate the common borders. In fact, the agreement on common borders can only be achieved with the willingness of both states. For a border to turn out to be globally documented and confirmed, it needs commonly approved records and credentials recorded at the UN. If one concerned party to the procedure prevaricates then the boundary is an open and unresolved dispute.

The ongoing vagueness over the accurate conduit of the Lebanese/Syrian border was due to years of unresponsiveness by the Lebanese government to its untamed and poor frontier areas and the unwillingness of Syria to acknowledge the notion of an independent Lebanon. The French Mandate authorities used to delineate the border after the formation of Greater Lebanon in 1920. The border meant to pursue the edges of the four ex-Ottoman qadas: **"Akkar"** in the north, **"Baalbek"** in the east, and **"Hasbayya" and "Rashayya"** in the southeast. Moreover, the borders were set up by the physical characteristics of the river Nahr al-Kabir

⁷¹ See United Nations Security Council Report of the Secretary-General on the Implementation of Security Council Resolutions 425 (1978) and 426 (1978), S/2000/460, May 22, 2000, 2-3 (paragraph 14).

situated in the north and the climax of the Anti-Lebanon Mountain Range and Mount Hermon situated in the east. Yet, these borders frequently clashed with the issue of possessions, where Lebanese hold land ending within Syrian territory and vice versa. For example, the town of “*Tufayl*”, which is located east of the centre of Damascus, is linked to the Békaa Valley by a thin touch of Lebanese land that comes up eastward over the Anti-Lebanon Range and into the horizontal barren region north of Damascus. Tufayl was incorporated into Lebanon due to the fact that its inhabitants are from Shiite sects, hence more intimately associated with their co-religionist in the Békaa than the Sunnis and Aramaic-speaking Greek Catholics who are their direct fellow citizens in Syria.

In the years after Lebanon and Syria gained their independence, both states created numerous commissions to resolve border disagreements, all of which failed. In 1975, Lebanon entered into a civil war that persisted for 15 years; a period where the unity of its land was despoiled by Syria and Israel. In 1976, the Syrian soldiers penetrated in Lebanon apparently to operate as a component of an Arab peacekeeping power. Syria has been by far the main and leading actor in 1976 when its supposed “peacekeeping” forces interfered in Lebanon’s civil war and maintained dominance for almost 30 years. During this period, the Lebanese Army shaped a map that determined the unsettled spots alongside the border stretching from “**Wadi Khaled**” in the north to the “**Sheb’aa Farms**” in the south.

Lately, the UN has issued Security Council Resolution 1559 (UNSCR 1559) that requested the Lebanese government to exercise power over all Lebanese land and persevere for the unity, autonomy, and sovereignty of Lebanon within its globally documented border. UNSCR 1559

also emphasized the need of the withdrawal from Lebanon of all non-Lebanese armed militaries. In addition, the assassination of the former Lebanese Prime Minister Rafiq Al-Hariri on February, 2005- which extensively held responsible Syrian agents but denied by Damascus, gave increase to international pressure and street demonstrations that led eventually to the withdrawal of Syrian armed forces. In 2006, the UN issued Security Council Resolution 1680 (UNSCR 1680) strongly encouraged Syria to respect the demand made by Lebanon, in line with the accord of the Lebanese national dialogue, to delineate the mutual boundary, particularly in regions where the border is undefined. It also urged to set up complete diplomatic relations, mentioning that such procedures would be considered as an important step towards acknowledging Lebanon's sovereignty and enhancing better relations between both states. This therefore contributes positively to the stability of the region. The resolution also advises both concerned parties to make efforts throughout further bilateral negotiations, taking into consideration that the establishment of diplomatic relations between the two states takes place by reciprocal approval ("Resolution 1680", article 4). In 2005, the UN issued a report which confirmed that Syria left Lebanon. However this withdrawal was partial due to the fact that many Syrian nationals, both civil and military, still maintain presence on Lebanese land. The UN team that evaluated the withdrawal was not capable to terminate with assurance that all Syrian intelligence tools had been withdrawn due to the fact that intelligence activities are by nature frequently concealed. Furthermore, this report, which asked for the "delineation" and "demarcation" of the Lebanese/Syrian frontier, noticed that in "*Deir AL-Ashayer*", located in the southeast of Lebanon, the residents emphasized that a Syrian stand is still on the land of Lebanon. Syria has permanently declared its willingness to delineate its border with Lebanon

under the condition that the “Sheb’aa Farms” area remains. Since 2006, a UN team has been sketching the exact lines of the farms, although its findings have not been published.

After the conclusion of the clash between Israel and Hezbollah, in August 3, 2006, the UN Security Council issued resolution 1701 (UNSCR 1701) that called Lebanon to protect its boundaries and all access locations for the purpose of avoiding the entrance of arms or similar materials to Lebanon without the approval of the Lebanese government. However, due to anxious and tense relations between Lebanon and Syria, no meaningful progress took place.⁷² During the period in which this report was released, the objectives of UNSCR 1559 and UNSCR 1701 concerning the demarcation of the border between Lebanon and Syria have not been adequately achieved. Moreover, UN Secretary-General Ban Ki-Moon mentioned in the Eight Semi-Annual Report of the Secretary-General on the execution of Security Council resolution 1559 that no significant development or enhancement in the delineation of the common border between Lebanon and Syria took place, and he articulated his worry of the general porosity of the Lebanese-Syrian borders.⁷³

The delineation and the demarcation of the border is merely the primary stance. Resolution 1701 called for the Lebanese government to fully protect and safeguard its boundary. In this regard, a naval module of the UNIFL peacekeeping force supervises Lebanon’s coastline, and the Lebanese government has stationed roughly 7,000 soldiers alongside the frontier with Syria. The armies, however, lack training, synchronization between the various security agents, and

⁷² Blanford, N. (July, 2008). “*Middle Ground: Lebanon Plays a Buffer as Syria and Israel Simmer*”. Jane’s Intelligence Review.

⁷³ ⁷³“Eight Semi-Annual Report of the Secretary-General on the Implementation of Security Council Resolution 1559.

appropriate apparatus such as identical connections and convey suitable for the rocky eastern boundary. Marketable smuggling continues to be unchallenged and the Lebanese government seems unwilling to enflame local and national sentiment in its poorest border regions.

It is not easy to envisage that the Lebanese/Syrian border will be completely delineated and demarcated due to several unsettled disputes that influence it, such as Hezbollah's status and the destiny of the Palestinians. Yet, the foreign ministers of Lebanon and Syria signed a memo to set up diplomatic relations between the two states. The agreement to establish diplomatic relations represents a positive and first sign of normalization of relations between both states- on both a practical and symbolic level. In 12/8/2008, Lebanese President Michel Suleiman made an official visit to Syria, where he and Syrian President Bashar Al Assad agreed to harden and fortify the relations and to demarcate the arguable and debatable border. However the revision of the Lebanese/Syrian border faces many difficulties. Syrian authorities always linked this process with the issue of "Sheb'aa Farms". Allies of Syria in Lebanon declared alert on border demarcation issue. Many inhabitants in border regions such as *Aarsal* , especially those who refused to pay under the pretext that their land is inside the Syrian border, may sue to restore their land border from Syrian's influence.

3.2 Regions of Intersection between Lebanon and Syria:

Despite talk of border delineation and demarcation between Lebanon and Syria, viable outpost descriptions obtained by "*Jane's Intelligence Review*" from Digital Globe from December 24, 2006 through March 12, 2008, designates an increase of illegal activities on Lebanese soil. Here is a brief summary on Lebanese border:

1. **The North:** at the north, the border of Lebanon was fixed, under the French Mandate in the following manner: from “*Nahr al-Kabir al-Janub*” to “*Wadi Khaled*” and the *height of Jisr al-Qamar*. The 2007 assessment by the independent fact-finding team recognized that Syria kept its existence beyond the Lebanese defined boundary. Towns in the *Wadi Khaled* region, especially in *Knaiseh* and *Hnaider*, which are previously delineated and variable, were completely inhabited by the Syrian military at the time of the evaluation of the fact-finding team.⁷⁴
2. **The Northeast:** Lebanon’s eastern border was recognized by the French Mandate as follows: from the peak of the mountain untying *Wadi Khaled* and *Wadi Nahr al-Assi*, traversing the towns of *Maissra*, *Harba’ata*, *Hit*, *Abech*, *Fissan*, to the height of the towns of *Brina* and *Mitirba*, to the northeast and southeast boundaries of the region, of north *Baalbek*, *Hasbaya*, and North *Rashaya*, which was previously delineated and demarcated, and was occupied by the Syrian military forces in 1978. Although it seems that the Syrian military forces left this region in April 2005, the residents of *Ka’a* claim that Syria is still occupying over 15 km² of the land. In addition, the villages of *Arssal* and *Ras Baalbek* are internationally documented as a permanent border between Lebanon and Syria. The files that prove this delineation can be found in the archives at the French Foreign Ministry.⁷⁵
3. **The Southeast:** under the French Mandate, the southern border of Lebanon was identified as such: the boundaries of *Tyre* and *South Marjaayoun*. The most disputed land is located in the southeast, where Lebanese lands connect with Syrian lands. As

⁷⁴Lebanese-Syria Borders: Fact-Finding Survey, May 2007.

⁷⁵“ Lebanese-Syria Borders: Fact-Finding Survey, May 2007”.

the border was not fully demarcated, there is discrepancy over the autonomy of the region where the Syrian armies are positioned. The Middle East correspondent for the *"Times of London"*, Nicholas Blandford, argues that the Lebanese and internationally recognized maps prove that the Syrian forces are positioned on land that belongs to Lebanon. Nevertheless, the maps belonging to Syria point out that the border is within Syrian territory as the definition of southeast boundaries of Lebanon varies considerably between the maps of Syria, Lebanon and the UN.⁷⁶ In turn, the villages of *Kfarzaba*, *Ain Kfarzabad*, *Kosaya*, *Hasmish*, and *Deir al-Ghazal*, were previously delineated, demarcated, and defined, yet they were all under the Syrian domination until the year of 2007, apart from *Kosaya* which is in fact occupied by the Popular Front for the Liberation of Palestine- General Command (PFLP-GC). The towns are approximately from 1,000 m to 4,000 m within Lebanese territory, this measurement being only accessible through the Syrian checkpoints.⁷⁷ The *Rashaya* district, with the periphery of *Deir Al-Ashayer* and other towns until *Kfarqouk* were occupied by the Syrian army. Since 2007, the periphery of the villages of *Halwa* and *Yanta* were under "PFLP-GC" domination. Blandford validates in a "July 2008 article" that Syria keeps organizing military forces in the isolated mountains located in the north of the village of *Rashaya al-Wadi*. He argues that the Syrian situation in Lebanon seemed to be considered merely as a "defensive" contour against any Israeli aggression, and not as demeanors for weapons smuggled from

⁷⁶ Blandford, N. (July, 2008). *"Middle Ground"* Times of London: 45

⁷⁷ "Lebanese-Syrian Borders: Fact Finding Survey, May 2007," 16.

Syria to Hezbollah.⁷⁸ The situation in *Deir al-Ashayer*, in the *Rashaya* district, has great implication. Since 2007, roughly six Syrian armed locations were distributed above the mounts and valleys alongside a parched that links “*Deir al-Ashayer*” to “*Kfarqouk*”.⁷⁹ Although the UN officially confirmed that the Syrian military forces withdrew from Lebanon, it approved the presence of a divergence and incongruity concerning the delineation of this precise region.

- 4. The “Sheb’aa Farms” and the town of “Ghajar”:** the most famous on Lebanese lands clash is the dispute on the Sheb’aa Farms, a 25 km² farm that embraces 14 farms situated alongside the southeast Lebanese boundary between the *Asal* dale, in the north of *Golan Heights*, and the Syrian/Lebanese frontier. Recently, there are military Israeli forces in this area, which took it as fraction of *Golan Heights* during the Arab-Israeli conflict in 1967. Both Israel and the UN believe that the “Sheb’aa Farms” is part of the Syrian territory and it will be given to Syria with the *Golan Height*” as indicated in the UNSCR242.⁸⁰ However, as the Lebanese/Syrian boundary was not officially defined, there are no accurate and officially recognized boundaries in the Sheb’aa Farms area.⁸¹ Syria has verbally stated that the Sheb’aa Farms belong to Lebanon. However it did not show similar willingness to deliver an official “border demarcation” for the rest of the Lebanese/Syrian border in the area and it has not presented the required credentials to the UN for the purpose of approving

⁷⁸ Blandford, N. (July, 2008). “*Middle Ground*”. Times of London:45

⁷⁹ Ibid., 13-14.

⁸⁰ Padros, A.B. “*The Shib’a Farms Dispute and Its Implications*”. (2001). Congressional Research Services Report for Congress, Order Code FL31078. Washington, DC: Library of Congress.

⁸¹ Padros, A.B. “*The Shib’a Farms Dispute and Its Implications*”. (2001). Congressional Research Services Report for Congress, Order Code FL31078. Washington, DC: Library of Congress.

Lebanon's autonomy over the area. In the past, the two countries were engaged in a verbal accord transferring the territory from Syria to Lebanon without informing the UN and without sketching a new map. Due to the unofficial nature of the accord, all documented maps indicate that the farms are part of the Syrian land. Although current announcements by the Syrian authorities mention that broad border demarcation is forthcoming, Syria has also mentioned its refusal to demarcate the "Sheb'aa Farms" and to officially acknowledge the Lebanese autonomy over the land, pending the withdrawal of Israel from the Golan Heights.⁸² The town of *Ghajar* is also located between the Golan Heights and the southern boundary of Lebanon. By the time of the Israeli withdrawal from the south of Lebanon in 2000, the town was divided into two parts: the northern part of Ghajar globally acknowledged as Lebanese land, and the southern part internationally recognized as Israeli territory. The armed forces of Israel returned back to the north of Ghajar after the conflict between Israel and Hezbollah which took place in 2006, which was considered by the UN Secretary-General in his November 2008 report as a violation of UNSCR 1701.

3.3 The Border Crossing Points Between Lebanon and Syria:

As predetermined by paragraph 14 of UNSCR 1701, in which the UNSC urged the Lebanese state to protect its boundaries and all access crossing points in order to avoid the entrance into Lebanon with no formal approval, the UN Secretary-General, in collaboration with the

⁸² "Syrian Deployment Stretches 335 km on Lebanon's Eastern Front," Naharnet. (2008, November 1). [Online]. Available: <http://www.naharnet.com/domino/tn/Newsdesk.nsf>.

Lebanese government, formed and sent off the **Lebanon Independent Border Assessment Team** (LIBAT1) from May 27 to June 15, 2007, which embraced experts and professionals on the issue of border security, completely revised the administration of the Lebanese border with Syria and issued its recommendations and suggestions to the UNSC. For the purpose of reevaluating the execution of the suggestions of LIBAT, a second assessment (LIBAT 2) took place from July 15-30, 2008. At this time, the group conducted meetings with Lebanese politicians, the managers of the agencies concerned with border security (the Lebanese Armed Forces, the Internal Security Forces, General Security, and General Customs known as the Common Border Force) and the senior officers, as well as the representatives of supporter countries. "LIBAT 2" held visits to the four official functioning crossing points: *Arida, Aboudieh, Ka'a, and Masna'a*. The group recognized that despite the difficult political situation in Lebanon, the level of execution of the recommendation of the first team has not been sufficient. There are mainly detached developments but there has been no crucial or important influence on the whole situation of the border. Within two weeks after the evaluation of "LIBAT 2", Lebanon and Syria declared at the end of the meeting of the presidents which took place in Damascus on August, 2008, that they are willing to revitalize the task of the common committee the mission of which is to work for a formal delineation and demarcation of the border between the two countries.⁸³ A synopsis of the findings of the two LIBAT assessments can be illustrated as follow:

⁸³ "Eight Semi-Annual Report of the Secretary-General on the Implementation of Security Council Resolution 1559," 4.

1. The point of Arida: LIBAT 1 recognized that the sites at Arida were condensed into a restricted region, which means that it is not efficient for vehicles. Additionally, properties of General Security and General Customs were old-fashioned, and insufficiently prepared. The team also recognized a lack of trucks, radios, apparatus, and sensors. In the eyes of LIBAT 2 assessment team, the condition at the Arida crossing point altered little from earlier observations. It mentioned that General Security and General Customs did not move to an appropriate location although a new land has been acknowledged.
2. The point of Aboudieh: Aboudieh constitutes the focal crossing point at the northern border that receives approximately 122 vehicles accessing and 191 leaving each day and around 1,014 vehicles and trucks both ways. When LIBAT 1 assessed Aboudieh, the team criticized the reality that its materials were located around a kilometer from the border. Therefore it is easy for people to penetrate into Lebanon without passing through the official crossing points.⁸⁴ LIBAT 2 concluded that Aboudieh reveals the most noticeable and obvious alterations since the earlier evaluation. Most appreciably, the border checkpoints are not located strictly at the borderline; therefore it is more difficult for people to avoid being checked before accessing to Lebanon.
3. The point of Il Ka'a: the border crossing point of Il Ka'a is situated alongside the eastern frontier with the Syrian border, roughly 9 km southeast of the town of Hermel. LIBAT 1 team recognized that General Security at Ka'a was inadequately and weakly fitted, lacking trucks and efficient means of communication. Further, inter-agency

⁸⁴ "Report of the Lebanon Independent Assessment Team 1," 20. (2007, June).

collaboration is absent between General Security located at the boundary and the Lebanese Armed Forces at the advanced positions. The LIBAT 2 report underlined that there was no considerable improvement on these issues. A foreign correspondent for the French newspaper "*Le Figaro*", Georges Malbrunot, stated in an article that smuggling prospers across the Lebanese/Syrian boundary, and the town of Il Ka'a is highly taken as a point for illegal activities. He mentions the inadequacy and menace of locating the official crossing points far away from the actual border. He also recognized that residents frequently escape the Lebanese border guards. Malbrunot also observed that, "it is worth mentioning that we are not yet in Syria: The border still lies 11 km away." The residents of the "gray zone" are confidently included in all kind of smuggling processes, from cigarettes , to drugs, clothes, and above all with the arrival of the winter season, fuel oil are transported clandestinely from Syria at lower prices.⁸⁵

4. The point of Masna'a: Masna'a is considered as the major border crossing point at the east and is the utmost significant area for cross-border passage to Syria. At Masna'a, we can recognize the main challenge of the space between the checking points and the concrete border. Armed Customs position is located by the border and a Custom Group held the responsibility to ensure that trucks and doubtful travelers are subjected to official border inspections. Nonetheless, the authorities approximate that around 3,000 persons reside in towns located between the border and the authorized crossing point, which makes difficult the issue of knowing which trucks enter Lebanon illegally. LIBAT 1 team noted that Masna'a locations were extremely insufficient since the shipment

⁸⁵ Malbrunot, G. (2008, October) "*Smuggling Flourishes along the Lebanese-Syrian Border*". *Le Figaro*.

region where vehicles are situated was not hedged and communications or means for the examination of goods that enter Lebanon were absent. LIBAT 2 mentioned that though the strategies to reposition the checking point nearby the frontier were not kept, a momentary agreement was reached where adjacent areas were bought and the location was appropriately redrawn. The team concluded that the whole situation at Masna'a is still extremely chaotic. It is feasible to access the Lebanese territory not being accurately inspected by creating a path that escapes official "checkpoint".

5. The point of Bokayaa: Despite that the Bokayaa boundary crossing point, situated around 24 km at the east of the Aboudieh point, was prepared and well-equipped by 2007, it remained under construction at the time LIBAT 2 surveyed the location in 2008. LIBAT 2 recognized that the authorities at the location showed a hopeful arrangement. In other words, offices are to be constructed at the border to allow greater collaboration between General Security and General Customs. The team recognized that the Syrian officials erected a new border crossing point on their area. LIBAT 2 underlined that, overall, the Lebanese authorities have failed to improve the general security of its borders in appropriate way. UN Secretary-General Ban Ki-moon stated that the difficulty in providing security at the frontier does not lie only on the Lebanese side and it is essential that all concerned parties show a responsibility and respect the calling upon the weapons restrictions acknowledged in UNSCR 1701.⁸⁶

3.4 Illegal Border Crossings and Smuggle Roads:

⁸⁶ "Eight Semi-Annual Report of the Secretary-General on the Implementation of Security Council Resolution 1559," 4-5.

It remains constructive to look at the illegal or unofficial passageways that expand over the permeable border between Lebanon and Syria. The quality of the land and the absence of Lebanese and Syrian supervision make the smuggling of cars, commercial materials, oil, drugs, and arms, a prosperous commercial activity. During the Syrian presence in Lebanon, smuggling was monitored by the Syrian Intelligence offices. The survey held on May 2007 by the 'New Opinion Workshop' studied smuggling roads on 60% of the border. Its findings⁸⁷ can be summarized as follow:

- a. The Northeast: at *Horsh Sayed Ali*, which is a flat terrain of the city of Hermel, no legitimate crossing points were detected and there were no Lebanese border guards presented in the area. Further, the border was noticeable and cleared by the *Zita* canal, which was cemented and easily penetrable. The fact-finding team recognized on the Syrian part the presence of several Syrian border guards. Many illegitimate smuggling roads exist all along a rocky and hilly path from *Arssal* to *Toufeil* especially at *Wadi al-Halwa*, *Wadi al-Nahassa*, and *Wadi al-Jamala*, and *Maaraboun*, where a 1 km trail connects Lebanon to Syrian the village of *Serghaya*. In the town of *Knaisseh* in the *Wadi Khaled* area, residents bypass without restrictions between the two countries every day without crossing through official points, freely transporting goods. Although they confess that their dealings may be considered as smuggling, the residents support the smuggling of certain basic goods that are exported at a lesser price from Syria. A resident from *Knaisseh* who purchases food and fuel from Syria says that "Smuggling of arms happens in areas very known to the state, and it doesn't happen on small roads

⁸⁷ New Opinion Workshop. (May, 2007). "*Lebanese-Syrian Borders: Fact Finding Survey*," 28.

like this; it happens on large roads in front of everybody...But the Lebanese government won't do anything about it."⁸⁸

- b. The Southeast: here the *Bir al-Hadid* road can be attained through pursuing a 6 km badly managed street starting at *Kossaya* and bearing to the cluster of the mountain towns of *Ain Kfarzabad* and *Kfarzabad*. The street is divided s halfway: a division heading to the boundary and another division leading towards the PELP-GC camp, from where advancing further is forbidden. Both directions are supervised by PELP-GC militiamen, on the Lebanese side and by the Syrian military forces on the Syrian side. The area located north of *Wadi Anjar* mount is considered to be the ideal place for smuggling. This terrain is approximately 1,000m to 4,000 m within Lebanese land but entry is not permitted apart from Syrian checkpoints. Given that the mounts are adjoining, the valleys are ideal for smuggling. Some valleys are easily accessible, while other valleys are accessible only via 4 WD automobiles or big trucks, especially on the *Kosaya* roads. Moreover, the presence of a street is visible from *Aita al-Fakkhar* to *Yanta*, which is divided at the quarry of *Androas* and easily accessible to all people entering Syria. At the periphery of *Yanta*, there are many armed campsites, in addition to observation points, tunnels, and underground hiding places.

3.5 Human Rights and Border Control:

⁸⁸ Ibrahim, A. (2008, August 17). "Lebanon's Blended Border Zone: Demarcation of Syrian Land Will Disrupt Lives, Villagers Say". The Washington Post.

Thousands of transport trucks line the winding highways of border regions, impoverished regions that border Syria. Recently all land border crossings into Syria have been shut down to commercial traffic, causing a serious shock to the Lebanese economy. The Syrian government has justified this border situation in the name of “regional security,” as Syria is under strong international pressure to introduce tighter border controls. In Lebanon, the various unions representing impacted sectors have pointed out that the absence of border control hits the country economically. Smuggling of foods and daily staples, however, are the basis of the economy of border areas and allow poor border communities to obtain cheap goods and services from the Syrian land. This has been confirmed by official Lebanese administrative levels through data on the size of domestic consumption and imports.

Lebanon took notable steps towards becoming a fully autonomous state and eliminating its image as a Syrian puppet country, as intended during the Syrian presence in Lebanon. Today, the two states have exchanged embassies, a clear indication that the Syrian authorities have ultimately abandoned their visualization of Lebanon as an entity belonging to what was called “*Greater Syria*.” Yet, realities show that more achievements are to be accomplished in maintaining Lebanon’s sovereignty. The absence of efficient border control indicates that Syria has not fully recognized Lebanon’s sovereignty. Furthermore, the unclear border has led to extensive disruptive smuggling. The formal demarcation of the Lebanese/Syrian border may not be a solution for all joint and local adversaries, but it is promising progress on many levels. Firstly, a formally identified boundary strengthens democracy in Lebanon by re-enforcing the independence and unity of the country. Secondly, a well-defined boundary increases local stability by decreasing the smuggling of

illegal materials. Thirdly, an official accord between the two states on their mutual border opens the opportunity in the face of other negotiations through establishing confidence between the two countries. In 2008, the Lebanese and Syrian presidents agreed to recommence the task of a combined commission for the purpose to demarcate and delimitate the common border. The exchange of embassies was a first sign towards the normalization of diplomatic relations between the two countries. Although the Foreign Minister of Syria Walid Al Mouallem declared on several occasions the Syrian's support for the work of the committee, Syria has also emphasized that the demarcation of the border cannot happen before Israel withdraws from Sheb'aa Farms and the Golan Heights. The UN and the governments of both countries are all aware of the necessity to constrict and toughen up border security for the purpose of preventing illegal activities. In certain regions, smuggling will diminish as a consequence of the delineation of the boundary. Nevertheless, as outlined in the LIBAT evaluations, smuggling also takes place at the authorized crossing points. As a result, it is vital that the Lebanese government starts executing LIBAT's suggestions. Certain proposals will require the presence of an encouraging and sympathetic political atmosphere and moreover the presence of sufficient tools. Additional suggestions, such as the construction of investigative elements inside the multi-agency border control force and the reorganization of the security measures, are ideas that the Lebanese government is able to start executing without further delay. The legal security issues under certain conditions require the presence of Syrian troops alongside the Lebanese border. Like UN Secretary-General Ban Ki-Moon stated in the current testimony on the execution of the resolution 1701, the operation should be better

synchronized with the government of Lebanon. For the purpose of demarcating the border in a passive and nonviolent way, it is fundamental that all concerned parties respect the UNSCRs concerning Lebanon and its neighboring states.

The respect for UN resolutions, however, should not be the main concern while negotiating the issue of delimitation and demarcation of the border between Lebanon and Syria. The negotiations over border control cannot deny or put aside the human rights issue that represents the primary concern for border communities between the two countries. Border regions in Békaa are the most underprivileged of all areas in Lebanon and it has been the **least** appealing of areas for politicians since 1943 when Lebanon gained its independence. They lack the established schools, hospitals, electricity stations, telephone lines, roads, and highways. Despite the area depending on agriculture, the agricultural sector has been neglected for a long time. Large scale smuggling of food and agricultural materials such as potatoes and tomatoes is taking place from Syria into Lebanon. The majority of these goods enter Lebanon without crossing legal checkpoints and occasionally with adverse implications. Farmers will go famished as they wait months to make profit which ultimately turns into a loss due to the influx of Syrian, Jordanian, and Egyptian products. In this context, the negotiations of border control between Lebanon and Syria must not be restricted on sovereignty and security and it must also address the social and economic situation of border communities. The joint committee is urged to take into consideration the need to reach sustainable solutions for the socio-economic problems of border communities. Border communities in Békaa are living in isolation, and at risk of further social and economic exclusion. These communities experience harsh economic,

social, educational, and health-related conditions. These issues are exacerbated by a cultural context that has led to less-developed communities that are geographically isolated and where citizens experience poverty, economic hardship, communication difficulties, and extremely poor social conditions.

While seeking to address the human rights needs of border communities in the Bekaa region, a number of economic, cultural, and social aspects related to the geographic location must be taken into consideration. In both Lebanon and Syria, where there is much anecdotal evidence of the needs of border areas, any action to take a coordinated approach is still discretionary and has never, on either side of the border, been made mandatory. Many empirical analysts who work in border areas touched on the socio-economic situations of border communities primarily in terms of improving welfare and satisfying basic needs. On the socio-economic side, the Lebanese government must focus on crafting a short list of very minimally defined economic and social criterion of border communities. This set of “minimal threshold” standards, if assured in a way consistent with the other principles of human rights, could serve as a foundation for a reliable bottom-up approach progressing over time into full realization of more economic and social rights. A minimally defined combination of assured nutrition, healthcare, transportation, education, and employment could lay the foundations for a fundamental series of gains in independent self-provision for Lebanese impoverished border communities in the Békaa region. It is essential to gain some degree of access to basic needs instead of allowing poor border communities follow illegal ways to ensure their minimum rights.

The delineation and demarcation of borders between Lebanon and Syria cannot be effective if the major human rights challenges of border communities are not seriously addressed and resolved. Further, where the Lebanese government is structurally too weak to accomplish the task, the moral duty to observe human rights of border communities and to promote their observance must in practice lie with sufficiently positioned Lebanese people who are in a position to stimulate real change at grass-roots social and economic level within border communities.

A detailed examination of the social and economic conditions of three border communities in the Bekaa region (Il Ka'a, Aarsal and Yanta) will be put forward in the next chapter for the aim of highlighting the human rights challenges of these communities that have been administered in the lowest level and denied the right to minimal significant *civil* and *political* choice. Here, the focus will be on two key fields of civil-political choice: **expression** and **association** (Smith 1986a, 1986b), which correspond to civil and political human rights. In terms of the well-being aspect of human rights, an operational human right is an available option of access to, for instance, minimal food and preventive health care. The word "option" underlines the distinction between having an accessible opportunity to an appropriate situation for exercising the right, on one side and the right's actually exercised on the other, as emphasized by Shue's (1980) approach to the justification. Characteristics of human right, is that while the option of positioning to the situation to exercise the right might require time and effort, to have the option in practice means that the situation of exercise must be feasibly available to all persons living within border lands without exception. The right cannot be merely a "special right" available only to certain

communities or individuals of a small group. Neither can it be something which the right holder cannot be aware of. What is required from the Lebanese government is to link border control with the human rights of its border communities in a way which provides an alternative course of action that is able to ensure them minimal human rights.

For each of the three cases (Il Ka'a, Aarsal, and Yanta) which will be studied in turn, I shall explore the human rights situation of these communities that are directly affected by the delineation of the border between Lebanon and Syria. Nevertheless there are differences among Lebanese border communities regarding the availability of income-earning opportunities, within and beyond agriculture, trading niches, and other informal sources of income. According to the widely influential view of Joel Feinberg (1973), there can be no current obligation to remedy the lack of human right if we cannot identify the responsible ones. In this context, socio-economic rights of border communities become merely "manifesto rights," and theoretical goals to be taken seriously in a more plentiful hypothetical future. The Economic-Social Covenant, contrastingly, identifies an obligation to take steps for the realization of the social and economic rights (International Commission 1977, 25). The assessment I will argue in the next chapter will aim to supplement from below the more traditional approaches for the purpose to illustrate the impact on human rights of border control on border communities.

Chapter Three

Border Control, Border Communities and Human Rights in the BéKaa Valley.

Abstract: In this chapter I will underline the impact of border control on the human rights needs of three Lebanese border communities **Il Ka'a, Aarsal, and Yanta**, located in the Bekaa Valley. I will examine the social and economic conditions of each community and then will link these conditions with the issue of border delineation and demarcation between Lebanon and Syria. Further, I will draw attention to the need for services in response to the socio-economic requirements of the selected border communities. The chapter draws partly on findings from existing researches but mainly on the data I collected during my visit to the three areas. Analysis and Interpretations are based on the information given by the villagers of the selected sites; which means that the Syrian side has the absolute right to accept or refuse what has been said based on its own perception of what is happening at the border.

Key words: border control, border communities, and human rights.

My particular focus in this chapter will be on three border areas (Il Ka'a, Aarsal, and Yanta) that need the attention of the government in order to improve their overall living conditions and enhance their professional and technical skills, including education and livelihood support. Unless the Lebanese government seriously addresses the needs of its border communities and works towards solving their deep social and economic challenges, it remains meaningless to speak about efficient border control with Syria. As people living in border regions will continue (legally or illegally) crossing the border to gain access to what they lack

In the past, the movement and conditions surrounding the movement of people has been essential to policies of economic and social progress. In the recent international perspective, the movement of individuals alongside the borders has been speeding up by an incorporated

international economy and international systems. The case of crossing the border from Lebanon to Syria and vice versa exemplifies the type of economic development that links the migrants to policies of development, economic discrimination, and social division. Whether people's responses to my basic questions reflect the real situation or not, the core issue is that the border communities face serious social and economic challenges that are partly due to the absence of border control and partly due to the absence of governmental support. The five essential questions I asked in my interviews are:

1. How do you describe the current situation in your area in the absence of border control with Syria?
2. What are the basic needs that oblige people to cross the border without legal permission? (Economic, social, educational ...).
3. How the demarcation and delineation of the border with Syria will affect your region in general and your life in particular?
4. Are you for the establishment of strict, soft, or open border control? Why?
5. What kinds of developmental services do you ask the government to implement in your region in case of agreement with the Syrian government on strict border control?

4.1 Il Ka'a:

Il Ka'a is located at the north-east side of Lebanon, in the district of Hermel, at an altitude of 657 m². Il Ka'a is 7 km from the Syrian border and 135 km from the Lebanese capital Beirut. In altitude it is 657 m above sea level. It is bordered by Syria in the north, Ras Baalbek in the

south, Eastern Mountain in the east, and the town of Hermel in the west. The history of Il Ka'a goes back a long way as it is said to be known as the "Silos of Rome." Its latest inhabitation goes back to 1630, the days of the second Fakherddine prince, for whom a castle was built there. This was now become a neglected monument. It was first inhabited by Ka'a villagers, who then moved from inside the wall to the outside, whilst building their homes until it become to be as it is today.

Land Area	Population	Permanent Residents	Percentage Of Migration
175 km ²	15000	2000	70%

Table 1.1 Summary of Population Characteristic in Il Ka'a (Source: Municipality of Il Ka'a)

There is an active municipality of 15 council members. The town has 3 mayors. There are three public and one private school. There is a discrepancy that belongs to the Apostles. Il Ka'a has a long and uneasy history with neighboring Syria, which entered the village in 1978. The village of Il Ka'a, which was historically delineated, demarcated, and defined, was occupied by the Syrians for around 26 years. Though they left the region in April 2007, the residents of Il Ka'a confirm that Syria is still in the area, occupying land around 15 km². "Particularly, Lot No 7 of Ka'a/Jiwar Ma'iya, which is a property for numerous inhabitants of Il Ka'a, is presently occupied by Syrian military forces," says a council member in the municipality. Records and documentations presented in the municipality demonstrate that this land is a subject of lawsuit with the Syrian authorities. "The credentials of registration confirm the possession of Lot No 7 by Lebanese residents of Il Ka'a. Lot No 43 of Ka'a/Ba'ayoun is possessed by the Republic of Lebanon according to Article 7 of the Lebanese Land Law and it belongs to Il Ka'a municipality," the

member outlines. A drawing that underscores the undecided land can be detected in the records of the municipality of Il Ka'a. "The absence of border control led to the occupation of our land during and after the civil war and created a situation in which we are not allowed to enter our land and in which Ka'a villagers live in permanent insecurity. Syria entered some of Il Ka'a land under the pretext to prevent smuggling," he insists. "We fear our future because there is no effective and efficient governmental presence in the area. The establishment of strict border control is to our benefit because the majority of Il Ka'a residents do not live from smuggling and their economic activities occur through legal access points. Only those who rely on smuggling can argue against close border control and prefer the implementation of open border," he adds.



Figure 1.2: The Municipality of Il Ka'a

Today the town relies primarily on agriculture in addition to seasonal fruit and vegetables where apricots and apples are of excellent quality and are exported abroad. In parallel with the council member opinion, a farmer in his sixties, told me, carefully choosing his words, that “the establishment of strict border control is beneficial to Il Ka’a farmers because many of them are suffering from harsh and unequal competition as fruits and vegetables enter from Syria to Lebanon at lower prices without being subject to any governmental regulation, which makes our economic and social condition unsupportable”. This fact of harsh socio-economic condition has given rise to a high level of migration from the area. In this context, migration cannot be separated from the absence internationally recognized border with Syria and from the overall economic situation that caused human suffering and widespread frustration, rendering the area with little incentives to invest in monetary and human improvement. Yet, for some villagers, border control with Syria is not an essential request. A 57 year-old grocer says that “Border delimitation and demarcation with Syria will negatively affect him because he has strong ties with Syria and he also considers that the farmers of Il Ka’a are benefiting from the absence of border control.” He emphasizes the necessity to ensure Il Ka’a residents their basic needs of electricity, schools, university, water, sustainable development, and transportation before speaking about border control between Lebanon and Syria. “I do not prefer the implementation of strict border control between the two countries. I continuously go to Syria and I buy all my family’s needs from Syria. The implementation of open or soft border is fine but strict border is not a solution,” he adds. On the other side, some residents have responded to the issue of border control between Lebanon and Syria by emphasizing that Il Ka’a villagers are hurt by the absence of an internationally recognized border between Lebanon and Syria. On his side, a 43

year-old trader in industrial equipments, says that he buys his equipments from Lebanon and he prefers the implementation of strict border that prohibits the occurrence of smuggling and the entrance of goods from illegal crossing points at lower prices. He also points out the lack of the governmental support for the region and the lack of basic services from electricity, to water, to transportation, and health care facilities, which forces Il Ka'a residents to migrate searching abroad for better living conditions.

Many residents were afraid to confess their real situation and they were very cautious in choosing their words but it was clear from their facial expressions that they are suffering from intensifying, dangerous, and life-threatening situation on their border crossing. Marginalization and the absence of sustainable development in Il Ka'a area have made smuggling across the border as a way to be able to ensure a minimal standard of living at lower costs. In addition to agriculture, transborder trade and exchange is also an integral part of the "border experience" in Il Ka'a, but an absence of inquiry into how the residents of Il Ka'a are involved in it leaves us with only a limited understanding of its role in this border community. It is not feasible to generalize the residents' perception of border control as each one advances his opinion based on his own economic situation and on how he perceives the relations between Lebanon and Syria. Although it is true that the absence of border control between Lebanon and Syria presents Il Ka'a residents with similar structural constraints and processes, including cross-border trade, migration, and border conflict, the villagers of Il Ka'a do not deal with these constraints and processes in the same way. By looking at how the particular political, cultural, social, and economic situation of each person may shape his perspective of border control, there is no way to gain one answer on the issue of border control and human rights of border

community. While some villagers prefer the presence of strict border control, they highlight the fact that they buy all their goods from Lebanon and their children are enrolled in Lebanese schools, and claim that Syria is occupying and cultivating lands that belong to Il Ka'a residents. Others argue against the establishment of strict border control and speak about strong ties across the Lebanese/Syrian borders through social, political, and economic interactions. A significant amount of agricultural products is exported from Il Ka'a through the Lebanese/Syrian border. Some developments more closely identified with the state have collaborated to reduce further the regional transborder trade traffic, consequently, reducing people's income earning opportunities. Political and economic instability in the area has been a prominent factor. The damaging effect of illegal transborder trade led the Syrian government to create a "border zone" intended to act as a buffer against clandestine trade activities. An old-aged driver expresses that "Syria has a checkpoint a few hundred meters into the Lebanese territory and there is a village built on the border on a land that used to belong to Il Ka'a". However while the villagers of Il Ka'a do not agree on how the border shall be formed between Lebanon and Syria, they all agree on the lack of government interest in this border area, which has fueled a growing sense of detachment from state structures. Effective state infrastructure in Il Ka'a area is practically nonexistent. Among the Ka'a community, neither sanitation infrastructure nor wells exist for drawing safe water. A state-built rural health care remains vacant and unequipped; and the road connecting the region to the nearest town of Hermel is in extremely poor condition and occasionally impassable during periods of heavy rain.

The Il Ka'a community claims that its welfare and survival is being threatened by their very own government because of neglect and of the unwillingness to help border residents and rather

hindering their progression. For this reason, I can argue that the establishment of soft border control between Lebanon and Syria that permits border communities to easily cross the border through legal checkpoints may solve half of Il Ka'a residents' problems. But as long as the government is reluctant to find solutions for the social and economic challenges, Il Ka'a villagers will continue to struggle for survival and even a very tight border control will not prevent the occurrence of smuggling.

4.2 Aarsal:

Situated in the Békaa Valley, 34 Km from Baalbeck, Aarsal is approximately 13 km from the Syrian border and 121 Km away from the Lebanese capital Beirut. Its altitude is around 1350-2000 m above sea level. The land of 330 km² is separated into an enormous eastern area (a dry area), the valleys that surround the town, and the hilly region named *Al Jurd*. Groundwater is available as well as stream which flows on a seasonal basis. The climate is wet in the north and arid in the south. The population of Aarsal is estimated around 33,000, of which 23,500 are permanent inhabitants. Their three main sources of income come from stone mining, agriculture, and nurturing goats. Agriculture comprises mostly of rain-fed fruit creation that replaces the conventional harvests and it is a main income source for the majority of the villagers. In terms of cattle production, the Aarsali flock is considered as one of the biggest in Lebanon comprising of around 40000 sheep and 19000 goats considerably contributing to the income of Aarsali families. The mining and gathering of rocks comprises of small sized quarries and small factories, providing income to around 100 families. Wheat, chickpeas, and barley are cultured for local expenditure. Another common agricultural production in Aarsal is fruit trees,

especially cherries, apricots, hawthorn, and grapes. Uncultivated trees and particularly uncultivated almond trees are also a characteristic of the town. Moreover, the cultivated vegetables embrace eggplants, tomatoes, and cucumbers. The majority production is consumed locally whilst some vegetables are exported to Zahlé. The production of dairy and meat is for local consumption, for the consumption in Békaa as well as by industries located in the Chtaura region.

Land Area	Population	Permanent Residents	Percentage Of Migration
9.99 km ²	35000	24500	30%

Table 1.2 Summary of Population Characteristic in Aarsal (Source: Municipality of Aarsal)

There is a dynamic municipality of 21 council members. The municipality is divided into three committees: Works, Health, and Environment committees. The village has 8 mayors. Moreover, the Ministry of Social Affairs has developed a Guidance Association for health activities. Aarsal has been active in social development projects through several institutions such as “Rural Development,” “Aarsal Development,” “The Guidance Association,” “The Herders Cooperative,” “The Cooperative of Rural Reserves,” and “The Women’s Cooperative.” Aarsal has five public and seven private schools. The village has one vocational training institute. University education is provided in Zahlé 60 Km away. Illiteracy rate is estimated at 5%. In Aarsal, electricity and telephone are available. No manure clearance network exists. Drinking and water for utilization are provided from healthy artesian and gathered in water reservoirs. Aarsal has groundwater and a river that flows seasonally. Aarsal inhabitants earn their income from different sources such as agriculture, trade, and industries. Illegal trading is common in the region where

smuggling of electrical equipment, cigarettes, wood, metal, and textiles are a source of income for many villagers though not officially admitted.



Figure 1.3: Aarsal Village

The desert heat falls over the mountains from Syria, the streets are grimy and aged people sit by vacant storefronts all day. The lands of most people in Aarsal lie at the hudud, the border with Syria, which has not been properly demarcated. As no Lebanese authorities guard the border, the Syrian farmers have been encroaching on Lebanese land, villagers insist. “This has been happening for years. You are not allowed to go there. Don’t even think to go there because they may shoot at you”, a villager tells me. In 1976 after Syrian military entered Lebanon, Syrian farmers followed suits, taking fertile Lebanese land. “Although the Syrians left

Lebanon in 2005, their farmers kept using the lands”, the Aarsali villager says. For a leading figure in Aarsal, the case seems more complicated. “The villages of Aarsal are internationally acknowledged as the permanent border between Lebanon and Syria and demarcated by the French Mandate. There is no problem between the two countries. And despite the fact that the Syrian farmers are using the land of Aarsali villagers, there are relations between Aarsali farmers and Syrian farmers and there is exchange of produce. In the past, illegal trade was widespread but now it is decreasing”, he says. A 39 year-old seller of car equipments says that the majority of his equipments are from Lebanese market and the ones that he buys from Syria pass through the legal checkpoints. “Border control between Lebanon and Syria does not have an effect on my work and strict border control may be a good solution to prevent smuggling. But for me what matters is the construction of hospitals and not the demarcation and delineation of the border. There is no provision of first aid service in Aarsal because the dispensary is vacant. When we are sick we are obliged to go to Zahlé to receive medical care and it is not an easy trip especially during the winter season”, he says. From his side, a mechanic says: “I am for the establishment of strict border control because it is beneficial for both sides, it will end the disputes and it will prevent illegal trade. Personally, I buy the auto parts from the Lebanese market and not from Syria”. He sighs and takes a deep breath before continuing: “Before speaking about border control with Syria, the priority for me as an Aarsali resident is for health care. Once my mother was sick, the ambulance arrived after two hours from our call and we were obliged to take her to the hospital located in Zahlé in a civilian vehicle”.

Nevertheless, like the case in Il Ka'a, the perception of border control between Lebanon and Syria is not identical in the eyes of the Aarsali villagers. A 46 year-old clothing salesman insists on the need to have good relations with Syria and prefers the implementation of any kind of border that gives each side its rights whether strict or open or soft. "I own land at the border and I am not allowed to benefit from it because the real estate is un-surveyed, I don't have a property title, and the Syrians are using the land," he says. He becomes silent for few seconds and continues: "Listen Syria is a need for everyone who works in trade. The two countries must solve the border problems in a way that allows a similar treatment for both Lebanese and Syrians. We don't have to blame the Syrians in a time where our government has a very shy presence in the area. There is no health care system, the youths have to go to Zahlé to enroll in university, there is no sustainable development, and a large amount of water is polluted due to the absence of water recycling plant."

In his words, a 43 year-old salesman expresses clearly the suffering of the majority of Aarsali villagers. Aarsal is a poor village where the livelihood of the people is precarious. They have very little capital to invest in agriculture, trade and industry. Their cultural practices are mostly low-input. Farmers in Aarsal still employ traditional methods in their cultural practices such as plowing by hand or mule and handpicking the fruits. They do not receive financial aid from the government. Syria removed the sand dunes outside the village of Aarsal after an agreement reached by the two countries. Syrian authorities stated that the mounds were laid to curb illicit border smuggling. However the farmers complained that the barriers had cut through their orchards. Smuggling of food and daily sustenance affects the economy of the area and allows many people to obtain food from Syria at lower prices. Like the majority of border areas, Aarsal

lacks basic infrastructure. It lacks water distribution networks to homes, and the paved roads in the town are in poor condition.

In sum, the Aarsali villagers are suffering from both the absence of border control with Syria and the absence of governmental services. They live in difficult socio-economic conditions. After Syria interfered in Lebanon in 1976 to suppress the civil war, Syrian farmers began to use Lebanese lands closest to the border. Attaining the undecided land requires an hour of driving east of the town pursuing a profoundly bumpy grime path that squeezes across an infertile valley, intersected by valleys on the road to the mountain climax of the Anti-Lebanon Range. As their lands are used by Syrian farmers, some villagers live from smuggling of diesel fuel, benefiting from the differences in price between the two countries. The Lebanese authorities remain blind to the commercial smuggling actions that offer a primary source of income for the poor and overlooked Aarsali community that resides beside the Syrian border. For this reason, strict border control is not a viable solution for many Aarsali villagers who ask for sustainable development before border control. Though there is attempt by the villagers to hide “smuggling”. The problem is more intricate as the boundary with Syria has not been formally demarcated on the soil. Throughout time, mystification has increased over precisely where the border remains. Solving border problems is the duty of both the Lebanese and Syrian government, but it is also the responsibility of the Lebanese government to support the Aarsali community by providing the basic needs and services for the Aarsali residents. Most of the development projects in the town are funded by non-governmental organizations and by the very limited financial resources of the municipality. The absence of a formally demarcated border and the absence of governmental services have a clear adverse impact on the evolution

of the town. For Aarsal, border delimitation and demarcation and sustainable development are an interrelated unit that affects the attitudes of the community and the capacity of the municipality to implement its development projects. “Sometimes you recognize Syrian owned land inside Lebanese territory and vice versa. There is a mixture of lands”, says a main person in Aarsal. “It is essential and critical to set up indicators alongside the border therefore everybody recognizes where it is”.

4.3 Yanta:

Located in Békaa, in the district of Rachaya, 35 km from Chtaura, Yanta is 8 km from the Syrian border and 80 km away from Beirut. Its altitude is 1600m above sea level. The Yanta surface stretches for 3111 hectares and has an estimated population number of 4000 including the migrants (roughly 70%) majority of which live in Canada, Edmonton.

Land Area	Population	Permanent Residents	Percentage Of Migration
31.11 km ²	4000	1200	70%

Table 1.3 Summary of Population Characteristic in Yanta(Source: Municipality of Yanta).

Yanta has an active municipality of 12 council members. It has managerial and monetary autonomy but remains under the domination and administration of the Lebanese government. The town has one mayor. Agriculture is the main source of income. Additional source of income is from the livestock production (goats and cows), commercial and industrial activities and mining activities. Yanta has one well- equipped public school and one dispensary. In Yanta, electricity, water, and telephone services are accessible. Modern homes constructed of solid pallid stone remain available for their owners. However the village resembles a phantom village as “around 70 percent of the residents immigrated to

Canada and they only come during the summer season”, says a main figure in Yanta. People living in Canada founded in 1975 The Yanta Cultural Society (YSC) which aims to interpret and portray both past and present of Yanta heritage and culture, and to serve as an ongoing link between the citizens residing in Canada and their families back in the homeland of Yanta. Interpreting this high level of immigration from the town, he affirms that it is an ancient immigration that dates back to the 1920’s and it is due to people’s ambitions and aspirations to live in better conditions and not because of the absence of the government. He ensures that there is cooperation between the municipality and the government and services are available for all Yanta residents. In Yanta, electricity, health care and good infrastructure are available”, he adds.



Figure 1.4: Yanta Village

The outskirts of Yanta were and still are under the The Popular Front for the Liberation of Palestine- General Command (PFLP-GC) control, headed by Ahmad Jibril. The Lebanese army has checkpoints on the main roads of the village mainly to prevent the occurrence of conflict between Yanta residents and the Palestinians as the villagers are not allowed to access and use their lands located in Wadi Aswad area; an area that belongs to Yanta and that is occupied by the Palestinians. In this context, a leading person in Yanta does not deny that the absence of ultimate and official demarcation and delineation of the border has a negative influence on some villagers especially on those who own lands on the borders and on the farmers whose cultivation is consistently devastated by the troop of the Syrian shepherds who enter and exit the region without any regulations. A 43 year-old grocer, in turn says: "I prefer the elimination of all borders between Arab countries because we are one population with one language and one history. But I cannot deny that the delineation and demarcation of border is essential in order to prevent the chaos that happens in border regions. In this context, the delineation and demarcation of the border with Syria will have a positive influence on me because I own a land in Wadi Aswad area, a very fertile area in Yanta, and I don't know anything about it since 1977 because of the absence of border control and because of the Palestinian presence in this area and which is supported by the Syrian authorities". Nevertheless, he speaks about a vivid commercial trade between Yanta villagers and the Syrians and says that in the past some villagers used to import goods from Syria through illegal crossings, but now illegal trade has decreased a great deal and trade activities take place through the legal crossing borders.

The majority of Yanta villagers agree on the implementation of a strict border and on the delineation and demarcation of the border in a way that solves the dispute over Wadi

Aswad area and that allows landowners to access their lands and benefit from them as a source of income. “The delineation and demarcation of the border and the implementation of strict border control is in the interest of Yanta residents because it permits them to cultivate their border lands and to benefit from the land as a main source of income. A strict border will not have a negative influence on us since Yanta villagers are granted all their needs (health care, education, food, water, clothes etc) and goods from Lebanon. We cannot ignore, however, the occurrence of smuggling that cannot be completely controlled even with strict border control”, says another grocer. When questioned about unlawful trade activities, some villagers do not ignore its presence. A farmer, 57 year-old, says that his family depends on burned oil from Syria to stay warm during the winter season and prefers the option of open border because it allows him to have freedom of movement between Lebanon and Syria and to import merchandises without having to abide by any restrictions or regulations. In an attempt to curb down on such activities, the Syrian government began placing a particular tax on vehicles that leave the Syrian land filled with heating oil (referred to as mazut in Arabic language). Syrian officials also placed particular sticks on automobiles that transport goods for the purpose to ensure they are not used for smuggling activities. In this context, an oil trader tells me that “recently he is not affected by the absence of border control between the two countries because the margin of the difference in oil price between the two countries diminishes and smugglers are no longer able to sell oil in low prices”. With all these restrictions, however, the traffickers keep coming up with more creative methods to keep their products and commodities crossing the border. A 68 year-old retired professor, says: “There is smuggling of food, oil, and

electronic equipment and for this reason it is better to close the entire illegal crossing border. In the past, especially during the civil war, illegal trade was an easy task but now the case is different". And like others' assertions, he underlines that "the delineation and demarcation of the border is essential to end up the dispute over Wadi Aswad area that belongs to Yanta and that is accessed neither by Yanta residents nor by Lebanese security forces and army".

In sum, despite that the border was defined, delineated, and demarcated, until now there is no official and ultimate border agreement between the two countries, which prohibits people from using the lands that are located on the border. From my interviews with some of the Yanta residents, I can conclude that their main concern is to solve the dispute over the area of Wadi Aswad and few complaints about their socio-economic situation as the majority has a good living standard because the municipality is working hard to permanently guarantee the basic needs and services of the town. "Except the delineation and demarcation of the border, we don't ask anything from the government. Our relation with the government is very good and there is a deep cooperation between the municipality and the central authority," an important figure of the village affirms.

4.4 Brief Interpretation:

The issue of border delineation and demarcation between Lebanon and Syria remains an essential task for both countries that seek to improve their relations. But while negotiating border control with the Syrian government, the Lebanese government should not ignore the

socio-economic conditions of its border communities that are the first to be affected positively or negatively by the implementation of border control. Lebanese border communities, in the north and the southeast, have been suffering from many difficulties that can be summarized as follow. Firstly, the absence of official delineation and demarcation of the border prohibits border residents from benefiting from their lands. Secondly, social and economic isolation of some border communities that have poor links with members of other communities has emerged. Thirdly, weak employment opportunities and high emigration has surfaced due to the absence of governmental projects. Fourthly, suffering is also manifested in terms of low health care opportunities.

While studying these and other essential needs of Lebanese border communities, a number of physical, cultural, and social aspects pertinent to the geographic location must be taken into consideration. Firstly, the problems of these areas are exacerbated by the absence of an official border and the added legacy of political conflict. For many years, these areas were marked by emigration, which led to a type of rural isolation. This chapter draws on data where available. However, gathering accurate information on the target communities can be problematic due to the different datasets used on either side of the border. Secondly, the neglect of the agricultural sector by the Lebanese government (primary source of living in many border areas) led to a high unemployment level and harsh economic conditions amongst people who depend on agriculture to ensure their basic living standards. While there is much subjective evidence on the needs of the Lebanese border communities, any action to take a coordinated approach is still discretionary and has never, on either side of the border, been mandatory. A number of studies give us insight into the difficulties faced by people living in Il Ka'a, Aarsal, and Yanta, but

the key issues are: first, border control: the absence of an officially recognized border has a direct influence on these areas that are highly dependent on agricultural sector and few alternative sources of employment exist due to the weak presence of other sectors (many farmers living in border communities are not allowed to cultivate their land). Second, the lack of basic services, which encourages reliance on smuggling to ensure humanitarian needs: these areas (except Yanta) suffer from the absence of well-equipped schools, hospitals, and a good infrastructure. The provision of sustainable development for these and other border communities needs to be managed in a very sensitive manner. Trust and confidence must be built between the government and the border communities to enable people to feel comfortable in accessing the services. From the time that Lebanon gained its independence, there have been calls for greater attention to the needs of socially and economically excluded border communities. While local groups working on the ground are carrying out important work in the area, the official identification of socially and economically excluded border communities as target communities in national policies has not been achieved. As a result, activities to support border communities are not delivered on a systematic basis. As the government in particular and as a society in general, we have a duty of care towards the most disadvantaged. These border communities that have a low level of education, poor social skills, bad economic conditions, and weak support networks are less able to articulate their basic human rights needs.

Infrastructure development in the Lebanese border communities between Lebanon and Syria, however, had paused far away after economic expansion due to numerous interconnected features, involving: inadequate tax basis in border communities due to low per capita income

levels, permanent obstacles facing the private sector, and the quality of the plans, which often do not engender enough revenues to attract private financing for manufacture, upholding, and maneuver. Therefore, negotiations over border control must take into consideration the difficult socio-economic situation that confronts border regions and must propose answers for the border infrastructure financing predicaments in the ecological, lodging, and transport needs. From the ecological side, the increased rate of the population growth joined with poor or missing environmental networks has placed strain on the ecological equilibrium of the border regions. Modern ecological infrastructure is required most immediately in the water, manure, and perilous waste removal. The size of these requirements is linked directly to residential, economic, and social development. Concerning the transportation, the major boost in trade alongside the Lebanese/Syrian border necessitates the improvement of better transportation infrastructure. The government of Lebanon must enhance the financing of developmental projects and react as a patron in the early periods for construction projects when revenue flows are not ample or as expected. In the lodging part, the stipulation of reasonable accommodation for the population living in border areas in Lebanon is a very significant challenge. A main element is the comparatively low income levels of the border population. These communities cannot financially bear the fee of lodging. In Lebanon, the majority of border regions have not been able to ensure the housing requirements for the inhabitants.

Such few of many challenges shall motivate the Lebanese government to seek a modern understanding of the range and extent of the requirements of Lebanese border communities; agreement concerning the altering role of the government in the finance of

infrastructure ; recognition that solving the interconnected matters is the key to flourishing public-private collaboration in the financing of border sustainable development; agreement on the necessity to come up with international capital for border regions; and the comprehension that public-private collaboration in communication growth will be essential for any development to be accomplished in the border areas. Lebanon's willingness to enhance migration management including border control and the protection of border communities' right cannot happen without establishing a new program that seeks to extend rehabilitation and socio-economic reintegration of border communities that need urgent humanitarian assistance.

Chapter Four

The Humanitarian Duty of the State toward Border Communities

Abstract: This chapter is divided into two parts: in the first part of this chapter, I will discuss the necessity to implement more developmental projects in Lebanese border communities taking into consideration their existing economic and social situation and their urgent needs for more governmental support in order to help them overcome their daily challenges. In the second part I will address the vulnerability of the border communities and the necessity to solve the problem of marginalization in order to avoid undesirable consequences after the delineation and demarcation of the border with Syria.

Key words: border integration, border cooperation, and sustainable development.

5.1 The Duty of the Lebanese State toward its Border Communities:

The concept of border is a complicated one that is not easily identifiable. Individuals with diverse background or involvement in diverse missions (armed forces, entrepreneur, national, regional or local authorities, peasants, legal representatives, and members of local agencies) understand it in various ways in accordance to their own daily practices, inheritance, and educational backgrounds, awareness or qualified and professional eccentricities.⁸⁹ The Lebanese state has described itself as an independent spatial unit, rendering linearity, which is the accurate understanding of the border of a defined territory in which the state practices its authority and influence, a need and a must. For this cause, the concept of borderline has a fundamentally lawful implication that turns to be completely touchable at the time when

⁸⁹ Flynn, D.K. (1997). *Borders and Boundaries: Gender, Ideology, and Exchange along the Bénin-Nigeria Border*. Ph.D. dissertation. Illinois: Northwestern University.

international border agreements are signed and implemented consequently. Borders, in the context of spatiality, symbolize the population and all kinds of developments (roads, telecommunication, electric power lines, culture, health care, etc.).⁹⁰ All of these enhance the trade in persons, goods, and services, within a period of time creating solidarity and mutual concerns that provide way within certain areas for a sentiment of belonging to the boundary.

In a wide conceptualization, it is pertinent to highlight the sociological and financial significance of the word border by underlining that it comprises the manifestation of a powerful and passionate affiliation, even within the autonomy of the different terminology of the social life that is sponsored and implemented by residents group residing on either side of the separating line between Lebanon and Syria. Backing to the border in the framework of socioeconomic progress indicates that the states must acknowledge both the presence of community's relations with another which, though being a fellow citizen, belongs to a different national authority; and that the border can be merely perceived in the level to which those areas within a state's land have a definite and clear demographic foundation, thus viewing the border as constantly vigorous or soft border.⁹¹ In the current international framework distinguished by the rising interdependence of countries and economics and social coalitions brought about by growing significance of international trade as the dynamic power of the regional growth and progress, national borders took a new significance and main concern for most countries and for the incorporation of the community on at least three stages:

⁹⁰ PAASSI (A), C.F. (1999). "Boundaries as social processes: territoriality in the world of flows", in Newman, D. (Eds.). *Boundaries, Territory, and Postmodernity*. London/Portland: Frank Cass.

⁹¹ Martinez,O.J. (1994). *Border People, Life, and Society in the US-Mexico borderlands*. Tucson/London: University of Arizona Press.

1. As long as the local growth is a main concern, none is unaware that national borders in Il Ka'a, Aarsal ,and Yanta, and other Lebanese border areas, are for the most tangential and trivial spaces that benefit from little or no incorporation with their relevant nationwide economies and societies. The consequences of these thoughts are viewed in reality that the economic, social, and political adversaries in Lebanese border areas are in the end very dangerous and serious, if not more so, than those presented in many pastoral regions in the inner regions of Lebanon. In the face of this condition, it is necessary to attain the efficient soft incorporation of border areas for the interest of Lebanon and mainly to assist solving the grave inequality in provincial growth. Border growth, in parallel with border delineation and demarcation, should be taken as a national objective, regardless of the border condition that takes place at a definite period. Cooperation between Lebanon and Syria can be a significant step to be placed into upshot for that cause. If border areas are considered as a ground of mutual collaboration between Lebanon and Syria, border collaboration and border incorporation in those areas will without doubt present a fruitful stand for mounting and amplifying more effective and beneficial bilateral relations as a whole.
2. Concerning the amplification of economic collaboration and incorporation procedures, Lebanon should seek to establish a distended economic room for the stable development of the border areas' ability to manufacture goods and services and to trade and use them with growing efficiency by integrating an increasing number of players and new geographic regions. Lebanese border areas should be suitably prepared

to professionally interconnect our national economies by functioning as a type of axis that assists joint trade between them and the other parts of the society.

It is crucial, however, to hold on this modification of the border areas with complete contemplation of their vacant economic and social conditions, for the purpose not to disrupt the fragile socioeconomic equilibrium that has been engraved in the individuals' lifestyle and in the direction of their economic behaviors carried by the reunion or quarrel of two nationwide structures inside those places. These alterations took place over years due to differences in the financial, employment, immigration, and other policies, that Lebanon approved without taking into consideration the scope of their potential influence on the border areas. It is obligatory, therefore, in support of the development of the border, to embrace procedures and plans for managerial oversimplification, documentary synchronization, path and bulldoze building and enhancement, and installation of operational tools at border crossings such as border composites for traffic checking and management, building of stockrooms, the supply of cargo and unloading apparatus, and assistance for automobile travelers and teams. It is crucial for these procedures and plans not to convey an absolutely urban view of the borders by understanding the precedence and aims of trade and other economic activities with an extra-border derivation and intention. They should, as an alternative, be conceded with the purpose of assisting to surpass alterations in border areas that encourages the so-called "endurance strategy" that includes smuggling, the manufacturing and sale of second-rate goods, working as loaders and gatekeepers and as managers of official procedures and, in general, of all types of illegitimate activities.

These procedures or measures must also try to generate opportunities for prolific service, to augment and expand the provision of services instigating in the area and to integrate local products and services into joint, public, and international flows of the trade. Only in such a manner will the border areas be granted the responsibility to accomplish in constructing the distended Lebanese border communities' economic space and will border peoples' incorporation contribute to the renovation, diversification, and development of the economic stand in the border areas.

3. Considering the border community's communication with the regional or international surroundings: in this regard, it is viewed significant and crucial to recognize a position for the border areas that will entail their vital contributions in an attempt to enlarge and expand the border communities' exportable provision for the purpose of recovering their contribution and involvement in the regional or international economy and in the perspective of global economies. We are obliged, however, to emphasize the requirements of these border communities' incorporation plans to supply the economic conditions of the border areas. The necessities of their function should include the use of local features, mainly employment and services and also choices for the gradual integration of goods created in the trade stream that traverse the borders.

In an understanding of the border, the presence of an active and self-motivated affiliation between those who live in geographic proximity to each other, but who belong to two different countries, border expansion and border incorporation are associated with three concepts:

1. Border growth: this is the essential procedure that can no longer be ignored, of rendering the border areas as an element of Lebanon's national prosperity throughout domestic motivations that are in accordance with all-inclusive growth objectives and strategies. Border growth is attained in orientation to a framework of lawful provision certificates that jointly describe and determine the national border development strategy. The public and private motivations in the areas of social and economic infrastructure, the donation of fundamental needs, the encouragement of production activities and the amplification of local and regional organization capability, all conducted by criterion of sustainability, can guide to the accomplishment of developmental plans. While the achievement of a definite level of border integration is to have a possibility of victory, it seems not to be the case for some supportive motivations that are valuable for the state to execute, by joint accordance, in their adjoining border areas that do not diverge with the objectives of the country and that could be endorsed independently in border areas, which help their attainments in an enhanced and quicker way.
2. Border incorporation: it is the procedure whereby Lebanon and Syria agree through precise agreements or contracts to foster the progress of their adjacent border communities through supportive and harmonizing use of their capabilities and possessions, and through sharing costs and benefits. It is usually an essential factor for improving and supporting the general bilateral relations. The first action toward border incorporation is to identify the system of the border. In other words, this means setting into practice one or numerous accords which purpose is to control the movements of

people, goods, and means of transport in border zones, the communal employment of public and social services (health, education, etc.) and the setting off of telecommunication, electricity, and other services. Such efforts not only render it easier for the Lebanese border communities to bear the difficulties of their marginal location within the particular national territory. They also assist in eliminating the impulsive environment that has featured border regions by leaving the foundation for official and natural integration with objectives and plans mutually agreed upon by Lebanon and Syria.

3. Border collaboration: accordingly, it remains valuable to suggest a description of border collaboration. By border collaboration, it is meant the arrangement of motivations devoted by two countries with adjacent border areas that are sparsely inhabited and that have weak correlation with each other and with the population of their countries, in order to open the way for future development and incorporation of those areas by enchanting procedures and implementing projects such as the assessment of natural resources, the safeguard of mutual ecological unit, the execution of joint security measures and the support for native border communities.⁹²

In sum, border expansion, border incorporation, and border collaboration are fundamentally interrelated notions and procedures. At the core, they represent diverse strategies for ensuring the all-inclusive and sustainable development of border areas by opening up potential for the vibrant absorption of these areas into procedures of national development, bilateral collaboration, and border communities' economic amalgamation.

⁹² Appadurai, A. (1986). *Borderlands/La Frontera*. San Francisco: Anute Lute Books.

When studying the border phenomena, a question, and at the same moment a requirement that regularly comes to mind is to recognize the distance that separates the border area from the separating line. Is it promising for the national borders to concur with the border lines of the managerial regions into which a country's land has been alienated? In reality, it is tremendously tricky and complex to define the border. It can be considered that there is further than border area in locations where daily relations between the social, political and economic players are more powerful and concentrated. However this does not essentially mean that the dealings between borders is practiced, the everyday nature of the dealings previously noticed, and the changeable levels of communication between the borders, as a method and as the goals of regional expansion or bilateral collaboration and absorption, are well articulated and acknowledged. It is precious to recognize in theory, three territorial border levels, constituted in each case of territorial fractions of the two countries with a common border.

1. Border: a border is usually a territorial shared that is intimately related with the concept of linearity.⁹³ The concrete expression of the border situation in Lebanon border is associated with the functioning of border-crossing. Some crossings are organized by agreement between Lebanon and Syria and others are informal. In all cases, there is lack of infrastructure and services associated with border-crossing such as public services to check and supervise border traffic and harmonizing services such as

⁹³ In Donnan, H. and Wilson, T.M. (Eds.) (1994). *Border Approaches: Anthropological Perspectives on Frontier*. Lanham, MD: University Press of America.

telecommunications and armed or inspection stations. Local population move consistently to ensure their basic necessities within the framework of survival strategy.

2. Border zones: it is a larger territorial space than the border, where it is feasible to hold on physical efforts in the degree to which there are areas with metropolitan tasks that are more or less distinguished and that are gifted with fundamental developments. The border zones also embrace certain services such as transportation, energy and communication infrastructure, jointly with the controlled presence of economic actors and various agencies belonging to civil society. Hence, it is feasible to provide support from the border zones to the border areas and to function as a tie between it and the national regions.⁹⁴
3. Border region: in the framework of expansion arrangement, a region is viewed as a subnational area for the indoctrination and administration of development that usually corresponds to the boundaries of the superior political and managerial entities. There are necessary features that must be known in each territorial part that functions as a superior geo-economics entity.⁹⁵
 - a. **The presented linkage between its population**, not solely the cultural, social, and economic ties that are essential to the growing of a regional identity and cohesion such as the sentiment of belonging to a certain space, but also those that throughout a tight knot system can guide to identifying in the region, among other factors of unity, particular systems of production (farming regions, mining regions,

⁹⁴ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

⁹⁵ In Donnan, H. and Wilson, T.M. (Eds.) (1994). *Border Approaches: Anthropological Perspectives on Frontier*. Lanham, MD: University Press of America.

manufacturing regions); a methodical ladder of urban centers; diversification and specialty of service such as monetary and fiscal services; and centers of senior education and research, seaport services, and so on. Nevertheless, these ties alone are not sufficient to generate a region because they are not adequate to set up strong, permanent and long-lasting economic and social institutes.

- b. **The establishment of local activities around the axis:** the capital, which should always be a vivid metropolitan area, takes up a position in the front line within the national metropolitan scheme. In other words, it systematizes and administers the adjacent areas through a sequence of highways, telecommunication, banking, markets, and transfer systems, along with others, that are mainly the different social players, the administration, and the private enterprises produced regularly.
- c. **The fact that the area is a factor part of a whole:** the nationwide factor of the border area would be the main spatial constituent for the interconnection of the country's border development plans with the particular national development strategy, anticipated on a nationwide basis. It would be the advantaged and highly developed scenario of the mutual affiliation, a sort of straight agenda for examining paths of what could represent a bilateral incorporation able to deal with components that go further than the particularly economic ground.⁹⁶ Nowadays however, when the border areas in Lebanon are more of a shared ambition or objectives to be attained than an ultimate geo-economics authenticity, it is

⁹⁶ Andreas, P. (2000). *Border Games. Policing the US-Mexico Divide*. Ithaca: Cornell University Press.

foreseeable that we should presume that the function of bi-national border regions in Lebanon still remains a potential for the future.

5.2 The Vulnerability of Border Communities:

In geography, border regions are categorized on a scale between cross-border and inner-state integration. Located away from the focal places of economic actions and political decision-making, the populations of those regions often feel pain as a consequence of economic and social discrimination, these encourage people in frontier regions to glance further than the national frontier and to establish connections with their adjacent neighbors though these relationships can often be shaped by highly complex borderland histories.⁹⁷

The more border regions are peripheral within a national state, away from the centre of political and economic power, the better the chance that they interact and integrate with adjoining regions across the state border. And of course, the other way is applicable also; the more border regions are becoming integrated within the national state- economically, socially, and politically- the less their residents tend to interact with their foreign neighbors. Taking permeability and cross-border movements as key elements, the borderland concept can be brought down to types according to the degree of cross-border interaction, from alienated and closed on one side, to interdependent, integrated , and open borderland on the other side. Central to the geographical approach of borderlands is the concept of cross-border

⁹⁷ House, J. W. (1981). "Frontier Studies: an applied approach". In Burnett, A.D and Taylor, P.J. (Eds.) *Anglo-American essays on political geography*. New York, pp.291-296.

interactions. From the central state's view, borders are meant to separate and to split one nation from another.⁹⁸

At the border itself, however, all kinds of relations across the borders come into being which create the borderland as a specific kind of territory. Goods are transported across the border by way of trade or smuggling. People cross the border to live or to marry, to sell or to buy, to work or to employ, or just to travel and to visit. Geographers systematically research these transactions and movements alongside the border to determine the extent and the character of the border region as a spatial structure.⁹⁹ By studying the strength of these kinds of interactions, they attempt to measure the degree of cross-border integration and the character of borderlands as open or closed. Researches may refer to property relations, trade flows, traffic infrastructure, and labor mobility in the shape of cross-border migration and commuting.

The border areas' identities are confronted, shaped, and transformed by the interplay between symbolic and political boundary-drawing. There are, in fact, two ways of looking at the construction of identities in border regions: one is about the effect of living near the border on cultural intermingling, on what has been described as the creation of cultural "border Line case", the other concerns the historical process of cultural integration and enclosing within the nation-state.¹⁰⁰ Separate historical developments have created inequality and incongruities between the countries and the regions on each side of the border in the field of economy,

⁹⁸ In Donnan, C.F. and Wilson, T.M. (Eds.). (1994). *Border Approaches: Anthropological perspectives on frontier*. Lanham/New York/London: University Press of America.

⁹⁹ Minghi, J.V. (1991). "From Conflict to Harmony in Border Landscape". In Rumley, D. and Minghi, J.V. (Eds.). *The Geography of Border Landscape*. London/New York: Routledge.

¹⁰⁰The Global Political Culture. (2001). In Jacobson, M.D. and Lapid, Y. (Eds.) *Identities, Borders, Orders. Rethinking International Relations Theory*. Minneapolis: University of Minnesota Press.

society, law, and culture. Next to the border, diverse social networks and backgrounds challenge or convene each other; irregular societal developments generate social diversifications that establish the cross-border behaviors. People on both side of the border employ these divergences in their everyday life practices. They traverse the border to benefit from discrepancies in salaries, prices, systems, rules, and sometimes the majority of the cross-border mobility and interactions are of an opportunistic nature and based on national differences instead of a willingness of integration. We have to take into consideration, that border control, as they exist historically between Lebanon and Syria, will have a lasting influence in this area, even if there is free movement of people and goods.

From this perspective, the case of Lebanese border regions seems not to be any different. Given the enormous and ever growing societal and economic needs of Lebanese border regions, there is a compelling necessity to expand the level of authorized cooperation between the border communities and the central authorities. Many spatial features and structures stretch across the boundaries of Lebanon. Each year, an unknown number of people living in border regions, cross the border between Lebanon and Syria through illegal crossing points. While increasing the fundamental notions of the question from the liberated flows of goods and services to the whole decrease of restrictions between territorial entities, and from the economic regulations to sustainable development, the political height or territorial distance from which the experiential matter is made to tackle the question will be abridged.

The control over shared borders between Lebanon and Syria has become increasingly important without ignoring the international tendency towards the creation of a laissez-faire

system. Border control must not be perceived as prohibiting the cross border movement of individuals, commodities, merchandises, and services but rather as support in managing properly authorized and permissible movement of people who desire to migrate either temporarily or permanently.¹⁰¹

In general, Lebanese border regions have faced major confrontations. Whichever way one may approach the socio-economic conditions of Lebanese border communities, it is obvious that the challenges they are facing are highly complicated and interrelated. In many ways, Lebanese border areas not only have been the focal point of political conflict with serious and grave influence on the civilian inhabitants and local organizations but they have also been places of consistent mobility and exchange during and after the Lebanese civil war, precisely due to the strategic improvements that the closeness of borders offers.

Whereas the history emphasizes the relevant significance innate to border areas and individuals residing there, the responsibility that the Lebanese border communities hold on is seemingly not fully appreciated by the Lebanese government. In regions that have been plagued by the interrelated political, economic, and social confrontations, these are communities that we are supposed to provide special interest. They are defenseless and weak due to their economic, corporeal, social, and political detachment from the centre though they should be incorporated because of their strategic location. What we have in Lebanese border communities is an image of the disruptive temperament of the colonial frontier that separated Lebanon from Syria. These are wealthy educational places. People traverse the borders daily. The intellectual connections between people of identical or allied groups signify which due to

¹⁰¹ Hayter, T. (2000). *Open Borders. The Case Against Immigration Controls*. London: Pluto Press.

their linkages with the Syrian citizens, Lebanese border residents move back and forth across the borders.

Trade is an additional specific characteristic of Lebanese border communities that are in a greatly improved location to exchange goods than those living in the inside. Traders from Lebanon to Syria and vice versa come to the markets and buy or sell goods. Such kinds of communications assist to create a feeling of solidarity between different people which both Lebanese and Syrian authorities can employ as an instrument in developing schemes of passive and soft border control between the two states. It is when the sense of mutual cooperation between border communities and the Lebanese and Syrian governments is engraved that we may see less of smuggling across the border.

Moreover, when Lebanese border communities have good relations with the Syrians and see their dwelling aflame, they will assist in putting out the flames, both because they will feel concerned about the well being of their neighbors as well as the awareness that if the flame of their neighbors is not turned off, their residence will also be on fire. But despite their significance and their exceptional value to the security of Lebanon, unfortunately, Lebanese border communities are kept defenseless and exposed to danger. The government does not appear to attain them or when it does, the policy does not essentially appear to spotlight on providing sustenance to the border communities in order to build consistency based on collaboration, effective partnership, and exchange of goods and services. As a result, the communities are left exposed to the security menaces of their particular surroundings and

position in addition to the state's incapacity, for many reasons, to function as efficiently at its border as it would do at its centre.

We do not perceive the Lebanese government looking after its border communities. Whereas it is vital to work towards strengthening the national economy and guarantee the provision of supplies particularly for daily requirements across the country, there is a necessity to understand the degrees of marginalization of the border areas that has made essential for them to establish close relations with their governments. The Lebanese government must seek ways that can make it more appealing for its border communities to be involved more efficiently in the kind of border control agreement that will be signed with the Syrian government. Similarly, there is a necessity to include them at the social, political, and economic level. The results of marginalization can be disastrous. State's failure to solve adequately the problems of its border communities also augments their susceptibility to threats to their security. The political and governmental description of what is considered a main interest, and that of the border communities do not appear to be identical. For the government, the occupation of border lands by Syrian farmers seems to be about delineation and demarcation of the land, but for border communities it is more about entrance to and dominance over their possessions and properties. For Lebanese border communities the problem is not even essentially that Syrians are located in the area, but that they are cultivating their land without authorization and prohibiting the locals from cultivating their lands. For a community that relies primarily on agriculture for both its income and survival, it is a major complaint.

We cannot ignore, however, that the Lebanese and Syrian governments have put visible significance on the necessity to solve the quarrel over the borders, and they have definitely started making special endeavors to accomplish this mission. It seems that the situation is highly complicated at diplomatic and governmental levels, mainly afar from the understanding of the majority of border population. Pressure is increasing and we should not wait to observe what will be the results of marginalization, disappointment, and the absence of border delineation and demarcation. Maybe the actual challenge for border communities is to search for an efficient way to be able to cooperate with the government in achieving their main goals and concerns, and in solving their basic economic and social problems. Measures in this respect will in some way demonstrate that we are placing the significance and value on these weak border communities. That suspicion, mistrust and panic, and in the end, detestation has spread into Lebanese border communities' way of life. Many people living in border areas are poor people, living in shacks and knowing hunger's face all too well. They are also extraordinarily strong people. When I met some of them during my visit to Il Ka'a, Aarsal, and Yanta; I have been impressed with the concealed power that pulses there underneath the surface.

Chapter Five

Border Control and Different Scenarios

Abstract: This chapter contains two sections: in the first section, I will describe the Finnish border security system and I will attempt to represent the basic factors that lead to a successful model of national border security system in Finland. In the second part, I will elaborate a bad model of border control, which is the U.S-Mexico border that puts the United States in front of many challenges and makes the recent U.S immigration law bounce to be unsuccessful.

Key words: border control, border security, immigration law, and deterrence strategy

6.1 Soft Model of Border Control :

6.1.1 The Finnish Border Security System:

The issue of border security as a main element of inner security turned out to be gradually significant for many causes. Subsequent to the entrance into the power of the Amsterdam Treaty, the so-called “Schengen” collaboration became a main element of the “EU Justice and Home Affairs” collaboration. Consequently, the preponderance of the security of the border remains at the moment beneath the capability of the EU. It is too a place where many enhancement and profound collaboration among the EU countries take place. At the same time, it remains among the utmost complicated places to attain for the applicant states seeking to be member in the EU. Due to many occurrences, the importance of having a practical and well-defined border security system grown up. In this summarized part, I will describe the “Finnish Border Security System” that can be considered as a type of “soft” border and I will try

to draw some basic success factors that lead to a successful model of national border security system in Finland. It is also essential to mention that border security is also associated with the EU foreign policy and there is a deep association with the issuance of visa and immigration guidelines. I am not willing to interpret and analyze deeply these issues though they will be presented in the wake of my illustration.

6.1.1.1 Brief Background:

The “Finnish Frontier Guard” was found in 1919 and has constantly been the responsibility of the “Ministry of the Interior”. During the years of conflict, the “Frontier Guard” groups were engaged in the defense of Finland with exceptional and admirable victory. It grown up into its recent structure after the “Second World War” after the “Coast Guard” was incorporated into the “Frontier Guard” and the issue of controlling the border was expanded to the western and northern boundary of Finland. In recent years, the procedures and the composition of the “Frontier Guard” was revised to act in response to the modifications in the abrupt environment.¹⁰²

6.1.1.2 The Boundaries:

Finland entered the EU in January 1, 1995. There were several negotiations about Finland’s capacity to exercise power over its eastern borders before Finland united with the EU. Lot of representatives coming from “European” countries came to “Finland” and recognized that Finland’s system of “border security” was efficient and trustworthy. Its boundaries were

¹⁰² The Finnish Road Administration. (2006). *Study on Cross-Border Fright Traffic in Southeastern Finland in 2005*. Kouvola, Finland.

safeguarded and no quarrels were recognized over the reliability of its borders – we can say that the situation of the border was kindly steady. Nowadays Finland is considered as the eastern- main member in the EU and the only “EU” state having a joint boundary with Russia.

The state of Finland is accountable for supervising the 1322 kilometers boundary connecting the EU with Russia. Furthermore, Finland shares boundaries with Norway and Sweden, which constitute an inner “Schengen” boundary. The measurement lengthwise of the frontier with Norway is approximately 721 kilometers. Finland also holds responsibility of supervising its waters’ area of about 1249 kilometers. The position and the importance of Finland’s eastern border differed extensively during years. Firstly, the border was determined in the “Peace Agreement of Pähkinäsaari” and the place of the current boundary was fixed in “Paris Peace Agreement” signed in 1947. Recently, the boundary is broadly recognized as a row of communication between Russia and the EU, with shared significance and power main concerns. The Finnish-Russian frontier is 1’323 Kilometers operating on solid and dense terrain and the border remains alongside a roadless and uninhabited backwoods. Most people in Finland live in the southern fraction of the border. On the Russian part, no people live nearby the boundary, except in the village of “Svetogorsk”, which is located beside the Finnish village of Imatra. For the purpose of preserving and improving successful dealings, nationwide safety measures and public order, a particular frontier area was constructed in Finland. On ground, the “border area” is around four kilometers in length. The mobility and the settlement in areas located at the border is permitted after receiving a “border-guard” official authorization.¹⁰³

¹⁰³ See Border Guard (2007b). [Online]. The Border Zone. Available: [Http://www.raja.fi/rv/home.nsf/pages/79385BB20169E841C225735A00462747? Open document.](http://www.raja.fi/rv/home.nsf/pages/79385BB20169E841C225735A00462747?OpenDocument)

6.1.1.3 The Nordic Passport Unification:

The cooperation between the “Nordic states” had large influence on the “Finnish Border Security” scheme. Even though the boundaries of Finland have constantly been heavily defended and monitored, the existence of the “Frontier Guard” and the focus of its possessions were presented on the authentic “external borders”. The so-called Nordic Passport Union (NPU) eliminated the passport control for Nordic citizens travelling between Nordic States. Due to these conditions, the only way for Nordic states to unite with the “Schengen Family” was to combine the NPU with the Schengen family. In reality, this was a sign that the Nordic states started to apply the Schengen completion accord. In 1954, Norway, Finland, Denmark and Sweden approved the rule which maintains that their residents are allowed to pass through their land without possessing a dwelling authorization and this accord constitutes the foundation for the Nordic system in regard to the freedom of mobility of people. Henceforth, the accord was accompanied by an accord on the elimination of passport controls on their inner boundaries. The NPU is also known as “Mini-Schengen”. The basis of saying that exists because the legitimate values of the NPU are similar with the chief goals of the Schengen. Nevertheless, the essential dissimilarity between the two resides in the issue of freedom of travel. Concerning the open mobility of individuals, the NPU can be considered as a more progressed system than Schengen.¹⁰⁴

6.1.1.4 On The Way To More Professional Border Safety:

¹⁰⁴ See Border Guard (2007b). [Online]. The Border Zone. Available: <http://www.raja.fi/rv/home.nsf/pages/79385BB20169E841C225735A00462747?OpenDocument>.

Earlier in the 1990's, various extremely significant and fundamental decisions connected with the organization and administration of the border took place in Finland. Due to the reality that there was a necessity to improve law enforcement authority's competency due to several economic and social causes, modifications in the safety atmosphere increased across the border. This involved issues such as illegitimate immigration, and it was obligatory to pursue several technical modifications. At this point in time, Finland began to organize the "Finnish System" for the purpose of EU and Schengen membership. The inspections at the boundaries shifted gradually from the "Police Force" to the "Frontier Guard", starting in 1990. From 1990 onward, the Frontier Guard was considered the highest border control power. The passage between Finland and Russia had increased, which required the shift from border supervision to border inspection and the introduction of monitoring equipment and machinery has made this modification simplified. This shift improved the level of border inspection that became a chief mission for the Frontier Guard after being a minor task for the police. The second issue was a main significant procedural modification where many border guard locations were blocked. This modification relied on the reality that it is better to contain less but through more practical "stations" than numerous inefficient stations. Moreover, the Finnish Frontier Guard decided to construct complicated technological administration systems appropriate with citizens' tough conditions and to computerize citizens' properties. As a consequence, the Finnish Frontier Guard remains a contemporary, particularly qualified and skilled law enforcement bureau able to respond quickly on all sides of the boundaries.¹⁰⁵

6.1.1.5 The Current Form of the Frontier Guard:

¹⁰⁵ Kramer, H. (1993, November). "Finland's Search for Security". *Swiss Review of World Affairs*, No.11

The “Frontier Guard” is a qualified and specialized organization possessing the chief task of controlling the boundary in Finland. The Frontier Guard constitutes a fraction of the inner security in Finland and is also a constituent of its exterior safety measures. The utmost managerial power of the “Frontier Guard” is the Ministry of the Interior. The Ministry’s “Frontier Guard Division” is the head office of the “Frontier Guard”. The head of Frontier Guard practices “operational” authority and is supported by the head offices of the Frontier Guard. The “Authoritative and Control System” of the Finnish Frontier Guard is organized in accordance with appropriate armed values, such as obvious and efficient authoritative configurations and ladder, territorial accountabilities, authoritarian responsibility of bureaucrats. The “four Frontier Guard” areas and “three Coast Guard” areas remain in charge for the Frontier Guard’s responsibilities inside their particular lands. The main standard for organizing the actions at the border is local liability. Therefore the local components are responsible of all Frontier Guard’s obligations inside the particular lands. Preparedness for management is offered on a daily bases.¹⁰⁶

The areas are sustained by the Air Guard Regiment. The preparation of the employees happens at the Frontier Guard and Coast Guard School. The frontier is supervised and protected through the employment of movable entities, technological monitoring tools, and airplanes above the land. The Frontier Guard supervises border inspections at crossing points, at travelers’ seaport and at airports nearby borders and around 885 “guardsmen” are involved in the inspections of the boundary. Given that the supervision and the inspection of the frontier

¹⁰⁶ See Border Guard (2007b). [Online]. The Border Zone. Available: [Http://www.raja.fi/rv/home.nsf/pages/79385BB20169E841C225735A00462747? Open document.](http://www.raja.fi/rv/home.nsf/pages/79385BB20169E841C225735A00462747?OpenDocument)

are mutually organized, workers can exercise both tasks and around 558 personnel from Customs are included in supervision and inspections. The Customs oversee the inspections via airplane located at six internal airports. The concept of unified border authority responsible for all external borders has become significant to Finland due to the growing international cooperation and as a result of easy cooperation when there is one particular organization in charge for all peripheral borders. One organization possessing the required equipment at its hand and an autonomous financial plan can guarantee a consistent move towards border safety and establish an essential foundation for long-standing progress.¹⁰⁷

6.1.1.6 The National Cooperation:

Due to the characteristic of recent border security system as a sophisticated and broad unit, Finland recognizes that there is a necessity to possess an efficient national coordination and apparent separation of missions between the concerned powers. For this reason, the Finnish system embraces numerous cooperation mediums. Border security resides inside the preview of the Ministry of the Interior, where a security executive team takes charge of the main safety concerns. The “management group” is headed by the Minister of the Interior and it embraces the Secretary of the Interior, the Frontier Guard Leader, the National Police Committees, the General Director of Rescue Missions, the General Director of the Migration Branch, the National Agency of Inquiry and the Security Agency. Moreover, the management group holds meetings on average two times a month.

¹⁰⁷ Finnish Customs (2007c). Cooperation Nationally and Internationally. [Online]. Available: http://www.tulli.fi/en/07_Finnish_Customs/01_Mission/04_Cooperation/index.jsp.

The supervision of both inner and outer borders requires efficient national collaboration. The cooperation carried out between the Frontier Guard, Customs, and the Police Authorities is established on the 2001 act no. 2557. This act manages the cooperation between the frontier patrols, the Customs, and the Police authorities at both national and local level. This diverse local cooperation embraces: shared guards, joint operations, liaison officers, ID supervision, exchange of information and guidance. Due to Finland's execution of the Schengen Agreement the significance of cooperation at the national level has augmented. A main pattern of this cooperation is the "SIRENE" office, situated in National Agency of Inquiry's grounds, where border patrols and customs bureaucrats accomplish their missions. The main task is to build a joint image by employing all possible capabilities – this is in reflection of the fact that they all receive the necessary information from the various inspection schemes.¹⁰⁸

6.1.1.7 The International Cooperation: The Finnish-Russian Frontier Guard's

Cooperation:

A main component of the successful border control is the practical cooperation with neighboring states. The Finnish and Russian authorities have an elongated history of cooperation due to the "Border Regulation Agreement" of 1960. Under this accord, the officers share information on banned migration and examine any the incidents or accidents at the proximity of the boundary. Furthermore, "Finnish Frontier Guard" and "Russian Federal Border Guard Service" constitute significant powers according to the Crime Prevention Agreement. Collaboration between the Finnish and Russian security agents was consistently practical and

¹⁰⁸ Finnish Customs (2007c). Cooperation Nationally and Internationally. [Online]. Available: http://www.tulli.fi/en/07_Finnish_Customs/01_Mission/04_Cooperation/index.jsp.

useful as the organizations are accountable for all matters concerning the control of the border in their respective state; hence cooperation was easy in order to resolve all challenges.

Effective cooperation between the authorities of both states is extremely sufficient and the leader of the Finnish Frontier Guard holds meetings with the Manager of the Russian Border Guard several times each year. An enduring “Finnish-Russian Border Guard Commission”, headed by the representative leader of the Finnish Frontier Guard and the leader of the “Russian North-West Border Guard Administration”, also meet on several occasions each year. Finland and Russia have jointly put regulations concerning their shared border. Nowadays, there is also very effective “bilateral cooperation” between Finland Border Patrols and its German, Hungarian, Romanian, Bulgarian, and Polish partners.¹⁰⁹

6.1.1.8 Boundary Safety Arrangement:

For many reasons, the entire notion of border security in Finland has altered consistently. Those chronological alterations, which took place for years, reflected primary alterations in the characteristic of border supervision. Amongst important feature was the execution of the Schengen principle. These reflected two essential matters: first, the condition at the border altered and the movement alongside the borders augmented quickly and some unhelpful phenomenon took place. Second, the impossibility to deal with “cross-border” crimes without regional and international cooperation was recognized. Hence, Finland built an incorporated

¹⁰⁹ Finnish Customs (2007c). Cooperation Nationally and Internationally. [Online]. Available: http://www.tulli.fi/en/07_Finnish_Customs/01_Mission/04_Cooperation/index.jsp.

border security system for the purpose to protect its internal security and to combat contemporary intercontinental and specialized smuggling.¹¹⁰

In sum, the Finnish Frontier Guard is a consequence of an extended and ongoing advanced procedure. A main significant effect is that the “Finnish Frontier Guard” is nowadays an organization remaining in charge for all border, border inspection, and border supervision. Cooperation models with Finland’s neighbors have also been enhanced and they fit well with Finland’s physical location. A border that is only controlled from one part cannot be competent and it is essential that the supervision of the border be devoted to experts on both parts. The goal is competent border control shared with smooth passage alongside the border. The reformation of the organization, logistic, and upholding system, guidance system, workforce organization and operational ways within the “Frontier Guard” created a good basis for modern and efficient organization.

The “Frontier Guard” puts many goals for the future, amongst them the assessment of border situation and the creation of an apparent thought of the notion of border security involving essential components like association, transportation and the classification of the main concerns. This type of controlling and securing of the border was fostered during the “Frontier Guard’s 80 years” of survival. It was established for national purposes and under various types of conditions. Subsequently, when preparation for Finland EU and “Schengen” membership was put on its way, the system of border control was also appraised. Physical position, the surrounding, and the overall border condition have logically some authentic influences on the

¹¹⁰ Finnish Customs (2007c). Cooperation Nationally and Internationally. [Online]. Available: http://www.tulli.fi/en/07_Finnish_Customs/01_Mission/04_Cooperation/index.jsp.

chosen or preferred solutions. However some essential elements are always presented: elevated degree of professionalism, apparent division of missions, national and international cooperation and all-inclusive tendency toward border security. Yet, for a suitable national security system, Finland has put the following objectives: first, the establishment of clear national legal bases that give obvious place for the Finnish Frontier Guards in charge for the security of the border. Second, the consideration of border security as an element of international security places it as a mission of particularly qualified experts beneath the support of the Ministry of the Interior or the Ministry of Justice. Third, the establishment of one centralized organization in charge for the supervision of the frontiers and where internal and external borders are covered by the same organization has been placed at the forefront. A fourth objective has been the awareness that the mission of border authorities is a specialized profession that requests a special training. Extremely provoked and appropriately skilled staff is the main significant issue; therefore, it is obligatory to emphasize the training feature when establishing specialized border guard agencies.¹¹¹

6.2 Strict Model of Border Control:

6.2.1 The U.S-Mexico Border :

Despite the amplified restrictions at the US-Mexico border starting earlier the 1980's, the amount of foreign labour accessing illegitimately the United States each year has not decreased. For the past years, the US-government has followed up a paradoxical strategy concerning North American incorporation. At the same time as the US government has

¹¹¹ Kramer, H. (1993, November). "Finland's Search for Security". *Swiss Review of World Affairs*, No.11.

followed more marketable incorporation through the “North American Free Trade Agreement” and sought a “unilateral” control of the US-Mexico boundary. Such strategy has not only failed to decrease illegal migration but it has in reality worsened the border crisis. In actual fact, amplified border restrictions have only succeeded in thrusting the stream of immigration into more distant and isolated areas, which tripled the rate of death at the boundary and, at the same time, enhanced an impressive decrease in the degree of apprehension. As a result, “the expenditure to US taxpayers of making one capture along the border augmented from \$ 300 in 1992 to \$ 1,700 in 2002; an augment of 467 percent solely in one decade”.¹¹²

In his “State of the Union” speech on February, 2, 2005, President Bush recognized that the immigration policy of the United States is unsuitable to the values of the United States. He also mentioned rejection of the laws that punish painstaking individuals who only desire to ensure the basic needs of their families. Bush maintained that it is necessary to seek for an “immigration strategy” that permits temporary employees to accomplish a mission Americans will not accomplish, that refuses official pardon, and that notifies “who is accessing and who is leaving the country”.¹¹³ The issue of immigration improvement and alteration has been fostered during the Bush presidency. In his speech at the White House in January, 2004, Bush recommended the creation of a large temporary employee plan in order to authorize current unregistered migrants and provide accommodation for new migrants in the future. He said that he would provide a “renewable three-year work visas to workers”, which would allow the

¹¹² Passel, J.S. (2005, March 21). “Estimates of the Size and Characteristics of the Undocumented Population”. *Pew Hispanic Center*, pp.2.

¹¹³ See The White House (2005, February 2). “The State of the Union Address”. [Online]. Available: <http://www.whitehouse.gov/news/releases/2005/02/20050202-11.html>.

appointment of workers coming from Mexico when suitable US employees are not found.¹¹⁴ Then, the United States followed gradual contradictory and conflicting regulations, shifting toward incorporation while emphasizing partition and shifting toward the consolidation of all North American workers. For the purpose of sustaining the deception that such discriminatory incorporation could be achieved, the government of the United States devoted more funds to a show of power alongside its border with Mexico; a repressive inclination that only augmented in the aftermath of the September 11 events. Those procedures have not prevented Mexicans from entering and residing in the United States.¹¹⁵

6.2.1.1 The Shift toward Integration:

The execution of economic improvements in Mexico early in 1986 increased the cross-border flows of all types that augmented considerably after the North American Free Trade Agreement (NAFTA) acquired its role in 1994.¹¹⁶ During the same time, “the number of Mexicans incoming the United States with business visas more than tripled from 128,000 to 438,000 per annum, whereas the amount of intra-company transports increased from 4,300 to 16,000”.¹¹⁷ This expansion of trade and commerce immigration was associated with a growth of other cross-border mobility. Owing to the events of September 11, 2001, and the US financial crisis, the number of persons crossings the border decreased between 2001 and 2002.

¹¹⁴ See The White House (2004, January 7). “President Bush Proposes New Temporary Worker Program”. [Online]. Available: <http://www.whitehouse.gov/news/releases/2004/01/20040107-3.html>.

¹¹⁵ Durand, J. and Massey, D.S. (2003, July). “The Costs of Contradiction: U.S. Immigration Policy 1986-2000” *.Latino Studies*, pp.233-40.

¹¹⁶ See U.S Department of Commerce, “*U.S International Trade in Goods and Services: Annual Revision for 2003*,” Exhibit 13, pp.20.

¹¹⁷ See Department of Homeland Security. (2003, September 24). *Yearbook of Immigration Statistics*, Office of Immigration Statistics, Table 23, pp.89-95.

6.2.1.2 The Insistence on Separation:

Throughout the 1980's, the issue of controlling the border was portrayed by the politicians of the United States as an issue of "national security" and for this reason illegitimate migration was figured out as a strange assault. As a result, the Congress and the President placed major successions of measures to inform the citizens of the United States that they were making genuine efforts to regain the control over the US-Mexico frontier.¹¹⁸ The coming of the new period was indicated by the passage of the Immigration Reform and Control Act (IRCA) in October 1986. IRCA sought to confront undocumented migration and granted the president the power to announce an "immigration urgent situation" in case "a large number of illegal migrants had sailed or were soon estimated to come to the United States".¹¹⁹ Despite the expectation that "IRCA" would in some way decrease unauthorized immigration from Mexico, legitimate and illegitimate migration from Mexico continued to increase, and the Congress sought to bypass a further reconsideration of US immigration regulation.

This legislation paid attention fiercely on the issue of border control and assigned more money for hiring additional border guard officers. During the Clinton administration, the Migration and Naturalization Service enforced a contemporary border strategy that benefited from the increased financial support. Identified as "prevention through deterrence", the strategy sought to prevent Mexicans from coming illegally to the United States. Within a few months,

¹¹⁸ Dunn, T.J. (1996). *The Militarization of the Mexico-U.S. Border 1978-1992: Low Intensity Conflict Doctrine Comes Home*. Austin: University of Texas Press.

¹¹⁹ Dunn, T.J. (1996). *The Militarization of the Mexico-U.S. Border 1978-1992: Low Intensity Conflict Doctrine Comes Home*. Austin: University of Texas Press.

immigrants “have been encouraged to walk around the impressive barrier of restrictions, and passage throughout El Paso was remarkably restricted”.¹²⁰

6.2.1.3 The Costs of Contradiction:

Few US politicians did not believe in the basic incongruity implicated in militarizing a long boundary with a peaceful country which did not show strategic menace to the US and which had been a substantive commercial partner for many years. The immense supply of “social capital” connecting Mexicans to destinations in the United States represents an enormous obstruction for the US willingness to close the border in the face of illegal migrants. The failure of the strategy was anticipated and did not shock those who are aware of the characteristics of the markets and their incorporation over time. Beside the failure to prohibit the illegal immigration, the policies of the United States have also fostered a rapid growth of the nation’s “unregistered population”.

6.2.1.4 Fruitless Anticipation:

The US policies concerning border control had little obvious result in preventing illegal migrants from entering the United States. According to the Mexican Migration Project (MMP) information on the possibility that Mexicans took a first step to the United States since 1980, there is no confirmation that the established border has deterred unofficial Mexicans from heading to the United States. There is “remarkable chronological deviation in the trend for males, whose possibility of making a first endeavor to access the United States illegitimately

¹²⁰ Frank R. Bean, R.G. and Chanove, R.G. Cushing et al. (1994). *Illegal Mexican Migration and the United States Border: The Effects of Operation-Hold-the-Line on El Paso/Juarez*. Austin, Texas: Population Research Center, University of Texas-Austin.

differ between 1.5 and 2.5 percent, with differences being directly linked with economic situations on both sides of the boundary”.¹²¹

6.2.1.5 Wasted Money:

Data presented has demonstrated that although enormous increase in the personnel and funds dedicated to border regulations and congressional steps taken to dampen illegitimate immigration, the amount of illegitimate entrances from Mexico kept increasing. This involved spending billions of dollars in the fruitless attempt to prohibit the movement of workers within a speedily incorporating North American economy. Additionally, not only have US strategies failed to succeed to diminish the flow of individuals from Mexico; they lead to an exceptional increase in the illegal population of the United States.¹²²

6.2.1.6 The Increase in the Number of Settlements:

The one-sided militarization of the US-Mexico boundary achieved one thing: it has significantly increased the costs and threats of crossing the boundary. By directing illegitimate migrants into dangerous areas located at the border, the “border obstruction” increased the death rate at the border. Moreover, the net effect of US policies was to increase the cost of “border-smuggling” activities.¹²³ After the instigation of restrictions at the border, illegal immigrants confronted growing expenses to guarantee a successful crossing of the border. The

¹²¹ Jorge Durand, J. and Douglas, S. M. (2004). “Appendix: The Mexican Migration Project”. In Durand, J. and Massey, D.S. (Eds.). *Crossing the Border: Research from the Mexican Migration Project*. New York: Russell Sage Foundation, pp.110-112.

¹²² Ibid, pp. 128-33.

¹²³ Singer, A. and Massey, D.S. (1998). “The Social Process of Undocumented Border Crossing”. *International Migration Review*, No. 32, pp.561-64.

degree of this boost is pointed out by approximation of the amount of money that illegal migrants paid to “smuggle” them into the United States.

In sum, the evidence of the past years shows that the restrictive US immigration law has failed. The contemporary law is peculiar with the reality of the North America featured by the necessity of integration. Not only did restriction and enforcement fail to stop the increase of illegal migrants, but US policies led to the death of hundreds of migrants and augmented the financial cost of border crossing. It increased the duration of the trip to the United States and decreased the probability of returning. As a result, the amount of Mexican residents in the United States increased at unexpected level during the recent years.

Hence, harsh US immigration and border policies targeting Mexico have failed, leading to a higher Mexican population in the United States. This outcome is due to the unwillingness of the United States to confess the fact of North American incorporation. In NAFTA the state dedicate itself to a mutual integration of trading of merchandises, money, information, supplies, and services; but since then the US did not accept to recognize the unavoidable reality that the labor will also join the integrated economy. Rather than arranging the inescapable flows in ways that may increase the benefits and reduce the costs, the United States relied upon oppressive methods and regulations and increasing amount of funds to constrain the flows for the purpose of preserving border control. Nevertheless, sustaining this deceit began to be costly and it is time for the United States to acknowledge the fact of North American

incorporation and seek the establishment a soft border that preserves the sovereignty of both countries and reduce the amount of challenges faced along the border.¹²⁴

With respect to the basic political, socio-economic, and cultural differences at the border of the two selected examples, the main issues remain cooperation and respect of human rights of border communities. The sustainability of Finnish-Russian cooperation and the readiness to find a fair arrangement of cooperation that contains both sovereignty and incorporation lead to what is seen as a stable situation at the border and to the respect of freedom of movement and equality between individuals. On the other side, the harsh measures at the US-Mexico borders and the absence of cooperation between the United States and Mexico lead to the violation of human rights of border communities and did not allow the establishment of stable and secure border between both countries. Therefore, my main purpose from illustrating the two models of border control is to make the governments of Lebanon and Syria aware of the importance of cooperation at their common border. If Lebanon and Syria aim to maintain order and security at their border and to prevent the violation of human rights of border communities, cooperation at the official level should be considered as a priority for both states. In this sense, the Finnish example deserves attention in terms of a kind of soft border control that guarantees stability, security, and freedom of movement for border communities. However, using restrictive measures and ignoring their basic human rights, Lebanon should expect aggressive reactions and illegal migration from the part of its border residents whose human rights remain at the core of border control.

¹²⁴ Castles, S. and Miller, M.J. (2003). *The Age of Migration. International Population Movements in the Modern World*. Basingstoke: Palgrave Macmillan.

Conclusion

7.1 Introduction:

Border control and human rights of border communities have been the priority of state governments that have aspired to maintain self-defense in a world which is characterized by self-help. War is acceptable and just as long as it is used as a political means to confront the hostility of your opponent. This vision of the state and its security has evolved into what has been recognized as the realist ideology as the aftermath of World War One. Even in an era of globalization, the previous well-known security concerns have not vanished. Somewhat they have been connected with fresh contending issues such as trans-border controlled crime, intricate information, communication equipments, smuggling, and trading in small artillery and weaponry.

Since Lebanon is a part of this worldwide community, it cannot be under the illusion of being secure from external threats, which no state can confront without help. Lebanon's government and its security organizations have the responsibility to make efforts to generate national borders that give better security for border communities through greater intelligence, synchronized national hard works, and efficient cooperation with the Syrian government. Pioneer incorporation scholars such as David Mitranny, seemingly being within the main ideas of what later on was recognized as liberal institutionalism, argues that international cooperation is essential for the purpose of solving the mutual challenges. Liberal institutionalism emphasizes that international and regional organizations are an essential in

complementing the objectives of independent state whose capability to promote welfare objectives is declining.

In a same stratum, the majority of neo-liberalists embrace the opinion that state independence is being taken over by non-state actors. Liberalism remains in great dissimilarity to realism in terms of academic conceptualization. The two schools of thought are thus much opposed to each other in their conceptualization and interpretation of international relations. Therefore, we are faced with a contradiction when we consider the individual security on one hand, and cooperation for communal security at the global level on the other. Yet, Charles Glaser, a professor in the Elliot School of International Affairs, believes that there is an area where we can find some accord between the two opposite theories. He tolerates some interpretations of structural realism, arguing that there is a broad arrays of situations based on which opponents can best attain their security objectives through cooperative regulations. Security challenges like those connected with ecological pollution and human rights violations can only be dealt through coordination between states under cooperation accords.

The collapse of the previous Soviet Union in 1989 and the end of the Cold War altered considerably the dealings among the states and the nations. No more are they separated based on ideological blocks and it is ridiculous now to speak about neutral policies. Physical spaces have allegorically been diminished by the new Information and Communication Technologies (ICT). Liberalism with its variations of business, republican, sociological, and liberal institutionalism have conveyed the world into a small village and turned it to a place of international interdependence and interconnection between states. The notion of “state

security” and independence is growing and can be assumed to have been incorporated. What is sure is the reality that cooperation is required at all stages. Internal security threats occasionally have external reasons and these enhance the amplification of efforts between the various border security organizations along the mutual borders with neighbors.

In the interest of their international security, Lebanon and Syria owe it a responsibility and an obligation to themselves and the global community to protect their borders. Therefore, in honoring their international obligations, the adoption of soft border control between Lebanon and Syria can be viewed as the best solution as it allows the harmonization of global, regional and local means to confront the well-known concerns as well as the more complex issues which go beyond the national boundaries. In other words, as described in the beginning of chapter one, soft border control is a political denomination seeking to suggest that movements of people, trade, and commerce take place without too many restrictive controls. It implies the use of border-crossings at designated points with security checks, with effective surveillance and intelligence, but with minimal constraints on the liberty of movement of people in general and border communities in particular. Moreover, a soft border can also translate into an incentive not only to establish balanced border policies, but also to enquire the ethical, intellectual, and political foundations between both states. Admiration for the equality of persons and the fundamental human rights that protect them, implies that Lebanon and Syria have a moral duty to keep their borders considerably soften in front of border communities that are facing serious social and economic challenges. But since I have suggested that recent circumstances (smuggling, asylum and trafficking) justify at least some degree of regulations, the question is who should be permitted entry?

The Lebanese record of the precedent 15 years of civil war and disasters has been accompanied by a history of economic immigration at the local and global level, with many migrants travelling to the neighboring country; Syria. These flows go back hundreds of years. As offered in the key findings of the thesis, **economic incentives** are one of the chief decision-making elements pushing residents in border areas to travel to Syria. The low wage of residents in border areas does not permit them to develop or to accumulate an important amount of fortune and investments that would change their families' and communities' level of economic growth. Moreover, the absence of border delineation and demarcation, the flexible characteristic of the border, and the inclination for an effortless provision of diverse merchandises lead to regular cross border movements of workers or self-employed businessmen. Borders are opening in front of the movement of people and goods and there are no competent authoritative laws that can limit cross border illegal activities. In addition, **social and cultural motivations** are also a main factor. The years of war and conflict led to an intimate network of communications that render it easier to travel between the two countries. Yet, the people interviewed do not show any willingness in shifting their families to Syria. Despite that some of them cross the border regularly, they only do it as a momentary and repeated movement and not as an enduring movement aiming relocation. Without investigating the desire to relocate in Syria or enduringly travel to Syria, the establishment of soft border may be the best option for both states as well as for border communities that desire to maintain one base in both countries and preserve their connections with both states. In this context, the issue of border control is never just about Syria's recognition of Lebanon as an independent state. One of the postulations concerning cross border movements was that all

movement has been required or is in quintessence humanitarian and security related. This is partly due to the fact that cross border movement turned to be a mode of life for some of the Lebanese border communities and is used as livelihood strategy for their families. Border communities traverse the boundary to Syria for numerous and shared causes whether they are economic, political, social, medical, and cultural in motivation. Whereas the social relations should not be ignored as it is significant to maintain in mind the main concern for improved economic and medical reasons.

7.2 Recommendations:

Thereby, the establishment of soft border control will help achieving a regulated system that allows efficient border control without violation of the human rights of border communities by restricting their freedom of movement. But to be efficient, soft border control shall include:

1. **Border observation:** the current process for entry in and out of Lebanon and Syria is insufficient to respond to the characteristic and extent of travels. A modern arrangement and approach must be developed in order to regulate the cross border movements.
2. **Improvement of the border management process:** the management of the border has to be accommodated to the altering security circumstances. As a consequence, recruitment will be a subject to be taken into consideration in addition to the quality of training and the level of duties conferred to the border police and security agents.
3. **Bilateral negotiations:** the governments of Lebanon and Syria must increase their efforts to control the border; such efforts cannot be successful without efficient

bilateral cooperation and negotiation. The foundation of mutual discussions must guide to:

- a. Successful and urgent actions and regulations on the basis of mutually approved border administration and supervision policies that will grant an up to date data gathering system which will point out modifications in the level and constitution of migration flows at the different crossing points.
- b. The development of an economic, business and trade framework for the protection of the basic rights of border communities. The Lebanese government is invited to provide better economic and social conditions for its border communities through the implementation of more developmental projects that guarantee the required needs of border communities.
- c. The establishment of a joint and soft regulation system that will benefit both the country (in terms of incomes and profits) and the population (in terms of the protection of human rights).
- d. Fortifying the frontier is not the solution as this would slow down the development of border communities: the obvious solution might seem to be the agreement on soft border that can stop the threats at the frontier without putting heavy restrictions on the movement of products and people.

7.3 Conclusions:

In short, few issues have emerged as effective concerning border control and human rights in the contemporary era. The capacity of the state to control its borders has tremendous

implications for homeland security, the advancement of the economy, the solvency of social security and the welfare state. With the globalization of international migration, states find themselves more and more interdependent when it comes to controlling the border. The EU has taken the fore in terms of advancing an integrated approach to border management, promoting cooperation among member states and moving toward increasing policy harmonization. Can this approach work in border control between Lebanon and Syria? Drawing on a series of interviews with people living in border areas, I can conclude that there is a necessity to demarcate and delineate the border between Lebanon and Syria in a way that ensures both efficient border regulations as well as the basic humanitarian needs of border communities. While an important first step has been taken in the form of bilateral agreement between the two countries to demarcate and delineate the common border, this thesis highlights the formidable geo-political, economic, and social obstacles facing both states in achieving such an integrated approach. My main objective in this thesis is to make Lebanese policy makers gain an understanding that the issue of border control and border demarcation and delineation cannot be detached from ensuring human rights of border communities. Border communities, especially those most in need, shall be granted the right to assist in originating the type of border control that will manage their lives. Will soft border control be the best solution? It remains an option that shall be taken into consideration and only time will give the right answer.

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