



Middle East
Centre

A photograph of a city square at night. In the foreground, several illuminated, white, abstract sculptures resembling human figures are mounted on dark, rectangular bases. The sculptures are reflected in a pool of water in the foreground. In the background, there are buildings with domes and minarets, some of which are illuminated with warm yellow and green lights. A street lamp is visible on the right side of the image.

The Long-term Challenges of Forced Migration

Perspectives from Lebanon, Jordan and Iraq

About the Middle East Centre

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Cover image: 'My Light is your Light', light installation by Alaa Minawi paying tribute to Syrian refugees who are enduring painful living conditions. The exhibition travelled to different cities in the Middle East and Europe. Shown here at Beirut Spring Festival (May–June 2015). Photograph by: Kristian Secher.

The Long-term Challenges of Forced Migration: Perspectives from Lebanon, Jordan and Iraq

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Abbreviations

| | |
|-------|---|
| 3RP | Regional Refugee & Resilience Plan |
| AFAD | Disaster and Emergency Management Agency, Turkey |
| AKP | Justice and Development Party |
| CNDH | Moroccan National Human Rights Council |
| CVE | Countering Violent Extremism |
| DGMM | Directorate General of Migration Management, Turkey |
| EU | European Union |
| FSA | Free Syrian Army |
| G20 | Group of Twenty |
| G7 | Group of Seven |
| GDP | Gross Domestic Product |
| GOJ | Government of Jordan |
| IDPs | Internally Displaced Persons |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| INGO | International Non-Governmental Organisation |
| IOM | International Organization for Migration |
| IS | Islamic State |
| KRG | Kurdistan Regional Government |
| KRI | Kurdistan Region of Iraq |
| LCRP | Lebanon Crisis Response Plan |
| MENA | Middle East and North Africa |
| MoU | Memorandum of Understanding |
| NGO | Non-Governmental Organisation |
| UN | United Nations |
| UNHCR | UN Refugee Agency |
| UNRWA | United Nations Relief and Works Agency |
| WFP | World Food Programme |

Foreword

Filippo Dionigi

Filippo Dionigi is Leverhulme Early Career Fellow at the Middle East Centre, London School of Economics and Political Science.

The Arab Uprisings of 2011 set events in motion that have vastly changed the Middle East and North Africa region (MENA), not only through organised protest and violent conflict, but also through migration and demographic change. The Syrian conflict has forcibly displaced more than 11 million people – half of the country's population. 6.5 million are internally displaced, while 5 million have crossed the border to find refuge abroad, in neighbouring countries such as Turkey, Lebanon, Jordan, Iraq and Egypt, and elsewhere both regionally and globally.

In a workshop held on 17–18 June 2016, the LSE Middle East Centre brought together a diverse group of people (policymakers from host states, representatives from international organisations, academics and NGOs practitioners) to explore the effects of the Syrian refugee emergency on Arab host states such as Lebanon, Jordan, and Iraq. This volume brings together a set of papers presented at the workshop. It also presents a list of key recommendations relevant for all stakeholders and agreed upon by participants.

A number of interrelated themes emerged during the workshop. Government representatives, including Hayder Mustafa Saaid, highlighted that host states – in particular local communities – are under unprecedented pressure, dealing with a situation that strains resources and infrastructures already insufficient for the autochthonous population. Humanitarian actors, such as Mireille Girard, emphasised that the refugee population is becoming increasingly poor and fragile. This is because, amongst other things, new policies and regulations have narrowed the protection space for refugees, and because international donors' support has been intermittent.

Another theme revolves around the argument that refugees are not merely passive recipients of aid and services. This argument is not new, but it has become prominent in the context of long-term displacement. Rana Khoury proposes an analysis of Syrians' capacity to organise collectively. Nasser Yassin highlights how informal networks on which refugees and host communities rely constitute a potential untapped resource; and G eral-dine Chatelard analyses the issue of refugees' right to work in host states.

An important point was made concerning the legal status of refugees in host countries, which is something that shapes refugee–state relations. The laws that concern refugees in these countries are often ambivalent and sometimes arbitrary, but states that are not signatories of the 1951 Refugee Convention still have responsibilities towards refugees. Ghida Frangieh sheds light on the limits of the Memoranda of Understanding that UNHCR and host states have established to regulate some of the aspects concerning refugee presence

in Jordan and Lebanon. Kelsey Norman provides an overview of the regional dynamics regarding state responsibility towards refugees. While Zahra Albarazi draws attention to the legal loopholes that cause statelessness or make stateless refugees a particularly vulnerable category.

As Rochelle Davis observes, there is a need to engage more thoroughly with the analysis of statistical evidence to develop a finer definition of vulnerability. Davis highlights that the population of Syrian men of conscription age is particularly affected by the conflict in Syria and yet they are less protected and often discriminated against by ‘frontline states’ as well as resettlement states.

Dawn Chatty warns us that we cannot appreciate the full complexity of the issue without considering it from a historical and transborder point of view. The Middle East has experienced several mass migrations and refugee crises in past centuries, and these have established patterns that shape today’s migratory movements and host states’ policies towards refugees. Finally, François Reybet-Degat calls for the need to put the regional context into global perspective. Neighbouring countries are providing a valuable public good to the global community by taking direct responsibility for a suffering population, which should be met with global responsibility. Nevertheless, there is widespread reluctance towards burden-sharing.

I would like to take this opportunity to thank the speakers, authors and everyone who participated in the workshop discussions, as well as the LSE Impact Fund, whose funding made the event possible. Both refugees and host communities have thus far shown astonishing levels of resilience and patience. However, their endurance is not without limits. Efforts towards conflict resolution have made little progress, and 6 years on, the conflict has become protracted. The most effective way of tackling the Syrian refugee emergency is, first and foremost, by ending the conflict in Syria. Yet, while the crisis continues, it is crucial to explore new perspectives and stimulate debate on how to enhance the lives and conditions of refugees and host communities alike.

Key Recommendations

Empower Informal Networks

- Formal institutions and organisations should acknowledge the importance of informal networks within refugee and host communities for their potential as a source of information gathering and knowledge production that is more inclusive of marginalised voices.
- It is recommended to allocate resources to research these networks, map their presence and survey their operational structure.
- Stakeholders should consider the complementarity between formal and informal networks and to reflect on previous shortcomings.
- Instant messaging platforms, for example WhatsApp, are important tools for fast information spreading. Voice messages on these platforms are used to bypass literacy issues.
- All actors involved should look beyond the obvious local figureheads to reach out to the displaced population.
- Local governmental authorities (municipalities, governorates), in collaboration with the central authorities in Lebanon, Jordan and Iraq, may bridge between distant INGOs and informal community networks.

Consolidate the Legal Status of Refugees in Neighbouring Countries

- Refugees in host states are particularly vulnerable due to the lack of clear legal status. In particular, the complexity of acquiring medium-term stay is highlighted – leaving the displaced in a precarious position. Obtaining clear legal status would facilitate good relations between displaced populations and public institutions.
- There is a need for increased awareness of bilateral agreements between countries of origin and host countries.
- State authorities should adopt regulations that recognise a uniform legal status for all persons unable to return to Syria for the time being. This status should allow access to an automatic and inexpensive stay permit, where applicable.
- There should be awareness of the difficulties for the displaced population in accessing civil registration procedures and documentation in host states. Thus, state authorities should facilitate these procedures ensuring the long-term documentation of the displaced as Syrian nationals.
- It is important to notice that obstacles and complexities to accessing civil registration procedures in host states and inside Syria may create new generations of stateless persons. Preventing statelessness now will remove obstacles to voluntary return at a later stage, hence avoiding permanent displacement.

- The protection needs of particularly vulnerable groups in the displaced communities, for example stateless displaced, need to be addressed and these groups should have access to legal stay and registrations.
- Grace periods should be adopted to allow refugees the time to regularise their status without incurring fines.
- It is crucial to raise awareness among the displaced population itself about the importance of civil registration, for example marriages, births and deaths.

Exploit the Potential of Refugees' Social Capital

- Refugees are the repositories of social capital made of social networks, reciprocity and trust. The humanitarian community should better consult people on the ground rather than apply the same template to different refugee groups in order to understand the social world of refugees.
- Given their ability to draw upon local networks and knowledge, but also acknowledging their peaceful political intent and capacity for collective action, activists in the refugee community can be active stakeholders – not just conduits – in developmental projects and humanitarian relief.
- The gap should be bridged between formal and informal education, through both strengthening the informal realm and providing a way for students to transition into the formal system.
- Empirical evidence-based studies should be conducted to demonstrate the positive economic impact of the refugees' presence in host countries. By transferring their capital and skill to the host society, refugees can also be a resource.
- Stakeholders are urged to see refugees as people with skills and connections that they can and do use to develop aid programmes.

Expand the Possibility to Work for Displaced People in Host Countries

- The issue of job creation and the possibility of Syrians working has to be seen in the context of the economic situation of the host country. It has to be acknowledged that the broader economic situation can be improved, which in turn can create employment opportunities for both hosts and refugees. The ‘Do No Harm’ approach also points towards the importance of creating jobs for both hosts and refugees. Furthermore, this approach would lead to less competition between groups for jobs in the long-term.
- Promoting this principle needs multi-faceted international investment encompassing direct investment (especially to the private sector), grants, access to concessional finance on favourable terms, as well as facilitating access to international markets for host country exports. This, however, will go hand in hand with commitment by the host country to progressively review labour regulations (to permit refugees easier access to employment) and to ensure that the business and investment environments are favourable. The mechanism through which such commitments are delivered should not be overly legalistic and thereby jeopardise the overall intent of such a framework by restricting the potential for adaption as the understanding of the context evolves.
- It is important to acknowledge the need for an optimal balance between informal and formal labour sectors. While the number of work permits granted to refugees can be increased over time, an overly legalistic approach to the labour market in the short-term (i.e. enforcement of strict compliance) may reduce job opportunities and harm small businesses. Expanding opportunities for refugees to work legally will decrease the necessity to adopt negative coping mechanisms (e.g. child labour).

Expand the Definition of Vulnerability

- There should be awareness of the specific vulnerability of those attempting to flee Syria but are unable to do so due to restrictions on access to residency, assistance and resettlement – in particular, men who are of conscription age.
- The popular conception of ‘vulnerable’ as a reference primarily to women and children is misleading. The category ‘vulnerable’ should be expanded to include men of conscription age who have decidedly refused to engage in military activity.

Syrian Refugees in Lebanon: A Turning Point?

Mireille Girard

Mireille Girard is United Nations High Commissioner for Refugees Representative in Lebanon.

The Syrian conflict, now into its sixth year, has caused an unprecedented crisis, generating 4.8 million refugees throughout the region and directly affecting 13.5 million people within Syria. The war next door has had a profound impact on Lebanon, with ramifications for the country's security, economy and society. The Lebanese people and institutions have opened their doors to more than one million Syrian refugees, while responding to their needs and those of the host communities. It has proven to be challenging to offer quality public services like education or primary health care for both the Lebanese – especially the most impoverished – and the Syrians whom they host.

Against this backdrop, and after years in exile, the situation for Syrian refugees in Lebanon is deteriorating rapidly. With their savings depleted, they have entered a vicious circle of extreme poverty, leaving them with barely enough for daily survival. More than 70 percent now live below the national poverty line of \$4 a day, and most have racked up debts of up to \$940 per family, just to afford the most basic items, such as food, medicine and rent.

The Lebanese, too, have been seriously affected by the Syrian conflict, with their economy depressed and unemployment rising, especially among the young. A recent World Bank report suggested that Lebanon's GDP growth is projected to remain sluggish through 2016 due to the continuing Syrian crisis, the complicated domestic political situation and other factors like the negative impact of weak oil prices.

As the crisis endures, what was initiated as a short-term humanitarian intervention has transformed into a medium-term operation. With all that comes more complicated programme structure and management, and an increased prevalence of troubling issues. For refugees, these might be socio-economic – just one example would be child labour. At the same time, interactions with host communities and the authorities also become more complex over time.

The support from the international community has been unwavering; since 2013, more than \$3.4 billion has been allocated to Lebanon, and 40,000 refugees have been submitted from Lebanon for resettlement to other countries. Despite this, the assistance unfortunately remains insufficient when set against stretched resources and growing needs. The Lebanese government and its humanitarian partners have requested \$2.48 billion in the 2016 Lebanon Crisis Response Plan (LCRP), the main appeal for funding from the international community. Half way through the year, we have reached well below half of the financing for our programme.

A political solution to the crisis in Syria is long overdue. It would stop the outflow of refugees from Syria and would relieve the strain placed on host communities in neighbouring countries like Turkey, which hosts 2.7 million Syrian refugees and has been a crossroads for those trying to flee the violence.

Of course, most refugees want to go back, safely, to the homeland from which they were torn. This is what humanitarian workers hear every day: the refugees are fully aware that their stay in Lebanon is temporary – just for the time they need to be protected.

In the meantime, Syrian refugees need to survive in exile and those hosting them must be supported, be they Lebanese families aiding Syrians, or the institutions that are providing the much-needed basic services. Humanitarian assistance is never sufficient, stabilisation support is also required. The Supporting Syria and the Region Conference, held in London in February 2016, showed that the international community and host countries in the region are mobilising to tackle the crisis together with additional resources and initiatives. In total \$12 billion of new money was pledged through 2020.

Support for Lebanon's economy and infrastructure would help generate employment for those most in need in impoverished areas, including Syrians in sectors where they have traditionally filled demand and do not compete with Lebanese workers. This would help them meet their basic survival needs and pay their bills. Maintaining their legal residency status in Lebanon is a major concern of refugees. At the moment, over half of Syrian refugees are unable to renew their residency because of the cost and the documents required. They just wish to stay afloat and keep their papers in order.

Beyond immediate survival, resettlement to a third country is one solution, and it is ongoing. Last year, countries doubled the number of places available for Syrian refugees to leave Lebanon. Resettlement is a safety net for the most vulnerable, including those who have survived torture or trauma, female heads of households or people with a serious illness that cannot be treated locally. UNHCR is asking the international community to multiply the number of opportunities for refugees outside the region, including through scholarships, work permits, family reunifications and other temporary humanitarian admission schemes.

Everyone – not least the refugees themselves – agrees that the main solution for refugees will be to return home when conditions allow. And the refugees will be eager to take that path once it is safe to do so. Over the decades, UNHCR has helped more than 40 million refugees return home. UNHCR support goes beyond assisting refugees in exile; the ultimate goal is always to find solutions. Peace in Syria will trigger substantial assistance programmes from UNHCR and other aid actors to help refugees go back to Syria and facilitate their reintegration at home for several years after their return.

Syrian Refugees and the Kurdistan Region of Iraq

Hayder Mustafa Saaid

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There are around 250,000 Syrian refugees in the Kurdistan Region of Iraq (KRI), who constitute 98 percent of all Syrian refugees in Iraq. This is in addition to the 1.5 million internally displaced persons (IDPs) in the Region. Together, they account for 28 percent of the increase in the population of the Region. This represents a far higher proportional inflow than other receiving countries, and implies a dramatic change in the composition of the population and the very fabric of society, bringing with it tremendous challenges of integration. This is particularly due to the fact that IDPs come from different religious and ethnic backgrounds – Christians, Yezidis, Sunni Arabs and Kurds. Integrating such diverse groups is extremely challenging.

Before making their way to safety, Syrian refugee and IDP women and girls have been subjected to gross human rights abuses including abductions, trafficking, torture, forced marriage and other forms of sexual and gender-based violence, which have led to serious psychological distress.

Since more than 75 percent of refugees and IDPs are women and children, it has rendered women responsible to provide for and protect their children, further heightening their vulnerability. As might be expected, the economic and social impact on the KRI of the influx of so many people in such a short period of time has been tremendous. A recent report by the World Bank concludes that the overall stabilisation cost of the inflow of refugees and IDPs was at least \$1.4 billion for 2015.¹

When the ongoing fiscal crisis brought about by the drop in oil prices and lack of budgetary transfers from Baghdad has added to the refugee and IDP crisis, the report estimates that the drop in the growth rate of the KRI between 2013 and 2014 amounts to 5 percent. Host communities in the Region that have generously opened their homes to the refugees are plunging into poverty. All indications show that the decline was even greater in 2015. The poverty rate increased from 3.5 percent in 2012 to 12.5 percent in 2014.

Given the injection of resources by the Ministry of Natural Resources of the Kurdistan Regional Government (KRG), the provision of basic services to refugees and IDPs has been possible. This and other steps taken by the KRG have ensured that basic humanitarian needs of the refugees and IDPs have – so far – been met. There has been an integration of these groups into the population at large, especially into urban areas: only

¹ ‘The Kurdistan Region of Iraq: Assessing the Economic and Social Impact of the Syrian Conflict and ISIS’, *The World Bank* (April 2015). Available at: <http://documents.worldbank.org/curated/en/2015/04/24381228/kurdistan-region-iraq-assessing-economic-social-impact-syrian-conflict-isis#>.

a third of the refugees and 20 percent of IDPs are still living in the 42 camps set up throughout the KRI. They have equal rights with the host population in these communities with regards to access to clean water, electricity and security. However, the significant demand pressures created by the influx have affected the provision of health, education and social protection programmes to the population in general, as well as the provision of water, waste management and electricity.

While this level of settlement is an illustration of the commitment of the KRG to support refugees and IDPs under highly strained circumstances, further improvement in the well-being of the displaced – not to mention helping those still to come – will not be possible without additional resources from the international community and an improvement in economic conditions. The above-mentioned World Bank report notes that: ‘the KRG is not in a position to bear alone the financial costs of the Syrian refugee and IDP influx, including those for the education sector’. The report projects stabilisation costs in 2015 of \$846 million for human development (health, education, food security, poverty and shelter) and \$536 million for infrastructure (electricity, transport, solid waste management and water), for a total of close to \$1.4 billion (these are baseline estimates; the highest estimate is \$2.5 billion). More work is needed to consolidate the camps and to ensure their sustainability as a settlement.

In the 2016–2017 Regional Refugee and Resilience Plan (3RP), the UN Refugee Agency (UNHCR) estimates that Iraq requires \$298 million for refugee expenditures and resilience in 2016.² Given that nearly all Syrian refugees in Iraq are found in the KRI, this is for all intents and purposes the requirement for the KRI.

When these needs are placed against the dire economic situation facing the KRI as a whole, our message is simple: the economic recovery and stability of the KRI and the wellbeing of the Syrian refugee population in the region cannot be separated. A further deterioration of the economic conditions will make it impossible for the government of the KRI to meet the basic needs of refugees and IDPs. More importantly, it will necessitate a scaling back of the war against Islamic State (IS), potentially leading to gains in territory by the group and a further increase in the number of Syrian and Iraqi refugees fleeing the region entirely to add to pressures on absorption by Europe and other Middle Eastern countries.

Instead of viewing the refugees and IDPs as a burden, the KRG can view them as a crucial resource in increasing the economic vibrancy of the KRI. However, given the current situation of the KRI’s economy, international financial support is needed to kick-start the process. A recent assessment of needs by the organisation REACH identifies food security, employment, education, health and sanitation as the greatest needs of IDPs outside of camps.³ Female-headed households are particularly vulnerable.

² ‘Iraq – Regional Refugee & Resilience Plan 2016–2017’, *UNHCR*. Available at: <http://www.3rpsyriacrisis.org/wp-content/uploads/2016/01/Iraq-%E2%80%93-Regional-Refugee-Resilience-Plan-2016-2017.pdf>.

³ ‘Quarterly IDP Camp Directory: Comparative Dashboard & Camp Profiles Iraq’, *Reach* (April 2016). Available at: http://www.reachresourcecentre.info/system/files/resource-documents/reach_irq_fact-sheet_comparative_directory_april2016.pdf.

As the Syrian crisis approaches its sixth year, we need innovative solutions, now more than ever. The KRG, in cooperation with the federal government of Iraq and the international community, is committed to making the humanitarian response in our region more effective and sustainable, thus addressing the plight of the large number of Syrian refugees and IDPs we are hosting.

International support for an investment-led economic recovery of the KRI will help in the following six ways:

1. Given that the unemployment rate has been increasing in the region, the integration of refugees into economic activity would require the creation of new private sector jobs, with an injection of new investment and funds to allow resumption of existing projects. This will help ensure that both the host population and refugees will have access to livelihoods.
2. Historically in many countries, newly arrived people have proven to be the most entrepreneurial. With enough funds to train and provide small loans and other assistance to entrepreneurs, the refugees would be able to not only create their own demand for labour, but also contribute to the private sector led economic growth of the region.
3. As mentioned above, the influx of refugees and IDPs has created a severe strain on existing infrastructure – power, water, schools and hospitals. Investment funds that allow the initiation of infrastructure projects can also provide jobs in construction and other sectors for many refugees.
4. In particular, funds for the construction of schools will increase the educational capacity and allow children of refugees to be accommodated. In other words, investment in human capital can proceed alongside investment in physical capital.
5. Programmes and jobs would improve the resilience of women and girls, thereby prioritising a smart strategy for stabilisation and addressing the needs and rights of the most marginalised and vulnerable among refugees and host populations, as well as increasing family and community resilience.
6. Lastly, discussions have taken place to deliver humanitarian assistance through multipurpose cash assistance, which allows the displaced population to assess their own needs and will support the local economy through their expenditure.

Unless the international community acts to shore up the economy of the KRI, it is very likely that, in a few months' time, a much bigger wave of people will make their way to the EU and other countries; not only Syrian refugees but also IDPs and perhaps even people from the Kurdistan Region itself.

Refugees' Contentious Politics and the Case of Syrian Activists in Jordan

Rana B. Khoury

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In the wake of multiple civil wars throughout the 1990s, analysts came to associate cross-border warfare and the spread of civil wars with refugee violence. In the last decade of massive displacement from Syria and Iraq, activism among refugees is evident, but violence much less so. As conflicts in the Middle East bring the worldwide toll of refugees to record highs, can our conceptualisations account for different types of refugee-related politics? I propose a unified conceptual framework that foregrounds the displaced as claim-makers excluded from formal politics, and generates types of refugee contention along key dimensions. A description of one type – activism – among Syrians in Jordan illustrates this form of politics and suggests how policymakers can approach the agency of refugees.

The analytical divide that has long existed between those who view refugees as purveyors of violence, and those who view refugees as subjects of violence, is increasingly overcome by our recognition of the displaced as political agents, even if refugee flows constitute legitimate security threats.¹ Nevertheless, the concepts invoked to capture these agential potentialities are often made to travel too far, their meanings broadened and their precision reduced.² For instance, scholars have used the term 'social movements' to describe efforts to acquire healthcare and education, rather than mass episodes of contention.³ Similarly, cases of what are described as 'refugee warriors',⁴ include everything from local defence units to genocidaires.⁵

Such conceptual stretching has occurred in the absence of a unified approach to replace the victim/warrior paradigms. I propose a new framework – contentious politics – that accounts for refugee agency but also for disparities in power between them and powerful authorities. Contention is the collective actions of claim-makers on systems of authority

¹ Robert Muggah and Edward Mogire, 'Arms Availability and Refugee Militarization in Africa: Conceptualizing the Issues', in Michael Brzoska and Robert Muggah (eds), *No Refuge: The Crisis of Refugee Militarization in Africa* (London and New York: Zed Books, 2006), p. 5.

² Giovanni Sartori, 'Concept Misformation in Comparative Politics', *American Political Science Review* 64/4 (1970), pp. 1033–53.

³ John L. Hammond, 'War-Uprooting and the Political Mobilization of Central American Refugees', *Journal of Refugee Studies* 6/2 (1993), pp. 105–22. Navine Murshid, *The Politics of Refugees in South Asia: Identity, Resistance, and Manipulation* (London and New York: Routledge, 2014).

⁴ Sergio Aguayo, Astri Surke and Aristide R. Zolberg, *Escape from Violence: Conflict and the Refugee Crisis in the Developing World* (Oxford: Oxford University Press, 1989).

⁵ Those who commit genocide.

through non-institutional channels. In the first instance, refugees are outside institutional channels because their relationship with the state has been severed and they are deprived of the associated protections of citizenship.⁶ Although the international refugee regime pursues protection for refugees, in fact many remain excluded from formal politics due to the vast variation in legal protection afforded by countries of first asylum and the elusiveness of the three durable solutions – repatriation, resettlement and local integration – the corollary of which is protracted situations, of which there were 33 in 2014 accounting for nearly half of refugees worldwide.⁷

Accordingly, I propose a descriptive typology of refugees' contentious behaviour that takes as its starting point refugees as claim-makers in exclusion.⁸ Form and organisation are the principle dimensions of variation in refugees' contention, as depicted in Table 1.

Table 1. Descriptive Typology of Refugees' Contentious Behaviour

| | | Forms of Contention | |
|------------------------|----------|-----------------------|-----------------|
| | | Violent | Nonviolent |
| Degree of Organisation | High | Transnational warfare | Social movement |
| | Moderate | Militarisation | Activism |
| | Low | Everyday resistance | |

The form of contention is shaped by repertoires that are common in a society's history⁹ or prominent elsewhere.¹⁰ For example, in the 1960s and 70s, Palestinian refugees deployed armed struggle as they looked upon anti-colonial struggles in Africa and Vietnam;¹¹ in 2011, they demonstrated nonviolently at Israel's borders, inspired by the peaceful Arab uprisings of that year.¹² This dimension is also shaped by the type of authority against which claims are being made,¹³ and the ensuing process of 'tactical interaction' between

⁶ As is made clear in the 1951 Refugee Convention, a refugee is a person outside his country of their nationality who is unable or unwilling to receive protection from that country. UN General Assembly, 'Convention Relating to the Status of Refugees', *United Nations Treaty Series* 189 (28 July 1951), p. 137. Available at: <http://www.refworld.org/docid/3be01b964.html>.

⁷ 'Statistical Yearbook 2014', *UNHCR* (8 December 2015), p. 31.

⁸ A descriptive typology is distinct from an explanatory one. The former proposes dimensions and cell types that identify and describe the overarching concept, while the latter explains the cell types as outcomes determined by explanatory variables in the rows and columns. David Collier, Jody LaPorte and Jason Seawright, 'Putting Typologies to Work: Concept Formation, Measurement, and Analytic Rigor', *Political Research Quarterly* 65/1 (2012), pp. 217–32.

⁹ Sidney Tarrow, *Power in Movement: Social Movements, Collective Action and Politics* (New York: Cambridge University Press, 1994), p. 20.

¹⁰ Charles Tilly, *The Politics of Collective Violence* (New York: Columbia University, 2003).

¹¹ Yezid Sayyigh, *Armed Struggle and the Search for State: The Palestinian National Movement, 1949–1993* (Oxford: Oxford University Press, 2000), pp. 195–202.

¹² Diana Allan, *Refugees of the Revolution: Experiences of Palestinian Exile* (Stanford: Stanford University Press, 2013), p. 203.

¹³ Tilly considers two dimensions of a regime, its capacity and its level of democracy. Tilly, *The Politics*

it and contenders.¹⁴ Accordingly, refugees may draw on violent forms of contention if engaging in battle with armed groups from the sending state, but nonviolent forms to achieve non-military ends.

The second dimension of variation in refugee political behaviour is the degree of organisation among refugees. Collective action is notoriously difficult.¹⁵ In the case that a group enjoys only moderate collective capacity, we cannot assume the sustainability of mass contention.¹⁶ Moreover, the degree of organisation implicates the nature of the contention: cohesive movements may be more capable of employing nonviolent protest than fragmented ones.¹⁷ Taken together, the two dimensions map out the types of contention, as follows:

- **Transnational warfare:** Armed groups engage in conflict from bases in a neighbouring country using external resources (funds and fighters).¹⁸ The use of violence reflects the civil wars and inter-state or proxy conflicts of which they are a part. Organisational requirements are high (and often bolstered by rival states), and thus warfare has frequently been conducted by established political organisations, such as the defeated Rwandan government in Zaire and the Palestine Liberation Organization (PLO) in Lebanon.
- **Social movements:** Mass and sustained collective action, especially demonstrations and protests. Nonviolence is used to make civil demands, as opposed to a means to engage in warfare. This behaviour depends on a high degree of participation and therefore of organisation.¹⁹ Examples include the months of protests and boycotts by Liberian refugees in Ghana who sought migration options before the closure of their camp.²⁰
- **Militarisation:** The involvement of refugees in non-civilian activities, including military training and support for combatants.²¹ Militarisation may precede or follow

of *Collective Violence*.

¹⁴ Doug McAdam, 'Tactical Innovation and the Pace of Insurgency', *American Sociological Review* 48/6 (1983), pp. 735–54.

¹⁵ Mancur Olson Jr., *The Logic of Collective Action: Public Goods and the Theory of Groups* (Cambridge, MA: Harvard University Press, 1965).

¹⁶ Mark I. Lichbach, *The Rebel's Dilemma* (Ann Arbor: University of Michigan Press, 1995). Tarrow, *Power in Movement*.

¹⁷ Wendy Pearlman, *Violence, Nonviolence, and the Palestinian National Movement* (New York: Cambridge University Press, 2011).

¹⁸ Idean Salehyan, *Rebels without Borders: Transnational Insurgencies in World Politics* (Ithaca and London: Cornell University Press, 2009), p. 15.

¹⁹ As Chenoweth and Stephan argue, participation is important to nonviolent movements because it provides contenders with certain sources of leverage over their adversaries. However, their assumption of an equivalence for the role of participation in nonviolent and violent movements is flawed. Erica Chenoweth and Maria J. Stephan, *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict* (New York: Columbia University Press, 2011).

²⁰ Elizabeth Holzer, 'A Case Study of Political Failure in a Refugee Camp', *Journal of Refugee Studies* 25/2 (2012), pp. 257–81.

²¹ Sarah Kenyon Lischer, 'Refugee Involvement in Political Violence: Quantitative Evidence from 1987–1998', *UNHCR* (31 July 2000), p.3. Muggah and Mogire provide a similar definition of refugee

transnational warfare in a given case, but it refers more specifically to arming and associated activities that can occur with smaller-scale coordination,²² for instance in the case of Liberian fighters in Guinea after the end of the Liberian war,²³ or the Syrian rebels who coordinate and draw upon resources in Turkey but do not use it as a battleground.

- **Activism:** Activism is ‘action on behalf of a cause, action that goes beyond what is conventional or routine’.²⁴ Activism among refugees may include participation in service provision, humanitarian aid and civil society engagement. Like social movements, this behaviour is tactically nonviolent. It may be carried out in small groups, requiring only a moderate degree of organisation. The example of Syrian activists follows below.
- **Everyday resistance:** Small-scale acts that thwart the authorities’ claims or advance those of contenders.²⁵ Some coordination is entailed; even if the act is carried out individually, there is at least ‘tacit cooperation’ such as the silence of others.²⁶ The distinction between violence and non-violence is blurry: the form of contention mirrors the ‘forms of appropriation’.²⁷ For example, an attack on a UNHCR building to steal foodstuffs might entail damage to property.

This conceptualisation of types of refugee politics provides perspective on the case of activism among Syrian refugees. I collected the data that I use to describe this activism through semi-structured interviews conducted with Syrians in Jordan during two stints of fieldwork in the summers of 2014 and 2015.²⁸ Though in refuge across the border from the civil war, these Syrians consider themselves to be ‘fighters’ for a cause – the Syrian revolution. That is, their behaviour is political contention and it is enacted as activism.

One dimension of this activism is its form: nonviolent. These Syrians adopt tactically nonviolent methods for achieving civil goals. Their nonviolence also reflects host state politics; the Jordanian government would presumably foreclose militarisation. The second dimension of their activism is its reliance on only a moderate degree of organisation. Though drawing extensively on social networks, their work can entail a small number

militarisation; their definition includes militarisation among exiles (diaspora), which I exclude because of a diaspora’s greater access to formal political channels. See: Muggah and Mogire, ‘Arms Availability and Refugee Militarization in Africa’, p. 7.

²² Ibid.

²³ James Milner and Astrid Christoffersen, ‘The Militarization and Demilitarization of Refugee Camps and Settlements in Guinea, 1999–2004’, in Michael Brzoska and Robert Muggah (eds), *No Refuge: The Crisis of Refugee Militarization in Africa* (London and New York: Zed Books, 2006).

²⁴ Brian Martin, ‘Activism, Social and Political’, in Gary L. Anderson and Kathryn G. Herr (eds), *Encyclopedia of Activism and Social Justice* (Thousand Oaks: SAGE Publications, 2007).

²⁵ James C. Scott, ‘Hidden Forms of Resistance’, in Forrest Colburn (ed), *Everyday Forms of Peasant Resistance* (Armonk, NY: M.E. Sharpe, 1990).

²⁶ Ibid., p. 36.

²⁷ Ibid., p. 37.

²⁸ Descriptive inference is ‘the process of understanding an unobserved phenomenon on the basis of a set of observations’. Gary King, Robert O. Keohane and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (Princeton: Princeton University Press, 1994), p. 55.

of individuals, such as a couple of friends fundraising to house the refugee families of rebels, or a larger operation that may even be funded by development organisations but ultimately carried out by a few dozen Syrians.

The scope of activities in which activists are engaged is wide, and includes humanitarian, developmental and political work that impacts both refugees' wellbeing and civil war trajectories like rebel governance. Examples of humanitarian work include finding and funding housing in northern Jordan for the families of 'martyrs' – rebels killed in battle – and building a database of Syrian patients in a local clinic to connect them to donors in the Gulf. Syrians are also engaged in delivering aid that reaches inside Syria, mostly to Dara'a, the southern province where many of them lived prior to the conflict; for instance, a four-man operation smuggled medical supplies across the borders in the first two years of the conflict, and eventually developed into a formally registered organisation delivering large quantities of flour and other goods. Activists have also participated in large public service projects inside Syria, like overseeing the provision of garbage collection and street cleaning; such endeavours are often led and sponsored by Western NGOs. Activists are also civically engaged, for instance, creating grassroots media outlets in Jordan that report on events inside Syria. Finally, activists have done formal political work that has included instituting opposition governance structures like local and provincial governance councils, often in coordination with formal opposition groups.

The trajectory of activists has varied over time, beginning with a spurt of activity in the first years of the conflict, followed by signs of contraction. Many activists took part in the unarmed uprising in Syria in 2011. Regime persecution or general violence led to their flight to Jordan and a recalibration of their work. In refuge, for example, some former protest organisers engaged in emergency relief efforts for refugees while others took advantage of the – at the time – relatively open borders to coordinate the delivery of aid to towns inside Syria. Then, as territory came under rebel control, new roles opened up to activists inside Syria; many returned, but they often left their families under the care of the humanitarian regime in Jordan and themselves took occasional reprieves in refuge. At the same time, local and provincial governance councils established by Syrian activists in Jordan came to be considered illegitimate by those inside who demanded internal representation. Meanwhile, the Jordanian government sought to contain the proliferation of the countless actors involved in the regional response by sanctioning select activity. For instance, activists reported that approval by Jordanian security services allowed them to continue to pass through increasingly restricted borders. And while the government has prohibited Syrians from formally registering organisations, it has also opened a path to registration through Jordanian partners.

Some activists are fiercely protective of their independence from Western NGOs, Syrian political groups and other external actors, but many others are deeply intertwined with them, and all are impacted by the political opportunity structure in the host state. The foremost takeaway for policymakers and NGOs involved in current crises is that activists can be partners in relief, development and advocacy both now and after the conflict ends. Activists are able to harness local networks and knowledge of both the refugee commu-

nity and of communities in the conflict state, and are thus well-positioned to advise on, facilitate, and implement a large range of projects. In the case that activists choose to engage with formal organisations, host states can ease access to employment so that activists may be fairly compensated for their efforts. NGOs can equip refugees with skills and training that are transferrable into additional social and economic capital, especially for a post-conflict scenario.

Another key resource for activists is their passion for the cause. The absolute neutrality of NGOs may be an unattainable objective. Yet NGOs' self-awareness regarding the politics of their refugee interlocutors is critical to achieving fairness and efficiency in projects, and to recognising how the political environment is being affected by, or affecting, organisational objectives. Often due to fear or opportunism, host states are generally aware of the political potential of refugees; they would be well advised not to foreclose opportunities (e.g. through restrictions on movement) for nonviolent engagement in consideration of other, potentially problematic, outcomes. Ultimately, as long as refugees are excluded from formal politics, their political contention will be enacted through informal channels. Therefore, it is durable solutions such as resettlement that will provide the displaced with legal protection and the rights to engage as members of a political community.

Iraqi and Syrian Refugees in Jordan Adjusting to Displacement: Comparing their Expectations towards UNHCR and their Capacities to use their Educational Assets

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The displacement of Syrians is now in its sixth year, and this long-term frame increasingly poses the question of whether refugees are in the position to provide for themselves autonomously, without depending on aid. Comparing different refugee populations in the same host country can cast light on the factors impacting refugees' capacity to be more or less reliant on humanitarian providers, and help consider possible medium and longer-term trends in self-reliance and durable solutions. I propose looking at Jordan and comparing first, the expectations of Syrian and Iraqi asylum seekers and refugees – or persons of concern to UNHCR – with educational capital have towards UNHCR's role in assisting them and helping find durable solutions, and second if refugees are able to use their educational qualifications to become self-reliant.

There are similarities and differences in the opportunity contexts of various refugee populations in Jordan, due in particular to the fact that their stay is governed by both a refugee and migration regimes, the former formalised through a Memorandum of Understanding (MoU) between UNHCR and the Government of Jordan (GoJ), the latter including residency and labour laws together with bilateral agreements between Jordan and the countries of origin of the migrants.

As a result of a number of combined factors, Syrians need to register with UNHCR and the Jordanian Ministry of Interior only if they want to access assistance and services available to asylum seekers. Even if they choose not to register, they do not need a residence permit to stay long-term in Jordan. As for Iraqis, their registration with UNHCR serves mostly as a conduit for resettlement or family reunification. Under the migration regime, a residence permit is compulsory for Iraqis, and can be acquired through financial capital or work contracts. Between 30 and 40 percent of those Iraqis registered with UNHCR also have residence permits.

The MoU between UNHCR and the GoJ does not envision local integration as a possible durable solution and does not mention refugees' right to work. This does not mean that refugees do not work. The Jordanian law governing the labour of foreigners applies to Iraqis and Syrians regardless of their status with UNHCR. A number of professions, mostly non-qualified, are open to foreigners requiring an application for a work permit on the basis of a work contract. Syrian refugees have quickly looked for work opportunities, and about half of the households have at least one member engaged in some form of labour. In about two-thirds of the cases, however, this takes place through informal

arrangements, without a contract or permit.¹ The fact that Syrians work in the informal economy might not be a vulnerability factor in itself, considering that 44 percent of Jordanians also work informally.² However, for Syrians, it carries serious risks: if they are caught without a work permit, they can be subjected to imprisonment and *refoulement*, or can be moved to refugee camps.

The proportion of refugees with educational qualifications is not marginal. 41 percent of Syrians registered with UNHCR have at least a secondary education, whereas 13 percent have a university degree.³ Anecdotal evidences show that the proportion of university graduates is higher among unregistered Syrians. As for Iraqis in Jordan, 50 percent of them had a university education in 2007, when the number of those registered with UNHCR was about as high as today.⁴ Jordanian labour requirements exclude from the work market most qualified non-Jordanian professionals. There are reasons for this exclusion: a large part of Jordanian graduates already cannot integrate in the work market and emigrate, mostly to Gulf countries, to access labour opportunities. This situation makes it very challenging for those Iraqis and Syrians who hold degrees to find jobs matching their qualifications.

In work on Iraqis in Jordan conducted before the arrival of Syrian refugees, I had noted that the majority of the former, highly educated but without enough financial capital to stabilise their stay in Jordan, were looking for avenues for secondary migration through refugee resettlement schemes, family reunion, legal migration channels or irregular migration, even when many would have preferred to stay in Jordan. This trend was compounded by the pull of family and other social ties from within distant diasporas that started reaching a critical mass during the 1990s.

In late 2014, I interviewed a sample of 75 working-age, out of camp Syrians and Iraqis registered with UNHCR, and who had a minimum level of education corresponding to a high school diploma. I wanted to check if my previous findings remained valid for old and recent arrivals from Iraq, and to compare the situation of Iraqis with that of Syrians. Furthermore, I combined these aspects with an inquiry into respondents' reliance on the assistance provided by UNHCR and its partners, and how much they expected UNHCR to help them find durable solutions. The Iraqis provide a useful disparity to the situation of Syrians, and a longer-term perspective since they have been hosted in Jordan as refugees since 1996.

I found that, among Syrians, a medium level of education (high school level up to Bachelor's) was correlated with the lowest level of engagement in economic activities. Some felt they did not have the skills to access available jobs, which were mostly manual, whereas

¹ 'Lives Unseen: Urban Syrian Refugees and Jordanian Host Communities Three Years into the Syria Crisis', *CARE International* (2014).

² 'The Informal Sector in the Jordanian Economy', *Jordanian Ministry of Planning in International Cooperation, Economic and Social Council, UNDP, AECID* (2013).

³ 'Lives Unseen'.

⁴ 'Iraqis in Jordan: Their Number and Characteristics', *FAFO* (2007). Available at: <http://www.unhcr.org/47626a232.pdf>.

others preferred to live off their financial assets rather than work below their skills. Most of those with a university degree were able to find work, formally or informally, however receiving salaries below those of Jordanians in equivalent positions, and with contracts and permits to be renegotiated every year. Among Iraqis, it was those most recently arrived who were less likely to be engaged in economic activities, regardless of their educational level.

90 percent of the Syrians interviewed mentioned some form of material assistance (cash, food and non-food items) received from humanitarian organisations. However, all those with at least a Bachelor's Degree had recently been informed by the World Food Programme (WFP) that they would no longer receive food assistance. 15 percent of the Iraqis received cash assistance, all but one of them recent arrivals.

Expectations towards UNHCR were sharply contrasting. All Iraqis saw UNHCR's role as primarily facilitating third-country resettlement and/or family reunification, and only recent arrivals and those stranded long-term in Jordan without a residence permit expected other forms of assistance. Several respondents articulated their reasons to prefer resettlement over local integration as wanting to carry on with their lives, whereas Jordan offers them no long-term social and economic prospects. All respondents, even those with a job and/or a residency, regularly renewed their asylum seeker certificates with UNHCR to keep their resettlement options open.

47 percent of Syrians stated that they expected to return to Syria, 30 percent wanted to settle long-term in Jordan, and 23 percent mentioned secondary migration. None wanted to live in a camp. They saw UNHCR as the main provider of humanitarian assistance, but none mentioned that they expected UNHCR to help them reach a durable solution. Only two saw a link between their registration with UNHCR and possible protection against deportation to Syria or a camp, which were the main concerns of all respondents. Finally, even amongst those who wanted to emigrate further, resettlement was not a well understood concept.

I reinterviewed 53 of the initial respondents one year later, at a time when a number of factors had impacted Syrian refugees' opportunity context in Jordan and beyond: UNHCR and the Jordanian Ministry of Interior were performing re-registration of Syrian refugees; WFP had frozen food vouchers distribution to Syrian refugees throughout the Middle East; Jordanian security forces had intensified their measures against illegal labour and refugees without bailout from camps (resulting in more cases of *refoulement* and deportations to camps); the mass migration movement of Syrians to Europe had started; and more countries were taking Syrians for resettlement through UNHCR referrals.

Of 32 respondents with a medium level of education, five were now living in camps where one had been deported and four moved voluntarily to gain access to assistance. Two had left to Europe. Two more had recently found labour in the service sector and were trying to obtain work contracts. The others were continuing to deplete their savings or to borrow money. Their view of UNHCR's role had evolved: half of them were aware of resettlement options, and three quarters now doubted the agency's capacity to provide humanitarian assistance beyond the next two years.

Of nine Syrian respondents with the highest university degrees, seven had voluntarily not re-registered with UNHCR and the Ministry of Interior as they considered that this brought them no specific benefit. Four, albeit having jobs, said they were considering secondary migration since they saw their professional and social prospects in Jordan as very limited.

In March 2016, the GoJ announced that it would grant 200,000 work permits to Syrians, in the framework of a new approach worked out with the humanitarian and development communities, and supported by international donors and investors. This move, hailed as a progressive step towards refugee self-reliance, regulates the access of Syrians to the work market on the basis of the existing labour law, and, when implemented, will legalise the situation of many who are already working.⁵ More generally, it is likely that more and more Syrians in Jordan currently dependent on humanitarian assistance will be able to become self-reliant by accessing the domestic labour market either by meeting existing needs, or through family and patronage ties in the host country.

On the other hand, Jordan's protectionist labour policies hinder access to jobs for the most educated Syrians. The fact that some are shunning the humanitarian assistance framework does not necessarily mean that they have reached a level of self-reliance which they find satisfactory. In fact, this group, like their Iraqi peers, are amongst the most likely to seek secondary migration. Existing data shows that educated Syrians are already a large proportion of those having made their way into Western Europe. In Germany, for example, at least 20 percent have a Bachelor's Degree,⁶ and the pull of social and family networks is increasing on those still in the Middle East.

Host countries such as Jordan cannot be expected to absorb refugee graduates when their own educated nationals emigrate in large numbers to find labour. The question posed is therefore that of how to address the issue of long-term solutions for this segment of the refugee population, and if answers can be found within the international refugee regime, or should rather emerge from a different approach.

Resettlement and family reunification through the international refugee regime have long been used by highly educated Iraqis as a conduit for labour migration. However, they hardly provide an adequate framework to respond to the expectations of refugees able to work and eager to reconstruct their lives with minimum reliance on humanitarian providers: considering the small number of resettlement places, priority is given to refugees with specific vulnerabilities; resettlement delays can be extremely long for non-priority cases; and the costs and administrative burden of resettlement bear upon international and national refugee institutions, with some involvement from the International Organization for Migration (IOM). In this context, it might be worthwhile looking into more systematic partnerships between actors within the international refugee regime, institutions such as the International Labour Organization (ILO), and national governments that operate skilled migration schemes in Western countries and in the Gulf.

⁵ 'The Impact of the Syrian Refugee Crisis on the Labour Market in Jordan: A Preliminary Analysis', *ILO, Regional Office for Arab States* (2014); 'Work Permits for Syrian Refugees in Jordan', *ILO, Regional Office for Arab States* (2015).

⁶ 'Is this Humanitarian Migration Crisis Different?', *OECD Migration Policy Debates* 7 (September 2015). Available at: <http://www.oecd.org/els/mig/Is-this-refugee-crisis-different.pdf>.

The Informal Adaptive Mechanisms among Syrian Refugees and Marginalised Host Communities in Lebanon

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Background

Governance has often been viewed by practitioners and policy-makers through the lens of a developed state model, magnifying the importance of strong structures in the form of state, civil society and formal institutions.¹ The Western and Weberian conceptions of state-centred governance, which view the state as a set of formal arrangements that institutionalise power, is often challenged in explaining how state (and society) operates in the developing world.² The shortcoming is largely in failing to recognise informal institutions and their various governance-related functions – such as service delivery, dispute resolution, representation and electoral politics. An alternative approach to thinking about governance acknowledges the role of informal institutions and shifts attention from government-centric processes towards poly-centric processes, encompassing numerous actors, groups and networks, which could be formal or informal.³

Formal and informal institutions can be differentiated according to how they were developed, codified, communicated and enforced.⁴ Informal Institutions are defined by ‘socially shared rules’ and ‘the unwritten rules of political life’ that are created, communicated

¹ ‘An Upside Down View of Governance’, *Institute of Development Studies* (Brighton: University of Sussex, 2010). Available at: <http://www2.ids.ac.uk/futurestate/pdfs/AnUpside-downViewofGovernance.pdf>.

² Jeremy Allouche, ‘The Role of Informal Service Providers in Post-Conflict Reconstruction and State-Building’, in Erica Weinthal, Jessica Troell, and Mikiyasu Nakayama (eds), *Water and Post-Conflict Peacebuilding* (London: Earthscan, 2014).

³ Nora Stel, ‘Governance Between Isolation and Integration: A Study on the Interaction between Lebanese State Institutions and Palestinian Authorities in Shabriha Gathering, South Lebanon’, *Issam Fares Institute for Public Policy and International Affairs Working Paper Series 22* (Beirut, 2014). Available at: https://www.aub.edu.lb/ifi/publications/documents/working_papers/20140620_ifi_refugees_nora_stel.pdf. Claudia Pahl-Wostl, ‘A Conceptual Framework for Analysing Adaptive Capacity and Multi-Level Learning Processes in Resource Governance Regimes’, *Global Environmental Change* 19/3 (2009), pp. 354–365. Available at: <http://doi.org/10.1016/j.gloenvcha.2009.06.001>. Kasper Hoffman and Tom Kirk, ‘Public Authority and the Provision of Public Goods in Conflict-Affected and Transitioning Regions’, *Justice and Security Research Programme Paper 7* (2013). Available at: <http://eprints.lse.ac.uk/56353/>.

⁴ Pahl-Wostl, ‘A Conceptual Framework for Analysing Adaptive Capacity’. Gretchen Helmke and Steven Levitsky (eds), *Informal Institutions and Democracy: Lessons from Latin America* (Baltimore: The Johns Hopkins University Press, 2006).

and enforced outside of official channels, and usually outside of the public eye.⁵ Formal institutions are distinguished from informal institutions for they stem from official and regulated public or private systems recognised by the state (such as the constitution). Formal institutions are ‘behaviourally prescriptive and normative’, meaning they dictate how actors should or should not act. Thus, formal institutions are enforced through official bodies and mechanisms, such as the police. Informal institutions, on the other hand, are ‘self-enforced’ and ‘socially-sanctioned’, arising from social norms, traditions, attitudes and morals, or in other words, they are widely accepted unwritten rules.⁶ Both formal and informal institutions provide predictability and stability to human interactions and thus help to reduce uncertainty.⁷ Formal and informal institutions are not mutually exclusive and often exist alongside each other within institutional setups.⁸ Therefore, it makes sense to not just focus on one type, but to consider the relation between both.

Informal institutions fulfill three functions: they complete or fill gaps left by formal institutions; they operate in parallel to formal institutions to regulate the same kind of political behaviour; and they help coordinate the operation of intersecting/overlapping institutions.⁹ In all three instances, informal and formal institutions exist largely in complementary fashion with each other. Gretchen Helmke and Steven Levitsky approached the relationship between formal and informal institutions by taking into account two dimensions: the effectiveness of formal institutions and the degree to which the outcomes of formal and informal institutions converge (whether they lead to similar outcomes or not).¹⁰

A Typology of Informal Institutions

Complementary informal institutions coexist with effective formal institutions in such a way that they neither violate formal rules nor produce divergent outcomes. Accommodating informal institutions operate in ways that alter the effects of formal institutions without violating their rules. Competing informal institutions enable actors to ignore and violate ineffective formal institutions and produce divergent outcomes. Substitutive institutions replace failed and ineffective formal institutions and seek to produce outcomes

⁵ Julia R. Azari and Jennifer K. Smith, ‘Unwritten Rules: Informal Institutions in Established Democracies’, *Perspectives on Politics* 10/01 (2012), pp. 37–55. Available at: <http://doi.org/10.1017/S1537592711004890>. Gretchen Helmke and Steven Levitsky, ‘Informal Institutions and Comparative Politics’, *Perspectives on Politics* 2/4 (2004), pp. 725–740.

⁶ Indra De Soysa and Johannes Jütting, ‘Informal Institutions and Development, Think Local, Act Global’, presented at the International Seminar on Informal Institutions and Development – What do we know and what can we do?, *OECD Development Centre and Development Assistance Committee* (2006). Available at: http://instruct.uwo.ca/economics/317b-570/Institutions_worldbank.pdf.

⁷ Kellee S. Tsai, ‘Adaptive Informal Institutions and Endogenous Institutional Change in China’, *World Politics* 59/01 (2006), pp. 116–141. Available at: <http://doi.org/10.1353/wp.2007.0018>. Patrick Köllner, ‘Informal Institutions in Autocracies: Analytical Perspectives and the Case of the Chinese Communist Party’, *GIGA Working Papers* 232 (2013). Available at: <http://www.econstor.eu/handle/10419/81134>.

⁸ Köllner, ‘Informal Institutions in Autocracies’.

⁹ Azari and Smith, ‘Unwritten Rules’.

¹⁰ Helmke and Levitsky, ‘Informal Institutions and Comparative Politics’.

compatible with formal rules and procedures. Similar to complementary institutions, substitutive informal institutions are employed by actors who seek outcomes compatible with formal institutions (Table 1).¹¹

Table 1: A Typology of Informal Institutions

Source: (Helmke & Levitsky, 2004)

| Outcomes | Effective formal Institutions | Ineffective formal Institutions |
|------------|-------------------------------|---------------------------------|
| Convergent | Complementary | Substitutive |
| Divergent | Accommodating | Competing |

A variant of substitutive informal institutions are ‘informal adaptive institutions’, which are defined as ‘regularised patterns of interaction’ characterised by informal coping strategies and novel operating arrangements devised by actors to replace extant formal institutions that are no longer effective.¹² Tsai’s definition builds on the typology provided by Gretchen and Levitsky to theorise the processes by which informal institutions emerge, change and eventually formalise.¹³ Tsai suggests that when interests converge between the enforcers of formal institutions and creators of informal strategies, adaptive informal institutions emerge and thrive.

Instead of focusing on rule-based institutions, there is need to shift the attention towards informal institutions and the ways in which formal institutions can be adjusted or evaded through the conception of creative responses or what is coined as ‘informal adaptive institutions’.¹⁴ Contrary to the teachings of Max Weber, informal institutions do not lead to bad governance but can actually help pave the way for rule-based governance and formal institutions.¹⁵ As such, the shift towards ‘rule-based’ and ‘relationship-based’ institutions necessitates an analytical shift from formal institutions to informal institutions, taking into account the interplay and interactions between both.¹⁶ Therefore, instead of vilifying informal institutions and prioritising formal ones, informal institutions should be portrayed as ‘vehicles for change’ and conducive to influential outcomes.¹⁷

¹¹ Helmke and Levitsky, *Informal Institutions and Democracy*.

¹² Tsai, ‘Adaptive Informal Institutions and Endogenous Institutional Change in China’. Köllner, ‘Informal Institutions in Autocracies’.

¹³ Tsai, ‘Adaptive Informal Institutions and Endogenous Institutional Change in China’.

¹⁴ Ibid. Köllner, ‘Informal Institutions in Autocracies’.

¹⁵ ‘An Upside Down View of Governance’, *Institute of Development Studies*. ‘Societies, States and Citizens: A Policymaker’s Guide to the Research’, *Centre of the Future State* (Brighton, 2010). Available at: <http://www2.ids.ac.uk/futurestate/pdfs/Future%20State%20DRC%20Policy%20Briefing%20SSC10.pdf>.

¹⁶ ‘An Upside Down View of Governance’, *Institute of Development Studies*.

¹⁷ Ibid. Tsai, ‘Adaptive Informal Institutions and Endogenous Institutional Change in China’.

It is often that marginalised communities such as refugees and their host communities create informal mechanisms to adapt to the difficulties in gaining access to services provided through formal mechanisms, either because they are costly, ineffective or absent.¹⁸ Failures in governance, in the form of ineffective and inefficient structures, leave these groups unable to satisfy their basic needs. Coupled with a lack of an institutional setting to voice demands, government exclusion and dire socio-economic settings force the marginalised groups and ‘disenfranchised’ groups to act as a collective force utilising alternative and informal modes or ‘uninstitutionalised and hybrid social activities’ in an effort to improve their living conditions.¹⁹ They carry on their daily lives, exerting acts of ‘silent encroachment’, ‘self-enactment’ and ‘self-assertion’, relying on self-help and resilience mechanisms.²⁰

The coping mechanisms devised by marginalised groups emerge in terms of focal points and become entrenched in society as a result of repeated and diffused interactions or bargaining.²¹

Informal Mechanisms among Syrian Refugees in Lebanon

Syrian refugees in Lebanon and their host communities often find themselves in a considerably vulnerable position in regards to accessing services, a situation compounded by the shortfall in the ability of the Lebanese government to provide these services – specifically to refugees and the poor – and the clientelistic nature of service delivery in Lebanon.²² The majority of refugees reside in informal urban and peri-urban areas. 82 percent are informally renting, by and large, sub-standard houses and previously derelict places such as depots and garages. International organisations and other charities provide rental support, thus creating an informal rental market estimated at around \$1 billion.

There are indeed striking levels of resilience among the Syrian refugees – and Palestinian refugees – as well as among their host communities in Lebanon. This is largely based on their reliance on a myriad of mechanisms, including formal and informal options provided by various actors to ensure ‘decent’ access to public and social services.²³

¹⁸ Asef Bayat, ‘Un-Civil Society: The Politics of the “Informal People”’, *Third World Quarterly* 18/1 (1997), pp. 53–72. Available at: <http://doi.org/10.1080/01436599715055>. Nasser Yassin, Rima Rassi and Nora Stel, ‘Organized Chaos: Informal Institution Building among Palestinian Refugees in the Maashouk Gathering in South Lebanon’, *Journal of Refugee Studies* (2016, in press).

¹⁹ Bayat, ‘Un-Civil Society’.

²⁰ Ibid. Hans-Joachim Lauth, ‘Informal Institutions and Democracy’, *Democratization* 7/4 (2000), pp. 21–50. Available at: <http://doi.org/10.1080/13510340008403683>.

²¹ Tsai, ‘Adaptive Informal Institutions and Endogenous Institutional Change in China’. Helmke and Levitsky, ‘Informal Institutions and Comparative Politics’.

²² Melani Cammett and Sukriti Issar, ‘Bricks and Mortar Clientelism: Sectarianism and the Logics of Welfare Allocation in Lebanon’, *World Politics* 62/03 (2010), pp. 381–421. Available at: <http://doi.org/10.1017/S0043887110000080>.

²³ ‘Investigating Grey Areas: Access to Basic Urban Services in the Adjacent Areas of Palestinian Refugee Camps in Lebanon’, UNDP and UN-HABITAT (2010). Available at: <http://www.undp.org.lb/communication/publications/downloads/fullstudy-InvestigatingGreyAreas.pdf>. ‘Profiling Deprivation: An Analysis of the Rapid Needs Assessment in Palestinian Gatherings Host Communities in

Those are the mechanisms that do not stem from official public or private regulatory systems recognised by the government.

Looking deeper into the processes of seeking such public and social services, it is evident that refugees rely on multiple mechanisms involving formal, semi-formal and informal methods. Indeed, any one resident may tap into several different routes in order to access just one single service. Some of the informal structures that facilitate access to basic services include building connections with local figures (or 'wasta' as known in the Middle East), illegally digging a communal well, receiving healthcare from a local community organisation, or getting financial assistance from apolitical groups. In some instances, seeking family support and borrowing from family members is the only way. Coping strategies used by refugees are essentially built on a range of adaptive informal institutions that are outside the regulatory frameworks of government.

What Can Be Done?

The current situation necessitates a shift in the architecture of the response to the refugee crisis. At the core of it is altering the focus from formal to informal institutions. This means putting emphasis on the 'function' not 'the form' of institutions and moving from 'rules-based' to 'relationship-based' drivers for behaviour. As Helmke and Levitsky indicate, it is paramount to recognise and even celebrate informal institutions, whether those complementary to the rigid formal institutions or the substitutive ones that aim at achieving the same goals as weak formal institutions. Informal institutions and mechanisms should not be at odds with formal ones but rather cajoled to complement the latter's apathy or inadaptability. Embracing institutions as inherently relational ultimately means that analysts and policy-makers have to recognise that it is 'the accumulation of informal interactions between local state and non-state actors' that can provide 'both the impetus and legitimising basis' for eventual reform or formalisation.²⁴

Lebanon', UNDP and UN-HABITAT (2014). Available at: <http://unhabitat.org/?wpdmact.process&did.MTI2Mi5ob3RsaW5r>.

²⁴ Tsai, 'Adaptive Informal Institutions and Endogenous Institutional Change in China', p. 118.

Host State Responsibility and Capacity in Egypt, Morocco and Turkey

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Introduction

Compared to the vast literature on migrant and refugee integration in Europe and North America, we know relatively little about how host countries in the Middle East and North Africa region (MENA) – and developing countries more broadly – choose to treat refugees: whether to offer access to residency, employment and services, or to treat them with exclusion. Three assumptions embedded within the extant literature on migration to developing countries account for this lack of knowledge.

First, the literature assumes an impermanence of refugees residing in developing host states. Refugees in transit are thought to only be aiming for Western democracies – Europe, North America, or Australia – and any country crossed while en route is assumed to be a place of temporary residence. This viewpoint provides an incomplete picture that misses many of the nuances underpinning the realities of contemporary migration to and through developing countries.

Second, the literature assumes that refugees are warehoused against their will in camps managed by the United Nations Refugee Agency (UNHCR), thus allowing for little interaction with the host population or government. In actuality, the majority of refugees no longer live in camps: more than half of the world's refugees, and all migrants for that matter, live in urban areas.¹ In the Middle East specifically, the vast majority of refugees reside outside of camps in either urban or rural areas where they are likely to have a great deal of interaction with host country nationals and host state authorities.

The final misconception is a mischaracterisation of host states themselves as low-capacity, meaning that states are not capable of engaging with or providing services to refugees. As stated by Betts, 'with relatively porous borders, limited capacity to deport, and a clearly defined legal obligation not to forcibly return refugees to their countries of origin if they

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¹ Patricia Ward, 'Refugee Cities: Reflections on the Development and Impact of UNHCR Urban Refugee Policy in the Middle East', *Refugee Survey Quarterly* 33/1 (2014), pp. 77–93.

face persecution, these neighbouring states have little choice but to host refugees.²² In other words, developing states do not have the capacity to prevent migration, and thus must accept their role as temporary host countries. In a similar vein, Hollifield states that ‘in Africa and the Middle East, which have high numbers of migrants and refugees, there is a great deal of instability, and states are fluid with little institutional or legal capacity for dealing with international migration.’²³

State capacity does not, in and of itself, determine host state responses to refugees; rather, states make strategic calculations based on incentives involved about when and how to engage refugee populations. Through an examination of the refugee-hosting situations in Turkey, Egypt and Morocco, I propose a reconceptualisation of host state responsibility and its relationship with host state capacity.

Turkey

Since the beginning of the Syrian crisis, Turkey has attempted to manage the refugee influx on its own terms, though the government had no way of anticipating that the number of Syrian refugees would rise to nearly three million in five years. Unable to receive full refugee status because of Turkey’s geographical reservation to the 1951 Refugee Convention, Syrians are entitled to temporary protection in Turkey. While refugees of other nationalities must register with local authorities to receive residency and with UNHCR to be considered eligible for resettlement, Syrians are only permitted to register with Turkish authorities for all aspects of protection.

The desire to control the Syrian crisis is also reflected in Turkey’s initial reluctance to accept international aid in dealing with the refugee influx. An individual at a UN agency in Ankara explained: ‘The government, at the beginning of the crisis, was clear that they would provide all the services. So there wasn’t much space for international agencies.’²⁴ This has changed in the last two years as more international organisations have been permitted to operate inside Turkey. However, a representative of the International Organization for Migration (IOM) explained that, nonetheless, ‘Turkey is providing all the assistance and they are in the driver’s seat, so our role as IOM and UN is much more to support the work of the government.’²⁵ Turkey’s leading role is also reflected through financial allocations; the Turkish state has spent between \$9 and 10 billion as of May 2016, primarily directed towards the government-run refugee camps established in the country’s southeast.

While Turkey experienced refugee influxes throughout the 1980s, 1990s and 2000s, it was not until 2013 that the country adopted comprehensive domestic legislation with Law no. 6458 on Foreigners and International Protection. Importantly, the new law transferred

²² Alexander Betts, *Global Migration Governance* (Oxford: Oxford University Press, 2010), p. 13.

²³ James F. Hollifield, ‘The Emerging Migration State’, *International Migration Review* 38/3 (September 2004), p. 905.

²⁴ Author interview with the Emergency Coordinator, UNICEF, Ankara, Turkey (29 May 2015).

²⁵ Author interview with the Program Coordinator, UNHCR, Istanbul, Turkey (11 May 2015).

responsibility over migration affairs, including refugees, from the Turkish police to a newly-created civil body, the Directorate General for Migration Management (DGMM). Turkey has invested substantial manpower and financial resources into the new DGMM, which the director of a prominent civil society organisation described as ‘ambitious’.⁶

Yet, Turkey’s desire to appear capable of managing the Syrian situation through the DGMM and the Disaster and Emergency Management Agency (AFAD) is not necessarily in line with the government’s institutional abilities. While the government has biometrically registered 2.7 million refugees, UN officials and NGOs indicated that the Turkish government had not been collecting enough information during registration, only focusing on basic biometrics. This is potentially detrimental in terms of conducting vulnerability assessments – done by the government instead of UNHCR – for the purpose of targeted aid or selecting individuals for resettlement. In order to manage such a large population, the government has attempted to minimise the internal movement of Syrians by only providing full access to services for those who remain in their city of initial registration or in camps, even though Syrians are spread throughout the country, even in major cities like Istanbul, Ankara and Izmir.

Despite any known limitations, projecting the image of Turkey as a high-capacity state is critical in the Justice and Development Party’s (AKP) relations with Europe. The government has underlined its capability at every opportunity during the ongoing negotiations between the European Union (EU) and Turkey in order to demonstrate the extent to which the country has invested in hosting Syrians, and to emphasise that the EU needs to offer further aid in the name of burden-sharing.

Egypt

A host to at least 267,000 refugees, including 140,000 to 240,000 Syrians, Egypt tends to turn a blind eye to its refugee population and generally refrains from providing state-funded services directly to individuals. Given the many political and social challenges facing the country, refugees are often treated as ‘one more problem’ that the government would rather not have to deal with. But ambivalence in terms of service provision does not mean that the Egyptian state is unaware of certain gains derived from hosting refugees.

First, international migration organisations like UNHCR and IOM, in addition to smaller migrant-focused international NGOs, bring in international funding that also translates into development funding for the broader Egyptian populace. These entities also directly provide essential services for refugees that the Egyptian government might otherwise have to provide itself.

The perverse incentive to keep refugees reliant upon international aid is illustrated through the residency permit system. When conducting interviews in 2014, refugees of all nationalities described the increasing difficulties faced when trying to obtain a residency permit

⁶ Author interview with the Founder and Director, Helsinki Citizens Assembly, Istanbul, Turkey (15 May 2015).

in Egypt. One Eritrean refugee complained: ‘Before the revolution [the permit] was for one year or even more, but after the revolution it’s always for six months.’ In response to a question about whether the state would consider lengthening this time period, a government official explained that ‘extending it towards one year or more means that the government may be responsible for normalising the situation of refugees, without being equipped with international help in this regard.’⁷ Egypt has little incentive to officially integrate refugees if doing so may mean less international aid channeled into the country.

Yet, there is an important exception to Egypt’s hands-off approach. When Syrians began arriving en masse in 2012, former President Mohamed Morsi announced that all Syrian children residing in Egypt would be enrolled in public schools regardless of their UNHCR status, and that Syrian families could access Egyptian public hospitals for free; services that are not automatically granted to other refugee nationalities. This was particularly surprising as Syrians constituted the largest group of refugees in Egypt at the time. If a lack of capacity had been preventing Egypt from extending state services to other groups, then one would expect this to be an even bigger challenge with the large Syrian population.

It became clear, in hindsight, that this decision was politically motivated by former President Morsi’s desire to show solidarity with Syrian opposition forces. However, following the Egyptian military coup in July 2013, Syrians in Egypt became the subject of a government-organised media campaign that referred to the group as ‘terrorists’, allied with the Muslim Brotherhood and Morsi supporters.

In other words, the Egyptian state was willing to demonstrate its hosting capacity by extending services to Syrian refugees – the largest group of refugees in Egypt – as a result of perceived political gains, though this left Syrians in a precarious situation when the subsequent regime turned against them.

Morocco

Unlike other countries in the region, Morocco has received relatively few refugees from other MENA states over the last ten years, and the overall UNHCR figures for refugees in Morocco are quite low. The majority of migrants residing in Morocco are from sub-Saharan Africa, most of whom do not qualify for official refugee status. According to a 2010 study, 76 percent of sub-Saharan migrants residing in Morocco at the time – approximately 30,000 individuals – were irregular.⁸ Nonetheless, Morocco provides an interesting case through which to examine host government capacity because of its 2013 policy shift.

⁷ Author interview with a deidentified individual, Ministry of Foreign Affairs, Cairo, Egypt (11 November 2014).

⁸ Mohamed Khachani, ‘Le Tissu Associatif et Le Traitement de La Question Migratoire’ [The Associative Fabric and the Treatment of the Question of Migration], *Federation Internationale des Societes de La Croix Rouge et des Croissants Rouges* (2010).

In August 2013, GADEM, a migration-focused NGO, compiled a highly critical report on the status of migration in Morocco. This report provided the basis for a more condensed publication by the Moroccan National Human Rights Council (CNDH), and presented during a closed session between the council and the government. Shortly thereafter, on 9 September, representatives from GADEM presented their report in Geneva at an international forum. The next day, King Mohammed VI announced his plans for migration policy reform, which would include a regularisation process for irregular migrants, and the government – as opposed to UNHCR – taking on responsibility for refugees.

This timeline of events has led GADEM and other civil society organisations to conclude that the primary motivation behind the King's announcement of reform was to avoid international shaming: Morocco despises humiliation on the international stage. Organisations also cite Morocco's mobility partnership with the EU that was signed in June 2013 as another incentive behind the timing of the reform. A third explanation suggested by civil society groups is Morocco's desire to play a leading role in Africa, both economically and geopolitically. If Morocco wants to take on a leadership position, then it must put on a welcoming face towards migrants from African countries.

As a result of the reform, those involved with migrant protection in Morocco differentiate between the pre- and post-2013 governmental approach to migration. However, even after 2013, the government continues to rely on civil society service provision, sometimes leading to an uncomfortable power dynamic.

For example, Caritas, a Catholic international NGO (INGO) that provides health services to migrants and refugees, was forced to temporarily close its largest operation in Rabat after state authorities arrested irregular migrants near the Spanish border and deposited them at the Caritas office. The director explained how the decision to temporarily close its operation was a difficult one to take but acted as a necessary statement to Moroccan authorities.⁹ Even with official legislation in place, the distribution of responsibilities between the government and civil society actors in Morocco remains tenuous.

Conclusion

Host state capacity and host state perceptions of responsibility need to be critically assessed from the vantage point of all relevant actors – refugees, NGOs, and government officials – to better understand the current dynamics of the refugee crisis in the MENA region. While Western donor states and international migration bodies like UNHCR and IOM continue to push for host state responsibility, governments may have differing views of the appropriate division of labour between themselves, INGOs, and NGOs. Often this division of labour is informal and occurs in the absence of national legislation or formal agreements. If national legislation is in place, like in the cases of Turkey and Morocco, it may be composed of regulations and policies that suffer from implementation failures. While it may sometimes be advantageous for host states to appear capable,

⁹ Author interview with the Director, Caritas, Rabat, Morocco (19 March 2015).

as demonstrated by Turkey's handling of the Syrian crisis, other states like Egypt find it more advantageous to rely on international aid and development funding to manage their refugee situation.

Whether and how states choose to take responsibility for refugees – as opposed to leaving the task to international actors – may also depend on the origin of the refugees themselves, in as much as these groups can provide geostrategic advantages to the host country. Supporting Syrian refugees has been useful to both Turkey and Egypt because of perceived international gains, whereas these host states do not derive the same benefit from other refugee populations. The same is true for Morocco and sub-Saharan migrants, particularly as most of these individuals do not fit the parameters of the 1951 Refugee Convention and the Moroccan state could more easily neglect them without large reputational costs. However, if Morocco wants to position itself as a leader in West Africa in order to encourage trade and gain regional political clout, then supporting these populations is beneficial.

In the case of all three host states – Egypt, Morocco and Turkey – geostrategic imperatives and international perceptions appear to be driving decisions more than the capacity of each host state. Capacity is therefore not only an empirical reality but also a perception that can serve strategic purposes, and this influences the choices that host states make regarding refugee responsibility.

Relations Between UNHCR and Arab Governments: Memoranda of Understanding in Lebanon and Jordan

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Introduction

Most countries in the Middle East are not signatories to the 1951 Refugee Convention and do not have a comprehensive and effective legal framework for asylum, yet they are among the largest refugee-hosting countries in the world. Regional mechanisms for refugee protection are also lacking. However, refugee protection in these countries does not operate in a complete legal vacuum. In addition to international human rights treaties and relevant domestic legislation, bilateral Memoranda of Understanding (MoUs) signed between UNHCR and host governments such as Egypt, Jordan and Lebanon regulate the main aspects of refugee protection.

This paper looks at the MoUs signed by UNHCR with the governments of Jordan and Lebanon in 1998 and 2003 respectively. It suggests analysing the asylum policies reflected in the MoUs and to what extent they were implemented in practice. It also looks at whether the MoUs are adequate instruments to respond to the challenges of the large-scale displacement situations faced by the two countries since 2003.

Overview of the MoUs

Jordan signed the MoU with UNHCR in 1998.¹ UNHCR had been operating in the country without any legal framework since 1991 following the refugee influx resulting from the first Gulf War. In 1997, a Cooperation Agreement granted UNHCR the immunity and privileges necessary for the conduct of its activities and paved the way for the signature of the MoU in 1998. The MoU adopts a refugee definition similar to the one adopted by the 1951 Refugee Convention (Article 1) and declares Jordan's commitment to international standards for refugee protection (Article 5). It explicitly recognises the principle of *non-refoulement* (Article 2) and refugees' right to remain in the country temporarily (Article 5). Jordan also committed to respect refugees' freedom to practice their religious beliefs without discrimination (Article 6), their right to access courts and legal aid (Article 7), right to work (Articles 8 & 9) and exemption from overstay fines and departure fees (Article 10). Refugee advocates considered that the MoU fell short of guaranteeing most of the Convention rights and did not bring any change to existing legislation, which already guarantees the same rights, sometimes in a larger scope.²

¹ 'Memorandum of Understanding between the Government of the Hashemite Kingdom of Jordan and UNHCR', *The Official Gazette of the Hashemite Kingdom of Jordan* 4277, 3 May 1998.

² Ayman Halasa, 'The Legal Status of Non-Palestinian Refugees in Jordan', *Mutah Lil-Buhuth wad-Dira-*

Lebanon signed the MoU with UNHCR in 2003.³ Prior to that date, UNHCR had been operating on the basis of a gentlemen's agreement with the Lebanese authorities and struggled to find ad hoc solutions for refugees in the country. However, a significant rise in the detention and deportation of refugees as of 1999 forced UNHCR to enter into lengthy negotiations with the Lebanese authorities, which resulted in the signing of the MoU. The MoU was welcomed as a first step for the protection of refugees, most importantly because it recognised for the first time the right to remain in Lebanon for persons with a fear of return to their countries of origin. It was however criticised for failing to provide sufficient protection for refugees, especially that it did not mention the principle of *non-refoulement* and restricted its scope to asylum seekers who register with UNHCR within two months of their illegal entry to Lebanon (Article 1).⁴

The 'State-to-UN Responsibility Shift' as a Means to Prevent Local Integration

The MoUs are viewed as alternative protection regimes that provide a legal framework to regulate the status of refugees in Jordan and Lebanon. Their scope was however limited to finding temporary humanitarian solutions for non-Palestinian refugees without offering a durable solution.

The MoUs establish that both states are 'transit countries' that do not to assume responsibility for refugees' protection on the long-term. The MoU with Jordan declares the country's intent to strengthen its asylum institution (Article 2) and establish a domestic asylum system in the future (Article 14). On the other hand, Lebanon's MoU clearly stipulates that Lebanon does not consider itself an asylum country due to social, economic and demographic considerations and to the presence of Palestinian refugees. It goes as far as to specify that the term 'asylum seeker' shall mean 'a person seeking asylum in a country other than Lebanon' (preamble). The obligation to naturalise and integrate refugees is indeed the main political concern voiced by Jordanian and Lebanese authorities in refugee policy, along with the fear of facilitating the permanent settlement of Palestinian refugees.

The main purpose of the MoUs is therefore to shift the responsibility of refugee protection from host states to UNHCR in what Michael Kagan calls the 'state-to-UN responsibility shift'.⁵ UNHCR is responsible for adjudicating asylum applications, granting refugee status,

sat 21/2 (2006); Khair Smadi, 'Towards Adopting a Legal Asylum System in Jordan', *Fahamu Refugee Legal Aid Newsletter* 11 (January 2011). Available at: <http://www.refugeelegalaidinformation.org/sites/srlan/files/fileuploads/FRLAN11Jan2011.pdf>.

³ 'Memorandum of Understanding between the General Directorate of the General Security and the Regional Office of UNHCR regarding the treatment of persons seeking asylum with UNHCR office in Lebanon, Decree Number 11262 of 30 October 2003', *The Official Gazette of the Republic of Lebanon* 52, 13 November 2003.

⁴ 'Statement on Lebanon-UNHCR Memorandum of Understanding', *Frontiers Center* (November 2003). Available at: http://www.frontiersruwad.org/pdf/FR_Public_Statement_MOU_Nov_2003.pdf.

⁵ Michael Kagan, "'We Live in a Country of UNHCR'". The UN Surrogate State and Refugee Policy in the Middle East', *UNHCR New Issues in Refugee Research* 201 (February 2011). Available at: <http://www.unhcr.org/4d5a8cde9.pdf>.

securing a durable solution and meeting the socio-economic needs of refugees. Host states' obligations are limited to tolerating refugees' presence temporarily on condition that they can be resettled to a third country.⁶ These temporary legal stays are distinct from regular residency schemes, and do not grant eligibility for long-term residence or for naturalisation.

As such, the MoUs mainly impose responsibilities on UNHCR. The most problematic aspect in this regard is that they commit UNHCR to an obligation – the resettlement of refugees – for which it is not the decision maker. Resettlement countries, who are technically not parties to the MoUs, have an absolute discretion to accept refugees' relocation.

This model of state-to-UN responsibility shift has been prevailing in the Middle East since the 1950s when Arab states transferred the responsibility for the relief of Palestinian refugees to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as a means to guarantee their right of return to Palestine and their non-integration in host countries. However, unlike UNHCR, UNRWA is not mandated to find durable solutions for refugees but is limited to providing aid until such a solution can be found. As such, the MoUs may have established an unprecedented legal anomaly in the dynamics of UN versus host state responsibilities.

An Informal Regime of 'Tolerance'

The MoUs do not provide sufficient guarantees for the protection of refugees but they grant host states a large margin of discretion on how to fill these gaps. It can be argued that this discretion encouraged host states to show a certain degree of leniency, often referred to as a 'regime of tolerance'.⁷ They often adopted a flexible approach towards the prolonged presence of refugees through inconsistent and ad hoc protection measures, while at the same time blocking prospects for permanent settlement.

The degree of tolerance, however, appears to be determined by the level of involvement of the international community in searching for durable solutions. For example, Lebanese officials justify the prolonged detention of refugees by the fact that it creates an incentive for resettlement. Similarly, Jordan's mass deportation of hundreds of Sudanese refugees in December 2015 came at a time when there was little international interest in them.⁸ Both countries are concerned that a favourable refugee regime would create a pull factor for

⁶ Lebanon limits refugees' stay to a maximum of one year starting from registration (Articles 5 & 9). Jordan limited it to six months starting from UNHCR recognition of refugee status (Article 5). In 2014, the MoU was amended to extend the time limits from six months to one year for legal stay, and from 30 to 90 days for the refugee status determination for detained asylum seekers. See: Khetam Malkawi, 'Gov't, UNHCR Sign Amendment to Cooperation Memo', *The Jordan Times*, 31 May 2014. Available at: <http://www.jordantimes.com/news/local/gov%E2%80%99t-unhcr-sign-amendments-cooperation-memo>.

⁷ Jeff Crisp, Jane Janz, José Riera and Shahira Samy, 'Surviving in the City: A Review of UNHCR's operations for Iraqi refugees in urban areas in Jordan, Libya and Syria', *UNHCR PDES* (July 2009). Available at: <http://www.refworld.org/docid/4d1d93672.html>.

⁸ 'UNHCR Operational Update, Jordan', *UNHCR* (February 2016). Available at: <https://data.unhcr.org/syrianrefugees/download.php?id=10564>.

refugees in the region⁹ and reduce the chances of their resettlement. This regime of ‘tolerance’ mainly relies on maintaining refugees in a precarious status and subjecting them to exclusionary policies that ensure their visibility to the international community and their invisibility to the local population. This can be measured in the following aspects:

- **Non-refoulement:** Persons recognised by UNHCR to be in need of international protection are not automatically protected by the host states from *refoulement*. Both MoUs imply that host states maintain the discretion to deport a recognised refugee following the expiry of the time limit stipulated in the MoU. In practice, authorities have shown a relative flexibility regarding these time limits but maintain the threat of *refoulement* at all times. In addition, both Jordan and Lebanon rely on a systematic practice of prolonged administrative detention in order to force refugees to return to their countries of origin and, at the same time, pressure UNHCR to secure faster resettlement.
- **Legal status:** Refugee status granted by UNHCR does not automatically grant legal residence or stay in the host country. The MoUs stipulate that refugees registered with UNHCR can obtain a temporary legal status pending their resettlement, but refugees have rarely benefited from this status. In Lebanon, they can obtain a circulation permit valid for a maximum of one year, but these permits were not systematically issued by the immigration authorities. In Jordan, the Ministry of Interior adds its stamp to UNHCR refugee card, but UNHCR often delayed this certification process until resettlement can be secured. As a result, refugees have a precarious legal status in the host countries and are treated similar to other migrants. Despite the absence of systematic or mass arrests, refugees are constantly at risk of arrest for immigration violations.
- **Right to work:** Under the MoUs, UNHCR has the primary responsibility to meet the socio-economic needs of refugees (Article 11 Jordan, Article 14 Lebanon). Refugees’ access to work is severely limited as a means to restrict their capacity for self-reliance and to maintain them in constant dependency on international aid. The official discourse refers to host countries’ need to prevent labour competition and unemployment. As a result, refugees often resort to making a living in the informal market among the economically marginalised local communities. Authorities show a relative leniency towards these forms of unauthorised foreign labour, but this isolates refugees from formal economies and puts them at risk of arrest for working illegally.

Challenges of Large-Scale Displacement

At the time of signature of the MoUs, there were less than 5,000 registered refugees and asylum seekers with UNHCR in Jordan¹⁰ and around 3,000 in Lebanon.¹¹ The MoUs

⁹ Lebanon included a provision in the MoU whereby UNHCR, in its capacity as a regional office, commits to address the problem of asylum seekers prior to their arrival to Lebanon (Article 19).

¹⁰ ‘Refugees and Others of Concern to UNHCR’, *UNHCR* (1998). Available at: <http://www.unhcr.org/statistics/unhcrstats/3bfa31ac1/refugees-others-concern-unhcr-1998-statistical-overview.html>.

¹¹ ‘2003 Global Refugee Trends’, *UNHCR* (15 June 2004). Available at: <http://www.unhcr.org/40d015fb4.html>.

were therefore not designed to respond to situations of large-scale forced migration or to protracted refugee situations.¹²

As a result, the MoUs were inadequate tools to respond to the mass influx of refugees from Iraq after 2003 and Syria after 2011. In both instances, UNHCR adopted group-based mechanisms, which suspended the individual processing of asylum applications and resettlement. This resulted in a de facto partial suspension of the MoUs, at minimum regarding the expectation of swift resettlement. Jordan and Lebanon, however, continue to hold on to the MoUs as working documents.

In response to the Iraqi refugees' influx, Jordan¹³ and Lebanon¹⁴ adopted restrictive policies, which refused to consider Iraqis as 'refugees' and denied them legal status, subjecting them to arrests, prolonged detention and ultimately *refoulement* when resettlement could not be secured.

However, the countries' response to the Syrian refugees' influx exceeded their commitment under the MoUs. Jordan considers Syrians to be 'refugees',¹⁵ although it does not require a durable solution to be found within the MoU time limit. According to UNHCR, this provision only acts to establish that the stay in Jordan is temporary.¹⁶ Yet, in 2014, the Jordan MoU was amended to extend the time limits, indicating a clear intention from the government to maintain its refugee policy in the framework of the MoU despite challenges to its implementation. Lebanon, on the other hand, considers that the Syrian refugee crisis falls outside the scope of the MoU and refers to Syrian refugees as '*nazihun*', a term that usually refers to internally displaced persons. In this context, both countries increased their involvement in the responsibilities that were transferred to UNHCR by the MoUs, mainly to control registration. Jordan is operating its own registration process for Syrian refugees and imposed limitations on UNHCR registration.¹⁷ Lebanon gradually

¹² The Jordan MoU specifies that both parties would establish a coordination mechanism to respond to the emergency when a situation of mass influx arises (Article 12) while the Lebanon MoU did not foresee such a situation.

¹³ Jordan signed a Letter of Understanding with UNHCR in April 2003 establishing a temporary protection regime for Iraqi refugees in safe facilities in the border area, mainly in Al-Ruwaihed refugee camp. See: 'Letter of Understanding between the Government of the Hashemite Kingdom of Jordan and the Office of UNHCR', *UN Treaty Series* 2222 (15 April 2003), p. 207. Available at: <https://treaties.un.org/doc/Publication/UNTS/Volume%202222/v2222.pdf>.

¹⁴ Lebanon rejected the temporary protection and prima facie regimes for Iraqis and expected UNHCR to resettle all Iraqi refugees. See: Samira Trad and Ghida Frangieh, 'Iraqi Refugees in Lebanon: Continuous Lack of Protection', *Forced Migration Review Special Issue* (June 2007). Available at: <http://www.fmreview.org/sites/fmr/files/FMRdownloads/en/FMRpdfs/Iraq/15.pdf>.

¹⁵ Saleh Al-Kilani, 'A Duty and a Burden on Jordan', *Forced Migration Review* 47 (September 2014). Available at: <http://www.fmreview.org/syria/alkilani.html>.

¹⁶ Susan M. Akram et al, *Protecting Syrian Refugees: Laws, Policies, and Global Responsibility Sharing* (Boston University School of Law, 2015). Available at: <http://www.bu.edu/law/files/2015/07/FINALFullReport.pdf>.

¹⁷ In July 2014, Jordan requested UNHCR to stop issuing asylum seekers certificates for those who left the camps without government approval (i.e. without providing a sponsor as part of the bailout program). See: 'Regional Analysis: Syria Q4 2014, 1 October–31 December 2014', *Strategic Needs Analysis Project* (2014). Available at: <http://www.acaps.org/country/jordan/special-reports#container-682>;

instructed UNHCR to limit the number of registered Syrians until it finally prohibited UNHCR from registering new refugees in May 2015.¹⁸

Both countries have also adopted some favourable protection measures in this context:

- **Legal status:** Jordan considers registered Syrian refugees to have legal stay. Lebanon, on the other hand, adopted restrictive regulations in January 2015,¹⁹ which resulted in a loss of legal status for more than two-thirds of Syrian refugees. Lebanon granted some refugees a legal stay on the basis of UNHCR certificates in return for a pledge not to work. This was the first time that UNHCR registration granted refugees the right to stay in the country outside the scope of the MoU.
- **Refoulement:** Lebanon suspended the deportation of refugees from Syria (including Palestinians) since August 2012. Although some isolated cases were reported,²⁰ it is the strongest commitment Lebanon has ever shown to the principle of *non-refoulement*. This is nonetheless hindered by a systematic policy of issuing deportation orders against Syrians, which are not forcibly executed but result in a loss of legal status and the risk of criminal prosecution.²¹ In Jordan, several instances of deportation of refugees from Syria have been reported, including children, injured people and Palestinian refugees from Syria.²² It appears that deportees are sent back to opposition-held areas where violence is widespread.²³

Luigi Achilli, 'Syrian Refugees in Jordan, a Reality Check', *Migration Policy Center, European University Centre* (February 2015). Available at: http://cadmus.eui.eu/bitstream/handle/1814/34904/MPC_2015-02_PB.pdf?sequence=1&isAllowed=y.

¹⁸ 'Inter-Agency Information Sharing Portal, Lebanon Country Page', *Syria Regional Refugee Response*. Available at: <http://data.unhcr.org/syrianrefugees/regional.php>.

¹⁹ Filippo Dionigi, 'The Syrian Refugee Crisis in Lebanon: State Fragility and Social Resilience', *LSE Middle East Center Paper Series 15* (February 2016). Available at: <http://www.lse.ac.uk/middleEastCentre/publications/Paper-Series/2016/FilippoDionigi.aspx>.

²⁰ 'Submission by UNHCR for the OHCHR Compilation Report Universal Periodic Review: Lebanon', *UNHCR* (March 2015). Available at: <http://www.refworld.org/docid/5638627ad.html>; 'Lebanon: Syrian Forcibly Returned to Syria', *Human Rights Watch*, 7 November 2014. Available at: <https://www.hrw.org/news/2014/11/07/lebanon-syrian-forcibly-returned-syria>; 'Two Syrians Disappear, Feared Deported', *Human Rights Watch*, 17 February 2015. Available at: <https://www.hrw.org/news/2015/02/17/lebanon-2-syrians-disappear-feared-deported>.

²¹ Ghida Frangieh, 'Forced Departure: How Lebanon Evades the International Principle of Non-Refoulement', *Legal Agenda*, 29 December 2014. Available at: <http://www.english.legal-agenda.com/article.php?id=675&lang=en>; 'No Escape: Civilians in Syria Struggle to Find Safety Across Borders', *Norwegian Refugee Council and International Rescue Committee*, 13 November 2014. Available at: <http://www.nrc.no/?did=9187319>.

²² 'Submission by UNHCR for the OHCHR' Compilation Report – Universal Periodic Review: Jordan', *UNHCR* (March 2013). Available at: <http://www.refworld.org/docid/513d90172.html>; Regional Analysis: Syria, supra at 17; 'Jordan: Vulnerable Syrian Refugees Forcibly Returned to Syria', *Human Rights Watch*, 23 November 2014. Available at: <https://www.hrw.org/news/2014/11/23/jordan-vulnerable-refugees-forcibly-returned-syria>.

²³ 'Jordan: Syrian Medical Workers Deported', *Human Rights Watch*, 8 December 2014. Available at: <https://www.hrw.org/news/2014/12/08/jordan-syrian-medical-workers-deported>.

Conclusion

The refusal of Jordan and Lebanon to assume long-term responsibility for refugees is the major obstacle against establishing a stable and favourable refugee protection regime. The MoUs did not provide sufficient guarantees for refugees, nor did they establish mechanisms to deal with large-scale displacement. They are limited to finding temporary solutions to refugees during their transit through Jordan and Lebanon.

The state-to-UN responsibility shift operated by the MoUs limits host states' responsibility for refugee management and protection. Yet, in practice, Jordan and Lebanon have adopted informal asylum regimes that exceed their MoUs commitments. These are characterised by ad hoc measures of tolerance towards the prolonged presence of refugees on their territories while maintaining dependency on the international community and obstacles against local integration. This is generally achieved through exclusionary and dehumanising policies that ensure refugees' visibility to the international community while simultaneously maintaining their invisibility to the local population, such as encampment, detention, precarious legal statuses and confinement to informal economies.

Currently, host states are committed to maintaining these MoUs as the only legal framework for their refugee policies, despite the challenges to their implementation, as evidenced by Jordan's recent amendment. The magnitude of the Syrian crisis has, for the time being, blocked all attempts for legal change. The renegotiation process for a new Lebanon MoU is on hold, so is Jordan's draft law for a comprehensive asylum regime. In this context, the international response to the Syrian refugee crisis will shape future refugee policies in the Middle East.

A key aspect of these policies is the dynamics between the principles of host states responsibility and that of global responsibility sharing. The MoUs and their imperfect implementation tell us that host states are willing to provide minimum protection to refugees as long as their long-term responsibility visibly lies elsewhere and as long as the international community is seriously engaged in finding a durable solution.

In this context, the state-to-UN responsibility shift acts as a means to operate the principle of shared responsibility. A new approach to the concept of host state responsibility and to the division of responsibilities between host states and the international community is therefore needed, beyond the traditional approaches limited to assessing host states' capacity or uncompliant legal frameworks.

Syrian Refugee or Stateless Refugee: The Challenges of Statelessness in Exile

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Introduction

Rabia, a Syrian refugee in Lebanon, lives out of wedlock with a man who regularly beats and abuses her. After fleeing Syria, her husband disappeared and her neighbour threatened to hurt her son if she did not move in with him and do as he says. Rabia fell pregnant with her abuser's child and her daughter was born stateless. Syrian law doesn't allow her to pass her nationality to her baby, and with no legal link to a father, the baby could not become Syrian. Rabia is also worried about going back to Syria, especially with the many checkpoints that she would have to cross in Lebanon on her way there. Rabia's daughter is stateless, and therefore Rabia cannot leave.¹

Rabia's story is not unique. Statelessness² is a challenge and a threat in any country, however, when families and individuals become displaced, the risks and consequences increase substantially. The Syrian refugee context has become protracted and has brought with it a convergence of different factors that make it a perfect platform for statelessness risks and consequences to be heightened. These factors include containing a large population of already stateless refugees, discriminatory nationality laws, complicated personal status regulations of neighbouring countries and state officials extremely sensitive to the two words 'nationality' and 'refugee'. Especially with no clear vision as to what a future 'Syria' will look like and what a future 'Syrian national' will embody, the need to understand and address the risks families like Rabia's face is paramount. This paper aims to explore in greater detail how the nexus between displacement and statelessness has become problematic among the displaced from Syria, and to look at ways the humanitarian response to the Syria crisis allows better understanding of the problems of statelessness.

The information in this paper mainly stems from a project being carried out by the Institute on Statelessness and Inclusion and the Norwegian Refugee Council, that looks at how emergency response organisations respond to the challenges of statelessness and the risk of statelessness in the displacement context, and what they could be doing to resolve some of these issues. The project takes a regional perspective but this paper is based on the information obtained from field research in Lebanon.

¹ The name and some of the information of this story have been modified to protect the identity of the family.

² The international legal definition of 'statelessness' is: 'A person who is not considered a national by any State under the operation of its law.' Article 1 of the 1954 Convention on the Status of Statelessness.

The paper will look at three sets of groups within the displaced population: the general refugee population, those at high risk of statelessness and the stateless refugees.

The General Refugee Population

The majority of refugees, including children born in exile, hold Syrian nationality, and the risk of statelessness is non-existent or marginal. However, experience from other refugee situations around the world demonstrates how the recognition of nationality for some refugees following protracted displacement and/or for children born in exile can have consequences. An example of this could be the case of Liberia, where there are reports of the government refusing the return of some refugees as they are no longer able to prove their link to the country. The consequences of not protecting this link through documentation can hamper future efforts to realise durable solutions.

As part of the ongoing humanitarian response in Lebanon, it seems this is slowly beginning to be understood. There are many good examples of what is being done to prevent statelessness among the general population – humanitarian organisations are seeing the documentation of the displaced as a priority. Counselling, legal assistance and public awareness campaigns on documentation are rife.³

Obstacles to this however remain on several fronts, some of the main being:

- There remains a lack of understanding among some stakeholders and authorities that the documenting of a refugee population plays no role in the eventual naturalisation of that population in the host country. Lebanon has a very sensitive view towards naturalisation,⁴ however it is yet to be made clear that documenting the population does exactly the opposite – it confirms their Syrian nationality.
- Public awareness among the displaced population on the civil registration procedures is limited. In Lebanon the procedures differ significantly to those in Syria, and are much more complicated. These procedures become increasingly difficult to navigate when families are in a precarious situation and not prioritising registration of events such as marriages and births. Some processes, such as birth registration, have a temporal deadline which leaves little space for mistakes when families are unaware of the procedures.
- Most importantly, even when individuals are aware of the procedures and have no obstacles accessing them, the most predominant obstacles to accessing the civil registration system are the complexities of the Lebanese infrastructure, mostly prohibitive fees and requirements and the lack of uniformity of regulations across organisations. Registering a birth, for example, involves five steps and each step requires different

³ Some examples of organisations carrying this work out are: UNHCR, the Norwegian Refugee Council (NRC), Frontiers Ruwad, the Lebanese Organization of Studies and Training (LOST), Oxfam, Caritas, INTERSOS.

⁴ For more information on this sensitive issue see: Laura vanWaas, 'Citizenship, Statelessness and the Numbers Game in Lebanon', *Tilburg Law School* (December 2014). Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2550734.

documents and fees to be paid.⁵ If these steps are not completed, then the case will have to be taken to court – often a prohibitively costly and lengthy process.

Another development is the questions surrounding the ‘new’ documents appearing – mainly those produced by the Syrian Coalition (Ptilaf) but also by Islamic State (IS). Here, we see the development of regional politics of the (de)legitimation of regimes being played out through the (un)recognition of certain documents. Some Lebanese religious judges of particular ideologies are accepting Ptilaf documents, for example, some Syrian sheikhs in Lebanon have even given themselves the authority to produce these documents, where in other areas possessing these documents is seen as highly fraudulent. Some figures in Aarsal are accepting IS documents, which would be fraudulent in most other areas. The Lebanese government does not accept these documents. However, their acceptance and/or the (de)legitimation of them are decisions that are being made locally on an ad hoc basis.

The High Risk Groups

Due to the law and policy framework which applies to the displaced – in Syria and in the host country – a small minority of refugees find it increasingly difficult to protect their enjoyment of Syrian nationality. Factors which have created a heightened risk of statelessness for a small sub-set of the Syrian refugee population include gender discrimination in the nationality law of Syria and, as discussed above, the barriers obstructing birth/civil registration for some children in refugee-hosting states. As a result, there are significant challenges accessing nationality for, among others:

- **Children born within female-headed households:** Only a male can pass his nationality on to his child in Syria. In Lebanon twenty percent of Syrian refugee households are headed by women – where the male head is not present.⁶ When there is no valid and legal proof of the female’s marriage to a Syrian national, the children of these female Syrian refugees are at risk of becoming stateless,
- **Undocumented:** Many families come to Lebanon without any documents, they may have left them behind or lost them during flight. Additionally, there were many reported cases of the loss of documents taking place in Lebanon – especially as the informal tent settlements, which are particularly susceptible to floods and fires. Alongside this, there are many couples and families who had never obtained documents in Syria – such as official marriage or birth certificates. Being undocumented makes it incredibly difficult to access further documents.
- **Children of Palestinian Refugees from Syria:** There are an estimated 45,000 Palestinian refugees who have fled from Syria registered with the United Nations

⁵ For extensive information on the obstacles to birth registration see: ‘Birth Registration Update’, *Norwegian Refugee Council* (2015). Available at: http://www.nrc.no/arch/_img/9192872.pdf.

⁶ ‘Lebanon: Refugee Women from Syria Face Heightened Risk of Exploitation and Sexual Harassment’, *Amnesty International* (2016). Available at: <https://www.amnesty.org/en/press-releases/2016/02/lebanon-refugee-women-from-syria-face-heightened-risk-of-exploitation-and-sexual-harassment/>.

Relief and Works Agency (UNRWA) in Lebanon.⁷ Difficulties arise when they have children born on Lebanese territory. In order to register their child with UNRWA, they can only do this through the office in Syria, which can be a complicated and often impossible procedure.

- **Children turning 15 in Lebanon:** When a Syrian child turns 15, he must obtain the Syrian identity card. However, as a refugee in Lebanon, they are unable to do this as they might be unable to access the Syrian authorities. Even if they come from a family that is well-documented, they will not be able to obtain an ID.
- **Refugees not registered with UNHCR:** There are no official statistics, however media reports have cited that the number of Syrians living in Lebanon who have not registered with UNHCR range between 200,000 and 400,000, with the figure growing as registration has stopped.⁸ When looking at other historical examples of the identification of refugees for return policy, for example for the Black Mauritians in Senegal,⁹ UNHCR registration is often at the forefront of identifying individuals who had fled.

Stateless Refugees

Some of those displaced were stateless prior to the crisis. UNHCR states that approximately 0.2 percent of Syrian refugees registered in Lebanon have been identified as stateless which translates into several thousands. However, the actual number is probably much higher due to the low level of self-identification and as many of them will not have registered with UNHCR. The main stateless groups that were identified are:

- Stateless Kurds (*Ajanib* and *Maktoumeen*): The Stateless Kurds are a minority of Kurds in Syria and their descendants who were denationalised in 1962.¹⁰
- *Maktoumeen*: The *maktoumeen* are families who were never registered in Syria for generations – initially and predominantly for reasons of avoiding military service or being excluded from inheritance.
- As a consequence of the gender discrimination in Syrian nationality law, although no statistics exist, those who may have been born in Syria or, as in the case of Rabia's daughter, in exile.
- There are anecdotal reports by Syrian refugees claiming that the Syrian government

⁷ 'Refugees from Syria: Lebanon', *UNHCR* (2015).

⁸ Dalya Mitri, 'Challenges of Aid Coordination in a Complex Crisis: An Overview of Funding Policies and Conditions Regarding Aid Provision to Syrian Refugees in Lebanon', *Civil Society Knowledge Center, Lebanon Support*, 5 March 2014. Available at: <http://cskc.daleel-madani.org/paper/challenges-aid-coordination-complex-crisis>.

⁹ For more information on the issue of Mauritians stateless refugees see: 'The World's Stateless', *Institute on Statelessness and Inclusion* (December 2014), p. 115. Available at: <http://www.institutesi.org/worldsstateless.pdf>.

¹⁰ For more information on this group please see: Zahra Albarazi, 'The Stateless Syrians', *Tilburg Law School Research Paper* 11 (2013). Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2269700.

have rejected their attempts to renew documents as they are ‘no longer citizens’, believing it was because they were part of the opposition groups.¹¹

For the individuals who have the labels of both stateless and refugees, which includes tens of thousands in Lebanon alone, the full consequences of this status are yet to be identified or understood.

Conclusion

In a country where authorities are hyper-sensitive to the issue of nationality and naturalisation, organisations have distanced themselves from that controversy and are practically working on the issue. Work on the general prevention of statelessness and access to civil documentation for refugees is incredibly developed and having tangible results on the ground. However, there are still major gaps in ensuring all refugees are documented, in aiding groups that are at high risk of statelessness, and in ensuring the protection of rights of the stateless.

Long before the start of the Syrian conflict, the situation of stateless persons residing in Lebanon was dire – they are denied access to many basic rights such as the right to work in the formal sector, access to social security or to sit official school exams.¹² Being stateless and a refugee complicates the issue even further. The main challenges that they identified were that they had to enter the country illegally, restricted movement inside the country due to checkpoints and their inability to access other documents. As well as the potential problems of return to Syria that a stateless refugee may face, not being able to prove Syria as their country of origin, local integration into a community that is already highly hostile to both the stateless and refugees may be incredibly difficult. Additionally, other consequences, such as in the case of Rabia the fear of leaving the village or return to Syria, are substantial consequences of this lack of status.

¹¹ Syrian nationality law gives the state broad powers to deprive nationality – for example, nationality can be withdrawn due to prolonged absence from the country.

¹² For more information on the human rights situation of the stateless in Lebanon see: ‘Invisible Citizens, A Legal Study on Statelessness in Lebanon’, *Frontiers Ruwad* (2009). Available at: http://www.refugeelaidinformation.org/sites/srlan/files/fileuploads/Invisible_Citizens_-_A_Legal_Study_on_Statelessness_in_Lebanon_Nov_2009.pdf; and ‘The Statelessness in Lebanon: Between Shame and Shadows’, *Legal Agenda* (2016). Available at: <http://english.legal-agenda.com/article.php?id=741&lang=en>.

Gendered Vulnerability and Forced Conscription in the War in Syria

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Introduction

Any thoughtful examination of the last five years of fighting in Syria raises questions about how we think about gender, and particularly men, during conflict.¹ The media and reports by non-governmental associations repeatedly report that 75 percent of Syrian refugees are women and children. What they fail to do, however, is examine the statistics. Just over 50 percent of the refugees are children, and thus slightly less than 50 percent are adults. The statistics also show, with variation among host countries, that about half the adults are women and half are men; thus indeed, some 75 percent of the refugees are women and children. But equally, 75 percent of the refugees are men and children. Yet that statistic is never cited as significant, nor is it used to stir empathy for the refugees or create policy and programming.

Why are we so unwilling to describe men as vulnerable or in need of protection? It is true that the vast majority of those engaged in the fighting are men – whether on the side of the Syrian regime or among the myriad of armed opposition groups. But what about the millions of men who have chosen not to fight? Understanding the choices made by those men who remove themselves – and their families – from conflict allows a window into the lives of a much larger portion of Syrians. These people tell a very different story about the conflict in Syria, and they too should be represented, their experiences respected, and assistance programmes developed for them. In cases of conflict, as is ongoing in Syria, a more holistic approach to understanding gendered vulnerabilities will allow us to

Much of this research was conducted with Abbie Taylor (formerly of ISIM, Georgetown University) and funded by Georgetown University grants. I have worked with her and Emma Murphy to develop the ideas, written work, and bibliography for the larger project on Syrian men fleeing conscription and military service, on which this work is based.

¹ Cynthia Enloe's early work described how 'womenandchildren' are lumped together, collectivising them as victims or vulnerable. See: Cynthia Enloe, *The Morning After: Sexual Politics at the End of the Cold War* (University of California Press, 1993). Later scholars developed our understanding of subjects such as 'gendercide', in the work of Adam Jones. See: Adam Jones, 'Pity the Innocent Men: We are Outraged when Innocent Women and Children are Injured or Killed in War Zones, yet the Slaughter of Civilian Men Raises Nary a Complaint', *The Globe and Mail*, 20 Feb 1999; and R. Charli Carpenter, 'Recognizing Gender-Based Violence against Civilian Men and Boys in Conflict Situations', *Security Dialogue* 37/1 (London: Sage Publications, 2006), pp. 83–103. More recently, internet-based writings have addressed some of the issues of males fleeing conflict and men as victims. See: <https://politicalviolenceataglance.org/2013/07/11/male-victimhood-in-armed-conflict/>.

develop better programming for men, which will only improve the abilities of women and children, indeed all Syrians, to weather war, displacement, unemployment, exploitative circumstances, illness and trauma.

Understanding why men choose to not fight in the conflict also provokes us to think about how host governments, the UN system and the international community might better deal with non-combatant men. This is not to suggest that men should be prioritised over women, children or any of the other categories that address those needing assistance. But it is to suggest that better consideration of the plight of men of military age² would allow humanitarian actors to play a critical role in removing people from combat – both potential or real combatants and victims. Given the roles that international actors are playing in fueling and/or observing the fighting and the inability or unwillingness of the international community to stop the conflict, helping to provide solutions for individuals who choose not to fight is a small but important step that the humanitarian aid community could take.

According to international law, non-combatant men are civilians, just as are the women, children and elderly who have fled the fighting.³ And yet, in the last five years, we have seen host governments prevent them from crossing into their countries legally out of fear that this male demographic brings the conflict with them and endanger their own citizens.⁴ Similarly, post-2014, migration flows have seen both a disproportionate number of men entering via Italy and Greece and expressions of concern about what this demographic will mean for Europe.⁵

In short, the last five years have seen men of military-age considered by virtue of their gender as potential combatants and/or a source of danger and instability. This demographic characterisation means that even if a man does not have weapons and is not engaged in fighting, he is assumed, at the very least, to be willing or able to fight. He is therefore seen either as an asset or a threat – to the regime, the opposition movements or

² Here, the term ‘military-age men’ means men aged 15–55, based on the Syrian regime’s designation during the Homs evacuations in February 2014. The range may be broader and include all those considered ‘able-bodied’ men. It should also be noted that eligible age for service in the Syrian army has been between 18–42.

³ Non-combatant civilians include those who were never involved in armed conflict. According to international law guidelines, particularly those established after 1999, any armed elements, including ex-combatants, are to be disarmed, separated, and interred by the host state. It is challenging and time consuming, however, for the host state to determine if someone is a combatant or ex-combatant if the person is not wearing military clothing or does not reveal his or her status. Thus, we see broader policies aimed at excluding single men as a broad sweep.

⁴ In Jordan, it has become a de facto policy that single men cannot legally enter the country alone, thus forcing them to either cross with their family members or to try and cross illegally, with all of the dangers that such journeys bring. See the story of a Syrian man named Bashar: Sara Obeidat and Hussam Da’anah, ‘First Days at Azraq Syrian Refugee Camp’, *7iber*. Available at: <http://www.7iber.org/2014/05/arriving-at-azraq-camp/>.

⁵ According to the International Organization for Migration (IOM), migrant men traveling to Europe in the summer of 2015 made up 66 percent of the total. See: <https://www.iom.int/news/mediterranean-western-balkans-update-new-numbers-italy-greece-fyrom>. See also, for example: <http://www.politico.com/magazine/story/2016/01/europe-refugees-migrant-crisis-men-213500>

the governments of host countries. His demographic characteristics trump his ability to define himself as a civilian by his actions and beliefs.

Conscription in Syria

Men of military-age living inside the regime-controlled areas of Syria face mandatory conscription into the Syrian military, beginning at age 18, with the potential to be called for reserve duty until the age of 42 or so.⁶ Prior to the beginning of the uprising, military service was not a huge issue of concern for most Syrian men. Service was what every man did, unless he requested an exemption due to being the family's only son or for medical reasons based on designated health criteria. Other options included, if he had enough money, the purchase of an exemption, which ranged between \$7,000 and \$15,000, depending on his country of residence.⁷ If he was studying at university or college, he received an automatic postponement. Even after graduation, especially if he was working abroad or for the government, he could request another year-long postponement, renewable for up to five years. Once conscripted, men with university degrees were assigned desk jobs that they were often able to avoid with small financial payments to their commanding officers. Men without these educational credentials served the full 18–24 months as soldiers.⁸

Fleeing Conflict

In 2011, the violent response by the regime to the uprising caused many men to reconsider service in the Syrian military. Following the formation of the Free Syrian Army (FSA) in late July 2011, the FSA and other militarised opposition groups' ranks soon filled by men wanting to fight against the regime, and thus deserted from the Syrian military or joined before being formally conscripted or after having served. In addition, the swelling numbers of the internally displaced persons (IDPs) and refugees are filled with men who have fled into the areas of Syria that the regime does not control or into other countries, particularly as the regime's violence spread and intensified.

The statistics on refugees are particularly revealing here. Since mid-2012, they show that men are not staying behind in large numbers to fight, but rather fleeing in nearly equal numbers to women of the same age groups. As of August 2016, the UN Refugee Agency (UNHCR) and the Turkish Disaster and Emergency Management Authority (AFAD) reported 4.8 million Syrian refugees registered with their agencies (2 million more than in 2014). Of that total, 50.3 percent are male, and 49.7 percent are female. Among them,

⁶ 'Military service is compulsory and regulated by law' according to Article 40 of the 1973 Constitution of Syria. For more details as of 2007 see: <http://www.refworld.org/docid/47d6547928.html>. Updates can be found here: <http://www.almjhar.com/ar-sy/NewsView/7/103356.aspx> and

⁷ Information on purchasing an exemption for Syrians outside the country is provided by the Ministry of Foreign Affairs: <http://tinyurl.com/zpn7b21>

⁸ Much of this information was conveyed to me in interviews on the topic with Syrian men in Lebanon and Turkey. Other details about conscription can be found here: <http://www.refworld.org/docid/47d6547928.html>

21.6 percent are men aged 18–59 (1.040 million), while 22.5 percent are women (1.083 million) of the same demographic, a difference of 40,000 more adult women.⁹ However, among 0–17 year-olds, boys make up 27.1 percent (1.305 million) and girls represent 24.8 percent (1.194 million), a difference of 111,000 more boys than girls.¹⁰ Added should be the estimates of numbers killed – varying between 200,000 and 400,000 – with men making up 90 percent of them over the last five years (in large part because they are the ones doing the fighting).¹¹ In summary, there are demographic differences between which age groups have fled the country; however, the overall male/female ratio of Syrian refugees has consistently been almost equal over the years. What the numbers also push us to question is why are there so many more boys than girls under 18 registered as refugees.¹²

Syrian men and women interviewed for this research and living as refugees in neighbouring countries recalled stories from their own families' experiences fleeing Syria.¹³ These accounts shed light on the particular vulnerability of men and boys in conflict, the role of conscription in forced migration and the personal choices people make to not pick up arms.¹⁴ The political ideologies of those interviewed were mixed, but many of them were clear about being unwilling to join the fighting, because they did not believe in what the regime was doing, they saw it as a personal death sentence, or they did not want to pick up arms for anyone. Numerous people said the turning point for them was when an officer knocked on their door with a conscription notice for themselves, their son or brother. A 24-year old man from the village of Jasim now living in Irbid, Jordan said:

‘I left Syria because I wouldn’t go into the army after I saw them occupying cities and killing people. Of course, military service is mandatory, and currently, the army is controlling cities, towns and villages – basically occupying them. I wasn’t in the army, and nor was I involved with the [Free Syrian Army] FSA nothing, other than peaceful protests. In this situation, the security [apparatus] would come and make me a conscript of the army.’¹⁵

⁹ ‘Syria Regional Refugee Response’, *UNHCR*. Available at: <http://data.unhcr.org/syrianrefugees/regional.php> (accessed 4 August 2016). Turkey and Iraq have more male refugees registered than female, while Jordan and Lebanon have more female refugees registered. Iraq has had more Syrian male refugees than female since the movement started, but the higher male numbers are new in Turkey and likely a result of Syrians intending to go to Europe now being stuck in Turkey.

¹⁰ The numbers, rounded up, are from UNHCR statistics on registered refugees, recognising all of the limitations and issues with these numbers, like undercounting of those displaced, etc.

¹¹ All those killed are named and detailed here: <http://www.vdc-sy.info/index.php/en/martyrs>. Based on their records as of 15 April 2016, 10,112 women (+5,189 girls), 106,993 men (+11,026 boys) have been killed (of the men, 68,200 are reported as civilians). Other estimates are available here: <http://scpr-syria.org/publications/policy-reports/confronting-fragmentation/>.

¹² The differences are fairly equally distributed across each of the recorded age groups 0–4, 5–11, 11–17. See: ‘Syria Regional Refugee Response’ (accessed 4 August 2016).

¹³ Research for the project was conducted in 2013–2015 in Jordan, Lebanon and Turkey, and consists of 150 qualitative interviews.

¹⁴ Some accounts are published in Rochelle Davis, Abbie Taylor and Emma Murphy, ‘Gender, Conscription and Protection, and The War in Syria’, *Forced Migration Review* 47 (September 2014), pp. 35–38.

¹⁵ Author interview, Irbid, Jordan (June 2013). For more information on how these interviews were conducted, see Rochelle Davis and Abbie Taylor, ‘Syrian Refugees in Jordan and Lebanon: A Snapshot from Summer 2013’, *Georgetown University* (January 2014). Available at: <http://www.alnap.org/resource/10089>.

Others interviewed were college students whose military exemption had expired, either because their universities were closed, their houses destroyed, or they had to cancel their studies. A few spoke of friends and neighbours whose sons went into hiding or ‘faked’ abduction or death so as to avoid conscription. Additionally, men reported defecting from the Syrian army because they were commanded to fire on Syrian non-violent civilian protestors, among other reasons.¹⁶ For most men of military age, the consideration to stay in Syria meant either taking up arms to fight or trying to avoid the military through legal and illegal means, subterfuge and living on the run. If caught, those avoiding military service face prolonged detention, torture and even execution. Thus, many either chose – or their families forced them – to flee to neighbouring countries or to non-regime-controlled areas within Syria. In addition, because the regime continually changes policies regarding exemptions, reserve duty, conscription, and postponements, and often applies them arbitrarily, many Syrian men express fear and hesitation to remain within Syria and to try to navigate the system legally.

According to at least some of those men who have fled, they tried multiple times to enter the host countries and succeeded by either getting their families to cross with them, or by crossing illegally with or without smugglers, which they often have to do at great risk and expense.¹⁷ Finally, it is nearly impossible to know how many have been unable or unwilling to flee, and how many have been forced to stay in Syria and become embroiled in the fighting.

Vulnerable and Unprotected: Possible Changes

There is no larger policy at present to address men fleeing conscription and fighting put forth by host governments, UNHCR or other humanitarian actors. Those who are able to flee to non-regime controlled areas or to other countries, find safety, at least. However, the few cases of those forced to return, as well as the multiple hurdles men face in trying to flee Syria, especially those put up by host countries, and specific aid programming for

¹⁶ A 25-year old from Dara’a living in Irbid said, ‘I’m a defector from Bashar Assad’s regime, and currently I live in Jordan. I was doing my service in [a particular] battalion. I defected because of the repressive practices used by Bashar’s army towards citizens, beginning with the repression of the protests, attacks on them and the shelling by heavy artillery and warplanes. I live in Irbid because my brother has been here since the beginning of 2011 in order to pursue his studies, and now I live with him.’ Author interview, Irbid, Jordan (June 2013).

¹⁷ ‘Syria’s Northern Border Open to Smugglers for the Right Price’, *Al Akhbar English*, 5 August 2013. Available at: <http://english.al-akhbar.com/node/16643>; ‘Iraq/Jordan/Turkey: Syrians Blocked from Fleeing War’, *Human Rights Watch*, 1 July 2013. Available at: <http://www.hrw.org/news/2013/07/01/iraqjordanturkey-syrians-blocked-fleeing-war>; ‘Growing Restrictions, Tough Conditions: The Plight of those Fleeing Syria to Jordan’, *Amnesty International*, 31 October 2013, p. 10. Available at: <https://www.amnesty.org/en/documents/MDE16/003/2013/en/>; ‘International Failure: The Syrian Refugee Crisis’, *Amnesty International*, 13 December 2013. Available at: <http://www.amnesty.org/ar/library/asset/ACT34/001/2013/ar/8a376b76-d031-48a6-9588-ed9aee651d52/act340012013en.pdf>; and Ursula Lindsey, ‘The Zaatari Refugee Camp’, *The Arabist*, 2 April 2013. Available at: <http://arabist.net/blog/2013/4/2/the-zaatari-refugee-camp.html>.

men are issues host countries, the international community, and aid organisations could address directly with additional policies and programming.¹⁸ Funding that is designated to ‘engage men and boys’ is often billed as ‘Countering Violent Extremism’ (CVE); and while undoubtedly doing important work, such designations continue to envision men as distant, dangerous and potentially something other than what they are.

Understanding the decisions made by Syrian men to flee the fighting involve complex moral choices about who they are as Syrians, as men and as members of families, people with dreams and ambitions and people who have land, jobs, businesses and who love for their country. If they are only intermittently being allowed to flee Syria and into host countries, are such policies encouraging men to stay and thus get embroiled in the conflict? Is the humanitarian aid community, by virtue of not seeing men as vulnerable and not seeing men as civilians, participating in prolonging the conflict? By seeing value in the choices that men make not to fight, those who see themselves playing a role as humanitarian actors can help to develop structures that provide men with more options to remove themselves from the fighting and thus play some role in limiting conflict.

While recognising the funding shortfalls for assisting Syrian refugees and host countries, the benefits of targeting humanitarian support for all civilians, including men, can remove unaccompanied men and young men in particular, from being seen as dangerous in the eyes of host governments. How might we understand the challenges they face fleeing conscription and in choosing not to fight? And what are their ways of thinking about the fighting in Syria, and how might programmes be developed to allow them to remove themselves from the fighting?

In specific, humanitarian and other aid programming could work with the governments of host countries to develop programmes for men and provide training for security personnel at border posts to make sure unaccompanied men and boys can flee Syria and become contributing members of camps and urban areas in which refugees reside. Psychosocial and community support could include outreach to men living alone or with their families, increased subsidies from the international community for volunteerism and vocational training and accredited secondary and higher education opportunities in neighbouring countries. Most importantly, the international community needs to prevent a lack of targeted programming from exacerbating vulnerabilities and creating a situation where men of fighting age are confronted once again with the danger of becoming entangled in the conflict in Syria, rather than contributing to the country’s future that lies beyond the conflict. Ultimately, we need to remember the long-term benefits of ending the conflict and subsequent displacement of people across borders.

¹⁸ Lewis Turner, ‘Explaining the (non-)Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan’, *Mediterranean Politics* 20/3 (2015), pp. 386–404.

The Syrian Humanitarian Disaster: Understanding Perceptions and Aspirations in Jordan, Lebanon and Turkey

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Introduction

Syria can be described as both a refuge state and a refugee producing nation. This modern historical fact has had a profound influence on the way that neighbouring states and their people have responded and reacted to the current humanitarian crisis. The international humanitarian aid regime in its 21st century incarnation has again been caught out, unprepared and curiously unresponsive to the perceptions and aspirations of both those seeking refuge and the host communities providing it. This paper sets out to explore the disparity in perceptions and aspirations among forced migrants, members of hosting communities and humanitarian aid practitioners and policymakers. It is based on fieldwork in Turkey, Lebanon and Jordan between September 2014 and September 2015.

The Making of a Refuge State in Syria

Five times in modern history, Syria and its peoples have received and accommodated massive influxes of forced migrants. In the 100 years between 1850 and 1950, Syria received several million forced migrants from the contested borderlands with the Imperial Russian and Ottoman Empires. At the close of the Crimean War (1853–1856), and the following two Ottoman–Russian Wars in the 1860s and 1880s, more than 3 million forced migrant Tatars, Circassians, Chechens, Abkhaza, Abaza, and other related ethnic groups entered the Ottoman provinces of Rumeli (the Balkans), Anatolia, and the Arab regions of Bilad al Sham (Greater Syria).

As World War I drew to a close, as many as half a million Armenians found refuge in Syria settling among their co-religionists in Aleppo, Damascus and Beirut. When the modern Republic of Turkey was established in 1923, 10,000 Kurds from Turkey fled across the border into Syria, choosing to escape from the forced secularism of Kemal Ataturk's new Turkey. The Inter-War French mandate over Syria saw a continuation of these processes, with waves of Assyrian Christians entering the country in the 1930s seeking asylum and safety after the British had given up their mandate over Iraq in 1932. All these forced migrants were granted citizenship in the new Syrian state. And then, in the late 1940s, Syria was the safe harbour for over 100,000 Palestinians fleeing the 'Nakba' at the time of the creation of the state of Israel. Between 1975 and 1989, Syria harboured hundreds of thousands of Lebanese fleeing civil war in their homeland. It is hardly an

exaggeration to say that the modern ‘truncated’ Syrian state, carved out of Greater Syria by the League of Nations in 1920 and granted full independence in 1946, was a place of refuge for hundreds of thousands, if not millions, of ethno-religious groups uprooted from their homelands near and far as a result of war, arbitrary lines drawn across maps, and ethno-sectarian strife.

In the summer of 2006, Syria admitted over a million Lebanese refugees when Israel invaded south Lebanon. A year later the steady trickle of Iraqis seeking refuge in Syria became a flood when over 1 million Iraqi refugees entered the country and were hosted as ‘temporary guests’ and brother Arabs. As long as they and other refugees from Afghanistan, Sudan, Somalia, and Eritrea conducted their business without crossing any Syrian Ba‘athist state ‘red lines’, they were tolerated and treated in much the same manner as Syrian citizens. The Syrian institution of hospitality meant that, until 2011, the international humanitarian aid regime did not have to deal with a mass influx into Europe of Iraqi or other refugees from the Arab world.

The Unmaking of a Refugee State in Syria

Then, a decade into the 21st century, Syria disintegrated into extreme violence. The speed with which the country emptied of nearly 20 percent of its population left the humanitarian aid regime in turmoil as agencies struggled to respond to the growing displacement crisis on Syria’s borders. Each country bordering Syria has responded differently to this complex emergency: Turkey set up its own refugee camps for the most vulnerable groups, but generally supported self-settlement and Syrian civil society activism; Lebanon refused to allow the international humanitarian aid regime to set up formal refugee camps and counted on civil society engagement; Jordan prevaricated for nearly a year and then insisted upon the setting up of a massive United Nations (UN) refugee camp to keep the forced migrants near the border and away from major population centres.¹

Why is Syria’s modern history of relevance to the humanitarian disaster which unfolded in 2011? The UN estimates are that over 70 percent of Syrian refugees crossing international borders are self-settling in cities, towns and villages where they have social and economic networks. This ‘social capital’ has long historic roots that go back to the late period of the Ottoman Empire and its reforms (*Tanzimat*) which encouraged horizontal ties across ethno-religious communities (millets), vestiges of which continued to characterise community and individual relations across modern state borders up to the present era.

In Turkey, most refugees are clustered in the southern region of the country bordering Syria, particularly the Hatay region which was part of Syria until 1938. Circular migration in and out of the region – into Syrian ‘moderate opposition’-held territory is tolerated

¹ Lebanon and Jordan have not signed the 1951 Refugee Convention that sets out principles and responsibilities of states in providing protection and asylum for those deemed to fit the definition of ‘refugee’ according to the 1951 Statutes and the 1967 Protocol. Although Turkey has signed the 1951 Convention, it has reserved its interpretation of the Convention to apply only to Europeans seeking refuge/asylum in Turkey.

by the Turkish government. Despite a general rejection of encampment among those fleeing, some 25–30 percent of the Syrian refugee flow is directed into camps.

In Lebanon, the UN Refugee Agency's (UNHCR) effort to get an agreement to set up refugee camps for Syrians was rejected by the government. Instead, informal settlements often based on pre-existing relationships with 'gang-master' agricultural hierarchies, began to proliferate in the interior agricultural region of Lebanon, the Bekaa Valley and the Akkar region in the north. By 2015 there were over 1,000 informal settlements of displaced Syrians on the margins of towns and villages, and in unused or fallow agricultural fields. These arrangements were generally accompanied by patron–client relationships rather than the more transparent management of humanitarian aid as espoused by the international regime.

In Jordan, since late 2012, self-settled refugees from Syria found to be 'illegally' working were 'deported' into Za'tari camp or other UNHCR settlement. There was no escape from these camps other than by paying to be 'sponsored' by a Jordanian, marrying off a daughter – often underage – to a Jordanian, or being smuggled out and re-entering the liminal state of irregular status.

Mass Influx Precariously Contained Regionally

Turkey, Lebanon and Jordan have each established a variety of temporary measures to deal with this crisis. However, in no case have the displaced or the host communities been consulted. Even the needs assessments which the international humanitarian world and its NGO partners rely on for determining service provisions are based on Western concerns and validate the perceptions of the service providers rather than the 'targeted communities'. Discrepancies are rapidly becoming visible and tensions have emerged between host communities, displaced Syrians and humanitarian policy-makers. The situation is unsustainable and threatens to test the humanitarian aid regimes' preferred 'solution' of containing the crisis within the region. Without significant changes in policy and practice, Syria's forced migrants will continue to leave the region in search of protection, work and education.

Frontiers in the immediate region of the former Ottoman Empire have always been porous. Historic ties between communities across borderlands or to imagined homelands in the Balkans and the Caucuses have meant that movement has constantly crossed frontier zones. The Circassian, Tatar, Kosovar, Bulgarian, Albanian, and other communities dispersed throughout the former Ottoman lands still maintain ties, memories and imagined links to places beyond the immediate neighbouring refuge states of Turkey, Lebanon and Jordan. The contemporary Western policies of 'containment in the region', as a humanitarian template developed over decades of experience in southeast Asia and Africa is being challenged by displaced Syrians on the Eastern Mediterranean. The policy has not kept up with the global nature of mobility and movement, nor with the specific contextual matters among refugees and their host communities. Containment in the region is precarious. It is also at odds with the rights of human beings to seek asylum when they are no longer protected by the state in which they live.

Many Syrians in Lebanon feel that they are not refugees but rather temporarily displaced and awaiting the opportunity to return home. However, they sense a growing level of social discrimination, especially in Beirut. In addition, they now articulate a fear that the Lebanese population associates them with criminality. Many of the Syrians in Lebanon had been working there for many years in construction and agriculture. The imposition of illegal night curfews and vigilantism in over 40 municipalities has left many Syrians afraid to go out at night or to mix with the Lebanese population. Further, older Syrian children are being pulled out of schooling in order to work.

Most of the initial wave of Syrians entering Jordan had kinship ties or well established social networks in northern Jordan, and the hosting of this initial influx was regarded as generous and hospitable. However, the Jordanian government has since restricted entry and prevented some from entering (unaccompanied male youths) and returned others (Palestinian refugees from Syria). The host community in Jordan is bombarded with information regarding the negative influence of Syrian refugees – although the evidence shows that Syrians are making a contribution to the overall economy. There is also widespread acknowledgement that Syrians are skilled workmen, especially carpenters. Employment in the informal sector causes stress for Syrians as, without work permits, they may be arrested, even though they are largely replacing Egyptian, not Jordanians, in the workforce.

Syrians in Turkey come from a variety of backgrounds and social classes. Many Syrians are concerned with the negative imagery of ‘dirty’ and ‘uncouth’ Arabs, commonly articulated by middle class Turks. However, many local Turkish hosting communities have recognised the needs of the refugees and the third sector, including religious organisations, has provided crucial assistance. Poor communication and understanding of the situation of Syrians led to demonstrations, arrests and a dozen or so deaths in 2014. Turkey, with a population of 74 million, is hosting over 2 million refugees from Syria. It beggars belief that Europe, with a population of over 500 million, is unwilling to take a share of the burden.

Conclusion

History matters. The varied responses to the crisis by Lebanon, Turkey and Jordan can be linked to historical social and political relations between Syria and its neighbours. Disparity in perceptions between policy-makers, practitioners and host communities is widespread, but not equally so in the three countries. International aid workers, national NGO workers and local host community members all have differing relations with refugees from Syria.

In Lebanon, the consociational shape of governance, and at times actual lack of a government, has caused paralysis in the UN humanitarian aid system. Thus, effective relief programmes for the most vulnerable of Syrians were very late to start, causing begging and other ‘negative coping’ strategies (pulling children out of school to work, moving into structures unfit for habitation, and relying on former agricultural ‘gang’ masters’ [*shawish*] to be the interface between the UN humanitarian relief system and refugees themselves). In Jordan, the majority of Syrian refugees are closely linked to the Jordanian population,

especially in the north where tribal ties are strong. Education opportunities are limited and many Syrian children are only able attend second-shift schools with an inferior curriculum and reduced hours.

In Turkey, refugee camps set up by the Turkish emergency relief organisation (AFAD) without UN assistance have proved effective. These settlements are open – refugees may enter and leave on a daily basis. By January 2015, it was clear that Turkey – of all the three countries – was far more humane and practical in its approach to the mass influx of refugees from Syria. Social discrimination was at its least public expression and Sufi-based organisations were active in providing assistance at the local community level – mainly food and accommodation. This was not found in Lebanon or Jordan despite the closer linguistic and social ties.

The disparity in perceptions among refugees, members of local hosting communities and practitioners is most pronounced in Lebanon and Jordan where the international humanitarian aid regime is the most active. The engagement of UN frameworks in creating an architecture of assistance built upon templates developed over the past few decades largely among agrarian and poor developing countries. Such policy and practice does not fit easily into the middle-income countries of the Eastern Mediterranean with a refugee population that is largely educated and middle-class. Without a serious effort to make the ‘humanitarian solutions’ fit the context of the Middle East, success will continue to be muted, at best, and damaging at worst. It is ironic that Turkey, the one country which has not requested assistance from UNHCR, seems to have managed the process of providing assistance without undermining refugee agency and dignity.

The separate histories of Turkey and the countries of the Levant have obviously contributed to the disparities in perceptions and, aspirations among refugees, host community members and practitioners in each to the three countries. The moderated engagement of the international humanitarian aid regime in Turkey, but not in Lebanon and Jordan, has also contributed to some of the disparities. Global templates for humanitarian assistance built from experiences in very different contexts and among populations of significantly different make-up are not easily integrated into Middle Eastern concepts of refuge, hospitality, and charity. The close social ties and networks of Syrians in Lebanon and Jordan but not in Turkey (with the exception of the Hatay), have meant that the initial generosity of hosting among relatives in a wide social network has more rapidly given way to hostility and discrimination, unlike the situation in Turkey where fewer Syrians had social networks and the original hosting was based on a religious and ethical sense of duty to the stranger.

Many refugees, members of host communities and practitioners have articulated steps which the international community could take to ameliorate conditions, halt a mass departure from the region, and create conditions for future return to Syria. Most displaced Syrians preferred self-settlement and close interaction with host communities to separate and isolated encampment. Local community drop-in centres offering opportunities for non-formal education, language training, and technical training for the displaced Syrians and the local community were also seen as important measures to help local accommodation and give a future to the current lost generation of youth.

Above all, humanitarian access to Europe, or temporary protection, not resettlement, is the main aspiration for those who feel their situation is unsustainable – to work and educate their youth until such a time as they can return to Syria. In view of the growing hostility in some parts of the Eastern Mediterranean alongside depletion of savings and illegality of employment, Syrians are increasingly looking to Europe for opportunities to save their youth from becoming a ‘lost generation’.

Syrian Refugee Crisis: A Global and Regional Perspective

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Forced Displacement: An Increasingly Prominent Global Issue

In recent years, forced displacement has become an increasingly prominent global issue. The changing scale, complexity and rapid pace of evolution of forced displacement have challenged governance at the global, regional and country levels. There is an increasing recognition of the need to address the underlying causes of movements, to better protect those on the move, to mitigate growing regional security concerns, and to find improved ways of funding international aid for the prevention of conflicts and addressing the consequences of forced displacement.

Ten years ago, there were 38 million people displaced by conflict, today there are over 65 million.¹ While the world is witnessing an increase in new conflicts, old ones are not being resolved. Durable solutions are few and far between: globally, less than 1 percent of refugees are resettled to a third country;² and the number of returning refugees has remained rather low in recent years. As a result, major refugee displacement crises last for an average of 17 years.³

Many reckon that in a world generating \$78 trillion in annual global wealth, insufficient resources have been devoted to preventing conflict and adequately addressing the consequences of forced displacement. The world humanitarian aid budget for 2014 was the largest ever recorded, but it also created the biggest shortfall in history, with just 62 percent of the total needs identified by its annual appeals process actually being funded.⁴

The world and the UN recognise the fact that forced displacement has become a priority global issue deserving urgent attention, an issue now finding the place it deserves in the agendas of the Group of Seven (G7) and the Group of Twenty (G20) meetings and UN International conferences. In 2016 alone such important high-level summits include the London Conference on Supporting Syria and the Region held in early February, the 30 March High-Level Summit on Resettlement and Alternative Pathways of Admission for Syrian Refugees, the World Humanitarian Summit, the upcoming September UN

¹ 'Global Trends: Forced Displacement in 2015', *UNHCR* (June 2016), p. 2. Available at: <http://www.unhcr.org/uk/statistics/unhcrstats/576408cd7/unhcr-global-trends-2015.html>.

² 'Solutions: Resettlement', *UNHCR*. Available at: <http://www.unhcr.org/resettlement.html>.

³ 'Who We Help', *UNHCR*. Available at: <http://www.unrefugees.org/what-we-do/who-we-help>.

⁴ Harriet Grant, 'UN Agencies 'Broke and Failing' in Face of Ever-Growing Refugee Crisis,' *The Guardian*, 6 September 2015. Available at: <https://www.theguardian.com/world/2015/sep/06/refugee-crisis-un-agencies-broke-failing>.

High-Level Summit on Large-Scale Movements of Refugees and Migrants and President Obama Leaders' Summit on Refugees.

A Region in the Eye of the Forced Displacement Storm

There are 19.5 million displaced people in the Middle East and North Africa region,⁵ which continues to host a disproportionate number of conflicts, with the Syrian crisis the largest refugee emergency since World War II.

Whilst over 500,000 Syrian refugees have reached the shores of Europe since 2015, the overwhelming majority of Syrian refugees, 4.8 million, are still in the Middle East region, of whom 253,000 were registered in 2016. There are 13.5 million people in need inside Syria, of whom 6.5 million are internally displaced persons (IDPs).⁶ In Lebanon, one in four persons is a refugee. If the European Union and its over 500 million population were to host a similar proportion of Syrian refugees, this would mean 125 million Syrian refugees in Europe. This number is to be contrasted with the total number of application for asylum in the EU in 2015: 1.26 million.⁷

Considering the situation of Syrian refugees in the Middle East region six years into the conflict, it is clear that the overwhelming majority is contending with increasing disillusionment in the absence of any immediate prospect for a peace agreement in Syria, impoverishment and increasing precariousness.

In late 2015, UNHCR and the World Bank released a joint report entitled 'The Welfare of Syrian Refugees: Evidence from Jordan and Lebanon'.⁸ The report found that 7 in 10 registered Syrian refugees living in Jordan and Lebanon could be considered poor. This number increases to 9 in 10 refugees if the poverty lines used by the respective host countries are considered. Regarding education, there is a real risk of creating a 'lost generation', with 52 percent of Syrian refugee children (5–17 years old) – or 708,000 – now out of school.⁹

Further, as poverty and insecurity rise, negative coping mechanisms have also increased, including child labour, child marriage, and survival sex. The percentage of households employing crisis coping strategies across the refugee-hosting countries rose from 30 percent in 2014 to 52 percent in 2015.¹⁰

⁵ 'UNHCR Statistics: The World in Numbers', *UNHCR*. Available at: <http://popstats.unhcr.org/en/overview>.

⁶ 'UNHCR Data Portal', *UNHCR*. Available at: <http://data.unhcr.org/syrianrefugees/regional.php>

⁷ 'Record Number of Over 1.2 Million First Time Asylum Seekers Registered in 2015', *EuroStat Press Release* (March 2016). Available at: <http://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf>.

⁸ Paolo Verme, Chiara Gigliarano, Christina Wieser, Kerren Hedlund, Marc Petzoldt and Marco Santacroce, 'The Welfare of Syrian Refugees: Evidence from Jordan and Lebanon', *World Bank and UNHCR* (December 2015).

⁹ 'Press Release: \$250 Million Secured for Syrian Refugee Education', *UN Special Envoy for Global Education*, 12 January 2016. Available at: <http://educationenvoy.org/press-release-un-press-briefing/>.

¹⁰ 'Vulnerability Assessment of Syrian Refugees in Lebanon 2015', *UNHCR, UNICEF, WFP* (2015).

In hosting 4.8 million Syria refugees, neighbouring countries have not only displayed outstanding generosity, but also contributed to a global public good. But these countries are reaching a saturation point. Countries in the region have been impacted by the Syrian conflict in terms of export of insecurity and significant loss on trade and tourism revenues. They have also devoted a significant level of national resources to contend with the presence of a large Syrian refugee population.

In January 2016, in its Quarterly Economic Brief, the World Bank estimated that the influx of more than 630,000 Syrian refugees has cost Jordan over \$2.5 billion per year.¹¹ This amounts to 6 percent of the country's GDP and one-fourth of its government's annual revenues. The Jordanian Ministry of Education also recently said that the annual cost of education services offered to Syrian refugee children in Jordan's schools is estimated at 250 million Jordanian Dinar (around \$353 million).¹²

In Lebanon, the negative effect of the Syrian conflict has been massive in security, political and economic terms. In addition, the presence of a large Syrian refugee population has had a marked impact on public services including education, health, energy, water, waste collection and treatment and infrastructure. The population of Lebanon has increased by 16 percent, yet GDP growth was at just 1 percent in 2014 – a nine-point drop since the beginning of the conflict.

Turkey remains the largest refugee-hosting country in the world, currently hosting 2.7 million Syrian refugees and almost 250,000 refugees and asylum seekers of other nationalities.¹³ The strain of hosting millions of refugees for a protracted period of time has taken its toll, stretching the capacities of municipalities and host communities, with Turkey indicating that it has spent over \$10 billion over the past five years.¹⁴

In 2015, funding shortfalls, leading most critically to a significant forced reduction in the provision of food e-vouchers, brought the situation to a breaking point in the region with dramatic movements towards Europe. In hindsight, this phenomenon should have come as a surprise to no one. With growing debts and increased impoverishment of refugees, we saw a clean rupture of the first line response in host countries in the region, most likely in an irremediable fashion. Since mid-2015, Syrians, a significant percentage of whom from Syria itself, have been leaving the region because of loss of hope and a dramatic continued process of impoverishment.

Available at: <https://data.unhcr.org/syrianrefugees/download.php?id=10006>.

¹¹ 'MENA Quarterly Economic Brief', *World Bank* (January 2016). Available at: <http://www.worldbank.org/en/region/mena/publication/mena-quarterly-economic-brief>.

¹² 'Annual Cost of Education Syrian Refugees', *Jordan Petra News Agency* (March 2016). Available at: http://www.petra.gov.jo/Public_News/Nws_NewsDetails.aspx?lang=2&site_id=1&NewsID=242859&CatID=13.

¹³ 'Global Focus – Turkey', *UNHCR*. Available at: <http://reporting.unhcr.org/node/2544>.

¹⁴ Mehmet Cetingulec, 'How Long Can Turkey Afford Growing Refugee Bill?', *Al-Monitor*, 13 May 2016. Available at: <http://www.al-monitor.com/pulse/originals/2016/05/turkey-syria-growing-refugee-bill.html>.

Fully recognising the protracted nature of the Syrian conflict, host countries went one step further in the provision of this public good at the Supporting Syria and the Region Conference in London held in February 2016 by making new commitments for livelihoods and education for all Syrian refugees in tandem with the international community. The London Conference introduced a new formula of ‘commitments for policy change’ focusing on opening up labour markets and increasing economic opportunities for refugees and host communities. In turn, participants agreed to support host countries in areas such as preferential access to external markets, including the revision of tariffs, access to concessional financing and increased external support for public and private sectors job creation.

Of related interest, in January, the International Monetary Fund (IMF) released a report indicating that GDP levels will eventually rise in Europe as a result of the refugee influx.¹⁵ The IMF found that rapid labour market inclusion is key to reducing the fiscal cost associated with the inflow of asylum seekers.

Need for a Fairer, more Equitable Global Responsibility Sharing

At this critical juncture, and today more than ever, there is a need for greater level of international solidarity and a more equitable, fair and sustainable responsibility sharing for supporting Syrian refugees in several respects.

First, the disbursement of the outstanding and unprecedented level of pledges – in the form of \$12 billion in grants and \$40 billion in loans – committed by world leaders at the London Conference for the immediate, medium, and long-term needs of Syria and the region, must be expedited. As it stands, the successive regional refugee responses coordinated by UNHCR since 2012, including the most recent innovative Regional Refugee and Resilience Plan (3RP), have only been funded at a 64 percent level.

Second, the transition from an essential humanitarian response from 2011 to 2014 focused on most immediate life-saving assistance towards a more long-term resilience-based approach must be pursued with sustained vigour. As of 2015, an innovative initiative was set in motion blending humanitarian and resilience responses in support to refugees and local institutions and communities under the 3RP. The London Conference provided further impetus to this strategic shift through policy change commitments. However, without sufficient funding, the policy changes agreed to in London in support of livelihoods and education – such as offering access to education for all refugee children starting with the 2017–2018 school year – cannot be realised.

Third, renewed global efforts are required to increase opportunities for Syrian refugees outside the immediate region through legal routes in the form of resettlement, as well as pathways such as student visas, labour mobility schemes and family reunification. Following the Summit for Legal Pathways for Syrian Refugees held on 30 March 2016 in Geneva, many countries offered to further increase their global resettlement programmes

¹⁵ Shekhar Aiyar et al, ‘The Refugee Surge in Europe: Economic Challenges’, *International Monetary Fund* (January 2016). Available at: <https://www.imf.org/external/pubs/ft/sdn/2016/sdn1602.pdf>.

this year and in the coming years. A number of states affirmed their commitment to family reunification, and several Latin American and European countries announced the establishment of new humanitarian visa programmes, or the expansion of existing ones. Thirteen states confirmed scholarships and student visas for Syrian refugees. Whilst aiming to reach a target of 10 percent of registered Syrian refugees, the current number of legal pathway places has reached 200,000.

Four, ‘frontline states’ are playing a vital role in today’s world, as pillars of regional stability, and they should be prioritised for development assistance and structural support. Yet, in many cases, this had not been occurring up until recently. As middle-income countries, Jordan, Turkey and Lebanon, were not eligible for financial structural support of a concessional nature. As of late, the World Bank has made very significant headways in developing such financial instruments and securing donors’ commitment.¹⁶

Five, global responsibility sharing means that as wide a number of states as possible should be contributing. Currently, there is a disproportionate reliance on refugee-hosting states and a handful number of donor countries. In 2015, 76 percent of UNHCR’s overall income was provided by 10 donors. While UNHCR encourages its ‘traditional’ donors to give even more, what is critically needed is an expansion of countries willing to give. Also, given the number of conflicts occurring in Muslim countries, the potential of Islamic social finance is to be fully explored. The 2016 UN High-Level Report on Humanitarian Financing has prioritised the need to expand the traditional donor base to tap into new sources of wealth, along with expanding partnerships with businesses and the private sector. Businesses and the private sector can also assist with innovation, modernisation of practices and creativity.

And finally, six, another essential component of a fairer and more equitable responsibility sharing is a coherent, well-coordinated and predictable European Union (EU) response for refugees, including Syrian refugees, of which the recent EU–Turkey agreement and promise of significant EU financial support in the range of \$6 billion can only be one component.

Conclusion

Ultimately, only a political solution will bring an end to the conflict in Syria. The current peace process must be given full support by the international community.

However, in the absence of any imminent peace prospect in Syria, it is essential to give traction to the transition towards a more longer-term resilience approach to assist Syrian refugees in the region and beyond, pending the time when conditions in Syria would lend themselves to voluntary repatriation in safety and dignity. The London Conference with the level of international mobilisation it generated, building from the previously important Kuwait Conferences, was a very important milestone to this end.

¹⁶ ‘Support to the Middle East and North Africa Will Amount to US\$20 billion in the Next Five Years’, *Statement of the World Bank President* (February 2016).

Failure to provide the required support to the region and ensure a more equitable responsibility sharing equation in support to Syria refugees would come at an exorbitant cost for the refugees themselves, host countries, and ultimately, global security and stability. There should be no doubt in this respect.

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