

ALEF Position Paper on Solutions to the Syrian Refugee Crisis in Lebanon

Lebanon's challenging priority for solutions securing the rights of Syrian refugees

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Executive Summary



Statistics on the Syrian refugee situation in Lebanon alone defy comprehension and give a sense of the scale of the crisis. Lebanon is the country with the highest concentration of refugees per capita and ranks at the first place in absolute number of Syrian refugees. As of 11 November 2014, 1,128,125 Syrian refugees were registered with the UNHCR, the equivalent to more than a quarter of Lebanon's resident population. The international community and UN agencies have acknowledged the huge and manifold impact this crisis has on Lebanon as a country, praising Lebanon for its solidarity and resilience.

In this context, there is a compelling necessity to design rights based solutions to address the numerous problems Syrian refugees face in Lebanon, solutions that take into account Lebanon's specific challenges resulting from this acute humanitarian crisis. Considering this reality, and based on ALEF's previous and ongoing work documenting the plight of Syrian refugees in Lebanon, this policy paper focuses on the solutions to be envisaged and provides a framework for relevant stakeholders, notably the Lebanese authorities, to implement such solutions. This is particularly critical as there is no end in sight to the war in Syria, and the persistent lack of progress for alternative solutions increases the risk of Lebanese authorities taking decisions undermining refugees' rights and protection. However, to date some may see the discussions over solutions to the Syrian refugee crisis in

Lebanon as an attempt to square the circle due to a combination of factors.

ALEF considers it essential to take into account the lessons learnt from previous State practice in cases of mass influx in order to rethink the current debate on solutions to the refugee crisis in Lebanon. Furthermore, the limited applicability of international refugee law makes the reference to other bodies of norms, notably international human rights law (IHRL) even more relevant in the case of Lebanon. Most importantly, the present *statu quo* is not sustainable and bears the risk of undermining Lebanon's social cohesion and of creating conducive environment for extremism. It is paramount to stress that the situation of mass influx cannot be invoked by Lebanon to violate the principle of *non-refoulement* and core IHRL obligations. Equally important, the international community has a responsibility to assist Lebanese authorities and host communities in dealing with this crisis. Such assistance should take the form of out of the box solutions such as temporary evacuation or resettlements as previous mass influx crisis have showed. Accommodating such responsibilities, UNHCR should intensify the efforts and the advocacy to insure the satisfaction of durable solutions to the crisis.

This policy paper reviews existing legal and policy frameworks pertaining to the protection of refugees that are relevant to design a principled and rights based approach to solutions to the Syrian refugee crisis. It analyses some of the past experiences of mass influx, including the concept of temporary protection, to inform the key components of the national policy supported by the international community that ALEF calls for.

Recommendations

To the Lebanese authorities:

Short term recommendations

- Reiterate the unconditional commitment to the principle of *non-refoulement* and to improve the conditions of Syrian refugees;
- Review the decision to systematically refuse the refugee status to new Syrians entering Lebanon from adjacent areas in accordance to international standards and ensure an assessment is undertaken to determine whether internal flight or relocation alternatives exist in line with guarantees and conditions developed by the UNHCR and the international jurisprudence;
- Continue to provide access of Syrian refugees on the basis of stricter review process in compliance with international refugee law standards, in particular the principle of *non-refoulement* and with human rights law;
- Ensure the review process for the status of refugees already in Lebanon is in line with international standards and done on a case-by-case basis, including when considering internal flight or relocation alternatives and voluntary repatriation;
- Repeal the current *ad hoc* policies adopted by Lebanese security services that amount to discriminatory and arbitrary treatment of asylum seekers and refugees;
- Initiate the necessary steps for the drafting of a national policy to serve as a comprehensive framework to govern admission, status and reception conditions, in coordination

with key relevant actors, notably the UNHCR and taking into account the current discussions on the adoption of a Memorandum of Understanding;

- Ensure consultation processes are envisaged to allow refugees being associated to the design and implementation of that policy;
- Conduct human rights and refugee law training of local municipal officials as well as border officers in partnership with the UNHCR to ensure international standards are respected in the way they deal with asylum seekers and refugees from Syria;
- Consider a greater role to be given to municipalities in the determination of the refugee status in coordination with the UNHCR in line with international standards and include specific training to local officials for that purpose;
- Formalize in Lebanon, including within the national policy, the concept of temporary protection, taking into account the need to respect international law.

Long-term recommendations

- Consider the establishment of small-scale camps in partnership with the UNHCR and the international community in line with international standards. Such camps would allow a more coherent aid delivery and better perspectives of security monitoring to prevent refugee communities from being used as safe haven for armed groups.

To the UNHCR

- Continue and fast forward efforts to review the status of existing Syrian refugees to ensure in line with UNHCR practice and standards and in coordination with the Lebanese authorities;
- Engage in discussions with and assist the Lebanese authorities to draft a national policy on the Syrian refugee crisis;
- Assist the Lebanese authorities in conducting human rights and refugee law training of local municipal officials as well as border officers;
- Continue and intensify advocacy efforts towards states to increase the number of places for Syrian refugees globally on resettlement, humanitarian admission, or other forms of admission.

To the International Community

- On the basis of the recognition of the huge impact the Syrian refugee crisis has on Lebanon and the responsibility of other members of the international community, provide adequate resources to Lebanon in order to address the needs of the Syrian refugees, including through granting development aid to support Lebanese infrastructures affected by the mass influx and therefore tackle the growing concern in the local population;
- Intensify efforts to increase the number of places for Syrian refugees globally on resettlement, humanitarian admission, or other forms of admission, in particular through the activation of the temporary protection EU Directive and agreeing that some of the Syrian refugees are temporarily admitted in EU member States;
- Provide more support to self-reliance activities for Syrian refugees in order to ensure that they are less dependent on assistance and subsidies.

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