

Position Statement of “Refugees=Partners” on Policy Paper for the Return of Displaced Persons

1. Introduction

On July 14, 2020, the Cabinet of Ministers in Lebanon approved the Ministry of Social Affairs (MoSA)’s [Policy Paper for the Return of Displaced Persons](#) to Syria. The paper’s proposals are based on the premise that the immediate return of displaced Syrians will provide relief to the already deteriorating Lebanese economy, and that displaced persons are a threat to Lebanon’s principle of non-settlement. The paper also adds that the expedited return of displaced Syrians or resettlement in a third country is the only viable solution to remedy their alleged detrimental impact on Lebanon, rejecting their integration in any way shape or form.

While Refugees=Partners (R=P) believes in the importance of safe and dignified voluntary return of Syrian refugees, and in the principle of non-refoulement, the media statements that allege that the Syrian territory is secure enough for return and that the regime is unconditionally welcoming displaced Syrians is questionable. The Syrian territory is far from being void of conflict, and does not meet the UNHCR’s 2018 [Protection Threshold and Parameters for Refugee Return to Syria](#).

In addition, of the 88% of [Surveyed Syrian Refugees](#) in Lebanon that expressed their desire to return to Syria, only 4% are considering returning within the next 6 months to 5 years. The volatile security situation in Syria was the leading reason affecting refugees’ decision not to return, followed by the lack of shelter and work opportunities.

R=P is also concerned with MoSA’s reasoning behind promoting the return of Syrian refugees. MoSA’s rationale is based on their assertion that Syrian refugees are aggravating Lebanon’s crumbling economy, despite objective economic studies that have demonstrated the opposite. Taking into account the sizeable humanitarian financial aid that Lebanon receives on an annual basis, the labor they perform, the rent they pay, and their consumption of goods and services, the presence of Syrian refugees have, in fact, contributed to the development of the economy.¹

2. Content of the Return Plan

The policy paper approved by the government is divided into two parts: “Pillars of the Plan” and “Elements of the Plan.” The pillars section defines the purpose of the government’s plan, whereas the elements section defines the roles of the three concerned parties: The Lebanese government, the Syrian government, and international organizations.

The plan is based on the "right of return", and does not acknowledge the rights of refugees. On the contrary, it holds the refugees responsible, as though is their duty to return, in order to avoid resettlement in Lebanon. In parallel, the government refuses their "integration",

which can be described as collective punishment against refugees and the local communities until "their return".

The MoSA's paper is based explicitly on a narrative that holds Syrian refugees responsible for the Lebanese economic collapse, which is a distortion of facts. The economic collapse is, in fact, a result of decades of unsustainable financial policies, waste and administrative corruption. It is not surprising that the government has resorted to adopting a plan which aims to persuade people that it is working to resolve their economic suffering by freeing them from the burden of refugee's presence, while conveniently avoiding accountability for their own responsibility in the crisis.

The plan also clearly establishes the role of municipalities, security authorities, and the Ministry of Labor to reactivate the procedures for prosecution, inspection, and restricting the opportunity for Syrians to work. This brings back the memory of the campaign launched by the Minister of Labor in the Hariri government of 2019 that led to the closure of many shops and the loss of employment within the labor force.

Hence, it is evident that the centerpiece of the government paper negates any subsequent claim that the government plans to guarantee the voluntary and safe return of refugees. In reality, the government is working to forcibly return these refugees to Syria without any guarantees. This is evident in the following:

First: Contradiction with the right of individuals and refugees to protection:

In addition to the "right to asylum", the plan is based on a separation between the procedures for return and the political process in Syria on the one hand, and between coordination with the Syrian government on the other hand.

Syrian refugees fled to Lebanon because of threats to their lives, and their opposition to the Syrian regime. Evasion of military service in the Syrian army is also a main reason for men, and families they support, to remain residing and seek refuge in Lebanon. When the Lebanese government neglects the volatility of the political situation, and simultaneously intends to coordinate with the Syrian regime, a party to the conflict, it is not only violating the refugees' right to protection, but it is also acting as an accomplice in jeopardizing their lives.

This is evident in the government paper itself, especially in the following points:

- The Lebanese government declares its openness for commitment to agreements with the Syrian government.
- The Lebanese government speaks on behalf of the Syrian government regarding the latter's obligations to provide housing, education and hospitalization for the returnees, without addressing the security risks associated with the return.
- The Lebanese paper is based on decisions and actions taken by the Syrian government to "facilitate" the return. This basis contrasts first with the concept of the sovereignty of the two countries; the Lebanese government does not have any authority towards the Syrian government to force it to implement these decrees, therefore, there is no justification for relying on it within an official paper approved by it.

In addition, most of these amnesty decrees were issued in 2011 and 2012 and relate exclusively to crimes and violations before these dates. In any case, they do not mention any details of the crimes that may be used to suppress opponents of the Syrian regime. Likewise, the amnesty decrees remain loose and their issuance does not identify integrated mechanisms for forgiveness between the conflicting parties, or achievement of justice, on the contrary, they constitute an instrument of impunity for the strongest, while the weakest remain subject to retribution and retaliation in various illegal ways, even sometimes through state institutions. In any case, they remain subject to all disguised forms of punishment, including the restriction and suffocation of freedoms and possible violations of fundamental rights.

- The plan refers to the decision to give those who evaded the military service a 6-month deadline to settle their status and to engage in military service. This way, the Lebanese government is directly involved with its Syrian counterpart in the worst repression against opponents of the Syrian regime, not only by exposing them to imprisonment and criminalization because of their opposition, but by forcing them to defend this system by being engaged in its military establishment. It should be noted that evading military service was not covered by previous amnesty decrees after return, and therefore the returnee is liable to re-punishment, with the possibility of more severe conviction due to repetition and persistence.
- The plan indicates the Lebanese government's readiness for security cooperation with the Syrian government, and exchange information between the two sides. In this context, the plan adopts the establishment of a joint Lebanese-Syrian committee, from which other committees would emerge, including a security committee. In addition, the two parties will exchange to facilitate the return of displaced Syrians. The most dangerous item in this context is related to the exchange of information between the United Nations High Commissioner for Refugees (UNHCR), the Ministry of Social Affairs and the General Security as part of the census they are planning on creating. It is necessary here to refer to the agreement "Defense and Security between the Lebanese Republic and the Syrian Arab Republic" adopted on 27/5/1991, which is based on the "Fraternity, Cooperation and Coordination Treaty" between the two countries.
- The immediate implementation of judicial provisions for eviction from Lebanon stands in stark contrast to the principle of "non-refoulement", especially if it is not limited to fixed judgements on the involvement of individuals in armed conflicts and weapons holding inside Lebanon, or with similar crimes of this nature. It is essential to pay attention to the ambiguity regarding the way the military court and security services handled recent terrorism charges held against Syrians during the last period, especially since the preliminary investigations suffer from many gaps due to new information about torture practices by the security services and the army's intelligence. It is worth noting that the Military Court, which is an exceptional court, does not provide any guarantees for fair trials.

Second: Regarding facilitating official papers and administrative transactions:

- The paper indicates a number of facilities related to personal status transactions, births, exemption from certification fees at the Ministry of Foreign Affairs, and obtaining school certificates. However, the approved scenarios seem to be conditional on the desire to return, because all documentation (most of which are related to basic rights that must not be conditional) remains withheld from persons who do not wish to return or whose return poses a real danger to them. The requirement for documentation contradicts the concept of “voluntary return” because the completion of these transactions does not actually depend on the ability of people to pay the fees only, but also on their possession of legal residency and their ability to authenticate their papers at the Syrian Embassy, which requires them to pay in US dollars.

Third: With regard to the ministerial committees:

- The paper deals with the activation of the Ministerial Committee for Displaced Persons, in addition to a committee of general managers representing international organizations and local NGOs. Their mission is to develop projects and set priorities related to various sectors. In effect, they shall submit their proposals to the Ministerial Committee for approval and present them to the donors. In other words, this means converting the work of NGOs into governmental work subject to the administrative hierarchy, which is contrary to their purpose of acting as watchdogs. Through activating the first committee and establishing the second committee, the government aims to control the money that NGOs spend on issues related to refugees and the host community. Furthermore, the policy paper indicates in many areas, strengthening the government's monitoring of international and local organizations in their work with refugees. Thus, through these measures, the government can hinder the work of these organizations and societies and repress their freedom of access to legal documentation by fully directing their work towards facilitating return and even making them a partner in obstructing the refugees from remaining.

Fourth: Concerning the ID card and the description of “displacement”:

- The paper is based on the decision issued on 15/1/1969 related to the establishment of foreigners in Lebanon, aiming to count all Syrians residing in Lebanon and collect information about their place of residence, and track them through the involvement of the municipalities. The census also includes information about their desire to stay or return. It is worth noting that the above decision explicitly indicates that this card does not constitute an alternative to a residency permit in any way, meaning it can only be used to enumerate refugees and determine their place of residence without facilitating the administrative transactions necessary for their travels to and from Lebanon. The card can neither facilitate their work, education, nor guaranteeing their rights. Consequently, this step cannot meet the aspirations of issuing a card of this kind that has been the demand of numerous NGOs.

- The plan refers to "the reclassification of the displaced and the withdrawal of the (displacement) title from those who move between the two countries,". This item lacks a legal basis and background. In such, does the state aspire to withdraw the title of "displacement"? What is the practical meaning of this desire? Is it to close the borders in the sense of preventing displacement to Lebanon? In any case, how could the title of "displaced" be withdrawn later?

Fifth: The Lebanese government is representing its Syrian counterpart:

- In addition to relying on the decrees of the Syrian government, the Lebanese government has also promised to carry out an "awareness campaign" that includes the facilities provided by the Syrian government for the return of refugees. This step shows that the Lebanese government is appointed to speak on behalf of the Syrian government without any guarantees, obliging the Syrian government to implement these promises. On what basis is the Lebanese government promoting, defending and giving trust to the decisions of the Syrian government?

3. Recommendations

In light of the above, R=P is gravely concerned with MoSA's strategy of promoting and enforcing the expedited return of Syrian refugees, and believes that it may have disastrous effects on both the safety and security of Syrians, as well as the deteriorating circumstances of the Lebanese economy.

Forcibly returning Syrian refugees does not only constitute a violation of the principle of non-refoulement, but also produces a non-durable solution for the presence of a population that does not intend to return to a country that is far from conflict-free. Also, eliminating a key economic driver of Lebanon's consumer, labor and renter's market may have calamitous economic outcomes, pushing more of its population further into poverty.

Refugees=Partners urges the Ministry of Social Affairs and the Council of Ministers to reconsider the Policy Paper for the Return of Displaced Persons and before implementing their strategy to:

1. Conduct a thorough study on the impact of Syrian refugees and the effect that their mass voluntary or forced return may have on the Lebanese economy;
2. Undertake a comprehensive survey on the intention of Syrian refugee households to return, to ensure that those returning are doing so at their own discretion; and
3. Clarify the legal rights granted to Syrian refugees through the identity card registration system.

¹ UNDP, & UNHCR. (2015). Impact of humanitarian aid on the Lebanese economy. Retrieved from [undp.org: http://www.lb.undp.org/content/lebanon/en/home/library/poverty/impact-of-humanitarian-aid-undp-unhcr.html](http://www.lb.undp.org/content/lebanon/en/home/library/poverty/impact-of-humanitarian-aid-undp-unhcr.html) ; David, A., Marouani, M.A., Nahas, C., & Nilsson, B. (2018). The economics of the Syrian refugee crisis in neighboring countries. The case of Lebanon. Retrieved from: <https://erf.org.eg/wp-content/uploads/2018/02/Marouani-Anda-Bjorn-Nahas.pdf>.