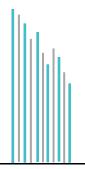


ACCESS TO LEGAL STAY AND LABOR FOR SYRIANS IN LEBANON: STATUS AND PROSPECTS

Drafted by: Chaden El Daif







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Founded in 2018, <u>Refugees=Partners</u> is an independent research-based initiative implemented in coordination between the Lebanese Economic Association (LEA) and the Syrian Center for Policy Research (SCPR), aims at countering negative sentiments against refugees in Lebanon and encouraging policy reforms that protect their right.

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ACKNOWLEDGEMENT

This document has been produced in cooperation with the Heinrich Böll Stiftung - Middle East Office. The views expressed herein are those of the author(s) and therefore cannot be taken to reflect the opinion of the Foundation.

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LIST OF ABBREVIATIONS

DPAR	General Directorate of Political Affairs and Refugees		
EU	European Union		
GoL	Government of Lebanon		
GSO	General Security Offices		
ICESCR	International Covenant on Economic, Social and Cultural Rights		
ICCPR	International Covenant on Civil and Political Rights		
ISF	Internal Security Forces		
LAF	Lebanese Armed Forces		
LCRP	Lebanon Crisis Response Plan		
MoIM	Ministry of Interior and Municipality		
MOSA	Ministry of Social Affairs		
NGO	Non-Governmental Organizations		
NPTP	National Poverty Targeting Program		
OHCHR	Office of the United Nations High Commissioner for Human Rights		
PRL	Palestinian Refugees from Lebanon		
PRS	Palestinian Refugees from Syria		
RSD	Refugee Status Determination		
R=P	Refugees=Partners		
UDHR	Universal Declaration of Human Rights		
UN	United Nations		
UNDP	United Nations Development Program		
UNHCR	United Nations High Commissioner for Refugees		
UN-OHCHR	United Nations Office of the High Commissioner for Human Rights		
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East		
VASyR	Vulnerability Assessment for Syrian Refugees in Lebanon		

EXECUTIVE SUMMARY

This report examines Syrian refugees' access to legal status in Lebanon, i.e. residency, legal documentation, and work permits. Accordingly, the research investigates the legal and policy frameworks governing the livelihood of Syrians in Lebanon by examining the different legislations and regulations governing Syrians' stay in Lebanon and access to labor opportunities and also examining the published reports and articles written by scholars or active organizations. This report scrutinizes the policy responses that relate to Syrian refugees' status in Lebanon, focusing on the livelihood sector as implemented by UN actors the international and national NGOs.

Lebanese-Syrian bilateral relations have been politically tense for decades; however, the economic interests between the two states remain enormous. The influx of Syrians working in Lebanon started in the 1960s. Since then, Lebanon intermittently welcomed hundreds of thousands of Syrian laborers, mainly in the agriculture and construction sectors. However, the Syrian conflict that erupted in 2011 progressively led Lebanon to adopt restrictive regulations toward Syrians' entry and stay in Lebanon. The new residency regulations by the General Security, adopted in 2015, aimed to decrease the number of registered Syrian refugees. However, it only managed to push them to informality without significantly reducing their numbers in Lebanon. Today, Lebanon has no reliable information about the number of Syrian refugees in its territory, making it harder to organize their stay and prepare for their return in the future.

When it comes to access to the labor market, Syrian laborers abide by the provisions applicable to foreign work with minor preferential treatments (free access to three sectors, 75% exemption on the total permit fees, exemption from pre-approval requirement). Still, almost all Syrian labor is active in the informal market. Employers in Lebanon benefit from the characteristics of Syrian labor that push wages down for both Lebanese and Syrian low-skilled labor which thus increases their revenue. Syrian workers are primarily seasonal, informal, and work under harsh conditions for little income. The lack of legal status renders refugees more vulnerable to abuse, exploitation, and precarious employment. The Lebanese government has not adopted any policies or decisions to organize the labor market in order to benefit from the additional workforce and resources. This has had detrimental impacts on both the Lebanese and Syrian.

This report looks at the livelihood programs implemented in Lebanon and other neighboring refugee-hosting countries. Lebanon has shown little readiness to open its labor market to Syrian refugees for fear of local integration. With the lack of strategies and holistic response, the training and limited labor opportunities offered by the Lebanon Crisis Response Plan (LCRP) partners and other organizations to Syrians have had no impact on refugees' lives. They are shortsighted and disconnected from the national and local realities.

The state response to the refugee influx in Lebanon is another indicator that the international community and active organizations alone cannot provide long or even medium-term solutions to a protracted refugee crisis. Responsive leadership of the hosting state is a condition for the success of any response. Scattered projects and activities cannot provide more than daily safety nets for the refugee population; the host country must be able to recognize this population as partners and potential for growth. Lebanon is another example of the inability of the international response to the refugee crisis to bring a solution to the situation

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of refugees in a protracted situation. Vast amounts of money have been invested in Lebanon by the international community to mitigate the refugee crisis, but little has been achieved. The inefficiency, lack of traceability, and accountability of the donations reflect the political dynamics of the international refugee response that often supersedes humanitarian considerations.

While the trend at international levels leans towards a humanitarian-development nexus, bridging this gap faces serious and realistic challenges in host countries. The main challenge is the lack of will to accept the integration of refugees into the labor market, which could be translated into policies and strategies. If a country is open and convinced of refugees' contribution and added value, it becomes easier to include them in labor, economic, and social justice policies and responses.

INTRODUCTION

Lebanon is not a signatory of the 1951 UN Convention Relating to the Status of Refugees, nor its 1967 Protocol. This fact is not a coincidence nor a glitch in its foreign policy. In fact, most countries in the MENA region are not bound to this convention.

While other countries neighboring Syria hosted more refugees in numbers, Lebanon hosts the most refugees per capita in the world with 23%. Jordan stands at 7%, Turkey 4%, and EU countries only 0.2%.

Lebanon has opened its borders to many refugees' flows over the decades. These include three major influxes, from Palestinians between 1948 and 1972, Iraqis in 2003, and Syrians starting in 2011.² However, Lebanon did not take the lead in managing the arrival, stay, and livelihood of its refugee population and transferred the humanitarian response to UN agencies and other international and national NGOs. The Lebanese government ignored the enormous number of refugees arriving and residing in its territory and also disregarded the local and national economic and social impacts.³ Of Lebanon's policy, we are aware of one central stance: *rejecting any form of local integration or permanent settlement of refugees*.

Lebanon does not refer to Iraqi and Syrians fleeing the conflict in their respective countries as refugees and instead adopts the term "displaced" for Syrians.⁴ The response to the different refugee flows to Lebanon is heterogeneous. For instance, the response to the Palestinian influx to Lebanon differs from that of other refugees. Palestinian Refugees of Lebanon (PRL)⁵ benefit from legal residency that does not require renewals. The Directorate of Political Affairs and Refugees (DPAR) at the Ministry of Interior and Municipalities (MiOM) is mandated to issue Palestinian refugees' legal documentation. However, Palestinian refugees have been denied the right to own real estate property since 2001⁶, have little access to the labor market and are denied access to liberal professions.⁷ The Lebanese authorities mainly adopt an aggressive and 'rights-less' approach to refugees' issues.

In 2011, an armed conflict erupted in Syria following protests. The conflict rapidly grew into a war that has affected the entirety of the Syrian territory. Lebanon started receiving Syrian refugees—referred to as displaced persons by the Lebanese authorities—in 2011. Still, when the intensity of the conflict increased

¹ karimmedjad, abdel-maoulachaar, (2017) Lebanon with a view - A 2030 vision of the refugee crisis, ESA.

² El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

 $^{^3}$ Ahmet I, Maissam N (2020) The politics of return: exploring the future of Syrian refugees in Jordan, Lebanon and Turkey, Third World Quarterly, 41:3, 415-433, DOI: 10.1080/01436597.2019.1675503

⁴ Government of Lebanon and UN, Lebanon Crisis Response Plan 2017-2021 (2021 update).

⁵ Opposed to the Palestinian Refugees from Syria (PRS). PRS joined Lebanon due to the armed conflict in Syria and are denied most of their rights.

⁶ Law No. 296/2001 which amended the Presidential Decree of 1969 on the Right to Real Estate Acquisition for Foreigners in 2001, Official Gazette No. 15, on 5 April 2001.

⁷ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

in 2014 and 2015, the number of Syrian refugees who have entered Lebanon reached an alarming threshold of 1.5 million refugees.

At first, Lebanon conducted an open-door policy wherein it did not impose any restrictions for accessing the Lebanese territory from the Syrian territory. Towards the end of 2014 and the beginning of 2015, the Lebanese government and its authorities adopted several decisions limiting Syrian and Palestinian Refugees' (PRS) access to the Lebanese territory.

Today, Syrian refugees constitute the majority of UNHCR's registered refugees in Lebanon, with only 15,896 registered non-Syrian refugees. UNHCR's estimates reveal that at the end of 2020, some 865,531 Syrian refugees were registered with UNHCR in Lebanon, a 5.4% decline compared to the end of 2019. However, this figure does not reflect the totality of the picture since the Lebanon Crisis Response Plan (LCRP) states that Lebanon hosts up to 1.5 million Syrians (registered or non-registered).

Lebanon's different measures and decisions have mainly been characterized as a policy of inaction, one of responsibility shifting. When pieced together, the various elements of the official response constitute an aggressive and shortsighted policy. This "concluded policy" adopts strict entry and stay residency; it has pushed Syrian refugees out of sight of formal authorities. Estimates reveal that the percentage of refugees holding residencies in Lebanon has decreased each year and has reached 16% of those above 15 years old. ¹⁰ For the General Security, the spread of illegal residence and the lack of legal documentation are the natural consequence of Syrians not following the rules. ¹¹ Still, one can notice that the repetitive and continuous decline in formality indicates the rigidity of the applicable system, which refuses to adopt changes to ensure it reaches more of the refugee population. Lebanon is deliberately accepting the consequences of keeping more than a million refugees on its territory without any tracking procedure, such as residency and documenting marriages and births.

Although Lebanon has received massive amounts of financial support in return for hosting Syrian refugees, ¹² the received funds have not been appropriately managed. They have not strengthened the country's infrastructure and capacities to respond, and it has not led to considerable and necessary changes to its policies regarding migration.

The simultaneous crises that have hit Lebanon in the past years have pushed the vulnerable Lebanese and most of the Syrian population in Lebanon into extreme poverty and deprivation.¹³ Most recently, in November 2021, the official visit of the Special Rapporteur to Lebanon highlighted the degree of "delusion" of the Lebanese government officials, who continue to blame Syrian refugees for the current

¹⁰ VASyR preliminary results, September 2021.

⁸ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁹ https://reporting.unhcr.org/lebanon

¹¹ Discussions and findings from R=P's third workshop, held on November 30, 2021.

¹² Osseiran S., The Intersection of Labour and Refugee Policies in the Middle East and Turkey: Exploring the Dynamics of "Permanent Temporariness".

¹³ These include the economic collapse, the depreciation of the Lebanese pound, Covid-19 spread and restrictions, Beirut blast on August 4, 2020, and the ongoing political, economic, security, and societal changes.

crises in Lebanon. However, numbers reveal that refugees are one of the largest victims of the collapse, with 88% of Syrian refugees in Lebanon living under the Survival Minimum Expenditure Basket. 14

With regards to the issue of durable solutions for Syrian refugees, UNHCR reported 39,000 self-organized refugee returns from Lebanon to Syria between 2016 and 2019. However, a massive return of Syrian refugees cannot be expected in the short term, considering the perception of safety refugees have of their home country and the widespread destruction inside Syria. Indeed, resettled refugees from Lebanon dropped from 47,000 in 2016 to 7,000 in 2019. The second option for a durable solution is local integration. However, Lebanon's stance on this issue is clear: it refuses any form of local integration.

Thus, Syrians in Lebanon have entered a protracted refugee situation where they suffer from extreme legal and socio-economic vulnerabilities. A vulnerability coupled with the fact that possible durable solutions are not available. Refugees are stuck in Lebanon and can hardly find hope in the future.

We know for sure that Lebanon will continue hosting Syrian refugees until a political solution to the Syrian conflict is reached. Thus, the Lebanese decision-makers should accept this reality when setting the policies. The latter must mitigate the needs and repercussions of Syrian refugees' stay.

Considering these different and opposing stances on refugees' issues in Lebanon, this report's research questions are thus: What rules apply, in theory, and practice, to Syrians' access to residency and labor in Lebanon? What has changed throughout the years, and what are the prospects in this regard? What would it take for Lebanon to benefit from the Syrian labor to expand its economy and create job opportunities for its national and refugee populations?

The report answers the research questions in three main parts:

- The first part of the report (I) sheds light on the labor relationship between Lebanon and Syria before 2011's armed conflict. It examines the changing dynamics that relate to Syrians' stay and entry into Lebanon and highlights the risks of depriving Syrians in Lebanon of residency for both Lebanese as host communities and Syrian as refugees.
- The second part (II) investigates Syrians' access to the Lebanese labor market. In doing so, the report presents the rules that apply to foreigners' access to work, focusing on Syrian workers' preferential treatment. Part II explores the inclusion characteristics of Syrian labor and its impacts on the Lebanese economy and labor market.

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 $^{^{14}}$ OHCHR, Statement by Professor Olivier De Schutter, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Lebanon, 1-12 November 2021.

¹⁵ Ahmet I, Maissam N (2020) The politics of return: exploring the future of Syrian refugees in Jordan, Lebanon and Turkey, Third World Quarterly, 41:3, 415-433, DOI: 10.1080/01436597.2019.1675503

¹⁷ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

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- Finally, part three (III) of the report researches the projects, initiatives, and policies adopted to enhance the livelihood of Syrians in Lebanon. It assesses the gaps hindering a proper and successful shift from a humanitarian to a developmental approach in the refugees' responses.

METHODOLOGY

Sources of information:

The qualitative report methodology builds on two primary sources: desk review and workshops.

Desk review: This encompasses the study of (i) the Lebanese laws and regulations governing stay and labor; (ii) the policies of both the official Lebanese authorities and the international humanitarian actors; and (iii) the articles and reports published by scholars, experts, and international and national organizations. All together, these sources of information provide a comprehensive understanding of the different challenges and key factors affecting access to legal permits in Lebanon. The desk review focused on themes such as residency (entry, stay, exit), access to work, labor market, impacts of the Syrian Crisis on Lebanon, rules applying to foreigners' birth and marriage registration, and Lebanon's obligations and undertakings towards the international community.

Workshops: The report builds on the discussions and conclusions of three workshops organized by Refugees = Partners within the project "Towards A New Policy to Promote Syrian Refugees Access to Legal Status in Lebanon." The three workshops were held and titled as follows:

	Date	Title
1	June 29, 2021	The Impact of Limited Legal Status on Syrian Refugees Access to Livelihood in Lebanon
2	September 21, 2021	Structural Challenges: Syrian Refugees Access to the Labor Market
3	November 30, 2021	Promoting Syrian Refugees' Access to Legal Status in Lebanon

Limitations:

Many reports and papers have been written on Syrian refugees' livelihood in Lebanon. However, this abundance of literature and field research is mostly categorical and aims at covering one side or impact of the response. This report brings together the different elements and indicators affecting residency, labor, and response policies in order to suggest a roadmap for a coherent and efficient response. This report provides an update of the available information, and it repositions the debate to offer a guideline for future steps in articulating a new policy for Syrians in Lebanon. Some limitations that are worth mentioning in regards to this report include:

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¹⁸ This report is part of this project. More information on the webinars can be found on the following link: https://refugees-partners.org/workshops/

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- 1. The report looks at Syrian refugees' access to legal stay and labor in Lebanon. To date, the response is only a humanitarian one—it looks at refugees primarily as aid recipients. This situation makes it challenging to think of job inclusion and strategies for integrating refugees in the labor market since Lebanon rejects local integration and a developmental approach.
- 2. Lebanon has been witnessing its worst economic and social crises in decades. Thus, it is challenging to differentiate and isolate the factors affecting the access to livelihood for a refugee from the factors affecting the whole population due to the harsh living conditions. It is challenging to investigate and suggest meaningful labor inclusion policies for refugees in this context.
- 3. Lebanon has been stagnant on the legislative levels for decades. This stagnation is apparent in the refugees' domain, where little has been done to regulate refugees' and foreigners' access to the territory, livelihood, and protection. Thus, the legal data valid when Syrians first entered Lebanon is still applicable today, with minor and superfluous exceptions.

PART I – THE GEOPOLITICS OF SYRIANS' ACCESS TO THE LEBANESE TERRITORY

The Lebanese-Syrian bilateral relationship has a long history, and two characteristics summarise this history: both countries have had (1) considerable economic interests and (2) politically entrenched relationships. The influx of Syrians to Lebanon in huge numbers is not atypical in the two countries' history; however, the changes in the composition, demographics, and reasons for this influx are certainly unprecedented.

Part I investigates the bilateral relationship between the two countries before 2011 to shed light on the centrality of political considerations on the access to the territory, at least the Lebanese one. At first, section A provides a brief history of the relations between the nationals of both countries, focusing on low-skilled Syrian workers in Lebanon. Then, section B presents and summarizes the changes in the regulations governing the entry, stay, and exit of Syrians from Lebanon.

A. A HISTORY OF LEBANESE-SYRIAN RELATIONS: LABOR VS. POLITICAL CONSIDERATIONS

(i) Understanding the Syrian labor in Lebanon before 2011

When we think of the relationship between Lebanon and Syria, the first thing that comes to mind is the Syrian military presence in Lebanon (1976 to 2005); seen by many as an occupation. This presence was accompanied by human rights violations leading many Lebanese to carry old prejudices against Syrians, a resentment that has grown mainly in the post-civil war years.¹⁹

While most Lebanese know of Syria through low-skilled Syrian workers and its occupation army,²⁰ the relation is much older and crucial for both parties: it is about the mutual and reciprocal interests of the two regimes and the nationals of both countries. Syrians have been working in Lebanon since the sixties. In 1972, Syrian male nationals represented 90% of total construction workers in Lebanon.²¹

Historically, both countries' political and security relations and tensions impacted the flow and number of Syrians working in Lebanon. For instance, the number of Syrian workers was low during the civil war. It increased drastically with the beginning of reconstruction, which led to massive recruitment of low-skilled male Syrian workers in the construction and agriculture sectors.²² Estimates of Syrian workers in the nineties ranged between 400,000 and 1.4 million. Just before the outbreak of the Syrian crisis in 2011, the ILO estimated that Syrian workers in Lebanon amounted to 300,000 individuals.²³

One factor that has allowed for this high Syrian labor participation in Lebanon is the bilateral agreement signed in 1994 between Rafiq Hariri's Government and the Syrian president Hafez El Assad. The agreement adopted exemptions to nationals of both countries to enter, stay, and access the labor countries

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¹⁹ Thorleifsson C., The limits of hospitality: coping strategies among displaced Syrians in Lebanon, 2016.

²⁰ Balanche F., Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression, Le Monde diplomatique – Editions Arabes, mars 2007.

²¹ Bou Khater (L.), Labour Policy and Practice, the Peace Building in Lebanon, August 2017.

²² Ibid.

²³ Bou Khater (L.), Labour Policy and Practice, the Peace Building in Lebanon, August 2017.

of each other. Accordingly, Syrian citizens entered Lebanon with a stamp received at the border that was valid for 6-months.²⁴

After the assassination of ex-PM Rafiq Hariri in 2005, an escalation of the tension between the Lebanese government and the Assad Regime impacted the presence of Syrian workers in Lebanon. Thus, in the Spring of the year 2005, decrees were adopted by the Lebanese government requiring Syrians to hold a work permit.²⁵ A few months after the retreat of the Syrian army troops from Lebanon, Syrian laborers came back to Lebanon in large numbers. ²⁶

To conclude, Syrian labor has always been relied on in the Lebanese labor market. Lebanon heavily relies on Syrian low-skilled workers in sectors such as agriculture and construction. Nevertheless, these workers were employed on a seasonal basis.²⁷ In the next paragraph, we explain the mutual benefit of Syrian labor in Lebanon for both countries.

(ii) The centrality of Syrian labor in Lebanon for both Syria and Lebanon

Commerce du Levant published a study in 2003 revealing that around 80% of foreign laborers in Lebanon were Syrians, followed by laborers from Egypt, Sri Lanka, and Ethiopia.²⁸

Employing Syrian workers holds considerable advantages compared to other foreign migrants, especially their flexibility. Egyptians or Sri Lankans can hardly return home quickly when the Lebanese economy is not growing. On the other hand, Syrians react immediately to economic fluctuations thanks to their proximity and privileged access to the labor market.²⁹

Lebanon constituted a safety net for the Syrian regime before 2011, helping it curve its unemployment figures. Depending on the year, between 10 and 15% of Syrian workers work in Lebanon. Without Lebanon, unemployment would have risen in Syria from 20% to more than 30% among the active population. Furthermore, in a typical year, that is, without war or economic depression in Lebanon, Syrian workers' remittances from Lebanon were estimated at approximately \$1 billion USD.³⁰

For a long time, the conditions of Syrian labor in Lebanon benefitted both countries: for Syria, it helped control unemployment; for Lebanon, whose economic system benefits the wealthy minority, the recourse to Syrian labor maintains pressure on wages which puts pressure on the Lebanese popular classes. ³¹

With the beginning of the war in Syria, the open-door policy adopted by Lebanon came as a natural continuation of the prior bilateral treaties between the two countries permitting reciprocal freedom of

 27 Longuenesse E., TRAVAILLEURS ÉTRANGERS, RÉFUGIÉS SYRIENS ET MARCHÉ DU TRAVAIL, l'Harmattan \mid « Confluences Méditerranée » 2015/1 N° 92.

30 Balanche F., Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression, Le Monde diplomatique – Editions Arabes, mars 2007.

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 $^{^{24}}$ Longuenesse E., TRAVAILLEURS ÉTRANGERS, RÉFUGIÉS SYRIENS ET MARCHÉ DU TRAVAIL, l'Harmattan \mid « Confluences Méditerranée » 2015/1 N° 92.

²⁵ Balanche F., Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression, Le Monde diplomatique – Editions Arabes, mars 2007.

²⁶ Ibid.

²⁸ Balanche F., Les travailleurs syriens au Liban ou la complémentarité de deux systèmes d'oppression, Le Monde diplomatique – Editions Arabes, mars 2007.

²⁹ Ibid.

³¹ Ibid.

movement and work permits.³² However, the massive influx of Syrians in Lebanon reached an alarming level for the Lebanese authorities, pushing them to change their policy. The following section examines the changes that occurred.

B. EVOLUTION OF ENTRY AND STAY REGULATIONS FOR SYRIANS REFUGEES

Starting in 2014, Lebanon adopted a series of regulations that have restricted Syrians' access to the Lebanese territory, a first in the history of the two countries.

This section will briefly present the changes in the Lebanese regulations governing the entry and stay of Syrians in Lebanon. Thus, at first, we will present those applied before the armed conflict in Syria (i) and then we will explain the main policy changes that regulate Syrians' access and stay in Lebanon (ii).

(i) Bilateral Agreement for Cooperation and Coordination: Free access of nationals The 1991's Treaty of Brotherhood, Cooperation, and Coordination signed between Syria and Lebanon in Damascus stressed: "The basis of the distinctive fraternal ties that link [the two countries] and that draw their strength from their roots of kinship, history, common affiliation, joint destiny, and shared interests." This agreement institutionalized cooperation between the two states on political, economic, security, cultural, and scientific bases. As discussed below, these provisions were meant to apply in times of peace and security. However, when one of the two countries enters into long periods of instability the implementation of these provisions becomes challenging.

In 1993 and 1994, Lebanon and Syria signed three bilateral agreements.³⁵ Accordingly, nationals of both countries were granted the freedom to stay, work, and practice economic activity in both countries. Further to these bilateral agreements, a Syrian could obtain a residence visa at the border for six months, renewable for another six months. After this initial free-of-charge twelve-month period, Syrians could apply for another six months residency permit at the cost of USD 200.³⁶

However, this right or freedom was not limitless. It still requested a work permit from Syrians who want to work in Lebanon.³⁷ In practice, most Syrians who worked in Lebanon before 2011 did not apply for a work permit; the vast majority have always worked in the informal economy.³⁸

Before the Syrian Crisis, the Lebanese Ministry of Labor was already concerned with the low number of labor permits requested for many Syrian laborers. For instance, the annual report of 2009 reveals that only

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³² Ahmet I, Maissam N (2020) The politics of return: exploring the future of Syrian refugees in Jordan, Lebanon and Turkey, Third World Quarterly, 41:3, 415-433, DOI: 10.1080/01436597.2019.1675503

³³ Treaty of Brotherhood, Cooperation and Coordination between the Syria Arab Republic and the Lebanese Republic, 1991.

³⁴ Atallah S, Mahdi D., Law and Politics of "Safe Zones" and Forced Return to Syria: Refugee Politics in Lebanon, LCPS, October 2017.

³⁵ The State Council declared null the entry categories set by the General Security because it goes against the provisions of these treaties. However, this decision has not been implemented by State authorities.

³⁶ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

³⁷ Turner L.(2015) Explaining the (Non-)Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan, Mediterranean Politics, 20:3, 386-404, DOI: 10.1080/13629395.2015.1078125

³⁸ Ibid.

302 new work permits were issued that year, and only 382 were renewed. ³⁹ The considerable increase in Syrian workers' numbers in Lebanon due to the 2011's conflict has not led to a significant increase in the number of work permits. The Ministry's 2013 report reveals that 509 new work permits were granted to Syrians while 725 were renewed (33 rejected). In 2018, although the number of refugees in Lebanon was estimated to be around 1.5 million, only 551 new work permits were issued and 1655 renewed. ⁴⁰ A report by Lebanon Support summarized the reasons for this low rate of permits. Firstly, it was hard for most Syrian laborers to meet the required fees due to low wages. Secondly, a relatively small number of the submitted applications were accepted. Thirdly, the Lebanese government adopted the principle of preference of nationals, which only allows for work permits if no Lebanese applies. Fourthly, work permits ultimately have to be approved by the Minister (the number of granted permits vary, depending on the Minister's labor protection strategy). ⁴¹

The last annual report accessible online on the Ministry of Labor's website is from 2018. The report presents the progress, activities, and "achievement" of the Ministry's different departments in that particular year. When we looked for the term "Syria" or "Syrian", only six (6) results appear:

- It mentions that the Ministry has a special task force for Syrian workers [established before the Crisis].
- o It issued memoranda No. 61/1 dated 28/09/2018 prohibiting all institutions and companies from employing any foreign worker of Syrian nationality without a work permit.
- Taking part in the launching of the 2018's Response Plan to the Syrian crisis in the Grand Serai on February 1, [using the wording of the report]; coordination meetings between ministries concerned in the livelihood sector at UNHCR's headquarter on November 7, 2018, and coordination task force meetings at the Ministry of Social Affairs on November 12 and 14 2018.
- o The number of work permits and other procedures issued for Syrians that year.

Thus, while the figures of the active Syrian workers from 2018 were estimated at hundreds of thousands, the Ministry of labor was not concerned in organizing or responding to their presence and impact on the Lebanese labor market. Not only did Lebanon fail to regulate refugees' stay, but it kept its labor market without any regulation—even though the number of workers increased suddenly and dramatically. We will argue later in this report that the increase in unorganized and informal labor benefitted the wealthiest in Lebanon.

Back in 2009, the General Directorate of the Ministry of Labor stated in its annual report that most Syrian workers on the Lebanese territory are daily or seasonal workers who do not have a permanent employer. ⁴² These Syrian laborers mainly worked in sectors such as construction or agriculture. Accordingly, it suggested finding a legal solution for obtaining work permits from the Ministry. The same report justifies

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³⁹ Ibid

⁴⁰ General Directorate of the Ministry of Labor, Progress report for year 2018.

⁴¹ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

⁴² General Directorate of the Ministry of Labor, Progress report for year 2009.

this demand by saying that this procedure would allow 1) the treasury to collect fees from them and 2) to count the number of Syrian workers in Lebanon. The Ministry's report then recognizes that the obligation of employers to declare Syrian workers in the National Social Security Fund constitutes an additional burden impacting employers' willingness to obtain a work permit for their employees. This can be interpreted as an implicit suggestion from the Ministry to dissociate between work permits for seasonal Syrian workers and the obligation to register in the said fund.

Besides the bilateral agreements governing Syrian entry into Lebanon, foreigners' entry, stay, and exit from Lebanon are regulated under the 1962 Law. 43 Chapter 8 of said law provides for the possibility of applying for political asylum in Lebanon. However, articles 26 to 31, which are dedicated to this possibility, have not been activated, and the Lebanese authorities do not acknowledge asylum. 44

Syrian refugees benefitted from the provisions of the bilateral agreements until the beginning of 2015 when the General Directorate of the General Security issued new regulations. We will detail the changes that occurred in the next paragraph.

(ii) Changes brought to the entry, stay, and exit of Syrians due to the refugee influx

Syrians faced few challenges related to their residency up until 2014. However, when the number of refugees came close to 1.5 million (registered and unregistered), new measures were adopted to end the open-door policy.

Towards the end of 2014, the government adopted new measures regarding entry from the official borders with Syria. The Council of Ministers adopted a 'Policy Paper on Syrian Refugee Displacement,' the first official document issued by the Lebanese State since the beginning of the crisis. ⁴⁵ The paper tightened access to the Lebanese territory and residency for Syrians. It specifically aimed at, among others, reducing the numbers of Syrian refugees in the country by reducing access to territory and encouraging Syrian nationals to return to Syria, in addition to increasing the regulation of the Syrian population presence in Lebanon. ⁴⁶

Conditions to enter Lebanon: In January 2015, the General Directorate of the General Security (GDGS) adopted a decision that resulted in halting the implementation of the above-mentioned bilateral agreement and adopted new categories for entry into Lebanon.

The new visa categories for people coming from Syria to Lebanon are the following: 1) tourism, work, trade, and ownership or rent of real estate (temporary visa). 2) Entrance for study. 3) transit to the airport or maritime ports upon provision of documentation showing the purpose of travel (short-term temporary permits); 4) They explicitly state that Syrians with the "status of displaced" are not to be admitted in Lebanon, with two exceptions: those previously registered as "displaced" and those who meet certain conditions set by the MoSA. Qualifying for these exceptions is difficult. The conditions for humanitarian

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⁴³ Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country. Law No. 28. (1962)

⁴⁴ Only once had asylum been granted according to the procedures set by this law (in 2001, to a member of the Japanese Red Army).

⁴⁵ Kikano F., Fauveaud G., Lizarralde G., Policies of Exclusion: The Case of Syrian Refugees in Lebanon.

⁴⁶ NRC & IRC (2015). Legal Status of Refugees from Syria: challenges and consequences of maintaining legal status in Beirut and Mount Lebanon.

admittance set by the MoSA are strict, only applying to minors, people with disabilities who have already been resettled in other countries, and those who require life-saving treatment. In fact, according to a ministerial source, between January 2015 and May 2015, only ten people have been guaranteed a "displaced" status on a humanitarian basis; 5) entry into Lebanon for medical reasons; 6) access to embassies; and 7) allowing Syrians to enter Lebanon based on "prior liability commitment" to a Lebanese employer.⁴⁷

The adoption of the new regulations meant a *de facto* halt of the bilateral agreement provisions. Several Syrians submitted a lawsuit against the new rules to the State Council. The latter adopted a decision stating that an incompetent authority has adopted these decisions since it should have been the government who issued them. However, to date, they are still being implemented.

Renewing a residency: The new requirements included fees of USD 200 fee every six months to renew the residency and submitting several documents⁴⁸ that are challenging for Syrians to provide.⁴⁹ Families often prioritize spending their limited funds on basic needs such as food, health care, and shelter instead of renewing legal documents which has led to a limited rate of legal residency in Lebanon.⁵⁰ The fees requirement was removed following the London Conference, however only for the UNHCR registered refugees. This leaves unregistered refugees under harsh conditions while trying to renew their residency.

UNHCR registration of refugees: UNHCR registered most Syrians through a prima facie registration process that included a short interview and other formalities. They were then given access to the aid provided by the UNHCR according to their specific needs.⁵¹

In January 2015, Lebanon asked UNHCR to halt all new registrations of Syrian refugees. Not only that, but it also requested UNHCR in April 2015 to deregister around 1,400 Syrian refugees who had arrived in Lebanon after January 5, 2015.⁵²

This new policy had no real impact on decreasing the number of Syrians in Lebanon, but it did manage to push them to informality. The Vulnerability Assessment for Syrian Refugees in Lebanon (VASyR), published each year by the UNHCR and other UN partners, reveals the continuous decline in the percentage of Syrian refugees who hold a residency permit. The number fell from 58% of households having residency permits for all members in 2014 to only 28% of households surveyed in 2015.⁵³ In 2021, 16% of individuals (above 15 years old) reported having legal residency.⁵⁴

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⁴⁷ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

⁴⁸ This documentation included: a signed housing agreement with signatures of the landlord and the local Mukhtar, as well as a signed and authenticated pledge stating that the refugee in question will not work in Lebanon.

⁴⁹ Opportunities for all, Rand corporation, 2018.

⁵⁰ Kikano F., Fauveaud G., Lizarralde G., Policies of Exclusion: The Case of Syrian Refugees in Lebanon.

⁵¹ Dionigi, F. (2014). The Syrian refugee crisis in Lebanon: State fragility and social resilience. LSE Middle East Centre Series 15.

⁵² Janmyr M. (2016). The legal status of Syrian refugees in Lebanon. Refugee Survey Quarterly

⁵³ VASvR, 2015.

⁵⁴ VASyR, 2020.

While UNHCR considers most Syrians in Lebanon as refugees, it has in practice come to differentiate between registered, unregistered, and 'recorded' refugees, i.e., the latter consist of Syrian refugees who have approached UNHCR after the government's ban on new registrations.⁵⁵

Higher Defense Council decision in 2019: In April 2019, the Higher Defense Council issued a decision that would open the door for the possibility of deporting refugees. It called for the deportation of any Syrian who entered Lebanon illegally after April 26, 2019. However, the COVID-19 pandemic and the consequent restrictions to the movement led to a freezing of execution of this decision. In addition, resorting to the mass deportation of Syrian refugees would put Lebanon under international pressure. It is generally recognized that all countries have an obligation under the principle of 'non-refoulment' to refrain from forcibly returning refugees to their country of origin if their freedom is threatened.⁵⁶

This fluctuation of residency policies, and their implementation, has left around 78% of registered Syrian refugees (above 15 years old) in Lebanon without legal residency permits in 2019.⁵⁷

Now that we have clarified the issue of legal residency, the next part will look at the access to the labor market and the characteristics of Syrian labor in Lebanon.

⁵⁵ Janmyr, M. & Mourad, L. (2018). Categorizing Syrians in Lebanon as Vulnerable. Forced Migration Review.

⁵⁶ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁵⁷ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

PART II – THE INCLUSION AND IMPACTS OF SYRIAN LABORERS ON THE LEBANESE LABOR MARKET

This part answers the following questions: What rules apply to Syrian labor in Lebanon, and what were the implications of their (unofficial) integration in the Lebanese labor market? Section A examines the legal framework regulating Syrian work in Lebanon. Section B investigates the livelihood policies adopted by the UN partners in Lebanon and looks at the characteristics of Syrian labor in Lebanon post-2011. Finally, Section C examines the repercussions of Syrian labor on the economy and Lebanese workers.

A. THE LEGAL FRAMEWORK APPLICABLE TO ACCESS TO LABOR FOR SYRIANS IN LEBANON

This section looks at the legal provision applicable to Syrian labor in Lebanon. It will investigate and differentiate between foreigners' access to work (i) and Syrians' access (ii).

(i) The legal framework governing foreigners' access to the labor market

The primary source of regulations for the labor market is the 1946 labor law. This law does not regulate foreigners' labor in Lebanon. Article 92 (Title IV, chapter 3) of this law—on trade unions' membership explicitly allows a foreigner who holds a work permit to join a trade union in case they fulfill three conditions set in article 91.58 Still, foreign members are not allowed to vote or be elected as members of a trade union councils. They are entitled to delegate one individual to defend their interest before the trade union committee.⁵⁹

The Social Security law⁶⁰ divides the material benefits provided for workers into four main branches: (1) sickness and maternity; (2) work emergencies and occupational diseases; (3) family and education allowances; and (4) an end-of-work compensation system. ⁶¹ Foreigners who hold valid work permits can be registered and benefit from the social security fund. Article 9 affirms foreign workers' right to benefit from the indemnities and compensations stated under branches 1, 2, and 3 of the social security funds. However, they are deprived of these benefits under the fourth branch relating to end-of-work indemnity or compensation. The conditions to benefit from the three branches are: (1) hold a valid work permit; and (2) be a national of a country where Lebanese nationals are allowed to benefit from similar funds (reciprocity).⁶²

Decree No. 17561 organizes foreigners' labor in Lebanon. 63 The principle of reciprocity is the central pillar for allowing foreigners to access the Lebanese labor market. Article 2 of the decree states that a foreigner who wants to go to Lebanon to work, whether paid or unpaid, should receive approval from the

⁵⁸ These are stated under paragraphs 2, 3, and 4 of article 91 and include: To carry on the profession at the time of application; be fully eighteen years old; and not convicted of any crime or dishonorable offence.

⁵⁹ Article 92, Labor Law, adopted on 23 September 1946.

⁶⁰ Social Security Law, Decree No. 13955, dated 26 September 1963.

⁶¹ Article 8, Social Security Law, Decree No. 13955, dated 26 September 1963.

⁶² Article 9, Social Security Law, Decree No. 13955, dated 26 September 1963.

⁶³ Decree organizing foreigners' labor, Decree No. 17561, dated 18 September 1964.

Ministry of Labor before arrival except for artists who fall under the mandate of the Directorate General of the General Security. While articles 3, 4, and 5 state the details of submitting for pre-arrival approval, the foreigner who receives the approval must apply for a work permit within ten days of entering Lebanon.⁶⁴ The law also stipulates the principle of preference of Lebanese citizens over foreigners.⁶⁵

On its end, Article 9 of the Decree organizing foreign labor in Lebanon declares that the Minister of Labor in December of each year must issue a decision determining the businesses and professions reserved for Lebanese citizens. The last decision adopted to that end that is accessible and published on the Ministry's website is Decision No. 1/29, adopted in the beginning of 2018.⁶⁶

Regarding Syrian access to the Lebanese labor market, Syrians benefited from preferential treatment further to the 1993 bilateral agreement for Economic and Social Cooperation and Coordination that granted freedom of stay, work, employment, and economic activity for nationals of both countries. The following paragraph looks at the special conditions applied to Syrians in Lebanon.

(ii) Syrian citizens' access to the labor market pre and post the Syrian armed conflict

As discussed above, Lebanese law allows foreigners to work in Lebanon if they hold a valid work permit. This condition applies to Syrians as well. However, Syrians are exempt from paying 75% of work permit fees and pre-approval.⁶⁷ Additionally, with some limitations, Syrians can serve as partners in a business or as employers, and they can also legally own shops if they hold work permits.⁶⁸

In February 2013, the Minister of Labor issued a circular allowing Syrian workers access to several previously restricted occupations to Lebanese nationals, including construction, electricity, and sales.⁶⁹ Syrians had already been practicing these activities before the decision without permits. For Lebanon, where employers and not workers apply for the work permits, applications have been submitted for only 0.5% of the working-age population.⁷⁰

The Lebanese policy shift that occurred in 2015 had a significant impact on Syrians' access to livelihood. Starting in 2015, the Lebanese authorities tried to divide Syrians in Lebanon into two main categories: 1) Syrian refugees/displaced who wished to work were requested to apply for work permits like other migrant workers; 2) Syrians registered as refugees were obliged to sign a plea not to work while in Lebanon. This approach sought to entrench the boundaries between Syrian refugees who become laboring bodies and

⁶⁴ Article 6, Decree organizing foreigners' labor, Decree No. 17561, dated 18 September 1964.

⁶⁵ Check article 8 of the said decree for these possibilities.

⁶⁶ Decision No. 1/29, businesses, professions and jobs restricted to Lebanese citizens only, dated February 15, 2018.

⁶⁷ Law No. 1/70 dated 19/01/1970.

⁶⁸ Opportunities for all, Rand corporation, 2018.

⁶⁹ Bou Khater (L.), Labour Policy and Practice, the Peace Building in Lebanon, August 2017.

⁷⁰ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

those who receive aid.⁷¹ This requirement was waived in June 2016 following the London Conference; however, the revised procedures have reportedly been inconsistently applied.⁷²

In 2019, the Lebanese Minister of Labor Kamil Bou Sleiman, adopted a plan to fight illegal foreign labor in Lebanon. The procedures included granting one month for violators to regularize their status. If this was not complied to then a team of controllers from the Ministry in coordination with the State security would go to the field to sanction illegal foreign workers. The plan stated that the Ministry of Social Affairs must periodically provide the Ministry of Labor with the lists of Syrian refugees benefitting from financial support to forbid them from accessing work permits since it would lead to unfair competition. The state of the same provided to the same provided to the same provided that the Ministry of Labor with the lists of Syrian refugees benefitting from financial support to forbid them from accessing work permits since it would lead to unfair competition.

While the plan aimed to enforce the laws and regulations and protect Lebanese nationals from labor competition, it disregarded essential factors such as Palestinian labor and the impacts this plan can have on Syrian livelihood. The implementation led to protests and unrest amongst Palestinian refugees who have been living in Lebanon for decades.⁷⁵ A few months after its adoption, the implementation ceased.

More recently, in 2021, the Minister of Labor issued a circular that stressed the necessity of adopting a preferential approach to employing Lebanese nationals over foreigners in public administrations, institutions, municipalities, and banks.⁷⁶ The message was evident in the circular:

"(...) It appears that the public administration, public institutions, and municipalities does not abide to this principle [preference of the Lebanese nationals] and is contracting with companies mostly employing foreign workers without imposing any obligation on them to contract with Lebanese nationals, and goes to the extent to directly contract with foreigners.

And some of them, especially municipalities, accept to employ foreign workers who do not hold work permits, which is a clear violation of article 25 of the law dated 10/7/1962 that stipulates that it is forbidden for a non-artist foreign worker to do a job or profession in Lebanon unless s/he is legally permitted to do so by the Ministry of Labor".

This circular was adopted in the context of the public procurement law adopted in 2017 and mainly applied to public entities contracting with companies and individuals for procurement. Accordingly, the Minister demanded companies to abide by the law when procuring services and materials: they were requested to employ only the foreigners holding valid and legal work permits—giving preferential treatment to Lebanese nationals over foreigners.

⁷¹ Osseiran S., The Intersection of Labour and Refugee Policies in the Middle East and Turkey: Exploring the Dynamics of "Permanent Temporariness".

⁷² WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

⁷³ National Plan to Fight Foreign Illegal Labor on the Lebanese territory, ministry of labor, June 2019.

⁷⁴ Point 8, National Plan to Fight Foreign Illegal Labor on the Lebanese territory, ministry of labor, June 2019.

Middle East Monitor, Lebanon: General strike sweeps Palestinian camps for 5th day, July 20 2019, available on: https://www.middleeastmonitor.com/20190720-lebanon-general-strike-sweeps-palestinian-camps-for-5th-day/

⁷⁶ Circular No. 1/4, "Reminder of the preference that should be given to the Lebanese worker in administrations, public institutions, municipalities and banks", Minister of Labor, 04/10/2021.

The narrow space available for refugees to access labor opportunities and the increasing restrictions deprive them of social protection, health insurance in case of work injury, and the ability to sue their employer and access justice.⁷⁷

This section scrutinized the legal framework governing Syrians' access to the labor market and the incentives they benefit from due to the bilateral agreements and mutual interests. However, the preferential treatment recognized for Syrians has rarely been enforced since Syrians in Lebanon predominantly work in the informal economy. The Labor Ministry's inability to govern Syrian labor increased after 2011 and has led to chaos in the labor market, where most of the work is conducted in the informal economy. This will deprive workers of their rights and further impact the conditions of their employment. This matter will be discussed in the next section under the characteristics of Syrian labor and its impact on the Lebanese low-skilled labor.

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⁷⁷ Bou Khater (L.), Labour Policy and Practice, the Peace Building in Lebanon, August 2017.

B. THE INCLUSION OF SYRIAN LABOR IN LEBANON

Hundreds of thousands of active Syrian workers live with their families in Lebanon. Before 2011, Syrian workers used to stay seasonally without their families in Lebanon. The armed conflict pushed Syrian families to seek refuge in Lebanon, and thus Syrian workers now have to face increased living costs.⁷⁸

This section examines the characteristics of Syrian labor in Lebanon and their working condition (i). Then, it looks at the involvement of special categories of the Syrian community in the Lebanese labor market (ii), focusing on child labor and women labor.

(i) Characteristics and conditions of work for Syrians in Lebanon

Syrians in Lebanon are institutionally marginalized. Since 2015's decision to stop implementing the 1993 bilateral treaty to residency and impose new visa categories and residency renewal measures, the number of Syrians holding residency permits has dropped dramatically. VASyR 2021's preliminary figures, surveying the *registered* Syrian refugees only, reveal that only 16% of individuals above 15 years old hold legal residency permits.⁷⁹

Occupational distribution of Syrian workers: Syrian workers are active in fields that require low skill capacities and thus generate little income, social security, or job security. 80 The distribution of occupations available for Syrians varies based on the main active sector in the different Lebanese localities. Thus, half were working in personal services in the South, while 29% of agriculture Syrian workers are active in Akkar. The majority (70%) of those working in agriculture were divided between Akkar (34%) and Beqaa (36%). 81 More recent surveys estimate that as of 2016, 85% of hired agricultural workers in Lebanon were Syrian, with the remaining 15% comprised of Lebanese and other groups such as Palestinians. 82

No tangible changes occurred to the type of occupations before and after the refugee influx to Lebanon; it appears that Syrian workers remained in the same occupations as those practiced before the crisis. For instance, a survey revealed that 90% of surveyed refugees currently working in agriculture stated that they used to work in agriculture before the crisis.83

More recently, in September 2021, the VASyR preliminary findings were published. They indicate the following differences between the year 2020 and year 2021 (the figures are reproduced in the below table):

⁷⁸ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁷⁹ UNHCR, UNICEF, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon, Preliminary findings, September 2021.

⁸⁰ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁸² Opportunities for all, Rand corporation, 2018.

⁸³ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

	Agriculture	Construction	Other services (hotel, restaurant, transport, personal services)
2020	32%	24%	9%
2021	27%	19%	16%

In contrast, data from 2009 reveal that 46% of Lebanese workers in Lebanon worked in services, followed by 27% in trade.84

Syrian labor in Lebanon is primarily informal, seasonal, and is characterized by lower wages, longer working hours, and lack of protection.

Informal labor: Lebanon has been facing a chronic problem: an inflated informal sector. Most Syrian refugees work as informal laborers whereby 92% of workers do not have a contract. 85 Lebanese laborers also work in the informal economy; however, informality has different meanings for these two groups: an informally employed Syrian is working without a work permit, while an informally employed Lebanese is typically working without a work contract or registration for social security. Still, both types of informal workers face difficulties in terms of low wages (often below the minimum wage), lack of access to social protection programs, and poor working conditions.⁸⁶

Informal employment is characterized by the lack of employment contracts and social protection and an exemption from the benefits of labor legislation. Employment in the informal economy is typically characterized by instability, insecurity, bad work conditions, and lower wages than jobs in the formal sector.87

Seasonal: Another feature of Syrian labor in Lebanon is its seasonal and non-continuous nature, further putting these workers at risk and making them dependent on the employer. Around 72% of Syrian workers in Lebanon are employed and paid on a seasonal basis, and only 23% are paid a regular monthly salary.⁸⁸

Low pay and obligations: The labor policies that were implemented after the end of the Lebanese civil war and the lack of subsequent reforms have led to a liberal economy dependent on cheap and highly productive foreign laborers. Many reasons have led to the preference of Syrian low-skilled workers over Lebanese, although one-third of the Lebanese labor force was "basically poor, uneducated and engaged in

⁸⁴ Bou Khater (L.), Labour Policy and Practice, the Peace Building in Lebanon, August 2017.

⁸⁵ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁸⁶ Opportunities for all, Rand corporation, 2018.

⁸⁷ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

⁸⁸ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

casual, unskilled or semi-skilled labor." One reason for this preference is that Syrian employees could be paid up to 40% less than Lebanese. 89

Thus, Syrian laborers' working conditions make it easier for employers to abuse their situation than hiring a Lebanese with comparable skills. While Syrians before the conflict could access social support in their home country, where many services were provided for free, this benefit is no longer available due to the destruction of the infrastructure and the armed conflict inside Syria. Syrian laborers are deprived of working benefits, protection, and health insurance, with only 1% benefitting from such services. 90 Syrians often work in unsafe or unhealthy conditions, and the majority suffer from one or more work-related health conditions or have been exposed to hazards at the workplace. 91

Working hours: Compared to their Lebanese counterparts, Syrians work slightly longer hours; Syrian males work 50 hours per week while Lebanese work 48 hours per week.⁹²

Below we will highlight two more issues regarding Syrians' characteristics and working conditions in Lebanon: child labor and women's participation in the labor market.

As of November 2020, the Government of Lebanon (GoL) estimated that the country hosts 1.5 million Syrians who have fled the conflict in Syria. The latest data concerning registered Syrian refugees reveal that the number stands at 844,056. Amongst those registered, the demographic distribution of Syrian refugees in Lebanon is 51% female, 49% male, and 53% children. In the following two paragraphs, we will describe and highlight the ground realities and challenges facing children and women in that regard.

(ii) Focus on child and women refugee labor

Child labor: The deteriorating economic and social conditions in Lebanon have led to more children dropping out of schools and joining work to help provide for their families. While the collapse has hit all residents within Lebanon, vulnerable families and individuals are the most affected. Refugees and foreigners are amongst the most vulnerable communities due partly to the legal and policy restraints they are subjected to and their tenuous support system, given that their family and friends (informal networks) are still back home.

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⁸⁹ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

⁹⁰ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Government of Lebanon and UN, Lebanon Crisis Response Plan 2017-2021 (2021 update).

⁹⁴ Syrian Regional Refugee Response, Lebanon's page on the Operational Data Portal, accessible on: https://data.unhcr.org/en/situations/syria/location/71#ga=2.205703380.634794658.1637921122-1904077673.1629113688 [last accessed on November 26].

⁹⁵ Atallah S, Mahdi D., Law and Politics of "Safe Zones" and Forced Return to Syria: Refugee Politics in Lebanon, LCPS, October 2017.

Child labor is increasing in Lebanon and has grown in the informal sector, taking the form of street trades and family-based agriculture. ⁹⁶ The reasons for child labor among Syrian refugees are many, including providing essential financial support for the family or the absence of a breadwinner. ⁹⁷

Studies reveal that Syrian working children were mostly young boys. 98 Approximately 8% of refugee children between the ages of 10 and 14 work primarily in agriculture and trade. Some of the children working are found in illicit activities, such as sex work. 99

An ILO survey conducted in 2015 has shown that 73% of the surveyed children beggars originate from Syria. The interviewed children beggars worked mainly as street vendors (46%), beggars (26%), and shoe shiners (11%).¹⁰⁰

The 2021's VASyR preliminary focuses on child labor and discipline. It stated that 5% of children aged 5 to 17 (27,825 children) were engaged in child labor which is a 1% increase from 2020 and a 3% increase compared to 2019. The results confirm that boys are more likely to be engaged in child labor (8%) than girls (2%).

The most prominent legislation in this domain is Law No. 422/2002: "the law to protect juvenile offenders or juveniles at risk." Article 1 of this law defines a juvenile as one who has not completed the age of 18. The law has two main parts. The first part states the special procedures applicable to a juvenile who has breached the law, and the second part covers the issue (and protection) of juveniles at risk. It gives judges wide authority to protect a juvenile. Article 25 enumerates the situations in which a juvenile is considered at risk; for instance, the children found begging or vagabonding. 103

However, both the law and the national plans being adopted to fight child labor face serious impediments: (i) Lebanon seriously lacks shelters to receive the minors at risk, whereas judges are struggling to find shelters for minors at risk, especially foreign minors; (ii) no implementing decree has been issued to the Law No. 422/2002; (iii) Syrian displaced juvenile access to protection under Law No. 422 intersects with the legality of their parents' residency in Lebanon. 104

Women labor: Studies have shown that many Syrian refugee women in Lebanon started working only after their refuge after 2011, wherein they worked to provide for their families. ¹⁰⁵ Unemployment of

⁹⁶ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Errighi L., Griesse J., (2016), The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebanon, European Commission.

¹⁰⁰ ILO, UNICEF, Save the Children and the Ministry of Labor (2015). Children living and working on the streets in Lebanon: profile and magnitude. Consultation & Research Institute.

¹⁰¹ UNHCR, UNICEF, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon, Preliminary findings, September 2021.

¹⁰² Law to Protect Juvenile Offenders or Juveniles at Risk. No. 422. Official Gazette No. 34. 6 June 2002.

¹⁰³ Par. C. Article 25. Law to Protect Juvenile Offenders or Juveniles at Risk. No. 422.

¹⁰⁴ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

¹⁰⁵ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

Syrian women is estimated at 68%; factors leading to this high percentage are a mixture of cultural factors combined with the high share of small children where women usually provide childcare. 106

Studies reveal an income gap between Syrian male and female refugees; the average Syrian wage was \$19.81 for males and \$10.80 for females. 107 ILO's assessment concluded this significant gender gap, with females earning approximately 40% less than males. 108 This income gap is less significant amongst Lebanese workers, with an average wages for Lebanese males being \$45.70, and \$41.60 for females. 109

The next section will examine the impacts of the Syrian Crisis and refugee influx on the Lebanese economy, labor market, and national workers.

¹⁰⁶ Errighi L., Griesse J., (2016), The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebano, European Commission.

¹⁰⁷ ACTED, (2014), Labour Market Assessment in Beirut and Mount Lebanon.

¹⁰⁸ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

¹⁰⁹ ACTED, (2014), Labour Market Assessment in Beirut and Mount Lebanon.

C. IMPACTS OF THE SYRIAN CRISIS ON THE LABOR MARKET IN LEBANON

It is not an easy task to study the trends in the Lebanese labor market since Lebanon lacks updated data over time. Lebanon has not been conducting a national population census since 1972 or statistics on labor market indicators. ¹¹⁰

Thus, it would be hard to determine with precision the impacts of the Syrian crisis on Lebanon and differentiate it from the structural political, economic, and social problems Lebanon has been going through for decades. However, what is evident is that the Lebanese economy was already slowing down before the large influx of refugees. However, what is evident is that the Lebanese economy was already slowing down before the large influx of refugees.

This section looks at the available data and analysis on the impacts of the Syrian Crisis on the labor market in Lebanon. Thus, we will be looking at the repercussions it had on the economy (i) then examining the implications of the influx of Syrian workers (refugees) on the labor market and the Lebanese laborers (ii).

(i) The Syrian Conflict's impacts on the economy

The Syrian conflict impacted the economy of the neighboring countries since it disrupted regional commerce, diminished receipts from tourism, worsened investor confidence, and decreased the capital inflows into the region. The conflict severely impacted Lebanon's revenues and exports since the country relies on land transport through Syria to access markets in Jordan and the Gulf; these would account for some 60% of its exports.

Lebanon, a country neighboring Syria, was hit by the crisis and its repercussions. Lebanon's exports have dropped by half—from about \$5 billion to \$2.4 billion—between 2010 and 2015 further to the closure in 2014 of Syria's southern borders with Jordan. This drop primarily impacted Lebanon's agricultural exports, which account for nearly 15% of total exports. Furthermore, tourism declined as fear of violence arose and because travel to both Lebanon and Syria represented a significant share of the travel market before 2011.

Other indicators reveal (i) the economic growth declined from around 8% per annum over the period 2007-2010 to 3% in 2011 to 2% in 2012; (ii) private investments in Lebanon has stalled due to Lebanon's proximity to Syria and the fragility of the security situation; (iii) the already large fiscal deficit has widened even more; and (iv) the government expenditures augmented to meet the increasing demand for public

¹¹² Ibid.

¹¹⁰ Opportunities for all, Rand corporation, 2018.

¹¹¹ Ibid.

¹¹³ Errighi L., Griesse J., (2016), The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebano, European Commission.

¹¹⁴ Opportunities for all, Rand corporation, 2018.

¹¹⁵ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

¹¹⁶ Opportunities for all, Rand corporation, 2018.

services, including education, health, electricity, water supply, solid waste management, and transportation.¹¹⁷

Expectations reveal that the economic and social repercussions of the Syrian crisis and refugee influx to Lebanon will have profound and long-lasting effects on the Lebanese economy. 118

The above data and figures showcase that the blow to the Lebanese economy and growth indicators are mainly linked to Syria's crisis and armed conflict. Thus, the differentiation between the impacts of the conflict (instability and closure of borders) and the refugees' influx to Lebanon is a cornerstone to understanding and adequately mitigating the refugee crisis. It is evident that the negative indicators shown above, registered after 2011, are a natural consequence of the situation inside Syria. One should never forget that Lebanon's only open land borders are the borders with Syria. In the next paragraph, we will look at the impacts of the refugee influx on the labor market and Lebanese workers.

(ii) The impacts of the influx of Syrian refugees on the Lebanese labor market

Lebanon has been suffering a lack of policies, strategies, and knowledge-based decisions to bridge the gap between its graduate specializations and the needs of its labor market. Before the Syrian Conflict and the massive influx of refugees into Lebanon, the Lebanese economy needed to increase the number of jobs it created by six-fold in order to absorb new entrants to the labor market, according to the world Bank. The gap job creation has led to the exodus of the Lebanese youth and the overall population. For instance, 3,400 jobs were created annually in the last decade, compared to almost 19,000 new job seekers coming into the labor market every year.

The paragraph below summarizes the significant repercussions highlighted by scholars' and organizations' reports over the years. As is evident, Lebanon's state authorities have remained in denial of the refugee crisis and have not taken severe measures to absorb or mitigate the influx. The inaction of public authorities have had a negative impact since no policies have been adopted to benefit from the additional labor or to protect the Lebanese worker or labor market in general.

Replacing Lebanese with Syrian workers: The arrival of hundreds of thousands of Syrian laborers who settled in Lebanon affected the Lebanese employees that are at the lowest end of the skill spectrum. ¹²⁰ The unemployment figures reveal a rise in unemployment amongst nationals of neighboring countries that host Syrian refugees due to the availability of cheaper labor and the disturbance to active economic sectors in each of these countries. For instance, in Lebanon, the unemployment rate of Lebanese nationals has increased from around 11% before the crisis to an estimated 18-20% (Hamdan 2015, IMF 2014), particularly affecting young workers (aged 15-24) in both countries. ¹²¹

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¹¹⁷ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

David A, Marouani MA, Nahas C, Nilsson B. The economics of the Syrian refugee crisis in neighboring countries: The case of Lebanon. Econ Transit Institut Change. 2020; 28:89–109. https://doi.org/10.1111/ecot.12230 119 ACTED, (2014), Labour Market Assessment in Beirut and Mount Lebanon.

¹²⁰ Errighi L., Griesse J., (2016), The Syrian Refugee Crisis: Labour Market Implications in Jordan and Lebanon, European Commission.

¹²¹ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

While the share of Lebanese workers in the high-skill category reached 90% of total employment in Lebanon, it dropped to 45% in the low-skill category—meaning that half of the low-skilled workers in Lebanon are foreigners. Due to the influx of hundreds of thousands of low-skilled Syrian workers, low-skilled Lebanese were under a lot of pressure. Cheaper Syrian labor has led to Lebanese losing their jobs, given that Syrian workers work for lower salaries, longer hours, and without social security benefits. Furthermore, it led to a decrease in Lebanese income, making it hard to maintain the usual standard of living. According to FAO, the increase in Syrian workers caused a reduction of 60% in daily wages.

This phenomenon had been referred to as the "substitution effect." The pressure placed by Syrian workers on the already saturated labor market, salaries, and work conditions contributed to increasing unemployment. The most significant pressure is felt in the regions or areas witnessing the highest concentration of refugees in North Lebanon (in Tripoli) and the Bekaa. A study focusing on Bebnine (a town located in Akkar district) showed that the army and security sector is the only sector of the labor market not directly affected by the influx of Syrians since employment is reserved for Lebanese citizens.

Another impact is the changes that have occurred in the composition of the labor market. Lebanon is witnessing increased demand for low-skilled work in low productivity sectors characterized by lower wages and poorer working conditions.¹³¹

However, the pressure on the availability of work and labor conditions for low-skilled Lebanese and Syrian workers holds considerable advantages for wealthier Lebanese: landlords, owners of enterprises, and Lebanese middle to upper-class members. The latter benefitted from the refugee crisis, while the poorest and most vulnerable households and their children are the ones who are most threatened by it. 132

Social tension and competitive advantage: The competition between Lebanese and Syrians, which have benefitted the employers and the upper classes in the Lebanese economy, has led to heightened tension between the two communities. Syrians lack social protection in Lebanon, but Lebanon also deprives its

¹²⁴ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

¹²² David A, Marouani MA, Nahas C, Nilsson B. The economics of the Syrian refugee crisis in neighbouring countries: The case of Lebanon. Econ Transit Institut Change. 2020;28:89–109. https://doi.org/10.1111/ecot.12230

¹²³ Ibid

¹²⁵ Thorleifsson C., The limits of hospitality: coping strategies among displaced Syrians in Lebanon, 2016.

¹²⁶ Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

¹²⁷ This effect had been mentioned by David A, Marouani MA, Nahas C, Nilsson B. The economics of the Syrian refugee crisis in neighbouring countries: The case of Lebanon. Econ Transit Institut Change and Longuenesse E., TRAVAILLEURS ÉTRANGERS, RÉFUGIÉS SYRIENS ET MARCHÉ DU TRAVAIL, l'Harmattan, « Confluences Méditerranée» 2015/1 N° 92 | pages 33 à 47.

 $^{^{128}}$ Longuenesse E., TRAVAILLEURS ÉTRANGERS, RÉFUGIÉS SYRIENS ET MARCHÉ DU TRAVAIL, l'Harmattan \mid « Confluences Méditerranée » 2015/1 N° 92 \mid pages 33 à 47.

¹²⁹ Longuenesse E., TRAVAILLEURS ÉTRANGERS, RÉFUGIÉS SYRIENS ET MARCHÉ DU TRAVAIL, l'Harmattan | « Confluences Méditerranée » 2015/1 N° 92 | pages 33 à 47 .

¹³⁰ Thorleifsson C., The limits of hospitality: coping strategies among displaced Syrians in Lebanon, 2016.

¹³¹ Opportunities for all, Rand corporation, 2018.

¹³² Assessment of the impact of Syrian refugees in Lebanon and their employment profile, ILO, 2013.

own population of social protection unless employed and covered by specific funds and insurance schemes. Lebanon has no centralized national system to provide social welfare to its citizens to help them tackle poverty, distress, and emergencies. 133

Wrong perceptions amongst the Lebanese increase the tensions. For instance, Lebanese see the assistance provided for Syrians as competitive advantage in favor of the refugees since they become more able and willing to compete with Lebanese workers for even lower wages.¹³⁴

A survey aimed at assessing the perception of Lebanese towards Syrian refugees showed that the overwhelming majority of the Lebanese respondents (93%) believe the Syrians to be straining the country's energy sources. A startling 98% think they are taking jobs from the Lebanese and pushing down wages, while 63% believe that they are supported financially to an unfair degree. ¹³⁵

The recent visit of the United Nations Special Rapporteur on extreme poverty and human rights, Professor Olivier De Schutter, to Lebanon in November 2021 highlights this increased tension. In his visit statement, the Special Rapporteur stressed the wrong perceptions held by the Lebanese towards Syrian refugees—that Syrians they are seen as competing for jobs, security, and scarce public resources and services. ¹³⁶ The Special Rapporteur highlighted that these myths, misperceptions, biases, and prejudices about who Syrian refugees are and reasons for their stay in Lebanon are not only shared by Lebanese citizens but by the government itself. In contrast, he considered that Syrian refugees are scapegoated for all sorts of government failures. The statement refers to the VASyR 2021 preliminary findings stating that 88% of refugees in Lebanon live under the Survival Minimum Expenditure Basket of LBP 490,028 per person per month, and almost half (49%) of Syrian families in Lebanon are food insecure.

The competition between the Lebanese and Syrian low-skilled labor leads to a detrimental situation for both, and the primary beneficiaries are the wealthier Lebanese. This competition is based on a mechanism of exploitation and abuse of Syrian workers, a mechanism that benefits from Syrians' lack of legality, which further drives them into more precarity. The risk for Lebanon is that this situation contributes to the informal sector, to working conditions where rights are non-existent, which would affect the rights situation of all laborers, Lebanese, Syrians, and others.

In the next and last part, the report looks at the impact of the developmental approaches to refugees response planning. It analyses how it has managed or can create better living conditions for refugees while easing potential tensions between them and host communities.

¹³⁵ Ibid.

¹³³ Thorleifsson C., The limits of hospitality: coping strategies among displaced Syrians in Lebanon, 2016.

¹³⁴ Ibid.

¹³⁶ OHCHR, Statement by Professor Olivier De Schutter, United Nations Special Rapporteur on extreme poverty and human rights, on his visit to Lebanon, 1 – 12 November 2021, available on: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27789&LangID=E [last accessed on November 26, 2021].

PART III – LIVELIHOOD INITIATIVES FOR SYRIAN REFUGEES: THE HUMANITARIAN-DEVELOPMENT NEXUS

This part answers the following questions: What has been suggested or achieved with regards to the inclusion of Syrian workers in the Lebanese economy and market? Are these initiatives and programs well thought through and can they mitigate the competition and tension, especially for the Lebanese low-skilled labor? Accordingly, what can be suggested to improve the inclusion of Syrians in the labor market without negatively affecting Lebanese residents?

Section A looks at Lebanon's livelihood sector under the Lebanon Crisis Response Plan (LCRP) to grasp the official livelihood response's scope, approach, and goals. Section B looks at the experiences of other refugee-hosting countries in terms of labor inclusion. Lastly, Section C studies the humanitarian-development nexus in Lebanon and explores its ability to succeed.

A. LIVELIHOOD POLICY AND INITIATIVES UNDER THE LEBANON CRISIS RESPONSE PLAN

The response to the refugee crisis in Lebanon has recently been moving from a purely humanitarian approach to a developmental one where the autonomy of refugees is encouraged. However, this shift or combination of the two responses requires a collaboration between the humanitarian and developmental actors and the approval of host countries to allow for the self-reliance of the refugee community. Self-reliance is interpreted or understood by some as local integration of refugees. Thus, this section explores at first the international and regional contexts of the response to the Syrian refugee crisis (i). It then examines the livelihood sector under Lebanon's national response policy to explore the boundaries of the humanitarian-development approach (ii).

(i) Contextualizing the Lebanese response to the Syrian refugee crisis within the international response

The response to the refugee crisis worldwide was strictly under the UNHCR mandate, which provides a humanitarian response focused on the access of basic needs and the protection of the most vulnerable refugee populations. Nevertheless, this development at the international level has encouraged a move towards integrating a developmental approach to the humanitarian response. In Lebanon, the classic humanitarian intervention became more development-oriented starting in 2014. Western donors and international organizations were the primary catalyst of this change in approach, motivated by the urge to have "resilient" and more "self-reliant" refugees who are less dependent on international assistance. 137

The livelihood sector in the LCRP response is the main access point to shift from providing care, assistance, and protection to a development approach allowing for the autonomy of refugees. The livelihood sector is mandated to guarantee access to livelihood opportunities and income-generating jobs.

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¹³⁷ Lenner K., Turner L. (2018), Making refugees work? The politics of integrating Syrian refugees into the labour market in Jordan.

The Global Compact on Refugees, adopted in 2018, refers to the protracted situation of millions of refugees worldwide. 138 The Compact calls for more equitable sharing of the burden and responsibility and strengthened cooperation and solidarity with refugees and affected host countries. Paragraph 7 states four objectives, while paragraph 2 aims to "enhance refugees' self-reliance." The Compact takes account of the multi-layered response to a protracted refugee crisis:

> National arrangements: Established by concerned host countries to coordinate and facilitate the efforts of all relevant stakeholders working to achieve a comprehensive response. (para 20)

> Support platforms: Upon the request of concerned host countries or countries of origin, where appropriate, a Support Platform could be activated/deactivated and assisted by UNHCR to mobilize contributions and support, which may take different forms. (para 24)

> Regional and subregional approaches: Refugee movements often have significant regional or subregional dimensions. Without prejudice to global support, regional and subregional mechanisms or groupings would, as appropriate, actively contribute to the resolution of refugee situations in their respective regions. (para 29)

The Compact calls on development actors to motivate humanitarian assistance interventions to work on development programs and policies which could directly benefit both host communities and refugees. (para 65.) It adds that subject to host countries' national laws and policies, States and relevant stakeholders will contribute resources and expertise to promote economic opportunities, decent work, job creation, and entrepreneurship programs for host community members and refugees

However, the developmental approach is struggling to find itself a place in the response of Syria's neighboring countries. Creating this nexus between humanitarian and development is complex and challenging since there are many differences between the two approaches at the level of actors, timelines, and objectives. 139 Furthermore, the push made by the international community and its donors to adopt a development approach to the refugee response in third countries can be seen or interpreted as "an instrument for achieving-political-development objectives. 140

Although the EU supports job creation for Syrian refugees, the EU-Lebanon Compact did not call for such actions to be taken.¹⁴¹ During the Supporting Syria and the Region Conference held in London in 2016, many commitments were undertaken to guarantee a developmental approach, such as neighboring

¹³⁸ United Nations, Report of the United Nations High Commissioner for Refugees, Part II Global Compact on Refugees, A/73/12 (Part II).

¹³⁹ Rosanne Anholt & Giulia Sinatti (2020) Under the guise of resilience: The EU approach to migration and forced displacement in Jordan and Lebanon, Contemporary Security Policy, 41:2, 311-335, DOI: 10.1080/13523260.2019.1698182 ¹⁴⁰ Rosanne Anholt & Giulia Sinatti (2020) Under the guise of resilience: The EU approach to migration and forced displacement in Jordan and Lebanon, Contemporary Security Policy, 41:2, 311-335, DOI: 10.1080/13523260.2019.1698182 ¹⁴¹ Ibid.

countries 142 committing to open their labor markets and improve the domestic regulatory environment. 143 In return, the EU would mobilize its development policies and funding arrangements. 144

However, in the case of Lebanon, the EU-Lebanon Compact does not provide for refugees' access to employment. Instead, it focuses on job creation and business development for the Lebanese (assuming it would indirectly create jobs for Syrian refugees). 145 In the context of these financial arrangements, the Compact calls on the Lebanese government to facilitate temporary legal residence to Syrian refugees and access to employment. 146

This compromise results from the EU's prioritization of border management over other considerations: it would turn a blind eye to recurrent refugee rights abuses in the interest of sustaining a dialogue with governing powers. 147

Regional Refugee and Resilience Plan (3RP): In 2015, the international community, under the coleadership of UNHCR and UNDP, set a new approach to respond to the Syrian crisis's regional repercussions. The 3RP is a strategic coordination, planning, advocacy, fundraising, and programming platform for humanitarian and development partners to respond to the Syrian crisis. It comprises one regional plan, with five standalone chapters covering different countries: Turkey, Lebanon, Jordan, Iraq, and Egypt. 148 The 3RP has two interconnected components. The refugee component addresses the protection and humanitarian assistance needs of refugees, while the resilience component addresses the resilience, stabilization, and development needs of impacted individuals, communities, and institutions. This section aims to strengthen the capacities of national actors.

The livelihood response under the regional response to the Syrian crisis remains underfunded compared to other response sectors. In 2015, the support received amounted to 21% of the required funds. 149

On the national level, the LCRP dedicates one of its sectors to the economic inclusion of refugees and their livelihood. The following paragraph will examine the livelihood sector's response and assess its ability and efficiency to move towards a developmental approach.

¹⁴² Neighboring nations hosting Syrian refugees—Egypt, Iraq, Jordan, Lebanon, and Turkey.

¹⁴³ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

¹⁴⁴ Lenner K., Tuner L., Learning from the Jordan Contract, 2018.

Rosanne Anholt & Giulia Sinatti (2020) Under the guise of resilience: The EU approach to migration and forced displacement in Jordan and Lebanon, Contemporary Security Policy, 41:2, 311-335, DOI: 10.1080/13523260.2019.1698182 ¹⁴⁶ Fakhoury T., Refugee Governance in Crisis: The Case of the EU-Lebanon Compact, 2020.

¹⁴⁷ Ibid.

^{148 3}RP modeal, accessible on: https://www.3rpsyriacrisis.org/

¹⁴⁹ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

(ii) Livelihood sector under the LCRP

The preliminary findings of the 2021 VASyR report states that the economic crisis and the COVID-19 pandemic have pushed the *entire* refugee population below Lebanon's SMEB. ¹⁵⁰ The same source reveals an increase in the percentage of Syrian refugees' households who have at least one member working (66% in 2021 vs. 52% in 2020) and an increase in the income from 262,333 LBP to 517,564 LBP. However, the household's income from employment is 1/5th of the SMEB; humanitarian aid remains the primary source of income. ¹⁵¹ Preliminary findings show that construction and agriculture provide each family approximately 8% of their total income (others being WFP food support, UN, and other humanitarian organizations help, credit, and debts).

To understand refugees' access to income-generating opportunities, we should examine the livelihood sector under the LCRP. The LCRP is Lebanon's chapter of the 3RP. The 2021 update states that since 2011, Lebanon has received US\$8.807 billion in support under the LCRP. It is a joint response plan coled by Lebanon and the United Nations (UN). It aims at (i) ensuring the protection of vulnerable populations; (ii) providing immediate assistance to vulnerable populations; (iii) supporting service provision through national systems; and (iv) reinforcing Lebanon's economic, social, and environmental stability.

The LCRP's beneficiaries' planning figures for the year 2021 were 3.2 million people, composed of:

- 1.5 million displaced Syrians
- 1.25 million vulnerable Lebanese
- 180,000 PRL
- 27,700 PRS

The response is divided into ten sectors, with separate leading teams and members are working for each. The response includes the Lebanese Government (relevant ministries) and 112 UN orgs and NGOs partnering under it. The ten sectors include social stability, health, protection, water, food security and agriculture, basic assistance, shelter, energy, education, and livelihoods.

For the sake of this report, we will be scrutinizing the livelihood response to draw conclusions related to access to labor and work opportunities. The sector has 60 organizations working underneath it.

The LCRP employs a rhetoric suggesting that it ensures synergies between national planning and partner responses by:

"Aligning LCRP efforts with national strategies and agreed on plans, and by enabling line ministries to play a stronger role in leadership and coordination at the

¹⁵⁰ UNHCR, UNICEF, WFP, Vulnerability Assessment of Syrian Refugees in Lebanon, Preliminary findings, September 2021.

¹⁵¹ Ibid.

¹⁵² Government of Lebanon and UN, Lebanon Crisis Response Plan 2017-2021 (2021 update).

national and local levels under the guidance of MoSA, while benefiting from the support of the UN, donors, and NGOs."

However, this statement is far from reality. While the above section shows that the Lebanese authorities did not adopt measures to facilitate Syrian access to stay and work permits, the LCRP calls for an alignment between state authorities and the LCRP objectives.

Practically, and detached from what has been announced for the past years under the LCRP, Lebanon has adopted two different and contradicting responses to Syrian refugees' presence in Lebanon: security and humanitarian response. ¹⁵³ Each of the two responses has its actors with no real coordination between them. The LCRP falls under the humanitarian side of the response. Thus, we notice that the Ministry of Social Affairs, Ministry of Education, Ministry of Health, Ministry of Environment, and the Ministry of Economic are the main state authorities active under the LCRP's leadership. The main missing actors who are a cornerstone to the response to Syrians' stay in Lebanon are the security institutions—Ministry of Defense¹⁵⁴, Ministry of Interior¹⁵⁵—and the Ministry of labor.

The international community has been pushing for a humanitarian-development nexus. However, in Lebanon, a developmental approach to the refugees' response has yet to affect the narrative and practices. Instead, a security approach to governing their stay and movement is the main implemented approach, making them more dependent on international aid.

Under the LCRP's objective 4—reinforcing Lebanon's economic, social, and environmental stability—the livelihood sector outcomes are to:

- Stimulate local economic growth and market systems to foster income-generating opportunities and decent and safe employment.
- Improve workforce employability.
- Strengthen policy development and enabling environment for job creation.

The fourth objective of the LCRP includes goals such as creating 15,000 short-term opportunities, 50% of which should benefit displaced Syrians and Palestinian refugees. In total, 67,500 beneficiaries will benefit (both direct and indirect) from labor-intensive interventions. Finally, the 2021 update of the LCRP mentions that it will target 50,951 Lebanese and 36,538 displaced Syrians.

The LCRP, especially the livelihood sector, had been and is still facing acute shortages in funding. According to the 2021 3rd quarter sector livelihood dashboard, only 25.5% of the funding needs were received since January 2021.¹⁵⁶ The progress report mentions that 27,327 Lebanese and 18,623 displaced Syrians had been reached. The complex crisis is still ongoing and has placed all people living in Lebanon

¹⁵³ El Daif, C., Shuayb, M., Maalouf, M. The Vulnerability of Refugees amid Lebanese Law and the Humanitarian Policies. 2021. VULNER Research Report 1.

¹⁵⁴ The Lebanese Army is under the mandate of the Ministry of Defense.

¹⁵⁵ The Ministry of Interior supervises the work of both the General Directorate of the General Security, General Directorate of the Internal Security Forces.

¹⁵⁶ Inter-Agency Coordination Lebanon, 2021 3rd quarter sector dashboard for Lebanon.

in a state of humanitarian response. Still, the livelihood sector and its ability to strive for the autonomy of individuals to provide for themselves is marginalized in the overall response.

The set priorities and targets under the sector, such as market-skills training, establishing and supporting medium or small-medium enterprises (MSMEs), did not help bring a change to the labor situation of Syrian refugees. In addition, the livelihood sector abides with the Labor Ministry's instructions to limit the involvement of Syrian refugees to three sectors: agriculture, construction, and cleaning.

B. LESSONS LEARNED ABOUT ACCESS TO WORK FROM OTHER HOST COUNTRIES

This section looks at Lebanon's progress in providing Syrians access to the labor market (i) and the lessons learned from the livelihood and labor policies implemented in other refugee-hosting countries (ii).

(i) Lebanon's progress under its labor commitments towards Syrian refugees

Lebanon has no single official authority managing, assessing, and enhancing its response to the needs of Syrian and other refugees and mitigating the impacts on the Lebanese host communities. The LCRP and the structural governance created to serve it bring together international actors, NGOs, and some of the Lebanese ministries. The State's retreat from assuming responsibility regarding the refugee crisis makes it even more challenging to manage the crisis. ¹⁵⁷ The establishment of the Ministry of State for Displaced Affairs (specifically for Syrian refugees), which lasted a few years, was a complete failure since each other Ministry responsible for one aspect of the response refused to transfer the responsibility and management to the new Ministry.

While Lebanon was reluctant at first to recognize the right of humanitarian and developmental actors to include refugees in income-generating jobs, job generation was later permitted as long as it falls under one of the sectors: agriculture, construction, and cleaning. Accordingly, many modalities have been adopted by developmental actors in Lebanon to facilitate the inclusion of Syrians in the local labor market.

For instance, NGOs collaborated with municipalities to employ Syrians in basic infrastructure services such as clearing canals and solid local waste management projects.¹⁵⁸ Another largely invested in support is the technical support to Lebanese businesses and small-medium enterprises (SMEs), accounting for approximately 20% of planned projects.¹⁵⁹

Separately, and apart from creating jobs, vocational and skill training is available for refugees and vulnerable host communities to empower trainees and link them to MSMEs economically. ¹⁶⁰ For example, the International Rescue Committee has run three-month training in food processing and tailoring. ¹⁶¹

¹⁵⁷ Opportunities for all, Rand corporation, 2018.

¹⁵⁸ WFP, ILO, UNDP, Jobs make the difference – Expanding economic opportunities for Syrian refugees and host communities, 2017.

¹⁵⁹ Ibid.

¹⁶⁰ Ibid.

¹⁶¹ Opportunities for all, Rand corporation, 2018.

Other training programs tackle farmers' markets and digital skills training in Lebanon; GIZ developed nursing, construction trades, and hospitality trainings. 162

The 2017–2020 LCRP report states that the livelihoods sector will work to better match the skills taught in educational programs with the qualifications required in the labor market.

Nevertheless, many challenges obstruct the efforts and efficiency of the different initiatives; Lebanon's official policies and strategies do not support them. Thus, the efforts remain scattered and do not contribute to an overall strategy. Moreover, some are concerned about the ineffectiveness of the trainings, especially those given to refugees in sectors in which they are not allowed to work or where few opportunities are available. Thus, training should be offered further to analyse market needs. ¹⁶³

It has been challenging for development and humanitarian actors in Lebanon to cope and respond to the needs of the vulnerable Lebanese and refugees' communities. Reasons include the fact that the Lebanese government has not made concessions to allow these actors the ability to maneuver when it comes to employing refugees, the lack of market studies, and well-thought-of strategies. Thus, to assess the likelihood of integrating a development approach when a country is hosting a vast refugee community, we need to examine the experiences of other countries. It would help us understand how, and if, they managed to include their refugee community in income-generating jobs without causing social tensions and unfair competition to their local community. We look at some of these experiences in the next paragraph.

(ii) Lessons learned from the livelihood and labor policies implemented in other refugee host countries

The gap and differences between the projections of varying regional and national plans and commitments to the Syrian refugee population is not a unique characteristic of the Lebanese response. Many development policies and projects in other countries suffer from a similar disjuncture between plans and realities on the ground. One reason is the misunderstanding or intent to ignore the ground realities of the people and different territories. 164

Jordan: One illustration of the impacts of unrealistic projections and planning is the EU-Jordan Compact that was characterized, at the time of its signature, as a success and a milestone in terms of shifting refugee responses towards self-reliance and autonomy.

Nevertheless, implementing the terms of the Compact and ground experience revealed a flawed projection, planning, and wrong assumptions as to the applicability and efficiency of the plan. The agreement calls for easier access to the EU's market for Jordan in return for employing Syrian refugees in factories located in 18 industrial and development zones across the country and also includes World Bank concessionary loans to attract investments in Jordan. The employment rate of Syrians would increase within just a few

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¹⁶² Opportunities for all, Rand corporation, 2018.

¹⁶³ Ibid

¹⁶⁴ Lenner K., Turner L. (2018), Making refugees work? The politics of integrating Syrian refugees into the labour market in Jordan.

years from 15% to 25%.¹⁶⁵ However, the Compact ignored local structural considerations concerning migrant labor, especially since the remuneration of garment workers is too little.¹⁶⁶ This industry usually employs female migrants from India, Sri Lanka, and Bangladesh. However, unlike migrants, most Syrians have families to provide for and must pay the rent, food, and other needs.¹⁶⁷ Thus, despite the huge investments and efforts put by official actors and NGOs, only a handful of Syrians are employed in the zones today. Syrians largely remain in agricultural and construction jobs in the informal economy, where they already labored before they were legally allowed to work.¹⁶⁸

Turkey: The main findings show that informal Syrian refugees' labor negatively impacts Turkish workers working in the informal sector. On the contrary, it created higher-wage formal jobs; thus, the average Turkish wages have increased. However, Turkey's experience is different from Lebanon's and Jordan's. In Turkey, Syrian refugees have access to more sectors and jobs and find themselves in an unsaturated job market with growth potential. Still, Syrian refugees suffer from precarious labor and are employed mainly in the informal sectors. 170

Uganda: An Oxford-led study revealed the positive impact of a refugee influx to a country. ¹⁷¹ The findings help rethink popular assumptions. Our report is mainly concerned with the idea of "refugees as a burden." The main results of the study in Uganda are that refugees are in fact buyers of products and services in the host country. In Urban areas, this purchasing power benefits the nationals at a rate of 97%, while in rural areas, the sellers are 68% national. According to the study, refugees create employment opportunities for citizens in addition to being employees.

C. PROSPECTS FOR THE FUTURE

The protests in Lebanon in the past year and their increased intensity starting October 2019 have shown that Lebanon's economic and social problems are more fundamental than the presence of Syrian refugees.¹⁷² The problems facing Lebanon as a whole are mainly caused by corruption and politics since the policy of no policy is the primary approach to the Governments' portfolio in Lebanon.

¹⁶⁵ Lenner K., Turner L. (2018), Making refugees work? The politics of integrating Syrian refugees into the labour market in Jordan.

¹⁶⁶ Osseiran S., The Intersection of Labour and Refugee Policies in the Middle East and Turkey: Exploring the Dynamics of "Permanent Temporariness".

¹⁶⁷ Foreign Policy, Investing in Low-Wage Jobs Is the Wrong Way to Reduce Migration, available on: <u>Investing in Low-Wage Jobs Is the Wrong Way to Reduce Migration – Foreign Policy</u> [last checked on November 3 2021].

¹⁶⁸ Ibid.

¹⁶⁹ David A, Marouani MA, Nahas C, Nilsson B. The economics of the Syrian refugee crisis in neighbouring countries: The case of Lebanon. Econ Transit Institut Change. 2020;28:89–109. https://doi.org/10.1111/ecot.12230

¹⁷⁰ Osseiran S., The Intersection of Labour and Refugee Policies in the Middle East and Turkey: Exploring the Dynamics of "Permanent Temporariness".

¹⁷¹ Betts A., Bloom L., Kaplan J., Omata N. (June 2014). Refugee economies: rethinking popular assumptions. Humanitarian University project, University of Oxford.

¹⁷² Rosanne Anholt & Giulia Sinatti (2020) Under the guise of resilience: The EU approach to migration and forced displacement in Jordan and Lebanon, Contemporary Security Policy, 41:2, 311-335, DOI: 10.1080/13523260.2019.1698182

One cannot assess the positive or negative repercussions of Syrian refugees on Lebanon's economy and society without admitting that Lebanon did not make efforts to benefit from the labor opportunities it received with the influx of refugees. Syrian labor remained informal; it is restricted to only three sectors and open to low-skilled labor only. 173 Thus, Syrians were not allowed to lead business activities, create jobs, and help expand the economy through investments. Lebanon managed to push away the wealthy or resourceful Syrians who fled the armed conflict; thus, most Syrian laborers who stayed in Lebanon are low-skilled workers, working in the informal economy in low productivity sectors. Accordingly, their potential to boost economic growth is limited. 174

The opportunity to benefit from Syrian labor faces many challenges.

On the one hand, Lebanon has little potential and ability to create economic growth and jobs for its resident population. The reasons are structural, for instance; political instability, unreliable electricity, high production costs, corruption, mismanagement, and overall lack of capacity in government. 175 Furthermore, Lebanon's small market (population less than 5 million) is a key constraint facing economic development. 176 Thus, Lebanon needs to expand markets for Lebanese firms and provide technical assistance to small and medium-sized enterprises. 177 Lebanon should work on attracting investments. Its potential to do so is considerable if we consider that it has a large and, in many cases, well-resourced Lebanese diaspora that is so far limiting its investments to summer homes rather than business ventures. 178

On the other hand, there are challenges facing the work of Syrian labor itself. As presented in this report, they have difficulty accessing legal residency and work permits; these are key impediments to Syrians establishing businesses and investment, pushing the high-skilled amongst them to leave Lebanon. 179

In addition, any plan to integrate Syrians into the labor market should consider their labor characteristic and educational background. Most Syrians (80%) had either not received any education (29%) or not continued formal education past primary schooling (52%). Thus, the initiatives targeting expansion opportunities in the formal labor sector would not change their employment, and investing in infrastructure would generate economic opportunities for Lebanese and Syrian workers. ¹⁸¹

This report has shown that Lebanon keeps adopting policies and regulations that see Syrian refugees' as simple economic migrants. This approach overlooks the vast number of Syrians living on the Lebanese

¹⁷³ Opportunities for all, Rand corporation, 2018.

¹⁷⁴ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

¹⁷⁵ Opportunities for all, Rand corporation, 2018.

¹⁷⁶ Lebanon Support, (2016), Syrian Refugees' Livelihoods. The Impact of Progressively Constrained Legislations and Increased Informality on Syrians' Daily Lives.

¹⁷⁷ Opportunities for all, Rand corporation, 2018.

¹⁷⁸ Opportunities for all, Rand corporation, 2018.

¹⁷⁹ WFP, ILO, UNDP, Jobs make the difference - Expanding economic opportunities for Syrian refugees and host communities, 2017.

¹⁸⁰ Ibid.

¹⁸¹ Opportunities for all, Rand corporation, 2018.

territory who are unable or unwilling to return to Syria without a peaceful solution for the crisis. ¹⁸² In the meantime, the precarity and vulnerability of Syrians in Lebanon are increasing. The little access they have to formality has impacted the registration of marriages and newborns, a reality Lebanese authority will have to deal with sooner or later.

In the meantime, international actors, mainly the EU, have security and political considerations pushing it to prioritize border management and halting refugees' arrival to its continent. Thus, it will not prioritize a rights-based approach that ensures a dignified refugee stay, nor could it spur any structural reforms as long as Lebanon is physically hosting large populations of refugees.¹⁸³

¹⁸² Ahmet I, Maissam N (2020) The politics of return: exploring the future of Syrian refugees in Jordan, Lebanon and Turkey, Third World Quarterly, 41:3, 415-433, DOI: 10.1080/01436597.2019.1675503

¹⁸³ Fakhoury T., Refugee Governance in Crisis: The Case of the EU-Lebanon Compact, 2020.

CONCLUSION AND RECOMMENDATIONS

Lebanon has long depended on Syrian third-sector laborers since its independence in 1943, especially in the fields of agriculture and construction. The economic interests between the two countries has been reciprocal, as Syria also benefitted from the situation to curve its unemployment figures. The features of Syrian labor in Lebanon remain unchanged since 2011: informal, little income for refugees, and big benefits for wealthy Lebanese employers.

Access to residence for Syrians has long relied on bilateral agreements between the two countries. Following the Syrian armed crisis however, these bilateral agreements were no longer applied and new categories of residence and work permits were created. These new categories limiting Syrian refugees' access to protection and legal documentation in Lebanon, which perpetuated the informality of their work leaving them with no health coverage or proper compensation under extremely excruciating working conditions.

This report has shown that the marginalization of Syrian refugees does not benefit the Lebanese economy, adding only to the refugees' dismal state without contributing constructively. This marginalization, both on a discourse and policymaking level, has failed to differentiate between the impact of the war on the Lebanese economy and the impact of the influx of refugees. The latter's relation with the Lebanese labor market remains unstudied by Lebanese governmental and ministerial entities. Consequently, the state has yet to adopt policies or rules to organize the competition and flow of workers to the market, failed to attract the investment of wealthy Syrians, and pushed away investors and highly skilled workers.

In order to provide adequate relief, policymaking, and planning mechanisms, the concerned Lebanese institutions need to have comprehensive and accurate data on the numbers, documentations, and material needs of refugees.

The Livelihood Crisis Response Plan—which was meant to enhance Syrians' access to the labor market—also has fallen short of achieving their own goals, as any plan to facilitate Syrian refugees' access to the labor market was faced with narratives framing it as a threat to Lebanese sovereignty. In addition, the livelihood response suffered from shortages in funding, logistical capability, and local support. Experiences in Jordan show the importance of local initiative and support, as even an adequate amount of funding and logistical preparation might be insufficient in the absence of local ownership.

While the approach to refugees' response worldwide is turning towards adding a developmental approach to the humanitarian response, the host countries have still not taken on the challenge of the international community. The unevenly shared responsibility in hosting and providing for refugees is one reason for this failure. In addition, the sovereignty and internal realities and sensitivities are another reason obstructing the development and adoption of the developmental approach where refugees can provide for themselves. Countries struggling to provide economically for their own population find it hard to justify the integration of refugees into their economy, especially when refugees require additional protection and support from the state.

Recommendations:

- The Lebanon Crisis Response Plan (LCRP), adopted at the governmental level, brings together some of the relevant national authorities responding to the Syrian refugee crisis in Lebanon. The schism in the national response—between security and humanitarian—should be bridged by bringing the rest of the state actors to the LCRP's structure. Namely, security agents and institutions should take part in the decision-making process to avoid contradiction and ambiguities.
- At the level of its government, Lebanon should adopt rules that would ensure Syrian refugees and nationals have access to legal documentation (residency and births certificate). The rules should consider the financial situation of Syrians and the centrality of residences for their survival and access to legal documentation, education, and health. Without oversight over foreigners' stay in Lebanon, the state cannot respond and negotiate return in the future.
 - For registered refugees: Link the renewal of General Security residency to the UNHCR registration card. The General Security would not accept that the UNHCR decides on grating annual residences to foreigners; however, the UNHCR should go the extra mile with state authorities to guarantee that registered refugees hold legal state residencies.
 - For unregistered Syrian refugees: The General Security should partner with the UNHCR and municipalities to adopt a mechanism guaranteeing all Syrians have access to residencies and, more importantly, that all marriages and births (past and new) are registered.
- Adopt an economic response plan specifying how Lebanon can benefit from organizing Syrian labor. The plan should fulfill the following conditions: (i) benefit from the availability of low-skilled Syrian workers to expand productive sectors such as agriculture and industry—thus increasing exports and attract investment to Lebanon; (ii) mitigate any tension or competition with the Lebanese workers; and (iii) shift part of the Syrian labor to the formal economy and provide Syrians with decent working conditions, allowing their income-generating work to be sufficient to sustain them.
- Livelihood sector under the LCRP: Restructure the response to provide training in sectors where
 refugees and Syrians are allowed to work and make the livelihood sector an integral part of a
 national comprehensive economic plan mentioned above. Otherwise, the livelihood sector will
 never be able to provide Syrians with autonomy, and it would only offer short-sighted
 opportunities.

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