



EUROPEAN POLICY BRIEF

VULNER

VULNER POLICY BRIEF: LEBANON

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KEY MESSAGES

- Lebanon offers no tailored legal protection for refugees; it has no asylum law and promotes itself as a transit country which contributes to the specific nature of refugees' vulnerability.
- There is a lack of clarity in the vulnerability criteria and identification process for refugees living in Lebanon who are seeking resettlement in a third country. UNHCR's resettlement policies should be published and publicly available to all refugees.
- There are two conflicting policies currently implemented in Lebanon towards refugees. The first is a humanitarian policy which attempts to provide relief and protection for refugees led by United Nations agencies and other international actors in coordination with the Lebanese government, with particular attention to the specific needs of vulnerable groups. The second is a security policy led by the Lebanese government where refugees are seen as a security threat. The security approach is exacerbating the gaps in refugee-protection, while the humanitarian response is failing to provide legal protection, even to those who are prioritized in humanitarian intervention programmes based on their particularly vulnerable position.
- The Lebanese government and humanitarian agencies need to reconcile the conflicting humanitarian and security responses towards refugees.
- A shift from a security approach towards greater protection of the most vulnerable refugee population necessitates relaxing the residency requirements imposed on refugees.
- The presence of provisions towards vulnerable refugees in Lebanese law is very weak. Yet, the legal system - in principle - makes no distinction between a forced migrant or national. Despite equality in the law related to the protection of vulnerable groups, refugees need better access to legal assistance. In general, there is a need to strengthen legal protection for refugees within existing legal frameworks on vulnerable groups whilst also supporting the infrastructure and services available to vulnerable refugees.
- There is a need to rethink the understanding of vulnerability in light of the Lebanese context where there are no opportunities for de jure local integration through naturalization.

INTRODUCTION

The UN Global Compacts for Migration and on Refugees require states to develop their migration and asylum policies in ways that consider the vulnerabilities that migrants and refugees may be facing. International aid agencies active in Lebanon, such as the UNHCR and the UNRWA, seek to tailor their humanitarian intervention depending on the vulnerabilities faced by refugees. They developed various tools to that end, such as the vulnerability assessment framework (VASyR) that is implemented under Lebanon's Crisis Response Plan (LCRP).

The Lebanese team of the VULNER project studied how vulnerable refugees are identified, and how their special reception and procedural needs are assessed and addressed by Lebanon's asylum state and non-state authorities, including UN agencies. The team examined legislation, case-law, policy documents and administrative guidelines, including the Lebanese Crisis Response Plan (LCRP) and conducted forty-two interviews with civil servants, judges, and social workers in Lebanon.

This Policy Brief explores the findings, highlighting the challenges and the shortcomings observed in Lebanon as well as proposing concrete policy recommendations.

EVIDENCE AND ANALYSIS

This section presents the most policy-relevant findings. These mainly include the following:

- **The lack of asylum law in a transit country**

The lack of a clearly defined asylum law has led to various actors, policies, and responses to refugees' entry, stay, and livelihood in Lebanon. The report highlights the role of the legal and policy frameworks in keeping, aggravating, or even causing the vulnerability of a refugee since they are denied the capacity to provide for themselves. Lebanon is a transit country and does not consider local integration of refugees as a solution. In fact, there is no provision of local integration under Lebanese law.

- **Publicly available information on resettlement is near to absent**

As local integration in Lebanon is not an option provided by the Government, third-country resettlement remains an important protection tool for refugees. To access resettlement, vulnerability plays a huge role such as prioritizing survivors of violence/torture, women and girls at risk, and those with medical needs or disabilities. However, the criteria for vulnerability in resettlement differ from the vulnerability criteria used by UNHCR in Lebanon through the vulnerability assessment framework (VASyR). Many interviewees do not understand UNHCR's work when it comes to resettlement and UNHCR's resettlement programs are seen as ambiguous and without transparency for the different stakeholders and to refugees themselves.

- **The dual policy of humanitarianism and securitisation**

We observe two conflicting approaches concerning Lebanon's response to refugees: a security-focused response and a humanitarian one. A security response targets residency, movement, and access to work opportunities and takes no account of vulnerability concerns. On the other hand, the humanitarian response is centered around the concept of vulnerability. Vulnerability under the humanitarian response has not been defined, but the sectors and criteria for its assessment are well determined by the UN agencies in Lebanon.

The policy schism (security-humanitarian) leads to the substandard governance of the refugee response. The dual policy suffers from the lack of institutionalized coordination between the actors on both sides. Thus, the Lebanese government is making promises on the humanitarian level (under the Lebanese Common Response Plan), only to act on the contrary from a security perspective.

- **The shortcoming of the humanitarian community towards vulnerable refugees**

On the humanitarian front, international donors have invested massive amounts channeled through the UN under Lebanon's Crisis Response Plan (LCRP) umbrella. While the humanitarian actors respond to refugees' immediate socio-economic and protection needs, the annual vulnerability assessments demonstrate that vulnerability was increasing even before 2019's economic collapse. The response failed in mitigating the needs of refugees since it has created in many instances parallel response systems to those set by public authorities; it has created a dependency on continuous humanitarian support to refugees and overlooked the long-term nature of the displacement.

The unwillingness of state authorities to facilitate refugees' stay in Lebanon contradicts the massive amounts Lebanon requested and received from the international community to provide for these refugees. Donors, including the EU, hold strong negotiation powers to impose minimum requirements on the government, including recognizing refugees' legal residency and organizing their -already paid- access to education, health, and other services.

- **A sporadic and incomplete legal definition and conception of vulnerable groups in the context of displacement**

Lebanese legislation provides protection to certain vulnerable groups and categories through sporadic and incomplete legislation as it has been a recent endeavor and, in many cases, adopted due to donors' pressure and not for refugees specifically. While refugees are not discriminated against in these laws, the enforcement of this legislation is still weak and hardly accessible for refugees residing illegally in Lebanon. In addition, Lebanon has shortages in shelter, financial and human capacities and resources needed to provide protection and support for vulnerable groups.

Findings from the interviews showcased how external factors of vulnerability such as the legislations, policies, and practices contribute to increasing refugees' vulnerability in Lebanon. Thus, the report challenges the international and EU levels' efforts to define refugees' vulnerability from personal security and intrinsic factors' perspectives and calls to avoid sub-categorizing a vulnerable population, knowing that protection risks increase with the worsening socio-economic situation.

POLICY IMPLICATIONS AND RECOMMENDATIONS

Based on the findings and research, the research proposes several policy recommendations that would contribute to better understanding and responding to the needs and vulnerabilities of refugees in Lebanon's context.

- **Asylum law in a transit country**

- Adopt clear, coherent, and homogeneous visa- and residency policy for the refugee population aligned with the Lebanon Crisis Response Plan.
- Adopt a comprehensive legal protection regime for vulnerable categories in Lebanon to provide them with protection and rehabilitation services regardless of their legal status. This should result in better resources and systems for refugees to access legal protection regardless of their legal status which currently deter them from seeking legal advice.
- Achieving an improved legal protection for refugees requires strengthening the human and financial capacities of state authorities and providing protection regardless of the legal status.

- **Publicly available information on resettlement is near to absent**

- There is a need to publish the selection criteria and priority consideration for who would get resettled and why and how.
- An understanding of vulnerability that is more fitting to the context of Lebanon and encompassing external factors in addition to the individual is needed.
- There is a need to align the use of the concept of vulnerability in aid and in resettlement in Lebanon.

- **The dual policy of humanitarianism and securitization**

- There is a need to reconcile the dual approach to refugees in the Lebanese Common Response Plans.
- International and national organizations actively responding to refugees' needs should avoid building parallel protection regimes by focusing and channeling their protection services in the existing platforms (and strengthening them).
- Invest further resources into improving the infrastructure and develop a coherent system and human resources needed to provide protection for the various vulnerable groups.
- The Lebanese Crisis Response Plan (LCRP) should bring together all the components and actors under the refugee response, including security actors. Currently, the inter-agency structure does not encompass the security response actors, which leads to contradiction in the asylum policies in Lebanon.

- **The need for more stringent conditionalities on aid to Lebanon**

- There is a need to clarify donors' agendas and track the efficiency of donations in relation to aims of assistance.
- Donors and UN agencies are requested to employ greater accountability and transparency regarding the impact and use of their funds.
- Donors and humanitarian actors must make sure the funds received from the international community have an impact in reducing chronic vulnerability, going beyond mere subsistence needs.
- Shift the assessment of the success of the response from mere quantitative data tracking the number of beneficiaries to assess the quality and efficiency of the intervention and provide protection.

THE VULNER RESEARCH PROJECT

This policy brief has been issued by Shaden El-Daif, Maha Shuayb and Maria Maalouf. It reflects the result of their own scientific data and analyses, which they developed within the framework of the VULNER research project.

The VULNER research project is an international research initiative, whose objective is to reach a more profound understanding of the experiences of vulnerabilities of migrants applying for asylum and other humanitarian protection statuses, and how they could best be addressed. It therefore makes use of a twofold analysis, which confronts the study of existing protection mechanisms towards vulnerable migrants (such as minors and victims of human trafficking), with the one of their own experiences on the ground.

This policy brief reflects only the authors' views. The European Union and the project coordinator are not liable for any use that may be made of the information contained therein.

PROJECT IDENTITY

PROJECT NAME	VULNERABILITIES UNDER THE GLOBAL PROTECTION REGIME - How Does the Law Assess, Address, Shape and Produce the Vulnerabilities of the Protection Seekers? (VULNER)
COORDINATOR	Department of Law & Anthropology, Max Planck Institute for Social Anthropology, MPG, Halle a.d. Saale, Germany
CONSORTIUM	Max Planck Institute for Social Anthropology - MPG Halle, Germany Ca'Foscari University of Venice - UNIVE Venice, Italy Catholic University of Louvain - UCL Louvain, Belgium Center for Lebanese Studies - CLS Beirut, Lebanon Institute for Social Research - ISF Oslo, Norway Martin Luther University Halle-Wittenberg - MLU Halle, Germany Population Europe – PE Berlin, Germany University of Ottawa - UOTTAWA Ottawa, Canada
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