

“Standoffish” policy-making: Inaction and Change in the Lebanese Response to the Syrian Refugee Crisis

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Abstract: With the largest refugee population per capita in the world, Lebanon now officially hosts at least 1.1 million Syrian refugees. Until late 2014, the Lebanese government maintained de facto open borders and little to no regulation of Syrians within its borders. This period has largely understood as one of state absence: referred to broadly as a “policy of no-policy.” This paper looks at the way in which state *inaction* played a major role in structuring the responses that did emerge, both “below” and “above” the state, from local authorities and international agencies. I shed light on how indirect measures taken by the central government facilitated and encouraged greater local autonomy in governing the refugee presence. This, in turn, further decentralized and fragmented the current set of responses to the Syrian refugee crisis in Lebanon and legitimized discretionary action by municipal authorities.

Keywords: Syria; Lebanon; refugees; aid; borders

With the largest refugee population per capita in the world, Lebanon now officially hosts at least 1.1 million Syrian refugees alongside a local population of approximately four million. Until late 2014, the Lebanese government maintained de facto open borders and little to no regulation of Syrians within its borders. This period has largely understood as one of state absence: referred to broadly as a “policy of no-policy.”¹ This paper aims to advance this notion in two ways. First, I look at the way in which state *inaction* played a major role in structuring the responses that did emerge “below and and “above” the state, from local authorities and international agencies. Second, I shed light on how indirect measures taken by the central government facilitated

¹ Karim El Mufti, “Official Response to the Syrian Refugee Crisis in Lebanon, the Disastrous Policy of No-Policy,” January 10, 2014, <http://civilsociety-centre.org/paper/official-response-syrian-refugee-crisis-lebanon-disastrous-policy-no-policy>.

and encouraged greater local autonomy in governing the refugee presence. This, in turn, further decentralized and fragmented the current set of responses to the Syrian refugee crisis in Lebanon and legitimized discretionary action by municipal authorities.

In this contribution, I aim to “mov[e] away from an emphasis on active and observable intervention” to take seriously the critical role that inaction can play in shaping outcomes.² Too often, particularly in countries of the global South, state inaction is understood primarily as a reflection of state incapacity, obscuring the important ways in which “[v]ariations in governance practices [...] arise from variations in state appetites, and not only from variation in state capacities, to govern.”³ Recent work in this vein has focused on variation in states’ willingness (rather than capacity) to use repression⁴, on how deliberate inaction by states can serve electoral and redistributive purposes,⁵ as well as on the limits of ideological drivers of state inaction.⁶ As Slater and Kim argue, this understanding of the state, which they coin as the “standoffish state,” stands in contrast to the traditional Weberian notion of a state primarily interested in homogenization, centralization, and monopolization,⁷ as well as a corrective to the more contemporary notion advanced by Scott⁸ of the state as a project of “imposing legibility and standardisation.”⁹ Particularly in relation to “populations who lack substantial economic or political resources,” a policy of standoffishness can be very appealing to states who are

² Allan McConnell and Paul t’Hart, “Public Policy as Inaction: The Politics of Doing Nothing” (paper presented to Australian Political Studies Association annual conference, University of Sydney, September 28 – October 1, 2014), 3, available at: <https://ssrn.com/abstract=2500010>.

³ Dan Slater and Diana Kim, “Standoffish States: Nonliterate Leviathans in Southeast Asia,” *TRaNS: Trans -Regional and -National Studies of Southeast Asia* 3, no. 1 (January 2015): 26, doi:10.1017/trn.2014.14.

⁴ Jean Lachapelle, Lucan Way, and Steven Levitsky, “Crisis, Coercion, and Authoritarian Durability: Explaining Diverging Responses to Anti-Regime Protest in Egypt and Iran” (American Political Science Association Annual Meeting, New Orleans, LA, 2012), <https://ssrn.com/abstract=2142721>.

⁵ Alisha Holland, *Forbearance as Redistribution: The Politics of Informal Welfare in Latin America*, Cambridge Studies in Comparative Politics (Cambridge, UK ; New York, NY: Cambridge University Press, 2017).

⁶ Stephen Barber, *Westminster, Governance and the Politics of Policy Inaction: “Do Nothing”* (New York, NY: Springer Berlin Heidelberg, 2016).

⁷ Slater and Kim, “Standoffish States,” 30.

⁸ James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed*, Yale Agrarian Studies (New Haven, Conn.: Yale Univ. Press, 2008); James C. Scott, *Art of Not Being Governed: An Anarchist History of Upland Southeast Asia*. (New Haven: Yale University Press, 2009).

⁹ Slater and Kim, “Standoffish States,” 28.

primarily concerned with maintaining their power and minimizing political challenges.¹⁰ It is with this in mind that I analyze the so-called “policy of no-policy”¹¹ of the Lebanese central government in the first three years of the Syrian refugee influx.

I begin by briefly outlining the Lebanese political context during and in the run-up to the early years of the Syrian uprising. During this period, the Lebanese central authorities preferred to have minimal involvement in the regulation of Syrians within their borders, enabling – and at times encouraging – this space to be taken up by other actors, namely local authorities and international authorities. Two critical inactions helped shape the role of these actors: first, the lack of entry and border regulation; second, non-encampment and the lack of shelter policy. The posture of “standoffishness” changed with the pronouncement of the 2014 October Policy, broadly recognized as a critical shift in the government’s response to the refugee presence. Critically, however, this change did not aim to render Syrians “legible”¹² to Lebanese authorities but rather has served to make ambiguity and arbitrariness the central characteristic of policy.

Central Gridlock and “Standoffishness”

The Syrian uprising and ensuing conflict posed a particularly distinct challenge for the Lebanese government. Since the assassination of former Prime Minister Rafik Hariri and Syria’s withdrawal from Lebanese territory in 2005, the Lebanese political class has largely been divided between factions broadly considered loyal (“March 8”) and opposed (“March 14”) to the Syrian regime. This polarization was accompanied by a great deal of political instability. From 2011 until 2014, Lebanon went through three changes in government under the authority of three different Prime Ministers.¹³ Prior to the election of Michel Aoun in October 2016, the country had been without a President for over two years. Adding to this constant change of leadership were long periods of deadlock and

¹⁰ Ibid., 27–28.

¹¹ El Mufti, “Official Response to the Syrian Refugee Crisis in Lebanon, the Disastrous Policy of No-Policy.”

¹² “Legibility” for Scott is the process by which a state gained control over its subjects and their environment. The “abridged maps” of the social world that state officials produce do not represent the complex social life but rather “refashion” both society and its environment. See Scott, *Seeing like a State*, 2–3, 12–83.

¹³ Saad Hariri until June 2011; Najib Mikati from June 2011 to March 2013; Tammam Salam from January 2014 until December 2016.

political vacuum, as the formation of new governments consistently brought to the fore major divisions and extended political jockeying.¹⁴

For the purposes of this paper, it is important to note that political actors and analysts at the time were gravely concerned about the potential for the country to be drawn into the conflict in Syria. This fear of “spillover” led the Lebanese National Dialogue Committee¹⁵ to adopt the 2012 Baabda Declaration, which affirmed (among other provisions) the commitment of political actors in the country to “eschew block politics and regional and international conflicts [...] and avoid the negative repercussions of regional tensions and crises in order to preserve its own paramount interest, national unity and civil peace.”¹⁶ In contrast, little attention was given to the importance of managing the refugee presence as both political factions in the country wagered that refugees would be a short-term reality; they believed the conflict itself would be resolved relatively quickly—albeit with each faction predicting vastly different outcomes.¹⁷

This assumption greatly lessened the sense of urgency for a comprehensive policy response to the refugee influx and made the presence of refugees more vulnerable to political instrumentalization in the interest of the issue of greater immediate concern: the ongoing war in Syria and its repercussions on the geopolitical balance in Lebanon. As

¹⁴ For more on this, see Filippo Dionigi, “The Syrian Refugee Crisis in Lebanon: State Fragility and Social Resilience” (LSE Middle East Centre, 2016).

¹⁵ An institution that has its roots in the early days of the Lebanese civil war, the National Dialogue Committee brings together leading political and sectarian leaders to discuss key issues of contention. It was revived in 2006 in the aftermath of the assassination of Prime Minister Rafik Hariri, and has been resorted to on many instances since as a way to overcome (with mixed success) political gridlock on key issues related to national stability. See Farid El-Khazen, *The Breakdown of the State in Lebanon, 1967-1976* (Cambridge, Massachusetts: Harvard University Press, 2000), 315–22; The Monthly, “39 Years of Lebanese Dialogue From the National Dialogue Committee to the Baabda Dialogue Committee” (The Monthly Magazine, October 9, 2014), http://monthlymagazine.com/article-desc_1495_october--39-years-of-lebanese-dialogue-from-the-national-dialogue-committee-to-the-baabda-dialogue-committee#sthash.WKvYpK13.dpuf.

¹⁶ Permanent Mission of Lebanon to the UN, “Baabda Declaration Issued by the National Dialogue Committee on 11 June 2012” (UN Security Council, June 11, 2012), <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Lebanon%20S%202012%20477.pdf>.

¹⁷ Interview with Senior Advisor to the Minister of Interior and Municipalities, July 2016.

Dionigi argues, geopolitical dynamics form a critical part of Lebanese statehood.¹⁸ The primacy of this concern was projected onto refugees themselves.

As such, the position of political actors in Lebanon on the refugee presence was primarily driven by their respective positions on the Syrian conflict. For example, March 14 generally presented refugees and other victims of the Syrian conflict as allies and symbols of the broader resistance against Damascus.¹⁹ This is embodied perhaps most starkly in a speech given by Samir Geagea, the head of the Lebanese Forces and a leading Christian figure within March 14, during the 2012 memorial of Rafik Hariri's assassination. In it, he salutes the people of Homs, Idlib, Deraa, Hama, Zabadani, Deir Ezzour, Douma, Al-Samayn, and Jisr ash-Shughur, whose "blood [...] is speaking to the blood of Rafik Hariri [...] and the other martyrs of the Cedar revolution."²⁰

As the number of Syrians in the country grew, and predictions of an imminent fall of the Syrian regime became increasingly remote, so did divisions within March 14. By late 2013, Geagea was calling for the creation of "safe areas" in Syria to which refugees should be relocated—a position previously primarily advocated by March 8.²¹ The Syrian elections of May 2014, when thousands of Syrians came out in support of President Assad in Beirut, proved to be a pivotal turning point in the domestic political landscape. The mobilization of tens of thousands of Syrians in the streets of Beirut, primarily in

¹⁸ Filippo Dionigi, "Statehood and Refugees: Patterns of Integration and Segregation of Refugee Populations in Lebanon from a Comparative Perspective," *Middle East Law and Governance* 9, no. 2 (2017),

¹⁹ Nader Fawz, "14 Adhar Tahtafil Fi Wadi Khaled: 'qariban Fi Homs' [14 March Celebrate in Wadi Khaled: 'soon in Homs']," November 14, 2011, <http://www.al-akhbar.com/node/25637>.

²⁰ The Lebanese Forces, *Speech by Dr. Geagea on the Occasion of the Remembrance of the Martyrdom of Prime Minister Rafik Al-Hariri*, YouTube Video, 2012, <https://www.youtube.com/watch?v=DX4L41Osfe8>.

²¹ NOW Media, "Geagea Calls For 'safe Areas' in Syria for Refugees," *NOW Lebanon*, October 5, 2013, <http://www.al-akhbar.com>; Mohamad Mohsen, "Qouwa 14 Adhar Toughayir Mawqafuha Min Al-Nazihin Al-Souriyiin: Al-Tarhil Man Sharak Fi Al-'intikhabat ['14 March' leaders Change Position on Syrian Displaced: Deportation for All Who Participated in the Election]," *Al-Mayadeen*, May 30, 2014, <http://www.almayadeen.net/news/syria-R89rh810VUKB7qM7AGy,iw/%D9%82%D9%88%D9%89-14-%D8%A2%D8%B0%D8%A7%D8%B1-%D8%AA%D8%BA%D9%8A%D8%B1-%D9%85%D9%88%D9%82%D9%81%D9%87%D8%A7-%D9%85%D9%86-%D8%A7%D9%84%D9%86%D8%A7%D8%B2%D8%AD%D9%8A%D9%86-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%8A%D9%86--%D9%84%D8%AA%D8%B1%D8%AD%D9%8A%D9%84-%D9%85%D9%86-%D8%B4%D8%A7%D8%B1%D9%83>.

favour of Assad, transformed them in the eyes of their remaining allies: they were no longer perceived as safe political tools but rather had the potential to become threats themselves.²² This catalyzed a greater consensus on the need to address the refugee presence, culminating in the adoption of the October Policy a few months later. Adopted by the Council of Ministers, this policy explicitly aimed to “reduc[e] the number of displaced Syrians” by severely limiting return to Syria or through resettlement to other countries, strengthening security provision, and “alleviating the burden” of “displaced Syrians” on the Lebanese economy and labourforce.²³

Rather than viewing this as a change from an “open” to a “closed” door policy,²⁴ I argue that this is a transformation from one form of “standoffishness” to another. The first period was characterized by a logic of “indirect rule”, where the governance of Syrians by actors other was accepted and even encouraged by central authorities as it posed little threat to their power (as other more immediate threats appeared) and could potentially prove to be beneficial, due to the influx of aid and the increase in the labour supply. The latter phase is better understood as a modified form of “expulsion” – where “states deal with unwelcome societal heterogeneity by banishing those categorical groups and individuals perceived as most troublesome.”²⁵ In lieu of the physical expulsion of Syrians, which Lebanon’s commitment to the international customary norm of *non-*

²² “14 Adhar: Sifat Al-Nuzuh La Tantabiq ‘Ala Al-Souriyin Almousharikin Fi Al-Intikhabat Alyawm [March 14: The Label of Displaced Does Not Apply to Syrians That Participated in Today’s Election],” *Annahar*, May 28, 2014, <https://www.annahar.com/article/137057-14-%D8%A2%D8%B0%D8%A7%D8%B1-%D8%B5%D9%81%D8%A9-%D8%A7%D9%84%D9%86%D8%B2%D9%88%D8%AD-%D9%84%D8%A7-%D8%AA%D9%86%D8%B7%D8%A8%D9%82-%D8%B9%D9%84%D9%89-%D8%A7%D9%84%D8%B3%D9%88%D8%B1%D9%8A%D9%8A%D9%86-%D8%A7%D9%84%D9%85%D8%B4%D8%A7%D8%B1%D9%83%D9%8A%D9%86-%D9%81%D9%8A-%D8%A7%D9%84%D8%A7%D9%86%D8%AA%D8%AE%D8%A7%D8%A8%D8%A7%D8%AA-%D8%A7%D9%84%D9%8A%D9%88%D9%85>; Basma Atassi, “Huge Turnout for Syrian Vote in Lebanon,” *AlJazeera*, May 28, 2014, <http://www.aljazeera.com/news/middleeast/2014/05/syrian-expats-divided-over-presidential-vote-2014528102522416850.html>.

²³ Unpublished documents, Decision 38, Minutes of the Council of Ministers Meeting, October 24 2014. Documents provided anonymously to the author.

²⁴ Dionigi, “The Syrian Refugee Crisis in Lebanon: State Fragility and Social Resilience,” 17; Samya Kullab, “Lebanon Revises Open-Door Refugee Policy,” *AlJazeera*, June 6, 2014, <http://www.aljazeera.com/news/middleeast/2014/06/lebanon-revises-open-door-refugee-policy-201466744881995.html>.

²⁵ Slater and Kim, “Standoffish States,” 27.

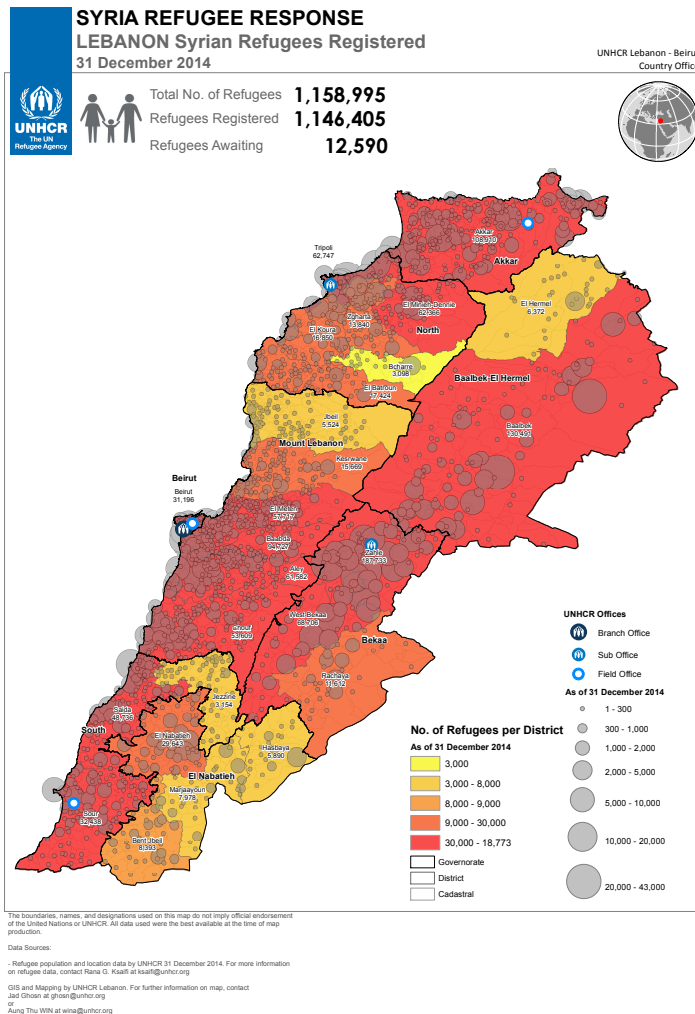
refoulement and fear of potential international backlash prevented, administrative measures of exclusion were utilized. The result was “manufactured” legal precarity for the vast majority of Syrians on Lebanese territory.²⁶ At the time of adoption of the October Policy, the registered Syrian refugee population in Lebanon had reached over 1.1 million. While the North and Bekaa—the two first regions to receive Syrian refugees—continued to have the largest number, the population had spread widely throughout the country [see Figure 1]. Therefore, the central government’s attempt to provide an overarching policy had to contend with the pre-existing layers of governance that had emerged to respond to this influx.

For the purposes of this paper, I focus primarily on the first period, to understand how central state inactions shaped the complex landscape that emerged. The first of these was the decision to maintain the pre-existing border entry regulations. Lauded for allowing for relatively unfettered access to the territory, this inaction—often misrepresented as an explicit open border policy—resulted in the maintenance of an ambiguous legal status for Syrians in the country. In addition, the government’s refusal to build refugee camps—or develop an alternative central shelter policy—formed arguably the most critical inaction of the response; it propelled unprepared and under-resourced municipal authorities into a central and at times contentious role. As a result, in lieu of a state retreat and emergence of a “UN ‘surrogate state’” as has been seen with previous refugee movements in Lebanon and elsewhere in the Middle East,²⁷ the response to the Syrian refugee influx has been characterized primarily by its decentralization and ambiguity.

Figure 1: Syrian refugees registered, by governorate (31 December 2014)

²⁶ For more on this, see Maja Janmyr, “Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon,” *Refugee Survey Quarterly* 35 (2016): 58–78; Nizar Saghih, “Manufacturing Vulnerability in Lebanon: Legal Policies as Efficient Tools of Discrimination,” *The Legal Agenda*, March 19, 2015, <http://english.legal-agenda.com/article.php?id=690&lang=en>.

²⁷ Michael Kagan, “The UN ‘surrogate State’ and the Foundation of Refugee Policy in the Middle East,” *University of California Davis Journal of International Law and Policy* 18 (2012): 307–42.



Source: Syria Refugee Response Portal, available at
<https://data.unhcr.org/syrianrefugees/download.php?id=7900>

***De facto* “Open Border”**

I distinguish between an open border policy and a *de facto* open border policy as the former implies an explicit decision to allow for the entry of Syrian refugees into the country. The latter, however, is on a policy of inaction where Syrians continued to enter under the pre-existing categories and, critically, no provisions were put in place to distinguish between Syrians fleeing conflict and Syrian labor migrants, of which there were already between 300 and 700 000 in the country.²⁸

²⁸ More precise estimates of the number of Syrians in the country are largely impossible to ascertain as most Syrians worked in the informal sector and did not register with the Ministry of

Prior to the changes outlined in the October Policy and the ensuing border measures adopted by General Security in early 2015,²⁹ Syrians entered Lebanon on the basis of a 1993 bilateral agreement that allowed for the relatively free movement between the two countries.³⁰ Under these conditions, a Syrian individual could enter Lebanon through an official border crossing and be granted residency for six months, with the possibility of free renewal for up to one year (after which it could be renewed for a fee for two additional six-month periods).³¹ This process remained blind to the distinctive conditions (and expectations of length of stay) of Syrians fleeing the country.

The United Nations High Commission for Refugees (UNHCR)'s registration procedures similarly maintained this lack of distinction: any Syrian who arrived at a UNHCR registration office, following a short interview and the completion of formal procedures, would receive a registration document and access to aid and services. Not quite a *prima facie* recognition, registration was done on the basis of an abbreviated refugee status determination process, and only 1.5% of those who requested refugee status were denied.³² While the Government of Lebanon accepted UNHCR's authority in

Labor. For a more in-depth analysis of the migrant Syrian population in Lebanon, see John T. Chalcraft, *The Invisible Cage: Syrian Migrant Workers in Lebanon*, Stanford Studies in Middle Eastern and Islamic Societies and Cultures (Stanford, Calif: Stanford University Press, 2008).

²⁹ The General Security Office categories were instituted in three stages, on 31 December 2014, 13 January, 3 and 23 February 2015. These dates are specified in: United Nations High Commission for Refugees (UNHCR), "Refugee Response in Lebanon Briefing Documents," March 2015,

http://www.europarl.europa.eu/meetdocs/2014_2019/documents/droi/dv/95_finalbriefingkit_/95_finalbriefingkit_en.pdf; Directorate General of General Security, "Tandhim Doukhoul Al-Souriyin 'Ila Libnan Wa Al-Iqama Fiha [Regulating the Entry of Syrians into Lebanon and Residence within It]," accessed January 12, 2017, <http://www.general-security.gov.lb/ar/posts/33>.

³⁰ Syrian Lebanese Higher Council, "Agreement on the Regulation of Transport of Persons and Goods between the Lebanese Republic and the Syrian Arab Republic," 1993, http://www.syrleb.org/docs/agreements/05PERSONS_GOODSeng.pdf. For more on the history and dynamics related to the Lebanese-Syrian border, see Filippo Dionigi, "Rethinking borders: The dynamics of Syrian displacement to Lebanon," *Middle East Law and Governance* 9, no.3 (2017).

³¹ Exceptions and further provisions were in place if a Syrian required residency for a more extended period of time. See Syria Needs Analysis Project, "Legal Status of Individuals Fleeing Syria," June 2013, <http://www.alnap.org/resource/8587>.

³² According to UNHCR, the main reasons for rejection were (1) the applicant was already registered; (2) they were Lebanese. See: Lebanon Humanitarian INGO Forum, "Background Paper on Unregistered Syrian Refugees in Lebanon," July 15, 2014, [http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20\(FINAL\).pdf](http://lhif.org/uploaded/News/d92fe3a1b1dd46f2a281254fa551bd09LHIF%20Background%20Paper%20on%20Unregistered%20Syrian%20Refugees%20(FINAL).pdf). For more on the

registering refugees, it refused from the outset to use the term *laji'in*, “refugee”, preferring the word *nazihin*, or “displaced”—a word with less historical, and legal, weight.

The importance of this lexical choice became starkly apparent in mid-2014. First, in the aftermath of the aforementioned mobilization of Syrians to vote in the Syrian elections, March 14 leaders—previously the strongest political advocates of refugees in Lebanon—called for the removal of the label of “displaced” for all those who voted in the election.³³ This was quickly then followed by the Lebanese government asking “UNHCR to review the cases of all Syrians registered with the Office [UNHCR] who had gone to Syria and returned to Lebanon after June 1, 2014.” Their return to Syria, in the eyes of the government, made their claim to refugee status subject to question. According to UNHCR, 16 000 Syrians had their refugee status “inactivated” following this review.³⁴ The conditions of these inactivations remain opaque, but point to the potential for these ambiguous legal categories to be the subject of contention and ultimately politicization. In turn, this would prove instrumental in justifying the government’s decision to halt the registration of Syrians in May 2015 on the basis of a need to overhaul the refugee registration system entirely. As of that date, Syrians may be “recorded” within UNHCR’s database, have access to services and aid, but cannot receive UNHCR registration documents granting them de facto refugee status.

The ambiguity of these distinctions was reiterated to me in interviews by municipal and regional authorities regularly. In one case, a district official insisted that a municipality I was going to visit—one where over 2000 Syrian refugees were registered as of January 2015--“had no refugees.”³⁵ By that, he meant that most Syrians there had

complexity the process and implications of UNHCR’s registration and recognition of Syrian refugees in Lebanon, see Maja Janmyr, “UNHCR and the Syrian Refugee Response: Negotiating Status and Registration in Lebanon,” *The International Journal of Human Rights*, 2017, doi:10.1080/13642987.2017.1371140.

³³ “14 Adhar: Sifat Al-Nuzuh La Tantabiq ‘Ala Al-Souriyin Almousharikin Fi Al-Intikhabat Alyawm [March 14: The Label of Displaced Does Not Apply to Syrians That Participated in Today’s Election].”

³⁴ United Nations High Commission for Refugees (UNHCR), “Refugee Response in Lebanon Briefing Documents,” 3–4; The Daily Star, “UNHCR to Cross off 5,500 Syrian Refugees: Derbas,” *The Daily Star*, August 29, 2015, <https://www.dailystar.com.lb/News/Lebanon-News/2015/Apr-29/296164-unhcr-to-cross-off-5500-syrian-refugees-derbas.ashx>.

³⁵ Interview with District Official, North Governorate, August 2016.

previously been in the village as seasonable laborers, and now had returned to settle more permanently with their families. Syrians I met in that village did often have long-standing ties to it as labour migrants, but had brought their families to settle with them only following the beginning of the conflict in Syria. This was the case for many—if not most—Syrians in Lebanon, who either have family ties and/or labor ties in the places they settled. In addition to the legal consequences of this ambiguous, and often dual, status,³⁶ it has made the determination of who is and is *not* a refugee subject to much local interpretation, often based on criteria that have little to do with an individual or family's reasons for fleeing Syria. As one municipal council member from Central Bekaa insisted:

[I]f he's [Syrian] a refugee, there should be a clear procedure, if he's coming to work, then he should have a permit [...] In principle, they should only be doing agriculture and construction, and this makes sense - this is not work Lebanese are doing so let the Syrians do it - but no, today, [they can be] a carpenter, tiler, a factory owner, [...] they're all here, it's not a normal competition. They are taking from the UN aid and they are competing for our jobs. I'm not sure how much longer this situation can persist.³⁷

In many instances, as was the case for the district official cited above, the visibility of refugees became critical to their recognition: those living in informal tented settlements (ITS) were broadly understood as refugees, in contrast with Syrians living and renting among the host community.³⁸

With the institution of the October Policy and the marked increase in the role of the central government, the role of local authorities did not diminish; rather, they became integral to the enforcement of the new regulations. For instance, local law enforcement

³⁶ Janmyr, "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon."

³⁷ Interview with municipal council member. West Bekaa, April 2016.

³⁸ In some cases, where tented settlements housed Bedouin communities before the crisis, this was further complicated. The ITS in cases like these are often headed by a *shawish* (camp leader) who had been living in the area for a longer period of time (sometimes over a decade) and who then helped set up a bigger camp as more refugees (often from the same tribe and area) arrived and settled.

became heavily involved in the detention of Syrians who, for a wide array of reasons,³⁹ do not possess legal documentation. Moreover, local mukhtars and municipalities were tasked with providing Syrians with many of the documents that they need for the purposes of residency renewal, such as a housing commitment (rental agreement or real estate deed) and certified attestations that the landlord owns the home they are renting. Ultimately, changes in regulation have not weakened municipal authorities, but have enmeshed previously existing practices within a broader state structure, with varying degrees of effectiveness and little consistency.

Non-Encampment

The second critical inaction was the government's refusal to build official refugee camps or alternatively adopt any central shelter policy. The reasons given for rejecting encampment relate in large part to what Shadi Karam, Senior Advisor to then-President Sleiman and later Chief Advisor to Prime Minister Tamam Salam, called "a fear...a paranoia [within the country]...concerning what could be related to the Palestinian experience."⁴⁰ This runs counter to many theories that argue that securitized perceptions of refugees are more likely to lead to a desire to segregate them in camps.⁴¹ Non-encampment is among the major distinctions drawn between Lebanon's policy and that of other neighbouring states, Turkey and Jordan. In addition to the historical argument tied to Lebanon's violent history with the Palestinian camps, it has also been argued that non-encampment was driven by macroeconomic interests to bolster the economy through an

³⁹ Syrians often face very difficult challenges in regularizing their stay in the country, particularly after the enforcement of the new regulations put in place following the October Policy. These include but are not limited to financial, as well as documentary challenges, as the fees (200 USD yearly) and formal and informal costs associated with obtaining legal documentation are often unrealistic for refugees. For more on this, see Janmyr, "Precarity in Exile: The Legal Status of Syrian Refugees in Lebanon," 70.

⁴⁰ Shadi Karam, "Lecture: Post-UN General Assembly Summit on Refugees and Migrants" (Issam Fares Institute for Public Policy and International Affairs, American University of Beirut, October 24, 2016).

⁴¹ Karen Jacobsen, "Factors Influencing the Policy Responses of Host Governments to Mass Refugee Influxes," *International Migration Review* 30, no. 39 (n.d.); Gil Loescher and James Milner, "Protracted Refugee Situations and State and Regional Insecurity," *Conflict, Security and Development* 4, no. 1 (April 2004); Sarah Kenyon Lischer, *Dangerous Sanctuaries: Refugee Camps, Civil War, and the Dilemmas of Humanitarian Aid* (Ithaca: Cornell University Press, 2006).

increase in the labour supply.⁴² Regardless of its motivation, this inaction created challenges for both UNHCR as well as local communities and municipalities, who became the primary hosts of Syrian refugees.

Early on, this position clashed with UNHCR desires. Despite a number of policy pronouncements by UNHCR indicating a shift towards urban and non-camp based solutions, the agency still demonstrated a clear preference for camps in Lebanon.⁴³ In addition to the oft-cited challenges of efficient aid distribution within non-camp settings, the self-settlement of Syrian refugees across Lebanon's over 1700 localities has meant that UNHCR must contend with a wide variety of partners as well as competitors. This has meant an extensive effort at "coordination" with often mixed success.⁴⁴ Over 70 partners are identified as partners within the 2015-2016 Lebanon Crisis Response Plan, but this number greatly underestimates the number of NGOs operating on the ground who choose to remain outside of these multilateral forums.⁴⁵

The self-settlement of refugees also placed a disproportionate and unequal pressure on local communities and municipal governments. Despite their legal independence as local authorities (*solta mahaliyye*), municipalities have thus far been excluded from any formal policy-making role with their representation within the development of the Lebanon Crisis Response Plan being limited to the Ministry of Interior and Municipalities (MoIM).⁴⁶ However, through their ability to control access to

⁴² Lewis Turner, "Explaining the (Non-)Encampment of Syrian Refugees: Security, Class and the Labour Market in Lebanon and Jordan," *Mediterranean Politics* 20, no. 3 (September 2, 2015): 386–404, doi:10.1080/13629395.2015.1078125.

⁴³ UNHCR and the Lebanese government disagreed namely on the location of potential camps, with former insisting that they be in safe areas well within Lebanese territory and the latter preferring camps close to or even within the Syrian border. For more on this, see Issam Fares Institute for Public Policy and International Affairs (IFI) at the American University of Beirut and United Nations Human Settlements Programme (UN-HABITAT), "No Place to Stay? Reflections on the Syrian Refugee Shelter Policy in Lebanon," September 2015.

⁴⁴ Dalya Mitri, "Challenges of Aid Coordination in a Complex Crisis: An Overview of Funding Policies and Conditions Regarding Aid Provision to Syrian Refugees in Lebanon" (Civil Society Knowledge Center, Lebanon Support, May 23, 2014), <http://civilsociety-centre.org/paper/challenges-aid-coordination-complex-crisis>

⁴⁵ Government of Lebanon (GoL) and The United Nations (UN), "Lebanon Crisis Response Plan 2015-2016," 2015; Mitri, "Challenges of Aid Coordination in a Complex Crisis: An Overview of Funding Policies and Conditions Regarding Aid Provision to Syrian Refugees in Lebanon."

⁴⁶ Interview with UNOCHA, January 2016.

refugee populations, municipalities became critical interlocutors for UN agencies and NGOs working on the ground.

Despite their exclusion from the formal policy arena,⁴⁷ this frontline role helped enhance the power of municipalities and transformed them into one of the most critical actors within the refugee response. In mid-2013, UNHCR created the position of Liaison Officer within its operations, whose primary role is to maintain and enhance with relationships with local authorities. Moreover, starting in 2013, Quick Impact Projects (QIP) and later Community Support Projects (CSP) became an important part of the international response to the Syrian refugee crisis in Lebanon. QIPs were relatively low-cost, and quick execution, projects whose need was often identified directly by the municipality or even simply the mayor.⁴⁸ Examples include garbage bins, garbage trucks, and the installation of a public garden or playground. By late 2015, when I began my fieldwork, it had become common wisdom that NGOs had to approach municipalities first if they hoped to work within their boundaries, even if working directly with refugees in informal tented settlements.

This role has not been unequivocally positive, however. The first major sign of tensions came as early as 2012, when a number of municipalities in Mount Lebanon laid banners within their villages and towns banning Syrians from movement from evening to early morning, effectively putting in place discriminatory curfews within their geographical boundaries. Despite garnering noticeable media attention, the measures did not prompt any immediate response from the national government. When pressed by journalists, then-Minister of Interior and Municipalities Marwan Charbel specified that these curfews were “illegal” as they fall outside of the mandate of municipalities.⁴⁹ Throughout 2013, this practice became more commonplace, spreading beyond Mount Lebanon. By mid-2013, curfews were being reported regularly in Protection Working

⁴⁷ Throughout the development of the 2015-2016 Lebanon Crisis Response Plan, the first major planning document that was formulated by the government in partnership with the UN and certain partner organizations, municipalities were considered to be “represented” by the Ministry of Interior and Municipalities (Interview with UNOCHA, January 2016).

⁴⁸ Interview with UNDP, Sour, February 2016

⁴⁹ Al-Sharq, “Qoura Libnaniya Tufrud ‘hadhr Tajawwul’ ‘ala Al-Souriyyin Wa Tamna‘ ”istiqlal Laji’in Judud [Lebanese Villages Impose ‘curfews’ on Syrians and Prohibits the Welcoming of New Refugees],” April 21, 2013, <http://www.alsharq.net.sa/lite-post?id=810992>.

Group meetings.⁵⁰ A study conducted by REACH/OCHA among 252 communities found that curfews were the most common form of “community” or municipal guideline.⁵¹ The report states that within 83 communities, at least 50% of surveyed residents report the presence of a curfew. A Human Rights Watch report conducted in 2014 cites at least 45 municipalities across the country that had implemented similar guidelines.⁵² In my own research,⁵³ I have identified 142 municipalities that have put in place curfews aimed at Syrians. Due to the underreporting and difficulty of tracking curfews, this number undoubtedly underestimates the scale of the phenomenon.

While curfews, and other so-called “community guidelines,” are often understood and analyzed as a purely local-level phenomenon—alongside issues of “host-community tensions”—it is critical to place them within the broader context of national policy. At times, this can be more explicit than others: for example, there is evidence that the government security cell in the Nabatieh qada (district), which includes the district governor as well as representatives from all state security institutions, and reports directly to the MoIM, issued a statement recommending curfews to all municipalities in the district.⁵⁴ However, I would argue that this extends beyond these instances of explicit directives. After unsuccessful attempts in 2013 to centralize data on Syrians through regional security cells,⁵⁵ central authorities took measures that emboldened and

⁵⁰ Inter-Agency Coordination, “Protection Working Group Meeting Minutes,” July 17, 2013, 4, [data2.unhcr.org/ar/documents/download/37916](https://data.unhcr.org/ar/documents/download/37916); Inter-Agency Coordination, “Protection Working Group Meeting Minutes,” June 19, 2013, <https://data.unhcr.org/syrianrefugees/download.php?id=2299>.

⁵¹ UNICEF, OCHA, and REACH, “Defining Community Vulnerabilities in Lebanon, Assessment Report: September 2014-February 2015,” 2015, 9. By no measure, however, were curfews the only measure adopted by municipalities in response to the Syrian refugee presence. For instance, many municipalities began “registering” refugees living within their village, while others put restrictions on rentals by Syrians. See pp.87-88 for further “community guidelines.”

⁵² Human Rights Watch, “Lebanon: At Least 45 Local Curfews Imposed on Syrian Refugees,” October 3, 2014, <https://www.hrw.org/news/2014/10/03/lebanon-least-45-local-curfews-imposed-syrian-refugees>.

⁵³ This figure relies on data collected during a year of fieldwork in Lebanon, as well as newspaper articles and NGO reports.

⁵⁴ Muzna al-Masri, “The Social Stability Context in the Nabatieh & Bint Jbeil Qazas,” Conflict Analysis Report (Lebanon Support/UNDP, March 2016).

⁵⁵ Ministry of Interior and Municipalities, “Decision no. 242: Creation of Regional Cells within Regions Belonging to the Central Security Cell Tasked with the Follow-up on the Situation of Displaced from Syria,” Published December 8, 2012. Retrieved October 12 2016 [No longer accessible on site].

strengthened municipal authorities to take on a more direct role in the governance and security response. This, in turn, legitimized greater decentralization and informalization of the response, and in particular its security elements.

In late 2013, following a meeting with over 800 municipalities and municipal unions, the MoIM put forward a security plan that strengthened the role of municipalities in the provision of security.⁵⁶ Put in place in September 2013, the plan called for, among other provisions: arming municipal police; establishing joint patrols between the International Security Forces (ISF) and municipal police under the authority of the mayor and the relevant heads of security; compiling a list of organizations within each municipality that provide security within its boundaries; confiscating the documents of displaced Syrians in every town/village and overseeing the issue of aid and assistance.⁵⁷ Critically, the plan has little in the way of oversight over these powers, specifying that the national security forces will refrain from pursuing municipal police or guards for actions related to the performance of their duties, unless approved by the Mayor. Moreover, it makes no mention of municipal curfews or other discriminatory policies directed at Syrian refugees. As ALEF-Act for Human Rights, a leading Lebanese human rights organization, states: “[the plan] may in fact be encouraging the continuation of ad hoc security measures by municipalities. In an atmosphere of rising distrust and discontent among host and refugee communities, leaving security at the discretion of elected local governments may heighten protection and security concerns.”⁵⁸

As the MoIM expanded the role and duties of municipal authorities, the funds allotted to them did not follow suit. While municipalities can levy their own taxes, the rate of collection varies greatly from municipality to another but, on average, is quite low

⁵⁶ An-Nahar, “Charbel Yutliq Khutat ’ishrak Al-Baladiyat Fi Hafz Al’istiqrar Wa Tawfir Shabakit ’aman [Charbel Announces Cooperation Plan with Municipalities for Maintaining Stability and to Provide a Safety Net],” *An-Nahar*, September 6, 2013, <http://newspaper.annahar.com/article/64582>.

⁵⁷ Circular from Ministry of Interior and Municipalities to Governors, “Recommendations Related to the Operation of Municipal Police Taken during the Biel Meeting of 5 September 2013,” 11 September 2013

⁵⁸ ALEF: Act for Human Rights, “Two Years On: Syrian Refugees in Lebanon,” September 2013, 24.

and estimated to be around 50%.⁵⁹ Most municipalities rely almost exclusively on transfers from the central government. In 2013, transfers to municipalities dropped 11.7% compared to the prior year (from 669 to 591 billion LL or approximately 446 to 394 million USD). While this improved slightly in 2014, when the transfers were increased to 709 billion LL (approx. 472 million USD), it did little to alleviate the situation of already impoverished municipal budgets as transfers from the Telecommunications tax earmarked for municipalities had not been disbursed since January 2010. By December 2014, this had amounted to over LL 739 billion in revenues (approx. 492 million USD).⁶⁰ One outcome of this budgetary deficit was the increased reliance on private contractors (*haras*), who are paid daily rates and remain outside the official municipal budget, to provide security within municipalities. These contractors were specifically mentioned and legitimized in the main articles of the security plan, and included within the provisions of the circular on the use of weapons.

Despite the institution of these measures, the MoIM has continued to argue that municipal curfews and discretionary violence by municipal police targeting refugees are illegal,⁶¹ and even arrested (and then promptly released) municipal police officers involved in a heavily publicized incident where Syrian men were detained in the central square of a village while police officers confiscated their identification documents.⁶² This distancing, I argue, serves an important political role: framing these instances as a purely local, extralegal or even illegal, phenomenon is an attempt to alleviate the state's responsibility for them while allowing the government to use their presence as evidence

⁵⁹ Mona Harb and Sami Atallah, *Local Government and Public Goods: Assessing Decentralization in the Arab World* (Beirut, Lebanon: Lebanese Center for Policy Studies, 2015).

⁶⁰ Ministry of Finance, "Public Finance Report 2014," 2015, <http://www.finance.gov.lb/en-US/finance/ReportsPublications/DocumentsAndReportsIssuedByMOF/Pages/PublicFinanceReports.aspx>.

⁶¹ Interviews with Senior Advisor to the Minister of Interior and Municipalities, July 2016, August 2016.

⁶² New TV, "Amchit: Alqabd 'ala Alnazihin Laylan Wa Al-Qabd 'ala Al-Shurta Sabahan [Amchit: Arrest of Displaced at Night and Arrest of the Police in the Morning]," July 14, 2016, <https://www.youtube.com/watch?v=bcIqTFY2bwg>; Future TV, "Al-'ifraj 'an 'anassir Baladiyet 'amchit... 'ilaykom Al-Tafassil! [Release of Amchit Municipal Police...Here Are the Details!]," July 14, 2016, <https://www.youtube.com/watch?v=3fsEBdxQA10>; OTV, "Madha Yaqul Nazihu 'amchit Wa 'ahluha 'an Tihmet Al-'onsoriye? [What Do the Displaced and People of Amchit Say about the Claim of Discrimination?]," July 14, 2016, <https://www.youtube.com/watch?v=sfsa2HNEW80>.

of greater need to support Lebanese institutions and host communities. In this sense, they figure within the broader narrative of host-refugee tensions that increasingly animates the international humanitarian response in Lebanon and justifies a shift away from a focus on refugee rights towards a policy of stability and containment.⁶³

Conclusion

As I have demonstrated, the multiplicity of responses to the Syrian refugee influx in Lebanon cannot be understood without an analysis that places their co-constitution at its center. While local agencies and international organizations, namely UNHCR and its partners, emerged as the central actors in the early policy response in the country, their ability to emerge as such was enabled by core inactions by the central state. In this way, I aim to contribute to a growing interest in moving beyond “a bias in the social sciences towards the study of political *activity*, to the virtual neglect of political *inactivity*.”⁶⁴ In my analysis, critical inactions regarding the Syrian refugee influx form a part of a broader approach of “standoffishness” that the Lebanese state exhibits towards populations it aims to exclude, such as the case of Palestinians for decades.⁶⁵

Moreover, I argue that the increasingly decentralized and informal security approach to the refugee presence was structured by the central authorities’ legitimization of *ad hoc*, and illegal,⁶⁶ actions taken by municipal authorities in this period. As a result,

⁶³ See for example, Tom Perry, “Don’t Take Lebanon’s Stability for Granted: U.N. Envoy,” *Reuters*, February 3, 2016, <https://www.reuters.com/article/us-mideast-crisis-lebanon-idUSKCN0VC2AT>; United Nations Development Programme (UNDP), “Lebanon Stabilization and Recovery Programme,” 2017, http://www.lb.undp.org/content/lebanon/en/home/library/Response_to_the_Syrian_Crisis/Lebanon-Stabilization-and-Recovery-Programme-2017.html.

⁶⁴ McConnell and t’Hart, “Public Policy as Inaction: The Politics of Doing Nothing,” 2.

⁶⁵ S. Hanafi and T. Long, “Governance, Governmentalities, and the State of Exception in the Palestinian Refugee Camps of Lebanon,” *Journal of Refugee Studies* 23, no. 2 (June 1, 2010): 134–59, doi:10.1093/jrs/feq014; S. Hanafi, J. Chaaban, and K. Seyfert, “Social Exclusion of Palestinian Refugees in Lebanon: Reflections on the Mechanisms That Cement Their Persistent Poverty,” *Refugee Survey Quarterly* 31, no. 1 (March 1, 2012): 34–53, doi:10.1093/rsq/hdr018; Nora Stel, “The Agnotology of Eviction in South Lebanon’s Palestinian Gatherings: How Institutional Ambiguity and Deliberate Ignorance Shape Sensitive Spaces: The Agnotology of Eviction,” *Antipode* 48, no. 5 (November 2016): 1400–1419, doi:10.1111/anti.12252.

⁶⁶ The Legal Agenda, “Qararat Hadr Al-Tajawul Dhodh Al-’ajanib Wa Dhodh Al-Muwatinin Al-Souriyin Gheir Qanouniye [The Curfews Against Foreigners and Syrian Citizens Are Illegal],” July 14, 2016, www.legal-agenda.com/article.php?id=1650.

it is now misleading to view these policies as a reflection of purely, or even primarily, local drivers. Instead, I argue that emphasizing the seemingly localized and informal nature of these practices allows central state authorities to simultaneously distance themselves from them and use their presence as leverage to shift greater international donor support towards Lebanese host communities and Lebanese state institutions.