

Study of the Policy Paper for the Return of the Displaced - Lebanon

On 14 July 2020, the Lebanese Council of Ministers stated the Policy Paper regarding the return of the displaced, which included three main points: compelling reasons, plan's pillars, and plan's cornerstones. The paper was based on two fundamental elements that are preventing the resettlement and safe return to Syria. The plan also included three dimensions, including Lebanese, Syrian-Lebanese, and Lebanese-International dimensions.

The Ministry of Social Affairs has completed and presented the plan to the Council of Ministers, who acknowledged it in return. However, the plan's document is not officially released by the Lebanese Council of Ministers, yet several websites and local television stations have leaked a copy[1].

The plan is accompanied by interrupting any progress of the political process in Syria, the country's severe economic deterioration, continued violence in several areas along with the displacement of civilians, several arrests and enforced disappearance, and violations of human rights[2].

The hosting country, Lebanon, is also going through severe economic collapse for months due to the most dangerous financial crisis the country has witnessed[3], which is expected to have a direct effect on the most poverty-stricken groups, including Syrian refugees.

Amid such complicated circumstances, this paper acts as a unilateral suggestion for the plan of the return of Syrian refugees, with an apparent disregard by the Lebanese government to all local and international conditions and humanitarian rights of refugees.

This plan is comprised of procedures aiming for the refoulement of Syrian refugees to Syria for the following reasons:

- There was no indication of the participation of any of the authorities concerned with the refugee file referred to by the paper: the Syrian refugees, international organizations, non-governmental organizations or civil society organizations working with refugees in preparing the plan; even though one of the pillars presented by the plan suggests openness, cooperation and coordination with all parties concerned with the file of displacement with the aim of a safe return of the displaced to Syria.
- The plan mainly focused on safe return, according to the assumption of Syria being a safe area, which contradicts several international declarations by countries hosting refugees such as Germany[4]. It is also a contradiction to the periodic briefing of the international envoy to Syria, assuring the continuity of the dangers of military actions along with civilians' displacement throughout the country[5].
- With the paper's compelling reasons, Syrian refugees are burdened with the economic deterioration along with its security, social, environmental, and existential implications, which is an indication of Lebanese authorities escaping their responsibility of the economic collapse in the eyes of their people. The economic collapse in Lebanon is a result of financial and economic policies adopted by successive Lebanese authorities, which is confirmed by one of the published studies of the year 2004, and that is seven years [6] before having Syrian refugees in Lebanon. Holding Syrian refugees accountable for such collapse is considered as hate and racist speech, which violates the international human rights law[7], resulting in danger to the refugees' safety under the outbreak of violence in Lebanon due to the economic deterioration and the lack of essential services.

- The paper emphasizes the separation of the refoulement plan from the political track, which confirms the untimely nature of the plan that solely targets refugees' refoulement regardless of the end of the conflict and the continuity of violence in Syria.

- The paper states the commitment of human rights and the principle of non-refoulement, which suggests a clear contradiction because committing to the principle of non-refoulement requires adopting three necessary factors:

First, the return should be voluntary in nature: it should be optional for refugees and not forced or imposed by any party. It should also follow the informed consent of refugees derived from the true will and not a result of the pressures and violations they face in Lebanon; as these conditions have led several Syrian refugees to go back to Syria[8].

Second, the return should be safe in nature: meaning that there should be sufficient security, political, economic, and social conditions to guarantee the return of refugees. That includes ensured, and unrestricted access to international organizations after refugees return to Syria[9].

Third, the return should be sustainable in nature: meaning that conditions of sustainability and stability (stable return) must be offered without refugees having to leave again due to political, security, or economic reasons[10].

Since all the above factors are not available, it is difficult to attain them before coming to a political solution that reconstructs the authority in Syria according to the superiority of the law and separates authorities from human rights. Adopting any of the plan's measures by the Lebanese authorities is a breach of the principle of non-refoulement.

- The plan is created on the assumption of Syria being a safe area and the readiness of the Syrian State to ensure the return of refugees by securing infrastructure or temporary shelters. This completely ignores important factors that should be mentioned:

- The Syrian government still requires pre-approval for the return of refugees where it previously denied the return of several wanted refugees for security reasons[11], which is a violation of the standards of international human rights law[12].

- The existence of several laws in Syria that targets citizens' livelihood and freedom without any guarantees of fair and impartial trials. That includes the law of terrorism[13], the law of terrorism court as an exceptional court that is exempted from all standards[14], and the civil court that is comprised of security institutions under a judicial cover to target those who oppose the regime.

- Laws threatening the ownership of citizens, including law number 10 for the year 2018 or the law of Expropriation[15]. In addition, the possessions of those who are tried before the terrorism court[16] can be withheld; judicial police have the authority to withhold citizens' properties and money[17], and finally, law number 39 for the year 2019 which allows direct and unprecedented seizing of the properties and money of 42 year-old men who did not do the National Service; the same applies to the money of their wives and children[18]. Meaning that some refugees have either lost or are threatened to lose their properties and houses, and they will have nothing to go back to.

- The Syrian Presidency of the Council of Ministers issued resolution number 46 on 8 July 2020, requiring Syrian returnees an amount of 100 USD to be exchanged according to the official exchange rate. Such resolution is an additional obstacle for Syrians who desire to return to Syria, especially refugees' families who might not possess such an amount of money. In addition, exchanging the amount of money according to the official "illusional" exchange rate, which is less than the real one, results in the loss of around two-thirds of the money's value. This kind of restriction is a violation of the human right of returning to the person's homeland[19].

- Civil society organizations in Syria are still following the Laws of Associations, which makes it an obligation to follow the Ministry of Labour and Social Affairs, resulting in following security branches[20]. There are no independent and transparent civil society organizations that ensure effective monitoring of securing an appropriate environment for the return of refugees. Moreover, there are no safeguards for the access of international organizations to returned refugees in order to ensure their fate and livelihood after their return[21].

- The plan will be giving a period of six months for the returnees, who did not attend the National and Reserve Service, to settle their situation. It is important to point out that the National and Reserve Service is among the reasons behind the escape of several men from Syria. Such a solution ignores the right of refugees of conscientious objection which Syrian laws lack. Therefore, giving Syrian refugees six months of notice to settle the situation of those who did not serve the National Service does not solve the problem, and the right of conscientious objection must be stated. Otherwise, the return to the National or Reserve Service against their will, consciousness, and beliefs is considered a violation of human rights[22].

- The paper states a group of measurements that the Lebanese State will adopt to facilitate the process of returning refugees. It is worth mentioning that such measurements are included in the rights of refugees and that the Lebanese State has ignored them, whether in legal residence, facilitating the registry of civil and personal status, facilitating the conditions of Syrian students, or many other rights. Therefore, granting refugees their human rights that they were not allowed to have is connected to and implicitly stipulated in the refoulement plan, and it is part of the blackmailing process to return to Syria, which denies the safe and voluntary qualities of the return making it a forcible one.

- The implementation of the plan is disregarding several considerable factors including forcing Syrian refugees to go to Lebanese authorities and register their names without considering the lack of trust between the two parties, which originated from the continuing violence towards refugees such as raiding camps[23], arresting refugees on check-points because of residency, harassing them and refraining from protecting them from repeated assaults[24]. This is followed by refugees refraining from registering their civil and personal status by considering them a threat to security and public safety. Therefore, the process of counting and registering Syrian refugees in Lebanon must be done through neutral bodies committed to respecting human rights.

- Activating extradition in Lebanon regarding terrorism cases and the possibility of the absence of safeguards related to fair and humane trials, whether in Lebanon or Syria, is accompanied by serious fears for the life and well-being of those who are sentenced after the extradition to Syria.

- The plan also includes the necessity of “activating the role of the Lebanese State in monitoring the work of international organizations, civil associations, and non-governmental organizations with the displaced, and monitoring and evaluating their activities”. Such a statement raises several concerns regarding the state’s interference in the work of these organizations, which directly affects their effectiveness, integrity, and role. On the other hand, the supervision of the Lebanese State on the work of these organizations does not offer any guarantees. On 29 May 2020, an investigation by the Lebanese TV clarifies the theft operations of Syrian refugee education funds, bearing in mind that the management and implementation of the refugees’ education program were not carried out directly by international organizations, and they were required to work through the Lebanese Ministry of Education [25] which was supervising the program. However, the Lebanese State did not take any step towards opening an investigation of this file related to its institutions and amounts of up to \$ 9 million. The only movement was made by a group of independent Lebanese lawyers to prosecute before the judiciary and investigate this case[26].

- The Lebanese government asked in the paper to allocate a portion of refugees’ financial aid to support their return, which increases refugees’ burdens with the deterioration of their conditions, especially under the economic collapse. Funding the return to Syria must be part of a comprehensive plan that is compatible with a political solution securing a voluntary, safe, and sustainable return that preserves the rights and dignity of refugees.

- The paper did not address any procedures related to Syrian refugee women and disregarded that the safeguards related to safe and voluntary return for men are different in some details from the safeguards related to women who may be forced to return by male family members. In addition, there are serious concerns for the life and safety of some Syrian refugee women who fled the war in Syria against the will of their families.

Therefore, this paper presented by the Lebanese authorities is untimely, unrealistic, and ignores the rights and requirements of refugees. It aims only to remove refugees from Lebanon in any way possible with the lack of guarantees for their safety and forms a process of refugees’ refoulement, contrary to what it claims.

Moreover, it is important to note that ignoring the economic collapse in Lebanon and its disastrous effect on refugees, who are essentially marginalized groups, creates a form of coercion to return to Syria. In addition to Lebanon’s international obligations under the principle of non-refoulement, the main role of the international community and organizations must be emphasized regarding the necessity of serious and effective measures to support refugees and their host communities, and protect them from the effects of this collapse.



- [1] News by Lebanese Broadcasting Corporation International: published on the official YouTube channel of the station in 15/07/2020: [here](#)
- [2] The reading of the international special envoy to Syria, Geir Pederson, before the security council. 16/06/2020
- [3] "The Collapse: reasons and solutions", Al Nahar Newspaper, Dr. Khaldoun Abdul Samad, 21/11/2019: [here](#)
- [4] Deutsche Welle: [here](#)
- [5] Briefing of the international envoy to Syria, Geir Pederson, on Tuesday 16/06/2020.
- [6] Lebanese economy: Milestones of the crisis, features of the solution, George Kerem, National Defence Magazine number 47, January 2004: [here](#)
- [7] Article 4 of The Committee on the Elimination of Racial Discrimination (CERD).
- [8] "Lebanon Events of 2019", published on the official website of Human Rights Watch.
- [9] Report by Amnesty International: "Why are returns of refugees from Lebanon to Syria premature?": [here](#)
- [10] International Protection Handbook, UNHCR (1996) Voluntary Repatriation, p.10 [here](#)
- [11] Previous Report, Page3
- [12] Article 13 of the International Declaration of Human Rights
- [13] Law number 19 of 2019
- [14] Article 7 of the CTC Law number 22 for the year 2012 stating: "while retaining the right of defense, the court shall not comply with the procedures set out in the applicable legislation in all stages and procedures of prosecution and trial".
- [15] the law of Expropriation number 20 of the year 1983
- [16] Article 11 of law number 19 of 2012.
- [17] First Article of Legislative Decree No. 63 of 2012.
- [18] First Article of law number 39 of 2020
- [19] Article 13 of the Universal Declaration of Human Rights.
- [20] Law of Associations and Private Institutions with its amendments for number 93 of 1958.
- [21] Report by Amnesty International: "Why are returns of refugees from Lebanon to Syria premature?", Page 4: [here](#)
- [22] Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, General Comments number 22 of the Human Rights Committee of 1993, Cycle 48, Freedom of Thought and Conscious.
- [23] "Lebanon: Syrian Refugee Shelters Demolished. Coercive Measures Intensify Pressures to Return to Syria", Human Rights Watch website [here](#)
- [24] "Lebanon: Wave of hostility exposes hollowness of claims that Syrian refugee returns are voluntary", Amnesty International website: [here](#)
- [25] <https://www.youtube.com/watch?v=2bEZusgS4PM>.
- [26] Article in arabic: "Syrians' Education Funds: Calling the Director General of Education and Program Director", Faten Al Haj, 16/06/2020: [here](#)

