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EU Searching for Gatekeepers: Lebanon in European Externalized Migration Management¹

Angeliki Anna Andreou²

Abstract

Today 1 per 5 people in Lebanon is a Syrian refugee. Lebanon, largely impacted by the Syrian-refugee crisis, followed a “non-policy” and later confining policy for refugees-management. Based on the EU Global Strategy of 2016, migration is identified as principal threat for European security. Recently, EU has exerted its external migration governance in refugee-hosting countries like Lebanon. Having the Union implemented a resilience-building approach, which ended up ignoring the Lebanese system’s structural deficiencies and not accomplishing the desired outcomes, this Policy Brief recommends:

- Establishment of legal binding EU-Lebanon refugee governance agreement
- Further EIDHR funding conditional to human rights and good governance alignment
- Incentives to Lebanese private sector for refugees’ recruitment

Keywords: Lebanon, European Union, refugee crisis, Externalization of migration, EU-Lebanon Compact, Migration Policy, resilience, Non-policy Policy.

Introduction

In 2011, the Civil War in belligerent Syria caused one of the greatest crises in EU’s history. Refugee flows started arriving tumultuously on European coasts, transferring terrorists, their ideas and menacing its peace. Being undoubtedly the aftermath of Arab uprisings, refugee crisis got Europe vulnerable to external destabilization.

Unfortunately, the European response to the crisis, was incoherent, lacking a solid legal framework of solidarity and mutual action among the member-states. The most prominent strategy, that EU adopted and realizes till nowadays, is the “externalization of migration”. This strategy, also reflected on the 2020-introduced “New Pact on Migration and Asylum”, is conceived as expanding the EU border control policies and management to the hosting third countries of the neighborhood. Attempting to adapt to the new geopolitical and socioeconomic challenges, the Union followed a “resilience-building” approach through fueling third-countries as Lebanon with developmental and humanitarian aid, to address the continuous refugee waves to its external borders and ensure refugees’ right of protection.

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Lebanon has been extremely affected by the Syrian War and its displacement consequences. Recently Lebanon underwent internal instability, paralyzing the country and its state-apparatus. The country hosts the highest number of Syrian refugees, which represents the 25% of Lebanon’s total population, putting in danger the state’s consistency and well-functioning. Except of the absence of specific legislation concerning refugee governance, the initial welcoming Lebanese approach was finally replaced by a securitized policy towards the displaced Syrians which led to illegal returns and social exclusion.

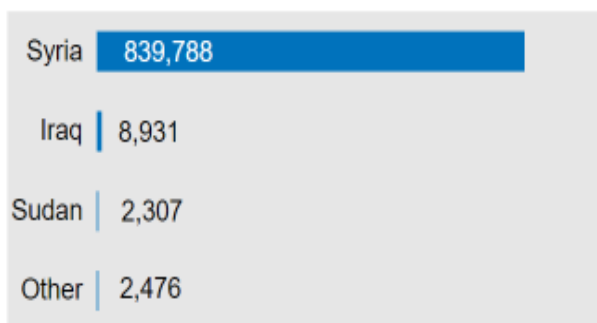
Under these circumstances, EU pursues to contain Syrian refugees in Lebanon. This is why it upgraded Lebanon to a strategic partner in ENP framework and prioritized their cooperation, by providing specialized funding for state/capacity-building (Pelayo, 2021). The Association Agreement, EU-Lebanon Compact and Partnership Priorities are documents that spell that. However, the Union seems to be stuck in its resilience-based approach, ignoring the Lebanese government’s violations of refugees’ rights, setting European interest above principles.

Syrian Refugees in Lebanon

Lebanon, bordering Syria, is at the forefront of refugees’ massive influx, being the largest refugee-hosting country. The government claims that the Syrian refugees reach at 1.5 million, among them only 840,000 have been registered by the UNHCR, while the Lebanese are approximately 5.5 million

Figure 1: Registered Refugees in Lebanon 2022

(registered refugees)



* Registration figures as of 31 January 2022

Source: UNHCR, 2022

immigration laws, like the 1962 Law (Parisoli, 2018). At the beginning, Lebanon maintained an “open-door” policy, permitting the unimpeded access of displaced Syrians across its territory. Such a thing is interpreted through the bilateral agreements between Syria and Lebanon for free movement of people back in 1990s (Facon, 2020). Although the state is not signatory of the 1951 Refugee Convention and its 1967 Protocol relating to refugee status, it outsourced RSD responsibilities in

(UNHCR, 2022). The numerical gap arises from the relevant 2015 decision, UNHCR to shut down the registration of Syrian refugees.

Lebanese Response

Since the dawn of Syrian war, Lebanon has embraced a “non-policy” policy. In fact, substantial domestic legislation for refugees’ governance and asylum procedures is absent. That case worsens the reception, integration and protection of the “newcomers”, which thus are regulated by

UNHCR, after the 2003 MoU (Fakhoury, 2020). The MoU along with the “non-encampment” Lebanese policy reaffirmed the perception of temporariness of refugees stay, by denying the establishment of refugee camps, contrary to Turkey and Jordan (Seeberg, 2018).

What changed?

Nevertheless, in 2014 Lebanon proceeded with a U-turn by exerting rigorous rhetoric towards refugees, imposing restrictive measures in cross-border mobility from Syria and retaking the primary authority on RSD activities from UNHCR. The government inaugurated a strict framework for acquiring refugees’ legal residency, which now was based on “entry categories” (e.g. tourism, shopping, extreme humanitarian cases etc.) (De Bel-Air, 2017).

The shift in Lebanese policy is the inevitable result of securitization of refugees. Since then, refugees constitute a direct threat to Lebanese societal and political stability and welfare. In 2015, the government rejected the term “refugee” used by the international community and endorsed the term “temporarily displaced Syrians” declaring its hostile attitude. Refugees got marginalized and blamed for a myriad of domestic problems.

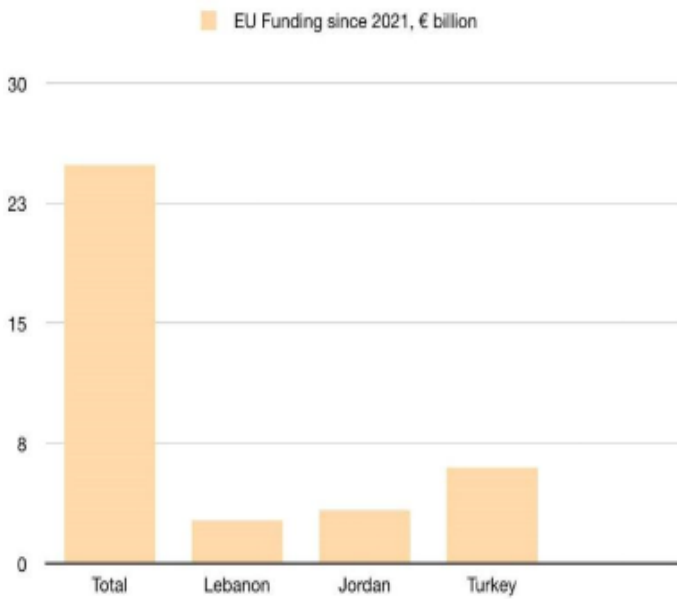
After all, the Lebanese Civil War, attributed to the Palestinian refugee crisis, was still vivid on locals’ memories. In 2015, the Lebanese Crisis Response Plan (LCRP) was launched. The Lebanese government insisted on the temporary nature of refugees’ stay and later in 2016 moved to illegal repatriations despite the ongoing war in Syria and the absence of safe conditions, under the umbrella of “voluntary returns” (Facon, 2020).

EU External Migration Policy

The European scheme concerning migration and asylum was largely regulated by the Dublin Convention and its reforms. Nevertheless, that was not efficient enough, owing to the widespread fragmentation and lack of alignment among the distinct migration policies of member-states. In the last six-year period, EU emphasized the external dimension of the refugee flows’ European governance, by responsabilizing the hosting-countries of its Southern-neighborhood (Fakhoury & Stel, 2022). The aim is one; the elimination of refugees’ arrivals in EU, by absorbing them in local societies of safe-third-countries. EU offers financial and operational aid and trade facilitations aspiring for resilience-building in exchange for “refugee containment” by third-countries (Pelayo, 2021).

Resilience-building in Lebanon

Figure 2: EU Funding towards hosting countries



Source: Commission, 2020

In the case of Lebanon, EU very early recognized its vital role in “keeping migrants out” of Europe, being the No1 donor. The ENP scheme facilitated funding and capacity-building under the auspices of the 2006 “Association Agreement” and high-level meetings of the Association Council for mutually addressing the crisis. Therefore, since 2011 EU has channeled significant funding to consolidate Lebanese state resilience and ameliorate the living conditions of refugees and vulnerable

Lebanese, triggering growth and employment. Out of the total contribution of €24.9 billion to hosting-states for tackling the crisis, EU has allocated till nowadays €2.4 billion in Lebanon (Commission, 2020). That funding was offered under the guise of humanitarian aid, mirroring the amount of €722 million. At first sight, EU was criticized for unfairly focusing on refugees, passing over the deprived Lebanese whose lives got importantly affected by the crisis. Consequently, the assistance targeted both Syrians and vulnerable locals.

Figure 3: EU Funding activities towards



Source: EEAS, 2021

The resilience-driven European intervention in Lebanon seeks to form a stable state, capable of absorbing the Syrian displacement and its deficiencies and not diffusing them to the Western world. The attention is given in overcoming the sectarian conflicts, enhancing the state-apparatus (by transferring know-how and equipment), reducing poverty levels and especially making refugees economically “self-reliant”. How?

1. Access in Lebanese labor market
2. Integration in local communities (Anholt & Sinatti, 2020)

EU-Lebanon Compact

In 2016, the Lebanon-EU Partnership Priorities were introduced as part of the Revised ENP, including “security and countering terrorism, governance and the rule of law, fostering growth and job opportunities, and migration and mobility” (Association Council, 2016). It was incorporated to the PPs as an annex was the EU-Lebanon Compact, which foresees the management procedures of refugee situation for the next four years and constitutes the written verification for bilateral commitments of the two partners. Additional to the bilateral funds, the Compact allocates particularly more than €400 million and further funds in Lebanon (Association Council, 2016). Actually, it captures accurately the aforesaid resilience-building with the goal to strengthen refugee protection, create jobs and ensure political/economic stability.

Lebanese government committed to:

- facilitate legal residence procedures for Syrian refugees
- smooth their integration to labor market and society
- remove the \$200 fee
- simplify documentation

Evaluation

Notwithstanding, the EU policy undeniably delivers temporary remedies to the problem and clearly acknowledges, along with Lebanon, the “conditional readmission” of refugees (“safe, dignified, voluntary”) as the only durable solution (Fakhoury & Stel, 2022). The Compact has no legal power, which means that it does not produce legally binding results. It seems more like a “letter of intent” having only declaratory value. In spite of framing refugees’ presence as unique opportunity for country’s development, the EU resilience-based approach for refugee containment is unable to prevent the ongoing instability and extreme poverty in Lebanon, intensified after the 2019 financial crackdown, “thawra” wave and Beirut blasts in 2020. The Union selected a realistic policy towards Lebanon, being silent in refugees’ rights consecutive violations and illegal push-backs and abandoning its former normative approach (Fakhoury, 2020).

Recommendations

Taking all into account, the need of an improved European migration management in Lebanon is inarguable. Hence, the Union shall carefully estimate the potential of sustainable solutions. Firstly, the two partners should sign a new agreement on migration and refugees for 2021-2025, founded upon the provisions of the EU-Lebanon Compact of 2016. The innovation will be the legally-binding character of the document, which will regulate and limit the action of each signatory. To be more specific, since a legal framework will be present, the two parties will be obliged, not just encouraged to undertake and respect their commitments. The document will also enumerate specific sanctions for noncompliance or the establishment of ad hoc arbitral committees, responsible for determining the penalties. Strict binding framework will lead to the maximization of the outcome.

Secondly, EU must rethink upon its interest-driven approach in Lebanon, while the government proceeds with illegal refugee returns in Syria, despite the inappropriate conditions, and discriminative behavior against Syrians in the society, its public goods and workplace. So, the Union may offer double funding through “European Instrument for Democracy and Human Rights”, only if the Lebanese authorities abandon their corruptive practices and implement refugees’ rights. Ad hoc European Observation Missions will examine the conformation with good governance and HR provisions.

Finally, EU should grant incentives also to the private sector, such as preferential access to the EU markets or financial support, in return to the recruitment of refugees. That movement will bring three critical benefits: gradual integration and self-reliance of refugees, boosting the local companies with renewed workforce and deeper bonds between EU and Lebanese individuals. That is simultaneously an efficient way to autonomize refugees from the European cash-receipt, to motivate them to become part of the local communities and not to look for a European future.

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