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## Managing through ad hoc measures: Syrian refugees and the politics of waiting in Lebanon

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## **Managing through *Ad Hoc* Measures: Syrian Refugees and the Politics of Waiting in Lebanon**

### **Abstract**

#### **Managing through Ad Hoc Measures : Syrian Refugees and Legal Geographies in Lebanon**

This paper explores how the ad hoc and uneven implementation and enforcement of policies in the context of the Global South particularly in situations of large-scale refugee crises creates forms of waiting and precarity amongst refugees. This exploration is initiated by questions about how states in the Global South manage mass displacements of people whilst adhering to the principles of non-refoulement, a customary international law forbidding countries from forcibly returning refugees to conditions that may endanger their lives. How is this complicated in situations where states are not party to the Refugee convention and where refugee crises become protracted? How does this then lead to immobilizing refugees and compelling them to wait? I focus on the practices of the Lebanese state in response to the Syrian refugee crisis that has continued on from 2011. Lebanon has changed its regulations and decisions towards the large number of Syrians living in the country over the course of the crisis whilst adhering to the principle of non-refoulement. However, the policies enacted by the government are arbitrarily implemented and enforced at different scales of governance creating legal anxieties and immobilities for Syrians in the country. I draw on the work of critical legal and political geographers to argue that the ad hoc nature of the law, creates a fragmented landscape of mobility for Syrians, exacerbating conditions of precarity and poverty and, importantly, colonizing their futures.

### **Keywords:**

Syrians, Lebanon, International law, Refugees, Legal geographies, Waiting

## Introduction

On January 5<sup>th</sup>, 2015, the Lebanese government ended the open door policy it had towards Syrians fleeing the war in their country and began introducing a raft of legislations restricting their mobility and legal status. Until then, Syrians were able to move across the border with relative ease. Indeed there had been a long and complex political history between Syria and Lebanon and close ties between communities in both countries. They have shared an officially undefined and thus unresolved border, and cross border identities and movements back and forth have been common since the birth of both states (Chatty et al., 2013; Kaufman, 2013). Such intimate and complex relations translated into unconditional hospitality by the Lebanese towards the Syrians for a time. However, as the war in Syria continued unabated, and the numbers of Syrians entering the country kept increasing, the situation started becoming untenable for the Lebanese. With over a million registered refugees<sup>1</sup>, and one in four people in the country being Syrian, Lebanon currently supports the largest number of Syrian refugees per capita of all host countries.

Such a significant number of refugees has also given rise to social tensions between hosts and guests as the crisis has grown more protracted. Added to this has been political uncertainty plaguing the state itself. With no president or parliamentary elections for a considerable period of time, Lebanon in effect had a 'caretaker government' which in turn was unable to meet the challenges of such a significant refugee crisis (Bidinger and et al, 2015). In addition, the Syrian war affected Lebanon's sectarian divides intensifying existing

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<sup>1</sup> The number of refugees dropped as a result of policy decisions by the government as will be elaborated upon later in the paper. Where HRW noted 1.2 million refugees in their January 2016 report (using UNHCR figures), the official number on the UNHCR website stood at 1,011,366 as of December 2016.

tensions within the country, and there have been incidents of violence including bombings, kidnappings, and violence between Syrians, host communities, and the Lebanese army (Bidinger and et al, 2015; Rabil, 2016).

In an effort to address security concerns in the country, the Ministry of the Interior, following a decision made by the Lebanese Council of Ministers in October 2014, produced a decree to restrict border access and status renewals (HRW, 2016). These and other policy decisions were meant to privilege state security, reduce the number of Syrians in Lebanon, and discourage others from coming by limiting their rights and access to services within the country. However, as the paper will demonstrate, the enforcement of these policies at different scales of governance have largely remained *ad hoc* creating a sense of fear and uncertainty amongst the Syrians, particularly those who are poorer and unable to meet the new and changing demands of documentation by the Lebanese state. They are thus immobilized and compelled to wait through their displacement in increasingly precarious ways.

The restrictive regulations in Lebanon in relation to Syrians or indeed other refugees violate international norms with regards to refugee crises, yet they are not out of step with much of what is practiced in many other countries, including in the Global South that face protracted refugee situations (Coddington, 2018). Indeed, geopolitical shifts and changes to practices of meeting obligations under international refugee law since the 1980s have meant increasing pressure on predominantly countries in the Global South to abide by principles of non-refoulement while simultaneously carrying the burden of mass displacements of refugees. Countries that are not signatories to the Refugee Convention and host considerable numbers of refugee often rely on ad-hoc legislation and enforcement

to uphold obligations of providing refuge on the one hand and maintaining security and social stability on the other. The result, I argue is the criminalization and immobilization of refugees. They are thus faced with precarious and protracted forms of waiting in urban and rural areas that are similar to that in camps and detention centres. To illustrate my case I focus on Lebanon and specifically on policies by the national government and some municipal authorities and the processes of enforcing them that limit mobility and economic opportunities for Syrians forcing them to wait uncertainly through their displacement.

The empirical material for this work has been gathered between 2015 and 2018. I draw on policy reports, newspaper articles (in English) and academic literature. Thus far, the literature on legal issues relating to the Syrian Crisis has been covered predominantly by NGOs and think tanks. As Khalili notes in relation to prison conditions and human rights violations in the Middle East, much of this literature is collected by northern NGOs. This is both problematic and controversial given the biases they may contain and the impact they may have on popular mobilization. Nonetheless, they remain a key and rich resource for studying contemporary policing and imprisonment in the Middle East (Khalili, 2010: 22). Finally, I supplement some of this data with interviews with two organizations working on legal issues for Syrians and a journalist covering many of the stories related to the policing of Syrians in Lebanon. The paper is structured to begin with a brief discussion of legal geographies of refuge as they have been studied in the Global North and the Global South. I engage with the theoretical discussions around detention and waiting. From here, I move onto the case study of Lebanon, exploring *ad hoc* regulations and their enforcement by the national and some municipal governments and the uneven geographies of waiting that these produce. I then use it for broader reflections on other countries in the Global South

who are also not signatories to the Refugee Convention. In doing so, I hope to contribute to scholarship on legal geography and refugee management in the Global South.

## **Legal Geographies of Refuge**

### ***Camps***

Legal geographers have considered many effects of the law on social and political spaces. Fundamentally, the engagement with this research has been to excavate the workings of power and the production of space through it. As critical legal geographers have noted, in order to do so, it is important to consider the law-space nexus (Blomley, 1989; Braverman et al., 2014). Delaney, in developing this further has drawn our attention to the nomosphere, “the reciprocal materialization of the legal and the legal signification of the socio-spatial” (Delaney, 2004: 851). Critical legal studies have thus engaged in interdisciplinary investigations into the relationship between the law and property, public space amongst other issues, and have highlighted the importance of studying the law from an interdisciplinary perspective to understand its effects on everyday space and social relations.

Despite such critical advances in our understanding and appreciation of the legal production of space, this scholarship, as noted by Jones and Smith, (2015) has remained focused on liberal western democracies. Less attention has been given to the study of legal geographies outside the west. It is important to explore the production and enforcement of law and policies in the Global South as we seek to gain a better understanding of legal geographies globally. Comparisons and conversations between the Global North and the Global South, in this case around refugee protection, enable us to better understand how

the outcomes of different governance systems and socio-political and legal practices may be similar to, or different from each other. Further, it allows us to call into question the divide between camp and non/camp spaces that continues to dominate refugee studies.

Existing legal geographical work around international refugee protection more broadly has been useful in the interrogation of the socio-political lives of refugees and the study of varied refugee geographies. It has also alerted us to the politics of controlling refugees' movements—their accelerations, decelerations and stasis in different spaces. One strand of scholarship has invoked the work of philosopher Giorgio Agamben to study the camp, including refugee camps, examine its colonial lineage and its on-going political relevance. Such literature helps us understand how the 'camp' becomes a site of legal abandonment, where bodies such as those of refugees are reduced to bare life. They are included in the legal order through their exclusion (Ek, 2006; Minca, 2015). This has led to lively debates amongst scholars on questions of refugee agency, on the rise of the security state and the shift from refugee protection to humanitarian protection (Chimni, 1998; Feldman, 2015; Katz, 2015; Martin, 2015; Minca, 2015; Ramadan, 2013; Sanyal, 2014).

However focus on camps tends to ignore the performativity and politics of the law and how that affects different groups of people at different scales and sites of governance outside of them. This is problematic as most refugees live in urban areas, especially in the Global South where the majority are hosted. Therefore, it is useful to ask if those who are living in refugee camps and those who are living in cities are subjected to the enforcement of the law in the same ways. Or if those who live in refugee-saturated regions versus those who live in regions with few refugees face the same kinds of legal and social sanctions (Landau, 2003)? Is the law enforced equally at the scale of the neighbourhood as at the

scale of the sub-national region or the supra-national region? In other words, how does the implementation and enforcement of the law create zones of exception (Mountz et al., 2002; Ong, 2006)? What are the roles of state and non-state actors including heterogenous local communities in creating varied political landscapes and socio-spatial relations (Fregonese, 2012; Hazbun, 2016; Hourani, 2013) that impact refugees' rights? And how does the increasing urbanization of refugees change the ways in which we understand legal geographies of refuge? Can in fact the city be re-theorized as a space of containment rather than one of freedom (Bagelman, 2016)? As (Mountz, 2011) suggests, how do topography and place play a role in how people are policed and excluded? These and others are important questions to consider as we learn how different countries engage with international legal frameworks and the ways in which their geopolitical positions influence decisions. It also helps us develop a more refined understanding of the role of space in the experience of time- in this case, time spent waiting in exile.

### ***Detention***

A related strand of critical geographical and legal scholarship has sought to interrogate the constant shape-shifting of international refugee law and its impact on immigration, asylum, borders and policing in the Global North. This scholarship has been particularly useful in engaging with many of the issues above, excavating the ways in which international refugee law and other international conventions have been translated into spatial, social and political practices in places and amongst communities in different countries (Mountz et al., 2002; Mountz and Loyd, 2014; Stuesse and Coleman, 2014). Drawing on a longer tradition within geography that has paid attention to the power geometry of space-time compression, the highly varied experiences of globalization by



different social groups of people and individuals (Massey, 1994), this current literature has helped unravel the practices of sovereignty from the spaces of the nation state itself and highlighted the role of extra-state actors in regulating the mobility of migrants and asylum seekers from the Global South to the Global North. It has revealed the fragmented landscapes of mobility and immobility, forms and spaces of detention and constantly shifting pathways of migration that emerge out of these processes (Andersson, 2014a; Mountz et al., 2013).

For example, Martin (2012) and Martin and Mitchelson (2009) show us how in the U.S non-citizens became the fastest growing incarcerated population and the detention of migrants involves transferring them to isolated centres and holding them indefinitely. Such tactics are employed by other countries as well and are aimed at entire populations as a deterrent. Spatio-temporal practices become key means of controlling the movement of people and objects slowing or stopping their journeys (Martin and Mitchelson, 2009; Mountz et al., 2013). Detention thus operates as a tool of criminalizing migrant bodies, leading to their decelerations and immobilizations. In so doing, they force migrants to wait in different sites- from detention centres, to refugee camps and in this case, the host country itself.

### **Waiting**

The literature on mobility and detention leads us to the important scholarship in Geography on waiting. This work highlights the experience of being detained and the valuable conceptualization of time by those compelled to remain still. As scholars note, waiting “is socially produced, imbued with geopolitics, and also actively encountered, incorporated and resisted amidst everyday spaces that migrants experience” (Conlon, 2011:

353). Interrogating the concept in an increasingly mobile world alerts us to the power relations inherent in and reproduced through mobility, and the ways in which socio-economic circumstances are deeply intertwined with it (Mason, 2011). Making people wait or remain still when movement or migration is essential for them is an act of entrenching political subordination. It enables to construction of social hierarchies and the segregation of people into those that matter and those who do not (Cresswell, 2012; Olson, 2015) and reinforces the idea that waiting is something to be ashamed of as it is a sign of indolence, low status, rejection or exclusion (Olson, 2015). Further, Hyndman and Giles (2011) note how those left to 'wait' in refugee camps are feminized and depoliticized. Thus waiting has become a central experience of subaltern groups such as irregular migrants and refugees who are viewed as surplus populations (Conlon, 2011; Jeffrey, 2008; McConnell, 2016; Mountz, 2011).

In excavating the experiences of waiting, scholars have also attempted to theorize about time. For example, in analysing the literature on prolonged waiting (Jeffrey, 2008), has noted a range of time experiences from surplus time, to panic and inertia. Griffiths (2014) has similarly noted experiential temporalities ranging from slow waiting to complete stagnation to frenzied time and temporal ruptures. In these discussions, different temporal experiences can occur in varying degrees or in parallel with each other. Here, space is critical to the ways in which time is conceptualised (Griffiths, 2014:1992) and those whose lives are paused experience stillness beyond camps and detention centres, in various spaces including cities. This is true of both countries that are signatories and non-signatories to the Refugee Convention.

For example, in the UK asylum-seekers experience contradicting temporal frames- from stillness brought on by the slow decision-making bureaucracy that denies them the right to work, to the sudden raids and transfers to removal centres if their applications are unsuccessful. Stripped of many rights, and unable to control their own times, they suffer from constant anxiety, insecurity and often destitution (Coddington, 2018; Gill, 2009; Griffiths, 2014) Making people wait through various restrictions becomes a key tool, utilized by an assemblage of state and non-state actors. These tactics of immobilizing people are equally present in Lebanon where governance structures may be different.

Making people wait extends beyond controlling their mobility to impacting their futures. Ruben Andersson's rich ethnographic work discusses the idea of the colonization of migrant time. He looks at how authorities selectively detain and deport migrants traveling between Africa and the EU. Those who are indefinitely detained fill their days with mundane activities until the chronic wait breaks their resolve. This colonization of migrant time in effect colonizes their futures (Andersson, 2014b). Conversely, scholars have also encouraged us to consider how agency is produced in waiting- even in protracted circumstances. How do people imagine their futures or negotiate their presents whilst waiting? In other words, it is useful to consider hope alongside uncertainty and the possibility of forging new political strategies and agendas as we think about waiting (Brun, 2015; Jeffrey, 2008; McConnell, 2016).

The discussions of non-camp legal geography and the regulation of migration through spatio-temporal tactics, particularly enforced waiting are useful in understanding the precarious situation of Syrian refugees in Lebanon. This is because the sheer scale of displacement of Syrians into Lebanon makes large-scale deportation not only logistically

difficult, but socially and politically challenging. Thus, administrative policies have been produced and enforced on an ad-hoc basis by the national and some municipal governments to control the physical and social mobility of Syrians. It has entrenched differences between Syrians and Lebanese, criminalizing and immobilizing the latter. Much like the experience of asylum-seekers in the UK, Syrians are increasingly bereft of autonomy to reconstruct their lives, and are forced to 'wait' out their exile in increasingly precarious ways. In the next sections, I provide a brief discussion of international refugee law to show how its ambiguity often lends itself to problematic interpretation and implementation globally, enabling various countries to circumvent their Convention obligations and immobilizing people.

### **International Refugee Law in Practice**

The key international agreements for this paper are the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Related to the Status of Refugees, the principle of non-refoulement enshrined in the 1951 Convention alongside other relevant international conventions. Legal scholars note the ways in which the wording of the 1951 Convention has been influenced by cold war politics and has been Eurocentric (Castro-Magluff, 2001; Chimni, 2003; Hathaway, 1991). While the 1967 Protocol did away with the spatial and temporal restrictions of the Convention, its narrow wording continues to serve a useful geopolitical purpose of limiting access of refugees to wealthier countries in the Global North. In turn, it produces complex geometries of displacement disproportionately affecting many countries in the Global South. This becomes particularly significant as they become protracted. The legal wording of Article 1A (2) of the 1951 Convention privileges the individual fleeing persecution or well-founded fear of persecution on account of five

enumerated grounds: race, religion, nationality, membership in a particular social group, or political opinion. The exactitude of the legal wording in fact becomes critically important in determining asylum cases, particularly where courts are intent on more orthodox interpretations. Such language clearly does not account for varied forms of involuntary migration and the effects of generalized violence and aggression on large groups of people. These are addressed through regional protocols such as the OAU Convention and the Cartagena Declaration (Hathaway, 1990; Musalo et al., 2001). In Asia, where many of largest refugee flows have taken place, no such regional protocols exist.

Even if countries are not signatories to the Refugee Convention or the Protocol, they are required to abide by the principle of *non-refoulement* enshrined in Article 33 (1) of the Convention. The principle, which is part of customary international law, forbids all countries to return or *refouler* a refugee back to the country or territory where his/her life may be in danger. The principle thus forms a key basis for protection of refugees and asylum seekers, including those who have not received formal recognition under either category<sup>2</sup>.

Geopolitical changes have however seen changes to the practice and interpretation of refugee law. Chimni (1998) reminds us that we need to be cautious with such shifts as refugee law theorists have sought to construct myths of differences between an 'idealized' refugees (white, male, fleeing political persecution) and refugees generated from generalized conflict in the Global South. The distinctions, he argues appear to suggest that there is something 'unique' about refugee flows in the Global South, that refugees are fleeing conflict, not persecution per se and therefore not eligible for asylum in its orthodox understanding. Such an approach not only fails to recognize the ways in which civil conflicts

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<sup>2</sup> <http://www.unhcr.org/afr/excom/scip/3ae68ccd10/note-non-refoulement-submitted-high-commissioner.html>

evolve, but are out of touch with the histories and politics of global refugee flows, and finally, it attempts to place the blame and burden of refugee management on the Global South. This trend he further argues has particularly been on the rise since the 1980s and has had significant implications for the work of lawyers, activists and importantly protection agencies such as UNHCR who have found the nature of their work to be quite different from their initial mandate (ibid).

Countries in the Global North, ironically, routinely violate the letter and spirit of international refugee law they themselves took the lead in crafting. As Hyndman and Mountz (2008) have pointed out, the ways in which countries bend and manipulate Convention rules requires further and urgent questioning. Australia for example has arrangements with countries such as Indonesia to take in asylum seekers mirroring what Chimni (1998) devastatingly suggests is a 'trade' in refugees as commodities. More pernicious practices such as Regional Protection Programs (RPP) create emerging conditions of neo-refoulement are increasingly on the rise in both Europe and elsewhere as western states attempt to circumvent their obligations under international treaties (Hyndman and Giles, 2011).

### **Non Refoulement and Protracted Crises in the Global South**

Many countries in the Global South are not signatories to the 1951 Convention or the 1967 Protocol because, as noted above, it is seen as Eurocentric and the regime as too burdensome for developing countries to carry (Chimni, 2003; McConnell, 2013; Saxena, 2007). Furthermore, the hypocritical shifts in attitudes towards asylum seekers amongst western countries have also made many countries in the Global South wary of signing up to such international protocols (Abrar, 2001). The lack of regional agreements or national laws

with regards to refugee management translates into landscapes of *ad hoc* measures taken in numerous countries. In South and South East Asia for example, although significant refugee crises have continued to mark the regions, few of the countries are signatories to the Refugee Convention and there are no regional protocols or in many cases national laws that govern the legal rights of refugees. Instead, most treat refugees and stateless people as foreigners and migrants giving them few if any rights, and often on the basis of domestic sentiments and geopolitical and other interests that are varied, inconsistent and temporal. None provide durable solutions, leaving refugees in a state of impasse for years<sup>3</sup>(Cheung, 2011; Coddington, 2018; Palmgren, 2011).

In the Middle East, countries such as Lebanon and Jordan are also not signatories to the Refugee Convention<sup>4</sup> mainly due to their opposition to resettling Palestinian refugees and histories of the Palestinian presence in their countries more generally. In fact the Palestinian question plays a key role in the formulation of many policies, particularly in relation to refugees and asylum seekers in these countries. This will be discussed in greater detail below. These countries note that they are not in fact signatories to the Refugee Convention and therefore under no obligation to protect refugees, but do so because of their generosity. Bidinger et al's (2015) report on the legal protections of Syrians in the Middle East exhaustively documents the messiness and performance of the law across Lebanon, Jordan, Egypt and Turkey. What emerges is a picture of countries that attempt to extend hospitality, but do so unevenly and in an *ad hoc* fashion. Rules frequently change as the key concern for most states is national security and stability. Refugees are less welcome

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<sup>3</sup> Only the Philippines and Cambodia are signatories to the Convention amongst the ASEAN and this has not translated into a 'cure-all' situation in either country. See Cheung (2011) and Palmgren (2011)

<sup>4</sup> Jordan and Lebanon are signatories to other international conventions such as CEDAW, CAT, CSER etc that protect the rights of vulnerable populations including refugees. Furthermore, as Bidinger et al(2015) notes, the League of Arab states are signatories to the Casablanca Protocol and other treaties that require them to extend rights to all refugees including Palestinians.

as more of them cross international borders and efforts are made to reduce their numbers through legislative and bureaucratic controls. Some states violate the *non-refoulement* clause, particularly with regards to Palestinians who carry the double burden of not just being refugees, but also being stateless. They are either turned away at the border, or if (in the case of Jordan) caught without papers, deported back to Syria (Bidinger and et al, 2015).

Lebanon has no national refugee law and although many refugees have been hosted they are treated as migrants and foreigners. The Lebanese state deals with Syrians in similar ways to other refugees. It does not recognize Syrians in the country as 'refugees' but refers to them as 'displaced persons' or *de-facto* refugees although these categories are not recognised by Lebanese law (Naufal, 2012). This allows them to circumvent many of the obligations that countries may have towards refugees, including restricting their rights in the country, detaining them at whim, and if desired, turning them away at the border (HRW, 2007). Bidinger et al (2015: 29) point out "...its actions towards the refugees from Syria are governed primarily by *ad hoc* policies implemented since the start of the crisis. Its refugee law is based almost entirely on its Memorandum of Understanding (MoU) with UNHCR, which emphasizes that refugees in Lebanon are not entitled to remain permanently, but must be resettled." This MoU reached only in 2003, has been criticized for viewing refugees as security threats, encouraging the point that Lebanon is not a country of asylum and having various other flaws including failing to mention international norms such as non-refoulement (Janmyr, 2018). Although Lebanon insisted on the resettlement of previous



flows of refugees such as Iraqis in third countries, the state did not engage in non-refoulement when UNHCR was unable to meet its responsibilities to do so.<sup>5</sup>

Although Convention norms urge countries to enable refugees to enjoy social and economic opportunities, these, are often restricted by host countries in the Global North and South through various measures in order to manage mass displacements and possible local discontent. As noted above, refugee protection in many parts of the Global South is often not codified by law at the regional or national level. Even when it is, there is often a disconnection between the codified laws and unwritten norms and practices and limits placed on mobility and rights to work. In many instances, such restrictions against refugees may shift and change and their implementation may be *ad-hoc*. As a result, we can argue that the law here is performative in that it invokes fear and uncertainty by virtue of its existence (Martin and Mitchelson, 2009). Legal tools including administrative orders can serve to place particular people in state of precarity and exception, possibly driving them underground and/or immobilizing them. This kind of legal performance also leads to conditions where people are left waiting for prolonged periods of time until they can 'go home'.

I now turn to examine how policies and regulations are unevenly implemented at different scales in Lebanon specifically the national and municipal levels to create particular subjectivities and geographies. In a highly volatile environment, the Government of Lebanon (GoL) privileged its security concerns and mobilized its security apparatus to address issues regarding instability and insecurity. It has done so at a cost to specific communities of

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<sup>5</sup> Interview with Human Rights Watch, March, 2015. Although note that in the report by HRW "Rot Here or Die Here (2007), they note that although Lebanon didn't explicitly refoule Iraqi refugees, they gave them few alternatives, especially if they were being held in detention.

people, namely refugees. I hope to show how the law performs as a tool of governance to restrict the mobility and visibility of refugees, which increases their insecurity thus making them more vulnerable and reliant on aid. The production of waiting amongst refugees through *ad hoc* measures is an important effect of how non-refoulement operates within a protracted crisis. Further, I hope to illustrate how non-camp, non-detention center spaces- including urban spaces can equally function as sites of immobilization and stasis.

### **From Silence to Restriction**

The civil war in Syria began in 2011 on the heels of the Arab Spring. Initially a struggle between opposition and government forces, the Syrian conflict has evolved into a more complex war involving a range of non-state actors (International Crisis Group, 2016) resulting in the displacement of millions of people from the country across the region and into Europe and elsewhere in the world.

Countries neighbouring Syria have faced a growing stream of refugees from the start of the crisis and have struggled to host them whilst managing the needs of their own citizens. This comes against a backdrop of limited international assistance and the key host countries Jordan, Lebanon and Turkey have repeatedly asked donors for more money at funding conferences to meet the costs of hosting millions of people. Mostly, the funding provided has fallen far short of the needs of countries (Government of Lebanon and United Nations, 2014). This has in turn affected the relationship between host states and refugees evolving it from one of welcome, to one of increasing restrictions as refugees and host communities compete for jobs, scarce resources and space.

In Lebanon, there was a policy of inaction from the government regarding refugees till 2014 despite increasing numbers of them in the country. This inaction enabled greater decentralization and securitization of refugees at the municipal level whilst depriving municipalities of necessary funds to cope with them. Municipalities thus became increasingly reliant on international aid (Harb et al., 2018). The presence of so many refugees in a small country with a population of approximately 4 million people was seen as an untenable burden. Infrastructure, which had already been fairly weak and barely enough for the host population was now collapsing under the weight of such a large number of people. There were other issues such as security concerns, growing unemployment<sup>6</sup>, struggles for access to limited resources and job opportunities and disproportionate attention being paid by NGOs to refugees over the host population who were equally vulnerable. These led to growing antagonism between communities.

In an effort to manage tensions and the deteriorating security situation, from 2014 the GoL began increasingly restricting the rights of Syrians within the country irrespective of whether they were refugees or migrant workers living in Lebanon for decades (Harb et al., 2018). Until now, based on prior agreements between the Lebanese state and the Syrian state, Syrians could enter the country for 6 months freely. Thereafter, they could extend their stay for another six months at no cost. At the end of the year, they would have to go back to Syria for 24 hours to re-enter the country using the same method. As the war made going back into Syria riskier, the Lebanese government allowed Syrians to renew their stay without leaving for \$200 per person annually. From October 2014, after the Syrian

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<sup>6</sup> Lebanon has had double digit unemployment from before the crisis. It was 11% of the labour force, but the rates were higher for women (18%) and youth (34%) (World Bank, 2013).

elections, the GoL shifted its policies and began closing the doors on Syrians (Harb et al., 2018).

In 2015, the border was sealed, there were changes to the legal status of Syrians and increased restrictions on their employment (Harb et al., 2018). Syrians seeking refuge in the country had one of two options. Either they would have to register with the United Nations High Commissioner for Refugees (UNHCR) or find a Lebanese sponsor to remain legally in the country. Both groups were required to pay an “\$200 renewal fee per person, present valid ID and an entry slip obtained upon entry into Lebanon at the border, submit a housing pledge confirming their place of residence, and provide two photographs stamped by a Lebanese local official, known as the mukhtar”(HRW, 2016: 9) According to UNHCR (2015a: 1) “Some refugees are also asked to sign a notarized pledge that they will return to Syria when their permit expires or when requested by the Government.” Those Syrians opting for the sponsorship route instead of choosing to register with UNHCR, had to provide a ‘pledge of responsibility’ signed by a Lebanese national or a registered entity for a work permit or sponsorship of an individual or a family (HRW, 2016). With these, they were in effect being classified as migrants. Without these, they were seen to be illegally present in the country and could be arrested and detained in prison for weeks at a time (Holmes, 2015).

Even before the tightened restrictions, a report produced by the Information Counselling and Legal Assistance (ICLA) arm of the Norwegian Refugee Council in 2014 noted that most Syrians did not have the financial means to pay for renewals and particularly not for each family member. This stemmed from restrictions on work, an increasingly saturated employment market coupled with high costs of living. In focus groups and interviews undertaken by NRC and HRW, 90% of respondents were found to be

undocumented and illegal. This trend was further exacerbated with the closing of the border and increased restrictions since 2015 (NRC ICLA, 2013, 2014; HRW, 2016).

For those choosing to register as refugees, this registration did not provide legal status, but enabled them in some instances to receive assistance (HRW, 2015). It however came with numerous restrictions in exchange for refuge, including a pledge not to work as outlined above. The policy to pay the annual \$200 residency fee was waived in February 2017 by General Security provided “they registered with the United Nations High Commissioner for Refugees (UNHCR) before January 1, 2015, or obtained residency through their UNHCR certificate at least once in 2015 or 2016”(HRW, 2017). However this policy does not benefit the nearly half a million refugees not registered with UNHCR or Palestinians from Syria who have been explicitly excluded from this directive (Chehayeb, 2017a).

The registration of refugees itself has previously been fraught. It served several important purposes including locating the most vulnerable families, providing documentation for births and serving as an important data source for numbers and conditions of refugees in the country. Registration thus made them more visible to the state and to humanitarian agencies. However, documentation provided by UNHCR itself is not a guarantee of safety or security for refugees. Human Rights Watch (HRW, 2016) in a report argued that many refugees were being harassed by security personnel who would either reject the value of the UN documentation, and/or destroy these and compel them find a sponsor This was often accompanied by other kinds of physical and verbal abuse. UNHCR noted a 75% drop in monthly registrations in 2015 as compared with the same period in 2014 (UNHCR, 2015a). Furthermore, in an effort to reduce the number of Syrian refugees in

the country, the Government of Lebanon restricted the work of UNHCR. By May 2015, UNHCR had stopped all new registrations as per the government's instructions<sup>7</sup>. While those who had come earlier were able to maintain their status, new arrivals numbering in the thousands became particularly precarious (UNHCR, 2015b).

Currently, the numbers of people living without legal residency has declined such that 74% of surveyed Syrian refugees aged 15 and above do not have legal residency in Lebanon (UNHCR, 2017). The de-registration of Syrians is deeply problematic as without residency permits they "have no freedom of movement, access to public services, or ability to report abuse to the police. The lack of legal status also makes refugees more vulnerable to arbitrary detention and deportation to Syria" (Chehayeb, 2016)

### **Immobilizing Undocumented Syrians between Checkpoints**

Ad-hoc legislation limiting the rights of Syrians has been enforced through an equally arbitrary and uneven landscape of enforcement. For example, innumerable checkpoints operate across the country in different ways that affect the mobility of undocumented Syrians. There are checkpoints on main roads that lead to different provinces in the country as well as near Palestinian camps. Some checkpoints are temporary whilst others operate at certain times such as at night. Some are manned by the army whilst others are run by the police (Amnesty International, 2016).

The proliferation of checkpoints in Lebanon is not new. In fact, as (Fawaz et al., 2012) note, in Beirut for example, residents have long tolerated or suffered from multiple checkpoints. These range from ones run by the state, to those run by political parties, in

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<sup>7</sup> As noted on their website. The UNHCR Lebanon website also clearly indicates the lack of other kinds of data as of June 2015. See <http://data.unhcr.org/syrianrefugees/country.php?id=122>

addition to further layers of security provided by private companies. Such overlapping security checkpoints create annoyances for residents, blocking access to spaces and roads, restricting mobility and creating security enclaves. Whilst for residents these may be daily frustrations to be negotiated, as the authors point out, for migrants, especially those with more tenuous legal positions, these checkpoints can be far more dangerous turning specific sites into no-go zones if they are highly secured. They can be restricted from accessing certain spaces or being sequestered within others (Fawaz et al., 2012). For them, then, space becomes deeply fragmented because of this security landscape.

Likewise, the fear of being caught at a checkpoint without proper documentation and being harassed, detained or deported profoundly impacts how and where Syrians can travel and the services and protection they can access. It plays a key role in immobilizing them. For example, in 2013 a report by (NRC ICLA, 2013) already noted the anxieties refugees felt about moving between Arsal and Wadi Khaled (north eastern Lebanon) to Zahle (in the Bekaa region) and Tripoli (northern Lebanon) respectively in order to register with UNHCR. Refugees reported harassment, verbal abuse, fears of being possibly detained or kidnapped at official and non-official checkpoints (ibid). The inability to move to re-register themselves for UN support, to register births or other matters, further subordinates Syrians leaving them open to support or exploitation at the whim of state and non-state actors. More perniciously, it impacts the registration of births leaving many children in danger of becoming stateless.

Negotiations around checkpoints often have a gendered and age element to them. As Syrian men are more prone to being stopped and arrested, many have resorted to staying in their homes or camps and instead sending women and children to collect rations

and engage in paid work. Although the latter also lack papers and are often subject to harassment, they are not targeted as much as adult men. Nevertheless, women face increasing anxiety and the lack of legal status stops many from reporting incidents of harassment and abuse to the police (Amnesty International, 2016). Such coping strategies affect the safety of women and children, the possibilities of children continuing their education and the feminization of refugee men in particular, affecting their traditional roles as primary breadwinners (Amnesty International, 2016; Assir, 2016; HRW, 2016; Hyndman and Giles, 2011; NRC ICLA, 2013, 2014; World Bank, 2016)

The fear and anxiety brought on by their undocumented status impacts social and economic presents and futures of Syrians, especially those who come from poorer segments of society. Unable to renew their papers, they get caught between taking considerable risk to work under exploitative conditions and access essential services or not step out of particular spaces such as their homes, settlements or localities altogether. In Lebanon, Syrians can only work in three professions- agriculture, construction and environment. These are not only low paid, but poorly protected which is then compounded by undocumented status. There are reports of growing destitution amongst Syrian refugees as exile drags on (NRC ICLA, 2014, 2013; UNHCR et al., 2015; World Bank, 2016). A recent UN report notes that 58% of refugee households are living in extreme poverty and 76% are living below the poverty line of \$3.84/day. Syrians are trying to find different ways to cope including going into debt, reducing their food consumption or making other adjustments to bring down the cost of living (UNHCR, 2017). Although a grim picture in comparison to previous years, it is unsurprising given that employment opportunities are limited for Syrians and aid budgets providing for their needs are also insufficient (UNHCR, 2017).



The shifting policies and uneven landscape of checkpoints in Lebanon is used to create a socio-legal environment that is constantly hostile and threatening which produces detention-like conditions for refugees. Treating Syrians as security threats and stripping them of rights and mobility is an attempt by the Lebanese state to produce a veneer of control over migration into the country. However, the subjugation of the Syrian population is very much gendered, classed and modified through other identity markers as has been shown. Thus, while Lebanon becomes a vast waiting zone for Syrians as the conflict in Syria continues, the nature of waiting is also very varied between those who can easily navigate through the uneven and often hostile environment and those who are immobilized by virtue of being illegal but also embodying specific identities. As (Mountz, 2011) notes, when interrogating exclusion, we need to be attentive to how excluded bodies are gendered and racialized.

### **Municipal Restrictions**

Restrictions and controls on Syrians have not just been produced at the national scale, but also at the scale of the municipality. In fact, many of the administrative decisions are enforced at this spatial level despite the fact that municipalities are often neither authorized, nor equipped to do so. Furthermore, municipalities have varied in terms of their responses to refugees with some being quite restrictive whilst others being supportive of Syrians' rights to work or move about within their jurisdictions, creating an uneven landscape of support and protection. For example, whilst the national government has maintained restrictions on the employment of Syrians the enforcement of this has become murky. Although enforcing labour restrictions remains within the purview of the inspectors from the Ministry of Labour, the reality has been that many municipalities have taken up the

responsibility of doing so. The Municipalities Law however does not have any reference as to whether municipalities have the authority to regulate labour markets or restrict the rights of employment of individuals. However, municipalities have insisted that they do have the right to conduct inspections, shut shops run by Syrians and/or evict them. They argue that they have been approached by the Ministry of Interior to enforce such regulations. Thus in many municipalities, Syrian-run businesses have been closed and in some, a total ban has been placed on them and on employing Syrian workers (Chehayeb, 2017b; Haboush, 2017) whilst the Ministry of Labour has remained silent on the issue. Furthermore, in some municipalities, refugees have also been required to pay fees and fines for residency or for curfew violations which are legally dubious (El Helou, 2014).

Perhaps some of the most draconian actions taken by municipalities against Syrian refugees have been the implementation of measures restricting their mobility within municipalities themselves. This is done through a number of different means, from curfews, to restrictions on gathering in particular places or hosting social events. Since August 2014, at least 45 municipalities have implemented curfew orders that are enforced not only by the municipal police, but also by vigilante groups (Alsharabati and Nammour, 2015; El Helou, 2014; HRW, 2014; Janmyr, 2016). Curfews run afoul of Lebanon's international human obligations and Lebanese domestic law as personal freedom and freedom of movement in the country are constitutionally protected (El Helou, 2014; HRW, 2014). These curfews have been implemented in different municipalities in a patchy manner and supposedly without coordination or guidance with the national government (HRW, 2014). Rather, it has been argued that municipalities have used a circular issued by the Ministry of Interior requiring them to monitor and document the presence of refugees to overstep their authority (Barjas,

2016). The curfews- all of which were for nights, but with varying times- have been announced either by public signs or through megaphones. The reasons for having them have been spurious but generally hint at fear of refugees causing problems. Underneath the arguments for curfews lurk hints at ethnic and class discrimination as those foreigners (including Syrians) who are not poor, are not subject to restrictions on movement (El Helou, 2014). Although the municipal police are supposed to enforce curfews, often Lebanese citizens and vigilante groups themselves do so using violence and intimidation. The enforcement of curfews by the police also varies by municipality which range from warnings, fines to short-term detention (Barjas, 2016; El Helou, 2014; HRW, 2014).

Some municipalities have gone even further in terms of restricting the right to movement of refugees by denying the right of Syrians to access public spaces or hold social events. In one municipality, young male Syrian refugees were ordered not to enter public or private property. In another, Syrian refugees were not permitted to visit public parks through spring or summer due to security reasons, or hold weddings without informing the municipality. Receptions had to be held far away from residential communities and end by 7:30pm to abide by curfew laws (Barjas, 2016). It is not just local governments, but also local communities that heighten the anxieties and vulnerabilities of refugees. Aside from vigilante policing, for those who reported facing insecurities, the majority cited verbal harassment by neighbours and local communities (UNHCR, 2017).

Such draconian and legally questionable practices by municipalities translate into increasingly limited spaces within which refugees can live and work. Here, at the municipal level, we see how local authorities and residents come together to immobilize refugees, restricting their rights, but also creating a tense environment in which social lives are

limited. As (Gill, 2009) points out, there is a danger in romanticizing community as much of racism and xenophobia towards migrants has been the result of local community hostility towards them. Municipal spaces thus become sites in which refugees are criminalized for their legal status and are discouraged from 'settling' into the locality. As with checkpoints across the country, the ad-hoc policies and uneven enforcement creates a hostile environment in which refugees are increasingly stripped of autonomy and reduced to humanitarian subjects compelled to rely on aid.

### ***Ad hoc Measures and Making People Wait***

One may wish to ask why such policies and directives are being implemented in the country when the outcomes of them not only violate international humanitarian obligations, but also potentially create a security issue for the country<sup>8</sup>. I argue that much like countries in the Global North, the state privileges security and fears unfettered access to its territory. As it cannot deport all Syrians en-masse, it produces ad-hoc policies to create a hostile environment for refugees instilling in them a sense of fear and uncertainty, heightening poverty, such that they are never able to feel secure or settled in the country. An assemblage of actors- both state and non-state has thus worked to develop a landscape where Syrians are criminalized by virtue of their migration status, not particular crimes. By doing so, it is hoped that refugees will migrate away from Lebanon at the earliest possibility, either onwards to other countries or back to Syria. Arguments about deteriorating socio-economic conditions are effectively about the lack of development in parts of the country that pre-date the crisis. However, rather than addressing those issues, the government has

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<sup>8</sup> Interview with HRW, March 2015

scapegoated Syrian refugees as the cause of many of the problems (Frelick and Khawaja, 2018; International Crisis Group, 2016).

Scholars studying similar practices of policing undocumented migrants have in fact noted that this is not about policing crime, but about harassment and ultimately about the management of migration (Andersson, 2014a; Landau, 2006; Stuesse and Coleman, 2014). Such management is done in response to managing a particular risk of migration, of using time as a means of slowing down the mobility of migrants or discouraging their movement altogether (Andersson, 2014a; Martin, 2012). And, as the literature has noted, the criminalization of migrants and the limits placed on their movements produces forms of chronic waiting with anxious presents and uncertain futures. As Andersson eloquently suggests the future is seen as a territory to be occupied. Time is compressed and stretched in strategic ways to handle and slow down the movement of migrants in order to ease the pressure cooker situation that migrants may feel. *Ad hoc* legal measures and their implementation thus translate into chronic waiting and the colonization of migrant's experiences of time, their ambitions and their hopes. This is an increasingly global phenomenon as Coddington (2018) notes because there is a pernicious convergence of governance practices with regards to refugees between the Global North and the Global South.

However, as (Brun, 2015) argues, we need to see the lives of those who wait as not in limbo, but rather in a state of liminality. Waiting, as scholars have pointed out does not translate into stasis or lacking social or political possibility (Brun, 2015; Jeffrey, 2008), but rather, those who wait craft new ways to survive until their wait is over. Refugees in Lebanon live and work but increasingly informally and illegally. On the one hand, this

increases their vulnerability and in many cases, destitution. On the other hand, they find ways to make-do and hope for alternate futures. Waiting thus becomes an active process, shaping subjectivities, lived experiences and futures. Class plays an important role in this, as those who are well off and better connected are able to navigate the treacherous socio-legal terrain better in Lebanon (Harb et al., 2018). For them, waiting is less precarious than for the poor, but they are a minority of the population. Largely, the act of waiting has reduced Syrians to a surplus population capable of being exploited or expelled. Some have returned to Syrian- coerced through the unending precarious situation in Lebanon where they are subject to repeated and unexpected raids, detention and other forms of abuse <sup>9</sup>. Those who choose to stay on, face uncertainty about their legal and therefore socio-economic status, their futures becoming colonized by virtue of their legal status. With little ability to move, work, or socialize, it could be argued that Syrians are living in conditions not unlike detention spaces in other parts of the world. That is occurs outside camps and detention centres alerts us to reconsider everyday spaces as also being sites of subordination and indefinite waiting (Bagelman, 2016).

## **Conclusion**

Lebanon has carried the burden of hosting the largest number of refugees per capita in the world and their hospitality has been stretched for years at a time when the country continues to struggle to provide essential services for its own people. This paper whilst critical of the management of refugees in the country is not intended as an indictment against the hospitality and general tolerance in the country towards a refugee crisis (and indeed there has been widespread support for refugees despite policies and practices

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<sup>9</sup> Interview notes from journalist, 13 April, 2018.

documented here). Rather, it serves as a cautionary analysis of managing protracted crises in countries that attempt to honour non-refoulement on the one hand, and manage large-scale displacement and social tensions on the other. Indeed, it would be tempting to imagine that the situation in Lebanon is unique, and in fact, as has been noted earlier, specific aspects of the MoU between Lebanon and UNHCR does make it unusual in certain ways. However, what is practiced in Lebanon in terms of ad-hoc policies and policing, the treatment of refugees as migrants and subsequent harassment, the production of chronic forms of waiting experienced by refugees are not new. As has been pointed out in other case studies, such practices exist in other parts of the world. Where one would have argued that these practices are prevalent only amongst non-signatory countries, there have been some discussions that we are seeing more such practices in signatory countries as well (Coddington, 2018; Gill, 2009; Griffiths, 2014). The difference as noted earlier, perhaps lies in the scale of displacement and thus the ability of governments to deport refugees. Large scale displacement means large scale deportation which is often not possible, so *ad-hoc* measures to create unwelcome spaces become tools of governing refugees. What we are seeing, is a global trend of developing policies towards refugees to make them feel anxious and vulnerable, and to reduce them to populations that wait in semi-safe spaces (Coddington, 2018).

While waiting has been fruitfully discussed in the literature on detention and immobilities more generally, the focus has largely been on spaces of detention including reception centres, prisons, refugee camps and other spaces where migrants are received and held. But how do law, space and time intersect elsewhere? While we can applaud countries that abide by the principle of non-refoulement, we should perhaps ask what

conditions do they offer in exchange? We could argue that non-refoulement offers protection by way of non-return. In other words, it offers shelter- refuge, but increasingly at a basic level. A protracted situation strips that shelter of other meaningful dimensions such as the right to work, socialize, engage in ordinary activities, especially in countries where refugees are seen as a security threat. This is deeply troubling as engaging in 'ordinary' activities and rebuilding lives is a key way in which refugees recover from the trauma of war and displacement. Compelling refugees to wait in these non-camp spaces mimics forms of detention in which state and non-state actors can be complicit.

Drawing on the above, it is imperative to expand our geographical inquiries to include other spaces and are not readily seen as refuge, asylum or detention. Cities, urban and rural municipalities are not usually seen as spaces that can be prison-like, where refugees can face forms of policing that mirror that of detention centres. Yet, this can and does occur. As we see more refugees living outside camps and amongst local populations, we should in addition to considering the emergence of new forms and politics of asylum and refuge, also consider the more pernicious aspects of it. Examining how refugees come to be policed and contained by an assemblage of different legal authorities and local communities, can not only change the way in which we think about the geographies of detention and waiting, but also challenge our assumptions about freedoms non-camp spaces and particularly urban spaces offer.

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