



AALBORG UNIVERSITY  
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# **Adoption, Resistance and/or Evasion?**

**Case study research: Norm diffusion process of the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in Lebanon**

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## ABSTRACT

The following master thesis is a case study research on the norm diffusion process of the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in Lebanon. This thesis addresses how the global norm on refugee protection, related to the Principle of *Non-Refoulement*, has been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon, between the 1st of January 2015 - 30th of June 2020. Lebanon has since the implementation of restrictive measures in 2015 been working to reduce the number of Syrians in the country. This has resulted in the establishment of return operations. Several Non-Governmental Organisations have accused Lebanon of possibly violating the Principle of *Non-Refoulement* by deporting Syrians back to territories where their safety may be endangered. These accusations sparked the interest of investigating which evasion strategies Lebanon employs to circumvent the obligations of the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

The data collected is based on secondary literature acquired from various documents and was analysed through the theory of Evasion by Zoltán I. Búzas, and Localization by Lisbeth Zimmermann. The theories provide a holistic overview of the norm diffusion process and outcome in Lebanon. It is concluded that the norm diffusion process led to the adoption outcome of a new norm, the resistance of the global norm on refugee protection, as well as the use of evasion strategies of the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in the case of Syrian refugees in Lebanon. However, it was not possible to identify any norm diffusion outcomes, beyond norm promotion and adoption, in international actors' diffusion strategies of the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

**Keywords:** Case study, global norm on refugee protection, Principle of Non-Refoulement, norm promotion, norm diffusion, Lebanon, Syrian refugees, evasion, localization, norm adoption, norm resistance, international actors, national actors.

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## **ABBREVIATIONS:**

<b>AESCC</b>	Agreement for Economic and Social Cooperation and Coordination
<b>CDR</b>	Council for Development and Reconstruction
<b>CIL</b>	Customary International Law
<b>ESCC</b>	Economic and Social Cooperation and Coordination
<b>EU</b>	European Union
<b>FM</b>	Future Movement
<b>FPM</b>	Free Patriotic Movement
<b>GSO</b>	General Directorate of General Security
<b>HRW</b>	Human Rights Watch
<b>ICRC</b>	International Committee of the Red Cross
<b>INGO</b>	International Non Governmental Organisation
<b>NGO</b>	Non Governmental Organisation
<b>UN</b>	United Nations
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNRWA</b>	United Nations Relief and Works Agency

## Chapter 1: INTRODUCTION

Global norms are described as “*the shared expectations or standards of appropriate behaviour accepted by states and intergovernmental organizations that can be applied to states, intergovernmental organisations, and/or nonstate actors of various kinds*” (Martinsson, J., 2011:2). Norms are usually established at the global level, with the purpose of solving complex challenges on the ground. These norms form the standards of the expected behaviour about how things should be practised. Within a legal norm setting, global norms are announced by States and members of the International community when signing/ratifying to conventions, treaties, declarations etc. The purpose of the International norm setting is for States to implement these norms into practices (Martinsson, J., 2011). When ratifying to an International agreement, States are bound to enforce the norms in their respective countries. However, when signed, States are encouraged by fellow members to enforce the norms (Martinsson, J., 2011). In this context, it is important to note that signing a convention does not guarantee enforcement, due to the domestic, cultural and political conditions which can hinder global norms from being implemented into law. On the other hand, when ratifying, consequences may follow if the States fail to comply (Martinsson, J., 2011).

Additionally, under the framework of Customary International Law (CIL), States are bound to enforce and comply with the law, regardless of ratification. CIL refers to the international obligations that arise from established international standards and practices. It differs from the obligations that are presented in Treaty Law, such as formal treaties and conventions, as the obligations from CIL derive from general practices that have been adopted/accepted as law. However, it is relevant to mention that both types of law are acknowledged as sources of International Law (ICRC, 2020).

In order to narrow this research, the global norm on refugee protection is, in this thesis, related to the Principle of *Non-Refoulement* under Customary International Law. The Principle of *Non-Refoulement* is codified in various bodies of International Law. As already mentioned, it is considered part of CIL on the basis of consistent acts and actions acknowledged by a broad majority of the international community. Being bound to Customary International Law, States are also bound by the Principle of *Non-Refoulement* despite lack of ratification. The Principle covers the protection of individuals fleeing war or persecution in the sense that it guarantees that no individual shall be sent back to a country where they are at risk of facing torture, cruel, inhumane, or degrading treatment or punishment. The Principle of *Non-Refoulement* stresses that: “*No Contracting State shall expel or return (“refouler”) a refugee in any manner*

*whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion” (Arenilla, S., 2015:285).*

Although countries are obliged to follow rules and practises under Customary International Law, the interpretation and implementation of such legislation can differ greatly among countries. One might wonder, how this is possible? The set of rules and guidelines agreed upon in the international system and in international organisations, have had a great significance historically and in modern times. However, the instrumental frameworks and practical implementation of international rules, treaties and guidelines aimed at protecting vulnerable people, are often influenced, interpreted or exacerbated by local circumstances and States’ conduct (Shannon, V., 2017). This process is called Norm Diffusion. The term norm diffusion implies that norms travel, they travel by being taken out of an original context and applied to a new and highly specific context (Winston, C., 2017). When norms evolve or are subjected to change, the existing interpretations are challenged, causing conflict over the interpretation. Resolving these conflicts will shift the nature of the rules, creating norm diffusion or norm change. Winston presents the dynamics of norm diffusion as follows: “[...] *interpreting the existing rules to apply in new, and specific, situations constantly triggers conflicts over interpretation, and resolving these conflicts shifts the nature of the rules themselves, creating a cycle of norm change*” (Winston, C., 2017:14).

This thesis conducts case study research on the norm diffusion process and outcome of the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020. In the light of this thesis, the dynamics of norm diffusion will, through the interplay of the theories Evasion by Zoltán I. Búzas (2016), and Localization by Lisbeth Zimmermann (2014), provide insight into how the global norm on refugee protection is adopted, resisted and/or evaded by international actors and national actors.

## **1.1 Lebanon as a case**

Lebanon is currently an example of a country that not only lacks a legal framework to protect refugees, but the limited legislation also brings refugees in vulnerable situations. The war in Syria has caused a major influx of Syrian refugees into Lebanon, making it the country with the highest number of refugees per. capita in the world. It is estimated that Lebanon has taken in 1.5 million refugees from Syria since the war erupted in 2011 (European Commission, 2020).

However, 74% of the 1.5 million Syrian refugees lack legal status and Lebanon systematically refuses to be a country of asylum (Human Rights Watch, 2019a; Janmyr, 2017).

The large number of refugees in Lebanon has led to a complicated situation in which the Lebanese economy, infrastructure and the security situation have been put under great pressure where refugees' rights and basic needs are not met. Many Syrian refugees lack proper legal documentation, access to basic services and employment, while also having their freedom of movement restricted. The Lebanese authorities have not built any formal camps for Syrian refugees, forcing them to live in substandard conditions such as tents and unfinished buildings around the country (European Commission, 2020). The Syrian refugee population is also experiencing difficulties with either obtaining or updating legal residence permits. Such difficulties bring far reaching consequences for refugees and their daily lives as they face the risk of arrests, deportations and other challenges such as securing proper housing (UNHCR, 2019b). Refugees without legal residence documentation are therefore considered irregular immigrants by the Lebanese Immigration Authorities (Global Detention Project, 2018). This provides Syrian refugees with limited or non-legal status in the country. According to the latest Vulnerability Assessment of Syrian Refugees in Lebanon, published by the United Nations High Commissioner for Refugees (UNHCR), the rate of legal residence declines among Syrian refugees. Only 22% of the respondents above the age of 15 have been able to obtain legal residence in Lebanon, compared to 27% in 2018 (UNHCR, 2019b).

The country thereby continues to be a place with social, political and legal challenges for refugees, as it does not have a legislative nor an administrative framework for addressing the needs of refugees (Aranki, D. and Kalis, O., 2014). Instead, UNHCR was assigned the task to register and provide protection and counselling to the large number of refugees. This was done through their mandate and in coordination with the Government of Lebanon as well as the EU. Although some refugees are registered by the UNHCR in Lebanon, such registration does not grant them the same rights to access basic services as Lebanese citizens. Furthermore, the registration of refugees by UNHCR was suspended in May 2015 by the Government of Lebanon (Geha, C. and Talhouk, J., 2018). According to the government, the main reason for the suspension of Syrian refugee registration was that a new initiative/mechanism for registering Syrians was to be established and implemented (Janmyr, M., 2018a).

In October 2014, the Lebanese Council of Ministers approved a policy paper on Syrian Displacement, which included new restrictions regarding Syrian migration to Lebanon that took effect from January 2015 (United Nations, 2015). The policy paper led to a stricter border and immigration policy specifically aimed at Syrian nationals (Tabar, P., 2016). Prior to the

policy paper, Lebanon had a less restrictive and less securitised policy on immigration and its borders. Syrians were allowed to enter Lebanon and remain there legally for up to one year, but due to the deteriorating situation in Syria in 2015 and the increasing influx of refugees, Lebanon introduced restrictive measures aimed at discouraging the inflow of Syrians, while also implementing initiatives that would help to monitor those already residing in Lebanon (Divine, A. and Huelzer, J., 2020). When the new restrictions took effect in 2015, Syrians faced new criteria which further complicated the admission requirements. Syrian nationals were only allowed to enter Lebanon on the basis of exceptional humanitarian reasons and transit to a third country (UNHCR, 2015).

Lebanon engaged actively in the establishment of the international refugee regime, however, it is not a signatory to the 1951 Refugee Convention nor its 1967 protocol as it refuses to accede to the major refugee law instruments (Janmyr, M., 2018). Despite Lebanon not being a signatory to the 1951 Convention and its 1967 Protocol, it is bound by the Principle of *Non-Refoulement*. However, though it is bound by the obligations related to the Principle of *Non-Refoulement* the country has forcibly deported almost 2,500 Syrian refugees back in 2019. According to Lebanese officials, the deportations were prompted by Syrian refugees placing a massive burden on Lebanon's economy and national security (Bathke, B. 2019). International Human Rights Organisations, such as Amnesty International and Human Rights Watch (HRW), have urged Lebanese authorities to stop deporting Syrian refugees, due to the risk of torture, degrading treatment or life threatening persecution (Bathke, B. 2019). An evident problem is therefore the legal implications of such policy change, the social and material repercussions that follow when Lebanon employs evasion strategies to circumvent the practises and obligations related to the Principle of *Non-Refoulement*.

In this context, the following research questions will be addressed:

## **1.2 Problem Formulation**

How has the global norm on refugee protection, related to the Principle of *Non-Refoulement*, been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020?



## Research Questions:

1. How did the subsequent government(s) in Lebanon, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in relation to Syrian refugees in Lebanon?
2. How did other actors, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in relation to Syrian refugees in Lebanon?
  - a) Party leaders from FPM, Hezbollah and FM
  - b) International NGOs: Amnesty International and HRW
3. What are the similarities and differences between the answers to research questions 1 and 2?

### 1.3 Purpose of research

The main interest for investigating norm diffusion on *refoulement* policies in Lebanon, is to gain an in-depth understanding of what prompts the policy changes related to Syrian nationals, the legal implications of such change and what repercussions it causes when a country diverge from established practises in relation to the Principle of *Non-Refoulement* under Customary International Law and the normative obligations that follow.

The news flow has been characterised by stories of Lebanon deliberately causing dire living conditions for Syrian refugees in order for them to return to their home country. Additionally, several Non-Governmental Organisations have also accused Lebanon of possibly violating the Principle of *Non-Refoulement* by deporting Syrians back to territories where their safety may be posed to threats. These accusations have sparked our interest in investigating which evasion strategies Lebanon employs to circumvent the obligations of the global norm on refugee protection, related to the Principle of *Non-Refoulement*. Furthermore, during our initial research we became aware of terms such as norm violation and norm diffusion. These terms revealed that States can violate norms without necessarily violating the letter of law. This complex connection further prompted our interest to understand and look into what prompts such policy changes and how a country like Lebanon can diverge from established practises without violating the letter of law. Moreover, the motivation to look into this topic has also been based on the opportunity to combine the interdisciplinary skill sets and analytical approaches acquired at Global Refugee Studies at the University of Aalborg and Advanced Migration Studies at University of Copenhagen.

## **Chapter 2: BACKGROUND**

This chapter provides a historical overview of the refugee situation in Lebanon. Furthermore, the chapter elaborates on the change of governments in Lebanon since the onset of the Syrian war. It intends to demonstrate the instability and complexity of Lebanese political landscape and how this led to several policy changes in government relating to the management of Syrian nationals.

### **2.1 Historical context of refugees in Lebanon**

Lebanon is currently experiencing its worst economic crisis in recent history. Years of widespread political division and instability, combined with poor decision-making have pushed the country to the brink of economic collapse (AFP, 2020). The long-lasting uncertainty and years of economic deterioration caused by the ruling elite spilled over into country-wide anti-government demonstrations in October 2019, where protesters demanded the resignations and total overhaul of the political establishment (Francis, E. and Kanaan, A., 2019). After two weeks of mass protests, Prime Minister Hariri (PM) resigned his position to meet some of the protesters' demands. A new PM, Hassan Diab, was appointed with the support of the Shia movement, Hezbollah. Despite Diab's promises to meet public demands, by forming a non-partisan government consisting of technocrats, protesters have expressed discontent with the choice and continued to protest for reforms (The Guardian, 2019). Salary payments have been delayed during the economic crisis and violent clashes between security forces and protesters have become more frequent due to political inaction and the deteriorating situation across the country (Kranz, M., 2020). Some of the difficulties that Lebanon have been facing in recent years can be traced back to the civil war that lasted from 1975-1990. The country suffers from poor infrastructure which has not been fully rebuilt after the war, a lack of functioning public services, widespread corruption and sectarian division in government. Sectarianism has been a dominant factor in Lebanese politics and society in the post-war era. The Government provides political representation for all the largest Lebanese religious groups; Christian Maronites, Sunni Muslims and Shiite Muslims. In order to understand this in practical terms, a President must always be a Maronite Christian, while the Prime Minister a Sunni Muslim and the Speaker of Parliament a Shia Muslim (A. Matamoros, C., 2020). This constellation has often led to political instability and paralyzes prompting the anti-government sentiment that fuelled the largest countrywide protests seen in Lebanon in the last decade (Baker, L. and Perry, T., 2019).

While poor decision-making in domestic politics and widespread corruption have affected Lebanese society since the end of the civil war, external events have also put great pressure on the small country. The war in Syria forced 6.7 million to flee their home country. The influx of more than one million Syrians to neighbouring Lebanon since 2011, brought challenges to the crippling economy, public services and labour market (Atrache, S., 2020). More than 900,000 Syrian refugees have been registered by the UNHCR in Lebanon (Operational Portal, 2020). They are dispersed across the country, living in dire conditions and in informal settlement camps. Many of the camps are located along main roads and outside small villages. While some Syrians have managed to rent housing options in formal camps set up for Palestinian refugees, such as Shatila and Bourj el-Barajneh in Southern Beirut, many others are left for themselves living in informal camps where tents and other inappropriate means of accommodation have been set up. These informal camps lack proper infrastructure and thermal insulation, which means that residents are highly exposed during winter seasons. The scarce access to heating and electricity further complicates the situation for Syrian refugees who are left to live in insecure and exposed locations (Naggar, M., 2020). The Lebanese Government has decided not to organise any formal camps, due to the fear of permanent settlement of Syrian refugees. Lebanon's experience with the permanent settlement of Palestinian refugees have made them reluctant to improve and organise proper housing conditions for Syrians, as this is part of the Government's strategy to have the refugees returning to their home country (Naggar, M., 2020). Currently, UNHCR estimates that 1700 informal camps have been set up to accommodate more than 80 percent of Syrian refugees across the country (Hansford, B., 2015). Furthermore, it is also relevant to note how poverty impacts the daily lives of Syrian refugees in Lebanon. According to the Vulnerability Assessment for Syrian Refugees in Lebanon (VASyR), about half of Syrian households in Lebanon are living in extreme poverty (UNHCR, 2019b). Though large-scale assistance programs have been employed and thereby improved the economic situation for some refugees, many others face daily economic hardship. This affects health, food and housing security. In other words, Syrian refugees are having great difficulty in meeting their basic needs. As expressed by Mireille Girard, a UNHCR representative in Lebanon:

*“The current situation reflects the growing anxiety among refugees living in Lebanon. Many are deeply affected by the worsening economic crisis in the country, living below the poverty line and having limited capacity to cope. Despite Lebanon's remarkable generosity, the challenges faced by refugees on a daily basis are immense”* (Amin, R. and Kabbara, K., 2020).

The long-term economic downturn and strict labour law has also created an informal labour market, where Syrian refugees are exposed to exploitation. Informal and unskilled jobs are taken up by Syrians due to their pressured daily lives and their low wages. While some may have managed to obtain a work permit and secure legal employment, many others are forced into illegal labour. Syrian refugees are allowed to work in three industries without having to acquire a work permit; Agriculture, Cleaning and Construction (UNHCR, 2019b). To obtain a work permit in other sectors is almost impossible, forcing Syrian refugees into illegal labour in the service industry, as well as other sectors. Syrian refugees' lack of protection in the Lebanese labour market exacerbates their legal status in the country as they risk deportation in case of arrest.

Many refugees have been arrested, followed by deportation, as part of raids and removal of informal camps, conducted by the Lebanese authorities and internal security forces. These raids have also become more frequent in recent years due to the Governments' increased focus on repatriating more Syrian refugees from its territories (Amnesty, 2019b). The large influx of refugees combined with high unemployment rates prompted by the poor economy, has also led to tensions and violent clashes between host communities and Syrian refugees, as competition over jobs, access to services and resources have clashed (Atrache, S., 2020; UNHCR, 2019b). High unemployment rates and informal labour among refugees were already present in Lebanese society prior to the Syrian conflict, but the large influx of Syrian nationals has also made space for more popular anti-refugee sentiment. Not only are refugees blamed for the economic downturn, but aspects of national security and national belonging have also been long-standing issues that have funnelled anti-refugee sentiment in Lebanon for many years.

The anti-refugee sentiment and the tensions thereof stem from the long-term deteriorating situation in the country, affecting both host communities and displaced Syrians: “[...] *but the narrative on the streets in Beirut among many of the locals is that the refugees would be better off going back to Syria than staying in Lebanon, where they threaten both security and society, cause social dumping, and exhaust the infrastructure*” (E. Andersen, L., 2016:7-8). The former Foreign Minister and current leader of the largest Christian party in Lebanon, Gebran Bassil, have been the frontman of a campaign to send Syrian nationals home. The influential politicians have on numerous occasions expressed nationalist slogans such as: “*Lebanon above all*” (Chehayeb, K., 2019a) and that “*genetic distinction*” will unify Lebanese nationals to confront the issue on Syrian refugees (El Deeb, S., 2019). Additionally, Bassil's party, Free Patriotic Movement (FPM), have through their youth wing initiated a campaign to

target and push for the closure of Syrian-owned businesses, as well as Lebanese businesses employing Syrian nationals (Chehayeb, K., 2019b). While there exists some opposition to the widespread nationalist rhetoric, it has been silent or expressed minimal concern with this growing movement. Some of the anti-refugee sentiment in Lebanese society can also be traced back to its long history of hosting Palestinian refugees. Lebanon have been hosting Palestinian refugees since 1948, when many were forced to flee in an event referred to as ‘Nakba’ (Catastrophe) (E. Andersen, L., 2016). The difficult living conditions that Syrians face in Lebanon are therefore not unprecedented. Palestinian refugees have resided in the country for decades, living in poorly build refugee camps across the country, without proper nor equal access to public services and employment (ElAshkar, A., 2019). This means that Lebanon’s reluctance to integrate or meet the needs of refugees, has been a longstanding attitude of the Government. This has even resulted in various claims of human rights abuses and discrimination of refugees over the years: *“For years, they have suffered from numerous human rights abuses and discrimination. However, this treatment is not specific to Syrian refugees. Palestinian refugees in Lebanon, estimated at between 200,000 and 300,000, have for decades suffered from the same fate”* (Atrache, S., 2020:8).

Another important aspect to include, in Lebanon’s broader strategy to prevent the permanent settlement of Syrian refugees in Lebanon, is the recent (April 2019) order issued by Lebanon’s Higher Defence Council. The order states that housing in informal camps built with other material than timber, plastic or wood must be demolished. NGOs operating in the region of Aarsal, where the order was imposed, have criticised the decision. It is framed as a coercive strategy to have refugees returning back to Syria as their living conditions do not allow for a dignified nor sustainable life in informal camps (Human Rights Watch, 2019b). The order to dismantle the shelters was based on a Lebanese Construction Law Act from 2004, that according to the NGOs in the area *“...has rarely, if ever, been enforced”* (AlJazeera, 2019). This type of law enforcement is a further indication of how authorities have begun to focus on the “voluntary” return of Syrian refugees from Lebanese territories by creating harsh and unliveable conditions for the many refugees that are thereby indirectly forced to return to Syrian territory.

## **2.2 Subsequent Lebanese Government(s)**

In 2011, Hezbollah and the March 8<sup>th</sup> alliance (Bashar Al-Assad supporters) had the majority vote in the Parliament, which led to the nomination of Najib Mikati (2011-2013) for the

position as the Prime Minister of Lebanon. The Syrian war started shortly after, which meant that the mass influx of Syrian refugees would become a daily issue in Lebanese politics. The war in Syria and its spillover effects forced political parties and relevant actors to take a position on the war. The various positioning divided great parts of the Lebanese Parliament into either supporters or opposition to the Assad-government in Syria. The March 8th Alliance is a coalition led by former President Michel Aoun, consisting of political parties such as Free Patriotic Movement, Hezbollah and Amal Party, the coalition also includes independents, that all share a common pro Bashar Al-Assad stance. The March 8<sup>th</sup> Alliance is in opposition to the March 14<sup>th</sup> Alliance, led by Saad Hariri, which is also a coalition of the political parties: Future Movement, Kataeb Party, Independence Movement, Lebanon Forces and independents who share an anti Bashar Al-Assad stance. Najib Mikati resigned from office in 2013, due to pressure to resign from both alliances (Bassam, L., 2013).

In the Lebanese Government, the three most powerful seats are the President, Prime Minister and the speaker of the Parliament. Although there is no written legislation on the division of the incumbent's seats, Lebanon has a National Pact, which is an agreement that was made verbally in 1943 (Bassam, L., 2013). The National Pact allocated the different key positions, and as mentioned earlier, the government is sectarian divided and must therefore consist of a Shia Muslim speaker of Parliament, a Maronite Christian President and a Sunni Muslim Prime Minister. The President's position is the least powerful of all three and can be described as a subordinate position, due to the President's inability to choose a Prime Minister without the help of the Speaker of the Parliament. Hence, all decisions made by the President have to have the consent of the Prime Minister and the Speaker of the Parliament (Chehayeb, K., 2016).

In 2013, Tammam Salam was nominated as Prime Minister. He was backed by several groups including former Prime Minister Najib Mikati (The National News, 2013). After 10 months of political deadlock, Tammam Salam created a National Unity Government consisting of 24 ministers. Tammam Salam's Government had an increased focus on Syrian refugees and the upcoming elections in 2014 (Chehayeb, K., 2016).

In May 2014, President Michel Suleiman's term ended, and the Lebanese Government experienced a 'presidential vacuum'. Since the 24th of May 2014, the presidential seat has been vacant. Lebanese Parliament failed to agree on a new President, which led to the appointment of Prime Minister Tammam Salam who would act as interim President (Chehayeb, K., 2016). In September 2014, the Prime Minister appealed to the international community to help the Lebanese Government in handling a mass influx of Syrian refugees, in the midst of their own

political instability (BBC News, 2014). In the following months the Government started negotiations on new restrictions and legislative measures aiming at discouraging refugee influx from Syria. This stemmed from the Prime Minister, expressing a huge disappointment in the lack of burden sharing, when it comes to the management of Syrian refugees. The new restrictions were implemented in January 2015. On the 31<sup>st</sup> of October 2016, the leader of the March 8<sup>th</sup> Alliance and the Free Patriotic Movement, Michel Aoun, was elected as the President of Lebanon (BBC News, 2016).

Shortly after, Saad Al Hariri was elected for his second term as Prime Minister of Lebanon on the 18<sup>th</sup> of December 2016. Hariri appointed a new cabinet with 30 ministers. Of those 30 ministers, March 14<sup>th</sup> Alliance members constituted a majority. Hariri's new government had different ministers appointed to the different positions, but one very distinguished minister was his Foreign Minister Gebran Bassil, who had expressed anti-refugee sentiment on various occasions (Aljazeera, 2018). Prime Minister Hariri, with the support of the March 14<sup>th</sup> Alliance, set the agenda for the way the Government managed Syrian refugees in the years from 2016. Hariri also actively appealed to the international community for help to share the burden of the many refugees that are living on Lebanese soil (Aljazeera, 2018).

Prime Minister Hariri suddenly resigned in 2017. The resignation derived from Hariri's alliance with Saudi Arabia and Hezbollah's Alliance with Iran, placing Lebanon in the middle of a regional rivalry between the two countries. The resignation was denied by President Michel Aoun, as Hariri was ordered to resign by the leadership of Saudi Arabia while present on Saudi territory (Aljazeera, 2017b). Saad Al-Hariri later returned as Prime Minister for the third time, before his official resignation in 2019. Nationwide anti-government protest and political dysfunction were some of the factors that pushed for the Prime Minister's resignation. Furthermore, by January 2020 a new Government was formed by Prime Minister Hassan Diab. Diab was an independent and did not support any specific political group (Aljazeera, 2019).

## Chapter 3: THEORETICAL FRAMEWORK

This chapter presents the literature reviewed for the purpose of exploring the norm diffusion process and outcome in Lebanon. The literature reviewed consists of literature on norm diffusion, Evasion and Localization. Furthermore, this chapter also presents how the theories will be utilized in order to answer the research questions of this thesis.

### 3.1 Literature on Norm structure: Emergence & Diffusion

This section reviews relevant literature on theories and various perspectives that examines the emergence, process and outcome of norm diffusion; how norms travel from a global level to a local level. Norms are typically established at a global level, with the purpose of setting a standard of a certain behaviour of how things ought to be conducted. Global norms are defined as “*the shared expectation or standards of appropriate behaviour accepted by states and intergovernmental organizations that can be applied to states, intergovernmental organizations, and/or nonstate actors of various kinds*” (Martinsson, J., 2011:2). However, once global norms are to be adopted/adapted, translated and/or implemented in a local context, they often fail to succeed, due to a States’ translation of the respective norm. Norm diffusion is a term which implies that norms travel, they travel by being taken out of an original context and applied to a new and highly specific context (Winston, C., 2017). When norms evolve or are subjected to change, the existing interpretations are challenged, causing conflict over the interpretation. Resolving these conflicts will shift the nature of the rules, creating norm diffusion or norm change. Carla Winston (2017), presents the dynamics of norm diffusion as follows: “... *interpreting the existing rules to apply in new, and specific, situations constantly triggers conflicts over interpretation, and resolving these conflicts shifts the nature of the rules themselves, creating a cycle of norm change*” (Winston, C., 2017:14). Various norm scholars have studied and created empirical literature which identifies, describes and analyses the emergence, diffusion and effect of norms in the international system. However, these studies have been divided between theories that highlight continuity and allow for change in the process of the adoption and implementation of norms.

Carla Winston (2017), investigates the structure of international norms in the way they are conceived and the implications the structures of international norms have on the process of norm diffusion. A norm’s conceptual structure consists of three focal points; a problem, a value and a behaviour. These points are reached within this statement “Given this *problem* my *values* dictate this *behaviour*” (Winston, C., 2017:640). Hence, at first a norm presupposes a problem,



which is the matter that needs to be addressed. Second, the norm includes a value, which adds moral weight to the problem, such as the attainment of something good or the avoidance of something bad. Third, a norm urges to act in a certain manner in order to take action and address the given problem (Winston, C., 2017). States and other actors can differ in the understanding and translation of different types of norms. Sometimes norms are viewed as pliable and other times as fixed, this is because some norms are prohibitive while others are permissive. The acceptance of the variation of norms is troubling in some contexts due to the fact that not all norms are ‘large and fuzzy’. While some norms are brief and clear, some stand alone, and others are multifaceted and open to interpretation and translation (Winston, C., 2017).

Winston developed a theory of “norm clusters” in order to solve the dilemma of the inconsistencies between the accepted structure of the international norm and the variety of accepted outcomes of norm diffusion in the real world. Winston defines norm clusters as: “*a bounded collection of interrelated specific problems, values, and behaviours that are understood to be similar enough that their adopters form a family group*” (Winston, C., 2017:647). Within such a cluster group, the three components of a norm may be combined or interdependent, depending on contexts and other factors. The combination ultimately forms a number of distinctive, but acceptable combinations of a problem, value and behaviour. Such a combination is perceived as a norm and is to be understood as “appropriate” means or ways of addressing the problems that motivates the adoption of norm clusters (Winston, C., 2017). Norm clusters have boundaries and are intersubjectively formed. They retain the constitutive and constraint functions of traditional norms, but due to the relative freedom of manoeuvring within a cluster group, a state is allowed to: “*determine for itself what constitutes “appropriate behaviour” in its own specific context*” (Winston, C., 2017:647). This makes norm clusters susceptible to change conducted by actors through processes of discourse, innovation and learning (Winston, C., 2017).

The concept of norm clusters allows for a variety in outcomes. Some states choose one, while other states choose multiple outcomes, as long as the outcomes are accepted by the community in large. This is evident when states include provisos or other reservations in international treaties and conventions. Though states are different and their acts individually different, norm clusters allow for the tracing back of options and decision-making outcomes to the larger object of study. In other words, some actors may directly adopt one or several existing and fused norms, while others choose to innovate. Innovative outcomes lead to change in States’ normative outcomes but does not necessarily change the larger object of study nor its purpose (Winston, C., 2017).

As mentioned above, Winston's theory on norm clusters was developed to solve dilemmas of inconsistencies between accepted structure of an international norm and the variety of accepted outcomes of norm diffusion. This is done through a restructuring of the concept of contemporary international norm into a looser and less determinate group of interlocking norm components which Winston calls norm cluster (Winston, C., 2017). This theory thereby allows for an analysis of norm diffusion outcomes in the context of norm clusters and norm adopters that are understood to be similar enough that adopters ultimately form a family group (Winston, C., 2017). Such a theoretical approach would be relevant in a study on Lebanon's rejection of the overall refugee protection regime or International Humanitarian Law and what drives such an outcome. However, this thesis aims to investigate norm diffusion from a global level to a local level, as well as how different choices of norm diffusion outcomes steer Lebanon's translation and behaviour in relation to the global norm on refugee protection, related to the Principle of *Non-refoulement*. Therefore, the theoretical basis of this thesis depends on the theories of Evasion and Localization, which will be elaborated throughout this chapter.

### **3.2 Literature on Evasion**

This section intends to give insight into how research and the understanding of evasion varies greatly across sectors and areas of research. Firstly, a definition of evasion is necessary to bring forward. According to The Merriam-Webster Dictionary evasion is defined as: "*a statement or action that avoids directly dealing with something*" (Friedman, E., 2017:386). Despite this definition, the practical understanding of evasion and acts of evasion varies depending on context, sector and industries as well as in legal interpretation of evasion (Búzás, Z., 2016). To understand the different perceptions on evasion, Búzás' theory will be presented. His theory provides a clear overview of how evasion is perceived legally and practically, which also provides an insight into how nuanced or flexible evasion strategies can be applied to circumvent certain normative obligations.

With inspiration from Zoltán Búzás' definition and research on evasion in relation to the global norm on refugee protection, related to the Principle of *Non-Refoulement*, it is possible to investigate how evasion strategies can prompt certain norm diffusion outcomes. He defines evasion as the "*Intentional minimization of normative obligations through technical compliance with International Law, but violation of the underlying norms*" (Búzás, Z., 2018:358). Búzás' view on evasion is understood as a specific type of norm violation under the

frame of legality. It is intentional and devious in the way that one may be aware of norm-law gaps, which are then purposely exploited. Búzás further argues that norm-law gaps emerge when there is a gap between the letter of the law and the purpose of the law. The size of the gap varies depending on the context, however, it has much relevance for the legality of evasion (Búzás, Z., 2016). The larger the gap between letter and purpose, the easier it is to conduct or employ evasion, which also makes it more difficult to challenge the legality of evasion.

Búzás, furthermore provides four types of norm-law gap results: *Unintentional mistranslation*, *Intentional mistranslation*, *Drifting* and *Steering*. Unintentional mistranslation transpires during the legalisation phase. Certain norms are difficult to translate into law. When lawmakers try their best to include and draw up laws, the underlying norms may be transposed insufficiently, which results in laws being affected by loopholes. Another aspect relevant to include is “*the limits of (legal) language*” (Búzás, Z., 2018:357). There are differences in the sphere between normative and legal, which may not fit perfectly, and language may appear imprecise.

Intentional mistranslation does also transpire in the legalisation phase, as seen with unintentional mistranslation. However, intentional mistranslation emerges deliberately, as States want room to manoeuvre around obligations deemed too costly to honour or oblige to. This is done through law texts that allow for exception, escape clauses, reservations and other provisos and conditions aimed at creating gaps in laws and their underlying norms. Influential agents and specific domestic interests can affect the legalisation process in such ways that loopholes are deliberately created. The law can thereby reflect certain preferences, rather than the underlying norms it is intended to mirror (Búzás, Z., 2018).

The last two types of norm-law gap results, steering and drifting, transpires in the post-legalisation phase. In the long run, laws can become more precise and narrower. This occurs through legal interaction, interpretation and enforcement. Precedent and continuously improved enforcement mechanisms can help provide more precise and narrower laws. The norm-law gaps that emerge over time, can also appear unintentionally through drifting. Though professionals can push for the perfection of already established rules and procedures, the law can also deviate from the social ends it is intended to serve. Over time, drifting may leave the law underinclusive of the norm (Búzás, Z., 2018). While norm-law gaps can emerge through drifting, in the post-legalisation phase, the last type of gap results is steering. Steering indicates the intentional aim of steering norms and laws in a specific direction in interplay with specific interests. Actors or States can steer norms and laws in a direction that allows gaps to be created. When laws are ambiguously formulated, lack procedural standardisation or are affected by

imperfect enforcement, agents are able to exploit this in order to “*construct the meaning of legal compliance narrowly*” (Búzás, Z., 2018:358).

Another important factor is to understand why some actors and States pursue evasion as a strategy to circumvent their legal obligations without violating the letter of the law. Buzas’ take on why agents and states engage in evasion is to “*minimize inconvenient legal obligations in an arguably legal fashion*” (Búzás, Z., 2018:362). As mentioned above, the size of the gap between the letter of the law and its purpose can also determine whether the State or actor engage in successful evasion. Sufficient legal resources will also help agents to identify and exploit these gaps, and thereby determine if an evasion strategy is an attractive option compared to deep compliance or deep violation. The intent to evade from internationally recognised norms and standards of behaviour, does not mean that states intentionally create norm-law gaps. The intent to evade differs from the intent to create gaps between laws and their underlying norms. States’ motivation to circumvent or evade norms are also due to the “*desire to lower normative obligations deemed onerous*” (Búzás, Z., 2018:358). Intent is therefore understood as one element of evasion. The second element is deviousness. While evasion is the violation of norms, it is necessary to understand that evasion occurs under the frame of legality. It is a specific “*obligations-minimizing strategy rooted in technical legal compliance*” (Búzás, Z., 2018:358). Buzas presents it as follows: “*Technical compliant behaviours include those that are not pronounced illegal by judicial bodies*” (Búzás, Z., 2018:358).

In regard to Customary International Law, deep violation can prompt accountability. International or domestic courts can on the basis of legally admissible evidence hold violators to account and impose sanctions in accordance with prescribed law, if deemed necessary. The issue of evasion, as mentioned above, is a specific “*obligation-minimizing strategy*” rooted in technical legal compliance. This means that evasion is “*arguably*” legal until contested in court and ruled illegal (Búzás, Z., 2016). It may therefore be difficult to prosecute or hold agents and states accountable for evading their obligations, while not violating the letter of law.

Furthermore, Búzás also introduces terms of *Designed* and *Non-Designed* flexibility in relation to evasion strategies when dealing with letters of the law and accountability. He suggests that agents can use flexibility mechanisms to legally circumvent or avoid accountability, when certain law enforcement is pursued. Designed flexibility appears when lawmakers make use of formulations and language to avoid constraints and stringent law texts that may work counterproductively from its purpose. High flexibility in the context and use of law, can therefore pass as evasion, while maintaining validity. A too high degree of flexibility can prompt abuse from opportunistic agents with the intent of evasion (Búzás, Z., 2016:867).

The use of flexibility can be either valid or invalid. Invalid use of designed flexibility is often perceived as violating the letter of law, while valid use is deemed legal and does not qualify as evasion, as it complies with the law and its purpose. Non-designed flexibility can also qualify as evasion. In this context, actors and states can opt or deploy flexibility mechanisms in various ways unintended to drafters' intentions (Búzás, Z., 2016). Additionally, agents can also prompt these mechanisms when loopholes are discovered, when the law text and language is imprecise or when drafters' knowledge is insufficient at the time of law preparation.

Búzás theory on evasion is chosen as a pillar, which provides insight into the evasion strategies the subsequent Lebanese Government(s) deploy in relation to the norm diffusion outcomes of the global norm on refugee protection, related to the Principle of *Non-Refoulement*. However, the use of this theory must be supported to identify the norm diffusion outcomes at the local level. Therefore, the next section will review literature on the theory of Localization.

### **3.3 Literature on Localization**

This section will provide a presentation of the theory *Localization* in norm diffusion literature. The focus of the research on norm diffusion has changed over the years. While some focus has been on rather static aspects of compliance and/or commitment to international norms in the light of socialisation, other scholars have turned to suggest that norm diffusion processes are more complex and nuanced. This is because of the impact and influence of domestic contexts, local agents and power dynamics affecting certain domestic arenas. Especially in the context of Lebanon, the aspect of domestic setting is important to include as a relevant pillar in the analysis of norm diffusion outcomes. The complex composition of ethnic division in Lebanese Parliament and society, years of economic and security deterioration and Lebanon's historical experience with large refugee influx, are relevant factors to include in the analysis of the norm diffusion process in relation to the global norm on refugee protection, related to Principle of *Non-Refoulement*. This thesis will draw upon Lisbeth Zimmermann's view on norm translation and Localization outcomes. This is based on a three-step assessment, that manages to include aspects of both discourse, law and implementation, which is assessed as a suitable theoretical point of departure for the analysis of this thesis.

International organisations, development agencies and NGOs have been promoting International Human Rights Laws and their underlying norms in post-conflict states for years. Norm socialisation research, related to the promotional strategies in post-conflict states,

suggests that much research ‘contains rather clear cut expectations regarding local reactions to human rights promotion’ (Zimmermann, L., 2014:98). While some researchers have suggested that norm adoption is possible in democratising States in post-conflict times, others have argued that the lack of ‘cultural match’ and the presence of influential actors with veto power in domestic contexts, can lead to outright broad resistance to norm adoption. However, in post conflict States, norm adoption will undertake a long term process, due to the “*social and material vulnerability*” (Zimmermann, L., 2014:98). Such States are also often affected by insufficient resources and capacity problems. A third strand of researchers have argued that rules and practises will undergo a decoupling process, in which certain aspects of Customary International Law are either modified or left out to adapt the standards into a specific local setting.

In recent years, researchers have pointed to norm diffusion outcomes past the static aspects of commitment/compliance and norm adoption vs. norm rejection. This is where research on Localization has been beneficial in covering the more complex and nuanced aspects of how norm Localization appears and affects the outcomes of norm diffusion. Localization is therefore recognised as having the potential to shed light and produce outcomes of a more legitimate character, as well as a more appropriate kind in local contexts (Zimmermann, L., 2014). Elements such as local filters or domestic contexts do influence norm diffusion outcomes and norm translation processes. Localization is often used to portray how domestic contexts can affect norm diffusion and the outcomes that follow. This area of research emerged during the 1990’s (Zimmermann, L., 2014).

The relevance of and focus on local conditions, cultural match and local restraints, as well as the impact of discursive frames has increased over the years. Therefore, it is considered important to focus on these factors when investigating how global norms and standards are contested, adapted or adopted in a specific local context. The translation and understanding of global norms is therefore not just about trickle down effects from the United Nations or global initiatives to a national context, but it is also about the continuous process of norm translation and negotiation within a certain national context, between various actors and agents (Madsen, D., 2018). In the aspect of global vs local it is often assumed that promoted global norms and standards are subjected to a trickle down effect to the local level. However, this is much more difficult in reality because of domestic circumstances and diverging agendas among influential agents, as well as cultural resonance with the norms sets, that may clash with local perceptions (Madsen, D., 2018). The Government and institutions, Non-Governmental and Transnational Organisations, as well as grassroots movements etc. are all actors to include and can all be agents

that can take part in norm diffusion, translation and interpretation processes. These agents can affect, drive or prompt specific reactions to global standards and norms in domestic contexts, based on norm translations processes. Though these processes function at either the highest level, such as interactions between international and government actors, or at a grassroots level, agents may be capable of influencing certain reactions to global norms.

Various scholars have provided their accounts of possible reactions to and on the outcome of human rights diffusion in local settings. The views provided above can in broad terms be distinguished as: “*Rejection of Norm Adoption, Decoupling and Norm Adoption*” (Zimmermann, L., 2014:98-99). However, these three accounts are considered inadequate in their conceptualisation of outcomes on norm diffusion. They also fail to include the relevance of norm translation and how different translations and interpretation processes during norm diffusion can influence the outcomes. As an alternative conceptual approach, Zimmermann has developed a three-step assessment that makes it possible to distinguish between the different types of Localization: (1) *how norms are translated into discourse, (2) how they are translated into law, and (3) how they are translated into implementation* (Zimmermann, L., 2014:105). The outcome from the three-step assessment will therefore help to assess how norms are translated into discourse, how they are translated into law and finally, how they are translated into implementation. The outcome can then shed light on whether and how global norms and standards are contested, adapted or adopted in local settings and contexts.

The first dimension relates to norm translation into domestic discursive frames. New norms or norm sets introduced in domestic and political contexts can and will be negotiated. Norms are thereby linked to discursive frames. This includes interpretations and patterns of interpretation. The second dimension of Zimmermann’s norm translation assessment relates to translation of global standards, such as the Principle of *Non-Refoulement*, into domestic law. The third deals with translations of global standards and norms into domestic policies, implementation and the enforcement of rules, as well as the creation of institutions (Zimmermann, L., 2014). This approach to norm translation allows to study norm diffusion in post-conflict areas, but also more generally. Furthermore, it also provides a conceptual approach to study reactions to norm sets. The three-step assessment can bring the basis for better explaining how and why certain conditions are brought about by certain types of translation results in norm diffusion outcomes (Zimmermann, L., 2014).

Zimmermann's three step assessment will provide a conceptual framework intended to analyse how Localization and norm translation in Lebanon has resulted in a specific norm diffusion outcome. In the context of Lebanon, it will be possible to identify how local

conditions and agents affect norm diffusion outcomes. This is done through an assessment of the domestic discursive framing, the translation of global standards and norms into domestic law and, by implementing global standards into law implementation and enforcement in a domestic arena.

### **3.4 The use of the theories**

This section will elaborate on the use of the chosen theories: Evasion by Zoltán I. Búzas (2016), and Localization by Lisbeth Zimmermann (2014), and how the theories will be applied in the analysis in order to answer the research questions. It is important in the context of this thesis to highlight how these theories will provide an in-depth understanding of norm diffusion process and outcome in Lebanon. This is on the basis of a theoretical interplay that manages to shed light on the different norm diffusion processes and outcomes and their coherence. Though the theories have separate and different outlooks, the theoretical interplay will bring a holistic understanding to the process of norm diffusion, in relation to the global norm on refugee protection, related to the principle of *Non-Refoulement*, in Lebanon.

As presented in the literature review, the theory of Evasion is to be understood as a specific type of norm violation under the frame of legality. The theory of Evasion by Zoltán I. Búzas, will be applied to analyse which evasion strategies, in relation to the concepts: Steering, Non-designed flexibility and Designed flexibility, the subsequent Lebanese Government(s) employ to adopt, resist and/or evade the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

Additionally, Localization covers the relevance of how global norms are translated and interpreted into domestic contexts. The importance of local and cultural settings affects the outcome of Localization, such as Lebanon adopting, resisting and/or evading the global norm on refugee protection, related to the Principle of *Non-Refoulement*. The theory of Localization by Lisbeth Zimmermann will analyse how local discourses and domestic settings react to global standards and norms. On the basis of a three-step assessment: How discourses on Syrian nationals in Lebanon affect the global norm, how the local perception of the Global norm on refugee protection is translated into law and lastly, how these are translated into implementation and enforcement. The outcome can then give an answer to whether and how the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is contested, adapted or adopted in Lebanon.



The holistic overview of these theories helps provide an overview of the norm diffusion process and outcome in Lebanon, which leads to answering the problem formulation of this thesis.

## **Chapter 4: METHODOLOGY**

For the purpose of exploring how the Global norm on refugee protection, related to the Principle of *Non-Refoulement*, has been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020, this chapter introduces the methodological approaches and considerations applied throughout this thesis. The chapter elaborates on the chosen methods. In order to address the overarching problem statement in an efficient manner, we have identified three research questions which, when addressed, will provide an answer to the problem statement.

1. How did subsequent governments in Lebanon, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the Global norm on refugee protection, related to the Principle of *Non-Refoulement*, in relation to Syrian refugees in Lebanon?
2. How did other actors, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the Global norm on refugee protection, related to the Principle of *Non-Refoulement*, in relation to Syrian refugees in Lebanon?
  - a) Party leaders from FPM, Hezbollah and FM
  - b) International NGOs: Amnesty International and HRW
3. What are the similarities and differences between the answers to research questions 1 and 2?

This thesis is based on case study research. This is to gain an analytical and descriptive understanding of the problem which will be further elaborated in this chapter. The empirical data of this thesis consists of a variety of secondary data. The data consists of information within the timeframe of this thesis. The data is collected from: policy papers, press releases, reports, studies, journals, news articles, summaries and annexes from the EU-Lebanon Association Council Meetings and the Supporting Syria and the Region Conferences, as well as statements made by relevant Lebanese politicians and INGOs. Furthermore, the empirical data will be further elaborated, in accordance to each research question.

## 4.1 Qualitative methods

The qualitative methods of this research are based on relevant documents. The documents provided this thesis with insight, regarding factors deemed relevant, on norm diffusion process and outcome, regarding Syrian refugees in Lebanon, through the means of Evasion and Localization.

*“Qualitative research focuses on understanding a research query as a humanistic or idealistic approach”* (Kalra, S., Pathak, V. and Jena, B., 2013:192). Since this thesis investigates the norm diffusion process and outcome in Lebanon, we find it most appropriate to apply qualitative methods, used to give an in-depth understanding of Lebanon’s behaviour and interactions regarding Syrian nationals. This thesis conducts case study research of the norm diffusion process and outcome in Lebanon, by analysing qualitative secondary sources, in terms of documents.

## 4.2 Case Study research

Case Study research is defined as *“an in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, programme or system in a “real life context” “[...] The primary purpose is to generate in-depth understanding of a specific topic [...]”* (Hesse-Biber, S. and Leavy, P., 2011:256). In other words, a case study is unique as it contributes with a holistic understanding of a problem within its social context. It relies on one or more cases to investigate. The strengths of conducting case study research by analysing documents, is that documents can be viewed repeatedly, they are not created as a result of the case study, and they cover the chosen timespan of the events and settings we wish to include (Hesse-Biber, S. and Leavy, P., 2011).

The starting point of this research included reading library-based literature on norm diffusion. Once we got an insight into how States can circumvent their obligations towards international law, we looked into Lebanon and read about how the country is causing dire living conditions for Syrian nationals in order to encourage their return. INGOs have accused Lebanon of possibly violating the Principle of *Non-Refoulement*. These accusations sparked our interest in conducting case study research of Lebanon, in order to investigate how Lebanon circumvents the obligations deriving from the global norm on refugee protection, related to the Principle of *Non-Refoulement*. In order to ensure that our analysis of the case has a solid academic grounding, we conducted a literature review of different scholars’ perspectives related to Norm Diffusion. Furthermore, we developed a theoretical framework to integrate the

case into existing knowledge about the topic. The theoretical framework of this thesis provides an in-depth understanding and conceptual approach to analyse norm diffusion processes and outcomes in Lebanese refugee policy and management. Once the case was described we analysed it through the theoretical perspectives of Evasion and Localization, in order to answer our research questions.

In order to answer research question 1: *How did subsequent governments in Lebanon, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of Non-Refoulement, in relation to Syrian refugees in Lebanon?*, the main document analysed was the policy paper on Syrian Displacement (2015). The interpretation and analysis was supported by data collected, which consisted of secondary sources in terms of texts on the Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (acquired from the Library of Congress), key statements made by the former Lebanese Foreign Minister, Gebran Bassil, a report published by The Lebanon Support Team on the policy changes, news articles, studies and journals. The data was analysed through the theory of Evasion by Zoltán I. Búzas (2016), in relation to the following key concepts: Steering, Non-designed Flexibility, and Designed Flexibility. By interpreting the content of the data and analysing it through the theory, we were able to identify which evasion strategies the subsequent Lebanese Government(s) employed, to adopt, resist and/or evade the Global norm on refugee protection, related to the Principle of *Non-Refoulement*.

In order to answer research question 2. *How did other actors, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of Non-Refoulement, in relation to Syrian refugees in Lebanon?*

a) *Party leaders from FPM, Hezbollah and FM*

b) *International NGOs: Amnesty International and HRW*

The main data analysed was key statements by former Foreign Minister, Gebran Bassil on Syrian refugees and displacement (acquired from news articles and annexes from the EU-Lebanon Association Council meeting), and statements made by Amnesty International and HRW on Lebanon's possible violation of the Principle of *Non-Refoulement* (acquired from news articles). Furthermore, the interpretation and analysis was also supported by other secondary data, which also consisted of a statement made by the former Labour Minister Sejaan Azzi, news articles reporting on political campaigns inciting anti-refugee sentiment,

governmental documents on Syrian displacement, and news articles on Hezbollah and the GSO's return procedure of Syrian refugees, as well as the public discursive framing of Syrian presence in Lebanese society. The data collected to answer this research question was analysed to view which diffusion strategies, the relevant international and national actors, operating in Lebanon, have employed within the timeframe 2015-2020. The data was analysed through the theory of Localization, in relation to the following key concepts discourse, law, and implementation. By interpreting the content of the data and analysing it through the theory, we were able to achieve insight into how international and national actors influence public discourses, norm interpretation and translation, and ultimately affect how the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is perceived in Lebanon. On the basis of a three-step assessment, it was possible to analyse: How discourses on Syrian nationals in Lebanon affects the global norm on refugee protection, how the local perception of the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is translated into law and lastly, how it is translated into implementation and enforcement. The outcome provided an insight into how the global norm on refugee protection, related to the Principle of *Non-Refoulement* is adopted, resisted and/or evaded by international and national actors in Lebanon.

Lastly, the research question: *What are the similarities and differences between the answers to research questions 1 and 2?*, was answered by discussing the findings of the two research questions in order to answer the overarching problem statement "*How the global norm on refugee protection, related to the Principle of Non-Refoulement, has been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020*".

### **4.3 Deductive approach**

This research takes a deductive approach as we explored an existing theory in a given context. Initially, we started looking into literature on norm diffusion. Afterwards, we gathered all relevant data on norm diffusion, while reading through the history of Lebanon, to gain insight into the complex social and political landscape of Lebanon. By doing so, it led us to developing assumptions based on existing theory. Relevant theories were then chosen in order to draw inference with the data collected, which provided answers for the research questions.

#### **4.4 Limitations**

There were some limitations to this research. Firstly, the validity of this case study research. If we had the chance to utilize multiple methods, such as conducting interviews, we could have had a triangulated approach which would have built validity to our findings. However, due to the global Covid-19 pandemic, large anti-government demonstrations, and the overall deteriorating situation in Lebanon, with the latest explosion in Beirut, it was not possible to collect primary data, such as conducting interviews with relevant representatives on the issue.

Secondly, the weakness of analysing documents. It was not possible to access all relevant governmental documents on the topic we investigated. Furthermore, the constraint of some of the documents being written in Arabic. Our own language competencies were not sufficient to translate the documents from their original language, such as the formula on ‘Voluntary Return’, which was not available in English.

#### **4.5 Delimitations**

In this thesis there were some decisions made to limit the scope of the research. Firstly, this research is limited to the timeframe between 1<sup>st</sup> of January 2015 to 30<sup>th</sup> of June 2020. This is due to large refugee flows across regions and countries, prompting change in internationally established practises and norms related to the protection and management of refugees. Countries in Europe and the Middle East, such as Lebanon, increased the securitization of borders during this timeframe to limit the influx of refugees. Such measures demonstrate that the global norm on refugee protection is continuously contested and negotiated internationally and locally, in order to respond to new circumstances in a more complex world. The timeframe has also been chosen due to the relevant changes in Lebanese immigration policies on Syrian nationals in Lebanon. This allowed us to trace the policy changes and thereby demonstrate how the global norm on refugee protection, related to the Principle of *Non-Refoulement* is diffused, contested and negotiated, internationally as well as locally. Furthermore, the timeframe ends on 30<sup>th</sup> of June 2020, due to the date where the latest EU-Lebanon Association meeting was held.

Secondly, the choice of conducting case study on Lebanon, to illustrate how the Global norm on refugee protection is diffused in Lebanon. Lebanon is the country with the highest number of refugees per. capita in the world. However, the situation in Lebanon is complex due to the deteriorating security, corruption, fragile sectarian balance, and improper refugee

management. We therefore found it relevant to look into which strategies Lebanon employs to diffuse the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

Thirdly, the international and national actors included in this thesis are: UNHCR, EU, Amnesty International, Human Rights Watch, the Lebanese Government, GSO, and key political leaders. We chose to limit the scope of this research to these actors as we also found them most relevant in the analysis of how the global norm on refugee protection, related to the Principle of *Non-Refoulement* is: adopted, negotiated, resisted and/or evaded in the case of Syrian refugees in Lebanon.

Furthermore, since this research is based on the global norm on refugee protection, and Lebanon has not signed any of the major refugee law instruments, we have looked into the Principle of *Non-Refoulement* under Customary International Law. This is due to all countries being bound by Customary International Law despite lack of ratification.

Lastly, the choice of theories allowed us to analyse the norm diffusion process across Lebanon. The theories also allowed for a coherent understanding between Evasion and Localization which provided a holistic overview of the different norm diffusion outcomes. The theories each explained the different strategies undertaken by the Lebanese Government and relevant actors, where the complete overview of diffusion outcomes illustrated how the global norm on refugee protection, in relation to the Principle of *Non-Refoulement*, is adopted, resisted and/or evaded.

## **Chapter 5: CONTEXTUAL CHAPTER**

This section presents a description of the deportations of Syrian nationals in Lebanon. Furthermore, this chapter also introduces the relevant international and national actors, operating in Lebanon and their role in the management and repatriation of Syrian nationals.

### **5.1 Deportations of Syrian nationals**

During the period of 2015 to 2020, there has been a growing amount of anti-refugee sentiment. Lebanese politicians have called for the return of Syrian refugees and the restrictive policies on residency, made in 2015, created complex circumstances for Syrian nationals to obtain and maintain legal status. Syrian nationals became at risk of abuse, exploitation on the labor market, and had restricted access to education, work and healthcare. The Middle East Director of Human Rights Watch, Lama Fakih, stated that the risk of being detained for unlawful residence in the country for Syrian refugees is heightened due to their lack of legal residency and the deteriorated legal status (Human Rights Watch, 2019c). Furthermore, since 2016, various municipalities have forcibly evicted refugees from their homes.

The most systematic and extensive mass returns of Syrian refugees happened in the years 2018 to 2020. In April 2018, the first mass return of Syrians, was primarily to Beit Jinn district in Syria (Abdallah, 2020). The reason for justifying the return to this area was based on pro-government forces capturing Beit Jinn from the rebels in April 2018. However, due to the governmental suspension of the UNHCR registration and determination process, UNHCR was not part of the return operation (Abdallah, I., 2020). Moreover, according to a report published by SAWA for Development and Aid, in 2018, the Lebanese Government started to reach out to refugees across camps in the country. Officials gave out forms to refugees, asking about their intention to return, and why they have not yet returned (Elbadawi, H., 2020). According to the report, the questions formed in these questionnaires were encouraging refugees to return to Syria and might have been seen as an indirect threat to the refugees (Mhaissen, D. and Hodges, E., 2019).

According to SAWA, a majority of the Syrian refugees expressed that their decision to return was based on the lack of legal residence. Men in particular, feared being detained by the General Security Organisation, when they tried to renew their residency. Syrian nationals are affected by restriction on movement, which affects their access to healthcare, labour market and the registrations of birth and marriage. The fear of being arrested due to lack of legal documentation also prevents many Syrians from moving freely (Mhaissen, D. and Hodges, E.,

2019). It is important to note that Refoulement should not only be understood as the act of forced deportation or rejection, but also when States choose to use excessive measures such as manufacturing vulnerability among vulnerable Syrians, by subjecting them to a great amount of pressure on their livelihoods. This pressure is indirect and so intense that they believe they lack any other option but to return to a country where their lives and safety may be threatened (Human Rights Watch, 2019c).

Estimates made by GSO show that between winter 2017 and fall 2019, approximately 170,000 Syrian refugees had returned to Syria, some NGOs have claimed that the number is much lower, and that GSO is trying to depict that Syrian refugees are returning to their homes voluntarily (Human Rights Watch, 2019c). In interviews conducted by Human Rights Watch, Syrian refugees expressed that the reasons for their return have been affected by the deteriorating conditions in Lebanon and the harsh policies directed at them and not because they consider Syria to be safe (Human Rights Watch, 2019c).

On the 26th of April 2019, a group of Syrian refugees were forced to sign “voluntary forms” by Lebanese authorities in Hariri airport. The GSO prevented the group of Syrian refugees from seeking asylum in Lebanon. Lama Fakih has in a statement asked the Lebanese Government not to deport or give the Syrian refugees “voluntary repatriation” forms at the airport, before giving them a fair opportunity to argue for why they need protection. Furthermore, Lama fakih stated:

*“Despite heated rhetoric calling for Syrians to return home, and coerced ‘voluntary’ returns, there continues to be significant risk of harm for refugees who do return to Syria”* (Human Rights Watch, 2019c).

Scrutiny and the lack of legal status are some of the main factors, pushing Syrian refugees to return. Scrutiny towards Syrians have been evident through discriminatory curfews, encampment raids and evictions, while also approximately 73 percent of the 1.5 million Syrian refugees in Lebanon lack legal status (Amnesty International, 2019b). Amnesty International has urged the Lebanese government to stop the indirect and/or forcible deportations of Syrian refugees. This is due to organisations such as the United Nations, not being able to monitor and operate freely within Syria. According to Amnesty International, it is therefore impossible to determine whether or not Syrian refugees are at risk of human rights violations, when returned (Amnesty International, 2019b).



On the 13th of May 2019, one of the most extensive deportations was ordered by the Lebanese Higher Defense Council, which is an inter-ministerial body in charge of national defense policy and headed by the President of the Republic of Lebanon. The order stated that the GSO should deport all refugees that had entered the country illegally after the 24<sup>th</sup> of April 2019 (Amnesty international, 2019a). This was done regardless of the fact that States are only allowed to deport individuals if they have been convicted of a serious criminal offence, by a court of law operating in compliance with minimum international standards (Badalič, V., 2019). Between the 24<sup>th</sup> of April 2019 and the 9<sup>th</sup> of August 2019, the GSO noted that 2,447 refugees had been deported to Syria. The deportations were based on the decisions and actions that were pushed forward by the Higher Defense Council (Amnesty International, 2019a). The deportations were made in coordination with the Syrian Government, who had promised safety and reconciliation. According to a report published by Amnesty International the returned refugees are not safe, as they return to rubble and are at risk of being captured and arrested by the Syrian regime (Amnesty International, 2019b). In addition, the UN has also expressed concern with the returns of Syrian refugees from Lebanon, as the UN does not consider Syria safe for return (Human Rights Watch, 2019c).

## **5.2 Relevant Actors**

This section details relevant international and national actors' roles in the administrative and operational management and support of Syrian refugees, as well as their work function in facilitating the return process of Syrians. Lastly, this section also presents the various actors' partaking in addressing the Syrian conflict and its implications on neighbouring countries.

### **5.2.1 International actors**

#### **UNHCR**

A great number of international actors have been involved in supporting and managing the refugee response in Lebanon, since the onset of the Syrian war. The overall humanitarian inter-agency refugee response initiatives were led by UNHCR. This was done in close coordination with the Lebanese Government, governmental institutions such as Council for Development and Reconstruction (CDR) and the Ministry of Social Affairs and with the support from almost 80 humanitarian actors from local and non-government organisations (Petzoldt, M., 2016). For years, UNHCR has worked to strengthen the capacity of national actors in Lebanon, including the ministries and public institutions that help provide protection and other services needed by

Syrians in the country. In 2003, a Memorandum of Understanding (MoU) was signed between the Lebanese Government and UNHCR. The MoU allowed UNHCR to register asylum seekers, to conduct refugee status determination, while also providing assistance, and to seek proper solutions. However, due to the deteriorating situation in Syria in 2014 and 2015 and the subsequent influx of Syrian refugees into Lebanon, the Lebanese Government suspended UNHCR's mandate to register Syrian refugees. Though the registration process is suspended, UNHCR continues to update data on those already registered (UNHCR, 2020a). An official reason for the suspension of Syrian refugee registration was that a new initiative/mechanism for registering Syrian refugees was to be established and implemented (Janmyr, M., 2018a). Such a mechanism has still not materialised, leaving many Syrians without valid residence permits and exposed to different forms of exploitation for all non-Palestinian refugees in the country (Janmyr, M., 2016).

### **Humanitarian Actors (INGOs)**

Humanitarian actors have also proved to be relevant actors in the management and support of Syrian refugees in Lebanon. While government institutions and international organisations such as UNHCR have response and administrative management operations aimed at Syrian refugees, non-governmental organisations such as Amnesty International and Human Rights Watch are also present in Lebanon with humanitarian and development operations intended to create awareness about human rights. The daily operations of these organisations aim at monitoring, investigating and reporting incidents of human rights violations in Lebanon (Human Rights Watch, 2020; Amnesty International, 2020b). Their presence in Lebanon also helps to secure that human rights are upheld to some extent. This is done through dialogue with relevant government institutions and through campaigns intended to create awareness and educate on human rights. These two organisations have also proved relevant in the context of issues and cases related to the Principle of *Non-Refoulement* in Lebanon, where they have reported and accused the Lebanese Government of violating international law and the Principle of *Non-Refoulement*, when deporting Syrian refugees.

The actors are also relevant to mention in the context of the international community. Their presence and relevance in the international community allows them to participate in relevant conferences such as '*Supporting the future of Syria and the region*'-conferences held in Brussels between 2017-2020, where they addressed war crimes and the need to urgently meet protection and humanitarian needs (Human Rights Watch, 2018).

## **5.2.2 National Actors**

### **Lebanese Government**

The Government of Lebanon is the main actor that manages refugees in Lebanon, due to them having the highest authority in the country. Furthermore, the Government has the ultimate authority over how national actors operate within Lebanese borders and which non-governmental organisations are allowed to operate in the country. In Lebanon, the right to seek asylum is granted by a commission that is composed of the Directors of the Ministry of Justice, Social Affairs, Minister of Interior and General Directorate of General Security (GSO) (Global Detention Project, 2018).

### **General Directorate of General Security (GSO)**

The General Directorate of General Security was established in 1921. The role of the GSO is to collect data for the Government concerning economic, social and political issues. Hence, the GSO supervises the preparation and implementation of security measures, which is evident in the management of borders and refugees, specifically Syrian refugees (General Security, 2020). The GSO also works on the creation of notices and enquiries that are related to investigations on entry and/or travel ban. This also includes the securitisation of central administration, regional departments and the management of Lebanese borders. This is evident in their participation in the surveillance of the Lebanese territorial, maritime and aerial borders (General Security, 2020). Furthermore, the GSO also handles cases of deportations of Syrian nationals. This is done through the establishment of official Government registration centres across Lebanon. When Syrian nationals have registered, the list of returnees is sent to the Syrian Government for review and security procedure. How the Syrian government determines eligibility for return is unknown, but in practise, the GSO coordinates the logistics making them a main actor in facilitating the return of Syrian refugees to the Syrian Government (Mhaisen, D. and Hodges, E., 2019).

### **Hezbollah**

Hezbollah is a Shiite Muslim political party and militant movement that emerged during the 15 year long Lebanese Civil War. The political organisation and its social services has given the party a reputation of being 'a state within a state' (Robinson, K., 2020). Hezbollah has since the beginning of the Syrian war deployed thousands of fighters into Syria. Their military contribution in Syria is based on the support of the Assad-Government and to prevent rebels

from the Syrian opposition from entering Lebanese territory. On several occasions, Hezbollah have urged the need to cooperate and normalise diplomatic ties with the Syrian regime, as they regard the Assad regime as an ally in the region.

Hezbollah is also one of the main actors in the return process of Syrian refugees in Lebanon. The General Secretary, Hassan Nasrallah, declared that they will help Syrian refugees return to their home country, by regaining control over rebel held territories (Middle East Eye, 2018). In 2018, Hezbollah presented a plan to help ensure the return of Syrian refugees in coordination with the GSO in Lebanon and the Syrian regime (Francis, E., 2018). The plan included the establishment of registration centres across the country, where Syrian refugees could sign up for return. Though a similar plan was later developed by the GSO, Hezbollah maintained that the two initiatives were unrelated (Enders, D., 2018). The registration centres have not been acknowledged by the Lebanese Government. In addition, there is no public information available about the return process and the coordination with the Syrian Government. Furthermore, which areas Syrians are returned to are unclear (Mhaissen, D. and Hodges, E., 2019).

### **Gebran Bassil**

Gebran Bassil was the Lebanese Minister of Foreign Affairs and Emigrants from 2014 to 2020 (European Forum, 2020). The former Minister is the current leader of Free Patriotic Movement. Gebran Bassil has been accused of racism and xenophobic rhetoric. He refuses to refer to Syrian refugees as displaced persons or migrants, while also referring to the large Syrian refugee influx as an existential threat for Lebanon (Karam, J., 2018; TRT World, 2019).

*“We will not be replaced in this land which bore prophets and saints; Not a refugee, nor a displaced (person), nor a corrupt (person)”* (TRT World, 2019).

The prominent politician has for years agitated for the return of Syrian refugees through the use of discriminatory rhetoric and anti-refugee campaigns (Fanack, 2019). Bassil has also accused Syrian refugees of depriving Lebanese citizens of jobs, claiming that the refugees are working illegally. In addition, he has taken part in creating necessary steps that would accelerate the return process of Syrian nationals (Karam, J., 2018).

### **Saad El - Din Rafik Al - Hariri**

Saad El-Din Rafik Al Hariri was the Lebanese Prime Minister in the years 2009-2011 and again from 2016-2019 (Aljazeera, 2017a). Hariri has since 2005, also been the leader of the political party, Future Movement. He has previously indicated his concern of civil unrest due to rising

tensions between Syrians and Lebanese citizens in the municipalities across the country (Aljazeera, 2017a). In 2018, Saad Al-Hariri held a speech at a donor conference, wherein he addressed the management of Syrian refugees. Hariri stated that the Lebanese Government would not force Syrians to return to a country where they fear persecution and are unwilling to return to. While having declared his support for the Syrian Opposition, he also refused to negotiate the return of Syrian refugees with the Assad-regime (Xinhua, 2019). Moreover, he has appealed for humanitarian aid from the international community. Hariri argues that by hosting a major number of Syrian refugees, Lebanon “*is doing a public service for the international community*” (Reuters, 2018). The former Prime Minister has expressed how the Lebanese Government has been focusing on the safe and secure return of Syrian refugees (Reuters, 2018).

## **Chapter 6: ANALYSIS & DISCUSSION**

This chapter presents the analysis and discussion of the case study. The first part introduces the evasion strategies of the Lebanese subsequent Government(s). Secondly, EU's norm negotiation strategies during the international negotiations. Thirdly, other actors: Party leaders from FPM, Hezbollah, FM and International NGOs: Amnesty International and Human Rights Watch. Lastly, this chapter provides a discussion of the findings of each research question in order to answer the overarching problem statement: *How has the global norm on refugee protection, related to the Principle of Non-Refoulement, been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020?*

### **6.1 The Subsequent Lebanese Government(s) Evasion strategies**

This section aims to answer the first research question of this thesis: *“How did the subsequent government(s) in Lebanon, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of Non-Refoulement, in relation to Syrian refugees in Lebanon?”*. In order to answer this research question, this section conducts an analysis which provides an overview of Lebanon's evasion strategies. This will be analysed through the use of the theory of evasion by Zoltán I. Búzás, in relation to the following key concepts: Steering, Non-designed Flexibility, and Designed Flexibility. Furthermore, to approach the research question, this section will initially provide an overview of Lebanese immigration policy prior to the Syrian war and currently, new restrictive measures introduced to manage and discourage the inflow of Syrian refugees and practical measures that the Lebanese Government has undertaken to manage the large number of Syrian refugees in the country. The outbreak of the war in Syria, followed by a large influx of refugees has put great pressure on the Lebanese society. The presence of more than one million Syrians can raise the question of whether Lebanon adopts the global norm on refugee protection, by hosting such a large number of refugees. There is no doubt about the extraordinary effort that Lebanon does as a hosting country and have done since the start of the Syrian war. However, though Lebanon has done much as a hosting community, the assumption that Lebanon adopts the global norm on refugee protection, in relation to the Principle of *Non-Refoulement*, should be challenged and nuanced. Their reluctance to accede to the global refugee law instruments, such as the Refugee Convention and Protocol, is a clear indication of how Lebanon translates, interprets and perceives norms related to refugee protection. This

section intends to nuance and highlight how Lebanon through the use of evasion strategies either adopts, resists and/or evades the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

In the years after the Syrian war erupted, Lebanon became a main destination for many Syrians fleeing war and violence. In reaction to this, the Lebanese Council of Ministers, adopted new measures to manage and discourage the inflow of Syrians. However, it is firstly relevant to provide an overview of Lebanese immigration and border policies prior to the start of the Syrian war, their initial and current standpoint regarding Syrian displacement and the new measures which were implemented in 2015. Dating back to the Lebanese post-war era of the early 1990's a construction and real estate boom was taking place, which required the need for unskilled and manual labour. Syrian workers have historically been present in Lebanon, taking up informal jobs in sectors such as construction and agriculture. This was due to the higher wages in Lebanon compared to Syria. In 1993, Syria and Lebanon signed an Agreement for Economic and Social Cooperation and Coordination (AESCC). This bilateral agreement ensured the free movement of people and goods, freedom of residence and work, as well as economic activity for nationals of both countries. This led to many Syrians crossing the border almost undetected (Jagarnathsingh, A., 2016; Zucconi, M., 2017). As travel restrictions were removed, the number of Syrian migrant workers increased to the extent that by the early 2000's, Syrian workers made up of:

*“between 20 and 40 per cent of the Lebanese employment, and their remittances made up as much as 8 percent of the Syrian GDP”* (Jagarnathsingh, A., 2016:7).

This suggests that Syrians have been present in Lebanon for many years, but often under work related circumstances, rather than fleeing conflict and violence. Prior to the war in Syria, the legal entry of Syrians to Lebanon was thus earlier governed by a less restrictive border policy between the two countries. The agreement (AESCC) adopted in 1993 and known as the “open border” policy meant that Syrian nationals with a valid passport would get an entry stamp or coupon, allowing them to enter Lebanon (Saghir, C., 2019). The entry stamp would grant legal residency for a period of six months and could be renewed for an additional six months without any fees. After one year, Syrians at the age of 15 and above were required to pay a fee of 200 dollars per. Person/per. Year to maintain legal residency (Saghir, C., 2019).

The Lebanese immigration law that administers Syrian nationals is mainly, *‘The Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country’*,

which entered into force in 1962 (Saghir, C., 2019). The legislative capacity related to migration management based on this law and new measures, has been assigned to the Lebanese security apparatus i.e. the General Security (Divine, A. and Huelzer, J., 2020). After the Syrian war erupted in 2011, Lebanon thereby became one of the main destinations for Syrians fleeing war and violence (Jagarnathsingh, A., 2016). The Government in Lebanon officially refers to Syrian refugees as ‘displaced persons’ or ‘irregular migrants’ and they are therefore governed by the same immigration law as other foreigners, namely the ‘*The Law Regulating the Entry and Stay of Foreigners in Lebanon...*’, (Saghir, C., 2019). A domestic legal framework aimed at addressing and protecting the status of Syrian refugees is purposely left out, as Lebanon does not consider itself a country of asylum. Additionally, the Government also rejects the integration of refugees, as it views itself as a country of transit rather than a destination country (Saghir, C., 2019). The categorisation of Syrian refugees as irregular migrants as well as the lack of legal framework to address the status of Syrians is part of a broader dissociation strategy. This overall strategy towards refugees in the country is based on two factors; Lebanon’s historical experience with Palestinian refugees for over 70 years and the responsibilities that follow from ratifying global refugee law instruments and norms related, which would bring economic and political burden to the country (Saghir, C., 2019; Janmyr, M., 2017).

As already mentioned, Lebanon has not ratified the 1951 Refugee Convention nor its 1967 Protocol but has instead favoured temporary protection over giving the recognition of formal refugee status (Divine, A. and Huelzer, J., 2020). The favouring of temporary protection suggests that Lebanon agrees with the normative idea on refugee protection and its spirit, however years of reluctance to accede to the Refugee Convention suggests that some unwillingness to adopt laws and norms related to global refugee protection is present in the country. It is widely believed among Lebanese politicians and other influential actors that acceding to the Refugee Convention would lead to the permanent settlement of refugees, including the large number of Palestinian refugees residing in the country. There is also a fear that refugees recognised under a framework of protection will affect the social and sectarian cohesion, which ultimately would have significant political implications (Janmyr, M., 2017). The current approach therefore allows the Lebanese Government to have a no-distinction policy between foreigners and Syrian refugees. The Lebanese State avoids taking responsibility for the obligations deriving from the international refugee law instruments (Saghir, C., 2019; Janmyr, 2017). Under the current legal framework of the law on entry in Lebanon, there are



six articles related to asylum. Article 26 and 31 are the most significant to present. The two articles stipulate:

Article-26:

*“Any foreigner who is subject of pursuit or has been convicted for a political crime by a non-Lebanese authority or whose life or freedom is threatened because of political considerations may ask for political asylum (The Library of Congress, 2016).”*

Article-31:

*“If a decision to expel a political refugee has been made it is not permissible to deport such refugee to the territory of a state where his life or freedom are not secured (The Library of Congress, 2016)”.*

As stated in the articles above, it is possible to apply for asylum and not permissible to deport refugees to territories where their life or freedom may be endangered. However, it is relevant to mention that these laws are rarely practised and only one individual has ever been granted political asylum in Lebanon, which was more a case of geo- and domestic politics rather than a case of upholding human rights and adopting the global norm on refugee protection (Burns, F.J., 2000). In Article 31, it is ensured that political refugees are not to be subjected to deportation. However, as already mentioned, the law is rarely practised. The fact that only one individual has ever been granted asylum in Lebanon suggests the use of steering-strategy. This is possible because of the gap between norm, law and enforcement is designed and exploited for the purpose of evading the responsibilities and obligations deriving from norms on refugee protection and the law. The use of flexibility mechanisms to evade the obligations deriving from their own law on political refugees, shows that the law is practised (lack of) differently, intended to the spirit of the law. It is important to keep in mind that countries are not obliged to ratify the Refugee Convention. Lebanon has chosen to opt for this option and design a domestic framework of their own intended to provide protection for political refugees. When a law text provides a framework, but is rarely enforced, it may point to an established attitude of resistance or contestation towards the global norm on refugee protection. Asylum in Lebanon is often viewed in the context of and associated with local integration or resettlement, which is also a reason why Lebanese politicians go to great lengths to avoid the refugee label (Janmyr, M., 2017). Years of contestation to accede to the established global refugee law instrument stems from a fear of permanent refugee settlement which could create a mass case of naturalization, that ultimately would bring imbalance to the sectarian order in Lebanon. To

avoid further de-stability in a country affected by deteriorating security, corruption and large groups of refugees spread across the country, forced the government to take action. States and actors can opt to steer norms or laws in a direction to serve as a tool for self interest. In 2014, the situation in Syria deteriorated causing spillover effects and an increasing influx of Syrian refugees into Lebanon. This led to a more complex security situation in which Lebanon's security, political, economic, and social stability was threatened. On 31 December 2014, the General Security and the Ministry of Interior and Municipalities in Lebanon adopted a Policy Paper on Syrian Displacement including new entry and residency requirements for Syrian nationals (Jagarnathsingh, A., 2016; Zucconi, M., 2017). This new policy paper would replace the old entry and exit requirements, thus putting an end to Lebanon's 'open border' policy (Jagarnathsingh, A., 2016). The former requirements for entry and exit allowed Syrian nationals to enter Lebanon without a visa and with a valid national identification card. However, the new requirements, which entered into force on 5 January 2015, required a visa to enter Lebanon for Syrian nationals. This was considered a major change from the less restricted border policy previously governed (Zucconi, M., 2017).

On 23 October 2014, the Lebanese Council of Ministers issued a decision that allowed for the adoption of new measures that would limit the influx of Syrian refugees. This new policy included three main goals. Firstly, due to the deteriorating situation in Syria, the Syrian refugee inflow was halted at the borders, with the exception of "humanitarian cases", which would be assessed by the Lebanese Government. The criteria for "humanitarian exceptions", posed by the Government, included: "*unaccompanied and/or separated children with a parent already registered in Lebanon, persons living with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled in third countries*" (Jagarnathsingh, A., 2016). The second objective of this new policy on Syrian Displacement focused on: "*[...] decreasing the number of Syrians in Lebanon by reducing access to territory and encouraging return to Syria*" (Saghir, C., 2019:11). This focus was adopted in order to "decrease their numbers" and to "secure the need of those who qualify for them". Which was done by collecting all relevant information on the registered Syrian refugees for the purpose of studying their file and regularly evaluating their conditions (Jagarnathsingh, A., 2016). The third goal of the policy was to try to formalise, monitor and control the presence of refugees from Syria. This attempt was to ease the pressure on the economy, the infrastructure and to safeguard and maintain a proper security situation. The introduction of a new policy with the specific objectives proved that a new political agenda emerged. To cope with the new challenges, the new agenda would break

former bilateral agreements and norm practises between the two countries. Furthermore, the idea of reducing access to Lebanese territories and the encouragement to return, are understood as part of a Lebanese evasion strategy. The change in the Lebanese strategy on Syrian displacement was deployed as part of broader dissociation strategy intended to avoid complicating the pressure, while also evading the responsibility of hosting refugees in the long term and the obligations stemming from the norms of international refugee protection, for the purpose of reducing access and numbers in the country.

An additional part of the new policy also included new regulations on the entry and residence of Syrian nationals in Lebanon. These regulations are exclusively applicable to Syrians, hence its discriminatory nature compared to other foreigners (Janmyr, M., 2016:66). A separate track of immigration management was thus introduced to Syrians based on a more restrictive framework. A paradigm shift thus emerged in the Lebanese management of Syrian nationals. A framework for immigration procedure specifically aimed at Syrians, suggest that Lebanon adopted and implemented flexibility mechanisms to circumvent established norm practise in international refugee protection, as well as their own immigration law. The discriminatory nature of the Lebanese policy goes against the established idea that norms and law on refugee protection should not be discriminatory.

Other foreign nationals are still governed by the '*The Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country*', The entry and renewal regulations, which took effect on 5 January 2015, thereby dividing Syrian nationals' entry into eleven categories. The categories are: 1. Tourists (stay period set in accordance with the number of days of hotel reservations), work visits (maximum one-month residency), and property owners (six-month residency). 2. Work visit, only granted to professionals, business or religious persons for business visits (not exceeding 1 month). 3. Shopping (only 24 hours). 4. Property owners, if able to provide proof of owning property in Lebanon (6 months residency permit, renewable for 6 months). 5. Tenant, if able to provide a lease agreement registered with the Municipality and GSO and proof of livelihood (ie. bank account) (6 month residency permit, renewable for the duration of lease, validity of the registration of the lease agreement with GSO is of 3 months). 6. Students (seven days followed by the studies' residency period). 7. Transit entries (24-48 hours). 8. Entries for those who have been displaced. 9. Medical treatment visits (72 hours, renewable once). 10. Appointments with embassies (48 hours), and finally, 11. Entries under "pledge of responsibility" by a Lebanese citizen (five-day entry,

renewable twice for a period of six months each time) (Jagarnathsingh, A., 2016).

For those Syrians that wish to stay in Lebanon on a long-term basis, the categories 8 & 11 are the most frequently requested entry reasons. However, it is necessary to mention that refugees fleeing war are not permitted entry based on category 8. Instead, only cases that comply with the criteria determined in the “humanitarian exceptions” are allowed entry: “*Since only humanitarian exception cases are eligible for entry under category 8, most refugees fleeing armed conflict are excluded from this category. It should be noted that a category for those who are fleeing persecution and violence is lacking*” (Jagarnathsingh, A., 2016:12). Due to the restrictive entry measures, it is almost impossible for new Syrians to enter Lebanon, unless they comply with above mentioned requirements. Category 11 of the entry requirements serves as another restrictive measure to the existing employer sponsorship. The concept of ‘pledging responsibility’ makes Syrian nationals very much dependent on the individual Lebanese citizen either sponsoring or pledging responsibility for their presence in the country. Such an entry and residence requirement serve as a control mechanism for Lebanese sponsors to control the legal status and residence of Syrians in the country, but also serve as a tool for possible exploitation. The Lebanese Government issued these measures to curb and limit informal employment structures in the country. Such a framework has also changed or transformed the labelling of many Syrians, from refugees and displaced persons to economic or work migrants. This change in labelling has therefore left many without the international protection normally given to registered refugees (Janmyr, 2018b). The Lebanese Government has with these measures deployed non-designed flexibility mechanisms to curb and limit informal employment, but though law drafters' intention was to curb and limit informal employment, the consequences of this policy have proved to serve as a status deteriorating mechanism in the light of Syrian nationals' legal status in the country. This has further proved that Syrians undergo a (re)labelling process of their refugee status to economic or work migrants, thus leaving many without the international protection normally given to registered refugees. These measures and the adopted policy have also been named “manufacturing vulnerability”, that:

“...aims to strip various groups of their fundamental rights in order to reject their presence and facilitate their exploitation... The affected groups are left with two solutions: they either leave Lebanon, or accept exploitation” (Saghieh, N., Karamah, L. and Ghamroun, S., 2015).

The restrictive immigration and border policies were intended to discourage further influx of Syrian refugees and to prevent the permanent settlement of Syrian nationals in Lebanon (UNHCR, 2020a). The new policy regulations specifically targeting Syrians thus reflects a strategy of steering and thereby an act of evasion in which the overall purpose is to reduce the number of Syrians in the country. This is done based on legal practical measures that encourage the return of Syrians. This strategy is an instrumental part in the overall objective to reduce the number of Syrians in the country, without violating the letter of the law in relation to the Principle of *Non-Refoulement*, as Syrians are not forced to return, but are instead left with the option to leave "voluntarily". The aspect of voluntariness is ambiguous, hence the strategy of manufactured vulnerability. Lebanese authorities would argue that Syrians are not subjected to any forced return in violation with the norms and obligations deriving from the Principle of *Non-Refoulement* under Customary International Law:

*"My government's position is very clear. Nobody's going to force anyone to go back if they don't want to go back," Saad Al Hariri (Arab News, 2018).*

However, this strategy shows that Syrians are subjected to forms of indirect pressure on their livelihoods making them reluctantly compelled to return, as living conditions in Lebanon are deemed too difficult to ignore. With regard to the aforementioned challenges and policy changes towards Syrian refugees in Lebanon, one might argue that the Lebanese Government is imposing policies, by interpreting the global norm on refugee protection in a way that is aligned with Lebanon's self-interest, in order to encourage Syrians to return, while also discouraging the further influx of refugees from Syria.

As presented, the residency measures adopted in 2015 have clearly deteriorated the legal and social status of Syrians in Lebanon. Syrians without legal documentation, as well as those under the sponsorship program are at an increased risk of exploitation, abuse, harassment, arrest and violence (Zucconi, M., 2017). Research further suggests that almost 70% of Syrians in Lebanon do not hold a valid legal stay. In cases of raids conducted by security forces inside informal refugee settlements across Lebanon, have resulted in mass arrests. Due to many Syrians' lack of legal status, they are not able to access courts of law. This means that the mass arrests turn into detention, in which security forces may detain people between hours and weeks before release (Zucconi, M., 2017).

As already presented, Lebanon has employed certain evasion strategies to circumvent the obligations deriving from the global norm on refugee protection. This is reflected in the domestic policies introduced to curb the challenges resulting from the large refugee influx. However, it is also relevant to present which evasion strategies Lebanon employs during international negotiations on the protection of Syrian refugees. This is relevant to illustrate, as evasion strategies can differ depending on the level of analysis and governance. Domestic contexts and circumstances can drive and influence a certain norm diffusion process, while this may be manifested differently during international negotiations on the protection of Syrian refugees.

While maintaining the timeline defined throughout this thesis, 1st of January 2015 - 30th of June 2020, it is relevant to highlight the Seventh Meeting of the EU-Lebanon Association Council, which took place at a time where Lebanon was facing extraordinary political, security, economic, humanitarian and social challenges. At this meeting Lebanon called the international community and the EU Member States to revise the resettlement policies affecting Syria and neighbouring countries. The Former Foreign Minister, Gebran Bassil expressed: *'the only durable political solution to the ongoing crisis in Syria, should include the repatriation of Syrian nationals displaced into neighbouring countries'* (The Association Council, 2017:5). With this statement it is evident that Lebanon expressed resistance towards the settlement policies laid out in the international negotiation. While influential actors, like the EU and UNHCR have promoted the global norm on refugee protection, Lebanon contested this norm with a strategy of steering the negotiations and norm in a direction that would serve Lebanese interests in alignment with the new domestic policies aimed at Syrians in Lebanon. Furthermore, though Lebanese contestation was possible to identify at an early time, the use of steering, serving as an evasion strategy, was already evident in Lebanon's Statement of Intent from 2016:

*"In recognition of the protracted nature of the current crisis, the Lebanese government, supported by the co-hosts of the London Conference, wishes to seize the opportunity to launch a new approach and vision on how to manage the temporary and ongoing stay of the Syrians in a way that is neither prejudicial to the interests of the country nor to those of Lebanese citizens, while abiding to the Principle of non-refoulement and anticipating the safe return of Syrian nationals to their home country, in order for them to contribute effectively in the reconstruction and economic development of Syria"* (Lebanon Statement of Intent, 2016).

In Lebanon's Statement of Intent, the country vows to abide by the Principle of *Non-Refoulement*, despite the launching of a new approach, in which its overall objective was to reduce the number of Syrians in the country and to limit access to Lebanese territory. How is it possible for Lebanon to contest the norm in international negotiations, while expressing a will to abide by the law? The aspect of technical legal compliance can provide an answer to Lebanese evasion strategy. Technical legal compliance implies an approach that does not directly violate the letter of the law, but rather violates or contravenes its spirit and purpose. Lebanese resistance towards international settlement policies and the global norm on refugee protection, related to the Principle of *Non-Refoulement*, became more evident during the Second Brussels Conference on Supporting the Future of Syria and the Region (2018):

*"In April 2018, Foreign Minister Bassil also formally rejected the outcome of the 'Second Brussels Conference on Supporting the Future of Syria and the Region,' because the joint declaration focused on the voluntary return of refugees and the need to ensure effective protection of refugees against risks of forced evictions and returns"* (Elbadawi, H., 2018).

The Lebanese position on Syrian refoulement policy showed an outright resistance towards the global norm and the declaration from the conference. Though Lebanon expressed a will to abide by the Principle of *Non-Refoulement* in 2016, it is evident that the Lebanese Government undertook a more hardliner approach with the rejection of the outcome of the Second Brussels Conference in 2018.

### **6.2.1 Sub- Conclusion**

Based on Lebanon's historical experience in hosting refugee communities, it is evident that the country has shown great humanitarian effort in taking in refugees from Syria. However, as demonstrated throughout the analysis of the first research question, it is also clear that norm resistance is present in the country and that Lebanon employs evasion strategies to circumvent the responsibilities deriving from the global norm on refugee protection. The long-term reluctance to accede to the global refugee law instruments, is a clear indication of how Lebanon translates, interprets and perceives norms related to refugee protection under the framework of the Refugee Convention. Additionally, the reluctance is also based on a fear that refugees recognised under a framework of protection will affect the social and sectarian cohesion, which ultimately would have significant political implications. Furthermore, the introduction of new policy measures specifically aimed at Syrian nationals implies a paradigm shift in the Lebanese

management of Syrians. This paradigm shift breaks with former bilateral agreements between Syria and Lebanon, while also suggesting the adoption and implementation of flexibility mechanisms to circumvent established norm practise in international refugee protection, as well as their own immigration law. The overall objective as presented in the analysis above, shows that Syrians are subjected to forms of indirect pressure on their livelihoods making them compelled to return. By imposing policies to cope with challenges in relation to Syrian migration and the use of specific evasion strategies, it is evident that the subsequent Lebanese Government(s) interprets and translates the global norm on refugee protection, related to the Principle of *Non-Refoulement* in a way that is aligned with Lebanese self-interest reflecting resistance. This is also evident in Lebanese evasion strategies during international negotiations.

## **6.2 The international and national actors**

This part of the analysis answers the following research question: How did other actors, in the period of 1st of January 2015 - 30th of June 2020, adopt, resist and/or evade the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in relation to Syrian refugees in Lebanon?

- a) Party leaders from FPM, Hezbollah and FM
- b) International NGOs: Amnesty International and HRW

In order to answer this research question, this section conducts an analysis which provides an overview of how discourses on Syrian nationals in Lebanon affects norms, how local perceptions of the global norm on refugee protection are translated into law and lastly, how these are translated into implementation and enforcement. The data will be analysed through the theory of Localization by Lisbeth Zimmermann (2014), in relation to the following concepts: discourse, law and implementation. The main data consists of key statements by former Foreign Minister, Gebran Bassil on Syrian refugees and displacement and statements made by Amnesty International and HRW. This is to demonstrate how actors in Lebanon actively participate in the diffusion process of the global norm on refugee protection, related to the Principle of *Non-Refoulement*. Point of departure of this analysis starts with a brief presentation of the reasons behind the policy changes from 2015. This is relevant in order to understand how local circumstances and actors influence and affect norm diffusion processes, and how this is transposed into discourse, law and implementation with inspiration from Zimmermann's three step assessment.



Several challenges arose due to the conflict in Syria causing spillover. The large influx of Syrian refugees brought great demographic changes to Lebanon. As already mentioned, the sectarian balance in Lebanon is fragile and the arrival and presence of more than one million Syrians in Lebanon (2011-2015) put the economy under great pressure and fuelled anti-refugee sentiment. The World Bank estimated that Lebanon sustained losses of 13.1bn US Dollars since 2012, as a consequence of the Syrian conflict (Lebanon Statement of Intent, 2016). Some would blame the presence of refugees for the challenges that Lebanon has faced in the last decade, however, incompetent management of governmental resources have also led to an economy in deterioration (Francis, E. and Kanaan, A., 2019). The challenges forced the government to mediate the negative public perception by taking action with the introduction of stricter entry and residency measures specifically targeting Syrian nationals (Mencutek, Z., 2017). It is relevant to keep in mind that the reasons behind introducing such policies were multifactorial. This means that several challenges and issues facing Lebanese society prompted politicians to adopt and implement new initiatives to manage the refugee flow and encourage the return of Syrians. These new initiatives can be identified as the rejection of former bilateral agreements and norm practises between Syria and Lebanon, but in the light of the three step assessment, the adoption of restrictive entry and residency policies specifically aimed at Syrians, and the suspension of UNHCR refugee registration, are examples of how a new norm was promoted, adopted and finally implemented through policy measures. The adoption of a new norm marked a paradigm-shift in the Lebanese management of Syrian nationals. While past entry and residency policies were characterised by non-discrimination on the basis of *'The Law Regulating the Entry and Stay of Foreigners in Lebanon'* the new policies aimed at Syrians were characterised by discrimination, a focus on reducing access to territory and encouraging the return to Syria. Anti-refugee sentiment was present in Lebanon prior to the implementation of the new policies but has increased in the recent years: *"Syrian refugees have been considered as a threat to Lebanon's delicate sectarian balances, because most refugees are Sunni Arabs. Many see the arrival of more than one million Sunni Arabs—with a possibility of permanent settlement similar to Palestinians—as having the potential to destabilize the fundamental roots of an already fragile political system and social order"* (Mencutek, 2017:27). The sectarian nature of the political power-sharing system in Lebanon affects the way Syrian refugees are perceived. With the majority of Syrians being Sunni Muslims, they are viewed as a security threat for Shiite Muslims, an existential threat for Christians and an economic threat for underprivileged Sunnis living in the areas where Syrian refugees have settled. The different politicians in Lebanon each have an interest in Syria. These conflicting interests add to the

complexity in reaching an agreement on managing Syrian refugees between the relevant Lebanese parties, hence the lack of a legal framework to address the need of refugees (Geha, C. and Talhouk, J., 2018). In order for a new norm to be accepted and adopted, it must resonate with the culture and interests in an arena where norm negotiation occurs. Therefore, any global norm that is promoted, will eventually be affected by a process of translation by local actors, to make it fit, if possible, into a domestic context.

A key actor in the promotion of the new norm, with focus on the return of Syrian refugees, is former Foreign Minister and current party leader of Free Patriotic Movement (FPM), Gebran Bassil. He has been advocating for the return of Syrian refugees and has even been accused of inciting anti-refugee sentiment (Harb, P., 2016). As a prominent political figure, Bassil has actively taken part in resisting the Global norm on refugee protection, related to the Principle of *Non-Refoulement*, as the framework was not deemed suitable for Lebanon, due to local constraints and the norms lack of cultural resonance with domestic circumstances: *“In April 2018, Foreign Minister Bassil also formally rejected the outcome of the ‘Second Brussels Conference on Supporting the Future of Syria and the Region,’ because the joint declaration focused on the voluntary return of refugees and the need to ensure effective protection of refugees against risks of forced evictions and returns”* (Elbadawi, H., 2018). Gebran Bassil has in recent years framed and tied the issue of Syrian displacement and return to existentialist elements such as the national economy, security and identity. He has led the campaign in promoting the return of Syrian refugees and describes the repatriation of Syrians as a key factor in the solution to the conflict in Syria:

*“On the regional level, Mr. Gebran Bassil highlighted that the Syrian crisis has caused the security environment to deteriorate and put a serious strain on the Lebanese economy. Furthermore, with regard to the displaced persons’ and refugee crisis, he highlighted that the Lebanese government had adopted a policy paper, which was aimed to stop the mass influx of Syrian nationals into the territory of Lebanon and to reduce the numbers of the already present. Lebanon called the international community and the EU Member States to revise the resettlement policies, and further added that ‘the only durable political solution to the ongoing crisis in Syria, should include the repatriation of Syrian nationals displaced into neighbouring countries”* (The Association Council, 2017:5).

Whether Lebanon’s historical rejection of the global refugee law instrument and its norms, has

made the public and the political establishment more inclined to accept and adopt the new norm on Syrian repatriation, is unclear. However, Lebanese politicians and officials, led by Gebran Bassil, have continuously been agitating for the return of Syrian refugees, as means of promoting a norm through the influencing of public perception and discourse. This was done through the use of nationalistic rhetoric, in which national identity, social cohesion and economic impact was used as justification for the implementation of new policies and practices aimed at Syrians. Bassil's widespread campaign to promote Syrian return manifested itself into the public sphere, where the youth wing of the Free Patriotic Movement campaigned in 2019, to shut down businesses that employed Syrian refugees and non-Lebanese nationals (Chehayeb, K., 2019b). In addition, flyers were also distributed with the text: "*Protect Lebanese workers and file a complaint about violators. Syria is safe for return and Lebanon can no longer take it*" (Chehayeb, K., 2019b). It is clear that actors in promoting the return of Syrians have avoided the use of refugee labelling. They do not consider Syrians as refugees, hence their push for repatriation. By claiming that 'Syria is safe' relevant actors, like Gebran Bassil, have been advocating for the adoption of the norm on Syrian repatriation in recent years, while expressing resistance to the Global norm on refugee protection, related to the Principle of *Non-Refoulement* (Elbadawi, H., 2018).

Whenever a new norm is introduced and implemented, it will undergo a process of translation and negotiation. Within domestic public spheres and political arenas, norms and policies are continuously negotiated for the purpose of establishing proper mechanisms for the enforcement of policies or to change existing ones. In the context of new norm promotion in Lebanon, it is clear that other actors have joined in promoting Syrian repatriation. This is evident in the statement by former Labour Minister, Sejaan Azzi: "*National identity is threatened with change, as the Lebanese entity is at risk. Therefore, the return of the Syrians to Syria is a necessity*" (Mencutek, Z., 2017) and Hassan Nasrallah, General Secretary of Hezbollah "*We will work together so that as many Syrian refugees as possible who want a voluntary and safe return can go back*" (Al Arabiya, 2018). Though prominent actors clearly joined the choir of supporters, other actors criticised the governments' approach and challenged the discourse on Lebanese return policy:

*"We urge the Lebanese authorities to stop these deportations as a matter of urgency," said Lynn Maalouf, Amnesty's Middle East Research Director. Any attempt to forcibly return refugees is "a clear violation of Lebanon's non-refoulement obligations" (Amnesty International, 2019a) & "Lebanese authorities should scrupulously respect the principle of Non-Refoulement, which means not returning refugees to possible danger," Frelick said.*

*“Lebanon shouldn’t create pressures that cumulatively coerce refugees to return involuntarily in conditions that are not conducive to a safe and dignified return”* (Human Rights Watch, 2019b).

It is worth keeping in mind that Amnesty International and Human Rights Watch are present in Lebanon to promote international standards and norms on human rights and refugee protection. Their presence is related to the safeguarding and monitoring of international norms and standards. It is evident that public and political debate in Lebanon has been a battleground for years where discourses and norms on refugees have been promoted and contested. Though a more open policy towards Syrians was present in Lebanese immigration management, it has certainly changed since the restrictions from 2015 went into force. Since then, hardliner anti-refugee rhetoric has been able to gain a foothold and support in the public and political arena, while the number of Syrians returned under the operational facilitation by Hezbollah and the GSO has increased in recent years (Elbadawi, H., 2018).

Following the three step assessment, the next section will analyse how norms are translated into law. According to Zimmermann (2014), translation assessment, local circumstances and cultural filters also affect how laws are drawn up. When global norms are promoted in certain countries, there exists filters and agents in which the norms undergo a translation and adaptation process. Assuming that the norm is not widely contested or resisted. However, in the case of Lebanon, the global norm on refugee protection has been contested for years. The naturalisation of foreign nationals and specifically large groups of refugees, namely the Palestinians and Syrians, would ultimately change the sectarian map in Lebanon. This fear has been one of the main reasons for Lebanese reluctance to accede to the international refugee instrument. Domestic circumstances have thus for years been a determining factor for Lebanese resistance to adopt the Refugee Convention and the norms related. Even the registration of refugees and the status determination process used to be outsourced, reflecting a policy of dissociation on Lebanese side. The large sums of humanitarian aid given by the international community has not improved any legal or operational framework related to the protection of refugees. When the number of refugees exceeded the capacity to host, and the impact too large on local host communities, Lebanese politicians introduced the measures to specifically discourage Syrian immigration into Lebanon and reduce the number of Syrians in the country:

*“When Lebanon first introduced entry restrictions in 5 January 2015, Interior Minister Nohad Machnouk said in a press conference broadcasted on local television that ‘we have enough. There’s no capacity any more to host more displaced”* (Mencutek, Z., 2017:26). Issues of capacity and resources to host thus became one of the official reasons for the implementation

of policies aimed at Syrians. As already mentioned, norms influence and translate into discourses, they further translate into law and lastly implementation. The major changes witnessed in the Syrian management policies in the last five years show that discriminatory measures were introduced to cope with an extraordinary situation. Though the situation has been extraordinary for some time, the aspect of discriminatory in the drafting of the measures is an example of how norms and societal challenges are translated into discourses and further into law.

The Lebanese framing of Syrians as one homogenous group, without taking into account that Syrian nationals are a group comprised of various ethnicities demonstrates how nationalistic discourses and public perceptions on a foreign and vulnerable population, has affected the outcome of policy measures in Lebanon. It can therefore be argued that Lebanon introduced such measures to reaffirm sovereignty over its territories and national identity: “*New policies suggest that marking the territory as Lebanese is done in order to manage and control ‘the home’ which is ‘outnumbered and overpopulated’*” (Mencutek, Z., 2017:29). The Lebanese Government(s) have worked actively to establish mechanisms and instruments that would deteriorate the legal status of Syrians, further endangering their vulnerable situation. Their lack of access to Lebanese protection frameworks, as well as their status in the labour market have demonstrated a clear Lebanese unwillingness to integrate refugees into society. It is illustrated in the measures introduced, not only discriminating Syrians, but also the restrictions imposed as part of the new paradigm shift to reduce access and the number of Syrians. This form of domestic contestation towards the norm on refugee protection, related to the Principle of *Non-Refoulement*, can be identified in Lebanese laws, looking at the measures targeted Syrians, which deflects from normative practises in refugee protection. A specifically designed law framework for the control and management of Syrian refugees, working separately from already established judicial procedures for other immigrants, is another indication of how external ideas and norms on refugee protection and management, are resisted across the political spectrum in Lebanon.

Though it is possible to identify protective elements for registered political refugees, the granting of asylum is a tool rarely practised in Lebanon and one might wonder if it is present in Lebanese law for symbolic purposes, hence the rare practice. The current legal framework for the management of Syrian refugees does not determine risk of persecution on the basis of individual assessment. Syria is considered safe across the political spectrum and the instruments placed to facilitate the “safe” return are therefore considered lawful, despite objections from international organisations referring to the obligations deriving from the

Principle of *Non-Refoulement* (Human Rights Watch, 2019c). Another element to keep in mind, which also illustrates the reason for Lebanon's reluctance to adopt the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is the principle of Good neighbourliness (Janmyr, M., 2017). The principle is based on an understanding that States should not interfere in the internal matters of neighbouring countries. By acknowledging and applying the refugee label, Lebanon would recognise certain forced migrants as refugees and thereby acknowledge that neighbouring countries persecute their people and act in violation of prescribed human rights (Janmyr, 2017). This leads us to the last step of the three step assessment, which ultimately will provide us with insight into how local circumstances and actors influence and affect norm diffusion processes and outcomes, and how this is transposed into discourse, law and implementation.

At the step of implementation and enforcement, it is relevant to highlight the policies implemented, especially the Lebanese repatriation policy and the instruments that facilitate the procedures. This is to demonstrate how a process of Localization affects the policies and the enforcement that follows. The number of Syrians returned has increased in recent years. The procedure has been pushed forward in several ways. Firstly, the GSO established registration centres, where Syrian nationals have been able to sign up for return. On a separate track, Hezbollah have also established similar centres across Lebanon. When Syrians have registered for return, the GSO or Hezbollah facilitate their return in cooperation and coordination with Syrian authorities. The two entities are thus the two main actors in facilitating the return of Syrians. Although none of the parties or relevant actors have directly expressed a political will to impose forced repatriation measures, they put pressure and intimidate refugees in order to push for their return (Geha, C. and Talhouk, J., 2018).

The sectarian power-sharing system in Lebanese politics have also been reflected in the diverging attitude towards the Syrian Government and the conflict. While some parties have expressed willingness to cooperate others have joined the international community and refrained from any cooperation and dialogue. Hezbollah, the Amal Movement and the Free Patriotic Movement have been welcoming to cooperate and normalise diplomatic ties with the Syrian regime as they regard the Assad regime as an ally. Hassan Nasrallah, Hezbollah's Secretary-General, called for a dialogue with the Syrian regime in order to coordinate the return of Syrian refugees to areas declared safe in Syria (Atallah, S. and Mahdi, D., 2017). However, this has not been the case with other parties such as the Future Movement and the Progressive Socialist Party (Geha, C. and Talhouk, J., 2018). During mid-2017, Prime Minister Saad Hariri and members of his government argued against any political engagement with Syria and

Hezbollah's dialogue with the Syrian Government (Moubayed, S., 2019). However, Hezbollah and the Free Patriotic Movement did not refrain from these instructions and have worked collectively to re-establish political and diplomatic ties between the two countries (Moubayed, S., 2019). It has been evident throughout the Syrian conflict that the Lebanese Parliament has struggled to reach a unified position on the war in Syria (Geha, C., 2019). In 2018, Hezbollah declared a plan to help ensure the safe and voluntary return of Syrian refugees in coordination with the GSO in Lebanon (Francis, E., 2018). The party has argued that Syrian refugees should return to either government-controlled or rebel-held areas in Syria (Atallah, S. and Mahdi, D., 2017). UNHCR argues that there are no safe zones in Syria. However, the former Lebanese Foreign Minister, Gebran Bassil, has stated that Syria is 'safe enough' for the return of Syrian refugees and has repeatedly called for the immediate repatriation of Syrians (Geha, C. and Talhouk, J., 2018). Not surprisingly, the FPM has been the most vocal party in promoting the return of refugees. The party claims that the stay of Syrian refugees in Lebanon has enabled them with resources to establish a particular lifestyle and therefore, the longer they stay in Lebanon the harder it will be for them to return to Syria (Atallah, S. and Mahdi, D., 2017). Moreover, The Future Movement led by Saad Hariri, and Lebanese Forces (LF) called for the creation of "safe zones" along the Syrian border, under the control of the United Nations and the International community (Atallah, S. and Mahdi, D., 2017).

The overall return operations are divided between formal and informal channels. The GSO facilitates a formal return track, while Hezbollah has set up informal return operations. Hezbollah's return operations have not been disclosed and therefore lacks essential information for organisations to determine how return practises are enforced. These two parallel tracks for return, emphasises the need to guarantee the safety and protection of returned Syrians. While safety in Syria is perceived differently by Lebanese actors and international actors, it has not refrained the GSO nor Hezbollah to develop and facilitate small scale return operations in the recent years. This leads to questioning to what extent are the returns voluntary? and to what extent is safety guaranteed for Syrians returning? Lebanese authorities have maintained that no Syrians are forcibly returned: *"My government's position is very clear. Nobody's going to force anyone to go back if they don't want to go back"* (Arab News, 2018). The Hezbollah have also reiterated this position on return policy: *We will work together so that as many Syrian refugees as possible who want a voluntary and safe return can go back* (Al Arabiya, 2018). It is relevant to note that refoulement is not only to be understood as the act of forced deportation or rejection when seeking refuge. It is also when States decide on using excessive measures, such as manufacturing vulnerability among Syrians, to put indirect pressure on them to return. This

pressure is manifested through the deterioration of Syrians' legal status in Lebanon, discriminatory policies aimed at Syrians, closure of informal settlements across the country, arbitrary arrests and imposed curfews for Syrians (Amnesty International, 2019b). As established earlier, the overall objective of the restrictions introduced were to reduce the number of Syrians present in the country and to limit access to Lebanese territories. The indirect pressure put on Syrians' livelihoods have functioned as a mechanism to incentivise and encourage return, as stated by Lynn Maalouf, Middle East Director at Amnesty International:

*“By failing to ensure refugees are protected from attacks, harassment or intimidation and imposing unfair and restrictive policies that make their lives more difficult, the Lebanese authorities are fuelling an environment that effectively coerces refugees to return to Syria”* (Amnesty International, 2019b). In addition, there have been reports of Syrian's being forced to sign “voluntary” repatriation forms: *“Human Rights Watch and other groups said some of the deported expressed fear of persecution in Syria and were forced to sign “voluntary” repatriation forms, despite Beirut's commitment not to forcibly return any Syrians”* (El Deeb, S., 2019). This form for pressure put on Syrians, is evident in the enforcement of discriminative policies. It is thus also evident how the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is resisted in Lebanese enforcement on policies related to migration and refugee management. Another important aspect is whether the safety of returned Syrians is guaranteed. The risk of persecution by Syrian authorities is substantive for some refugees. Three individuals were detained upon arrival in Syria in 2019 and HRW further reports that no judicial process was offered to the individuals prior to their deportation (Human Rights Watch, 2019d). Though the use of chemical weapons and large-scale violence is reduced in most parts of Syria, it does not constitute an all safe space for all Syrian nationals.

### **6.2.1 Sub- Conclusion**

On the basis of a three step assessment, inspired by Zimmermann (2014), it is evident that public and political debate in Lebanon has been a battleground for years where discourses and norms on refugees have been promoted and contested. The global norm on refugee protection has been contested in Lebanon, however, it is relevant to mention that while the global norm was contested, a new norm was promoted. Local actors, like Gebran Bassil, Hassan Nasrallah, and Saad Hariri, have been prominent voices in the public debate on the management of Syrian nationals. Discourses on Syrian refugees have affected and influenced how the global norm on refugee protection is perceived, understood and translated in the country. These discourses, aimed at promoting the return of Syrians, have also been challenged by Amnesty International



and Human Rights Watch, operating in Lebanon. In addition, it is also evident, at the second step of the assessment, that norm contestation towards the global norm on refugee protection is reflected in domestic law, hence its discriminatory nature towards Syrian nationals. The final step of the assessment provides us with insight into how the implementation and enforcement of return policies is affected by resistance, but also how the promotion of a new norm through discourses, law and implementation have resulted in parallel return operations facilitated by key actors in Lebanon. Lastly, it is possible to identify how the global norm on refugee protection, related to the Principle of *Non-Refoulement*, has been diffused, resulting in the outcome of resistance.

### **6.3 Discussion**

This section answers the last research question in this thesis, *What are the differences and similarities between the answers to research questions 1 and 2?* by discussing the findings of the two research questions, in order to answer the overarching problem formulation “*How the Global norm on refugee protection, related to the Principle of Non-Refoulement, has been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020*”.

Throughout this thesis, it is evident that Lebanon has faced serious challenges as a result from the large refugee influx from Syria. This has prompted norms to be negotiated, contested, translated and adopted through public and political discourses, international negotiations, the introduction of restrictive policy measures and the implementation of the main objectives of these initiatives. The findings of the first part of the analysis suggest that norm resistance is evident in Lebanon, in relation to the global norm on refugee protection. Through the use of evasion strategies, Lebanon manages to avoid established norm practices in international refugee protection. In addition, it was possible to identify the promotion and adoption of a new norm practice, with the new policy measures from 2015, specifically targeting Syrians. This demonstrated a paradigm shift in Lebanese management of Syrian nationals. It is furthermore possible to identify that the subsequent Lebanese Government interpret and translate the global norm on refugee protection, related to the Principle of *Non-Refoulement*, in a way aligned with Lebanese self-interest, to cope with a critical situation in Lebanese society. The findings of the second part of the analysis suggest that prominent local actors in Lebanon have promoted a new norm in the management of Syrian nationals. On the basis of a three step assessment, it is evident that public and political debate in Lebanon have influenced the way that norms are

translated into discourses, law and finally into implementation. Lebanon has been a battleground for years where discourses and norms on refugees have been promoted and contested by national and international actors. The second part of the analysis thus identifies how the global norm on refugee protection has been diffused by national actors, resulting in a norm diffusion outcome of Lebanese resistance to the global norm of refugee protection, related to the Principle of *Non-Refoulement*. International actors have also participated in the diffusion process, by contesting the discourses on Syrian return. However, it was not possible to identify any norm diffusion outcome on the basis of international actors' diffusion strategies.

The differences between the findings in part one and two of the analysis are not many, however, there are some differences relevant to highlight. Firstly, it is possible to identify that Lebanese norm resistance has been continuous throughout the defined time frame of this thesis. However, it is relevant to point out that the means and strategies of norm resistance have varied depending on the context and setting. Through the use of different evasion strategies, the subsequent Lebanese Government(s) have managed to avoid the responsibilities that stem from the global norm on refugee protection, while adopting a new norm and practise that allowed for the management of Syrians based on restrictive measures. Furthermore, the process of Localization has identified and demonstrated an attitude of resistance, towards the global norm on refugee protection at all levels of the three step assessment: Discourse, Law and Implementation. Secondly, the two analyses have also identified the different ways in which Lebanon resists the global norm on refugee protection, during international negotiations or in domestic contexts. Lebanese norm resistance is manifested differently when negotiating internationally, compared to the use of discriminative rhetoric and enforcement when pushing for Syrian return in Lebanese political and public arena. An argument for the different manifestation would be that during international negotiations, Lebanon enters into an arena where diplomatic engagement can affect relations, as well as international and foreign aid.

While Lebanon is dependent on foreign aid in the management of Syrian refugees, they have also been able to apply indirect pressure on the international community during negotiations and conferences. As a neighbouring country, Lebanon has become a main destination. This has prompted many challenges for the small Mediterranean country. Any further deterioration of the Lebanese resilience could at worst lead to a state collapse and cause mass migration to Europe. With Europe increasing the security at its external borders to cope with migration movements (Lemberg-Pedersen, M., 2012), and the EU-Turkey agreement from 2016 (European Commission, 2016), one could further argue that it is in the interest of the EU to maintain refugees in the region. Furthermore, the drafting of discriminatory law followed by

enforcement has proved to serve as an instrumental tool of resistance to the global norm of refugee protection and a pushing-mechanism for Syrian return. Although this is the case, it is still clear that the Lebanese resistance to the global norm on refugee protection is pushed differently, depending on the arena in which the norm is negotiated.

The similarities between the findings in part one and two of the analyses are more common. Firstly, Lebanese resistance to the global norm on refugee protection is evident internationally and domestically. Although manifested in different ways, one may argue that Lebanese norm resistance appears at all levels of analysis, thus influencing public and political views on Syrian presence and return. Secondly, the narratives linked to Lebanese norm resistance are: National security, identity, the extraordinary humanitarian effort in hosting Syrian communities, as well as the economic impact resulting from the large influx, are all key reasons used to promote Lebanese resistance to the global norm on refugee protection related to the Principle of *Non-refoulement*. Furthermore, it is possible to identify a coherence between discourse, law and implementation, that relates to Lebanese resistance. The government(s), authorities, national and political actors, have all participated in the active promotion of Syrian repatriation and thus resisted the global norm on refugee protection, related to the Principle of *Non-Refoulement*.

A frequent question asked, is whether this type of Syrian repatriation from Lebanon is sustainable? There is no denying that the Lebanese Government has experienced massive pressure, economically, socially and politically, due to the repercussions of the mass influx, therefore, one of the goals of the Lebanese Government, has been to make the immediate return of Syrian nationals as effective as possible. Based on the narrative of "safe" return, authorities have pursued small scale return operations to cope with the challenges that the political establishment have faced. However, under the current framework, there are no guarantees of a safe and sustainable return, beyond the claims from Lebanese side. The lack of individual due process prior to repatriation can put some Syrians at risk of persecution. It is relevant to remember that many of the Syrians that fled the conflict to begin with, were in opposition to the Assad-regime. Any return could therefore prompt persecution and arrests. A way to meet the requirements of safe return, could be the creation of safe zones to territories where refugees are returned, under the coordination and management of UNHCR. This could be an initiative, which would be seen as an initial step towards a more sustainable return process, due to UNHCRs prescribed mission (UNHCR, 2019c). The creation of safe zones must be organised under an agreement between multi-participatory actors that are able to agree on the establishment of safe zones to provide a safe environment for returned Syrians. However, it

could be argued that the creation of safe zones in itself is insufficient, as UN monitoring operations must be allowed to safeguard civilians needs and follow the security development inside Syrian territory. The lack of UN monitoring operations would raise the question of whether safe zones in reality would constitute a safe environment for returned Syrians or it would increase the risk of the Syrian regime persecuting Syrians suspected of supporting the opposition.

As already mentioned, it is important to keep in mind that some of the refugees might be in opposition to the regime and placing them within Syrian territories could put them at risk of persecution and arrest, as seen with cases of at least three returned Syrians in 2019 (Human Rights Watch, 2019d). Furthermore, from a migratory perspective, the creation of safe zones could prevent mass migration to other countries. It is evident that Lebanon has been resilient in hosting Syrian communities over the years but has also been much affected by the large influx. One could then argue that the repatriation of Syrian refugees is an important element in the further stabilisation of Lebanon, however, the repatriation of Syrian refugees to territories deemed unsafe by international organisations, could also give rise to another wave of tensions and conflict, if the security situation is not improved prior to a return initiative. Although there are pros and cons for the creation of safe zones inside Syria, it is inevitable to keep in mind that safe zones do not solve the cause of the conflict.

Throughout this thesis, some of the reasons for Lebanon's long-term rejection of the major refugee law instrument have been presented. When looking into Lebanese policies on refugees and immigrants, an obvious question arises: What are the advantages and disadvantages of acceding to the major refugee law instrument? In the following section, an overview and discussion of the advantages and disadvantages of ratifying the Refugee Convention and the Protocol will be provided.

Firstly, Lebanon was one of the founders of the refugee law instrument, but has not joined with a formal ratification (Janmyr, M., 2017). As already mentioned, aspects of social and sectarian cohesion, political and economic impact are some of the reasons given for Lebanon's historical rejection of the Convention. But what would it mean to ratify to the Convention and its Protocol from 1967? Ratification would entail State support for the international protection of refugees and the instrument that safeguards their fundamental rights (UNHCR, 2001). It could also help to prevent and avoid disputes between states, as hosting refugees should be perceived as a legal, humanitarian act, rather than a hostile gesture (UNHCR, 2001). The advantages for Lebanon in acceding the Refugee Convention and the 1967 Protocol are many. Secondly, accession will ensure that fundamental rights of individuals

and refugees are met. Ratification is also explained as following: “*form the foundations of the international refugee system and provide the legal foundation of refugee assistance and the basic statute guiding the work of the UN Refugee Agency (UNHCR)*” (Forced Migration Review, 2020). With accession, Lebanon will apply human rights standards and agreements relating to refugees within domestic law. Ratification can help the international and host communities in sharing the burden and responsibility of protecting refugees. In the case of Lebanon, the aspect of burden-sharing will have a beneficial impact on Lebanese society, as the pressure resulting from the large refugee influx would be eased. Furthermore, in ratifying the Convention and the Protocol, Lebanon will also appear as a pioneering country in a region where several States have refrained from ratifying. Though it is a region affected by conflict and violence, ascribing to international standards and practises within refugee law, would benefit civilians from the region seeking refuge. However, especially in a region affected by war and conflict, a sovereign State, like Lebanon, must also balance the advantages of ratifying the Refugee Convention with the political realities and implications arising from such ratification. As presented, there are several advantages linked to the ratification of the Refugee Convention and its 1967 Protocol. However, there are also disadvantages to be identified. The majority of refugees in Lebanon are from countries in the region. Currently, the numbers show that Syrians make up the majority of registered refugees in the country, while the second-largest group are registered Palestinians under the mandate of UNRWA, followed by refugees from Iraq (UNHCR, 2020c; UNRWA, 2019). The Lebanese recognition of the refugee status for individuals fleeing conflict in neighbouring countries, could, according to Maja Janmyr, be in violation of the “Good - Neighbourliness” Principle that exists between Arab countries (Janmyr, M., 2017).

It is possible to argue that this could constitute a disadvantage, due to the violation of this interregional principle, putting a strain on future relations between the Lebanese government and other states in the region. Maintaining good interregional ties is relevant in Lebanese foreign policy, which was reflected in the Lebanese position of ‘neutrality’ in 2012, when former Prime Minister Najib Mikati (June 2011-March 2014) expressed: “*Mikati publicly expressed the country’s dilemma when he stated: ‘taking a position [against Syria] would hurt our geopolitical interests, while being against Arabs would force us to lose in several ways’*” (Mencutek, Z., 2017:10). The argument is thus that Lebanon refrains from taking sides, maintaining neutrality, while referring to issues in other countries as ‘internal matters’ (Constantine, Z., 2012). By recognising the status of refugees under the framework of the Refugee Convention, could then be perceived as an act of acknowledging that fellow Arab

League members persecute their own citizens. This would be damaging for diplomatic and trade relations with the surrounding countries in the region. It is believed by prominent Lebanese leaders, that Lebanon is founded on the belief that regional neutrality is an element that has kept Lebanon out of interregional conflicts (Reuters, 2020). A preference to exercise its own sovereignty was visible following the Lebanese suspension of UNHCR's registration and determination mandate in 2015, when the Lebanese Government reserved its sovereign right, by taking control of the refugee determination process based on its own legislative measures introduced in January 2015. Furthermore, another often used argument for the disadvantages of ratifying the Refugee Convention, is the political and economic implications stemming from large influxes. Firstly, a ratification would allow refugees and their descendants to pursue naturalization and permanent settlement. The argument here is based on Lebanon's inability and unwillingness to integrate such large groups into society:

*“undeniably, the presence of up to 400,000 Palestinian refugees under UNRWA's mandate is one of the principal reasons deterring the Lebanese authorities from accession to these refugee law instruments. Lebanon fears the potential local integration would upset the sensitive demographic and socio-economic balance in the country”* (Janmyr, M., 2017:444).

As suggested above, the naturalization of refugees will have great implications. Whether in the labour market, education, health or other sectors, the integration of such a large group will not be unhindered. Established political parties could face their demise, while other political movements could emerge and disrupt the political landscape. This is a factor in the *“unanimous political agreement on the rejection of naturalization of refugees in Lebanon”* (Janmyr, M., 2017:450). Due to the power-sharing system in Lebanon, allowing the integration of namely Palestinian and Syrian refugees, could likely tip the balance and disrupt the power-balance in the country.

Secondly, worth to mention is the potential economic impact of ratifying the Refugee Convention. The financial burden from hosting refugees have since the offset of the Syrian war been visible in all areas of society. It is estimated that: *“[...]as a result of the Syrian crisis, some 200,000 additional Lebanese have been pushed into poverty, adding to the erstwhile 1 million poor. An additional 250,000 to 300,000 Lebanese citizens are estimated to have become unemployed, most of them unskilled youth”* (The World Bank, 2019). If Lebanon ratifies the Convention within a short-medium term, it would further complicate the societal challenges witnessed in Lebanon, as the country would likely become an attractive destination for

refugees, as many other countries in the region reject the Convention. However, with all this in mind, it is relevant to mention that the current presence of Syrians in the country is much related to the poor security situation in Syria, refugees' lack of resources to leave Lebanon and the European rejection of migration flows at its external borders (Benedicto, A. R. and Brunet, P., 2018). At this point, it should be clear what implications the conflict in Syria has caused nationally and regionally, especially to the neighbouring countries. Throughout this thesis, it has been investigated how the Lebanese subsequent Government(s) and relevant national and international actors in Lebanon, adopted, resisted and/or evaded the global norm on refugee protection, related to the Principle of *Non-refoulement*.

## **Conclusion**

Conclusively, the answer to: *How has the global norm on refugee protection, related to the Principle of Non-Refoulement, been adopted, resisted and/or evaded by international and national actors, in the case of Syrian refugees in Lebanon between the 1st of January 2015 - 30th of June 2020?*, is that international actors have adopted the global norm on refugee protection in Lebanon, while national actors have continuously resisted in the years 2015-2020. In addition, as part of an overall norm resistance strategy, relevant national actors have also promoted a new norm, which ultimately led to the introduction and implementation of restrictive measures aimed at Syrians, which implied a paradigm shift in the Lebanese management of Syrian refugees. By employing evasion strategies of Steering, Non Designed-flexibility and Designed-flexibility, Lebanon has managed to circumvent the responsibilities deriving from the global norm on refugee protection in the context of the management of Syrians.

On the basis of a three step assessment, it has been possible to identify how the public and political debate in Lebanon have influenced the way that the global norm on refugee protection has been translated into discourse, law and finally into implementation. This process of Localization has demonstrated an apparent resistance towards the global norm on refugee protection at all levels of the assessment, where it was also possible to identify a coherence between discourse, law and implementation, that relates to Lebanese norm resistance. Firstly, hardliner rhetoric expressed by relevant national actors and anti-refugee sentiment has affected and influenced how the global norm on refugee protection is perceived, understood, translated in the country. Secondly, norm contestation towards the global norm on refugee protection was also reflected in domestic law, due to its discriminatory nature towards Syrian nationals.

Thirdly, the practical implementation and enforcement suggests that Lebanese resistance towards the global norm on refugee protection, related to the Principle of *Non-Refoulement*, is evident in the management of Syrians, as well as Lebanese repatriation policy of Syrian nationals.

The similarities between the outcomes of research questions one and two, suggest that Lebanese resistance of the global norm on refugee protection is evident internationally and domestically, however it is manifested differently. Additionally, there are not many differences identified between the outcomes of the research questions, beyond the applied means and strategies of norm resistance which have varied depending on the arena and setting.

Finally, it is concluded that the norm diffusion process, provides outcomes of national actors' adoption to a new norm on the management of Syrians, their resistance, as well as evasion of the global norm on refugee protection related to the Principle of *Non-Refoulement* in the case of Syrian refugees in Lebanon, between the 1st of January 2015 - 30th of June 2020. However, it was not possible to identify any norm diffusion outcomes, beyond norm promotion and adoption, in international actors' diffusion strategies in Lebanon.



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