Safe, Voluntary, and Dignified Return for Syrian Refugees from Lebanon

A synthesis of ideas and ways forward discussed at a migration policy roundtable in Beirut

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Recommendations:

• Plans for repatriation must be rooted in protection standards and principles – including that refugee repatriations be well-informed through a tripartite agreement between the Governments of Lebanon and Syria and the United Nations High Commissioner for Refugees (UNHCR).
• Monitoring of the repatriation process must be ensured through close cooperation with UNHCR and the Government of Syria – and adequate and comprehensive information must be provided to refugees.
• Reactivating UNHCR’s registration of Syrian refugees is a necessary step moving forward.
• Reintegration assistance must be provided post-arrival in Syria within ongoing humanitarian programmes.
• Ongoing voluntary repatriation must be carried out in safety and dignity by local authorities – and should only be carried out in specific areas where the conflict has ceased and protection thresholds upheld.
• The international community must support Lebanon as a leading refugee host State, ensuring that Lebanon has both the adequate financial support to manage the refugee crisis and bilateral agreements for eventual resettlement of refugees to safe third countries.
• Ensure that Syrian refugees who wish to return can attain housing, land and property rights, a pivotal component of dignified and durable return.

Introduction

With an estimated 1.5 million Syrian refugees within its borders, Lebanon hosts the highest proportion of refugees worldwide.1 Refugees and hosts alike have been forced into extreme poverty and higher protection risks as a result of the nation’s escalating socio-economic crisis.2 The Government of Lebanon stated in 2022 that it would send 15,000 Syrian refugees home to their country each month, insisting that Syria was now safe for return, and also willing to welcome refugees back.3 Human rights organizations, however, continue to gather evidence on Syrians being arbitrarily arrested, subjected to sexual assault, forcibly disappeared, and tortured upon returning home.4 Testimonies from Syrians confirm this.5

2 Ibid.
In a context where the issue of return has become deeply politicized, it is essential that we consider how the repatriation of Syrian refugees from Lebanon should proceed, paying close attention to protection principles and prerequisites for safe return, while also taking into consideration broader discussions about Lebanon’s approach to repatriation, the position of the United Nations High Commissioner for Refugees (UNHCR) and its role, as well as regional and global discussions on how return can become durable and sustainable. With this in mind, the UNHCR and the Institute for Migration Studies at the Lebanese American University convened a migration policy roundtable in Beirut to explore these issues in more detail and identify concrete ways forward for policy and practice.

**Key Issues and Priorities**

Reports suggest that deportations from Lebanon in 2023 have increased sharply, although accurate numbers remain unattainable amid a lack of government/official figures. According to a 2023 Al-Jazeera report, a senior humanitarian source, who was “not authorized to speak publicly,” informed the news agency that more than 1,100 Syrians had been arrested and 600 deported since the beginning of the year. The Syrian Network for Human Rights insists that 168 Syrians were forcibly returned in April alone, and UNHCR confirms that at least 13 raids have taken place to detain Syrians for future deportation, including those who are registered with the UN agency.

UNHCR maintains that it still has not had the assurances from Lebanon and Syria that it needs in order to support the repatriation of Syrian refugees. This was reflected in comments made by the UNHCR Representative in Lebanon at the roundtable. UNHCR has notified the public in an official statement that it has not held talks with Beirut or Damascus regarding the repatriation of refugees in any official capacity. The statement’s opening line stated that “UNHCR continues to call on the Government of Lebanon to respect the fundamental right of all refugees to a voluntary, safe, and dignified return,” whilst stressing that more than 90 per cent of Syrian refugees are living in abject poverty.

Lebanon’s caretaker Minister of the Displaced currently rejects reports on the human rights violations taking place in Syria, describing them as a “fear campaign,” and insisting that the Government of Syria has agreed to drop all charges against former opposition fighters and political opposition. The Government of Lebanon has urged UNHCR and donor states to divert aid to Syria. While this action is not wholly beyond the purview of safe return/voluntary repatriation, it is regrettable nonetheless disconnected from more intricate international legal frameworks and processes.

Access to information for Syrian refugees remains a challenge. The absence of a tripartite agreement between Lebanon, Syria, and UNHCR means that the three parties do not currently work in close collaboration to oversee a safe, dignified, and voluntary repatriation process. This has also meant that Syrian refugees in Lebanon still lack adequate information about on-the-ground realities and situations in places of return. Syrian refugees not only have no access to information surrounding the realities in Syria as they unfold, but have conventionally also not had access to the agreements that govern them. In the absence of access to the aforementioned, as well as the absence of reliable information networks, Syrians wishing to return do not possess any ‘proof’ that the conflict has ended, nor that protection standards in line with international refugee law are upheld.

The absence of an intersectional approach prevents Lebanon from drawing a clear line between Syria being ‘safe’ as opposed to it being ‘safe for whom?’ Persecution on the grounds of religion, nationality, gender, membership in a particular social group, and political opinion have reportedly long formed part of many Syrians’ realities even before the Syrian Civil War. Roundtable participants from UN agencies, embassies, and

7 This policy brief summarizes the key statements and discussions at a Migration Policy Roundtable in Beirut on 5 April 2023, co-hosted by UNU-CPR and the Institute for Migration Studies at the Lebanese American University. The roundtable brought together representatives from the UN system, including UNHCR, Member States, international organizations, and civil society to discuss the issue of Syrian repatriation in the context of Lebanon and identify concrete policy solutions.
10 Ibid.
12 Ibid.
13 Ibid.
15 Ibid.
16 Ibid.
19 Ibid.
local humanitarian organizations confirmed reports that Syria has long been unsafe for multiple groups of people, including: critics of the Government, Sunni nationals, LGBTIQ+ nationals, and human rights activists. In the absence of a conversation on intersectional and layered forms of persecution, how is it possible to have certain conversations on Syria’s safety through such a blanket lens? Moreover, the blanket approach the Government of Lebanon adopts in categorizing refugees as either ‘economic migrants’ or ‘temporarily displaced persons’ makes it impossible for Lebanon to assert that a Syrian refugee is not protected under the non-refoulment principle first, and the Convention Against Torture second.\textsuperscript{21}

The Government of Lebanon has requested that UNHCR share its registration data with local security forces and the Ministry of Interior.\textsuperscript{22,23} This is interesting for a key reason. Since the Government of Lebanon has requested that UNHCR suspend registration since 2015, the data UNHCR now possesses, largely of those registered with the UN agency, not only falls short of depicting the true numbers of Syrians in the country,\textsuperscript{24} but importantly, only includes refugees that the Lebanese caretaker Minister said “would not be deported” since they “qualify as refugees.”\textsuperscript{25} According to UNHCR, refugees registered with the agency have been deported – a reality that would certainly discourage an information-sharing agreement.\textsuperscript{26}

The Government of Syria’s return policy reportedly stipulates that only certain groups are welcome to return. As outlined by the discussant in our joint roundtable, and echoed by analysts, the Government has preferred the return of populations to rural areas more than those returning to major cities.\textsuperscript{27} This is reportedly due to a number of factors related to the regime’s ability to provide services, infrastructure support, and secure livelihoods in major cities.\textsuperscript{28} Reports assert the fact that Syrian authorities remain unable to secure adequate multi-sectoral services in many cities – including energy, education, healthcare, and transportation.\textsuperscript{29} Consequently, refugees return to major cities exacerbates the already-present strains on very limited services, particularly amid a growing fuel crisis and power shortages.\textsuperscript{30}

**Housing, land, and property rights (HLP) remain ambiguous, problematic, and unattainable.** The Government of Syria has adopted a number of legislative decrees aimed at weakening the HLP rights of Syrians. This has predominantly taken place through the manipulation of laws related to real estate ownership. This includes Legislative Decree 66 of 2012\textsuperscript{31} and Law 10 of 2018,\textsuperscript{32} which are both applied in Damascus and other major cities. According to a report by the Tahrir Institute for Middle East Policy, these laws “contribute to the expropriation of property from those who cannot prove their ownership over their property, especially in the absence of the owner.”\textsuperscript{33} Additional exploitation of HLP rights includes the executive seizure that is implemented on the property of a male and his family if he fails to complete mandatory military service before turning 43 years of age.\textsuperscript{34}

According to Law 35 of 2011, which ultimately amended the military conscription Law 30 of 2007, military service is intended to last 18–21 months.\textsuperscript{35} However, since the beginning of the Civil War, conscripts have not been discharged after their compulsory military service has been completed.\textsuperscript{36} Moreover, the Government of Syria, according to the Syrian Network for Human Rights, is reportedly also leasing agricultural lands belonging to Syrian refugees and internally-displaced persons through public auctions in the absence of their rightful owner in areas such as Hama and Idlib after they fell back under government control.\textsuperscript{37}

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\begin{itemize}
\item \textsuperscript{20} Ibid.
\item \textsuperscript{24} Lebanon hosts some 805,000 registered Syrian refugees, but estimates place the total number at anywhere between 1.5 million and more than 2 million.
\item \textsuperscript{28} Ibid.
\item \textsuperscript{29} Ibid.
\item \textsuperscript{31} Syrian People’s Assembly (2012), Legislative Decree 66 of 2012 creating two regulatory zones within the Damascus Governorate. Accessible at: http://parliament.gov.sy/arabic/index.php?node=5588&cat=4300& [translated from Arabic].
\item \textsuperscript{33} Ibid.
\item \textsuperscript{34} M. Al-Mustafa, “The depletion of society feeds the army,” Carnegie Middle East Center, 2023, https://carnegie-mec.org/dwars/81138 [translated from Arabic].
\item \textsuperscript{35} “2.2.1. Military service: overview,” European Union Agency for Asylum, last accessed 2 November 2023, https://euaa.europa.eu/country-guidance-syria-2021/221-military-service-overview-#text=According%20to%20Law%2035%20of%202011%20had%20to%20continue%20their%20military%20service.
\item \textsuperscript{36} Ibid.
\item \textsuperscript{37} Syrian Network for Human Rights, Public auctions of the lands of the forcibly displaced persons; No less than 440,000 dunums of agricultural land seized by the Syrian regime in the countryside of Hama and Idlib (2021). Accessible at: https://snhr.org/arabic/2021/02/11/13171 [translated from Arabic].
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Policy Recommendations

Based on discussions at the roundtable as well as recommendations from a UNU-CPR discussion paper Safe Return and Voluntary Repatriation for Syrian Refugees from Lebanon: What Needs to Happen Next?, Lebanon’s policy on repatriation must include the following elements in order to ensure that repatriation is a durable solution for Syrians and conforms with international refugee law as well as safe, dignified, and voluntary return:

Plans for repatriation must be rooted in protection standards and principles, including that refugee repatriations be well-informed through a tripartite agreement between the Governments of Lebanon and Syria and UNHCR. Repatriations must also be voluntary on the part of those returning, and safe and dignified for all parties involved.

Monitoring of the repatriation process must be ensured through close cooperation with UNHCR and the Government of Syria, and adequate and comprehensive information must be provided to Syrian refugees so they are well informed of conditions in areas of return and can use this information to organize their return. A comprehensive repatriation policy must additionally factor in returnee counseling, and verification of the voluntary character of repatriations.

Reactivating UNHCR’s registration of Syrian refugees is a necessary step moving forward. Given Lebanon’s failure to make distinctions between who qualifies for protection, who qualifies as a refugee, who is an economic migrant, as well as who the non-refoulement principle protects in its return practices, registration can provide a more accurate estimate of the total number of Syrian refugees in Lebanon, as well as outline who in fact qualifies for protection.

Reintegration assistance must be provided post-arrival in Syria within ongoing humanitarian programmes. This can be ensured through the aforementioned tripartite agreement, whereby UNHCR can exercise its mandate to ensure that the transitional period following repatriation is sustainable, durable, and safe in the long term.

Ongoing voluntary repatriation must be carried out in safety and dignity by local authorities, and should only be carried out in specific areas of Syria, where there is evidence that the conflict has ceased and protection thresholds, in accordance with international refugee law and standards, are upheld.

The international community must support Lebanon as a leading refugee host state, ensuring that Lebanon has both the adequate financial support to manage the refugee crisis and bilateral agreements for eventual resettlement of refugees to safe third countries. In addition to material support, the international aid community must lead in identifying and outlining the conducive conditions for principled larger scale return that is sustainable.

Ensuring the attainment of HLP rights for Syrian refugees who wish to return to Syria remains a pivotal component of dignified and durable return, and is reflected in research on the sentiments of Syrian refugees around return, their intentions, as well as what is needed for them to adequately inform themselves about their rights in the case of return. Importantly, there remains a need to assess for who return is possible and under what conditions.

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