



The Head Out of the Sand

The Syrian Refugees' Return to their
Homeland: Approaches and Prospects

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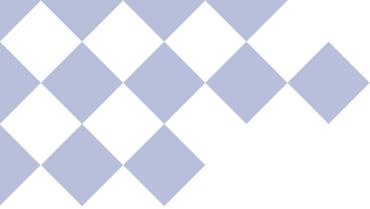
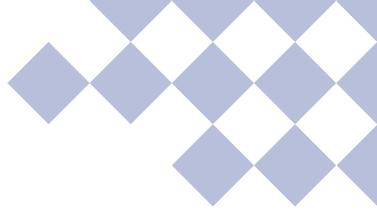
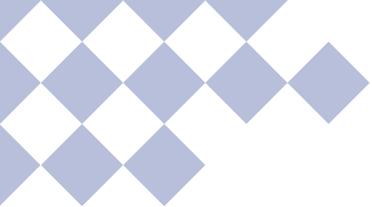


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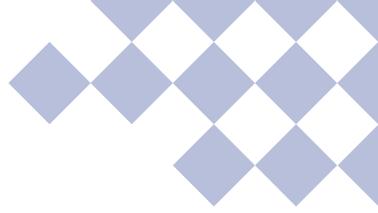




Introduction

Eight years into the Syrian war, the prospects for a political solution and sustainable stability still appear to be a far-off goal. The presence of foreign armies and sectarian militias controlling large areas of the Syrian territory, the intransigence of the regime, its holding on to power and fantasizing about a military resolution despite all the bloodshed, hatred and extremism it has caused have not subsided but rather grown. They have grown despite the fact that the regime has lost control over large parts of the Syrian territory, - it has been failing to even effectively control the territory it claims to be under its control- and that once a political solution is implemented and stability is restored, the reconstruction of Syrian cities and villages, most of which have been destroyed, is expected to take tens of years and billions of dollars. In view of this reality and the bleak picture of Syria's near future, one cannot but wonder about the fate of the seven million Syrian refugees who have been forced to flee their houses, villages and cities to escape the threat to their lives. Four out of the seven million have sought refuge in neighboring countries (Turkey, Lebanon, Jordan, Iraq) in the hope of returning soon to their homeland or resettling in a third country. The large numbers of refugees did not only place great burdens on the host countries, they have aggravated the problems that such countries already had, and made their economic, livelihood, security and social burden too heavy for them to bear. In contrast, the international community has failed to provide support and share the burden as it should have. It has fulfilled only part of its commitments, particularly because of the protracted crisis, the so-called "donor fatigue", and the rise of nationalist attitudes that refuse to receive refugees. The mismanagement and political exploitation of the crisis in the host countries have also weakened the effectiveness of the little support provided. All of these factors have made the refugee crisis today a serious crisis that threatens the security, economy and stability of the host countries. This calls for a serious and active search for the best ways available to manage the crisis in the host countries by outlining plans and policies and setting standards aimed at returning refugees to Syria.

Of all the neighboring countries that host large numbers of Syrian refugees,



Lebanon is facing the riskiest and most difficult challenge. The risk in Lebanon is almost existential given the complexities of the Lebanese reality, the failure of the Lebanese state to carry out its simplest duties, the interdependence of the Lebanese and Syrian state of affairs, and the high refugee-to-citizen ratio in Lebanon, the highest recorded in the history of refugee crises in the world.

It is thus obvious that working on the refugees' return from Lebanon to Syria as a permanent solution to the crisis is not a luxury but an imperative need. All intellectual, social and political actors must take their part in urging and helping the state to develop a "national emergency plan" that not only provides policies for a better management of the crisis in Lebanon, but also explicitly envisages a refugee return policy with practical steps that prepare the refugees who no longer have a reason to fear or to seek asylum to return to their country. The plan would also provide for coordination with the UNHCR and the United Nations on the possibility of having camps prepared inside Syria capable of hosting the refugees who would not be able to return immediately to their villages. However, it must be emphasized that in addition to being a high Lebanese interest, the Syrian refugees' return to their country is equally in their own interest, and the most sustainable solution to the crisis. Amid conspiracies to divide Syria and alter its demographic composition, the return solution has become a paramount Syrian interest since it would enable Syrian refugees to contribute to the recovery and reconstruction of their country and preserve its pluralistic identity.

This paper is an in-depth study on how to address obstacles preventing Lebanon from developing and adopting the "National Emergency Plan for the Return of Refugees" and how the urgent need for refugees to return can be balanced against the standards required to protect them and preserve their rights. The main obstacles to starting serious action on return plans are:

First: The general principle adopted in international treaties, the principle of "non-refoulement", and the principle according to which any return must be "safe and voluntary": In this context, the problem is twofold: to take into account political and sovereign considerations, and to act within technical possibilities and humanitarian standards. The present research paper attempts to



address this major problem by proving that working on return plans does not go against the international human rights standards and the rights of refugees to which Lebanon is fully committed and cannot compromise. Lebanon was a key contributor to the development and adoption of these standards, and has proved to be willing to go the extra mile and provide safe haven when citizens of neighboring countries needed a safe refuge away from indiscriminate killing.

Second: The continued crisis and ongoing battles in large parts of Syria, as well as the United Nations' inability to secure safe areas to which refugees can return: This research paper will try to address this problem through a careful analysis of the security, political and economic situation of the different regions of Syria, so as to explore the possibilities of return. Furthermore, it will compare and contrast all aspects of safety in the different Syrian regions all the while taking into consideration the negative attitude towards the refugees in Lebanon resulting in a heightened risk of clashes breaking out between citizens and refugees, and the deterioration of the living conditions and economic situation.

Third: Political division in Lebanon has been and continues to be a key factor in the failure of the Lebanese state to effectively and systematically manage the Syrian refugee crisis in Lebanon. The two dominant political discourses on the refugee crisis in Lebanon are rather extreme: One sees the refugee situation as a golden egg-laying goose and never speaks of the return in the hope of receiving more financial support that would help improve Lebanon's economic position, and the other uses a more trenchant and hostile approach that carries xenophobic undertones, blames the Syrian refugees for the deterioration of the economic and security conditions, and seeks to get rid of them by all means possible, even if it requires dialogue with the regime or forcibly sending refugees back to unsafe areas that pose a real threat to their lives. In view of that, this research paper seeks to present a middle-ground alternative that recognizes the size of the refugee burden placed on Lebanon and acknowledges the urge to start the work on return plans, without slipping into a xenophobic intimidating discourse or putting the refugees at a risk greater than the one they have found refuge from in our country.

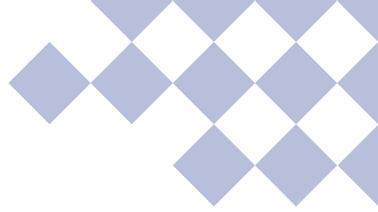
First: Refugee Registration and Status Identification

The return of the Syrian refugees depends primarily on the cessation of hostilities and the possibility of their recurrence, and consequently, on the cessation of fear and risk, or the grounds for the refugee status. However, the failure to reach a political solution- the best solution- that would end the conflict in Syria, does not prevent Lebanon from taking practical measures to organize the presence of refugees in it and alleviate the impact of their huge number that reflects the actual magnitude of the crisis. Since the beginning of the Syrian crisis, the Lebanese government has failed to maintain a clear position and policy vis-a-vis the entry of thousands of Syrians through its borders in search of safety. This unmonitored border crossing has been ongoing for several years now. The number of entrants has increased in the absence of any effective controls or organization, especially since Lebanon has not signed the international treaties on refugees. The Lebanese government continued to turn the blind eye to this growing problem and even refused to use the term “refugees” and chose, despite reality and logic, to consider the Syrians as “displaced”. During this period, the Office of the United Nations High Commissioner for Refugees (UNHCR) worked within the framework of a bilateral agreement it had previously signed with Lebanon to respond to the Iraqi refugee crisis after a significant number of Iraqis fled to Lebanon during the 2003 Iraq war. The UNHCR has for several years applied its “mass influx” policy that is based on the prima facie status identification of refugees according to which asylum seekers who cross borders and are not ready to return are identified as refugees on the basis of readily apparent circumstances in the country of origin, without verifying whether or not each of these asylum seekers is actually fleeing a risk that threatens their life and security in the country of origin. In addition, all Syrians who entered Lebanon benefited from automatic registration irrespective of whether they had been residing in Lebanon for work or have recently entered the country as refugee. Consequently, the figures issued by the UNHCR inflated and counted many Syrians who do not necessarily fall in the refugee category. The organization normally considers that its periodic reassessment will eventually adjust the figures and verify the motives for the presence of those “refugees” in Lebanon, but the large numbers of incoming Syrians have undermined the efficiency and regularity of the reassessment. The

inflated figures may have as well been helpful in showing the magnitude of the problem and justifying the requests to the international community for greater financial assistance. Seized by a sudden concern and consciousness about the reality, the Lebanese authorities took the drastic and arbitrary decision to prevent the UNHCR from issuing any new refugee cards except in extreme humanitarian cases. Since then, the Lebanese authorities have issued several organizational decisions to manage the crisis, all of which have been counterproductive as they made registration even more difficult and drove large numbers of Syrians off of the radar of both the Lebanese authorities and UNHCR. Today, the figures indicate that the number of asylum seekers who hold a refugee card has dropped from one million two hundred thousand to about 950 000, which does not reflect the real number of Syrians in Lebanon, nor the number of those who actually qualify as refugees. All of these issues highlight the need to put an end to this misleading and dangerous reality and change the approach of the Lebanese government by adopting a new national policy built on a fair reading of the current state-of-play so as to design the emergency plan required accordingly. The reopening of registration of Syrian refugees in Lebanon is the most important step to achieve as it facilitates the management of the Syrians' entry and exit through the legal border points, the verification of their status, and the distinction between refugees and non-refugees in accordance with international standards. Registration also allows for more accurate statistics and more organized databases and status identification of Syrians as refugees, non-refugees, workers, students, or visitors. Most importantly, the re-identification of Syrians in Lebanon according to their status is an essential step that would facilitate the repatriation of those Syrians, each according to their situation and as political and humanitarian conditions permit. Moreover, the registration and status identification of refugees clarifies the responsibility of the Lebanese authorities towards them and determines the best way to duly address their situation.

Implications of the decision to stop the registration of Syrian refugees

The decision to stop registration has sunk the issue of Syrian refugees into an even more appalling state of uncertainty, confusion and chaos, and affected the statistics and figures to a great extent. But knowing the exact number of



Syrian refugees has become an urgent need because Lebanon's hosting capacity has been exceeded and is no longer tolerable for obvious security, social and economic reasons. "This huge influx of Syrian refugees has put pressure on almost all sectors, including infrastructure, education, transport, hospitalization, electricity and water consumption"¹, and many other aspects of the citizen's life and daily needs. The international community, especially the United Nations agencies, has acknowledged the enormous and complex impact that this crisis has had on Lebanon.

The most prominent consequence of the decision to stop the registration of Syrian refugees is that it resulted in the presence in Lebanon of about 74% of Syrian refugees who do not have legal residence permits and thus cannot register the birth of their children in the non-Lebanese residents' records of civil registration offices since registration requires the parents to have a legal residence permit. According to the 2017 annual vulnerability assessment of the Syrian refugees' report issued by UNHCR, UNICEF and WFP², only 19% of Syrian families have legal residence permits. More significantly, the percentage of families whose members do not have legal residence permits has escalated dramatically: 74% of the surveyed Syrian refugees do not have legal residence permits in Lebanon.

Aware of the danger of having new unregistered births, the Ministry of Interior and Municipalities found itself obliged to facilitate the birth registration of Syrian citizens. It thus issued a memorandum³ to simplify the procedures required for the execution of marriage and birth documents of Syrians on the Lebanese territory. According to the memorandum, the Syrians were allowed to register births without being required to have a valid residence permit or entry visa.

1 The Syrian refugees ... Unexpected gains for the Lebanese Economy (اللاجئون السوريون... مكاسب غير متوقعة للاقتصاد اللبناني)

2 <http://www.unhcr.org/ar/news/briefing/2018/1/5a55d9514.html>

3 Memorandum no. 242/2 issued by the Directorate General of Personal Status at the Ministry of Interior and Municipalities in 2017

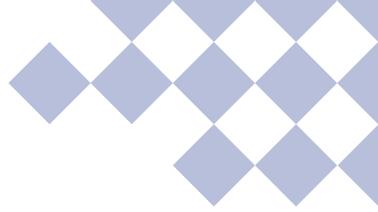


Status Identification

Any national policy to be adopted by the Lebanese government for the organization and management of the Syrian refugees' dossier should start with a comprehensive census of all Syrians in Lebanon and their status identification as follows:

Foreign workers: Syrians that may be categorized under "foreign labor" are identified and dealt with on the basis of a specific policy that takes into account the agreements signed between Lebanon and Syria, which exempt Syrian workers from taxes and fees and from the requirement to obtain work and residence permits. There is a political need to reconsider these agreements most of which were designed at the expense of Lebanon's interests and as a result of the political conditions prevailing at the time. Lebanon should take the appropriate political decision either to request a renegotiation and amendment of such agreements or a temporary suspension of their implementation because of the emergency situation. This decision would allow the competent Lebanese authorities to determine the number of Syrian workers needed for the Lebanese economy, the types of employment required, and the timeframes for such presence in Lebanon. It could also give priority to Syrian workers over workers of other nationalities (Egyptian, Sudanese, Indian, Sri Lankan, etc.) and thus facilitate their residence in Lebanon and increase Lebanon's capacity to take in Syrian workers.

Refugees: The Lebanese State identifies the Syrians who are entitled to refugee status even if they do not currently have the registration card issued by the UNHCR; reviews the files of those who hold the UNHCR registration cards in order to re-evaluate and re-investigate the status of each in accordance with the international standards provided for in the 1951 Convention on the Status of Refugees; and ensures a realistic interpretation and practical implementation of these standards in line with the Lebanese State's approach to human rights standards adopted in negotiation with the UN, since Lebanon has not signed the Convention, nor its 1967 Protocol. The Lebanese State should also make a distinction between refugees who only need protection and those who need life support.



Most of the Syrian refugees in Lebanon are able to work and secure their basic needs and a dwelling. All they need from UNHCR and the international community is a refugee status identification card that guarantees their refugee rights, their right to return to their country, and the opportunity to resettle in a third country, if possible. Managing this type of refugees is less onerous on the Lebanese state, provided that their numbers are accurately controlled and that they are subject to security checks and economic regulation to prevent them from flooding the foreign labor market to the disadvantage of the Lebanese labor force. A stricter application of the Lebanese laws that give the Lebanese citizens exclusive access to some job sectors and advantage in others would be enough to protect the national labor force. Also, this type of Syrian refugees who are able to work could be given temporary advantage (until the end of the crisis) over other foreign workers, whether from Syria or elsewhere.

The other type of refugees which, contrary to widespread belief, accounts for less than 20% of the total number of registered refugees and is largely composed of women and children, is unable to work and secure its needs and relies heavily on assistance provided by UNHCR and other humanitarian organizations. Although the number of these refugees remains within manageable limits, the distribution of food and non-food items lacks a great deal of organization and supervision to ensure that the benefits are as widely distributed as possible, and to improve aid effectiveness and delivery to those who are most vulnerable according to the seven humanitarian standards.

The body responsible for status identification and re-evaluation

The Lebanese government institutions, such as the Ministry of Social Affairs may carry out this refugee status re-evaluation in cooperation with a nationwide campaign that includes municipalities, security forces, and volunteers from universities, civil society associations, and international organizations. However, if the Lebanese State sees that its agencies lack the capacity to effectively and efficiently carry out this large task, it may negotiate another agreement with the UNHCR to set a new framework for its work in Lebanon in keep-

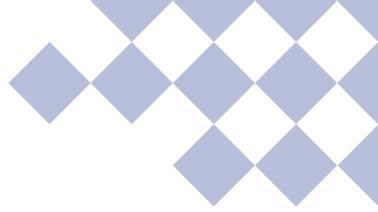


ing with the Lebanese State's interpretation of human rights standards. The Lebanese state alone cannot afford the cost of this large-scale procedure, lacks operational capacity, and is paralyzed by other logistic, political and financial obstacles, let alone other factors related to mismanagement. Based on past experiences, such as the Monitoring the Movement of Population in Emergencies Project, which was closed by the Ministry of Social Affairs in April 2017 following its failed mission to monitor the movement of Syrian refugees, the Minister of Social Affairs, Pierre Bou Assi shut down the project, saying, "after a few years, we have found that the efforts were not productive and did not achieve the desired goal. The goal seems impossible to achieve"⁴. It is therefore advisable to let the UNHCR undertake this task since it has the means and the teams trained and ready to conduct it. Any other body will need much time and money to implement the procedure, given its significance at the international level. And so, involving the United Nations in the resumption of refugee registration would put the international community in front of its responsibilities towards Lebanon, alleviate the burden of the assisting states, and prevent confrontation with the international community. The UNHCR is committed to the agreed definition and standards for the status identification of refugees and non-refugees, under the supervision of the Lebanese State, whether through the Ministry of Social Affairs, a joint committee of the ministries concerned, or a committee of security officials, judges and jurists, to guarantee the application of the standards decided by the State.

Status identification standards

According to the 1951 Convention, the term "refugee" shall apply to: *"any person who as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the*

⁴ Interview with Minister Pierre Bou Assi in Almodon Newspaper <http://www.almodon.com/politics/2017/8/7/>



protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”⁵

This definition, as applied by the United Nations and humanitarian organizations, includes two basic criteria for determining those eligible for refugee status. The two criteria are:

- 1- **Serious threats (objective criterion):** real threats that exist on the ground. It is not enough to claim such threats. Focus should be made on a convincing and tangible reason for that threat that may change over time.
- 2- **Extreme fear (subjective criterion):** a threat to life, physical safety or freedom.

But how are these two criteria understood and applied in the current crisis?

The “serious threats” criterion is objective and relies on the assessment of the level of hostilities, the situation in different areas, and the existence of armed groups, so as to determine whether the return of a refugee to a particular area would pose a serious threat to their safety and life. However, this criterion is broad and could be interpreted in different ways. For example, according to the UNHCR⁶, the cessation of hostilities for a while does not guarantee a safe return. The region to which the refugee needs to return should not be within range of armed groups, recruitment operations, rocket and mortar fire, landmines or other remnants of war, and possible renewed fighting. The UNHCR goes even to the extent of considering the economic and human rights factors as essential to the definition of safety. It thus adds to the conditions of safe return, the regularity of legal institutions and availability of employment opportunities, decent living conditions, adequate housing, health insurance and the right to education. Any observer would recognize that the broad conditions required by some interpretations of “safe return” impede rather than guarantee a safe return for the refugees. In fact, Syria has never achieved such conditions and will need de-

⁵ Article 1(2) of the 1951 Convention relating to the status of refugees <http://www.ohchr.org/AR/ProfessionalInterest/Pages/StatusOfRefugees.aspx>

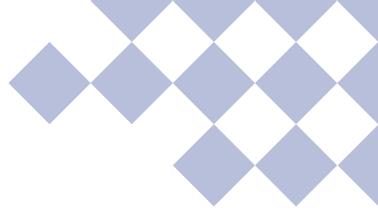
⁶ Monthly Human Rights digest, October 2017, Syria.



cedes, at best, to achieve them. None of the neighboring countries of asylum even provide such conditions: How are Lebanon, Jordan, Iraq and Turkey who have failed to provide most of these conditions for their citizens expected to suddenly be able to provide them for hundreds of thousands of refugees? The same broad criterion according to which Syria is considered all unsafe applies to Lebanon. This leads to the unrealistic conclusion that Lebanon is also unsafe and that refugees in Lebanon must be taken elsewhere. For that reason, it is necessary to adopt a realistic approach to the refugee crisis. The Lebanese government should determine the modalities of application of the "serious threat" criterion. The second part of this study presents a comprehensive review of the situation in all Syrian areas in an attempt to evaluate the safety of each, and accordingly, assess the prospects for the return of refugees.

The subjective criterion of extreme fear is linked to the voluntary return of refugees, since they cannot be returned to where they feel threatened. Here, too, the standard can slip into a broad and extreme interpretation if the person's fear or desire to return is regarded as the only determining factor. In this case, refugees may never leave and may prefer to stay in the country of asylum even after the war in their country of origin has ended completely and all objective conditions for their return have been restored. Unfortunately, the current situation and the size of the crisis in Lebanon do not allow this luxury. Lebanon cannot afford to accommodate the refugee's personal preferences, let alone their desire to choose their place of residence, especially after it had exceptionally opened its borders and received, without any controls, all those who felt that their lives were threatened. Today, however, Lebanon is overburdened by the weight of the refugee crisis and must set the limits and decide who deserves to stay and who should return to their country⁷. And so, the status of refugees should be identified not on the basis of fear, but on the basis of the reasons behind this fear that the refugees are feeling, in order to deal with them accordingly. For example, those who have expressed in the interview that they had fled their country out of fear of ISIS or persecution, repression or religious extremism

⁷ The focus here is on the situation in Lebanon. Taking the refugees out of Lebanon due to exceeded refugee capacity does not completely eliminate the possibility for third countries to host these refugees, which is another sustainable solution that should be activated.



may be asked to return to the ISIS-free areas that are now largely stable, have not witnessed any actual clashes for some time, and give no realistic possibility for ISIS to regain control. However, those who fear the Syrian regime and its oppressive policy may be negotiated on the possibility of returning to their region if it is not, or could not realistically fall, under the control of the regime, or to any other reasonably stable region that is not under the control of the regime. On the other hand, Syrian refugees whose regions of origin in Syria are not located near the Lebanese borders, yet have chosen to cross vast areas to reach Lebanon instead of resorting to the nearest neighboring safe country, have clearly planned and acted according to what they had seen appropriate for them, and most importantly, were not in a state of fear when they fled their country⁸. And except for very specific and well-justified cases, refugees who visit their homes in Syria frequently (several times a year) obviously have no reason to feel extreme fear, or else they would not visit the region so often. But again, they may be staying in Lebanon for economic or humanitarian reasons, in which case they are treated and considered as foreign workers.

Cases that do not fall under any of the above-described categories must be carefully identified, mapped, and given priority in asylum, protection and humanitarian assistance.

Periodic re-evaluation of status

Resuming refugee registration and status identification are key steps to contain the refugee crisis in Lebanon and initiate return plans. However, this mode of status identification based on two variable standards can change with the developments on the ground in Syria as well as with the progress towards stability and the implementation of a political solution. It is therefore very important to conduct this status identification and re-evaluate the two variables on an annual basis.

Accordingly, the national rescue plan should include a temporary six-month grace period during which the State protects the refugee in accordance with the Prima Face principle (may be renewable once), has their records checked and

⁸ Lebanon may decide to exclude certain minorities from this categorization because for the Christian refugee from Hasakah, Aleppo, or the Druze refugee from Jabal Al Druze, Lebanon could be the only refuge, given its pluralistic society.



investigated, and allows unregistered refugees to register under the supervision of the Lebanese State and according to its understanding and interpretation of international standards. After the expiry of the grace period, any Syrian in Lebanon who has not complied with the requirements above automatically loses the refugee status and treatment. On the other hand, those who acquire refugee status will have their files reviewed and their data updated each year, and their qualification for the refugee status will be subject to assessments, provided that the UNHCR (if it is the body implementing the plan) is responsible for any delay in the file processing or periodic review.

In this context, the Minister of Social Affairs Pierre Bou Assi said in an exclusive interview⁹ that in his capacity as Minister of Social Affairs, he supports the resumption of registration of displaced Syrians by the UNHCR, provided that the mechanisms for registration and exchange of information are agreed with the UNHCR, and provided that the UNHCR gives the Ministry access to the database of displaced Syrians, in the same way as it had given it access to the database of registered displaced Syrians until 2015¹⁰. Bou Assi emphasized that “registration must be resumed in order to map the largest number of displaced Syrians, provided that the UNHCR and the Lebanese State coordinate their efforts and cooperate with the Ministry of Social Affairs and give it access to their database.

Status identification results and steps forward

After the completion, or even at the start of the status identification process according to the criteria above, the following steps may be taken:

- 1- **Determining the actual number of Syrian refugees:** This number will certainly be lower than the currently circulating anecdotal number that rather includes all Syrians in Lebanon and leads to exaggerated fears and reactions.
- 2- **Addressing the Syrian refugees' issue independently from the Syrian workers' issue:** This would facilitate the development of a comprehensive foreign labor policy that defines the employment needs in Lebanon (both

⁹ Interview with Minister Pierre Bou Assi, December 2017.

in terms of supply and sectors), organizes and regulates their places of residence, and determines employment preferences without detriment to the Lebanese labor force. This policy may also give temporary preference to Syrian workers over other nationalities, until the end of the crisis, especially in sectors that employ foreign labor such as housekeeping, farming, porters' services and others.

- 3- **Denying the refugee status to any Syrian does not meet the criteria set by the Lebanese state and the United Nations, as had been done previously:** Lebanon gives priority to refugees who are facing a real threat to their lives and cannot return safely, and keeps them until safe areas are secured.
- 4- **Facilitating access to legal residence permits for those who qualify as refugees:** This would as well facilitate their access to the documents required for the registration of new births, marriages and deaths with the competent departments, allows them to move and work without problems (priority may be given), and thus alleviates the financial burden of hosting them.
- 5- **Immediately repatriating those who do not qualify as refugees,** unless the Lebanese market's need for foreign employment exceeds the number of refugees, which is unlikely.
- 6- **Repatriating to safe areas those whose reasons for seeking asylum have ceased:** This can be done in cooperation with the United Nations and neighboring countries, based on the results of the status identification process. It would entail exploring the possibility of returning refugees to stable de-escalation areas with recovering economic life, even if these areas were not their areas of origin, to benefit from protection and humanitarian assistance in Syria instead of in Lebanon.

Objective:

Identifying Syrian refugees and non-refugees based on two criteria:

1. Objective criterion: presence of a threat
2. Subjective criterion: extreme fear

In parallel with the status identification process, the Lebanese state provides temporary protection and basic needs for the Syrian citizen until their status is identified.

No: The Syrian citizen is denied the refugee status, is repatriated by the Lebanese authorities, or may apply for staying if they wish to work in Lebanon.

Yes: The Syrian citizen is granted the refugee status and may obtain temporary residence permit conditional on the validity of their refugee status, provided that such status is re-assessed on an annual basis.

The illustration below summarizes the stages of the status identification program

Second: An analysis of the current situation in Syria

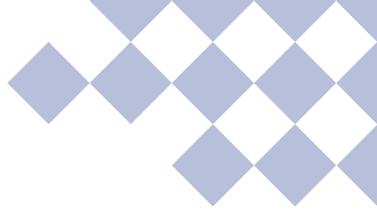
The concept of safe areas

One means of providing protection to civilians who are being deliberately targeted during armed conflict is to create and control places of protection either with, or without, the consent of some or all the parties to the conflict¹⁰. The four Geneva Conventions of 1949 and their Additional Protocols of 1977 contain the most important rules limiting the barbarity of war. They protect people who do not take part in the fighting (civilians, medics and aid workers) and those who can no longer fight (wounded, sick and shipwrecked troops, prisoners of war)¹¹.

The term "safe areas" was introduced to refer to the safe sites established by

10 Bruce M, Oswald. "The creation and control of places of protection during United Nations peace operations". International Review of the Red Cross. December 2001. Vol. 83, No 844.

11 The Geneva 1949 Conventions and their Additional Protocols. The International Committee of the Red Cross. October 29, 2010.



the United Nations in the Republic of Bosnia and Herzegovina. Security Council resolution 819 (1993) first addressed the concept of safe areas and demanded that all parties concerned treat Srebrenica and its surroundings as a safe area which should be free from any armed attack or any other hostile act¹². The safe areas of Bosnia and Herzegovina were subsequently expanded to include other cities requiring security, under UNSC resolution 824 (1993)¹³. The purpose of these resolutions, which allowed the Security Council to act under Chapter VII of the Charter of the United Nations, was to prohibit armed attacks or hostile acts in and around these areas and to increase the number of United Nations Protection Forces (UNPROFOR) in order to monitor the humanitarian situation in the safe areas.

Subsequently, the term “secure humanitarian zones” appeared when, in its resolution 918 (1994), the Security Council expanded the mandate of the United Nations Assistance Mission in Rwanda (UNAMIR) to include contribution to the security and protection of displaced persons, refugees and civilians at risk, provision of security and support for the distribution of relief supplies and humanitarian relief operations, and taking action in self-defense against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief¹⁴.

As we have seen, the procedures used to establish places of protection for civilians during armed conflict are numerous. A clear definition of “safe areas” is “areas designated by agreement of parties to an armed conflict in which military forces will not deploy or carry out attacks. Such areas have also been created by UN Security Council resolutions. They can include “no-fly” zones, in which some or all parties to the conflict are barred from conducting air operations. Such areas are intended to protect civilians fleeing from the hostilities and make it easier for them to access humanitarian aid. They may be defended by UN peacekeepers or other forces¹⁵.

12 UNSC resolution 819 of 1993.

13 UNSC resolution 824 of 1993.

14 UNSC resolution 918 of 1994.

15 Human Rights Watch: “Safe Zones and the Armed Conflict in Syria- Questions and Answers”, March 16, 2017.



The historical international record on safe areas is poor, from Bosnia-Herzegovina¹⁶, to Rwanda¹⁷, to Sri Lanka¹⁸. "We believe that history gives us some stark and relatively recent lessons in the effectiveness of safe zones," says Christopher Boian, a spokesperson for UNHCR. He adds that "we would be very concerned that people seeking security would end up exposed to the very violence they are trying to flee."¹⁹ According to a report published by Human Rights Watch, safe areas often pose significant dangers to the civilian population within them. If adequate safeguards are not in place, the promise of safety can be an illusion, and "safe areas" can come under deliberate attack²⁰. Experts seem to agree that safe areas cannot work, whether because they trap refugees who have the right to flee from moving, or because they are unable to prevent further violence within an active war zone²¹.

The return of Syrian refugees to safe areas in their country is much talked about these days. But since neither the establishment of safe areas in Syria, nor the recognition of similar arrangements by the UN Security Council were available at the earlier stages of the Syrian conflict, they will perhaps not be possible in the near future. The search for safe havens for the return of refugees to Syria largely depends on the real political and military situation there, taking into account the dynamics of the conflict and the possible developments that may occur in Syria. This leads us to three types of areas that now compose the Syrian geography: First, the areas under the control of the Syrian opposition: They include mainly the "de-escalation zones" established by the Astana talks and the Hamburg summit, as well as the "Euphrates Shield" and "Afrin" areas controlled by Turkey-aligned Syrian opposition groups. Second, the areas under the control of the Syrian regime: For the purposes of this study, these areas will be

16 David, Rohde. "The Srebrenica Genocide - Remembering Srebrenica". November 17, 2014.

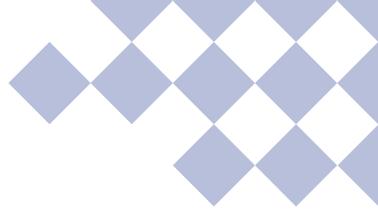
17 عبد الحسين. شعبان. "ترتب والمناطق الآمنة في سوريا". الجزيرة. 11 شباط. 2017.

18 مصطفى شفيق. علام. "مشروطيات فاعلية" المناطق الآمنة" في مناطق الصراعات بالإقليم". المستقبل للأبحاث والدراسات 2017 المقدمة. 15 شباط.

19 Howard, LaFranchi. "Trump pushes for 'safe zones' in Syria: Could they work?" The Christian Science Monitor. February 13, 2017.

20 Human Rights Watch: "Safe Zones and the Armed Conflict in Syria- Questions and Answers", March 16, 2017.

21 Lauren, Wolfe. "There Are No Real 'Safe Zones' and There Never Have Been". Foreign Policy. March 30, 2017.



divided into (1) Western Syria regime-controlled areas - also known as the Useful Syria-, and (2) Eastern Syria regime-controlled areas which have been recently liberated from ISIS. Third, the areas under the control of the Syrian democratic forces, or the influence of the Kurdish militias.

The analysis of field developments in each of these areas, and the overall political situation in Syria, will shape a vision of the future of these areas and give insight on how safe they are to allow the return of some Syrian refugees from neighboring countries, each according to their circumstances and status identification.

Areas under the control of the Syrian opposition

The de-escalation areas

On May 4, 2017, Russia, Iran and Turkey signed a memorandum in Astana on the creation of de-escalation areas in Syria. The memorandum includes four areas, namely Idlib province and certain parts of the neighboring provinces (Latakia, Hama and Aleppo provinces), certain parts in the north of Homs province, the eastern Ghouta, and certain parts of southern Syria (Deraa and Al-Quneitra provinces)²². According to the memorandum, hostilities between the conflicting parties shall be ceased within the lines of the de-escalation areas, and security zones shall be established in order to prevent incidents and military confrontations between the conflicting parties, and the fight against ISIL, Nusra Front shall be continued within and outside the de-escalation areas²³. The memorandum also underlines the need to provide the conditions necessary to deliver humanitarian and medical aid, meet the basic needs of civilians, and restore basic infrastructure facilities and the conditions for the safe and voluntary return of refugees and internally displaced persons²⁴. The memorandum was supposedly meant to reduce violence and protect the civilians, but recent developments have shown that it was instead designed as a war management strategy. It has allowed the pro-government forces to calm the western fronts and move to-

22 "Memorandum on the creation of de-escalation areas in the Syrian Arab Republic". The Ministry of Foreign Affairs of the Russian Federation. May 6, 2017.

23 Ibid.

24 Ibid.



ward eastern Syria to recover ISIS-controlled areas, and then return and reignite the de-escalation areas' fronts so as to weaken the opposition forces and take over the territories controlled by them²⁵.

The de-escalation area of Idlib province and certain parts of the neighboring provinces

In October 2017, the Turkish army started implementing the memorandum of Astana²⁶ by setting up checkpoints in the de-escalation area of Idlib, after Ankara had reached an agreement with the Sham Liberation Organization to enter northern Idlib and establish a Turkish buffer zone stretching from the border village of "Atimah" in the northern countryside of Idlib to "Dar Ta'izzah" and "Anadan" into western Aleppo²⁷. Through their intervention in the province of Idlib, the Turks seek to prevent the formation of a Kurdish entity between Afrin and the Tigris River²⁸, and plan to establish an area, there, under Turkish tutelage, to which refugees in Turkey may return²⁹. The population of the province is currently estimated at 2 million, including hundreds of thousands of persons displaced from other provinces³⁰.

The governorate of Idlib is of great strategic importance. It is considered a haven for the "Hay'at Tahrir al-Sham" which has gained control over large areas in it, prompting the regime late last year to launch a military campaign on the province under the pretext of fighting terrorism³¹. However, the regime's desire to control the province of Idlib may not be in line with Ankara and Moscow's calculations: Turkey is working on the setting up of 12 control centers in Idlib as

25 "How De-Escalation Zones in Syria Became a War Management Strategy". Syria Deeply. February 6, 2018.

26 Turkish forces in Idlib to defeat terror threats, monitor de-escalation zones". Daily Sabah. October 13, 2017.

27 "Turkey's Operation in Idlib May Not Bring All-Out War with al-Qaida". Syria Deeply. October 10, 2017.

28 Fabrice, Balanche. "Preventing a Jihadist Factory in Idlib". The Washington Institute. August 31, 2017

29 "Turkey's Operation in Idlib May Not Bring All-Out War with al-Qaida". Syria Deeply. October 10, 2017.

30 إدلب منطقة "خفض توتر" سورية رابعة . BBC عربي. 15 أيلول 2017.

31 «ضابط سوري يكشف عن معركة قادمة في إدلب ومصير «الجيش البديلة» و«النصرة»». Sputnik عربي. 28 كانون الأول. 2017.

part of the Astana process³². In the future, Turkey will have to achieve stability in the de-escalation area that will be subject to its influence. This requires resorting to certain arrangements, including advancing the establishment of a civil representative council and converting armed factions into local security forces under the authority of this council, thereby preparing the ground for the return of the refugees fleeing Assad's oppression.

The de-escalation area in the north of Homs Province

It includes al-Rastan and Tell Bisa and other areas controlled by the opposition groups. There are about 180,000 civilians in the area³³. The Syrian regime who holds this area under siege and has totally shut down all its humanitarian access routes is obstructing the implementation of the memorandum on the creation of de-escalation areas in the northern Homs countryside³⁴. In early August, a new truce was brokered by Egypt and Russia³⁵, and in late September, a new Russian- mediated agreement was reached between representatives of areas in the northern Homs countryside and representatives of the regime³⁶. None of these mediation attempts have succeeded: violations continue to plague the area to this day. It is likely that the regime will commit even more violations of the truce and keep the area under siege until it succumbs and its population is displaced. This will serve the state-directed population displacement strategy that the regime and its allies carried out in Homs city³⁷. There is no doubt that this trend will be an obstacle to the return of refugees, internally displaced persons, and those who are not in line with this demographic change to their cities and towns there.

32 Nilay Kar, Onum. "Turkey has 'no interest in occupying any part of Syria'". Anadolu Agency. February 3, 2018.

33 "Russian Defence Ministry held a briefing titled "Principles of implementation of the Memorandum on Syria de-escalation zones signed in Astana". Ministry of Defence of the Russian Federation. May 5, 2017.

34 رامي. نصار. "مشاريع زراعية في حمص تكسر حصار قوات النظام". جبرون. 2 تشرين الأول. 2017.

35 "After one week, the Egyptian Russian truce collapses in the northern countryside of Homs" The Syrian Observatory of Human Rights- August 10, 2017.

36 "With the mediation of Russia...an agreement between representatives of areas in the northern countryside of Homs and the regime's authorities includes decreasing the level of escalation in about 25 areas" The Syrian Observatory of Human Rights- September 27, 2017.

37 "No Return to Homs: A case study on demographic engineering in Syria". The Syria Institute. February 21, 2017.

The de-escalation area in Eastern Ghouta

When the memorandum on the de-escalation areas was signed, about 690,000 civilians were living in this area. Although the two largest factions in eastern Ghouta, namely "Jaysh al-Islam" (the Army of Islam) and Al-Rahman Legion have joined the cease-fire³⁸, the Egyptian-brokered agreements to organize this area³⁹, and Resolution 2401 adopted by the UN Security Council last February to cease hostilities in Syria⁴⁰, the regime kept eastern Ghouta under siege and escalated its military campaign with the support of Moscow, until the area succumbed to it⁴¹. In recent weeks, the eastern Ghouta area has witnessed a systematic population displacement operation. The Russian Ministry of Defense announced in late March that "some 150,000 civilians have left eastern Ghouta since February 28" and that "civilians, including residents of Duma, continue to leave the area through a safe corridor in Al-Wafideen refugee camp north of eastern Ghouta"⁴². The regime may be seeking to displace the population of eastern Ghouta in line with the demographic engineering strategy it has been planning with its Iranian allies to establish a pro-Tehran population bloc around Damascus and between Damascus and the Lebanese border⁴³. This policy is clearly detrimental to the Syrian refugees and internally displaced Syrians as it adds an impediment to their return to this area.

The de-escalation area in Southern Syria

This area includes the provinces of Deraa and Al-Quneitra which are under the control of the opposition factions and are home to nearly 800,000 civilians⁴⁴.

³⁸ "قوات الأسد تحرق اتفاق "حفض التصعيد" وخرق الغوطة وجوبر" Orient Net 19 آب. 2017.

³⁹ «شاهد..علوش يكشف الدفاع الروسية: توقيع اتفاق تنظيم منطقة «تخفيف التصعيد» في الغوطة الشرقية». أشرف. عبد الحميد. 22 تموز. 2017. Sputnik: تفاصيل اتفاق القاهرة لوقف النار بالغوطة». العربية. 12 تشرين الأول. 2017.

⁴⁰ UNSC resolution no. 2401 of 2018.

⁴¹ "الغوطة: حافلات جُلِّي مقاتلين ومدنيّين من دوما... "خلافات" في "جيش الإسلام""، النهار، 2 نيسان، 2018.

⁴² ألف سوري هُجروا من الغوطة عشية القمة التركية-الروسية-الإيرانية». العربي الجديد. 1 نيسان، 2018. أمين. العاصي. باسم. «دباغ»

⁴³ Martin, Chulov. "Iran repopulates Syria with Shia Muslims to help tighten regime's control". The Guardian. January 14, 2017.

⁴⁴ "Russian Defence Ministry held a briefing titled "Principles of implementation of the Memorandum on Syria de-escalation zones signed in Astana"". Ministry of Defence of the Russian Federation. May 5, 2017.

On July 7, during a meeting on the sidelines of the Group of Twenty summit in Hamburg, Germany, US President Donald Trump and his Russian counterpart Vladimir Putin reached an agreement on ceasing fire in southwest Syria⁴⁵. The agreement was the product of a negotiation process that unfolded behind closed doors between Russian, American and Jordanian experts in the Jordanian capital Amman. Israeli representatives also attended the negotiation meetings and demanded to have the security arrangements involving southwest Syria maintained, i.e. securing the borders of Jordan and Israel, and preventing Iran from approaching these borders⁴⁶. This agreement was signed on November 8, when the United States, the Russian Federation and the Hashemite Kingdom of Jordan signed a "Memorandum of Principles" in Amman (Jordan) to reinforce the success of the ceasefire initiative by withdrawing foreign forces and fighters from the area and monitoring the ceasefire arrangement through the Amman Monitoring Center, with the participation of experts from the Hashemite Kingdom of Jordan, the Russian Federation, and the United States⁴⁷. The Memorandum reflects the tripartite commitment to maintaining administrative and governance arrangements- or that the opposition does not surrender land to the Regime- in the areas controlled by the opposition in the south-west during this phase. The elimination of foreign non-Syrian forces also includes Iranian and Iranian-backed militias as well as foreign jihadists working with Al Nasra Front and other extremist groups⁴⁸. But to date, none of the terms of this agreement have been implemented, especially after Iran rejected Moscow's demands to withdraw its troops from southern Syria⁴⁹. The situation may go further downhill if Moscow ignores Tel Aviv's demand that it pulls out its pro-Iranian militias from the area⁵⁰. On the whole, and despite some violations, the de-escalation area in southern Syria⁵¹ is calm, unlike other de-escalation areas covered by the Memorandum of Astana. This has contributed to encouraging refugees to return to

45 Zachary, Cohen. Kevin. Liptak. "Tillerson: Trump, Putin reach Syria ceasefire agreement". CNN Politics. July 8, 2017.

46 "إتفاق «هامبورغ» الروسي الأمريكي حول سورية: أهدافه وتداعياته". المركز العربي للأبحاث ودراسة السياسات. 10 تموز. 2017.

47 "Joint Statement by the President of the United States and the President of the Russian Federation". U.S. Department of State. November 11, 2017.

48 «إبجاز صحفي بشأن البيان المشترك الصادر عن رئيس الولايات المتحدة ورئيس الاتحاد الروسي حول سوريا» 2017. تشرين الثاني 11.

49 رائد. جيشال. أبوغيم. علي. بردى. "تحرك روسي لتفادي ضربة إسرائيلية "حتمية". الشرق الأوسط. 3 شباط. 2018.

50 معتصم. محسن. "إسرائيل تطلب بانسحاب المقاتلين المدعومين من إيران من جنوب سوريا". إرم نيوز. 10 شباط. 2018.

51 مناطق سريان الاتفاق الثلاثي في الجنوب السوري تشهد هدوءاً بعد سلسلة خروقات". المرصد السوري لحقوق الإنسان. 11 شباط. 2018.

their homes. The UNHCR announced late last November that every month, since the start of the cease-fire agreement in southern Syria, around 1,000 of Syrians are returning from Jordan to Syria⁵². However, the provision of basic services by local councils remains one of the core dilemmas. The chief obstacles that hinder service provision are inadequate financial support, lack of specialized personnel, and insecurity in the region. Moreover, the members of local councils are not always democratically chosen through direct elections. They are rather appointed according to narrow interests whereby each family or clan should have a seat in the council. The military factions also require to have some members appointed by them⁵³.

Obviously, adherence to the Memorandum of Principles by the signatory parties will guarantee lasting stability in the region until a political settlement of the Syrian conflict is reached, and facilitate the return of refugees and internally displaced persons to that region.

The Euphrates Shield and Afrin area

The Turkish government is making significant efforts to rebuild the “Euphrates Shield” area in the countryside of Aleppo⁵⁴. Turkish efforts are mainly concentrated in Al-Bab city in the countryside of Aleppo. Last August, the Turkish Ministry of Family Affairs and Social Policy, in cooperation with the United Nations High Commissioner for Refugees (UNHCR), launched a project aimed at returning 100,000 Syrians to Al-Bab city⁵⁵. Certainly, this area is considered a safe haven for displaced persons and refugees, and is likely to contribute, in the future, to the return of Syrian refugees in Turkey, provided that it is given priority over other neighboring countries.

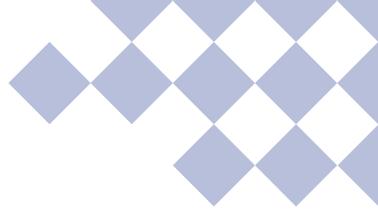
On the other hand, the Turkish leadership recently announced that it would send hundreds of thousands of Syrian refugees to Afrin following its success-

52 “1,000 Syrian refugees leave Jordan each month”. Gulf News. November 27, 2017.

53 سامر الأحمد. “الجالس المحلية في ظل “خفض التصعيد” درعا نموذجاً”. جبرون. 24 آب. 2017.

54 خالد الخطيب. “تركيا تدعم المجلس المحلي في مدينة الباب للنهوض بالمدينة وإعادة إعمارها”. Al-Monitor. 29 آب 2017.

55 Fevzi, Kizilkoyun. “Around 100,000 refugees expected to return to Syria from Turkey by end of 2017: Study”. Hürriyet Daily News. August 7, 2017.



ful military operation there⁵⁶. However, the Kurds view this move with skepticism and accuse Turkey of attempting to change the demographic makeup of the predominantly Kurdish Afrin area⁵⁷. Therefore, this possible move by Ankara would fuel the tension between the majority of Arab Syrian refugees and the Kurds, and eventually provoke clashes between local people and refugees.

Areas under the control of the Syrian regime Western Syria

The regime-controlled area in Western Syria, or the so-called “useful Syria”, is largely stable compared to other areas in Syria. It encompasses Damascus, Qalamoun, Homs, Deraa, Hama, Tartous, Lattakia and the Turkish border⁵⁸. However, pro-regime Syrian refugees, especially men between the ages of 15 and 45, are not returning to these areas for fear of being recruited into the Syrian army⁵⁹. Another factor preventing these Syrians from returning is their fear of being arbitrarily arrested by corrupted Syrian officials and obliged to pay hefty bail in order to be released⁶⁰.

In Aleppo, the destruction was massive. Eastern Aleppo remains in ruins. Its streets have been cleared of rubble, and very few of the destroyed or badly damaged buildings have been rebuilt. Hundreds of thousands of refugees have been reluctant to return, either because their homes were wrecked, or because they fear reprisals for their loyalty to the opposition⁶¹.

Eastern Syria

Achieving stability in the areas liberated from ISIS in Eastern Syria will not be easy, especially in Deir al-Zor province, the main cities of which are controlled by the regime⁶². The fact that the regime and Shiite militias have regained control

56 Dorian, Jones. “Turkey Eyes Refugees Returning to Afrin, Syria”. VOA News. March 8, 2018.

57 Ibid.

58 “سوريا المفيدة” آخر الأوراق الروسية لإنقاذ الأسد”. الخليج أونلاين. 1 تشرين الأول. 2015.

59 Fabrice, Balanche. “A Half-Million Syrian Returnees? A Look Behind the Numbers”. The Washington Institute. July 7, 2017.

60 Ibid.

61 Bassem, Mroue. “Life slowly returns to shattered Aleppo”. The Daily Star. January 27, 2018.

62 Syrian civil war map. Retrieved February 13, 2018, from <https://syriancivilwarmap.com/>



in the area will probably herald long-term instability. We may see Al Qaeda back to where its largest stronghold inside Syria once was⁶³. It is also likely that the regime will seek to recover energy and natural resources to the East side of the Euphrates River⁶⁴, which, if it were to take place, would lead to military confrontation with the Syrian Democratic forces. For that reason, the return of refugees from neighboring countries of asylum to Deir Ezzor will not be possible in the near future, or at least until stability is achieved and internally displaced persons are back to the region.

Areas controlled by the Syrian Democratic Forces

Syrian Democratic Forces control large areas to the east side of the Euphrates shield encompassing the cities of Manbij and Ain al-Arab, the north of Aleppo province, the greater part of Al-Raqqqa province- including Al-Raqqqa city and the north side of the province-, the greater part of Al-Hasaka province, and a part of Deir al-Zor located to the east side of the Euphrates⁶⁵. The Kurdish Rojava region which has yet to be recognized internationally consists of three main areas, namely Afrin, Ain al Arab (Kobani), and Al Jazeera Province⁶⁶.

The Rojava areas located to the east of the Euphrates are currently stable, despite Turkey's attempts to destabilize predominantly Arab cities and towns⁶⁷. The US presence there⁶⁸ is an additional stabilizing factor, especially in the face of Turkish threats. It is not yet clear whether a solution could be reached between Washington and Ankara over the future of Manbij city, after Turkey has repeatedly declared its intention to make an incursion into it⁶⁹.

The Kurds are trying to achieve economic sufficiency in their regions, but the goods are arriving from inside Syria, the traders are controlling the prices,

63 Michael, Young. "What's Next in Deir Ezzor?" Carnegie Middle East Center. September 22, 2017.

64 "التحالف يقصف ميليشيا موالية للأسد شرقاً.. ومقتل 100". العربية. 8 شباط. 2018.

65 Syrian civil war map. Retrieved February 13, 2018, from <https://syriancivilwarmap.com/>

66 خليل المقداد. "قطعة من سورية: ماذا تعرف عن (روح أفا) التي لم يعترف بها أحد دولياً". أوريينت نت. 31 تموز. 2015.

67 Genevieve, Casagrande. "Post-ISIS Insurgency Looms in Northern Syria". Institute for The Study of War. November 7, 2017.

68 رائد الحماد. "التواجد العسكري الأمريكي في سوريا غايته وأفاقه المستقبلية". معهد العالم للدراسات. 3 تشرين الثاني. 2017.

69 إبراهيم حميدي. "محاصصة" دولية - إقليمية حول منبج وعفرين". الشرق الأوسط. 17 شباط. 2018.

and the borders with Turkey are closed⁷⁰. In the autonomous areas of northern Syria, there are nine camps for internally displaced persons, managed by the autonomous administration, under the supervision of the UNHCR, and in cooperation with various humanitarian organizations⁷¹. However, according to some reports, IDPs in these camps are living in dire conditions⁷². The challenge today is to “achieve stability” in the areas liberated from ISIS, thereby paving the way for the return of displaced persons and refugees. This requires substantial funds for the reconstruction of areas that have been severely damaged⁷³, the establishment of representative local councils, and the commitment to civilian control over local security forces. Until now, these goals seem unattainable: the model of governance offered by the Syrian Democratic Forces in the predominantly Arab areas liberated from ISIS still lacks legitimacy and local support⁷⁴. Consequently, stabilizing these areas through the model adopted by the Kurdish militias may backfire and eventually lead to the emergence of post-ISIS armed insurgency. In view of the foregoing, calling for the return of refugees from neighboring countries to Al-Raqqa will not be possible until stability is achieved and internally displaced persons are back to the region. With regard to Kurdish autonomous areas, the Kurds are likely to ward off the proposed plan, especially since the majority of refugees in neighboring countries are Sunni Arabs, which may jeopardize the Kurds’ future project (Rojava). Washington is unlikely to agree on such a plan because allowing large numbers of displaced persons and refugees from neighboring countries into the region could destabilize the region and pose a threat to its troops there. Lastly, the tragic situation of the camps in the autonomous areas will not encourage the international community to adopt such a plan.

3 أيار. 2016. Al-Monitor. سردار ملا. درويش. «كيف يدبر الأكراد إقتصاد مناطقهم في شمال سوريا؟» 70

«ورقة حقائق حول مخيمات «النازحين داخلياً» والموجودة في مناطق الإدارة الذاتية في شمال سوريا». سوريون من أجل الحقيقة 71 والعدالة. 17 كانون الأول. 2017.

«نازحو مخيم عين عيسى في الرقة السورية يعيشون أوضاعاً مأساوية». رويداو. 19 تشرين الثاني. 2017. ريان. محمد. «معاناة 7 آلاف نازح سوري في مخيم «المبروكة»... حصار ونقص خدمات». العربي الجديد. 20 كانون الأول. 2017. «معاناة نازحي مخيم الشدادي في الشتاء». 20. ARTA. كانون الأول. 2017.

73 Max, Bearak. Amanda, Erickson. “The price of victory in Raqqa: More than a thousand dead and a city in ruins”. The Washington Post. October 17, 2017.

74. حايدي. حايدي. «انتصار الرقة يكمن في ضمان إعادة استقرارها». النبض. 26 تشرين الأول. 2017.

Third: The Prospects of Return

Media and press reports on the return of Syrian refugees have increased in recent years. The Daily Star⁷⁵ reported that a limited return movement started in 2015- when some families returned to Syria from Lebanon and Jordan via Turkey- and has not stopped since. Such reports rebut the widely-held belief that Syrians do not want to return and only seek to stay in their host countries or wait until they are authorized to resettle in third countries, particularly Europe. Another report by The Guardian⁷⁶ also spoke of refugees returning to Syria from several European countries after their hopes and expectations have been disappointed in the host countries. The statistics have shown that with the improvement of security and stability in some areas of Syria, many Syrians are ready to return to their country⁷⁷. According to IOM statistics, the number of refugees who returned to their areas has been increasing steadily since 2014, and exceeded 600,000 since 2015 until the first half of 2017⁷⁸.

Although the return movement involved a large percentage of IDPs (93%) and a smaller percentage of refugees (7%), it is a clear indication of stability in some areas, albeit relatively enough for the return of its people. The largest number of returning refugees in 2017 were from Turkey (20,314), followed by Lebanon (7,184), Iraq (1,884), Jordan (1,558), and finally Egypt (286)⁷⁹. This has prompted the UNHCR to boost its assistance to internally displaced persons and strengthen its monitoring of the movement of refugees across borders, its in-

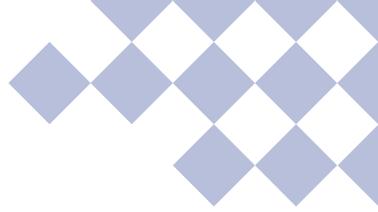
75 The Daily Star, Syrian Refugee Families leave Lebanon for Safe zones in Syria, 12 June 2017, available at: <https://www.pressreader.com/lebanon/the-daily-star-lebanon/20170612/281513636132905>.

76 The Guardian, The returnees: what happens when refugees decide to go back home?, 20 July 2016, available at: <https://www.theguardian.com/global-development-professionals-network/2016/jul/20/the-returnees-what-happens-when-refugees-decide-to-go-back-home>

77 L'Orient-le-Jour, Réfugiés syriens une polémique au timing bien douteux..., 18 July 2017, available at: <https://www.lorientlejour.com/article/1062792/refugies-syriens-une-polemique-au-timing-bien-douteux.html>

78 IOM, Over 600,000 Displaced Syrians Returned Home in First 7 Months of 2017, 8 November 2017, available at: <https://www.iom.int/news/over-600000-displaced-syrians-returned-home-first-7-months-2017>

79 "Flash Update: Syrian Refugee & IDP Returns (30 June 2017)". UN High Commissioner for Refugees. Retrieved February 21, 2018, from <https://reliefweb.int/report/syrian-arab-republic/flash-update-syrian-refugee-idp-returns-30-june-2017>



tensity, and whether their return is lasting or followed by another search for asylum⁸⁰. In south-west Syria, the cease-fire agreement contributed to an increase in the number of refugees returning from Jordan to Syria during the second half of last year. The total number in 2017 was 8,037, more than half of whom returned in the three months following the 9th of July ceasefire⁸¹.

In parallel with this movement, governments in Lebanon, Jordan and Turkey have begun to discuss how to manage the “safe” return of Syrian refugees to “safe” zones in Syria. A thorough review of the refugee return movement from various neighboring countries reveals some *significant factors*.

The return of refugees from Jordan

Jordan is considered one of the few Arab countries that deal well with refugees without being a signatory to the 1951 Geneva Convention. Jordan has received millions of Palestinian, Iraqi and Syrian refugees. While reports indicate that Jordan has more than 655,000 registered refugees, the government figures indicate that the number is 1.3 million refugees, most of whom are not registered with UNHCR.

The government has been criticized for deporting refugees and preventing aid from reaching refugees and asylum seekers under the pretext of maintaining Jordan’s security. Some Syrian refugees, whom the government considered to be in contact with ISIS, were deported to the southern part of Syria. The government in Amman had also begun to implement a policy of “selective acceptance” of Syrian refugees. In June of 2016, Jordan closed its border with Syria after a car bomb killed six Jordanians near the border crossing. The government accelerated the deportation of refugees in the aftermath of another terrorist attack that took place in the southern city of Al-Karak in December 2016 and resulted in the death of 10 people, including the commander of special military forces. Violent clashes erupted in the city soon after the terrorist attack. Human Rights

80 UNHCR, UNHCR seeing significant returns of internally displaced amid Syria’s continuing conflict, 30 June 2017, available at: <http://www.unhcr.org/news/briefing/2017/6/595612454/unhcr-seeing-significant-returns-internally-displaced-amid-syrias-continuing.html>

81 Mohammad, Ghazal. “Around 8,000 Syrian refugees return home in 2017”. The Jordan Times. February 7, 2018.



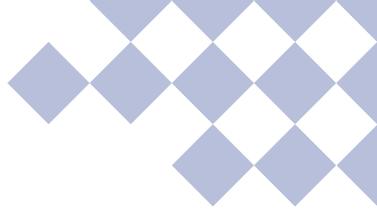
Watch reported that the Jordanian government deported an average of 400 Syrian refugees per month in 2017, but considered this policy as a violation of the principle of *non-refoulement*.

The return of refugees from Turkey

Turkey hosts some 3.5 million Syrian refugees and is taking part in the Syrian war where it fights ISIS and Kurdish organizations which, according to it, are terrorist organizations. The Turkish Government organized the reception of refugees through its national agency for refugee affairs. The Disaster and Emergency Management Presidency in Turkey provides reliable statistics and data on Syrian refugees similar to those provided by the UN specialized agencies and establishes hundreds of local and international NGOs to provide humanitarian services.

Ankara has consistently called for the international community to support the plans to establish a “safe zone” in northern Syria in order to stop the flow of refugees and allow those in Turkey to return home. While the international community remained hesitant about these plans, the direct intervention of the Turkish army through the Euphrates Shield operation to support its allies in the Free Syrian Army and other opposition factions allowed it to control a vast area and enabled hundreds of civilians to return to their homes. According to government officials, the official return of the Syrians began in September 2016 with about 292 people, after the Turkish government encouraged the return of refugees, especially to Jarabulus area in Aleppo province. Since 2015, some 260,000 refugees have been voluntarily repatriated to Syria. But the state of play in northern Syria has recently changed: the escalating violence in Idlib has forced the people to flee towards the Turkish border in search of refuge. According to a Human Rights Watch report issued in February 2018, guards at Turkey’s closed border with Syria are indiscriminately shooting at and summarily returning Syrian asylum seekers attempting to cross into Turkey⁸².

⁸² “Turkey/Syria: Border Guards Shoot, Block Fleeing Syrians”. Human Rights Watch. February 3, 2018.



The return of refugees from and to Iraq

The International Organization for Migration (IOM) reported the return in 2014 of 1,280 Syrian refugees who had returned from Europe to Iraq. In 2015, however, 3,474 refugees returned to Syria, especially in the winter months, between October and December. According to the International Organization for Migration, the number of refugees whose return from Europe to Iraq was facilitated by the International Organization for Migration (IOM) has increased from about 100 people per month in early 2015 to over 1,000 in 2016⁸³. In Iraq, the IOM offers reintegration assistance in the form of a grant that can be used to support small businesses, invest in existing businesses, access to education, health care, or housing. It also provides reception services for refugees arriving at the airport of the host country, as well as rehabilitation programs to facilitate the reintegration of returnees⁸⁴.

The return of refugees from Lebanon

By the end of 2017, the number of Syrian refugees registered in Lebanon had fallen to less than 1 million (997,905) for the first time since 2014. In December 2016, the number of Syrian refugees registered in Lebanon was 1,011,366. In the first six months of 2017, the number dropped by 10,315, then by 3,000 during the period from June to November 31⁸⁵. This decrease in numbers was due to the decision of the Lebanese government to halt the registration, and does not necessarily indicate the resettlement of refugees in a third country or their return to Syria. Non-official figures have not changed much.

In mid-2017, a number of Syrian refugees returned from Lebanon to Syria. The Lebanese army accompanied the returnees with bulldozers and cars to the last military checkpoint near the Syrian-Lebanese border. The returnees then headed to the area controlled by Hezbollah and the regime in Al-Qalamoun. Then, in the early days of July 2017, about 53 Syrian families left the Lebanese border town of Arsal to return to Syria following an agreement between Hez-

83 "The returnees: what happens when refugees decide to go back home?" The Guardian. July 20, 2016.

84 Assisted Voluntary Return and reintegration at Glance". IOM. 2015

85 "Syrian refugees in Lebanon drop below 1 million: U.N.". The Daily Star. December 27, 2017.



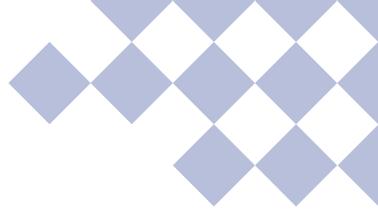
bollah (in agreement with the Syrian government) and the opposition group in Al-Qalamoun. In general, over 3,000 refugees have crossed the Lebanese border back into Syria in 2017, including up to 350 militants and their families who were living near the Lebanese border town of Aarsal. More than 7,000 refugees and militants had been deported with their families earlier that month to Idlib province largely controlled by groups that are ideologically close to Al Qaeda. It is worth noting here that the Lebanese government has distanced itself from these deals, which left Hezbollah and the Syrian regime ample margin of maneuver.

What happens to the refugees who return to Syria?

Syrian refugees who return from Turkey and Jordan mostly go to the provinces of Aleppo and Hasaka. About 50% returned to Aleppo in 2016. In 2017, Aleppo remained the main destination for returnees with about 67% (405,420 individuals) returning to it, compared to 75,209 returnees to Hama province, 45,300 to Al-Raqqqa province, 27,620 people to Idlib province, 21,346 to Damascus countryside and 27,861 to other provinces. Aleppo city received the largest number of returnees, followed by Bab area in Aleppo, the Hama sub-district in Hama governorate, the Manbij area in northeast Aleppo, and the Khafsa area in Aleppo (IOM, 2017). Most of the refugees returned home while 1.8% lived with hosts, 1.4% in abandoned houses, 0.14% in informal settlements and 0.03% in rented houses.

About 27% of returnees said that they had returned to protect their assets or property, and 25% indicated that they had returned because the economic situation in their areas of origin has improved, or to search for family members. Other factors that motivated the return of refugees include the deterioration of the economic situation in the countries of asylum (14%), social or cultural issues such as tribal ties, political affiliations, or any obstacle to integration in their areas of displacement (11%), improved security in their area of return (11%).

The population statistics reassessment conducted by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) showed that the number of IDPs was 5.6 million, not 7.5 million. Many Arab and Lebanese business-



men bought land in Syria driven by prospects of rising land prices and promising interests in the reconstruction of the country as soon as the Syrian conflict ends.

While the prospects for the return of refugees are rising, Syria continues to experience high rates of internal displacement. From June to July 2017, about 808,661 people were displaced, many of whom had already been displaced once or twice before. More than 6 million Syrians are still internally displaced and about 10% of the returnees are internally displaced. For example, hundreds of UNHCR-registered returnees who were again internally displaced in western Aleppo returned to the east of Aleppo, and many others who were in Damascus returned to Al-Qalamoun or Qodsiya after the Syrian army re-occupied these areas in the fall of 2016. The same happened in Al Raqqa after it was recaptured from ISIS. However, the prospects for the return of the families who were sent from Darya, Al-Waer neighborhood in Homs, and Al-Zabadani to Idlib province under an agreement with the regime are still low.

Obstacles to return

According to the latest UNHCR poll regarding the Syrians' plans to return to their homes, only 6% of Syrian refugees want to return to Syria, and 8% say they will never return, and three quarters are still hesitant. The Syrians' position depends largely on how conditions in their host countries develop, as well as on the security situation and the speed of reconstruction in Syria. In general, the longer people are abroad, the less likely they are to return to their country of origin. Unless the situation in the host country (Lebanon, Jordan or Turkey) tends to deteriorate considerably, they will not consider returning home, regardless of any improvement in the security and economic situation. At the same time, the deterioration of living and security conditions in Lebanon may cause some people to veer towards extremism, out of despair, because they are unable to return to Syria.

Regardless of the socio-economic situation, security, corruption and living conditions remain the major obstacles preventing Syrian refugees from returning to their homes. Insecurity continues to be the main driver of displacement or asylum, especially among families with children nearing the age of 18 who are at risk of recruitment by the Syrian army or rebel groups, and among those who fear



reprisals for having fled the army or abandoned their “national duty to survive and fight”. Corruption, extortion and kidnapping for ransom are the second most important factor that makes Syrians stay abroad. The economic situation is also a factor since people tend to stay where they have a source of income. In Syria, access to basic services, such as water and electricity, remains limited. The last and most important obstacle that could impede return is the inability of returnees to recover their property or even register their children since official records have been lost in battles or intentionally hidden by various parties who wanted to change the demographics of the country and gain control over certain areas⁸⁶.

We not come to the crux of the problem, since “voluntary and safe return” which, according to UNHCR, includes personal, legal, and income security⁸⁷, seems impossible now, and even in the foreseeable future. Even after progress is made on the political track- which is unlikely to happen-, the international community will not be able to provide solutions to all of the obstacles described earlier. The UNHCR is currently engaged in thorny negotiations with various Syrian parties, in particular the regime, with a view to granting amnesty to those who have fled the army and stopping conscription⁸⁸. However, this issue is subject to political will and cannot be solved with a technical fix. The controlling forces may be simply keeping refugees and IDPs away to avoid an unwanted political and economic burden in their area of influence. Therefore, all host countries, including Lebanon, should adopt a long-term rather than immediate perspective in addressing the Syrian refugees issue. Temporary solutions are no longer useful, and the approach must be changed, especially after the maximum tolerance has been exceeded.

Fourth: Conclusions and Prospects

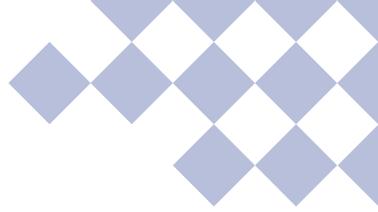
In the past year, many studies have revealed the fragility of the socio-economic situation in Lebanon with a general debt exceeding 150% of the GDP⁸⁹,

86 <http://eptoday.com/experts-syria-faces-2-million-lawsuits-over-lost-damaged-property/>;

87 Interview with the UNHCR Representative in Lebanon, Mireille Girard, at UNHCR headquarters in Beirut, on March 22, 2018.

88 Ibid.

89 <https://www.focus-economics.com/countries/lebanon>



an annually increasing deficit in the 2108 general budget, a 136th ranking on the world's corruption index⁹⁰, more than 1.5 million Lebanese (30%) below the poverty line, in addition to 76% of Syrian refugee families below the poverty line, and more than 50% of them in extreme poverty. According to Lebanon's humanitarian coordinator Philippe Lazzarini, "the situation is gradually deteriorating with snowballing humanitarian and development needs"⁹¹. Lebanon thus has to get its head out of the sand and work hard on a "national emergency plan" for the return of the refugees. In light of all that has been presented in this study, including the international and Lebanese approaches to the refugee issue, the situation on the ground in various Syrian regions, and the returns that have been achieved so far, the following conclusions can be drawn.

Voluntary return to stable zones

Based on the proposed classification which distinguishes between the foreign worker returning periodically to Syria, the refugee who fears returning for economic, legal or conscription-related reasons, and the refugee who fears for his life, the Lebanese state should give priority to the latter category, and keep the second only if it could take in more refugees. As for the first category (foreign workers), they should necessarily return to their country because they are no longer needed: Lebanon can secure its need for labor from the Syrian refugees living on its territory while, at the same time, alleviating those refugees' humanitarian burden and need for material support. This solution provides relief for Lebanon without compromising its humanitarian commitment to those who are in need of protection.

The next step would be to classify the refugees according to the areas from which they come from and their objective and subjective criteria, and try to determine whether some of them can return to fairly stable areas in Syria.

The second part of the study shed light on a large, regime-controlled, and very stable area that encompasses Jabal al-'Alawiyin, the Syrian coast, Homs, Damascus and its countryside adjacent to the Lebanese border, and from which

⁹⁰ Transparency International <https://bit.ly/2Gfavtm>

⁹¹ Al Liwa' newspaper, February 12, 2018: <https://bit.ly/2pNoaRI>.



more than 60% of the refugees in Lebanon originate. All Syrians who had fled ISIS and radical Islamist movements or, more generally, any Syrian who has no political issues with the regime, may return to this area. The East Euphrates area has been stable for years and is controlled by the Syrian Democratic Forces and US forces. The de-escalation zones in the South and in Idlib are also stable- albeit with a noticeable difference in stability and strong preference for the South- and safe for those who are on the side of the opposition and wish to pursue their struggle there, and those who are originally from these areas (provided that the minimum steps mentioned earlier are taken to achieve stability in these areas). All of these areas are benefiting from a minimum acceptable economic movement, and can accommodate a number of returning citizens who would contribute to the reconstruction works and efforts. This move is expected to cut an additional percentage of IDPs.

Temporary return to Syria or border areas (No man's land)

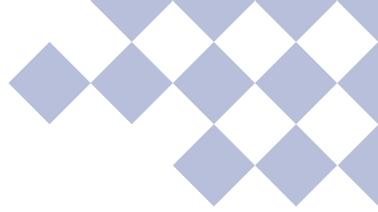
If the above steps turn out insufficient and the number of refugees still exceeds Lebanon's potential, the possibility of returning some refugees to organized camps in stable areas in Syria or in border areas until they can return to their homes should be considered. Refugee camps may be established in the stable areas mentioned in the previous paragraph, provided that the UNHCR continues to support the refugees in Syria in the same way it is currently supporting them in Lebanon or other neighboring countries.

The idea of establishing two Syrian refugee camps in two border areas between Lebanon and Syria- one in Masnaa' area in the Beqaa, and one in El Abde area⁹²- was also discussed in 2014. However, this idea never saw the light after some Lebanese political parties argued that it will encourage Syrian refugees to stay in Lebanon⁹³, as was the case with Palestinian refugees, and that such camps will later become hotbeds of tension and security threats⁹⁴. Nevertheless, the idea should not be entirely ruled out as it can solve part of the crisis and has been successfully implemented in Jordan and Turkey.

⁹² "لبنان يقرر إنشاء مخيمين للاجئين السوريين على حدوده". الجزيرة. 11 أيلول، 2014.

⁹³ "لا مخيمات على الحدود... وجنبلاط «بتحزّي» عن ضربات واشنطن". الأخبار. 12 أيلول، 2014.

⁹⁴ «الحكومة اللبنانية تتخذ قرارا بإقامة مخيمات للاجئين السوريين على الحدود الشرقية والشمالية». الشرق الأوسط. 13 أيلول، 2014.



The US-controlled border area of Tanf which can temporarily host a certain number of refugees until they can return to their areas of origin.

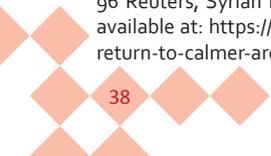
The role of political stakeholders

It is clear that the Syrian refugees' issue in Lebanon and the neighborhood is political as much as it is technical, economic and financial, since all solutions to improve the management of the crisis internally or start return plans require political consensus and a strong decision of the host country to deal with the reality. The current political debate in Lebanon regarding the management of the refugee crisis is organically linked to the political parties' position of the Syrian regime and the Syrian revolution in general and, in particular, of whether a solution should be implemented through negotiation with the Syrian government or support from the United Nations in order to guarantee the human rights of returnees in accordance with the principles of international law. There are two different positions in the Lebanese government. The March 8 political bloc, led by Hezbollah, sees that the return of refugees should be organized through dialogue with the regime, while the March 14 coalition, including Prime Minister Saad Hariri, favors the return of refugees through organization and support from the UN and its specialized agencies. Prime Minister Hariri believes that returning the Syrian refugees to a Syrian government who will not be able to take responsibility for their return amounts to a "refoulement" (or forced return) and thus must be avoided at the present time⁹⁵. On the other hand, the President of the Republic of Lebanon calls for the international community, the European Union and the League of Arab States to provide support and assume their responsibilities in helping the Syrians return to the quiet parts of Syria. Lebanese President Michel Aoun stated: "The displaced Syrians must be returned to stable and low-tension areas regardless of a political solution in Syria"⁹⁶.

Therefore, the Lebanese government, represented by the government,

⁹⁵ Reuters, Lebanon will coordinate refugee returns to Syria only with U.N.: PM Hariri, 14 July 2017, available at: <https://www.reuters.com/article/us-mideast-crisis-lebanon-syria/lebanon-will-coordinate-refugee-returns-to-syria-only-with-u-n-pm-hariri-idUSKBN19Z1M4>

⁹⁶ Reuters, Syrian refugees should return to calmer areas: Lebanon president, 16 October 2017, available at: <https://www.reuters.com/article/us-lebanon-politics-refugees/syrian-refugees-should-return-to-calmer-areas-lebanon-president-idUSKBN1CL1EW>

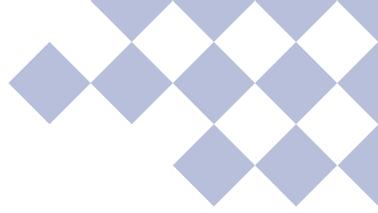


should not only ensure minimal management of the crisis but also work on developing an integrated national plan to manage the crisis in Lebanon and planning next steps for the return solutions. This requires every political party to contribute what it can to save the situation. The government blocs supporting the regime must accept the return of all foreign workers who have no reason hindering their return to allow the refugees who cannot return and who are mostly against the regime to stay. They should as well work with the regime to facilitate the return of refugees by granting public amnesty, stopping conscription, and allowing the refugees to recover their property and necessities of life. On the other hand, those who support the opposition should accept that refugees cannot stay in Lebanon and that their return, although not in ideal conditions, should be achieved gradually to save Lebanon and its economy from danger. Both sides should work with their allies abroad to promote the national plan and gather moral, financial and political support to secure its chances of success.

The role of the international community

The international community has an essential role to play in salvaging the situation in Lebanon from the worsening of the crisis, and perhaps, from the economic, social and security collapse that is looming on the horizon. In addition to providing financial support, the international community should deal with the return solution as a necessity for several reasons, including the inability to secure funds, donor fatigue due to the protracted crisis and the shifting of priorities, the worsening economic situation in Lebanon, and the escalating tensions and conflicts between host communities and refugees due to overpopulation, competition, prolonged stay, and births, and the slow processing of resettlement in third countries. The international community must take the Lebanese reality into account as it is, and should not take the current stability in Lebanon for granted until stability or a political situation is reached in Syria. Lebanon may not be able to wait for the situation to improve in Syria. The country that did not wait for a sign from the international community to protect those who needed protection may not wait for the international community to start returning those people to their homeland.

On the other hand, the UNHCR and other humanitarian organizations shall



have a more realistic approach and stop waiting for all the conditions to come together and be right for the return of the refugees. They shall start discussions and cooperation with the Lebanese state to develop the national plan while accelerating the negotiations and increasing the pressure on the Syrian decision-makers to facilitate the return of refugees and provide its basic requirements.

In conclusion, it is clear that the solution proposed in this paper are far from being the ideal scenario which Lebanon no longer has the luxury of implementing. The solution presented in this paper rather stems from the urgent need to have a well-thought proposal that makes the political discourse on the refugees more rational, and to suggest a roadmap that neither violates the basic principles of international humanitarian law nor undermines the deplorable situation in Lebanon. Our wish is that this paper will serve as a starting point for dialogue between the various stakeholders, from governmental and parliamentary institutions, to international and civil society organizations, to political parties, in the hope of reaching common ground that would be the first step towards the solution.

