# UNHCR, National Policies and the Syrian Refugee Crisis in Lebanon and Jordan

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According to the UNHCR, since the onset of Syrian political unrest and the civil war in 2011, more than 6.6 million residents of that nation have been displaced. Approximately 84 per cent of those fleeing the conflict have sought refuge in neighboring countries, namely Turkey, with 3.6 million registered Syrian refugees; Lebanon, with about 1 million; and Jordan, with 750,000 (UNHCR 2019a). These figures should be understood in the context of the overall populations of the receiving countries. In addition, many refugee families entered these nations with limited means to support their basic needs. Even for those who could at first rely on their savings or assistance from host families, life since their arrival has emerged as a daily struggle. Indeed, approximately 88 per cent of Syrian refugee families lived below the poverty line in Lebanon in 2020, while that figure for Jordan was 93 per cent (UNHCR 2020). More generally, as the conflict has continued, with host countries confronting an overwhelming demand for services, even those with historically welcoming policies toward refugees reduced their support to decrease the costs that the relatively rapid influx had created for their infrastructures, economies and citizenries.

The 1951 Refugee Convention definition of a refugee, along with the provisions on non-refoulement, established the basic obligations of countries to individuals seeking protection. That agreement defined a refugee as, 'someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion' (UN General Assembly 1951, 3). The rights of individuals and the corresponding obligations of states differ depending on the legal status of asylum seekers, that is, those with confirmed protection status (refugee or other) or applicants whose sanctuary claim has been denied (Stern 2016). Importantly, neither Lebanon nor Jordan has ratified the 1951 convention relating to the status of refugees or its follow-up 1976 protocol. As Janmyr has contended, 'It is arguable that the reasons for non-accession to the Convention vary between States, and, although some explanations may be valid throughout the [Middle East] region, important nuances may be lost by viewing these States as a group' (2017, 439). Whatever their specific reasons for non-adoption, refugee rights and state obligations toward them are tightly intertwined with national regulations and political climates in non-signatory countries. This chapter reviews the political and historic context of refugee policy action during the recent Syrian Civil War in these two countries. Changes in regulations and policies in Lebanon and Jordan tell a story of increasing reticence toward hosting Syrian refugees where each nation can take that stance with relative impunity because the European Union (EU) is keen to prevent additional exodus to its member states, and because both countries are non-signatories to the Convention.

This chapter also explores the strategies the UNHCR has adopted to address changing national policies and regulations in these nations in order to ensure humanitarian support for Syrian refugees and families. Our review of UNHCR's effectiveness in protecting Syrian refugees' rights in Lebanon and Jordan during the recent civil war suggested that the international organization has found itself addressing the traditional tension in its role of serving as the creature of a state centered body (the UN) whose members are sovereign within their territories, while also trying to protect the rights of individuals whom it cannot itself directly – that is, alone – assist. We also found that UNHCR is

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dependent on host states that have inadequate social, political and economic capacity to respond to refugees' needs. That is, the organization cannot control, nor can it directly affect those states' residents without their governments' cooperation. In addition, we contend that UNHCR's acceptance (willingly or not) of the neoliberalization of the humanitarian space has exacerbated its structural challenge in multiple ways. We have sought to highlight those conditions in our analysis.

## Lebanon's Response to the Syrian Refugee Crisis

Lebanon, a country with the highest per capita population of refugees in the world, today hosts approximately 1.5 million Syrians, 'including 918,874 [individuals] registered as refugees with UNHCR, along with 27,700 Palestinian refugees from Syria and a population of an estimated 180,000 Palestinian refugees from Lebanon living in 12 camps and 156 gatherings' (UNHCR 2020, 8). In addition to the fact that the country is not a partner to the international refugee convention, it also does not have any specific national legislation addressing the rights and living conditions to be accorded refugees. As was clear in the terminology section of the Lebanon Crisis Response Plan (LCRP) – developed among 112 partner organizations and published by UNHCR in 2017 to assist more than 2.8 million crisis-affected people living in Lebanon – this situation has led to an ongoing in-principle conflict between that country and the UN concerning the status of Syrian Civil War refugees:

The UN characterizes the flight of civilians from Syria as a refugee movement and considers that these Syrians are seeking international protection and are likely to meet the refugee definition. The Government of Lebanon … refers to individuals who fled from Syria into its territory after March 2011 as temporarily displaced individuals, and reserves its sovereign right to determine their status according to Lebanese laws and regulations (UNHCR 2020, 4).

Lebanon's declining economy, its growing public debt-to-GDP ratio, recent political unrest, the COVID-19 pandemic and a huge explosion at Beirut's port, which killed nearly 200 people and caused billions of dollars in damage in 2020, have all deepened Lebanon's financial and political challenges and contributed to a less generous stance towards refugees than the Convention outlines (UNHCR 2019a).

A variety of concerns have shaped the nation's non-compliance with the Convention and 1976 protocol, despite sustained international pressure to ratify them. Political researchers have attributed Lebanon's non-ratification of the Convention to a fear of endangering its fragile social and sectarian cohesion. After signing the Taif agreement, which reinstated the country's sectarian power-sharing system in 1989, Lebanon, home to 18 different religions, has striven to maintain a delicate demographic balance among these disparate groups, despite frequent struggles for political and social power among them (Nagle and Clancy 2019; Rizkallah 2017). As Janmyr has observed, 'Opposing accession may also serve the political purpose of appearing to 'defend' Lebanon from refugee naturalization, and thus be seen to preserve Lebanon's sectarian balance' (2017, 543). Several analysts have also investigated the importance of power-sharing negotiations and practices aimed at stabilizing the country during the Arab Spring (Fakhoury 2015; Hazbun 2016).

Moreover, continuing bitter feelings among many of its citizens concerning Palestinian refugees, whom they blame for the 1975–1990 Lebanon civil war (Hanafi and Long 2010; Janmyr 2017), have led the nation's politicians, almost unanimously, to decrease the number of Palestinian refugees in the country through systematic marginalization (e.g., restricting employment to all but the most menial of professions) and equally restrictive legislative changes related to residence, travel and freedom of movement, right to work and social security, as well as ownership and inheritance of property (Hanafi and Tiltnes 2008; Suleiman 2006).

Decree No. 478 of September 1995, 'Regulating Entry and Exit of Palestinians' into and out of Lebanon, for example, 'set a precedent in discouraging both Palestinian refugees to seek employment abroad, and the Gulf states to grant them visas'(Suleiman 2006, 15). As the policy was a violation of Article 9 of the Universal Declaration of Human Rights (UDHR) stating that no one shall be subjected to arbitrary arrest, detention or exile, the Salim Al-Hoss government revoked the Decree on 12 January 1999. Nevertheless, Palestinian refugees' right to employment and to social security continue to be regulated by Decree No. 17561 of 1964. That policy restricts the employment of Palestinians and requires that they obtain a work permit prior to employment. In addition, the order requires the

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Minister of Labor and Social Affairs to determine which professions will be reserved specifically to Lebanese citizens on an annual basis (Suleiman 2006, 15). Various ministerial-level decisions since, including No. 621/1 in 1995, have limited the number and variety of jobs available to foreign nationals residing in Lebanon. Finally, in April 2001, the Lebanese parliament passed a law (No. 296), which amended the first article of Decree No. 11617 of 1969 regarding non- Lebanese acquisition of property to read: 'It is prohibited to any person who is not a national of a recognized state, or anyone whose ownership of property is contrary to the provisions of the Constitution relating to 'Tawteen' to acquire real-estate property of any kind' (Suleiman 2006, 18).

The provisions of a Memorandum of Understanding (MoU) between Lebanon and the UNHCR in 2003 also play a role in governing refugees' status in the country (Saliba 2016). In the early stages of Syrians' mass exodus to escape their nation's civil war, Lebanon received considerable praise from UNHCR and human rights groups for opening its borders and adopting a non- encampment policy. The country initially offered refugees free entry and the right to work based on a 1991 Treaty of Brotherhood, Cooperation And Coordination Between The Syrian Arab Republic And The Lebanese Republic (Tsourapas 2019). Some critics, taking into account Lebanon's later policies toward Syria's refugees, have viewed this apparent early hospitality as the result of the government's mismanagement and lack of clear strategy rather than an intentionally beneficent approach (Yassin et al. 2015). In later years, clashing views among the nation's political parties regarding the conflict in Syria have led to continuing controversy concerning the establishment of refugee camps, which have been favored by one political group and vigorously opposed by another (Meier 2014). In the summer of 2012, Prime Minister Miqati's government established a dissociation policy regarding the events in Syria, claiming to be neutral in that nation's conflict. However, in practice, the Lebanese government's decision to use, 'force to close the border, [efforts] to expel Syrian civilians seeking refuge in Lebanon, and even [threats] to jail several people [while] deporting others' supported the links between major political elements … and the Assad regime' (Meier 2014, 386).

The Lebanese government swung from its initial open policy to an urgent international call for assistance by the end of 2012, claiming that the country was coping with a massive influx of Syrian refugees. Following that shift, the Lebanese government has assumed a passive, when not openly hostile, stance toward those displaced by the Syrian Civil War. In an article based on 16 months of fieldwork in Lebanon undertaken between 2015 and 2017, including more than 40 interviews with key informants working in UN, non- governmental (NGO) and public agencies, Janmyr concluded that international and nongovernmental entities were the most significant and influential forces in supporting that population. She found that, 'between 2012 and 2014, host communities, civil society networks and UNHCR constituted primary providers for Syrian refugees with the Lebanese government more or less in the back seat' (Janmyr 2018, 396).

In response to the large numbers of Syrian refugees, Lebanon's Council of Ministers approved what it dubbed its 'October Policy' in October 2014, to tighten restraints on their entry and residency (Janmyr 2016; Tsourapas 2019). The imposition of expensive renewal fees for registered refugees and a new requirement that a Lebanese national sponsor individuals who had not already registered for UNHCR refugee status, left many Syrians in the nation illegally and hence vulnerable to exploitation (Janmyr 2016; Tsourapas 2019). In May 2015, with nearly 1.2 million Syrian refugees registered by UNHCR residing in the country, Lebanon's government asked the UN agency to suspend registration and even to de-register refugees who traveled to Syria, 'as they did not appear to fear returning to their home country, [and so] were not entitled to their UN-designated refugee status' (Janmyr 2018, 407). Accordingly, UNHCR registration of Syrian refugees in Lebanon formally ended in 2015. While the UN organization continues to update its information concerning the previously registered population, the organization has found itself in the position of advocating for the resumption of registration even as it seeks to prepare those it is assisting for a safe and dignified return to Syria when conditions are ripe.

The international nongovernmental organization, Human Rights Watch, has argued that General Security officials in Lebanon have applied residency policies incoherently by requiring refugees already legally registered with UNHCR to obtain a Lebanese sponsor and by demanding that Syrians sign a pledge not to work, even after the government formally dropped that requirement in 2016. Human Rights Watch and many other organizations have documented for several years how the Lebanese government's kafala (sponsorship) system has provided employers unwarranted power and control over refugee workers' lives, 'leading to an array of abuses, including non- payment of wages,

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forced confinement, excessive working hours, and verbal, physical, and sexual abuse' (Human Rights Watch 2021b, 418).

For its part, UNHCR has contended that since 2017, host community fatigue in Lebanon has made it quite challenging to preserve 'a dignified protection space for refugees' (UNHCR 2017). Perceived competition for employment has been the main source of tension and conflict. Indeed, during 2017 several Lebanese municipalities imposed and subsequently increased restrictions on Syrian refugees through, 'curfews, confiscation of IDs, restrictions on residency and evictions justified with reference to pressures on local infrastructure, on economic, security, law and order, or on no particular grounds' (UNHCR 2017). The call on Syrian refugees to return to their country by local and national Lebanese officials continued in 2018 after the elections that May and surfaced again during the Brussels II Conference on 'Supporting the Future of Syria and the Region,' hosted by the EU and the UN in April 2018. The participants in that event concluded their work by agreeing to the following broad aim:

The Government of Lebanon and its international partners reiterate that the main durable solution for Syrian refugees in Lebanon is their safe, dignified and non-coercive return to their country of origin, in accordance with international law and the principle of non-refoulement. … The international partners expressed their support for UN-facilitated returns (Brussel II Conference 2018, 6).

In 2019, with continued negative public and political discourse concerning Syrian refugees as pernicious forces in Lebanon's economy, employment and society, the government again toughened its relevant laws and regulations. Those steps, 'led to instructions to dismantle unauthorized shelter structures, to consider deportation for Syrians who had entered Lebanon irregularly after 24 April 2019, and to enforce the permit requirements for foreign workers' (UNHCR 2019b). The 2019 Construction Law stipulated that only 'non- permanent' building materials, including wood, stone, and canvas, could be used for building on agricultural land. The law explicitly forbade concrete structures, including those with cement foundations. While the Construction Act had existed since 2004, it had gone largely unenforced until the 2019 statute.

Approximately 24,000 Syrian refugees (a 44 per cent increase compared to 2018) left Lebanon to return to Syria during 2019. The most frequently cited reasons for those decisions were to reunite with their families as a result of improved security in their sites of return and unfavorable socioeconomic conditions in Lebanon (UNHCR 2019b).

With the global COVID-19 pandemic in 2020–2021, Syrian refugees in Lebanon faced an obvious and potentially fatal risk and a growing need for basic assistance, including healthcare, shelter, water, sanitation and hygiene (UNHCR 2019a). The public health crisis heightened the dangers of the Lebanese government's increasingly draconian approach to Syrian refugees. As an example, Human Rights Watch has highlighted the fact that, 'Living conditions for the Syrian refugees living in Arsal [who had been] forced to dismantle their shelters in 2019 remain dire. … Their situation, compounded by COVID-19 movement restrictions, threatens their safety and their very lives' (Human Rights Watch 2021a).

**Jordan's Response to the Refugee Crisis**

As a major destination country for refugees in the Middle East, Jordan has hosted several million displaced people since the 1940s. The 1948 Palestinian exodus, the Six-Day War in 1967 and the 1987 Intifada led many Palestinians to seek refuge in Jordan. Today, Jordan hosts the largest number of Palestinian refugees (an estimated 1.9 million) of any nation in the world. The country also received thousands of Iraqi refugees following the U.S. invasion of that country in 2003. The Iraqi refugee population in Jordan exceeded 66,700 persons in February 2021 (UNHCR 2021a).

As noted above, Jordan, like Lebanon, has never signed the refugee convention and it now hosts approximately 665,000 Syrian refugees registered with UNHCR and 1.3 million when those not registered are considered (about 10 per cent of Jordan's population of 10.1 million in 2019). More than 83 per cent of the Syrian refugees now residing in Jordan live outside of Zaatari and al-Azraq, the two refugee camps created for them (UNHCR 2021b). Many analysts praised Jordan's hospitality toward refugees at the onset of Syria's civil war. Zetter and Ruaudel, for example, in their

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comparative study of international legal provisions for refugees' right to work, claimed that 'Signatory States do not necessarily offer "best" or "better" practice than nonsignatories' and commended 'the leadership shown by Jordan in providing a quota of work permits to Syrian refugees as part of the donor-supported [Jordan] Compact' (2018, 5). The EU and Jordan signed that agreement in February 2016. That pact obliged the Kingdom to improve Syrian refugees' access to education and lawful employment in return for grants and loans and preferential trade agreements with the Union and its member states.

Other scholars have viewed Jordan as a rent-seeking (or a semi-rentier) nation whose, 'various policy strategies [have been] adopted in an attempt to attract higher levels of funding [that] reveal them as important actors in aid negotiations, with greater agency than is commonly portrayed' (Kelberer 2017, 150; Tsourapas 2020; Morris 2019). A brief overview of Jordan's response to the Syrian refugee crisis during the past decade illuminates the factors that have led to these contrasting claims.

In the first years of the Syrian conflict, Jordan kept its borders open to Syrian refugees due partly to the existence of a pre-war bilateral non-visa regime that allowed Syrians free entry to the country (International Labor Organization 2015). However, beginning in 2013, the Jordanian government gradually applied stricter controls and border restrictions. Authorities formally denied entry to Palestinians residing in Syria beginning in April 2012 and officially declared a non-admittance policy to Palestinians in January 2013. From January to April 2013, only 300 Syrians were allowed to enter Jordan per day. By mid-2014, nearly 12,000 Syrians were stranded on the Syria- Jordan border, even as the Kingdom shifted to a closed-door policy that prevented Syrians from arriving via its international airport (Human Rights Watch 2014). Without regular entry possible since December 2013, all Syrian refugees must report to one of Jordan's two camps, which are jointly administered by the national government and UNHCR.

Tsourapas has argued that the encampment strategy 'enabled the Jordanian state to highlight that it was facing a clearly enumerated influx of Syrian refugees, and to strengthen its appeals for international aid' (2020, 9). Turner, when comparing Lebanon and Jordan's (non-)encampment strategies has similarly suggested that, while acknowledging the importance of both states' differing historical experiences hosting refugees, and the security and budgetary motivations for policies of (non-)encampment, one can consider camps as tools 'through which states spatially segregate refugees, of certain socio-economic classes, whom they deem surplus to labor market requirements' (2015, 386).

Stave and Hillesund (2015) have compared the Syrian refugees who fled to Lebanon to their counterparts in Jordan. On average, the latter group is less economically advantaged, more rural in origin and less well-educated than its host population. As a result, and as Turner has argued,

The 'bailout' system [a process through which Syrians who have identified a Jordanian sponsor are able to leave the camps and settle in urban areas] has an important class element as it has often enabled those Syrians with sufficient access to capital and connections to leave refugee camps and move into Jordanian host communities, but has simultaneously effectively consigned to camps the poorest Syrians, who might be expected to exert the strongest downward pressure on wages (Turner 2015, 395).

Jordan's government introduced the bailout system in July 2014 and suspended it in early 2015. With that action, there are now few legal ways for refugees residing in Jordan's camps to leave them to settle in host communities and those require approval by the government's Humanitarian Committee. That group may allow resettlement based on family reunification imperatives, medical requirements or for a small number of other extreme circumstances and conditions (Jordan INGO Forum 2018).

Registered with the UNHCR as refugees or not, all Syrians residing outside the camps in Jordan are required to enroll with the Ministry of the Interior (MoI) and receive a MoI Service Card. In 2015, the Ministry of Interior launched what it dubbed the Urban Verification Exercise (UVE) to re-register/ verify all Syrian nationals living in the nation and to provide them with new biometric MoI cards. The identification entitles its holder to move freely throughout the Kingdom and to access public services, including health and education, within the district in which it is issued. Refugees must visit police stations to apply for and renew the card annually to maintain their legal status.

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Alternatively, they may do so with a valid work permit.

To obtain a MoI card, refugees 12 years or older must first obtain a health certificate from the Ministry and present it along with proof of address (e.g., certified lease agreement, non-certified lease agreement with the presence of the landlord or proof of place of residency issued by UNHCR). Common issues refugees have faced to obtain their MoIs have included long wait times at health centers and police stations, police asking for additional documentation beyond the official requirements (NRC 2016) and difficulties obtaining and providing lease contracts and/or proof of residence (Jordan INGO Forum 2018). The Norwegian Refugee Council (NRC) has studied Syrian refugees' documentation of legal status in Jordan and found,, 'Most refugees interviewed sought to obtain lease contracts (many were living in NRC shelter properties); few discussed bringing their landlord to the police station, and none discussed knowing about or using the UNHCR mechanism' (NRC 2016, 15). The NRC interviews revealed that, 'some landlords ha[d] been reluctant to certify leases because of potential tax consequences. … In other cases, landlords were unwilling to provide copies of their identity documents or accompany refugees to the police station' (NRC 2016, 15). Syrians found by Jordanian authorities not to possess a Ministry card are typically arrested and relocated to a refugee camp.

As we noted above, in an effort formally aimed at ameliorating Syrian refugee and vulnerable host communities' living conditions, the EU and Jordan signed the Jordan Compact in February 2016. The agreement obligated the Jordanian government to provide Syrian refugees access to the formal labor market by issuing up to 200,000 work permits for jobs in sectors with low native citizen participation and a high ratio of foreign workers, as well as sectors with a high degree of skills match. The Kingdom also agreed to allow Syrian refugees to register businesses more readily by revising its pertinent legal standards and regulations. For its part, to spur job creation in Jordan, the EU reduced trade barriers on products manufactured in 18 designated Special Economic Zones (SEZs), if at least 15 per cent of the factories' laborers were Syrian refugees (Agulhas 2020). The Compact also removed restrictions on Syrian refugees in camps that prevented those individuals from engaging in financial activities with people outside of them and it also permitted Syrians to become involved in municipal works projects through private sector contractual employment.

While this political commitment to integrate Syrian refugees into the formal Jordanian labor market has resulted in an increased number of work permits for that population, many commentators have expressed skepticism concerning whether the Jordan Compact is genuinely serving the needs of Syrian refugees. Prioritization of state-centric agendas (Arar 2017; Moayerian and Stephenson 2021) via uninformed/non-participatory decision making processes (Lenner and Turner 2018), the underwhelming (and decreasing) growth of new jobs since the adoption of the Jordan Compact (ICMC 2021), an increase in the number of Syrian refugees working in the informal sector since the Jordan Compact's adoption, linear thinking and an overemphasis on agreement-stipulated outputs rather than outcomes (e.g., number of work permits issued versus jobs secured) (Huang et al. 2018) and lack of human rights considerations are among the major critiques of Jordan Compact planning and implementation (Al-Mahaidi 2021).

Morris has argued that financial aid from the EU has discouraged Jordanian officials from negotiating and preparing a plan for a return project as 'government policy is partially as a result of this aid funding tied to refugee integration in Jordan' (2019, 33). On the other hand, ongoing uncertainty about the situation in Syria has sharply reduced the voluntary return rate among Syrian refugees. Chaotic conditions in Syria, frequent policy changes in that country and circulation of misinformation on social media have left refugees in limbo concerning when or whether to seek to return. Morris has claimed that UNHCR has neither the infrastructure in place, nor the arrangements with the Syrian and Jordanian governments to facilitate large- scale voluntary return of Syrians from Jordan.

The influx of Syrian refugees has necessarily resulted in increased demand for education and health services. Prior to the Syrian crisis, the Jordanian Government had committed to raising education standards and reducing the number of students attending double-shift schools (Francis 2015). With more than half of the Syrian refugee population in Jordan under the age of 18, however, the school system has been forced to accommodate a notably higher number of students. Consequently, the hours children spend in school in the country and the quality of education for many of those students due to larger class sizes have both declined. In 2014, the Jordanian Government announced a need to build an additional 72 schools to address the needs of Syrian and Jordanian

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students (Majali 2014). Meanwhile, El Arab and Sagabaken (2018, 1079) have reviewed the healthcare research addressing Syrian refugees in Jordan and found that, 'The healthcare needs of the refugee, as well as the host population in Jordan, cannot be adequately met without the international society acknowledging a collective responsibility, including a financial commitment'. Many scholars and observers have contended that a major structural barrier for Syrians' access to healthcare and educational services in Jordan is their frequent lack of formal documentation. As a result, several analysts have called for more flexibility in the provision of needed services and improvements in ensuring refugee access to adequate documentation (El Arab and Sagbakken 2018; Norwegian Refugee Council (NRC) 2016).

More generally, Francis (2015) has argued the Syrian refugees' arrival illuminated an existing governance crisis in Jordan. With the government's now more obvious lack of capacity to deliver essential services (e.g., healthcare, education and waste management) and deterioration of service quality in many municipalities, Jordanian citizens have increasingly blamed not only the influx of Syrian refugees, but also the government for those conditions. In this regard, a number of studies have suggested that, 'many of the barriers faced by refugees also exist for vulnerable nationals, and that supporting refugees can provide an opportunity to improve protection conditions for host communities' (Durable Solutions Platform and Migration Policy Institute 2021, 7).

Having surveyed the shifting reactions and policies of the Lebanese and Jordanian governments to the Syrian Civil War refugee crisis, the following sections review the specific roles the UNHCR has played in responding to that still unfolding challenge in Lebanon and Jordan with an eye to gauging its relative effectiveness in providing long-term protection and support to the Syrian Civil War refugee population.

## UNHCR Response to Syrian Crisis in Lebanon and Jordan

The overall refugee response in Jordan and Lebanon has resulted from a close collaboration between the governments of the host countries, UN agencies and national and international nongovernmental organizations under the aegis of UNHCR as the lead UN agency for refugee support. UNHCR is responsible for formal assignment of refugee status, resettlement designation and management of formal camps for refugees. As outlined in 1998 (Jordan) and 2003 (Lebanon) separate memoranda of understanding (MOUs) with UNHCR, that institution is responsible for overseeing the refugee application and registration process for all asylum-seekers and providing those who qualify with official certification as persons of concern. Jordan and Lebanon have each pledged to respect the principle of nonrefoulement for those granted refugee status. The MOUs, however, did not provide a blueprint for long-term integration or naturalization of refugees. Lack of a comprehensive domestic legal framework covering refugees with dedicated implementation mechanisms in Lebanon and Jordan has limited UNHCR's capacity to address the protection concerns faced by Syrian refugees. The refugee agency has faced three major challenges as it has sought to address this enduring mismatch of need and capability. We treat those next.

*Lack of Downward Accountability*

While both MOUs and many scholars/practitioners have placed UNHCR at the center of the refugee regime complex (Betts, Loescher, and Milner 2013), others have rightfully 'conceive[d] of regime complexes as dependent ultimately on a nation state for their foundation' (Barry-Murphy and Stephenson 2018, 791).

In the current era, neoliberalism has provided the leading narrative governing such arrangements by prizing the market, profitability and efficiency. Lebanon's formal request that the UNHCR de-register Syrian refugees by arguing that many of them are not truly refugees, but merely economic migrants seeking jobs, highlights the dominance of this way of thinking in that nation's political decision-making during the crisis. Critics have suggested that UNHCR's willingness to comply with such demands, and its too casual attitude to delisting Syrian refugees at government request, are examples of its lack of downward accountability and failure to ensure humanitarian protections to those it ultimately is charged with protecting (Kagan 2014). As a UN agency ultimately responsible to the nations that comprise that body, UNHCR leaders have argued they were duty bound to comply with Lebanon's suspension order, especially when individuals had not yet fully completed the registration process (UNHCR 2015).

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Those refugees who do not obtain registered status do not receive a UNHCR certificate, which as mentioned earlier, for many is essential for continued residency in Lebanon. Without access to full legal status, as a recent report by the Durable Solution Platform and Migration Policy Institute has stated, 'refugees are often unable to obtain basic identity documentation, which limits their access to vital services and makes them vulnerable to harassment, detention, and even deportation' (Durable Solutions Platform and Migration Policy Institute 2021, 7). The result is a classic example of author Joseph Heller's famous Catch 22, a situation from which there is no escape due to conflicting conditions. In this case, it has arisen because relevant responsible organizations have informally refused to accept ultimate accountability and thereby place the affected individuals (refugees) in extraordinary and often supremely difficult straits, whatever their formal rights and responsibilities (Heller, 1961). In this case, this ironic scenario has arisen due to these nations' difficult situations, their past refusal to accede to international humanitarian claims and the tensions implicit in UNHCR's dual mission of serving individual refugees via member states.

In both Lebanon and Jordan, UNHCR adopted biometrics technology in the registration process hoping to enhance downward accountability by enabling faster and fairer refugee assistance, while also improving upward accountability to UN member states through more accurate registration and population data. However, with its strong concern with upward accountability (avoiding fraud and duplication), UNHCR adopted a framing of its role that ultimately did little to improve overall conditions for Syria's refugees. In 2014, the Lebanese government requested access to UNHCR's biometric refugee data and, given the lack of an official UNHCR stance on the issue, many refugees reported concern about their personal information thereby indirectly reaching the Syrian government, with some refusing iris scans, even if it meant forfeiting food and cash aid from the UNHCR and other international agencies (Jacobsen 2016).

*Overemphasis on Measurable Outcomes*

Several critics of UNHCR have argued that its embrace of a more (economic) developmental approach (versus a humanitarian one) has corroded what should be its main focus: ensuring legal protection and a more vocal and political engagement with governments that fail to honor or that abrogate those obligations to refugees. Jacobsen and Sandvik, in their analysis of UNHCR's approach to increasing its accountability, have argued that the organization's Results-based Management (RBM), biometrics (iris recognition technology) and cash-based interventions (techno-bureaucratic technologies) have, 'yield[ed] an understanding of protection in which quantification, measurability and accuracy are assigned greater value than qualitative perspectives and contextual understanding' (2018, 9). Put differently, the organization's emphasis on measurable outcomes has led critics to question its contributions to humanitarian relief as, 'neither its reports nor its performance measurement systems [have] provided a clear and complete picture of how it was improving the circumstances and well-being of persons of concern' (MOPAN 2015, 64).

As briefly noted in our discussion of the Jordan Compact above, the initial idea framing that agreement was to turn a humanitarian crisis into a development opportunity, a schema that did not target refugees' well-being as its goal, but instead considered them a means to increase Jordan's economic prosperity and not coincidentally, to limit potential Syrian migrants to EU nations. Development-led responses to large-scale, protracted refugee crises, a frame that has gained remarkable traction in recent years, has been popularized as the humanitarian-development nexus (HDN). Zetter (2019) has argued that this approach to the refugee regime is a straightforward manifestation of the neoliberal framework,

seeking to incorporate a small, but as-yet untapped, component of the global economy. Converting refugees from welfare recipients into market actors as consumers and producers through employment promotion and cash-based transfers (CBTs), and the increasing privatization of humanitarian space through entrepreneurial activity (Zetter 2019, 8).

With its cash-based intervention (CBI) approach in Lebanon and Jordan, UNHCR adopted a vulnerability-assessment framework (VAF) to map the needs of the Syrian non-camp population in both nations. Nominally, VAF provides a vulnerability score that UN agencies and international nongovernmental organizations (INGOs) can employ to identify household needs. Those who have investigated how this method has operated in practice have

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expressed concerns about a 'system that doesn't see people but data sets, not individuals but numbers, not families but scores,' in which families lose cash assistance because of being shifted among categories of vulnerability (2018, 8). In such terms, 'these families haven't turned down a magical road to a better life, but a data set, based on an annual registration process, has decided their fate for them' (Jacobsen and Sandvik 2018, 8).

*Assistance Versus Agency Mobilization*

In a neoliberal international system, 'refugees must petition for a citizenship relationship, most typically based on persecution or other hardship. … That is, to gain citizenship, refugees need first to be conceptualized as victims' (Barry-Murphy and Stephenson 2018, 793). Agier (2011) has contended that due to their exclusion from formative roles in the refugee regime and denial of their agency, refugees have no choice but passively to accept their status or pursue illegal solutions/channels to their plights. Examples of structures that have worked to limit refugees' possibilities for exercising agency are myriad in the Jordanian and Lebanese Syrian crises profiled here. Predefined living districts, rigid employment sectors and class-based bailout mechanisms are obvious illustrations of the neoliberal mindset that values a certain narrow stratum of refugees and views others as socio-economic burdens or threats on (inter)national resources. Criticizing UNHCR's use of its vulnerability framework in Lebanon, Janmyr (2018) has warned that such supposed efficient pragmatism has actively endangered humanitarian values.

## Conclusions

Displaced Syrians' protection within the refugee regime complex during the present crisis has depended heavily on (and often been limited by) affected states' capacities and the norms they have been willing to accept. In the case of Jordan and Lebanon, the omnipresent neoliberal worldview has led these host countries to cultivate legal ambiguity and uncertainty along with complicated/expensive processes for documentation and/or self-employment for the Syrians they have hosted in the present crisis. Taken together, this stance has de facto constituted a strategy that has blamed and demonized refugees for their situations and, even more perversely, curtailed others' willingness to recognize their political rights and agency. To overcome this unsustainable and inhuman worldview, the dominant framing of refugees as passive and vulnerable and in need of state protection/reunification must change. However, as mentioned earlier, the challenging relationship between the UN agency and its sovereign members limits such potentials. Certainly, as we have argued, UNHCR has been unable or unwilling to press such claims.

In order for leaders of the refugee regime governance complex and refugees to view themselves as agents of their own future, it is essential 'to re-interpret the narrative of vulnerability prescribed for them by the regime's overseers and to rethink how they and those who play a role in protection decisions regarding them can revise their prescribed story' (Barry-Murphy and Stephenson 2018, 793). It appears essential not simply to regard refugees as passive actors in search of a market defined niche, but instead as human beings with complex needs and the full array of rights that accompany that standing.

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