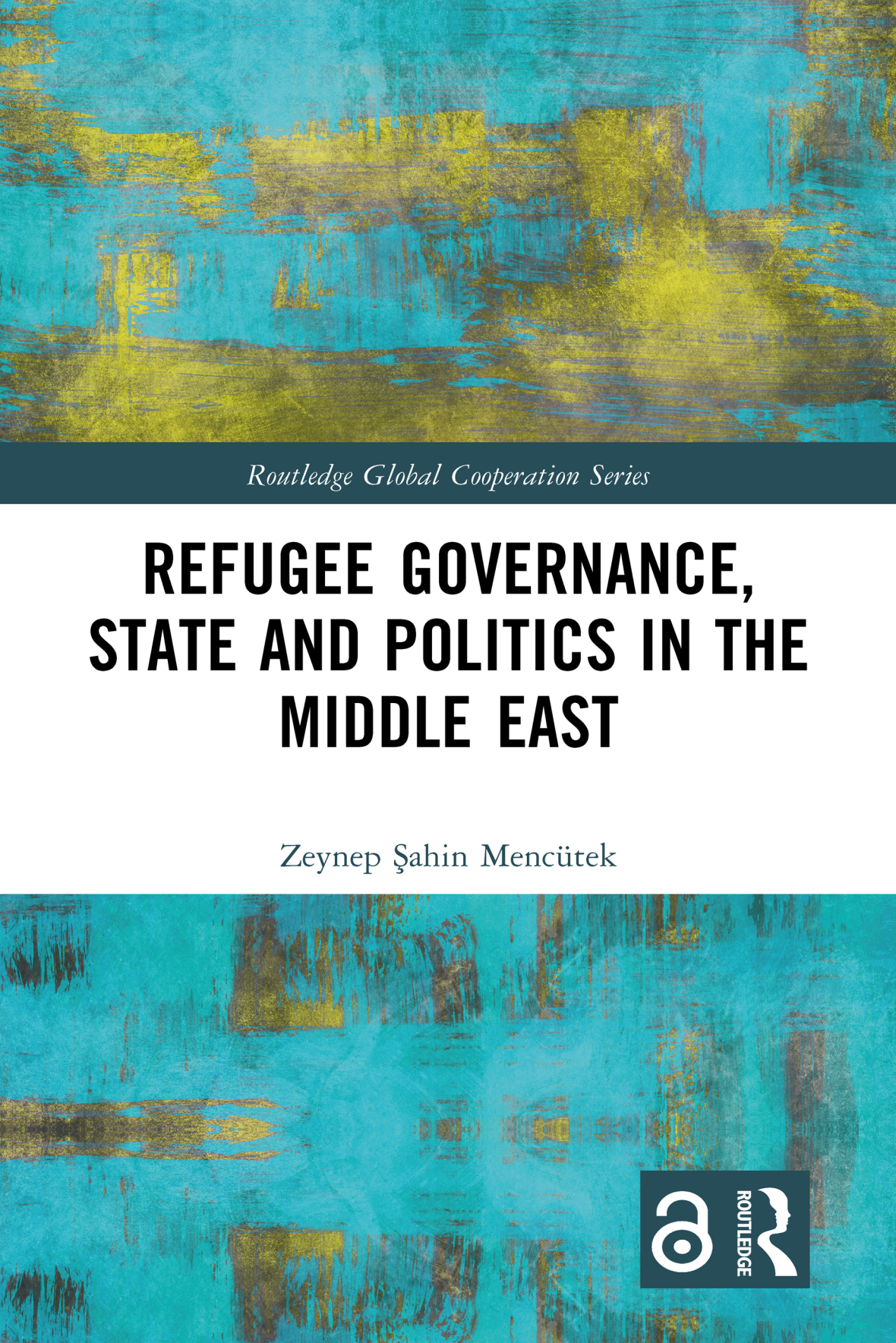




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REFUGEE GOVERNANCE, STATE AND POLITICS IN THE MIDDLE EAST

Zeynep Şahin Mencütek



Refugee Governance, State and Politics in the Middle East

The movement of displaced people, migrants and refugees has become increasingly important around the world, leading to a need for increased scrutiny of global responses and policies towards migration. This book focuses on the Middle East, where many nations are part of this global phenomenon as both home, transit and/or host country.

Refugee Governance, State and Politics in the Middle East examines the patterns of legal, political and institutional responses to large-scale Syrian forced migration. It analyses the motivations behind neighbouring countries' policy responses, how their responses change over time and how they have an impact on regional and global cooperation. Looking in particular at Turkey, Lebanon and Jordan, three of the world's top refugee hosting countries, this book explores how refugee governance differs across countries and why they diverge. To theorize variations, the book introduces multi-pattern and multi-stage refugee governance models as two complementary analytical frameworks. The book further argues that each of these three states' refugee responses is constructed based on three main factors: internal political interests, economic-development related concerns, and foreign policy objectives as well as interactions among them. The book's categorizations and models (on policy fields, actors, stages, patterns and driving forces) provide analytical tools to researchers for comparative analyses.

Scholars and students of Comparative Politics, International Relations, Refugee Studies, Global Governance and Middle Eastern Studies will find this book a useful contribution to their fields.

Zeynep Şahin Mencütek is an Associate Fellow, Käte Hamburger Kolleg/ Centre for Global Cooperation Research, University of Duisburg-Essen, Germany, and a Senior Researcher, Swedish Research Institute, Istanbul, Turkey.

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Abbreviations

AFAD	The Disaster and Emergency Management Authority (Turkey)
ASCs	Asylum Seeking Certificate
DGMM	Directorate General of Migration Management (Turkey)
EU	European Union
GoJ	Government of Jordan
GoL	Government of Lebanon
GoT	Government of Turkey
GSO	General Security Office (Jordan)
HCSP	Host Community Support Platform (Jordan)
IAF	Islamic Action Front (Jordan)
IDP	Internally displaced person
IDs	Identity document
INGOs	International non-governmental organizations
IOs	International Organizations
IMF	International Monetary Fund
ISIS	Islamic State of Iraq and Syria
JAP	Joint Action Plan (Turkey)
JDP	Justice and Development Party (Turkey)
JRP	Jordan Response Plan
JRPSC	Jordan Response Platform for the Syria Crisis
LCRP	Lebanon Crisis Response Plan
LFIP	Law on Foreigners and International Protection (Turkey)
MoE	Ministry of Education
MoH	Ministry of Health
MoI	Ministry of Interior
MoPIC	Ministry of Planning and International Cooperation
MoU	Memorandum of Understanding
NGOs	Non-governmental organizations
NRP	National Resilience Plan (Jordan)
PKK	Kurdistan Workers' Party (Turkey)

PLO	Palestinian Liberation Organization
PRS	Palestinian refugees fleeing from Syria
PYD	Democratic Union Party (Syria)
Refugee Convention	The Refugee Convention of 1951 and its additional Protocol of 1967
RSD	Refugee status determination
SEZ	Special Development Zones (Jordan)
SRAD	Syrian Refugee Affairs Directorate (Jordan)
SRCD	Syrian Refugee Camp Directorate (Jordan)
TPR	Temporary Protection Regulation (Turkey)
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner of Refugees
UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East
UNSC	United Nations Security Council
YPG	People's Protection Unit (Syria)



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1 Introduction

As global headlines have underscored in recent years, we have been in the middle of what many call a global migration crisis. Nearly one person is forcibly displaced every two seconds as a result of war or persecution, while the total number of displaced people is around 68.5 million (UNHCR 2018). States' responses to such forced displacement are not only an inherent part of international politics but they are also fundamentally defined by domestic politics and economic relations. One of the striking examples of forced displacement that turned into a crisis for many is the large-scale forced migration originating from Syria since 2011. At the end of 2017, when the Syrian cross-border mass forced migration turned into a protracted refugee situation, the number of registered Syrian refugees peaked at 5.5 million, according to the main global agency for refugee affairs, the United Nations High Commissioner of Refugees (UNHCR).¹ The UNHCR was able to submit the files of only 77,254 Syrians for resettlement to the third countries. The numbers of refugees departed from main host countries to the resettlement countries were recorded as 19,500 for Lebanon, 19,300 for Jordan and 15,600 for Turkey, in total making less than one per 1,000 refugees in these countries (UNHCR Resettlement 2017). In addition, there appears to be very little opportunity for mass voluntary return as long as the war in Syria is ongoing. It follows that the two durable solutions – namely, the voluntary return and resettlement to third countries – for which the international refugee regime generally advocates, do not hold for the Syrian cases. The majority of the internationally displaced Syrians are likely to remain in their first destination countries, mainly Syria's neighbouring countries, and only a limited number can be expected to make their way illegally to European countries by embarking on deadly journeys.²

In fact, a year before, in autumn 2016, the leaders of the major regional host countries – Turkey, Lebanon and Jordan – in which almost 5 million Syrian refugees reside, addressed the world community in the first United Nations (UN) Summit for Refugees and Migrants. The Turkish President, Recep Tayyip Erdoğan, noted that Turkey has been hosting nearly 3 million Syrian refugees. He expressed his disappointment and concern that the

2 Introduction

international community had failed to live up to its 'humanitarian values and conscience'.³ At the same summit, the Prime Minister of Lebanon, Tammam Salam, underlined the 'burden' falling on the shoulders of his country, saying: 'Lebanon is neither able to carry this burden [more than 1 million Syrian refugees], nor does it accept for Syrians to remain out of their country.' He reiterated Lebanon's official stance regarding the country's absolute rejection of naturalization.⁴ For Jordanian King Abdullah II, despite the severe impacts of the crisis that were also being felt in Jordan, the commitment and sacrifice of Jordan should not be questioned. He argued that:

in the past five years the Syrian crisis has sent Jordan's burden skyrocketing. Today we are hosting 1.5 million Syrians, one for every five of our own citizens. Across my country, Jordanians are suffering. No one is justified in questioning our commitment and sacrifices.⁵

The leaders of all three countries agreed on the unbearable burden of hosting Syrian refugees. They implicitly or explicitly criticized the international community for not doing enough for the refugees, for imposing unacceptable demands like naturalization and for questioning host countries' actions, including the closure of the borders.

In mid-2011 and 2012, these three countries had welcomed Syrian refugees fleeing from the war in Syria by demonstrating a flexible and humanitarian approach that enables Syrians crossing to the borders of these countries, freedom of mobility within there, as well as access to some services (mainly health and education) and informal employment. All assumed that the crisis would end soon, and therefore there was no problem in providing temporary refuge to Syrians. However, these countries started to change their initial liberal approach towards a restrictive stance in relation with the Syrians' sheer numbers, the longevity of the crisis and the increased security concerns. The refugee governance patterns of Turkey, Lebanon and Jordan evolved from 2013 to 2018, both legally and institutionally. All three closed their borders in different years, preventing new arrivals from Syria. While Turkey and Jordan preferred self-settlement and the encampment of refugees, Lebanon avoided encampment. Their reception and protection policies also differed from each other. The fact that Lebanon and Jordan never signed the 1951 Refugee Convention and that Turkey had signed but has some reservations about the region of origin in granting refugee status has meant that none of these countries granted refugee status to Syrians. Also, in all three countries, institutional ambiguity emerged as to which state institutions would be required to deal with refugee affairs and to control the actions of humanitarian organizations. Turkey introduced its national refugee protection regime in 2014 to grant Syrians temporary protection status, while the central state dominated aid delivery and the provision of central services. Jordan took over all

registration services from the UNHCR in 2015, but still externalized service protection to the international humanitarian organizations present. Lebanon also suspended the UNHCR's registration, but state attempts to regulate registration and to gain national leadership of aid delivery remained very limited compared to the other two states.

In the year of the aforementioned Summit, these countries had also been on the global agenda, particularly of the European Union (EU). Although they had been hosting Syrian refugees since 2011, their policies, specifically their flexible regulation of entries and exits of migrants, urged the EU to take action. The number of Syrian refugees, along with other irregular migrants who were arriving at EU borders and seeking asylum reached 1 million in total (both Syrian and non-Syrian migrants) in 2016 (EC Report 2016, 4). Moreover, some 2,964 people in 2015, 4,314 people in 2016, 3,111 in 2017 and 1,508 in 2018 (until 19 June) died while trying to cross the Mediterranean – mainly drowning at sea (Missing Migrants 2018). This situation is called a migration crisis. As a response, the EU issued a statement in early 2016, in collaboration with Turkey, aiming to control the crossings of Syrian refugees, who sought to reach European shores via Turkey's west coast. On the one hand, Turkey started to build a wall on its Syrian border, which had remained open for Syrian refugees in previous years. On the other hand, it granted work permits to Syrians and President Erdoğan went as far as mentioning the possibility of granting citizenship to Syrians. In the same year, and against a background of prolonged inaction, Lebanon brought an end to its open-door policy and started to implement regulation attempts towards Syrian refugees on its territory. Lebanese policy makers reacted harshly when the UN's Secretary-General Ban Ki-moon voiced the request that Syrians be granted citizenship in Lebanon. Jordan continued its restrictive border controls, but rather unforeseen, also granted working rights to Syrians as an outcome of its deal with the EU and the World Bank – the latter enabling the country to more readily gain access to funds and international markets.

Roughly summarizing the situation in this manner raises a significant question: how have Turkey, Jordan and Lebanon responded to the mass influx of Syrians from 2011 to 2018? Why have they adopted a particular refugee governance pattern and why does it change over time? Although the book acknowledges that national migration governance is context specific, its theoretical presumption is that common patterns may exist across time and space. An examination of refugee governance in three counties located in the same region, and subject to the same forced mass migration from a neighbouring country at war, enables us to identify these patterns, if indeed there are any. Adopting a comparative research design, such an analysis contributes towards answering three important questions of migration studies: what characterizes contemporary refugee governance, more particularly the governance of cross-border forced mass migration, in destination countries? To what extent and in what manner does refugee governance

show similarities and differences across destination countries, policy areas, policy patterns and over time? What are the internal and external drivers of policies?

These questions can be answered together by drawing empirical findings from cases and turning to the existing literature on immigration studies, refugee/forced migration studies and Middle East studies. The following section first seeks to address the existing lacunae so as to theoretically contextualize the book and to make explicit its theoretical contribution, before then reviewing relevant debates belonging to the respective scholarships in Chapter 2 of the book.

Lacunae: understanding patterns, stages and forces of refugee governance in the Middle East through comparison

Massive flows of people who are fleeing political and economic breakdown, brought on by war or internal conflict, known as conflict-induced migration or refugee migration, have been an enduring and global issue throughout the twentieth century. Thus, they are neither a recent challenge for states nor are they limited to specific regions (Marrus 1990; Skran 1995; Betts 2009; Chatty 2010; Betts and Collier 2017). The topic of conflict-induced forced migration has been addressed by cross-disciplinary migration and forced migration/refugee studies scholarship. Particularly, scholars from the disciplines of anthropology and sociology have dominated the field, primarily being interested in conducting micro-level analysis. A wide range of other scholarly disciplines, ranging from economics to history, geography, urban planning, social policy, psychology and health, have equally made their contributions, bringing their own methodological and theoretical frameworks to the table in the study of the topic. Focusing on refugees, refugee groups and networks, they have provided crucial insights about reasons for, dynamics and consequences of refugee migration and have suggested solutions for the problems encountered by refugees.

The disciplines of international relations and political science have paid relatively limited attention to the topic – particularly until the late 1980s, when the refugee flows started to be considered a serious challenge to international peace and security as well as to state sovereignty. These two sister fields have since then primarily been interested in explaining state policies that address refugees as well as the development of the international refugee regime and its responses to refugee migration. They have pointed out considerations of domestic politics and national security, characteristics and shortcomings pertaining to the international refugee regime and to international humanitarian assistance. Although these discussions provide valuable insights in explaining the legal, political and institutional responses to refugees, responses to large-scale forced migration have received inadequate attention. Similarly, they have not yet revealed the commonalities and

differences in responses to mass refugee flows. This literature has elaborated on the dynamic character of the responses only to a limited extent and has failed to identify policy shifts, their motivation and timing. Although studies often acknowledge the relevance of political calculations in responding to massive refugee migration, the role of domestic political interests and international politics remains underexposed and undertheorized.

Another crucial gap in the literature is an understanding of the responses of the Global South⁶ to refugee migration. Current research has primarily focused on the migration from south to north and, as a consequence, studies have primarily also been limited to an analysis of policies and politics in the Global North.⁷ The empirical data proves that various patterns of migration, including mass refugee migration occur through and to the Global South. The majority of the world's displaced people live in the Global South, as the UNHCR figures demonstrate the distribution of these displaced people across regions: Africa (30 per cent), the Middle East and North Africa (26 per cent), Asia and Pacific (11 per cent) and the UNHCR's note that: '85 per cent of world's displaced people are in developing countries' (UNHCR 2018).⁸ An understanding of how refugee governance is shaped in the Global South is crucial to 'fully encapsulate all human movement across borders', 'to make our theory richer and more inclusive', and to have 'a greater knowledge of how different migration patterns are connected to one another' (Nawyn 2016, 165–166). It has not yet been fully theorized why, how and with what effect destination countries in the Global South develop policies or create governance patterns when responding to immigration in general, and to cross-border mass forced migration in particular. Are there similarities and differences to the Global North or do variations primarily exist among the countries of the Global South? If there are, then the question is how, why and to what extent?

Another gap in the literature is the lack of adequate attention being paid to the Middle East in migration studies. Thus, it is necessary to consult with literature on migration and displacement within Middle Eastern Studies in order to seek answers for state responses to mass refugee flows. Yet, many of the studies in this field focus on refugees or refugee communities and rarely emphasize state policies, their motivations and shifts over time. Although a growing body of research that is based on single case studies has addressed policies for Syrian refugees, comparative studies are still limited (except Coen 2015; Turner 2015; Deardorff Miller 2016; Chatty 2016). For example, Coen (2015) examines the governance structure of refugee protection in the case of Syrian displacement to understand how global structures of authority interact with national and local systems. By comparing the encampment policies of Jordan and Lebanon, Turner argues how a specific refugee policy of these countries on settlement serves specific labour market goals of host states. Both Deardorff Miller (2016) and Chatty (2016) focus on political and humanitarian responses to Syrian displacement in Turkey, Lebanon and Jordan.

The studies rarely provide causal explanations for state responses (except Turner 2015). They engage only limitedly with theoretical discussions. They are marked by only a limited focus on refugee policies and their impact on regional and global cooperation. Moreover, they treat policies as a single category without disaggregating according to sub-policies, namely, border control, reception/protection and integration. In sum, there have not yet been theoretically informed comparative studies centre-staging the modes and drivers of states' responses to mass refugee flows in the Middle Eastern context.⁹

To fill these gaps in the existing literature, the book first identifies the humanitarian and political responses of Turkey, Jordan and Lebanon to the protracted Syrian mass migration challenge from 2011 to 2018. I argue that their responses, within sub-policies, are marked by considerable variation and that these have changed over time. To reflect the complexity of policy-making and implementation in responses, the study uses the term *governance*, and particularly makes reference to the *meta-governance* framework, which will be defined in the subsequent section titled *Key concepts* and further elaborated in Chapter 3 that addresses the theoretical framework. Refugee governance is composed of at least three sub-policy domains: border controls, reception-protection and integration.

Therefore, to identify variations in refugee governance patterns and changes of receiving countries, I introduce two new terms: *multi-pattern* and *multi-stage refugee governance*. *Multi-pattern governance* refers to a process in which the first receiving countries of large numbers of refugees (regardless of whether they define forced migrants as refugees or not) adopt diverging sets of policies with the involvement of multiple actors. These policies fall into the sub-fields of fields of border controls, reception-protection and integration. The assemblage of these policies has followed three patterns: *inaction*, *ad hoc* and *regulative*. The fourth pattern, namely, the adoption of a *preventive* pattern, did not occur in any of these three countries. These patterns will be elaborated in Chapter 2 drawing from global examples. While the *multi-pattern governance* model is useful to identify policy variations across host countries in a given period, it is not enough to capture the temporal dimension that is critical for policy changes. Thus, I develop a complementary model called a *multi-stage governance* model to identify policy changes over time in a certain country. *Multi-stage governance* emphasizes the fact that the response pattern of a refugee receiving country is not stable and that it is most likely that a country will change its response partially or entirely in the course of time. For example, a response can move from *inaction* to *regulative* policies or from an *ad hoc* to a comprehensive response. To capture changes, it is useful to make a periodization, focusing on the initial emergency stage (crisis-like situation), a critical juncture/transition when existing policies started to change as well as on the protracted stage thereafter when refugees' stay became permanent. Multi-stage and multi-pattern governance models together allow us to capture policy variation and

temporal dimension of the host country's response. Thus, it is possible to understand how governance modes differ from each other and how they change in the period of response. In the following paragraph, a very brief review of how the models together work is presented, while the detailed theoretical model will be presented in Chapter 3 and the comparative examination will be presented in Chapter 10.

In the initial stage, destination countries cope with mass arrivals of displaced people across the border in a similar manner to the way they deal with an emergency disaster situation. They either prevent arrivals of mass flows by closing borders (called refugee preventing response) or by accept them (pursuing inaction or ad hoc response patterns). After the first period – often lasting up to three years – wherein the situation is considered an emergency or a crisis, countries reach a critical juncture or saturation point. The critical juncture is where countries start to change their initial governance pattern and go through a transition. After the critical juncture, countries start to experience a protracted stage in which refugees are believed to be staying longer than expected in the initial stage. The direction of the transition from the policies in the initial stage to the protracted stage is not static. In some cases, in the protracted stage, they also initiate ad hoc policies even though they are regulative in the initial stage. Often it is the case that the protraction of refugees' stay, in other words the stabilization of the refugee crisis, requires the host states to institutionalize their policies by moving to the regulative stage, wherein policies may be either restrictive or comprehensive. Also, it might be the case that a hosting country takes a firm response, such as regulative, both in the initial and protracted stage of refugee governance. A host country can show mainly the characteristics of ad hoc policies, but it can also be regulative in certain policy fields such as reception. In some cases, the inaction pattern of the country might demonstrate some exception like regularizing an issue in a certain sub-field, such as the encampment policies as a part of reception.

The presence of multiple patterns and multiple stages raises a crucial follow up question: why does refugee governance show similarities and differences across destination countries, policy areas, policy patterns and over time? The book develops a factor typology, which contains three main explanations that are imperative in shaping the policies and politics of refugee governance in the host countries. First, the international politics of host countries is central. This has two dimensions: a) foreign policy objectives pertinent to the country of origin of refugees; and b) interactions with allies, donors, international organizations and humanitarian organizations. The second explanation entails domestic characteristics and developments pertaining to national security, stability and identity. The third explanation covers economy/development and related aspects. Absorption capacity and policy legacies/memories about refugees are defined by both the second and third explanation simultaneously. Although all three factor sets explain refugee governance in many

countries, the level of their impact falls along a spectrum ranging from low impact to medium and high impact.

Such a complexity pertaining to the forces driving refugee governance stems from the fact that: a) cross-border (forced) mass migration is considered a highly sensitive political, security and economic policy area, because of close bilateral ties between origin and receiving countries which locate in the same region; b) the crisis impacts on delicate domestic political balances and vulnerable economies in the receiving countries; and c) refugee governance is a transnational policy issue in which the interactions between the agencies of global refugee regime/donors and national governance processes play a role in shaping responses.

The book further argues that despite the plethora of actors involved in refugee governance, the states act as the main actor – particularly, because refugee governance touch on matters of sovereignty, security and public policy. Herein however, the state cannot be treated as a single homogenous entity that is fully autonomous and that cannot be analysed without taking its specific structure into account. A multi-pattern approach helps us to understand how the influence of each actor varies according to policy preferences. It also shows how interactions between national governments and these actors – particularly with humanitarian actors/donors – might in individual cases be detrimental for the content and direction of policies, depending on the political landscape in the host country. In sum, there is a need to illustrate the fragmentation of state interests, changes in interests over time, and states' decision-making processes by analysing agency and structure together.

Key concepts

This book examines immigration policies, refugee governance and politics in connection with each other. Concerning immigration, the emphasis of the study is on forced migration, which is 'a migratory movement in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes' (IOM 2018). The threats emerge in conditions ranging from violent conflict to severe economic hardship (Bartram et al. 2014, 69). More specifically, the study focuses on the case of conflict-induced cross-border mass forced migration, considering the magnitude of forcibly displaced Syrians who arrived in the three respective countries: 600,000 in Jordan, 1.1 million in Lebanon and 3.3 million in Turkey as of June 2018 (UNHCR 2018). None of the three countries granted legal refugee status to displaced Syrians who crossed their borders. Despite the lack of a legal reference, the term of refugee is used to name Syrians in these countries. Throughout this book, the term refugee is thus used in its broadest connotation to refer to 'individuals who have left their country in the belief that they cannot or should not return to it in the near future, although they might hope to do so if conditions permit'

(Thielemann 2006, 4). The study claims that the right term to identify what these countries encountered is conflict-induced cross-border mass migration (hereafter mass refugee migration or refugee flow/migration) that refers to the migration of forcibly displaced people crossing the national borders in large numbers and within a short period of time due to the war.¹⁰ It is mass because a large number of people – almost more than 5 million – were crossing from Syria to these countries in search of asylum, in the course of a relatively short time-span (UNHCR 2016).

In this study, policies are analysed using the governance terminology,¹¹ more specifically with reference to the meta-governance¹² framework. Governance is a contested and vague concept with multiple meanings, ‘whether as a mere description of world politics, as a theoretical perspective to explain it, or as a normative notion to be realised through global policy’ (Hofferberth 2015, 598). It can be basically defined as ‘global political/policy space fragmented into myriad issue-areas where actors are located at different administrative levels’ (Tutumlu and Güngör 2016, 13). To describe such a complexity, as it pertains to the formulation and implementation of policies addressing a new policy area as well as the relations among actors and the shifts over time, the term governance appears most suitable for it enables one to capture the inherent flexibility. It serves as an umbrella term, providing useful analytical tools to capture multiple models or types of immigration policies and politics as well as to understand the role of agency, structure and their interdependencies. More specifically, the analytical tools of meta-governance are chosen in order to advance the discussion, for these enable one to recognize how complex policy issues, such as refugee issues, are formulated and implemented at the global, regional, national and sub-national levels with the involvement of a wide range of actors (Kjaer 2004; Rhodes 1997; Scholten 2013). A meta-governance framework will be introduced in Chapter 3.

In this context, this study defines refugee governance as the amalgamation of a more or less formal set of policies, programmes and structures that states formulate and implement in cooperation and interaction with multiple actors in order to manage entry, reception/protection, integration and exit of cross-border forced migrants. The term of policy-shaping, instead of policy-making, is used to point out this interactional and co-constitutive process. To understand the shaping of policies, political dimension should also be taken into account. As Zolberg et al. note, ‘implementation of refugee policy is unavoidably influenced by political considerations’ (1989, 272). The politicization and mystification of issues related to refugees is particularly evident. Thus, I need to also define refugee politics. Here, I take it to mean the ways in which refugees are presented on the public sphere and how this presentation is institutionalized through language and symbols, in both international political and domestic public debates (Mulvey 2010).

Case selection

Refugee governance across countries can ideally be understood through comparative research. As Bloemraad puts it: ‘our ability to study migration is significantly enhanced by carefully conceived comparative research design that involves a decision over what to compare and how to compare. This decision becomes part and parcel of theory-building and theory evaluation’ (2013, 27).

In this section, to answer the question of what can be compared, I will first explain the logic of case selection. This will be followed by an analysis of how it can be compared between the selected countries. The study aims to look at the current refugee policies – those of the last decade. From 2011 to 2018, according to the UNHCR, ten refugee emergencies and situations have occurred/are occurring across the globe. The UNHCR webpage lists them quite interestingly without differentiating origin and receiving country. While Central African Republic, Burundi, Europe (migrants and refugees illegally arriving there from Mediterranean Sea to Greece and Italy) are described as a refugee situation, others including Democratic Republic of Congo, Iraq, Nigeria, South Sudan, Yemen, Syria and Rohingya (fled from Myanmar to Bangladesh) are called refugee emergencies (UNHCR Emergencies 2018). It is mainly the neighbouring countries of these cases where displaced people seek refuge. Thus, Turkey, Pakistan, Lebanon, Iran, Ethiopia, Jordan, Kenya, Chad and Uganda have been in every list of top refugee hosting countries from 2013 to 2018, hosting more than half of the world’s refugees (UNHCR 2018).

As becomes evident with these figures, two regions seem particularly salient for refugee situations, namely, the Middle East and Africa. An examination of countries located in the same region, whereby these countries are subject to the same forced mass migration situation during the same time period, is advantageous for comparative analysis. This allows for some variables (refugee group, region, timescale) to be held constant, while focusing on some other variables.

The regional focus of this study is on the Middle East¹³ as the region, if we count Turkey as being part of it, has hosted more refugees than any other region from 2015 to 2018, more than 30 per cent (UNHCR 2016; UNHCR 2018). The 2018 statistics of the UNHCR demonstrate that 55 per cent of world refugees come from three countries: Syria (5.5 million), Afghanistan (2.5 million) and Iraq (1.3 million) (UNHCR 2018). According to the UNHCR, among the at least 15 conflicts that broke out or restarted between 2011 and 2015,¹⁴ the war in Syria became the largest driver of the forced internal and international displacement (UNHCR 2016). Although the Iraqi and Yemeni refugee situations are two other cases that took place in the Middle East, the scale of Syrian refugee migration made it more pertinent. In sum, these figures indicate that the Middle East, and the case of displacement from the Syrian Arab Republic (Syria) in particular, are

central for efforts aimed at gaining a better understanding of refugee governance.

As the topical emphasis of this book is on the refugee governance in the host countries, it is also important to decide which countries may provide which insights. The majority of Syrians fleeing the civil war in their country are located in the neighbouring three countries: Turkey, Lebanon and Jordan. More than 5 million internationally displaced Syrians found a temporary refuge in these countries, while 4.9 million of them are registered with UNHCR or respective state authorities.

As seen in Table 1.1, these countries together host around 93 per cent of all internationally displaced Syrians. The Syrian refugee movement makes evident that at present (as of mid-2018), Turkey has hosted the largest number of refugees worldwide, namely, 3.3 million people over the period of five consecutive years (2013–2018). Furthermore, the same movement made it clear that Lebanon has hosted the largest number of refugees relative to its national population – in this case, one in every six people being a refugee. Jordan (1 in 11) and Turkey (1 in 28) ranked second and third (UNHCR 2016). With these figures and the protraction of the refugee situation for more than seven years, it becomes clear that these three frontline countries are central for a better understanding of the main patterns of mass refugee governance in the Middle East.

The cases of Turkey, Lebanon and Jordan are each quite unique and yet, still highly similar to each other. The cases enable us to adopt the most similar research design. They are all upper middle-income countries with upward development trajectories holding close ranks in the Human Development Index (World Bank 2016; UNDP 2016). Considering their

Table 1.1 Basic statistics on Syrian refugees in Turkey, Lebanon and Jordan

	<i>Numbers of registered Syrian refugees¹</i>	<i>Country's population²</i>	<i>Ratio to total Syrian refugees (%)³</i>	<i>Ranking at the major refugee hosting country⁴</i>
Turkey	3,320,814	81,188,088	62	1
Lebanon	1,001,051	6,086,600	19	3
Jordan	655,056	9,778,286	12	7
Total	4,976,921		93	

Source: Information in Table 1.1. has been compiled from the following reliable data sources.

Notes

1 The data on numbers of registered Syrian refugees is retrieved from Regional Strategic Overview (2018, 29) that reflects the figures of December 2017.

2 The country's population estimates is retrieved from Worldometers' RTS algorithm, which processes data collected from the United Nations Population Division (Worldometers 2018).

3 The ratios are calculated according to the numbers of registered Syrians and the total registered Syrian refugees in the region, which is 5,379,644 as of 1 December 2017, according to the Regional Strategic Overview (2018).

4 The figures on rankings retrieved from 'Figures at a Glance' (UNHCR, 2018).

positions in the international system, Turkey is a middle-sized state, while Jordan and Lebanon are considered small states with respect to their size, population and military and economic power. The capacities of Jordan and Lebanon are more limited than that of Turkey. These two countries rely on the humanitarian aid of the international community to cover the expenses of refugees – like many other countries in the Global South that have encountered refugee movements in recent years. Still, all three are able to develop and implement independent policies as well as, to some extent, make respective shifts in their policies over time.

These three cases are suitable for examining the influence of a particular set of factors, namely, international politics, security/domestic politics and economy/development in mass migration governance. The countries are neighbouring states of Syria, marked by a history of close but strained bilateral relations. Although all had a short-lived rapprochement centred on economic relations with Syria in the 2000s, the outbreak of the armed conflict in the country in 2011 weakened the relations once again. Due to their geographical proximity, the war had a significant impact on all three countries – spilling over due to shared borders, intense ethnic, religious, sectarian, kinship, tribal and business ties among their population and, more generally, also due to disruptions in the regional trade and balance of power.

All three countries have been involved in the Syrian war since 2011, but to different degrees. The Syrian war began as a civil war but turned into a many-sided proxy war over the course of a few years. Accordingly, the stances of the neighbouring countries not only showed sharp turns but also came to have an increasing impact on the war. The manner in which the war unfolded did not allow them to fully detach themselves, and both Jordan and Lebanon got involved in the conflict but not to the same extent as Turkey. All three countries have faced severe challenges through the loss of border security, the infiltration of jihadist fighters (also Kurdish fighters in the case of Turkey) and bombings in border towns. Such challenges have salient and complex domestic components (Chatty 2016; Karon 2013). Not only national security, but also national regime security that is defined as the internal stability maintenance with the survival of ruler and supporting coalitions appear to be the main concerns for the Lebanese and Jordanian governments. Furthermore, improving the power of Iran, balancing-blocking acts towards Iran, the growing power of non-state actors and involvement of non-regional powers as well as heavy militarization in the region have made all these three countries anxious about the regional power changes and their geostrategic positions. Overall, refugees fleeing from Syria have been approached as a highly politically sensitive issue during the Syrian crisis. Due to the high numbers of refugees, these countries have been required to respond to the mass migration challenge by devising policies in relevant domains.

Methodology and data collection

The methodological approach used is that of a structured, focused comparison (George and Bennett 2005, 75). The book mainly concentrates on the policies and political dimensions of migration, partially on the economic and sociological dimension. Political claim analysis and interview analysis enable process-tracing in policies and the identification of the main political discourses on the topic. These analyses aim to ascertain the extent to which the responses of three countries are similar and different.

The case-oriented comparison between the three countries builds on multi-sited fieldwork. I obtain much of the data through online research and fieldwork. There are a number of excellent resources already available, which have focused on Syrian displacement, humanitarian work in the neighbouring countries, current issues in reception, protection and integration policies, and host communities' perceptions. The reports prepared by UN organizations, research institutions, universities, humanitarian-development organizations, media articles, blogs and policy briefs provide rich data for the descriptive parts of the book.

I examine the migration legislation of each country; by-laws and regulations that are specifically enacted for Syrian refugees, parliamentary proceedings and official declarations; reports, strategy papers and policy briefs published by several ministries and relevant directorates. The existing books and articles addressing issues about current and historical refugee situations in these countries are also studied. Hundreds of news reports (in Turkish, English and Arabic) about Syrian refugees have been made available through the national and international media, from 2012 to 2017. Media reports and daily news in particular reveal how Syrian refugee migration has been treated in the public domain and capture the responses of the main political actors. Lastly, extensive reading of ethnographies and surveys about refugees provides significant insights that are helpful for tracing relevant policies.

From April 2016 to August 2018, I conducted more than 80 semi-structured interviews mainly in four three provinces of Turkey, namely, Istanbul, Izmir, Şanlıurfa and Gaziantep. For participatory observation, I also visited a few camps, refugee settlements, schools, health clinics, community centres, art exhibitions and courses that are all organized by or serve Syrian refugees. In Lebanon and Jordan, I conducted around 30 interviews and a few focus group studies in main refugee hosting provinces such as Beirut, Amman and Irbid. In three countries, key informants included officers working for state migration agencies, those working for relevant ministries and municipalities as well as representatives of UN agencies, national and international humanitarian organizations, researchers, migration scholars, service providers to refugees (such as lawyers, social workers, doctors, teachers, security officers, camp workers, translators). In addition to face-to-face interviews, Skype and telephone were used as alternative or

complementary data collection tools for accessing key informants in Jordan and Lebanon (Iacono et al. 2016). Moreover, I conducted interviews with Syrian refugees and key individuals from host communities. All interviews were recorded after getting the permission of respondents. Interviews took from half an hour to three hours. All interviews were audiotaped or recorded with handwritten notes, transcribed, translated into English (from Turkish or Arabic), coded and analysed thematically, based on the objectives of the study. As the interviews were conducted in confidentiality and the names of interviewees have been withheld by mutual agreement, when they are cited in the relevant chapters.

A restrictive research environment existed in all three countries, whereby particular difficulties were experienced in tracing policy-making processes. I was able to access the open sources and gained insights through what was said to me during interviews with key informants. My access to perspectives of national and international NGOs was easier and better than to government agencies and UN agencies, particularly because of growing suspicions on the part of the latter when it came to researchers studying policy domains. Despite hearing some anecdotal notes, being allowed to learn fully what was discussed in the official policy circles on specific issues such as border closures or granting a particular right was not always possible. The UNHCR and international humanitarian organizations were very reluctant to give information about these discussions even in personal meetings, due to the high level of privacy and the overall security dimension dominating research in these countries.

The collected data allows for explanatory, descriptive and causal analyses of governance patterns pertaining to mass refugee flows in the receiving countries (the dependent variable). The legal and policy analyses are used to provide a better understanding of each target country's policies and to describe the respective characteristics and their consequences in the empirical chapters. To make an analysis about why the identified characteristics occurred and why they changed over time, the relevance of proposed drivers (interdependent variables) are studied in each chapter. These drivers are examined by conducting the process-tracing of each policy, political claim analysis and interview analyses. The findings in this book, namely, Part II on Turkey, Part III on Lebanon and Part IV on Jordan, provide insights about similarities and differences, regarding policies and politics.

Furthermore, it is noteworthy to mention the challenges and obstacles about knowledge production faced by scholars of the region who are focusing on refugee issues in the Middle East, as I have also encountered them – for these create serious limitations for this kind of comparative research. The field of refugee studies and state policies are considered very sensitive issues, making it difficult for researchers to gain access to first-hand data. Where data is successfully collected, challenges again arise in the process of writing, as the content of particular publications may be considered a 'national security issue' – the definition of the latter being very broad and

arbitrary for nation states in the region. Many researchers adopt a self-censoring perspective to escape surveillance and being labelled as foreign spy. Also, with a shortage of funding, it is almost impossible for researchers in these countries to receive institutional support for carrying out long-term research that targets more than one country if there is no external funding being provided, such as from the EU. In cases where external funding has been granted, the funder's image – as it is a foreigner funder – may raise further suspicions about the researcher. Travel bans or the closure of national institutions, such as universities, that provide funding for field research are not exceptional situations. In response to the challenges, several resistance and coping strategies have been adopted.

Mapping of the book

The governance of the large-scale refugee migration by the host countries is the central focus of this book. Part I – Chapter 2 and Chapter 3 – engages the literature, models and categorizations, which provide a theoretical framework for the study. Chapter 2 overviews the literature on immigration, refugee/forced migration and the Middle East with an eye to insights relevant to state responses to mass migration in the Global South – a phenomenon that has previously not been theoretically and comparatively addressed. This chapter highlights the issues pertinent to paradoxes of global refugee regime; dilemmas between international protection and state sovereignty; discussions on the current state of international cooperation; differences and similarities between refugee governance in Global South and Global North; and lastly, the Middle East region in the comparative migration literature. Chapter 3 proposes categorizations and models for comparative analysis of refugee migration governance, based on examples globally. It first categorizes policy fields and actors of refugee governance, and then it introduces meta-governance theory to analyse fields and actors in a unified manner and also focuses on changes. This chapter then proceeds to propose two original independent (but complementary) models: a multi-pattern and multi-stage model, a central contribution of this work. The multi-pattern model theorizes variations within and across the national refugee governance(s), while the multi-stage model theorizes temporal changes within national refugee governance. Two models are explained by drawing examples mainly from governance in the countries hosting large number of refugees. Chapter 3 also proposes an explanatory typology of the drivers of refugee governance in a new section. Such a typology is absolutely essential given the fact that factors shaping refugee governance are complex and manifold. The section examines international politics, national security/politics and economy-development explanation, based on examples across the world.

Part II of the book – Chapters 4 and 5 – focuses on the case of Turkey. Chapter 4 describes refugee policies addressing Syrian refugees in Turkey by

adopting the introduced multi-stage and multi-pattern governance model. Chapter 5 examines the drivers of Turkey's refugee governance as well as the respective changes. The chapter focuses on refugee politics and drivers of governance simultaneously and highlights their interconnectedness.

Part III of the book – Chapters 6 and 7 – examines the case of Lebanon. Chapter 6 identifies Lebanon's policy responses to the Syrian mass refugee migration, the changes over time and the consequences of these changes on the lives of refugees. The chapter shows how the Lebanese case can be systematically explained by multi-pattern and multi-stage governance models. Chapter 7 delves into factors which shape initial policy actions and shifts over the course time.

Part IV – Chapters 8 and 9 – focuses on Jordan's refugee policies and politics. Chapter 8 explores Jordan's responses to mass refugee migration from Syria. Chapter 9 traces the driving forces behind Jordan's refugee governance. The chapter focuses on several issues including Jordan's relations with Syria in the pre-crisis period and the stance of Jordan during the Syrian war, the reasons behind Jordan's initial policies, and the critical junctures and shifts over time; Jordan's relations with humanitarian actors; and framing in international negotiations.

Following the analysis of these cases in detail, the subsequent Chapter 10 provides a comparison of refugee governance in Turkey, Lebanon and Jordan. It builds links between the models and categorizations developed in Chapter 3 and the empirical data presented in the case study chapters from Chapters 4 to 9. It tests the validity of the multi-pattern and multi-stage governance model. It also compares the drivers of policies with an emphasis on identification and analysis of the weight of each factor. It examines counter-claims as well as issues for future research.

The Conclusion, Chapter 11, summarizes the main findings about state responses to mass migration and its implications to the international refugee regime. It shows how the proposed models – multi-pattern and multi-stage refugee governance – have contributed to a more nuanced theorization of refugee policy-making. The Conclusion argues that large-scale and protracted Syrian displacement, like many others, shows that mounting problems about refugee affairs and the ongoing crisis cannot be addressed without sustainable local, national, intergovernmental, regional and global cooperation. Thus, it outlines principles for global cooperation and policy recommendations.

Notes

- 1 See UNHCR 2018. A general note on refugee statistics: statistics about the number of refugees in each country are largely retrieved from the UNHCR and the official data sources of the respective governments. If the exact data is not available in these sources, then data presented in mass media and in reports of non-governmental organizations was consulted. The book acknowledges the fact that considering the mobility of refugees, it is almost impossible for the UNHCR and governments to acquire exact numbers on refugees. Also, the issue of

refugee numbers is a politically loaded issue. Population numbers throughout the book are intended to give the reader as accurate a range of estimates as possible. Also, if the numbers are very controversial, as in the case of Jordan, a discussion is provided to give further insights about their plausibility.

- 2 See UNHCR 2016.
- 3 See Refugees and Migrants 2016.
- 4 See Asswsat 2016.
- 5 See Jordan Embassy 2016.
- 6 Although it is not fully clear who is part of the Global South and who is not, in most cases the United States, Canada and European countries are considered to constitute the Global North, while the remaining countries are considered to belong to the Global South. The Global South basically refers to countries which are located south of the 30th northern parallel. In order to group together a large variety of countries and regions into one category (mainly referring to wealth differences and development), historically several terms have been used in academic and policy circles. These include the third world, developing world, non-developed, poor, non-industrialized and non-Western world. Almost all of them are products of global socio-economic and political structures, and as a consequence, many became unfashionable over time. The Global South and the Global North represent an updated perspective on the post-1991 world. They have been contested terms due to the political weight that they carry and the consequences that follow. Compared to its predecessors, the concept of Global South denotes less hierarchical and more equal relations, offering more flexibility, although also entailing a certain degree of ambivalence. There is no general agreement about various aspects of the term, including its meanings and shifts over time. The UNDP also widely uses the term of Global South, referring to countries which have a high Human Development Index (most of which are located north of the 30th northern parallel). Countries like Turkey have also adopted the terminology of Global South in their official policies.
- 7 This is the case not only a bulk of scholarly books and articles, but also large datasets on migration governance often cover countries of the Global North. Examples include Migration Governance Index (MGI), Migrant Integration Policy Index (MIPEX), Commitment to Development Index, The Immigration Policies in Comparison (IMPIC) project, International Migration Policy and Law Analysis (IMPALA) Database, and Determinants of International Migration (DEMIG) database.
- 8 The UNHCR takes two other regions: Europe and Americas. However, it counts Turkey as being a part of Europe, and Latin America as being a part of the Americas. Both Turkey and the countries of Latin America are, in other contexts, often referred to as being part of the Global South. Thus, when the number of displaced people in these locations is added to the aforementioned figure (Turkey hosts 3.3 million), then the statistics suggest that the Global South hosts more than 80 per cent of the current displaced population worldwide.
- 9 There are recently published theoretically informed comparative articles examining some other Middle Eastern countries comparatively such as Norman (2018) which focuses on the policies of Turkey, Morocco and Egypt.
- 10 There is no agreed upon definition concerning what constitutes mass influx/migration. The factors raised in the process of defining this term include: the number of the displaced people; the time-span of crossing the border; the capacity of the destination state to respond to the needs of the influx; the emergency aspect; and the expected time it will take for the situation that is driving migration to be resolved. The UNHCR states that: 'what amounts to large-scale or mass influx will necessarily differ from country to country and/or region to region, and must be decided on a case-by-case basis' (UNHCR 2001).

18 Introduction

11 Another alternative terminology which could be used in this study is regime terminology which has become rather popular in migration studies during the last decade. However, the four different strands of regime theory do not meet the needs of theory building attempted in this study. The four strands are:

(i) notions of regimes are used to refer to international regulatory frameworks, in the field of international relations (ii) conceptualizations informed by welfare regime theories in the field of social policy, (iii) regime notions that stem from the French regulation school, and (iv) regime theories inspired by governmentality studies.

(Horvath et al. 2017, 301)

Usually, the concept of regime is used to refer to national models or types of immigration and international control. Neither these strands nor this common regime concept is adequate to capture the policy complexity of the cases under question in this book. On the other hand, the terminology of governance provides more useful analytical tools to capture multiple models or types of immigration policies and politics by going beyond the issues pertinent to control. Also, the meta-governance framework enables one to acknowledge the imperative command of states in migration affairs while also considering the involvement and the power of other actors playing at the sub-state, international level.

12 I am grateful to Soner Barthoma who directed my attention to meta-governance theory and discussed the adoptability of it with me in the context of my research.

13 The UNHCR Global Trend 2016 report takes the Middle East and North Africa together as a single region category, while it locates Turkey under Europe region. I have aggregated the numbers in Turkey with the numbers in the Middle East and North Africa (UNHCR 2016, 14).

14 The pool of refugee crisis contains eight in Africa (Côte d'Ivoire, Central African Republic, Libya, Mali, north-eastern Nigeria, Democratic Republic of the Congo, South Sudan, Burundi); three in the Middle East (Syria, Iraq and Yemen); one in Europe (Ukraine) and three in Asia (Kyrgyzstan, and in several areas of Myanmar and Pakistan).

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Part I

Literature, categorizations and models



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2 The literature on state responses to mass migration in the Global South

Given the fact that the literature on immigration and refugee/forced migration studies is so extensive, I narrow my engagement to selected works most directly relevant to the discussion question on how and why refugee governance shows similarities and differences across destination countries and time. I focus on governance areas, policy patterns in responding to conflict induced mass migration and the driving forces and politics behind policy choices. I mainly draw from the existing comparative migration literature, which takes the state as the primary analysis level. This stands in contrast to studies, which take refugees or humanitarian organizations as the primary level of analysis, although I have consulted with such studies too. I pay more attention to empirical studies on refugee policies in countries of the Middle East and the Global South. The study acknowledges the interconnectedness of processes in policy-making, especially in complex fields like migration. So as to recognize the plurality of factors at play, some sets of factors are underlined, in turn, providing evidence for their saliency and their relation with other factors. Within this scope, the following section focuses on the main points of discussion in the existing literature with the aim of contributing to them.

Two important questions addressed by immigration scholars are: 1) what is the role of nation states in controlling irregular immigration – encompassing mass refugee migration, individual arrivals of asylum seekers and economic migrants; and 2) what are the general trends in and outcomes of state policies in this field? Much of the place-based comparative migration research compares and contrasts policies for the purpose of making generalizations about trends. Among the main trends is the growing restrictiveness in immigration controls towards irregular migration. A growing field of research that has sought to examine and measure success, effectiveness and/or failure of immigration policies shows that these policies create mixed, inconclusive and empirically disputed results (Goodman 2015; Helbling 2016; Lutz 2017). Many scholars argue that destination countries' policies have considerable impact on the control of immigration (Boucher and Gest 2014; Brochmann and Hammar 1999; Geddes 2003; Haas 2011). In contrast, some scholars found that immigration cannot be controlled and only its

direction can be changed, making it costlier to both states and migrants (Bhagwati 2003; Castles 2004; Duvell 2005; Haas et al. 2016).

In one of the recent studies that compared immigration and policy patterns across time and across countries, Haas et al. found that policies targeting irregular migrants became more restrictive throughout the post-Second World War period and policies for asylum seekers have been subject to restrictive changes since the 2000s (2016, 15). This study identifies two global trends, namely, that: '1) migration policy priorities changed in terms of policy areas and migrant categories, and 2) emphasis on migrant selection increased through combining skill, class and nationality admission criteria' (Haas et al. 2016, 14). Destination countries tend to welcome 'wanted' migrants such as skilled, educated workers or investors, while they prevent the entry of 'non-wanted' migrants such as asylum seekers and irregular migrants. Preventions are conducted by increasing border surveillance and/or curbing migrants' economic and social rights, known as internal surveillance mechanisms (Broeders and Engbersen 2007). Moreover, in the cases of asylum seekers, internal mechanisms work through asylum application processes, as these people are already within the host states' national borders. In order to prevent the stay of asylum seekers, governments tend to create strict policies on paper and issue rejections in practice. Studies addressing the development of destination countries' policies show that: 'tougher policies did have a deterrent effect on the asylum applications' (Hatton 2009).

The review of comparative and single cases studies demonstrates that there are regional similarities and differences in immigration control trends. Countries in the Global South rarely develop policies to respond to individual asylum applications; rather, they develop responses to mass flows coming from neighbouring countries, and to the protracted stay of large numbers of refugee migrants. Moreover, many of these countries share porous borders with neighbouring countries and close social, trade and kinship ties across their borders. Thus, historically, they have been subject to the constant flow of people who enter their territories legally or illegally to visit their relatives or to seek work (especially from these same neighbouring countries). The fluidity of borders and high human mobility makes the enforcement of border control a challenging task (Long 2012). However, the availability of a plethora of options enables even those countries of the Global South, that only have limited capacities, to adopt border control measures at their geographical frontiers or punitive immigration policy measures inside the country sooner or later (Betts and Kaytaz 2009; Cheung 2011).

On the other hand, governments of the Global South and North are generally reluctant to offer formal durable solutions for long-standing refugee situations. Formal access to livelihoods, labour markets or access to public services in education and health remain a challenge for refugees (Cheung 2011, 51). Besides, governments often avoid giving legal status

(such as permanent residency) or improving facilities (such as housing) for the fear of attracting more refugees. Freedom of movement is only seldom granted, in order to prevent refugees' from pursuing informal employment, which may in turn cause competition with local host communities. Some refugees are not allowed to leave camps without a reason or sponsor, or their residence permit might be bound to a certain location, or their documents might be kept by the authorities in the process of entering the country or registering. For this reason, refugees who once gained legal status may also easily become undocumented or irregular migrants at any point of their stay, making them highly insecure vis-à-vis state agencies (Castles 2007, 39).

There is a complex and reciprocal relation between immigration policies and politics. Policies shape migration politics, and policies mirror migration politics (Mulvey 2010). Not only is this complex, but uncertainties embedded in migration affairs also generate a number of paradoxes for policy trends. The first paradox emerges between *de jure* and *de facto* policies as seen on paper and as made evident in politicians' discourses (Czaika and Haas 2013). Politicians tend to use hardline rhetoric such as promises in the process of limiting immigration or fighting illegal immigration. However, governments enact rather moderate policies to comply with binding national and international legislations. Some scholars have argued that hardline rhetoric has the symbolical function of creating an appearance of control (Massey 1999; Haas et al. 2016). Internal incoherencies in the designation of policies appear as the second paradox. Policies frequently fail to meet declared aims and have unintended consequences in the long run because they are poorly conceived, thus they become restricted and contradictory (Castles 2017, 1538). In some cases, immigration policies are deliberately designed to fail, depending on the policy areas at stake (Haas et al. 2016, 3; Castles 2017, 1539). The third paradox is the dichotomy between imposing restrictions on granting refugee status versus the liberal policies adopted in the granting of post-entry rights. These rights include (but are not limited to) permanent residency, family reunification and naturalization (Ruhs and Martin 2008).

The last paradox is related to the tensions that arise between attempts of the global refugee regime to extend norms, versus the resistance of receiving states to protect their national interests and priorities. The transnational characteristics of immigration/refugee/asylum policies require national states to produce policies through cooperation and to make reference to international norms and regulations of the refugee regime. The following section reviews two main norms of the international refugee regime: protection and burden/responsibility sharing. These norms will be discussed by focusing on interactions among levels. Then, an emphasis will be placed on the regional level by questioning the significance of the refugee problem and the refugee regime in the Middle East. The regional focus will be followed up by an examination of respective responses by nation states.

International protection and states' sovereignty

The Refugee Convention of 1951 and its additional Protocol of 1967 (referred to together as the Refugee Convention hereafter) represent the primary international legal backbone of the international refugee protection regime. The Refugee Convention clarifies the status of refugees. A refugee is hereby defined as a legal status granted by states to '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 to a particular social group, or political opinion' (Refugee Convention 2015). The Refugee Convention codifies the issue of international protection relying on the presumption that refugees are different from migrants because their own state does not provide protection, and thus they need to be offered an alternative legal status that ensures their protection under international law (Orchard 2017). The Convention defines the rights of refugees and the obligations of hosting states. As the Refugee Convention was codified in the period after Second World War, it was originally limited in scope to persons fleeing events occurring before 1 January 1951 and within Europe. The 1967 Protocol expands these limits to grant universal coverage.

The Refugee Convention obliges hosting states to respect the principle of non-refoulement without reservation or derogation. It provides that: 'no one shall return or expel a refugee against his or her will in any manner or whatsoever to a territory where she or he fears threat to life and freedom' (Refugee Convention 2015, 3). It is important to note that refugees have a right to access international protection, if they are able to cross international borders. The Refugee Convention requires the first destination country in which the displaced person first arrived to conduct an individual refugee status determination (RSD).¹ The obligation to be protected applies to those who are able to enter the territory of these very states and who are able to provide factual evidence of persecution in the respective country of origin (Orchard 2017). If people become displaced within the borders of their country of origin, then they fall under a different category, namely, seeking protection as an internally displaced person (IDP).

The international refugee regime approaches asylum as the right of a state which has a sovereignty to accept or refuse the entry of individuals into its territory and has discretionary power to assess, grant or refuse asylum applications (Elmadmad 1991, 473). So, neither international refugee law, nor international cooperation among states ensures a panacea for all the protection issues encountered by refugees (Cheung 2011; Orchard 2017). According to Hathaway, this is because the refugee law emerged as a product of self-interest of individual states and not as an outcome of their interest in human rights or as an act of humanitarian devotion (Hathaway 1990, 133). Refugee law, in contrast, emerged as a 'compromise between the

sovereign prerogative of states to control immigration and the reality of coerced movements of persons at risk' (Hathaway 1990, 133).

Reflecting this state-centric approach, no international or supranational body has been instituted to enforce, control or monitor the implementation of international refugee law. At the institutional level, the United Nations High Commissioner of Refugees (UNHCR) was established as the subsidiary organ of the United Nations General Assembly in 1949. The UNHCR was given a mandate for international refugee protection, which outlined a close working relationship 'with governments to ensure that the Refugee Convention is honoured wherever the refugees arrive at' (UNHCR 2017). Moreover, since the 1980s, the UNHCR has carried out several humanitarian functions by providing assistance and protection to refugees, specifically those in refugee camps and settlements (Loescher 2001). The UNHCR defines the scope of international protection as:

all actions aimed at ensuring the equal access to and enjoyment of the rights of women, men, girls and boys of concern to UNHCR, in accordance with the relevant bodies of law (including international humanitarian, human rights and refugee law).

(UNHCR 2005, 17)

The United Nations Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA) was formed separately in 1950 to protect Palestinian refugees. It differs from the UNHCR because of 'its long-standing commitment to one group of refugees' (UNRWA 2017). Its five areas of operation include Lebanon, Jordan, Syria, West Bank and Gaza where Palestinian live in large numbers.

There are still 43 members of the UN that have neither signed nor ratified the Refugee Convention, including main host countries such as Lebanon, Jordan, Pakistan, Bangladesh, India, Thailand and Malaysia (UNHCR 2015). Many Middle Eastern countries persistently reject being part of international refugee law and intentionally avoid developing concrete national refugee legislation and asylum institutions (Cheung 2011; Davies 2008; Sahin-Mencutek 2016). These countries have not signed the Convention, believing that international refugee law would erode their sovereignty. They rather prefer not taking any action or providing temporary refuge. Signing the Refugee Convention would place a legal constraint upon states to decide who may enter and remain in their territory and would introduce a set of rights standards that would have to be reflected in domestic law (Gammeltoft-Hansen 2014, 574).

For non-signatory states, identification of a displaced person as a refugee may substantially diverge from or have overlaps with what has been laid out by the international refugee regime. In these cases, refugees are required to 'work through multiple refugee regimes', national and international, in order 'to fully satisfy the conditions of either regime for refugee

recognition' (Raheja 2018, n.p.). Being non-signatory has some negative impacts on the 'ability of UNHCR to work with the state and, importantly, the liability of this state to comply with international humanitarian standards' (UNHCR 2015).

In the case of cross-border forced mass migration, the implementation of norms and rules on refugee protection and on the provision of permanent asylum is a challenging task, considering the large numbers and the nature of emergencies. Individualized RSD procedure seems a far-reaching option for host states and UNHCR country offices. Instead of the RSD, receiving states and/or the UNHCR use 'prima facie determination or acceptance on a group basis because of the obvious refugee character of the individuals concerned' to be able to safely admit and protect them (UNHCR 2001, para. 6).

Destination countries of mass cross-border arrivals often adopt customary international law on temporary refuge. This is also known as temporary protection. The rule of temporary refuge has two elements: the obligation of non-refoulement and of granting certain basic rights (Lambert 2017, 16). Temporary protection imposes an obligation on states to permit entry and to comply with the non-refoulement principle and prohibits the repatriation of people fleeing armed conflict (Refugee Convention, Article 33). It also requires providing basic rights to these civilians during their stay in host countries (Lambert 2017, 1, 6). In practice, the main refugee receiving countries in Africa, Latin America and South Asia have implemented this norm, but only few of them expressly refer to it as temporary protection (Lambert 2017, 3, 10). There, temporary refuge becomes *de facto* permanent resettlement due to the protraction of the conflict and the unavailability of durable solutions such as return or resettlement in a third country. The temporary refuge was used by European states in the 1990s to respond to mass refugee movements from the conflicts in the former Yugoslavia and Kosovo (Lambert 2017, 9).

Temporary protection provides shelter for refugees for a certain period of time. However, it fails to respond to all the needs of refugees, receiving communities and institutions. The protracted nature of refugee movements in the Global South requires the adoption of responsibility/the burden-sharing norm, as it is enshrined in the international refugee regime. Temporary protection does not require host states to grant permanent residence to refugees or to find durable solutions such as local integration, safe return to the country of origin or resettlement in a third country. It is based on the implicit assumption of 'shared responsibility for large numbers of refugees and of international cooperation towards finding durable solutions' (Lambert 2017, 1). This norm will be discussed with respect to theory and practice.

The current state of international cooperation: from burden/responsibility sharing to burden/responsibility shifting

In addition to the existing global and regional norms on protection, the main norm is international cooperation, which is based on burden/responsibility sharing for refugee matters. In academic and public debates, the term burden has largely been used to refer to mass refugee situations that require global cooperation. In recent years, the term responsibility sharing replaced the previous concept of burden sharing due to the latter's 'potentially prejudicial connotation in a human rights context in which one might wish the language of costs and benefits to be absent' (Thielemann 2006, 4). The most concrete example of this conceptual shift from burden sharing to responsibility sharing for refugees is observed with the Global Compact on Responsibility Sharing for Refugees, laid out in the UN Secretary-General's report in September 2016. Also, the term of global responsibility (instead of global cooperation) is widely used in discussing the issue.²

The logic of burden sharing relies on the premise that refugees are a burden for host states and communities; thus, the costs need to be shared. According to the former burden logic, refugee protection was not only seen as a moral duty but also as an international/global public good; the benefits of which are to be shared between states (Betts 2012, 5; Suhrke 1998, 398). Thus, the institutionalization of burden sharing, in line with agreed principles of equity and efficiency, so the argument goes, would promote not only refugees' protection, but also nation states' and global interests. However, in practice, cooperation among states that is aimed at sharing the burden of refugees does not work as smoothly as theoretically envisioned – a problematic which becomes apparent in the course of all mass migration situations. The following questions remain unresolved: how can states define the limits and extent of sharing? How can cooperation for burden sharing be made to function effectively?

It is widely agreed that burden sharing should ideally be in line with states' capacities, volume of demand and international norms such as access to fair asylum procedures and quality of protection as well as human rights (Schuck 1997; Thielemann 2006). Drawing on the existing EU initiatives, Noll (2000) introduces three possible ways of institutionalizing burden-sharing mechanisms: 1) physical burden sharing (sharing refugees); 2) harmonizing asylum legislation (sharing policies); and 3) financial burden sharing (sharing the financial cost). Despite suggestions on different types of burden sharing, the widely adopted type is financial burden sharing. The Global North has preferred this policy, as it is believed to ensure regional containment of refugees in the place of origin by providing financial means to the first asylum countries. Financial burden sharing seems to free Global North sharing refugees whom they do not want. On the other hand, the Global South demands action from the Global North, 'either by taking in

people or footing the bill, or a combination of both' (Zolberg et al. 1989, 278).

The emphasis on financial burden sharing presumes that the ideal durable solutions to refugee flows are either voluntary repatriation or local integration in the region of origin, rather than resettlement to a third country in the Global North (Chimni 1998). According to this assumption, the first destination countries of the Global South provides assistance and protection to refugees in the region of origin, while the costs are covered by the donors of the Global North (Betts 2008; Triandafyllidou 2016). In financial burden sharing, humanitarian aid that is provided to refugees by humanitarian organisations that is funded by the North, takes on a central role. However, some migration scholars criticize humanitarianism for eroding the principles of refugee protection and the rights of refugees, and for blurring the legal categories and institutional roles (Chimni 2000, 251; Nyers 2006, 32–33).

Calls for a more equal international burden-sharing system and the establishment of concrete mechanisms at the regional and global levels have been voiced since the 1990s. Proposals are based on two main ideas. First, international refugee law should be reformulated so as to develop a global system of responsibility sharing for refugees. Second, collective action is needed to strengthen the protection of refugees by reducing inequities among recipient states (Hathaway 1990; Chimni 2001; Suhrke 1998; Thielemann 2006).

Despite the calls for a shared burden and the legal efforts to protect immigrants, the global cooperation that is ideally based on refugee protection norms and responsibility sharing among states has almost collapsed entirely since 2015, when Europe announced its migration crisis. In the face of the Syrian refugee crises, the EU strengthened its border controls and signed costly deals such as the EU–Turkey Deal to stop irregular immigrant flows. In response, a number of initiatives took place to prevent the collapse of the refugee regime that was no longer able to ensure safety and protection to displaced people.

The year 2016 was called the year of summits, as multiple initiatives were set up to address the refugee and migrant crisis (Cohen and van Hear 2017, 495). Among the most important summits were the Supporting Syria and the Region Conference, held in London in February 2016 as well as the UN's first Summit for Refugees and Migrants Conference, held in New York in September 2016. While the first conference advocated better financial burden sharing, the second aimed to create 'a more responsible, predictable system for responding to large movements of refugees and migrants' (UN Summit 2016). The second global initiative resulted in the signing of a non-binding political declaration by 193 states, called the New York Declaration. The Declaration delineates a Comprehensive Refugee Response Framework that identifies specific actions for easing pressure on host countries, enhancing refugee self-reliance, developing third-country solutions

mainly via refugee resettlement quotas and ameliorating conditions in the countries of origin in order to enable refugees to return safely (UN Summit 2016). Nevertheless, similar to previous initiatives, what the UN has set up have been non-binding principles on the treatment of migrants and refugees and some prospects for global responsibility sharing. Within a one year, the lack of adequate international response to the Rohingya refugee crisis in autumn 2017, as well as the US Government's withdrawal from the New York Declaration in December 2017 signalled the possible inefficiency of new global cooperation attempts to regulate responsibility sharing for refugees.

Within this picture of failing global cooperation, destination countries in the Global South find themselves increasingly disadvantaged, due to the growing disparity between a rise in the numbers of refugees, constraints on states' capacities, the decline in international funding to support prolonged refugee residence, the low acceptance rate of asylum applications, the minimal resettlement opportunities offered by the Northern states and the impossibility of voluntary returns in many cases (Roberts 1998; Betts 2008). All these initiatives and states' responses to them have proved a shift from burden/responsibility approach to burden/responsibility shifting approach and thereby have necessitated reforming the cooperation between the Global North and the Global South. However, detailed comparative studies on regions like the Middle East, Asia, Africa or Latin America are important to understand the aforementioned shifts better. Such inquiries will also contribute towards discussing the extent to which 'the notion of a single global regime for refugees remains analytically coherent or politically relevant?' (Betts 2012).

Understanding refugee governance in the Global South

As this book emphasizes the question of how refugee governance is shaped in the host countries, it is crucial to review existing studies addressing the differences and similarities. One of the differences mostly referred to is between the Global North and South. As Stephen Nawyn notes, 'migration in the Global South constitutes something that is consistently and starkly distinct from what we see in the Global North. However, some similarities are worth considering' (2016, 164). The Global North overwhelmingly receives labour migration and individual asylum applications, but it is rarely confronted by cross-border mass migration. The countries in the Global South are not only origin countries due to a number of ongoing conflicts but are also origin countries of economic migrants aiming to reach the North (Zolberg et al. 1989).

The less studied aspect of countries belonging to the Global South is that they are destination countries for both large numbers of asylum seekers from neighbouring countries in conflict as well as transit countries for irregular migrants, which Norman (2018) identified as transit-turned-host

countries. Developing countries in the Global South also receive large numbers of migrant workers and entrepreneurs – similar to developed countries in the Global North.

The Global North and South show similarities in terms of adopting strict border controls against asylum seekers and irregular migrants, while they have a more flexible approach towards labour migrants and entrepreneurs. Countries of the Global South have less formalized or limited legal regimes for migrants (frequently similar to those of their own citizens) than those in the Global North, resulting in serious protection issues. They partially and selectively adopt norms and rules of the international refugee regime. Refugees arrive in large numbers and receiving states may allow them to enter either because they are not able to prevent entries or because the aim is to abide to the non-refoulement principle. The rights versus numbers dichotomy exists in the countries of the Global South. Despite high numbers of refugees, the formal rights granted to them are limited. Refugees in the Global South often remain outside the boundaries of the formal asylum system either due to the fact that the receiving state/or country of destination is not a signatory of the 1951 Refugee Convention – meaning that refugees are not entitled to submit asylum applications, a procedure that sovereign nation states are due to offer – or they do not have willingness and capacity to develop national system. Under these conditions, mainly refugees, rather than receiving states, develop protection strategies and livelihood mechanisms – sometimes with the help of humanitarian organisations and local communities (Cheung 2011, 51). However, a flexibility of rules and less institutionalization provide more informal spaces for refugees' settlement, mobility and integration in the labour market in the Global South.

Upon their arrival into the receiving state's territory, refugees are often granted formal recognition on a group basis, without individual assessments. States either shift full responsibility of refugee affairs to the UNHCR or they partially cooperate with the UNHCR on specific policy areas. The UNHCR's services in international protection range from registration to status determination, provision of assistance and livelihoods, management of camps, running of resettlement to the third countries and return operations to the countries of origin. The UNHCR's interventions vary in effectiveness, depending on the existence of agreement between it and the destination country, as well as the political climate and conditions of funding (Cheung 2011, 59; Kagan 2007, 13). Also, it is common that the UNHCR does not register refugees outside the camps and does not provide assistance to self-settled populations (Cheung 2011, 3). Host states may order the UNHCR to suspend refugee status determination for asylum seekers. In this case, the UNHCR may register asylum seekers as 'persons of concern' or not register them at all. Refugees may choose not to identify themselves as persons of concern with the UNHCR so as to evade confrontation with state authorities at any point (Lang 2002). If they opt to do so,

they fall out of the international protection regime and may be treated as ordinary illegal immigrants.

Aforementioned similarities and differences about labelling, categorizing, settling and the UNHCR's operations are quite important in order to understand how and why refugee-hosting countries pursue a certain policy in a given field such as in reception, protection or integration. They provide insights about interactions among several actors located at different levels (national and global/transnational). These interactions – that may be in the form of cooperation, tension or negotiations – co-constitutively drive the refugee-related issue areas in the global and national policy space.

Identifying patterns and providing examples from the Global South is important in order to be able push the limits of existing refugee policy theory beyond 'Western liberal democracies', without at the same time missing the linkages to the former. Demonstrating the significance of other regions not only for hosting refugees but also for creating policies, may allow us to challenge the Western-centric character of refugee studies as well as to question the implicit assumption that non-Western refugee cases are in some way or another abnormal. In this way, the contextual particularities of the Middle Eastern region in particular, and the Global South in general, can contribute to a revision of concepts and terminologies in the field of refugee studies, without categorizing these very cases simply as exceptions. Thus, we may answer the question of how countries respond to mass refugee movements and which factors inform their policy preferences. The Middle East can be treated as part of the Global South along with other migration systems such as Africa, Central Asia, Latin America and South-East Asia. Thus, it is expected that its migration dynamics and state responses to mass migration show some similarities.

The Middle East region in the comparative migration literature

Since the late twentieth century, the Middle East has been known as the region of origin for people emigrating to Europe and North America for political and economic reasons (Fargues 2004; Seeberg and Eyadat 2013). The region is also one of the main destinations of immigration, including labour migration to Gulf countries from the Arab regional countries and South Asia. Also, regional countries like Iran, Syria, Turkey, Lebanon and Jordan receive mass refugee flows from their neighbouring countries in conflict (such as from Palestine, Iraq, Afghanistan and Lebanon) and serve as destination countries for individual asylum seekers from Africa (such as from Sudan, Somalia, Eritrea and Libya). There have been several refugee populations living in the region, particularly in urban areas (Middle East 2010).

The refugee issue's political, economic and historical features in the region have led to the fact that the concept of displacement is more widely

used than the refugee concept. One reason is that the cross-border mobility in the region is too high and countries encounter intertwined migration types such as labour, circular, transit and refugee migration. Also, as regional countries have avoided signing the Refugee Convention, attaining legal refugee status in many regional countries is impossible. The exception is the Palestinian refugee case, which has been one of the ‘most compelling refugee crises of the post-war era due to its duration, complexity and political sensitivity’ (Ferris 1993, 227). Regional hosting states, namely, Syria, Lebanon and Jordan, label Palestinians as refugees in order to maintain their rights of return and related rights of property restitution (Kagan 2009). The Palestinian case has remained an exception institutionally because it was not the UNHCR, but the UNRWA that was entrusted to ensure the protection of Palestinian refugees in the host countries.

As Arsan et al. note: ‘movement and displacement are not incidental aspects of the past and present of the Middle East; they are at the centre of its history’ (2013, 5). Similarly, Chatty (2010) argues that mass displacement in the region – as a systemic feature of historical change from empire to nation state – reveals the character of national movements and is intertwined with the process of state formation. The issue of displacement has been a crucial aspect of the configuration and consolidation of states in the region, because ‘throughout the Middle East, the movement of people is closely tied to questions of land and identity’ (Ferris 1993, 227; Soguk 1999). The treatment of major migration movements and emigrants is part and parcel of state consolidation and identity construction (Brand 2010). Migration processes have often been subordinated to national interests and open to manipulation (Seeberg 2013). In particular, the securitization of refugees and migrants has been a common phenomenon in the region that has constrained domains of safety, protection, human rights and citizenship (Seeberg and Eyadat 2013; Ullah 2014). The instrumentality of refugee issues – particularly visible with reference to securitization (and/or desecuritization) – is made to serve regime-state consolidation and national identity construction. In particular, the mass refugee flows are seen as a threat to the political demography of countries that have highly homogenous populations, creating ongoing problems in state–society relations and dramatic socio-political fault lines. Also, due to the protracted nature of mass flows, problems concerned with weak economic and institutional capacities are seen as a serious challenge by refugee-hosting countries.

Many regional countries persistently reject recognizing, ratifying or taking part in international refugee law, and are hesitant to sign the Refugee Convention. This is due to their sensitivities about sovereignty and their frustration with the international community, which has failed to solve protracted Palestinian refugee problem (Stevens 2016). Also, host countries in the region give very ‘little value to the both UNHCR’s *prima facie* refugee status and its temporary protection schemes’ (Janmyr 2017, 9). They intentionally avoid developing concrete national refugee legislation and asylum

institutions, and instead, in response, emphasize domestic interests and regional dynamics (Cheung 2011; Davies 2008). Nevertheless, refugee-hosting countries like Egypt, Jordan, Lebanon, Iraq and Syria have been heavily dependent on the UNHCR for refugee protection and assistance (Stevens 2016). The UNHCR's role and relations with the regional states has been under criticism by scholars, who argue that the UNHCR does not work to uplift refugee norms but instead works to contribute towards the national interests of hosting countries (Stevens 2014). The formal local integration of refugee populations appears as an overlooked or unwanted option, particularly due to a lack of resources and political sensitivities.³

The lack of bilateral agreements and shared administrative practices proves that there is no regional refugee regime in the Middle East. Unlike some other regions in Africa or Latin America, regional organizations such as the League of Arab States did not codify a regional refugee convention (Sahin-Mencutek 2016). Also, there is no physical sharing of the refugee burden in the region. While small countries like Lebanon and Jordan host millions of refugees from Palestine, Iraq and Syria, rich Gulf countries do not accept refugees – instead, they channel money to host countries to share the financial burden of camp facilities, maintenance and developmental aid (Sahin-Mencutek 2016).

The Middle East has been under-represented in migration studies in general, and in refugee and forced migration studies in particular (Arsan et al. 2013). The Palestinian refugee issue has received far more attention than other cases and has also been politicized to a far greater extent. This is due to its protracted character and also due to the dispersion of Palestinians to more than one country (mainly Jordan, Lebanon and Syria) since 1948. Herein, pertinent aspects such as camps, but also relations to Palestinian national movements, have been studied in detail (Allan 2013; Pearlman 2011; Sayyigh 2000).

While the literature on displacement and mobility in the Middle East region is expanding, most studies tend to describe selected cases with a limited attempt to achieve an analytical synthesis or generalization based on comparative data. So far, many studies addressing refugee policies in the Middle East take refugees or a refugee community as a unit of analysis, rarely emphasizing state policies, their motivations and changes over time, and seldom engaging with theoretical approaches concerned with the analysis of policy responses to mass refugee movements (except Betts and Kayraz 2009; Lindley 2011).

In spite of some contextual specificities of the region (which all regions have), current comparative cases from the Middle East have a high potential to fill gaps in our understanding of the changing patterns in receiving countries, as well as in informing theory pertaining to the governance of mass refugee flows. It will also enhance existing theories, by shedding light on the interactions between regions, namely, between the Middle East and Europe, as well as between the Global North and South. Such a regional focus is

crucial to challenge the dominant Euro-centric character of comparative refugee and immigration studies and to effectively question the Middle Eastern exceptionalism discourse.

Lebanon, Turkey and Jordan as exemplary cases of mass migration governance

Lebanon, Turkey and Jordan need to be examined as a separate analytical category when focusing on mass migration governance in the Global South. As Tsourapas rightly states, these countries, ‘regulate more than one type of cross-border mobility including emigration, immigration and transit migration as well as diaspora and refugee issues’ (2017, 2369). Due to their geographical location, cross-border mobility has led them to become part of the (Euro)-Mediterranean migration system (along with seven other countries). Therefore, their interaction with this migration system is very intense. Any refugee issue impacting the three countries will have implications for European countries, concretely by resulting in a rise in asylum applications from the Middle East region as well as bringing about irregular crossings from these transit countries. They are under the radar of Europe, which aims to control migration on its immediate borders and externalize its border controls to the potential transit countries and countries of origin. Turkey, Lebanon and Jordan together make a meaningful category to examine relations between the Global South and the Global North. Findings on these three countries may offer some insights to better understand the Global South and to make a contribution to the existing scholarship that will be discussed shortly.

First, the extent to which they have been exposed to a refugee movement from a single country, Syria, in post-2011 is substantial (discussed in the case selection section in the Introduction of this book). Although the current and former refugee flows, for instance of Palestinians and Iraqis, have affected the entire Middle East region, the three countries in question are disproportionally affected by cross-border migration. They became main settlement and transit countries for refugees. Lebanon and Jordan have been hosting Palestinian refugees on their territories since 1948, while Jordan also hosted Iraqi refugees. Unlike others, Turkey has never turned into a destination country for Palestinian refugees. Even though Iraqis (particularly Kurdish Iraqis) made their way to Turkey in 1991, the Turkish state subsequently prevented their border crossings. However, since then, the number of Iraqi migrants in Turkey is the highest among irregular migrants. Moreover, all three countries have high bilateral mobility processes involving cross-border migration – mainly in the form of seasonal labour migration from Syria to Jordan and Lebanon as well as border trade with Syria.

The Syrian refugee migration once again made the Middle East region and these countries salient for refugee and forced migration studies. There

is a growing body of research on single case studies addressing policies for Syrian refugees (Baban et al. 2017) in relation with the EU (Barbulescu 2017; Wolff 2015; Ostrand 2015; Norman 2018). Nevertheless, theoretically informed comparative studies on policies pertaining to these three hosting countries are still rare. The articles limit their comparison to individual policy areas, such as encampment (Turner 2015), temporary protection (Lambert 2017) and humanitarianism (Carpi and Şenoğuz 2018). Articles comparing two countries, often Lebanon and Jordan, have been published much more than comparisons of the three countries. Exceptions include a few academic studies⁴ and a number of reports.

A comparative study of three countries in the Middle East, which all host the same refugee population, is an important step forward in the understanding of policy fields, actors and patterns of refugee governance in the region. Findings about these three countries help to formulate an original theoretical model demonstrating variations in patterns of governance as they pertain to mass refugee flows on the basis of policy type, changes in the duration of a given refugee issue and interactions with the international refugee regime. Also, the study theorizes the drivers of governance variations by taking into consideration the related political and economic factors that pertain to both the domestic and international level. In this regard, the study helps to unpack the policy context, which works to define states' responses to refugees as well as the inherent shifts. Thereby, the aim is to answer both how and why questions and to turn attention to both domestic and international factors.

To conclude, this chapter has shown that scholarship on immigration, refugee/forced migration and the Middle East provides some insights relevant to state responses to mass migration in the Global South. It has pointed out issues pertinent to paradoxes of global refugee regime; dilemmas between international protection and state sovereignty; discussions on the current state of international cooperation; and differences and similarities between refugee governance in Global South and Global North. It has also discussed the state of art in Middle East studies regarding refugee governance. It is clear that there is a need to address refugee governance theoretically and comparatively. This is attempted in Chapter 3 by introducing a novel theoretical model enabling comparisons.

Notes

1 Kagan notes that:

[i]ndividual RSD is where each asylum seeker has his or her refugee claim adjudicated through an intensive case-by-case process that usually includes interviewing, documentation, research, and decision making based on application of the refugee definition. It is through the individual adjudication of asylum claims, in administrative tribunals and courts that the law of refugee status has developed in Western countries.

(Kagan 2007, 12)

- 2 Although I prefer using the term of responsibility, the review of the literature made it clear that the term of burden sharing is almost consistently used in the referred studies here.
- 3 These claims about the UNHCR and particularly its reluctance to advance integration were widely raised during the course of fieldwork.
- 4 To the best of my knowledge, the only articles/book comparing these three countries are: Chatty 2017 and Deardorff Miller 2016.

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3 **Categorizations and models for comparative analysis of refugee migration governance**

To be able to analyse the governance of mass refugee migration, it is crucial to specify which sub-policies demand our attention. The elaboration of models noted in the Introduction should be preceded by an overview of policy tools in each domain, the actors involved as well as the broader spectrum of response patterns that took shape.

Policies are typically a mixed bag of measures,¹ containing not only multiple laws, decrees, rules and programmes on papers but also a wide array of implementation. They are drafted, shaped and implemented with the involvement of multiple actors and organizations on different levels: local, national, regional and international. Thus, policy processes and outcomes emerge in quite different and often contradictory ways.

Existing refugee policy classifications in the academic works such as those in articles, reports and databases, exclusively focus on the Global North (Western European and North American examples). Migration scholars usually treat all immigration policies as one without further differentiating whether the policy targets refugees or migrants. The classification also remains inadequate when the objective is to examine policy responses to given mass refugee flows, as countries in the Global North rarely encounter mass refugee arrivals. On the other hand, despite the rich empirical studies on the refugee affairs, particularly at the micro level, in the countries of the Global South, they hardly specify which policies are examined, making comparisons difficult across cases. Accordingly, the issue of policy types within refugee governance remains undertheorized in the migration studies. To fill this gap and to enable policy comparisons, this study establishes a categorization of policy areas, actors, patterns and driving forces. The goal in this chapter of the book is not to provide an all-encompassing overview of those country-based contributions, which have flourished in the realm of refugee policies. Rather, the aim is to offer some analytical and comparative insights.

Categorization of policy areas and actors

To respond to mass refugee migration, destination and host countries² implement a wide range of interrelated policies. These policies can be grouped into three main policy areas: border controls, reception/protection and integration.

The first policy area, namely, border controls, aims to regulate the entries and exits of foreign nationals. Border authorities check for passengers' documentation, including visas or identity cards, in order to control regular entries. To prevent irregular crossings, several tools are adopted. The political authority of the country decides whether to accept mass entry attempts or whether to deny entries by closing borders or by pushing them back if they seek to enter via a sea route. National security authorities, such as armies and border guards, respond to irregular individual entries and mass migration. In the case of denial entries, the destination country may initiate zero-aid deliveries to displaced people across the border or may not care at all. If there is UN support, 'safety' zones are frequently created along the borders where displaced people have sought shelter internally, that is, in their country of origin (Long 2012). Destination countries also tend to set up technically sophisticated systems of border controls (at land and sea border points), as well as in many cases to initiate the erection of border fences/walls which may be logistically supported by external actors. For example, the EU supports the border controls in non-member countries such as Turkey, Morocco and Libya as it seeks to externalize its borders controls.

When displaced person(s) safely cross international borders – this often being the border of the closest neighbouring country – they become the target of reception/protection policies. These begin with the processes of identification, registration and efforts to gain access to immediate humanitarian aid. At the core of reception/protection policies is the need for host country to identify and classify foreign displaced people on its territory, a process known as internal bordering processes (Castles 2017, 1540). This identification regulates the extent to which displaced person(s) are able to subsequently gain access to basic needs, legal status, and, if it exists, also access the asylum system. For example, the lack of differentiation between refugees and other irregular migrants by the receiving state authorities may result in the former being expelled or not being granted any form of temporary or permanent protection that is enshrined in the Refugee Convention. This tendency is quite likely as countries have a sovereignty to be part of the Convention fully or partially, thus they are not necessarily required to comply with principles on non-refoulement and basic protection standards. Even if host countries comply with some standards of protection to asylum seekers and refugees as they are specified in the Convention, a wide policy repertoire is available to them if they intend to restrict rights. This repertoire includes the introduction of strict rules about registration, status

regularization (i.e. the granting of residency permits); inflexibility about mobility in and out of the camps and country; apprehensions, relocations; the implementation of readmission; and urging returns.

A protracted stay of refugees in the host country necessitates the designation of integration policies, which are defined as the ‘rights and responsibilities for immigrants that are associated with their admission to the country’ (Lutz 2017, 6). The Refugee Convention’s list on positive rights sets the main pillars of protection and integration. The list includes: ensuring refugees’ access to livelihoods and employment (Articles 17–19), housing (Article 21), education (Article 22), public relief and assistance (Article 23), access to courts (Article 16), protects refugees’ freedom of religion (Article 4), freedom of movement within the territory (Article 26), right to obtain identity and travel documents (Articles 27 and 28), and the right not to be expelled under certain strictly defined conditions (Article 32) (Convention 1951, 157–176). Measures aimed at ensuring equal access to civic rights, political participation, naturalization and finally obtaining the citizenship of the host country are also considered as the part of integration policies particularly during protracted stays and accepted asylum application cases.

Policies on border controls, reception/protection and integration are shaped through the involvement of multiple actors. Their involvement carries the policy processes beyond basic policy-making acts that are first initiated by policy makers. As Lenner rightly points out, a broad range of actors and audiences ‘interact with each other as well as with various policy discourses and technologies’ ‘to push specific political projects and try to shape interpretations’ (Lenner 2016, 2). At the end, they collaboratively create a formed assemblage of refugee governance. Even though some actors do not have decision-making powers when it comes to formulating policies, they hold a discretionary power that is exercised through their interpretations and implementations. Thus, this book prefers using the concept of policy-shaping, rather than policy-making or policy implementation. To understand policy-shaping, it is critical to specify the actors involved in the refugee governance process.

Table 3.1 categorizes actors, based on the levels of their operation and their relations with the host states. An alternative categorization can be based on a differentiation between those actors involved in policy-making and those involved in policy implementation. However, this criterion becomes less meaningful if we subscribe to the notion of policy-shaping as a more comprehensive concept to capture multiple actors’ involvement in processes of making and implementing policies.

Depending on the policy field and the host country context, one or more actors from different categories may be involved in policy-shaping. Often state actors play substantial roles in decision-making processes pertaining to policies, while non-state actors also have an impact on policy-shaping. The hierarchy of different organizations may vary according to

Table 3.1 Actors involved in refugee governance

<i>Level</i>	<i>Relation with the state</i>	<i>Specific actors</i>
National	Central state	Political leaders (e.g. president, king, royal family), national government, ministries (mainly foreign affairs, interior, education, health, security, social policy), parliament, political parties, directorates/agencies/commissions dealing with migration/refugee affairs, security apparatus (public security forces, army, or border/coast guards), bureaucrats, governorates
Regional/Local	Semi-state	Municipalities, school directorates, teachers, medical staff, social workers and other service providers
National/Local	Non-state	NGOs, human rights activists, religious groups/communities, community organizations/leaders, refugees, research institutions, business associations, networks, lobby groups, unions, bar associations, migrant-led collectives
International refugee governance actors	State-related	UNHCR, field specific UN agencies and programmes (UNDP, UNICEF), donor states, EU, regional organizations, international organizations
Transnational actors	Non-state	Humanitarian or development organizations, transnational religious groups/communities, diaspora groups, research institutions, advocacy groups, individuals like celebrities

the country context. For example, border controls are usually under the authority of state actors, as these are regarded as a matter of national sovereignty. However, in some cases, for instance pertaining to EU member states, a common border agency – in this case Frontex – works together closely with member states to ensure integrated border management. In some countries, security forces are directly involved in the decision-making of policies, but in other cases, the former work under the power of political leaders, the government or ministries and only serve as implementers.

Compared to the border controls, the role of non-state actors is more explicit in the context of reception/protection policies, even though these may be led or monitored by either international governance actors or national state actors. Integration policies are often initiated by local actors and national non-state actors, but then at a later stage require national state actors' imperative command specifically with regard to legislative acts.

The interactions among all these actors are decisive in terms of defining the content and the direction of policies. The effect of each actor in a certain policy field varies across countries. In contrast to Western democratic states, in the many refugee hosting countries of the Global South, local and national non-state actors only hold minimal power in the design of policies. But international governance actors, in cooperation with non-state transnational actors, come to play a central role in shaping reception and protection policies.

The assemblage of several policies from different fields and the involvement of multiple actors from different levels, as mentioned above, create complex policy-shaping processes. A review of existing studies addressing the policy responses of host countries demonstrates this complexity and at the same time highlights the challenges that one confronts when conducting cross-case comparisons. It seems that more specifically early, pioneer studies pursuing a comparative approach to the study of refugee flows, needed to specify on one dimension of policy-shaping.³ Thus, there is still need to theorize about refugee policies of host countries that would comprehensively address policy fields and actors in a unified manner, also focusing on changes.

Meta-governance framework

The most promising framework to meet the research objectives mentioned in the previous section is the *theory of meta-governance* as it focuses on the involvement of multiple actors in a given complex policy field – such as the field of refugee affairs. In fact, the term of governance has a wide currency in both research and policy, although it is found to be a very broad concept and used with different meanings. To be more specific, this study uses the meta-governance, which has more concrete analytical and theoretical assertions. Meta-governance has been increasingly adopted in public administration studies in order to explain public sector reforms and networks in taxation, energy, trade and environment (Orsini et al. 2013; van der Heiden et al. 2011). It has been employed to a limited degree in studies addressing migrant integration policies in the United Kingdom and Sweden (Darling 2016; Qvist 2017). The same studies noted that it could be used to address refugee protection. This book benefits from theoretical assertions following on from meta-governance.

Meta-governance provides a useful analytical horizon to describe multiple policy patterns, overlaps between these and changes over time. It is used to examine the governance of complex, synergetic and conflictual policy fields or regime complexes that are related to more than one sector. As Jessop notes, particular actors ‘provide a solution, however partial, temporary, and provisional, to the crisis of policy areas or as a solution to co-ordination problems in and across the private and public spheres in the complex matters’ (Jessop 2003, 2–3). These actors are substantively

interdependent but formally independent actors, but there is no complete symmetry in power relations among them.

Although the governance framework in general problematizes top-down explanations of the exercise of power, and emphasizes a shift from state-centred rationales of public policy towards a multi-actor and multi-level based collective problem-solving approach, this analytical lens also recognizes the states' efforts in giving imperative command and devising procedures to retain regulating capacities (Gualini 2016, 515). Meta-governance reasserts that states tend to 'continue traditional statist styles of governance in terms of bureaucratic rule making' (Torfing and Sørensen 2014, 341). Thus, it opens up more space for researchers who would like to address state interventions in complex policy fields. Instead of creating dichotomies in the analysis of policy outcomes, including references to effectiveness/ineffectiveness, the meta-governance framework considers policies as processes that emerge in interactive ways. So, meta-governance does not presume to find a linear causal relationship between initial policy objects/designation and outcomes. The processes in which policy outcomes emerge are together shaped by the involvement of governance discourses and practices of multiple actors at multiple levels. The linear causality is also seen as impossible for complex policy fields as the processes of policy coordination among governance actors 'are prey to dilemmas, contradictions, and failures' (Jessop 2003, 3). With these theoretical bases, meta-governance enables the capture of actual and emergent policy practices while stressing the dynamism and interconnectedness of different political actors at different levels.

These theoretical assertions are absolutely significant for an analysis of migration policies, a field that lacks exact definitions and real means to determine the effectiveness of policies and where, in order to capture changes, there is rather a clear need for a process-oriented approach. As briefly demonstrated through the aforementioned list of actors involved in policy-shaping, refugee governance spans various institutional domains and operates at different levels. Thus, for conceptualizing complex policy-shaping, meta-governance seems an auspicious framework. It allows the examination of how states' imperative command in policy processes is critical in discussing the host country's refugee governance that intersected with concerns about security, sovereignty and citizenship issues. Moreover, the notion of uncertainty that is highlighted by meta-governance is highly pertinent for an understanding of refugee governance, as all actors do not know when the refugee generating crisis will be settled and conditions will again be safe for returns. Also, the presence and sustainability of international and domestic support for state policies are uncertain for policy makers, while policies have ambiguities and risk of failure, leading to governance paradoxes.

Theorizing variations within and across the national refugee governance(s): multi-pattern model

Combining a meta-governance perspective with a focus on policy fields and actors, as introduced above, this study proposes a new model to define refugee governance of host countries. This model is called multi-pattern refugee governance. Table 3.2 summarizes this model. It shows how particular policy fields correlate with specific policy patterns, which actors are mainly decisive and what the main policy approach is that comes to define a certain pattern. With reference to the table, I will discuss each pattern and provide a few examples where possible – drawing on refugee governance by countries of the Global South, which have hosted mass refugee migration in recent years. This model is referred to in describing the refugee governance of Turkey (Chapter 4), Lebanon (Chapter 6) and Jordan (Chapter 8). Then, the same model will be used to identify the differences and similarities between the refugee governance of the three countries, which will be discussed in Chapter 10.

Preventive policy pattern

In cases in which destination countries need to respond to mass refugee flows, the first common pattern is prevention. Such countries may close their borders and deny offering protection to those seeking asylum. All these policies aim at preventing refugee migrants from crossing the national borders to a destination country. While some studies call the amalgamation of such policies a non-entry regime, others refer to them as closed-door policies (Chimni 1998; Long 2012). I call this pattern a preventive policy pattern.

The destination countries adopt a preventive policy pattern to legitimize their decision with several arguments around the threats that mass flows pose to national security, sovereignty and the political order of the destination country as well as by emphasizing the fact that they lack the capacity to accommodate arrivals. They may lobby for the provision of shelter and for the monitoring of these people in the respective countries of origin. In these situations, the UN Security Council has the authority to create safety zones along the borders (Long 2012). These policies may also result in displaced person(s) being stranded and, in turn, creating informal settlements, collective centres and makeshift housings along the borders within the country of origin. The UNHCR may try to convince the destination country to open its borders in order to be able to assist and protect refugees in a safer environment than the country of origin. If there is no positive response from destination country, the UNHCR may provide assistance to displaced person(s) within the borders of the country of origin. Thus, destination countries prevent the carrying of any obligation to receive or protect displaced person(s) across the border.

Table 3.2 A multi-pattern refugee governance model

<i>Name of governance patterns</i>	<i>Characteristics of each policy field</i>	<i>Main policy-shaper actors</i>	<i>Main policy approach</i>
1 Preventive	Border control: border closures Reception-protection: no policy as no one is allowed crossing border	National/central state	Emergency
2 Policy vacuum/ inaction	Border control: opening border Reception-protection: few policy designs lack of or weak legal/ institutional framework to fulfil obligations Integration: no prospect	International governance actors National or transnational non-state actors	Emergency Temporariness
3 Ad hoc	Border control: strategic opening and/or closure of borders Reception-protection: weak legal/institutional framework selective reception; non-asylum based protection; limited and temporary protection Integration: either no prospect or shaping partial integration policies	National state actors International governance actors National or Transnational non-state actors	Emergency Temporariness
4a Regulatory- restrictive	Border: restrictive regulation of border controls Reception-protection: development of the national legal/institutional framework Non-asylum based, often temporary protection Integration: gradually focusing on local integration	National state	Permanency Non-rights-based
4b Regulatory- comprehensive ideal	Border: non-restrictive border controls Reception-protection: asylum-based protection; strong legal/ institutional framework complying with the rules of regional and international refugee law Integration: granting full rights to refugees and naturalization	National, local, transnational	Permanency Rights based

Numerous examples for this preventive pattern are addressed by Long's 2012 study on border closures in response to refugee flows. She notes that from 1990 to 2010, the widespread practice of border closures was observed along (but are not limited to) the Turkey–Iraq border (1991), the Zaire–Rwanda border (1994 and 1996), the Tanzania–Burundi border (1995), the Macedonia–Kosovo border (1999), all of Afghanistan's borders with neighbouring countries (2000–2001), the Jordan–Iraq border (2006), the Syria and Iran borders with Iraq (2007), Egypt's borders with the Gaza Strip and Israel (2007 onwards), and the Saudi Arabia–Yemen border (2009).

Inaction governance pattern

Inaction refers to a pattern whereby a destination country does not take preventive measures aimed at halting a mass refugee flow, nor does it take measures to govern reception and protection. It can be also called a policy vacuum pattern. Doing nothing, the receiving country avoids making any permanent or temporary arrangements in responding to a mass flow. During or after the refugees' entry across the national borders, it shifts the responsibility of reception/protection to a plethora of domestic non-state, local and transnational actors. These actors may fill the gap by making reference to normative values about responsibility/burden sharing, refugee protection and humanitarianism. Often, the UNHCR takes the main responsibility in responding to the refugee flows and meeting the basic needs of refugees in such cases. However, the UNHCR is able to operate in cases where authority is delegated to it by the host state authorities and where international funding is available. In addition to the UNHCR, local actors also take part. For example, ethnic, tribal, religious or business networks between host communities and refugees may play a substantive role in reception initiatives at an earlier stage. In this governance pattern, there is no strict hierarchical relationship between the receiving state and the other actors involved in governance. They are more or less self-regulating. Inaction can be tied back to unpreparedness of the destination country, lack of state capacity, lack of policy institutionalization, institutional uncertainty or paralysis at the time of arrival or simply to unwillingness to develop policies due to the political causes.

Inaction as a pattern is rarely observed and it is limited to the earlier stages. One example includes Lebanon's treatment of Syrian refugees in the initial stage from 2011 to 2013–2014. The Lebanese state did not do anything to prevent the entry of Syrians, and did not become involved in reception nor protection. It did not put any restrictions over the interventions of non-state local and international organizations (Sahin-Mencutek 2017).

Ad hoc refugee governance pattern

The ad hoc governance pattern emerges as an immediate policy solution of host countries to refugee migration. It involves little planning and is often based on temporary arrangements instead of concerted policies. Policies can both partially draw on existing regulations as well as, in other cases, diverge from them. The policies can be partial, temporal and provisional. They can also be characterized by ambiguity and contradictions. Nevertheless, recognition of the permanency of new situations like a crisis urges host countries to articulate more clear-cut policies in several fields. Thus, they attempt policy-shaping by drafting new laws, institutions or reforming/revising existing ones.

In the ad hoc pattern, domestic non-state, local and transnational actors come to play a role. They may create a collaborative space for network interactions through the involvement of state actors. The level of control of host states over these actors may differ according to the centrality of the state. Nevertheless, imperative commands of the government are felt stronger than is the case in the inaction stage.

One example of an ad hoc policy pattern is Pakistan's response to the protracted stay of Afghan refugees. Pakistan used to be the main refugee hosting country since late 1978, when it experienced the mass arrivals of millions of Afghan refugees and the return of some to Afghanistan. Pakistan did not sign the Refugee Convention and had no national legislation to recognize refugees. It allowed millions of Afghan refugees to enter the country, opened spaces for them to create their own communities, and ensured the right to access health care (but not education). Pakistan's policies were initially refugee friendly in the 1980s and turned more restrictive in the 1990s. Its policies have remained inconsistent, in line with its changing strategic preferences and political interests (Siddikoglu 2017, 13). Other examples include Bangladesh's response to the Rohingyas from Myanmar, with two major influxes occurring in 1978 and 1992; Malaysia's response to Rohingyas in the 1990s (Cheung 2011); Zaire's response to Rwanda's refugees in 1994 (Suhrke 1998); South Africa and Botswana's response to refugee flows from Zimbabwe between 2005 and 2009 (Betts and Kaytaz 2009).

Regulative refugee governance pattern

The regulative governance pattern means responding to the mass refugee migration with some planning or drawing on an already available response scheme. Although regulations cannot be approached as concerted policies at this stage, it is highly possible that efforts for policy institutionalization lay the ground for further concerted policies. Despite being more regulative than the ad hoc pattern, incoherencies are nevertheless inherent by design – due to the diversity of policy mechanisms and because these policies are subject to different arenas of political bargaining as well as to multiple

tensions among the actors involved. Although the influences of non-state actors are pertinent, it is mainly the national state actors that take on the responsibility of developing, implementing and coordinating policies from above. In its relationship with non-state actors, the state actors try to balance their power of discretion with control and often pursue a cooperative relationship with international refugee governance actors.

Regulative governance can take two forms. The first is *restrictive governance*, which refers to the adoption of stringent policies that primarily aim to limit, prevent or deter the entry, exit and long stays of refugees within national borders. Second is *comprehensive governance*, which can be also defined as a distributive and ideal governance pattern. It resembles the International Organization of Migration (IOM)'s comprehensive migration governance definition that is not specific to refugee governance. It refers to institutional coherence across several fields and policy connectivity between migration and broader policy objectives (IOM 2016, 8). A lead institution or agency takes charge of issues and coordinates between actors. A safe and orderly migration processes occurs, and refugees' full rights in line with the Refugee Convention are ensured. The initiatives for durable solutions are attempted immediately and inclusively. However, restrictive and comprehensive policy changes can occur simultaneously depending on the policy areas. For example, restrictiveness may occur in border controls, but liberal comprehensive policy changes may appear in the field of protection or key areas of integration such as participation in the labour market.

One example for restrictive regulative refugee governance is Kenya. The country hosts a large asylum-seeking and refugee population, mainly from Somalia and Sudan. Since 2006, the institutionalization of refugee policy has been under way. Refugee affairs are currently managed jointly by the country's Department of Refugee Affairs and the UNHCR. Kenya is both the signatory of the 1951 Convention and has its own national refugee framework, enshrined in the Refugees Act (2006) and the Refugees Regulations (2009). Kenya has concrete rules concerning the reception and protection of refugees. Its regulations show characteristics of restrictiveness. It has an encampment policy that requires refugees to stay in designated camps and further limits the involvement of refugees in the informal labour market. The limited freedom of mobility granted to refugees is justified on the grounds of security and logistical challenges that the country has to cope with due to the refugees. A path to naturalization is apparently not available to refugees (Goitom 2016; Lindley 2011).

Comprehensive regulative refugee governance cases are more limited. One example is Tanzania, which developed a Comprehensive Solution Strategy in 2008 to provide durable solutions for over 200,000 Burundian refugees living in Tanzania since 1972. The Tanzanian government gave Burundians 'a choice between repatriation and naturalization, and almost 80 per cent opted for Tanzanian citizenship. By March 2015, 149,630 people had received Tanzanian citizenship certificates' (Kuch 2017, 468).

As country examples demonstrate, there is a fluidity of boundaries between these governance patterns. Meta-governance's theoretical assertions help us to understand this fluidity. The multiplicity of actors and policy fields create a complexity in which one pattern cannot be sustainable. As policy outcomes are process-oriented and co-constitutive, they might need to be changed in the course of time. They may not meet the needs of states and refugees. Also, the contradictions and failures in a certain policy field and/or changes in the dynamics of refugee movements may require the refugee hosting country to seek alternative policy patterns. Thus, the logic of temporality is always inherent to the governance. For example, it can be possible that a destination country which demonstrates the characteristics of a certain pattern, for example, the preventive policy pattern, could be urged to enact other patterns such as inaction or ad hoc policies in relation with contextual factors. Also, a country pursuing an ad hoc pattern may need to move to a regulative pattern. So, shifts from one pattern to another often happen over time and it is rather seldom that countries follow a stable pattern. To reveal these changes, it proves fruitful to turn to a new concept illustrating the temporal dimension of policy-shaping. I introduce the concept of multi-stage refugee governance.

Theorizing changes within a national refugee governance: multi-stage model

Multi-stage governance refers to the presence of more than one stage of governance in a given country. Stages include the initial (emergency) response stage, a critical juncture and the later protracted stage as illustrated in Figure 3.1.

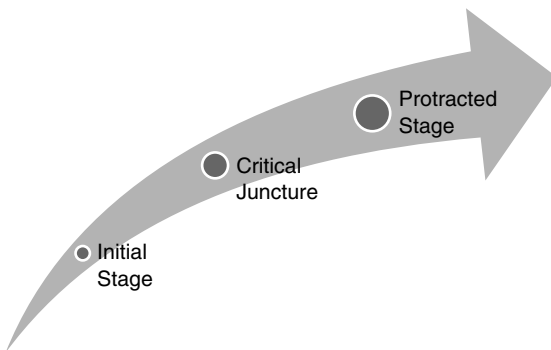


Figure 3.1 A multi-stage governance model.

Initial stage

Initial responses are given by host countries in the first years (one–three years) of the mass refugee flows, depending on the characteristics of the flow and capacity/interests of receiving states. Policy makers see the refugee flow as an emergency situation and/or a crisis. They believe it is temporary, thus they adopt a crisis-centric approach. If the state did not choose a preventive pattern, usually, inaction or ad hoc patterns are observed in this stage.

Critical juncture

After initial responses, policy makers of host countries may reach a critical juncture. The juncture occurs when a number of factors interacted. The first factor is the sheer numbers. It may be the perceived numbers, proportion of refugees to the national population, ratio to a previous mass flow or basically more than a certain number such as 100,000, 0.5 million or 1 million. The second factor is the protracted nature of the conflict. It refers to the end of hope that the refugees may imminently return. Host states often recognize the permanency of refugees well after the first three years. The third factor is growing real or perceived security related concerns, including border clashes, armed attacks and rises in terrorist attacks or inner community tensions. Host countries that reach the critical juncture start to introduce structured policies and institutional arrangements. These replace previous inaction or ad hoc policies. This also marks a policy transition from the crisis/emergency phase to the regulatory phase. The juncture is where the process of devising new policies, the drafting of concrete national legal and institutional frameworks starts.

Protracted stage

After reaching a critical juncture, often in the course of three or five years, the refugee situation turns into a protracted situation and the refugee crisis is settled to some extent. When the refugees have been in exile for several years, their situation is considered as protracted. More specifically, the UNHCR defines a protracted refugee situation as:

one in which refugees find themselves in a long-lasting and intractable state of limbo. Their lives may not be at risk, but their basic rights and essential economic, social and psychological needs remain unfulfilled after years in exile. A refugee in this situation is often unable to break free from enforced reliance on external assistance.

(UNHCR 2004, 2)

Not only refugees, but also host countries find themselves in a protracted stage.

In this stage, host countries institutionalize and stabilize policies on the basis of the permanency of refugees, although they may avoid expressing these efforts publicly. In this stage, the temporality and humanitarianism of the initial stage, as well as transitions at the critical juncture, are replaced by a resilience-based approach, which pays attention to hosting communities and the country's infrastructure along with durable solutions. For example, Tanzania, which pursued an ad hoc governance pattern towards Rwandans, marked by its well-known open-door policy in the early 1990s, reached a critical juncture due to its growing national security concerns and the long stay of refugees. In the transition stage, it made a policy transition, fully abandoning its ad hoc policy and moved to a restrictive pattern with the decision of forced repatriation of all Rwandan refugees by 1 January 1996 (D'Orsi 2016, 213).

The multi-pattern and multi-stage models illustrate how the receiving countries respond to mass refugee migration. By adopting the meta-governance framework, the proposed models based on patterns and stages highlight the complexity of the governance field, the multiplicity of actors and the dynamic interactional process of policy-shaping. The models will be adopted to case of Turkey (Chapter 4), Lebanon (Chapter 6) and Jordan (Chapter 8). Moreover, the validity of the models will be comparatively tested in the Chapter 10. Thus, the model becomes alive, and, so the aim pursued, contributes to theory building.

Explanations typology on drivers of refugee governance

A review of studies in the migration studies field makes clear that there is a plethora of context specific factors shaping mass refugee governance in the Global South. The studies often refer to the relevance of economic, domestic and international political considerations and interests. However, these factors are complex and manifold; they need to be analysed in detail. Also, due to the descriptive nature of many studies, the analytical examination of the factors influencing national policies and their interactions with the global refugee policies have so far remained peripheral in academic and policy level debates – the security dimension being an exception (Betts and Milner 2006; van Hear 2012). The existing studies' findings on drivers remain specific to some migration policy fields such as border control, which is a more extensively studied sub-field compared to protection and integration. A number of studies demonstrate how border management intersects with interests in international politics and security. On the other hand, as the policy fields of protection and integration intersect with other public policy issues such as health, education, employment and law, the studies tend to describe their relations without analysing the drivers.

I argue that a description of policies is not enough; for a comprehensive analysis of refugee governance, it is necessary to identify the complex forces and competing interests that are involved in the processes of policy-shaping

in each field. Moreover, existing studies often do not address the relative weight and mutual interactions among macro-level factors, which comparative research, in turn, enables.

By drawing on the literature and the cases under question, this study identifies three broad macro-level explanations that drive the national governance of mass refugee migration: 1) the international politics explanation; 2) the security and domestic politics explanation; and 3) the economic-development explanation. The following sections examine these explanations, based on global examples. These explanations will be revisited in individual country cases (Chapters 5, 7 and 9) and comparatively analysed in Chapter 10.

International politics explanation

As an inherently cross-border issue, mass movements of people directly impacted by international politics. While it is important to understand the causes and consequences of mass population movements across borders in the context of broader global and regional geopolitical shifts, the same context is also crucial to explain receiving states' responses to refugee migration. The emerging policies are closely intertwined with the geopolitical factors.

Since the end of Cold War, mass migration has been an issue of high politics due to the fact that: 'massive flows of refugees jeopardize the political and social stability and the economic development of entire regions and thus endanger international peace and security' (UNHCR 1981). The UN Security Council gradually became part of the institutional refugee protection framework by using its authority to prevent refugee flows from posing a threat to peace. It initiated humanitarian interventions by linking refugee flows to peace and security threats in cases like northern Iraq, Bosnia, Somalia, Rwanda, Haiti and Kosovo (Roberts 1998). Not all refugee flows have triggered UN-authorized international interventions, and thus destination states have been pressured to formulate their own national policies to respond to refugee flows that come across their borders.

A number of studies argue that states show policy differentiation in responding to mass migration due to variations in their objectives about international politics (Teitelbaum 1984; Greenhill 2010). Additionally, studies on conflicts and refugee crises reveal the security-related interests of receiving states that influence responses (Lischer 2015; Zolberg et al. 1989). But the link between international politics and mass refugee governance patterns has not been adequately analysed yet. Existing reviews of studies focusing on this link suggest at least four overarching explanations.

First, mass refugee migration may create tensions in intergovernmental relations between origin and host countries. Both countries may use migrants to destabilize or embarrass the other country such as by hosting opposition figures or allowing cross-border armed activities (Teitelbaum

1984, 436). Relations prior to the crisis may influence the realization of this possibility. In some cases, the hosting states may get involved in the conflict by directly or indirectly supporting one of the warring sides. In this case, the host country acts selectively towards the refugees in line with whom it supports in the country of origin. On the other hand, the destination country may be reluctant to accept displaced person(s) from a certain origin country considering that this act could be seen as a violation of regional principles of non-interference and could disrupt regional strategic and political sensitivities (Cheung 2011). Second, actors shaping foreign policy-making in the host countries may be influential. For countries with high numbers of refugees, immigrants and diaspora(s), foreign policies may come under pressure in response to the demands/persuasions of national lobby groups, which may, as a consequence, benefit some refugee groups (Teitelbaum 1984, 441). Third, interactions and policy emulation among refugee hosting countries may be detrimental. Haas et al. point to the role of policy emulation that appears to have resulted out of fear that the adoption of more stringent asylum policies by other countries might deflect migration to those neighbouring countries which have not (yet) adopted such policies (2016, 27).

Fourth, the relations of host countries with allies, donors and further destination countries or regions can be detrimental in the process of policy-shaping as the meta-governance assumed with its recognition of multiplicity of actors in complex policy fields. Specifically, in the migration literature, this dynamic is identified in terms such as migration diplomacy, diplomacy of migration and migration as diplomacy (Thiollet 2011; Oyen 2005; Tsourapas 2017). By using migration as a tool and topic of diplomacy, host states may seek to demonstrate their compliance with international norms, enhancing the country's humanitarian image or soft power. They may seek to act in coordination with powerful allies involved in the refugee generating conflict.⁴ In some specific areas such as border closures, destination countries' acts 'can be primarily motivated by a desire to leverage burden sharing among other members of the international community' (Long 2012, 463–464). If they had opened the borders and accepted refugees on the national territory, in order to push for burden sharing, they may also seek to derive benefits from political negotiations with external actors such as donors, organizations or other refugee destination countries (Greenhill 2010). The negotiations often link refugee protection with receiving states' wider interests in relation to peace-building, international image, foreign policy and development (Adepoju et al. 2010; Betts 2009).

With regards to the issue of political negotiations over mass migration control, Greenhill (2010) suggests a robust theory, which she herself terms coercive engineered migration or migration driven-coercion. Greenhill argues that migration or refugee crises are used as a method of influence by weak states or non-state actors against democratic liberal states. She identifies 64 cases of attempted migration-driven coercion, while five of them

were tried by the Middle Eastern countries – including Turkey and Jordan. Opportunist states, as a subcategory of actors employing migration-driven coercion, play no direct role in the creation of migration crises, but simply exploit the existence of outflows generated or catalysed by others for their own advantage. For instance, they threaten to close their borders, thereby producing humanitarian emergencies, unless targets take desired actions or offer side payments. Opportunists are sometimes offered a chance to alleviate existing crises in exchange for political or monetary pay-offs (Greenhill 2010, 30–31).

This book draws on Greenhill's opportunist state category in order to explain the negotiations that Turkey, Lebanon and Jordan carried out with the external actors particularly with donors on the issue of Syrian refugees. An in-depth analysis of the three case studies in Chapter 5, 7 and 9 enables us to identify variations in the utilization processes and the outcomes that will enrich Greenhill's theory. Greenhill pays attention to the domestic politics of targeted liberal states but fails to discuss the domestic dynamics of so-called challenger states (host states). Thus, her theorization only sheds light on a single dimension of policy-making, but it is not adequate to capture a full range of policy responses. Greenhill mainly examines the crisis stage but does not test her theory in protracted refugee situations. Also, Greenhill's theory does not pay attention to the pre-crisis relationship between the targeted states (regional entities) and the challenger host states that might be detrimental on the outcomes. The book addresses these underestimated dimensions of Greenhill's theory by focusing on domestic dynamics in opportunist host states and by focusing pre-crisis, transition and protracted stages of responses rather than putting limited attention on crisis stage.

National security and politics explanation

Although international politics are closely intertwined with the security concerns of host countries, national security and domestic politics can also come to be regarded as an independent explanation for responses to cross-border mass forced migration. As posed in the Introduction of this book, one of the main research questions of this book is why host countries adopt a particular governance pattern and why it changes over time. National security and politics of the host country are integral parts of its response patterns.

The nexus between migration and security is reproduced through a dual dynamic combining migration policy and its politics. Many states approach mass migration and refugees from a security perspective and follow up with a securitization process – entailing the transformation of issues/problems into matters of security, via discourses and policies. In turn, security concerns of states seemingly trump the protection obligations and responsibility sharing in much of the responses. The securitization⁵ of migration

issues as a discursive process of issue framing has been pertinent in government policies and academic analyses since the Cold War and became even more popular with the onset of the US-led War on Terror and the terrorist attacks in Europe in the 2000s (Hedman 2006, 29). Not only the Global North, but also the Global South shows a strong policy tendency towards the securitization of migrants in general, and refugees and mass migration situations in particular.

As hosting countries and countries of origin are often located in the same region, the likelihood that kinship, ethnic, religious and business ties exist is high. Also, it is likely that before the crisis, various types of cross-border mobility had been occurring between these neighbouring countries. Under these conditions, with the arrival of refugees, the likelihood that the conflict(s) of neighbouring countries may carry forth in receiving territories is high, turning it into an issue of national security and domestic politics for the latter.

Due to the aforementioned features of the migration-security link, a very rich scholarship on the refugees and security nexus has emerged in the last decades. One of the pioneers in the field, Lischer (2015), creates a five-fold typology of refugee-related violence. The typology includes: 1) attacks between the sending state and the refugees; 2) attacks between the host state and the refugees; 3) ethnic or factional violence among the refugees; 4) internal violence within the host state; and 5) interstate war or unilateral intervention (Lischer 2015, 12). Lischer's typology can be elaborated by placing a specific emphasis on mass refugee flows. The evidences can be drawn from the review of comparative and single case studies which address the security issues encountered by host states in relation to mass refugee migration (Ibrahim 2005; Lischer 2015; Seeberg and Eyadat 2013; Weiner 1996; Betts and Milner 2006). These can be summarized in three interconnected situations: 1) real and perceived security threats simply due to the mere occurrence of mass refugee movements; 2) real security threats related to the involvement of refugees in violent cross-border contentious politics (simultaneous occurrence of types that Lischer [2015] proposed about refugee-related violence above); and 3) perceived security threats because of refugees' involvement in either non-violent contentious politics in the host country or in crime.

First, mass crossings of migrants to the national border, which pertain to irregularity, are often seen as posing a challenge to state sovereignty. Irregular crossings have come to be seen as illustrative of permeability and the erosion of sovereignty in controlling borders. As borders are often protected by military means, destination country's authorities controlling the border – guards, police or army – may use violence to push back migrants at the border in order to prevent entries. On the other hand, an armed group or the military forces from the country of origin may pursue and attack displaced person(s) in order to deter or urge their leaving by creating fear during or after their crossing of the international border. Moreover,

host states may become involved in interstate war or in unilateral interventions with the refugees' country of origin.

Refugees' involvement in militarized conflict that is unfolding across border is often approached as a real security challenge or as a destabilizing force by host countries. An extensive research strand on refugee warriors and militarization provides significant insights about the conditions that encourage refugees to become directly involved in conflicts or violence (Lischer 2015; Muggah and Mogire, 2006; Murshid 2013; Pearlman 2011; Salehyan 2009). Violent forms of refugees' contentious politics may take two forms. The first is transnational warfare in which armed groups, made up by refugees, become involved in conflict in the country of origin while operating from bases in the host country. It is more likely the case that refugees use funds and fighters to engage in cross-border warfare. The second is the militarization of refugees through the provision of military training or the support of combats that engages in the war in the country of origin. For these reasons, depending on the host country's politics, refugee flows can be associated with fears of terrorist infiltration; refugee camps can be associated with harbouring terrorist recruitment.

Lastly, non-violent forms of protests or boycotts by refugee groups and refugees' mobilization around civil society organizations in the host country can be seen as a security risk or threat, contingent on the context of the receiving country (Holzer 2012; Murshid 2013). Although such non-violent acts aim to make claims for better treatment or access to rights in the host country, they can be also seen as acts geared towards disrupting the public order. Claim making of refugees can be interpreted as a harbinger of uneasiness and the problems that refugees will cause in the future. Moreover, it is very common that the presence of refugees is seen to be linked to increasing crime in the local host communities. In particular, the criminalization of refugees increases in the later stages of refugee hosting experiences. This is related to the fact that host communities realize that the presence of refugees may be permanent and that they may not return, even if the war ends. On the other hand, refugees also come to the point that they are not satisfied with being treated as temporary guests, and thus gradually tend to make claims in terms of rights and opportunities.⁶

In addition, and in relation to the national security concerns, the general domestic political climate of the hosting country, at the time of initial refugee reception and in the course of the protracted stay, informs the policy repertoire of the host countries and how the refugee flow is represented in the public sphere. First of all, existing political instability, high levels of political polarization as well as the presence of ethnic tensions or civil conflict (independent of refugee arrivals) may influence policy preferences. Primarily because it is thought that refugees will exacerbate instability, polarization and conflict. As mass migration in particular occurs spontaneously and results in a substantial increase in population for an indefinite period, hosting a large number of refugees from a neighbouring

country is considered to pose a challenge for the ethnic and religious balance of power, as well as the political stability of host countries (Krcmaric 2014). Thus, domestic political contexts that construct threat and risk perceptions become important in shaping refugee governance.

The receiving communities may hold prejudicial attitudes towards the ethnic, racial and religious (sectarian) origins of refugees. These prejudices can stem from bitter memories about a certain refugee group as well as national identity sensitivities or ideational fault lines in the given host society. Mass arrivals from certain ethno-religious-ideological groups may be perceived as posing a threat to the political demography, national identity and cultural homogeneity of host countries (Ullah 2014; Weiner 1996). In some cases, it can be seen as destabilizing the backbone of a political regime, disrupting the existing socio-economic order or as unfairly favouring certain groups in the national political landscape over others. Such mass arrivals can be seen as potentially disrupting sensitive social and ethnic issues, exacerbating existing minority tensions or giving extra power (morale and human capital) to particular political movements (Khoury 2016; Lischer 2015; Suhrke 1998; Zolberg et al. 1989). Negative memories of receiving states and communities about the sending country such as previous occupation or military intervention cases, protracted refugee hosting, refugee militarization and spillovers of the conflict in neighbouring country, via refugees, aggravate such risk perceptions (Lenner 2016).

In some cases, prejudices can simply be manifestations of racism and xenophobia. The myths about alleged differences – between us and them – aggravate these prejudices. Along with economic concerns, which will be elaborated in the following section, these prejudices generate a negative public opinion on refugees. Second, states rule with the principle of sovereignty that is based on the idea of distinction between citizens and foreigners/aliens. The crossing of large numbers of aliens into another national territory may be seen as a factor weakening the state's power of authority and, by extension, posing a fundamental challenge to citizenship (Haddad 2008; Nyers 2006). These install fears that state sovereignty may be under threat. Often, it is the case that the host communities see the return of refugees to their country of origin as the only possible solution and are against any forms of local integration. Under these conditions, depending on the power of public opinion and the pressure on policy-shaping, politicians from governments and opposition parties tend to promote a securitization of refugees and to advance anti-refugee discourses (Burns and Gimpel 2000; Ceobanu and Xavier 2010). For instance, in certain cases, policy makers introduce restrictive policies or administrative measures by shifting 'responsibility onto the international community as an alternative to repatriation or local integration' (Kagan 2009, 431). The refugee related risk perceptions are likely to be expressed more loudly during election campaigns. Certain refugee groups or refugee policies of the government may feature as the most debated topics on the eve of elections. The emphasis on such

issues increased when parties and candidates were confident that their public positions on refugee issues would come to influence party preferences in their constituency (Fisunoğlu and Sert 2018).

It should be noted that despite the concerns about national security and domestic politics, refugees rarely become a threat for even small and weak states, as matters pertaining to refugees are handled by using several means before and after their arrivals. Refugees' power vis-à-vis states is very limited. Also, the states are overwhelmingly reluctant to hand over full power to an international refugee regime, preferring instead to safeguard their sovereignty.

The characteristics of a country's political system, the manner in which national actors intervene in refugee governance, as well as the interactions among actors and previous policy legislation and practices of migration can, through their interdependencies, define refugee governance. Regime type, being a democratic-liberal or autocratic country, is often used to explain modes of immigration policies, including asylum recognition and rights given to refugees (Joppke 1998). It is assumed that more protection is provided by democracies than by autocracies, primarily because the former comply with the norms on protection and burden sharing, because they pursue a rights-based approach to refugee governance, and because they are more committed to protecting and promoting human rights. However, case studies demonstrate considerable variation in policies across host states (Thielemann and Hobolth 2016; Ochreiter 2016). It is found that the regime type itself is not a determinant factor, if other variables such as the number of refugees, asylum applications, past experiences, state capacity or geopolitics are not taken into account.

In addition to regime types, domestic policy structures and legacies are given importance in analysing refugee governance. The main features of the legal and institutional framework stipulate categories for refugee migrants, including what labels, rights and services will be granted to them, which institutions will deal with them, as well as what types of approaches will be adopted in relation to humanitarian organizations. Moreover, the impact of institutional and bureaucratic power can be observed in several domains of refugee governance. A power struggle between various actors involved in policy-shaping – so-called bureaucratic fractioning – has an impact on policies (Diab 2015; Jacobsen 1996). For example, while bureaucratic inertia and information paucity can cause slowness and failures, the presence of a separate institution dealing with refugee affairs may enhance the effectiveness of governance. The bureaucratic interests and procedures of state and humanitarian agencies can act as crucial determinants in the definition of labels, or the extent of service provisions (Zetter 2007).

Refugees' reception and protection also touch issues around economy and development of the host countries. Concerns pertaining to these issues should nevertheless similarly be explained in order to understand the other dimensions of governance patterns.

Economy-development explanation

Another explanation for the drivers of refugee governance is the economy-development explanation. From the perspective of receiving states, mass migration movements and protracted refugee situations have overwhelmingly negative consequences for the national economic and development trajectory, as they result in a rapid population growth, often also referred to as a demographic shock.⁷ The negative impact of mass arrivals also tends to show up in macroeconomic indicators – such as unemployment and inflation – and swell the ranks of those living below the poverty line. This often comes on top of sharp declines in regional trade and tourism that flow from the very conflicts that have driven refugees to flee across borders in the first place. They also influence the micro and local economies (Betts and Milner 2006).

Despite a strong attention on negative impacts of refugee arrivals, observations show that: ‘refugees almost everywhere engage in significant levels of market activity’ (Betts et al. 2017, 2). They increase consumption and production and also lead to intense flows of monetary and human capital. For example, a recent empirical study found that inflows of asylum seekers have not deteriorated host countries’ economic performance or fiscal balance in Western Europe from 1985 to 2015. This is explained by that fact that: ‘the increase in public spending induced by asylum seekers is more than compensated for by an increase in tax revenues net of transfers’ (d’Albis et al. 2018, 1). Moreover, the same study noted that: ‘as asylum seekers become permanent residents, their macroeconomic impacts become positive’ (d’Albis et al. 2018, 1). Although refugee arrivals do boost, at least to some extent, local consumption and flows of financial and human capital, the cost of hosting large numbers of deprived and often traumatized evacuees is generally seen as outweighing any gains from the increased economic activity.

Host governments intentionally focus on the negative impact of refugees. They shape their policy interventions to: 1) reduce possible competition between citizens and refugees for access to livelihoods; and 2) advance international financial burden sharing. Governments use encampment, restricting refugees’ freedom of movement and frequently prevent refugees from gaining employment in order to keep refugees out of the domestic labour market. At the discursive level, these policies can be accompanied by the securitization and/or criminalization of refugees.

As financial burden sharing is of importance to host countries; it has also become an issue for the global refugee regime. The issue has gained growing international attention, initially within the context of the migration-development nexus in the 1990s. The ‘promotion of migration-reducing development’ was originally designed to target the potential migrants from Africa who aimed to reach Europe (Haas 2011, 4). This approach was extended to cover the refugee-development nexus, which called for a wider

engagement by the development community on issues about refugees (Betts 2009). It is argued that humanitarian aid to refugees as well as the UNHCR's protection is not adequate to deal with the refugee issue, and instead development assistance is crucial for strengthening the protection capacity of host countries in the Global South, promoting self-sufficiency and enabling local integration of refugees in the host countries (Betts and Milner 2006, 3; Betts et al. 2017).

Although humanitarian aid and mobilization of network structures of local people help to meet the immediate needs of refugees in the early years of arrivals, it remains inadequate in protracted situations. To cope with this challenge, the Global North has long advocated that development assistance be used for the creation of jobs for refugees in host countries. As Betts and Collier (2017) point out: the 'current Western perception of a refugee crisis provides an opportune moment to push for such strategic political-economic reorientations' (2017, 172). The assumption about economic reorientation is that if refugees' access to livelihoods and self-reliance are improved in the first destination country of refugees, with the support of humanitarian agencies and in collaboration with the host countries, then this may prevent the migration of refugees to the further destination countries in the North – in turn helping to contain migrants in their regions of origin in the South (Crisp 2003; Hanafi et al. 2014; van Hear 2012, 7).

From the perspective of host countries in the Global South, development assistance appears to be the most desired means of governments for improving the conditions for refugees, affected host communities as well as the infrastructure of central state organizations and municipalities. Thus, the issue of the economic cost of refugees and the amount of developmental aid required become issues of international politics. Development assistance has increasingly turned into a powerful item in the bargaining/negotiating process around refugee protection – between the host states and international donors that has been addressed in the international politics explanation section. In negotiations, many host states – in particular, experienced countries like Jordan, Turkey and Pakistan – are 'far from passive recipients of either aid or refugees' (Kelberer 2017, 150). They adopt several discursive and policy strategies in order to attract higher levels of funding, to gain international prestige or to prove their soft power. They have greater agency vis-à-vis the UNHCR and donors – and more than is generally portrayed in the media and by some policy makers (Kelberer 2017, 150). They use their refugee policies as leverage in international negotiations to lobby for more aid. They tend to use the threat of withdrawing protection and services as a means to ensure that aid is delivered. In other cases, they simply threaten that they will allow refugees to leave the country to make their way to the Global North. Kelberer's conceptualization of *refugee rentierism* as the phenomenon of 'using host status and refugee policy as primary mechanisms of international rent-seeking' is observable in the history and current state of global politics (Kelberer 2017, 157). She notes

that: ‘while nearly all host states engage in some form of rent-seeking in international aid negotiations, the predominance of this type of assistance in refugee rentier states has significant policy impacts’ (Kelberer 2017, 157).

To conclude, this section has categorized the policy areas and actors; has introduced the meta-governance framework to explain interactions among actors; has theorized variations within and across the national refugee governance with the multi-pattern governance model; and has also complemented the theorization by recognizing changes over time and introduced the multi-stage governance model. Then the chapter moved to explain main drivers that stand behind the refugee governance patterns of hosting countries. Using these theoretical frameworks, the subsequent Chapters 4 to 9 will examine the refugee policies and politics in Turkey, Lebanon and Jordan respectively. Finally, Chapter 10 will revisit and elaborate on these explanations from a comparative perspective.

Notes

- 1 The terms of policy measures or policy interventions are used in the immigration literature. These are used interchangeably in the book.
- 2 The concepts of host and destination country are used interchangeably. If the forcibly displaced person is able to cross the national borders and arrives in a country that is not the country of origin, the host country concept is adopted. On the other hand, if the displaced person is not able to (or not allowed to) cross the national border – often due to the border controls of the target country – the concept of destination country is adopted throughout this chapter.
- 3 The examples of comparative studies are Jacobsen (1996), Greenhill (2010), Long (2012) and Lischer (2015). Jacobsen’s comprehensive article (1996) which lists sets of factors forming less developed host states’ responses to refugee migration is a useful start-up study for researchers inquiring into the responses in the Global South. With an emphasis on the security dimension, Lischer addresses the question of ‘under what conditions do refugee crises lead to the spread of civil war across borders?’ (2015, 12) Focusing on international politics, Greenhill examines ‘the use of migration and refugee crises as instruments of persuasion’ (2010, 1). Long (2012) studies the border closure policies in the cases of mass migration emergencies.
- 4 Examples include responses of South-East Asia countries such as Malaysia, Indonesia and Thailand to refugee flows from communist regimes such as Laos, Vietnam and Cambodia during the Cold War to prioritize the ally relationship with the USA. Similarly, after the Cold War, Pakistan accepted Afghan refugees to ensure continuation of its ally relationship with the USA.
- 5 See Waever et al., 1993.
- 6 This is an observation from the research. It is also raised by a prominent migration scholar from Turkey, Prof. Ayhan Kaya.
- 7 To test the extent of the impact of mass arrivals on macro and micro economy in a given country, access to accurate data about the size of refugee flows and their economic activities in formal and informal labour market is crucial. However, there have been data problems regarding the exact volume of mass refugee flows and their employment. Obstacles in finding evidence and the methodological difficulties in establishing causation also posed a challenge for analysing the refugees’ impact on the economy (Harper et al. 2016, 12).

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Part II

Turkey



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4 Patterns and stages of refugee governance in Turkey

This chapter describes refugee policies addressing Syrian refugees in Turkey. I argue that Turkey's policies are not reflective of structured and stable refugee governance; rather, they represent sets of dynamic and evolving policies that can be explained by a multi-stage and multi-pattern governance model.

Since spring 2011, the Government of Turkey (GoT), run by the Justice and Development Party (JDP, 2002–present), has followed a strategy based on the idea 'not to remain indifferent to violence and inhumane treatments in Syria' (DGMM 2017d). It has acted generously by accepting Syrian nationals fleeing from their country. Turkey's initial policy took the form of ad hoc policies and had unique features in terms of an open-door, non-camp and government-financed protection approach based on emergency response and temporality (World Bank Group 2015). Within a short time, the Syrian refugee movement required the GoT to build a national refugee governance scheme, entailing both the drafting of comprehensive legislation and the improvement of institutional structures. This occurred when the country reached a critical juncture and high numbers of refugees intersected with the longevity of the crisis and growing security concerns. In the protracted stage, ad hoc policies were almost fully replaced with restrictive entry policies and regulative protection policies. At the same time, the GoT has been slow to adopt a rights-based and integration-centred approach. Despite variations and changes of refugee governance of Turkey, the international community has been acknowledging Turkey's hospitality and its efforts to provide settlement, health, education and working rights to millions of Syrians. Turkey has been so proud to be seen as upholding humanitarian responsibilities in the absence of a concerted international effort to alleviate the sufferings of Syrians (WHS 2016).

The international community's applause for Turkey is not surprising as the country became the top refugee hosting country in the world with Syrians (UNHCR 2017). The total number of Syrian refugees – formally defined as those benefiting from temporary protection status – reached 3,579,254 in June 2018. One year earlier, in April 2017, Turkey had recorded 2,973,908 (DGMM 2017b; DGMM 2018). Figures published by

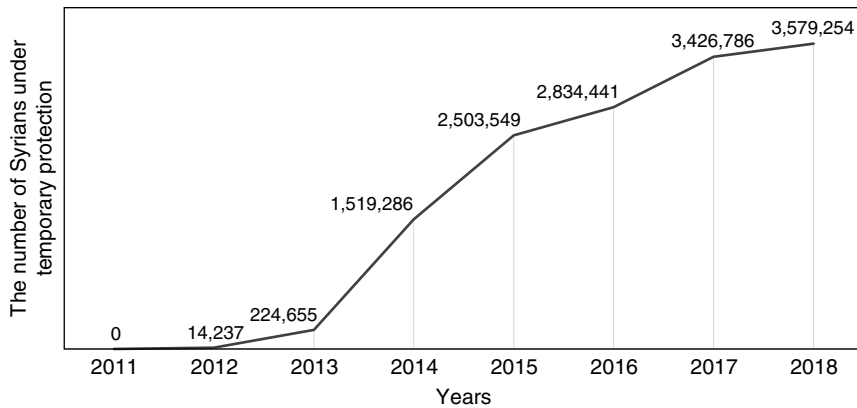


Figure 4.1 Number of Syrians under temporary protection by year.

Source: The figure is reproduced by using the data (in Turkish) drawn from Directorate of Migration Management, 'Statistics: Temporary Protection', last updated 7 June 2018, (www.goc.gov.tr/icerik6/gecici-koruma_363_378_4713_icerik), accessed 2 July 2018.

the UNHCR are consistent with Turkey's official numbers.¹ In addition to the Syrian refugees, Turkey also hosts around 114,127 registered asylum seekers from Afghanistan, Iran, Iraq, Somalia and other countries as well as around 100,000 unregistered irregular migrants (EC Report 2016, 4–6; Refugee Rights Turkey 2015). These figures perhaps are not a coincidence given its geographical proximity to major conflict zones as well as its location as a transit hub on Europe's periphery.

To show shifts in policy patterns and specific changes regarding border control, reception-protection and integration, this chapter divides the entire period between 2011 and 2018 into three separate stages. To lay the ground for discussing stages, this chapter first provides a brief overview of the context and history of refugee governance in the country, and then provides an overview of the legal and institutional framework. Second, the chapter outlines the main characteristics of refugee policies, focusing on three policy realms: border management, reception-protection and integration. It examines these policies with reference to stages. Each stage forms a subsection: a) initial ad hoc stage (2011–2012); b) critical juncture and transition stage (2013–2015); and c) regulative and restrictive stage (mid-2015–mid-2018). Then, this chapter goes on to discuss the consequences of policy implementation by looking at the current (as of summer 2018) situation regarding Syrian refugees' access to settlement, education, health and the labour market as well as issues relevant to social tensions and integration.

Context and history of refugee movements

Turkey has long been a country of immigration,² emigration³ and transit for irregular migration towards Europe. It has been a land of asylum for refugees since its establishment in 1923. Starting from the 1980s, the country encountered several influxes of refugees and migrants from the Middle East, Africa and Asia.

The first mass influx from the Middle East started with the Iranians fleeing from the new regime in Iran after 1979. Between 1980 and 1991, a total of 1.5 million Iranians benefited from Turkey's open-door policy and were able to enter the country without a visa and many further migrated to Europe and North America (Kirişçi 2000). Iranians were allowed temporary stay without being given refugee status (Latif 2002, 9). Subsequently, a major influx came from Bulgaria in 1989 when approximately 360,000 ethnic Turks sought refuge in Turkey to escape assimilative and oppressive policies in their country of origin (Kaytan 2016, 55). While many of these Bulgarian Turks were given permanent settlement due to their Turkish descent, some preferred to voluntarily return to Bulgaria in the course of time.

Another mass influx was from Iraq. The first Gulf War and the military conflict that unfolded between the Iraqi central government and militias in the north sparked a mass flow of displaced Iraqis to Turkey and Iran for a short time. Approximately 460,000 Iraqis, most of whom were Kurds and Turkmens, arrived on the Turkish border but were then not allowed in because they were seen as posing a threat to national security. Turkey closed its borders and announced that military intervention may also be necessary in order to put an end to the mass flow, if the UNSC did not take necessary measures (Latif 2012, 12). Turkey sought humanitarian assistance from the international community for the provision of food and tents from the very beginning and accused the latter of not doing its part to intervene effectively. Iraqis were repatriated after the creation of the no-fly zone in northern Iraq. In the case of Iraqis, Turkey did not grant *de jure* refugee status or temporary refuge status (Kaynak 1992). These aspects, – no entry and no accommodation – highlight the fact that Turkey pursued a preventive policy pattern towards mass arrivals of Iraqis, although in previous smaller number of arrivals, it had been more flexible and adopted an ad hoc policy pattern. Turkey considered a mass influx from the Middle East as a unique challenge to its security and foreign policies, and thus launched preventive policies.

Legal and institutional framework

Turkey is a signatory of the Refugee Convention, but it maintains the reservation on the article about the geographical coverage of the refugee status in the 1967 Protocol. This unique policy means that Turkey accepts formal

responsibility (in the form of granting refugee rights) only to those asylum seekers coming from Europe. Therefore, neither individual asylum seekers, who are fleeing from conflicts in non-European localities (such as Iran, Iraq, Afghanistan and Somalia), nor Syrians coming as mass flows are entitled to receive refugee status. Nevertheless, Turkey generally abides by the *non-refoulement principle*, meaning that it does not forcibly send migrants back to their country of origin. The geographical limitation precludes non-European asylum seekers from permanent settlement in Turkey, while it allows them to stay for a limited period of time, by granting temporary asylum. In cases of individual non-European asylum seekers, the UNHCR used to carry out RSD activities in cooperation with the Turkish migration authorities' procedures, but primarily on the basis of UNHCR's own mandate until 2015 (Refugee Rights Turkey 2015).

Not only the Refugee Convention, but also national legislation on settlement, is crucial for defining the status of refugees as both regulate the stay on Turkish territory. The Turkish Settlement Law disqualifies non-European and non-Turkish asylum seekers from being granted permanent settlement while it is only given to persons of Turkish descent and culture (Settlement Law 2006, Art.4-3/d). Until the arrivals of Syrians in 2011, the Turkish state used to adopt a highly selective refugee protection regime in which non-European and non-Turkish asylum seekers were often disfavoured.

Turkey's first piece of national legislation addressing the governance of mass migration came into existence in November 1994. The regulation placed an emphasis on national security over human rights considerations, drawing on experiences from the case of Iraqi refugee flows in early 1990s. The Regulation clarified the ways in which Turkey planned to respond to population movements:

As long as there are no political decisions taken to the contrary, and provided that Turkey's obligations under international law are maintained, and taking into account its territorial interests, it is essential that population movements be stopped at the border, and that asylum seekers be prevented from crossing over into Turkey. Necessary and effective measures shall be taken by the relevant bodies on this matter.

(Asylum Law 1994, Article 8)

As this framing makes evident, the prevention of refugee arrivals is defined as the main response pattern in Asylum Law. Against this background, when Syrian refugees started to arrive in Turkey in April 2011, Turkey did not abide to the aforementioned Regulation and took the political decision of not preventing Syrians' crossing the border. In the course of time, however, the sheer numbers and the duration of the crisis made it necessary for Turkey to develop more comprehensive legal procedures than this regulation offered and to create new institutional arrangements for refugee governance.

The Disaster and Emergency Management Authority (*Afet ve Acil Durum Yönetimi Başkanlığı* – AFAD), under the authority of the Prime Minister’s Office, was tasked with dealing with the mass Syrian refugee movement within the framework of emergency and was put in control of coordinating all other national and international organizations. After the new Law on Foreigners and International Protection (LFIP) came into force in April 2014, the Directorate General of Migration Management (DGMM), under the Ministry of Interior (MoI), became the sole institution responsible for the registration, protection and asylum issues of refugees. The AFAD remained responsible for managing camps and coordinating humanitarian assistance until 2018. In addition, several ministries and directorates are involved in refugee governance. These include: MoI, Family and Social Policies, Foreign Affairs, Health, Education, Agriculture and Forestry, Transportation, Labour, Social Security and Finance as well as the Turkish Armed Forces; the Presidency of Religious Affairs; the Turkish Red Crescent Society; and the Undersecretary of Customs. In 2017, the Migration Policies Council, under the leadership of the MoI, was established to draft Turkey’s overarching migration policies and strategies; monitor implementations; prepare action papers; and determine measures that will be implemented during mass migrations, including the method of granting *prima facie* refugee status (Migration Policies Council 2017). The field coordination structure and bureaucratic processes regarding registration and the issuing of permits operate at the governorate level, under the leadership of provincial Governors. The UN agencies, international non-governmental organizations (INGOs) and national non-governmental organizations (NGOs) provide additional support (3RP Response 2017; World Bank Group 2015). Taken together, these institutions constitute the meta-governance frame in Turkey.

Patterns and stages in Turkey’s response to Syrian mass refugee flow

Turkey’s response to the Syrian mass refugee movement cannot be said to have been marked by a well-structured and a stable policy; rather it entailed sets of dynamic and evolving policies. Different policy aspects evolved incrementally and in a rather haphazard manner (Kirişçi 2014, 2). These have been shaped and changed in relation to several factors that will be discussed in Chapter 5. Elsewhere I have argued that in order to capture better the picture of refugee policies and politics in Turkey, it is useful to establish a periodization (Gökalp-Aras and Sahin-Mencutek 2016; 2018). Multi-pattern and multi-stage governance models work as generalizable and comparable periodization as will be shown in subsequent chapters.

Initial stage: ad hoc policies (2011–2012)

The arrival of forcibly displaced people from Syria (hereafter Syrians) began with the crossing of about 252 people into the Turkish border province Hatay on 29 April 2011 (Göç-gov, 2015). In the first year, Syrians moved back and forth across the border thanks to Turkey's open-door policy as well as Syrians' friendships, family and trade ties with Kurdish- and Arabic-speaking minorities living in southern border provinces like Hatay, Urfa, Mardin and Kilis. Syrians crossed the border when their villages and towns were under attack, and after the armed clashes cooled down, they returned to their homes. Some 22,000 people crossed into the Turkish province of Hatay in 2011, of which nearly 10,000 were still there at the end of 2011 (UNHCR Global Report 2011, 297). These Syrians mainly preferred Turkey as the destination country, due to accessibility and the ease of transportation. They were able to enter in the country via official border crossings or unofficial ones with or without passports (AFAD 2013). Mainly Arab Sunnis arrived, while the numbers of Alawites, Turkoman, Kurds, Yazidis and Iraqi Christians remained quite small (Deardorff Miller 2016, 21).

In the beginning, the GoT authorities on the border and host communities were welcoming to displaced Syrians. The Foreign Minister Ahmet Davutoğlu,⁴ known as the intellectual architect of the GoT's foreign policy between 2003 and 2016, announced that Turkey was ready to allow those Syrians 'who are our brothers', 'who are not happy at home', to enter the country and to host them until they would return, hereby emphasizing that Turkey had humanitarian responsibilities (Davutoğlu 2014). Against this backdrop, as dozens of refugees I interviewed in Şanlıurfa, Gaziantep and Izmir reported, the state authorities kept the borders open, helped them in crossing and provided immediate assistance without discrimination. Many of them did not encounter any problem in moving from border points to cities they preferred. The answer of one Syrian refugee who I had asked why he had chosen Turkey as a destination country summarizes the situation. He said:

It [coming to Turkey] was easier. Also, we are talking about governments; it is their decision, Turkish government opened the borders for 24 hours for Syrians. I did not find any other country which opened its door to me except Turkey. People [of other countries] are afraid to let us in.⁵

Fieldwork observations and studies show that Syrians in Turkey were from cities from northern Syria such as Raqqa, Dayrozour and Aleppo, while few were from the central Syrian cities such as Homs and Damascus. As a response to arrivals, Turkish host communities living in the border area opened their houses and provided aid to Syrians until they settled in either camps or urban areas. One Turkish woman living in a border city

mentioned the welcoming approach upheld during the early stages of the war: 'Our government helped them. They helped them a lot. We helped them a lot. We supported them more than ourselves [people from our nationality]. I hosted many Syrians, although I did not personally know them.'⁶ Interviewed Syrians also confirmed this hospitality and aid in cash and in kind. Several interviews confirmed the relevance of kinship, ethnic, religious, linguistic and pre-war business ties between Turks and Syrians as well as how networks among Syrians played a role for Syrians who were choosing places to self-settle and also facilitated absorption by local communities as being observed in the border cities such as Şanlıurfa which hosts more than half a million Syrians (Kaya 2017). As one interviewee noted:

People living in towns or village alongside Syrian–Turkish border have kinship with those from the Syrian side. Because of that, the border regions easily absorbed Syrians. I mean the region from Mersin to Mardin, until the Iraqi border. These cities compensated this very well.⁷

Not only socio-economic ties, the geographical proximity and the availability of informal work opportunities were central, but also difficulties in reaching other destination countries – and indeed the harsh conditions in these other countries – were among the main determining factors for Syrians to come to Turkey – even in the late years of the war and their stay there. A young Syrian shoe factory worker noted in an interview that it was a mixture of these factors:

Three years ago, I came to Gaziantep alone. In fact, I attempted to go Germany. I have uncles there. But my family preferred staying here. I did not prefer Lebanon, because its politics is a mess. The conditions are bad over there. Also, I started to work straight away here in the first week of my arrival. My friend found this job for me.⁸

The entry of Syrians into the country subjected them to reception and protection policies of the Turkish government and humanitarian organizations. In terms of reception policies, Turkey approached Syrians' arrival as an incidence of emergency because it was such a massive population movement. Particularly, the municipalities of border towns, Turkish Red Crescent (having status as a semi-state foundation) and the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH) which is close to government played an active role in the immediate reception services at the border points.⁹

The GoT pursued both encampment and self-settlement policies. The AFAD was authorized to provide temporary shelter for Syrians in state-financed camps and to ensure that Syrians' basic needs were met in coordination with the relevant ministries and state agencies (AFAD 2014). It used

the UNHCR camp guidelines and its own approach with the support of NGOs (World Bank Group 2015, 4). Newly arriving Syrians who have their own financial resources settled in border cities or moved to the cities where they have kinship, ethnic networks and more job opportunities. Even if some, particularly young, Syrians intend to transit onward to Europe, they live with their relatives and friends for a while.¹⁰ For those who do not have any source to further migrate within the county, the state authorities first placed them into schools, sport halls and unused warehouses and then transferred them to the camps that were formally called temporary accommodation centres located on the border cities (AFAD 2014). By October 2011, eight camps had already been established (Kirişçi 2014, 14). These camps were equipped with shelters, food, education, health, information, translation and social services. The management of camp services was delegated to the AFAD with the support of the Turkish Red Crescent Society. However, the settlement of Syrians in camps has some complexities and challenges for the state authorities and refugees themselves. A former INGO staff elaborated on the issue:

Influxes happened partially; step by step they migrated to Turkey in parallel to the intensification of war. Those who came later are often from vulnerable groups. For example, Alawites came. Not all Alawites are pro-Assad. But, when Alawites came here, they were discriminated. They were not able to settle in camps because of discrimination, but the Turkish state frankly said that 'I could not provide protection to your life in camps. Thus, you cannot settle down in camps, you have to live in urban areas.' Thus, Alawites in Turkey helped in Alawites from Syria.¹¹

Turkey's open-door and accommodative policies towards Syrians were rather ad hoc and were based on the idea that the crisis would end soon and Syrians would return. Government representatives called Syrians guests and brothers. The guest labelling implied no legal rights, instead it assumed a temporary and short stay. The government was keen to emphasize that Syrians would go back to their country once the Assad regime had been ousted. Although open-door and accommodative policies had a very weak legal basis, they demonstrated an explicit policy shift, namely, away from Turkey's previous border practices of stopping population movements at the borders and preventing asylum seekers from crossing over into Turkey.

The increase in numbers and the progressively longer stay of Syrians went beyond what had previously been envisioned. Both factors made it necessary for Turkey to adopt more structured protection policies. It was necessary that Syrians be ascribed a legal status which would define Syrians' rights as well as the responsibilities of the Turkish state. In November 2011, Turkey announced it was in the process of creating its temporary protection regime. In March 2012, reportedly relevant state institutions were

ordered to adopt non-publicized Reception Regulation¹² that would encompass ‘principles and procedures that apply to Syrians and other subject to the temporary protection scheme’ (Reliefweb 2013, 20). The document has remained classified and is not accessible to anyone outside officers in the relevant state institutions. The following practices and regulations of state institutions show that the policies have been designed with the approach of the temporality of crisis, whereby priority was ascribed to: emergency protection needs of Syrians, respect of the principle of non-refoulement and the provision of minimum human rights standards (Göç-gov 2015). The more structured and comprehensive regulation of temporary protection came into force in 2014, as will be explained below.

Critical juncture stage and transitions (2013–2015)

Characteristic of policies between 2013 and 2015 was the continued accommodation of Syrians but also efforts to better regulate border crossings and reception/protection mechanisms. In terms of border controls, some partial restrictions were introduced which were reflective of wider changes in Turkey’s foreign policy interests during the Syrian war. These will be discussed in detail in Chapter 5. Here, as a summary, the GoT pushed for diplomatic channels to convince the UNSC in August 2012 to authorize the establishment of a buffer zone or a no-fly zone on the Syrian side of the border to settle displaced Syrians. However, the efforts of GoT eventually did not lead to the realization of this option. Meanwhile, unfolding of the Syrian crisis into a full-fledged war and subsequent developments such as rise in sheer numbers of Syrians’ arrival and border incidences urged the GoT re-evaluate its initial ad hoc refugee governance model. Turkey started to initiate a gradual policy shift – from maintaining a fully open-border policy to occasionally implementing closures. It also supported the idea of establishing camps in Syria for internally displaced persons and zero-point humanitarian aid delivery coordinated from the Turkish border gates (Anadolu Agency 2013; AFAD 2014). Human rights NGOs reported that Turkey refused entry to thousands of people, leaving them stranded in dangerous border areas (HRW 2013). Also, interviewees noted that despite full open border for entries in the first two years, military controls on the border were increased in the course of time. Nevertheless, the entries were able to happen with the assistance of smugglers, paying border guards or with the assistance of villagers.¹³

Despite its previous non-conditional reception policy, the GoT officially came to make the admission of Syrians at official border crossings conditional on specific humanitarian circumstances and the availability of places within the camps, particularly after 2015. Camps started to be established inside Syrian territories, close to Turkey’s southern border. While the numbers in these camps were changing in accordance with the fighting in Syria, they on average hosted tens of thousands of internally displaced

Syrians (Sehir Medya 2015). The GoT supported these camps in two ways. It provided emergency health services to sick Syrians by transporting them to Turkish border cities. Second, starting in August 2012, it begun to deliver aid to the camps via a zero-point delivery system. With the coordination of the AFAD, the Turkish Red Crescent and IHH¹⁴ facilitated the shipment of humanitarian assistance material in Syria (AFAD 2014; WHS 2016). This method enabled Turkey to indirectly enter Syria without receiving the Syrian government's approval or a UNSC resolution to deliver aid. Turkey's zero-point deliveries were complemented and reinforced with the adoption of three UNSC Resolutions in 2014 in which the UN thereby authorized the extension of unimpeded cross-border humanitarian access into Syria from neighbouring countries (WHS 2016).

Despite restrictive border control and reception measures, the overwhelming number of Syrians fleeing across the border challenged government funded accommodative protection mechanisms. In the first year of reception, the GoT had avoided asking for humanitarian aid from the international community and instead sought to manage Syrians' needs on its own. On international platforms, the GoT proudly emphasized the financial costs of sheltering Syrian refugees, in order to demonstrate Turkey's strong capabilities. Starting in late 2012, the Turkish authorities made an appeal to the international community for international financial support and for extending the resettlement programmes in which displaced Syrians are accepted to the third safe countries (Aljazeera 2012). Meanwhile, the representatives of the GoT increasingly emphasized the high economic costs of sheltering refugees on several international platforms, including the Geneva II conference in 2014, the World Humanitarian Summit in 2016, as well as the London Conference in 2016 (MFA 2014; Aljazeera 2015; WHS 2016).

Considering the growing numbers of refugees and the inadequacy of ad hoc policies to respond to the refugee flow, the GoT sought ways in which to regulate reception and protection on the basis of concrete legal grounds.

The evolution of national refugee-asylum governance

In 2013 and 2014, the GoT accelerated the introduction of legal regulations to manage asylum and immigration. The most important new legislation was the Law on Foreigners and International Protection (LFIP) that was enacted on 11 April 2013 (LFIP 2014). It is the first milestone in Turkey's regularization and institutionalization of national refugee governance in line with standards of international refugee protection regime. The preparations of this law had started in 2008 under the leadership of the EU. The LFIP authorized the establishment of a separate directorate called the Directorate General of Migration Management (DGMM) under the MoI. This Directorate would only be responsible for the management of migration and asylum issues. It has gone through consolidation since 2013 and was shadowed by the AFAD and the Foreigners Department of National Police¹⁵

until 2018 when the DGMM got the full authority in migration management, including camps and registration.¹⁶ The UNHCR cooperated closely with the Turkish authorities to build DGMM's capacity and to train its staff in matters pertaining to refugee status determination and the management of asylum applications that were previously conducted by the UNHCR's Turkey branch (World Bank Group 2015, 4).

The LFIP regulates 'the principles and procedures with regard to foreigners' entry into, stay in and exit from Turkey, and the scope and implementation of the protection to be provided for foreigners who seek protection from Turkey' (LFIP, Article 1[1] 2014, 1). Similar to the previous asylum procedures in Turkey, the LFIP asserts that refugee status is only granted for 'a person who comes as a result of events occurring in European countries' (LFIP Article 61 2014, 64). Furthermore, the law introduces the category of conditional refugee status for refugees not originating from a member state that belongs to the Council of Europe. It also defines subsidiary protection status 'that will be granted to persons unable to return to their country of origin due to generalised violence, death penalty or torture, regardless of any geographical limitations on country of origin' (Refugee Rights Turkey 2015, 12). Asylum seekers are expected to file parallel applications with the DGMM to gain legal recognition and international protection as well as with UNHCR Turkey in order to apply for resettlement to a third country (Refugee Rights Turkey 2015, 11). In practice, the majority of asylum seekers in Turkey, regardless of whether they have entered the country legally or illegally, 'approach the UNHCR Turkey Representation first and are subsequently referred by UNHCR to DGMM authorities to express their asylum request' (Refugee Rights Turkey 2015, 57). This procedure ensures that they will have legal recognition by the Turkish state, so will not be detained as illegal foreigners, while their application for international protection is processed.

The LFIP also stipulates a new category called temporary protection in Article 91, which grants legal status to persons of mass refugee movements. It defines mass influx as 'situations where a high number of people come from the same country or a geographical region and procedures related to international protection status cannot be individually followed' (TPR 2014 Article 3j). More specifically, Article 91(1–2) states that in the cases of mass influx, foreigners who have been forced to leave their country, who cannot return to the country of origin, will be granted temporary protection at the borders at which they arrive. The Council of Ministers was given authority to stipulate a new regulation that would address the specificities of mass influxes (LFIP 2014, 91–92).

As planned, the new complementary regulation that was called Temporary Protection Regulation (TPR) entered into force on 22 October 2014. It became the second milestone in Turkey's efforts to regulate immigration, and in particular mass migration governance. The TPR builds upon three main pillars: a) unconditional admission under the open-door policy;

b) implementation of the principle non-refoulement without any exceptions; and c) addressing the basic needs and access to rights. The TPR abides to the principle of non-refoulement on the condition that these foreigners are registered with the DGMM (Article 6). The TPR also guarantees persons access to services in temporary accommodation centres including medical care, education, access to labour market, social welfare, translation etc. (Article 3[e]). The TPR grants the right of registration to all persons who are in the country and who are eligible for temporary protection (Article 17[7]).

Immediately after its stipulation, the TPR was implemented to regulate Syrian refugees' reception and protection. On this basis, temporary protection status is granted to those Syrians who arrived in Turkey after 28 April 2011 as they meet the criteria set in TPR's Article 3. They are foreigners who were forced to leave Syria without an immediate possibility of return, they arrived at or crossed Turkey's borders in masses to seek urgent protection, and their international protection requests cannot be evaluated through individual assessment. As a result, asylum seekers from Syrian and those from other countries became the subject of two different asylum regimes in Turkey, each entailing their own distinct sets of procedural rules, reception provisions and detention considerations (Refugee Rights Turkey 2015, 11).

The Turkish state has been very proud to adopt temporary protection status, seeing the transition from a merely undefined guest status to a recognized legal status as a significant improvement for Syrians in the country. On the other hand, Turkish leadership, particularly President Recep Tayyip Erdoğan, have continued to use the 'our guests and brothers' terminology to refer to Syrians. This has been a form of discursive governance, which will be discussed at greater length in Chapter 5 on refugee politics.

Although procedural rules for Syrians are more flexible and although Syrians have access to better reception provisions compared to asylum seekers from other nationalities, their temporary protection status has not been adequate to solve many challenges. The status clarifies the rights of claimants and the responsibility of the government but does not clarify the right of permanent residency and whether application for international protection can be sought (Rygiel et al. 2016, 317). The status has generated some problems in the years following its implementation, which will be discussed in the section below titled *Challenges faced by Syrians in Turkey*. Before this discussion, I will explain the protracted stage in which the temporary protection regime was combined with more restrictive entry policies and regulative internal bordering policies.

Protracted stage: regulative and refugee governance (from mid-2015 onwards)

Despite a gradual closed-door policy, it is widely reported during my interviews with Syrian refugees that the Turkish government has allowed

circular migration in and out of southern Turkey into Syria – particularly into territories under control by opposition groups. De facto closed border policy became much more apparent in early 2015.

Restrictive border management was shaped as a response to the dynamics of the Syrian war, generating new mass influxes (for timeline of events, see Table 10.2 in Chapter 10). The emergence of the terrorist organization called Islamic State of Iraq and Syria (ISIS) and its declaration that it would establish a religious state order – caliphate – in the territories of Syria and Iraq led to the displacement of many more Syrians. When ISIS began the siege on Kobane, a border town on the Syrian side, in October 2014, almost 400,000 Syrian Kurds fled to Turkey in few days. The GoT accepted them and provided temporary protection. After this mass flow, to halt further arrivals, the GoT closed a total 19 border gates, while allowing a few restrictively for commercial activities and the transfer of humanitarian aid. These few gates were also closed due to the risk of a mass flow from Aleppo in March 2015. After that, Syrians without passports were not allowed to cross the borders unless they had urgent humanitarian needs. Furthermore, in February 2016, the Turkish Ministry of Foreign Affairs declared that it would end its visa-free entry policy for Syrian citizens arriving in the country from third countries by air or sea, which was also common practice for many Syrian families¹⁷ (MFA 2015).

Turkey enhanced its border controls on entries to further deter illegal border crossings, by adopting a security-oriented approach (Gökalp-Aras and Sahin-Mencutek 2016). Bülent Arınç, Deputy Prime Minister, declared Turkey's securitized approach over borders in the following words:

Without any doubt, border security risk is related with smugglers, asylum seekers and terrorists in order. As responding to terrorist threats in particular after the Suruc attack [in July 2015, when 35 civilians died], there is a need for an action, which will be not dividing Turkey and Syrian people but prevent entrance and exist of terrorists and foreign fighters and could facilitate humanitarian aid crossings.

(BBC 2015)

Turkey started to build a border wall, the so-called Security Wall, along the Turkish–Syrian border – a plan it had announced during the Cabinet meeting on 22 July 2015. The wall was due to be equipped with drones, mobile surveillance vehicles, an integrated command and control centres for 24-hour surveillance (Daily Sabah 2016b). In April 2017, the construction of half of the 566-kilometre long concrete wall at the Turkish–Syrian border was completed, while the construction of a shorter wall on the Turkish–Iranian border was also planned to start in the following month (NTV 2017). However, my visit to the border wall in summer 2018 showed me that the wall is not that well equipped and protected and locals also confirmed that the wall is easy to cross.¹⁸

Paradoxically, despite the evident temporary closure of borders, there was no official declaration regarding the closed-door policy and politicians continue to emphasize an open-door policy that allows entry to all Syrians holding valid passports. On 13 March 2016, President Erdoğan stated: 'Ankara's open-door policy for Syrian refugees will continue due to our responsibility towards our Islamic civilization, contrary to Western hypocrisy' (Daily Sabah 2016a). Syrians with a valid passport could regularly travel to Turkey by plane from other neighbouring host countries. On the other hand, the large majority of Syrians, who are often without a valid passport, had to pay smugglers to embark on a longer and more dangerous journey to Turkey using land routes.

In terms of reception/protection policies, new regulations laid out in the LFIP and TRP have been fully adopted by the relevant authorities. The DGMM completed the registration of almost all Syrians with biometric data in 2015 and renewed registrations in 2018, and different ministries were given access to the data.¹⁹

According to the official records of the DGMM, more than 3.3 million, making up 90 per cent of Syrian refugees (3,579,254 as of June 2018), live outside of camps – in urban, semi-urban and rural areas across the country (DGMM 2018). Around 1.6 million of them are children under the age of 18 (DGMM 2018). Over the last six years, more than 230,000 Syrian children have been born in Turkey (Milliyet 2017). The Syrian–Turkish population ratio is high in border provinces like Kilis (95.2), Hatay (24.7), Şanlıurfa (21.6), Gaziantep (16.7) and Mardin (11.8), while ratios in metropolitan provinces like Adana (6.8), Bursa (3.7) Istanbul (3.2), Izmir (2.8) and Ankara (1.3) remain moderate (Göç-gov 2017).

In non-camp localities, the identity document (ID card) issued by governorates enables Syrians to stay in urban areas legally and is issued easily and free of charge according to refugees interviewed in Izmir and Şanlıurfa. The temporary protection IDs of Syrians is province specific; therefore, when they move to another province, they need to get the travel document; particularly this rule has been strictly enforced since 2016.²⁰ Those holding IDs are able to access public education and health facilities in the province in which they have been made to settle – thereby being subject to the same conditions as Turkish citizens (AFAD Health 2015). ID holders can secure access to electricity, water and communication services and are able to open bank accounts (World Bank Group 2015, 3). Also, as the Article 29 of TPR states, they have the right to apply to the Ministry of Labour and Social Security to 'obtain a permit for working in industries, sectors, and geographical areas (province, sub-province, or village) to be designated by the Council of Ministers' (TPR 2014, 11). These regulations have control aims as a former INGO worker summarized:

Turkey wants to control residency and working permits because it wants to know where they are. This is politically the right policy, but

from a humanitarian and practical perspective, it is not the right policy. This is a controversial issue. There is a huge gap between the needs and the state's desire to govern or form a system.²¹

Syrians whom I interviewed said that their IDs provide adequate security to them when they encounter with Turkish state officers, including national police officers. However, many of them complained about the requirement of having to take a travel document to visit or move to another province.²²

Syrian refugees' access to rights and services

Migration scholars studying Syrians in Turkey have highlighted a series of findings concerning Syria's protracted refugee situation and the implications of the temporary protection regime – findings which were largely also confirmed through my research on the topic, including the extensive interviews conducted in summer 2017 and 2018 in Izmir, Gaziantep and Şanlıurfa with Syrian refugees, national and international NGOs serving to the refugees.

Turkey's temporary protection regime falls significantly short of a rights-based migration policy framework, because it centres on the idea of temporality instead of giving fully-fledged refugee status (Baban et al. 2016). Syrian nationals and stateless Palestinians from Syria are, under the temporary protection regime, not registered by the UNHCR's branch in Turkey – the exception being a small number of emergency and extremely vulnerable cases such as Syrians from minority groups or single mothers.²³ Their cases are not processed individually for resettlement in third countries (Refugee Rights Turkey 2015). This places Syrians in a position of uncertainty and in a precarious situation. Moreover, the lack of future prospects impedes (or at least hampers) possible efforts to structure integration into Turkish society.

Despite regulations and some improvements, Syrians often face limited livelihood opportunities. Many of them have found themselves in dehumanizing conditions that are open to vulnerability. As of February 2017, about 9 per cent (259,877) of Syrians were living in 26 GoT-run camps in ten provinces (AFAD 2017). Often the most vulnerable Syrian refugees have tended to live in camps because their basic needs are met there. Each camp is divided into administrative units called neighbourhoods, which have elected representatives for taking part in camp management. The AFAD has developed an electronic-based aid distribution system that matches Syrians in need with those providing assistance (World Bank Group 2015, 4). Electronic food vouchers or e-cards, known as Red Crescent Cards are distributed to enable Syrians to meet their needs and cook for themselves (WHS 2016). Camp conditions are often referred to as acceptable and commendable. Donald Tusk, the EU president, praised the Turkish government, saying in his 2016 visit to one of the camps (Nizip camp) that it had shown him that Turkey 'is an example for the whole

world on how we should treat refugees' (Aljazeera 2016). However, my visit to one of the camps in summer 2018 and personal communications with camp residents show that the camp conditions are not fully acceptable. I personally observed significant problems about road, shared bathrooms, tents, the social services and schooling. There are only few employment opportunities, such as working for seasonal agriculture in the camp's close neighbourhoods and running small stores within the camps.²⁴ I was also told that except for a few camps such as Nizip, other camps are in the similar poor conditions.

Those Syrians living outside of the camps face serious restrictions when it comes to having their basic needs met – particularly, given their minimal financial means and the high cost of living in urban areas, especially rents. The UNHCR, INGOs and NGOs are not able to cover the basic needs of all persons of concern, despite their implementation of programmes providing direct cash, cash voucher cards and in-kind assistance to Syrian households, and the provision of support to municipalities' infrastructures (3RP Turkey 2017). Local charitable organizations, NGOs and religious associations as well as local communities have played a central role by providing great amounts of humanitarian assistance. Some of the national NGOs closely collaborate with state institutions to provide service delivery. However, many Syrian interlocutors interviewed reported that they had no access to aid at all. They had been given in-kind aid like blankets, coal or clothes in the early days of their arrival on a few occasions. Their main source of income is informal working, often temporary, in the Turkish labour market. Also, the debit card that is provided monthly by the Turkish Red Crescent with the funding of UN's Emergency Social Safety Net programme as well as cash assistance to schooling children became the main livelihood source for 1.3 million of Syrians (Anadolu Agency 2018).²⁵ For almost all interviewees, meeting basic needs is the most important challenge in Turkey. Also, municipality services such as garbage collection, cleaning, public transportation and water distribution are increasingly facing challenges, because these have been planned and budgeted according to the population of the district without accounting for the refugees (ORSAM 2015, 9). The UN Development Programme (UNDP) supported some cities in waste management.²⁶

Turkey's temporary protection regime guarantees access to social and economic rights; however, its scope is not clearly stipulated. It is reported that government offices and local authorities in various cities implement these rights differently (Rygiel et al. 2016, 318). This results in ambiguous implementations. The right of education is under the authority and responsibility of the Ministry of Education (MoE). It is available for all refugees inside camps and those living in urban areas (TPR 2014; MoE 2017). To address the growing educational needs of Syrian refugees, the GoT released a Turkish Ministry of Education's Circular (No: 2014/21) on 23 September 2014. The circular aimed to guide and better frame the application process for all

migrant children to enable them access to education services, including specified alternatives for Syrian refugee children. School provision for Syrian children has taken three main forms: integrating them into the Turkish public school system, allowing community-based education programmes in the camps based on Syrian curricula and allowing temporary education centres (MoE 2014). These centres were run or supported by national and international civil society organizations until 2016. The MoE started to integrate all students into Turkish schools after a transition process of three years starting in 2016, hereby pursuing the overarching aim to centralize all schooling activities under the Turkish public education system, to ensure that Syrian children learn Turkish and to further their integration. It is reported by the bureaucrats that all remaining temporary education centres, including those in the camps, would be closed as their students will be fully transferred to public schools at the end of 2019. Also, the MoE put more emphasis on teaching Turkish language to Syrian children.²⁷

Despite regulations and variations in options, Syrians' access to educational opportunities in Turkey, particular to public schools, is quite challenging. According to UN agencies and Turkish authorities, the schooling rate is about 80 per cent in camps, but around 30 per cent in urban settings (Sunata 2017). According to the UNHCR's September 2016 Report, only 39 per cent of school-age Syrian refugee children and adolescents were enrolled in primary and secondary education which is less than the enrolment of refugees in Lebanon (40 per cent) and in Jordan (70 per cent) (UNHCR 2016, 11). Compared to Lebanon and Jordan, language appears as one of the main reasons for low schooling rates in Turkey, because in urban settings children are expected to learn Turkish before they are able to gain access to the public-school system. In addition to the language barrier, additional barriers include a lack of clear regulations, a lack of space in the classrooms, problems in the recognition of educational qualifications and incidences of discrimination for children in high school ages. Interviews with Syrians provide insights on these matters. A young girl who has been working in her uncle's photography office and who knows Turkish very well stated:

When I started to attend Turkish school, I encountered difficulties. In fact, I reached the top first ranking in the school when I was at 9th grade in Syria. Syrians in general faced significant problems in the education here. I was not able to start up from 9th grade; they pushed me attend from a grade earlier.²⁸

One Syrian boy reported in his very good Turkish:

I had been a high school student. When I came here, I tried a lot to continue my education. I went to the director of the high school in this neighbourhood. The director humiliated me, as I am a Syrian.²⁹

However, the perceptions of Turkish people are different. One Turkish interlocutor noted that: 'it is easy for them to get an education. It is easier and cheaper than for Turks; as a Turkish citizen, I have to pay something, but they do not need to pay.'³⁰

An NGO worker organizing activities for Syrian children and running educational activities until 2016 in Istanbul stated:

For the period of 2016–2017, we were only able to complete registration of two Syrian kids out of almost 80 school-age kids, because school directors in our neighbourhood did not want to register them. Then we found a person knowing the directorate of the National Education office in this district. He then faxed all primary schools in this district and gave our name to them. For the school year of 2017–2018, we have been able to complete registration of all Syrian kids to Turkish public schools in the district.³¹

On the other hand, the Turkish authorities claimed that Syrian children face no challenges in being accepted to public education facilities, rather authorities accuse Syrian families of not sending their children to schools on the basis of traditional values and because they continue to see children as providers of family income (DW 2018).³²

Concerning access to health services, the TPR stipulates clear rights of access for Syrians. Health services are under the control and responsibility of the Ministry of Health (MoH), which cooperated with the AFAD in the cases of Syrians. From March 2012 onwards, Syrian refugees residing in camps have had free access to all health services. Refugees in the urban areas have received free primary health services without any fees (AFAD Health 2015). Non-registered refugees have also received access to emergency care. As is the case when refugees seek to gain access to education, an important challenge is the language barrier. To alleviate this problem, Syrian medical workers have been permitted to work in health facilities upon the approval of the MoH (Gulay 2016; Icduygu and Simsek 2016, 67). Overcrowding in health facilities emerges as another challenge. Migrant health centres are established by the MoH in order to provide health care such as outpatient, maternal and child health, health education and vaccination. Interviewed Syrians often referred to the health services provided to them in Turkish hospitals as 'perfect', except a few issues about language barriers.

In addition to access to education and health, access to the formal labour market became a crucial topic for Syrians as their stay became protracted. The TPR (2014) stipulates that Syrian refugees are entitled to receive employment permits in specific sectors, professions and geographical areas (provinces, districts or villages). To clarify procedures about work permits, the government issued a decree in January 2016, titled 'Regulation on Work Permits of Refugees under Temporary Protection'

(Work Permit 2016). Syrians are able to get work permits after six months, if their employer makes an official registration of a Syrian as a worker. Employers need to apply to the Ministry of Labour with a justification for why they want to hire a Syrian worker instead of a Turkish one. The same law obliges the employer to hire ten Turkish nationals for every one foreigner. Although a substantive number of Syrian refugees work in agriculture, textile and construction sectors, only a very limited number of work permits have been issued. As of March 2017, some 10,000 work permits have been granted to Syrian refugees so far (3RP Turkey 2017). It is even common for Syrian doctors, nurses and teachers to work without official work permits.³³ In practice, this law has been creating obstacles for the employment of Syrian refugees due to the characteristics of jobs available to Syrians (often low-paid informal jobs) and the bureaucratic procedures that have become necessary.

In addition to employment barriers, Syrians also suffer from abuses and exploitation in the labour market – including long hours, unsafe conditions, a lack of guaranteed payment and low wages. Syrian refugees have turned into an additional precarious labour force for the Turkish labour market which demands cheap, temporal, informal and flexible workers for Turkey's neoliberal transformation (Canefe 2016; Kavak 2016). In this context, migrants and non-migrants compete for a shrinking pool of low-paying and temporary informal jobs. Moreover, Syrians with higher cultural capital and occupational qualifications have gone through a process of de-qualification and de-skilling due to accreditation problems, language barriers, a lack of information and a lack of early state initiatives for the recognition of such Syrians (Eder and Özkul 2016; Chatty 2017).³⁴ According to the interviewed Syrians in Şanlıurfa and İzmir in summer 2018, employment is the most important problem.

Further, the job market has become more competitive with the rise in the labour supply and the concerns being voiced that Syrian businesses have become exempted from taxes. A Turkish man who runs a market in a Syrian populated neighbourhood claimed that: 'the government exempted immigrants to pay taxes. This led these immigrants opening their own places.'³⁵ Also, it seems that Turkish people are not glad to see Syrian businesses flourish and to witness changes in the urban landscape. Another interviewee said:

Our government exempted them from taxing for a while. After that, they stopped their relations with us and started to shop from their own Syrian stores. They turned their faces back to us, after our government started to ask for tax from them.³⁶

Refugees face increased identity-based discrimination and criminalization among the general Turkish population. Syrians living in urban spaces have become the 'new other' – subject to urban segregation, discrimination and

exploitation (Koca 2016). A survey across a large sample in 18 provinces indicates that social acceptance of Syrians by Turkish society is substantially high but that the same society does not believe that Syrians are able to be integrated in Turkey due to differences in language, culture and lifestyle (Erdoğan 2015; Kaya 2017).

Although social acceptance of Syrians by locals and adoption of Syrians into the social life did not become serious challenges in border cities due to the ethnic and linguistic similarities, the sheer numbers led to socio-economic tensions. These are being fuelled by concerns in the host communities about increasing rents, competition in the job market, overcrowdings in schools, longer waiting times for hospital services, the rise of polygamy and the perceived rise in crime, even if many of these problems were already there before the Syrians arrived (International Crisis Groups 2018; Kaya 2017).³⁷

There are additional rumours about the Turkish state paying salaries to Syrians; about Syrians being able to shop at low prices thanks to the cards given to them by the state; about being accepted at universities without needing to do prior exams; and about being granted citizenships and receiving Turkish IDs.³⁸ Many of these rumours are unfounded but nevertheless spread through online platforms and exacerbate anti-Syrian sentiments. From time to time, they lead to incidences of bullying or criminalization. One Syrian interviewee summarized the perceptions about them as follows:

Turks welcomed us in the beginning, but I feel right now that they got tired of us; they do not want us anymore. Syrians are regularly harassed, even by Turkish children. I recommend to my sons not to be very visible as we are foreigners here; I tell them go to work and to come straight home.³⁹

Central state and local authorities have tried to adopt preventive measures in tense situations. Upon complaints from locals, Syrians have in some cases been transported out of certain cities – either to camps or to other cities. Some Sunni refugees from Hatay were transferred to other provinces after clashes with mainly Alawite locals. Anti-Syrian protests in Kahramanmaraş in July 2014 and Gaziantep in August 2014, as well as tensions between locals and Syrians in Mersin (that was about money transactions between seasonal workers and employees) in April 2017, ended with the eviction of Syrian refugees from urban settlements (Şenoğuz 2016). Syrians do not have any legal protection against these evictions due to Articles 23 and 24 in the TPR that gives Governorates a right to determine in which provinces they may be allowed to reside (TRP 2014).

For integration, in addition to access to basic rights, the possibility of naturalization and accessing citizenship is of importance. Since early 2014, there were several rumours that Turkey would extend citizenship and allow

refugees to vote during the local and parliamentary elections (Vatan 2013). The government voiced its plans for granting citizenship to Syrians starting in summer 2016. President Erdoğan announced the ‘good news’ for Syrians during the Ramadan dinner in Kilis:

I believe there are my brothers among you who would like to be a citizen of Turkish Republic. Our Ministry of Interior takes some steps in this realm. We will pursue to this agenda through the newly established Office within the Ministry to help and support you, we will give these brothers citizenship opportunity.

(BBC 2016)

Despite government attempts, it has been widely reported that the Turkish public and the national opposition parties are not supportive of citizenship status being granted to Syrians (TBMM 2015). Opposition parties have accused the government party that the citizenship issue is raised merely to garner votes in the future. A number of interlocutors reported that family members of Syrians holding dual Turkish and Syrian citizenship before the war were given citizenship. Although exact numbers are not formally available, on the eve of the election in June 2018, the national media reported that the numbers of Syrians granted citizenship are around 50,000 and that there are an additional 120,000 applications waiting for decision (Odatv 2018). My observations from fieldwork in Şanlıurfa confirm the trend of acquiring citizenship. Three out of 24 Syrian interviewees reported that they and their family had received citizenship in 2017, while five have been waiting for a decision. Although Turkey’s foreign policy interventions in northern Syria in 2017 and 2018 brought to the discussion the possibility that Syrians in Turkey would return to the North of Syria as Turkey ensured the security of this region, the procedure of acquiring citizenship continues for many Syrians, particularly for university graduates and those working with official permits.⁴⁰

Conclusion

In summary, the case of Turkey demonstrates multi-pattern and multi-stage governance in responding to mass migration flows. Turkey initially adopted an open-door border policy in the first few years when Syrian forced migrants crossed its borders, although it had previously adopted preventive entry policies towards forced migrants from Middle Eastern countries. The Turkish government welcomed Syrians by providing basic services both in camps and urban areas, but registration and protection mechanisms remained ad hoc due to the assumption that the crisis would be of limited duration only. After the first three years, Turkey ended its open-door policy and started to focus on restrictions and regularization. Thus, the period between 2013 and 2015 can be considered a critical juncture, because

the numbers of refugees had increased to millions and it was recognized that they would stay longer. Turkey attempted to regularize its refugee governance by introducing new legal regulations and by institutionalizing a dedicated government agency responsible for enacting and coordinating the various aspects related to refugee affairs. This period marked a policy transition from the crisis/emergency phase to the regulatory phase. Improvements were hereafter observed in terms of refugees' access to socio-economic rights – primarily, access to health, education and formal employment. Also, the issue of integration then started to be discussed. However, these improvements have proven to be inadequate in terms of fully meeting the needs of refugees. Syrians continued to confront substantive challenges ranging from living in poverty to experiencing serious difficulties in access to education, health, adequate housing and work opportunities – which, in turn, raises concerns about their potential future. In this context, it is important to understand the drivers behind Turkey's refugee governance, an overview of which will be provided in Chapter 5.

Notes

- 1 The UNHCR provided a similar figure for April 2017 as 2,854,968 (<https://data.unhcr.org/syrianrefugees/country.php?id=224>). There is no discrepancy between Turkish official figures and the UNHCR's figures on the numbers of Syrians under temporary protection, although this has often been the case in many other refugee hosting countries. The most recently updated figure was 3.3 million in November 2017 (www.unhcr.org/tr/unhcr-turkiye-istatistikleri).
- 2 The top ten nationalities among residency permit holders in Turkey include migrants from Iraq, Syria, Azerbaijan, Turkmenistan, Russian Federation, Afghanistan, Georgia, Uzbekistan, Iran and Ukraine, see DGMM 2017c.
- 3 Turkey had been known as a source country for migrants and refugees. Following the July 2016 failed coup and mass purges under emergency rule, Turkey has turned into a country of relative (in)security for Turkish citizens (including refugees in the country). It has started to generate a significant number of skilled emigrants and refugees.
- 4 He is the former prime minister of Turkey and was the leader of government from August 2014 to May 2016. He had previously served as the Minister of Foreign Affairs from 2009 to 2014 and as chief advisor to Prime Minister Recep Tayyip Erdoğan from 2003 to 2009.
- 5 Personal communication with a Syrian male staff member of NGO served in Turkey, 15 August 2017, Gaziantep.
- 6 Personal communication with a Turkish businesswomen, 14 August 2017, Gaziantep.
- 7 Personal communication with a male former staff member of INGO served in Turkey, 14 September 2017, Izmir.
- 8 Personal communication with a Syrian shoe worker, 18 August 2017, Gaziantep.
- 9 Personal communications with: an IHH representative, 26 July 2018, Şanlıurfa; with a Kızılay representative 13 July 2018; the mayor of Ceylanpınar, 23 July 2018, Şanlıurfa.
- 10 Personal communication with a middle-aged Syrian refugee man working in a coffee shop, 20 May 2018, Izmir; personal communication with a young Syrian refugee man working in a shoe factory, 21 May 2018, Izmir.

- 11 Personal communication with a male former staff member of INGO served in Turkey, 14 September 2017, Izmir.
- 12 The full name of the regulation is *Regulation on Reception and Accommodation of Syrian Arab Republic Nationals and Stateless Persons who reside in Syrian Arab Republic, who arrive to Turkish Borders in Mass Influx to Seek Asylum* [Türkiye'ye Toplu Sığınma Amacıyla Gelen Suriye Arap Cumhuriyetinde İkamet Eden Vatsansız Kişilerin Kabulüne ve Barındırılmasına Dair Yönerge] No. 62, 30 March 2012.
- 13 Personal communication with an old, male Syrian refugee, 20 May 2018, Izmir; personal communications in Şanlıurfa, July 2018.
- 14 Personal communication with an IHH representative, 26 July 2018, Şanlıurfa.
- 15 This observation was also shared with the author by a high-level bureaucrat serving in the DGMM since 2014. He also talked about the incidences of tension between the DGMM and the Police Department, which used to deal with foreigners before the establishment of the DGMM (3 May 2018, İstanbul).
- 16 Personal communication with the Provincial Director of the DGMM, 12 July 2016, Şanlıurfa.
- 17 Personal communication with a Syrian family living in Siverek (Şanlıurfa), 1 August 2018 and with a Syrian family in Izmir, 5 August 2018.
- 18 Personal visit to Ceylanpınar, a border town. Personal communication with locals, 25–26 July 2018, Şanlıurfa.
- 19 Personal communication with the Provincial Directorate of the DGMM, 12 July 2018, Şanlıurfa.
- 20 Ibid. Personal communication with refugees and INGO representatives in Şanlıurfa and Izmir in summer 2018 confirmed that the state authorities imply this rule.
- 21 Personal communication with a male former staff member of INGO served in Turkey, 14 September 2017, Izmir.
- 22 Personal communication with a middle-aged, male Syrian refugee working in a coffee shop, 20 May 2018, Izmir; Personal communication with a young, male Syrian refugee working in a shoe factory, 21 May 2018, Izmir.
- 23 Personal communication, focus group study with three officers from the US Resettlement Agency in İstanbul, 15 May 2018, İstanbul.
- 24 My personal visit to and personal communication in Ceylanpınar camp, which has hosted more than 20,000 Syrian refugees since 2012 (25 July 2018, Şanlıurfa).
- 25 Twenty out of 30 Syrians interviewed in Şanlıurfa and Izmir in summer 2018 reported that they benefit from these two forms of cash assistance. Only families who have less than three children reported not receiving it.
- 26 Personal communication with UNDP representatives, 20 August 2017, Gaziantep.
- 27 Personal communication with the Vice-Director of Provincial National Education Directorate, 31 July 2018, Şanlıurfa.
- 28 Personal communication with a young, female Syrian photographer, 19 August 2017, Gaziantep.
- 29 Personal communication, focus group study with a Syrian family, 17 August 2017, Gaziantep.
- 30 Personal communication with a Turkish businesswomen, 14 August 2017, Gaziantep.
- 31 Personal communication, focus group study with NGO representatives, 4 April 2018, İstanbul.
- 32 Personal communication with bureaucrats in Şanlıurfa in summer 2018.
- 33 Personal communication with three teachers, a dentist and several locals in Şanlıurfa in summer 2018.
- 34 All these issues were raised by interviews conducted in Şanlıurfa and Izmir in summer 2018.

- 35 Personal communication with a Turkish male shop owner 13 August 2017, Gaziantep.
- 36 Personal communication with a Turkish businesswomen, 14 August 2017, Gaziantep.
- 37 The same issues are also raised almost in every personal communication.
- 38 The same issues are also raised in many personal communication and these were also traced in Turkish media.
- 39 Personal communication with an old, male Syrian refugee, 20 May 2018, Izmir.
- 40 Personal communication with Syrian refugees in summer 2018, in Şanlıurfa and in Izmir.

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5 Understanding the shifts in refugee governance and refugee politics of Turkey

Drawing from the explanation typology developed in the Chapter 3, this chapter analyses the drivers of Turkey's refugee governance as well as the respective changes over time. In this chapter, I argue that foreign policy priorities and political concerns weigh heavily on Turkey, while economic concerns also have a role to play. To support this argument, the chapter focuses on refugee politics and drivers of governance simultaneously and highlights their interconnectedness. It shows how Turkey's refugee governance emerged as the outcome of the country's foreign policy as well as the country's internal political dynamics. The chapter puts an emphasis on Turkey's foreign policy objectives regarding the Middle East and Europe. It discusses actual foreign policy acts during the Syrian civil war and international negotiations on migration affairs between Turkey and the EU with a specific reference to coercive engineered migration theory of Greenhill (2010). In relation to these discussions, the chapter also focuses on the discursive governance of the Syrian refugee issue, in other words, how it is presented in the public sphere by political leaders. This presentation, in turn, shapes how refugee policies are designed and how they are implemented on the ground. The political discourse is crucial considering the fact that political leaders in Turkey determine the main contours of many policies and powerful in giving imperative command, due to the high level of centralization in the country.

Analysis of Turkey's initial policies and changes over time

The reasons that defined Turkey's open-door and welcoming refugee policies towards Syrians in the initial years were closely tied to the government's strategic interests – including its relationship with Syria prior to the conflict, foreign policy objectives, and the roles and narratives of the government ruled by the Justice and Development Party (JDP). Changes in refugee policies, which started in 2013, can be explained with reference to the critical juncture that was reached (in terms of the sheer magnitude of the refugee situation and the protracted nature of the crisis) as well as a redefinition of the strategic interests unfolded (including growing security problems and constraints faced in the previous foreign policy objectives).

In the Syrian civil war, Turkey demonstrated a multifaceted engagement, premised on its strategic interests. It assumed a number of roles, ranging from efforts in early mediation to supporting armed opposition groups and initiating military intervention – the latter being legitimized as an act of self-defence. Such a close engagement was not only due to concerns that the conflict could spill over across the Syria's national borders but was also part of Turkey's overall effort to position itself as a 'major player', 'normative power' and a 'responsible rising power' on both the regional and global stage. Turkey's changing threat perceptions and alliance formations during the war also brought about shifts in its policies.

Turkey looked at the uprisings in Syria in 2011 as an opportunity to effectively implement foreign policy objectives. Turkish foreign policy was shaped by the former Prime Minister, Ahmet Davutoğlu, and President Tayyip Erdoğan. Both had emphasized that Turkey has the potential not to remain a middle power¹ vis-à-vis the rest of the international system. Instead, it should make efforts to become a 'regional great power' (Hale 2012; Oran 2001). During Davutoğlu's term as the minister of foreign affairs (2009–2014), Turkey held an ambition of upgrading its relative material power as a means turning itself into an 'agenda setter/order settler' in the Middle East, and to subsequently turn itself into a 'centre state'. This ambition was clearly reflected in the first stage of Turkish responses to the Syrian refugee crisis (Gökalp-Aras and Sahin-Mencutek 2016, 9).

In the early months of the crisis, Turkey believed that it was powerful enough to act as a broker for Syria, considering the close and special relationship between the two governments. The two countries had developed bilateral free trade agreements, visa-free travel, a rise in tourism and trade connections as well as a special rapprochement among its leaders since 2006. Turkey had considered the improvement of relations with Syria as a 'showcase' for its recently embraced foreign policy goals, including 'strategic depth', 'zero problems with neighbours', 'becoming a soft power' and 'de-securitizing problems'. On the other hand, Syria had expected to benefit from rapprochement as an opportunity to become less isolated at the international level, particularly with respect to the EU and the USA (Aras and Karakaya 2008; Demirtas 2013).

Given this background, immediately after protests started in Syria in March 2011, Turkey initiated 'back-door diplomacy' with the Turkish Minister of Foreign Affairs, Davutoğlu, taking on a lead role in trying to persuade the Syrian government to implement reforms like lifting emergency law, releasing political prisoners and allowing political parties, specifically the Muslim Brotherhood, to form and operate freely. But the Syrian President Bashar Assad's conciliatory reforms were limited to immediate salary increases to state officers and plans to lift emergency law and the licensing of new political parties. These failed to satisfy Turkey and the opposition groups; meanwhile the Syrian government forces continued to crash anti-regime protestors, causing dozens of deaths.

Inspired by its prospective impact over Syrian affairs and the idea of humanitarian-moral responsibility, Turkey welcomed Syrian refugees, despite its previous preventive refugee governance approach towards Middle Eastern refugee flows. Davutoğlu's words in the early days of displacement exemplify how 'close' Syrian affairs were for Turkey: 'for us, the future and destiny of Syrian people is common with those of our people'. He highlights that this makes it necessary that the Turkish government does 'not (to) remain indifferent to developments in Syria' (Haberturk 2011).

The Turkish Government sought to prove itself as a humanitarian state and to emphasize its strategic sphere of influence beyond its borders. The treatment of Syrian refugees worked to exemplify, in a very effective manner, the new humanitarian diplomacy narrative of Turkish foreign policy. Davutoğlu's speech addressing Syrians highlights an approach premised on historical and moral responsibility. He said:

In another international meeting, one of my Syrian brothers came and thanked me. He said, 'thank you for what your country did for Syrians, we are indebted' and I told him that 'no need to thank us, there is no need for gratitude. All the debts between Turks and Syrians were paid by our ancestors when they fought against the Crusaders, against persecutions directed toward Muslims.'

(Davutoğlu 2013)

For Turkish leadership, pursuing humanitarian diplomacy is intertwined with the prospects of becoming a powerful country. As Davutoğlu pointed out:

Our idea is for Turkey to be a compassionate and powerful state. One will be compassionate if one's conscience dictates where one should go and to whom one should reach, as can be seen from the examples of our aid to Somalia and Syrian refugees. At the same time, one will need to have power, so that one has the ability to reach where needed.

(Davutoğlu 2013, 867)

Welcoming Syrians and meeting their needs voluntarily became a means for Turkey to advance its discursive battle with the aim of ensuring 'that it is exulting a powerful and positive image of itself and not the weak alternative' (Tolay 2016, 136). The Government sought to respond to the Syrian refugee challenge with virtue and benevolence in order to serve its quest for normative power at the regional and international stage (Oktav and Çelikaksoy 2015). Thus, starting in the early days of the war, Turkey claimed the status of being a 'responsible rising power' that pursued a 'value-based' policy against 'immoral' actors in international relations (Tolay 2016; Hürriyet 2013). It also expected that opening arms to 'Syrian brothers' would bring rapprochement opportunities and ensure a regional leadership

advantage for Turkey, once the conflict would come to an end and ‘a new Syria would be established’ (Kirişçi 2014, 18).

In order to access claimed responsible rising power status, Turkey first needed to be accepted as a mediator in the Syrian crisis. However, the efforts of the single party government of Turkey to play a mediator role failed. By the end of 2011, the unilateral efforts of Turkish Government were replaced by multilateral initiatives, namely, those of the Arab League and those of the UN Envoy, which were known as Kofi Annan’s plan. However, the plan was not approved by the UN Security Council in February 2012 due to the veto of Russia and China. Nevertheless, the unwillingness of international actors to intervene in Syria did not convince Turkey to give up its assertive foreign policy. Praising its own isolationism in the international society and adopting the term ‘precious loneliness’ so as to emphasize its engagement on the basis of moral values,² the government sought ways to continue being active in Syria’s domestic affairs. Turkey’s expectation, which was in line with a good part of the international community, was that the Assad regime would not last long (Kirişçi 2014, 5).

Such strategic calculations put Turkey in a position to support opposition groups against the Assad regime. This policy made Turkey a party to the conflict, undermining its long-lasting principle of non-interference in neighbouring countries’ domestic affairs and also it eroded its credibility as an impartial mediator. However, the supported Syrian opposition forces were highly fragmented and failed to eliminate Assad’s power as expected. In November 2012, opposition forces formed the Syrian National Coalition (National Coalition for Syrian Revolutionary and Opposition Forces) with the support of Turkey, the USA and Gulf countries. But this coalition was hampered from the outset by infighting and accusations that its members were out-of-touch exiles. Within a year, around a dozen opposition groups abandoned the Syrian National Coalition and rejected its calls for a civil, democratic government.

Turkey had to redefine its foreign policy objectives according to the dynamics of socio-political realities on the ground of Syrian war. It was widely suspected that the reasons behind Turkey’s open-door policy and the non-registration of Syrian refugees in the beginning were related to Turkey’s implicit support of the Syrian opposition. These policies enabled opposition groups to receive shelter, training in camps (along with civilians) and an opportunity to cross the border on a number of occasions. Although the national and international media extensively reported that Turkey was providing military equipment, aid and operational assistance – including intelligence and training to fighters – the government fiercely denied these claims.

In the realm of domestic politics, the long-term ruling party and its government was powerful enough to develop foreign policy goals and to define responses to Syrian refugees, without seeking high-level public support and without taking note of the criticisms voiced by national opposition parties.

The largest opposition party, the Republican People's Party, considered the government's support for the armed Syrian opposition a threat to national security – particularly amid ongoing polarization within the Turkish population. In August 2012, this party demanded to visit the camps, but it was turned down by the government, which resulted in intense critiques about the transparency of civilian refugee protection. But the lack of real security problems in those days impeded a backlash against the government. Also, the number of displaced Syrians was low; they were staying in camps in southern cities that were far from public eyes.

Reaching the critical juncture

In the Chapter 3, I hypothesized that mass refugee hosting countries reach critical junctures in which they need to introduce concrete policies. The juncture occurs when a number of factors interacted such as sheer numbers, the protracted nature of the conflict, growing security concerns, including border clashes, armed attacks and rises in terrorist attacks or inner community tensions. Host countries which reach the critical juncture start to introduce structured policies and institutional arrangements that replace previous ad hoc policies. The direction of their policies is shaped by a number of factors including their governance capacity, previous refugee experience and pressures or incentives coming from international refugee regime, reactions of local communities and refugees themselves. New policies often take a more restrictive format in comparison to previous open-door and non-regulative policies.

For Turkey, the period between 2013 and 2015 can be taken as a critical juncture. The three aforementioned factors became decisive. In this period, the first factor, the sheer numbers of refugees further increased and refugees dispersed across urban areas. In October 2012, the numbers passed over the previously identified critical threshold of 100,000. Growing numbers exacerbated economic considerations and necessitated external financial aid. The second factor, namely, the protracted nature of the conflict and lack of prospects for immediate returns, also became relevant. The failure of diplomatic attempts to mediate the crisis and the difficulties met when Turkey sought to support Syrian opposition groups, forced Turkey to recognize that the conflict would be protracted and that refugees would not return to their home in the near future. Rather, refugees would bring about more economic and social costs for Turkey. At last, security also became a concern that will be discussed in the subsequent section.

Growing security threats related to the Syrian war and their impact on refugee governance

In 2012, Turkey observed the spillover of the Syrian war across its borders. Due to several deadly incidences in this period, Turkey was increasingly

concerned about losing control along its borders and about undermining its own domestic security. In February 2012, a bombing occurred at the Cilvegözü border crossing, which killed 17 Turks. In May 2012, two car bombs exploded in the border town of Reyhanli, leaving 46 dead and more than 100 injured. In June 2012, a Turkish fighter jet was shot down by the Syrian regime army, costing the lives of two Turkish pilots. In October 2012, mortar shells killed five Turkish citizens. Initial reports about the source of the attack were conflicting, but the Turkish government immediately blamed 'the military campaign waged by the Syrian Arab Republic's armed forces ... against the nation's territories' (Gökalp-Aras and Sahin-Mencutek 2016, 14).

Mass arrivals from Syria (and Iraq after 2014) and the geopolitical dynamics in northern Syria were suspected of exacerbating the existing domestic minority question regarding the Kurdish population in Turkey by strengthening the transnational armed Kurdish nationalist movement. The question has a strong regional dimension as neighbouring countries, namely, Iraq, Syria and Iran, have Kurdish minorities living close to border areas, who maintain ties with Kurds in Turkey. Thus, Turkey's domestic security concerns and foreign policy in the immediate neighbourhood region have been (and continue to be) closely intertwined. The Turkish state has been fighting against the separatist PKK (Kurdistan Workers' Party) which has carried out insurgency in the south-east region since 1984 – fighting for greater autonomy and more rights for the Kurdish minority. The PKK is believed to be supported by neighbouring states for strategic interests. The unfolding of the civil war in Syria increased concerns about Turkey's Kurdish minority, as a possibility was seen that instability in Syria might give room for manoeuvre (and indeed also logistical support) for the armed Kurdish movement as happened in Iraq in the 2000s due to the power vacuum. It was feared that Kurdish parties in Turkey and the PKK would find the opportunity to connect with their Syrian sister organization, the Democratic Union Party (PYD) and its armed wing, the People's Protection Units (YPG). Turkey's worries became worse as the Assad regime avoided fighting Kurdish forces, who were seeking regional autonomy in northern Syria and, in turn, reached the operational decision in mid-July 2012 to withdraw the majority of its forces from Syria's Kurdish areas. An establishment of a Kurdish autonomous region might embolden Turkey's own large Kurdish minority to try to forge a similar territory inside its borders or to also turn particular territories in southern Turkey into a safe haven for PKK militias. Turkey accused the Assad regime of utilizing the 'Kurdish card' against Turkey. The pressure on Turkey mounted when intense violence unfolded in the south-east of the country and a substantial rise in urban terrorist attacks took place – these were attributed to the PKK. These security challenges and the Kurdish question were the main driving forces behind the Turkey's insistence on a buffer zone and a no-fly zone in northern Syria.

Turkey faced more complex security problems with the emergence of the so-called Islamic State of Iraq and Syria (ISIS). The Syrian civil war spilled into Iraq and engulfed the Kurdish areas in Syria bordering the south-east (Korkut 2016, 3). Border controls turned into a serious challenge with several border clashes, mortar shells, bombing, border aid raids and the shooting down of aircrafts, both from Turkey and Syria. Fighting between ISIS and the YPG in Kobani and Tel Abyad – both Syrian towns along Turkish border – resulted in a mass exodus of thousands of Syrian Kurds to the southern provinces in October 2014 and June 2015. Turkey believed that the YPG worked closely with the PKK to infiltrate arms and fighters against Turkish security forces. With the help of US-led airstrikes, and after four months of fighting along the Turkish border, Kurdish fighters pushed ISIS back. This made Turkey and the self-declared Kurdish region in Syria neighbours. However, this development in northern Syria worried Turkey and urged it to take military action for limiting the YPG's sphere of influence. While Turkey considers the YPG to be the Syrian extension of the Kurdish PKK group and consistently seeks to prevent its involvement in Syrian affairs, conversely, the USA and Russia see the YPG as their main partner in the operations against ISIS. Between 2012 and early 2016, several deadly bombings, border aid raids, airstrikes, rocket attacks, helicopter and aircraft incidences continued on the Syrian–Turkish border with the involvement of various armed actors including the PKK, YPG, ISIS, Russia, Syrian Assad forces and the Turkish military.

Turkey's multifaceted diplomatic and military engagements through which Turkey sought to become one of the main actors in the Syrian war, gradually failed and its strategic options were substantially diminished in the course of the first four years. From the early days of the Syrian war, Turkey wanted to convince international actors – mainly the USA, the UN and the EU – to support the creation of a safe zone that would ensure Turkey's border security and would enable the return of refugees to Syria. After recognizing the reluctance of the USA in terms of providing support, Turkey urged the EU using diplomatic means. Prior to the EU Summit Meeting in September 2015, the Turkish Foreign Minister, Mevlüt Çavuşoğlu, asked for support in creating a safe zone on the Syrian side of the Turkish border as a *quid pro quo* for Turkey's cooperation on migration control. Turkey claimed that its objective was to carve out a place of return in Syria and talked openly about this as the basis for allocating refugees to this region. But neither the EU nor the USA supported the safe zone idea (Guardian 2015).

Under these conditions, Turkey's real and perceived security concerns led the government to initiate a militarization of its policy towards Syria. Turkish military directed personnel and equipment to its border with Syria and repeatedly conducted cross-border operations unilaterally, claiming that it was acting in self-defence. The largest (and one of the longer)

Turkish unilateral military operations in northern Syria were the Euphrates operation (August 2016 to March 2017) and the Olive Branch Operation (January–April 2018).

Impacts of security concerns on refugee governance

All these developments from the late 2012 to 2018 had implications on refugee policies, both directly and indirectly. More clearly, after 2015, these led to restrictive border crossing mechanisms for Syrian refugees arriving at the Turkish border, protection being provided for Syrians within Syria, regulation attempts for those in Turkey, as well as attempts to clarify their legal status under the temporary protection regime (as discussed). An interviewee confirmed the impact that a perception of threat had on the reception of Syrian refugees by noting:

All the developments inside Syrian including Euphrates operation, the growth of PYD, the emergence of ISIS and the retreat of it changed the political dynamics. Before these developments, all of them were Syrian refugees but right now, they carry out different risks (are considered in this way). Because of changes in the international risk perceptions, refugees coming from a particular community are starting to be perceived as risky.³

Interviews conducted in Şanlıurfa and Izmir in summer 2018 also reported that crossing borders have become more and more challenging since the late 2015. Arrivals have been still happening with payments to smugglers. The political developments regarding the Syrians were also reflected in Turkey's stance towards INGOs working with Syrian refugees in Turkey and internally displaced Syrians via Turkey. As an interlocutor explained:

Turkey's security perception has recently changed along with the changes in US's stance in Syria. From 2011–2013 Turkish and American interests were very compatible, in this period, Turkey acted like (towards INGOs) 'you can come and do whatever you wanted to do' but then dynamics on the ground changed with the rise of PYD, rise of ISIS and its retreat. In the last period, Turkey asserted that 'wait a minute, I will take the control again in my hands, I am forming a central coordination mechanism.' Turkey is right in its stance, because it is a sovereign country.⁴

Central coordination mechanisms set by Turkish authorities were observed during the fieldwork. The provincial director of the Ministry of Social Policies and Family affairs said that they had consistently started to take reports and briefings from all national and international NGOs about what they have been doing in the field of refugee assistance.⁵

The political speeches about creating a safe zone and a no-fly zone in northern Syria also had an impact on refugee affairs. Turkey has kept this objective on the agenda since mid-2016. President Erdoğan tied Turkey's cross-border operations in Syria to Turkey's demand for the setting up of a no-fly zone within thousands of square kilometres in northern Syria where the Turkish army has a military presence to provide security (Alaraby 2016). Erdoğan emphasized, as he had also done previously, that: 'the refugees would return back this zone; thus, it would alleviate the burden over Turkey for accommodating Syrian refugees' (TRT World 2017).

The issue of mass return/repatriation of Syrian refugees was brought to the agenda by the Presidency once again in early 2018 during early days of Olive Branch Operation. First, on 17 January, Ibrahim Kalın, the spokesperson of the President, said: 'our military operations [in northern Syria] would continue until our Syrian brothers, whom 3.5 million lives in our country, return safely to their homes' (Diken 2018). Then, President Recep Tayyip Erdoğan stated that one aim of Turkey's cross-border military operation in northern Syria, called Operation Olive Branch, would be the safe repatriation of Syrian refugees to their homes (TRT World 2018). Similarly, the First Lady, Emine Erdoğan, reasserted this repatriation idea by noting: 'After the Operation provide security and stability in the region, almost half a million Syrians in Turkey are expected to return to their country, and the Operation would stop possible refugee flows' (Hurriyet Daily News 2018). However, my interviewees in summer 2018 provided insights that Syrian refugees usually consider that it is too early to return to Syria as the war has not yet fully stopped and there is no available infrastructure in their home towns.

These political speeches are interesting because plans about granting citizenship to Syrians had been expressed by the President only two years prior and thousands of Syrians have been granted citizenship. Although one might initially assume that such speeches are delivered in order to legitimize the military operation, they also have a direct impact on refugees, host communities and state officers dealing with refugee affairs. These speeches came to define the expectations of the Turkish public – particularly those hosting large numbers of Syrian refugees in border provinces. Such explanations caused anxiety among Syrian refugees who had not planned to return and now feared that they would be deported. Meanwhile, local state authorities dealing with refugee affairs paused their efforts of furthering the integration of Syrian refugees – assuming that these would return soon.⁶ Within two years, under the influence of foreign and domestic politics, refugee integration policy shifted from one opposite to the other: from the option of being granted citizenship to recalling the option of repatriation. Interestingly, both options occur together, giving evidence of policy ambiguity. This also exemplifies the power of discursive governance in the case of Turkey by the central state. Both policy options were publicly framed by President Erdoğan; they directed the governance to a large extent.

While entries and stays of Syrian refugees became the topic of international and domestic politics of Turkey, their exits from Turkey are also a matter of foreign policy. This time, it turned into a highly politicized agenda item for Turkey–EU relations.

From Turkey's refugee issue to the EU's refugee crisis

As discussed in the last section of Chapter 4, the loss of prospects for returning to Syria and a lack of resettlement options to third countries urged many Syrians in Turkey to reconsider their long-term stay under such difficult living conditions. Syrian refugees were feeling their stay in Turkey as a temporary stay and were operating in survival mode. This situation was not unique to Syrians in Turkey. As Chatty notes, especially middle-class families who were seeing that their children would have no education opportunities or professional futures in the immediate region, sought to migrate further by paying smugglers and using refugees networks (Chatty 2017, 28). Many hoped to apply for asylum upon their arrival in the more prosperous European countries, mainly in Germany and Sweden, and expected that there they would be able to receive protection, be given a good chance of accessing education and acquire work in order to rebuild their lives.

In terms of pulling factors, it was suspected that two events encouraged more refugees to seek asylum in Europe. In 2015, the German Chancellor Angela Merkel made welcoming statements that expressed an expectation to take in between 800,000 to 1 million Syrian refugees. The other event was when Germany suspended the Dublin agreement, which meant that it would process refugee status determination itself. Also, both Sweden and Germany were from the outset attractive destinations due to the possibility of receiving support services, social welfare benefits and work opportunities – perceptions strengthened through the positive images on televisions and social media. Refugees' networks, including the presence of family members and friends in Europe, as well as the relatively low cost of smuggling and the perception of a lack of deterring mechanisms or punitive measures worked as facilitative pulling factors (Deardorff Miller 2016, 84; Economist 2017).

The EU has for a long time been a decisive player in preventing arrivals of migration flows in member states by establishing the external border management system and border patrol agencies. These prevention mechanisms were challenged, once again, through the uprisings in Tunisia, Egypt and Libya that had led to a dramatic increase of migrant flows from North Africa to Italian shores as well as the through Syrian civil war that led to mixed flows of migrants from Turkey to Greek islands. While Italy has traditionally been the country with the highest numbers of asylum seekers arriving by boat, in 2015 and 2016, it was Greece that was receiving them in unprecedented numbers. More than 1 million migrants arrived in Europe

by sea in 2015. This time, not only did the number of arrivals increase, but also the number of dramatic, deadly incidents – in sum making it the most dramatic year on record (IOM 2015). As a result, the flow of migrants and refugees towards EU member states has been framed as a refugee-migration crisis. As a first response, the EU introduced the Agenda on Migration in May 2015 to take immediate action (European Agenda 2015). The Agenda emphasized the importance of shared responsibility among EU member states, as well as with non-EU transit and migrant origin countries. This agenda recalled Turkey's critical role in preventing the arrival of irregular migrants and subsequent asylum applications into EU member states. EU leaders almost agreed that solving the problems associated with controlling the EU's external borders could not be possible without working with Turkey (Gökalp-Aras and Sahin-Mencütek 2016, 21).

Turkey's importance for the EU's migration control stems from the fact that it has both been a transit country and a country of origin for irregular migrants and refugees since the 1990s. The Greek islands on the Aegean Sea, which are geographically very close to the Turkish coast, are located on the chosen route of refugees and irregular migrants coming from Iraq, Iran, Afghanistan, Pakistan and elsewhere. After the war started in Syria, many Syrians joined these irregular migrants on their insecure journeys towards Europe (Baban et al. 2017, 41).

In 2015, the number of migrants and refugees (Syrians and non-Syrians) that reached the EU at the land and sea borders, by departing irregularly from the Turkish territory, amounted to 888,457. This is around 17 times higher than the numbers which had been recorded in the course of 2014 (EC Report 2016, 4). Thousands of them arrived each day on the Greek islands with the aim of crossing the Balkans to reach northern Europe. In the Balkan corridor (Greece, Macedonia, Serbia, Croatia and Slovenia), routes are constantly changing due to the respective country's policy changes, the erection of fences, the presence of border police, public opinion and stances of politicians regarding refugees' entering or passing through (Deardorff Miller 2016, 86).

It was clear that a substantial number of arrivals into the EU occurred via Turkey. Due to Turkey's open-door policy to Syrians and its liberal visa policy, Syrian refugees in Lebanon, Jordan and Iraq used Turkey as a transit point to move towards Europe. Additionally, some previously internally displaced Syrians were coming directly out of Syria. All these displaced Syrians spent a time in Turkey prior their departure for Europe. Moreover, irregular migrants from other conflict zones used this route as the first entry point to Europe. Also, it was widely suspected that Turkey intentionally facilitated the departure of migrants heading towards Greece and Bulgaria or at least did not adopt border controls for exits in 2015. Turkey's previous record and the ongoing threats of President Erdoğan were taken as an indicator thereof. He threatened the EU Commission that he could 'open the doors to Greece and Bulgaria anytime and send busloads of

refugees to Europe', while also emphasizing: 'we have defended the rights of Turkey and the refugees. We told them [the Europeans]: Sorry, we will open the doors and say goodbye to migrants' (Guardian 2016). Turkey–EU relations regarding migration control fits what Greenhill emphasized in her coercive engineered migration theory. This will be discussed in the subsequent section after providing evidence of it.

Collaboration or bargains over migration control

Given this context, on 15 October 2015, the EU and Turkey both committed to a Joint Action Plan (JAP) with the aim to end further arrivals. This agreement was reflective of a sense of urgency and aimed to advance cooperation and joint measures for the prevention of further crossings by sea and land routes. More specifically, Turkey was asked to: 1) strengthen the interception capacity of the Turkish Coast Guard; 2) cooperate with the Bulgarian and Greek authorities to prevent irregular migration across the common land borders; 3) cooperate and accelerate procedures in order to smoothly readmit irregular migrants who are not in need of international protection and were intercepted coming from the Turkish territory; and 4) pursue the progressive alignment of Turkish visa policy, legislation and administrative capacities notably vis-à-vis the countries representing an important source of illegal migration and better exchange of information (JAP 2015).

In conformity with the JAP, Turkey immediately introduced restrictive entry policies – specifically targeting Syrians and Iraqis. On 8 January 2016, it issued a visa obligation for Syrians entering Turkey by air or by sea from third countries. On 5 February 2016, it abolished the possibility for Iraqi citizens to obtain a visa on the border. The Turkish Coast Guard apprehended and rescued around 91,612 migrants and refugees in the last months of 2015 who were trying to irregularly reach the EU – seven times more than in 2014 (EC Report 2016, 4). Praising ongoing efforts, Greek authorities (supported by France and Germany) announced in 2016 that Turkey was a safe third country. Turkey had been rarely categorized as such because in the past it had not offered refugee status to forced migrants arriving from the Middle East and carried out multiple cases of forced returns of asylum seekers (Parents 2016). Moreover, the EU started to distribute the €3 billion previously promised to Turkey for concrete projects and work addressing the needs of Syrian refugees. It slowly advanced visa liberalization for Turkish citizens and, immediately in December 2015, opened a new chapter of the accession talks (EU–Turkey Statement 2016). According to the European Commission's Evaluation report, published on 4 March 2016, despite an overall decrease in irregular transit migration, Turkey still needed to:

carry out adequate border checks and border surveillance [...] in such a manner that it will cause a significant and sustained reduction of the

number of persons managing to illegally cross the Turkish borders either for entering or for exiting Turkey.

(EC Report 2016, 4)

Turkey was asked to take more restrictive border controls and entry measures for non-Syrians who had accounted for the largest numbers of irregular entries into the EU via Turkey in 2015. This pertained to Afghans, Pakistanis, Iranians, Moroccans, Palestinians, Somalians, Bangladeshis, Lebanese and Algerians (EC Report 2016, 6). Turkey and the EU also agreed on militarized measures, aimed at preventing human smuggling on the Aegean Sea (EU–Turkey Statement 2016).

In the end, Turkey and the EU agreed upon the critically important but highly controversial deal on 18 March 2016, which sought to further reduce irregular crossings and asylum applications in EU member states. The Deal – officially referred to as a statement – heralded a shift to a more structured collaborative approach to irregular migration issues between Turkey and EU. It authorized that:

All new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This will take place in full accordance with EU and international law, thus excluding any kind of collective expulsion. All migrants will be protected in accordance with the relevant international standards and in respect of the principle of non-refoulement. It will be a temporary and extraordinary measure which is necessary to end the human suffering and restore public order.

(EU–Turkey Statement 2016, Article 1)

The Deal also proposed a kind of one-to-one bartering system concerning Syrians:

For every Syrian being returned to Turkey from Greek islands, another Syrian will be resettled from Turkey to the EU taking into account the UN Vulnerability Criteria. A mechanism will be established, with the assistance of the Commission, EU agencies and other Member States, as well as the UNHCR, to ensure that this principle will be implemented as from the same day the returns start. Priority will be given to migrants who have not previously entered or tried to enter the EU irregularly.

(EU–Turkey Statement 2016, Article 1)

The total number of Syrians that can be resettled from Turkey is capped at 72,000 but it is unclear what Turkey or the many more refugees are supposed to do when the limit is reached (Deardorff Miller 2016, 96). The EU legitimized the Deal as ‘the last resort for halting irregular migration across deadly routes and replacing it with a more orderly resettlement process of

one-to-one initiative' (Rygiel et al. 2016, 316). On the other hand, for Turkey, the Deal is a profitable agreement that would bring additional financial aid for the refugee burden, visa liberalization, reenergizing accession process by opening new chapters and upgrading the Custom Union (EU–Turkey Statement 2016, respectively Art. 5, 6, 7 and 8). Government representatives, particularly Prime Minister Davutoğlu perceived the EU's commitment for visa-free European travel for Turks as a key incentive for signing the Statement. In fact, the EU had launched the Visa Liberalization Dialogue with Turkey on 16 December 2013, which envisioned putting Turkey on the EU's visa-free list, if Turkey met the 72 requirements listed in the Roadmap. The criteria are organized in five thematic groups: document security; migration management; public order and security; fundamental rights and readmission of irregular migrants (Turkey Progress 2016). The EU and Turkey had earlier in 2013 signed a Readmission Agreement. It came into force on 1 October 2014, provisions related to the obligations and procedures for readmission of third country nationals and stateless persons were to come into force three years after the date of entry into force; precisely on 1 October 2017 (Readmission Agreement 2014). During the negotiations prior to signing the Deal, Turkey once again brought the issue of lifting the visa requirements for Turkish citizens to the table and agreed to accelerate the fulfilment of all benchmarks by June 2016. However, in the end, visa liberalizations for Turkish citizens did not occur because Turkey failed to meet five benchmarks of the Roadmap (Turkey Progress 2016).

Turkey was awaiting the EU's commitment to speed up the disbursement of the initially allocated €3 billion under the authority of Turkey's Facility for Refugees and to mobilize additional funding of €3 billion up to the end of 2018 (EU–Turkey Statement 2016, Article 6). Prime Minister Davutoğlu presented getting additional funding as an outcome of Turkey's successful bargain, despite its conditionality (Gökalp-Aras and Sahin-Mencütek 2016, 32). The EU would give the first part of the aid, if it was used for 'concrete projects for refugees, notably in the field of health, education, infrastructure, food and other living costs.' The transfer of the additional payment would occur by the end of 2018, if Turkey proved that it had met the conditions of usage assigned to the first instalment.

In addition to visa liberalization and financial aid, Turkey paid attention to re-energizing the accession process and opening new negotiation chapters, while both sides expressed their will to initiate more frequent high-level dialogues. The EU opened the negotiation Chapter 33 on Financial and Budgetary Policy on 30 June 2016, as promised in the statement, but it did not close any chapter, which would have been more important to finalize negotiations (Gökalp-Aras and Sahin-Mencütek 2016, 33).

Overall, the Deal was seen (at least publicly presented) as a successful humanitarian mission between the EU and Turkey, although it was also taken as an example of commodifying refugees. Furthermore, it illustrates

how mass migration may be used by a host country as a weapon over target state(s), which are afraid of mass migration. The strong desire of the EU to halt immigration, which is fed by domestic political dynamics, urged the EU to collaborate with Turkey and to give concessions. Turkey acted as an opportunist state using the Syrian mass migration as part of a coercion strategy to draw political and economic concessions from the EU – which had approached migration as a crisis since 2015 (Greenhill 2016). Due to their previous accession relations, the bargain took place within the context of EU's externalization of migration control framework and became entangled with Turkey's priorities regarding membership (Gökalp-Aras and Sahin-Mencütek 2016). The Deal also once again proved the intersection of foreign policy and refugee governance.

On the other hand, taking a closer look, the design of the Deal has been deserving of several well-grounded criticisms.⁷ It contradicts basic principles of the international refugee protection regime, particularly the right of seeking asylum and non-refoulement principles as well as the established standards in assessing asylum applications. In the first year of the Deal's implementation, the European Commission was pointing out the Deal's 'positive results', its 'continued trend of progress' and its 'steady delivery of results', whilst it acknowledged some 'challenges' along the way.⁸ The Deal succeeded in meeting the main objective, namely, achieving 'a substantial fall in the number of crossings and in the loss of life' (EC Report, 2016). The EU's restrictive policies towards migrants reflected in the Deal have almost fully turned the territories of Greece and Turkey into a buffer zone (Soykan 2017). For example, Turkey apprehended 50,217 Syrians as irregular migrants, ahead of Afghans (45,259) and Pakistanis (30,337) in 2017 (DGMM-Irregular 2018).

The paradox between the perceptions of the EU representatives on what is a successful outcome of the Deal and perceptions of the Deal's subjects, namely, irregular migrants, became explicit in several instances. The decrease in numbers did not prevent devastating humanitarian consequences – ranging from a mass number of migrants' deaths elsewhere in the Mediterranean to freezing to death, physical violence, subsequent push-backs and the abuses carried out by smugglers. Refugees and migrants are still desperately looking for alternative routes by risking their lives. Evidence shows that the Deal made the crossings of irregular migrants via the Aegean Sea and Balkan Route much more difficult, thus pushing them to use a deadlier route from Libya to Italy. The Deal had prevented asylum seekers to look for an opportunity for safe and legal options or to seek protection and assistance in the EU countries.

Asylum seekers in Turkey and elsewhere continued to live in limbo without certainty about their further journey and their resettlement opportunities (if indeed there were to be any). Compared to the high numbers of arrivals and deaths, the numbers of official resettlements have been too few. Until April 2018, 12,966 Syrian refugees had been resettled from Turkey to

the EU member states as part of the one-to-one formula (DGMM 2018). As of 28 February 2017, some 9,610 asylum seekers had been relocated from Greece to other EU countries – the target number being 63,302 claimants (EC Relocation 2017). From 2016 to April 2018, 1,582 third country nationals, including 279 Syrians, were forcibly returned to Turkey within the scope of the Deal (DGMM Returns 2018). Turkey treated non-Syrian returnees as irregular migrants who had previously violated the rules on legal entry into and exit from Turkey. Thus, they were put into administrative detention where they waited for deportation. Even if they apply for international protection, they were subjected to a fast-track procedure for assessment and forced returns (Soykan 2017). One further negative consequence of the Deal, pointed out in my fieldwork in Lebanon, was that the Deal allegedly led to a decline in the funding of resettlement from other hosting countries like Jordan and Lebanon.

Such deals went beyond being a mere technical agreement about border controls and financial aid between refugee hosting countries. The deal demonstrated the way in which the EU is dependent (willingly due to its fears) on semi-democratic governments to manage migration on its external borders and how it accepts being threatened – in this case, Turkey's threat of opening the borders for migrants and refugees to Europe.

On the other hand, Turkey utilized its Syrian refugee governance as a tool to claim that it has the status of a responsible rising power – pointing out on multiple occasions its ongoing humanitarian policies vis-à-vis the other global actors, including the EU and the USA. Davutoğlu emphasized this point in his speeches:

For the last four years Europeans were ignoring the refugee issue. Now when refugees began to reach their borders, then they feel the urge to do something. During the last four years my saintly fellow citizens have embraced their brothers and sisters and opened their hearts and homes without complaining and without asking any external financial support.
(Davutoğlu 2015)

Although the EU avoided entering into a discursive battle with Turkey, the deal between Turkey and the EU has not fully appeased the parties who signed it for political reasons. The EU consistently delayed visa liberalization and did not advance the accession process – primarily, due to Turkey's unwillingness to rewrite its terrorism, corruption and data protection laws. Turkey retaliated with threatening the EU to suspend the approval of the readmission agreement and to cancel the deal unilaterally. An earlier threat from the Turkish government was voiced by Davutoğlu (just one month after signing the deal): 'We want this human tragedy to end, our citizens to travel visa free and the customs union to be updated. [But] if the EU doesn't keep its word, we will cancel all agreements, including the migrants deal' (Agence France 2016). Bold threats were continuously voiced by the

Turkish President Erdoğan. Appealing to sensitivities around sovereignty and securitization, Erdoğan accused the EU of hypocrisy for ordering Turkey to initiate legal changes. In particular, he made reference to Turkey's anti-terrorism laws,⁹ arguing: 'since when are you running this country? Who has given you the authority?' (France24 2016).

The refugee issue was brought to the table whenever EU–Turkey relations got stuck. For example, on 24 November 2016, the European Parliament adopted a resolution urging the Commission and Council to temporarily freeze accession talks with Turkey on the basis that the latter had carried out 'disproportionate and unjustified repression' practices targeting several opposition groups in Turkey and Turkey had initiated discussions around the re-introduction of the death penalty – impeding human rights and the rule of law (Euroactiv PR 2016). As retaliation, Erdoğan threatened the EU to open borders/gates. On the EU side, they announced that they would expect Turkey to respect its commitments in the Deal. Also, some representatives of the EU, such as Kati Piri acknowledged that: 'linking the deal on migration with EU accession talks was wrong from the beginning' (Piri 2016).

In early 2017, tensions between EU and Turkey escalated, because the referendum campaign of the government party extended to the European cities where Turkish emigrants lived in huge numbers. The diplomatic crisis with Germany was followed by another crisis with the Netherlands (Economist 2017). These incidences put the Deal at high risk. The Turkish Foreign Minister Çavuşoğlu made an explanation on 15 March: 'readmission agreement will be completely cancelled. We have not implemented it right now. All of these are under our authority. We could stop it unilaterally' (Posta 2017). Similarly, the Ministry of Interior, Süleyman Soylu, threatened EU countries by stating: 'we have a readmission agreement. If you want, we could open the way for 15,000 refugees every month who we did not send to you. This will make your mind confused' (Evrensel 2017). As of April 2017, the readmission agreement was indefinitely suspended. Turkey went on to accuse the EU of failing the Deal by not making payments and not initiating visa liberalization. On the other hand, Turkey presented its stance as a proof of how Turkey has responded to the mass flow as a humanitarian global power and met its commitments.

Although many statements of the Turkish government cited above are evidence of opportunism, it attempted to urge the international community to take action, specifically at the UN level. In this way, it also sought to demonstrate its leadership efforts in the humanitarian realm. Turkey placed irregular migrants crossing the Mediterranean Sea on the agenda of the UN Assembly, highlighting in particular the fate of Syrian asylum seekers. That agenda item served to launch the United Nations intergovernmental process, which, in turn, led to the adoption of the New York Declaration for Refugees and Migrants in September 2016 (UN 2017). It contains bold commitments and concrete plans to achieve a more equitable sharing of the

burden and responsibility for hosting and supporting the world's refugees and entails the commitment to adopt a global compact on refugees in 2018. Turkey recalled that the 2030 Agenda included a number of migration-related targets (UN 2017). In May 2016, Turkey also hosted the first World Humanitarian Summit, which generated more than 3,000 commitments to action and launched more than a dozen new partnerships (Summit 2016).

The words of the Syrian representative, Roua Shurbaji, at the UN Assembly meeting, on the other hand, give insights into how the Government of Syria has seen Turkey's policies towards Syrians:

Some countries wanted to prolong the crisis and exaggerate the number of refugees for economic and political reasons. The Turkish Government had politicized the issue of refugees in its discussions with the European Union. Making the issue an agenda item demonstrated a contradiction between some countries' expressed concern for the Syrian people and their use of illegal practices, including unilateral measures and support for terrorists.

(UN 2017)

All these demonstrated that, despite collaborating with the EU on issues such as controlling the migration (particularly about exits), the Turkish government's imperative command in refugee affairs remained the most important characteristic of Turkey's refugee governance. The imperative command is felt strongly its relation with humanitarian INGOs operating in Turkey to provide services to Syrians.

Understanding Turkey's relations with international humanitarian organizations from the perspective of a meta-governance framework

Even though Turkey established some collaboration with the EU, it has a very centralist mode of refugee governance that is different to many other refugee hosting states. Turkey established a central control on refugee affairs, in particular to manage the involvement of foreign humanitarian organizations.

Turkey allowed the UN agencies and a number of INGOs to operate in Turkey and across the border under the authority of the Turkish state. Turkey accepted the introduction of the UN's cluster approach in southern Turkey, that has been aimed at clarifying 'who is in charge of what' and who is a 'provider of last resort' in the humanitarian response to achieve greater partnership, coordination and accountability. Turkey became part of the UN Syria Regional Refugee Response Plan, requiring cooperation with some UN agencies and INGOs/NGO partners (Deardorff Miller 2016, 25, 59). Inside of the country, INGOs developed several projects to provide protection and to facilitate the integration of Syrians by establishing

community centres, running individually based case management programmes, as well as supporting healthcare clinics, schools and municipality facilities in areas with large Syrian populations. They also provided cash and in-kind aid to Syrians in need. Also, Turkey turned into a hub for those organizations delivering aid to northern Syria.

Despite some collaboration, the Turkish government mainly centralized refugee governance. Not only for opening an office, but also for launching a project, INGOs needed the permission of either central state authorities or their provincial branches in relation with the operation area.¹⁰ Turkish authorities, mainly DGMM, proceeded with the registration of Syrian refugees; however, the international organizations do not have access to data. They relied on the data provision and permits of the Turkish government to carry out activities and to be able to access Syrians in need of assistance. Turkey's control-centred approach regarding foreign humanitarian organizations became doable as it was clear that Turkey was shouldering a large portion of financial needs for refugee hosting services, without asking for minimal financial aid.¹¹ The AFAD reported that: 'the total financial contribution coming from the international donors through the UN agencies and bilaterally or via INGOs only covered 7 or 8 percent of the total cost that Turkey was facing by May 2016' (AFAD-Giris 2017).

The EU, particularly through the 2016 Deal that was signed, has become one of Turkey's main donors. The total amount allocated under the Facility for Refugees in Turkey, which comprises both humanitarian and non-humanitarian assistance, reached €2.2 billion in the period 2016–2017 (EC Report 2016, 11). An important EU funded project (carried out in partnership with the UN World Food Programme), is the Emergency Social Safety Net (ESSN), which is a cash transfer programme with a budget of €348 million. However, due to its resistance, it took a long time for Turkey to put resources into this food cash support programme for urban refugees, unlike Lebanon and Jordan (Deardorff Miller 2016, 27). On the other hand, the Turkish government publicly accused the EU for not helping enough, for channelling aid too late and for introducing over strict conditions. The EU Minister, Ömer Çelik, sarcastically stated that: 'until the EU send the money for Syrian students' education, these students would reach to the age of retirement', he also added: 'considering that we spent 25 billion for Syrian and Iraqi refugees, EU's aid commitment for 200 million remains very limited' (Karar 2016).

Not only the EU, but also humanitarian INGOs were not fully trusted by Turkish policy makers (Deardorff Miller 2016, 65). From the INGOs perspective, the Turkish government has been a difficult partner to work with. The government has been acting selectively in registering INGOs. Work permits for their staff were given for relatively short periods, while bureaucratic procedures for registration were at the same time problematically vague and ambiguous (Cupolo 2017). The central and local state authorities have strictly monitored the activities of INGOs.¹² Also, state

authorities demanded to be informed about all activities run by INGOs that caused a tension. A former INGO staff explained it as follows:

The biggest mistake of the INGOs was that they first approached Turkey as a 'banana republic' [a phrase use to refer to the country's lack of authority] or a country of crises. They thought that they could come, talk to local governorates and, if they agreed, they could do whatever they wanted to do. But Turkey is a centralized country.¹³

An INGO representative also emphasized on a number of occasions that the Turkish government preferred working with humanitarian aid organization from Gulf countries – mainly from Qatar – rather than with Western INGOs. It is also known that Qatar and Saudi Arabia channelled their aid via Turkey or Jordan to Syria, particularly through semi-state charities. A Syrian man, who worked for several humanitarian organizations in Turkey and in the Gulf countries, explained this channelling as follows:

At that time, war started. I preferred stopping my education to get involved in some humanitarian help for the Syrians. I started to work with lots of charities in Istanbul. Also, I went to Qatar to get hospital equipment to deliver to Syria. Qatar prepared items; it is not a foundation, but straight from the government, to be honest government to government and to the people inside of Syria. Qataris, it was towards Turks to us. It was the first days of war. Turkish charities did not have ability to go inside of Syria. Everyone was afraid to.¹⁴

A former INGO worker confirmed the close collaboration with Qatar and elaborated:

AFAD emphasized the collaboration with Qatar. Qatar's Blue Crescent and three Qatari NGOs did very huge projects with Turkey. It is also part of the Euphrates operation. For example, they established very large and good aid delivery storage in Çobanbey, a border town in Syria, part of northern Aleppo. It was be the centre of aid that would be delivered inside Syria.¹⁵

Turkey's real and imagined mistrust of the international community in general, and Western INGOs in particular, was exacerbated in the course of time, particularly after the failed coup on 15 June 2016 and the direct military involvement in Syria against ISIS and the Kurdish armed forces in northern Syria. State authorities had for a long time pointed to problems pertaining to external aid distribution. In autumn 2016, some Turkish newspapers were claiming that much of the help provided by international aid agencies operating along the Turkish–Syrian border was going to Syrian Kurdish armed forces in Afrin (Ramoglu 2017; Zaman 2017). In this line, the Turkish government forced Mercy Corps and some other Western

INGOs to shut down all of their activities in March 2017, without providing any explanation (BBC 2017). The Mercy Corps programme was one of the most effective aid programmes inside Syria, reaching nearly half a million people per month. According to columnist Zaman, 'some see the move as part of a broader campaign to put pressure on Western governments and aid agencies, among other things, over their purported support for a Syrian Kurdish group that Turkey views as terrorists' (Zaman 2017).

The Turkish Government has been much more concerned about the INGOs serving on border cities, particularly those transferring aid into Syria, as was elaborated in this interview:

Who controls the border areas [on the Syrian side] consistently changes. Thus, it changes crossing priorities. But right now, other side of Öncüpinar [border gate] is controlled by a group that Turkey sees as a terrorist group. For Turkish government these are very serious issues to take into the consideration. There is a need for a serious coordination harmony among NGOs, INGOs, Turkish government, other side etc. As the government is not able to set up this harmony, it started to work with those whom they feel comfortable with or trust rather than those with efficiency. Right now, the big INGOs are scrutinized and treated badly [by the Turkish government] like Save the Children, World Vision, Mercy Corps, IRC. Some of them are able to stand up, some preferred to minimize their staff in Turkey and moved their headquarters to Jordan.¹⁶

Turkey's relation with the EU and INGOs regarding Syrian refugee governance highlights the significance of the international politics dimension. However, governance is also influenced by domestic politics. Discourses of political leaders in Turkey do not only target actors abroad, but also the Turkish public who felt uneasy about hosting more than 3 million Syrians for seven years.

Turkish policy makers tried to prevent a possible marginalization risk of Syrians. Despite developing a status of temporary protection, Turkish politicians continued to label Syrians as guests and *ensar* – that both connote a form of non-permanency, social support and religious solidarity. Davutoğlu's words in an interview are exemplary:

Now our Syrian brothers and sisters are living freely and in dignity as if they are in their own country. In spite of some problems, Turkish and Syrian people have established an eternal friendship and solidarity ... 70,000 thousand Syrian babies were born in camps and including the babies born outside the camps there are more than 100,000 Syrians babies born in Turkey. All the Syrian babies and kids are like our own kids as Syrian widows are our sisters. This is a reflection of Prophet Mohammed's *ensar* (social support) culture.

(Al Jazeera 2015)

Although there has been a public outcry about both the Syrian war's spillover and the Turkish government's generous response, the public aversion to Syrian refugees had low political cost for the government. To some extent, the low political cost can be attributed to the presence of a harmony among state elites about the governance of the Syrian refugee issue. A reason for this effective harmonization is the fact that Turkey has been ruled by the same single party government since 2003. The government has a substantial power to extract and direct resources to design a centralized refugee policy. The second reason is that the government representatives have been able to use a narrative of historical moral responsibility and temporality of the refugee crisis (Korkut 2016, 7). Third, the Turkish Government did not attribute growing security problems to the presence of refugees. The government intentionally avoided exploding tensions between refugees and host communities in the southern cities. On the other hand, opposition parties avoided projecting themselves as anti-Syrian due to the humanitarian side of the issue. Their reactions remained at the level of submitting written parliamentary questions and publishing a report, except growing harsh rhetoric during the summer 2018 election campaign.¹⁷

To conclude, an analysis of Turkey's response to Syrian displacement proves that refugee governance cannot be understood in isolation from other strategic policy areas such as foreign policy, security and domestic politics. Also, there is no doubt that Turkey is increasingly becoming an immigration country, which needs to plan integration.

Notes

- 1 In international relations, a middle power refers to a sovereign state that is not a superpower nor a great power, but still has a large or moderate influence and international recognition.
- 2 Erdoğan's foreign policy adviser, Ibrahim Kalın, has termed this new epoch in Turkish foreign policy 'precious loneliness' because it is a 'value-based' policy against 'immoral' actors in international relations (Hürriyet 2013).
- 3 Personal communication with a male former staff member of INGO, who served in Turkey, 14 September 2017, Izmir.
- 4 Personal communication with a male former staff member of INGO, who served in Turkey, 14 September 2017, Izmir.
- 5 Personal communication with the provincial director of Ministry of Social Policies and Family Affairs, 26 July 2018, Şanlıurfa.
- 6 Personal communication with migration experts and bureaucrats, 3 April 2018, Istanbul.
- 7 Many organisations have heavily criticized this deal (Amnesty International, Human Rights Watch, Médecins Sans Frontières, Council of Europe, Mülteci-Der, multiple Red Cross National Societies and many more) or denounced it for violating international law (UNHCR, European United Left, Global Justice Now, etc.).
- 8 See European Commission First VP Frans Timmermans, Press Release, Commission reports on progress made under the European Agenda on Migration, Brussels, 8 December 2016; European Commission, Fourth Report on the Progress made in the Implementation of the EU–Turkey Statement, 8 December

- 2016; European Commission Press Release, Commission reports on progress made under the European Agenda on Migration, Brussels, 8 December 2016 (European Agenda 2015).
- 9 The EU wants Ankara to sharply narrow its very broad definition of 'terror', in order to prevent further prosecution of academics, journalists, cartoonists and teenagers for publishing 'terror' propaganda. On the other hand, Turkey insists on a continuation of broad anti-terror laws in order to ensure the success of its military's long-term battle against the PKK in the Kurdish-majority south-east.
- 10 Personal communication with provincial directors of four different ministries, two municipalities as well as representatives of four INGOs, 10–27 July 2018, Şanlıurfa.
- 11 According to the Meeting of Heads of State or Government with Turkey – EU–Turkey Statement, (29 November 2015), both sides confirm that Turkey has spent US\$8 billion, stressing the importance of burden sharing within the framework of the Turkey–EU cooperation, (www.consilium.europa.eu/en/press/press-releases/2015/11/29-eu-turkey-meeting-statement/), accessed on 4 April 2016.
- 12 The monitoring has been repeatedly mentioned in my personal communication and observed in the several gatherings I had participated from autumn 2012 to spring 2018.
- 13 Personal communication with a male former staff member of INGO, who served in Turkey, 14 September 2017, Izmir.
- 14 Personal communication with a Syrian male staff member of NGO, who served in Turkey, 15 August 2017, Gaziantep.
- 15 Personal communication with a male former staff member of INGO, who served in Turkey, 14 September 2017, Izmir.
- 16 Ibid.
- 17 Opposition parties submitted a number of parliamentary queries pertaining to Turkey's support for opposition in Syria, 10 October 2014, (www.tbmm.gov.tr/d24/7/7-53278s.pdf), accessed 27 April 2015; on admission and protection of the Syrians coming from Kobane, 29 April 2014, (www.tbmm.gov.tr/d24/7/7-52535s.pdf); on Turkey–Syria border, 13 February 2013, (www.tbmm.gov.tr/d24/7/7-18162s.pdf).

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Part III

Lebanon



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6 Lebanon's responses to Syrian mass migration

More Syrians are born in Lebanon than are being resettled in other countries. It is unthinkable that Lebanon could alone cope with an existential challenge of such proportion ... when is the world going to do something for Lebanon? This huge and sudden influx of refugees is posing dangerous risks to our stability, security, economy and public services ... Lebanon risks collapsing if the international community does not exert major efforts in this regard ... UN should devise a detailed roadmap for the safe and honorable return of the Syrian refugees who are present in Lebanon to their country.

(Naharnet Newsdesk 2016)

The words of Lebanon's Prime Minister Tammam Salam at the first United Nations (UN) Migrants and Refugee Summit in September 2016 gave insight into the country's critical situation of hosting refugees and only possible solution Lebanese policy makers can think of. Lebanon is one of the most important cases to examine refugee governance as it hosts the highest per capita concentration of refugees. Syrian mass forced migration flows to Lebanon started in mid-2011 and reached 1 million in few years, making them the greatest majority of refugees in this small country.¹ With the Syrian crisis, Lebanon has turned into the country with the highest number of refugees in the world in proportion to its population size.² As of April 2018, the UNHCR has reported the number of registered Syrian refugees in the country to be 986,942, making up 17 per cent of the Lebanese population (UNHCR 2018). This number is lower than the actual numbers of Syrians in the country because the Government of Lebanon suspended the UNHCR's registration on 6 May 2015. Accordingly, individuals waiting to be registered are not included in the UNHCR's data. Also, it is known that many Syrians had not been registered even before the suspension. According to the official Lebanon Crisis Response Plan of 2017–2020, the Lebanese Government's estimation of the number of Syrians who have fled the conflict is around 1.5 million (LCRP 2018, 8). In addition to the refugees registered with UNHCR, LCRP also counts 'the 34,000 Palestinian refugees from Syria, 35,000 Lebanese returnees and a pre-existing population of

more than 277,985 Palestine refugees in Lebanon' (LCRP 2018, 8). The United Nations Relief and Works Agency (UNRWA) – a separate UN agency, which particularly deals with Palestinian refugees – estimates the number of registered Palestinian refugees to amounts to 449,957. This number is suspected to be not updated regularly due to the fact that Palestinians do not deregister with the UNRWA for practical and political reasons (UNRWA 2018).³

Regardless of references to official or non-official numbers of refugees, Syrians represent the vast majority of non-citizen population in Lebanon. Refugees live in over 1,700 communities and locations across the country as there are no designated camps for them. More than 76 per cent continue to live below the poverty line, along with 65 per cent of Palestine refugees and 89 per cent of Palestinian refugees from Syria (LCRP 2018, 11–12). All of these highly vulnerable refugee groups mainly rely on humanitarian aid to survive. Three proposed durable solutions – voluntary return, local integration and resettlement – do not work in this case. From 2013 to 2018, the total number of Syrian refugees in Lebanon who have been submitted or departed for resettlement is 70,131, making only around 0.07 per cent of registered Syrian refugees (UNHCR Resettlement 2018). Lebanon shoulders a heavier burden than other hosting countries with respect to the refugee concentration, given its long-term fragile economic performance,⁴ inadequate infrastructure and weak governance capabilities. It is known that it is the country hit hardest by the Syrian war and refugee flows.

Given this background, this chapter aims to explore Lebanon's policy response to the Syrian mass refugee migration from mid-2012 to mid-2018. The chapter addresses the policy changes in the refugee response and reveals the consequences of these changes. With reference to the multi-pattern refugee governance framework, Lebanon's pre-2011 refugee regime demonstrated the features of ad hoc policies that were specifically designed for each refugee group such as Palestinians, Iraqis or smaller groups from Africa (Sudan, Somalia and Ethiopia) on the basis of nationality and the displacement incidence. It used to be based on a temporary protection approach, avoiding the granting of extensive rights. In responding to the initial years of the Syrian refugee crisis, Lebanon did not even adopt an ad hoc policy. Instead, it followed an inaction pattern, referring to the policy of not creating a policy. It had neither structured border control, nor regulated reception/protection fields and it did not invest in integration policies. It only blocked a few undesirable policy options such as the establishment of camps based on its experience with Palestinian refugees. It shifted full responsibility of dealing with Syrian refugees (from registration to aid) to the international humanitarian and local actors – first of all to the UNHCR. However, as the multi-stage model proposes, Lebanon's initial governance pattern reached the critical juncture, as the existing policy pattern did not work and an urgency to transition emerged. Since October 2014, inaction has been replaced by a restrictive and regulative governance mode.

Restrictions are strongly perceptible in the field of border management and reception/protection, while integration is delayed with a strong emphasis on the temporariness of Syrians' stay and the possibility of their return to Syria. Such a change in the governance model aims to dissuade Syrian refugees from accessing Lebanese soil, decrease the numbers of Syrians already in the country and encourage returns to Syria or elsewhere. The tracing of policies shows that characteristics of meta-governance are highly pertinent to the case of Lebanon, as the plethora of national and international actors take up roles in governing the high level of uncertainty embedded in refugee affairs, creating policy paradoxes and co-constitutive policy-shaping processes. Particularly due to the weakness of the Lebanese state's imperative command in the initial stage which took almost five years, municipalities and international humanitarian organizations hold substantial power in refugee governance. However, at the end, the Lebanese state reasserted its power over policy-shaping in general, which has been exemplified in the discussions around labelling, registering and returning of Syrians after 2015.

This chapter first summarizes the political structure of Lebanon, its historical relations with Syria and the policy paralysis situation in the first years of the Syrian crisis to lay the context of policy-shaping. Then, it moves to review incoming and outgoing migration patterns of Lebanon with a specific focus on the national refugee regime before the Syrian mass flow started. The following section addresses the initial response, which is called inaction policies in the period between 2011 and autumn 2014. Subsequently, the chapter explains the critical juncture, when policies need to change, due to the growing pressure over resources and concerns about the protracted stay of Syrians. The following section examines the characteristics of governance and actual implementations in the protracted stage, defining them as restrictive regulative patterns. This chapter concludes with addressing the consequences of policy changes over the refugees' access to rights and opportunities in Lebanon.

Political structure of Lebanon and pre-2011 relations with Syria

After the French Mandate for Syria and Lebanon as of 1920 and gaining full independence in 1943, a consociational democracy was established in Lebanon, which combined 'republican, representative, parliamentary, democratic liberal and confessional characteristics' (Picard 2002; Majzoub 2002, 250–256). The complex political system is designed as a remedy to the country's deeply divided societal structure along ethnic, religious and sectarian lines. The most recent demographic study conducted in 2011 by Statistics Lebanon – a Beirut-based research firm – indicated that 27 per cent of the population are Sunni Muslim, 27 per cent Shia Muslim, 21 per cent Maronite Christian, 8 per cent Greek Orthodox, 5 per cent Druze and 4 per

cent Greek Catholic, with the remaining 7 per cent belonging to smaller Christian denominations and other religious groups (Religious Freedom Report 2011).⁵

Lebanon's ethno-religious fabric has direct reflections on the political system, called a corporate consociational system (Kerr 2012). The Lebanese constitution⁶ – dating back to 1926 – requires Christians and Muslims to be equally represented in parliament, the cabinet and high-level civil service positions as well as a proportional representation among geographic regions. The 1943 *National Pact* shapes the post-independence confessional politics and stipulates that the president must be Maronite Christian and the prime minister Sunni Muslim, while the speaker of parliament must be Shia Muslim (Religious Freedom Report 2011). The constitutional and then pact-based provisions for the distribution of political power and positions are designed to establish equality between Christians and Muslims, to improve internal unity within Lebanon and to prevent a single confessional group from gaining a dominant position. This pact also committed to ensure 'Lebanese unity vis-à-vis the outside world, mainly Syria (the major actor in Lebanon's regional order) and France (the major colonial power in Syria and Lebanon)' (El-Khazen 1991). Nevertheless, competitions for political power and pertinent deadlocks in the system have been inevitable parts of Lebanese political life since its establishment.

Historically, Lebanon can be said to be in a constant state of emergency. Due to its close proximity to the two occupying forces – Israel and Syria – Lebanon is at a constant risk of becoming a battleground for wider, regional conflicts. Invasions, political violence and civil strife have been recurrent since the start of the civil war in 1975, which was followed by the Syrian military intervention to Lebanon in 1976, the Israeli invasions of the country in 1978 and 1982, the war against the Israeli occupation of Southern Lebanon, the Operation Grapes of Wrath (1996), the July War (2006) and the Nahr Al Bared crisis (2007). Fifteen years of civil war ended in 1989 with the internationally brokered Taif Accords that revised some of the power-sharing provisions laid in the 1943 *National Pact*⁷ and granted Syria the 'official guarantor of the peace', status that resulted in the Syrian regime assuming de facto political and military control of Lebanon (Berti and Lee 2014, 95). In 1992, the Treaty of Brotherhood, Cooperation and Coordination between Lebanon and Syria served to enshrine the continuation of Syria's influence over Lebanon, including Syrian military presence, which had been established in 1976. In this era, Lebanon's politicians maintained either a cooperative or antagonistic stance towards Syria (Thibos 2014, 2). In 2004, the UN Security Council Resolution 1559 made a call for Syria to withdraw from Lebanon. The assassination of former Lebanese Prime Minister Rafik Hariri in February 2005 led to a Lebanese uprising, known as Cedar Revolution, against the Syrian presence in Lebanon. On the one hand, this resulted in the withdrawal of Syrian troops, but on the other hand, some uprisings were also further polarized by the Lebanese

political elites that gradually caused a situation of policy paralysis. Overall, the Syria–Lebanon relations are based on a complex and tense historical background (Atallah and Mahdi 2017, 10).

Within this tense context, Syria has always been a challenging neighbour for Lebanon and the fleeing of displaced Syrians to Lebanon emerged as a politically and economically divisive issue from the very beginning. The Syrian crisis caught Lebanon in a situation of policy paralysis that will be elaborated in the subsequent section.

'Policy paralysis' of Lebanon

Right after 2005, Lebanon's main political forces gathered in two key political fronts named the March 14 Alliance and the March 8 Alliance and organized large demonstrations in favour of and against Syria's withdrawal (Daher 2016). The March 14 camp⁸ views Syria as the perpetrator of Hariri's assassination and has an anti-Syrian stance, backed by countries like the United States and France, while the March 8 camp supports Syria's extensive role in Lebanon and is backed by Iran (Knudsen and Kerr 2012).⁹ Acute political divisions brought Lebanon's institutions to a gradual state of stalemate and finally created policy paralysis in 2011.¹⁰

From a public governance perspective, policy paralysis refers to a situation where government is 'unable to create or implement policy programs' (Amy 1983, 345; Tambulasi 2011, 335). More specifically, it describes a situation where important laws, reforms and policies are not enacted in a timely manner because of the lack of commitment on part of the government and the inability of the government to reach a consensus over the correct form and time. Also, policy paralysis appears where despite the presence of a policy, it is not acted upon or implemented to achieve the desired ends. According to Wilensky, 'the indicators of policy paralysis include (a) both elites and masses favouring a policy or program, (b) other countries that have acted successfully, and (c) no action for the country concerned' (Wilensky 2002, 693). As Tambulasi cited from Tor Hernes (2005) 'policy paralysis is not an inherent phenomenon but a "contingent condition" triggered by various factors, key to which are institutions' (Tambulasi 2011, 336).

Lebanon has experienced chronic policy paralysis due to the combination of factors including a delicate political system, internal deadlocks and external regional threats to its security and stability. Subsequent governments demonstrated limited motivation and ability to initiate coherent and long-term policies that would appease all domestic groups. Rather, governments are more likely to introduce ad hoc policies that would not change status quo or avoid full implementation of policies (Carpi 2014, 404). This behaviour generates mistrust in a generalized notion of politics and its potentiality for making positive changes. While the central state suffers from deeply rooted corruption and semi-dysfunctional institutions, many

non-state actors ranging from political parties to municipalities, national and international non-governmental organizations (NGOs), civil society organizations and faith groups perform as the state, in order to fill the existing gap by providing social welfare, protection and safety to various communities and carrying out development activities at local levels (Mouzahem 2016; Carpi 2014, 406–407).

Given this context, Lebanon was mainly preoccupied with it and remained calm during the early years of the Arab Spring revolts; yet, a spill-over of uprising in Syria fed the country's divisions that would worsen the paralysis (Fakhoury 2015; Salem 2012). As noted below, during the Syrian civil war,

Lebanon is ever-more polarized between pro- and anti-Syrian supporters due to the pre-existing political and increasingly sectarian cleavage. The steady rise in internal violence boosted domestic Salafi-jihadist groups and overall led to renewed political and societal instability.

(Berti and Lee 2014, 100)

The leaders of the March 14 Alliance supported forces fighting against the Syria's Assad regime materially and politically and called for an intervention to overthrow the regime; the March 8 Alliance leaders called for a political resolution that would preserve stability and the status quo that favoured them in Syria, Lebanese Party Hezbollah fought with Assad forces against the armed opposition groups (Lebanon Support 2015, 14; Makdisi 2015, 202–205). On the other hand, the government led by Najib Mikati (June 2011–March 2013) tried to play a delicate balancing game in order to protect his country from fallouts from the Syrian civil war. Calling it a disassociation policy, the government refrained from participating in any international sanctions or condemnations against the Syrian regime, referring to all its own problems as 'internal matters' (Constantine 2012). Mikati publicly expressed the country's dilemma stating that: 'taking a position [against Syria] would hurt our geopolitical interests, while being against Arabs would force us to lose in several ways' (Daily Star 2012). As expected, the disassociation policy failed and Mikati resigned in early 2013 due to the intensifying pressure between the March 8 and March 14 Alliances.

The recurring policy paralysis situation reached its peak when the government was not able to be formed within one year. Finally, the independent candidate Tammam Salam formed the government in February 2014 in his role of prime minister. Afterwards, the presidential post remained vacant for a two and half years (May 2014–October 2016), despite election attempts in 45 previous sessions of the parliament. The Cabinet, which was divided along pro- and anti-Syria lines, was unable to make any progress, while the parliament lacked sufficient consensus in order to convene to discuss key legislations. Meanwhile, the unity of the Lebanese

Armed Forces (LAF), which used to be the most trusted institution in Lebanon, came under increasing strain because of allegedly favouring Hezbollah and the Shiite community over Sunnis as well as contributing to spread violence across the country (Yacoubian 2014, 3). In the words of the Prime Minister Tammam Salam in August 2015 in a television speech, 'I warn we are moving towards collapse if matters continue' (Schmitt 2016). Finally, Michel Aoun was elected as the president on 31 October 2016 with the support of Hezbollah (Hashem 2016). Under President Michel Aoun, Prime Minister Saad Hariri managed to form the first national consensus government in December 2016, despite differences that erupted between the major blocs over the number of ministers and their responsibilities.

In this era of political vacuum, although the elites and masses favoured policies to strengthen stability and security, limited action was taken to tackle the country's accumulating problems. Most policy issues have been neglected or shelved despite deteriorating socio-economic and public services conditions (Makdisi 2015, 34). The government was unable to address issues like poverty and development as well, as it acted very slowly in improving basic infrastructure services such as water, electricity and garbage services (Lebanon Support 2015, 15). War in neighbouring Syria and a steady influx of more than 1 million Syrian refugees did not help to overcome paralysis easily (Lebanon 2015). When the President Aoun government took office, there were many other pressing matters that required urgent action to the detriment of the refugee issue (LCPS 2016, 4).

The policy paralysis reflected the stance towards Syrian refugees. The Lebanese government acted carefully, slowly and inadequately in policy-making in initial years. The route of inadequate policy-making was taken to maintain the status quo. All these pushed Lebanon to follow up mainly inaction in refugee governance that will be discussed in detail below. Before moving this discussion, it is important to review country's national migration and refugee legislation, previous migration ties with Syria and Palestinian refugee experience that provided a frame for inaction addressing the Syrian mass refugee movement.

Background of migration in Lebanon and national refugee regime

Lebanon can be characterized as a source, destination and transit country for migration flows. As a source country, it estimates 990,000 Lebanese to have left the country, accounting for 40 per cent of the total population during the civil war (Tabar 2009, 9). The war in July 2006 led to the displacement of around 1 million Lebanese in southern regions and the suburbs of Beirut. During this massive displacement, 180,000 people found refuge in Syria where its government pursued an open-door policy and worked to provide shelter and relief to Lebanese displaced person(s) (Murphy 2006). Soon after the ceasefire, many displaced Lebanese returned to their homes.

Lebanon is also a destination country for labour migrants. Since 1943, many Syrian workers have migrated to serve in the agriculture, construction and service sectors of Lebanon. Several bilateral agreements were signed to facilitate the access to work between Syria and Lebanon, such as the Economic and Social Cooperation and Coordination Agreement in 1993 that enforces 'freedom of person between both countries' (Agreement 1993). This agreement also ensures 'the freedom to stay, work, employ and practice economic activity in conformity with the laws and regulations in force in each country' (Agreement 1993). Before the crisis in 2011, the rough estimate of the number of Syrian migrants in Lebanon varies between 100,000 to 1 million, since no official records are kept on the migrant population (Murphy 2006). For example, the Senior Protection Officer for UNHCR in Beirut reported that: 'even before the conflict according to some of the rumours whereas many 700,000 Syrians were staying in this country. There were Syrians coming in and out all the time as well.'¹¹ A director of an international NGO which has been active in the country for a long time seems to be sure that there had been 1 million Syrian workers who went back and forth.¹² In addition to large numbers of Syrian workers, migrant workers from Ethiopia, Egypt, Sri Lanka, India, Vietnam, the Philippines and elsewhere have been coming to Lebanon as a consequence of the country's *laissez-faire* (flexible) labour-market policy and the contract-labour work system (Murphy 2006). It is widely reported that more than 250,000 female migrants from South Asia work as domestic workers, others work in construction and the service sector.

Lebanon has been a refugee receiving country historically as well. Many people – often those from minority groups – fleeing religious mistreatment and ethnic discrimination in neighbouring states such as Armenians, Kurds and Christians had experienced have sought refuge on the Lebanese territory since the nineteenth century. The largest refugee wave to Lebanon occurred after the Second World War with Palestinians entering the country – similar to what Jordan and Syria experienced. Since their arrival, relations between Lebanese authorities and Palestinian refugees have been tense due to security reasons; the Palestinian refugee camps were particularly seen as a security weakness that could blast at any time. This fear has historical roots: since the mid-1960s, the camps in Lebanon became the centre of the Palestinian nationalism and resistance against the Israeli state. The 1969 Cairo Agreement,¹³ which was signed between the Lebanese government and the Palestinian Liberation Organization (PLO) delegation, passed control over the 16 Palestinian refugee camps from the Lebanese Armed Forces to the Palestinian Armed Struggle Command. The agreement laid down a virtual autonomy (state-within-a-state) in Southern Lebanon to camps and made them into enclaves out of reach of Lebanese law. Thus, the PLO was allowed to operate in refugee camps and to train, arm and recruit fighters, using Lebanese territory as its base for military attacks against Israel. Military activities continued in the camps in parallel to the ongoing

Israel–Palestinian conflict and to Israel's invasion of Lebanon (1982–2000). In order to extend Lebanese state authority and to restore law in the camps, the Lebanese parliament revoked the Cairo Agreement of 1987 (Hanafi 2008, 86). Despite the state's attempts at the disarmament of camps in 1991, significant arms caches remained and the armed groups continued their activities. Some groups such as Hamas and Islamic Jihad located themselves primarily within Palestinian nationalist space, while Salafi-Jihadist groups moved into the realm of global Islamic insurgency particularly associated with Al-Qaeda networks (Norton 1998, 154; Rougier 2007, 4). Some camps like Ain al-Hilwah, the largest one in Southern Lebanon, reportedly turned into a teeming recruiting ground for Al-Qaeda currents in Lebanon (Saab and Magnus 2007, 837). It's not a coincidence that this camp is also the most impoverished and radical refugee camp in the country which hosts more than a dozen militant factions which are all competing for influence inside the camp. Nevertheless, it is quite important to note that: 'salafist jihadism in Lebanon is not exclusively a Palestinian phenomenon and that its universe is not limited to the Palestinian refugee camps' (Saab and Magnus 2007, 825–826). It has also attracted a large number of Lebanese followers from early 1998 and intensified after the 2003 Iraq War (Saab and Magnus 2007, 825–826).

Given this background, in parallel with the politically volatile post-civil war conditions, Lebanese security forces tried to implement strict surveillance and controls over camps and targeted several Salafi-Jihadist groups in and outside of camps. The Lebanese army was first confronted with Salafi-Jihadist groups in December 1999 in a six-day insurgency in Tripoli in Northern Lebanon and claimed the lives of 11 soldiers, five civilians and 15 militants (Saab and Magnus 2007, 833). Since then, Salafi-Jihadist groups have reportedly been involved in series of assassinations, counter-assassinations and suicide bombings targeting politicians, spiritual figures, military officials, judges, civilians from various Lebanese sects/communities (also among Palestinians) and attacks against state institutions, several embassies and shops in Beirut (Saab and Magnus 2007).

The Lebanese state's unwillingness to provide services for Palestinian refugees and the intentional delays for the introduction of comprehensive policies have worsened their problems of residency, employment and access to government services such as health and education. Lebanon is committed to providing Palestinians with access to basic rights due to the international treaties and in particular, the 1965 Casablanca Protocol for the Treatment of Palestinians in Arab States signed by Lebanon, however, Palestinian refugees are treated by Lebanese law as a 'special category of foreigners' as they are not applicable to the reciprocity principle in the absence of a formally recognized Palestinian state (Refugee Studies Centre 2010; Saghieh and Nammour 2017). Palestinians are not allowed to work in more than 20 professions and they are not able to claim the same rights as foreigners who work and live in Lebanon (UNRWA 2014). Discriminatory restrictions on

access to the labour market made self-sufficiency and the empowerment of Palestinians difficult, pushing them to multiple deprivations and extreme poverty (Jones and Ksaifi 2016). The nationality laws remain strict, since children born to Lebanese mothers and foreign fathers are not granted citizenship; if their father is Palestinian, they end up being stateless.¹⁴ Lebanon rejects discussing naturalization for Palestinians, claiming that the latter should harm Palestinians' right of return and that any future naturalization would risk disturbing Lebanon's delicate confessional balance (MPC Team 2013, 6; Christophersen et al. 2013, 51). As Sari Hanafi correctly states, 'in a deeply divided political and sectarian context, the only common ground between various Lebanese political parties is that permanent settlement of Palestinians is a taboo' (Hanafi 2014, 591). All attempts aim to reduce the size of the Palestinian population in Lebanon. Nevertheless, a limited number of Palestinian refugees have been naturalized by governmental decrees. It illustrates that: 'there is a politicization of naturalization that can be done depending on who is in authority in the country.'¹⁵ Overall, as Palestinian refugees' legal status remains precarious, they confront many hurdles in accessing limitedly granted social, civil and economic rights.

In addition to Palestinians, Lebanon also hosted other groups of displaced people. In the 1990s and 2000s, the wars in Iraq forced thousands of Iraqis to flee to Lebanon. The number of Iraqi refugees reached around 40,000–50,000 in mid-2005. Accordingly, the UNHCR granted them *prima facie* (groups based) refugee status (Danish Refugee Council 2005; Trad and Frangieh 2007). Wars in Somalia and Sudan also caused refugee flows to Lebanon. Data on the numbers of Somalis and Sudanese refugees are not available as many either have not registered or have prolonged their stay in Lebanon with an expired worker visa. The estimates range between 400 and 1,000 for each nationality. Many of them stayed in Lebanon only temporarily and used it as a transit point for their further journey to Europe via the Mediterranean Sea (Dorai and Clochard, 2006). Given this background, it is of importance to reveal how the country built its refugee regime.

Lebanon's national refugee governance and its connections with the international refugee regime

Although Lebanon has always been at the frontline of the regional human mobility dynamics, it developed neither a full-fledged national migration law nor a centrally organized national migration governance system. The country's first regulatory document on migrants, refugees and asylum seekers was the 1962 Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country (Law of Entry and Exit).¹⁶ This law includes provisions addressing irregular immigrants, refugees and asylum seekers, with an emphasis on expulsion and detention regulations. It notes that asylum can be granted to a political refugee if the Committee that is composed of several ministries approves the decision. The same

committee is given authority to cancel the decision of granting asylum at any time (Articles 27–28). The relevant secondary law in 1962 – the Regulating the Status of Foreign Nationals in Lebanon (Order No. 319) – is of importance as it has specific provisions about granting temporary and permanent residence cards to Syrians (Articles 5, 6, 7 and 8).¹⁷ These provisions demonstrate that Syrians are supposed to be legally treated differently than other foreign nationals and they have extended privileges to get Lebanese residence cards easily in Lebanon.

Despite refugee hosting experience with both Palestinians and non-Palestinians, Lebanon avoids adopting the core international refugee instrument – the 1951 Refugee Convention and its Additional Protocols in 1967. This means that Lebanon rejects the international refugee law regime. Similar to other Middle Eastern states, it was reluctant to ratify the Convention because it was concerned that ratification might mean approval of the role of the ‘country of asylum’ in general, and the approval of ‘UNHCR’s proposal about local integration or resettlement for Palestinians at the expense of Palestinians’ right of return’ in particular (Hanafi 2014, 591; Janmyr 2017a, 1). In a recent article, Janmyr poses four plausible explanations on why Lebanon specifically rejects to ratify the Convention. The first reason of rejection is the presence of ‘a widespread and real, or simply politically expedient, uncertainty as to the obligations that come with the Convention’ such as the permanent settlement of refugees on Lebanese territory (Janmyr 2017a, 1). The second one is that rejection enables Lebanon to shift all responsibility (burden) of refugees to the UNHCR. The third is pertinent to the concern that the Lebanese state does not want to ‘violate the good neighbourhood principle’ by granting a refugee status (also relevant rights) in a very sensitive geopolitical context in which the refugees can belong to the opposition groups in the neighbouring country (Janmyr 2017a, 1). Finally, Lebanese policy makers do not view Lebanon’s accession to the Convention as a must-do (necessary) act as the country has signed many other international human rights law instruments that constitutionally are placed over national law. Policy makers claimed that Lebanon respects all these principles and even voluntarily offers more protection to refugees than the Convention or other signatory countries offer (Janmyr 2017a, 26). Moreover, the current crisis of the refugee regime sparked with the mix migration flows arrival to Europe in 2015 made Lebanese policy makers question the necessity or relevance of international refugee law instruments such as the Convention.

It is a fact that Lebanon is bound by other UN human rights bodies as well as the key facet of international refugee law which is a non-refoulement principle that forbids the rejection of people to places where they must fear for their life and freedom, and risk of being persecuted, tortured, or exposed to inhuman or degrading treatment or punishment (UNHCR 2013). Despite the reluctance to sign the Convention, Lebanon is hailed by the international community for generously hosting sheer numbers of

refugees. It also 'engaged actively in the establishment of the international refugee regime' (Janmyr 2017a, 1). It has been a member of UNHCR's Executive Committee since 1963 and it has hosted large numbers of refugees on its territory, thereby respecting the non-refoulement principle (Janmyr 2017a, 27).

The institutional relationship between Lebanon and the agencies of the international refugee regime has been established in the light of the protracted Palestinian displacement in the 1940s. Since 1948, following the Arab-Israeli conflict, the UNRWA has had a specific mandate to provide services to Palestinians refugees across the region. It is the subsidiary organ of the UN's General Assembly and is committed to supporting Palestinian refugees in five locations: Syria, Lebanon, Jordan, Gaza and West Bank. The Lebanese state collaborated with the UNRWA. The Department of Palestinian Refugee Affairs (DPRA), which is under the authority of the Ministry of Interior, is responsible 'for the designation of areas as camps, register refugees, review passport requests before transferring them to Directorate General for General Security, registration or approval of civic matters (birth, marriage, divorce, death, change of residence).' It also holds discretionary power to accept or refuse the transfer of financial aid for refugees from abroad.¹⁸ The humanitarian aid service needs of Palestinians are left to the UNRWA entirely.

The UNHCR has been allowed to operate in the country since 1963 (Murphy 2006; Janmyr 2017a). It established an office in Beirut in the 1980s to keep a close watch over non-Palestinian refugees and asylum seekers (Murphy 2006). Although there were many reported cases of arrest, detention and deportation of asylum seekers who are identified as illegal entrants according to Lebanese law, the UNHCR was not able to put pressure on the Lebanese state (UNHCR 2004). As expressed by Janmyr (2017a, 27), 'UNHCR has chosen to adopt a "pragmatic but principled" approach to avoid pressuring Lebanon into ratifying international refugee law instruments' (Janmyr 2017a, 7). The UNHCR accepted the fact that Lebanon's access to the Convention 'is not an immediate option due to a variety of constraints' related to its 'sensitive demographic and socio-economic balance' – in relation with the Palestinian refugee heritage (Janmyr 2017a, 7). The UNHCR adopted a flexible approach by avoiding the label of 'refugee' to displaced people fleeing to Lebanon (Janmyr 2017a, 8). Alternatively, the UNHCR has tried to respect the local views on asylum and has sought ways in which to work closely with Lebanon to open protection spaces for these displaced people in the region. It treated each refugee crisis separately and has organized its operations in accordance with the sensitivities of the country.¹⁹

Triggered by detention and repatriation cases initiated by Lebanon's General Security Office (GSO) in responding to the Iraqi refugee flow in the early 2000s, the UNHCR signed a Memorandum of Understanding (MoU) with the GSO in September 2003 (UNHCR 2003). This MoU seems the

most critical structured collaboration way for the UNHCR. Since then, the UNHCR has taken the almost full responsibility for assisting and protection the refugees (non-Palestinians) in Lebanon (Janmyr 2017a). The MoU delegated the UNHCR authority to conduct registration, documentation and refugee status determination (RSD) for asylum seekers in the country in addition to provision of nutrition, livelihood, medical and educational assistance (UNHCR 2004). The signing of the MoU with the GSO and its content – which shifts entire burden to UNHCR – highlighted two building blocks (central principles) of Lebanon's national refugee regime. First, Lebanon does not accept the role of country of asylum and instead positions itself as a country for temporary refuge; second, Lebanon externalizes the refugee protection to the international community. In the words of a protection officer from UNHCR Beirut Bureau,

the MoU reflects at least an outlook from the government. It views that refugees would be something small, something that can be contained and something that is entirely relying on the international community to solve the problems.²⁰

The MoU formally ensures the right of asylum seekers to remain in Lebanon until the UNHCR is able to find durable solutions such as repatriation or resettlement of refugees to a third country. The content of the MoU specifies that 'asylum seeker' means a 'person seeking asylum in a country other than Lebanon', acknowledging Lebanon's assertion of not being an asylum country (Janmyr 2016, 10). Informed by the UNHCR about asylum seeking applications, GSO issues temporary residence permits to asylum seekers, normally for three months (up to six–nine months), during which the asylum claim is reviewed and resettlement is under process. The designs of the MoU were clear on the aspect that refugee registration, RSD and resettlements are not able to occur within the 12-month period; actually, they did rarely occur (Human Rights Watch 2015). Even if the UNHCR's several offices in Lebanon completed registration and RSC, they were not able to resettle refugees to safe third countries in such a short time period as the UNHCR has not the capacity and authority on resettlement countries (Janmyr 2017b, 3). Moreover, the MoU of 2003 was designed to deal with individual asylum-seeking cases but not with mass flows of refugees, although the latter case has been what Lebanon often was confronted with due to its geographical situation.

As a consequence, the commitments set in the MoU were unachievable from the very beginning and each refugee crisis has proved that it is not adequate to meet the protection needs of asylum seekers arriving to Lebanon. For example, in the cases of Iraqi refugees, the MoU gave the UNHCR the right to adopt temporary protection measures (non-refoulement and basic rights) in Jordan, Syria and Lebanon, where the majority of Iraqis sought refuge in the 2000s. Iraqis were not individually

interviewed for RSD and were not included in the resettlement schemes, except for very vulnerable cases (UNHCR 2007). These processes resulted in the recognition of only 561 Iraqi nationals as refugees under the MoU by the end of 2006, while only 2,356 individuals received UNHCR asylum seeker certificates in Lebanon out of 40,000–50,000 Iraqis (Danish Refugee Council 2005; Trad and Frangieh 2007). As a response to increasing Iraqi arrivals, the UNHCR granted a *prima facie* status to all Iraqi nationals from central and southern Iraq. However, the Lebanese state did not recognize decisions of the UNHCR's on temporary protection and a *prima facie* status in order to hold its discretion power of labelling Iraqis as irregular migrants. This precarity has given Lebanon a space to act on its interests, in case of confrontation with a security threat from Iraq or Iraqi refugees.

Due to operating in a shaky legal authorization ground in Lebanon, the UNHCR has been long negotiating with Lebanese authorities to update the 2003 MoU. In 2011, the UNHCR proposed a new MoU draft which aimed to fix key protection gaps that had emerged in the 2003 version, like issues of 'non-refoulement, refugee status determination, registration, detention and the right of refugees to work' (Janmyr 2017b, 5). However, after a long pending process of the MoU at the Lebanon's Council of Ministers, the draft was not approved due to some sensitivity of issues for the Lebanese part, particularly the clauses on granting working rights to refugees (Janmyr 2017b, 5). Nevertheless, the MoU is still the referred document for addressing the protection needs and for the UNHCR operations targeting Iraqi refugees and refugees from African countries in Lebanon.

Within this context, Lebanon did not have a strongly structured legal framework and institutional body for refugee governance when the mass flow started from Syria. Also, the aforementioned policy paralysis situation in general due to the Lebanese domestic deadlock made the policy-shaping almost impossible for Lebanese authorities. Therefore, Lebanon did not have many policy options. It could either resist entries or embark on inaction, in other words: the policy of not creating a policy. Due to previously tense relations with Syria, socio-economic links and considering the fleeing as temporary, Lebanon was not willing to pursue the first option. Thus, the second option of inaction was experienced.

Patterns and stages in Lebanon's response to Syrian mass refugee flow

Inaction from mid-2011 to late 2014

Lebanon allowed entry of those fleeing from conflict in Syria via five official border crossings and unofficial crossings along porous borders where the control retained minimal for entries.²¹ The first flow in April 2011 consisted of around 5,000 Syrians (Janmyr 2017b, 3). Respecting the pre-crisis regulations, such as the 1993 Bilateral Agreement for Economic and Social

Cooperation and Coordination, Lebanese authorities continued to allow Syrians with an identity card or passport to enter the country without issuing a visa requirement (SNAP 2013; Saghie and Frangieh 2014). Also, due to this agreement, many Syrians, who had been involved in seasonal working in Lebanon and had engaged in cross-border mobility, brought their families from Syria to Lebanon. Possessing entry coupons and stamps at the border were adequate to be granted a free-of-charge residency permit for a period of six months and the right to renew their residencies for additional six months nearly without any additional fee (Bobseine 2016). These regulations remained unchallenged even though Syrians, at one point, started to cross the Lebanese border in large numbers. These Lebanese practices became known as an open-door policy as the country did not impose preventive border control measures. However, the open-door policy was selective. Palestinian refugees fleeing from Syria (PRS) have been subjected to a different treatment as they have been entitled to only a 7–15-day visa (renewable up to three months, free of charge) (Bobseine 2016). Although PRS experienced the secondary displacement and were very vulnerable, compared to Syrians, obviously, Lebanon showed less tolerance towards them. Lebanon's restrictions on PRS are related to the country's long-standing attempt to decrease the size of the Palestinian population in the country for political reasons (Erakat 2014). At a later stage, the Lebanese authorities even started to impose restrictions on the entry of PRS, by asking for a valid pre-approved visa, which required an application made by a guarantor.

In general, border entry procedures were not difficult for Syrians particularly until 2014 (Chaaban et al. 2010). However, at the same time, there were critical voices from the government such as that of Gebral Basil who warned that refugees 'threaten Lebanon's existence' and Lebanon 'should stop receiving refugees with the exception of those who need health care' (Daily Star 2013). In only one year, in April 2014, the number of registered refugees in Lebanon reached 1 million, which was considered as an alarming scale. As a response to this critical juncture in terms of sheer numbers, in May 2014, the Lebanese government started to put in place new entry requirements, signalling the transition from the inaction governance pattern to the regulative pattern. The regulations started with border controls and were extended to the fields of registration and protection. While initially, Lebanon first fully closed the border to all PRS, the closures also targeted Syrians in October 2014 (Amnesty International 2014).

With reference to the reception in the first stage of response, the following features of registration and categorizations were observable. The Lebanese state was not eager to regularly register Syrians who arrived in the country, considering that it often was only a temporary case in which they would return soon. After 2012, registrations gradually started to be made by municipalities and the UNHCR offices. Based on these registrations, the GSO, affiliated with the Ministry of Interior, granted residency permits to

Syrians. However, the registration of the UNHCR was not mandatory to get aid and protection remained voluntary. There were many refugees who were not registered at all due to grounded fears.

In terms of legal categorizations or labelling, conflict-induced fleeing from Syria would be a mass refugee flow of people seeking refuge. Lebanon intentionally avoided using the word of *laji* (refugee) and instead it preferred to call individuals who fled from Syria to Lebanon and those who cannot return after March 2011 as *nazih* (displaced) (Saghieh and Frangieh 2014). The Lebanese state applied the term displaced to all Syrian refugees, including PRS, registered and unregistered Syrian nationals as well as persons registered as refugees by the UNHCR (LCRP 2015). However, the term of displaced is quite vague since these people were not only displaced, but had also crossed international borders, making them refugees.

From the perspective of the UNHCR, almost all Syrians fleeing to Lebanon deserved the *prima facie* refugee category of the UNHCR that meant: ‘when dire situations, such as internal conflicts, result in large influxes of people fleeing their country, the Convention regards each member of that population as a *prima facie* refugee’ (UNHCR 2016c). However, the UNHCR did not explicitly declare *prima facie* refugee status for Syrians in Lebanon (Janmyr 2017b, 8). Despite this, its practices and its statement at the Lebanese Crisis Response Plan (2017–2020) confirm the *prima facie* refugee approach by not calling it as such but instead using a more cautionary terminology with the term of ‘refugee movement’ (Janmyr 2017b, 8). This official document collaboratively prepared by the Lebanese state and the UNHCR asserts that: ‘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’ (LCRP 2018, 4). However, the term of ‘refugee movement does not have an established meaning under international law and does not require refugee status determination’ (Janmyr 2016, 10). It should be noted that despite terminological differences, ‘UNHCR’s registration processes of Syrians in Lebanon is also similar to other procedures of *prima facie* refugee status determination elsewhere’ (Janmyr 2016, 11). In practice, the UNHCR merged the practice of the refugee status determination and resettlement procedures in the case of Syrians in Lebanon, meaning that status determination only occurred for the purposes of resettlement procedures, which are in fact very limited (Janmyr 2016, 11).

From the perspective of the Lebanese state, these differences were not that important as the country never adopted this international *prima facie* refugee status of the UNHCR (Janmyr 2016, 10). After 2016, the more meticulous term started to be used: temporarily displaced individuals (LCRP 2018, 4). The labelling of Syrians as (temporary) displaced is less binding for the Lebanese state than the label of refugee.

Actors involved in refugee governance

With reference to the national institutional dimension of refugee governance, there is a highly fragmented structure. The Government of Lebanon is supposed to be the highest authority to develop a refugee response. The Inter-Ministerial Committee on Displaced mandated the Ministry of Social Affairs to oversee the response to the crisis and build partnerships with the donor community (LCRP 2018, 9). The Ministry of Foreign Affairs and Emigrants is supposed to deal with borders, donors and an international legal framework for refugees. The Ministry of Interior and Internal Security, particularly its affiliated department GSO has an authority for issuing residency permits and dealing with public order. The Ministry of Education and Higher Education, Labour, Energy and Water, Municipalities are involved in governance in accordance with their service domains. Also, there is another ministry, called the Ministry of Displaced, which was originally established to deal with Palestinian refugees. This ministry remained largely inactive in Syrian refugee affairs.

However, as almost all interviewees noted, Lebanon experienced paralysis with regards to policies, governance and coordination. None of these state institutions took a leading role. To tackle the refugee challenge, the government prepared a response plan on 3 December 2012, but the plan was never adopted because Prime Minister Najib Mikati resigned and the new cabinet failed to adopt the plan (Boustani 2014). The country did not have a national response strategy until 2015. Furthermore, the government did not play a dominant role in the initial stage of refugee governance. It played neither a leadership nor a coordinator role among the several actors such as state departments, United Nations Agencies, transnational humanitarian organisations (INGOs), local NGOs and networks and others (Arab 2016). Each of them acted independently and formed their own coordination networks. After 2015, the GSO became more powerful in intervening in refugee affairs through establishing border controls, checks in urban areas, registrations, detentions and relocations of Syrians.

Despite general policy paralysis in the initial stage, the most centralist policy stance was demonstrated in not allowing the forming of new refugee camps for Syrians. The government blocked the establishment of refugee camps, although there were some government representatives who were in favour of establishing camps to manage the amount of currently present refugees (Boustani et al. 2016; LCPS 2016, 4–5). On the other hand, Lebanon 'won significant praise from human rights groups and UNHCR for its open borders and non-encampment policy' (Arab 2016, 2).

In the case of Lebanon, the most important actors involved in policy-shaping were municipalities due to the country's commitment to decentralization²² and the fact that the central government avoided adopting policies or monitoring how actors deal with the Syrian refugee affairs on the ground locally. The municipalities played a crucial role and held substantial power

for public policies, although they were ‘constrained administratively and fiscally’ because the central government monopolized regional and local powers (Arab 2016, 4). Municipalities enjoyed autonomy in their involvement in refugee governance due to the lack of central government interventions. Municipalities often served as the first point of reference for legal and social issues after the arrival of displaced Syrians in Lebanon (Lebanon Support 2015, 20). They also took up the positions as the implementing partners of international humanitarian organizations, including UN agencies and transitional NGOs. Municipalities addressed Syrian refugee needs by ‘registering new arrivals, maintaining security, ensuring adequate and sufficient water, electricity and sanitation services, facilitating shelter by providing housing assistance, as well as preventing and mediating community tensions’ (Policy Brief 2014, 4). Although the central government did not allow the establishment of refugee camps for Syrians, some Syrians were allowed to settle in Palestinian camps, while some others established informal tented settlements and small camps. These new camps and unregulated settlements needed water, sewage, electricity and security provision that fell under the service domain of the respective municipalities. All of these challenging tasks put more pressure on the already strained municipal systems. The funding of municipality services and the survival of development projects in the case of increased (in some cases doubled) municipality population appeared as the most significant problem for the policy shapers of municipalities. Due to these challenges, some municipalities such as the Qub Elias Municipality independently enacted the limitation of the number of displaced Syrians that the municipality could handle by introducing a maximum number; finally, they decided to not allow any more Syrians to enter the municipality. The same municipality also made the decision to stop any unregulated settlements of Syrians – which are called ‘camps’ by the municipality representatives – on public lands (LCSP 2016, 9). The aid distribution of UN agencies and civil society organizations as well as all their activities targeting Syrians residing in those ‘camps’ were required to get permission from the municipality officers. It was stated that: ‘aid must pass through the municipality and be suitable for long-term projects that benefit Lebanese first and Syrians second’ (LCSP 2016, 10). Also, the municipality created specific security restrictions for Syrians, such as ‘in the event of a breach of security by an individual in any camp [unregulated settlement], then the camp as a whole would bear responsibility’ (LCSP 2016, 9). Similarly, the Municipality of Zgharta-Ehden collected information about Syrian refugees, mapped the respective neighbourhood they reside in and issued cards to them by legitimizing their action for ‘creating a lawful and orderly situation’ and making calls for facilitating the repatriation and the return of Syrians to their homes as soon as the conflict ends (Arab 2016, 6). It is widely reported that municipal councils and mayors imposed curfews only targeting Syrians, claiming security reasons. So, it can be argued that regulations and restrictions in Lebanon towards displaced

Syrians have mainly been structured at the municipal levels by legitimizing them in the absence of a centralist policy scheme. After 2015, the centralist policies became more available, but municipalities continued to hold their power of discretion in managing refugee issues on their municipality borders.

It is also worthwhile to briefly summarize the other main actors in refugee governance such as humanitarian organizations and their interventions. In fact, Lebanon has been a country with a high density of national and international NGOs since 1990 (Lebanon Support 2015, 20). The operations of international NGOs and channelling of donor funding became more intense after the 2006 war and the 2011 Syrian war. There has been limited state regulation over their operations, as the country has been suffering from wars and related structural shortcomings in governance of many sectors. UN agencies and international NGOs took the initial lead in responding to Syrian displacement by first delivering massive amounts of material and non-material aid. Also, international donors funded several projects of local NGOs. But, in the course of the Syrian refugee crisis, the level of aid decreased and donors failed to meet their commitments, disappointing Lebanon, which relied on burden sharing by the international community to cope with the refugee crisis. In line with this, Amnesty International stated that: 'the lack of international support in the form of a meaningful number of resettlement places and financial assistance has almost certainly played a role in Lebanon's decision to impose such significant restrictions on refugees from Syria' (Amnesty International 2015b, 7). In the words of Labour Minister, Sejaan Azzi, 'no aid being offered to Lebanon can compensate for the burden of hosting Syrian refugees, calling on the international community to find a real solution to the crisis' (Daily Star 2016b).

The disappointment and reaction to the neglect of the international community was reflected in the government's order to the UNHCR for stopping registration in 2015. Different narratives of informants give insights about the tension between the UNHCR and the Lebanese state. During the focus group discussion in a policy centre in Beirut, one informant said that: 'they imposed a stop to registration because they closed the border. So what they are practically saying is that "there are no new refugees coming".'²³ Conversely, another informant in the same focus group study noted that it is not just the government but it is also the UNHCR itself, the whole UN, saying that there are no longer any funds.²⁴

However, all this multiplicity of actors and their interventions – mainly independent from the central state, combined with the lack of coordination – created fragmented refugee governance. Along with some other dynamics pertinent to the unfolding of the Syrian crisis and domestic politics, the Lebanese state had to take a more active role in giving up the inaction stage after 2014. This transition had an impact on legal reforms, implementations and institutional designs such as the assignment of a State Ministry for

Displaced (Refugee) Affairs in 2016. However, the problem of fragmented structure was not fully eliminated and became more costly for the lives of refugees. The features of the shift from the inaction to the regulative and restrictive stage will be elaborated in the subsequent section.

Regulative stage from late 2014 to mid-2018

Lebanon's almost three-year-long generosity towards Syrians that was widely commended by the international community gradually came to an end in the last months of 2014. The policy changes did not contain any repressive measures such as the deportation or sealing of borders in its initial formulation, they rather meant control of Syrians' entrance, exit and stay (Saghieh and Frangieh 2014). According to policy makers, the decline in numbers of refugees would be achieved through first, the 'encouragement' of those refugees who registered within the UNHCR to leave for other countries and second, taking measures for preventing entries. This governance mood fits the restrictive regulative pattern identified in the Chapter 3 of this book.

The Lebanese tendency towards a more restrictive stance started with targeting Palestinian refugees from Syria who were denied entry and some of them were deported without trial in spring 2014 (Amnesty International 2014). After closing some unofficial border crossing points in June, the Lebanese authorities announced that only Syrians from the areas bordering Lebanon, where fighting occurred, would be allowed to enter the country (Amnesty International 2014). On 23 October 2014, the cabinet agreed upon new rules – widely referred to as the October policies – for Syrian refugees under the heading 'reducing numbers', and imposed laws concerning '(displaced) foreigners'. The new policy consisted of three main goals. The first was to halt the Syrian refugee inflow at the borders, with the exception of 'humanitarian cases' assessed by the government, while the second was to encourage Syrian nationals in Lebanon to return. The third goal was to formalize, control and monitor Syrians' presence as well as to limit informal employment structures (Lebanon Support 2016, 8–9).

These objectives led to the introduction of concrete restrictive measures about entrance, registration, resident and working permits. In order to regulate entries to the country, the General Directorate of General Security issued a circular²⁵ in the format of a guideline on 31 December 2014, which assigned different lengths of stay and required different supporting documentation depending on the purpose of stay (Bobseine 2016, 1; Refugee Law 2016). Syrians were required to provide the necessary documents under one of seven categories.²⁶ The majority of these categories allowed for entry into Lebanon for a defined period of time, ranging from 24 hours to one month (Lebanon Support 2016, 9–11). Often refugees fleeing from Syria fall under the fourth category for 'entries for those who have been displaced'. However, the same instructions stipulate that: 'no Syrian shall

be permitted to enter as a refugee, in exceptional circumstances, this shall later be determined in coordination with the Ministry of Social Affairs' (Refugee Law 2016). Exceptional circumstances are limited to:

unaccompanied and/or separated children with a parent already registered in Lebanon, persons living with disabilities with a relative already registered in Lebanon, persons with urgent medical needs for whom treatment in Syria is unavailable, and persons who will be resettled in third countries.

(Lebanon Support 2016, 11)

All Syrians who wish to enter Lebanon are required to provide a house pledge confirming their place of residence, a certified attestation that the landlord owns the property and two photographs stamped by the *mukhtar* (the administrative head of the village or neighbourhood).

Not only entries, but also registrations and stays were attempted to be regulated starting in 2015. Residency permits were put under control and their renewal necessitates strict bureaucratic procedures. Syrians who wanted to obtain a residency permit needed to show a legally valid lease contract for rental property and a 'pledge of responsibility' signed by a Lebanese sponsor (can be a Lebanese national or a Lebanese employer) who commits to obtain a work permit for the Syrian individual or group of Syrians, or to sponsor and host a family (Lebanon Support 2016, 14). The employer or sponsor is supposed to work in previously limited realms – such as agriculture, construction, environment or cleaning – defined by a regulation of the Ministry of Labour in 2013 (Lebanon Support 2016, 11). All Syrians (both registered by the UNHCR and those who are not) aged over 15 are required to pay high costs each year to renew their permits for six months and provide a range of documents. Syrians holding UNHCR certificates are asked to provide a notarized commitment not to seek employment (Refugee Law 2016). Also, any Syrian who has to go back to Syria, for example, to pick up their child, to check the home or property, automatically loses his/her refugee status.²⁷ It is important to reveal how these regulations on paper have been implemented in practice.

Enforcement and consequences of regulatory restrictive policies

The Lebanese government's aforementioned restrictive regulations on the refugees' entrance, registration, granting residential and working permits was an unprecedented policy involvement given the fact of its pre-2011 scattered policies regarding refugee affairs as well as its weak governance performance due to the policy paralysis during the first years of the Syrian crisis. To claim that Lebanon fully bypassed policy paralysis in the Syrian refugee response, it is important to trace how these measures have been implemented in practice and what consequences followed. As a UNHCR

officer from Beirut said: ‘after the policy came out, we were all wondering how and to what extent it would be implemented. They did implement much of it. Maybe there is even more to be implemented, we will see.’²⁸

First of all, the new regulations influenced the country’s border entry regime. New visa regulations that required obtaining one of the six types of visa and related documents restricted entry for people desperate to flee Syria to Lebanon (Amnesty International 2015a). As the Ministry of Social Affairs stated, border authorities only allowed ‘extreme humanitarian cases’ for entry. In the words of a UNHCR officer:

there is technically one visa category for people seeking international protection on paper but it is not practically applied. Currently for any Syrian who wants to come in under displaced status, they literally need the signature of the minister himself of social affairs and the director general of immigration to allow one person in.²⁹

Other than exceptions, some Syrians who come in under the categories of tourism, business and sponsorship were pushed back by army officers on the border.³⁰ The restrictions caused a 50 per cent decline in people seeking to register with the UNHCR in November and December of 2014 and a drop in monthly registration of 80 per cent in the first three months of 2015, compared to a similar period in 2014 (Amnesty International 2015a). The decline continued afterwards by keeping the numbers stable at around 1 million from mid-2016 to 2018 (UNHCR 2016a; UNHCR 2018). Moreover, entries to Lebanon became almost impossible without paying smugglers and taking dangerous journeys as being shared on the news. For example, in January 2018, 15 refugees were found frozen to death while trying to cross the mountainous border into Lebanon (BBC News 2018).

To deter entries, the Lebanese authorities denied anyone who entered through an irregular border the ability to regularize his or her status inside Lebanon. They must pay a fee of US\$633, leave within five days and could then re-enter, if they meet the new entry requirements. If they are not able to pay the fine, they are permanently banned from re-entering Lebanon (IRC-NRC 2015). So, access to Lebanon for new Syrian refugees has become close to impossible, hindering Syrians’ rights to seek asylum.

In the realm of registration restrictions, the Lebanese government made substantial changes in 2015. Although previously the UNHCR registration certificate didn’t have any relevance for the permission to legally stay in Lebanon until 2015, the legal change in that year suddenly made it important for residence renewal. However, in the same year, almost concurrently, Lebanon ordered the suspension of the UNHCR’s long-term registration function (Janmyr and Mourad 2018, 3). To show its firm stance, the Ministry of Social Affairs requested the UNHCR to deregister over 1,400 Syrian refugees who had arrived in Lebanon after 5 January 2015 in April (Amnesty International 2015b, 12). Only within one month, the Lebanese

authorities instructed the UNHCR to temporarily suspend registration of Syrian refugees, except humanitarian cases approved by the Ministry of Social Affairs and the Ministry of Interior and Municipalities (Janmyr 2016, 10). So, the UNHCR was not allowed to register new persons as refugees.

Regarding protection fields, the most consequential implementation was observed in the renewal of residency permits and the issuance of work permits which became logistically much more difficult. According to UNHCR, a year-and-a-half after the new regulations came into force, one-in-two registered refugees were not able to renew their residency permits and started to live outside the law (Bobseine 2016, 10). In many cases, officers of related state institutions have not found applicants' documents adequate and/or appropriate to renew their residency permits. For instance, half of the Syrians who were interviewed by Human Rights Watch acknowledged that although they are registered with the UNHCR, the GSO denied them renewal and told them to find a work sponsor (Lebanon Support 2016, 14). The sponsors have to sign a 'pledge of responsibility' that holds them accountable for the Syrians' legal and criminal acts (Lebanon Support 2016, 16).

Strict regulations and loss of residence permit by Syrians due to the bureaucratic hurdles put refugees in a precarious legal situation and gave legitimacy to arbitrary checks by state security officers. A lack of legal documents was used as justification for mass arrests and arbitrary detentions of dozens of Syrians for several days or even longer (Ruhayem 2016; Diab 2016). For example, on 15 October 2016, the Lebanese army intelligence made raids to tented settlements where Syrians live in dozens, arrested 40 people without proper documentation and turned them over to the judiciary (Daily Star 2016b).

With all these complexities and uncertainties about registration/protection, the labelling of Syrians through various categories itself serves as a means of restrictive governance in Lebanon. The diverse array of labels – such as labourers, registered refugees, displaced and foreigners – was not only imposed by national state actors, but also by humanitarian and local authorities. As Janmyr and Mourad rightly point out:

each of these labels belongs to and reproduces various modes of ordering, each with its own set of implications for what a Syrian may do, how her presence is understood by others in the community, and what type of rights and protections she may have access to.

(Janmyr and Mourad 2018, 2)

As the meta-governance framework asserts, policy-shaping turns into a co-constitutive and processual attempt as multiple actors become involved in policies at various stages.

Syrian refugees' access to rights and services

Aforementioned restrictive measures had an impact on Syrians' access to rights by limiting the protection space and eliminating the hope of local integration, rather than fully regularizing Syrians' presence in the country. As pointed out, large numbers of Syrians in Lebanon have residency permits that have expired due to the limitations and bureaucratic hurdles to renew those (LCPS 2016, 8). Lebanese authorities have not published statistics about the rate of illegality, but it is known that many Syrians are living in the country without legal papers or are in immediate danger of losing them in the near future (Lebanon Support 2016, 17). Lacking legal documents and/or losing refugee status put Syrians and Palestinians from Syria into the category of illegal immigrants who are subject to various labels and types of further vulnerabilities, such as expulsion. It also causes serious difficulties in schooling, health care and employment, while registration of new births, marriages and divorces becomes impossible. Lack of issuing birth certificates to newborns is a serious challenge, because families are unable to verify their identity (LCPS 2016, 8). These children are under the huge risk of statelessness (AUB and NRC 2016).

The Ministry of Education and Higher Education is committed to ensuring free access to education. All Syrian students are entitled to enrol in public schools for reduced fees (SNAP 2013). As of September 2016, 330 schools – mainly funded by UN agencies, INGOs and NGOs – have been offering second shift classes to Syrian students, which are meant to ensure access to education to slightly more than half a million displaced Syrian children (UNHCR 2016b; LCRP 2018, 13). Also, some Syrian students, similar to Lebanese peers, attend private schools, which have high tuition fees. Despite second shift practices as well as consistent donor support and targeted outreach campaigns attempts, the school enrolment remains low. It is estimated that almost half of the Syrian children remain out of schooling and enrolment is specifically low for secondary education, particularly among 15–18-year-old Syrians (LCRP 2018, 13). According to the Lebanese State, in addition to the Syrian refugee children, 451,323 Lebanese children and 57,506 Palestine refugees between 3–18 years of age are in need of education assistance for the period of 2017–2020 (LCRP 2018, 50). In particular, the language barrier constitutes a high hurdle for Syrians' school attainment, because the language of instruction in many Lebanese schools is English or French. In addition, differences in Syrian and Lebanese curriculum, problems in diploma recognitions, difficulties on registrations as well as multiple deprivations in Syrian refugee households, which necessitate school-age children to work, reduce the schooling rates among Syrian refugee children. Also, overcrowding in the schools has emerged as a problem deteriorating the capacity and the quality of the public education system in Lebanon.

In terms of health care, once registered, Syrians have been able to access primary health care through the existing Lebanese healthcare structure.

Displaced Syrians have been subjected to paying the bill of public health services as their peer Lebanese citizens. Exceptions apply to unregistered Syrians with serious health concerns who were able to enter a fast-track registration procedure and Palestinian refugees (SNAP 2013). Palestinian refugees in Lebanon and Palestinian refugees from Syria were provided with free primary healthcare services and support for hospitalization through the financial support of the UNRWA. However, for displaced Syrians who made up the vast majority of refugees, this type of UNHCR support is not available (LCRP 2018, 4). The protraction of the crisis increased the service overburden of the Lebanese health system up to 50 per cent in some cases (LCRP 2018, 14). The system has not been able overcome the burden smoothly as Syrian patients have been unable to cover their part of the bill about treatment costs and doctor's fees (LCRP 2018, 8). Overall, the health security is not guaranteed for Syrians in Lebanon, as Syrians are not able to access affordable health care.

Not only education and health, but also other parts of the Lebanese public services infrastructure have been under stress due to the population increase with the Syrians' presence. The most affected services were electricity, irrigation canals, water networks and solid waste management (UNHCR 2016b). Although the UN agencies and international NGOs also support the Lebanese public institutions in their service provision, their support remained inadequate to meet the present needs. They particularly collaborated with municipal actors to strengthen their capacity (LCRP 2018).

Housing is one of the most important challenges for Syrians in Lebanon. The Lebanese government did not propose alternative sustainable options for shelters to camps and remained opposed to the building of non-permanent Refugee Housing Units. Due to the lack of camps, in only a few years, more than 1 million refugees were scattered from northern border areas to around 1,150 municipalities, while many of them are administratively and fiscally weak and already struggling to meet the basic needs of their communities (Policy Brief 2014, 4). In agricultural regions in Bekaa and the plains of Akkar, camp-like settlements (impromptu camps) were set up by refugees themselves, but they did not have drinking water and a sewage system, which has negative health and environmental impacts (LCSP 2016, 8). The rented houses remained under the minimum sheltering standards, as the demand was too high, making the rents expensive despite poor conditions. Overall, the socio-economic situation of many displaced Syrians was reported to be under serious threat because 'seventy-six percent of displaced Syrian households (meaning increase of five percent after 2016) and nearly the entire population of Palestine Refugees from Syria are severely or highly economically vulnerable' (LCRP 2018, 150). Almost half of these households increasingly relied on humanitarian aid such as food vouchers and in-kind distributions as the main livelihood source. Accordingly, many were stuck in chronic debt and/or live in extreme poverty (LCRP 2018, 36).

Problems with Syrians' employment have significant influence on access to sustainable livelihood. Restrictions over work permits push more Syrians to work without official contracts which opens up more spaces for clientelist structures with practices of bribery, blackmailing, exploitation and corruption (Lebanon Support 2015, 28). Due to the lack of rights and monitoring systems in work places, Syrians face longer hours without proper payment, insurance or job security. Reports note the incoherence, informality and insecurity in the renewal process, which causes Syrians to sidestep authorities, deepening the gap between them and the government. A vivid black market of fake sponsors, brokers, employers and contracts emerged and evolved (Dyke 2015). Officers of state institutions (General Security, municipality etc.) do not avoid daily insults, mistreatment and occasionally incidents of physical abuses to working refugees, to discourage them to stay and work in Lebanon. The Ministry of Labour put restrictions over the access of Syrian workers to the Lebanese labour market and started to monitor informal employment (Frangieh 2016). Government representatives used to speak out about their commitment for prohibiting Syrians to work. For example, the Foreign Minister Gebran Bassil, also the leader of the Free Patriotic Movement, made calls to companies to respect this law. However, after the 2016 London Conference and negotiations with the EU, the government of Lebanon accepted lifting the "pledge not to work" and to ease access of Syrians to the Lebanese job market in sectors where they are not in direct competition with Lebanese' (Brussels Conference 2017).

With regard to protection, there were serious challenges. A review of news verified the existence of frequent curfew, arrests and detention cases. From August 2014 to 2015, at least 45 municipalities across the country imposed curfews for Syrians with no real reasons for a couple of days (sometimes longer), although they don't have the authority to impose curfews, neither on Lebanese citizens nor foreigners (Human Rights Watch 2014). Curfews were also followed by forced evictions, arrests and detentions on security grounds. More than 7,000 Syrian people were forcibly evicted in the first quarter of 2015 (Amnesty International 2015b, 19). As of 2018, Human Rights Watch reported that approximately 3,664 Syrian nationals were evicted from around 13 municipalities between early 2016 to early 2018, while 'almost 42,000 Syrian refugees remained at risk of eviction in 2017' (Human Rights Watch 2018).

Nevertheless, refugees have almost no recourse to justice. They avoid turning to state authorities for protection, as they fear arrest and repercussions if they appeal. The only official protection for Syrian refugees from arrest and subsequent deportation is Lebanon's recognition of refugees' entry papers stamped by the UNHCR and the Lebanese GSO (Weinstein 2016). The lack of legality limits their freedom of movement and prospects about future. They remain with few options to either stay in Lebanon without legal papers or to leave for another destination such as Europe.

New restrictions also served for encouraging them to return Syria (Lebanon Support 2016, 14).

In addition to all these consequential restrictive policies, the repatriation of Syrians was kept high on the agenda of Lebanese politicians. Due to the fear of their protracted stay, there is a consensus across Lebanon's main political parties that refugees should return to Syria (Atallah and Mahdi 2017, 5). One of the earlier proposals was voiced in 2013 by the Lebanese ambassador to the USA. He said, 'we cannot bear this burden; they should go back to and resettle in Syria which is 18 times bigger than Lebanon' (Chedid 2013). Officially, the issue started to be discussed when the Labour Minister Sejaan Azzi announced his study on a new plan in September 2016 with the following words:

To avoid an obscure experience, we must make clear decisions. We do not want emotions, but rather a project to repatriate the Syrian refugees, so that both peoples could preserve their countries ... Return of refugees to their country was required to redefine the essence of the conflict in that country. The implementation of the plan which will be announced in January 2017 will extend along two years, calling upon donors to cover the cost.

(Azzi 2016)

The most concerning signal about repatriation was revealed during the UN Migration and Refugee Summit of 2016. During his speech at the Summit, Prime Minister Tammam Salam warned the international community not to consider Lebanon as a place of permanent asylum for Syrian refugees. Salam reiterated Lebanon's official stance on its absolute rejection of naturalization (Salam 2016).

As an interlocutor pointed out, the Lebanese government hopes are actually on a political settlement in Syria or at least the creation of safe zones between the Lebanese–Syrian borders.³¹ It seems a cautionary measure of the government against the international community's pressure for the naturalization of Syrians and the desire to keep the repatriation threat as a possible negotiation tool. There is a rationale of this cautionary measure given the context of growing pressure of the international community. Lebanon was requested to give citizenship to Syrians during UN Secretary-General Ban Ki-Moon's visit in March 2016. Ban Ki-moon's statement caused a political reaction and public outcry (Orient News 2016). According to interviews, his statement was 'naive, only demonstrates his lack of knowledge about Lebanese realities and history.'³² However, when this turned into the UN's official agenda and was raised more frequently, government officers needed to show a firm stance for the rejection of naturalization. Shortly before the departure of Lebanon's delegation to the Donor Conference in London in February 2016, Gebran Bassil, Lebanon's foreign minister, said his country must be 'very cautious not to tolerate the passing of new

statements' that would encourage Syrians to remain in Lebanon permanently. Although Bassil has proposed a project allowing a limited number of refugees to access short-term contracts in building and farming, he has also previously called for the establishment of safe zones inside Syria as an alternative solution to the refugee crisis (Armstrong 2016). So, in the end, Lebanon reached stronger policy points of pushing for repatriation than it used to achieve in the past.

Although Lebanese government officials respected the principle of non-refoulement, acknowledging that they may not forcibly return Syrians, they made pro-return explanations in 2017 and 2018. In April 2018, international media reported that: 'Lebanon is working with Damascus for returning to the thousands of refugees who want to go back Syria' in parallel with the developments that the Syria army put control over territory with the support of Russia and Iran (Reuters 2018). It is reported that the UNHCR has also been aware of the return initiatives (Reuters 2018). From April to August, several hundred Syrians returned from south-east Lebanon to Syria; also thousands of them registered with Syrian and Lebanese intelligence agency for the return in the following months with the assistance of Lebanon's GSO (Abdallah 2018; Alfred 2018). However, such calls and intensive efforts led by the head of the GSO of Lebanon to enable returns seem very early, as the conditions for safe return are not yet fulfilled by Syria. I was informed that such deals are not official deals, rather that they were conducted between the Hezbollah and the factions supported in Syria. However, the topic is very controversial as some representatives of the Lebanese government oppose any negotiations with Syria's Assad regime that could signal a legitimization of the regime.³³

Ongoing discourse and initiatives regarding return are not very surprising, if we consider the background of the Lebanese refugee governance approach based on the assumed temporariness of Syrians' stay in Lebanon. But as of August 2018, the returns have not yet taken the form of mass forced returns. Actors in Lebanese politics express that they would respect the principle of voluntary return, even though it is not clear to what extent returns from the Lebanese border towns of Aarsal and Cheeba were based on voluntariness,³⁴ considering the fact that they were conducted by the GSO (Reuters 2018). Also, at the practical level, it is not doable for Lebanon to create 'safe zones' for the return of Syrians at the central level. However, Hezbollah takes the leading role in the promotion of safe areas and the negotiation of repatriation of refugees (Atallah and Mahdi 2017, 4–5).

To conclude, this chapter described Lebanon's policy responses to the Syrian mass refugee migration from mid-2012 to mid-2018. It addressed the initial policies and changes over time with reference to the country's legal and institutional policy framework as well as its long history of refugee hosting. The chapter also briefly mapped the outcomes of policies. The tracing of policies confirmed the adoptability of a multi-pattern and

multi-stage governance model. At this point, it is worthwhile to ask why governance has performed on this way. This is the question addressed in Chapter 7.

Notes

- 1 Geographically it is a small country of 10,452 km². In a comparative sense, it is much smaller than its nearby countries including Jordan, Syria, Israel, Turkey and Saudi Arabia. It is located in a very conflictual zone in the Middle East, amidst militarized conflicts and civil wars.
- 2 As of 30 January 2017, the most reliable accessible source for the country's population is the World Bank's data, which counted the population as 5,850,743 for 2015. According to scholars, the World Bank data is maintained by the Lebanese Government. The World Bank estimates that the total population is based on the de facto definition of population, which counts all residents regardless of legal status or citizenship. The values shown are mid-year estimates, (<http://data.worldbank.org/indicator/SP.POP.TOTL?locations=LB&view=chart>). In 2017, Lebanon's population was estimated at 6,082,357 by the UN's DESA, Population Division. World Population Review estimates a population of 6,082,907, in 2018; Worldometer approximates 6,090,036; IndexMundi (with data from the CIA Factbook) indicates 6,229,794 in July 2017; and Countryometer concludes with 6,891,201 people in Lebanon.
- 3 There is a huge disparity between data on the numbers of Palestinian refugees registered by the UNRWA and numbers cited by the UNHCR and Lebanese Government (LCRP 2018). This is mainly a reflection of the problems embedded in registering refugees in the protracted crisis, in the Palestinian case since 1948. It should be noted that Lebanese authorities conducted an official census in 12 Palestinian camps and 156 informal settlements across the country in 2017 to access more reliable data which is the 277,985. The almost double-figure discrepancies between the UNRWA's numbers and Lebanon's official census numbers is attributed to the fact that large numbers of Palestinians have left Lebanon without deregistering from the UNRWA. According to the UNRWA's official website, the numbers of Palestinians in Lebanon was last updated on 1 July 2014 (www.unrwa.org/where-we-work/lebanon).
- 4 See the following news, 'Lebanon's Economic Situation Still Fragile: IMF', *Daily Star*, 12 February 2018, (www.dailystar.com.lb/Business/Local/2018/Feb-14/437970-lebanons-economic-situation-still-fragile-imf.ashx).
- 5 For political reasons, the Lebanese Central Administration of Statistics under the authority of the Presidency of the Council of Ministers does not collect survey data about the sectarian denominations.
- 6 Lebanese Constitution (promulgated 23 May 1926 with its amendments 1995), (www.presidency.gov.lb/English/LebaneseSystem/Documents/Lebanese%20Constitution.pdf).
- 7 The Maronite president's powers were reduced, while the Council of Ministers were given more prominence as a multi-sectarian decision-making body. The ratio in the legislature between Christians and Muslims replaced the pre-war six-to-five ratio that favoured Christians (Fakhoury 2015).
- 8 As of mid-2018, March 14 Bloc does not hold so strongly. Thus, these blocs are not meaningful to understand Lebanese politics since 2018. (Personal communication, Lebanese expert, 14 June 2018, Istanbul).
- 9 With respect to country's major parliamentary blocs and parties that reflect socially and confessionally mixed population, the March 14 coalition has been led by Future movement (mainly Sunni) that was established in 2005 after the

- assassination of the former Prime Minister Rafik Hariri. It was supported by Lebanese Forces Party (mainly Christian), Phalanges Party (mainly Maronite, established in 1976) and other small parties. The March 8 camp led by Islamist Hezbollah (Shiite), supported by Free Patriotic Movement (mainly Christian, established in 2005), Amal movement (mainly Shiite, established in 1983 to resist Israeli occupation) and the Marada Party (mainly Maronite). The other parties include the Kataeb Party (predominantly Christian, founded in 1936) and the Progressive Socialist Party (predominantly Druze, founded in 1949) (Atallah and Mahdi 2017, 16).
- 10 Prof. Faten Ghosn brought this point to my attention. I am borrowing this term from her. A number of studies also refer to policy paralysis in discussing Lebanon's politics. See also Bano 2015; and Felsch and Wählich 2016.
 - 11 Personal communication with the UNHCR Protect Officer in Beirut Office, 13 April 2016, Beirut.
 - 12 Personal communication with a Lebanese Co-Director of International NGO in Beirut, 14 April 2016.
 - 13 The information about the agreement is available on the UNRWA Official website, (www.unrwa.org/content/cairo-agreement).
 - 14 Nationality provisions in Lebanon are governed by Decision No. 15 issued on 19 January 1925 and its amendments.
 - 15 Personal communication with the UNHCR Protect Officer in Beirut Office, 13 April 2016, Beirut.
 - 16 *Law Regulating the Status of Foreign Nationals in Lebanon (Order No. 319)*. Date of entry into force: 2 August 1962 (19620802); and *Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country*. Date of entry into force: 10 July 1962, (www.refworld.org/pdfid/4c3c630f2.pdf).
 - 17 *Law Regulating the Status of Foreign Nationals in Lebanon (Order No. 319)*. Date of entry into force: 2 August 1962 (19620802); and *Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country*. Date of entry into force: 10 July 1962, (www.refworld.org/pdfid/4c3c630f2.pdf).
 - 18 Decree no. 42 of 31 March 1959 (cited by Shafie 2008).
 - 19 For researchers, it is difficult to trace the UNHCR's diplomatic efforts vis-à-vis the Lebanese government by accessing the first-hand data, as the two sides do not prefer to comment on these issues.
 - 20 Personal communication with the UNHCR Protect Officer in Beirut Office, 13 April 2016, Beirut.
 - 21 Official border crossings include Aarida (between Homs and northern Lebanon), El Aabboudiye (between Tartous and northern Lebanon), Qaa Baalbek (at the northern end of the Bekaa valley), Al-Masnaa (between rural Damascus and Bekaa) and Wadi Khaled (between northern Lebanon and Homs). In addition, there are several unofficial crossing points (BBC News 2015).
 - 22 *The Decree-Law No. 118 Dated 30/6/1977 & Its Amendments Municipal Act*, issued by Government of Lebanon Ministry of Interior and Municipalities states that any work having a public character or utility within the area of the municipality falls under the jurisdiction of the Municipal Council. The 1989 Taif Agreement of National Reconciliation also empowered municipal public work. Many municipalities have formed municipal unions, which have become important actors in the context of decentralisation (Arab 2016, 3).
 - 23 Personal communication, Focus Group Study with Experts on NGO Works in Lebanon, 12 April 2016, Beirut.
 - 24 Ibid.
 - 25 The circular came into force on 5 January 2015, was amended on 13 January, 3 February and 23 February 2015, the latter of which is available in Arabic at: (www.generalsecurity.gov.lb/getattachment/e1e76fe0181e4fe7a19c9b175759ad49/Rules.pdf.aspx?chset=f247bae1d48542fa8a33079df973a536).

- 26 Category one is for tourism, shopping, business, landlords and tenants; category two is for studying; category three is for transiting to a third country; category four is for those displaced; category five for medical treatment; category six for an embassy appointment; and category seven for those entering with a pledge of responsibility (a Lebanese sponsor).
- 27 Personal communication with a scholar of Public Policy, American University of Beirut, 12 April 2016, Beirut.
- 28 Personal communication with the UNHCR Protect Officer in Beirut Office, 13 April 2016, Beirut.
- 29 Ibid.
- 30 Ibid.
- 31 Personal communication with a migration expert, 12 April 2016, Beirut.
- 32 Personal communication, Focus Group Study with Experts on NGO Works in Lebanon, 12 April 2016, Beirut.
- 33 Personal communication with an expert on Lebanon, 13 June 2018, Istanbul.
- 34 Ibid.

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7 Forces behind Lebanese governance patterns and refugee politics

This chapter examines factors, which have shaped initial policy preferences and changes over time in Lebanon. It argues that the initial inaction of Lebanon can be attributed to the policy paralysis situation when the government is unable to create or implement policy programmes. As explained in Chapter 6's section on *Policy paralysis*, Lebanon suffered from a political vacuum for not being able to elect a president and form a government for years. Moreover, the development of firm policies to address refugees was delayed continuously due to the long-term tense relationship between Lebanon and Syria, as discussed in Chapter 6's section titled *Political structure of Lebanon and pre-2011 relations with Syria*. Lebanon had suffered from 30 years of Syrian military presence on its territory until 2005 as well as Syria's extensive intervention in Lebanese domestic politics. Relations with Syria have been a divisive issue for Lebanese politicians who hold different stances on the trajectory of bilateral relations. It was believed that the outbreak of the Syrian war and the refugee crisis worsened the fragility of Lebanon that should have disassociated itself from its fall-overs. However, the unfolding of the Syrian crisis into a full-fledged war within a few years made the refugee crisis protracted. Lebanon reached the critical juncture by hosting more than 1 million Syrian refugees, thus, suspending policy-making was not an option any more. After 2014, policy changes in border control and reception emerged as the Lebanese state began to realize its demographic challenge, its desire to appease growing negative public sentiment and to renegotiate its sovereignty vis-à-vis growing security challenges and vis-à-vis the increasing involvement of international organizations autonomously in national refugee governance. On the other hand, Lebanon refrained from developing protection and integration measures due to the lack of capacity, ideational concerns drawn from delicate sectarian balance and historical baggage which is marked by bitter experience with protracted Palestinian refugee issue. Such complex socio-economic and political dynamics behind the refugee governance are elaborated more in the subsequent sections.

Motivations behind inaction of the first stage

In the very beginning of Syrians' crossing to Lebanon, Prime Minister Mikati stated that: 'we disassociate ourselves politically, but we don't disassociate from the needs of our Syrian brothers and our humanity' (Daily Star 2012). The humanitarian stance reflected on the ground in a way that the government did not introduce any regulation for entries and registration. Also, host communities in the border areas were welcoming Syrians because of the ethnic, kinship, business ties and a historically high level of border crossings from both sides. The statement of a Lebanese expert on migration gave insights about these socio-economic links:

During the 2006 war the people who fled from Lebanon, they fled to Syria, there are a lot of intermarriage population, so there are already ties due to being border countries. Even the economy is interlinked somehow ... So out of humanitarian considerations and out of their past, they open the borders.¹

But the policy cannot only be attributed to socio-economic dynamics as it has a strong political dimension. As in the words of an interviewee, 'the political factions are completely opposing each other as a result of no major policy decisions being made in Lebanon at this time.'² The Lebanese inaction or 'policy of no policy' for the period of three years can be mainly attributed to the political vacuum present (Nashed 2016). The stalemate and the lack of state regulatory capacity played a role. Within this context, Lebanon kept its borders open without formalizing and regulating the presence of Syrian refugees, and it fully outsourced services and protection to local actors, UN agencies and local and international NGOs.

It was reported that the president and some government officials in the initial stage raised their concerns about security threats due to the repercussions of the unchecked crossing of refugees from the Syria–Lebanon border. They made calls addressing the Council of Ministers for the necessity of taking measures (LCPS 2016, 3). In this line, political parties discussed the possible measures vis-à-vis the Syrian crisis in the National Dialogue Committee and issued the Baabda Declaration on 11 June 2012. This Declaration did not specifically refer to Syrians' crossings and did not put forward a concrete national strategy. In general, the Declaration made calls to 'seek to avoid the negative repercussions of regional tensions and crises in order to preserve its (Lebanon's) own paramount interest, national unity and civil peace' (Baabda 2012). More specifically, it stated that: 'measures should then be taken to control the situation on the Lebanese–Syrian border. The establishment of a buffer zone in Lebanon should not be permitted' (Baabda 2012). Nevertheless, these control measures were not adopted practically. The Lebanese domestic political dynamic was already divided into pro- and anti-Assad supports (Arab 2016, 2). Different

components of the government, such as the Shiite Hezbollah Party,³ have been directly involved with the Syrian warring parties to support the Assad regime forces along with Iran. Hezbollah was neither against the open-door policy towards Syrian refugees nor the involvement of humanitarian agencies for aid distribution. It was referring to the humanitarian duty and the repayment of hospitality, which Syria had demonstrated in its attitude towards Lebanese refugees who had fled from the 2006 Lebanon–Israel War. Similarly, the March 14 Alliance did not advocate for a restrictive policy towards Syrians by justifying it with the moral humanitarian duty. The hospitable approach could even be seen as a political asset for future relations with Syria (Arab 2016, 2). Even though the main donors such as the Gulf states are Sunni, Hezbollah did not block humanitarian aid of the latter to Syrian refugees.⁴ Lebanese security officers issued deportation orders for Syrian refugees in some cases, but they did not actually execute them.⁵ They had rarely arrested, prosecuted or detained them (SNAP 2013). The reason for this is probably the lack of necessary capacity to judge or punish every crime relating to border entry or visas. The proposal for the establishment of camps to manage Syrians' presence in Lebanon came on the agenda at the end of 2012, but the proposal could not find adequate support from the government representative who thought it would give the idea of permanency and it might encourage the stay of Syrians (LCPS 2016, 4). After these debates in 2012, the policy paralysis overwhelmed the refugee response that was delayed until October 2014.

Nevertheless, there were notable red lines in Lebanon's response from the very beginning, which created ambiguities in policy-shaping. Lebanon avoided using the term of refugee for Syrians and refused to build camps. This preference in terminology gave Lebanon the right to avoid commitments for refugee protection such as provisions of protection, shelter, access to education, health and labour market that are ensured by the signatories of the Refugee Convention. The categorical rejection of granting refugee status and the establishment of refugee camps was based on fears fed by past experiences with Palestinian refugees who have lived in Lebanon for more than 60 years. Reinforced by certain Lebanese politicians and media, many Lebanese vehemently opposed the establishment of camps, which are commonly projected as 'no-law zones' and 'refugee for criminals' (Peteet 2005, 173; Hassan and Hanafi 2010, 29). They were afraid that camps might turn into perpetual dwellings for Salafi-Jihadist groups, attraction for Syrian and Israeli aggressions, danger for destabilization of Lebanon (Thorslieffsson 2016) and they might turn into the permanent settlement of Syrian refugees similar to what has happened with Palestinian refugees. Particularly, Hezbollah announced its undesirability for the establishment of such camps within its geographic areas of influence. Its deputy leader, Sheikh Naim Qassem, stated that: 'we cannot accept refugee camps for Syrians in Lebanon because any camp will become a military pocket that will be used as a launch pad against Syria and then against Lebanon' (Yahya 2015, 12).

On the other hand, challenging security-based explanations, Turner (2015) argues that Lebanon preferred non-encampment of Syrians because its economy requires large numbers of low-wage Syrian workers.

Shifting to regulative-restrictive policies

As explained in Chapter 6, since the end of 2014, Lebanon moved to regulative governance by formulating a strict policy of border management and reception to dissuade Syrian refugees, while it avoided creating protection and integration policies. It is necessary to explore the reasons of policy changes. Evidence shows that policy changes in border control and reception reflect the Lebanese state's concerns about demographic challenge to renegotiate its sovereignty vis-à-vis border controls and vis-à-vis the increasing involvement of international organizations in refugee governance. On the other hand, Lebanon did not develop policies on protection and integration due to its lack of capacity, its delicate sectarian balance and its past history with Palestinian refugees. The details will be discussed below.

First of all, the issue of increasing the number of refugees within a few years and emerging negative public sentiments necessitated the government to act. As a result of the refugee flow, Lebanon was confronted with a 'demographic shock' meaning that a rapid, unexpected and unprepared for increase in the country's population.⁶ As in the words of Mouin Merhebi, the Minister for Refugee Affairs, 'we are a population of a little more than 4 million hosting 2 million guests. One out of three people currently residing in Lebanon is a refugee; making us the smallest country, with the highest refugee per capita population' (Merhebi 2017).

The policy paralysis explained in Chapter 6 was one of the most important reasons for Lebanon's delay in regulating the presence of Syrians and for the lack of a national strategy to cope with the refugee crisis. When the government was finally formed in February 2014, there were many other pressing policy matters that required urgent action (LCPS 2016, 5). The government established a ministerial committee, which was expected to create a policy framework. Meanwhile, the government started to seek greater financial support from the international community in order to cope with mounting challenges related to refugees' stay and to help negatively impacted Lebanese host communities (LCPS 2016, 5). The government made efforts to shift the emphasis of the international negotiations from humanitarian to development aid that would benefit the Lebanese economy and vulnerable Lebanese communities. All these efforts signalled that Lebanon had started to seek to develop more strategic and structured ways to deal with the crisis.

The Lebanese government agreed to formulate a crisis response plan in December 2014 that addressed both humanitarian assistance and stabilization efforts. The first plan of its kind⁷ – called the Lebanon Crisis Response Plan 2015–2016 (LCRP) – came into existence with the joint endeavour of

the Government of Lebanon, UN agencies, various international organizations as well as international and local non-governmental organization on 15 December 2015 (LCRP 2015). This LCRP was based on an agreed set of priorities guided by national plans and strategies, implemented under the overall leadership of the Government of Lebanon. The LCRP was planned to be steered by the Minister of Social Affairs, as designated by the Prime Minister and the UN Resident and Humanitarian Coordinator, under the oversight of the Government Crisis Cell in collaboration with line ministries as well as national and international partners (LCRP 2015). The plan proposed three main strategic objectives: 1) To ensure humanitarian assistance and protection for the most vulnerable among the displaced from Syria and poorest Lebanese; 2) To strengthen the capacity of national and local service delivery systems to expand access to and quality of basic public services; and 3) To reinforce Lebanon's economic, social, environmental and institutional stability continuation of the 'necessary work of delivering on humanitarian assistance to refugees from Syria and other vulnerable groups, while expanding plans to invest in Lebanese services, economies and institutions' (LCRP 2015). The plan targeted up to 2.8 million of the most vulnerable Lebanese, displaced Syrians and Palestine refugees (LCRP Short Version 2015, 4). Thus, it extended the target population of IOs and NGOs from only Syrians to include the vulnerable Lebanese and Palestinian population.

The LCRP, prepared for the 2017–2020 period, presented a more concrete Lebanese governance stance compared to the 2015 version of the LCRP. The concreteness was observable in its terminology and its emphasis on sovereignty from the very beginning. The LCRP states that:

the Government of Lebanon considers that it is being subject to a situation of mass influx. It 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.

(LCRP 2018, 4)

It clarifies how Lebanon classifies Syrians as temporarily displaced individuals and recalls its national legal framework. However, it is paradoxical that it is not clear which national law is referred to as the basis of its policies (Janmyr 2017a, 5). Moreover, the same document exemplified the paradoxes embedded into Lebanon's policy-shaping in refugee affairs. The text used a mixed terminology that combines national and international references. The terminology includes: 1) 'persons displaced from Syria' (depending on context, this might include Palestine Refugees from Syria and Lebanese returnees as well as registered and unregistered Syrian nationals); 2) 'displaced Syrians' (referring to Syrian nationals); and 3) 'persons registered as refugees by UNHCR' (LCRP 2018, 4). The text did not use the

term of *de facto* refugees anymore – formerly used in the 2015 version. Also, the Lebanese government clarified that it approaches Syrians as ‘temporarily displaced individuals’ (LCRP 2018, 4). The choice of these types of terminological statements at the very beginning of such an important document – drafted in collaboration with the UNHCR – permits insights into Lebanon’s reassertion of its sovereignty claims in refugee governance and its increasing cautionary stance in using determined terminology at international negotiations.

Explaining the drivers of changes

These specific concerns are strongly felt in policy changes and in the designing policies. The first one is the absorption capacity of the country: Lebanon as a small country did not have the adequate capacity to shoulder the burden of 1 million refugees over several years. When Lebanon first introduced entry restrictions on 5 January 2015, the Interior Minister Nohad Machnouk said in a press conference carried on local television ‘We have enough. There’s no capacity any more to host more displaced’ (Guardian 2015). Similarly, when asked about refugee policy changes, Lebanese informants first pointed out the numbers. For example, a scholar of migration expressed this point quite hyperbolically, ‘they are criticizing the Lebanese government for not doing enough. We are the only country in the world that has half of its population made of refugees.’⁸ Others mentioned the lack of adequate state capacity, stating: ‘given the fact that also the Government doesn’t provide the normal services for the Lebanese people, so how could they do for the Syrians and even the labour market cannot absorb the Lebanese themselves.’⁹

The tension among the Lebanese host and the Syrian refugee communities has a socio-economic character that can be summarized as competition over scarce jobs, resources and aid (Lebanon Support 2015b, 27). In fact, conflict dynamics are not necessarily new or related to developments, the crisis ‘acted as a magnifying glass of the structural and pre-existing conflictual dynamics in the region’ (Lebanon Support 2015b, 28). Although international humanitarian agencies have partially embraced aid and service delivery to refugees since 2012 – even by paying local families to host Syrian refugees for a limited period of time (max. one year) – the reluctance of local Lebanese communities about the presence of Syrians (othering of them) has grown over the years (Carpi 2016). Specifically, the concerns of local communities address the decrease in local employment due to the presence of cheaper menial labour by Syrians, the increase in the cost of living, housing problems, the presence of differences in cultural attitudes and security concerns (like the increase in petty crimes) are raised. Syrians are criticized for overstaying their welcome, working illegally, stealing the jobs of nationals and enjoying both international and local aid. Lebanon’s Social Affairs Minister Rashid Derbas stated that the opening up

of Lebanon's job market to Syrian refugees would be neither 'possible' nor 'appropriate' because of the rising unemployment rates in the country which are estimated to amount to 25 per cent and reaching up to 34 per cent among the Lebanese youth (Armstrong 2016; Lebanon Support 2015b).¹⁰

As demonstrated in the words of a Lebanese expert working for an INGO, the fact that Syrians have been able to work in Lebanon and are receiving aid creates tensions:

Refugees are getting money from the UNHCR and a hundred dollars for the Syrian person who was living in Syria is a lot, for a Lebanese it's just ... So, if you take that money from the UNHCR, you get money for working here in Lebanon and then you could go into Syria and get all the cheap products from there and come back, when it's time to get the money from the UNHCR. This situation, of coming and going, and having an advantage over the Lebanese people, the poor people, because the refugees they came into the places where the most vulnerable and the poorest people are living and maybe they took their jobs. So, the Government said that we can't help them in such a way and then opening the borders, because the Lebanese people started to show their discontent and the Government had the intention to do something against it, so that's when they started to say ok, we will do something about it and we will enforce the entry permit or the residence permit, which was there ever since, but it was never enforced in such a way.¹¹

Being aware of these prevalent sentiments, the Lebanese policy makers were required to mediate negative public perceptions by introducing regulative and restrictive policies that had been delayed until early 2015 due to the political stalemate. The government needed to take action, to try to negotiate particularly with the UN agencies as seen in the formulation of the LCRP and to put on the table the conditions for helping the host community.¹² Nevertheless, it was clear that transforming political decisions into a viable action plan would not be easy in the case of Lebanon. As an adviser to the Minister of Interior and Municipalities Dr Khalil Gebara stated, 'the refugee crisis in Lebanon reflected structural crises in the Lebanese system, politically, socially, and in terms of economics, which collectively led to the system's failure to deal with the repercussions of the refugee crises' (LCPS 2016, 8).

It should be noted that concerns about the Syrians' presence are not limited to the economy. Another concern for the government and the public is the issue of identity and relevant political demography. Syrian refugees have been considered a threat to Lebanon's delicate sectarian balances, as most of them are Sunni. For many Lebanese, the arrival of more than 1 million Sunni Arabs – with a possibility of permanent

settlement similar to Palestinians – has the potential to destabilize the fundamental roots of an already fragile political system and social order. In the words of Labour Minister Sejaan Azzi, ‘national identity is threatened with change, as the Lebanese entity is at risk. Therefore, the return of the Syrians to Syria is a necessity’ (Azzi 2016). Similarly, the Foreign Minister Gebran Bassil has warned that the Syrian refugee crisis is threatening the ‘Lebanese identity’ (Daily Star 2016a). An expert explained why the issue is seen as a threat by government officers in the following sentences ‘they believe that Lebanon suffers from this sectarian system and power sharing and most of the Syrian refugees are Sunni and this would totally bring Lebanon to chaos.’¹³ As observed in the Palestinian case, there is a consensus about the rejection of integration for Syrians. In the words of a Lebanese expert on humanitarian aid: ‘I guess almost everybody is against the integration, if you say integration it is like naturalization ... it’s not on the table at all and not for anybody.’¹⁴ Nevertheless, the state capacity is the part of rationale behind the anti-integration discourse as a Lebanese scholar pointed out ‘the integration cannot be a pragmatic plan, because it entails some responsibility for some part of the state and the state does not want to take this responsibility.’¹⁵

In addition to the questions of the country’s capacity and identity, concerns about security and safety brought to Lebanon expose the state to the risk of the erosion of its sovereignty. This has been challenged from three directions: the first is cross-border incursions; the second is losing control over public security; and the third is lacking power and regulation over undertakings by the UN and international NGOs with regard to humanitarian aid and development sectors.

Border incidents have been common and fluctuating since the beginning of the uprising in Syria. They have been committed both by the Syrian regime as well as by the opposition forces. While the former conducted air strikes and airspace violations, the latter triggered clashes, land violations and border crossings. The army did not have the capacity to fully control the Syria–Lebanon border. Syrian regime forces chased rebellion groups across the border as observed in October 2011 (Salem 2012). Thus, the Lebanese state insisted on border controls, but failed to provide full control.

The outbreak of the Syrian crisis reinforced the emergence of radical Salafist militancy in Palestinian refugee camps where militia groups have been ‘strengthening their ranks, developing clandestine networks with some components of the Lebanese and Syrian jihadist sphere’ (Lebanon Support 2015a, 2). There has been evidence for emerging ties between some armed elements of the Syrian refugee population and radical Islamist factions in the Palestinian refugee camps, given the fact that Syrian refugees have increasingly settled in Palestinian refugee camps as shelter grows scarcer (Yacoubian 2014, 2–3). For instance, Ain al-Hilwah became the headquarters for some Salafi-Jihadist armed groups which are opposed to the

Lebanese army and Hezbollah and which maintain close political and security ties with some factions of the Syrian opposition, especially Jabhat al-Nusra, the official Al-Qaeda affiliate in Syria. It has been suspected that Palestinians and Syrians, as Sunni-dominated refugee groups, find common cause and undertake joint attacks against Lebanese adversaries – particularly against the Lebanese Army and the Internal Security Forces (Yacoubian 2014, 2). Such an involvement of Palestinian camps in the Syrian crisis might have acute political and military implications for Lebanon.

The Lebanese state arranged a gradual and nationwide securitization of Syrian refugees' presence with the tacit support of media and political networks in order to comfort its own citizens as well as to demonstrate its sovereignty over the territory and population. New policies seem to first pretend to mark the territory as Lebanese, that is, to manage and control 'the home' where Lebanese are 'outnumbered and overpopulated' by Syrians (Carpi 2016). Lebanese felt that they have a responsibility to safeguard their 'home' and to not allow Syrian refugees to occupy their space (Lebanon Support 2015b, 25).

Concerns on sovereignty also encompass regulating and monitoring both citizens and foreigners who live in the country. In order to regain its control, the Lebanese state imposed strict residency permit regulations, while the registration by the UNHCR was suspended. Moreover, municipalities exercised state power by imposing more raids and curfews on Syrians, even though their success was questioned (Lebanon Support 2015b, 20). The words of Lebanon's Interior Ministry Adviser Khalil Gebara were exemplary on sovereignty perspective, when he was responding to the question on the raids of municipalities in refugee settlements:

It [the ministry] is trying to regain in some of the excesses of the municipalities but insists it must balance that against the reality of massively overburdened infrastructure, as well as security concerns. Hundreds of Syrians do not have any papers, which means that we do not even know who they are. We must remember there are bombings that have taken place in Lebanon and there is a war that's 50km away from the Lebanese border.

(Ruhayem 2016)

Although there was no real security threat or rise in crime, state and non-state security apparatuses emphasized undertaking the task of guaranteeing security, particularly by pointing to Syrian refugees. State gendarmerie forces became involved in controlling and monitoring the refugee community. They had the authority to intervene in scenes of conflict and violence, but they are predominantly seen as being corrupt, violent and turning to illegal methods. Nevertheless, they were perceived as 'protected and rendered immune by the state' (Lebanon Support 2015b, 22). Many municipalities increased their security presence with more staff (Policy Brief 2014, 3).

Moreover, the country observed the ‘emergence of privatized security networks organized around traditional notables or political parties’ (Lebanon Support 2015b, 28). The General Security Office, having a discretionary power on migrant workers in general, put a strong hand over monitoring Syrian refugees strictly. These actors together furthered the securitization of Syrian refugees.

Another concern of the Lebanese state regarding sovereignty related to the intense international intervention in refugee governance. The lack of state control and regulation raised the concerns of the Lebanese government. During a focus group discussion, the issue was addressed by a Lebanese migration expert:

Since the beginning, we were trying to voice the fact that we want more state response in the management of this. International funding was written on the assumption that during the first year there is no state in Lebanon. All in the sudden, the state is back in.¹⁶

To tackle this problem, in addition to strict regulations, the Lebanese government collaborated with the UN and INGOs in order to prepare a Response Plan – the LCRP. As it was discussed above, with regard to discussions around refugee labelling, the LCRPs for 2015 and 2017–2020 reflected how the Lebanese government aimed to take control over refugee governance that had previously been delegated to international actors. The government intended to address its concerns and reshape its relationship with the plethora of international organizations that used to be bypassing the government in managing these issues in Lebanon.¹⁷ A conversation that I observed between a German representative of a prominent NGO funded by Germany and a Lebanese humanitarian aid expert reveals the core of tension. When the German representative legitimized the bypassing of government due to its weak performance and corruption, the Lebanese expert reacted with the following:

Excuse me, this is my country, so I have to manage my country by myself and if you come into my country as a foreigner and you would like to arrange things which are proper to my job, then it’s not ok, you have at least to coordinate with me and I have to solve this problem.¹⁸

The German representative went on by explaining the situation of paralysis,

Because of course the Lebanon Government was asking for the international community’s support it got a lot of money, but it should not have to complain, however that this government was incapable of making any decisions and also legally it cannot receive funds; for projects, there is a need for approval of the Council of Ministries or the Parliament or whatever. But, they are all not working properly.¹⁹

An officer of an international NGO, who had worked in Lebanon for three years reported that:

The relationship between the government and NGOs is very tense right now. Because the government wants money, but donors do not feel comfortable with that because they know the government is very problematic in taking any action. We are not sure about where all this money goes. For example, the Ministry of Water is saying all water projects have to be approved by the government, which is going to take forever.²⁰

An officer from the UNHCR shared similar concerns of INGO representatives that were expressed above; he also added that the UN was looking to advocate some issues with the government.²¹ However, it is also considered that the government tried to increase its negotiation power in international platforms, as pointed out by an interviewee:

In my opinion, the government is creating all of those barriers on legal status; it is on paper that is how it is. But they are creating all of these to make it difficult for Syrians and also to create some leverage for themselves. So the Lebanese government can go to the donors at the London Conference and this is exactly what happened and say, you know, give us 10 billion dollars, just give it to the government and we will let the Syrians exist. And now there is a negotiation around the program called STEP where the government will give 300,000 work permits to Syrians. The reality is Syrians are working.²²

As the interviewees noted, despite recently introduced strict policies and the negative comments of politicians regarding the access of Syrians to the Lebanese job market, the Lebanese government made commitments in international platforms in order to attract funding; this was proposed in the Statement of Intent during the Syrian Crisis Conference in London in February 2016. The Lebanese government promised to create around 300,000 to 350,000 jobs allocating 60 per cent for Syrians via investments in municipalities, job creation in labour intensive sector, access to markets and support for the Lebanese infrastructure needs in areas related to the crisis and national security (Lebanon Statement 2016). It is seen that the Lebanese state gradually increased its leverage power and was able to emphasize the necessity of providing services to its own vulnerable population and its broken infrastructure by playing refugee politics.

The case of Lebanon illustrates the role of contingency and imitation influence in responding to mass refugee movements. The crises centric-securitizing discourse of the EU was closely approached by Lebanon (Janmyr 2017b, 27). In 2015, the Lebanese media provided almost daily coverage of the European refugee 'crisis', particularly the migrant deaths in

the Mediterranean as well as the erection of walls and fences by European countries. Both the Lebanese media and representatives criticized these measures that aimed to prevent further immigration into Europe as well as the global inaction of the international community. The very language of 'migrant crisis' or 'refugee crisis' has had direct policy implications.

Importantly, the framing of a refugee movement as a crisis in international negotiations helps to legitimate the authorization of exceptional or emergency – mainly security driven – governmental measures, policies and their subsequent normalization (De Genova et al. 2016). In Lebanon, the crisis discourse leads to the exercise of excessive power over governing, controlling and containing refugees as well as to migration policing and limiting IOs assisting refugees as discussed above. The discourse normalizes controversial policies such as high fees for renewal of residency permits, despite regularization attempts; difficulties in granting work permits, despite the high rate of working among Syrian refugees; and a system of sponsorship which itself creates vulnerabilities and further illegalities. Moreover, the very term of crisis legitimizes measures such as curfews, raids to refugee settlements, detention and seizures of refugees' belongings that violate fundamental rights of refugees. As an extreme case exemplifies, refugees are even seen as carriers of the contagion of 'crisis' wherever they may go in Lebanon, as the news from the Ġizzîn municipality in South Lebanon shows where public gatherings have entirely been prohibited to Syrian nationals in 2014 (Carpi 2014, 417).

The European crisis gave Lebanon legitimization of its increasing restrictive measures and presenting itself as a more 'humanitarian actor vis-à-vis other countries which has more power', even if it has problems in safeguarding some rights for refugees. Paradoxically, the framing based on crises benefit Lebanon in terms of getting more financial support as 'crises' still are more able to obtain international attention.

To conclude, insights from the case of Lebanon allow us to see that previous refugee experience, governance capacity, domestic politics and the country's stake in a conflict in the source country/region play roles in shaping the refugee policies in the host countries. The impact of uncertain political climates is felt more through Lebanon's initial responses, as there was no structured policy action. However, the Lebanese government, despite a policy paralysis in the initial stage of the crisis, tried to develop more concrete policies to limit the number of Syrian displaced person(s) on its territory and to reduce the negative consequences of the Syrian crisis. After 2014, policy changes in the border control and reception occurred at the critical juncture of protraction of crisis and desire to solve mounting problems. The policy changes did not lead to further protection and integration because of a lack of capacity, ideational concerns drawn from the delicate sectarian balance and the history of Palestinian refugees in the country. International politics also played a role as Lebanon engaged in negotiations to receive more humanitarian development aid. However, the

low absorption capacity in the country and factors related to national security/domestic politics had a larger impact on refugee governance than international politics.

Notes

- 1 Personal communication with a Lebanese Co-Director of International NGO in Beirut, 14 April 2016.
- 2 Personal communication with a Representative of INGOs serving in Lebanon, Beirut, 13 April 2016.
- 3 The stance of other parties about refugees and the preferred response is rather uncertain. They seem to share concerns about security and the risk of destabilization of demographic balance. There is a consensus about rejecting any permanent settlement option for both Palestinian and Syrian refugees.
- 4 Drawing from this case, Eakin writes that: 'it is one of the more paradoxical consequences of the Syrian conflict: while the war has deeply divided the Middle East, the refugee crisis it has produced is forcing the opposing sides to work together outside Syria's borders' (2013, 1).
- 5 Personal communication with the UNHCR Protect Officer in Beirut Office, Beirut, 13 April 2016.
- 6 Personal communication with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016.
- 7 In 2013, the Government of Lebanon has developed a Roadmap for Priority Interventions for Stabilisation from the Syria Conflict that recommends a four-track approach: 1) existing projects should be scaled up and existing actors should rapidly respond; 2) mid-sized projects should be planned; 3) longer-term delivery and impact should be achieved through resilience building programming; and 4) private sector engagement in the Lebanese market should be stimulated (Policy Brief 2014, 3).
- 8 Personal communication with a Lebanese scholar of Migration, Beirut, Lebanon, 11 April 2016.
- 9 Personal communication with a Lebanese Co-Director of International NGO in Beirut, 14 April 2016.
- 10 A Central Administration of Statistics (CAS) study of 2011 sets unemployment rates in Lebanon at 6 per cent. A World Bank report of 2012 found a rate of 11 per cent and other governmental institutions including the Ministry of Labour and the National Employment Office (NEO) estimate it to be between 20–25 per cent (European Training Foundation 2015).
- 11 Personal communication with a Lebanese Co-Director of International NGO, 14 April 2016, Beirut.
- 12 Personal communication, Focus Group Study with Experts on NGO Works, 12 April 2016, Beirut.
- 13 Personal communication with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016, Beirut.
- 14 Personal communication with a Lebanese Co-Director of International NGO in Beirut, 14 April 2016, Beirut.
- 15 Personal communication with a scholar of Political Science and expert on migration, Lebanese American University, Beirut, 13 April 2016, Beirut.
- 16 Personal communication, Focus Group Study with Experts on NGO Works, 12 April 2016, Beirut.
- 17 Personal communication with a Lebanese Co-Director of International NGO, 14 April 2016, Beirut.
- 18 Ibid.

- 19 Personal communication with a German Co-Director of International NGO, 14 April 2016, Beirut.
- 20 Personal communication with a Lebanese Co-Director of International NGO, 14 April 2016, Beirut.
- 21 Personal communication with the UNHCR Protect Officer in Beirut Office, 13 April 2016, Beirut.
- 22 Personal communication with Representative of INGOs serving in Lebanon, 13 April 2016, Beirut.

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Part IV

Jordan



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8 Jordanian national refugee governance and its responses to Syrian mass migration

Some 2.5 million Syrians have crossed into Jordan since 2011. Today we are hosting 1.5 million Syrians, one for every five of our own citizens. Across my country, Jordanians are suffering. No one is justified in questioning our commitment and sacrifices. The economic and social impact has shocked every sector, every community; and it has set back the strides of our economy and has created tremendous problems in our development, job growth and debt reduction. We are spending a quarter of our national budget on refugee-related costs.

(Jordan Times 2016)

King Abdullah II of Jordan delivered this speech above at the UN Refugee Conference in 2016. His sentences not only emphasize the sheer numbers of Syrian refugees but also the impact that these have had on the Jordanian economy and society. The speech also sends a diplomatic message to the donors, namely, that they should refrain from criticizing Jordan's refugee policies under the given circumstances.

The estimates of the World Bank regarding the impact that the Syrian crisis has had on the Jordanian economy, confirm King Abdullah II's assertion. In the period from 2011 to 2016, the influx of Syrian refugees had cost more than 6 per cent of gross domestic product (GDP), and one-fourth of the government's annual revenues (World Bank 2016). Jordan's population growth rate had increased to 7 per cent in comparison to the average 3.2 per cent per year between 2000 and 2010. The country's population reached 10,053,000 in 2017 (Population Estimates 2017). The non-Jordanian population was at that time made up by Syrians, migrant workers (Egyptians, Yemenis, Libyans and South Asians), Palestinian refugees who do not have a Jordanian national identity card and other refugees (Iraqis, Somalis and Sudanese) (Ghazal 2016).

With 89 refugees for every 1,000 inhabitants, Jordan hosts the second largest number of refugees relative to the size of its population, according to the UNHCR update from April 2017 (UNHCR 2017b). The UNHCR's population of concern (refugees) is 728,955 individuals of whom 655,732 are Syrians (UNHCR 2017a, 1). Despite the UNHCR numbers, the

Jordanian Ministry of Planning and International Cooperation (MoPIC) indicated that the total number of Syrians in the country was closer to 1.4 million in 2015. The 2015 national census then counted 1.265 million Syrians (Ghazal 2016). The Jordanian authorities estimated higher numbers than the UNHCR as the state authorities also counted Syrians who were living in Jordan before the crisis as well as unregistered refugees who had entered the country but had not formalized their status with the UNHCR (JRP 2016–2018, 14; Danhan 2016). In fact, the number of Syrians who have entered Jordan since 2011 is much higher than the settled population, around 2.5 million in total, according to Jordan's Refugee Affairs Coordination Office of Ministry of Interior (MoI). The current actual numbers are lower because some returned to Syria or lost their registered status in Jordan, others continued their asylum seeking journey to Europe via Turkey or North Africa (Arar 2016).

Following a volatile security situation in Iraq in 2014, Iraqis also fled to Jordan to seek asylum. The number of Iraqis registered with the UNHCR reached 61,405 in 2017 (UNHCR 2017a, 1). Additionally, Jordan hosts some 6,360 Yemenis, 3,322 Sudanese and 2,136 from other nationalities as asylum seekers and refugees (UNHCR 2017a, 1). All non-Syrian refugees live outside of the camps, particularly in the Amman Governorate (89.7 per cent) (PRG 2016).

Given this background, this chapter will focus on the Jordanian response to mass refugee migration from Syria. It first provides an overview of the country's socio-political and economic context by focusing on regional security concerns, the vitality of the political economy and pre-2011 relations with Syria. Then it will outline Jordan's history of migration with an emphasis on policies and memories regarding previous Palestinian and Iraqi refugee movements. The next section will map the legal and institutional framework of the national refugee regime as well as introduce the actors involved in refugee governance. This section is of importance in order to understand the meta-governance dimensions of refugee issues in the country. Then the chapter lays out the main characteristics of refugee governance by focusing on three governance fields: border management, reception/protection and integration. To show shifts in the national policy approach and specific changes in a certain realm, I divide the time-frame (2011–2018) into two periods. The first period is the initial ad hoc and relatively regulative phase between 2012 and 2013, and the second phase is the restrictive phase that started in mid-2013 and continued until the present. Finally, I provide an overview of Syrians' access to services, with an emphasis on protection challenges.

Political landscape of Jordan and relations with Syria

Jordan is a constitutional hereditary monarchy, ruled by the Hashemite family. King Abdullah II has been in power since 1999, when he succeeded

to the throne after his father, the late King Hussein had died following a 47-year reign. The King appoints a prime minister to head the government, appoints the Council of Ministers as well as all judges. Jordanian governments in the past survived only for short periods of time – often no more than 15 months – before being dissolved by royal decree. The Jordanian parliaments, in contrast, have mostly complied with the policies shaped by the powerful Royal Hashemite Court (RHC) (Sharp 2017, 11).

The Hashemite Kingdom of Jordan is characterized by a combined legacy of British design (which had established Jordan in the first place prior to its independence in 1946), as well as the Hashemite rule, regional wars (particularly Arab wars against Israel) and refugee flows of Palestinians (Ryan 2011, 566–567). Regional security concerns, political economy, political demography – marked by identity politics – are the main building blocks of Jordan's internal and international politics. These pillars will be briefly explained below as they have come to define refugee governance towards Syrians.

Regional security concerns and the issue of Palestinians

Jordan was involved in the 1948 Arab–Israeli War, the 1967 Arab–Israeli War in June, the military campaign against the Palestinian Liberation Organization (PLO) and Syria in September 1970, and the 1973 Arab–Israeli War (Schwarz 2012 59). Jordan's main goal in the conflictual region has been to secure its borders and to provide regime security. Various regional factors, primarily the Arab–Israeli conflict and the Kingdom's large Palestinian community have played a major role in determining Jordan's history and its foreign policy (Brand 1994, 395). Regional security concerns intertwined with the issue of political demography.

There is general agreement in the studies on politics in Jordan that the divisions between West Bank (Palestinian) Jordanians and East Bank Jordanians (Transjordanians) constitute one of the precarious fault lines. Other identity affiliations such as tribe, religion, class, citizenship status and urbanity have also important divisive points (Abu-Odeh 1999; Brand 1995; Lynch 1999). East Bankers are people who trace their origin to the area now known as Jordan, East of the Jordan River, and primarily live in traditional tribes in the rural northern and southern regions. East Bankers maintain considerable power in the government, state bureaucracy and military, and constitute the state's main support base (Baylouny 2008; Köprülü 2014). West Bank Jordanians are made up of Palestinians who trace their ancestry to the West Bank of the Jordan River and the Gaza Strip. Palestinians who arrived prior to and in the aftermath of the first Arab–Israeli War in 1948 were granted citizenship in 1950, unlike the practices in other Arab countries such as Syria and Lebanon where Palestinians have remained as refugees for decades. The King's citizenship decision was driven by ambitions to create a united Hashemite state that would be composed of Jordan,

Iraq and parts of Palestine (Safran 1969). However, the King's ambitions were not realized and the loss of the West Bank to Israel during the Arab–Israeli War in June 1967 changed Jordan's approach to the Palestinian cause. Jordan attempted to disassociate itself from the Palestinian–Israeli conflict, although it claimed territorial control over the West Bank until 1988.

The civil war in 1970–1971, known as Black September, was a crucial historical moment for the Jordanian regime's internal and regional security. It was staged by the PLO and the more radical Popular Front for the Liberation of Palestine, with the intention of ousting the Hashemite regime, led by King Hussein, and seizing control of the country through Palestinians who at that time made up almost 70 per cent of the population. The war ended with the expulsion of the PLO from Jordan to Lebanon. The war demonstrated the fragility of the Hashemite regime and increased long-term suspicions about Palestinian refugees who might attempt to overthrow the regime.

International political economy and Arab uprisings

Not only the fragile political demography and proximity to neighbours in conflict, but also insufficient access to budgetary resources has been one of the most important challenges for Jordan. The country is replete with a highly educated labour force but lacks capital sources and natural resources, most importantly, water and oil. Its free market economy centres on the service sector, while other sources of revenue are limited (Baylouny 2008, 283). The Jordanian economy, being among the smallest in the Middle East, has been largely supported by foreign aid, foreign direct investment, public debt, emigrant remittances and inter-Arab trade (Brand 1994, 394; Harper et al. 2016, 4). The First Gulf War (1990–1991) aggravated the country's economic predicament because it is a major trading partner and was confronted with unmet financial aid pledges from the Gulf states, which affected private income, businesses and state budgets (Baylouny 2008, 293). In the 1990s, to be able to use the International Monetary Fund (IMF) loans, Jordan introduced adjustment programmes and economic liberalization reforms that were based on privatization, free trade, open borders and business-friendly governance. Neoliberal economic reforms remained incomplete due to a combination of factors, including 'repeated cycles of economic slowdown, high poverty rates, and a bloated public sector' as well as structural factors, for instance, 'chronic dependency on foreign aid and remittances, vulnerability to external shocks, a large informal economy' (Harper et al. 2016, 5).

Historically, Jordan has been obsessive about securing economic agreements and the flow of international aid and loans (Ryan 2009, 176). The USA has been the primary provider of external sources of income to Jordan since 1951, due to Jordan's strategic importance as a neighbour of Israel and

the USA's care about not risking the country's stability (Sharp 2017, 2). By virtue of its reliance upon external income sources, Jordan has been categorized as a non-oil rentier state (Beblawi 1987). The level of rentierism is higher than in other states of the Middle East, which has led to militarized statehood and extensive bureaucracy, guaranteeing its survival as an independent state (Alfayez 2016; Abadi 2014; Schwarz 2012). It can be also argued that not only is it of strategic importance but also refugee hosting serves as an asset for Jordan as a way of acting as a rentier state. Jordan has long used Palestinian, Iraqi and Syrian refugee hosting as an instrument for drawing external financial aid (Kelberer 2017). Thus, similar to other policy areas, Jordan's refugee policies cannot be evaluated independently from its international relations towards donor states and institutions.

The political economy of Jordan has a huge impact on the country's domestic politics. The structural adjustment programmes in the 1990s sparked political discontent, because they contradicted Jordan's traditional politics of vested interests such as *Wasta*,¹ but also nepotism and public-sector practices that have favoured East Bank Jordanians over Palestinians (Ryan 2009, 175). The policies marginalized the previous regime backers – the East Bank population – and rather promoted a strengthening of the military (Baylouny 2008, 278). To reassure its weakened power, the king called for a new election in 1989 which would replace the National Assembly that he had dissolved in 1988, and in addition, he legalized the establishment of political parties. The shift towards democratization resulted in the introduction of a series of political reforms under the National Charter in 1991 (Jordanian National Charter 1991). Since then, the reforms have often not been illustrative of any genuine democratization effort but were rather characteristic of a strategy for survival and efforts to seek legitimacy. They aimed at appeasing domestic discontent over Jordan's disengagement from the West Bank territories in 1988, the peace agreement with Israel as in 1994 as well as the economic sufferings brought about by structural adjustment programmes (Köprülü 2014, 318; Lucas 2003, 138). By the beginning of 2000, economic liberalization had increased while political liberalization had reversed.

Despite the existence of serious political and economic challenges, Jordan has had a more stable regime than the other Middle Eastern countries such as in Iraq and Syria (Abadi 2014, 164). It has a functioning government and administration, unlike its neighbour Lebanon (Harper et al. 2016, 9). Even with limited political liberties, many Jordanians feel that they are doing better than their neighbours in Saudi Arabia, Syria or Iraq in terms of pluralism, openness and stability (Lucas 2003). The country is however vulnerable to external shocks as observed during the time of the Arab Spring and the Syrian refugee crisis (Harper et al. 2016, 7).

A fundamental challenge to the country's stability emerged during the early months of the Arab Spring. Nearly 8,000 protests, marches and strikes, which called for political reforms occurred across the country

between January 2011 and August 2013 (Yom 2015, 284). Various segments of Jordanian political actors from the Islamic Action Front (IAF, Jordan's main opposition party), to the leftist parties as well as independents of both Jordanian and Palestinian origin, new opposition groups (youth activities and grass-roots tribal movements) and trade unions participated in the protests. All groups highlighted similar demands: limits to be placed on the king's autocratic powers, constitutional reform, a revision of electoral law and less corruption. The rallies did not centre on calls for a regime change (Yom 2015, 284; Köprülü 2014, 318). In response to growing public discontent, the king first established a National Dialogue Committee to revise the controversial electoral law, then replaced the prime minister and his cabinet and then attempted to establish a dialogue with the IAF, which had boycotted the elections in 2010. As a result, the Kingdom, in turn, has remained relatively stable since and, similar to the Morocco and the Gulf states, was largely unaffected from the regime changer impact of the Arab Spring. In this line, the country deserves to be characterized as a durable authoritarian state (Yom 2015). A discussion around the question why no fundamental political change has occurred in Jordan is beyond to scope of this chapter. The subsequent section provides a brief discussion of the history of forced cross-border mass migration flows to Jordan and related policy patterns.

History of refugee migration to Jordan

Jordan has been a place of arrival, transit and resettlement for several ethnic, national and religious communities since 1878, when the Ottomans resettled Circassian refugees from the Russian Empire to Amman (El Dardiry 2017, 704). After its independence, the major forced migration movements to Jordan included Palestinians, Iraqis and Syrians (as seen in Table 8.1).

The national refugee regime has been shaped in relation to policies that were developed to respond mainly the Palestinian and Iraqi refugees; currently, it has evolved through Syrian mass migration. A summary of these are discussed below.

Table 8.1 Major forced migration movements to Jordan

<i>Date</i>	<i>Origin of forced migrants</i>	<i>Estimated numbers</i>
1948	Palestinians from Palestine	c. 450,000
1967	Palestinians from West Bank and Gaza	c. 350,000
1990–1992	Jordanian nationals of Palestinian origin from Kuwait and other Gulf states	c. 300,000
1990–2007	Iraq	160,000–700,000
2011–	Syria	660,000–1,300,000

Source: Lenner 2016.

Palestinian refugees

Since 1948, Jordan has hosted the largest number of Palestine refugees. Jordan allowed Palestinians who had resided in Jordan between 1949 and 1954 to assert their 'right to return' to places where they had lived prior to 1948 or to stay as citizens in Jordan (A1 Abed 2004). The descendants of these Palestinians were automatically granted citizenship according to the Family Book of Jordanian Law (Soh et al. 2016, 4). These people are presently still often referred to as Jordanians of Palestinian origin, but not refugees.

The second mass refugee movement of Palestinians to Jordan occurred during the Arab–Israeli War in 1967. These Palestinians were not given citizenship status and remained refugees, registered by the UNRWA (Abadi 2014, 162; Layne 1994, 18). In line with Jordan's judicial and administrative disengagement from the West Bank in 1988, Jordan modified its Citizenship Law. West Banker Palestinians were thereafter given Jordanian passports if they sought to travel, but these papers did not confer rights of citizenship. Also, after the Palestinian Authority itself began issuing passports in 1995, Jordan begun to revoke Jordanian citizenship, if persons were found to be carrying an Israeli or a Palestinian passport (Davis et al. 2016).

Another massive flow of Palestinians into Jordan occurred during the Gulf War in 1990–1991 and after the fall of Saddam Hussein in Iraq with the US intervention in 2003. Around 300,000 Palestinians who were living in Iraq, Kuwait, Saudi Arabia and other Gulf states had to return to Jordan (Dorai 2015). The arrival of Palestinians was considered an external threat by Jordanians, primarily on the basis of economic and ideational concerns. For example, to respond to concerns of Jordanian public, the government confined Palestinians from Saudi Arabia to refugee camps by impeding Palestinian participation in the job market (Soh et al. 2016, 1). Meanwhile, thousands of the nearly 30,000 Palestinians expelled by Libyan authorities became angry about the PLO's decision to sign an interim peace accord with Israel in 1993, and made their way to Jordan (New York Times, 1995). Finally, the most recent wave of Palestinian refugees came from Syria where conflict forced more than 70,000 stateless Palestinians to seek asylum in neighbouring countries – mainly in Jordan and Lebanon (Dorai 2015).

As a result of all this mass forced migration of Palestinians, around 2,175,491 registered Palestinian refugees (out of 5.2 million Palestinian refugees in total) currently reside in Jordan as of October 2017 (UNRWA 2017). With these numbers, Jordan has the highest Palestinian refugees-to-citizens ratio in the world. Palestinians live in the central, urbanized and the most densely populated areas, which also offer the best opportunities for private employment and jobs in industry. A mix of Palestinians and Jordanians also live in Amman (UNRWA 2017). Nearly 18 per cent of Palestine refugees live in a total of ten refugee camps (UNRWA 2018). Almost half of the UNRWA-registered Palestinian refugees have obtained the same

rights as Jordanian nationals, and thus their legal status is currently less precarious than that of Palestinian refugees living in other countries of the region (Shiblak 1996; Brynen 2006; Al-Husseini and Bocco 2010; Achilli 2014).

According to most scholars in the field, since the 1990s, Palestinians have come to constitute, by a tiny margin, over half of the Jordanian population (Reiter 2004, 74).² It means that they are not a minority in terms of their ratio to East Jordanians who perceive them as a demographic threat due to their sheer numbers and growing economic power (Reiter 2004, 91). The fear is that a demographic change might favour the Palestinians vis-à-vis the East Bank tribal elites who, in turn, may lose their traditional power (Reiter 2004, 73). Also, it is important to note that Jordanians are concerned about Israeli's 'Jordan is Palestine' plan. According to this plan, Israel attempts to 'solve' the Palestinian problem by making Jordan the 'alternative homeland' for Palestinians (Ryan 2011, 569). Nevertheless, despite all the demographic and economic changes over time, Palestinians have remained a political minority and this has also been institutionalized via the electoral law. The electoral law, originally amended in 1993, strengthens Palestinians political minority status in the sense that it has ensured that urban areas with Palestinian majorities, in sum, have less representatives in the parliament, while rural and mainly East Jordanian districts are comparatively over-represented (Köprülü 2014, 320; Ryan 2010). Also, Jordan pursues an assimilative refugee policy under the title of Jordanization and de-Palestinization that aims to weaken 'the Palestinians' status in the Kingdom's key power centres like political institutions and army' (Reiter 2004). Palestinian refugees have faced various forms of discrimination, exclusion and restrictions to access rights and services (Abu-Odeh 1999). The UNRWA-registered Palestinians hold a temporary, two-year Jordanian passport that serves as a travel document, identification document and residency permit. Since these passports do not have a national identity number, this status implies several legal restrictions (Refworld-Jordan 2014). For instance, they can neither acquire property nor 'register a car or business or liquidate their investments' (Refworld-Jordan 2014). As Palestinians have generally not been allowed to work for state employment, they have collectively organized themselves in the private sector and industry along profession and kinship lines.

Iraqi refugees

In addition to Palestinians, Iraqis also represent a large refugee community in Jordan. After the 2003 US invasion of Iraq and during the heightened sectarian violence in 2006–2007, an estimated 2 million had crossed borders into neighbouring countries as refugees, although the exact number of Iraqi refugees is unclear (Barnes 2009). Despite some unease, Jordan has upheld an unusual open-door policy towards Iraqi refugees, primarily due to

regional politics as well as due to financial flows given by the USA to cover the costs of the Iraqi crisis (Barnes 2009, 14).

There have been significant inconsistencies concerning the precise numbers of Iraqi refugees in Jordan. In 2007 and 2008, the Jordanian government estimated that some 750,000 Iraqi refugees were residing in Jordan, while the UN estimated that it was some 450,000 (Barnes 2009; Seeley 2010; Stevens 2013). In 2010, the UNHCR estimated that Jordan hosted between 500,000–750,000 Iraqi refugees (Qumri 2012). At a later stage, Jordan maintained that it had 450,000–500,000 Iraqi refugees (Gibson 2015, 204). Because of inconsistencies in numbers, the Jordanian government has been accused of inflating the numbers in order to receive more aid on the basis of refugee hosting (Gibson 2015, 205).

From the perspective of the Jordanian state, the arrival of Iraqi refugees placed an additional burden on the already limited resources and infrastructure of Jordan. This burden should have been covered by the international community (Iraqi Response 2012, 46; UNCHA 2013; Stevens 2013, 33). To this end, following the 2003 Iraq War, international aid flows to Jordan substantially increased to prevent the negative effects of Iraq (Baylouny 2008, 301). The Jordanian state framed the flow of aid as necessary to support Jordanians and to cover the financial burden created by the Iraqi refugees (El Dardiry 2017, 705). Moreover, international and local non-governmental organizations have played a substantial role in addressing the needs of Iraqis (Libal and Harding 2011). Pressured by NGOs, the UN, as well as main donors such as the USA, Jordan began to make accommodations in 2007 that would enable Iraqis access to public schooling and health services (El Dardiry 2017, 712; Libal and Harding 2011, 167). Nevertheless, the Jordanian authorities have identified Iraqi asylum seekers as guests and implied temporary visitor status instead of giving them official refugee status (Mokbel 2007, 11). This means that Iraqis have occupied an ambiguous and precarious socio-legal position in Jordan and lack access to many key social services and work permits (Bjawi-Levine 2009; Chatelard 2009; Mason 2011).

However, earlier open-door policies have been replaced by more restrictive policies with a short time-frame. After February 2007, border authorities started to ask for a new type of Iraqi passport during entries and began to prohibit males between the ages of 20 and 40 from entering the country (Mokbel 2007, 11). Jordan selectively eased residence and visa procedures for wealthy Iraqis who would be able to bring capital into the country. A residence permit was only issued to Iraqis who were able to deposit and maintain large sums of money in Jordan or able to meet stringent employment requirements (Barnes 2009, 20). On the other hand, many low-income Iraqi refugees have been forced to live in harsh conditions, without proper access to livelihoods and international protection. Similarly, acquiring work permits has proven difficult for many, as this required active residency (Libal and Harding 2011; UNCHA 2013). In this context, 'class and professional identities have been central to Iraqis' ability to build

relationships with previously established Iraqis and Jordanians' (Chatelard 2008; Arar 2016). Nevertheless, Jordanians often blame Iraqis for causing unemployment and inflation, although such problems are systemic and were present prior to the arrival of Iraqi refugees (El Dardiry 2017, 705). In order to ameliorate the burden of the refugee crisis, Jordan required all international humanitarian programmes serving Iraqi refugees to have quotas (often between 25–50 per cent) for the needy Jordanian recipients (Seeley 2010). In practice, the number of Jordanians who sought aid often exceeded the number of Iraqis. Jordan used aid to meet the needs citizens and infrastructure needs, claiming that the positive effect would also have an impact on the lives of Iraqi refugees. The channelling of aid also encouraged Jordan to ease its regulations and to grant more rights to refugees (Seeley 2010; Sharp 2013; Stevens 2013).

In addition to Palestinians and Iraqis, since the late 1990s, the UNHCR in Jordan has also registered refugees from Sudan and Somalia who escaped from the long-running conflicts and poverty in their home countries (UNHCR 2017a). They have been recognized as asylum seekers by the UNHCR, and were recommended resettling to a third country, if individuals were considered to be in need of international protection. Jordanian authorities, in turn, have often viewed them as travellers, labour migrants and 'illegals' rather than as refugees, primarily as they were 'non-border' refugees who enter with visas (often with medical visas) and then overstayed in Jordan to seek asylum with the UNHCR (Davis et al. 2016). They have been seen as 'second-tier refugees' or 'almost a forgotten refugee population' because they are excluded from humanitarian organizations' services that mainly target Iraqis and Syrians, and not others. These groups report the experience of everyday discrimination (also racism), difficulties in accessing informal labour market as well as bad treatment and deportation by the Jordanian police (Davis et al. 2016; Haddad 2012).

Main characteristics of Jordanian national refugee regime

Being a destination country for mass arrivals from neighbouring countries as well as a country that has faced a protracted refugee situation in which Palestinian and Iraqi refugees have sought protection over many years, Jordan has been positioned internationally as a containment zone for regional migration. It has a long-term reputation of acceptance and generosity for refugees. Also, Jordanians often express their proudness to welcome refugees, invoking cultural and religious values. Although Jordan is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol, the international refugee apparatus has been expanded to the country. The Jordanian state, in close cooperation with the UNHCR provided temporary protection to asylum seekers (Davis et al. 2016).

The main features of Jordanian refugee governance in three realms – namely, border management, reception/protection and integration – can be

summarized. First, in terms of border controls, Jordan has increasingly implemented selective border regulations. In general, it has taken a hardening stance towards mass refugee crossings on security grounds (Amnesty International 2017). The selectivity often targets Palestinians, refusing their entry from their first country of asylum such as Syria (Sammonds 2013). Second, with regards to reception/protection, the Jordanian state has in most cases assumed a minimal role in the provision of humanitarian aid and services and rather outsourced the latter to UN agencies,³ their partners and non-governmental organizations (Tobin and Campbell 2016). The lack of formal refugee status has caused an ambiguous and precarious socio-legal position for refugees who have been labelled as visitors, irregular migrants, Arab brothers or simply guests which all have no legal meanings under domestic law (ILO 2015, Nanes 2007; Saliba 2016; ILO 2015). Such labelling has created serious difficulties for refugees and their efforts to gain access to public services and has put them in an insecure situation. Third, concerning integration, until 2016, legal limitations prevented them from gaining access to the formal labour market, while the naturalization of refugees or attainment of citizenship remained almost impossible. Jordan has avoided developing durable policies, fearing that these might encourage refugees' long-term stay. Integration has mainly been hindered by concerns of their financial cost such as pressure on public services, fears that refugees might represent a threat to national order, regime security and the labour market. The protracted Palestinian refugee situation explained above created sensitivity for as well as negative attitudes towards the label refugee (Gibson 2015; Harper et al. 2016). This has resulted in a profound reluctance to allow other groups of people to become a permanent part of the population. Due to their sheer numbers, Syrians experience the footprints of policy legacies and bitter memories of Palestinians and Iraqis (Lenner 2016, 8).

Jordanian refugee policies are selective, depending on the nationality/citizenship of the person in question, rather than being applied simply on the basis of someone's status as a refugee or asylum seeker. The country of origin model has been crafted by the Jordanian state in partnership with the UNHCR and donors together by signing agreements and creating funding conditions. First of all, this model creates contradictions in terms of how asylum seekers are able to obtain refugee status. For example, from 2012 to 2015, Syrians are granted *prima facie* refugee status and are required to register with both the government and the UNHCR, while Iraqis, Somalis and Sudanese must undertake refugee status determination (RSD) on a case-by-case basis. On the other hand, when Palestinians with Syrian travel documents enter Jordan as part of mass flows, they fall under the jurisdiction of the UNRWA, which represents the oldest and recurrent institutional example of this model. The UNRWA has recorded, but not re-registered Palestinians from Syria, in order to preserve their former status and to enable them to return (Bidinger et al. 2014, 70). The model has

generated contradictions in aid and service provision, which are generally organized around specific crises and appeals of donors (Davis et al. 2016). For example, since 2011, the UNHCR has received donor contributions under the condition that it must respond to Syrian crisis (since 2015, small amounts go to Iraqis, too). The funding's conditionality creates a hierarchy of service provision. Often the needs of immediate cross-border mass refugee flows are prioritized, while the needs of other protracted or small-sized refugee groups are ignored (Davis et al. 2016). Refugees who did not arrive as part of mass flows – for instance, Somalis and Sudanese – were often left without emergency care. Although Palestinians fled from the same violence in Syria and Iraq as other refugees, they have not been eligible for resident classification and have been unable to register for resettlement. Their registrations in Syria were temporarily transferred to Jordan. They were not able to access any cash assistance or education, and at the same time lacked accommodation (Dorai, 2017). The UNRWA has had to ask for additional funding to provide emergency services for these Palestinians (Davis et al. 2016).

The legal framework of refugee governance and relations with the UNHCR

Similar to other host countries in the region, Jordan lacks a concrete legal framework for addressing refugee affairs. Refugees do not have any particular status under Jordanian law and cannot acquire rights of residency or the right to work, except through special deals with donors and Jordanian state (Needs Analysis 2013). They are treated as foreigners and subjected to the Jordanian Law of Residency and Foreigners' Affairs No. 24 of 1973 and its amendments, which regulate foreign entry to and residence in the Kingdom (Jordan Law 1973). This law applies to all foreigners without distinguishing further between refugees and non-refugees. The same law includes references to the treatment of asylum seekers (Articles 4, 6, 10 and 29) without defining criteria for refugee entitlement or specifying which entities are responsible for determining refugee status (Olwan and Shiyab 2012). The Ministry of Interior (MoI) has the authority to specify under which conditions foreigners, including refugees, can be permitted to enter into Jordan and to what extent documentation needs to be issued.

Despite being a non-signatory of the Refugee Convention, Jordan is a party to several international conventions on human rights, including the International Covenant on Civil and Political Rights and the Convention against Torture, which oblige Jordan to respect the non-refoulement principle⁴ and refugee rights. Its Constitutional Article 21(1) provides protection against an extradition for political asylum seekers, without granting a refugee status (Constitution 1952).

Jordan and UNHCR have upheld a long-term and strong cooperative relationship in refugee affairs as the former is part of the UNHCR's

Executive Committee and 'has been a crucial host-state partner in the shaping of its policies and practices since the 1990s' (Kelberer 2017, 152). On 8 April 1998, Jordan and the UNHCR signed a Memorandum of Understanding (MoU). Jordan has thereby committed itself to respect the non-refoulement principle and to allow temporary protection. The UNHCR holds full responsibility for determining who is a refugee and who is not, through the RSD process, and is obliged to inform the MoI about asylum applications (MoU 1998; Olwan and Shiyab 2012). The MoU 'specifies that asylum-seekers may stay in Jordan pending RSD and allows mandate refugees a maximum stay of six months after recognition, during which period a durable solution has to be found' (MoU 1998). This provision has not been enforced in practice, but it gave Jordan insurance that it is deemed to host refugees temporarily, while it left the duty to the UNHCR to find ways for resettlement to a third country or for voluntary return (Bidingier et al. 2014, 59). The MoI has the authority to expel persons whose application for asylum has been rejected by the UNHCR (MoU 1998, Art. 2[2]). With regards to mass migration cases, the UNHCR and Jordan agreed to quickly respond to emergencies in the event of a mass influx by establishing joint emergency mechanisms (MoU 1998, Art. 12). In March 2014, the articles of the MoU concerning the duration for examination and the issuing of refugee identification cards were amended in order to give the UNHCR more time to deal with applications of mass registration of Syrians refugees (Malkawi 2014).

Based on Jordan's relation with the UNHCR system, refugees in Jordan fall into four categories: 1) UNHCR-recognised refugees; 2) asylum seeker card holders who are part of the UNHCR's temporary protection programme; 3) persons who were rejected as refugees by the UNHCR prior to 2003, but whose legibility for at least temporary protection may have changed because of the war; and 4) persons who have not approached the UNHCR, but who fled persecution or generalized violence (Needs Analysis 2013). Jordan has agreed to treat asylum seekers and refugees on the basis of international accepted standards and to guarantee their freedom from discrimination based on race, religion or nationality (MoU 1998, Art. 5; Art. 6). It has guaranteed free access to courts with the same right of litigation and legal assistance as it is accorded to Jordanian nationals, wherever possible; and has guaranteed that refugees will remain exempted from overstay fines and departure fees (MoU 1998, Art. 7; Art. 10). The legal framework of employment is very strict (Mayer 2015). The Constitution states that the right to work in Jordan is reserved exclusively to Jordanian citizens (Constitution 1952). According to the 1973 Residence and Foreigners' Affairs Law, only foreigners with valid residence permits can be employed in limited professions and industries (Jordan Law 1973). This legal framework has defined the Jordan's policy responses to the Syrian mass flow.

Patterns and stages in Jordan's meta-governance of Syrian mass refugee migration

The policies addressing Syrians have similarities with the previous policies mentioned above, generally displaying little tolerance towards the refugee crossings, and in particular upholding a hard stance towards Palestinians. They outsource the protection of refugees to the UN agencies, leaving refugees in an ambiguous and precarious socio-legal position, and provide only poor prospects for integration. The main characteristics of border control and reception policy include the selective open-door policy, the state's central role in policy planning and the reliance on humanitarian actors for service provision.

Institutionally, the King and the Royal Family, the Royal Hashemite Court,⁵ the Office of the Prime Minister, the MoI and Ministry of Planning and International Cooperation (MoPIC) have played central roles in designing policies. In 2013, the GoJ established the Syrian Refugee Camp Directorate (SRCD) under the MoI to coordinate the support given to camp-based refugees. After one year, the Directorate was renewed as the Syrian Refugee Affairs Directorate (SRAD), affiliated with MoI, and given responsibility for all Syrian refugees (SRR 2014). The ministries of Municipality, Health, Education, Labour, Social Development, Public Works and Housing, Foreign Affairs and Expatriates have additionally been involved in those policy areas that have required their intervention. The governorates and municipalities under the supervision of the Ministry of Municipals Affairs have carried out local projects and service provision in refugee-affected urban areas. Political parties, local business groups or local associations have had almost no power in policy-shaping processes.⁶ However, local charities have carried out supportive roles in service provision, in collaborations with the MoI. Their services range from delivering aid to providing settlement opportunities to refugees.⁷ The multiplicity of actors, the overlaps among their interventions and the necessity of strong coordination among sectoral interventions made refugee governance a challenging policy area as the meta-governance theory would equally suggest.

As discussed in the theoretical part of this book, the imperative command of the state is pertinent to the case of refugee governance in Jordan. Although all actors are formally independent, they are substantially interdependent, particularly with regards to getting approvals and allocating funding. They have run different policy areas of refugee governance. Moreover, some ministers, like Imad Fakhoury of the MoPIC has a substantial amount of political power as an individual and is close to the King, whereby he has been able to exercise more influence than others in the designation of policies.⁸ Although it is the case that some intergovernmental disputes on occasion arise concerning issue areas or priorities, the final decision about introducing new policies or making significant shifts is always left to the King and the Royal Hashemite Court. For example, granting work

permits to Syrian refugees was seen as a taboo issue and many policy actors reacted fiercely when the demands for change were voiced whereby the situation changed when the King demonstrated his support for such amendments publicly in 2016. Afterwards, all the state actors involved in refugee governance embraced the policy shift enthusiastically. The position of the public also shifted in accordance with the political position of the King.⁹

Despite taking a leading role in the policy-making process, the main responsibility for refugee protection lies with the UNHCR (particularly in the camps), while INGOs in cooperation with implementing partners like ministries, municipalities or local NGOs play a crucial role in service provision and capacity building in urban areas. In policy-making processes, both the UNHCR and INGOs have been very 'gently lobbying for the relevant ministries behind the close doors but they have been reluctant to openly question the central policy positions' particularly considering the political landscape in the country and their reliance on receiving approval in order to continue their activities.¹⁰ The bureaucratic rule making and imperative commands of the Jordanian state is characteristics of refugee governance. Taken together, these institutions constitute the meta-governance frame of Jordan's refugee governance. Despite being regulatory, with uncertainty embedded in the refugee governance situation, Jordan changed its policies over the course of seven-year response period. These will be discussed in more detail in the subsequent sections.

Initial stage: mainly ad hoc partially regulative refugee governance between 2012 and 2013

Right after the violent clashes started in Syria in March 2011, Syrians sought shelter in northern Jordan and the numbers of those Syrians registered by the UNHCR reached 13,922 in April 2012, with 87 per cent arriving from transborder cities like Dar'a, as well as Homs, Hama and Damascus (UNHCR Jordan 2012). Almost all of them were Sunni-Muslim Arabs (Dorai 2017). Some Syrian refugees crossed the border by using legal entry points, while many others used the 25 unofficial crossings points (Olwan and Shiyab 2012). Until July 2012, Syrians were allowed to be self-settled by using their networks (Dorai 2017).

From the very beginning, Jordanian policy has been selective. In October 2012, the Jordanian Prime Minister Abdullah Ensour announced that Jordan would no longer allow Palestinians refugees from Syria (PRS) to cross the Jordanian border. Some 7,000 or more Palestinians managed to enter Jordan, either before the country denied all access to them by using false documents (Amnesty International 2013a; Sammonds 2013). Some of them were forced back across border, while others were detained in facilities like the CyberCity refugee camp (Amnesty International 2013b; Human Rights Watch 2013). From here, it was said they would only be allowed to leave the camp, if they were to return back to Syria or if they found a

Jordanian sponsor (Soh et al. 2016, 9). The manageable open-door policy, in the period from January to April 2013 only allowed for 300 Syrians to enter per day (Bidinger et al. 2014, 61). Border authorities prioritized the entrance of children, unaccompanied minors, the sick, elderly and injured, while they regularly denied entry of four groups: PRS, single men of military age, Iraqi refugees living in Syria and anyone without documents (Needs Analysis 2013).

In terms of reception, while the majority of refugees self-settled in host communities facilitated through family, tribe and social networks, the remaining continued to live in refugee camps (JRP 2016–2018, 15). After having temporarily used the old factory buildings in Ramtha for hosting early arrivals – around 100 families – with the support of local charities, the increase in the number of entries forced the Jordanian state to work on camp plans.¹¹ The first camp to be established was the King Abdullah Park refugee camp with a capacity of 1,000 refugees. Then collaboration with the UNHCR led to the opening of the large Zaatari refugee camp in July 2012. Some charities like Takaful Charity Organization provided infrastructure support to the camps. In the first year, the Zaatari camp hosted 15,000 Syrians and numbers reached almost 200,000 in April 2013, making it the fourth largest (makeshift) city in Jordan.¹² This figure has decreased with the departures of Syrians to urban areas in Jordan, as well as their returns to Syria (Dorai 2016). The Zaatari camp was first governed by a semi-state Jordan Hashemite Charity Organization, then administration was transferred to SRAD, which later began deploying Public Security forces due to the mounting problems and security incidences.¹³ Other large formal camps in the country include the Emirates Jordanian Camp and Azraq camp, which were established in 2013 and 2014 respectively, with a total capacity to host 40,000 refugees (JRP 2016–2018, 15). These camps were intentionally established in remote areas, away from the city centres, in order to prevent Syrians from participating in the labour market and to minimize the possible security risks and considerable problems that Palestinian camps had allegedly caused in the past.¹⁴

Since mid-2012, Syrians have not been allowed to travel outside of the camps unless they were issued a document proving that they had a job, a residence permit or an official bailout permit (PRG 2016, 2). The bailout constitutes a legal process whereby the Jordanian authorities grant Syrian refugees the permission to leave their camps, if they have found a sponsor. This sponsor is required to be a Jordanian citizen over 35 years of age, married, with a stable job, no police record and in a direct family relation with the applicant or an employer of the applicant. A Jordanian citizen can only be a sponsor for one Syrian family (Dorai 2017). Alternatively, camp residents who are issued with a medical report or who find a temporary job in agriculture near the camps, become eligible for a permit (Fröhlich and Stevens 2015; Dorai 2017). While few have been able to acquire official permission until July 2014, the common practice for a large number of Syrians

without sponsors was to leave camps by paying the smugglers who were able to bypass the Jordanian security forces. Once they left the camps, they were treated similarly to those following the formal bailout process (Fröhlich and Stevens 2015). As one security officer put it: 'they were told that "go to police station, take an iris scan and get the ID, and you will be fine. You can be free and legal."' ¹⁵ After mid-2014, there was no more flexibility concerning the so-called 'leaving policies' in the camps.

Those refugees living in urban areas have not necessarily approached the UNHCR for registration, while the agency has played a substantial role in the camp setting. The UNHCR gave all refugees residing in camps and urban areas *prima facie* status without refugees having to undergo an individual status determination process (Lenner and Schmelter 2016, 123). Until 2015, the UNHCR issued Asylum Seeker Certificates (ASCs), which provide a proof of registration as a person of concern. The ASC has been indispensable for obtaining a MoI Service Card. The UNHCR card enables access to cash and food assistance while the Ministry card confirms residency that, in turn enables access to public education and health care (Fröhlich and Stevens 2015). In February 2015, the MoI and the SRAD, in cooperation with the UNHCR, started re-registering all Syrians residing outside of the refugee camps in Jordan. In practice, the objective of the urban verification exercise was to issue new security cards to all Syrians residing outside of the camps (Achilli 2015). To obtain a security card, refugees were required to visit the closest police station and to renew it annually. Without this card, refugees did not have a right to stay in urban areas or to get a work permit. ¹⁶ The MoI provided a total of 418,063 cards (Lenner and Turner 2018, 28). The number of Syrian refugees without valid MoI service cards is unknown; nevertheless, surveys suggest that it might be 15–20 per cent of the urban refugee population (PRG 2016, 7).

Critical juncture and protracted stage: restrictive and regulative policy pattern after the mid-2013

In April 2013, at the UN Security Council meeting, Ambassador of Jordan, Prince Zeid Ra'ad Zeid Al Hussein, stated that: 'the influx of Syrian refugees into Jordan threatens international peace and security as well as threatens the security and stability of Jordan' (Ferris et al. 2013, 2). This signalled Jordan's intention to take new measures to prevent entries of Syrians on the basis of security concerns (Chatty 2017, 29).

In May 2013, the number of Syrians reached half a million (UNHCR Jordan 2013). In the face of such an intense refugee flow, Jordan gradually shifted from an open-door policy towards a controlled open-door policy and then, eventually closing its doors. The selectivity was mainly targeted towards Palestinians from Syria. By 20 August 2013, the Jordanian authorities were denying entry of Syrians with valid identity documents, stamping

them with ‘return in one month’ (Amnesty International 2015). In early September 2013, thousands of Syrians were reported to be stranded on the Syrian side of the border (Blair and Watt 2013; Daily Star 2013). In a year, Jordan began to stop Syrians from arriving at its international airport unless they had a Jordanian residency permit or met a limited number of special exceptions. In July 2014, Jordan started severely restricting access at its north-eastern crossings, leaving more than 12,000 Syrians stranded at the makeshift shelters on the border which were controlled by the Jordanian army (Dorai 2017). Some Syrians waited up to three months in a remote desert area, while some returned to Syria (Amnesty International 2015). Jordan closed major crossing points, while border authorities only allowed a certain number of refugees to enter each day, about 50 to 100 (Deborah 2013). As a result of restrictive entries, the number of Syrians crossing into Jordan considerably decreased compared to previous years, amounting to 25,532 in 2015. However, the number of Syrians who were waiting for admission at the Jordanian border grew from 4,000 at the start of November 2014 to some 20,000 in February 2015, paralleled by an intensification of deadly clashes in Syria (PRG 2016).

The Jordanian closed-border policy led to the creation of displacement camps/settlements (also known as remote camps) along the Jordanian border in south-eastern Syria. One of the largest is Rukban/the berm, where more than 75,000 displaced Syrians live in extreme poverty. As the camp is located in a desert, humanitarian agencies face difficulties in terms of access and particularly also high security risks (Syria Direct 2017; UNHCR Protection 2017). Due to the unique location of this area (a no man’s land between Syria and Jordan), displaced Syrians living in this camp continue to remain uncertain of whether they are refugees or internally displaced people.

Jordan’s restrictive policies were not only limited to border crossings, but also came to have an impact in camps and urban areas, raising severe protection concerns. In 2014, the Jordanian authorities started to strictly enforce bailout procedures, although they had upheld relatively flexible attitudes before. The overwhelming majority of bailout applications were denied by SRAD without further explanation (Achilli 2015). The bailout procedure was suspended entirely in February 2015. Meanwhile, in July 2014, the GoJ instructed the UNHCR to stop issuing ASCs to Syrian refugees who had left the camps without proper bailout documentation and prevent them from accessing services. Both refugees lacking the MoI’s security card and those who had escaped from the camps after 2014 were likely to be relocated to the camps, if they were caught by security officers.¹⁷ The statement of a camp officer underlined this strict control: ‘entering or leaving the camp is under a very good control for people inside or outside the camp. Such action is regulated and guaranteed by special security approvals.’¹⁸

The aforementioned strict policies worked not only to regulate the presence of refugees in Jordan, but also to restrict refugees’ freedom of

movement in urban areas and to make it more complicated for Syrians to leave the camps at will. Although security was one of the reasons for increasing the restrictions on leaving the camps, a retired officer from the Zaatari camp emphasised another crucial reason was the fact that authorities were 'concerned that if leaves had been continued, no refugees would have remained in the camps, because most of the Syrians had wanted to leave camps for living in urban areas.' He added that: 'if these Syrians would leave, who would be taking care of them in the urban areas, would be UNHCR or international community, who would take care of them, would give them food, water, accommodation?'¹⁹ The comment made by a Jordanian migration expert underscores this argument: 'actually Jordanian policy makers did not want to establish camps considering the Palestinian experience; however, as Jordan needed help, it needed camps to get aid from donors.'²⁰ The Jordanian state saw camps as a means to gain attention from the international community, delivering the message 'we have the refugees, we have camps also, we cannot do all by ourselves, we do not have budgets, it costs hundreds of millions.'²¹ The fact that the international media focused its attention primarily on the Zaatari camp (more than any other place in Jordan) proves that this strategy worked well and formed part of Jordan's efforts to acquire aid. Also, camps which are at a distance from urban areas were seen as useful to keep Syrians far away from the labour market – a factor which has been the main source of tension between Syrian refugees and Jordanians. Making it difficult for refugees to leave camps was also a way of discouraging them from working and from being permanently present in urban settings (Turner 2015). However, all of these restrictive regulations limited the protected space of many Syrian refugees and made it difficult for them to access rights and services as will be discussed in more detail below.

Syrian refugees' access to rights and services

The problems faced by Syrian refugees' in terms of access to basic services and rights in Jordan are multiple. There has been a housing shortage in Jordan, which started before the arrival of Syrians and began to grow worse thereafter (JRP 2016–2018, 39–40). Large numbers of refugees have been living in substandard accommodation, whereas some have resided in informal tent settlements across the country. However, supplying better housing to urban refugees is a highly problematic issue for Jordan with an important economic dimension (Kelberer 2015, 2). For instance, the Jordanian authorities called a temporary halt to all urban shelter projects run by humanitarian organizations in early 2015 for six months, in order to work against the image that Syrian refugees in Jordan were being given prospects for long-term settlement (Brun 2016, 403; Kelberer 2015, 2). Furthermore, this suspension signalled that: 'housing for urban refugees is not the government's primacy and that the government would like aid agencies to direct

their attention elsewhere' (Kelberer 2015, 4). Also, an economic dimension came to play a role because the UNHCR and several NGOs used to provide cash grants to refugees and poor Jordanians for rent. The concern was that new housing could potentially lead to such rent support being cut back (Kelberer 2015, 3). Similarly, the SRAD has not allowed any changes to be made in Zaatari camp's settlement structure, which could signal a form of permanent stay, the exception being the replacement of tents with caravans that have built-in private sanitation facilities and provide access to drinking water (Dorai 2017).

Access to health services is a significant concern for Syrians. Jordan used to deliver primary, secondary and tertiary health care services free of charge to vulnerable Syrians living in urban areas (Welsh 2015). To cover these health costs, Jordanian ministries closely collaborated with humanitarian actors to seek external funding (EUI 2015). The UNHCR has provided a comprehensive healthcare package for refugees in the Zaatari and Azraq camps (Fact Sheet 2017, 2). Also, INGOs and donor countries have established or funded health clinics and hospitals inside camps.²² However, their services are inadequate to meet the demands in the camps, as one director of such a clinic reported:

I think all is being carried out very well. But I think there's some kind of shortage on second or third medical services. We have something like six or seven primary health centers. But on the other hand, we only have one hospital for the whole camp (the Moroccan Hospital). It provides good services, but it doesn't cover the need of all refugees.²³

However, Jordan repealed free medical treatment to Syrian refugees in November 2014 and begun to implement a rate for non-insured Jordanian patients because it did not want any 'additional burdens on its healthcare system' (Sherlock 2014; UNHCR 2014). It was further claimed that the Jordanian state cut off medical assistance to urge some refugees to go back to the camps and leave the urban areas, suggesting that in the camps they would have access to a more affordable health service (Welsh 2015).

In the education sector, the access to the Jordanian public education system was not restricted for Syrian refugees. Education opportunities have been limited, however, and many Syrian children have only been able to attend second-shift schools with an inferior curriculum and reduced hours (Chatty 2017, 29). In 2017, a total of 90,846 Syrian children registered with the UNHCR remained out of formal education, largely due to the financial constraints, lack of documentation, lack of infrastructure in the public schools and transportation problems (Jordan INGO 2017). A serious challenge faced by the Ministry of Education has been overcrowding in public schools due to the numbers of Syrian school children, particularly in governorates like Mafraq, Irbid, Amman and Zarqa (JRP 2016–2018). Similar to other service areas, the ministry has worked closely with the UN agencies

and the INGOs in both camp and non-camp settings to improve education opportunities.

Another pertinent issue has been access to livelihoods and employment. According to the 2017 estimates, 93 per cent of Syrians living outside of camps are living below the Jordanian poverty line (Fact Sheet 2017). While some Syrian refugees have found employment in the informal sector, many have been dependent on humanitarian assistance for their daily survival. Many refugees recall widespread corruption and nepotism in the humanitarian sector – including UNHCR assistance – that has resulted in an unjust distribution of aid as well as a denial of assistance to those who desperately need it. Moreover, some reported that they have not received access to humanitarian aid because they have not met the strict vulnerability that governs aid allocation. Moreover, the humanitarian assistance substantially reduced after 2015. The combined effects of restrictive government policies and the decline in humanitarian aid has impaired Syrians' well-being (Doyle 2014; Fröhlich and Stevens 2015). To cope with mounting challenges, many refugees have adopted severe strategies, including 'reducing food consumption, withdrawing children from school or taking on informal, exploitative or dangerous employment' (JRP 2017–2019, 7).

When it comes to the socio-cultural integration of Syrians, both Syrian and Jordanian interlocutors noted the existence of a common acceptance of Syrians. Academic studies and surveys support this claim. Overall, the extent of social discrimination towards Syrians has not been that high compared to other hosting countries (Chatty 2017, 29). There have been no significant instances of violence or social unrest because of Syrians staying longer, but there were some earlier signs of tension and an increasing trend of hate speech in the media (Lenner 2015, 11; Harper et al. 2016, 11). The survey report of an INGO called CARE indicated that: 'community tensions were found to be very low, with all respondent groups reporting few problems with their neighbours of different backgrounds' (CARE Report 2017, 2). Also, Jordanian informants whom I interviewed²⁴ have highlighted the cultural differences, stating in particular that Syrians in Jordan generally migrated from rural areas and are thus not accustomed to living in urban areas and meeting hygienic standards. They have also been concerned that the large number of Syrians and their ghettoization in some urban areas may disrupt the existing social fabric and social cohesion. Thus, they pointed out the need to work with communities to avoid tensions and to uphold social cohesion. With the protracted stay of Syrians, the issue of social cohesion became an agenda item for municipalities that started to organize community activities and to create common public spaces for social cohesions. Although municipalities are not primarily responsible for dealing with refugee issues, their role in infrastructure and services requires them to play a role which is being monitored by Ministry of Municipal Affairs.

Within this context of policy restrictions and the challenges faced in terms of accessing rights and services, an emerging trend among Syrian

refugees has been their voluntary return to Syria (Welsh 2015). In September 2015, Andrew Harper, the UNHCR senior humanitarian aid practitioner in Jordan recounted that 200 Syrians were returning to Syria each day. Returns to Syria have been attributed to the harsh conditions in the host community; the poor living conditions in camps; the lack of job opportunities; individual motivations to join the war in Syria; family reunification across the border; or simply because Syrians want to look after their belongings and their properties (Achilli 2015; Bidinger et al. 2014; Deborah 2013; Sullivan and Tobin 2014). Those Syrians who do go back to Syria are not allowed to re-enter Jordan, except if they have previously acquired a pre-travel permission document from the MoI.²⁵

Another pattern among refugees has been to return to camps or move into the camps for the first time. As in the words of a former state officer, currently an INGO representative in Zaatari camp, the reasons for returning to camps have been the following:

Many of the refugees wanted to try life outside the (Zaatari) Camp, but they've found it's better for them to be in the camp. Life outside is very expensive, so it's cheaper for them to stay inside. They are provided with free residence and all INGOs work in the camp.²⁶

Considering that encampment may ease the burden on the Jordanian host communities, the Jordanian authorities have often urged refugees to return to camp sometimes using force, for instance, relocating Syrians from private accommodation into camps (Chatty 2017, 31). In June 2014, around 1,300 Syrian refugees living in tents in the proximities of Amman were forcibly evicted and sent to the newly established Azraq camp (Achilli 2015). A 2017 report of CARE showed that four out of ten Syrians said they had been evicted or forced out of accommodation during their stay in Jordan, and that such practices have increased since 2016 (Care Report 2017).

It has not been clear to what extent these so-called voluntary returns have been voluntary. Human Rights Watch reported that the Jordanian authorities had forcibly deported vulnerable Syrian refugees back to Syria in late November 2014 (Black 2014). Encampment, forced eviction and the threat of deportation led many Syrians to the decision to return. The Jordanian authorities often refused to talk about jailing, evictions and deportations, legitimizing them on security grounds and emphasizing that the refugees who were impacted were those who did not hold proper documentation such as ID and security cards to settle in urban areas (Lenner 2015; Dorai 2017).

In addition to the aforementioned challenges faced in accessing rights and services, my informants in Jordan also pointed to the difficulties that Syrians face in terms of receiving protection. They have highlighted a high number of unregistered marriages and births among Syrian refugees. High rates of child labour and early marriages have been also noted as protection challenges, although both were also seen as a source of income and security

for families.²⁷ Syrians have been given the right to access the Jordanian judicial system, but 'often they are afraid to contact officials or go to court, they believe that locals are more powerful than them.'²⁸ In general, such challenges have made the lives of Syrians in Jordan more difficult.

Conclusion

In summary, the chapter has dealt with the question of how Jordan responded to the Syrian mass refugee flow. The model of multi-pattern and multi-stage governance has enabled me to demonstrate how Jordan's policies have undergone changes in the course of time. Its national refugee regime was originally designed in order to deal with Palestinian and then Iraqi refugees through the close collaboration with international humanitarian agencies, which mainly provided financial burden sharing. The same refugee regime has been adopted, with some modifications, in order to respond to the Syrian refugee migration after 2012. Jordan's open-door policy border management and flexible reception policies, which were dominant from mid-2012 to mid-2014, were transformed into highly restrictive and highly regulative policies. The restrictions generated problems for Syrian refugees in terms of access to rights and public services, as well as narrowing the protection space. While Jordan was against the formal integration of Syrians when refugee migration began, a form of silent integration of refugees was notable among local communities. An examination of refugee governance has led to further questions: why has Jordan shaped its refugee governance in this way? why did initial policies become more restrictive? and what have been the drivers of policies and changes? Chapter 9 will discuss these questions.

Notes

- 1 *Wasta* refers to the use of family and clan influence and connections to get ahead in public life. *Wasta* describes the use of horizontal and vertical social networks, often based on family, friendship or patronage, to 'influence the distribution of advantages and resources' (Amin Mohamed and Hamdy 2008, 1).
- 2 The rate of the Palestinian population in Jordan is a controversial and debatable issue in Jordan since figures broken down by ethnic denomination have never officially been published. The estimates vary between 38–83 per cent according to the estimator's extraction. Most scholars in the field estimate the Palestinians as constituting between 50–60 per cent of the Jordanian population.
- 3 These agencies include UNDP, UN World Food Programme, UN Population Fund, UN Children's Fund and others.
- 4 *Non-refoulement* is also a *jus cogens* norm, and is binding even upon those states that have not ratified the Refugee Convention.
- 5 The Royal Hashemite Court is the upper body, which functions as the administrative and political link between the King and the state institution, the government, as well as the armed and security forces. The Court plays the role of facilitator and supporter in a relationship between the King and Government. It is directly involved in preparing and implementing the various aspects of

executive, legislative, judicial, military, tribal affairs as well as economic, developmental, educational and social matters. The Chief of the Court is under the direct supervision of the King. The National Security Council and the Offices of Queens and Princes are affiliated with it.

- 6 The fieldwork in general and the following interviews in particular support this argument: an interview with an engineer and social policies officer working for the municipality, 4 February 2018, Amman, Jordan; an interview with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online]; an interview with a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 7 Personal communication with a local Jordanian charity association, 23 April 2018, *Irbid*.
- 8 Personal communication a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 9 *Ibid*.
- 10 *Ibid*.
- 11 Personal communication with a local Jordanian charity association, 23 April 2018, *Irbid*.
- 12 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 13 *Ibid*.
- 14 Personal communication with a Jordanian representative of the Syrian-American Medical Society, 21 February 2018, Amman.
- 15 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 16 Personal communication with a Jordanian officer working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online].
- 17 *Ibid*.
- 18 Personal communication with a Jordanian representative of the Syrian-American Medical Society, 21 February 2018, Amman.
- 19 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 20 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 21 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 22 Personal communication with a Jordanian representative of the Syrian-American Medical Society, 21 February 2018, Amman.
- 23 *Ibid*.
- 24 Personal communication with an engineer and social policies officer working for the municipality, 4 February 2018, Amman, Jordan; personal communication with Jordanian officers working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online]; personal communication with an INGO Representative, 1 February 2018 [online].
- 25 Personal communication with a Jordanian migrant lawyer, 26 January 2018 [online]; personal communication with Jordanian officers working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online].
- 26 Personal communication with a Jordanian representative of the Syrian-American Medical Society, 21 February 2018, Amman.
- 27 Personal communication with an INGO Representative, 1 February 2018 [online]; personal communication with a representative from a London based-INGOs making projects in Jordan and Lebanon, 30 January 2018 [online].
- 28 Personal communication with a Jordanian migrant lawyer, 26 January 2018 [online].

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9 Drivers of Jordanian refugee governance and refugee politics

This chapter discusses the driving forces behind Jordan's initial refugee policies and changes over time. The chapter demonstrates that Jordan's refugee governance is made up of different sets of regulative and evolving policies that have responded to internal and external challenges. It focuses on Jordan's relations with international humanitarian actors and donors on the basis of refugee programmes. As proposed in the meta-governance framework, government and humanitarian actors are involved in complex relations of reciprocal interdependence, continuing dialogue and resource-sharing with the aim of developing mutually beneficial joint projects in refugee governance. However, their relations and outcomes are not free from contradictions and dilemmas.

The initial ad hoc and flexible responses of Jordan to Syrian mass flow can be attributed to the pre-existing socio-economic close relations, networks between Jordanian and Syrian communities particularly in the border areas, the idea about the temporality of crisis and Jordan's long-term refugee hosting practices. Changes towards restrictive policies after mid-2013 can be explained by the critical juncture framework, in which the scale and the protraction of the Syrian refugee flow intersected with concerns about Jordan's development trajectory and – real or perceived – threats about national identity and security. Its negotiations with external donors through response plans and the Jordan Compact illustrate the manner in which Jordan has sought to transform the refugee crisis into a development opportunity since 2015. The politics of numbers appears to be an important dimension of Jordan's attempts to use refugee crisis. Jordan's refugee politics fits with Greenhill's coercive engineered migration and Kelberer's refugee rentierism theories, displaying the importance of international politics in refugee governance with a specific emphasis on political economy. Moreover, the Jordanian response demonstrates how legacies of previously hosted refugee groups such as the Palestinians and Iraqis, and security concerns about a spillover of the Syrian war across borders together shape policies and politics addressing refugees. This chapter starts with an overview of Jordan–Syria relations prior to 2011 and Jordan's general stance in the Syrian civil war to lay the ground for the broader context in which refugee governance took place.

Relations with Syria in the pre-crisis period and the stance of Jordan during the Syrian crisis

As two neighbouring countries that are located in a conflict zone, Jordan and Syria have long upheld a fragile relationship, marked by long-term mutual suspicion and hostilities and only short periods of rapprochement (Ryan 2009, 167). Their expansionist ideas, the Arab–Israeli cause as well as the limited natural resources in both countries have caused security problems. Much of their bilateral history has been full of political, and at times military, confrontation. In addition, they have shared common economic interests, ranging from trade to water access, and have both lobbied the Gulf monarchies for aid (Ryan 2006, 55).

Jordan has been a historical ally of the West since its independence, while Syria upheld long-term political and military relations with the former Soviet Union and Eastern Europe during the Cold War. The civil war in Jordan in the 1970s heightened these bilateral tensions. Jordan pushed hard for a crackdown on the Palestinian resistance movement. As a response, Syrian troops crossed the border in support of the PLO and Syria closed its border and air space to Jordan, which had a severe impact on Jordanian transit trade and export (Brand 1994, 397, 401). Such a strong reaction signalled Syria's power and was partly meant as a threat to the Jordanian regime. It was not until 1973 that strained diplomatic relations were officially resumed. Between 1975 and early 1977, both countries worked towards building economic and commercial cooperation. They started to draft a preview for a political federation, which was seen as 'the warmest in the history of Syrian–Jordanian relations to that time' (Brand 1994, 397). By the start of 1980, the Syrian–Jordanian cold war returned in full force due to internal unrests in Syria and the deterioration of Syrian–Iraqi relations (Brand 1994, 400). In addition to supporting different sides during the Iran–Iraq War (1980–1988) and the 1990–1991 Gulf War, each was involved in domestic politics of the other, which had an impact on the internal political stability of both countries. They both pursued a strategy of providing external support to the domestic opponents of other regime (Ryan 2009, 169–170). The tensions between the two countries were also driven by the Arab–Israeli conflict and the ensuing peace process in which each state took opposing positions (Ryan 2009, 169). Syria had opposed the normalisation of Jordan's relations with Israel – a process that had begun in 1988 and which was finalized with a peace treaty in October 1994 (Perthes 2011, 37).

In 1999, relations between the two countries improved, accompanied by changes pertaining to external security concerns and in the regional strategic arena (Ryan 2009, 171). Leadership transitions in both countries – when King Abdullah II and Bashar al-Assad succeeded their fathers, in 1999 and 2000 respectively – and with these, also the ending of an ideological era, brought about the development of new bilateral relations (Ryan 2009, 172–173). From 2001 to 2005, relations between the countries, particularly

cross-border capital and human mobility fostered, but did not transform into a real Jordanian–Syrian alignment or alliance (Ryan 2009, 175). They maintain serious differences over the issue of high politics, mainly about the Arab–Israeli conflict and peace process, as well as concerning relations with the Gulf states. They had experienced several crises due to Syria’s role in facilitating the crossings of foreign Islamists fighters, in supporting the Iraqi insurgency, as well as through its alleged involvement in the assassination of the Lebanese Prime Minister Refik Hariri (Ryan 2006, 52).

Developments in Syria have been significant for the domestic, regional and economic security of Jordan. The commencement of the Syrian civil war put Jordan perhaps in one of the weakest and most dangerous position, like Lebanon (Ryan 2012, 31). The Syrian crisis posed a considerable risk its terms of security and stability, primarily due to the fact that armed clashes spilled over its borders as well as the fact that warring parties might retaliate against refugees, fighters or radical Salafist groups (Karon 2013).

In the initial years, Jordan was able to keep its distance towards warring parties in Syria. Although King Abdullah called on Assad to step down in November 2011, Jordan was concerned that if the rebels were to secure a victory, this might destabilize the region further. Thus, Jordan continued to dialogue with the Syrian regime. The rise of radical Salafist groups among the opposition groups challenged Jordan’s flexible approach and required it to take a stance against some warring parties. In 2014, it became involved in UK–USA–Jordanian military operation conducted in southern Syria against the militias of ISIS and Jabhat al-Nusra in Syria and Iraq. Each strike of the coalition against the militants prompted fears that ISIS militants would carry out revenge attacks (Achilli 2015). Retaliation for the Syrian missile air strikes came with the brutal killing of a Jordanian pilot on 3 February 2015. The release of a video showing the pilot burning to death in a cage, sparked outrage in Jordan, and the country, in turn, launched new strikes against the militants. After the intensification of Russia’s military intervention in Syria in 2015, Jordan recalibrated its foreign policy to embrace strategic balancing not only with its historical allies like the USA and the Gulf countries but now also with Russia.

The security risks faced by Jordan are closely related to the evolving dynamics of the Syrian civil war and Jordan’s partial involvement. These had an impact on the political and humanitarian responses given to Syrian refugees and changes over time.

Reasons behind Jordan’s initial policies, critical juncture and shifts over time

Jordan shares a porous 350-kilometre-long border with Syria with dozens of crossing points which are used for trade and daily crossings and which are difficult to monitor (Malik 2014). Many northern Jordanians have kinship and tribal links across the border, through which Syrians were welcomed in

early months of the conflict in Syria (Chatty 2017, 29). Moreover, the existence of a pre-war non-visa regime between the two countries made entries of Syrians easy. A labour cooperation agreement allowed Syrians to freely cross the Jordanian border and to participate in the informal labour market similar to any other migrant worker.¹

When the crisis erupted, many Syrians, particularly those who used to work in Jordan were able to bring their families without being asked for any identity document. A Jordanian migration expert summarizes the impact of several pre-conflict close ties in the following words:

Many, maybe thousands of Syrians had been working in Jordan and commuting between two countries. They had been seen as part of the family more or less, like cousins. Whereas Egyptian workers were like foreigners for Jordanians, Syrians were seen as cousins. When the war started many people came, families, those having tribal affiliations, they came over without any control because they are able to cross the border without any document.²

Thus, many Syrians entered the country officially, were not registered as refugees and settled in urban areas.³ The Government of Jordan (GoJ) did not take any preventive measure, like border closures, in the first year, assuming that the uprisings in Syria would soon stop and that these people would only stay temporarily (Brun 2016, 397).⁴

Social-cultural affinity and generosity at the community level played a decisive role in ensuring hospitality towards Syrians during the early stages of the crisis. Jordanian interlocutors consistently recalled that their culture and religion required Jordanians to welcome all persons seeking asylum. Also, they referred to the geographic location of Jordan as a 'comfort zone' for asylum seekers in the conflict region, referring the Middle East.⁵ Also, some Jordanians added the relevance of international relations for Jordan's refugee hosting mission. A Jordanian woman working for an INGO stated that:

yes, there are also political aspects. For sure, there are agreements, relations. We receive funds from donors, countries, whoever is giving; it is their responsibility to solve the refugee problem. We accept them and give them the right to be in our country.⁶

However, all these motivations for welcoming Syrians lost their relevance in the course of time due to the increase in numbers, the overstretching of public services and the ensuing competition in the labour market (Harper et al. 2016, 11). The transformation from ad hoc governance to regulative and restrictive governance took place in the course of time. This can be explained by a critical juncture framework in which refugee migration became a serious concern following permanency of large numbers of

Syrians, as well as fears about a disruption of the hardly gained developmental momentum and – real or perceived – threats about national identity and security. As is noted in the official discourse, the priorities of Jordan in refugee governance included: ‘maintaining security, offsetting the cost of refugee hosting born by the Government and other sectors, and ensuring that existing economic challenges are not exacerbated’ (Harper et al. 2016, 18).

According to Jordanian informants, the main reason for the closure of borders was the high numbers of Syrian refugees, which had reached 600,000 in the mid-2013. Such a demographic shock made the GoJ realize that the country could not accept any more refugees because the situation was becoming ‘unmanageable’. According to many Jordanians, their country ‘should be the last destination for any people seeking refugee from a humanitarian perspective due to its limited vital sources such as water.’⁷ With Syrians arriving, concerns over the country’s already poor resources and public services grew. It was felt that the refugees’ presence would have a negative impact on education, health, housing, water and waste collection as well as increase pressure on the already shrinking labour market. Also, according to interviewees, the inadequacy of burden sharing by the international community was a factor that urged Jordan to stop entries and to restrict stays. As in the simple words of a retired state officer, the ‘international community is not giving adequate money to Jordan to accept more and more refugees.’⁸

Jordan’s real and perceived security concerns were also a central factor, as one of the main policy makers, King Abdullah II, makes clear:

At this stage, we let them [Syrian refugees] in as they are being vetted. There is pressure from the international community to let them in, but we are saying to everybody, this is a major national security problem for all of us.

(BBC 2017)

The security risk was indeed real as there had been a large number of attempted infiltrations of Salafists from the Syrian and Iraqi borders during the third quarter of 2014. Furthermore, thousands of Jordanians supposedly joined the ranks of terrorist jihadist organizations such as Jabhat al-Nusra and ISIS. Security forces detained several suspects in the northern governorates, who had allegedly participated in pro-ISIS rallies. In early 2015, Jordan’s decision to partake in airstrikes against ISIS, which, in turn, made Jordan into a target country for ISIS’s attacks, heightened security concerns. Perceived security risks were in particular linked to mass entries, because many of the refugees were coming from areas controlled by ISIS (Akour 2016). It was suspected that Syrian Salafists could cross Jordan’s border and mix with civil refugees to get support for the rebellion in the south. Also, the Salafists could threaten public and regime security (Ferris

et al. 2013). The terrorist attack close to the Rukban camp, which killed six Jordanian soldiers, during refugees' crossings of the Jordanian border, was one of the main incidents that triggered security concerns.⁹ Immediately, northern and north-eastern border areas with Syria were declared closed military areas into which all entries were denied. Jordanian security authorities sealed the border, and crossings of both Jordanians and Syrians were strictly from controlled.¹⁰ On the other hand, according to a migration expert in Jordan, the Salafist threat posed by refugee entries was intentionally exaggerated to legitimize Jordanian restrictive policies towards Syrians, while in fact the majority of Salafists who crossed had been either Jordanians or Egyptians, not Syrians.¹¹ Another country expert agreed with this argument by adding that bombings like in the Rukban camp often occurred elsewhere, so it was not exclusively relevant to the border crossing of refugees.¹²

Previous memories of Palestinian refugees aggravated the perception and framing of risks posed on security and national identity. There were concerns that the political purity of Jordan or Jordanianism might be threatened if Syrians would stay permanently. The stay of Palestinians and Iraqis had in the past sparked similar fears. In the eyes of many Jordanians, Jordanianism was already weakened, because more than 40 per cent of Jordan's current population originated from neighbouring countries. Syrians exacerbated this concern, with strong fears that all of the non-Jordanian groups might potentially challenge the political demography, and in future advocate in the interest of their country of origin in the future, rather than being loyal to Jordan (Lenner 2015, 15; Mayer 2016, 78). My informants from Jordan were reluctant to comment on the extent to which the Palestinian refugee movement in the past came to influence refugee policies concerning Syrians in the present. They said that as Palestinian refugees hold Jordanian passport, their situation could no longer be compared with that of Syrian refugees. Nevertheless, implicitly, it came to the fore when we spoke in interviews about how Jordanians would frequently recall the Palestinian refugee issue when complaining about the permanency of Syrians and the problems faced in camps. Also, personal conversations showed that Jordanians feared political activity among Syrians that might lead to claims for political representations like the PLO did in the 1970s (Malik 2014).¹³

Security and identity relevant concerns, which were sparked by Syrian refugees, came to have an impact on some policy areas, particularly those related to border controls and integration. Among all of these concerns and relevant factors mentioned in discussing the reasons for restrictions, the strongest driving force behind the refugee governance in general is the international political economy aspect. The political economy considerations were central for the manner in which a comprehensive refugee governance framework was established as well as for how relations with donors and humanitarian actors were defined. This will be discussed further in the next section.

Jordan's relations with humanitarian actors

A great deal of Jordan's refugee interventions are logistically and financially supported by international humanitarian actors, including UN agencies (mainly UNHCR) and foreign NGOs. The Gulf donors also support Jordan directly whereby the funds are being used to establish camps or are being channelled via Islamic charities to support humanitarian projects in urban areas (Reliefweb 2015).¹⁴ Moreover, Jordan serves as a humanitarian hub in the Middle East region (Brun 2016, 397).

The collaboration between the GoJ and humanitarian organizations is historically well structured and effective, while the imperative command of the state is often pertinent (Bidinger et al. 2014, 57). In the case of Syrian refugee governance, the Jordanian state upheld its traditional collaborative but controlling stance. In September 2013, Jordan formed the high-level Host Community Support Platform (HCSP) to lead planning better and to structure interventions pertaining to the governance of Syrian refugees. Chaired by the Ministry of Planning and International Cooperation (MoPIC), the Platform comprised relevant ministries, leading members of the international community, the UN and key development partners. The HCSP endorsed the government's National Resilience Plan (NRP), which provides a strategic framework for Jordan's response to the impact of the Syria crisis with specific emphases on: 'the accumulating fiscal burden of the crisis at the national level; the strain on local Jordanian services' ability to cope; the social and economic consequences facing Jordanian local communities' (UNDP 2014). As seen in the NRP, Jordan prioritized meeting the humanitarian needs of Syrian refugees without jeopardizing the Jordanian people, institutions and the state's development goals. To this end, Jordan gradually took national ownership, sought alignment with local systems in aid coordination and begun to fully coordinate interventions on the ground. Similar to the quota system in responding the Iraqi refugee flow in the 2000s, it set up a criterion according to which all projects were to spend at least 30 per cent of their funding on Jordanian host communities in order to receive the approval of the MoPIC for proposed projects. Moreover, the INGOs were assigned neighbourhoods to work in by the government and they were provided with beneficiary lists, if they planned to deliver cash assistance. Also, relevant to the service areas, INGOs were required to get additional approvals from the relevant ministries concerning the specific content of their projects, for instance, in health and education. The ministries, in turn, could ask for changes in the projects to prevent unnecessary overlaps or to meet their goals.¹⁵ If INGOs accepted these conditions, the ministries treated them very well and cooperated closely with them.¹⁶

Although many INGOs reported that the Jordanian authorities had a positive perception of their programmes targeting Syrians, some others reported that the approval procedure of the MoPIC or ministries took a long time due to its unclear procedures. Also, some raised concerns about

the fact that the government requested them to deal only with Syrian refugees who had all the necessary documents. To avoid such tensions, some INGOs particularly those running small-scale aid distributions preferred working with the local NGOs which were sensitive to refugees' needs and well aware of the bureaucratic procedures.¹⁷ Local NGOs also collaborated with several INGOs concerning project content, and particularly to secure funding, training and expertise.¹⁸ As the head of a local NGO described such collaborations between local and international NGOs 'everything depends on the agreements and programs and time'.¹⁹ However, local NGOs also reported being in a position in which they were struggling 'with regulations and structure' imposed upon by the government. Local NGOs emphasised the fact that the government did not facilitate their services by exempting them from taxing and often failed to put clear criteria in place.²⁰

Meta-governance with the involvement of multiple Jordanian state actors and international humanitarian organizations entails an intertwining of dependency, negotiation and conditionality. The two-directional dependency dimension became apparent in the close collaboration between the UNHCR and the Jordanian authorities. A retired officer, who worked in the Zaatari camp administration, emphasised how Jordan depends on the UNHCR:

Jordan is somehow a poor country. Without support and assistance of the international community and UNHCR, we actually can do something, but we need a back-up, we need a support regarding logistic, budget, donors, UNHCR is doing a lot in these matters. We were coordinating with them for each single step. They also need to coordinate with us.²¹

An interviewed migration expert acknowledged Jordan's dependency, but also highlighted other dependency dimensions:

Jordan supports UNHCR, the more UNHCR gets money, the better it is for Jordan, someone is taking care of Syrians, that is ok. Jordan depends on them, they are dependent on donors, donors also have some weakness, because countries like Jordan have a power to keep Syrians. European countries also depend on countries like Jordan.²²

This dependency has urged all actors to develop forms of pragmatic collaboration, which creates some dilemmas. The Jordanian state placed conditions on the humanitarian aid provided to Syrian refugees. Most development projects funded by IOs like UNDP, the World Bank and the EU have had to allocate 30–50 per cent of their budget exclusively to measures geared towards easing the pressure on local authorities and municipalities (Brun 2016, 398; Mayer 2016, 22–23). The Jordanian state sought to

channel resources to central state services in the education and health sector, to improve infrastructure degradation and prevent the disruption of local public services such as water provision, waste collection and recycling – impacted by overpopulation.²³ Although humanitarian actors felt uneasy about the conditions imposed by the Jordanian state, they did not resist, simply seeking to continue their operations.

In the context of Jordan's control-centred approach, it is impossible to identify a clear separation of roles and responsibilities due to overlapping structures (Lenner 2016, 10).²⁴ The dependent but complex relation between Jordan and humanitarian organizations also led to overcoming tensions regarding priorities in some extent. The words of a retired security director of the Zaatari camp make this clear:

We have the same aim. But they [UNHCR] have some different procedures. Security for us is very important. For them, the humanitarian issues are the most important. As an administration, we needed to take both. We have a consideration for security issues, but they do not have that sometimes. This is the gap sometimes, but always we do our best, and they back us up, and we back them up.²⁵

However, there were times when the Jordanian state claimed more sovereignty vis-à-vis its imperative command. For example, in 2015, when the number of Syrians who had been stranded on the border reached 20,000, the UNHCR tried to convince Jordan to open its border. But its efforts were challenged by the Jordanian government, which claimed that: 'there is no change in our open-border policy. Those who are injured, women and children continue to cross' (Amnesty International 2015). The government also complained that the number of Syrians trapped in border areas had been exaggerated by the UN to pressure Jordan into accepting more refugees (Arar 2017). Jordan was decisive to demonstrate that the 'entering of people to Jordan is the business of Jordanian security authorities; UNHCR cannot become involved in this.'²⁶ Not only entries but also registrations have become a point of tension. The Jordanian state demanded that the UNHCR stop issuing Asylum Seeking Certificates (ASCs) in 2015 by claiming that: 'as Jordan closed the border and no more refugees were arriving, the UNHCR registration is not needed any more.'²⁷

In general, the decline in international humanitarian funding and the extremely low number of refugee resettlements gave Jordan more legitimacy to be more assertive against the UNHCR. On the other hand, dependency has prevented the UNHCR from publicly criticizing Jordan. Since the 1990s, the UNHCR Jordan office has been known for upholding extremely close relations with the Jordanian central state more than any other UNHCR office elsewhere. It is claimed that the UNHCR prioritizes maintaining positive relations with the Jordan government in order to continue its operation, acknowledging that the aid operations cannot function

without state permission (Gibson 2015, 205). However, there is a common observation that this closeness is not just relevant to ensure that the strategic humanitarian objectives of the UNHCR can effectively be pursued, but individuals working for UNHCR Jordan also used to have substantial power in aligning the Jordanian state's priorities and interests with the UNHCR.²⁸

The dependency under the uncertain conditions consistently leads to negotiations involving the GoJ and multiple actors of refugee governance. A representative of a pioneer INGO, operating in Jordan, said that:

There are efforts from the international organizations' side to negotiate with the government for the best interests of the refugees. With high-level administration, we are discussing issues like work permits, birth and death certificates, IDs; all these kinds of issues depend on negotiations with high-level administration.²⁹

Negotiations with donors sometimes bring about conditionality which Jordan had an uneasiness about accepting. As one expert said:

If you are weak, you do not do what you want, first, they [government] say no to formal market integration, no to the camps, but then they accept the camps. Ok for camps. But they keep them in remote areas. Then they say yes to formal market participation but we exchange for economic gains. Now it is not working, I think they need to renegotiate the conditions.³⁰

The issue of the conditionality of donor funding is also an issue in relations with Gulf countries. It was noted by Jordanian interlocutors that there is 'a price of the support given by the Gulf countries, because they asked Jordan for some political concessions, for instance they asked Jordan to join in the war in Yemen, the support is conditional to some political positions.'³¹ For example, from December 2016 to June 2018, Saudi Arabia and the United Arab Emirates had not provided economic aid to Jordan, as Jordan refused to support Saudi regional policies (Fattah 2018).

All these aspects of Jordan's refugee politics highly resembles Kelberer's refugee rentierism concept in which 'host status and refugee policy are used as primary mechanisms of international rent-seeking' as well as Greenhill's opportunist state characterization in which the hosting countries offer a chance to alleviate existing crises in exchange for monetary pay-offs (Greenhill 2010, 30–31; Kelberer 2017, 157). Jordanian refugee governance points to a negligible agency of Jordan in negotiations with powerful donors and its acceptance of conditionality, while at the same time illustrating the manner in which the country maximizes its potential benefits. It has succeeded in securing international attention, huge funding and trade concessions. As well as being an experienced negotiator, Jordan has used two

framings consistently and effectively: namely, an emphasis on the fact that it has hosted a high number of Syrians; and that the refugee crisis has had a significant negative impact on the development trajectory of the country. This framing strategy has often followed. The Regional Response Plans and the Jordan Compact are two examples of usage of these framings.³² The nature of framing as well as its result outcomes will be discussed in more detail in the next section.

Framing in negotiations: high numbers, negative economic impact and ‘overburden’ of refugees

In order to deal with the increasing challenges brought on by the protracted stay of Syrian refugees, the Jordanian state authorities consistently emphasize the high numbers of refugees and the economic cost which the country has incurred, addressing the international community primarily through media and conference platforms. The same framing was used in conducting negotiations, known as migration diplomacy with the EU, the USA and the Gulf states. Jordan’s political representatives publicly referred to the number of 1.3–1.5 million as the total numbers of Syrian refugees in the country, despite the fact that the UNHCR reports indicated around 658, 911 in August 2017 (JRP 2017–2019, v; UNHCR 2017). King Abdullah II, for example, suggested 1.5 million at the UN Refugee Conference in September 2016, making the number a tacit guideline among state authorities (Jordan Times 2016a). The doubling discrepancy between the state and the UNHCR stems from the fact that the UNHCR records are based on only registered refugees, while the state numbers are estimates of the number of Syrians in Jordan overall, whether registered or not. The latter also counts Syrians living in the country prior to the war (Lenner 2016, 11).³³

On the issue about the number of Syrians, Jordan’s previous refugee hosting experiences play a role. As Lenner rightly emphasises, ‘the Iraqi experience seems to suggest to government actors that using high estimates for Syrians is the best possible way to access further donor funding’ (2016, 12). It was widely suspected that Jordan has for a long time been exaggerating the number of refugees within its borders to solicit greater financial contributions (Arar 2017). Probably being aware that this was also met with critique, in the 2017–2019 Jordan Response Plan, Jordan made explicit that it ‘has provided refuge to some 1.266 million Syrians, of which 655,833 are registered as refugees’ in the (JRP 2017–2019, 7).

With regard to the economic impact, available data demonstrates that the Syrian conflict has been experienced as a negative shock that has disrupted regional commerce (particularly due to the closure of the Syrian and Iraqi borders); negatively impacted on tourism income; and led to the decline in both investor confidence levels and capital inflows (Errighi and Griesse 2016, 7). In Jordan, the average annual growth rate of 15.2 per cent

during the period 2006–2010, slowed to 6 per cent in the years following the Syrian crisis, namely, from 2011 to 2016 (JRP 2017–2019, 7). The government expenditure has increased by 38 per cent since 2010 (JRP 2016–2018, 14). Since 2013, the cost³⁴ of hosting Syrian refugees amounted to around 16 per cent of the Kingdom's national budget (JRP 2017–2019; UNDP 2016). The high costs exacerbated the country's endemic resource challenges. The tracing of news and speeches of Jordanian government representatives as well as my interviews with policy shapers in different fields prove that Jordan consistently emphasized the negative impacts of the Syrian refugee flow, while the positive impacts, including a growing aid economy, an increasing demand for goods and services as well as new jobs which led to an increase in production capacity, received far less attention.

As tensions over resource sharing rose, Jordanian citizens called upon the government to limit Syrian refugees' employment – hopeful that this would prevent competition. As a way of handling the challenges, the government utilized themes like saturation point, and made consistent calls for responsibility and fair burden sharing at the international level. Imad Fakhoury from MoPIC told representatives of donor countries and UN organisations that: 'Jordan has reached the saturation point and its maximum possible ability to bear the Syrian refugee burden' because 'the refugee influx has put large pressures on the Kingdom's resources, particularly water, finance and social infrastructure' (Jordan Times 2016b). Similarly, the Minister of Interior, Ghaleb Zu'bi, stressed that Jordan had reached the limit of capabilities in the course of the six-year crisis – a crisis which has affected all aspects of Jordanians' lives and all the vital sectors (Jordan Times 2017b). In an article that King Abdullah II wrote for the *Independent*, he emphasised the issue of burden that rests on Jordan's shoulders from a comparative perspective:

Refugee-related costs now consume 25 per cent of Jordan's national budget ... By comparison, Jordan's economy is less than 0.001 per cent of the US and EU economy combined and has been coping with an even greater challenge of hosting nearly 1.3 million Syrian refugees.

(Petra 2016)

Jordanian authorities were well aware that the burden would not be alleviated soon, primarily because 'the prospects for a prompt return of the millions of Syrian refugees to their home country are remote' (JRP 2016–2018, 1). In the words of King Abdullah II, 'even with peace, it will take years for the refugee situation to resolve itself' (Independent 2016). These concerns intertwined with the refugee history of the country as well as with the protracted stay of Palestinians and Iraqis in the past. The public statements and media reports underscored that: 'we do not have the resources to accommodate yet another group of people', or 'we already have the Iraqis, and the Palestinians' (Lenner 2015, 8).

A review of numerous speeches delivered by Jordanian state authorities during this period makes clear that political authorities emphasized the fact that Jordan is providing services to refugees on behalf of the international community, which should pay attention to the high cost of public good provision and which should, in the end, also pay the bill. Jordan's Response Plan explicitly entails this message, stating that: 'mitigating this challenge can only work under the premise that Jordan is doing a global public good on behalf of the international community' (JRP 2017–2019, v).

Moreover, after 2015 the Jordanian state pushed hard to get leverage from the Syrian refugees in order to address macroeconomic problems that pre-dated the conflict. For Jordanian policy makers, the burden should have been eased by mobilizing international support whereby this would not only need to cover all expenses incurred through the refugees, but also channel more developmental aid to Jordan to benefit refugees and Jordanians together. King Abdullah II elaborated on Jordan's new approach in refugee policies:

Recognising that the crisis is complex and protracted, our strategy can no longer be focused on emergency and humanitarian relief alone. It should be based on sustainable development-based goals.

(Independent 2016)

Similarly, in his meeting with donor country representatives, the minister Imad Fakhoury stressed 'the importance of investing in Jordan's human resources, in addition to directing support to the budget to help implement development and capital projects' (Jordan Times 2017a). In this line, Prime Minister Abdullah Ensour voiced similar concerns and proposed a more concrete solution for burden sharing. He indicated what could happen otherwise by stating:

We have opened our borders. We will continue to do so provided that others come and help us in helping the Syrians [...] I don't mean just sending cash or grants. I want them to help the economy at large, that's to say help the budget, help export ... our products because if these people [Syrians] have to join the industry, then the industry has to sell elsewhere. If such support is not received, then it would be very, very difficult for us to continue the way that we did in the past.

(Akour 2016)

Meanwhile, the poor treatment of refugees arriving in Europe in 2015 increased Jordan's leverage within the international refugee regime. The situation in which large numbers of refugees stranded at the Syrian border jeopardized Jordan's reputation as a tolerant refugee host state. Nevertheless, high-level tolerance was communicated through the international media, whereby foreign political actors recognized the fact that the country

grappled with meagre resources and a huge burden. In this context, Jordanian officials boldly ignored any criticism, arguing that EU countries are in no position to preach about refugee policy as long as they uphold their non-humanitarian stance towards migrant deaths in the Mediterranean. The government's chief spokesman, Mohammed al-Momani, stated: 'Do we have to prove our credentials? We are doing more than any other country in the world' (Black 2014). Also, Jordan emphasized its 'role not only as a country of first settlement but also as a buffer state like Turkey', because it was believed that Turkey has successfully leveraged its refugee hosting capacity to gain greater resources from donor states (Arar 2017).

The high-level representatives of the international community praised Jordan for hosting the refugees and acknowledged the burden that it shouldered. The UN Secretary-General Ban Ki-moon stated that: 'Jordan has been providing very good diplomatic initiatives and leadership [... Some] 650,000 refugees mean not only socioeconomic burden; it has affected the fabrics of your community [...] Gratitude is no longer enough' (Goussous 2016). Similarly, the World Bank President Jim Yong Kim said that: 'the world owes a huge debt of gratitude to Jordan [...]. What the Jordanians have done in welcoming the refugees is truly extraordinary' (Goussous 2016). The praises of the international community went beyond statements and turned into more structured financial packages as had been demanded by the Jordanian state. This paralleled a global approach that gained significance at the time, namely, to further development and refugees' self-reliance as a means of easing the burden experienced by host countries. The approach was elaborated at the UN's New York Declaration on Refugees and Migrants in 2016 (Crisp 2017). The declaration laid out an action plan for a new era in refugee response.³⁵ In fact, this approach sought to keep refugees in their first arriving countries, often in the region of country of origin. Specifically, this approach, supported by the UN, World Bank, the EU and others, strategically targeted important and middle-income countries such as Jordan and Lebanon (Crisp 2017). The fact that Jordan placed an emphasis on the sheer numbers of Syrians and the negative economic impact that the country experienced, during a period in which a new global approach based on a development agenda merged, led to two significant outcomes. These were the Jordanian Response Plans and the Jordan Compact.

Development agenda through response plans

After 2014, Jordan's discursive emphasis on the economic impact it had framed the Syrian refugee issue in, also begun to shape its policies and the manner in which it collaborated with foreign humanitarian actors and donors. The Jordanian state prioritized its own development and a resilience-based agenda in collaborations that materialized first with the MoPIC's formulation of a coordination body called the Jordan Response Platform for the Syria Crisis (JRPSC) in September 2014, and second

through the preparation of the Jordan Response Plan 2015 (JRP 2015) and the Jordan Response Plan 2016–2018. The response plans represent a paradigm shift in the country's refugee response from short-term humanitarian aid to the pursuit of a long-term development trajectory (JRP 2015; JRP 2016–2018). Jordan introduced 'the category of resilience to justify higher direct transfers to the Jordanian government in the names of local capacity building' (Kelberer 2017, 153).

The JRP 2016–2018 integrated refugee and resilience responses into one single plan for each sector and placed the resilience of national systems and institutions at the core of the response. The plan had six concrete aims reflecting Jordan's priorities: 1) upscaling the critical capacities of the central, regional and local authorities; 2) fostering the resilience of service delivery systems and municipal services and infrastructures in areas critically affected by demographic stress; 3) meeting the immediate needs of (a) Syrian refugees in and out of camps and (b) vulnerable Jordanians affected by the crisis; 4) expanding employment and livelihood opportunities; 5) mitigating pressures including social imbalances on Jordanian host communities; and 6) improving the government budget to cope with the additional financial burdens resulting from the crisis (JRP 2016–2018, 4).

Placing an emphasis on development, the response plan was designed in alignment with Jordan's two main national plans and strategies: the Executive Development Plan 2016–2018 and the Governorate Development Plan 2016–2018, which are both linked to the 'Jordan 2025' development blueprint (JRP 2016–2018, 9; JRP 2017–2019, 2). To fulfil these aims, Jordan asked that almost equal budgets be allocated to refugee interventions and resilience strengthening responses covering host communities, service delivery systems and public authorities.

The JRPSC aimed at strictly monitoring the implementation of the response plan and the fulfilment of the donor pledges (JRP 2017–2019, 3). In order to address funding shortfalls and to ensure responsibility sharing, the MoPIC prepared a second detailed version of the rolling plan – calling it the 'JRP 2017–2019' (JRP 2017–2019, v). The plan emphasized the need for donors' committed support and the need for additional grants due to a continued state of urgency. This is presented as critically important for supporting Jordanian model, which combines developmental and refugee hosting goals as well as bringing a paradigm shift in the refugee response. The Plan states:

Jordan has reached its maximum absorptive capacity with no fiscal space remaining. Between the Kingdom's evanescent resources, existing socioeconomic and geopolitical challenges, and the IMF's new Extended Fund Facility, funding shortfalls will severely compromise the government's ability to continue providing services to Syrians while safeguarding the country's hard-earned developmental gains.

(JRP 2017–2019, vi)

Also, this JRP critiques to the global refugee regime. It affirmed that the international community has indeed helped Jordan, but it has fallen short of the needs and requirements defined in the JRP 2016–2018 and all its predecessor plans. It underlined:

the failure of the orthodox model in which host countries like Jordan are required to provide protection space to refugees without expelling them, however, the international community who should pay the cost of protection space in the host countries has no legal obligation to offer financial support.

(JRP 2017–2019, 11)

The framing of the JRP 2017–2019 outlines two objectives: to prove that there is no institutional vacuum in Jordan's response to the Syrian refugee crisis; and to show that policy makers are taking the country's long-term development vision into account in planning responses. Thus, the JRPs became the most sophisticated response to the Syrian refugee crisis – particularly when compared to those of neighbouring host countries – and it adopts international jargon of refugee governance throughout the text (Francis 2015, 5).

Jordan Compact

Jordan's initiatives have not been limited to the response plans. Another initiative through which Jordan sought to transform the refugee crisis into a development opportunity was the Jordan Compact (Echo 2017). The most concrete outcome of this Compact for refugee governance has been the integration of Syrians into the formal labour market. Securing employment for Syrian refugees in Jordan is a complex issue economically as well as politically considering the characteristics of the labour market in Jordan, the high number of guest workers and Jordan's policy legacy on the economic integration of Palestinian and Iraqi refugees.

The Jordanian labour market is highly fragmented. Great numbers of Jordanians work in the large public sector and the armed forces (Aita 2008, 40, 91). The unemployment rate among Jordanians prior to the Syrian conflict was above 14 per cent and rose to 15.8 per cent in 2016 (Al Sharif 2017). Particularly, both female and youth unemployment (15–25 years) was considerably high, mounting to around 30 per cent for both groups (Stave and Hillesund 2015, 6). Non-Jordanians dominate a substantial part of the private sector and informal economy, which contributes to 20 per cent of the GDP and 25 per cent of employment (Aita 2008, 75). An employment in the informal sector is characterized by low and declining wages, long working hours, poor working conditions and lack of job security (Aita 2008, 75; Kattaa 2016, 73). Due to the growing concerns about unemployment that are believed to be caused by the import of foreign workers and

the growth of informal sector, the Ministry of Labour has implemented a rigid quota system and has ensured that work permits are tied to specific positions (Errighi and Griesse 2016, 12).

In response to existing levels of unemployment and fragmented labour market conditions, Jordan wanted to prevent Syrian refugees from working and competing with Jordanians for the first five years of its refugee governance. However, these measures failed to fully prevent Syrians from participating in the country's workforce, which is dependent on cheap labour. Most of the Syrian refugees have occupied informal jobs in urban areas. A report from the ILO-FAFO (2015) revealed that about 51 per cent of Syrian men residing outside the refugee camps participated in the Jordanian labour force (Stave and Hillesund 2015, 5). More than 40 per cent of the Syrians working have jobs in the construction industry (Kattaa 2016, 73). Almost 90 per cent of employed Syrians are working in the informal economy (Stave and Hillesund 2015). In the camps, working opportunities are more limited, except in the market stall enterprise, jobs in food and transportation sectors and volunteer positions under the scheme of cash for work opportunities provided by the UN agencies and NGOs (Kattaa 2016, 74). Syrians with capital are allowed to establish businesses as commercial or industrial ventures (Errighi and Griesse 2016, 12).

There has been a negative public perception of Syrian refugees participating in the Jordanian labour market. The belief has been that the poorest segment of the Jordanian population became unemployed because the cheap Syrian labour force took their jobs (Stave and Hillesund 2015, 6–7). In fact, however, Syrian workers were largely replacing Egyptian and migrant workers rather than Jordanians in many sectors (Mayer 2016, 22; Stave and Hillesund 2015).³⁶ Nevertheless, the sharp decline in the employment rates of Jordanians in 2017, led Jordanian migration experts also to adopt the view that Syrian refugees were starting to take jobs away from Jordanian workers due to their formal integration into labour market and the manner in which they were now progressively adopted in the country.³⁷

Jordan did not opt to grant Syrian refugees the right to work. Only 10 per cent of employed Syrians had work permits until 2015 (Lenner 2015, 12; Errighi and Griesse 2016, 5). However, key donors – such as the European countries – that encountered refugee flows in summer 2015 advocated the granting of working rights to Syrians. Such advocacy was by no means genuine however. It was based on the assumption that if refugees' access to livelihood opportunities and self-reliance in their first host country would be improved, then this would prevent them from seeking asylum in Europe and keep them in their region of origin. For the immediate host states like Jordan, increasing the self-reliance of Syrians has become particularly critical in the context of insufficient funding from the international community.

The major donor conference in London, 'Supporting Syria and the Region' Conference (known as the London Conference) on 4 February 2016

provided the international platform to negotiate the issue of working rights for Syrian refugees within Jordan and Lebanon (Jordan Compact 2016). Jordan announced its well-prepared plan called the Jordan Compact: A New Holistic Approach between the Hashemite Kingdom of Jordan and the International Community to deal with the Syrian Refugee Crisis. In the Compact, Jordan demanded that new investments be made and that the EU market be opened up with simplified rules for origin to Jordanian products of export. In return, Jordan would introduce the right of formal employment for Syrians refugees as well as ensure better education opportunities (JRP 2017–2019, vi). Calling it a new paradigm, Jordan legitimized its demands by underlining ‘a significant fiscal need of its own, exacerbated by conflict in the region, the cutting of its principal exports routes and markets and the cost of hosting refugees’ (Jordan Compact 2016). It also stated that it would need ‘additional funding to provide direct support for Syrian refugees to ensure that the communities hosting them are not adversely affected’ (Jordan Compact 2016). The Jordan Compact aimed to improve the resilience of refugee and host communities, focusing mainly on livelihoods and education.

With regard to education, the Compact stressed that: ‘a lost generation of Syrian children will not only cause social tensions in Jordan but also prevent these children playing a full role in a post conflict Syria’ (Jordan Compact 2016). Furthermore, it asserted that: ‘the inclusion of Syrian children in Jordanian schools must not endanger the quality of education provided to Jordanian students’ (Jordan Compact 2016). Jordan promised to ensure that every child in Jordan would be granted access to education in the 2016–2017 school year and school environments and vocational training opportunities would be improved (EC 2016a, 22). In return, donors committed to provide \$97.5 million to open and run 102 new double-shift public schools for 50,000 Syrian refugee children. They also promised to fund vocational training opportunities for Syrian youth (Jordan INGO 2017).

In terms of access to livelihoods, Jordan proposed to undertake the necessary administrative changes to allow Syrian refugees to apply for work permits (Jordan INGO 2017). It stressed that the number of jobs would depend on the level of international support (Jordan Compact 2016). In return, it sought improved access to the European market, soft loans and increased foreign investment in the country. These improvements are expected to have a positive impact on the macro-level economic conditions in the country, specifically by reducing the country’s debt level and financing gap (EC 2016a, 13). Also, the improvements are expected to result in more jobs from which Jordanians and Syrians can benefit (Kattaa 2016, 74).

The Jordan Compact, agreed on at the London Donor Conference, was finally turned into the EU–Jordan Compact, which became a part of the EU–Jordan Partnership Priorities 2016–18 and EU’s Neighbourhood Policy. The Compact replaced the EU–Jordan Action Plan of 2012. It was

publicized by the European Commission (EC) in September 2016 (Jordan Compact 2016, 10). The EC promised to adopt a new Macro-Financial Assistance (MFA) programme as a balance-of-payments support instrument, covering €200 million in loans for Jordan. Jordan agreed to enter into a new disbursing IMF programme, which is a prerequisite for any MFA operation (Ghazal 2017). In fact, the refugee crisis and its economic impact had also played a role in the adoption of a previous MFA operation with Jordan between 2013 and 2015 (Errighi and Griesse 2016, 5). With the Compact, the EC committed to pay a minimum of €108 million in humanitarian aid in addition to the macro-financial assistance (EC 2016a, 1).

The channelling of financial assistance to the Jordanian state is conditional on the Syrian refugees being granted access to the formal labour market (Kattaa 2016, 75). The EU has relaxed the rules of origin regarding a wide range of Jordanian products that are manufactured in predetermined Special Development Zones (SEZ) and Industrial Areas, as long as these are linked to job opportunities for both Jordanians and Syrian refugees under the same conditions. In first two years, 15 per cent of jobs and thereafter 25 per cent of jobs should have been allocated to Syrians. Once the target of 200,000 work permits for Syrian refugees is achieved at a country level, an extension of the rules of origin regime is foreseen (EC 2016a, 2; EC 2016b, 12).

All of these incentives and expectations convinced Jordan to allow the employment of Syrian refugees in selected occupations and to issue less costly and flexible work permits. To ensure that Syrians do not replace Jordanian labour, Jordan allowed Syrians to participate in the labour market in: 18 SEZ and certain sectors like agriculture, construction and garment manufacture according to predetermined quotas; and for projects running in the municipalities with the funding of foreign donors. Also, refugees residing in camps are allowed to be employed (EC 2016a, 2; EC 2016b, 13). In addition, Jordan accepted the formalization of Syrians' existing businesses as well as the setting up of new tax-generating businesses (Jordan INGO 2017). In April 2016, the Ministry of Labour (MoL) allowed a grace period of three months for Syrian refugees working without a work permit to regulate their employment status, and then extended the grace period until the end of 2016. The MoL also waived the fees for obtaining a permit (Kattaa 2016, 75). By 2017, some 38,000 Syrians had received valid work permits (Fact Sheet 2017, 2). By January 2018, over 80,000 work permits for Syrians were issued or renewed (Lenner and Turner 2018, 48). However, there were concerns about the validity of the actual numbers as permits were being issued to the same people upon switching jobs and some permits were temporary – sometimes just for a few months. It is estimated that the number of work permits valid at any one point in time was at around 35,000–45,000 (Lenner and Turner 2018, 48).

Overall, the number of applicants for permits remained smaller than expected, far from the targeted 200,000 (Kattaa 2016, 76). According to the

2017 Survey by CARE, the reasons cited by Syrian refugees for not obtaining a work permit included lack of available work opportunities (66 per cent); receiving assistance from their family abroad (16 per cent); fear of losing assistance (8 per cent); the high costs despite government waiver (10 per cent); and employers refusing to pay the associated costs (10 per cent) (Care Report 2017, 2). Other reasons included fears of losing the chance of resettlement to a third country or the risk of registering with the government (Reznick 2017). Moreover, three informants I personally interviewed in Jordan claimed that the harsh working conditions of the Jordanian labour market for migrant workers (long hours, low salaries, long commute and discrimination) were also considered a factor, as well as the view that Syrians 'did not fit the existing working skills of Syrians unlike South Asia or Egyptian migrant workers' (Lenner and Turner (2018, 48). Also, employers, particularly those in the manufacturing sector operating in the industrial zones, were not very eager to enable large-scale recruitment of both Jordanian and Syrians workers, emphasising their low productivity vis-à-vis other migrant workers (Lenner and Turner 2018, 49).

The Jordanian state authorities, donor states and humanitarian organizations presented the Jordan Compact as a very beneficial agreement in many respects (Kelberer 2017, 149). It was considered a promising means of improving the well-being of Syrian refugees and it was expected that they would thereafter gain better access to education and work opportunities. From Jordan's perspective, the main incentive is to access more funding and concessions in trade with the EU. Another incentive was to meet the needs of neoliberal economic policies for cheap labour. Moreover, Jordan also sought to alleviate concerns about the unsustainability of providing social protection to large numbers of Syrians without getting much in state revenue in return through taxes. The deal was also seen as being beneficial for the EU as refugee aid was being given conditionally and migration control was externalized beyond the EU borders. However, within the course of a few years, the implementation efforts of the Compact revealed weaknesses and failures. The targeted numbers of working permits were not reached. Trade accessions in European markets for Jordanian products were only implemented slowly because the European import standards were not met by Jordanian manufacturers.³⁸ Also, due to the conditionality, municipalities noted that they did not receive additional international funding for infrastructure projects.³⁹ According to Lenner and Turner, the deal itself was designed poorly from the beginning because it did not reflect the realities on the ground and did not take into account the advice that had been offered by NGOs, activists and labour market experts in the country (Lenner and Turner 2018, 49). All this made Jordanians believe that the conditionality of the deal with the EU was simply too harsh and that it would need to be renegotiated.⁴⁰

Conclusion

Jordan's policy responses towards Syrian refugees evolved from an ad hoc emergency-based humanitarian response to highly a regulative and restrictive response within seven years. The earlier flexible stance in reception and protection policies – thanks primarily to the social ties between Syrian and Jordanian communities – turned into more regulative restrictive governance within the course of a few years. To deal with the growing challenges and to attract more external financial support, the framing of the refugee crisis that was pursued emphasized the large numbers of refugees and their economic cost vis-à-vis the poor economic capacities of the country. International economic-developmental concerns aggravated by the scale and longevity of the refugee presence came to weigh heavily on the governance patterns, while security concerns, policy legacies and memories of Palestinians and Iraqis, played a role. The key elements that had defined the historical relations between Jordan and its donors came to be reflected in the refugee governance of the present.

Notes

- 1 Agreement on Workforce Cooperation between the Government of the Hashemite Kingdom of Jordan and the Government of the Syrian Arab Republic, 2001, (www.jedco.gov.jo/).
- 2 Personal communication with a Jordanian migration expert working for national and international research projects in Amman on Syrian refugees, 28 January 2018 [online].
- 3 Personal communication with Jordanian officers working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online].
- 4 This perception was also pointed out during my personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 5 Personal communication with the Representative of an INGO operating in Amman, 1 February 2018.
- 6 Ibid.
- 7 Personal communication with Jordanian officers working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online].
- 8 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 9 Ibid.
- 10 Personal communication with a Jordanian migrant lawyer and human rights activist, 26 January 2018 [online].
- 11 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 12 Personal communication with a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 13 This issue was also mentioned during my personal communication with a Jordanian migrant lawyer and human rights activist, 26 January 2018 [online] as well as a Jordanian with a Palestinian origin scholar, 8 May 2018, Istanbul.
- 14 This issue was also mentioned during my personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].

- 15 Personal communication with a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 16 Personal communication with an INGO Representative operating in Amman, 1 February 2018.
- 17 Personal communication with a representative from a London-based INGOs making projects in Jordan and Lebanon, 30 January 2018 [online].
- 18 Personal communication with a representative of a local Jordanian charity association, 23 April 2018, *Irbid*.
- 19 *Ibid*.
- 20 *Ibid*.
- 21 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 22 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 23 Personal communication with an engineer and social policies officer working for the municipality, 4 February 2018, Amman.
- 24 This issue was also mentioned during my personal communication with a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 25 Personal communication with a retired Deputy Security Manager of the Zaatari camp, 3 February 2018, *Irbid*.
- 26 Personal communication with a Jordanian migrant lawyer and human rights activist, 26 January 2018 [online].
- 27 *Ibid*.
- 28 Personal communication with a Syrian representative of a transnational NGO serving in Jordan, 24 March 2018, *Irbid*.
- 29 Personal communication with an INGO Representative operating in Amman, 1 February 2018.
- 30 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 31 Personal communication with a Jordanian representative of the Syrian-American Medical Society, 21 February 2018, Amman.
- 32 The Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and Jordan, of the other part, was signed on 24 November 1997 and entered into force on 1 May 2002 (EC 2016b).
- 33 The same issue was raised during my personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online], as well as in personal communication with a Jordanian migrant lawyer and human rights activist, 26 January 2018 [online].
- 34 The direct costs of Syrian refugees include the costs of education, health services and subsidies on electricity, water, healthcare services, infrastructure services, municipal services and other goods, in addition to losses incurred by the transport sector, illegal labour and security/military costs.
- 35 The declaration introduced the Comprehensive Refugee Response Framework (CRRF) that has four objectives: 1) easing pressures on countries that host refugees; 2) building on refugees self-reliance; 3) expanding access to resettlement and other complementary pathways; and 4) fostering conditions for refugees to voluntarily return home (Crisp 2017).
- 36 This issue was also mentioned during my personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].
- 37 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].

38 Ibid.

39 Personal communication with Jordanian officers working for social policies and development projects for the Zarqa Municipality, 26 January 2018 [online].

40 Personal communication with a Jordanian migration expert working for national and international research projects on Syrian refugees, 28 January 2018 [online].

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Part V

Comparison and conclusions



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10 Comparison of refugee governance in Turkey, Lebanon and Jordan

The contributions of this work to the migration literature are that it: proposed multi-pattern and multi-stage refugee governance models which theorize variations of policy fields and patterns as well as policy changes over time in the countries hosting large numbers of refugees; developed a classification for drivers of policies; and finally analysed three cases – Turkey, Lebanon and Jordan – to test the models and classifications’ validity.

This chapter builds solid links between models and categorizations developed in Chapter 3 and the empirical data presented in the case study chapters from Chapters 4 to 9. To do so, it divides the chapter into three sections. The first section maps the dominant actors shaping refugee governance in the cases with reference to the meta-governance framework. The second section elaborates on testing the multi-pattern and multi-stage governance model comparatively. The third section examines similarities and differences in policy fields: border controls, reception/protection and integration by highlighting patterns and stages. The following section compares the drivers of policies with an emphasis on identification and analysis of the weight of each factor. Thus, it both recaps the chapters comparatively and paves the way for discussing further theoretical questions and lessons from the cases that will be discussed in the Conclusion.

Overview of dominant actors shaping refugee governance in three countries

A brief overview of the actors and their position in refugee governance in the three countries is of importance in providing a general contextualization for comparisons.

To respond to Syrian large-scale refugee migration, the Turkish central state – made up of the governing JDP and the state institutions – both design and implement refugee policies. It has adopted an increasingly cautious approach towards transnational humanitarian actors and has tended to control all kinds of services provided by them since the initial stage. Unlike many refugee hosting countries, Turkey has not requested assistance from the UNHCR for the reception and protection of refugees. In the first

two years, it did not ask for any donor support to cover expenses. Instead, it mobilized its own capacities and relied on state agencies and partially as well on the support of quasi-official Turkish NGOs. However, after reaching the critical juncture where Turkey moved from initial emergency response to the protracted stage, the financial support of the EU gained saliency.

As a constitutional monarchy, the Jordanian central state consists of the King, the Royal Court and the ministries. These actors play a primary role in designing all kinds of policies, including refugee policies. In responding to Syrian mass migration, Jordan has closely cooperated with the UNHCR, donors and humanitarian actors in policy-shaping. Jordan has taken a flexible but regulative stance towards the interventions of foreign actors. Nevertheless, it tends to keep control over their activities as well as drawing on external funding as much as possible.

As a consociational democracy with a parliamentary system, Lebanon's central state is more fragmented and less dominant in policy-making compared to Turkey and Jordan. In responding to Syrian mass migration, the government's role has been minimal, while the municipalities and the UNHCR, along with other transnational humanitarian actors, have played a substantial role in policy-shaping. Although humanitarian actors have acted autonomously until the critical juncture, Lebanon subsequently attempted to restrict their activities. However, the substantial power of Lebanese non-state and foreign actors has been overwhelming been felt in refugee governance rather than that of the central state.

Paradoxically, although all three countries asked the international community to work towards fairer burden sharing at different stages, they have increasingly viewed the extensive involvement of humanitarian actors in refugee governance as a challenge to their sovereignty. After reaching the critical juncture, they geared their efforts towards limiting the interventions of external actors. They were able to do so with varying degrees of success, depending on their capacities. While Turkey managed to secure national leadership in aid coordination and registration from the very beginning, Jordan succeeded in reasserting itself over the course of a few years. On the other hand, despite its attempts, Lebanon failed to affirm its control over reception policies. Pertaining to the efforts of national non-state actors, both in Jordan and Turkey, a very gentle lobbying for the relevant ministries occurred behind closed doors, but they did not openly challenge the policy preferences and imperative commands of the respective central states. Their impact, in turn, remained limited – particularly with reference to issues of security. But in some subsets of policies, like working permits or education, their efforts showed some impact. So, the treatment of non-state actors, particularly in Turkey and Jordan, illustrates how traditional statist styles of government are determinant in refugee policy-shaping as the meta-governance assumed.

Testing of the multi-pattern and multi-stage model in cases

An outline of multi-stage and multi-pattern governance in Turkey, Lebanon and Jordan is provided in Table 10.1.

In the first few years of Syrian refugee migration, Turkey adopted an ad hoc approach. The Turkish government welcomed Syrians' arrival and thereby departed from its traditional preventive policies to which it had abided in the course of earlier mass migration flows from the Middle East such as the Iraqi Kurds in 1991. Similarly, Jordan was ad hoc in responding to Syrian mass flow, but more regulative than Turkey. Compared to Turkey, Jordan had been used to migration flows from the Middle East, as it had accepted the Iraqi refugees in the aftermath of the 2003 Iraqi invasion. Faced with the Syrian mass refugee flow, Lebanon showed inaction. In the past, Lebanon had also accepted the Iraqi refugees similar to Jordan but in lower numbers. None of the three countries prevented the crossing of Syrians across national borders in the first years.

All three countries offered temporary protection, which meant that Syrians remained somewhat protected from refoulement and were given access to humanitarian aid and basic public services. These countries did not envision granting refugee status or establishing formal initiatives for local integration. All three came to the point of a critical juncture in which the sheer numbers of Syrians on their soil and gradual recognition of non-temporariness raised concerns about the local absorption capacity and the risk of 'demographic shock'. This challenge was worsened by real and perceived security threats emanating from the manner in which the Syrian crisis unfolded and the involvement of a plethora of state and non-state actors who have all played a part in escalating the crisis into a highly militarized conflict which will be elaborated more on in subsequent sections of this chapter.

Against this background, Lebanon shifted towards regulative-restrictive policies, but its policies nevertheless still displayed overwhelmingly ad hoc

Table 10.1 Multi-stage and multi-pattern governance in Turkey, Lebanon and Jordan

Country	<i>Initial response pattern</i>	<i>Critical juncture transition</i>	<i>Protracted response pattern</i>
	<i>1–3 years</i>	<i>3–5 years</i>	<i>After 5 years</i>
Turkey	Ad Hoc	Regulations and restrictions	Highly regulative Moderately restrictive
Lebanon	Policy vacuum/ inaction	Ad hoc policies	Moderately regulative Moderately restrictive
Jordan	Mainly ad hoc Partially regulative	Regulative and restrictive	Highly regulative Highly restrictive

characteristics. Jordan intensified its regulative policies and also made them quite restrictive. Turkey, in comparison to Lebanon and Jordan, was able to pursue highly regulative, moderately restrictive policies. In all three countries, restrictiveness was observable in the policy fields on border control, while more liberal policies were implemented with respect to protection and local integration – particularly access to education, health and the labour market, as was discussed in the empirical chapters in detail.

As the unfolding of the events during the seven years of war in Syria and policy developments in each country are crucial for policy responses, they are summarized in Table 10.2. This is necessary to lay the ground for comparisons of policy fields and drivers of them in the following section.

Similarities and differences in the policy fields of Turkey, Lebanon and Jordan

Border controls

Regulations and implementations pertaining to border control have varied across the three countries and have changed in the course of time. In responding to the arrivals of Syrian refugees to their borders, all three countries initially adopted flexible open-door policies, meaning that they allowed the entry of Syrians without travel documents (including visas or passport) and regardless of whether the crossings took place at official or non-official border points. After 2012, Lebanon and Jordan had been discriminative against the crossing of Palestinians who were stateless and who had been staying in Syria as refugees. All three countries gradually shifted from the initial open-door hospitality policy to a closed-door restrictive policy. During the transition period, Turkey undertook ad hoc openings and closures of border gates, while Jordan used very limited daily quotas claiming that it sought to keep entries under control. Until reaching critical juncture, Turkey and Lebanon tolerated circular migration in and out of the country, while Jordan was strict about it. When Syrians left the country for any reason, they were not able to re-enter. In the end, all of them fully prohibited border crossings except for humanitarian and business reasons. All three countries aimed to adopt pre-entry controls and checks to prevent the arrivals of displaced Syrians to the national territory. While Turkey adopted a zero-point aid delivery system and advocated for the establishment of camps inside Syria to slow down the number of entries, Jordan did not allow entrances, which, in turn, resulted in thousands of displaced people being stranded on the Syrian side of the border. Turkey reached the point of erecting a wall on its Syrian border to manage controls. Jordan strictly adopted a closed-door policy. Compared to Turkey and Jordan, Lebanon was less strict on entries, primarily because it did not have the same capacities to ensure border controls by state security forces and also because it grappled with the intense involvement of Hezbollah in the Syrian war across the border.

Table 10.2 Timeline of events in Syria, Turkey, Lebanon and Jordan from March 2011–July 2018 in relation to refugee governance

	<i>Syria</i>	<i>Turkey</i>	<i>Lebanon</i>	<i>Jordan</i>
March–May 2011	Protests began against Assad government and became widespread	First arrivals at the Turkish southern borders	First arrivals at the Lebanese border	
May–Sept. 2011	USA and EU imposed economic sanctions on Assad regime	Backdoor diplomacy to convince Assad for a political resolution	Initiated a policy of indifference	
Oct.–Dec. 2011	An alignment of Syrian opposition groups established the Syrian National Council, a framework aiming at ending Assad’s government and establishing a democratic system Russia and China vetoed UN Security Council (UNSC) resolution that would call for an immediate halt to the crackdown in Syria against opponents of Assad Arab Leagues suspended Syria’s membership	Supported the Syrian National Council Introduced economic sanctions against Syria Established refugee camps		Syrian refugees started to arrive at the Jordanian border

continued

Table 10.2 Continued

	<i>Syria</i>	<i>Turkey</i>	<i>Lebanon</i>	<i>Jordan</i>
Feb.–April 2012	UN–Arab League peace proposals (Annan Plan) which aimed at ending violence in Syria failed	Started to launch a non-formal temporary refugee regime		Some ten thousand Syrian refugees were registered
July–Aug. 2012	Fighting spread to Aleppo (the largest city of Syria)	Mass arrivals to Turkish borders from Aleppo; attempts to convince UNSC for creating no-fly zone; zero point delivery		Zaatari Refugee Camp opened
Sept.–Dec. 2012	The number of Syrians seeking refuge in other countries reached half a million	Occasionally refused the entry of Syrians		Gradually closed the borders, starting with Palestinians from Syria
Jan. 2013			Started to register refugees; Lebanese government resigned	Started to put strict controls on border crossings, only allowing 300 Syrians per day
March–May 2013	One million Syrians registered with the UNHCR	Introduced the new Law on Foreigners and International Protection (LFIP)	Hezbollah officially joined the Syrian conflict with government forces	Number of Syrians reached to half a million
Aug. 2013	A chemical attack in eastern Ghouta, Damascus, killed hundreds of people. Syrian government forces were blamed for passing the ‘red line’ set by USA			Fully closed the border

Sept.–Dec. 2013	Number of Syrians seeking refuge passed the 2 million mark			Helped anti-Assad forces in southern Syria with the support of West and Gulf countries
Jan.–May 2014	Internal displacement and refugee flow from Mosul Iraq due to the ISIS occupation. Fighting continued between ISIS and the Iraqi army until the end of 2016, displacing thousands of Iraqis	LFIP entered into force in April	Number of Syrian refugees reached 1 million; finally the Lebanese government was formed in February, but the presidential post remained vacant	
June–July 2014	ISIS announced Caliphate (state) in Syria and Iraq, intensified attacks	Massive influx into Turkey from Iraq and Syria	Gradually closed its border (beginning with targeting Palestinians from Syria)	Ordered UNHCR to stop issuing asylum certificates to Syrians
Oct.–Dec. 2014	Northern Syria (Kobane) was under siege of ISIS More Syrians risked deadly sea journeys to reach Europe	Syrian Kurds fled to Turkey Legal Temporary Protection Regulation entered into force	Restrictive policies targeting Syrians were introduced in the Lebanese Parliament in order to decrease the number of entries	Prepared a response plan for 2015
Jan.–Feb. 2015	An American-led coalition began airstrikes on ISIS			Impose more control on the registration of Syrians; bailout procedure was suspended
March–May 2015		Closed all gates to new arrivals	Suspended UNHCR registration of Syrian refugees	

continued

Table 10.2 Continued

	<i>Syria</i>	<i>Turkey</i>	<i>Lebanon</i>	<i>Jordan</i>
July 2015	Number of Syrian refugees exceeded 4 million		World Food Programme cut food aid to Syrian refugees	World Food Programme cut food aid to Syrian refugees
Sept.–Dec. 2015	Russia began to launch airstrikes in Syria in support of Assad's forces Photo of toddler Aylan Kurdi's body washed up on Turkish west coast causing international outcry		First ever Lebanon Crisis Response Plan was introduced	Returns from Jordan to Syria Cooperated with Russia for informal truce along Syrian border
Jan.–March 2016	Supporting Syria and Region Conference in February (London conference)	Granted work permits to Syrians Introduced visa obligation for any entry of Syrians and Iraqis; EU–Turkey Deal that aims to control irregular migration came into force		Jordan Compact, committed to grant work permits to Syrians
July–Aug. 2016	The battle for Aleppo, (largest city in Syria) caused thousands to be displaced	Law of emergency; Turkish army entered into northern Syria, capturing areas along the border from ISIS, called Euphrates operation, lasted until April 2017		

Sept.–Dec. 2016	Government forced took the control of Aleppo after four years of rebel rule in Dec.	Tensions with the EU	President was elected after 2.5 years, ending political vacuum	
March– June 2017	Numbers of Syrian refugees surpassed 5 million; rebels withdrew from the last area which they controlled in the city of Homs			USA, Russia and Jordan decided to establish de-escalation zone in southern Syria
Oct. 2017	ISIS lost the control of its self-declared capital Raqqa			
Jan.–March 2018		Began a major military operation against Kurdish fighters in Syria's northern enclave of Afrin, called Olive Branch Operation (lasted until April 2018)		
April–July 2018	Fighting in the south of Syria. With 320,000 Syrians displaced (largest exodus of the 7-year war). Finally, the government took control of Daraa with the truce deal brokered by Russia. Then, 280,000 people returned to their towns	Discussion on the return of Syrians Presidential and Parliamentary elections	Urging of returns to Syria, negotiations between Syrian government and Lebanese Foreign ministry to facilitate returns Parliamentary elections	Ensuring aid from Gulf countries Anti-government protests and changes in the government; did not allow crossing 60,000 of Syrians the border, but distributed aid inside Syria

Source: Table 10.2 has been compiled by using author's examination of events in each country, as well as data presented on the following sources: 1) UNHCR 2018; 2) Bloomberg 2018; 3) CNN 2013; and 4) Deardorff Miller's timeline (2016, 7–9).

With regard to exits, none of these countries sought to control Syrians returning to Syria or their further travel to any other destination country until mid-2015. In the empirical chapters, the impacts on entry numbers were addressed, but not on exits – due to the fact that the numbers regarding exits are not available. It is believed that returns were common in the Jordanian case; in Lebanon, it is rare. While Jordan and Lebanon do not control border crossings intended to exit, Turkey started to control illegal crossings to European shores since 2016. Threats of forced returns such as deportation became widespread in Jordan and Lebanon within the years.

It is important to note that the effects of the border control policies are critical. Policies themselves are among the key factors that determine the rise or fall of entries and exits. The effect of some other factors, including the dynamics of the war in Syria, can also be relevant for understanding a rise or fall in entries as reflected in Table 10.2. Not only the destination countries' strict policies on border controls, but also the growing difficulties in securing livelihoods and securing access to basic rights (such as settlement, education and health) have had a deterring effect on the number of arrivals. These policies, which will be reviewed in the subsequent section, trigger the return of some refugees to Syria or urge others to embark upon dangerous journeys in order to reach Europe.

Reception/protection

In the field of reception and protection, variations across countries can be observed. In Turkey, Syrians were first registered by the camp authorities or police offices in the neighbourhoods where they settle. Since 2015, registration and status determination procedures for all migrants, including Syrians, are subsumed under the DGMM. The Turkish state did not give authority to the UNHCR to register or determine the status of Syrians. In Jordan, from the very beginning until 2015, there was an overlapping dual registration process in place for Syrian asylum seekers who sought to gain access to services, receive assistance and apply for a residence permit. This process was carried out by both the Jordanian Ministry of Interior and the UNHCR. The Jordanian government ordered the UNHCR to stop issuing registration cards in 2015. In Lebanon, it was only the UNHCR that was responsible for registration from 2013 to 2015. In 2015, however, the Lebanese government suspended the UNHCR's registration of new Syrian arrivals that requires Syrians to get visa or to be smuggled in, in order to flee from Syria to Lebanon.

During the pre-war years, there was a liberal visa policy that was upheld over many years between Syria and all the countries that enabled Syrians' entry without any registration in the early days of war, in turn, leading to uncertainties and inconsistencies in determining the actual numbers of Syrians afterwards in these countries. Thus, there have been disparities

about the exact numbers of Syrians in all three countries, which is unsurprising given the dynamic and highly mobile nature of refugee populations. Although there is better and more detailed information about refugee numbers and their whereabouts in official camps, this is not the case for urban refugees, who represent more than 80 per cent of Syrian refugees in these countries. Despite a lack of reliable information, analysis of data from the UNHCR and the governments of Jordan and Turkey provide the best initial basis to estimate how many forcibly displaced people reside in urban areas (World Bank 2017). Even there, the numbers are not fully reliable as Jordan has been accused of inflating the actual numbers of Syrians in the country in order to receive more international aid (Kelberer 2017). Similarly, there are questions about the extent to which the Turkish central state has been transparent about entry and exit numbers. Lebanon did not have a functional working system that governed registration. Moreover, it is widely reported that many Syrians have generally avoided registering or renewing their registration with official authorities.

In terms of labelling and categorizing the displaced Syrians by giving legal status to refugees, all three countries have some similarities and differences. As noted in the literature section, there exist ‘competing ideas and definitions of what it means to be “a refugee” in different historical moments and political contexts’ (Robinson 2012, 347). Moreover, the labelling does not only determine the nature of refugee-receiving state relations but also it defines the main pillars of access to rights and protection, as well as the obligations of the states. The weight of political considerations in granting the refugee label is observable in three cases.

Neither of these countries defines Syrians as legal refugees, although the international refugee regime sees Syrians in these countries as refugees. The stance of these countries is not specific to Syrians because Jordan and Lebanon are not parties to the Refugee Convention, as they reject the idea of being seen as countries of asylum. The refugee category (with the exception of Palestinians who are recognized as refugees in the state where they have their permanent residency) does not exist as such. Hereby, the manner in which their national regimes define who is a refugee differs from the manner in which the international refugee regime defines it. This creates dilemmas for refugees and contradictions in policy-making. They officially refer to persons who have fled from and cannot return to Syria as guests, persons registered as refugees by the UNHCR as displaced Syrians or persons displaced from Syria (this includes Palestinian refugees from Syria). Turkey is the signatory of the Refugee Convention but maintains a geographical limitation, in effect ensuring Turkey would not grant refugee status to people fleeing from conflicts and persecution in non-European countries. Thus, Syrians are not entitled to obtaining refugee status in Turkey according to Turkish law. Legally, Syrians were given the status of ‘those under temporary protection’ in 2014, while they were treated as guests in the political discourse. So, Turkey, Lebanon and Jordan have not

granted formal refugee status to Syrians, leaving them in limbo in terms of legal status and permanent protection in practice.

Nevertheless, all three countries are not out of the sphere of influence of the international refugee regime. As mentioned, Turkey is a signatory of the Refugee Convention. Lebanon and Jordan signed a memorandum of understanding (MoU) with the UNHCR, which mirrors the main principles of protection laid out in the Refugee Convention. Moreover, the practice of these three countries is particularly relevant to the group-based status recognition and the granting of temporary refuge. Turkey formally granted them temporary protection status in 2014. All Syrian nationals, and both Palestinian refugees and stateless persons who had been living in Syria before arriving in Turkey benefit from being safeguarded under Turkey's temporary protection regime (Lambert 2017, 17). Lebanon and Jordan avoided calling their practices temporary protection, although they respect non-refoulement and provide basic rights. Moreover, Lebanon and Jordan's custom-based practices of opening borders to people fleeing violence (with some exceptions) and close cooperation with the UNHCR highly resemble the characteristics of temporary refuge. It should be noted that their temporary refuge practices have been very selective. Jordan adopted very restrictive policies towards Palestinian refugees from Syria and has violated the principle of non-refoulement since early 2013. Lebanon also showed a similar tendency after 2015, which was discussed in more detail in the empirical chapters. Despite the widespread practice of granting temporary and informal protection under the term of hospitality, these countries avoided codifying protection in domestic law or avoided being part of international law – Turkey being an exception.

Policies regulating the settlement and mobility of refugees are part of reception/protection policies. Each country displayed a relatively different stance. Turkey established camps for the most vulnerable groups and generally supported self-settlement. It adopted a flexible (but still control-centric) approach by tying residence permits to a certain province. Similar to Turkey, Jordan had both encampment and self-settlement options. After the first two years, it preferred settling refugees in camps, and self-settlement (or leaving the camps) was made conditional upon finding Jordanian sponsors and became more restrictive in the course of time. Lebanon has pursued a 'no camp' policy whereby the Lebanese government neither established camps nor allowed international actors to do it, thus, Syrian refugees have mainly lived in urban areas or informal settlements. In all three countries, most Syrians were first clustered in regions bordering Syria, and from there have gradually moved to large industrial cities where more informal jobs were available. In sum, the policies of all three countries resulted in a similar effect, namely, the development of a relatively huge urban refugee population and their slow and silent integration into the local host communities without the assistance of respective states.

Local integration

Access of refugees to sustainable livelihood opportunities and participation in the formal labour market is one of the main dimensions of local integration. Syrians in the host countries have been working intensively in the informal market, often under precarious conditions. However, the rising numbers of working Syrians and, in turn, also the number of official working permits issued in 2016, raise concerns for host communities and states because these lead to an increasing competition for scarce job opportunities and possibly foster communal tensions. Nevertheless, for all three countries, granting work permits was put on the agenda in the process of negotiating with donors. Turkey granted the right to formally work in early February 2016, while Jordan did so in March 2016 after negotiating with donors in the Supporting Syria and the Region Conference, known as London Conference in February 2016. Lebanon waived its 'pledge not to work', which it had initially made towards Syrians. To prevent possible public repercussions, Jordan put limitations on sectors in which Syrians may seek work; Lebanon limited work permits in certain sectors in which Syrians would not directly compete with Lebanese citizens – such as agriculture, construction and other labour-intensive sectors. Moreover, Jordan received the promise from the EU that the latter would grant financial aid for the creation of jobs for refugees. Turkey has adopted a quota system in which only one out of ten workers can be Syrian in a given workplace. However, neither Syrian refugee employees nor local employers have showed the expected eagerness to obtain working permits. Thus, as of mid-2018, the number of informally working Syrians remains high, even after the introduction of legal working rights.

All three governments have had more welcoming and flexible attitudes towards Syrians who are able to direct capital to respective host countries, which points to refugee selectivity despite general adherence to restrictive policies. All facilitate business creation by Syrians. Refugees' socio-economic differences lead to differences in terms of protection and integration. Refugees with greater resources have been able to carve their path to wealth and comfort, while others have received little protection – therefore facing impoverishment or exploitation in the unregulated exploitative labour market as well as declining humanitarian aid.

The protracted stay of Syrians and the competition for resources has sparked tensions and fostered discrimination. After the initial stage, in all three countries, host communities accused Syrians of being responsible for a wide range of issues that had in fact been in place before their arrival – including high unemployment, housing shortage, inflation, stress on public infrastructure (water-waste collection), overcrowding in hospitals and schools, rise in criminality and social problems (such as polygamy, early marriage and prostitution). To respond to communal tensions, national security forces in all three countries have taken several measures that often

disfavour Syrians and appease local citizens. The forced relocation of Syrians by security authorities is a widespread practice. In Turkey, state authorities tend to relocate Syrians to another province when Turkish citizens and Syrians become entangled in crime-related issues in a given province. In Jordan and Lebanon, relocation has been happening on unclear security grounds. Jordan has expelled Syrians to camps, while Lebanon has not offered new residence. Many municipalities in Lebanon have made use of illegal curfews. These also work as a deterring mechanism by impeding freedom of movement and the opportunity of Syrians to work in urban areas.

Integration in general, and the granting of citizenship in particular, is the greatest challenge for refugee hosting countries. Turkey has started to voice the issue since 2016, by giving signals of the government's plans to grant citizenship to Syrians, but sharply retracted from this idea in 2017 and 2018 with an increasing governmental discourse on voluntary returns to northern Syria where the Turkish army intervened. However, granting citizenship to Syrians with university degrees and working permits are under process. While there is no international pressure on Jordan in this field, Lebanon has encountered pressure from the UN. Both Jordan and Lebanon view the issue of granting citizenship as a taboo due to their sensitivities around political demography – marked by identity politics – their Palestinian refugee hosting experience; and thus they regularly object to demands in this regard voiced by the international community.

As briefly summarized above, the policies of Turkey, Lebanon and Jordan in the fields of border control, reception/protection and integration have changed from one pattern to another in the course of time. It is important to understand why these three countries followed a certain pattern initially, which factors brought them to a critical juncture and why they then subsequently chose a new pattern. The existing scholarship on immigration policy theory and the studies available on single cases provide some insights and an extensive list of factors influencing mass refugee governance, but do not pay adequate attention to the drivers of change. They do not offer an analytical explanation typology as this book tried to do in Chapter 3. The following section tests a typology in three cases. The existence of patterns and stages necessitates me to recognize change in the impacts of factors. Thus, I propose a continuum that aims to specify the level of impact of certain factors on shaping the final pattern.

Testing explanation typology

A detailed examination of Turkey, Lebanon and Jordan supports the thesis that the macro explanations mentioned in Chapter 3 are significant drivers of refugee governance in these countries, namely, international politics, national security/domestic politics and economy/development. More specifically, the relevant factors of international politics are foreign policy

objectives in bilateral regional relations and bargains with external actors. Concerning the security/domestic politics dimension, it is the interest of countries to protect national and regime security which plays a role. Their policy legacies and memories appear as mediating mechanisms in this dimension. When it comes to the economy and development dimension, it is the felt impact of refugee migration on these issues and the absorption capacity of the respective countries that becomes important.

Chapters 5, 7 and 9 have provided empirical evidences supporting these explanations in detail for Turkey, Lebanon and Jordan. The process tracing of these cases shows that all these possible drivers have an influence on refugee governance in these countries, meaning that they are present. However, the level of their impact varies across time and is different for each case. The reason for this variation is twofold. First, these factors are quite dynamic and may change quickly (such as foreign policy objectives, national security concerns and economic interests). Second, they are continuous, meaning their impact is not static (or just not present or absent), but can have different levels of impact. To capture the dimension of continuity, the notion of continuum is helpful. A continuum of high, moderate and low identifies the level of impact in each case. High means that the factor has a high level of impact on the policy outcome. In other words, its impact is higher than what is observed for the same factor in the other two cases. Moderate means that the factor's relevance is important but that it is not of equally high significance. Finally, low means the factor's relevance to the outcome is quite limited but cannot be fully underestimated. Thus, the continuum of high, moderate and low provides a more nuanced summary of cross-case comparison. The following paragraphs discuss in detail the specifics of these factors with reference to the three cases. Before the discussion, Table 10.3 provides a summary. In this table, if the weight of the factor has changed in response to refugee hosting over the course of time, the direction of change is pointed out (such as moderate to high or low to moderate). For example, moderate to high means that the impact of the certain factor was moderate in the initial stage, its impact became higher in the course of time (in the protracted stage). The same logic works for low to moderate. In a few factors, an additional note has been included to make the content of change clearer.

As the factors summarized in Table 10.3 show, in each case, governance has been determined by several different factors, depending on the context. At this point, it is necessary to recall the multi-pattern and multi-stage refugee governance model. The aforementioned factors and the notion of the continuum are important to understand why a certain country follows a certain pattern, which may then change in the course of time. All of these are summarized in the following paragraphs as they have been elaborated in the chapters before.

For Jordan and Lebanon, the pre-crisis social (and familial/tribal) ties, as well as existing labour migration ties, between the host and refugee

Table 10.3 Factors influencing the governance of Syrian mass migration in Turkey, Lebanon and Jordan

General explanation category	Specific factors	Sub-factors	Continuum of factors in each case		
			Turkey	Lebanon	Jordan
Economy-development	Absorption capacity	Pre-2011 cross-border mobility	Low	High	Moderate
		Economic power	High	Low	Low
	Development trajectory under threat	Refugee arrivals' pressure on infrastructure and public services	Low	High	High
		Negative impact of Syrian crisis on national economy	Low	High	High
National security/domestic politics	Likelihood of cross-border violence and of instability due to the refugee arrivals		Moderate to high	Moderate to high	Moderate
	Negative policy legacy and memories about protracted refugee crisis		Not relevant	High (about Palestinians)	High (about Palestinians and Iraqis)
	Concerns about destabilization related to identity and political demography		Low to moderate	High	High
	Securitization and politicization of Syrian refugees		Low to moderate	Moderate to high	High
International politics	Foreign policy objectives in Syrian conflict		High (assertive)	Low (defensive)	Low (defensive)
	Expectations from international bargaining		Low to high	Low to moderate	High

communities that all created a high cross-border mobility, initially resulted in community level welcoming and generous humanitarian responses in the first stage, and prevented the immediate introduction of preventive measures by the state authorities. Existing social networks in the host country were effectively remobilized in the first two years. The network effect was stronger in the case of Jordan and Lebanon, because in addition to kinship ties, Syrians had in the past worked as labour migrants in these countries, and when the war erupted, they were able to bring their families from Syria. However, there are no reliable statistics about how many Syrians were working formally and informally in these two countries before the war. What is known is that the number of Syrian workers in Lebanon was substantially higher than those of Syrian workers in Jordan. In the Lebanese labour market, the Syrians' contribution has been paramount. Instead, Egyptian and South Asian migrant workers have primarily occupied a central place in Jordan's labour regime, similar to the Syrians in Lebanon. Through the war, all of these facilitating networks lost their power as a result of the protracted stay of a large number of Syrians. This situation created a policy dilemma for the host countries, particularly as the formal integration of Syrian refugees into the labour market – which was due to be carried out without damaging citizens' interests – proved considerably difficult in Jordan and Lebanon.

Although social ties and networks between Syrian and host communities and cross-border mobility were far less intense in Turkey than in Lebanon and Jordan (the exception being short-term business ties in border towns), the Turkish government's welcoming politics, the initiatives of civil society associations as well as host communities' kinship, religious and ethical sense of duty, have had a positive impact and prevented possible reactions of host communities and their negative consequences on refugees. It can be hypothesized that if the government had engaged in a more hostile discourse or securitized Syrian refugees in the beginning, host communities would have not mobilized their resources and would not have welcomed them in the same manner. This became evident in early 2018 when the president of Turkey announced that Syrians would return to northern Syria where the Turkish military had created a safe zone. The communities in the southern provinces of Turkey, where the majority of Syrians have resided and those having ethnic and linguistic ties with Syrians, expressed their expectations for such returns far more assertively than they had done in the past.

Despite having different absorption capacities, all three countries similarly centred their initial policies on the idea of temporariness. However, their governance patterns show variations. Turkey adopted an ad hoc approach due to its assertive foreign policy goals. Lebanon preferred inaction due to the low absorption capacity relevant to the state incapacity and national security concerns, more particularly its bitter history with Syria as well as negative memories of Palestinian refugees. Jordan was ad hoc in its

response to the mass flow, but more regulative than the other two countries – owing to its previous policy legacy with Palestinian and Iraqi refugees, as well as its long-time collaborative relations with the international refugee regime. Compared to Jordan and Lebanon, Turkey shared less historical, cultural and linguistic similarities with the Levant countries. So, it was not impacted by memories such as that of Lebanon's tense relations with Syria, or the protracted stay of Palestinian refugees as in Jordan and Lebanon, and did not grapple with severe economic, national security and demographic challenges, which had been brought about by the mass arrivals of Syrians in the other two countries. The experiences with Palestinian refugees feature prominently and explicitly in Lebanon's official refugee discourse, while in Jordan its relevancy is less prominent and implicit as Jordan had granted citizenship to the majority of Palestinians. Turkey has no such protracted refugee legacy. Also, the absorption capacity of Turkey with regards to its large population, relatively strong economy and central state institutions made the governance of refugee migration less challenging when compared to Lebanon and Jordan.

All three came to the point of critical juncture in which the scale of arrivals and gradual recognition of non-temporariness of the refugees raised concerns about the local absorption capacity. The longer stay of refugees put more pressure on the local economies, infrastructure and public services of the three countries. The pressure was felt more strongly in Lebanon and Jordan than in Turkey because their economic power was more limited, and particularly Jordan depended on international aid for economic survival. Moreover, due to the war in Syria, income from regional trade and tourism became disrupted and their macroeconomic performance worsened. Although international funding was channelled to these countries, it did not meet the needs. Moreover, international funding often came with conditionality clauses that raised the concerns among the host governments about the erosion of their sovereignty, particularly in Lebanon. Also, one of the most preferred durable solutions for these countries was the resettlement of refugees to third countries; however, this hardly has occurred, as the very low number of resettlement cases to third countries illustrates. The other durable solution, namely, the return of refugees, also became a distant option, with the protraction of the armed conflict in Syria. Nevertheless, the returns became the most desired and attempted option for host governments.

The demographic challenge was exacerbated by real and perceived security threats from the unfolding Syrian crisis that turned into a full-fledged war with the involvement of dozens of actors. The propensity for cross-border violence was significant and several border incidences occurred. The crossings of some groups, including Palestinians in the case of Lebanon and Jordan as well as Kurds in the case of Turkey, started to be considered a security threat. These groups, it was suspected, would pose a challenge to the ethnic and religious balance of power, and disrupt the

political stability by potentially triggering internal violence. Thus, border closures started to be widespread right after the saturation point was reached in all three countries. They discriminated certain groups or took actions to impede their crossings first, then implemented no-entry policies to all refugee migrants. The securitization discourse was less strong in the Turkish case, when compared to Lebanon and Jordan, but gained more significance with time. This can be explained by the foreign policy objectives of the former and the memories of the latter.

International politics has had a strong impact on all three countries – in a twofold sense. First, foreign policy aims and their involvement in the war in Syria were important (see Table 10.2). Second, their interests and relations with donors and international organizations played a defining role. During the unfolding of the war in Syria, the strategic positioning of these three states varied from each other, although all three are neighbours of Syria and were impacted by spillover effects. Turkey was the most assertive about the developments in the war from the very beginning and indirectly supported opposition forces that fought against the Syrian government forces, known as the Assad regime. After 2016, the Turkish military also engaged in direct fighting in northern Syria against Syrian Kurdish groups with the claim of defending Turkish national security. Lebanon, despite its disassociation policy, was involved in the war because the Lebanese militia and the Hezbollah political party directly supported one of the warring parties, namely, the Syrian government forces. Jordan avoided supporting any warring Syrian parties and its involvement in the war was limited to its participation in the international coalition against ISIS. Jordan has followed a delicate strategic balancing act not only with its historical allies such as the USA and the Gulf states but also with main players such as Syria, Russia and Turkey. While foreign policy objectives weighed heavily on Turkey's refugee governance, it demonstrated a very limited impact in the cases of Jordan and Lebanon.

The second dimension of international politics includes the relations and negotiations with external donors. This aspect pushed host countries to initiate more regulative policies and to abandon former ad hoc or inaction policies. They worked towards designing a single broad strategic framework that enabled sustainable development and coordination among different government bodies. Compared to Lebanon, Jordan demonstrated stronger demands in negotiations; it was able to secure more international attention and donor funding. It used two framings consistently: a high number of Syrians and the negative impact of the refugee issue on the development trajectory of the country. Although Lebanon has hosted more Syrian refugees than Jordan, and has experienced similar fiscal and budgetary deficits like Jordan, the weaknesses in the Lebanese state due to the domestic political crisis prevented Lebanon from acting strategically and utilizing the refugee burden as Jordan used to do. Although the many humanitarian organizations took on a very prominent role in Lebanon's

refugee governance, Lebanon lagged behind Jordan in guiding the initiatives of these organizations, including those of the UNHCR. Also, Lebanon secured fewer benefits in negotiations with bilateral and multilateral donors like the EU – such as during the London Conference in 2016, from which Jordan clearly benefited to a greater extent. Among the three countries, Jordan had been most experienced in engaging with the UNHCR, donors and humanitarian organizations.

The shifts towards regulations and restrictiveness in all three cases have also been reinforced by developments in the global refugee regime since 2015. These developments encompass the lack of adequate burden sharing, as well as the contingency of the EU's response when the Syrian refugee crisis reached Europe. The EU's response was in line with a high securitization of the crisis and externalization attempts, reflecting the strong desire to keep refugees in the regions of conflict, practically speaking in these three countries. The failures of international donors to keep their financial commitments as well as the overall low resettlement numbers was illustrative of minimal responsibility sharing at the regional and global level and, instead, pointed to a shifting of responsibility from the Global North to these three countries by only offering limited and conditional monetary pay-offs.

Since the second half of 2015, large numbers of irregular migrants have arrived at the EU member states' shores, mainly making their way from Turkey to Greece (but also from Libya to Italy) – resulting in the so-called EU migration crisis. Almost 90 per cent of these irregular migrants have originally come from Syria, Iraq and Afghanistan, giving them a legitimate base to be considered as *de facto* refugees in need of international protection (IOM 2016; Crawley and Skleparis 2018). The EU responded to this crisis by adopting highly restrictive border policies based on exclusion and containment that has resulted in dramatic human costs and a sharp increase of migrants who have died trying to cross the Mediterranean Sea. In a broader sense, instead of burden or responsibility sharing, the Global North has sought ways to enable burden shifting as far as possible.

Turkey, Lebanon and Jordan observed closely how Europe advanced burden shifting and implemented strict migration control efforts. These led to the emergence of a strong discourse among the three countries' policy makers that their countries were shouldering a burden bigger than that of any other country in the world, and that thereby no one – and particularly not European countries – had the right to criticize them. In their perceptions, it increased the leverage of immediate host countries within the international refugee regime and their eagerness to challenge any possible criticisms about their restrictive policies. Their politicians explicitly criticized the international community in the media and on international platforms such as the UN Refugee Summit in 2016. Due to the Global North's dependence on these countries for controlling migration flows, the criticism has received relatively little reaction.

On the other hand, all three countries responded positively to calls for negotiations made by the EU and donors, which in fact were aimed at keeping refugees in the regions of origin. All three realized that migration control and the terminology of the crisis would work as a means of bargaining. But these three countries' acts should be placed along a continuum of the degree to which they attempted to use refugee flows in international negotiations. Turkey and Jordan turned into opportunistic states – fitting Greenhill's categorization – and used the refugee crises as an opportunity to negotiate with international institutions and donor countries, offering to alleviate the crisis in exchange for political and monetary pay-offs. I have further advanced her theory by focusing on the changes of policies over time and the domestic politics of these countries. For example, Jordan displayed laborious efforts to secure high benefits in the form of developmental assistance, while Turkey responded to the windows of opportunity by asking for political benefits and moderate financial aid. However, Lebanon fell behind the other two countries, making fewer demands from donors and securing less financial aid. This was due to its state incapacity and its inability to accept the conditions set by donors, such as granting work permits or citizenship to Syrian refugees, which was rendered problematic by the contextual demographic sensitivities in the country.

Jordan primarily sought to gain developmental aid from the donors and the EU via the Jordan Compact, while Turkey sought to gain momentum to its EU accession process and visa liberalization, which had been laid out in the EU–Turkey statement signed in 2015. Compared to Turkey and Jordan, Lebanon has been less assertive about using the refugee issue as a bargaining item, but still saw it as a window of opportunity to get some development aid. On the other hand, donors demanded the containment of refugees in the region. This containment required close collaboration with the regional countries that were providing a limited prospect to refugees for their future. The critical components that might have ensured better protection are giving refugee children more opportunities for access to education and labour market integration during their stay. Jordan compromised by granting working permits to Syrians, and Turkey compromised by controlling the exits of irregular migrants via the Aegean Sea. Both compromises met the demands of the EU, as they effectively worked to keep refugees in the immediate host country. The negotiations seemed beneficial from the perspective of the host states. It can be argued, however, that by accepting the EU's externalization of border control to Turkey and Jordan, these countries effectively contributed towards the weakening of state authority and sovereignty. However, in fact, Turkey and Jordan are not passive policy receivers of the EU's externalization of its border control. Instead, they acted as agents during negotiations with the EU who believed that these states have the necessary authority to protect borders, if they have the will and motivation to do so. These countries are capable enough to bargain with the possible destination countries

over the issue of migration control and to obtain their demands such as financial aid or political concessions.

To sum up, although it is impossible to cover all drivers of refugee governance in the three countries, international politics, national security/domestic politics and economy/development explanations provide a relatively holistic picture. All three explanations are relevant to the cases under question. More specifically, it can be argued that in the case of Turkey, the impact of international politics related factors are stronger than the other two explanations, while in Jordan the international political economy-development explanation is the most salient one. For the case of Lebanon, both national security/domestic politics and economy/development are equally important.

One can argue that there should be some other relevant factors such as intra-actor relations or the agency of refugees (which are widely used in explaining the responses of countries in the Global North). My process tracing shows that they are not strongly relevant in explaining the cases in question. As there is no real opposition party in Jordan, only a weak opposition in Turkey and no well-functioning political system in Lebanon, possible opposition party reactions – as have been observed in Western European countries – are not an issue or do not achieve the same level of impact on refugee politics and policies. Also, the opinions of non-state actors have very limited impact on policy-shaping. Although I expect to find policy emulation among these countries, considering the fact that they are responding to the same refugee flow, the collected data suggests that this is not the case. Interestingly, interviews with key informants reveal that each country is of the opinion that the other host countries are extensively benefiting from international negotiations, receiving more financial aid than they deserve and that skilled Syrians are not settling in their country but elsewhere, in other host countries. The study recognizes the possible agency and needed activism of refugees in policy-shaping in receiving countries, but does not expand on this dimension. Also, there are number of dimensions in which the proposed models and explanations can be expanded and further tested. These will be briefly addressed in the subsequent section about further research.

Ideas for further research

This research has engaged with the refugee scholarship to present a framework for identifying dominant governance patterns, stages and the range of economic, domestic and international factors that influence policy-making, and thereby has provided a basis for future comparative research on the implications of processes and interests in different regions and states.

Future research can extend the geographical and temporal coverage of this research. Additional countries in the Middle East that have hosted Syrian refugees, such as Iraq and Egypt, could be examined as these

represent similar cases. It is possible to analyse European cases, which accepted large numbers of Syrian asylum seekers, including Germany and Sweden. By adding archival research, the policy responses to the Syrian refugee flow can be compared with previous refugee flows such as those from Iraq in the 1990s and 2000s. To reveal possible similarities and context specific differences, it may also be useful to examine non-Middle Eastern cases that occurred at the same time as the Syrian crisis, for instance in South Sudan as well as the flow of Rohingya Muslims from Myanmar. Another alternative is to design a quantitative study that focuses on the top refugee hosting countries in the last three decades. Their policy responses can equally be examined by adopting the multi-pattern and/or multistage governance model.

Future research could elaborate and carry forth the discussions introduced in this book. Policy drivers relevant to international politics, security/domestic politics and economy could in individual cases be traced in more detail, or alternatively the influence of each policy field could be determined using a large number of cases. For example, negotiations between refugee hosting countries, donors and the UNHCR could be examined in more detail by focusing on how host countries frame demands and how others respond to them. Intra-government relations and bureaucratic relations are not considered in any great detail in this book due to the data access problem in the countries under question. This may be overcome through future research or other research contexts.

The field of refugee integration could be explored further with an emphasis on local and international actors. The education and employment of refugees could be possible topics to be examined regarding integration. A promising, but less studied dimension is the political integration of refugees and their transnational political activism. It may be interesting to observe how refugee groups come to constitute diasporas in the host countries, how they interact with other refugee groups, how they build ties with their country of origin, and how they become involved in peace building processes in their country of origin.

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11 Conclusion

Are we still in the middle of what many call a global migration crisis? When I started to study the Syrian refugee issue in summer 2012, Syria's neighbouring countries – mainly Turkey, Lebanon and Jordan – were welcoming displaced Syrians. Moreover, local host communities were showing empathy to these refugees, partly because they assumed that they would return within the course of a year. These countries displayed humanitarian and liberal policies by granting millions of refugees access to residency and basic services. However, an examination of their respective policies shows that these have differed from one country to the other and that they have changed over time. Six years later, when I was concluding the book, Syrians in all three countries have slowly started to return back to their country, not because the civil war has ended, but because host states and communities were felt to be 'in crisis', 'got bored of foreigner (Syrian) presence and no longer wanted to share their territory and resources.'¹ Is this growing level of intolerance towards refugees unique to these three developing Middle Eastern countries, which have hosted more than 5 million refugees for the last seven years? Unfortunately, the answer is no.

In the weeks of finalizing the book, two striking policies were implemented in the developed countries of North. In July 2018, the Donald Trump administration in the USA implemented a 'zero tolerance policy', which meant that border authorities would begin to prosecute every adult who crossed the US–Mexico border illegally, in turn, causing the separation of thousands of migrant children from their parents. The policy undoubtedly makes seeking asylum a crime (Time 2018). A speech held by Trump in response to this widely criticized policy proves politicians' indifference as well as their concern for the securitization of migration. Trump legitimized the forced separations and detentions with the following words 'politically correct or not, we have a country that needs security, safety that has to be protected' (Time 2018). Although there is strong public criticism in the USA against this brutal policy, it is not clear whether it is sufficient to alter Trump's policy direction concerning migration. In the same month, June 2018, a boat filled with 600 refugees, who had tried to reach European shores, was stranded in the Mediterranean Sea after no port in Italy or

Malta had been willing to accept them. In the end, Spain allowed those on the boat to safely embark in one of its ports (Wheaton 2018). Just one week before, it was reported in the news that 35 migrants had died when their boat sank in the Mediterranean Sea off the coast of Tunisia and that an additional 9 migrants had died off the coast of Turkey on the same day (Daily Sabah 2018; Middle East Eye 2018). All of these migrants were trying to reach the Global North, believing that they would not have any chance to survive in their country of origin or in the transit-turned host countries, indeed, that they had no choice other than to take this deadly journey upon themselves. Those who were stranded in the Mediterranean Sea or those who were detained at the US–Mexico border may in fact be said to have been relatively lucky as they survived their journey while many others had died. As a number of young refugees interviewed in Turkey stated it: ‘As we also will die if we stay here under these conditions or return back to Syria, why should we not try to cross the sea to reach Europe even if it is deadly?’²

All of these refugees are subjects of the ongoing global refugee crisis, as it has been labelled by politicians, policy makers and organizations in Europe and elsewhere in the Global North. The political establishment and the media in countries on the peripheries of Europe – including Jordan, Lebanon and Turkey – have adopted the same framing, adding ‘emergency’ to crisis, primarily as they have much greater and more complex geopolitical and military stakes in the ongoing Syrian conflict than Europe. The very language of ‘migrant crisis’ or ‘refugee crisis’ works to dehumanize the migrant subject, putting it in a nebulous place of irregularity and illegality. It ‘tends to relocate “crisis” in the body and person of the figurative migrant/refugee, as if s/he is the carrier of a disease called “crisis”, and thus carries the contagion of “crisis” wherever s/he may go’ (De Genova et al. 2016). The figure of the migrant/refugee is hereby framed as something threatening in a range of different contexts – for instance, as posing a threat to European values, the USA’s security, Lebanon’s existence, Jordan’s economic development, Turkey’s elections and others. De Genova et al. (2016) put it rightly by highlighting that there is a need to problematize discursive constructions of crisis.

Whose ‘crisis’ is this? I argue that this was fundamentally a two-dimensional and co-constitutive ‘crisis’: a crisis of state power in relation to transnational human mobility and also a crisis of the international refugee regime. However, while the state has gone through this crisis by consolidating its extensive power, the international refugee regime has lost its limited power. The crisis of the latter has broader implications and is likely to foster a more general crisis of global cooperation. The book demonstrates how the main host states of refugees deal with this crisis within the framework of refugee governance.

State responses

States are very concerned about transnational human mobility, particularly mass refugee migration, which this book has examined in relation to Syrians' forced mass migration to Turkey, Lebanon and Jordan from 2011 to 2018. However, despite the attempts of humanitarian organizations or activists to reactivate the international protection regime, it is states that continue to be the main designers of refugee policies. States impose and implement rules – in particular aimed at preventing irregular migration, controlling borders and regulating population movement within their territory.

This book answers the question of how refugee governance differs across countries and why. These questions have largely been ignored by studies that have focused on refugee affairs in the Global South in general, and in the Middle East in particular. Refugee governance in these regions has remained undertheorized. My analysis highlights the fact that refugee hosting countries follow four common governance patterns: namely, inaction, ad hoc, regulative and preventive. These patterns change in the course of the refugee situation, which is characterized as multi-stage governance. The response of host states begins with an emergency stage, thereafter undergoes a transition stage and then moves to the protracted stage. A multi-pattern and multi-stage governance model suggests that we should look at policy-making along a spectrum, leading to the proliferation of new in-between positions and an assemblage of policy domains encompassing border controls, reception/protection and integration.

Departing from the case studies investigated in this book, the proposed model contributes to a more nuanced theorization of refugee policy-making from two angles: first, it has worked to overcome the reductionist approach of either structuralist or agency-centred perspectives. Instead, it has highlighted the process-oriented and co-constitutive nature of refugee policy-making. The model in general recognizes negotiations, tensions and collaborations between a variety of actors who are involved in the development and implementation of refugee governance. It reveals how the state cannot be treated as a single homogenous entity that is fully autonomous and cannot be analysed without taking its specific structure into account. A multi-pattern approach helps us understand how the influence of each actor varies according to policy preferences. It also shows how interactions between national governments and these actors – particularly with humanitarian actors/donors – might in individual cases be detrimental. It further displays that the timing, direction and content of transitions in all host countries are driven by several political, international and economic factors. These illustrate the fragmentation of state interests, changes in interests over time, as well as states' decision-making processes by analysing agency and structure together. In many cases, such a complexity brings about policy paradoxes – as was discussed in Chapter 1 with reference to the

Global North. But policy paradoxes have not only emerged as there is a crisis, but also point to the ways in which states consolidate their power vis-à-vis refugees and the international refugee regime.

Policy paradoxes

There are some differences between the refugee policies and politics of countries of the Global North. Validating the hypothesis of the numbers versus rights paradox, which presumes that rights are likely to be restricted if the numbers of refugees are high, cases from the Global South – such as Turkey, Lebanon and Jordan – show that these receiving countries grant fewer rights, while they accept massive numbers. In all three cases, another gap and inconsistency can be said to exist between political discourses around migration control on the one hand and the policies that exist on paper on the other hand – albeit in different fashions. The paradox is illustrated through political discourses that suggest ‘we are treating refugees very well’, ‘we are very hospitable’, and which however do not align with the policies on this issue. Variation in the discursive gap of the Global North and the Global South stems from the fact that the Global North – including the European or North American governments – are targeting their public as an audience to which they seek to explain their migration policies, primarily against the background of voting concerns. However, refugee-receiving countries of the Global South (such as the three countries discussed here) are targeting foreign donors or the international community in order to receive international aid or prestige. Also, if one traces the political developments in these countries, another discursive gap is rendered visible. Although politicians claim that: ‘we keep our borders open’, in practice, they close their borders. Third, paradoxes are brought about through internal incoherencies as well as through the high possibility of failure due to misjudgements at the policy design stage. However, paradoxes do not occur accidentally. Incoherencies open up room for manoeuvre for host countries, allowing them to react to uncertainties, to change their policies, to sideline basic human rights or norms of the international refugee regime and to leverage themselves into powerful positions in negotiations with external actors over refugee issues. This space is even further extended through refugee politics in the host countries that utilize discourses on security, stability and national interests as a pretext for restrictive actions and that emphasizes the high burden of sheltering refugees in an effort to receive external aid. Moreover, refugee politics is developed in collaboration with hosting states and humanitarian organizations and donors. Together, these create precarious conditions for refugees in these countries, who deserve to benefit from the international protection of the refugee regime – one that is itself in crisis.

International refugee regime

Since Chimni wrote his critical article on the refugee regime in 1998, almost nothing has improved. One may argue that it has in fact become worse 20 years later. The international context is not promising for displaced people seeking asylum. As mentioned in the beginning of this Conclusion, the last few years have been marked by several developments from Trump's zero tolerance policy to the closure of the European borders, leaving refugees stranded on the Mediterranean Sea or in the no man's land along the Syria–Jordan border, to the erection of high-tech border wall/fences on the southern borders of Turkey, Hungary, the USA and others. All of these developments show that the growing restrictiveness in immigration controls is a dramatic trend. They also point out the extent to which destination countries can restrict their policies and how migration comes to feature centrally in domestic, economic and international politics. More importantly, they demonstrate how the policies harm or kill people who are in need of international protection.

Thus, the refugee regime is in a real crisis, primarily as countries fail to respect the two cornerstones of the international refugee protection regime. The first one is the right to seek asylum for all persons whose life or freedom is under threat on account of their race, religion, nationality, membership of a particular social group or political opinion (UNHCR 1977). The second is the non-refoulement principle, which states that no expulsion measure can be carried out as long as no decision has been taken on the asylum application of those seeking asylum. The relevance and effectiveness of concrete mechanisms of the refugee regime, namely, the Refugee Convention and the UNHCR, have remained very limited. The rights introduced in the Convention are not respected by the hosting states, while the UNHCR's operations seem inadequate to meet refugees' basic needs and to protect the ever-increasing numbers. All these mechanisms have worked to erode core international norms and humanitarian values about refugee protection.

Although in theory, transnational diffusion of norms and the global refugee regime aim to reach burden/responsibility sharing and to provide the assistance and protection to refugees through cooperation with other states, in practice, it results in a burden/responsibility shifting to the receiving countries located in the Global South. While in theory, the appropriate durable solution is voluntary repatriation – in practice, indifference, involuntary repatriation and internal displacement are the most common 'solutions'. Thus, durable solutions remain a faint vision. Is there any other way to enhance refugee governance under these conditions in which forced displacement is a resistant phenomenon of the Global South and restrictiveness is a growing phenomenon of the Global North?

Tentative proposals for refugee governance

Large-scale and protracted Syrian displacement, similar to other cases, has shown that mounting problems with regard to refugee affairs and the ongoing crisis cannot be addressed without sustainable local, national, inter-governmental, regional and global cooperation. For conflict-induced mass refugee migration cases, the book demonstrates that three features should be taken into account when working on possible solutions: 1) mass migration is an emergency situation that requires immediate action; 2) receiving governments often have interests in the conflict that created displacements, but the manner in which the conflict will continue to unfold is uncertain, and at any point it can produce unprecedented flows or spillovers; and 3) there are many complex security and policy issues that span over more than one sector.

To improve cooperation, addressing the root causes of displacement is the most difficult to achieve but also the most critical. In the last decade, the numbers of conflicts that have driven the bulk of the world's refugee flows have not been more than ten – namely, South Sudan, Syria, Afghanistan, Myanmar, Somalia, the Democratic Republic of Congo, Burundi and Central Republic of Congo. These conflicts could have been resolved, if there had been a sincere international effort before they reached the point of heavy militarization domestically and before they spilled over and disrupted the balance of power in the respective regions. However, the manner in which these crises unfolded demonstrated that regional and international actors are far from introducing proactive measures aimed at alleviating root causes of displacement and at preventing mass refugee flows in the first place. When these conflicts first erupted, they appeared to be geographically far away from the Global North. The immediate fallouts were felt in the neighbouring countries as they absorbed refugee flows temporarily. However, history has proven that the impacts of conflicts will also be felt further away sooner or later. For example, although the ongoing war in Yemen has not yet caused a mass refugee flow, it seems that this will happen soon, if no efforts are geared towards solving the conflict. Eyes should be closely focused on state fragility before fragility turns into armed conflicts or development problems that, in turn, both lead to refugee flows.

In general, after the flows have started, different sets of measures become necessary. Even though the efforts to ameliorate the conditions in the country of origin and the first host country are crucial for the well-being of refugees, there is a need to work on physical responsibility sharing mechanisms, meaning that refugees should be resettled to the third safe countries where they will access resources. Second, collective action is needed to strengthen the protection of refugees, primarily by reducing inequities among recipient states. In relation thereto, the most pressing issue is to increase the resettlement quotas of developed countries.

In the current international protection system, the primary condition for accessing the asylum system is crossing the border into the territory of the country where the asylum application will be submitted (UNHCR 1977). This rule is very costly for people who need to seek asylum. Some new procedures could be created to make asylum applications, particularly the individual asylum applications, available before leaving the country and without risking dying on the way.

The international community needs to explore ways to move away from the non-interference principle and, in relation to this, also to do away with policies that are primarily geared towards an externalization of the problem. Instead, they should adopt the principle of non-indifference and accordingly come to engage in solution or burden sharing. This is crucial for the sustainability of global cooperation as it pertains to human rights issues in general and refugee rights in particular. Each refugee crisis shows that the indifference of one country and its restrictive policies are used by other countries as a pretext for indifference – like the chain effect that we have been observing since 2015.

Although global solutions are of importance, there is also a clear need for regional solutions aimed towards the development of physical, financial and policy-sharing mechanisms. It seems that externalizing burden sharing by calling on the international community – particularly the UN – has not been adequate to share the burden among the main host countries. Elsewhere I have argued that, for example, in the Middle East, there has been a greater scope for mobilizing attention for refugee governance through regional organizations such as the League of Arab States or the Organization of Islamic Conference.³ Although states face difficulties in complying with the norms and rules established by such bodies, a promising vision and the willingness to use existing capabilities may increase the effectiveness of such regional organizations to deal with crises. It can be hypothesized that refugee affairs may serve as a stepping stone for further cooperation building in regions like the Middle East, currently hindered by competing domestic political agendas and a lack of trust – tied to a history of weak bilateral relations.

Despite all these problems, the Middle East has a potential for cooperation as it is a region in which forced and voluntary cross-border mobility has been high due to the close kinship, tribal, ethnic, religious and trade ties among the local communities. Host states should establish coherent, systematized and rights-based legal regimes for protecting refugees and asylum seekers, whether individually or collectively. Moreover, various local, informal hospitality mechanisms exist that can be mobilized for asylum seekers. As Chatty (2017) has proposed, international rights-based protection approaches to refugees as well as Middle Eastern duty-based asylum/responsibility approaches towards guests, strangers and persons-in-need can be put together. Responses in the initial stage of mass refugee flows showed how local approaches remain useful over the course of many

years. Also, sincere, small, local integration efforts such as in villages and towns seem more beneficial to refugees and locals than large-scale but professionalized efforts in metropolitan areas. However, the critical point is not to allow refugee situations in the region to become protracted, especially since they continue to grapple with bitter memories of the Palestinian refugee situation, which the international human rights/refugee regime did not manage to solve at all.

Finally, if there is one major insight that emerges from the process of refugee governance nationally and globally, it is that indeed there is no single pattern of governance. Patterns vary, are dynamic and undergo many transitions. The need to understand these patterns, stages and transitions is undisputable, not only in terms of academic curiosity but also to identify alternative durable solutions even if stakes are believed to be high for states. There is still hope that existing problems will be fixed and that states will find common ground to share the responsibility for protecting displaced people.

Notes

- 1 These points are consistently shared by Syrian refugees and local host communities in these countries in the course of personal communications and can also easily be traced in printed and social media.
- 2 Similar statements were shared with me in personal communication with young Syrian refugees in Gaziantep (August 2017) and Istanbul (May 2018).
- 3 See Sahin Mencutek, 2016; 2017.

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