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Migration Governance and Asylum Crises

Refugee Governance *in Crisis*: The Case of the EU-Lebanon Compact

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MAGYC Working Paper

Abstract

This working paper explores the EU's refugee governing rationality in Lebanon with focus on the 2016 EU-Lebanon compact that was negotiated in the context of refugee flight from Syria. It argues that the EU has positioned the compact within a broader "crisis governance" approach aimed at regional stabilization and resilience-building. At the same time, it assesses the tensions and contradictions that have derailed the implementation of the Compact. Lebanon's polarized institutions and its reluctance to integrate refugees have made the compact from the outset "a letter of intent" rather than an actionable policy option. Further, the compact's rationality has remained out of sync with the complex dynamics of Lebanon's realities, its domestic cleavages, and its refugee politics. Notwithstanding this, the working paper goes on to explore the geopolitical motives that have prompted the EU to negotiate the Compact with the Lebanese government, embedding this refugee instrument in the broader context of Syria's conflict and its spillovers. The case of Lebanon has broader insights to convey for the EU's migration assemblage. The EU's migration policy templates are called to become more attuned to local and rapidly shifting dynamics. They should also seek to transcend a "crisis governance" perspective and to align themselves with a rights-based approach that goes beyond urgency and temporality.

Introduction

“One of the aims of the [Compact] is to strengthen the structure of the state in order to be able to absorb the refugees, but you tell me, is it working?”²

How does the 2016 Lebanon-EU Compact fit within the EU's “migration governing interventions” and its imaginings, discourses, and infrastructures geared towards shaping the outcomes of protracted refugee challenges? (Fine 2020, 3;4). What does it reveal about the various rationalities and modalities through which the EU has reacted to the so-called “Mediterranean migrant crises” and to mass displacement from Syria? And how do regional refugee-hosting states shape – as active policy actors rather than passive recipients of aid – the EU's policy and narrative scriptings vis-à-vis displacement? (Fakhoury 2019a)

This working paper explores the EU's refugee governing rationality and intervention in Lebanon with focus on the 2016 EU-Lebanon Compact that was negotiated in the context of refugee flight from Syria. It argues that the EU has positioned the Compact within a broader approach aimed at regional stabilization and resilience-building (European Commission 2016a). At the same time, it assesses the tensions and contradictions that have derailed the implementation of the Compact. Lebanon's polarized institutions and its reluctance to integrate refugees have made the Compact from the outset “a letter of intent” rather than an actionable policy option (Lavenex and Fakhoury 2019). Further, the EU's logic of refugee governance in Lebanon has remained disconnected from the country's geopolitics of refuge. In this regard, the Compact that aspires to provide refugees with solutions and improved integration has fallen behind on the complexities of Lebanon's (no)asylum dynamics.

Against this backdrop, a “crisis governance” approach (Fine 2020) has shaped the Compact's rationality and implementation. This “crisis governance” approach has manifested itself at two levels. Firstly, the EU and the Lebanese Government (GoL) entertained clashing rationalities insofar as refugee governance practices are concerned. The EU has sought through humanitarian and development aid to build the resilience of refugees by providing them with more lasting options in Lebanon. In contrast, the Lebanese government has embarked on an increasingly securitized refugee response, positioning the politics of refugee repatriation as its most pressing goal. Secondly, as the Compact could only provide refugees with temporary solutions, it remained disconnected from a rights-based humanitarian perspective which aspires for creating legal remedies rather than quick fixes

² Interview with head of a program in an NGO, 22 May 2020, Beirut

(Lavenex and Fakhoury 2019; Gordon 2019). From this perspective, and insofar as the EU's external dimension of asylum is concerned, the working paper stresses the pitfalls of refugee governance rationalities and practices that remain disconnected from sustainable legal remedies. It also attracts attention to the various ways through which governments mold the EU's policy instruments through their geopolitics of asylum, preventing such instruments from accomplishing their declaratory goals.

I proceed as follows. The first section outlines Lebanon's refugee response towards displacement from Syria. Drawing on Kelsey Norman's concept of "reluctant reception" (2020), it shows how this response has been built on fragmentation and incoherence. The second part explores the EU's refugee governance intervention in Lebanon in the context of displacement from Syria. Focusing on the Compact as a case study, it unpacks the disconnect between the latter and Lebanon's contextual realities. It further shows how the Compact has to a great extent revolved around a "crisis governance approach" that fell short of dealing with the roots of refugee precarity and the background factors thwarting refugee protection needs (Fakhoury 2020c).³ The third section concludes.

The paper relies on the rich academic and policy literature written on Lebanon's politics of refugee reception, and on a critical discourse analysis of policy documents that the EU and Lebanon have negotiated in the context of refugee flight from Syria. It also draws on previous research that the author has conducted on the EU's external action in Lebanon and on the EU-Lebanon Compact. The paper has also benefitted from seven expert interviews carried out between March and July 2020 with officials in Lebanese and EU institutions as well as non-governmental organizations (NGOs) that have implemented EU projects in Lebanon.⁴ The author has moreover participated in more than twenty policy-oriented workshops and meetings that have discussed Lebanon's refugee politics and the EU's role in shaping the response to refugee flight from Syria. She has also carried out informal conversations with more than a dozen activists and practitioners.

Lebanon's refugee response: fragmentation and incoherent legal cycles

There is consensus that ambiguity and incoherence have greatly characterized Lebanon's official response to displacement from Syria since 2011 (Janmyr 2016; Fakhoury 2017b; Mourad 2017). Officially, Lebanon does not consider itself a country of asylum but a country of transit (UNHCR 2015). It is neither a party to the 1951 UN Convention nor to its 1967 Protocol Relating to the Status of Refugees. Historically, the country has shied away from

³ Interview with lead practitioner, 6 May 2020, Beirut; interview with head of a program in an NGO, 22 May 2020, Beirut

⁴ In the light of the difficult COVID-19 situation and Lebanon's economic collapse that spelled out numerous constraints for experts, academics and officials during that period, we could not carry out all the interviews that we had initially set out to do.

developing laws that specifically address the status of refugees (Stevens 2014). Instead, Lebanon has outsourced refugee governance to external entities. In line with a memorandum of understanding (MoU) signed between UNHCR and Lebanon in 2003, the United Nations High Commissioner for Refugees (UNHCR) undertakes refugee status determination in Lebanon, along with refugee protection and assistance provision. The MOU provisions ascertain that refugee stay in Lebanon is only temporary: "Refugees and asylum-seekers will be tolerated, but only for a limited period, pending resettlement or voluntary repatriation" (UNHCR 2010a). In this view, the Lebanese state formally rejects the solution of integration, one of the three durable solutions advocated by the UNHCR in addition to return and resettlement.

Within this climate, and prior to refugee displacement from Syria, displaced individuals in Lebanon have enjoyed "few, if any, legal rights in Lebanon" (UNHCR 2010b). Indeed, the key national legislation governing refugee stay in Lebanon is predominantly "the Law Regulating the Entry and Stay of Foreigners in Lebanon and their Exit from the Country" (Saliba 2016). Given the absence of a national legislation recognizing legal solutions for refugees, the MoU between the UN Refugee Agency and Lebanon foresees that the GoL shall grant asylum seekers temporary residency permits for a period between three to nine months with a view to allowing the UNHCR to explore more lasting solutions such as resettlement or return (UNHCR 2004). In other words, the GoL acknowledges incoming "asylum seekers" as displaced individuals who can only benefit from temporary residency.

It is against such a policy backdrop that conflict-induced displacement from Syria unfolded. Indeed, from the outset, the Lebanese government insisted that incoming Syrians are "*nazihin*" or displaced individuals (Fakhoury 2017b). We need however to go beyond a reading of Lebanon's legal and policy practices on refuge to understand how the small polity has interacted with displacement from Syria. Lebanon's longstanding recalcitrance to host refugees notwithstanding, various factors of domestic and geostrategic dimensions converged to turn refugee influx from Syria into a highly contentious issue. Firstly, widespread displacement from Syria introduced significant strains on Lebanon's weak infrastructure and volatile structures (Yassin, et al. 2015), dividing politicians and local communities. This has given rise to a predominantly anti-refugee policy rhetoric in which key governing parties have blamed refugees for many of the country's problems and for upsetting the demographic balance that revolves around a fragile equilibrium between Christians and Muslims. Currently, the GoL estimates that Lebanon hosts nearly 1,500,000 Syrian refugees, over 200,000 Palestinian refugees under the mandate of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA), and over 18,000 refugees of other nationalities (UNHCR, n.d.).⁵

⁵ UNHCR. n.d. "Operation Context, Issues and Challenges." *Global Focus: Lebanon*. Accessed April 20, 2020. <http://reporting.unhcr.org/node/2520>.

In addition to the perceived strains of hosting refugees, key governing powers have entertained a highly contentious relationship with the Syrian regime that acted as a tutelage power in Lebanon until 2005 (Fakhoury 2020a). Within this setting, the issue of refugee flight from Syria turned into a politicized and contentious matter in both ministerial bureaucracies and key political offices.⁶ Also, displacement from Syria happened in the context of a neighbouring conflict that has had major security and geopolitical spillovers on Lebanese soil (Salloukh 2017). Syria's anti-regime uprising that quickly evolved into a lethal conflict divided Lebanon's major political parties, leading to an adversarial power-play. In this context, elite cartels cracked down on refugees as pawns in their geostrategic imperatives (Fakhoury 2020a).

Given this context, it is no exaggeration to say that a mix of legal hurdles, incoherent policy cycles and divisive geopolitical interests have characterized Lebanon's response to Syrian displacement.⁷ Indeed, at the outset of the Syrian war, Lebanon adopted an open-border policy that was soon replaced by a heavily securitized politics of refugee reception (Fakhoury 2020a). In 2014, Lebanon announced heavy restrictions halting crossings from Syria. In 2015, the government instructed the UNHCR to stop registering refugees. In this light, after the Lebanese government had asked UNHCR to stop refugee registration in 2015 (Amnesty 2015), Syrians who entered Lebanon through legal border crossings could claim legal residency permits in accordance with extremely complicated "entry categories" such as tourism, a pledge of responsibility by a local sponsor, a visit for medical purposes, a student, or a transit visa etc. (VASyR 2019).⁸ In this setting, bureaucratic hurdles and inconsistent practices that fluctuated at times from one locality to the other have made it very difficult for Syrians to obtain legal residencies (Fakhoury 2017b). According to the UNHCR, about 78% of Syrian refugees in Lebanon aged above 15 years did not hold legal and valid residency permits in 2019, marking an increase of five percentage points from 2018 (VASyR 2019, 32).

Being cast into a category of migrant illegality made Syrians easily vulnerable to crackdowns. As Maja Janmyr underlines (2016, 15), with no legal permit, refugees are in breach of Lebanese law, and "may, in accordance with the Law on Entry and Exit, be detained by security and be forcibly returned to Syria". This has led various practitioners and human rights activists to criticize the Lebanese state's politics of deporting displaced individuals who had an irregular status or an invalid residency as representing a clear violation of the principle of non-refoulement (Frangieh 2014). These laws which make it very

⁶ Interview with lead practitioner, 6 May 2020, Beirut; interview with lead officer of an NGO, 11 May 2020, Beirut; interview with program manager at a Lebanese ministry, 30 July 2020, Beirut.

⁷ Interview with lead practitioner, 6 May 2020, Beirut.

⁸ Every entry category has a border fee. It also requires a set of documents, and has a limited residency duration. Hence, such hurdles impose innumerable difficulties on Syrian refugees to renew their temporary residency permits and regularize their stay. Consequently, according to the UNHCR, 78% of Syrian refugee families in Lebanon have not been able to secure legal housing or legal livelihood opportunities. They are also at heightened risks of being arrested and detained (VASyR 2019).

hard for the displaced to regularize their status “manufacture vulnerability” (Saghieh 2015). They further act as factors that prompt them either to return to Syria (Frangieh 2014; Mhaissen and Hodges 2019) (even if conditions are not favourable) or to attempt perilous journeys (Fakhoury 2020a).

By 2016, as the Syrian regime had reconquered many of its previously lost territories, Lebanese politicians have started boldly calling upon Syrians to return, claiming that the regime-held areas are “safe areas” where Syrians can return and reestablish themselves (Fakhoury and Ozkul 2019). Since 2017, Lebanon’s security offices as well as political parties such as the Shiite Party Hezbollah have started organizing so-called voluntary return operations. Practitioners and scholars have however criticized these so-called voluntary repatriation schemes as being implicitly coercive (Mhaissen and Hodges 2019). As underscored, push factors such as evictions, prolonged arbitrary detention, hurdles thwarting regularization of status, lack of access to employment and housing have cast Syrians in permanent pathways to precarity (Frangieh 2014; Mhaissen and Hodges 2019).

From yet a more complex perspective, Lebanon’s politics of “reluctant reception” has had a myriad of repercussions on refugee rights and their access to services (Saghieh 2015). According to the UNHCR, more than 70% of the Syrian births in Lebanon remain unregistered although some restrictions (such as the need for parents to have legal residency in order to complete birth registration or the requirement that both spouses hold a legal permit to register their marriage) were waived in 2017 (VASyR 2019). Notwithstanding these reforms, undocumented births as well as unregistered marriages among refugees have had a negative impact on refugees’ access to basic services and their ability to pursue alternative solutions such as resettlement or repatriation (VASyR 2019, 10;35). To complicate matters further, municipalities in Lebanon have imposed arbitrary curfews and restrictions on refugee mobility. Such measures have significantly curbed their freedoms, leading to their arrest at checkpoints and thereby heightening their precarity (Janmyr 2016; VASyR 2019).

The EU’s refugee “governing intervention” in Lebanon: Push and pull between cooperation and contestation

The EU has been the key funding power in Lebanon in the context of refugee flight from Syria. Since 2011, it has developed a myriad of regional and bilateral tools with a view to boosting the state’s ability to host refugees and to confront the various adversities that the neighbouring conflict has brought along (Fakhoury 2017a; 2019a; 2020b&c). As refugee programs were firstly criticized for focusing disproportionately on refugees in Syria’s neighbouring countries including Jordan and Turkey, the EU shifted its approach, ensuring that its humanitarian and development aid programs spur benefits for both refugee and host communities. In this context, the EU enshrined its aid into a broader resilience-building paradigm which aims at increasing Lebanon’s societal and institutional capacity to confront strains (Anholt and Rosetti 2020).

The EU's bilateral engagement with Lebanon in the context of the refugee challenge is to be read within a broader regional approach. In 2015, in the context of the Arab anti-regime uprisings that have instigated upheavals and conflict-induced displacement, the EU revamped its Neighborhood policy with neighboring states, calling for an approach that relies on tailor-made engagement (Fakhoury 2019a). The revised policy addresses stabilization as a core priority of the EU's external action. As more than one million Syrians arrived to Europe in 2015, the EU upscaled its cooperation with third countries on migration management (Fine 2020). Against this backdrop, it devised several partnership frameworks that seek to leverage the EU's policies in sectors such as development and trade with a view to branding them as "positive incentives" in migration management (European Commission 2016a). In a nutshell, these partnerships framed as the Compacts aim at consolidating states' capacity to host refugees, strengthening local protection regimes, and fostering the economic resilience of refugees as close as possible to their country of origin while mitigating their dependence on the host state (European Commission 2016b). At the same time, as various scholars have argued, partnership tools including the Compacts offer avenues to outsource migration control and to prevent onward migration by offering refugees with solutions of self-reliance and resilience in the first countries of reception (Anholt and Rosetti 2020; Fine 2020; Lavenex and Fakhoury 2019).

The EU-Lebanon Compact

In the context of the London Conference for Supporting Syria and the Region in 2016, the EU negotiated with Jordan and Lebanon, the two key regional hosting states, Compacts that seek to provide refugees with opportunities for integration and self-reliance. Though different in their logic and instruments, the two negotiated Compacts seek to mobilize the EU's development policies as well as its funding arrangements in exchange for these host countries facilitating refugee integration and employment (Fakhoury 2019a; Lenner and Turner 2018). In the Lebanese case, the Compact commits funding until 2020 to various projects in the areas of employment, governance, security and countering terrorism. In the context of these financial arrangements, the Compact calls on the Lebanese government to facilitate temporary legal residence to Syrian refugees and access to employment. Back then, the Lebanon Compact was the outcome of a favourable international constellation which aspired to create a new architecture on the nexus between refugee aid and development (Lavenex and Fakhoury 2019). Its adoption happened at a time when Lebanon was promised aid and grants to address its manifold challenges in return for improving refugee integration. Indeed, the EU-Lebanon Compact arguably marked a new chapter when it comes to spelling out commitments on the part of Lebanon and the EU in devising practical solutions to the Syrian refugee challenge. These commitments included measures to "provide a beneficial environment for Lebanon, host communities and vulnerable groups" and to "provide an appropriate and safe environment for refugees and displaced persons from Syria during their temporary stay in Lebanon" (EU-Lebanon Association Council

2016). Appropriation of funds under the EU-Lebanon Compact was earmarked to projects in the areas of growth and job opportunities, governance and rule of law (including legal aid), regional stability, security, and countering terrorism (European Commission 2017). In a joint statement following the EU-Lebanon Association Council meeting in 2017, Lebanese and European participants reaffirmed that,

“EU and Lebanon discussed the implementation of the Partnership Priorities and EU–Lebanon Compact adopted in November 2016 and confirmed their ambition to intensify the dialogue on issues of mutual interest and cooperate across interrelated areas from counter-terrorism to fostering growth and job creation, in particular for women and youth, strengthening the rule of law and democratic governance and working on migration and mobility” (European Council 2017).

The Compact was not the only instrument that the EU devised to help the Lebanese polity withstand the challenge of displacement. Indeed, the bilateral instrument was embedded within a wider “migration assemblage” (Fine 2020, 4). For instance, it was supported by a plethora of funding arrangements, reflecting the EU’s acknowledgement of the need for flexible and multi-year funding in Syria’s neighbourhood to optimize the nexus between development and humanitarian aid. A case in point is the Regional Trust Fund in Response to the Syrian Crisis which focuses on regional refugee hosting states including Lebanon and Jordan. This fund, known as the “Madad Fund” aims to “foster more self-reliance of refugees, helping them thrive, not just survive, while at the same time assisting the countries and communities hosting them [thereby bridging] the nexus between humanitarian relief and development aid” (European Commission n.d.). By June 2020, the Madad Fund had a volume of €2.2 billion (European Commission 2020) and a volume of €1.3 billion in contracted projects by May 2019 (European Commission 2019).

In practice, however, though the Compact was embedded within a broader developmental perspective, it has fallen back on its proclaimed objectives. In what follows, I discuss the vagueness of the Lebanese Compact, before exploring the incongruity between the Compact’s driving rationality and Lebanon’s realities. Then, I explore why the Compact is to be embedded within a pragmatic reading of the EU’s external asylum policy and Lebanon’s politics of (no)asylum. By providing refugees with economic and livelihoods opportunities in countries that frame themselves as “transit countries”, the EU seeks at managing displacement from a distance. At the same time, these pragmatic tools can only offer temporary and half-hearted refugee solutions with little transformational capacity and little traction for legal remedies.⁹

⁹ Interview with head of an NGO Program, Beirut, 22 May 2020.

Why has the EU-Lebanon Compact remained a template?

As analysts pointed out, in contrast to the Jordan Compact that had numerical targets and deliverables, Lebanon's Compact was a vague document, and, did not dispose of any concrete implementation mechanisms (Howden et al 2017). It was also adopted at a time when ongoing EU-Lebanese negotiations on establishing formal linkages between trade and refugee employment have not yielded results (Fakhoury and Lavenex 2019). Indeed, unlike the Jordan Compact, the Lebanon Compact does not foresee the provision of formal employment opportunities for refugees in Lebanon. It exhorts however Lebanon to facilitate refugee inclusion in the labour market. Its implementation is moreover embedded in the Lebanese Crisis Response Plan (LCRP) which focuses on business development, infrastructure, and job creation for Lebanese-- assuming that this will indirectly foster opportunities for Syrian refugees (Bou Khater 2017).¹⁰

Moreover, the Compact's logic of intervention remained *out of sync* with Lebanon's politics of refugee reception.¹¹ The policy tool advocates for improved temporary integration and access to employment. In practice, however, as discussed in the first part, the Lebanese government had started by that time tightening refugee regulations and cracking down on refugee rights. Against this background, Lebanon's shifting policy imperatives swiftly eclipsed the rationality of the Compact which seeks to leverage the EU's financial power to entice Lebanon into integrating refugees. Indeed, once it was adopted, Lebanon's key governing powers have started pushing for repatriation as the desired policy. They have also started implementing the so-called "voluntary" return operations though conditions in Syria were not favourable (Fakhoury 2020a &b).

Nonetheless, it is worth mentioning that the Compact gained some momentum right after its adoption. It inspired a conversation among civil society activists, practitioners, local ministries and international organizations on the necessity of improving refugee protection needs. Also, upon its adoption, the government pledged to deliver on some reforms (Lavenex and Fakhoury 2019). In 2017, it removed the 200 US dollar refugee residency fee enabling Syrian refugees to renew their legal stay. It also adopted measures allowing Syrian parents to register the birth of their children born in Lebanon. It further promised to make refugee documentation procedures easier and to facilitate Syrian refugees' employment in sectors such as the environment, agriculture, and construction. In reality, however, four years after the adoption of the Compact, these commitments have remained elusive. As underscored, displaced Syrians have over the years fallen into the trap of protracted "illegality". Security agencies have increasingly cracked down on employers who have recruited Syrian refugees (Mhaissen and Hodges 2019). In the light

¹⁰ Interview with head of a program in an NGO, 22 May 2020, Beirut

¹¹ Idem.

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of Lebanon's financial crash, the ministry of labour announced a campaign of general crackdown on foreign labour in July 2020.

To understand why the Compact's logic of intervention remained *out of sync* with Lebanon's realities, we further need to situate it in a geopolitical reading of how Syria's war has cut across Lebanon's porous borders. Indeed, the Compact remains a technical policy tool that has not engaged with the root causes that prevent Lebanon from providing lasting solutions to Syrians. For instance, it remained largely disconnected from an understanding of Lebanon's polarized perceptions over the Syrian conflict. Throughout the last years of turmoil, Lebanon has not developed a unified policy stance either towards Syria's war or towards the issue of displacement from Syria. In the context of Syria's conflict, some Lebanese factions have backed the Syrian regime in the face of its rivals. Others have viewed the conflict as an opportunity to weaken Syria's control on Lebanon. Amid domestic tensions, most political factions have started portraying the stay of Syrian refugees as a threat to Lebanon's sectarian model of governance. Furthermore, Lebanese politicians have instrumentalized the issue of Syrian refugee stay and repatriation in their regional struggles. Some political executives who are allied with the Syrian regime accentuated calls for Syrian refugee return in the hope that this would position the Syrian regime as a stabilizing power that is ready to negotiate on returns and on the cessation of hostilities (Fakhoury 2020a). In this vein, politicians' geopolitical imperatives and entanglements superseded the Compact's call for the search of lasting solutions for Syrian refugees. With its technical rhetoric and approach, the Compact -- as a document expressive of the EU's "migration governing intervention"-- could hardly make a difference.

In a nutshell, the failure of the Compact to yield concrete results in Lebanon can be attributed to a variety of complex factors that require a realist reading of Lebanon's and the EU's interests in refugee governance (Seeberg 2018).¹² From the outset, the Lebanese state has been recalcitrant to integrate refugees. Adding to this, internal divisions and polarities across ministries and political offices on the Syrian conflict and the issue of refugees have prevented agreement on the Compact's outlined commitments.¹³ Notwithstanding Lebanon's reluctance to turn the Compact into reality, it is important to account for the logic that led the EU to push for refugee tools such as the Compacts and the EU-Turkey deal. Indeed, at the juncture of the so-called 2015 "refugee crisis", the adoption and implementation of such refugee instruments have been largely shaped and molded by an EU "crisis" discourse (Fine 2020). Against this background, a convergence of *interests* rather than *norms* characterized cooperation between Lebanon and the EU over the Compact.¹⁴ Lebanese policymakers welcomed cooperation with the EU over

¹² Interview with lead practitioner, 6 May 2020, Beirut; interview with head of a program in an NGO, 22 May 2020, Beirut.

¹³ Interview with lead practitioner of an NGO, 11 May 2020, Beirut

¹⁴ Interview with lead official in an NGO, 22 May 2020, Beirut.

the refugee issue, framing the latter as a potential “marketplace” for diplomatic leverage and rent seeking. In this regard, however, Lebanese policymakers are well aware that the Compact is to be situated in the EU’s broader architecture of refugee externalization, and that the EU is keen on cooperation notwithstanding the government’s weak compliance with its declaratory commitments (Fakhoury 2019a). This backdrop in which the EU and Lebanon have converged around interest-based goals has to a great extent diluted the capacity of the Compact to evolve into a transformational refugee tool.

Interpreting the Compact in the broader geopolitics of displacement

Even though the EU-Lebanon Compact remained a “declaration of intent” (Lavenex and Fakhoury 2019), it is necessary to go beyond a reading that merely inquires into its failures. Indeed, understanding why it was adopted and situating it in the broader Mediterranean geopolitics of displacement promises to convey important insights for analysts interested in scrutinizing the humanitarian-development nexus in refugee challenges. Here, it is key to explore the regional climate that has surrounded the Compact’s adoption and, more specifically, the geopolitical reasons that have pushed the EU -- as a realist actor interested in stabilization—to step up cooperation with the Lebanese government.

The Compact was developed at a critical time when the EU was concerned with regional stabilization in the context of Syria’s lethal conflict and its wide-ranging spillovers. Indeed, the Syrian war which had concurrent domestic, regional and international dimensions has proven to be very costly for its Lebanese neighbor (Salloukh 2017). With regards to its timing, the Compact was launched following heightened international concerns about the potential entanglement of Lebanon in Syria’s war especially that Lebanon’s Shiite party, Hezbollah, had officially declared its military involvement in support of the pro-regime forces in Syria. Such concerns also coincided with broader international vigilance regarding Hezbollah’s role in regional conflicts in the Middle East (Legrenzi and Lawson 2016). Insofar as the EU is concerned, its strategic approach consisted in the last decades in supporting the Lebanese Armed Forces and official institutions to balance Hezbollah’s power (Fakhoury 2014; Seeberg 2018). It is then no exaggeration to add that the Compact, which dispensed financial aid in the sectors of security and counterterrorism as well as institutional support, reflected the EU’s broader concerns about political stability in Lebanon on the one hand and the regional ramifications that Lebanon’s entanglement in Syria’s war could yield on the other. In point of fact, right before the Compact’s adoption, domestic divergences vis-à-vis the Syrian war fuelled a split whereby “anti-regime and pro-regime mobilization along largely Sunni-Shia fault lines led to an increase in conflict and agitation” (Salloukh 2017, 69).

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In addition to this geopolitical background, the Compact was developed at a time when “the [...] costs of hosting the refugees [in Lebanon]” had evolved into one of the most flagrant manifestations of the Syrian crisis. (Jarmuzek, et al 2014, 3). In this setting, cooperation on mitigating the negative spillovers of the Syrian conflict on Lebanese soil evolved into one of the key pillars of the EU-Lebanon partnership (Fakhoury 2017a).

As cooperation and stabilization in times of crises motivated to a great extent the adoption of the Compact, the latter engaged little with the absent framework of refugee protection mechanisms in Lebanon. In reality, the Compact -- as a tool expressive of the EU's “migration governing intervention” - has fuelled vociferous reflections on its relationship with refugee humanitarianism. Critical literature inspired from an appraisal of the EU Compacts in both Lebanon and Jordan has positioned the EU's Compacts in a broader approach that sought to commodify refugees (Tsourapas 2019) by boosting short-term “resiliency humanitarianism” (Turner 2020) and by using trade as an instrument for enhancing refugee self-reliance, employment and protection. (Fakhoury 2019a). In practice, the Lebanese Compact remained detached from a deeper search for legal remedies and longer-term prospects for integration and dignified employment (Lauten and Nelson-Pollard 2017; Lavenex and Fakhoury 2019). As underscored above, Lebanon's politics of “reluctant reception” confined refugees to multiple pathways of precarity. At the same time, as the EU has been primarily interested in cooperating with Lebanon over the issue of migration management, it has not linked its aid to conditionalities tied to granting Syrians legal remedies in Lebanon. Also, it has arguably turned a blind eye to recurrent refugee rights abuses in the interest of sustaining dialogue with governing powers (Fakhoury 2020c). In this context, the Compact could neither provide a foundation for a rights-based approach that ensures a dignified refugee stay nor could it spur any structural reforms.

Conclusion

This working paper has analyzed the EU's cooperation on refugee governance with the Lebanese state that has defined itself over the last years as a strained refugee-hosting country. It has focused on the Compact as an instance of cooperation which promises to transform the refugee challenge into a development opportunity. In broader perspective, the working paper has sought to reflect on the significance of the Compact as an EU tool of refugee governance, and on its implications for governing migration through a crisis lens that remains disconnected from context-based realities and from a rights-based humanitarian focus. In 2016, drawing on the positive climate that has prevailed in the London Conference and that has positioned the refugee challenge as a regional development opportunity, the EU negotiated with the Lebanese government a Compact that seeks to twin refugee inclusion with the EU's financial power. In practice, however, the EU's “declaratory diplomacy” has clashed with realities on the ground. The Compact's rationality has remained *out of sync* with the complex dynamics of Lebanon's realities and its refugee politics. Indeed, understanding why the Compact has not

materialized cannot be isolated from the country's historical legacies of refugee governance and its turbulent and divisive relationship with Syria. Unlike the Jordan Compact which explicitly devised schemes around preferential trade agreements and refugee employment, the Lebanon Compact remained vague as to how the Lebanese state would temporarily integrate Syrian refugees on the one hand, and what it would exactly do to facilitate refugee inclusion on the other. Also, the negotiations between Lebanon and the EU that led up to the Compact's adoption and that explored potential "positive incentives" in the light of the refugee challenge remained mired in confusion. Lebanon perceives a potential trade agreement in exchange for formal deals on refugee employment as a risky political act. Moreover, as Lebanon has extremely limited export capacity to the EU, its potential to benefit from a trade agreement negotiated in the context of a refugee deal is negligible (Lavenex and Fakhoury 2019). Against this background, the transformational potential of the Compact remained of little ambition. In practice, its driving logic consists in building local capacity and fostering legal aid, education, and employment opportunities,¹⁵ supposing that these benefits will indirectly provide livelihood and rights-based opportunities for refugees. This working paper however has not been able to determine the extent to which Syrian refugees have benefitted from the opportunities foreseen by the Compact. According to the author's interviews and her informal conversations with experts, some of the NGOs, which were involved in one way or another in the Compact's projects, have not been able to assign tangible value to its effects on refugee livelihoods and employment opportunities.

Four years after the adoption of the Lebanon Compact, Lebanon has moreover undergone massive changes that call for revamping the EU's "governing intervention" in the small polity's endemic challenges. In 2019, Lebanon succumbed to a nation-wide protest movement that happened at the heels of a harrowing financial crash. The country's unproductive economy has been attributed to a variety of factors including political corruption, the country's reliance on imports, and the extremely limited job opportunities that the Lebanese state has created both for its working population and for refugees. In this setting, the EU is set to reconfigure its approach to the humanitarian-development nexus in Lebanon, as complex modes of poverty and destitution have shaped and will dramatically shape the realities of both host and refugee populations.

In yet another perspective, the EU's cooperation with Lebanon's governing powers has come under criticism in the context of the economic crash, and the ongoing mass protests which have targeted the state's practices towards both citizens and migrant communities. Many experts and civil society activists have warned that the EU's cooperation with Lebanon's governing powers may confer a veneer of legitimacy to the corrupt state (Fakhoury 2020c). Here, the

¹⁵ Interview with lead practitioner in an NGO, 11 May 2020, Beirut; interview with head of an NGO Program, 22 May 2020.

challenge is two-fold: Firstly, how can the EU's comprehensive partnership tools become more attuned to local contexts and legacies, so that they are less contested and more amenable to implementation? And secondly, how can its "migration governing intervention" lay the ground for good governance and accountability?

The case of Lebanon, a refugee-hosting state that has gone through overlapping crises while denying refugees prospects for inclusion, has broader insights to convey for the EU's migration assemblage. The EU's migration policy templates and infrastructures-- though they are defined as increasingly "tailor-made" (European Commission 2016a) -- are called to become more attuned not only to *local* but also to *dynamic* and *shifting* realities. Adaptive and reflexive rather than reactive, they should seek to transcend a "crisis governance" perspective, aligning themselves with a rights-based approach that goes beyond urgency and temporality. Such tools should put good governance on refugee and citizen rights as the primary goal of international humanitarian and development aid (Fakhoury 2020d).

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