



# Managing through *ad hoc* measures: Syrian refugees and the politics of waiting in Lebanon

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## Introduction

On January 5th, 2015, the Lebanese government ended the open door policy it had towards Syrians fleeing the war in their country and began introducing a raft of legislation restricting their mobility and legal status. Until then, Syrians were able to move across the border with relative ease. Indeed there had been a long and complex political history between Syria and Lebanon and close ties between communities in both countries. They have shared an officially undefined and thus unresolved border, and cross border identities and movements back and forth have been common since the birth of both states (Chatty, Mansour, & Yassin, 2013; Kaufman, 2013). Such intimate and complex relations translated into unconditional hospitality by the Lebanese towards the Syrians for a time. However, as the war in Syria continued unabated, and the numbers of Syrians entering the country kept increasing, the situation started becoming untenable for the Lebanese. With over a million registered refugees,<sup>1</sup> and one in four people in the country being Syrian, Lebanon currently supports the largest number of Syrian refugees per capita of all host countries.

Such a significant number of refugees has also given rise to social tensions between hosts and guests as the crisis has grown more protracted. Added to this has been political uncertainty plaguing the state itself. With no president or parliamentary elections for a considerable period of time, Lebanon in effect has had a 'caretaker government' which in turn has been unable to meet the challenges of such a significant refugee crisis (Bidinger and et al., 2015). In addition, the Syrian war affected Lebanon's sectarian divides, intensifying existing tensions within the country, and there have been incidents of violence including bombings, kidnappings, and violence between Syrians, host communities, and the Lebanese army (Bidinger and et al., 2015; Rabil, 2016).

In an effort to address security concerns in the country, the Ministry of the Interior, following a decision made by the Lebanese Council of Ministers in October 2014, produced a decree to restrict border access and status renewals (HRW, 2016). These and other policy decisions were meant to privilege state security, reduce the number of Syrians in Lebanon, and discourage others from coming by limiting their rights and access to services within the country. However, as the paper will

demonstrate, the enforcement of these policies at different scales of governance have largely remained *ad hoc*, creating a sense of fear and uncertainty amongst the Syrians, particularly those who are poorer and unable to meet the new and changing demands of documentation by the Lebanese state. They are thus immobilized and compelled to wait through their displacement in increasingly precarious ways.

The restrictive regulations in Lebanon in relation to Syrians or indeed other refugees violate international norms with regards to refugee crises, yet they are not out of step with much of what is practiced in many other countries, including in the Global South, that face protracted refugee situations (Coddington, 2018). Indeed, geopolitical shifts and changes to practices of meeting obligations under international refugee law since the 1980s have meant increasing pressure on countries, predominantly in the Global South, to abide by principles of non-refoulement while simultaneously carrying the burden of mass displacements of refugees. Countries that are not signatories to the Refugee Convention and that host considerable numbers of refugee often rely on ad-hoc legislation and enforcement to uphold obligations of providing refuge on the one hand and maintaining security and social stability on the other. The result, I argue, is the criminalization and immobilization of refugees. They are thus faced with precarious and protracted forms of waiting in urban and rural areas that are similar to that in camps and detention centres. To illustrate my case I focus on Lebanon and specifically on policies by the national government and some municipal authorities and the processes of enforcing them that limit mobility and economic opportunities for Syrians, forcing them to wait uncertainly through their displacement.

The empirical material for this work has been gathered between 2015 and 2018. I draw on policy reports, newspaper articles (in English) and academic literature. Thus far, the literature on legal issues relating to the Syrian Crisis has been covered predominantly by NGOs and think tanks. As Khalili notes in relation to prison conditions and human rights violations in the Middle East, much of this literature is collected by northern NGOs. This is both problematic and controversial given the biases they may contain and the impact they may have on popular mobilization. Nonetheless, they remain a key and rich resource for studying contemporary policing and imprisonment in the Middle

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<sup>1</sup> The number of refugees dropped as a result of policy decisions by the government as will be elaborated upon later in the paper. Where HRW noted 1.2 million refugees in their January 2016 report (using UNHCR figures), the official number on the UNHCR website stood at 1,011,366 as of December 2016.

East (Khalili, 2010: 22). Finally, I supplement some of this data with interviews with two organizations working on legal issues for Syrians and a journalist covering many of the stories related to the policing of Syrians in Lebanon. The paper is structured to begin with a brief discussion of legal geographies of refuge as they have been studied in the Global North and the Global South. I engage with the theoretical discussions around detention and waiting. From here, I move onto the case study of Lebanon, exploring *ad hoc* regulations and their enforcement by the national government and some municipal governments and the uneven geographies of waiting that these produce. I then use it for broader reflections on other countries in the Global South who are also not signatories to the Refugee Convention. In doing so, I hope to contribute to scholarship on legal geography and refugee management in the Global South.

## Legal geographies of refuge

### Camps

Legal geographers have considered many effects of the law on social and political spaces. Fundamentally, the engagement with this research has been to excavate the workings of power and the production of space through it. As critical legal geographers have noted, in order to do so, it is important to consider the law-space nexus (Blomley, 1989; Braverman, Blomley, Delaney, & Kedar, 2014). Delaney, in developing this further has drawn our attention to the nomosphere, “the reciprocal materialization of the legal and the legal signification of the socio-spatial” (Delaney, 2004: 851). Critical legal studies have thus engaged in interdisciplinary investigations into the relationship between the law and property, public space amongst other issues, and have highlighted the importance of studying the law from an interdisciplinary perspective to understand its effects on everyday space and social relations.

Despite such critical advances in our understanding and appreciation of the legal production of space, this scholarship, as noted by Jones and Smith (2015) has remained focused on liberal western democracies. Less attention has been given to the study of legal geographies outside the west. It is important to explore the production and enforcement of law and policies in the Global South as we seek to gain a better understanding of legal geographies globally. Comparisons and conversations between the Global North and the Global South, in this case around refugee protection, enable us to better understand how the outcomes of different governance systems and socio-political and legal practices may be similar to, or different from each other. Further, it allows us to call into question the divide between camp and non-camp spaces that continues to dominate refugee studies.

Existing legal geographical work around international refugee protection more broadly has been useful in the interrogation of the socio-political lives of refugees and the study of varied refugee geographies. It has also alerted us to the politics of controlling refugees' movements—their accelerations, decelerations and stasis in different spaces. One strand of scholarship has invoked the work of philosopher Giorgio Agamben to study the camp, including refugee camps, examining its colonial lineage and its on-going political relevance. Such literature helps us understand how the ‘camp’ becomes a site of legal abandonment, where bodies such as those of refugees are reduced to bare life. They are included in the legal order through their exclusion (Ek, 2006; Minca, 2015). This has led to lively debates amongst scholars on questions of refugee agency, on the rise of the security state and the shift from refugee protection to humanitarian protection (Chimni, 1998; Feldman, 2015; Katz, 2015; Martin, 2015; Minca, 2015; Ramadan, 2013; Sanyal, 2014).

However focus on camps tends to ignore the performativity and politics of the law and how that affects different groups of people at different scales and sites of governance outside of them. This is problematic as most refugees live in urban areas, especially in the Global South where the majority are hosted. Therefore, it is useful to ask if

those who are living in refugee camps and those who are living in cities are subjected to the enforcement of the law in the same ways. Or if those who live in refugee-saturated regions versus those who live in regions with few refugees face the same kinds of legal and social sanctions (Landau, 2003)? Is the law enforced equally at the scale of the neighbourhood as at the scale of the sub-national region or the supra-national region? In other words, how does the implementation and enforcement of the law create zones of exception (Mountz, Wright, Miyares, & Bailey, 2002; Ong, 2006)? What are the roles of state and non-state actors including heterogenous local communities in creating varied political landscapes and socio-spatial relations (Fregonese, 2012; Hazbun, 2016; Hourani, 2013) that impact refugees' rights? And how does the increasing urbanization of refugees change the ways in which we understand legal geographies of refuge? Can in fact the city be re-theorized as a space of containment rather than one of freedom (Bagelman, 2016, pp. 94–104)? As (Mountz, 2011) suggests, how do topography and place play a role in how people are policed and excluded? These and others are important questions to consider as we learn how different countries engage with international legal frameworks and the ways in which their geopolitical positions influence decisions. It also helps us develop a more refined understanding of the role of space in the experience of time—in this case, time spent waiting in exile.

### Detention

A related strand of critical geographical and legal scholarship has sought to interrogate the constant shape-shifting of international refugee law and its impact on immigration, asylum, borders and policing in the Global North. This scholarship has been particularly useful in engaging with many of the issues above, excavating the ways in which international refugee law and other international conventions have been translated into spatial, social and political practices in places and amongst communities in different countries (Mountz & Loyd, 2014; Mountz et al., 2002; Stuesse & Coleman, 2014). Drawing on a longer tradition within geography that has paid attention to the power geometry of space-time compression, the highly varied experiences of globalization by different social groups of people and individuals (Massey, 1994), this current literature has helped unravel the practices of sovereignty from the spaces of the nation state itself and highlighted the role of extra-state actors in regulating the mobility of migrants and asylum seekers from the Global South to the Global North. It has revealed the fragmented landscapes of mobility and immobility, forms and spaces of detention and constantly shifting pathways of migration that emerge out of these processes (Andersson, 2014a; Mountz, Coddington, Catania, & Loyd, 2013).

For example, Martin (2012) and Martin and Mitchelson (2009) show us how in the U.S non-citizens became the fastest growing incarcerated population and the detention of migrants involves transferring them to isolated centres and holding them indefinitely. Such tactics are employed by other countries as well and are aimed at entire populations as a deterrent. Spatio-temporal practices become key means of controlling the movement of people and objects slowing or stopping their journeys (Martin & Mitchelson, 2009; Mountz et al., 2013). Detention thus operates as a tool of criminalizing migrant bodies, leading to their decelerations and immobilizations. In so doing, they force migrants to wait in different sites—from detention centres, to refugee camps and in this case, the host country itself.

### Waiting

The literature on mobility and detention leads us to the important scholarship in Geography on waiting. This work highlights the experience of being detained and the valuable conceptualization of time by those compelled to remain still. As scholars note, waiting “is socially produced, imbued with geopolitics, and also actively encountered,

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