

Safe Return and Voluntary Repatriation for Syrian Refugees from Lebanon: What Needs to Happen Next?

Discussion Paper, February 2023

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Introduction

Lebanon remains the country hosting the largest number of refugees per capita in the world, with estimates placing the number of Syrian refugees within its borders at 1.5 million.¹ While the international community has shifted its focus towards more recent conflicts, most notably the conflict in Ukraine, the Governments of Lebanon, Jordan, and Turkey remain entangled in regional conflicts producing some of the highest numbers of refugees in the world. Lebanon continues to endure an increasingly alarming array of political, economic, social, and health crises – a reality that has been particularly true for the country’s Syrian refugee community.² Amid Lebanon’s worsening economic and financial crises, as well as the aftermath of the COVID-19 outbreak and the Beirut blast, Syrian refugees have been thrust into extreme poverty and face increased protection risks.³ In 2022, Lebanon’s caretaker Minister of the Displaced announced a government plan to begin repatriating 15,000 Syrian refugees to Syria each month, insisting that “the war is over and the country has become safe”.⁴ He did not, however, outline how the end of the war and safety of the country had been conclusively determined.⁵ According to the Minister, these returns are to take place without the involvement of UNHCR, which Lebanon’s Government has asked to suspend assistance to those selected for repatriation; once again, without clearly outlining the basis or grounds for this selection.⁶

In line with the country’s plan to repatriate 15,000 Syrian refugees per month, Lebanon’s caretaker Minister of the Displaced visited Syria in August 2022 to discuss issues

related to return with Syrian authorities.⁷ The two sides reportedly discussed a plan that aims to repatriate Syrians to their country safely.⁸ According to Lebanon’s caretaker Minister: “Syria’s doors are open for the refugees’ return”, and the Syrian Government is ready to “provide them with everything they need, from transportation to hospitalization and education”.⁹ According to his official statement: “Syrian authorities will secure water and electricity to the liberated areas, and will provide shelters for those whose homes have not been rebuilt yet.”¹⁰ While Syrian authorities have made no public statements relating to the repatriation of Syrian refugees from Lebanon, the caretaker Minister’s statements have been echoed by multiple politicians across the country, including Lebanon’s former President.¹¹ In early November, approximately 350 Syrian refugees were driven across the border as part of the second convoy in Lebanon’s repatriation plan, following the 21,000 repatriated in October (all reportedly voluntary).¹² Amid increased discussion on repatriation, particularly for Syrians at the regional level, this paper examines what this process looks like for Syrian refugees from Lebanon, whilst framing it alongside notions of political will, protection, as well as preconditions for safe return. Given that voluntary repatriation and safe return often overlap, the paper explores this intersection amid larger conversations surrounding the Lebanese Government’s approach to return, the stance of UNHCR and its role, as well as regional and international conversations on how return can take place durably and sustainably.

1 UNHCR, [Lebanon - Needs at a Glance - 2022](#) (Geneva: UNHCR, 2022).

2 Ibid.

3 Ibid.

4 L’Orient le jour, “Caretaker minister aims to return ‘15,000 displaced [Syrians] per month,’ with Syrian govt support,” 4 July, 2022, <https://today.lorientlejour.com/article/1304696/caretaker-minister-aims-to-return-15000-displaced-syrians-per-month-with-syrian-govt-support.html>.

5 National News Agency, “President Aoun briefed by Minister Charafeddine on ongoing contacts on displaced Syrians’ return issue, receives from EU election observation mission final report on Lebanese parliamentary polls, *National News Agency*, 4 July, 2022, <https://www.nna-leb.gov.lb/en/%D8%B3%D9%8A%D8%A7%D8%B3%D8%A9/551702/president-aoun-briefed-by-minister-charafeddine-on>.

6 Lama Fakhri, “Forced Return of Syrians by Lebanon Unsafe and Unlawful,” Human Rights Watch, 6 July, 2022, <https://www.hrw.org/news/2022/07/06/forced-return-syrians-lebanon-unsafe-and-unlawful>.

7 Naharnet Newsdesk, “Sharafeddine meets Syrian ministers over refugees repatriation,” *Naharnet*, 15 August, 2022, <https://www.naharnet.com/stories/en/291881-sharafeddine-meets-syrian-ministers-over-refugees-repatriation>.

8 Ibid.

9 Ibid.

10 Ibid.

11 L’Orient Today, “Aoun again voices support for ‘repatriation of Syrian refugees,’” *L’Orient Today*, 13 December, 2021, <https://today.lorientlejour.com/article/1284576/aoun-again-voices-support-for-repatriation-of-syrian-refugees.html>.

12 Wael Taleb, “Roughly 350 Syrian refugees repatriated in second convoy from Lebanon,” *L’Orient Today*, 5 November, 2022, <https://today.lorientlejour.com/article/1317032/roughly-350-syrian-refugees-repatriated-in-second-convoy-from-lebanon.html>.

1. Repatriation, Safety, and Dignity for Refugees and their Protection Post-return

The concept of voluntary repatriation was first developed during the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.¹³ It was agreed that: “The sending State, in collaboration with the receiving State, must make adequate arrangements for the safe return of refugees who request repatriation, while the country of origin must facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.” Along these lines, and in different host countries, UNHCR may participate in voluntary repatriation in cases where refugees have requested to be repatriated voluntarily, and once determined that the decision to return is strictly voluntary, and not the result of any forms of pressure to force or influence the decision.¹⁴ Under such circumstances, this form of return may take place independent of an agreement between UNHCR and government authorities, and without the country of origin’s formal guarantees that ensure the safety of the returnees – since UNHCR’s support for such operations is based on respect for refugees’ decision to return home and not on UNHCR’s mandate to protect them.¹⁵ Following their voluntary repatriation, UNHCR must have free, direct, and unhindered access to these refugees in order to ensure that the individual choices of refugees are independent of any collective decision to return.

Conversely, a repatriation is not voluntary when:

1. Authorities in the host country **revoke refugees’ freedom of choice** by imposing coercive measures such as cutting access to aid and support (and encouraging international humanitarian organizations to do so);¹⁶

2. Refugees are housed under **hostile or dangerous circumstances**;¹⁷
3. When politicians **encourage xenophobia** among the local population – as has been the case in Lebanon in recent years.¹⁸

Moreover, repatriation cannot be considered voluntary when certain political groups in the host State encourage repatriation by disseminating false information about ‘safety’ in the country of origin, as well as situations in which political organizations (in the host country or in exile)¹⁹ influence refugees’ decisions using physical pressure or disinformation campaigns.²⁰ In practice, to monitor that the principles of safety and dignity are being respected, UNHCR must evaluate the following elements: (1) the physical safety of refugees at every stage during their return; (2) the respect for family unity; (3) the attention granted to vulnerable groups (such as the elderly, pregnant women, children, persons living with disabilities, etc.); (4) the alleviation of formalities at the border; (5) the authorization that refugees can bring all their transportable belongings with them; (6) freedom of movement; and (7) the respect for human rights.²¹

Equally pertinent to the conversation on what can be considered ‘voluntary,’ is the conversation on protection. Presently, international refugee law does not encompass any provisions that protect individuals within their own countries, since by the current definition, refugees are required to have crossed an international border and be situated “outside their country of origin” in order to be able to receive protection.²² If they remain or return to their own country, they may be considered internally displaced

13 UNHCR, *OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted by the Heads of State and Government at its Sixth Ordinary Session*, Addis Ababa, 10 September 1969.

14 Ibid.

15 Ibid.

16 Najia Houssari, “Lebanon tells UNHCR that it can no longer tolerate the burden of Syrian refugees,” *Arab News*, 30 April, 2022, <https://www.arabnews.com/node/2073746/middle-east>.

17 Nadine Mazloum, “More support needed as Syrian refugees reach breaking point,” UNHCR USA, 9 May 2022, <https://reliefweb.int/report/lebanon/more-support-needed-syrian-refugees-reach-breaking-point-enar>.

18 The Economist, “Politicians are stoking anti-refugee sentiment in Lebanon,” *The Economist*, 22 August 2022, <https://www.economist.com/middle-east-and-africa/2019/08/22/politicians-are-stoking-anti-refugee-sentiment-in-lebanon>.

19 Ashley Jordan, Samy Akil, and Karam Shaar, “Data shows nowhere in Syria is safe for return,” Middle East Institute, 22 February 2022, <https://www.mei.edu/publications/data-shows-nowhere-syria-safe-return>.

20 The Syria Campaign, *Deadly Disinformation: How online conspiracies about Syria cause real-world harm* (The Syria Campaign, 2022).

21 Ibid.

22 Jasmin Lilian Diab, “On Refuge and Displacement: Challenges to the Provision of Rights and Protection for Syrians Inside and Outside Syrian Borders,” *Working Paper No. 12* (Researching Internal Displacement, 2021)

persons (IDPs), and their government is deemed the entity which is responsible for their physical security and the protection of their basic human rights.²³ Nonetheless, international human rights law and international humanitarian law outline specific limits to a State's sovereignty over their residents – particularly when

residents are victims of war crimes, crimes against humanity, and other forms of human rights violations.²⁴ Under the Responsibility to Protect Principle, each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.²⁵

23 Erin Mooney, "Realizing National Responsibility for Internally Displaced Persons," Brookings Institute, 9 December 2004, <https://www.brookings.edu/on-the-record/realizing-national-responsibility-for-internally-displaced-persons/#:~:text=Governments%20have%20a%20duty%20to,physical%20security%20cannot%20be%20assured>.

24 "Responsibility to Protect," United Nations Office on Genocide Prevention and the Responsibility to Protect, last accessed on 22 January, 2023, <https://www.un.org/en/genocideprevention/about-responsibility-to-protect.shtml>.

25 Ibid.

2. Voluntary Repatriation in International Legal Frameworks

The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol focus on the treatment of refugees in the host country or country of asylum. As Lebanon has not signed the 1951 Refugee Convention, it is not bound by its terms. Instead, it is bound by the principle of *non-refoulement* under customary international law – a principle Lebanon has largely upheld for the Syrian refugee community, although some have documented violations.²⁶ Moreover, the Lebanese Government has stated on multiple occasions that it is not a country of asylum, but rather a country of transit²⁷ – an approach that has framed refugees within its borders as “temporarily displaced individuals” in the eyes of local policies and legal frameworks that target the Syrian community.²⁸

Nonetheless, international law does in fact provide a clear framework when it comes to the voluntary repatriation of refugees through both customary international law,²⁹ and

various instruments of international human rights law.³⁰ While often clashing with conversations on state sovereignty, the voluntary character of repatriation recognizes the importance of refugees’ autonomy in this regard (consistent with them benefiting from protection guarantees).

At one level, the principle of *non-refoulement* under customary international law protects Syrian refugees against forced repatriation.³¹ International human rights law provides refugees with a set of guarantees pertinent to returning to one’s country of nationality or habitual residence when they are ready, and when they deem they are able to be safely repatriated (and remain safe).³² Although customary international law on voluntary repatriation has developed naturally through the development of international migration and refugee law in the case of Lebanon, the application of customary international law requires state practice and *opinio juris*.³³

26 MENA Rights Group, [Joint report on the erosion of the non-refoulement principle in Lebanon since 2018](#), (MENA Rights Group, 2022).

27 Maja Janmyr, “No Country of Asylum: ‘Legitimizing’ Lebanon’s Rejection of the 1951 Refugee Convention,” *International Journal of Refugee Law*, Vol. 29, No. 3 (October 2017): 438–465.

28 Maja Janmyr, “The fragile legal order facing Syrian refugees in Lebanon,” *EU Immigration and Asylum Law and Policy*, 24 July 2018, <https://eumigrationlawblog.eu/the-fragile-legal-order-facing-syrian-refugees-in-lebanon/>.

29 Alfred de Zayas, [Repatriation](#) (Oxford: Oxford University Press, 2011).

30 Ibid.

31 OHCHR, “[The principle of non-refoulement under international human rights law](#),” n.d.

32 UNHCR, “[The International Law of Voluntary Repatriation](#),” n.d.

33 In customary international law, *opinio juris* is the second element necessary to establish a legally-binding custom. *Opinio juris* denotes a subjective obligation, a sense on behalf of a State, that it is bound to the law in question.

3. UNHCR’s Mandate and Role in Repatriation

UNHCR’s original core mandate covers only refugees, that is, all persons outside their country of origin for reasons of feared persecution, conflict, generalized violence, or other circumstances that have seriously disturbed public order and who, as a result, require international protection. However, this mandate has developed over time.³⁴ Today, UNHCR’s mandate has been expanded to cover both returnees³⁵ and stateless persons.³⁶ In terms of repatriation, the only protection guarantee for individuals is the fact that repatriation to their country of origin must be voluntary.³⁷ Along these lines, UNHCR has long had the authority to request “direct and unhindered access” to returnees, so as to monitor the conditions of their repatriation and their protection.³⁸ However, despite UNHCR’s authority to make this request, if the country of origin has no previous agreement with the organization, it has no obligations in this respect. As UNHCR currently operates in Syria, essentially conducting registration and refugee status determination, the role of the agency in repatriation of refugees from Lebanon to Syria should be evident.³⁹ UNHCR not only provides protection assistance and services to internally displaced persons, returnees, host communities, refugees, and asylum-seekers; it also focuses on promoting self-reliance – a pivotal consideration in ensuring that refugees’ repatriation to Syria is a long-term and sustainable solution.⁴⁰ Alongside the role of UNHCR, the Fourth Geneva Convention Relative to the Protection of Civilians in Time of War,⁴¹ Common Article 3 to the four Geneva Conventions, and 1949 Additional Protocol II Relating to the Protection of Victims of Non-International Armed Conflicts, can always be invoked to protect refugees, returnees, or persons displaced inside their own country.⁴²

In order for UNHCR to actively promote repatriation:

1. The country of origin must show an **overall and significant improvement in conditions**, so as to enable a return that guarantees safety and dignity for the majority of refugees;
2. All the parties concerned must **respect the voluntary nature** of return;
3. The country of origin must have **supplied adequate guarantees** concerning refugees’ safety, including, if possible, formal legal or legislative guarantees;
4. UNHCR must have **free and unhindered access to refugees and returnees**;
5. The terms and conditions of the return must be set forth in a formal, written repatriation agreement, signed by UNHCR and the concerned parties.

Only when the aforementioned conditions are met should UNHCR promote a process of repatriation. In practice, this would mean encouraging refugees to return and taking part in different stages of the process. In such cases, the role of UNHCR encompasses:

1. Obtaining **access to the entire refugee population** and ensuring the voluntary character of their decision to return to their country of origin;
2. Undertaking an information campaign to enable the refugees to **make their decision with full knowledge of the relevant facts**;
3. Interviewing, advising, and registering candidates for repatriation, and **organizing a safe environment for their return**;

34 UNHCR, *Mandate of the High Commissioner and His Office: Executive Summary*, n.d.

35 Returnees are former refugees who have returned to their country of origin spontaneously or in an organized fashion but are yet to be fully integrated, including those returning as part of the operationalization of the cessation clauses included in the 1951 Convention and regional equivalents. See Article 1C (5) and (6), 1951 Convention; Article 1 (4), OAU Convention.

36 A stateless person is someone who is not considered a national by any State under the operation of its law (Article 1 of the 1954 Convention relating to the Status of Stateless Persons). In accordance with General Assembly resolutions 3274 XXIX and 31/36, the Office of the High Commissioner has been designated, pursuant to Articles 11 and 20 of the 1961 Convention on the Reduction of Statelessness, as the body to which a person claiming the benefits of this Convention may apply for the examination of his or her claim and for assistance in presenting it to the appropriate authorities. See UN doc. A/AC.96/830, 7 September 1994, paragraphs 8, 10-11, 31-32.

37 Ibid.

38 Ibid.

39 “Syrian Arab Republic,” UNHCR USA, last accessed 25 July, 2023, <https://www.unhcr.org/syrian-arab-republic.html>.

40 Ibid.

41 International Committee of the Red Cross (ICRC), *Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*, 12 August 1949, 75 UNTS 287.

42 “The Geneva Conventions of 1949 and their Additional Protocols,” International Committee of the Red Cross (ICRC), 29 October, 2010, <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm>.

4. Developing and implementing (directly or through partners) **rehabilitation and reintegration programs**;
5. Monitoring the **legal, physical, and material safety** of the returnees.⁴³

UNHCR can also form customary international law through its practice with respect to voluntary repatriation in cooperation with affected States. Unlike the 1951 Refugee Convention, UNHCR's 1950 Statute does refer to voluntary repatriation.⁴⁴ Paragraph 1 of the Statute states that UNHCR has "[...] the primary mandate of international protection of refugees, and of seeking permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities". Furthermore, the statute defines protection in Paragraph 8(c) as: "Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities."

As outlined in Paragraph 1, UNHCR's primary mandate is international protection. Thus, UNHCR cannot promote voluntary repatriation unless certain criteria are met in the country of nationality that indicate repatriation will be sustainable, durable, and dignified – and more importantly, in-line with international humanitarian principles and international human rights law. While Paragraph 2 asserts that "[...] the work of the High Commissioner shall be of an entirely non-political character", this does not prevent engagement with the governments of the country of asylum and the country of nationality in order to ensure international protection of refugees. While Lebanon has outwardly insisted that it would begin the repatriation process without UNHCR's involvement, there is a long history of tripartite agreements⁴⁵ in such contexts which have ultimately made processes more transparent, successful, and sustainable.⁴⁶

If the Lebanese Government intends to repatriate refugees to Syria in accordance with international humanitarian principles, human rights law, and through upholding the principle of *non-refoulement*, the involvement of UNHCR will be solely to complement, facilitate, and ensure the

sustainability of the process. In 1980, the UNHCR Executive Committee examined the issue of repatriation and durable solutions at length, and codified what the UN agency's role would be in such operations (Conclusion 18, Session XXXI, 1980).⁴⁷ Following this codification, UNHCR's mandate translates into the obligation to: (1) ensure that the voluntary character of repatriation is respected; (2) cooperate with governments to assist refugees who wish to be repatriated; (3) obtain formal guarantees for the safety of returning refugees; (4) advise refugees on these guarantees and on the prevailing conditions in their country; (5) monitor the situation of returning refugees to their countries of origin; and (6) receive the returning refugees and establish projects for their reintegration in their country of origin.⁴⁸

In application, UNHCR's mandate in terms of repatriation can be summarized by the following actions:

1. To monitor the **voluntary character** of refugees' repatriation;
2. To promote the creation of conditions that **facilitate voluntary repatriation**, in safety and dignity;
3. To encourage the voluntary repatriation of refugees, once **certain preconditions** have been met;
4. To facilitate **spontaneous voluntary repatriation** of refugees, should it occur without the preconditions having been met that enable UNHCR to organize such an event;
5. To **monitor the status** of persons who have been repatriated to their country of origin and to fulfill any obligations towards them and to intercede on their behalf, if necessary;
6. To **undertake activities in support of states' judicial systems** to solve problems related to refugee movements;
7. To collect funds to support governments' **repatriation or reintegration programs**;
8. To coordinate NGO assistance in this domain, with **short- and long-term needs** in mind.⁴⁹

While UNHCR's Executive Committee reinforced the framework of responsibilities for UNHCR by reaffirming its mandate over repatriation in 1985, and noted that the

43 UNHCR, [Handbook for Repatriation and Reintegration Activities](#) (Geneva: UNHCR, 2004).

44 Resolution 428 (V), adopted by the General Assembly on 14 December 1950, established UNHCR's Statute and set forth the commitments undertaken by governments to cooperate with the organization on refugee issues.

45 UNHCR, [Tripartite Voluntary Repatriation Agreement](#), (Geneva: UNHCR, n.d.).

46 UNHCR, "[UNHCR welcomes conclusions of the 22nd Meeting of the Tripartite Commission for the Voluntary Repatriation of Burundian Refugees](#)," 20 May 2022.

47 UNHCR, [Durable Solutions: Voluntary Repatriation](#) (Geneva: UNHCR, n.d.).

48 Ibid.

49 Ibid.

system of tripartite agreements (between UNHCR, Lebanon, and Syria in this case) is well adapted to facilitate voluntary repatriation, there remains nothing to prevent governments from organizing repatriation without involving UNHCR.⁵⁰ If no agreement is reached between UNHCR and the Governments concerned (in this case Lebanon and Syria), the Executive Committee's conclusions remain simple

declarations of intent without any practical implications outside granting permission to UNHCR to engage in a dialogue with the authorities of Lebanon and Syria – should the Governments wish to speak to the agency. Presently, when it comes to the repatriation of Syrians from Lebanon, UNHCR must choose whether to promote repatriation within the Syrian community or to warn against it.

50 UNHCR, [Voluntary Repatriation No. 40 \(XXXVI\) - 1985](#), 18 October 1985, No. 40 (XXXVI).

4. UNHCR's Position on Syrian Repatriation from Lebanon

To date, UNHCR insists it has not yet received the guarantees it needs from Lebanon and Syria to endorse repatriation.⁵¹ In an official statement, UNHCR informed the general public that it had not engaged in negotiations with Beirut and Damascus over refugee repatriation.⁵² The statement read: "UNHCR continues to call on the Government of Lebanon to respect the fundamental right of all refugees to a voluntary, safe and dignified return," insisting that more than 90 percent of Syrian refugee households live in extreme poverty.⁵³

Despite official statements from UNHCR about their lack of involvement in the process, the relevant Lebanese Ministry insisted that it had made proposals to the UN agency on the repatriation of refugees, including the formation of a three-way committee with Syria and UNHCR. The Ministry also publicly announced the development of a four-way plan with Turkey, Iraq, and Jordan on the repatriation of Syrian refugees, without elaborating on further details.⁵⁴ For its part, the Turkish Government has claimed that more than half a million refugees have voluntarily repatriated to Syria in the past few years.⁵⁵ However, that number is widely contested, with refugee and human rights advocates insisting the real figure is close to 80,000, and claiming that many have not returned of their own free will.⁵⁶

Along these lines, involuntary repatriation to Syria would amount to a breach of Lebanon's *refoulement* obligations not to forcibly repatriate people to countries where they

face a clear risk of torture, other forms of persecution, and an immediate threat to their lives.⁵⁷ It would also constitute a direct violation of Lebanon's obligations under international legal instruments. While Lebanon has not signed the 1951 Refugee Convention, it has signed most other human rights treaties relevant to the protection of refugees.⁵⁸ While constitutionally, these international instruments take precedence over domestic law, this is rarely observed through the country's legal system, and there remains no domestic legislation or administrative practice able to adequately and comprehensively address the specific needs of refugees and asylum-seekers (Syrians or other).⁵⁹ As Syria's economy and infrastructure have been almost entirely devastated by more than a decade of war and sanctions, the absence of reliable information networks for Syrians to make informed decisions about repatriation, coupled with international aid agencies lacking adequate access to monitor repatriation, may render conversations at this stage premature, and not a durable solution.

Human rights organizations have documented cases of arbitrary detention, sexual abuse, enforced disappearances, and torture,⁶⁰ as well as other human rights violations directed against returning refugees in Syria between 2017 and 2021.^{61, 62} Lebanon's caretaker Minister of the Displaced has rejected such reports, describing them a "fear campaign,"⁶³ and has stated that the Syrian Government has agreed to drop charges against former opposition

51 Ibid.

52 UNHCR, "[UNHCR calls on Lebanon to continue upholding principles of refugee protection and asks for sustained support from the international community](#)," 30 April 2022.

53 Ibid.

54 Ibid.

55 Martin Chulov, "[Turkey's plan to forcibly relocate Syrian refugees gains momentum](#)," *The Guardian*, 30 April 2022,

56 Ibid.

57 Human Rights Watch, "Syrians Deported by Lebanon Arrested at Home, New Policy Forcibly Returns Thousands, No Due Process," Human Rights Watch, 2 September, 2019, <https://www.hrw.org/news/2019/09/02/syrians-deported-lebanon-arrested-home>.

58 These include a number of international human rights treaties that are relevant to the human rights of migrants, refugees, and stateless persons such as: (1) the International Covenant on Economic, Social and Cultural Rights (ICESCR); (2) the International Covenant on Civil and Political Rights (ICCPR); (3) the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT); (4) the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); (5) the International Convention on the Elimination of All Forms of Racial Discrimination (CERD); and (6) the Convention on the Rights of the Child (CRC).

59 Ibid.

60 Human Rights Watch, "'Our Lives are Like Death': Syrian Refugee Returns from Lebanon and Jordan," Human Rights Watch, 20 October, 2021, <https://www.hrw.org/report/2021/10/20/our-lives-are-death/syrian-refugee-returns-lebanon-and-jordan>.

61 Amnesty International, "Syria: Former refugees tortured, raped, disappeared after returning home," Amnesty International, 7 September, 2022, <https://www.amnesty.org/en/latest/news/2021/09/syria-former-refugees-tortured-raped-disappeared-after-returning-home/>.

62 Human Rights Watch, "Syria: Returning Refugees Face Grave Abuse, Struggle to Survive Amid Devastation, Property Destruction," Human Rights Watch, 20 October, 2021, <https://www.hrw.org/news/2021/10/20/syria-returning-refugees-face-grave-abuse>.

63 Al-Jazeera, "Lebanon plans Syrian refugee repatriation within months: Minister," *Al-Jazeera*, 6 July, 2022, <https://www.aljazeera.com/news/2022/7/6/lebanon-plans-syrian-refugee-repatriation-within-months-minister>.

fighters and political opposition – going as far as to express that the Syrian State has “eased matters” for repatriation, even when it comes to security matters.⁶⁴ The Lebanese Government has also encouraged UNHCR and donor countries to redirect their aid to Syria – a stance that is not entirely outside the scope of safe return/voluntary repatriation, but that unfortunately remains detached from more complex international legal processes and frameworks.

While Paragraph 1 of its Statute provides UNHCR with continued access to refugees across the border, this does not mean that it would detach from the Lebanese territory entirely, nor that it should be subsequently required to “suspend assistance” (as requested by Lebanon) to those selected for repatriation.⁶⁵ UNHCR must rather serve as a key player in this process from within Lebanon primarily, and once Syrians are repatriated, to Syria secondly.

64 Ibid.

65 L’Orient Today, “Caretaker minister of the displaced doubles down on vow for repatriation of Syrian refugees,” *L’Orient Today*, 6 July, 2022, <https://today.lorientlejour.com/article/1304922/caretaker-minister-of-the-displaced-doubles-down-on-vow-for-repatriation-of-syrian-refugees.html>.

5. Conclusions and Implications for Policy

While calls for the repatriation of Syrian refugees have been heightened since the country's intersectional crisis began in late 2019, Syrians' stay in Lebanon has been questioned since the beginning of their presence in the country (2011–present). Though talks of repatriation have come and gone across the political discourse (and across the timeline of Syria's conflict), according to Human Rights Watch, there is evidence that Lebanon has long-endorsed a repatriation agenda through multiple decrees and regulations designed to pressure Syrians to leave.⁶⁶ While the Lebanese Government can repatriate Syrians back to Syria without UNHCR's involvement or consent, the question is not so much whether or not they can, but rather, whether or not they will, and in the process, violate international law.

Based on the analysis presented in this paper, Lebanon's policy on repatriation must include the following elements in order to ensure that repatriation is a durable solution for Syrians and conforms with international refugee law:

1. **Plans for repatriation must be rooted in protection standards and principles**, including that refugee repatriations must be well-informed through a tripartite agreement between the Governments of Lebanon and Syria and UNHCR. Repatriations must also be voluntary on the part of those returning, and safe and dignified for all parties involved.
2. **The Syrian Government should provide guarantees that returnees will not face harassment, discrimination, arbitrary detention, physical threats, or prosecution on account of originating from an area previously or currently under de facto control of another party to the conflict, for having left Syria in a perceivably** illegal manner, for having applied for asylum abroad, or for being a member of a minority, political party, or religious group.
3. **Monitoring of the repatriation process must be ensured through close cooperation with UNHCR and the Syrian Government**, and adequate and comprehensive information must be provided to Syrian refugees so they are well informed of conditions in areas of return and can use this information to organize their return. A comprehensive repatriation policy must additionally factor in returnee counseling, and verification of the voluntary character of repatriations.
4. **Reintegration assistance must be provided post-arrival in Syria within ongoing humanitarian programmes**. This can be ensured through the aforementioned tripartite agreement, whereby UNHCR can exercise its mandate to ensure that the transitional period following repatriation is sustainable, durable, and safe in the long-term.
5. **Ongoing voluntary repatriation must be carried out in safety and dignity by local authorities**, and should only be carried out in specific areas of Syria, where there is evidence that the conflict has ceased and protection thresholds, in accordance with international refugee law and standards, are upheld.

Moving forward, the Lebanese Government needs to adopt a uniform approach to repatriation, as well as align its plan with its international legal obligations and UNHCR's role and mandate in the region. This plan should also be operationalized through a clear agreement with the Syrian Government where guarantees are outlined and conditions for safe return are upheld.

66 Human Rights Watch, "Lebanon: Syrian Refugee Shelters Demolished, Coercive Measures Intensify Pressures to Return to Syria," Human Rights Watch, 5 July, 2019, <https://www.hrw.org/news/2019/07/05/lebanon-syrian-refugee-shelters-demolished>.

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