

Syria Refugee Returns: A CAFOD and SCIAF Policy Position October 2018

CAFOD and SCIAF support the right of refugees living outside their country to go home and to determine if and when it is safe for them to return. We understand the longing of those who have been forced to leave their own country to go back home. In the context of the Syria conflict we recognise the tremendous generosity that neighbouring countries have demonstrated, particularly Lebanon, Turkey and Jordan, in hosting so many Syrian refugees. The war in Syria has been going on for over 7 years, with more than 5 and a half million people having fled the country, mostly to neighbouring countries. In the light of such huge numbers, we recognise that viable long-term solutions to the refugee crisis are likely to include a mix of 3 aspects: for refugees to return home to Syria, for those who are too afraid or unable to return to be resettled in a third country outside the region or for refugees to re-build their lives and livelihoods in the neighbouring countries where they fled to.

It is essential that all returns must be safe and must be voluntary¹, and free from any form of coercion. Whilst good humanitarian practice should include careful forward planning, such as now being undertaken by the UNHCR, as well as by the host governments and other actors, CAFOD and SCIAF call for a number of pre-conditions to be in place before significant numbers of refugees are encouraged and facilitated to return home to Syria. Until the following pre-conditions are in place, refugees should not be actively encouraged to return:

Pre-conditions for return:

- A political settlement which ends the war, and which includes guarantees of the safety of civilians is the most fundamental and important pre-condition for safe return. Without an end to the war there can be no real guarantees for the safety of returnees. There must also be firm commitments to put in place transitional justice and reconciliation processes.
- Once there is a negotiated peace agreement the following protection for returnees must be assured:
 - a. The Government of Syria must provide clear guarantees for the safety and non-discrimination of returnees. There must be a clear monitoring mechanism to ensure that these guarantees are respected, and international actors, through the UN, must have unencumbered access to all areas where refugees have returned to in order to monitor the guarantees.
 - b. The Guarantees and frameworks for monitoring those guarantees agreed to by the Syrian government for the safety of returning refugees must be made public and must be clearly communicated to all refugees considering return, so they are made aware of their rights and avenues for reporting infringements and obtaining redress in the case of need.
 - c. People should not to be punished, discriminated against or stigmatised because they have spent time as refugees in exile or because of their political affiliation.
 - d. There must be guarantees that men who have not undertaken their military service will not be forced to serve in the military, and those who have served are not forced to register as reservists.
 - e. There should be no discrimination in employment, schooling or access to services such as healthcare.

¹ Based on UNHCR's Voluntary Repatriation Guidelines, the Lebanon Humanitarian INGO Forum interpret voluntariness as comprising of 2 aspects, being informed about conditions in the country of origin and the level of support provided in the country of asylum, such that the positive pull factors of conditions in the country of origin are the primary motivator rather than negative push factors related to challenging conditions for refugees in the country of asylum.

- f. Assurances must be in place to enable people to return to their places of origin and reclaim their homes and land. Where people cannot return to their places of origin – either because of the extent of the destruction of villages or because of sectarian shifts in populations, alternative locations must be identified.
- g. The international community must provide financial support to enable people to survive during the initial period of their return as they re-establish themselves, and grants must be made available to rebuild destroyed property and livelihoods.
- h. Borders must not be closed to people who find that they are in danger once they go back to Syria and need to flee back to the country where they were previously refugees, - they must be allowed to again seek safety and sanctuary with humanitarian support provided.

Syrian Refugees in Jordan and Lebanon

	Jordan	Lebanon
NUMBER OF SYRIAN REFUGEES	1.4 million (657,628 registered)	1.5 million (982,012 registered)
TOTAL POPULATION OF EACH COUNTRY	9.9 million	5.9 million
SYRIAN REFUGEES PER INHABITANT	140/1,000	250/1,000
AVERAGE COST TO HOST SYRIAN REFUGEES	\$2.5 billion per year	\$13 billion (2012-2015)

Source: Data compiled from UNHCR, World Bank, Lebanon Response Plan, and Jordan Response Plan.

We echo the position of the Lebanon Humanitarian INGO Forum:² *‘Currently no framework exists whereby parties in Syria and the mandated international actors can guarantee the voluntariness, safety and dignity of refugees returns so there should be no facilitation or promotion of refugees returning at this time whether by governments, the UN or others such as non-state actors’*. Like most Syrian organisations in the exterior, our partner Basmeh & Zeitooneh states: *‘Basmeh & Zeitooneh does not endorse the repatriation of Syrian refugees from Lebanon and Turkey and has serious concerns about the looming drop in funding for humanitarian assistance to the refugee community that may result from it. Repatriation of Syrian refugees cannot at this point be considered ‘voluntary, safe or dignified’ given the continuous lack of peace, stability, and respect for human rights in Syria.* Another of our partners based in the region notes that *‘Any plans for return should not reinforce existing structures which caused atrocities in the first place’*.

Background:

The conflict inside Syria has not yet ended and there is currently no political settlement or an end to the war in place. Civilians still live in danger and in fear. In a briefing to the UN Security Council in late July the UN Emergency Relief Coordinator (UNERC) noted that there are still high levels of explosive hazard contamination in some areas, continued reports of civilian casualties from airstrikes and from vehicles carrying improvised explosive devices as well as recent cases of hundreds of people with diarrheal disease, including at least 12 deaths, due to people drinking contaminated water. The UN is still unable to gain access to a significant number of areas within the country, and the UNERC noted that protection remains

² <http://www.lhif.org/>

a key concern, including in relation to freedom of movement for those wishing to return to their homes and, linked to this, ensuring housing, land and property rights are fully respected. Although some parts of Syria are free from armed conflict and relatively safe, other areas are still affected by conflict and until the war is formally ended there is no guarantee of safety for any refugees who choose to return home.³ In the light of this situation CAFOD and SCIAF believe that the safety and security of returning refugees cannot be assured and therefore believe it is too early to establish mechanisms for processing significant numbers of refugees to return.

Lebanon:

The Head of the UNHCR in Lebanon, Mireille Girard stated in early August 2018 that the agency's position was that "at the moment we cannot encourage or promote refugee returns." Different parties within the Lebanese government are currently taking different views on returns, but there appears to be a growing consensus around the need to start preparing for and planning refugee returns which might take place in the immediate or near future.

Hosting the estimated 1.5 million refugees, around one quarter of the population, has placed considerable strain on Lebanon. Many Lebanese citizens themselves struggle to find decent paid employment, affordable housing and access to services including health and education. This inevitably leads to tensions between communities, and local actors have reported growing expressions of outward hostility to refugees in Lebanon. Many refugees are technically illegally in the country and live in a highly precarious situation. Because the cost of maintaining residency in Lebanon is prohibitively high for most refugees, many have let their residencies lapse, so currently almost 75% of Syrian refugees in Lebanon are not legally registered⁴. The situation for Palestinian Refugees from Syria is equally, if not more precarious. This means they cannot access services, they cannot legally work, and their freedom of movement is curtailed as they are afraid they might be stopped by the police. Refugees who let their residency lapse face a hefty fine of several hundred dollars if they are caught with expired documents. Without up to date residency papers, refugees could be held at the border or charged large amounts when they leave Lebanon. The 2017 UNHCR Vulnerability Assessment of Syrian Refugees in Lebanon noted that its findings '*demonstrate that economic vulnerability has worsened, with more than half of refugees living in extreme poverty, and that food insecurity rates are stable, but remain high*'.⁵ All these factors constitute a very clear set of circumstances which are 'pushing' people into considering return to Syria as the only viable alternative for them, even though the political and protection conditions do not yet exist in the country which can guarantee their long-term safety once they go back home.

Jordan:

Jordan currently has 657,628 officially registered Syrian refugees, although estimates put the real number of refugees, many of whom are undocumented and not legally in the country, at almost double that figure at 1.4million people, with a huge cost for the country of hosting them.

The political context in Jordan has provided a much more welcoming atmosphere for Syrian refugees than in Lebanon. In late July the Jordanian Foreign Minister Ayman Safadi issued a public assurance that refugees will not be forced to leave the country and that the government would work with others to guarantee the safe, voluntary return and resettlement of refugees currently in Jordan. He stated that such conditions would include security, political, social and economic factors.

³ <https://reliefweb.int/report/syrian-arab-republic/briefing-security-council-humanitarian-situation-syria-under-secretary>

⁴ <https://reliefweb.int/report/lebanon/vasyr-2017-vulnerability-assessment-syrian-refugees-lebanon>

⁵ Ibid

In both Jordan and Lebanon recent initiatives by the Russian Federation through a Russian Defence Ministry Initiative to set up processing centres for refugees who want to return, in collaboration with the Government of Syria, seem to be gathering pace, despite none of the guarantees outlined in the preconditions for return above being fully addressed.

Our partner, Caritas Jordan, recognising that safe conditions for return do not yet exist states in its position paper: *'a safe and sustainable return of refugees requires a framework that acknowledges the political roots of the Syrian crisis rather than just its humanitarian dimension, concedes that peace is not possible without justice, and recognises that the right of refugees to return to their areas of origin; safety and security can only be guaranteed through a political process that creates inclusive governance mechanisms, ends criminal impunity and facilitates reintegration, demilitarisation and access to justice.'*⁶

CAFOD and SCIAF's Concerns:

CAFOD and SCIAF recognise that as the political situation in Syria evolves it is legitimate to undertake preparedness and planning for refugee returns. For example, our partners in the region are helping refugees to get all their documentation in place and ensure they have birth and death certificates and evidence of educational attainment, training and employment undertaken whilst in exile.

Nevertheless, there are serious concerns that the planning, preparedness and screening initiatives, as well as the increasingly hostile environment in host countries and decreasing levels of humanitarian aid which are driving refugees into desperation, are all pushing refugees to return before there are real guarantees for their safety.

CAFOD and SCIAF consider that such forward planning and preparedness must be made within the context of continued calls for a political settlement to end the war, and a reiteration that all the conditions outlined on pages 1 and 2 above must be met.

At the same time the international community should continue to provide funding to Lebanon and Jordan, recognising the legacy of their great generosity to Syrian refugees and significant costs they will continue to incur.

CAFOD and SCIAF call on all international actors to:

- Support those working to bring all parties to the conflict to a peaceful resolution of the war and to ensure a political settlement to the conflict in Syria which will include guarantees for the safety and dignity of returning refugees.
- Work with the Government of Syria to ensure access by international bodies to all parts of Syria where refugees have returned.
- Ensure that refugees are not being coerced into returning to Syria before protection and other guarantees are in place and a monitoring mechanism is in place to enable returnees to report their concerns and seek redress.
- Recognise the diverse nature of refugee populations and ensure that provision of needs is relevant and appropriate.
- Humanitarian donors must fully fund the Regional Response Plan for Syria and ensure that money is not diverted towards reconstruction inside Syria whilst there are still acute needs amongst refugees who remain in neighbouring countries who cannot or are afraid to return home, and the communities that host them.

⁶ <http://www.caritasjordan.org.jo/default.aspx>