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**The European Union  
and Arab Refugee Hosting States:  
Frictional Encounters**

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## **Introduction**

Commonly subsumed under the Middle East and North African region (MENA),<sup>1</sup> the Arab world has been historically a major site for conflict-induced migration. Still, prior to displacement from Syria in 2011, the EU had loosely defined the external dimension of its refugee policy in the MENA region or what it frames as its “immediate neighbourhood.”<sup>2</sup> Despite major waves of displacement, the EU’s 2005 Global Approach to Migration (GAM), which spells out its external migration policy, has not formulated a clear pattern of cooperation on forced migration with MENA governments.<sup>3</sup> Regional protection programmes (RPPS), that the EU developed in 2005 as solutions to refugee situations, adopt the Great Lakes Region and Eastern Europe as key locations for their pilot programmes.<sup>4</sup> Deeply enmeshed in the geopolitics of the so-called “Arab Spring”<sup>5</sup>, mass influx from Syria has however spurred the EU to adopt a clearer policy stance on large-scale displacement.<sup>6</sup>

This working paper contributes to the debate on the EU’s external refugee governance approach in the wake of displacement from Syria,<sup>7</sup> and unpacks its implications for regional refugee protection and power dynamics in the broader Euro-Mediterranean space. Adopting a relational perspective, it sets out to explore how mass displacement has shaped EU external refugee policy in its “immediate neighborhood”, and how some Arab refugee hosting states have, in turn, received, contested, and reconfigured EU refugee tools. More specifically, the working paper argues that the EU has sought to consolidate its role as a transregional governor of refugee movements in Syria’s neighboring host countries (hereafter Syria’s neighborhood). In practice, however, its “processes of governance”<sup>8</sup> have clashed with Arab refugee hosting states’ interests and legacies. They have also yielded contested effectiveness for refugee protection. While transregional governance is understood herein as a set of “formal and informal institutions” spanning different regions,<sup>9</sup> refugee governance refers to the crafting of conditions and processes for the purpose of “ordered rule and collective action”<sup>10</sup> around refugee issues. The paper targets some key challenges that have affected the EU’s ability to achieve impact through its external action. On the one hand, refugee hosting states such as Jordan and Lebanon have not been uncontentious implementers of the EU’s external policy frame. Rather, they have influenced the outcomes of the EU’s external policy frame.<sup>11</sup>

On the other, the EU has remained faithful to its security repertoire in external migration management. Thus, it has not departed from previous legacies linking migration governance with security and bordering practices.<sup>12</sup> The EU's attempt to consolidate its role as a governor of large-scale displacement while buttressing the "security-stability nexus" has led to policy incoherencies and norm friction. It has also weakened the EU's ability to diffuse regional protection norms.

I proceed as follows. The first part sets the stage by showing how the EU's approach to Syrian displacement in the Arab region is nested within a broader "crisis governance"<sup>13</sup> architecture.<sup>14</sup> It goes on to explore how the EU has sought to deepen its cooperation on refugee governance with key Arab refugee hosting states (emphasis on Jordan and Lebanon). The second part highlights some challenges that have weakened the EU's refugee governance capacity in the region. First, some of the EU's policy instruments have not matched the realities of "refugeehood" and the interests and historical legacies of refugee hosting states. Second, Syria's neighboring host states have shaped the EU's external governance tools either by exploiting, contesting or adapting them. Third, the EU's securitization of the refugee issue on the one hand, and its reliance on external instruments that link trade with refugee protection on the other, have weakened its ability to spread refugee protection norms. The conclusion throws into sharp relief some dynamics that have widened the rift between the EU's proclaimed goals and the effects of its external actions on the ground. Local stakeholder interpretations and practices matter in shaping EU governance processes. At the same time, the EU's security agenda provides an *enabling context* for neighboring governments to contest its policy tools and doubt their local appropriateness as well as resist pressures to reform their asylum systems.

### **The EU's external approach to refugee governance**

Syria's war generated mass displacement in neighboring countries and beyond. Turkey has received about 3,614,108 registered Syrian refugees.<sup>15</sup> Lebanon has taken about one million, and Jordan more than six hundred thousand. Iraq and Egypt received smaller numbers.<sup>16</sup> By 2015, the arrival of more than one million Syrians to the European Union (EU) triggered an

intra-EU governance crisis on issues of refugee resettlement and asylum policymaking.<sup>17</sup> It also led to an acute wave of securitization in which the EU tightened border restrictions and controls.<sup>18</sup> Amid deepening internal rifts, the EU has had to face by 2015 its own demons on questions of solidarity and burden sharing.<sup>19</sup> Criticizing EU member states' fragmented responses, the European Parliament advocated in 2016 for a "holistic approach to migration" in which the EU would synchronize policy components on refugee protection, resettlement and relocation, border management, fight against irregular migration, and legal migration management.<sup>20</sup>

Notwithstanding policy fragmentation, the EU witnessed by 2015 a revival in external migration governance.<sup>21</sup> Confronted with more than a million asylum seekers from the Middle East, Asia and Africa, it adopted the European Agenda of Migration, which stresses the importance of designing more effective border management policies and a more cohesive EU asylum policy.<sup>22</sup> The Agenda highlights the importance of increased cooperation with third countries, and the EU's role in external refugee governance through supporting "the countries bearing the brunt of displaced refugees".<sup>23</sup> In 2016, the EU established a new partnership framework with third countries on migration.<sup>24</sup> The partnership seeks to consolidate the EU's cooperation on migration with partnering governments while consolidating the Union's capacity to respond to crises and to regulate its borders.<sup>25</sup> To that end, the partnership envisages the creation of financial instruments such as trust funds that feed into longer-term development. It also foresees the negotiation of tailor-made funding instruments on migration with third countries. The compacts, which strengthen synergies between migration, stabilization, development and trade, are a case in point.<sup>26</sup>

The new partnership moreover tightens the nexus between the EU's internal focus on security and stability on the one hand, and its external actions on the other. In other words, it couples transregional strategies of cooperation and stabilization with a more effective approach to bordering. One of the core objectives underlying the new partnership is to keep refugee and migratory movements "closer to home". In this light, the partnership aspires (through deploying instruments such as trust funds and compacts) to provide prospects and protection mechanisms to refugees and migrants where they are.<sup>27</sup>

The EU's approach to refugee governance in Syria's neighboring countries deeply resonates with the new partnership on migration with third countries.<sup>28</sup> Spelled out in several policy instruments, this approach seeks not only to provide humanitarian aid to refugees and host populations but also to cater to a broader politics of stabilization, development and improvement of local asylum regimes.<sup>29</sup> At the same time, it feeds into a governance strategy that aspires to contain the refugee movement as close as possible to Syria. The section below draws on the examples of Lebanon and Jordan, two key refugee hosting states in Syria's neighborhood, to illustrate how the EU has sought to consolidate its external refugee governance capacity.

Since the onset of Syria's war, the EU has allocated more than €1 billion to help Lebanon and Jordan deal with the refugee challenge on their territory.<sup>30</sup> It has furthermore finetuned its priority actions so that they could reflect hosting states' contextual challenges.<sup>31</sup> In 2016, the EU agreed with Lebanon on a new set of priorities that privileged Lebanon's ability to build the resilience of both refugee and host communities.<sup>32</sup> That same year, in the context of the 2016 Supporting Syria and the Region Conference in London, it negotiated with the Lebanese government the Lebanon-EU Compact, which dispenses financial aid for multiple purposes including easing Syrian refugee stay. Jordan's advanced status in the European Neighborhood Policy (ENP) has been consolidated through a variety of initiatives such as the negotiation of the 2014 Mobility Partnership, and the 2016 refugee compact in which the EU altered the rules of origin prescribed in the association agreement.<sup>33</sup> The 2016 Jordan-EU Compact allows Jordanian firms to export to the EU market at preferential rates in return for the Jordanian government granting job permits to Syrians. At the same time, it seeks to stimulate economic growth and attract loans and investments, aspiring to address endemic problems that Jordan has grappled with for decades.

In the context of the 2015 review of its Neighborhood Policy which emphasized the principle of differentiation and local agency,<sup>34</sup> the EU has sought to synchronize its refugee response with national and local strategies. Negotiations between the EU, Lebanese and Jordanian governments have led to the integration of EU policy instruments in the governmental responses to the Syrian refugee crisis namely the Lebanese Crisis Response Plan (LCRP) and

the Jordan Response Platform for the Syria Crisis (JRPSC). In the context of both national plans, the EU coordinates with a multitude of state and non-state actors in implementing projects at the heart of livelihoods, economic growth, protection and conflict resolution.<sup>35</sup> Adding to this, the EU has sought to twin its refugee response with local capacity building. It has launched various projects with Lebanese and Jordanian municipalities as well as civil society groups.<sup>36</sup> The 2016 Lebanon-EU Compact allocates funding to projects designed to boost women's participation in politics. Similarly, the 2016 Jordan-EU compact vows to lend support to civil society in Jordan.

Displacement from Syria has moreover seen the EU consolidate its role as a strategic actor in the wider regional system. The EU has incorporated its funding instruments in broader regional refugee processes such as the Regional Refugee and Resilience Plan (3RP) led by the UN Refugee Agency (UNHCR), and which develops a cross-sectoral response to refugees and host communities.<sup>37</sup> It has also participated in specialized support groups focused on mitigating the crisis in individual countries such as the International Support Group for Lebanon (ISGL) which comprises in addition to the EU, the United Nations (UN), and the Arab League (LAS). Bilaterally, the EU has deepened its cooperation with the Lebanese and Jordanian governments. In the framework of an overarching political dialogue on migration and security, it has emphasized the common challenges that parties have faced in the context of the refugee issue, and has stressed the need to turn the refugee challenge into an opportunity for mutual gains.<sup>38</sup> In 2017, in the context of the 8<sup>th</sup> EU-Lebanon Association Council, the EU and the Lebanese government adopted a statement which expands on several benefits that both parties can harness in their cooperation on migration, refugee aid, counter-terrorism and trade facilitation.<sup>39</sup> When it comes to Jordan, EU officials have commended the EU-Jordan relationship in the context of the refugee challenge, calling Jordan a "likeminded" partner that strives with the EU to find common solutions for regional challenges such as refugee displacement.<sup>40</sup> A high-level joint initiative on rules of origin in the context of the refugee challenge has pledged to institutionalize trade relationships between the EU and Jordan.<sup>41</sup>

## **Frictional encounters**

As discussed above, the EU has sought to consolidate its external refugee governance capacity through a plethora of instruments seeking to devise solutions to both forcibly displaced and host populations “within the region”.<sup>42</sup> Confronted with criticism that its refugee-related projects have not reached local populations,<sup>43</sup> the EU has vowed to strengthen the relationship between migration and local development, and to ensure that the effects of its projects are “visible” to the population.<sup>44</sup> In the framework of the Regional Trust Fund in Response to the Syrian Crisis (EUTF Madad), it has ensured that European partners are in charge of implementing local projects. The aim is to highlight the EU’s role “as a donor and a doer”.<sup>45</sup> In the context of the Brussels Conference for Supporting the Future of Syria and the Region, it has developed a financial tracking system evidencing that it has delivered on its pledges.<sup>46</sup> Through the compacts, it has moreover funded projects that have tied refugee aid to the establishment of new local institutions. Examples are the creation of the National Human Rights Institute in Lebanon, and the implementation of an Election Observation mission in Jordan.

Its funding power notwithstanding, various constraints have cast a pall on the EU’s proclaimed policy objectives. Broadly speaking, these proclaimed objectives consist in improving refugee livelihoods, catering to refugee protection needs, and turning the refugee challenge into an opportunity for development and sustainable governance in refugee hosting states. The sections below showcase some illustrative challenges that have weakened the EU’s refugee governance capacity. First, some of the EU’s policy templates have not captured the complex realities of refugees and refugee hosting states. Second, the Arab states have instrumentalized the EU’s refugee aid in the context of their domestic and foreign policy imperatives. They have also steered to some extent the EU’s external governance capacity inasmuch as they have either resisted compliance with negotiated commitments or molded the implementation of EU policy instruments. Third, the EU’s securitization of the refugee issue within its borders, and its adoption of instruments that tie refugee aid with economic benefits such as trade have generated friction in Syria’s neighboring host countries. Clashes in framings and perceptions have spurred the EU’s neighbors to challenge the relevance of its



solutions for the region. Arguably, they have also impacted the EU's ability to diffuse good governance practices.

***The EU's policy templates versus complex realities: the case of the compacts***

As underscored, the EU has developed in the light of the 2015 refugee challenge a renewed interest in leveraging its external migration policy as a venue for addressing challenges within its own borders.<sup>47</sup> Cooperation with Jordan and Lebanon, two key refugee hosting states in the EU's neighborhood, have provided a fertile ground for such an approach.<sup>48</sup>

The premises of this approach consist in portraying the refugee challenge as an opportunity for development in third countries while providing refugees with solutions and protection as close as possible to their home. The compacts, defined by the EU as "comprehensive partnerships" that build synergies between various policy fields,<sup>49</sup> epitomize this approach.

As previously mentioned, the EU negotiated in 2016 with the Lebanese and Jordanian governments compacts that coupled refugee inclusion with development. The underlying idea is that the governance of refugee livelihoods can spur benefits to the local infrastructure and economy while inspiring asylum reforms. Both compacts create incentives, albeit in different ways, for individual countries to ease Syrian refugee residency and access to employment. Incentives revolve around the provision of financial arrangements in various fields such as institutional and security sector reform, the promise of concessional loans and trade facilitation schemes.<sup>50</sup> At the same time, the compacts target some of the countries' endemic challenges.

In the case of Lebanon, the compact, which committed an initial 400 million euros for 2016-2017, and additional funding until 2020,<sup>51</sup> remains vague in terms of refugee employment. Still, it speaks to Lebanon's development challenges, and aspires to spur benefits to both refugee and host communities. Funding is channeled to various projects in the areas of growth and job opportunities, Governance and Rule of Law, Regional Stability, Security and Countering Terrorism.<sup>52</sup> The compact promises an improved access to justice to both refugee and host communities. One million euros are dedicated to the provision of legal services to vulnerable individuals, and to the creation of five legal aid offices in the North and in Beirut.

The compact moreover establishes policy linkages, albeit non-conditional, between its financial arrangements and the facilitation of temporary legal residence to Syrian refugees.<sup>53</sup> Addressing Lebanon's context-based challenges, it allocates funding to solid waste management in the wake of the 2015 garbage crisis. It also targets some areas that have thus far remained resistant to change such as women's participation in elections.

The Jordan Compact eases Jordan's export requirements to the EU in return for Jordan providing jobs for Syrian refugees and enabling their integration in the job market. It also integrates incentives for further relaxation of the rules of origin in return for refugee inclusion. The foreseen ten-year relaxation period of EU rules of origin for products from 18 economic zones and industrial areas may be extended once "the target of 200 000 jobs is achieved".<sup>54</sup> According to the EU, by 2019, over 110 000 working permits have been issued.<sup>55</sup> The compact also foresees funding in the sectors of social inclusion, livelihoods support and development as well as justice and political reforms. It targets improved livelihoods and educational opportunities for both host and refugee populations, closer collaboration with civil society and support to Jordan's parliamentary reforms.<sup>56</sup>

In its declaratory diplomacy, the EU frames the compacts as comprehensive support facilities which allow for swift solutions to both refugee and host communities.<sup>57</sup> In practice, however, the compacts have fueled inconclusive and at times contentious debates.<sup>58</sup> By noting their potential to bring about benefits to both host and refugee populations, some experts pleaded for improving rather than discarding them.<sup>59</sup> Their drawbacks notwithstanding, some noted that they were successful in easing refugee access to employment and education, especially in Jordan.<sup>60</sup> At the same time, critical voices alluded to the wide chasm between the compacts' templates, refugees' perceptions, and countries' governance dynamics.<sup>61</sup> Critics moreover targeted the compact's logic, which draws on trade "as migration policy"<sup>62</sup> and as an instrument for refugee employment.<sup>63</sup> In this view, compacts have failed to enhance the rights of forcibly displaced Syrians,<sup>64</sup> leading rather to "refugee commodification".<sup>65</sup>

In Jordan, low pay, unattractive job employment sectors in remote Special Economic Zones (SEZs) and structural problems such as difficulties to access job permits and restricted sectors of work have made the compact unattractive for many refugees especially for women.<sup>66</sup> The

segmentation of Jordan's labor market and the allocation of employment quotas benefitting Jordanian and migrant workers have acted as structural obstacles to Syrians' recruitment. This has led on the ground to redistributing jobs rather than restructuring employment rules. In 2018, sixty-one NGOs that have reviewed the compact noted that granting work permits has not necessarily led to sustainable employment or decent working conditions.<sup>67</sup> Indeed, the compact's achievements have so far remained limited. According to Jordan's Ministry of Labour, Syrians working in the informal economy still outnumber by far those who hold a work permit.<sup>68</sup> At the same time, it is reported that private employers who have benefitted from the relaxed rules of origin did not exceed a dozen in 2018.<sup>69</sup>

In Lebanon, the government's strategic "standoffish policy-making" towards Syrian refugees,<sup>70</sup> and its increasingly securitized policies have gradually overshadowed the compact's relevance.<sup>71</sup> After the adoption of the compact, the Lebanese government pledged to facilitate refugee stay and employment through a variety of measures such as waiving the 200 US dollar refugee residency fee, and easing refugee access to employment in labor intensive fields. Two years later, in the framework of the 2018 Brussels Conference, Lebanon reaffirmed its commitments to facilitating refugee inclusion, and pledged to remove obstacles hindering refugee registration.<sup>72</sup> In practice, however, human rights organizations have denounced the incoherent application of refugee registration procedures.<sup>73</sup> In 2018, the UNHCR-led Vulnerability Assessment of Syrian Refugees in Lebanon (VASYR) reported that more than 70% of surveyed Syrians above 15 did not have legal status.<sup>74</sup>

Eight years into Syria's neighboring conflict, Lebanese politicians have started vehemently lobbying for Syrian refugee repatriation. In coordination with Syrian authorities, the Lebanese government has moreover been processing applications for return. Within this climate, Lebanon's General Security Forces have enforced a politics of crackdown, seeking to restrict Syrians' access to housing, jobs and livelihoods.<sup>75</sup>

In yet another perspective, it is questionable whether the Lebanon-EU compact has from the outset captured the complex legacies that have characterized Lebanese-Syrian relations on the one hand, and Lebanon's informal governance dynamics on the other. Historically, trends of labor migration between Lebanon and Syria have resisted institutionalization. Since the end of

the Lebanese Civil War in 1990, Syrians have sought out manifold opportunities in Lebanon's informal economic sector. In this context, many displaced Syrians have preferred to rely on informal employment methods rather than on low-paid and restricted jobs in labor intensive fields.

Beyond the mismatch between the compacts' templates and realities on the ground, experts have riveted attention on a key drawback: the absence of a conditional mechanism tying financial aid to refugee protection. Critical voices have regretted that the instruments have failed to synchronize financial arrangements with a removal of policy and legal obstructions that have stood in the way of the compacts' initial goal to improve refugee protection.<sup>76</sup> According to experts, creating an underlying "protection environment" would have been a core requisite to facilitating refugee stay and access to employment.<sup>77</sup> Here, as mentioned earlier, critics have questioned whether these instruments have heightened refugee vulnerability by linking refugee employment to the provision of financial and trade incentives in the absence of rights-based frameworks.<sup>78</sup>

### ***Arab refugee hosting states shaping the course of the EU's external policy frame***

While the potential benefits of the EU's "intervention logic"<sup>79</sup> are yet to be proven, refugee hosting states have not passively implemented its refugee instruments. They have shaped and, in some cases, derailed the EU's intended policy frame. More specifically, governments have acquired some capacity to leverage and contest the EU's refugee aid dimension, turning it into a double-edged sword in their domestic and foreign policies.<sup>80</sup> Herein, leverage refers to the governments' ability to exploit refugee instruments to push for their interests. Contestation is expressed through various channels: expressing discursive critique, neglecting, refuting or selectively implementing the policy tools negotiated with the EU.<sup>81</sup>

The leverage that both countries have acquired is both of financial and strategic nature. In terms of financial leverage, both Lebanon and Jordan have capitalized on the EU's need to contain the refugee challenge "within the region" to lobby for more aid in a tacit acknowledgment that they could play the role of refugee managers.<sup>82</sup> In terms of strategic leverage, Jordan has capitalized on its increased cooperation with the EU in the context of

mass displacement to highlight its contributions to regional stability.<sup>83</sup> Lebanese policy makers have exploited the EU's fear that Syrians seek "the path to Europe" as tactical strategies to buttress foreign and domestic policy stances in international circles.<sup>84</sup> Examples are countless.

In an effort to consolidate Lebanon's regional position in the context of a fallout with Saudi Arabia that has resulted in the resignation of Lebanon's Prime Minister Saad Hariri, Foreign Minister Gebran Bassil argued that tampering with Lebanon's stability could have many negative reverberations, including prompting refugees and citizens alike to "turn to Europe":

"Threats of governmental and political vacuum and sanctions against Lebanon will not only affect the Lebanese but also two million refugees and displaced people, who will become a problem for Lebanon's neighbors and Europe."<sup>85</sup>

In recent years, as underscored, Lebanese political factions have repeatedly called for refugee repatriation.<sup>86</sup> In contrast, the EU has insisted on voluntary return as soon as a political settlement takes shape in Syria. Meanwhile, the EU has promised to increase its financial support.<sup>87</sup> Within this context of divergences, some Lebanese officials have drawn on the fear of more "uncontrolled flows to Europe" and "new refugee waves" to Europe for a variety of aims.<sup>88</sup> Tactical aims consisted in justifying bolder anti-refugee policies and challenging calls for refugee inclusion in Lebanon. In a meeting with his Brazilian counterpart, Foreign Affairs minister Bassil linked protracted Syrian displacement in Lebanon with regional insecurity. He argued that their longer-term stay under unfavorable conditions in Lebanon portends dangers to Europe.<sup>89</sup>

In yet a more complex perspective, refugee hosting countries have also acquired some ability, whether deliberate or unintentional, to shape the trajectory and consequences of the EU's external action. Shaping the EU's policy frame has occurred through several explicit or implicit pathways. The EU has scaled up its financial support while acquiescing to Lebanon's and Jordan's governance constraints, and even though both states have disregarded some of its core policy positions. The EU has dispensed more aid to Lebanon and Jordan despite their slack record in refugee governance. Both Lebanon and Jordan closed their borders to onward movements from Syria starting 2014. Cases of deportation in Northern Jordan<sup>90</sup> and nation-

wide restrictions on refugees' mobility in Lebanon<sup>91</sup> have not affected the EU's decision to allocate more funds to both countries.

As Lebanon closed its borders to forcibly displaced Syrians in 2014, the EU starkly criticized Lebanon's refugee legal framework.<sup>92</sup> Nonetheless, it has not refrained from consolidating its partnership with the government. Increased cooperation on the refugee issue has moreover occurred in a broader geopolitical context whereby the EU has turned a blind eye to Hezbollah's military role in Syria. In this instance, it has toned down its previous criticism of the party's military wing. Additionally, it has neither openly challenged Lebanon's entanglement in Syria through the military role of Hezbollah, nor has it renegotiated financial aid to Lebanon's army even though the army has closely cooperated with Hezbollah in cross-border security management.<sup>93</sup>

Refugee hosting states have also shaped the EU's external policy tools through manifold ways such as dismissing refugee-related instruments after their adoption, or ensuring, despite initial rhetorical compliance, that the implementation of such instruments remain a prerogative of their own. Despite the adoption of the 2016 Lebanon-EU Compact, which foresees easing temporary refugee stay and employment, Lebanon's president Michel Aoun blasted the UN-EU statement in the context of the 2018 Brussels Conference for seeking to find more durable solutions to Syrian refugees, including facilitating their access to employment. He argued that "the statement encroaches on Lebanon's sovereignty and its domestic laws on employment."<sup>94</sup>

The Hashemite Kingdom of Jordan has negotiated with the EU an ambitious compact, which foresees trade facilitation for the longer haul in return for Syrian refugee integration. In practice, however, Jordan has upheld a "guest approach" to Syrian refugee stay.<sup>95</sup> Easing residency status for Syrian refugees has not resulted in the reform of Jordan's asylum system. Moreover, Jordan has kept refugee access to job sectors a prerogative of its own and has not challenged structural impediments obstructing Syrians' access to the labour market. Jordanian employers questioned recruiting Syrians in certain sectors where Asian migrants work under intensive labor conditions.<sup>96</sup> In the light of the 2018 mass protests, Jordan cut bread subsidies, arguing that they mostly benefit foreign workers and Syrian refugees, and that the saved money should go to Jordanians.<sup>97</sup> The Kingdom has a longstanding interest in ensuring

grassroots loyalty and quelling tensions especially over unemployment. This means that it would only commit to EU instruments insofar as they do not stir Jordanians' and migrant populations' dissent and they do not upset business leaders' preferences.<sup>98</sup>

EU acquiescence to its neighbors' endemic governance realities on the one hand, and its reluctance to enforce a politics of conditionality on the other, are consistent with its desire to develop "a more realistic assessment" of its international role.<sup>99</sup> Its behavior certainly denotes a shift towards pragmatic realism and a dual interest in cooperating with its neighbors while consolidating methods for outsourcing refugee governance. Still, its interaction with refugee hosting states calls for studying the manifold twists and deviations through which its policy frame goes through. Neighboring states leverage "Europe's anxiety about refugees and migrants,"<sup>100</sup> and shape the effects that its aid policies yield on the ground. Their adaptation and reconfiguration of the EU's policy tools evolve into complex lenses through which it is possible to scrutinize the wide gap between the EU's policy intent and policy delivery.

### ***The EU's securitization of the refugee challenge: Policy and norm friction***

To assess the EU's external refugee governance capacity, it is moreover necessary to gain a deeper insight into how its internal refugee politics has affected cooperation with partnering governments on the one hand, and regional refugee protection on the other.<sup>101</sup> By 2015, the EU's securitization of the refugee issue within its internal borders has had transregional ramifications. Neighboring governments have criticized the EU's refugee practices and its projected solutions for their populations in the context of what they perceive as unbalanced burden sharing. Critiques have not remained solely rhetorical. They have arguably provided a cognitive context for governments to claim that they have done their share and to resist external pressures to improve their asylum policymaking.<sup>102</sup> In an address of the Lebanese Government to the United Nations (UN) Committee on the Elimination of Racial Discrimination, the Lebanese government argued that it "respected the principle of non-refoulement and it was not erecting walls or barbed-wire fences"<sup>103</sup>, implicitly referring to the EU's securitization of the refugee issue in 2015. In Jordan, as international actors decried cases of deportation, policy makers have referred to European countries' practices of readmission.<sup>104</sup>

In the context of what governments framed as disproportionate burden sharing, they have either implicitly or explicitly cast a pall on the EU's policy solutions for their problems. While the EU framed its external actions in Lebanon as tools for stabilization, some Lebanese policy-makers argued that the EU's investment in financial aid and negotiation of refugee instruments such as the compact aim to keep refugees at bay.<sup>105</sup> Critical policy stances of the EU's refugee response are not as overtly expressed in Jordan as in Lebanon. Still, in a context of rising unemployment, some Jordanian politicians and experts have criticized the Jordanian government's decision to facilitate Syrian refugee employment in the wake of the London Conference.<sup>106</sup> As tensions between refugees and Jordanians have been on the rise,<sup>107</sup> a Jordanian political columnist ironically referred to the government "anesthetizing" the public before facilitating Syrians' access to employment.<sup>108</sup>

In the context of EU member states' disputes on refugee sharing, Arab refugee hosting states have questioned their state obligations towards refugee law or resisted pressures to improve their refugee approach.<sup>109</sup> Stressing the temporariness of refugee stay, Lebanon has questioned the application of the 1951 Geneva Convention, alluding to the broader context of weak solidarity including the EU's refusal to share the burden.<sup>110</sup> In 2018, despite ongoing violence in Syria, Jordan closed its borders to 65 000 Syrians, and the Jordanian King Abdullah II bin Al-Hussein announced that Jordan would not welcome any new Syrian refugees.<sup>111</sup> Amid an avalanche of international critiques, the Jordanian Times published an editorial rejecting external pressure, and critiquing the weak international politics of burden-sharing:

"No one can blame Jordan for closing its borders to refugees after having welcomed and hosted hundreds of thousands of them over the past years, but was and left with little or no help and support from the international community."<sup>112</sup>

Measuring the extent to which disparities in perceptions and norm friction have impacted the perceived relevance of the EU's external policy tools is beyond the scope of this paper. Yet it is worth asking whether the EU's securitization of the refugee issue may have weakened its capacity to diffuse "a model of good regional governance"<sup>113</sup>, and to convince its neighbours to



adopt refugee protection norms. The legal status of Syrian refugees has been a key concern in the EU's external policy frame. Through its funding instruments, The EU has supported the UNHCR, and a consortium of partner organizations in the Lebanese and Jordanian government's efforts to regularize the status of refugees lacking proper registration.<sup>114</sup> In the light of its cooperation with international partners, some progress was noted. In March 2018, Jordan started to *regularize* the status of non-camp refugees without permits. More refugee children could access schools regardless of their documentation status.<sup>115</sup> In Lebanon, the EU encouraged the easing of residency rights, funded the creation of legal aid offices for host communities and refugees, and lobbied for waiving refugee residency fees. As stated, since 2017, the Lebanese government has formally waived the residency fee. It has also started allowing Syrian parents to register their children in Lebanon. As the residency fee waiver was not consistently applied, the EU has continued to advocate for improving refugee rights in Lebanon. In the Brussels II Conference, which it has hosted in collaboration with the UN since 2017, the partnership paper negotiated between the EU and Lebanon emphasizes the necessity to do more "for the continued and effective protection of refugees against risks of forced evictions and returns and improvement of their legal residency status."<sup>116</sup> Despite these piecemeal improvements, the EU has not succeeded in shaping a politics of compliance with refugee rights, one that ties its financial aid mechanisms to a reform of local refugee protection regimes. According to some experts, the EU's refugee response within its own borders challenged its ability to advance refugee protection beyond its territory:

"Instead of leading the example in refugee protection, as the wealthiest continent in the world, there is evidence that the EU's approach is encouraging other countries to question their own responsibilities to refugees and has undermined years of European leadership in calling on other countries to respect the refugee convention."<sup>117</sup>

Against this background, it is worth asking whether the EU's response to the refugee issue within its borders has influenced the conditions under which the EU has negotiated and implemented its external instruments. As mentioned, the EU has not tied funding instruments with conditionality on refugee rights nor has it been able to boldly push for

asylum reforms in its immediate neighborhood. In the EU-Lebanese high-level policy dialogues, pragmatism has characterized the EU's discourse on refugee rights. Thus, the EU has concurred with Lebanese officials with regards to temporary Syrian refugee stay.<sup>118</sup> In Jordan, incidents of refugee deportation and policy calls to close the Jordanian borders despite raging violence in neighboring Syria have not altered the EU's funding approach.

### **Conclusion: a transregional minefield?**

This working paper has explored how the EU has sought, in the wake of displacement from Syria, to strengthen its refugee governance capacity in refugee hosting states such as Lebanon and Jordan. It has also looked at how multilayered constraints have shaped the EU's role as "a donor and a doer" in the broader contested architectures of refugee livelihoods and protection. Host states' endemic challenges and their reluctance to improve refugee protection regimes<sup>119</sup> have limited what the EU can do on the ground.<sup>120</sup> Local policy makers have moreover instrumentalized and contested the EU's policy frames for political expediency. The politics of leverage and strategic contestation need to be embedded in the region's history of refugee politics.<sup>121</sup> Syria's neighboring states have historically derived benefits from subscribing to an externally supported refugee regime. As they have not developed state obligations towards refugees, reliance on third party actors allows them to highlight their generous contributions to the global refugee regime. At the same time, this reliance enables them to craft a surrogate system through which they can avoid the development of a domestic legal asylum regime.

Most importantly, disparities in framings between the EU and Arab states have impacted the perceived legitimacy and relevance of the EU's policy solutions in the region. In theory, the EU's plea for improving refugee residency rights and granting access to work is at the heart of the compacts. In practice, however, experts argued that the compacts' "potential benefits (...) with middle-income countries like Jordan are undermined by EU countries' refusal to share the burden."<sup>122</sup> In this instance, some local policy makers have disputed the logic of linking refugee integration with trade incentives instead of offering unconditional financial support to Syria's neighboring host countries.<sup>123</sup> Further research is needed to study the extent to which

competing perceptions of the refugee challenge may have encouraged Arab governments to challenge, dismiss, or selectively apply their bilateral commitments with the EU, especially those linked to improving local refugee protection regimes.

Mapping friction in the EU-Arab transregional policy terrain helps to develop an understanding of how complex power dynamics, norm friction, and stakeholder interpretations impact the EU's intended policy frame. Indeed, the EU's external refugee policy is reconfigured as it travels through a field fraught with divergences and incoherencies. Local settings and interpretations redesign the EU's actions and shape their relevance. As local agents adapt and appropriate EU external tools, they redefine the extent to which these tools are perceived as adequate to their contexts, and resourceful for their populations. When the EU upholds a security agenda, it loses some of its capacity to negotiate compliance with potential norm takers. It also loses some of its ability to shape rights-based refugee governance as a collective goal.

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<sup>94</sup> Nazeer Rida, “Aoun Protests Brussels Conference Statement on Refugees,” *Asharq Al-Awsat*, April 28, 2018, <https://aawsat.com/english/home/article/1251831/aoun-protests-brussels-conference-statement-refugees>, accessed 17.03.2019.

<sup>95</sup> For an account of Jordan’s guest approach see Maha Yahya, “Policy Framework for Refugees in Lebanon and Jordan,” *Carnegie Middle East Center*, April 16, 2018, <https://carnegie-mec.org/2018/04/16/policy-framework-for-refugees-in-lebanon-and-jordan-pub-76058>, accessed 11.03.2019.

<sup>96</sup> Lenner and Turner, “Making Refugees Work?”

<sup>97</sup> Suleiman Al-Khalidi, “Jordan Ends Bread Subsidy, Doubling Some Prices, to Help State Finances,” *Reuters*, January 26, 2018, <https://www.reuters.com/article/us-jordan-economy-subsidies-bread/jordan-ends-bread-subsidy-doubling-some-prices-to-help-state-finances-idUSKBN1FF2CP>, accessed 09.05.2019.

<sup>98</sup> See Curtis R. Ryan, *Jordan and the Arab Uprisings: Regime Survival and Politics Beyond the State* (New York: Columbia University Press, June 2018), <https://cup.columbia.edu/book/jordan-and-the-arab-uprisings/9780231186278>, accessed 0.12.2018.

<sup>99</sup> See Ana E. Juncos, “Resilience as the New EU Foreign Policy Paradigm: A Pragmatist Turn?” *European Security* 26, no.1, (2017): 1-18.

<sup>100</sup> Somini Sengupta, “If A Carrot for Jordan Works, Syrian Refugees Will Stay Put,” *The New York Times*, July 9, 2016, <https://www.nytimes.com/2016/07/10/world/middleeast/if-a-carrot-for-jordan-works-syrian-refugees-will-stay-put.html>, accessed 15.07.2019.

<sup>101</sup> See Tubakovic, “The Failure of Regional Refugee Protection and Responsibility Sharing.”

<sup>102</sup> See The Jordan Times, “Enough Is Enough!,” *The Jordan Times*, June 27, 2018, <http://jordantimes.com/opinion/editorial/enough-enough>, accessed 12.03.2019. See also Fakhoury, “Multi-Level Governance and Migration Politics,” and Lauten and Nelson-Pollard, “Lessons from Responsibility Sharing Mechanisms.”

<sup>103</sup> Maja Janmyr, “No Country of Asylum: ‘Legitimizing Lebanon’s Rejection of the 1951 Refugee Convention,’” *International Journal of Refugee Law* 29, no.3, (2017): 438-465.

<sup>104</sup> See Dionigi, “Reverse Moralism and the Response to the Syrian Refugee Crisis,” and Fakhoury, “Multi-Level Governance and Migration Politics.”

<sup>105</sup> The author’s informal conversations with Jordanian and Lebanese officials 2014-2019. See also Fakhoury, “Contested Meanings of Resilience Building,” and Geha and Talhouk “Politics and the Plight of Syrian Refugees in Lebanon.”

<sup>106</sup> See Bassam Badareen, “Jordan: “Anesthesia Needles” to Public Opinion in Regards to “Employing Refugees”,” *Sawaleif*, February 11, 2016, <http://sawaleif.com/%EF%BB%BFالأردن-إير-تخدير-للرأي-العالم-بشأن-108962/>, accessed 12.07.2019.

<sup>107</sup> According to the author’s informal conversations in Amman (15 February 2017 and 1 October 2018), criticism of Syrian

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<sup>108</sup> See Badareen, “Jordan: ‘Anesthesia Needles’”. See also Sengupta, “If a Carrot for Jordan Works.”

<sup>109</sup> The author’s informal conversations with policy officials and civil society activists in Lebanon between 2014 and 2019.

<sup>110</sup> Janmyr, “No Country of Asylum,” 454.

<sup>111</sup> Ala' Alrababa'h and Scott Williamson, “Jordan Shut out 60, 000 Syrian Refugees – and then Saw a Backlash. This Is Why,” *The Washington Post*, July 20, 2018, [https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/20/when-jordan-closed-its-border-to-refugees-the-public-protested-heres-why/?noredirect=on&utm\\_term=.e2912c3293cd](https://www.washingtonpost.com/news/monkey-cage/wp/2018/07/20/when-jordan-closed-its-border-to-refugees-the-public-protested-heres-why/?noredirect=on&utm_term=.e2912c3293cd), accessed 5.12.2018.

<sup>112</sup> The Jordan Times, “Enough Is Enough!”

<sup>113</sup> Tubakovic, “The Failure of Regional Refugee Protection and Responsibility Sharing,” 185.

<sup>114</sup> European Commission, “Jordan,” Factsheet.

<sup>115</sup> Dupire, “61 INGOs Review.”

<sup>116</sup> Council of the European Union, 2018, “Brussels II Conference on ‘Supporting the Future of Syria and the Region’: Co-Chairs Declaration,” <https://www.consilium.europa.eu/en/press/press-releases/2018/04/25/brussels-ii-conference-on-supporting-the-future-of-syria-and-the-region-co-chairs-declaration/>, accessed 14.07.2019.

<sup>117</sup> Lauten and Nelson-Pollard, “Lessons from Responsibility Sharing Mechanisms.”

<sup>118</sup> See European Union, Decision No 1/2016 of the EU-Lebanon Association Council.

<sup>119</sup> Filippo Dionigi, “Statehood and Refugees: Patterns of Integration and Segregation of Refugee Populations in Lebanon from a Comparative Perspective,” *Middle East Law and Governance* 9, no.2 (2017): 113-146.

<sup>120</sup> Ana Uzelac and Jos Meester, “Is There Protection in the Region? Leveraging Funds and Political Capital in Lebanon’s Refugee Crisis,” The Clingendael Conflict Research Unit (CRU) Report, July 2018, <https://www.clingendael.org/pub/2018/is-there-protection-in-the-region/>, accessed 15.07.2019.

<sup>121</sup> Fakhoury, “Contested Meanings of Resilience Building.”

<sup>122</sup> Mariska van Beijnum @mvanbeijnum, tweet from September 6, 2018.

<sup>123</sup> Lebanese officials, interviews with the author, 19 and 21 February 2019.