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# Comments: Stuck Between a Rock and a Hard Place: Does Lebanon Have a Responsibility to Respect Syrian Refugees?

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**STUCK BETWEEN A ROCK AND A HARD PLACE: DOES  
LEBANON HAVE A RESPONSIBILITY TO RESPECT SYRIAN  
REFUGEES?**

ROBERT DEMIRJI

**ABSTRACT:**

This comment looks at the current crisis in Syria and its effect on Lebanon. This comment first looks at the recent history of Lebanon stemming from the entrance of Palestinians into Lebanon after their deportation of Israel to Lebanon today. Thereafter, this comment looks at the evolution of the responsibility to protect doctrine from the Universal Declaration of Human Rights, to the 2005 World Summit Outcome Report to the 2009 Secretary General Report on Responsibility to Protect. This comment addresses the role of both Lebanon and the international community in its responsibility to protect Syrian refugees. This comment concludes with the argument that under three pillars of the responsibility to protect doctrine, Lebanon has a responsibility to protect Syrian refugees entering its border and has sufficiently done so despite threats of starvation and inadequate shelter among Syrian refugees. Finally, this comment discusses the failures of the international Community in its responsibility to protect Syria.

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## I. INTRODUCTION

“[M]y people cannot be asked to shoulder the burden of what is a regional and global challenge.”<sup>1</sup> King Abdullah of Jordan.

Lebanon has faced the same troubling circumstances as Jordan. Lebanon has been engulfed by conflict in recent history as a result of its geographic location. First, it was the emergence of the Palestinian Liberation Organization and Palestinian refugees that helped spawn the 1975-1992 Civil War.<sup>2</sup> Post-civil war Lebanon faced several problems, namely the influence of Syria inside Lebanon,<sup>3</sup> the 2006 Israel-Hezbollah War and rise of Hezbollah,<sup>4</sup> and several political assassinations in between.<sup>5</sup> Now, Lebanon is faced with a new challenge that may be graver than it has ever faced before.

The outbreak of the Syrian Civil War, which began in March of 2011, has had a great impact on the Middle East and specifically Lebanon.<sup>6</sup> As of April 2014, there are 979,146 registered Syrian

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<sup>1</sup> *Stable, democratic Middle East critical for global peace, prosperity, King of Jordan tells UN debate*, UN NEWS CENTRE (Sept. 24, 2009), [http://www.un.org/apps/news/story.asp?NewsID=45968&Cr=general+debate&Cr1=#.UBo\\_haTP-Y](http://www.un.org/apps/news/story.asp?NewsID=45968&Cr=general+debate&Cr1=#.UBo_haTP-Y).

<sup>2</sup> IMAD SALAMEY, *THE GOVERNMENT AND POLITICS OF LEBANON* 41 (Routledge 2014).

<sup>3</sup> REINOUDE LEENDERS, *SPOILS OF TRUCE: CORRUPTION AND STATE-BUILDING IN POSTWAR LEBANON* 155 (Cornell University Press 2012).

<sup>4</sup> See Robert F. Worth, *Hezbollah's Rise Amid Chaos*, N.Y. TIMES (Jan. 16, 2011) available at <http://www.nytimes.com/2011/01/16/weekinreview/16worth.html> (stating the rise of Hezbollah was in part for being credited in pushing out Israel in Southern Lebanon in July 2000).

<sup>5</sup> *Timeline: Lebanon assassinations*, ALJAZEERA, <http://www.aljazeera.com/news/middleeast/2007/12/2008525172717634160.html> (last modified Feb. 13, 2008) (among the list of those assassinated are Lebanese Prime Minister Rafik Hariri, George Hawi, Gibran Tuani, Pierce Gemayel).

<sup>6</sup> See Doyle McManus, *Syria and the perils of proxy war*, L.A. TIMES (Jan. 12, 2014), <http://www.latimes.com/opinion/commentary/la-oe-mcmanus-column-proxy-war-syria-20140112,0,3793022.column#axzz2q9JTqbz2> (arguing that the Syrian conflict has established a proxy war between Iran and Saudi Arabia creating effects throughout the region).

refugees in Lebanon and in total 1,026,626 total persons concerned.<sup>7</sup> Excluding Syrian refugees, Lebanon has a population of 4.42 million people.<sup>8</sup> Lebanon is a very diverse country with eighteen recognized religions.<sup>9</sup> Lebanon has a confessional government that is based on the Taif agreement, which ended the Lebanese civil war.<sup>10</sup> The amount of Syrian refugees is growing at an outstanding rate, making up nearly 25% of the Lebanese Population.<sup>11</sup> Currently, Syrian refugees are facing trials and tribulations inside Lebanon as they seek assistance.<sup>12</sup> Lebanon has failed to provide adequate shelter to refugees entering the country for fear of permanent settlement.<sup>13</sup>

This comment will first look at the history of Lebanon from the entrance of Palestinian refugees to the Lebanese Civil War, to Lebanon today. Next, this comment will look at the history and origins of the responsibility to protect doctrine (hereinafter responsibility to protect or R2P). Then, this comment will look at whether Lebanon has a responsibility to protect Syrian refugees and if so, whether Lebanon has abided by this responsibility. Thereafter, this comment will determine what role the international community has to help Lebanon in protecting the Syrian refugees inside of Lebanon under the responsibility to protect doctrine and whether they satisfy this role. This comment concludes that Lebanon does have a responsibility to protect;

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<sup>7</sup> *Syria Regional Refugee Response, Lebanon*, UNHCR, <http://data.unhcr.org/syrianrefugees/country.php?id=122> (last updated Apr. 17, 2014).

<sup>8</sup> *Data Lebanon*, THE WORLD BANK, <http://data.worldbank.org/country/lebanon>.

<sup>9</sup> DAVID S. SORENSON, GLOBAL SECURITY WATCH—LEBANON A REFERENCE HANDBOOK 49 (Greenwood Publishing Group 2010).

<sup>10</sup> CASEY L. ADDIS, *LEBANON: BACKGROUND AND U.S. RELATIONS* 7 (Congressional Research Service 2009).

<sup>11</sup> Aryn Baker, *After a Long Delay, Lebanon Finally Says Yes to Ikea Housing For Syrian Refugees*, TIME WORLD (Dec. 16, 2013), <http://world.time.com/2013/12/16/lebanon-says-no-to-ikea-housing-for-syrian-refugees-because-its-too-nice/>.

<sup>12</sup> *See id.*

<sup>13</sup> *See Norimitsu Onishi, Lebanon Worries That Housing Will Make Syrian Refugees Stay*, N.Y. TIMES, Dec. 11, 2013 at A1; *but see* Baker, *supra* note 11 (it took nearly six months to lobby the Lebanese Government to allow Ikea to set up housing units for a trial run, but it will probably take another six months to acquire a significant number of shelters into the country).

that Lebanon has abided by this responsibility; and that the international community must do more to assist Lebanon in dealing with the influx of Syrian refugees.

## II. BACKGROUND

### A. History of Lebanon

The history of Lebanon merits discussion to understand the ramifications of Syrian refugees entering Lebanon as well as discussion of the events transpiring in Lebanon today. For this article, we will discuss the entrance of Palestinian Refugees in Lebanon, post civil war Lebanon, and Lebanon since the beginning of the Syrian Civil War.

#### 1. Entrance of Palestinian Refugees

Palestinians have faced a tumultuous history since their exodus of Israel in 1948. On April 18, 1948, Palestinians fled their homes and entered neighboring states.<sup>14</sup> When Palestinians entered Lebanon at the Lausanne Conference, suggestions were made for Lebanon to resettle 100,000 Palestinian refugees, but Lebanese officials refused, stating the possibility of settling refugees in a over populated area was limited.<sup>15</sup> Regardless of the economic factors, there was a hesitation against Palestinian refugees based on religious considerations due to a “delicate balance between the country’s Christian and Muslim communities.”<sup>16</sup> As Israel established its hold and more refugees were forced to leave their land, Jordan was confronted with the Palestinian militia. Jordan’s government launched the Black September Attack in 1971, which forced the Palestinian guerrillas out of Jordan, establishing themselves inside Lebanon.<sup>17</sup> Despite reservations and concerns, the Lebanese President welcomed Palestinian refugees mandating they be given food, shelter, and medical care.<sup>18</sup> However, the establishment of Fatah in the 1960s created tension between the Palestinians in Lebanon and Israel.<sup>19</sup> The refusal of Lebanon to commit troops to Palestinians in the 1967 war, followed by U.S. support of Israel, led to the Palestinian

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<sup>14</sup> SIMON HADDAD, THE PALESTINIAN IMPASSE IN LEBANON: THE POLITICS OF REFUGEE INTEGRATION 22 (Sussex Academic Press 2003).

<sup>15</sup> *Id.* at 23.

<sup>16</sup> *Id.* at 24.

<sup>17</sup> *Id.* at 27.

<sup>18</sup> *Id.* at 29.

<sup>19</sup> *Id.* at 30.

mobilization of the refugee camp population and its militias.<sup>20</sup> In 1970, the Palestinian Liberation Organization established itself inside Lebanon.<sup>21</sup> This created tension between Maronite Christians inside Lebanon and Lebanese Muslims, which eventually drove Lebanon into a civil war that lasted over fifteen years.<sup>22</sup>

## 2. Post Civil War Lebanon

The Taif Agreement ended the civil war in Lebanon and introduced the Syrian sphere of influence inside Lebanon under the rule of President Hafez Al-Assad.<sup>23</sup> At the end of the Lebanese civil war, Syria used the vulnerability of Lebanon to control Lebanese affairs.<sup>24</sup> Prior to the Taif Agreement, Syria and Lebanon had opposing views in seeking resolution.<sup>25</sup> Lebanon's position was that the continued presence of Syrian troops would prevent Lebanese sovereignty while conceding that the troops needed to be there until Lebanon could redevelop its own military.<sup>26</sup> Syria's position was that they needed to remain inside Lebanon to maintain stability within the region.<sup>27</sup> The Taif Agreement reached a conclusion in an attempt to satisfy the needs of Lebanese Christians, Lebanese Muslims, and Syria.<sup>28</sup> Despite the resolution of the Taif Agreement, "Syria continued to exercise de facto authority over Lebanon."<sup>29</sup> Syria maintained influence over Lebanon for over the next decade until the Cedar Revolution on March 14, 2005, in

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<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 31.

<sup>22</sup> *See id.* at 31-33.

<sup>23</sup> *Syria's Influence in Lebanon*, PBS NEWSHOUR (Sept. 14, 2006), [http://www.pbs.org/newshour/updates/middle\\_east-july-dec06-lebanon\\_09-14/](http://www.pbs.org/newshour/updates/middle_east-july-dec06-lebanon_09-14/).

<sup>24</sup> *See id.*

<sup>25</sup> *See* Samir Frangieh, *Redressing Syrian-Lebanese Relations*, in *OPTIONS FOR LEBANON* 97, 105 (Nawaf Salam ed., 2004).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *See id.* at 107 (the agreement acknowledged the finality of the Lebanese homeland, emphasizing Lebanese territorial integrity requiring the withdrawal of foreign troops to comfort the Christians. It gave Muslims a larger political role to satisfy the Muslims. Lastly the agreement established privileged relations between Lebanon and Syria).

<sup>29</sup> *Id.* at 108.

the aftermath of the assassination of former Prime Minister Rafik Hariri.<sup>30</sup> This led to Syrian troops being forced out of Lebanon.<sup>31</sup>

### 3. Syrian Civil War and Lebanon Today

The Syrian civil war began when protestors staged a rare protest in Damascus on March 15, 2011, calling for democratic reforms and the release of all political prisoners in Syria.<sup>32</sup> As the protests continued in Syria, Najib Mikati formed a cabinet dominated by Hezbollah in Lebanon in June, 2011.<sup>33</sup> The conflict in Syria continued to get worse, spilling over into Lebanon with clashes between Sunni Muslims and Alawites in Tripoli in 2012.<sup>34</sup> On March 22, 2013, Lebanon's government collapsed as Prime Minister Miqati's cabinet resigned with the Syrian crisis continuing to become a burden on Lebanon.<sup>35</sup> The government remained in peril for ten months until a new cabinet was formed on February 15, 2014, when new Prime Minister Tammam Salam formed a new cabinet.<sup>36</sup> In 2013, Lebanon also saw several bombings occur inside Lebanon as Syrian refugees

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<sup>30</sup> Hassan M Fattah, *Syrian Troops Leave Lebanon After 29 Year Occupation*, N.Y. TIMES (Apr. 26, 2005), [http://www.nytimes.com/2005/04/26/international/middleeast/26cnd-lebanon.html?\\_r=0](http://www.nytimes.com/2005/04/26/international/middleeast/26cnd-lebanon.html?_r=0).

<sup>31</sup> *Id.*

<sup>32</sup> *Mid-East Unrest: Syrian Protests in Damascus and Aleppo*, BBC NEWS (Mar. 15, 2011), <http://www.bbc.com/news/world-middle-east-12749674>.

<sup>33</sup> Laila Bassam & Yara Bayoumy, *Lebanon gets Hezbollah-led Cabinet after 5-Month Lag*, REUTERS (June 13, 2011), <http://www.reuters.com/article/2011/06/13/us-lebanon-government-idUSTRE75C48K20110613>

<sup>34</sup> Bassem Mroue, *Syria's Civil War Spills Into Lebanon*, HUFFINGTON POST (Dec. 5, 2012), [http://www.huffingtonpost.com/2012/12/05/syria-civil-war-lebanon\\_n\\_2243488.html](http://www.huffingtonpost.com/2012/12/05/syria-civil-war-lebanon_n_2243488.html).

<sup>35</sup> See Martin Chulov, *Lebanon's government collapses as Miqati cabinet resigns*, THE GUARDIAN (Mar. 22, 2013), <http://www.theguardian.com/world/2013/mar/22/lebanon-government-collapses-miqati-cabinet>.

<sup>36</sup> Laila Bassam & Erika Solomon, *Lebanon forms government after 10-month deadlock*, REUTERS (Feb. 15, 2014), <http://www.reuters.com/article/2014/02/15/us-lebanon-government-idUSBREA1E07S20140215>.

continued to pour into Lebanon.<sup>37</sup> Now that the recent history of Lebanon has been analyzed, we will take a look at how R2P was created.

## B. Universal Declaration of Human Rights

Refugee is a term no individual wants to be called. However, in the world we live in, many people seek asylum to neighboring states to avoid genocide, massacres, and persecution. After World War II, the international community realized the need to protect refugees who flee their state as a result of conflict.<sup>38</sup> In 1946, during its first session, the UN General Assembly realized the importance of the problems post World War II refugees faced, stating “no refugees or displaced persons who have finally and definitely . . . expressed valid objections to returning to their countries of origin . . . shall be compelled to return.”<sup>39</sup> Thereafter, the UN General Assembly adopted the Universal Declaration of Human Rights on December 10, 1948.<sup>40</sup> In article 14, section 1, the declaration states “[e]veryone has the right to seek and to enjoy in other countries asylum from persecution.”<sup>41</sup> Two years later, the UN General Assembly established the Office of the United Nations High Commissioner for Refugees (UNHCR) on December 14, 1950.<sup>42</sup> The goals of the UNHCR are to ensure that everyone can seek asylum

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<sup>37</sup> See *Lebanon blasts hit Iran’s embassy in Beirut*, BBC NEWS (Nov. 19, 2013), <http://www.bbc.com/news/world-middle-east-24997876> (at least 22 people were killed and 144 injured in the bombing outside the Iranian Embassy).

<sup>38</sup> Guy S. Goodwin-Gill, *Introductory Note- Convention Relating to the Status of Refugees; Protocol Relating to the Status of Refugees*, U.N. AUDIOVISUAL LIBR. OF INT’L L., <http://legal.un.org/avl/ha/prsr/prsr.html> (2008).

<sup>39</sup> *Id.*

<sup>40</sup> *The Universal Declaration of Human Rights- History of the Document*, UNITED NATIONS, available at <http://www.un.org/en/documents/udhr/history.shtml>.

<sup>41</sup> Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948).

<sup>42</sup> *About Us*, Office of the United Nations High Commissioner for Refugees, UNHCR THE UN REFUGEE AGENCY, available at <http://www.unhcr.org/pages/49c3646c2.html>.

and to safeguard the rights and well being of refugees.<sup>43</sup> One primary responsibility is to provide “international protection” to refugees thereby assisting governments to seek “permanent solutions for the problem of refugees.”<sup>44</sup> The creation of the Universal Declaration of Human Rights along with the UNHCR was a victory for international law at the end of World War II.<sup>45</sup> However, despite its steps, atrocities continued and the international community needed to develop a subsequent principle in international law.

### C. Refugee Law

To expand on this right to seek refuge, the UN created the Convention Relating to the Status of Refugees in 1951.<sup>46</sup> The Convention is the most widely ratified refugee treaty, and also remains central to the protection activities of the United Nations High Commissioner for Refugees (UNHCR)<sup>47</sup> A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.<sup>48</sup> In its preamble, the convention highlighted that the United Nations has manifested its concern for refugees.<sup>49</sup> Rights such as housing and employment are part of the rights that refugees must be afforded under the conventions.<sup>50</sup> Then, in 1967, there was the Protocol Relating to the Status of Refugees.<sup>51</sup> The protocol expanded the Convention to those who became refugees after January 1, 1951.<sup>52</sup> Lebanon has not ratified the Convention Relating to

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<sup>43</sup> *What We do*, Office of the United Nations High Commissioner for Refugees, UNHCR THE UN REFUGEE AGENCY, *available at* <http://www.unhcr.org/pages/49c3646cbf.html>.

<sup>44</sup> Goodwin-Gill, *supra* note 38.

<sup>45</sup> *See id.*

<sup>46</sup> Convention Relating to the Status of Refugees art. 1, July 28, 1951, 189 U.N.T.S. 150.

<sup>47</sup> Goodwin-Gill, *supra* note 38.

<sup>48</sup> Convention Relating to the Status of Refugees, *supra* note 46, at art. 1.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Protocol Relating to the Status of Refugees, art. 1(2), Jan. 31, 1967, 606 U.N.T.S. 267.

<sup>52</sup> *Id.*

the Status of Refugees and is therefore not bound to its law.<sup>53</sup> While the doctrine on refugee law has expanded since the end of World War II, the goal of this comment is to apply refugee law into R2P.

#### D. Responsibility to Protect

##### 4. Rwandan Genocide and its role in R2P

The Responsibility to Protect doctrine is a relatively new doctrine of international law, which states that sovereign states have a responsibility to protect their population, and if they fail to do so, then the international community must take this responsibility.<sup>54</sup> This principle developed out of the UN's response to a series of genocides occurring in the 20th century, resulting in R2P's creation at the International Commission on International and State Sovereignty, further dialogue at the 2004 Report of the High-Level Panel on Threats, Challenges and Change, and R2P's official adoption at the 2005 World Summit Outcome Report.<sup>55</sup> Unfortunately, many tragedies needed to occur before the international community accepted R2P. In 1945, the United Nations was created with the primary purpose to create international peace and security as well as to promote respect for human rights and freedoms.<sup>56</sup> Despite its purpose, several atrocities occurred thereafter, none more severe than the Rwandan genocide.

In 1994, the majority Hutu population planned to massacre the minority Tutsi population in Rwanda.<sup>57</sup> The genocide lasted roughly 100 days in which 800,000 people, mainly Tutsi, were murdered.<sup>58</sup> The Rwandan genocide was not limited to Rwanda itself. As a result of the genocide, another crisis occurred known as the Great Lake refugee

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<sup>53</sup> *Legal Status of Refugees: Egypt, Jordan, Lebanon, and Iraq*, LIBRARY OF CONGRESS, <http://www.loc.gov/law/help/refugees/legal-status-refugees.php> (last updated Mar. 7, 2014).

<sup>54</sup> Carsten Stahn, *Responsibility to Protect: Political Rhetoric Or Emerging Legal Norm*, 101 AM. J. INT'L L. 99, 99 (2007).

<sup>55</sup> *See id.*

<sup>56</sup> U.N. Charter art. 1, para 1; 3.

<sup>57</sup> *Rwanda: How the Genocide Happened*, BBC NEWS, <http://www.bbc.co.uk/news/world-africa-13431486> (last updated May 27, 2011).

<sup>58</sup> *Id.*

crisis.<sup>59</sup> Several of the Hutu people fled to neighboring regions known as the Great Lakes region.<sup>60</sup> While refugees fled from the Tutsi population, members of the Interhamwe hid among the refugees and began to militarize the camps to launch attacks.<sup>61</sup> This is significant to highlight the need to protect refugees under the R2P doctrine. If the international community takes better efforts to protect refugees, then refugee camps would be a safe-haven for people fleeing their countries. The tragedy in Rwanda led to discussions on a new concept in international law ultimately leading to the creation of Responsibility to Protect.

## 2. International Commission on International and State Sovereignty

In 2000, then Secretary General Kofi Annan asked “[i]f humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica, to gross and systematic violation of human rights that offend every precept of our common humanity?”<sup>62</sup> Consequently, in 2001, the expression the “responsibility to protect” was presented in the report of the International Commission on Intervention and State Sovereignty (ICISS).<sup>63</sup> The ICISS found that a nation’s sovereignty created a requirement to protect populations from mass atrocities.<sup>64</sup> The ICISS laid out three main responsibilities for individual states: (1) the responsibility to prevent, (2) the responsibility to react, and (3) the responsibility to rebuild.<sup>65</sup>

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<sup>59</sup> Ray Wilkinson, *Crisis in the Great Lakes Heart of Darkness*, 110 REFUGEES MAG. (Dec. 1, 1997), <http://www.unhcr.org/3b6925384.html>.

<sup>60</sup> *Great Lakes Chronology*, 110 REFUGEES MAG. (Dec. 1, 1997), <http://www.unhcr.org/3b69278116.html>.

<sup>61</sup> *Id.*

<sup>62</sup> *Background Information on the Responsibility to Protect*, UNITED NATIONS, <http://www.un.org/en/preventgenocide/rwanda/about/bgresponsibility.shtml> (last visited Jan. 3, 2014).

<sup>63</sup> *Id.*

<sup>64</sup> Paul R. Williams et. al., *Preventing Mass Atrocity Crimes: The Responsibility to Protect and the Syria Crisis*, 45 CASE W. RES. J. INT’L L. 473, 481 (2012).

<sup>65</sup> *The Responsibility to Protect*, INT’L COMM’N ON INTERVENTION AND STATE SOVEREIGNTY XI (Dec. 2001), *available at*

**i. The Responsibility to Prevent**

According to the ICISS report, the responsibility to prevent addresses the root causes of internal conflict and other man-made crises putting populations at risk.<sup>66</sup> This responsibility lies first and foremost with sovereign states and the communities and institutions within them.<sup>67</sup> Despite the main responsibility being placed on sovereign states, the international community is still needed.<sup>68</sup>

**ii. The Responsibility to React**

The “responsibility to react” deals with situations of compelling human need by requiring the international community to take appropriate measures.<sup>69</sup> If preventive measures fail, then the international community must take measures to protect vulnerable populations.<sup>70</sup> The ICISS report goes on to discuss actions that can be taken by the international community, such as, economic sanctions military intervention in extreme cases only.<sup>71</sup> Again, although the responsibility to react could involve dealing with the international community to deal with refugees, the ICISS does not explicitly state this under this protection.

**iii. The Responsibility to Rebuild**

Lastly, the ICISS report states that R2P’s main objective is to follow through and rebuild societies.<sup>72</sup> This responsibility includes the commitment to stay in a state and help it rebuild until that state can manage on its own.<sup>73</sup> The ICISS report discussed the 1998 Secretary General’s report on The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa.<sup>74</sup> One of the

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<http://responsibilitytoprotect.org/ICISS%20Report.pdf> [hereinafter ICISS Report].

<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 19.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.* at 29.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.* at 30-32.

<sup>72</sup> *Id.* at 39.

<sup>73</sup> *Id.*

<sup>74</sup> *Id.* at 40.

goals that the Secretary General highlighted was that “ensuring the safe, smooth, and early repatriation and resettlement of refugees and displaced persons.”<sup>75</sup> Therefore, although the ICISS report only directly cited to the responsibility of the international community to help refugees return home, inferentially, the international community has a responsibility to accept refugees who are fleeing a crisis. The ICISS laid the foundation for the official creation of R2P at the 2005 World Summit.

### **3. December 2004 Report of the High-Level Panel on Threats, Challenges and Change**

The next stage in the evolution of R2P was the 2004 Report of the High-Level Panel on Threats, Challenges and Change.<sup>76</sup> In the report, there is a section entitled “Chapter VII of the Charter of the United Nations, internal threats, and the responsibility to protect.”<sup>77</sup> The report discusses the ambiguity the Charter of the United Nations created when it comes to saving lives in countries that meet the standard of mass atrocity; consequently, there is a divide between intervention and non-intervention.<sup>78</sup> The report then states that the principle of non-intervention cannot be accepted when it comes to genocide under the Convention on the Prevention and Punishment of the Crime of Genocide.<sup>79</sup> In section 201, the Panel’s report makes important distinctions on the R2P doctrine. First, the paragraph discusses how the humanitarian disasters in Somalia, Rwanda, Darfur, among others, have concentrated attention not on the immunities of sovereign governments, but on their responsibility to protect their own people and the wider international community.<sup>80</sup> The report recognizes that there is “growing recognition” that the issue is not the “right to intervene,” but the “right to protect” every state from mass murder and rape, ethnic cleansing by forcible expulsion, and deliberate starvation and exposure to disease.<sup>81</sup>

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<sup>75</sup> *Id.*

<sup>76</sup> See generally U.N. Secretary-General, *Report of the High-Level Panel on Threats, Challenges and Change: A More Secure World: Our Shared Responsibility*, U.N. Doc. A/59/565 (Dec. 2, 2004).

<sup>77</sup> See *id.* at ¶ 199-203.

<sup>78</sup> *Id.* at ¶ 199.

<sup>79</sup> *Id.* at ¶ 200.

<sup>80</sup> *Id.* at ¶ 201.

<sup>81</sup> *Id.*

The report then states that when a state fails to protect its people, the international community should take the responsibility of rebuilding these shattered societies.<sup>82</sup> This can be done through measures such as the dispatch of humanitarian rights and police missions, with force being used as a last resort.<sup>83</sup> The report then endorsed the emerging norm that there is an international responsibility to protect in the event of genocide and other large scale killings when sovereign governments have failed to stop these events.<sup>84</sup> Significantly, the panel states “[u]nder international law, the primary responsibility to protect civilians from suffering in war lies with belligerents—State or non-State. International humanitarian law provides minimum protection and standards applicable to the most vulnerable in situations of armed conflict, including women, children, and refugees, which must be respected.”<sup>85</sup> Since humanitarian law to protect refugees, R2P needs to be applied to refugees as well. The 2004 report paved way for the 2005 World Summit Outcome Report.

#### 4. 2005 World Summit Outcome Report

R2P was officially accepted at the 2005 United Nations General Assembly World Summit Outcome Report.<sup>86</sup> The report specifically addresses R2P in articles 138 and 139.<sup>87</sup> Article 138 focuses on the responsibility of the individual state in protecting its populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>88</sup> Specifically Article 138 states:

Each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. This responsibility entails the prevention of such crimes, including their incitement, through appropriate and necessary means. We accept that responsibility and will act in accordance with it. The international community should, as appropriate, encourage and

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<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.* at ¶ 202.

<sup>85</sup> *Id.* at ¶ 232.

<sup>86</sup> 2005 World Summit Outcome, G.A. Res. 60/1, U.N. Doc. A/RES/60/1 (Sept. 16, 2005).

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

help States to exercise this responsibility and support the United Nations in establishing an early warning capability.<sup>89</sup>

Article 139 expands the responsibility to protect to the international community. Article 139 states:

The international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means, in accordance with Chapters VI and VIII of the Charter, to help to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. . . . We also intend to commit ourselves, as necessary and appropriate, to helping States build capacity to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity and to assisting those which are under stress before crises and conflicts break out.<sup>90</sup>

The World Summit Report clearly defines the UN's expectations to protect the international community and further solidified the existing principles of the R2P doctrine.

## 5. Genocide in Sudan

The genocide of Darfur is a good example of how the international community reacted to the R2P doctrine. In the genocide of Darfur, 200,000 to 300,000 people were killed.<sup>91</sup> Other statistics show that 400,000 people were killed.<sup>92</sup> The United Nations Security Council, seeing the massacre occurring, endorsed an African Union

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<sup>89</sup> *Id.* at art. 138.

<sup>90</sup> *Id.* at art. 139.

<sup>91</sup> *Darfur- Overview*, UNICEF, [http://www.unicef.org/infobycountry/sudan\\_darfuroverview.html](http://www.unicef.org/infobycountry/sudan_darfuroverview.html) (last updated Oct. 14, 2004).

<sup>92</sup> Crisis in Darfur, INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-darfur> (last visited Mar. 30, 2014).

peacekeeping force to enter into Sudan.<sup>93</sup> This proved to be ineffective as the genocide continued. Then, in 2006, the Security Council adopted Resolution 1706.<sup>94</sup> Resolution 1706 expressed concern for the security of refugees.<sup>95</sup> Moreover, the Resolution specifically referenced Resolution 1674 on the protection of civilians in armed conflict, which reaffirms the articles 138 and 139 of the 2005 United Nations World Summit Report.<sup>96</sup> The United Nations Security Council adopted Resolution 1755 on April 30, 2007, again reaffirming articles 138 and 139 of the 2005 World Summit Report, while simultaneously extending its mission in Sudan. There are both positive and negative aspects to this resolution. The Resolution is positive in that it showed the Security Council fully supporting the R2P doctrine, which is a great step for the international community. Conversely, despite this resolution, the massacre in Sudan continued, and there remains conflict in Sudan today.

### **i. 2009 Secretary General Report**

The 2005 World Summit Outcome Report led to the Security Council's adoption of the principles of R2P. On April 28, 2006, the Security Council in Resolution 1674 reaffirmed the provisions of paragraphs 138 and 139 of the 2005 World Summit Report regarding the responsibility to protect populations from the four aforementioned crimes.<sup>97</sup> Then, in 2009, the Secretary General of the General Assembly submitted a report outlining a three-pillar strategy in implementing articles 138-139 of the 2005 World Summit Report.<sup>98</sup> Pillar one looks at the protection responsibilities of the State, pillar two

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<sup>93</sup> *Id.*

<sup>94</sup> S.C. Res. 1706, U.N. Doc. S/RES/ 1706 (Aug. 31 2006).

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> OUTREACH PROGRAMME ON THE RWANDA GENOCIDE AND THE UNITED NATIONS, *Background Information on the Responsibility to Protect*,

<http://www.un.org/en/preventgenocide/rwanda/pdf/Backgrounder%20R2P%202014.pdf> (last visited Jan. 3, 2014)

looks at international assistance and capacity building, and pillar three looks at timely and decisive response.<sup>99</sup>

## ii. Pillar One

Pillar one looks at protection responsibilities of the state. In article 138, the responsibility of the State is to protect its “populations” from genocide, war crimes, ethnic cleansing, and crimes against humanity.<sup>100</sup> In the report, the Secretary General states, “[p]illar one is the enduring responsibility of the State to protect its populations, whether nationals or not, from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.”<sup>101</sup> One recommendation the Secretary General gives is for states to become parties to relevant international instruments on human rights, international humanitarian law, refugee law, and the Rome Statute of the International Criminal Court.<sup>102</sup> The Secretary General then states that States can seek assistance from the United Nations, regional organizations, specialized non-governmental organizations, to pass legislation and ensure the implementation of relevant international human rights and humanitarian standards.<sup>103</sup> Pillar one, therefore, is essential to the prevention of mass atrocity; states have the primary responsibility to protect populations whether nationals or not. Pillar two expands the responsibility to protect to international assistance and capacity building.

## iv. Pillar Two

Pillar two, according to the Secretary General, is “the commitment of the States and international community in meeting those obligations.”<sup>104</sup> This pillar looks at the responsibilities of “Member States, regional and sub-regional arrangements, civil society, and the private sector” to help assist states in ensuring the responsibility

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<sup>99</sup> U.N. Secretary General, *Implementing the Responsibility to Protect: Rep. of the Secretary General*, U.N. Doc. A/63/677 (Jan. 12 2009) [hereinafter Secretary General Report].

<sup>100</sup> 2005 World Summit Outcome, *supra* note 86, at art. 138.

<sup>101</sup> Secretary General Report, *supra* note 99, at ¶ 11.

<sup>102</sup> *Id.* at ¶ 17

<sup>103</sup> *Id.* at ¶ 22.

<sup>104</sup> *Id.* at ¶ 11

to protect is maintained.<sup>105</sup> The Secretary General maintains that emphasis on these two pillars is crucial in maintaining the responsibility to protect doctrine. Pillar two gets to the role of the international community. Pillar three deals with timely and decisive responses.

#### v. Pillar Three

Under pillar three, the Secretary General highlighted the first two sentences of Article 139. The international community, through the United Nations, has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means in accordance with Chapter VI and VII of the Charter, to help protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity.”<sup>106</sup> The Secretary General then emphasizes that this pillar encompasses a wide range of non-coercive and non-violent response measures under Chapter VI and VII of the Charter.<sup>107</sup> The threshold for measures under Chapter VI of the Charter is lower than the threshold for enforcement action under Chapter VII. The next section will look at whether Lebanon has a responsibility to protect Syrian refugees.

### III. ISSUE

Although the history of the R2P doctrine reflects the strides made by the international community to ensure that refugees are being afforded basic human rights, R2P must play a bigger role between Lebanon and Syria. Lebanon has been plagued with violence due to its neighboring countries. Currently there are just over 400,000 Palestinian refugees in Lebanon.<sup>108</sup> The Palestinian refugees are not allowed citizenship, cannot own property, are without representation, and are denied human rights.<sup>109</sup> They are living within twelve different refugee camps within the borders of Lebanon.<sup>110</sup> Throughout Lebanon’s recent history, the Palestinian refugees have faced grave moments, yet none as

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<sup>105</sup> *Id.*

<sup>106</sup> *Id.* at ¶ 28.

<sup>107</sup> *Id.*

<sup>108</sup> Matt Lerner, *Lebanon’s Palestinian Refugees Cannot Be Ignored*, THE DAILY BEAST (Sept. 20, 2013), <http://www.thedailybeast.com/articles/2013/09/20/lebanon-s-palestinian-refugees-cannot-be-ignored.html>.

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

tragic as the Sabra and Shatilia massacre during the civil war in September of 1982. In direct response to the assassination of then-President Bashir Gemayel, nearly 2000 refugees were massacred.<sup>111</sup>

In addition to the 400,000 Palestinian refugees, there are 979,146 Syrian-registered refugees in Lebanon.<sup>112</sup> As a result of the pain and suffering Lebanon faced when Palestinian refugees arrived in the 20th century, Lebanon has allowed, but not welcomed, Syrian refugees with open arms. When Syrians entered, Lebanon did not allow the construction of formal camps.<sup>113</sup> The NPR reported that “[r]efugees can build tents, but cannot construct foundations or install plumbing.”<sup>114</sup> Only recently has the UN been partially successful in attempting to improve the housing inside Lebanon.<sup>115</sup> The UNHCR teamed up with IKEA in order to setup up housing inside Lebanon using IKEA supplies.<sup>116</sup> After six months of intense lobbying inside Lebanon, the Lebanese government finally agreed to test a trial run.<sup>117</sup> However, at the pace this is going most refugees will have to bear the winter of Lebanon without adequate shelter.<sup>118</sup> Roberta Russo, UNHCR’s Beirut-based spokesperson stated, “[i]n Lebanon the government has been reluctant to set up any structure that has any resemblance of permanence . . . [a]fter what they went through with the Palestinians, they want to make sure the presence of Syrians is temporary.”<sup>119</sup>

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<sup>111</sup> Nour Samaha, *Survivors recount Sabra-Shatilia massacre*, AL JAZEERA ENG., <http://www.aljazeera.com/indepth/features/2012/09/2012915163152213255.html> (last modified Sept. 16, 2012).

<sup>112</sup> UNHCR, *Syria Regional Refugee Response - Lebanon*, *supra* note 7.

<sup>113</sup> Susannah George, *Years of Turmoil Weigh on Beirut as Syria Strains Lebanon*, NPR (Dec. 29, 2013), <http://www.npr.org/blogs/parallels/2013/12/29/257915842/years-of-turmoil-weigh-on-beirut-amid-recent-strain>.

<sup>114</sup> *Id.*

<sup>115</sup> *See Baker, supra* note 11.

<sup>116</sup> *Id.*

<sup>117</sup> *Id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

Not only has shelter been marginal at best, refugees in Lebanon are facing starvation. A UNICEF report cites to a “[s]ilent threat emerging among Syrian refugee children in Lebanon.”<sup>120</sup> UNICEF representative Annamaria Laurini stated, “Malnutrition is a new, silent threat among refugees in Lebanon, linked to poor hygiene, unsafe drinking water, diseases, lack of immunization, and improper feeding practices of young children.”<sup>121</sup> According to the report, nearly 2,000 Syrian refugee children under the age of five are at risk of dying and need immediate treatment to survive.<sup>122</sup> The situation is getting worse due to aggravating factors such as “increase in food prices, risk of food insecurity, increasing numbers and new arrivals of refugees from Syria that could be in worse condition.”<sup>123</sup> As a result of this porous effort on the part of Lebanon in assisting the Syrian refugees, the question that must be determined is whether Lebanon has a responsibility to protect Syrian refugees in Lebanon.

#### IV. ANALYSIS

Based on the three-pillar approach under the 2009 Secretary General Report, Lebanon has a responsibility to protect Syrian refugees. Lebanon does have a responsibility to protect, but it has not violated this responsibility despite the poor conditions Syrian refugees face. Lebanon alone is not responsible, but the international community as a whole is responsible for the refugees because one state alone cannot handle this ordeal. The international community has failed in its responsibility to protect for several reasons.

##### A. Pillar I

Lebanon has a responsibility to protect under pillar one of the Secretary General’s three pillars of responsibility to protect. Pillar one forces states to carry the primary responsibility for the protection of populations from genocide, war crimes, crimes against humanity, and

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<sup>120</sup> *UNICEF report: Silent threat emerging among Syrian refugee children in Lebanon*, UNICEF (Feb. 25, 2014), [http://www.unicef.org/media/media\\_72726.html](http://www.unicef.org/media/media_72726.html).

<sup>121</sup> *Id.*

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

ethnic cleansing.<sup>124</sup> Therefore, for Syrian refugees to be granted the protection by Lebanon, they must meet the requirements of being part of the Lebanese population. If Syrian refugees meet the definition for Lebanon to protect them, then we must determine if the treatment of Syrian refugees has been poor enough for Lebanon to have violated their duty.

When the responsibility to protect doctrine was created at the World Summit, the agreement stated that each state has to the responsibility to protect “its populations” from the aforementioned crimes.<sup>125</sup> This leads to the problem of interpreting what “its populations” means.<sup>126</sup> In the Secretary General’s report, he states, “[p]illar one is the enduring responsibility of the State to protect its populations, ‘whether nationals or not,’ from genocide, war crimes, ethnic cleansing and crimes against humanity, and from their incitement.”<sup>127</sup> This is an important distinction that is made because it elaborates populations to include non-nationals. As a result, Lebanon owes any refugee who enters the country a duty to protect because that population falls within the parameters of *populations*. Now that it has been determined that Lebanon has a responsibility to protect refugees, we must determine if they have violated this right under pillar one. Lebanon violates its responsibility if it fails to protect the refugees from “genocide, war crimes, ethnic cleansing, and crimes against humanity.”<sup>128</sup>

Syrian refugees fled from Syria to avoid genocide, war crimes, and ethnic cleansing. Lebanon’s treatment of Syrian refugees may be subpar, but it does not come near the definitions of genocide, war crimes, and ethnic cleansing. Specifically, the lack of appropriate shelter for the refugee camps along with the threats to starvation exemplifies the subpar treatment. An argument could be made that Lebanon’s actions may fall under crimes against humanity in terms of their treatment of Syrian refugees. The crimes against humanity are

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<sup>124</sup> *An Introduction to the Responsibility to Protect*, INTERNATIONAL COALITION FOR THE RESPONSIBILITY TO PROTECT, <http://www.responsibilitytoprotect.org/index.php/about-rtop> (last visited Mar. 30, 2014).

<sup>125</sup> 2005 World Summit Outcome, *supra* note 86, at art. 138.

<sup>126</sup> *See generally id.*

<sup>127</sup> Secretary General Report, *supra* note 99, at ¶ 11.

<sup>128</sup> *See* 2005 World Summit Outcome, *supra* note 86, at art. 138.

defined in the Rome Statute of the International Criminal Court.<sup>129</sup> “Crimes against humanity” is defined as:

[a]ny of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack (a) Murder; (b) Extermination; (c) Enslavement;(d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.<sup>130</sup>

The poor treatment of refugees does not fall under nearly all of these factors, however there is an argument to be made for section k, which is an all-inclusive catch phrase of other inhumane acts of similar character intentionally causing great suffering. We must determine whether the poor treatment of refugees qualifies as an inhumane act of similar character intentionally causing great suffering.<sup>131</sup> In drafting the article, there were delegations on both ends of the spectrum. There were delegations that wanted to preserve this section, and there were

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<sup>129</sup> Rome Statute of the International Criminal Court, July 17, 1998, U.N. Doc. A/Conf. 183/9 (2002), *available at* <http://www.icccpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE79CDC7CF02886/283503/RomeStatutEng1.pdf>.

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

delegations raised grave concerns.<sup>132</sup> The concerns arose over its imprecise, open nature and troubles understanding what falls under this category.<sup>133</sup> The solution is seen in the language of the text in that specifying that “the acts must be of a character similar to that of the other enumerated acts and must intentionally cause great suffering or serious injury to mental or physical health.”<sup>134</sup> Thus, it is somewhat subjective in determining whether Lebanon has violated crimes against humanity as to the Syrian refugees in Lebanon. The treatment of refugees has been subpar with the Lebanese government failing to care of the refugees in an ideal manner. However, despite these poor conditions the refugees face, realistically, Lebanon cannot be charged with failing to protect the Syrian refugees for fear of several reasons. If Lebanon were to be charged with such an action under pillar one, they could simply attempt to close their borders from Syrian refugees. This has not happened, and there are already political figures inside Lebanon proposing to close borders to Syrian refugees.<sup>135</sup> Therefore, although Lebanon has a responsibility to protect Syrian refugees under pillar one due to the fact they are non-nationals inside the border, no one would or could challenge that Lebanon has failed to protect Syrian refugees for fear of the fact that it could force Lebanon to shut off its borders completely.

## B. Pillar II

“Pillar two is the commitment of the international community to assist states in meeting those obligations.”<sup>136</sup> Although Lebanon, as a state in the international community, must assist states in meeting these obligations, the purpose of pillar two is defeated once a State is determined to commit criminal violations.<sup>137</sup> Syria has committed

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<sup>132</sup> Darryl Robinson, *Defining Crimes Against Humanity at the Rome Conference*, 93 AM. J. INT’L L. 43, 56 (1999).

<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *See Aoun’s Bloc Proposes Closing Borders to Syrian Refugees*, THE DAILY STAR: LEBANON (Aug. 14, 2013) <http://www.dailystar.com.lb/News/Lebanon-News/2013/Aug-14/227277-aouns-bloc-proposes-closing-borders-to-syrian-refugees.ashx#axzz2q1Pb2r4P> (Aoun’s block has already proposed legislation seeking to close of its borders).

<sup>136</sup> Secretary General Report, *supra* note 99, at ¶ 11.

<sup>137</sup> *Id.* at ¶ 29.

criminal violations of genocide and war crimes, so the international community would be pillar three of the Secretary General's report. Therefore, pillar two is outside the scope of this comment given that the Syrian civil war has been ongoing for two years.

### C. Pillar III

Pillar three is the “responsibility of Member States to respond collectively in a timely and decisive manner when a State is manifestly failing to provide such protection.”<sup>138</sup> “If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations.”<sup>139</sup> Pillar three includes a variety of non-coercive and non-violent measures through chapters VI and VII of the Charter of the United Nations.<sup>140</sup> The protection of refugees should be considered within the realm of pillar three. First and foremost, pillar three goes into effect after a state has failed to take the responsibility that they have to protect their people. This inference implies that one of the four crimes is taking place, and that many lives are at risk. The most successful way the international community can take—short of military action—to protect these people from massacre, is to provide aid and allow the people to seek refuge. No one denies that Lebanon has allowed Syrian refugees to enter the country, but it is the poor treatment of refugees that is problematic. The acceptance of refugees is an important aspect of the responsibility to protect, the importance of which several countries have highlighted in their meetings post-Secretary General Report.

In the 97th plenary meeting on July 23, 2009, France and Bosnia and Herzegovina highlighted the importance of refugees in the doctrine of responsibility to protect.<sup>141</sup> The representative of France stated that “[s]tate respect for human rights law, international humanitarian law and refugee law is the first step towards responsible

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<sup>138</sup> *Id.* at ¶ 11.

<sup>139</sup> U.N. Office of the Special Advisor on The Prevention of Genocide, *The Responsibility to Protect*, <http://www.un.org/en/preventgenocide/adviser/responsibility.shtml>.

<sup>140</sup> Secretary General Report, *supra* note 99, at ¶ 51.

<sup>141</sup> U.N. GAOR, 63rd Sess., 97th plen. mtg. at 9; 15-16, U.N. Doc. A/63/PV.97 (July 23, 2009).

sovereignty and preventing the four crimes.”<sup>142</sup> The representative for Bosnia and Herzegovina stated that regional organizations should have measures to support capacity building in the protection of refugees and internally displaced persons.<sup>143</sup> In the 99th plenary session, a representative of Romania maintained that the responsibility to protect encapsulates existing conventional and customary obligations under refugee law.<sup>144</sup> These representatives all believe that the protection of refugees is vital to R2P. Based on these views, the protection of refugees should be included in pillar three for the international community in its responsibility. Subsequently, Lebanon should have a duty under pillar three to protect refugees that enter its borders from Syria.

#### **D. International Responsibility to Protect**

Under the doctrine of responsibility to protect, Lebanon should not be alone in helping Syrian refugees who are seeking asylum. Currently, there are a total of 2,322,564 Syrian refugees, 819,239 of which are inside Lebanon.<sup>145</sup> This figure does not include unregistered refugees fleeing inside Lebanon or even those who have dual citizenship with Lebanon.<sup>146</sup> Newly appointed resident and humanitarian coordinator for the U.N.’s global development network, Ross Mountain, recently spoke out about the refugee crisis in Lebanon.<sup>147</sup> In his senior role at the United Nations Development Program, Mountain thinks Lebanon, as a nation, can capitalize by helping Syrian refugees.<sup>148</sup> Mountain thinks, given the overwhelmed infrastructure, overcrowded neighborhoods, fierce competition for low-

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<sup>142</sup> *Id.* at 9.

<sup>143</sup> *Id.* at 15-16.

<sup>144</sup> U.N. GAOR, 63rd Sess., 99th plen. mtg. at 9, U.N. Doc. A/63/PV.99 (July 24, 2009).

<sup>145</sup> UNHCR, Syria Regional Refugee Response - Lebanon, *supra* note 7.

<sup>146</sup> Peter J. Spielmann, *Lebanon Alarmed By Over 1 Million Syrian Refugees*, AP (Jul. 10, 2013), <http://bigstory.ap.org/article/lebanon-alarmed-over-1-million-syrian-refugees>.

<sup>147</sup> Brooke Anderson, *U.N. Official: Lebanon Shouldn't Go it Alone*, THE DAILY STAR: LEBANON (Mar. 1, 2014), <http://www.dailystar.com.lb/News/Lebanon-News/2014/Mar-01/248895-un-official-lebanon-shouldnt-go-it-alone.ashx#axzz2ucul8aRr>.

<sup>148</sup> *Id.*

paying jobs, among other problems, that Lebanon's efforts have been commendable.<sup>149</sup> Mountain further added, "[i]t's important for the international community to be supporting Lebanon. At the moment, it has in terms of population the greatest burden of any country."<sup>150</sup> Lastly, Mountain attempted to make the argument that Syrian refugees are different from the Palestinian refugees currently in Lebanon because the Syrian refugees will have a home to return to.<sup>151</sup> This, however, remains to be seen as that for this to occur President Assad will eventually need to be replaced and there are no signs that he is going anywhere anytime soon. Mountain is absolutely correct that the international community must aid Lebanon in dealing with this responsibility.

The amount of refugees that Europe and the United States have taken in is significantly low. The United States only accepted a whopping thirty-one Syrian refugees in the last fiscal year.<sup>152</sup> To put in perspective the landmass of Lebanon compared to that of the United States, it is roughly the size of Connecticut. Yet, despite this difference in landmass, Lebanon has been forced to accept hundreds of thousands of refugees while the U.S. has done little when it comes to Syrian refugees. The United States is not the only international power to not accept Syrian refugees; the United Kingdom has not opened its doors to Syrian refugees at all.<sup>153</sup> People who have criticized the government have called Britain's approach as "no room at the inn" policy.<sup>154</sup> However, not only has Britain failed to do its due diligence, but most of Europe has failed when it comes to accepting Syrian refugees.<sup>155</sup> Only

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<sup>149</sup> *Id.*

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> *U.S. Slow to Allow Syrian Refugees to Emigrate*, NAT'L PUB. RADIO (Jan. 10, 2014), <http://www.npr.org/2014/01/10/261271898/u-s-slow-to-allow-syrian-refugees-to-emigrate>.

<sup>153</sup> Nicole Farage, *Calls for Syrian Refugees to be Allowed in the UK*, BBC NEWS, <http://www.bbc.co.uk/news/uk-politics-25539843> (last updated Dec. 29, 2013).

<sup>154</sup> Andrew Grice, *No Room at the Inn: Britain Condemned for Turning its Back on Syria's Refugees*, THE INDEPENDENT (Dec. 25, 2013), <http://www.independent.co.uk/news/uk/politics/no-room-at-the-inn-britain-says-no-to-syrias-refugees-9025265.html>.

<sup>155</sup> Anne-Diandra Louarn, *Amnesty Slams EU for Failing Syrian Refugees in Satirical Video*, FRANCE 24,

Germany has been helpful to Syrian refugees in that they have taken in 10,000 Syrian refugees.<sup>156</sup> Outside of Germany, only nine countries in the EU have accepted refugees, and the total amount excluding Germany is 2,340 refugees. The effort taken by the European Union has been so pitiful that Amnesty International denounced this failure in satirical video.<sup>157</sup> The crisis in Syria, in its entirety, has exemplified that despite the main reason for the failure of the responsibility to protect is the Security Council of the U.N.

Article 23 of the Charter of the United Nations discusses the creation of the Security Council and lists the five permanent security council members, of which Russia and China are members.<sup>158</sup> In article 27, paragraph three, the Charter of the United Nations states, “[d]ecisions of the Security Council on all other matters shall be made by an affirmative vote of nine members including the concurring votes of the permanent members,” which inferentially gives the permanent members a veto vote.<sup>159</sup> The veto vote of the Security Council has been the greatest reason for the failures of international law. There is no better example than the events that have transpired in Syria.

Russia and China continued to be a hindrance on any resolution in Syria. First, Russia and China voted against a proposed U.N. Security Council Resolution on October 4, 2011.<sup>160</sup> French U.N. Ambassador Gerard Araud condemned Russia and China’s veto stating, “[t]his is not a matter of wording. It is a political choice. It is a refusal of all resolutions of the council against Syria.”<sup>161</sup> This was the first resolution that Russia and China vetoed. Then, on February, 4, 2012, Russia and China vetoed another Security Council Resolution on Syria which endorsed the Arab League plan for Assad to hand power to a

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<http://www.france24.com/en/20131213-amnesty-international-video-syria-refugee-EU/#> (last updated Dec. 14, 2013).

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> See U.N. Charter art. 23, para. 1.

<sup>159</sup> U.N. Charter art. 27, para. 3.

<sup>160</sup> Louis Charbonneau, *Russia, China, veto U.N. Resolution Condemning Syria*, REUTERS (Oct. 4, 2011), <http://www.reuters.com/article/2011/10/05/us-syria-un-idUSTRE7937M220111005>

<sup>161</sup> *Id.*

deputy for a smooth transition into democracy.<sup>162</sup> “Russia complained that the draft resolution was an improper and biased attempt at “regime change” in Syria.”<sup>163</sup> However, Russia’s true reasons are that Syria is its sole major Middle East ally and an important buyer of Russian arms exports as well as host to a Russian naval base.<sup>164</sup> This led the U.S. Ambassador to the U.N., Susan Rice, to express her disgust with their veto adding that, “any further bloodshed that flows will be on their hands.”<sup>165</sup> Again, on July 19, 2012, Russia and China vetoed another Security Council Resolution on Syria.<sup>166</sup> The lack of Security Council resolution only further drove Syria into conflict. Failed efforts by the Security Council show that although the responsibility to protect is a widely accepted doctrine, politics will continue to be a plague against international law.

Finally, on February 23, 2014, three years after the Syrian Civil War began, has the U.N. Security Council passed Security Council Resolution 2139.<sup>167</sup> The Resolution is a great step taken by the international community that unfortunately has come far too late as a result of Russia and China. The text of the resolution further supports the notion that Lebanon has done a commendable job taking in refugees. The text states:

“*Expressing grave concern* at the increasing number of refugees and internally displaced persons caused by the conflict in Syria, which has a destabilising impact on the entire region, and *underscoring* its appreciation for the significant and admirable efforts

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<sup>162</sup> Louis Charbonneau & Patrick Worsnip, *Russia, China Veto U.N. Draft backing Arab Plan for Syria*, REUTERS (Feb, 4, 2012), <http://www.reuters.com/article/2012/02/04/us-syria-idUSTRE80S08620120204>.

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> Michelle Nichols, *Russia, China Veto U.N. Security Council Resolution on Syria*, REUTERS (July 19, 2012), <http://www.reuters.com/article/2012/07/19/us-syria-crisis-un-idUSBRE86I0UD20120719>.

<sup>167</sup> Susanna Capelouto, *UN Security Council Passes Syria Aid Resolution*, CNN (Feb. 23, 2014), <http://www.cnn.com/2014/02/22/world/meast/syria-un-aid-resolution/>.

that have been made by the countries of the region, notably Lebanon, Jordan, Turkey, Iraq and Egypt, to accommodate the more than 2.4 million refugees who have fled Syria as a result of the on-going violence, while acknowledging the enormous political, socioeconomic and financial impact of the presence of large-scale populations in these countries, and *underscoring* the need for all parties to respect and maintain the security and civilian character of camps for refugees and internally displaced persons.”<sup>168</sup>

This statement, made by the Security Council, supports Lebanon as doing its best given the circumstances it has faced. Although Lebanon has not treated Syrian refugees with the greatest support, this is due to the grave circumstances that Lebanon has faced, and its intention has been nothing short of admiration on the part of the Security Council.<sup>169</sup> “The resolution does not call for any sanctions or punishment and only refers to “further steps” should it not be implemented.”<sup>170</sup> The lack of sanctions against Syria was probably due to a Russian veto, if there was any sanction.

## V. CONCLUSION

The international community is at a crossroads today in determining how to handle the crisis that is Syria. However, in one aspect of the conflict, the international community has been an absolute failure. The international community has left the burden of providing shelter to refugees firmly on the shoulders of countries bordering Syria, mainly Lebanon, Jordan, and Turkey. Lebanon, as a result of its horrid history with Palestinian refugees, has been hesitant to provide support for these refugees. As a result, Syrian refugees in Lebanon face horrid conditions of inadequate shelter in the midst of a cold winter. The result could be the loss of life for refugees living in poor conditions.

The international community has to take three actions. First, the international community needs to support Lebanon financially to provide actual care for refugees while simultaneously suppressing Lebanon’s fears and ensuring that this is only a temporary basis until the Syrian war ends, so that the refugees can return home. Secondly,

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<sup>168</sup> S.C. Res. 2139, U.N. Doc. S/RES/2139 (Feb. 22, 2014).

<sup>169</sup> *See id.*

<sup>170</sup> Capelouto, *supra* note 167.

the international community needs to accept the responsibility they have under the responsibility to protect doctrine as recorded in articles 138-139 of the 2005 World Summit Report and the Attorney General's subsequent report on the doctrine. They can do this by accepting more refugees into their territory, which would have two important effects. First, this would help carry the burden Lebanon faces in accepting refugees. Second, the international community would save several lives because they would know that they have another state that will accept them. Lebanon has a responsibility to protect Syrian refugees. However, if the international community fails to take on its responsibility, who will protect Lebanon?



