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UNHCR considerations on the protection needs of persons displaced due to the conflict in Lebanon and on potential responses

1. UNHCR is most concerned about the present conflict in Lebanon, the large numbers of people who have been displaced and the resulting humanitarian challenges. UN estimates of 1 August 2006 are that 800,000 people in Lebanon have been displaced by the conflict; some 115,000 third country nationals from around 20 countries continue to be trapped in Lebanon. An estimated 150,000 Lebanese and third country nationals have fled from Lebanon to Syria, where between 5,000 and 10,000 people are arriving each day.¹
2. Within Lebanon, UNHCR, like other humanitarian actors, has sent relief items into the country to mitigate suffering. The Office continues to do so, although the security environment presents major challenges to the provision of such relief. Under the UN “cluster approach” for internally displaced persons (IDPs), UNHCR is responsible for the areas of protection, shelter and camp/site management. Accordingly, the Office is focusing on protection activities and assisting in the construction and management of IDP collective centers and shelters.
3. In order to prevent further casualties among the civilian population, it is essential that corridors for humanitarian evacuation from areas most directly affected by the conflict to areas of lower risk in Lebanon remain open and can be used. It is also necessary to recall, endorse and promote full respect of applicable principles of international humanitarian law and to acknowledge ICRC’s lead role in organizing such evacuations.
4. Given the ongoing conflict in Lebanon and the dimensions of the forced displacement, UNHCR’s protection and assistance efforts need at this stage to focus on the internally displaced, without limiting in any manner whatsoever their right to seek and enjoy asylum abroad.
5. Refugees and others fleeing Lebanon should be treated with dignity and respect for their human rights. In particular, States, including – but not limited to

¹ OCHA, “Situation Report 10, Lebanon Response”, 1 August 2006, <http://ochaonline.un.org/DocView.asp?DocID=4772>, where statistics provided by Government of Lebanon are even higher.

– those in the region, should always admit those seeking refuge, at least on a temporary basis, and provide them with protection. In light of the nature and dynamic of the conflict, as well as the small size of the country, an internal flight alternative cannot currently be considered to be available.

6. Acknowledging the volatility of the situation, the Office's preliminary assessment on the international protection needs of persons fleeing the conflict in Lebanon includes the following:

- Lebanese displaced from Lebanon into neighbouring countries and beyond due to the current conflict are deemed to be in need of international protection and should therefore be identified, registered where possible and referred to the relevant national authorities and/or responsible international organizations.
- The same applies to other categories of people forced to flee the conflict in Lebanon, including stateless persons and third-country nationals who do not enjoy the protection of their country of origin.
- In particular, Palestinians and others who were refugees in Lebanon retain their protected status as refugees irrespective of further displacement.

7. Combatants are not protected under the international refugee protection regime, nor do they fall under UNHCR's mandate.

8. Given the seriousness of the situation, UNHCR calls upon all States to refrain, for the time being, from forcibly returning to Lebanon:

- any Lebanese citizen,
- any refugee or stateless person, in particular those previously residing in Lebanon, including Palestine refugees, or
- any third country national.

9. The Office also encourages States to issue a moratorium or a ban on any deportations to Lebanon on the basis of applicable national law.

10. States are further requested to include, in their evacuation schemes for their own nationals, family members who are not nationals, including individuals who are Lebanese or stateless or refugees. Such evacuation schemes should also be open to Lebanese who have dual nationality.

11. Countries in the region are further encouraged to facilitate the transit of third country nationals fleeing Lebanon so that they can return to their country of nationality or residence. This includes facilitating the return of refugees recognized in another country to their country of asylum.

12. As UNHCR's Executive Committee has affirmed in relation to situations of large-scale influx: "In all cases, the fundamental principle of *non-refoulement* – including non-rejection at the frontier – must be scrupulously observed."²

² UNHCR Executive Committee, Conclusion No. 22 (XXXII), 1981, protection of asylum-seekers in situations of large-scale influx.

13. UNHCR notes that many countries in the region are neither party to the 1951 Convention relating to the Status of Refugees/1967 Protocol nor have developed national asylum legislation and procedures. Protection in the region must therefore be primarily based on the fundamental principle of *non-refoulement* as provided for under international human rights treaty law and required by customary international human rights and refugee law. UNHCR is ready and willing to assist States in meeting the protection and assistance needs of those who have fled so as to alleviate their suffering.

14. All means available under countries' respective national asylum, migration and aliens' legislation and administrative practice should be explored and used to enable the lawful stay of those fleeing Lebanon who are in need of international protection. They must be provided with protection and at least be allowed to stay or admitted on a temporary basis.

15. In this respect, UNHCR welcomes steps already taken by some countries in the region, for instance, to prolong the visas and/or residence permits of Lebanese temporarily staying on their territory.

16. The Office is preparing a paper offering further, more detailed advice on the international protection needs of persons fleeing the conflict in Lebanon and on how best to ensure such protection. Bearing in mind the volatility of the situation, the scale and nature of the displacement and prospects for return to Lebanon in the foreseeable future, the paper will also elaborate on the relevance and potential for granting "temporary protection".

17. For the time being, no large-scale resettlement, trans-border evacuation or burden-sharing schemes are contemplated. UNHCR nevertheless greatly appreciates and strongly encourages unilateral measures by States, for example, to allow family members displaced in or from Lebanon to reunite with family members residing in third countries and to evacuate individuals for medical treatment. Such measures can help address the enormous humanitarian needs arising from the conflict in Lebanon.

18. These preliminary considerations of the Office will be reviewed on an ongoing basis, taking account of developments on the ground.

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